

## LAND OF UNTOUCHABLES



Officials of Centre for Community Empowerment accompanied Kenya Forest Service team who visited Mukutani Forest which forms part of the no-man's land for purposes of conservation **Photo: Moses Lemeluk**

**By Lemeluk Moses, Baringo Hurinet**

Heightened incidences of cattle rustling and resource conflicts have been experienced in Baringo county for the last 17 years specifically in Marigat sub-county affecting Ilchamus, Endorois and Pokot communities living in the area with the latter often cited as the aggressor.

There have been efforts by the government, civil society organizations and religious institutions to bring people together and foster harmony. While these efforts helped ease tensions albeit temporarily, the trajectory adopted followed a similar predictable route of trying to solve the menace. This involved holding peace meetings attended by elders but shunned by the youth (read warriors) who directly carry out the raids, carrying out disarmament operations and occasional visits by high profile government officials warning of dire consequences to cattle rustlers.

Nonetheless, rustling has progressed in a more violent manner and precious lives lost became nothing but mere statistics to be presented to government officials who bothered to inquire. Massive displacements happened to an extent that a whole administrative division was displaced, a District Officer (DO) for Mukutani Division and his Chiefs operate outside their jurisdiction due to insecurity.

The result is that an area of about 30,000 hectares of land surrounded by the three communities, Pokot, Ilchamus and Endorois is neither habited nor used for any other economic activity but as a hideout for bandits planning raids and a holding ground for Livestock stolen after raids.

On 7th November, 2013 three officials of Centre for Community Empowerment accompanied Kenya Forest Service team visiting Mukutani Forest which forms part of the no-man's land for purposes of conservation as

a result of a request we made to them as part of our partnership with stakeholders to harness natural resources found in this conflict area. The proposed forest area is bordered by the Laikipia Nature Conservancy trust to the east, Mukutani River to the North, Toope River to the south and Karau hills to the West. This represents a highly generalized boundary outline that may come out more clearly upon detailed boundary determination.

The terrain is generally flat to the easternmost boundary of the Laikipia plateau and down slope easternmost areas where communities reside. The middle part of the forest area is highly rugged with several valleys, gorges and ridges.

The vegetation consists of mostly dry land species of acacias at the lowlands and a mixture of leafy vegetation, grassland and shrubs on the rugged hills and the Laikipia plateau.

Several streams originate from the forest while warm and cold springs are located at the foots of the ranges with beautiful swamps.

The area has several important shrines and cultural sites for the Ilchamus community including Lchani Osaii (the holy tree), Ilpirisati Woare (the twin springs), Nkusero (the living swamps), Nkutoto e Loiboni (The prophet's caves) and several ceremonial meeting sites.

The idea is to ensure the stretch between the three warring communities ceases to be a hideout for bandits. Our aim is to ensure the uninhabited land is used productively through community participation. The area along the rivers to be used for forest conservation while the area stretching westwards towards Lake Baringo be used as a Community Wildlife Conservancy.

# POLICE VETTING DEVIATES INTO BANKING CHEQUES



**Deputy Commissioner of Police, Eusebius Karuti Laibuta during the Police vetting in Nairobi.**

Photo: <http://diasporamessenger.com/ill-die-if-sacked-cop-now-fired/>

As Kenya's police force begins its major vetting process as part of a reform of the service, security experts and human rights groups warned that more was needed to be done to deal with an institutionalized pattern of abuses. This was a process that was objected at bringing professionalism and accountable to atrocities committed by specific officer in the service. Since then, the vetting process has undertaken massive, multi-layered fraud being perpetrated in plain sight. Personal banking records going back for years were examined by forensic auditors and the individuals concerned were thoroughly questioned on matters of banking detail

It was even more compelling to view than the vetting process for the Supreme Court of Kenya in 2011, where the candidates were required to indicate the extent of their wealth only to the nearest round figure. The police vetting panel's investigators extended the probe to the officers' spouses' bank accounts and places of work. It was the first time that Kenyans were seeing eminent persons voluntarily foregoing the constitutional protections of and the rights to privacy as enshrined in the Constitution of Kenya.

But the banking audit trail was only one sleight of hand in an elaborate ruse that was calculated not so much to reform the Kenya Police Service as to recreate it along the lines of an agendum that wants nothing to do with reform.

The constitution and the Police Act specify that members of the Kenya Police Service must be vetted on competence and suitability, with a focus on professionalism, performance, discipline, human rights record and qualifications (academic and training). Instead, the entire process has focused on anything but competence and suitability, with a bias to perceptions of corruption on the bases of the content of bank statements.

Umbrella organization of Kenyan human rights groups raised the red flag over how much the National Police Service Commission (NPSC) probe appeared to have veered off-course, complaining that the vetting had degenerated into a financial audit at the expense of all other factors.

financial probity won't take up almost the entire vetting time at the expense of probing human rights record, suitability and competency, individual police culpability, ethnic and gender composition in the police service, promotion prolificacy, and professionalism because information from our networks across the County indicates that the overemphasis on finances is leading to a growing apprehension. We strongly recommend a standardized procedure to promote coherence, coordination and complementarity.

Midrift region, wishes to appeal to the commission that vetting of junior police officers be done at their respective stations other than in Nairobi and the legitimacy of the vetting process will solely be determined by the levels of public participation.

As we start vetting in Nakuru County,



“Human Rights are the inherent possession of each and every one of us, not something to be generously granted by the drafters of a constitution or grudgingly conceded by a court”. Mark Kelly, Director, ICCL, Ireland

## Public Apathy: A Threat to Devolution

Citizen participation is anchored in the constitution from the preamble to the last chapter of the Kenyan constitution 2010. Devolution is about citizen participation in decision making and resource allocation. In 2012 and early 2013, Kenyans flooded campaign rallies and political forums listening to the thousands of the aspirants reciting their manifestos and projects, the feel matched the society needs\*. No stone was left unturned, media, social networks and websites were a buzz of campaign activities

This was followed by high turn up of voters on 4th march 2013. Kenyans scored by coming out in large numbers to vote for the new government comprising of county and national government.

Those who were elected had ensured that Kenyans are at the periphery even information sharing has become an uphill task despite constitutional provision that happened to the elected leaders who have resulted in boardroom dealings and top secrecy? A few counties like Kiambu and Mombasa took to street demonstration for their county finance bill having been conflict of guard by passing of the legislation in their County Assemblies.

Parliaments and county assemblies went on go slow to demand hefty salaries and allowances.

Theirs was countered by active Civil Society Organisations (CSOs) who demonstrated in demand for SRC to be left to conduct constitutional function. CSOs' activities against hike of salaries provoked legislators who threatened by having Public Benefits Organisations (PBO Act) amended before its commencement.

There was public uproar in VAT, Laptop and Standard railway gauge project but the water has settled and is passed under bridge. The grey areas raised in the mentioned issues affects Kenyans and have got long term impact for the taxpayers and the challenge to pass the burden to a future generation.

Public apathy is a recipe for poor governance to right holders. Citizens should participate through initiating projects, budgeting and monitoring and evaluating public funded projects. Public apathy yields to perception of disillusionment of devolution bringing undertones to go back to the central system of governance. County governments

have not put in place mechanisms where a citizen can participate as articulated in the devolved government structure that should not be a barrier to citizen participation.

I believe people cannot be developed but can develop themselves to define their destiny and the destiny of their lineage. Transition to county government has many problems but centralized system has got no pleasure. We should embrace team work for consultation and inter-counties to create synergies for mutual benefit. However, time will tell if you and me will stand-up and stop complaining and work for the betterment of the county and the future generation. The elected and non-elected leaders are replicas/mirrors of our society and we should not play victim to blame others.

*By Barasa from Nakuru*

## EVOLUTION IN THE UNIVERSITY

**By: Judah Ben-Hur (PRCT Youth Mobilizer)**

A university student, one of the most esteemed fellows in the society once upon a time. They were viewed as the heroes of the society, those type of heroes to break the society from the three most disastrous predicaments; poverty, ignorance and illiteracy. Respected by the society, they walked heads high with their minds engaged in what they could give back to the society. At every set to the horizon in those years, the sons and daughters of Kenya rose to the occasion!

They not only talked but also walked the talk. They were the third eye of this nation; fulminating any wrong step the government made. In the 80s and 90s, these students were known for their great arguing and debating events in the campuses; always conversant with contemporary issues and ready to resolve any societal issue. Many of these lads were persecuted and others tortured and killed in cold blood in the famous Nyayo tor-

tures chamber all in the name of a better and heavenly Kenya.

That was then; but now? We are the so called university students yet we have lost the psyche, momentum, will, courage, jest and purpose of life. In this century we are seen as confused nincompoops who rave their way down to alcohol and immorality. Most of the current university students spend most of their time soaking deep between their sheets and blankets cursing the administration and the government of what they lack of facilities and their poor living conditions. In their groups, they talk ill of the government and pray for a messiah who would come and relieve them of all their burdens. This is not what our 80s and 90s counterparts would do. They would be out there fighting for their rights and searching for the solutions to such problems. They blame the student leaders of incompetence and liaising with the administration. Well, part of this may be true but the real question is what am I doing to bring change?

Most of us think that there is someone out there who is meant to lead and bring a difference. Let us know that leadership is not a position but it all lies on the impact of our influence. I bet that our 80s and 90s counterparts are ashamed and even cry when they look at the drastic evolution that has taken place in the universities.

Lets us try to bring back the admired university environment, let us wake up every morning psyched up to improve our current situation in the campuses and even in our country. Let's know that it only requires a group of committed and visionary citizens to bring change and you may be one of those citizens. As Barack Obama said "Change will not come if we wait for some other person or some other time. We are the ones we've been waiting for; we are the change that we seek."

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, Cell:+254-722-264497, +254-733-629034

Email: admin@khrc.or.ke

Website: <http://www.khrc.or.ke>