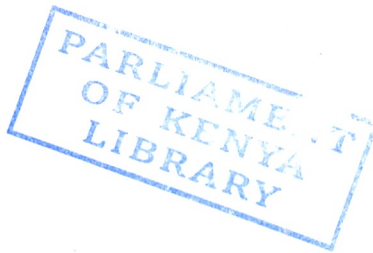


**REVIEW OF BOUNDARIES, WARDS
AND POLLING STATIONS IN WAJIR
SOUTH CONSTITUENCY**



BY

**HON. ABDIRAHMAN ALI HASSAN, MEMBER
OF PARLIAMENT, WAJIR SOUTH,**

**A Memorandum submitted to the
Chairman, Interim Independent
Boundary Review Commission
(IIBRC)**

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OVERVIEW OF THE LARGER WAJIR DISTRICT

The history of the larger Wajir District is as old as the history of Kenya, both written and oral evidence reveal that the early occupants of the District were the Oroma speaking people and the Samburu communities near Habaswein. These were periods of migration and they were displaced by Ogaden, Ajuran and the Degodia Communities as they arrived at different times and their population simultaneously increased.

Overtime as the numbers of new migrants increased resource scarcity such as water and pastures created tension between the communities. The Colonial Government then intervened and these paved the way for creation of three tribal grazing areas namely: Wajir South, Wajir West and Wajir East. For example, according to the Special Districts (Administration) Ordinance circular letter of 1952, the then Colonial Provincial Commissioner R.G. Tunrbull outlined the Boundaries of Wajir South as follows:-

“Commencing at the point where the Lag Kutulo crosses the Kenya/Somali Border; thence Northwesterly up the Lag Kutulo to the point where it's crossed by the El-Wak – Wajir Road, thence Southwesterly by that Road to the Wajir Cross-roads; Thence Southwesterly by the Wajir-Habaswein Road to the point where it crosses the Lag Bor; thence Northwesterly up to Lag-Bor to the point where it is crossed by the Wajir-Merti Road; Thence Southwesterly by that Road to the Hadado Cross-Roads; Thence Southwesterly by the Hadado-Habaswein Road to the Habaswein Bridge; Thence downstream by the Ewaso–Ngiro until it enters the Lorian Swamp; Thence by the Central line of the Lorian Swamp to the point where the Lag Dera leaves the Swamp:

Thence Southeasterly by the Lag Dera to the point where it crosses Kenya-Somalia Border: Thence Northwards to the point of commencement (Provincial Commissioner (P.C.R.G. Turnbull 1952).”

The Boundary between the Aulihan clan of the neighbouring Garissa District and that of the larger Wajir is the existing District Administrative boundaries and there should be no dispute over same. In recent times we have experienced unnecessary encroachment which should be tacked by the Provincial Administration but to be reaffirmed by the Commission This means that Wajir South tribal grazing land is about 27,000km². Unlike the current purported size of 22,850km²

The order also created common grazing area for each neighbouring communities. For example, the common grazing areas between the Wajir communities then were described as indicated below:-

Wajir South and Wajir East border:

All the land to the southern side of Bardera road was reserved for Wajir South (Ogaden) The land between Bardera and Qajaja road via Dasheg to Khorof Harar was a common grazing land between the intersection for both Ogaden and Degodia. All the land to the north of Gajaja road formed the grazing land for the Dagodia community.

Wajir South and Wajir West border:

All land to the east Wajir-Isiolo main road formed the grazing zone for Wajir South (Ogaden). The land from Gel Wade road via Arodima in the south through barwaqo in Wajir Central formed common grazing land for both Ogaden and Adjuran. All the land to the west of the Gel Wade road formed the grazing land for the Adjuran.

They were periods of drought and stress and a community could send an emissary to a neighbouring community to be allowed to graze for a fixed period of time until the situation improves. Such agreements could be finalized through an official letter by the colonial government. For example, in 1946, the Wajir East community experienced drought and after consultation with the other two tribes, the Colonial Provincial Commissioner (PC) held a

Public Baraza and a subsequently issued a circular that allowed Wajir East Community to graze part of Wajir South and Wajir West.

They were times one community trespassed into another tribal grazing area without following the due process and the Colonial Government intervened.

As much as the creation of tribal grazing land and its enforcement, may be viewed as Colonial legacy undertone, the overall objective was to induce as sense of belonging to the communities on the land they settle and implicitly manage and conserve the fragile dry ecosystem in a sustainable manner. It also created a platform where communities resolved disputes, created Law and order and thus minimized open tribal conflicts and hostilities. We cannot overturn and push this important legacy that served us well in the early days and instead cause biological and physical degradation of the environment that we are experiencing as a country.

Mr. Chairman, in 1969 a partisan and an infamous Political and administrative boundary review was undertaken without the involvement of Wajir South people. This review created conflict and alienation between the early tribal grazing land, Political and administrative boundaries. For example, areas such Hodhan and Wajir Bor which were part of Wajir South land but were annexed to Wajir East. This move not only politically disfranchised the residents but also led to loss of their fundamental rights to development including employment opportunities for the youth and access to services, there is a clear demonstration that this two areas today neither benefits from Wajir South nor Wajir East devolved funds and other Government development interventions.

A fact that can be easily articulated and witnessed by anyone, I urge the Commission to provide time to visit these two locations as it takes less than an hour to visit Wajir Bor and only ten minutes to drive to Hodhan. This disparity in opportunities and encroachment into Wajir South coupled with environmental destruction

culminates severally into conflicts. It is therefore important that the commission seriously internalizes what is at stake, understands the history, the mismatch between the various types of boundaries and specifically the wrongs of the past and do justice to all.

Subsequent reviews of the 1969, 1988 and 1996 have not only further aggravated the situation but has resulted to an unending clan conflicts. This is because the reviews were undertaken without the involvement of stakeholders especially on our boundaries with Wajir West Constituency relating to Habaswein, Lag Boqol and Lehehey.

Mr. Chairman land is emotive issue; nations around the world fought because of land and in the process properties and lives were lost. The Britain and Argentines fought over the Falkhan Island and the tension still exists, Ethiopian and Eritrea fought over a piece of land along their area and the dispute is unresolved, tension is high between Southern Sudan and the North over the Abbeyey region and tension is also high between Kenya and Uganda over a rocky one acre Migingo Island, in Lake Victoria.

For Wajir South community, the traditional grazing area means everything including their future.

Mr. Chairman, we view land as part of our history, value, pride, integrity and livelihood as inherited from our forefathers. Every name of a place such as Habaswein, Sarif, Kalalut, Hajirow, Wajir Bor, Bera Alinasir, Bera Rer Bahar, Eyrib ka Abdi Ogle, Kursi, Suphanalah, Eel-gaal, Guba kibir etc have a historical and cultural significance. The same status exists in many parts of the country. It is therefore imperative that we do respect these rights and reverse the wrong delineation of boundaries in Wajir Bor, Hodhan and Habaswein.

Mr. Chairman, it's in line with the above argument, that we only recognize the boundaries created in 1934 under the Special District

Tribal Grazing land as outlined by the colonial P.C Turnbull in 1952. These boundaries then were created through consensus and it promoted social harmony and peaceful co-existence. The recognition of these boundaries is in line with African Union (AU) Charter that recognizes countries pre-independence boundaries. The idea was to discourage inter-state conflict over boundaries and the same must be pursued to minimize inter-clan wars which are a threat to the peace and stability of the country.

It is therefore the humble request of Wajir south people that the community, political and administrative boundaries be harmonized to enhance natural resources conservation and management and minimize inter clan conflicts . Under the Environmental Management Co-ordination Act of 1999(EMCA), each citizen has the *loci standi* to protect the environment more so, when we the pastoralist are experiencing the vagaries of climate change perpetuated by human activities such as overgrazing and unregulated cutting vegetation. It is our sincere believe that the Commission will resolve this injustice and not **one** that **upscales** the same.

Mr. Chairman, another boundary review was done in 1996 that gave rise to the creation of Wajir North Constituency curved from Wajir West. Despite Wajir South being largest Constituency it was not considered. Wajir South as indicated earlier on in my statement covers 22,850km² , is the third largest constituency in the republic and the largest in the province. It is our understanding that we merit to be considered for a split of constituency to enable us achieve a fair representation to meet our development targets, employment and wealth creation.

PROFILE OF WAJIR SOUTH CONSTITUTEUNCY/DISTRICT

Wajir South Constituency is composed of six (6) divisions namely:- Habaswein ,Wajir Bor South, Diif, Sabule, Kulaaley and Benane giving a total area of 22,850km². The District has twenty five (25) Locations and thirty eight (38) sub locations. A good number of new locations and sub-locations is due to be gazette soon.

The Constituency was upgraded to a District status in 2007 the first in the North Eastern Province after Ijara District and the greater Districts of Wajir, Garissa and Mandera and is with one Constituency. It has a rapidly growing population of over 200,000 people, and has good unexploited natural resource potential.

EVOLUTION OF CONSTITUENCIES IN WAJIR DISTRICT

- 1958: The whole of the Northern Region was lumped together as one Constituency and was represented by one Legislator (Mr. Ali Adan Lor, Government of Kenya (GOK) Map, 1959.)
- 1962: Two (2) seats were created for Wajir District; Wajir North (Constituency Number 23) that included present Wajir North, West and East and Wajir South (Constituency Number 22) that started from Wajir Town (Hodhan included) GOK. Government of Kenya (GOK) Map, 1962)
- 1963 : There was national election and residents of Frontier Districts refused to participate in it. At the time, the huge Wajir North was split into two (2) – Wajir East (Constituency number 32.) and Wajir West (Constiteuncy Number 31. And the Districts number of seats increased to three (3) i.e including Wajir South (Government of Kenya Map, 1963.)

- 1967: There was change of legislature and two houses (lower and upper merged to form the National Assembly.
- 1969: After Election, the Constituency Boundaries were reviewed but the number of seats in the District remained the same. It was during this time that Wajir Town was divided between Wajir East (all the areas of Wajir -Mandera Road including Hodhan and part of the Town) and Wajir West (all areas West of Wajir- Mandera Road including Barwaqo and Jogoo Locations.
- 1988: Constituency and Administrative Boundaries were reviewed and the Central Division was limited to 4 kilometers radius (4km)in all other Constituencies except in Wajir South where it was extended to 60 kilometers. This resulted in forcing residents voters from Wajir south to continue trekking kilometers to the closet polling station in the South to seek representation.
- 1996: There was review of the Constituency Boundaries and Wajir North was created subsequently.
- 2001: There was a review of Wards countrywide, which resulted in drastic reduction of the numbers of Wards in Wajir South. Large locations with high population were lumped together such as Diif and Dadajbulla, Sarif and Biyamathow Dilmanyale and Abakore among others.
- 2005: Electoral Commission of Kenya announces its plan to review Constituency Boundaries, Wards and Polling Stations (mandatory after every ten years.) A number of Wards were split including Diif/ Abakore/Dilmanyal and Ndege/Kibilai

JUSTIFICATION FOR ADDITIONAL CONSTITUENCY, DISTRICTS AND WARDS

The following parameters were considered to justify creation of additional constituencies, districts and council wards;

a) Comparative analysis

A comparative analysis of Wajir South in relation to the other constituencies in the larger district was undertaken to justify the creation of additional constituencies, districts and council wards.

i) Land size

The approximate land size of Wajir South is 22,850km² making 3.92% of Kenya land mass and 40.44% of the greater Wajir District. This makes the Constituency/ District the largest in North Eastern

The tables (1 and 2) below is a comparative analysis of the Wajir South district to the other districts in the greater Wajir.

Table 1: Land size, number of councillor and distance covered

DESCRIPTION	WAJIR SOUTH	WAJIR EAST	WAJIR WEST	WAJIR NORTH	Averages
Land Size (Km2)	22,850	12,980	12,799	9,493	
Present Councillor/Wards	12	12	15	9	
Kilometers covered/councillor	1,904	1,081	853	1,054	
Additional Councillor/Ward Wajir south		9(21)	15(27)	10(22)	23
Distance covered	1,088				

Table 2: Land size ratio and civic representation

Variable (size km)	Wajir East	Wajir North	Wajir West	Averages
Size (22,850)	2.0	2.8	2.1	2.3
Civic Representation	1.8	2.4	1.8	2

From the analysis (table 1 and 2), on average Wajir South is twice the size of Wajir East and Wajir North combined or Wajir West and Wajir North. It is evident from the above analysis that, to enhance administration, development and equal job opportunity, Wajir South must be split into two-three (2-3) Constituencies or Districts in order to have the same representation (Member of Parliament and Councilors) as the other districts. (See annex list for the proposed Districts and Constituencies).

In the analysis (tables 1 and 2) the land size of Wajir South, number of councilors or wards and distance covered by councilors were compared to that of Wajir East, Wajir West and Wajir North. Wajir South will require an additional eleven (11) Councilors/Wards to cover the equal distance that of Wajir East thus bringing the total number of councilors for Wajir South to 21. Compared to Wajir West, Wajir South will require fifteen (15) councilors more to bring the total to 27 councilors. Compared to Wajir North, Wajir South will require ten (10) additional councilors; bring the total to 22 councilors. Likewise if the numbers of divisions are compared, Wajir South will require a minimum of 5 other Divisions.

Mr. Chairman from this comparative analysis, Wajir South is under represented both at the parliamentary, local authority and Administrative Units. For Wajir South to get the same Parliamentary and Civic representation as that of Wajir East, west and North (considering land size) we shall require three (3) Parliamentary seats and 23 wards to be at par with the other Districts or Constituencies in the larger Wajir. A study conducted by the Society for International Development (SID) (DN, 2004) titled "Pulling Part: Facts and figures on inequality in Kenya" indicate that regions with more Parliamentary seats are better developed than those with fewer seats. This is because areas with more representation get more resource allocation.

Although Wajir South is 2-3 times larger than the other three Districts and almost the size of the greater (Mandera District) we get the same allocation of Constituency Development Fund (CDF) . This means that, in the long run the other three Districts will be more developed than Wajir South.

ii) Local authority representation and service delivery

Analysis of land size and local authority representation(table 2) of Wajir South compared to the constituencies in the larger Wajir reveal that on average Wajir, South requires eleven(11) more council wards to serve an area of 1,080 km² as the other councilors in the larger Wajir.

CHALLENGES FACING THE CONSTITUENCY/DISTRICT

The following challenges facing the District justify additional Constituencies, districts and wards for Wajir South:-

1.) *Security*

Wajir South shares a long border with unstable neighbouring Somalia and the community bears the brunt. The community has lost both property and life in the past. The only possible way to contain insecurity along the border is the creation of more Constituencies and Districts.

2.) *Natural Resources Degradation*

Since the establishment of refugees in the neighbouring Dagahaley and Ifo Camps, the Constituency has witnessed unparalleled environmental degradation; there is a serious destruction of vegetation by the refugees coupled by overgrazing. According to assessment by National Environment Management Authority (NEMA), 40% of fuel wood used by the refugees is illegally harvested from Wajir South(GOK, 2003) The community is disadvantaged since they are not getting direct or indirect compensation nor is there a rehabilitation programme for the affected areas.

Wajir South has diverse wildlife and large wildlife dispersal area and traditionally they are protected by the communities. Instability in Somalia and establishment of refugee camps paved the way for serious poaching activities in the area (GOK, 2009). The area is vast and enforcement of Kenya Wildlife Services is weak. This has put our wildlife heritage as a country and community at risk. The establishment of additional Constituencies and Districts will help control the menace.

The Northern part of the Constituency/ District is endowed with high-valued gum Arabica, resin and Aloe. This natural forest product is illegally harvested by people from across the border and

export to international market. This is a big loss to the country and the community as it involves loss of millions of dollar in revenue generation and employment. To compound the issue the product is harvested in a crude manner, inflicting serious damage to the tree species. If these trends continue, high-valued tree species will become extinct because of poor method of harvesting. Creation of more Constituencies and Districts will help reverse the trend.

3.) Infrastructure

Wajir South is strategically placed in terms of communication and the resources allocated for infrastructure development is extremely small compared to the vastness of the District. The most affected is the Northern part that neighbours Somalia. Creation of additional Constituencies/Districts will improve the Infrastructure and secure the area for development. Exclusively the road network in the District is very poor and during the rainy seasons these roads are rendered impassible.

4) Political disfranchisement and unemployment

People from Hodhan and Wajir Bor are disfranchised and no access to employment opportunities and overall development programmes. To create opportunities for this people it is imperative that we create additional Districts and Constituencies

5) Rapidly expanding population

Projected population of Wajir South for the population is slightly over 200,000 people and to serve effectively such rapidly expanding population, two more Constituencies and Districts.

WAY FORWARD

1. Harmonize traditional grazing land with political and administrative boundaries to reverse the of past injustice Wajir South people to have equal representation as in the other constituencies
2. Creation of two(2) more constituencies and districts(Ref. Annex 1)
3. Creation of five (5)more divisions and fourteen(14) wards(Ref. Annex 1)

It is our earnest hope and endeavour that the Interim Independent Boundary Review Commission will do justice.

Finally we request the Commission to physically visit if possible the areas of difficulty and ascertain for themselves the actual status as elaborately given in the memorandum.

Thank you

ANNEX 1

DISTRICTS AND CONSTITUENCIES

- 1.) *Habaswein (to be renamed)*
- 2.) *Wajir South (Leheley Headquarters)*
- 3.) *Benane (Sabule Headquarters)*

DIVISIONS

- 1.) *Dadajabulla*
- 2.) *Abakore*
- 3.) *Sarif*
- 4.) *Burder*

WARDS

- 1) *Lelehey*
- 2) *Shaleley*
- 3) *Wajir Bor- South*
- 4) *Gerilley*
- 5) *Hambalash*
- 6) *Argani*
- 7) *Salel Maa*
- 8) *Sarif*
- 9) *Dagahley*
- 10) *Meri*
- 11) *Kursi*
- 12) *Macheza*
- 13) *Tesorie*
- 14) *Habaswein Township*

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