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By DANIEL OTUNGE

**I**T IS A NEW DAWN in Kenya. A truly historic moment! It's a time when the pride of Kenyans among the people of the world has been restored.

It is a momentous period compared only to the 2002 election victory by the opposition party National Alliance Rainbow Coalition (NARC) when the CNN found Kenyans to be the most optimistic people in the world before things started going wrong and the optimism turned into pessimism and then gloom.

But like proverbial phoenix the people of Kenya have risen from the ashes of 2007/2008 post election violence to show the world that we

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# A NEW DAWN

## After a big YES, eyes now turn to President, PM and MPs



IIEC chairman, Isaack Hassan, announces the outcome of the New Constitution at Bomas of Kenya. TOP: Parliament Buildings where focus will now shift to. ABOVE: Wananchi celebrates after the 'Yes' team has carried the day in passing the New Constitution. Photos/Moses Mwangi

# Litmus test for Kibaki, Raila

By GIDEON OCHANDA

**T**HE two principals have so far managed to balance the delicate National Accord and have

for sure demonstrated adherence and commitment to Agenda four.

The new Constitution requires the President to consult the Prime Minister in all the appointments until their

term expires in 2012.

“Unless Schedule six prescribes otherwise, the new constitution requires an appointment to be made by the President with the approval of the

National Assembly.

Until after the first elections under the new dispensation, the President is

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# All eyes now turn to Parliament

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are wholesome again.

Not only did we wrong foot pessimists who predicted violence after the plebiscite, but we also reminded the world that democracy and the ballot are the best bets when it comes to sorting out political differences.

Nobody knew that after 30 long, tortuous years during which many Kenyans lost their lives, limbs and property, that on this day Wednesday, August 4, 2010, Kenyans would overwhelmingly but peacefully vote in support of a new, revolutionary Constitution.

The contest between the Greens and the Reds was fierce. It was a battle of titans with President Mwai Kibaki, Prime Minister Raila Odinga and Vice President Kalonzo Musyoka leading the YES team and former president Daniel Moi, William Ruto and a host of Christian Clergy starring for the NO camp.

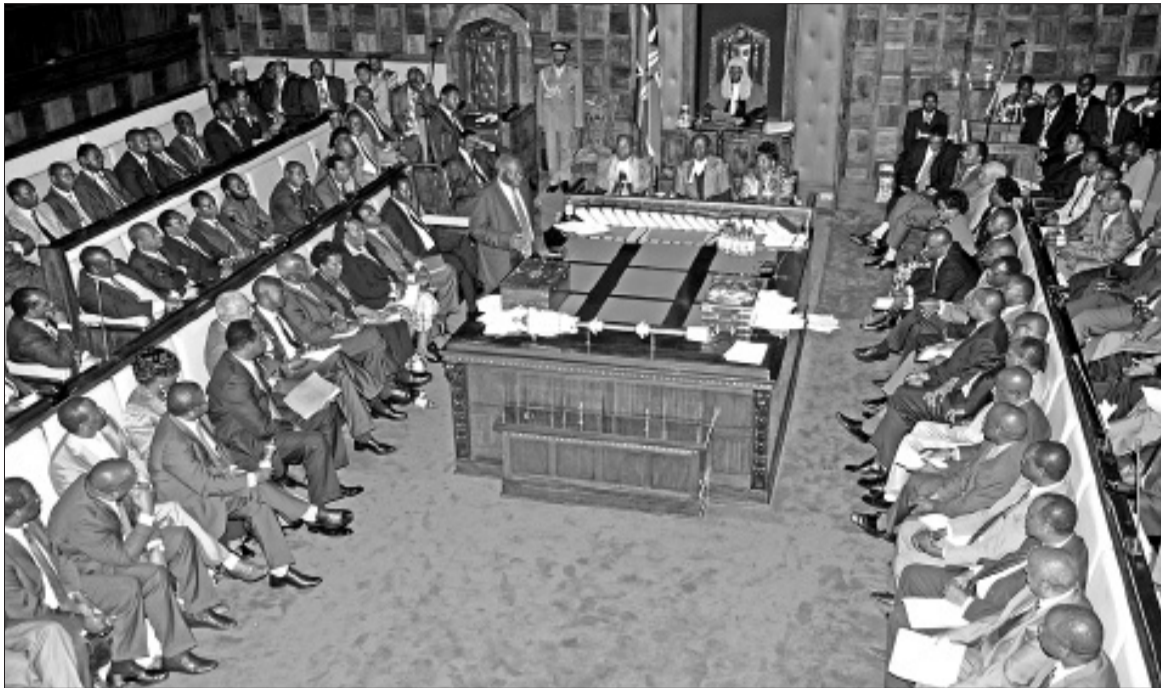
Despite the dark propaganda, fear mongering and threats spread by the opponents at rallies and the pulpit, over six million Kenyans (67%) cast their votes in favour of the new supreme law compared to about two million (30%), mainly from the Rift Valley, who returned a negative verdict.

Yes, the new Constitution is revolutionary in many ways. For the first time it commands members of parliament and all public officials to start paying taxes by end of this month, something that the public has cried for many years.

The days when the police would arrest and detain citizens with impunity will soon be gone, too, as the new law requires that suspects be informed of reason for arrest and that they must be produced in court within a specified period of time.

The vexing Official Secrets Act that has been used to deny Kenyans access to government information has also been removed by the new Constitution.

Divisive land question will finally



Parliament in session. Photo/File

be resolved once the new laws become operational. No one will be allowed to own large tracks of fallow land. The colonial 999 year land lease has also been reduced many-fold to 99 years.

And to the poor, the good news is that no hospital will be allowed by law to deny anybody emergency medical treatment as this has been made a fundamental human right. Days of hospitals fond of turning away uninsured emergency patients are numbered.

The gender question has also been adequately addressed. The new constitution provides that chairperson and vice-chairperson of a public commission shall not be of the same gender. Furthermore, it states that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

As if that is not enough, every Kenyan have a right under the new law to adequate representation in court by a competent counsel provided by the state. And the list of goodies continues including 15% of the national budget

going directly to the counties!

The chorus of praise for Kenyans came from far and wide. Leading the pack was non other than United States President, Barack Obama, who said that by holding a peaceful referendum, the country has made a significant step forward in democracy. "My administration has been pleased to support Kenya's democratic development and the Kenyan people, including through the visit of vice president Biden earlier this year," the US president whose father was Kenyan said.

Obama noted that the overwhelmingly approving a new constitution, Kenyans have shown a desire to put the country towards a path of improving governance, greater stability and increased prosperity. "As Kenya's close friend and partner, the United States will work with the international community to support the implementation process, and to stand with the Kenyan people as they reach for a better future," he said.

Other congratulatory messages

poured in from the Panel of Eminent African Personalities leader and former UN Secretary General Kofi Annan, the European Union, Britain, Canada, Japan, Germany, China, among other world powers. The newly appointed British Foreign Secretary William Hague, for example, said this was a landmark decision that raises hopes for a new era of stability and prosperity in Kenya. "I hope this result will encourage Kenya's government and people to continue to strive for further reform and development," Mr. Hague said, promising that the UK will stand by Kenya throughout the reform process.

In terms of implementation process eyes now turn to President Kibaki and PM Raila who are expected to lead the proclamation of the new constitution before the end of this month. And they have promised to do so with pomposity befitting a proud nation and a new constitutional dispensation. Kibaki and Raila will then consult and appoint a 9-member Constitutional

Oversight and Implementation Committee to handle the new constitution for five years.

Eyes are also fixed on parliament that has been given mandate to pass laws to facilitate implementation of the new law and also to approve the nine presidential appointees to the committee. The laws says "If parliament fails to enact any particular legislation within the specified time, any person may petition the High court on the matter as specified in section 261(5) in the new law."

Section 261 (6) further stipulates that the high court in determining a petition under clause (5) may (a) make a declaratory order on the matter and (b) transmit an order directing parliament and the Attorney General to take steps to ensure that the required legislation is enacted, with the period specified in the order and to report the progress to the Chief Justice.

If parliament fails to comply with the directive as outlined under clause (6) (b), the Chief Justice shall advise the President to dissolve parliament and the President shall dissolve Parliament. If parliament is dissolved, the new parliament shall enact the required legislation with the periods specified in the Fifth Schedule (see centre spread) beginning with the date of commencement of the term of the new Parliament.

Parliament therefore has no choice but to work with speed and precision to enact legislations as enumerated.

Besides stipulated legislations, the National Assembly has to approve a number of appointments that the President and the Prime Minister shall have proposed for appointment.

MPs, President, PM and a host of other constitutional office holders will take new oaths under the new law. The Chief Justice will leave office in six months time and the judges will be vetted a fresh before getting back their jobs.

It is indeed a new beginning for Kenya.

(Additional reporting by Gideon Ochanda)

## Litmus test for Kibaki, Raila

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limited to provisions in the National Accord and Reconciliation Act, which specifies that appointments must be done after consultations with the Prime Minister and with the approval of the National Assembly.

However, the process of appointment of persons to fill vacancies arising in consequence of the coming into force of the new Constitution shall begin on the effective date and be finalized within one year.

The following vacancies and commissions shall be appointed within one year:

Apart from the Chief Jus-

tice who will be appointed in six months, the Attorney General, Controller of Budget, the Auditor - General, the Ethics and Anti-corruption tsar and the Supreme Court judges will be named in a year's time.

Other appointments shall include the Judicial Service Commission which is to be constituted within 60 days, Commission for the Implementation of the Constitution in 90 days, Commission on Revenue Allocation in 90 days and Salary Remuneration Commission in 9 months.

All those appointments will be made through consultations between the two principals and approved by parliament.



Kibaki, Raila during a 'Yes' campaign for the new constitution. Photo/Moses Mwangi



## Poor results in Gusii worries education secretary

By BOB OMBATI

DECLINING standards of education in Gusii region has continued to undermine government efforts to equip schools with the necessary resources to improve on the quality of education.

According to Education Secretary Prof George Godia, most schools in the area have maintained poor results despite huge allocations that come to them through the bursary kitty and Kenya Education Support Programme (KEESP).

The education official who spoke at Ekerubo secondary school in Manga district during education day said the mean score of 236 registered during the last examinations negates the spirit which the government has undertaken to improve on education standards.

"No student scored A plain in the 2009 Kenya Certificate of secondary Education (KCSE) examination. In fact over 40 percent performed dismally in English, Maths and Kiswahili and managed grades below C minus," he adds.

Godia said although the rising cases of child labour, truancy, retrogressive cultures and drug abuse continues to impede the realization of good results, the marked decline registered by schools in the area was unacceptable. Godia admitted that most schools in the country were grossly understaffed with the shortage currently standing at 66000 teachers. Secondary schools require 23000 while Primary schools need 43000 teachers to bridge the gap.

He said that the situation has been aggravated by increased enrolment in primary schools and registration of new schools which demands more staff to cope with the heavy and tedious workload. Kisii University College (KUC) principal, Prof. John Akama asked the government to post more Education inspectors to the district to supervise the implementation of the curriculum to help improve on education standards and performance in national exams.

He suggested that competent and qualified people be appointed to run schools Boards and support education programmes and projects to improve education standards in the district.

The KUC Chief Executive Officer observed that some parents had abdicated their roles of monitoring the progress of their children, leaving it to the overburdened teachers who had little time for adequate attention to individual learners.

Kitutu Masaba legislator, Walter Nyambati revealed that Ekerubo mixed secondary school would be turned into a girls boarding school next year to improve the girl-child education.

Nyambati warned that he will push for the demotion of head teachers whose schools registered a mean score of below 250 to replace them with result-oriented individuals as resolved during the District Education Board (DEB) meeting.

Area district Commissioner, Onemus Kyatha directed chiefs and security officers to close down video shops which exposed school children to pornographic materials and disoriented them from learning, leading to posting of poor results from the area.

# EA varsities urged to use new protocol

By BOB OMBATI

UNIVERSITIES in East Africa have been challenged to take advantage of the newly launched Common market protocol to market their respective education programmes.

Kisii University college Principal, Prof John Akama, says that the universities offer several quality degree, diploma and certificate courses and produce qualified graduates who should be utilized by the partner states to spur socio-economic and technological development in the region.

Akama says the region is endowed with human and economic resources whose utilization will help fast track development for the region to match the highly developed European Union member states. Citing Kenya's highly developed tourism industry, he says that Kenyan graduates can secure jobs in the member states to help them develop their tourism industry for the overall development of the region.

Attributing the disparities in development among the EAC states to several socio-economic and political factors, the principal says the free movement of goods and professionals to member states would reverse

the trend and put all the nations at par. The don says the Common market protocol was long overdue, as nations were currently forming federations to boost regional.

Akama says that the protocol had opened windows for exchange programmes between universities, saying it will enhance competition in research, teaching and improve the quality of education in the partner states besides innovations by researchers to benefit the regional dwellers. He says the free movement of experts across the region's States would make consultancy services cheaper for the States, some of whom, he noted spent millions of shillings hiring expensive consultants from developed countries, impoverishing their nations.

The Don rooted for the empowerment of the Inter-university council of East Africa to work jointly with the Commissions of higher education in the partner states to harmonize the university curriculum, education standards and accredit the region's universities.

He challenged citizens from the partner states to seize the opportunity and invest anywhere in within the

States in education, business and industries to offer services and produce quality products and goods to serve the 127 million people in the EAC.

The scholar observed that the free flow of goods, services and investment would transcend the geopolitical boundaries and strengthen the cultural ties of citizens from member states. Akama urged the regional leaders to double their efforts and put mechanisms in place to ensure that the Common market protocol was sustained, noting the birth of the regional integration was the leaders gift for posterity.

The big regional population observed the Principal would increase production, sale and consumption of goods owing to the huge regional market, adding that America, China, Japan among other developed nations had capitalized on their diversified technologies and huge consuming populations to develop economically.

The launch of the Common market protocol elicited mixed reaction with some citizens from Tanzania fearing that it was likely to benefit Kenyans due to differences in economic development between the two countries.



Students in a graduation ceremony in one of the public universities. Photo/File

## Mondoh raps Busia education board

By JOHN NYAMBUNE

PERMANENT Secretary in the Ministry of Special Programmes Andrew Mondoh has strongly censured Busia District Education Board over poor results in last year's examinations.

Mr. Mondoh who spoke at Busia Municipal Stadium during this year's district education day, said results posted by the local schools were not good enough to merit any celebrations.

"There is nothing to be proud of as a district if only a single candidate from the district managed to score an A- (minus)," said Mondoh.

Secondary schools in the district performed dismally with only 16 students managing to score B+ (plus) and above which is the minimum requirement for admission in public universities.

He said education standards in the larger Busia and western province in general had declined over the past years. "If education is not taken seriously then the region should not expect to be a major shareholder of the national cake," said Mondoh.

The PS called for concerted efforts from local political leaders and educationists to uplift education standards.

The district however posted positive results in primary school examinations as it was ranked 11 position overall nationally.

Present during the event was Busia DC Arthur Gitonga, Chairman of Kenya Civil Aviation Charles Wako and the local education officer John Owino among other scholars.

Mr. Gitonga said the district had recorded an increase in the number of children going to school citing pre primary section, which he said had recorded an enrolment of over 50 per cent in the last one year.

The DC however said over enrolment of children in primary schools has led to a strain on teachers, physical facilities and financial capabilities of schools.

He said poverty and an increase in early deaths of people, who are supposed to take care of the school going children due to HIV/Aids related complications, is impacting negatively on enrolment.

"Early deaths and HIV/Aids stigma pose a major obstacle to school going children in the district," said Gitonga.

During the event, top schools and individual performing teachers were awarded trophies, cash and other forms of incentives.

# Gusii schools chocking with debts

By BOB OMBATI

SCHOOLS in Gusii are operating on debts following the government's delay in the release of the Free Secondary schools education funds.

*The Link* has established that supplies of items to various secondary schools in the region are yet to be paid as schools close for the August holidays.

At Nyanchwa mixed secondary school, the principal, Timothy Atuti says that he has exhausted the school's reserve and wonders how he will manage the school if the funds are

not released by September when the schools reopen for the third term.

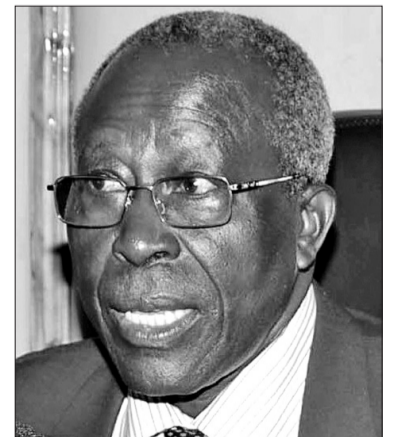
The Principal at the same time told *The Link* that the FSE funds did not cater for all students since the government relied on past enrolment figures which were not reflective on new students joining the schools.

He singled out 2009 where he enrolled 561 students but only 525 benefited from the FSE funds, saying he was compelled to send the affected students home for fees to keep them at the school.

Atuti said that in 2008, the school was given less Kshs0.4 million as the ministry of education still relied on old data to fund the programme.

At Cardinal Otunga and Sameta high schools, the situation was no different. The schools principals, Zachary Nyariki and Fred Sunda said they had exhausted their schools reserves as they awaited the FSE funds.

The duo appealed to the government to speed up the disbursement of the funds to enable the school managers operate smoothly.



Prof. Ongeru: Education minister



# Entrench civic education in schools

**T**HE People of Kenya have indeed spoken. The citizenry have overwhelmingly approved the New Constitution. As we move forward implementing the new constitution and also to work closely with parliament to enable the enactment of all the legislations required the government should work out strategies for scaling up civic education programmes in the country through the Ministry of Education.

A more sustainable way is to introduce Civic Education in the schools curriculum, right from the primary schools, to secondary schools and to higher institutions of learning. A syllabus could be developed for primary schools that introduce key concepts and aspects of the New Constitution, topics of which could be advanced in Secondary schools and even higher institutions of learning. At higher levels such as colleges and universities, we could explore options of having Civic Education as a common course. The youth polytechnics and Adult Learning Centres should also not be forgotten.

To inculcate a culture of Constitutionalism in Kenya, it is important that we begin – with immediate effect - to unpack the provisions of Chapter Two (The Republic) and disseminate the same through school communities. For instance The National Values and principles of governance as stated under the New Constitution should be of immediate priority for the school communities. Topics on Patriotism, National Unity, Sharing and Devolution of Power, the rule of law, democracy and participation of the people; Human dignity, equity, social justice, inclusiveness, equity, human rights, non-discrimination and protection of the marginalized; good governance, integrity, transparency and accountability; and sustainable development must now find their rightful place in the schools curriculum right from the lower levels to higher levels of learning; primary schools to secondary schools, and even to higher institutions of learning. The generation within all levels of learning today is a critical target that would help us as a nation to have a citizenry that appreciate and demonstrate constitutionalism. There is thus an enormous task ahead for curriculum developers and reviewers in Kenya.

In the interim, The Ministry of Education – through its curriculum devel-

## COMMENT

By **DON BONYO**



opment wing – the Kenya Institute of Education, could begin to work hand in hand with the Ministry of Justice, National Cohesion & Constitutional Affairs and ensure that more Civic Education materials are developed targeted at different groups of the citizenry at various levels all over the country. We must keep the Civic Education fire burning. Already there are sufficient materials developed by the Committee of Experts that were used during the Pre-referendum period; these could provide a starting point. A systematic step by step mode of advancing Civic Education in Kenya could be explored; a model that demonstrates the transitional process should be a priority that would enable Kenya's to understand better how we move from the Old constitution to the new constitution.

The current schools syllabus; especially Social studies in primary schools and History and Government in Secondary schools has a lot of focus on the Old Constitution, the Education sector team leaders must take caution and ensure that relevant examination questions in relevant subjects capture the spirit of the New constitution.

As we usher in the New Constitution, Public policy decisions in Kenya's Education Sector must now be made in reference to critical provisions in the new constitution relevant to the sector, some of which take effect immediately while others at later dates.

Education sector policy team need to be early risers during this moment of History in Kenya and provide guidance and support as far as knowledge advancement is concerned.

Education sector has notable gains that are provided for in the new constitution. Among these include; Chapter Four (The Bill of Rights); Under article 43 (f) it is clear that every person has a right to education; Further article 53 (b) states clearly that every child has a right to free and compulsory basic education; article 53 (1) (b) states that a person with any disability is entitled to access educational institutions and

facilities for persons with disabilities that are integrated into society to the extent compatible with the interest of the person; while under article 55 (a) the state shall take measures, including affirmative action programmes, to ensure that the youth access relevant education and training. This is great in Kenya's history. For the first time, the right to education is now a constitutional guarantee.

It is a fact that Kenya's education system is wanting both in terms of infrastructure and quality of services. Currently there are a number of children who are excluded from government supported education programmes while various parts of the country have schools in dilapidated conditions. Since the new constitution is clear on equity, social justice, inclusiveness, equality and non-discrimination, I urge the parents, guardians and children themselves to begin to demand for time-frames within which these injustices would be corrected by the state!

With the new constitution it is paramount that the Draft Education bill be revised to take cognisance of the provisions of the new law that relate to education as a fundamental human right and other provisions in the new constitution.. Considerations should also be made to ensure that the bill reflects and generates an implementation framework for the right to free and compulsory basic education for all children, provisions for persons with disabilities in educational institutions, the measures the state has to take to ensure that the youth access relevant education and training, and provision for special opportunities for minority and marginalized groups in education field. Many education stakeholders argue that the sector has fragmented and piecemeal policies for the provision of education services in Kenya at different levels; the time to review education policy options is now; efforts must be made to ensure that the best policy options for the sector are presented to parliament in good time.

Under the Fourth Schedule (distribution of functions between the National and the county governments) The National Government would be in charge of Education policy, standards, curricula, examinations and the granting of university charters, universities, tertiary educational institutions and



**A section of Kenyans casting their votes during the referendum for a new Constitution.**

other institutions of research and higher learning, primary schools, special education, secondary education and special education institutions. This is indeed great as it will enhance equality and quality in the provision of education in Kenya. Under Chapter Thirteen (The Public Service); Part 3, There is established the Teachers Service Commission with its functions clearly outlined. Aware that as it is currently, the provision of education services is coordinated and supervised (including quality assurance) through the District Education Officers and also aware that in not more than two year's time the country would have county governments, policy options must be urgently explored for working relationships with the County governments in the provision and coordination of education in institutions such as primary and secondary schools. One of the expected challenges that Education actors need to begin exploring is the flow of the Structures from the National level to the grassroots. For instance, at what level would the TSC officers and Ministry of Education officers currently based at the District Education offices, discharge their duties under the new structure of governance? Would they move to the County government level? We need to begin exploring options that would best work for the teachers and the school children in this regard.

Many other functions of the Ministry of Education are currently coordinated at the district level; these include; education data collection and information management, quality assurance work, curricula support services (including induction exercises for teachers), coordination of examinations, coordination of sports, music and drama festivals among others. Would these functions be harmonised with the structure of the county governments? If that is the case, would it conflict with the functions of the County Executive committee? In case of conflicts could we develop strategies now to avoid the expected conflicts? How about the functions of District Education Boards (DEB) – who would take them up and at what level would we, have their functions carried out? This calls upon sober reflection of various groups that are keen in the realization of education sector reforms. We also have schools classified as National, Provincial and District schools, with the new structure of governance, what would be the rational for such classifications? With the spirit of devolution, it becomes imperative that we review the coordination of education in Kenya at the grass

root level to conform to the devolved structure of governance.

On the other hand, under the Fourth Schedule, the county government would also be in charge of pre-primary education, village polytechnics, home craft centres and children facilities. At this level and in terms of policy decisions, would they be accommodated by the National government policy directions? The Ministry of Education has always been keen to have public nursery schools (ECED centres) integrated in the public primary schools systems for efficient supervision, coordination and provision of resources by the government. In the new arrangement, what happens to this very innovative and progressive policy direction? In terms of the teachers in the institutions under county government – would TSC register teachers at this level too or even recruit and employ? Currently there are many primary school teachers who have undergone professional trainings on Early Childhood Education and Development – many of whom are under TSC's payroll; this is a critical group that would take up jobs in the Pre-primary schools level given favourable remuneration and other terms of service. In such a scenario would they be absorbed by the county government or TSC would take charge? The Ministry of Education currently has a unit in charge of ECED with a policy on ECED in place, what would be the linkage from the National government team to the county government team – and what are some of the possible role of the county executive committee in this arrangement?

Revisiting the functions of the TSC as provided for in the new constitution, one main function is to register trained teachers among other functions. The commission shall also review the standards of education and training of persons entering the teaching service, review the demand and supply of teachers; and advise the national government on matters relating to the teaching profession. These provisions are timely as they take effect at a time when the country is facing challenges with the provision of quality education at all levels of learning; a factor always attributed to teacher shortage.

Kenya's Lead education stakeholders and Civil Society Organizations advocating for Education for All in Kenya have to move with speed and share policy formulation, discussions and negotiation tables with specified strategies for incorporating the voice of the people; children, youth, and adults from the grassroots.



**Kenyans go under civic education during referendum campaigns. Photo/File**



# The making of a new constitution

By FIDELIS KABUNYI

THE clamor for a new constitution for Kenya dates back to 1964, resulting to the achievement of many constitutional milestones which have now culminated in a new constitution.

The federal constitution drawn at independence had been amended on several occasions but the amendments fell short of providing the country with the best institutional and governance structures and therefore failed to enable Kenya achieve its full potential in fostering peace, economic growth and social harmony among its peoples.

## Three Drafts

In response to the people's yearning for a new constitutional dispensation that would embody greater democracy, respect for human rights and accountability on the part of the Government, the Constitution of Kenya Review Commission (CKRC) embarked on a process of constitutional review in 2003. The process led to three draft constitutions: The Constitution of Kenya Review Commission Draft submitted to Bomas Constitutional Conference (Ghai Draft), the Constitution Conference Draft (Bomas Draft) and the Proposed New Constitution 2005 (Wako Draft). The Wako Draft was voted on in



Wananchi at a 'Yes' campaign rally. Photos/Moses Mwangi

the 2005 referendum but it did not meet the expectations of majority of Kenyans hence it was rebuffed at the ballot box.

## Contentious issues

The Wako draft was defeated mainly due to issues that were contentious and were not agreed

upon by a majority of Kenyans, thus killing the dream of a new constitution. To address the bone of contention, the committee reviewed all the existing draft constitutions, documents reflecting political agreement on critical constitutional questions, analytical and academic studies com-

missioned by CKRC, consulted with the people and unanimously identified the issues that were not agreed upon as; the executive and Legislature, devolution of powers and bringing the constitution to effect (transitional clauses). It is therefore, intended by the Review Act that when a consensus

is achieved on the contentious issues, Kenyans will be able to support the draft and vote for it in the referendum so that country may at last have a new constitution.

## Agenda 4

After the disputed Presidential elections of 2007, Kenya witnessed its worst moment in history when there was widespread violence in the country. Negotiations mediated by the African Panel of Eminent Persons helped achieve a consensus that led to the signing of the National Accord. In order to achieve lasting peace and prosperity, the accord under Agenda Four requires a new Constitution for Kenya to be enacted.

This gave a new push to the search for a new constitution. Parliament enacted the Constitution of Kenya (Amendment) Act, 2008 and the Constitution of Kenya Review Act, 2008 to serve as the legal framework for achieving a new constitution. The Review Act required the Committee of Experts to finalize its work within twelve months. The draft produced in the review process was passed by the National Assembly. On August 4, 2010 the document was overwhelmingly endorsed by Kenyans in the referendum conducted by the Interim Independent Electoral Commission. (IIEC).

## Girl child education remains elusive

By MALACHI MOTANO

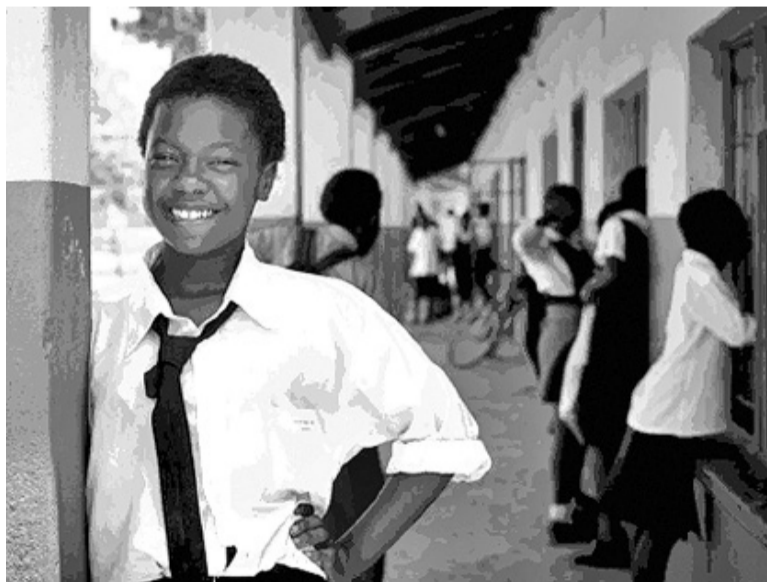
EVEN with the introduction of free primary education in the previous government, access to it (education) still remains a pipe dream to many Kenyan children. Whereas the introduction of free primary education has been seeing an increase in the enrolment, a sizeable number of children, especially girls still find themselves out of school owing to a number of reasons.

James Mwangi, an inspector of primary schools in Kiambu district, revealed that most girls enter school at a late age because of the demand for their labour in their homes such as assisting in looking after their young siblings.

Mary Gathoni, 15, had this experience: "I had this rare chance of going back to school when education was made free. However, my dreams were cut short when my parents decided to marry me off to their creditor without my consent. When I tried to resist, they threatened me with death", she says amid sobs.

In similar circumstances, a 16-year-old girl from the central Kiambu district, who preferred anonymity was married off as soon as she was circumcised at the age of 13, thereby shattering her academic dreams.

She said: "I thought of becoming a doctor but my dreams were shattered when my father, a Maasai decided to marry me off so that he could get dowry to add to his riches. At the age of 14, I gave birth and I almost died in the process", she recalled bitterly. The girl, now expecting her



Mary Gathoni before she was married off.

second child, did not escape from poverty and her parents have nothing to show for the dowry they received.

Some parents justify the denial of girls of their right to education to prevent them from bringing shame to the family through early pregnancy. Yet others believe that women who are at the same level of education as the men are a disgrace to the community because more often than not, they will not get married and if they do, it will be to a foreigner. For such parents, early marriage is the best way to prevent this and at the same time preserve traditions.

In a number of Kenyan communities, it is girls, who spend more time on household chores than boys, leaving them with very little time to study at home. In case a family member falls sick, girls drop out of school to look after the sick relative.

The situation gets worse when a mother dies, forcing the girl to take over her responsibilities. The situation has been exacerbated by the HIV/AIDS pandemic, which has forced children out of school to take up odd jobs in order to play the role of their parents.

According to the ministry of education, the girl child lacks role models. Sta-

tistics from the ministry show that female teachers account for only about 30 per cent of the teaching staff. Most of these are to be found in the urban areas, leaving very few teachers in the rural areas.

But all is not lost. The government has however taken some initiatives in the promotion of children's education by enshrining this right in the Children's Act, 2001. According to education Minister Prof, Sam Ongeri, the Act also created a department for children to deal with their rights and welfare. Application of such laws as, imprisonment of any person found guilty of negligence in this case, knowingly and willfully causing a child to become in need of care and protection has helped towards the promotion of the children's right to education.

According to Section 127 of the Children's Act 2001, "any person found guilty of negligence is liable for a maximum of five years' imprisonment or a fine of a sum not exceeding KES 200000 or both fine and imprisonment". Of significance also is the fact that a number of NGOs have been allowed to operate in areas where early marriage is prevalent. They are now educating the people on the importance of taking girls to school rather than marrying them off to older men.

The government, in collaboration with NGOs has also established centres where girls rescued from early marriage are accommodated and counseled, before being sent back to school.

Through strict intervention of the government there is hope for the children who have been out of school to pursue their life-long dreams.

## Kilifi council bets big on education

By BEKADZO TONDO

KILIFI county council has set aside 50 percent of its Kshs40 million budgetary allocation to supporting education programmes in the area.

According to the Clerk Mr. Leboo Ole Morintat, the council will spend Kshs19.8 million to construct new classrooms, issue bursaries to bright students from poor families and buy desks.

Morintat says the council was committed to improving the literacy levels among the residents and will collaborate with other stakeholders in the education sector to realize its goals.

Speaking at the county hall soon after the finance committee chairman councilor Teddy Mwimbire read the council's budget, the clerk said the council will spend Kshs800,000 to build classrooms in 14 public primary and secondary schools within the its jurisdiction. He said shortage of classrooms in most schools in Kilifi had forced pupils to learn either in shifts or under trees adding that the donation will alleviate the problem.

The clerk further said the council had increased its bursary allocation from Kshs3.6 million in the last financial year to Ksh4 Million this year.

He said the council has come up with modalities to ensure bright students from poor families in the area get the bursaries to support their education.



## The new constitution to ensure just society

By PETER MUTUKU

THE Transitional Justice Initiative (TJI) wants Kenyans to fully participate in the implementation of the new constitutional order.

The TJI Executive Director Njonjo Mue says the implementation of the new constitution should not be left to politicians and bureaucrats.

This, he says, will help forestall a scenario witnessed during the post independence years where interested parties set about dismantling the constitution almost as soon as they landed from Lancaster house.

"In the same way it has been possible to have Kenyattism without Kenyatta and Moism without Moi, it is also possible to have a constitution without constitutionalism," he warns

He says that the new constitutional order must be given meaning not only by breathing life into it through the new laws that must be passed, but by a commitment by all to national values that ensure that we recreate a republic that is more just, equitable and inclusive of all its people.

"The new constitution will need every vote it can get, both in parliament and public opinion in order to breathe life to the new dispensation," he said.

He called on the church to reposition itself in holding the government accountable in implementing the 80 percent of the constitution that everybody agrees is good, even as they use constitutional means to continue making their argument of the clauses they do not like.

The CEO at the same time underscored the need to hold a national reconciliation conference that will help to build cohesion, normalize social relations, public life and economic activity.

"We need to carry the country forward, otherwise we risk repeating past mistakes," said Mue when he addressed a constitutional conference organized by Agenda Four Commissions namely National Cohesion and Integration Commission, Interim Independent Boundary Review Commission, Interim Independent Electoral Commission and the Committee of Experts.

The CEO challenged the two principals to create trust by reaching out to those who were opposed to constitution during the referendum debate.

"They too are Kenyans and we will need each other in going forward as a united country," he adds.

HE said that leaders should also explore the use of music, drama or culture to forge the Kenyan identity.

The CEO at the same time called for the development of strong national institutions to defuse tensions and ensure socio-economic stability across the political divide.

"This will help promote inclusion, peace building and conflict prevention as key principals to national building," he added during the Referendum process conference held at KICC.

# World leaders heap praises on Kenyan

By THE LINK TEAM

VARIOUS world leaders led by United States President, Barack Obama, have a chorus of congratulatory messages to Kenyans for overwhelmingly supporting the new constitution.

President Obama, for example, said that by holding a peaceful referendum, the country has made a significant step forward in democracy.

"My administration has been pleased to support Kenya's democratic development and the Kenyan people, including through the visit of vice president Biden earlier this year," the US president whose father was Kenyan said.

He said by overwhelmingly approving a new constitution, Kenyans have shown a desire to put the country towards a path of improving governance, greater stability and increased prosperity.

Kenyans across the political, social, and ethnic spectrum now have a chance to come together to support implementation through an inclusive dialogue," he said, adding that reaching out to one another, Kenyans will be able to take advantage of the historic opportunity to move the country forward.

The US president said the implementation of the new law would play a decisive role in achieving these objectives in a way that would benefit all Kenyans.

"As Kenya's close friend and partner, the United States will work with the international community to support the implementation process, and to stand with the Kenyan people as they reach for a better future," Obama said.

The Panel of Eminent Persons led by former UN Secretary General Kofi Annan, on their part said it was encouraged by the successful conclusion of the referendum.

"We very much welcome reports which indicate that Kenyans were able to vote in a free, fair and peaceful atmosphere," the Panel said in a press statement, adding that there were no winners or loser.

The European Union, Britain, Canada and Germany also sent congratulatory messages to Kenyans for approving the new con-



United States President, Barack Obama, lead a chorus of congratulatory messages to Kenyans for overwhelmingly supporting the new constitution.

stitution. British Foreign Secretary William Hague said this was a landmark decision that raises hopes for a new era of stability and prosperity in Kenya.

"I hope this result will encourage Kenya's government and people to continue to strive for further reform and development," Mr. Hague said, promising that the UK will stand by Kenya throughout the reform process.

The EU representative Catherine Aston said the referendum was historic event for Kenya and a landmark in the reform agenda.

"The EU trusts that the new constitution will help to unlock further necessary reforms, such as to its electoral system, police and the judiciary that will enhance Kenya's future stability and prosperity," she said in a press statement issued from Brussels. Ms Aston expressed the EU's readiness to constitution supporting the country in the implementation of the new constitution and the overall reform agenda. At the same time the head of EU delegation Eric Van Linden announced that the union will give Kenya Shs 10

billion to accelerate reforms development in various sectors.

And the Canadian Foreign Affairs minister Lawrence Cannon said the peaceful referendum demonstrates the government's commitment to strengthening governance, accountability and removing inequalities in Kenya. He pledged Canada's support to the reform process.

Germany's Federal Minister Guido Westerwelle described the referendum's outcome as a milestone in the country's political development.

## The implementation process

- IIEC publishes results in the Kenya Gazette
- President Kibaki proclaims the new constitution in 14 days in a colorful ceremony
- Bill of rights and judicial reforms take effect immediately the constitution is proclaimed
- President and PM Raila appoint a 9-member Constitutional Oversight and Implementation Committee
- Parliament to approve the appointees to the committee who will serve for five years
- Coalition government to remain until 2012

## 'No' team concedes defeat

By TOM ODULA

KENYA'S president heralded the passage of a new constitution Thursday as a "national renewal," after results showed that close to 70 percent of the country had backed the document replacing a British colonial-era draft that inflated the powers of the presidency.

Opponents of the new constitution conceded defeat gracefully, paving the way for a peaceful transition to the new draft document. Ethnically charged violence had left more than 1,000 people dead following the disputed 2007 presidential election, raising concerns about the aftermath of Wednesday's vote.

"The historic journey that we

began over 20 years ago is now coming to a happy end," President Mwai Kibaki told hundreds of supporters in downtown Nairobi, some of whom blew the loud vuvuzela horn made famous during the recent World Cup. "Indeed, may the new constitutional dispensation be our shield and defender."

Kenya's election commission said 67 percent of the 8.6 million

voters who cast ballots backed the new constitution, an overwhelming victory that likely helped quash any potential for violence. Voter turnout was 71 percent, the reason that long lines snaked for hours at ballot boxes around the country.

Opponents of the draft had ex-

Turn to Page 9



# Raila's take on contentious issues

## How do you plan address the contentious issues raised by the 'No' team?

We will be discussing. But as you know we now have a new Constitution, and that Constitution outlines clearly how such issues can be raised and how it can be amended. We hope that the people who want amendments know that.

We agreed that we cooperate and that position has not changed. But as you know, when we went to parliament there were so many amendments proposed by MPs that nothing could move.

If you want to go down memory lane to 2005, there were just three contentious issues, the legislature, the executive and devolution.

Land was not an issue. Kadhi's court was not an issue. Abortion was not an issue. After we had agreed on the key things new contentious issues were raised. We are

agreed to talks, but how can we be sure that new contentious issues will not be created? Nevertheless, we are willing to listen and resolve issues under the context of the new Constitution.

## Which issues do you consider to be genuine?

For instance Kadhi courts were a non issue. If you remove it the Muslims will be not be happy. There is really no compromise on the issue of the Kadhi courts, they have always been there under the Constitution and never hurt anybody. In any way, compromise on the issue had been reached in 2005 at Bomas of Kenya with the churches, with the very same church leaders who raised objections later.

## What about abortion?

You know this is an issue that did not come from the Com-

mittee of Experts. Abortion was introduced in Naivasha by the Church leaders.

They introduced it because they wanted it stated that life begins at conception and that abortion in not permitted, period. But then medical practitioners pointed out that if it was left that way, as professionals they would have a problem. They risked being charged with murder if in an emergency they terminated a pregnancy to save the life of the mother.

That's why other qualification had to be introduced, allowing the procedure if the life or health of the mother was in danger. Then there is also the Penal Code, and that is what informed the Committee of Experts decision to add the proviso 'permitted by any other law'.

-He talked to Macharia Gaitho of NMG.

## Goodies in the New Constitution

- **MPs to start paying taxes by August 20 this year**
- **All state officials to pay taxes**
- **No more lengthy stay in police cells**
- **Suspects to be informed of reason for arrest**
- **Right to access government information**
- **999 year land lease reduced to 99 years**
- **Everybody will have a right to emergency medical treatment**
- **The chairperson and vice-chairperson of a commission shall not be of the same gender**
- **Not more than two-thirds of the members of elective or appointive bodies shall be of the same gender**
- **Every Kenyans will have a right to adequate representation in court**

# 'Yes' vote good for economy

A CROSS section of Kenyan leaders led by Finance Minister Uhuru Kenyatta told Reuters that the 'Yes' vote for the new constitution is like likely to boost performance of East Africa's largest economy.

"I think it will have a positive effect on the economy because it will create optimism and remove any lingering after effects of the 2008 violence and shows Kenyans have actually matured and are not ready to go to the kind of situation we saw then. I think that optimism will have a positive effect on the country as a whole, Mr. Kenyatta said."

On his part the Central Bank Governor Njuguna Ndung'u said "this is a superior law that protects individuals, institutions, markets and defines a new political and governance platform. A legal framework that protects institutions will support the emergence and development of strong institutions. Strong institutions define the appropriate incentives or reward/punishment framework that will encourage prudent behavior. This is a strong foundation for markets to thrive and investors to be confident that a superior law protects them and the incentives are properly defined."

Razia Khan, Africa Economist, at The Standard Chartered Bank said "while a move towards a new constitution will not deal with all the political risk out there, it does go a significant way towards defusing potential tension and uncertainty around the 2012 vote. He added that "as such, we expect the news will be positive for Kenyan markets. Confidence was a key requirement for economic turnaround, and the peaceful passage of the vote should do a lot to underscore that."

"We expect Kenyan markets to



Finance Minister Uhuru Kenyatta (left) with President Kibaki, PM Raila and other 'Yes' leaders. Photo/File

rally on this news, with room for further gains in the shilling. Last week's surprise rate move by the central bank -- aimed at influencing bank loan rates primarily -- provided some boost to bonds, but a continued rally will depend on how the heavily front loaded issuance timetable is received.

"For now, however, the mood is overwhelmingly positive. Kenya has overcome an important hurdle, and the focus is on progress, and forward momentum. Kenyan markets should react positively, most likely with other East African markets benefiting as well."

According to Robert Shaw, a Nairobi-based independent analyst said "it's decisive, we are now getting to a stage where we have con-

firmation the majority of Kenyans who voted want change. The big challenge now is to carry out that change, to implement fully and effectively what is in the proposed new constitution.

He said that Kenya now needs to start working on that right away. Overall the new constitution requires a number of changes to take place over a period of time. "Many people and institutions that have been major beneficiaries of the system we've had for so long will obviously not welcome the changes proposed. There will be an undercurrent of resistance. "For the past two and a half years, the country has been immersed in coalition politics and lately, the change of the constitution. This has tended to

crowd out time for some of the other challenges that face this country. It's time to get back to looking at how we get the economy back to the strength it had before election."

Mr. Moses Kiboi, the Head of Trading, Citi Kenya praised the peaceful plebiscite as a major step forward towards peace and prosperity. "A peaceful Yes win will boost the country's political image, which is a huge factor when it comes to FDI (foreign direct investment) and growth in the local private sector. I also see this as a positive shot to the tourism sector, which is already recording major growth, currently being reported to be very close to 2007 highs, he noted."

—Reuters

## New constitution heralds birth a new Kenya

By BRIGHTON KAZUNGU

THE new constitutional dispensation marks the beginning of a long march to true nationhood. And so is the reform agenda which will derive mainly from social engineering.

Because of the divisive way in which the campaigns for or against the draft have taken we believe that this is the time to cool project. We should therefore not let the passions of the referendum campaigns cloud our thinking as to why we wanted a new constitution to begin with.

First and foremost, it should not escape our minds that we were fed up with the way the governors related with us; we were fed up with the way power and national resources were concentrated in one person and one place and allocated as favours to the chosen few; we were fed up with blatant injustices that have festered for generations; we were hungry for a new beginning.

We must in the same spirit push for the enactment of laws that will need to be passed in order to implement the new constitution. This calls for the government to explore ways through which the laws that will be enacted garner the support of key drivers of the campaigns against the draft.

A new constitution is just one of the facets of change. The other most important facet is that of government planning.

Yet for change to happen on this front there must be concerted efforts from business leaders, professional bodies, civil society and the entire citizenry. Things like the time it takes to deliver a road can be controlled by the constitution but an enlightened citizenry that will rest at nothing to see a government delivering on its obligations.

This will require sustained pressure mounted to strengthen external vigilance on public service, government spending, management of natural resources and the relationship with our fellow citizens of the global community.



# The Link

Enhancing governance for all

## Create public awareness on the new constitution

**A**s we salute Kenyans for making history by promulgating a new constitution in peace time, we would like at the same time to remind the authorities that the hard part of implementing the new law has to begin immediately for there is no time to waste. In as much as many are calling for talks and reconciliation, and we support them on that for the sake of bringing the people of Kenya together after such a long and protracted campaigns for yes and no, we would like to caution that implementation must be given priority because we all know that there will never be absolute consensus on matters of the constitution.

As the wheels of implementation process roll on and gets oiled to move even faster by the expected proclamation of the new law towards the end of this month, the government, especially the two principals Kibaki and Raila, must ensure that civic education on the new law is carried out all over the country so that all citizens are aware of the content of the new constitution for we all know that there was not enough time to conduct adequate education before the referendum. And to entrench the new law in the hearts, minds and culture of Kenyans, there is need to include constitutional education into the curriculum of schools. As is noted elsewhere in this paper, the ministry of education and the Kenya Institute of Education should take firm lead in this by working closely with the ministry of justice, other arms of government and civil society. Particularly, the people should be made conversant with their rights under the new law as proposed in the much-praised Bill of Rights in Chapter Four. There will be conflict between right seekers and providers due to selective interpretation. The people must not be short changed and the sure way to ensure that does not happen is to enlighten them through civic education and studies in schools and colleges. We therefore support suggestions that the New Constitution be studied in schools and examined to strengthen students' knowledge of it.



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## COMMENTARY

### VP stunned by his people

**A**nalysts are squarely blaming Vice President Kalonzo Musyoka's loss of political capital he suffered at the referendum.

They say that were it not for his dithering at the beginning of the campaigns, Ukambani would probably have voted 'Yes' overwhelmingly.

In fact Kamba elites allege that it was the VP who initially indicated to his people that he was in the No camp. The people were therefore stunned when he started campaigning for Yes vigorously. The people saw in him an unprincipled leader whom they needed to teach a political lesson by going against his wish, they allege.

In fact, it was Kalonzo himself who boxed himself into a tribal corner when he publicly told a campaign rally in the region that a No vote from Kambas would puncture him politically and diminish his chances of becoming the next president.

And so it almost happened because although the 'Yes' team won in 11 of the 17 constituencies in the region, the margin was so thin as it was just 51% for Greens against the Reds' 49. And as he predicted, the outcome is raising questions about his political influence and future, with some politicians from central province openly complaining about his contributions to the Green's plate. The Reds won in six constituencies including Machakos Town, Kilome, Mwala, Kaiti, Kitui South and Kitui West.

But the outcome was even more stunning given that the two most important people behind the new constitution, namely Justice Minister Mutula Kilonzo and Committee of Experts chairman Nzamba Kitonga, are from Ukambani.

With hindsight, area leaders in the 'Yes' camp admit they were too lethargic at the beginning and therefore failed to fend off onslaught for the minds and hearts of Kambas from the opponents who swamped the area like locusts with loads of propaganda soon after the AG Wako published the proposed constitution on May 6.

Water Minister Charity Ngilu ad-

#### ANALYSIS

By DANIEL OTUNGE



mitted that they failed to grasp early warnings that the ground was hostile and moving in only three weeks to the referendum day nearly two months after the reds.

Former Makueni MP Peter Maundu concurred: "We took our time ... there was reluctance on the part of some of us to counterattack the moment the 'No' camp pitched tent in the region."

Some leaders who did not wish to be named said Mr. Kalonzo must take a fair share of the blame for the Green's poor showing, noting that he was too slow to embrace the new constitution, attracting accusations of being a watermelon (red inside and green outside).

It was not lost on observers that it took the VP too long to vehemently tell off Mr William Ruto, who kept telling people that Mr Kalonzo was with them while campaigning in Ukambani. At one time he even told a red rally in Machakos that Kalonzo sent his greetings. And to make matters worse, the VP's key allies, like Kangundo MP Johnstone Muthama, did not initially support the new constitution perhaps waiting for clear signals from the VP himself. For example, when Muthama was attending a 'Yes' rally in Nairobi, his wife was at a 'No' meeting in Machakos where she gave the impression she was there with the blessings of her husband.

It now remains to be seen how the VP will play his cards to weather the political storm he allegedly brought on himself, especially with the death of the so-called KKK alliance which was believed would be his ride to state house.



VP Kalonzo in shock after he was shouted at at a Machakos rally.



# The Link

Enhancing governance for all

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# 'No' team concedes defeat

From Page 6

pressed misgivings early Thursday about the results, but William Ruto, Kenya's higher education minister and a top leader of the "No" team, conceded defeat.

"As member of the 'No' team, we respect the verdict of the majority," Ruto said. He then urged the "Yes" side to engage in negotiations over the parts of the constitution the "No" side objected to, items likely to include the constitution's clauses on abortion and land ownership.

Kibaki reached out to the "No" camp in his speech, saying that the "No" voters' voices had been heard. Others in the "Yes" camp took a more celebratory tone.

"Saying that we have won is an understatement. Kenya has been reborn," said Kiraitu Murungi, the minister of energy. "In fact it has been 20 years of painful labor. There is neither winner nor loser, we are all Kenyans, let us embrace each other as we usher the country into a new chapter."

In Washington, Secretary of State Hillary Rodham Clinton said Kenya's new constitution was the centerpiece of the country's reform agenda aimed at addressing underlying causes of violence.

The results are "an indication that a very strong majority of Kenyans have voted for fundamental change," Clinton said. "We urge all Kenyans to reach out to each other to work together after this referendum to support Kenya's democratic institutions and to move Kenya forward into the kind of future that Kenyans themselves deserve."

Voters overwhelmed polling stations in some locations Wednesday. The international community, and particularly the U.S., had urged Kenyans to pass the constitution, even as the draft raised emotions over land rights, abortion and Muslim family courts.



'No' team during their campaign on proposed constitution. Photo/Kavyu-Kura

Kenya's current constitution, drawn up in the lead-up to Kenya's 1963 independence from Britain, grants the president sweeping powers. The new constitution would dramatically cut back on those powers by setting up an American-style system of checks and balances, and paving the way for much-needed land reform.

In the Rift Valley — the scene of some of the worst atrocities in 2007-08 — Bishop Cornelius Korir said the church would continue to press the government as it implements the new constitution to take into account the church's view on abortion.

"We are very proud of the people of the North Rift for maintain-

ing peace, and we want peace to continue," Korir said.

A coalition of evangelical churches said in a statement that it was saddened by irregularities in the campaign, balloting and counting phases of the election process, but the Catholic church and the Anglican church did not sign the statement.

An observer group said it had not seen any signs of rigging as had been claimed by some in the "No" camp.

"We are confident that the process and the results reflect the wishes of Kenyans," said Kennedy Masime, chairman of the Elections Observation Group, which had 10,000 observers across the

country.

The passing of the new constitution is a major victory for Kibaki, who backed a constitutional referendum in 2005 that was defeated. The push for a new constitution began two decades ago.

The referendum was one of the conditions of the power-sharing agreement between Kibaki and Prime Minister Raila Odinga that ended the 2007-08 violence. Both back the new constitution, and both appealed to Kenyans to vote peacefully.

Kenyan presidents have long favored their own ethnic tribes in the distribution of resources, a tremendous source of tension here.

-Associated Press

## VP calls for unity after referendum

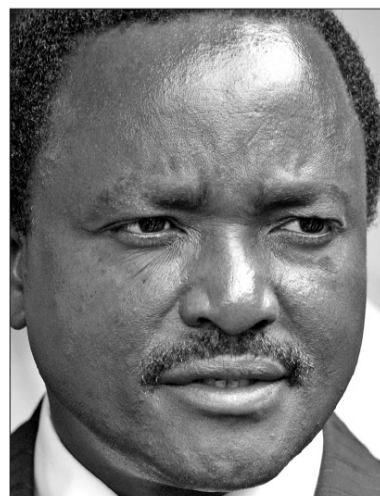
By PETER MUTUKU

VICE President Kalonzo Musyoka has called for the establishment of a national cohesion strategy that will seek to defuse any flare-ups that may arise after the referendum.

The VP says the strategy should aim at fostering tolerance, reconciliation, cohesion and integration. "Failure to urgently take appropriate action during and after the forthcoming referendum may not be in the interests of our beloved country," adds the VP.

The VP notes that consolidating national cohesion and integration will enable Kenyans forge ahead as one nation where everyone feels a sense of belonging.

He says events witnessed



Mr. Kalonzo

during the 2005 referendum not only polarized the country but also contributed to the bloody events that followed the 2007

General Elections.

"Never again should we repeat the dark history. Never again should we see so much blood spilt on account of decisions we make in the exercise of our democratic choices.

He notes that although the clamour for a constitution dates back to the 1990's, lack of consensus on content based issues had derailed the process.

"As a matter of fact, this is the closest that Kenya has come to enacting a new constitution. This is our moment because if not now then when," he adds.

He says the current process as enshrined in the Kenya Constitution Review Act 2008 has endeavoured to ensure inclusivity and consensus building.

"The referendum therefore provides an opportunity for us to achieve our long yearned

dream of a new constitutional order.

He points out that although the new constitution was not perfect, it was better than the existing constitution as it captures the aspirations of Kenyans.

The new constitution will curtail excessive power of the Presidency and the executive, transfer power and decision making in social and economic affairs from the national to lower levels of governance, guarantee separation of powers between the executive, the judiciary and parliament, enshrine into law fundamental freedoms and rights of citizens, guarantee an open and democratic system of governance, safeguard the rule of law and nurture a culture of constitutionalism, promote national unity and cohesion and equity among citizens.



## PS outlines progress in education sector

By JOSEPH MUKUBWA

EDUCATION Permanent Secretary (PS) James Ole Kiyapi has outlined progress the Government has made in the education sector.

Speaking at Mahiga Girls Secondary School during the Education Day of Mahiga Zone in Othaya recently, the PS however said the key concerns for the education sector remain access, equity, relevance and quality.

"To address these concerns, the Ministry together with key stakeholders developed Sessional Paper No. 1 of 2005 entitled A Policy framework for Education Training and Research. This was operationalized through the Kenya Education Sector Support Programme (KESSP)," he adds.

Kiyapi said the Ministry of Education has been implementing KESSP through 23 investment programmes which are in line with the broader framework of the national policy set in the Economic Recovery Strategy. KESSP focused on the attainment of Education for all (EFA) and Millennium Development Goals.

Some of the major progress achieved since the launch of KESSP include, Primary School enrollment increased to 8.67 million from 5.9 million in year 2002, secondary school enrollment increased to 1.6 million from 800,000 in year 2003.

The primary schools Net Enrolment Rate increased from 82.8 per cent in year 2005 to 92.6 per cent and the transition rate from primary to secondary increased to 66.2 per cent from 45 per cent in year 2003.

"The secondary education, University and TIVET strategies have been developed, the Technical, Industrial Vocational, Entrepreneurship Training Authority (TIVETA) has also been established.

Free day secondary education was launched in year 2008," added the PS. Kiyapi said he is ready to address the challenges facing the education sector in Central province which include the

teacher's shortage.

"We shall do all we can to address the challenge of teacher shortages to ensure adequate curriculum delivery and to enhance guidance and counseling in order to address both drug and substance abuse," pledged the PS.

He added that education stakeholders have a responsibility to stop the spread of the HIV/AIDS disease and to take care of those who are already infected and affected.

"Let us ensure we keep on reminding the pupils and communities on the dangers of living carelessly," he

added.

Mahiga Zone is one of the three education zones in Nyeri South district in Central Province.

The zone has 18 nursery schools, 16 public primary schools, two private primary schools, eight secondary schools, one technical institute and two village polytechnics.

Primary schools have 125 teachers with a shortage of 13 teachers. It has 4, 216 pupils enrolled in 16 primary schools.

Secondary schools have 110 teachers with a shortage of 39 teachers. It

has an enrollment of 3,050 students in eight secondary schools.

The performance of primary schools in the area is below average but action has been taken to improve on provision of quality education by holding meetings with stakeholders who are now playing a more active role in the zone and also holding awareness meetings with all teachers in the zone.

The zone also lacks a teacher's advisory centre in terms of structures and furniture, office staff and has no vehicle.



FROM RIGHT: Nyeri South DC Mr. David Koskei, Education PS Mr. James Ole Kiyapi and Central Province Director of Education Mr Patrick Nyagosia in Othaya recently during the Mahiga Zone Education Day. Photo/Joseph Mukubwa

## Central in bid to raise funds to boost learning

By MORRIS GITHENYA

SCHOOLS in Central Province are seeking to reintroduce new levies to support co-curricular activities.

The new levies said to have been approved by Provincial Education Board, will help supplement the Kshs10 million that has been allocated by the government during this financial year to support co-curricular activities.

Head teachers in both Primary and Secondary Schools who are expected to collect Kshs50.1 million from parents are opposed to the move saying the funds allocated by the government are enough to run the activities.

However, a circular in our possession addressed to primary and secondary schools heads in the province and copied to their respective District Education Officers (DEOs) indicates that the Provincial education board had approved the levy to boost allocations earmarked for the activities in the Province.

According to the circular every student in Secondary School is expected to pay Kshs300 while their colleagues in Primary school pay Kshs15.

The circular outlines that schools in the province require a total of Kshs60,150,123 to finance co-curricular activities. The government allocates Kshs10 million and leaves a deficit of Kshs 50,150,123 that has been extended to parents.

The circular further reveals that primary schools in the region have a budget of Kshs18,720,810 for the extra-curricular activities while the expenditure in Secondary schools stand at Kshs41,329,313 with a shortfall of Kshs36 million.

The Central Provincial Director of Education Patrick Nyaosi, however directed education officers in the area to ensure that no student is sent away due to failure to pay the money.

Scores of head teachers interviewed by The Link expressed their dismay over the new directive saying that they were currently facing financial difficulties owing to government failure to remit funds to support tuition fee in secondary schools.

In Murang'a South district, many of the heads indicated that circulars emphasizing on payment of the levies are suspicious as they lack signature as those circulating in Murang'a North region.

The heads said extra money would affect learning as the parents are already charged due to high cost of educating their children in public schools.

## Learning in Kenya schools set to go online

By BRIGHTON KAZUNGU

COMPUTER micro-processor manufacturer Intel Corporation together with computer parts assembler Mustek East Africa will soon join the Kenya Institute of education (KIE) in providing software and hardware that will enable online learning in schools.

KIE deputy director John Kimotho said the institution had put together learning materials for forms one and two into digital format to enable schools experience this new era that will cut

down on education costs.

"We have digitized the content for lower primary and secondary schools to enhance effective use of ICT through engaging students more on the curriculum," he said.

He said the programme will ignite student learning, improve educational outcomes and equip children for the future to compete successfully in the knowledge economy.

Intel Corporation Corporate Commissions Manager Suraj Shah said the programme has

an educational environment that uses technology to create a one-to-one relationship, not just between the student and a broad set of learning resources.

"We have a number of school representatives that have already been taken through this solution and some are ready to have it rolled out," he said.

Mr. Shah said the programme will increase internet accessibility in rural areas following the laying of the fibre optic cable, thus students who lag behind are able to gain knowledge and compete

fairly on a level ground.

Mustek East Africa channel sales manager Albert Kigada encouraged the government to adopt mini-laptops which will cut down costs of acquiring the hardware and parents will not buy books thus developing a computer literate society.

"We are implementing the solution across the East African region in various institutions and so far we have netted revenue in excess of Ksh70 million since its launch in December last year," said Mr. Kigada.

## State to improve access to quality education in arid areas

By JOHN NYAMBUNE

THE Government has come up with a framework to enhance access to education in Arid and Semi-arid areas in line with its policy on Education for All (EFA) by 2015 and Vision 2030 blueprint.

Education Minister, Prof Sam

Ongeri, says the framework will address the challenges faced by learners and education service providers in the nomadic regions.

He says the policy, which will cover North Eastern, North Rift, upper Eastern and parts of Coast Province that fall under the ASAL areas, aims at enhancing access,

equity, quality and relevance of education for the learners.

The Minister says the policy framework will ultimately lead to the formation of the National Commission for Nomadic education in Kenya (NACONEK). He added the implementation of the project is estimated to cost Kshs12

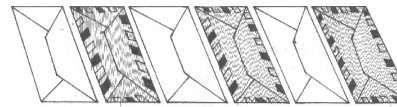
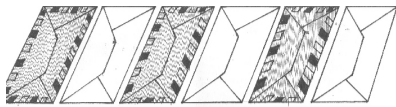
billion.

Prof Ongeri, who was accompanied by his Northern Kenya counterpart Mr. Mohammed Elmi, Assistant Minister, Prof. Ayiecho Olweny and several MPs from the region, points out the policy will ensure effective resource mobilization from key stakeholders to

support education among the nomadic communities in the country.

He adds that since 2006, the Government had spent Ksh300 million for the construction of low cost boarding primary schools and purchase of kits for mobile schools in the region to enhance nomadic education.





## Govt should launch campaign on illicit brews

COMPARED to our neighbouring countries, Uganda and Tanzania, the taxation of alcohol in Kenya is the highest.

With every new budget in Kenya, the government increases tax which includes the cigarettes, in its effort to fill the national budget deficit.

All poor Kenyans cannot afford legal alcohol, so they are forced to drink the illicit brews, which are laced with dangerous chemicals like methanol and formalin to give them extra 'kick'.

Two months ago, 10 men died and 10 others went blind in a Nairobi slum after drinking illicit brews. Recent reports indicate that another five have been hospitalised after consuming such brew.

The government should launch a campaign to educate people on the ills of illicit brews.

\* \* \*

Arresting brewers and drinkers of illicit brews is difficult because every time the police plan a raid, the brewers are forewarned.

This can only mean that some police officers are working with these brewers. It seems that more dens are coming up as more people are turning to the drink they can afford and is readily available.

Apart from arresting these brewers and drinkers, what more can the government do?

\* \* \*

It is sad that the mainstream alcoholic brands are too expensive for the poor Kenyans to afford and they are forced to drink deadly illegal brews.

It's sad that the government is not considering the consequences of beer price increment. Illicit brews are cheap and are addictive.

In the case of Kiambu, men aged between 20 to 50, at the prime of their lives, were the ones who died.

\* \* \*

The reports of the six people who have died after taking illicit brews in Kibera shows that these killer drinks are more widespread in our society than thought earlier.

It is sad that it is mostly the youth who drink these brews. We are losing the future leaders of this country to drink.

Research needs to be conducted to find out exactly how beg this industry is and why it is thriving.

**Concerned Kenyans,  
Via e-mail.**

# Can Lumumba make a difference in KACC's anti-corruption crusade?

PRESIDENT Kibaki appointed Patrick Lumumba the new Director of the Kenya Anti-Corruption Commission (KACC). Also appointed were Assistant Directors Jane Onsongo (Preventive Services) and Pravin Bowry (Legal Services and Education Research).

John Mutonyi, who was the acting Director, returns to his position as Assistant Director, Investigation Services at the anti-graft body. The new appointments followed a competitive recruitment process by KACC's Advisory Committee, as well as vetting by a Parliamentary Committee and approval by Parliament.

President Kibaki, as the designated appointing authority, has now met in full the requirements for the process laid out in the Kenya Anti-Corruption and Economic Crimes Act.

We congratulate the trio on their appointments to unenviable positions, given the enormity of their responsibilities, and the entrenched culture of corruption in our society.

But we hasten to add that the choices before them and the KACC Advisory Board are not whether, but how to change course in the resolve, form and tactics of dealing with this cancer.

In their new roles, their conscience must guide them on the right course of action to lead KACC into making an enduring and positive difference. How can KACC renaviagate its course in confronting corruption so as to engender public confidence?

Firstly, it can no longer be just 'business as usual' at the anti-graft body, because Kenyans have become so sceptical of efforts by the Government to fight corruption, that personnel changes in the implementing agencies are seen as hoodwinking



Mr Lumumba

measures.

In the past, Justice Ringera, and the organisation preceding KACC, raise high expectations following their appointment. How far they went is a matter of conjecture and anything else is history without value; Today's reported corruption cases involve multi-billion shillings worth of transactions in nearly every sector of society, with favours expected in kind and in cash.

Secondly, with respect to the new KACC appointees, it now matters little who contributed to their appointments — whether friends, foes, appointing authority, or persons of influence. What matters is that they display firm resolve to discharge their responsibilities transparently, without favour or fear, and in a just and fair manner.

KACC must never be used as a tool of intimidation to serve vested interests, or to share in the proceed of corruption. Thus, any malicious prosecutions amount to persecutions that and are themselves a form of corrup-

tion. Lumumba and team must resist such pressures, if they hope to gain peoples' trust and confidence.

In executing KACC's mandate, the team must be resolute and strategic, and tackle short and long-term challenges decisively to reverse the corruption syndrome. This demands short and long-term institutionalised interventions, with both proactive and multivariate measures and public partnership.

Thirdly, as a people, we must accept our individual and collective responsibility in condoning and embracing a corrupt society. Any giver must be as guilty as the receiver of corruption proceeds, with similar severity in consequences. The pursuance of ill-gotten gains must be as ferocious as the prosecution of suspects. This way, there will be no incentives for corruption.

Corruption has made Kenya's dream of prosperity elusive, influencing all spheres of society, including national policies and development agendas. The people vote in leaders in every election who promise to fight corruption.

However, after elections, such leaders protect the corrupt and share in the proceeds of graft. It matters not whether we have a single or multiparty government, or the current Grand Coalition Government.

But the big question mark here is: Will they engage in a public education programme to sensitise the public through the media, schools and churches among other communication channels, on the ills of the vice?

The ball now rests in the court of Mr Lumumba and team on this is a matter of compelling public interest.

**Concerned Kenyan,  
Nairobi.**

## Names of corrupt lawyers should be published

POOR professional ethics prevail in the legal profession. The complaints Commission, established in 1989 to receive and consider complaints against lawyers, received an average of four complaints every day during the last three months.

Last year, the Kenya Anti-Corruption Commission received an average of three complaints per day, which were related to corruption.

The cases are the tip of the iceberg. Most people do not report their lawyers, even if they have complaints against them. Many people do not know where to complain.

By far the most common complaint received by the Complaints Commission was withholding funds, a euphemism for the first stages of embezzlement.

It was followed by failure to render professional services, a euphemism for professional misconduct, then by failure to account, a euphemism for misappropriation.

The Law Society of Kenya (LSK) has in the last two years been publishing information regarding the status of its members for the benefit of the public.

Currently, its website lists lawyers who are dormant or inactive (not certified to practise), those who have been suspended or been struck off the Roll of Advocates and therefore are not allowed to practise, and those who are active (certified to practise for the year 2010). You can search an advocate by name to find out his status.

The consequences of using the services of a lawyer without a practising certificate can be dire.

Take the example of Cecilia Kerubo Kenyoru. She filed a suit against her employer, Brooke Bond (K) Limited, seeking to be paid damages for injuries she sustained while working for the company.

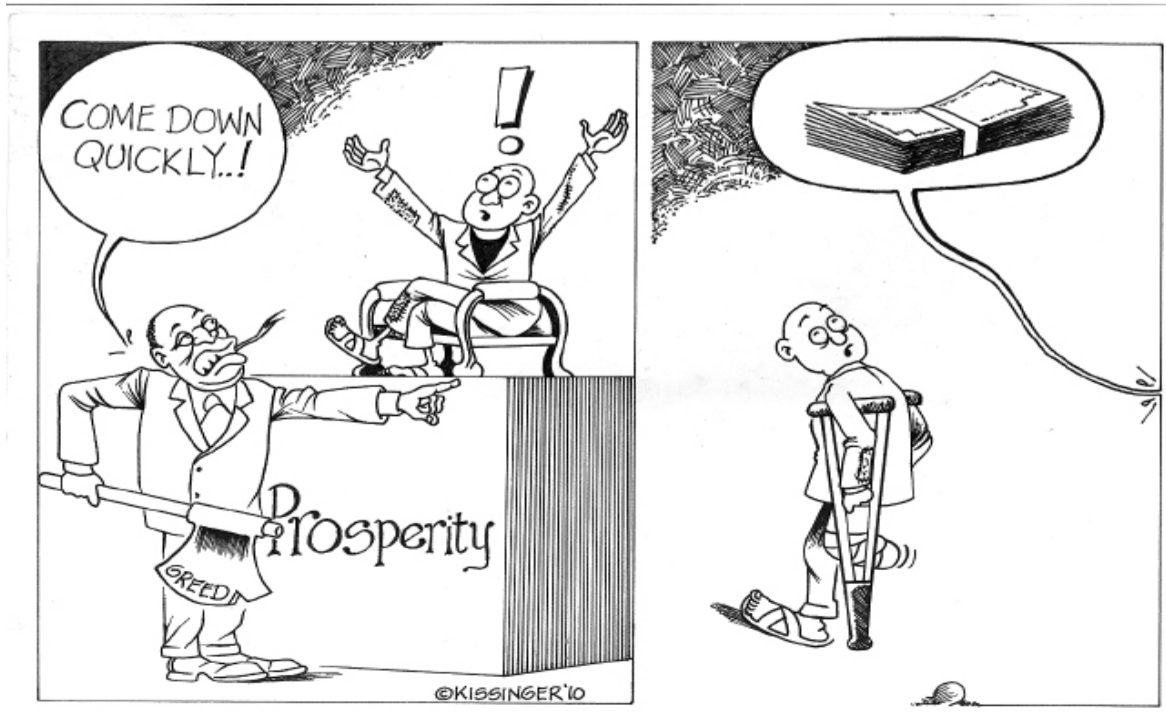
Unknown to her, the lawyer who filed the suit for her had no practising certificate at the time.

Brooke Bond sought to have the suit struck out for being incompetent.

Senior resident magistrate in Kericho, however, though agreeing that it was "improper" for her lawyer to practise without a certificate, said striking out the suit "would be to punish an innocent party who had unknowingly instructed the advocate without knowing his capacity of practise."

The magistrate, therefore, dismissed the application to strike out the suit. Brooke Bond appealed, and Justice Luka Kimaru agreed the magistrate had erred in dismissing the application when the facts of the case called for striking out of the suit.

**Peter Mwaura,  
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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By JOSEPH MUKUBWA

TWO secondary schools in Kieni West district will soon visit Garissa District as part of an ongoing peace exchange programme targeting learning institutions.

Area DC Mohammed Abdi said that two other secondary schools from Garissa District will also visit Kieni West district to enable students interact freely and appreciate their diverse cultural values.

The DC who spoke in Mweiga PCEA hall when he met over 350 Kikuyu elders from the District during the launch of peace and integration committee, said plans are underway to ensure students get an opportunity to sample each others culture.

"The selected secondary schools will visit each other during the programme and students will learn from each other. We want the youth to learn to appreciate diversity and shun stereotypes that have permeated the social fabric," said Abdi.

The visit will also involve Kieni elders who are set to visit other Districts in North Eastern Province among other areas across the country.

The committee was launched after President Mwai Kibaki initiated a similar committee a few months ago at the Bomas of Kenya.

The launching has now gone to district level before heading to divisional, locational and sub-locational levels.

"If we don't live together as brothers and sisters, we shall all perish together as fools," he told the elders from Gatarakwa, Mugunda, Mwiyo, Rabura, Endarasha and Mweiga locations.

The Central Provincial Peace

# Kieni, Garissa schools in peace exchange mission

*Kieni West schools to visit Garissa district in peace reconciliation programme*



Central Provincial Peace Forum chairman Rev Joseph Macharia (right) with Kieni West DC Mohamed Abdi at Mweiga PCEA church hall recently. Photo/Joseph Mukubwa

Forum chairman Rev Joseph Macharia said the visits will help the two communities to address any possible causes of conflict to avert flare-ups witnessed during the last

General Elections where hundreds died during the post election violence.

The elders who are expected to promote peace, cohesion, rec-

onciliation and integration will also tackle the issues around land, youth, illicit brews, child labour, poverty and low education levels among others.

## Plans needed to improve education in Eastern province

By FIDELIS KABUNYI

EDUCATION stakeholders in Eastern province have been challenged to come up with modalities to improve poor performance in Kenya Certificate of Secondary Education (KCSE) Examination.

A director for human capital development in the Ministry of Northern Kenya, Dr David Siele, says that the marked decline in last year's national examinations was a pointer in the wrong direction.

He says the province was ranked poorly because only 56 students managed to score A plain out of the 60,000 candidates who sat for the examination compared to the large number of students who scored a similar mark in Alliance Boys High School and Starehe Boys Centre.

"The two schools are National but the students are not. What is happening since schools in Eastern province use to do better than the National schools," he questions.

The director who spoke during the provincial education day called on education stakeholders in the province to go back to the drawing board and set targets for the province to ensure that students get quality education.

He says quality education and good grades will help prepare students to be competitive in a cross section of tasks beyond the academic realms.

Eastern provincial Director of Education Mr Boniface Gitau attributed the poor performance to private schools which he said had continued to post poor results.

He assured that appropriate measures have been put in place to ensure better performance in the examination across the province.

Mr Gitau also attributed poor results to shortage of teachers, child labour and shortage of administrative and quality assurance and standard officers.

The enrolment rates in Free primary education in the province has gone up from 1,149,902 in the year 2002 to 1,485,619.

In the secondary sub-sector, the enrolment stands at 297,755 currently following the opening of more day secondary schools and provision of free secondary education.

The Eastern provincial Commissioner Claire Omolo, directed administrators at District level to ensure that pupils were retained in schools.

Mrs Omollo said the government had introduced mobile schools in Upper Eastern to ensure that children in the region access education as parents migrate from one region to another in search of water and pasture for livestock.

She said already the region has 11 mobile schools with an enrolment of 459 pupils with 6 non formal education centres in Marsabit South district.

The administrator also advised students and pupils to uphold discipline, dignity and good reputation by desisting from engaging in vices that may deter their performance and achievements in education.

## Failure to release funds threatens Western schools

By AGGREY BUCHUNJU

OPERATION in most secondary schools in Western province may soon come to a stand-still.

This follows Government's failure to disburse the subsidized secondary education funds to schools during the second term.

According to the newly appointed director for secondary education Robert Masese, non-disbursement of the funds was occasioned by a technical hitch.

Masese was however, non-committal about when the funds will be disbursed to schools, a factor that is causing anxiety among the principals, students and parents.

Most principals in Western Province rely on FSE funds to run the daily activities since the rate of fee payment in the region appears to be very poor.

However, the delays in the disbursement of the FSE funds to schools

has disrupted the smooth running of the schools and put principals in jeopardy.

The principal of Chubuyusi High School in Kakamega Central District Mr. Boniface Okoth says that the delay in releasing the FSE funds for the institution's 617 students may compel him to curtail some of the activities.

Mr. Okoth claims that the school is owed Kshs. 3.5 million in accumulated fee arrears over the last three years, a factor that he adds has made the school not to fulfill some of its obligations.

Non-disbursement of the FSE funds, Mr. Okoth, says has worsened the situation since part of the money is used to pay salaries for Board of Governors (BOG) employed teachers and non-teaching staff.

The school has according to the principal, four BOG employed teachers and 22 non-teaching staff.

Bungoma High School, in Bungoma south District has over 1100

students who allegedly owe the school over Kshs. 3 million in fee arrears.

According to the school's principal Mr. Peter Nyambane, part of the FSE funds is used to pay the salaries of six BOG employed teachers and some of the 46 non-teaching staff.

The vote head is as follows:-

● Salaries -----	Kshs. 3,965
● Tuition -----	Kshs. 3,600
● Activity -----	Kshs. 600
● Administration -----	Kshs. 500
● Water and electricity -----	Kshs. 500
● Maintenance -----	Kshs. 400
● Local travel and transport -----	Kshs. 400
● Medical. -----	Kshs. 300

**Total per student**

**Kshs. 10,265**

Prompt disbursement of FSE has in the past given most schools a facelift and enhanced academic performance.

The delay in releasing the funds has seriously hurt the schools in terms of academic performance and physical infrastructure.

## Pupil pregnancy in Nyanza worries education official

By BOB OMBATI

NYANZA province Kenya Primary School Heads Association (KEPSHA) chairman, Shem Ndolo has expressed dismay over the rising number of teenage pregnancies and early marriages in some pockets of the province.

The official singles out Kuria Dis-

trict and schools along the shores of Lake Victoria as the most affected by the trend, which not only shattered education prospects for the girl child but also contributed to the dismal performances in national examinations.

He points out that fishermen lure, impregnate and abandon school girls mainly from poor backgrounds and in some cases infected them with HIV/

AIDS.

The official told over 4000 head teachers of Primary attending a meeting at Nyanchwa Teachers Training College that the association was currently spearheading a campaign to save the girls from the prowling fishermen.

He at the same time asked teachers to uphold high ethical standards and work harder to enable the province re-

claim its lost glory nationally.

The official accused some teachers of laxity which he noted resulted in poor implementation of the curriculum and affected the overall performance of the province.

"Nyanza province used to lead in national examinations. But it is now trailing others. Where did the rain start beating us? Posed Ndolo



## Murang'a schools suffer due to delayed funds

By MORRIS GITHENYA

DELAYS in the disbursement of funds earmarked for the Subsidized Secondary School education programme has crippled the implementation of development projects in most schools in Murang'a District.

Secondary schools in the area are faced with huge deficits and were currently relying on funds meant to support development projects initiated through the Parents Teachers Associations with the hope of refunding the cash later once the government releases the allocations. Day schools are the hardest hit and have been left at the mercy of suppliers to implement major projects.

Investigations by The Link established that many of the major projects have stalled as funds go to supporting tuition and other major academic programmes.

Last year, the area District Education Board approved some of the projects that were to be supported by parents but many of these projects have paled to oblivion as allocations have been diverted to other urgent needs.

A number of Secondary school principals interviewed by The Link expressed their dismay over the lack of funds in schools saying most programmes have been disrupted by the delay.

Morgan Nyoro, the Principal of Kangema Boys secondary school who is the coordinator of Murang'a region secondary school heads association says that failure to remit the funds to schools have negatively impacted on operations in most institutions. "The government should come up with a viable way of sustaining the programme to help in the management process," said Nyoro.

He said that the burden is now being shifted to parents who have to pay extra money to support the education of their children.

## Teenage pregnancies in Kilifi worrying

By BEKADZO TONDO

THE government has attributed early pregnancies among primary school going girls to the low transition rates currently being witnessed in Kilifi District.

Kilifi District Education Officer Mr Dickson Ole Keis notes that the number of girls getting pregnant in primary schools was alarming.

Keis says the pregnancies also affected their performance in national examinations and thus the need to accord the problem the necessary attention.

The education officer spoke at Pwani University during a stakeholders meeting to explore ways through which performance in national examinations can be improved.

Principals of secondary schools who attended the forum underscored the need to phase out mixed schools, which they say resulted in high pregnancies among school girls.

The principals led by Mr Raphael Diwani of Lutsangani Secondary school said stakeholders should consider separating female students from their male counterparts by supporting creation of same sex schools.

By JOEL JUMA

A STUDY commissioned by the Kenya National Examinations Council (KNEC) to look into poor performance in Primary Schools in the country has been made public.

According to the study absenteeism by both teachers and pupils continue to afflict most of schools, with Coast Province registering the highest mark at 78.8 percent.

The trend in Eastern Province is not better either as cases of absenteeism stand at 74.1 per cent. Nairobi has 72.8 per cent followed by Western with 72.6 per cent.

The study indicates that the number of pupils missing school in North Eastern stands at 40.9 per cent while Central province recorded 58.5 per cent.

The study done by the Council's National Assessment Centre focused on class three pupils and notes that 70.1 per cent of the pupils interviewed reported to have occasionally been absent from the school during the First Term

A senior Deputy Secretary at KNEC Francis Kyalo and the Western Provincial Director Education Kenneth Misoi say the most common reason given for absenteeism was sicknesses.

The two say 88.8 percent gave sickness as the reason of being absent. Work at home recorded 27.7 per cent while lack of fees posted 16.5 per cent.

The two officials note that absenteeism contributes to poor results in the national examinations and told parents to ensure that the vice is phased out.

The officers were speaking during the deliberation of the report at

# Report blames poor education performance to absenteeism



Absenteeism by both teachers and pupils in schools results to poor performance. Photo/File

a stakeholders meeting held at the Western Provincial Education Office Boardroom.

The meeting was also addressed by the Kenya National Union of Teachers (Knut) Western Provincial Council Secretary Godfrey Odongo and the Kenya Primary School heads Association branch Chairman

Josephat Otiende.

Odongo said the number of absenteeism was high because of teacher shortage.

"Teachers are forced to focus on the upper primary in readiness for the national examinations because they were few," said Odongo adding that the trend demoralises pupils in lower

classes. Odongo explains that the province required 15,000 teachers to offset the deficit.

But Misoi discounted the figure, insisting that the shortage of teachers stood at 8,000. He said 5,000 were required in primary schools while another 3,000 are needed in secondary schools.

## Kilifi leaders appeal for more teachers

By BEKADZO TONDO

LEADERS in Kilifi want the government to employ about 1,000 teachers to help address teacher shortages in the area.

The District Education Officer Mr Dickson Ole Keis said the district was facing a shortage of about 850 teachers with the deficit at the Primary School level poised at 662 teachers while the secondary schools need 185 more teachers.

Keis said the shortage was to

blame for the poor performance registered in national examinations by schools in the area and urged the government to employ more teachers to address the problem.

The officer who is also the District Education Board secretary was giving an official report on the performance of schools in the past three years during a stakeholders meeting held at Pwani university where area MP Benedict Fond Gunda attended.

Mr Keis further said that lack of proper physical facilities such as the

shortage of classrooms, libraries, laboratories and desks also contributed to the poor performance in the national examinations.

Keis said students in most school were learning under trees, while others sit on the floor or on stones due to lack of enough classrooms and desks and appealed to non governmental organizations to come to their aid and enable them provide a better learning environment

Kilifi District Commissioner Mr Katee Mwanza who chaired the meet-

ing said negative attitude by leaders, parents and students towards education was also to blame for the poor performance in schools.

The area MP however urged leaders to look for proper ways of getting funds to address problems facing many schools in the area.

He said CDF monies being allocated to the constituency in every financial year could not address the many problems facing schools and therefore the need to look for alternative ways.

## Kibunja wants quarter system abolished

By JOEL JUMA

NATIONAL Cohesion and Integration Commission (NCIC) wants the Ministry of Education to phase out the quarter system while admitting students in secondary schools.

Commission's Chairman Mzalendo Kibunja also says employment of teachers by School Board of Governors should also be done away with to promote national unity.

"Most of these BoGs are constituted based on their ethnic lines and cannot be trusted on employ-

ment of teachers," he adds.

He further says admitting candidates based on the quarter system does not promote national integration and should be scrapped in future.

"We are making recommendations to various ministries to review policies that undermine the spirit of national integration," adds Kibunja.

He says it was not fair for the schools to be localised as the system forced them to admit students from their districts.

Kibunja reveals that the commission has sent out circulars to various ministries urging them to

promote national cohesion in employment and admissions in educational and training institutions.

The current policy requires that districts admit 85 per cent of local students with their colleagues from other regions benefitting from a paltry 15 percent.

The chairman was speaking at a Kisumu hotel during a workshop for journalists drawn from various media houses.

Lawyer Richard Onsongo and Mzalendo led the training programme that was organised by the Western Kenya Journalist Forum.

The Kenya Union of Post Primary Education of Teachers (Kup-

pet) has been calling for the scrapping of the quarter system saying many students miss chances in other schools despite qualifying.

Kuppet acting secretary general Akello Misori and treasurer Njenga Mwehi says the union is still pushing to have the mode of admission revised.

Kibunja said the proposed constitution if passed during the referendum will crack the whip on local authorities that promote ethnicity during employment.

He noted that local authorities would be required to hire staff from various parts of the country to promote unity among Kenyans







# PARTNERSHIP FOR PEACE

A monthly supplement funded by European Union and Konrad Adenauer Stiftung

## Project embarks on leaders meetings

**W**ELCOME to the season of divisional community leaders meetings in our project Calendar. This is a one day meeting with a minimum of 60 participants in districts with a history

of ethnic tensions and violence. This activity is held in very remote areas of the three provinces we are working in namely Rift Valley, Nyanza and Western. The target audiences are opinion leaders and the medium of communication is a mixture of vernacular and Kiswahili with minimal English.

People in these areas know their alleged fears and as a result have developed home grown solutions to the conflicts experienced. One such area, where people have actualized their ideas, is Kolongolo in Kitale. For more than a decade ago, according to one of the leaders we met, peace has been elusive but since 2007 they have not heard the sound of a gunshot which was hitherto music to

### MANAGER'S COLUMN



By  
**JANE  
MURUTU**

them. This is a success story that am compelled to share with fellow Kenyans. What is their secret?

They started by allowing their neighbors' to buy land from 'willing seller'. Soon there was no land

that was typical of people from one community alone. They also allowed their neighbors' children to attend schools built by them and even built a boarding school where they allowed their neighbors' children pay little boarding fee or none at all depending on the pupils background.

The lesson learnt is that if our neighbors' have limited schools or any form of infrastructure we can generously share with them as we encourage connector projects like roads, water and schools.

Similarly respecting each other's culture and traditions was cited both in Chwele and Rongai. If communities would learn to respect each other and not to demonize each other's practices as primitive

or heinous, we would have peaceful co-existence. Additionally in different forums, the opinion leaders took turns to explain the need for staying clear of divisive politics. They supported the need to get facts right instead of listening to rumours and misinformation.

The leaders emphasized the need to share communal activities such as celebrating cultural days, cleaning day for the community, planting trees, encouraging inter-marriages, giving opportunity to the youth and women in any public baraza's to voice their concerns.

I wish to implore more women and youths to attend future peace meetings since their representation has not been proportional to that of the middle aged and elderly men. We all have both individual and collective responsibility of ensuring that our communities are peaceful with each other. The youths have even a greater stake in what happens now for it shapes the very future they are hopeful about. They therefore must actively engage.

Ultimately, let us remain vigilant against divisive activities and hate speech. We are all one big country beautifully blessed with several

cultures that can co-exist peacefully. The constitution making process will come to an end and it should not leave us a divided house. It has taken blood and sweat to get to where we are and it is not worthwhile letting all these achievements be washed down the drain because we have a difference of opinion! Give no room for post referendum outcome to divide us further.

Finally the project team's sincere condolences goes to the family, friends, relatives, the residents of Kapomboi location and the provincial administration following the demise of Chief Stephen Rugut who fell from his chair unconscious, in one of our divisional community leaders meeting held on 13th of July, 2010, at Kolongolo polytechnic, he was rushed to Cherangany nursing home where the doctors pronounced him dead. He was a true epitome of reconciliation and a member of our ever increasing peace force at the grass roots.

**The writer is the co-manager for partnership for peace project. In case of any comments or suggestions write to: [partnershipforpeace@gmail.com](mailto:partnershipforpeace@gmail.com)**

## New districts cause tension in Western

BY **AGGREY BUCHUNJU**

**C**ONFLICT among different communities in Western Province is now being blamed on the creation of additional administrative units based on political interests.

Teso community leaders aver that both visible and invisible violence against their neighbours and vice-versa is a creation of leaders who announce new administrative units without enough consultation.

The leaders observe that mistrust and tension among the border communities is largely born out of lack of enough consultations with the parties concerned before announcing new ad-

ministrative boundaries.

They disclosed that due to the declarations motivated by selfish political gains, some areas today vote for political leaders in Teso District and report to provincial administrators in Bungoma and Busia Districts.

The community leaders point out that Changara Sub-location in Teso North District and some parts of Busia town in Teso South District are politically in Amagoro constituency but when it comes to provincial administration they are in Bungoma and Busia Districts respectively.

Due to the confusion in terms of political and administrative boundaries the community leaders, allege that residents of the concerned areas normally miss out on recruitment in the armed forces.

"The youth from these areas miss em-

ployment opportunities and admission to public training institutions because their identity is not distinct in terms of gazetted jurisdiction units", says Mr. Stephen Ojune.

Besides missing out on job opportunities, Mr. Ojune, continues to allege that the youths in the affected areas are also denied bursary and other government devolved resources due to their partial residence.

The scenario, Mr. Ojune, adds that causes dissatisfaction among the affected youths, a situation he observes that if not urgently addressed may lead to violence in the area.

He blames the mess on politicians from the area, who he accuses of being insensitive to the plight of the Teso people.

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The Partnership for Peace Project is responsible for the views reflected in this supplement.





# Ethnicity in the Rift Valley

BY JONATHAN ROTINO

'ETHNICITY' can be defined as 'a sense of collective identity in which people perceive themselves as sharing a common historical past and a variety of social norms and customs. Ordinarily people talk about tribalism in reference to ethnic hatred and bias. It is also worthwhile to note that in as much as ethnicity may be condemned as a vice among the ordinary citizens; it obtains prominently as a virtue among the elite who maximizes on it to their advantage.

Rift valley is one of the most cosmopolitan provinces in Kenya. This can be attributed primarily to the fact that it hosts more than ten ethnic communities. Notwithstanding this, the Kalenjins and Maasai's are the predominant ethnic groups.

Before the ushering in of Multi-party politics in Kenya Rift Valley used to enjoy peace. There has been an upsurge in cases of conflict and violence in Rift Valley since the re-introduction of political pluralism in 1991. Such violence has caused deaths, destruction of property, dislocation of populations and has added lawlessness to a state of insecurity.

Human Rights Watch 1993 observes that the new democratic openings on the governance front generated a vicious struggle for political power, capital accumulation and unforeseen cutthroat rivalry for domination and control of strategic resources across the nation. But this is a pseudo problem, the focal problem is LAND. Land is a very poignant issue and touches at the core of the people's lives.

Moreover, this is soared by the rhetoric of the politicians who go around inciting people from their ethnic communities by claiming that 'foreigners' came to take their land from them.

The 2007 post election violence where more than 1,000 people lost their lives and property worth millions of shillings lost is a case in time of what incitements by politicians can do. The following are some of the ways ethnicity can be tackled.

The underlying causes of violence in Rift Valley should be identified and addressed in an honest manner, instead of merely focusing on the symptoms. The Land policy recently formulated should be implemented as a matter of urgency. With the increase in the population, conflicts are bound to occur. Big tracts of land lying idle and owned by tycoons should be repossessed and redistributed to the landless.

There is an urgent need for civic education, to encourage the people to respect the civil liberties of individuals and the need for co-existence. They should be encouraged to follow the rule of law whenever they feel aggrieved. The Government, churches and other non-governmental organizations should spearhead this education, so that the people can

understand changes in policies and the channels to be followed to air our grievances.

The culture of intolerance should be eradicated so that the people can comprehend the need for unity in diversity. Each ethnic group has the right to exist and should be treated equally with all

others. No ethnic group should be allowed to feel superior to the others. Security of life and property should be guaranteed for all individuals.

There should also be equal opportunities for citizens, with respect to sharing the country's natural and political resources. This can be achieved by adopting a democratic style of government that accommodates everybody, and by expanding the country's economic base to meet the aspirations of the various social groups. This would in turn create harmony through the recognition of the legitimacy of diversity and cultivation of the spirit of tolerance. Only social justice and equality can bring about a just peace.

Reconciliatory efforts should be emphasized to stem out the wholesale condemnation of specific ethnic groups. There is an urgent need to build institutional capacity for conflict resolution through indigenous approaches. This will ensure that conflicts are settled at the nascent stages before they engulf the whole community. The various warring communities in the Rift Valley should nominate individuals to a committee whose role will be to spearhead peace programmes in the province. The individuals must be esteemed members of the society who people can listen to.

After the 2007 post election violence people who lost their loved ones and property are still bitter hence the state should make provision for compensation or some



Chaos erupted during 2007 general election. Photo/File

form of restitution in aid of victims. There is no way peace will be realized when some internally displaced people are still living in camps, they should be resettled and assisted to pick up their lives. It's very unfortunate that three years down the line victims of the violence are yet to realize justice.

Measures should be put in place through formulation of policies to curb incitement by politicians. Anyone found engaging in any form of incitement should be punished accordingly. The laws formulated should be adhered to because there have been cases whereby people flout

laws with impunity.

To conclude let me echo the words of Martin Luther King Jr 'Lets live together as brothers or perish together as fools'. Kenya is for each and every one of us no matter our ethic background, in fact our diversity should be the strength to bring us together. We are going to make it, the future is very bright. Eleanor Roosevelt once said, 'The future belongs to only those who believe in the beauty of their dreams'.

The writer is a Student at United States International University (USIU-Kenya)

## Let's all choose the path of peace

BY RUTH N. WAWERU

PEOPLE vary in their description of what peace is and when and how one can say they indeed have it. When a situation occurs, we immediately make good guesses of what the consequences will be. This is greatly influenced by what happens, when, where, how and with whom.

Accomplishing peace is no 'piece of cake', especially when the situations at hand can be graded as 'furnace-levels'. Even so, a way always unveils itself and answers sought after satisfied; only if the parties involved are willing. This is an obvious fact, so simple though frequently dismissed or taken for granted.

Whenever you are faced with a conflict situation, ask yourself: "Am I

willing to resolve this? Do I honestly believe it's possible?" If your answer is a 'yes', then that's a good start with a promising ending.

If you choose to be optimistic, listen, not selectively, but attentively and emphatically. Try to understand, then to be understood. I do not mean you should allow people to negatively influence you with their words; manipulate or coax you, with their 'version of the story.' I mean, look at both sides of the coin. After doing so, look for a solution that will serve both sides satisfactorily. However, let it be clear that no side can be satisfied 100% at the expense of the other. The opposing side will view this as selfish and unfair, and continually press the situation; thus brewing conflict.

Forgive. Allow me to suggest this, no matter the situation. Many think that forgiving is allowing the offender to walk free, but it is not. When you forgive, you are doing yourself a big favor, than you are to your offender. If you do not forgive, then your offender has power over you, which you have allowed him to have. This is the bitter truth. The truth has never been sweet. Consider, what an American first lady once said, 'no one sits on your back unless you bend.' I don't mean the wrongdoer, should not face the consequences of his/her actions. I mean, ensure that whatever it is that happened, does not dominate your thought life, and possibly, make your character take a turn

Turn to Page 17



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# Reduce inequalities to avoid conflicts

By **DAVID S. KISANGI**

**T**HE recurrent conflicts in Kenya have remained a critical concern in the minds of policy makers and political thinkers today.

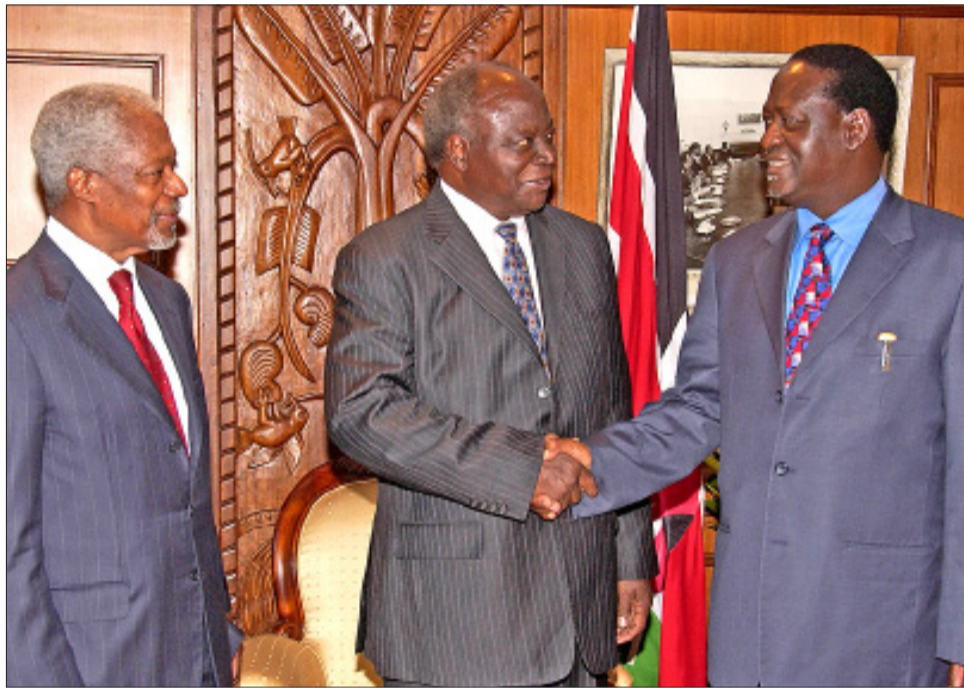
Are such conflicts triggered by greed or grievance? Are such conflicts a manifestation of the invisible effects of structural inequalities in Kenya today? Are these conflicts triggered by the greed of the political elite to maintain their status as the owners of both capital and the means to the capital? Such are the concerns of this article.

Despite decades of latent conflict in Kenya, the invisible effects of structural inequalities have manifested in the recurrent conflicts evident after the repealing of Section 2A of the old Constitution in 1991. The entry of multi party politics in Kenya saw ethnic identities aligning into political parties with no ideological bases. This has resulted to ethnic indifferences engulfed in the "our people" syndrome with a preconceived notion that once in the State House, the Head of State is seen as advancing and protecting his/her ethnic interests.

Kenya's leadership quest for the control of resources, both portable and non-portable has been seen as a factor contributing to the fuelling of conflicts. Such a case is the 2007 post-poll conflict which is largely blamed on such structural factors as explained by Johan Galtung in his Conflict Triangle analysis.

Structural inequalities linked to the unequal sharing of resources in Kenya contributed to indifferences between the political factions which led to the visible effects of conflict such as killings, human displacement and destruction of property.

Land which is a central resource in



*PM Raila Odinga (r) President Mwai Kibaki (c) and Kofi Annan during the reconciliation after the post election violence in 2007. Photo/File*

economic development in Kenya is largely owned by the elite. Though portable resources such as oil and minerals are seen as a factor in major conflicts as explained by Paul Collier in his Resource Greed Thesis, rentier economies depend on land as a major resource and hence greed for such as is the case in Kenya.

Further, the continued marginalization of the poor has seen the rise of opposition to the state. Such economic inequalities have led to genuine grievances aired by non-state actors such as pressure groups, interest groups and unlawful sects. Such grievances

are based on the state's lack of accountability and transparency, absence of rule of law and increased corruption. Such grievances raised tensions and violence.

With the continued appeal for reforms both from domestic and international circles, the state needs to enhance conflict transformation—a process which calls for co-operation in resolving structural inequalities since such inequalities trigger direct conflict.

Kenya, once referred to as 'the beacon of peace' in Africa is on the verge of political disintegration if continued structural inequalities are not ironed out.

## Let's all choose the path of peace

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for the worst. You know what they say, our thoughts become our words, and then our words become our actions! Therefore, if you love yourself, please I plead, let it go. Your life is too important and precious, to be engulfed with nasty memories. You deserve your own peace of mind, joy, and health; but this cannot co-exist within a body, that has anger and grudges, thriving within it.

Sometimes, not all that counts, can be counted for. Not all that is essential and important to your life, is perceived that way by the world. Do not allow influence to blind you, to an extent of denying oneself the enjoyment in basking in the bright sun.

Human beings have a weak imperfect able flesh that co-exists with their perfectible souls, yet many have overcome weakness and lived past the negatives of life. Peace and conflict inevitably co-exist because we know that one moment we are at peace and the next, at the blink of conflict. Just as we can overcome, despite our weakness, so can peace be achieved even in the presence of conflict—for peace is not the absence of conflict.

Leaving things as they are, or sweeping things under the carpet, because we don't know whether they can be solved or not, is a mistake.

*The writer is a student at United States International University (USIU-Kenya)*

BY A CORRESPONDENT

**T**HE parallels between Rwandan Genocide and the post-election violence that gripped Kenya in early 2008 are rather disturbing.

Inequality, a lack of tolerance etc., were all contributing factors to the volatile political climate that allowed ethnic based violence to erupt following the disputed elections.

It therefore follows that it is crucial to address these manifestations of structural violence in order to bring about peace in Kenya.

These conditions allow for the so called 'politicization' of ethnicity, the use of it as a rallying tool, a scapegoat for the economic woes of the people and a route to power.

Indeed, the report presented to chief mediator Kofi Annan on the progress made towards reforms notes, "Failure to address poverty and inequalities effectively cultivates feelings of exclusion, marginalization and

despair among citizens. These feelings almost certainly lead to conflict"

Whilst the violence in January 2008 was targeted specifically at certain ethnic groups, it may be argued that this is not as a result of deep seeded historical conflicts between these groups, but the manifestation of economic inequities and state failure to address these. Ethnic groups feel marginalized in society, most directly through what they experience on a daily basis, poverty.

In addition to addressing issues of a new constitutional dispensation, judicial reforms and the like, all of which speak to structural violence it is key that this is accompanied by a concerted attempt at the grassroots to engage victims of structural violence. Judicial reforms may be slow and their effects not felt for a considerable period of time during

which the marginalized will still feel so and the possibility of violence present.

Inasmuch as the peace process achieved an immediate cessation of hostilities, its success in addressing the long term issues of disagreement, referred to as Agenda four will most likely determine whether the next election will be peaceful.

Therefore, when one speaks of reconciliation, until these structural issues are addressed the potential for violence will always exist.

Following the post-election violence this is crucial. As UNESCO's Director-General, Federico Mayor, points out, 'countries in post-war situations frequently continue to be characterized by political instability, insecurity and everyday violence.' Only when the poor no longer feel marginalized and ex-

cluded from society will peace truly descend on Kenya.

After all the community based initiatives at ground level have left if the often overlooked conditions of structural violence still exist conflict, not necessarily of an ethnic nature may still arise.

All the well-meaning reforms of the police and the structures of power mean little if the gap between the rich and poor continues to grow and communities still feel marginalized. The best laws cannot change that. As the report to Kofi Annan warns "One possibility is 'class-based' conflict, which could culminate in uncontrollable and far-reaching violence"

The elite were not the participants in the protests nor the participants or victims of the violence. They saw no need to do so.



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# PARTNERSHIP FOR PEACE



Mr. Andrew Ligale, chairman of the Boundary Commission, consults with his deputy in one of the meetings held in Western Kenya. Photo/File

## Let's keep spirit of peace alive

By JOSEPH OWUONDO

**E**FFORTS by majority of Kenyans and their development partners towards peacebuilding and peaceful coexistence continue to bear fruits. Basically I would like to spot out local initiatives that have been emerging in Nyanza Province, especially in Kisumu and its environs.

Provincial Administration through their Districts, Divisions, locations and sub locations is traversing its areas of jurisdiction and even borders with peace message. Kisumu East District, Peace Committee has conducted a number of peace forums. This twin occasion was graced by the Nyanza PC, who also acknowledged the contributions of local people to development and community service. The PC and his team congratulated the District Peace Committee for the work they have been doing on peace and development

Development Partners are doing laudable exertion for peace in the region. Members of the Kisumu District Peace Committee are trained on peacemaking and reconciliation processes. They have expertise courtesy of Partnership for Peace Project co-funded by the European Union and implemented by Konrad Adenauer Stiftung (KAS) and local partners.

CIAG-Kenya which is the local partner for the project in Nyanza, and which is also the representative of Civil Societies in the Peace Committee, has managed to endow the committee members with relevant information on peace work.

The Link, a monthly governance publication, has not only informed the public on development issues but has been instru-

mental in disseminating the peace information throughout the country. Various peace and development partners have recognized the wealth of information The Link is providing to the community. This national information tool is being used by KAS and local partners to further promote peace in the country

Finally, we must keep the spirit of peace alive. With each individual's effort towards sustainable peace, our country can be one again. Our people can live peacefully and harmoniously if each one of us will do something about peace.

The writer works with CIAG-Kenya

## New districts cause tension in Western

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'We are not second class citizens of this country. The truth is that we are in this horrible situation due to lack of decisive leaders on important issues that affect us', Mr. Ojune adds.

He challenged the area political leaders to perceive peace as a requisite tool for development and strive to address and articulate issues which may spark off violence in the area. "Time has come for our political leaders to create conducive atmosphere for the youth and unite the community with neighbours", he says.

The leaders were speaking recently at the District Information and Documentation Centre (DIDC) hall at Amagoro, in Teso North District during a divisional community leaders meeting on conflict transformation

and peace building.

Speaking at the same meeting, the Partnership for Peace Project's Western Province coordinator Mr. Chem. Ngeywo, urged the participants to be good ambassador of peace in the area.

Mr. Ngeywo while outlining the project overview to the participants asked them to always employ diplomacy and dialogue in conflict resolution instead of resorting to violence. He thanked the participants who were drawn from the provincial administration, opinion leaders and civil society organizations for their frank discussion during the one day meeting.

The partnership for peace project, which facilitated the meeting is co-funded by the European Union (EU) and Konrad Adenauer Stiftung (KAS) and aims at sensitizing community leaders on the importance of peace.



Mr. Andrew Ligale, chairman of the Boundary Commission, consults with his deputy in one of the meetings held in Western Kenya. Photo/File

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## Elderly persons in Murang'a get state fund

By MORRIS GITHENYA

A TOTAL of 750 elderly people in Murang'a have benefitted from a disbursement of Kshs6.7 million through the social protection fund.

The beneficiaries received Kshs9 million each which had accumulated over the past six months at the district headquarters in Murang'a town.

According to Murang'a District Gender and Social Officer Ms Mary Nyambura, the fund targets the elderly who are extremely poor and vulnerable to improve their welfare.

Other beneficiaries from the kitty include physically challenged and victims of chronic illness.

Mrs. Mwangi says that already, the department has replaced 15 of the beneficiaries who had died after they benefitted from the first tranche.

The officer also ejected two of the would-be beneficiaries after it was discovered that they were pensionable.

The officer said that the Gender office was also monitoring relatives and guardians who accompany the beneficiaries to curb cases of neglect.

In March this year, some of the elders went into drinking sprees after they collected Kshs6,000 as their four month subsidy.

# EAC leaders must maintain unity this time

By JOHN NYAMBUNE

THE East African Community has all advantages that will ensure its success.

The integration process started in earnest in the early 60s but challenges of the time forced the process into a break.

However, this time round, the impetus is right, with global and local economic dynamics in favour of the convergence of markets.

The community also enjoys the added advantage of borrowing a leaf or two from the European Union experiences of 1990s integration process.

Analysts are of the view that it is more crucial for region countries, with far smaller economies than those of the EU, to conduct economic relations with the rest of the world as a single economic entity.

They believe economic and monetary integration of EAC will amplify the influence individual countries can exert on the global scene.

A momentary Union would beam out a powerful signal to the rest of the world that East Africa is united with a massive market of 126 million consumers. This would signify that the region is ready to be an integral player in the global economy. It would also signify readiness by individual member states to put aside parochial national interests for the greater ideal.

The convergence of interests will bring forth few challenges, particu-



**East Africa Community leaders. (Left to right) President Yoweri Museveni of Uganda, President Mwai Kibaki of Kenya, President Paul Kagame of Rwanda and President Jakaya Kikwete of Tanzania. Photo/File**

larly on the monetary front. But two hurdles must be tackled first, starting with the implementation of successful monetary and fiscal policies.

For starters, there needs harmonize bilateral exchange rates of the five partner states. The process would start by imposing bands within which exchange rates would be constrained before being progressively tightened to ensure the rates of the Community Partner States are permanently fixed as a step towards replacement of national currencies with a single regional unit. In this regard, there is need to anchor the exchange rate on a major global currency or a basket of curren-

cies during the transition period.

To succeed, the Union targets for fiscal deficits and public borrowing must be tight and sustainable. The markets must experience as sustainable units so as to withstand adverse fiscal shocks, such as a recessions, or cutback in donor aid.

Analysts say the most critical micro-economic requirement is a gradual convergence of all EAC economies during transition to monetary union. The EAC Monetary Affairs Committee (MAC), which has a mandate of making the monetary union functional, has a huge task ahead.

## Report decries high youth unemployment

By JOHN NYAMBUNE

HIGH level of unemployment among the youth has undermines Kenya's potential for development says new government report.

The National Human Development Report 2009 titled says although the youth comprises 36 percent of the Kenya's population, most of them remain unemployed.

The report says although the youth have vast education, skills and good health, a larger group is potentially at risk of engaging in harmful and anti-social behavior, including unsafe sex, substance abuse, delinquency and crime.

The consequences of these risks include: dropping out of school, unwanted and early pregnancies, HIV/Aids, sexually transmitted diseases, early marriages and violence. The report also says that university education that the youth acquire has lost connection with the labour market priorities to an extent that degrees awarded to graduands have no relevance to job opportunities in the market.

According to Caren Wakoli, although Kenya is said to be doing well as far as education, health and income are concerned, the biggest challenge for the youth is employment and income.

Kenya is one of the countries with the highest unemployment rates and the youth are the most affected. "It's an issue which we must all try and address," she says.

Unveiling the report in July, the National Development and Vision 2030 minister Wycliffe Oparanya said the youth unemployment estimated at 75 percent in Kenya is a concern since it's a precursor to increasing poverty. The minister said the youth population in Kenya is vital because they account for about 60 per cent of the total active labour force.

Oparanya said the cause of unemployment is partly attributed to lack of appropriate skills required in the labour industry. "In addition, it is also of great concern that a third of all HIV/Aids patients are young," he said. According to the minister the implication of the issue if not checked may have a devastating impact on the future economic development of the country, especially on the realization of Vision 2030.

"Young people, today and in the future will be the principle stakeholders and beneficiaries of the Vision 2030," the minister said adding that the issues affecting young people should be fully integrated and harmonized into every aspect of public and across all ministries and government agencies.

The link between the youth and development, he said, would forever remain relevant today and the future. This was the 6th National Human Development Report .United Nation Development Programme (UNDP) Resident Representative, Aeneas Chuma said the youth have been identified as a major opportunity for human development.

Chuma said Kenya's youthful population is a gold mine which if well tapped and appropriately invested is capable of spurring faster economic growth required for the country to achieve its long-term goals.

Sports and Youth Affairs Minister Prof Hellen Sambili said the youth Development Index concept recognizes that the society wealth revolves around its people particularly on the youth.

Although young persons are the greatest resources a country may have, Prof Sambili said the youth resource has in the past been wasted.

"But as a resource it holds key to development of the country," she said. Prof Sambili said the youth have in the past promoted the country abroad in various competitions and this can still be used in economic growth.

"In World Cross Country Championships held in Poland in March 2010, Kenya won 21 medals, 16 of which were gold," she said.

# MPs show their greedy side again

By BRIGHTON KAZUNGU

THE recent move by our legislators to award themselves huge salary increments only serves to edify the principle of greed that informs the entry into public office.

That the Members of Parliament (MPs) are willing to amass so much in a set up where hopelessness and desperation is the hallmark of those they purport to represent only serves to bolster the decay of the moral fabric.

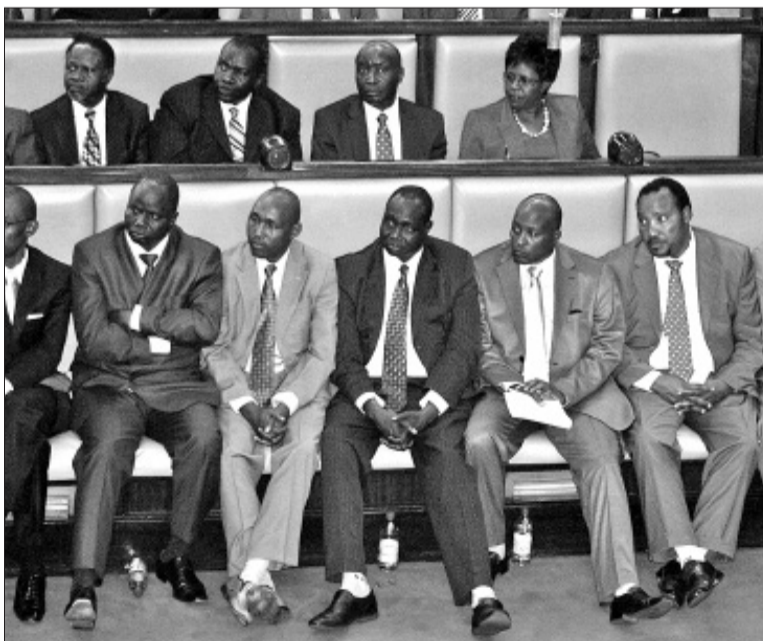
The resolve may have been shelved but still they will not pay taxes. This is despite the high levels of unemployment, inflation, poor state of economic and social infrastructures including roads, health and sanitation and rail system in the country.

Important areas in this country still cry for attention. Top on the list is the education sector which is still grappling with inadequate learning facilities and teacher shortages.

Teachers working in primary and secondary schools who really toil to foster the country's future and near future generations also require increased emoluments.

Obviously university lecturers deserve to earn better as they shape the nations destiny. Their products will inevitably run the country in all its facets. Doctors, civil servants, nurses and the police do also deserve better pay. The mentioned groups deserve attention far ahead of the MPs.

Secondly, it does not mean that the MPs basic salary increment from



**A section of MPs in parliament listens to proceedings. Photo/File**

Kshs851,000 to Ksh1.1 million is obnoxious. It becomes only un-palatable as MPs are the only employees capable of increasing their salaries every so often. So any desired incremental in their pay whether genuine or not triggers them to uplift their pay irrespective of other concerns. This is what angers the public. Whereas other public servants like teachers, doctors, civil servants, nurses and police have to hold their horses despite the inflationary pressures on costs, the MPs

always have a way to compensate for their erosion in pay.

Thirdly, the country is currently experiencing enormous challenges that require plenty of financial resources. There is a huge infrastructure demand such as roads, sorting out cities and towns which are increasingly strained and require vast amounts of money. Insecurity is curtailing growth and modern ways and equipment to stem this require huge investments, the school system require many times

more than what is currently availed.

The truth is that the pay to MPs in itself is hardly enough considering that MP's nature of job and Kenya's own enormous economic challenges, poorly skewed distribution of economic resources and the levels of poverty that makes the job of an MP quite difficult. The MPs income becomes part of the communal cake.

That is why it's difficult to deter the mismanagement of resources and corruption in this country.

If to win an electoral seats most MPs have to invest large sums in millions, if to manage their jobs they have to grease palms of all manner of leeches and also manage their constituents many private needs, and this notwithstanding the opulence that accompany the job, surely that pay amounts to nothing!

Moreover the mismanagement of the many of the devolved funds at the constituency level is telling. Why would anybody expect morality in public service in this country when the element of greed spices all public jobs?

The timing of the increment of the MPs pay is part of the reason that provokes anger.

In a nutshell the whole issue of MPs pay won't go away and will always be controversial so long as we are not redressing issues afflicting other critical and broader areas of public service and what ails the Kenyan economic architecture which keeps so many people in poverty and in dire need.



# EAC to build Mombasa-Dar road

By BRIGHTON KAZUNGU

THE East African Community (EAC) Secretariat has commissioned a feasibility study on the improvement and transformation of the Bagamoyo-Tanga-Horo-Horo-Mombasa-Malindi road into a super highway to spearhead tourism growth and inter-regional commerce.

EAC Secretary General Ambassador Juma Mwapachu said the road, which links Dar-es-Salaam to Mombasa was a strategic transport artery, which once complete would enhance regional integration.

Ambassador Mwapachu, who was speaking at the Lunga Lunga border control post during a familiarization tour of regional facilities, said infrastructural development was key to the integration of the EAC trading block.

He said the EAC Secretariat will in October convene a consultative meeting with major donors such as the African Development Bank, COMESA Bank, the European Union, The Arab League, the Asian Tigers and other major development partners to seek ways of sourcing funds to develop roads, railways, Telecommunication facilities and other infrastructure to spur growth in the five partner states.

"We shall convene a major stakeholders and international lenders fo-



Road under construction. The region is set to embark on major infrastructural projects to enhance economic growth. Photo/File

rum in Nairobi in October to ask them to assist and support us to improve our infrastructure in order to move the integration process a notch higher," he

said. He said there were plans to upgrade the Voi-Moshi-Arusha railway line into a standard gauge facility and construct a major highway between

Voi through the Tsavo National Park to Moshi in Tanzania to spur inter-border trade between Kenyan and Tanzania.

## Child labour and school dropouts in central

By MORRIS GITHENYA

INCREASING cases of child labour in Kigumo district have been blamed for the high drop out rates in the area.

Kigumo DC Mr. Omar Salat said cases of child labour have been reported in tea growing areas of Kangari and Makomboki where many school going children were currently working as casual labourers.

Speaking during Kigumo District Education Day, where Peter Njoroge Mwangi who is the principal procurement officer in the office of the President was the chief guest, Salat warned that those employing minors risk being prosecuted.

"Those employing minors are at risk of being arrested as chiefs have mounted a massive search for students who have dropped out of schools," said the DC.

The DC at the same time blamed the high consumption of illicit brews in the region to the low enrolment rates at the nursery school levels.

He said many nursery schools were on the verge of collapse following a decline in the number of the enrolment registered on an annual basis.

"All the nursery schools in the district have less than 2,000 pupils unlike 5,000 pupils four years ago," said the DC who also chairs the district education board.

During the function, the Kenya National Union of Teachers (KNUT) demanded that the government employs more teachers to help improve on the quality of education offered in most institutions.

The Murang'a South KNUT executive secretary Joseph Njoroge said it was unfortunate that schools whose enrolment currently stood at more than 600 pupils were being served by a paltry ten teachers.

"The government should ensure more teachers are employed and posted to areas adversely affected by the shortages to help improve on education standards," said Njoroge.

# EU funds hunger projects in Kitui, Mwingi

By KAVYU-KURA

FOURTEEN thousand farmers in the perpetually drought stricken areas of Kitui and Mwingi districts are set to benefit from a European Union funded food security project.

The project dubbed Kenya Dryland Farming Programme (KDFP) will seek to mitigate the pangs of hunger by improving household food security for people living in the Arid and Semi Arid areas.

The project is expected to enhance food crop production in the targeted households and cushion them against the effect of ever rising food prices.

According Mr. Jacob Mutemi of Mwingi office of the FARM-Africa, the Non-governmental organization tasked with implementing the project, 7,000 small-scale farmers, 1000 lead farmers and 6,000 adopter farmers would initially benefit.

Speaking to The Link recently, Mutemi pointed out that since the lack of adequate rainfall has had a significant bearing on Mwingi and Kitui districts, the targeted group will be encouraged to grow Drought Tolerant Crops (DTCs).

"The farmers will grow traditionally known DTCs like millet, sorghum, cowpeas and green grams whose production we hope to improve by 30 percent by October next year thus ensuring the target farmers have food throughout," the FARM Africa official said.

The FARM-Africa boss says the action will reduce the risk associated with the monotonous growing of one main crop like maize. He said through the project intervention, farmers who are always dependant on food aid will be able to produce food even in times of limited rainfall.

He said the expected upped produc-



A blossoming crop of cowpeas.

Photo/Kavyu-Kura

tion will be the result of improved dryland farming techniques among farmers and the provision of the high quality and certified DTCs seeds. Besides, he added, farmers will receive intensive training and support to plan and engage in soil and water conservation activities critical to improving land productivity.

"Farmers will also be provided with appropriate tools, trained on how to use them and facilitated to construct structures to harvest surface run-off water and reduce soil erosion," said Mutemi.

Further, the project will seek to address the perennial water scarcity problem in the targeted areas by scooping 7 earth dams and 7 boreholes, added Mutemi.

He noted that water from boreholes, earth dams and other sources will be

harvested for irrigation purposes at individual farm level. Water saving agricultural production methods such as drip irrigation, infiltration pits and double digging, he added, will be promoted alongside these water projects.

"We will promote water efficient irrigation methods to farmers to enable them to engage in small scale vegetable cultivation. Water will also enable planting of quick maturing fruit trees and fodder trees providing more feed for livestock," he said.

Since water availability is a major constraint to crop production in ASAL, he noted, improved access to water will play a substantial role in improving the quantity and quality of food harvested and thereby contribute to improving food security.

## Mt Elgon Group wants TJRC disbanded

By AGGREY BUCHUNJU

HUMAN rights lobby groups in Mt. Elgon District want the Truth, Justice and Reconciliation Commission (TJRC) disbanded saying that the ongoing public hearings lack an effective witness protection plan.

The lobby groups argue that the process does not guarantee any form of protection to both the victims of human rights violations and potential witnesses into the activities of the Sabaot Land Defence Force (SLDF).

The Western Kenya Human Rights Watch (WKHRW) Executive director, Mr. Job Bwomya, and the coordinator of Mwatikho Torture survivors' organization, Mr. Taiga Wanyanja, blame the commission for involving the media while interviewing and recording statements from the victims.

They argue that for the interest and security of those being interviewed, the TJRC is supposed to carry out its activities in private and confidentiality.

To publicize the names of victims and their testimonies, the two human rights crusaders aver that not only puts the victims in danger but is also a violation of the witnesses' protection act.

"Visiting prisons and interviewing the inmates in public is in essence, interfering with matters that are before the court of law and overstepping the commission's mandate," they say.

The two human rights crusaders claim that some of the TJRC commissioners have never faced any risks in regard to human rights violations and accuse them of allegedly being gamblers out to justify their hefty salaries.

While inquiring into gross human rights violations in Mt. Elgon District, four TJRC Commissioners led by the commission's chief executive officer (CEO) Patricia Nyaundi visited Bungoma G.K prison and publicly interviewed suspects of SLDF who allegedly committed atrocities in the area.

The four commissioners who accompanied the CEO to the prison included vice chairperson Tecla Namachanja, Tom Ojienda, Ahmed Sheikh Farah and Gertrude Chawatama.

However Commissioner Farah defended TJRC saying that hearings will only be private in exceptional cases of sexual violence where a victim requests privacy.

"The TJRC, unlike the south Africa, Truth and Reconciliation Commission (TRC), is mandated to recommend prosecutions of any person responsible or involved in serious violation of human rights including social-economic rights" he said.

Commissioner Farah disclosed that the commission will investigate the police, the military and other public institutions to ensure that there is rule of law.

The TJRC is established by an Act of parliament and seeks to inquire into gross human rights violations and other historical injustices in Kenya between December 12, 1963 and February 28, 2008.

It is part of the accountability component of Agenda four (4) of the National Account signed in 2008.



By KAVYU-KURA

# Kyuso DC bans forest pressure group

KYUSO District Commissioner has banned the Forest Action Network (FAN) Non-governmental organization from operating in the area for allegedly carrying out stealthy and suspicious activities.

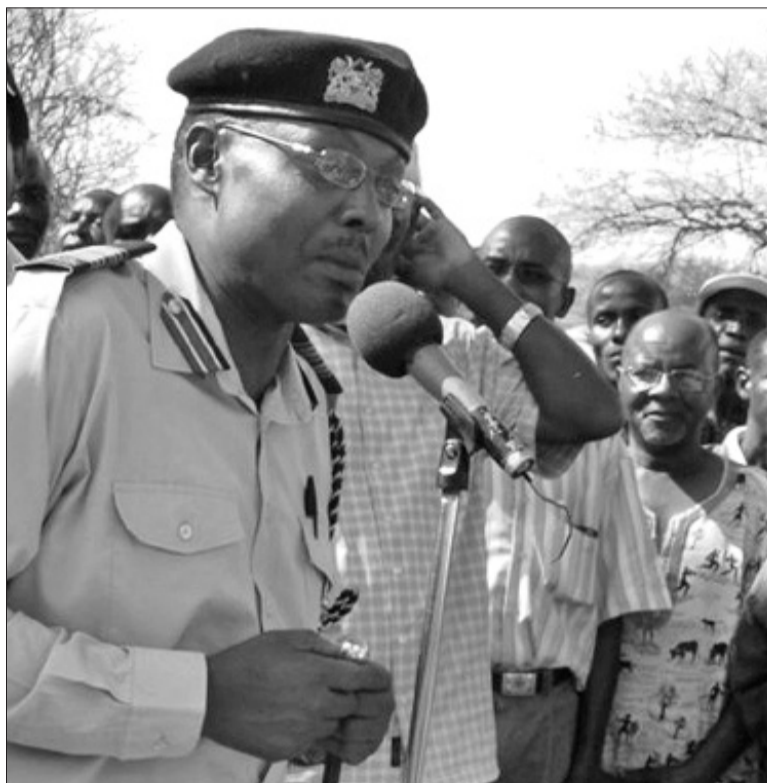
DC Peter Maina said recently that he had stopped the Non-governmental organization from carrying out its operations in the district until its activities were properly scanned and approved by the District Development Committee (DDC).

He took the action after FAN officials allegedly held stealthy public forums in Kyuso where they allegedly made some outrageous allegation against leaders. He said he would not allow such an NGO to continue operating illegally in the area. "We have asked them to stay away until they seek and get the DDC approval," said Maina in a telephone interview recently.

In late June, the DC summoned the FAN officials led by Ms. Helker Mwambuesya to his office on the second day of their planned public awareness campaigns on government devolved funds in the district and ordered them to forthwith cease operations in the area.

The DC informed FAN officials who were also in company of Social Democratic Party (SDP) National chairman Mwandawiro Mghanga who had been hired as a Civic education consultant that they were persona non-grata in the area. He consequently gave them marching orders.

Maina told them that despite operating illegally in the district for some time, the FAN operations



Mr. Peter Maina, the Kyuso DC, who banned the NGO.  
Photo/Kavyu-Kura

were suspicious. He wondered why the NGO had brought along the firebrand politician, Mghanga, as a consultant if it did not have sinister motives.

But Mghanga said that the banning of FAN from Kyuso had to do with nothing else but the proposed constitution debate as during their

initial Civic education meeting at Marisi Market Centre where nearly 200 people attended, the FAN team urged the locals to support the proposed constitution.

"Because the Vice-president Kalonzo Musyoka who is the local member of parliament is opposed to the proposed constitution

has been making phone calls to his henchmen asking them to urge the public to reject it, he instructed the DC to ban us from Kyuso due to our pro-proposed constitution stand," said Mghanga.

However, the DC insisted in his rejoinder that such allegations were actually made with the aim of antagonizing the VP with his electorate. "Besides inciting the locals, the NGO has been operating in the district illegally and must now seek the approval of DDC," added Maina.

On her part, FAN's Mwambuesya defended her organization against harbouring any sinister motives in its operations saying the key purpose for the now suspended Kyuso forums was to educate the public on government devolved funds for them to participate effectively in the way they are utilised.

She said that FAN was giant NGO that was registered by the NGO council and operates throughout the country thus she saw no point of her NGO seeking the approval of the Kyuso DDC since it was recognized nationally.

"I do not see us going to meet the Kyuso DDC to seek their approval. If the local leaders do not want us in Kyuso then we are shifting our operations to more friendly areas where our work will be appreciated," said Ms. Mwambuesya.

## State to buy seedlings from central youth groups

By MORRIS GITHENYA

Youth groups in Central Province have struck a deal with the government to purchase their tree seedlings.

The move came as majority of the youth who had established tree nurseries with support from the Youth Enterprise Fund and Constituency Development Fund abandoned the trade citing low returns.

Early this year, officers in Murang'a, Thika and Kiambu reported incidents of the abandoned tree nurseries.

However, the scenario changed with the set of heavy rains in March, April and May after the government engaged the youth through Kazi Kwa Vijana initiative in planting trees in water catchment areas.

Department of youth affairs and Forestry worked hand in hand in identifying the best seedlings for planting in public land and learning institutions.

In Murang'a region more than 250,000 seedlings have been planted through a programme involving students and their parents in efforts to boost the forest cover Murang'a Regional Forest Manager Mr. William Cheptoo says by end of the year, they target to plant an additional half a million trees.

"We will continue planting more trees as we have more than 11 million seedlings waiting to be planted," said Cheptoo.

Murang'a East District Youth Affairs Officer Mrs. Esther Maina said millions of shillings have been spent in buying the seedling from the groups with planting being done in public land.

Already, Maina said her department has engaged 100 youth to plant trees in Kiawambeu, Ititu and Kianga primary schools.

She said the project under Kazi Kwa Vijana is aimed at educating the youth to learn on the importance of safe and clean environment in future.

Murang'a Municipal council under the programme has also employed the youth who have been involved in the beautification of the town.

Town Clerk Samuel Njogu says thousands of trees have been planted by the youth.

"The seedlings he said had been sourced from youth groups that had been identified," said the Clerk when he talked with The Link.

In areas surrounding Mt Kenya, Cetrad an NGO, has ensured 30 primary schools selected for the tree planting activity under the Economic Stimulus project undertakes the exercise.

Within the region over 330,000 seedlings have been raised and sold to local farmers in efforts to improve the forest cover around the region.

## State to help youth, women groups start cooperatives

By JOEL JUMA

THE government plans to convert economically viable youth and women groups into savings and credit cooperative societies.

Western Provincial Cooperative Officer Nathan Mukhweso says once the move becomes effective, the number of cooperative societies will double from the current 2,000 societies to 4,000 by the end of next year.

Mukhweso explains that the Government wants to see the number of savings and credit coop-

erative societies spreading out to the rural areas.

"We are aware there are many merry go rounds in the villages. Such structures will be avenues of encouraging members to improve on their savings," said Mukhweso.

Mukhweso was speaking during a meeting with District Cooperative Officers drawn from Western province at Forest Green Hotel in Kakamega.

The officers were being educated on the new Sacco Regulatory Authority. Mukhweso said the new authority, which has been created by the Sacco Act will not render offic-

ers in the ministry of cooperatives redundant. He said officers would continue supervising societies to ensure that they operate within the Act.

The Mumias Sugar Cane Farmers Association Simon Wesechere who represented farmers in the meeting demanded that officers who had stayed in their stations for more than four years be transferred elsewhere.

Wesechere said some officers are not cooperating with stakeholders to establish more societies. He explained that societies were collapsing under the watch of the officers.

"Farmers are not getting divi-

dends and yet they have deposited their money with the societies," said Wesechere who singled out Mumias Out growers Savings and Credit Cooperative Society (Mosaco).

Mukhweso urged farmers in the region to plant more coffee to help get more returns. He said government and other partners are committed to ensure that the coffee industry is revived in the province.

Mukhweso also warned farmers in the region against selling their raw materials to the neighbouring country. He said that there was adequate market in the country for their coffee.

By PETER MUTUKU

## Rights groups raps MPs over pay plan

THE Mwingi based Centre for Human Rights and Civic Education has condemned plans by Members of Parliament to award themselves a hefty pay increase.

The centre's programme officer, Mr. Richard Tuta, described the move as retrogressive and meant to trigger a crisis in the economy.

Tuta, whose centre operates in the lower Eastern region of Kitui, Machakos, Mwingi and Makueni Districts, accused the MPs of being insensitive to the plight of Kenyans, majority of whom wallow in poverty while they hastily debate and approve a report that recommends a new package.

"We know that the Members of Parliament passed the motion in parliament very fast just to satisfy their

greed for money at the expense of the Kenyans who are currently living in abject poverty. Crucial motions pending in parliament have not received similar attention and therefore this people have no moral authority to purport to represent us," lamented the human rights activist.

Tuta said that Kenyans have been overburdened with taxes in order to sustain the hefty packages that MPs continue to award themselves.

He said that some of the MPs pushing for the hefty package were practically doing nothing in terms of service delivery to the public.

"The proposed pay plan is outrageous and thus the need to adopt

the proposed constitution which will remove their power to set their own pay.

He said: "We as the CHRCE ask the public to take action against these corrupt people by using their votes to vote for the constitution. By now we know they are driven by greed and do not have our interests at heart."

He said that if the proposed constitution passes, MPs will no longer have powers to increase their perks as this will in future be determined by an independent salaries commission.

"We ask all the civil societies and churches to mobilize Kenyans into voting out all sitting MPs in the next General Election," he said.



## Kisii Union to process coffee

By BOB OMBATI

KISII Farmers Cooperative Union (KFCU) will soon start processing coffee if its plan to acquire a Kshs25 million mill is successful.

The move which will become operational by October this year will help cut production costs and reduce losses incurred when farmers take their coffee to far flung millers.

KFCU chairman, James Ndemo told farmers at a special general meeting that the Union had paid 50 percent of the money to a South American supplier and would clear the balance once the machine arrives.

Ndemo says the society will process, grade, pack and sell their coffee under one roof to help boost on production and increase farmers earnings.

"It is now up to you to increase your production to make sure that the facility is fully utilized," he adds

During the meeting, the farmers gave the Union a go ahead to purchase and distribute certified coffee seedlings through the primary cooperative societies to boost production.

Kisii Farmers Cooperative Union has been relying on millers in Nairobi and central province to process their produce. This has eaten into farmers proceeds due to the high costs of transportation and losses occasioned by thefts.

The general manager, Robert Mainya told the meeting that the Union had acquired a pulping machine from the troubled Kenya Cooperative Planters Union (KPCU) that will help ease on production costs

Nyanza Provincial Cooperative Officer (PCO), represented by Anthony Onanda cautioned the society's management against obtaining loans without working on acceptable mode of repayment.

# Mwingi CID smashes fleecing racket

By KAVYU-KURA

MWINGI District Criminal Investigations Office has smashed a syndicate in which poor and hopeless parents in Mwingi and neighbouring areas lost thousands of shillings in fraud.

Police action followed numerous complaints by parents who were forced to part with Kshs200 each to allegedly enlist their children into a bursary support programme.

According to the Mwingi District Criminal Investigations Officer Leonard Lutta Namatsi, the group had pitched camp in Mwingi town in early February to ostensibly register orphaned and vulnerable children for educational support.

By the time police swung into action, the group posing as a charitable organization had managed to raise a cool Kshs800,000 in the massive rip off that saw the registration of 4000 needy children.

The DCIO who led the raid said police had arrested two officers identified as Benson Mwanza Mang'eng'e (Manager) and Lydia Musili (registration clerk) who were attached to the SHAP Project in Mwingi town.

Namatsi who was flanked by officials from the Mwingi based Centre for Human Rights and Civic Education (CHRCE) lobby group led by their director Peter Mutemi also carted away most documents used for collecting funds from unsuspecting members of the public.

The CID boss also ordered the place to remain closed as he conducted



The Shap manager Mang'eng'e and clerk Lydia Musili under arrest and being led out of office. Photo/Kavyu-Kura

investigations into the shadowy activities of the group that also goes by the name Hope and Care International.

"After I interviewed the people who are manning the office I smelled a rat because they were collecting mon-

ey from poor members of the public who wanted education bursaries for their children without issuing any cash receipts," said Namatsi.

He said what was even more tell-

ing was the fact that the money collected from parents who registered their children for the would-be education support was banked to the personal account of one Mr. Nzioka Mutie, said to be the organization's boss.

"How can a group that is ostensibly registering poor and vulnerable children demand money from poor parents? Why are they not issuing receipts for the money collected? And how can an institution's money be banked in a personal account?" posed the CID boss as he drove off after disabling the office.

However, speaking over the phone, Mr. Namatsi said he had set free the two staff of the shadowy organizations after they promised to present their boss to him soon.

"I have already released the two people I had arrested as they have promised to avail their boss to me in the next few days," said the CID officer.

He however clarified that he released the SHAP project officials on condition that they suspend their operations and ensure their office remain closed until he was through with investigations.

However, the organization's boss has not been traced and therefore the offices remained locked.

And with the premises remaining locked, the big question is how the members of the public who paid money to have their children registered for education support would ever get the money back.

## Kieni residents launch an association

By JOSEPH MUKUBWA

### *Kera association launched in Kieni East district*

RESIDENTS of Kieni East District have launched a residents association which aims at helping to push for better service delivery.

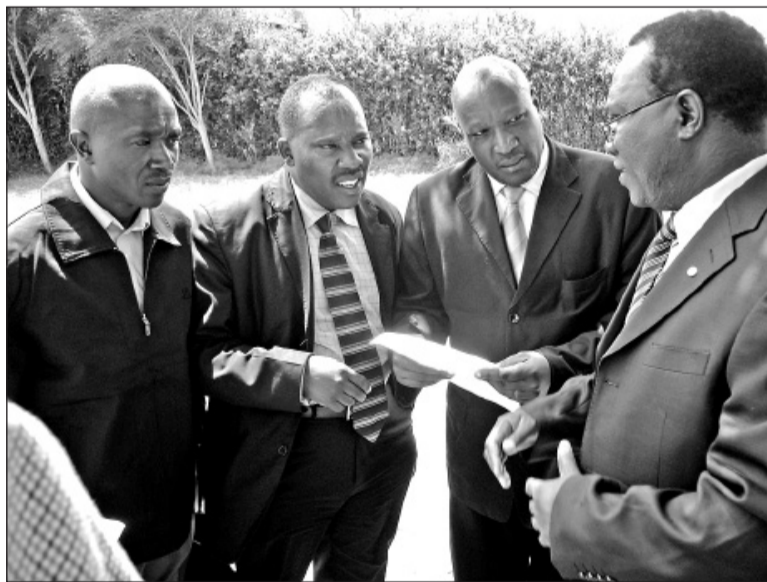
The Kieni East Residents Association (Kera) will push for good governance, public accountability, better security, clean water supply, better landsadjudication and secure environment.

"It is your right to push for improvement of education standards if you have paid for the services. I urge residents to lodge complaints with my office for quicker services," said area District Commissioner Mr Daniel Odambu who presided over the launch at the Narumoru Catholic Hall recently.

The association whose membership is drawn from Chaka, Thegu, Kabaru, Warazo Jet, Narumoru, Lusoi, Githima, Kiamaithaga, Gakawa and Kabura-ini locations is also expected to monitor the use of the devolved funds.

Central Province Kara chairman Rev Joseph Macharia said the association will play a key role in promoting peaceful co-existence and enhance access to public service delivery in the area.

"Kara is now recognized by the Government and currently sits on a number of committees such as the local government ministerial stakeholder's forum, Nairobi metropolitan development reference panel, security ministerial stakeholder's forum among oth-



Kieni East DC Mr Daniel Odambu (right) speaks with officials of local Kera branch during the official launch at Narumoru Catholic Hall recently. Photo/Joseph Mukubwa

ers," said the chairman. He said the recognition of Kara by the Government should encourage the association to be more proactive.

"This will be achieved by defining and demanding the highest standards of good governance, transparency and ethical behaviour.

The patron of the association Mr Waihura wa Ndung'u said accountability and transparency

in the use of devolved funds can help to improve the life of residents of Kieni East district and reduce poverty.

The residents were urged to monitor the use of the local Constituency Development Funds since there have been allegations of duplication of projects.

The local chairman Rev Richard Maina encouraged the community to participate in encouraging of service delivery.

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# Mwingi Town Council unveils budget

By KAVYU-KURA

MWINGI Town Council intends to spend a total of Kshs 50,385,384 million during the 2010/2011 fiscal year.

According to the Chairman of the finance and general purposes committee, Cllr. Kitheka Muinga, the projected expenditure has already been approved by the Minister for local government Musalia Mudavadi. Cllr. Muinga says that the council has factored in its Local Authority Transfer Fund (LATF) allocation of Kshs32.6 million in the budget.

The civic leader explains that an additional Kshs15.4 million will come from local general revenue collection while another Kshs2.2 million will be channeled to the council through the Road Levy fund.

He however says that the council anticipates a surplus Kshs1.2 million during the year 2010/2011 since only Kshs49.1 will be spend.

He says Kshs16.1 million will be spend on salaries and allowances for staff and councilors, Kshs15.2 million and Kshs3.2 million will respectively be used on council operations and maintenance.

Cllr. Muinga further says that Kshs12.1 will go towards capital expenditure while Kshs2.3 million will be devoted towards debt resolution.

He reveals that the capital expenditure projects being funded were prioritized at a Local Authority Service Delivery Action Plan



Cllr. Kitheka Muinga, Mwingi town council finance committee chairman. Photo/Kavyu-Kura

(LASDAP) meeting which was attended by Wananchi at the grass-root level.

Cllr. Muinga says besides paying salaries, the council will spend part of the allocation on personnel in the hiring of nine more employees in the council to enable it maximize on its operations.

In Mwingi county council, a lion's share of its budgetary alloca-

tion will go towards financing the personnel and capital projects.

The council which intends to spend a total of Kshs91.3 million during the current financial year, has allocated Kshs29.1 million to the personnel while another Kshs27.4 million will go towards financing capital projects.

A large section of its budget will be financed through the LATF's al-

location Kshs60.7 million, Kshs3 million will come from KRB and Sh. 0.8 million from the Contribution in lieu of rates.

The council also projects to raise Kshs26.6 million from the local revenue collection.

Cllr. Kilonzi Iguna who is the Chairman of the finance committee explains that Kshs23.9 million will be spend on councils operations while maintenance will take Kshs6.7 million and Kshs1.4 million goes towards debt resolution.

He notes that the council had increased its area of coverage to serve six districts of Kyuso, Tseikuru, Mwingi central, Mwingi west, Mumoni and Mwingi east as opposed to the previous Mwingi and Kyuso districts.

The finance chairman adds that the vast area under the council's jurisdiction calls for expansion of the council's revenue base.

Cllr. Iguna points out that although the council was hard pressed to source for new revenue generation avenues, the council did not intend to increase land rates or business permits.

The finance chairman reveals that the council was adopting the Local Authority Integrated Operation and Management System (LAIFOMA) to check on unnecessary expenditure.

"The council will continue to apply strict financial management policies to reduce the level of expenditure. This is through the implementation of LAIFOMS," affirms the finance Chairman.

## Councils unveil budget amid public scrutiny

By LUKE KAPCHANGA

The 175 local authorities in the country unveiled their annual budget estimates simultaneously on 24th June for the year 2010/2011.

However, what caught my attention is the growing interest by the public to not only attend the occasion but also be given an opportunity to ask questions on funding priority to projects. And although the turn up may not have represented diverse opinion on development within the respective civic authorities, it was a step in the right direction.

In Malaba Town council and Teso County council, the chairmen, had ample time with the residents allowing them to ask questions in relation with the budget estimates, and if possible identify themselves with funded projects from the wards.

It was also interesting to see, in other instances a councilor supporting residents in rejecting proposed funding on particular projects in the ward, claiming it was not part of their LASDAP resolution.

The budget estimates, as shown by majority councils are directly tied to the government allocated Local Authority Transfer Fund (LATF), and expenditure points to personnel and operations. The funds which go to the capital projects and this are the ones which benefit the public, are hardly impressive and are mainly crafted to serve the civic leaders.

Emphasis is put on infrastructure, education and health to some extent, yet the problem is the quality of the workmanship on those very projects.

The above scenario explains one fact, that local councils have limited options of revenue generation, apart from LATF, and hence they can not be economically viable when left on their own.

The leaders in general lack initiatives it explore business opportunities within their councils and solely focus on how they can spend more and generate less. In the world today, trade and investment are two sides of the same coin, and local authorities can not be handled separately when their investments have no profitable returns, to the residents.

Councils, should in similar terms like central governments explore investment opportunities and consider forming regional trading blocs.

They too should seek to exploit the expanded markets that emerge with the economic integration blocs.

Policy makers should consider integrating local authorities as part of a broader development strategy, as this may help attract the required investment, build competitive and diversified economies that are more responsive to development objectives.

Local authorities should be merged and have a sound financial base which is not entirely dependant on LATF, and refocus on trade and investment.

Councils have to undertake a thorough review of their trade sector, identify weaknesses and adopt a strategy that will put in place the right trade facilitation measures.

# Bungoma town's ambitious budget

By AGGREY BUCHUNJU

The Municipal Council of Bungoma plans to spend an estimated Kshs.132, 159,708 during the 2010/2011 financial year (FY).

The council's projected revenue in the current financial year stands at an impressive Kshs. 133,358,836 which translates to a net surplus of Kshs. 1, 199,128.

In the 2009/2010 financial year, the total estimated income stood at Kshs.144, 020,128 with a total estimated expenditure of Kshs.111, 725, 814 and a net surplus of Kshs.2,294,314.

The council was however able to surpass the target and post an impressive revenue base of Kshs166,915,463, with a total of Kshs. 95,289,870 overseeing expenses during the same period.

The council's Finance, staff and

general purposes committee chairman cllr. Joseph Magudah, attributed the impressive performance to the council's prudent financial control and management systems.

During the FY 2009/2010, Cllr. Magudah said that the council budgeted to spend Kshs. Kshs. 17,705,253, on the implementation of projects adding that so far only Kshs.14, 188,283 has been spent on the projects.

Cllr. Magundah disclosed that although the council's financial management was impressive during the last financial year, the budget had a short fall of Kshs.5,911,649.

This, he claimed was occasioned by non-remittance of Kshs.3,741,977 from the Kenya Urban Roads Authority while the Government owed the council thousands of shillings in lieu of rates (CILOR).

Finance chairman said that during this FY the council has set a side Kshs.29,654,215 for capital projects.

### The projects set to benefit include:-

1. Electrification projects – Kshs. 3.6 million
2. Educational facilities – Kshs. 5.6 Million
3. Health facilities – Kshs 2.6 million
4. Marked Bus park and Buildings – Kshs.6.5 million
5. Water and Sanitation – Kshs.2,050,000
6. Road works – Kshs. 7.8 million
7. Furniture and fitting and IT – Kshs. 1.5 million

### Other expenditures includes:-

1. Personnel expenditures – Kshs. 49,825,902
2. Operation expenditure – Kshs. 35,756,977
3. Maintenance – Kshs. 13,215,971
4. Debts resolution – Kshs. 3,706,643

### The council's sources of revenue are:-

1. Property rates – Kshs. 13,553,620
2. Single Business Permits – Kshs.13,525,000
3. Agricultural cess – Kshs. 2,000,000
4. Market slaughter house fee – Kshs. 8,755,600
5. Bus park + parking fees – Kshs. 23,521,360
6. House /office rent – Kshs. 1, 904,400
7. Conservancy fees – Kshs. 1,943,568
8. LATF – Kshs. 54,178,047
9. RMLF – Kshs 7,483,955
10. CILOR – Kshs. 2,040, 286.

By JOSEPH MUKUBWA

OTHAYA Town Council will spend Kshs31.3 million in the 2010/2011 financial year.

The Finance committee chairman Mr Samuel Wanjau while reading the budget said the council will draw its income from the Central Government sources which include Local Authority Transfer Fund (Kshs12.2 million), Road Maintenance Levy Fund (Kshs3 million) and local sources of revenue (Kshs17. 3 million).

The 2010/11 estimated total expendi-

## Othaya town's modest budget

ture is anticipated to be used on personnel, which will consume Kshs14. 1 million while operations, maintenance, capital expenditure and debt resolution have been allocated Kshs985. 8 million.

Last year, the council was able to repair access roads using maintenance funds. Some were finished while some are incomplete as the Road Maintenance Levy fund has not been released. The council will construct classrooms, improve roads and repair others in all the five wards in the

new financial year. The council undertook 100 days phase one Rapid Results Initiative from 24th October last year to 31st Jan 2010.

The council succeeded in all five thematic areas identified as challenging areas namely, financial statements preparation, planting of 500 trees within the township, construction of three refuse receptacles, improvement of Karega road and revenue enhancement from an average of Kshs2.8 million to Kshs3.3 million. The council

second phase of RRI programme lapsed on June 17, 2010.

The chairman, said some of the activities undertaken include provision for training opportunities, improvement of infrastructure by opening of new feeder roads, improvement of ICT infrastructure and allocated funds to deal with HIV/ Aids pandemic.

The council this year was able to computerize its operations and joined other 80 councils in the country on LAIFOMS programme. The meeting was attended by all councilors including Chairman Mr Maina Murachu.



## Nyeri Council's big budget

By JOSEPH MUKUBWA

NYERI Municipal Council proposes to spend Kshs244.2 million in the 2010/2011 financial year.

The council intends to increase its revenue collection to Kshs244.3 million which will translate to a surplus of Kshs31,260 in the same year.

The Finance committee chairman Mr Patrick Kiago says that the council will increase spending by 23 per cent from last year's Kshs209 million.

He says only Kshs44.5 million will be spent on capital projects.

"These projects cover the entire municipality electoral wards and have been identified on priority basis," the chairman said. Thirty four projects will be funded through LATAF and Kenya Roads Board allocations.

"Projects valued at Kshs19.4 million will be funded through LATAF while projects worth Kshs24.7 million will be funded through the KRB and council's contribution to the fund," he added.

The projects which will be undertaken include street lightning, purchase of three motor cycles, grading and murraming of roads in various wards, laboratory construction at Kiganjo ward among others.

The council expects to get Kshs94.6 million from both the LATAF and Kenya Roads Board while the rest will come from local revenue sources.

About Kshs101.8 million will go to salaries, Kshs52.8 million to operations and Kshs20.6 million towards debt repayment.

The council is also intending to spend Kshs2.1 million on bursaries during the current financial year and Kshs400,000 on HIV/Aids programmes.

The council's budget is anchored on its strategic plan. The plan sets out strategies and activities to be implemented by the council in the next five years.

The council's objectives in the strategic plan are anchored on the Government policy priorities and objectives as set out from time to time.

Key among these priorities are the Millennium Development Goals, Vision 2030 and Economic Stimulus Projects in this case Kazi kwa Vijana and Poverty Reduction policies.

In the meeting which was attended by all councilors including the mayor, Mr Joseph Thairu and town clerk Mr Ribui Wanyoike, the meeting heard that the council has also implemented Rapid Results Initiative which is a Public Service Reform programme focusing on results, planning and service delivery with linkage to National Policies Council strategic Plan and the country's vision 2030.

During the last financial year the council was able to purchase a new service motor vehicle, complete Marua Secondary School, computerize its operations and construct drains in CBD among others totaling to Kshs10.6 million.

Some of the projects in progress include construction of Masonry Refuse Chambers, street parking, construction of Kiganjo police post among others totaling to Kshs8.3 million.

The council is also grading and murraming various roads in Chania, Central, Nyaribo, Muruguru and Kamakwa wards.

The council scooped position 18 out of 175 local authorities in the country and position 3 out of 46 municipal council's in the country's municipal's category recently.

# Coast councils rush to clean their houses

By BEKADZO TONDO

MOST of the local authorities in Coast province have embarked on remedial measures to keep their houses in order and avert possible dissolution.

This follows the signing performance contracts with the Deputy Prime Minister and Minister for Local Government Mr. Wycliffe Musalia Mudavadi.

Majority of the councils have enhanced service delivery, improved revenue collection and cleared significant amounts of debts, including workers salaries.

The Coast Provincial Local Government officer Mr. Nelson Rop intimates that most local authorities in the region are trying hard to ensure they meet their targets in line with the contracts they signed with the government.

The official who spoke Kilifi county council unveiled its budget for the 2010/2011 financial year at the county hall, Mr. Rop noted that Mombasa municipal council was rated the best in a report on the best performing councils in Coast province. Kwale county council came second while Kilifi county council was rated third for being the most vibrant council in the region.

According to the council clerk Mr. Leboo Ole Morintat, the council was ranked 9th out of the 11 local authorities that had participated in the survey entitled 'Doing Business Indicators' whose findings were released last September at Kenyatta International Conference Center.

Through the 100 days Rapid Results Initiative which came to a close on January 27 this year, the clerk said the council had registered impressive results its revenue collection, established a customer care service center and enhanced efforts geared towards environmental



Mr. Mudavadi: Minister for Local Government.

conservation.

In the second phase which began on March 10, 2010 and ended on June 19, the council focused much on cost reduction, project implementation.

Other areas included the consolidation of construction permits, improvement in revenue collection and updating of the council books of accounts.

The clerk further revealed that the council was showcased in a documentary on the progress made in the implementation on the Millennium Development Goals by the United Nations

Millennium.

The documentary served to show case achievements by the council towards the realization of MDGs. Mr. Morintat however said the council has been unable to meet its revenue collection targets due to shortage of personnel.

He further said inadequate bylaws had also derailed efforts by the council to achieve its targets on revenue collection but expressed confidence that things will soon change since the Minister for the Local Government had approved some of the proposed laws.

## Karatina's spending plans

By JOSEPH MUKUBWA

KARATINA Municipal Council will spend Kshs59.1 million in the 2010/2011 financial year.

This was contained in the financial budget approved by Minister for local Government who is also the deputy Prime Minister Musalia Mudavadi.

The Finance committee chairman Mr Jack Kanja says the council projects to raise an income of Kshs59.2 million which will leave a surplus of Kshs120,380.

The funds will be used on personnel (Kshs 26.1 million), operations (Kshs18.4 million), Maintenance (Kshs5.9 million) and capital expenditure which will receive Kshs8.5 million.

The council will generate its revenue from the annual fee accruing from land rates, business permits, market fees, bus

park fees, housing, slaughter house fee and street parking. Out of this, bus park fees and land rates are estimated to bring Kshs20.8 million. All these sources will bring an income of Kshs46.4 million.

The rest of the income will come from contribution in lieu of rates, Local Authority Transfer Fund and Local Maintenance Levy Fund.

"The instructions from the Ministry of Local Government are that personnel expenditure should not exceed 50 per cent of total expenditure while ours is 43 per cent.

Councils are also instructed that the capital projects figure should be less than 65 per cent of the LATAF service delivery component which translates to Kshs3.4 million.

However the council has exceeded this provision and allocated Kshs5 million to capital projects," said Kanja when he read the budget speech which attracted all

councilors including mayor Mr Christopher Kamau.

LASDAP projects to be undertaken in 2010/2011 include road maintenance and repairs, purchase of new car, street lighting, construction of toilets for the disabled persons and valuation of assets. The Government has also released Kshs268 million for the rehabilitation of Karatina market.

The first phase of the street lighting project was to commence within this financial year at an estimated cost of Kshs1 million but due to delay in remittance of LATAF funds and settlement of huge unpaid debts, the project has not commenced yet.

However, the construction of toilets for persons with disabilities is ongoing and is expected to be complete before the end of this financial year 2009/2010. Road repairs are currently being undertaken at a cost of Kshs3.9 million.

## Busia among high performing councils

By NYAKWAR ODAWO

THE county council of Busia was ranked fourth in the recently released performance contract results, the Clerk, Mr. George Maruti, revealed.

Consequently, it was awarded an additional Kshs18million as higher performance account which will be factored in the current financial year to improve on the service delivery. In the 2010/2011 financial year, the council will spend a total of Kshs110million during on various projects.

He said the council expects to receive Kshs89million from the government as Local Authority Transfer Fund (LATAF), Kshs19million from the local sources and Kshs2million from the Kenya Roads Board as roads levy fund. The Clerk said Kshs7million will be spent on debt resolution whereas Kshs57million will go towards the recurrent expenditure leaving a surplus of Kshs0.3million.

Maruti at the same time said that the council will spend Kshs5million on rural access roads in the 18 civic wards spread across the greater Busia district, early childhood (ECD) education will be funded to the tune of Kshs4million, while another Kshs1.8million will be spent on the renovation of schools. Dispensaries have been allocated Kshs2million, land for markets will be purchased at Kshs1million. A total of Kshs5million will go towards water provision, Kshs2million will be spent on purchasing land for trailer park to avoid congestion of petrol tankers along the busy highway and Kshs2million will finance the development of the beaches and Kshs1.4million on the construction of motorbike sheds.

Other activities to be undertaken by the local authority in the next financial year includes the renovation of council houses at a cost of Kshs3million, construction of rental houses at a cost of sh6million, establishment of tree nurseries at a cost of Kshs1.8million and Kshs1million for the street light at Bumala market among others.

The county clerk said the council shall also undertake an HIV/AIDS programme will be effected through awareness creation and counseling as a certain amount of money has been factored in the budget so as to ensure its full implementation.

Maruti at the same time said the council has also identified drugs and substance abuse as another challenging area affecting the youths, adding that the council through the department of social services shall create awareness on the effects of drugs and substance abuse, implement survey findings and conduct trainings of officers on drugs and substance abuse.

At the same time, municipal council of Busia will spend a total of Kshs96.3million during the 2010/2011 financial year. According to the Finance chairman Emmanuel Wafula Simiyu, the council expects to receive a total of Kshs46.4million from the government.

This, he says includes Kshs2.2million in lieu of rates, Kshs6million from the roads levy fund and Kshs38million from the Local Authority Transfer Fund (LATAF).

## Council workers to strike over pay

By BEKADZO TONDO

A MAJOR showdown looms between the government and council workers following a resolve by Local Government Mr. Musalia Mudavadi to reject the implementation of salary increments awarded to them through a collective bargain agreement.

In Kilifi District, the council workers are up in arms against the move and have vowed to go to court to challenge the decision by the minister. The workers through their union said the proposed increments should be effected without delay since the

package was a negotiated deal, signed between them and the government.

The workers led by their union chairman Samson Chembe Chembe are demanding that the package be backdated to September last year as outlined in the collective bargain agreement.

Speaking to The Link in Kilifi, Mr. Chembe said that it was hypocritical for Mudavadi to deny the workers an increment when he is poised for a hefty package once the pay increase plan by MPs is adopted.

According to the minister, most councils did not have the capacity to sustain the

proposed increment and majority would collapse if the move was effected.

He argued that most councils were still pumping huge amounts of money to workers salaries and councilors allowances and ignoring their core business of delivering services to the public. "The government is not ready to implement the proposed increments as most councils are still grappling with huge debts and cannot be overburdened further," said Mudavadi.

But the chairman of local government workers union at Kilifi town council, Mr. Festus Dunga insisted that his council was able to pay the new salaries and did

not see the reason why the minister is rejecting the increment. "Kilifi town council is financially stable as it collects enough revenue and can therefore be able to implement the new payments," said Dunga.

Dunga said that the 84 workers at the council will soon down their tools to demand for the implementation of the new salary package which was negotiated through the proper government channels.

"Council workers are among the poorly paid employees in the country and it is unfortunate that the government is not interested in addressing their plight," added Dunga.



## Kisii NGOs, Church unite over border conflicts

By BOB OMBATI

CIVIL Society organizations in Gusii have resolved to team up with church leaders to avert conflicts and violence among border communities.

Sixty peace makers who assembled at a Kisii hotel recently for a one day workshop to map out peace strategies ahead of the August 4 referendum complained that civic education had not been felt at the grassroots.

They observed that the 'Red' and 'Green' campaigns had preceded civic education, adding that the residents had mainly relied on falsehoods peddled during the campaigns to support or reject the document during the referendum.

Paul Ochora, a peace crusader challenged the managers of CSO to be on high alert and liaise with security and provincial administrators to share information on potential conflicts and resolve them in time.

Community Initiative Action Group Director, (CIAG) Chris Owalla told participants to identify possible causes of conflicts before mapping out workable strategies to resolve them, adding that some conflicts took long to resolve because they were least understood.

Owalla said that CIAG was collaborating with the CSOs and provincial administrators to address inter-tribal conflicts especially within common borders which, he said were mainly caused by boundary disputes, cattle rustling and differences in political ideologies and perceptions. He said the Group, under partnership for peace was conducting a series of workshops for the CSOs, church leaders and the provincial administrators in eight selected Divisions in Western, Rift valley and Nyanza provinces which bore the brunt of the 2007 general poll post election violence.

Ikonge Church of Christ pastor Charles Onchaga urged fellow church leaders to allow their flock read and understand the proposed constitution and decide its fate in the referendum instead of demonizing it.

Onchaga said the constitution was not meant to serve the church only but targets all Kenyans, stressing they should be given time to understand and vote for or reject it during the referendum, adding it was their democratic right.

# Bunyala elders asked to build peace



Residents attend peace training in Mt. Elgon. Photo/File

By NYAKWAR ODAWO

A PROVINCIAL administrator in Bunyala District wants the council of elders to intensify their efforts in fostering peace and unity among the various communities in their respective areas in order to safeguard a harmonious and peaceful co-existence for the sake of development.

The Bunyala District Officer Richard Ajwang says the elders were duty bound to preach peace and defuse tension that may emerge during and after the referendum.

Ajwang was addressing a peace building forum at the Free Pentecost Church in Bunyala district that was jointly organized by the European Union, the Mount Elgon Residents Association and Konrad Adenaur Stiftung.

The DO urged the elders to emulate groups such as the Gikuyu Embu Meru Association (GEMA) and the Luo Council of Elders which he said have been in the forefront of spearheading initiatives that aim at promoting peaceful co-existence and unity among the various ethnic communities within their respective areas.

"There are claims that the Bunyala

council of elders are allied to certain political groupings and that majority were being used by their masters to propagate hatred instead of concentrating on peace building initiatives aimed at promoting peaceful co-existence among the residents," the provincial administrator said, adding time had come for the elders to reflect on the kind of legacy they want to leave for the future generations.

Ajwang at the same time cited imbalance in the distribution of resources such as bursary allocation, local boundary disputes, appointment of development committees along party lines, frequent arrests and harassment of fishermen by the Ugandan authorities as the major causes of conflicts in the region.

He said that politics had also contributed to conflict through marginalization of those considered as opponents of local politicians.

DO further said the youth were more vulnerable to incitement by local politicians as majority did not have a source of livelihood and relied mainly on handouts dished by politicians during campaigns to cause violence.

He called upon parents to em-

power their children by enrolling them in technical training colleges so as to make them self reliant.

The peace building forum was also addressed by the chairman of Mount Elgon Residents Association (MERA) Mr. John Ochemo and the Provincial Coordinator (Western) Mr. Peter Chem.

Mr. Ochemo said that association with support from the European Union (EU) and the Konrad Adenaur Stiftung (KAS) was currently spearheading peace initiatives in areas affected by the post election skirmishes in Western Province.

"Our role will be to sensitize the affected communities on the importance of peaceful co-existence especially during and after the ongoing referendum campaigns," he said.

The residents commended the Mount Elgon Residents Association, the European Union as well as Konrad Adenaur Stiftung for their tireless roles in promoting peaceful co-existence among the various communities from the areas worst affected by the post election violence such as the Rift Valley, Nyanza and Western provinces.

## Kisii Union to process coffee

By BOB OMBATI

KISII Farmers Cooperative Union (KFCU) will soon start processing coffee if its plan to acquire a Kshs25 million mill is successful.

The move which will become operational by October this year will help cut production costs and reduce losses incurred when farmers take their coffee to far flung millers.

KFCU chairman, James Ndemo told farmers at a special general meeting that the Union had paid 50 percent of the money to a South American supplier and would clear the balance once the machine arrives.

Ndemo says the society will process, grade, pack and sell their coffee under one roof to help boost on production and increase farmers earnings.

"It is now up to you to increase your production to make sure that the facility is fully utilized," he added.

During the meeting, the farmers gave the Union a go ahead to purchase and distribute certified coffee seedlings through the primary cooperative societies to boost production.

Kisii Farmers Cooperative Union has been relying on milers in Nairobi and central province to process their produce. This has eaten into farmers proceeds due to the high costs of transportation and losses occasioned by thefts.

The general manager, Robert Mainya told the meeting that the Union had acquired a pulping machine from the troubled Kenya Cooperative Planters Union (KPCU) that will help ease on production costs.

Nyanza Provincial Cooperative Officer (PCO), represented by Anthony Onanda cautioned the society's management against obtaining loans without working on acceptable mode of repayment.

Onanda said the move was illegal and would eat into farmers earnings and sink the multi-million project.

He revealed that private millers were luring farmers into delivering coffee to them with promises of awarding them with loans which might commit members when their plant was commissioned.

# Coast groups want public involved in use of funds

By BEKADZO TONDO

THE civil society in Coast Province is calling for the creation of a citizen charter to ensure the public are involved identification, implementation and monitoring of projects.

This, they say, will ensure efficient management of the substantial resources devoted to the grassroots regularly through the

devolved fund system.

Malindi Residents Forum and the Institute Participatory Development, argue that the current scenario was chaotic and hampered any form of public participation, accountability and transparency required in the management of public resources.

"In fact the level of awareness on most decentralized funds remains low and therefore the

need to conduct civic education to sensitize residents on the existence of the funds," adds Kashero Chinyaka an administrative officer of Malindi residents Forum.

His counterpart from the Institute Participatory Development Mzungu Ngoma says that although the level of awareness on Constituency Development Fund (CDF) ranked high, many people still did not know about

funds like the Fuel Levy, Youth Fund and the Women Enterprise fund.

"Even for the few who are aware of the existence of the funds they hardly access the funds due to lack of initiative," he adds.

The official said ignorance remains a big challenge as some of the would-be beneficiaries expected fund trustees to knock at

their door steps and give them money.

The two officials spoke at Kibaoni primary school in Kilifi District during a two days workshop to sensitize the residents on how to effectively undertake Social auditing procedures on devolved funds in their respective areas. Participants were drawn from Kilifi township, Ngala, Mavueni, Takaungu, and Kibarani.



# Rachuonyo farmers exploited by greedy middlemen

By JOHN NYAMBUNE

SWEET potato farmers in Rachuonyo South District are a frustrated lot due to exploitation by middlemen.

The farmers renowned for producing succulent and high quality sweet potatoes have failed to free themselves from the vicious cycle of poverty because of a conspiracy of circumstances, and to a lesser degree, fate.

In Kabondo Division, the main sweet potato producing area, disillusioned farmers, who are trapped in poverty amidst plenty, blame their suffering on poor pricing caused by middlemen. The paradox of what the farmers have to deal with is evident from the heaps of sacks of sweet potatoes lined along the highway awaiting potential buyers. As they wait for motorists along the Kisii-Kisumu to buy their produce, they are resigned to the fact that they either sell the crop at a throw away price or it goes to waste.

The troubling question is for how long will this suffering go on? Efforts to form a farmers' cooperative society to shield them against exploitation of the middlemen has on several occasions failed to offer the farmers hope and better prices for their product.

District Cooperative Officer Mrs. Pamela Masi says a bid to form cooperative society for sweet potato farmers had suffered setbacks because of poor attitude and low patronage by residents to the organizations. She says efforts to form a stable society had been frustrated by forces determined to maintain the status quo so that they can continue fleecing the farmers.

Mrs. Masi said the Kabondo sweet potato cooperative society



Sweet potatoes ready for market. Photo/File

was engrossed in stiff competition with middlemen, adding that it will be a while before farmers begin to enjoy the benefits. "The present management committee has not been effective in competing with middlemen to reverse the negative attitude of farmers," she said.

She says her department was in the process of reorganizing the management committee in order to turn around the society, ward off middlemen and market the crop.

The cooperative officer adds that the planned construction of potato sheds in the area will give

farmers an opportunity to sell the produce directly to traders and negotiate for better prices.

The chairlady of the cooperative society, Mrs. Angeline Nyolal, said effort to mobilize farmers to join the society have been hampered by their past experiences with management of cooperative societies, adding that in the past such societies have suffered mismanagement and theft. She said the fear stems from the theft that has surrounded local cooperative society, especially the coffee society where farmers lost more than 90m Kgs.

"Farmers fear that they will

lose their product to thieves if they bring them to one place like the coffee farmers," she said.

The area DC, Mr. John Ole Kepas, blames the residents for allowing brokers to thrive on their sweat by accepting to sell their potatoes to them even before they are harvested.

Mr. Ole Kepas challenged area leaders to find ways of saving the residents from the exploitation by the middlemen. "They are throwing away their gold. The crop has the potential to change the livelihood of the residents, who should not allow others to make a kill out of their sweat, he added.

He said the planned construction of two sweet potato sheds in Kabondo division will solve the storage problem to ensure better returns for the local farmers by locking out brokers, who buy the produce cheaply from the farms and later resell it at a higher price to traders from Nairobi.

Kuwuor Ward Councillor, Mr. Lukio Omullo said the sheds that are at different levels of completion are centrally in the division for easy access by farmers.

He said the local residents have been toiling only for the fruit of their sweat to be enjoyed by other people, adding the completion of the sheds will turn round farmers' fortunes.

But, while appreciating the establishment of potato sheds, farmers said they have heard of such promises in the past and yet nothing has ever come of it.

Mr. John Denga, a farmer from Awuor Dimo area says their inability to access to immediate market for their products leaves them at the mercy of the middlemen, who are the only readily available customers.

"About the sheds, it would be a good idea but I don't see it materializing because we have been promised by several politicians in the region to the extent it's like music to our ears," he said.

The farmers sell a sack of potato for as little as Ksh450 to middlemen, who in turn sell it to traders who fetch Ksh3, 000 in major towns. But the middlemen interviewed dismiss the notion that they were fleecing farmers.

Mr. Vitalis Okeyo Omollo, a middleman, said it is costly to transport the potatoes to Nairobi, adding that after deducting all the expenses, their net profit is a paltry Ksh200.

He said it forced them to engage in other income generating activities to cushion the business.

## Phase two of fish farming to kick off

By JOEL JUMA

THE government is set to roll out the second phase of fish farming projects under the Economic Stimulus Package (ESP)

Already Kshs 2.7 billion has been set aside to oversee the implementation of the next phase.

Permanent Secretary in the ministry of Fisheries Muchemi Ntiba says about Kshs500 million will be spend in purchasing fingerlings for distribution to farmers who benefitted during the first phase of the project.

The PS says that government will also employ about 500 fishery officers to assist in effective management of fish projects.

Ntiba who was spoke at Munyanza fish farm in Lurambi constituency of Kakamega Central District said the Ministry of Fisheries will soon purchase over 200

motorcycles for distribution to the officers to enable them monitor farmers involved in fish farming.

The PS said the move is aimed at boosting fish production at the grassroot level in line with the Economic Stimulus Programme.

Prof Ntiba said 160 constituencies will each be allocated three fishery officers who will acquaint farmers with new technologies of fish farming.

Ntiba who was accompanied by Livestock PS Ken Lusaka and Agriculture Secretary Wilson Songa at the same time revealed that the Government plans to spend another Kshs2 .8 billion to assist in the construction of shallow water dams in the country.

Lusaka on his part said Western province has the potential of producing adequate fish without relying on produce from Lake Victoria.



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# Sports ministry gives cash to Busia youth

By NYAKWAR ODAWO

THE Ministry of Youth Affairs and Sports has disbursed a total of Kshs2million to forty youth groups in Busia district during 2009/2010 financial year.

Available data indicate that each group received Kshs47,500 after a deduction of Kshs 2,500 was effected to cater for management fees.

The youth groups that benefitted from the fund were drawn from Matayos, Nambale and Township Divisions.

Most of them are currently engaged in various income generating activities which include fish farming, horticulture, brick making, tailoring, hair Salon business, cereals business, value addition, poultry keeping and goat rearing among others as a source of livelihood.

However, majority of the youth groups have refused to repay the loans advanced to them.

The Divisional Youth Officer Mr. Bernard Omeno says that

most youth groups have declined to repay the loan claiming that the money was a grant from the government while others have a backing from politicians who have told them not to repay the loan.

"We have been unable to recover the funds advanced to most youth groups mainly due to negative attitude by the beneficiaries who claim that politicians told them not to repay as the money came in as a grant," the divisional Youth Officer said, adding that lack of proper guidelines on what action to be taken in case a group refuses to repay the loan or is unable to pay back has also become a major setback.

The youth officer said that funds were delayed and this made the groups to pursue projects which had not been approved. He said that some of the groups that were funded at the inception of the fund have been disbanded as some of the approved projects were not viable.

A beneficiary identified only

as Benedict said he invested his cash in poultry business which thrived for sometime but the business was grounded after the poultry died from an unknown ailment.

"When all the poultry perished, I did not know what to do and up to now I am still worried about how I will repay the loan," he said, adding "it is my prayer that the government will come to our rescue by waiving the loan.

Majority of the group members interviewed by The Link said the government should write off the debt or treat the same as grants citing the high rate of inflation in the country. However the youth department was enlisting the support of the provincial administration to help in the recovery of the loans. "This is a revolving fund that should be repaid so that others may also benefit from the same," said Omeno, adding that out of the Kshs2million disbursed to the youth groups, only Kshs0.2million has been repaid.



Prof. Hellen Sambili: Sports Minister.

## Rise in Down syndrome cases worrying

By JOSEPH MUKUBWA

DOCTORS in Kenya raise alarm over sudden rise in number of children born with Down syndrome.

Statistics show that a child with the Down syndrome deformity is born every week in the country.

According to a Non Governmental Organization, Down Syndrome Society of Kenya, about 40, 000 people are suffering from the complications.

The Programme Coordinator James Maingi said during a one-day sensitization workshop at Kirichu PCEA church hall in Nyeri that in every 1,000 children born, one child has the Down syndrome complication.

Down syndrome is a chromosomal disorder caused by an error in cell division during conception that results in the presence of a third chromosome 21, instead of the normal two. This means that extra chromosome 21 is present in every cell of the child's body.

The society was holding the workshop to educate, inform and lobby for the advancement of the people infected and affected by the natural incidence.

People born with Down syndrome, a life-long condition have wide variations in intellectual abilities, behavioral and physical development.

The syndrome leads to developmental delays, learning disabili-

ties and physical defects such as hearing difficulties and heart conditions in some children.

Maingi said the incidence is not related to race, religion or socio-economic status.

The symptoms include stocky, short arms and legs, and a clubbed appearance to the hands.

"Eyes are usually slit and long and the face has a stocky, broad look sometimes to the tongue droops outside the mouth," said the coordinator.

Children with Down syndrome also have low muscle tone, leading to relatively higher levels of lethargy and inactiveness.

During the workshop attended by pupils, parents of those infected and teachers, the participants were told that proper medical treatment and early intervention involving physiotherapy, occupational therapy, speech therapy and special education support, can help the child reach their potential and lead a life of dignity and independence.

The head teacher of Kirichu Primary School Mr Nicholas Gathemia which has over 50 children infected said they have a shortage of teachers to serve the special unit.

He urged the society to ensure that the children are engaged in jobs after finishing their schools.

The society should also lobby the Government to add more special schools since they are very few in the country.

## State steps up male cut programme

By AGGREY BUCHUNJU

THE Government sponsored initiative on voluntary male circumcision will soon be rolled out in areas whose inhabitants do not circumcise.

The programme which is now one of the Government's strategic interventions in the fight against HIV/AIDS scourge has realized impressive results in Nyanza where it was first implemented.

Quite a good number of Luo men volunteered to be circumcised in the public health facilities when the programme was launched in the area.

Other ethnic groups which do not undergo male circumcision and are targeted in the new drive include the Tesos in Western Province and Turkanas in North Rift.

There are, however, some Luhya sub-tribes which do not also undergo male circumcision. They include the Samia, the Manyala and the Bakhayo.

Recently, the Teso Community elders unanimously agreed to have voluntary male medical circumcision programme rolled out in the district.

The elders led by Mr. Moses Omanyala and Mr. Ismael Masake said it was in the interest of their community to launch the programme in the area.

Mr. Omanyala, said that the programme will mainly target young

boys aged between ten years and fourteen years who are not yet circumcised.

He, however, asserted that voluntary male circumcision should be carried out by qualified medical personnel in health facilities adding that where teenagers are involved their parents must consent.

Consequently, Mr. Omanyala appealed to the Government to deploy medical circumcisers to every public health facility in the area in order to quicken the exercise.

Mr. Omanyala, at the same time pointed out that circumcision in Teso District will not have a timetable like in their neighbouring Bungoma and Mt. Elgon Districts.

"Ours will be a continuous exercise depending on when one is ready for the cut regardless of year and month", he said.

Mr. Masake on his part, urged the Teso community to embrace the new initiative without shame arguing that culture is not static but dynamic throughout the world.

The two were speaking recently at Kakapel Resource Centre in Teso North District during Teso elders meeting convened to discuss the importance of voluntary medical male circumcision.

According to research findings male circumcision besides lowering chances of acquiring the HIV/AIDS, it also reduces chances of contracting the sexually transmitted infections among others benefits.

## Nyeri districts receive ESP funds

By JOSEPH MUKUBWA

FOUR constituencies from the larger Nyeri district have received Kshs 152.8 million under the Economic Stimulus Programme.

The allocation will oversee tree planting in primary schools and assist in the construction of centres of excellence as spelt out in the ESP.

The four constituencies include Othaya, Nyeri Town, Mukurwe-ini and Tetu.

Nyeri South District Education Officer Mr Wilfred Gaicu said the Government had pumped in Kshs120 million to develop the Centres of Excellence in the 12 secondary schools identified in the area while the remaining amount will finance tree planting in primary schools.

The DEO at the same time revealed that the Government through the primary schools infrastructure programme has spent about Kshs149 million to improve facilities in the primary schools.

He said the funding was based on the inadequate physical facilities in the upcoming secondary schools which he said could not provide a conducive environment for learning.

"We are requesting the different Constituency Development Fund (CDF) committees to consider increasing their funding to schools to enable them provide the necessary facilities. We are also calling on parents and well wishers to contribute generously towards improvement of facilities both at primary and secondary schools levels," said the DEO.

Gaicu also said that since the introduction of Free Primary Education in year 2003, the four constituencies have received Kshs738.9 million. He also said that the government had introduced Free Day Secondary Education to improve the quality of education and raise retention rates.



# State to use ICTs in disaster management

By BRIGHTON KAZUNGU

THE government will incorporate Information Communication Technology (ICT) in disaster management, Information and Communications PS Dr. Bitange Ndemo has said.

He said the information to mitigate natural disasters can only be gathered if there is a dependable and proper ICT infrastructure.

Mr. Ndemo says the Government wants to use the logistical information it has to manage disasters. He

added that such information can be transmitted using ICT facilities.

He said the prolonged drought that ravaged the country last year had adversely affected the economy, adding that the effect would have been minimized if there had been prior information through the early warning systems.

"If we implement these ICT plans, we are able to quickly get back on our feet and cushion the negative effect on the growth of our businesses and the economy in general," he

said.

Internet Solution Kenya (IS) Director of Sales East Africa, Mr. Loren Bosh said the company had been involved in planning for disruptive events and malicious sabotage.

He said it was imperative for businesses to invest in ICT particularly with the coming into force of the East African Community Common Market Protocol.

Mr. Bosh said the unprecedented growth and development in ICT posed other challenges such as data

security and information management, adding companies need to factor these in their planning process.

He urged businesses in the country to keep up with the changing times and ensure that they are able to meet their client's demands regardless of the goings-on in their environment.

Internet solutions (IS) Kenya, which organized the forum, is a communications service provider, dealing with infrastructure, bandwidth and support services.

# Eastern province leads in firearms recovery

By PETER MUTUKU

EASTERN province has the highest number of recovered firearms and ammunitions.

According to a report released by the government recently, 721 firearms and 1,574 ammunitions were recovered from the province followed by Rift Valley with 617 firearms and 627 ammunitions.

In total the government has recovered 1,368 firearms, 2,461 ammunitions and impounded 1,491,723 litres of illicit brew in the last one and half months through the Rapid Results Initiative (RRI).

According to the Permanent Secretary in the Ministry of Provincial Administration and Internal Security Francis Kimemia, about 12,285 drug trafficking suspects and 63 illegal driving school operators were arrested during the same period.

The PS says the department also targets to prevent corruption, community policing, crime reduction, disarmament, alcohol, drug abuse and trafficking management at the end of 100 days RRI in August.

Mr Kimemia who released a six page summary report on the progress realized since the launch of RRI in June says that corruption has in the past tainted the image of the police with reports compiled by Transparency International ranking department among the highly corrupt institutions in the country.

He says in efforts aimed at addressing the vice, the various departments within the Ministry have developed corruption prevention plans and codes of conduct to seal loopholes that allow corruption to thrive.

The PS says that the Ministry will also handle affairs under the corruption prevention policy that is in the final stages of development.

He says that the Ministry advocates that the giver and taker to be made to account for their actions in order to win the larger war from grassroots to top levels of management.

The PS further says that under the RRI, police who mainly feature in the Ministry of Internal Security are expected to properly maintain records to avoid slow crime investigation and inefficient judicial framework of files disappearing and lazy staff that spur corruption.

In efforts to improve security, RRI targets crime reduction through community policing in all districts by 10 percent before the 100 days are over under the leadership of Director Gender, Children and Community, Ms Beatrice Nduta.

The report says existing community policing committees are undergoing harmonization under police reforms implementation committees. Organized gangs and vigilante groups have been mapped out for eradication.

The ongoing Dumisha Amani 11 Disarmament Programme relies on police, administration police and Kenya National Focal Point on Small Arms and Light Weapons (KNFP/SALW) to facilitate the disarmament process. The forces have so far recovered 1,368 firearms and 2,461 ammunitions.

By KAVYU-KURA

THE job of an assistant chief in Mwingi central district is on the line following claims that he had impregnated a Secondary school girl.

The area District Commissioner Peter Kinuthia says that investigations were still ongoing and that very soon action will be taken against the assistant chief.

"We are soon going to take firm action against the assistant chief and the process is already on course," Kinuthia told The Link.

The DC spoke after he received a letter from the Kyethani secondary school principal who sought his intervention on the matter.

In the letter addressed to the Mwingi District Children officer Jacinta Mwinzi and copied to the DC, the head teacher J. K. Waweru demanded that action be taken against an assistant chief in Wikithuki in Mwingi Central district for allegedly impregnating the girl.

The letter dated May 25 says in part: "The girl in question is my form two student. She has been away since opening due to sickness. Investigations have proved that she is pregnant and the responsible man is an assistant chief in Wikithuki who wants the issue settled traditionally which is

# Mwingi Chief accused of impregnating school girl



Ms. Jacinta Mwinzi, Mwingi District Children officer.  
Photo/Kavyu-Kura

illegal. Kindly accord her the necessary advice and assistance"

The Link obtained a letter of

agreement in which the chief and the girl's parents entered into a pact in which the former has committed himself to pay

Kshs140,000 in compensation for the damages caused to the girl.

In the agreement dated May 30, the Chief had pledged to pay the money to the girl's mother, Lena Muthui as expenses incurred in the financing of the girls educations and for the upkeep of the yet to be born child.

Besides the Chief's signature, it is also endorsed by four village elders. The agreement written in Swahili indicates that the Chief would start paying the money as from August 30.

The Mwingi children officer Jacinta Mwinzi said that upon receiving the letter from the school principal, he summoned the girl's mother who gave her the details about the case.

"What is remaining is to ensure that the affected girl records a statement with the police before the chief is taken to court. We have incriminating evidence as the Chief himself once went pleading for mercy from the DC thus providing proof that he is culpable" said Mwinzi.

# Census cash returned to treasury — Oparanya

By JOEL JUMA

OVER Sh700 million meant for payment to officers who conducted the National Housing and Population Census was returned to treasury due to irregularities.

The money was returned because the beneficiaries failed to give accurate details regarding their bank accounts while others gave conflicting names.

Cabinet Minister Wycliffe Oparanya said banks were forced to return the money because the names of the beneficiaries did not match with those in the approved list.

"Majority of women gave the names and bank accounts of their husbands," said Oparanya, who is the Minister for Planning.

Oparanya explained that over 100 cases filed by the complain-

ants indicated that majority of women did not have bank accounts.

The Minister was speaking at Buchenya Primary School during campaigns for the Proposed Constitution. The Butere/Mumias County Council Chairman Michael Keya and the area DC Seif Matata accompanied him.

Oparanya said the Government has cleared payments for the police and members of the provincial administration who took part in the exercise. He said the money was wired to the bank accounts of the officers.

"The money was included in their salaries for the month of July," added Oparanya.

Oparanya accused District Census Committees of causing confusion as they hired excess staff in their areas.

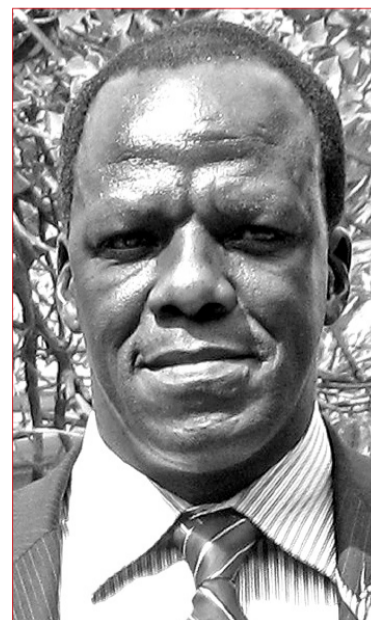
He spoke even as DCs from Western Province complained that they had not been paid their dues. The administrators were speaking during a meeting with National Tax Payers Association (NTA).

They said they had not been paid their allowances despite taking part in the exercise as chairmen of District Census Committees.

The DCs wondered how they could pursue the matter with the Government.

The Upper Western Regional Commissioner Peter Okiwango indicated that he would pursue the matter with relevant ministry to see how the officers can be paid.

NTA Western Regional Coordinator Martin Nabiswa said projects worth million of shillings have stalled due to poor planning by MPs.



Mr. Oparanya



# Kitui residents want bus park finished

By PETER MUTUKU

RESIDENTS of Kitui have protested over delays in the completion of a bus park funded through Kenya Urban Development Programme.

The residents say that the project which was initiated in August 2005 is still at the initial stages of implementation with the contractor doing only 20 percent.

The residents led by a prominent businessman Wilson Muema, say that the project whose cost is estimated at Kshs45 million has stalled.

However, Kitui Mayor Alex Mwendwa Munyoki absolved the municipal council from the blame saying the project is being implemented by the government directly through the Kenya Urban Development Programme and the council has not been involved in any way.

The mayor told the residents that the Minister for Local Government Musalia Mudavadi had previously intimated that the project had stalled due to lack of funds.

"The minister notified us that the construction of the Kitui Bus park together with many other bus parks in the country had stalled due to lack of funds," he explained.

The mayor said that the minister also revealed that the project will soon take off following the re-allocation of funds for stalled projects by the government in the new financial year.

Munyoki at the same time pointed out that engineers attached to the Kenya Urban Development Programme were on the ground to certify what remains to be done.

The civic leader further announced that the council will soon embark on a project aimed at beautifying the town.

"We have already resolved to replace the plastic dust-bins which were stolen with permanent bins so as to clean up the town," he said.



Kitui bus park which is funded through Kenya Urban Development Programme.

The mayor said that the council had already awarded the tender for permanent dust-bins which he said will be in use within the town.

"The permanent dust-bins will be serving the public alongside the garbage yards that we have already constructed in the town," the mayor added.

He further revealed that the Kitui Municipal Council is among the 13 municipal councils in the country that are slated to benefit from development funding by the World Bank through the Kenya Municipal Development Programme (KMDP)

and the Kenya Improved Settlement Integrated Programme (KISIP).

Munyoki said through the KMDP and the KISIP, the council will be able to buy fire fighting engines, construct drains and improve its capacity in solid waste management.

The mayor says that the works which will commence in September this year will entail installation of electricity at Kunda Kindu market and the stretch along Kitui High School and Majengo within the Kitui town.

He at the same time disclosed

that the council had come up with plans to install sign boards to act as guidelines for visitors within the town.

He added that the council plans to repair roads and construct culverts within the town.

He said the council is also seeking approval from the Local Government Minister to waive outstanding debts on land rates to enable plot owners to start paying rates to the council, adding that the council will repossess plots from people who fail to pay the rates after the waiver.

## Busia youth urged to collect their ID cards

By NYAKWAR ODAWO

MAJORITY of youths from the greater Busia district are yet to collect their identification cards.

The data recently obtained from the Busia district registrar of persons' department has shown that a total of 2,365 identification cards are still lying uncollected at different centres in the District.

"The new identification cards have stayed here for several months as applicants have not bothered to collect them," the registrar of persons, Mr. Laban Magomere said, adding that the applicants did not take part in the referendum because they were not registered as voters.

The district registrar of persons further said it is an offence for a person who has attained the age of 18 to be without an identification card, adding that the documents are very important as they help identify holders as bonafide citizens of this nation.

"It is a serious offence for anyone who has attained the age of eighteen to move about without an ID card, he said, adding that such persons risked being arrested and charged in a court of law for failing to abide by the Registrar of Persons' Act.

The data further revealed that out of the uncollected ID cards, 897 were for applicants from Busia municipality, 898 from Butula division, 231 from Matayoa division whereas 339 were from Nambale division.

The current data of registered voters shows that over 30,000 persons have so far been registered in Nambale division in the just concluded voter registration exercise.

This translates to a sharp decline as compared to over 70,000 people registered in 2007, whereas in Butula division only 20,000 persons were registered as compared to 42,000 in 2007. In Funyula division, a total of 19,000 people were registered as compared to 36,000 in 2007 whereas in Budalangi division only 12,000 people were registered as compared to 22,000 registered in 2007.

A spot check at the Busia district registrar of persons department has also established that about 400 youths who had applied for ID cards over a year ago are yet to receive the document that would have enabled them to participate in the referendum.

Majority of the affected youths expressed concern saying they have been blocked from exercising their constitutional rights by casting their votes in the referendum.

The registrar of persons said most of the identification cards are delayed due to the poor quality of the passport photos.

"This has in most cases forced the headquarter to return the affected notification cards to the registration department concerned so that the applicants may have their photos taken afresh and forwarded back to the headquarter," he explains.

However, he appealed to those whose identification cards had come to collect them as a matter of urgency saying stern action will be taken against those who have refused to pick their IDs.

## Budalangi CDF committee on the spot

By NYAKWAR ODAWO

BUDALANGI constituency development fund (CDF) kitty allegedly lost Kshs28.5 million in dubious and ghost projects during the 2006/2007 financial year.

According to a report card released by the National Taxpayers Association (NTA), a significant Kshs14.7 million was allegedly lost to non-existent projects.

"This translated to 19 percent of the total CDF allocation spent on phony projects in the period under review," reveals NTA's regional coordinator Martin Napisa.

Another Kshs 8.9 million was pumped into projects which have since stalled, translating to a loss of 11 percent of the total CDF allocation to projects in the same financial year.

The report revealed that an additional Kshs4.9 million was not accounted for during the same period, representing a loss of 6 percent of the total CDF funds allocated to the monitored projects.

Further, the monitoring and evaluation exercise undertaken during the 2007/08 financial year established that a total of Kshs1.5million of taxpayers money went to waste due to poor implementation of the

projects, representing a loss of 3percent of the total CDF funds allocated to the projects.

Addressing the public at Port Victoria in Bunyala, NTA's regional coordinator recommended that priority be accorded to the completion of all stalled projects.

Napisa also demanded that the funds lost through dubious projects be recovered while the current CDF committee effectively monitor proper implementation of the projects

He urged the national CDF board to process applications on reallocation of funds to approved projects to avoid delays in the implementation process.



Mr. Ababu Namwamba:  
Area MP



# Evolution of conflicts in Kenya

By A CORRESPONDENT

ONE of the long term causes of the conflicts in Kenya is attributed to the colonial legacy, which is essentially historical but with ramifications in the post independence era. It is a historical fact that the indirect rule administered by the British colonialists later turned out to be the 'divide and rule' strategy which polarized the various ethnic groups in Kenya. This in turn contributed to the subsequent incompatibility of these ethnic groups as actors of conflict.

Kenyan districts have been perpetually haunted by actual or potential ethnic conflicts. This is partly because of the fact that different communities continue to consciously and subconsciously rely on ethnicity to perpetuate their dominance and control in an atmosphere characterized by scarce resources, fear and prejudice. The explosion of ethnic conflicts in this country is so widespread that there is hardly any region where the problem has not reared its ugly face.

Nothing brings more fear and unrest in a community than conflict. Kenya was plagued by Post Election violence in early 2008 following irregularities during the 2007 general elections. Thousands were killed, hundreds of thousands were injured and even more left as internally displaced persons and refugees. In as much as the whole country felt the effects of the violence the regions that were severely affected were the Rift Valley, Western and Nyanza Provinces.

These provinces are home to a diverse range of tribes, including but not limited to the Kikuyu, Kalenjin, Luhya, Kisii, Maasai, Luo and have had flashes of conflict since the beginning of the twentieth century when large scale colonial farming disrupted a long standing ethnic equilibrium. The Kalenjin and kikuyu particularly have had ongoing conflicts over land. Cattle rustling, land encroachment, economic inequities, and divergent cultural values have bred an atmosphere of distrust and feelings of victimization among rival tribes. Because tribal identity and loyalty largely trumps Kenyan national identity, fellow citizens of different tribal backgrounds are often considered "aliens" or "foreigners."

It is vital for a country to implement conflict management systems. One of these is political socialization. It is through the process of socialization that individuals or groups acquire knowledge, skills and dispositions that enable them to participate as responsible members of ethnic groups and the entire society. The process of creating social order is essentially one of devising means whereby man's innate drives can be controlled for the sake of harmony in the society. This process should help the Kenyan society like any other society to curb potentially disruptive drives by channeling them in socially acceptable directions. The various



Security personnel take control of streets after the post election violence in 2007.

Photo/File

institutions involved in conflict management should empower citizen for political participation as and national integration which are essential indicators of nationhood and stability.

Unfortunately, the leadership in Kenya which is supposed to champion for the course have abandoned this crucial responsibility of socializing the youth. Instead, they have resorted to political propaganda which is the contrast of political socialization

A youth forums should also be created. The various institutions reviewed should create a forum for political participation from the grass roots to national and regional levels. One of the many functions of a youth forum is that it provides opportunities for groups to learn from one another and to plan common pragmatic strategies in conflict resolution and peace building. Analysis reveals that crucial contributions of these Youth programs can be fully realized if these groups continue to work together and inside a main institutional structure.

There is also need to enhance equitable distribution of national resources. Kenya like other plural societies has multi-ethnic and multi-cultural characteristics which pose a great challenge in the expression of public interest. Each ethnic group has its own basic interests or expectations which may or may not conflict with those of other ethnic communities. For the sake of nationhood, the leadership organizes resources and rewards in such a way that each ethnic group has increasing expectations of gains. The basic needs of each group should be identified and harmonized within the national needs. This should be taken as positive actions to equitably re-distribute the resources. The land laws should be amended to give a limit to the number of acres one should own even if he/

she has the purchasing power. The proposed Constitution of Kenya has this clause mentioned. Should the constitutions be passed and relevant amendments be made, the country will have begun to take its first steps towards equitable distribution on national resources.

There is also need for Kenya to work out strategies for enhancing national language policies as medium of political communication for all ethnic communities in the respective countries. Although it is difficult to have a single language cutting across all the ethnic boundaries in respective regions in Kenya, there is potential of enhancing a civil society of multilingual citizens.

There must be an equitable and transparent approach to recruitment of the youth into the civil service and in all sectors dealing with the public. It is also the duty of every citizen in this country to put up a national frontage to minimize the negative consequences of ethnicity.

The various civil organizations in the region should also implement civic education programmes within and outside the school system. There can be no meaningful development and any sustainable nationhood unless fundamental issues which affect the essence of interdependence and peaceful co-existence between different ethnic communities in Kenya are addressed. Public awareness or civic education is necessary for the re-orientation of human resource development efforts. This type of education should include the following special programmes: peace education, human rights education, environmental education, multi-cultural education, among others. The proposed form of education places emphasis on the need for individuals to acquire technical knowledge and skills as well as develop the attitudes which would empower them to

appreciate and cope with social and cultural diversities, without conflicts.

It is to note that knowledge alone is not enough for good citizenship, it must be combined with attitudes which promote justice, peaceful co-existence and the inevitable concept of interdependence between different ethnic groups. It should be an education that equips the recipients with skills in such areas as critical thinking, informed decision-making and developing mutually responsible and supportive social ties. This kind of education should provide the recipients with a commitment to becoming involved personally and communally in promotion of the above virtues of public education.

The International community also plays a key role in conflict resolution in Kenya. An example is the partnership between the European Union (EU) and the Kenya government to promote peace, security and development in the region. The strategy provides for a comprehensive approach to conflict prevention that will tackle the sources of instability. It also provides a political framework for concrete regional initiatives by the African Union (AU) and the IGAD (Intergovernmental Authority on Development) to find lasting solutions. In addition, it provides the framework for structured dialogue between the EU and other countries on Africa as well as acting as the main provider of development and Humanitarian assistance.

Kenya has experienced both internal conflict, cross border conflict and experienced the effects of conflict occurring in neighboring states. As a result, a number of interventions exist to address conflict at community, national, regional and international levels. These measures range from district peace committees, traditional

peace processes and participation in regional peace and security initiatives. More recently, the National Steering Committee on Peace Building and Conflict Management has not only developed a draft framework for a policy on conflict management but also formulated a draft national policy on peace building and conflict management.

Strategic coordination amongst key actors has been lacking in conflict management and peace building. Practical Action hope that this policy analysis report and its recommendations with specific reference to an advocacy strategy is a step forward in realizing a national policy on conflict management in Kenya.

There is no national policy on conflict resolution and peace building in Kenya. Apart from the draft terrorism bill, disaster management (floods and drought) and famine relief issues, there are no existing functional frameworks for conflict management. Nevertheless, the National Steering Committee on conflict management and peace building initiatives have come up with a draft national policy on peace building and conflict management.

In addition to the fact that there exists no formal policy framework for intervening in inter-community conflicts, this report established that in the past, policies have been implemented with no regard for community local knowledge, their indigenous systems of governance and natural resource management. More often than not, policy makers are operating under conditions of market failure caused by factors such as droughts, flooding and civil strife. An understanding of how demand and supply forces interact during such times is critical to the formulation of policies for conflict resolution that provide for processes and programs that enhance and facilitate economic growth, expanded trade, strategic food stocks, commercial imports and poverty alleviation. There is need to look beyond the immediate triggers of conflicts by formulating policies and economic blue prints that seek to improve household incomes, access to education and social services especially in marginalized pastoralist and rural Kenya.

Conflict management and peace building in Kenya continues to face major challenges in the current national and regional environment. Instability in neighboring states has resulted in increased cross border conflicts, rise of small arms and humanitarian crisis resulting in the loss of life and property. Institutional challenges such as the capacity of security forces and other government agencies to prevent, mitigate and manage conflict remain despite the growing recognition by the government of the need to proactively address conflict as a development issue in collaboration with other partners such as civil society, private sector and development partners.

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## What does the new constitution portend for the housing sector?

By GIDEON OCHANDA

THE capping of land leases at 99 years and the establishment of a housing development fund to finance affordable houses in the new constitution will hasten the capacity of the two sectors to create national wealth, analysts have said.

The devolvement of housing in Kenya has been hampered by poor policies, starving the economy of estimated trillions of shillings and thousands of jobs possible through a vibrant property development industry.

Better land utilisation is equally held back by poor laws that have seen millions of arable land that is owned by speculators remain idle.

Economists say unlocking the potential of land through equitable distribution and maximised utilisation could see Kenya end its perennial food shortages and improve rural livelihoods.

The twin issues of land and housing are some of the most emotive in the country, with conflicts surrounding land ownership flaring into inter-ethnic clashes, a factor that has led to high risk profiling of Kenya's political and economic situation.

"The 99-year cap is a good idea that means land will always belong to the State. More people can have access to it and utilise it," said Charles Otieno, Public Policy and Governance expert at the Centre for Governance and Development.

The new constitution stipulates that "any interest in land larger than a ninety-nine year lease, by whoever granted, held by a non-citizen



A section the housing scheme.

Photo/File

shall be converted to a ninety-nine year lease, unless otherwise revoked" after a period six months.

Foreigners with freehold interest in any land in Kenya will automatically forfeit that right to the Republic of Kenya to hold on behalf of the people of Kenya.

Such as person will be given a 99-year lease at a peppercorn rent (or symbolical low price)

The development is a major shift from the policy adopted earlier this century by the colonialists

that gave huge chunks of productive lands to foreigners then under the 999 year leases.

This meant that the land would only revert to the government, which holds the land in trust for its citizens, after one millennium or after tens of social generations.

The 999-years lease has created land barons and absentee landlords especially in parts of central Rift Valley, Coast and Central provinces.

The land has been idle, or unde-

veloped while millions of Kenyans live within it or out as squatters.

The economic cost of under utilisation of arable land in Kenya is yet to be quantified but the focus has been on the agitation of high land tax for land that is in individual hands but is not being put in the economic use.

This concept is expected to be implemented through a sessional paper on land in Kenya that has been published by the government and will be gazetted later this

month.

"What the paper seeks to do is to regulate holding of land to encourage usage of held land otherwise owners will pay high taxes," said Odenda Lumumba, the national coordinator of the Kenya Land Alliance.

Land economists said the proposal is "one of the clearest ways forward" to addressing land ownership and usage in Kenya.

"What Kenya has done is just to conform to the international trends that limit land leases to 99 years and reversing the old mistakes. It ensures foreigners do not own land for more than 99 years unless that land is used for the good of the people," said Mr Lumumba.

The new constitution provides that until communities are identified and their title is registered, community land shall be held by the National Lands Commission on behalf of the communities.

The also provides for the establishment of a housing development fund to enable Kenyans gain access to more and better housing.

The new constitution has promised "development and review" of a national housing policy with a view to increasing, regulating and maintaining the national housing stock.

Housing especially in the urban areas is a major problem because of the lack of adequate supply of housing units which has raised prices beyond the reach of the middle income earners, who apparently are in the critical need of houses.

Kenya is estimated to have housing supply shortage of 150,000 units every year, says the Kenya National Bureau of Statistics.

## Evolution of conflicts in Kenya

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These remain operational challenges manifested in the continuing need to improve effectiveness and impact of ongoing peace building programs particularly the traditional justice systems. The government needs to realign its priorities and resources to ensure that adequate resources are generated for conflict management and peace building. The structural problems that fuel conflicts must be addressed through the realignment of priorities that recognizes the importance of peace and security in national

development.

In lieu of Preventing future conflicts, there is a need to strengthen preventive measures. Educational opportunities, including the teaching of peace and tolerance, should be provided for all children, and interim care centres should be maintained for street children. Projects for which there is high demand, such as the World Rehabilitation Fund's income-generating and skillbuilding initiatives (supported by UNDP and other international organizations) need to reach greater numbers of people. There should

be Increased youth participation at all levels, including the political sphere where there is Youth representation in parliament. This would help put an end to negative feelings towards traditional authority and governance structures. Media can assist in reconstructing trust by, for example, disseminating important information to a wide audience during elections. In addition, youth oriented programmes should better assess the effectiveness of measures designed to address the needs of their stakeholders—by listening to them.

Failure to listen means a failure to meet the needs of stakeholders.

Conflict prevention involves addressing the structural sources of conflict in order to build a solid foundation for peace. Where those foundations are crumbling, conflict prevention attempts to reinforce them, usually in the form of diplomatic initiative.

Conflict transformation and resolution work in conjunction with conflict prevention. While prevention entails maintaining peace before and after violence by correctly interpreting and acting upon early

warning signs, conflict transformation involves shifting existing violence into constructive dialogue. Non-violent modes of conflict resolution can then be applied to achieve peace and prevent future conflicts through the use of early warning systems.

Therefore, as we seek to expand character conflict resolution and peace maintenance strategies, keeping in mind that each region has its own unique challenges, we should be prompted to tailor solutions that address specific core issues that affect certain communities. Addressing the problem of conflict with education rather than more violence has brought hope to many a countryman in Kenya.







# Moving from Old to

## INTRODUCTION

**C**ONSTITUTIONS are part of the numerous laws that exist to operationalize governments. In Kenya, the constitution exists alongside many laws that include Acts of Parliament, inherited English doctrines, precedents from superior courts, customary laws and the general rules of International law.

The new constitution just like the old one will ordinarily operate under the same environment. However it is important to note that all other laws are subject to the constitution and the later prevails when there is any contradiction.

In bringing into force the new Constitution, Kenyans have succeeded in their part as a people but, the new constitution being a radical departure from what has been our history, is definitely not in harmony with most of the existing legislations and statutes. It is therefore the latter that has to be systematically worked on to be in tandem with the constitution.

### Transitional Remedy

The new constitution takes cognizance of the possible contradiction and has carefully opted to put a number of measures for continuity purposes.

### 1. Suspension of provisions:

It suspends the implementation of a number of its provisions. The provisions on representation, parliament, the national executive and the devolved government's are put aside until the general elections are carried out in 2012. The elections are nonetheless to be carried out using the provisions of the new constitution. This means that the current political arrangement goes full circle, parliament continues, so is the Presidency, Premiership and Local Authorities.

### 2. Existing Laws:

The new constitution allows for the continuation of all laws in existence, national rights and obligations until such a time that they are systematically brought into harmony with the Constitution. However, parliament is mandated to enact a series of legislations within specified time frame.

### 3. A must legislations and time-lines

Within a period of five years, the new constitution contemplates that parliament together with all

the relevant organs will have appropriately buttressed the Constitution. The legislations are spread out to be done within one year, 18 months, two years, three years, four years and five years respectively.

#### Within Year 1

- (i) Legislation on Citizenship
  - Procedure of how to become a citizen
  - Rights and duties of citizens
  - Entry and residence in Kenya
  - Renunciation of Citizenship
- (ii) Establishment of Kenya National Human Rights and Equity Commission
- (iii) Establishment of Ethics and Anti-Corruption Commission
- (iv) Legislation on Elections
  - Delimitation of Electoral units
  - Nomination of candidates
  - Registration of voters including those residing outside the country
  - Conduct, Regulation and Supervision of Elections and Referendum
  - Electoral disputes
  - Establishment of Independent Electoral and Boundaries Commission
- (v) Legislation on Political Parties



*At the point of taking the vote on the 4th August, many people might have had a feeling that we were to have an abrupt end from the old constitution to a new one. In this issue, GIDEON OCHANDA brings to light what follows next.*

- Roles and Functions of political parties
- Regulation of political parties
- Accounts and Audits of political parties
- Restriction in use of public resources by political parties
- Access to state media and regulation of freedom to broadcast
- (vi) Legislation on vacation of office:
  - When a member of parliament is deemed to have resigned from his/her party or joined a political party from being an independent
- (vii) Legislation for advisory committee on the power of mercy (tenure, additional membership, procedure and criteria)
- (viii) Establish other courts equal to High Court on
  - Employment and labour relations
  - Environment
  - Use and occupation of land title to land
- (ix) Code of conduct for Judges of Superior Courts
- (x) Vetting of Judges and magistrates
- (xi) Election and removal from office of the Speakers of the County Assemblies
- (xii) Governance and management of urban areas and Cities
  - Criteria of classification
  - Principles of governance and management
  - Participation by residents
- (xiii) Legislation on Contingencies Fund
- (xiv) Legislation on terms and conditions for guaranteeing loans by the national government

#### Within 18 months

- (i) Legislation on Land
  - Revise, consolidate and rationalize land laws
  - Revise sectoral land use
  - Minimum and Maximum private land holding acreages
  - Land category conversions
  - Recognition and protection of matrimonial home
  - Public land access and review of grants/disposition
  - Protect deceased persons dependants holding interests on land
- (ii) Procedure for removal of a County Governor
- (iii) Legislation effecting implementation of leadership and integrity in reference to vacation of office of a member of County Assembly.
- (iv) Legislation to effect devolution
  - Phased transfer (for not more than three years after election of county assemblies) of functions from national government to county governments
  - National government to facilitate the devolution of power
  - Assist County Government in Building their capacity
  - Support County Governments
  - Set criteria for counties before functions are transferred
  - Prompt devolution to counties that have capacity
  - Establish revenue funds for County Governments

#### Two Years

- (i) Legislations on grounds and procedures for recall of Members of Parliament before end of the term.
- (ii) To give effect to



*A section of Kenyans que to vote for the new constitution. Photo/MosesMwangi*



# New Constitution

- determination of question of membership to Parliament
- (iii) Procedure for petitioning Parliament by any person
- (iv) Procedure and ceremony for swearing in of a President
- (v) Regulation of the Judiciary Fund
- (vi) Legislation of Financial Controls  
Establishment, functions and responsibilities of the national treasury  
Expenditure controls and transparency in all governments
- (vii) Legislation to provide for functions, organization and administration of national security organs



A section of Kenyans celebrates at KICC after it was declared by IIEC chairman, Mr. Isaack Hassan, that the 'Yes' team has won the referendum on the new constitution. Photo/Moses Mwangi

**Three Years**

- (i) Freedom of the media
  - Establishing an independent Media Body
  - Set Media standards and regulate and monitor compliance
- (ii) Legislation to ensure that county governments have adequate support to enable them perform their functions
- (iii) Powers, privileges and immunities of County assemblies, their committees and members

**Four Years**

- (i) Consumer protection; fair, honest and decent advertising
- (ii) Promote efficient administration
- (iii) Protection, rights and welfare of victims of offenses – fair hearing
- (iv) Humane treatment of persons detained in custody or imprisoned
- (v) Legislations on environment
- (vi) Accounts and Audit of Public entities
- (vii) Legislation to effect values and principals of public service

**Five Years**

- (i) Legislation in respect to culture
  - Communities receive royalties and or compensation for use of culture and cultural heritage
  - Recognize and protect the ownership of indigenous seeds and plant varieties and use by communities
- (ii) Community land declaration
- (iii) Land use benefit for local communities and their economies
- (iv) Classes of transaction in

- giving grant of right or concession to exploiting natural resources
- (v) All other legislations required the constitution

**(4) Immediate listed reforms and appointments**

- The Judicial Service Commission - 60 days
- Commission for the implementation of the Constitution- 90 days
- Commission on Revenue Collection - 90 days
- The Chief Justice - 6 months
- Salary Remuneration Commission - 9 months
- Attorney General - 1 year
- Controller and Auditor General - 1 year
- Ethics and Corruption - 1 year
- Supreme Court - 1 year

**(5) Organs to facilitate transition**

- (a) Constitution Implementation Oversight**

**Committee.**

This is a parliamentary select committee responsible for overseeing the implementation of the constitution. It is to do among other things-

- (i) Receive regular reports from the Commission on the Implementation of the Constitution including reports concerning –
  - The preparation of the legislation required by the Constitution and any challenges in that regard
  - The process of establishing the new commissions
  - The process of establishing the infrastructure necessary for the proper operation of each county including progress on locating offices and assemblies and establishment and transfers of staff
  - The devolution of powers and functions to the counties
- (ii) Coordinate with Attorney General, the Commission

on the Implementation of the Constitution and relevant parliamentary committees to ensure the timely introduction and passage of the legislation

- (iii) Take appropriate action on the reports including addressing any problems in the implementation of the Constitution
- (b) Commission for the Implementation of the Constitution**  
The Commission is to be appointed in 90 days from 20th August 2010.

**Composition**

The Commission consists of

- A chairperson and
- Eight other members

The members of the Commission shall

- Include persons with experience in public administration, human rights and government
- Not include any person who served as a member of the Committee of Experts appointed under the

Constitution of Kenya Review Act, 2008

**Functions**

- (a) Monitor, facilitate and oversee the development of legislation and administrative procedures required to implement the new constitution
- (b) Coordinate with the Attorney General and the Kenya Law Reform Commission in preparing, for tabling in Parliament, the legislation required to implement the Constitution
- (c) Report regularly to the Constitutional Implementation Oversight Committee on:
  - (i) Progress in the implementation of the Constitution
  - (ii) Any impediments to its implementation
- (d) Work with each constitutional commission to ensure that the letter and spirit of the Constitution is respected.