

The Challenges of Improving health, sanitation, and environment in minority and indigenous peoples' areas

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Case Study Paper For

A rights based approach to the MDGs: Including Minority and indigenous communities

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1. SECTION III: MDGs- The Processes and Challenges on the Ground

Introduction

The quest for sustainable development has become the overriding priority of the international development agenda. The millennium Declaration provided the framework for the international community's commitment expressed in the Millennium Development Goals (MDGs). It is incumbent upon every country to ensure that these goals are achieved by meeting the set targets by the set deadlines. However, while the MDGs demonstrate a clear agenda for sustainable human development, there have been concerns in relation to the lack of guidelines for their achievement. In development, the process is at least as important as the goals, and can make the difference between successful or harmful outcomes. For minorities and indigenous peoples participatory processes are essential if their needs and rights¹ are to be fulfilled.

Participation in development has four key elements: obligations, rights, representation, and alternatives. However, MDGs' lack of a requirement of disaggregated data, and lack of a commitment to reduce inequality can allow poor minorities and indigenous communities to be left out or left behind in processes designed to meet the Goals.

The MDGs are global commitments that aim to:

1. Eradicate extreme poverty and hunger.
2. Achieve Universal Primary Education.
3. Promote gender equality and empower women.
4. Reduce child mortality.
5. Improve maternal health.
6. Combat HIV/AIDS, malaria and other diseases.
7. Ensure environmental sustainability.
8. Develop a global partnership for development.

¹ MDGs are essential human rights

In Kenya, indigenous Peoples are never consulted on important developmental issues, save for political purposes². The Kenyan government, in its efforts to reach the MDG targets, must ensure the participation of minorities and indigenous peoples in the development of programmes³ that aim to achieve them. The lack of disaggregated data, which would highlight the discrepancies between the minority and dominant communities, however, has proved a major obstacle to identifying and therefore meeting the specific needs of minorities and indigenous peoples. Thus mainstream development processes have largely excluded these groups of people which has resulted in the aggravation of their poverty and consequently, poor health, low education enrollment rates and gender inequality amongst other indicators.

Selected Kenyan Case Studies

1. Health and Sanitation- The case of Olkaria Maasai

Health and sanitation are often worse in regions where minorities and indigenous peoples live. In health care facilities, these groups may face discrimination. There is also often a lack of medical professionals able to communicate in their languages or to understand their culture, thus inhibiting the delivery of good medical care, where such communities are accessible to these government run facilities. The Kenyan health and sanitation situation is such that indicators are that incidences of poor health and sanitation are particularly high in areas occupied by indigenous peoples and minorities.⁴

The Olkaria Maasai are a section of Kenya's Maasai nomadic pastoralists. Numbering about 20,000 today, this community lost their land ownership rights to colonialists in 1906. Today they live on land fully controlled by the Kenya Wildlife Service (KWS) who have in turn 'ceded' part of the land to, among others the Kenya Electricity Generating Company (KenGen). The principal activities which take place on the land inhabited by the Olkaria Maasai are the commercial exploitation of the Hells Gate National Park run by the KWS as a tourist attraction, and the Geothermal Power Production site run by KenGen.

² Kibaki speech at National Constitutional Conference, which conference debated the Draft Constitution produced by the Constitution of Kenya Review Commission, called on protection of rights of minorities

³ See Corinne Lennox, *Minority and Indigenous Peoples' Rights in the Millennium Development Goals*; a Minority Rights Group briefing, MRG, London (2003)

⁴ According to The little fact book- the Socio economic and political profiles of Kenya's districts, published by the Institute of Economic Affairs(Kenya) in 2002, which indicates that Nyanza, Western, Coast and Rift Valley provinces record the worst indicators for issues related to health and sanitation. These are the provinces that are predominantly occupied by minorities and indigenous peoples.

The extractive activities of the geothermal power plants operating in the Park have been injurious to the community's health, resulted in the deaths of livestock, increased gastronomic and skin diseases among humans and has resulted in premature delivery by women and animals. There has been a steady rise in respiratory diseases (asthma), eye problems, colds and flu, as well as increase in miscarriages or children being born with physical or mental disabilities. Moreover, the community cannot access the health facilities owned by KenGen and located in the Park, as these are for the exclusive use of company employees. As the community is located within the grounds of the National Park which has set opening and closing times, their movements are restricted by the Park regulations and hence they cannot enter and leave freely while equally vehicles from outside cannot enter when the Park gates are shut. This has meant that sick members of the community cannot access health facilities open to the general public located outside of the national park during times when the park gates are closed. The consequences have even been deaths, particularly for women in labour needing medical attention. This situation has come about due to the lack of involvement of community in an assessment of their needs prior to the commercial development of the land they live on. In fact, according to the development actors operating in the area, the community does not exist. To combat this harmful marginalization the community is currently seeking access to health facilities that are within their reach and improved environmental conditions especially within the context of better disposal of toxic waste produced by the activities of the power company.

In 2002, community members approached the Nairobi-based Centre for Minority Rights Development (CEMIRIDE) for support. Together members of the community and CEMIRIDE have advocated for the rights of the Olkaria Maasai, including their right to health.

A multipronged advocacy strategy was undertaken which included public demonstrations against KenGen and the government, the filing of a court case, and national media campaigns. In order to raise awareness of decision-makers and legislators, moving oral presentations were also made to the National Constitutional Conference (NCC) delegates, who deliberated on the draft constitution, when a section of the delegates visited the area. This influenced the final deliberations of the NCC relating to the rights of marginalized communities, in particular the right to health, among others.

There have been other positive developments. First, there has been considerable and sustained media attention on the Olkaria case. While the government has not yet taken any concrete action, various ministries are demonstrating a willingness to discuss the issues and to consider ways of addressing the harm being done. The most noticeable impact on the women has been the readiness of several

women's organizations to work with Olkaria community to raise their issues. This was the specific outcome of the visit by the women delegates to NCC, amongst whom were women working with various organizations who focus on women's rights. The members of the community are a lot more united in seeking to address the violation of their rights. However, the community still needs a lot of support to be able to make significant progress.

2. Environmental Versus Development- The case of Turkana community.

The 1992 UN Conference of Environment and Development identified indigenous peoples as one of the major stakeholders in Agenda 21. Yet indigenous' peoples rights regarding the environment and natural resources have frequently been overridden by governments, transnational corporations or multilateral agencies.

Strategies for pro poor economic growth that rely on natural resource exploitation often have an adverse impact on minority or indigenous communities. They may contribute to their further impoverishment or cause displacement to urban slums, thus lowering the chances of achieving the MDGs on housing and safe water.

Without the full participation of indigenous peoples, sustainable development through national strategies cannot be achieved. Their stake in the preservation of the environment and use of natural resources is much higher than others' because they often have strong cultural links to the land and a close relationship to their natural environment, and thus measures to protect the environment which exclude the human inhabitants renders their very existence under threat. For example, when designating areas of forest as protected, due attention should be paid to indigenous rights to certain lands and /or the use of those lands. Forced displacement must not be used as a means of improving access to social services in the name of achieving the MDGs for these groups.⁵

The Turkana of Northern Kenya is a case of particular concern. In 1989, Turkana District had a population of 184,058 with an annual growth rate of 2.5 per cent. The population was therefore projected to 247,540 in 2001. The male/female ratio was 92:100 as per 1989 census.⁶ The distribution

⁵ See Corinne Lennox, *Minority and Indigenous Peoples' Rights in the Millennium Development Goals*, a Minority Rights Group briefing. MRG, London (2003)

⁶ GOK, *Turkana District Development Plan, 1999*, p.11

and settlement pattern cannot be easily determined because of the semi-nomadic nature of life. The area in which they were located has very poor infrastructural development.

Of concern, however, is that the area occupied by the community has in the past two decades experienced environmental degradation that has affected the nomadic pastoralist livelihood of the community. This has led to persistent droughts and famine in the area rendering the members of this community dependent on food aid. In the event that such donations are not forthcoming or arrive late, then deaths of both animals and human beings are the result.

There are various reasons that have been attributed to the situation. First, there was the construction of the Turkwell Hydro Electric Power generation station. The Kenyan government did this construction forcefully, and, allegedly, corruptly. The community was neither consulted nor was an environmental assessment test undertaken. What resulted were displacements as well as subsequent environmental degradation, as the activities of this project have greatly undermined the water table of the area. On the other hand, the settlement of refugees who were allocated land in the area by the government has been controversial. The displacement of the Turkana and increased demand for fuel and water, has resulted in greater stress on the fragile ecosystem, the forests around the area have been depleted, while the water tables have receded.

At the same time development actors, including the government as well as the donor community, have proceeded to implement afforestation and conservation programmes without the input of members of the community. This according to a District Forest Officer, who is a member of the community, threatens the survival of the Turkana Ecosystem, and spells doom for future biodiversity of the area, since the programmes undertaken use exotic plants. The donors managing the Refugee Camp, have especially been severally accused of ignoring the plight of the future of the area by insisting on exotic plants. In contrast, the Turkana district forest office which is spearheading the district government programme, and amongst whose senior employees are members of the Turkana pastoralist community, is trying instead to regenerate indigenous species of the plantations and have involved the members of the community effectively. This is generally because the members of the team are conscious of the needs of the community, being its members. However there remains a lack of coordination in the government effort to ensure proper participation of indigenous communities in environmental conservation.

Recently, the government formed the National Environmental Management Authority through legislation. While indications in the near past have been that the Authority is seeking to ensure conservation, there is no concrete plan of action to ensure the effective participation of indigenous communities, especially within the context of preserving what is left of the biodiversity in indigenous peoples' areas. The Authority has launched conservation campaigns, which, however, are based on the 'know it all' attitude of 'experts'. Although this may not be intentional, it means that more effort needs to be made especially by the donor community to assist in awareness creation on participation of minorities and indigenous peoples as a sure way to meeting the millennium development goals, through constant pressure on the government as well as support of civil society advocacy campaigns.

Conclusion

From the foregoing, it is imperative that a comprehensive mechanism be developed to ensure that Kenyans, and especially minority and indigenous peoples, are part of development initiatives and hence active participants in the efforts towards meeting the MDGs.

The Kenyan government has launched the MDG planning process in order to integrate the MDGs into the planning and implementation process in Kenya, through continuous restructuring of domestic expenditures to address MDG related activities. The stated intention of the government is to link and mainstream the MDGs into the national policy formulation, budgeting, and monitoring processes. Unfortunately this has been done without mainstreaming⁷ minority and indigenous peoples' rights throughout the process. A high level meeting took place in Nairobi, 13-14 March 2004⁸, after which a joint communique by civil society, development actors and the government was issued, mandating the Kenyan government to establish the planning process. The process was launched after a high-level national stakeholder's workshop that was held in Nairobi on 13-14 May 2004⁹. There is no evidence that the process involved the poor and it should ideally have started from the bottom, rather than being implemented from the top down, as the participation of the poorest, including minorities and indigenous peoples, will be vital in order to ensure its success.

⁷ Visit <http://www.planning.go.ke/mdg.html>

⁸ <http://www.planning.go.ke/mdg.html>

⁹ Ibid

Recommendations

1. There is need for sustained advocacy on the governments by donors like the EU to ensure a more effective bottom up approach that will ensure that minorities and indigenous peoples are involved in governance processes.
2. There is need for government officers in charge of MDGs process to be trained on how to effectively mainstream minority and indigenous peoples rights in the process.