

MIZIZI YA HAKI

“When duty calls, that is when character counts.”
- William Safire



A Community Human Rights Initiative Newsletter

Let the people speak

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The Bane of Insecurity that is choking Kenya: A Call for Urgent Security Sector Reforms

BY EDWIN KIMTAI

Kenya's fragile democracy and government system is threatened by factionalism and rising insecurity. To ensure Kenya's involvement in the war on insecurity, it is indeed high time that all the concerned parties sat together to put their brains together; be sensitive to its domestic needs, recognizing that fledgling democracies can be more difficult to engage than their authoritarian predecessors.

To the obvious embarrassment of the Republic of Kenya, insecurity problems in our nation attract constant and bewildered attention beyond the borders of our nation.

The state pledged to provide security to everyone, and indeed it is its responsibility to the public. Not only in this case but fostering peace and international security in the modern world was envisaged when Kenya became a signatory to the United Nations Charter. And its recent contribution of a squadron to the forces of the AMISOM that conquered in Somalia showed that we are prepared to play our part in resisting totalitarian aggression.

However, repeated demands, recommendations and efforts have been made to our Government to find a solution to the insecurity problem, but they seem to fall on deaf ears. Commissions (The Kriegler Commission and the Philip Ransley Task Force) of experts have studied the issues involved and made recommendations to the government of Kenya and to various security agencies/organs.

Parliamentary Select Committees have heard voluminous evidence. Innumerable individual studies have been made and various schemes have been tried in



Violent Mombasa riots in late August 2012

the search for a political system which would safeguard the rights and security of all sections of the population. But still, Kenya is no nearer the solution of her insecurity menace if nothing is done than it was in the darker days, when Kenya wrenched its independence from the hands of the colonialists. Indeed, the past 40 years of independence, have been characterized by the widening economic opportunity and the broadening of democratic rights for all, but by the contraction, the upsurge of insecurity will hinder the economic opportunities for our nation.

Without institutional mechanisms for the resolution of disputes and addressing insecurity issues, and as we approach the general elections, life everywhere would be nasty, brutish, and short. Judicial systems that routinely failed to perform their intended functions lost public trust and set society on a slippery slope to mob justice, anarchy, and state collapse is beginning to pick itself up now.

This courageous report sounds alarms

for Kenya, where rampant corruption in our police institutions and lack of public confidence in the police portend increasing violence and insecurity. While human rights organizations focus on the rights and security for all (including the police) a culture of cynicism, despair, and violence grows in the countryside, fed by the authoritarianism of Provincial Administration, the insecurity arising from thousands of unresolved land disputes and politically sanctioned land seizures, and the weak framework for implementation of police welfare issues mechanisms in the law enforcement officers and their vulnerability that the Police suffer as evidenced in their recent attacks in Tana River and Baragoi-Samburu. This kind of conflict witnessed, ultimately threatens stability in Kenya.

This time, ending insecurity and restoring stability will require a different type of arrangement and tactics.

Given Kenya's adversity to insecurity, cattle rustling and conflict, the Security

agencies in Kenya should strive to reach an understanding about exactly what happens. In doing so, they would reaffirm the people of Kenya of their security. Such an understanding could include several components.

First, the government should come out in bold at the highest political levels, and admit the state of insecurity in Kenya rather than through behind-the-scenes talks organized by its General Intelligence Service Kenya faces a choice: that the National Police Service responds decisively and effectively to curb this emerging threat to national security where civilians attack and kill police officers on duty or seeing the continuation of the state of insecurity in Kenya. A Kenya's refusal to implement the Kriegler's and Philip Ransley recommendations process should raise red flags to all the members of the working groups on police reforms.

Second, since most of the weapons in Kenya are still in the hands of "the un-authorized", there is need to do a thorough disarmament. There is dire need to intercept Small Arms and Light Weapons that are going round the country. Kenya, which is now becoming domestically unstable, has every reason to prevent renewed violence by counteracting the remilitarization of its allies.

And finally, any agreement should also address the growing lawlessness in Kenya, where attacks against civilians and even sometimes against Kenyas' security personnel have become regular occurrences. ■

Table of Contents

The Bane of Insecurity that is choking Kenya: A Call for Urgent Security Sector Reforms 1

Editorial 2

Ethnic balance a major challenge in National Security 3

Battle for county resources triggers clan conflicts 3

Call for gender sensitive trade opportunities 3

A conspiracy to protect rapist police officer 4

Appointment of County Commissioners illegal 4

Yearning for Peace for the Luo & Kalenjin Communities 4

Kisumu threatened by cattle rustling 5

Soccer Tournaments to promote peace in Kuria District 5

How the child of war founded the Kuria tribe 6

Dying because of poverty 6

Insecurity stalks Pokot & Tugen borders 7

Cattle rustling and the violation of human rights 8

Land question stalls Kwale Sugar Company 9

A revisit to an MOU on Cattle rustling, the thorn in Kenya's flesh 10

Instilling equality and tolerance in children through books and creative writing 12

Factfile: Equality & School Children 13

Our National Anthem: A prayer for Peace! 13

Environmental degradation & poor roads mar Elgeyo-Marakwet County 14

Effects of Cattle Rustling in Baringo County 15

Dwindling hope as law implementation stagnates 16

Disinheritance deals a double blow to a poor widow in Migori 17

Milk racket that fleeced dairy farmers in Marmanet 18

Water: key to food security and health 18

Who will save Kenya from land grabbers? 19

Peace Quotes and Poems 19

Illegal evictions intensify at the coast despite the new Constitution 20



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Editorial

This edition of *Mizizi Ya Haki* is a special edition with a focus on cattle theft, violence and insecurity, which are becoming a common occurrence in Kenya. The year 2012 witnessed some of the worst cases of violence since post-election violence of 2007/8. It seems that the Kenyan public has lost faith in its justice mechanisms that almost every perceived crime or violation elicits a violent reaction as the public takes matters in its hands.

In Northern Kenya, there were cases of inter-ethnic violence that locals alleged to have been politically instigated where perceived ethnic minorities were being driven out of certain counties, and these in turn resulted in retaliatory attacks. Further south in Tana Delta, again, inter-ethnic violence erupted where politicians traded accusations about causing the clashes that left over 100 people dead including children and nine police officers.

In between there have been other forms of violence in the name of riots triggered by crime, where well-known personalities have been murdered under mysterious circumstances. Mombasa and Kisumu have witnessed cases where people have lost lives and property as sections of the public engaged in what can only be termed as criminal activities- arson and killings. This is a trend that makes one wonder whether the internal security forces are really in charge.

The worst and one of most embarrassing incidents in the country was the massacre of 47 police officers in Baragoi, Samburu County, who had been dispatched to deal with a case of cattle rustling. Samburu County is one of the counties in Northern Kenya that is prone to cattle-rustling. However, what the public has come to refer to as cattle-rustling is no longer the cultural tradition that certain communities

practiced in the past. This practice is actually cattle-theft and is a crime of robbery with violence. While in the past, the activity was not designed to cause death, today, the people practicing this behavior are using sophisticated weapons and the violence involved in the raids sometimes leave whole villages dead, homes burned down and survivors displaced. Besides, the livestock is stolen in huge numbers which implies a ready market or restocking. Thus it is no longer business as usual but has become a business of violence.

In all these incidents, there have been no significant arrests made or prosecution of the instigators and perpetrators of the violence. The bandits that carried out the Baragoi massacre are still at large with no significant progress made to apprehend them. The failure of our internal security systems to adequately address these serious security matters is a matter of great concern to the Kenyan public especially as the country approaches the March 4, 2013 general elections. It is for this reason that we call upon the duty-bearers from the National Intelligence Service, the National Police Service and the National Cohesion and Integration Commission to connect the dots in these seemingly unrelated cases of violence and insecurity to adequately address the matter so that the country can have a sense of security once again.

However, ultimately, it is the responsibility of you and I as the Kenyan public or people living in Kenya to actively play our role to maintain peace, security and stability in the neighbourhoods we live, work and do our business in.

Welcome

BERYL AIDI
Editor -in -Chief

Ethnic balance a major challenge in National Security

BY CALEB TWENYA

The Government should give Kenyans from all ethnic communities' equal chances to serve the country.

Leaders should strive to have both gender and ethnic balance in all Government agencies as a way of building peace in the country.

This has been lacking in our security agencies where almost the entire National Security organs are dominated by people from one community.

The composition of the National Security Intelligence (NSIS), regular police service and Administration Police does not represent Kenya's ethnic diversity. All the 42 communities ought to be represented in these sectors.

The same case has also been in other African countries such as Uganda, Egypt and Libya where cronyism and other malpractices have almost toppled governments.

Presidents Hosni Mubarak of Egypt and Muammar Gaddafi of Libya for example elevated their sons to key positions in the Government in readiness to continue holding power even after they retired.

They failed miserably because their kinsmen were toppled from these high positions during political upheavals and general elections.

In August 2012 President Yoweri Museveni of Uganda elevated his son to a senior rank in the Ugandan military in what was seen to be an attempt to appoint his successor when he leaves the presidency.

Kenya does not also reflect nationality and ethnic diversity in key appointments in the National Security organs. For instance, the commander in chief of the armed forces is President Mwai Kibaki and the head of Kenya Defence Force is General Julius Karangi.

The Police commissioner is Mathew Iteere and the AP Commandant is Kinuthia Mbugua.

The National Security Intelligence Service (NSIS) is headed by General Michael Gichangi and the CID is headed by Francis Muhoro Ndegwa. The head of Public Service is Francis Kimemia while the Permanent Secretary Internal Security and Provincial Administration is Mutea Iringo.

All these top officials come from the same community which beats the purpose of ethnic integration and ethnic harmony which the country strives to achieve. For Kenyans to be united, the government must strive to ensure equal ethnic opportunities. ■

Battle for county resources triggers clan conflicts

BY YUSUF HAJI

As elections draw nearer, politically sponsored violence seems to have become the order of the day in North Eastern Province.

Two months ago, violence which started in Mandera spread to Wajir resulting in deaths of three people and torching of houses in the areas.

Close to 800 people were displaced by the violence, which spread to Hodthan location with the Police being reduced to spectators.

The police officers were simply overrun by the attackers who extended their heinous acts to day time to further spread fear and despondency.

Information from the ground attributed the attacks in Mandera to politics while those in Wajir were said to be revenge attacks.

The contentious issue of boundaries comes to the fore pitting Garres and Degodia tribes inhabit one county even when the boundaries were being redrafted. Degodias are considered the minority in Mandera.

In Wagberi, Wajir County, revenge attacks erupted against the Garres who are the ethnic minority in the county.

Locals claim that politicians are the main suspects behind the eruption of the wars in order to drive out ethnic minorities, effectively locking them out from any political processes in the County.

The State has been very slow to respond to the clashes with only the local religious leaders initiating intervention strategies. Elders from all clans have agreed to meet soon to discuss the matter to avert more bloodshed. ■



IDP's in Wajir East Town escorted by armed police to safety.

Photo courtesy of Kenya Red Cross.

Call for gender sensitive trade opportunities

BY SHARON JEPKEMOI

The trading environment in the country needs to embrace fair trade approaches to ensure equality and fairness of trade. Fair trade is an organized and systematic approach aimed at helping producers in developing countries make better trading choices and thus promote sustainability. This approach can be efficiently used to engender the trade process to promote the rights of workers and especially discriminated female traders at the community level to sell their produce according to their capabilities and needs.

This is because small scale traders, especially those at the community level

entirely depend on the small scale trade for survival. Although this approach is meant for social, environmental and economic development, most women traders still find it a challenge to break the barriers of fair trade. They are discriminated against in the trading scenarios by virtue of being women.

Wilting in Bloom: The Irony of Women Labour Rights in the Cut-flower Sector in Kenya, a research report on Fairtrade with regard to women's labour rights.

Some of the hardships they face include exclusion in decision making, yet they

are the primary producers of the crops from the farm. The women are also not strategically linked to the labor movement and thus have very limited capacity to air their grievances in a heavily male-dominated front.

Apart from gender marginalization, women traders still have to deal with incidents of sexual harassment and lack of platforms to present these grievances. It is therefore important, for the sake of enhancing fair trade for especially small-scale producers to initiate mechanisms to mitigate this lapse.

Labor laws must be gender friends to include the plight of marginalized women traders. Subsequently, all traders must be awarded equal trading and employment opportunities in line with acceptable laws. There has to be a deliberate move to enhance the capacity of women traders to for example embrace new technology like the use of social media as a tool to market their produce.

In line with the advent of the new constitution, it is also important to encourage women traders to take up leadership roles and secure opportunities in decision-making circles. ■

A conspiracy to protect rapist police officer

BY MIZIZI CORRESPONDENT, Kiambu County

Muthoni was a pupil in Ngatho Primary School, Kakuzi Division of Thika East District.

She is the oldest daughter in a family of five. Her family was staying with their paternal grandmother. Even though Muthoni's mother is mentally ill but she is able to work without supervision. However, someone took advantage of her to father her children, including Muthoni.

At one time the grandmother, the guardian of the children, noticed that the girls were absconding from school. Attempts to get answers from one of the girls were futile and she opted to report the matter to the police station. The grandmother, thinking she was doing the right thing believed the girls

were absconding from school to work to support their mentally ill mother.

At the Ithanga police station, the officer on duty booked them in pretending to look into the case of absconding school but instead returned in the night came and took the girl to his residence.

He is said to have given the girls some food and then slept with one of them. The girl later told them that she was defiled by the officer several times at that night.

The following day the girl went home and informed the grandmother of the incident.

An agitated grandmother swore to take revenge and raised alarm in the village,

threatening to storm the police station to flush out the officer responsible for the rape.

Members of the public who were attending a market nearby responded to the grandmother's pleas for action.

As it was a market day the episode attracted a lot of attention. The charged members of the public marched to the police station demanding the arrest of the police officer. He is said to have scampered to an unknown hide-out. Muthoni was later tested and treated at Ithanga Health Center.

Led by a member of the Catholic Peace and Justice Commission, the residents raised funds to transport Muthoni and her grandmother for further medical intervention to the Thika District Hospital.

In Thika, the grandmother and an official of the Justice Commission named Joe were joined by a former councilor and chairman of the district security administration who urged for a reconciliation committee.

In the course of this interaction, the former councilor blocked the girl from being tested. She was held overnight at the hospital without being tested.

It took the swift intervention of a former KHRC schools program coordinator known as Kiama to come to Muthoni's assistance.

Kiama pushed for Muthoni's case to be taken to the Independent Medical and Legal Unit, IMLU. IMLU followed up the case but the police officer is said to have been shielded by his bosses. Muthoni is yet to get justice. ■

Appointment of County Commissioners illegal

BY CALEB TWENYA

US President Benjamin Franklin once said the heart of a fool is in his mouth, but the mouth of a wise man is in his heart.

When the Office of the President unilaterally appointed 47 county commissioners, Kenyans believed that the government was doing what was expected of them.

And, ventilating about it will not be against the wise man; Benjamin Franklin anticipated when he pronounced the words many years ago.

It is interesting that when the High Court annulled the appointment and posting of the commissioners as unconstitutional, it was assumed that the government would abide by the law.

Surprisingly, the office of the President led by the Internal Security Permanent Secretary Mutea Iringo, disregarded the High Court ruling and argued that the commissioners should stay put in their new stations.

The commissioners were mandated to preach peace and enhance cohesion in readiness for the 2013 general elections. What puzzles Kenyans is why the government cannot invest in the existing provincial administration to preach peace instead of using the county commissioners as a pretext to ignore court rulings.

The Chiefs, DCs, DO are still in office legally and can carry out any constitutional responsibilities that the government may assign to County Commissioners through the back door.

Despite Attorney General Githu Muigai advising against appealing against the High Court ruling, then acting Internal Security Minister Yusuf Haji went ahead to appeal to the chagrin of Prime Minister Raila Odinga.

As we wait for the outcome of the appeal the high court ruling still stands, that the county commissioners were unconstitutionally appointed.



**Bungoma County Commissioner
Mr. Jamleck Mbaruka**

Picture source: West Fm

Yearning for Peace for the Luo & Kalenjin Communities

BY HELLEN ONGERE

Until 1992, the people of Nyakach, Muhoroni and Nyando constituencies lived in peace with their Nandi neighbors. They shared a common border.

After the elections of 1992, things were never the same again as politically instigated ethnic clashes arose between Luos and Kalenjins along Sondu, Awasi, and Soghor, the boundary that separate the two tribes.

Since then, it has been extremely challenging to settle recurring ethnic disputes between these two communities. The disputes are deeply engraved in political misunderstanding. The Luo community feels that they have been looked down upon by the country's former two heads of state for their outspoken attitude against historical injustices against their community. This, they largely claim has resulted into the community being economically marginalized.

They cite the closure of the Miwani and Chemelil Sugar Companies in the early 1980s when the two factories were put under receivership to the detriment of the cane farmers in the area. Also the closure of the Ahero rice irrigation scheme around the same period impacted

heavily on the Luo farming community who depended heavily on the industries. Since these closures, high levels of unemployment among the educated youths combined with escalating poverty has led to insecurity in the region hindering economic growth.

Subsequently, this vulnerability gives way to continuous inter-community fighting and conflicts, occasioned by cattle-rustling between the Luo and Kalenjin Communities even resulting in Internally Displaced persons.

A case in part is the Nyando IDP camps who claim massive discrimination by the government even though they refer to themselves as returnees and not IDPs. Peace is therefore a necessity between these political borders of the Luo and Kalenjin Communities.

There is need for political leaders in the region to commit to peace so that the communities can follow in their footsteps. The two ethnic communities should sit together to resolve how to revive the peace they enjoyed before 1992.

This should be a crucial consideration for all the politicians seeking leadership in the area. ■

Kisumu threatened by cattle rustling

BY WASHINGTON ABURA,
Nyando Hurinet

Frequent cattle theft allegedly committed by the Kalenjin community towards the Luo community is increasingly becoming a security concern in Kisumu County.

Allegedly, Kalenjins cross into Muhoroni of Kisumu County 'at Nyangeta, Miwani Chemise, Chemelil, Muhoroni, Koru and Fortenan and steal cattle before driving them to Tambul cattle hideout. Tambul is in the hills between Potopoto and Kapkuony in Nandi County.

Recently, ethnic clashes arising from cattle theft left over 32 families' homeless, unknown deaths and properties worth millions of shillings lost.

On February 25 this year, rustlers from the Kalenjin community are said to have crossed into Kibigori and stole over 25 heads of cattle which saw the Luos from Kibigori pursue them but failed to recover their cattle. Subsequently the Luo took 10 cattle belonging to the Kalenjin as "compensation" for their lost herds which sparked even more violence. Responding to alarms later raised by Kalenjins whose cattle were taken, General Service Unit (GSU) took two weeks to completely quell the resultant violence. Tension is still high around this area.



Stolen cattle recovered on July 13, 2012

A similar cattle theft occurred on July 13 this year at Mibasi. It is believed that during this incident, Kalenjins from Nyangore Sub location, Chemelil Location of Muhoroni, stole five heads of cattle from the Luo community. While they were driving the stolen herd to Tambul through Nyando- Nyangore, Assistant Chief Moris Opiyo together with 16 Administration Police Officers attached to Ngeta Farm are said to have intercepted the raiders and recovered the cattle.

For a long time, have abhorred the cattle rustling culture and have frequently urged the local administration to curb this menace so as restore peace in the area.

Efforts made by Muhoroni District Commissioner and District peace committees of Nandi and Muhoroni in the recent past to stop the rustling have been futile. The administrators initiated monthly inter community games and forums at Achego, Chemase, Kibigori, Chemelil and Soweto - Fortenan to encourage peace in the area but all in vain.

Consequently, no socio-economic development is happening at the border

of the two communities. As a result, poverty level is escalating at an alarming rate around Nyangore and Owiro areas.

We urge state and non-state actors to put up Anti Stock Theft Camps in Nyando - Nyangore to curb this menace. Nandi - Nyangore is the main route to Kabul cattle hideout. If it is not just cattle theft, then it has political and ethnic connotations which must be controlled now to avoid its spread to the rest of Nyanza and Western Province. ■

Soccer Tournaments to promote peace in Kuria District

BY GEORGE CHACHA, People for Rural Change Trust

A committee in Kuria district has launched a soccer club that will organize football tournaments in the region as a way of promoting peace in the area.

Kuria District Peace Committee is hoping to unite the Kipsigis and Kuria communities that have for long engaged each other in fights over cattle and land in Kuria District.

Soccer tournaments have been arranged for the two warring communities ahead of the March 2013 General elections. The Kuria District commissioner Mr. Mutindika said the two communities will interact through sports and build peace in the process.

He challenged communities in the border town to further build peace by organizing cultural events that will bring them together. The District Commissioner donated football kits and balls for tournaments.

At the same time, elders from both the Kuria and Kipsigis communities in the region have signed a memorandum to live in peace.

It is hoped that this memorandum will be a boost to the many peace initiatives already being implemented in the area.



Stolen cattle recovered from Tambul

How the child of war founded the Kuria tribe

BY GEORGE CHACHA

On a moonless night, a band of Kuria cattle raiders stealthily crossed the Kenya-Tanzania borders to steal cattle and execute a traditional requirement.

The raider's mission was to conduct a quick attack; burn down houses, maim or kill villagers before driving away all the animals from Maasai village in present day Transmara, Kenya.

Everything went as planned, except for one of the raiders who had kidnapped a pretty little Maasai girl of not more than 5 years old.

The scenario happened a long time ago before the Kenya-Tanzania borders were re-drafted by the colonialists.

Fast forward; from the pretty little girl known as Sweila and renamed Nyangi in the land of the raiders, they started a family tree that spanned generations to come. The story is told of how Nyangi grew up to become a woman who got married to Chacha Moke. They had 14 sons. Chacha Moke and his 14 sons are considered the foundation of the Kuria people.

Sweila's or Nyangi's (as she was known in her adopted land) people were known as the Kurias straddling the borders of Kenya in the south and Tanzania to the North.

The Kurias in Kenya have their origin in Tanzania but as an ethnic community, Kuria is one of the more than 120 ethnic communities of Tanzania and among the 42 tribes of Kenya.

The Kuria are said to have migrated from Egypt along the Nile, contradicting the concept that all Bantus migrated from

the Congo forest, while Nilotes came from Sudan along the Nile.

The Kuria people occupy South Western tip of South Nyanza in Kenya. According to Kenya's census they number 256,800. In Tanzania the Kuria people occupy a whole province, the Mara Province.

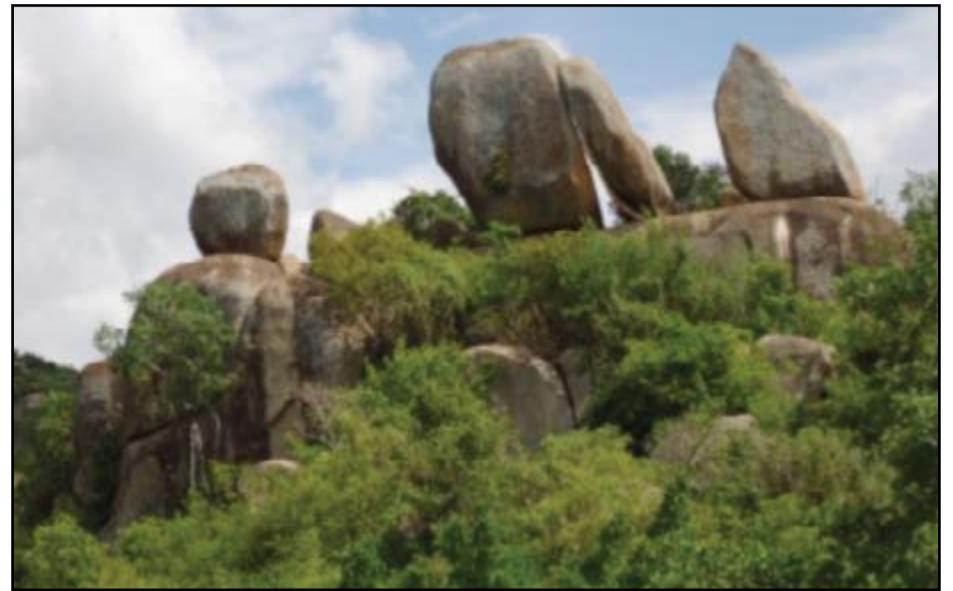
In Kenya, there are four Kuria clans while in Tanzania they are more than fifteen clans. The Kenyan clans are Bakira, Bairege, Banyabasi and Bagumbe while those found in Tanzania include Wakwaya, Wasweta, Wakeroba, Wazanaki Waikizu, and Watimabru among others.

Mara Moke, Kuria elder states; "When we came to this region there was war. We hear that the whole world was fighting. The land was very expansive. You could pick as much land as you really wanted. At that time we didn't know of anything as Kenya or Tanzania. All we knew of our history is that we had migrated from Nyamwaga."

Over the years, there have been vast integrations between the Kuria and neighboring communities and also with foreign communities venturing into the area.

At a recent conference, Mohammed Aslam, a Kenyan of Asian origin who speaks fluent Kuria narrated how he has been discriminated against. Like the Kuria, his ancestors came to Kenya in 1700s to build the railway line.

Aslam says that his son is happily married to a Luhya lady. He has yet another child who is also married to a Luo. ■



A sign board at the Isibania Border. A significant Kuria population resides here.

Dying because of poverty

BY MIZIZI CORRESPONDENT, KIAMBU COUNTY

In George Orwell's classic selected Essays, he talks about why the poor die.

Orwell attributes this to poverty.

This is what sums up the situation in Kiambu County where a boy has been living with a strange disease and in abject poverty.

The disease which has afflicted the boy's skin since birth has interrupted his education at Rubiru Primary School in a county where politicians spend billions of shillings on campaigns.

Now the boy stays at home desolate – watching his life wasting away from a disease that would probably have been cured through proper medical attention.

The boy's illness and poverty in the area is the irony of life in an area concentrated with more millionaires than any other place in the country. Some of the richest people in Kenya actually come from Kiambu County.

It is pathetic to find leaders from the same county spending billions when

some of the citizens are languishing in poverty.

The pain of poverty and inequity in resources spreads to Kisumu where kidney patients at New Nyanza hospital have to queue for dialysis as they rely on just one dialysis machine in the region and when it is broken down, the patients are only at the Mercy of God. Ironically, it is in this part of the country that politicians still use choppers to campaign. The absurdity of it all is that these politicians do not care for the poor people who by the way are the ones who vote them back into power every election year.

Why is a dialysis machine not a priority for candidates from that region? Why is it not a priority for the politicians to buy these life-saving machines for the well-being of their people?

A little boy, paralyzed by a strange disease in one of the richest counties in Kenya should surely get help from the local leaders who go on splashing money on luxuries and the extravagances of power!! ■



Mohammed Aslam, making his Point during an inter-ethnic conversation at Jumuia Guest House in Kisumu, organized by ACT, in Sept 2011.

Insecurity stalks Pokot & Tugen borders

BY WILLIAM KITILIT

For 35 years, two pastoral communities in Baringo County have endured a frosty relationship arising from cattle rustling and banditry activities along their common borders.

The Tugen community has persistently accused their Pokot neighbours for unfairly targeting them in banditry attacks in which lives have been lost and property and livestock worth millions of shillings lost.

Numerous peace meetings organized by various stakeholders have been futile with the Tugen accusing the Pokot of always renegeing on peace deals and mounting surprise attacks instead. This failure to honor peace deals has impacted negatively both economically and socially on the Tugens and has jeopardized efforts to restore calm and instill security in the area.

The Tugens have persistently complained that every time their animals are stolen by their Pokot neighbours they are reduced to poverty and destitution.

The Pokot are alleged to have an advantage over the Tugen as they possess illegal firearms that their counterparts lack making their cattle rustling attacks more deadly each time they strike.

A local resident who spoke on condition of anonymity alleged that the Pokot have been successful in their attacks against the Tugen community because of the illegal firearms in their possession.

Apparently, the Tugen do not enjoy the same privilege and are therefore weaker in retaliation when attacked by the Pokot. The resident claimed that a community from a neighboring country was involved in the illegal business of supplying firearms to the Pokot community in exchange for a large number of livestock allegedly stolen from the Tugen adding that they were being aided by retired police officers or ex-service men.

“A form of barter trade where animals are being exchanged for illegal firearms has been going on for a long time in East Pokot and the government should investigate this matter and apprehend the suspects,” he said. “How then can we counter such well-armed people with weapons like bows and arrows? We can only appeal to the government to urgently disarm the Pokot or allow us to arm ourselves for self-defense,” he added.

Tension between the two communities fuelled by the unpredictable but well organized cattle rustling and banditry attacks along the common border has been rising over time.

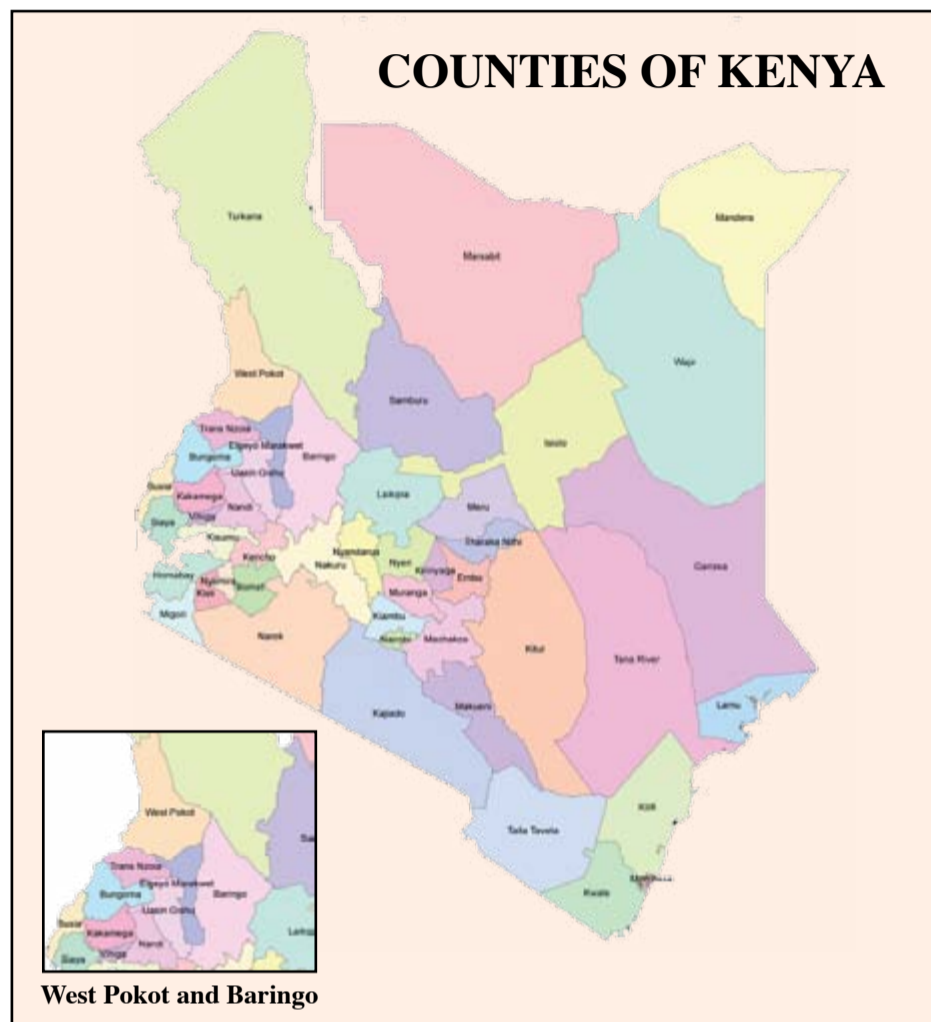
Tugen leaders have emphasized the need for their people to exercise patience and tolerance though they allege that this has been misconceived by the Pokot to mean that they are cowards and weaklings.

A Tugen elder, Mzee Benjamin Arwaita says; “We are peace loving people who believe that retaliatory attacks against our neighbours will only be disastrous and the Pokot should not think that we are afraid of them. We do not want to engage in a war that will hurt innocent people. We want to avert a confrontation between us that will only cause pain and suffering to our families and communities.”

Recently, the Tugen paralyzed business along the busy Marigat-Loruk road when they barricaded road with logs, tree branches and huge boulders protesting the rising insecurity from cattle rustling and banditry attacks in the area.

They said that cattle rustling had taken new dimensions where the raiders were now torturing their victims before stealing their livestock. Raping of women and girls during these attacks is also on the rise.

Stanley Chesut, a resident in North



Baringo said that the most recent case of the attack happened in Chemoe area. The raid left the residents shaken by their beastly acts. Stanley’s 25year old brother had his private parts badly severed during the attack, a claim that was corroborated by the North Baringo member of parliament William Cheptumo who is also the Justice and Constitutional Affairs assistant minister. “One of our people is admitted at the Rift Valley Provincial hospital with serious wounds inflicted on his private parts” Cheptumo explained.

He said that he was solidly behind the move by his people to block the road even for as long as for one year if this was the only option that could help the residents’ get the attention of the government to their grievances.

The MP said that the move by his constituents was a culmination of long term raids endured from the Pokot and that it was their last desperate attempt to the government to address the issue permanently.

Baringo North District Commissioner Joshua Ogango and Deputy OCPD Samuel Muthama while pleading with demonstrators to re-open the road confirmed that cattle rustling had escalated in the last three weeks and condemned those involved saying that the law would soon catch up with them. The DC admitted that instant response to cattle rustling distress calls had been hampered by lack of transport and poor

road networks but assured the locals that a vehicle would be posted to Chemoe immediately to assist in tracking down the raiders. The area OCPD however was at pains to explain allegations that police were not arresting suspected cattle rustlers though they had their names. He instead accused some locals of rushing to the media and giving out confidential information that further complicated their efforts to arrest the suspects.

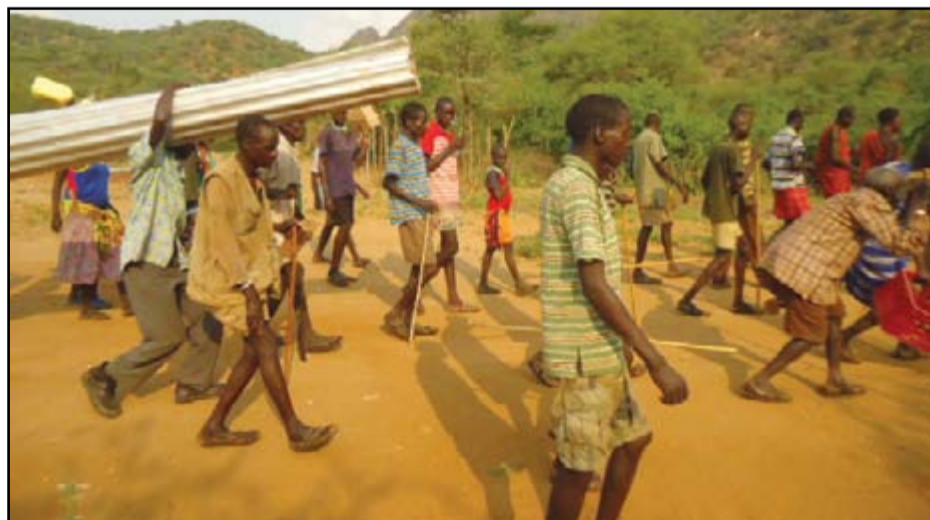
He was referring to an incident where names of suspected cattle rustlers were published in one of the local dailies therefore causing them to take cover and evade arrest.

The residents later re-opened the road but only after presenting the local administration with a number of demands for their security. They demanded the deployment of Kenya Police reservists to the area to beef-up security.

In swift reaction, the OCPD declared that the barrier at Loruk used for screening animals crossing the border would be reinstated immediately and police officers deployed to man it so as to ensure that no stolen animals crossed over.

Both the DC and the OCPD appealed to the people to maintain peace and let the security personnel handle the situation. ■

The author is the Chair of Baringo Human Rights Consortium



Residents of Sarmach in Pokot area moving away from their homes after the security operation done in the area created fear in them.

Picture source West Fm Photo by Leonard Wamalwa

Cattle rustling and the violation of human rights

BY LILLIAN KATAI

The Protocol on the Prevention, Combating and Eradication of Cattle Rustling in Eastern Africa defines cattle rustling as the stealing or planning, organizing, attempting, aiding or abetting the stealing of livestock by any person from one country or community to another where the theft is accompanied by dangerous weapons and violence. Kenya is a signatory to this protocol that is signed by the Eastern Africa Police Chiefs Cooperation Organization, EAPPCO.

Cattle-rustling is an old cultural practice among cattle rearing communities in Kenya. However, in the past three decades, the motive behind cattle rustling and its *modus operandi* has significantly changed.

The traditional practice, which involved the use of arrows and bows and which forbade the targeting of women and children, has now evolved into criminal activities of violent theft and murder. Indiscriminate attacks targeting helpless women and children of the rival community are on the rise.

Every year, hundreds of innocent civilians and security agents are killed during cattle rustling raids. In addition, livestock worth thousands of shillings is lost and hence rendering families destitute and vulnerable. However, it is the after-effects of the raids that have not received the priority and publicity it deserves. Deaths from cattle rustling leave long lasting negative impacts on especially children from the affected families and the community as a whole. Through interactions with the affected communities, the KHRC has recorded some of the consequences of cattle rustling as outlined below.

- **Increasing number of children suffering from post traumatic disorders:** A discussion with some women in Baringo from the Ilchamus community indicated that a number of children are traumatised by the sound of motor-cycles or the sound of a tyre-burst. The children, they said, live in constant fear of attack and are



Cattle recovered from cattle rustlers held by security officers at Archer's Post in Isiolo – KHRC file picture

disturbed by even the slightest sound. A child is reported to have fallen and lost his front teeth after being startled by a tyre-burst thinking it was gunshots.

- **High rates of school drop-outs:** Lack of security in the affected regions has resulted in children not going to school for fear of attacks. This has contributed greatly to poor school enrolment and retention in schools leading to systematic recording of low literacy levels in these regions
- **Increasing populations of orphans & widows:** The fact that men are usually the sole bread winners and livestock is the primary source of livelihood, many of the orphans and widows resort to other methods of fending for their family. In desperation, after husbands and fathers are killed in cattle-rustling raids, women engage in illicit sexual activities while the young girls end up getting married at an early age. Exposure to this lifestyle results in high rates of sexually transmitted diseases and HIV prevalence. The boys subsequently, also resort to participating in cattle raids against other communities. This perpetuates a cycle of poverty and insecurity.
- **Injuries:** Many children, women and men suffer critical injuries sustained during the raids, some of which have long lasting consequences. Due to poverty and lack of access to proper

medical attention, many of these victims suffer endlessly from injuries and many others later die without their deaths being recorded as such. Lack of this data has prevented efforts to quantify the magnitude of the problem.

- **Forceful evictions & emergence of IDPs:** Many families are left homeless as a result of cattle raids. They flee to safety and even without enhanced security some remain as internally displaced persons. Sadly though, the government is yet to recognise them as such and hence, they are not accorded the same benefits as the IDPs who were victims of the post-election violence. The case of the Ichamus and Arabal IDPs of Baringo attests to this fact.
- **The influx of small arms and light weapons** into the country and within specific regions has increased cattle-rustling and created a national security challenge and also threatens regional stability.
- **Loss of livestock** leaves the pastoralist families utterly impoverished and dangerously vulnerable to famine at a time of severe drought. Many deaths have occurred as a result of the drought.

In addition to the above, other grave human rights violations occur during government led disarmament programs which also leave immediate and long

term negative effects on the affected persons.

The cases in Samburu 2009 for instance as recorded in a report titled “*When the Police are the Perpetrators - An Investigation of Human Rights Violations by Police in Samburu East and Isiolo Districts, Kenya February 2009 - January 2010*” by Cultural Survival attests to this.

Such atrocities committed by the police during these operations include but not limited to sexual abuse especially rape, extra judicial killings, destruction and looting of property (food, non-food items, livestock and shelter), causing serious bodily harm (which may also be interpreted as Torture) that leaves many hospitalised and causing them to incur hospital bills despite their impoverished conditions.

In panic response, these government-led disarmament exercises has resulted in negative traumatic and psychological effect on women and children forcing them to flee to forests, some of which harbour wild animals each time there is an impending exercise. Incidences such as the Samburu case are yet to be prosecuted despite being a gross violation of both Kenya and International laws on human rights & protection.

*Lillian Kantai is the Programme Officer, Security Sector Reforms – KHRC.

Land question stalls Kwale Sugar Company

BY GEORGE JARAMBA

Local communities along Msambweni Land Ramisi are engaged in a protracted land fight with the Kwale International Sugar Company Limited (KISCOL) over ancestral land in Kwale.

The battle for land ownership which has now entered its fifth year pits the local communities against KISCOL, where they accuse KISCOL of illegally annexing their ancestral land.

The bad blood between the groups has now spilled over to the law courts threatening peace-building process anchored by *Mizizi ya Haki*, a human rights group at the Coast region.

To the small scale farmers at Nyumba Sita, Vidzyani, Ngojora, Fingirika, Dzibwage, Makongeni, Vumbu among others, KISCOL connotes uncertainty and a mere mention of the company could earn you the wrath of the villagers.

Mama Tsutzi an elderly small scale farmer who hails from Nyumba Sita in Msambweni constantly contemplates new challenges because the fear of eviction is imminent. “We go to bed every night but we don’t know what awaits us when we wake up in the morning,” She lamented.

Indifference displayed by the provincial administration and government officers has escalated tensions between the farmers and KISCOL.

Muzne Abdulatiff, a former Msambweni District Officer states that the land currently occupied by the company was initially leased out to its directors by the government.

However, neither KISCOL nor the government seem to know exactly where the leased land begins and ends thus the subsequent encroachment.

According to the farmers, the government leased out fifteen thousand acres of land to KISCOL. Their complaint therefore is that KISCOL has illegally acquired more than half of what was leased out to them resulting in the company allegedly forcefully encroaching on their ancestral land and illegally facilitating their eviction.

“KISCOL has illegally and forcefully felled our valued trees including mango and coconut trees without compensating us. They have also used private security guards, police and the provincial administration to intimidate and assault us,” claims Mzee Said Omari Mwituu.

The farmers further complain that KISCOL has engineered the unlawful arrests of their colleagues after a dawn

raid of Nyumba Sita early last year during which time the farmers were assaulted and their houses burnt down. Two children allegedly sustained burns as a result of the incident.

On their part, KISCOL acknowledges that it holds a lease of fifteen thousand acres of land in zone one to ten. The management however maintains that it has nothing against the community as the land in dispute was legally leased to the company by the government of Kenya.

In November last year, Jayme Tsutsuse, an American university student conducted a survey in Msambweni on causes of conflict between the company and the community.

In a report titled “*Conflicting Perceptions, Contentious Problems: A case study of Kwale International Sugar Co. Ltd in Msambweni district,*” It traces the history of sugar sub-sector to the colonial era.

According to the report, after the construction of the Mombasa-Uganda railway line some Indians who had been contracted by the British government as laborers remained in Kenya and established businesses eventually entering Kenya’s commercial agriculture industry.

In 1922, states the report, the Hindocha family opened the first commercial sugar factory in Kenya; the Miwani Sugar Mills, in Kisumu. “Just five years later, Associated Company Ltd established Kenya’s second sugar company in Ramisi” according to the report.

According to the report, the Madhvani Group International of India privately owned and managed the Ramisi sugar factory while the local Indians owned the large scale farms which exclusively supplied the factory with the sugarcane until the 1960s when new policies made it possible for the company to process sugarcane from small-scale, native farmers through a practice termed as “outgrowing.”

Soon after Kenya’s independence, the government established Muhoroni Sugar factory ((1966), followed by Chemelil, (1968), Mumias (1973), Nzoia (1978) and finally Sony sugar factory in 1979.

The protracted fights with the community have affected the sugar company. Five years after inception, the company has been unable to crush sugarcane.

A survey along Msambweni-Ramisi road reveals “over-matured” cane waiting to be harvested. According to the company’s Agricultural manager Patrick Chebosi, the factory is likely to start cane crushing in April 2013.

“When we begin proper operations, KISCOL will be able to generate electricity that will supply the entire South Coast,” said Chebosi.

Other expected beneficiaries include prospective out-growers, seven hundred of whom have since applied to KISCOL for consideration.

“As an out-grower, a farmer is provided with seeds, fertilizers and machinery to begin growing cane. Once the first

harvest is brought and sold to the company, the farmer begins paying back the loans incurred from start-up services,” explains Chebosi.

Whereas it is obvious that the community will benefit from the plant once it begins operations, the government and the local leadership have been at odds escalating the impasse over land.

Despite the current inability to crush cane, KISCOL has been paying close to Ksh. 7 million in salaries and wages monthly. The company has close to 800 workers on its payroll.

Although farmers at Vidzyani have protested destruction of their crops by KISCOL bulldozers, residents of Pongwe Kidimu, Kikoneni and Majoreni however believe that this delay is costing them economically.

According to the President of Segeju Survival Movement Athman Kibada, the delay in resuming sugar production in the area has had devastating economic effects on the community.

“My late father resigned as a civil servant to engage in sugarcane farming; he did well and took all of us to school. We too would like KISCOL to operate so we can earn a living by supplying it with sugarcane,” says the civil rights activist.

So far, several civil society organizations have pushed for arbitration between KISCOL and the Community but a truce is yet to be agreed on. ■



A KISCO bulldozer drilling a dam at Vidzyani on a section of the land in dispute between the company and the local community

Photo: George Jaramba-Kwale

A revisit to an MOU on Cattle rustling, the thorn in Kenya's flesh

BY MIZIZI YA HAKI TEAM

In May 2009, the Reverend Canon Peter Karanja of the National Council of Churches of Kenya presented a memorandum on cattle rustling to the Parliamentary Select Committee to investigate the root causes of cattle rustling.

The committee was established following a House Resolution on 21st January 2009 with a mandate to investigate the root causes of cattle rustling and report to the House.

In his introduction to the memorandum, Canon Karanja defined Cattle-rustling as an old practice among cattle rearing communities in Kenya. However, in post-modern Kenya, cattle-rustling had transformed from being a customary means of livestock restocking where traditional weapons such as bows and arrows and spears were used to a commercial practice where sophisticated weaponry is used.

In this new setting, there is a strong link between cattle rustling and political patronage. Politicians encourage cattle rustling for their political interests, as they make money through the practice. Because of political ramifications, these politicians are neither apprehended nor are they charged in courts of law for these crimes.

On their part, the raiders are paid to deliver specified number of heads of cattle and other livestock to specific places for slaughter and sale as meat. They also use the opportunities and protection provided by the politicians to acquire livestock for their communities, thereby earning support from the same. It is thus politically incorrect in some communities for politicians to condemn the practice.

At the heart of the menace of cattle-rustling is the rampant culture of impunity in Kenya. The failure by the government to stamp out the practice or deal firmly with the persons behind it has perpetuated and aggravated the menace. Traditionally, cattle-rustling took place on a seasonal basis and was mainly associated with rites of passage into adulthood. After circumcision, the newly initiated men took part in cattle raids to demonstrate their prowess and valour. Such raids were also organized to raise the dowry paid to the parents of a bride. The cattle raids also served to restock a community's livestock

especially after a dry spell. The raiders were mainly interested in cattle and sometimes women who were taken as wives. The raided communities would in turn organize counter-raids to recover the stolen livestock. The main weaponry used in these raids was traditional spears, bows and poisoned arrows. Such raids did not fundamentally disrupt the lives and livelihoods of the communities affected since they were not as frequent or fatal as the current ones.

Modern cattle rustling

Canon Karanja further unpacked to the committee the challenges that modernity has brought in relation to cattle-rustling thus raising concerns because of its devastating sophistication. In these modern days, raids are well planned and executed with military precision characterized by the use of modern and destructive weapons.

Cattle raiders are known to use small arms and light weapons such as MK4, G3, AK47, HK11, grenades, and mortars. This has virtually transformed cattle rustling from a traditional practice to a highly organized crime. The primary element in these raids is that the cattle stolen are taken to urban centres where they are slaughtered and sold as beef.

Only in rare cases are the cattle used to restock a community whose resources got depleted. This new development has made cattle rustling a very profitable business, leading to its commercialization.

Root Causes of Cattle Rustling

Most of the communities that practice pastoralist or livestock rearing experience some form of cattle rustling. This is done as a means to prove manhood for initiates, raise dowry, and restock depleted herds after a dry spell or out-break of livestock diseases.

Some unscrupulous businessmen have taken advantage of failure by the government to police the affected areas and thereby prevent cattle rustling. They hire young men among the communities where cattle raids are rampant to steal cattle for them. They then transport the same for sale in urban centres and make astronomical profits.



A scene from the Business of Violence KHRC documentary

It is this lapse which Canon Karanja blames on government laxity and insists they is a gap when it comes to meaningful intervention. "It is not convincing at all that the entire government security machinery does not already have information on all or most of the culprits and so they can only be continuing the bloody trade through bribery and corruption" Canon Karanja indicated in his memorandum to the committee. He insists in his presentation that commercial cattle raids cannot be viewed in isolation. "It is an outcome of corruption and greed as well as part of the national culture of shamelessness, impunity and lawlessness".

Proliferation of small arms and light weapons

In his submission, the canon further explored the implication of small arms and light weapons. Whereas the traditional weaponry such as spears and shields, bows and arrows were used to undertake cattle rustling in the past, the proliferation of small arms and light weapons in the region has complicated the vice. Thousands of small arms and light weapons are currently in the hands of cattle rustlers. This makes them behave like marauding armies with little or no government control. On its part, the government has a programme that arms certain communities that are believed to be prone to attack by their neighbours. This has worsened rather than solved the proliferation of arms in these regions.

In addition, the government lacks the capacity to monitor and control how the arms in the hands of Kenya Police Reservists are used, and some of these government guns are suspected to have been used by the raiders. Some of the guns are sold or rented out to criminals for use in gun crimes in other parts of the country.

This is in addition to the impression being created over and over again that guns are readily available for sale within the country. This explains the increased

number of gun crimes and use of sophisticated weapons in cattle raids.

The proliferation is worsened by the absence of a National Policy on Small Arms and Light Weapons. Although a draft policy has been in discussion for many years now, it has not been concluded as yet.

The proliferation of small arms is a matter of national importance because in addition to fuelling insecurity, it is a threat to our sovereignty and stability.

Porous and unprotected international borders

The proliferation of small arms and light weapons in Kenya is driven by two factors; our borders are porous and inadequately protected and out of the countries neighbouring Kenya, only one (Tanzania) does not experience armed conflict. Somali has not had an effective government for over two decades. For these two reasons, the flow of small arms across the borders has been easy.

Aside from facilitating transportation of weapons, the porous borders have made it easy for cattle raids to be undertaken by raiders from other countries. Animals stolen are sometimes taken across the border and disposed off in the neighbouring country. In most cases, communities straddle over one or two borders and easily crisscross over them with arms and cattle.

Connected to this is the unacceptable police / citizen ratio. While the United Nations recommended police / citizen ratio is 1:450, Kenya has a long way to go to achieve this threshold. It follows therefore that most parts of the northern Kenya are not only inadequately manned by police but have little security presence. In this regard, there is an urgent need to increase the police force nationally but also increase police deployment in the Northern area. The police must also be well equipped to handle the challenges of the area.

continued on page 11 col 1

from pg 10

Development in Kenya has been concentrated along the Mombasa-Kampala Railway line. It is around this area that one finds the best schools, best hospitals, best roads, the major towns and so on. If development must happen only along railway lines, why then has one not been extended to the Northern and Southern Kenya areas?

Successive political regimes have implemented policies that have ensured development is concentrated in the so called "high potential areas" or with deliberate intention to suit ethnic and other vested political interests. In addition, this warped development has been blamed on the Sessional Paper no 10 of 1965 on African Socialism and its Application to Planning in Kenya which on page 46 states:

"One of the problems is to decide how much priority we should give in investing in less developed provinces. To make the economy as a whole grow as fast as possible, development money should be invested where it will yield the largest increase in net output. This approach will clearly favour the development of areas having abundant naturally resources, good land and rainfall, transport and power facilities, and people receptive to and active in development; A million pounds invested in one area may raise net output by £20,000 while its use in another may yield an increase of £100,000. This is a clear case in which investment in the second area is the wise decision because the country is £80,000 per annum better off by so doing and is therefore in a position to aid that first area by making grants or subsidized loans".

On page 47, the paper goes on to make more condescending statements:

"The purpose of development is not to develop an area, but to develop and make better off the people of the area. If an area is deficient in resources, this can be done by: Investing in the education and training of the people, Investing in the health of the people, Encouraging some of the people to move to areas richer in resources and Developing those limited resources that are economic."

Obviously, such a warped approach to development has disadvantaged a large proportion of Kenyans, leading to the gross pain and bitterness from the sense of exclusion which has itself become a threat to national security and cohesion.

Many Arid and Semi Arid Lands (ASAL) have been ignored in development planning and distribution of national resources. The people living in such areas lack basic services such as personal security, education, health, shelter, water, and means of transport and communication. Communities in



Sourced from In2EastAfrica <http://in2eastfrica.net/region-states-asked-to-ratify-cattle-rustling-protocol>

ASAL areas do not view themselves as Kenyan citizens. These sentiments demonstrate the level of exclusion these communities experience from the national government.

Unless the areas affected by cattle rustling are developed and opened up to the whole world through infrastructure development, they will continue lagging behind and posing a threat to national security. They will become breeding grounds for international terrorists and other armed groups. Kenya must learn valuable lessons from Pakistan which acquiesced by allowing armed Taliban militias to settle in the remote Swat Valley. After wrecking havoc in Afghanistan and Pakistan, the two governments are now carrying out a military operation to annihilate the Taliban militias in that valley, with the resultant immense suffering by the general public who have been displaced from their homes and cut off from aid supplies. It suffices to note that a country ignores any one tribe or any one geographical area at its own peril.

How can cattle rustling be resolved?

To resolve cattle rustling, the memorandum by Canon Karanja proposed the following measures to be put in place urgently:-

- Finalization, enactment and implementation of the National Policy on Small Arms and Light Weapons
- Enhancement of border policing to ensure that illegal small arms and

light weapons do not find their way into the country

- Increased policing of the areas affected by cattle rustling to ensure that the government deals effectively with persons engaging in the act
- A community-based disarmament programme to be designed and implemented to ensure that all communities affected by cattle rustling and holding illegal arms are disarmed in a Joint disarmament exercise organized by Kenya and her neighbours such as Uganda, Sudan and Ethiopia.
- Development resources to be directed towards the affected areas to ensure that they are developed to be at the same level as other geographical areas in the country. This is more so with respect to infrastructure.
- Community education and re-orientation so that cultural beliefs and practices that encourage people to view cattle raids as part of rites of passage are dropped and replaced with value for other people's property.
- Improvement of social amenities such as education and health facilities in the affected areas. Development of boarding schools for students in pastoralist communities must be prioritized since nomadic lifestyle disrupts education for many children.
- Conclusive legal action to be taken against the persons who hire young people to engage in cattle raids for commercial reasons.

- Introduction of alternative livelihoods for the communities that practice nomadic pastoralist lifestyles. Such interventions could include irrigation projects, small and micro enterprise development, eco-tourism, artefacts and curio trade among others.
- A multi sectoral and representative ad hoc task force to oversee the execution of the above proposals and the others generated through the Select Committee be put in place to deliver these changes within a specified time-frame.

In conclusion, Canon Karanja in his memorandum describes the phenomenon of runaway cattle rustling as blight on our national dignity and mark of shame for an independent government like Kenya.

It is a contradiction that negates the development initiatives desired and attempted. It is unlikely to end on its own without a strategic, decisive and unrelenting intervention which calls for commitment on the part of government and political will.

Unfortunately, there has been inertia and lethargy on the part of the government on one hand and the communities affected by the vice on the other in tackling cattle rustling effectively.

**As extracted from a memorandum by Rev. Canon Peter Karanja, the general secretary of the National Council of Churches of Kenya presented to the Parliamentary select committee to investigate the root causes of a cattle rustling on 4th June 2009.*

Instilling equality and tolerance in children through books and creative writing

BY KHRC MEDIA TEAM

Six out of 10 school children in Kenya are aware that tribalism is a form of discrimination. Shockingly, this percentage of children says they are under pressure from their parents to discriminate on ethnicity.

This is according to the recently concluded 2011-12 *Knowledge Attitude and Practice (KAP) study on equality/non-discrimination* conducted by the Kenya Human Rights Commission (KHRC) among primary school children aged 12 years.

The study targeted class six children from Marakwet, Ugenya, Wajir, Isiolo, Taveta and Nairobi.

A cross section of children interviewed during the study say parents often try to prevent them from spending time with children from other ethnic communities or warn them against it.

The children also said they feel that their ethnic communities are more superior to others and prefer to keep friends from their own ethnic communities.

The study also revealed that some ethnic communities are associated with negative attributes and further states that about 12% of children interviewed have at one time discussed throwing out an ethnic community from their area of residence.

Focusing on five equality themes namely ethnicity, gender, disability, age and economic status, the study covered a total of 844 questionnaires, 24 focus group discussions and 24 key informant interviews.

The majority of the schools (10 out of 12) had pupils from different ethnic communities. Other findings of the report indicate that although 55% of the children interviewed agree that girls are as brave as boys, they exclusively accorded boys the right to decision making and the right to protection from war.

And on age suitability for leadership, the findings show that school children consider people 65 years and over as poor leaders, lacking appropriate wisdom, while those less than 19 years are dismissed as inexperienced and irrelevant.

This study by the KHRC was inspired by the realization that children were not only affected by the 2007/8 post-election violence, but in some cases, also formed part of the perpetrators.



Minister for Education, Hon. Mutula Kilonzo (centre) and author, Muthoni Muchemi flanked by students from Brother Beausang Catholic Educational Centre and Catholic Parochial Primary Schools in Nairobi at the launch of the book; *Attack of the Shidas: AKAs Save the planet* in Nairobi, September 2012. In the back row 3rd right is Ms. Atasango Chesoni, Executive Director, KHRC

Children aged 15 years and above were allegedly part of the youth militia that spread inciting messages and meted out violence following the 2007 elections. This realization raises questions on how much the primary, secondary and teacher training curricula invest in teaching children about equality/ non-discrimination and encouraging a culture of diversity.

A related study titled '*Curriculum Opportunities to Teach Children Equality and the Constitution of Kenya, 2010*', identifies numerous opportunities to begin teaching children tolerance with respect to diversity in ethnicity, gender, age, disability and wealth or economic status. This comes at a time when the Ministry of Education is reviewing its curricula at various levels to ensure compliance with the new Constitution.

In view of the findings and recommendations of the two studies, the KHRC has developed and launched a book titled; *Attack of the Shidas: AKAs Save Planet Earth* - a story book for children aged 9-15 years.

The book creatively addresses discrimination on the basis of ethnicity, gender, age, disability and wealth status through a deep friendship between three children from different ethnic communities, one of whom is a blind girl.

The book is conceptualized to bring equality and human rights debate to school children, their teachers as well as their parents. *Attack of the Shidas: AKAs Save the Planet* revolves around three communities who live in a desert town which depends on a lone borehole for all their water. However, the people are threatened when they discover that the water is mysteriously being emptied at night.

Three children in the town discover they have special powers as only they can see and hear the invisible water thieves who bring with them numerous other problems to the three communities. Sadly, nobody believes that the three children possess special powers of equality and tolerance that enables them to see what others in their communities cannot see. Will the children stop the aliens to their communities before war breaks out in the town?

This book is amongst the first to venture into the genre of science fiction to address the very delicate and contentious issue of discrimination by providing simple and practical messages to children in an entertaining manner.

The storybook has already been pre-tested among pupils and students of five primaries and one secondary school as well as among fifteen teachers drawn

from Siaya, Kitale, Marigat, Kwale, Wajir and Nairobi.

According to some of the children who have read the storybook, one of its greatest attribute is the ability to foster tolerance through the three super heroes whose special powers come from having skills to recognize and confront discrimination in form of hate speech, songs, poems, sayings, proverbs and even popular jokes in the form of 'mchongoano' often used by children.

The story-line in *Attack of the Shidas: AKAs Save Planet Earth* confirms that it is possible to innovatively use the curriculum to deliver education that is relevant to Kenya's current needs.

With equality and non-discrimination being one of the key values embedded in the Constitution of Kenya 2010, the Ministry of Education is on the right path in its review of primary, secondary and teacher training curricula to make this a priority.

The book is retailing at various Nakumatt Books First outlets in Nairobi for KES. 400.00

It is also available at Amazon on http://www.amazon.com/Attack-Shidas-Planet-Earthebook/dp/B0091D8V2Q/ref=sr_1_19?s=books&ie=UTF8&qid=1347276253&sr=1-19&keywords=storymoja

Factfile: Equality and School Children

How our Children View Discrimination & Equality

Ethnicity:

- 6 out of 10 school-going children know tribalism is discrimination
- 1 out of 3 feel their ethnic community is superior to the other
- More than one third (37%) of school children feel it is best to have friends from their own ethnic communities
- Children learn from and practice ethnic discrimination to please their parents

Gender:

- 1 out of 4 school children feel that boys are better than girls
- More than half (55%) agree that girls are as brave as boys

Disability:

- 34%, one third of school children think disability is as a result of witchcraft and doubts the leadership skills of people with disability.
- 78% of school children agree that community resources should be used to support people with disability but not at the expense of others without disability.

Age:

- 17% of school children dismiss young people of 19 years old as inexperienced and irrelevant in leadership.
- 68% of school children feel that old people can contribute effectively to community decisions while 60% agree that young people can efficiently contribute to community decisions.
- 25% of school children feel that children do not have a role to play in community decision-making.

Economic Status:

- 70% (more than two thirds) of the school children say a rich leader is not better than a poor leader.
- Children clearly see discrimination based on economic status in their communities.

Facts courtesy of the Kenya Human Rights Commission KAP study on equality.

Our National Anthem: A prayer for Peace!

BY SALMA ULEDI



O God of all creation, bless this our land and nation, justice be our shield and defender, may we dwell in unity, peace and liberty, plenty be found within our borders.

These are words from our National Anthem and our prayer to God.

This prayer is not specific to any creed and cuts across all religions.

All religions preach peace.

Islam through the Quran and the prophet Muhammad teaches peace and in its simple greeting; *Salaam Alaykum* which means peace be upon you.

The Bible says, "Blessed are the peacemakers for they shall be called children of God."

Hinduism and Buddhism also preach the same general message of Peace.

However, with all the animosity and conflict around us, yet we claim to be largely religious as Kenyans, why don't we adhere to our religious teachings and preach Peace!?

Peace is not automatic but carries with it responsibilities and challenges. Patience is a virtue that is integral in peaceful co-existence between communities. Communities must learn to respect each other.

Sometimes conflicts erupt because clans look down upon the other. When communities look down upon each other a simple misconstrued or otherwise utterance can spark inter-ethnic or inter-clan fighting.

This kind of intolerance for each other means that there will always be constant tension and suspicion especially in areas where one is seen to be from the "other" side.

Scarce resources present a major problem when it comes to peaceful co-existence. When two communities have to share scarce resources, it becomes a source of conflict. Elders, local chiefs and assistant chiefs should call for *barazas* to come up with formulas for sharing before tensions builds and conflicts erupt.

For us to live peacefully we need to understand other cultures and beliefs in order to court tolerance and acceptance. This way, we will avoid doing things or making utterances that would seem provocative.

The leaders we elect can determine whether we live peacefully or constantly in conflict. We should elect leaders who preach peace and also practice peace. We must follow leaders who engage other communities in all aspects of community life and constantly remind people that fighting and breaking the law will not help but harm the society.

Leaders must teach the community that there is a direct link between peace and prosperity. A community that is in constant strife will have no time to focus on a development agenda and will always lag behind. With the new devolution type of governance as included in the new constitution, it will not be surprising to see a certain county prospering and its neighbors languishing in poverty because of unnecessary divisions.

It is therefore upon the people to decide whether they want to lag behind as the rest of the country continues to grow or whether they will seize the opportunity of county governments to propel them towards development.

In the last general elections, the country was seriously polarized along ethnic lines and as a result, chaos ensued, many people died and property of unknown value was destroyed.

We need to ask ourselves whether voting along tribal lines has any direct benefits other than just being manipulated in the ugliness that is tribalism.

These are the lessons we should have learnt from the 2007-2008 post-election violence. It would be disastrous if we learnt nothing from that experience!

If there is any lesson more, then it is in the prayer that is our own national anthem that should compel us to embrace peaceful co-existence.

"..May we dwell in unity, peace and liberty, plenty be found within our borders".

Environmental degradation & poor roads mar Elgeyo-Marakwet County

BY DANIEL K. SUTTER, Trans Rift Hurinet

Elgeyo-Marakwet County is blessed with most of the big names of the world long distance runners. This is home to most of the global giants of the long-distance races.

The county has a population of more than 370,000 people. It boasts of natural features, ranging from hills, forests, rivers, waterfalls, escarpments, historical sites to wildlife.

The soils in this county are fertile which enable farmers in the county to cultivate different types of crops as a source of living.

Forests are the main sources to rivers which serve most parts of western Kenya cradling big towns like Eldoret and Kitale.

In its vast and serene standing however, the county has a lot of issues which need to be solved by both governments.

Some of the issues are resettlement of squatters numbering 32,000 evicted from the Embobut forest. The forest which is about 22,000 hectares is the source of more than six rivers.

The residents have been squatters since the colonial times when the demarcation of the forest boundaries was set in 1932. This decision pushed them from their land towards the escarpment and unfavorable grounds exposing them to hazardous landslides, falling stones and deadly wild animals.

The forest, once a water source with a green beauty before illegal settlements threatened its existence, was destined for extinction, but is now regaining its existence since the government evicted inhabitants from the catchment area.

Some of the evictees are now waiting to be resettled while others have sought refuge in their relatives' homesteads.

The squatters at the Cherenganyi huge section of Embobut are said to be encroachers to public land as stated in article 62 of chapter five of the Constitution of Kenya, 2010. They have however been adamant to vacate the land which they view as their ancestral attachment to the forest.

By encroaching on the forest and carrying out illegal activities such as charcoal burning, logging and overgrazing, the squatters destroyed the environment leading to destruction of over half of the forest.

The evictees, allegedly, have permits which were issued to their fore-fathers by the colonial government. However, as the population of the legitimate squatters increased, demand for more land forced them to encroach further into the forest.

The settlers form the majority of the voters in Marakwet East constituency, which explains why local politicians vehemently defend them when their welfare comes under threat from the government.



Fruit trees flourishing in Kerio Valley

Any politician who supported their eviction would end up in political oblivion as they would be voted out of office come the general elections.

For instance, in the 1983 general election, the squatters voted out then area MP the late Vincent arap Too who supported their eviction and replaced him with Robert Kipkorir who was also a "victim" of the evictions thus viewed favorably by the squatters.

Almost all the Marakwet East MPs including the current one, Mrs Linah Kilimo have been squatters and they have been actively advocating for the squatters' resettlement.

After waiting to be resettled for more than two years, former Finance Minister



A section of a damaged road in the Kerio Valley region

Uhuru Kenyatta announced that treasury had set aside Sh.8 billion for resettlement programme for the people evicted from the Embobut and Mau forests.

The funds were released to the lands ministry and the process of searching for the land to relocate the people is already in place.

The formation of the task force to advise the government on the best way to address the issue has been thrown into the process following grievances put forward by the settlers. The squatters said they would snub the relocation plan because they were opposed to the criteria used.

The only good tarmac road in the county is the one from Eldoret passing through Iten to Kabarnet and from Eldoret through Chepkorio to Eldama Ravine. However, because of the bad state of these roads, it takes about two hours to travel the short distance which on a good road a car can take less than an hour. It takes even longer to travel the roads during the rainy season.

In frustration, some residents from the county have decided to migrate to urban towns like Eldoret due to the poor conditions of the roads.

The valley parts of the county are more unpredictable than the highland sections. Residents living in the valley are at risk during rainy seasons because rivers in the area wash away weak bridges, leaving the roads impassable. Residents therefore have to endure long treks to urban centers for business and other necessary engagements.

Farmers in the valley are the most affected since perishable produce like mangoes, tomatoes, watermelons and oranges fail to reach the market in time due to the bad state of the roads.

Fruits produced in the Kerio Valley are taken to main towns like Eldoret, Kitale, Nakuru, Kapenguria, Kisumu, Kakamega and Kericho.

In this regard, farmers are lobbying the government to build cold stores for them to preserve the fruits if vehicles fail to access the area on time due to the poor state of the roads. ■



The deplorable state of the Iten-Kapsowar road during the rainy season in Elgeyo-Marakwet County

Effects of Cattle Rustling in Baringo County

BY WILLIAM KITILIT, Baringo Human Rights Consortium

Six primary schools in Ngorora location in North Baringo district delayed re-opening school in second term due to insecurity arising from cattle rustling and banditry activities.

A tour by the Baringo Human Rights Consortium (BHRC) in July 2012 in the insecurity prone area established that tension was still high and residents were fleeing the area together with their livestock to other locations.

Deserted pad-locked homesteads around Natan, Yatya, Tuluk/Chemoe and Kagir areas that border East Pokot district characterized the magnitude of the porous security state in the location.

At deserted homesteads, only abandoned chicken, emaciated dogs and goats roamed aimlessly in the compounds.

At various points along the roads and footpaths, women and children were seen carrying their belongings and were heading towards schools and trading centres like Yatya and Tuluk where there were under guard of the few remaining men and the area chief.

Men armed with bows and arrows had strategically positioned themselves at various points in the bushy and thorny area with rugged terrain in anticipation of any eventuality.

At one point, distress calls could be heard from the villages located in the distant hills along the common border of the warring Tugen and Pokot communities living in the area.

An interview with the area chief Thomas Chebor was briefly interrupted when he was informed of an ongoing attack in Kagir village by suspected Pokot rustlers. Chebor who spoke at Tuluk boarding primary school confirmed that tension had heightened in the last three weeks between the two communities who have been in conflict mainly over cattle.

He said the situation had been aggravated by a sustained series of attacks against the Tugens in which one person was killed last week forcing the Tugens to close the Marigat-Loruk road in protest of increased cases of insecurity.

The chief said that affected residents were migrating to safer areas of Kerio Valley, Sibilo, Kaboske/Kerio and to



Women and children migrate to safer grounds in Samburu North, which has experienced cattle rustling and conflicts over pasture and water.

Picture courtesy of Daily Nation

the District Officer's office in Bartabwa division.

The administrator said that he had personally joined the Administration Police officers stationed in Tuluk and together with the area residents, had participated in tracking down livestock that had been stolen on Wednesday. "We followed the animals towards Silale in East Pokot but our recovery efforts were thwarted by the ongoing heavy rains being experienced in most parts of Baringo County" He said.

Paul Kipkulei Kimosop, a resident of Chemoe was disturbed that cattle rustling has become a daily and normal occurrence in the eyes of the government, hence the lack of goodwill to address it.

"We have sung this song of insecurity emanating from cattle rustling for long but it seems the music has become boring to the ears and no one listens to it anymore. We are on our own" Paul lamented.

He said that even if it was debt that they owed the Pokot, they have paid in excess with their lives and animals. "What kind of debt do we owe our neighbors that they have taken it upon themselves to condemn us to a life of poverty, destitution and loss of hope in life?" he paused.

Another resident Mzee Tangasian Chepserich said that families that have been separated as a result of insecurity were camping in different locations without food and shelter and the

government should consider supplying relief food to them.

Joseph Chepkangor who lost 120 goats to the raiders wanted the government to construct a police post at Kagir as the nearest one at Loruk was 18kms away. "We want the government to put up a police post here together with a vehicle so as to immediately counter any attacks from raiders. Loruk is far away for any meaningful action to be taken in case of a raid" He urged.

A senior teacher at Kagir primary school, Mark Chepkangor, could not control his emotions during the interview as he narrated the suffering of the Tugen community in the hands of the Pokot. While exposing the injuries he had received when trying to escape from the rustlers on Wednesday, Chepkangor was frustrated that he had no idea of the whereabouts of his family members as they had run in different directions when the raiders struck.

He was saddened that children from the insecurity prone area had been deprived of their constitutional right to education thus reducing their chances of effectively competing with others in examinations. "Children from other regions are in school now while our own are not even assured of their life the next minute! Why can't the government sympathize with these children by ensuring a better learning environment?" He paused.

Mark also said that teachers in the closed schools of Yatya, Tuluk, Kagir, Kobile, Loromoi and Ngaraturo had been

rendered idle as there were no pupils to teach since parents had migrated with their children.

Another teacher who is a resident of Kagir but teaches at Marigat Integrated School, Thomas Kibet said that he had housed over 150 families in the last three days when the violence had escalated and that they had to flee to safer areas after an early morning raid yesterday.

Kibet who is blind, said that the physically challenged in these insecurity prone areas were more vulnerable and easy targets to attackers as they had no ability to act fast unless with the assistance of a guide. "There are five blind men and a woman who have been left behind by their families because moving with them compromises their security further." He added, "There is nothing as bad as being at the mercy of an enemy yet your chances of defending yourself are limited by your physical condition."

He claimed that the insecurity in the region was a ploy by the Pokot to expand their territory into the Tugen land and asked the Independent Electoral Boundary Commission (IEBC) to demarcate the boundaries so that there is peace. He also demanded that the government addresses the issue of insecurity once and for all.

Richard Chepchemei said that the community was in the process of constructing houses to accommodate security officers to help with beefing up security in the area. ■

Dwindling hope as law implementation stagnates

BY GEORGE JARAMBA

The euphoria with which Kenyans met the enactment of the new constitution is steadily taking a decline. The excitement has since been substituted with hopelessness and gloom, prompting many to question whether voting “yes” in the 2010 referendum was a worthwhile venture.

Numerous factors can be attributed to the sudden pessimism among Kenyans in various parts of the country. In Kwale county, where the local communities continue to decry the lack of equality in the distribution of national wealth, the high expectations previously held is now at its lowest ebb.

Like other coastal counties, major concerns of Kwale residents revolve around land ownership and the management of natural resources in the area. Despite the existence of numerous land laws, Kwale people have not been able to benefit from the resource as a sizeable section of the population still squat on the ancestral land. The unresolved land disputes have also affected the economic welfare in the area, a good example being Kwale International Sugar Company Limited (KISCOL). The company was established five years ago after the collapse of Ramisi Sugar Company. However, the sugar miller has received a hostile reception from the local community who claim the company has encroached on their ancestral land.

“I know all the areas where Ramisi was operating; Nyumba Sita, Vidzyani and the other villages Kiscol is putting

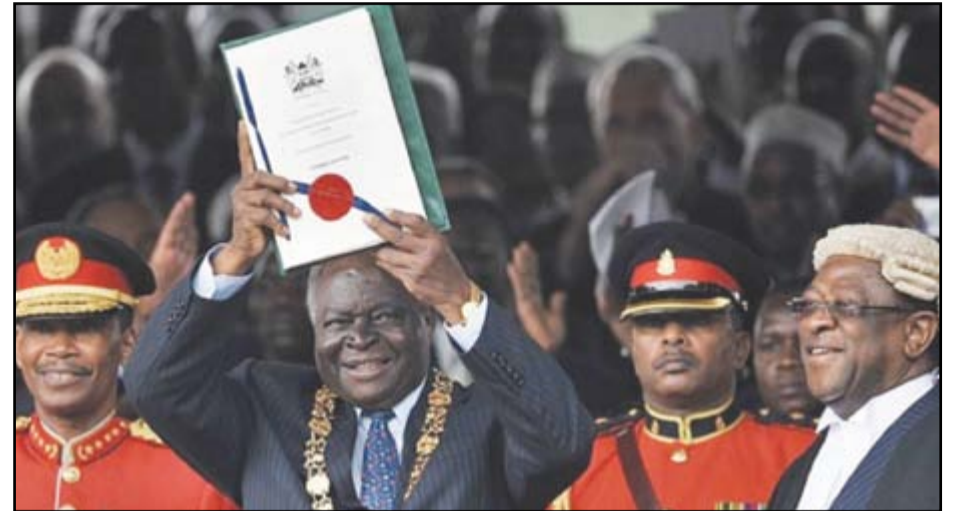
claim, on were not part of Ramisi Sugar; they have gone beyond the demarcated boundaries and are now treating us as outcasts in our own land,” laments Mzee Shauri Sapata, spokesperson for Msambweni Small Scale Farmers Group.

The management of KISCOL has however refuted such claims. “The land we’ve planted the crop was duly leased to the company by the government of Kenya,” says Mr. Muslim Karimjee, the operations manager.

Local leadership is however, sharply divided on the matter. Those in support of the project are urging the community to look at the positive impact the project is likely to have on the development of the area. According to KISCOL Agriculture Manager Mr. Patrick Chebosi, the company currently employs seven hundred staff, most of who work in the cane fields. “We project the number to double when we start mechanical operations.”

A former MP for Msambweni constituency, Mr. Abdallah Ngozi, asserts that those opposing the project have been misled by “irresponsible leaders who don’t have the interest of Kwale at heart.”

Residents of fifteen villages in Msambweni, where land has been earmarked for cane growing have been living in fear of possible evictions. Local civil society groups led by Kwale Human Rights Network (Kwale-Hurinet) have been in the forefront, calling on the government to resolve the impasse.



President Mwai Kibaki displays the Constitution of Kenya 2010 upon its promulgation on August 27, 2010 at Uhuru Park Nairobi

In April, 2010, Nyumba Sita village was raided at dawn resulting in physical injuries to residents and destruction of property of unknown value. The villagers blamed the raid on Kiscol security guards and the local police. Kenya Human Rights Commission in collaboration with Kwale Hurinet held a peaceful procession in solidarity with the Msambweni community to condemn the incident. The exercise which began at Ramisi Bridge culminated in the presentation of a petition to the Msambweni district commissioner’s office.

In the petition that was also copied to the minister for lands, farmers were demanding among other things, that the government facilitates the return of all lands irregularly acquired by KISCOL and other private developers to the community.

Apart from sugarcane, other cash crops that have done well in Kwale include cashew nut, mango, coconut, oranges, citrus and bixa. Whereas bixa boasts a small processing plant in Matuga, the rest of the crops have not been effectively exploited. Construction of a cashew nut processing factory which began in the 1990s collapsed midway after the investor allegedly failed to secure credit facilities from the government. The project was associated with Mr. Boy Juma Boy, a former member of parliament for Kwale Central, currently Matuga constituency.

A South African investor who had offered to rescue the project, bowed out after failing to agree with government

officials over alleged kick-back,” reveals a retired provincial administrator who did not wish to be named. Mr. Mkonga Kibwana, a resident of Kiteje village in Matuga however, thinks that it is never too late to revive the project.

He says “In the past, issues affecting us were planned and decided in Nairobi but now with the county government, we’ll be able to develop and implement ideas locally.”

The constitution, and indeed specific bills if enacted into law, will give the county government opportunities to engage in borrowing both from the national government as well as seek grants from eligible donors for the purposes of investing in infrastructure and capital project development. For instance clause 20 (1) of the County Government Financial Management Bill (2011), reads thus, “a county government may solicit, receive, budget, utilize and account for donor grants in accordance with the procedures specified in the Intergovernmental Fiscal Relations Act.” This means that the county government may on behalf of the public, solicit for a loan or grant to complete stalled projects such as the Kwale Cashew nut plant. This principle can also be applied to build factories to process coconut, mango, citrus, orange and other cash crops which go to waste as a result of lack of processing facilities. Such a venture will encourage the formation of cooperative societies which will play a crucial role in employment creation in the county.

Perennial wrangles pitting the communities against foreign investors



The gender agenda question- A section of Kwale women during a an awareness campaign on the new constitution

from pg 16

have not only frustrated the efforts of the locals to engage in meaningful development programmes, but have also put paid to the operations of the companies. The prevailing situation is blamed on lack of effective laws and policies that are beneficial to the community in the event of evictions.

“Whenever the government engages with an investor, it hurries to seal deals at the expense of the human rights of the community members affected by the project,” says Alice Mbuvi, a programme officer with Catholic Justice and Peace Commission, a faith based organization which was instrumental in demanding justice for Maumba-Nguluku residents in 2003 when a Canadian mining company, Tiomin threatened them with eviction.

The delay in entrenching into law, the international eviction and resettlement guideline has further compounded the situation. In Kinango district, residents of Mwamdudu location are still in search of new shelter following a fierce confrontation with security agents resulting in a spate of forceful evictions last March. The relevant bill, according to Mr. Peter Kazungu, a lawyer and land expert at Haki Yetu, is currently with the cabinet and is likely to be taken to parliament for debate soon.

“We have been pushing the minister for lands to take the bill to parliament but his excuse was that he didn’t want to mix it with the land bill that was passed recently,” says the Mombasa-based land activist. Mr. Kazungu criticized the law enforcement agencies for not recognizing the UN eviction guidelines yet Kenya is a signatory to the convention. The bill, he says, is good and will effectively address the challenges posed by forceful evictions in the country.

“Soon Mwamdudu is going to be a foreign land as all the indigenous families have been forced out to pave way for private developers.” Says Hamisi Tsuma, one of the residents affected in the exercise.

The prevailing scenario has left the residents of the natural resource-rich county wondering what is there to celebrate in the new constitution. It remains to be seen whether the land laws recently passed by parliament will change the perception.

NOTE: Article first published by County Development Monitor in August 2012

Disinheritance deals a double blow to a poor widow in Migori

BY GEORGE CHACHA, PRCT

Norah Were is the second wife to the late Johnson Ratemo Achimba. According to her, she got married to Achimba in 1992 and they lived together as husband and wife till his death in 2008 when Achimba died in her arms as she took him to hospital.

In their marriage, they had five children, eldest, now in Form Three at St. Mary’s Wachara. Achimba’s first wife, a Kisii, had died many years before, leaving behind several children now adults, all who passed through the care of Norah.

One of the family responsibilities that she carried out after the death of her husband was to administer the succession of his land which she claims she subdivided to her step-children and for which she can provide documents as proof.

For some time now Norah has been a victim of negative ethnicity, (she is Luo and her late husband was Kisii), disinheritance.

Her main tormentor is her eldest step-daughter in partnership with her late mother’s brothers (uncles). She claims that this daughter, being well-connected to the police and to legal practitioners went ahead and put a caution on the land. As a result, Norah has been denied access and use of that piece of land.

During her visit to the People For Rural Change Trust (PRCT) Hurinet office, she had voluminous documents showing how she has contributed tremendously to saving the land from being auctioned for a loan that her late husband owed some institution in Migori. She went to the extent of borrowing money to offset the loan.

As gesture of peace, she claims, she had not laid any claim to the land in Kisii, which has lots of tea on it. She left it to her step-children together with subdivided parcels in Migori, not to mention the proceeds from the tea.

She claims that the step-daughter has been harassing her, by hiring goons who have been beating her. At one time the daughter assaulted her, and when she went to the police to report she

was locked up for three days. She was released only after her father posted bail for her of Kshs.5000. No charges have been preferred against her to date.

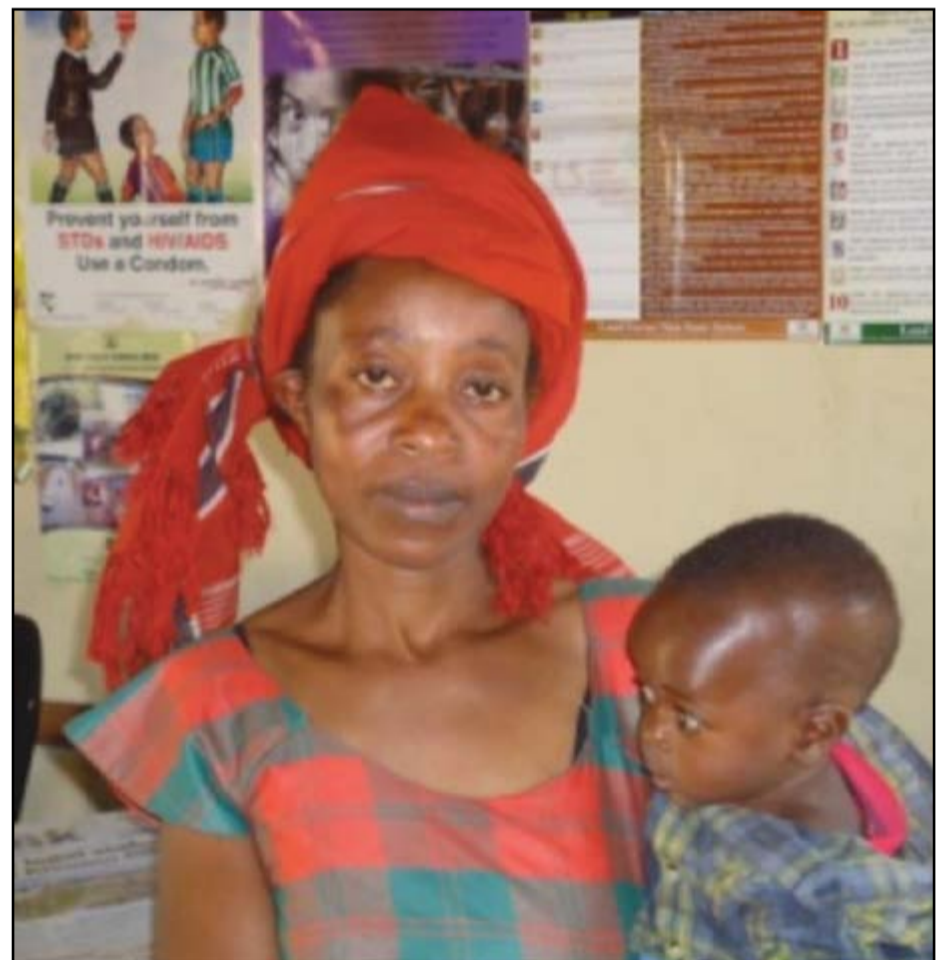
Surprisingly some files on land in contention are now missing from the land office, with her alleging that the Kisii land officers in Migori may have had a hand in this. Attempts to confiscate documents from her have led to her being beaten to submission, “saying ‘this Luo woman cannot go with the land of a Kisii’,” she says.

Having no access to information and with no money to initiate any legal proceedings, when Norah heard of a human rights ‘activist’ in Migori, she quickly sought for her help. The so-called activist asked to meet her at some hotel where she claimed that she was hungry and therefore Norah should feed her before she can listen to her. Norah told her to order for a meal expecting a meal worth Ksh120. On the contrary, the ‘activist’ ordered for a meal which cost Norah a whopping Ksh560!

Later the activist asked for Ksh5000 for her services, money she could ill-afford. As Norah continued to look for ways to finance these ‘services’, fortunately she heard of a human rights office in Kuria that did not charge anything, that is, PRCT Hurinet.

Following the beatings she received, Norah’s leg was badly injured and she could hardly stand. This became a dilemma for her because she needed to attend a court hearing where she was to give her testimony and faced a fine for failure to attend court. With this problem and all the challenges she faced Norah like many other victims remains hopeful that justice will prevail. However, the question still remains will she get the justice she deserves or will this be another case of delayed justice.

PRCT Hurinet has observed that there may be some officials who are taking advantage of her poverty/ignorance to dispossess her. The lengthy, costly and complicated court cases may be more injustice rather than justice. ■



Norah Were, and baby in PRCT Hurinet office-Mabera

Milk racket that fleeced dairy farmers in Marmanet

BY JOSHUA KOSKEI

Visions Facilitators Network Organization (Laikipia Hurinet)

From early 2012 farmers in Marmanet, Laikipia, had been complaining about the mysterious losses made from sale of milk made to the Brookside Company Ltd in partnership with the Marmanet Cooperative Society (MCS). This prompted an investigation by Visions Facilitators Network organization (VIFANET), a human rights advocacy organization in Laikipia County, to ascertain the cause of the loss to the affected farmers as well as to collect facts from them.

During a fact-finding mission in Marmanet area within Laikipia aimed at addressing the dairy farmers complaints of the mysterious loss of milk sales to Brookside Ltd and MCS; members of the VIFANET discovered and exposed a violation that had been ongoing in the milk industry in the area. Despite their hard work and high yields, farmers delivering their milk produce to Brookside Co. Ltd through MCS were recording massive losses when it came to payments received for their produce.

Facts collected indicate that between the months of January and April 2012, once milk was collected from the official collection station, the staff of the two companies would offload an average of 100 liters from the Brookside truck and hand it to a milk vendor who would take the milk to the nearby Rumuruti trading centre. Farmers were not aware of the deal but only came to realize at the end of the month that their daily milk delivery entries had been manipulated, with some entries being altered while others missing from the available records. In addition, the total monthly income

amounts contradicted the actual monthly sales. Worse still, upon questioning the two companies' staff, the farmers were greeted with insults.

After a thorough collection of facts, VIFANET was able ascertain that the farmers claims were genuine. This is due to the available evidence from farmers and cancelled collection cards withheld by the cooperative society, which served as evidence to the crime. The complaints were presented to the company head office manager who then ordered the Nyahururu branch manager to carry out investigations immediately collaborating with the MCS office and device a plan of compensating the farmers.

This is a violation of the individual farmers' economic rights and taking advantage of farmers' innocence and ignorance. We therefore urge the two partners to urgently compensate the affected farmers. Further, we call upon the two companies to respect the farmers' economic rights.

The two partners have since had several meetings to discuss how to compensate farmers. The Brookside Company has planned to transfer the staff involved in the case to other branches and further plan to deduct their salaries to pay the farmers. Further, to ensure that justice was done, MCS was forced to record a statement with the police.

Unfortunately, the perpetrators who were staff of the Brookside Ltd are still working but the Marmanet Co-operative staff was suspended pending further investigations.

Following this incident, some farmers who could not tolerate the act have moved to other milk buyers while others are waiting for compensation failure to which they will consider other avenues. Others have now completely withdrawn from supplying their milk to the companies due to fear of victimization from the two partners.

VIFANET (Laikipia HURINET) located in Laikipia, in the South Rift

Region of Kenya, works to empower the Laikipia County Community through promotion of human rights, free information dissemination, training, and networking. During the month of June 2012 our activities focused on civic education on devolution; collaborating with other CSO's in developing Laikipia Natural Resource Management Network (LAICONAR) and identifying public utilities and enhancing public protection of the utilities. ■

Water: key to food security and health

BY SILVANUS SHIKANGA

Food, health and water are closely related and basic human requirements. These aspects and human development reinforce one another.

If the Kenyan nation has to realize its long term potential, boosting of agricultural productivity should be given first priority.

Our country has a high prevalence of hunger and until the situation is properly addressed and improved, the human development prospects of millions of Kenyans remain at risk.

Nothing is greater than human health and to ensure that this realised, the first thing is to ensure proper nutrition; and sufficient and clean water for all Kenyan citizens.

For the half a century that our country has been independent, it has never come up with policies on food security and water. A nation without a food security programme is one that cannot feed its citizens and can be likened to a parent who cannot feed his or her children.

Food and water are very closely related and are the number one solution to many health problems in this country, as most of the people suffer from diseases brought about as a result of food deficiency and water insufficiency.

A survey conducted in parts of western Kenya by the Kakamega Human Rights Network (Kakamega Hurinet), with the support of the Kenya Human Rights Commission (KHRC), found out that cases of mental impairment are very high and are increasing in the region. Mental impairment is correlated with poor nutrition of mothers during pregnancy and for the child after delivery.

There is a need to make availability of water for irrigation, a primary requirement, a priority so as to boost agricultural productivity.

While most parts of the country suffer acute water shortage, some areas have it in plenty but the management is the problem, with a lot of it going to waste.

In Kakamega, cases of River Nzoia breaking banks and causing people to seek refuge are increasing.

This is as a result of the government not having put in place proper water policies. Otherwise, the cases of displacement by water could be a thing of the past because the excess water could be reserved for use during the dry season. ■



Dairy farmers in Marmanet, Laikipia, load their milk produce on to the Brookside collection truck

Who will save Kenya from land grabbers?

KWALE HURINET,
Coastal Region of Kenya

Residents of the Mubumani village in Msambweni district are outraged against a case of grabbing by a community plot, allegedly by an individual well-known to them. The land in question is a community land that has been irregularly allocated to private developers in Kwale

town. Also, families have been forcefully evicted in the area covering Makongeni village, Kinondo location in Msambweni and their crops uprooted to pave way for a sugar plantation.

Residents claim that the individual, who engineered the whole affair, is a junior manager with Base Titanium Mining Company acting together with the Town Council of Kwale.

Kwale Human Rights Network, to whom the violation was first reported to say that the breakdown of those evicted, is as follows:

- o 23 families of Bumumani in Magaoni, Msambweni district.
- o Several families of Makongeni in Msambweni district.
- o Kwale Council of Elders.

The Hurinet secretariat in collaboration with *Haki Yetu* (Our Rights) network



Residents of Makongeni inspect the losses after KISCOL bulldozer (partly visible from the back) uprooted their crops

has intervened and plans are underway to assist the victims with legal services. The Hurinet further says that the said manager has reportedly been going

round intimidating the victims and trying to stop them from pursuing the matter. But the Hurinet has vowed not to stop till the matter is resolved. ■



Peace Quotes and Poems

Peace is costly but it is worth the expense.
Kenyan Proverb

“Darkness cannot drive out darkness: only light can do that. Hate cannot drive out hate: only love can do that.”

Martin Luther King Jr., *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.*

When there is peace in the country, the chief does not carry a shield.
Ugandan Proverb

“An eye for an eye will only make the whole world blind.”
Mohandas Karamchand Gandhi, *The Story of My Experiments With Truth*

“Peace is not merely a distant goal that we seek, but a means by which we arrive at that goal.”
Martin Luther King, Jr.

“Peace begins with a smile..”
Mother Teresa

“To create peace, we must first have the will for peace and imagine that peace is possible.”
Leslie Powell

“There never was a good war or a bad peace.”
Benjamin Franklin

“Don’t Gain The World & Lose Your Soul, Wisdom Is Better Than Silver Or Gold.”
Bob Marley

“Peace cannot be kept by force; it can only be achieved by understanding.”
Albert Einstein

“Peace cannot be achieved through violence, it can only be attained through understanding.”
Ralph Waldo Emerson

“Until he extends the circle of his compassion to all living things, man will not himself find peace.”
Albert Schweitzer

War has no eyes.
Swahili Saying

“Even if things don’t unfold the way you expected, don’t be disheartened or give up. One who continues to advance will win in the end.”
Daisaku Ikeda

“How come we play war and not peace?”
“Too few role models.”
Bill Watterson

“Returning violence for violence multiplies violence, adding deeper darkness to a night already devoid of stars... Hate cannot drive out hate: only love can do that.”
Martin Luther King Jr.

Illegal evictions intensify at the coast despite the new Constitution

BY GEORGE JARAMBA

Hundreds of squatters who were living in Makongeni village in Kwale were left homeless after their houses were demolished to pave way for the construction of a sugar factory.

The families were ejected from the village by officials from the Kwale International Sugar Company (KISCOL) to pave way for the company to cultivate sugar cane in the area where their houses were built.

The eviction exercise was supervised by heavily armed administration police officers as bulldozers flattened the squatters' homes. The AP officers fled after they realised that Human rights officers were present.

Many of the affected people were peasant farmers.

They blame local politicians and the provincial administration for failing to take action to save their property.

The visibly angry villagers who convened a meeting as the bulldozers brought down their houses claimed a civic leader had duped them that they would be resettled in another piece of land. They were yet to be shown the area where they were supposed to relocate.

Area councillor Salim Mwabata was not available for comments by the time this report was filed.

The villagers claimed that the Government was yet to officially serve them with a notice to vacate the area.

One of the villagers, Ali Chitumbuka said, "The councillor assured us that we would be compensated before we leave this place, now they (the concerned authorities) are nowhere to be found as we watch our property getting destroyed".

Crops such as cassava, vegetables, mangoes, cashew nuts and coconuts, which were yet to be harvested were also destroyed.

"It's a pity that this inhuman incident is happening to us just a few days to the holy month of Ramadhan," said an elderly woman who only identified herself as Mwanahalima.

Senior officers at the sugar factory could not be reached for comments. Efforts to get comments from the head of liaison office in Ramisi, Patrick Chebosi, and the General Manager, Muslim Kareemji were also futile.

Last year, farmers from fifteen villages in Msambweni district together with civil society organizations held a peaceful procession to protest the unorthodox means applied by the company to evict them from the land they claim belongs to their ancestors.

The march culminated in the issuing of a petition to the local district commissioner.

The farmers vowed to put pressure on KISCOL and other private developers who had acquired land illegally in the district to surrender it to the rightful owners.



Women activists who spearheaded the April 2011 demo on land injustices in Kwale



"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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