1. Introduction
The unanimous adoption of the United Nations Guiding Principles on Business and Human Rights (Guiding Principles) by the UN Human Rights Council in 2011 laid the foundation for subsequent efforts by the UN to encourage member States to develop national action plans on business and human rights in order to implement the Guiding Principles at the national level. During the 2015 Universal Periodic Review, the Government of Kenya accepted recommendation to develop a national action plan on business and human rights (NAP) triggering multi-stakeholder initiatives led by the Department of Justice to commence a process towards a NAP on business and human rights. Towards this end, the Kenya National Commission on Human Rights in partnership with the Office of the Attorney General in conjunction with the National Steering committee on Business and human rights convened the Stakeholders Consultation Forum on the Development of a NAP with a view to bring together key stakeholders including national government ministries and agencies, civil society organisations, labour unions and private sector agencies.

The consultation forum in Nakuru County was held on 12th - 14th April 2017 at Nakuru Red Cross Hall. This report is a documentation of the forum deliberations.

2. Introduction to UN Guiding Principles
In 2011, the forty-seven-member United Nations Human Rights Council unanimously endorsed the United Nations Guiding Principles on Business and Human Rights (UNGPs). The UNGPs are a set of 31 principles that operationalize the ‘Protect, Respect and Remedy’ framework whose fundamentals are that: States have the obligation to protect, respect, and fulfil human rights and fundamental freedoms including protecting against human rights abuses by third parties including business; businesses should respect human rights wherever they operate; and victims of human rights violations by business have a right to access appropriate and effective remedies.

3. Issues covered

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<tr>
<th>ACCESS TO LAND</th>
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<tr>
<td><strong>Issues raised</strong></td>
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<tr>
<td>1. In Olkaria area (Naivasha Sub-County), Maasai community was displaced by geothermal development company which is a state organ and the affected were never compensated.</td>
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<td>2. Isakia community were displaced by the Maasai from the land they were allocated by the British government due to their service as soldiers in the 2nd world war. Now they live as squatters and cannot access Lake Naivasha where they used to feed their cattle.</td>
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<td>3. Moi-Ndabi in Naivasha who were allocated land by the KANU regime, were promised 5 acres of land which was an ADC land. The trustees mandated to execute this process were corrupt so they were allocated two and a half acres instead.</td>
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<td>4. Itare dam in Kuresoi North sub county; in this area there were people allocated land by KANU regime in Mau forest. After occupying the land for over a decade, the government evicted them when they wanted to implement the Itare dam project. The government never compensated them. About 850 families got affected.</td>
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| **Proposed recommendations** |
| A search should be thoroughly done before buying any land |
| When one is buying land, an authorized broker should be used |
| We should actualize the LR number of the land |
• We should adhere to the law and know whether the land is a community, state or private land
• The land commission should sensitize the citizens on the right procedure to follow when acquiring land.
• CCTV cameras to be installed in offices
• There should be a service charter
• Land records should be digitalized in order to curb loss of information

**Targeted actors to implement recommendations**

• The land commission should sensitize people on land transfer procedures and on proper land documentation
• Land cooperative companies should protect the interests of citizens when buying land by making sure all records are in order
• Land tribunals should be able to solve land disputes without favourism
• The ministry of land should make it easy on all matters dealing with land

**LABOUR RIGHTS**

**Issues raised**

1. **Working conditions**
   • Poor working machinery e.g. manual labor
   • No medical cover
   • Exploitation of employees mostly in private companies
2. **Working hours**
   • Working hours in most private companies are Monday to Sunday
   • Most workers are over worked i.e. 16 hours a day
3. **Employment contract**
   • Most of the companies do not give employment contracts to their employees to avoid being liable to their workers
   • They also do not give contracts to avoid according them benefits like NHIF and NSSF
   • Capitalism is also one of the reasons employers do not give contracts
4. **Casual workers and their rights**
   • Most private companies employ their casual workers only for 3 months and there after terminate their contracts in order to avoid having to employ them after 6 months
   • There are no medical covers
   • Most of the casual workers do not know their rights
   • There are no promotions
   • They are not registered in unions

**Recommendations**

• The working conditions in various companies and agencies should be looked into and discussed by parliament and should be made an act of parliament under labor laws. Putting into consideration the employees’ welfare in work places.
• Project management research should be done in various working areas/companies departments so as to come up with a suitable working hour's rate for each individual.
• Workers should be employed either permanently or under a contract, casual labor should be abolished so as to protect and bind the rights of workers in a written document recognized by the law.
• The departments tasked with these are;
  - Social welfare department in the counties
  - Ministry of labor to oversee implementation of the laws
• Workers should be provided with safety gears so as to minimize accidents and to have a good working relationship between workers and their employers. The departments to oversee this are the safety and occupational department in the factories and the labor ministry
• There should be a redress mechanism in all organizations and they should not be biased
• Employees should be allowed to join trade unions and Sacco’s so as to be empowered socially and economically. The ministry of labor should push for employees in the private sector to join trade unions.
• The general public feels that there aren’t any measures put in place to combat corruption so it was recommended that the chief officer in the county to lead by example to make sure that issues of corruption are addressed. EACC should come in.

**Targeted actors to implement recommendations**

1. Ministry of labor
2. EACC

**Transparency, Revenue And Accountability**

**Issues raised:**

• Double taxation for example in the transport sector
• There is no monitoring in the license and taxation department that looks into what has been collected in a certain period of time
• There are no clear guidelines when it comes to placement of licenses
• There are excessive penalties in case of default in paying for license
• License and permits are very costly in the county
• Issuance of business permits for businesses in the wrong areas e.g. a bar near a school
• Con artists posing as county employees and they end up conning people
• There is no value for money

**Recommendations**

• Have a tribunal that looks into penalties set by the county government
• Create public awareness on county processes
• Digitalization of license payment that cuts across the whole county to avoid double payment
• Independent checks and balances
• Identify independent inspectorate body to be introduced to follow up
• Members of county assembly to enact legislations on license
- Verification mechanisms of officers charged with inspection to avoid scrupulous advantage opportunities
- Licenses given should be over time scrutinized and verified after some periods
- Form an accountability committee to ensure value for money in the county

**Targeted actors to implement recommendations**

**Environmental protection**

**Issues raised**

- Sand harvesting in Nakuru West and Gilgil. This has caused silting of Lake Nakuru, sinking land, destroyed government land, creating faults, high school dropout and absenteeism due to child labor, land degradation, drug and substance abuse, early marriages, increase in organized gangs.
- Poor drainage system in the CBD
- Emissions form Nakuru tanners causes pollution in its surroundings
- Nakuru sewage plant in mwariki estate causes the iron sheets to rust
- Menengai soap factory causes soil pollution and noise pollution. The chemical discharge also causes contamination of rain water
- The impacts caused are Health hazards, Air pollution, Rain water pollution, Contamination of pipe water in case of a pipe bursts and High power radiation

**Recommendations**

- Enforcement of legislation
- Zoning of industries and dumping sites, garages and night clubs from residential areas
- Construction of recycling plant
- Ban usage of plastic bags
- Proper mechanisms on waste disposal
- Revoke license on night clubs within residential areas
- Develop a reporting platform
- Awareness creation by NEMA
- Use of Information technology
- Centralization of services
- Access to information
- Public participation in governance
- Installed corruption free zone signs

**Targeted actors to implement recommendations**

- NEMA
- Kenya Wildlife Service
- Ministry of Environment
- KWTA
- NAWASCO
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<td><strong>Challenges</strong></td>
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<tr>
<td>• They are bureaucratic</td>
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<td>• Time consuming</td>
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<td>• High chances of discrimination</td>
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<tr>
<td>• May result in threats</td>
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<td>• Systems might be misunderstood</td>
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<tr>
<td><strong>County Government System</strong></td>
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<tr>
<td>• Village elders (councils)</td>
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<td>• Church elders / community leaders</td>
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<td>• Peace committees</td>
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<td>• Political leaders</td>
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<tr>
<td><strong>Challenges</strong></td>
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<tr>
<td>- The systems run parallel</td>
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<td>- Roles and responsibilities are misunderstood</td>
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<tr>
<td>- Lack of capacity to handle complains</td>
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<td>- They are mostly out of touch with the issues raised and are easily compromised</td>
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<td>- Trustworthiness is an issue</td>
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<td>- Capacity in ADR missing</td>
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<td>- Reluctance in addressing</td>
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<td>- Politicization</td>
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<td>- Monetary influence</td>
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<tr>
<td><strong>1. How accessible are the courts in your county? Do they address all cases?</strong></td>
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<tr>
<td>- Handle case by case</td>
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<td>- Backlog of cases is high</td>
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<tr>
<td>- Lack of understanding of the judicial process</td>
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<td>- Lack of capacity in specialized judicial officer</td>
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