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The people must remain vigilant

By JILL COTTRELL GHAI AND
YASH PAL GHAI

THE media's obsession with politicians, as so clearly manifested in their coverage of the referendum campaign, has obscured the hard work of civil society. The ideas and the struggle for reform were initiated and sustained by civil society while politicians were making their deals to stop reform. In the recent review process, the media ignored civil society's admirable efforts to educate the people on constitutional issues.

It is unlikely that the new constitution will be implemented meaningfully without the continued engagement of civil society. Quite understandably, attention has so far focussed on what we may call the official side of implementation: constitutional provisions for transition, the timetable for new legislation and the commission for implementation. However, the people must involve themselves in implementation, in accordance with the spirit of the constitution, to promote people's participation in public affairs.

The constitution sets out people's participation as an important national value. It seeks to promote participation in a variety of ways: through promoting the right to government information; encouraging engagement in the legislative process; increasing the number of representative legislatures; litigating in the public interest; promoting formal petitioning for change of constitution or legislation; enabling the recall of MPs and protecting the right to form associations, the right to demonstrate and picket and the freedom of the media.

The constitution envisages Kenyans not as passive people, voting every five years and then going to sleep, but as active and engaged citizens, contributing to policies and holding governments at various levels accountable. Central to the implementation of the constitution is ensuring, through public pressure, that state bodies respect the constitution and follow the law scrupulously. In the great jurisprudential debates that we hope will take place in the new supreme court, with new procedural rules, and in the learned judgments of the court, the articles and values of the constitution will develop and be absorbed by the government and the people.

The constitution does not necessarily imagine a hostile relationship between the state and the people, but rather of co-operation in the pur-

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KENYA REBORN

Promulgation of a new Constitution marks the birth of the Second Republic



President Mwai Kibaki waves a copy of the new Constitution to the public at Uhuru Park during Promulgation Day on August 27, 2010.
Photo/Correspondent

By MALACHI MOTANO

THE speeches were candid. And so was the mood of the crowd as President Mwai Kibaki led the nation in promulgating the new constitution in a historic ceremony witnessed by dignitaries at the Uhuru Park.

"As we proclaim the new constitution a lot still remains to be done," said the President in an apparent reference to the implementation stage.

The implementation of the new law is stag-

gered over five years. Parliament is now expected to enact 16 of the 49 new laws needed to implement the constitution.

The President said that the changes envisaged in the new Constitution will present some challenges along the way.

"However the new constitution gives us structures of governance to address the challenges more efficiently," he added to the applause of thousands of Kenyans who had turned up for the momentous event.

He said the resolve to complete the journey of the nation's transformation must remain firm.

"This is a great day for Kenya and the most important day in the annals of the country's history since independence to mark this auspicious occasion to officially put the document into force keeping in mind the vision of Kenyans," said the President on signing the instruments of the new law.

"We also pay tribute to the Kenyan patriots who suffered in the struggle for the new constitution, as a moment of decisive conclusion of 20 years long and tedious search of the document," Kibaki said noting that it was an embodiment of

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great hopes, aspirations and democracy for a prosperous nation.

The Prime Minister Raila Odinga having been sworn in together with the Vice President Kalonzo Musyoka, paid a glowing tribute to the heroes of the first and second liberation for their contribution.

"This marks the end of one journey as we embark on another to make it more productive by putting the relevant mechanisms in place. This will also put repression, dictatorship and exclusion behind through equal and just society."

The dignitaries who attended the function included the presidents; Yoweri Museveni of Uganda, Rwanda's Paul Kagame and Ahmed Abdallah Mohammed Sambi including heads of state and government representatives across the region and former UN chief Kofi Annan credited for successfully negotiating the deal after the 2007 post election violence that has since seen the realization of the document.

And against all odds and especially with the ICC warrants of arrest still in force, the Sudanese president Omar El-Bashir also attended. He has been indicted for masterminding crimes against humanity and genocide in Darfur region of southern Sudan. Ever since the arrest warrants were issued, he has always confined himself to the Arab world that is not party to the Rome statute that established the ICC.

The historic ceremony at Uhuru Park grounds followed a resounding endorsement of the supreme law on August 4 by Kenyans through a referendum in accordance with section 47 (a) of the constitution of Kenya and part five of the constitution of Kenya review act of 2008 being part of the 2007 process. The occasion also

New Constitution marks the birth of the Second Republic



President Kibaki signs new Constitution into Law on August 27, 2010. Photo/Correspondent

saw the Chief Justice Evan Gicheru, Kibaki, Raila and Kalonzo take new oaths one for the allegiance to the republic of Kenya and another due to the execution of the office under the new law.

The first to take the new oath was the Chief Justice Evan Gicheru, who was led by registrar of the High court, a high court facility in legal parlance, Lydia Achode.

The chief Justice was then to lead the President in taking a fresh oath fol-

lowed by the prime minister and vice president in line with the new law under schedule four.

In leading the nation to the historic ceremony, the president in accordance with the powers conferred to him under section 47 (6) and 43 (a) of the review act,

"I declare the ratified constitution shall be the new constitution of the Republic of Kenya having been endorsed at the popular adult universal suffrage on the August 4, 2010."

This was followed by the signing of the instruments of the new law, six copies with separate pens which will go down in historical archives as the apparatus that were used in the proclamation, of which the document, complete with an affixed seal, was waved to the crowd and the dignitaries by the President amid deafening applause.

One of the signed copies would be placed in parliament to replace the one signed by the Queen after the Lancaster negotiations.

The whole signing ceremony was followed by the singing of the three stanzas of national anthem and greeted by the 21 gun salute with a simultaneous hoisting of the jumbo flag at the far end of the ground, and which shall be a permanent feature from today.

According to the President the new law is important as it guarantees peace, national unity, establish a free and democratic governance, gender equality, rule of law, human rights among many others. That it is also another big step in promoting enhanced and proper checks and balances within the organs of the government.

"This new law promotes people's participation in government through democratic elections, devolution and management of public affairs," says the President.

He urges the-would-be holders of public offices at the county governments, especially the governors, to embrace the spirit of the new law so that the people can get value for their efforts for paying taxes.

"The culture of corruption that has been the bane of all the social evils is now a thing of the past. We want the respect and pride of the Kenyan people through diverse cultural backgrounds to be emulated through equitable distribution of basic needs, a clear framework of economic growth and access to the resources. This will be achieved only if the supportive legislation is put in place to enable assume full force," Kibaki reiterated.

The people must remain vigilant

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suit of national values. Thus it facilitates public minded persons or organisations to challenge, before the courts, laws or policies that violate individual or community rights. The constitution itself is a sort of primer on civic education, explaining the purposes and responsibilities of the state and the need for integrity in public life. It also sets out the accountability of the government to the people. The constitution speaks directly not only to state institutions but also to the people, imposing obligations on them to build a nation united on the foundations of democracy and the rule of law, human rights and dignity, social justice, the sharing of power and the participation of the people.

Our history shows that these values and objectives cannot be achieved without the people taking responsibility for the functioning of a democratic and just society. It is in this regard that civil society organisations, of many kinds, can play a critical role. Civil society goes beyond the traditional human rights bodies, which former President Daniel arap Moi used to deride and tried to restrict.

These bodies, undoubtedly, will now have an increased role as the scope of human rights has expanded, and now includes socio-economic rights. Some of them have specialised in the fulfillment and enforcement of

socio-economic rights, some on freedom of information, some on rights of minorities, others on gender equality and equity, rights of children, persons with disability, and most have been concerned with forms of affirmative action, including representation for inclusion in the public sphere. The constitution targets all these matters for implementation – and here these civil society organisations can provide invaluable assistance, at a time when the capacity within the government is limited.

There are other groups in civil society. The Association of Professional Societies in East Africa (APSEA) played a useful role in inducting its numerous members into the challenges facing the new constitution, cutting across various disciplines and sectors, and assisting their members to play a constructive role.

Associations of business organisations have studied and endorsed the constitution, and must now play their part in fulfilling its goals, including forcing an end to corruption, in which presumably some at least of their members have been complicit. In many countries trade unions play a critical role in upholding the constitution through their political and economic work – something missing in Kenya after independence.

The Kenya Land Alliance (KLA) has done valuable work on land issues, which now require careful attention as



Wananchi celebrates outside KICC after the announcement of referendum results. Photo/File

the land chapter is brought into operation through new legislation. And there are several think tanks whose research will be needed as the government and parliament develop policies on devolution, decentralisation and equitable sharing of financial and other resources.

It is important that the embrace of state and society does not become so close and cosy that civil society loses its autonomy and becomes an ally of the state in suppressing the people's aspirations and the values of the constitution. Hopefully both sides of the divide have learnt the negative lessons of the

collaboration post 2002 elections. For their part, civil society organisations must abandon the comforts of five star hotels and venture out to where knowledge and help is most needed: small towns and rural areas where people have little access to constitutional debates and to the text itself. And financial and other assistance must be provided to local organisations, like Bunge la Mwananchi – and the harassment they have been subjected to brought to an immediate end. There is little prospect of democracy and accountability if the vast majority of the people do not understand the constitution, what rights

it gives them or how they can enforce them or the mechanisms now given to them to hold their MPs accountable.

Civil society must also promote two major objectives of the constitution: the move towards national integration, transcending tribes and races, and the fight against corruption. Civil society did well on the whole on the first count, including the efforts of Kikuyus for Change and the Kenyan Asian Forum, which helped the communities they focused on to reassess their place in the larger scheme of things – that which the constitution calls Kenyan patriotism.

Increase secondary education funds – principals

By BOB OMBATI and NYAKWAR ODAWO

SCHOOL principals in Gusii region want the government to increase the level of funding under the subsidized secondary education programme.

They argue that the current allocation did not reflect enrolment figures in most schools.

A principal of Nyanchwa mixed secondary school, Mr. Timothy Atuti, says currently the government was relying on previous enrolment figures and therefore disbursement to schools was not enough to cater for all students.

He says last year, he enrolled 561 students but only 525 were given funds, adding that he was forced to send home for school fees students left out in the allocation to keep the school running.

The Principal says that the school has accumulated debts totaling to Kshs0.4 million over the last two years arising from a budget deficit that resulted from erroneous enrolment figures from school's old data to fund the FSE programme.

The Principal notes that even the allocation from the bursary kitty was insignificant as needy students were being allocated peanuts and called for a revised mode of disbursement to allow full sponsorship for total and partial orphaned students.

At Cardinal Otunga and Sameta High schools, the story is the same.

Zachary Nyariki who is the principal of Cardinal Otunga and his counterpart from Sameta High School Fred Sunda, say that they have exhausted

their schools reserves and are waiting for the government to release the FSE.

They want the government to release the funds without any further delay since the current scenario was likely to have far reaching implications on education standards and performance in national examinations due to frequent disruption of learning as students go home for fees.

Area District Education Officer, Joshua Kisuya admits that there is a delay in the release of funds to schools and appeals to school Principals to be patient as the matter is being addressed.

In Busia, the District Education Officer (DEO) John Owino says secondary schools will have to wait a little longer before the disbursement of FSE funds.

The DEO says that the delays have put most schools in the area in a very awkward situation as majority cannot be able to meet their day-to-day financial obligations.

"With the exception of First Term, secondary schools in the district have not received their second term's allocation and therefore, the situation is likely to worsen if they do not receive any cash for Third Term," the District Education boss said, adding that most learning institutions are now relying on the Parents Teachers Association (PTA) funds and tuition levies to meet their urgent financial needs.

The District Education Officer at the same time defended secondary school heads in their resolve to ask parents to pay tuition fees arguing that the schools cannot operate effectively without adequate funds.

The school heads intimated that they were being forced to reduce the budget on food to create reserves to keep the school going. They also appealed to the government to move with speed and disburse the funds.

Leader calls for better housing for teachers

By AGGREY BUCHUNJU

POOR performance in the Kenya Certificate of Secondary Education (KCSE) in Western province is now being blamed on lack of adequate housing for the teachers.

The Chebuyusi High School Board of Governors (BoG) chairman Mr. Maliki Khaemba, attributes the dismal performance registered in most Secondary Schools in the rural set up to lack of staff houses.

Mr. Khaemba said that in schools where teachers are not housed internally, there is very little contact between the teachers and students.

This, he added, contributes immensely to poor academic performance because there is no extra time for the teachers to discuss academic progress of learners at individual levels.

Consequently, the BoG chairman challenges the various schools management committees in the region to give staff houses top priority.

Mr. Khaemba observes that adequate teacher houses in the institutions will create a conducive learning environment in terms of readily open door management policy and communication channels.

Decrying the poor state of roads in the region Mr. Khaemba, argues that the teachers will only save on their teaching time and be relieved of the burden of getting stuck in the mud on the way to schools if they are accommodated within the school compounds.

He notes with regrets that due to the impassable roads during



Teachers should be allocated good houses. Photo/File

the rainy season teachers in the area are forced to report on duty late and leave early.

Mr. Khaemba argues that the scenario compromises on the academic standards in the area since most of the time learners and teachers are not together to discuss academic matters.

On attainment of vision 2030 targets Mr. Khaemba, appeals to the government to equip both primary and secondary schools with computers.

"Computer lessons should be compulsory in our schools and colleges in order for Kenya to be at par with other countries in terms of technology and readiness for vision 2030," he says.

Mr. Khaemba says that it is a shame for prominent people in the country to enroll for evening computer lessons in private institutions when the government has the capacity to equip all its institutions with the computers.

He claims that most countries are ahead of Kenya in terms of

technology and challenges the government to take up the challenge. Mr. Khaemba was speaking recently at Chebuyusi High School in Kakamega Central District during the institution's Annual General meeting (AGM).

Speaking at the same meeting, the school Principal Mr. Boniface Okoth, reminded parents of their noble duty in providing the students with basic needs while they are in school.

Claiming that some students do not go straight to school on opening days, Mr. Okoth advised parents to be calling the school to confirm and establish when their sons arrived.

"Some students put up in Kakamega town with unknown people for some time before reporting back to school," the principal claimed.

The principal, however, pointed out that majority of the students are much disciplined adding that only a few require guidance and counselling

Increased funding needed for quality education

By PETER MUTUKU

ADEQUATE funding is critical to attaining quality of education in the country.

The rising enrolment figures witnessed in the country since the introduction of Free Primary Education in 2003 threatened to undermine gains made in the education if the number of teachers is not increased to match the large number of pupils in schools.

Results from an Economic Survey released this year revealed that enrolment figures at the Primary School level had shot to 8.8 million up from 7.6 million in 2005.

He says that even with the increased enrolment, the number

of primary teachers remained static with a paltry 300 teachers being hired over the last five years.

Currently the pupil teacher ratio has increased from 44.4 to 51.6 and the figure was likely to go up if the government fails to bridge the discrepancy by employing more teachers.

Despite increased funding to the education sector, there was a glaring gap between the number of teachers and the pupils.

Government recurrent expenditure on pre primary, primary, secondary, teacher training and adult education has increased with a total of Kshs116.9 billion being channeled for the same during the 2009/2010 financial year up

from Kshs42.7 billion during the 2005/2006 financial year.

There is a need to increase enrolment in technical teaching institutions to supplement the annual university and college enrolment.

Student enrolment in technical institutions fell from 85200 in 2008 to 71,500 in 2009, which translated to a drop of 13,700 (16.1%) according to the economic survey report.

This calls for urgent measures to finance and encourage enrolment in this institution.

Government expenditure on technical and university education increased from Kshs13.75 billion in 2005/2006 to Kshs24.06 billion in 2009/2010, an increase of Kshs10.31 billion.

Coast leaders vow to improve education standards

By BEKADZO TONDO

COAST province continues to lag behind in education with statistics showing that very few students from the area proceed to the university.

The Provincial Director of Education, Mr. Tom Majani, says last year the region only managed to produce 24 students with straight As in their Kenya Certificate of Secondary Education (KCSE), which translated to a paltry 4 percent of the total number of students who will join universities from the Coast region.

The PDE made the revelations during a prize giving ceremony for Ganze district which was also attended by area MP Mr Francis Baya who is also an Assistant Minister for Immigration and Registration of persons

Mr Majani challenged local leaders to intervene and organize a series of meetings to look into viable solutions into the problems bedeviling the education sector. "I am dismayed with poor performance that has become synonymous with the region and unless we as stakeholders go back to the drawing board, things are likely to get worse," said Majani.

The PDE urged parents to take education seriously to enable their children benefit from opportunities both in the public and private sector.

He said that it was disheartening to note that some parents were still marrying off their daughters at a tender age at the expense of education and warned that such cases will be dealt with firmly. Mr Majani said that although most schools in the area were grappling with huge teacher shortages and inadequate education facilities, their poor performance in national examinations was disturbing.

The area MP however vowed to construct more secondary schools in the area using the Constituency Development Fund (CDF) to help accommodate the large number of students joining form one every year.

He said at least two secondary schools will be built in every location to cater for the large number of bright students who drop out of school for lack of admission at the Secondary School level. "The shortage of secondary schools to absorb the large number of bright students attaining good grades in Kenya Certificate of Primary Education (KCPE) is part of the big problem in Ganze district and therefore the CDF committee has resolved to construct more secondary schools," said Baya.

Similar sentiments were shared by Prof Josphat Mwatela of Mombasa Polytechnic University College and his counterpart from Pwani University Prof Mohamed Rajab.

Professor Mwatela who was the chief guest during the prize giving ceremony for Lutsangani secondary school in Bahari constituency lamented that many talents from the region were wasting away due to lack of any technical skills. He noted with concern that children who attained grade C plain and above in their Kenya Certificate of Secondary Education (KCPE) were still hovering in urban centers without any jobs.

He, however, accused parents and local leaders for failing to advise the youth on how they could improve on their technical skills after missing out on university education. Prof Rajab on his part said that only 4percent of students from the region qualified for admission at the newly launched Pwani University.

New law brings hope for education sector

THE new constitution brings hope to the realization of education for all (EFA) in Kenya. The constitution does not only guarantee the citizens the right to education, but also provides for a person's right to institute court proceedings if his or her right is violated.

Even though Kenya is on track towards the realization of education for all, especially Universal Primary Education (UPE), some citizens, especially the poor are still denied the fundamental right to education due to myriad factors.

Officials at Ministry of Education are promising fundamental reforms in the sector. There is already an intention to have a taskforce to spearhead stakeholder consultations throughout the country, with a view to have a new Education policy framework in place within the shortest time possible.

Over three years ago, a taskforce had submitted a draft bill on education and training to the Ministry of Education. This bill had provisions for the promotion, governance, management, quality standards of education and training in Kenya. They should revisit this bill this will help in identifying other gaps in the sector that should be addressed while for-

COMMENT

By **DON BONYO**



mulating a new education bill for an act of parliament.

Whereas the overall goal of Education in Kenya is to achieve education for all (EFA) by 2015; we need to note that this is just but in reference to International commitments agreed upon by many other countries. A time has now come when we have to review our education goal and objectives as a sovereign state.

This time round, we need to get our definition of "Basic Education" straight. The new constitution is clear under Economic and Social rights, Article 43 (1) (f) that every person has a right to education, while on specific application of rights, part 3 article 53 (1) (b), every child has a right to free and compulsory basic education.

We should define basic education not in terms of the number of years the state will provide free and compulsory education but in terms of personal development or outcomes. In addition the state should provide all

forms of education, i.e., formal, non-formal and informal.

With the new constitutional framework, all children below the age of eighteen should be able to access public education institutions and learn for free. Early childhood and development education should be the starting point in this regard. Priority should be given to children of nursery school going age to access quality free education. More should be done to ensure that distance between households and schools are reduced, food is available in schools and adequate clothing provided to children of between 3 – 6 years, especially in the rural areas.

Although the free primary education has had its great achievements particularly in terms of access to schools, the government should provide sufficient funds to ensure that no child misses school due to lack of funds. As we draft the new education bill, it is critical that we identify and state clearly the extent of the government's financial support to schools and the responsibility of parents. If these are provided for in a legal framework then it will be possible to track how all the actors will be participating in the progressive realization of the right to education and hold every actor accountable.

The new constitution also provides for access to education institutions and facilities for persons with disabilities and also states that the State shall take measures, including affirmative action programmes, to ensure that the youth access relevant education and training. This will therefore require a clear linkage between basic education programmes and Lifelong Learning (LLL) initiatives. The education structure and programmes in Kenya should therefore provide for clear linkages between and across various levels of learning, whether formal, non-formal or informal. Designing, adopting and implementing an effective National Qualifications Framework (NQF) for Kenya's education programmes is thus critical.

There have been concerns in terms of the current subjects and content being taught in our primary and secondary schools. The time to conduct a public awareness exercise on the rational and process of curriculum review in Kenya is now. This will prepare the citizenry to effectively participate in the National curriculum review exercise unlike in the past.

For teacher's professional growth and support, geared towards improved service provisions in our pub-

lic schools, it will be necessary also to review the functions of Quality Assurance and Standards Officers (QASOs); and in addition, develop clear and objective criteria for recruiting persons to serve as QASOs. In terms of on-the job professional support to teachers, it will be useful for the county governments to consider establishing modern teacher training centers; at least one teacher training center in every county will suffice – not only for the purpose of training fresh teachers but also to be used for the provision of continuous induction programmes for the teachers already on the job.

The new constitution brings hope to the realization of education for all in Kenya as it provides for the basis for a comprehensive review of the sector's objectives and programmes. The review of education policy framework will be taking place at a time when there are sufficient policy documents to borrow from, such as Sessional Paper No. 1 of 2005 and the Kenya Education Sector Support Programme (KESSP, among others).

If we set a time frame for this task and honour it, we should have a new education policy framework by the year 2012. Could the lead team set as off; there is hope for the realization of education for all in Kenya.

By **MALACHI MOTANO**

KENYAN universities are increasingly turning to e-learning as a tool to facilitate improved education.

They also want to rope in more students through better access to facilities, hoping to reach a wider base in a cost-effective way.

According to Prof George Magoha, the Vice Chancellor of Nairobi University, "efficiency accruing from e-learning is among the advantages gained by local universities that have adopted the use of technology. Using different platforms, students are able follow lectures online, interact with lecturers, submit assignments and check on their grades. Lecturers are also able to upload course materials, post assignments and generate discussions online using blogs.

However, these institutions have to train both students and lecturers on how to use the platforms. At Strathmore University, United States International University (USIU) and University of Nairobi (UoN), all students are enrolled in e-learning courses when they first join.

Mr Patrick Shabana, the Director of Strategy and Performance Improvement at Strathmore University says, "The University has adopted the use of e-learning in many of its courses via the Modal platform. The university applies a blend of direct lectures and e-learning techniques in many courses as technology gains acceptability among lecturers and students".

"One area in which the university has utilized e-learning is by the use of video conferencing for visiting professors, this is done especially in partnership with other

Kenyan varsities turn to e-learning



University of Nairobi main campus. Photos/File

business schools." Strathmore has a tie-up with the IESE Business School which is under the University of Navarra in Barcelona Spain".

Prof John Odhiambo, the Vice Chancellor of the university said the platform is already in use, but it takes time for lecturers and students to be fully comfortable with the approach. He says the Moodle program allows university professors to give lectures remotely, on top of enabling access to more students.

Regina Mutuku, the Director of IT at USIU said e-learning is just

another way of delivering services which works together with face-to-face teaching. "It gives you the ability to manage work more effectively ... It is not replacing the contact hours but it is being more responsive to the modern student", she adds.

Dr Regina Mutuku reveals that USIU has adopted a new platform, Blackboard 9.1 which will become operational in the coming semester. Formerly, the University has been using Web city which had over 400 courses and half of the faculty using it in interacting with students.

Daystar University has also adopted a blended version of e-learning. Deputy Vice-chancellor John Masso, says, "It enables a fully electronic relationship between lecturers and students. In distance-learning, students work and do assignments online. We are forging in that direction and probably next year we will have a whole degree taught on that kind of platform" he added.

However, he says there are various challenges being faced, "The technical infrastructure relies completely on local networks and the internet which may be may be

slow.

Public universities such as Moi, Maseno, Jomo Kenyatta University of Agriculture and Technology and Kenyatta all have e-learning portals where students can log in and perform various tasks while interacting with lecturers.

Dr Elijah Omwenga, the Director of ICT at UoN said the institution uses technology to enhance distant learning education and has the necessary facilities to do this in all its campuses.

"Lecturers have flexible access and student hostels have a wireless network. There is curriculum training for staff on how to facilitate content online and the student's information systems network has been integrated into the e-learning system to enhance and allow fast uptake of e-learning. There is also an awareness campaign using brochures, flyers and open days to increase interest among students and staff."

Kenyatta University has an institute of Open Distance and e-learning using the Moodle platform. According to its website, over 100 courses are fully offered using the platform. In the US and Britain, e-learning has been in use for a long time.

Universities like the University of Phoenix, University of Illinois and Ashford University offer on campus and online degrees.

On the other hand, Institutions like The London School of Business and Kaplan University offer degrees and professional certifications like the Association of Chartered Certified Accountants (ACCA) and Chartered Financial Analyst (CFA) online.

KIE plans to move into book publishing

A plan by the Government to enter into the lucrative book publishing market has rattled private publishers, keen to protect their biggest income stream. The Kenya Institute of Education (KIE) is seeking transformation into a fully-fledged parastatal, giving it leeway to engage in more commercial activities such as publishing of textbooks. KIE director Lydia Nzomo however confirms that the process is on to transform the body. "This came as an evaluation report on the 8-4-4 curriculum recommended that KIE starts publishing while at the same time evaluating books by private publishers" but according to publishers, KIE's application is pending with the President and if approved it will shake the multi-billion industry. Our writer MALACHI MOTANO finds out.

Textbook publishers through their association, the Kenya Publishers Association, are opposed to the move.

The feel that the entry of KIE would kill their businesses since this would see the Ministry of Education start developing prototype instructional materials, a job currently being done by private publishers.

This, according to the Government's Summative Evaluation of the Primary and Secondary School Education Curriculum report published earlier, is meant to enhance "accuracy of content" and "pedagogical innovations" as a best practice while citing factual and editorial errors by commercial printers.

"The move is retrogressive and seeks to plunge the industry back to the days of monopoly book development by the State and was likely to take up to 65 per cent of revenues for the publishers, especially those who concentrate on textbooks", says Nancy Karimi, the KPA chairperson.

The government spends at least Kshs500 million on text books for public schools annually.

However, Ms Nzomo denies that the Government wants to take over the publishing role, arguing that the intentions are to raise the standards of educational material.

According to Mr. Barrack Mulu, a former KPA chairman, the entry of KIE into the publishing scene is likely to shut them out and lower the quality of instructional



Set of textbooks. Photo/File

materials as it would kill diversity.

"Educational media services and publishing of syllabi and other educational materials — including digital content — should be placed in the hands of private entrepreneurs who have the necessary skills, aptitude and interest," says Nancy Karimi.

The row over publishing of textbooks came just shortly after the Tanzanian government announced similar plans which drew protest from the country's publishers.

Educationists see the recent development in Tanzania and Kenya as attempts by governments to control pricing of text books as they shoulder the responsibility of funding universal primary education.

State publishing is seen as a quick fix to the funding challenges in the education sector since this will provide focus on a few books whose supply the government can easily control.

Public education in both states is facing major deficits, with the need for hiring more teachers competing with the need for infrastructural expansion and procurement of learning materials.

Donor funding on the other

hand has been declining as enrolment rates hit close to 100 per cent in both countries, piling pressure on resources.

Publishers and ministry wrangle over 8-4-4 books

The publishers are rejecting the evaluation reports by the Kenya Institute of Education (KIE) that exposed flaws in curriculum materials used in primary and secondary schools. The 'reports', publishers say, were poorly done and failed to include views from all industry players. Through their organisation, Kenya Publishers Association (KPA), they say the method used to collect data on the studies was defective. The draft reports were released by the KIE on May 11.

Among other recommendations, the reports suggested that KIE start publishing books while at the same time evaluating books by private publishers, that the 8-4-4 system had failed to produce all-rounded learners by laying undue emphasis on exams, had a bloated subject content and poorly trained teachers.

"There is too much emphasis on national examinations at the ex-

pense of meaningful learning," according to the report.

But in a memorandum dated May 20, the publishers say: "The Ministry of Education should leave the business of publishing books to publishers so that they can concentrate on their mandates of developing education policy, curricula and syllabi."

The association complains that publishers were left out of the whole process of conducting the summative evaluation, yet they were crucial players in the sector.

Leading questions

Publishers faulted the methodology used in the studies, which they termed unscientific.

"This exercise only relied on the questionnaire method (largely loaded with leading questions)," they said of the study conducted last year. Kenya Staff Institute, Teachers Service Commission, teachers associations and unions.

"The report ends up pointing out weaknesses of these excluded organs without giving them the opportunity to give their position on the issues raised."

According to the KIE reports, some instructional materials used in schools had factual and editorial errors.

It was recommended that the policy on book development be reviewed to allow the ministry to develop instructional materials so as to enhance "accuracy of content" and "pedagogical innovations".

The study, the publishers said, ignored "reliable research methods like focus group discussions and interviews. This, they said, resulted in "sweeping recommendations and generalisations that cannot be corroborated with any empirical data from the research findings".

The publishers argue that the two studies into the primary and secondary education curriculum resulted in similar recommendations and conclusions, yet each level of education had its uniqueness.

"Conclusions and recommendations of one draft report are a mere replica of the other," the document signed by chairperson Nancy Karimi, vice-chairperson Kakai Karani and treasurer Lawrence Njagi, among others, says. The publishers also claimed KIE ignored organisations such as the Kenya National Examinations Council.

Mwingi schools in dilemma over fund

By KAVYU-KURA

Secondary schools in Mwingi are running on a tight budget following failure by the government to release subsequent tranches for the free education fund.

Interviews with head teachers indicated that the government released the first tranche of the free education fund sometime in January but no other monies have been forthcoming.

Education authorities in Mwingi have confirmed that schools have been running without money and majority are now grappling with huge debts from suppliers and other creditors.

The Mwingi Education officer in charge of the secondary section Mr. Joseph Muindi said second term was the hardest hit as not a single penny of the free education money was sent to schools.

"Although we are expecting that the ministry will sent the monies to the schools accounts at the beginning of this month, it would be challenging if no disbursements are done," said Muindi.

Muindi said before the closure of schools for the August holiday, many principals in the 23 secondary schools in his Mwingi Central district had registered concern about their inability to run the schools without money.

"Many of the principals had to send students home to forestall students' unrests sparked by poor diet. Day secondary schools were hardest hit by the government's failure to release the funds," he laments.

A number of the school principals who spoke to The Link on condition not to be named pointed out that they were only allowed to charge students a paltry Kshs2000 for lunch every term which cumulatively could not have enabled schools to go full term in the absence of the free education money.

They said things became worse for them when they had to spent the Kshs2000 paid by the students to meet other school commitments as they had anticipated the release of the free educations fund.

The school heads said that as the end of the schools second term drew to a close, suppliers especially on food stuffs were unwilling to give food supplies leading to early closure of most of the schools.

The teachers confided that they had incurred debts running into millions and it would therefore be difficult for the schools to open and run smoothly for the Third Term unless the government sends in the free education money.

However, Mr. Gilbert Ireri who is a senior education officer at Mwingi said he was confident that at the start of the September school term, the schools will have received the free education monies in their accounts.

"There is no cause for alarm as just the Permanent Secretary gave assurance, the monies will be in the schools' accounts at the beginning of the new term in September. I was in Nairobi to follow up the matters and found the accounts staff busy working on that," assured Ireri.

Parents advised to take children to school

By AGGREY BUCHUNJU

PARENTS who engage their children in child labour at the expense of education will be prosecuted, Bungoma South District Education (DEO) Mr. Japheth Shitubi has disclosed.

Mr. Shitubi says that the government expects all school age going children to be in school during this era of free primary education (FPE) and subsidized secondary education (SSE).

As a result, the DEO warns parents who remove their children from school in order to marry them off or engage them in domestic chores of

dire consequences.

"With FPE and SSE we expect children to be in school but not in farms doing manual labor," the DEO says.

The DEO at the same time cautions rich people in the community against employing underage children adding that they will not be spared by the law if apprehended.

He alleges that child abuse cases are on the increase in the area and appeals to the members of the public who may come across any child abuse related case to report the matter to the authorities for appropriate action.

Mr. Shitubi urges standard eight

pupils who miss out on form one admission to join the youth polytechnics for technical courses which he says are marketable and in line with vision 2030.

"I think in future form one selection should run concurrently with the youth polytechnic intake in order for those who fail to make it to secondary schools also feel a sense of belonging", the DEO suggests.

Tuition in the youth polytechnic is also catered for by the government to the tune of Kshs. 15,000 per student per year. The Bungoma larger District Children's officer (DCO) Mrs. Alice Wanyonyi, admits that cases of child

labour and abuse are quite rampant in the area.

Mrs. Wanyonyi discloses that during the last eight (8) months about 2,000 child abuse cases were reported to her office from the four (4) districts under her jurisdiction.

The DCO is however, categorical that quite a good number of child abuse cases go un-noticed or un-reported to the authorities for one reason or another.

She also appeals to the members of the public who may come across such cases to report to her through phone number 166 which she says is toll-free.

Group vows to improve girls' education

By JOHN NYAMBUNE

WOMEN professionals in Nyanza Province have embarked on an initiative that seeks to address the declining performance by girls in national examinations.

Nyanza Provincial Education Board chairman Francis Mutie, says the group coalescing under the Nyanza Education Women Initiative (NEWI) has started to review poor performance by girls.

Mr. Mutie, who is also Nyanza PC, says the move follows concerns raised by stakeholders after revelations that out of the 202 students who scored mean grade 'A' in last year's Kenya Certificate of Secondary Education (KCSE) examination, only eight were girls.

"Why should this happen when we have the potential to do better. The women, being role models, will help us encourage our girls and help us understand issues bedeviling girl child education," he said.

The PC spoke after chairing a Provincial Education Board meeting at Kisumu Girls' School, which was attended by DCs, District Education Officers and members of school boards of governors (BoGs).

Nyanza has lately experienced rising numbers of students being impregnated, forcing them to drop out of school.

The cases are rampant in Ndhiwa, Rachuonyo, Suba and Kuria districts where early marriages and the female cut are rampant.

Participants said shortage of teachers, mushrooming of sub-standard schools, political interference and failure by teachers to prepare necessary work schemes and notes had contributed to the poor performance by schools in examinations.

Meanwhile, pressure is mounting on Kuria MP Wilfred Machage to dissolve his Constituency Development Fund's committee over alleged inefficiency and favouritism.

Area residents claim the committee had outlived its usefulness and should be disbanded.

They claimed some areas in the constituency were not benefiting from the kitty because they were perceived to be opposing the MP.

Align bill with new law

By FAITH MUIRURI

A RAFT of proposals outlined in the Local Government (Amendment) Bill 2009 must now be realigned to reflect changes in the new constitutional dispensation.

The bill in its current form is likely to become irrelevant. In fact ways must be explored to accommodate the new governance structure.

The new constitution has proposed fundamental changes in the structure and operations of the local government.

The new unit of the local government under the new constitution will be counties and it is anticipated that smaller units will be established under the counties to provide services at the grassroots level. The bill should therefore take this scenario into consideration.

The arrangement proposed with respect to metropolitan councils in the bill may be problematic. There are no clear provisions of how the interests of the satellite cities expected to join the main city will be catered for.

The bill does not state how councils will generate revenue to support their operations and this may lead to their ineffectiveness.

The finance committee to be established has been given powers to supervise the treasurer and deal with functions relating to finances. There could be a conflict as to who between the council and its committee has the final say in financial matters.

The entrenchment of positions of chief officers in the bill may be construed as an attempt to usurp the powers of the Public Service Commission to administratively create and designate offices in the public service. The functions of the officer are also not specified.

There is no provision for commencement period and the presumption is that the Act comes into operation upon publication in the Kenya Gazette in accordance with the provisions of the Constitution.

Also the bill in its current form gives the Minister for Local Government enormous powers to pro-



City Hall, Nairobi.

vide interference and patronage.

The Local Authority Advisory Commission which will play a critical role in the management of civic bodies has been left to operate at the whims of the Minister who has the powers to disband it at will. This may reduce the commission into a tool to legitimize Minister's political decision.

Other areas of contention include participation which is not adequately provided for in the bill. There is need for instance to pro-

vide for metropolitan sub councils and ensure that their composition is representative of various stakeholders. The bill only refers to consultation but does not outline the mechanisms of doing so. There is need to state the number and structures of consultations the local authorities should have with other stakeholders.

There is also no clear stipulation regarding access to information that can enable citizens and other stakeholders to participate

and monitor service delivery processes.

There is need therefore to elaborate more on the special problems and role of women and disadvantaged people in urban areas.

Partnership with other stakeholders in service delivery processes must be elaborated and enhanced by the bill.

In addition, capacity building of local authorities must be stipulated clearly in the bill to enable them sustain the proposed reforms.

"The new constitution has proposed fundamental changes in the structure and operations of the local government."

Teachers union set to merge branches

By JOEL JUMA

KENYA Union of Post Primary Education of Teachers (Kuppet) is set to merge none viable branches to comply with the devolved administration system spelt out in the new constitution.

Kuppet wants to have its branches reduced to match the number of Counties in the regions.

Union's Vice Chairman Zadock Kisienya and Treasurer Njenga Mwehi said each

County will form a branch so that the executive secretary wields powers equivalent to those of a senator or a Governor.

"We want to see a situation where the branch executive secretary becomes a full time employee of the union just like County Directors of Education," said Kisienya, who was spoke to the media in Kakamega.

Kisienya explains that the union wants to review its operations to prevent its affairs from

conflicting with the reforms in the Ministry of Education.

Education Minister Sam Ongeri has already ordered Teachers Service Commission (TSC) to review its policies to comply with the new constitution.

Ongeri said the TSC Act and the Education Act would be reviewed for them to take the legal framework designed in the constitution.

"We are going to have Counties as the management structures," said Ongeri who was

speaking at Masinde Muliro University of Science and Technology.

Kisienya explained that the branches would come down to 47 from the current 84.

"We shall not conduct elections according to the current number of branches as those with less than 1,000 members will have to be scrapped," said Kisienya.

He explained that Western province would have four branches, as there will be only be four Counties.

Western will have Kakamega, Vihiga, Busia and Bungoma Counties where each region will have one executive secretary. Western has eight branches at the moment.

Mwehi explained that the executive secretaries would be more powerful as their status will measure to those of Senators and Governors.

"Executive secretaries will be able to control standards of education effectively in collaboration with the County Directors of Education," he added.

By MALACHI MOTANO

This could be the best definition that should be attached to the legacy of President Mwai Kibaki since his election to state house in December 2002.

His first election was marked by great optimism in Kenyans, coming at a time when the public resources had been greatly plundered by his predecessors.

The economy was growing on a negative scale during and just after the exit of former President Daniel Arap Moi. But things changed thereafter.

An opinion poll in 2002 indicated that Kenyans were the most optimistic people in the world but five years in 2007, Kenya was a nation on the brink of collapse fuelled by ethnic hate and violence. Many lives were lost, hundreds of thousands injured and still others huddled into IDP camps. Property was also destroyed.

And the proclamation of the August 4 ratified constitution at the plebiscite marks another glowing star to the President's legacy.

"It's another glimmering hope in the diverse community of the Kenyan public as the document comes into force today," says information minister Samuel Poghiso one of the three ministers that led an onslaught against

its ratification.

"Am personally very happy to be here, the date when the new constitution is proclaimed by the President. And even though I opposed it, it does not mean that it was wholly bad, only a few sections. We now have to work together to ensure that the offensive sections are amended to reflect the diversity that is the Kenyan community," says the minister.

Immediately Kibaki took the reigns of power, the economy was in its downward trend. And because the donors had a lot of optimism in his leadership, implementing a universal free primary education, one of his key campaign tools in 2002, has never been a mirage.

Donors came on board with funds to support the programme. The fund was meant to assist many destitute and poor children from poor backgrounds to either resume learning in primary schools or have great hope in life.

Since the introduction of free primary education in 2003, it's estimated that over 1.5 million children and old have since gone to school.

And his achievements as the President of Kenya are not only confined to the education sector but also to Agriculture, Tourism, Trade, Energy, Roads and Public works and Environment sectors which have recorded positive trend.

Transport sector has also been hailed under his watch especially with the leadership of John Michuki for introducing rules to restore sanity but has since gone back to the dogs. Numerous road carnage cases are so rampant today.

"Kenyans at least have a reasonable cause to be genuinely optimistic as we usher in a new constitution that embodies a revolutionary departure from our past system of doing things. The President in his very many ways represents the past though has accorded himself an opportunity for redemption by embracing change through his support for the approved constitution," says Omar Hassan Omar, a commissioner at the Kenya National Commission on Human Rights.

He says since his ascension to the

highest office on land, he has at some point been assumed to be more indecisive especially at critical hour of his calling.

To some extent his way of doing things earned him the tag, fence sitter, hands off, from the then leader of official opposition Uhuru Kenyatta, but things never changed.

According to Omar, Kibaki has never been visible within the reformist radar. He was a conformist conservative who did not appear to possess the guts to discomfort the status quo in any meaningful way, a conservative politician and a reluctant reformer. For Kibaki to be the man to usher in the 2nd Republic is quite a new dawn to the Kenyan populace both within and in the Diaspora.

"When he exhibited the national political good will to wind up the process at the constitution of Kenya review assembly at the bomas of Kenya in 2003, there was great desire from all the sectors of life that the long search to this vital document was coming to an end," says Poghiso.

He continues, "but Kenyans had no idea of what would happen. By that time I was a backbencher and it did not make matters better when a section of the national Rainbow Coalition Government (NARC) delegation pulled out leaving another allied to the prime minister."

There pullout, led by former vice president Moody Awori did not mean the end of the process as those who remained behind went ahead with a document that latter to be known as 'the Bomas draft', described by great reformists as good for the country.

But this would be whittled down to suit the interests of 'the conservative political class' in Kilifi giving life to another document, the Wako draft which would then be defeated at the 2005 referendum. This dampened the thoughts of many Kenyans of ever getting a new law.

"Kenyans must be cautious in their optimism spirit and reiterate to President Kibaki that his support for the approved Constitution makes no winding to his decade long legacy. President Kibaki's legacy will permanently plant its roots in history depending on how he manages the transition to the point he vacates office in 2012.

Promulgation of the new constitution

By MALACHI MOTANO

THE speeches were candid. And so was the mood of the crowd as the President Mwai Kibaki led the nation in marking the promulgation of the new constitution in a historic ceremony witnessed by dignitaries at the historic Uhuru park grounds.

"As we proclaim the new constitution a lot still remains to be done," said the President in an apparent reference to the implementation stage.

The implementation of the new law is staggered over five years. Parliament is now expected to enact 16 of the 49 new laws needed to implement the constitution.

The President said that the changes envisaged in the new Constitution will present some challenges along the way.

"However the new constitution gives us structures of governance to address the challenges more efficiently," he added to the applause of thousands of Kenyans who had turned up for the momentous event.

He said the resolve to complete the journey of nation's transformation must remain firm.

"This is a great day for Kenya and the most important day in the annals of the country's history since independence to mark this auspicious occasion to officially put the document into force keeping in mind the vision of Kenyans," said the president on signing the instruments of the new law.

"We also pay tribute to the Kenyan patriots who suffered in the struggle for the new constitution, as a moment of decisive conclusion of 20 years long and tedious search of the document," said the president noting that it was an embodiment of great hopes, aspirations and democracy for a prosperous nation.

The Prime Minister Raila Odinga having been sworn in together with the vice president Kalonzo Musyoka



President Kibaki and National Assembly Speaker Kenneth Marende during promulgation Day at Uhuru Park, Nairobi.

paid a glowing tribute to the heroes of first and the second liberation for their contribution.

"This marks the end of one journey as we embark on another to make it more productive by putting the relevant mechanisms in place. This will also put repression, dictatorship and exclusion behind through equal and just society."

The dignitaries who attended the function included the presidents; Yoweri Museveni of Uganda, Omar Al-Bashir of Sudan, Rwanda's Paul Kagame and Ahmed Abdallah Mohammed Sambi including heads of state and government representatives across the region and former UN chief Kofi Annan credited for successfully negotiating the deal after the 2007 post election violence that has since seen the realization of the document.

And against all odds and especial-

ly with the ICC warrants of arrest still in force, the Sudanese president Omar El-Bashir also attended. He has been indicted for masterminding crimes against humanity and genocide in Darfur region of southern Sudan. Ever since the arrest warrants were issued, he has always confined himself to the Arab world who are not party to the Rome statute that established the ICC.

The historic ceremony at the historic Uhuru Park grounds followed a resounding endorsement of the supreme law on August 4 by Kenyans.

The new constitution was ratified through a referendum in accordance with section 47 (a) of the constitution of Kenya and part five of the constitution of Kenya review act of 2008 being part of the 2007 process. The occasion also saw the president, Prime Minister Raila Odinga, vice president Kalonzo Musyoka and Chief Justice

Evan Gicheru take new oaths one for the allegiance to the republic of Kenya and another due to the execution of the office under the new law.

The first to take the new oath was the Chief Justice Evan Gicheru, who was led by registrar of the High court, a high court facility in legal parlance, Lydia Achoti.

The chief Justice was then to lead the president in taking a fresh oath followed by the prime minister and vice president in line with the new law under schedule four.

In leading the nation to the historic ceremony, the president in accordance with the powers conferred to him under section 47 (6) and 43 (a) of the review act,

"I declare the ratified constitution shall be the new constitution of the Republic of Kenya having been endorsed at the popular adult universal

suffrage on the August 4 2010."

This was followed by the signing of the instruments of the new law, six copies with separate pens which will go down in historical archives as the apparatus that were used in the proclamation, of which the document, complete with an affixed seal, was waved to the crowd and the dignitaries by the president amid deafening applause.

One of the signed copies would be placed in parliament where the one signed by the queen after the Lancaster negotiations.

The whole signing ceremony was followed by the singing of the three stanzas of national anthem and the 21 gun salute with a simultaneous hoisting of the jumbo flag at the far end of the ground, and which shall be a permanent feature from today.

According to the president the new law is important as it guarantees peace, national unity, establish a free and democratic governance, gender equality, rule of law, human rights among many others. That it is also another big step in promoting enhanced and proper checks and balances within the organs of the government.

"This new law promotes people's participation in government through democratic elections, devolution and management of public affairs," says the president.

He urges the would be holders of public offices at the county governments especially the governors, to embrace the spirit of the new law so that the people can get value for their efforts for paying taxes.

"The culture of corruption that has been the bane of all the social evils is now a thing of the past. We want the respect and pride of the Kenyan people through diverse cultural backgrounds to be emulated through equitable distribution of basic needs, a clear frame work of economic growth and access to the resources. This will be achieved only if the supportive legislation is put in place to enable assume full force."

The Link

Enhancing governance for all

Let us say no to acts of impunity

ONCE again, Kenya arrogantly brought upon itself the wrath of the international community over its ill-advised decision to sneak in Sudan President Omar al-Bashir to witness the promulgation of the new constitution

Expectedly, world leaders roundly condemned the country over the indicted Sudan leader's presence at the historic occasion in defiance of the International Criminal Courts (ICC) arrest warrants for war crimes against humanity, and genocide. Kenyans deserved only roses on this day; not barbs!

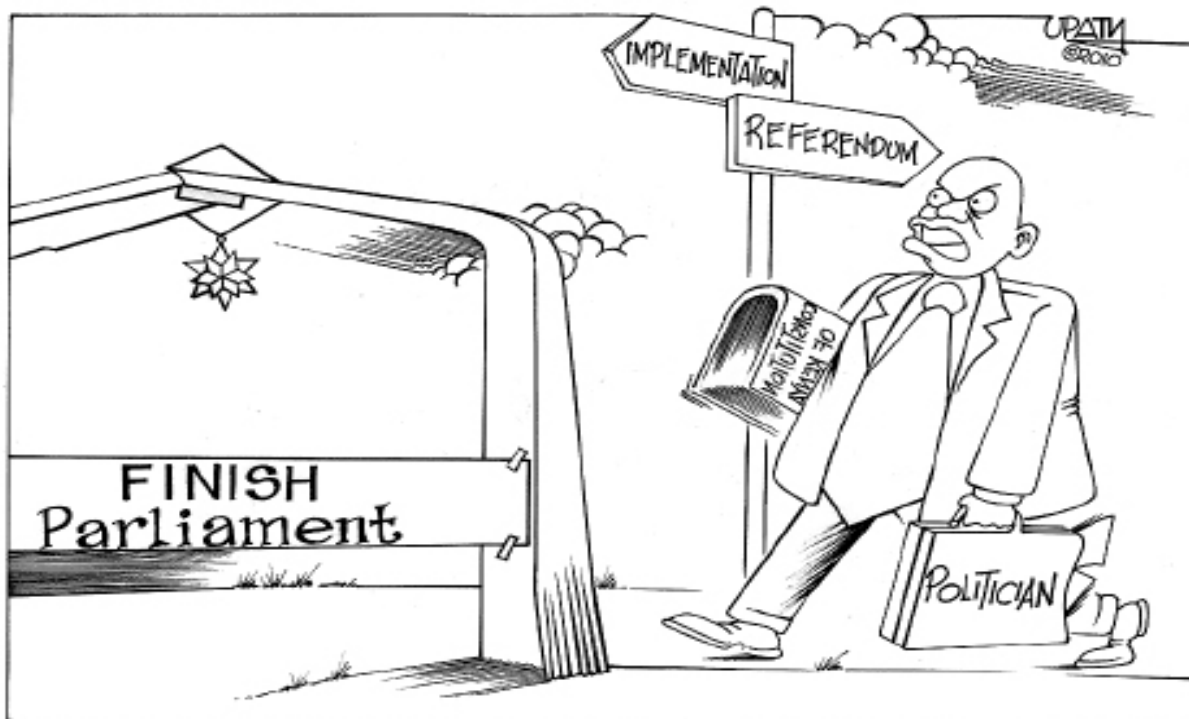
As a democratic state and a signatory to the Rome Statute, the Republic of Kenya has a clear obligation to cooperate with the ICC in relation to enforcement of the courts' warrants of arrest over wayward leaders. To go on and invite such a leader is a serious breach of the mandate with international implications.

The begging question is why did the government treat Bashir's invitation with such secrecy if it believed it was doing the right thing? Why did it choose to embarrass the Committee of Eminent African Personalities led by Dr. Kofi Annan, who was present at the ceremony? Even our MPs were kept in the dark, including members of the Parliamentarians for Global Action David Musila, David Were, Musa Sirma and Adul Bahari, who said they were shell shocked to see Bashir at Uhuru Park. The ODM wing of the coalition, too, was equally livid. They demanded action. But why did the government have to do this during such an important occasion. The coalition has been working well and the country was happy. Why promulgate a constitution and violate it at the same time?

It is our firm belief that the coalition must work together for smooth implementation of the new constitution to be guaranteed. That is the message of peace that all sides of the government should work towards. There should be no cards played under the table.

As US President Obama said, justice is an ingredient for peace. Thus, Kenya cannot have it both ways. We have cases before the ICC and the people who were killed during the Post-election violence (PEV) are still crying for justice. Kenya having failed to establish a local tribunal to try the suspects, ICC is the only hope for the PEV victims.

The decision by the government to act with impunity, ironically when promulgating a new constitution aimed at ending impunity, sent very backward message indeed: that impunity is here to stay and there is nothing you can do about it. It was truly in bad taste for our government to behave the way it did and squander the goodwill it enjoys among the international community.



COMMENTARY

Saboteurs must not derail new law

THE Proposed Constitution will soon become Kenya's new constitution, with the massive endorsement of the people. The result of the referendum puts beyond doubt the wishes of Kenyans to bring about fundamental social and political changes – a new birth, no less. They are now anxious that the promises of constitution, for which they have struggled for so long and so painfully, should be implemented speedily. Fortunately the new constitution itself sets both a framework and a firm time-table for its implementation and with some sanctions for failure to meet the legislative programme.

What is crucial is that we do not sidetrack the implementation in all this talk of forget and forgive, we are all Kenyans, let us build bridges, let us deal with 'contentious issues'. If we are serious about reform, we have to ignore these siren calls. It is not that we are against reconciliation; the question is on what terms. It is true that we are all Kenyans but we are also a society in which a few exploit many, we are preached to about morality by pastors of dubious morality, there are growing class differences and animosities, there is discrimination against minorities, the elite are determined to sabotage the reform agenda of the constitution.

Nowhere is this better illustrated than the dilemma that Kenyans feel they are faced with on what to do with the NO leaders. They are unlikely to have the numbers or ability to obstruct the implementation; but what moral or other responsibilities do we owe them? We should of course not victimise them for their stand. They would have full rights to take part in the debates on new legislation and measures for implementation. Many points of detail need to be determined in which they will have a role. But the argument for reconciliation through further negotiations on 'contentious issues' is not

COMMENT

By YASH PAL GHAI



sustainable. It is only through implementation that we can convince the doubters what a good constitution it really is.

Kenya is not the first country where there have been opposing sides in referendum. The whole point of a referendum is to see which side has greater support, and to bring the debate to closure. Secondly, we must respect the integrity of the process. Our process has been long drawn out, with ample opportunities to negotiate differences. When we reach agreement in accordance with the process, those who lose repudiate it and set out to sabotage it. Democracy requires that the decision by an overwhelming majority of Kenyans should be respected. Nor does the decision impose any great hardship on or discrimination against the NO people.

Another fundamental problem in the reconciliation approach is the difficulty of identifying what are the differences that need to be re-negotiated. It is clear that many those who voted NO did not understand the Proposed Draft (and would in all probability have voted YES if they had). They were fed unimaginable falsehoods: That foreign children will be dumped on us, peasants with small holdings will lose their land, President Kibaki would be tried in the ICC, land on which miraa is grown will be confiscated, men will marry men, abortion on request will be available, community land will be taken away and given to the Land Commission, Kenya will be subjected to Islamic rule, it would be possible to detain people without trial, teenage girls will be provided with contraceptives, God will

punish those who vote YES. Since none of this is true, there is nothing to negotiate. It merely remains to tell the NO voters the truth.

There are other moral objections to re-negotiation (apart from the injustice it would do to those who voted on the draft as a package). Most important is the highly reprehensible conduct of most leaders of the NO campaign. They knew full well that what they were telling the people were lies, playing upon the trust that people, mostly unable to understand the Proposed Constitution, placed on pastors and senior politicians. They, including leaders of Churches, violated their sacred obligations to their 'sheep', as they call the faithful, and misled them in a most despicable to protect their own interests, against those of their sheep.

Finally, it would be dangerous if 'contentious' issues were re-opened for negotiation – the Church aimed to introduce religion into politics and state. If they had succeeded, it would have destroyed chances of national integration and opened the prospects of civil war. They denigrated Muslims and their culture which in other circumstances would have led to acute tensions, but for the wisdom and extreme restraint on the part of Muslim leaders. Few multi-religious and multi-cultural states have escaped horrible fighting and oppression when religion is introduced into the structures of state.

Kenyans must remember that our propensity to forgive and forget is the cause of massive impunities and our present situation from which the constitution aims to take us away.

● Yash Ghai is a professor of constitutional law. He is the head of the Constitution Advisory Support Unit of the United Nations Development Programme in Nepal and a special representative of the UN secretary general in Cambodia on human rights.



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A new day for Kenya

THIS is it! Finally, after protracted struggles dating back at least two decades (if not more) Kenya has a new constitution.

Kenyans voted in high numbers with a turnout of just over 70 per cent of all registered voters to say yes to a new constitution.

The statutory requirement of 50 per cent plus one and 25 per cent in at least five provinces was easily surpassed, with just under 70 per cent of Kenyans who voted endorsing and legitimising the new Constitution.

It is a new day for Kenya. Polling, counting and tallying was, by and large, peaceful, but this being Kenya, they were not without their funny side as well.

The Interim Independent Electoral Commission (IIEC) signaled its determination to get polling materials out by any and all means possible, including boats (one of which leaked and capsized and had to be followed by another) and via Kenya's long-suffering donkeys!

The Provincial Administration ensured that Kenyans exercised their patriotic duty to vote soberly: in at least two areas, bars were ordered to stay closed until well after the 5 pm voting deadline. This did not stop one presiding officer from having to be replaced for being drunk, but such little blips aside, Kenyans showed up to polling stations early. Most polling station lines were long in the morning and fairly easy to manage by early afternoon.

The electronic transmission of results from individual polling stations also went smoothly.

The generally expectant celebratory mood at the national tallying centre at the Bomas of Kenya

COMMENT

By L. MUTHONI WANYEKI

was marred by only two things: An early accusation of rigging and a statement to the effect that the National Council of Churches of Kenya rejected the results. This statement was quickly refuted by the Archbishop of the Anglican Church.

Tension over the manner in which the polling station results were being released was eventually resolved in a mediation meeting between representatives of the Yes and No campaigns together with the IIEC.

All credit here goes to the IIEC, which handled both potential disruptions with calm and decorum, acutely aware of the possible effects of not doing so on the ground, particularly given reports coming in from Kericho of roadblocks being erected and, further north, threats against the Turkana from the Pokot for having voted 'wrongly.'

Credit must also be given to the massive and visible security presence in those areas and, less visibly, in Nairobi, which enabled a quick response to both situations in a manner that did not escalate them. Even rangers from the Kenyan Wildlife Service had been deployed to join the security effort.

In short, the state took its obligations to assure Kenyans of their security seriously, and doing so paid off. Nothing is being taken for granted following the referendum - the deployment of security officials will extend until at least August 9.

That Kenya has shown, through the IIEC, state security agencies as well as the National Cohesion and Integration Commission, Peacenet's national alert system and the mass of civil society organisations involved in monitoring the referendum process, that we can and will make sure that our electoral process is restored. Hongera to all.

But hongera too to the long legacy of struggle that has brought us to this place.

In the 1970s and 1980s, the academics and students associated with the left, the parliamentarians of that time who stood up to the then president, the lone voices among the Christian clergy like that of Reverend Timothy Njoya.

In the 1990s, this coalition of influences enabled the formation of the original Forum for the Restoration of Democracy as well as the emerging human rights movement and the independent media, along with the parties to the National Convention Executive Council and the National Constitutional Assembly and the ordinary Kenyans citizens who joined the public demonstrations and protests, including those who lost their lives on the second Saba Saba. This coalition also included the Ufungamano Initiative, which eventually merged under the Prof Yash Pal Ghai-led Constitution Review Commission of Kenya.

These groups were all involved in the Bomas process and ensured Kenya's mediation agreements under the Kenya National Dialogue and Reconciliation included a commitment to finalise the constitutional review process.

The Committee of Experts and the supporting Parliamentary Select Committee, as well as the ordinary Kenyans and the more or-

ganised civil society groups took it upon themselves to criss-cross the country with civic education on the Proposed Constitution of Kenya. They were joined by some Christian leaders and politicians who stood on the right side of history and campaigned for a Yes vote.

It has been such a long time coming. It has been at such great cost to so many Kenyans. But we have crossed the Rubicon and we are standing on the other side.

Now the work really begins. In the short term assuring post-referendum security is the priority, as is continuing with civic education in areas that still need to be reached.

In the short term there is the immense amount of legislation that needs to be amended, repealed and included in the new Constitution. There must be clarification about the criteria for and the process of appointments to the overseeing implementation commission and its supporting parliamentary committee and the public offices most immediately affected.

The state cannot be transformed without those capable of and willing to transform it. Identifying the hallmarks of such people and insisting on no less than the same is critical.

In the longer term, we ourselves all need to transform too, to internalise the fundamental changes in the nature of governance that the new Constitution has ushered in and begin to seize the opportunities for participation and representation in governance that it provides.

It is a new day. We have to renew ourselves and our conception of ourselves as Kenyans to meet it.

The sun is shining (literally, after weeks of cold and gloom). It is a new day.

Law shifts focus to county governments

By FAITH MUIRURI

THE promulgation of the new constitution ushers in a government structure with two spheres: national and county governments.

The removal of regions has effectively shaped county governments as the point of focus.

Whereas the current administrative districts and municipalities across the country are earmarked for major institutional and structural changes, the current municipalities may continue serving for some time in the new constitutional order.

The question that begs to be answered now is whether municipalities, in their current state, have the capacity to carry out functions envisaged in the constitution.

Most of the functions of county governments listed under the new constitution are currently being performed by local government institutions.

These functions include trade and development regula-

tion through licensing, urban and town planning, and community health care service among other services.

In the new constitutional order, the current local government structures will form part of the new county governments.

But even with the transformation, can the local government structures be entrusted with the responsibility of promoting peace and ethnic harmony in their respective areas.

The proposed devolved government has the objective of enhancing national unity through recognition of diversity. This means county governments will have to exercise their functions in a manner that promotes local harmony. This will mainly be achieved through equitable and democratically agreed priorities for local development.

Equitable and efficient delivery of local government services in a transparent and accountable manner will no doubt greatly en-

hance local peace and harmony.

Further, local peace can be achieved through a politically inclusive approach to development, which accommodates minority interests. In this way, communities will be united by a commonly agreed development agenda. Matters such as appointments to county government positions should reflect the diversity of the communities served by the respective county governments.

Other measures, such as affirmative action, should also be in place. The county government will be the closest direct contact with local communities. But, its role as an agent of peace must be understood as such by the local communities. Local government needs to redeem its public image before embarking on local peace building as envisaged by the new constitution.

This can be done through public education, especially in rural areas where communities do not understand its role. The public,

and especially political leaders, have raised concerns on the number and structure of the proposed counties. Some politicians have expressed concerns that county governments will marginalise minority ethnic groups within such counties.

There have also been concerns about the capacity of the current municipalities to manage the responsibilities in the new constitutional order. This, in my view, calls for institutional and legal reforms to the current local authorities to prepare them for the task ahead.

The Local Government Bill is thus a step in the right direction, but it should be made compatible with the structures in the proposed new constitutional order. If local government functions are carried out competently, transparently and effectively, some of the concerns raised by those opposed to the county government structures can be accommodated and thus potential local conflict dissipated.

Kenyan traders yet to exploit AGOA fully

By BRIGHTON KAZUNGU

KENYA'S business sector has not been able to exploit the enormous potential provided under African Growth Opportunity Act (AGOA).

Stakeholders argue that the government seems to have lost steam in assisting local traders move to realize more returns out of sales in the market.

This is despite the fact that Kenya was included in the eligible countries supposed to export goods to the US market under the trade framework this year during the 8th AGOA forum held in Nairobi. The forum was attended by among others USA secretary of State Hillary Clinton.

During the forum numerous resolutions were made such as building capacity, broadening economic sectors by increasing resource allocation in order to allow full scale exploitation.

However, The 9th AGOA forum was held in USA last month where progress report of the last one year was presented.

In 2009 over 70 per cent of all avenues that ought to have been utilized to make the AGOA initiative successful recorded dismal performance, with the drastic reduction on the number of employees working in firms under the Export Processing Zones Authority (EPZA). Capital investments and exports declined denying the government and traders substantial revenue among other benefits.

Kenya Institute for Public Policy Research and Analysis (KIPPRA) executive director, Dr. Moses Ikiara, said AGOA is a huge opportunity in achieving industrialization more so if the government agrees to increase resource allocation especially in the infrastructure and research development.

"Kenya should not just rely on preferential market treatment because the global trade architecture is eroding this by the day. The focus should be on how to build domestic supply capacity and competitiveness's by addressing the challenges that contribute to the high cost of business, including



Local workers at EPZ.

Photo/File

infrastructure, security, tax rates and administration, transport, regulations and commercial justice system," he said recently.

Data from the EPZA reveals that exports to the US under the AGOA framework declined by 21.1 per cent in 2009 to reach Kshs12.4 billion from Kshs15.8 billion registered in 2008 despite increase by one entity engaged in the production of garments and apparels.

AGOA enacted in year 2000 is an American legislation that forms a core part of the United States trade policy towards Africa. Thirty nine countries in Sub-Saharan African countries are currently eligible to export 6400 goods duty free to the large domestic

American market.

The AGOA pact came to supplement then existing US trade arrangements with developing countries and sought to expand duty free benefits that were previously only available under the Generalized System of Preference (GSP). Kenya is only able to export less than 20 products such as tea, coffee, textile and apparel, flowers, fruits and vegetables pyrethrum, fish among others.

In regards to developing local companies, Kenya should diversify the range of AGOA exports based on its comparative advantage, especially value added agricultural exports, through interventions such as targeted incentives.

Ikiara said that Kenya should be active in negotiations with the USA to turn AGOA into a permanent, predictable and transparent instrument from the unilateral instrument it is today.

"The government seems not to be demonstrating urgency in exploiting the opportunity. Still there is slowness in developing other products to meet standards required by the US market," he said.

In Kenya, there are about 31 large scale garments manufactures exporting to the US under AGOA of which 19 are located within the Export Processing Zones Authority (EPZA), seven enjoy Manufacture under Bond (MUB) while five others operate outside the EPZA and MUB.

Rights body wants police oversight bill approved

By PETER MUTUKU

THE Kenya National Commission on Human Rights (KNCHR) is calling for the immediate approval and clearance of the Independent Police Oversight Authority Bill.

KNCHR commissioner Hassan Omar says that police play a vital role in providing security and therefore the need to transform the force as part of the overall security reforms.

The commissioner, who spoke during a national conference on the security sector reforms hosted recently by the KNCHR and Usalama Reform forum, feels that only reforms will ensure justice is realized in the country.

During the conference participants deliberated on various aspects of security, which will give protection to people and their property. They said women were often the targets of rape and theft especially in the informal settlements.

Justice, National Cohesion and Constitutional Affairs Minister Mutula Kilonzo and his Provincial Administration and Internal Security counterpart, Prof George Saitoti addressed the conference.

Prof Saitoti said the government was committed to reforms in the security sector and called for continuous dialogue to identify the challenges, gaps and priorities in the ongoing Security Sector Reform Initiatives (SSRIs).

He said the ongoing registration of mobile phone SIM cards is part of the reform process aimed at curbing the use of mobile phone technology to commit crimes.

"We plan to use the SIM card registration information to track down criminals who use mobile phones to commit crime. The information will also aid in tracing stolen mobile phones," he said.

Mr. Njonjo Mue who is the executive director of International Centre for Transitional Justice (ICTJ) official, stressed the need to integrate gender balance in the security reforms to protect women who suffer the brunt of insecurity most.

Delegates to the conference were drawn from civil society groups, human rights institutions and statutory commissions, police oversight agencies, the legal fraternity academia, communities, diplomatic corps and private security companies.

Speed up building authority — AAK

By JOHN NYAMBUNE

ARCHITECTURAL Association of Kenya and property managers has urged the government to speed up implementation of National Planning and Building Authority (NPBA) to handle all housing approval and supervision issues

The property managers say the establishment of NPBA is set to improve projects' planning and gestation periods.

According to Head of Finance department at the Housing Finance, James Karanja, the legislative processes continue to lengthen the gestation period of housing projects in Kenya.

"Projects experience huge delays at the various approval bodies starting from the County councils and land registration regimes," said Karanja. All the approval bodies including the county councils, National Environmental

Management Agency (NEMA) and the Ministry of Lands work independently from each other. Each unit has its own lead time in the approval process.

"In some instances change of user on a title deed can take in excess of 12 months delaying the closure of the project and significantly increasing the financing costs," Karanja explained.

The current initiative by the Ministry of Lands to computerize the land records is expected to reduce inefficiencies and lower instances of corruption at the land registry.

The cost of property in Kenya continues on an upward trend riding on the back of heavy transfer, documentation, processing fees and stamp duty which are referred to as closing costs.

The need to raise the money upfront before accessing any form of mortgage, is placing a huge bur-



Mr. Oundo, AAK chairman

den on prospective home owners. These closing costs can average 10 to 12 per cent of the total property cost.

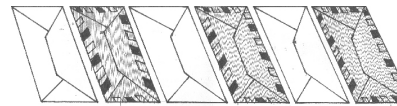
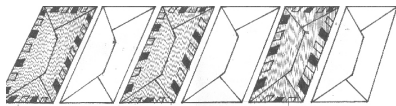
A significant portion of this closing cost is the stamp duty charge of 4 per cent on the value of property under municipalities

and 2 per cent on properties outside municipalities.

The government also levies penalties on late submission of the stamp duty at a rate of 1 per cent. The governments' effort to reduce the penalties from 2 per cent to 1 per cent in the recent budget speech is viewed as a positive gesture towards reducing the cost of housing.

However, a more effective approach would be to reduce or scrap the actual stamp duty charge," said Karanja. The upward trend in housing prices has also been affected by the inability of supply to keep up with the level of demand year after year. Statistics suggest an annual shortage in excess of 150,000 units.

AAK chairman Steven Oundo said that instituting new governance system in the housing sector will largely assist in meeting the high demand in the housing sector.



Servant-leaders need to step into the breach in the Second Republic

IN the Bible, it is written: "And no one puts new wine into old wineskins. For the wine would burst the wineskin, and the wine and the skins would both be lost. New wine calls for new wineskins."

It is also written: "No one sews a patch of unshrunk cloth on an old garment; otherwise the patch pulls away from it, the new from the old, and a worse tear results".

Jesus Christ was using the parables to fit the culture of the time. And although there have been several interpretations of what he meant, if Jesus was addressing Kenyans today, after the promulgation recently, there would be no doubt about what he meant: Get leaders that fit the bill!

With the new Constitution, we face challenging political and economic realities, new rights and obligations. We have a devolved government that will require a host of new leaders and civil servants. We have a robust Bill of Rights that we will require a mental attitude that is foreign to many of our security forces and civil servants.

We have new rights in the midst of mountains of impunity, corruption, poverty, inadequate social services and employment opportunities, incoherent policies and laws, limited public awareness, heavy social burdens, and the challenges of globalisation.

Many of our current leaders fall short of these challenges. Many of them hold nothing in trust for us; they are used to advancing their own interests and ambitions.

Many of our leaders serve themselves, not us. They help themselves, not us, to privilege and power.

Mismanagement, deceit and greed are prevalent. To whom can we look for the new political dispensation? We will need a new type of leadership. Otherwise the benefits of the new Constitution will be lost. We need servant leaders. We need custodians.

And there is no better servant-leadership or custodianship than that exemplified by Jesus Christ himself. He declared, "I am the good shepherd. The good shepherd lays down his life for the sheep."

He also washed his disciples' feet, to teach them service and humility. That is a great lesson for Kenyan leaders. We need leaders who are custodians of our new values and beliefs. We need shepherds and washers of feet.

We need leaders who are patriotic, principled, selfless and devoted to public duty without regard for their own gain. We need leaders who take their own selfish interests out of the picture and consider only the needs of the people.

We need leaders who do the job they are elected or appointed to do without regard for their self interest or gain. We need leaders who are custodians of our new-found freedom and nationhood.

We need good shepherds, leaders who wash feet, and are humble, labouring servants. Like Jesus, they must exemplify sacrifice, devotion, submission, and lowliness. They must stoop to wash our feet.

A few months ago, Prof James ole Ki-yapi, then permanent secretary in the Ministry of Medical Services, now in the Ministry of Education, spoke to postgraduate students in Nairobi's Daystar University. He called for a three-dimensional leadership that is Christian and unambiguous.

He called for "a paradigm shift". The 21st century challenges, he said, required 21st, not 19th century tools. Christians, he said, owed us a debt which must be paid.

Peter Mwaaura, Nairobi.

It's a new dawn, alright, but we have to focus on our destiny

UHURU NA KAZI! Thirty-nine years ago, the founding father's iconic words heralded the birth of an independent Kenya, raised on the background of a long freedom struggle.

In its infancy, the country encountered multiple challenges of poverty, ignorance, disease, denial of rights and other abuses.

In its youth, this nation continued the deep longing for true freedom, basic rights and democracy. Many victims suffered within the unjust system and paid the ultimate price.

Following the disputed 2007 elections, the quest for nationhood reached a jittery apex. The foreboding sense of shame and despair we shared threatened to kill our nationhood.

The two-decade process of active constitution-making since 1992 and our all-time determination in search for freedom and social justice have not been easy, nor should they have been. There have been vibrant contests, passionate arguments, love, hate and even death.

Determining the supreme law of any nation and achieving social justice are onerous tasks. However, they can be done and this constitution-child of a great many Kenyan heroes - paves the way and



Military machines perform at Uhuru Park during Promulgation ceremony.

guides us towards achieving them. I pay tribute to all those who have lost their lives to ensure that our future may come alive.

My fellow Kenyans, today marks the dawn of our new nation, when we say never again.

Although we must always have, consider and treasure our history. As the late President Jomo Kenyatta said: "Our children may learn about the heroes of the past. Our task is to make ourselves the architects of the future".

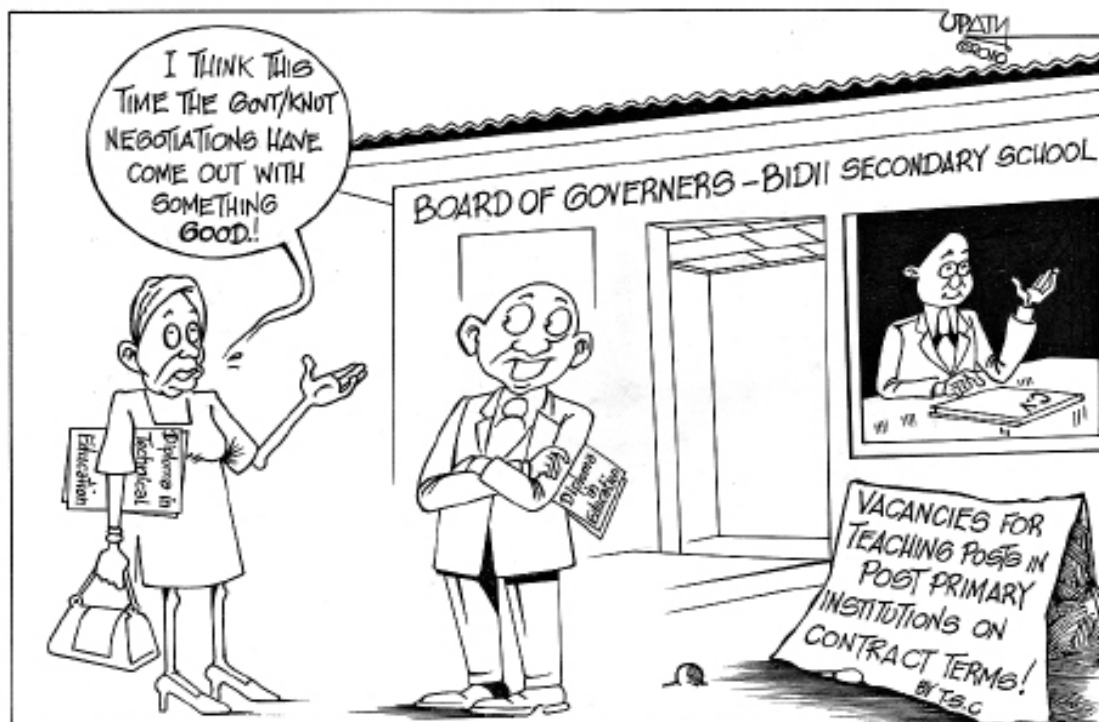
In this homegrown constitution is invested the collective conscience, aspirations, life

and relations of a people who take up that onerous responsibility for the collective good of the nation and of posterity as well.

Our new dawn is fraught with duty, dedication and hard work. The bridge to tomorrow must be built immediately and constantly maintained and safeguarded collectively.

Today, in the nation's maturity, we are called upon to rise above the storm and take our rightful places at the shore of dignity, unity, peace, hard work and great nationhood.

Chris M'Maiti, Nairobi.



Various superior might come from Bashir visit to Kenya

THERE has been widespread discontent over the invitation of Sudan President Omar al Bashir to promulgation ceremony.

While this act appears to further entrench the culture of impunity, I choose to view it from another dimension, which could help work for the nation instead of the growing tide of condemnation directed against the Government.

By pampering Bashir's ego, the Government might achieve the all-important breakthrough of the Sudan holding a peaceful referendum in January next year.

Kenya must be hoping the plebiscite runs as scheduled since they know the South will vote for autonomy. The successful establishment of nation of Southern Sudan would greatly benefit us, especially in the reconstruction process of the country ravaged by war for about two decades.

On the other hand, Kenya's actions are likely to see sustained pressure on the Government, and possible punitive measure being taken against it. As a result of its actions, one can anticipate renewed calls for immediate prosecution of suspected perpetrators of post-election violence.

That would put Kenya on the spot again, and force the Government to cooperate with the International Criminal Court (ICC) in an effort to save face. This will help nail the lords of impunity and ensure justice is served for PEV victims. All these scenarios will work out well for Kenya.

* * *

It is high time our leaders realised they should not let the mood of the new Constitution go down the drain just because Sudan's President was invited for the Promulgation ceremony.

The hullabaloo surrounding the controversial visit by Bashir has taken centre stage at the expense of pending national issues. When the new Constitution was promulgated, it carried the inspirations and hopes of many Kenyans. Anything which does not add value to the implementation of the new laws is a waste of time.

Arresting Bashir could cause anarchy, not only in Sudan, but in the entire Horn of Africa. He is a sitting Head of State and, therefore, enjoys all the immunity accorded him by the Constitution of Sudan.

Bashir also plays a key role in the realisation and implementation of the Comprehensive Peace Agreement. For peace to prevail in the Sudan, national and regional interests must exceed international demands.

Concerned Kenyans, 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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Kenya may soon root out child labour

By NYAKWAR ODAWO

TWO international organizations are pushing for elimination of all forms of child labour from Kenya.

The International Labour Organization (ILO) and the International Programme on the Elimination of Child Labour (IPEC) are pushing for the full implementation of the National Action Plan (NAP) on the eradication of child labour in the country.

The project's Chief Technical Advisor Wangui Irimu says the initiative, which is being funded by the United States Department of Labour, will be rolled out on a pilot basis in three districts namely Kilifi, Kitui and Busia.

The official who spoke during a stakeholders' forum at the Busia District Information and Documentation centre says the project seeks to safeguard and protect the interests of children and ensure that they are not subjected to laborious conditions that are retrogressive to their being.

The country's new comprehensive National Action Plan (NAP) encourages education as the only key intervention aimed at curbing the rampant cases of child labour.

The strategy that was revised in 2008 spells out the country's child labour situation and a consequent time bound response action which includes government priorities at the work place up to the year 2015.

Other areas earmarked for intervention include training to stop cross border trade where children are engaged in the ferrying of goods, child prostitution, domestic child labour, child trafficking, hawking and employment of children in sugarcane plantations and rice fields among others.

During the forum, stakeholders also blamed the vice on early marriages, child domestic labour, HIV/AIDs, parental neglect and outdated cultural practices that discourages the girl-child education among others.

They cited weak legislation and poor enforcement of the law to those engaged in the vice, poverty, comfort zone in Uganda and weakness in advocacy, education, and lack of motivation for those involved combating child labour among factors that have derailed the fight against child labour.

In Busia district, areas hard hit by the vice include Marachi estate in Busia township division, Nambale division and Matayos division.

According to the 2008 Kenya Bureau Statistics report, over one million children in the country between the ages of 5 and 17 have been deprived of quality education, good health and other basic needs as a result of child labour.

By MORRIS GITHENYA

PROJECTS worth millions of shillings under the Economic Stimulus Package (ESP) in the larger Nyandarua and Laikipia Districts have stalled due to lack of funds.

Contractors undertaking the projects, mainly health centres have protested against the move and vowed to abandon the task mid way unless additional funding is available.

They accused the Ministry of Public Health and Sanitation of failing to disburse the funds despite their numerous requests to do so.

Contractors who spoke to The Link on condition of anonymity said that they were only given shs2 million to start the work but the remaining amount is not forthcoming as per the agreement.

The affected projects include health centres under construction in Laikipia West, Ndaragwa, Kipipiri, Ol Kalou and Kinangop constituencies, where construction work has stopped.

"The government has breached the contract by failing to release more funds and therefore we may not be able to complete the work in five months as specified earlier. "We have decided to halt the work since we cannot dig deep into our pockets," said a contractor.

He regretted that the government had posted its officials to the sites to inspect the ongoing work and but no deliberate efforts are being made to facilitate the completion of the remaining work.

The contractors who were meeting in Nyahururu town said that they were now contemplating going to court to sue the ministry for breach of contract.

They gave the government a

ESP projects stalled in Nyandarua, Laikipia



A Fish pond.

Photo/File

one week ultimatum to release the funds failure to which they will take the legal action.

Each of the projects in the five constituencies is expected to cost the government close to Kshs20

million under the ESP.

But contacted, Central Provincial Medical Officer of Health Dr George Ngatiri said enough funds have been earmarked for the projects but the same has not been

availed to his office.

"The process of getting the same from Treasury is what is taking us long but certainly these funds will be availed soon," said Dr Ngatiri.

Murang'a leaders detect rampant graft

By MORRIS GITHENYA

MURANG'A District Development Committee has unearthed a massive rip off by contractors implementing projects under the Constituency Development Fund (CDF) and Economic Stimulus Package (ESP).

According to Murang'a East DC George Ntembeya, who chairs the DDC, the government was losing millions of shillings to contractors in dubious projects which hardly benefit

the public.

The DC cites a contractor who was paid Kshs8 million after doing some shoddy job at Kabirwa health centre under ESP.

Another contractor received Kshs1 million after constructing two classrooms at Kiangochi primary school which collapsed a few months after completion.

On the tree planting programme, the District Forest Officer William Cheptoo singled out a case where

CDF procured 18,000 tree seedlings which later dried after failing to seek for expertise.

"The trees withered as they were planted after the rains and could not survive here since the procured species were suitable for another region," said the forest officer.

The DC at the same time blames shoddy work to lack of consultation saying that the implementing committees had shunned line ministries and therefore most of the work done

did not meet professional specifications.

"It has been a problem monitoring the projects as the committees have stopped seeking professional advice from departmental heads," adds the DC.

The District Architect James Kamau concurs with the DC saying that the committees only consult his office when looking for bill of quantities and estimates to procure materials before they disappear.

New law will not affect Peace Committees — DC

By NYAKWAR ODAWO and MORRIS GITHENYA

District Peace Committees will continue to play a vital role in fostering peace at the grassroots level as Kenyans herald a new constitutional dispensation.

Busia District Commissioner Mr Mwiandi Gitonga says the committees which are charged with the responsibility of brokering peace between warring communities are better informed on the situation on the ground and can therefore help to avert any incidents considered to be a threat to peace.

"In Busia, the District peace

committee is focusing mainly on the municipality area because it is a cosmopolitan town and also a border entry point," the district commissioner said, adding that the committee is currently working closely with existing community policing committees to ensure peaceful and harmonious co-existence among the various communities within their respective areas of jurisdiction.

The DC however says that lack of funding had continued to undermine the smooth operation of the district peace committee.

Mr Gitonga at the same time called upon the Interim Independent Electoral Commission (IIEC) to con-

sider carrying out further civic education at the grassroots level on the new constitution to guide people on the changes anticipated in the document.

"The public is highly optimistic of the rapid improvement in their lifestyle following the overwhelming endorsement of the new constitution. They are however likely to be disillusioned because most of these changes will take up to five years to be realized," he added.

In Murang'a the committees have been asked to liaise with the Provincial administration to ensure peace is maintained in the area.

During separate interviews with The Link, Murang'a East DC George

Ntembeya and his Kigumo counterpart Omar said the committees mandate has been expanded to cover ground ahead of the next general elections.

"The peace committees will remain intact and are expected to continue working hand in hand with chiefs in their respective areas to monitor the situation and advise District Security Committee on the way forward.

Planning and National Development Assistant Minister Peter Kenneth said the ratified constitution will drive the country to higher heights and promote national cohesion and integration among the communities.

By BOB OMBATI

Kisii residents upbeat about new constitution

KISII residents are upbeat that the new constitution will herald a new beginning in the management of public affairs.

They feel that the devolution of power and resources from the central government to the counties will enable them realize meaningful development in the area as huge amounts of government revenue will go directly to devolved units.

The residents told *The Link* that with the independence of the Judiciary, executive and legislature, they stood to gain more and get value for their tax hitherto wasted through interference due to unclear separation of powers coupled with poor governance.

David Nyangau, a Kisii resident said that with the creation of 47 counties to be manned by governors, more jobs would be created besides the devolution of power to the grassroots.

Nyangau is impressed that members of parliament will no longer be ministers, saying it gives room for any qualified professional to be appointed into the cabinet after parliament approves his or her name and the president assents it.

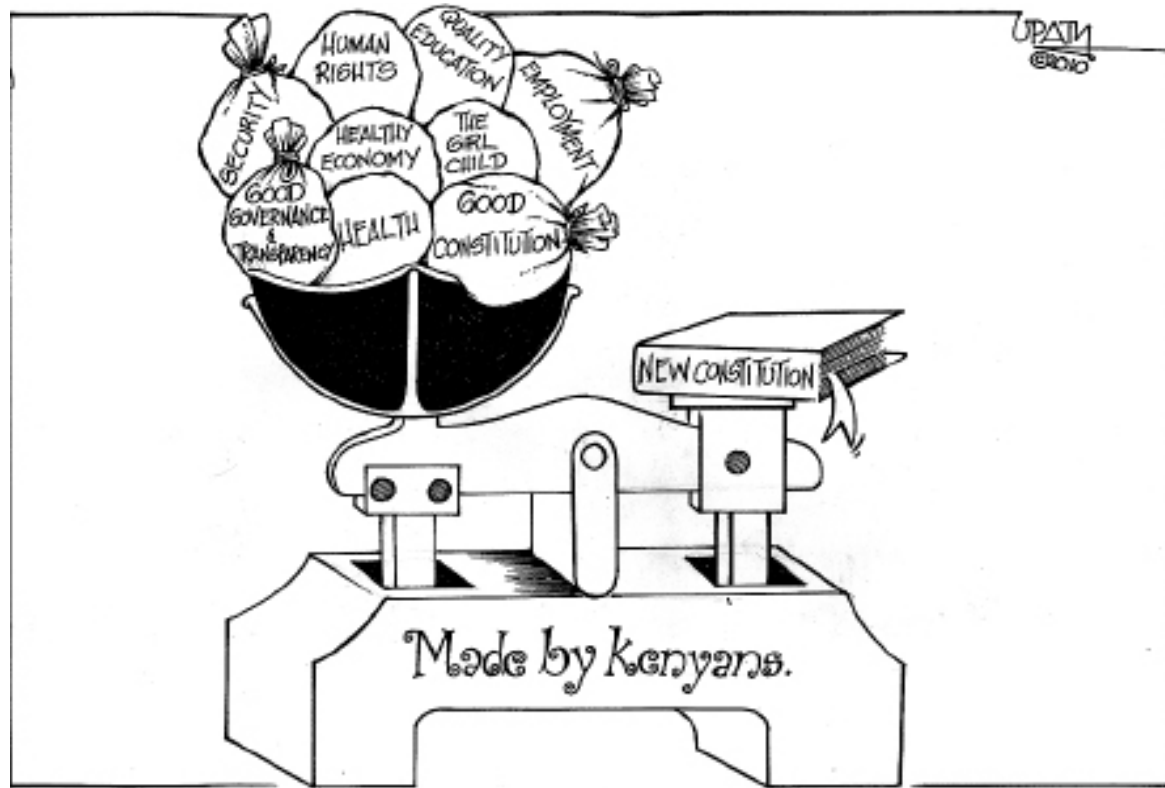
"It is clear that ministers will be a team of selected professionals who will be accountable to the public unlike the political appointees who were sycophantic and disregarded professionalism," Nyangau noted.

Nyang'au says that the recall clause for non performing members of parliament is good for the country, as this will make leaders more responsive and accountable to their people.

Gladys Kemunto says that representations in County and national government will guarantee a national outlook and give the youth, women and special interest groups an opportunity to safeguard their interests.

Kemunto observes that the youth will no longer be misused by politicians for their selfish interests, saying they will also take up leadership posts and be visible politically unlike before when their story ended after campaigns and election of leaders.

She notes that 15 percent of the total national revenue to be channeled to counties will have great impact in the development of rural areas and overall national



development.

MPs, says Kemunto should speedily legislate relevant laws to back up the constitution to seal loopholes which some politicians and civil servants use to embezzle public funds and impoverish tax payers.

Charles Ondari wants the constituency Development Fund Act amended so that Mps do not handle the funds indirectly through their cronies.

He proposes that CDF committee members be elected by members of the public instead of being handpicked by Mps who misuses them to plunder the public resources.

"For CDF to have an impact, development committees should incorporate locational representation to ensure that the allocation of funding to development projects is not left to a small clique of individuals," he added.

However, Ondari is optimistic that with the devolution of power and resources to the grassroots, public and civil servants will be held accountable for public funds

entrusted to them.

He appeals to the members of the public to be more vigilant as the government embarks in the long journey of implementing the new constitution.

Meanwhile, the Gusii Scholars and leaders have hailed the new constitution, saying it will attract more investors, boost tourism industry and create employment opportunities locally and abroad.

Kisii University College Principal, John Akama says the document has governance structures and mechanisms which addresses corruption, tribalism, nepotism and unfair distribution of resources which have been retrogressive to development.

Akama says that local and foreign investors will be free to settle and start businesses anywhere in the country and create jobs for thousands of graduates besides spurring socio-economic development.

The Principal lauded President Mwai Kibaki and Prime Minister Raila Odinga for spearheading

agenda four reforms, adding that the two coalition government partners would go down in history as leaders who mid-wifed the Kenyan constitution.

Akama said the new document was timely and would create a solid foundation to the realization of vision 2030's social, political and economic pillars formulated to give Kenyans an ambitious roadmap for development.

Kenyans in the diaspora, noted Akama would no longer look for visas to return home, as the constitution allowed for dual citizenship, which, would enable them to confidently invest in their mother and foreign countries fearlessly.

Area Chamber of Commerce and Industry chairman, Benjamin Onkoba said the new law gave them the leeway to invest anywhere in the country.

Councilor Steve Arika, a youth leader asked leaders to unite and work together in coming up with legislations necessary for the effecting the new constitution.

Government directive on pension hailed

By JOHN NYAMBUNE

The directive by the government to all employers to remit monthly social security contributions for their workers has been hailed by Kenyans.

The new rule has increased the level of remittances paid to pension funds by a significant margin.

Previously, pension rules limited social security contributions to employers with more than five workers in their payrolls hence in informal sector; only a small fraction of employees were contributing.

Creation of a more conducive legislative environment to allow employers in the informal sector set up pension scheme has thus been very critical.

According to the Association of Retirement Benefits Schemes (ARBS) chairman Lazarus Muema, says there is great potential for even more growth in this area.

The Vision 2030 document states that pension funds could play a particularly important role in funding long-term investment in infrastructure and housing. The Government will, therefore, consult with stakeholders to develop a programme that will facilitate further development of pension funds to finance long-term capital projects.

In other clauses which also may touch on the impact of pensions, the document states that the country's population is expected to grow from 28.2 million recorded in 1999 to 60.5 million by 2030, of this, the percentage of Urban population will expand from 19 per cent to 68 per cent.

Muema said the projected population growth should help us in focusing our minds on the potential problem we have in hand as a country.

"You can already begin to see that Vision 2030 is complete paradigm shift in the way most of us view retirement. Currently most Kenyan envisage retirement as that time and age when your employer gives you a 'golden handshake', a bicycle and a wheelbarrow and sends you off to the village to retire happily ever after.

This is simply not going to happen with 68 per cent population going to live in urban areas. It means there will be no villages for most of us to go back to retire or become village elders, plant a few mango trees and raise some goats. Instead many people are going to stay put in the cities.

Now, if you thought old age poverty in the rural areas is dreadful, and then tries urban poverty at old age. It must be a nightmare, Vision 2030 is thus all about painting a picture about the future," said Muema.

In addition to population growth, income per capita is also projected to increase from the current US dollar 500 per annum to over US dollar 3000 per annum. Economic growth over the period will be increased from the current levels of 4 per cent to 10 per cent while growth will be driven largely by a highly skilled labor force.

"By 2030 both Retirement Benefits Authority (RBA) and ARBS in their respective strategic plans forecast coverage levels above 50 per cent. If that is to be achieved we should be exceeding 25 per cent coverage by now and this is not happening. In a national pension policy we could introduce measures that will fast track this coverage," he said.

There are a number of challenges like the shift from formal to informal sector but these trends. Muema said are posing challenges to other sectors as well and they can be overcome. "As to whether we can get there by 2030, I will conclude by saying 'yes we can't but we must change a few things drastically. We cannot keep on doing the same thing and expect different results," concluded Muema.

Tax payers learn how to monitor use of funds

By BEKADZO TONDO

NATIONAL Taxpayers Association (NTA) has launched an initiative that seeks to empower the public to effectively monitor use of devolved funds.

According to the NTA representative in Kilifi, Mr. Elias Fondo, the initiative will also enable The public to suggest how to improve performance.

He said that the implementation of projects through devolved funds such as Constituency Development Fund, Local Author-

ity Transfer Fund, Fuel levy, Bursary Fund can only be transparent through community participation.

Mr Fondo said that NTA had come up with the strategy to mobilize and educate the masses about their rights to projects financed through taxes.

Fondo said a recent survey conducted by his organization revealed that a large percentage of people in the rural areas are not aware that they are paying taxes to the government. He said the survey further revealed that for the few who have information about

tax payments, they tend to believe that the taxes are only paid by those in formal employment.

"This explains why they are left out in the identification and prioritization of projects administered through devolved funding," he added.

The field officer said through the initiative, representation from the locational level will be incorporated into Constituency Monitoring Committees (CMCs) to prevent abuse of funds and corruption.

Already, two representatives

from Simba location in Chonyi division of Bahari constituency have been included in the CMCs through NTA.

According to Mr Fondo, the elected officials will attend meetings convened by CDF, LATF and other devolved funds committees to help increase public participation at all stages of the project implementation. The CMCs will further be required to compile periodical reports and forward them to the national offices of the National Taxpayers Association so that action can be taken.

PARTNERSHIP FOR PEACE

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Calm referendum was a big relief

We had all waited simultaneously with fears and hopes for the 4th of August. In our divisional meetings we understood that people became more and more sensitive to all signs of rising tension especially in those areas which were heavily affected by the post-election violence.

And indeed, there were reasons for concern: How would people perceive the contentious issues of the new constitution, like land and devolution into counties? How much influence could the authors of hate leaflets circulating in parts of Rift Valley and Western exert on its readers? And overall, how to ensure

MANAGER'S COLUMN

By
**HANNA CARLSSON AND
LISA HECHT**

a peaceful proceeding when violence was such a common feature during past elections? Eventually, the will to prove that Kenya can be a thoroughly peaceful nation was stronger than any past or possible future grievance.

The calm and orderly conduct on the days following the referendum came to be a relief for the whole country and particularly to those people who dedicated their time in various peace activities over the last months. Instead of having to start anew from the very beginning, peace

building can now be resumed in the knowledge that this work is bearing fruits. Having set the example of a peaceful election this yields hopes for Kenya's future.

The next milestone will be the 2012 general election. But more than becoming used to decent elections, there needs to be profound peace in which communities are competent in settling their conflicts. Hence, one should not be oblivious to the fact that peace building is a process without a fixed ending. Though now, after the referendum, hopes run high for people in some places it is still a long way to go.

They have yet to solve on-going disputes or deepen and

strengthen former conflicting relationships. In this process the Partnership for Peace project is playing an important role. The next stage in the project is to establish strong networks in the three provinces, Nyanza, Western and Rift Valley.

This will be done through a two day meeting where the selected CSOs will discuss cooperation and communication procedures, how knowledge from CSOs based in different parts of the province can be utilized, and how in case of tension the network can act as a mediator actor to prevent an open conflict. In the next coming months the CSOs will also be invited to training in form of a simulation, where in role-plays they can actively train what has been agreed upon.

We need peace to develop

BY **EDWIN OTTICHILO**

ACCORDING to Michael Todaro, a renowned economic development specialist and writer, development is a multi-dimensional process involving major changes in social structure population attitude and national institutions, as well as the acceleration of economic growth, reduction of inequalities and the eradication of absolute poverty. In a nutshell, development entails the gradual advancement or growth through a series of progressive changes.

What is peace? Peace is the non-warning condition of a nation, this incorporates relationships that demystify togetherness. Nevertheless it is important to know that peace entails the absence of "negative conflict" be it latent or overt.

Community Initiative Action Group -Kenya (CIAG-K) as a civil society organization has strove

to use peace as a special tool to save communities from the dangers of ethnicity and nepotism. Understanding the values of the many communities, their hopes and fears and differing culture and practices, CIAG-K in partnership with Konrad Adenauer Stiftung are re-establishing peace in areas that were deeply affected by the 2007/2008 post-election violence.

As Todaro says there is need to eradicate absolute poverty and reduce inequalities as a precondition for equitable development. Peace prepares ground for development to occur, and this is done either by settling disputes and establishing a just society.

For instance, investors cannot invest in war torn regions or politically unstable region for the fear of making big losses. Definitely no sane investor would wish to make loses, as business is about profit making, and a threat to peace ultimately deters economic growth and development.

Genuine development also helps to

alleviate unnecessary poverty in the society. Development can improve livelihoods of communities thereby creating hope and satisfaction that unnecessary to minimize conflicts in society. From Todaro's definition, it is important to note that equitable distribution of resources is key to development.

It is important to note that CIAG-K has taken the initiative to understand the dangers of negative conflict in societies within Nyanza Province. It is therefore, building capacities of local people to understand the importance of peaceful co-existence.

I am personally grateful to CIAG-K for enabling me to learn first hand how to work with communities in despair and conflict. One thing that has stuck in my mind throughout the workshops held on peacebuilding and conflict transformation, is that partnership for peace project is a blessing to all Kenyans.

The writer works with CIAG-K in Kisumu.

Ms. Carlsson is the International Project Manager while Ms Hecht is an intern at the coordination office in Kisumu. In case of any comments or suggestions write to: partnershipforpeace@gmail.com

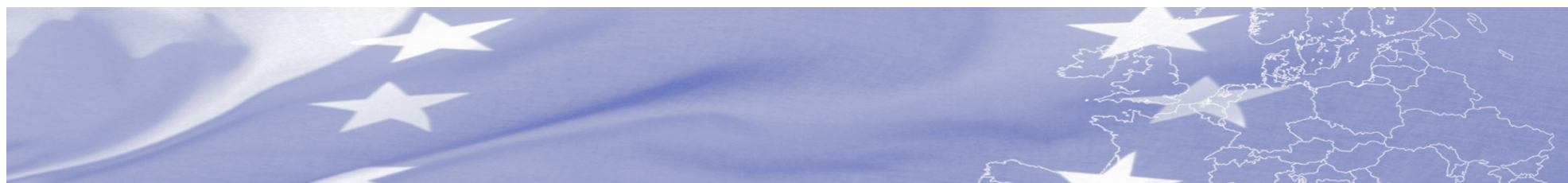
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KAS observers praise peaceful vote

BY LISA HECHT

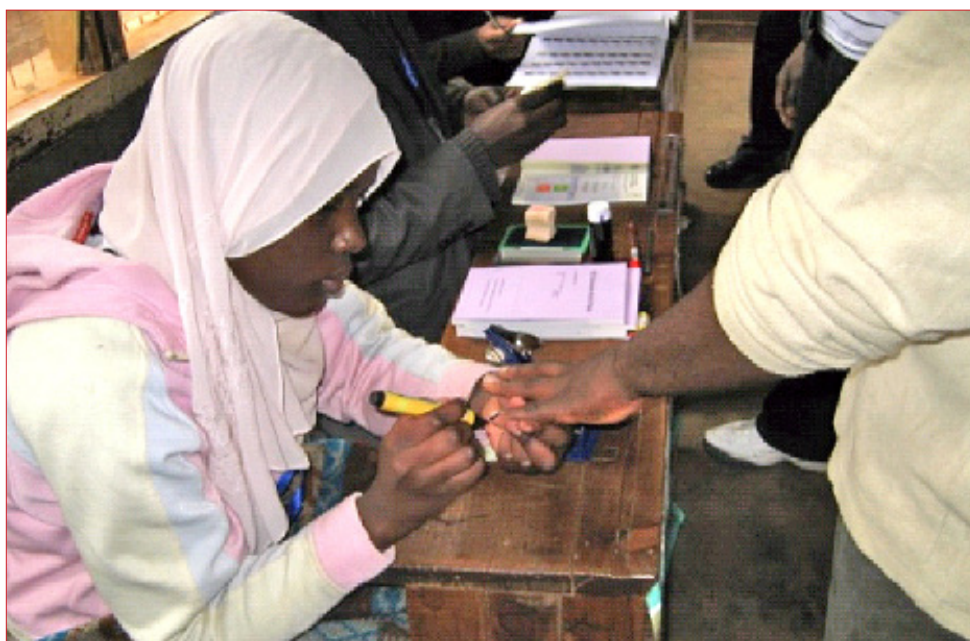
ON August 4th 2010, around 12,400,000 registered voters were asked to voice their opinion on the proposed constitution at one of 27,000 polling stations all over Kenya. The weeks ahead of the D-day were marked by heated campaigns from the "yes" and the "no" side but also by increasingly loud calls for a peaceful and fair election. Bearing in mind the 2007 general election as well as a history of violence accompanying each election in Kenya for the past decades, fears and expectations ran high at the same time. Consequently, the referendum was not only about a new constitution but also another test for the country to prove its compliance to democratic standards. While police and military presence were increased all over the

country, more substantial efforts were undertaken to raise awareness among Kenyans and promote peaceful elections. Apart from addressing security concerns, the intention was to conduct a fair and transparent election and avoid allegations of election rigging as happened during the last general election in 2007. Therefore, the Interim Independent Electoral Commission (IIEC) introduced a new system which aimed at improving transparency and heightening confidence in the democratic process. One of the measures was to redo the voter register for the referendum in order to avoid multiple registrations of voters, to delete dead voters from the register and to ensure an orderly proceeding during Election Day. Well in advance the jobs of polling station officials were advertised publicly and after successfully undergoing a transparent recruitment process the officials received training on how to conduct the referendum.

When the day of the referendum finally came, observers were deployed all over the country to monitor whether Kenya indeed would get the peaceful and fair election it was aiming at. Among the different national and international groups and individuals who obtained the IIEC accreditation for observation was, for the first time in Kenya, a team from the Kisumu-office of the project "Partnership for Peace". This project, implemented by the Konrad Adenauer Foundation (KAS) and co-funded by the EU, is focusing on peace-building and con-



Part of the observer team from KAS, from left Ms. Hanna Carlsson (project manager), Nora Löhle (intern KAS Kisumu), Irina Clemens (intern KAS Kisumu), Lisa Hecht (intern KAS Kisumu) and Johanna Wallhof (intern KAS Nairobi)



IIEC official paints the finger of the voter after casting the vote.



Wananchi queu to vote during the referendum exercise. (Photos by Hanna Carlsson)

sequently furthering democratization in Kenya. KAS observers were present in hot-spots such as Kuria, Kisumu, Mt. Elgon, Eldoret, Kapsabet, Nakuru, Meru and Nairobi.

All over the country, polling stations opened at 6.00 am in the morning for eagerly waiting voters who had been queuing outside the stations for hours already. The IIEC officials took up their work and remained busy especially throughout the first hours of the day. Officials were responsible for checking the voter's identity, making sure they were in the voter register, handing out the ballot paper and finally after a successfully casted vote marking the registration card and the voter's finger with ink. Following this procedure, the observation team paid close attention to the adherence to principles of impartiality and professionalism. The day passed quietly with no disruptions and this impression was later confirmed by the national media which had no incidents to report. Around 5.00 pm polling stations closed and started to prepare for the vote count. The results were then electronically transmitted, before the ballot boxes were sent to the IIEC in Nairobi. Thus, it was ensured that the results were not delayed as it happened in the 2007 election.

The KAS election observation team unanimously reported an orderly and peaceful proceeding of the election and had no complaints about irregu-



Ballot Box used during referendum voting.

larities. The same was true for other observation teams. Overall only few and minor irregularities were accounted for. In the referendum the majority of Kenyans clearly voted in favour of the new constitution, and even its opponents accepted the outcome. Having passed this election without the formerly common occurrences of violence, unrest or incidents of election rigging, the referendum can be regarded as a positive landmark on Kenya's way towards a stable democracy.

Part of the observer team from KAS, from left Ms. Hanna Carlsson (project manager), Nora Löhle (intern KAS Kisumu), Irina Clemens (intern KAS Kisumu), Lisa Hecht (intern KAS Kisumu) and Johanna Wallhof (intern KAS Nairobi)

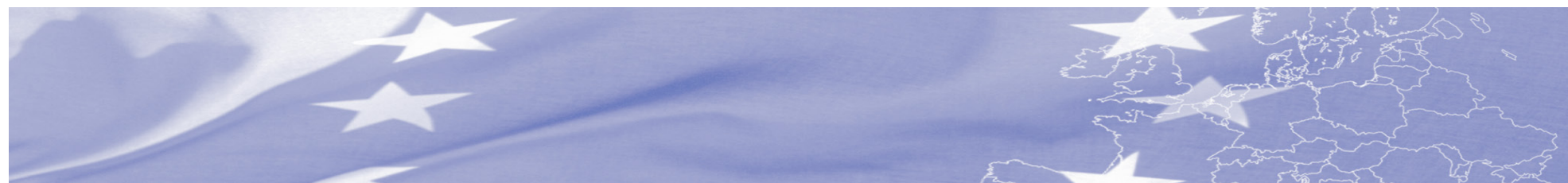
Hecht is an Intern with Partnership for Peace Project at KAS Kisumu.



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Yala Swamp: Resource based conflict

By **CHRIS OWALA**

Yala Swamp Debate

YALA Swamp is a wetland bounded to the north by Nzoia River and the south by Yala River. The swamp land covers an area of about 17,500 ha in Siaya, Bondo and Busia districts. The swamp lies within Yala River catchments of the Lake Victoria basin drainage. This is Kenya's largest wetland, and is regarded as a very delicate ecosystem and habitat to some rare flora and fauna, including endangered fish species. Besides, the swamp has served the adjacent communities for time immemorial as source of fish, water, agricultural land, pastures, wild animals, plants for constructing houses, source of wood fuel, medicinal plants etc. Yala swamp is one of the most fragile ecosystems around lake Victoria and to conservationists the swamp should be treated as Kenya/East Africa's national heritage, shared resource of Lake Victoria, one of the wetlands in E. A. with the highest number of biodiversity, buffer zone between land use and Lake Victoria and a regional museum for lost species of Lake Victoria. Dominion Farms Ltd, an affiliate of the USA-based Dominion Group of Companies, based in Oklahoma, USA moved into the swamp through an arrangement with the Lake Basin Development Authority (LBDA). Dominion signed a lease agreement with Bondo and Siaya County Councils [Busia County Council is not part of the agreement, although it shares a significant part of the river and the swamp]. The initial proposal was that Dominion would engage in rice production, in part of the swamp known as Area I, covering about 2,300 ha. This land



Yala Swamp: The centre of controversy of Dominion farm.

portion had been reclaimed before 1970, and previously used by LBDA for agricultural activity, mainly to produce cereals, pulses and horticultural crops. An environmental impact assessment (EIA) was commissioned for large-scale rice production initially before the introduction of other varieties of crops was introduced.

The Yala Swamp conflict started in 2003 when regional government authorities granted a 25-year lease to Dominion Farms Ltd, a subsidiary of Dominion Group of Companies based in Edmond, Oklahoma USA. But the unconfirmed reports indicate that the lease has been revised to 45 years Authorities approved

the company's Environmental Impact Assessment specifically for rice irrigation in a 2,300 hectare-area (about 12% of the Yala Swamp territory). But almost immediately Dominion began building irrigation dikes and a weir, airstrips and roads, and announced plans to build a hydroelectric plant and a major aquaculture venture, including fish farms, a fish processing factory and a fish mill factory, all of which could damage the fragile ecosystem far beyond the designated 2300 ha. Dominion wants control of over 65% of Yala Swamp for its expanded "integrated project." Some of this area is privately owned by hundreds of families. Some of it is used communally, including the species-

rich waters of Lake Kanyaboli which is critical for food security in the region. The indigenous people say the company has in effect privatized the lake and public roads, blocking lake access to over 200 fishermen and impeding access to schools, markets and health clinics. It is these issues that have led to a protracted battle between the multinational and the local community.

Until Dominion came along, the people of this part of Kenya made their living drawing water from the local Yala River. They raised goats and cows and farmed small plots of land. Widows and children harvested papyrus and sisal from the nearby swamp from which they crafted rough mats and baskets. A major habitat for endangered fish and birds, the Yala Swamp is recognized by environmentalists as one of the richest and most delicate ecosystems in East Africa. Dominion offered residents compensation to leave their homes (generally 45,000 Kenyan shillings, approximately \$64). Many people refused, but their land was submerged anyway. Now all fields are flooded," to quote one old grandmother.

For those that remain, the company's dam blocks access to the river, the one available source of fresh water. "Now they want community to use standing water," explained Yala Swamp resident. But with the standing water comes infection. Malaria and typhoid rates are rising. Now aerial spraying is killing livestock. "And our women are suffering from health problems because of the spraying."

The half-million or so local residents weren't rich but they were self-sufficient. Now they're forced to live on the handouts.

Mr. Owala is the director CIAG-K and Coordinator Partnership for Peace – Nyanza Province.

BY **CHRIS KILONZO**

Ethnicity and durability of peace in Kenya

"KARIBU KENYA, *hakuna matata*." This is the adage used to welcome visitors to the once icon of peace in the East African region. A land of peace and great agricultural productivity it is, at least as depicted by the colors of the national flag. Today, this adage is ironical since the country is dogged by tribalism, an ingredient which has led to anarchy and made peace elusive. A journey into the country's past will unearth the origins of ethnicity and how it has been nurtured to toxic levels today. The recent post election violence served as a reality check on Kenya's degree of social cohesion and even though a brokered agreement led to the return of peace, the durability of this peace is debatable.

Historically, communities in Kenya lived reasonably peacefully although there were some cases of clashes between some tribes. The advent of colonial Kenya in 1895 resulted into gradual but consistent transformation of the pre-colonial political, social and economic structures. What were once different nationalities and communities were brought under the geographical entity that came to be known as Kenya. The British (colonial power) played one group against another to reinforce their power. The colonial master emphasized the differences between these communities rather than the commonalities among them. Tribal administration was used to indirectly colonize Kenya (Mwaruvie, 1996) The tribal identity was born in Kenya and it has ever

since become an incurable tumor, eating into the entire nation. Stereotypes, the innovation of a tribe and an outstanding stereotype is that the British attached on the Kikuyu as untrustworthy and that has stuck to the present day and even found expression in politics (Ogot, 1996).

The question of great concern is if the peace we have in Kenya will last until and after the 2012 elections and whether the conflict management mechanisms employed after the post election violence will produce durable peace.

The British institutionalized ethnicity and left Kenya without preparing Kenyans on the art of state management and democratic practice. The onus of building a new nation state was entrusted to a cadre of neophytes who had no experience in running a state leave alone building a united nation-state system with democratic values. Few of those politicians and beurocrats, even those who had European and American education were not skilled in policy making and policy administration. (Ingham, 1990:6)

On assuming new offices, these leaders started feeling immense pressure to fulfill longstanding obligations to families and supporters by exercising patronage on their behalf. This in turn led to unbridled nepotism, nepotism and corruption, elements which have come to characterize the Kenyan state since 1963 and have played a crucial role in determining the peace process in

Kenya.

An analogy among the preceding regimes and the coalition regime will shed light on the possibilities of a durable peace in Kenya.

Kenyatta regime (1963-1978)

Kenyatta's priority as the first president was to fulfill the promise of delivering rapid development to the African population that had been marginalized for long during the colonial rule. There however there was a price tag attached to new development initiated in different parts of the country. Development was dispensed on basis of allegiance of the region's leaders to Kenyatta's regime. This process of power hunting institutionalized tribalism. The leaders came to see themselves as representatives of their tribes as opposed to national leaders. This bred tribal hatred.

Kenyatta perpetuated the issue of ethnicity which he transformed into a weapon of defense in a competitive process over desired scarce resources through maximizing gains at the expense of other competing groups. In his fifteen man cabinet in 1963, for instance, seven slots went to his Mount Kenya region. He further recruited his tribesmen into high positions in the military and police (Ingham 1990.15)

Kenyatta assumed leadership of all key institutions from universities to parastatals, the judi-

ary, the cabinet and provincial administration was bloated with his appointees. (Ogot, 1996). Leaders who criticized this regime had to be silenced or the government had to disassociate itself from any tribe whose leader 'misbehaved'. This was the case with Masinde Muliro, Martin Shikuku, George Anyona and Tom Mboya who was assassinated. Ethnicity was used as a weapon and it was no surprise when Kenyatta harassed Raila Odinga of Kenya Peoples Union (KPU) into extinction in 1969. (Wildner, 1992). Tensions between the Luo and the Kikuyu ensued since then and these emotions of hatred and suspicion lay low until Raila Odinga (Prime minister) and Kibaki (president) provided an open field to the two groups to settle their scores when they contested for presidency. This regime served as fertile ground for breeding ethnicity and feelings of hostility among Kenyans.

Moi Regime (1978-2002)

Exit Kenyatta, enter Moi but the state of affairs remain the same. His famous slogan of 'Fuata Nyayo' (follow the footsteps of Nyayo) was an indication of his determination to preserve status quo. He not only recycled a few Kenyatta elements but also brought on board his flock of tribes men and loyalists for it was their 'time to eat' (Koigi Wa Wamwere, 2003). Moi enjoyed

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PARTNERSHIP FOR PEACE

Ethnicity and durability of peace in Kenya

From Page 17

massive support from most tribes in Kenya who thought he would bring Kikuyus down to the level of 'every one else'.

In what appeared to be a vendetta against Kikuyus, Moi swept out almost all the Kikuyu from high ranking positions and replaced them with his own Kalenjins. He further abolished all 'tribal' organizations which included GEMA (Kikuyu, Embu, Meru association). He further banned all other political parties apart from the Kenya African National Union (KANU). Prior to 1992. After ten years in power, Moi had indeed 'cut the Kikuyu's down to size' (Nyong'o, 1999).

According to Nyong'o (1999) Moi ethnicized poverty by deliberately neglecting some areas of the country which deemed 'anti-Moi' zones. Corruption became institutionalized to the point where it almost passed for official policy in the public and private sector. In truth, Moi's twenty four years manipulative and poor leadership contributed immensely to the politicization of ethnicity which severely undermined ethnic cohesion in Kenya and accelerated the decay of the Kenyan state.

Kibaki regime (2002-2007)

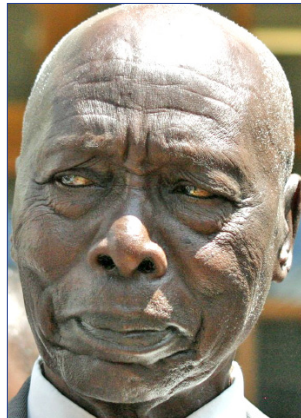
Election of Kibaki in 2002 was very significance since he melded a multi ethnic coalition-National Alliance Rainbow Coalition (NARC) which was seen to transcend ethno politics. However, the constitutional referendum of 2005 in which the 'NO' team carried the day brought anarchy. Kibaki dissolved the cabinet, an action which killed the original NARC and the re-emergence of ethno politics in Kenya.

The Grand Coalition (2007- to date)

The 2007 general election was preceded by hate speech and tribal based campaigns. This rekindled the suppressed feelings of hatred harbored by different tribes against others. The result was post election violence which brought Kenya on her knees economically besides tainting her image in the globe. It took mediation talks which resulted into the grand coalition outfit to bring sanity back in Kenya. Kibaki on his part has proved to be the guru of ethnicity- replaying with a perfect pitch the self-same ethnic tune that his predecessors had played. Even in presence of the coalition government in which wide consultations have to



Mzee Kenyatta



Mr. Moi



Mr. KKibaki

be made before key appointments are made; the president still makes key appointments that seems to favor his community.

The security department and the finance ministry for instance are all dominated by members of the president's community. In the security docket for instance; The Criminal Investigation Department (CID) organ is headed by Gatiba Karanja (The late); Police commissioner- the recently appointed Mathew Iteere; GSU commandant- Bonface Maingi; all from Mt. Kenya region. Furthermore, the composition of the country's top security organ - National Security Advisory Committee that briefs the president regularly on the security situation in the country does not reflect the true face of Kenya in terms of ethnic diversity. Out of its 11 members; seven are reported to be from Mt. Kenya region. It is therefore clear from the foregoing that ethnicity is a thriving enterprise especially to the leadership. Nothing has really changed, and the absence of peace will prevail (Ngiri, 2009).

Moreover, the cloak of ethnicity has been used to incite people against each other in the ugly orgy of politically motivated violence in the struggle for power. Instead of peaceful resolution of differences and compromising on common sense basis, violence has become the first, rather than the final conflict management tool to achieve political ends. There has been a growing tendency to instigate violence whenever those in power are challenged. Violence is becoming increasingly

institutionalized as a conflict resolution method. Breakouts of ethnic violence in Kenya are becoming more predictable as most take place just after major general elections.

As desperation sets in, most Kenyans have found themselves vulnerable to manipulation of their ethnic identities. Ethnic groups are either being manipulated and led to vote on ethnic lines or they are being instigated to resort to violence as a means of gaining or retaining control of the state. As was witnessed in the aftermath of the 2007 general elections, violence broke out in different parts of the country when it was announced that President Kibaki had won. Those who felt that the presidency had been taken away from them unfairly due to rigging resulted to violence against members from the Presidents community. Most of the violence has of course not come exclusively from groups that feel politically marginalized but also from those fighting to retain the status quo and continue to maintain existing privileges.

Conflict management mechanisms employed after the post election violence overlook so many crucial aspects. The power sharing arrangement institutionalized in the country did not consider the dynamics of the ethnic conflict. Beefing up security in the conflict zones did prevent deaths yes, but it did not address the root causes of the conflicts. Efforts to foster responsibility and accountability by bringing perpetrators of the post election violence have also failed. The Truth Justice and Reconciliation Commission has had its

fair share of battles with politicians who have de-railed its ability to achieve its mandate.

The International Criminal Court (ICC) gave Kenya high hopes of finally delivering justice by charging the instigators of the violence. Though Moreno Ocampo the chief prosecutor received an envelope with names of the suspects, nothing much has happened three years later.

The Kenyan judicial system has also failed to prosecute suspects of the violence since most of them originate from the executive arm of the government. Lack of evidence is cited in those cases that are finally heard in court while most of them get withdrawn before a hearing is even made. A case in point is that of police officer (Mr. Kirui) who was captured on television shooting a civilian to death in Kisumu. This man walks free today since the 'fatal bullet did not match the gun' presented in court as evidence. Its common sense that a gun can be exchanged for another one, but I doubt if live television footage would lie. Currently, campaigns for and against the proposed constitution are in top gear and politicians are using the tribal card to woo voters. Hate speech has been documented and these are worrying signs.

To achieve durable peace, we need to embrace conflict transformation which is a process that changes conflicts into situations where dialogue and recognition are employed to address the problems. It entails recognition, empowerment, reconciliation and responsibility. Recognition is the ability to recognize the other person's interests as if they were ours. Different tribes in Kenya should recognize the importance of other tribe and their needs. Empowerment entails resolving conflicts by ourselves without external support. The International Criminal Court, Intergovernmental Authority on Development, United Nations and the United States of America will not give Kenya durable peace. We will have to form our local institutions to work towards this end. Recognition and empowerment result into reconciliation where past ills are forgiven and transformed into a creative future. Every body must be responsible for their actions. People must pay for ills committed regardless of social class, tribe or political affiliation. This process takes time and involves the society but it guarantees durable peace.

There are three pertinent areas that are intimately linked with any forward movement: constitutional and political reform, economic reform and ethnic integration. Though the three above cannot suffice on their own, they do however contribute significantly to sustainable democratization and peace in Kenya. Ethnicity in Kenya today is negative and has subverted nationalistic and democratic ideals. Democracy cannot be achieved in a situation where these concepts are a mirror image of ethnic and cultural egos of the political leaders of the day. Ethnic integration must be encompassed in constitutional, political and economic reform as it is the root cause of dissent among many Kenyans.

Kenya needs stronger governmental and non-governmental institutions that can ensure greater transparency and guarantee basic human rights. There should be a just and open system of governance based on checks and balances and separation of powers. Unless such is done, Kenya hinges on the brink of more violent ethnic clashes during and after future general elections and her quest for durable peace will remain a pipe dream.

Chris is an independent writer and his views does not reflect those of the project.

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By JOHN NYAMBUNE

Western leaders split over new sugar mill

SUPREMACY battle in the sugar industry in Western Kenya is threatening to derail the establishment of an additional sugar factory in Malava, Kakamega North district.

Controversy surrounding the new plan has seen senior government officials openly take sides over whether Kakamega North needs another sugar factory.

A former Western provincial commissioner is also embroiled in the saga after he was allegedly offered some shares in West Kenya Sugar Company to frustrate Butali Sugar Mills.

While some prominent politicians from Western province have been supporting Butali Sugar Mills, others are for the monopoly of West Kenya Sugar Company.

Housing minister and Malava MP Soita Shitanda and his Ikolomani counterpart Boni Khalwale are some of the leaders from Western who have publicly declared the support for the establishment of Butali Sugar Mills.

Cash estimated at over Kshs.50 million is said to have changed hands since 2005 when the controversy kicked off.

Among those listed as beneficiaries of the underhand dealings include the Kenya Sugar Board whose current Chief Executive Rosemary Mkok is alleged to have pocketed millions of shillings from proprietors of both the West Kenya Sugar Company and the proposed Butali Sugar Mills.

Mkok is claimed to have received money from both investors of Asian decent with each buying her support.

First to seek her support were the proprietors of Butali Sugar Mills who wanted the greenlight to start operations. However, on being tipped, West Kenya owners followed and presented her with an even larger amount.

Impeccable sources told *The Link* that the senior government officials



One of the sugar mills in Western Kenya. Photo/File

and politicians involved in the matter are unwilling to have the standoff resolved since it has turned into their cash cow.

Both protagonists have conducted separate feasibility studies and environmental impact assessment and come up with conflicting reports.

A report by West Kenya concludes that the area was not viable for any additional factory.

The report says the factory was

able to cater for the over 40,000 cane farmers in the sugar zone. It also says establishment of a new factory would deal a major blow to environment in the area as the current firm was even already polluting some of the local rivers and streams.

They say establishing another factory was also in violation of the Sugar Act 2001 which stipulates that such firms should not be in a radius of 40 kilometres from each other.

However, a study commissioned by Butali Sugar Mills indicates that Malava has enough space, cane and resources to accommodate even more than three sugar factories.

When *The Link* visited the site at Manyonje area in Malava last month, there was no activity save for some machinery lying around.

There are all indications that the row will rage on until perhaps, pockets of all or one of the investors dries up.

Criminals target rural areas

By BRIGHTON KAZUNGU

RUNNING a business in rural Kenya is becoming more dangerous following a shift of crime and corruption from urban centres to rural area.

A survey by TNS Research International points to an upsurge in the two vices over the last 6 months and warns that the trend is still going up thus threatening businesses and investments.

According to the study, there was an increase of reported crime in rural areas from 12 to 15 per cent during the month of June this year. Conversely crime dropped slightly in urban areas – from 11 per cent to 10 per cent, the survey states.

The number of retailers who have been asked for bribes increased by 12 points to 28 per cent in June up from 16 per cent in March this year.

But a section of the business community sought to differ with the findings of the report insisting that crime has been picking up every other day in most of the urban areas contrary to what some quarters are trying to demonstrate.

The TNS survey shows that businesses in the rural areas will be affected in the next half year as insecurity assumes new levels.

TNS researcher Anna Mutahi Ndung'u said across the country during the review period, crime went up from 11 per cent to 13 per cent a scenario she notes would adversely affect business growth.

Ms. Ndung'u said this implies the cost of doing business in the country will remain high among other economic imbalances.

"High cost of doing business has been a big impediment in the growth of the economy which to a large extent is instigated by insecurity among other setbacks," she said.

According to Ms. Ndung'u, one of the explanations for the soaring crime levels in rural Kenya could be that police stations are far from the residents and the available security personnel are not adequate.

Ms. Ndung'u said 87 per cent of business owners interviewed in the survey had reported being victims of crime in the last three months.

The issue of insecurity has been discussed in various forums with the private sector calling on the government to step up war against crime to ensure sustainable economic growth.

Levels of poverty in the rural areas are still high and with the emergence of organized gangs, most of the businesses have been closed down as people relocate in search of relative peace.

"There is need for the government and the private sector players to work towards an effective collaboration to tame insecurity among other risks. The government has to seek partnerships in sorting the escalating crime in the country with the view of encouraging high growth. The security strategies ought to be put in place so as not to interrupt the production system in the country".

TNS Research international chairman Mutahi Kagwe said even as the businesses grapple with the issue of insecurity the general indication is that there is continued rise in optimism among retailers about the future of this country.

Police promoting sale of fake speed governors

By BRIGHTON KAZUNGU

POLICE officers have been accused of conspiring with matatu operators to flout traffic rules.

Local manufacturers of speed governors say the police continue to approve the sale of counterfeit gadgets in the market by failing to seize public service vehicles fitted with the fake devices.

Under the newly launched Speed Governors and Road Safety Association (SGRSA), the local traders complain that the enforcement of the Road Safety Action Plan enacted in 2004 to prevent tampering of speed governors and abuse of the traffic rules is minimal.

This they say was to blame for the rising numbers of road accidents currently being witnessed on Kenyan roads.

The manufacturers now want to partner with the government in the regular vetting exercises with the view of minimizing cases of road mishaps in addition to making the matatu business competitive.

The manufacturers have teamed up with the certified fitters of speed governors and formed an association which will work together with the government in ensuring Public Service Vehicles (PSV) are fitted with certified speed governors.

The association chairman Edward Gitonga claims that the regular police crackdowns are a mere public relations gimmick which only serves to oil pockets of rogue police officers.



Matatus on strike due to police harassment. Photo/File

Gitonga said that in 2006 the government through gazette No. 2 of November 23, 2005 outlined standards of speed governors in the market but matatu operators have remained defiant and no longer adhere to the rules thus leading to the installation of the substandard speed governors. Under the traffic rules enacted in 2003, government initiated the process of vetting the speed gadgets governors in the market.

"However, after achieving the first objective of vetting the speed governors, Gitonga claimed that government overlooked the most critical

problem that was brief case filters. Even now, the government does not have an official list of governor fitters and those supposed to issue certificates of compliance," he said.

Gitonga points out that current thinking on road safety focuses more on achieving compliance rather than enforcing the rules. He blamed the problem to current fitters of the speed governors who he claim are not vetted by the government adding there is need to inspect them with the view of minimizing current problems bedeviling the road sector.

The issue he said there is no har-

mony between and among all the authorities supposed to ensure the gadgets installed in the vehicles of the high quality and equally they are fitted by the certified companies.

Further the rules have not been reviewed to reflect the current scenario in other Kenyan roads. For example, in 2004, there were 777,811 vehicles on Kenyan roads but by today the figure has increased to almost one million. Also the entry of motor cycles and bicycles commonly known as "boda boda" as alternative transport means has complicated the matter. This added with massive road reconstructions and improvement means more challenges and change of policies and traffic rules.

Motor Vehicle Inspection (MVI) certifying officer Abdi Mohamed said that the government is renewing its commitment in vetting the speed governors and even the companies charged with fitting the gadgets with the view of preventing more chaos in the industry. He explained that plans are being employed to assist in preventing flooding of the local market with bogus speed gadgets. He blamed the scenario to disorganization among local players in the motor services and technology.

"We are working on a programme to ensure all the players involved in the vetting business for example motor vehicle inspection unit, Transport Licensing Board, traffic department, Kenya Bureau of Standards and Chief Mechanical Transport Engineer," he said.

Bungoma ASK's rear gesture

By AGGREY BUCHUNJU

THIS year's Bungoma Agricultural Show will be held on September 8, unlike last year when it was held in late October.

According to the show chairman Mr. Wanyonyi Mbita, the motive for bringing forward the show is to give an opportunity to standard eight and form four pupils to attend before sitting for the National Exams.

"We have brought forward the show dates this year in order to allow our young boys and girls who are going to sit for the National examinations an opportunity to attend", said Mr. Mbita.

Speaking to The Link in Bungoma town recently Mr. Mbita, said that the show will run for four days starting from September 8 to end on 11th of the same month. Mr. Mbita disclosed that the show is expected to raise over Kshs.3 million from exhibitors and the show goes.

He appealed to the local leaders and the businessmen from within and without to support the initiative.

Mr. Mbita, said that the show is regional, adding that it is not under Agricultural Society of Kenya (ASK).

The chairman alleged that the show is being sponsored by last year's savings and exhibitors' fees.

He named this year's major exhibitors as Nzoia Sugar Company, Kenya Seed Company, Western Seed Company, Syngenter, Panner, East Africa Chemicals, Ministry of Agriculture and local banks.

Mr. Mbita appealed to other businessmen with products and services to come forward and exhibit. The show chairman, however, promised to provide a free space for any person with an innovative or creative product.

Mathioya CDF secretary quits in protest

By BONIFACE GIKANDI

MATHIOYA CDF has been thrown into disarray after its Secretary resigned citing massive irregularities in the management of funds.

Ms Mercy King'ara who has been acting as the Secretary protested at the lack of transparency in the disbursement of funds to projects saying that most of the projects that had been approved for funding were dropped in favour of dubious projects which were allegedly given priority in order to act as conduits to siphon funds from the CDF kitty.

King'ara who is a lawyer by profession stormed out of CDF office at Nyakanga saying she could not be party to endorse a list that had been doctored and forwarded for funding to the National CDF Committee.

She said that projects in the constituency were being funded based on political patronage and minutes that approved funding based on priority were doctored to suit the interests of the MP.

"I have evidence showing that lists of projects endorsed for funding have been short changed with other additional projects such as green houses," she adds.

She cites funds meant for Gatunguru and Kiamuturi dispensaries which were diverted to establish green houses which the locals had not asked for," she said.

But Mathioya MP Clement Wambugu dismissed the allegations as unfounded, saying the secretary was protesting after being replaced by other CDF officials for failing to attend more than six meetings.

KWS in efforts to save Mt. Bongos

By JOSEPH MUKUBWA

KENYA Wildlife Service has put in place stringent measures to protect the endangered Bongo species.

KWS director Mr Julius Kipng'etich says that the move follows the declining number of the Bongo species in the country.

The Director cites the Aberdare National Park, which he says has registered a drop of 90 per cent in the mountain Bongo animal from 500 animals in 1970s to 50 last year.

He told stakeholders attending a three day workshop dubbed 'National Action Planning for Bongo in Kenya' at a Nyeri hotel only 173 Bongos can be accounted for as poaching has taken a high toll on them.

"KWS continues to carry out statistics of the rare species which is only found in Kenya forests in the East and Central Africa," he adds.

Ng'etich says that soon KWS will undertake an expansive research and resources to study the behaviour, habitat, movement of the animal in order to safeguard it.

He said the community surrounding the forest needs to be educated on the importance of saving the animal and be able to protect it.

Other major threats include habitat loss, encroachment, predation, diseases like Rinderpest and Theile-



KWS Director, Mr Julius Kipng'etich (right, seated), with KWS Assistant Director Mr Robert Njue (third right, seated) during a workshop in Nyeri recently. Photo/Joseph Mukubwa

ria, poisoning and genetic diversity.

During the workshop attended by among others professors from United States, local researchers and local

universities departments on wildlife, the stakeholders agreed that there was every need to safeguard the animal.

Mt Kenya Wildlife Conservancy

will create a sanctuary for the rare animal. The director said they will put measures in place to ensure that poaching is curbed.

Bukusu boys cut despite warnings

By JONA KHISA

DESPITE warnings by health officials that traditional circumcision increased chances of HIV and AIDS infections, several boys continue to undergo circumcision in line with the Bukusu traditions.

This has largely been attributed to the fact that among the Bukusu community those who are circumcised in the hospitals are considered as outcasts and more so cowards.

In the past years several boys have lost their lives during the cut due to hemorrhage that occurs after traditional circumcisers accidentally cut some vital veins of the young boys.

George Wanzala, the nurse in charge at the Bungoma District hospital attributes this to the hurry in which the traditional circumcisers are usually in.

"Unlike in the hospitals where a qualified surgeon takes at least 40 minutes, the traditional circumcisers use less than one minute" said Wanzala.

Unlike the hospitals where the initiates are injected with anesthesia drugs, the traditional way the boy just stands and the cut is done.

13 year old Edwin Wekesa who underwent the cut recent-



Traditional circumcision takes place. Photo/File

ly says though he was aware of the pain involved, he had to show his peers that he was

man enough and never wanted to live an outcast.

The medical fraternity has

also faulted the use of one knife to several boys, but Florence lukosi who is the Bungoma cultural officer says they have trained the traditional circumcisers to use one knife for one boy.

She says prior to the beginning of every of such seasons they organize for workshops and seminars for the traditional circumcisers.

John Khaoya a traditional circumciser says they use red hot fire to sterilize their knives.

"After we use a knife on one boy we put it in red hot fire where it stays over night before we use it on the next boy.

Having your son undergo the traditional circumcision is also quiet expensive compared to taking him to the hospital.

Caleb Khasiani the administrator at the Bungoma District hospital says the hospital charges 300 shillings for the operation and the dressing after wards.

In traditional circumcision, at least two bulls are slaughtered, traditional brew popularly known as "busaa" prepared and food for hundreds of people also prepared.

In addition the traditional circumciser is paid not less than Kshs600.

Despite all this costs the Bukusu community has continued to hold this tradition with high esteem.

Patrick Wangamati the chairman of Luhya council of elders says the tradition is very important as it brings people together.

He further says the boys who undergo the traditional circumcision are taught very important things about life.

Kilifi town gears for resort city status

By BEKADZO TONDO

KILIFI town council has enlisted the support of the business community in planning and beautifying the town in preparation for its envisaged elevation into a resort city by 2030.

The town clerk, Mr. William Jilani, says the role of the business community is critical as the council prepares new plans for the town that has been earmarked for development into a resort city alongside Kwale and Isiolo towns in line with Vision 2030.

The clerk said that the council had already spent Kshs4 million in planting trees within the town as part of its beautification programme which is geared towards tapping the unexploited tourism potential in the area.

The clerk made the revelations when he received a donation of dust bins from Kilifi Teachers Savings and Credit Society.

The clerk said the dustbins will enable the local authority enhance its capacity in managing waste within the town.

The chairperson of the Sacco Mr Zaffarani Cheshenga said the dustbins had cost Kshs120,000 and will be distributed to local authorities in the larger Kilifi and Malindi districts which include Mariakani Town council and Malindi municipal council.

Cheshenga also announced that the society will finance the construction of pavements and sheds in designated bus stops in Kilifi, Mariakani and Malindi as part of its social responsibility to the community.

The chairman of Kilifi town council, Mr. Saidi Badi, on his part urged the Sacco to extend their Front Office Services to the rural areas to enable poor farmers access banking services.

"Most farmers cannot be able to access credit facilities in the commercial banks due to the high interest rates charged and the Sacco should take advantage of the situation and extend the services to the grassroots," he added.

The chairman of Kenya National Chamber of Commerce and Industry Kilifi branch, Mr. Michael Mwakidilo challenged the local authority to create a conducive environment for business people to do their work.

Mwakidilo says the council should invest in street lights as a way of beefing up security in the area.

The KNCCI official says traders in Kilifi town and its environs are forced to close down their business premises from as early as 6.00 pm due to security reasons but this can change only if they are assured of their security.

Bungoma council puts creditors on notice

By AGGREY BUCHUNJU

BUNGOMA municipal council is owed millions of shillings of unpaid rates and business permits.

According to the Town Clerk, Mr. William Chepkwony, the council is owed over Kshs 100 million in form of rates and over Kshs 2.5 million on single Business permit.

"This is a lot of money, which if defaulters pay, we will be able to operate and deliver services to the town residents for over one financial year without relying on LATF," he claims.

Mr. Chepkwony says that if the rate payers clear the outstanding debt, the council will operate and deliver services without necessarily waiting for the Local Authority Transfer Fund (LATF) disbursement.

"It is imperative to note that during this financial year, the civic authority will require Kshs.132,159,708 to meet both the recurrent and capital expenditure," he reveals.

The town clerk pleads with the rate defaulters and single business permit evaders to pay the money in order for the council to enhance service delivery.

Mr. Chepkwony argues that the council can only provide quality service delivery and create an enabling environment and incentives for invest-



A section of Bungoma town.

tors if the town residents pay rates and business fees as and when required.

The chief executive officer (CEO) reveals that his council is contemplating taking legal action against rates defaulters.

"We are in the process of invoking the rating Act (CAP 267) section 18 to compel defaulters to pay monthly rent directly to the council through court

orders and even auction their property to recover the debts," the town clerk disclosed.

Mr. Chepkwony, appeals to the rate defaulters to come up with payment proposals to avoid this drastic action.

He points out that the council's objective is not to harass its partners but to restore and maintain sound re-

lations with them.

"We are aware that the court action will greatly affect the rates defaulters, which is why we are appealing to them to come up with payment proposals," he says.

The town clerk says that the council has updated the business register with a view to capturing all the businesses within the Municipality for easy collection of revenue.

"Already the defaulting businesses have been bonded and the owners are being taken to court for prosecution" he discloses.

Mr. Chepkwony adds that the council has reviewed its strategic plan (2010-2014) in order to adequately provide the core services to the ever increasing population.

The council Mr. Chepkwony says that the strategic plan spells out plans of how the council intends to achieve a sound financial base, provide a safe and clean environment for all, adhere to good governance, provide efficient services, provide effective infrastructure and incorporate community partnership.

The council serves eight civil wards which include Khalaba, Musikoma, Namasanda, Sinoko, Sio, Siritanyi, Mjini, and Stadium with an estimated population of 85,000 people as per the 1999 census.

Busia council to demolish illegal structures

By JOEL JUMA

BUSIA County Council is set to demolish structures constructed illegally in Butula and Samia districts.

Illegal structures around Bumala, Butula and Sio Port trading centres are among those slated for demolition.

According to Town Clerk, Mr. George Maruti, the demolition exercise will take place once a recently compiled Environmental Impact Assessment (EIA) report is made public.

He says the exercise will target all buildings that were erected on the council's land without the approval of the council.

"All buildings that were con-

structed on road reserves and on other parcels of council's land without following proper plan will go down," reveals Maruti.

He adds that the move will help ease congestion and also allow the centres to grow in an orderly way.

"We want to maintain the set standards so that we can avert a situation where our trading centres are turned into shanties," explains Maruti who was posted to Busia five months ago.

The Clerk also sought to allay fears that the council's operations have stalled due to accumulated debts incurred by the previous administration which currently stand

at Kshs18million adding that all operations were going on well despite the debts.

He however admitted that council workers have not been getting their salaries on time due to the debts but added that the council was doing its best to ensure that the delivery of services to the public was not affected.

The councils revenue collection is not enough to service the loans and pay workers salaries on time,' said Maruti adding that the council had already paid a huge part of its debt. He said the council will resume normal operations from the beginning of this month.

Role of youth in shaping society

By ELIJAH MWAURAH

THE youth play a vital role in shaping the present and the future of all societies. Their transition to independent adulthood and contribution to development are crucial in our country.

There have been varied factors impinging on youth and thus inhibiting them to take their rightful role in contributing to national development process.

The youths require civic education so as to acquire civic knowledge, civic skills and civic virtues. It is commendable that organizations such as MEAP (Maendeleo Education Action Program), NECOFA (Network for Eco-farming in Africa) among other players have engaged in the three aspects of civic Education as stipulated.

Civic knowledge: Consists of fundamental ideas and information that the youth must know and use to become

effective and responsible.

These covers:

- Civic life
- Politics and Government
- Foundation of the political system
- How Government is established by the constitution, purposes
- Values and principles of democracy e.t.c

Civic skills: includes the intellectual skills and explain, compare and evaluate principles and practices of government as well as critical thinking skills that help the youths to distinguish end and means, facts from opinions, and the ability to describe, analyse, identify and evaluate and take defending positions on public issues.

Civic virtues which includes the traits of character, dispositions and commitments necessary for preservation and improvement of democratic governance and citizenship. Examples of civic virtues are respect to the working and dignity

of each person, civility, integrity, self discipline, tolerance, compassion, patriotism among others. Commitment includes a dedication to human rights, the common good, equality and rule of law.

With this regard, the key players in Molo have engaged in serious interventions to liberate the youth within Molo, a prone area to gradual violence. Konrad Adenauer Stiftung is also a key player in peace building and enhancing a harmonious and prosperous constituency i.e. Molo. We really appreciate their efforts to empowering non-state actors.

Education is power and therefore the youths in Molo and elsewhere need this civic education to face challenges such as stereotypes, negative perception on ethnicity, resource constraints and lack of inadequate skills among the youths. This leads to an informed society led by the youths.

Mombasa cannot afford pay hike

By BEKADZO TONDO

MOMBASA municipal council lacks the capacity to implement the approved salary increments for their employees.

The mayor, Mr. Ahmed Mohdher, now fears that the council may collapse if it is forced to implement the new package which provides for a 40- 60 percent salary hike for their employees.

Mayor Mohdher says the award is likely to raise council's recurrent expenditure to Kshs102 Million up from Kshs50 million currently.

The civic leader explains that the awards pose a big challenge to the council and unless other modes of generating revenue are established, the local authority will plunge further into financial turmoil.

The government recently approved salary awards for all local government workers in the country.

The new salaries will be backdated to September last year, a move that is likely to have far reaching implications to civic bodies that are financially weak.

In June the Minister for Local Government and Deputy Prime Minister Mr Musalia Mudavadi had rejected the new salaries citing lack of capacity by some councils to implement the salaries. It took the intervention of the Kenya Local Government Workers Union (KLGWU) to get the Minister into rescinding his stand.

Kisii mayor declares war on graft

By BOB OMBATI

KISII Municipal Council is losing millions of shillings annually in corrupt deals.

The mayor, Mr. Samwel Nyangeso, says that the council is currently indebted to the tune of Kshs240 million owing to massive corruption instigated by workers who take advantage of existing loopholes to deprive the local authority of income.

The mayor also accused some civic leaders of colluding with the workers to fleece the council and warned that the council will deal firmly with culprits.

“Workers and chief officers who engage in corruption will not be tolerated and I am going to make sure the vice is eliminated even if it means losing the mayoral seat,” he added.

He told the Town Clerk, Maina Chira during the councils Annual General Meeting- cum- elections to guard against corruption to help the local authority meet its financial obligations.

During the AGM, councilor Alloys Mosei was elected Finance Committee Chairman while Edward Nyamweya retained his Town Planning docket in the election.

Others elected were Jane Justin (Housing and Works), Willy Obiri (Public Health), Lucy Bosire (Audit), Kefa Mogaka (HIV/Aids) and



Part of Kisii Municipal Council.

Steve Arika (Education and Social Services).

The mayor spoke as a team of investigators stormed the council to probe the alleged embezzlement of Kshs25 million meant for

the Kazi kwa Vijana programme.

The investigators interrogated officers and civic leaders over the scandal which resulted in the termination of contracts for the youth hired under the programme.

Meanwhile, the Gusii county council chairman, Kennedy Nyakundi has urged civic leaders to bury their political differences and work together in delivering

effective and efficient services to the public.

Nyakundi says political bickering will render them obsolete in the new constitutional dispensation which lays more emphasis on service delivery as opposed to rhetoric for selfish interest.

Speaking during the councils Annual General Meeting (AGM), the chairman told the civic leaders to change their attitudes so that they can fit in the new political dispensation.

The AGM saw councilors- Richard Ogata elected Finance, Staff and general purposes committee chairman, Julius Omonyi (Town Planning) Maina Chacha (Education and Social Services) and Bernard Magama (internal audit).

Councilor Joyce Isaac retained her Environment docket. Others who were elected unopposed include James Ogutu (health and Hiv/Aids) and John Matunda (joint staff)

Civic leader, William Maiko who headed Education and Social services lost to Chacha while Michael Masese lost his audit chairmanship to Magama during the peaceful election presided over by council clerk, Isaac Githui.

Githui urged winners and losers to team up and serve wananchi in their various capacities, stressing the chairmanship was rotational and not the preserve of specific leaders.

Mwingi Council workers vetted

By KAVYU-KURA

THE Ministry of local government is vetting workers at the County Council of Mwingi to establish whether they qualify for the positions they hold.

The panelist from Ministry of local government has been scrutinizing staffs' professional and academic certificates to ascertain whether they were genuine or the qualification matched the job description.

It is expected that on completion of the vetting exercise dubbed “staff rationalization”, heads will roll while in some instances those currently serving senior positions will be demoted.

Speaking to The Link, the County clerk Elijah Mutambuki pointed out that officers who do not qualify for the jobs they currently hold or have fake certificates will be demoted and their positions advertised afresh.

“This staff rationalization exercise involves personal interviews with employees and meticulous scrutiny of their certificates to rid the civic body of political appointees, majority of who have been promoted without merit and at the same time identify suitable jobs and careers for other employees,” said the county clerk.

He said due to political influence over the years, promotion of workers who do not merit to senior positions has led to underperformance and stagnation of deserving employees in one grade.

He pointed that the although the vetting might spell doom to some of the workers who have irregularly earned their positions, others who have stagnated in one position for



The clerk to the County Council of Mwingi, Elijah Mutambuki speaking to media. Photo/Kavyu-Kura

some unknown reasons would get a reprieve by being promoted if they are found to qualify.

“Following the staff rationalization exercise, we will be able to identify employees who merit promotions and put them on the right career placement for progression. We will also be able to know the staff training needs in order to boost performance,” said Mutambuki.

The county clerk urged residents to expect changes in service delivery once the process is complete.

“At the end of the rationalization exercise, we expect a better and a more motivated staff who will be deployed into their rightful positions,” said the clerk.

At the same time, Mutambuki who was posted to Mwingi in May last year, disclosed that he was in the process of inculcating a working mindset among the council workers whose performance had been wanting due to lack of commitment to duty.

“When I came here I realized that most of the staff members knew nothing about performance and thus I have put them on notice to ensure they deliver as expected so that the council will achieve results,” said the clerk.

He added that he was keen on making the council more vibrant and result oriented despite last year's ratings which ranked the council among the 10 poorest performing local authorities in the country.

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Measures to end poverty in Busia launched

By NYAKWAR ODAWO

THE Busia District Agricultural department has rolled out an ambitious programme aimed at alleviating food insecurity and poverty in the area.

The programme which targets small scale farmers entails the introduction of drought resistant crop varieties that can withstand harsh climatic conditions.

Among the crops that have so far been introduced include the drought resistant rice variety known as NERICA (New Rice in Africa) which has been sourced from Mwea Rice Irrigation Scheme.

The Busia District Crops officer Kennedy Otieno says that already 100 Kilograms of the drought resistant rice have been disbursed to farmers within Busia township division while another 200 Kilograms has been distributed to farmers from Matayos division.

Farmers from Nambale Division have received 300 Kilograms and an additional 100 Kilograms has gone to farmers from Butula Division with the Busia agricultural training centre getting 50 kilograms whereas Busia prison has benefitted from 50 kilograms of the same and registered a total yield of 1,905 kilograms.

"The department has also provided the rice farmers from the respective areas with adequate farm inputs so as to enable them improve on the quality of the crop yield," he adds.

However, the crops officer says that rice farmers within the target areas are currently faced with a myriad challenges that range from poor seed quality, seed shortage especially the upland varieties to poor crop husbandry practices, water shortages, weed menace, birds and army worms among others.

In addition to the introduction of drought resistant crops, the ministry of agriculture has at the same time disbursed cash to the tune of Kshs1.6million to various self help groups from the said areas to enable them engage in various income generating activities through a programme dubbed "Njaa Marufuku Kenya (NMK).

Available data indicate that farmers who have benefitted from the programme received from between Kshs40,000 to Kshs150,000 which was meant to empower them to improve on the existing projects as well as create new income generating activities.

Some of the income generating activities started by the groups includes poultry keeping, pineapple production, processing and value addition to cassava and sweet potatoes, dairy farming, soap and food processing, Soya beans and groundnuts value addition, tomato production, dairy farming and water melon production among others.

The District Agricultural Officer, Mr. Samson Khachina, says the projects are aimed at empowering farmers to diversify in other activities and grow crops such as pineapples, bananas and other drought resistant crops on large scale to enable reap benefits in existing markets.

"We want to encourage the local communities to undertake the growing of pineapples, bananas and water melon and other drought resistant crops because there is ready market for the same instead of relying on maize only," the district agricultural officer said, adding that Busia district had managed to harvest a total of 90,000 bags of maize during the short rains but registered a deficit of between 60,000 and 70,000 bags of maize.

Peace initiatives bears fruit in Mwingi

By KAVYU-KURA

A COUPLE of years ago, deaths resulting from conflicts sparked by the scramble for grazing pasture and water between the Kambas of the larger Mwingi district and their Tana river neighbours were a common feature.

These vicious conflicts that intensified during times of drought just before the onset of the rainy season saw the herders from Tana River district encroach in the peripheral areas of Mwingi namely Musavani, Masyungwa, Ngumeni, Mitamisiyi, Wingemi and Ukasi.

The migratory habits of the Tana River pastoralist who entered Mwingi in search of water for their camel and cattle became a source of conflict and often resulted to confrontations that resulted to loss of human life or animals.

However, touched by the senseless killings witnessed during the clashes, the Mwingi District Arid Lands Drought Management has now initiated a peace building programme that seeks to reconcile the warring communities.

"My office has been initiating peace committees in the past three years whose mandate is to oversee the resolutions of contentious issues that have degenerated into fierce conflicts," says the District Arid Lands Drought Management Officer Francis Koma during an interview in his office.

He says through the involvement of the general public, peace committees have been set up in the conflict prone areas with a mandate to forestall clashes that may arise as the two communities wrangle over water and pasture during times of scarcity.

"These peace committees we set up in the hotspot marginal areas of Musavani, Mitamisiyi, Masyungwa, Ukasi and Wingemi have over time helped to almost eliminate deaths resulting from such conflicts," said



Mr. Francis Koma speaking to The Link writer. Photo/Kavyu-Kura

Koma.

He said that the peace committee members have received training on conflict resolution, peace building and have been instrumental in cultivating harmonious coexistence among communities from across the district borders.

"The members of the peace committees initiate dialogue between the elders from the two communities whenever they detect anything that was likely to provoke conflict. This has over time reduced flare-ups in the area," said Koma.

He pointed out that most of the clashes resulted from encroachment by herders who disregarded the value that their Kamba neighbours attached to individual land ownership and would drive their camels and cattle on farms with mature crop.

"There were even cases where the herders would contaminate wa-

ter sources meant for drinking and other domestic chores," said Koma.

He said in order to avert fatal attacks in such incidents, elders from either side cultivated dialogue among the antagonists and agreed on compensations for the aggrieved parties.

The Drought Management officer said that the peace committees that worked in tandem with the government line security committees have effectively been able to restore harmonious co-existence of the neighbours from the conflict areas through dialogue.

"The crucial role the Peace committees have played in building and sustaining peace has attracted recognitions from national organizations like Peace-net and even the Small arms department at the office of the president," adds Koma.

However, the initiative is with-

out pitfalls as herders still walk around with guns.

A civic leader for Mbuva area in Mwingi East district, Nelson Kitema feels that the issue of peace in the common border needs to be looked into seriously.

He said during an interview with The Link that herders from the neighbouring district who openly walk around armed with guns have managed to evict the residents of Sosoma in Ukasi from their original ancestral land.

"It started a couple of years ago when the people who originally lived in the areas bordering the Sosoma ranch fled to safer areas after a considerable number of their kin and relatives were killed by the invading herders.

Kitema said although initially the aggressors were from Tana River, the current trend was worrying because the expansive Sosoma area has become a no-go zone area for the residents as it has turned out into a hideout for criminals.

"These criminals who perpetuate acts of robbery in both Mwingi and Tana River districts have completely locked out the original inhabitants of the Sosoma area. These people have therefore been effectively displaced and are now IDPs," claimed the civic leader.

He said an arms mop up operation by the security operators need to be carried out in the area to disarm those with illegal firearms and also resettle IDPs who have been accommodated by relatives or bought land elsewhere back to their land.

Busia matatu terminus to get new sanitation blocks

By NYAKWAR ODAWO

The Water Services Trust Fund plans to construct two sanitation blocks in Busia town at a cost of Kshs4.6million.

The Busia branch customer service manager, Ms, Eslay Tsuma, says that one of the sanitation blocks will be located at the Busia matatu terminus whereas the other one will be established at the Soko Posta open air market in Busia town.

Ms Tsuma says that the construction work will take off immediately and be completed within a period of six months.

The customer service manager who was accompanied by the Social Field Monitoring officer Ms Noel Obiri and the Western Water Services manager Bush Orondo at the same time called upon the youth within Busia municipality to form a group that will be managing the two facilities when completed.

She said that in order for the sanitation facilities to be sustainable, every person who will use them will be required to pay a minimal fee for the service rendered.

The Western Water Services manager on his part said that the sanitation facilities will go a long way in changing the face of Busia considering that the town is a one stop border point following the recent launching of the East African Common Market Protocol.

Bungoma south youth receives loans

By AGGREY BUCHUNJU

THE Ministry of Youth affairs loaned out Kshs2 million to the youth in Bungoma south District two years ago.

According to the Bungoma South District Youth Officer Mr. Augustine Mayabi, the loans were meant to empower the youth in the area economically.

Mr. Mayabi says that the loan which does not attract any interest was supposed to be repaid back within one year in order to be re-loaned to other youth groups.

He, however, laments that only Kshs.50,000 has been repaid back adding that failure to repay the money has undermined the purpose for which the fund was created.

The money from the Youth Fund kitty is a revolving fund which is

loaned to the Youth at Zero rate interest in every district to enable them venture into business.

Failure to repay the money back by the beneficiaries denies other potential youth groups an opportunity to benefit from the kitty.

The DYO however reveals that his office is working closely with the youth councils at locational level with a view to recovering the money.

"We have now engaged the youth council in every location to assist us recover the money from defaulters", the DYO discloses.

Mr. Mayabi, however, attributes the loan defaults to lack of entrepreneurial skills among the beneficiaries.

"I think lack of entrepreneurship skills among the beneficiaries is the major cause of default", says Mr.

Mayabi.

He as a result, points out that in future his office will conduct empowerment workshops for the youths before loans are given out to them.

During the workshop Mr. Mayabi, says that his team will be in a better position to determine the capacity of the beneficiaries to repay the loans.

The DYO says that the ministry still channels part of the Funds through financial intermediaries, but quickly points out that conditions for accessing the funds there are very tough for the youth.

He names some of the financial institutions through which the youth funds is channeled as Family Bank, Kenya Industrial Estates, Kenya Women Finance Trust, and Equity Bank.

Africa to set up own space agency

By ALEX ABUTU

AFRICA is a step closer to setting up its own space agency, with the approval of a planned feasibility study by the 53 member states of the African Union earlier this month.

The African Space Agency, as it would be known, would be intended to help ensure the continent becomes an important player in the global space programme.

The agreement was made at the close of the third African Union Conference for Ministers in charge of Communications and Information Technologies meeting in Abuja last week (6 August).

Ministers said that the feasibility study would also draft a common space policy for the continent, taking into account various existing space technology initiatives.

They added that the continent-wide policy would be developed in collaboration with the International Telecommunication Union (ITU) and the United Nations Economic Commission for Africa.

The news follows the first successful launch of a pan-African satellite by the Regional African Satellite Communications Organization earlier this month.

Preparations for the launch began almost twenty years ago, in 1991, but various controversies held it up until 2007, when the satellite was first launched into orbit — only for it to develop technical problems.

The ITU will provide advice to Africa on technical issues involved with setting up the agency, its spokesperson, Sarah Parkes, said.

Parkes also said that details of the assistance to be provided by the ITU are yet to be defined but stressed that the union would do everything it can to help launch a space agency that would aid development on the continent.

Jonathan Mahlangu, a South Africa-based policy analyst said that the plan by the African Union was long overdue. "Think of the contributions of NASA and ESA to the development of America and Europe," he said. "A well coordinated space agency for Africa will assist in solving most of the challenges before her."

According to Mahlangu the critical mass of experts to kick-start the agency already exists. "All African Union needs to do is to put up a call to her citizens in NASA and Europe to come and contribute with their knowledge."

But others are more cautious. Peter Martinez, coordinator of South Africa's National Working Group on Space Science and Technology, said the idea was premature.

"A number of African countries should first develop their own capabilities and these [countries] could then take the lead in perhaps forming a continental space agency," said Martinez, who also heads the space science and technology division at the South African Astronomical Observatory.

Source: SciDev.Net

Ukambani women to export French beans

By KAVYU-KURA

NEARLY two thousand rural women from a remote and dry Ukambani village are set to increase their earnings following their imminent entry into the export market in late September.

The women from the semi-arid Kwa Makewa area in Yatta district have partnered with the Kenya Network of Grassroot Women (Kengrow) Non-Governmental Organisation to harness rain water for drip irrigation and grow French beans for export to European countries in a long term strategy to alleviate poverty.

Speaking recently during the launch of the Fresh beans growing project at a communal farm at Kwa Makewa village, the Kengrow Chief executive Beth Kalunda said her organization had already identified a market for the easily perishable fresh produce.

"We expect you to tend your farms properly and produce at least one ton of French beans at the end of this month as we have identified a steady and reliable European Market," Kalunda told local women during the project launch in August.

She said her organization that partners with community based women groups to economically empower them, would undertake capacity building programme on farm management, marketing and entrepreneurship for the women group members to attain optimum results.

She said through a further partnership with the locally based Bishop Titus Masika of the Christian Impact Mission as the coordinator of the project, her organisation would impress on local women to seek home grown solutions to address the problem of hunger and food scarcity.

"This pilot Fresh beans growing project where households are encouraged to build miniature family earth



A well trenched farm lined with horse pipes for drip irrigation at Kwa Makewa area in Yatta district. Photo/Kavyu-Kura

dams and use the water for drip irrigation is cost effective and affordable even to very poor members," said the Kengrow boss in an interview.

She told the media that local resource mobilisation for socio-economic advancement of the local women was geared towards ending over dependency on relief food by local women during times of famine.

Kalunda said that besides growing the Fresh beans and other early maturing and economically viable crops like onions and fruits, local women were also encouraged to take up the growing on the Moringa tree not only for its food and medicinal value but as fodder for livestock.

In between the Fresh bean crops and the Moringa trees, the villagers would

also grow early maturing Mango and Pawpaw fruit trees. She said the fruits would too be sold to supplement family incomes.

Kalunda said her organization was also working towards improving the socio-economic capacities of women groups in other parts of the country like Murang'a, Thika, Maragua, Kitui and Mwingi districts.

State to invest heavily in ICT

By JOSEPH MUKUBWA



Secretary in the Ministry of Education George Godia (right) chats with Central Provincial Director of Education Patrick Nyagosia during the Central Provincial Education/Awards Day at Moi Nyeri Complex Primary School. Photo/Joseph Mukubwa

THE government has rolled out an elaborate Information, Communication and Technology (ICT) programme to improve on the quality of education in the country's learning institutions.

According to the education secretary, Prof George Godia, the programme which covers all sub sectors of education from the headquarters to the school level will help infuse transparency and accountability in the management of education.

Godia who spoke during the Central provincial stakeholders conference and Awards day at Moi Nyeri Complex primary school, reveals that the government has appointed a committee to spearhead the integration of ICT in the management of information system to help deliver a corruption free agenda in the sector.

The Education Secretary pointed out that the education sector was critical in the realization of vision 2030 adding that the rolling out of the Kenya Education Sector Support Programme (KESSP) had put the ministry on the roadmap to the achievement of the Millennium De-

velopment Goals and Education for All.

"The ministry of Education will continue to embrace partnership in its endeavor to provide quality education and training to its citizens," he added.

Also present was Central province Provincial Director of Education Mr Patrick Nyagosia who lamented that the province is facing many challenges among them insecurity and fear arising from organized groups such as Mungiki adding that to date quite a number of teachers have received threats from these gangs.

Drugs and substance abuse by both students and teachers coupled with inadequate guidance and counseling in schools remain a major challenge in the region.

Nyagosia at the same time said the province has registered an increase in the number of candidates expected to sit for this year's Kenya Certificate of Primary Education and Kenya Certificate of Secondary Education compared to last year.

He said that 66,043 students have registered for K.C.S.E exams while 103,794 have registered for KCPE.

KIM launches program for council workers

By BRIGHTON KAZUNGU

MANAGEMENT of local authorities is set to improve following the launch of a continuous education programme by the Kenya Institute of Management (KIM).

KIM Chief Executive Officer, Mr. David Muturi, said the institution has established a link with the International Republican Institute (IRI) to develop a continuous education programme that aims at training staff of local authorities on management.

Mr. Muturi affirms that the Councillors' Continuing Education Programme (CCEP) offered to civic leaders which borrows largely from KIM's Diploma Course in Management seeks to enhance the skills of the councilors, council staff and civil society on management of public affairs.

He said the programme is part of IRI's mission in Kenya to strengthen local governance and enhance community advocacy. The training was facilitated by KIM facilitators.

Mombasa Mayor, Ahmed Mohdhar concurs with Muturi that the collaboration between KIM and IRI will benefit most civic authorities which are currently grappling with corruption related cases and huge debts.

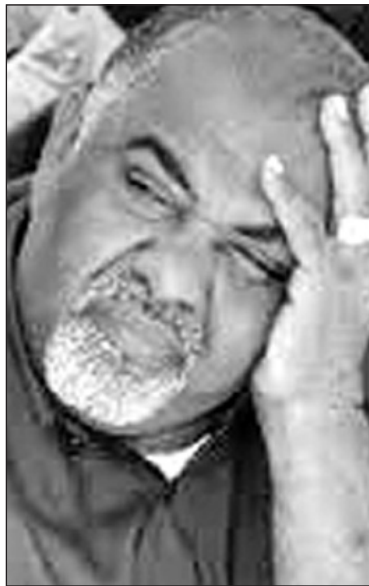
Mohdhar further notes that the ongoing reforms in the sector will help create a conducive environment for doing business and for the full enjoyment of individual rights.

Similar sentiments are shared by the Kisumu Mayor Mr. Sam Okello who feels that the training will go a long way in enhancing operations in most councils.

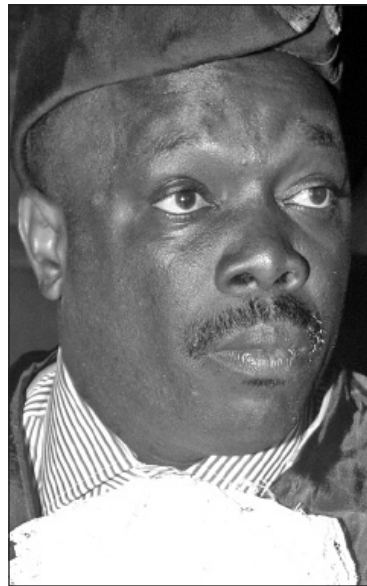
Mr. Okello said for local authorities to deliver services efficiently and effectively to the public, leaders in the councils



Mr. David Muturi:
KIM CEO



Mr. Ahmed Mohdhar:
Mombasa Mayor



Mr. Geoffrey Majiwa:
Nairobi Mayor

must observe good governance.

The Kisumu City Council boss said due to limited funds, the government has changed tact and is now encouraging the Public Private Partnership (PPP) policy to allow the private sector play a role providing services to the public.

He said councils have in the past been accused of providing shoddy services which is largely attributed to bad governance and lack of the people to champion the cause.

"Fundamentally, it is about managing change – it has to be planned, implemented and kept on track in an orderly and efficient way. We call this type of management change the improvement journey," he said.

Geoffrey Majiwa, Nairobi Mayor said effective local government relies on public confidence in elected councilors and appointed officers.

"Good governance strengthens credibility and confidence in our public serv-

ices. The function of governance is to ensure that authorities, other local government organizations or connected partnerships fulfill their purpose and achieve their intended outcomes for citizens and service users and operate in an effective, efficient, economic and ethical manner," Majiwa said.

He said the concept needs to be embraced as a guide to all governance activity adding that good governance leads to good service delivery.

A report entitled '*Doing Business in Kenya (2010)*', focuses on the numerous constraints that people undergo before starting business in different jurisdictions.

The report which evaluates regulations in 11 local authorities in the country ranked Nairobi, Narok, Mombasa and Garissa council's among the best councils whose rates favour entrepreneurs willing to start business in construction work and property.

The KIM CEO concluded



Mr. Sam Okello:
Kisumu Mayor

that for the over 3,600 councilors in the country to fulfill their mandate, the leadership must be well conversant with what good governance is all about.

How to achieve Africa's Green Revolution

By YOJANA SHARMA

SEEDING a Green Revolution for Africa will require developing innovation systems that match each country and science and technology approaches that are relevant to local agriculture, according to a UN report.

"There has been a tendency to focus on applying international models of agricultural development without questioning their applicability to local circumstances," says the 'Technology and Innovation Report 2010: Enhancing Food Security in Africa through Science, Technology and Innovation' released by the UN Conference on Trade and Development (UNCTAD).

"When the new African Agricultural Revolution is eventually implemented, it is likely to be built on Africa's own indigenous technology and knowledge requirements and the nutrition and food security needs of its people," says the report.

Asia's Green Revolution swept across the continent in the 1960s, leading to high-yielding grain varieties, but Africa is yet to see the same and all eyes are focused on how to bring about a similar advance in Africa.

Some agricultural research and technology can be imported and adapted, some developed from scratch, and still some brought in by cooperation between developing countries with assistance from third-country donors.

But the challenge is to find, promote and disseminate innovation relevant to African agriculture.

"Our understanding of how new ideas, knowledge and technologies are introduced into agricultural practice remains incomplete," the report said.

"You can take different types of technology — medium, low and high tech — and different mixes of technology but adapted to Africa's different conditions, different ecology zones and crops," said Michael Lim, an economist in UNCTAD's technology and logistics division, but added that this is "quite challenging".

UNCTAD recommends strengthening the 'innovation systems' — a wide range of interconnecting issues, from providing financial incentives and ensuring technology transfer to promoting education — for agriculture in each country in Africa. "This means enhancing links between knowledge research institutes to make sure any innovation they come up with is diffused to the farmer," said Lim. "Farmers need to be able to absorb knowledge to use technologies effectively, and they often come up with their own solutions."

UNCTAD cites the example of the Framework for African Agricultural Productivity developed by the Forum for Agricultural Research in Africa which advocates involving farmers as active players in improving agricultural productivity by increasing yields but also by having a say in shaping policy.

Apart from outlining the challenges, the report also mentions success stories. These include biological control of the cassava mealy bug, which was supported in Zambia by the improvement of agricultural supply chains and the development of markets. The result was that cassava production grew rapidly — at times overtaking maize, the country's other staple crop.

Source: *SciDev.Net*

Varsity launches new curriculum

By PETER MUTUKU

THE Jomo Kenyatta University of Agriculture (JKUAT) has developed a new Business Process Outsourcing (BPO) curriculum.

Deputy Vice Chancellor in charge of Academic Affairs Prof Romanus Odhiambo says the training programme aims at equipping students with market driven skills and knowledge necessary for the BPO sector.

The university becomes the first institution in Eastern and Central Africa to offer courses in the sector which currently lacks

coordinated training in spite of the unexploited potential in the industry.

"Formally trained personnel will be more competent, efficient and competitive in the world market as opposed to the informally trained personnel currently driving the sector," adds Prof Odhiambo. The new curriculum comes in the wake of revelations that despite enormous business growth in the sector, there was lack of coordinated training.

A task force appointed by the Ministry of Information and Communication reveals that in order to

boost the development of BPO skills, there is need to develop a curriculum that will meet international standards in addressing emerging trends in the BOP industry.

The BPO sector has the capacity to propel Kenya's into a regional hub as outlined in Vision 2030 by creating 80,000 jobs and generating Kshs40 billion annually.

The BPO has been identified as one of the six pillars of economic growth in the Vision 2030. The Vision stipulates that Kenya should "quickly become the top

BPO destination in Africa".

The university will first offer certificate courses before introducing Diploma and Degree courses in the near future.

"We are targeting the Kenya Certificate of Secondary Education graduates who desire to specialize in BPO in related skills as well as persons already working in the sector but lack formal training," says Prof Odhiambo.

Prof Odhiambo says that the program will provide competencies that will empower players to effectively exploit emerging opportunities in the BP sector.

Flower farmers seek better trade terms with EU

By PETER MUTUKU

HORTICULTURE stakeholders are working out modalities that will enable them to negotiate a trade protocol with the European Union (EU) to graduate from the current Lome Convention.

Kenya Flower Council Chief Executive Officer Jane Ngige said that stakeholders will push for the amendment of the Lome Convention currently providing a platform for the EU to provide aid and extends trade and tariff preference to African, Caribbean and Pacific (ACP) countries to secure market access.

Ms. Ngige said the move if successful will help create a level playing field for flowers and horticultural products going to Europe, Kenya's key export market.

She said stakeholders want a trade protocol that does not negate the principles of World Trade Organisation (WTO) principles in ensuring a level playing field of member countries.

"The Lome Convention gives us preferential treatment but we want the same terms as other WTO member countries," Ngige adds, expressing hope that a new protocol would be signed by November this year.

The new plan, if effected, will increase access to European markets, with Ngige adding that she does not foresee major objections from growers in Europe.

"The beauty about it is that we have competitive edge and we are certain we can still produce much more efficiently than most Europeans can especially



A flower farm.

because of the energy use," she said.

She spoke during the signing of a Sh4 million sponsorship for the annual Naivasha Horticultural Fair by Kenya Commercial Bank, slated for this month.

The move is part of KCB's plan to widen its footprint in all economic sectors as it continues

its growth momentum across the five East African countries where it operates.

"Naivasha is host to about 50 multinational flower and horticultural companies. This is a huge growth opportunity for KCB that is the region's largest bank in terms of asset base standing at over Sh226 billion," KCB Group Divisional Director Corporate Banking, Wilfred Sang said.

Mr Sang said the industry is

the fastest growing agricultural sub-sector in the country and is also ranked second in terms of forex earnings after tourism, hence the bank's interest.

"This is an important growth channel for KCB that has the financial capacity to meet the needs of agri-businesses in Kenya. Be it business expansion, asset finance, mortgage or employee facilities we are able to offer banking services across all our 168 locations in the country," he

said.

The bank is currently developing a horticultural finance product that is expected to boost its asset book in 2011 from the current 4 percent market share.

The fair aims to display the professionalism in the industry where clients and companies can network while updating growers and customers on innovations and business opportunities.

More than 150 exhibitors are expected at this year's fair.

Kisii farmers urged to produce more milk

By BOB OMBATI

THE Kenya Dairy Board (KDB) has rolled out a school milk pilot project in Kisii Central district in a bid to encourage farmers to increase their production and reap benefits from the Dairy sector.

Board official Emmah Mbugua says 12 schools have been earmarked for the project in the area.

Mbugua says the move follows a government grant of Kshs0.3billion to enable the Board buy milk from processors countrywide and pay farmers to boost their morale after a milk glut that was witnessed in the country recently, leading to the wastage of millions of litres of milk.

Mbugua, who spoke at Kisii Primary School where she delivered 15,375 packets of milk was accompanied by area branch manager, David Akungu and Dairy technologist, Obed Otwere.

She said each child in the selected schools will drink a packet of milk daily for two weeks and told the teachers to ensure that the

milk serves the intended purpose.

The milk, said the official was safe, hygienic, long lasting and fit for human consumption, after having been certified by the Kenya Bureau of Standards (KBS), the quality regulator of products.

Kisii Central District Commissioner, Benjamin Njoroge who was the chief guest urged the board to consider including all the 126 public schools in the area and monitor the project's progress to ensure it was successful.

The DC decried the areas poor performance in national examinations and challenged stakeholders to jointly work together to reverse the trend.

The school's head teacher, Joel Nyang'au lauded the government for the project, saying he will ensure that each pupil benefited adding that it will reduce absenteeism among some lazy pupils.

He appealed to the government to re-introduce the free milk programme in schools to curb truancy among learners besides making them healthier.



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Mwingi Bishop set up centre to fight poverty

By KAVYU-KURA

A CLERGYMAN has initiated an ambitious project which seeks to make the residents of the dry and remote Nguutani area in Mwingi West district technology savvy and self reliant in addressing development challenges and poverty.

The head of the Global Vision Church (GVC) of Africa Bishop Dr. Robert Mutemi wants the residents to shun over dependence on external donor support for developmental projects but advocates for the generation of home grown solutions to achieve such ends.

As a first step, the prelate sought and received financial support from the Safaricom foundation to the tune of Kshs2 million to set up a community centre at which self-dependant skills and knowledge would be imparted to community members.

And in mid August, the Safaricom Foundation Chairman Les Baillie was at Nguutani trading centre to officially commission the Genesis exhibition, training and Information Technology Centre. He also took the opportunity to launch the mission by the clergyman transform the area.

"This is the actuation of a dream I have had for many years. I have all along yearned to guide our people towards eradicating poverty and underdevelopment," said Bishop Mutemi soon after the commissioning of the resource complex.

The bishop disclosed that it has always been his conviction that over-reliance on donor money for projects had adversely affected development programmes in the area. He said donor handouts also made the residents not to initiate their own sustainable development programmes.

Bishop Mutemi said most donor supported development programmes like the provision of water collapse soon after donors pull out, leaving residents with little hope but to wait for



Mr. Baillie (centre) assisted by Bishop Mutemi cuts the tape to officially launch the centre. Photo/Kavyu-Kura

another donor to intervene and revive projects. He lamented that the vicious cycle continued year in year out.

He said through his newly launched Genesis Community Development Assistance (CDA) Non-governmental organization (NGO), organized groups will be empowered to undertake development projects.

Bishop Mutemi said that his initiative would address the challenges facing the locals from different fronts including addressing food insecurity, economic disenfranchisement and poverty as well as illiteracy and ignorance among the local population.

"We want to teach our people that we can move ahead and develop our area without donor support. When things get fully on course, donor

money will no longer determine development. We are going to move mountains without relying on external donors," the Bishop said

He said once the resource centre becomes fully operational, the local population would indiscriminately receive training in viable fields like technology transfer in agriculture, entrepreneurship, financial management and e-marketing and modern art-designs to improve the marketing capacity of local handicrafts.

And as if reading from the same script, soon after unveiling plaque to officially commission the project, the Safaricom Foundation chairman urged Kenyan communities to discard the culture of over reliance on "donor handouts".

Baillie said instead, communities should strive hard to come up with home grown mechanisms to meet their development and fiscal obligations. "It is important that communities avoid over dependence on handouts as they are not sustainable. It would be prudent for communities to find own ways of solving local problems," said Baillie.

He noted that since the community resource centre was of invaluable importance to the residents, he expected that the local community would reciprocate the kind gesture by taking advantage of various trainings opportunities offered at the centre that already had 29 youth taking a certificate course in Information Technology.

"It is going to be a creative centre.

New ideas geared towards fostering development in this area will be generated at this centre and translated into action for the benefit of the larger community," pledged Bishop Mutemi.

Members of the public who spoke to The Link soon after the opening ceremony expressed optimism that that the facility would live to its dream and spur socio-economic development in the underdeveloped and poverty ravaged neighborhood.

86 year old Reginah Kavuvi Matulu who was among those who trooped to the centre said as a development conscious elder, she was happy that a facility that would help address poverty and underdevelopment in the area had been set up.

"I said I would not be left at home despite my advanced age. I had to come here to witness the official opening of this facility. We are told it will help revolutionise our area and bring about development," said the grandmother after taking part in a celebratory jig.

On her part Angeline Thuvi a mother of four said; "This project is just too good for us; it is a sign of better things to come. It will serve to empower the youth and women so that they can play a central role in the implementation of development projects in our area."

And 47 year-old Pricilla Mwangangi said through knowledge and skills to be imparted at the resource centre, the eventual goal will be job creation for the youth leading to reduction in crime caused by poverty.

Fifty year old Samuel Mulwa of Mavui village in Thana Nzaui said the availability of the resource centre will enable jobless youth and school drop-outs to acquire gainful skills that would make them self-employed and thus dependable citizen.

"Residents are set to become self reliant, more productive and seasoned entrepreneurs after being trained on various fields," said Mulwa in an interview.

New plan to give farmers subsidy

By PETER MUTUKU

FARMERS across the country are set to benefit from a government subsidy under the global food crisis response project.

The project, which is jointly funded by European Union (EU), will cost Kshs1.92 billion in the next one and a half years.

It will involve the production of about 1,500 metric tonnes of seeds to benefit 500,000 households during the implementation period.

According to the project coordinator, Mr. Philip Makheta, the fund which is to be administered through the ongoing Ministry of Agriculture programmes under a new project known as enhanced productivity project (EAPP)

"The proposed project which takes a three pronged approach aims at increasing production capacity of smallholder farmers and diversifying their production systems," adds the project coordinator.

Makheta says the project will focus mainly on the poor and vul-

nerable smallholder farmers in maize production zones.

Other beneficiaries will include farmers in marginal areas where maize does not do well and traders through provision of input credit to purchase agricultural inputs. The coordinator spoke in Embu during a four day steering committee workshop to prepare work plans, budgets and log frames for the allocated funds.

Makheta says the project will entail provision of input vouchers to enhance maize production.

The project will also support the production and distribution of planting materials for the drought tolerant crops (orphan crops).

The Orphan Crops programme is focused on the multiplication and distribution of orphan crops planting materials to smallholder farmers in semi arid areas.

Kenya Agricultural Research Institute (KARI) has been allocated Kshs1.33 million, while an NGO Africa Harvest Kshs24 million to produce the planting materials for distribution by Ministry of Agriculture staff to farmers in

the country through District Agricultural Officers.

KARI will produce planting materials at its seed unit and through contract farmers, who will be involved in seed bulking and multiplication of orphan and other crops, including sorghum, cassava and millet.

The project will also upscale the existing input credit programme to enhance its scope and ensure that farmers buy fertilizers and other inputs

Mr. Makheta points out that in order to ensure quick results and impact, the project will upscale NAAIP and Orphan Crops Programme (OCP), where recipients will increase access to agricultural inputs and technologies among the targeted small holder farmers from selected 85 districts across the country.

Improved farmer access is expected to contribute to higher yields, households food self sufficiency and the generation of surplus for sale as well as reduce the gap between domestic production and consumption.

IIEC to equip schools with voter education materials

By JOEL JUMA

THE Interim Independent Electoral Commission (IIEC) of Kenya plans to equip school libraries with voter education materials to improve citizen's participation in electoral exercises.

The commission says it wants to ensure that voter education materials are stocked in libraries and on notice boards so that information related to elections can be accessed easily by the public.

IIEC Chairman Issack Hassan and the Director of Voter Education Joel Mabonga explain that the approach will also enable learners access governance related materials during learning. The two officials say the move will reduce the number of spoilt votes during elections.

Hassan says that libraries in Uganda have been stocked with the materials adding that the same should apply in Kenya.

"Apart from the stocking, the commission will partner with the

Ministry of Education to incorporate voter education in the school curriculum," said Hassan.

Hassan explains that the plan could be implemented without the Kenya Institute of Education (KIE) increasing the number of examinable subjects. "The commission noted a high number of rejected and disputed votes, a matter we blamed on voter education," he added.

Further, the Commission's Partnership Manager Anne Nderitu says all the constituencies have been directed to identify groups that can work with the commission to promote voter education.

Nderitu says schools will also assist in dissemination of information to the public.

The Kenya National Union of Teachers (Knut) says it was ready to support the plan by the commission.

Mumias Knut branch executive secretary John Wesonga says schools are educational centres and will assist in shaping the unity of the country in an election period.

By LUKE KAPCHANGA

EVEN after the East African Community Common Market Protocol came into force, a majority of leaders are not aware of its existence or how it was likely to impact on the people and development in their respective areas.

The chairman of Malaba town council, Chrisantus Ipa-la said he is not aware that the protocol is operational despite the fact that his council is strategically located and best suited to reap from the new market.

Ipa-la is however happy that the new market will allow free flow of goods mostly from Uganda and enable the council to generate more income through improved market fee.

The chairman now says that the council will revise its market fees, in line with the changing environment to encourage mostly food vendors to move freely across the boarder.

Nevertheless, the council will lose a substantive Kshs.44million which is generated annually from Trailer parking fees.

"The parking fees will drastically go down, as trailers are likely to spend less time awaiting verification following computerization of the customs department," adds the chairman.

The vice chairperson Janet Jacka, says that the council



Leaders of the Eastern African Community sign the common market treaty.

will seek redress from the relevant authority if its revenue declines with the computerization of customs.

Mrs. Jacka who also confirmed that she has never heard of the Protocol, adds that the development could give rise to closure of businesses which pay for single business permits.

"The council with 81 employees could be dissolved, if revenue from the Parking fees

is affected with the emergence of Common Market Protocol. KRA has installed computer tracking systems for trucks passing at the boarder point", she added.

Parking fees which generates Kshs 44,826,448 was billed as one of the main sources of income for the council in the financial year 2010/2011 followed by the single business permit at Kshs. 2,510,319.

EAC protocol to promote trade

The Common Market Protocol aims at accelerating economic growth and development, strengthening, coordinating and regulating economic and trade relations among partner states.

The protocol also seeks to promote common understanding and cooperation, enhance research and technological advancement to spur economic development.

The protocol is premised on six annexes which include free movement of workers and persons, right to establishment and residence and schedules on trade in services and free movement of capital.

On the free movement of capital, there is elimination of restrictions on movements of capital and discrimination based on nationality and place of residence within East African Community.

Kenya has committed itself by opening up its border to provide professional, communication, education, tourism and transport services to member countries while partner states have pledged to adopt a progressive liberalization by 2015.

Groups join hands to expand business

By JOSEPH MUKUBWA

MATATU operators in the country have received a major boost following the launch of a joint initiative by four major players in the industry.

Under the initiative which seeks to streamline operations in the sector, matatu owners will receive incentives from the Ministry of Co-operative Development, Co-operative Bank, General Motors-Kenya and Invesco Insurance Company.

General Motors will provide vehicles, Coop-Bank- finance and Invesco Insurance would insure the vehicles at reasonable premiums while the Ministry is to provide policies in the transport industry.

Matatu Saccos are set to benefit more from reduced vehicle prices, low bank interests rates and low insurance premiums unlike individual groupings.

Speaking during a consortium of the four partners at Green Hills hotel in Nyeri town recently, Senior Assistant Commissioner of Cooperative Development Mr John Waihenya said the ministry was out to promote the matatu industry from low capacity to high capacity.

The commissioner further said that the high capacity vehicles were in line with Vision 2030 that envisages the mode of vehicles to operate in the city's Central Business District and other major urban areas.

"We also want to encourage more youth to work in the industry which is expected to register improved earnings once the new plan becomes fully operational," said the commissioner.

He says the emergence of Matatu Saccos after the famous Michuki rules had helped restore sanity in the otherwise chaotic industry.

The commissioner told the meeting attended by matatu operators that the ministry was out to ensure the industry regulated itself by observing and implementing existing traffic rules.

The commissioner challenged PSV operators to seize the opportunity of the East Africa community co-operation and expand their transport business into the region and beyond. Waihenya asked them to ensure their vehicles are fitted with all the necessary traffic gadgets to avoid being harassed by police on the roads.

Present were the Invesco Managing Director Mr Geoffrey Njenga, General Motors Marketing Manager Mr Ruth Mugugu and Coop- Bank Asset Finance Marketing Manager Mr Joseph Thiong'o.

General Motors is offering buses with a capacity to carry 26 to 67 passengers at competitive prices while the Coop Bank is offering loans with attractive interest rates and low deposits and the Invesco company will offer low insurance premiums.

"We want to encourage the matatu operators to invest heavily in the sector and expand their businesses beyond Kenya. The East African Community is now open," said the Invesco MD.

Future of biofuel project in doubt

By BRIGHTON KAZUNGU

CONTROVERSY surrounding a multi-million shilling bio-fuel project in Marafa Division of Magarini District is threatening to derail the initiative.

The implementation of the *Jatropha Curcas* project, for which 120,000-acres have been set aside, has stalled.

Only two acres of land have been cleared and are being used as a demonstration site while proponents await clearance from Nema.

Already environmental experts have started issuing warn-

ing signals, saying that the initiative is likely to adversely affect ecosystem around the area.

"The project if allowed to proceed will destroy the woodland forest in Magarini district, an area inhabited by birds such as the endangered clerk's weaver," adds the Nature Kenya Coast regional coordinator Francis Kagema.

About 50,000 hectares of trust land has been set aside for the programme, despite *jatropha* having been banned in countries such as South Africa after it was found to be poison-

ous.

Kagema says the *jatropha curcas* plant has no history of success in Africa.

Besides the environmental aspect, residents opposed to the project fear that they will be dispossessed of their ancestral land and want the Government to first adjudicate the land and issue title deeds before the company can lease the land from the county council.

The residents also fear the project may fail and turn the woodland into a desert.

However those supporting the implementation of the

project say that it will lead to general modernization and development of the area owing to the anticipated building of schools, roads and health facilities, which have been scarce while providing employment for the youth.

The project is expected to cover parts of four locations - Marafa, Bungale, Adu and Chakama.

The referee is the National Environmental Management Authority (NEMA), which is yet to issue a license to the firm behind the uproar, Kenya *Jatropha Energy*.

State funds Busia women groups

By JOEL JUMA

THE government through the Women Enterprise Fund has disbursed over Kshs 600,000 to 12 women groups in Busia.

The cheques were given to women groups in Nambale and Matayos divisions.

According to Busia District social development officer Margaret

Ojago, the money will help over 300 women from the two divisions initiate income generating activities to uplift their living standards.

"The objective of the fund is to empower women through capacity building and funding of projects that can help women play a leading role in fighting poverty in the community," said Ojago.

She said since the introduc-

tion of the fund, there has been an improvement in the lifestyle of a number of women in the district.

She said the fund has helped women in the area to diversify ways of generating income and beneficiaries no longer rely on farming.

"Farming in the area has not been doing well due to poor and unreliable rainfall patterns. With the introduction of the fund, women

are now venturing into rearing pigs, goats and chicken," said Ojago.

She said each group received a cheque worth Kshs50,000 which is payable in 12 months with groups paying their loans in time being eligible for another loan of up to Kshs100,000.

Ojago added that proposals from groups are vetted before funding is done.

Council elections ended in disarray

By JOEL JUMA

BUTERE-MUMIAS County Council elections ended in disarray after two feuding camps differed over the mode of electing new departmental committee leaders.

Trouble started when a camp of councilors allied to former County Council chairman Mondecai Nandwa demanded that all committees be disbanded and fresh elections be held in line with stipulated laws governing local authorities.

However, civic leaders allied to sitting Chairman Michael Keya led by Atieno Percy (Nominated) proposed that the outgoing committee officials be retained and was seconded by councilor Okelo Ngenge (Nominated).

Nandwa's camp protested almost bringing business to a standstill. A scuffle almost ensued and forced the clerk to the council Maurice Odundo to intervene by interpreting the law.

"The law is very clear about various committee elections and that of mayors and their deputies. To elect chairpersons of committees, the law states that they must be done at every AGM while that of the mayors and deputies shall be done every second AGM of the council," clarified Mr Oundo amid jeers.

This prompted Mr Keya to ask the councilors to decide by acclamation whether or not to endorse the old committee officials and it is at this moment that councilors allied to Nandwa led by the former chairman walked out in protest.

Keya who is allied to Cabinet Minister Wycliffe Oparanya said the polls could not be derailed as the councilors in the winning camp were ready to proceed.

The Kakamega County Council elections for the committee chairmen are set to be held soon.

Board sets aside cash to build bridges

By JOEL JUMA

KENYA Sugar Board (KSB) has set aside Kshs130 million to oversee the construction of nine bridges in Mumias sugar belt.

The bridges to be constructed have already been identified and will ensure that the farmers are not subjected to unnecessary costs incurred during transportation of their cane to the factory.

KSB Directors Mohammed Mukhwana and Billy Wanjala said the bridges will be spread out to cover Mumias, Matungu, Nambale, Butula, Butere, Malava, Bumula and Ugenya constituencies.

Mukhwana and Wanjala explained that the project was part of regulator's budget after Kshs260 million was earmarked for the improvement of the infrastructure in the sugar belt.

The directors were speaking in Mumias constituency during the tour of Matawa-Buchifi Bridge.

They explained that experts were assessing the bridges set for construction in collaboration with the contractors.

Mukhwana and Wanjala also faulted MPs from in Nzoia sugar belt for causing unnecessary controversy over the appointment of Engineer Julius Nyarotso as the Nzoia Sugar Company Chairman.

"We shall stand by the decision taken by President Kibaki to have Nyarotso be the company Chairman," said Mukhwana.

He explained that the MPs were wasting their time politicising the matter, as stakeholders of



Lack of good roads and bridges has paralysed business within the region.

Photo/File

the sugar industry will not tolerate their activities.

MPs Alfred Khangati and former cabinet minister Dr Mukhisa Kituyi are opposed to Nyarotso's appointment but Foreign Affairs Moses Wetangula is leading another team who in-

clude David Were, Ben Washiali and Wycliffe Oparanya in backing President Kibaki's appointment.

Wanjala who is also in charge of Sugar Development Levy Fund (SDLF) at the board explained that farmers will soon

benefit from projects being put at Kisoko trading centre.

He said that the Kshs50 million weighbridge constructed at Kisoko will ensure that costs of cane transportation are reduced as cane weighing will be in Nambale.

Webuye may miss LATF over debts

By LUKE KAPCHANGA

WEBUYE municipality may miss out on its annual share of Local Authority Transfer Fund (LATF) allocation for flouting regulations to clear payments of statutory debts.

Treasurer Richard Ngoni, says that chances are very high for Webuye to lose its allocation since its statutory debt has accumulated to Kshs38million.

"If the ministry maintains that the council has to clear the statutory debts before accessing LATF, then proposed projects for the current financial year under the fund may not be implemented," he explains.

LATF is the expected highest revenue for Webuye municipal council accounting for Kshs.29,093,501 of the total revenue collection of Kshs. 65,425,276.

The other sources of revenue for the council are local revenue which stands at Kshs.28,399,309, Road Maintenance and Levy Fund at Kshs 5,918,221 and Contribution in Lieu of Rates (CILLOR) which totals to Kshs.2,014,246.

The council has been operating with a deficit of Kshs. 12million over the last two years and has set aside merely Kshs.15,293,000 for debt resolutions, which is not even half of what is expected to clear statutory debts.

The councils expected total revenue expenditure for the financial year 2010/2011 stands at Kshs.78,394, 041, against a projected income Kshs.65,425,276. During the last financial year, the total revenue collection stood at Kshs.61,306, 312 while the expenditure amounted to Kshs.73,350,000.

Councilor Paul Wamalwa de-

fended the council's performance saying most of the debts have been accumulated by previous managers.

"These debts have been accumulating for years, we just found them here, and with our limited resources we are trying the best we to have them cleared", he said.

Malaba Town council on the other hand will not be affected by the new directed and is expected to receive its entire share of Kshs.19,272,150.

Town Clerk Hussein Mambo says that he is very positive about the council's capital base and cites a surplus in the budget estimates.

"The 2010/2011 budget estimates has a surplus of Kshs.80,344 arising from the total expected income of Kshs.74,638,913 against the budgeted expenditure of Kshs.74,558,569," adds the clerk.

The major revenue sources for the council are expected to come from trailer parking which is expected to generate Kshs.44,826,448, Single business permit Kshs.2,510,319 and Bus parking fees Kshs.2,019,517.

For Sirisia Town council, they have nothing to worry as most of the statutory debts have been cleared.

The Town clerk George K'Ouma indicated that they have impressive prospects and will get all the LATF money.

The Clerk said they are working closely with the banks in their efforts to pay Provident and Lap trust funds.

Bungoma municipality which has a debt of Kshs.8.2 million accruing from statutory deductions will not be penalized

The Town Clerk William Chep-

kwony, says the council has come up with repayments schedules which are likely to bear fruit.

"The council has come up with viable mechanisms to clear the Kshs.18million debt owed to the National Housing Corporation and therefore this will not affect their LATF allocation.

He however admitted that clearing outstanding debts has been a major challenge and cited the NSSF debt which he reveals is a penalty arising from poor remittance since 1996.

The clerk says the situation has been compounded by a higher rate of defaulters in the payment of land rates.

Currently rates defaulters owe the council Kshs.216 million but the council has devised ways to recover the same faster and effectively.

Unviable districts should be merged

By JOHN NYAMBUNE

THE benefits espoused in the devolved governance and fiscal structures in the new constitutional dispensation cannot be gainsaid.

While the District and Provincial structures are likely to be phased out once the new constitution becomes fully operational, an array of administrative units created by successive regimes largely remain void.

A case in mind, though hardly an exception, is Lugari district created 12 years ago with headquarters at Lumakanda.

Development at Lumakanda has been at painstakingly low pace despite the myriad demands.

Graveled road, unplanned commercial structures, lack of social amenities, among other problems, are the hallmarks of this township. Lugari was hived off Kakamega District in 1998, by the retired President Daniel arap Moi.

Not surprisingly, local leaders still wrangle over whether Pan Paper would not have been a better choice for the district headquarters.

Those opposed to Lumakanda, say that with the upgrading of Matete and Likuyani to districts, the town is no longer ideal as a district headquarters.

But according to Mr. Herman Lovega, a retired education officer and a businessman at Lumakanda, Pan Paper is not as suitable as was initially thought.

He says that although construction of the district commissioner's office and other government offices are almost complete, there is need for leaders to review the



IIBC chairman, Mr. Andrew Ligale and his assistant consults at a meeting.

Photo/File

original proposal.

Mr. Lovega says uncertainty of the headquarters coupled with incessant wrangling has scared prospective investors from committing their resources to Lumakanda.

Another drawback is the general level of poverty whose net effect has been reluctance of banks to lend money to residents of an area largely considered as stagnant.

But draughtsman Sammy Kogode says poverty is not the cul-

prit. He blames the scenario to corruption and bureaucracy at the Lugari County Council. He added, "Several investors' allocated plots by council are unable to develop them because of corrupt officials."

And a resident Essendi Mwanzi seems to agree and says ways must be found to stop unnecessary bureaucracy at the council and undeveloped plots be allocated to investors ready to develop them for rapid growth.

But senior revenue officer

Charles Savatia refutes the charge and says; "there is no corruption at the council. We only charge legal fees approved by the Ministry of Local Government."

"We charge Kshs. 2,600 for application fee and approvals, Kshs. 2,000 inspection fee and Kshs. 1,300 for residential and commercial plots," Mr. Savatia revealed.

Saidi Fwamba the district agricultural officer said infrastructure and related facilities in the

township must be addressed and gives as an example, the fact that training seminars and workshops are conducted at Mabanga in Bungoma district some 80 Kilometres away because available facilities at Lumakanda cannot accommodate many participants. "This denies the area income."

According to the western monitoring survey carried out in 1997, nearly 52 per cent of the population included small time farmers, agricultural labourers, and female headed households, physically handicapped and casual workers.

But not all is lost for according to the district development officer Mr. James Nhabocha, the district has adequate and reliable rainfall, surface and ground water and thus great potential for food production, agro-based industry and other economic activities.

He said Kshs247 million Lumakanda/Kipkaren community water supply, rural electrification and planned tarmacking of the Turbo-Pan Paper - Kimilili road are likely to spur growth.

Ordinarily this would be music to the ears of residents but some of those posted to serve in the area are less upbeat. "I commute daily from Eldoret, 60 kilometres away since I was posted here from Samburu several years ago," said Alex Gimnyigei, the district probation officer. He added finding appropriate accommodation and good schools has been a challenge.

Due to lack of financial institutions, youth have not benefited from Youth Enterprise Fund and the Kshs. 10 million earmarked for the district was not disbursed because the Fund deals with local financial institutions.

Kitui schools get more cash

By BONIFACE MULU

PRIMARY schools in Kitui Central will benefit from a Kshs12.9 million disbursement by the local Constituency Development Fund (CDF) kitty during this financial year.

Fund manager, Mr. Nicholas Kimanzi, says an additional Kshs6.7 million will be channeled to secondary schools in the area.

Kimanzi at the same announced that plans are underway to prosecute head teachers who had misappropriated money channeled to their respective learning institutions through the CDF kitty.

The fund manager said that already a team of auditors from the National audit office have been dispatched to the affected schools to probe their accounts and expose any cases of fraud.

Kimanzi spoke during a sensitization workshop for the local primary and secondary school head teachers on new guidelines by CDF board outlining how CDF money should be spent.

"CDF is public money and must be accounted for. In fact beneficiaries especially schools will

be required to produce accounting documents specifying how funds disbursed to them through CDF were spent," he adds.

He explained that in cases where schools undertake to construct a building, documentation must be certified by the Ministry of Public Works

"CDF money given to schools must fund development projects and not meet recurrent expenditure," Kimanzi told the head teachers.

He said that all the files of the CDF-funded School projects must not only be maintained in the schools but also be forwarded to the DEO's for auditing.

The funds manager told the head teachers to always erect sign boards against school projects funded by the CDF.

The local Area Education Officer (AEO), Mr. Harrison Nyumu, who had represented the District Education Officer, Mr. Boniventure Wasikoyo, cautioned teachers against misappropriation of funds at their disposal.

He warned that Education Ministry will deal firmly with culprits.

Panic grips Murang'a local authorities

By MORRIS GITHENYA

PANIC has gripped a number of local authorities in the larger Murang'a District following revelations that majority of them will be dissolved under the new constitutional order.

The Chairman of Maragua county council Charles Thuo says that most local authorities will be merged to enhance performance.

"It is true some of the local authorities are financially challenged but a lot is being done to ensure they remain a flout to meet public expectations in service delivery," said Thuo.

Investigations by The Link into the performance of the Councils revealed that many had been relying on the Local Authority Transfer Fund (LATF) to clear their external debts owing to their weak capital base.

The financial burden for most local authorities in the region dates way back in 1996 when they were split from the giant County Council of Murang'a in 1996 following the formation of Maragua district.

Kandara Town council is for instance operating with a deficit of Kshs4.9 million which has over the years despite LATIF allocations.

Council's Chairman Cllr. Muiruri Ng'ang'a says the debt was inherited from the larger County Council of Murang'a.

"The huge financial burden was passed to the council after the split with employees with huge salary arrears being deployed to the council from the larger county council of Murang'a," explains Muiruri.

Kandara has a revenue base for Kshs3 million which is enhanced by its annual allocation of the Local Authority Transfer Fund (LATF).

He says most debts had accrued from non remittance of statutory deductions to the National Hospital Insurance Fund (NHIF) and Salary arrears.

The Maragua town council has increased parking levy in a bid to increase its revenue base.

Finance chairman John Wanyoike says the council has a deficit of Kshs6,454,321 which they are struggling to clear.

Council's local revenue amounts to Kshs12 million while it expects to receive Kshs14 million as additional funding from LATIF and Fuel Levy.

A huge chunk of outstanding debts derive from fines imposed by statutory bodies such as Kenya Revenue Authority which is currently seeking to recover Kshs751,000 and Lap Trust Fund which is demanding Kshs782,000.

By MALACHI MOTANO

KENYA'S universities continue to rank lowly internationally with current statistics painting a grim picture.

None appears among the top 1,000 in a survey by the Academic Ranking of World Universities (ARWU), in which Africa is represented by only three — all of them from South Africa.

They are University of Cape Town at 259, University of Witwatersrand at 393 and University of Kwazulu-Natal at 473.

Harvard leads a pack of 17 US universities, which appear top on the list.

In terms of regional representation, Europe has 208, the Americas 184, while Asia/Pacific have 106 universities in the top 501 ranking.

The survey conducted from the beginning of the year used benchmarks such as number of alumni and staff winning Nobel Prizes and Fields Medals, number of highly cited researchers selected by Thomson Scientific, number of articles published in journals of Nature and Science, number of articles in Science Citation Index - Expanded and Social Sciences Citation Index, and per capita performance with respect to the size of an institution.

The absence of Kenyan and indeed other African universities from the list means most graduates coming from the continent are disadvantaged and less prepared to join the global labour force.

ARWU says the findings are taken seriously by universities, governments, the public and the media worldwide.

"There is enormous attention given to every league table that is published as well as its quality ranking. And they are taken seriously by students, government and especially by the media," said Ms Ellen Hazelkorn, the main author of a new study by the Organisation for Economic Cooperation and Development (OECD) which studied the influence of university rankings.

High ranking means more prestige and ability to attract foreign students and high-profile scholars.

Kenyan varsities fail new quality test



Kenyan universities fail quality test among world's best in new ranking.

The AWRU study found that 57 per cent of institutions "believe league tables and rankings are influencing the willingness of other institutions to form partnerships with them."

A series of other global university rankings have also cast doubt on the competitiveness of Kenyan universities.

Conducted by Spanish Research firm Webometrics, the ranking focuses on an institution's online visibility, generation of research and scholarly activity — key academic tools by which modern institutions of higher learning should be judged.

In its latest survey that included 12,000 institutions, Webometrics ranked only two Kenyan universities — Nairobi and Strathmore —

among the top 50 in Africa.

The University of Nairobi is at number 26, the highest ranking in Kenya, while Strathmore is at position 31.

The other public universities are almost at the tail-end of the ranking with Moi coming at 74, Kenyatta at 80 and Egerton at 97.

If these results are anything to go by, it means that graduates from Kenya's universities will be subjected to a judgment based on the ranking of the institution they attended, which raises questions of employability, especially in the international labour market.

The situation is grave considering that local universities have been expanding at a breakneck speed with campuses and constituent colleges taking over middle-

level colleges, sometimes in disregard to opposing views.

One of the immediate concerns would be the shortage of artisans if the colleges were taken over by universities, locking out students enrolling for the courses.

The appetite for university education has been rising, forcing the government through the Joint Admissions Board (Jab) to increase intake almost every year.

This year, for instance, the number of government-sponsored students joining public universities has gone up by 4,000 to 24,300.

There have been concerns that quality of education was going down, sometimes because of the growing enrolment, while the faculty continues to be overwhelmed.

Areas that have been identi-

fied as waning in value include research, which define most respected rankings.

For example, the MBA programme has become more popular in Kenya among the working class, who have trooped back to class through the parallel programme.

But the size of classes has meant sometimes that students end up colluding to pass examinations while others have been accused of hiring researchers to help with projects that they cannot control or understand.

The Commission for Higher Education, which is the quality watchdog, has been on the spotlight, being asked to arrest erosion of content while matrices show Kenya is ripe for an expanded university education.

Masaba to get new tea centre

By BOB OMBATI

AN American Organization, Hopewell Alliance is financing the construction of an ultra modern tea buying centre at Nyankoba ward, North Masaba district to enable tea farmers maximize on their earnings.

The project which is expected to cost Kshs700,000 comes as a reprieve to

hundreds of tea farmers who have over the years incurred huge losses as they deliver their produce to far flung areas.

HKA-Kenya chairman, James Omanga says the facility is jointly funded by the local people in collaboration with the USA group.

The organization is also aiding the local community to construct dispensaries, provide clean water and im-

prove roads to augment government's funded projects.

The NGO further plans to construct Nyankoba "Chitago-Rigoma road at a cost of Kshs3 million and appealed to the local leaders to support the project with funds from the Constituency Development Fund (CDF) and Local Authority Transfer Fund (LATF)

Angwenyi, who officially commis-

sioned the buying center, said the USA group will provide equipment to Nyanchonori and Mong'oni dispensaries.

The USA group said Angwenyi was closely working with the provincial administration and elected leaders in the area to mobilize the community and resources to implement viable projects to benefit them and improve their lives.

"Our goal is to complement government's effort in empowering the community with clean water, health facilities and passable roads to link them to market centres, tea buying centres and coffee factories to deliver their produce," said Angwenyi.

The USA team led by the group's president, David Angwenyi, vice president, Mellisa Wicks, Treasurer Andrew Jackson and a group of 18 high school students donated Kshs. 180,000 towards the completion of Nyanchonori dispensary.

Citizens in the N

People as the Foundation

THE new constitution sets its basis and reasons of its existence on the people. It comes into force with a mandate and a commitment to nature and protects the well being of the individual as the corner stone of the family, communities and the nation (*Preamble*).

It places sovereign power to the people of Kenya (*in its first statement in chapter one, article one*) to be exercised directly by them or through democratically elected representatives. The people are placed ahead of any provisions or creations of the constitution. Sovereign power is only delegated to state organs like Parliament, national executive, judiciary and independent tribunals, county assemblies and county government.

The Constitution entitles every citizen with rights, privileges and benefits which can only be limited on condition that the limitation is reasonable, justifiable and takes cognizance of other factors as;

- The nature of the right or fundamental freedom;
- The importance of the purpose of the limitation;
- The nature and the extent of the limitation;
- The need to ensure that the enjoyment of the rights and fundamental freedoms by any individual does not infringe on the rights of others;
- Clear demonstration to court, tribunal or other authority that the limitation is in accordance with the laid down law.

Enforcement of rights

1. The role of the state

Under the new law, it is funda-

mental duty of the state and every state organ to observe, respect, protect, promote and fulfill the rights and fundamental freedoms of every person (*Article 22*). The state is commanded to make every effort including legislative, policy, setting standards and any other measure to achieve progressive realization that every person has the right;

- To the highest attainable standard of health;
- To accessible and adequate housing and sanitation;
- To be free from hunger and have adequate food of acceptable quality;
- To clean and safe water in adequate quantities;
- To social security. (*The state is to provide appropriate social security to persons who are unable to support themselves*);
- To education;
- To Emergency treatment.

(Article 43)

All the public officers have the duty to address the needs of vulnerable groups within society, including women, older people, and persons with disabilities, children, and youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities.

2. The role of judiciary

Every Kenyan,

OR

- a) A person acting on behalf of another person who cannot act in their own name;
- b) A person acting as a member or in the interest of a group or class of



The new Constitution embodies a unique combination of greater democratic space and good governance. At the heart of it all, there is a wider soft sport for the people. Unlike in any other time in history, the new constitution places people first and literally orders state instruments to ensure that the special place for the people is thoroughly respected and adequately provided for. As the different state organs and parliament prepare to pass the laws required to fully implement the new constitution, in this issue OCHANDA GIDEON (pictured) highlights on the space of for the people in the constitution.

- c) persons;
- c) A person acting in the public interest; or
- d) An association acting in the interest of one or more of its members.

CAN seek redress by moving to court in case of rights denial, violation, threatened or infringed i.e. right to access to information held either by the state or another person and required for the exercise or protection of any right or fundamental freedom (*Article 35*).

While considering matters of fundamental rights and freedoms, the

Chief Justice is to make rules to;

- Fully facilitate the parties infringed;
- Proceedings formalities are kept to the minimum. The courts are not reasonably restricted by procedural technicalities;
- No fee is charged for commencing the proceedings

In interpreting the bill of rights, the courts are mandated to:

- ✓ Adopt the interpretation that most favors the enforcement of a right or fundamental freedom;
- ✓ Promote the values that

underlie an open and democratic society based on human dignity, equality, equity and freedom;

- ✓ Promote the spirit, purport and objects of the bill of rights;
- ✓ To be guided by certain principles in case the state claims that it does not have resources to implement the fulfillment of a right.
 - (a) It is the responsibility of the state to show that the resources are not available;
 - (b) That the state allocated resources for ensuring the widest possible enjoyment of the right or fundamental freedom;
 - (c) The court may not interfere with a decision by the state organ concerning the allocation of the available resources.

3. The place of the people in Parliament

Parliament is one of the main organs that demonstrate how individuals' political rights are achievable. The conduct and outcome of parliamentary output are right indicators as to how responsive parliament is to the overall enjoyment of ones rights and fundamental freedoms. The new constitution opens up parliament to the people not just in representation but more importantly in how the people can influence the parliamentary output.

Public access and participation:

- ✓ Parliament is to conduct its business in an open manner. Its sittings and those of its committees are to be opened to the public (*Article 118, 1 a & b*);
- ✓ Parliament is to facilitate public



President Mwai Kibaki in readiness to sign the new Constitution into law at Uhuru Park, Nairobi on August 27, 2010.

Photo/MosesMwangi

ew Constitution



A section of Kibera slum. From slum houses to modern upgraded houses (see red arrow)

participation and involvement in the legislative process and other businesses including operations of its committees. Parliament has, therefore, to come up with procedures and directions of how it intends to facilitate the people to adequately participate in its processes;

- ✓ Parliament may not exclude the public or any media from any sittings unless in exceptional circumstances the relevant speaker has determined that there are justifiable reasons for the exclusion;
- ✓ Every person has a right to petition parliament to consider any matter within its authority, including matters that may arise following the enactment, amending or repealing of any;
- ✓ Right to Recall a Member of Parliament. The electorate has the right to recall a member of parliament representing their constituency before the end of

the term of the relevant House of Parliament (*Art.104*). However, Parliament is to enact a legislation to provide for the grounds on which a member may be recalled and the procedure to be followed.

As in Parliament, County Assembly has to operate in a similar manner. It has to:

- (a) Conduct its business in an open manner and hold its sittings and of its committees in public;
- (b) Facilitate public participation and involvement in the legislative and other business of the assembly and its committees;
- (c) May not exclude the public or any media from any sitting unless in exceptional circumstances which must include justifiable reasons for doing so;
- (d) In Schedule 4 part 2

(14) county governments are to ensure and coordinate the participation of communities and locations in governance at the local level as a way of developing the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

4. Public participation in Public Finance

The new law stipulates that there must be openness and accountability including public participation in financial matters.

The public finance system is to promote an equitable society that provides fair taxation, equal distribution of resources among

national and county governments.

Further, expenditure is hinged on a strategy that seeks to promote equitable development of the country, including making special provision for marginalized groups and areas.

Other areas include enhancing prudent management of public funds. Both the national and counties governments must adopt responsible financial management practices with a clear fiscal reporting.

The senate has a mandate to invite the public including professional bodies to make submissions in respect to sharing of the 15 percent allocation among the counties.

5. Amendment of the Constitution

The constitution provides that it may be amendment through a popular initiative started by an

individual or group of Kenyans who then must get the support of at least one million registered voters. The popular initiative can either be in the form of a general suggestion or a formulated draft bill so long as it respects the guarded provisions (*Art. 255*).

If a popular initiative is in the form of a general suggestion, those spearheading the initiative are to formulate a draft bill which is to be submitted to the Independent Electoral and Boundaries Commission with the supporting signatures.

The commission is to verify that the initiative is supported by at least one million registered voters.

With these provisions and much more, the people of Kenya have express constitutional mandate to participate fully in the implementation of the new law and act swiftly to protect it from being abused.