

MIZIZI YA HAKI



A Community Human Rights Initiative Newsletter

Let the people speak

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Citizens' new foray into budget making

BY GEORGE JARAMBA AND SALIM CHANGANI

In spite of being taxed heavily, Kenyans have little say in the manner in which their economy is managed. For as long as the country has been independent, the national budget usually announced in June every year dictates the costs of basic commodities and essential services.

Weeks before the Minister for Finance tables his budget proposals in parliament, unscrupulous traders hoard commodities whose prices they expect to go up on the *Budget Day*. This is usually the case with sugar, cooking oil, maize meal, petrol and kerosene just to mention but a few. Of crucial concern however, is the manner in which the minister prioritizes spending among the government departments. In the past, budget allocations have favored certain departments over others which are equally in need. In the circumstances, the budget process has done little or nothing to spur economic growth.

The Constitution adopted by Kenyans in 2010 has remedied this anomaly which has been credited for occasional chronic marginalization and gross inequalities in

certain areas. It has empowered ordinary citizens to participate in the management and decision-making processes in social, economical and political matters of their lives.

Article 174 of the constitution on objects of devolution illustrates this point. It says, "The objects of the devolution of government are:

- (a) to promote democratic and accountable exercise of power;
- (b) to foster national unity by recognising diversity;
- (c) to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them;
- (d) to recognise the right of communities to manage their own affairs and to further their development;
- (e) to protect and promote the interests and rights of minorities and marginalised communities;
- (f) to promote social and economic



Immediate former chair of Kwale Hurinet and Coordinator of Kwale Participatory Budget County Committee, Mahmoud Barroh addressing participants during a PBCC forum in Matuga Constituency.

Photo by Salim Changani

- development and the provision of proximate, easily accessible services throughout Kenya;
- (g) to ensure equitable sharing of national and local resources throughout Kenya;
- (h) to facilitate the decentralisation of State organs, their functions and services, from the capital of Kenya; and

- (i) to enhance checks and balances and the separation of powers."

It is this constitutional relief that the residents of Kwale County have taken advantage of to come up with their own budget proposals as a way of taking charge of their development agenda.

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Water scarcity slows emancipation of women in rural Kenya

BY TIMOTHY KIPRONO, TRANS RIFT HURINET

However, in this part of the world, water is scarce and inadequate to totally or even halfway meet domestic and livestock needs. The process of fetching water may start as early as 5am or 5pm. In the morning, the trip comes before the girls go to school which is another approximation of 10 kilometers. Sometimes, the girls are forced to fetch and carry the water back home from school to avoid waking up too early. Thus, resultant tiredness and the already

reduced study time negatively affects the girl-child's academic performance. To make matters worse the average water containers usually hold about 20 liters of water, which weigh 20kg, the same as the baggage allowance on most airlines. Constantly carrying such heavy weights, mostly on the head, back or hip and arms, have severe health implications.

Backache and joint pains are common, and in extreme cases spinal injuries and

pelvic deformities can result, creating complications in childbirth or other related incidents. Pregnant women sometimes keep on carrying water until the day they give birth. However, it is poor health resulting from the unsafe, inaccessible water and lack of sanitation that causes millions of maternal complications and deaths a year.

Lack of access to safe water contributes to the marginalization of women in

public affairs. The burden of collecting water and the fact that few schools have toilets, which prevent girls from attending schools particularly when they are menstruating means that very few women from low income households in developing countries today have adequate education or are decision-makers in their respective communities. This is the daily reality of life for many women and children in developing countries.

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Editorial: Lest We Forget

Exactly five years after the signing of the national peace accord in March 4, 2008, Kenya finally held a much-awaited general election on March 4, 2013. It was the first general election under Kenya's new constitution, Constitution of Kenya 2010. It was billed as the hottest contested election Kenya has seen yet. It was also the election that followed the hotly contested and eventually disputed 2007 election that plunged the country in to post-election violence that nearly deteriorated into an all-out civil war. However, with the intervention of the African Union and the international community at large, the national peace accord was signed under the Kenya National Dialogue and Reconciliation process (KNDR) with important agreements centred on four main agenda items:

- immediate action to stop the violence and restore fundamental rights and liberties,
- addressing the humanitarian crisis, promoting reconciliation, healing and restoration of calm
- overcoming the political crisis, and
- addressing long-term issues and the root causes of the conflict, including constitutional, legal and institutional reforms.

It is commendable that the electioneering period was largely peaceful with pockets of violence being reported in a relatively fewer places than in other election seasons since 1992 when multiparty politics were reintroduced in Kenya. However, it did not go unnoticed that the peace experienced was largely an uncomfortable one,

with a lot of cyber war on social media, and hate speech reaching fever pitch.

Nevertheless, looking back at the agenda items in the KNDR, while it is commendable that the country achieved a new Constitution upon which most of the social, economic and political changes Kenyans yearned for was predicated, it is clear that Kenya has a long way to go to realize these agenda items and the aspirations in the Constitution itself. Peace must not be taken for granted and efforts must be made to achieve real peace in all segments of the society at all times so that we do not experience the semblance of cosmetic peace we experienced during the March 4, 2013 elections.

Furthermore, with a new system of a devolved government expectations are high that finally, there will be better and equitable distribution of the national resources through devolution and that finally economic and social rights can be better realized for all Kenyans. This calls for vigilance to ensure sound service delivery and accountability so that corruption is not devolved. In the same breath, the national resources should be safe guarded. This edition pays keen attention to devolution matters, peace and security as well as socio-economic development. Once again, we speak to the matter of the Members of Parliament culture of insensitivity and impunity in their demand for higher salaries at the expense of a fragile economy.

Welcome.

BERYL AIDI
Editor-in-Chief

Letters to the Editor

Keeping an eye on campaigns: lessons learned

Kenya has just emerged from the most competitive general election yet, which was also closely watched the world over.

Dubbed a two-horse race despite the presence of more than two candidates, the election ended peacefully though the results of the presidential election were contested and aggrieved parties agreed to go to the courts.

In retrospect, this was a very prudent decision when the post-election violence of 2007 is considered.

We had both the duty and sense of occasion to approach this election with sober minds and with good judgement.

We all know that the 2007/08 election violence was politically influenced yet we forget that those who incited and fuelled the conflict did not directly participate in the violence and were probably watching it on television in the comfort of their luxurious living rooms.

It is instructive and commendable that all Kenyans watched over their peace. Even though we have institutions that have been set up to tame violence, Kenyans were gracious enough to understand that these institutions cannot be everywhere.

That said, these institutions have a long way to go in terms of prosecuting worrying trends of hate-speech. Such cases as we recently saw of politicians spreading hate-speech messages on TV should be nipped in the bud.

Needless to say they should be used as an example to the rest and to act as a deterrent for anyone intending to use hate speech or incitement. Going into the future, we should not disregard any offence as small but should report the same to the authorities vote buying, bribery, use of government facilities in campaigning, intimidation of potential voters, gatherings of people who haven't informed the police etc.

We should also closely monitor what is being said on the media including the social media and on the internet. or posted on websites. Text messages containing hate-speech content should also be reported.

Above all, voting is our constitutional right and we should exercise this right by voting in leaders with integrity who are

going to help us develop and shun those whose only agenda is to clinch power for the sake of it and by all means.

By look of things, Kenya is headed for greater things. May God help us all.

By Duda K.Makumi

Nyeri county residents can get rid of the negative tag

Lately Nyeri County has been in the news for all the wrong reasons, from husband battery to drug abuse and to domestic violence. If it is not a man taking his own life; it is one chopping up his own children.

It is instructive to also note that the self-confessed serial killer, the infamous Phillip Onyancha did a stint at a Nyeri high school where he claimed to have been introduced into the dark world of bloodletting.

One may argue that the occurrence of these problems is not restricted to Nyeri. The frequency with which they occur in Nyeri is nevertheless worrying.

Hardly does a time go by without Nyeri being thrust into media limelight albeit for all the wrong reasons.

"Nyerians" have withstood the worst of internet jokes and sarcastic comments all over the place. Words have even been coined to "Nyeririze" acts considered weird, violent or vile, all in jest.

Consequently, men now dread introducing their fiancées as coming from Nyeri. Young men are wary of introducing themselves as coming from Nyeri to cut down suspicion or ridicule.

What could be the reason for these negative reports about Nyeri? Are we to say that the reason for these "negatives" is that Nyeri attracts increased media attention being the place where the country's outgoing president (*at the time of going to press*) comes from? Are we to say- as it has been argued- that Nyeri is blessed with the misfortune of hyperactive reporters?

Entertaining excuses about the Nyeri situation and negative image is to deny a problem, I think. It would be much more helpful to find a lasting solution to the causes of these negative perceptions.

One thing I think is the major cause of this is the rampant use of cheap alcohol witnessed in Nyeri. Alcoholism is a big problem in Nyeri and the stiff anti-alcohol laws, known as the "Mututho laws" have not done much to deter people from excessive and irresponsible consumption of alcohol. A jobless man who man who instead of going out to work wakes up to a drinking den and staggers home at night to demand food from a dejected wife will either attract a beating or give one.

Poverty and unemployment have played a major role in getting Nyeri the dubious reputation. It could however be argued that these are not peculiar problems to Nyeri, that they are national problems.

I would not go as far as to say that Nyeri needs some special intervention. I believe it is upon us as Nyeri residents to work together with the rest of Kenyans in addressing these problems.

It is our business to get together and be at the forefront to prove the world wrong and to clean negative image of our county.

Concerned Nyeri resident, Nyeri

Use social media responsibly

In the past few years social media forums like Facebook and Twitter have exploded in use among the youth. They are threatening to edge out the traditional forms of communication if they have not done so already.

A person sitting in an extreme corner of a place as far as Lokichogio, Kenya, could chat with another in Vancouver, Canada, in real time just with a touch of a button.

The social forums have become popular in social and political mobilization. In the recently concluded political campaigns, aspirants found them quite useful in reaching out to voters.

The quick communication such forums provide is obviously good for the society in more than one way.

That said, the new forms of media have brought their own fair share of challenges. Perhaps the most challenging aspects of these forms of media is their capacity to spread hatred if abused.

Hatespeech through the social media spreads like a virus when unchecked. This can often attract deadly consequences

which can hurt the national cohesion and integration.

This is further worsened by the incapacity of security apparatus to deal with these new forms of crimes perpetrated over the cyber space especially where the issue of jurisdiction is concerned.

Users of these new forms of media ought to be sensitized to use them responsibly and with utmost caution. Police also need to be trained to tame the new crimes appropriately.

New laws ought to be in place that can be used to identify and prosecute cybercrime, while respecting the freedom of expression, assembly, right to privacy and freedom of information as provided for in the Constitution of Kenya, 2010.

Writer is from Nyeri County

Kudos Mizizi

The past issue of Mizizi Ya Haki was very interesting and a good read. The publication was more colorful and had many small incisive articles. Keep up the good work and produce more issues much more frequently

Ramadhan Kariuki

Residents should support new Migori county government

To facilitate peaceful co-existence among the communities in Migori County, we have to accept our differences as an opportunity to invest and explore our potential to improve our social, economic and political status.

It is important that we face the realities about county governance. We should not let the elections put us back but collectively share ideas on how to develop Migori devolved governance is about access, control, retaining resources and services and giving back to every citizen, so it does not matter who wins the elections.

Naturally, human nature dictates that we serve our individual interests. But in as much as we celebrate the birth of devolution, we need to think seriously how we will tackle challenges that we

CONTINUED FROM PAGE 3

face such as poverty, poor infrastructure, insecurity, drought, famine and diseases. We need effective and sustainable plans to address these challenges. Such plans can only be provided through good leadership that will coordinate and oversee the structures of the new county government. I therefore appeal to my fellow residents to elect competent, credible and development-conscious leaders who will create a positive impact. The leaders we elect will determine if our living standards will improve through enacting and implementing policies that will ensure economic growth. A better economy will reduce our reliance on foreign donors

Samwel Maricha Merama,
Coordinator, Kuria Reform Agenda Consortium (KRAC)

Learners should stop mockery of parents to succeed in education

Education generally is expensive for teachers and more so, parents. It is demanding for the entire society. Yet, success in education is one way young people can become self-reliant and not dependent on parents and the society.

I would like to urge my fellow students to work extra hard to achieve the required grades to go to college. This will help them achieve fulfil their dreams. Students should try to abide by the school rules to avoid trouble with the school administration.

Students should heed to the advice given by their teachers and parents. Requests to repeat a class because of low grades should not make a student to commit suicide. It may be worthwhile to repeat a class because one may attain the grades needed to join college. A boy who had performed poorly while in Form Three at a school in Nairobi impressed me. His parents opted to take him to a rural school in Muhoroni to give him a second chance of securing good grades in high school to join university.

Although he was being moved from an urban school to one in the village, the boy did not object because he was determined to do his best in education. In fact, he agreed to start over from Form One. In fact, as I write today, this boy is in the university. He was able to overcome the challenges he had faced while in the urban school to score highly in the national secondary education exams. I therefore urge my fellow students to be obedient, disciplined and respectful

to teachers and parents to achieve their goals.

I am very pleased with a community-based organization in our district – Nyando Human Rights Network (NYAHURINET). The organization sends its officers to counsel students in Muhoroni. The officers have been to several schools including Muhoroni Secondary School, Tonde Primary School and God-Nyithindo Primary School. They mainly encourage students to be disciplined and obedient in schools. Since they started the counseling, there has been a great improvement in performance of students in Muhoroni. Indeed, in my school, there is a student who has been transformed completely as a result of counseling by NYAHURINET officers. I count this as a great achievement for the students and the organization.

Wycliffe O. Otieno
Student, Kandege Secondary School, Muhoroni.

Let us embrace the new sanitation project

Although Kenya is listed among countries that may not meet a number of targets laid out by the Millennium Development Goals (MDGs), a fresh project could place the nation on the path to making significant achievements. The Community Led Total Sanitation (CLTS) is currently being implemented

in six districts on a pilot basis before the programme is rolled out to other regions.

Half the population may still be relieving themselves in the bush, and the huge amount of human waste ends up in water sources. This is likely to increase the deaths related to waterborne diarrhea, typhoid, and cholera infections.

Dr. Kamal Kar, who is behind this initiative, says the programme has taken off in Nyando, Bondo, Siaya, Kisumu East and West and Busia and will be upscaled to other parts of the country. Dr. Kar said defecating in the bush is a mindset and expressed dismay that out of the 13 districts in Nyanza only five had embraced the CLTS programme.

I praise Nyando District Public Health Officer (DPHO), Mr. Nicholas Makotsi and his Kisumu West counterpart, Hilda Ayieko for their exemplary performance on the CLTS initiative after encouraging many villages to fully embrace the project. I would be failing in my duty if I didn't mention the name of Mr. Niala who I personally worked with in Ayucha Sub-location in Nyando district, when I was a programme officer of United Roho Aids Network Group (URANG) a CBO working in collaboration with the Ministry of Public Health and Sanitation in Nyando District.

CLTS was developed in 1999 had covered 18 districts in Nyanza, 5 in Western and will come around 264 districts by the year 2013, according to Dr. Kar.

George Ochido
Nyando Human Rights Network.

Stop discrimination against widows

Rose Awuor, 27, and a mother of two, lost her husband in 2010. Following a number of family disputes between her and her late husband's family, she felt the only way was to go back to her motherland. Her late husband's family sent her away from home in the night with her children. They were demanding all the assets and the property of her late husband from her. She reported the matter to our HURINET's office (Nyando HURINET) in Muhoroni. We went back with Rose for a discussion with the family members. We made them to understand what the constitution says about matrimonial property. We made memorandum of understanding between them and she was allowed back in the family. They divided the property and Rose got her share, which she was asked to take care of. She was happy with the decision and is now staying peacefully life with her late husband's family. Women should not be tortured and discriminated against when they have become widows, women have a right to own property, to do succession, own title deeds and to inherit matrimonial property.

Pauline Lona A. Oling'
Nyando HURINET



Kyanguli boys' burnt dorm

The two-thirds gender rule is a pipe dream for pastoral communities: the hurdles for women

The pastoral communities have been marginalized since independence and though most of the current affairs issues in Kenya are extensively broadcasted in both print and electronic, lack of access to these communication channels due to poverty means they are not able to get information and excludes them from participation in public affairs.

Women are the most affected as men culturally control all resources and all aspects of life including political, social and economic areas. As such, the two-thirds gender rule as provided for in the Constitution of Kenya, 2010 (CoK, 2010) does not make any difference for them due to lack of awareness. Article 27(8) of the Constitution stipulates that the state shall take legislative measures to implement the principle that no more than two-thirds of the members of the elective or appointive bodies shall be of the same gender. 81(b) further states that not more than two-thirds of elective public bodies shall be of the same gender. This provision does nothing to mitigate the effects of the exclusion that women experience among pastoralists communities. Its intention to bring gender parity will remain a dream among these communities as men are the decision makers and no woman is allowed to attend the community meetings where decisions are made because it is a taboo. This tradition makes it impossible realize gender parity at each level of government to satisfy the one-third gender representation of women in national government, county governments and other appointive position of leadership.

These communities, like any other in Kenya, have the right under the CoK, 2010 dispensation to elect the Senators, Governors, Members of Parliament, Woman representative and the President. With the high levels of ignorance among the pastoralist communities, it is feared that the social and political elite or popular women who may have no leadership skills will grab the position of Woman Representative an affirmative action to help realize the gender parity, thereby further excluding the ordinary women from public participation.

The issue of insecurity has played a huge role in further denying women the opportunity to exercise their rights in Kenya. Insecurity has been a long-term constraint to women to practice their rights in Kenya. In the pastoral communities, this is worsened by the constant threats of armed bandits in the name of cattle rustlers who have

caused conflict and brutal attacks in the communities. Women and children being the ones who suffer the most are forced to stay indoors and thus their right to movement and association is denied.

The local government, that is, chiefs and village elders, have also had a hand in the low number of women ascending to power and turnout in participation in community affairs. This is can be blamed on their role in covering up gender-based violence including cases like rape and women beating that go without the punishment of the culprits. This has undermined women making them leave all leadership activities to men. This is in addition to the fact that women have been made to accept a culture that relegates their role to that of mere subjects and men as the rulers where they not allowed to argue or debate with men.

Illiteracy is also another challenge facing

women in pastoral areas. Since their childhood days, they have been trained to become wives and their education is not a priority thus killing their dream of pursuing education and careers. Those who get a chance of going to school only get as far as primary school, which does not really empower them with knowledge and skills to enable them to play a role in politics and governance positions.

Religion is also a factor which has put women in the dark corner, especially in the Northern Kenya where religion had denied women the freedom of association.

Access to health care is another challenge that women have to deal with. The hospitals are few and far between which makes them inaccessible to women. This in turn leads to a large number of maternal deaths especially for women who develop complications during birth.

Sanitary materials are still a luxury 50 years after independence leaving the women and girls to come up with innovative ways to deal with the issue. This deprives them of the confidence to face men and deal with other issues that affect the community.

These are among many other challenges denying women in pastoral communities from competing and vying for elective posts in the coming general elections on March 4, 2013.

Kenyan men and women need to jointly encourage and support women to vie for every possible appointive and elective post, which is constitutionally recognized so that the two-thirds gender rule is realized.

By Daniel Sutter
The author is the Mizizi ya Haki North Rift regional editor ■

NEW RELEASE!

Attacks of the Shidas AKAs save Planet Earth

A Kenya with equal opportunities for all- Is this possible?



Imagine for a second, a Kenya that promotes equality for all for all people; where all children can live and play together as one. Judging by the trend in the country today, it seems that the hope for the country lies in the hands of the children and young adults. They are the future of Kenya, a Kenya that is free from discrimination. The *Attack of the Shidas: AKAs Save Planet Earth*, a publication of the KHRC, aims to make this dream a reality.

This is a storybook for children aged 9-15 years. It is a fictional book about three children who discover the super powers they possess when they learn to be tolerant of cultural, gender and other differences. This book aims at getting children to recognize when they are making insensitive or discriminatory statements and to equip them with knowledge and skills to promote equality and non-discrimination.

Now Available at the KHRC on order! It is also available in Nakumatt Bookfirst for KES 400/-

A holistic approach to combating climate change in pastoral areas

BY ABDIRAHMAN KITHEKA

The increased frequency of extreme weather conditions in the tropics in the recent years is threatening to overwhelm pastoral practices and eventually stifle it altogether. By its very nature, pastoralism is a complex practice which seeks to maintain a balance between pasture uses, livestock's needs and people needs especially in environments where alternative land uses are risky. It is therefore in the first instance a delicate exercise.

Climate change and climate variability are adding on to the woes of the practice by making it even more fragile and threatening the ecosystems upon which the practice has thrived on for thousands of years. Pastoral communities are the first obvious casualties of these changing times. In the wake of nature's slow but definite wrath, their pastoral ecosystems have been destabilized to a degree where they now have to think seriously about their livelihood strategies. They must now learn how to cope with the changes as they come or risk being swept off their means of livelihood.

The other side of the argument is that climate change is not really the issue;

that historical and social marginalization of pastoral communities is in the first place inhibiting the capacity of the pastoralist to adapt to these changes. The situation in the arid and semi arid parts of Northern Kenya at the moment is testifies to this argument.

The vulnerability of the people of Northern Kenya to climate change is therefore seen as more a consequence of this marginalization, rather than climate impacts. The two points of view imply one thing; that responding to climate change and its effects on pastoral communities needs a holistic approach.

On one front, policy makers need to acknowledge and redress the historical marginalization to empower the communities to be able to adapt to the changing climate. On the other hand, policy makers also need to prepare pastoral communities to adapt to the climate change by equipping them with the necessary information, new technology and knowledge to combat it.

One way to start crushing the historical marginalization of pastoral communities is change in attitudes. A lot of people



Isiolo County- Turkana child herding family goats

relate pastoral life to the life of a vagabond - always on the run with nothing and for nothing. Yet the pastoral way of contributes significantly to national and regional economies with many countries exporting meat and other livestock products. What is more, pastoralism promotes harmonious and healthy economic and social relationships between and among communities along their mobile routes. This information needs to come out in a robust and forceful manner.

On the other hand, to build the capacity of pastoral communities to adapt to climatic condition, education is of utmost importance. Initiatives and strategies - all geared toward building adaptive capacities and resilience in pastoral communities should be adopted and promoted.

The author is a Sub Editor of Isiolo Human Rights Network ■

Land policy should give small-scale farmers role in decision-making process

BY ABDIRAHMAN KITHEKA

The current food crisis in Isiolo is increasing pressure on the ownership and the use of land for agriculture. What does this mean for small-scale farmers?

Land grabbing causes large-scale migration, poverty and conflicts, not to mention negative environmental impact. Bio-diversity is negatively affected when subsistence farming on small family land is replaced by monoculture that makes use of pesticides and fertilizers, as is the practice in large-scale farming.

Small-scale farmers like those of the Gambela community, Bura and Kambi Juu in the county cannot engage in sustainable farming if they do not have

control over land. Yet, secure access to land is a prerequisite for farmers to invest in sustainable agriculture.

Land grabbing gives rise directly or indirectly to ethnic, political and pastoralist conflicts and is likely to threaten peace in areas like Gambela and Gotu.

The key question is, who has the right to land, or who determines land ownership and management?

In some regions in Kenya, local county councils whose role is to collect rent make key decisions on land ownership and management while in others areas, it

is the central government or community leaders.

The downside of the control of decision-making processes by these institutions is that farmers are excluded from land planning processes and drastic measures, such as evictions, are sometimes taken without consultation.

Inequality in land use is another challenge. Some farmers have more rights to control land than other. Minority groups have fewer powers over land and this is especially true for women in most communities in rural Kenya.

It is therefore necessary for the rights of small-scale farmers and minority groups to be taken into consideration by policymakers and local authorities in engaging communities in decision-making processes. Policy-makers should also plan for sustainable land use in ways that it can ensure food security in Isiolo County and other regions of Kenya.

Hopefully the newly formed Land Commission will resolve the land question once for all and in a quick way to avoid further turmoil.

Abdirahman Kitheka is a Sub Editor of IHRN ■

Education voted as top-most need in Kwale

BY MAHMOUD BARROH

KWALE County residents have identified education as their second-top priority area in the proposed county budget.

Representatives of all electoral wards in the county zeroed in on the low education standards during Participatory Budget Constituency Committee (PBCC) meeting held in Mombasa recently. Two of the area's primary schools were ranked bottom in the recent national examination. The flagging out of the problem has jolted the community-based organizations working in the area into action.

The Kwale Human Rights Network conducted a survey which revealed that poverty, dilapidated infrastructure, historical injustices, indifference by local leadership, early marriages, allure of tourism and drug abuse were among

the major constraints in the efforts to improve education in the region.

Association of Media Women in Kenya (AMWIK) came up with a radio listening project to support existing groups dealing with children rights. AMWIK went on to provide school uniforms and books to needy pupils in the local primary schools in Msambweni Constituency. The group has further sponsored 40 standard eight graduates from poor family to enrol in a local youth polytechnic.

Lamukani, a Msambweni based CBO which partners with AMWIK has formed children rights clubs in schools and embarked on a spirited campaign on series of civic education provision in the area.

Uwezo has also come up with a research initiative to complement efforts of other



A learning session for pre-primary pupils under a tree in Lunga-Lunga Constituency, Kwale County.

Photo: Mahmoud Barroh (with support from KHRC)

organizations. Msambweni Human Rights Watch has on the other linked up with Fahamu Network for Social Justice in the participatory budget project.

With all the concerted efforts of all the organizations, the new county

government leadership and support of the residents, it is only a matter of time before education standards rise high.

Mahmoud Barroh is the immediate former Chair-Kwale Hurinet ■

Squandered opportunities: How Kenya missed golden chance to get it right

BY GEORGE JARAMBA

After the chaos witnessed following the 2007 general elections, one would have hoped that five years later, things would be different.

Unfortunately, the January political party primaries that took place across the country dashed these hopes.

The same old complaints of rigging, favoritism, intimidation, chaos and violence dominated the exercise. In some areas, there were reports of candidates' names missing from the ballot papers never mind that the affected contestants had paid the relevant fees to participate in the exercise. What makes it more unfortunate is that it was all happening under a supposedly better legal framework than the one in 2007.

It was also happening after a lot of soul-searching and collective audit of the nation's political conscience.

Where, one may ask, is the problem? Didn't the various commissions formed in the aftermath of the 2007 chaos

identify the root causes of the recurrent chaos?

I reckon that they did and the problem is threefold: implementation, implementation and implementation! The Agenda Four reform package which was specifically meant to examine and address constitutional, legal and institutional challenges, including inequality, unemployment among the youth and land reforms in the country, is still a mirage.

Despite establishing the Truth, Justice and Reconciliation Commission (TJRC) shortly after the formation of the Grand Coalition government, it is clear that the commission has failed to live up to the desired goal: to reconcile the nation.

Similarly, TJRC's counterpart, the National Cohesion and Integration Commission did not do much to justify its existence.

After successfully achieving a new constitution and the subsequent

enactment of various pieces legislation, Kenyans have seen acts of derailment and delays in implementing vital laws.

The irregular appointment of county commissioners and the protracted failure to gazette the nominees of the National Land Commission almost six months after their parliamentary endorsement put to question the willingness of the duty bearers to address important national issues.

The last-minute and hasty passing of important Bills by the 10th parliament without adequate and informed debate together with last-minute attempt by members of parliament to award themselves hefty "retirement" perks is a regretful indicator of just how dishonestly the institutions charged with important responsibilities have abused and squandered the public trust.

The lack of effective civic education and awareness to the citizens on the constitution and other fundamental laws has only helped to fuel to division,

rather than unite Kenyans. Politicians seeking top elective positions resorted to baseless name-calling with little care for social and economic development and the healing process that has eluded Kenyans since 2008.

The fate of the internally displaced Kenyans still hangs in the balance five years after they lost loved ones, property and dignity. In the meantime, politicians and government continue to purport to have reconciled the warring communities by forming alliances that only benefit their ego. Kenyans need sufficient security for their lives and properties; affordable healthcare for their families; free education with adequate learning facilities for their children and leaders who have respect for the law and ready to implement the constitution. These and many other issues should form the basis of the country's politics going forward.

Jaramba is the Secretary-General of Kwale Hurinet ■

Making decentralisation work

BY IBRAHIM A. WAKO

With the introduction of the new county governments, public governance has moved from a centralized system to devolved structures.

In the county government allocations, Isiolo County has been allocated Sh2-3 billion from national government. In previous years, the county depended on a number of ministries' funds and other special funds for development. Such funds included the Constituency Development Fund, Poverty Eradication Fund, Women Enterprise Fund, Youth Enterprise Fund, Local Authority Transfer Fund, Njaa Marufuku and Constituency Bursary Fund among others.

In Isiolo County most of these funds were managed by the line ministries and other authorities like fund managers and political leaders. More often than not, these managers lacked capacity of engagement and policy conceptualization. This translated into increased under-development in the area and continued historical injustices, poverty, insecurity, inequality in distribution of resources and even poor education standards.

Now that things have changed, civil society organizations in Isiolo, citizens and communities in Isiolo must demand for accountability of the decentralized funds at the local level. This is even more important now considering that Isiolo County is bracing itself for a multi-billion Vision 2030 project of Isiolo Resort City. Other opportunities will be brought about by the expansion of the Isiolo International Airport and construction of the Nairobi-Isiolo-Juba railway.

These projects will entail a lot of funds flowing into Isiolo and its communities. There is therefore an even greater need and sense of urgency to raise awareness level among Isiolo residents on their roles and rights in the management of public funds. For example, before end of each financial year, the communities of Isiolo County must come together and develop scorecards to monitor public spending.

Chapter 174 of the constitution lists the giving of powers of self-governance to the people as one of the objects of devolution. It says people's participation



Isiolo County in context

Picture by KHRC

in the exercise of the powers of the state and in making decisions affecting them should be enhanced as a matter of principle.

Human rights activists, social auditors/monitors and active civil society organization in collaboration and in partnership with local communities should immediately start preparing

the people of Isiolo to take up these opportunities offered by the constitution. They need to get the people talking about their priority needs- taming insecurity, poverty eradication, improving education and job creation.

The author is from CALL for change CBI and a member of Isiolo Human Rights Network ■

Quotes and thoughts

The government, which was designed for the people, has got into the hands of the bosses and their employers, the special interests. An invisible empire has been set up above the forms of democracy.

~Woodrow Wilson

But when you have bad governance, of course, these resources are destroyed: The forests are deforested, there is illegal logging, there is soil erosion. I got pulled deeper and deeper and saw how these issues become linked to governance, to corruption, to dictatorship.

~Wangari Maathai

In the absence of justice, what is sovereignty but organized robbery?

~St. Augustine

The best argument against democracy is a five-minute conversation with the average voter.

~Winston Churchill

Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance.

~Kofi Annan

"When the people fear their government, there is tyranny; when the government fears the people, there is liberty."

~Thomas Jefferson

From Wajir Hurinet ■

Children in Kenya are to be protected from hazardous and exploitative labour.

Children in Kenya are to be protected from hazardous and exploitative labour.

Makindu traders win fight against council over open-air market

BY PETER MANGALA and TOM MUTUSE

MAKINDU traders are now enjoying fruits of their labor after successfully thwarting the local authority bid to destroy their open market and in its place build fleecing stalls.

The battle against the project started off in October of 2011 after traders figured out that the Makueni County Council was fraudulently allocating imaginary stalls of the open-air market at Sh14,700 fee per stall.

To put the authorities on notice, residents wrote a protest note to the area District Commissioner and to the Clerk of the Council in the same month.

A few months later and with deafening silence from the authorities, traders decided it was not going to be business as usual and temporarily halted trade to chart the way forward. Three days later on April 26, 2012, market and hawkers representatives met the council officials and the DC.

The meeting ended in a stalemate with the DC decreeing that the proposed new kiosks to take the place of the open-air market would proceed and that, "those opposed to them should go to a higher office."

Almost a month later, the Makindu Market Committee and Makueni County Hawkers Association met and issued a memorandum to the Makueni County Council. In the memo, the two groups

put the council on another notice that they would suspend activities until the council heeded their plea.

They made it known that their interests in trading space must be respected, that the kiosks already constructed had to be brought down and that they would boycott council revenue clerk, Patrick Mbundu, because they considered him as rude and compromised.

"The council should respect all trading bodies and consult as much as possible widely whenever a decision of this magnitude is being taken. Makindu market is an open air market and space is very crucial and should be protected and conserved by all means," the memo read.

When the memo went unanswered and boycott of activities failed to impress the authorities, the two groups staged a big market demo on May 28, 2012, a demo which closed the Mombasa-Nairobi highway for about 4 hours.

It was then that the council chairman came and led residents in demolishing the contentious structures and brought to an end the long struggle and acknowledged the people's power to counter injustice.

This is a clear indication of what people can do when they stand their ground.

Mangala and Mutuse are the respective Secretary and Chairman of Citizens Land Network, Kibwezi/Makindu. ■



The protests



County Council tractors demolish the stalls after successful protest: Power to the people!



The aftermath



Business as usual on the following market day 04/06/2012

Persistent inter-ethnic conflict threatens Wajir and Mandera peace

BY YUSSUF HAJI MOHAMED

As ethnic animosity began across the border between the Garreh and Degodia communities, the hostility and the fighting escalated in Mandera County. The larger Garreh community attacked the minority Degodia leading to deaths of many children, women and young men.

The tribal clashes, along with cattle rustling among the two communities, has not only caused the displacements of many families of the Degodia, but increased poverty in Mandera.

Although, authorities have made several attempts to build lasting peace in the

county, these efforts have so far not been successful. Indeed the tension in Mandera has boiled over to the neighbouring county, Wajir, which in contrast has a large group of the Degodia community living side by side with the Garreh.

Out of anger that their kinsmen in Mandera are being persecuted by their neighbours, the Degodia community has frequently launched revenge attacks against their neighbours the Garreh.

In one instance last year, an attack by the Degodia left one person dead and several others injured. Several houses were

also burnt and shops looted. Fearing more attacks, members of the Garreh community in Mandera, fled to Wajir South while others camped at police stations.

Following the conflict, the then Minister for Northern, Arid and Semi-Arid Regions, Mohamed Elmi, who is the former Mandera MP, came to intervene. He held a series of meetings with community leaders to find a lasting solution to the perennial conflicts. He persuaded members of the Garreh community to return to their homes and promised government compensation for

victims of the attacks whose houses were burnt down.

When they returned to their areas, the government offered them food, mattresses, Kshs5,000 each and building materials.

This intervention by the government has reduced tensions in the region. However, a lasting solution needs to be found so that there can be real peace in the region.

The author is the Wajir Hurinet Mizizi Regional Editor. ■

Government-communities lock horns over multibillion project

BY EKUWAM ADOU

Local pastoral communities in Isiolo County have raised red flag over what they consider as lack of consultation by the government in development activities of the area.

The government through the Vision 2030 secretariat, the Ministry of Tourism and other state actors are busy putting the necessary institutional infrastructure ahead of elevation of Isiolo town to a resort city akin to US's Las Vegas "Desert City", South Africa's "Sun City", and Middle-East Dubai "Duty Free City". But as it now emerges the local communities are groping in the dark over the unfolding development activities.

Already, the government has set aside 6,500 acres of land in Kipsing Gap, a few kilometers from Isiolo town for the ambitious project.

"It is disheartening. As an Isiolo resident who is directly affected by the government policy action, I only have a vague idea about planned Isiolo resort city, and most of the information I have come to me as media reports just like the rest of Kenyans," complained Joseph Kalapata, a civil society activist in Isiolo.

The local communities feel that, though the idea may be noble, no consultations have been done by the government officials involved in the project. As a result, concerns have risen among the locals on the exact motive of the project.

"We feel that the treasury mandarins, in cahoots with a few powerful cliques around the president may be using the resort city project as a conduit to grab huge chunks of land under the guise of development of resort city," opined Kalapata.

His reasoning was amplified by a recent speech by outgoing President Kibaki in Isiolo in which he criticized the locals for enclosing huge chunks of lands for speculative purposes.

"Hata wengine wanafunga ardhi bila nia yeyote ya kuendelea bali kwa kutarajia fedha mingi, Mjue ardhi ya Isiolo yote iko kwa trust land, serikali itaendelea na mpango ya kupandisha Isiolo kuwa Resort City" (others are enclosing large tracks of land for speculative purposes, it should be known that all land in Isiolo is trust land, the government will continue in its endeavor to make Isiolo a resort city), the president said while visiting the town to open a catholic sponsored hospital.

Residents have grown weary and apprehensive over the whole project, and due to lack of sensitization, innuendos and rumor mills have taken roots leading to communities fighting over ownership of land at the proposed city site.

"From the onset, at the project conceptualization, design and now implementation, there has been no

Bird's Eye View of Isiolo Resort City (KIPSING GAP)



Artist's impression of Isiolo Resort City

Source: www.vision2030.go.ke/cms/media/Isiolo_Resort.jpg

community sensitization, consultation and input. The government appears lost to the fact that the livelihoods of the people of Isiolo will be adversely affected; evictions from residential areas around the airport are imminent; and huge chunks of grazing land and watering point may have to be taken," pointed out Hassan Shano the Project Manager of Waso Trust Land, a land based advocacy NGO.

To add to the confusion, residents do not sound clear on the exact status of the land tenure system in the area. The former constitution classified land in Isiolo under the Trust land.

In the meantime, local communities have been sucked into violent conflicts in Isiolo West area, which has been earmarked for development of resort city.

"The local communities have unfortunately been embroiled in tribal conflicts, with warring ethnic groups

trying to displace each other from the site earmarked for resort city in anticipation of compensation once the project takes off," revealed Hassan Nunow a livestock trader.

In the past six months, more than 60 people have been killed, thousands displaced, houses torched and property worth millions destroyed during inter-community fighting mainly between the Turkana on one hand and Somali and Borana communities on the other hand.

Meanwhile, the government has been blamed for not doing anything to enlighten the communities on the project, and stop the senseless fighting. Instead the government through Vision 2030 secretariat, the ministry of tourism and other state actors have been working in isolation without due regard for the grassroots communities.

All hope is not lost though. The business community in Isiolo have seized the opportunity to deter emergent violence and to prepare the town for impending economic windfalls that comes along with the project. Real estate developers are in high gear, seeking to acquire prime land for development of residential and leisure facilities that will be in high demand once the airport is commissioned. The airport has since been commissioned by President Kibaki.

"As completion of the international airport nears, investors are angling themselves to erect houses, hotels as well as recreation facilities," said Mohammed Ahmed Patel, a managing director of a property management company in the town.

The runway stretches into Nyambene area but the passenger terminal and control towers will all be situated in Isiolo County. Other amenities include parking areas, fire station, meteorological centre, hangar control tower and staff quarters.

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The airport will provide a major lifeline to *miraa* (khat) trade produced from neighboring Nyambene district. The commodity will be airlifted directly from Isiolo and linked to Mombasa, Nairobi and Kisumu for onwards transmission.

The tarmac road directly linking *miraa* farms in Nyambene to the airport has already been constructed and *miraa* vans have begun to cruise over for the 'Nyambene gold.'

The opening up of the area, will enhance other sectors such as agriculture, banking, housing and art industry.

The resort city will be complete with casinos, international filming facilities and all the luxury of a resort city. The construction of international airport, railway line joining Lamu-Isiolo-Turkana to Juba, dual super-highway, and abattoir are some of developmental infrastructural activities that have put land speculators on the overdrive. Railway lines and petroleum pipeline, all passing

through Isiolo, will attract tourists to the resort city. The city's strategic position as junction city-linking Southern Sudan through Samburu and Turkana counties, while connecting to Ethiopia through Marsabit and Moyale is pivotal under the Lamu Port-South Sudan-Ethiopia Transport L corridor.

Isiolo district development and planning officer Joseph Nganga says that Isiolo was selected due to its central position in the country, rich culture of the pastoralists — Borana, Somali, Samburu and Turkana — and its natural heritage that includes beautiful arid scenery and rare wildlife. The five rare animals only found in northern Kenya tourism circuit are reticulated giraffe, Somali ostrich, generuk, gray zebra and oryx.

The proposed resort will boast of three to six-star hotels, a local art and craft museum, theatres for international festivals and international conference centres. Other features are golf courses, cultural events like the International

camel derby, mountaineering, biking and natural walks. It sits perfectly on the tourist circuits which include national parks that stretch from the Aberdares, Mt Kenya and Meru national parks, archaeological sites, mountaineering and biking trails and natural walks. The circuit is figuratively known as the "Jewel in the Crown" for its rich diversity in fauna and flora, as well as wide ranging species of wildlife which include the "big five" — lion, leopard, elephant, buffalo and rhino.

Other parks in the area are Sarova Shaba Lodge which is under Shaba Game Reserve, Buffalo Springs, Bisan Adi and Samburu National Reserve. The renowned sanctuary was thrust into global limelight and fame after CBS TV blockbuster series "Survivor Africa" and the films "To Walk with Lions", "Out of Africa", "Sheena the Queen of the Jungle", "Born Free and The White Maasai" were shot in the area.

Besides Isiolo, other proposed resort cities are Diani in Kwale and Kilifi, Lamu and Kalokol in Lake Turkana. Under the economic pillar of Vision 2030, the government intends to develop a resort city that provides sustainable world-class living standards and working environment — a centre for finance, trade, business, services, sports, leisure and entertainment.

The Isiolo area was picked ahead of Kulamawe and Archers Post after factors such as security, accessibility, cultural diversity, natural diversity and wildlife attractions, availability of water, electricity and sewerage system, among others, were considered.

The land is sandwiched between Katim and Oldonyo Degishu hills. To the south, the land is bordered by the world famous Lewa Wildlife Conservancy. To the north, there is the Buffalo Springs, Shaba National Reserve, Samburu Game Park. To the West is Ewaso Ng'iro River. ■

Poverty increasing gender inequality in urban Kenya

BY JONAH KIPKEU, TRANSRIFT HURINET

Majority of the predominantly poor and vulnerable in Kenya's rural and urban areas, are women mainly due to patriarchal nature of Kenya. This perpetuates unequal access to property, education, opportunity, and resources. This inequality markedly affects women's economic productivity and development.

Poor urban areas in Kenya generally lack basic services such as education, health, proper housing, water and sanitation, good infrastructure waste management and land ownership. This scenario therefore forces women to put in extra effort and time to effectively perform their gender-ascribed duties. The high disease prevalence resulting from deplorable conditions in informal settlements increases their workload, as they have to care for the sick as part of their assigned roles.

Women also make the majority of the unemployed and underemployed in Kenya's urban areas. Due to poor education, many women end up working or engaging in informal sector income generating activities where the income is marginal and mainly spent on food and other basic essentials.

Women's health also suffers disproportionately compared to that of men. In many urban areas, women record a higher rate of HIV& AIDS infection than men do. Besides anatomical factors which predispose women to HIV&AIDS infection, urban poor women, who live

in informal settlements, are often forced to engage in commercial sex work and brewing of illicit alcohol to make ends meet. Where they depend on men as household breadwinners, they are unable to bargain for safer sex. These conditions often increase their risk of exposure to HIV&AIDS and other sexually transmitted diseases.

The overcrowded condition in urban informal settlements coupled with the

use of hazardous cooking fuel such as kerosene, further expose poor women and their children to ill health, such as respiratory diseases.

In addition, vulnerability is exacerbated by poor governance, since women's roles are generally undertaken in the 'private' sphere of the home. This means that the plight of poor urban women remains relatively invisible to urban planners and policy makers. The good news is

that gender mainstreaming of urban development programmes, policies and projects, is now a necessity according to the new constitution. This will provide women with an opportunity to vie for leadership positions that hopefully will enable them to make a change in the society as well as address the plight of other women. ■



Past riots in in Isiolo

Source: By Remembering the Goat <http://www.flickrriver.com/places/Kenya/Eastern/Isiolo/>



Young girls forced to walk long distances to fetch firewood

Picture by Daniel Sutter

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Pastoralist women and children still a disadvantaged lot

BY EKWAM ADOU

While many gains have been made towards social-economic and political emancipation of women, the fruits of this hard fought battle by the women movement are yet to be realized at the grassroots level. The promulgation of 2010 Kenya Constitution was a major milestone by civil society groups which had been agitating for women empowerment.

Despite Constitution of Kenya 2010 having broken the ceiling of women aspirations by institutionalizing and correcting gender imbalances in both public and private offices, the rural woman has been left out of the loop. The grassroots women are still bogged by entrenched traditional and cultural stereotypes, that may take ages to successfully navigate out.

I am in Daaba village in a remote part of Isiolo district. Here, I meet scores of enthusiastic *beaded* under-age girls tending goats and going about their business with no accord to free and compulsory free primary education. Ten-year old Arunye Lomuria, represents the feelings of the rural woman and girl-child who have long resigned to playing subordinate and peripheral role in the society.

"Why should I go to school? It is a waste of time! Who will look after my father's goats?" Lomuria poses back after I ask why she is not enrolled in school.

Lomuria's typical day starts at around 5.00a.m., the time when most of her age

mates prepare for school. At that time, she wakes up to milk sheep and goats, before preparing tea or porridge, whichever is available. She has to contend with her daily routine of work: milking, tending goats, fetching firewood, water and other mundane household chores, having been indoctrinated and socialized that it is God-ordained role of typical traditional Turkana girl.

"Schools spoil girls and they end up not fetching livestock for their parents in form of dowry. Most of them are impregnated or are not married by wealthy (*mostly illiterate elderly men having large herd of cattle*), but instead end up eloping with vagrant educated men," offers Ekai Elimlim the father of Lomuria when asked why she has not taken her to school.

Turkana community cultural beliefs and stereotypes on the role of women in the society have conspired to deny girl-child education and advancement in this largely conservative closed community.

"I have taken my three boys to school, but their younger sister has to remain back and look after our livestock, after all boys will remain with me but the girl will be married off and go to the family of her husband," argued Ekai while justifying his action.

Matters are made worse to girl-child due to entrenched cultural practices which encourage child marriages. Among the Turkana community betrothal is a common practice where the girl-



Women fetching water, sometimes they walk for over two hours to fetch a 20 litre bucket.

Picture by Ekuwam Adou



Arunye tending her family goats at Daaba watering point

Picture by Ekuwam Adou

child is booked as early as six years by prospective husband and *beaded* to signal the intention. The girls carry on their shoulders heavy straps of beads tied around the neck, evidence that they are potential wives of prospective husbands. This practice is close to that of the neighbouring Samburu where a girl a young as six years old is identified for marriage, usually by a male relative. On 'noticing' her, a male relative puts a beaded red necklace on her neck. The tradition of beading allows the male relative to have sex with the girl, but ironically at the same time forbids a baby born out of this arrangement

Most suitors are elderly men who marry these young girls to look after them during their twilight years. These marriages are mostly arranged by elders from friendly clans in a bid to cement and further their close knits..

"We have to ensure that this girl grows up into a responsible adult by close supervision and apprenticeship to womanhood. Even my marriage was arranged when I was a child, and I don't have any regrets, but schooled girls are not easy to tame and end up not fetching cattle for the clan," revealed Akai Maring a 30 year-old woman defending the cultural practice.

Other entrenched cultural practices have conspired to deny the girl-child and women emancipation initiatives from taking root in fiercely guarded pastoral communities. According to Turkana community cultural practice, the children belong to the clan, hence parents of the girl-child have no final say on the matters relating the child. The authority for betrothal of the girl child lies solely on the head of the clan, a senior elder who is consulted by a delegation of the interested suitor and the negotiations are initiated.

Grip and authority by clan members over one's children is derived from age-old tradition in which the clan members

collectively contribute on legalizing marriage through an elaborate solemn traditional wedding ceremony '*akiarr emong*'. During '*akiarr emong*' which is a must for any legal recognition for marriage-elaborate cultural rituals are done binding the children to the clan of the father.

"Emong traditional wedding Ceremony is essentially about legalizing ownership of the children, and not more on the woman in some instances it is even carried out between separated couples to remove ambiguity over where the children belong," clarified Mzee Kochila Aremon.

"Among the Turkanas there is no room for divorce once the akiarr emong has been undertaken the couples are permanently bonded as wife and husband. Even if the woman later leaves the man, she cannot legally be married to another man. Children born out of such cohabitation will belong to the first man clan," Aremon added, explaining eternal covenant which cannot be reversed.

Akiarr emong does not come cheap, as the groom clan have to cough out bride price in form of livestock ranging from minimal 30 to 60 cattle, or alternatively at minimal over 360 goats to be shared out among clan members of the bride. Exorbitant cost of successfully holding the ceremony forces the clan members to join hands to collectively contribute and hence lay claim over the children of such marriage.

Due to extremely central role of the ceremony among the Turkana community, it is deemed shameful for the man and his clan to fail to meet this solemn traditional marriage legal condition. A man and his clan loses ownership of children, with the mother's clan who are basically their uncles laying claim unfathomably disgraceful situation to a proud Turkana Man and his entire clan. ■

MPs' persistent demand for a higher salary is an affront to democracy

BY BERYL AIDI

The Kenyan Members of Parliament are a special breed. They are neither business owners, founders nor chief executive officers of the establishment from which they are demanding abnormal salaries in comparison to the rest in their cadre and which they want to control who sets those salaries. The 10th Parliament was constantly on a collision course with the civil society, the media and the public at large with their insensitivity to the Kenyan state of economy. It seems that trend has been carried forward into the 11th Parliament despite there having been a change in the constitution to prevent this very behavior.

In a population of 38million people according the last census, 46 percent of these live on less than two US dollars a day. That is only four percent short of half the population. The 10th Parliament comprised 222 members. They constantly were working to see how best they could make most of their tenure in Parliament financially. They resisted demands to pay taxes, yet the public from whose taxes they are paid, have no say in whether or not they pay taxes. They amended laws to suit themselves, always sneaking in these amendments mischievously through omnibus amendment bills being passed within tight deadlines (sometimes in the dead of the night)so as not to allow for public scrutiny.

In one of those mischievous ploys to defraud Kenyans they passed a

miscellaneous amendment bill in January 2013 in which they raised the retirement package of the then President in a bid to entice him to their side to hurriedly sign the bill amidst 29 others, with the hopes of their own sendoff package being inflated to 9m per head. All this was happening in blatant defiance of the pleas and protests of the public championed by the civil society and the media for the MPs to drop this demand; the same people they had sworn an oath to serve. The President seemed to have listened to pleas in both cases and declined to assent to those bills. He however, kept his own fat pay. Once again, was it the government of the MPs, by the MPs at the expense of the people?

Kenyans thought that now, with a new and for the first time, a human-rights based Constitution in place, they would vote out the greedy MPs and bring in new ones. However, now we have woken up to the rude shock that the more things change the more they remain the same. There is a constitution in place that, through Article 230 created the Salaries and Remunerations Commission (SRC), to among other things set and regulate the salaries and benefits of the public or state elected officers. The SRC reduced the MPs salaries from KES 851,000 to KES 532,500. This seemed like a big relief to the over-taxed Kenyans who now have to face an even bigger wage bill, given that under the CoK 2010, there are now more elected officials than before due to (a) a devolved system of

government and (b) more elected officers to correspond to the increase number of legislative units (constituencies) created as a result of delimitation of boundaries. Thus, beyond the 222 MPs in the 10th Parliament, the 11th Parliament has now has at least 349 members of the National Assembly, the Speaker and deputy of the National Assembly, 67 senators together with a speaker and a deputy, 47 governors and their deputies, 47 County Assembly speakers and their deputies. This is indeed a huge wage bill and needs to be managed in a democratic way. Together, these officers in addition to the President and the Deputy President as well as at least 1450 Members of the County Assembly make elected state officers.

Clearly, this is a humongous wage bill for an economy whose gross domestic product (GDP) in a given year per capita ppp is averaged at USD 1110.04, being eight per cent of the world GDP, and definitely unsustainable. A nation's GDP at purchasing power parity (PPP) exchange rates is the sum value of all goods and services produced in the country valued at prices prevailing in the United States. In Kenya, the highest this has ever been is 1709.50 USD in December 2011. This is too small and cannot sustain high recurrent expenditures such as salaries for the civil service as well as that of the elected state officers. It is therefore prudent to have in place a body that sets and regulate the salaries of the elected state officers. In

comparison, some of the world's richest economies with better GDP ppp have the salaries of their elected members of parliament ranging between KES 554,848 in France with a capita ppp of USD41,141; KES 687,646 in the UK with a capita ppp of USD38,589and KES 688,900 in Sweden with a capita ppp of USD 55,158. Here in Africa Botswana's MPs earn KES 155,903 while the South African MPs are paid KES 683,818. Their GDP ppps are USD9,398 and USD7,507 respectively. Definitely all these economies are much better off than Kenya's economy. Moreover, with the exception of France, all these countries have independent bodies that set the salaries of their MPs.

Therefore, it is important that our own MPs be responsible in the manner they use the country's economy. MPs cannot be allowed to set their own salaries unchecked or control how this is done. They have now resorted to table a bill to remove members of the SRC. The motive is suspect, as they think they can create a weaker institution and patronize it. That way they can run amok again, control how their salaries set without caring about the country's economic status. The SRC says that with the new wage bill, Kenya will be able to save 5billion Kenya shillings per year. This can go into various projects in a country that has poor infrastructure; poor health care systems; poor education support system; lacks food security and whose internal security is wanting because of under payment of the law enforcement officers, inadequate security equipment and insufficient number of security personnel. This scenario is repeated in the essential sectors of health and education.

Kenya is poor, not because it lacks resources, but because of wrong and undemocratic priorities. This this persistent clamour for higher salaries from the MPs with tactics such as enticing the decision makers with attractive benefits should be resisted. It is an affront to democracy and should be shunned in the strongest terms possible. As Kenyans, we should all be willing to stand up and say no to this self-aggrandizement from our public and elected state officers.

The author is the Media and Communications Programme Officer at the Kenya Human Rights Commission and the editor in chief of Mizizi Ya Haki. ■



Kenyans protest MPs attempt to award themselves a hefty severance package totaling KES9M each in January 2013

Making devolution work: The model county project

BY GRACE MUTUNGU

“Sisi tungependa hii kaunti yetu siwe mahali pa kutamanamika... kila mtu atake kuishi hapa” These sentiments- translated to mean “we would like the county to be an enviable place”- from a Kiambu resident, echo the idea behind the Model County that KHRC is currently undertaking. The aim of this work is to create a critical mass of informed citizens who can ably participate in county governance. Currently the programme is being piloted in Kiambu County.

The Constitution of Kenya and laws dealing with a devolved government demand that there should be public participation at all levels of governance. For example, citizens have a right to timely access of information and they are also expected to participate in formulating and implementing county policies, laws and regulations. Citizens have a role to play in approval of development proposals, projects and budgets as well as monitoring the use of county funds. At the same time, the County Governments Act provides that citizens can petition the county

government on any matter under its responsibility.

Citizen participation is important because development is a collective job that cannot be achieved by the government alone or by citizens alone. It is only in partnership and when both the government and the citizens have capacity to engage that real change happens. For instance, if citizens are involved in the identification, planning and building of say, a hospital, they will naturally be involved in monitoring of the hospital. Even years later, such citizens are more likely to care about the state of that hospital and it would not be unusual to find them petitioning for improvement of that facility. This is because, they own the hospital.

Citizen participation is not only necessary for cultivation of a sense of ownership but also a mechanism for keeping government accountable to the citizens and keeping chances of corruption in check. Kiambu County was selected as a pilot as it is one of the highly populated areas and will therefore

receive quite a substantial amount of funding based on its population size. If citizens in this area, and other counties as well, are not well aware of their role in governance, this creates a facilitative environment for devolution of corruption. Corruption presents the greatest threat to devolution as the main reason Kenyans yearned for devolution was to eliminate poverty by improving service delivery by government to *mwananchi* (the citizens) and promoting development projects. A county where corruption thrives will remain poor as money meant for improving the society will be misused. More money will then be spent investigating and prosecuting the misuse and so on, as has been the case at the national level.

Another threat to the promise of development in devolution is how devolved funds will be spent. If too much money is allocated to recurrent expenditure such as salaries and remuneration of the county officials and public servants, then there will be very little left for development projects such as roads, water, markets, schools

and hospitals. It is already apparent that a lot of money will be required to pay county assembly representatives who will be nominated in addition to the elected ones so as to abide by the two third gender rule in our Constitution. This rule requires that there should be no more than two thirds of one gender in the county assemblies. In the just concluded elections, no county voted for the required percentage of women and in some counties, over twenty women need to be nominated.

Interestingly, in the course of this work we found that contrary to what many had thought, Kiambu people did not really know about the roles of the various leaders that they were to elect. While most people understood that the county government would be implemented at a cost, many did not seem aware that the money would be drawn from their very own taxes. It therefore became something of interest for people to know exactly what job the elected leaders would be carrying out once a person understood that it was actually the people of Kenya who employ the elected leaders. As one

community leader put it, “For what work I’m I forking out my money?”

A major part of this work focused on training the communities on the roles of the leaders to be elected as part of civic education. Some of the activities included the Kiambu County Haki Football Bonanzas, where teams from each of the 60 wards in the county fought

it out for the Haki Cup over a five week period. The cup was eventually won by the youthful Githunguri FC that beat Rironi FC in the final match played on 10th February at Ndumburi Stadium. During the course of the football bonanzas, KHRC Staff and trainers from the community were available to answer questions from the footballers and fans. A thread of thought that ran through the

issues raised was how the citizen could influence development at the local level. It was encouraging to see citizens who are ready to take up a role in governance.

Other activities held were Kikuyu Radio programmes discussing devolution as well as meetings with churches, CBOs and FBOs. In the next phase the programme will look into the

issues of monitoring of the process of devolution, monitoring of funds, access to information, citizen participation and related issues. Meanwhile, KHRC is in the process of publishing a Trainers Manual on Devolution that shall be used by the rights advocates in the communities we work with for training.

The author is a programme associate at the Kenya Human Rights Commission

What are the functions of and responsibilities of elected state officers in Kenya?

BY KHRC MEDIA TEAM

Nairobi Tuesday April 23, 2013 The Kenya Human Rights Commission launched a book on the functions of elected state officers. The book titled “*Functions of Elected State Officers: Making a Complete Shift from the Past*” is a brief overview of what is expected of the elected state officers under the devolved system of government introduced by the Constitution of Kenya 2010.

Kenyan Members of Parliament (MPs) are known to be some of the best paid in Africa and in deed in the world. In the past they had the privilege of setting their own salaries. In the period 2008- 2013, Kenyan taxpayers paid MPs KES 851,000 per month and the President KES 2.4M per month. In the same period, Kenya’s per capita income has been KES 2,000 per month, while minimum wage remained KES 4,050 per month. This means the President earned over 595 times than the average citizen, while MPs in the 10th Parliament earned over 425 times more than the per capita income and 210 times more than the minimum wage paid to the many workers in the agriculture, plantations and allied sector whose sweat is the backbone of Kenya’s economy.

The same MPs in the 10th Parliament in October 2012 passed a bill to pay themselves a further ‘retirement package’ of over Ksh9Million (USD 110,000) each for the 210 MPs. Had this passed, at the time, it would have meant that at Ksh2,000 per month, it would take 61 years for the average Kenyan to earn the Ksh9M bonus that MPs had proposed for each of themselves. In addition to the bonus, the proposed retirement package for MPs included diplomatic passports for them and their spouses, a state funeral and access to the nation’s VIP airport lounges. The proposal was thwarted following demonstrations by KHRC and other civil society organizations and public outcry on all media and that resulted in the President slashing the bonuses by half.

But in 2013, the Salaries and Remuneration Commission, a body with the constitutional mandate to among other functions set and regularly review the remuneration and benefits of all state officers include Members of the National Assembly and Senate, reviewed their salaries downward from a high of KES 851,000 per month to amounts ranging between KES 532,500 – KES 710,000 per month. This was on the basis that

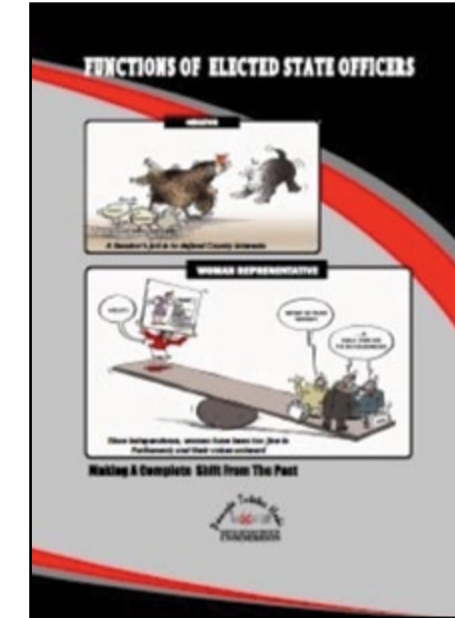
the national wage bill that consumes up to 35% of the total national budget is unsustainable in the current state of the Kenyan economy.

However, even before getting down to business, the newly elected Members of the National Assembly have put high on their agenda their demand for pay rise and have rejected the pay cut.

So, what exactly should to elected state officers be doing to earn this money and are they actually offering Kenyans their money’s worth?

“Functions of Elected State Officers” breaks down the functions of the elected Members of the National Assembly, Senate down to the Ward Representatives that number upto 1450. It provides short explanations on the functions that the different elected state officers should perform. It has been developed in response to studies that have noted the need to build the capacity of legislators to understand and better perform their role.

The brief also takes cognizance of the right to and duty of citizen participation now recognised in the Constitution of



Kenya 2010. It is therefore also intended to help citizens to understand what functions each of the elected state officers ought to perform, be aware of how much s/he as a taxpayer is paying each elected state officer to perform these functions and create awareness on the fact that the Constitution now provides for citizens to recall nonperforming elected state officers. Finally, this brief provides a breakdown of some of the responsibility that citizens ought to take to fulfil their duty of citizen participation.

This article first appeared on KHRC website www.khrc.or.ke

COUNTY REPRESENTATIVE

Duty-To make laws on how the county will tax people to raise revenue and to monitor the Governor to make sure the money is well spent.

GOVERNOR

Duty- To enrich the people in order to enrich the County and ensure quality and timely service delivery on rights to water, education, health etc.

SENATOR

Duty- To ensure that decisions, laws and budgets made by National Government address and protect specific and unique county interests.

WOMEN REPRESENTATIVE

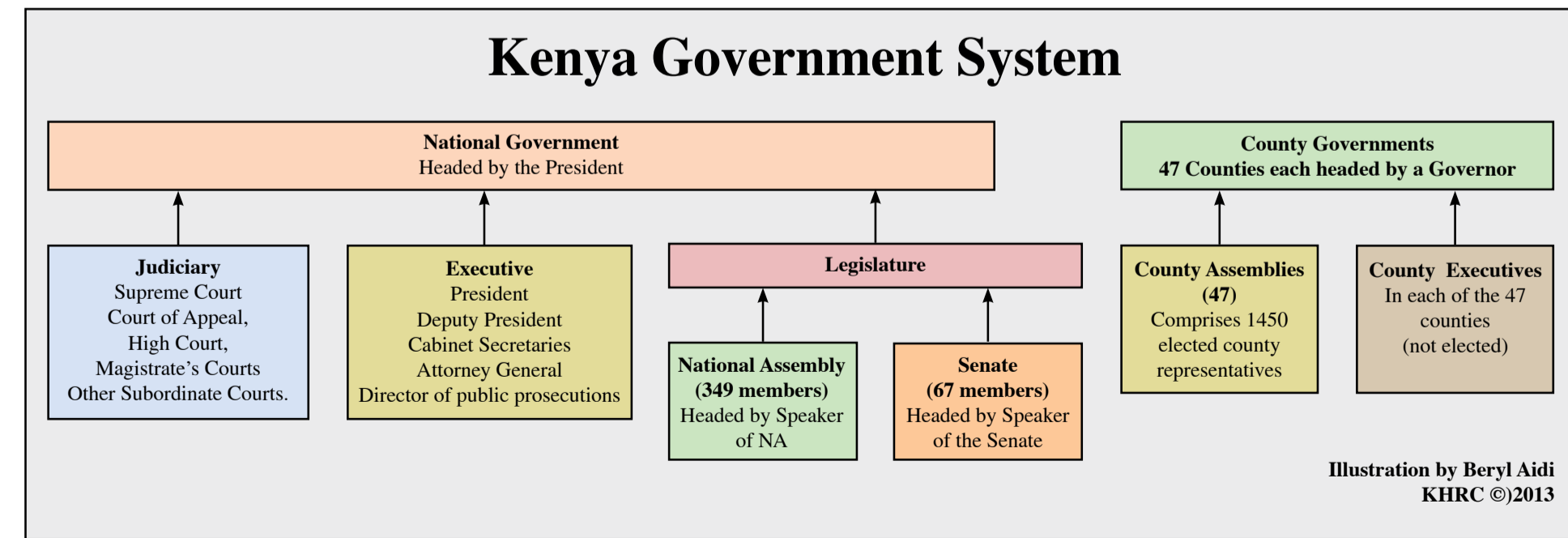
Duty- To ensure Women issues are represented heard or well supported in Parliament during voting.

MEMBER OF PARLIAMENT

Duty- To make laws on taxation and ensure that public funds are well used.

PRESIDENT

Duty- To ensure that Kenya is safe, not poor and is internationally respected for adhering to international agreements it has committed to.



Peace building in Siaya county must be a priority

BY DOMINIC NDONGA

Kenya went into the March 4, 2013 election with the aftermath of the post-election of 2007/2008 still fresh in many people's mind. The election was held without much violence reported both before, during and after. Siaya County, like any other county in Kenya, needs peace to prevail at all times and any activity that might be a threat to peace must come to an end with immediate effect.

It is appalling to note that as the elections were approaching, some politicians in Siaya County campaigning for various elective posts such as the senator, governor, national assembly and the county assembly took it upon themselves to divide those elective posts among themselves to the point of declaring that if the senator position went to a certain constituency, then the governor should go to different constituency. This idea

of dividing the elective post per the constituencies is imposing leaders on to the people and that might generate hatred amongst people from different constituencies in Siaya County resulting into conflicts. It is everyone's democratic right to declare ambitions to the elective post provided by the new constitution. The new constitution promulgated in August, 2010 gave Kenyans a dream of exercising their democratic right.

As Siaya Human Rights Network we have been working for an atmosphere that would enable the electorate to control the electoral process because we know the leaders with good track records of selflessness, service delivery, honesty, transparency and accountability. Now that the election is over, we call upon all peace lovers in Siaya County, especially the civil society organizations to critically embark on civic education so that people of Siaya should be aware of democratic rights. People of Siaya County should not be confined to the aspirations of one party system i.e. ODM. There has been great fear that people of Siaya to join and vie for the elective posts on other parties' tickets or to support candidates of other parties except ODM.

The Constitution provides for independent candidates, giving hope for alternative leadership, because in the past, the electorate in Siaya have been denied by political parties the opportunity to elect credible leaders who possess integrity. Due to manipulation by the influential party in the region, there have been fear of being attacked, property destroyed or even being killed if one did not support the dominant party. Politicians, leaders and community of Siaya must transform their attitudes for peace to prevail within the county even after elections to avoid serious conflicts in the county.

The formation of the two vigilante groups in Kisumu town - the so called US marine and the Chinese squad - that recently clashed in the run up to elections and caused mayhem in the lakeside city is an indication of a big threat to the peace in the entire Nyanza region during the electoral process. Such a situation requires a quick government intervention to prevent it from worsening. Further, we expect that investigations are ongoing to find out who are behind the formation and funding of those groups so that they to face the law.

The author is the chairperson of Siaya Human Rights Network. ■



Community members pay keen attention at a community baraza. FILE photo

Migori politicians yet to prioritize civic education on new county governments

BY SABINA WEREMA

As the new devolved government takes shape, the people must ensure the people they elected live and invest in their counties.

They must see to it that the people they elected as senators and governors continue to be accessible in the same way they were accessible over the campaigns. Residents of Migori must therefore take caution against allowing the ways of the past to intrude into the new governance structure.

In future, the people of Migori may have to consider locking out- through the vote-former legislators who did not dedicate their time and resources to developing their regions.

The poor state of infrastructure in the region is a clear indicator of their low performance and a cause of doubt of their preparedness to steer the new devolved governance structure.

Since the new constitution was passed in 2010, many people declared interest in new elective positions of Migori's County Government, majority of them being former and current MPs. It is however disappointing that these leaders, as well as the majority of the population, have not understood how devolved structures of governance will operate.

One reason for this is that, the 10th Parliament failed to pass legislation that would have fully operationalized the new 47 county governments towards the election period. Furthermore, there has been lack of intensive civic education on the new constitution. While civic education is primarily the responsibility of the government, both the government and civil society organizations (CSO) in Migori County have yet to educate the masses on the contents of the new constitution. The CSOs have reported that their efforts to roll out civic education



Migori town

programmes have been constrained by the lack of funds.

Migori residents are calling upon donors to support civic education since the masses need to become fully conversant with the contents of the new constitution to make informed decisions to in holding

their elected and appointed leaders to account.

It is however saddening that politicians countrywide focused more on election campaigns rather than the more important civic education for electorate on the new governance structure.

Water and health

CONTINUED FROM PAGE 1

For women everywhere around the world, providing clean and accessible water and toilet facilities not only prevents needless drudgery and indignity, but improves their health and that of the whole family. Women's time is freed up for agriculture or other income generating activities, looking after their children or simply relaxing.

... in Zambia, one in five children dies before their fifth birthday. In contrast, in the UK less than 1% of children die before they reach the age of five due to improved system and convenient access to clean water...

Providing the girl-child with clean and accessible water and toilet facilities changes their lives. Their health improves immediately and in long-term, they have more time with their families and more regular and adequate food. They have time to go to school and gain education, knowledge and skills to fit into the men-dominated decision making structures, sometimes they have time to simply play, be innovative and creative

Provision of safe and accessible water will save women the complications rising from burden of walking long distances with the heavily load of water. Other water-related health problems such as malnourished children who are

more vulnerable to disease, and prone to diarrhea, pneumonia, measles and malaria, would be reduced.

These four diseases, plus malnutrition, account for seven out of ten childhood deaths in developing countries. For example in Zambia, one in five children dies before their fifth birthday. In contrast in the UK less than 1% of children die before they reach the age of five due to improved system and convenient access to clean water.

However, access to water alone is not enough to reduce the health problems of people living in water-scarce areas. In the Kongwa District of Tanzania a trachoma research project found over 90% of school children were infected with the disease. After treatment the disease nearly disappeared but in a few months it had returned.

Their conclusion was that treatment was not a long-term solution which is more-less similar in this case: educating people to regularly wash their faces, hands and eyes was the best preventative measure. Thus sanitation programmes should accompany access to water as an intervention.

Women and children can however only claim their rights such as right to accessible clean and safe water if provided with education, knowledge and information on their human rights



The search and the long uphill trek with the burden of water on their backs amidst other chores

and the governments' obligation to uphold this right in terms of providing accessible and clean water so as to hold account their government on the same.

Challenge to the society

This article aims to provide a platform to create awareness on the specific and other related human rights violations. Fighting for change is a fight fought

from within. The very people who understand the problems facing a woman are women. The Constitution has a raised the bar for women voice to be heard and taken into consideration in decision making through the two-thirds gender representation principle. It is now upon all of us to implement, live it, dream it every time we get an opportunity to dream. ■

Wajir family denied government compensation after snake bites their son

BY YUSSUF HAJI MOHAMED

Parents of a boy bitten by a snake in Wajir are appealing for help from human rights organisations to claim compensation from wildlife authorities.

Abdihakim Adan Muhumed survived a bite from a poisonous snake but has not fully recovered even after months of treatment.

When Muhumed was attacked by the snake, he was first treated at Wajir District Hospital but his parents have frequently had to take him to various health facilities in the region for further medical care.

The snake is said to have bitten his hand, causing irritation and a swelling on his arm. The attack was reported to the Kenya Wildlife Services (KWS) in Wajir. But when a request was made for compensation, officials at KWS in

Wajir declined saying they had received instructions from their head office in Nairobi not to take any claims on snake bites.

The law however requires the government agency to compensate victims of snake bites.

The boy's mother, Halima Abdi and father Adan Muhumed, are pastoralists who live near Lagbogol in Wajir South.

They do not earn much income to support their family but have had to incur transport expenses and huge hospital bills as they take their child from one hospital to another.

The boy still has to regularly get treatment from the Garissa General Hospital.



Little Abdihakim fighting infection from the snakebite wound

Raising the voice of the youth in Wajir

The first of its kind in Wajir County, the Youth Parliament or *Youth Bunge*, was the outcome of the support and sponsorship of the Kenya Muslim council. As is required of most parliaments, a constitution was made and the roles of youth bunge were enacted. The main aim of the youth parliament is to ensure the voice of the youth is heard for the purpose of increasing youth participation and reducing unemployment and overall idleness.

One of the leading functions of *Youth Bunge* is to come up with constructive programs for the youth. Consequently, Youth Bunge will work with the county government on issues that mainly concern the youth. However, this should not be perceived as an attempt to cause an uprising or a parallel government but rather a peaceful manner to accommodate the youth in the county government.

The *Youth Bunge* will constitute 30 members to be selected from a cross-section of youth from the entire County elected by youth from the six

constituencies across Wajir County. The members will deliberate on issues that they face on a daily basis and thereafter liaise with the county government. To realize these dreams, the members hope many youth will embrace a rights-based approach in addressing their problems.

The *Youth Bunge* will work hand in hand with the county representatives from the different wards. It will also come up with structures and supports that will create capacity building for all youth in the county. Several leaders have pledged to support this platform in various ways with some promising to spearhead active participation of the youth in the county government.

As we embrace the devolution system, it is our wish that these promises will be fulfilled and that the Youth Bunge will play an active role in ensuring its success.

Yussuf Haji, Mizizi editor Wajir Hurinet, Wajir County ■



Wajir
Image by Bosire Boniface, source: Sabahi.

From Lancaster 1963 to Democracy in Peril 2013

BY NJONJO MUE

In 1963 a delegation of Kenyan politicians from across the political divide gathered in Lancaster House to negotiate the country's independence constitution. There was a long stand-off between the two largest political parties, then, the Kenya African National Union (KANU) and the Kenya African Democratic Union (KADU), with the former favouring a centralized system of governance and the latter favouring a decentralized (*Majimbo*) system.

Exhausted at the slow pace of the negotiations and knowing he had 'the numbers' in the forthcoming elections

at the end of May 1963, Jomo Kenyatta called out his delegates and told them he was going to agree to the *Majimbo* constitution to enable them to get on with the election, and as soon as they had won the election and formed government, then they would re-make the constitution in their own image.

And so the delegates returned to Kenya with the *Majimbo* constitution and an election was held which KANU won handsomely allowing them to form government with Kenyatta as the first Prime Minister.

True to his word, soon after independence, Kenyatta led the process of mutilating the constitution to centralize all power in the presidency which translated to himself. He began by starving the regional governments of resources, then wooed the opposition to his side leading to its dissolution. He dissolved the Senate and abolished the regional governments. From there it was downhill all the way as Kenya became a one party dictatorship first under Kenyatta and then under Daniel arap Moi.

Fast forward to 2010. By now, Kenyans tired of the dictatorship of the single party rule and a weak multi-party system, finally had a chance to change the political landscape by voting for a new and progressive constitution in a national referendum. The constitution reintroduces a decentralized government with 47 counties and two chambers namely the National Assembly and the Senate. Some politicians and power elites were hugely alarmed at the new constitution with its radical transformation agenda. Some of these individuals were honest enough to openly vote 'No' at the referendum. Others took a tactical retreat and, like Kenyatta in 1963, accepted the new

constitution without any commitment to it. And like Kenyatta, they were biding their time awaiting the election that would give them the power they needed to start mutilating the constitution.

Now that the election has come and gone, albeit with a court petition that challenged the presidential outcome due to irregularities noted in the process, a case that the Supreme Court dismissed by declaring the election to have been free and fair, 'the numbers' I see in both chambers of the legislature are a cause for alarm. I get this eerie feeling that we are back in the 1960s. Even the cold war is beginning to replay itself with the East rushing to identify with one side and the West treading more cautiously.

After the dust settles on the election, something tells me our constitution will face an existential threat. The question then will be, shall we stand up to be counted when we are once again threatened by the forces of tyranny, or shall we be content to leave the fate of Kenya in the hands of our ethnic warlords and their gatekeepers?

The author is a Nairobi-based human rights activist ■



Lancaster

How Muhoroni DC created and averted imminent tribal land clash

BY WASHINGTON O. OBURA

A six-month boundary dispute between two Chemelil internally displaced persons (IDPs) almost caused ethnic strife in Muhoroni District in Kisumu County. The boundary conflict between Leo Rachuonyo Randa and Elly Otieno Oremo, both displaced by Kalenjins in February 2012, started when Randa began to reclaim a piece of land he had given Oremo in March 2012. This took place at Kibigori plantation, Nyangore Sub-location Chemelil Location of Muhoroni district where Kalenjins had forced them out of the disputed farm.

Prior to the evictions, Randa squatted on over 10 acres of the 1300 acres of government land that the Ministry of Special Programmes bought for Jabber

Squatters. Before the Nyangore IDPs returned to the land, they had agreed at the District Commissioner's office that they would camp in part of Randa's land pending government resettlement process. Oremo is one of the said IDPs and together with other IDPs, had obliged and put up a homestead.

Following the dispute that erupted between Randa and Oremo, the D.C Mr. Solomon Aku chaired the boundary dispute meeting on September 30, 2012, where he invited the two. The D.C directed Oremo to move out of Randa's land before October 4, 2012 or face harsh consequences.

When the DC's resolution reached the attention of Nyangore residents,



Muhoroni

they resolved to react and to march to DC's office in protest. This would have definitely sparked off fresh clashes. The residents planned to escort Oremo, his two wives and fifteen children to the DC's compound for security and temporary accommodation.

The writer of this piece was informed of the on-goings and on October 2, 2012 made urgent consultation with the DC

who later agreed to visit the disputed boundary. After hearing concerns of the residents and the two parties, he rescinded his decision and allowed Oremo to stay and live harmoniously with his neighbours, ultimately averting another clash.

The author is a Human Rights Defender / Co-ordinator, Nyando Human Rights Network ■

NEW!!!

Q & A on citizenship and related rights

Available in English and Kiswahili



KNOW your rights... Having done extensive work on the right to citizenship, the Kenya Human Rights Commission (KHRC) has published pocket book on the same.

The right to nationality has been recognized and protected under international law and our constitution. The right to nationality is important because it defines the manner in which an individual is protected under international and national law. When a person is identified as a citizen of a particular state, then that state is responsible for protecting and promoting the rights due to that person as a citizen.

The KHRC has been actively working on the right to citizenship as a fundamental right that obligates the State to respect, protect, promote and fulfill human rights. Based on its work with communities in Northern Kenya, the KHRC has realized that unequal access to citizenship has undermined national cohesion and development.

In the past, communities in Northern Kenya and other minorities have long complained of difficulties in accessing identification documents which has led to a failure to access other social services such as education and employment opportunities. KHRC has consistently voiced these concerns to the government and advocated for the removal of discriminatory vetting practices associated with registration of persons and acquiring identification documents.

This booklet summarizes the rights of the individual to citizenship as provided for in the Constitution. It is available for free on KHRC website www.khrc.or.ke

Introduce better policies to reduce child abuse

BY RUTH KOSGEY, TRANS NZOIA COUNTY

Different forms of child abuse and neglect are rampant in Kenya. They follow a pattern within a number of conditions in the findings by various groups of researchers and practitioners. This in part explains why for a long time child abuse was assigned a narrow perspective whose remedies were sought within the family circle and structural adjustments to this problem were considered irrelevant by most people. However, if a broader perspective of child abuse is adopted several forms emerge.

Child Battering

Child battering can be detected through clinical analysis of a young child who has been subjected to severe physical abuse from parents, guardians or caregivers. This form of abuse is very common, and may occur when children are physically harmed and injury inflicted on them.

Statistics show that often these children die from different child battering-related causes such as: being beaten to death when parents fight or during parental discipline; a large number of babies and children fall and break their limbs or get burnt to death because their caregivers are too young to effectively take care of them. Also included here are severe forms of punishment inflicted on children in school in the process of discipline. There are situations where children are unnecessarily terrorized or harassed by parents who are simply tired or under pressure from work or businesses. Some parents brutalize their children while drunk. These conditions may appear trivial, but a large number of children suffer silently under them.

Child abandonment

Child abandonment is a common form of child abuse and neglect especially in developing countries. It mostly involves a category of children born with some form of disability who are left in the hospital after birth. Others are thrown away by parents who cannot face the fact that they have given birth to deformed children.

Young girls conceal the fact that they have conceived before marriage by throwing newly born babies into dust bins and latrines. In Kenya, the media reports such cases to the public.

Sometimes children are abandoned by mothers who already have many children since they cannot afford to cater for extra mouths in their already congested households. Mothers who have been left by their husbands have difficulties supporting children and some end up

abandoning them. These children end up living in the streets where they are left to take care of themselves and are actually exposed to real dangers physical and sexual abuse. With the killer disease AIDS in our midst, street life becomes even more dangerous for children.

Child labour

Work which children do to earn a living is not only exploitative but also abusive since it is an infringement of some of the rights of a child. For example a child who abandons education to work for wages in order to support himself and sometimes his family is indeed an abuse. Most countries consider it illegal to employ children under a certain age and thus have minimum age for formal employment. This ranges from 16 to 18 years as provided by International Labor Organization (ILO).

However, young children continue to work illegally. The ILO estimates a large number of children work under exploitative conditions in developing countries. They work in industries, agricultural and domestic sectors, usually under appalling working conditions. Children earn low salaries and are exposed to chemicals, high temperatures, dust, sexual exploitation, accidents and inhumanly long working hours. Although, paid work appears perhaps as the only means of survival for some of these children, studies reveal nothing positive about the conditions under which children work as they are so demeaning, exploitative and hazardous that they negate all of the benefits.

Child workers often exhibit stunted growth, psychological problems and delinquent behavior. In Kenya children are not actually working in the formal sector but a large number of children still work in the domestic and agricultural settings with major negative implications for their physical and moral development.

Street children

The case of street children is perhaps the most recent form of child abuse condition to be recognized by countries where thousands of children live and trade in the streets. There are those who hawk wares or beg in the streets of large towns and cities after running away from their homes. These children lack the supervision which would have been provided in traditional society and may get involved in criminal activities. They are also exposed to sexual abuse with a large number of female street children ending up in child prostitution.



Street Children

Strategies towards prevention of child abuse:

There is need for a situational assessment to identify and categorize abuse and their various types of circumstances in urban and rural Kenya. There is also need to for more accurate data on the number of victims and the type of families and communities that generate street children including causes of family break up.

A comprehensive national policy on the prevention of child abuse is urgently needed and can be achieved possibly by bringing together various government bodies and Non-Governmental Organizations (NGOs) dealing with child protection and children's rights. There is a need to develop strategies towards more positive public attitudes

on civil, economic, social and cultural rights. Such an initiative should also review the effectiveness and relevance of present laws and existing legal machinery for dealing with children in difficult circumstances. Where necessary, it could develop more appropriate legislation. Community-based care services should be initiated so that children can be supported in their own homes instead of being moved to institutions. This could also mobilize the community towards child protection and prevention of child abuse.

The law must go hand in hand with social change. It is clear that problem of child abuse cannot be solved by a mere statutory body but must be accompanied by change in social and economic conditions that lead to parental neglect in the first place. ■

New constituency divides Kuria leaders

BY MARICHA MERAMA

The controversy surrounding the creation of constituencies has now extended to the grassroots. Leaders in Migori County are yet to settle a dispute that emerged following the sub-division of Kuria constituency into two by the Independent Electoral and Boundaries Commission (IEBC).

Leaders represented by Richard Chacha, Charles Gibore, former councilors Nchagwa, current councilors Wegesa, Cllr. Gisunte, Cllr. Gesamba, Gati Nyamasasi, Kilita, opposed the decision by the IEBC to create a new constituency from Kuria East by hiving off two of its locations—Bukira South and Gokeharaka. The leaders said taking the two locations

from Kuria East constituency divides the local community. They had appealed to the commission to retain Kuria district's boundaries when the constituency is split into two.

"We asked for a split of the constituency but we said the provincial administration boundaries should remain intact," said Mr Charles Gibore when he released a statement during a leaders meeting at Pefa Church, Kuriguku.

However, the decision is now threatening to cause tension in the region. The Kuria leaders said they will appeal against IEBC's decision.

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Former Kuria East MP and Road Assistant Minister Wilfred Machage has said Kuria leaders are to blame for the "confusion". Mr Machage maintains that his political rivals proposed to the IEBC that Kuria East be split as a way of weakening him.

While inspecting CDF projects in his times as the MP, he told the residents that the split was politically motivated. "If we had united and spoken in one voice, these problems would have not occurred," he told them.

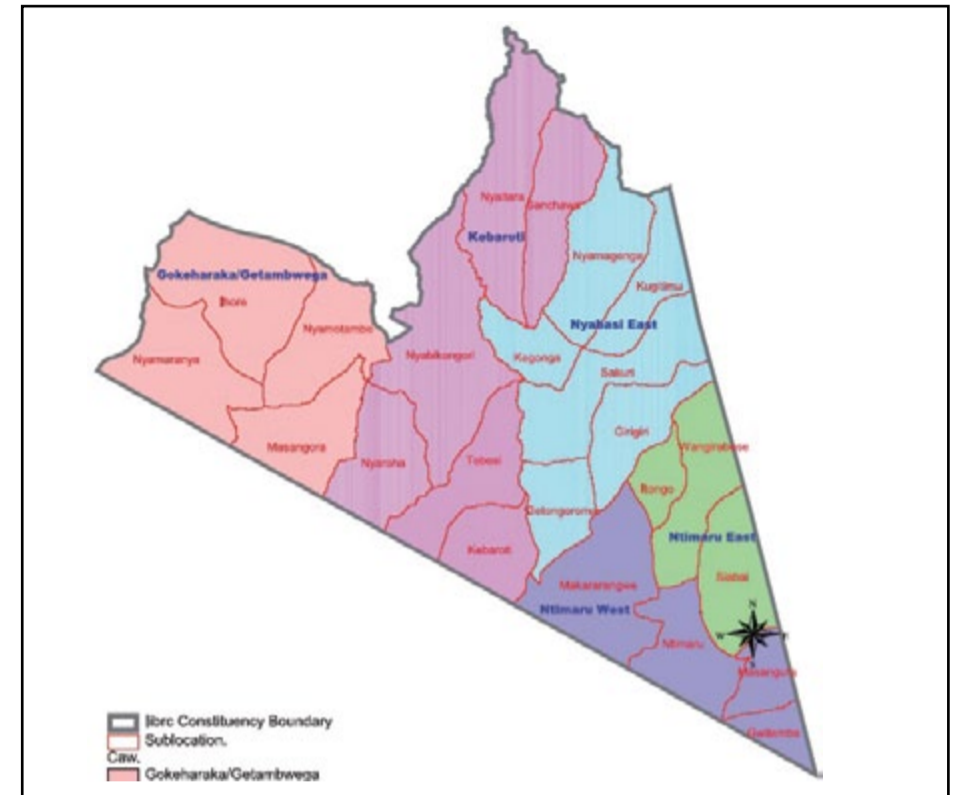
But his main political rival at the time, Mwita Nyanga, said Mr Machage played a role in the readjustment of boundaries in the region. Mr Nyanga said, as MP for Kuria East, Mr Machage had the opportunity to defend the interests of the community during the process

of boundaries' readjustments by the IEBC. He further said Mr Machage had promised the community he would follow up the matter when the proposal to divide Kuria East was announced by the IEBC.

The leaders said the area MP caused the "mess" because each district had qualified to become a constituency."

This was wrong as it meant the population must be balanced," said Charles Nyangi. Mr Machage at the time also blamed Prime Minister Raila Odinga for meddling in Kuria affairs. He asked Mr Odinga's allies in Kuria to keep off the region's affairs to allow him to focus on development.

Maricha Merama is the Coordinator of Kuria Reform Agenda Consortium (KRAC).



Kuria East

Multi-million irrigation project to give multiple benefits to Kerio Valley residents

BY DANIEL SUTTER, RIFT REGIONAL EDITOR

While Kenya has launched wide-range water sector reforms and has stepped up investment in Water supply, Sanitation and Hygiene (WASH), it still faces considerable challenges in reaching the water and sanitation Millennium Development Goals (MDGs).

With only two years left to the target year 2015 set by the MDGs, over 13 million Kenyans lack access to good water supply and over 19 million lack access to proper sanitation. This is half the population of Kenya (Census, 2009) and is therefore a great risk to the general health of the country.

The impact of the lack of adequate WASH services on the well-being and productivity of Kenya's growing population is profound. WASH-related diseases and associated conditions (e.g., anemia, dehydration and malnutrition) are the leading causes of hospitalization and deaths of children under five years. In addition, over 50% of hospital visits in Kenya are for illnesses related to water, sanitation and hygiene.

Water-related challenges in Kenya are not limited to water supply and sanitation services. Kenya is classified as one of the countries with adverse water shortages in the world. It is plagued with chronic cycles of flooding and drought that are increasing in frequency and severity, in part exacerbated by climate change, and coupled with population growth, significant upland watershed destruction

and non-equitable availability of water resources.

Kerio Valley residents will benefit from a multi-million water irrigation project which is under construction that will help them grow crops on over 1,000 hectares of arable land, which is to be shared equally between the Pokot and Marakwet communities.

The project, funded by the Kenya Red Cross Society in collaboration with Canadian Red Cross, is aimed at improving food security in the region and will benefit more than 3,000 families in Marakwet and East Pokot districts. It will cost the organization about Ksh200 million to complete the project and repair eroded water furrows, which have been providing water to Marakwet irrigations fields. Tot-Koloa Irrigation and Water Supply Project will use Embobut upstream water, which originate from Cherang'any Hills.

The project is expected to have a trickledown effect on other aspects of socio-economic life of the residence.

- The project is expected to impact on lives profoundly since a high percentage of the population is poor and most residents cannot afford healthcare services, school fees and other basic needs.
- From the 1990s to 2002, the Marakwet and Pokot fought over livestock



The pipes that will be used in the Ksh200 million project in Kerio Valley.

PICTURE by Baringo Human Rights Consortium, courtesy of KHRC

resulting in the loss of many lives and property worth millions of shillings. The conflicts were rampant and most of the inhabitants were affected by hunger forcing them to search for greener pastures and water in other regions. They are expected to live in peace since the water is tapped from Marakwet region and the irrigation land was shared equally, between the

Pokot and Marakwet people. This will help resolve the conflict.

- It is expected that roads will be improved to enable easy access to markets from the farms. It will be one of the projects that may help Kenya meet the targets in its Vision 2030 economic blueprint. ■

State actors should protect people with albinism

BY CORNEL ADIKA OPONDO, NYANDO HUMAN RIGHTS NETWORK

The future and success of a nation depends on the strength of its citizens. Each individual wants to live in peace and harmony in a social community free from discrimination.

Albinism is a condition whereby a person is born with the deficiency of skin pigmentation, known as melanin. Due to this condition, most people with albinism face several life challenges, some of which amount to violation of their basic rights such as the right to education. Additionally, some of them have also been denied their right to life; being killed for their body parts to be used for “medicinal” or other ritualistic purposes as a result of cultural beliefs and practices including witchcraft.

In some societies, they are looked down upon as a disgrace to the family exposing them to danger of being killed or buried alive or abandoned in the wilderness to be eaten by wild animals. Consequently, their death toll in East Africa and especially in Tanzania is often high. For instance, in Tanzania people with albinism are shunned, killed and their body parts cut off and sold for a price to be used for cultural rituals for wealth gain.

In 2012 a similar scenario occurred in Kenya, where a Kenyan albino was smuggled by his friend from Kitale through Nyando and Sirare to Mwanza, Tanzania to help him secure a job because of lack of employment



Mainstreaming equality training in Kisumu

opportunity in Kenya. However, this was a trap and it was alleged that he had struck a deal to sell his friend at a mere cost of Tsh. 400,000/= (Ksh. 20,000). A Good Samaritan came to his aid after seeing how the innocent Kenyan albino sunk into depression with desperation as his price was being negotiated at the fall of a hammer.

As contained in Chapter Four of the Constitution of Kenya 2010, it is the duty of the government to protect the rights of its citizens including all persons with disability of whom persons with albinism are a part. We therefore demand that their right to life be respected and that the government puts mechanisms in place to protect them. ■

Water harvesting could be the solution to Kenya’s food insecurity

BY CHRISTINE JEROP, ELGEYO MARAKWET COUNTY

Kenya is able to feed itself, but why is it food insecure? The key cause of food insecurity is over-reliance on variable rain-fed agriculture for food production. Two thirds of Kenya landmass is categorized as Arid and Semi-Arid Lands (ASALS) and is prone to drought. Sustainable livelihood is threatened by climate change. The challenge facing this ecosystem is how to enhance the communities’ resilience whose livelihoods depend wholly on resources which are affected by climate.

domestic use and even sometimes for subsistence agricultural use..

The unpredictable rainfall has led to reduction of farm output year in year out. This unpredictability has led to banks and other financiers to deny farmers financial aid and loans to boost their operations. leading to high poverty levels.

The dry season in most parts of Kenya which runs from November to March requires water storage from the rainy season. The communities in rural Kenya have had little funding for water storage projects to capitalize on rain water. Rain water harvesting from the rooftops and other means of collecting water will provide opportunities to farmers and other investors to improve their agricultural production. This is because irrigation from rivers is expensive and only a few wealthy farmers can afford it. Rain water harvesting involves capture, storage, and redirection of rainfall and runoff water.

Schools in Kenya can construct water tanks in the school compound to harvest as much water as possible which can supply the institutions with clean water



Rooftop rain water harvesting. In this case, rain water falls naturally down the slanted roof top to the gutters (the conveyance instrument) at the base of the roof. These gutters transport the water from the rooftop to the tank which is the collection devise. In the tank which is well constructed from cement, wire mesh and stones the water is safely stored here until it is used.

which can save them from such problems as poor sanitation and inaccessibility of water since they depend on unreliable water supply systems which are frequently interrupted. At the same time they will also have a good waste management system.

The little amount of water is usually contaminated due to the high populations and poor management, which results in waterborne diseases since the water is ingested untreated. Without clean

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water, communities in dry rural Kenya are prone to outbreaks of water-borne diseases like cholera, dysentery, typhoid, hepatitis A and diarrhea which are as a result of inadequate water and sanitation. The rural-urban migration has also led to population pressure in urban towns and every now and then children and streets families are seen drinking and collecting water from sewages without knowledge of the dangers they are exposed to.

caused chest problems with few of them being able to get treatment.

The rain water harvesting systems will allow women and children to spend their time in other economic activities for income generation and lessen the risks of water-borne diseases from contaminated water, and will have accessibility to clean water which is a human necessity.

Children and women are the ones who are the mostly affected. They spend most of their time collecting and carrying of water for long distances which have also

The government and well-wishers should focus on rain water harvesting projects in rural Kenya for the citizens to avoid diseases and waste of time from collecting and drinking dirty water. ■



Water harvesting tank and reservoir

Functions and roles of different arms of government in a devolved system

The Senate

The functions:

- Debate and approve county bills
- Determine the allocation of national revenue to be distributed according to the counties
- Represent the interests of the counties at the national level
- Consider and determine the resolution of impeachment of the president or his/her deputy
- Composition: 67 members plus the Speaker, who is an ex-officio member
- Forty-seven (47) members each elected from each county
- Sixteen (16) women members who shall be nominated by political parties according to their proportion of members of the Senate
- Two members (2), one man and one woman, representing the youth
- Two (2) members, one man and one woman, representing persons with disabilities

The National Assembly

The functions:

Responsible for advocating for the people’s interest in law making.

The specific roles of the national assembly are:

- Members of the national assembly are obligated to represent their constituents and all the special interests within their respective constituencies
- Enactment of legislation for both county and national government
- Approval or disapproval of revenue allocation presented by the senate, determining the national distribution across the counties.
- Check the conduct of the executive and other state officers and if necessary initiate the process of removal of president, deputy president and other state officers.
- Exercise oversight over state organs and approve the state of emergency and declaration of war.
- Composition: Comprises 349 members and the Speaker, who is an ex officio member.
- 290 members elected to represent constituencies;
- 47 elected women each to represent each county
- 12 members nominated by parliamentary political parties according to their proportion of members of the National Assembly
- 2 to represent special interests including the youth, persons with disabilities and workers;
- Two members (2), one man and one woman, representing the youth
- Two (2) members

The Judiciary

The role of this arm of government is centred on the Judicial system. The Kenyan Judicial system adheres to a hierarchical system, with The Supreme Court being the highest organ, followed by the Court of Appeal, High Court, Magistrate’s Courts and other Subordinate Courts.

The Chief Justice is the president of the judiciary and is appointed by the president subject to the approval of the National Assembly and has a deputy Chief Justice and five other judges.

The Supreme Court has the following key functions:

- Mandated to hear and determine presidential election disputes, if they occur.
- Attend to the appeals arising from the Court of Appeal.

The High Court, attends to criminal and civil cases as well as supervising the administration of justice in other lower ranking courts.

The Magistrates’ courts ar Subordinate Courts and deals with criminal and civil matters within their ranks and jurisdictions. The hierarchy of the Magistrates’ courts from top to bottom is as follows: Chief magistrates’ courts, Principal magistrates’ courts, Resident magistrates’ courts and District magistrate’s courts.

The Kadhis’ courts’ jurisdiction is limited to determining matters arising in the Muslim law regarding marriage, divorce, inheritance and personal status. Kadhi courts solely center on citizens who willingly submit to Islam faith and the Kadhi court system.

Devolved Government

The devolved government is aimed at achieving two main objectives.

- Involve the people in governance
 - Allow better supervision and implementation of policies at the grassroots level
- The county Government, which has since replaced the provincial administration, constitutes of a **county assembly** and county executive.

The responsibilities of the county assembly include:

- Exercising the powers of enacting laws at the county level
- Acting as an oversight instrument on the county executive
- Approval of plans and policies for smooth operation and management of resources and county institutions

Even at county level, democratic principles are observed. The people elect the members of the county assembly at Ward level. All the same, additional slots are reserved for nominations. This ensures that membership is well distributed by gender, marginalized groups and persons with disability.

The county assembly is headed by a county Speaker who by law is not supposed to be a member of the assembly.

Currently the **Kenya devolved government consists of 47 counties** representing the initially recognized districts and each one of them forms a county government. Every county government shall further decentralize its services and coordinate its functions in order to efficiently serve the interests of the people of Kenya at the local levels.

The **county executive** on the other hand is charged with the responsibility of exercising executive power at the county level, implementing laws for administration of the county as well as carrying out other executive functions of the county. The county executive gives the people an opportunity to be more actively involved in lawmaking. The county executive is led by a governor who is directly elected by the people at the county level. The appointment of the county executive members is placed under the mandate of the governor, and approval is subject to the county assembly.

The executive members are answerable to the governor and shall not be members of the county assembly.

Embrace couple testing and counseling to reduce new HIV infections

As a resident of Sidho East II in Nyangoma Location of Muhoroni District, where I am also a Defaulter Tracer I have been able to gain some working experience in tracing treatment defaulters from one of the facilities namely Chemelil Health Centre. Defaulter-tracing is an exercise offered to support persons receiving treatment for long-term conditions such as HIV & Aids or TB and who have dropped off from their regular treatment through home visit follow-up and counseling to resume treatment.

In my line of work, I face several challenges. Most clients register under false names as well as false locations in an attempt to avoid stigma associated with HIV & Aids. This creates a problem when locating them for the intended visits. Nevertheless, sometimes providentially I have managed to find some of the clients' homes despite having registered under fake names. However, one of the major challenges I face in defaulter-tracing is coming across partners who have not disclosed their HIV status to each other. Normally it is under these circumstances (defaulter-tracing) that some people get to know about their spouses' HIV status, which poses an awkward situation of betrayal.

Previously, I had been trained as a community health worker in creating awareness on Malaria control, HIV

infection prevention and sanitation among others. Using this previous experience whenever I come across partners who have not disclosed their HIV status to each other I approach the subject by teaching the two partners separately the ways of cleanliness around the home. Then we digress into the issue of HIV infection and further attempt to find out the reasons for the missing appointments at the health facility. It is then sometimes it emerges that both partners are separately seeking HIV care and treatment in different facilities (sometimes even in the same facility) but have never disclosed their status to each other. But more often it is only one partner who is seeking treatment while the other is not, which still exposes the one accessing treatment to risks of re-infection from the non-treatment seeking partner.

A common characteristic of such couples is that they either break up, or divorce in the case of marriage, upon learning that the other partner is HIV positive and did not disclose his or her status. Through the use of the separate approach that I have adopted, I have helped keep most of the couples I have visited as a husband and wife where I do not disclose one's status when the couple are together. This has gone a long way in reducing the number of divorce cases while at the same time addressing the issue of seeking care and treatment.



It is important to note that disclosure is highly required if an infected couple is to stay together as husband and wife and also manage the HIV status. Disclosure also helps to wipe away the stigma and discrimination among the affected HIV persons. Further, each of the partners has a right to know the status of the other partner because it directly affects him or her. I therefore urge couples to disclose to each other their HIV status. In addition, I encourage them to seek couple counseling and testing together as this reduces the secrecy and mistrust that occur in lack of disclosure.

Moreover, I have managed to visit chief or sub-chief barazas in an aim to create awareness to persons living with HIV. In

such forums, I encourage persons who test positive for HIV to make deliberate efforts to minimize risk of transmission of infections by: abstaining from having sex; using a condom correctly and consistently every time they have sex; being faithful to one partner; reducing the number of sex partners; visiting testing and counseling centres at an early stage in order to reduce the multiplication of the virus in the body for those already infected and to learn how to remain HIV negative for those not infected. Ultimately, these practices contribute to a HIV-free nation.

*Nehemiah Aduda Njera
Muhoroni* ■

Swift intervention nabs Kibwezi rapist

BY PETER MANGALA

A timely awareness campaign on immediate steps rape victims ought to take helped nab an elderly man who raped his 9 year-old granddaughter in Kibwezi.

The incident took place earlier in the year and shortly after Citizen Land Network's Rehema Rashid trained area women on simple techniques of tackling rapists and of dealing with a post-rape situation.

The aunt of the class two girl who heard of the act immediately reported it

to Rehema. The two went to the home and took away the child before she had washed and before the medically recommended period of 72 hours had lapsed. They took the minor to Makindu District Hospital for examination. Doctors there confirmed that indeed the child had been defiled.

Armed with the medical report, the two walked to the nearby Kibwezi Police Station and recorded a statement. At the police station, Rehema put the police on notice in case they were compromised on the matter.

Thankfully, the Kibwezi police acted swiftly and raided the alleged offending grandfather's house. They arrested him and hauled him before the Makindu Law Court charged with rape.

Within a short period, our reformed judiciary did wonders in handing the disgraceful old man a 15-year jail sentence.

The process of bringing this old man to justice demonstrates how such cases can be tamed if every person- from family,

neighbours, civil society groups, police, doctors and judicial officers played their respective parts appropriately without fear or favor. If potential rapists know that they will be caught, that there will be no respite for them once they commit their wicked acts, they would nip their wild desires in the bud and save our children.

Peter Mangala is the Secretary, Citizen Land Network- Kibwezi ■

The scramble for Kuria leaves Migori County in disquiet

By CALEB TWENYA

Migori County, made up of five constituencies i.e. Nyatike, Rongo, Uriri, Migori and Kuria, is a cosmopolitan county where several communities have been living together for many years. Among the communities living in the county are the Luos, Kurias, Luhyas, Kisiis, Somalis, Kikuyus, Subas, Nubians, Kalenjins, Kambas etc.

Following the new constitutional order, Kenya is divided into 47 counties and some communities started to complain even before the promulgation of the new constitution on August 27, 2010 that they were not comfortable in the counties where they had been grouped. Among the communities that have been complaining is the Kuria community who, under the leadership of their then MP. Mr. Wilfred Machage who was also at the time the Assistant Minister for Roads, have been very bitter saying that they do not want to be grouped together with the Luos in the same county.

Since the promulgation of the constitution in 2010 to date, several peace forums, sensitisation meetings and inter-community meetings have been conducted by several organisations and institutions in Migori County and the relationship among the communities living in the county seems to have improved a great deal. All these Migori county cohesion and integration

campaigns may go to waste if the bad ethnically divisive political trend adopted by various political parties in the run up to March 4, 2013 general elections is not corrected.

Between the month of June and October 2012, presidential aspirants Mr. Musalia Mudavadi of UDF, Mr. William Ruto of URP, Mr. Kalonzo Musyoka of Wiper Democratic Movement and Mr. Uhuru Kenyatta all went to Kuria constituency and opened their party branches for the county. The move was not received well by other communities living in Migori county especially the Luos who are the dominant community of this county.

The campaigns by presidential aspirants in the run up to the March 4, 2013 elections were seen out to divide Migori county along ethnic lines. This is clear because all of them just flew to Kuria branch offices and then flew back to where they came from, marginalizing all the other communities living in the county. This is brought disquiet among the communities in Migori county leading to possible alienation of the Kuria people by the other communities in county.

My appeal to all the political parties and the elected political leaders as well as those who lost in the just concluded elections is to reach out to all communities irrespective to their



Migori

ethnic, religious, perceived political affiliations and social status in the society and preach peace, reconciliation and cohesion. Even though the elections were relatively peaceful, it is time to undo the damage that was created by campaigns that were conducted along tribal lines that marginalized some communities and which generated a lot of political heat and tension that is not very easy to contain.

In Migori County for example, Mr. Ruto's URP, Mr. Kenyatta's TNA, Mr. Mudavadi's UDF, Mr. Musyoka's Wiper Democratic Movement and Ms. Karua's

Narc - Kenya parties cannot purport claim to be having their branches in the county because all their offices are in Kuria West Constituency, and not spread across the county. This shows deliberate efforts to woo the Kuria residents of the county to the exclusion of everyone else.

All these offices can be categorised as the Kuria West Constituency offices for the said political parties but not their Migori County offices.

(The writer is the coordinator - SONY-HURINET) ■

Cattle theft threatens peace in Kisumu and Nandi Counties

BY WASHINGTON O. OBURA

Frequent cattle theft from residents in Kisumu County by raiders from Nandi County is a security concern and causes hostility between the two communities. Raiders often cross into Muhoroni of Kisumu County, at Nyangeta, Miwani Chemise, Chemelil, Muhoroni, Koru and Fortenan and steal cattle; drive them to their "Tambul cattle hide out" in hills between Potopoto and Kapkuony in Chemelil Location of Nandi North District.

It began in February 2012, when ethnic clashes which erupted from cattle theft left over 32 families homeless, unknown deaths and properties worth millions of shillings lost. Majorly, on February 25, 2012 raiders crossed into Kibigori and stole over 25 heads of cattle. Residents from Kibigori pursued them but failed to recover their cattle and instead took other 10 cattle in exchange from other neighboring Kalenjins. In response to the alarm raised by the Kalenjins whose

cattle were raided, violence broke out and it took the General Service Unit (GSU) personnel over two weeks to control the violence. Houses got burnt, farm produce destroyed and human killings took place even in the presence of heavy regular police and Administration Police who were drawn from the former Nyanza and Rift Valley Provinces.

Later, on the night of July 13, 2012, at Mibasi - Chemelil the raiders from

Nyangore Sub location, Chemelil Location of Muhoroni, stole five heads of cattle. While they were driving them to Tambul through Nyando - Nyangore, Mr. Moris Opiyo (Assistant Chief) together with 16 APs attached to Ngeta Farm intercepted them and recovered the cattle.

At 2.00a.m. of July 13, 2012, other raiders went to the home of Damaris Hongo (mother to Kennedy Hongo -

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who was a Muhoroni MP aspirant) and stole 13 heads of cattle. These had not been recovered at the time of writing this report.

These cattle raiders have caused endless unrest within Kisumu County. The trend must be stopped once and for all. Muhoroni and Tinderet being volatile and hotspot areas of Kisumu and Nandi Counties respectively need urgent peace restoration. Efforts made by Muhoroni D.C. and District Peace Committees of Nandi and Muhoroni have borne no fruits. They initiated Monthly Intercommunity Games and forums at Achege, Chemase, Kibigori, Chemelil and Soweto-Fortenan with an aim of encouraging co-existence without success.

Consequently, no socio-economic development is taking place. Rate of poverty level is rising at an alarming rate. Worse still, are the conditions in which Nyangore and Owiro ethnic clashes victims live in. The political leaders and state actors from the two counties have remained adamant. The Kisumu County



Cattle stolen from the Luo recovered-FILE Photo

residents now wonder why safety of their cattle is left at the will of the raiders from Nandi County. No perpetrator has been punished and yet they are well known.

We urge state and non-state actors to

put up Anti-Stock Theft Unit 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 altercations, which must be controlled

now to avoid it spreading to other parts of the country.

Muhoroni Co-ordinator – Nyando Human Rights Network and a Human Rights Defender

Citizens' new foray into budget making

CONTINUED FROM PAGE 1

Under the Participatory Budget County Committee (PBCC), residents are collaborating with representatives of local community based organizations and Fahamu Social Rights Network-a nongovernmental organization, to develop their budgets at the ward level. They are engaged in "participatory budgeting" which, according to Wikipedia "is a process of democratic deliberation and decision-making in which ordinary people decide how to allocate part of a municipal or public budget."

The process allows citizens to identify, discuss, and prioritize public spending on projects. It also gives them the power to make actual decisions on which projects to prioritize.

Although the concept is yet to be fully actualized in Kenya, participatory budgeting has worked in other parts of the world including the US, UK, Brazil, South Africa and Senegal. The concept is currently being piloted in two Kenyan counties namely Kwale in the Coast and Kajiado in the Rift Valley region.

In September 2012, Kwale residents assessed their needs, identified priority areas and elected budget delegates at the ward level. The County currently has twenty wards following the recent boundary demarcations by the Independent Electoral and Boundaries Commission. The twenty wards

represent Matuga, Msambweni, Kinango and the newly created Lunga-Lunga constituencies.

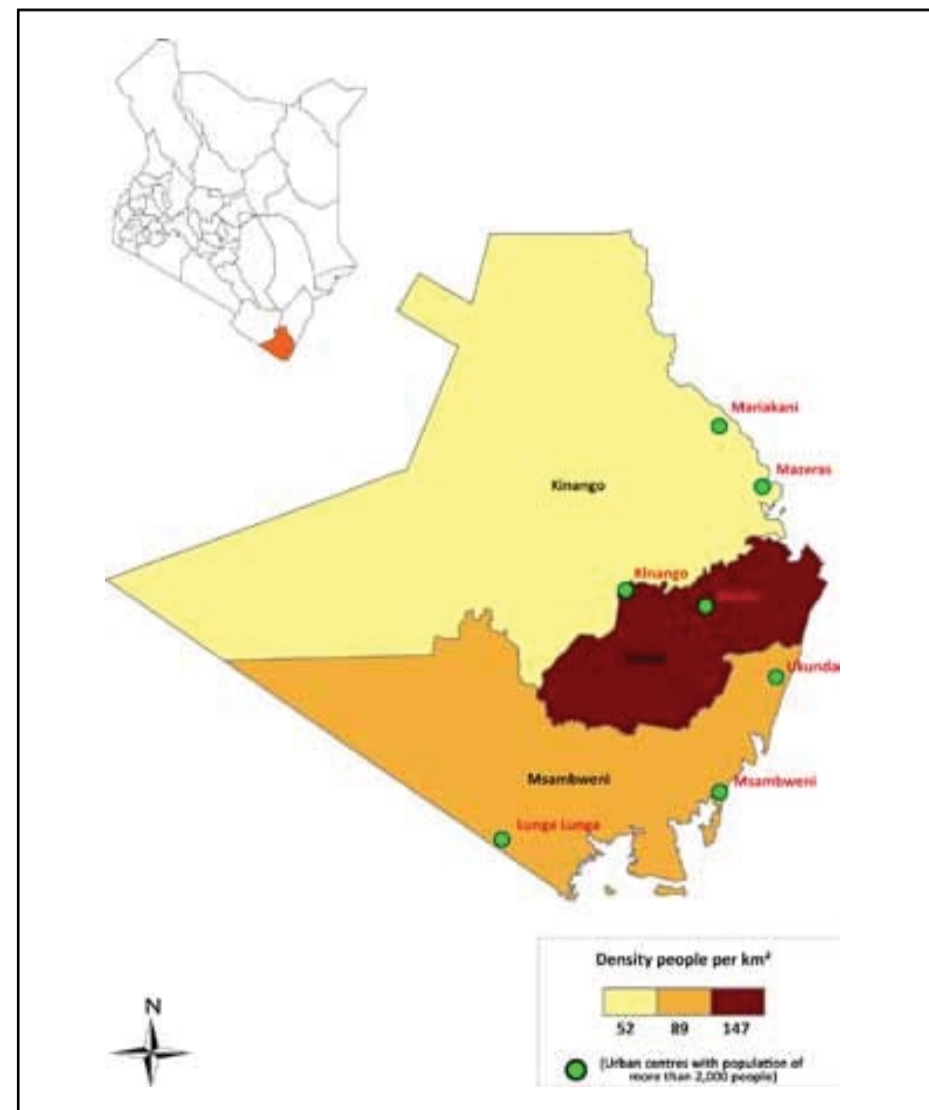
The ward delegates are charged with developing specific spending proposals which will later be presented to the community for validation. If the community approves the proposals, the same are to be forwarded to the county government for consideration and implementation.

When fully operationalized, participatory budgeting is expected to raise the social and economic well-being of the counties. Areas that are expected to benefit significantly include education, health, agriculture, roads and energy.

Participatory budgeting is also bound to lead to more equitable public spending, increased access to basic needs, greater transparency and accountability, enhanced democratic culture and increased public participation in the governance process.

The budget committees will also be key, engaging individuals seeking elective positions at the county level to sign a charter declaring that they will support, advocate for and promote the implementation of the concept.

Jaramba is the Secretary-General of Kwale Hurinet while Changani is a member



Kwale

Soccer tournaments bring hope of lasting peace between Kuria and Kipsigis communities

BY JULIUS MAROA

The Kuria District Peace Committee has launched a soccer club in Kuria East Constituency to foster unity and enhance peaceful co-existence between the communities located along the Kuria-Transmara border. The soccer club targets the youth from the two communities, who will participate in tournaments along the common border.

Speaking during the launch, DPC chairman Chacha Mangiteni said the soccer club will give the youth from Kipsigis and Kuria communities an opportunity to interact and exploit their talents in various sporting activities.

Mr Mangiteni said a series of tournaments between teams from Kuria and Kipsigis communities will be organized in the region and other parts of the country.

Such peace efforts are crucial because the two communities have been engaged in conflicts for many years due to cattle rustling and land disputes

District Commissioner Mutindika, the guest of honour at the launch, said the tournaments will encourage peaceful co-existence and reduce cases of cattle rustling. He appealed to border communities to organize other social

activities that will help them embrace positive cultural practices from each other. He said the conflicts in various parts of the country after the 2007 general election slowed Kenya's economy and stalled various development programs. He called on wellwishers to support Kuria in its peace building efforts.

The DC donated soccer balls, sports kits and appealed to local leaders to support sports activities to tap local talent.

The DPC secretary read the peace agreement between the Kuria and the Kipsigis. Kuria Reform Agenda Consortium (KRAC) – a community-based organization – facilitated the process leading to the signing of the agreement. Elders from the two communities agreed to support the intercommunity tournaments to foster peace.

Mr Mangiteni thanked KRAC, through coordinator Samwel Maricha Merama, for sponsoring the meeting held at Sunrise Hotel that led to the peace agreement on July 14, 2012. He challenged other organizations in Kuria to support KRAC and cooperate in efforts to build lasting peace among Kuria and Kipsigis communities.



Soccer Tournament Community Outreach on Understanding Devolution- Kiambu County

Water scarcity in Marigat amidst plenty

BY LEMELUK MOSES

“Einyikua taa nkare emparinko Eoleng’, etaa kea yoo (the lake has burst its banks, it will drown us),” Lemekwa Lemeidimi declared, squinting to have a clear view of the glistening waters of the Lake Baringo that had reached levels never witnessed before. The last time anything like this ever happened was about 50 years ago when he was a young man. He is 77 years old now.

With such an increase of water, one would expect that there would be plenty available for use by residents of Marigat District owing to their proximity to one of the biggest fresh-water lakes in Kenya. Sadly, the opposite is true. In addition, the floods exacerbate an already dire situation where people are exposed to waterborne diseases such as cholera and typhoid. Yet even one of the dispensaries, Ng’ambo Health Centre, has often been inaccessible to residents during the times of floods.

Apart from Lake Baringo, Perkerra and Molo rivers pass through this area and therefore there should be enough water for the residents’ use. The only problem is making it safe for drinking through treatment and pumping it to a tank in a higher ground for distribution to homes.

The only water treatment plant available serves Marigat Town. It was built in the early 1980s to cater for about 3,000 people. The current population is 70,000, according to the government’s Population and Housing Census of 2009. When asked when they plan to establish an even bigger plant, leaders cite lack of cheap and reliable energy.

The mark of this district is an abundant supply of sunshine throughout the year hence the only cog required to keep the wheel, of providing safe and reliable drinking water to the people, in motion is an initiative to harness solar energy.

The People’s Manifesto and Scorecard by the Kenya Human Rights Consortium (KHRC) in partnership with Baringo HURINET, acted as a catalyst for stakeholders to ensure that water provision in schools and health centers is scaled up and where possible, funded through the Constituency Development Fund (CDF) and inclusive community participation. Mochongoi Secondary School and Mukutani Health Centre are such institutions that benefited. Awareness created among the people that leaders could be held accountable for the promises they make, has helped in following up commitments with implementation.

Non-Governmental Organizations and Civil Society Organizations like World Vision, Action Aid and Kenya Red Cross, have helped in provision of water for human and livestock consumption. A preferable mode mostly used by

these organizations is aptly dubbed ‘Food for Work’, where residents help in constructing water pans and drilling boreholes and thereafter given rations of food as payment. This program has been carried out in Chebinyiny, Chemorongion and Logumgum areas.

Conflicts among pastoralist communities in the constituency are almost always about water and grazing land. Such conflicts result in loss of lives and displacement of people with women and children bearing the greatest brunt.

Therefore, when safe drinking water is provided, good health among the people in Marigat will not only be achieved, but also peace and harmony will be realized.

Lemeluk Moses is a member of the Baringo Human Rights Consortium Hurinet, Baringo County. ■



River Pekera, one of the rivers that drain into Lake Baringo with not much being done to harvest its waters.

Picture by Moses Lemeluk



Lake Baringo with the islands in the background.

Picture by Moses Lemeluk



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