

HIGH COURT JUDGE MR. ONESMUS NDUMBUTHI MAKAU, LL.B, LL.M
Report #K05

SURVEY

Judge Onesmus Makau was one of the top 8 non-clergy leaders identified as having maximum impact, as measured by frequency listed. Furthermore, on other criteria, he was evaluated extremely highly (among the top three).

ABSTRACT

The Hon. Justice Makau was born into a peasant family. Being a first generation Christian, he did not receive much influence from his parents in relation to his present career. Rather, neighbors contributed significantly to his education and hence had a lasting influence on him. He studied law and has risen to the position of a High Court Judge in the Industrial Court of Kenya. His influence is in his profession and his passion. The State publicly acknowledged him as a contributor of free services in the education of the citizenry in legal matters. Notwithstanding, his greatest impact is in Community Development. Working with the Utooni Development Organization, which he co-founded with a Friend (now deceased), he had provided access to water and improved farming skills to three counties in Kenya. He has enabled many communities to move towards food security and sustainable development. He continues to serve as a High Court Judge and also as Director of the Utooni Development Organization. He has hardly published any material. He lived out of the country at one time. He is married to Jane, and they have four children.



Chairman of Dove Foundation, ex-member of Centre for Legal Aid,
Senior Partner O.N Makau and Mulei Advocates, Law Lecturer
Daystar University, Management University of Africa and
Kenya Institute of Management

BACKGROUND

Will lawyers go to heaven? Well, many people in Africa will answer that question with a resounding NO! It will, therefore, come as a surprise for anyone to discover that there are lawyers who are doing exemplary things in Society. Lawyers are human beings many of whom are compassionate towards the poor. Some have very “big hearts” and the desire to help people in very unfortunate situations. Knowing this reality, it would not come as a surprise when a

lawyer is named among the Christian leaders with significant impact in their community. Here is the story of a Christian lawyer who went against all odds from childhood to those inherent in his profession to create a noticeable impact in the community. Meet Kenyan High Court Judge, The Hon Justice Onesmus Ndumbuthi Makau

Childhood Home

Justice Makau was born at Nzui Ward in Makueni Country in South Eastern Kenya to a peasant family. His parents did not have any form of formal education, and the father was a Junior Staff Laborer with the government of Kenya. His father retired in 1993 with a gross salary of 2.500/=. Since the family was not formally educated, schooling was not a priority, so a neighbor of the family introduced Onesmus to school at the age of 7. Since schooling was not the priority, Onesmus frequently missed school in order to take care of the family cattle. He was in constant survival mode, which eventually molded him to be a hard and committed worker. He became the most trusted herd-boy. The struggles of life and a desire to find solace led Onesmus to Church where he gave his life to Christ and got baptized in 1983.

Countries of Residence

Barrister Onesmus had lived in and out of the United Kingdom during the period in which his wife was studying on a Ford Charitable Foundation Scholarship

Current Family

Onesmus is married to Jane Makau, also from a very humble family. Jane has earned her first degree from Nairobi University and a Masters degree in Social Development from a UK university. With Jane, Onesmus has three children---two boys and a girl all at school going age.

The Judge acknowledges the immense support he gets from his wife in the ministry. His wife helps in the farm and at the time of the interview, she did not have a formal employment; consequently, she gives free time services to the organizations.

Educational Background

The Judge started his education in Malooi Primary School and then proceeded to St. Paul in Embu for High School Education. After the university placement examination, the Judge was successful enough to enroll at the Nairobi University where he graduated with a degree in law. After that, he has empowered himself to be functional in the profession by completing several diploma and certificate courses related to the law profession.

Part of his education was supported by his father's merger pay and the other part was supported by Scholarship from KenAfric Foundation. He became aware of this foundation through a friend, and when he was accepted for sponsorship, the Foundation paid half of his school fees for four years.

Personal Testimony and Calling

The Judge considers himself as a first generation Christian in his family. His desire to give his life to Jesus Christ came from his general observation of the lives that Christians live. He says "I just looked around and discovered that those who are committed to God tended to have better lives." Thus, in Form 2 he decided to give his life to Christ. From that moment, he has preached

to his family members and when in Nairobi University, he joined an evangelistic team called Ukambani Evangelistic Team (UET) that was set to preach the gospel message to the entire Ukambani area.

The Judge had an obligation to give back to the community especially to people who share similar childhood experiences with him. He says “my education was sponsored by KenAfric Foundation, people who did not know me, and I even lost their contacts, and so I felt the need to give back to the community, especially to the less advantaged like me.”

Influences

Though the Judge did not explicitly identify his parents as having an influence on him, he admitted cultivating hard work and patience from his poor parents. He consistently referred to Mrs. Itume, the lady who for the first time took him to school as a major influence. In addition to Mrs. Itume, the barrister acknowledged the influence of Mzee Mathuva whom he describes as a grand-father figure. Mzee encouraged the Judge to take his studies seriously and “was just there” for him. Worth mentioning in the circle of people who had influenced him were the teachers of the Judge. He indicated that his teachers were very influential. He says “they were models in the way of dressing, speech, and responsibility. Things are no longer the same---today’s teachers are irresponsible and not good examples.”

CURRENT MINISTRY

Work/Ministry

The Judge has been involved in many transformative activities in diverse sectors. As a lawyer, he started a foundation to help people understand law and was engaged in other forms of civic education in the rural areas. He helped people in writing their cases. He used to sit in the Kituo Cha Sheria to help the vulnerable, like widows, and offered free services in land issues. In 2009/2010; he was honored for his free services to the people of Kenya.

True to his word of “giving back to community,” the barrister and his friend, Mukusya founded the Utooni Development Association (www.utoonidevelopment.org) an organization that addresses the perennial issues of poverty and water in Makueni and Masai land. Through this ministry, they have constructed several dams in partnership with Canadian Foundation and Excellent UK.

Mission/Vision

As a lawyer, Onesmus acknowledges that his work has changed his lifestyle. He did many things then that he cannot do now. His main vision continues to be alleviating poverty among his people by ensuring food security and access to good water supply. He now sees himself mainly as a champion of community development projects.

Organization

The Judge is involved in two main projects or organizations. He is the Chairperson of the DAM Foundation and the Director of Utooni Development Organization. The Utooni Development Organization (UDO), founded in 2002, works with self-help groups in the areas where they are present in building sand dams, constructing domestic water tanks, planting trees and digging

terraces. The organization currently supports 67 Self Help Groups each with an average membership of 37. Women make up 72% of the membership. Further, the organization has built about 231 sand dams and 48 sand dam extensions, has planted more than 600,000 trees, and dug about 1M meters of terrace. The rationale for this project is that “if people are able to obtain a year-round supply of water near their homes, and increase the amount of water available to them, they will increase their time to work on food production, and thus improve their food security.

The Dam Foundation in partnership with Africa Sand DAM Foundation works in areas with perennial severe drought and acute food security.

Impact/Success/Assessment

Through its development organizations, UDO, for example, has empowered farmers and their communities by offering training tailored to the needs of the community. This training has transformed farming practices in the areas with the appreciable harvest of food crops and animals. Through its training, the organization has promoted environmental preservation by tree planting. Through the DAM Foundation, many communities in Makueni now have access to safe drinking water and enhanced food security.

The Judge is a satisfied person when he mentions “those who used to walk for miles looking for water can now get it just near their homes, and that is a great achievement. They are also able to do farming of sukuma wiki and others.” When people work on their own gardens and farms, they are also given food to help them through the planting season so that they may not eat the seed meant for planting.

The impact of the Judge’s ministry through UDO is seen at the grassroots level. To date, there are about 30,000 direct beneficiaries of the projects embedded in families across Machakos, Makueni and Kajiado counties in Kenya.

Notwithstanding, the Judge mentions that he does all these things from behind the scenes. He is not very visible to the people because of the danger of people seeing him as a political figure.

Training/Leadership Development

The Judge commented on his leadership development strengths by referring to his mentoring skills. He made specific mention of two junior barristers whom he had mentored to the point that both were promoted to the levels of magistrates while he moved on to become a judge. He describes this as “people following my steps.” In his local Church, he comports himself to the point that many of the young people want to become lawyers like him. The Judge advises young people to develop the habit of sharing. “They should be compelled to give back to society” he adds.

Professional Relationships

The Judge from the time of training to be a lawyer belonged to many professional groups; notable is the Law Society of Kenya. This professional group brings people of the legal fraternity together to discuss issues relating to the judicial system of the nation. He says, without naming the groups to which he has both a professional and a faith relationship, that the groups are very

helpful in helping him maintain a balance in life. What he looks for in any relationship is the mutual desire of all parties to touch and transform the lives of people through services.

Partnerships/Links

The High Court Judge disclosed that he seeks to go into partnership with individuals who have the desire to transform lives through total engagement in the life of the people. In his two organizations, he has partnered with Canadian Foundation and the Excellent UK. The partnership is one of mutual respect and sharing of expertise and resources with the sole aim of alleviating poverty and providing means of access to water and food security. The partnership is not to the advantage of any one partner, but to the advantage of the beneficiaries.

SWOT: Strengths, Weaknesses, Opportunities and Threats

Like many, the Judge found it difficult to identify his strengths. His greatest strength however is “empathy.” Empathy makes him move and make use of all other opportunities that comes his way. He also cited his knowledge and position in the government to be strategic assets. Due to his position, the Judge says “I can command a hearing in the government and articulate issues and influence their happening.” Notwithstanding, the Judge also identifies his position in the political establishment as a weakness because he may be inclined to a particular position (perhaps political party) and that will bias his judicial thinking.

Apart from opportunities in the political milieu, the Judge also describes strength. He says “In my position, I find myself meeting big people who can greatly influence the success of my vision.” Further, his personal assets are considered avenues of strength as he says “I also have a big land that I have offered to Utooni Development for six years to use for training the community.”

Reading and Writing

The Judge displayed a narrowly focused selection of readings. Apart from the numerous legal books he has read in his profession, the Judge has also read the Bible and reads it often in addition to story books. He is not reported to be reading classics and best sellers.

The Judge further acknowledges that he has written a thesis and one article “The Trumpet in the Nation.” He asserts that he has also written many judgments and remarks “because that is what judges write.” Notwithstanding, the Judge laments that he rarely has time to write on other things. He indicates that he is not sure how his books have been used academically.

Electronic Media

The Judge admits that technology is very important for communication, and he uses several gadgets to access the electronic data. He gave an example of using his phone to tweet, to go on facebook and do research on legal matters, case precedence, etc. He also uses electronic media to access other information like judge’s judgments on issues.

Finances and Other Resources

The Judge admits that some of the organizations they partner with offer money while others offer expertise. Such expertise he claims would be very expensive if they were to pay for it. He cited

the example of the one who offered his talents, skills and knowledge to design and make functional their website. He said, “He did not do it for free.”

Political Arena

The Judge acknowledges that politics is the way of life and Christians cannot avoid it. Like all human beings, Christians are free to exercise their freedom about who and how they want to be led. They should also have an opinion on how the government is spending the money that belongs to the citizens. According to the Judge, the question is not really whether Christians should engage in politics, but to what level should they be involved. Should it be at the level of mobilizing others and granting them political sensitivity in matters of interest or just in vying for positions? He believes that Christians should use their discretion in terms of levels they want to be involved, but non-involvement should not be an option.

Future

In talking about his future, the Judge indicated that it was his desire to go into politics; that he says it is no longer possible as his profession as a judge has locked him out. He says he will retire at 70 and hence his age will also lock him out at that time. His plan is, therefore, to go back to teaching law in the University where he will be of use to his country and where he will impact the young people.

REPORT PREPARATION AND INFORMATION

This report is prepared by Dinah Nyamai, MPhil; and John Jusu, PhD. Interview was conducted by Dinah Nyamai, interviewee was The Hon Justice O. N. Makau
Other resources consulted were (www.utoonidevelopment.org)

APPENDIX

More Information about Utooni Development Organization

From (www.utoonidevelopment.org)

Where We Work

UDO works in the semi-arid Eastern and Rift Valley Provinces of Kenya. In the districts of Machakos, Upper and Lower Makueni, Kajiado districts. Previous to 2013, we have also worked in the Mwala, Kathonzweni, Nzau, Kilungu, Mbooni East, Mbooni West, and Yatta Districts. Below is an image our current service areas.

Mission

Utooni Development Organization (UDO) works with community Self Help Groups to transform the environment in a sustainable manner, enabling farmers to improve water supplies, food production, income and health through inter-community education, peace, and justice.

Philosophy

UDO neither imposes solutions nor takes a specific solution-based approach to our work. Five basic principles guide our work:

Community Engagement: Community registered self-help groups request assistance from UDO; define their own problems and priorities; provide resources, and take ownership.

Community Empowerment: Power comes from listening to the people and acting according to their stated needs. Power comes from within the group and from individuals, from supporting and encouraging each other.

Community Cooperation: (Mwethya) Mwethya, meaning a group of people who work together on a common task, is a tradition of the Kamba community. Community groups exchange visits to share ideas, expertise, and other resources.

Community Resources (Nothing comes for free): Community groups have knowledge, labor, and materials that they contribute to the good of all. The cumulative knowledge of the people contains almost all of the knowledge necessary to create a productive community.

Community Sustainability: Community groups plan for the future and commit to long term maintenance and sustainability.



The local community builds their sand dam with guidance from UDO