

**A COMPARATIVE STUDY OF
PASTORALIST PARLIAMENTARY
GROUPS:
KENYA CASE STUDY**

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EXECUTIVE SUMMARY

Introduction

During the late 1990s, Members of Parliament for pastoralist constituencies in Kenya established a Pastoralist Parliamentary Group (PPG). In the face of hostility from the then government it became dormant, but was revived in 2003, following the election of the National Rainbow Coalition (NARC) government. The development and functioning of the Kenyan PPG, the challenges it faces, and the arguments for external assistance to it by donors, NGOs and regional organizations, are analysed as part of a three-country study of PPGs, also including Uganda and Ethiopia, carried out by the Natural Resources Institute and the Pastoral and Environmental Network in the Horn of Africa.

Kenya's pastoralist communities, who number around 7 million people, are very diverse, in terms of their locations, ecological niches and cultures, but share a common burden of poverty, marginalization and underdevelopment. Some of the major issues facing Kenyan pastoralists include:

- Conflict and insecurity
- Inadequate livestock marketing
- Land tenure, specifically a failure to defend customary tenure
- Underprovision of social services
- Poor transport and communications infrastructure
- Inadequate provision of water and animal health services
- Drought and dependence on food aid
- Corruption and poor local governance

This list of issues points to the importance of improved governance and policy in solving the problems of pastoralism.

Evolution of the Kenyan Parliamentary System

The Kenyan political system has evolved through the period of one-party rule under Presidents Kenyatta and Moi, through a period of formal multi-party where democracy was heavily manipulated to ensure the survival of the Moi government, but where younger politicians within the ruling Kenya African National Union (KANU) laid the foundations of democratization, to the 2003 electoral victory of NARC. Following this, there have been signs that parliament and parliamentary procedures are beginning to matter more in the formulation and oversight of policy, and that parliamentarians are able to form their own relations with a revitalized civil society and media. The increase in MPs' salaries and the formalization of their influence over Constituency Development Funds has been controversial, but can be interpreted as freeing them from the patronage of the executive. Overall, parliament now matters.

Inter-ethnic rivalry and bargaining has been a constant factor in Kenyan politics. President Moi, himself from a pastoralist group, made pastoralists a key part of his power base, and promoted several individuals of pastoralist origin to high positions. Despite the slow pace of development in pastoral areas under Moi, this fact and the costs of campaigning among distant, scattered pastoralist populations has been one factor in maintaining the dominance of KANU in pastoralist areas, even when power nationally transferred to NARC.

The Kenyan Pastoralist Parliamentary Groups

It is very difficult to piece together accurately the origins and history of the Kenyan PPG, because of its informal origins and the lack of organized documentation. There were initial contacts in 1996, among the ethnically Somali MPs from North-Eastern Province, and between them and the Kenya Pastoralist Forum, an umbrella group of NGOs, and apparently the founding of a short-lived pastoralist party. In 1997 the NEP MPs began to regularize co-operation with MPs from other pastoral areas, and the PPG was formed and began to link with international NGOs, in 1998. Government harassment then drove the PPG into dormancy until the change of government in 2003, when it was relaunched.

Membership of the PPG (both the original and the relaunched version) is open to any MP concerned with pastoral development. In practice the active membership is limited to pastoral constituencies. With some level of uncertainty, it is possible to talk of 39 pastoralist constituencies in Kenya, of which 27 are held by KANU. Around 30 of these MPs can be considered active members of the PPG: 24 KANU, 5 NARC and 1 FORD-People.

The PPG has enjoyed close relations with various civil society organisations (CSOs) since its inception, with the Kenya Pastoralist Forum closely involved at the early stages. There is currently much interest in closer linkages among both MPs and CSOs, although some observers feel that the pastoral CSOs themselves need strengthening before they interact effectively with MPs.

There are undoubtedly issues of the capacity and commitment of individual MPs, though these are mitigated by the PPG's ability to facilitate the mentoring of junior MPs by more experienced colleagues. The PPG is rising above clanism, and ethnic particularism, but there is still work to do in this regard, and on certain issues Muslim pastoral MPs may have different interests from non-Muslim pastoral MPs. The PPG also has to operate in a context where politicians in general are objects of suspicion, where there are specific suspicions attached to politicians from the ethnic groups which straddle the country's borders (although this also represents opportunities for pastoral MPs to lead in regional collaboration), and where poor transport and telecommunications infrastructure makes basic tasks of consulting with constituents difficult.

The PPG essentially functions as an informal caucus within parliament, without a secretariat or a constitution, and rarely meeting formally as a group. A major part of the PPG's work consists of individual MPs, after consultations with others, meeting Ministers, permanent secretaries and officers of parliamentary committees (though the PPG has been criticized for failure to engage with committees). The PPG also supports individual members in making statements in the National Assembly or to the press, or engaging in activities organized by donors or NGOs. A major achievement of the PPG was its successful lobbying for a budgetary allocation for boarding schools in pastoral areas, as a specific part of the NARC government's Universal Primary Education strategy. Jointly with NGOs/CSOs, it has also made an important contribution to raising public awareness of pastoralism.

In sheer numerical terms, the PPG potentially represents a considerable force in the Kenyan parliament. While it had little direct influence on the major lines of the NARC government's policy, as set forth in the *Economic Recovery Strategy*, these do give considerable space for pro-pastoralist development. However, its capacity to influence

policy remains limited by: continuing problems of corruption and intrigue within the political system in general; the current, non-transparent and over-centralised, budgetary allocation procedures; and a general decline in state expenditure.

Conclusion and Recommendations

Various factors give grounds for confidence that Kenya's Pastoralist Parliamentary Group can have a real impact

- the increasing accountability of government in Kenya
- the increasing importance of parliament, and
- the fact that the PPG members appear to be genuinely committed to improving the lives of their people and are led by a core group of MPs with who have a sophisticated understanding of the relevant policy issues, in the process of developing a common vision of pastoral development.

The fundamental questions facing pastoralists are political in nature and mean taking on vested interests. Support is needed both to pastoral parliamentarians to take on this agenda, and to pastoral civil society civil society engage politically and to exert greater citizen pressure on their representatives.

Political representation needs to be understood as a process – it is important to think beyond the current group of individuals in Parliament and to work towards the establishment of conditions and institutions that are conducive to effective and responsive political leadership.

External actors should therefore lead efforts, complementary to direct support to the PPG, to encourage the informed participation of pastoralists in politics and improve their interaction with politicians. It will be necessary to develop innovative approaches in order to overcome pastoralists' physical and political isolation. Some possible elements are:

- Efforts to strengthen the capacity of pastoralist civil society, at both the community and policy / research levels, and their capacity to inform the PPG and legislative committees about the impact of policy at local level and advise on policy
- Supporting the development of FM radio stations serving the pastoralist communities
- Expanding access to mobile phones and establishing subsidized call centers in towns and trading centers
- Increasing the availability of wind-up radios in the pastoralist communities
- The production and dissemination of readable policy and issues briefs, as well as suitable civic education materials, in local languages
- The use of mobile video units to get around transport and communications constraints, perhaps taking video messages recorded by MPs to the constituencies.

It will also be important to provide policy and other support to new provincial administrations in pastoral areas and to assist them to link up with the PPG, though this District / Province dimension is likely to be less important than it is in neighboring Uganda, where decentralization is entrenched and MPs are not necessarily the most important players.

Within this context, external support for the PPG is justified and should incorporate:

- The establishment of a secretariat to coordinate and provide administrative support to PPG activities, improving the PPG's information and research capacities – with the provision of office equipment, internet access, library facilities and support and research staff
- Support for strengthened relationships with constituents, based on regular visits (possibly with support for transport to constituencies) and improved communication (through training in participatory methodologies and telecommunications support for communities)
- Training for PPG members in pastoral development as well as aspects of parliamentary procedures and practice
- Institutionalized links with a network of civil society actors, domestic and international, involving NGOs, community organizations, universities, policy institutes and organizations or individuals with relevant technical knowledge (in effect, a pastoral development “think tank”, interacting with the PPG routinely and helping it to do more than react to events and to design its own initiatives)
- Support for networking and linkages with PPGs in neighboring countries, particularly Uganda, that will strengthen peace and disarmament initiatives that cannot successfully be implemented by one country without simultaneous measures in the other
- Linkages with regional institutions, the East African Community and IGAD
- Strengthening interaction with international bodies such as the Commonwealth Parliamentary Association, and expanding existing USAID programs to include a specific pastoralist focus, bearing in mind the local interest in the development experience in livestock-producing regions of other developing and developed countries.

LIST OF ABBREVIATIONS

ALRMP	Arid Lands Resource Management Project
ASALs	Arid and Semi-Arid Lands
AU-IBAR	African Union's Interafrican Bureau of Animal Resources
CAPE	Community-based Animal health and Participatory Epidemiology Unit
CEMIRIDE	Centre for Minority Rights Development
CDF	Community Development Funds
CR	Constitutional Review
CSO	Civil Society Organization
DC	District Commissioner
DFID	Department for International Development
EAC	East African Community
ERP	Economic Recovery Program (strictly speaking 2003-2007 <i>Economic Recovery Strategy for Wealth and Employment Creation</i>)
FORD	Forum for the Restoration of Democracy
IGAD	Inter-Governmental Authority on Development
KANU	Kenya Africa National Union
KMC	Kenya Meat Commission
KPF	Kenya Pastoralist Forum
KPPG	Kenyan Pastoralist Parliamentary Group
MP	Member of Parliament
MRG	Minority Rights Group
NARC	National Rainbow Coalition
NEP	North-Eastern Province
PAC	Public Accounts Committee
PIC	Public Investment Committee
PPG	Pastoralist Parliamentary Group
PRSP	Poverty Reduction Strategy Programme
PSC	Public Service Commission
UPE	Universal Primary Education

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A COMPARATIVE STUDY OF PASTORALIST PARLIAMENTARY GROUPS: KENYA CASE STUDY

1. INTRODUCTION

1.1 The Study

This report forms one of three case studies of a research project on Pastoralist Parliamentary Groups, implemented by the Natural Resources Institute of the University of Greenwich, and the Pastoral and Environmental Network in the Horn of Africa, funded by the Livestock Production Programme of DFID and the Community-based Animal Health and Participatory Epidemiology (CAPE) Unit of AU-IBAR.

The overall objective of the project was “to assess the circumstances in which pastoralist parliamentary groupings can be an effective lobby for pro-poor, pro-pastoralist policy change, and what external assistance they require in this role”.

The author, who is based in Kampala, Uganda, spent around three weeks in Kenya in November-December 2003, reviewing published and unpublished literature and carrying out interviews with key informants including parliamentarians, academics and leaders of Civil Society Organizations (CSOs), as listed at the end of the report. Responsibility for views expressed is the author’s alone.

This report starts with an overview of Kenyan pastoralism, and the major issues, particularly policy issues, which face it. Section 2 surveys the development of the Kenyan parliamentary system since independence, the importance of the change of government in 2003, and major current issues such as the creation of a parliamentary committee system, changes in MPs’ remuneration and relation to development funding, the growth of civil society and free media, the continuing importance of ethnicity, and the special standing of the former ruling party KANU in pastoralist constituencies. Section 3 outlines the origins and history of the Kenyan Pastoralist Parliamentary Group (PPG), its current membership in terms of geographical constituencies and parties, the characteristics of its members as they encourage or constrain its effectiveness, its modes of working with government and with civil society, its situation vis -à-vis cross-border issues and regionalism, and an overall assessment of its political influence.

Section 4 discusses ways in which the PPG can be supported, while Section 5 recaps on the analysis and summarises the recommendations.

1.2 Kenyan Pastoralism

The arid and semi-arid lands (ASALs) make up around two thirds of Kenya's landmass. Though population densities are low in these areas, the various pastoralist communities have a combined population of around 7 million, almost 25% of Kenya's population.

While they are by no means a homogeneous or united group, they are electorally significant, with predominantly pastoralist constituencies accounting for around 40 seats out of a total of 210 elected seats in the National Assembly.

Pastoralism is also, despite its strong subsistence orientation, economically significant, accounting for an estimated 75% of the livestock population of 60 million, and supplying the bulk of the meat and hides in the domestic market. However, pastoralist communities suffer the highest incidence of poverty in Kenya, and lag behind other communities in a range of development indicators.

They continue to be marginalized, despite the 14-year rule of the autocratic former President Moi, himself from a pastoralist background. Massive corruption - the diversion of hundreds of millions of dollars into private pockets and political manipulation - partly explains the continued underdevelopment of the pastoral areas under Moi. But, policy failures have probably been more important. Since independence, pastoralists have been subjected to a series of top-down interventions, principally aiming to modernize livestock production, and these have often turned out to be expensive failures.

The marginalization of pastoralists goes back to the colonial era. Like Karamoja in Uganda, some pastoral areas were declared closed districts under both colonial and post-independence administrations. The North Eastern Province (NEP) remained under a state of emergency until 1982. This enforced isolation curtailed the development of these areas and has been a major factor in their "backwardness" - holding back both social and economic development.

Kenya's pastoralist communities are very diverse, much more so than their counterparts in neighboring Uganda, where there are essentially two major groups of cattle-keeping pastoralists. They differ in religion and culture, as well as in the form of pastoralism practiced. Some communities keep cattle, others camels and a few both, in most cases combined in various ways with smallstock (goats and sheep). The ASALs comprise various distinct agro-ecological zones, some with very low potential for agriculture and others with relatively high potential. In some of the latter areas agro-pastoralists combines farming with livestock keeping. Varying degrees of aridity also imply varying degrees of pastoral mobility.

In the higher potential areas of the Rift Valley, different Kalenjin groups practice agro-pastoralism and mobility is limited. The Pokot and the Turkana in the West,

bordering Uganda and, in the disputed Elmi triangle in the North West, Sudan, are largely cattle keeping pastoralists, practicing transhumance characterized by a significant degree of cross-border movement. These groups are Christian or animist, as are the Samburu, and the Maasai in the south. These last two groups have been greatly affected by tourism, developed around Wildlife Parks. Both also have important clan divisions.

In the northern Districts of Eastern Province, the Borana keep mixed herds of cattle, small stock and camels, and there are also the smaller Gabra, Dassanetch and Rendille groups. The North Eastern Province is predominantly occupied by Muslim, camel keeping, Somali pastoralists. The Orma are another distinct group along the Tana River.

1.3 The Major Issues facing Kenyan Pastoralists

Despite their diversity, and the often bitter conflict and rivalry between neighboring groups, Kenya's pastoralists share important commonalities in the issues they face. Particular issues are more or less important to particular groups, but they all face a set of common core issues, which provide a basis for cooperation and acting together at the political and policy levels. These issues are reviewed in the following sub-section, mainly on the basis of the perceptions of MPs from pastoral constituencies. The MPs talked at length about the issues, showing an impressive awareness of the history of policy towards the ASALs as a whole, rather than just the issues in their own constituencies.

Conflict was identified by all as the first priority, though the Maasailand MPs had less to say about it. Livestock marketing and the KMC issue was the second priority, emphasized in particular by MPs from the NEP, Central Province (Boran, Galla,) and Marsabit District in Eastern Province, but also by Hon. Wario (Bura, Coast Province) and Hon. Nkaiisery (Kajiado Central). Public goods (infrastructure, education & health) and the need for affirmative action came next in order of priority. The land question was central for the Maasai MPs.

Conflict and Insecurity

This is, perhaps, the most serious issue currently facing Kenyan pastoralists, and the MPs consulted consistently ranked tackling banditry and raiding as their top priority.

There is intense inter-group competition over grazing land and water sources. Cattle raiding has intensified, in some areas becoming commercialized as a major income-earning enterprise, in lieu of less violent forms of income diversification – with the “entrepreneurs” employing hired raiders. The cross-border arms trade has transformed traditional raiding, so that lives are lost on a much greater scale than before. The warrior culture of “moranism” is often cited

as a factor, but it is hard to see much that is “traditional” in the current degeneration into generalized banditry. The “morans” – young men in the warrior age-grades - are turning to cattle rustling and banditry specifically because they lack the education and skills to find employment outside pastoralism, and because there is a dearth of opportunities resulting from the failure to promote diversification in the ASALs. Other, fundamental, factors are increasing land scarcity, resulting from population growth, restrictions on traditional cross-border movements brought about by inter-state politics, and, in the higher potential areas, the loss of grazing land to agriculturalist “in-comers”.

The insecurity has displaced thousands of people and disrupted the local economy in neighboring, non-pastoral areas. In the North and the West, the trade in small arms has grown unchecked and semiautomatic weapons flow in from Somalia, Sudan, and Ethiopia. Government has failed to provide the most basic public good – law and order. The police and security forces have essentially lost control over large areas of the ASALs. Many Kenyans strongly believe that powerful people with political connections, as well as some politicians, actually organize cattle rustling. It has become a lucrative business, enjoying the implicit support of powerful people in government. This point was mentioned by some of the MPs consulted and it does raise serious doubts about the value of working through parliamentarians on this issue.

There have been useful efforts to promote peace at community level, initiated by multilateral organizations such as CAPE/IBAR as well as by NGOs and with the involvement of local politicians. But disarmament is essential and will have to be coordinated with governments in neighboring countries so that disarmed pastoralists are not at the mercy of raiders from across the borders. The Moi regime was strongly supportive of the arming of some pastoralist communities, arguing that they needed to be able to defend themselves, but an uncontrollable spiral of violence was set off. Law enforcement would also be helped by the re-activation of the Branding Act, so that livestock are readily identifiable and can be recovered from perpetrators. MPs are also calling for a comprehensive livestock census to support this.

Inadequate Livestock Marketing Services and Infrastructure and the Demise the Kenya Meat Commission (KMC)

MPs cited this issue as one of their principal concerns and it is one of the issues that the PPG has been lobbying around in Parliament. KMC was an important outlet for livestock sales by pastoralists, with various mechanisms that allowed pastoralists to retain a greater share of mark-ups and reduced the need for dry season distress sales. Like other parastatals, it was bedeviled by mismanagement and corruption. Its closure, however, has been perceived, rightly or wrongly, to leave pastoralists at the mercy of middlemen and reduced incomes. Livestock merchants do, however, bear considerable risks and transaction costs. They should not necessarily be seen as exploitative and the

private sector will play an indispensable role in any future market-oriented expansion of the livestock sector, in which pastoralists could be major beneficiaries. PPG members have participated in lively parliamentary debates on the issue. The Kenya Meat Commission is now set to resume operations in June 2004.

Land Rights and the Failure to Defend Customary Tenure

Pastoralists have been unable to defend their land rights against powerful interest groups. Government, committed to the commercialization of agriculture, has promoted the individualization of land tenure and pastoralists have lost large areas of traditional grazing lands to farming in-migrant communities. Powerful commercial interests – including mining companies – have also appropriated large chunks of pastoral lands, without compensating pastoralists or allowing them a share of profits generated.

This issue is particularly important in Maasailand, where large areas of land have been given over to Wildlife Parks. These bring in very significant tourism revenue for the national economy, but pastoralists are only just beginning to benefit from this and have not been adequately compensated for the way in which these parks have undermined their livelihoods. The destruction of crops by wildlife is a major source of friction between the parks and the people, who feel that they do not receive adequate compensation from the authorities. Currently there is a major dispute between the Maasai communities living in the Maasai Mara and a private organization known as the Mara Conservancy over the benefits that the Maasai get from leasing part of the Mara to this organization.

In some areas, large government schemes – such as the Turkwell Electricity Project and the Olkaria Geothermal Project – have displaced pastoralists, again without compensation. While these projects have been of considerable benefit to the national economy, pastoralists have been left out. The same is true of irrigation schemes that have helped farmers, but taken critically important water resources from downstream pastoralists.

The alienation of pastoral lands threatens the long-term viability of the pastoralist way of life and is a major factor in the serious conflicts between pastoral groups.

Severely Inadequate Provision of Social Services in Education and Health

While remoteness and pastoral mobility complicate provision, there has not been the political will to make the necessary commitments in terms of resources. There are not enough schools and health facilities in the ASALs and those that exist are under-funded and provide poor quality services. Illiteracy rates among pastoralists are generally above 80%. There has also been a failure to develop alternative modes of provision that accommodate mobility or appropriate curricula that recognize pastoralism as a career choice for many and as a way of

life. At the same time, there is a need for more resources to be devoted to boarding schools and bursaries for children in pastoralist communities.

The inadequacy of health services is reflected in maternal and child mortality rates that are substantially higher than elsewhere. Many people have to travel 100 miles to the nearest hospital.

Very Poor Provision of Transport and Communications Infrastructure

Government has not been willing or able to make the substantial investments needed to establish adequate infrastructure in the ASALs. Traveling to most pastoral areas is difficult and time-consuming. Insecurity makes road travel dangerous in some areas. Traveling by air is often the only practical option. While the vast areas involved make infrastructure development costly, the economic as well as the social benefits of linking up the ASALs are likely to be very great. It is worth noting that Baringo, where President Moi's son is an MP, has excellent roads.

Inadequate Provision of Water Points and Animal Health Services

These are the priorities most frequently cited by pastoralists everywhere. Provision is inadequate – while the state has pulled out, the private sector has not been able to step in to serve poor pastoralists. Local and international NGOs, as well as multilateral organizations, have established good programs in all the pastoral areas, but coverage is limited.

Drought and Dependence on Food Aid and Relief

In 2000, more than 3 million Kenyans in the pastoral areas were threatened with starvation. Severe drought persisted in 2001, hitting Turkana and North Eastern Province particularly hard. Recurrent drought in these areas has led to a persistent dependence on food aid.

During the Poverty Reduction Strategy Programme (PRSP) consultation process, participatory poverty assessments in pastoralist and agro-pastoralist communities in 2000, ranked drought as second only to poor livestock marketing facilities as the most important cause of poverty.

Pastoral mobility was important in ensuring the survival of people and livelihoods during this severe drought. The AU-IBAR cross-border conflict management program facilitated Turkana pastoralists' migration into Uganda, enabling over 100,000 head of cattle to survive the drought – here the relationships between pastoralist politicians across borders were important. Ugandan pastoralists have been the victims of bloody raids by Kenyan pastoralists since the late 1970s and the various groups have long been engaged in an "arms race". These hostile relations meant that difficult political issues had to be "finessed". There were

similar large-scale movements of people and cattle across the Ethiopia and Somalia borders in the north, facilitated by brotherly relations with neighboring communities sharing the same ethnicity.

Corruption and Poor Local Governance

There has been a great deal of corruption in local administrations, with the diversion of sorely needed development funds. Moreover, human resources are poor at the local level, something that will need to be addressed if the proposed decentralization measures are to be effective. One MP talked of very poor relations with corrupt provincial administrations, headed by DCs (District Commissioners) not from the pastoralist communities, and complained that, "it costs a fortune to bring pastoralists to Nairobi for consultations on disputes with DCs." He also claimed that in some cases local chiefs were exploitative, charging excessive fines for minor offenses, and not interested in calling meetings. But, other (KANU) MPs spoke of very good and constructive relations with the local authorities. The centralization of authority is deeply entrenched in Kenya and moves towards more participatory governance and a degree of local autonomy will be strongly resisted.

A lack of resources at the District, with staff going unpaid, was also mentioned by some MPs. Several MPs claimed that hundreds of their constituents were disenfranchised because, without ID cards, they could not vote.

Government Policy

Government policy is shifting towards a much greater recognition of the suitability of mobile livestock keeping in the ASALs and the potential that pastoralism has, with the right kinds of support, to contribute to the national economy and provide incomes and livelihoods for many. This reflects the influence of NGOs, multilateral institutions and the Arid Lands Resource Management Project in the Office of the President, and the much greater awareness that now exists of the "new thinking" on pastoralism that emerged in the 70s and 80s.

NARC's election manifesto contained campaign promises on pastoralism that showed an enlightened understanding of the issues. However, as several informants pointed out, we will have to wait to see if the new rhetoric is translated into a real commitment to development in the ASALs and backed up by a willingness to take on powerful interests in defense of poor pastoralists.

It will be important to make sure that pastoralists' interests are well served by the principal policy documents being developed by government. The Pastoralist Thematic Group, bringing together NGOs, CSOs and donor-funded projects active in the drylands, has been very significant. This group is one of a number established to provide input to Kenya's PRSP process in different thematic areas.

The group has been able to get specific attention to pastoralism in the central policy document – the Economic Recovery Strategy Paper of February 2003.

2. THE KENYAN PARLIAMENT IN HISTORICAL CONTEXT

The following section is based mainly on several major works on Kenyan politics by Kenyan and foreign researchers, particularly Chweya (2002), Oyugi *et al.* (2003), Barkan (2003) and Throup and Hornsby (1998). All of these academics are widely quoted in the national press. Their insights, together with the views of the politicians, civil society activists and academics consulted, have informed the following discussion of the issues.

Central questions, for this study, are how did an autocrat from a marginalized pastoralist community retain power for nearly two decades and how is it that pastoralists continued to be marginalized in spite of this political power?

2.1 One-Party Rule under Kenyatta

KANU won the first pre-independence elections and took power in 1963. KADU, a party that brought together minority tribes that feared Kikuyu- Luo domination was bullied and cajoled into fusing with KANU in 1964. KADU had espoused “Majimboism” (a federal system), seeking to decentralize power and protect the interests of these smaller tribes. Maasai, Kalenjin, Luhya and Coastal political figures were prominent in KADU – one Kalenjin member was future KANU President Moi. These politicians were either bought off or sidelined. The régime was not afraid to use assassination as a political weapon and an enduring Kenyan tradition began with the murder of the sophisticated Luo leader Tom Mboya. Another party, the KPU (Kenya People’s Union) was harassed and eventually banned in 1969. Kenya became a *de facto* one-party state and later, in 1982, became a *de jure* one-party state.

The rejection of Majimboism had painful consequences for pastoralists. Under the centralist Kenyatta regime, they were unable to prevent the expropriation of their lands by Wildlife Parks, agriculturalists and industrialists. They lost out consistently to competing interests and the very basis of their livelihoods was undermined.

Inspired by dreams of a greater Somalia, Somali pastoralists in the North had attempted to secede upon independence. They took up arms but were comprehensively defeated in the “Shifita wars” of the 1960s. The legacy of this early rejection of Kenyan nationality endures today and has been a factor in suspicion of and hostility towards the PPG, which was initiated by MPs from the area.

Kenyatta felt that political pluralism was un-African and a luxury that Kenya could not afford. In his pursuit of development – economic growth on a Western capitalist model – there was no room for ethnic romanticism and the dissenting views of ‘petty’ regionalists.

KANU brought the Provincial Administrations, all the organs of government and the media under its control.

Kenyatta had given the vice-presidency to Moi, a politician from a minority ethnic group – seeking to keep the number-two tribe, the Luo, as far away from power as possible. The expectation was that Moi would be easy to manipulate. Upon Kenyatta’s death, many thought that the Kikuyu elite would install another Kikuyu President. Constitutional niceties meant that the presidency was Moi’s, and powerful and ambitious Kikuyu politicians, including Charles Njonjo, ensured his smooth succession. They had hoped to oust him soon in due course. They soon realized that they had underestimated Moi’s political guile as he swiftly moved to sideline them. A failed military coup in August 1982 merely served to entrench Moi’s power.

2.2 Authoritarian rule in the 1980s

After the attempted coup of 1982, President Moi’s regime became sharply more authoritarian. There was little tolerance for dissenting views and Parliament was increasingly controlled by the ruling party and subject to the authority of the President. This trend culminated in the “mlolongo” (queue) elections of 1988, when voters had to publicly line up behind a photograph of their chosen candidate.

Political assassinations and the torture of dissidents were features of this repressive era. Moi was able to dictate to a subservient Parliament and civil society was controlled by the ruling party, with the Churches representing almost the only form of independent social organization.

Pastoralists continued to lose out. Their traditional lands were given over to wealthy ranchers, in-migrant cultivators, wildlife parks and mining companies. Pastoral areas continued to receive less than their fair share of national spending. Policy towards the ASALs continued to be dominated by an “anti-pastoralist” mindset. At the same time, politicians from the pastoralist areas, for the first time, enjoyed senior appointments and were brought into the heart of government. However, pastoralists, even in the autocrat’s home areas, did not benefit significantly from having one of their sons occupying the presidency.

The regime was acutely aware of the need to keep the most populous ethnic groups and the dominant Kikuyu happy. So a pastoralist autocrat was in power, but could do little for pastoralists, given the realities of the national balance of

power. There are parallels with Uganda, where a president from a minority pastoralist community has retained power since the late 1980s, but has not been able to advance, in a “transformative” manner, the interests of his fellow pastoralists.

2.3 Democratic Transition in the 1990s

In 1990, the end of the Cold War brought increased pressure – at home and abroad – for change. The domestic forces that had, for quite some time, been engaged in a struggle for democracy, were bolstered by support from the international community, newly free of the strategic considerations that led it to overlook Moi’s repressive tendencies. Kenya began a difficult and painful decade-long transition to democracy.

After the resumption of multi-party politics in 1992, Moi – the self-proclaimed “Professor of (Machiavellian) Politics” – successfully retained power by fomenting inter-ethnic strife, manipulating the electoral process and exploiting pervasive corruption in the political and judicial systems, and buying off rivals. Moi’s continued dominance was made possible by the considerable advantages of incumbency – the fusion of the state and the ruling party meant that vast resources were available to the President – and by the venality and ineffectiveness of an opposition split along ethnic lines.

In 1992, KANU won 98 of the elective seats (52%) against the opposition’s 90 (48%), though the ruling party had won only 35% of the popular vote.

KANU MPs continued to toe the party line, ever aware that they needed the support of the party “bigwigs” to win the KANU nomination, generally more hotly contested than the actual elections in which constituencies vote according to established ethnic/party affiliations. At the same time, there was little or no “fraternization” among MPs across party lines, let alone any serious attempt to come together on policy issues.

Nevertheless, in spite of harassment, an increasingly emboldened civil society and determined members of parliament continued to press for change and democratic opening. The gradual opening up of the political space was accompanied, towards the end of the decade, by the emergence of an increasingly independent and assertive legislature. After the 1997 elections, KANU had a slim majority – 107 (51%) out of the 210 elected seats, with a popular vote of 39% against the combined opposition’s 69%, and 113 out of the total of 222 including nominated MPs (those selected by each party after the election according to their weight in Parliament). While the numbers were not that different from those in 1992, the notional majority was made slimmer by the much weaker allegiance of many KANU MPs to the party.

A critical factor in bolstering change was the generational shift that took place within the political elite. The politicians who led the fight for multi-party politics in the first half of the 1990s, challenging the “Old Guard” that had dominated politics since independence, were dubbed the “Young Turks”. This generational change did not only affect KANU. Kanyinga observes that “youthful opposition activists (the Young Turks) in all the parties began to question the relevance of the “elders” in their respective parties ... worried about the absence of radical shifts in thought among the elders ... The Young Turks argued that the solution to the country’s problems would ... be found in comprehensive constitutional reforms to which KANU was not committed” (in Oyugi *et al.* 2003). Kanyinga notes that the DP was also weakened by internal disagreements between the Young Turks and the elders. The Young Turks within the ruling party were, naturally, more prominent. But they in turn were superceded by an even younger, even more independent generation of politicians.

2.4 The “New Young Turks” – a New Generation of Politicians

Barkan (2003) identifies an even younger generation of politicians between 35 and 45 years of age, a decade younger than the original “Young Turks” who led the push for multi-party politics in the early 1990s. These “New Young Turks” are increasingly driving the political agenda. More than half of the KANU MPs in the 1998-2002 Parliament were newcomers. Only 38 of the 107 had won their seats in 1992, only one had served in the 1988-92 Parliament and 65 were entirely new to politics. The newcomers were independent to a degree never before seen and dared to oppose Moi where they disagreed with the party line.

Sammy Leshore, a leading light in the PPG, was one of a handful of prominent young KANU MPs in a core group that spearheaded change, linking up with the original “Young Turks” in the opposition.

These “New Young Turks” are pragmatic and policy-oriented, cosmopolitan and highly educated – many have degrees from top universities abroad. While their predecessors were, necessarily, preoccupied with the removal of Moi and the establishment of democracy, the New Young Turks look beyond democratization and are better equipped to handle complex development and policy issues. They are also much less amenable to manipulation and will not be so easy to buy off. It is widely expected that these “conviction” politicians will keep the new government honest. Before NARC’s victory, they had challenged the executive to an unprecedented degree and one year into Kenya’s “Second Liberation”, the evidence is that they will continue to do so. The “New Young Turks” have supported reform, given constructive criticism where necessary and spoken out in an uncompromising manner where there have been abuses.

It is important to realize that democratic consolidation in Kenya is incomplete. The new government includes many “last minute” KANU defectors, opportunistic politicians who became wealthy under Moi. Moreover, the vast wealth of the

KANU era political and business elites means that they still retain considerable power and influence. The fact that Gideon Moi, son of the former President, stood unopposed in Central Baringo is evidence of this.

2.5 NARC's 2003 Election Victory - Kenya's "Second Liberation"

Under tremendous pressure from donors, and the domestic pro-democracy forces, Moi had acquiesced to term limits that prevented him from standing for re-election in 2002. He backed Uhuru Kenyatta, son of the country's founding father, hoping to secure Kikuyu support and retain influence in another KANU government. But the youthful and relatively inexperienced candidate was generally seen as a stooge – the electorate, eager for change, saw through the ploy.

Moi's successor, President Mwai Kibaki, a former vice-president, had been defeated by Moi in two previous elections, largely because the fractious opposition could not unite behind a single candidate. However, in 2002 the opposition held together behind Kibaki under the umbrella of the National Rainbow Coalition (NARC).

Kenya now has a new government that has stated its commitment to reform and to development and has a strong electoral mandate. The prospects for economic recovery, and inclusive, competitive politics, are excellent. But, early on in the new coalition government, a power struggle based on ethnicity has become evident, and this has frustrated the constitutional review process. This suggests a disappointing degree of continuity with the previous regime, which may well discourage foreign investors and the donor community.

2.6 Institutional Changes in Parliament and the Development of Ministerial Standing Committees

Barkan (2003) basing his analysis on interviews with, *inter alia*, MPs, academics and civil society activists, provides a cogent analysis of the "new forces shaping Kenyan politics", noting that the emergence of the new generation of MPs, the "Young Turks", coincided with important institutional changes that have seen the strengthening of the committee system. Traditionally committees in the National Assembly have been weak, with little scope for oversight over the executive or influence on policymaking. The Public Accounts Committee (PAC) and the Public Investment Committee (PIC) existed to oversee the implementation of budgets and there were special select committees to examine particular pieces of legislation. However, these committees could do little more than carry out a "post-mortem", scrutinizing programs and policies "after the fact" and often long after they had been implemented.

There have been other moves to strengthen the Assembly. In 1999, the Constitution of Kenya Amendment Act No.3 established the Parliamentary Service Commission (PSC) to run the National Assembly, making it independent of the Office of the President and the executive. Subsequent legislation entrenched Parliament's powers to determine its own rules and budget, recruit staff, and set compensation levels. MPs are seeking to establish a Parliamentary Budget Office to participate in the budget making process. This has been opposed by the minister of finance, but MPs are determined to get a bill passed that reduces the power of the executive branch and allows for meaningful participation on the part of the legislature. In this the MPs have the support of the Speaker and other members of the PSC.

Multilateral and bilateral donors have also stepped in to strengthen Parliament and the capacity of MPs, providing training as well as funding for ostentatious new offices for every MP in Continental House, opposite the parliament building, complete with committee meeting rooms, a library, a restaurant, and a gym (though MPs complain that they do not have secretaries or support staff, and the crowds of constituents who wait outside the gates for hours in the hot sun, some having come to Nairobi from as far as the Ethiopian and Somali borders, complain that there is no covered waiting area with seating).

The new generation of politicians appears to have brought about a fundamental change in the nature of the legislature – and this is what gives reason to be optimistic about the potential of the PPG to play an important role in pushing for pro-pastoralist policy. However, many Kenyan commentators are not so sanguine and are waiting for solid evidence that the legislators – young and old - will in fact play the political game according to new rules.

Before the 1990s, the legislature was largely passive and submissive to the authority of the President and the ruling party. MPs were principally concerned with retaining their seats by delivering some minimum level of “maendeleo” (“development” as measured by the distribution of handouts and the existence of one or two visible projects) to their constituents. What is fundamentally different is the new emphasis among MPs on the oversight and law making functions of the National Assembly and the role of MPs in influencing policymaking.

Over 1998-2002, MPs, including those from the ASAL regions, began to work together across party lines on specific policy issues for the first time. They formed alliances with civil society groups, participating in workshops on the practice of parliamentary democracy and on various sectoral issues, including pastoralism and the ASALs. Collaboration with the Kenya Pastoralist Forum (KPF), an indigenous NGO, led to the formation of the PPG. This was very much part of a wider coming together of dynamic young politicians and assertive civil society organizations. Working with CSOs such as the Institute for Economic Affairs and Transparency International, MPs began to set up formal and informal groups within Parliament – such as the Coffee and Tea Parliamentary

Association – to address the particular issues of concern to themselves and their constituents. Maria Nzomo in her analysis of civil society's role in Kenya's political transition (p.204:Oyugi et al, 2003) emphasizes its urban/ middle class bias and its narrow focus on democratization, neglecting the development issues that are the primary concern of "the masses". She acknowledges the efforts of those with a wider agenda, but argues that, "Despite the fact that a number of CSOs, including 4Cs, the International Commission of Jurists (ICJ), Kenya AIDS NGO Consortium, Kenya Alliance for Advancement of Children, Kenya Pastoralists Forum (sic), Network for Water and Sanitation, Association for Physically Disabled, Shelter Forum" and the National Council of NGOs belatedly set up a steering committee whose objective was to campaign for constitutional reforms that would commit the government to treat basic needs as a basic right, this campaign never really took off. Little effort was made to mobilize non-middle class groups, to lobby government to mainstream reforms in social sectors such as land, education and health." Nevertheless, some CSOs representing economic interest groups, notably KPF, did have strong rural roots and were linking up with politicians to push for policy change as well as the constitutional changes necessary to advance their development goals.

From 1999, the New Young Turks and their allies pushed for measures to strengthen the legislature in relation to the executive. Eight permanent committees, with subpoena powers, were set up to shadow key ministries, including those of finance and agriculture. The committees on agriculture and finance have been particularly active, driven by a core group of highly motivated MPs. They have been able to have a real influence on legislation.

An important new feature has been the development of cross-party coalitions in these formerly dormant or ineffective Parliamentary committees. An example of this is the work of the agriculture committee, supported by the Minister and the permanent secretary, in shaping new legislation on the tea, coffee and sugar industries. The PS and the Minister held reformist views similar to those of the committee members and informal consultations helped the committee to refine their proposals. It is very significant that a Parliamentary committee was able to collaborate with the executive in this way and get results. Industry lobbyists have also started formally to approach the committee. This is revolutionary in a political system long characterized by cozy relationships and deal making between industry and presidential cronies. The issues concerning tea, coffee and sugar are far from resolved. This researcher attended a parliamentary session in which the new Minister spoke passionately about the need to protect the local sugar industry from cheaper imports and promote employment. Nevertheless, what matters here is that, as Barkan (2003) asserts, "Kenya is now seeing the beginnings of the classic triangular relationship between the relevant government department, the legislative committee and interest groups that shape public policy". However, at this point, only a small group of MPs are involved in cross-party and committee work. The committees lack capacity, having little in the way of support staff and resources.

2.7 Generous Parliamentary Salaries and Constituency Development Funds – Ending the politics of patronage or instituting a new form of corruption?

Another significant, and controversial, new development has been the substantial increase in MPs' salaries, at \$5,000 a month, over seven times the compensation afforded previously.

This more than adequate remuneration freed MPs from the need to seek presidential patronage and appeared to make them truly independent. Ugandan MPs are looking across the border enviously. But the nature of East African politics means that much of this money goes to constituents or to constituency business. Constituents generally see MPs as being "in power" and as therefore being in a position to bring state largesse home. Kenyan and Ugandan MPs are expected to visit their constituencies – often distant and made more distant by poor infrastructure – on a regular basis. They are also expected to finance, or else secure financing for, development projects in their constituencies. In Kenya, MPs must contribute generously to "harambees" ("let's pull together", fundraising drives for local projects.) It is difficult for an MP to refuse a request from a constituent to pay school fees or hospital fees.

Particularly in rural communities, an MP's ability to bring resources to constituents in this manner is the most important determinant of the likelihood of re-election. Some MPs claim that on each trip home they would have to dish out around \$500 in gifts and grants. Others dispute this, saying the sums involved may be much smaller or that much of this cash may actually end up in the pockets of the candidate. One MP claimed that, before his intervention, "harambee" drives had involved collecting animals from pastoralists at gunpoint. But it is nonetheless clear that pre-election largesse is an important element in local politics. In the past, this meant that some MPs would have to go cap in hand to President Moi or senior party officials before visiting their constituencies, though it should be said that many, more principled or independent, MPs did not do this.

Some argue that the salary increase has strengthened the independence of MPs, by reducing their need to seek moneyed supporters among the ruling elite in politics or in the business community. Others would argue that the sums involved are not nearly large enough to make a difference in local campaigns. Amidst renewed controversy, MPs recently voted themselves a further salary increase and established a constituency development fund for local road building.

Even more significantly, the Assembly has successfully pushed for Constituency Development Funds – substantial funding to support development activities, controlled by committees bringing together local authorities and CSOs under the chairmanship of the MPs. The stated aims are to institutionalize constituency-related development spending, "de-personalizing" the flow of funds, and to end

the politics of patronage. It is also seen as an important step in decentralization and the devolution of power. However, skeptics see it as the “decentralization of corruption”, arguing that MPs will be in a position to pack committees with their cronies and control the allocation of funds.

2.8 The Growth of Civil Society and the Media

Towards the end of the 1990s, the space for civil society widened dramatically. CSOs grew in strength, confidence and influence, spreading beyond the urban areas, in a significant way, for the first time. CSOs also began to take on development issues, in contrast to the almost exclusive focus on political freedoms that had previously characterized CSO action.

The Center for Governance and Development was a pioneer, working with MPs, international NGOs and farmers on agricultural policy. A similar coalition formed around pastoral development issues. The inaugural National Pastoralist Week that took place recently in Nairobi was a first step in extending this coalition to include the media. Negative perceptions about pastoralism and pastoralists are a factor in their marginalization and the press, television and radio are important partners in efforts to change negative stereotypes.

The late 1990s saw the end of state control of the media. The print media have been revitalized – two excellent English-language dailies, *The Nation* and the *East African Standard*, provide independent and informed analysis and coverage of policy and political issues, while the Kenya Times gives the KANU slant. All three have web editions as Kenyans increasingly turn to the internet for local and international news and information. A variety of English and local language newspapers and magazines have sprung up, some salacious, some sensational and some serious, which are more accessible to the *wananchi* (the “common people”). More important than these developments, particularly for the largely illiterate pastoralist communities, is the recent expansion of independent FM radio stations, which increasingly cover social issues as well as politics and parliament. While Kenya still lags far behind Uganda, with its “no-party democracy”, in terms of openness and press freedom, Kenyan politics is far more free and open than it was even a few years ago.

However, a number of the new sensational newspapers were shut down in December 2003 over supposedly libelous stories. The recent assassination of Dr Odhiambo Mbai, a leading proponent of the substantial devolution of power away from the center, has cast a shadow over the Constitutional Review process, and indicates that the powerful are still ready to resist vigorously any challenge to their fundamental interests.

2.9 Ethnicity in Kenyan Politics

Jonyo (in Chweya 2002), looks at ethnicity in Kenyan party politics before the sea change marked by NARC's election victory. He notes that all the political parties are built on ethnic foundations and the electorate votes consistently along ethnic lines. "The ruling party, KANU, is associated mainly with the Kalenjin and other smaller tribes – Maasai, Samburu, Turkana, etc. The DP and Ford-Asili are largely Kikuyu parties, FORD-Kenya is predominantly a Luhya political party, the SDP belongs to the Kamba and NDP is for the Luo". (2002:97). When the new party FORD was poised to win the 1992 elections, it split along ethnic lines, when the two most populous ethnic groups, the Kikuyu and the Luo, both the elite and the masses, were unable to think in terms of sharing power. Once again in 1997 ethnic divisions prevented the opposition from consolidating their strength to defeat KANU.

In 2003, Kenyans' dissatisfaction with the status quo had reached a point where there was a real threat of violent social unrest. In the past, despite the curtailment of political rights, the KANU regime had been able to ensure steady economic growth, though it was less able in the 1980s to protect the middle class from an erosion of its living standards. In the 1990s, there was visible economic decline, with crumbling infrastructure, rising unemployment and an explosion of crime. Key factors in this decline were corruption and mismanagement, due in large measure to a combination of the Moi regime's manipulations aimed at getting around the new pro-democracy conditions demanded by donors and the donors' subsequent withdrawal of support. Finally, the political elite came together across ethnic lines, realizing that they were drinking and "eating" in the last chance saloon. The NARC coalition brought together Kikuyus, former KANU "bigwigs" as well as opposition leaders, the Luo under Raila Odinga, son of the Luo independence era hero, and president that never was, Oginga Odinga, as well as the smaller Western tribes under the late Vice-President Wamalwa, from the increasingly significant Bukusu, who share a language and a culture with the Bagisu of neighboring Uganda. NARC was strengthened by the late defection of senior Maasai politicians from the KANU "Old Guard" – former V-P George Saitoti, now Education Minister, and long-time cabinet minister William ole Ntimama. The "pastoralists" – politicians from the "Kamatusa" (Kalenjin, Maasai, Turkana and Samburu) alliance have thus been able to retain some influence in the new regime. Their pastoralist allies in the North, the Somali, Gabra and others, who are the mainstays of the PPG, do not have such high level representation in NARC.

The inter-ethnic rivalry and bargaining that has always taken place at the national level is now going on within NARC. The Luo, and Raila, were promised that new constitutional arrangements would provide for an executive prime minister. The Kikuyu are now resisting this in the Constitutional Review process. The issue threatens to split the coalition that has governed for one year. It remains to be

seen how pastoralists will be able to defend their political interests in the new dispensation. The Constitutional Review is addressing the electoral system and considering the possibility of introducing proportional representation. This might entail an adjustment of the over-representation of pastoralist areas in Parliament. This may well lead to a reduction in the political clout of pastoralist politicians.

2.10 KANU's Domination of Pastoralist Constituencies and Consequent Strength in Parliament

The remoteness of pastoral areas, their sheer size and the dispersed nature of their populations make campaigning for pastoralist votes very expensive and explain, in part, KANU's continued domination of these areas. Of the 39 pastoralist constituencies (for discussion of this definition see 3.2 below) KANU holds 27. Many PPG members mentioned this factor, noting that KANU is the only party that has the resources to campaign in areas like Isiolo – substantial funds are needed simply to travel to the area, before one even thinks of traveling around within the vast constituency to look for votes! This is, however, likely to change in the next election, when NARC will have the resources needed to campaign in pastoral areas. KANU has now lost the advantage that the ability to mobilize state resources gave it. Already, NARC has contested its ownership of the Kenyatta International Conference Centre – a skyscraper that generates big money for KANU from office rents and private as well as public functions.

Also, KANU historically has skillfully manipulated the insecurity prevalent in pastoral areas, at times instigating violence to intimidate or expel unsympathetic non-pastoral in-migrants. Some PPG members suggested that pastoral conservatism is a factor, with attitudes slow to change. As the first party to reach them back in the 60s, KANU got a “headstart” in these isolated communities. Their relative lack of education and lack of access to the media are factors in pastoralists' continued strong affiliation to KANU. It should be noted that for KANU pastoralist votes come relatively cheap – because the opposition does not seriously contest for these votes, KANU does not have to buy off voters with significant levels of development-related spending. There are parallels with minorities elsewhere – it has been argued that African-Americans do not get enough in return for their traditional allegiance to the Democratic Party.

3. THE KENYAN PASTORALIST PARLIAMENTARY GROUP

3.1 Origins and History of the PPG

Reconstructing the origins and history of the Kenyan PPG is very difficult. The PPG members, many of whom were not around when the group was formed, could not give the author any details. Group members did not have any records of meetings, they did not have a list of members or active members, they are unable to say when the group was formed, how many initiatives they have made, etc. One member gave the author his only available documentation – a single copy of a record of a meeting on education, bashed out on an old-fashioned typewriter. Those who were around had sketchy memories on the details. In addition, the way the group was formed and the way it has operated, as a relatively informal or ad hoc coming together of concerned members, makes it difficult to identify dates.

The following table attempts to give some idea of the main chronology of the Kenyan PPG, but must be treated with some caution for these reasons.

Year	Event
1996	NEP MPs become more active, jointly participating in peace and other meetings, and begin to interact with the Kenya Pastoralist Forum (KPF)
late 1996	NEP MPs come together in Parliament in an organized way, supported by KPF
1996/7	A sub-group of northern MPs form a short-lived political party
Jan. 1997	NEP MPs begin to regularize cooperation with MPs from other pastoral areas
Feb. 1997	KPF meetings are broken up by the security forces and some members are arrested by the Special Branch
1998	The PPG is formed and begins to link up with international NGOs, attending a regional workshop organized by MRG
1999	The government intensifies efforts to disrupt the PPG – the PPG survives, continuing to meet, but becomes less vocal and does not pursue ambitious plans for joint initiatives with NGOs
late 1999	The PPG receives some funding from foreign donors
2000	PPG activities continue, without any major initiatives. MPs support PRSP consultations in pastoral areas
2001	National political issues dominate – gearing up for elections
2002	Electoral campaigns and political horse-trading are the focus
early 2003	The PPG is revived at a meeting in Naivasha
February 2003	The PPG is formally reconstituted in a meeting at the Grand Regency Hotel organized by CEMIRIDE and Oxfam. The group elects officials, with Ali Wario, MP Bura, as Chair and Ekwee Ethuro as Secretary General. The group also sets up a conflict resolution committee (council of elders) under the late Geoffrey Parpai, who had just been appointed a minister in the Office of the President.
	The PPG receives some funding from DFID and USAID
	The PPG undertakes visits to Turkana and Garissa for community meetings
April 2003	The PPG is “re-launched” at a “Consultative Workshop” organized by CEMIRIDE, an NGO, supported by MRG
	The PPG members become intensely involved in the “Bomas”, the consultations under the Constitutional Review
December 2003	The PPG participates in the inaugural “Pastoralist Week”, organized by CEMIRIDE and supported by a plethora of international NGOs

The political context of the PPG's birth was described above – a coming together of a new generation of politicians and an emergent civil society. The PPG did receive some support from the old guard – in the form of the long-serving and influential Cabinet minister and Narok MP, William ole Ntimama. The support of a KANU insider was valuable in helping the nascent PPG to surmount official suspicion and opposition.

In the 7th Parliament (1992-97), a group of MPs from the North Eastern Province had formed a Parliamentary grouping, but it was strongly opposed by the Moi regime and was stillborn. However, inspired by an NGO, the Kenya Pastoralist Forum (KPF), MPs sought to form a wider grouping that brought together all pastoral-area MPs, across ethnic and party lines. In the 8th Parliament (1998-2002), with the entry into the Assembly of Hon. Ekwe Ethuro, previously of KPF, the PPG was launched more formally at a meeting in Naivasha. An executive committee was elected and policy statements were drawn up.

The PPG, as a group, then embarked on a series of visits to pastoral areas, something the Ugandan PPG also did early on. The visits produced discussions and policy documents on themes particular to each area. In Turkana the theme was education, while in Garissa the theme was clan wars, and the Speaker of Parliament participated. These initiatives were not welcomed by the Moi government – as Hon. Ethuro put it, “the powers that be were very unhappy with us”. These initial efforts, while commendable, had only limited success. The PPG did not have the capacity to launch a major advocacy campaign – a report on the Turkana education meeting was typed up, but not disseminated. It appears that some foreign donor funding was obtained during this period, but details are unclear. Moreover, those in power were not receptive. In a context of limited interaction between MPs, particularly those from different regions, this effort to foster unity and raise the profile of pastoral issues commanded the attention of government and policymakers.

The KANU regime saw the new group as a threat and systematically and determinedly sought to undermine the PPG. Markakis (1999), in an article examining the genesis of the PPG and efforts by the regime to obstruct it, noted that this was an unprecedented attempt to bring pastoralism into the mainstream of national politics. In his view, the leadership felt threatened by a group that, while overwhelmingly made up of KANU MPs, sought to build alliances across party and ethnic lines around a common issue. It might, at first sight, appear odd that a President from a pastoralist community who remained in power principally because of electoral support, in a gerrymandered system, from an alliance of minority pastoralist communities, would not welcome a political coming together of pastoralists across ethnic divides. However, as current PPG members have made clear, Moi's and KANU's domination of pastoralist constituencies was based to a great extent on “keeping them in the dark”. A parasitic elite manipulated ignorance and tribal loyalties in order to remain in power – even stirring up murderous inter-ethnic strife in order to win constituencies. There was

no strong desire to defend the interests of pastoralists or promote development in the pastoralist heartlands. Any attempt to raise political consciousness among pastoralists, or to link up communities, civil society organizations and Parliamentarians, was thus a serious threat to the very basis of Moi's power. There is a tendency among "Western" analysts of African politics to apply to every country a model in which ethnic groups compete for central power, and thus control over state resources, which are then used to favor the group "in power". This is sometimes, but not always the case and both Uganda and Kenya provide examples of regimes under which pastoralist Presidents have ruled for long periods without, for very different reasons, securing advantages for pastoralists or for their home areas. This points to the need for donors and external development actors to recognize the complexities of local politics and to seek an intimate and "nuanced" understanding of the political context in which they operate.

Moi had an array of weapons to deploy in his efforts to bring the PPG to heel – including the KANU nomination process and intimidation through state and non-state organs. PPG members were obstructed from formalizing their cooperation and developing initiatives – they had plans to sit down with the KPF to draft statements and raise issues in an organized manner. The pressure from Moi meant they could not do that: meetings were disrupted and individuals threatened. The PPG, in as much as it ever had been a formal group, became dormant. But PPG members never stopped meeting (informally, in the parliamentary canteen or in local "nyama choma" (grilled meat) restaurants), and agreeing on stances and individual statements to the Assembly.

In April 2003, following the change of government, the PPG was re-launched at a "Consultative Strategic Roundtable", organized by CEMIRIDE, a young Kenyan NGO, with support from Minority Rights Group. One important outcome was the decision to form a committee tasked with ensuring that pastoralists' concerns are addressed in the all-important Constitutional Review process. Some donor funding was subsequently obtained.

3.2 PPG Membership

Eligibility for PPG membership is by virtue of being an MP and membership is open to any MP who is concerned with pastoral development. In practice, the active membership is limited to those MPs whose constituencies are overwhelmingly pastoral, or were so until non-pastoral (farming and business-oriented) groups settled in these areas. In theory, membership is open to MPs whose constituents, like the agro-pastoral Marakwet, are the victims of raiding and banditry by pastoralists, as well as those of neighboring constituencies that interact with pastoralists in trade or around particular development schemes. In practice, these MPs remain on the other side of the issues and outside of the PPG. This is not a question that the Kenyan PPG has raised, and there is no

evidence of any desire to come together as representatives of the raiders and the raided, one of the most positive features of the former PPG in Uganda.

Identifying the exact number of pastoralist constituencies is not a straightforward matter. There are clearly pastoralist constituencies – those of the North Eastern Province and the neighboring Districts of the “Central North”, the Turkana and Samburu constituencies and the Maasailand constituencies, though it should be noted that the latter have increasingly important non-pastoralist, principally Kikuyu, in-migrant populations. Rendille pastoralists are unrepresented minorities within pastoralist constituencies. The Tigania constituencies, south of Isiolo, are affected by rustling and banditry, but the MPs are not involved in the PPG. Coast Province has two unquestionably pastoralist constituencies – Garsen and Bura. The neighboring constituencies have substantial pastoralist minorities: the Orma pastoralists are not represented in the PPG, but are at odds with Pokomo agriculturalists. The Kalenjin areas of the Rift Valley are hard to classify. Some, such as Baringo East, with a largely Pokot population, and Baringo Central, with a strongly agro-pastoralist Turgen population, are clearly pastoralist areas. However, elsewhere in the Rift Valley, the various Kalenjin groups have adopted a mix of sedentary agro-pastoralism, subsistence agriculture and export crop production, made possible by their areas’ higher potential for agriculture and by increased investment in his home areas under President Moi. In these areas, some retain a pastoralist identity and others do not. MPs for these areas, not all of pastoralist origin, may well not identify with a pastoralist agenda, and may not participate in the PPG. There are also marginalized groups within the Kalenjin, who feel that they are under-represented and have not benefited from Moi’s presidency.

Nevertheless, the current PPG membership is impressively national – bringing together MPs from four different provinces and spanning the Rift Valley. While almost all are KANU MPs, or former KANU stalwarts who defected to the opposition when the writing was on the wall, there are some NARC members, including Hon. Ethuro (NARC/LDP) who is one of the leading lights of the PPG.

Despite the uncertainties about the definitions of pastoralist constituencies set out above, we can talk with some confidence of 39 pastoralist constituencies in Kenya, of which 27 are held by KANU. Of these 39 members, around 30 can be considered active members of the PPG: 24 KANU, 5 NARC and 1 FORD-People.

The breakdown is as follows:

- *North Eastern Province - 11 seats*, all occupied by members who are active in the PPG. 10 are KANU MPs, with only the member for Wajir West representing NARC.
- *Eastern Province – 6 seats* (Moyale, N. Horr, Saku, Laisamis, Isiolo North & Isiolo South) – all the MPs are active in the PPG. All are in KANU.

- *Coast Province* – 2 seats (Garsen & Bura), both occupied by PPG members, one from NARC (Garsen) and one from KANU (Bura).

Rift Valley Province

- *Turkana & Samburu* – 8 seats, all MPs active in the PPG (with 2 NARC MPs in Turkana).
- *Marakwet* – 2 seats. One NARC and one KANU, but not active in the PPG, though the area is semi-arid and inhabited by agro-pastoralists who have suffered raiding by the Turkana and the Pokot.
- *Baringo* – 2 seats, only one MP is active in the PPG and he is a member of FORD-People. The other is the son of Moi, naturally, a KANU MP. (A KANU MP occupies the third Baringo North seat, which lies in a “non-pastoralist” area.)
- *Maasailand - Laikipia* – 2 seats, pastoralists have become an electoral minority after large in-migrations of Kikuyu and others. The MPs, both in NARC, are not from pastoral backgrounds and do not participate in the PPG.
- *Maasailand - Kilgoris, Narok & Kajiado* – 6 seats. In Kilgoris, a traditionally Maasai area, non-pastoralist in-migrants now make up around 50% of the electorate. The sitting MP, from the Uasin Nkishu clan and close to Professor Saitoti, is in NARC and does not participate in the PPG. In Narok, the former KANU stalwart and Minister, William ole Ntimama, joined NARC shortly before the last election. The other MP, ole Ntutu, remains in KANU. Bomet (NARC) and Chepalanga (KANU) constituencies contain some semi-arid areas and significant pastoralist populations, but the MPs are not from, strongly, pastoralist backgrounds and do not participate in the PPG.

It is important to understand that Kenyan pastoralists, like some of their Ugandan counterparts (but not the Karimojong), to some extent occupy small pockets within constituencies dominated by other, sedentary, ethnic groups. These pastoralists are more marginalized than others because their elected representatives are of a different ethnic group, in most cases with interests inimical to those of pastoralists. Moreover, in the Rift Valley, many pastoralist constituencies have substantial in-migrant populations from non-pastoralist communities, engaged in trading in town centers and in agriculture in the “green hearts” of pastoral areas.

The Prominence of Pastoralist “Bigshots” under Moi

Under Moi prominent individuals from pastoralist communities were able to attain senior positions in government and the civil service. Dr Godana noted one positive aspect of the former President Moi’s regime – “he had the boldness to say that every Kenyan is a Kenyan”. Coming from a pastoralist background himself, he brought pastoralists into government as ministers and permanent secretaries. In fact, one of the mysteries of the Moi regime is that despite the salience of prominent pastoralist individuals in government and administration, their communities continued to be marginalized and left behind in development. This reflects the politics of personal patronage in post-colonial Kenya. Pastoralist

political leaders were, essentially, bought off, supporting a beleaguered government in return for personal gain and some influence on national politics, without securing corresponding benefits for their communities.

It is important to understand that, despite the allegiance of pastoral area MPs to KANU, the Moi government was hostile to the PPG. Hon. Abdurahman Hassan, explained that the PPG could not operate as expected in the last session of Parliament as a result of Government interference. There were systematic attempts to disrupt and divide the PPG. KANU did not want to see the development of any independent force in national politics and used its considerable resources to undermine this new parliamentary grouping.

So, there were positive and negative aspects of pastoralists' relationship with KANU. For the last 20 years, since Moi emerged from the attempted coup of 1982 strengthened, pastoralists also began to emerge from their marginalization. Under a generous quota system, that sometimes involved lowering entry requirements, pastoralists entered the educational institutions, colleges and Universities, as well as public administration, in much greater numbers. Dr Godana pointedly remarked that this quota system was "one of the first casualties of the new [NARC] government." Hon. Hassan noted that, "the job placements that we received under KANU are now dwindling. We need to have people in decision-making seats. How can we use our leverage to get this when we are in opposition?"

A major challenge for the PPG is, then, to overcome their identification with the previous regime and to find new ways of operating in an era of coalition government.

The NARC coalition made an impressive commitment to pastoral development in its manifesto, perhaps hoping to garner some votes in the KANU dominated pastoral areas, but as Hon. Hassan observed, we will have to wait and see if this was just rhetoric. Interestingly, pastoralists were courted by all the political parties in the 2002 election campaign, and all made manifesto commitments. This new competition for pastoralists' votes is a very positive sign, indicating that pastoralists will not necessarily lose out in the new political dispensation.

3.3 CSOs and the PPG

The PPG has enjoyed close relations with a number of civil society organizations since its inception. The role of the Kenyan Pastoralist forum (KPF) is discussed separately below. A Minority Rights Group Workshop in 1999, involving CSOs and Kenyan PPG members (including two prominent members interviewed for this study), recommended that, "every country in the region should establish a Pastoralist Parliamentary Group (PPG) to improve and maintain advocacy in the

region”. PENHA, a regional NGO, was called upon to work towards this end, and subsequently was present at the inaugural meeting of the Ugandan PPG.

The PPG has, throughout its history, established very useful contact points in civil society and received strong support from international NGOs – Oxfam, MRG, ActionAid and more recently SNV. Some of these contacts have come through Hon. Ekwe Ethuro, who himself has a strong NGO background. A strong relationship exists with a local NGO, CEMIRIDE, which organized an important consultative meeting with the members of the PPG, civil society groups, academics and professionals. However, it is important for the PPG to further develop relationships with Kenyan pastoralist civil society organizations.

Many outside politics see MPs as indispensable partners for CSOs in their efforts to promote social development and change in the pastoralist communities. According to Professor Ouma Muga, a former MP and previously an academic at Moi and Makerere universities before he joined politics in 1992,, “CSOs cannot work alone without the MPs. From my own experience as an MP, I would say that it has to be a joint effort.” In so far as they are trusted and respected representatives, MPs can “introduce” international and national CSOs to the communities and locally influential individuals, facilitating the building of relationships. CSO efforts can only be successful if they enjoy the confidence and, therefore, the participation of local people. MPs who have a solid local base can help in this respect. In many cases, you must know the “key man in the clan”. Equally, many Kenyan NGOs are very localized and “don’t know what happens beyond the hill”. Linking up with the PPG can give these organizations a “bird’s eye view”, with a better understanding of the national policy picture. Moreover, CSOs that have been working in development interventions at community level, are increasingly realizing that, if they are to have a broader impact, there is a need for positive policy change at the national level – something they can only achieve with the collaboration of other actors, particularly those in the legislature and the executive.

The MPs are certainly very keen to work with NGOs. There is an element of cynical calculation in this – development programs bring votes and NGOs bring development programs. As in Uganda, in order to win and retain seats, MPs have to demonstrate their ability to “bring development” to their constituencies. One of the positive aspects of competitive politics is that MPs who do not bring tangible benefits – in terms of new roads, schools, water points, etc – are unlikely to be re-elected. Since they lack the time, resources and, usually, the know-how to play this developmental role, MPs must turn to NGOs. At the same time, the NGOs also need the support of MPs. Hon. Abdurahman Hassan felt that civic education in the ASALs is the “core issue in making a difference.” Recognizing the importance of CSO efforts in this area, he said that, “the CSOs are doing this, but you need the political arm – the PPG. The issue is, how can they (pastoralists) participate in governance?” So CSOs need to strengthen their awareness raising work in the communities, understanding that as pastoralists

become better equipped to use the political system, they will have to use the MPs, their political representatives in the legislature, as well as the extra-parliamentary pressure groups and the single issue lawyers, to get their concerns addressed.

The weakness of pastoralist organization is a major problem. Korir Singoe of CEMIRIDE emphasized the need to strengthen pastoralist civil society at the same time as strengthening links between CSOs and the PPG. One weakness of the PPG is its collective inability to drive the policy agenda – rather than simply lobbying around particular issues. At the same time, pastoralist CSOs lack the capacity to engage decision-makers on policy issues and are ill equipped to provide the necessary support unit for the politicians. This suggests the need for alliances with external agencies that can strengthen the capacities of both the parliamentarians and the CSOs. One MP pointed out that the NGOs and the local level, community CSOs are currently not well coordinated.

A Note on the Kenya Pastoralist Forum (KPF)

It is worth looking at the KPF in some detail, given the important role that it played in the formation of the PPG and in inspiring efforts across East Africa to strengthen pastoralist civil society and the engagement of pastoralists with political systems. KPF's ideas were presented at various regional workshops, including those organized by PENHA (the Pastoral & Environmental Network in the Horn of Africa) and the Centre for Basic Research in Uganda in 1998 and 1999. KPF's ideas were taken up by these, and other, NGOs and research institutions, some of which supported the formation of the Ugandan PPG. RECONCILE, a Kenyan NGO, has established a regional (East African) pastoral civil society program, in collaboration with the UK-based IIED (International Institute for Environment & Development), which draws heavily on ideas, about strengthening pastoralist civil society and linking it up with the policy process, first put forward in the public arena by KPF.

KPF was established in 1994 and grew through the decade, conducting seminars and workshops on pastoralist issues. It was a membership organization, bringing together civil society groups and individuals in order to carry out research and advocacy on behalf of Kenyan pastoralists. Its goals included: improving the image of pastoralists and defending pastoralism as a way of life and as a viable production system; promoting recognition of pastoralism's contribution to the national economy; protecting pastoralists' rights over rangelands and water resources and strengthening pastoralists' capacity to contribute to all aspects of national development. This last goal, crucially, was based on an understanding of the centrality of politics in pursuing development goals.

KPF had a fairly dramatic impact on the Kenyan political scene, linking up with like-minded MPs from the North Eastern Province. It was established as a forum for all pastoralist CSOs, but was dominated by the personality of its founder, Abdi

Umar, a controversial figure, with a sharp intellect and a comprehensive knowledge of international and regional politics, described by the Economist as “a stubborn and belligerent ethnic Somali.”¹ KPF paid for its audacity in entering the political arena and challenging Moi’s autocracy. Several members were arrested and interrogated by the Special Branch. In February 1997 police broke up a meeting on resource management issues, and later the same year Moi himself denounced KPF as the revival of an illegal political group seeking to advance its cause through armed struggle, raising the specter of Somali irredentism.

Under pressure from the Moi regime, KPF and its allies in the PPG, began to retreat. Though KPF continued to receive generous funding from overseas, it became less effective. It also became much more an NGO in itself, rather than a forum for all pastoralist CSOs. It was increasingly perceived as a Somali organization and, along with the PPG, which was instigated by Somali MPs, was targeted as a threat to the regime and to national security (given the history of the NEP and the “Shifta” war.)

KPF’s decline was confirmed by the departure of its founder and the organization no longer works with the PPG, though many of the current PPG members still wish to see it revived.

3.4 The PPG – a Cohesive Group that can work for Pro-Poor Policy?

The Background and Qualities of the Individual PPG Members

The quality of the leadership offered by the individual MPs is an important factor.

The NARC manifesto’s explicit commitments to pastoral development have been translated, thanks to NGO participation in the PRSP process and the Pastoral Thematic Group, into significant attention to the arid and semi-arid areas in the Economic Recovery Program (ERP) – the centerpiece of government policy.² Disappointingly, one informant complained that, “Most of the PPG members have not even read the ERP!”

Some MPs may not understand complex policy issues and others do not understand parliamentary procedures, for some this is their first stint in parliament. One informant, who understandably wished to remain anonymous, said that “the majority of pastoralist MPs are undereducated by Kenyan

¹ *The Economist*, “Nomads: No Pastures New”, Jan. 18th 1997

² Strictly speaking, this document, which builds on the Economic Recovery Strategy outlined in the NARC election manifesto, and on the Economic Recovery Strategy Paper produced by the Ministry of Planning in February 2003, should be known as the “2003-2007 Economic Recovery Strategy for Wealth and Employment Creation”, a 92-page document presented by the president in June 2003, which will become a “sessional paper”, as the GoK’s official, guiding policy documents are known.

standards, ... school drop-outs, traders, people who made money in transport. They have an inferiority complex and they don't speak in Parliament. The only requirement to stand for Parliament is the ability to speak English and Swahili. Some MPs are illiterate and sign (documents) with their thumbs." This appears to be a gross exaggeration, though it was true in the past. . All MPs had in theory to be literate under Moi, though there were one or two nominated, not elected, MPs who were not literate. Nevertheless, the basic point, that some pastoral area MPs are much less well educated than the average legislator, is probably valid. On the other hand, the well educated pastoral-area MPs, the "Nairobians", have not lived the pastoralist life and hardly ever go back home, so that their effectiveness as representatives of the pastoralist communities is minimal – they may be articulate in Parliament and even influential on the national political scene, but they have little or no impact on the lives of their constituents.

The "Young Turks" are driving the PPG. Hon. Abdurahman Hassan (Wajir South) is "a first timer in politics and a first timer in the PPG!" Educated, confident and articulate, he is typical of the new breed of dynamic young men from pastoralist backgrounds who have eschewed the old politics and are eager to work with CSOs in pursuit of well-defined development goals.

It is also interesting to note that at least three of the PPG members studied in Uganda and actually grew up partly across the border. One informant referred to these MPs as "ex-Ugandans"! This is not unusual in a country where many, particularly those from minority tribes, have over the years taken advantage of educational opportunities in Uganda. It illustrates the depth of cross-border links and ties. (The current Vice-President of Kenya, Moody Awori, is the elder brother of Ugandan MP and prominent opposition figure Aggrey Awori.)

The absence of women MPs in the PPG is striking, and is in sharp contrast to the position in Uganda, where, thanks in part to affirmative action, there are several prominent women MPs from pastoral areas and the Minister for Animal Industries, MP for one of the key pastoralist constituencies, is a woman. Of course, there is a separate question as to whether or not the presence of women MPs from pastoralist communities in Uganda has made a difference in the articulation of issues affecting pastoralists or pastoralist women.

Complementarities and Division of Labor within the PPG

This is where the PPG becomes important or useful as a Parliamentary grouping. By coming together, the "Nairobians" and the true pastoralists become a powerful force. The educated high fliers and the more grassroots MPs complement each other – the former are well versed in Parliamentary procedure and more policy literate, while the latter have a better understanding of local issues and, perhaps, are more focused on serving their constituents. Indeed, the individual MPs have been honest about their personal limitations and have emphasized the value of the Parliamentary group in pooling human resources in a synergistic manner.

Senior MPs also benefit from the association – they are generally “time-poor” and over-burdened by ministerial responsibilities. The junior MPs can come to them, having developed a proposed statement, Bill or amendment, and ask for their input. The relationship involves mentoring by the senior MPs together with an injection of dynamism and a greater community focus from the junior MPs. As one NGO informant put it, “When they come together as a team, they can be effective – they galvanize each other”.

Some have suggested that Parliament is a training ground for future leaders at higher levels and that tomorrow’s executive may be made up of today’s junior MPs. This may be true, but as yet there is little evidence of this. Certainly, civil servants, teachers and senior officials of public corporations use their experience and resources to become MPs. This suggests that those wishing to support the development of political leadership in the pastoralist communities need to look beyond those currently in Parliament and to find ways to include others in support aimed at the PPG. Pastoralist communities have such a small educated elite that the same small group of individuals contest for seats in election after election and compete for jobs in the formal sector and in NGOs. Investing in these individuals – in terms of training and other support – will thus generate benefits to pastoralist communities well into the future.

Clanism and Conflict between Pastoralist Groups

One feature of the Kenyan scene that militates against cooperation within the PPG is the persistent antagonism between clans at the local level. Electoral campaigns have often been characterized by intense inter-clan rivalry and the electorate tends to divide along clan lines. There have been clan wars during campaigns and an MP may well not be seen as representing the minority or rival clan in his constituency. In some cases, the MP may have exploited clan divisions in order to get elected. An MP from a neighboring constituency may be seen as an implacable foe because he comes from a rival clan. So, Boran or Somali MPs may find it difficult to work with their fellow “tribesmen” in Parliament. Clashes between the Turkana and the Pokot are frequent, and serious. One MP noted that there have been physical fights between Turkana and Pokot MPs!

Inter-ethnic rivalry also places one PPG member at odds with another – this presents a major challenge to the cohesive functioning of the PPG as a group. MPs cannot be untouched by the conflicts that pit one pastoralist community against another – there are around 20 distinct pastoralist groups. When one MP’s constituents, or even relatives, have been the victims of cattle rustling and banditry perpetrated by the constituents of a fellow MP from another pastoralist community, it is not easy for the two to come together to oppose raiding. When there are rival claims to water points or grazing land, one MP’s interest may conflict with those of another. Voters and communities generally expect their elected representative to defend their (short term) interests, right or wrong. It is even the case that MPs and other political leaders are sometimes part of the

problem – stirring up inter-ethnic and local rivalries for personal and political gain. One informant told me “off the record” that one pastoral area MP was in fact the chief rustler and had organized raids, using the proceeds to fund his election campaign.

As noted above, there is tremendous diversity in Kenyan pastoralism, in terms of culture, religion, and degree of economic and social integration. Each District has its own unique history and set of problems and opportunities. This diversity, at least in part, explains the PPG’s ineffectiveness. The revived grouping will have to work hard to overcome divisions and forge a shared agenda, based on the important commonalities that exist, at the same time as developing a mutual solidarity in which the different sub-groups lend their weight to others on particular issues.

There is a nucleus of MPs who can rise above clan and ethnic politics – those who can see the bigger picture and understand that petty, parochial differences must be overcome if pastoralists are to prosper. The members of the PPG now have established personal ties and warm working relationships. They come together regularly for meetings and share a common view of the way forward.

It is widely accepted that the establishment of peace is a prerequisite for development in the pastoral areas and many argue that this “pacification” can be achieved through an intense campaign combining civic education and advocacy for socio-cultural change, with regular meetings bringing together communities, elders, CSOs and local government representatives. Professor Ouma Muga feels that MPs are very important in this. The communities are polarized and the political leaders, if they can come together, can play a crucial role as advocates for peace, emphasizing the shared needs of neighboring pastoralists and the potential for co-management of resources, as well as the losses implied by conflict and rustling. An enlightened and informed group of MPs would be effective partners for CSOs that wish to change attitudes and end the warrior culture and the “moranism” that underlies pastoral conflict.

The PPG members must therefore develop a much broader vision – one that looks beyond the short term interests of one group or another and is based on an analysis of the shared needs of pastoralists. At present, the politicians are pushing a relatively simple agenda – lobbying for more government resources and development programs for their home areas. A more sophisticated agenda, one that addresses fundamental policy questions and the legitimacy of pastoralism as a livelihood, is being developed by enlightened members of the PPG – led by a sub-group of articulate and intelligent members with a mix of experience in government and the NGO world – working with indigenous and international NGOs. There is an honest and real engagement on the part of PPG members with pastoral civil society. The CSOs have created various forums. But, without external support, this nascent movement will not survive the

exigencies of electoral politics. MPs who eschew cheap populism need to be able to demonstrate, quickly, the gains of more enlightened approaches.

The involvement of the MPs is necessary but not sufficient. To the east of the Rift Valley religious leaders are, perhaps, more important interlocutors – it is essential to bring in the mullahs and the imams. To the West of the Rift Valley, where communities are predominantly Christian, elders, clan leaders and local political leaders are indispensable allies in civic education efforts and in the battle for hearts and minds.

Islamic Conservatism among MPs

Another issue is Islamic conservatism among MPs from the Northern districts. This is not by any means characteristic of all MPs from the Muslim pastoralist communities, indeed some of the most forward looking MPs come from this group.

This conservatism can pose a problem, particularly when it comes to promoting girls' education. The more remote areas have hardly been penetrated by outside influences. The mullahs and other religious leaders are very influential and all socio-economic development initiatives need to take this into account, seeking to work with these leaders, who are generally more influential than the MPs. In these communities, girls attend school up to the age of 10 when they undergo a "rite of passage" and become "women", withdrawing from school to prepare for marriage. Where social attitudes are firmly entrenched, and women and girls are often strongly in favor of the status quo, change is only possible with the support of the religious leaders and the MPs. Achieving progress in girls' enrolment means, first, convincing these leaders that educating girls is a good thing. Here, again, an effective PPG could play a useful role – in modifying the thinking of conservative MPs and in providing support for civic education efforts on gender issues, demonstrating the strength of progressive forces within the Muslim pastoralist communities.

But, it is important to recognize that there is a religious divide between the pastoralist communities of the Muslim North and East on the one hand, and the Christian South and West on the other. The Muslim group, notwithstanding the commonalities implied by marginalization and the shared pastoral way of life, has an additional and separate agenda. Indeed, there is a distinct caucus of Northern MPs that comes together on issues particular to the Muslim North. This does not stop them working with other PPG members on common issues, but there are instances where their interests may diverge.

Politicians as Objects of Suspicion

Despite the euphoria that surrounded NARC's election victory, and the emergence of a younger generation of KANU politicians untainted by the past,

there is still a great deal of skepticism about politicians. There is a substantial degree of continuity in terms of personnel at the top – the new President is after all one of many “KANU defectors” in NARC and has been a senior figure in government since he was plucked from his post at Makerere University to run economic policy in the 1960s.

Politicians’ rhetoric is increasingly pro-pastoralism, as evidenced by NARC’s manifesto commitments. But, as one person put it, “there is a disconnect between what they say and what they do”. The movement towards the privatization of the range and the expansion of ranching and horticulture continue unabated. The interests of wildlife tourism and conservationists continue to take precedence over those of pastoralists. In the supposedly “people-driven” Constitutional Review process, CSOs are continually at odds with politicians.

Many in academia and civil society are suspicious of MPs, and politicians are often referred to as “the looters”. Indeed, the extent of Kenyan politicians’ corruption is truly startling (with individuals owning entire skyscrapers outright and hundreds of millions of dollars unaccounted for) and makes that of their Ugandan counterparts look like petty theft.

Politicians also frequently show a lack of commitment. Shortly before the inaugural Pastoralist Week, Professor Ouma Muga carried out a survey of the arid and semi-arid areas, as part of research aimed at producing a national action plan for education in pastoral communities. He was accompanied by the Speaker of the Assembly, who comes from Laikipia. He had invited MPs, but none came. Similarly, CAPE/IBAR invited the PPG to a workshop and only three turned up. Naturally, the degree of commitment varies from one individual to another. Many MPs may simply be in it for the money – Kenyan MPs are among the best paid in the world and there are opportunities for influence peddling.

Clearly, the MPs are part of an elite group within a pastoralist society that is largely illiterate. The “Old Guard” was largely composed of individuals with little more than a basic education – schoolteachers (like ex-President Moi) or local administrators. The new generation includes doctors and lawyers and is generally composed of graduates. Many in both cohorts are wealthy individuals. Their interests may diverge from those of poor pastoralists in important ways – some senior Maasai politicians are major shareholders in or owners of tourist lodges and concessions, others are major owners of private ranches and some are rumored to profit from cattle rustling and the small arms trade. However, the PPG members have, as one put it, a pastoralist mindset. Early in this Parliament, the Speaker of the Assembly chided one PPG member for investing all his spare cash in livestock, instead of investing in buildings! The important point is that these MPs see themselves as part of their pastoralist communities and will fight for their interests, as well as their own, though the two do not always coincide. Most MPs were offended by the suggestion that their education and (relative or absolute) wealth could drive a wedge between them and their

pastoralist brothers and sisters. To quote Hon. Ethuro, “Those are my uncles, my parents, my mother! When I retire you’ll find me in my manyatta!” The Kenyan civil society activists consulted all agreed that the PPG members are focused on pastoralist issues and committed to developing their areas and their people. Despite these questions about the motivations or commitment of individual MPs, the consensus view is that “getting MPs to work together with CSOs and the PPG is the right thing to do”.

MPs are not the sole representatives of pastoralists. They are their representatives in an increasingly important political arena – Parliament – and as such they are indispensable. Hon. William ole Ntimama remarked “who else can represent the Pastoralists?! They need a champion in the political arena and it is only the educated sons of the pastoralists who can do the job! The MPs are the only ones who can play a leadership role.” At the same time it is important to develop pastoralist leadership at the community level and in civil society. Linking up the various leadership and power centers is the key to advancing a pro-poor pastoralist agenda.

Consultation and Interaction with the Communities

PPG members were at pains to stress the importance of regular contact with their constituents. As noted above, MPs who do not have a demonstrable presence in their home areas – in terms of development projects and periodic visits – are unlikely to secure re-election. At the same time, an MP who genuinely wishes to represent his (perhaps one day, her) constituents and improve their lot must be well acquainted with developments in his, generally, distant home area and participate in local debates. Given that pastoral areas are not hooked up to telecommunications networks (phone, fax, e-mail, internet, television) and that coverage in the national media is limited, the MP must travel home if he is to remain informed and involved.

All MPs consulted cited transport costs as a major constraint, limiting their ability to engage with and act for their constituents. Pastoral-area MPs may tour their constituencies once or twice a year. While MPs receive a transport allowance specifically for this purpose, the members argued that this sum is calculated on the basis of the mileage from Nairobi to the MP’s house and does not take into account the dispersed nature of the pastoralist population and the sheer size of the Districts and constituencies. One Kalenjin MP remarked that, “(Hon.) Godana’s District is the equivalent of three Provinces!”

3.5 How Does the PPG Function in Parliament?

An Informal Caucus or a More Formal Grouping?

The PPG essentially functions as an informal caucus within Parliament. It has no formal or institutionalized secretariat. Nor does it have a constitution as yet. There are proposals but none has been ratified. Two schools of thought exist – one wishes to establish a formal caucus, something close to a sessional committee, with significant powers and status within the Assembly. The other prefers an informal caucus that allows individual MPs more freedom to speak out.

One should not assume that increased formality necessarily translates into increased influence or effectiveness. Professor Peter Wanyande contends that informal processes are often more important than formal, more ‘visible’ ones. He notes that while the stronger institutionalization of the PPG advocated in this report may be useful in some respects, it may not necessarily produce the desired outcomes. In his comments on the first draft of this paper, Wanyande observed that, “One must be conscious of the merits of informality, particularly within the context of the difficult political environment within which the PPG was established. KANU would certainly have destroyed any formal structure that appeared to challenge its stronghold in pastoral districts.” Politics is characterized by intrigue, horse-trading and deal-making. Personal relations with powerful individuals may well be more important in getting things done than debates on the floor of the house or even detailed submissions to parliamentary committees.

Currently, the group rarely meets, formally, as a group. MPs huddle together in the Parliamentary Canteen to discuss motions and amendments to bills. Junior MPs seek out their more experienced colleagues for advice when they wish to speak on an issue that concerns their constituency. When they wish to address bigger policy issues, MPs will seek a private meeting with Ministers, permanent secretaries and key members of parliamentary committees. Generally they will do this after conferring with PPG colleagues, and deciding who among them is best placed to take up the issue. MPs also meet on a regular basis with members of the press in the gardens next to the canteen, individually or in small groups, to put their concerns across. In most instances, there is little opportunity for consultations with outside experts, though most of the MPs enjoy good personal relationships with individuals from CSOs and the universities and will often speak with these contacts before making an initiative. MPs are generally responding to events on an ad hoc basis. They have come together effectively in crisis situations or when major bills or policy initiatives are being presented that do not address pastoralists’ interests. When pastoralist communities were hit by severe drought in 2000 they were part of an almost “Live Aid” type response that for the first time saw Kenyans from all ethnic groups and regions getting behind their pastoralist fellow citizens. When the new education bill was presented

recently, PPG members got together to push for appropriate provisions for pastoral areas.

Individual MPs have made strong statements in the National Assembly and in the press, usually after consulting with their PPG colleagues and senior politicians from pastoral areas. They have also routinely participated in workshops organized by NGOs and in community-level peace meetings, in particular those organized by CAPE/IBAR. MPs participated in cross-border peace initiatives alongside Ugandan counterparts, organized by CAPE/IBAR. While these were not PPG activities, and were initiated by external actors, the PPG did meet, informally, to discuss and support the participation of individual MPs.

In these and other instances, the PPG and its members are responding to negative developments, rather than putting forward their own agenda in a positive or “pro-active” way. The modus operandi is based on private communication with influential individuals and public statements in Parliament or in the media, rather than on the presentation of bills to Parliament or detailed input to Parliamentary committees.

Several informants noted that the PPG’s level of engagement with parliamentary committees, particularly those that deal with important policy areas such as trade, is low. Many MPs need to be made more aware of the opportunities that Parliament affords and some training to enhance their ability to make the most of these opportunities. Important issues like trade tend to be left to the “mainstream” elite. Here the complexities, in terms of both theory and informational requirements, make it hard for even development NGOs to get involved in debates and policy advice.

Members see the next step as the establishment of a standing secretariat to handle administration and provide support to the PPG in relation to policy analysis and design.

Formal links with CSOs or Extra-Parliamentary Advisory Bodies – A Pastoral Development Think-tank

MPs have discussed, with the CSOs, the possibility of establishing an institutional home for the PPG outside Parliament, providing administrative support, back up and policy advice. The complexity of the issues concerned – water resources, land tenure policies, livestock marketing, export market regulations, etc – means that legislators need solid technical advice and support. Advice and training on pastoral development theory and parliamentary procedures are necessary, but not sufficient. If the PPG is to draft legislation or contribute to policy formulation, institutionalized links with extra-parliamentary organizations that have the requisite technical knowledge will be necessary.

Aside from the criticism that the Pastoralist Thematic Group, of international and national NGOs and the donor-funded Arid Lands Resource Management Project (ALRMP), is foreign-led, many informants felt that it could not, on its own, provide the kind of policymaking support that the PPG needs. One view was that the NGOs were too narrow in their outlook and did not emphasize enough the need to improve living standards and incomes. Defending pastoralism as a legitimate livelihood is fair enough, but amounts to little more than academic point scoring if it is not followed up with the development of detailed policies and programs that can end routine food insecurity, significantly improve social indicators, promote integration with the wider society and expand the opportunities available to men and women in pastoralist communities. There is, to some extent, a clash of visions here, but plainly what the politicians want are answers to practical questions about livestock marketing systems and curbing livestock diseases. One informant argued that the principal role of the CSOs should be to mobilize pastoralists, to raise awareness in the communities and to facilitate their participation in policy dialogues and in political affairs, and felt that the Pastoralist Thematic Group had not done well on this score.

Only one PPG member (Dr Godana) made reference to the support that US and UK legislators receive from think tanks that provide detailed analysis, for example on the details of tax policy, rather than simply on the broad philosophical outlines. This kind of external support becomes crucial when MPs get down to the “nitty gritty” of specific measures and laws.

CSOs currently are not well equipped to provide such analysis, but a think-tank (with a core staff and external links) that pools the human resources of CSOs, international NGOs as well as Kenyan and foreign academics and experts would transform the picture, greatly strengthening the PPG’s ability to push for pro-pastoralist policies and ensure that they are implemented. At the same time, it is centrally important to increase pastoralists’ awareness and participation

3.6 Political Suspicion of the PPG and the Contest over Sovereignty with Neighbouring States

Efforts on the part of pastoral area MPs to come together as a group have been resisted by different regimes. The politically sensitive and strategically important border areas are occupied by pastoralists. Part of the unfinished business of post-colonial nation building, these areas have been contested by neighboring states since independence. There are tensions and unresolved disputes over the border areas, with Uganda, which once included parts of West Pokot, in the West, with Sudan in the North West and with Somalia in the North East.

The influence of Somali irredentism was felt early on and part of the North fought to secede immediately after the British granted independence. This is an emotive question for Somalis. To quote the late Ali Sharmaki (1962) “... our

neighboring countries are not our neighbors. Our neighbors are our Somali brothers". Kenyatta snuffed out the Shifta rebellion and made forging a new national identity the overriding goal of his rule. However, this early rebellion by Kenyan Somalis has dictated the political climate ever since and central government has remained highly suspicious of attempts by Northern politicians to organize. This episode has also served to weaken the region's ability to bargain with the center and to build political alliances with other regions. Recently, the informal caucus of Northern MPs in the current Parliament has been looked upon by some as a "secessionist cabal".

As in Uganda, the citizenship of pastoralists, who populate the sensitive and contentious border regions, is questioned. Early post-independence Somali secessionism exacerbates these sentiments in Kenya. Dr Godana argues that this history and the special security issues have provided a convenient excuse or pretext for marginalizing border pastoralists in national politics. "When a politician from these communities rises to national prominence, the cry goes up, 'He's not even a Kenyan!' The suspicion is still deep, but the proof of the pudding is in the eating – we will know how much of an obstacle this is to the PPG when a contentious issue comes up."

The suspicion of divided loyalties among border pastoralists undermines their ability to play a full role at the heart of Kenyan politics. Indeed, in the North, Kenyans cannot stand aloof from issues that concern their Borana brothers in Ethiopia, or their Somali brothers in Somalia. Borana traditional authorities and institutions span the region and apply just as much to the Kenyan Boran, including their political representatives. In the South, Maasai politicians must acknowledge their more numerous brothers across the border in Tanzania. Joseph Ngala of People for Peace Africa argued that it makes little sense to hold a meeting with Kenyan Maasai near the border without involving or informing their Tanzanian brothers. In practice, however, meetings exclude the Tanzanians.

3.7 The Importance of Regionalism – Straddling IGAD and the Revived East African Community

There was a general consensus that given the importance of various trans-boundary issues, it is essential to have a regional perspective and to build alliances between PPGs in the IGAD and EAC countries. The isolated efforts of politicians in any one country are very unlikely to be effective. Dr Godana feels strongly that leaders from the border zones should be the primary movers for integration as their communities stand to gain the most from regionalism, that reduces the political sensitivity of these border zones and accommodates the natural social and economic interaction between border peoples, as well as the seasonal movements of pastoralists across borders in search of water and pasture. So, the revival of the EAC, and the East African Parliament, is a very

positive development for the Maasai, and also for the Pokot and Turkana at the Uganda border. It also represents an opportunity for parliamentarians in Uganda, Kenya and Tanzania to come together on pastoralist issues.

However, the geopolitics of the region are complex and present serious obstacles to cooperation between pastoral-area MPs. One complication is that the neighboring states in the North, Ethiopia and the Sudan, are not members of the EAC. The IGAD grouping, which overlaps with the EAC, has been preoccupied by as well as weakened by inter-state conflict, and it is likely to be some time before the integration agenda is taken up. The absence of peace and stability in the Sudan, Ethiopia and Somalia poses specific problems for Northern MPs – flows of arms and refugees across the border, Ethiopian (OLF) and Sudanese rebel activities or camps inside Kenya, the khat trade and other spillovers from Somalia. MPs cannot hope to regularize or develop cooperation with their counterparts in other countries until the inter-state issues are resolved, or at least until significant progress is made. However, we need to start somewhere. Several interlocutors – Parliamentarians as well as individuals from civil society – suggested that external agencies could help by facilitating exchanges of visits between national PPGs and joint participation in training seminars and workshops.

Wajir South, Hon. Abdurahman Hassan's constituency, borders Garissa to the South, Mandera to the North and Somalia to the East. The town of Dif is symbolic – there is Dif (Kenya) and Dif (Somalia). These two towns have the same name and are occupied by the same people, but they are divided by a largely notional border and lie in two different countries.

One informant, Joseph Ngala, felt that the sample of countries in this study is incomplete – while Ethiopia, Kenya and Uganda are different in that they have formal parliamentary groups, the politics of Sudan, Somalia and Tanzania are intimately linked to the politics of the pastoral areas in the first group of countries. The parliamentary business of the PPGs in question will always have a great deal to do with issues in these other countries.

3.8 The Political Influence of the PPG

In sharp contrast to the picture in neighboring Uganda, the Kenyan PPG has considerable political clout. There are around 40 pastoral area MPs. The official opposition consists of a total of 60 MPs. If the group votes together, it can decide important parliamentary votes. If they can overcome apathy that makes members fail to attend meetings and develop a common platform that transcends clan and ethnic divisions, a cohesive PPG would be a force with considerable bargaining power.

A Pastoralist Political Party?

In a new era of coalition politics, this is a very strong grouping. There has even been talk about the possibility of forming a pastoralist political party (in fact, a short-lived party was formed in 1997). Hon. Kamama mentioned the example of the Green Party in Germany, which has been influential in politics despite its small size, at times being the deciding factor in the formation of governments.

Kenyan politics is in a state of flux. The NARC coalition is already, barely one year after gaining power, under strain. The size of the PPG, if it can hold together as a cohesive force despite the considerable diversity within its ranks, gives it substantial leverage with which to gain concessions from any future coalition. This assumes of course that the PPG can develop a political program based on shared interests.

Influencing Policy

In contrast to the Ugandan picture, there has been an effort to get pastoralists' concerns addressed in the formulation of the major government policy documents. Some international NGOs gave the lead here and succeeded in getting explicit mention of pastoralists' specific needs into the PRSP (at a time the PPG was inactive), and subsequently into the ERP. A report on "Pastoralism and Policy" (IDS/University of Sussex, 2001) saw Kenya as leading the way in the Greater Horn with its involvement of pastoralists in policy processes and politics, through ALRMP's support of the Pastoralist Thematic Group, its "Pastoralist Poverty Reduction Strategy" and the PPG's endeavors at the political level. Certainly, the Pastoralist Thematic Group brought together international and indigenous NGOs working across the country, with an impressive combination of experience and technical knowledge. An extensive consultation exercise, involving pastoralist communities, was conducted for the PRSP. The group was able to get pro-poor, policy-literate documents "on the books". However there are dissenting opinions. One informant, an academic, was particularly scathing and it is worth giving the full quote. "The Pastoralist Thematic Group's role is absolutely exaggerated. It was nothing more than a tokenistic and patronistic (sic) attempt by the state to give pastoralists some semblance of participation during the PRSP. Its composition is skewed [towards] foreign-based organisations and non-pastoralists call the shots. The attempt to give them credit in the ERSP gains is misplaced - that is assuming that the ERSP is pro-pastoralists in its articulation of the direction of pastoral development, a view I do not fully subscribe to. In any event, the ERSP's development was not participatory at all." Korir Singoe (2004) has also remarked upon some deficiencies in the PTG, questioning the legitimacy and composition of the group and lamenting the "moribund" KPF's inability to participate effectively. Hon. Hassan contended that, despite the popular involvement in the development of the PRSP, "the ALRMP, Oxfam and others initiated the Pastoralist Thematic

Group, drew up a strategy and hurriedly prepared some input,” the output for pastoralists was “zero”. A number of commentators in the NGO world have noted the deficiencies of the process. Some have argued that the failure to involve the politicians and to work through the legitimate democratic structures has been a major weakness. In this view, concrete measures on the difficult issues will not be forthcoming without political support. In a report published after the first draft of this study was completed, Markakis, assessing the prospects of a human rights approach based on international treaties and underlining the primacy of politics, points out that, “international law can be a very weak reed to grasp in a region where group rights are likely to be respected only when corresponding group political power can be brought to bear on the state” (30:2004).

Even when official policy recognized pastoralism, there is often a divergence between policy formulation and execution / implementation. While some poor pastoralists have been consulted and pastoralist CSOs have been able to get their some of their views embodied in key policy documents, their influence over implementation is likely to be negligible. This is partly a result of Parliamentarians’ lack of capacity for oversight and, to a greater extent, a reflection of the government’s inability to operationalize policy, given the World Bank and IMF’s freeze on budgetary support for the previous administration.

The ERP is, however, very much a NARC document, and also incorporates the results of the PRSP process. There are grounds, therefore, for hoping that its pro-pastoralist provisions will be implemented. Chapter 8 addresses the ASALs and recognizes the validity of pastoralism as a livelihood, as well as its economic significance, in terms of both livestock production and the tourist industry. The document also recognizes the relative disadvantage of pastoral areas in the provision of infrastructure and public services, at the same time as setting out a vision for pastoral development that is very much in line with the “pro-pastoralist” consensus shared by academics and NGOs – which some call the “new orthodoxy”. The policies set out in the ERP represent an important shift away from the “livestock paradigm”, based on a view of traditional pastoralism as irrational, inefficient and environmentally destructive. It remains to be seen whether or not the NARC administration will be able to muster the political will to make the hard choices necessary and back implementation with sufficient resources.

On Jamhuri (Independence) Day, December 13, 2003, Kenya celebrated its 40th birthday and new President Kibaki announced the creation of a new “Ministry of Livestock and Fisheries Development”, intended to give impetus to hitherto neglected sectors. He said that the new Ministry would pursue a more focused approach to the Arid and Semi-Arid Lands. This is, at least, evidence that manifesto commitments have not yet been forgotten.³

³ *The East African Standard* December 13, 2003.

The Limits Imposed by the Retreat of the State

Most pastoral-area MPs are in favor of affirmative action on behalf of their marginalized communities, as part of a “Marshall plan” for pastoralists designed to eliminate the gap with respect to other communities. But, at the same time many are aware that the scope for re-distributive or activist public policy has diminished greatly over recent decades. Dr Godana argued strongly for time-bound affirmative action to correct the historical disadvantages that have hampered pastoral development. However, he also noted that the global trend towards the privatization of the state limits the gains that pastoralists can hope to achieve through increased political influence at the national level. While a deliberate policy of affirmative action is evidently necessary, the capacity of the state to deliver the required corrective measures has been sharply curtailed by World Bank conditionalities. As the realm of the state shrinks, so does the scope for correcting historical injustices.

Donors have given significant funding targeted at the ASALs and the World Bank has established the ALRMP Management unit in the Office of the President, headed by Dr Mahboub Maalim, but as one MP put it, “we need more Mahboub projects”! Nevertheless, Kenya’s “second liberation” with the new NARC government, brings the hope and expectation that donors that restricted aid to the corrupt Moi regime will “open the taps”. This hope has recently been fulfilled with the announcement of a greatly expanded package, including a substantial commitment to the ASALs.

One recent example of successful lobbying by the PPG is the specific measures for pastoral areas in new provisions for primary education. The new President’s announcement of free primary education for all (UPE – Universal Primary Education) generated a great deal of excitement, though its sustainability on the basis of donor largesse is questionable. Moreover, the nomadic lifestyle complicates provision and necessitates special measures encompassing mobile schools or teachers, locally relevant curricula and boarding schools. A study on pastoral education, conducted for the government by Professor Ouma Muga in 2003, recommended an emphasis on boarding schools, including at primary level, in educational provision in pastoral areas. When the new program was presented to Parliament, the PPG “made noise”. Pastoralist MPs came together, successfully, to argue for some specific allocation to boarding schools in each pastoral area. This demonstrates the value of the PPG as a grouping, and its potential to secure real benefits for pastoralist communities when MPs get together on a common issue.

Lobbying for a Larger slice of the National Cake?

At present there is little scope for the PPG to play an oversight role with respect to budgetary allocations. Budgets are secret until read. One MP said, “we only get a chance to do a post-mortem, sometimes three to four years after the decisions have been made and the money has been spent!” Hon. Hassan commented that, “MPs are complaining about their lack of involvement in the budgetary process – the preparation of the plans.” Allocations are sectoral and are not drawn up on a regional or provincial basis – so that it is not immediately obvious what share is going to pastoralist regions. Several MPs argued that if and when budgetary allocations become regional or provincial, the PPG will have an opportunity to lobby for increased allocations for their regions. Indeed, in the on-going, and critical, Constitutional Review exercise, there is pressure to reform the system. Hon. Ethuro of the PPG sits on the Finance Committee of the National Assembly, which ought to be an important monitoring tool, but only gets to examine expenditure “after the fact”. Attempts to set up a Parliamentary Committee with teeth, and a more pro-active role, have been resisted by the Ministry of Finance.

Constituency Development Funds (CDFs)

MPs have successfully pushed for their own development budgets. Funds are to be allocated to each constituency and MPs will chair committees that decide how the money should be spent. Discretionary development spending was one of the most powerful political weapons in the KANU regime’s armory – it was used to punish MPs or constituencies for “voting the wrong way”, as well as to reward those who toed the party line. These new constituency budgets are intended to end this practice.

PPG members, almost all KANU members, are particularly concerned to get a strong bill passed, ensuring that they and their constituents are not punished for not having supported the new government. They also had specific concerns about the provisions of the bill. Allocations to each constituency were to be determined by population. This would leave the pastoral areas disadvantaged – while they occupy very large areas, they are sparsely populated and would receive very much smaller allocations on this basis, yet the dispersed nature of their populations tends to increase implementation costs (transport and communication costs take up a greater proportion of project costs) and poverty is, on the whole, more severe. The needs in terms of infrastructure are also much greater in the pastoral areas. For these reasons, the PPG came together to fight for allocations based on the poverty index for each constituency.

They have also pushed this issue in the Constitutional Review, arguing for minimum allocations and for measures to ensure that constituents determine the priorities, as was the case with roads funds in the last parliament, where citizens were able to decide on plans locally. It is noteworthy that the NARC government

has resisted fiscal decentralization. Some see the CDFs as a useful devolution mechanism, however others, particularly in civil society, are concerned that MPs would be in a position to pack committees with yes men, get their pet projects funded, favoring their own clans at the expense of other constituents, perhaps even diverting money to cronies or to their own pockets. Also, some have pointed to a contradiction or conflict of interest posed by the role of MPs as legislators and watchdogs of the executive and this new role as implementers of development programs at the provincial level, supervising and monitoring the CDFs. Civil society organizations have come out against this new role for MPs and the issue was raised at a workshop organized by the National NGO Council in December 2003. MPs had pushed through an amendment to the original bill reducing the number of civil society representatives on the committees. At the same time, government insisted on a reduction in the funds available under the program. Only one MP spoke out against the new role for MPs, arguing that there was a conflict of interest, since MPs will control spending under the funds allocated at the same time as being responsible for accounting for the money spent. The committees will receive 20 million shillings annually (close to \$US300,000)⁴.

MPs have long felt the system for allocating national resources to be over centralized, controlled by the Treasury and by the Party, not just because it helped KANU to control politicians, but more fundamentally because it was part of a centralized political system in which power, money and resources flowed to the ethnic group that was able to capture the center and the opportunistic politicians who were able to control the seat of power. In this system, not forgetting the salience of the Kalenjin after Moi came to power, the contest was fundamentally between the two most populous tribes – the Kikuyu and the Luo – leaving others at the margins, bargaining for influence. This is why politicians from pastoralist and other minority communities supported *majimboism* immediately after independence. The interests of marginalized pastoralists are, therefore, bound up with the struggle for fundamental political reform.

The Constitutional Review

The Constitutional Review (CR) currently dominates Kenyan politics, and at the time of writing was taking up a large part of MPs' time – the focus of attention had shifted from Parliament to the Bomas (the compound that houses the CR), where it has been for much of 2003. This is the crucial battleground where fundamental issues concerning the nature of the state and the political system are being resolved. The core issues are the extent of devolution or decentralization and the creation of an executive prime minister, greatly reducing the power of the presidency. CSOs and reformers are fighting for a radical, "pro-poor" or "pro-people" document that takes power away from the center and firmly establishes citizens' rights. A section of the political and business elite are resisting fiercely. The apparent assassination of Dr. Odhiambo Mbai, a leading

⁴ East African Standard, December 4, 2003 – "MPs get massive powers over cash"

academic who had been playing an important role in driving the process forward, and recent attempts first to undermine and, more recently, to remove Professor Yash Ghai, the chairman of the Constitutional Review Committee, are evidence of this. There is a struggle with the senior Kikuyu politicians who do not wish to relinquish power in 2007. They want to use the powers available to them under the current constitution to ensure electoral victory in 2007. The rest of the country sees this as nakedly self-interested and many want a reduction in the powers of the presidency, widely seen as a necessary element in progressive political change. The old guard is not yet ready to let go the reins of power and give up central control over the distribution of the nation's wealth. The kleptocracy is fighting for its life and, despite the change of government, is still very powerful by dint of the vast wealth that it has amassed over several decades. (There is something of a climate of fear and several informants would only give their views anonymously: they are not listed as interlocutors for this study.)

As well as pushing for devolution, PPG members are eager to get constitutional provisions on affirmative action for pastoral communities. Affirmative action for women has broad support. The PPG is seeking to create an acceptance of the need for affirmative action to correct for the historical neglect of pastoralists and MPs have had discussions with activists for women and people with disabilities, groups who also feel that they deserve special attention. A 'coalition of the needy' may have the weight to secure concessions. PPG members have had positive exchanges with various groups at the Bomas.

For pastoralists, who have been at odds with central government since the birth of the nation, these are critical issues. The members of the PPG are keenly aware of what is at stake and have devoted serious attention to the CR. They have benefited from links with civil society. The CEMIRIDE/MRG Consultative Roundtable recommended that, "the PPG should develop a strategic position on the concept of devolution of power within the context of the national constitutional review process"(CEMIRIDE 2003). The PPG is working with CSOs to influence the CR.

The Inaugural Kenya Pastoralist Week

The Centre for Minority Rights Development (CEMIRIDE) in partnership with the Pastoralist Parliamentary Group, and supported by Oxfam and SNV among others, organized the first Kenya Pastoralists Week in the first week of December 2003. The main aim was to raise awareness about pastoralism as a way of life and the economic significance of pastoralism, targeting policymakers, the development community, the public at large and the private sector. Pastoralist groups occupied the KICC for a week. There were presentations and lectures on specific aspects of pastoralism, an exhibition of pastoralist arts and crafts, and on the final day a pastoralist food fair and fashion show, at which the Minister of Tourism, Hon. Tuju, gave a nationally televised address. He stressed the role of

pastoralist communities in tourism, Kenya's biggest industry, and called for changes that would allow pastoralists to benefit from and participate in the tourist trade.

The event was a demonstration of what MPs and CSOs can achieve together and pointed to the need for a more formal linking up of the PPG and its civil society friends.

3.9 Postscript to Section 3

Politics as usual under NARC

When this study was being conducted, there was still a great deal of optimism about the prospects for progressive change and renewed development under the NARC government, in spite of the early difficulties. Since then the political tussle over the Constitutional Review has resulted in a stalemate and the process has stalled.

The honeymoon period is now well and truly over. The new government has revealed itself to be just as immersed in the politics of intrigue, money and self-interest as the previous one. There were mass protests against NARC in mid 2004. In July, the British High Commissioner, Edward Clay, spoke out in the strongest terms about corruption in the NARC government, accusing the leadership of having, "the arrogance, greed and perhaps a desperate sense of panic to lead them to eat like gluttons."⁵ While many denounced Clay's "glutton speech" as an example of foreign interference in Kenyan politics, others, including Raila Odinga, were supportive of his comments. In early 2005, John Githongo, the top anti-corruption official resigned, complaining of a lack of political will to fight corruption. The US withdrew funding for the anti-corruption body and other donors also reacted strongly. President Kibaki responded by re-shuffling Chris Murangaru, widely seen as the eminence grise and most powerful member of the "Mount Kenya Group" and announcing measures against some smaller figures. The rift between the NAK and LDP parties within the ruling coalition has deepened.

These developments are, perhaps, not so surprising, given that under NARC, the old faces remained at the top. One can however, conclude that it is all the more important to strengthen the legislature and stimulate the formation of alliances between MPs and extra-parliamentary groups, at the same time as building the capacity of ordinary citizens, particularly in the pastoralist communities, to participate in politics and engage with their representatives.

⁵ "Split widens over Clay speech on graft", the Sunday Nation, July 18, 2004

MPs and violent inter-clan clashes in North-Eastern Province

Recent events have further undermined the credibility of pastoralist MPs as agents of progress and development in the pastoral areas. In January 2005, there was fighting over pasture in Mandera District. Women and children were killed in inter-clan raids, with the Muralle clan retaliating against earlier attacks by the Gari clan.

The clashes were also linked to disputes over plans to shift administrative boundaries, with the rival clans both fearing that they would lose out in the changes. Political manipulation is suspected to be behind the violence. Local KANU MPs were accused in some quarters of fomenting inter-clan rivalries and inciting the clansmen to attack each other.

It has been said that, “we get the leaders we deserve”. We should, perhaps, not be surprised that the elected representatives of divided and underdeveloped communities reflect the people that they represent. One should not conclude that it is useless to work with pastoralist MPs. External actors should respond by stepping up their efforts to support transformative processes in pastoralist communities and to change the nature of the dialogue between pastoralists and politicians.

4. PROSPECTS AND THE WAY FORWARD: HOW THE KPPG CAN BE SUPPORTED

4.1 Support in Policy Analysis from CSOs and Experts

PPG members need support in developing a consistent set of policy stances around which to organize. They know what the problems are, and they are committed to addressing them, but in many cases they don't know what the solutions are. Hon. Hassan was clear – “The major element is to build a common understanding on the core issues. We need a coherent strategy and we can only make progress if we understand the policies and the issues”. He contends that the majority of PPG members have difficulty following debates in parliament and cannot drive policy formulation or the development of legislation that supports pastoral development. Those that have the ability to do so, generally hold junior ministerial positions or else have senior positions in KANU, and so have little time to devote to PPG business. It is, therefore, essential to “build the capacity of PPG members on concepts, policies and in the specific areas relevant to pastoralists.” “As a PPG, if you don't have the facts and figures, you can't participate in the debate. If we look at UPE, the Task Force [on education] never talked much about pastoralist areas. There is hardly anything in the strategic plan, only feeder schools. Professor Ouma is presenting his report tomorrow at the KICC, but who is listening? We need to influence the ministers and the permanent secretaries and make them understand what we need.” This is where consistent and formalized links with civil society and experts is needed. “For example, pastoralist regions need flexible delivery systems – what does this mean? We need to develop a consensus. We need a strong basis for propelling our issues. There are also the political aspects – the different regional and ethnic groups have their own interests. How do we develop a common platform?” “We need to redefine our strategies as the PPG – advocacy without proper strategies will not make a difference. This is a 5 year parliament and we need a 5 year action plan.”

4.2 Regional Networking

There is a strong case for supporting the Kenyan PPG to link up with other PPGs in the region, through information and experience sharing as well as exchanges of visits. Many MPs felt that it would also be useful for MPs to be exposed to experience and practice outside the region.

All the MPs consulted, in particular Hon. Hassan, felt that it is important to develop regional networking, bringing together MPs from countries in the two relevant regional groupings. He felt that CSOs and donors could help in this regard, giving MPs from the different countries opportunities to learn from each other and to gain “exposure” that would strengthen their capacities as parliamentarians. There was a feeling that exchanges with developed country

legislators would also be beneficial, perhaps with those in Australia and Texas, where there is a cattle-keeping tradition. Almost all the MPs consulted – like their Ugandan counterparts - mentioned Botswana as a model. The general impression is that pastoralists there have benefited from appropriate support in the form of water points, secure land tenure, veterinary services and marketing infrastructure, enabling them to develop export markets in Europe. There is little awareness of the special circumstances of Botswana, in terms of dramatic economic growth fuelled by diamond exports, nor of the social stratification, with poor pastoralists losing out, that have been a feature of livestock development in Botswana.

4.3 The Establishment of a Formal Secretariat or Coordinating Office for the PPG

All the MPs interviewed spoke about the need for a formal secretariat or coordinating office, and the desirability of external funding for this. There were different views on where this office should be housed. A number of MPs were happy with the support provided by CEMIRIDE, saying that this NGO has in effect been acting as a “technical bench” for the PPG, providing administrative services and policy advice. “We are politicians, we don’t need our own outfit”, said one member. It has been proposed that CEMIRIDE provide office space and secretarial support for the Chairman and officers of the PPG, as well as allocating a program officer responsible for liaison with the PPG and driving joint activities. Others are uncomfortable with this and would prefer linking up with a network of CSOs, rather than with a single NGO. The KPF experience was mentioned as evidence of the risks of relying too heavily on one NGO. Its dependence on its dynamic founder, its progressive shift away from being a network for all pastoralist CSOs and its perceived Somali/NEP bias were cited as factors in its decline as an effective organization. Many MPs felt strongly that KPF should be revived, as a genuine network and did not see the need to switch to a close alliance with a new NGO, which some saw as having a Rift Valley bias.

Some MPs, in particular Hon. Kamama of Baringo East, felt that the PPG should have its own office or secretariat, independent of any NGO. “At the moment, we rely on CEMIRIDE and Oxfam ... we have nothing printed, no documents,” he said. Hon. Pogishio was able to provide a type written document produced by the PPG in the previous Parliament, recording meetings organized by the PPG in Turkana to discuss approaches to pastoral education. He lamented the PPGs inability to disseminate the document and follow up on these community consultations. It was pointed out that the PPG had no specific meeting place, no staffed office with equipment, no data and no library. It could be argued that the MPs should make better use of their expensive new offices in Continental House, but it is quite clear that the PPG as a group needs support - both technical and administrative – if it is to function effectively.

The balance of the argument points to a combination of support for institutionalized links with a network of pastoralist CSOs and international NGOs with external (donor) support for the PPG that would enable it to contribute effectively to legislative committees and policy debates.

4.4 Transport and Communication

MPs made a good case for support enabling them to travel regularly to their remote constituencies. The costs involved are substantial and MPs currently rely on NGOs who subsidize their transport and participation in NGO-organized peace meetings and workshops. One would hope that the legislators could secure the necessary funding from Government, however, external support to facilitate consultations would be desirable until this is forthcoming.

At the same time, it should be possible to develop communications in the remote pastoralist areas, so that MPs can stay in touch without necessarily having to board a plane or a 4WD vehicle. The recent establishment of mobile phone networks in the pastoral areas of Uganda has greatly enhanced communication between communities and representatives in the capital. It is important to lobby the commercial providers in Kenya to extend their networks to the remoter pastoral areas and to provide public facilities.

A note of caution must be sounded: Kenyan politicians and NGOs have a long tradition of hoodwinking donors, with government in the 1990s often doing just enough to secure the release of the next tranche of assistance and NGOs tailoring funding applications to meet donor priorities. Recent successes have been based on excellent interpersonal relations between NGO staff, individual MPs and individuals within the executive. External actors must work on the basis of an intimate understanding of the local political and social context. Staff and program decision-makers must be familiar with the individual actors and the local political scene. They must be in a position to know if an NGO has been set up to give the son of a local politician a job or if the local MP happens to be a shareholder in the mining company or tourist resort that is threatening the livelihoods of local pastoralists. It is to some extent natural or normal for external agents to work with local elites, but it is important to be aware that this is the case. Moreover, it should not always be assumed that it is a bad thing to work with local elites.

Prof. Wanyande of the University of Nairobi, is not convinced by MPs' pleas for increased transport allowances and questions the value of direct financial support for the PPG. "In my view the current financial capacity of MPs is adequate. Their commitment to their constituents, if not exercisable within the current financial capacity, will never be sustained by external support. I do not think PPG needs a secretariat run by itself; what it needs is ready processed information relevant to their undertakings within parliament, capacity to effectively

engage and a robust civil society lobby to buttress and sustain their efforts.” There is, nevertheless, a case for broader support for the PPG that is tied to specific initiatives, working with CSOs and pastoralists. Support for rural communications that increase pastoralists’ access to information and their ability to engage with the MPs would seem to be especially appropriate. A very modest secretariat, perhaps just one administrator and one researcher, linked to the communities by effective communications, would be a very sound investment in improved consultation and political dialogue with pastoralists.

5. CONCLUSIONS

Kenyan politics has changed dramatically over the last few years and the election of the new government is confirmation of this. Government is increasingly accountable to and responsive to citizens. Parliament is now in a position to challenge the executive and the new President will have to bargain with interest groups represented in the National Assembly.

Both business lobbyists and CSOs have recognized that, now, “Parliament matters”. Parliamentary groups, both formal and informal, have considerable influence and are important targets or partners for those who wish to influence legislation and policy. These changes give grounds for confidence that Kenya’s Pastoralist Parliamentary Group can have a real impact.

Equally important is the fact that the PPG members appear to be genuinely committed to improving the lives of their people and are led by a core group of MPs who have a sophisticated understanding of the relevant policy issues. They are in the process of developing a common vision of pastoral development.

The PPG will, however, require substantial support from outside Parliament, bolstering its administrative and policy analysis capacities and assisting the PPG to link up with constituents and other actors. The challenges facing Kenyan pastoralists are serious and advocacy on behalf of poor pastoralists, particularly on the fundamental land question, means taking on powerful vested interests.

It is apparent that efforts to promote pastoral development cannot ignore the political dimension. The fundamental questions, such as land rights and mineral rights, access to water resources and the allocation of public spending, must be addressed by politicians who have the will to confront powerful vested interests. Moreover, it is the politicians, as elected representatives of the people, who have the legitimacy to take on this agenda. Legislative assistance programs are important complements to other efforts supporting civil society and democratization.

It is also apparent that politicians are sometimes part of the problem rather than part of the solution – participating in large scale raiding for commercial benefit, stoking up ethnic and clan rivalries for electoral gain or allying themselves with the commercial interests that alienate pastoralists’ resources.

But, they are nevertheless indispensable actors in a coalition for pro-poor, pro-pastoralist policy change. CSOs and the media can help to change the set of incentives that politicians face – comprehensive civic education and efforts to greatly expand pastoralists’ access to information will enhance the political process and reduce the asymmetries between voters and their representatives. At the same time as supporting pastoral-area MPs to perform, it is essential to

help pastoralists to engage politically and to exert greater citizen pressure on their representatives.

Political representation needs to be understood as a process – it is important to think beyond the current group of individuals in Parliament and to work towards the establishment of conditions and institutions that are conducive to effective and responsive political leadership.

External actors should therefore lead efforts, complementary to direct support to the PPG, to encourage the informed participation of pastoralists in politics and improve their interaction with politicians. It will be necessary to develop innovative approaches in order to overcome pastoralists' physical and political isolation. Some possible elements are:

- Efforts to strengthen the capacity of pastoralist civil society, at both the community and policy / research levels, and their capacity to inform the PPG and legislative committees about the impact of policy at local level and advise on policy
- Supporting the development of FM radio stations serving the pastoralist communities
- Expanding access to mobile phones and establishing subsidized call centers in towns and trading centers
- Increasing the availability of wind-up radios in the pastoralist communities
- The production and dissemination of readable policy and issues briefs, as well as suitable civic education materials, in local languages
- The use of mobile video units to get around transport and communications constraints, perhaps taking video messages recorded by MPs to the constituencies .

When the Constitutional Review Commission does eventually report, it will recommend some degree of devolution of power. It will therefore also be important to provide policy and other support to new provincial administrations in pastoral areas and to assist them to link up with the PPG, though this District / Province dimension is likely to be less important than it is in neighboring Uganda, where decentralization is entrenched and MPs are not necessarily the most important players.

Within this context, external support for the PPG is justified and should incorporate:

- The establishment of a secretariat to coordinate and provide administrative support to PPG activities, improving the PPG's information and research capacities – with the provision of office equipment, internet access, library facilities and support and research staff
- Support for strengthened relationships with constituents, based on regular visits (possibly with support for transport to constituencies) and improved

communication (through training in participatory methodologies and telecommunications support for communities)

- Training for PPG members in pastoral development as well as aspects of parliamentary procedures and practice
- Institutionalized links with a network of civil society actors, domestic and international, involving NGOs, community organizations, universities, policy institutes and organizations or individuals with relevant technical knowledge (in effect, a pastoral development “think tank”, interacting with the PPG routinely and helping it to do more than react to events and to design its own initiatives)
- Support for networking and linkages with PPGs in neighboring countries, particularly Uganda, that will strengthen peace and disarmament initiatives that cannot successfully be implemented by one country without simultaneous measures in the other
- Linkages with regional institutions, the East African Community and IGAD
- Strengthening interaction with international bodies such as the Commonwealth Parliamentary Association, and expanding existing USAID programs to include a specific pastoralist focus, bearing in mind the local interest in the development experience in livestock-producing regions of other developing and developed countries.

PERSONS CONSULTED IN THE COURSE OF THE STUDY

Parliament

Dr. Godana Bonaya (KANU), MP for North Horr.

Hon. William ole Ntimama (NARC), (former KANU cabinet minister), MP for Narok North.

Hon. Esther Keino (KANU), nominated KANU MP

Francis ole Kaparo, Speaker of the National Assembly

Ken Wandera Obocho, Serjeant-at-arms, National Assembly.

Active PPG members

Hon. Nkaisery, Major General (retired) (KANU) – acting Chair of KPPG.

Hon. Pogishio (KANU)

Hon. David Ekwe Ethuro (NARC / LDP)

Hon. Lesirima (KANU) A Samburu who was in the civil service for many years and is a former permanent secretary.

Hon. Abdirahman Hassan (KANU), MP for Wajir South.

Hon. Kamama (FORD-People), MP for Baringo East.

Hon. Mahmoud (KANU), MP for Wajir East.

Civil Society and the media

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Academia

Professor Peter Wanyande – Nairobi University

Professor Ouma Muga – formerly of Makere University and Moi University.

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