



MIZIZI YA HAKI

Let the people speak

"It is
unfortunate that
most regimes in
Africa are created
by the bullet but
not by the
ballot"

A Community Human Rights Initiative Newsletter

ISSUE 8 (July - December 2007)



Hate & Ethnic Cleansing in the Name of Free & Fair Election

Hate Speech & Ethnicity
Uka bila Waletwa na Siasa Potofu

Contents

Foreword	2
Letters to the Editors	2
A COMPETITION FOR CONTROL	3
POLITICAL IMMATURITY NOT HELPING MATTERS	3
ETHNICITY, CORRUPTION AND GENERAL ELECTION	3
POLITICS OF THE DARK AGES	4
ELECTIONS HIGHLY COMMERCIALIZED	5
MOUNT KENYA HUMAN RIGHTS NETWORK AND ELECTIONS 2007	6
THE CRY OF VOTERS IN MARAKWET WEST CONSTITUENCY	6
HATE SPEECH AND ETHNICITY	7
THE ROOTS OF ETHNICITY	7
UKABILA WALETWA NA SIASA POTOFU	8
HATE & ETHNIC CLEANSING IN THE NAME OF FREE & FAIR ELECTION	9
ETHNICITY & CORRUPTION AS 2007 GENERAL ELECTIONS APPROACHED	10
A SIXTH CLAN IS BORN-"THE SOMALI WOMAN"	11
RETROGRESSIVE CULTURE AGAINST WOMEN LEADERSHIP	12
HOLD POLITICIANS ACCOUNTABLE FOR VIOLENCE	12
VOTERS' & ELECTION CORRUPTION The Misadventures Elections in South Coast Kenya	13
CLASHES AND INSECURITY: A CORRUPTION STRATEGY AT EVERY GENERAL ELECTION	14
HAS KENDA PARTY ROOTED IN MARAKWET EAST OR WAS IT JUST ELECTION BRIBERY?	16
KITU KIDOGO FOR MUSLIMS	16
CORRUPTION THE MAINSTAY OF BAD LEADERSHIP	16
CORRUPTION ON LAND CREATING ETHIC TENSIONS Who is a Squatter? Corruption and Politics in Land Disputes in Cherang'any and Embobut.	17
PEOPLES' MANIFESTO & SCORECARD INITIATIVE Many Promises; Many Parties; Many Aspirants;	19
PRESS STATEMENTS ON 2007 ELECTION & THE POST ELECTION CRISIS	21
KENYANS FOR PEACE WITH TRUTH AND JUSTICE	24
WOMEN'S MEMORANDUM TO THE MEDIATION TEAM	25
MNYAKUZI WA ARDHI	28

Foreword

Welcome to this eighth (8th) issue of Mizizi ya Haki. This issue which focuses on "Ethnicity, Corruption and General Elections" should cover the July to December 2007 period. However, in light of the post elections crisis that Kenya has witnessed throughout January 2008, this issue also carries statements on positions taken by various civil society organizations in Kenya on the violence that Kenya has witnessed following the December 2007 elections. These statements were all released from December 31 and in January 2008 to speak out against the electoral and the post election injustices, demand remedial short and long term action and call for Kenyans not to turn neighbour against neighbour.

This by no means deviates from the theme, because despite the fact that it has emerged that the post election crisis was an indicator of serious underlying human rights concerns that Kenya must address, a major component of this violence still remains Ethnicity, Corruption & the General Elections. These serious underlying injustices emerge very clearly from this issue of Mizizi. The increasing relevance of this theme is a sign of how visionary and informed the Mizizi ya Haki editorial team that identified this theme were on the real justice and democracy issues affecting Kenyans countrywide.

This issue seeks to unpackage the issues behind the euphoria with which Kenyans have often voted and even sought to address their human rights issues. Having numerous ethnic groups in Kenya is a plus not a minus. Tanzania, is a good example of a country where numerous ethnic groups actually share a deep sense of nationalism and unity. Tanzanians have since very early after their independence, been able to isolate and confront inequality and poverty as very separate issues from ethnic difference. In Kenya though, this distinction is yet to be made. Majority of Kenyans are yet to appreciate that the poor and oppressed of one ethnic group have more in common with the poor and oppressed members of the ethnic group(s) they consider their arch rivals. Many of us are yet to realize that 'Wanjiku' the poor and marginalized woman whose children are starving and unable to access health care in rural Kenya has a lot more in common with Cherop, Achieng or 'Soipei or Halima – another poor woman who must educate and feed her children in very difficult circumstances in Rift Valley, Nyanza, Coast or any other province in Kenya.

This is where the Peoples' Manifesto and Scorecard Initiative comes in. This initiative which began in September 2007 and will run into the 2008 -2012 term began a process where Kenyans will be able to focus more on what they need as a community and make demands on leaders to ensure that it is delivered. The initiative is a process through which people will move away from relying on the promises that leaders make at campaigns, to making demands on the leaders. It will also monitor the performance of the leaders on all the nine decentralized funds, among other areas of delivery. The Peoples' manifesto is being undertaken jointly by the community Human Rights Networks (HURINETs) in Northern, Western (including Nyanza) and Eastern Kenya, North & South Rift and at the Coast and the Kenya Human Rights Commission (KHRC). This process is briefly discussed in one article and alluded to in all the articles.

We hope you not only enjoy and learn a lot on ongoing human rights initiatives in different parts of the country, but also that the articles touch you enough to elicit your feed back through letters to us. We will be happy to publish your reactions to any of the articles contained in this issue or any other feedback in the Letters to the Editor. **p**

Letters to the Editor

Participation as a Journalist/Researcher

Please enlist me on your mailing list for the Mizizi ya Haki newsletter and send me information and location of your offices in Mwingi District. I intend to join your activities because I have many relevant matters that go unreported from this place.

I am a free lance journalist and conduct my research from local villages. I'm now reading Mizizi issue No. 6 of 2006 and willing to make writing contributions from here. Kindly also increase the number of copies and contact us on ways to improve distribution of Mizizi ya Haki to the people of Mwingi District.

L. Kianda Maliti
Mwingi

Thank you, Kianda for your letter. Mizizi ya Haki is distributed in Mwingi District through Centre for Human Rights and Civic Education (CHRCE), which is located Mwingi Town. To read previous issues of Mizizi, or forward articles you have written for publishing please contact Florence of CHRECE Mwingi.

Editor

ELECTIONS

A Competition for Control of Public Resources

Utungaji wa Steve Mtasalanzi, Korogocho

SHAIRI

Wakenya Nyanyukeni, Kwa pamoja zindukeni
Pamoja zote sikioni, Haraka zikwamueni
Mesikika faraghani, Neno tosha la utani
Kwa pamoja gundueni, Yetu Mizizi ya Haki

Mefika sanjarini, Metimia ukiingoni
Kwa haraka mesheheni, Bunge lote Ni kambini
Hesabati akilini, Siku mekaribiani
Kwa pamoja zindukeni, Yetu Mizizi ya Haki

Natazama mashinani, Mabwenyenye matatani
Sauti zao hesimani, Mejitia matopeni
Matembezi magari, Mefika ukingoni
Kwa pamoja tazameni, Yetu Mizizi ya Haki

Mawazoni kumbukeni, siku cachet za nyumani
Simu Ni maongezeni, Mteja hapatikani
Kisongea mlangoni, Taondoshwa harakani
Kwa pamoja kumbukeni, Yetu Mizizi ya Haki

Karne kadha mepitani, Hatutoki mabandani
Chakula kipatikani, Maji yapatikani
Mavazi Ni kizimbani, Elimu Ni matatani
Kwa pamoja kumbukeni, Yetu Mizizi ya Haki
Twatembea vinyezini, Takataka Ni burudani
Barabara hatarini, Usalama mikononi
Zetu hela mifukoni, Mepungua harakani
Kwa pamoja tusemeni, Yetu Mizizi ya Haki

Kwa pamoja tazameni, Haki zetu tuzijueni
Tatubeba mgongoni, Fika mwisho Ni bungeni
Mabanati nyanyukeni, Hata nyie gombeeni
Kwa pamoja tambueni, Yetu Mizizi ya Haki

Mlungura kateni, Ufisadi tuacheni
Tafuteni amani, Na utulivu nchini
Jisatiti mawazoni, Kura njema tupigeni
Kwa pamoja vijeeni, Yetu Mizizi ya Haki

Uongozi pelekani, Kula kule mabandani
Sidangaywe sikioni, Na matendo myosin
Usidhani Ni utani, Tumechoka Ni Kwa kweli
Kwa pamoja kumbukeni, Yetu Mizizi ya Haki

Political Immaturity Not Helping Matters

By Mohamed Samatar and Ubah Abdullahi Wajir Human Rights Network

The political arena has never been uglier than it was in 2007. Surely, we all expected political maturity after 15 years of multi party democracy. Instead, politicians went round the country making unsavory insults against each other, primitive tribal pronouncement and shouting bitter remarks of hate speech, soiling their rivals with obscene and vulgar languages and mostly dwelling on personality/politics than selling issues and manifestos that should have steered their parties to prominence.

Above all, political rallies became chaotic as rival groups clashed leading to confusion, stampede's, loss of limbs and sometimes deaths. Such incidences made Kenyan's shun political rallies due to fear for their lives. The political violence did not in any way help the citizenry; politicians instigated the violence to fan their own political glory at the expense of the peoples anguish and suffering. Many political meeting turned into theater of criticism between the government's

proponents and the opposition until most climaxed in fracas.

In the just concluded ninth parliament, we had almost 220 lawmakers, who spent too little time doing their jobs and a lot of time on the streets doing nothing but fighting and insulting each other. They should admit to Kenyans that they failed the people who elected them and more so the republic. MPs had the time and the power to make the necessary changes in the country through debates in the house; instead, they spent time giving themselves hefty pay raises.

How many policies did they put in place for growth and change in the country? All they did was waste time on personality politics. It will take a long time for us to change, but the first step should be embracing the truth. We need to accept our failures and appreciate our achievements. It does not matter who handles a job; it is how it is done that matters.

Ethnicity, Corruption And General Election

By Damaris Bhoke, Anne Chacha, Mara River Resource Centre

Corruption in Kuria, to some extent, is done secretly. In election period people are given gifts such as money, T-shirts, leso's, calendars, foodstuffs and many other things so as to vote someone in. Many believe that if an aspirant hasn't given out anything, his campaign will do him no good. Due to this corruption, people have lost their property and even some have been injured. One would go to scramble for a packet of salt or sugar and by bad luck hit and when he/she falls down other people make her/him a bridge/through way to reach for the gifts or one person is given money to divide to others and immediately the person receives it he/she is grabbed and put down. Some even cut him/her and furthermore take away even the little that he had for his family/personal use.

Clanism is the thing that has affected us in most parts just like tribalism, which has affected the whole country. It has been there since, and still we suffer from it up to now even after choosing a new crop of leaders and government. This disease has made the poverty levels in Kuria to go up. Similarly, we have not stopped crying over corruption, not only for Kuria, but also for the better part of Kenya. This has led to the competition among leaders, which does not

address our problems and struggles, but it lowers our development. Leaders are so corrupt and especially in our constituencies. This has led to us suffering so much, since they do not mind about the poor and instead accelerate the poverty rates in the area.

In the area of jobs and employment, one has to bribe them to get a chance of getting in. Equally, leaders just lure the constituents with gifts and presents such as money, sugar, phones among others. In exchange for leadership positions. As soon as they get into power, we the constituents cease to exist to them. Due to this kind of bribery, the constituents are tempted into fighting and killing to acquire the same kind of presents that some constituents get, and eventually this leads to their being a fight for resources, which are scarce. In the area of vote counting, there are discrepancies. There has been unfair vote counting which is influenced on clan and ethnic lines. Due to a struggle for leadership amongst leaders and the community for their leaders to assume power, there has been the loss of lives of fellow community members who are merely victims. With this, we pray for God to bless the work of our hands, these vices, must be abolished in Kenya.

Politics of the Dark Ages

By Gichuki Githongori Laikipia Human Rights Network

Year 2007 opened with many political activities ranging from party politics to election campaign. During these process, most of the democratic principles to free and fair elections have been violated, blood shed has been witnessed, bribery, stripping and hate speech among others.

For instance, in January 2007, during the Democratic Party young democrat's elections, the then incumbent chairman of the party in Laikipia East Branch, Eng. Nyanga, transported delegates and hosted them in his home overnight. With the help of other party leaders, they divided all the party slots amongst themselves, which meant that even before the actual elections to nominate party leaders the next day, the youths imported had already been told how to vote, who to cheer and whom to heckle the next day. He later brought them alcohol and Miraa in readiness for of the following day {nomination day} where the list they made the previous night would simply be adapted in the name of an election.

However, things did not go as planned as the other group led by Abdul Latif Juma Kombo who was also an aspiring candidate of the branch chairmanship, got wind of what transpired the previous night. He organized his youths and blocked the elections until the venue was changed from the party office ground to Nanyuki municipal council stadium. While there, he offered youth's Ksh 30,000 and his group was endorsed. This angered the other group led by eng. Nyanga who called for a repeat of the polls. By doing so, they provoked the other group who

assaulted the organizing secretary of the warring factions. During the NARC Kenya delegates elections, there were two groups fighting for leadership. One led by the area MP and the other composed of the aspiring candidates i.e. Gitonga Kabugi, John Wakamba, Dr. Njoroge among others. Hon. Kiunjuri did not engage the other groups in the preparations of the elections and only invited his supporters. The other group invaded the ground, which angered the area MP, who in turn incited his group, which was composed of hired youths 'to boost security'. The group attacked the other group led by Gitonga Kabugi, stripping naked Wakamba's wife Naomi, injuring Cllr. Martin Ngunjiri {former deputy mayor Nanyuki municipal council} and Dr. Njoroge, who lost his mobile phone, car keys, and identification cards. The group organized a demo in Nanyuki town and later appealed to the party national executive council to nullify the elections, where their request for a re election was granted. When the re-election was called, both parties bribed the delegates to influence their decisions. The Gitonga faction gave each delegate Ksh 500 the night before, while the Kiunjuri faction gave them Ksh 2,000 in the morning of the elections.

Kiunjuri won. In protest Gitonga used propaganda i.e. claims that Kiunjuri hails from Murang'a and has no interest in Laikipia East as well as negative statements about his level of education.

PRE-ELECTION CORRUPTION USING PUBLIC FUNDS

Elections campaign here in Laikipia East started as early as 2005 contrary to the electoral code of conduct. Both the aspiring candidates and the incumbent started youth and women groups. It is rumored that

During the NARC Kenya delegates elections, there were two groups fighting for leadership. One led by the area MP and the other composed of the aspiring candidates

some of them had by December 2007 used to the of 5million shillings to support these groups they started. The groups had no genuine reason to be together, no similar vision or ambition, but were started so that instead of being bribed with the leaders' personal money, they could instead be bribed with loans from the constituency youth and women's funds. It is no surprise therefore that most of the groups have already collapsed. It is for this reason that as the 10th parliament settles, those who genuinely care about development in the area must monitor seriously who sits in all the public funds committees and how the loans or funds are or tender are allocated.

Allocation of the public devolved funds has also been marred with illegalities. Each year, the council encourages residents and business owners in the area to contribute to a fund called the The Nanyuki Municipal Mayor's Christmas Tree Bursary Fund. Contributing to this fund is voluntary and takes place all year round. When the fund was initially created in many ares, there was no established bursary fund or free education as there is today. The fund was intended to assist the very needy families in the Municipality to pay school fees and receive other gifts to make Xmas a little more memorable for the poorest of the poor. In

2007, voters cards were used as a pre-requisite to qualify for the same. Through a letter addressed to the town clerk Nanyuki Municipal Council by one Daniel Mbogo Gathia, and copied to us date 7th Feb. 2007, we conducted a fact finding mission and latter wrote a letter to the town clerk dated 7th Feb. 2007 to investigate this further. A meeting was convened between us (the Laikipia Human rights Network) and the Mayor, the Christmas tree bursary committee. What emerged from the meeting was that:

- That voter cards were to verify genuine residents of various wards which was a wrong module for vetting
- That Community Development Assistants {CDA's} was being used by the councilor for their own political purposes
- That some of the needy children were denied bursary for a simple reason that their parents are not registered voters in their wards
- That photo copies of voters cards were being collected illegally for the same purpose

Although this was stopped fourth with, the damage had already been done. It also showed that the incumbents can do anything, even the most evil to remain in power. Pegging the needs of the disadvantaged in the society to a political demand is evil in all

The number of harambees an aspirant attended and the amount s/he 'gave' or paid was used by the public, as the yardstick for measuring the merit of aspiring candidates.

sense and should be condemned by all.

Beneficiaries of CDF bursary funds are those who have links with the local leadership. For example, the treasurer of the CDF fund who is a teacher got funding for her parallel degree program. In addition, one of the aspiring candidates for the parliamentary seat who also owns a petrol station {caltex} in Nanyuki has a child educated through funding by the same kitty. The outgoing Deputy Mayor of Nanyuki Municipal Council cllr Isaac Muthee Mathenge had his son educated by three kitties i.e. CDF, NMC and METBF, for the four years of secondary school.

With such a trend, it is clear that politicians in Laikipia have disregarded the rule of law and are taking as Stone Age where barbaric and unorthodox ways were used to win elections. This is therefore the timefor the people of Laikipia to know the nine different public funds now available at Constituenc level, what they are to be used for and how the community based decision makers for each of these nine fund committees are elected. It is also the time to for each citizen to make it his / her personal responsibility to monitor all these funds to ensure that such corrupt practices do not take place.

USING HARAMBEES TO 'HARVEST' STOLEN FUNDS

The concept of Harambee i.e. pulling of resources together was also widely manipulated, by both the politicians and the general public. Members of the public are took advantage of the politicians by organizing Harambees everyday. It was common, just before the 2007

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elections to find aspirants with more than a hundred Harambee cards in their pockets. Youth and women groups with just paper member and even religious organizations planned all their harambees in that period. The number of harambees an aspirant attended and the amount s/he 'gave' or paid was used by the public, as the yardstick for measuring the merit of aspiring candidates.

Many people tend to believe that once a person is elected, they have minimal access to him and that he/she is believed to have crossed the poverty line as he will only enrich him/herself and forget the community. Politicians therefore used Harambees and public functions to express their might and wealth. For example, during a funds drive at Soit Oundo Primary School, in Mukogondo Division on the 9th Sept 2007, where the chief guest was the House speaker Francis Ole Kaparo, the area MP Mwangi Kiunjuri, who was also present contributed Ksh. 50,000. A combined effort of the other aspiring candidates managed to raise Ksh.300,000 and the chief guest the house speaker contributed 300,000. Not to be defeated, Mr. Kiunjuri produced a blank cheque from the CDF kitty and allocated them Ksh. 300,000.

Also during funds drive in aid of Umande Rain Water Harvesting 2nd Harambee held on 18th August 2007, at the World Vision centre, several aspiring candidates attended. The same, expression of the financial muscle was revisited. Over Ksh 600,000 was raised. The aspiring candidates contributed 1/3 of the said amount. When Mr. Kiunjuri arrived at the venue he hijacked the role of the master of ceremony. He took advantage bestowed to the master of ceremony to discredit some of the aspiring candidates in hailing all sorts of insults on them. The powerless aspiring candidates could do nothing other than keep mum while their names are smeared. **p**

Elections Highly Commercialized

By Paul Mero & Adan Turo Arifata- Isiolo Human Rights Network



Isiolo's County Council Motto 'Ada Walatana'

Over the years, elections have become a boom period. People have learned that during this time, money will be spent lavishly and selflessly. The merchandise on sale is none other than the Mwananchi's vote. Politicians can do anything and spend as much, to persuade voters to vote for them. This is the phenomenon that has mostly determined who is the winner in Isiolo North Constituency. If you do not have money do not try vying for any seat, be it civic or parliamentary.

Prior to the 2007 general elections, politicians released money to their friends and relatives to buy votes from community or voters who are perceived to be hostile to their candidate. People were arrested at Kambi Turkana on the allegation of buying voter's cards. Indeed 159 voter's cards were reportedly bought. The case is still being investigated at the Isiolo C.I.D. offices.

The other strategy politicians used was mass voter importation. A lot of money was spent to transport voters from one constituency to the other. Again, such a thing happened in Isiolo North and already there are proceedings in court on this.

Politicians also rewarded those perceived to be their supporters either by giving them jobs, loans, land and other favors. The Minister for Youth Affairs, who was then the area Member of Parliament, did exactly that. One cannot understand why it is only proposals from one ethnic group, which qualified for funding by ALLPRO. In late 2007, the Minister for Livestock came to distribute the cheques to the beneficiaries, but he got a rude shock, when he realized that the beneficiaries were mostly from the area MP's clan.

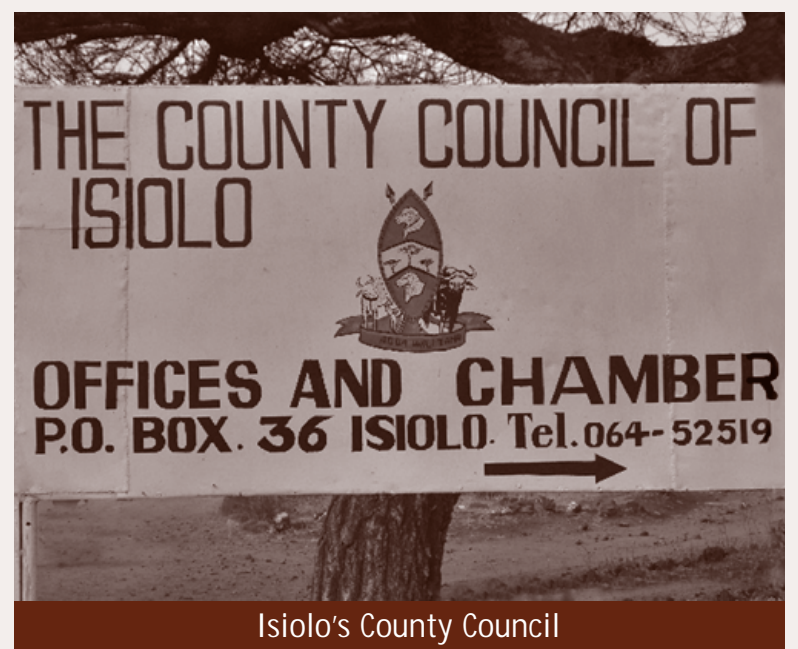
Another case in point is the disbursement of CDF bursary. A plan had been muted to identify beneficiaries clandestinely, to

reward cronies of the Member of Parliament. It took the intervention of the Immanuel Ashuka and Paul Metro of Isiolo Human Rights Network to make sure the normal procedure is followed. Congratulation to the District Development Officer, for acting fast on this.

Things are no different at the County Council of Isiolo. This

council is so corrupt to the point that its motto is written in the language of the dominant ethnic group "ADA WALITANA" (Mandugu Tushikane), despite the fact that Isiolo is a cosmopolitan area populated by persons of different ethnic groups. Nearly all the employees of the council are from one ethnic group and more so relatives and friends of the powers that be. You simply cannot access services or employment at the County Council of Isiolo if you are not from the 'acceptable' ethnic group. The few employees from other ethnic groups are employed at the lowest cadres, mainly as casual laborers and are sacked at the slightest provocation or even just sheer malice.

People cannot vote unless they know there is gain that they expect. Your guess is as good as mine, the leaders we have voted in along this pattern, have impoverished us. Poor services, unemployment, choking poverty, non-existent health care etc are the order of the day. Isiolo Human Rights Network will continue to work tirelessly to move Isiolo from this pattern of self destruction. **p**



Isiolo's County Council

Mount Kenya Human Rights Network and Elections 2007

By Mt. Kenya Human Rights Network

The 2007 elections were very important to Mt. Kenya Human Rights Network. We saw it as an opportunity to engage the government, parliamentary, and civic aspirants and political parties on what we want them to do in this 2008 – 2012 term.

It was a time to evaluate the performance of our previous MPs and councilor on service delivery, representation, accountability, accessibility to the people etc. Like every other part of the country, we saw the previously inaccessible personalities pretending during their campaigns to be peasants. We have many politicians who shed crocodile tears to win votes. Nyeri Town Constituency even had a parliamentary aspirant participate in grave digging in order to win the voters.

CORRUPTION

While voters ideally spoke of the 2007 elections as an opportunity to fight corruption and those that perpetrate it, many of us overlooked that fact that we too are just as guilty of it as the politicians. Politicians walked around with bundles of money to bribe us (voters). Many of us took the money, knowing very well that this was probably CDF money that we were being bribed with or money acquired from councilor

granting themselves tenders on LATF money then inflating the bills that they paid themselves for shoddy services that their companies were contracted to undertake on behalf of the council. We also knew that jobless youths were being paid to cause violence and intimidate opponents especially women; and that these youths were hired purposely to disrupt meetings of rivals so that certain aspirants would never have a chance to talk to voters and sell themselves, their abilities and credentials to the voters. On aspirant, a former MP was actually heard bragging on several occasions that his votes are in the bank. He claimed to have Ksh 40 million to buy back his parliamentary seat. It is unfortunate that this type of people is what Kenyans had to choose from at the elections.

It is however, encouraging that in most parts of Central Province and Kenya in general, voters were able to send home most of such characters. The thing to worry about now is whether, the persons we replaced them with are of similarly low caliber or are likely to fall into the pit of corruption. We must each ask ourselves what we can individually do to ensure that the leaders elected do not sink into corruption because the money they will be stealing should we give them the opportunity to will be the nine public funds now available at Constituency level that are intended to improve our lives in the next five years. These are the Local Authority Transfer Fund (LATF), Constituency

Development Fund (CDF), Constituency Bursary Fund, Constituency HIV-AIDS Fund, Constituency Roads Fund, Rural Electrification Fund, Free Primary Education, Youth Fund and the Women's Fund.

CDF & LATF in Nyeri Residents of Nyeri town constituency are aware of the scandal that rocked the Nyeri town CDF committee:- how money was disbursed to non-existent projects; how the CDF filled returns to claim constructed non-existent cattle dips, schools etc. It is open secret that some of the accounts of the CDF were open outside Nyeri. Mt. Kenya Human Rights Network intends to institute private prosecution on the culprits. The dissolution of the CDC committee is not enough. All money stolen has to be returned and culprits punished. The mere act of changing the committee members is not enough. While CDF is a noble idea, we need to rethink how it is handled and implemented. The

It is open secret that some of the accounts of the CDF were open outside Nyeri. Mt. Kenya Human Rights Network intends to institute private prosecution on the culprits.

government should have called for more consultations outside parliament before making the amendments to the CDF Act in late 2007. These latest amendments still do not address some of the pertinent issues that affect us. Greater consultations like what was done on the Draft Land Policy through input from the public should be done before June 2008, before the new MRs discover and exploit the loopholes still existing in the CDF Act.

PEOPLES MANIFESTO

Mt. Kenya Human Rights Network in conjunction with Kenya Human Rights Commission has since September 2007, been involved in preparation of the peoples manifesto in seven constituencies, namely Nyeri Town, Tetu, Othaya, Mathira, Kieni, Mukurueni, and Ndaragwa. A people's manifesto is a list of the things that the ordinary people of each constituency want the MRs and councilor to prioritize in the 2008 to 2012 term. It is based on the realization that once politicians are elected, they forget all the great development projects that they and their political party manifesto had promised to address during the campaigns. Once elected such promises mean nothing to most leaders which is why, the people must know what they want and ensure that the leaders remember and prioritize the people's demands all through the five year term.

The response of the community to this new way of doing things

was overwhelming. Many agreed that the timing of the People's Manifesto & Scorecard Initiative just before and after the elections was perfect. It is the high time for the ordinary people to define what they expect from their leaders and agree on terms of engagement, the quality and timeliness of service delivery we expect, the management of devolved funds among other things. One thousand copies of each Constituency's People's Manifesto were circulated through religious leaders, youth and women's groups, workers associations including Matatu crew through out each constituency. Copies were also supplied to all the aspirants for civic and parliamentary seats, who signed the manifesto thereby confirming that once elected they would focus on the issues raised in the Peoples' Manifesto. Therefore the elected leaders know exactly what the people expect of them between 2008 and 2012 and that we are watching to see how they perform.

The Peoples' Manifesto is a performance contract upon which we shall measure performance of our leaders and hold them accountable. The Peoples' Manifesto is a tool that engages the leader beyond elections. Never again shall we allow politicians to use CDF, LATF and other public funds as slush funds for personal use and to buy silence against their misdeeds. **p**

Marakwet west is one of the constituencies in Marakwet District. Marakwet West has several communities living in it, which includes Marakwet, the Luhya, Kisii and Kikuyu who live in Kamoi and Kapcherop division in general. Unfortunately, these

communities do not have a say on the development of the area as they are regarded as outsiders by the local. Ethnicity took centre

stage in prior to the 2007 general elections and continues to do so with fatal results. Most of these communities have since time

immemorial lived in the area. However, at every election, one of the ways to divert attention from the non performance of

outgoing leaders is to make ethnicity a campaign issue, which is mentioned to a few in the privacy of small meetings, while at the larger meetings which are covered by the media, leaders will always speak out against discrimination. As

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Ethnicity is a cancer at an advanced stage in Kenya as a country down to the grassroots level. It has become a major reason for retardation in development and extended poverty levels. Kenya as a nation is comprised of forty-two tribes. Among these ethnic groups, some dominate over the others leaving them marginalized. Ethnic groups such as the Ogiek and Dorobo remain unrepresented in most key areas of the government. As a result, ethnicity has spread all over the country. Once one is elected as a leader, he/she considers his kinsmen first. The politicians and the administration have

Hate Speech & Ethnicity

By Phyllis Lumidi Kakamega Human Rights Network

contributed a lot to fuelling ethnicity. They give remarks at different public functions, which eventually give rise to tribal animosity, hence tribal wars.

For instance, in Ikolomani constituency, Kakamega District, it is believed that it is only the Abashiebo clan who can lead. As a result, this has led to hatred from the neighboring clans. People lose their lives in poisoned illicit brew, chang'aa

famously known as Lisasi and there is completely nothing done about it. The assistant chief having been brought up in that community can never accept his kinsmen to be arrested. From research carried out by the network members, a fee is given to the assistant chief on monthly basis in order the brew can be made and sold. Stamping out ethnicity presently is not easy. It is greatly felt by the low class person and more so in the minority clans or tribes.

We have had cases in our society related to public funds disbursement. The poor who should have been aided have never because they have no access to the officers concerned. Ethnicity has also taken root in all spheres of life, and salary incomes, which have given birth to corruption. If a survey of the December 27, 2007 election is conducted, it is likely to show that most people voted on tribal lines so that they can have a share in the national cake.

Immediate former MRs and councilor had to bribe the people to solicit for votes; It is likely most Kenyans voted with their stomachs rather than their heads.

To address this issue, the government leaders and politicians, the community should play a vital role; there is need for sensitization on the need to maintain national unity. The media should be a tool in aiding the implementation of the above.

The politicians and the administration have contributed a lot to fuelling ethnicity.

Since 1991, our political class has miserably failed to establish successful national political parties because of tribalism. Instead, every party since then has been ethnic. The issue of tribalism is not new in Kenya. Before colonialism, tribalism did not exist. Since Kenya did not exist as a state, hence it was hard to exercise that within the political structure. As corruption becomes the shortest way for people to get certain rights and services, Kurians' are increasingly forced to dispose of their assets in order to obtain cash to bribe officials. As a result, corruption is putting both households and individuals to a constant erosion of income or asset related households incomes, where community members are at greater risk.

People's experiences in terms of corruption illustrate the higher degree of tribalism, clanism and ethnicity that people are exposed to, due to the inability of police, Sungusungu and local authority to contain corruption. Specifically, during elections areas of Kuria, acts of corruption, tribalism, Clanism, and ethnicity have caused social, material and bodily harm. Participation in income generating activities is also affected, as people live in constant fear due to the rising levels of corruption, tribalism, clanism, and therefore do not feel free to pursue certain activities, such as campaigns and electing best.

CLANISM AND TRIBALISM

In some cases, Clanism and tribalism lead to physical injury and trauma, more commonly in rural areas than shopping/urban areas. Clanism undermines the viability of the economy at local community level. Ethnicity is another obstacle to human rights, leading to psychological, material and bodily harm. Kurians are subjected to two types of corruption. First, corruption perpetrated by government agents. Second, corruption inflicted by Sungu sungu (bribes, domestic abuse and rape). The use of excessive force and inhuman treatment by government agents when dealing with suspected offenders.

Our goal is to encourage formulation and dissemination of information, opinions in the context of useful civic education. Underdevelopment in Kuria generally is, because of cultural backwardness due to tribal ethnicity that results from poor leadership. Political reality we choose a comprehensive political and democratic reform. Most of the economic and political challenges and problems that Kurians' face today is the issue of ethnicity groups in this Kuria community. Ethnicity becomes a social challenge and largely influenced the election process used to contain either, control or exploit development. The Bireme, Abanyabasi, Abakira, Abagumbe are

The Roots of Ethnicity

By Lucas .M. Sinda-Mara River Resource centre

another or and thus influence over leadership. Taking advantages opportunities and resources. No control of ownership, distribution and management of projects.

KURIA PEOPLES' MANIFESTO

The Kuria manifesto demands:

The community has many needs all of which are urgent. After all, that the community has suffered at the hands of politicians entrusted with public funds and resources. Sustained action aimed at improving the present situation but also planned for long-term effectiveness.

- Revise, update and restructure the public resources, CDF, Development Committees, in coordination with civil society and provincial administration.
- Building of Higher learning institutions by encouraging the practice of training, this will contribute to family incomes and gain professional experience.
- Promote and open micro-businesses among young people.
- Research on a new cash crop and marketing the present crops
- Implement programmers and projects that will benefit the community.
- Look into environmental problems by including them in socio-economic development programmers, as well as educational. Encourage greater concern for environmental issues and education.
- Involve the community in development.
- Participate in community political dialogue and debate in the forums, civil society organizations and human rights groups.
- Free the media from government control and allow more establishments of private media.
- Democracy and decentralization for human development
- Effective popular participation in political decision making human development through ensuring the participation of weak and most marginalized social community groups and those most prone to ethnicity such as women and children.

Kuria is experiencing a wide circle of corruption within the government apparatus and between government and the private sector. This has reached levels that threaten development and form a barrier around social and economic improvement and democratic reform. In the light of the above challenges, all NGOs, CSOs, CBOs, FBOs, which are independent of the government and are dedicated to development in its wider sense are constantly lobbying in order to highlight their role as partners and their right to take part in social and political debates at the local level. Many factors must become part of the debate on the threats of ethnicity. Corruption during elections, including freedom of association with all political parties, freedom of the press,

≥ Continued from page 24

Uka bila Wa letwa na Siasa Potofu

Na Mahmoud Barroh-Kwale Human Rights Network



Caption

Ukabila ni ugonjwa mkubwa unaokula jamii yetu ya Kenya. Jirani zetu wa Tanzania wamefanikiwa kuondosha 'kansa' hiyo ilhali hapa kwetu umezaana kujukuu. Mbali na serikali na idara zake, ukabila umeingizwa hadi sekta za kibinafsi na za kielimu. Hivi sasa, siasa za kitaifa zinaonyesha sura za kikabila. Chama cha DP kimeegemea Mkoa wa Kati na maeneo ya Mlima Kenya, ngome za makabila ya Wakikuyu na Wameru; FORD- Kenya ni ya Mkoa wa Magharibi na kwenye jamii ya Wakisii, huku Chama cha Shirikisho kutoka Pwani ni ya jamii ya Mijikenda; NPK ya Bi. Charity Ngilu ni hifadhi ya Wakamba. Ingawa vyama vya ODM, ODM-Kenya, Narc, na Narc-Kenya vinasemekana kuwa vya vya Waluo, na Wakikuyu. Hali hii pia inatisha kuwa mbaya na kuiga baadhi ya nchi zilizosambaratika kama Somalia, Rwanda, na Burundi. Majuzi matamshi ya viongozi fulani yameleta mtafaruku na uhasama.

Matamshi ya viongozi kwamba kabila fulani haliwezi kupata uongozi wa nchi hii kwa sababu tamaduni zao fulani haziambatani na za makabila ya hapa Pwani, ni uchochezi wa hali ya juu. Vile vile kumwambia

Bi, Nazlim Umar aende akapige siasa Pwani ingawa si Mpwani bali ni Mwislamu, unaonyesha upeo wa fikira potofu na ukabila miongoni mwa Wakenya. Kudai kabila ya fulani lina tabia ya unyang'anyi na ufasidi ni dhahirisho la jinsi Wakenya wanavyo chambua kabila zima pengine kwa makosa ya wachache.

Tayari serikali ya 2002 hadi 2007 ilikuwa imetuhumiwa kuwa na wingi wa jamii moja, ambalo lilikuwa na mawaziri saba kwenye baraza la mawaziri. Vilevile kabila hilo lilikuwa na manaibu na makatibu kadhaa. Vilevile jaji mkuu, gavana wa benki, na baadhi ya wengine wametoka kabila hilo. Katika wilaya ya Kwale, DC, na wakuu wengi wa idara za serikali wanatoka jamii hiyo akiwepo DDO, DSDO, DAO, OCPD miongoni mwa wengi. Kuzuka kwa makundi ya kikabila kama Mungiki, Taliban, Kamjesh, Chinkororo, Sungusungu, Jeshi la Mzee, SLDF na hata Republican Council kutoka Pwani ili kulinda maslahi ya jamii yao imeonyesha jinsi tuna ubinafsi na shauku juu usalama wa makabila yetu. Tukiangazia tatizo nyeti la ardhi na kukosekana ajira na nafasi za kutosha kwenye vyuo vya uma na kutapakaa kwa makabila ya nje kwenye hoteli za Diani Beach na umiliki wa biashara mbalimbali

tunapata kichocheo cha ghasia za kikabila mbali na usalama uliozorota. Hali hii inazalisha uhasama na chuki na kuwapa fursa muafaka kwa viongozi wakabila kuchochea vita kwa manufaa yao binafsi haswa uchaguzi zinapokaribia. Mambo haya yote yanafaa yazingatiwe sasa hive, maanake yamekera wengi kwa muda mrefu na huenda ikawa hayawezi kungojea uchaguzi mwingine ili yalipuke tena.

Ingawa wakati wakwandikisha walimu, wanajeshi, vyuo vya utibabu hufanyika Wilayani, nafasi za wenyeji wa Kwale ni chini ya asilimia 35. Kwa hali hii, vijana wana uchungu kukosa ajira na pia nafasi kwenye ardhi za mababu zao, hivyo huwa rahisi kushauriwa kuchukua hatua mikononi mwao. Ni kweli kwamba watu wote hawawezi wakapata ardhi, na huenda ikawa

Kudai kabila ya fulani lina tabia ya unyang'anyi na ufasidi ni dhahirisho la jinsi Wakenya wanavyo chambua kabila zima pengine kwa makosa ya wachache.

Kenya imefika kiwango cha watu kufikiria njia zinginezo za kujikimu kimaisha na kumiliki mali, lakini shida la ufasidi katika ugawaji wa ardhi, nafasi za kazi na rasilimali nyinginezo ni lazima isuluhishwe sasa.

Inasikitisha kwamba vita vya kikabila kama vile vya Kaya Bombo mwaka 2002 vilichochea na viongozi wakuu serikalini na matokeo huwa ni hasara ya maelfu kupotezwa pamoja na mali na kuwacha maelfu ya watu bila makao. Uchaguzi wa 2007 ulipokaribia karibia, kulikuwa na wasi wasi wa kuzuka vita vya kikabila hasa baada ya madai kwamba vijana walipatikana wakifanya mazoezi ya kivita kwenye Msitu wa Mlungunipa, Diani, Wilaya ya Kwale. Watuhumiwa 36 walitiwa ndani. Mmoja wao Bw. Khatib Mtenge, mgombeaji wa kiti cha Msambweni amekua akiteta vikali juu ya uovu wa unyakuzi wa ardhi nakukosekana kwa ajira kwa wenyeji wa Kwale.

Inapaswa kuwe na msimu mpya unoa gawa ardhi, nafasi za kazi na masomo katika vyuo vya uma na kadhalika ili asilimia kubwa katika tabaka zote itengewe wenyeji asili wa kila Wilaya. Wazo hili limebandkwa majina mengi kama vile 'Quota System, Affirmative Action na hata

Majimbo. Jambo la muhimu sio jina ila ni haki na usawa vipatikane kwa wote, ili hasira zinazotokana na ukosefu wa ajira na umaskini ziache kuelekezwa maskini wengine wa kutoka kabili hili au lile na ilhali wao pia hawkunufaishwa na ufasidi wa wachache katika kabila lao. Ipo haja kubwa kuilimisha jamii juu ya umuhimu wa Wakenya waishi kama jamii moja. Vilevile, ardhi zilizonyakuliwa kiholela zirudishiwe wenyewe na zile za umma ziwachwe ziwe ni za manufaa ya wananchi wa eneo husika. Haki na amani zitapatikana haya yakisha ahidiwa na kutekelezwa.

Aidha mradi wa kuwa na Manifesto ya Wananchi, zoezi linalofanywa na KHRC ikishirikiana na mitandao ya Wilaya ya Kwale, Taita Taveta, Mombasa, na kwengineko nchini, kumefanikisha pakubwa wananchi kuelewa shida zao, na kutoa hoja mbali mbali kuhusu suluhisho muafaka za shida zinazowakumba wananchi katika kila eneo bunge. Mradi huu umechangia wananchi kuchagua na kuwadhibiti viongozi kuanzia rais wabunge na madiwani watakoleta afueni kwetu, jamii, nchi na vizazi vijavyo kwa jumla. **p**

Hate & Ethnic Cleansing in The Name of Free & Fair Election

By Paul Metro and Immanuel Ashuka

Kwame Nkrumah once said, "It is unfortunate that most regimes in Africa are created by the bullet but not by the ballot". This great son of Africa died by a bullet fired by a coup plotter, and what he said then remains largely true to date.

We can argue that Kenya has been relatively peaceful, we have held elections every five years, and hence this saying does not hold true in our case. The truth is, though we have held elections religiously after every five years. However, the elections have not been free and fair because of ethnic hate, political thuggery and intimidations have largely influenced these elections.

Isiolo North Constituency has since independence had very interesting experiences with elections. A brief history of electioneering in Isiolo indicates that after independence, the residents of Isiolo and the entire Northern Frontier District (NFD) wanted to secede to join the "great Somali land". This culminated in the post independence war between the Kenya government and "shifita". In this shifita period, people were 'repatriated' to their ancestral land', others died, livestock was confiscated or wiped out and all crude tactics were employed to make sure the people toed the line. People were so intimidated that they did not want to go against the grain for fear of coercion or reprisal. Only government friendly or imposed leaders carried the day.

During the Nyayo era, things did not improve. Despite the fact that the post independence war had ended, the regime



"Bad roads and under development in Isiolo"

perfected the art of discrimination on the basis of ethnicity. Ethnic marginalization became the order of the day. Anybody or ethnic group that was not pro-system was branded "Adui ya maendeleo" {An Enemy to Development}, and hence was dealt with, with the crudest force possible. There was a police unit known as "special branch" that made sure all dissenting voices and opinions were silenced. To make matters worse the Mlolongo system of voting was used in the 1980s was to make sure that everybody voted for a government favored candidate and those who defied knew what was in store for them. Under such circumstances, truly democratic, free and fair elections remained a dream.

After the repeal of the famous Section 2a of Kenya's Constitution that reverted Kenya into multi-partism things did not fundamentally change. What changed was the tactic being employed. This time rug-tag informal armies or militias sponsored by politicians cropped up. This is when names like Kanu Youth Wingers, Mungiki, Kamjeshi, Baghdad Boys, Chinkororo etc emerged. The

result was the same; to intimidate voters. In Isiolo North, it was even worse. Some of members of one of the ethnic groups in Isiolo, who believed in ethnic dominance, mooted an idea of driving all other communities away. Presumably the goal was to create a province from Moyale to Bura, that would be governed and probably populated by just this one ethnic group. To achieve this, disputes between this community and all other communities were fueled, with reinforcements being imported from Ethiopia. Consequently, many people fled to neighboring towns and thus could not vote in Isiolo. Statistics indicate that voter turn out in Isiolo North Constituency during the 2002 election was 52% compared to the national average of 67%. The result not surprisingly was a candidate from the dominant ethnic group in the area.

In view of the foregoing, people remain very cautious following the 2007 general elections. As with every election, there are fears that some people may have to pack and leave Isiolo to avoid any violence that may result from the different interpretations of the results of this election. We

are yet to see what steps the government is taking to ensure there is no recurrence of violence.

The Isiolo Human Rights Network has been working to build ethnic tolerance in the two constituencies by instilling a sense of ownership in residents who come from the less populous ethnic groups in the area, while at the same time, highlighting the gains that can be possible if members of the dominant group give cultural diversity a chance to thrive, and transform Isiolo into a modern cosmopolitan city. Civic education prior to the 2007 general elections was conducted under a project titled Peoples' Manifesto and focused on working with people from the different ethnic groups to give them a chance to identify the problems affecting the area, propose solutions and recognize the political power that citizens hold in deciding on policies and development.

Some of the results of this process was the development of a peoples' manifesto for both Isiolo North and Isiolo South Constituencies. The compilation of these manifestos into a single document for each constituency

brought out the fact that the people of Isiolo despite their different cultural backgrounds suffer the same problems and proposed similar solutions to address the problems in the 2008 – 2012 period. For example, a trip all over Isiolo North and South in February 2007 brought out access to water as a major problem in the area. The Isiolo Human Rights Network has since then been sensitizing people to recognize and use wisely their right to vote in responsible people into the ward based Management of Water Committees.

The solutions that the people would want to see are what are now stated as demands in the Constituency Manifestos and will now in 2008 become a scarecard or accountability tool for the MPs and councilors that were elected in the two constituencies. The Isiolo Human Rights Network will throughout this elective term 2008 – 2012, sensitize communities in Isiolo in the need to focus less on their cultural differences and instead unite to hold leaders accountable to address their demands for improvement of infrastructure (roads, bridges, drainage systems etc), service delivery (e.g. garbage collections and environmental protection), access to clean drinking water in all villages by 2010, the establishment of health centers in all wards/locations by 2010, Support the review by Parliament of Land tenure system by 2009, lobby the Ministry of Education to establish mobile schools to accommodate pastoralist way of life and work with parents, elders, provincial administration to encourage children who are not in school to be readmitted, and to prioritize security in both constituencies. **p**

Ethnicity & Corruption as 2007 General Elections Approached

By Caleb Twenya- Migori Human Rights Network

This is a good time for Kenyans to evaluate how they have conducted themselves during general elections. In the past elections, many incidents of corruption, tribalism and nepotism have been witnessed. As a result of these, many lives of innocent people have been lost, hundreds of thousands of people displaced and a lot of property destroyed thus denying many daughters and sons of the land their right to freedom, protection of life and property. This has also denied them the chance of enjoying the fruits of independence that is claimed to have been attained over forty years ago.

It appears that there is now a trend of electioneering periods going hand in hand with politically instigated ethnic clashes. Such clashes usually start a long the regional boundaries, district boundaries and in the major towns where different ethnic groups live. The master minds of these clashes are always the unpopular politicians who fear failing or losing in the general elections. They incite their tribes' people who without clashes may not be their die-hard supporters to fight or clash with other tribes living in the area. This way the people of different tribes are forced into ethnic unity as they seek refuge in their tribe and thus vote for their tribes' person regardless of her / his ability or corruption record.

In as much as many people have been blaming politicians for instigating these ethnic clashes, the government is to be blamed the most. Since 1963 when Kenya attained independence and Kenyatta took over the leadership as the country's first president, all the way to 1978, when Kenyatta died, the government never took any action against anybody or politician who was pro-Kenyatta when they

It appears that there is now a trend of electioneering periods going hand in hand with politically instigated ethnic clashes. Such clashes usually start a long the regional boundaries, district boundaries and in the major towns where different ethnic groups live.

publicly uttered abusive words, which would today qualify as hate speech and incitement or did anything that would create tension among our communities.

When Mr. Daniel Moi took over the presidency after Kenyatta's death, the situation worsened. He started by segmenting the country into smaller portions along ethnic lines calling them districts and divisions. Moi dished out districts even to areas worth being divisions so long as the ethnic groups living there hero-worshipped him. This was the time when tribes started to think that since they have been given districts, then any other different tribe living with them is their enemy. This is the time when tribal clashes erupted and especially when people were approaching general elections when tensions were high. This is how the tribal clashes in Kenya are ignited and nowadays many fear that towards every general election, there must be reported ethnic clashes in one region or another.

For over a year now, tensions have been high in Mt. Elgon where many people have died. Along the Nyanza-Rift Valley border near Sondu, tensions are rising every day. Over the past three general elections, clashes have always erupted along this

border along side the Rift Valley-Kisii border, Kisii-Luo border along the Ochodororo market and Riosir market, at the Kuria-Maasai border and at the Kisii Maasai border.

The 2002 – 2007 government seems to have perfected what the previous governments had done. No action was being taken against those people or politicians who used hate speech to campaign against other communities. For instance, the media reported the former MP for Kibwezi saying 'Wakamba wanaamini kwamba Wakikuyu ni nafuu lakini Wajaluo ni wabaya zaidi'. This MP was never arrested or even asked to record a statement with the police simply because he was pro-Kibaki. In another incident, a Cabinet Minister Simeon Nyachae was reportedly bragging after his goons famously known as Chinkororo beat up other MPs causing them body harm. Nyachae was not arrested, despite the fact that there were indications that he had actually financed the armed thugs that attacked the other party. This ought to have warranted an expeditious investigation and trial on the financing of thugs and militia resulting in the ECK disqualifying him and any other persons reported to have been found in possession of weapons, or to have hired and trained thugs as an election strategy. Instead, the only people that thought such incidences were a big deal were the media, human rights organizations and those that were attacked.

The political integration that always prevails in the country after the general elections is a clear sign that Kenyans can live in harmony in spite of their different ethnic backgrounds. It is under this context that Kenyans should seriously consider a governance formula that ensures that government institutions are truly independent particularly during an election year, so that the police can be able to arrest

aspirants found in possession of weapons. The ECK should immediately have disqualified such thugs, and with the high numbers of aspirants in all the constituencies, there would still have been a credible election. Corruption which includes tribalism, and nepotism, should also be addressed once and for all. Finally and most importantly, Kenyans should consider a governance formula that embraces all the over 42 ethnic communities at all levels and in all public positions.

When the current government ascended to power in 2003, many Kenyans thought that ethnicity would be a thing of the past but unfortunately, it worsened. Traditionally, the president's tribes' people are given a larger share of the government's most lucrative posts. One of the best and saddest examples is the Ministry of Finance, which controls the country's finance, banking and the Kenya's economy in general. This Ministry was and continues to be run in the majority of key top positions of the finance Ministry, and related bodies such as the Kenya Revenue Authority, the Consolidated Fund, the Capital Markets Authority and the Kenya Re-Insurance Company, predominantly by members of one ethnic group. Although members of other communities are also employed in these departments, just like in the gender equity debate, it is

The political integration that always prevails in the country after the general elections is a clear sign that Kenyans can live in harmony in spite of their different ethnic backgrounds.

important to audit how different ethnic groups and sexes are distributed particularly in the top levels of authority. A mix of ethnicities and genders in the most influential top position would at the very least reduce corruption or force the actors to ignore their ethnic differences in order to conspire for graft.

If this predominance of one ethnic group in top positions of influence does not fall within the definition of tribalism, which is a component of corruption, then what does? Of late, there has been a tendency that any person who condemns these tribal appointments is called a tribalist. Time has now reached when we Kenyans should start seeing things in three dimensions. We should start looking at tribalism from the central government appointments before we are brain-washed by the politically instigated tribal clashes and cattle rustling which are just deliberately done to deviate our attention from what is taking place at State House and other key corners of the government's arms.

When still on the issue of corruption, there has been a tendency where unpopular politicians dish out money and other materials such as sugar, salt, t-shirts and 'lessos' to the people during campaigns so that they confuse the electorate's minds. In the past, this pattern worked well but at the 2007 elections time was ripe for Kenyans to think wisely and decide on their destiny with their brains not their stomachs or pockets.

As the local politicians take the blame on such cheap and local corruption, there has been a high-class corruption at the top of the central government. For instance, in the year 2002

≥ Continued to page 10

≥ Continued from page 10

December just some days before the general elections, then President Mr. Daniel Moi appointed Mr. Musalia Mudavadi as his Vice. While many understand that there must be a government (Cabinet Ministers etc) even during an election and that ministers remain in charge of ministries until the newly elected government is sworn in, one wonders, why after Moi not having a VP for so long period in his reign, and asking nasty questions about what value a VP would add for Kenyans, what new qualities Musalia acquired in the eleventh hour to qualify him as VP for just a few days. Clearly, this appointment was based on Moi's imagining that the people would be fooled into seriously considering just before voting that 'if one of our own is VP then we are in power and can eat'. More recently, in the 6 months before the December 2007 elections, new districts were created even during campaign tours.

A more recent Ministerial appointment was that of Wilfred Machage, just before the 2007 elections. This man had been assistant Minister for the last five years and just before the dissolution of parliament, he was appointed to head the Ministry of the East Africa Community. While many Kenyans concede that there must be a government (meaning ministers too) in place so that there is no vacuum during the elections, such appointments clearly serve the greater agenda of 'encouraging' the members of the ethnic group from which such a minister is drawn to vote in a certain manner. The same old mission, to confuse Mr. Machage's community with the big post and lure their votes during elections is what was intended.

All Kenyans irrespective of their ethnic background, race, gender or age should be careful not to be incited to clash with one another. Instead, all Kenyans must unite to say no to corruption and violence. Kenyans should embrace unity in diversity to change Kenya into a good habitat for all citizens of our beloved motherland Africa **p**

A Sixth Clan Is Born - "The Somali Woman"

By Bashir Mohamed- Wajir Human Rights Network

When the Somali peace talks began in Mbagathi, Nairobi in 2005, only clans were organized as legitimate units of representation. There are five clans in the war torn Somalia and none of them considered women important enough to become part of the negotiations. At any other point in history, women would have sat back and accepted this as their destiny. Not this time though; when their country was falling apart in a wave of unprecedented violence. Therefore, the sixth clan was born.

Although they have made remarkable break through in politics, securing 25 seats in the local national assembly, women had been sidelined in the remarking of their country. There was every chance that they would be given the cold shoulder when a new government was formed. Mrs. Asha Haji Elmi, the chair of the Somali women's pressure group says the sixth clan did not have anything handed to it on a silver platter. She and her team had to lobby hard for women participation even among women themselves. Six years down the road, they have a reason to smile: the Federal Charter of Somalia stipulates that at least 12% of the new 275-members of parliament must be women. "We can learn a lot from Somalia women" says Nyaradzai Gambonzvonda UNIFEM's Regional Director. They came together and organized themselves and now the charter recognizes them. During Somali fight for independence, women did not only offer moral support but went to the frontline. With the independence secured, however, they were soon relegated to the traditional role of housewives. "We did not want history repeated" says Asha. Even though Somali women have made a break through in Parliament, they still have a long way to go in a culture based on male preference. Moreover, while the peace



Caption

negotiations have taken a positive outlook, Somali remains at a cross roads- putting in jeopardy the gains so far made. We are confronted by new civil wars that have created internally displaced persons, the majority of them women, said Asha, during her recent visit to Wajir Human Rights Network.

Times are hard for a Somali woman. Some have died of hunger with their children still strapped to their backs. One woman was found boiling water to give her children the illusion that there was a meal coming. Grandmothers give orphans their breasts for human comfort even though the milk dried up decades earlier. Women head many of the families; they and their daughters are particularly vulnerable to rape and other forms of violence. According to Mrs. Asha, most Somali women do not understand the legal system and are not even aware of their rights hence her visit to the Wajir Human Rights Network, to learn about the possible ways and means of accessing justice for women in the volatile Somali.

In a refreshing break from tradition, women in northern Kenya are now exhibiting political ambition. Going by inspiring results of 2006 by-elections in Moyale, Saku, Laisamis and North Horr, women felt they could confront the issues of ethnicity and corruption head on at the 2007 general elections. With their rallying call being "this is our time to take over and transform Kenya" they were determined to defy all odds – religious and cultural biases which they claim are primitive archaic and outdated. Making more 65% of the region voters, they vowed to translate their numbers into the currency of votes in the December 2007 elections. After considering their options out of a rapidly shifting set of possibilities, the main pitfall female aspirants had to look out for was the planning for their own safety, surviving the violence, the party nominations system, corruption and voter attitude. With the elections now in the past, we congratulate all the women who took the bold step of faith to run for elective positions at the last general elections. As Ms. Sophia of the Wajir Human

Rights Network has often said, "Women leadership and participation in public life should never be held captive by petty patriarchal mindsets". There is a great deal of work to be done both by those who offered their candidature at the last general elections as well as those who did or did not vote for the women candidates.

Wajir Human Rights Network in future works with both of these groups to plan and monitor development in the area based on the constituency manifestos that were developed for each of the four Wajir constituencies. While MPs and councilors will be the main duty bearers that will be tasked to deliver on the demands made in the constituency manifestos, women who took the bold step to aspire for civic and parliamentary seats will be key in organizing women, both young and old, to participate in community development projects and monitor progress every 3-6 months. Ms. Sophia urges fellow aspirants at the 2007 general elections to roll up their sleeves and soil their hands; its time to work. **p**

Culturally, marital status and economic power have been basic requirements for anyone seeking a leadership position. This means that for some regions, high poverty levels also deny quality leadership. This is clear in Mwatate constituency, Taita / Taveta where two candidates Ms Rosalia Mkanjalla a vice secretary general of KNUT Taita / Taveta and a Mwandisha primary school teacher – parliamentary candidate, Ms Lydia Wakesho Njullu a community educator and a human rights activist – for seat, Chawia ward.

In July, 2007, during a well attended workers' meeting in Msangachi Hotel – Mwatate,

Retrogressive Culture Against Women Leadership

By Taita Taveta Community

Rosalia Mkanjalla informed participants of her sad exit from the 2007 general election race owing to her marital status as a single mother and financial constraints which have been a big demand from the electorate. While addressing a human rights activist workshop at Voi town lodgei, organized by TT HURINET in August 2007, Ms Lydia Wakesho Njullu informed the participants that she had

decided to opt out of the race because of pressure from the electorate who were demanding that she be married before seeking any elective leadership position.

Culturally, the Taita community believes that marital status is key to leadership therefore any unmarried woman is NOT EXPECTED to seek any elective

leadership position. This by itself may sound pathetic but it is a reality that can only be changed by civic education. The gender reality in Kenya is that people rarely subject men to similar standards, such that an unmarried male youth or even a divorced middle-aged or old man is unlikely to have questions on his marital status even arise in any discussion or campaign.

Because of this, Taita has at every election had to chose leaders from a list that excludes very competent women leaders, but who do not even make it o the nominations due to restriction by these outdated cultural practices. We ought to shun these retrogressive believes, through civic education at grassroots level to encourage voters to vote on the basis of merit nd ability and not marital status. If anything, the opposite ought to be the case – that single mothers have already proved their ability to manage, as they are the only ones who run their families, and thus any good visible in their families is a direct and visible result of their efforts. **p**

The North Eastern Province Women's Initiative for Self-Empowerment (NEPWISE) in partnership with Wajir Human Rights Network condemns in the strongest terms the beastly and savage attacks meted on female civic and parliamentary aspirants prior to, during and after the 2007 general elections.

Violence directed at women aspirants forms one of the major challenges that women have to endure in competitive politics. The continued attacks on women political aspirants indicate that women have now amassed enough political influence to warrant genuine fear from some male political aspirants. This is not surprising considering the sheer numbers of women and their capacity to mobilize particularly through informal networks. The flip side of this is that while women are now ready to take up leadership in the public arena, many women remain unaccustomed to the use violence, having been brought up in customs that discourage women from considering violence as a means of resolving disputes. Having failed to subdue the female candidates on all other fronts, some male aspirants resorted to using violence to continue to lock out women from the political process.

The campaigns prior to the 2007 general elections witnessed numerous incidences

Hold Politicians Accountable for Violence

By Amina Dekow and Nasir Diriye Wajir Human Rights Network



Women & children demonstrating against SGBV

of violence directed at women. Female aspirants such as Orié Rogo-Manduli of Kasarani, Flora Tera of Imenti North, Catherine Amayo of Nambale, and the Dandora civic aspirant Asha Ali, just to name a few were attacked. Clearly, violence directed at women aspirants is on the rise. It increasingly happens at every general election with impunity and more so right under the very noses of the government. The paymasters will go to any length to disenfranchise women aspirants and similarly cause havoc and chaos during the electioneering period. By now the heads of the various security forces should have recorded and

monitored the gender based violence that takes place at each election and come up with a system of addressing it. As this has not been done and is only given cursory attention when women lobbyists visit the authorities to complain, it appears that the government has failed to protect its citizens from these marauding hooligans.

Citizens have often pointed an accusing finger at the government for its compromised stance. No one else is responsible for security but the government itself, and this responsibility must extend to both women and men and all the way into the campaign period, during

and after the election. There is no else to point accusing fingers at by the government, namely the police, including administration police and the provincial administration. Once citizens report these incidences of violence, only the police, including administration police and the provincial administration can investigate and arrest the perpetrators of such heinous crimes.

Now that the elections are over, voters still expect to see the perpetrators of election violence brought before courts of law and prosecuted. We demand that the relevant authorities in each

village, Ward and Constituency carry out urgent and conclusive investigations into the attacks to bring the culprits to book. Letting these hooligans get away with this or excuse it as minor elections euphoria breeds impunity and guarantees that at the next general elections, even more violence is to be expected. Acting sternly now on the perpetrators of violence in the 2007 elections would demonstrate government's decisive commitment towards ensuring the safety of all citizens by providing adequate security to all, and particularly women political aspirants. A jail term would be a good lesson to the hooligans that when the dust settles, each person must take responsibility for his or her own actions. It would teach them to think twice before accepting a meager pay to terrorize their sisters at the next general elections.

Despite the unfortunate incidents, women aspirants must not relent on their political aspirations, as this will only encourage the perpetrators to emerge the winners. Instead, all Kenyans and women in particular must go back to the drawing board to design campaigns to lobby citizens to reject violence and to secure commitments from relevant government officials and duty bearers on how they plan to curb violence against women in all future elections. **p**

VOTERS' & ELECTION CORRUPTION

The Misadventures Elections in South Coast Kenya

By Dr. M.A Swazuri Kwale Human Rights Network

Voting is a human right for every adult. As is the practice worldwide during election years, Kenya like other countries, went into top gear to prepare its people for the important constitutional undertaking. A lot of energies and resources were expended on the 2007 elections and by the time the game was over, it was expected that there would be winners and losers. The Electoral Commission of Kenya [ECK] is charged with the responsibility of organizing, preparing and conducting general elections. These are held after every five years or whenever there is need for a Constituency by-election. Owing to the increased number of registered voters and the number of wards, the ECK is kept permanently busy throughout the five years. Key activities for preparing elections include the registration of persons to get their national identity cards, the registration of voters, and educating the people on how to vote and conduct themselves during the elections.

Elections misdeeds

The focus of this article is on common but serious human right violation in the preparations for this year elections. These are;

- Slow pace at which the issuance of identity cards to youths is done, which is a pre requisite for participating in the voting
- Transfer and change of voting stations by registered voters and
- The rampant buying of voters cards to disfranchise would-be voters

While the Constitution of Kenya clearly states that every Kenyan attaining the age of 18 shall be issued with an identity card upon application, officers from the department of registrar of persons seem to think otherwise. The story of Salim Mohammed Mwameja, a 24 yr old form four leaver from Kikoneni in Kwale District is a sad but common occurrence in



Caption

Kwale. Upon completing his studies at Waa Boys' High School in 2000, at the age of 17 yrs, Salim applied for an identity card in the following year, 2001. At first, he was advised to get the application forms from his local chief, a few meters from his home. Unfortunately, the forms were not available so he was advised to travel to Msambweni, the District Officer's (DO's) office. Here he learnt that the application forms had run out. He was therefore given two options:- either to go back and wait for them in Kikoneni where they would be sent in a week's time or to go to the District headquarters at Kwale about 100 kilometers away.

Salim opted to go back home and wait because he did not have the fare to take him to Kwale, about Ksh500/= round trip. The forms never appeared in Kikoneni. Salim kept visiting the chief every week for three months to no avail. In the end, he was forced to beg for transport money to travel to Kwale District headquarters. The queue that greeted him at the registration office was beyond amazement. He was not alone, at least that consoled him. On that day, Salim only managed to get the forms

filled, and was told to go back home and wait for the next step. He waited for six months, and there was nothing. He decided to return to Kwale headquarters which he did frequently for the next five years.

One day his chief called to inform Salim that his application for an ID was rejected because he was not a genuine Kenyan. Not a Kenyan! After five years! Why hadn't anyone told him this earlier? Does it take five years to discover that one is not eligible for registration? And what criterion was used to determine that he was not Kenyan? Given that his parents and great grand parents were all Kenyan. So what was he to do? No proper direction was given, but upon appeal to the District Officer, Msambweni, Salim was allowed to apply once again. This time, he was lucky for the ID card was issued to him after two years (from 2006 to August 2007).

Unfortunately, for Salim, he could not from his home register as a voter and was advised by ECK to travel another 100km to Kwale district headquarters to seek registration. While no fee is charged to register as a voter, the Ksh 500 bus fare that had to be

incurred by this youth in order to register is an unnecessary obstacle to citizens' participation in the elections. There is a need to ensure that comprehensive government services are accessible to the people at Location, Division and District level. Government needs to consider such matters when planning its service delivery, and in particular consider how much time and money is required for the person in the furthest point of a Division or District to access services that are only available at District level. Based on the often quoted statistics that majority of Kenyans live on an income of below Ksh 65 (a dollar) a day, government should seriously consider ensuring essential services which are also human rights safeguarded in the constitution to be actually reachable for the people. The ECK and the Registrar of Persons now have five years to ensure that they collaborate better and make themselves available to the people at Location level, countrywide.

VOTER BUYING A TOTAL MESS

The second case was observed in Matuga Constituency of Kwale

District, in two villages, Bombo in Mgombeni location and Lunguna in Njongwani/golili location. In Bombo, Meali Hassan was the contact person for a certain politician who is running for the Likoni parliamentary seat. A female party agent had organized more than 312 registered voters in her location to transfer from other stations in Matuga constituency and to register in stations found in Likoni constituency. In Langwe, a male agent was the leader of 186 registered voters who were lured to shift to stations also to Likoni. The two agents were acting for two different politicians but both for the Likoni seat.

The author took trouble to investigate these two people which revealed that each voter was paid Ksh. 50/= to transfer from Matuga to Likoni constituency. For every voter who transferred, the brokers got Ksh50/= as a commission or payment. Further, none of the transferred voters had an opportunity to sit and talk or negotiate with the aspirants or candidates for whom they were apparently transferring to vote for. Despite this another Ksh 100 was paid out to the brokers to pay the transferred voters to influence at least two other voters to transfer. It is unclear whether the money actually trickled down to the transferred voters. What a business chain! All at a maximum of 50/=, for benefits to be forfeited in the coming five years.

Both agents / brokers argued that their two remote areas were never visited by the former MPs and that no development program has ever been implemented in their home areas in the 2002 – 2007 term. The people felt like a forgotten lot – left to fend for themselves the best way they can in an area where infrastructure and all forms of service deliver are poor. As they are both old enough to have witnessed more than one election, they argued that they

did not really see the value of elected leaders or an election for that matter, because things have remained the same or become worse, despite the people participating enthusiastically every five years, regardless of who is elected or how convincing their pre-election pledges are. For that reason, they saw no harm in making some money out of the process, as for them it seemed the only gain one could extract from an election. Some economic empowerment is visible at least in the female agent. In future, it may be useful to advance this investigation by researching on whether or not the huge amounts of money that are spent in pre-election corruption actually result in economic empowerment, and if so, for whom as well as whether there are any differences in the way male and female political 'brokers' understand their 'broker' role and use it to benefit themselves.

AGENTS OF POLITICIANS, A WORRYING FACTOR

The third and last case is one involving agents of politicians who were running for Matuga, Msambweni, and Likoni Parliamentary seats. In Likoni, agents who were themselves registered voters, formed the team of cash oiled campaigners

who bought out registered voting cards from rival supporters or from registered voters found in the rival strong hold. The fee for that was a paltry Ksh 80/= for the sold cards. Individual agents pocketed Ksh 20/= for every vote bought then confiscated or destroyed. The purpose of this was to stop such people from voting for the rival candidates and make it easy for the candidate that employed each candidate to win. It is estimated that over 500 voters had been bought. Matuga and Msambweni witnessed similar purchases of voters cards. All the agents maintain that the main reason they are hired is to weaken their employer's rivals. The agents were proud to boast that this is a job that they have been involved in for more than one election. Whether that strategy succeeds or not is unclear. The issue here is – what is the mind frame of the voters who sell their votes? It is said that many of them, having accepted that it is one's connections and not merit or democracy that gets one ahead, sell the cards in the hope that they can later use the sale to demand favors such as jobs from the agents who, should their candidates go through will hold the serving spoon that dishes out favors such as jobs, loans, tenders etc. It would be useful to seriously research on evidence of such promises being fulfilled.

It is interesting that the agents main job description is not to

boost their employers by extolling their virtues or any other positive strategy. It would be interesting to research further on why negative campaigning seems to work better or is more relied upon than positive campaigning. For someone interested in mobilizing the community for any development project, it would be useful to find out what is the appeal of these party agents? Why do they have a following despite their clear lack of commitment to any one candidate or ideology?

Could it be that these are the people who understand best that political party manifestos are not worth any more than the paper they are written on. The party agents seem to understand that elections are a race for the control of resources, for the power to enrich oneself, which is probably why they do not waste their time campaigning on the basis of what a 'good' candidate will do for the people, maybe because, they know that once elected, unless the people insist that an MP or councilor prioritizes the people's agenda, the politician will simply be going there for her/his personal gain. It is likely that the people who sell their votes lose out twice – first by giving up their opportunity to vote for someone they are convinced can bring change, and secondly, because it is likely that they spend a lot of time after the elections following the agents and

MPs or councilors to claim their rewards (jobs, tenders etc), which unfortunately, the agents and leaders often intend to allocate to themselves.

WHAT HAS K-HURINET DONE?

The Kwale Human Rights Network was formed in October 2006. Since that time, the network has been involved in many activities working in partnership with the Kenya Human rights commission (KHRC) and other partner organizations. With relevance to the violations described above KHRNET;

- Visited the ID registration centers from location level to the district headquarters
- Met with the concerned officials and insisted on the importance and necessity of them facilitating youths to get IDs
- Sensitized the youths on demanding their rights to registration
- Encouraged the youths to continue to seek for registration even if it takes very long
- Held awareness sessions with affected communities on the dangers of the malpractices they were involved in

- Reported some of the cases to the local officials of ECK

The challenges;

- These are many and varied, each affecting a particular issue with different magnitudes. However, they all revolve around:
- Ignorance on the peoples rights to be registered and to vote
- Lack of forums to address the general public on basic human rights

Animosity, hostility from a section of government officials at the local, district level, and elected political leaders. Some thought the network is simply out to spoil for them, while others believed network members were working for their rivals

Distance to some areas are so long that making contact with the people is not easy

The accumulated knowledge amongst some of the network members needs to be constantly updated yet there are few resources to effect this.

There is little collaboration and support from other civil society groups working in the affected areas **p**

Clashes and Insecurity: A Corruption Strategy at Every General Election

By Benjamin Kalitem and Tegla Jepchumba North Rift Human Rights Network

In Marakwet District, people live in villages; and in these villages we have a number of clans. Clans are based on the origin of certain people, for example clans such as Teriki, Kimoi, Kobilo among other clans. The various clans have their different ways of living. For example in case of circumcision; we can see that there are certain

clans that circumcise their boys and girls up to date. As the 2007 elections approached, I noted that boys were being circumcised but one would rarely hear of girls going through this particular rite of passage.

KANU, the political party that ruled Kenya for almost 40 years perpetrated ethnic animosities among the people of Marakwet and Baringo. The government has for a long time failed in its key

The trend is that bandits / cattle rustlers graduate into corrupt warmongers and later become leaders in the area. They greatly contribute to this poor state of the peace because they benefit from it.

role, which is to protect the lives and property of the people of Marakwet, Baringo, Turkana and Samburu and other several communities living in the north rift region of Kenya. The people of Marakwet, Baringo and Turkana normally live in great fear during the election times. Since 1997, the residents of the Marakwet and Baringo have been suffering. They wonder what will happen to their lives as every election approaches. In 1992 Marakwet lost several lives to gangsters in the name of cattle-

rustling. In 1997 same thing happened. In the 2002 innocent lives and were also lost. Clashes in the area between the neighboring communities i.e. Pokot and Marakwet, have resulted in many cases of killings all through the 2002 to 2007 term. As the 2007 elections drew nearer, the killings had reduced to the point of having peaceful campaigns. However, it was reported that a famous businessman, Jacob Chumel was killed at his home near

Arros trading center. It was also reported in the month of October 2007, morans from one of the ethnic groups in the area were preparing to attack and rob their colleagues in Kerio valley. This corrupt activity in the name of cattle-rustling has left the region to lag behind in development activities.

The trend is that bandits / cattle rustlers graduate into corrupt warmongers and later become leaders in the area. They greatly contribute to this poor state of the peace because they benefit from it. Most Politicians in the North RIFT region, which includes the districts of west-Pokot, Marakwet and Turkana, have been reaping from fighting of the people. They have done this for over ten years now by inciting the youth and then misleading the elders to bless cattle rustlers to go for raids. Many communities traditionally believed that elders were wise people of integrity who weighed the reasons, risks and benefits of any action before they could advise that the young morans take such an action. Often in the olden days, missions blessed by elders would therefore be successful and often justifiable. Today however, some leaders have abused this tradition and reputation of elders by misleading them into blessing actions which benefit the individual and not the community. The result is that the young morans go on such a mission with a clean conscience believing that they are fighting for the rights of the whole community while in actual fact the only one who benefits is the war monger who incited the violence in the first place.

Once such a person's objective of getting into parliament is achieved, s/he does not remember to share the benefits with the elders or the morans. If there was any sharing of such wealth, the poverty levels in the area would by now have improved, but on the contrary, the people continue to get poorer despite the existence of CDF and other funds that were supposed to build infrastructure in the area so that trade and development could thrive. Such leaders after using the youth to get seats in



Caption

parliament, only return to them five years later to mislead them again that the enemy to development is the other community, not his or her poor management of public funds or the MP's failure to speak about the people's problems in parliament. MPs that are guilty of this can be found on both the opposition and the government side. Both sides have used political clashes to out do their opponents by silencing them and issuing threats to the opponents.

Such conflicts, which occur after every election have been the cause of the poor development record in Mt. Elgon, West-Pokot, Marakwet, Samburu and Baringo, as every 2-5 years people are injured, left homeless, displaced and forced to live in fear. Politicians especially those nurtured in the KANU regime saw clashes as business opportunities. Some made their own way to parliament by supplying the youth with bullets and guns in the name of defending their communities. It was said that the senior politicians and some government officials were hiring youth and gangs to raid villages and bring the cattle for sale. Before the advent of CDF, this was the way that politicians raised money for

campaigns. All these conflicts are caused by corruption, people who use public resources be it funds or land to enrich themselves then incite people on ethnic lines in the hope to divert attention from their corrupt and illegal acts at least until they have been voted in. Once they are in parliament, they can now go and say 'pole' to those affected.

For the poor members of the community who are not aware that clashes are supposed to be for political gain, not permanent, once the seed of hatred is planted, individuals in different ethnic groups start working to outdo the other. This is the state of the current Kenya. Therefore as the 2007 general elections approached, the country was already divided by politicians into ethnic kingdoms - for example in Rift valley you find Kalenjin, Western you find Luhya and other small tribes related to it, Nyanza you meet the Luo and the Kisii. These ethnic kingdoms impact negatively on the development of the country Kenya.

Business cannot grow unless people from different areas and ethnic groups travel, mix freely and exchange livestock products in one area with what is grown in another area.

That is how village shopping centres grow into towns and later cities. Major towns are therefore occupied by a number of tribes – mostly traders who have settled in the area. However, it is sad to see that even in these major towns which by now should have developed into cities; there is still a great divide on ethnic lines. This division is so pronounced that it appears to be in people's bone marrows although actually created in people's minds by politicians. For example, as early as 1992, signs of what recently happened were visible when traders in Kapenguria town were chased away on the pretext that they do not support other ethnic groups politically.

Politicians especially those nurtured in the KANU regime saw clashes as business opportunities. Some made their own way to parliament by supplying the youth with bullets and guns in the name of defending their communities.

Hatred or mistrust of other communities is not something one is born with. People learn to hate, children are taught from an early age not trust their friends from other ethnic groups. They are also taught bad jokes and other lies about the other ethnic groups so that by the time they are adults, they almost believe that the hatred was created or sanctioned by God and not man-made. People must have the right to life. No one has the right to take away the life of another but God. People should also have freedom of movement, where people move from one trading center to another to identify business opportunities.

SOLUTION TO BANDITRY:

The communities living in the region have been struggling to live in peace. Human rights activists in the region have done a lot of work which curbed the destruction by the banditry. When compared to the last four years and back when the bandits really created a lot of tension in Kerio Valley, one can see that a great transformation had been observed before the 2007 elections. During the campaign period people were free to move in every part of the valley. Although by December 2007 elections there were still a few cases of cattle rustling, in the last few years, the cases of killing in large numbers had been reduced by the tight security in the area. It is sad that there can only be peace in the area if there is heavy police presence.

With the elections, which also required heavy security at polling stations, some of the bandits in the area who had been forced to stop their banditry by heavy police presence must have seen a chance to go back to their old ways of stealing other people's property in the name of ethnic hatred. Beefing up security in the area is good, but there is still a need for human rights activists, churches and other leaders to encourage people to continue talking so that many more people understand the source of such hatred. This way

≥ Continued to page 27

Has Kenda Party Rooted In Marakwet East Or Was It Just Election Bribery?

By William Kipkosgei, Tot, Marakwet

For a long time, Kenyans were crying of a country, run down by dubious business deals by the retired President Daniel Toroitich Arap Moi and Kamlesh Patni, a Kenyan of Asian origin. Last year as elections drew near, Marakwet East Constituency received an unexpected guest. On Sunday October 2007, the business tycoon, Kamlesh Pattni visited Tot African Inland Church to lead a harambee following an invitation by the area Member of Parliament (MP) Linah Jebii Kilimo. The M.P. invited the KENDA chairman to come and assist the Kerio Valley District Church Council raise money for the development of the church at Tot AIC church.

The guest Paul Kamlesh Patni arrived at the church and he was received with much

jubilation. The church was greatly happy with the presents of Paul Kamlesh Patni who confessed that he is now a great Christian, to the surprise of many, in the church. As it was his first time to come to the Tot church and Marakwet, Pattni gave a donation of Ksh. 250,000/= towards the construction of the church. He also promised the church a vehicle. Later that week, the church received a land cruiser vehicle registration number KAE 921W. He also promised to employ over 2,000 youth and gave women present at the church that day lessos (Kangas). He also said that he would bring an investor who will construct a factory at Tot for it to process agricultural produce from the Kerio Valley. It went unnoticed that it may be more prudent and empowering for the people of Marakwet to mobilize and pool their resources to form a

cooperative that would start small but finally build a huge farmers owned factory in the area instead of waiting for an investor to build the factory. Finally, Pattni appealed to Marakwet East constituents to convince Hon. Linah Jebii Kilimo to join his party so that they can work together assist the people of Marakwet.

One week later, Patni came back to Kapyego, primary for a Harambee and in his donations he was accompanied by his vice chairperson in KENDA party Mrs. Muchiri. Pattni donated Ksh 200,000/=, 600 sweaters, and 105 bags of cement and promised to educate about four children from poor families. In his speech as he was leaving, Paul Kamlesh Pattni said he would be back to launch his party in Marakwet. He has actually fulfilled this last promise too because, in no time he was

back bringing with him a lorry load of soda and loaves of bread for the participants. He also gave Ksh 700,000 to be used to refund the transport costs for people from the 14 locations for attending the launch of the KENDA Party in Marakwet. Following the launch, the KENDA Party also fielded a number of civic candidates in the 2007 elections, whom Paul Kamlesh Pattni promised to fund to the level best.

Now is this great generosity to the people of Marakwet or is it political corruption - bribing to the voters of Marakwet East? Clearly, the previous accusations of corruption made against Pattni make it easy for one to label this more as corruption than as generosity. However, one must also admit that the question remains, "If Pattni is said to be corrupt for this 'generosity' to the

voters, what can be said of the schools and churches that accepted the gift / bribe and of the individuals who drunk the sodas, ate the loaves of bread and accepted the transport 'refunds' made for attending the launch? How about those who invited him in the first place to 'invest' his money in Marakwet through school and church projects just before the 2007 elections?

It will be interesting to see how the KENDA party takes root, grows and develops in Marakwet, and how it will perform between 2008 and 2012, and finally, how it performs in the next general elections. Is this how a political party, its ideology and party manifesto and membership are developed? **p**

Kitu Kidogo for Muslims

By Athman Ali & Steve Muli – Mombasa HURINET, Esha Hamid Mohamed – Lamu HURINET, Isabella Wakio & Margaret Kambu TT HURINET

Corruption has been a central factor in shaping politics of this country. This was evident during the 2007 general election where voters were bribed to vote for certain candidates.

The nature of such corrupt practices depended on whether the candidate aspiring used hundreds of thousands of shillings to sway voters to his/her side. On numerous occasions, voters are given cash handouts, food, clothes, cars, houses and even plots. Most of those who lure voters through corrupt practices do not qualify to make good leaders. Leaders in Coast Province such as the candidate for Kisauni Constituency Hassan Ali Joho on 7/10/07 gave residents of Bombo village in Kiambeni a

condition: that they produce their identity cards and voter card for them to get a token. A similar incident was witnessed in Lamu on 21/10/2007 where the area MP Hon Faih Twaha offered voters lunch, lessos and soft drinks at Lamu Gineries compound.

During the Idd Baraza on 13/10/2007 at the Mombasa Municipal Council ground His Excellency, the President Hon. Mwai Kibaki crowned it all by giving the Mombasa Muslims a present 'kitu kidogo' that included money, lessos and buibui in order to win their support. Clearly, there is need to ensure that things are done differently at the next general elections. It is the work we do now 2008 – 2012, the will determine whether or not the levels of corruption will have declined by the next election. **p**

Corruption the Mainstay of Bad Leadership

By Isiolo Human Rights Network



A section of the road between Garissa and Wajir in the Dujis Constituency The Northern Kenya region has been marginalized since independence with regards to the upgrading of the roads network.

As much as we complain of bad leaders and how they are impoverishing our country, the main culprits are the

electorate. This is because it is we, the electorate who demand handouts and favors from politicians to vote for them. This makes the elected leaders think that

they bought their way to power and therefore they have no responsibility to their constituents. Instead, they greedily engage in corrupt deals so as to recover the money they used during electioneering and to amass more wealth to use in subsequent elections. It is us who, through our greed, ignorance or poverty who make “monsters” out of politicians.

With the elections now over the questions we must ask ourselves is: Can we now think beyond the next meal; the next bribe? There is a great possibility that politicians will now try to use the nine funds now decentralized into the constituencies and wards as rewards to those who will claim

to have voted for them at the just concluded elections. As 2012 draws nearer, the decentralized funds could easily be converted into handouts to bribe certain individuals or groups into supporting a re-election. Thinking beyond the next meal or bribe would mean that citizens have to firmly insist that the method used to determine how all the decentralized funds are used is transparent. Committee members for all the nine decentralized funds must be identified based on merit and in broad daylight. We the people of Isiolo must think about what policies are going to be laid down to govern each of the fund committees for the next five years, so that every one and particularly the vulnerable

benefit. We placed these politicians in positions of responsibility, for various reasons – some for the bribes they gave us, some because we believed that we can ‘eat’ their money and still be able to hold them accountable, others because we genuinely believed that they had the integrity and qualifications to

Thinking beyond the next meal or bribe would mean that citizens have to firmly insist that the method used to determine how all the decentralized funds are used is transparent

manage each of the nine decentralized funds for the benefit of the community.

We all know what bad leadership has cost us in terms of development, socially and economically. There are no proper roads, communication, infrastructure; the health sector is bleeding; child mortality rate and the education sector are in bad shape etc. On the social front, there is moral decay. The same leaders we have elected, because they have a lot of money have destroyed our families because as poverty rises, husbands and wives quarrel over who is to provide what and how to share the very little that is available; such quarrels and violence have destroyed families,

children have been forced to fend for themselves in towns, we are marrying off our children early to equally struggling families just to reduce the number of mouths to feed, and prostitution is high.

It is time we change our attitudes, and the way that we engage with or relate to our leaders. It is time to get more interested and involved in what the CDF, LATF and other decentralized funds are used for in your community. It is time to attend public meetings, hold leaders accountable and inform the course that the development of our area takes. There must be a paradigm shift for posterity. **p**

CORRUPTION ON LAND CREATING ETHNIC TENSIONS

Who Is A Squatter? Corruption and Politics in Land Disputes in Cherangany and Embobut.

By Willy Lokichar, Cherangany and Stephen Cheboi-North Rift Human Rights Network

The government may at times assign a piece of land to people who have none to support themselves and mostly to people who are regarded as squatters in the country. The Ministry of Lands, through its Commissioner has the power to address the plight of the people in this way.

Prior to the 2002 general elections, the government decided to allocate a piece of land in the ADC Farm in Trans-Nzoia to some communities. Those that were to benefit from the land are the poor and landless from the Marakwet, Turkana, and Tugen communities, including those living along Kerio Valley who had lost their property through banditry and cattle –rustling and whose families perished as cattle rustlers robbed them. While the reasons for allocating the land

were very genuine, the timing of the allocations just before the general elections raises questions on the motives. The land was about 3,000 acres, and each person was to get at least 5 acres.

Unfortunately, those in senior positions by then took advantage of the situation and divided the land among themselves. Some of the big names that somehow managed to get this land include the MP for Marakwet East, Jebii Kilimo, the new MP for Marakwet West Boaz Kaino, former MPs Fredrick Kisang Cheserek, John Kiptoo Marimoi Linah Jebii Kilimo Dr. Wilson Kipkore Kabias, David Sudi and several senior officials. Each got between 10 - 70 acres, which had it been properly shared out between squatters would have solved the land problem in the area. Even leaders from the region and the neighboring districts came in and divided the land among themselves. As these people already have land to live on and even extra, the main

reason they took the land was so that they could sub divide it and sell it later for profit. In addition, such leaders want to sell off such corruptly acquired land quickly, so that once it has all been bought off, they can join hands with the squatters that should have been given the land for free to condemn those who bought the land as corrupt, while the leaders pretend not to have had any part to play in denying the squatters their land.

The land ended up benefiting the rich contrary to the initial plan to allocate the land to the poor and landless who had just suffered the effects of cattle rustling and other forms of political banditry. The opportunists identified the best portions of the land and allocated it to themselves. The leaders have since then been harassing the residents if they try to question the case. When the affected people have tried to ask about the matter, they are often silenced with the rebuke “If you don’t want to settle, you will be taken

back to where you come from – ‘your homeland’. These threats of returning people to their ‘homelands’ were there long before the just concluded general elections, as they date back to 2002 and even before that.

A few of the poor, landless squatters initially identified to be allocated land did end up with very small pieces of land. Even where some genuine squatters got land, the leaders ensured that the poor were pushed to the less favorable parts of the land. As such, the very noble plan to help the poor become self reliant was hijacked by corruption, with the result that majority of those whose needs were to be addressed through hiving of this land from the forest to allocate it to the poor, was not achieved.

This has now become a trend. Most of the corrupt leaders involved in this ensure that the title deed they get when grabbing squatters’ land is not in their name but that of a company or a

less prominent member of their family. This way, even as they sell off the land, people cannot associate them with the grabbing. Unfortunately, the squatters who should have been given this land for free do not have money to buy it from the corrupt leaders who want to make huge profits. In any case, the real squatters assume that since government already took their names for allocation, they should just wait and will eventually be given land, only to find all the land has been sold off. The people who buy this land are struggling citizens who come from places where there is pressure for land, and use up their lifetime savings to buy a piece of land where they can finally settle their families. Often, they do not know that such land is disputed or not intended for sale since it has proper transfer documents, processed by the leaders in cohorts with the equally corrupt government officers at

the Ministry of Lands and the Municipal Council and is sometimes even advertised in the newspapers and on radios.

The only result that one can expect from this is that the squatters who were denied the land will be angry. But instead of directing their anger at the corrupt leaders and government officials who grabbed and sold the land, this anger will be directed at those who bought and are now living on the land. If they happen to be from another ethnic group, besides those intended to benefit as squatters, then it now looks like a case of ethnic hatred, instead of the simple corruption that it is. The leaders who sold the land will then either keep quiet about their role in this to avoid losing votes or join the side with the majority of votes – either the original squatters or those who purchased the land. This way, they are guaranteed a seat in the council or parliament. The land is today a battle for field between the deserving squatters and those who unknowingly bought the land, who also are also deeply, convinced they have a right to the land since they paid a high price for it and some are in fact unable to develop it because they are still paying off loans for it. So here are poor squatters constantly fighting with struggling farmers, while the real culprits go scot free.

Once in a while, the registered owners of the idle parcels of land where the squatters are forced to settle send in regular and administration police to evict them, in the name of protecting private property. The evictions are always violent, with many being injured in these land disputes. Long before the 2007 campaign period, there were and still are threats that residents feared could spark off anytime. It is now six years since the land was allocated to the squatters but nothing has been done to address this issue. Prior to the 2007 general elections, several aspiring candidates including the immediate former MPs promised to look into the matter and address people's cries, but that seems to be a dream, in which a bee is yearning to ride a bicycle!

Once they are in parliament, they get busy with other 'issues

Once in a while, the registered owners of the idle parcels of land where the squatters are forced to settle send in regular and administration police to evict them, in the name of protecting private property.

of national importance' and never address this very serious land problem, probably because they know they caused it. Once a title deed has been issued for a piece of land, it becomes very difficult to resolve the dispute between the intended squatter who should have received the land for free and become the first registered title deed holder and the person who paid a high price for it and is now a title deed holder. There are two ways to address this. First, the government (if it genuinely intended to help the squatters), can buy the land for the squatters from those who bought it from the corrupt leaders and government officials' land buying companies. In such a case, government cannot force those who do not want to sell to do so. It is unlikely that they will want to sell especially if they have made any developments on the land, taken their children to schools there and generally settled there as their long term home. In addition, the government cannot dictate the price. This way can only settle squatters in the same piece of land and only if some are willing to sell to government the land. The other way to address the plight of the initially intended beneficiaries is for government to de-gazette and allocate them another piece of land, and this time, ensure that no corruption takes place. As this five year term begins, the residents are looking for a fair and conclusive end to this dispute. There is need for an intervention that will result in equitable distribution of the land so that the large numbers of poor and needy families can get land as initially intended by government. Once all are settled, a huge campaign to encourage the different communities to leave in peace, harmony and respect for each other can be started.

CONSTANT HIVING OF FORESTS

However, the other consideration that must be made is the constant hiving off of forest land to re-allocate land to squatters after the first, second and even third pieces hived off for the very same squatters does not reach them due to the corruption described above.

So far, it has been more important for those in power to hive off more land from the forest than to think of the future disputes and deaths this will cause and the environmental effects of constant encroachment on the forest. A pattern has now emerged, where just before the election; forests are hived off to be allocated to squatters in order to appease them after stealing their land after the last election. The pattern of corrupt leaders dubiously acquiring most of the land and denying the needy is then repeated and followed by disputes between those who finally settle on the land after buying it and those who should have been given the land for free as squatters.

There are no saints in this destructive pattern; the leaders who pretend to lobby for land to be hived off for the poor end up allocating most of it to their cronies, while the few in the community who actually get any land in such arrangements only get it because they promise to vote in this or that way for the person who gets them on the list of allottees. They resort to hate speech that is directed at this or that community, in order to please the person who promises to guarantee them a piece of land no matter how small. False accusations are made against people of the same or different ethnic groups who are also competing to get themselves on the list of land allottees. Such people do not care whether the accusations they make against individuals, groups or even entire ethnic groups are true or false as long as they get a portion of land. In the process, ethnic stereotypes (an unfounded belief about someone or something) are created about this or the other community such that by the time the elections are being held, the tensions are so high and by then not about facts on land allocation but are just baseless ethnic animosities, which some

uninformed people take as gospel truths about this or the other community.

This pattern also leads to the growth of war lords – a group of people who pretend to fight for equitable distribution of the land and other rights, but only do so just before the elections with the aim of using this land agenda to get themselves into parliament or at least onto a negotiation table where they can be bribed with a huge chunk of land.

The result of this corruption is that our leaders are overseeing the destruction of huge chunks of Embobut forest threatening one of the Kenya's leading water catchment's areas with possible extinctions in the near future. The forest covering about 21,933.9 hectares serves as water catchments for Lake Victoria basin, parts of Turkana and Baringo districts. Several tributaries including, Embobut, Embolot, Embo-mon, Murunye, Aror and Moiben drain into River Nzoia and Kerio where water finds its way into lakes Victoria and Turkana. Some of its water runs into international water masses through river Nile. The river, which originates from Lake Victoria meanders through Egypt into the Mediterranean Sea. This explains why Egyptian government has been keen on the conservation of the forest.

According to the District Forest Officer (DFO) Mr. Dennis Kerengo, the squatters numbering over 10,000 have destroyed between 15,000 and 25,000 acres of the forest cover mainly through illegal extension of farms and settlement into the forest. They have also perpetuated illegal logging, charcoal burning and over grazing leading to massive environmental degradation. According to Mr. Kerengo, families started encroaching into the forest in 1933 after the colonial rulers issued them with temporary permits to live and graze their livestock at the open

The result of this corruption is that our leaders are overseeing the destruction of huge chunks of Embobut forest threatening one of the Kenya's leading water catchment's areas with possible extinctions in the near future.

glades. Since 1993, the squatters through corruption and political patronage and favoritism, continue to enlarge their shamba's and settlement and exploit the forest.

EVEN IN THE BEST OF TIMES, NOT EVERYONE IN KENYA CAN OWN LAND.

To save the forests Mr. Kerengo recommends eviction of the families, as there are ways to boost agricultural production on the small portions of land that people had before encroaching on the forest. Even in the best of times, not everyone in Kenya can own land. As populations grow, even in developed countries, not everyone owns land. What is important is to find out how people with small portions of land can make them most productive, in terms of feeding and housing a large number of people and in an environmentally friendly manner, where everyone has access to basic services such as water, sanitation, health and education.

According to the DFO, the most plundered sections include Changoros, Tulolwo, Kasiyai, Kamalokon, Marichor, Kaisagat, Kiror, Samba Katilit, Sentimoyondi, Kalian and Kacheptolong. Mr. Kerengo notes that once again the encroachment intensified in late 2006, just before an election, after the District Development Committee (DDC) recommended allocation of forestland to some of the squatters in a move aimed at formalizing their encroachment. According to the officer the DDC recommended the measure on three conditions: i) that politicians would not interfere, ii) that squatters agreed to stop further encroachment into the forests and iii) that a formal agreement to engage in massive afforestation campaign to recover the lost forest cover through corruption would be immediately initiated.

Taking advantage of our politicians' habit of reversing laws and policies during election years through roadside decrees, the families did not comply with the agreement

and instead scrambled for more land as they waited hopefully for a roadside decree to justify their encroachment. Those encroaching further on the forest are as such no longer poor squatters but greedy residents who think that they are cunning enough to take advantage of a tradition of bad leadership to amass more land. The DFO says the encroaching families have turned a big section of the forest into cultivation zones and keep many animals leading to overgrazing and destroying regeneration of trees. The looming extinction of the forest through corruption spells doom for millions of communities who depend on water originating from the Embobut Forest to sustain their living.

Sections of Marakwet, Turkana and Tugen communities solely rely on water flowing from River Embobut, Kerio, Embolot and Embomon for domestic use and irrigation farming but the distributaries have started drying. In Kerio

Valley, residents are outraged at these so called 'squatters' blaming them for declining water levels in the four rivers and politicians who support continuous destruction of the forests for their individual political gain.

The residents now want these encroachers evicted to avert water problems in the lower regions. Local leaders at Chesongoch and Tot trading centers once said that continued destruction of the forests by these 'professional squatters' threatened their economic interests and that of their livestock. "Failure by the government to evict the squatters will force us to take initiative ourselves," warned Councilors Ben Pius, William Cheptoror and Gabriel Sutter. A village elder Mzee Kirop Kipkirwok of Karel village urges the government to intervene at the earliest to avert a bloody confrontation between the encroachers and Kerio Valley residents over the forest row. Such a row could easily be mistaken to be caused by the recent elections results, but clearly, this is an issue that was

Politicians who do not support the forest encroachers in the wake of eviction notice suffer their rejection at the elections.

there well before the elections. "Sections of these communities own guns and there is a great danger. The weapons can be used incase fighting breaks out in the eviction struggle" warned the elders.

Hunting is another ecological hazard that goes hand in hand with encroachment on forest land. "Wildlife in the forest is close to extinction due to hunting by the 'squatters' Embobut location Chief Mr. Nelson Lortabai said at Mon trading centre. Mr. Lortabai said the hunters use poisoned arrows and spears to kill the animals for meat and hides. The issue of Embobut squatters is always

revived in election years, thereby making it politically sensitive. State plans to eject the encroachers are normally met with vigorous opposition by local politicians seeking to endear themselves to the voters. Politicians who do not support the forest encroachers in the wake of eviction notice suffer their rejection at the elections. For this reasons, it was not surprising that at the 2007 general elections all the politicians who themselves stand to gain whenever the encroachment is formalized speak with one voice in defense of the forest land grabbers. This explains why all leaders from the constituency towards the 2007 all spoke with one voice regardless of their political differences in defense of the encroachers when the 'squatters' interests are threatened.

Politicians have over the years used this issue which is wrongly labeled as a squatter issue to outdo each other by painting competitors as traitors over the issue although they each know it

as a corrupt way of handling the issue. This matter needs to be addressed now, to avoid waiting for another 4 -5years only to have more encroachers in 2011 demanding from all aspirants who will be running in the 2012 elections that another huge chunk of land must be hived off the forest so that peace prevails or so that they can vote in this or that party or leader. Corruption must be addressed due to the huge impact it has had on the peoples' lives. Government officials in the Ministry of Lands, the Council and Provincial administration who are involved in such scams should be investigated, arrested, prosecuted and banned totally from holding any public position, including that of MP or councilor. It is their land and money that they have acquired in this dubious way that should be confiscated by the government and used to compensate some squatters instead of chasing away those that bought land from them believing that this was a clean transaction. **P**

Peoples' Manifesto & Scorecard Initiative

Many promises; many parties; many aspirants:

By Nduta Kweheria Senior Programmers Officer at the Kenya Human Rights Commission (KHRC)

Election period is often a confusing time for the electorate. The situation is more complicated where there are numerous political actors. In the case of Kenya, there are over 300 political parties and frequent defections from one political party to another. The new Political Parties Act is expected to reduce on these political party defections for they have rendered political parties' manifestos useless.

Internationally, there are two main ways that political parties can participate in an election. The proportional representation and individual representation systems. In the proportional representation, people vote for a political party and each party puts up a list of candidates, often their very best candidates, based on criteria of their choice – e.g. gender, track record, inclusion of minority interests etc. Whatever percentage of the overall vote a party gets, will determine the number of seats the party will have in Parliament. This system has been advanced as the best way to have affirmative action that increases women's representation in Parliament, as it is parties right from grass roots level that will decide which women to include in their lists, and for what sellable qualities, achievements, track record or other capabilities. This reduces the chances of token imposition

of women candidates from the top downwards

Kenya's electoral system however, is the individual representation system. Here political parties select individual candidates to represent constituencies. To be elected the individual must receive votes in that constituency. It is mainly for this reasons that political party manifestos have not held much weight in Kenya. Why bother

Internationally, there are two main ways that political parties can participate in an election. The proportional representation and individual representation systems.

with selling party manifestos, if what matters in the long run is selling the individual? It is however, useful to note here that a blend of the two systems is also possible.

It would appear that this individual representation system has resulted in some unintended consequences – as once these individuals campaign to sell mostly themselves, not party manifestos, this spirit of individualism follows many MPs and councilors and last all through their five years in office. Consequently, political party manifestos have not counted for much during elections in Kenya. It is therefore not surprising that Kenyans are perpetually raising questions about their views being ignored by leaders, about wanting greater participation in decision making – but with such questions falling on deaf ears. This is one of the things that

constitutional reform could address, when Kenyans are finally ready to revive that agenda. But, in the meantime, how can the Kenyan voter trim down the level of individualism in all those asking for civic, parliamentary and presidential seats at this year's general elections? Must Kenyan voters remain powerless in their dealings with elected officials unless the constitution is reviewed to include a recall clause or replace the individual representation system with a proportional one?

THE PEOPLE'S MANIFESTO & SCORECARD INITIATIVE

Community based organizations in 54 of the 210 constituencies have since April 2007 been developing constituency based peoples'

manifestos. The rationale behind this Kenya Human Rights Commission supported initiative is; that there are so many political parties, most with beautiful manifestos, but after the elections, citizens have no way of enforcing leaders' compliance to the lofty promises made. So why should citizens rely on political parties, if they know for sure that elected officials will not be bound by these manifestos once elected? To tilt this balance, the people must instead make their own demands on the leaders and record these in a peoples' manifesto.

Peoples' manifestos have been developed through public meetings convened by local CBOs from village to village in each of the 54 constituencies. A list of seven simple and direct questions have been asked to the people at these meetings: What problems do the people of this community face? What has the community done in trying to address these problems so far? What challenges have you faced in the process? How do you want to deal with your problems in the next five years? How can the leaders you vote for in this year's general election become part of the solution? And what will you do if the MP and councilor you vote for does not address your problems?

The response to these questions in all six regions covered was very positive; indicating that Kenyans know exactly what their problems are and what leaders should be doing to address them but are not. The result has been a list of the problems that people in each constituency want addressed, the how and when. As part of the people's manifesto and scorecard initiative, the job description of an MP and councilor was also developed. Finding the job descriptions of MPs and councilor was not easy? Despite the fact that MPs are among the best paid individuals, their job description is not very clearly stated in the Constitution. The project therefore had to scour through other documents such as the CDF and Local Government Acts to establish the implied

roles of both the MPs and councilors. This according to Ms. Lilian Kantai (North & South Rift region) is one of the reasons why citizens rarely get the results they expect from leaders. The people have great expectation, yet the job description of those they are relying on to deliver is so loosely stated, and has no recall clause for voters to fire non performers after one or two years. This is why during this campaign period, aspirants, can promise anything to get elected because the social contract between the voter and the MP or councilor is not clearly stated.

According to Ms. Virginia Munyua, who developed the research tool, the peoples' manifestos mitigate against this lack of a specific job description by making very clear short, medium and long term demands on those elected. For example a manifesto in one of the north eastern constituencies (Wajir East) raised education, health, water, roads, discrimination in issuance of identity cards, and low women participation in development as some of the problems there. The manifesto demands that whoever is elected both as MP and councilor there must in the short term (Jan – Dec 2008) **"Initiate, lead and sustain, a public campaign at Ward and National level to get all children of school going age (6-18 yrs) enrolled and retained in school"**. Such a demand is clear, specific and easy for communities to measure as all they will be looking out for next year is whether or not the speeches of their MP or councillors all emphasize on education. In such a case the MP or councillor cannot later hide behind the bureaucracy at the Ministry of Education or Parliament, as it is him or her as an individual specifically tasked to lead this campaign within the



Caption

wards of that constituency, to literally go village to village making that appeal, not the Ministry or Parliament.

MEMORANDUM OF UNDERSTANDING (MOU) & SANCTIONS

Once the people's needs had been identified and their proposals for addressing them agreed upon, the need to sign a MoU with the leaders emerged. The peoples' manifesto on each of the 54 constituencies ends with a section for the aspiring candidates at this year's general elections to sign. By signing this list of demands, the leader commits her/himself to deliver on this promises. Or else what? Vincent Musebe who heads the initiative in the Northern Kenya region says that the people's manifestos would be incomplete without not just the signature, but also a list of social sanctions which are within the community's ability to enforce on the MP or councilor. The first of these Musebe says is the fact that aspiring leaders who do not sign the people's manifesto lose the votes of a substantial section of the electorate in their ward or constituency. Those who participated in developing the people's manifestos in are drawn from the membership of CBOs and self help groups registered in each location as well as groups that are often perceived as being apolitical or politically neutral / undecided such as members of religious congregations in churches and mosques,

registered and unregistered women's groups, youth in various colleges and youth groups countrywide, teachers' groups, workers' unions, group of Mau Mau War veterans, boba boda groups and even informal groupings of Matatu operators. Some of the sanctions which communities

say they will employ through out the five year term in 6 to 12month intervals include informing everyone in the constituency about the peoples' manifesto and the fact that their leader signed and agreed to implement the same on election, mobilization of registered voters in the area to sign petitions demanding improved performance, public condemnation (read cursing) forums by elders of all ethnic communities in the area, mobilization Nairobi based constituents to demonstrate against the MP outside Parliament, articles on non performance submitted quarterly to leading newspapers and magazines, shaming through calls and sms to local radio stations, person to person campaign that guarantees that s/he will not be re-elected in 2012..

It is noteworthy that the people's manifestos & scorecard initiative introduces a number and criteria for determining quorum for ward level meetings. The eighty persons are to be drawn from elders of different ethnic groups / clans (10), representatives from registered (10) and unregistered women groups / movements (10), male (10) and female (10) youths of different ethnic groups, faith based organizations (10), community based organizations dealing with people living with HIV-AIDS (5) and persons living with disability (5), male and female teachers in primary (4), secondary (4) and other (2)

learning institutions in each ward all accompanied by the provincial administration (DO, chiefs, and assistant chiefs) in area. Notice for the meetings is to be done through announcements in schools, churches and mosques and local radio stations. This moves away from the history of making important announcements relevant to the community through media that the majority in rural areas do not have access to e.g. newspapers and Kenya Gazette notices. A date and venue is to be jointly picked after the first meeting for all quarterly meetings that will follow in that ward, that year and pasted for general information at chief's camp.

According to Tabitha Nyambura (Eastern region), aspirants reactions to the people's manifesto will be seen during engagement forums such as the one that took place on Saturday, October 27, 2007 at the Korogocho Chief's camp under the leadership of the Miss Koch Initiative, a CBO operating in Kasarani Constituency.

The Peoples' Manifesto & Scorecard Initiative promises to be an innovative way of conducting civic education as it moves away from the usual - why you should vote, how to cross your ballot paper, qualities of a good leader; to involving constituents in determining the development they want to see in their ward or constituency. It also addresses the problems associated with political party manifestos which are best described through the questions of legitimacy - who or how many people write party manifestos, representation - how many people are involved in determining the direction the party will take and through what mechanisms? How influential are the women's leagues, congress or caucuses that women are relegated to once they join political parties. The people's manifesto also moves debate from the personalities and ethnicity to the issues.

First published in the Daily Nation, Saturday, November 3, 2007

Press Statements on 2007 Election & the POST ELECTION CRISIS

Press Release by the Kenya Human Rights Commission
January 02, 2008

"The Kenya Human Rights Commission believes that our country now sits on a knife's edge. This is in marked contrast to our reputation as the beacon of hope in a turbulent region. In the last week, we have started to resemble some of the most troubled nations on earth. The senseless and barbaric killings of innocent women, children, and men huddled in fear in a church in Eldoret recall the genocidal scenes witnessed in Rwanda in 1994, not the Kenya that we know and love. If not quickly checked, such scenes could be repeated with devastating consequences for the survival of Kenya as a state. This is the stuff of which genocides are made.

"Our country — and in particular its leaders — must decide now whether the results of a disputed election should be cause to engender attacks that could plunge the country into a civil war. In other words, what is more important for Kenya — an election result or the survival of the state and its people? I think we all agree that the survival of the state is the most important thing at this very difficult moment. But Kenya will not survive this moment unless our leaders act like statesmen.

"In order to save our country, the KHRC proposes the following measures. First, the three former presidential candidates — President Mwai Kibaki, Mr. Raila Odinga, and Mr. Kalonzo Musyoka — must separately and jointly issue unequivocal statements to the country and their supporters condemning all violence against all persons and property. They must emphasize in their statements that Kenya is country of laws, not men, and reaffirm faith in the full human rights of all Kenyans without regard to their ethnic group, religion, gender, and political opinion. Second, President Kibaki must agree to an independent review of the tally of the presidential ballots. Both he and Mr. Odinga and Mr. Musyoka should invite Archbishop Desmond Tutu of South Africa to chair the panel that will review the vote tally. That panel must be composed of individuals of impeccable and high moral integrity agreed upon by ODM, PNU, and ODM-K. Third, the three leaders must stop making any belligerent and unbending statements. Such statements only serve to inflame their supporters.

"The KHRC asks all Kenyans to take a deep breath and await the review of the vote by an independent panel. Only such a review can assure Kenyans of the true results of the elections and confer legitimacy on the winner.

"Our country has been beautiful to us, even if it has not always lived up to our expectations. But we have decided to hang together, not separately. Let us rededicate ourselves to national unity at this critical juncture and renew our faith in each other as Kenyans. Let us not destroy our country because of an election. Let us not kill each other like barbarians because of an electoral contest. Let us not commit genocide against our fellow Kenyans.

"Democracy is expensive, but it will not be possible to enjoy it if Kenya is no more. Let the good in all of us prevail."

Professor Makau Mutua
Chair, Kenya Human Rights Commission
Interim Dean
Buffalo Law School
The State University of New York



THE RIGHT TO HEALTH: THE AFTERMATH OF THE POST ELECTION VIOLENCE

Access to Treatment

Following the post-election crisis in Kenya, the right to health has been severely affected. The skirmishes have led to the eviction of communities from their homes thereby denying them access to basic needs such as food, shelter, security, education and health among others. It is no longer easy for the sick to visit health institutions that they are accustomed to. Most of them have been forced to flee from their homes in search of security, majority ending up in camps, while a few are hosted by relatives and/or friends. Due to the sudden nature of the skirmishes, majority of the sick were unable to carry with them vital medical documents and medication making it difficult for them to continue with their treatment regime.

Of great concern are the people living with HIV&AIDS whom the government had placed on the ART programme within their locality. Their displacement to the camps or to new locations has interrupted the treatment and therapeutic programmes. This has adversely affected the community and group support which were crucial in ensuring treatment adherence, economic and psycho-social support. There is therefore a likelihood of losing the gains made in guaranteeing the right to treatment and dealing with stigma and discrimination relating to HIV&AIDS in Kenya.

We therefore call upon the government and development partners to devise strategies that would ensure all patients on treatment are able to access treatment, care and support within their current living conditions. It is critical to mobilize the affected communities into support groups that can address their emerging health, psycho-social, emotional and economic needs. We urge the government, development partners, CSOs, the private sector, well-wishers and individuals to provide their support in meeting these vital needs.

Effect on health workers

The post-election violence has greatly affected professionals working in the affected regions. The most affected are teachers and health workers who are not indigenous members of regions to which they had been posted to provide their services. They were targeted for eviction, property destruction, and in some cases murdered despite the vital services they provide in the affected regions. This has greatly compromised access to both health and education.

So far, the whereabouts of some health workers remains unknown while others have been displaced, and have expressed fear about working in the affected regions. Considering that there was already a critical shortage of health workers in the country even before the skirmishes, this is likely to have a negative impact on the quality and access to health care in those regions. The government should consider declaring these regions as high-risk zones hence provide risk allowance and security for health workers among other public officers until normalcy returns.

There is also a need to establish the situation of existing health facilities in the affected regions in particular to find out if they were vandalized and/or destroyed. This would enable the government and development partners to plan for their rehabilitation where need be.

We also call for speedy efforts in addressing the root cause of violence in Kenya especially in Rift Valley. Unless this issue is urgently addressed, the gains made in the health sector including the health MDGs shall not be realized as anticipated. It is also our concern that the solutions to these skirmishes cannot be achieved without the concerted efforts and involvement of all stakeholders, including health workers. We therefore call upon health workers to rise to the occasion and provide the much needed leadership within their spheres of influence as we search for peace, truth and justice.

Signed: Miano Munene, Coordinator HERAF

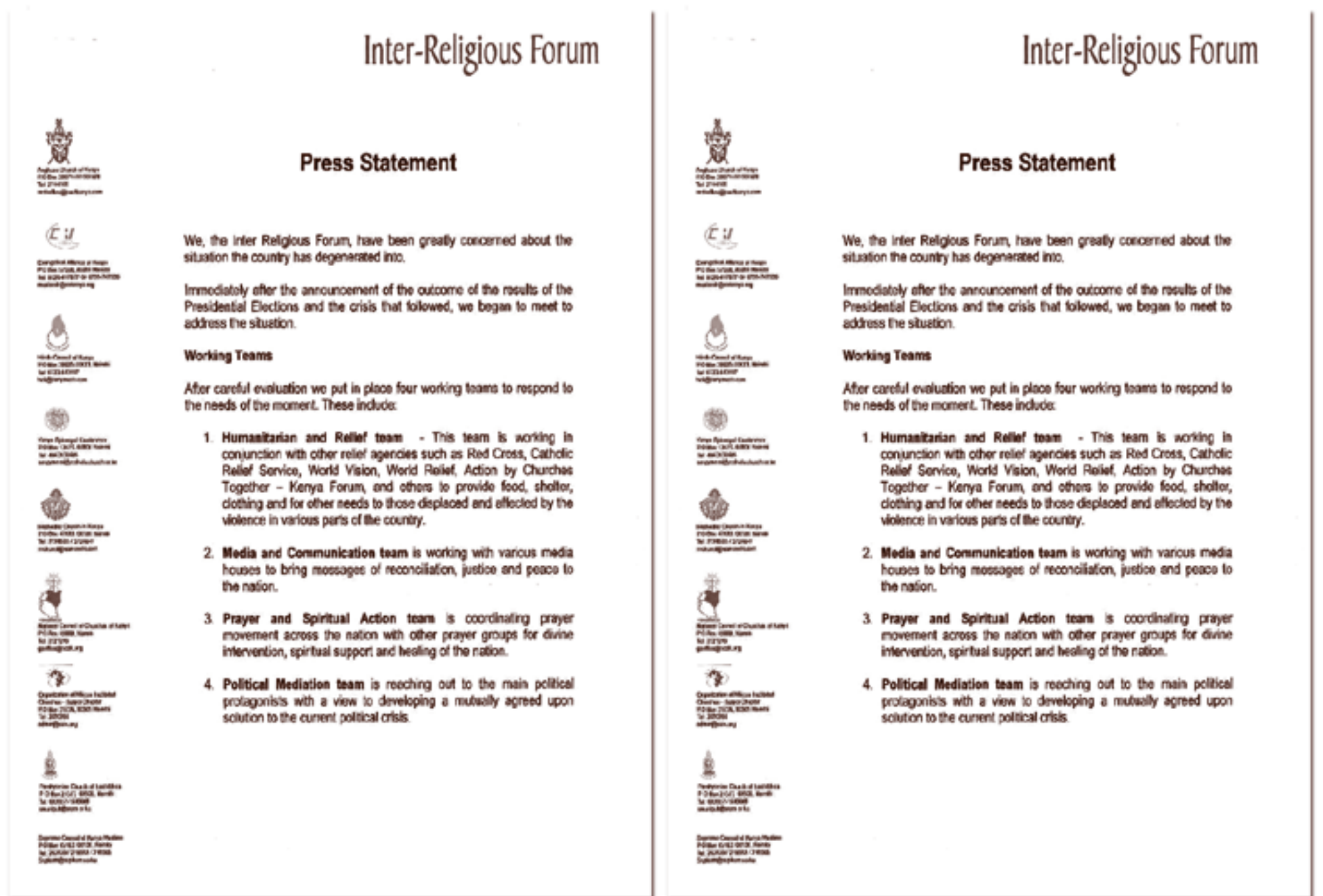
Date: January 10, 2008

Contact

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INTER-RELIGIOUS PRESS STATEMENTS ON 2007 ELECTION & THE POST ELECTION CRISIS

By Haji Mwakio Chairman; TTHURINET



≥ Continued from page 6

elections approached, the people lived in fear of the outgoing MP Sudi diverting CDF to bribe and fuel ethnic animosity which would as usual divert attention from his poor record and win him a seat into parliament.

Other aspirants who were contesting to oust Sudi include Boat Kano, Samuel Chepkole, Veronica Sutter, Bischoff Jebiwott, Mjr. Rtd John Kipchumba and William Kisang. It is alleged that these aspirants actually formed a

coalition to oust Sudi. Marakwet West Constituency has over 34,000 registered voters spread across the four divisions of the constituency – Kapcherop, Kapsowar, Chebiemit and Tunyo West. Kapcherop leads in the number of registered voters and thus is the most likely choice for voter bribery as well as ethnic animosities that go with the lies and ethnic stereotypes that corrupt leaders must use to get themselves re-elected. Selfish personal interest has at each election made it easy for voters in Kapcherop to fall victim to

Selfish personal interest has at each election made it easy for voters in Kapcherop to fall victim to ethnic incitement and bribery, at the expense of development.

ethnic incitement and bribery, at the expense of development. Previous MRs have relied on divide and rule and the suppression of the honest to get the seat and remain in it.

It is now the cry of the constituents of Marakwet West for a fresh start, where all the nine public funds now decentralized to constituency level will be used as they should be. With the support of human right networks in the region the community are now able to quit those leaders who are corrupt

and contribute zero to their life. Letters have been written to the concerned body so that they will look into the matter. Other groups of people have been demonstrating so that their cries could be heard. Let the committees that will made decision on all these nine public funds be publicly and transparently elected. It is time for Marakwet west to also emerge from the dark days of corruption and ethnic animosity at the expense of development and prosperity. P



TAARIFA KWA VYOMBO VYA HABARI

WITO WA HARAKA KUKOMESHA UVUNJAJI WA HAKI ZA BINADAMU UNAOENDELEA NCHINI KENYA.

Sisi wanachama wa Mtandao wa Mashirika ya haki za Binadamu Kusini mwa Afrika Tawi la Tanzania (SAHRiNGON) kwa pamoja na mashirika dada ya Kituo cha Huduma za Kisheria Zanzibar (ZLSC), Baraza la Wanataaluma Chuo Kikuu cha Dar-es-salaam (UDASA) na Shirikisho la Umoja wa Afrika Tawi la Tanzania (Pan African Movement) tulikutana kwenye kikao maalum jana Tarehe 3 Januari 2008 katika ofisi za Kituo cha Sheria na Haki za Binadamu (LHRC) na kutafakari hali mbaya ya haki za binadamu inayoendelea nchini Kenya baada ya uchaguzi mkuu wa nchi hiyo uliofanyika tarehe 27 Desemba 2007.

Kutokana na vyanzo huru mbalimbali vya habari wakiwemo waangalizi wa Uchaguzi wa umoja wa Ulaya. Mchakato mzima wa uchaguzi huo uligubikwa na kasoro nyingi. Imedhihirika kuwa kasoro hizo ni pamoja na tofauti kubwa katika majimbo 49 kati ya kura za uraisi na ubunge, pamoja na ucheleweshaji wa kutangazwa kwa matokeo. Hali hii imeleta wasiwasi mkubwa katika kuaminika kwa matokeo hayo ya uchaguzi. La kushangaza ni kuwa hata mwenyekiti wa tume ya uchaguzi Kenya Bw. Samwel Kivuitu amekaririwa akiwa na mshangao wa kotojua ni nani hasa aliyeshinda uraisi nchini Kenya.

Kutokana na hali hii pamekua na matukio ya kupinga matokeo hayo kutoka kwa wananchi wasiokubaliana nayo katika miji mikubwa kama vile Nairobi na Mombasa.

Upinzani huu umekutana na nguvu za dola zilizowagandamiza kwa kiasi cha damu kumwagika na watu wasio na hatia kupoteza maisha. Ugandamizaji huu ni uvunjaji wa haki ya kujieleza kama inavyotambulika katika Katiba ya Kenya na Mkataba wa Haki za kiraia na Haki za kisiasa ambao Kenya imeridhia. Vile vile upelekwaji wa Majeshi katika maeneo kadhaa ni wa kutisha na unatia shaka. Kutokana na nguvu zilizoziidi kutumika dhidi ya waandamanaji watu wanaopinga matokeo hayo inaelekea wameamua kuchukua sheria mikononi mwao na bahati mbaya wameingia katika vitendo viovu dhidi ya raia wenzao ambavyo ni pamoja na mauaji, kupora mali na kuharibu mali za raia wengine.

Kwa taarifa zilizotolewa na baadhi ya vyombo vya habari, zaidi ya vifo 500 vimeshatokea ambapo watoto na wanawake wasio na hatia na wasiohusika kabisa pia wameuawa. Pia wanawake wapatao 19 inasemekana wamebakwa mjini Nairobi.

Wanachama wa SAHRiNGON-Tanzania pamoja na washirika wao wanafahamu kuwa matukio haya yasiposhughulikiwa haraka yanaweza kugeuka na kusababisha uvunjaji mkubwa zaidi wa haki za binadamu nchini Kenya. Kwa hiyo basi, sisi tunatoa wito wa haraka kwa :

1. MAMLAKA YA DOLA NCHINI KENYA

- Kusitisha mara moja matumizi ya nguvu za kijeshi dhidi ya watu wasio na silaha
- Kuhakikisha kuwa wote wanaovunja haki za binadamu wanachukuliwa hatua mara moja
- Waheshimu haki ya uhuru wa kujieleza kama inavyotolewa na katiba ya Kenya na mikataba ya kimataifa

2. KWA VIONGOZI WA UPINZANI.

- Kuingia katika majadiliano ya kisiasa ya amani ili kujaribu kupata muafaka utakaoweka demokrasia na amani ya Kenya mbele
- Kuwashawishi wafuasi wao kutulia na kupinga matokeo hayo kwa njia zozote zile ambazo hazitaleta uvunjifu wa amani

3 KWA JUMUYIA YA KIMATAIFA (UMOJA WA MATAIFA, UMOJA WA AFRIKA, JUMUYIA YA AFRIKA MASHARIKI NA SEKRETARIAT YA JUMUYIA YA MADOLA)

- Waingilie ili kusitisha mapigano nchini Kenya na waanzishe mchakato wa amani wa kusuluhisha mgogoro huo
- Waunde tume huru ya kimataifa ichunguze mchakato mzima wa uchaguzi na yale yote yaliyotokea baada ya uchaguzi nchini Kenya.
- Waitishe mazungumzo kati ya vyama vya siasa ili kurudisha utulivu nchini Kenya
- Wachukue hatua zozote zitakazofaa katika masuala ya uvunjifu wa haki za binadamu unaoendelea.

Matokeo ya tume huru ya kimataifa yakitolewa basi, (Raisi) Kibaki akubali matokeo na kama ikiwa dhahiri kwamba hakushinda basi aachie ngazi kwa hiari na kwa amani.

KWA DOLA NA JUMUIA ZA KIRAIA KANDA YA JUMUIA YA AFRIKA MASHARIKI

Kwa kuhitimisha, hatunabudi kuona mafunzo tunayoweza kujifunza kutokana na hali hii ya nchini Kenya. Serikali pamoja na jumuiya za kiraia katika kanda hii ya Afrika Mashariki waone kinachohitajika kufanyika kutokana na matukio hayo ya kusikikitisha nchini Kenya mara baada ya uchaguzi mkuu

- Tukianza na Tanzania, tunapenda kumpongeza mkuu wa nchi yetu Raisi Jakaya Mrisho Kikwete kwa kusita kumtambua alietangazwa mshindi wa uchaguzi wa uraisi nchini Kenya tarehe 30 Desemba 2007 na pia kwa juhudi alizoanza za kujaribu kuona uwezekano wa muafaka. Pia tunamsihi raisi wetu aendelee kusitisha kumtambua mpaka pale matokeo ya kuaminika kuhusu nani mshindi yatakapotolewa na pale ambapo wote wanaohusika watakapokubaliana na matokeo

Kuhusu serikali na jumuiya za kiraia katika Afrika mashariki, tunatoa wito:

- Waendeleze juhudi za kupata katiba mpya au kurekebisha katiba zilizopo ili pawepo na muda wa angalau siku 21 baada ya siku ya mwisho ya uchaguzi kama kipindi kitakachotarajiwa kuapishwa kwa mshindi wa ugombea wa uraisi
- Juhudi zifanyike kuhakikisha kuwa maamuzi yanayofanywa na tume ya uchaguzi kuhusu mshindi wa uchaguzi wa uraisi yanathibitishwa na jopo zima la majaji wa mahakama ya juu katika nchi ndani ya kipindi cha siku 21 iwapo kabla ya kuapishwa kwa aliyetangazwa mshindi kutakuwepo na malalamiko dhidi ya ushindi huo
- Waendeleze juhudi za kupata vipengele vya katiba vinavyozitaka nchi za afrika mashariki kutambua washindi wa uchaguzi wa uraisi katika nchi jirani kwa kutegemea kuwepo kwa ushindi kweli na siyo kujichukulia madaraka kwa nguvu kinyume na katiba
- Juhudi ziendelezwe za kuhakikisha katiba inatoa mwongozo utakaowezesha wajumbe wa tume za uchaguzi wanakuwa watu wanaoaminika, wenye maadili ya hali ya juu watakoachaguliwa na jumuiya za kiraia, vyama vya siasa na taasisi za kidini

Imetiwa sahihi na

1.....
Helen Kijo-Bisimba kwa niaba ya wanachama wa SAHRiNGON-Tanzania

2.....
Prof. Haroub Othman kwa niaba ya mashirika dada ya SAHRiNGON-Tanzania.

Kenyans for Peace with Truth and Justice

Count Down to Deception: 30 Hours that Destroyed Kenya

Friday January 18, 2007

Nairobi, Kenya

Kenya is today on the brink of disintegration. At least 500 people have been killed, 6,100 have fled into exile in Uganda and another 250,000 plus are living as internally displaced persons in their own country.

This is not the end of this sad chapter in our country's history. It appears that Kenya is poised for more confrontation that could result in heavy casualties, loss of property and a general atmosphere of fear. The country is faced with the possible collapse of its economic, social and political systems. Other states that depend on Kenya's stability are also seriously affected.

Kenyans must therefore tackle the root causes of the violence that has characterised the past two weeks. In our view, the handling of the presidential election and the declaration of Mwai Kibaki as winner is the single most important trigger of the current crisis.

We have previously raised concerns about the manner in which the Electoral Commission of Kenya (ECK) concluded the presidential election and declared a winner. We are clear that given what transpired at KICC, it is impossible to know who won the elections.

Today, we unveil some documents that highlight this confusion:

First is an analysis of the differences between the presidential and parliamentary vote in 2007, using the 2002 results as a benchmark. In 2007, presidential tallies are higher than parliamentary ones in 130 constituencies. Parliamentary votes exceed presidential ones in only 69 constituencies. In 2002, conversely, 110 constituencies had a higher parliamentary tally than the presidential tally.

There were 325,131 more votes for the total presidential tally in 2007, compared to the total parliamentary tally, while in 2002; the difference was 50,192, more total presidential votes than parliamentary votes. We note that the ECK places the gap between Kibaki and Raila Odinga at 231,628 votes. It is important to determine the origin and allocation of these extra votes—a determination which, at this point, only an independent investigation into the counting and tallying process for the presidential vote could determine.

Most of the constituencies with large differentials are in regions that were closely contested between Kibaki and Odinga, notably Coast, Nairobi and Nyanza as well as Central and upper Eastern.

The country is faced with the possible collapse of its economic, social and political systems. Other states that depend on Kenya's stability are also seriously affected.

How did these differentials occur?

Four Kenyan election observers who witnessed the last phase of the presidential vote tallying, when political parties were verifying the results that had been announced, have recorded their observations in an hour-by-hour log. Their testimonies expose what can only be termed a resolve among electoral officials—including Commissioners and staff—to obtain a pre-determined outcome, whether supported by fact or not.

They detail a series of electoral offences evidenced the night when political parties were verifying the results already announced at the ECK's tallying centre in Kenyatta International Conference Centre. We have already made a complaint against the concerned ECK Commissioners and staff to Kilimani Police Station.

We provide a table of these anomalies, malpractices and illegalities committed in at least 49 constituencies across the country. Instructively, in the constituencies these electoral offences occurred, the presidential election results announced by the ECK do not tally with those released at the constituency tallying centres as reported on Kenya Television Network (KTN) and/or observed by the Kenyan Election Domestic Observers Forum (KEDOF).

Again, we reiterate that the electoral anomalies, malpractices and illegalities noted were sufficient to alter the outcomes of the Presidential election. To this extent, the counting and tallying process for the Presidential election cannot be called free and fair. And the incumbent cannot be said to be in office legitimately or legally. An independent investigation into this process is necessary to bring the country to closure on this issue. Such an investigation must be a priority for the mediation process.

Signed:

Africa Centre for Open Governance (AfriCOG), Awaaz, Centre for Law and Research International (CLARION), Centre for Multiparty Democracy (CMD), Centre for Rights, Education and Awareness for Women (CREAW), (CRADLE), Constitution and Reform Education Consortium (CRECO), East African Law Society (EALS), Haki Focus, Hema la Katiba, Independent Medico-Legal Unit (IMLU), Innovative Lawyering, Institute for Education in Democracy (IED), International Commission of Jurists (ICJ-Kenya)

Kenya Human Rights Commission (KHRC), Kenya Leadership Institute (KLI), Kenya National Commission on Human Rights (KNCHR), Kituo cha Sheria, Law Society of Kenya (LSK), Media Institute

Muslim Human Rights Forum, National Constitution Executive Council (NCEC), Release Political Prisoners (RPP), Society for International Development (SID), Urgent Action Fund (UAF)-Africa, Youth Agenda, Recesspa and Fahamu

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independence of the legal system, as well as clean elections, especially municipal and parliamentary elections.

In spite of NGO's, government's efforts towards avoiding social conflict a major problem during the 1990s. What the government is doing is not enough to protect the community from deteriorating living conditions. In this respect, it is very beneficial that the Mara River Resource Centre dedicates part of its work in theory and in practice to create policies and recommendations that may help and

organize workshops and discussions on the issue of corruption and ethnicity, which has become a major problem in Kuria. The efforts of Mara River Resource Centre are advocating for human rights and good governance through:

- Legal and Human Rights Education
- Awareness programmers on human rights good, good governance and the impact of corruption.
- Research and document on those issues
- Monitoring and evaluation

Women's Memorandum to the Mediation Team

January 25, 2008

Introduction

Your Excellency Kofi Annan
Your Excellency Graça Machel
Your Excellency Benjamin Mkapa

We thank Your Excellencies for the opportunity to address this forum. We make this presentation on behalf of Kenyan women who have been meeting in Nairobi over the last two weeks. Action Aid International, Vital Voices, UNIFEM, Nairobi Peace Initiative and Urgent Action Fund-Africa have facilitated the consultations. A committee of 11 women present here, represents the larger group.

Kenyan women assert their rights as citizens of this country to participate in all political processes and initiatives that seek to find solutions to the crisis that currently that our beloved motherland faces. We are mindful of our special responsibilities in all the spheres of nation building including truth & justice seeking, peacebuilding and reconciliation. We embrace all our diversities as we collectively seek solutions. We acknowledge that in the resolution of the current conflict, there has to be 'give and take' from both sides of the political divide. We assert that as citizens we must take responsibility for resolving and transforming the conflict and the inclusion and participation of civic groups, including women's groups at the community level is critical to the success of efforts to resolve the conflict.

The important role of women's participation in the prevention and resolution of conflicts is reaffirmed in The Constitutive Act of the African Union, The AU's Solemn Declaration on Gender Equality, The Protocol to the African Charter on the Rights of women in Africa, The African Charter on the Rights and welfare often Child, and by United Nations Security Council Resolution 1325. The resolution stresses the importance of women's equal participation and involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision –making with regard to conflict prevention.

The UN Resolution 1325 further calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia

- The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post conflict reconstruction.
- Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace process.
- Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

All these instruments recognise the centrality of women to the development of democracy and democratic institutions and the importance of their participation at every level, and in every process. Women are central actors and 'right holders' in any process that addresses sustainable development, security and human rights. During this crisis, Kenyan women have been at the forefront in community peace building and mediation efforts in the North Rift and other areas.

Is there a conflict? What are the Facts?

A political crisis has engulfed the country following the announcement of presidential results on December 30, 2007. There are allegations of a flawed tallying process by the electoral commission, hence the dispute as to who the actual winner of the presidential vote was. As a consequence, violent conflict broke out in many parts of Kenya from December 30, 2008 and continues to this day. This conflict is expressed in the following ways:

- Spontaneous and organised demonstrations against the ECK and the government.
- Killings that have so far claimed the lives of over 700 Kenyans. These killings are by a) extra judicial executions by the police of targeted communities and demonstrators. b) Militia executions, torture and mutilations of civilians targeted at particular ethnic communities (these include forced circumcisions & castrations) and c) by ordinary citizens
- Criminal conduct by citizens looting, burning and destruction of private and public property.
- Increased sexual violence against women and children.
- Suspension of constitutional freedoms including the freedom of conscience, assembly and worship.
- Violation on the rights of the media and right to information by a ban on media broadcasting of live events.

- Ethnic and politically instigated evictions of populations of certain communities from their properties resulting in large numbers of internally displaced Kenyans (approximately 260,000)
- Ethnically instigated employment displacement of workers in certain regions (tea peckers in Kericho) and eviction rental properties.

This situation has resulted in:

A breakdown in the rule of law and a lack of confidence in institutions of law and order.

Breakdown of social relationships and trust among Kenyan Communities and an exacerbation of existing ethnic tensions.

Human insecurity (including food insecurity).

Continued systematic and widespread violation of human rights and a lack of respect for the sanctity of life.

Proliferation of propaganda by all parties including the state and an increase in hate media on all media (FM stations -in particular vernacular FM stations, print, electronic and new media -text messaging, email, internet) that demonises particular communities.

What are the gender dimensions of the conflict?

Institutionalised discrimination against women even before the current violence broke out has informed the expression on gender-based violence. Discriminatory laws sanction marginalisation and exclusion of women. Despite a 2006 presidential decree for a 30% inclusion of women in public institutions, there is no constitutional provision or law providing for affirmative action.

Rapes and sexual violence on women and children has reportedly increased. Statistics from the Nairobi Women's Hospital show a steep increase in admission and treatment for rape. Majority of the new cases since January 1 2008 are of victims of gang rapes. Increased exposure to HIV/AIDS and sexually transmitted diseases.

High levels of poverty and landlessness affect women disproportionately.

Humanitarian Relief Aid

The majority of displaced are women and children. Humanitarian Relief kits often fail to take account of the needs of women and children. There exists a gap in the provision of Sanitary towels, infant mix and Mosquito nets. Sanitation and hygiene needs of women in the camps require attention.

Security in the camps and troubled areas is insufficient. Threats of gender specific attacks against women are high.

People living with HIV/AIDS have had their treatment interrupted; Provision of Health services has been compromised. Access to PEP's and immediate medical care for rape victims' non-existent. The closure of certain areas by security personnel has locked in populations from accessing health facilities.

Recommendations on the resolving the Crisis

Immediate

A political solution backed by force of law that assures the following:

An immediate end to the killings.

- A public acknowledgement by both parties that the current crisis was triggered by electoral malpractices in the tallying process that culminated with the announcement of results of the presidential election of December 2007.
- An acknowledgement that Kenyans are entitled to know the truth and to seek justice over the issue having participated in the electoral process. The problem (and solution to it) is beyond the two political protagonists. Women as a group constitute 52% of Kenya's population and the majority of voters and those most affected by the current crisis.
- An independent investigation into the trigger event to establish the truth of what happened: the outcome of which should be tailored to establishing a political solution to the current impasse and restoring public confidence in Kenya's institutions of democracy. Any agreement should be backed by force of law and ensure women's participation as key actors.
- Immediate reinstatement of constitutional freedoms – the right to assemble, right to worship, right of media to broadcast live events. Citizens have a right to assert their constitutional rights without hindrance.
- Cessation of violence against civilians by the police, militia and others.
- Immediate cessation of hate propaganda currently on all media (by Legislation or administrative action).
- Resettlement: should take account of the special needs of women and children displaced by the violence. State should provide security for the civilian population.
- End to impunity for violations of human rights (by all parties) by investigating crimes that are being committed and prosecuting perpetrators.
- Strengthening of institutions that support democratic constitutional governance (The Electoral Commission, the Judiciary, the Anti Corruption agencies and Parliament). This can be done through immediate legislative reform pending comprehensive constitutional reform.

Medium and long term –Nation Building

Women acknowledge that they must embark on a process of Nation building for sustainable peace to be achieved. Important mid-term solutions include the following: The times call for Women of Kenya call for transformative leadership at this time that brings values and ethics to the management of public affairs

- A minimum constitutional settlement and reform that would ensure an urgent reform of institutions that support a constitutional democracy grounded on sound legal framework followed by ;

- Comprehensive Constitutional Reform that would ensure equitable distribution of national resources, gender equality, affirmative action, equal rights for minorities and persons with disabilities including rights political participation.
- Transitional Justice mechanisms that deal with the question of historical injustices that include gross human rights violations, massacre, assassinations, economic crimes and corruption, ethnic and political clashes. establishment a historical record, confronting and gaining truth about past injustices, creating accountability for human rights violations and ultimately reconciling Kenyan communities.
- Finalisation and adoption of the Peace and Conflict Prevention Policy.
- Peace education for prejudice reduction in primary schools.

Recommendations for the Process

- That there should be a mechanism for accountability by the mediation team to Kenyan women on the progress of the mediation. Such mechanism could be spelt out in a public mediation agreement.
- That there should be continued engagement with women as key stakeholders in all stages of the mediation.
- That a local gender advisor be appointed to provide the necessary expertise to the team of mediators. There is sufficient expertise within the women's movement in Kenya in the fields of gender, children's rights, women's rights, and peace and conflict transformation.
- Political parties should have women represented on their teams in keeping with the enabling instruments.
- That the mediation continues until such time as peace is restored in Kenya.

This statement is presented and signed by the Committee Nominated by the Women's Organisations 25th January 2008 (A List of women attending the Women's consultations over the last three weeks is attached)

Florence Mpaayei — Nairobi Peace Initiative –Africa
 Atsango Chesoni — Member ODM and Consultant, Human Rights
 Njeri Kabeberi —Center for Multi Party democracy
 Mildred Ngesa —Association of Media Women of Kenya
 Margaret Shava — International Alert
 Catherine Mumma — Consultant, Human Rights & Governance
 Kaari Betty Murungi — Urgent Action Fund-Africa
 Saida Ali —Young Women's Leadership Institute
 Rukia Subow —Maendeleo ya Wanawake
 Josephine Ojiambo — Member of PNU 's National Coordinating Committee
 Margaret Hutchinson —Education Centre for Women in Democracy

≥ Continued from page 15

when bandits who just want to steal for their own personal gain or entertainment tell one that people from other communities do not deserve to be in the area or own cattle and other property, you can immediately know that this is incitement for personal gain and leave the bandits to steal alone or report them to the elders or other authorities.

Most community members do not benefit from chasing away or attacking the other ethnic groups in the area. It is only the few bandits who enrich themselves with what they raid and later when they are rich enough, come back in suits to ask for votes to go to the council or parliament, as they spread hatred. People should be bold enough to tell off the inciters, and also to report those that continue with the new forms of banditry we now see today. They should be prosecuted for their actions so that it becomes a lesson to

their colleagues and others who aspire to become cattle rustlers and bandits.

Because most of the cattle rustlers are idle youths, community leaders including religious leaders, NGOs and even self help groups in the area should support the youth to form youth groups, apply for loans from the youth fund that was launched two years ago, and start profitable businesses. This will keep the youth busy and encourage them to mature into responsible adults who can lead their families on how to apply our different cultures and traditions in the modern world. Communities should also be active in monitoring the different development funds (CDF, LATF, Constituency Rural Electrification Funds, and Constituency Roads Fund etc) to repair infrastructure in the area e.g. by digging more boreholes and establishing irrigation schemes in the region so that cattle all over the valley get sufficient water and grazing

fields because this is also one of the causes of banditry. These funds are drawn from our taxes and the community therefore has the right to use and monitor these funds whether or not we voted for the government. Corrupt leaders are likely to discourage people from monitoring such funds, and once there is no monitoring, they will

Such conflicts, which occur after every election have been the cause of the poor development record in Mt. Elgon, West-Pokot, Marakwet, Samburu and Baringo, as every 2-5 years people are injured, left homeless, displaced and forced to live in fear.

use these funds to enrich themselves and a few of their relatives.

Some leaders from the region also instigate the act of rustling (violence, theft, destruction of property, displacement of families) through use of hate propaganda and lies about what the real problem and who the real culprit or is. They also buy weapons and supply to bandits, pay them to steal and destroy or bribe them with food and drinks just before they go to perform their rustling. Such leaders should be investigated, arrested and prosecuted and if found guilty, given a bigger punishment than the bandits they sponsor.

Lastly, with regard to land disputes, the habit of asking government to give people land in the forest just before the elections is becoming the norm. However, each time the forest is hived off, it is the corrupt workers in the government

departments involved and politicians who get this information early and allocate themselves all the good land. When they are allocating themselves land, they usually do not care about tribe and can conspire with any tribe for corruption. Once they are sure that they have title deeds, or have secured the land as theirs, they go back to their big houses and allow squatters to move in and slash the land for them, only to through them out latter and blame them for all the problems in the area. In the process, forests are destroyed, certain ethnic groups are blamed for it and there is still a shortage of land for the genuine squatters.

Most community members do not benefit from chasing away or attacking the other ethnic groups in the area



Caption

Mnya kuzi wa Ardhi

Utungaji wa Mahmoud Barroh "Chatu",
Kwale Human Rights Network

Mnyakuzi wa ardhi, unataka kura kwangu
Uliye uza hifadhi, shamba la kwako na langu
Wathubutu kuniudhi, kuitaka kura yangu
Sitokupa kura yangu, mnyakuzi wa ardhi

Usiye juwa faradhi, wala kumjuwa mungu
Leo wavaa kubadhi, wajidai mlimwengu
Watamani nikukidhi, uzidi nipa machungu
Sitokupa Kura yangu, mnyakuzi wa ardhi

Wewe ulokosa hadhi, ardhi kapiga mafungu
Nduguzo kutu bughudhi, ukaji dai mzungu
Kitu gani takuridhi, bunge ukenda mwenzangu
Sitokupa Kura yangu, mnyakuzi wa ardhi

Mimi nikupe mahadhi, uwauze watu wangu
Sihoja kuomba radhi, sasa 'ukinungu nungu'
Hata mbele yake kadhi, huto ondowa ukungu
Sitokupa Kura yangu, mnyakuzi wa ardhi

Namimi sio baadhi, shika zako nami zangu
Hauto pata waadhi, utabaki bangu bangu
Leo nina kukabidhi, upate kizungu zungu
Sitokupa kura yangu, mnyakuzi wa ardhi

Ujumbe nawakabidhi, enyi mulo watu wangu
Simpe kura kabadhi, asiwahonge wenzangu
Tuwachague baadhi, wasera za kilimwengu
Sitokupa kura yangu, mnyakuzi wa ardhi

Tamati hapa arudhi, maharagwe sio dengu
Ndugu zangu kuniradhi, napeperusha kiwingu
Mkichagua maradhi, mtakosa hata dungu
Sitokupa Kura yangu, mnyakuzi wa ardhi

"Mizizi ya Haki" is a bi-annual community newsletter published by the KHRC on behalf of community members. Contributions and comments on the editorial content, design and layout are welcome however, the editor reserves the right to edit any comments and articles submitted for clarity

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