

Let the people decide

By DANIEL OTUNGE

The search for a new constitution in Kenya is a process that has been as lengthy as it has been acrimonious.

However, it would be the height of political naivety for anyone to expect that constitutional making process would be a garden party affair. The stakes are just too high and the vested interests are just too many.

The lords of impunity and those who have been enjoying the numerous loopholes and flaws in the current Kenyan constitution to lord it over Kenyans would not give in easily. As someone said, power corrupts and absolute power corrupts absolutely.

Hence, the countdown to the plebiscite or the referendum over the newest draft constitution, Kenyans must be prepared to leave with the fact that there will be protagonists and antagonists. This will happen irrespective of whether the draft is opened for further negotiation or not.

In fact, there will be more acrimony if the draft is reopened for political, ethnic and religious contests disguised as consensus building. This is why the public was put as the final arbiter. The honest church leader, politician and all other powers that be should therefore just do the right thing and let Kenyans of voting age decide the fate of the constitution through a referendum.

But what is a referendum or plebiscite? This is a direct vote in which an entire electorate is asked to either accept or reject a particular proposal. For our case, the proposal is the new constitution set to roll out of the government press on May 6, 2010. A referendum is a very expensive affair. It

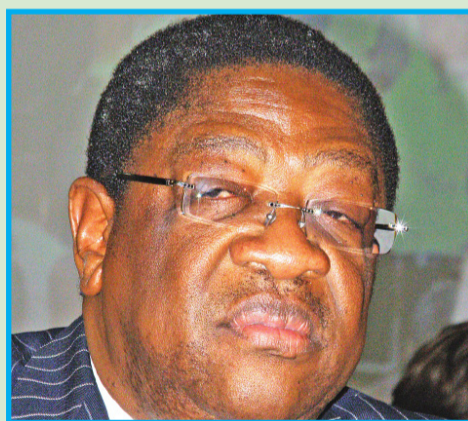
20 long years of struggle for a new Constitution and we are still bickering



President Kibaki



PM Raila



Ms Karua



Mr. Kitonga

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New law protects right to life

By TOM KAGWE

In the last few weeks, a lot of time has been taken debating on the right to life. Many have stated that termination of pregnancy (read abortion) must not be allowed. And if allowed, the Catholics and other Christian faithful will organize to vote NO at the upcoming referendum. No doubt, it is erroneous to terminate life. And the Word of God is clear in the Sixth of the Ten Commandments that reads: thou shall not kill. Indeed, the Roman Catholic Church uses the trans-

lation 'kill' (less specific and more inclusive) instead of 'murder', as seen in the Torah or the initial Ten Commandments. There is controversy as to which translation is more faithful ('killing' or 'murder'), and both forms are quoted in support of many opposing ethical standpoints.

Further, while killing a human being is a capital sin, the same does not apply during war. Indeed, the Hebrew word for murder is retzach which is found in the Ten Commandments. The Old Testament (in Exodus 20:13) prohibits unjust killing, rather than

a universal injunction against all killing, as retzach is never used in reference to the slaughtering of animals, nor the taking away life in a war situation. With regard to war, according to the Catechism of the Catholic Church, if rigorous conditions of moral legitimacy are met, the use of arms must not produce evils and disorders graver than the evil to be eliminated, and hence is not a violation because governments cannot be denied the right of lawful self-de-

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is only called to allow the citizenry to make a decision on a very weighty matter, such as adoption of a new constitution. It is a democratic process that allows the majority to have their way and the minority to have their say so to speak.

However, given the centrality of the constitution in people's lives, especially in a democracy like Kenya, the people ought to know contents of the proposed new law. This will enable them to make informed decisions on the draft instead of relying on propaganda peddled by some leaders. The Constitution is important because it is a source of a people's identity. It acknowledges the diversity of the people and sets reasons as to why they found it necessary to live together. It sets out governance structures, bill of rights and responsibilities of the people and those of the government.

So when the people feel, like we do in Kenya, that the current law is flawed and therefore the root cause of all our afflictions, then they reserve the right to change it.

For instance, the current Kenyan constitution was negotiated by a few Kenyan politicians and the British colonial masters in London in a house called Lancaster. It came into force in 1963 without being subjected to a plebiscite.

But since then, it has been unilaterally mutilated by parliamentarians without reference to the people. It has become a mongrel after 43 different amendments that even the veteran politician Martin Shikuku, who was there at Lancaster, is unable to recognize it. Hence the need for a people driven and derived constitution!

Let the people decide



Mrs Karua

For instance, whereas the Lancaster constitution created devolved government, the mongrel we have today created a unitary government with an executive president who is like an earthly god, a true Leviathan who is above the law. The president owns everything and everyone in the country and can do anything to you with absolute impunity.

Even so, the window of opportunity has opened, albeit slowly, for Kenyans to enact a new law. The new law has drastically weakened the presidency as they wanted. It has devolved the government to 47 regions as they wished. The proposed law, developed by the Committee of Experts (CoE), headed by lawyer Zamba Gitonga, also created regional assemblies and an independent senate.

What is more, it has expanded and protected the bill of rights to the extent that no one individual or parliament can mess up with it.



Mr Shikuku

Powers of the three arms of government, namely the legislature, judiciary and the executive have been clearly separated. The president will no longer be the Alfa and Omega of Kenyan political, social and economic life. The ministers will come from outside parliament but will have to be approved by the legislators.

And above all the new draft recognizes Kenyans and their unity in diversity. In short, in many ways, the CoE document has captured and reflected the mood, aspirations, fears and expectations of majority of Kenyans.

Nevertheless, there are those who still carp about some minor issues like land, abortion, Kadhis Courts and pure devolution or Majimbo system of government. It is their democratic right to do so.

Led by the church leaders and the then agriculture minister and now higher education minister, William Ruto, and his cohorts, the

'No' team are fuming and croaking. But from the look of things, Kenyans are so determined to pass the new constitution nothing will stop them.

It is quickly emerging that the 'No' team are very economical with the truth about the actual provisions of the draft. For instance, CoE and many experts who have read and reread the draft, are categorical that it does not support abortion, yet the church insists it does. As for Kadhis Courts, they were even before Kenya was born. And they have always existed even in the current constitution. They do not interfere with, among other faiths found in Kenya, Christians, Hindus, Buddhists and Judaists in any way.

Many observers wonder why the 'No' team are calling for reopening of the draft for negotiation when they know very well that it will be an exercise in futility. After all it is the same parliament that failed to make any amendments when it had the chances both on the floor of parliament and at the Kenya Institute of Administration.

The responsible and right thing to do now is to let the people be free to decide the fate of the constitution. This is the only chance that Kenyans have of passing into law the new constitution. In a democracy, the minority must have their say and the majority, their way. Let the majority win.

Both sides must engage in civilized and truthful civic education. CoE should be allowed to lead the way in provision of objective, factual and balanced civic education since they are the mandated experts as the Gichugu MP Martha Karua would say. And they

have developed a well balanced and thought out curriculum for that purpose. At the same time the 'Yes' team, led by PM Raila Odinga and President Mwai Kibaki, must not use their power to force their way.

Even so, it is imperative that members of the executive should speak with one voice. If the government has decided to support the draft as it has, then all ministers should do the same. This is the practice everywhere else in the world. If a minister disagrees with government position then he or she should resign or be fired so that he/she can be free to oppose the government vehemently.

What we do not want to see are hate speeches, violence, ethnic tensions and religious schisms witnessed in 2005 referendum. The voters, it is your turn to shut up the protagonists by registering as voters in large numbers and voting according to your conscience and convictions for the draft.

This is a golden opportunity since Kibaki and Raila have this time round joined hands to support the constitution. The draft has overwhelming support. From trade unions, professional organizations, women leagues, youth groups, civil society organizations, imams, students, media fraternity to the general public have said time is up for more talk about the constitution.

As the Bible says, there is time for everything. There was time to talk and now there is time for the public to read the draft between the lines and decide whether to throw it away and live with the strident realities of the current constitution or return a 'Yes' vote and reap the benefits of the new constitution.

Let the people decide, for that is what a plebiscite is all about!

New law protects right to life

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fense, once all peace efforts have failed.

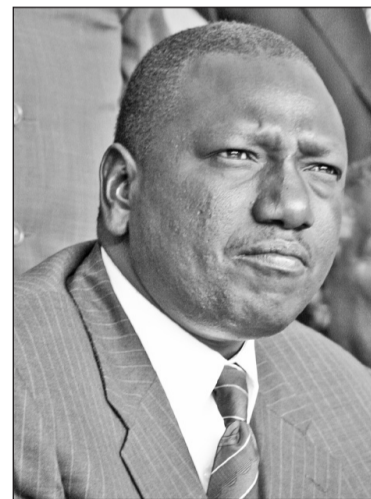
With regard to abortion, many Christians (Catholics, along with many Lutherans) and Muslims consider abortion as sinful and a violation of the Sixth Commandment. Second, the right of States to execute criminals has not been fully resolved since to some it is not absolutely forbidden by the Sixth Commandment while to others capital punishment (read 'death penalty') should be fully outlawed. Nevertheless, the right to life is protected internationally. Article 6(1) of the International Covenant on Political and Civil Rights (ICCPR) states: "every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." Article 6(2) does not abolish the death penalty, but urges countries that have not outlawed it, only to impose it for "serious crimes". Currently, only

58 countries actively practice it while 95 countries have abolished it. The others have not used it for 10 years or allow it only in exceptional circumstances such as wartime.

When we fast forward all these principles to current debate about the Proposed Constitution of Kenya (PCK), we see lack of a whole-some debate on the right to life. Indeed, most of the debate has concentrated on Article 26(4), which reads: "Abortion is not permitted unless, in the opinion of a trained health professional, there is need for emergency treatment, or the life or health of the mother is in danger or if permitted by any other written law". And through partisan quotation of this Article, many have opined that the State has opened a window to what these NO 'crusaders' call "abortion on demand". Some have asked about what "other written law", should be and who or what informs these other laws. Today's laws, which contain restrictive

sections about abortion, are found in laws such as: the Penal Code itself, as quoted below; Criminal Procedure Code; and Public Health Act among others. Simply put; the Constitution cannot contain all laws, but is only a basis of guiding "other written laws". Such Acts of Parliament constitute "other written laws".

But when the above Article 26(4) is compared to Section 240 of the current Penal Code, then one sees no actual problem with drafting or meaning. Section 240 reads: "A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time and to all the circumstances of the case.". So perhaps the text missing is "there is need for emergency treatment". But the "patient's



Mr. Ruto

state at the time" as seen in the Penal Code is far much weaker than the phrase; "need for emergency treatment". Further, Kenyans should realize that Section 240 is weak when it makes reference to a "person" rather than "a trained health professional" as seen in the PCK. Debate has also been on what "opinion" constitutes, but the Penal Code refers to "reasonable care", which is the same thing.

There is need for a whole-



Canon Karanja

some debate on the right to life and compare what are the net gains of the PCK are, as compared to the current Constitution. We need to see how the latter protects the right to life, and then contradistinguish the same provisions with the PCK. This is useful so that we make meaningful analysis of what the right is, and which provisions protect this right in a better way.

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Parents urged to help their daughters stay in school

By AGGREY BUCHUNJU

Bungoma South District education officials are sounding alarm bells over the high rate at which girls are dropping out of school in the area.

Mwibale Zone Education Officer, Mr. Francis Nalimae, says that more girls were dropping out of school in the area due to factors largely blamed on lack of parental guidance and misplaced priorities when it comes to education matters in the family.

Mr. Nalimae argues that guiding and counseling starts at a family level and as a result urges parents to take care

of their children with a view to ensuring that they grow up responsibly.

He however, cautions parents against using words or behaving in manner that may amount to a curse while guiding and counseling their children.

"It should not appear like you are cursing your children during guiding and counseling sessions with them," Mr. Nalimae cautions.

Mr. Nalimae notes with regrets that the transition rate is very low in the area and blames parents for contributing immensely to this unfortunate state of affairs.

He accuses some parents of having negative attitude towards girl child education and engaging in conspicuous consumption of liquor during circumcision period at the expense of education.

"Why slaughter bulls and exhaust your cereals during an activity that lasts for one minute or less," he poses.

Similar sentiments are expressed by the Principal of St. Martin's Mwibale mixed Secondary School Mrs. Emily Muhoja Wanyonyi who laments that during the last three months 38 girls dropped out of her school due to preventable causes.

The principal names the causes as

early marriages, pregnancies and the community's negative attitude towards girls as far as education is concerned.

She consequently, appeals to the community to change the negative attitude towards girl child education and at the same time asks mothers to caution daughters against early marriage and immorality.

The educationists were speaking recently of St. Martin's Mwibale Secondary School during the institution's PTA annual General meeting (AGM).

During the meeting that was attended by over 300 parents Mr. Paul Mukhongo was re-elected PTA chairman. Mr. Mukhongo told parents that this year the school will construct two more classrooms to cope with the increasing number of students.

The PTA chairman further said that the school was considering to put up special toilets for use by people with disability.

Lamu residents want school upgraded

By BEKDAZO TONDO

Residents and parents of Lamu West Constituency have called on area CDF Committee to give funds to Uziwa secondary school for development.

They noted that the school started by the community 20 years ago still ranks lowly in terms of infrastructural development and lacked the necessary facilities despite numerous petitions to the local CDF to consider allocating funds to the school.

According to the parents, the CDF committee has deliberately failed to allocate funds to develop the school due to political reasons.

A spot check by The Link established that the school did not have enough classes, lacks a laboratory, library, administrative block, dining hall and kitchen.

An elder of the community Mzee George Rugoi who spoke to The Link says it is disheartening to see a school started by the community degenerate into such levels.

"Members of community living around the school met 20 years ago and decided that they start a community harambee secondary school in the area to enable their children access education as majority of them were missing out on opportunities to join district, provincial and national schools," says Mzee Rugoi.

Rugoi recalls that the CDF committee recently pledged to allocate Kshs5 million to help build the school but the funds are not forthcoming.

The residents now want the area MP Fahim Twaha to come to the rescue of the school and press for the release of the CDF funds to help develop the school for the benefit of children in the area.

Meanwhile parents at Mkunumbi secondary school have expressed their dismay at the substandard work done in the building of the school.

According to the chairman of Mpeketoni leaders forum Mr. Gathuka Mica Nganga, the buildings of the school have developed huge cracks two years after the construction work was completed.

Nganga said CDF office in Lamu West donated Kshs2 million to do repairs to the school classrooms, administration block and put up two more classes but the work was done below the required standard.

The parents are calling for an audit of the project to expose any cases of malpractices.

Parents want head of Tetu Girls Primary School out

By JOSEPH MUKUBWA

OVER 400 parents stormed Tetu Girls Primary School in Nyeri Municipality to demand the immediate removal of the school headmistress who they accused of incompetence and high handedness.

The parents who were also joined by the teachers blamed the Principal Priscilla Muchiri of decline in performance at the school which previously posted impressive results in national examinations.

While shouting anti-school slogans, the parents lamented that despite paying for remedial fees of Kshs 1,500 per term per pupil as remedial fees, the pupils are not taught by teachers as required.

The parents demanded an audit of the sanitation block which was built last year at a cost of over Kshs 1 million. The toilets are no win bad shape and not conducive to their children.

The issue was to be discussed in a recent parents meeting which the principal snubbed despite the fact that parents had travelled from far to attend the meeting. The school with a population of 622 pupils was therefore closed prematurely before the end of the term over protests by parents.

"We also gave Kshs 200 each which we were told was to serve as a token for both performing teachers and pupils but has received a single penny from the management. That's why we want an audit of this school," Claimed a female teacher who did not want to be named. The teachers have also not been paid their salaries since February and their arrears have accumulated to Kshs 127,000.

They accused the headmistress of hiring private teachers for evening classes and pay them while the others within the normal working hours are not paid.

The school performance at the national level has dropped drastically as the best candidate had less than 400 marks last year while in the past the best candidates would have more than 430 marks according to teachers.

The education officials who addressed the parents later told them they will chat the way forward very soon as they will first hold a meeting with the area District Education Officer Mr. Wilfred Gaichu.

The DEO when contacted later accused the teachers of inciting parents.



Some of the bright students who graduated at one of the institutions universities.

Mwingi elites to set up fund for bright students

By KAVYU KURA

Elites and professionals from Kyuso District within Vice President Kalonzo Musyoka's Mwingi North constituency are to set up an education kitty to support bright students in the area.

The kitty is to support the education of two top KCPE candidates from the district, starting next year in a move aimed at raising the education standards in the area which has not produced any top notch professionals like Doctors, Engineers and Lawyers in the past decade.

The group met under the Chairmanship of the area District Commissioner, Mr. Peter Maina, and agreed to push for the removal of illiterate and Semi illiterate BOGs who they said were to blame for the falling academic standards in the area.

"Education authorities should act with speed and sack all illiterate BOG members as they added no value to the development of education but were

major obstacles towards the realization of better grades in national examinations.

The Kyuso District examination officer Mr. Mung'eru Mwangangi revealed that local secondary schools in the district only managed to produce a mere four candidates with the A- (Minus) grade in the last Kenya Certificate of Secondary Examination (KCSE).

Mr. Mwangangi added that due to poor performance in last year's Kenya Certificate of Primary Education (KCPE) examination only seven pupils from the area secured places in the coveted National schools.

A numbers of speakers who included Mwingi North Constituency Development Fund (CDF) committee chairman Eng. Job Mwangangi initially blamed the worrying performance by local schools to indiscipline among students and pupils and laxity among teachers as well as high poverty levels.

However, Mr. John Mati Munuve whose bid to unseat the Vice president

Kalonzo Musyoka as area (Mwingi north) MP flopped, said that politics and illiterate BOG members were to blame for the sorry state of affairs.

Mr. Munuve whose sentiments were overwhelmingly supported said that unless politicians kept politics out of schools and illiterate BOGs replaced, performance of local schools in National examinations was unlikely to improve anytime soon.

"The situation here is piteous as I have had to sit in a BOG meeting with illiterate persons who know nothing about education and their main agenda there was to earn sitting allowances. Such people cannot in anyway contribute towards improving standards", said Mr. Munuve.

Mr. Sammy Ikima said that the first step the education authorities and the DC should take towards improving the ailing education sector in the district was by forthwith replacing all the illiterate people in BOGs with professionals.

Involve students in Constitutional debate

Congratulations to the Secondary schools students who successfully held the National School Leaders Conference in Nairobi last month. Indeed the conference was well organized and well attended with representation of students from secondary schools all over the country. The students had the opportunity to freely express themselves, share experiences and discuss a range of issues that affect them both in schools and in the society at large.

This was a good lesson for those leaders who hardly allow school children to participate in decision making processes and I hope such leaders truly learnt a great lesson. The Support of the Kenya Secondary Schools Heads Association (KSSHA) to the students in facilitating the process that enabled the students to meet in the national forum must also be appreciated; without the enormous support from KSSHA, the students' conference would have not been as successful as it was.

This must have been a challenge too to the Kenya Primary School Head teachers and we hope a national conference would be organized for primary school leaders too as and when appropriate. We must continue to open the democratic space to enhance participation of school children in all those processes that affect their lives.

We have to fully recognise children as rights-holders who are not only entitled to receive protection but also have the right to participate in all matters affecting them, a right which can be considered as the symbol for their recognition as rights holders.

As the country currently engages in the constitutional debate, it is important that we hear the voices of the school children too. It is obvious that children are persons below the age of 18; do not have National Identity cards; do not have voters' cards and hence will not vote during the referendum. But this does not mean they should be ignored while discussing the proposed constitution.

All the Chapters and content of the proposed constitution affect all the children in Kenya. It is amazing how the adults' population are not demonstrating readiness and willingness to create opportunities and space for children to engage in discussing the proposed constitution. Could the Kenya Secondary Schools Heads Association (KSSHA), Kenya Primary Schools Heads Association (KPSHA), Kenya Union of Post Primary Teachers (KUPPET), The Kenya National Union of Teachers (KNUT) and other stakeholders directly involved in children's education lead by example and provide evidence that they are providing opportunity and space for children's participation in constitutional debate?

Already some children in the country are expressing their views on the proposed constitution in their small groups; some are engaging their parents and guardians back at home on their take on the content and implication of the proposed constitution in their lives. These views must be respected. Respecting children's views means that such views should not be ignored; it does not mean that children's opinions should be automatically endorsed. Expressing an opinion is not the same as taking a decision, but it implies the ability to influence decisions.

A process of dialogue and exchange needs to be encouraged in which children become active, tolerant and democratic in the current debate on the proposed constitution and the adults must provide direction and guidance to children while considering their views in a manner consistent with the child's age and maturity. Through this process, the

COMMENT

By DON BONYO



child will gain an understanding of why particular options are followed, or why certain decisions are taken.

Several provisions in the Convention on the Rights of the Child reflect children's right to participation. Participation is one of the guiding principles of the Convention, as well as one of its basic challenges. Article 12 of the Convention on the Rights of the Child states that children have the right to participate in decision-making processes that may be relevant in their lives and to influence decisions taken in their regard. The principle affirms that children are full-fledged persons who have the right to express their views in all matters affecting them and requires that those views be heard and given due weight in accordance with the child's age and maturity. It recognizes the potential of children to enrich decision-making processes, to share perspectives and to participate as citizens and actors of change. The practical meaning of children's right to participation must therefore be considered in each and every matter concerning children while discussing the content of the proposed constitution.

Children's right to participation is closely linked to freedom of expression. It is also related to fulfilling the right to information, a key prerequisite for children's participation to be relevant and meaningful. It is thus essential that

children are provided with the necessary information for their participation in the constitutional debate. This will further enable them to have the confidence in expressing views in the debate.

The right to receive and impart information is an important pre-requisite to realise participation of children. The Committee of Experts (CoE) should therefore consider developing child friendly information in relation to all the Chapters of the proposed constitution. A lot of Civic Education materials in the public domain seemingly are targeting the adult population; we have to deliberately choose to develop child friendly civic education materials.

Having taken into consideration the views of the children while drafting the proposed constitution, we must continue to involve the children in the entire process to its conclusion. The Kenyan children are very much aware that Civic Education exercises have already begun in the country and they are equally in need of the same information for their participation. The children are aware that a referendum will be held and that their parents will be voting during that period. They are further aware that should the voting day be on a week day, then all schools will be closed; teachers and their parents and all other registered voters will be making a very important decision for this nation. The children are eager to make decisions on the proposed constitution through their parents, guardians, relatives and even teachers, but they can only do so if they read through child friendly civic education materials and engage in child focused civic education debates and share their views with adults who would then "vote

on their behalf". If the children of Kenya are to say yes to the proposed constitution, they can do so loudly but it's the adults' votes that will count. We must ensure that the Kenyan child reads and understands the proposed constitution and influence the decisions the adults would be making during the referendum.

We must also remember that the school teachers are the most critical actors in providing guidance to children as far as the discussion of the proposed constitution is concerned; but what is the capacity of the school teachers to understand and interpret the provisions of every chapter of the proposed constitution? School communities and the adult population in many rural parts of the country are equally relying on school teachers as change agents who should be in positions to help them understand the provisions in the proposed constitution.

We must interrogate our civic education strategies at this point in time and ensure proper targeting in terms of materials distribution and civic education forums. The teaching fraternity should be an isolated target group that could be used as an entry point to reaching out to the children and local communities. The media too have an essential role in promoting the views of the children on the proposed constitution; Radio and TV stations should dedicate resources to include children in the live debates on the proposed constitution. We should all support children's participation in the constitutional debate. The time to inculcate a culture of constitutionalism in our children is now.

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Commission to reign in errant colleges

By JOSEPH MUKUBWA

The Commission for Higher Education (CHE) has established regional and international networks to deal with satellite colleges which have not been accredited to offer university education.

Commission chairman Kihumbu Thairu said middle level colleges exploit the fact that there were fewer institutions of higher education to provide substandard training.

"Some of these colleges are admitting students who do not qualify for admission in any institution of higher learning." He says the situation requires urgent attention to avoid frustration among young people who return home with unacceptable qualifications.

"We need to pay special attention to issues relating to transnational provision and especially those that provide education and training through e-learning. Some of these providers are exploiting the current situation of limited access to higher education by providing substandard higher education," he laments.

The chairman who spoke at the 8th exhibition by universities held in Nyeri town urged universities to uphold high training standards.

Prof. Everret Standa, who is the Secretary of the Commission, says

CHE is determined to ensure that the quality of education was not compromised. "The commission wants to ensure that universities uphold high academic standards and offer courses that meet the emerging trends in the global market."

He urges institutions of higher learning to offer relevant courses that are tailored towards the job market.

Prof. Thairu also lauded the Government for the commendable strides it has taken towards fostering the growth of research in universities saying that it is now incumbent upon researchers to explore more effective means of disseminating their research findings to end-users.

"In the past, heaps of research findings have been known to gather dust while the end users continue to wallow in ignorance and poverty.

The commission has channeled research funds from Government to researchers and engaged the user communities through seminars where research findings have been disseminated.

The exhibition was initiated by the commission in an attempt to provide a forum where Kenyans can have a preview on programme offered by different universities, admission requirements and services on offer in the universities and related higher education agencies.

The three day exhibition brought



Mr William Ruto: Minister for Higher Education.

together public universities and constituent colleges and private Chartered, private universities.

The theme of this year was 'Focusing on quality and relevance' which underscores the need for the

universities to re-engineer themselves and for them to offer programmes that are relevant and in tandem with the new and emerging trends of globalisation as they impact on the higher education sector.

The universities seized the opportunities to showcase their programmes and services to the students, sponsors, parents and industry representatives who visited the stands.

The objectives of the exhibition were to demonstrate the fundamental contribution of universities towards socio-economic development and to provide a focal point of liaison between the universities and higher education agencies with the target publics.

The expo also provided an open forum for the interrogation of salient issues pertinent to higher education and to demonstrate how universities address the challenges and opportunities confronting them among others.

Out of the 44 universities invited, 34 participated making this year's exhibition one of the most -well attended. More than 1,500 participants took part in the three day event.

In addition to the universities, there were higher education agencies, Higher Education Loans Board (HELB), Joint Admissions Board (JAB) and the Tanzania Commission of Universities - (TCU) which was taking part for the first time here in Kenya.

The exhibition also provided an open forum for strategic engagement with stakeholders to deliberate on issues pertinent to higher education.

Coast MPs should do more to help needy students

By BEKADZO TONDO

Needy students in Coast Province have limited access to bursary funds.

According to principals of various public secondary schools interviewed by *The Link*, the number of students dropping out of school due to lack of fees was very high.

They say that though there were enormous resources channeled as bursaries through the Ministry of Education, constituencies and councils, the allocation of funds did not reflect the needs on the ground.

For example, Mr Raphael Diwani, who is the principal of Lutsangani Mixed Secondary School in Bahari constituency, says his school has about 30 bright students whose families are living in extreme poverty and therefore cannot be expected to raise any meaningful amounts of money to sustain their children in school.

"I have personally visited the homes of the poor students to assess their situation and came to a conclusion that they need assistance," he told *The Link*.

Mr Diwani says though some few students have been getting assistance from the bursary funds disbursed by either CDF or LATF, records show that needy students are neglected.

Bahari District Education Officer (DEO), Mr Dickson Ole Keis, also confirmed that most needy students are at



Students do study very hard to achieve a better life but they do fail due to lack of school fees.

home for lack of fees.

He explained that bursary funds disbursed through their offices are not sufficient to cater for the needs of the bright students from poor families.

"Some parents have been coming to my office asking for

bursaries, but we normally refer them to their area MPs and councilors as funds are channeled through their offices," says Keis.

The area MP Benedict Fond, however, blames the situation on delays in the release of bur-

sary funds.

Speaking to *The Link* in Kilifi, Fondo said that some needy students have yet to get help, adding that their plight will soon be resolved by awarding them bursaries.

"CDF committee is liaising

with learning institutions to establish whether the students who had applied for bursary are in school and what can be done to assist them urgently."

"We decided to do that so that we can be sure we are paying money for students who are still in schools and colleges because sending money blindly could result in wastage of public funds," the MP said.

In the neighbouring Ganze constituency, the District Education Officer, Mr Charles Nyakundi, says lack of fees for most bright students had become a big problem in the district.

Nyakundi says that some parents have been forced to take their children to youth training institutions as they have no money to support their secondary education.

And in Lamu West constituency, civic leaders complained of discrimination in the disbursement of bursary funds to the needy students.

The leaders led by councillor Susan Gaitho, who is also the chairlady of Maendeleo Ya Wanawake Organization (MYWO) Mpeketoni division in Lamu district, observed that although parents apply for the bursary funds for their school children most of them hardly get the money.

However, the Lamu West CDF treasurer, Mr Galgalo Bute, denied the allegations saying funds were shared out equally among the deserving students.

Kiharu MP calls for increase of bursary fund

By MORRIS GITHENYA

At least Kshs9 million has been spent to support education of needy students from Kiharu constituency in Murang'a.

A total of 2,340 students have benefitted during the 2007/2008-2008/2009 financial years out of 12,200 applicants.

In the current financial year, Kiharu MP Muturi Mwangi says some Kshs 8 million has been committed by constituency development committee for bursary and paying for examination fee for the needy.

"More than 10,000 students in secondary, middle level colleges and universities have applied for assistance in their education" said the MP.

Muturi however asked the government to increase the bursary allocation owing to the high number of needy students turning for help to pursue their

dreams.

As the constituency took over administration of the bursary fund, district education offices were left with little roles to play.

For example Murang'a East education office lacks any information of how the fund was being distributed leaving the mantle to politicians.

Local education officer Kaugi Micheni when sought for comments directed *The Link* to constituency offices for information.

"District education officers no longer sit in the bursary committees and unlike in the past where we would sign cheques, the mandate has been taken away," said Kaugi.

Peter Ngunjiri says since 2006 when her daughter joined secondary school, she has never received any funding despite making efforts to apply for assistance.

"She is now a Kenya Certificate of Secondary Education candidate and has never gotten any funding. I will be left struggling in clearing the fees," said Ngunjiri.

He however called on the government to carry out an audit on the beneficiaries of the funding in efforts to know who the beneficiaries are.

Many of the secondary school heads interviewed said there was need for additional funding as most beneficiaries have no another other source of funding.

Wilson Kamunya of Kiaguthu boys high school says the bursary fund came as a relief for many students who could have dropped out of school for lack of fees.

"As teachers we call upon the government to consider increasing allocation in order to benefit more students," said Kamunya.

Needy students from Busia get help

By GILBERT OCHIENG

At least 793 needy students from Busia district have received a total of Kshs5.3million as bursary from the Ministry of Education during the 2007/2008 and 2008/2009 financial years.

According to the data availed to *The Link* by the Busia district education office recently, a total of 521 needy students received Kshs3,055,000 in the year 2008. Of the amount, 2 students received Kshs12,000 each, 329 got Kshs8,000 each, 3 received Kshs6,000 each, 1 got Kshs5,000, 2 got Kshs4,000 each whereas 184 students received Kshs2,000 each.

The data further showed that in 2009, the Ministry of Education disbursed a total of Kshs2,246,000 as education bursary to a total of 272 needy students.

The Busia District Education Officer Mr John Owino said that the needy students from the district who are pursuing their education in various secondary and

tertiary institutions have been able to complete their education since the Ministry of Education has put in place effective measures in order to ensure that all the needy students have not dropped out of school due to lack of school fees.

Majority of the needy students within Busia municipality who talked to *The Link* expressed their gratitude to the Ministry of Education for allocating funds to support their education.

However, the District Education Officer decried the high rate of school drop out in the area especially in Butula constituency where he said the school drop out rate and child abuse has reached alarming levels.

"The government will take stern action on teachers caught abusing their students especially the girl child," the District Education Officer said, adding that majority of teachers have in the past been implicated in pregnancy cases in their respective learning institutions.

Delays in disbursing Kanduyi bursary funds queried

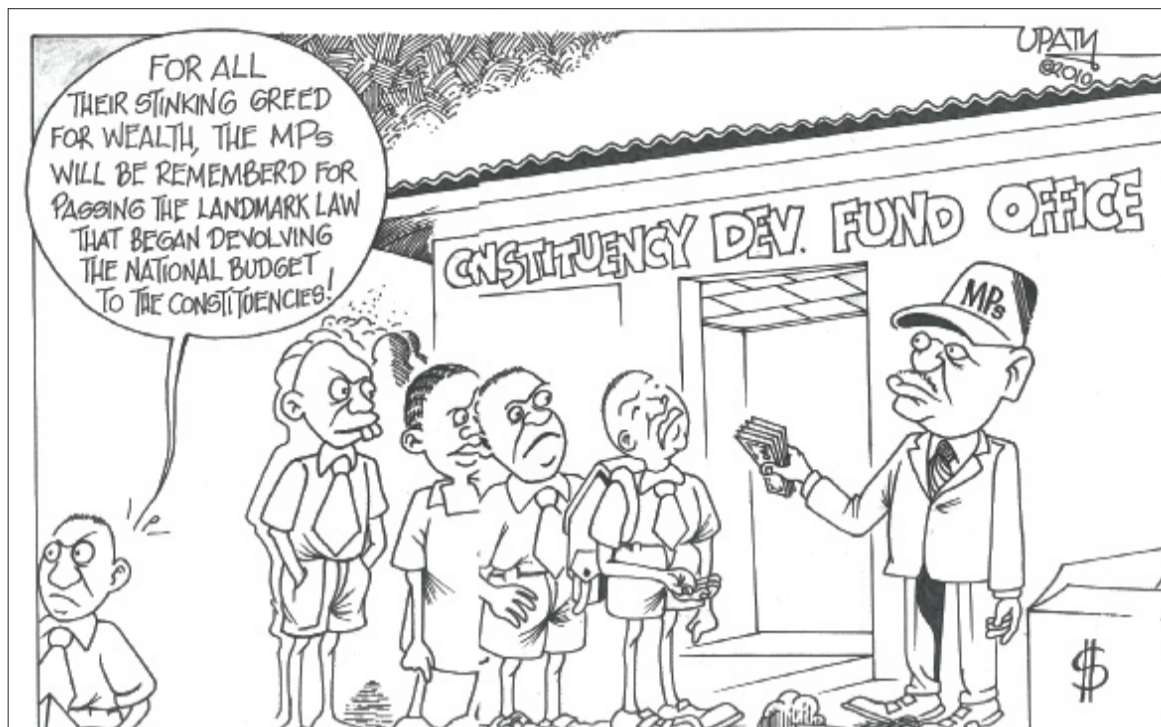
By AGGERY BUCHUNJU

The chairman of the Bungoma South District University Students Association, Mr. Wafula Wakoli, has accused the Kanduyi Constituency CDF committee of inconveniencing students by delaying the release of bursaries.

Besides, the allocations were too meagre to meet the education expenses of the needy students, Mr. Wakoli noted. He alleged that the lowest beneficiary was awarded Ksh.2,000 while the highest beneficiary got Ksh.6,000. The situation has led to so many school and college drop-outs in the area, he claimed.

And a provincial administrator, who declined to be named since he is not authorized to comment on such issues, told the Link that in his area of jurisdiction only 19 students were awarded bursary.

According to the Bungoma South District Development Officer (DDO) Mr. Soransora David, the constituency has already received its first tranche of Kshs. 33.5 million and that disbursement of bursary allocations to needy students will be given priority by the CDFC. The constituency was allocated a total of Kshs.66.7 million during this



financial year.

"I have already prepared payment vouchers and cheques will be dispatched to schools and colleges any time from now" the DDO told The Link in his office. He could not however, immediately tell the number of students who have been allocated bursary.

Mr. Soransora says that money earmarked for development

of schools, tertiary institutions, Roads and bridges and the sports activities will be disbursed to the beneficiaries immediately the issue of bursary is finalized.

Information at his office reveals that a huge chunk of the allocation will go towards assisting needy students who will benefit from Kshs.9.9 million. Other areas to be financed include Pri-

mary schools which have been allocated Ksh.6.9 million.

Another Kshs4.2 million will go towards Secondary schools development while Tertiary institutions will receive Kshs.600,000. Roads and Bridges have been allocated Kshs.629,000 while Sports activities will be funded to the tune of Ksh.677,000.

Kilifi Council suspends officer over graft

By BEKDAZO TONDO

The Ministry of Local Government has suspended an employee of Kilifi Town Council implicated in the sale of three plots belonging to the local authority.

The Town Clerk, Mr William Jilani, told The Link that two other officers suspected to have colluded with the officer to sell the plots are under investigation.

Mr. Jilani says the suspension followed revelations that a private

developer was clearing three plots belonging to the council for development.

"This prompted me and other officers to visit the site near Diamond club along the Kilifi -Malindi highway and stop construction work after which I sanctioned investigations to expose the culprits behind the scam," he adds.

The Clerk told The Link that all evidence pointed to officer, who, he says, allegedly used forged documents to transfer the

three plots measuring 50 by 100 ft each.

According to the clerk one of the plots has been set aside for the construction of a nursery school while the other had been earmarked for construction of a social hall.

"Records at our disposal indicate that the junior officer forged some land documents in liaison with unscrupulous individuals at lands offices in Nairobi to transfer the plots to the private developer"

explains Jilani

The clerk says he has written an official letter to the private developer at the center of the controversy and ordered him to stop any development at the said plot as the matter is being investigated.

Mr Jilani also says the council has written to the Deputy Prime Minister and Minister for Local Government Mr. Musalia Mudavadi, to notify him of the action taken against the officer in question and his accomplishments.

By BEKADZO TONDO

Ganze and Bahari constituency in Coast province are part of 17 constituencies in the country found to have allegedly misappropriated millions of shillings from their CDF kitties.

According to an audit report compiled by the National Taxpayers Association, Ganze constituency was unable to account for about Kshs50 million earmarked for development projects.

The audit report covering 2007/2008 financial year also indicted Bahari constituency which it claims failed to account for Kshs10 million.

However the report did not specify whether the funds in question were misused by either former MPs or the incumbent officials.

Coast CDF misused-report

In Ganze, the sitting MP Francis Baya absolved his team from claims of misuse and maintained that the funds in question were embezzled during the term of former MP Mr Joseph Kingi.

Baya who has for a long time complained that the former MP and his CDF committee misappropriated millions of CDF monies which were supposed to do various projects for the community, is now demanding that those responsible for the losses should be taken to court and forced to repay the funds to support the community development projects.

However Mr Kingi who is the

former MP dismisses the report and accuses the area MP of sabotaging the completion of CDF projects initiated during his term.

Kingi argues that Baya and his CDF committee have deliberately failed to allocate funds to complete the projects he initiated in fear that the move will score him political points.

Kingi who is currently the chairman of Kenya Ferry Services says the audit report by National Taxpayers Association was being used to undermine the integrity of former politicians and had no moral basis.

He says the CDF kitty was initiated many years ago and wondered

why officials of NTA did not conduct audits at the time they were in office.

In Bahari constituency, a senior CDF official dismissed the NTA report as baseless and misleading to the members of the public.

The administrator says although that some agents of NTA went to the office and collected information, the final report did not have accurate information.

Leaders in Bahari however claim that the funds in question were misused during the parliamentary term of Mr Joe Khamis and challenged the legislator come out and explain where the funds went to.

A tale of the two Mwingis and CDF

By KAVYU KURA

Both the Mwingi North and South constituencies CDF kitties have not had any accruals and cash balances since the new directors were appointed in 2008.

"We allocate all the monies to approved projects and we do not remain with any cash in the CDF account at the end of our calendar year," says the Mwingi south CDF manager Mr. Simon Maina.

Mr. Maina says that even in cases where some technical issues delay the implementation of some funded projects, the money for such projects remain in the projects accounts and cannot be returned to the treasury.

He says the CDF committee that is headed by the area Member of Parliament Mr. David Musila is so thorough that even the five percent of the total allocation meant for emergencies is equally allocated to needy projects leaving nothing unspent.

"The language of unspent money does not exist. I am sure at the end of the year, we will have spend the Kshs. 2.4 million which is the 5 percent earmarked in the emergency reserve," says Mr. Maina during an interview in his Mwingi town office.

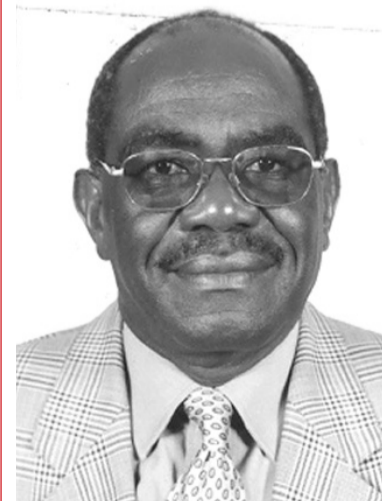
In Mwingi North constituency, the CDF treasurer Ms. Angeline Mbula disclosed that there has not been change of projects funding midway until during the current 2009/2010 year when the Kshs0.5 funding to the Tseikuru airstrip was re-routed after the project was taken over by the central government.

She says the committee has been spending its five percent emergency reserve on "genuinely emergency projects". She says that of the 2008/2009 Ksh. 2 million emergency reserves, Ksh. 0.8 million was allocated to Katuva primary school whose roof had been blown off by strong winds.

"Towards the end of that fiscal year and after it became clear that no other emergency required our attention, we allocated the rest of the money towards the constructions of district headquarters of the then newly created Mumoni and Tseikuru districts," adds Ms. Mbula.

She further disclosed that of the Kshs2.4 million 2009/2010 emergency reserve, her committee had allocated Kshs238,000 to Ngungani day secondary school whose roof had been blown up by strong winds.

She pointed out that the balance would only be shared between absolutely needy and deserving projects after due consideration.



Mr David Musila

Kabando wants all needy children back to school



Mr Kabando wa Kabando

By Joseph Mukubwa

Leaders in Mukurwe-ini district have embarked on a mission to ensure that children who dropped out of school for lack of fees are returned to school.

Lead by area MP Kabando wa Kabando, the residents recently rescued three girls who had dropped out of school to become housemaids due to lack of school fees.

The young girls were sent off for employment by their parents because they could not afford to educate them. One girl was traced to Mombasa City while the other two were found in Nairobi.

The three students were unable to continue with their secondary education because they came from poor backgrounds and some had no parents.

The constituency Office Manager, Mr Mimano Kimunyi, told The Link that they are currently helping 78 needy children from the kitty started by the MP and another kitty of CDF who are fully being funded until they finish their schools.

Last year, the students used Kshs 1.06 million as school fees.

"Many of the children are unable to join Form I due to lack of

school fees while others who excel in Form IV are unable to continue to join either university or any other tertiary institution. We have therefore established sub-locational committee which identifies the needy children and helps disburse the funds," said the manager.

On the other CDF bursary kitty for needy children, about Kshs 3 million was used last year and this year they are targeting to use Kshs 4 million out of the total Kshs 49 million for this year.

"After disbursing the bursary funds, the list is sent to local chiefs and to churches and some pinned at the CDF office notice board to ensure transparency in the disbursements. All the names are also posted at the constituency website," Mr Kimunyi explained.

He says that cases of needy children are many due to high poverty level in the area though parents are unable to bring them out. Many school head teachers have also admitted that the cases of needy children in secondary school are very many.

Funds set aside for emergency were used in agriculture to boost food production in the area, which is semi arid. Others were used to build offices of the new DC who

has been posted in the area.

Meanwhile on the Economic Stimulus Programme, Mukurwe-ini district was promised about Kshs 70 million.

Out of this, Kshs 20 million was allocated for upgrading of Thangathi dispensary to a modern Health Centre. The tendering exercise has been done in order for the work to start.

Another Kshs 10 million was allocated to build Thara modern market. The committee in charge is now waiting for the money to be disbursed.

Other funds have been used in the upgrading of chosen schools into centers of excellence.

They include Mukurwe-ini Boys Secondary School, which received Kshs 20 million; South Tetu Girls that got Kshs 5 million and Kihuti

Day Secondary School, which also received Kshs 5 million.

Others projects which benefited include the Kshs 3.5 million for the Jua Kali project and Kshs 3.5 million for fish ponds. About 85 fish ponds have so far been built and only 15 are remaining. They are now waiting for the second tranche so that they can start the second phase of 100 fish ponds.

Kieni MP suspends CDF treasurer

By JOSEPH MUKUBWA

KIENI MP Nemesys Warugongo has suspended with immediate effect the treasurer of the local Constituency Development Funds committee.

Ms. Anastasia Wanjiru was asked to step aside after the MP, who is the Patron of the Kieni CDF committee, over alleged misuse of Kshs 0.5 million.

The legislator wrote a letter to the CDF National Management Committee seeking permission to suspend the treasurer after he discovered that some funds meant for certain projects have been allegedly diverted to other projects.

This is after the audit committee found unearched the anomalies and recommended that she steps aside to pave way for proper investigations.

"I also found that some vital files were missing and so instead of these queries piling up, I suspended her pending investigations. We are trying to avoid more queries in future," he says.

The treasurer has since been replaced by Mrs Jane Warukira

The legislator while speaking on phone maintained that he will deal firmly with those who attempt to misuse public funds.

However, when contacted on phone, Wanjiru insisted that she is still the treasurer and has been spending most of the time in the office.

Mwingi leaders in row over choice of schools to upgrade

By KAVYU KURA

A plan to elevate Kyuso Boys' Secondary school in Mwingi North constituency into a Centre of academic excellence in the constituency has been overturned by local leaders.

Leaders from the constituency that is represented by the Vice President Kalonzo Musyoka argue that the allocation of Kshs 30 million to Kyuso Boys' Secondary Schools through the government initiated Economic Stimulus Programmes (ESP) was unfair as it did not take into account gender parity.

According to Ms. Angeline Mbula Muthui, who is the treasurer of the local CDF committee, the move has delayed the release of the Kshs.30 million from the treasury as local leaders insist that a girls' school should also be considered.

"When we met as leaders to deliberate on the issue we felt that it was unfair and unacceptable that Kyuso Boys' was considered for elevation to a centre of academic excellence while the local Kimangau Girls' had not been considered," says Ms. Muthui.

She says that leaders are now demanding that Kimangau secondary school be considered for elevation since it has been performing better than Kyuso boys' in Kenya Certificate of Secondary Education (KCSE), and want the amount allocated through the ESP package shared equally among "the two giant schools."

"It was agreed among local

leaders that Kyuso gets Kshs15 million and Kimangau gets the other Kshs15 million to ensure gender parity. So we are going to have two centres of academic excellence in Mwingi North," adds the CDF treasurer.

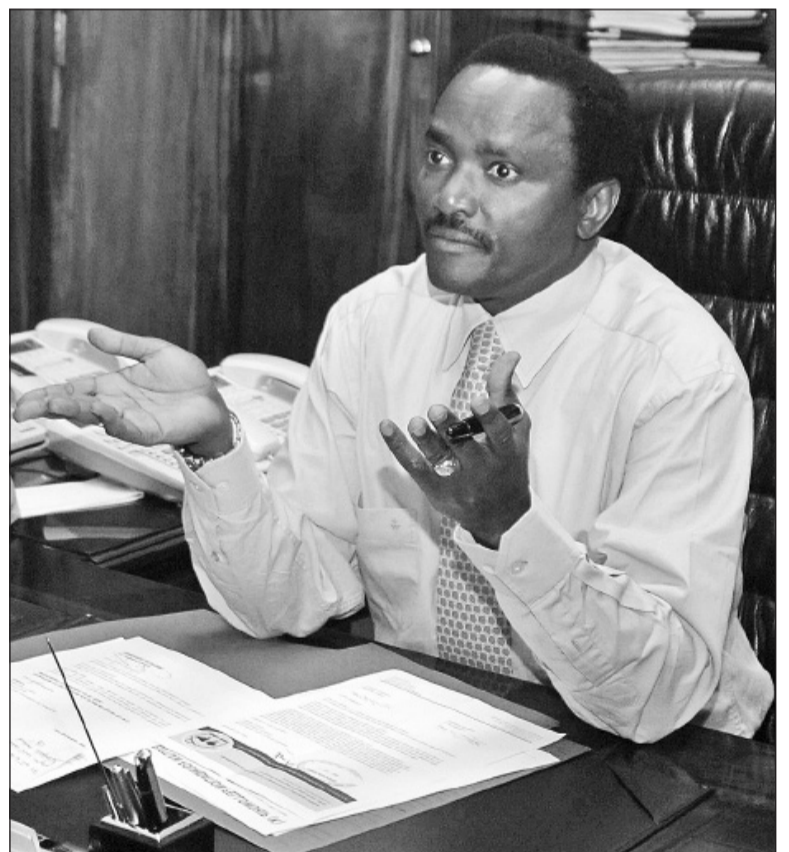
However none of the selected schools have received the funds due to the logistics caused by the sharing of the initial allocation Kshs.30 million.

But even as it is widely believed that the issue of gender disparity had delayed the release of ESP centres of academic excellence we also established that no money had also been released to other earmarked economic stimulus projects in the area.

The affected projects include; the Kshs. 16.2 million Ngomeni Health Centre which has received half funding, while the Ksh. 4.5 million Kyuso Jua-Kali sheds and the Tseikuru fresh produce modern market stalls to be put up at a cost of Kshs. 3 million had not received a single penny at the end of march 2010.

The 20 primary schools in the constituency that were each expected to receive Ksh. 60,000 for environmental (tree-planting) projects through the economic stimulus programme are yet to receive any money.

In Mr. David Musila's Mwingi South constituency the 20 local primary schools in the environmental tree planting programme are also yet to receive funding as is the Kshs30 million Migwani boys' secondary school that was picked for funding as the centre of



VP Kalonzo who recently celebrated his 25 years in Parliament.

academic excellence.

However, in early April, the model Ukasi health centre that was expected to be funded to the tune of Kshs16.2 million had received Kshs8.2 million while the Migwani modern Jua-kali sheds had received a total funding of Kshs2.5million.

Although the government initiated ESP is welcome, it has elicited grumbling among the local

implementing committees that are unhappy with their "Top up approach of the programmes as opposed to the more palatable bottom up approach."

"The implementers in the grassroots are being confronted with budgets and designs of projects, which they are not allowed to change and it is like cramming the projects down their throats," said Ms. Mbula Muthui

The Link

Enhancing governance for all

Gains in the proposed Constitution of Kenya

As the focus shifts to the Proposed Constitution of Kenya, The Link is pleased to bring to your attention 15 key gains we will make as a people if we pass the new constitution. To make them become a reality, you need to register now as voter, read the constitution and vote during the referendum to reform the country.

1. Express provision asserting the sovereignty of the people of Kenya and supremacy of the constitution (Article 1)
2. Provision of National Values and principles of governance (Article 10)
3. Clear provisions regarding citizenship as well as provision on dual citizenship (Chapter 3)
4. Guaranteeing of political rights-particularly Freedom of Expression, Freedom of the Media and access to information (Articles 34-35)
5. Clear provisions for socio-economic rights particularly the rights to health, housing, social security, among others (Article 43)
6. Clear separation of powers between the executive and the legislature (Chapters 8,9)
7. Clear provisions regarding leadership and integrity to ensure quality and accountable leadership (Chapter 6)
8. The right to recall non-performing MPs (Article 104)
9. The right of Kenyans to petition parliament to enact, amend or repeal any legislation including constitutional amendments (Article 119)
10. Enhancement of representation of women and persons with disabilities (Articles 97,98)
11. Requirement that Cabinet ministers shall not be members of parliament (Article 152)
12. Reduction of the size of cabinet to between 14-22 (Article 152)
13. Requirement that the senate shall have legislative powers and powers to check the executive which shall allow it to effectively undertake its functions (Articles 96-2 and 145 etc)
14. Provisions for a commission on revenue allocation to ensure that resources are shared equitably in Kenya (Article 216)
15. Provisions for the formation of National Land Commission to manage land affairs (Article 67)

It is our considered opinion that for the common good, Kenyans should get a new constitution. The so-called contentious issues like land, devolution, abortion and Kadhis Courts are minor issues. They cannot be isolated and voted on directly because that would open up the proverbial Pandora's Box and make us squander the chance to promulgate a new constitution the majority of Kenyans want.



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COMMENTARY

An open letter to the Catholic Priests

My Lord Bishops,

I am a Catholic but I do not agree with the "NO" position you take concerning the new Constitution along with your counterparts at the NCKK on account of the two issues of abortion and the Kadhi courts. I have two main reasons why I disagree with you.

Your position is anti-people

The substance of abortion clause is in the current penal code, Section 26 (4) of the Laws of Kenya. Similarly, the Kadhi courts are in the current Constitution. Therefore, your "NO" position to the new Constitution Document is actually a rejection of change that Kenyans have been fighting for in the last twenty years with sweat, blood and death. Yours is not a stand to oppose abortion or Kadhi courts because, if the Bill on the new Constitution was to be defeated (God forbid!) in a referendum, you will retain the status quo with the same position regarding abortion and Kadhi courts. That is why I say your stand is anti-people. It is a stand that seeks to nullify the efforts of Kenyan people struggling for a new constitutional order and an opportunity to build a new society from the ashes of colonial legacy and post independence dictatorship.

However, there is another reason why I think your stand is anti-people. Your "NO" stand brings you into an alliance (un-holy alliance!) with the Kenyan political elite and big land owners also taking a "NO" stand to the new Constitution. The political elite in question are taking a "NO" stand in order to protect their ill-gotten wealth from the looting of public resources systematically conducted by post independence regimes especially those of Kenyatta and Moi. Similarly, the big land owners through their powerful lobby, the Kenya Land Owners Association, are settlers' descendants protecting their heritage from the former White Highlands. While these categories of people have good reasons to want to keep the status quo, what are your interests in striving to keep the status quo? Is it because some of you and your religious outfits are beneficiaries of the rape of our country by especially the post independence regimes? After all, the alliance between religious aristocracy and corrupt political elite is a common pattern in the history of many countries. Our country is not an exception! Are you not aware of church beneficiaries of the Mau Forest destruction and other cases of massive looting of public resources?

Your position is pharisaic

Your narrow moralistic stand especially in respect to the issue of abortion is taken in a vacuum, outside the context of our history

CONSTITUTION

By MWAMBI MWASARU

and reality in which we live. I am sure, you, like all Kenyans, know that our country was at the brink of total collapse and break down of law and order as a result of post election violence. That threat is still hanging on our heads like the Sword of Damocles. Our hope to escape catastrophe lies in closing the chapter of historical injustices and miss-governance and opening a new era of struggle to deal with the legacy of our past as we strive to build a new society in a new framework of accountable governance, equitable distribution of national resources and equal opportunities for all Kenyans. The bridge to this new era is the new constitutional dispensation. A "NO" vote in the referendum to maintain the status quo is a recipe for civil war. You have, like all of us, heard of people highly connected in government structures stealing guns from government armories and directing them to destinations un-known to the public. Is it not an open secret that, if 2012 elections were to be held within the current status quo, the post election violence we saw in 2007 and early 2008 would be child play? The violence we witnessed was not only because of flawed elections but more correctly because of historical injustices embedded in our socio-economic structures and perpetrated by miss-management of public resources and miss-governance of

national affairs. Are you willing to push the country into the abyss of chaos and death because of abortion and Kadhi courts issues? Or is it that you do not care what happens to this country?

The real point why your stand is pharisaic is this: You have failed to interpret the Gospel of Jesus Christ within the context of our history and social reality and instead you have protected orthodoxy and the status quo. Your position puts you in the same situation as the Pharisees who brought a woman suspected of adultery and demanded her stoning to death in line with the Jewish law. When Jesus confronted them with the truth (whatever he wrote on the ground!) and challenged them: "Let him who is without sin among you be the first to throw a stone at her" (John 8:7). They left one by one. That is why I say your "NO" position to the new Constitution is pharisaic. It purports to protect morality as per the law while losing sight of the essence and reason of the law! Interests of religious organizations and outfits have blinded you to see the "kairos", the 'moment of truth' and opportunity to take strategic decisions and provide prophetic leadership. Are you ready to sacrifice the liberating Gospel of Jesus Christ at the altar of socio-economic and political interest of religious organizations and political elite benefiting from the current status quo? How different are you from the Pharisees?

Messages

To you, my lordships, I say this: read the signs of the time, discern the truth, and the truth will set you free (John 8:32).

To you, members of the clergy who dissent from the position taken by your leaders: stand up and be counted! Provide the prophetic leadership that the leaders have failed to do.

To you, my compatriots who happen to be Christians like me, refuse to be drawn into religious animosity with other Kenyans who are non Christians – especially our Muslim sisters and brothers, register in big numbers to vote YES to the new Constitution during the referendum.

To you, my fellow Kenyans who do not profess Christianity, expose the real reasons and interests of those taking a "NO" position and using propaganda based on smokescreens like tribalism, regionalism or religious piety. Vote YES to the new Constitution in big numbers in order to save our country from the looming disaster.

—Mwasaru is a former CEO of the Kenya Human Rights Commission.



Cardinal John Njue

The Link

Enhancing governance for all

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Food for thought for VP Kalonzo

On Saturday, April 10, 2010, all roads led to the Mwingi Town play-grounds where international and local dignitaries as well as the area populace trooped in big numbers to join Vice President Kalonzo Musyoka as he celebrated silver Jubilee as the Mwingi North Member of Parliament.

The celebration was well deserved considering that Mr. Musyoka is one of the longest serving MPs joining the league of the likes of President Mwai Kibaki in serving long uninterrupted terms as MPs. President Kibaki was himself the Chief guest at his deputy's 25 years celebrations.

Mr. Musyoka was for the first time elected as the then Kitui North Constituency MP in the 1985 by-elections following the brutal murder of the area MP, Mr. Philip Mutisya Manandu, by an administration police officer at a pub at the Tseikuru trading Centre.

Ever since Mr. Musyoka has been re-elected as the area MP in subsequent elections even after his area of representation was split to give birth to his current Mwingi North and Mwingi South constituencies. The south is currently represented by, Mr. David Musila, the Assistant Minister for Defense.

As Mr. Musyoka went back to his rural roots to celebrate there was no doubt that, he knew very well that his years as the area member of parliament have not been in vain.

For those who are in the know when Mr. Musyoka became an MP for the first time in 1985, he inherited a constituency that was occasionally raided by then so called Shifta cattle rustlers, especially in the peripheral areas of Tseikuru, Masingwa, Ukasi and Ngomeni.

After his taking over a number of General Services Units and administration police outposts were set up in the affected areas. Since then, incidents of banditry have not been as frequent and if any attacks take place, they are often in isolated cases of ordinary crime like robbery, theft of livestock and assault.

Mr. Musyoka had every reason to celebrate his bringing to an end the shifta rustlers and bandits menace.

Again it is during his 25 years of service as the area MP that the multi-million Kyambere-Mwingi water supply pipeline was laid. Now hundreds of his constituents living along the pipeline enjoy clean water for drinking and domestic use.

As he celebrated the provision of clean water even to the cosmopolitan Mwingi town, it should not be forgotten that he was instrumental in the creation of the Mwingi district in 1993 that has since been split to other new districts of Kyuso, Tseikuru, Mumoni, Mwingi central, Mwingi East and Mwingi west.

In his words, Mr. Musyoka has time and again insisted that Mwingi town was a village markets until it attained the status of a district headquarters making it a hub of economic activities with a maize-flour milling plant and other micro industries.

Prior to his election as the MP, the constituency was a semblance of a rural village market which did not

COMMENT

By KAVYU KURA

have electricity. He therefore had reason not only to celebrate the provision of power supply to Mwingi town but other remote rural town centres.

Under the VPs stewardship, a number of health facilities in his constituency have been upgraded while new ones have been set up to ensure that medical services and attention is accessible to all and sundry.

Some of the notable upgraded medical facilities include the Kyuso and Tseikuru sub district hospitals and the Ngomeni Health Centre. As he celebrates the achievements he has realized in health care provision, Mr. Musyoka should take a check on their staffing as most are manned by very few staff and in some worse situation unqualified staff.

Yes, as the VP lavished in the big party to jubilee his achievement over the uninterrupted two and half decades he has been MP, there was increased feeling among many constituents that there were areas he needed to address in order to improve his rating.

It is important to recognize the efforts the Mr. Musyoka has put in place to ensure improved school enrolment for local children in both the primary and Secondary school sectors, but the National examination results for local schools paints a very grim picture.

During last Easter holiday luncheon attended by professionals from his Mwingi North constituency at Kyuso, concerns were raised that over the last decade the area has not produced top notch professionals like Lawyers, Doctors and Engineers as local schools generally produced failures in national examinations.

The revelation was made following disclosure by the Kyuso district examination officer Mr. Mung'eri Mwangangi that out of the 357 last year's Kenya certificate of Secondary Education candidates from Kyuso, only around 130 scored the C+ and above grade to qualify for university admission.

As he gave the results' breakdown, Mr. Mwangangi pointed out that the same epitomized the performance of most of the schools in the Mwingi North constituency as even in the Kenya Certificate of Primary education only 7 candidates from Kyuso qualified for coveted admission to national schools.

Following the brainstorming session that followed under the chairmanship of the Kyuso DC Mr. Peter Maina it was unanimously agreed that politics and the appointment of illiterate and semi illiterate school Board of management members had a strong bearing to the poor academic showing.

And since it is obvious that Mr. Musyoka has had a hand in the appointments or had been consulted, it is time he ensured that illiterate School Board of Governors (BOG) members were not appointed to manage schools in a move to turn round the falling education standards in the area.

In the same vein it would also be prudent for Mr. Musyoka to reject the appointment of illiterates or semi-illiterates to District Education Boards (DEBs) in his area of jurisdiction to help improve standards. The Kyuso DEB has two or three individuals who could pass as semi-illiterates!

Even as Mr. Musyoka deals with the illiterates and Semi illiterates in the BOGs and DEBs it is also important to bring to his attention that there has also been disquiet over the appointment of people of similar caliber to his Mwingi North Constituency Development Fund (CDF) committee.

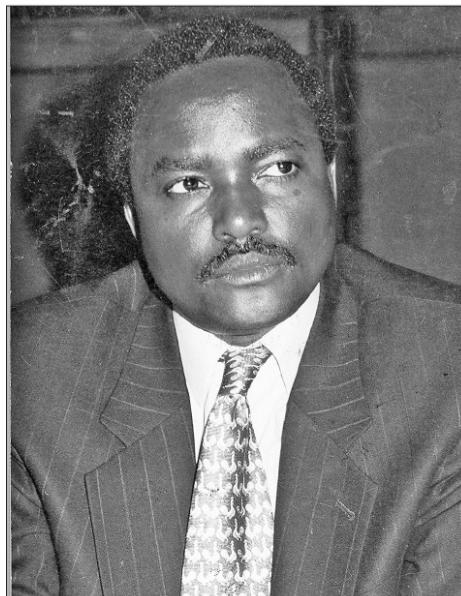
It is even causing ripples within the CDF committee itself that he single-handed hired a far less qualified person to monitor and evaluate CDF projects at that expense of qualified professionals from his constituents. He pre-empted a possible public advertisement of the Job.

Still on the CDF, Mr. Musyoka should know that his constituents are still waiting for the time he will crack the whip on wayward CDF committee members whom time and again he has publicly accused of being less transparent in the management of the CDF kitty.

Most of his CDF members are briefcase contractors and have and are doing jobs awarded to them by CDF projects running committees. Talk of vested interest. What does the law say about this Mr. Vice President?

It is also worthwhile mention here that contractor who have been winning jobs in the building and construction sector do not have the Skills and knowhow to do jobs to stipulated standards.

Many are of course brief case contractors who do not have personnel and sub-contract jobs to skilled government officers leading to compromise in quality of work. Little wonder then that some projects collapse soon



Mr Kalonzo Musyoka, VP

after their completion. It would be welcome if Mr. Musyoka rules that only experts would be awarded jobs in his constituency.

Mr. Musyoka is celebrating with his loyal and fanatical followers who have over the years known nothing but perennial famine and food scarcity due to errant rainfall. Would the VP spring up a viable strategy to end the vicious circle of poverty among his constituents by tapping the River Tana waters for irrigation?

It is common knowledge that Mr. Musyoka besides being the country's Vice president has a number of reliable international friends. Would it be too bad to ask a friend to assist your electorate arrest and harness rain water and use it to grow crops and be food sufficient?

Hunger and overreliance on relief food (Mwolyo) has bred widespread poverty among Mr. Musyoka's constituent's leading to underdevelopments. Should anything be done about the food scarcity issue then, the other problems will sort out themselves in due course.

The VP should also know that as he celebrate 25 years as the Mwingi North the area does not have even a single government tertiary or middle level college to equip those of his constituents who fail to qualify for university admission with appropriate professional skill and training in various fields.

It is one of the strongest feeling among the people of Mwingi North that having been in politics and in good books of successive governments for over 25 years Mr. Musyoka should have not only initiated the establishment of middle level colleges but also a number of Public Universities constituents colleges like elsewhere.

If Mr. Musyoka was to wash himself of the ominous tag he has been branded by his local political nemesis of being "anti the educated", he should as a matter of urgency use his political muscle to ensure the establishments of such institutions to academically empower his people.

In conclusions, Mr. Musyoka has on a number occasions publicly and in a demeaning manner described himself as the only Vice president in independent Kenya who rides home on an impassable dusty all weather road.

It is the naked truth that that is the state of the road that leads to the Vice President's Tseikuru village home nearly 90 kilometers from Mwingi town off the tarmacked Nairobi-Mwingi-Garissa highway. But since Mr. Musyoka became MP, no tangible efforts have been made to tarmac this road.

Being the country's VP, the government might have found it appropriate to lessen the pain of travelling through the dilapidated piece of road to his home and provided him with the services of a chopper. He always rides home to visit his constituents in a hired chopper.

But the fact that Mr. Musyoka flies home avoiding the horrors of the Mwingi-Kyuso-Tseikuru road that has been christened "car killer" by other vehicle owners does not expunge the problem. The ordinary residents who hoped that the road would be tarmacked with their son becoming the VP are eagerly awaiting that to happen.

It was thus overt that even as Mr. Musyoka celebrated his silver Jubilee years as MP, he has a lot of unfinished business that his constituents expect him to honourably accomplish. Merry Silver Jubilee Mr. Musyoka!

KIE launches new media channels

By PETER MUTUKU

Kenyan Primary, Secondary and Tertiary institutions students will now be able to access educational programmes right from the comfort of their homes.

This follows the launch of a twenty four hour television and radio channels to supplement classroom teaching in Kenya.

The programmes will be relayed from the Schools Technology Innovative Center (TIC) which will be based at the Kenya Institute of Education (KIE).

The move is a collaborative effort between the government and development partners, key among them, the computer software manufacturer Microsoft East Africa which has been designed to integrate Information Communication Technologies (ICTs) in schools learning programmes to enhance productivity.

The educational programmes to be relayed also have impact on expansion of learning opportunities to assist the government address the high rates of enrolments in both Primary and Secondary schools following the introduction of free primary education as well as free tuition in secondary schools.

During the launch KIE was equipped with a digital educational channel as well as a radio channel.

President Mwai Kibaki who spoke during the launch revealed that about 240 learning institutions in various parts had already been identified for computer based learning.

The President says more time will be allocated to programmes that lay emphasis on science subjects, mathematics, chemistry and biology which have been registering poor performances in national examinations.

Millions out of school due to economic crisis

The global economic downturn characterized by financial crisis pose a real threat to the growth of education in the 21st century.

According to the 2010 Education For All (EFA) Global monitoring report released early this year by United Nations Educational, Scientific and Cultural Organization (UNESCO), millions of children in the world's poorest countries are likely to be deprived of education.

The report points out that already 72 million children are out of school and therefore with the slump in economic growth coupled with rising poverty levels and budget pressure could erode the gains made in the past decade.

"While rich countries nurture their economic recovery, many poor countries face the imminent prospect of education reversals. We cannot afford to create a lost generation of children who have been deprived of their chance for an education that might lift them out of poverty," said UNESCO Director General Irina Bokova.

The Global monitoring report developed annually by an independent team and published by UNESCO, assesses global progress towards achieving the six Education for All goals to which over 160 countries committed themselves in 2000.

The 2010 report titled Reaching the Marginalized however outlines some spectacular advances in education

COMMENT

By PETER MUTUKU

over the past decade, a striking contrast with the lost decade of 1990s.

The report says that since 1999, the number of children not attending school has fallen by 33 million as more and more children are completing a full cycle of primary education.

For instance, in Sub-Saharan Africa there has been a significant increase in enrol-

In the same span, in India, the number of children not in school fell by almost 15 million in just two years from 2001 to 2003.

Consequently the report also acknowledges that the ever lopsided gender gap has narrowed.

Further the report says that within a space of one primary school Senegal has moved from 85 girls for every 100 boys to an equal number of girls and boys.

It says that number such as these dispel the myth that poor countries are unable to achieve rapid progress in education but warns that many countries are

growth, poverty reduction and progress in health and other areas.

The report subsequently identifies Sub Saharan Africa as an area for priority action.

"With fiscal deficits rising across the region, education spending plans could face painful adjustments. Education system across the regions could be deprived of around US\$4.6 billion per year in public spending and 2010 as a direct result of the crisis," says the report.

The report further urges rich countries to scale up concessional aid required to avoid damaging budget adjustments in the poorest countries.

The Global Monitoring report warns that most countries may be locked out since the date set for a attaining the Millennium Development Goals (MDGs) is barely five years now.

The report is concerned that among the global indicators highlighted on current trends, 56 million Primary school age children will still be out of school by 2015.

Similarly the Unesco report is concerned that another 71 million adolescents are currently not in school and gender disparities remain deeply engrained with 28 countries across the developing worlds having nine or fewer girls in Primary schools for every ten boys. "Girls still account for 54 percent of the children out of school and girls in primary schools are far less than boys," notes the report

"While rich countries nurture their economic recovery, many poor countries face the imminent prospect of education reversals. We cannot afford to create a lost generation of children who have been deprived of their chance for an education that might lift them out of poverty."

ment at five times the rate achieved in the 1990's, with countries such as Benin and Mozambique registering rapid advances.

Moreover, in South and West Asia, the number of children out of school has since been more than halved, partly through policies aimed at getting more girls into school.

likely to fall far short of the targets adopted by governments in 2000 due to their failure to address inequalities and of donors to deliver on pledges.

Similarly the report says that setbacks in education will have wider consequences and still points out that lost opportunities for education will act as a brake on economic

By BEKADZO TONDO

The decision by leaders in Ganze constituency to build a school in a disputed land with Bahari constituency is creating tension in the area.

And observers say that if the dispute is not resolved amicably, it is likely to reignite clashes witnessed in the area two decades ago, when one person was shot dead and scores injured.

Already tension is building up as leaders in both constituencies claim ownership of a piece of land in Ngamani area.

Leaders in Ganze have gone ahead and allocated funds to oversee the construction of a secondary school in the disputed piece of land. They argue that the land in question legally belonged to the constituency and therefore they have every right to develop the area.

According to the area MP Francis Baya, the land in contention was illegally curved out

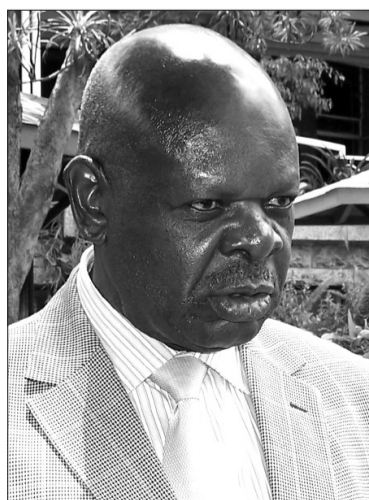
Boundary dispute threatens peace in Bahari, Ganze constituencies

of Ganze and he was willing to mobilize his constituents to ensure that the land reverts back to them.

However, leaders in Bahari led by their area MP Benedict Fondo have vowed to stand firm and oppose any bid to interfere with existing boundary alignments.

"Both political and administrative boundaries between the two constituencies are clear and therefore we will not sit back and watch as people driven by ulterior motives advance their agenda in my constituency," adds the MP.

Recently members of Chonyi community in Bahari constituency moved to the site where the secondary school



Mr Ligale: Boundary chairman

is being built and stopped the construction arguing that the school was being built on their

land.

They questioned the motive behind the construction of a school in Bahari when Ganze was faced with an acute shortage of secondary schools.

The Chonyi's say, the move bordered on incitement and warned of possible conflict if the decision was not reversed.

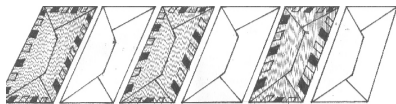
But Kauma ward councilor, Mr. Josphat Bahati, has vowed to mobilize his people to resist attempts to block the construction of the secondary school.

Records show that one person was shot dead when the two groups clashed over the same boundary dispute in 1985.

The provincial administration has since intervened and ordered that construction of

the disputed secondary school to go on. The area PC Ernest Munyi blames leaders from both constituencies for failing to consult each other before the start of the project.

The administrator says since the school was meant to benefit children from both communities, there was no harm in allowing the project to continue but cautioned leaders to develop a culture of consulting each other before they ventured into a long term development project. The administrator spoke as Bahari District Education Officer, Mr Dickson Ole Keis, revealed that the land on which the CDF School was built fell under Chonyi zone in Bahari constituency.



Now Truth Commission should be disbanded

THE argument that Kenyans need to think outside the disgraced Truth Commission box comes at a time when we have to reflect on what we are looking for through genuine, impartial, independent and credible Truth, Justice and Reconciliation Commission.

Access to justice is key to the progression of human rights. The key question asked by victims and survivors of injustice is: Can justice be accessed through those assumed or perceived to have been involved, implicated, linked and associated with human rights violations, and at whose expense?

The formation of what is being called people's tribunals or people's truth commissions by civil society organisations moves the debate to when shall the Government answer hard questions of accountability, restore people's confidence and hold duty bearers accountable for their sins of commission or omissions?

Civil society has documented and put forth strong cases of human rights violations from the colonial era to date. Notable examples have been the filing of the Mau Mau case in London, going to court over land matters and questioning the appointments of some persons to critical commissions such as TJRC.

But the State's response has been rather wanting, thus breeding a culture of impunity and corruption. In all our endeavours, justice must be seen to be done by those in authority. This is why Governments are voted in and others out, depending on what people are pursuing as political, social, economic and cultural justice.

TJRC as formed and composed does not reflect any seriousness in the search for justice from the Government's side. People know what the truth is and do not want to be taken for a ride by persons perceived to be out to cleanse the names of their masters.

What TJRC is doing is turning the justice people are crying for into a mirage. The formation of a tribunal to probe Ambassador Bethuel Kiplagat's suitability following allegations into matters related to the death of Robert Ouko, land acquisition in Lavington and Kileleshwa and the Wagalla Massacre is meant to tire the public.

We out to have learnt from history that rarely are people's efforts, including truth telling, legally binding to the State. They remain hearsay if they are not recorded in Government records and rarely are they taken seriously to warrant police investigation.

Stephen Musau,
via e-mail

People should be educated on dangers of illegal brews

CONSUMPTION of illicit alcohol is affecting our society negatively, economic productivity and the matrimonial fabric being the worst hit.

Some members of society have suggested that chang'aa be legalised. Legalising it may not be the ultimate solution since this will mean improved quality and, therefore, higher prices.

This means poor Kenyans will still have to seek their high elsewhere. We cannot rule out brewing, packaging and drinking of counterfeit, chang'aa. Certain beer brands were brewed targeting the low income earners and were supposed to help eliminate the partaking of the illicit brews, but have not been entirely successful.

Society needs to be educated intensively about the dangers of alcohol-taking in general and illicit brews in particular. We need campaigns like those of the early 1980s that pushed for family planning.

It is amazing how the Kenyan police act late. In many criminal cases, the police never take action until a life is lost. The chang'aa incident in Shauri Moyo had many lives lost. It is shocking the police turned up two days later to ambush chang'aa drinkers after keeping silent for so long yet they knew.

Any policeman will tell you that there is nothing like coincidence. As Conan Doyle wrote as his famous character Sherlock Holmes, when



Chang'aa den: Illegal alcohol is affecting societies negatively.

you have removed all impossibilities, whatever remains, however improbable, must be the truth. Why is it that a day after our lawmakers debated a Bill legalising traditional brew, people died from them?

Is this by coincidence or by design? Is there someone or an entity that might lose out when the Bill is passed? Could someone have laced these drinks to use people drinking their troubles away in a deadly chess game?

The police should thoroughly in-

vestigate these deaths.

The chemistry of brewing of chang'aa is not simple. This is why it is quite questionable if a glass of the stuff can retail for Shs10 and still allow the brewer to make any profit.

This implies that the revellers may be imbibing concoctions of chemicals well treated to smell like their favourite drink. The government must not only legalise chang'aa but also subsidise it.

Concerned Kenyans
via e-mail.



Counterfeit goods hurting economy

THE government and local manufacturers are losing billions of shillings in terms of tax due to the manufacture and sale of counterfeit goods.

This is real bad news to our economy, which is already grappling with mega corruption scandals.

In this country, there is a law which makes it illegal to manufacture and sell copyrighted products, but I think this law is just on paper because it is not seen to be implemented.

Why do we enact laws which are flawed and never observed?

Counterfeiting has become a threat that can no longer be ignored or allowed due to the adverse effects on the local economy.

Having a large variety of goods on the market is not a problem, but the producers should be members of the Kenya Association of Manufacturers.

The anti-counterfeit agency, which falls under the Ministry of Industrialisation, was formed to herald a new chapter in the fight against substandard products by arresting those involved in the manufacture and sale of pirated goods.

However, this agency has not lived up to our expectations. Counterfeits have flooded the commodity market at an alarming rate. This causes one to wonder what kind of investigations the agency carries out.

Counterfeits on sale range from electronics, clothes and alcoholic drinks to foodstuffs. This hurts licensed manufacturers as their genuine products lose their market share.

A five-year jail term and cash penalty have not deterred the counterfeiters.

In fact, this problem has even been worsened through the importation of substandard products of Asian origin, especially medicines, putting the health and lives of Kenyans at stake.

Concerned Kenyan,
via e-mail



The editor welcomes letters and comments on a variety of issues. The letters should be brief, topical and issue based. The editor reserves the right to edit for brevity or clarity.

Write to:
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IDPs in Western Province demand resettlement

By LUKE KAPCHANGA

Thousands of Internally Displaced Persons (IDPs), in the Upper Western province are in a dilemma after they missed out on government's resettlement package of Kshs.25,000.

This follows revelations by Western Kenya Human Rights Watch which claims that about Kshs.150million meant for victims of post election violence disappeared during the one month exercise after their names were deleted from the register.

According to the lobby group executive director, Job Bwonya, between February 20 and March 18, 2010 they carried out an investigation which established that 6,000 poll victims who benefitted from the first allocation, missed out on the second payments.

"Most of the victims we interviewed accused the provincial administrators for deleting their names from the list and pocketing the money," Bwonya adds.

He points out that his organization managed to contact 302 affected victims, who had received their initial package of Kshs.10,000 but were missing on the second payments.

The human rights lobby group says they have compiled a list of poll victims in Mt.Elgon, Bungoma west, Bungoma North, Busia and Bungoma South districts.

Lists according to divisions indicate that Cheptais has (1,040), Kopsiro(1,320), Kapsokwony (396), Kaptama (170), in Mt.Elgon, Sirisia (210), Chwele (440), in Bungoma West, Kimilili (1470) in Bungoma North, Busia (516), and Bungoma South (446).

"There are claims that some



An IDP camp in western Kenya.

politicians from the region may have collaborated with District Commissioners to divert the funds into their accounts," Bwonya adds.

The official faulted the ministry of Special programs for channeling the money directly to the DCs accounts without involving the treasury.

Mr. Bwonya went on, "in this syndicate you cannot rule out a conspiracy between the ministry staff and the administrators to swindle unsuspecting victims of millions of shillings".

The lobby group now wants the minister for Special Programs Naomi Shaban to institute investigations and expose cul-

prits since poll victims are suffering more.

The human rights group says that for every 200 victims, 40names were deleted and replaced with fake ones to cover up the stealing.

The lobby group concludes that District commissioners in the affected areas are also culpable and should stop misleading the IDPs, by apportioning blame to the ministry headquarters in Nairobi.

Bwonya asked the concerned DCs to explain to the victims who deliberately deleted the names from the original list which was computerized.

The Mt .Elgon District Com-

missioner Kassim Farah, on his part refuted the claims about theft of the resettlement package for IDPs.

"The names that were missing from the list of those to be compensated had been removed at the Special Programmes ministry head office for lack of crucial information", Farah clarified.

In the district, he says a total of 632 had been removed from the list out of 6,346 listed as beneficiaries.

He adds that those affected either did not have original identification cards, entered one name, registered twice or were suspected to be ghost applicants.

Residents' forum launches strategic plan

By BEKADZO TONDO

The newly inaugurated Kilifi Residents Forum has launched a five-year strategic work plan 2010-2014.

According to forum administrative officer Mr Kashero Chinyaka, the plan aims at giving the residents a clear guideline on how to initiate development projects in the area.

Chinyaka says the forum will seek to educate members of the public on their rights in different fields and unite them with different devolved units such as the Kilifi town council to help make sure that projects initiated work in tandem to realize the set development goals.

"The strategic plan spells out medium term measures to be implemented to complement government's efforts geared towards the realization of Vision 2030," adds Chinyaka

Chinyaka says most successful development work plans are premised on existing frameworks to help realize meaningful results.

He spoke during a sensitization workshop to facilitate the formulation of the Strategic Plan. The forum will focus on four major issues namely eradication of illiteracy, environmental conservation, poverty and hunger alleviation within the targeted communities.

Chinyaka said ignorance was a big hindrance to development and therefore members of the KRF will spearhead civic education programs to sensitize the public on their rights.

He said the forum will also conduct social audits on development programs currently being implemented using devolved funds like LATEF, CDF, Constituency Bursary Fund, Road levies funds usage among many others.

The forum board has been mandated to come up with a short term strategy which will form the basis of initiating long term development projects.

From page 2

According to the current Constitution, there are 8 ways in which the right to life can be violated. The first way is contained in Section 71(1) that allows the Kenyan High Court to issue an ruling of 'hang till death', for criminals accused and found guilty of capital offences that include treason, murder, robbery with violence and attempted robbery with violence. Indeed, the Section states: "no person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence under the Law of Kenya of which he has been convicted". If we were to debate the right to life fully, then such retrogressive sections should and must be eliminated from our law books. The PCK on the other hand provides: Article 26(1): "every person has the right to life".

New law protects right to life

But when life must be taken away, and somewhat similar to Article 6 of the ICCPR quoted above, Article 26 (3) provides: "A person shall not be deprived of life intentionally, except to the extent authorized by this Constitution or other written law". Two things need to be pointed out. First the constitution does not envisage any person loosing their life save for circumstances that are contained in Article 26(4). And second therefore, all "other written law" must of necessity respect the right to life unless for executing what has been provided for in that Article 26(4). No one shall be arbitrarily deprived of life.

The other seven ways where the right to life can be arbitrarily violated and are included in Section 71(2), which states: "a person shall not be regarded as having

been deprived of his life in contravention of this section if he dies as the result of the use of force to such an extent as is reasonably justifiable in the circumstances of the case": 1) for the defence of any person from violence; 2) for the defence of property; 3) in order to effect a lawful arrest; 4) to prevent the escape of a person lawfully detained; 5) for the purpose of suppressing a riot, insurrection or mutiny; 6) in order to prevent the commission by that person of a criminal offence; or finally, 7) if he dies as the result of a lawful act of war. Such broad and sweeping powers have always given to the Kenya Police Force, and other armed forces, powers to kill people with impunity. Due to such retrogressive ways, many have died in massacres, in mysterious circumstances, in legal and illegal

confinements and/or in our streets openly while we are told of most wanted criminal. Indeed, Section 28 of the Police Act exposes these powers where "a police officer may use arms" to take away the right to life, and has only to show "reasonable grounds"

These 8 circumstances point to a country that respects the right to life, only when it comes to matters of the womb. The debate on this right as led by Christian leaders seems to take this tangent. The leaders seem to care about protecting foetuses, and not anything or anyone else. Indeed, they seem not to care that current laws provide for abortion in the same circumstances. Second, they refuse to appreciate the need for a whole-some debate on this right. And finally they ignore that the right to life is guaranteed,

protected and promoted better in the PCK than in the current Constitution.

As seen above, all the 8 circumstances that have brought a lot of suffering for all Kenyans will never operate again and are not in the future constitution – the PCK. Indeed, Article 244 (c) and (d) of the PCK is very robust. It requires the National Police Service to: "comply with constitutional standards of human rights and fundamental freedoms; and train staff to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity," respectively. All those who violate the right to life will be prosecuted and the courts of tomorrow will use the Article 26 to rule whether someone has violated the right.

—The writer is Ag. Programmes Coordinator / Dep. Ex. Director, Kenya Human Rights Commission

Kenyan philanthropist honored by American varsity

By KAVYU- KURA

A senior employee in the Ministry of Public Works Eng. Gideon Mutemi Mulyungi has received special recognition from a university in United States of America (USA) for his philanthropic and humanitarian service to the poor.

During a ceremony held at the Global Vision Church, Mwingi town, Eng. Mulyungi who is an architectural engineer by training was conferred with an honorary doctorate Degree by Prof. Clyde Rivers the chief chancellor of the Education Worldwide at United Graduate College and Seminary, USA.

Prof. Rivers described Mutemi as one of the top quiet men in the world who have

strived to improve the lives of the lowly members of the society.

"Despite the fact the he is a great architect, he has always shown commitment to improve the lives of the poor people of his rural Mwingi abode and he has always had plans to help improve the status of Mwingi town," says USA academician.

He noted that by receiving the Doctorate Degree Eng. Mutemi joins the league of other globally acclaimed top guns who had also received the honour among others being the Vice President Mr. Kalonzo Musyoka and Philanthropist Manu Chandaria.

Prof. Rivers said that his institute's top honour was guided by individual's accomplishment in improving the lives of others, especially the poor and the disadvantaged members of the society.

Also present to witness the occasion were United Graduate College and Seminary dons, Prof. Michal Plitzl, Prof Donella Plitzl and Racheal Schweign. Others were Mr. Mutemi's mother Joyce Syukau and the college's African representative Dr. Bishop Robert Mutemi.

Speaking to the Media, Mr. Mutemi said conferring the honorary Doctorate of Christian Organizational



Eng. Gideon Mulyungi

Leadership on him had greatly humbled him as he least expected such a thing despite his untainted professional leadership and support to charitable causes.

He declared that the pres-

tigious award would also serve as an impetus to devote more energy and time to serving the needy in society and contributing charitable causes within and without his home area.

Gusii residents call for transparency in use of CDF

By BOB OMBATI

CONSTITUENCY Development Fund managers in some Gusii constituencies are reluctant to release information on their activities fearing that the same could be used to against them.

The managers now say they cannot release any information to reporters on CDF or bursary fund, saying the same was used by the National Tax Association (NTA) to expose ghost projects in some constituencies and unaccounted millions of tax payers money.

An investigation by The Link established that the officers are under strict instructions from their respective MPs, who feel that should the information be released without being sifted and edited, it was likely to com-

plicate matters for them.

Constituents from various constituencies interviewed said that they are uninformed on the way the bursary fund is allocated, saying some CDF committees were still giving bursaries to their children and relatives, neglecting orphaned children from poor families, who, according to the Act should be given first priority.

Political patronage, they said still dictated the allocation and disbursement of the funds and constituents were shut off whenever they complained and told to carry their own crosses.

The voters were unaware of the five percent reserve for the emergency under the CDF kitty, alleging that once the year was over, the Mp and the committee shared the money since few electorate have guts to pin

the committee down to account for the money.

Kennedy Onyambu, a human rights activist says that the CDF Act should be amended such that the MPs have less control over the CDF money and the officials be elected from across the constituency to hold them more responsible and accountable.

Each constituency says Onyambu should have a monthly newsletter which reveals beneficiaries of the bursary fund, their learning institutions and the time they are due to complete their studies so that the bursary is not paid to ghost learners in the institutions, wasting public funds.

He lauds the NTA for its research that has elicited mixed reaction from the MPs and their CDF teams, saying, it should be empowered to cover all the constituencies to expose the rot.

Gucha teachers tell off church over constitution

By BOB OMBATI

The tug-of-war between the catholic church and pro-Draft constitution agents has intensified, with Gucha branch Kenya national union of teachers (Knut) accusing the church of misleading Kenyans on the draft constitution.

Gucha Knut chairman told Nyangusu Catholic parish priest, Dennis Rogena, that the church would not direct Christians to vote against the Draft, since majority of Kenyans have resolved to vote for the constitution during the referendum scheduled for July.

The priest had told mourners to reject the Draft if the clauses on the contentious issues such as abortion and Khadis courts were not amended, prompting the Trade unionist to react immediately.

They clashed as Kisii diocese bishop, Joseph Mairura, whose jurisdiction covers eastern Nyanza region urged the faithful to be calm as the church sorts out the matter.

The bishop had lashed out at MPs for passing the Draft and termed them as shameless traitors who had betrayed trust bestowed upon them by the voters.

The bishop said the document belonged to all Kenyans and it was imperative that the views and interests of various groupings be included in the final Draft before they subject it to the referendum.

He reiterated that the church, had through the press stated its position that the courts be created through an Act of parliament as opposed to being included in the constitution.

Same sex marriages, debate on when life begins characterized the bishop's sermon and speeches, which maintained that the church would not take lightly the affront on their recommendations, noting that gay marriages were unchristian and imported ideologies designed to spoil the Kenyan youths and an entire generation.

Christians, noted the prelate formed 75 percent of the Kenyan population adding that they will not support the document blindly to please few politicians who had been mandated democratically by Kenyans to fight for and protect their interests.

He said people valued life and stressed that women who had procured abortions for one

reason or another suffered mentally, a prove that life was sacred.

Muslims, the bishop said were free to practice their religion but expressed fear that if the courts

are entrenched in the constitution, they will be a burden to the Kenyan taxpayer who will indirectly be forced to pay tax to run the courts.

More Millennium Districts to be rolled out

By PETER MUTUKU

Plans are underway to roll out the second phase of Millennium Districts. The exercise which targets 30 Districts calls for the establishment of a business solution centre in the targeted areas.

The Districts which have been earmarked to benefit in the second phase will set up the business centers which will act as incubation for potential industrialists who will be expected to expand their entrepreneurship and allow others to join the centre.

According to N Robert Ruchugu who is a KIE Manager in Kitui, the business centers will have an administrative block, training facilities and cyber facility to enable the industrialists catch up with the latest trends in the sector based on vision 2030.

The KIE official says the Economic Stimulus Programme had also provided funds for construction of Constituency Industry Center (CIC) that will work in synergy with the business center.

To boost the initiative further, Ruchugu, disclosed that KIE will construct Jua Kali sheds in all Districts where entrepreneurs will be admitted, allocated stalls and taken through the process of establishing industries.

"The Programme will involve provision of loans for equipment, training and supervision and will be complemented by the CIC and business centers," says the KIE manager

He says that KIE had the political goodwill and was currently reinvigorating its mandate to ensure the Vision 2030 aspiration were attained.

The pilot phase of the Millennium Districts was carried out in Bungoma, Siaya, Murang'a, Suba, Bondo, Kilifi, Garissa, Murang'a South and Turkana, said Ruchungu.

PARTNERSHIP FOR PEACE

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Mwalimu Nyerere was a true nationalist

I had the opportunity to travel to Tanzania during Easter. In Tanzania you will find more than 120 ethnic groups which are more than the figure given for Kenya. No matter if you talk with a Tanzanian or a Kenyan they will maintain that their ethnic belonging depends on traditional customs and a long common historical past. Though, according to the Norwegian Professor Tomas Hylland Eriksen ethnicity is an aspect of relations and both ethnicity and tribe is a product of a modernization process and not a relic from the past. He means that for an ethnicity or tribe to be formed it is simply enough that a group of people has minimum of contact with each other and share a common concept about other groups of people which are culturally different from them.

MANAGER'S COLUMN



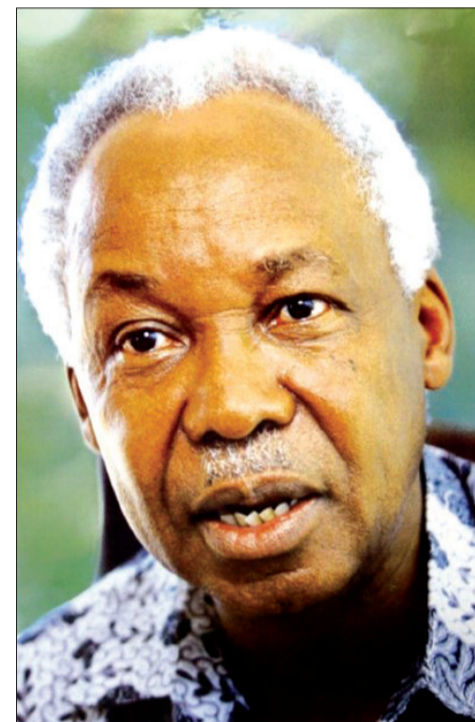
By **HANNA CARLSSON**

Professor Eriksen refers to is easily illustrated with Tanzania as an example. If you ask a Tanzanian today what his/hers identity is the reply will be Tanzanian. If you do the same in Kenya you know that the first answer will not be Kenyan. Even for Kenyans, Tanzania is perceived as a very united nation with a true nationalistic spirit. This is a result from the politics the first elected President, Julius Nyerere, implemented. Dr. Nyerere was a pronounce nationalist and socialist and used to say: "All of us have different origins but let us see beyond that, we are all Tanzanians." His main objective was to give all ethnic groupings a united nation with one official language. He used a lot of the national expenditures on education both on primary and secondary school but also on adult education. The adult

education was focusing on literacy but in the literacy classes people got also political training which goal was to first of all create an appreciation of the national culture and second, awake a national consciousness among the citizens. Dr. Nyerere was very successful in his politics.

Prof. Eriksen argues that ethnicity and national identity are designed and I tend to agree. Kenya maintains strong ethnic identity because the different tribes perceived each other as culturally different and through stereotyping, which is done both by the public and politicians.

In this issue of the Partnership for Peace Supplement you will find more articles discussing both identity and stereotyping but also stories from the ground how cultural customs fuel tensions. In the April issue we promised to publish stories from our readers dealing with reconciliation. These stories will be shared in a later issue of the supplement this year that also will deal more with the topic.



Former President of Tanzania **Mwalimu Julius Nyerere**

Don't forget that we are always interested to take part of positive stories from the ground d **The writer is the International Project Manager ms.hannacarlsson@gmail.com**

Youth urged to embrace peace

By **BOB OMBATI**

A CIVIL Society official has urged youths to discard retrogressive cultures and embrace positive values to avoid perennial conflicts and enhance peaceful co-existence.

In an interview, George Chacha, the head of People for Rural Change Trust (PRCT), a Kuria- based Non Governmental Organization, says that young people could play a big role through interpersonal change to drop the valueless traditions and

troop a head with good ones.

Chacha cites Female Genital Mutilation is his Kuria community as a retrogressive practice that has created friction between their Luo neighbours who do not practice, hampering intertribal marriages.

The official note that cut girls feel superior before uncut ones, and brag wrongly that they satisfy their husbands, which leads to intimidation, humiliation, providing a fertile ground for the blossoming of tribal tensions.

He says tribal groups should assemble in various forums and share their positive cultural values and

build on those that promote the interests and value of Kenyans as a people with multicultural identities.

A recent peace and Resolution workshop at an Isebania hotels, says Chacha enriched him as various tribes exhibited their cultural values through songs, poems, short stories and drama, saying the same to be taken to the grassroots level to help change perceptions of conservative of bad cultures and their victims.

Gender roles and FGM observes Chacha have been abused since time

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Categorizing and Stereotyping

By **HANNA CARLSSON**

The last issue of the Partnership for Peace supplement encouraged the readers to identify their various identities. It was concluded that the list of identities identified formed the reader's personal identity. Our personal identity is strongly connected to our cultural membership. In the Kenyan context, the cultural membership is strongly connected to the tribe and community. Our cultural membership becomes our measure when judging members from other communities. This article will discuss the process of categorizing and a form of it, stereotyping.

Categorizing

The process of categorising usually takes place automatically in interaction with other people, meaning we do it without thinking about it. In intercultural relations it is useful to categorize because it reduces uncertainty, increases the accuracy of predictions, and systematizes behaviours. For instance, when I have an appointment with a Kenyan I know the person will be late because my consciousness has categorized "a Kenyan" is equal to "African time". Therefore, if the person does not show up on time I do not need to worry. On the other hand, if I am meeting a Mzungu I expect the person to be on time otherwise something seriously must have happened.

In categorization, we tend to maximize the positive attributes of our own group. For example, "we Kenyans are hard-working while Tanzanians are lazy" and "we are

reliable while they are unreliable". Further categorizing project and externalise for instance "we are unemployed project/externalise they take our jobs, I dislike Parasayip (Masai) project we dislike Masais, we have bad roads externalise they eat our part of the cake".

Categorizing can be both positive and negative. The positive aspect is that it confirms expectations, reduces stress, and may help to link our own culture to others. The negative side is that individual traits and people are disregarded, it minimizes in-group differences and maximizes out-group differences which can cause conflict.

Stereotyping

A form of categorizing is stereotyping which is directed towards members of cultural/ethnic groups different from our own. Stereotyping refers to membership in sociological categories: sex; ethnic group; age; profession; sexual orientation; social class; nationality; and links this membership to psychological and moral traits. For instance, men are aggressive/women are irrational, Indians are racists/blacks are ignorant, youth are irresponsible while old people knowledgeable.

Stereotyping is based on the principle of illusory correlation: If A is linked to B, all those that are similar to A are also linked to B. E.g. John (an Englishman) is stupid, hence: all Englishmen are linked to stupidity (are more or less stupid). Furthermore, stereotyping is somehow self-fulfilling prophecies: If a group is socially/economically excluded the stereotype says that its members

are poor/ignorant/vulgar, hence employers do not hire members of the group which lead to increased exclusion.

Negative stereotypes against other groups increase our own self-esteem: They are poor and primitive, hence, we are rich and sophisticated.

It has shown that people unconsciously believe in stereotypes about themselves, which undermines self-confidence, generates stress and ultimately confirms the stereotype.

There is at least two sense of stereotyping. The first one consists in the attribution of psychological traits to individuals because of the belief that as members of a given group they have to have these traits. For example: If the supposed fact is that Luyhas are hard-working and serious, and Wasilwa is a Luhya, consequently Richard is hard-working and serious.

The second sense of stereotyping consists in the attribution of negative psychological traits to a whole group of people with the intention of damaging the interests of the members of the group. This was widely used in the genocide in Rwanda. One ethnic group was said to be cockroaches meaning that they were not human beings and therefore it was not morally wrong to kill them.

Stereotyping in the first case is perhaps not a very intelligent attitude and it lacks any kind of scientific support but can be rather inoffensive. Though, stereotyping in the second sense has disastrous effects for the members of the stereotyped groups and can, as shown, lead to ethnic cleansing and genocide as in the Rwandan example.

Youth urged to embrace peace

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immemorial with boys socialized to believe that girls are inferior and should do all domestic chores as boys watch TVs with their fathers, a practice that has eroded the confidence of the girl-child who rights are being trampled under the guise of culture.

Chacha told The Link that urgent joint session for both boys and girls should be conducted to enable them to see themselves as Kenyans first and not tribal individuals with conflicting and irredeemable cultures, traditions and beliefs.

The civil society, jointly with the provincial administration should concert their effort to ensure that young and innocent girls are not subjected to FGM and early marriages, which, he adds, cuts short their education to the advantage of the boy-child.

The two players should strive to demystify the stereotypes associated with various tribal cultural practices and stigma in a bid to end the negative perceptions and help tribes celebrate and enjoy their cultures and identities.

Parents told to teach children positive values

By **BOB OMBATI**

Kisii Branch Maendeleo Ya Wanawake program officer, Ann Keng'ara, wants young parents to inculcate positive values among their children to end baseless stereotypes and stigma attached to various tribal cultures, traditions and beliefs.

Keng'ara notes as children grow, their parents teach them negative cultures about other tribes, a practice they grow up with and exhibit it in learning institutions and working environment. She said that the cultural stereotypes implanted in children affects their perceptions as adults and quite often lead to resentment, humiliation and leads to conflicts.

In an interview during a peace and conflict workshop at an Isebania hotel, she confessed that old Kisii parents scorned and uncircumcised people and used it as a reference to admonish, cow or abuse children.

Fingering Female Genital Mutilation, a deep rooted cultural practice in Gusii region, she noted that girls were being discouraged from getting married to uncircumcised people and were shunned if they did so.

She says that her organization is fighting the practice and is embracing alternative rites of passage for the girls while boys are taught that the practice does not add value to sex, which is essentially meant for procreation.

Majority Kenyans, she says should be trained to appreciate to appreciate both genders equally and discard the traditional belief that boys are better than girls and they are automatic inheritors of family properties while girls are seen as people to be married off voluntarily or involuntarily to enrich the families through huge dowries.

Dialogue among groups on positive values, notes the officer is key to ending cultural and gender related conflicts which have dogged the African continent for ages.

Tribalism, culture and tribal identities



Some of the children that needs positive teaching.

should be maintained but should not hamper inter-tribal marriages, business associations and freedom of expression since there is no primitive or superior culture.

She urges the government and donors

to fund peace and conflicts workshops to encompass Kenyans from all tribes to share their experiences on cultures and identities to force a common front for peace-co-existence.



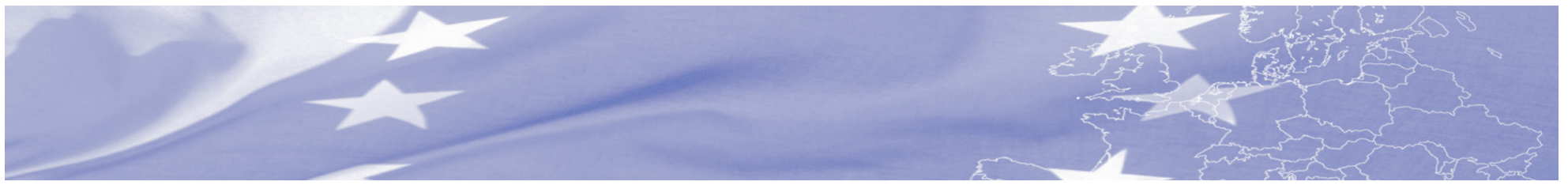
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Understanding your identity

Identity according to Wikipedia, is an umbrella term used to describe an individual's comprehension of him or herself as a discrete, separate entity.

The first step in understanding how identities form is to think about your own life: Who are you? Are you a parent? A teacher? Alumni to a specific school? A Kenyan? A Muslim? The list is endless. With each group that you use to identify yourself, you are creating in your mind an image of groups you belong to (see also the article Defining my Identity in the April issue).

Identities are constructed based on various traits and experiences such as creations, choices, values, beliefs, appearance, ethnicity, practices, habits, hobbies, possessions and interests. However, some traits are fixed at birth, such as parental, ethnicity and religion, place of birth, and skin color. Other traits may be acquired or modified later, such as language spoken, religion practiced, clothing worn, or food eaten.

Many identities, then, are not based on ascribed traits but on shared values, beliefs, or concerns, which are varyingly open to acquisition by choice. This includes shared religious adherence -- indeed,



By JANE MURUTU

members of many religious communities proselytize to win converts to their faith. This is also true for political ideologies, attachment to particular pieces of land, or practicing a particular way of life.

Identities vary in many other ways. They are self-designations and also attributions made about other persons. They can endure for generations or change with shifting situations. They can exclude or include. And since everyone has multiple identities, their relative importance and compatibility, differs in various times and circumstances.

Take a local example of hobbies where fans identify themselves with either Manchester United or Arsenal. It is not uncommon to find fans discussing "how we were beaten by them". Identity is good but if taken negatively it is a killer. For instance, the long standing religious and political tensions in Nigeria have left a trail of bloodshed. Notwithstanding games, where people, have literally taken their own lives because their favorite football team has lost a game.

Some people take identity discreetly, which should not be the case. Why should you call yourself Wafula, when in reality you are



The first step in understanding how identities form is to think about your own life.

Etyang. There is no identity that is superior to the other. It all begins in the mind. We should be proud of our identities, but be careful enough not to trample or dictate to others what they should not be.

Fighting identity monster is possible when we take bold measures of countering hate speech and exclusionary policies. Let's engage religious, politicians, elites and tribal

chieftains to shun using identity as a weapon of divisive hidden agenda.

Kenyans need to embrace the culture of dialogue along religious, ethnic and minority groups. Furthermore, it is indeed possible for people to be patriotic, celebrating their own people or country, without denigrating or dominating others.

Identity "sickness" is preventable!

An African woman: Poem by a young Namibian

By VICTORIA HASHEELA

I'm an African woman
A victim of culture
I have no rights
I do whatever he says

I am the first wife
I thought I'd be the only one
But after one year
There were two of us

I was taken by surprise
I didn't see it coming
I was only told
The day that she arrive

He said it's his right
He said I've no say
He said it's his house
He said it's Africa

This is the fifth year
There are now five of us
I wonder if he'll get more
I still have no say

He is a proud king
I gave him two sons
But I am feeling ill
There's a disease in me

I wonder if culture will ever change

I wonder if this will go on and on
I wonder how many more generations
Will experience this trauma

They say it is culture
It is not his fault
He found it there
But I really wonder
If it's not about time
To stop this trauma
And let culture go

From the book *Women and Custom in Namibia – Cultural Practice versus Gender Equity?*
Edited by Oliver C. Ruppel



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PARTNERSHIP FOR PEACE

Peace seminar held in Malaba

By **GILBERT OCHIENG**

THE European Union (EU) and Konrad Adenauer Stiftung (KAS) have embarked on a rigorous campaign to promote peace in areas hardest hit by post election violence in Nyanza, Western and Rift Valley provinces.

The programme is being implemented by KAS in collaboration with various civil society organizations namely Mount Elgon Residents Association (MERA), Catholic, Justice and Peace Commission (CJPC), and Community Initiative Action Group (CIAG) among others.

Addressing the stakeholders during a four day peace building workshop held at Emael Tourist Hotel in Malaba town recently, Mr Babu Ayindo, who is a researcher and trainer in peace building and Mr. David Steele, a Consultant in conflict transformation, underscored the importance of peace. They called upon all the partner civil society organizations from the affected provinces to actively participate in the peace building initiative aimed at promoting harmonious co-existence among the various ethnic communities.

The workshop dubbed "Partnership for Peace" was aimed at strengthening the capacities of the civil society organizations with the necessary peacebuilding techniques to facilitate effective sensitization of the communities within their areas.

"The specific purpose of the peacebuilding project is to strengthen the capacities of the Non-State Actors in Rift Valley, Nyanza and Western provinces as a means of lessening the negative impact of community conflicts by improving on their knowledge and ability to detect and pre-



Participants from capacity training in Malaba. Photo/Gilbert Ochieng

vent any possible conflict through dialogue and informal mediation," the facilitators said.

The peacebuilding initiative is expected to help form regional networks in crisis prevention and conflict management. The project also aims at increasing inter-ethnic interactions, promoting regular information exchange regarding emerging conflicts and crises. It will also improve communication channels between the civil society organizations, political forces and regional and national authorities regarding approaches

aimed at reducing tensions and preventing violent conflicts among different ethnic and social groups.

"The specific purpose of the peacebuilding workshop is to enable civil society organizations to be informed about the objective of the project, resolve emerging problems within their respective areas, understand the nature and dynamics of conflict and conflict transformations, learn how to build constructive relationships through examination of identity, values, transformation of grievances and bias, effective

communication and reconciliation and lastly to increase awareness of variety of the available peace building roles and develop skills in problem solving," Mr Ayindo said,

He urged partner organizations to be good role models and refrain from sowing seeds of discord among the various ethnic communities from their respective areas that might lead to clashes; but should instead engage themselves in active peacebuilding initiatives.

At the same time, Teso North District Officer, Mr. Louis Rono, who presided over the official closing of the peacebuilding workshop underscored the importance of maintaining peace, without which no meaningful development can be achieved.

"Am earnestly appealing to you to fully utilize the peacebuilding skills you have gained from the workshop and sensitize the various ethnic communities within your respective areas so that they can realize the importance of peace and co-exist harmoniously," the DO said.

Mr. Rono said that Kenyans were at liberty to live in any part of the republic irrespective of one's ethnic background, adding that the civil society organizations as well as the faith based organizations (FBOs) should use every means at their disposal to spread the peace message to avoid a repeat of the post-election violence witnessed in 2007/8 that saw various ethnic communities displaced from their homes.

"The peacebuilding workshop has come at the right time since we are approaching 2012 elections." He said that the government will accord the civil society organizations full backing in their peacebuilding initiative so as to make it a success.

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Ligale Commission calls for views on new constituencies

By JOHN NYAMBUNE

Interim Independent Boundary Review Commission (IIBRC) will embark on data analysis during the second week of May after collecting views from the public throughout the country in readiness for the creation of 80 new constituencies.

Commission chairman Andrew Ligale says IIBRC will receive memoranda on proposed administrative and electoral boundaries only up to May 8 and asked individuals with proposals to comply with the deadline.

The chairman spoke in Bungoma when the commission received views from the public and political leaders on what they desire for the larger Bungoma region which has five constituencies and seven administrative districts.

The commission will, after its analysis make recommendations to parliament on administrative boundaries, including the fixing, review and variation of District boundaries and electoral areas based on population density and trends, means of communication, geographical features and community interest issues.

The commission has only one year left to come up with recommendations for parliament to act on. It was created by the Constitution of Kenya Amendment Act no 10 of 2008 under section 41 as part of the government's commitment to restore public confidence in the electoral process and enhance democratic governance after the post election violence.

Commissioner Irene Masit says views presented by Kenyans will be looked into and recommendations made to unite Kenyans and enhance national cohesion.

The Sirisia MP Moses Wetangula suggested that Sirisia constituency be split into two namely Sirisia and Kabuchai with administrative boundaries intact, Kimilili and Webuye each divided into two while Bumula and Kanduyi be combined to create three constituencies.

Group wants DC out over graft claims

By FIDELIS KABUNYI

A lobby group in Githunguri is calling for the sacking of the area DC who they accuse of abetting corruption in the area.

The Community Bridge Network led by the chairman Paul Kamau Mwangi wants Githunguri DC Henry Wafula to step down over corruption allegations. "Githunguri District was created just the other day and we need leaders of integrity to be able to spearhead development projects in the area," adds Kamau.

The lobby group claim that the DC has been disposing off trees that fell during the heavy rains and pocketing the money in contravention of the law which requires that money accruing from such sale be deposited to communal projects.

Further the group has demanded that the DC shed more light into the circumstances which led into the reinstatement of a chief who was alleged to have stolen relief food in Githunguri District together with two women.

According to Mwangi, the Githiga location chief was reinstated even after he allegedly diverted six bags of maize and a bag of beans which was meant for hunger stricken residents and Internally Displaced Persons (IDPs).

The scam was unraveled by members of the public who complained that the distribution exercise was not transparent. Police raided his home and recovered the missing bags. Prior to the scam, chiefs in the area had been equipped with pick up trucks to facilitate in the distribution exercise which was to be overseen by an independent committee

By JOHN NYAMBUNE

The issuance of the East African passports has been suspended indefinitely.

The East African Community (EAC) Secretary General Juma Mwapachu says the move will remain in force until such a time when the passports are upgraded to become IT powered.

The suspension follows complaints by EAC officials that the passports were not properly used. In the past, the Immigration Department which serves the partner states was blamed for the confusion surrounding the use of the travel document.

He says efforts are underway to upgrade the light blue coloured passports to make them "machine readable" like the ordinary passports used in the region and beyond.

EA passports were introduced as a travel document nearly a decade ago by Tanzania, Uganda and Kenya, the original founders of the community to ease border crossing. But the document has not been popular among some people who cherished traditional passports issued by the Immigration departments in their respective countries.

They ended being mainly used by ordinary people such as traders and students across the region with the government officials and business executives apparently shunning them. Mr Mwapachu told journalists that the long term plan was to make the passports an internationally acceptable travel document in Africa, apart from the region.

EAC suspends issuance of passports



EAC leaders in a group photograph. Left-right: Museveni of Uganda, President Kibaki of Kenya, Paul Kagame of Rwanda and President Kikwete of Tanzania.

He admitted that until now the EA passports, issued by Immigration departments in the three states can only be accepted "internally though not used internationally".

This, he added, has necessitated their IT upgrading in tandem with the international stand-

ards through which they can be screened electronically.

The EA passports which are valid for five years, were intended to be stamped only once in six months when the holder crosses from one state to another.

However, that was the case as they last for only a few months

because Immigration officials keep on stamping them for every border crossing.

"For Majority of us working in the secretariat these passports are not renewed every now and then because of being stamped at every exit and entry points," one EAC official lamented recently.

KNUT wants teachers paid on time



KNUT officials in solidarity demanding for teachers' salary to be paid in time.

By JOEL JUMA

Kenya National Union of Teachers (Knut) now want teachers to boycott work to protest salary delays.

The union's Secretary General Lawrance Majali and national chairman George Wesonga says Knut was unhappy that the Gov-

ernment was subjecting teachers to economic suffering by failing to release their salaries on time.

Majali and Wesonga says that in future the union will advise its members to report to their respective District Education Offices if their salaries are not paid by the third day of every month.

"Teachers will be required to camp at the DEOs office to avoid being regarded as absent if salaries are not paid to them on time," said the Majali.

Majali and Wesonga also expressed dismay with the delays in remittance of deductions meant for cooperative societies by the Teach-

ers Service Commission (TSC).

The unionists explain that delays by the employer to remit funds meant for cooperative movement was adversely effecting teachers investments.

"Teachers require loans for them to develop. The Government should stop denying societies their dues," adds Majali who was speaking at a Kakamega hotel.

Also present was the union Busia branch executive secretary Godfrey Odongo, his Kakamega Central counterpart Amos Ombayo and the Kakamega Teachers Benevolent Fund Secretary Francis Ometty.

Majali and Wesonga urged teachers to adjust their expenditure to comply with the one-third rule on their pay slips.

The officials explained that the union has no powers to overturn the Government decision saying that the matter was an Act of Parliament.

Majali explains that the retention of one third of their salaries was meant to protect them from many deductions.

The leaders also said the union was still advocating for the scrapping of the teacher promotion courses.

They explained that promotional courses were not considered as most of the documents acquired by the teachers were being ignored whenever chances arise.

Minister calls for mobile voter registration

By JOEL JUMA

An assistant minister wants the Independent Interim Electoral Commission (IIEC) to embark on mobile registration of voters to help capture people living in remote areas.

Manyala Keya who is an Assistant Minister for Gender and Children Affairs says the ongoing voter registration exercise should not be restricted to polling centres saying that some disabled persons risk being left out of the exercise.

"Some people are too old to move out of their homes and need to be served from their homes or churches as the government has already earmarked Kshs 200 million to oversee mobile registration," says Keya.

Keya urged residents to register in large numbers as the new figures will also act as a guideline for the boundary commission, led by Andrew Ligale to split Lurambi constituency into three.

Western PC Samuel Kilele however expressed fears that hundreds of potential voters in the region may be locked out in the forthcoming referendum as they are yet to collect their national identification cards.

Kilele says that over 14,000 IDs are still lying uncollected in government offices and instructed chiefs and their assistants to mobilize residents to collect the cards and registers as voters.

His announcement came after the province was ranked lowest in the ongoing voter registration exercise in the country.

"It is sad that Kakamega Central district alone has over 2,000 uncollected ID cards yet many youth are idling around instead of preparing themselves to take part in the referendum," said Kilele.

Kilele spoke at the Kakamega's Muliro Garden during the launch of the provinces third phase of the rapid Results Initiative (RRI).



Disability: Minister wants government to provide mobile voter registration centres

Mudavadi moves to save Kiambu asset

By AGREY BUCHUNJU

Kiambu residents are happy with the decision by the Minister for Local Government Musalia Mudavadi to revoke the sale of a council asset.

The Minister nullified the sale of Red Nova hotel even after the council put it on sale for Kshs 100 million.

In a letter addressed to Kiambu Town clerk Michael Kimwele and copied to the area Member of Parliament Stanley Githunguri, the Minister asked the council to halt further transactions in respect to the hotel which he noted was able to generate enough revenue to run the council.

The Minister was responding to a letter sent him by the town clerk seeking his approval in the sale of the hotel.

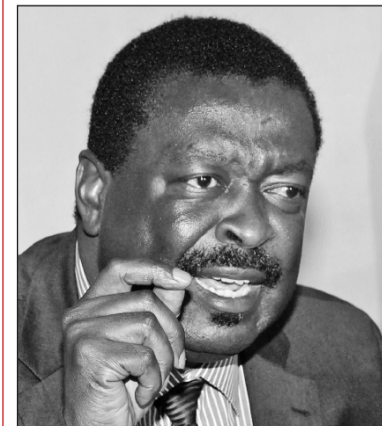
The council had embarked on a process to dispose off its assets in order to generate revenue to offset its debts which currently stand at Kshs34 million.

"We are selling the asset to enable us generate revenue for the council which is currently operating on deficit in line with a directive by the government that councils are now free to dispose off their some of their assets in order to offset outstanding debts," said the clerk before he received the new directive by the Minister.

The clerk had said that all local authorities in the country including Kiambu municipal council have up to June next year to clear all debts or miss out on the LATF allocations in the next financial year.

In March, the Minister for Local government had revealed that local authorities in the country were reeling in debts amounting to Kshs12 billion.

The Minister revealed that the City Council of Nairobi had the highest debt which currently stands at Kshs8 billion. The Minister said that the government had released Kshs10.4 billion during the 2009/2010 financial year, 10 percent of which is supposed to service outstanding debts.



Mr. Mudavadi

ACK wants 74 counties

By JOEL JUMA

Anglican Church of Kenya (ACK) is calling for the establishment of 74 counties to enhance regional representation.

The church says that the 47 counties proposed in the draft constitution undermines the principal of devolution and will lead to under representation of some regions in the Government decision making organs.

Two ACK Bishops say the church wants equal sharing of resources among counties adding there should be fair creation of the counties in the new constitution.

"We are against having few counties," says Simon Oketch of Maseno North

ACK Diocese.

Beneah Salala who is the Bishop of Mumias ACK Diocese urged Deputy Prime Minister (DPM) Musalia Mudavadi to ensure Butere/Mumias retains its status as a County in the same way he was advocating for Vihiga.

"Vihiga and Butere/Mumias county councils have four constituencies each and they need to form separate counties in the new constitution," suggests Salala.

He says it is unfair for Mudavadi to advocate for Vihiga alone whereas he represents all parts of the country in Government.

He maintains religious leaders will mobilize the flock into rejecting the draft

if their proposals were ignored.

Bishop Titus Khamala of Cornerstone ministries has also threatened to lead his members in rejecting the draft if the issue of abortion in the draft is not addressed.

Khamala urged the MPs to serve the interest of the electorate by ensuring that issues rejected at the grassroots are not included in the draft.

The clergymen also want the government to create a Religion Affairs ministry to handle and vet registration of churches in the country.

Mr. Salala and Mr. Oketch says the Government should consider setting up the ministry to curb incidents where bogus churches are formed to defraud members.

The two say that the creation of the ministry will deal with all religious matters and scrutinize registrations to help lock out illegal ministries.

"Churches need to be vetted and registered before they are allowed to set up projects and worshipping centres. These will guard against formation of illegal sects," adds Salala.

The two church leaders took issue with the rate at which churches were mushrooming in the country.

"The ministry will be in charge of following up on the registered churches to establish if they follow proper doctrines and those found defrauding Kenyans, de-registered," they proposed.

By JOEL JUMA

The Kenya Union of Post Primary Education of Teachers (Kuppet) has endorsed the draft and vowed to mobilize its members in unanimously supporting the draft which they say promotes the welfare of teachers.

The union cites the retention of Teachers Service Commission (TSC) as one of the fundamental gains in the document which will cater for teacher's interests in the constitution.

Union's acting national chairman Zadock Kisienya, acting secretary General Akello Misoru and national treasurer Njenga Mwethi

argue that the inclusion of TSC in the constitution was enough to have the members endorse the draft.

Kisienya, Misoru and Mwethi urged teachers countrywide to safeguard the gains in the proposed draft as an independent TSC will benefit from direct budgetary allocations without relying on the Ministry of Education," adds Kisienya.

Kisienya explains that the Ministry of Education has been a great impediment in negotiating for promotions and salary increments and hoped that the constitution will resolve such matters.

Kisienya and Misoru however said that members dissatisfied with the stand by the union are free to vote for NO at the referendum.

"This is a democratic exercise and those against the

draft are free to vote against the draft," said Kisienya.

The officials cautioned their members against being used by selfish politicians to promote their personal agenda at the expense of the gains guaranteed in the draft.

"We as teachers should espouse our professional independence and not allow power hungry politicians to peddle lies for their own political gain," adds Mwethi

Kuppet backs proposed constitution of Kenya

Save Chemelil from collapse, says Olweny

By JOHN NYAMBUNE

By Leaders in Nyando have asked the government to move with speed to rescue Chemelil Sugar Company from imminent collapse.

The leaders led by the Muhoroni Member of Parliament Prof. Ayiecho Olweny, say that the company had continued to register losses over the years and cited a pre-tax loss of Kshs959.4million in the last financial year which translated to a loss of 37.3 percent, compared to the previous year's loss of Kshs202 million.

The MP notes that the loss made by the company in the previous financial year was the highest in its history and warned of a possible collapse if the trend was allowed to continue.

Olweny, who is also the Education Assistant Minister, pointed out that cane deliveries at the company reduced by 24 percent in the year 2008/2009 compared to that of the previous year.

He explained that this consequently reduced income to farmers as well as caused cane to rot in the farms.

Sugar produced reduced by 37percent in the year under review compared to that of the previous year.

In the last one and half years the company has been grappling with debts and owes cane farmers a whopping Kshs150 million. Arrears for farmers run six months back, while cane payments have been subsidized by the company at Kshs2, 500 per tone instead of Kshs4000.

Olweny said incidentally the firm intends to borrow another Kshs500 million from the Kenya Sugar Board to facilitate its operations.

The prevailing circumstances have led farmers to abandon cane delivery to Chemelil and are now headed to Kibos and Allied and Sugar Industries and Muhoroni, which Olweny notes do not have adequate capacity to crash cane.

The legislator now says Chemelil Sugar Company may go the Muhoroni way if urgent contingency measures are not put in place in the foreseeable future.

He says that as the area MP, workers at the firm have of late been approaching him so that the company does not go under like Muhoroni and Miwani.

Chemelil Company has been operating way below the set capacity, in addition to frequent factory breakdowns.

Olweny says that 13 senior workers have been sacked by the management hence promoting industrial unrest time and again.

Clerics' stand on new law baffling to the flock

By CATHERINE NDEDA

A section of the Church has been shouting itself hoarse against the Proposed Constitution. Christian clerics are threatening to vote 'No' in the upcoming referendum if politicians fail to delete the Kadhis' courts and amend the abortion clauses in the new law.

The outcome of the impending struggle, pitting the religious elite against the political class will determine whether Kenyans remain loyal to the religious class and look to the pulpit for political direction or stick with the politicians and depend on the podium for future direction.

About 80 per cent of the Kenyan population is Christian, whose views on matters constitution, the clergy claims to represent. It is the belief that what is contained in the

Proposed Constitution is the views of the people since the Committee of Experts went round the country collecting them.

If the Kadhis' courts are included in the draft then it is a logical conclusion that it was the wishes of majority of Kenyans. If majority of Kenyans are Christians, then it is logical also that Christians gave the views that Kadhis' courts should be included in our constitution.

The same Christians also said abortion should not be permitted except when the health or life of the mother is in need for emergency treatment as may be permitted by law.

The million-dollar question is, if the same Christians said they want the draft law as it is, then whose interests the clergy representing?

At what time did the Na-

tional Council of Churches of Kenya and Catholic bishops go round the country seeking the views of their flock on the contents of the draft constitution as the CoE did?

It is on record that the Seventh Day Adventist church, a member of the NCCCK, is not opposed to the inclusion of the Kadhis' court in the draft. There are two million Adventists in Kenya and they support the proposed law. Some Catholic bishops, especially in Nyanza, have differed with the leadership and support the draft. This is testimony that not all Church leaders are united in opposing the draft. In my opinion, the clerics opposed to the draft are actually representing their own interests and not the interest of the whole Christian community.

The joyous reaction at All Saints Cathedral on Sunday when retired Archbishop Dav-

id Gitari announced that he supports the draft was proof of the mood of the majority of Christians. Fact is majority Christians do not have a problem with the article on the Kadhis' courts and abortion. The clergy should tell Kenyans exactly whom they represent by opposing the draft since the Christians they lead support the draft.

Church leaders should put more effort in preaching morality and improving the church's relations with Muslims instead of engaging in divisionary activities. I challenge the clergy to have a mini referendum for Christians before the national one to know the true position of their flock on the proposed law.

—The writer is a post-graduate student at University of Nairobi.

MPs asked to help select schools

By JOEL JUMA

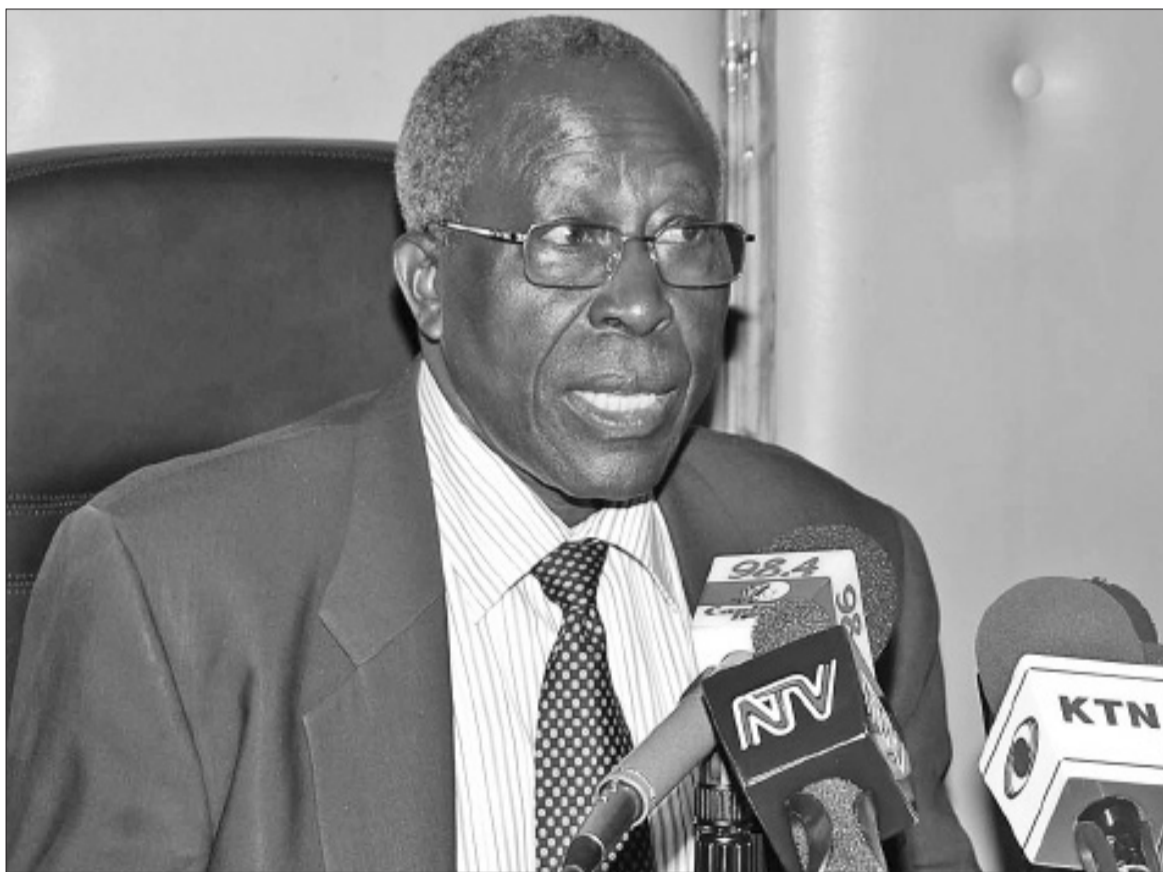
The Ministry of Education has urged Members of Parliament to liaise with their District Education Boards (DEBs) to resolve controversies surrounding selection of academic centres of excellence.

Education Secretary George Godia says that constituencies should resolve their disputes to enable the Government release funds to beneficiaries.

Prof Godia says that the Government was ready to give schools earmarked for up grading Kshs30 million under the Economic Stimulus programme.

Godia says the ministry will soon launch the programme saying that constituencies faced with controversies should resolve them to avoid causing delays in the implementation of the projects.

"Controversies in the selection of both primary and secondary schools should be resolved as the Government needs to kick off the programme at all levels," adds Godia. He explains that ministry has received several complaints in regard to the selection of the centres and therefore the cases need to be resolved to pave way for the



Education minister Prof Sam Ongeri

disbursement of funds to beneficiaries.

Godia spoke as the Kenyans National Union of Teachers (KNUT) urged the government not to release funds to schools which are currently faced with disputes.

The Kenya National Union of Teachers Western Provincial secretary John

Wesonga claimed that the selection criteria was biased and that some MPs had colluded with DEOs to favour a number of institutions.

"Schools which had been earmarked for upgrading by communities were left out and therefore proper evaluation is required before the disbursement of funds to the

constituencies," said Wesonga.

Godia however said tenders for the schools identified for up grading have been awarded. Godia also reveals that a total of Kshs500 million has been disbursed by the Government as bursary for needy students in the country.

By FIDELIS KABUNYI

Trouble at Fresha Dairy firm

A row is brewing at the Githunguri dairy farmers' co-operative society popularly known as Fresha over plans to purchase a UHT machine.

The area MP Njoroge Baiya, who served as the chairman of the society before joining politics in 2007, is opposed to the plan and warns that the company may collapse if the management forges ahead with the plan to buy the machine.

Baiya instead wants the company to buy a powder milk processing machine which he argues is able to store more milk without wastage.

At the centre of controversy, however, is the cost of the UHT machine, which is expected to cost the society a whopping Kshs1.2 billion while the purchase of a powder machine is estimated to cost a minimal Kshs500 million.

The board led by Chairman Charles Mukora is accusing the MP of interfering with the running of society despite having initiated very little reforms at his helm as the chairman.

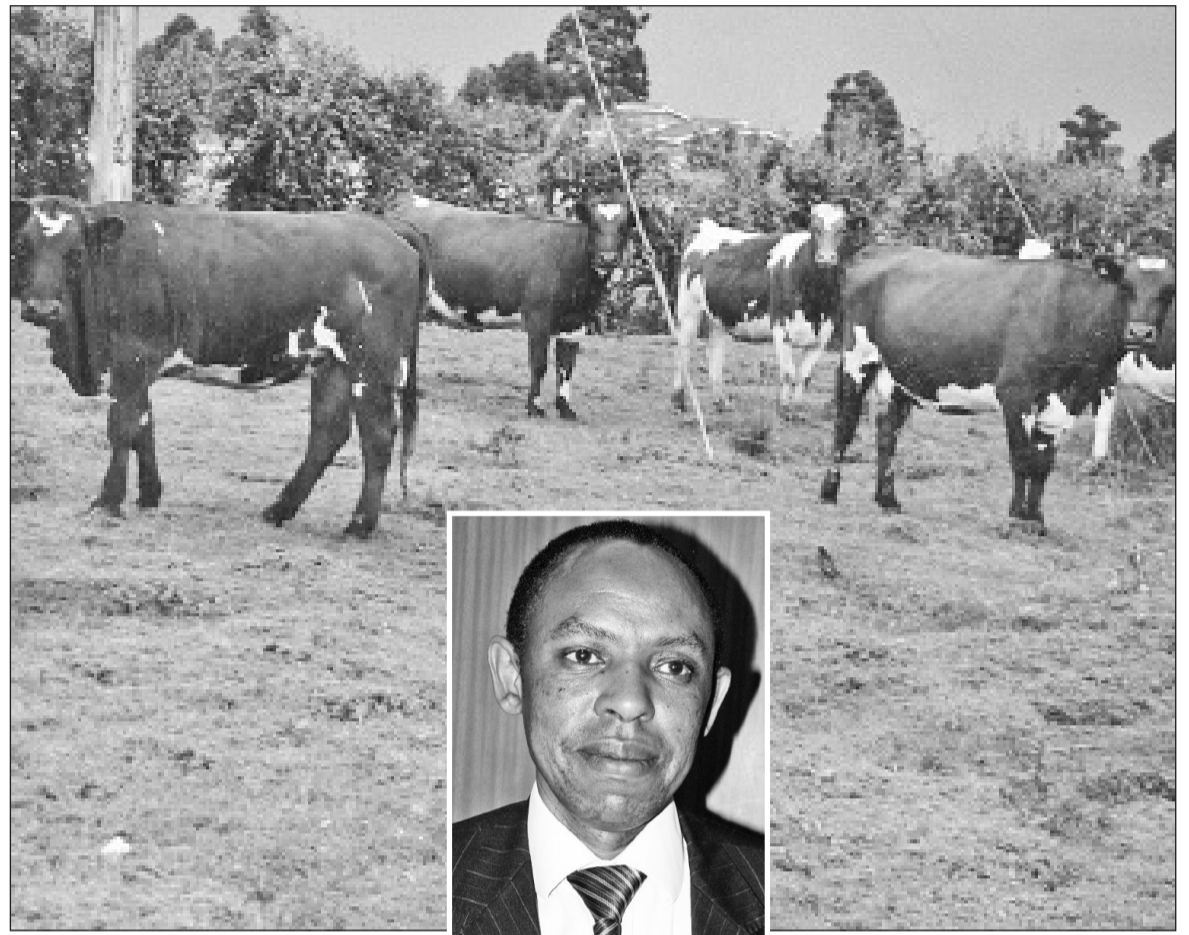
However the area Member of Parliament dismisses the accusations and says that he will continue monitoring the society to save it from collapse.

He claims that the plant which has a capacity of 185,000 litres has been run down by senior managers who are also trading with the society due to poor leadership.

Baiya says the vice, had negatively impacted on the day to day running of the facility noting that conflict of interests in any business endeavor was tantamount to vouching for its grinding into a halt.

It is alleged that the company chairman Charles Mukora owned two transport vehicles at the milk plant and that most of the committee members were competing to trade with the facility thereby compromising its productivity.

Baiya says that conflict of interest was likely to lead to the collapse of the society and cautioned that their com-



Dairy cows in one of the farms in Githunguri. Inset: Mr Njoroge Baiya, area MP

petitors were keenly watching so that they can grab its vast market in case of such an eventuality.

Coffee millers put on notice

By MORRIS GITHENYA

Cooperative Development Minister Joseph Nyaga has put on notice millers who hoard farmers' coffee.

The Minister termed the practice as unfair saying that farmers were incurring huge losses. He said the millers release the coffee for auctioning.

During a meeting with coffee farmers in Thika, Nyaga heard how Thika Coffee Mills was yet to release milled coffee to the government sponsored Kenya Cooperative Coffee Exporters (KCCE).

Members of Kamacharia farmers cooperative society in Murang'a have been complaining of lack of payment despite the fact that their coffee had been milled.

They told the minister that their coffee was still being held in the warehouses, as the miller insist to be paid first.

TCM operations director Col Joshua Nzioka dismissed as unfounded claims that the company has refused to release coffee to the newly registered Kenya Co-operative Coffee Exporters (KCCE).

He instead accused the marketer of failing to pay milling charges amounting to Kshs3 million since January to secure the coffee.

The debt is owed to five co-operative societies which market their coffee through KCCE, he said.

"Before coffee is released by millers, the marketer must pay for



Coffee plantation

the milling charges and once that is done the coffee is given out promptly," he said in a statement.

This followed claims by some farmers that coffee delivered to TCM in January was still being held in the company warehouses without explanation.

Nyagah also accused cartels of undermining the newly formed

marketing outfit.

But Col Nzioka appealed to the market regulator, Coffee Board of Kenya to protect farmers from exploitation.

He claimed that some of the marketers were selling coffee by private treaty which is against the law and urged the CBK to probe the matter.

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State orders closure of dangerous mines

By MORRIS GITHENYA

The government has ordered the immediate closure of sixteen quarry mines in the country to avert possible calamities.

This follows recommendations by a task force appointed in February to look into the quarry mines to ensure their safety before any excavation activity can be allowed to take place.

The task force headed by Benjamin Lagwen ordered the closure of quarry mines in Murang'a, Nyeri and Naivasha while others will remain under supervision of geologists and environmentalists.

The affected mines are located near market centers, homesteads, next to rivers, roads and railway lines.

One of the affected quarries belongs to Kay Construction Company which came to the limelight when five people who had been hired to excavate stones died after the mine caved on them. The Company is currently overseeing the construction of St Mary-Irima-Gitugu road in Kangema.

Also affected are four mines neighbouring the killer mine in Mukangu area which the 12 man task force recommended that they be shut down permanently.

The report also called for the rehabilitation of 51 other



A quarry mine which is dangerous for human life. PHOTO/FILE

quarry mines before they can become operational.

The report obtained by The Link also revealed that some quarry mines had been turned into havens of criminal activities where brothels and illicit brews dens exist.

In Nyeri District one of the closed quarry mine in Kiganjo was found to have

contravened the Forest Act.

Quarry mines in Meru district were spared during the exercise after owners were instructed to make them safe to operators.

In Naivasha, the report indicates that part of a quarry in Wamahehe area was ordered closed owing to its location near the highway.

Eleven of the closed mines are in Murang'a East District. The report said they were beyond rehabilitation and posed a higher risk to miners and the general public.

Consequently Murang'a East DC George Natembeya ordered all the quarries located 30 meters from the main road and railway lines must

be shut without further notice.

The district environmental committee asked the police to ensure the closed quarry mines were not operational.

The DC also asked local authorities to ensure roads leading to quarries are made accessible in a bid to ensure rescuers can respond in case of a disaster. The task force assessed quarry mines in Central, Eastern, Nairobi and Rift Valley provinces.

Environment Minister John Michuki formed the committee last February, after visiting Kiama quarry mines in his Murang'a backyard where five people were buried alive

Last month, a man died after a boulder fell on him after he sneaked into a quarry mine despite the government ban.

Unicef funds Kajiado water, sanitation project

By JETER MUTUKU

The United Nations Children's Fund (UNICEF) has funded water and sanitation project for a rural community in Kajiado Central District to the tune of Kshs 7.2 Million.

The Enkorika water, sanitation and hygiene (WASH) project includes the putting up of fully equipped boreholes, water distribution infrastructure to supply water to a primary and secondary school, a health facility and a drawing point for the rest of the community.

Unicef country representative Olivia Yambi commissioned the project which is being funded through a local NGO namely Nosim Women Organization.

Yambi urged residents to adhere to public health guidelines in order to keep off preventable diseases that are often caused by poor sanitation.

She says that adherence to simple guidelines such as frequent and proper washing of face and hands will help keep off diseases that often deny women and children their right to quality life.

Nosim executive director Phoebe Mollel says that Enkorika WASH project will guarantee clean water for the public institutions and community and would reduce distances previously covered by residents in search of clean water. Apart from drilling and equipping the borehole, Nosim has constructed a pump house and laid pipes to three water tanks whose capacities range from 5,000 to 25,000 liters.

The organization has also constructed ventilation improved pit latrines and hand washing facilities at Enkorika Primary school and health centre and three community water points.

Other areas that have benefitted from Unicef water programme include Eldoret, Kitale, Webuye and Bungoma.

The governments of Germany, Italy and Japan have raised the cash for the projects under the Lake Victoria North Water services Board.

AIDs orphans need more attention

By AGREY BUCHUNJU

A community based organization (CBO) wants the government and other donors to allocate more resources towards the support of orphans to enable them attain higher education and other basic needs.

The Bungoma Home Based Care director, Mr. Martin Lukhale, says that his organization was more concerned with the large number of orphans left behind as a result of the scourge the spread of HIV/AIDs rather than the disease itself.

He says that there are over 3,000 orphans in Kanduyi division alone who are in dire need of assistance.

"Over 3,000 orphans just in one division are alarming which is why we are appealing to the government and other donors to divert a lot of their resources and energies towards helping the orphans," he says.

Equally, Mr. Lukhale appeals to the community members to join hands and assist the orphans in their midst.

The director says that his organization with the assistance from Aids Population Health Integrated Assistance (APHIA) Western has supports 3,161 orphans in Kanduyi division.

Mr. Lukhale disclosed that Bungoma Home based care received Kshs 3.3 million from APHIA as a grant which came in three tranches.

"We are now finalizing our second quarter activities and soon we will start the third quarter programme," adds the director who was flanked by the organization chairman Mr.

Julius Odera and other two officials Mr. Patrick Osakho and Mr. Chrisantus Mashaiti during an interview with The Link.

The director discloses further that his organization has been paying full secondary school fees for 21 needy and bright orphans.

He however, quickly points out that consistent support is pegged to the individual student's academic performance every term or year.

"At the end of every term the beneficiaries must show us their report cards and those

who fail to score mean grade of C plus and above are dropped from our assistance," he says.

The organization Mr. Lukhale, continues to disclose that also pays fees for student in vocational training colleges

He says that last year the CBO paid fees 23 orphans who have since completed their courses.

"This year we are paying fees for 32 orphans in the vocational training colleges and most of them are doing mechanics," the director concludes.

During the first quarter, the organization received Ksh. 1.3 million and spent as follows:-

Home clothes for over 750 orphans	—	Ksh.300,000
Training for care givers and guardians	—	Ksh.209,000
Renovation of 15 houses for orphans	—	Ksh.150,000
Sensitization of community Health workers	—	Ksh.420,000

The organization received Ksh. 1.1 million during the second quarter and used the money as follows:

Bought 219 lanterns for orphans	—	Ksh.
Bought pants for 1,000 orphans both boys and girls	—	Ksh.
Bought uniforms for 450 orphans	—	Ksh. 225,000
Bought 100 water cans – pieces	—	Ksh. 300,000
Sensitized CHWs	—	Kshs 420,000

By JOSEPH MUKUBWA

Over two million tree seedlings have been planted in Tetu, Othaya and Nyeri town constituencies by the Green Belt Movement in partnership with the Kenya Armed Force.

Already 20 trucks from the Kenya Armed Forces have been dispatched to the targeted areas to help in ferrying the indigenous tree seedlings.

The Green Belt regional coordinator Mrs Judy Kimamo says the lorries will collect about 576,000 tree seedlings from the tree nurseries which have been prepared by the women groups in various parts of Nyeri district.

"The primary objective of the project is to restore the degraded areas in and around water catchments, conserve local biodiversity and improve livelihoods of participating community members." She said.

Over one million trees have been planted in the last one and half years with more than half a million being planted in Gakanga and Zaina forest.

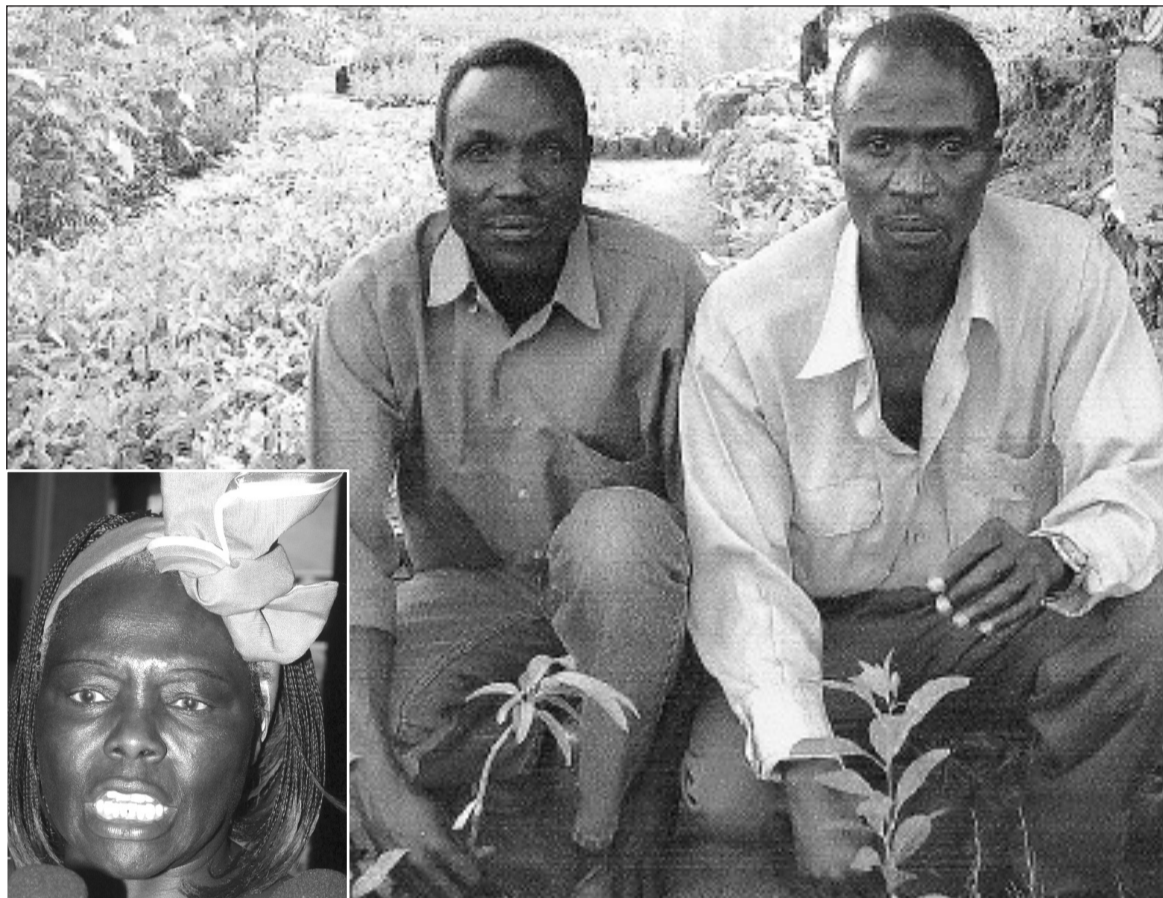
"This project positively impacts on the management of resources by engaging community members, private companies, local institutions, government departments and Kenya Forestry Service (KFS) in the

participatory management, protection and restoration of forests," says Kimamo.

The movement lauds the good work being done by the Kenya Armed Forces, Kenya Forestry Service and the Provincial administration which she says have become very important stakeholders in planting of trees which target the restoration of natural forest, protecting the local biodiversity and improving the livelihoods of the people.

She says that some of the seedlings will be planted at

Army, Green Belt Movement plant trees in Tetu



Plantation of trees. Inset: Prof Wangari Maathai Green Belt Movement founder.

Gakanga area which had been destroyed by squatters who had been settled there before they were relocated to Solio Settlement Scheme.

Kimamo added that the rest of the seedlings will be planted at the Aberdare forest adding that the exercise will boost environmental conservation and help to protect the watersheds found in the mountain ranges.

She says the main challenges

in tree planting are aftercare of planted trees, control of grazing and high costs of transporting seedlings adding, "while tree planting has made remarkable progress, the work on farms and biodiversity restoration has lagged behind because of short implementation period.

The project has brought together the local community and other forest stakeholders while the activities have been initiated

to restore indigenous forest, enhance and protect local biodiversity, influence policy for sustainable forest management among others.

These project initiatives have increased awareness on the linkages between destruction of forests, climate change, agricultural productivity and socio-economic problems resulting in more people participating in the implementation.

Group moves to protect Lake Victoria ecology

By JOHN NYAMBUNE

By Marine researchers across the three East African countries which share Lake Victoria have launched an initiative aimed at protecting and restoring dwindling resources through classification and mapping of Ecological Sensitive Areas (ESAs).

Kenya Marine and Fisheries Research Institute's lead expert, Dr William Oweke Ojwang, who is also Kenyan team leader, says that the researchers had already identified and characterized all sensitive ecological areas in the lake and are currently scrutinizing available data to pave way for the mapping of the Ecological Sensitive Areas in the lake.

Ojwang says ecologically sensitive areas provide ecosystem services that are vulnerable to human activities and require special protection.

The exercise targets wetlands, river mouths, sheltered bays rocky outcrops and islands.

Ojwang says Lake Victoria Basin Commission (LVBC) funded regional study covering the entire Lake Victoria aims at restoring and protecting biodiversity of the resources.

He says there has been widespread loss of aquatic biodiversity, declining fish stocks and environmental degradation in the lake.

Speaking in Kisumu, Ojwang says they would come up with a regional report to provide basis for decisions on preparation and enactment of legislation that will guide sustainable management of such areas.

Some of the critical emerging issues that came up during the survey and needs to be addressed urgently are issues of ownership of islands, use of wrong fishing methods and critical habitats such as river mouths and rocky outcrops. Others include demarcation of water abstraction points and rampant sand harvesting among others.

NEMA cracks the whip in Busia

By JOEL JUMA

The National Environment Management Authority (NEMA) has stopped the construction of a number of buildings in Busia town until an Environmental Impact Assessment (EIA) is carried out.

NEMA also closed down three entertainment spots at the Kenya-Uganda border town for failing to put in place noise control measures.

Proprietors will now have to install noise control devices before they can re-open them.

An inspection team led by Anthony Aura and Palapala Muteshi says that no building will be allowed to proceed unless the authority approves their EIA reports.

Aura explains that some of the buildings have been earmarked for hotels and pose health risks to residents, as they have not complied with the environmental requirements.



Mr Michuki: Minister for Environment

"Owners must indicate how waste will be disposed as they are storey buildings," said Aura.

Aura explains that inspection also revealed that materials being used for construction were sub standard and demanded that the

ministry of Public Works supervises the contractors.

Aura says that one of the project, which is set to be a petrol station lacked drainage system apart from being on a road reserve. He said Nema has blocked the owner from putting up the facility and urged the Municipal Council of Busia to advise the investor to relocate the project.

He said that they were liaising with the ministry of Public Health to carry out inspection of market centres with a view of cracking down on food kiosks that are operating under filthy conditions.

Western Provincial Disease Surveillance Coordinator Richard Nyamai admitted that there would be a joint inspection between the ministry of Public health and Nema.

Nyamai explained that the investors putting up housing units without seeking advice from the public health will not be protected.

Uprooted Eucalyptus growing again

By MORRIS GITHENYA

The Eucalyptus trees that were uprooted from water catchment areas in Murang'a are sprouting again.

Many of the uprooted trees are back to life owing to the heavy rains pounding the country. The Ministry of Environment and National Resources is now at a loss on how to deal with the situation.

Kangema district was picked as a pilot area by environmental experts who wanted to conduct a study to establish whether water levels in the targeted areas would increase. Investigations by a team of experts have now revealed that the budding trees are likely to pose a new threat that cannot be ignored.

Two years ago, Environment Minister John Michuki ordered uprooting of the water gulping trees from the river banks and catchment areas. The directive was welcomed by residents who cut down the trees and sold them to Kanyenya-ini tea factory for processing green leaves.

However, an environmental officer with the National Environmental Management Authority (NEMA) Mr. Isiah Gichure

says owing to the new threat they have to come up with a new strategy of oiling upper parts of the trunk after trees are felled.

"There are many young trees that have sprung up in the water catchment areas a year after they were cut down," says the environmental officer.

Ernest Waweru the manager at Kanyenya-ini tea factory on the other hand says felling of the eucalyptus was a blessing to the timber industry owing to availability of wood fuel. "We had enough firewood but the demand is still high as compared to the current delivery," said Waweru.

The tea processing factories in Murang'a have embarked on a joint venture to construct a power station that will produce enough power to run four tea factories. The project under Metumi Company will spend Kshs 600 million with surplus electric power to be supplied to national grid.

Chairman of tea factories in Murang'a, Chege Kirundi says the project will help save millions of shillings per year that would later be paid to farmers. Kanyenya-ini factory alone spends Kshs36 million per year to pay electricity bills.

The State of higher education in Kenya

By MARTIN TAIRO

The recent world universities' rankings were not surprising to Kenyans. Despite the fact that we are local leaders in the production of human resources for both regional and international markets, our universities were content with the humbling tailing positions that we were able to attain. Maybe it was because our universities' websites are rarely updated; and the authorities at the universities hardly ever respond to any email inquiries; or even the universities' library databases are not yet uploaded on to the internet; facts that opponents of such rankings would brush aside as being inconsequential. But I would say the rankings were just an overestimation of the state of higher education in Kenya. We deserved even worse.

The roles of higher education institutions are clear. First, they should provide education and training within a structure that combines research and teaching. Second, they should offer professional training in fields such as Medicine, Engineering, Architecture, Law and Teaching. Third, these institutions should operate as research centers, responsible for carrying out research in a broad range of disciplines. Fourth, they should play a part in regional development, as well as developing international contacts, and last but not least, they should play a social function in fostering the intellectual and social development of the society.

But scholars and critics alike have never stopped blaming the system, which most of them went through, and their critiques are somewhat justified. Studies have confirmed that the nature of training provided by Kenyan public universities does not adequately prepare the higher cadre human resources that are



A section of University of Nairobi.

required for development. In an editorial article in the Daily Nation (July 12 1997, P. 17), it was observed that "Education in Kenya has largely operated in isolation from the economic sector it is supposed to serve. The result has been that its products have at times been found wanting in vital skills that have hampered their absorption into the economic mainstream."

The quality of the teaching staff is wanting. The poor state of the economy has affected the rewards of lecturers and has caused the best of these brains to go searching for better terms abroad, while those left behind

only dedicate minimal time to their responsibilities as teachers at the universities. In his study "Revitalizing Financing of Higher Education in Kenya: Resource Utilization in Public Universities", Abagi Okwach indicated that about 50% of the teaching staff at the two universities he studied, the University of Nairobi and Kenyatta University, were not working full time at the universities. Some of them were under employed.

The survey also indicated that about 40% of senior academic staff at public universities were performing part time duties in other institutions, including pri-

vate universities and non-governmental organizations. These staff members were engaged in various duties that included teaching, research, evaluation of programs and running their own businesses without approval from the university administration, as is normally required. This has resulted in a situation where teaching staff devote little attention to research or improving their teaching, and play little or no role in the life of the institution employing them.

There has been rapid expansion in the higher education sector of Kenya. More people are seeking higher education from

the few universities we have. This has overstretched the services of these institutions, compromising the quality of graduates in favor of quantity. It has also increased the costs of running these institutions. As a cost cutting measure, university administration often employs outmoded teaching methods. Rote learning is common, with instructors doing no more than dictating their notes to overcrowded classes. This negatively impacts students, who are frequently unable to afford a text book. They are forced to transcribe the notes into note books, and those who regurgitate a credible portion of their notes from memory, achieve exam success. These passive approaches to teaching have little value in a world where practicability, creativity and flexibility are at a premium.

The mode of teaching aside, the testing system is highly questionable. The system is not water tight against cheating and other irregularities. It also does not cover the practical aspect of learning well, as students can still pass these exams even though they may have not had any practical attachments. This has heightened "paper qualification syndrome"- the feeling of qualification for a given job by virtue of holding certificates showing that one has passed some examinations while, in essence, lacking the corresponding skills and attitude required to perform effectively in one's duties.

The university education system is also isolated from the society. A meaningful modern education system should stimulate all aspects of human intellectual potential. It should not simply emphasize access to knowledge, but also uphold the richness of local cultures and values, supported by the valuable disciplines of the humanities and social sciences, including philosophy, literature and the arts.

All of this considered, including the poor response to technological advances, poor administration, poor student welfare services and frequent student unrest, I still believe that we deserved even worse in the rankings.

Ministry wants MPs to help select schools

By JOEL JUMA

The Ministry of Education has urged Members of Parliament to liaise with their District Education Boards (DEBs) to resolve controversies surrounding selection of academic centres of excellence.

Education Secretary George Godia says that constituencies should resolve their disputes to enable the

Government release funds to beneficiaries.

Prof Godia says that the Government was ready to give schools earmarked for up grading Kshs30 million under the Economic Stimulus programme.

Godia says the ministry will soon launch the programme saying that constituencies faced with controversies should resolve them to avoid causing delays in the implementation of the

projects.

"Controversies in the selection of both primary and secondary schools should be resolved as the Government needs to kick off the programme at all levels," adds Godia. He explains that ministry has received several complaints in regard to the selection of the centres and therefore the cases need to be resolved to pave way for the disbursement of funds to beneficiaries.

Godia spoke as the Kenyans National Union of Teachers (KNUT) urged the government not to release funds to schools which are currently faced with disputes.

The Kenya National Union of Teachers Western Provincial secretary John Wesonga claimed that the selection criteria was biased and that some MPs had colluded with DEOs to favour a number of institutions.

"Schools which had been

earmarked for upgrading by communities were left out and therefore proper evaluation is required before the disbursement of funds to the constituencies," said Wesonga.

Godia however said tenders for the schools identified for up grading have been awarded.

Godia also reveals that a total of Kshs500 million has been disbursed by the Government as bursary for needy students in the country.

Nambale youth reaps from own sweat

By NYAKWAR ODAWO

What had started as a community based organization has helped transform hundreds of youth in Nambale constituency.

The youth started off by putting their meager earnings together to aid in the formation of Rural Integrated Community Organization (RICO) whose aim is to enable them acquire skills and knowledge necessary for their sustainable development.

According to the organization's coordinator Erick Nyongesa, RICO seeks to model a community that is self sustainable and independent through improved information dissemination and technology transfer.

"The organization's main objective is to help uplift the living standards of the rural communities by strengthening their technical capacities in food production, healthcare, entrepreneurship, water conservation, sanitation, education, human rights and environmental conservation," he said.

Nyongesa argues that the major obstacle to development is lack of information to those who need it most adding that the organization aims to serve the marginalized community at the grassroots level irrespective of one's ethnic background.

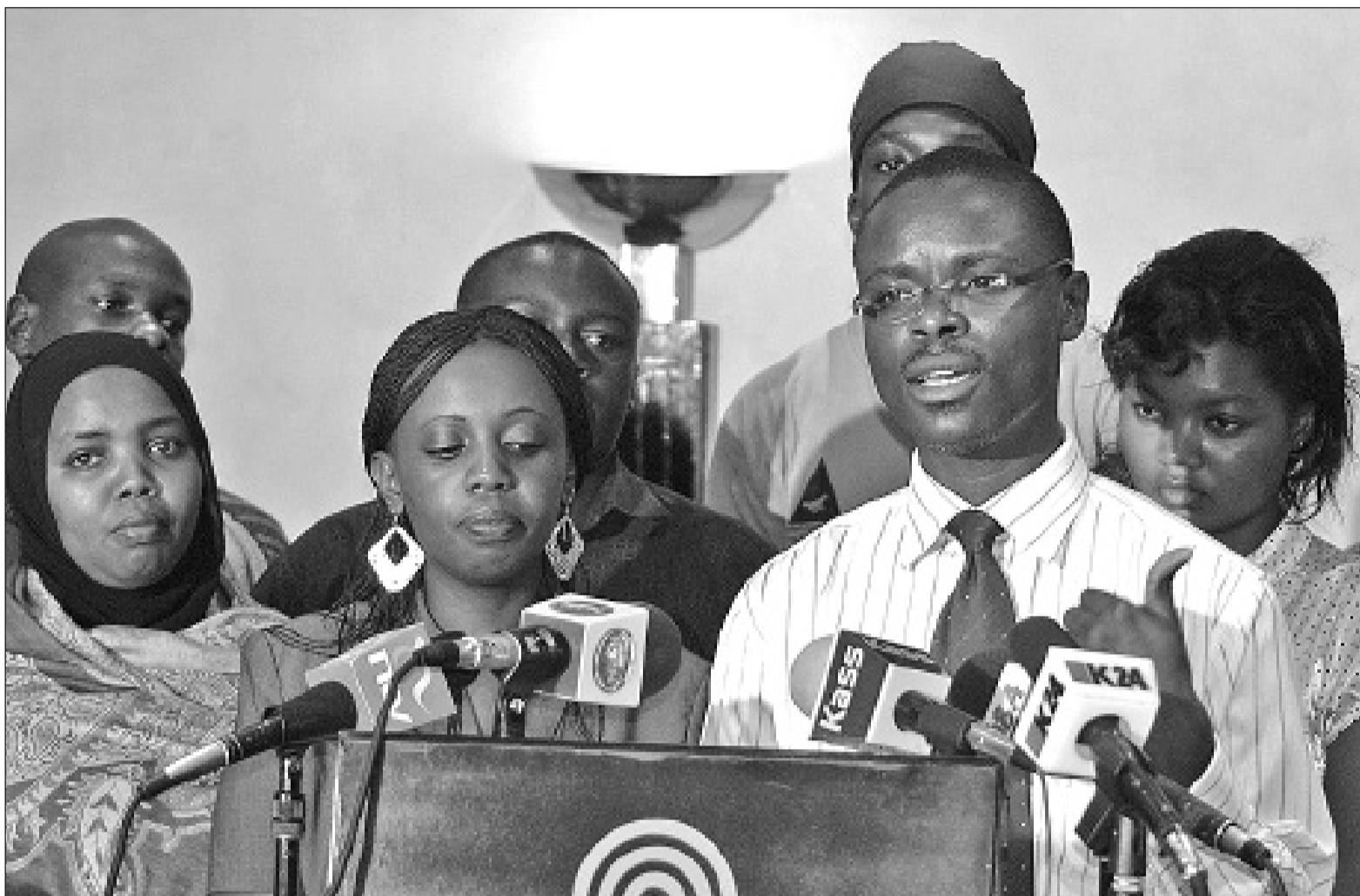
"In order to effectively execute its mandate, the organization emphasizes on planning in a holistic way through developing indicators, building skills, providing practical technical support alongside disseminating modern technologies, creating opportunities and monitoring and evaluation," the coordinator says.

The organization is committed to providing information and modern technologies within reach of the target group, facilitating adoption of new technologies, training the groups at the grassroots level on participatory development processes and structures and assisting them in developing indicators and monitoring and evaluation.

This is an integrated programme that comprises six major sectors namely Information Dissemination and Technology Transfer, Environment, Health, Water and Sanitation, Food Security, Education (Early Childhood Development), legal and civic awareness, Human Rights and other support projects in relation to the objectives.

It aims at making sure that small scale farmers improve their food securities through use of fertilizers and other inputs. So far a total of 119 community members have been trained on compost making using locally available residues, weeds and farm wastes.

RICO has empowered local



Youths addresses the press in one of the past functions. Photo/File

communities to undertake other activities like kitchen gardening, local poultry production, HIV/AIDS and Reproductive Health programme, Entrepreneurship Small and Micro-Enterprise Training, Mitigating the effects of Environmental degradation, Child Protection and Human Rights and Gender discrimination.

The group coordinator says a total of 250 youths have so far been trained on leadership skills, entrepreneurship, sources of business finance, proposal writing, financial management, marketing and business accounting among others.

"The major challenges we are facing as an organization includes inadequate finances, managing community expectations and lack of adequate office facilities," he said.

Apart from empowering the communities at the grassroots level to engage in income generating activities aimed at improving on their lifestyles, RICO is also engaging in peace and conflict resolution process so as to enhance harmonious co-existence among the various communities in the region.

"Conflicts are not new in Western Kenya. In the past 25 years the conflicts have gradually increased in scope, magnitude and frequencies culminating to the post election violence of early 2008," he says.

Western province is haunted by identity based conflicts, industrial conflicts for instance between sugarcane factories

and sugarcane farmers, fractious politics and land based conflicts and related resource based disagreement. To mitigate some of the conflicts, RICO is partnering with Konrad Adenauer Stiftung (KAS), a Ger-

man foundation, to be actively involved in conflict resolution and peacebuilding initiatives in the region.

Some of the peacebuilding initiatives include sports event,

such as football tournaments. RICO advocates for non-state actors to have better ties with state authorities in order to promote conflict resolution and security initiatives.

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Ministry moves to implement Tobacco Control Act

By AGGREY BUCHUNJU

The ministry of Public Health and Sanitation and the Institute for Legislative Affairs (ILA) have embarked on a campaign to sensitize local authorities on the Tobacco Control Act 2007.

The campaign, which includes the training of personnel from the provincial administration, public health, municipal councils, the police and Civil Society Organizations, aims at building the national capacity for the monitoring and implementation of the Act.

The Kenya Tobacco Control Act 2007 was enacted into law on October 8, 2007. It however, came into force on July 8, 2008 after a 9 month compliance period.

The Act provides a legal framework for the control of production, manufacture, sale, labeling, advertising, promotion, sponsorship and of tobacco products including exposure to tobacco smokes.

It is also aimed at protecting the health of the consumer bearing in mind that tobacco is one of the leading causes of preventable diseases and death globally.

The Act further protects the consumers of tobacco products from misleading and deceptive inducements and instead informs them of the risks of using tobacco products as well as exposing other to these risks.

However, the enforcement rate has been wanting. The National Tobacco Control Enforcement Co-ordinator Mr. Ibrahim Longolomoi says that tobacco control issues have not been sufficiently ad-



Meth Mugo: Public Health and Sanitation minister

ressed by the policy makers

Mr. Longolomoi urges the provincial administration, public health officers, enforcement officers in local authorities, the police and civil Society organizations to enforce and monitor the implementation of Tobacco Control Act 2007.

He appeals to the officers to conduct swoops on a regular basis in their areas of jurisdiction to help apprehend individuals who contravene the Act and arraign them in court.

The move Mr. Longolomoi, ob-

serves will protect the public from the hazardous effects of exposure to and use of tobacco.

He spoke amidst astonishing revelations that the number of deaths associated with tobacco consumption are likely to double by 2030 if the global trend on tobacco use continues.

A report released by the World Health Survey in conjunction with Kenya's Ministry's of Health, division of Non-communicable Diseases (NCDs), Kenya Global Youth Tobacco Survey and Institute for Legislative Affairs (ILA)

shows that 5 million deaths occur annually due to the effects of tobacco use.

Despite the several risks associated with tobacco use, the current epidemiological survey results conducted by ILA shows that 26 percent of the general Kenyan population smokes tobacco.

This percentage translates into about 8.4 million Kenyans who are currently addicted to the nicotine in tobacco.

According to Mr. Vincent Kimosop of ILA, the survey also indicates that the rate at which girls are now taking up the habit is almost the same as that of boys.

Mr. Kimosop attributes the alarming rate of the youth indulgence in smoking to illicit trade in tobacco products which he notes with regrets that is rampant in the country.

"Illicit trade does not only result in loss of revenue but also leads to affordability and accessibility by minors hence, undermines tobacco control effort," he says.

Ms Elizabeth Ayoo, a lawyer attached to the Tobacco Alcohol Free Initiative (TAFI) appeals to the arresting officers to quote relevant sections in the Act in order to solidify cases against offenders.

Tobacco and HIV/AIDS are the two fastest growing causes of death in the world presently.

Tobacco is an agricultural product processed from the fresh leaves of plants in the genus nicotine.

The crop has been known to man since 3500 B.C and was introduced in East Africa in 1560 by the Portuguese and Spanish traders.

Cultivation of tobacco was introduced in Kenya in 1907 and its trade and consumption has since grown immensely.

In Kenya it is grown by a bout 20000 small scale farmers on a bout 15000 hectares of land in some parts of Nyanza, Western, Central and Eastern Provinces.

Tobacco contains over 4000 substances, 400 of which are known to be injurious to human health while about 40 are known carcinogens.

Some of the contents of tobacco products are: Nicotine, Ammonia, Acetone, Methanol, Naphthalene, Cadmium, Carbon monoxide, Toluene, Butane and Hydrogen Cyanide among others.

Nicotine is a highly addictive substance that leaves consumers dependent on tobacco and alters brain functioning with studies indicating that smokers continue to smoke in order to avoid the pain of withdrawal symptoms.

Besides, nicotine is a drug, weed killer and insecticide despite being usually underestimated by the consumer and the general public who are at risk of exposure to second-hand tobacco smoke.

Tobacco, like HIV/AIDS, causes debilitating effects and often fatal diseases and conditions hence, its use is a major risk factor for majority of chronic diseases.

Some of the diseases tobacco use causes includes heart disease, hypertension, cancers of lung larynx, mouth, urinary bladder, stomach and esophagus, abortion, reduction in libido and impotence among other diseases.

By AGGREY BUCHUNJU

The long quest by residents of Bunyala West location to have access to clean drinking water may soon be realized.

This follows a disbursement of Kshs. 6,694,473 to the location by the Lake Victoria North Water Services Board (LVNWSB) chairman Mr. Joseph Mununga.

The money donated by Water Services Trust Fund (WSTF) is to be utilized in two phases and will focus on water and sanitation projects in the area

During the first phase, a total of Kshs. 3,891,625 is to be used for digging of boreholes, construction of water springs and toilets in the three sub-locations.

Already sites for putting up the facilities have been identified and work on the projects has begun in earnest.

Area residents will only have to wait for a little while before they can access adequate and safe water for domestic use.

Mr. Murunga says that the implementation process favours the Community Project Cycle (CPC) approach as a sure way to guarantee sustainability and success.

Mr. Murunga, points out that the project has a self financing mechanism, effective management structure, effective participation of beneficiaries, a constitution with clearly defined roles and above all, effective monitoring and evaluation system to ensure the project remains in the right course.

He claims that previous water

Bunyala residents to access clean water



Water Minister Charity Ngilu commissions the community water projects the part of the country. Photo/File

projects in Western Province especially those financed by the Kenya- Finland Western Water supply

programme (KEFINCO) collapsed because the implementation process was based on supply driven ap-

proach, a factor, he adds, ignores the issue of sustainability.

"Because of the previous experi-

ence learned from KEFINCO where the projects equipments were stolen or vandalized with impunity due to lack of effective community involvement we, have decided to involve the community for security and sustainability purposes," he says.

The water service provider board chairman cautions the project management committees against cheating during procurement process.

He also urges the committees to display signboards on all the projects in order to bar other people or organization from associating themselves with the projects by claiming credit where not due.

Mr. Murunga was speaking recently at Nan'ganda chief's centre where he handed over the cheque to Bunyala West Water and sanitation project chairman Mr. Hassan Erima.

Speaking at the same function Kakamega Central District Water Officer Mr. Simon Kinyongi urged the beneficiaries to take care of the projects through close supervision during and after implementation.

Sidikho Sub-Location is stony and hilly, perhaps which is why it took the lion's share of all the water and sanitation projects being undertaken in Bunyala west location.

A retired nurse from the sub-location says that due to the hilly landscape area residents have been drinking dirty water during the rain season.

Mr. Hellen Oyalo, the immediate former nursing officer in charge of Kharanda dispensary claims that people in the area have been getting sick every now and then because water sources get flooded with dirty water when it rains.

Bura terror gang put on notice

By KAVYU KURA

In a rare gesture to cultivate peace and good neighborliness, Bura district residents have handed over the names of a suspected terror gang in their midst.

The gang is blamed for a spate of robberies and deaths in neighboring Mwingi East district.

Councillor Ali Salah Abdi of Tana River county council led the community in handing over names of four most wanted members of the outlaws to the District Security Committees from the two districts and the neighboring Kyuso district. As he handed over the

names to the Security team that included the DCs Martin Mwaro (Mwingi east), Reuben Loyotaman (Bura) and Peter Maina (Kyuso), Mr Abdi said that it was a clear indication that area residents wanted crime eliminated from the area.

He pointed out that the parents of two of the suspected killers were even present at the same public meeting and demanded that the law enforcers should use their discretion to force them to disclose the whereabouts of their criminals.

The meeting at Mwanzele-Serengeza area whose ownership is also in contention among the Kambas of Mwingi

east and the Oramas of the new Bura district came in the wake of murder of a 56 year old Kamba farmer by suspected members of the terror gang.

Since the killing of Kiniu Muriaku at his Musovo village in Ukasi location, tension had mounted with some members of the Kamba Community planning to avenge the killing.

The Mwingi east DC urged local leaders to shun incitement to violence between the two neighbouring communities even as he urged the people of Bura to help security apparatus arrest the gang.

Mr. Mwaro said that the authorities will have no mercy on criminals bent on terrorizing

innocent residents and added that he was sure that the local population had the capacity to help the government deal with the menace once and for all.

DCs Maina and Loyotaman called on residents who illegally owned guns to take advantage of the government amnesty and voluntarily surrender them to the government or else they would be forcefully disarmed and prosecuted.

The two administrators cautioned that it was impossible to achieve peace when some residents illegally owned firearms adding that a massive gun mop up exercise would be launched if the locals defy the directive to surrender the arms.

Murang'a Kazi kwa Vijana gets funds

By BONIFACE GIKANDI

The government has allocated Kshs7 million to Murang'a Municipal council to oversee the Kazi kwa Vijana programme. About 200 youth will be hired for various jobs in the programme to be supervised by the council, area District Commissioner and the District Youth Officer.

Speaking at the town hall during launch of Kazi kwa Vijana programme, Murang'a Mayor Joseph Njoroge says more funds will be allocated by Ministry of local government. Njoroge however called on the youth who have been selected to benefit from the programme to use the funds wisely.

"I do not want a situation where I will be called to the police stations to secure release of some of the youth after they are arrested by police for being drunk and disorderly," says the mayor.

Clerk to the council Mr. Samuel Njogu lauded the government for having chosen Murang'a among other municipalities in Kenya to benefit from the millions of shillings to support Kazi Kwa Vijana programme.

Njogu says the youth will be used in unblocking drainage systems, and rehabilitation of roads and beautifying the town. "More funds are being awaited from the government for the success of the youth programme," says the Clerk.

Murang'a East DC George Ntembeya says the programme is among many that have been tailored by the government to help secure their earnings.

Road constructors put on notice

By MORRIS GITHENYA

The government has launched a monitoring mechanism in order to backlist companies behind shoddy construction works in the country.

Roads Minister Franklin Bett says it was a pity that initial report reveals that some of the construction companies have been doing shoddy work while others were running behind schedule despite being paid from government coffers.

The Minister cites the pathetic state of Kenol-Murang'a road which was rehabilitated last year at a total cost of Kshs200 million only for potholes to emerge a few months later.

The Minister spoke in Murang'a when he inspected road network in Kiharu constituency where he announced that the government has set aside Kshs1.5 billion to oversee the construction of 35 km Mukuyu-Kahuro-Githambo road.

The contractors, he says should adhere to the contractual agreement between them and the government.

"Contractors must abide to the binding agreement to ensure that they complete work within time, provide quality work instead of engaging the government in a cat and mouse game when in need of explanations," says the Minister.

Bett however warns the public against stealing sign posts along the major highways as they help guide motorists plying the routes.

"It's a shame that many of the signs posts are vandalized by people who use them to make frying pans and sufurias



A section roads currently being built in the country. Inset: Minister for Roads Franklin Bett.

among other utensils at the expense of innocent lives lost through accidents," says Bett who is also the Bureti Mp.

He says newly constructed roads have turned to death chambers owing to drivers who travel at high speed.

He cites the Lanet-Njoro, and other sections in the country which had turned to death traps claiming hundreds of lives.

"In the Njoro turn off more than 50 lives have been lost only months after

the vehicles were allowed to use the carpeted section," says Bett.

During the visit Kiharu Mp Muturi Mwangi demanded that the government commit funds to construct Mukuyu-Kahuro-Githambo road which was in pathetic state.

"This time my Kiharu people want an assurance from the government that the road will be done," says the MP.

Murang'a East DC George Ntembeya says the poor state of the road was

a threat to security and did not auger well for potential investors.

"Once the road is done a lot in terms of development will be achieved as many motorists fear using the route owing to high cost of maintaining their fleets," adds the DC.

Others who accompanied the minister were Roads Permanent Secretary Eng Michael Kamau, Kenya Rural Roads Authority Director General Eng. Mwangi Maingi.

Nyaga urges cooperatives to obey the law

By JOEL JUMA

Cooperatives minister Joe Nyagah has told cooperative societies to comply with the Act governing their operations or face deregistration.

The Minister said the Government will soon gazette new regulations aimed at regulating the operations of savings and credit cooperative societies.

He says the new regulations will ensure societies are supervised and monitored by the regulatory board.

"We have already put in place a Sacco Societies Regulatory Authority Board and soon it will kick off its operations," says Nyagah, who is the minister for Cooperatives.

Nyagah says societies running Front Office Service Activity (Fosa) illegally would be the first casualties in the new regulations.

The minister spoke during the launch of the Wevarity Savings and Credit Cooperative society in Masinde Muliro University of Science and Technology in Kakamega.

Nyagah explains that the board will handle registration and auditing of books of accounts of societies to ensure societies operate within required standards.

He notes that the cooperative movement currently has savings that amount to Kshs180 billion with an asset base of Kshs200 billion, which require monitoring for sustainability of the sector.

Prelates urged to join state in peacebuilding

By AGGREY BUHCUNJU

Arch Bishop Habakkuk Onyango Abogno of church Christ in Africa (CCA) has urged church ministers to rise above their denominational divide and tribal cocoons and assist the government in peacebuilding and conflict transformation.

Abogno observes that peacebuilding and enhancement of the national cohesion are some of the responsibilities of prelates.

The Arch Bishop argues that since

God knows no tribe or race those willing to join his ministry should discard tribalism and racism at all costs.

He avers that God's ministry is the best place for one to work but quickly cautions those who want to join it to repent, to be truthful and to embrace love.

"God is love and whoever opposes love opposes God which is why it is important for the church ministers to love all people regardless of one's tribe and social status," he says.

The prelate says that a church

minister who is biased and advances ethnic and hatred does not serve the purpose of Gods ministry.

Arch Bishop Abogno adds that a biased and tribal church leader has no business being in the God's ministry because he is most likely to divide the flock along ethnic lines.

"A Good shepherd should regard all his sheep as equally important and love them all", he says.

The clergymanat the same time urges the faithful to respect and support their spiritual leaders in their en-

deavors to promote harmony.

"The sheep must identify the voice of their shepherd for peaceful co-existence to prevail," the Arch Bishop adds.

Arch Bishop Abogno was speaking recently at St.Johnson's Nambacha C.C.A church in Kakamega Central District when he ordained Arch Deacon Shadrack Juma Makari as Bishop.

The colorful ceremony was attended by C.CA faithful from all Dioceses in Kenya, Uganda and Tanzania.

By MORRIS GITHENYA

Fraudsters throng Murang'a lands office

Murang'a lands registry has been turned into a criminal den where unsuspecting people are unwittingly walking into intricately woven cartels. Hundreds are being conned on a daily basis in the name of being sold non-existent pieces of land.

The most intriguing part is that the cartel has been able to forge documents of deceased persons and sold their land without raising a single eyebrow.

In a recent case, the family of Kiai Kagure was puzzled after it emerged that their father who died 27 years ago (1983) sold his land in Makuyu on November 17, 2005. The same piece of land was later sold to another person on April 2008. The family only detected early this year that the parcel of land Makuyu/ Kimorori/block 3763 had twice changed hands without their knowledge.

In April 2006, their dead father presented himself in Nairobi KRA office where he obtained a pin certificate no A003779415D before embarking on the said transactions. His son Caxton Kamau told The Link that the family had never sold the land and only discovered the anomaly after they felt that they needed to evaluate the status of the land. Another interesting case involves Gatiku tea buying centre in Kiamuturi and a family in the neighbouring area.

The Family of Michael Marioko Kagunda believes their late father never sold any parcel of land to the buying centre committee.

Available documents indicate that Kagunda died on May 28, 1982 at Murang'a District hospital only for him to transfer the said land on December 22, 2008 and a title deed issued on the same day.

Owing to the protracted land dispute, some of the family members have been denied access to the buying centre and were as a result incurring huge losses.

Brokers who have pitched tents at the registry have mastered the art with ease and are able to penetrate the land office where they access green cards and change them at will after which they sell fictitious pieces of land to unsuspecting buyers.

Last year, a person from Nanyuki town purported to own a piece of land in Nginda location of Maragua division and went ahead to place notices indicating that he wanted to dispose his land at KShs3.5 million.

With the assistance of brokers, the potential buyer was taken to the land office to prove that the land on sale belonged to the party in question before they sealed the transaction. Months later, the new buyer got a shock of his life when another person claiming to be the owner of the plot showed up.

After a heated argument they both agreed to jointly visit the lands office, where it emerged that the original green



Kiai Kagure who died in 1983 only to appear in 2005 to allegedly disposed off his land to Gichohi Kabaire before it was again sold to Ndegwa Gachathi.

card had been plucked off to please the buyer but was later slipped back after execution of the mission.

Upon investigations, it was established that the buyer had been conned by the impersonator from Nanyuki.

Another land belonging to John Muthua Mwangi registered as Loc 2/Makomboki/838 was transferred to Michael Thuku who was issued with a title deed despite the fact that Kigumo district land board had revoked the transfer the first party raised an issue.

The land control board chaired by DC Omar Salat later learnt that transfer was facilitated by some unscrupulous individual at the corruption riddled Murang'a Land Registrar office and application forms dispatched to the Commissioner of Lands in Nairobi for ratification.

The DC has since ordered police to carry out investigations to establish how the title deed had been issued before he can release the transfer forms from his desk. Unknowingly, many parcels of land in Makuyu division are double reg-

istered as in the case of land belonging to Josphat Kamande Kiarie Makuyu/Kimorori/Block1/1542.

Ruth Wambui Kimani is a worried person after she discovered that her land in Kamahuha location has two land ownership documents under different names.

Another case is Beatrice Nduta Kamunde wife to the late Chief Inspector Timothy Kamunde who was in charge of Makuyu Based Flying Squad whose land at Kenol market has been sold despite the fact that she has valid documents.

Nduta says land registered 114317/A/C/Makutano Gitura registered in her husband name has already changed hands.

"All this is happening when I have the original title deed," says tearful Nduta as she struggles to feed her children in her Makuyu home.

Other parcels of lands which are subject to protracted disputes resulting from illegal transfers are that of a Nanyuki rancher John Jessel which was early this year secretly transferred to Brenda Wanjiru Kabue after she was allegedly

granted authority by a Thika court after succession matter.

It was however discovered that court proceedings were forged. The executive officer at the Thika court refuted claims that succession case number 347/08 involved such parties. The saga of fake documents finding their way into the land registry emerged after the rancher went to search status of his land only a few days after Brenda obtained a title deed.

Brenda had faked to be a beneficiary of five acres of land that was left behind by Gachambi John alias Margaret Gachambi.

Last year, the former Murang'a South DC Chris Musumbu instructed Murang'a lands office to put on hold a transaction on Maranjau settlement scheme after the exercise was marred by complaints of double allocations by both the lands registry and Maragua County council.

In a circular to the then Murang'a Lands Registrar Penwell Nyamweya, the DC ordered a halt to all the transactions touching on land meant for squatters after it became clear that there were massive cases of double allocation.

A report by the task force appointed by the DC revealed cases of mass collusion between employees of Maragua County Council and those at land registry to deny the poor their rightful land.

Peter Mburu of Kenol market, details how his father discovered land he had been allocated by the council hand changed hands and a title deed issued to the new occupants.

Cases of disappearance of green cards are recorded on daily basis when rightful owners turn up to search their land.

The District Lands Officer Douglas Mukua accused his juniors of instigating the disappearance of green cards and other crimes committed at the registry.

"We are trying a lot to ensure records are not tampered with and have always alerted the police in case we suspect foul play," says Mukua. Murang'a CID Boss Lenny Kisaka says they were handling many cases from the lands office following complaints.

Last year, he says that a couple was arrested at the registry after they were found in possession of a fake High Court order to facilitate the processing of a title deed. "We have several cases before the court and investigations always point to a high level of forgery to acquire title deeds through collusion of employees at the registry and outsiders," says Kisaka

Mwingi Christians and Muslims support new constitution

By KAVYU KURA

THE recent approval without amendments of the Committee of Experts (CoE) draft constitution by parliament has earned accolades in equal measure from both Christians and Muslims in Mwingi.

Reverent Bishop Robert Mutua Mutemi and Islamic imam Thabit Hassan welcomed the MPs decision to pass the draft without any amendment as the best gift to Kenyans in their long drawn search for a new constitution.

Bishop Mutua who is the head of the Global Vision Church in Kenya said the move was commendable and a worthwhile step towards achieving a new constitutional order which Kenyans had sought for many years.

Bishop Mutemi said that although there were still the unresolved issues of the Kadhi's court and abortion, they did not make a strong base for the Christians to reject the draft at the referendum.

"Despite its glaring shortcomings, the draft has a lot of good things in terms of democracy, equality, freedoms, equitable resource distribution and also putting a check on dictatorship and excesses of the president," says Bishop Mutemi when he talked to The Link in his Mwingi town office.

He suggested that in order to ensure that the clauses on abortion and the Kadhi courts were expunged from the constitution in future; the Christian community in the country must seek to vote to parliament committed Christians who would spearhead the necessary changes from the floor of the august house.

"We should prepare to take true passionate Christians who after the 2012 election will bring to parliament a bill that will ensure these contentious issues are sorted out. The draft is okay, save for that it suffers from tooth ache. The annoying teeth can be extracted as we forge ahead," said the Bishop.

Speaking during the lunch time prayers at the Mwingi Town mosque, maalim imam Hassan told Muslim followers to supplement the MPs move by voting overwhelmingly for the draft constitution during the referendum.

Pointing out that the MPs decision had effectively pre-empted the sinister motives to expunge the kadhi courts from the draft constitution through amendments, imam Hassan said it was now imperative for the Islamic community to vote in favour of the draft constitution at the referendum.

"I am calling upon all Muslims to prepare themselves by acquiring new voters cards in order to effectively silence those who wanted to remove the kadhi courts once and for all by endorsing the draft constitution at the referendum," said imam Hassan.

Rights groups root for minority rights

By PETER MUTUKU

A COMMUNITY land tenure system should be entrenched in the constitution to safeguard the rights of indigenous and minority communities.

Kenya National Commission on Human Rights (KNHCR) and civil society organizations say the current legislation does not recognize land rights for such groups.

This they say, was to blame for the dispossession of the Enderois community of their ancestral land by the state leading to protracted court battles that culminated in the landmark ruling by the African Commission on Human

and People's Rights.

Recently, the commission ordered the restitution of Enderois ancestral land situated around Lake Bogoria in addition to adequate compensation to the community.

In the ruling, the state was directed to allow the community unrestricted access to the Lake and surrounding sites for religious and cultural rites as well as grazing their cattle.

The ruling was followed by a demand by KNHCR to the state to act fast and implement recommendations by the African Commission.

KNHCR Vice chairman Hassan Omar feels that the land issue should be addressed comprehensively espe-

cially now that the country is in the process of enacting a new constitution.

Omar warns that failure to tackle the land problem could lead to degeneration of violence in the next general elections.

He says weaknesses within the judiciary had led to poor enforcement of land rights leading to oppression of marginalized groups by the state.

Enderois community chairman says the ruling should serve as a wake up call to the government to reevaluate the rights and protection it accords to indigenous and minority groups.

"It should set a precedent for addressing the concerns of the margin-

alized communities and contribute to the wider goal of achieving national cohesion," said he. Kamuren said the trust land system as currently spelt out in the constitution has failed to protect the rights of indigenous communities such as the Enderois, Masai, Sengwer, Burji and El Chamus among others.

He said this was to blame for the dispossession of the Enderois from their land in contravention of national and international law.

The groups say adoption of a community land tenure system would compel the state to offer compensation and restitution whenever any community or group is displaced from its land.

By MARTHA KARUA

It is important that we weigh our views on the draft constitution in perspective of where we are as a country and where we need to go.

Kenya is at a juncture where we urgently need an array of reforms in the electoral, judiciary and police systems and we have a choice to strengthen our progress towards attaining these reforms. It is also imperative that we realize that the constitution alone is not enough to ensure the effective implementation of these reforms.

Good governance that is demonstrated by respect of the rule of law and accountability and does not condone corruption and impunity is an essential component of successfully executing reforms.

I urge you therefore not to consider the constitution draft as a single issue, but as an essential piece of a larger puzzle that needs to be put together in order to move our country forward.

It is in this light that I would like to address two issues that have particularly given rise to great debate. The first issue is that of abortion.

At the insistence of the church groups and after receiving letters from the Episcopal conference and the National Council of Churches of Kenya, the Parliamentary Select Committee (PSC) at Naivasha added the clause "life begins at conception" to the draft constitution a position which strengthens the protection of the unborn child throughout the gestation period.

Furthermore the clause on abortion says that "abortion is not permitted" which clearly indicates that abortion is not legal. The misconception has been that the draft constitution legalizes abortion and this is simply not true. The only thing that is permitted is a medical procedure to save the life of a mother or in the event of an

Constitutional reforms will move Kenya forward



The chair of the PSC and Mr Kitonga (left). Photo/File

emergency as determined by a health professional.

In the current constitution abortion is not mentioned. It is, however, an offence under our penal code to procure an abortion and both woman and doctor are liable to prosecution. The Medical Practitioners Act ensures medical procedures that result in the loss of a pregnancy undertaken when the life

or health of the mother are in danger are not liable for persecution. Otherwise by law, doctors would even be unable to save women who by nature suffer miscarriage which medically is also known as an abortion.

Overall, the law as it is today in our books has actually been elevated to the constitution and given stronger provisions. It is important that we

therefore understand in a comprehensive way what exactly is in the Draft Constitution and what it means before we outright reject a document that is actually good and paves the way for us as a country to move forward.

—The author is the member of parliament for Gichungu and former minister for Justice and Constitutional Affairs.

Mt. Elgon women urged to fight child abuse

By LUKE KAPCHANGA

About 30 women from Mt. Elgon district were last month trained on paralegal activities.

The women drawn mostly from Kapsokwony division were urged to promote reconciliation among the communities, create awareness among government institution and be actively involved in development issues.

They were challenged to push for cases which require attention of the police which traditionally are handled by chiefs and the clan.

As mothers, they were told to monitor rampant cases of child abuse and campaign vigorously against wife inheritance and female genital mutilation, which was prevalent in the area.

The training was organized by the Western Kenya Human rights Watch (WKHRW). However, the executive director of WKHRW, Job Bwonya asked the women to guard against information leakages as the community is suspicious of people who work to bring changes for development.

"You need to be discreet and corrupt free in order to assist the under privileged in the community," said Bwonya.

They were also told to develop a mechanism to resolve cases locally and swiftly, as victims shy away due to a tedious legal process.

Understanding Kenya's education system

By SHAHEEN DARR

Kenya's educational system has its roots in the British colonial system and initially separate schools were set up for the Europeans, Asian, African and Arab populations. This system had to change after independence in 1963 where the need was now to educate the increasing number of African people working in the industrial and commercial sectors of the economy including governmental organisations.

In modern Kenya the schools are either owned by the government, by private individuals or are run on the Harambee principle which was first introduced by the first President of Kenya Jomo Kenyatta after Independence. He encouraged wealthy people to join hands with the government and help the rural communities of Kenya by organising charity events and giving donations.

The Ministry of Education is responsible for setting up the curriculum to be taught in the educational institutions through the Kenya Institute of Education (KIE).

There is a 3 tier system of education called the 8:4:4 educational system which was started in 1985. Primary education comprises a total of 8 years and subjects taught include mathematics, English, sciences, history, geography, arts and crafts. Examinations are held by the Kenya

National Examining Council (KNEC) and the Kenya Certificate of Primary Examination (KCPE) is awarded at the end of the 8 years if successful. Since 2003 Primary Education has been made free and also compulsory by President Mwai Kibaki.

The secondary education lasts for a period of 4 years and additional subjects like agriculture, business, music, computer studies, art and design are also offered in addition to those offered at primary level. Kiswahili is a subject that is compulsory as it is the language spoken by most Kenyans though the English language is the language used in most schools. At the end of the 4 years the Kenya Certificate of Secondary Education (KCSE) examination has to be passed.

Students can then go on to study at colleges or Polytechnics for diplomas and certificates in Higher Education. These can be in engineering, the medical field or computer sciences to name a few.

Other students go on to study at the University of Nairobi or the Kenyatta University to further their educational qualifications.

There are also some international owned private schools that offer an educational curriculum that is based on the London educational system and the USIU (United States International University) is largest private university in East Africa which offers a variety of courses for its undergraduates.

Raila routes out Ruto from plumb post

By WILFRED MULLIRO

In a mini-cabinet reshuffle on recently, President Mwai Kibaki has moved William Ruto from the powerful Agriculture Ministry to Higher Education, Science and Technology as a minister.

Viewed by many as a demotion, Mr. Ruto has simply swapped places with Dr Sally Kosgei, a fellow ODM Member of Parliament from Rift Valley. A statement from State House Nairobi said the President made the decision in consultations with the PM Raila Odinga.

Belgut MP Charles Keter, a strong ally of Mr Ruto, also from the Rift Valley, was however sacked.

Ruto and his allies mainly from Rift Valley have stated they will reject the Constitution and have been mobi-

lising their constituents to vote 'No' against an alleged government stand to vote 'YES'.

Mr. Kiprono Magerer, another ODM MP from Rift Valley closely allied to Raila, has been posted to the Ministry of Energy as an Assistant Minister to replace Keter.

Mr. Ruto's stand on the Constitution is not the only event that has pitted him against his party leader Raila, who is already on a countrywide tour campaigning for the constitution.

Earlier the PM had attempted to suspend Mr. Ruto from the Agriculture docket over a multi-million shillings maize scandal but the President overturned it.

The PM's credibility suffered when it emerged that he had actually not consulted the Head of State despite claiming during his press

conference that he had talked to the President.

Trade Minister Amos Kimunya will act as Minister for Transport in a portfolio of former Minister Chirau Ali Mwakwere who lost his parliamentary seat when the High Court nullified his election as Matuga MP.

Samuel Kazungu Kambi is the new Assistant Minister for Medical Services, while North Mugirango MP Wilfred Moriasi Ombui has been appointed Assistant Minister in the Ministry of State for National Heritage and Culture, Office of the Vice President.

The changes have been seen by analysts' as an ODM war of supremacy pitting Party leader Raila Odinga against his deputy William Ruto in a protracted presidential succession battle as 2012 elections draws nearer.

By THE LINK WRITER

The judiciary has been blame by many Kenyans for frustrating the drive to deepen democracy and rule of law.

However, with spate of rulings that have seen both powerful and not-too-powerful politicians lose their parliamentary seats in election petitions, it seems things are beginning to look up.

The latest victim is the powerful Chief Whip, Mr. George Thuo, who lost his Juja parliamentary seat.

Commercial Court judge Luka Kimaru nullified Thuo's election following a successful petition by former

MP William Kabogo.

Thuo, now joins the record of casualties of a successful election petitions in the Tenth Parliament.

Mr Thuo goes on record as the first Government Chief Whip to be 'whipped' off his powers following a successful election petition.

Mr Thuo becomes the fourth Parliamentarian to lose his seat in an election petition since the last General Election in 2007 in what appears to be a clear sign from the courts that they are ready to reclaim their independence.

Other MPs who have suffered

similar fate in the Tenth Parliament include former Cabinet minister and Matuga MP, Ali Chirau Mwakwere, and former assistant ministers, Joel Onyancha (Bomachoge) and Omingo Magara (South Mugirango).

A host of petitions, whose ruling could go either way, are still on the card. These include the petition against Housing Assistant Minister and Starehe MP, Margaret Wanjiru. A recount tally ordered by the court on Friday established she trails the challenger and former MP, Maina Kamanda.

Thuo loses Juja seat

By MUSA RADOLI

Report finds massive looting of devolved funds

Kenyans are losing billions of shillings annually due to mismanagement, corruption and looting of devolved funds.

There are no systems in place to check the use of devolved funds which take a huge chunk of the annual budgetary allocations to finance public projects.

The situation has been aggravated by government's reluctance to relinquish its grip in the management and control of the funds.

According to a report compiled by civil society organizations, successive decentralisation policies in the country over the years, have persistently been disjointed with vast political motivations.

The research report entitled: Harmonization of Decentralised Development in Kenya 2010 was conducted between June last year and January this year by a consortium of Non-governmental organizations called Social and Public Accountability Network (SPAN) in collaboration with the Kenya Human Rights Commission (KHRC) and other development partners.

The research was conducted in eight constituencies randomly selected from all the country's eight provinces. The eight constituencies were Nyeri town (Central), Mwatate (Coast), Baringo Central (Rift Valley), Isiolo North (Eastern), Mandera West (North Eastern), Makadara (Nairobi), Mumias (Western) and Kisumu town East (Nyanza).

The funds targeted in the research study included the CDF, LATEF, Bursary Fund, SSEB,

RMLF, Constituency HIV/Aids, WSTF, and the MDGs Core poverty eradication programmes among others.

The report indicting the government says: "The funds were established in an ad hoc manner and often due to politically motivated decentralisation policies. The constitution of Kenya does not capture the fundamental principles of the state or the model of development. As a consequence, the government policies have been ambivalent to this."

Therefore, states the report: "The consequences have only seen the funds being abandoned after massive wastages and looting of the public resources. How many achievements are we seeing today in the country's thirteen different devolved funds?"

The final report says that failure by the consecutive governments to safeguard the devolved funds from political manipulation had resulted in rampant duplication, overlap and cheating in the processes of executing the various development programmes and projects to which huge sums of monies had been allocated in various constituencies across the country.

The other resulting negative impacts documented include disempowerment of the people at the grassroots and denying the people



One of the CDF projects which failed to materialise. Photo/File

at that level the capacity to receive and utilise powers and functions transferred to them in the devolution process.

"We witnessed that this has adversely eroded commitment from development partners both from the local and international sources as well stakeholders as was recently witnessed with the free primary education cash embezzlement saga.

The Planning and National Development Assistant Minister, Peter Kenneth says plans are underway to set up a framework to oversee the management of the devolved funds and create structures to finance them.

He argues that the rationale behind the proposed new management framework is to enhance coordination of the multi-sector stakeholders' development efforts, improve on the bad governance issues, increase the information flow between the constituencies, the ministry headquarters and other stakeholders that remains wanting.

The assistant minister says that the other critical rationale is to enhance coordinated planning, prioritisation and resource utilization to achieve the targeted results

as opposed to haphazard methods currently widely used.

"We need to integrate the different development structures at the constituency levels as appertains to the central government, local authorities and non state actors. Strengthen the constituencies' involvement in the national budgetary processes by providing their participation in MTEF'S," he points out.

Mr. Kenneth argues that the proposed structures will set out clear functions and mandates of various committees managing the devolved funds, persons to chair them, as well as introduction of new devolved committees.

"There will be enlarged committees with wider mandates empowered to oversee the planning of all resources, community involvement at all levels as well as other interest groups through their forums, but above all there will be clear distinction between implementation, monitoring and evaluation and stakeholder structures," he adds.

The assistant minister says that the proposed framework will be seeking to establish a shift of focus from service delivery bent out

in the implementation process, to achievement of clearly predetermined results in line with the results based management strategies.

Through this the planning and national development, the ministry hopes to establish three sets of projects at the decentralised level that will include local, constituency and regional or national projects to phase out overlapping, duplication, conflicts and double financing of the same project from several different devolved fund kitties.

Some of the major challenges include empowering the communities to entrench the culture of their participation in project identification, prioritization, implementation, monitoring and evaluation and above all ownership.

He says that other challenges identified include the development of clear guidelines for integrated planning and prioritisation of projects at the constituency levels, budgeting, financial management, procurement processes, convening and conducting meetings, composition, functions, linkages, committees' chairpersons and membership choices.



Mr Peter Kenneth: Assistant Minister for Planning and National Development

Proposed constitution ado

Why a constitution?

Constitutions are general agreements and understandings commonly arrived at by members of groups or citizens of a country. They lay out reasons for their coming together and set details of how to accomplish them for the overall good and the good of each individual member or citizen.

Why are Constitutions Important?

Constitutions are a source of identity. It is what acknowledges the differences between people, groups and territories. Constitutions give unique definitions to each group. They set reasons as to why individuals deem it necessary to come together. These could be common histories of struggle i.e. against poverty, domination, discrimination etc.

Through a constitution, people declare their commitment to set aside a negative past and indicate a drive to a better future. Constitutions clearly indicate the position or benefits to the individual member /citizen in what are generally referred to as rights. It is upon the safeguard and achievement of rights that:

- Members/citizen responsibilities are determined i.e. participation in elections, payment of taxes and government
- Governments (structures, positions, offices) are created
- Structures and offices given authority and powers as trustees.
- Authority and power created is checked in order not to harm the individuals. Checks can only be guaranteed when functions and roles of each authority are separated from one another. Separation promotes ease of accountability, transparency and responsiveness.
- Individual efforts are harnessed to constitute a nation's wealth sometimes re-



The debate about constitution review in Kenya is drawing to a close amid uncertainties. In this issue, OCHANDA GIDEON (pictured) gives factual highlights as education on the proposed constitution picks in earnest.

ferred to as the national cake.

- The cake gets distributed for common services that promote individuals wellbeing, i.e., security, social services and infrastructure, etc.

Should constitutions be different?

The basis of having constitutions is similar but the intentions and processes of formation makes constitutions different. The contents of constitutions are therefore based on intentions and processes. However, modern national constitutions are expected to address certain basic principles. These include:

- Placing a preamble as an opening introduction to spell out identity, background, purposes and commitments

- Wholesome recognition of individual rights and fundamental freedoms

- Responsibilities and obligations of citizens

- Government structures that safeguard and guarantee citizen's rights and benefits

- Resources and equal resource distribution mechanisms

- Clear separation of powers and roles of state organs.

- Clear checks and balances on power both horizontally and vertically

- Citizen participation in the overall governance and immediate levels

- Affirmative provisions for the minority and the marginalized

Does the Current Kenyan constitution add up?

The current Kenyan constitution is a product of what is commonly referred to as the Lancaster negotiations. It came into force in 1963 but has since been subjected to a series of amendments by parliament. The first 10 amendments that were concluded by 1969 fundamentally changed the constitution to what it is today. While it might have been prudent for the changes to conform to the historical needs of the time, experiences and practice over the same period has demonstrated that the constitution has been a source of imbalances and general insecurity in the country. Some

of its clear cut weaknesses include:

- Does not indicate a background and identity as to who Kenyans are, where they are from and what brings them together. It does not address the historical unfairness prevailing at the time of independence or a commitment to redressing it.
- Does not provide for principles, goals and values that Kenyans are to pursue as a people.
- Does not adequately address the relationship between the people, government and the state
- Does not provide for socio-economic and development rights
- Allows for discrimination based on matters of burial, adoption, marriage, divorce and property inheritance
- Deprives direct citizenship to those born of Kenyan mothers but of foreign fathers.

The constitution further fails by providing for:

- Only one central government that is far from the people. Does not provide for any type of devolved authority.
- An all powerful president



Members of the public receive copies of the proposed constitution ahead of the referendum.

addresses Kenyans' concern

serving in all the key arms of the government. The president is a sole appointing authority of the cabinet and all other institutions of government

- A disproportionate representation in the house of representatives (parliament)
- No separation of functions. The Cabinet seat in both parliament and the executive. Cabinet number determined by the president
- No formal judicial independence
- Does not provide means for equitable distribution of resources
- Does not provide for the benefits derived from natural resources
- Does not address the basis of production particularly land. Only Trust land is recognized by the constitution.

What constitution do Kenyans want?

From the views that collected earlier by the CKRC and the subsequent efforts including the current Committee of Experts. Kenyans need a constitution that:

- recognizes them, their values and aspirations
- safeguards rule of law (equality before the law, respect of the law)
- promotes people's involvement and clear participation in government
- expands the bill of rights to include socio-economic, minority and marginalized group rights
- reduces the powers of the president
- relocates the extracted powers of the president to other organs of government (new and old)
- separates powers to promote transparency and accountability
- creates proper check mechanism in governance
- promotes equitable distribution of resources and opportunities
- ensures affirmative provisions and exclusion of all discriminations.
- devolves government to grassroots

Does the proposed constitution

address Kenyans' concern?

The proposed constitution

- recognizes Kenyans and places sovereignty in the people
- sets national values, principles and goals and appreciates the diversity of Kenyans
- elaborately provides for wholesome individual rights and fundamental freedoms
- extends citizenship right by providing for dual citizenship and allows for recognition of those born by Kenyan mothers without condition as to who their fathers are
- provides for affirmative commitments in all aspects of daily life.

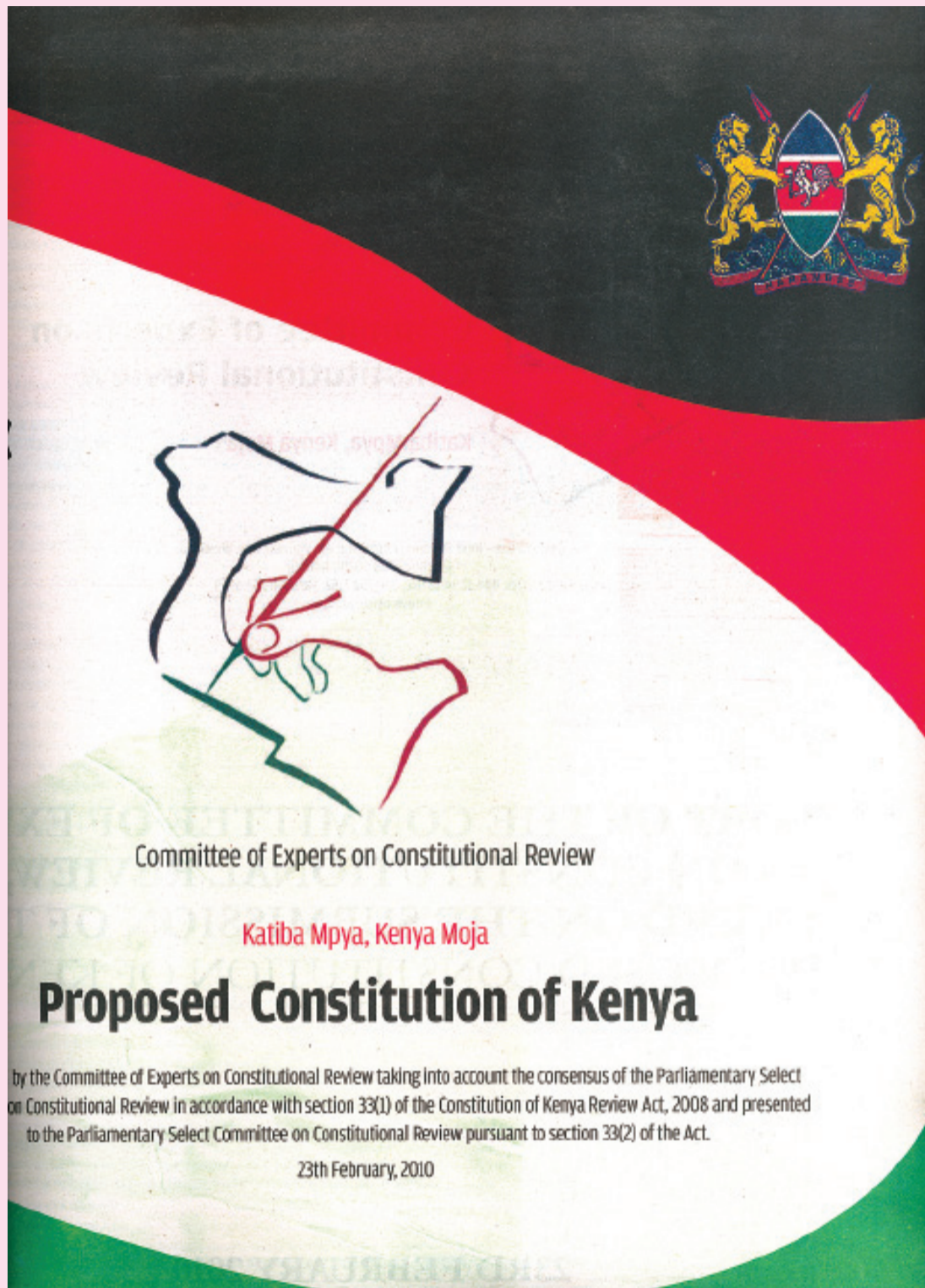
In terms of governing structures, the proposed constitution establishes a National Government and a County Government (devolved government).

The National government is charged with national policies and standards, national legislation and other specific functions that are clearly listed. The national functions are to be performed by national institutions which include;

- Parliament (the National Assembly and the Senate)
- The Executive (The President, Vice President, the Cabinet, Principal Secretaries)
- The Judiciary (Supreme Court, Court of Appeal, High Court, Magistracy and Tribunals)
- Independent State offices (Attorney General, Director of Prosecutions, Controller of Budget, Auditor General and National Commissions).

The County Governments are established as the main public service providers. Their structures are a replica of the national structures.

- Parliament called a County Assembly.
- The Executive called an Executive Committee
- Judiciary same but effecting both National and County laws
- Independent offices same but works on agreed terms with the County Government



The overall governing framework is to ensure:

- Leadership integrity and selfless service to the people
- Proper independence, separation of roles and functions of state institutions
- Checks and balances. The president can not act alone without approval of parliament including all appointments.
- Adequate distribution of national resources and affirmative arrangement to uplift the historically marginalized areas. Transfer of national funds to the county governments is guaranteed and placed at a minimum of 15% of total government

- annual revenue collections. (Approximately Kshs. 80 billion if it were to start in the current financial year divided among 47 counties)
- Rule of law. The judiciary is enhanced. Prosecution is removed from the AG to an independent office of.
- Adequate participation of the citizens.
- Political parties are public funded but are monitored and audited just as state institutions.

Other unique provisions in the proposed constitution include:

- Independent candidates to contest in elections
- Non performing Members

of parliament can be recalled

- Recognition of all categories of land. Individual right to property is safeguarded
- Transitional arrangement that allows for continuation of most of the current elective positions until 2012. Other governing structures like provincial administration are to be slowly rearranged within 5 years to be in line with the new structures.
- Amendments on provisions in the constitution can be initiated even by the citizens themselves.