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False start

Experts warn of looming constitutional crisis

By FAITH MUIRURI

NOTWITHSTANDING the hype generated by the appointment of the Commission on the Implementation of the Constitution and the Commission on Revenue Allocation, there is very little to show at the end of the first 100 days since promulgation of the new law.

To begin with, the Judicial Service Commission (JSC) which ought to have been established by October 27 is yet to be fully formed. Granted, parliament has appointed High Court Judge Isaac Lenaola and Magistrate Emily Ominde to the commission, but JSC is yet to be properly constituted so that it can legally carry out its business.

The Attorney General and the Chief Justice Evans Gicheru are other members of the team. However the Chief Justice is expected to leave office by latest January 27 next year. The composition of JSC includes a Supreme Court Judge elected by the judges of the court which is yet to be constituted.

They are also bickering over the creation of the new 80 constituencies, which led parliament to blocking the formation of the Commission on Implementation of the Constitution and the Commission on Revenue Allocation. It is notable that nothing can move forward in terms of implementation of the new law without these two crucial commissions.

Before they go on recess, the MPs are also expected to pass a law to set up the Supreme Court, vet judges and



PHOTO/KAVYU-KURA

lay ground for devolution before the next general election.

The Supreme Court must be in place by May next year. So far, MPs have established the House Oversight Committee on Implementation of the new constitution.

Constitutional experts are already raising a red flag. "Beware of forces out to subvert this long walk to reform," warns Prof Yash Pal Ghai, who is the head of the Constitution Advisory Support Unit of the United Nations

Development Programme in Nepal.

The Professor of Constitutional law now wants Kenyans to take charge of the process to block any vested interests from taking centre stage in the legislation of relevant laws and in the appointment of members of various commissions.

Ghai, who spoke during a National Convention on the implementation of the Constitution in Nairobi strongly, feels that Kenyans must spearhead

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Be accountable, Kibaki, Raila told

By KAVYU KURA

PRESSURE is mounting on civil society groups in the country to re-energize themselves and forcefully demand accountability from the government in the implementation of the new constitution.

Former cabinet minister Mukhisa Kituyi says the implementation of the new constitution should be all inclusive to include all actors but not to be left to political actors.

Mr. Kituyi said that if the civil society remained docile and disinterested leaving the implementation on the constitution solely in the hands of state actors, it was likely to be implemented in a skewed way favorable only to those in power.

He said there was need to check and stop horse trading among coalition partners Mwai Kibaki and Raila Odinga in appointing members of various commissions that would facilitate the implementation of the constitution in the best interest of the people of Kenya.

Kituyi who is the Executive Director of the Kenya Institute of Governance (KIG) NGO said Civil Society groups should speak out openly about such skewed methods of appointments to make the coalition principles to act in a more accountable manner.

The former Minister spoke during a Civil Society National Convention on implementation of the Constitution at Ufungamano house in Nairobi that brought together various civil society groups representatives across the country.

The forum was held jointly under the aegis of the KIG and the Kenya Section of the International Commission of Jurist (ICJ).

Saying that horse trading in appointments would relegate the process into a political fiasco, Kituyi said it was time both Kibaki and Raila woke up to the reality that the country was not all about Party of National Unity and Orange Democratic Movement.

"Kibaki and Raila must come to the reali-

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Prof. Yash Pal Ghai and Ms. Martha Karua during the National Convention on Implementation of the new Constitution in Nairobi.

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the implementation process.

He says that Kenyans have been empowered by the constitution to monitor and push for the implementation process and do not need any new statutes to partake in the process.

"This is a people centered process. The constitution opens up many opportunities for people to participate in the implementation process and therefore the real challenge does not belong to parliament and the executive but with the people. Unless we take charge and spearhead the implementation process nothing much will be realized," he adds.

Indefatigable former Kabete MP Paul Muite is emphatic that Kenyans must identify reforms that must be enacted before the 2012 General Elections and cites judicial, police and the electoral laws as some of the legislations that need to be fast tracked before the country is plunged into an electioneering mood.

"There is need to identify and push for the prioritization of legislations that need to be enacted to effect provisions of the new constitution before 2012".

He says that Kenyans must be vigilante enough to make sure that the new document is not mutilated to serve the interests of the political class.

"Some forces both within and outside the political class are out to subvert the reform process and may not want to see certain provisions in the new constitution implemented. I foresee manipulation especially from the commissioners who may opt to serve their political masters and doctor the bills required to implement the constitution to suit the whims of their masters," he told the forum held jointly under the aegis of the KIG and the Kenya Section of the International Commission of Jurist (ICJ).

Former Justice Minister Martha Karua, who gave a key note address during the convention, challenged the civil society to come up with ways to



Mr. Ranneberger and Mr. Muite during the National Convention on Implementation of the new Constitution in Nairobi. Photo/Kavyu-Kura

catalyze the process.

The outspoken Narc-Kenya party leader proposed the formation of a vibrant and independent body to audit the implementation process without which the new constitution will just be another book in the shelf.

"Incumbents never reform willingly. Both Parliament and the Executive who are currently spearheading the process are incumbents and unless they are pushed, we are not going to have any reforms," she warned.

Karua, who is also the MP for Gichugu, says the Katiba audit body once formed, will serve as a platform to closely monitor the implementation process.

"The body's mandate is to audit the new laws and focus on different areas ranging from Human Rights, governance and anti corruption. Specific committees need to set up to ensure transparency is upheld in the creation

of institutions and laws being made," she adds. She further underscores the need for Kenyans to participate in the implementation process.

"You do not need any statutes to allow you to participate in the implementation process. The whole range of participation has widely been covered in the new constitution.

She says the appointment of CIC commissioners from the civilian would help cushion the body from any political manipulation

"The commission has been mandated to coordinate with the Attorney General and the Kenya Law Reform Commission in preparing for tabling in parliament, the legislation required implementing this constitution," she adds.

This she says will help ensure that only bills aligned to the spirit of constitutionalism see the light of the day as opposed to a scenario where laws

are created to perfect the comfort zone for the incumbent.

The US ambassador Michael Ranneberger who was present at the forum said that the new constitution if implemented fully will put in place a framework and institutions required to accelerate implementation of reforms and to bring about fundamental change.

He called on civil society organizations to develop a roadmap and specific actions that will go along way in ensuring the full implementation of the constitution.

"This can be realized through lobbying parliament, petitioning the government and political leadership, and mobilizing peaceful demonstrations where appropriate," he suggests.

He challenged civil societies to accelerate a nationwide civic education programme to ensure that people at the grassroots level take full ownership of the process.

The diplomat told civil societies to be wary of politicians and other individuals with vested interests whom he said are not interested in any reforms.

"If anything, this group is likely to frustrate, interfere and attempt to slow down reforms. The question is whether you as civil society will make yourselves relevant or not in pushing for change," the Ambassador said.

He said that time had come for the NGOs to redefine their watchdog role and act as people's voice in the implementation process, track the credibility of membership and leadership in the commissions and ensure the independence and autonomy of the commissions and insist on consultation regarding appointments for commissioners and key offices through a transparent process based on merit not political or ethnic considerations.

"Hold parliament accountable in accordance with the proposed standards and make certain that the stipulated time frame for implementation is strictly adhered to and insist on wide consultations in the drafting on new laws," he said.

Nyambera primary school protests

By BOB OMBATI

PARENTS and teachers of Nyambera primary school, Kisii County, have protested against government's delay in disbursing funds to complete a stalled playground which has become an eyesore and a menace to pupils.

The school's committee chairman William Ogari, who led parents and over 200 pupils in storming the area District Commissioner's office, said the project had become obsolete and was affecting the foundation of some classrooms.

According to Ogari, a contractor who was awarded the tender disappeared without completing work leaving the field corrugated and muddy. "The contractor appeared on site without notice and started to plough the field without involving the school management only to leave abruptly," he explained.

The chairman said the current scenario was endangering the health of the children who have to play in the mud and sometimes dusty field.

"The uncomfortable field exposed children to airborne diseases and was hampering their development since they cannot undertake Physical Education (PE) on the muddy and sometimes dusty field.

He said the teachers have been forced to release children early whenever there are signs of rain since the nearby bridge is weak and narrow.

"Everybody is inconvenienced. We want the government to complete the play ground and construct the bridge the make the school accessible and learning conducive," said Ogari who also appealed to the area Member of Parliament, Richard Onyonka to intervene to have the projects completed.

The DC however said that the contractor abandoned the project midway after he ran short of funds, stressing that he underestimated the cost of the project, leading to the delay in completing it.

The DC, flanked by the area Education Officer, Joshua Kisuya and Sports officer, Robert Wepukulu disclosed that Kshs3 million had been allocated to the project but confirmed that only Kshs.1 million had been released.

He said the government has released Kshs2 million to complete the project and assured the parents and teachers that the playground will be completed before the end of the year.

The administrator told the parents and the school management to monitor the implementation of the project and report any anomaly, saying the contractor will involve them in the project.

On the broken bridge that had hampered access to the institution, he said Officers from the ministry of Public Works were on the ground doing valuation, adding once they are through, the bridge will be constructed.

Be accountable, Kibaki, Raila told

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ty that Kenya does not revolve around PNU and ODM," stressed Kituyi who added that the two principals must become accountable to Kenyans by giving the country the best in the appointments.

He said it was the duty of the civil society groups to guard against the reversing of the gains envisioned in the new constitutional order by state players, forces on reaction and opportunistic players.

The KIG boss said since in the new constitutional order the National government has to cede power to the County governments, and that the civil society must pressurize for the same as experience elsewhere had shown National government hardly cede power willingly.

He said that during the constitution implementation phase, the civil society groups must conduct vigorous civic education to make Kenyans understand

the document and its impact on them.

Vibrant civil society groups, he added would help address constitutional challenges at the grassroots level while National forums would seek to identify gaps in the new constitution and find solutions.

Kituyi admitted that although during the referendum campaign the constitution was touted as the best and received overwhelming support at the vote, it had its downside that should be brought to the attention of Kenyans through civic education.

"For example there is no clear delineation of powers of the County and National government, something that is likely to be exploited by the National government to usurp powers that belong to the County governments," he explains.

Kituyi said to avoid conflict between the National and county government, civil society groups should demand for detached policies for each system of government. Such challenges, he said,

should be noted through active involvement of civil groups and opportunities explored to find solutions so that the envisioned constitutional gains could become a reality.

He said the civil Society groups should come out and fill in the gaps left by the political class with a view of pushing for legislative solutions.

The director of the Centre for Multiparty Democracy, Njeri Kabeberi told the participants that civil societies should always be ready to offer alternative leadership where the government has failed.

She said in her presentation that it was important to be extra vigilant in the implementation of the new constitution and always demand accountability on those given the role of carrying out the implementation.

Kabeberi said the Civil society groups should be on the look out to ensure political accountability in the implementation of the new constitution as far as the holding of free and fair elec-

tions, respect of human rights and other fundamental freedoms as well as the application of power in line with the rule of law. He said it was the role of civil society groups to be active and vigilant to ensure that the constitution was implemented in the best interest of the people of Kenya.

The head of the Anglican Church in Kenya Archbishop Dominic Wabukala noted although during the referendum campaigns the church took a stand and opposed the new constitution it would be an active partner in seeking for the implementation of the same.

He pointed out that the vicious debate during the constitutional referendum campaign was not bad as the church delved on contentious issues such as the Kadhi courts and abortion and did not at all peddle any tribal messages.

He said the church and like-minded civil society groups should forthwith start coalescing together and have a common platform to push for the proper implementation of the new constitution.

Schools urged to readmit pregnant girls

By MALACHI MOTANO

STAKEHOLDERS in the education sector wants punitive measures taken against teachers who refuse to readmit girls to school after pregnancy.

They argue that a gender and education policy developed in 2003 only provides for the re-admission of girls who become pregnant while still at school, but does not stipulate measures to be taken against school administrators who flout the rule.

"Yes, the readmission strategy had been pronounced, but it has been left at the discretion of the head teachers and school boards to decide whether to re-admit the girls or not. In the event that the head teachers or school boards do not value girls' education, then the girls seeking re-admission suffer," says Eliud Kinuthia, programmes director at the Kenyan chapter of the Forum for African Women Educationalists (FAWE-K).

According to statistics, early pregnancy accounts for 31% of all school dropout cases among girls, leaving educationists asking whether the effects of teenage pregnancy is being addressed

Currently, there are no figures for the number of girls who have sought re-entry, only to be turned away; but the Kenya National Union of Teachers does not believe re-admission constitutes much of a problem.

"We believe the government order to readmit girls is being adhered to," says former Secretary General Lawrence Majali.

"There is no formal information about any teachers refusing to readmit girls. We believe it is their (girls') duty to continue with schooling, because being pregnant is unfortunate, and not criminal."

However, Kinuthia's experience indicates there may be cause for concern in some quarters.

He told The Link in Nairobi



One of the pupils is being coached by her teacher. School drop outs is at a high level due to pregnancy.

FAWE calls for stiff punishment of head teachers who refuse to follow the rule

that the head teacher of a school in the coastal town of Mombasa had recently contacted FAWE-K in connection with a girl whose education the organisation supports, to request that it stops paying fees for her because she had become pregnant.

Authorities say talks are underway to set policy guidelines on how to deal with teachers who refuse to re-admit girls who have given birth as well as on how soon these pupils should return after their confinement.

"When discussions are complete, the policy will give guidelines on re-entry as well as on repercussions for teachers who fail to abide by it. We are not only talking about guidelines, but also about implementation strategies. Our hope is to make those pupils in school remain in school, those who dropped out come back - and those who have not enrolled, to enroll. "A senior official at the Ministry of Education said.

Little is being said at present about programmes to provide financial assistance for young mothers to

ensure that they are able to resume their education and even less about the responsibilities of those who father their children.

Clearly, prevention is better than cure in these instances. Yet, the early onset of sexual activity, combined with a lack of awareness about reproductive health, appears to be creating the conditions for teenage pregnancy.

According to the 1998 Kenya Demographic Health Survey, 44 percent of girls aged 15 to 19 have had sexual intercourse. (The lat-

est Demographic Health Survey, of 2003, does not provide statistics on this matter.)

But, says George Kichamu, senior assistant director at the National Coordinating Agency for Population and Development (NCAPD), teenagers are not prepared for the possible consequences of sex.

"The underlying factor is that young girls lack information. They do not have information about their bodies, and on how to take care of themselves. Without this information, they...find themselves falling pregnant."

The 1998 demographic survey further notes that sex amongst teenage girls is usually unprotected, giving rise to early pregnancy, unsafe abortions and infection by sexually-transmitted diseases such as HIV/AIDS. Awareness of sexual health matters is particularly low in rural areas, says Kinuthia.

"In the rural areas even the parents themselves have a problem with using contraceptives, because the level of awareness of family planning is low. In urban areas, pregnancy among school girls is there, but it is a bit controlled because many girls have information that helps them manage or control pregnancy while in school."

"The level of education and awareness of urban parents on the matter is higher, and they are more cautious about pregnancy prevention with their girls. Some even put their children on family planning."

In lobbying for the education rights of girls who do become pregnant, however, perhaps one of the strongest arguments relates to the effect that their continued schooling has on future generations.

"The children of uneducated mothers are more than twice as likely to die or be malnourished than children of mothers who have secondary or higher education," notes global aid agency Save the Children in a report.

By BRIGHTON KAZUNGU

Lamu teachers defend their own

TEACHERS in Lamu County have asked their employer to give those on contract first priority when hiring staff on permanent basis.

The Kenya National Union of Teachers (KNUT) branch executive council says it is unfair to employ teachers on temporary terms saying they deserve permanent jobs when such vacancies arise.

The executive branch secretary, Mr. Omar Bakar Khelef, says 132 primary and 40 secondary school teachers had been hired on contract basis during a recent recruitment drive to compliment the 615 teachers in secondary and primary schools.

"The national executive council of Knut accepted this unnecessary evil on condition that they get priority if such vacancies are announced," he said.

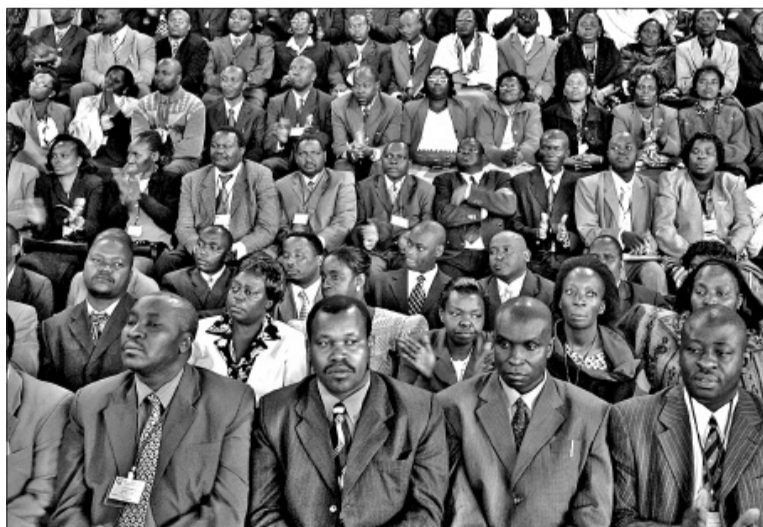
Presenting a report to the

branch's executive council at the annual general meeting held at Mkunguni Hall in Lamu County, Mr. Khelef urged the Government to fulfill a pledge made to the contract teachers. The pledge is contained in a memorandum of understanding signed on July this year.

Meanwhile, Mr. Khelef has asked the union to push for review of teachers' allowances and full implementation of phase two of last year's teachers' salary awards to enable them cope with prevailing economic constraints.

The official said a review of house allowances for teachers was long overdue as the Kshs3,000 currently offered was too low.

"In both urban and rural areas, the lowest house rent is between Kshs5,000 and Kshs15,000, and there is, therefore, urgent need for the Teachers Service Remunera-



A section of headteachers attending a workshop in Mombasa. Photo/File

tion Committee (TSRC) to address these and other challenges," he said. He urged teachers and all

education stakeholders to cooperate and ensure pupils get good examination results. He said per-

formance among schools in the area had continued to drop with a mean score of 224.939 last year at KCPE level.

Mr. Khelef said although there was slight improvement on KCSE results, there was need for teachers and other stakeholders to map out strategies to attain grades A, A- or B+ so that candidates can enroll for engineering, law and medicine courses in universities.

"This will enable them attain career progression on their chosen paths," he says.

Khelef said teachers had been infected and affected by HIV/Aids and stressed the need for voluntary counseling and testing services so that they can make informed sexual choices. Recently, the government announced a 17 per cent increase in the salaries of primary school teachers.

New varsity to help ease crisis

THE East African University has been granted an interim operating license by the Kenya's Commission for Higher education.

The Ugandan-owned private university offers opportunities for thousands more Kenyan school-leavers to access higher education and ease a serious admissions crisis.

The EUA is affiliated to Kampala University, one of Uganda's biggest institutions of higher learning. The commission's license grants the EUA permission to operate in East Africa's biggest economy with courses in business management, computer science and information technology.

Kenya has more than 40 universities but a surging number of students seeking higher education far outweigh the capacity of existing facilities, especially in the seven public universities, locking out thousands of potential undergraduates.

The admissions crisis has been fed by growing numbers of school-leavers as a result of subsidised primary and secondary

schooling, and by soaring demand for higher education as students seek to improve their opportunities in the labour market.

"The award of the letter of interim authority to this university is a clear demonstration that Kenya cannot enjoy the benefits of sustainable development, nor attain Vision 2030, without the contributions of a sound and effective system of higher education," said Commission chairman Professor Ezra Maritim.

The opening of the new university to operate on the outskirts of Kenya's capital Nairobi comes at a time when the government is scouring for strategies to help admit a backlog of at least 40,000 students. This has built up over nearly three decades because universities have been unable to enroll all qualified school-leavers.

Many students who qualify for degree studies after the release of the Kenya Certificate of Secondary Education in February each year have to wait up to two years before they can be admitted to government-sponsored programmes.

COMMENT

By MALACHI MOTANO

Over the past five years, enrolments have been rising by at least 40 per cent annually while subsidies have increased by only 4 per cent to 5 per cent. According to the government's Economic Survey 2010, the number of students in public universities was 143,000 in 2009 - up from 101,000 the previous year.

Apart from licensing new institutions and allowing for inter-institution collaboration, the government has also courted private universities to help absorb the backlog of students. Private institutions are set to take close to 25,000 students once negotiations over the subsidies they will receive from the state are concluded.

The licensing of the EUA also gives Uganda's Kampala University a long sought-after launching

pad into Kenya's lucrative higher education sector. Attempts by the university to set up a subsidiary in Nairobi were thwarted by Kenyan education authorities five years ago on the basis the university did not meet operational requirements

"We are celebrating the success of the five or so years that have gone into the preparation of this multi-million dollar project that is being inaugurated as a fully fledged Kenyan university," said Professor Badru Kateregga, chair of the EUA.

Kenya's search for a stable, effective, affordable and accessible higher education system will receive another boost next year when the country launches a multi-million dollar e-learning university. Plans are underway to establish a National Open University of Kenya - the country's eighth public university - enabling students to pursue their degree dreams through online learning, a trend already practiced on a small scale by private universities.

In June, the treasury set the stage for increased admissions when it raised the allocation to

public universities for the current fiscal year by an extra US\$293 million. This nearly doubled subsidies to state universities to \$640 million, and was the biggest rise in university subsidies in Kenyan history.

The increased spending, in addition to potentially easing the admissions backlog and improving a dwindling quality of learning, was also to be used to fund 13 newly-created constituent colleges run by the public universities. But fears still abound that the funding remains way below what is required to handle soaring admissions.

Kenya hopes an expansion of technical colleges will also help deal with the admissions problem. But inadequate facilities have so far prevented the colleges from meeting the goal of increasing access to higher education.

Universities have been taking over teachers colleges and upgrading technical colleges in their efforts to expand infrastructure. But the government recently announced a ban on such take-overs, concerned that mid-tier training institutions were being eliminated.

Fear grips varsities over proposed changes

By MALACHI MOTANO

PLANS are underway to review courses offered by public universities to align them with the needs of Vision 2030. The move, which is expected to put more emphasis on science and technology, could see dozens of popular arts-based courses scrapped or denied public funding.

Higher education ministry reckons that priority for funding should be based on the actual cost of mounting the course and how it contributes to the achievement of Vision 2030, Kenya's long-term economic blueprint.

Technocrats say the move is meant to ensure universities churn out adequate and relevant skills for the labour market, which is crucial for Kenya's attainment of middle-income economy status in the next two decades - a future anchored on science and technology.

"Going forward, courses will be funded differently depending on how they contribute to creating the human resources required for economic growth," says the Permanent Secretary, Prof. Crispus Kiamba.

Currently all courses are funded on an equal basis yet some, like medicine and architecture, cost more. The policy shift means that students could soon find themselves footing the entire fee bill for courses like history and anthropology if universities continue offering them.

Less than half of Kenya's 100,000 plus students in public universities are enrolled in science and technology-related courses, according to government statistics.



University of Nairobi Fountain of knowledge.

This means the shift could face stiff opposition from educationists and students alike.

"What do they mean that the government will not fund courses other than science and technology?" said Michael Kimani, a fourth-year university student. "All these courses are needed in the economy. Maybe what we need to do is to ensure what is taught is in tandem with what employers want," Kimani said.

Proposals that public universities should increase emphasis on courses such as engineering, medicine, architecture and physical planning have been made in the

past, with policy-makers citing the need to boost technical skills in the economy.

But some educationists have faulted the proposal announced by suspended Higher Education Minister William Ruto, saying all courses being offered currently are relevant and the latest move is intended to deny universities funding.

"All these courses are equally important as they produce the country's human resources, including those working in museums, historical research and even management," said Musalia Edebe, organising secretary of the Uni-

versities Academic Staff Union, a powerful lobby group of lecturers.

"Focusing on science and technology only would be counterproductive, as the economy is driven by multiple variables. When we decide not to fund other programmes, it will be expensive as it will mean that in future expatriates would be employed to cover such fields," said Edebe.

Experts also argue that the latest moves could lead to job losses for thousands of lecturers teaching the courses that are facing the axe.

The proposal on review of courses comes at a time when Kenyan universities are reeling from a

quality crisis - they are weighed down by overflowing classes, strained facilities and a shortage of lecturers - watering down the quality of learning.

For example, Kenya has an estimated 8,000 lecturers and educationists have calculated that nearly double that number is needed to meet the country's higher education needs.

The country is also facing soaring demand for higher education as more students seek to increase their opportunities in the labour market, a situation set to intensify as subsidised primary and secondary education programmes contribute to increased school-leaver numbers. The call to review courses is among a raft of changes aimed at improving what institutions of higher learning teach, and focusing on improving the country's technical skills.

As previously reported, the country is also to spend US\$56 million in donor funding to strengthen vocational and technical training countrywide, in a plan that will include building new technical institutions and elevating some to national polytechnic status. Each of Kenya's eight provinces will have a national polytechnic, said ministry of higher education, science and technology officials.

Educationists also see the new initiatives as a way of improving Kenya's industrial competitiveness in the region as markets expand through integration of the East African Community. In July the EAC launched a common market that will see its five member countries opening up their borders to goods, labour and services.

State to launch e-learning university

By MALACHI MOTANO

KENYA plans to launch a multi-million dollar e-learning university next year, in a bid to increase higher education access and ease admission crisis plaguing public universities.

The National Open University of Kenya will enable students to pursue their degree dreams through online learning, a trend already practiced on a small scale by private universities.

Higher Education PS Crispus Kimamba said the new state institution would absorb a large number of students who, despite attaining the minimum university admission grade of C+ and above in the Kenya Certificate of Secondary Education, could not attend public universities because of limited slots.

The admissions crisis in East Africa's biggest economy has been fed by growing numbers of school-leavers due to subsidised primary and secondary schooling and soaring demand for higher education as students seek to improve their opportunities in the labour market.

The e-learning university is one of the three strategies being pursued by Kenya to help admit a backlog of at least 40,000 extra students, which has built up for close to three decades as universities have been unable to enroll all qualified school-leavers.

Many students who qualify for degree study after the release of the Kenya Certificate of Secondary Education in February each year have to wait for up to two years before they can be admitted to government-sponsored programmes.

By contrast, those who can afford self-sponsored courses or private higher education often enroll in October of the same year. Many other



A section of University graduands.

Photo/File

students cannot afford the prohibitive costs of parallel degree programmes. Private universities are equally expensive.

"The establishment of this university is tailored to address the critical issue of access by giving Kenyans more opportunities to study in their own time and at their convenience," said the PS. "Through the internet, in a clearly defined mechanism, they can

learn from the stations where they are without necessarily going to the university," he added.

The new approach will use a range of platforms to allow students to follow lectures online, interact with lecturers, submit assignments and check on their grades, an approach adopted by several private and public universities locally. Lecturers will also be able to upload course materials, post

assignments and generate online discussions via blogs.

In Kenya, successful electronic-based degree programmes have been dominated by foreign and international qualifications, mostly postgraduate degrees featuring collaborations between local private institutions and foreign institutions.

"The idea of an open university is long overdue. Kenya needs to push

through enough strategies that will not only improve access to higher education but also ensure that it offers quality learning," said James Mwai, an education researcher in Nairobi.

"There is also a need to encourage all public universities to invest in online learning to ease the strain on physical facilities, which have become too expensive to expand," Mwai said.

Opening of an eighth state university is expected to further increase government's allocation to institutions from this year's figure of US\$640 million, which is US\$293 million higher than government spending on institutions in 2009.

Public universities rely heavily on state funding. Over the years, failure to increase funding in line with enrolments undermined their expansion plans, including constructing new campuses, at a time when classes were overflowing.

As reported previously, in another move aimed at easing the admissions crisis, Kenya plans to use private universities to admit government-sponsored students. This innovative approach will see private universities - which have vast capacity and infrastructure that is currently underutilised admit at least 25,000 extra students in the next two years.

"Private universities could help admit the extra students as long as there are incentives and good structures to support such a plan," said Professor Freida Brown, Vice-chancellor of the United States International University.

Kenya also hopes that the expansion of colleges will help deal with the admissions problem. But inadequate facilities have so far prevented colleges from meeting their goal of increasing access to higher education.

Ukambani schools benefit from Arid lands project

By EUNICE MWIKALI

THE World Bank funded Arid Lands Resource Management Project (ALRMP) has spent over Kshs10.7 million on improvement of schools in Mwingi and Makueni districts.

Among schools marked for improvement under the project, include Syomakethe in Mwingi and Kithina, Ngutwa, Musau Emale, Masongaleni, Kakili, Mumani, Mbui Nzau, Isovya, Kyamutimba, Katangaini and Kimwatho Primary schools in Makueni District.

Syomakethe Primary School in Mwingi, which is among the benefitting schools, was shut down four years ago after a heavy storm blew off the roof of its only structure.

However, with the timely intervention by ALRMP, now in its second phase, the school has reopened, with more and more children streaming in seeking to be enrolled.

According to the school's Head Teacher Mr. Juma Mumo, enrolment has significantly increased after ALRMP put in Kshs660, 000 for reconstruction.

"Performance has greatly improved as a result of a good and ambient learning environment. Children can hardly wait to get to school the following morning. ALRMP has given us a new lease of life," Mumo says with a broad smile of satisfaction.

Before ALRMP intervention, students learnt under trees in addition to walking for long distances in search of water both for use at school and at home. Absenteeism was sky high.

In the neighbouring Kitui district, ALRMP has constructed two classrooms for Isevini primary school. The school also benefited from 20 desks for each classroom and a water tank at a cost of Kshs660,000.

The ten schools in Makueni have been funded to the tune of Kshs5.2 million and include Kithina, Ngutwa, Musau Emale, Masongaleni, Kakili, Mumani, Mbui Nzau, Isovya, Kyamutimba, Katangaini and Kimwatho primary schools.

In the neighbouring Kitui district, Nzambani Secondary School has sunk a borehole from the

Kshs2.6 million disbursed by ALRMP.

The benefits have been three-fold. Apart from the student fraternity using the water, the Tissue Culture Bananas invented by Jomo Kenyatta University of Agriculture and Technology (JKUAT) have immensely benefitted. The local community, previously forced to walk for long distances in search of water also access the borehole as part of the corporate service to the community.

"Before the project, the learning process was continuously disrupted as students had to walk several kilometres to look for water. This exposed the students to other anti-social matters exacerbating indiscipline. Now, no student leaves the compound unless with strict permission. Discipline is at its highest," says Principal Mr. Robert Itiku.

However, efforts by ALRMP could be in vain unless the School Feeding Programme (SFP) is up-scaled in the region. Isevini Primary School Head Teacher Mr. Pius Kaluki is apprehensive that children may not be able to utilize

the improved learning environment due to starvation.

"We were surprised when SFP was stopped after being introduced at this school in 2004. We urge that the programme is reinstated so that many pupils can be attracted to the school," he says.

School drop-outs

For education stakeholders, SFP was the blood that drives learning in the ASALs. According to the provincial administration, high incidents of school drop-out can be attributed to the suspension of SFP.

"We have a high rate of school drop-out in this region occasioned by starvation. This will only be reversed through a comprehensive school feeding programme," says Mwingi DC Peter Kinuthia.

But what was the logic behind the SFP? It was mooted in 1964 after a combined World Health Organisation and United Nations Children Education Fund study revealed that between 50-60 per cent of children suffered from ill health and acute malnutrition.

The study also found that chil-

dren in the ASALs had an inadequate evening meal lacking in essential nutrients and often had to do without lunch at school because of the long distances between home and school.

As such the Government started the SFP that initially covered 32 districts. World Food Programme gave SFP a lifeline in 1981 under the ASALs sustaining enrolment and school participation programme. But over the years, WFP reduced the number of children under this programme from over 1.2 million to a mere 750,000. According to WFP the scaling down was necessitated by the high cost of food.

The government has moved in to address this problem. According to the Education Assistant minister Prof Ayiecho Olweny, the government had allocated Kshs450 million to SFP in addition to another Kshs150 million donated by the Japanese government. Unless such interventions are scaled up, diminishing SFP, poor learning facilities and acute water shortage will condemn ASALs into oblivion leaving its rich natural resources hugely unexploited."

Zetech College profile boosted

By BRIGHTON KAZUNGU

THE collaboration between Zetech College and the Jomo Kenyatta University of Agriculture and Technology (JKUAT) has indeed raised Zetech's profile and earned it the much needed credibility at a time when institutions of higher learning are under the sharp scrutiny.

The Deputy Registrar in charge of research, production and extension at JKUAT, Prof. Cyrus Kamau, said the institution has similar ventures with 25 other tertiary colleges across the country with five applications being received every week from more institutions seeking collaboration.

Prof. Kamau, however, said that they turn down most of the applications for various reasons.

Before collaborating, JKUAT subjects every application to a rigorous vetting exercise.

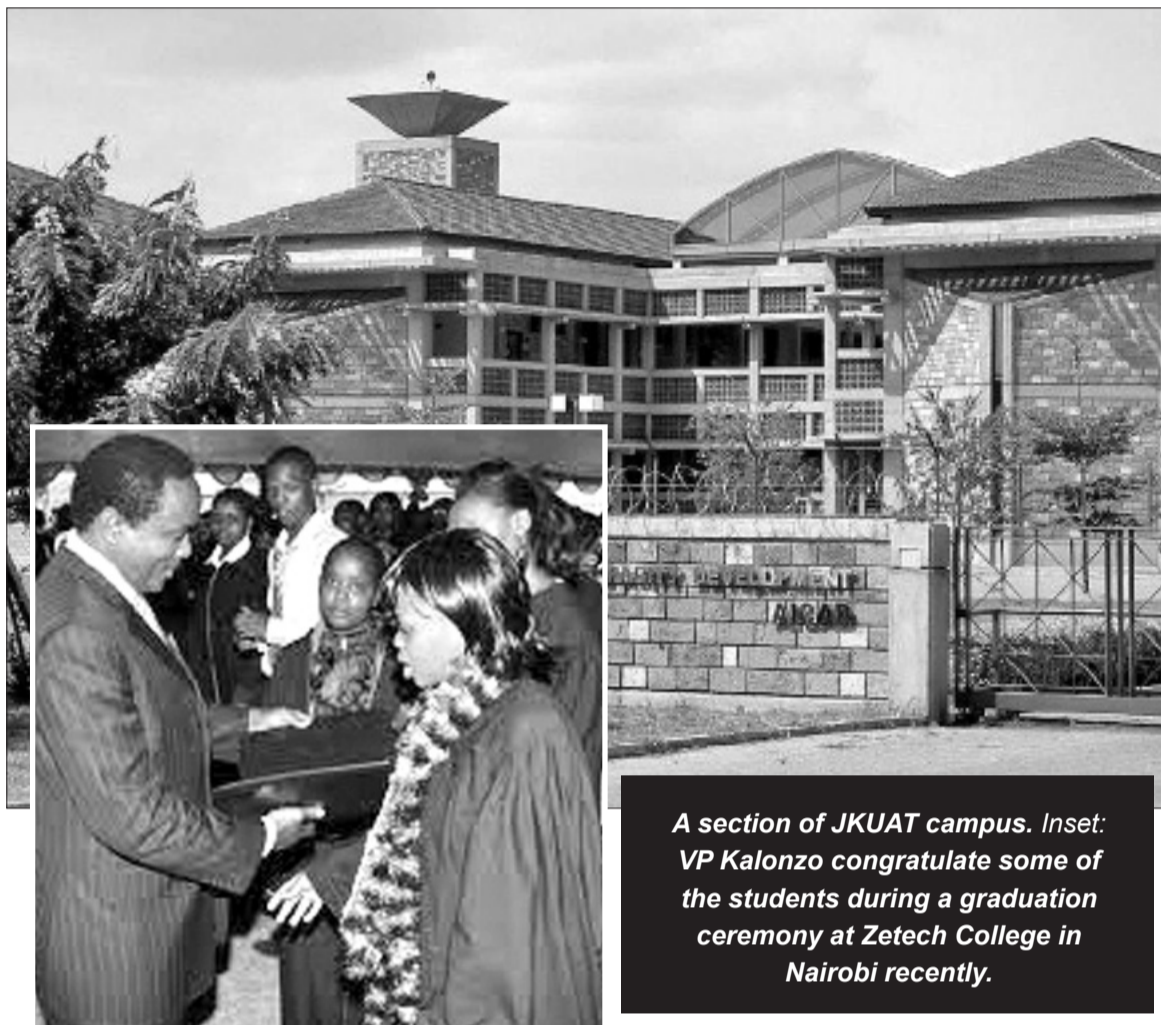
"A senate sub-committee of various professionals visits the facility and carries out a physical inspection of facilities and interrogation of the available human resource," said Kamau.

"We also ascertain the facilities on site to establish whether there are enough computers for colleges offering IT courses. We also train their staff, decide on the syllabus, set examinations, invigilate and mark the papers."

The physical facility must be housed in premises conducive for higher learning and they are very particular about the sort of neighbours. Premises with bars and other entertainment joints in close proximity are disqualified.

The sub-committee recommendations are tabled before the university senate before an agreement of collaboration is signed. For colleges offering certificate courses, the head of departments must be bachelor degree holders and PhD for diploma and degree courses.

The university also insists on audited accounts three months prior to an application and also pays impromptu visits to ensure quality is maintained. Those who lower standards are struck off and in the last one year the university has de-



A section of JKUAT campus. Inset: VP Kalonzo congratulate some of the students during a graduation ceremony at Zetech College in Nairobi recently.

registered two colleges, he added.

The students admitted to those colleges must meet minimum university admission requirements as may be set from time to time by the national Joint Admissions Board.

JKUAT started collaborations with other colleges in 2004, pursuant to the provisions of Rule 13(1) of the Universities (Co-ordination of Post Secondary School Institutions for University Education) rules, 2004, which was granted by the Commission for Higher Education (CHE) to collaborate with the specified universities.

The programme has helped many Kenyans access quality education nearer their homes. The courses are offered at JKUAT main campus in Juja and other constituent colleges in Nairobi, Nakuru, Kitale, Kisii and Taita

Taveta. JKUAT also has constituent colleges in Nyeri and Mombasa offering technical courses.

"We are doing this service to the community because Kenya is lagging behind in the provision of university education with only seven public universities whereas according to UNESCO standards, one university should be provided to a population of one million people."

"Going by this average, Kenya requires 42 universities but I must commend the government since it has realized that there are very many Kenyans who fail to get university education despite meeting the minimum requirements."

This initiative has helped Kenya save on foreign exchange as there are fewer Kenyans seeking higher education in other countries such as India, UK, USA and Ugan-

da. Parents are these days sending fewer students to Uganda where the quality of education is in fact lower than in Kenya.

Uganda realized that there is high demand for university education in Kenya, prompting a number of their institutions to set up constituent colleges in Nairobi to cash in on this demand.

JKUAT has also crossed borders and is collaborating with the University of Kaduna in Nigeria which teaches the Kenyan syllabus.

Magdalene Nduta, a former student of Regional Centre for Mapping in Kasarani, which collaborates with JKUAT said the diploma she obtained has enabled her get good jobs because employers have more faith in her certificate because it was issued by JKUAT.

Embracing ICT in public schools, an uphill task for the government

By MORRIS GITHENYA

PLANS by the government to introduce e-learning programme in both Primary and Secondary schools in the country will actually take longer than anticipated due to inadequate facilities in some public schools.

In Murang'a none of the existing public primary schools have constructed a laboratory to facilitate the introduction of digitalized learning in the lower classes and only a fraction of secondary schools have elaborate computer laboratories.

However, the Kenya Institute of Education (KIE) has already established a digitalized centre to help enhance use of Information Communication Technology (ICT) in both primary and secondary schools countrywide.

Murang'a East District education officer Mr. Kaugi Micheni said out of 32 secondary schools only six have managed to establish laboratories. They include Murang'a High, Kiambugi, Vidhu Ramji, Mumbi Girls and Phaledhia secondary schools.

"There are only a few secondary schools which have invested heavily in the construction of computer laboratories but none of the primary schools have an idea of what is required," said Kaugi.

She said that the Ministry of Education has deployed officials on the ground to conduct a feasibility study on the general requirements including listing the needs of each school in enhancing ICT.

In Maragua, Itaaga secondary school is among the institutions which plan to install a computer laboratory after local Member of Parliament Elias Mbau gave his personal donation of three computers.

In Mathiyoia district, some of the secondary schools have been helped to acquire computers through the Constituency Development Fund (CDF). A company has been hired by CDF to supply computers to learning institutions although some were found to be faulty.

Many of the primary school teachers interviewed said they were yet to be introduced into the project.

"With time we hope to be introduced in the programme once they start targeting primary schools," said Johnson Mwangi a primary school headmaster.

Some of the primary schools lucky to have computers The Link found that they were not useful to both teachers and pupils as they were in the custody of the headmaster.

Catherine Wanjugu a primary school teacher said many of those who have acquired computer skills made private efforts.

"We are yet to utilize the computers which were donated by well-wishers some years ago," said Wanjugu.

Schools to start teaching about Aids

By DORCAS AKELLO

HIV/AIDS will soon be fully integrated into the curriculum for both primary and secondary school, as an interventional program by the government to address the pandemic that remains a big challenge even after many years of scientific research.

According to Education assistant Minister Prof. Ayiecho Olweny "the introduction of HIV/AIDS education in primary schools by the ministry is justified as it is intended to help learners acquire skills, knowledge and attitudes that assist them to adopt knowledge and skills that would enable them survive the risks of HIV infection.

"We are very unfortunate that today as early as in standard four pupils have sex partners, the disadvantage of the modern technology," he adds.

At first, HIV/AIDS was taught as a subject on its own but this module changed when the concepts were integrated within other teaching subjects. The full implementation of this new module was achieved in 2006 in the country's primary schools.

The AIDS curriculum was introduced even as critics complained that such an education would be more harmful than beneficial especially to the primary school child. They argued that no language would be appropriate enough to

communicate such concepts to children in an acceptable manner.

According to research done by NASCOP, AIDS is an extremely serious problem and many governments have declared it an emergency. Against the reality of a fast growing epidemic, more efforts are aimed at prevention through increased awareness about the risk of transmission of HIV and promoting positive change and they are optimistic that being taught as a lesson it will enhance awareness highly.

Recent studies have revealed that the prevalence rate is high in different parts of the country.

In Nyanza province, primary school girls have dropped out of school because of unwanted preg-

nancies either by their colleague pupils, teachers, or because of harsh economic times.

"These pupils are exposing themselves to great risks at the lakeside where they 'sleep' with the fishermen as a way of survival, a practice that has left the province with declining number of professionals.

At the two day Education stakeholder's conference at the Kenyatta International Conference Centre (KICC), poverty and immorality were cited as the major contributors to the spread of the virus. Therefore parents are asked to offer proper and relevant guidance to their children for the preservation of the leaders of tomorrow.

Kuppet meeting turns chaotic

By JOEL JUMA

ANNUAL General Meeting (AGM) of a trade union turned chaotic after members rejected a financial report and suspended its branch Executive Secretary and the Treasurer.

The members of the Kenya union of post primary education of teachers (Kuppet) Mumias branch resolved to suspend its executive secretary Marcdaff Rapando and his Treasurer Mr. G.K. Muhati for failing to account for the union funds.

The members suspended the two for also accessing the bank accounts and withdrawing money without consulting their chairman.

The Union National Vice Chairman Zadock Kisiyena and Deputy Secretary General Moses Nthurima watched in disbelief as the meeting became a free for all despite pleas to members to remain calm.

"It is sad that the two have been suspended at a time when we are headed for an election, said Kisiyena who was presiding over the AGM.

Rapando and Muhati however denied that they had misappropriated the funds as alleged by the members. They vowed not to leave office saying that the suspension was illegal.

They explained that they would appeal to the national office to intervene so that they may continue serving the office.

Rapando said the move had been mooted by members who are out to bring him down. "Some of the members are against my decision to declare interest to run for the Secretary when Kakamega becomes a County," said Rapando. He explained that he would still proceed to handle the union affairs until he winds up his term.

Kisiyena however explained that Rapando had been removed from the office adding that the matter can only be lifted by an AGM.

He added that the union was focused to have its members start attending District Education Boards (DEBs) after the signing of a recognition Agreement with the Teachers Service Commission (TSC).

He said District Commissioners and District Education Officers need to be including union members in the education boards as the Act recognizes them as stakeholders.

Joy as more students enroll for engineering

By JOEL JUMA

A PUBLIC university in western Kenya has indicated that the number of students seeking engineering courses has skyrocketed in the last seven years.

Over 600 students at Masinde Muliro University of Science and Technology (MMUST) are pursuing mechanical and industrial, civil and structural and electrical and communication engineering courses. Students under the Joint Admissions Board (JAB) are 388 while 240 are pursuing their education under Privately Sponsored Students Programme.

Though the field still seems to be a male domain with 567, the number of female students has been growing steadily and currently stands at 61.

"The number of females applying for the various engineering courses appears to be increasing with every intake," said Asenath Sigot, the Deputy Vice Chancellor, Academic Affairs.

Prof. Sigot notes that though MMUST is a science and technology-based university, it also offers an array of humanity courses, making it an all-round institution of higher learning.

However, the Act that established the university stipulates that, the institution will admit 80 per cent of students in the sciences and only 20 per cent in humanities and social sciences.

This, according to Sigot is the policy that guides admission at the university.

The university sponsored the first Engineering, Science and Technology conference at the main campus from June 9 to 11 this year, during which nationally renowned Engineer Isaiiah K.W. Mutonyi delivered the keynote speech. Early last month, the first MMUST Engineering Students Conference and Exhibition on Science and Technology was held. During the fourth graduation ceremony held on October 29 at the Kakamega main campus and attended by, among others, the President Kibaki who is the chancellor, the faculty of engineering presented 102 graduands, who received their degrees along with those from other faculties.

While still in its rudimentary stages as a public university, MMUST is keenly and vigorously pursuing the country's policy framework, which calls for industrialisation that seeks to provide incentives, improve capabilities and provide appropriate institutional framework for development.

Speaking in kakamega Sigot said MMUST like other public universities offering engineering courses is committed to creating an environment that encourages scientific innovation.

She said this could be achieved through new and existing linkages in

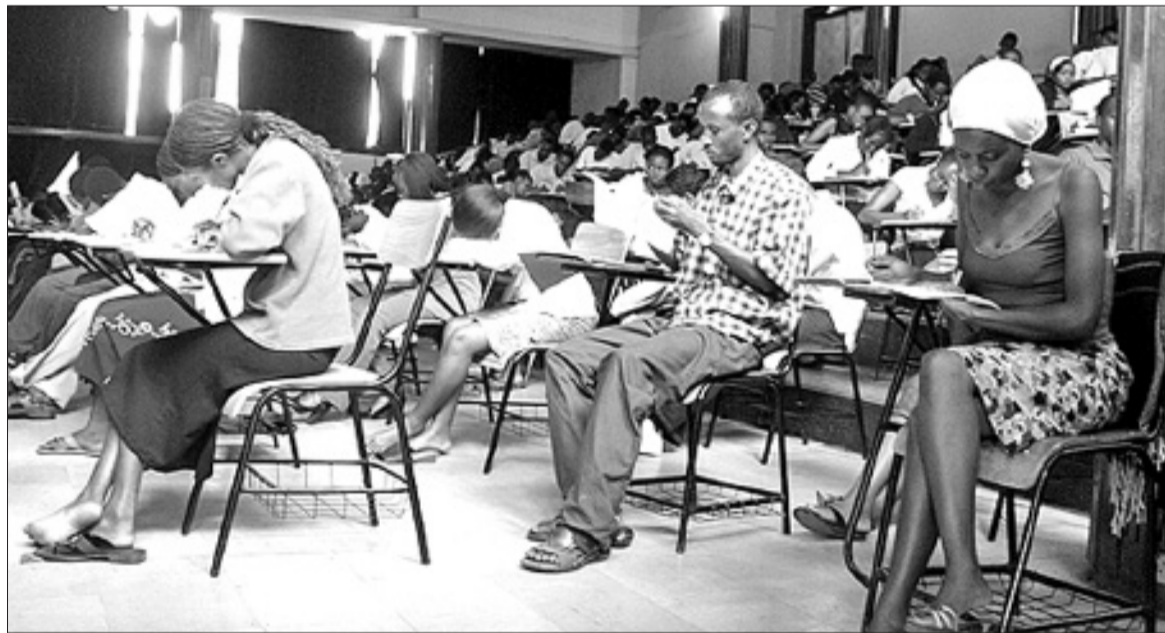
various sectors such as transport and telecommunications, environmental management, hotel and tourism, trade and industry. She added that the university is currently giving priority to engineering and science courses, which is in line with Government's efforts to attain Vision 2030.

Vision 2030 seeks to create a globally competitive and prosperous country with a high quality of life, in line with the Millennium Development Goals.

The university is among the first to offer a certificate on Global School Partnership, Curriculum Improvement and Professional Development following its links with a London-based Cambridge Educational Foundation.

Some of the unique courses being offered by MMUST include sugar technology, bio-technology and social policy.

History was made also when MMUST a few years ago pioneered in launching a radio station, MMUST 109.3 FM to be a training ground for students studying Journalism and Mass Communications. Plans are underway to establish a television station. Already, the university has obtained permission to broadcast from the Ministry of Information and has already applied for a frequency from the Communications Commissions of Kenya.



University students sit for exams.

Kitui school set to grow pigs

By PETER MUTUKU

NORWEGIAN Non-Governmental Organization (NGO) has given five million shilling to a secondary school in Kitui to rear pigs.

Katulani Secondary got complete industrial pig farm equipment; a combined biogas plant worth Shs 3 million and will also construct a 2 million shillings borehole courtesy of a Norwegian NGO.

Johannes Markhus, the president of Hjelp til Selvhjelpi Afrika (HTSH), an NGO based in Norway, officially handed over the pledge to Katulani Secondary and the community during a ceremony held at the school at the end of the month.

"We consider this investment to be a blessing for us, as a helping organisation. HTSH is one family association which intends to put some effort into giving to neighbours some of the blessings we are given."

According to Markhus, the best place for one to identify and familiarise with his or her talent, is within the school system where students interact with colleagues and friends under the guidance of teachers and advisors.

He said they were pleased that Katulani Secondary School had taken up the challenge and guided them through the project in a way that is beneficial to both Norway and for Kenya.

"You are the experts when it comes to cultural and typical African aspects. Therefore it is important that this project shall be regarded as your own project and we guarantee that everything shall comply with Kenyan laws and regulations."

The Kitui District Education Officer Boniventure S.Wasikoyo says, "The Pig-gery project and biogas plant has put this particular school on a particular footing. It is the only school to have the project in Eastern Province. It will greatly improve the teaching of agriculture, biology, and chemistry and physics subjects at the school."

The DEO assured the students that they will be the first beneficiaries of the project and challenged them to improve their performances as their appreciation to the donor. He also challenged the parents to commit themselves as much as possible as the appreciation to the Norwegians.

Also present was the Kitui Mayor Alex Mwendwa Munyoki who asked the Norwegians to chip in, in fighting corruption in Kenya.

Learning in Kenya goes high tech

By AGGREY BUCHUNJU

TEACHING and learning has undergone tremendous transformation over the years in both developed and third world countries.

Learning is now technology-driven in most countries around the World and Kenya is set to take measures so that it can effectively deal with the challenges in the education sector.

The Kenya Institute of Education (KIE) has already come up with digitalized content for lower primary and secondary schools to enhance effective use of Information Communications Technology (ICT) in the learning institutions.

However, the KIE's policy may not be achieved or fully implemented soon due to hurdles that need to be cleared first.

The implementation process is currently being hampered by lack of power in most schools, computers and adequate Computer literate teachers.

In the Bungoma County for instance, about half of secondary schools and three quarters of primary schools are not supplied with electricity.

Majority of both Primary and Secondary teachers in the Region are computer shy and seem to have no immediate plans to enroll for computer lessons.

The Bungoma South District Education Officer (DEO), Mr. Japheth Shitubi says that efforts are being made to supply computers to secondary schools with power.

Mr. Shitubi adds that the computers have been procured through Kanduyi constituency Development Fund (CDF) kitty and other well-wishers.

For schools which do not have power Mr. Shitubi says that they will have to wait until power is connected before being considered for computer supply. According to government plans every village is supposed to be supplied with power by the year 2012.

However, this target may not be realized if power distribution will

continue to move at a snail's pace. It takes almost one year for power to be moved from point A to B, especially in rural areas.

As the Government intensifies rural electrification programme, teachers should rise up to the challenge and become computer literate in order to achieve the millennium development Goals (MDGs) and vision 2030.

Kenyans are looking forward to seeing a situation where the dictation of notes in files, in black books and on messy chalkboards is going to be things of the past. Most Kenyans will also study and obtain degrees through e-learning once the programme is implemented fully.

The Link

Enhancing governance for all

Heed experts' advice on new Constitution

KENYANS should take seriously the free and good counsel by leading constitutional experts, including Yash Pal Ghai, Paul Muete and Martha Karua, to be vigilant on implementation of the new Constitution.

It is now over 100 days and critical commissions and other bodies that were supposed to be constituted by Parliament, President Mwai Kibaki and Prime Minister Raila Odinga are not in place.

The blocking of the appointment of the Commission on the Implementation of the Constitution and the Commission on Revenue Allocation by Members of Parliament should tell us a lot about the threats facing the implementation process.

The Judicial Service Commission (JSC) that should have started working in October 27 is not fully established; the appointment of a couple of judges to the commission, notwithstanding. There are also uncalled for PNU-ODM political bickering over the creation of the 80 new constituencies.

Unfortunately this rivalry and grandstanding spilled over to parliament that led to the members refusing to endorse nominees of the critically important Revenue and Implementation Committees. It is instructive to note that nothing can move forward in terms of implementation of the new law without these two crucial committees.

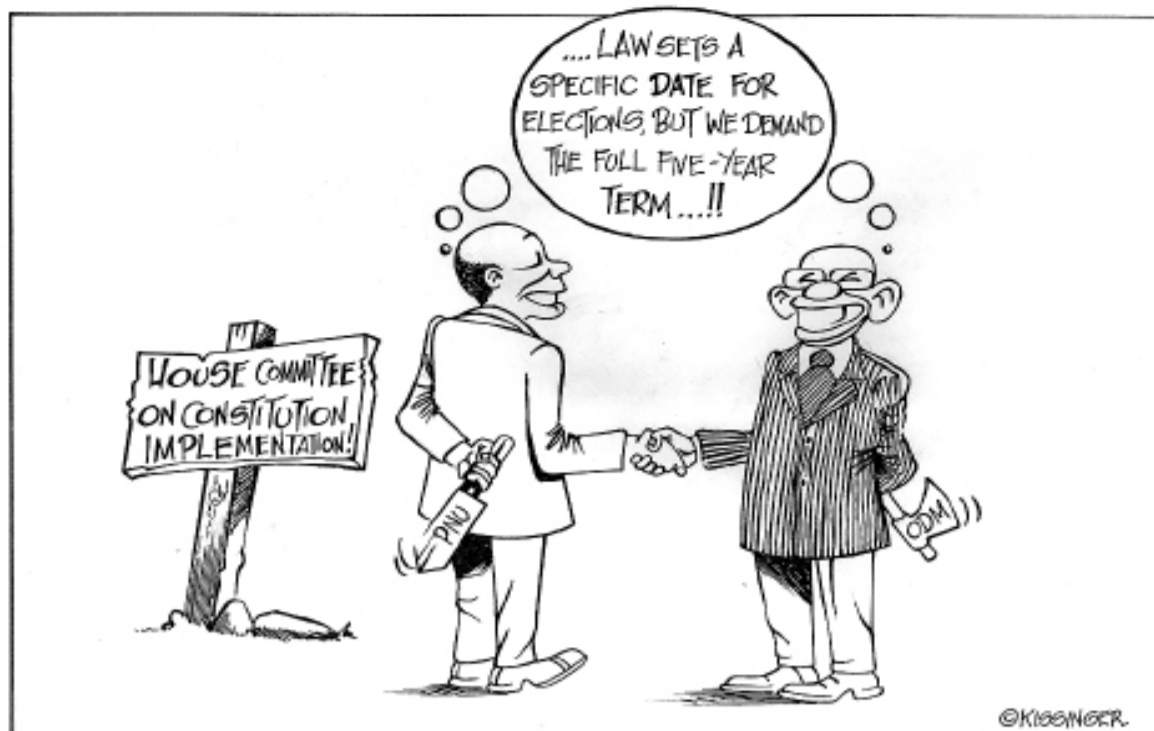
We can now not be sure if the MPs will rise to the occasion to pass laws needed to set up the Supreme Court, vet judges and set up structures of county governments before they go on recess or before the next general elections. We know there are forces keen on subverting the new law and Kenyans must not allow them to have their way.

As Ghai said, we must take charge of the process to block any vested interests from taking centre stage in the legislation of relevant laws and in the appointment of members of various commissions. Kenyans now have powers under the new constitution to monitor and push for the implementation process and do not need any new statutes to push the politicians from the driver's seat.

And that is why we strongly support calls by Narc-Kenya leader Karua that a vibrant and independent body to audit the implementation process be formed immediately. We share the view that incumbents like parliament and the Executive who are currently spearheading the process can never reform willingly.

They have to be pushed to make implementation of the new constitution to be all inclusive and not to be left to political actors like former Trade minister Mukhisa Kituyi would argue. We must check the horse trading between the two coalition principals in appointing members of various commissions as it is not in the best interest of the people of Kenya.

A strong civil society voice must emerge now to speak against this conspiracy lest we regret later.



COMMENTARY

New law good for the media industry

THE mainstream Kenyan media have had a reputation for vibrancy and assertiveness.

They contributed significantly to the widening of the democratic space that led to introduction of multiparty politics in 1992 and regime change in 2002.

The new Constitution is what a vibrant media like the ones in Kenya need. The preamble to the new Constitution recognises the aspirations of all Kenyans for a government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law. The new Constitution is media friendly and will surely act as a catalyst for additional investment and advancement in the media sector.

The government shall have to put laws that monitor and regulate the negative influence of multinational mass communication structures, strategies and practices that negate Kenyan ethnic languages and cultures.

This new provision will reduce the amount of foreign content on local broadcasting stations and provide impetus for development of local content. Media will have to invest in appropriate technologies, personnel and programmes to make this possible. Article 11 on culture will dramatically influence media in Kenya.

It provides that the state shall promote all forms of national and cultural expressions through literature, the arts, traditional celebrations, science, communication, in-

formation, mass media, publications, libraries and other cultural heritage. The government already supports public broadcasting through Kenya Broadcasting Corporation, Parliament, Kenya Institute of Education and various community media through the Communication Commission of Kenya.

However, this provision goes beyond these narrow approaches. It opens the window for government to apply the democratic socialist theory of the press that allows the practice of state intervention to achieve communication goals.

It would allow the government to give indirect economic and financial support to media to achieve national and cultural information goals. Already, under CCK, the government operates the Universal service Access Fund to promote access to communication information and technology.

Fundamentally important is the provision in Article 33 that guarantees to the right to freedom of expression. Specifically, it guarantees freedom to seek, receive or impart information or ideas as well as freedom of artistic creativity. However, individual's freedom of expression shall be

limited by Article 31 that states that every person has a right to privacy. This means that individuals have the right not to reveal information relating to them, family or private affairs. The new Constitution goes even further to prohibit the state from controlling or interfering with mass media owners, distributors, producers and their agents. The implication is that the government shall not make legislation of any kind that seeks to unduly control or interfere with mass media business and management. Gone is the era when the Ministry of Information and Communication and regulators like CCK would unilaterally impose draconian laws on the mass media.

The state-owned media shall also be required to be impartial and adhere to the fairness doctrine at all times. The new Constitution requires state media managers to desist from being prejudiced in their presentation. It requires them to present divergent views and dissenting opinions in a balanced manner. The new Constitution provides a favourable climate for attracting both local and direct foreign investment in mass communication and industry.

Foreign investors were previously cautious because of bad laws and a history of political repression in Kenya. Of course, a worrying trend is the concentration of media ownership in the hand of a few politicians continues in Kenya.

Dr. Oriare teaches at the UoN, School of Journalism

Law commission do not inspire confidence

By GABRIEL DOLAN

THE disappointment with the team chosen to implement the Constitution was both tangible and widespread.

Most of those selected do not evoke enthusiasm nor inspire confidence that substantial change is imminent. They are much more like an 'as it was in the beginning' team than a new beginning. Yet, ultimately the new commissioners' contribution is of a legislative and administrative nature.

So perhaps it is better that the real reformers and creative thinkers remain outside in civil society organisations rather than be co-opted by public commissions where their vision and idealism would be stifled by stale legislators and bureaucratic obstacles. Put another way, the constitution offers real hope for empowering the poor and promoting positive social change, yet its success will depend more on civic awareness, community mobilisation and public interest litigation rather than precise drafting and scheduling of new legislation.

The Constitution is a citizens' manifesto but we should not presume that this government or the next will do 'the right thing' and proceed with urgency to implement it. On the contrary,

the number of watermelons is increasing by the day. We have an excellent Bill of Rights but rights are not gifts given freely. Rights are won ultimately through collective action arising out of a vibrant civil society.

Rights progress is more likely to come from pressure from below rather than leadership from above. Leaders in all walks of life are more likely to be the most cautious, conservative and traditional. Rights are not just won in court through public interest litigation but first of all claimed by public opinion that demands a better deal for the marginalised. Campaigns around basic social and economic gains emerging from the new constitution must be the first step towards the realisation of second generation rights.

Evictions are taking place all over the country in complete disregard to Article 43 of the Constitution that guarantees 'accessible and adequate housing' as well as education, health and sanitation. Where will children learn if they are dumped on the roadside and their classrooms bulldozed? What of their right to health, safety and a clean environment!

Yet when the rights of the poor are violated, they have to depend for representation on second rate advocates completely unprepared and unqualified for public interest litigation cases. No wonder we get such poor court rulings and jurisprudence. Land grabbing too is at an all time high, comparable to that of the last six months of the Nyayo regime in 2002, but who is bothered?

Most civil society organisations should either move promptly and professionally towards campaigning, educating and litigating for social justice or wind up their irrelevant activities.

Rights are not just won on paper but must be accessed by the poorest of our citizens. Now too is the time for the emergence of a new social movement committed to social justice, reform and equality.

The folk I meet everyday are tired of ethnic alliances, familiar faces and broken promises. The new constitution requires a new team but the establishment will continue to churn out the same old recycled figures, so long as we allow them.



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Taveta's chance to shine

THE clock towards implementation of the establishment of county government is ticking and a lot will be expected from whoever will be bestowed with the leadership mantle of Wundanyi town.

The new leaders will be expected to look at new ways of assisting in making the lives of the people of Taita-Taveta County better.

They will have to think of the social life of the people and their economic well being. Yet Wundanyi town which is to be the headquarters of Taita-Taveta County does not offer social amenities that inspire development.

It lacks basic amenities such as sports facilities, entertainment spots and other facilities that would encourage investment.

The future of the tiny town is in doubt following the coming into being of the Taita-Taveta County which was expected to boost its profile but instead it is doing the opposite.

The region is already abuzz with intense lobbying among some local residents and leaders who are demanding that the County headquarters

COMMENT

By BRIGHTON KAZUNGU

be moved to the more robust Voi town, which has been the commercial hub of the region.

Others feel the headquarters should remain in Wundanyi which is considered traditionally to be the heartland of the Taita community.

Unlike other urban centres which have well-established public parks where families and visitors can go for outings, Wundanyi has no such facility. The cold and gloomy weather dampens morale.

The only available outdoor recreational facility-the Dawson Mwanyumba stadium-is a tale of misery and discomfort caused by many years of neglect by the Taita-Taveta County Council.

The unfenced sports facility has been turned into a livestock holding and grazing yard by butchers. The council says it cannot afford to raise Kshs21 million needed to rehabilitate the facility.

Sports activities are hardly ever held in the town and the wonder is that when a sporting event is held, the place is packed to capacity by entertainment-starved residents.

"We wonder why the council never takes us seriously and does not see the need to put up recreational facilities. We're so idle and bored here for lack of leisure facilities," say Claris Wambughu, a civil servant in the town. She lamented that even those who are courting have nowhere to meet. "It's time the council took the pleas of its residents seriously and provides recreational facilities. It should be understood and appreciated that people need places where they can go to relax and unwind after a hard day's work," she said.

Development has been too slow due to lack of space for expansion.

Despite having been a district headquarters, the town is poorly developed in infrastructure. The council has no land for expansion of the town which borders private farms.

Wundanyi is yet to realize its full development poten-

tial. It could however, easily be turned into a major tourist resort as it is located in the picturesque Taita Hills which have immense eco-tourism potential.

"This makes the development of ample recreational facilities to cater for locals and tourists quite important," says Mr. Livingstone Mgenyi, the coordinator of the Taita Community-Based Eco-tourism Organisation.

Comprising a number of eco-tourism self-help groups, the CBO is promoting eco-tourism activities around the Taita Hills which is a bio-diversity hotspot that earn residents more income.

The town lacks night spots such as discotheques that would offer entertainment to music lovers. The once vibrant civil servants members club is a pale shadow of its former self and the officers who are the majority workers in the town have to make do with what little there is in form of entertainment.

People visiting the town from other parts of the country prefer seeking accommodation in Voi which has a more vibrant night life.

By JOHN NYAMBUNE

AS regions began to take stock of assets in their counties, Kakamega County will be looking at its four biggest attractions – its rain forest, its game reserve, its unique culture and the only blue chip company that operates in the area, Mumias Sugar.

The new county will also be looking at launching new development initiatives to generate income for its vast population.

According to the Kakamega District 2002-2008 Development plan, the region had put forward various programmes that were not implemented because treasury did not allocate funds for these initiatives. This could soon change.

Some of the projects include the establishment of a vegetable oil production plant in Kakamega town. The area's burgeoning population will also provide skilled and unskilled labour for development projects.

And apart from being the leading sugar-producing county in Kenya, Kakamega County is also the second most inhabited county after Nairobi.

According to the latest census results, Nairobi County leads the pack with 3.13 million inhabitants followed by Kakamega with 1.66 billion, Bungoma 1.63 million, Kiambu 1.62 million and Nakuru 1.60 million.

If human resource is an asset, Kakamega County should again consider itself lucky to have a head

start as the country goes devolution.

The county is likely to receive more funds from the national government if the population of a county would be factored in when deciding how the 15 per cent of all revenue collected by the central government will be disbursed to the 47 counties.

While actual figures will be determined by the yet-to-be established Commission on Revenue Allocation whose job will be to come up with a criteria that will guide the sharing of tax money between the national government and the counties, the new laws says that the money will be shared equitably to ensure there is fairness to all.

Using this principle, Kakamega would expect to get more, an idea that was echoed by Budalangi MP Ababu Namwamba. Mr. Namwamba is also the vice chairman of the parliamentary oversight committee on the implementation of the new constitution and comes from neighbouring Busia County.

Mr. Namwamba said the money from the national kitty should be shared in a way that takes into account fairness to all counties.

"For instance Kakamega County with nine constituencies and nearly two million people cannot get the same allocation as Vihiga that has four constituencies and less than half a million people," he said.

"Equal amounts will result in un-

Kakamega County's prime property



Mr. Namwamba

fairness to some counties and a formula will be specified in legislations that will be passed on counties."

But according to the chairman of the Committee of Experts that wrote the new Constitution, Mr. Nzamba Kitonga, all counties will first be allocated equal amounts before other factors are considered.

"The principle is that they start at the same amounts and then the factors in each are taken into account to determine the final figures," he said.

With the current figure of the national budget amounting to about Kshs1 trillion, it means that each county will receive Ksh3 billion from the national kitty before other

factors are considered.

But apart from this amount, Kakamega County has other resources that it may take advantage of to generate revenue for the sustenance of its development programmes.

While Kenya is known worldwide for its excellent Game Parks and Reserves and idyllic tropical beaches, there are large areas of the country that remain largely unknown and seldom visited.

Most tourists or travelers dream of finding a new and unknown destination – somewhere far from the beaten tourist path, where the thrill of real discovery and exploration reward the visitor with new and unexpected experiences, sights and sounds.

Kakamega could be this new destination for the tourists and fun-seeking travelers who want something new.

This was the idea in mind when the Ministry of Tourism launched the Western Tourist Circuit in 2002. Vice President Kalonzo Musyoka, who was then the minister for Tourism and Information, launched the western tourist circuit on April 16, 2002. This opened up this region to new sources of revenue generation, and with the new structure of devolved governments, the counties in the western circuit are set to benefit immensely.

PS revokes transfer of Mwingi clerk

By KAVYU-KURA

MWINGI County Council is embroiled in a tussle following the acrimonious transfer of its Clerk Elijah Mutambuki by Local Government Ministry.

The Councillors who vowed to block the incoming Clerk Martin Achar, from taking office, are now happy that the transfer has been rescinded.

A group of councillors led by Finance committee chairman Timothy Mwingi who visited the PS Prof. Karega Mutahi claim that the Ministry has revoked the transfer and ordered that Mutambuki continue serving in the council.

"When we met the PS at his Jogo office, he listened to our case and ruled that Mutambuki should remain in office to further the good agenda he had for the council," said Cllr. Kilonji Iguna who was in the team that visited Prof. Mutahi's office.

The incoming clerk got a rude shock when civic leaders informed him of the new development.

A civic leader Kimanzi Nduya told the media that the councillors informed the incoming clerk that the local government PS Karega Mutahi had revoked his transfer to Mwingi.

"We have already informed the new clerk that when we sent a delegation to the PS, he ruled in our favour. We have asked the new clerk to leave us in peace," said cllr. Nduya.

But when accosted by the media as he left the county hall, a dejected Achar protested and maintained that he was the official clerk to the Mwingi County Council.

He later called The Link and claimed that the civic leaders who had rejected him had no constitutional mandate to do so. He dismissed their decision as void.

Achar said even as the civic leaders claimed that his transfer to Mwingi had been revoked, they did not produce a letter from the PS to that effect.



Councillors at the conference where they announced rejection of new clerk Martin Achar). Photo/Kavyu-Kura

Earlier Mutambuki's transfer had sparked protests with civic leaders who read mischief in the move terming it as unfair and demanded its revocation.

Thirteen civic leaders at the time held a press conference at the county chambers and called on Local government PS Karega Mutahi to revoke the transfer since they were not ready to let go of Mutambuki.

In a statement read out by councillor Benjamin Kasimu of Kyome ward, the civic leaders hailed Mutambuki as a high performer who has seen the Council ranked among the most improved councils in the country this year at position 54 up from position 157 last year.

The civic leaders averred that it was unfair for the Ministry to transfer Mutambuki to Teso County Council just as they had started enjoying the fruits of "his exemplary performance."

They noted that since he arrived at the Mwingi County Council just over four months earlier he had brought about very cordial working relations between the workers and civic leaders while the public was also enjoying the true value of their taxes through prompt service delivery.

The Civic leaders expressed dismay at the high turnover of clerks at the county council saying it was only fair that the local government PS allowed Mutambuki more time to continue serving

Mwingi people.

Just a month after Mutambuki was posted to Mwingi, he initiated a staff vetting programme to ensure that they were properly qualified for the positions they held.

Mutambuki was also said to have been keen on investigating illegal allocation of plots in market centers within the council's jurisdiction something that has not endeared him to the plot grabbing cartels.

The clerk was also reported to have been standing in the way of a corruption cabal that was keen on striking illegal deals over the proposed Nguni market stalls project being put up through the government initiated Economic Stimulus Project (ESP).

Murang'a County women lay plans

By MORRIS GITHENYA

Women leaders from Murang'a County have vowed to take a centre stage as deliberations on the future of the region gain momentum.

Led by Dr. Molly Wamaita Mwangi and Beth Muraya, the women leaders drawn from Kangema, Kiharu and Kigumo say any attempt to ignore their input on how the county will be managed will not auger well for the areas development.

"All the proposals made without involving us will be null and void since we will resist them at the implementation phase," said Muraya also the chairperson of Murang'a North Maendeleo ya Wana wake.

The leaders also proposed that Murang'a town serve as the headquarters of the county due to the existing infrastructural facilities which if well utilized in the new order would help steer the county to greater heights of development.

"Murang'a has all the required infrastructure and incoming funds should be channeled towards poverty eradication programmes in the rural areas," said Kimwe a civic leader at Municipality of Murang'a.

At the same time, leaders in the area have sharply differed on the appropriate location of the headquarters of Murang'a County.

One group feels that the headquarters should be located in Kenol and Maragua towns while their rivals want the headquarters in Murang'a town.

Murang'a Mayor Joseph Njoroge feels that those rooting for Kenol and Maragua towns for the headquarters were pursuing their personal interests.

Murang'a South leaders led by councillor Solomon Karuri on the other hand feel that Murang'a town is too far while Kenol is within reach by all.

Atwoli warns MPs over new law

By AGGREY BUCHUNJU

ATTEMPTS by Members of Parliament to derail the implementation of the new constitution will be resisted at all costs.

The Central Organization of Trade Unions (COTU), Secretary General, Mr. Francis Atwoli says the tenth parliament is duty-bound to deliver the new set of laws without unnecessary delays.

Mr. Atwoli cautions the legislators against any deliberate move to delay or derail the implementation process of the new constitution saying history will judge them harshly if they attempt to scuttle the process.

He challenges parliament to fast track the implementation process by passing the requisite bills as required and within the

stipulated period.

"After the passing of the new constitution on August 4, 2010 and its subsequent promulgation on August 27, 2010, it is now the duty of parliament to make legislations that would facilitate the implementation of the new law," he adds.

For the new constitution to be brought into force parliament must pass some laws between a period of six months and five years from the promulgation date.

It is in light of this that the COTU boss is challenging MPs to come out of their political cocoons, speak in one voice and give the new constitution implementation process the seriousness it deserves.

"Kenyans after overwhelmingly voting for the new constitu-

tion are now watching with keen interest the legislators behaviour and utterances as far as the implementation process is concerned," says Atwoli.

Atwoli warns that COTU will not sit back and watch as some politicians frustrate the implementation of the new constitution because of their past deeds or selfish interests.

He claims that his organization has the capacity to bring the necessary changes in the country and appeals to Kenyans to support COTU in its endeavors to bring the changes if the MPs are reluctant or try to employ delaying tactics.

He was speaking recently at posta grounds in Bungoma Town of Bungoma County during a civic education forum on the new constitution.

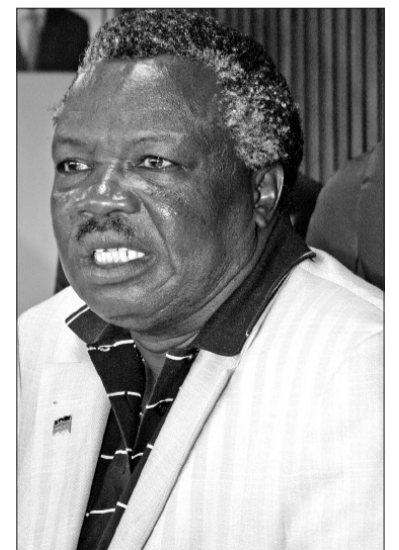
COTU convened the forum to educate the people on their rights as enshrined in the new constitution.

The COTU supreme passed the crowd through articles 36, 37,38,4, 43 and 49, all under chapter four and relating to the Bill of rights.

The trade unionist told employers especially Asians who deny their workers the right to join trade unions that their days are numbered.

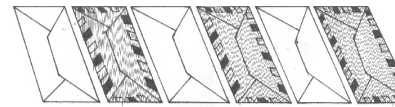
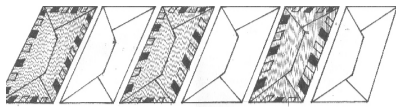
He also told bicycle taxi operators popularly known as Boda Boda that under the new constitution they have the right to fair remuneration and reasonable working conditions.

"If you are ferrying somebody on your bicycle and he/she appears to be too heavy for you at certain



Mr. Atwoli

sections of the road for instance at an uphill, tell him / her to come off the bicycle so that both of you can walk that section without the agreed amount being reduced", Atwoli told the cheering crowd.



Scrapping KCPE examinations will kill competitive spirit

THE decision by some MPs and education officials to table a motion in Parliament seeking to scrap KCPE examinations is inappropriate.

The proponents of the motion have alleged that the exams lock out many pupils out of secondary school. This is a misconception. The problem is not the KCPE exams but a deficiency in resources.

The MPs led by Ndaragwa MP Jeremiah Kioni should instead push the government to expand facilities in secondary schools to accommodate more students.

Abolishing the exams without extra facilities will ultimately prove futile.

* * *

Pushing all pupils to secondary school will not necessarily secure them a bright future. High education favours only those who are up to scratch.

You can open the doors, then end up with many frustrated youth who have not completed any level of education.

The solution lies in strengthening institutions that can absorb those whose strengths don't lie in academics, and KCPE helps to determine such pupils.

* * *

I'm surprised by the way MPs are facing to do away with the KCPE exams. Caution is necessary here.

The Constitution could be providing for free basic and compulsory education, but we ought to pay attention to what that education is meant to do.

Will it make them free in the head too, say financially? Countries like America have plied such routes, and if you ask me, Americans are getting dumber.

I think we are cultivating our students to be intellectually lazier than before; by scrapping KCPE, we are spreading "dumb-ocracy".

* * *

To scrap KCPE is to undermine an evaluation criterion by the curriculum developers that has served us well.

Matters of education and the development of curricula should be left entirely to the education experts.

* * *

To scrap KCPE is welcome, but secondary education must be made compulsory and highly subsidised. Expansion of primary schools to accommodate the secondary component must be done.

**Concerned Kenyans,
Via e-mail**

MPs against IIBRC boundaries report simply fear losing their seats

THE quest for fair political representation was first felt between 1961 and 1963 when Kenya held the first multi party elections. Later, the Kenyatta and Moi regimes aggravated the situation through the creation of more constituencies in total disregard to procedure, often with a view to favouring grandiose political interests.

The net result was constituencies that varied greatly in population and size. And because of the constricted democratic space, no one could question such autocratic decrees.

Today, most constituencies have population well above or below the mean of 130,000.

Joel Barkins in his essay, "Designing Better Electoral Systems for Emerging Democracies", opines that it will be futile to try to seek equal representation. He further opines that "if the principle of one person one vote is respected and constituencies established with equal or nearly equal population, then the principle of establishing constituencies that reflect communities of interest or 'sparsely populated areas' will be violated."

Cognisant of this challenge and buoyed by the people's faith in the new Constitution, Parliament empowered the Ligale-led IIBRC to come up with a formula that could best balance the country's peculiarities. A hybrid formula was arrived at and Parliament in its wisdom unanimously endorsed it. However, given the sensibilities surrounding the process, there was bound to be a furore whatever principles and values IIBRC used.

Suffice to say that all those legislators vehemently opposed to IIBRC's recommendations have one



Mr. Ligale (left), IIBRC chairman in one of the boundaries meeting.

thing in common — they fear losing their seats to their perennial political rivals. They all fervently wished that IIBRC would hive off additional constituencies from their existing constituencies in such a way as to placate their rivals to vie in the newly created electoral units.

Some of them are motivated by the morbid fear of how votes cast in the prospective election shall translate into seats won by political parties and by extension how the same seats shall determine who become the country's chief executive. This,

in my view, is the very negative ethnic driven politics that has presided over this country's steady decline. Such legislators need to be disabused of this mentality.

In the words of Reverend Jesse Jackson, these legislators ought to appreciate the fact that "even though we are not woven from one thread, colour, and cloth..." with understanding, patience and tenderness, "...this blanked (Kenya) can afford all of us some warmth."

**Francis Tome,
Nairobi.**

Leaving fuel costs to multinational firms spells economic catastrophe

THE frequency with which fuel prices are skyrocketing is alarming. It's absolutely outrageous, unjustified and disastrous to the economy that has lately shown signs of recovery.

The high prices of oil will trigger massive capital flight, as potential investors, both local and foreign look for alternative conducive environments.

Ultimately, this will trigger an economic melt-down with catastrophic social, economic and political consequences across the whole region, which is now considered volatile.

This recent slap in the face by oil marketers comes in the wake of numerous complaints by investors over the excessive production costs accelerated by poor infrastructure, mega-graft, high electricity costs and its attendant outages, and now increased oil prices.

A sensitive government should, by now, have responded and assured Kenyans of their future and the mechanism it is employing to arrest this disaster in the making.

Unfortunately, what we are witnessing from our leaders are the usual political squabbles, sabotage, backbiting, and under the table and visionless alliances not based on any viable policy — leaders who will never make any meaningful progress towards achieving the much hyped Vision 2030.

There are no miracles to rapid economic development. Unless we nurture a national culture of disciplined, progressive and issue-based politics, we will continue, regrettably, to mark time and sink further into the abyss as small countries like Rwanda continue to shine.

It is unbelievable to watch the Energy minister issue empty threats that never rattle the oil multinationals, thereby reducing himself to a helpless spectator. This is a national disgrace.

How can the government live this crucial sector to be controlled and managed by foreigners who are principally motivated by super-profits for their shareholders? This is a national security issue that poses a danger to our stability.

In a nutshell, the government must rectify this unacceptable situation before Kenyans take to the streets over galloping commodity prices.

**Onsando Enock,
Mombasa.**



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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National Cohesion gets a partner in Mwingi

By KAVYU-KURA

MZALENDO Kibunjia's National Cohesion and Integration Commission (NCIC) has earned itself an unsolicited partner in the name of the Mwingi Council of elders.

In the recently drawn up Mwingi Council of elders' constitution that was unveiled in Mwingi town, a number of the objectives read like the ideals espoused by NCIC.

Among the objectives read out during a general members' meeting held at the Mwingi Global Vision Church premise, were that the council would discourage and fight negative ethnicity likely to spark off tribal animosity.

"The council would urge Kenyans, especially political leaders to take political responsibility in fighting negative ethnic forces that almost tore the country apart in early 2008," said part of the objectives read out by Bishop Robert Mutemi.

According to the constitution, the council of elders will also establish ways of dealing with negative ethnic tendencies by discouraging and eventually eliminating hate speech at public gatherings.

"The council would also mainstream values and ethical behavior that will promote national cohesion," said Mutemi who went on to announce that the application for the council's registration had already been sent out to the relevant authorities.

Besides, Bishop Mutemi who acts as the adviser of the Mwingi Council of elders outfit said it was also within its mandate to ensure



The Mwingi council of elders treasurer Ruth Mulandi addresses meeting.

Photo/Kavyu-Kura

better political representation, quality service delivery and efficient utilization of resources.

Bishop Mutemi who was flanked by the council's chairman John Kanani Musili said that the Council of elders would seek to ensure and encourage peaceful co-existence of the locals with other Kenyan ethnic groups.

Besides, he said, the Council of elders would regularly organize

consultative meetings with elite and professional on the best way to administer the envisaged county government's administration.

He pointed out that a youth wing would be established within the Mwingi council of elders with the aim of guiding young people on the way to go to avoid pit falls in their social and political life.

Bishop Mutemi added that besides setting up a professionals

department and developing water tight consultative mechanisms, a Women wing would also be set up with a view of integrating the views of the womenfolk in the running of the council.

He pointed that to ensure gender parity the group had already elected a woman, Ruth Mulandi, as its treasurer adding that more women leaders would be brought on board if they showed interest.

Kilifi council won't pay NHIF debt

By BEKADZO TONDO

KILIFI County Council has dishonoured a debt of Kshs3.2 million accruing from non-remission of councilors' contributions to National Hospital Insurance Fund (NHIF) over the last four years.

County Clerk Leboo Ole Morintat, says that the local authority had no obligation to pay the debt since there were no prior arrangements between the council and NHIF to warrant any direct deductions of councilors salaries for remission to the fund and therefore individual councilors should take responsibility to clear the outstanding debt.

Mr Morintat maintains contributions to the NHIF are solely processed based on whether the said employees are on permanent and pensionable terms.

"The council does not recognise the alleged debt because we do not have an existing agreement to service the debt on behalf of the councilors," says Mr Morintat.

The council treasurer Ms Jacinta Ismail argues that contribution to NHIF was voluntary for none pensionable employees who include civic leaders and thus the council cannot take blame for non remittance of the funds.

The two chief officers spoke to The Link shortly after an inspector with the NHIF Mr Peter Nderitu told a full council meeting at the county hall that his organization owed the council more than Kshs3.2 in non remitted contributions since 2007.

During the meeting the Inspector explained that the law requires that an employee who earns more than Kshs10,000 per month must contribute towards the health insurance scheme and hence councilors ought to have been paying such money.

The inspector blamed the council clerk and treasurer for deliberately exempting the councilors from the legal requirement saying the council could be sued for contravening the law.

However the remarks by the NHIF inspector did not go well with the councilors who accused the health insurance scheme of plotting to defraud them.

Mitangani ward councilor Mr Daniel Mangi accused NHIF of insincerity and wondered how councilors would be expected to pay a debt that has been backdated to 2007 when they were not in office.

Councilor Mangi said that councilors do not owe the NHIF any money since they have been paying their own hospital bills without soliciting for support from the fund.

"We are not indebted to NHIF in anyway and therefore the council should not make any payments as demanded by the scheme," said Mangi.

Councilor Silas Muzungu of Mwarakaya ward on his part said officials from different statutory bodies like NHIF and NSSF should approach willing civic leaders at a personal level and enter into an agreement.

Devolved government set to become reality

By MALACHI MOTANO

THE recent unveiling of a 13-member National Steering Committee on devolved government as well as the Task Force on Devolved government by the Deputy Prime Minister Musalia Mudavadi has set the stage for realization of people's dream of governing themselves.

The committees are tasked with coming up with mechanisms of implementing the devolved system of government as mandated by the new constitution.

The National Steering Committee is chaired by the PS in the Ministry of Local Government Prof Karega Mutahi while the Task Force is under the chairmanship of Dr. Mutakha Kangu.

Mr. Mudavadi, who is also the local government minister, assured Kenyans that individuals sitting in the committees are people of high integrity.

The PS Karega will now coordinate the functions of the committees which will oversee the restructuring of the local authorities.

While acknowledging that time was of essence, the Mudavadi urged members of the two committees to be zealous in their duties saying Kenyans are eager to see the new constitution implemented to the full.

Mudavadi said devolution of



Mr. Mudavadi

power, resources and responsibilities to the people of Kenya was meant to ensure that the citizens are the drivers of their own development.

"We want views that will ensure proper, effective and efficient implementation of the articles related to devolution and the public should not shy away from this," said Mudavadi.

"We indeed never doubted that this work requires the input of Kenyans so as not to be obstructed by

self seeking political debates," he said.

Prof Mutahi said under the new constitution, the ministry had been saved the daunting task of managing the civic bodies that had become uncontrollable due to consistent refusal to follow guidelines from the government.

"We will be required to construct the proposals on the working of the county government and come up

with a formula on how cities and urban areas will be governed and how duties will be delegated," said Mutahi.

According to Mudavadi, chapter one section (4) commands that the sovereign will of Kenyans shall be exercised at the national and county government levels. Therefore, the exercise of the bill of rights for example, depends on how sovereignty of the people is interpreted and exercised under legislation. This must provide for operations of the county government and the linkage between the two levels of government.

"Constitutional devolution of power, resources, and responsibilities to the people of Kenya is meant to ensure that the people are the drivers of their own development. The constitution has created conditions of critical equity that revolves around governance and the right of the people to manage their resources."

He says that the constitution invokes the revolutionary motto of 'no taxation without representation.' That consequently, means levying of taxes must be accompanied by the right to know what money is being spent on and how it is being spent. The principle of subsidiary has become more popular after experiences with direct management from the centre proved influential.

Ministry faces MPs' wrath over funds

By EUNICE MWIKALI

PARLIAMENTARIANS have accused the Ministry of Finance of frustrating the implementation of education programmes in the country.

The MPs say that the ministry has refused to disburse funds allocated to various development projects in the education sector six months ago.

They cited funds meant for the purchase of 3000 computers in every constituency as part of the projects affected by the delay.

Education minister Prof Sam Ongeru says that the delay in disbursement of funds meant for the project has derailed the implementation process despite the recent integration of ICT as a key ingredient to transform learning in the 21st century.

According to the Minister, unless schools are properly equipped to embrace ICT, the digital learning project mooted by KIE will remain a pipe dream.

He says that inadequate resources remain a great challenge in improving learning in the country.

"Since the introduction of free primary education in 2003, the quality of education has continued to go down an aspect attributed to the influx of pupils whose ratio has not been matched with existing facilities and available teachers," he adds.

He says that there is great need therefore for the ministry of Finance to fulfill their promises on effective learning.

Early in the year, the ministry of education partnered with KIE, Equity bank, TSC and Safaricom to support teachers acquire lap tops to enable them embrace ICT and improve learning in their respective schools.

Sosoma cooperators finally happy

By KAVYU-KURA

THE 774 Members of the cash strapped Sosoma Ranching Cooperative Society in Mwingi can finally reap their dividends after 30 years of long wait.

During a recent Annual General Meeting held at Nguni market Centre in Mwingi East district, members of the 35-year-old ranching group authorized the management to share out the Kshs1.74 billion on a flat rate basis.

The money had been paid as goodwill to the Society by the Better Globe Forestry firm after it entered into a Memorandum of Understanding (MOU) to lease the 60,000 ha ranchland for an Afforestation and Agroforestry project.

Seeking the members' approval to share out the money, the ranching group Chairman Elias M. Musyoka noted that the coming to the scene of Better Globe Forestry Company Limited was God sent as the group was on its knees financially.

He pointed out that a deal had been struck for the ranchland to be leased to the Agroforestry firm that would pay over one billion shillings to members by the lapse of the 99-year lease. Once fully fledged, he added, the project would create 2,000 jobs for locals.

Besides, he pointed, the Better Globe Forestry firm would sink

boreholes and excavate earth dams to provide water for the afforestation work. He said the ranchers would also be allowed to benefit by carrying out peripheral livestock rearing.

He said since the ranching society was started in 1975, it has been making losses due to massive deaths of livestock during occasional drought in the area. He said the private investor would thus bail the ranching society out of its fiscal quagmire.

"We have entered into an arrangement in which the Better Globe Forestry firm would bear the cost of surveying our land, the marking of boundaries and the clearing of the land rent owed by the government on a soft loan basis," said Musyoka.

He pointed out to the members that the Agroforestry investor, would in the next four years pay a total of Sh. 10 million to the ranching group but starting with the fifth year, the group would henceforth receive Kshs7 million annually until the expiry of the lease in 99-years.

Addressing the cooperators earlier, the groups Secretary Kennedy Mwasya pointed out that ranch had become impossible to manage because of unfavorable conditions that had seen the number of cattle reduce to less than 10 currently.

He said that since cattle-keeping was the core business of the ranching group, it was imperative for the group to continue rearing livestock in

areas that would not be initially put to use by the Better Globe Forestry firm.

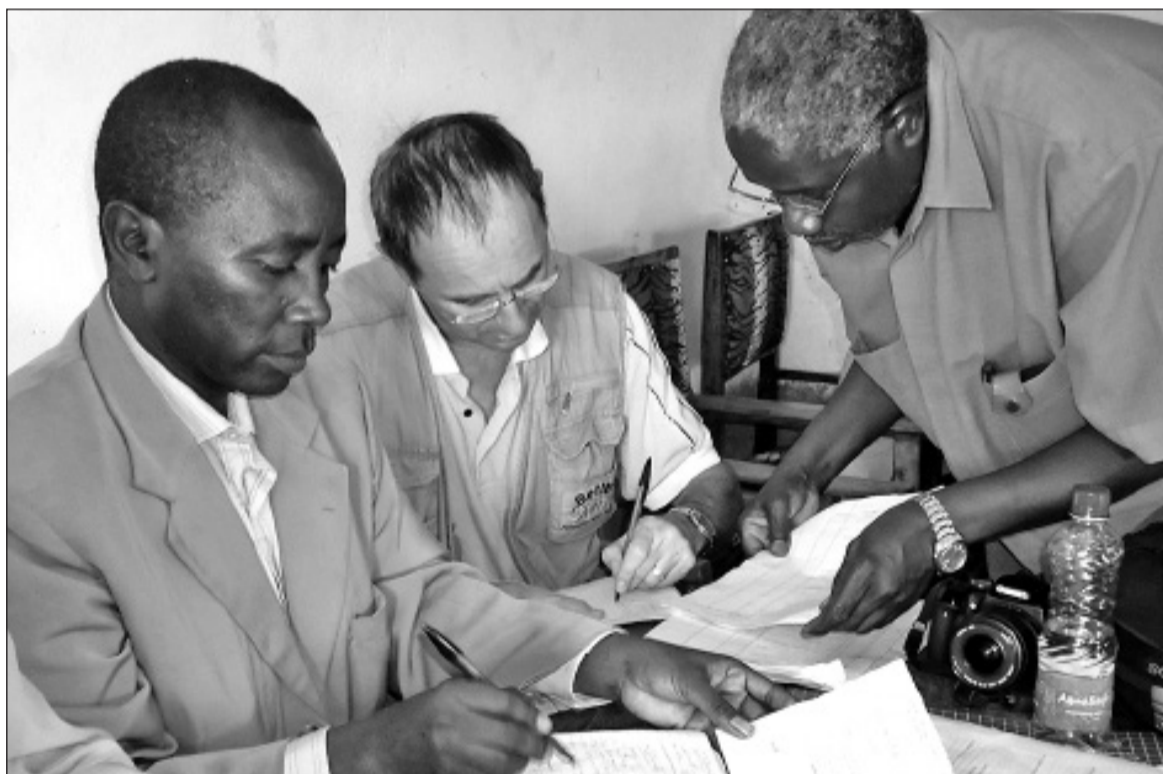
The Executive Director of the Better Globe Forestry firm Jan Vandenabeele who represented his organization at that meeting said that in the course of next year, work would start in earnest at the ranching society's land.

He said that his company had taken time to ensure that all possible legal bottlenecks were cleared before it moved in while at the same time, efforts were being made to identify good sources of water for the extensive irrigation programme.

The Better Globe boss said that the government through the National Environment Management Authority (NEMA) had sanctioned the project for plantations of Melia volkensii (locally known as Mukau) and Acacia Senegal (Muua) tree varieties for both the production of high quality timber and gum Arabic.

The Mwingi District Co-operative officer, Joseph Mutemi said with the approval by the government of the Agro forestry project, it was time the squatters occupying the Sosoma ranchland packed and left before they are forced out.

He appealed to the ranching society members to allow the management to seek court orders to move the squatters out should they become adamant and fail to move out.



(Left to Right) District Co-operative officer, J. Mutemi, J. Vandenabeele and N. Mabuti, who is the ranching groups secretary, compare notes at the meeting. Photo/Kavyu-Kura

Kilifi residents oppose funding move

By BEKADZO TONDO

RESIDENTS of Kilifi town have strongly opposed a move to allocate additional funds for construction of council offices.

The residents say that the project started four years ago had consumed more than Kshs23 million which has not been properly accounted for.

Speaking during a meeting convened through the Local Authority Social Delivery Action Plan (LASDAP) to identify and prioritize community projects to be funded during this financial year, the residents said allocation of additional funds would amount to fraud.

A resident Mr Mohamed Mwalimu alleged that the project had been turned into a conduit to swindle tax payers.

"Initially the total cost of the project was estimated at Kshs23 million. However the council has been allocating additional funds to the same project in almost every new financial year," said Mwalimu.

However the clerk to the council Mr William Jilani dismissed the claims adding that the project had been done with less than Kshs23 million and was almost complete.

Mr Jilani said that the council has sufficient evidence to support their stand and challenged their critics to prove otherwise.

He explained that the project has so far consumed about Kshs19 million and the remaining Kshs 4 million will oversee the completion of the remaining phase.

"As far as the council is concerned, the project has consumed less than Kshs23 million which was the amount in the initial budget," said Mr Jilani.

Hospital ward councillor Omar Lali said he has tried to raise questions about the project during previous full council meetings but his efforts have been thwarted by his fellow councillors.

Lali claimed in the meeting that the residents were increasingly becoming suspicious of the council because many things were being done without following the set guidelines.

He vowed to mobilize residents to resist any further funding to the controversial project.

"We need to be transparent and accountable in our dealings to help restore confidence among residents," he said.

Mwalimu urged the Kenya Anti Corruption Commission to audit the project and deal firmly with any cases of impropriety.

Mwalimu Sacco opens Nyeri branch

By JOSEPH MUKUBWA

TEACHERS from Mt Kenya region will no longer have to travel to Nairobi to transact business with Mwalimu National Sacco following official launch of a branch in Nyeri town by Cooperatives Minister Joseph Nyaga recently.

The giant Mwalimu Sacco has 40 branches based mainly in Nairobi, Kisumu, Mombasa, Kisii, and Webuye among other towns.

The Sacco which started with a total membership of 145 in 1974 has today registered tremendous growth in all its major areas of operation. The turnover and total assets increased from Kshs3,458

and Kshs83,545 to the current Kshs1.6 billion and Kshs15.1 billion respectively, while the loans to members increased from Kshs59, 960 to Kshs12.1 billion during the same period.

"This is another milestone for the society as it sets pace in increasing its branch network to enhance access to financial services to its members," said the Minister during the launch.

The Minister said efforts demonstrated by the Mwalimu National Sacco will help augment the Ministry's policy agenda to increase access to financial services and strengthen quasi banking and FOSA's to facilitate growth. He added that this is one of the flagship programs that under-

lie the achievement of economic pillar on transforming Kenya into prosperous and middle income country in which all Kenyans enjoy a high quality of life. "With ISO 9001:2008 standards you attained last year, am optimistic that a combination of these efforts will work together to achieve members loyalty and support," added the minister.

The National chairman Shem Motuka said the Sacco has also taken the initiative of implementing performance improvement strategies which include strategic planning, customer service charter, performance contracting and attaining ISO 9001:2008 standard status. Motuka said these efforts have resulted into improved

service delivery, good governance; best practices, professionalism and development of research based on financial products that meet the needs of the customers.

The cooperative has partnered with Pesa point and Cooperative bank of Kenya to provide ATM services to the members and Safaricom to facilitate.

Business Loan Payments through Mpesa. The society has also enhanced its Wide Area Network (WAN) to create seamless data -sharing between the branches and the head office.

The Chief Executive Officer Mr Joshua Ojall urged the customers from the region which runs to over 7,000 to patronize the branch and products offered.

MANAGER'S COLUMN



By
**HANNA
CARLSSON**

PARTNERSHIP FOR PEACE

A monthly supplement funded by European Union and Konrad Adenauer Stiftung

Expert backup for conflict response

IN the month of October, in a one-day workshop in each of the three regions of Western, Nyanza and Rift Valley the regional coordinators in cooperation with 10 civil society organizations with strong presence in the *Partnership for Peace* project, selected six experts for each region as key peace-building and mediation experts.

A three-day intensive training was organized for the selected experts in each region in the month

MANAGER'S COLUMN



By
JANE MURUTU

of November with the purpose of increasing further their technical knowledge and capacity. These experts shall be volunteers on call at any time of need, for instance in policy dialogue, back up interventions as well as mediation and facilitation. This is a major milestone in

the *Partnership for Peace* project. We encourage the CSOs to liaise with the regional experts in order to ensure rapid conflict response. In the past peace builders have been accused to be more reactionary to conflicts rather than being proactive. This is the perfect time to learn from each other and to strengthen the peace structures at the community level. Kindly use the knowledge you have acquired in this action in the past which includes but is not limited to Early Warning and Early Response to detect conflicts, and use appropriate

skills you have acquired to address them.

In this issue of the magazine we publish the expert names and contact details for each region. They will be neutral persons, who are committed to peacebuilding and conflict resolution. The action will continue training them on more practical skills of resolving conflicts next year.

In this issue you will also find an article elaborating more about the disarmament in the North Rift region. The article discusses urgent issues that need to be reflected upon to make sure the disarmament achieve its purpose.

Finally, we would like to say Thank You, to our esteemed readers and partners. The whole *Partnership for Peace* Project team wishes you a peaceful festive season and a prosperous New Year.

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

Principals urged to speak up on TJRC

BY JOEL JUMA

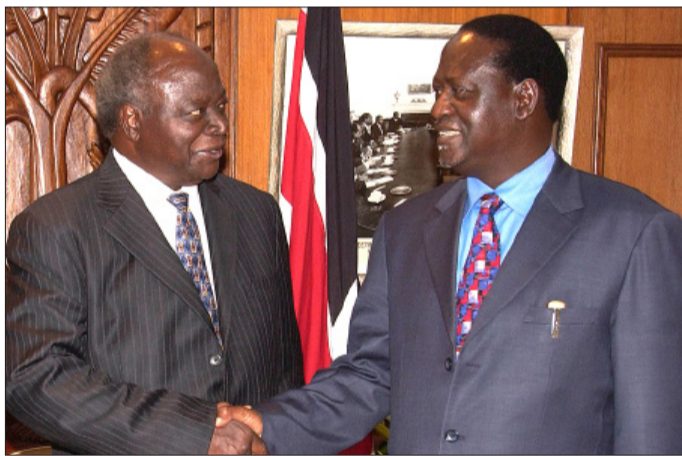
PRESIDENT Kibaki and Prime Minister Raila Odinga have been urged to break their silence over the future of the Truth, Justice and Reconciliation Commission (TJRC).

Commissioner Dr. Tom Ojienda said the leadership controversy surrounding the commission should be addressed to end speculation over TJRC's future.

He said the two principals should come out clearly on whether the organization should be disbanded or continue with its mandate.

Dr. Ojienda said the commission is facing a chain of problems, which include lack of funds and incessant calls for its disbandment by politicians and civil society activists.

"We are supposed to have completed our work in the next two years but the commission has been denied resources unlike other commissions that



President Kibaki (left) and PM Raila Odinga

were created by Parliament under the Agenda four," said Dr. Ojienda.

He explained that the commission had a crucial role to play in addressing past injustices and therefore its future and mandate should not be in doubt as they are currently. "It is high time the two leaders took matters into their own hands to point the way forward for the commission," he said.

Dr. Ojienda was speaking at a Kakamega hotel where he led the participants in reviewing the statements taken from the region in

connection to post-election violence.

The commissioner wondered why the two principles were silent over the tribulations of the TJRC yet they intervened when the Interim Independent Electoral Commission (IIEC) and the National Cohesion and Integration Commission (NCIC) were in finan-

cial crisis.

He said that the same should apply to the TJRC to restore public confidence.

Dr. Ojienda noted that the dilemma facing the commission should not be allowed to spill over to next year, as its report will assist the country in addressing election malpractices.

"To avoid a repeat of the post-elections crisis, we need to reconcile Kenyans before the country goes for the next General Elections," said Ojienda.

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Security agents accused of rape

BY JOEL JUMA

TRUTH Justice and Reconciliation Commission (TJRC) has accused security agents of sexually assaulting women while carrying out disarmament programmes in conflict areas.

TJRC has detailed accounts from 65 women in Marakwet and Turkana who have since recorded statements with the commission.

The commission said the statements indicated that the women were sexually abused during disarmament operations by security organs.

"We have details indicating that some women in Mt Elgon were defiled during the Okoa Maisha Operation," said the commission's chief executive officer Patricia Nyaundi.

Nyaundi said the commission has the responsibility of presenting the cases to the relevant authorities in order to eliminate the culture of impunity.

She said over 8,000 statements taken by TJRC were being reviewed. She added that culprits will be summed to shade light on the role they played during post-election violence and other injustices.



A team of security officers patrol.

Women in Mt Elgon accused the military of raping them and tortured their husbands during an operation to wipe out the members of the Sabaot Land Defence Force.

Nyaundi and the commission's director for legal affairs Tom Aziz and

his civic affairs counterpart Elijah Letangule were speaking during a seminar in Kakamega to review the progress of the commission in Western Province. The women claimed that the military arrested and tortured innocent men in the area.

List of expert pools

RIFT VALLEY EXPERT POOL

1. **Joseph Karangathi Njoroge** — Maendeleo Endelevu Action Program (MEAP)
2. **Catherine Mumbi Wanjohi** — Lifebloom Services International (LBSI)
3. **Samuel Kosgei** — CJPC, Eldoret
4. **Jackson Cheruiyot** — Kenya Community Sports Foundation (KESOFO)
5. **Joan Okoth** — SIKOM Peace Network
6. **Francis Murrey** — BAKENA Peace Network
7. **John Nairraba** — CJPC, Narok
8. **Maurice Onyango** — National Council of Churches of Kenya (NCCK)

NYANZA EXPERT POOL

1. **Rosemary Akinyi Nyaswa** — Centre for Women
2. **Joseph Owuondo** — Community Initiative Action Group-Kenya (CIAG-K)
3. **Samuel J. Odhiambo Awino** — Diakonia Compassionate ministry
4. **Nyanchoka Vena Maryvine** — Action Times Family Care (AT. FAMICA)
5. **George Chacha** — People for Rural Change
6. **Rachael Adipo** — Ugunja community Resource centre
7. **Nicholas Ngesa** — Tembea Youth Centre for sustainable development

WESTERN EXPERT POOL

1. **Samuel Obondo** — Evoyo Neighbouring Assembly
2. **Zakayo Kwendo N. Imbaya** — Salvation Army
3. **Rosemary Cheptai** — Rural Women Peace Link Kenya
4. **Yaite Bernard Krade** — Western Region Christian Community Services (WRCCS)
5. **Victor Ijaika Bulemi** — Centre for Law and Research International

Handle disarmament carefully to keep peace

BY JANE MURUTU

IN simple language, disarmament is the act of reducing, limiting, confiscating, or abolishing weapons.

According to the former UN Secretary General Kofi Annan while still: "To halt the destructive march of armed conflict and crime, we must stop such purveyors of death." From our national practice, disarmament campaign targeting pastoral tribes in the past has never been successful. For example the failure of the brutal 1984 "Operation NYUNDO" (Operation Hammer) showed the difficulty of disarming civilians who would rather risk death than surrender their ability to protect their families.

In the vast and expansive North Rift Region, there is limited Government security presence, and fear of attacks and insecurity compel the residents to naturally seek to protect their livelihoods and livestock.

The porous borders between Kenya

and South Sudan, Uganda, Somalia and Ethiopia make the flow of Small Arms and Light Weapons into Kenya a living reality.

If we draw a parallel with the neighboring Uganda, security has been tightened and or improved to the extent that civilians need not keep arms for protection except in Northern Uganda that borders Kenya and areas where the Lord's Resistance Army (LRA) still has some presence.

The security guards have guns to their advantage but they don't abuse them—maybe there are lessons there for us!

What measures should be put in place to assure the residents of their safety from attacks both within Kenya and from neighboring countries? Joint disarmament in consultation with neighboring countries and communities is essential but is that a priority for all our neighboring countries?

If Kenya disarms and her neighbors do not disarm, what does that portend to the peace and security of the North Rift region?

No civilian has a legal standing to ac-

quire, possess and use illegal firearms. However, as we criminalize his/her action, we need to ask ourselves if as a society we have assured him/her of security.

Civilian driven disarmament, demobilization and conflict transformation initiatives will be more sustainable than military initiatives if they are successful in taking an inclusive approach to ensure the participation of all local stakeholders (local leaders, Chiefs, Church and NGOs working on peace).

Such approaches may initially be more time consuming in terms of the focus on inclusion and process but in the end will achieve more sustainable gains as well as ensure that human rights are upheld. Involvement of women in the disarmament process is equally important because they are usually silent but key actors in armed conflicts.

Besides outright disarmament, the inflow of the Small Arms and Light Weapons must be identified and dealt with. The merchants who supply the bullets and the

arms, are they invisible to the government intelligence system? Why is there no keen focus on these actors for cattle rustling? It is a multi-million industry and the mere absence of firearms would be a business opportunity to the merchants who will stop at nothing in instigating tensions and conflicts to remain in business!

In conclusion, disarmament, demobilization and reintegration tied with non-proliferation education remains indispensable investment in our common future. The whole process must appreciate that alternatives to the gun culture must be developed as a long term measure to sustain an arms free region.

For disarmament to succeed, the elements of fear of attacks and insecurity among the people must be addressed by enhanced government security presence. A massive educational campaign must also be undertaken to get all children to school to eradicate the culture of "moranism". In the Partnership for Peace Project we long to see a lasting solution.



This project is funded by the European Union



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Educate Kenyans on new Law

By **PETER MUTUKU**

CIVIC education should be intensified across the country to increase Kenyans' knowledge on the new constitution.

Dr. Paul Musili Wambua, who is a constitutional lawyer, said Kenyans need to fully understand the new law and secure the gains before the country plunges into electioneering mood.

"We are headed towards elections and therefore we must identify the quick gains and in particular the gains spelt out in the Bill of Rights and start working on them. Otherwise the constitutional debate may be overtaken as parliament shifts to politics of 2012," he urges.

He said the Constitution was important because it addresses pertinent issues affecting most Kenyans, such as poverty, poor education standards and unemployment.

"It is therefore important that the public is empowered to be vigilant.



Kenyans still need civic education on new constitution. Photo/File

Only vigilant public can make sure that forces opposed to a new con-

stitution dispensation do not derail the process."

Wambua called for election of competent people to manage county resources. He said the Ki-tui County, for example, is endowed with many resources and cited limestone, gypsum, iron ore and coal which require diligent and capable leaders to help tap on the unexploited potential to ensure that local people benefit from the resources.

"These are very valuable resources and we want qualified leaders who can steer the county to prosperity," the lawyer said.

He said the electorate must be educated on what type of people should be elected as County leaders. "Civic education can help enhance the capacity of the public in electing visionary leaders."

There are people who are marching into the new order with their thoughts and attitudes firmly rooted in the past, but they need to know this is a new beginning, he observed.

Understanding mediation of conflicts

By **PATRICK MALUKI** and **DANIEL OTUNGE**

MEDIATION is a process in which the two or more parties to a violent conflict, such as Kenya's post-election violence, agree to the appointment of a third party to help them talk with each other and voluntarily reach an agreement to end conflict and secure a just and sustainable peace. Hence, mediation can be defined as a reactive process of conflict management whereby parties seek the assistance of, or accept help from an individual, group, or organization to change their behavior, or settle their conflict, without resorting to physical force or invoking the authority of the law. It is therefore a process in which an acceptable third party assists in resolving a dispute between two or more parties. It is a non-adversarial approach to conflict resolution. Thus, the role of the mediator, like former UN Secretary General Kofi Annan in Kenya, is to facilitate communication between the parties, assist them in focusing on the real issues of the dispute, and generate options that meet the interests and needs of all parties to the conflict.

The mediator is vital in contributing to transformation of issues. Typically the mediator helps the conflicting parties by putting them in contact with one another, gaining their trust and confidence, setting the agen-

da, clarifying issues and formulating agreements. He or she can facilitate meetings by arranging venues, scheduling meetings and guiding the parties to unrealized possibilities. These are always sticky tasks and contentious issues that are difficult for conflicting parties agree on easily.

The mediator's objective is to change, reduce or resolve a conflict by relying on strategies of persuasion, appeals to logic, use of information or the application of social-influence. Mediation is a dynamic and flexible social process comprising parties in a dispute, a social environment or a context, a particular dispute or problem, and a mediating agent.

The success or failure of mediation is determined by the nature of the mediator, the nature of the parties and the nature of the dispute.

What motivates parties to agree to a mediator?

Generally speaking, it is the individual expectations of those involved in the conflict that mediation will be effective in helping each secure a more favorable outcome than would otherwise be possible. Many studies have shown that individual interests, rather than shared values or a convergence of interests, are the driving force behind acceptance of mediation.

Mediation is likely to occur when: a conflict has gone on for some time; the efforts of the individuals or actors involved have reached

an impasse; neither actor is prepared to countenance further costs or escalation of the dispute, and both parties welcome some form of mediation and are ready to engage in direct or indirect dialogue. For instance, in Kenya real mediation started when both Kibaki and Raila had shown interest in a negotiated settlement to the PEV.

Hence mediation is essentially an extension of the negotiation process whereby an acceptable third party, like Dr. Annan, intervenes to change the course or outcome of a particular conflict. It is in many ways a continuation of the party's own conflict-management efforts. One of mediation's unique feature is the intertwining of the interests of the parties, the mediator and the overall need to resolve the conflict.

As a form of conflict management, mediation is distinguishable from the more binding forms of third-party intervention, such as arbitration and adjudication, in that it is initiated upon request and it leaves the ultimate decision-making power with the disputants.

What Mediation involves

To begin with mediation involves a relationship between two protagonists and a mediator. It also involves behavior of some sort, within a context and the outcomes consequent to that behavior. The outcomes may have been caused by direct mediator behavior, or they may have been facilitated indi-

rectly by mediator removing barriers to their occurrence, permitting them to occur or not preventing them from occurring.

Mediation begins with the interaction of two conflicting parties within a unique context. These parties' reaction to their conflict and to the act of mediation is a result of their particular experience, society, culture, and structure. These features in turn affect how a mediator intervenes, what strategies and outcomes are pursued and mediator's impact on the parties and the outcome.

Characteristics of parties Parties' political context

Mediation is easier when the parties share a political system or have a basic adherence to the same set of cultural norms or values, such as PNU and ODM. The two parties have more or less shared norms and sociopolitical similarity that helped to minimize misperceptions and facilitated a successful conclusion to the conflict within a short time compared to other conflicts witnessed in Africa.

Factors such as internal composition, cultural and ethnic differences and degree of homogeneity affect the success or failure of mediation. Mediation has a better chance of success when each disputant is accorded legitimacy.

Parties' balance of power

Experience has shown that mediation is most effective in disputes involving adversaries with equal power. In Kenya's PEV however

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PARTNERSHIP FOR PEACE

Understanding mediation of conflicts

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the heavily presence and strong will of the international community helped to move the process forward despite the fact that PNU was then the party with more powers. The fact that ODM had the support of majority ethnic groups in Kenya also helped to persuade PNU that governance of the country would be extremely difficult without accommodating the interests of ODM leaders.

Relations between the parties

Duration and nature of mediation always depend on the nature of previous relationship among the disputants. It would depend on whether they have been friendly or antagonistic to each other. The historical context of a dispute also exerts a strong influence on the manner of its management and likely outcome. Needless to say, mediation is more likely to succeed where parties' previous relationship has been friendly. However, the choices of conflict management modes and the chances of successful mediation are affected by the importance each adversary attaches to the issues in the dispute. For instance, mediation will have a hard time if the issue touches on sovereignty or territorial integrity of a state.

Timing of intervention

The best time to intervene in a conflict is before it happens. This requires anticipation and credible early warning system. But when a conflict is already happening, experts suggest that mediation is more effective when a dispute has gone through a few phases and must certainly not be initiated before each side has shown a willingness to moderate its intransigence and revise its expectations.

Thus mediation is more effective when it follows, rather than precedes, some test of strength between the disputants but not too late when belligerents' positions have hardened. The adversaries' perception of the is-



President Mwai Kibaki and PM Raila Odinga shake hands following successful mediation of post-election violence by Kofi Annan (left) Photo/File

ues is a key factor in determining whether or not to accept a mediation initiative and in influencing whether it will succeed. Characteristics of an effective mediator

Since mediation is a voluntary process, one cannot mediate unless he/she is perceived as reasonable, acceptable, knowledgeable, and able to secure the trust and corporation of the disputants. Effective mediation depends on mediators' prestige and authority, originality of ideas access to resources and ability to act unobtrusively. A good mediator must have knowledge of the conflict and understand the positions of the antagonists. The mediator must be an active and patient listener. He/she must have a good sense of timing, communication skills and crisis management.

Because mediation is not an exogenous

input to a dispute but rather a kind of assisted negotiation, an effective mediator must have ability to influence, protect or extend the interest of each party in a conflict. To exercise any degree of influence, a mediator needs leverage or resources to search for transformation and move parties away from rigid positions. Hence an effective mediator must have legitimacy in the eyes of the disputants. This explains why Bishop Tutu and Ambassador Kiplagat among others were promptly rejected by the parties in Kenya's PEV. Ass former UN Secretary General, Dr Annan was perceived as having legitimacy by both parties but still he was working in partnership with former statesmen/women with the backing of the UN, Africa Union and the international community, including the European Union.

The presence of a powerful and legitimate mediator allows the parties to back down from fixed positions, make concessions and save face.

Rules of mediation

The following are the main rules of mediation:

- Perceptions and persons are always different
- Treat people and factual problems separately
- Explore interests, and avoid positions
- Develop options that can satisfy the interests of both sides in.
- Develop options that can satisfy the interests of both sides in two steps:
- first collect, then evaluate
- Check with the parties their best Alternative to a Negotiated Agreement (BATNA)
- Close the deal.

Phases of mediation

Mediation has five main procedural phases. The first phase involves discussions between the mediator and the parties where the mediator explains the approach to be followed and rules of the game. The second phase is devoted to a common exploration of the causes of the conflict. The mediator asks the parties to describe the dispute from their point of view. He/she then summarizes the viewpoints in order to develop a common understanding of the important topics as well as of the disputable and indisputable questions.

In phase three the mediator explores the parties' personal interests and motives that are hidden behind their legal positions. By using open questions the mediator clarifies which motives might be behind the parties' points of view and what significance they attach to them. This helps the mediator to improve each party's understanding of the other party. In phase four the process of problem solving starts. In this phase it is important to explore what possible solutions might exist. In doing so all possible solutions are discussed as well as all alternatives to an agreement. The mediator and the parties also talk about the probable consequences of failed negotiations. It is instructive to note that a compromise found in mediation should be at least as satisfying as a solution found in court or any other out-of-court solution would be.

Lastly the advantages and disadvantages of these alternatives are seriously discussed. If parties agree to a settlement, the mediator phrases an agreement and determines its concrete content and legal arrangements. Both parties sign the agreement (win-win as in the Kenyan case) and proceed to implement it under the supervision of the mediation team and other powerful observers.

Mr. Maluki is a lecturer at the School of Diplomacy and International Relations, University of Nairobi

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By KAVYU-KURA

DETECTIVES in Mwingi have impounded 300 bags of maize believed to be infected with the lethal aflatoxin poison fungus from a private premise.

The officers who seized the haul from a premise belonging to a local trader are investigating how the businesswoman acquired the allegedly poisonous maize.

According to sources at the Mwingi CID offices, the maize had been condemned by health officers as aflatoxin infested and stored at the Mwingi National Cereals and Produce Board (NCPB) depot.

The source says it is not how-ever clear how the consignment found its way out.

Our source said that due to fears among the members of the provincial administration and local agricultural authorities that the sneaking out of the poisonous maize from the NCPB depot has a sinister motive, the CID had to swing into action.

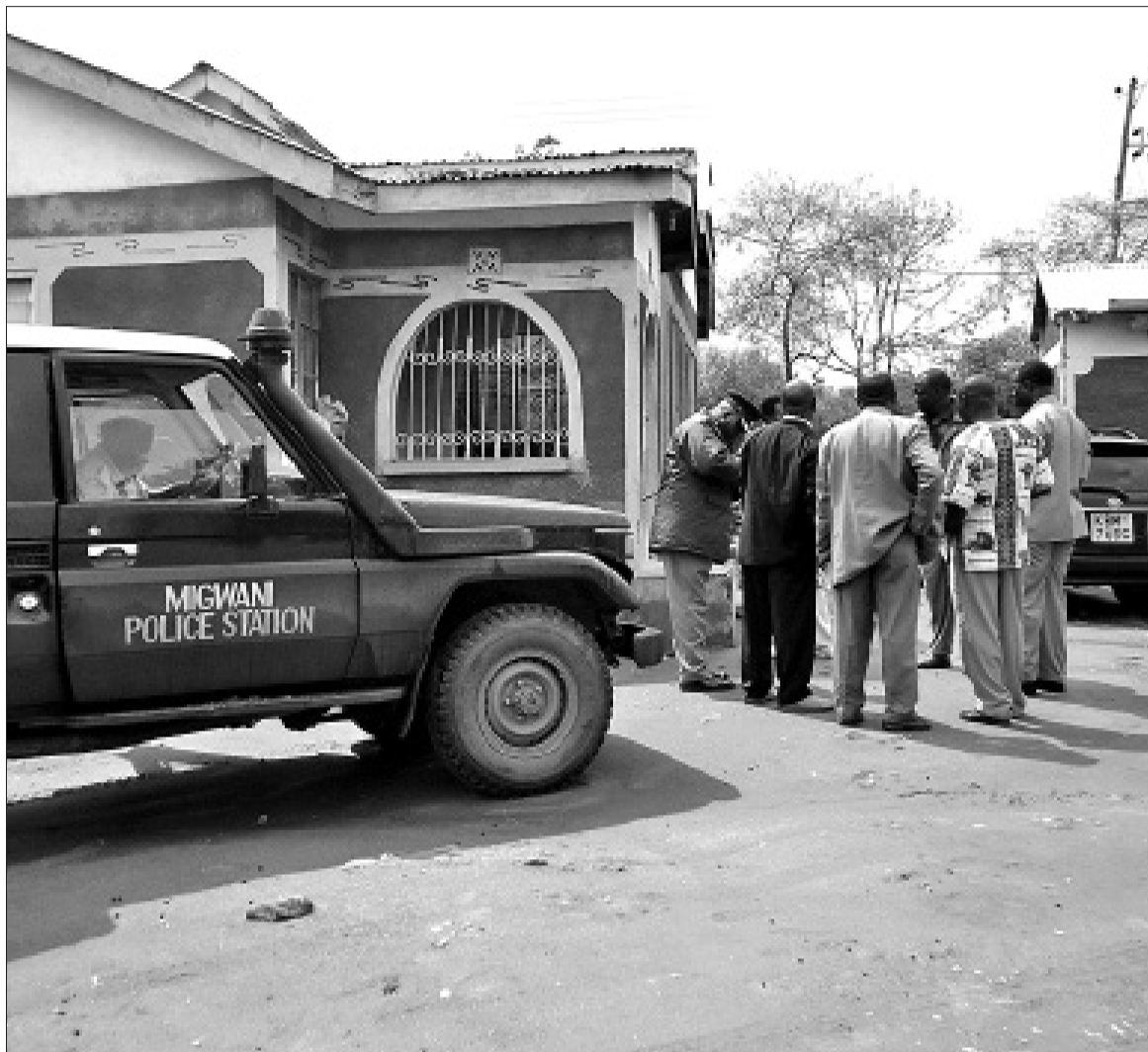
"It was feared that the condemned maize would find its way into the local market with the disastrous effects of massive deaths if the public obliviously consumed it," said our source.

Before the maize was impounded, top government officers in Mwingi who included the Deputy OCPD Simon Bir-rir, District Agricultural officer Haroun Goro visited the store where the maize was kept to confirm whether part of the consignment had been sold to the public.

It was after the visit that CIDs went back and carted away the 300 bags of the condemned maize for safe keeping. The poisonous maize was then stored at the Mwingi ministry of agriculture stores awaiting further tests to confirm whether they were really aflatoxin infested.

Speaking to the press, trader Mumbe Muna confirmed that the maize belonged to her. She said she had delivered it to the NCPB last May for testing but when it was found to be aflatoxin infest-

Sleuths seize lethal maize in Mwingi



Top government officers from Mwingi outside the building where the aflatoxin infected 300 bags of maize were stored. Photo/Kavyu-Kura

ed the NCPB management failed to accept it and compensate her as the government had decreed at the time.

She said for months she made relentless efforts to acquire the certificate condemning the maize haul in vain. She added that it was not until late October that the Mwingi NCPB manager asked her to take the maize away before it was destroyed by the

October-December short rains.

Mumbe pleaded innocence saying she was asked by the same government officials who had sabotaged her compensation plan to take her maize away. She said she had no intentions to sell it to the public.

She said because she was aware of the danger of selling the condemned maize to the public, she decided to keep the

maize away in store under key and lock until CID sleuths came calling and took it away.

The trader said she hoped that the CID would conclude their investigations fast enough to enable her get compensation from the government for the contaminated maize and enable her pay a huge bank loan she had acquired to purchase the maize.

Khwisero people want scams probed

By JOEL JUMA

MWIHLA Secondary School in Khwisero District is faced with imminent closure owing to debts which run to Kshs11 million.

Operations at the school have almost ground to a halt as it emerges that the over 20 workers have not been paid their salaries since April this year.

Consequently, education ministry has moved in to salvage the situation and deployed a new head teacher Namusende Musonye from Shinutsa Secondary School

Western Provincial Director of Education Kenneth Misoi says that auditors have been dispatched to the school to explore how Kshs30 million allocated to the School through the Economic Stimulus Programme (ESP) was utilised.

The PDE says the team will also look into claims that parents at the school were being subjected to pay extra levies.

Area MP Evans Akula says that it was shocking that parents were still being forced to pay extra levies even though the school gets funds from the Constituency Development Fund kitty to reduce fee balances.

"I want the school Board of Governors to be constituted afresh as the current one has failed to manage the institution," said Akula during a tour to the school.

The new principal said he is working on a strategic plan aimed at reviving the school. "The school owes supplies huge amounts of money, some of which run from last year," said Musonye.

In another development, Khwisero people are up in arms over the alleged misappropriation of Kshs19 million meant for the construction of Buyungu-Ekero-Mumias road.

The residents cite poor workmanship and want the Kenya Anti Corruption Commission to investigate how the road funds were used.

Recently, angry residents, led by Councillors Swaka Limera, Godfrey Omatara and Stephen Maloba, paralyzed transport services along the affected road demanding that KACC investigate how the funds meant for the rehabilitation process was spent.

The residents marched to area DC's office where they sought her intervention into the matter.

The DC Rachael Ramkat however promised to present their grievances to the area MP Evans Akula.

The National Tax Payers association (NTA) National Coordinator Kizito Wangalwa and the Western Regional Manager Dan Naburi said the organization will soon release audit reports for projects in Khwisero. Wangalwa said that NTA has dispatched a team on the ground and a report will be made available soon.

"We have problems in Khwisero but the report will reveal all the ghost projects and how they have been allocated money," said Wangalwa.

Bumula water funds eaten —report

By JOEL JUMA

A GOVERNMENT audit report has revealed massive embezzlement of funds in water project in Bumula Constituency.

The Controller and Auditor General report on appropriation accounts expressed concern that an expenditure of Kshs37.4 million had been incurred yet there were no benefits to residents.

The report indicates that no dam had been constructed as outlined in the project.

"Instead, the contractor laid pipes from an existing water project known as Malakisi Water Station, which supplies water to Malaba town," says the report.

The project involved the con-

struction of a water dam and laying of pipes in Mukwa, Kibuke and Siboti locations.

Residents have since written to the Kenya Anti Corruption Commission (KACC) asking the anti-graft body to investigate embezzlement.

Led by former PC Maurice Makhanu, the residents claimed the project is yet to bear fruits, almost three years after it was officially commissioned by President Kibaki.

Lands assistant minister Bifwoli Wakoli, who is the area MP, however dismissed the report as baseless.

"There were problems at the onset of the project but issues have been resolved at the moment,"

said Wakoli.

Speaking on phone to The link, Wakoli said there is political mischief in the allegations.

The residents appealed to KACC boss PLO Lumumba to step in to end their suffering.

"Women and school going children are still walking long distances to fetch water, a matter that has hindered development in the area," said Makhanu.

The former PC reiterated that the area still faces an acute shortage of the commodity.

"When it stops raining just for a few days, an acute water shortage hits the area," added Makhanu.

The Controller and Auditor General report notes that the project was to be implemented in

several phases, with the first stage contract sum standing at Kshs8.1 million.

Records further indicate that as at June 30, 2009, expenditure totaling to Kshs37.4 million had been incurred on the project.

The report also reveals that although the pipes were connected to the existing water point, no water was flowing to the three locations.

"No reason has been given for the inadequate handling and poor management of the project," the report states.

Robert Simati, a resident of the area said water is flowing in the area but from River Malakisi.

"We are using water from the river but not the dam," he added.

Civic leaders panic over new law

By BEKADZO TONDO

LOCAL government workers and civic leaders in Kilifi are anxious about their fate once the new constitution becomes fully effective.

This follows revelations by consultants hired by the Ministry of Local Government that their roles have not been defined properly in the new order.

"The new constitution only talks about the establishment of county governments but is quiet on the existence of local authorities and their employees," adds lawyer Tom Kajwang who is among the group of consultants whose role include elaborating on issues of county governments in the constitution.

The chairlady of Malindi county Mrs Elina Mbaru said that both the council staff and civic leaders need to be wary of the future.

"The councilors may be affected if the number of wards are reduced while the staff may not be absorbed in the counties espoused in the new constitution," she said.

She spoke as a team of experts who addressed a government retreat on the implementation of the new constitution told ministers, assistant ministers and heads of parliamentary committees that the present wards, municipalities, county councils and other local authority structures would be scrapped and replaced by new units under the county governments.

Under the new constitution county governments will be made up of the present District and smaller local authorities that are to be merged.

There has been uncertainty over the fate of councilors, a matter that came out strongly during the campaigns on the referendum on the new constitution which was passed in August.

During the campaigns President Kibaki and Prime Minister Raila Odinga promised councilors that their jobs would not be scrapped.

Queries over dispensary project

By KAVYU-KURA

THE Mwingi North CDF Committee is not amused that a Project Management Committee in Kyuso district had blatantly circumvented the CDF Act in its operation.

The CDF manager Paul Kimilu faulted the Kaku-nike Dispensary Committee in Kamuwongo division for lacking transparency in their operations and sparking suspicion that the funds have been embezzled.

Speaking at the project site during a recent visit, Kimilu stressed that it was mandatory for all project management committees to regularly appraise the beneficiaries on the progress of any ongoing CDF supported project for the sake of accountability and transparency.

He pointed out that it was wrong for five committee members to bestow themselves the task of implementing the dispensary project contrary to the CDF Act which dictated that any project management committee should have at least nine members and above.

The CDF manager consequently declared that an audit into the way the first tranche of Kshs300, 000 allocated to a dispensary project was used would be carried out to establish whether or not it was embezzled. The CDF committee is yet to release a balance of Kshs200,000.

Kimilu said with the general suspicion among members of the public that the dispensary project money had been misappropriated, an audit will be conducted to put the record straight and clear doubts.

"Contrary to the CDF



The CDF manager Paul Kimilu speaks at the dispensary site and Cllr. Titus Kitheka (in cap seated left). Photo/Kavyu-Kura

Act, the local community has been kept in the dark over the way money has been spent. I am going to lead an audit on the project to unearth the truth," said Kimilu.

Kimilu, and CDF committee members Ms. Angeline Mbula (treasurer) and Michael Muthengi (Secretary), had made an impromptu visit to the project following public complaints that money could have been diverted into peoples' pockets.

He said that should the audit establish that the funds

have been misappropriated, then appropriate legal action would be taken. He told the implementation committee to account to the public how they used the money allocated to the project.

At one point the local civic leader Cllr. Titus Kitheka ran into trouble when he suggested at the meeting between the CDF officials and the community members that those peddling claims that project money could have been stolen should be named at the forum.

The Councillor's suggestion drew grumbling from

the crowd, with an official of the Centre for human rights and civic education NGO that runs a public audit programme of CDF and LATF projects, Daniel Muoti, insisting that it was improper and unacceptable to "disclose whistle blowers".

A community nominated public audit official from Kamuwongo division Zakayo Isombo painted a grim picture of the way CDF projects in Mwingi North were implemented saying that Project implementation Committees hardly stick to the dictates of the CDF Act.

Maragua puts off projects to pay debt

By MORRIS GITHENYA

TOWN Council of Maragua has suspended development projects for a period of one year to clear outstanding balances from statutory bodies.

Town Clerk, Ms Jane Wairimu, says the council has no option but to pay the outstanding debt to help redeem allocations from Local Authority Transfer Fund (LATF) during this financial year.

"We had a time frame as to when to clear the balance

and therefore we have decided to use all the money at our disposal including grants to pay outstanding debts," said the Maragua town clerk.

She adds that once the debts are cleared, the council plans to embark on vibrant development projects.

She spoke as the national chamber of commerce and industry branch in Murang'a vowed to support Murang'a County to spur development in the area once it becomes fully operational as outlined in the

new constitution.

The branch Chairman Peter Kamau Kiguta said that they will soon convene a meeting to educate their members and other stakeholders on what is to be expected of them once the county finally become effective as outlined in the new law

"What we know is that much of the work listed in the new law is currently being done by the local government but we are yet to be invited to any forum to chat the way forward," said

Kiguta.

Kiguta said the roles currently being performed by the council include garbage collection, revenue collection, maintenance of bus-park and ensuring cleanliness in the towns and market centres.

"The council must start consulting stakeholders on their views on how to develop the county instead of introducing issues without involving them," said Kiguta when he talked with The Link in his office.

Mbeere water project set to start soon

By PETER MUTUKU

THE proposed Kshs2.6 billion Mbeere water project is set to kick off after political differences that had held it back were ironed out.

Siakago MP Lenny Kivuti says the first phase of the project to be carried out by Embu Water and Sanitation Company will start immediately.

The project comprises the development of head works in Mt Kenya forest and distribution network at a cost of Kshs230 million. Kivuti says work on the project had been held back by farmers, who he claimed had been incited to block it.

The farmers, the MP further claimed would not allow water to be piped through their farms to Mbeere yet they also lacked the commodity.

Addressing residents at Kanyuambora to appraise them on the projects progress, the MP said that after consultations, all stakeholders had agreed the project would only take a small fraction of Thuchi River.

He urged residents of Embu County not to politicize water issues adding that the programme was considered a lifeline for Semi arid Mbeere North District that was experiencing food deficits. At least every location in Mbeere North will have bulk water by the end of next year, with smaller community projects drawing supply from bulk storage tanks.

Nyeri residents to monitor judiciary services

By JOSEPH MUKUBWA

NYERI residents have formed an association that will keenly monitor judicial services in the County.

The residents led by Rev Joseph Macharia, say that the justice delivery system is of paramount and immediate importance to them.

"Through the association, we will be able to objectively monitor the judicial services. We will compile statistics and periodically publish a report on the findings with regard to service delivery of the judiciary in Nyeri," the residents add in the letter addressed to chief justice and which is copied to Attorney General Mr Amos Wako.

The residents say that the new constitution provides for an efficient and responsive judiciary operated by officers who are responsible, have a high moral character, integrity and impartiality.

The association hopes that the Chief Justice and Justice Minister and the entire government will cooperate with the people of Nyeri County through the association, to see to it that residents exercise their rights to be vigilant with regard to the delivery of judicial services.

The Association wants to assist the Nyeri residents to access efficient and quality services from the three arms of Government.

Balala's advice to beach hotels

By BRIGHTON KAZUNGU

TOURISM minister Najib Balala has called for improvement of standards and services offered by beach hotels to stave off rising competition from other destinations.

He says while tourism sector was recovering and doing well, Mombasa as a beach destination was experiencing a serious setback with a 20 per cent drop in performance in the last eight months. He asked hoteliers to diversify markets and products on offer.

He said the Government had set aside funds to be loaned to them at concessionary rates under the Kenya Tourism Development Corporation (KTDC) and they should take advantage to revitalize and improve their hotels.

The minister was speaking in Mombasa Beach Hotel recently where he chaired a roundtable consultative meeting with proprietors and managers of beach hotels from the North and South Coast. The meeting noted that the Coast was facing unique challenges that needed special attention.

The meeting which was also attended by the Assistant Minister Cecil

Mbarire, Ms. Leah Gwiyo, Permanent Secretary and all chairmen and chief executives of Parastatals under the Ministry of Tourism, came up with some resolutions to drive the sector forward.

It was resolved that a consultant be appointed to re-brand the Coastal destination especially Mombasa as a prime beach destination.

Ministry of Tourism in liaison with Tourism Trust Fund (TTF), Kenya Tourism Board (KTB) and Catering and Tourism Development Levy Trustees (CTDLT) were tasked to identify and actualize the process.

Secondly, the meeting recommended the establishment of Tourism Business Council (TBC) involving all the stakeholders in the sector to strengthen and bring on board all the various multiple players in tourism for synergy and better voice.

Thirdly, the meeting called for frequent sector meetings and tasked National Economic and Social Council (NESC) and Vision 2030 whose Chief Executives were present to organize a high-level roundtable in the first week of December 2010.

Fourthly, the meeting resolved that Hoteliers would give more considera-

tion to domestic and regional tourist markets for continuity and sustainability through introduction of incentives and better services.

The Hoteliers also resolved to adopt the cluster development strategy to improve the beach as one prime destination in order to benefit from the synergy.

On issues of infrastructure, the meeting resolved that more efforts should be made to improve not only the common amenities like roads, rail services, water and beach cleanliness but also the hotel services and investment in renewable energy. The meeting called for the construction of a dual carriageway from Lunga Lunga to Malindi as well as bypass in Likoni and Dongo-Kundu.

The Ministry of Tourism was tasked to promote and encourage more direct scheduled flights to Mombasa and other destinations in the country to supplement the charter flights. Increased air flights are necessary for growth in the country.

Finally, the hoteliers agreed to support and fully participate in the Hotel Classification exercise scheduled to begin in the beginning of December, 2010.



A beach at the coast. Competition will improve standards and services of the beaches.

Chebyuk squatters to be settled soon

By JOHN NYAMBUNE

OVER 2,000 squatters in the controversial Chebyuk Settlement Scheme in Kopsiro Division, of Mt. Elgon District, will be settled soon.

The chairman of the task force, Mr. Solomon Ouko, says 88 per cent of work in the scheme had been completed by the Government surveyors.

Speaking in Kitale after chair-

ing a meeting with committee members, Mr. Ouko asked beneficiaries to be patient as the Government was hastening the exercise.

Mr. Ouko, who was accompanied by a member of the committee, retired ACK Bishop Eliud Okiring', said physical planning of the scheme had been completed. He said surveyors under supervision of senior surveyor Mr. Michuki Abbas were working

round the clock to beat the deadline.

The vetting process has been done by the committee and 2,084 beneficiaries will be settled during the exercise.

The phase three settlement scheme sparked conflict in 2006/2007 that caused deaths and displacements before the Government appointed a task force in 2008 to resettle the squatters at the Chebyuk scheme.

KK residents urged to elect young leaders

By FREDRICK WEYIMI

OLD politicians from Kakamega County aspiring for the positions of governor and senator in the devolved structure have been asked to reconsider their stand and support younger leaders.

Mr Joel Olweny of Rural Community Empowerment Center (RUCEC-Kenya) says that it is unfortunate that old politicians still want to cling to power after decades of misrule and retrogression.

He says that currently majority were coalescing in Nairobi to forge political camps which will only serve to propel them to leadership positions at the expense of the electorate.

Olweny asked youth from the County to shun such leaders who have forgotten them for along time and failed to spearhead any development projects in the region.

Olweny observed that Kakamega County has a lot of potential which requires fresh brains and asked the youth to vie for leadership positions saying their time is now.

"Our leaders have failed to identify these potential and we should therefore reject them and take up our rightful positions in society," Olweny noted.

The civil society member observed that Lugari district produces a lot of maize yet the locals are starving because leaders have failed to invest in the sector. He said the area requires a maize mill factory to produce flour both for local consumption and export to other counties.

Lurambi and Shinyalu constituencies which fall in the central and southern part of the County are good for paper and water production respectively.

Olweny described Ikolomani as a tourist attraction site owing to its bull-fighting culture coupled by the landscape adorned with stones of various shapes including the crying stone.

"Malava has humid temperatures and can serve as an agricultural zone where bio-diesel from jatropha caricus is produced. This can transform the County a diesel exporting center," said Olweny.

As for Matungu, he observed that the constituency is suitable for green house farming which can be utilized for tomatoes and onion production. With these at hand, the area shall have a factory for processing tomato paste for local consumption and exports to the neighborhood and even beyond Olweny added.

And for Mumias, the youthful scholar asked locals to thank God for the Mumias Sugar Company (Msc) which he described as a blessing from above.

Nonetheless, he appealed to leaders from the area to educate farmers on the need to accord sugarcane farming the necessary attention.

He said sugarcane is able to produce sweets, spirits, field mats, electricity and thanked MSC management for initiating diversification projects in the factory.

The official said that with COMESA knocking at the door, we need to diversify our products.

Central women adopt eco-friendly jikos

By JOSEPH WAMBUGU

OVER 1,000 women from the Central Region have turned to energy saving jikos which are environmental friendly.

The jikos are smokeless and odourless in combustion, non flammable and non-toxic.

The Songa Mbele Women Organization treasurer Mrs Christine Wanjiru says another 600 women groups within five provinces in the country will benefit and abandon the expensive and non-environment friendly jikos.

Wanjiru says that women like conserving environment and the introduction of the jiko will be of much help due to their love for the environment.

The organisation has joined hands with a Nairobi company named Bio-Energy Systems Suppliers Africa Limited (Biossal) which has started supplying the energy saving jikos to the mothers who then use them in their cooking.

"These jikos use bio fuel which is a liquid thermal energy carrier called Storene (Stove Renewable Energy). This Storene energy is used in special jikos that convert the liquid into a gas at 180 degrees that is flammable," said Biossal founder Mr Peter Waweru.

Storene is produced from or-

ganic oils such as Sunflower Oil, Palm Oil, Cotton seed oil, Castor oil, Croton oil and Tallow.

"Storene is non flammable and therefore eliminates fire hazard in domestic environment. It is also non toxic and has a high energy content. A family of 5 will only require about 4 -5 litres per month saving massively on their energy budget every month," said the founder Waweru.

It also has mosquito repelling capability.

The company now wants the benefitting communities to plant energy trees such as castor oil seed which upon maturity will produce oil within four months.

The planting of the energy trees will ensure that the trees capture carbon dioxide and thus reduce emissions.

The company will buy the oil seeds and help them generate revenue and employment to the community. Castor thrives in an environment where food crops fail especially in semi arid areas and therefore there is no competition with food crops.

"There will be creation of employment at the community level because the county based model of service delivery as per the new constitution requires that the counties are self reliant and create jobs and also generate revenue. The company aims to locate its



Biofuel jiko: The jikos are smokeless and odourless in combustion, non flammable and non-toxic.

refineries in the counties so as to employ locals and create jobs at the county level," said Waweru.

The founder said the company would in future be seeking business partners with other women and youth groups in order to

partner in the production of feedstock groups such as Sacco's and ensure that they save on energy spend; distributors to access Storene and Jikos to the commu-

nity through retail outlets.

Once the women groups buy the jiko from the company at reasonable prices, the women members pay slowly until they fully settle the price.

Leaders meet over family planning

By BRIGHTON KAZUNGU

THE Ministry of State for Planning and Vision 2030 has organised a high-level National Leaders Conference on Population and Development with the aim of fast-tracking the family planning programme.

The meeting is being coordinated by the National Coordinating Agency for Population and Development (NCAPD) in collaboration with key Government ministers and development partners.

The theme of the 2010 National Leaders Conference is "Managing Population to Achieve Vision 2030". Healthier Families for a Prosperous Kenya. The last national population conference was held in 1989.

The chairman of the conference steering committee, who is also the Economic Planning Secretary in the Ministry of State for Planning, National Development and Vision 2030, Mr. Stephen Wainaina, told The Link the conference's key objective is to reposition Kenya's family planning programme to place it in line with national economic growth and development targets.

The country's population has been growing at a very high rate. The fertility rate has gone up to around three per cent and if the economy will not grow at a same level, then as a country we are going to have a big problem," Mr. Wainaina said.

"If the current population growth rate of three per cent is maintained, the population which stood at 38 million people in the 2009 National

Census results released in August this year, will increase to around 60-65 million by the year 2030.

"This huge population will have an implication on demand for resources and people's health. The conference will offer a forum that will interrogate some of these issues and how the country will address the expected population explosion in favour of a manageable healthy population that is a real asset for the country's Vision 2030 targets," Mr. Wainaina said.

The National Coordinating Agency for Population and Development (NCAPD) Chief Executive Officer, Dr. Boniface Omuga K'Oyugi, says the conference will unite over 1,000 policy makers, community, population and health professionals.

"The conference will be an eye-opener on issues to do with population and the national development agenda," said K'Oyugi.

"For every penny invested in population and reproductive health programmes, Kenya can save four in four years. Research has shown that if the country increases investment in family planning programmes to Kshs5.8 billion, the cost savings from education, immunization, water and sanitation, maternal health and malaria would outweigh the additional investment for family planning by a factor of four to one," he adds.

The last conference in 1989 came up with various strategies to check population explosion in line with sustainable economic develop-

ment.

The outcome of the conference led to increased use of contraceptives for married couples from the 27 per cent in 1989 to 39 per cent in 1998. At the same time, national fertility rate dropped from 6.7 children per woman to 4.7 over the period. This represented a 30 per cent drop in fertility in 10 years.

After the conference, Community Based Distribution (CBD) of contraceptives was also started and implemented.

"The period 2000-2010 has witnessed stagnation in the use of contraceptives, little change in fertility rate, slow reduction in infant and child mortality rate; high maternal mortality, little improvement in maternal health services; insufficient reproductive health information and services for young people, reduced commitment by leaders and policy makers for family planning programmes and even reduced resource allocation for population programmes," Mr. K'Oyugi says.

"This conference will provide opportunity for repositioning of family planning to address critical population issues that have a bearing on the quality of life for a majority of Kenyans.

NCAPD Chief Programme Documentalist-cum-Media Liaison Officer, Mr. David Kinyua, says the 2010 conference will review implementation of population policy since the last conference in 1989. It will also review the development of an action plan for the next decade, among other key objectives.

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DC roots for better business conditions

By PETER MUTUKU

KITUI District Commissioner, Joshua Chepchieng, is asking the Mayor, OCPD and the District Water Engineer to speedily provide a conducive environment to facilitate trade and farming.

He also recognises that Kitui residents have got the potential in local production that if given enabling conditions, can help the country achieve its Vision 2030 and the Millennium Development Goals (MDGs)

The DC was speaking to hundreds of people who attended the Heroes Day celebrations at the Kitui Municipal Stadium, where he also expressed a lot of happiness with the revival of the Kitui Teachers Training College which collapsed in 1960s by the government.

Chepchieng also recognised that Kitui town is growing so fast. "The town will soon be promoting a lot of investment in the country once the tarmacking of the Kangonde-Kitui-Kibwezi highway by the government will be completed.

On food production, the DC asked the local people to plant certified seeds during the current planting season in order to get good yields like that of last year. At the gathering was also the local KNUT executive secretary, Mr. Joseph Mwanzia Makuthu, who complained that there is still neo-colonialism in Kenya, though was not ready to elaborate accurately when asked by the newsmen.

"There are some people in this country who feel themselves that they are dictators and trouble innocent Kenyans through their dictatorship," he complained.

Local mangos set for export markets

By PETER MUTUKU

THE Horticultural Crops Development Authority (HCDA) seeks to help Mango farmers in Eastern Province to expand their export market.

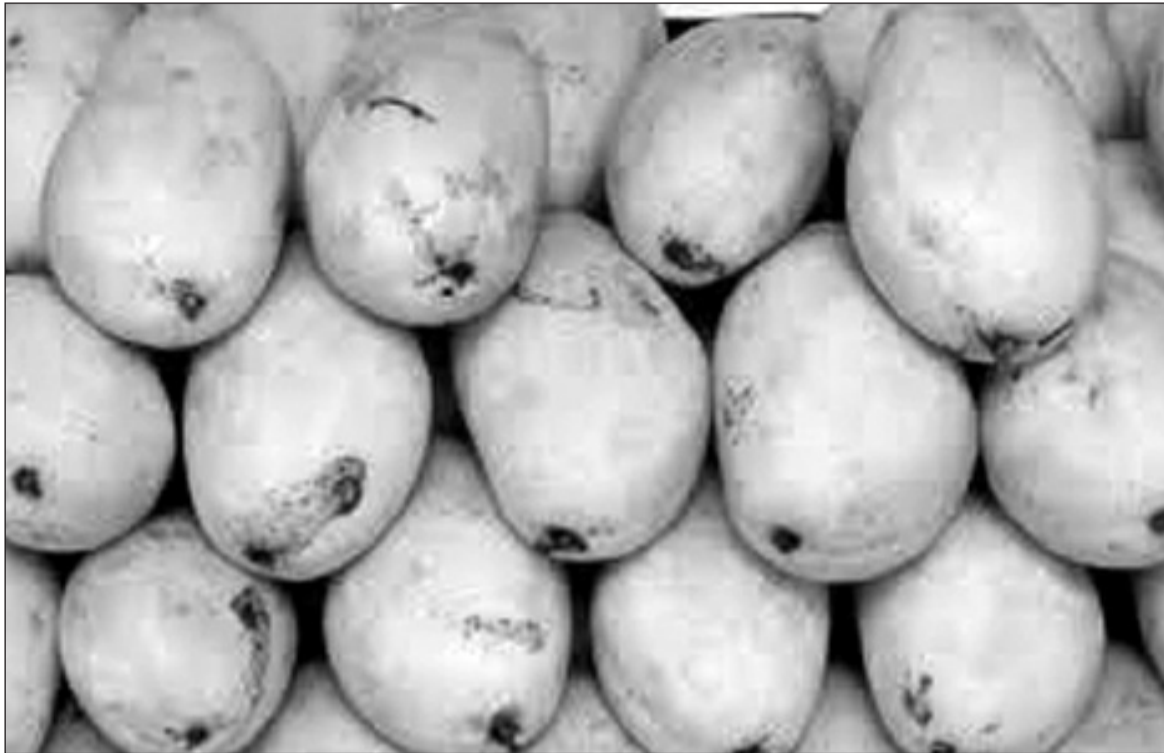
An official from HCDA, John Mung'oo, said the Authority was currently exploring the possibility of introducing mangoes from the area to British supermarkets and other parts of the world.

He said in 2009 about 901,520 metric tonnes of mangoes valued at Kshs 55.4 billions were exported in different parts of the world. Mung'oo said the leading exporters are Mexico (15 per cent), Brazil (13 per cent), the Netherlands (11 per cent), Peru (9 per cent) and Israel (5 per cent).

He said leading importers included the USA (29 per cent), the Netherlands (12 per cent), the UK (9 per cent), France (8 per cent) and Germany (5 per cent). He said the annual production in Kenya is 183,000 metric tonnes where he said that the Eastern Province accounts for 54 per cent of the figure.

The Eastern Province is followed by Coast Province with 22 per cent and Nyanza Province with 8 per cent according to Mung'oo. He said that the Kitui County produces more than 12,870 metric tonnes of mangoes annually. He said the Machakos County produces 16,000 tonnes and that the Meru County produces 7,000 tonnes.

The HCDA official said that Germany imports 94 per cent of Kenya's mangoes and that the UK imports



Local mangoes ready for export.

3 per cent of the country's mangoes. He added that Bahrain imports 2 per cent of Kenya's mangoes. "The African countries exporting mangoes to the UK are Gambia (2 per cent), South Africa (2 per cent), Senegal (1 per cent) and Bourkina Faso (1 per cent).

The area MP asked the government to accord mango farming the

same attention enjoyed by tea, rice, wheat, cotton, coffee and sugarcane farmers in the country.

A senior researcher with HCDA Mr. Wilfred Yako further said that the mango tree need to be nurtured to enable farmers reap highly from the produce. He said the pesticides and fertilizers for mango farming are ex-

pensive but there is no shortcut.

"Failure to take care of the tree, you will gain nothing," Yako said. He was educating horticultural farmers recently during a field day organized for the farmers by the Horticultural Crops Development Authority at the Kyuluni market in Nzambani location, Kitui District.

By NYAKWAR ODAWO

MOST local authorities within the Busia County are yet to receive their Local Authority Transfer Fund [LATF] allocations after they failed to clear an outstanding debt of Kshs67.3million.

Also suspended are roads maintenance levy funds channeled to the councils through the Kenya Roads Board (KRB) respectively.

According to the data availed to *The Link* recently, Funyula Town council has in the last two years incurred debts to the tune of Kshs0.9million. This has led to LATF cuts and subsequent stagnation of most on-going projects within its jurisdiction.

The local authority's Finance Manager Councilor Mabangu however says that the chief officers have entered into an agreement with the management of the National Bank of Kenya (NBK) Busia branch where the bank has agreed

Busia councils yet to get LATF

to grant the local authority a loan of Kshs0.9million that will enable the council to repay its debts.

"The bank has agreed to give us a loan of Kshs0.9million so that we can be able to pay our debts and the banking institution would recover the same through monthly installments," the finance chairman said.

In an interview with *The Link* at the Mayor's parlour recently, the Busia municipality mayor John Wambakha Ojiloh said that the local authority too was working towards a repayment schedule.

He says that the council has already obtained an overdraft from the National Bank of Kenya [NBK] Busia to clear the outstanding debts which currently stand at Kshs17million. The loan will be recovered through monthly installment.

"The Kenya Roads Board has granted

the Municipal Council of Busia a total of Kshs10million that will oversee the rehabilitation of all the rural access roads within the municipality during this financial year," the mayor said.

The mayor at the same time said the council has been forced to halt some of its programmes so as to generate additional revenue that would empower the local authority to pay its debts. The Mayor however expressed dismay at the recent 60 per cent salary increment which he noted was likely to compound the already fragile situation resulting from poor revenue bases.

"Municipal Council of Busia is over-staffed with the current number of employees standing at 156 against an existing capacity of not more than eighty employees as stipulated by the law, adding that unless prompt remedial action was taken

by the ministry to reduce the staff, the local authority would in the long run cease to operate.

The Port Victoria town council on its part has borrowed a total of Kshs2.4million from the National Bank of Kenya, Busia branch to enable it clear outstanding debt. The Town Clerk, Shalaka Muniolo expressed fears that most local authorities may collapse due to lack of strong revenue bases as the government has failed to consider the viability of each local authority in terms of revenue collection.

Similar sentiments were expressed by the Busia County Council Clerk George Maruti who said his council has been compelled to borrow a loan of Kshs4million from the National Bank of Kenya, Busia branch to settle its debts.

Gusii society boost dairy farming

By BOB OMBATI



Dairy farmers are likely to benefit from a local SACCO.

A SAVINGS and Credit Cooperative Society (SACCO) has disbursed Kshs5.6 million in loans to health technicians and dairy farmers in Nyamira County in a bid to boost livestock production and alleviate poverty.

Gusii Animal Health Technician (GAHT) Sacco chairman, Kefa Nyamari says the Society has advanced loans worth Kshs1.2million to 35 health technicians and a further Kshs4.4 million to 11 Dairy farmers in Borabu district, who received Kshs0.4 million each.

Addressing farmers during an Annual General Meeting at Keumbu Divisional headquarters recently in Kisii County, the chairman appealed to Ken-

ya Livestock Finance Trust (KLFT) to increase its annual allocation to the Society to enhance its capacity in addressing the financial needs of farmers and Health technicians.

Nyamari, who was flanked by the Sacco Coordinator Charles Nyaanga and the area District veterinary officer, Cleophas Kogo said the current financial allocation by KLFT was not enough as the Sacco had registered significant growth in membership over years.

The chairman said that the number of technicians allied to the Sacco had shot up to 50 nationally thereby the increasing the demand for loans.

"KLFT should at least increase funding to the Sacco at least Kshs3 million so that future allocations can

factor in new members," he said.

The Sacco's patron, Charles Mochama said the Sacco, which serves as KLFT's intermediary was keen to bridging the gap between the technicians and farmers to ensure that farmers accessed loans and quality services to boost and improve animal and crop husbandry.

Kogo said livestock production had suffered a set back after the government froze employment of health technicians 20 years ago, saying private technicians were complementing the few health technicians to equip farmers with livestock production skills to increase milk production.

The veterinary officer challenged farmers to shun quacks who are likely to endanger their livestock and make sure that all health technicians have certification from the relevant government authorities before they allow them to treat their animals.

Japanese Club helps Samia residents

By NYAKWAR ODAWO

The Rotary Club of Tokyo and the Japanese ambassador to Kenya have embarked on an ambitious water project that targets to benefit over 10,000 residents in Samia district on completion.

The project dubbed "The 10th Anniversary Kazusabori", initiated by the Japanese government last year is set to cost a total of Kshs8 million on the first phase and another Kshs4 million during the second phase.

Addressing the stakeholders in the district recently, the project coordinator Patrick Kenga confirmed that 20 water taps have been constructed and that 10 more are still under construction.

Samia District Commissioner Josephine Onunga on her part lauded the Japanese government for taking an active role in the development of the district which include the provision of clean drinking water through the rotary club of Tokyo.

The project was initiated with the aim of helping Samia women who have for decades been traversing a distance of 3km in search of fresh drinking water.

At the same time, the residents of Busia have been urged to embrace voluntary male circumcision as a way of reducing the chances of contracting HIV/AIDS and other sexually transmitted infections.

Addressing the residents during the launching of the voluntary male circumcision project, at the Busia Compassionate Children's home recently, the Nambale constituency Aids control coordinator Wilfred Magoba, expressed concern at the high HIV/AIDS prevalence rate which currently stands at 7.4 percent.

He further said that the project which targets at least six hundred males from three divisions namely Busia Township, Bumala, Matayos and Butula will take place within a period of six months whereby individuals will receive free services during that period except for dressing where they will be referred to the nearest health institutions.

Sugar wars erupt in Kakamega

By JOEL JUMA

A ROW is simmering between sugarcane farmers contracted to deliver produce to two different mills in Kakamega North District.

Farmers contracted at Butali Sugar Mills threatened to paralyse operations of rival West Kenya Sugar Company while growers at the latter indicated they are bracing for the conflict.

Butali farmers are accusing the rival company of being behind delays by the Government to give them a crushing license.

They indicated that they will hold

demonstrations to air their grievances and halt cane deliveries to West Kenya.

West Kenya farmers on their side said Butali cane growers should not blame them for their woes.

"The Government approved the construction of Butali, not us," said Elizabeth Matende, a cane farmer from Shiamberere.

Matende warned that both West Kenya and Butali Sugar Mills will collapse if the matter is not handled with care.

Butali Sugarcane Outgrowers Company Limited (BSOCL) secretary Saul Kovola has been pleading

with his farmers to be patient, cautioning them against breaking the law. BSCOL chairman William Kopi told farmers that they can only hold peaceful demonstrations.

Last month, Housing Minister Soita Shitanda averted a rowdy demonstration by Butali farmers. Shitanda, who is also the area MP, told farmers to be patient and seek proper means of airing their grievances.

West Kenya farmers said growers will be the biggest losers if the Government mishandles the dilemma.

Butali was set to begin operations in July but work has been put on hold as the Government is yet to give it a

crushing license.

When contacted, West Kenya managing director Tejveer Rai said he embraces healthy competition but said the matter should be handled with care.

Shitanda is on record saying the region has enough cane to sustain the two mills.

Last month, Shitanda and MPs Cyrus Jirongo, Bonny Khalwale, Wakoli Bifwoli and David Koech held a meeting with farmers and demanded that Butali be given the licence.

President Kibaki laid Butali's foundation stone on December 5, 2007 and urged farmers to plant enough cane for the new mill. The plant was put up at a cost of Kshs3billion and covers six districts.



Sugarcane labourers at work

Anti-polio campaign launched

By NYAKWAR ODAWO

THE ministries of Public health and Medical services have embarked on a massive polio campaign exercise.

The aim is immunize about 67,000 children who are under five years in the larger Busia districts which consist of Butula, Nambale and Busia district.

The immunization exercise is scheduled to take place in three phases. The first phase started in November 2010, then there will be similar exercises that will be conducted this month and January 2011. This will be done to complete the required dose for polio immunization in the children.

The immunization exercise has been sponsored by World Health Organization (WHO) and the United Nations Children Fund (UNICEF).

According to the Busia acting medical officer of health Mr. Ambrose Fwamba, the exercise will be conducted by health officials and volunteers who will move from door to door to ensure that all children under the age of five are immunized against the disease.

The Acting Medical Officer of Health told a meeting of stake holders that was convened at the Busia District hospital boardroom recently that it had become imperative for the immunization exercise to be conducted because of a fresh case of polio that had been reported in Bugiri district in the republic of Uganda which is only a few minutes drive from Busia town in Kenya.

The medical officer of health at the same time said that the World Health Organization (WHO) has issued an alert on polio outbreak in the East African region.

Fwamba further added that all the other districts in Kenya bordering Uganda that include all the districts in Busia County, Bungoma County and Turkana will conduct the polio immunization exercise in three phases.

A similar exercise will be conducted in thirteen districts in Uganda that border Kenya and will also be sponsored by WHO and UNICEF to ensure that the disease is eradicated in the region, the medical officer of health said.

Teachers oppose scrapping of KCPE

By JOEL JUMA

THE Kenya secondary schools head teachers association has urged MPs to oppose the scrapping of the Kenya certificate of Primary Education when debating the matter in Parliament.

The association said that the Government has not put in place measures to oversee the transition from primary to secondary schools and pave way for the scrapping of the exams.

"We do not have secondary schools that can absorb all the students unless they are assessed and categorised according to their academic performance," said the association's national Secretary

General Lorna Mumelo.

Mumelo and the association Western branch Chairman Kahi Indimuli explained that scrapping of KCPE will not assist improving the quality of education in the country.

The association officials were speaking during a young leadership conference at Chavakali high school.

Head boys and head girls from all secondary schools took part in the conference that aims at shaping their leadership in schools. Mumelo and Indimuli said that involvement of students in management of schools has led to a reduction of strikes in the country.

"We had few cases this year and we

hope the vice will be wiped out in future," said Indimuli. He asked principals to ensure that guiding and counseling policies are enforced in their schools to avoid suspension of students in schools.

Ikolomani MP Bonny Khalwale has joined leaders opposing a move to scrap Kenya Certificate of Primary Examinations (KCPE). Dr Khalwale urged MPs and teachers who want KCPE abolished to reconsider their decisions. I want to state that KCPE is part and parcel of the growth of our children, he said.

Indimuli explained that there are no youth polytechniques that can absorb all the students adding that the transition process needs to remain intact.

Bunyala dykes set for repair

By NYAKWAR ODAWO

WORLD Bank project halted in Budalangi, in 2009 following corruption allegations.

Special programmes minister Esther Murungi has assured beneficiaries of Western Kenya Community Driven Development and Flood Mitigation Project (WK-CDD & FMP) that the government and the World Bank will soon resume funding to oversee the implementation of all projects under the programme.

The minister made the remarks when she toured the flood prone area of Budalangi area Bunyala District recently. The funding of the projects under the flood mitigation was suspended last year when allegations emerged that over 50 million had been misappropriated by the implementing officers. About Kshs6.5billion had been earmarked towards the implementation

process which was spread out from 2007 to 2014 by the World Bank in conjunction with the government of Kenya.

One of the major projects was the construction of dykes to prevent the overflow of River Nzioa which has been causing floods in Budalangi area. The Permanent Secretary in the Ministry Andrew Mondoh on his part said the construction of the dykes will resume soon adding that the dykes will have a lifespan of 50 years.

The Busia district project Coordinator Evans Asena said through the project, existing dykes were repaired to control floods and accelerate the flow of water to Lake Victoria. The project coordinator said that the project implementation was done with support from the community and other stakeholders among them Action Aid and Meteorological Department who also helped to operationalize a community

radio station Bulala 107.5FM adding that the the studio was constructed at a total cost of Kshs0.4million. He said that apart from being used for information, education and entertainment, the station is critical in the provision of early flood warnings as it is equipped with a computer, internet service, Fax and printer that enables them to receive daily flood watch adding that the project intends to start programmes that will promote social accountability.

The project coordinator at the same time said that the project also partnered with the Ministry of Agriculture in starting demonstration farms to take advantage of the land between the dyke and the river during the dry spell when there is no risk of flooding adding that the same was meant to improve the livelihoods of the local community by taking advantage of the river water for irrigation and the fertile soils.

The rot of once shining Akala market

By JOHN NYAMBUNE

DILAPIDATED houses, shops with roofs rusting from age and neglect and display of coffins dotting the roadside along the Kisumu-Bondo-Usenge road announce you have arrived at Akala.

But this market centre has not always looked this desolate. In fact Akala once brought together traders from Siaya, South Nyanza and Kisumu counties.

Were it not for fruit vendors who mob travelers as matatus and buses stop to drop or pick up passengers, one would assume that the centre is no longer inhabited.

But a stroll along the market's filthy winding paths reveals a different picture. The aesthetics aside, the centre supports a surprisingly large population, seemingly comfortable in their distressing environment and going about their varied business pursuits unperturbed.

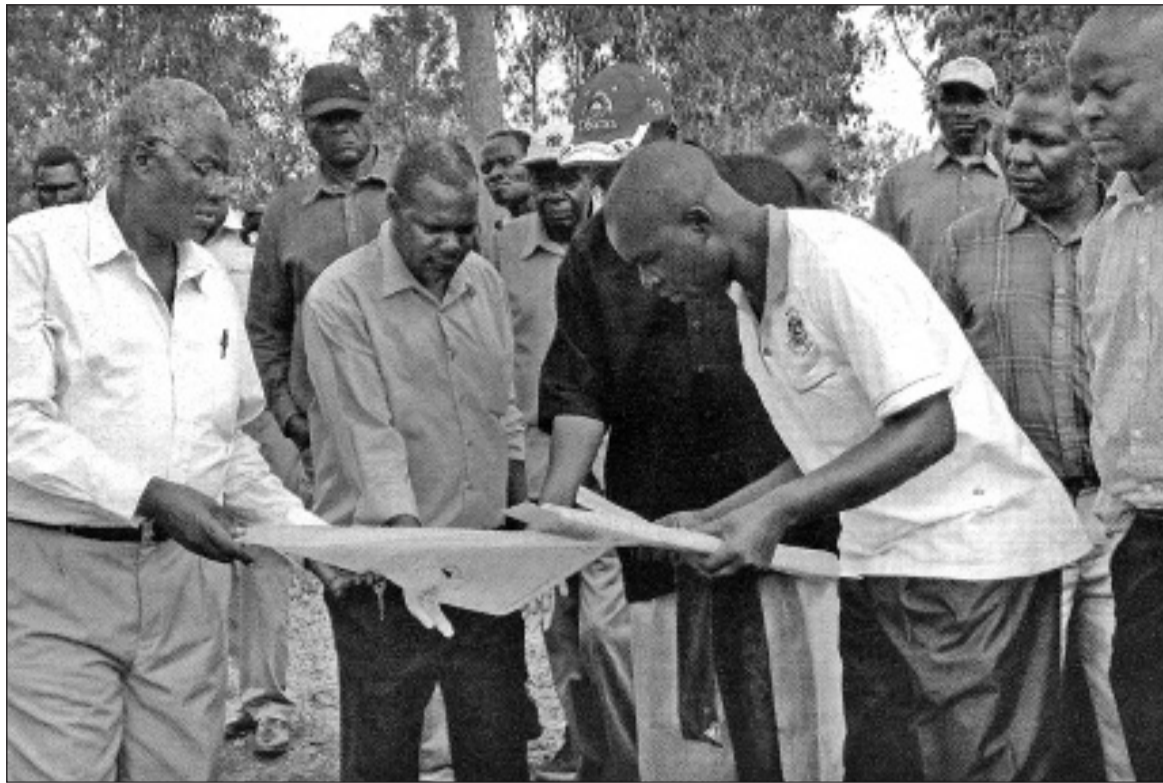
They are the residents and traders of centres like Akala whose defining feature is decay and lack of planning, haphazard and uncontrolled development, absence of waste disposal facility and hence potentially dangerous to health and safety.

Though located nearly 500 kms away, Akala bears features remarkably similar to what we have in Kibera and Mathare slums in Nairobi. Virtually all the buildings have their pit latrines on road reserve.

Did the landlords reach a secret deal to have all toilets built on the "idle" land by which they meant land reserve for roads and other amenities? When this trend threatened to get out of hand intervention became inevitable.

Eventually something had to be done to avert looming disaster. And it was done when a team of local leaders, led by Siaya county council officials and the area Member of Parliament, Mr. Jakoyo Midiwo stormed the market for up and close inspection and to recover the grabbed public land.

Armed with maps and plans, the leaders moved from one corner of the



Siaya Council officials study a map of Akala township in Siaya County.

market to the other, identifying buildings on public land and road reserves, as another team of council employees demolished them.

Mr. Midiwo declared nearly all buildings in the market unfit for human habitation and visitors to the area were appalled by the sorry state of the pit latrines that astride the roads.

"It is an eyesore that must be addressed immediately," he said adding that Siaya county council had the blessings of the local leaders to take all steps needed to restore the town's original plan.

He recommended to the council to repossess grabbed public utility land and re-open the blocked access roads, pointing out that impunity would not be allowed to distort growth of areas with potential benefit like Akala. "I know some people will suffer, but it is better for a few suffer and secure the benefit of the majority and future generation" said the MP.

The legislator observed that for several years appeals to unscrupulous property owners to reallocate the structures from the road reserves have not been heeded.

"It is disturbing that landlords constructed residential and business premises without toilets only to put up ugly structures on the road reserves," he observed adding that the structures must be removed and Akala given a face lift. The residents blamed poor planning and corruptly acquiring public land as the main causes of the township's problems.

"To transport goods by vehicle, one is forced to travel 10 kilometres through Riat market in Kisumu County to access our village because some people have blocked the roads," said a resident, James Osure.

He said the residents had resigned themselves to fate as their plea to have the access roads opened fell on deaf ears.

Siaya county council officials, led by the chairman Councillor Aggrey Onyango and clerk to the council, Mr. Philip Adundo, said the local authority was determined to restore order in the township.

The town clerk immediately issued a notice to all property owners in the township to rehabilitate the collapsing facilities or face the law.

"During our routine inspection of buildings at Akala, it was noticed that commercial-cum-residential buildings are in pathetic condition as sanitary facilities including toilets, washrooms and dust bins are missing," read a notice the clerk issued to the property owners.

He told them to start constructing pit latrines immediately and ensure that the buildings conform to the country's building code and the council's by laws.

ENVIRONMENT

Illegal mining to blame for wars in Africa

By JOHN NYAMBUNE

ILLEGAL exploitation of mineral resources, including "Blood Diamond", has been blamed for wars and blood-letting in several African countries. Within the Great Lakes region, steps are being taken to deal with the illicit exploitation and trade in natural resources, especially minerals.

A major cause of conflicts in the Great Lakes region, especially in the DRC, Rwanda, Burundi, Sudan and Uganda is the illicit exploitation and trade in natural resources.

Kenya last week hosted a meeting attended by minister in charge of mineral and natural resources from nine countries and representatives of developed partners.

The meeting which was opened by the Vice-President and Minister for Home Affairs, Mr. Kalonzo Musyoka, came up with recommendations on how the Great Lakes region would deal with the matter effectively. Mr. Musyoka called on the international community and development partners to help the region deal with illegal exploitation of natural resources.

The DRC recently banned mining operations in its conflict-prone Eastern provinces while the United States has passed legislation requiring companies sourcing their minerals from the Great Lakes region to provide legitimate proof of origin. The move is meant to avoid exploitation of mineral resources in the conflict prone zones.

At the meeting, the ministers focused on measures to design practical strategies and regulations to monitor and stop illegal exploitation and illicit trade in natural resources, especially minerals.

Kenya has not escaped illegal exploitation and trade in minerals and the one case that captured national attention was the Goldenberg scandal of the early 1990s in which the country is estimated to have lost at least Kshs58 billion.

Through Goldenberg, Kenya allegedly sold to other countries non-existent diamonds and other valuable minerals for which an export compensation of 14.5 per cent of the value was paid by the Government.

Countries represented by ministers at the International Conference on the Great Lakes Region (ICGLR) included Angola, Burundi, the Central African Republic, the Democratic Republic of Congo (DRC), Kenya, Rwanda, Sudan, Tanzania, Uganda, Sudan and Zambia.

The one-day conference of ministers whose dockets include mines, minerals, geology, energy and natural resources, included Kenya's minister for Environment and Natural Resources, Mr. John Michuki.

The ICGLR was created in 2004 as a response to the numerous conflicts that have ravaged parts of the Great Lakes region, including the 1994 genocide in Rwanda, the civil wars in Burundi, Sudan and Uganda. It has headquarters in Bujumbura, Burundi.

Steps taken against hunger in Samia

By NYAKWAR ODAWO

THE government in collaboration with the National Agricultural Livestock Extension Programme (NALEP) has embarked on various programmes and activities geared towards addressing food insecurity in Samia District of Busia County.

Samia District Agricultural Officer Lisa Josephine stated that a lot of achievements have been realized in the first quarter through intensified Extension Support Services which included reaching over 5,000 farmers through various forums such as field days, farm demonstrations and barazas.

Other achievements realized included the promotion of Cassava, Mangoes and Pineapples, training of 86 farmers on soil conservation, drip and sprinkler irrigation and conservation agriculture, formulation of community action plan for Hakati Sub-location, training of 16 focal area development committee members on various managerial and leadership

skills and the formation of 11 common interest groups on various enterprises.

On food security situation in the district, the district agricultural officer stated in her report that a total of 4250 hectares of land had been planted under maize during the long rains this year against a target of 4,350 hectares during the short rains.

The expected production of maize during the short rains was 43,500 whereas the units produced during the period were 42,500 with the expected annual production of 86,000. The annual requirements during the year were 94,000 units leaving a deficit of 8,000 units.

Other food crops planted included sorghum which had been planted under 2,800 hectares during the long rains against a target of 1,500 hectares of land during the short rains with the expected production of 18,000 bags. The number of bags produced during the long rains was 33,600 with the expected annual production of 51,600 bags whereas the annual requirements were 41,360 bags of the same leaving

a surplus of 10,240.

In addition to beans, the local farmers also planted cassava which had been earmarked a total of 1,100 hectares of land during the season. The expected production level was 6,350 tons during the short rains whereas the expected annual production was 11,875 against a requirement of 6,500 tons leaving a surplus of 5,375 tons among others.

Under a programme known as Njaa Marufuku Kenya (NMK), ten community based organizations in the district were funded by the Ministry of Agriculture to the tune of Kshs0.9million during the financial year 2008/2009.

The District Agricultural Officer said that the ministry had disbursed the grants purposely to empower the vulnerable groups in the region to undertake various income generating activities and become self-reliant rather than depending wholly on handouts from well-wishers especially the briefcase organizations out to take advantage of their situation to enrich

themselves.

"A total of sixty households have moved out of poverty bracket as at the end of September this year," the agricultural official pointed out, adding that during the financial year 2009/2010, a proposal from six community based organizations had been approved to the tune of over Kshs0.8 million but the money is yet to be released to the respective individual group accounts.

Under the same programme, an approved proposal by Busia Community Development Organization (BUCODEV) will involve the planting of commercial cassava, sweet potato production and processing to the tune of Kshs1.9million which will go a long way in addressing food security in the district.

The report further stated that Samia district is a beneficiary of Cotton Revival Programme adding that the Rift Valley Products has already leased Muluanda Cotton Ginnery for purposes of reviving the ginnery under an agreed initial lease period of five years.

Local councils choking with debts

By AGGREY BUCHUNJU

LOCAL Authorities are some of the public institutions in Kenya that are synonymous with debts.

Most, if not all the 175 civic authorities, are today reeling in heavy debts despite government's intervention through Local Authority Transferred Fund (LATF).

LATF accounts for five percent of the National Income Tax that is transferred annually to local authorities to supplement their own revenues.

The fund came into force in 1999 after parliament enacted legislation governing it the previous year.

This fund is a block grant whose allocation is based on the population of the civic authority and conditions set by the ministry of local government for the councils to fulfill.

The funds objectives included enhancing the capacity of all the 175 civil authorities to clear debts within five years, improve service delivery to the public and to improve financial management and accountability.

However, after the initial five years, most civic authorities were still having financial woes, a factor that led the government to extend the grace period by another five years.

The ten year grace period given to the councils to clear outstanding statutory debts came to an end recently with no indication of improved debts resolution and financial management in most of the civic authorities.



Kakamega Town Hall.

Debt repayment plans in most of the civic authorities are still very poor and this may be attributed to LATF release conditionalities.

LATF conditionalities affect the release but not the use of the monies.

Although there are conditions to be fulfilled by the Local Authority for the funds to be released, there are no restrictions on what the money may be spent on as long as expenditure is in line with the Local govern-

ment act.

The scenario, however, gives a lee-way to the council chief officers and civic leaders to divert LATF disbursements to projects that are neither beneficial to the civic authority nor area residents.

LATF is released to individual civic authorities on the following conditions:

- Submission of statement of actual revenue and expenditure to the min-

istry of Local government by September 30.

- Submission of statement of debtors and creditors and debt repayment plan to the ministry by September 30.

- Submission of abstract of accounts/cash balances to the ministry by December 31.

- Submission of Local Authorities service delivery action plan (LAS-DAP) to the ministry by February

28. it is also imperative to note that LATF is disbursed three times a year as follows:-

- September 30
- January 31
- April 31

About 25 councils have been penalized for their inability to meet the conditions attached to LATF release and may not receive their whole share this financial year (FY).

Although Bungoma County Council is not among those affected, the civic authority has outstanding statutory debts amounting to millions of shillings.

The clerk to council Mr. Martin Sikolia admits that his council owes statutory bodies millions of shillings dating several years ago.

Mr. Sikolia adds that it has never been easy for civic authorities to clear debts, saying practically all the 175 civil authorities are heavily indebted.

He declines to disclose how much money his council owes creditors but quickly points out that the civic authority has put measures in place to assist it get out of the quagmire.

One of the measures Mr. Sikolia says is the recent purchase of a grader which he claims will be generating revenue to the council.

"The council has bought a grader worth Kshs24 million and we will use the cash realized from its hire to clear some of the debts," the Clerk says.

By PETER MUTUKU

Aflatoxin danger lurks in Kitui

FARMERS in parts of Eastern and Coast Provinces are still counting their losses after their stock was contaminated with the deadly aflatoxin poison.

But even as they reflect on the losses, efforts to curb the outbreak of aflatoxin in the Kitui County have become elusive as the contamination erupts and affects food security whenever a bumper harvest is witnessed.

More than 200 people have died between 2004 and 2006 in the region after consuming maize infected with the poison.

Kitui District Public Health Officer Johnson Muinde confirms that the situation is not different currently and danger still lurks as the semi arid region enters the dry season when food becomes scarce.

"Samples collected from farmers proved there are aflatoxin in their stocks and the danger of eating the contaminated maize cannot be dismissed," says Masinde.

Mr Muinde explains that early this year when farmers got a bumper harvest, the mouldy grains were detected during sampling but the food could not be seized because there was no replacement from the government.

In Mutomo, District Public Health Officer Amos Kilunda confirmed that samples collected from the area were contaminated and risked the lives of those who consumed it.

"Testing of the stored food has also been another setback because the samples have to be sent to Nairobi," adds Mr Muinde.

The National Cereals and Produce Board (NCPB) Kitui depot manager Obadiah Mbevi concurs with the public health department, pointing out

that 14 samples from its silos in Kitui tested positive for the position that causes liver cancer.

"We cannot test the maize in our silos on the spot, except check for moisture content, discoloured grains, pierced grains and other routine requirements of food before it is purchased by NCPB," says Mr Mbevi.

World Bank sponsored Arid Lands Resource Management Project (AL-RMP) has challenged agricultural experts to determine the exact causes of aflatoxin food poisoning that caused suspension of purchase of maize stock in Eastern and Coast Provinces this year.

Mr Benedict Musyoka, the head of drought monitoring unit under AL-RMP in Kitui said that contingency measures to avoid outbreak had been taken but food poisoning continued unabated, exposing the community to food security and health risks.

"There is a risk of farmers consuming the contaminated food and the only safeguard is to buy out the stock and replace it as a short term measure," says the drought management officer.

He says awareness campaigns on post harvest management had not yielded results and a scientific explanation was the way out. "Various theories, including seed varieties that do not dry well enough during the November-December rains in the region, also need to be investigated," says Musyoka.

"The temperatures in the area could also be a contributory factor but it is only research scientists in the agricultural sector who can determine the

cause of the menace," he says.

But perennial aflatoxin outbreak in the region is set to be effectively dealt with through scientific method developed in the US and tested for efficacy in Nigeria and Washington.

The research findings reveal that infectious particles of the mouldy fungus are usually developed in most soils and blown by wind to infect the young maize ears in farms.

According to the findings published in a newsletter of African Insect Science for Food and Health by Icipe, aflatoxin is produced by a mould fungus (*Aspergillus flavus*) that is further heightened to grow through drought stress during pollination.

The Icipe report shows that the fungus thrives when the infection is in the cob. Warm and humid conditions common in semi arid areas allows

aflatoxin to multiply.

However a newly crafted affordable safe and natural method has been developed to prevent formation of the poison that is a major cause of liver cancer in the region.

Having reduced contamination by 80 percent in Nigeria last year and successfully reducing the problem in US, the method appears to be the solution to the problem in Kenya.

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Kisii, Gusii risks losing LAFT funds

By BOB OMBATI

KISII Municipal Council owes creditors over Kshs250 million, a debt that has accumulated due to non remittance of funds to the National Social Security (NSSF), National Hospital Insurance Fund (NHIF), Benevolent Fund (BF) and other statutory deductions to government bodies.

Consequently, the debt-ridden municipality risks missing the funds after all over debts amounting to millions of shillings.

According to the mayor Samwel Nyangeso, the council has been unable to settle the debts owing to incessant leadership wrangles and corruption by revenue collectors who pocket part of the revenue and surrender peanuts to the council, crippling it financially.

This he says has been compounded by interests and penalties imposed by the organizations.

"It has therefore become very difficult for the council to settle its debts and use their LATF allocation on implementing projects in the wards," he adds.

The mayor says that though the council collects millions of shillings annually from multiple sources, much of the money is embezzled while LATF channeled to the council is partly used to pay workers and councilors salaries and servicing of endless debts.

Speaking to The Link, the administrator says the council plans to secure a bank loan to service the accumulating debt but the councilors and chief officers are yet to sit and agree on the amount to borrow and mode of repayment.

The mayor says if councilors and chief officers fail to agree, the debt will accumulate and make it impossible for the council to pay, citing the high interest rates and penalties

which are imposed monthly.

He says that he is optimistic the council will get a loan to augment its revenue and settle the debts, adding that it is absurd that the second largest council after Gusii County council is struggling to repay a staggering debt.

The Gusii County Council on the other hand owes the government bodies Kshs125 million.

According to the treasurer, John Omari, NSSF alone is demanding Kshs53 million while NHIF wants Kshs72 million.

Omari says that the council inherited debts after the split which was effected without sharing out assets and liabilities amongst the councils that were created in Gusii region.

To offset the debts and qualify for LATF, he says that council has resolved to go for a bank loan and

lease some of its land and other assets to raise the money and settle debts, which, he notes accumulates monthly due to high interest rates and penalties.

"The penalties and interest rates are affecting the councils. We want the government to review the policy on debt repayment so that councils pay only the required amount without the extra charges. The penalties and interests have hampered prompt settlement of debts." Says Omari

He observes that the council gets about Kshs72 million LATF annually, adding that much of it is used for repaying debts, operational costs, salaries for workers and councilors with very little being left to oversee the implementation of LATF projects.

Omari says that it will take long for LATF to have an impact on the

ground so long as the councils are heavily indebted with councilors and workers salaries being increased periodically without corresponding source of revenue to the civic authorities.

The Treasurer links the council's financial woes to inadequate sources of income and reluctance by traders to pay license fee promptly while contractors who harvest and ferry sand from within and outside the council refuse to pay cess and instead arm twist the council revenue collectors.

Omari urges the electorate to be patient with their respective councilors, saying it will take long for LATF projects to be visible in their electoral Wards so long as the councils are heavily burdened with accumulating debts.



Youth urged to engage in other income generating business apart from depending on fishing alone.

Nyeri watchman accused of defiling orphans

By JOSEPH MUKUBWA

Police in Nyeri County are hunting a watchman alleged to have sexually abused two orphans in a rehabilitation centre before escaping.

Earlier on, the 21-year-old guard was reported to have sodomised a 10-year-old boy and defiled a three-year-old girl in two different nights while they were attending their evening classes at Thunguma Children and Youth Empowerment center in Nyeri Town constituency.

The suspect who is a former street boy was rehabilitated at the centre and later employed to guard the children at night. The centre normally has two watchmen at night and one during the day.

The children narrated how they were lured by suspect as they left their classes to the dormitories.

The boy who is a Standard Three pupil at the centre was sodomised first while the girl who is in baby class at the centre was abused the following night.

The Deputy Director of the cen-

tre Patrick Miheso said the guard denied the allegations upon interrogation by the centre administration but later went underground after realizing that the matter had been reported to the police.

"We have 17 staff with a house mother, matron and a teacher in charge of every class. We want to know how this happened. We have reported the matter to the police to take over the case," said the director.

The centre said they were waiting for the report from the doctor and laboratory reports as the children were being treated at Nyeri Provincial General Hospital.

Nyeri police boss Kirunya Limbitu said police are searching for the suspect who will be arraigned in court once the investigations are complete.

The rehabilitation centre with 137 children was started by Government four years ago using millions of tax payer's money to rehabilitate children due to the rising numbers of street children and orphans in the Nyeri County.

Tea farmers barred from Murang'a factory

By MORRIS GITHENYA

A HIGH Court sitting in Murang'a has issued orders to restrain six tea farmers affiliated to Makomboki tea factory from entering the facility or interfering with its operations.

The orders were issued by Justice J.K Serگون after the management of the factory sought legal action to block attempts to oust the current officials.

The six had claimed to have been elected by more than 4,000 tea growers who had passed a vote of no confidence on the current board of directors led by Erastus Gakuya citing misappropriation of company assets.

Hundreds of tea growers unaware of the court order assembled at the factory to install the new team only to be dispersed by police.

Kigumo OCPD Saidi Mohamed had an uphill task as the farmers demanded the production of the original court order.

"What is displayed at the fac-



Tea farm

tory's gate and at the collection centers are mere photocopies but as farmers we want to see the original court order," said Mohamed.

Factory board of directors through lawyer Mwangi Kibicho obtained the court injunction restraining the six from acting as directors.

Fate of liquor courts in doubt

By BONIFACE GIKANDI

THE new Alcoholic Drink Control Act has stalled operations of liquor courts in the country.

The liquor courts normally sit every November to renew licenses of beer outlets to operate in the coming year. During the sittings licenses for existing outlets are either renewed and others cancelled for flouting the set guidelines. However, their operations remain frozen until the new laws become effective.

In Central Province, The Link learnt that all the DCs' have been instructed to adjourn liquor courts sittings in their respective areas until publication of the Kenya Gazette on Alcohol Drink Control Act.

Murang'a South Senior DC Mr. Ali Muktar said the court failed to convene following instructions from Central Provincial Commissioner Japhter Rugut.

"We were supposed to have our court session but we have put on hold the deliberations awaiting fresh directives from our seniors on the way forward," said Muktar. Murang'a South liquor court members from Kandara, Maragua, Makuru and Kigumo districts' confirmed having received the information of the adjournment from Muktar's office.

In Murang'a North region, where the court was supposed to convene its sessions in November sent out a notice informing members of the adjournment.

Murang'a East DC George Ntembeya said the courts session stands adjourned until further notice.

"Court session have been put on hold until further notice and all the members of the court have been informed," said Ntembeya.

In the new law that received presidential assent, all alcohol contents must be approved and analyzed by government chemist.

In the Act any drink that will not have received approval from government chemist will be illegal.

Assenting of the law comes at a time when sub standard brews have flooded Central Kenya market with women protesting of losing their spouses and sons.

Roads engineers posted to Counties

By MORRIS GITHENYA

MANY government departments are deploying new staff in readiness of county governments outlined in the new constitution.

Ministry of Roads has posted regional managers at the county level to look at affairs related to road construction.

A Mr Mbugua was posted to Murang'a town to take charge of road affairs in the seven constituencies of Mathioya, Kiharu, Kangema, Maragua, Kigumo, Kandara and Gatanga.

A source within the ministry said many of the senior officers have been moved to other counties in readiness for the new government system.

Murang'a East DC George Ntembeya said the government has elaborate plans to post officers who will take charge of their respective departments in the county administration.

Police, judiciary blamed for theft of co-op funds

By AGGREY BUCHUNJU

THEFT of funds from co-operative societies by people entrusted with the cash is now being blamed on the police and judiciary.

The provincial Co-operative Officer (PCO) Western Mr. Nathan Mukhweso exonerates the ministry of co-operative from the mismanagement of Saccos saying his ministry is never the problem.

Mr. Mukhweso instead accuses the police and judicial officials of allegedly encouraging the vice by either failing to take appropriate action against the culprits or delaying justice.

"We in the ministry have no sympathy for people who embezzle members money but the police and judiciary sometimes let us down," the PCO says.

The PCO observes that for Saccos to survive in the liberalized economy, the law should be enforced to get rid of people who steal from them without mercy.

He at the same time urges the Saccos in Western Province to unite and increase their capital in order to buy shares in Nzoia Sugar Company.

Mr. Mukhweso notes with regrets that the Luhya community has no financial institution despite being the second largest in population.

Last year's census results revealed that the Luhya community has a population of 5.33 million people.

The PCO was speaking recently at Bungoma County Hall during Bungoma Teachers Sacco Special Delegates meeting.

During the meeting, the delegates approved the budget for the year ending December 31, 2010.

The PCO's remarks come at a time when Bungoma Teachers Sacco limited is embroiled in so many cases both criminal and civil.

Currently there are four criminal cases against the Sacco pending hearing and termination in the Senior Principal Magistrate's court (SPMC).

One case was recently dismissed, two cases settled out of court, and the file for another one case is reportedly missing while another case is pending investigations.

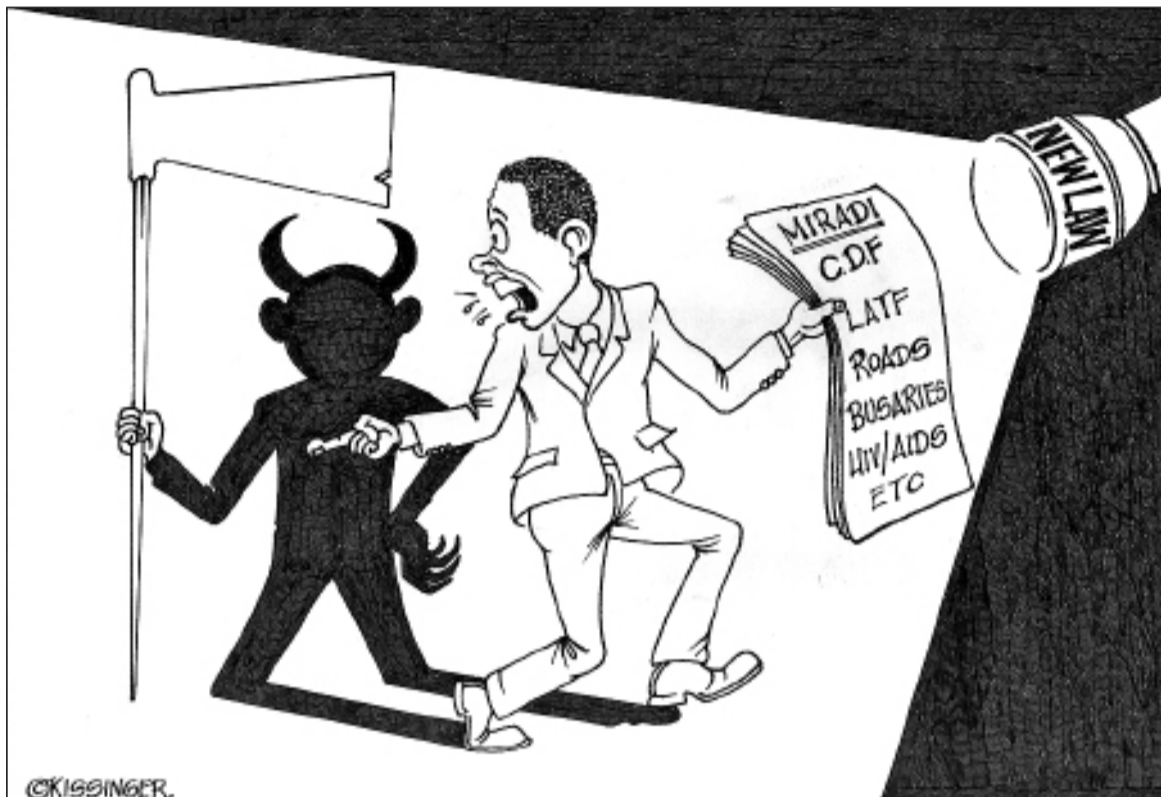
There are also two civil cases pending hearing and termination in the lower court, three other cases against the Sacco were dismissed with costs and one case dismissed with no order as to costs.

Sixteen civil cases are in the High Court and two civil appeals pending hearing and termination.

And even as the PCO denies that the ministry is responsible for the perpetual embezzlement of funds from the co-operative society, currently there are thirty nine Bungoma Teachers' Sacco cases pending hearing and termination at the co-operative Tribunal.

Twelve of the thirty nine cases were filed in 2006.

CDF doing poorly in info management



By MUSA RADOLI

THE multi-billion shillings Constituency Development Fund (CDF) is facing enormous challenges in information management and dissemination systems strategies right from the national to the grassroots level.

At the national level the problems begin with the Fund's website which even when accessed has outdated information that has lost value since feedback from the constituencies is equally terrible.

The greatest window of hope however lies in the yet to be published Freedom of Information (FOI) Bill which made its first appearance in the last 9th parliament.

From the provinces

The several social audits have revealed that even majority the beneficiaries have been denied access to information. From details on funds received to the projects financed and how much was involved remains a

mystery.

Most of the CDF officials right from the Constituency Development Fund Committees (CDFCs) to the Project Management Committees (PMCs), it was established had adopted a code of secrecy about their operations which has over the years opened up a Pandora's box of outright corruption and looting of the funds.

The CDF Social Audit Reports accessed by this writer and ground investigations established that the biggest problems plaguing the fund at constituency level across the country included mismanagement, secret procurements and tendering processes, outright misappropriation of funds, incomplete as well as shoddily done projects and poor information dissemination to the constituents among a myriad of other constraints.

However, it has emerged that most of these problems are caused by lack of proper communication and information dissemination strategies between the CDFC, Project Implement-

ing Committees, the involvement of the beneficiaries and the public in general.

Most CDFCs do not avail information to the public and stakeholders, therefore creating suspicion and mistrust whereby members of the public believe there is always something fishy – especially when the projects are not completed despite huge funds spent, the processes involved not laid public without any figment of monitoring and evaluation mechanisms.

A major issue

All Social Audit reports depict an extremely sorry state of affairs that reads like the CDF national conspiracy to secrecy.

In Western, it was established that information sharing bottlenecks and conflicts of interest are rampant across the board whose end result is indeed it is a daunting task trying to get vital information from some CDF offices.

Poor filing systems, suspicious officials and poor public relations are

some of the hurdles that one has to tackle to get information and documents are the reported hall mark of daily operations.

No Access

In Amagoro, The Link was denied access to some of the bill of quantities documents when the local CDF Account Manager insisted that he would only look for documents after a written request from any organization in need of such.

Even efforts to get work schedules were fruitless as the local CDF secretary Mr. Evans Enaga insisted that he needed adequate time to sift through heaps of documents in order to retrieve the requested document.

As should be the practice, there was no information regarding CDF activities and project lists displayed for members of the public or any one interested in getting the information.

There is a contrasting scenario at the Nambale Constituency CDF office where the Account Manager Mr. Philip Odida has tried to put the office in order. Erected several notice boards in front of the office where information such as the constituency CDF bursary allocation lists and project schedules are displayed for the public.

He has started a filing system that would make it easier to track files and other related documents, and told The Link: "When I came here in October last 2007, I found a very poor filing system and it was difficult to trace files but now we are able to locate documents with ease."

One of the critical issues is that may be making it difficult to access and disseminate CDF information in the province is a letter from the regional CDF office warning all officials of the fund to desist from divulging information to the media.

The situation in most constituencies sampled across the provinces Nyanza and Nairobi included is that fund's handlers have perfected the art of putting off anybody seeking information concerning the fund by referring them to seek clearance from the CDF board in Nairobi first.

The process according to them requires that the individual or groups seeking the information must write to the board seeking authority to access the information concerning the fund which must be specified including the constituency or even the project. Without permission no access to information that is supposed to be the property of the members of public these officials are serving.

Provinces to be outlawed by new Law

By AGGREY BUCHUNJU

PROVINCIAL administrative units may be rendered irrelevant once the new constitution becomes fully operational.

The new constitution has no provision for administrative structure commonly known as the provincial administration.

According to the new constitution, the National Government shall within five years after the effective date, restructure the administration to accord with and respect the established devolved Government system.

Consequently, the about 270 districts created by successive regimes may become void in terms of leadership and resource allocations as they will not be recognized by the supreme law.

But even as they continue to run awaiting restructuring, majority of the

new districts do not serve the purpose for which they were established in terms of social economic development.

Creation of these administrative units was done haphazardly by retired president Moi and President Kibaki without regard to infrastructure and adequate budgetary allocations.

It is imperative to note that immediately after independence western province had only three Districts namely Kakamega, Bungoma and Busia.

The region with a population of 4,334,282 people now has over twenty districts which were created by the two leaders for political reasons.

Most of the newly created districts in the region lack social amenities, leave alone personnel which is requisite for effective service delivery.

For instance, Mt. Elgon District which was created in early 1990s by

President Moi, still lack some important facilities such as banks and key Government department offices. Area residents seek financial or banking services and most Government services from the neighbouring districts.

Even government employees deployed to the district stay in the neighboring districts because of insecurity in the area. Insecurity and lack of social amenities have for a long time scared away investors.

As a result, the two factors have impacted negatively on the social economic development of the area. Mt Elgon District has been placed under Bungoma County under the new constitution.

Other newly created districts under Bungoma County are; - Bumula, Bungoma West, Bungoma Central, Bungoma East, Bungoma North and Kimilili.

Save for Kimili and Bungoma East district, the rest of the districts like Mt. Elgon district, lack social amenities and investments. To spur economic growth in these administrative units, residents should elect people of high integrity and who can woo investors as Members of Parliament (MPs) Governors and senators.

The leaders should also encourage area residents to venture into business and do investments within the county in order to create jobs for the Youth.

War like activities especially in Mt. Elgon District should also be discouraged in order to attract investors and even tourists in the area.

Roads and schools should be given top priority when it comes to funding and implementation of projects in the area in order to open up the region to the outside world.

By BRIGHTON KAZUNGU

AT LEAST two out of every ten girls and one out of every ten boys are sexually abused by the time they are 10 years old in Malindi and Magarini districts.

Early marriages and early pregnancies are the major causes of many cases of girls dropping out of school, decreasing the number of girls joining secondary schools, colleges and universities.

The girls are married off to old rich men by parents who are given handsome dowry.

The Kenyan law dictates that any man or woman who defiles a minor faces 5-10-year prison term.

Eighty six defilement cases have been prosecuted in Malindi in the past two years, with all the victims, except one, being girls.

A report compiled by the International Committee for the Development of People (CISP), an Italian non-governmental organisation, paints a grim picture on the plight of children in Malindi and Magarini that should give implementers of the new Constitution food for thought.

The study assessed the vulnerability of children to commercial and non-commercial forms of sexual exploitation in Malindi and Magarini districts. However, it concentrated more on the commercial forms of the practice, with a slight focus on non-commercial forms of sexual exploitation among children.

CISP programme coordinator Tania Miorin, says the investigation was based on occurrences of child rights violations and the prevailing child vulnerability to sexual exploitation.

The research followed another study conducted by Unicef about five years ago, which revealed that thousands of young children of both sexes were deeply involved in child sex tourism.

The study examined experiences and opinions of 209 children (in and out of school) and perspectives of 140 adults on children's vulnerability to sexual exploitation within rural and urban settings in Malindi and Magarini districts. The respondents were asked

Child sexual abuse rampant in Coast



about the circumstances in which child sexual exploitation occurs.

The survey, says Miorin, sought to establish the circumstances in which child sexual exploitation occurs, the risk involved, cultural and traditional practices that enhance the vice.

Other issues under review included the reporting and referral system at local level, factors hampering attitudinal and behavioural change and the measures to be taken to prevent and eradicate the practice.

Miorin says the circumstances in which children get sexually exploited exist within three major settings at home, school or all other social places.

"Within the home setting, child vulnerability to sexual exploitation is aggravated by a host of circumstances,

including living in broken families, children left at home without adult care, children's responsibilities as household heads, children especially orphaned girls being hosted by other relatives," she says.

Within the school environment, girls are most likely to be exploited sexually by male teachers whenever they are made to run small errands for the teachers.

"In general, children are most vulnerable to getting sexually exploited during evening prep classes, when out for games and whenever schools host major co-curricular events such as sports, music and drama," she says.

She says outside the home and school settings, children are most vulnerable to sexual exploitation when en-

route to or from school, during night religious events and visiting back-street shops. Other settings include entering drinking dens/entertainment spots, visiting beaches and running errands for neighbours or sponsors.

Following extensive interviews with children and adults in rural and urban settings, the survey established that those identified to be most likely to commit sexual exploitation are fathers and other male relatives to girls, neighbours and male partners to single mothers.

Others are mnazi drinking den patrons, male and female teachers, local tourists, foreign tourists, tuk tuk drivers, boda boda cyclists and shopkeepers. The

list also includes perpetrators of sexual abuse of children, including sponsors of children, male and female employers of children, employees who stay in the same environment with children, religious leaders and instructors.

The factors hampering attitude and behavioural change among locals include high cases of poverty.

To stem the vice, it has been recommended that teachers strengthen guidance and counseling structures in schools and raise awareness and advocacy on child rights and protection within the community.

The community leaders and other administrative agencies have also been asked to focus on law enforcement and reduction in bureaucracy involved in reporting and taking action on cases.

Sandy boy narrowly escapes custodial sentence

By JOHN NYAMBUNE

A FAVORABLE probation report recently saved a 13-year-old orphaned school boy from serving a custodial sentence after he admitted to defiling and impregnating a 17-year-old girl.

The minor was overjoyed when the recently transferred Mwingi Resident magistrate Waititu Gichimu ordered him to serve a two year non-custodial sentence but under probation.

In his ruling, Gachimu noted that a probation report filed in court was favourable to the offender.

The boy who was out on a Kshs50,000 bond awaiting judgement is a standard six pupil at Nuu Primary school and had initially appeared before Gachimu and pleaded guilty to the offence of defilement.

He however pleaded with the court to have mercy on him saying he was remorseful and would never repeat the offence but the magistrate said although the offender was a minor the offence was serious. He thus ordered for a probation report.

The probation report presented before Mwingi Senior Resident magistrate Hezron Nyaberi during a time when Gichimu had travelled to his new work station at Tawa court in Makeni County, described the accused as an orphan who is remorseful about the offence.

The probation department noted that since both the families of the accused and the victim were willing to settle the case out of court, the court should consider giving the offender a non-custodial sentence.

It is noted in the report that the boy had expressed his resolve to ensure that he did not fall in to such a trap in future while the probation office offers to help the boy settle and rehabilitate him to keep away from crime.

In his judgement, Gichimu pointed out that the probation report was in favour of the accused. He consequently ordered the minor to serve probation for two years.

Internet use in rural Kenya still low

By PETER MUTUKU

THE growth of Kenya's internet and broadband has been phenomenal because of improvements in infrastructure, the arrival of wireless access technologies and lower tariffs.

But its uptake especially in the rural areas where 75 percent of the population lives has not been in tandem with the impressive growth curve because of the high cost and slow penetration of the internet services.

Kenya, the seventh largest economy in the Africa (according to 2009 World Bank report) is becoming a focus for Information Communication Technology investors, who have been attracted by liberalized market, privatization of Telkom Kenya and availability of new operating licenses. But even with such developments, there remains a gap in terms of tangible benefits for the general public from the boom in the sector.

Following the landing of the submarine cables, which was greeted with considerable fanfare by government and excitement among the Inter-

net Service Providers and the consumers, the cost of internet were expected to crash.

There was promise of a revolutionary economic turn around that was premised on ICT growth. But the high expectations have slowly turned into frustration, especially for the internet service consumers.

While it is a fact that wholesale prices for the ISPs have fallen by 80 percent, this has not translated into appreciably lower pricing at the retail levels. And the big question then is "Are the ISPs gobbling up the difference in super profits.

According to experts, the answer is a big no. They say contrary to the general perception, partly reinforced by the government, the ISPs are not fleecing consumers. The high internet service prices at retail level are a consequence of an interplay of multiple and intermediary variables such as cost of local loops, volume and usage levels, local content and regulatory and competition regime among others that are between the wholesale and retail levels.

Kenya must review political values

By JAMES SHIKWATI

YOUTHFUL political leaders in Kenya risk sustaining the old order that Kenya's new constitution kicked out.

The old order was symbolized by "our man and tribe" and plundering the "national cake" mentality as well as total disregard for due process of law. The new constitutional dispensation offers Kenyans an opportunity to migrate from the culture of "our man" to that of "our values."

The world's top leading influential forces: Christianity, Islam, Confucianism and Buddhism (among others) gained immortality because their founders focused on values and power of ideas. "Our man" mentality breeds short term thinking and makes it easier for outsiders to plant despots on the continent, ignite conflicts and cheaply exploit resources. Without the "ideals culture," Africans have a difficult time evolving own standards to measure good leadership.

Too much focus on "our man" partly explains the dearth of ideology driven political party culture with each election season surfacing different campaign vehicles. From the early

90s, Kenyans have been taken through a series of parties with NARC, PNU and ODM among others standing out as vehicles of convenience for "our men or women" to access power. In such a confused environment, who will protect Kenyans from well organized internal and external plundering forces?

A peep into African history exposes the fact that the elevation of an individual's attributes as opposed to "ideals" led to destruction of societies. Colonial forces simply beheaded these individuals and shipped their heads to their museums overseas. The "big man" syndrome dies off as did the countless kings and emperors of the world. Occupying forces replaced focus on kings with the power of values to subdue Africa. Colonists, who had abused indigenous peoples' liberty and expropriated property, raised the banner of ideas of "liberty, self-government, right to private property and rule of law."

Philosophy or values ought to be the ocean on which a people's prosperity sails. Focus on individuals leaves our prosperity ship trapped on an island as other countries sail away. Ideals outlast individuals. Kenyans must be wary of those who are keen to resuscitate the old

order. Let us transform the values we adopted from colonists (liberty, self-government, right to private property and rule of law) and make them work for us as opposed to perpetuating the culture of "our man" and plunder.

Kenya does not need a benevolent dictator; it needs leaders who comprehend global reality and prepare the citizenry to confront it. It will be most fulfilling for youthful political leaders to shun ego drives and transform the country into a hotbed of philosophies and strategies. Let "our men and women" employ their egos in marketing values that will promote prosperity for all. This calls for high level of political organizational culture devoid of survivalist approaches.

I can hear you give the usual Kenyan refrain "we cannot eat values." We have an opportunity to retain the status quo where Kenya acts as a carcass to be devoured internally by corruption and political rot (as worms do to a carcass) or externally by developed and emerging economies (as hyenas and vultures do). We too can create and nurture values, put life in our country, fend off predators and evolve a model for Africa.

Security alert as coffee thieves strike

By MORRIS GITHENYA

Security has been beefed up in Murang'a County to address the increased cases of coffee theft.

In Kandara District, which has recorded the highest number cases, factories have been fitted with automatic sirens.

But that has not offered much reprieve since gangsters recently raided Thangaini coffee factory in Kigumo district and made away with 32 bags of coffee beans.

The gang suspected to have used a lorry to get away with the loot is alleged to have broken into a store taking ten bags of coffee.

The gang also raided the drying beds and looted an additional 22 other bags.

In July this year, another 62 bags of coffee were stolen from the same factory and have not been recovered.

Kigumo OCPD Mr Saidi Mohammed now highly suspects that this is an inside job' and the three guards who were on duty have been arrested to help with investigations.

Thanga-ini Cooperative society Chairman Mr Hiram Mwaniki says the factory has suffered huge losses owing to rampant theft of coffee.

Mwaniki said ten bags were in the store while others were in the drying beds.

He called on the Coffee Board of Kenya, to step up measures to help curb the vice by banning the transportation of coffee at night.

Coffee Board of Kenya Regional Manager Mr. Bernard Gichovi blamed the vice to the reemergence of coffee hawking in Kandara District and urged cooperative officials to liaise with police to eliminate the vice.

He lamented that 50 percent of coffee cherries produced in Murang'a South district never get to the factories as it suspected to be bought by the hawkers working for certain millers.

Rift Valley residents ignorant of new Law

By JOHN NYAMBUNE

CONTINUING civic education on the new Constitution in the entire Rift Valley Province will enable residents to understand the contents of the new law.

Political activist Mr. Kipkorir Menjo says most residents in the vast region do not understand the document as a majority of them are still informed by the falsehoods that were peddled during the referendum campaigns.

Speaking in Eldoret town, Mr. Menjo said everyone in the province should read and understand the document.

"There is need for vigorous civic education so that those in villages and the illiterate can understand what the new document has for them instead of depending

on from other people who have vested interests," said Mr. Menjo.

He says most residents do not understand simple issues in the constitution and often find themselves contravening the law.

Mr. Menjo urged the government to consider carrying out a countrywide civic education on the new constitution adding that over 50 per cent of the Kenyan population only knows of what politicians said about the new law.

Meanwhile university students union has hailed the recent Government move to prosecute corrupt individuals holding senior positions in Government.

Moi University Baringo Students Association chairman, Mr. Dennis Kiptoo, says all Kenyans should support the Government

in eliminating corruption.

Mr. Kiptoo says everyone should carry their own cross instead of alleging come communities were being targeted.

He says the new Constitution had ushered a new dawn for Kenya and those whose past was tainted should pave way for fresh crop of leaders.

Mr. Kiptoo says the recent suspension of High Education Minister, Mr. William Ruto from the Cabinet was a positive sign that corruption was being fought, and those claiming it is a political gimmick "are in the past where corrupt individuals were praised in society."

He asked leaders in the region to support the Government war on corruption instead of supporting those mentioned in scandals.



President Kibaki prepares to sign into law the new Constitution during promulgation at Uhuru Park. Photo/File

Councilors gang up ahead of County elections

By BEKADZO TONDO

ABOUT 90 councilors from Kilifi, Matiakani and Malindi councilors will support one of their own to become governor of Kilifi County in 2012.

This was revealed by the chairman of Kilifi county Mr Anthony Kingi when he spoke to the press in Kilifi town.

He argued that civic leaders just like local chiefs know the problems of the people better and therefore were better placed to articulate their aspirations at the county level.

"We are consulting other civic leaders in Kilifi County to help identify the best candidate amongst us to contest for the top seat,"

The council chairman cautioned residents against recycling politicians who have previously served in successive regimes as majority of them do not have any new agenda for the area.

"If a politician failed to deliver when he served as an MP or a cabinet minister previously, then how do you expect them to steer the county to development?" he posed.

Kingi who was accompanied by the Vitengeni ward councillor Teddy Mwambire and his counterpart from Mrima Wa Ndege Mr Shally Mwangirani, said time had come for the residents to stand firm and elect visionary leaders.

He noted that the area had continued to lag behind in development due to poor leadership.

Former MP for Bahari Mr Joe Khamisi on his part insisted that the position of governor should go to Bahari constituency, since the headquarters of the county is within the constituency.

TJRC to take statements in Uganda

By JOELJUMA

JUSTICE Truth and Reconciliation Commission (TJRC) plans to move to Uganda to collect statements from residents who fled the country due to post-election violence.

TJRC said victims of violence who went to Uganda will be interviewed and their statements taken and made part of data being collected

by the commission. The commission's chief executive officer Patricia Nyaundi said the programme will be undertaken in the next three weeks.

"We shall write to the Minister for Justice and Constitutional Affairs to request for his approval soon," she said.

Nyaundi said the commission was on schedule in collecting evidence from all the relevant areas before cases begin in January next year.

Nyaundi said hearing will begin with cases from Mt Elgon District where over 1,900 statements have already been evaluated and analysed.

She speaking at Lurambi Chiefs Office in Kakamega during the review of statements taken in the area. Over 2,000 statements have already been taken from residents of Western Province.

Tom Aziz, the TJRC's director of legal affairs, said the ex-

ercise in Mt Elgon was almost in the final stages noting that the statements have been split in to seven categories. He said the cases will be categorized as rape, extra judicial killings, murder, defilement and torture.

He noted that crimes committed by the members of the disbanded Sabaot Land Defense Force have been clustered under torture, rape and socio-economic crimes. He further noted that investigators drawn from po-

lice, National Security Intelligence, criminal investigations department and lawyers have concluded Mt Elgon cases.

Nyaundi said hearing for Mt Elgon will start in February adding that the commission is set to dispatch summons of suspects who were implicated in the criminal activities. She explained that Parliament will be given the report after hearing of the cases.

Amolo warns against derailing new Constitution

By JOEL JUMA

A FORMER member of the Committee of Experts has warned that the devolved government may not be beneficial if Kenyans are not vigilant.

Lawyer Otiende Amolo further said Kenyans must participate actively in the devolved government if they are to reap the benefits of the new system.

The approach may be hijacked by selfish interests that have played at the national level in the past, said Amolo.

Amolo, who is also the chairman of the board of Action Aid International Kenya (AAIK), made the remarks during the launch of civic education on county governments.

Participants at the one-day seminar included civic leaders, civil society groups, youth and women groups and the provincial administration.

He noted that AAIK and its partners have since embarked on mobilization process to enlighten Kenyans on specifics of devolution. "We want locals to engage themselves from an informed perspective," he added.

Amolo said locals should also be equipped with the necessary capacity to set standards of service delivery and integrity for county managers.

He noted that yesterday's training was the first of a series that AAIK and its partners will undertake between now and late February next year.

We seek to have locals understand constitutional provisions on county governments so that they use the information to determine the direction they wish their counties to take," he added.

He said emphasis in these trainings will be laid on chapters on devolution and public finance, leadership and integrity and Bill of Rights. The training in Busia sought to see how women, youths and poor people from the area want their county government to be.

Questions on how resources coming to the county should be used and integrity of who is to be elected were asked.

Farmers urged to adopt fruit farming



A set of fruits: The government is committed to improving fruit farming in the country.

By PETER MUTUKU

THE government is committed to improving fruit farming in the country, a senior researcher with the Horticultural Crops Development Authority (HCDA) says.

Mr. Wilfred Yako also says fruits, just like any other crops, need good care to be productive. He called on mango farmers to use pesticides and fertilizers to improve their crop. "Failure to take care of the tree will lead to harvest losses," he noted.

The Researcher was educating horticultural farmers during a field day organised by the Author-

ity at the Kyuluni market in Nzambani location, Kitui District. Local Member of Parliament Julius Kiema Kilonzo was the chief guest at the function. Hundreds of horticultural farmers attended the function.

Mr. Yako said there are many types of fruits in Kitui District including mangoes, baobabs, lemons, papaws, oranges, guavas and tarmarind. "But mangoes are more," he said. Yako educated the farmers on early and late flower induction in mangoes that he said are done and can be done through technologies. The expert said that in Kitui District, mango trees grow too tall and that it is difficult to spray them with pesticides. So he said that for effective pesticide spraying, that mango

trees need to be reduced their tallness by cutting.

He said that the ministry is working to improve on indigenous mangoes. The specialist taught the farmers about urea and potassium nitrate fertilizers and fungicides for the mango farming. He said the farmer needs water for the mango roots to absorb the fertilizers. Yako, who said that the sweetest mangoes in the world come from the Ukambani region, said that they (the authority) have three fridges for mango storage in the Ukambani region. He said the fridges are in Machakos, Yatta and Kibwezi Districts.

The Agriculture man said that new varieties of mangoes include apples, kent, keitt, haden, van dyke

and tommy atkins. And he said that the apple is leading in the ready market. A sales expert with the HCDA, John Mung'oo, said the indigenous mangoes can be changed to exotic mangoes through top-working. He mentioned about strategies of exporting fresh mangoes from Kenya to the United Kingdom supermarkets and other parts of the world.

The world mangoes imports in 2009 were 901,520 metric tonnes valued at 684 million US dollars (Kenya shillings 55.4 billions). Mung'oo said the leading exporters are Mexico (15 per cent), Brazil (13 per cent), the Netherlands (11 per cent), Peru (9 per cent) and Israel (5 per cent). He said the leading importers are the USA (29 per cent), the Netherlands (12 per cent), the UK (9 per cent), France (8 per cent) and Germany (5 per cent).

He said the annual production in Kenya is 183,000 metric tonnes where he said that the Eastern Province accounts for 54 per cent of the figure. The Eastern Province is followed by Coast Province with 22 per cent and Nyanza Province with 8 per cent according to Mung'oo.

According to Mung'oo Kitui County produces more than 12,870 metric tonnes of mangoes annually. Machakos County produces 16,000 tones, as Meru County produces 7,000 tonnes. The three counties are in the eastern Kenya region. The HCDA official said that Germany imports 94 per cent of Kenya's mangoes and that the UK imports 3 per cent of the country's mangoes. He added that Bahrain imports 2 per cent of Kenya's mangoes. "The African countries exporting mangoes to the UK are Gambia (2 per cent), South Africa (2 per cent), and Senegal (1 per cent) and Burkina Faso (1 per cent).

A senior horticultural officer from the authority Edward Maina and Ibrahim Mohammed from the Kenyan Homes Company Limited also educated the farmers among others. On his part, the MP asked the government to support the mango farmers from the Ukambani region as it does to the other farmers in the country. Kilonzo cited the tea, rice, wheat, cotton, coffee and sugarcane farmers in the country.

By BOB OMBATI

KENYA requires about Kshs4.1 trillion to fast track the implementation of projects geared towards the attainment of the Millennium Development Goals (MDGs) before the 2015 deadline.

A senior official from the Ministry of National Planning, Development and Vision 2030 Sarah Muui says the country still lags behind in major areas serving as parameters to achieve MDGs and called on donors to support the government meet the deadline.

Sarah, who is a chief economist in the Ministry, attached to the MDGs section said the country had made progress in Univer-

sal Primary Education owing to the introduction of Free Primary Education which has led to increased enrolment figures in both Primary and Secondary schools.

The official who spoke during a workshop on the official dissemination of National Human Development Report at a Kisii hotel noted that the gross enrolment ratio for girls in secondary schools increased from 26.4 per cent in 2002 to 41.3 per cent in 2009.

She noted that the enrolment

rate in Primary schools rose from 73 per cent in 2000 to 92 per cent in 2009, adding that though the enrolment was impressive, it has not been matched with infrastructural development in learning institutions, threatening to compromise the quality of education.

Infant mortality rates, noted Muui reduced to 52 deaths per 1000 live births from 77 in 2003 while the mother to Child Transmission of HIV/AIDS reduced considerably.

Conversely, the officer noted

that maternal mortality rate rose from 414 per 10,000 live births in 2003 to 488 per 100,000 in 2008/9, attributing the deaths to women who delivered at home without the support of trained medical personnel.

"The proportion of married women using methods of contraceptive rose from 39 per cent in 2003 to 45 per cent in 2008/2009," said Sarah.

She said it was imperative that Kenya and its development partners work towards ensuring that

development aid was predictable, transparent and responsive to the country's needs as spelt out in the MDGs and the long term vision 2030.

The MDGs include eradication of extreme poverty and hunger, achievement of Universal Primary Education, promotion of gender equality and human empowerment, ensuring environmental sustainability, reducing child mortality, Improving maternal health and combating HIV/AIDS, malaria and other chronic diseases.

Graphic Comparison Old and New

INTRODUCTION

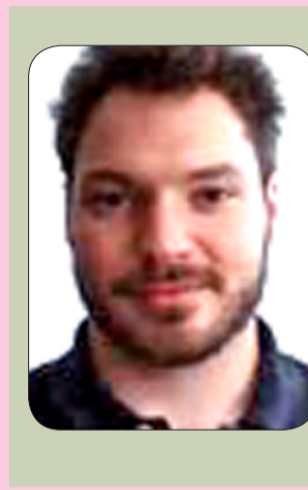
THE structure and operation of government is many times challenging and sometimes abstract to many people.

Three things are often require emphasis:

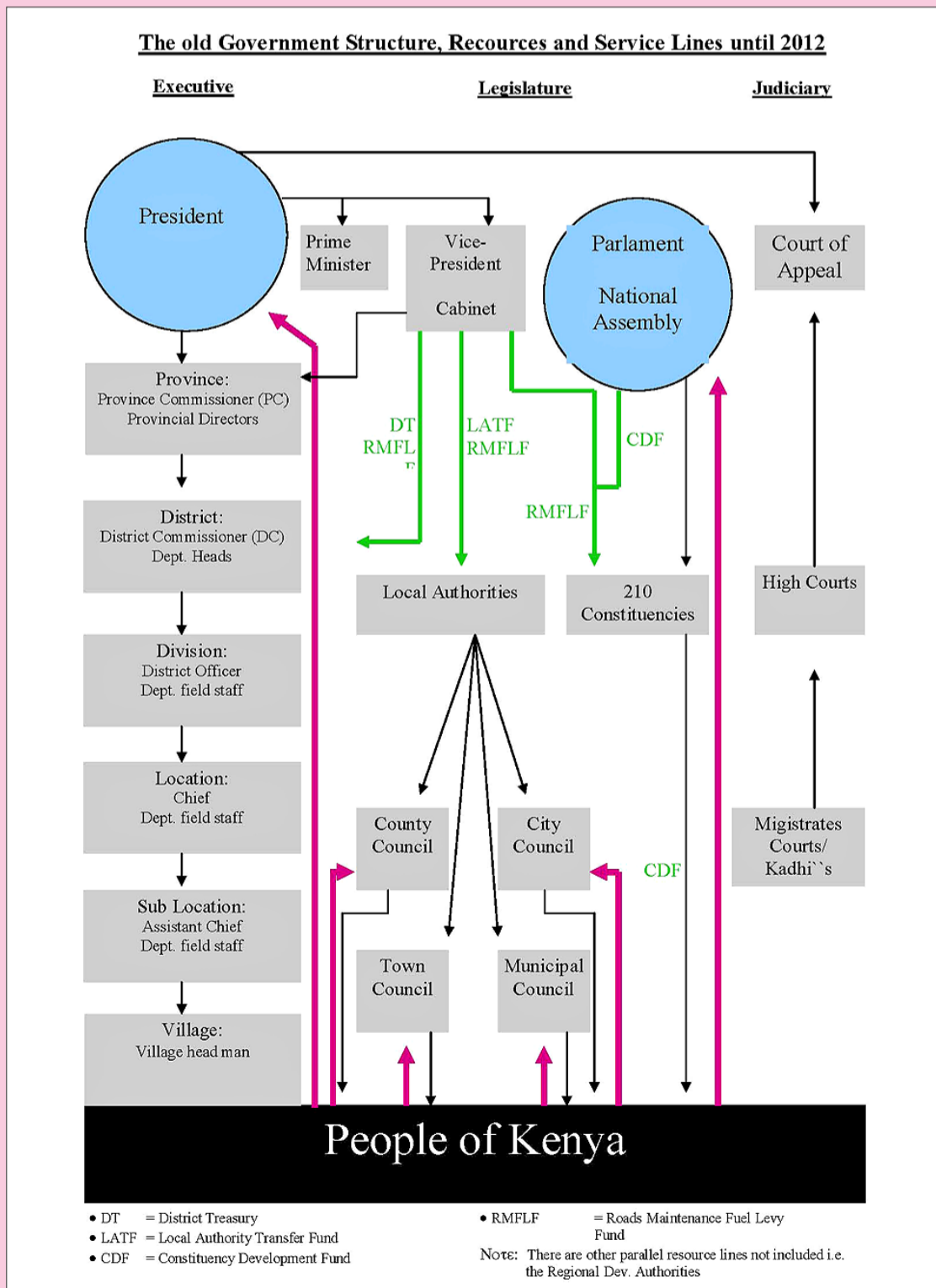
ILLUSTRATION 1: The Old/Current structure

THERE are clearly three arms of government. The executive arrangement has the President, Prime Minister, Cabinet and line ministry officials running down through 6 levels. The resource transfers are done through parallel processes including the District Treasury (DT), decentralized funds i.e. CDF, LAFT, RMFLF as well as other

structured transfers through different and parallel arrangements like Regional Authorities. Service Delivery is, therefore, done through the same different and parallel resource structures. Judiciary is in three levels without the necessary court level to handle constitutional issues, disputes between government organs and distinct electoral issues.



As Kenyan
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new Constituencies
(pictured)
illustrate the
old and



The illustration
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- (i) The overall structure of the three arms, how they get constituted and how they relate to the people.
- (ii) The issue of public resource allocation-sharing of the national cake.
- (iii) The service delivery and participation of the people.

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ILLUSTRATION 2: The New Constitution from 2012

THE three arms of the government are distinct. The executive includes the President and non-elected cabinet.

The levels of government are only two: National and County. All parallel resource allocation and service delivery lines are put together into the County Government. All the local development are to involve the people and are to be handled by the County Government.

Any structure below the County Government might

not be uniform to all the counties. Each County will come up with its own unique and appropriate levels individually.

The Judiciary is enhanced with an additional court level and special arrangements for handling special unique cases i.e. land, environment, election petitions, dispute between state organs, etc.

There are additional check institutions and commissions constitutionally provided for.

