

# HAKI DIGEST

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# ALIENS INVADE EASTLEIGH



Eastleigh is under siege; from indomitable aliens. The residents are forced to walk around with gas-masks round their noses, (due to stench and dust) with women holding their hijabs, over their noses. The air is saturated with flying objects (UFOs?) of all colors, as complete breakdown of law and order is the order of the day. The roads have been taken over, all spaces reserved for parking and any other available space are all gone. The manholes gape at the beholder; with the covers very likely having ended at the scrap metal yard! Bad polices have witnessed the violation of the citizens' rights as spelled out in Article 42 of Constitution of Kenya 2010: Every person has a right to clean and healthy environment. Earlier attempt by the government to ban use of plastic bags was shelved after the policy makers allegedly negotiated with the manufactures of the environmentally venomous products; hence withdrawal of the attempt! If it is too difficult to ban the manufacture and sale of plastic bags, why wouldn't the government make it mandatory for the users/sellers of the same to have litter bins (next to their business) into which used plastic bags can be deposited after use? Why can't the government enforce the law of responsible disposal of litter by having all those who litter the environment arrested and brought to account? Time is now, when every businessman in Eastleigh must have a litter bin, and be responsibility of cleanliness for a given space (square feet) around where he/she is operating; to tame the plastic aliens who seem to strengthen by the day. If such laws have worked in Rwanda, they certainly can work better in Kenya; with all the wealth within the Kenyan borders!

By: George Chacha

# PEACE PEAS PIECES

His Excellency President Kenyatta, visited Migori County on Monday 8, September 2014. Not my instinct, but my Rotary Peace training and analysis of political mutation of Migori had warned me that all might not be very well. All hell broke loose in Migori; and it was near catastrophe as the president's rally turned chaotic with stones, shoes, objects of all nature being thrown to the front! Without warning it was helter-skelter with wailing and screaming from the huge crowd, piercing the warm lakeside air; the lake where the British steam engine train would come for a drink! The biggest challenge to peace building in developing countries is lack of political good will. In some instances government institutions may defer peace building initiatives because conflict situation may become handy and needful at some point; with warring parties deliberately creating conflict situations to serve their own interest. Working as peace builder means working for the community, and if working for the community, it is likely that he/she will be working against political divides, hence need to tread carefully. Worse still, peace builders sometimes do take sides with "Our tribe side", with there being element of fighting for "who will control the resources/funds" earmarked for peace by government institutions. It is one year since my return from Rotary Peace Center at Chulalongkorn University in Bangkok-Thailand, from where I had gone for mental overhaul; to be refurbished to the level where I can be part of the team to transform my society. Despite this wealth of experience, zeal and enthusiasm to be tapped by the government and other relevant departments, I am yet to be assigned to any meaningful engagement. Before my going I was full of expectations, and enthusiasm; and couldn't wait for my return to put my hands on peace-plough! When efforts to build peace are slowed down, dreaming of the days gone by gives me hope; the materials acquired from my peace studies form my pillow and the journal writing habit that I picked from Chula takes me there. I vividly remember that memorable day of my departure to Thailand..... Suddenly all was darkness; as I looked out through the window of the Boeing 767 which was steadily gaining height up to 12km above the ground! This was to be the longest journey of my life; the farthest I ever made from my village. Closing my eyes, I marveled at science and technology; wondering just how such a large number of people (almost my whole village!) could be comfortably loaded into the belly of the Boeing and be relocated to far away! It is then that an old story of a seer told in my village flashed my mind. Very long time ago, before the coming of the Whiteman to Africa, the seer had foretold of there coming a time when "white butterflies will invade the land and conquer the inhabitants, and forcing them into slavery. He also had foretold there will come a unique people, with strange skin. They will have a very long snake (breathing fire and smoke) that will extend from the ocean to Lake Nyasa (Lake Victoria). The seer had foretold that there will come a time when eagles will no longer be snatching chickens; but men and women, in very large number!



“Inside the belly of the eagle, as foretold of old!”



# WHY PEACE CANNOT BE ACHIEVED IN THE MASHINANI

Somewhere in kuria west constituency, I happen to have attended one of the peace dialogues hosted by the district peace committee (D.P.C.) in the chief's office. Two neighbours living in conflict had been summoned with one having reported the other to the committee. The issue was simple; one neighbour allegedly moved the boundary that separated the two to suit her own selfish wants and this act steamed the other neighbour and pushed him to the point of him erupting. Lashing of insults and later calling of the “wazee wa nyumba kumi” were the only alternatives. The case became too much to handle and as such it was directly sent to the D.O and forwarded to the district peace committee.

In the meeting, involved parties told their part of the story one after the other. The committee listened keenly and the chairman was the first person from the panel to air his remarks. His sentiments were clear and open with no cronyism or partiality.

One of the technical hitches I noticed in the meeting was their obsessive aim of reconciling the two parties as opposed to solving the root cause of the problem and looking for ways to bring the affected to a common ground. One of the things they did not understand is that neither the parties cared about the other but rather about how their problems could be resolved for them to move on with their mundane lives. Another was that in a conflict situation, it's not a must for the affected to reconcile and forgive but just live in truce. The funny thing in the meeting was that one of the summoned was accuse of so many things and pleaded not guilty to all accusations. Surprisingly, the meeting ended after nearly two hours and the peace committee decided that they will visit the land boundary but at a fee of ksh.1500 from each of the affected. The fee was to settle the transport allowance and the time spent to solve the conflict.

After the meeting, questions sojourned in my mind on whether the alternative conflict resolution programs are effective or whether the government is giving adequate support to the mechanisms in place to effect their duties. After unearthing the truth, I realized that the D.P.C. receives no support from the government and to some extent, this has played a role in reducing the competency of their job. The same problem applies to the administration police who for a long time have been inefficient in performing their duties. Factors of corruption and inadequate government support are the reasons behind their failure in executing their duties as an officer says. Most of the victims in the mashinani have failed to get justice due to reasons such as police demanding for fuel and maintenance fee for them to be of service.

With such occurrences in the mashinani, questions of peace and injustice are still ghosts. To solve such quandaries, the national government in collaboration with the county government must work hand in hand to ensure that what is supposed to be done must be done. If this is not done and responsibility is not taken, then peace in the mashinani will be like a ticket to heaven for a demon.

By Judah Ben-Hur

## CONFLICT DUE TO WITCH-CRAFT

On 14 October, 2014, rare, unique and most difficult kind of conflict involving two co-wives of a village elderly man with five wives was being handled in Mabera Division, K



A typical Kuria homestead.

kuria West Sub-County. Trusting in my skills and what they called Thai magic to resolve conflict, I was called to help show the way to go. There was dead-silence in the small and stuffy room that acts as the area chief's office, Mabera, as the close to sixteen family members drenched in sweat sat.

Wife number one had ran to the authority fearing for her life as sons to wife number four had attempted to lynch her for being a witch and for plotting to offer one of the sons for sacrifice! She was being accused of being a very powerful witch who had vowed to wipe out the whole household of wife number four. The issue of contention was that a teenage son to wife number four was frequently falling sick, and in his sickness as in a dream he would call out the name of the older wife (his step mother) asking her not to take her to the oceans in Mombasa! Every time the teenager would fall down unconscious, he would call out the name of his step-mother. It was alleged that this trend had gone on for so many years and now it was time to bring to an end! As an exhibit, there was a machete in the hands of the sons to wife number four, all who were breathing fire of vengeance as they strongly alleged that on one night they had caught their step-mother running about their compound stack naked; bewitching them!

From page 3.....Then, in mind, I started to peruse all the peace notes/manuals that I had gotten from Rotary Peace Center at Chulalongkorn University in Thailand. I found none! Then I silently started to call on the names of the peace lecturers who had taken us through the course; Michael Fryer, Santiago, Bjorn, Mikki, Nabil, among others! It downed on me that I had to be creative in my own style and fashion. Clearing my voice, I said, 'Witchcraft, though detestable, it is African culture; just like many other aspects of our culture. It is a religion to some people. We all have come across this form of practise one time or the other. I personally have the same unresolved case touching on witchcraft. No one can charge anyone with witchcraft in a court of law as the laws to apply are very vague. Unless you catch the alleged witch with her paraphernalia. This is a tall order; like milking a lioness! I suggest that this sitting be adjourned to a later date. On that date, let as many neighbours (bystanders) as possible be present. What do the bystanders say about wife number one? What do they say about wife number four?' The chairman of the peace committee also suggested that we seek intervention of a superior witch/doctor! The meeting was adjourned to 16/10/2014. By George Chacha

## CRY MY BELOVED LAND

Burdened with age and agony due to travails encountered, Waisko, about 83 years old and widowed more than forty years ago, bends over. She has been fighting numerous court battles since 1974; hoping that one day she will regain ownership of her piece of land. 'My husband and I crossed over to Tanzania, in search of pastures for our numerous cattle at the time. After about four years later, we came back, only to find that our more than thirty acre piece of land had changed its ownership by itself! I don't know how to read and write, I can't speak good Kiswahili, only one of my children seems to be mentally upright, leaving me to fight almost alone', says Waisiko between sobs; crying for her beloved land. Yet in another land issue, a man who divorced with his wife more than twenty five years ago, got a shock of his life that left him with a stroke! Twenty five years into his new marriage, he goes to procure a land transfer, knowing very well that it was time to subdivide his land to each of his children. Shockingly, he was told that he owns no land; that the land he wishes to transfer was not his but actually belonged to another person. On inquiring who this ghost owner was, he was told that the land in question belong to a woman by the name so and so! This woman was actually the very wife he had divorced twenty five years ago. 'How did this happen? Who sanctioned the transfer? Who were the signatories to the process? This land was transacted three years ago; yet I divorced this woman twenty five years ago...!' verbal-diarhoead the man. The man collapsed and has had heart problems ever since; still crying for his beloved land. Yet again, in another land issue, a man bought a piece of land, built a homestead, fenced the compound and planted trees along the boundary; with neighbours to the left, right, front and back. Jointly, all the four neighbours brought a land surveyor who did the survey.

One day, a neighbour laid claim beyond what has been existing as the boundary. This meant that the house of the man, who had single headedly paid for all the costs of land transfer, was in her land. The man went to seek for intervention from the land office; in Kuria West Sub-county. He was given a copy of the land mutation. To his horror, the readings on the mutation had been amended. The physical measurement on the ground was different from the measurement on the mutation forms. He had lost a chunk of his land; meaning that his twelve years old homestead was standing on someone else land! Rather than cry for his beloved land, he armed himself with pangas, bow and arrows to defend his land. All these and many other cases have been happening in Kuria West Land Registry, even as the sub-county is categorized as one of the poorest with poverty index being very high. One wonders who is just behind these very abnormal acts that have become very normal in Kuria. Can someone possibly help arrest this trend where hundreds of ignorant citizens are losing their lands every day to those who have money and have connections at the land office?



*Waisko, when she turned up at a human right clinic organized by Foundation for Women's Rights ICT4D; Migori County-Kuria.*

## SCHOOLS BURNING AGAIN



On Friday 10, October 2014, in a local county school, bellows of ferocious black smoke juttred out from a dormitory block, like a volcano; consuming everything consumable and non-consumable. The work of arsonist students!

In a moment more than 230 students were homeless, and without property, not to mention all their books which are safer in their boxes than in class! A sombre mood had engulfed the whole school of more than one thousand students; this being a second dormitory to be burnt down in two years! A short while before several other schools had suffered similar losses; running in tune of millions of shillings. The Chianguli death trap of several years ago, is a school death chamber that will live on for generations to come.

With the government having given up the overseeing of institutions of learning, it is a matter of time before Kenyan schools register catastrophic incidents which will shake the entire region if not the continent. There seems to be no lesson learnt after every burning of schools. Is it enough to just find out that a few student arsonists burnt down the school? Is expulsion/suspension the final solution to the problem? Just how does a school admit up to 1,500 students? How prepared is the administration/teaching staff to handle such a magnitude of students; many of them possibly coming from very broken families/societies? What is the ceiling that a school should maintain for effective and safety of the institutions? Does the government give a thought at the kind of living/operating conditions that these students are subjected to? Interestingly, even at universities, the story is the same. Hostels that were designed to accommodate 500 students are accommodating up to 3000 students! With these kind of conditions, the students are reduced/belittled to mere substandard citizens who will act abnormally with minimum provocation if to attract attention. Time is now, for the government to put a ceiling to the maximum number of students any given school can admit. Time is now for the government to put minimum standards that schools should observe in terms of number of students per block/class. Time is now for the government to treat Kenyan children with the dignity that they deserve!

ICT4D, Migori County.

KENYA HUMAN RIGHTS COMMISSION  
Gitanga Road opp. Valley Arcade Shopping Center,  
P.O Box 41079-00100,  
Nairobi, Kenya  
Tel: +254-20 2044545 +254-20 2106709