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SPECIAL REPORT

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IEBC proposes radical changes to constituencies

By MALACHI MOTANO

THE Independent Electoral and Boundaries Commission (IEBC) have made significant changes in its revised electoral boundaries report.

The IEBC has rearranged several wards and placed them in new areas in constituencies such as Makadara, Nyaribari Chache, Rarieda and North Horr.

The electoral team has in some instances completely done away with some of the wards that had been proposed by the now defunct Interim Independent Boundaries Review Commission (IIBRC) and merged existing ones.

For instance, Woodley and Kenyatta-Golf Course wards have been merged as has Parklands and Highridge wards in Nairobi County.

The Commission handed over its report to Parliamentary Committee on Justice and Legal Affairs in February.

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Leadership and integrity pillars of Constitution

By HENRY OWINO

THE eagerly awaited legislation on leadership and integrity is finally here. The legislation seeks to restore integrity in both private and public sectors.

The new law bars public servants from engaging in businesses that are likely to compromise their integrity.

According to the legislation, individuals convicted of serious felonies are not fit to hold public office. All public assets acquired through corruption are to be reclaimed by the state or sufficient compensation sought.

Further, all public servants are individually accountable to their superiors and to the public and appointments to public office must be open and transparent.

The law outlines penalties for breach of the code of leadership and integrity, among them dismissal, removal from office and a bar from holding public office in future.

The law sets out that non-state actors (such as professional bodies, religious organizations, Non-Governmental Organizations, Community Based Organizations, religious organizations), are to play a key role in promoting or enforcing the provisions of Chapter Six of the Constitution.

The new law provides for the creation of a list of shame to ensure that culprits do not serve any public organ

The Minister for Justice, Constitutional Affairs and National Cohesion Mutula Kilonzo, who spoke during a workshop to analyse the legislation says leadership and integrity are vital ingredients in realizing development in all sectors of the economy.

Justice minister Mutula Kilonzo address the press recently. Photo/Henry Owino

Mutula says that national unity, growth and development are closely tied to prudent leadership skills adding that the country continues to witness stagnation due to the absence of leadership driven by integrity.

"The constitution now provides us with an opportunity to demand accountability from holders of both public and political offices," he adds.

The Minister further says the legislation

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Leadership, integrity pillars of Constitution

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on integrity and leadership will actualize Chapter six of the Constitution and provide a platform for the establishment of a unified public appointment system that is transparent and based on competence and integrity as opposed to cronyism, nepotism, ethnicity and political patronage in the old system.

The forum would come up with proposals on what categories of public officers should be brought under the umbrella of Chapter Six of the Constitution and those who may be designated as state officers for purposes of Article 260 of the Constitution, so that the intends and purposes of Chapter Six of the Constitution are met.

He stated that integrity plays an important role in ensuring that leadership at every level of government or public entity remains focused on the interests and desires of the people.

"People now want to see a public sector that is defined by codes of conduct and public ethics infrastructure. We must therefore embrace leadership that is based on selfless service driven by public interest and not in any way motivated by personal interest, strictly adheres to the law and oath of office, maintains public confidence in the integrity of the office held, instills discipline and commitment in the public service in order to facilitate national development, ensures nepotism or favoritism does not influence objectivity and impartiality in decision-making, strives for accountability for decisions and actions to the public and submission to scrutiny in the manner prescribed by law and finally ensures absolute honesty in the execution of public duties and the declaration of any personal interest that is likely to conflict with official duties," he advised.

President Mwai Kibaki during the promulgation of new Constitution. *Photo/File*

Mutula said that in the past public officials were regulated under different codes of conduct, ethics and regulations as the principles of integrity had not been outlined in the old Constitution.

"This, was however at variance with the Constitution of most countries which had provisions for leadership and integrity. For instance, Article 14 of the Uganda Constitution speaks about the Leadership Code of Conduct. It states clearly that all public and servants are required to declare their income, assets and liabilities from time to time and how they acquired them. Further, the same Article prescribes the penalties to be imposed for the breach of the Code, without prejudice to the application of criminal penalties prescribed for the breach in question.

In the case of South Africa, Article 96 of their Constitution provides for a Code of Conduct for Cabinet and Deputy Ministers. It states that members of the Cabinet and Deputy Ministers must act in accordance with a Code of Ethics prescribed by national legislation.

"I therefore, have every reason to believe that we made the right choice and at the right time by entrenching the principles of leadership and integrity in our Constitution," Mutula said.

Mutula said that all state officers must adhere to the new legislation for the country to move towards realizing its Vision 2030 and the Millennium Development Goals MDGs on time.

He pointed out that currently, there are several laws and regulations that address various aspects of leadership and integrity. They include the Public Officer Ethics Act, 2003; the Anti-Corruption and Economic Crimes Act, 2003(amended in 2011); the Public Procurement and Disposal Act, 2005; the Proceeds of Crime and Anti-Money Laundering Act, 2009; the Witness Protection Act, 2010; the Ethics and Anti-Corruption Commission Act, 2011; the Public Appointments (Parliamentary Approval) Act, 2011; and the Vetting of Judges and Magistrates Act, 2011.

The Vetting of Judges and Magistrates Board has started its work, in spite of a few hitches, to weed and thin out the 'bad apples' in the Judiciary, with a view to restoring integrity in Kenya's Judiciary system.

"Our Ministry will continue to work with other stakeholders, towards the enhancement of the legal, policy and institutional framework for promoting ethics and integrity and also preventing and combating corruption and economic crimes. Obviously, we do not have a monopoly of ideas in these things, so your proposals are welcomed," vowed the Constitution Minister.

The legislation must set some standards against which leadership will be measured and a breach of which will attract appropriate social, political and legal sanctions.

IEBC proposes radical changes of constituencies

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"We were required to resolve all the issues arising from the IIBRC report within four months as outlined in the Act (IEBC) which directs that the IIBRC report becomes our primary source while the Justice and Legal Affairs report as the secondary source respectively," IEBC chairman Issack Hassan said.

Some of the names of the electoral units have also been changed for instance Baringo East has changed to Tiaty constituency while Kasipul Kabondo has been renamed Kabondo Kasipul.

Hassan however reminds the public that the new electoral units did not affect the administrative boundaries. He notes that concerns had also been raised during the public hearings with some expressing fears of being displaced from their ancestral region.

Voters in Ikolomani queue to vote at Lirhembe Primary School polling station. *Photo/Malachi Motano*

"The determination of electoral boundaries does not take or shift land or even people from their location; it only determines where they are going to vote. The other provisions of public service do not change," he stressed.

The IEBC further revealed that it had received 1,970 memoranda from members of the public on the preliminary report on boundaries that was released in January 9.

In the revised boundaries report, the IEBC proposes nine extra constituencies for Nairobi County bringing the total to 17.

Embakasi has been split into Embakasi West, East, Central, South and North. Ruaraka, Kilimani, Kibra, Roysambu and Mathare have also been proposed as the new constituencies in Nairobi.

Coast region has five extra constituencies bringing the total to 26. Jomvu, Nyali, Lunga-Lunga, Kilifi North and Kilifi South have been listed as the new constituencies.

Meanwhile, North Eastern has seven new constituencies, including Balambala, Dadaab, Tarbaj, Eldas, Banissa, Lafey and Mandera South. This totals to 18, the number of constituencies in the North Eastern region.

On the other hand, Eastern has eight new constituencies while Central has five, Rift Valley has 27, Western has nine and Nyanza has 10.

Hassan reiterated his calls for restraint among political leaders asking them not to fan animosity on thorny issues.

"It has not been possible to grant every wish even in cases where communities wanted to remain together in pursuit of common interests. It is not possible to curve out pure breed zones. Kenyans must learn to tolerate and accommodate each other," he urged.

Kieni leaders rally against poor education standards

By JOSEPH MUKUBWA

KIENI West education stakeholders have come up with guidelines on how to uplift the standards of education in the area.

The over 100 stakeholders who included teachers, parents, politicians and religious leaders met at St John Brother's hall in Mweiga town where they addressed issues affecting the education standards in the semi-arid region.

But the area DC Abdi Mohammed, who presided over the meeting, insisted that poverty should not be used as an excuse for poor performances in the area.

"Poverty should not be blamed on the deterioration of education in the district. We have heard and seen many poor students performing well. Let us all join hands to ensure that the district performance improves," said the DC.

He said all stakeholders including teachers, parents and politicians must join hands if they want education to improve.

Area DEO E.K. Nyaga said the district had a mean score of 236.62 points in last year's KCPE which is low compared to other districts in the Nyeri County.

He emphasized the need for all the stakeholders to double their efforts in their work.

Others who attended the meeting included area MP Nemesyus Warugongo, politician Mathenge Wanderi, Njoroge Wainaina and Nyeri County Council chairman Wachira Maina Keen.

Keen challenged all the professionals from the area to return to their old schools and help revive them.

"Poor bright students must receive full sponsorship from either CDF or well-wishers while teachers must be motivated to ensure that they take high the flag of education. We need to invest much in education," he appealed.

Warugongo urged the Government to ensure that enough teachers are employed in both primary and secondary schools in the area adding that teachers who have overstayed in one school should be transferred immediately.

(From left) Kieni MP Nemesyus Warugongo, Kieni Politician Mathenge Wanderi and Kieni West DC Abdi Mohammed, among other leaders at Mweiga town in Kieni West district recently during the education stakeholders meeting. Photo/Joseph Mukubwa

Varsity to install modern lifts in buildings

By TITUS MAERO

THE Masinde Muliro University of Science and Technology (MMUST) plans to install modern lifts in three high rise buildings at the learning institution.

Vice Chancellor (VC) Professor Barasa Wangila says the lifts expected to cost Kshs 24 million are to be installed in the Science complex, the ultra-modern Lecture block and the Library complex which was opened last year by President Mwai Kibaki.

The VC points out that the lifts will save time spent walking up and down the stairs in the buildings earmarked for the lifts.

Speaking at the University during the Disability Day event, the Administrator revealed that stairs in the three buildings will be renovated to cater for people with various disability cases.

Wangila said that the institution has 33 students with varied types of disabilities and urged them to work hard to realize their full potential in education.

Speaking at the same function, an official from the National Council for Persons with Disabilities (NCPD) Mr Isaac Manyonge said the organization would partner with MMUST to assist disabled students with equipments.

Manyonge further said that the Country's constitution recognizes sign language and Braille adding that Kshs 767 million has been set aside to assist disabled people in the country to cater for among other things scholarships at all levels of education.

Also present at the function included the Western Provincial Director of Social Services Mr Ben Makotsi, who said about 4 million people in the region are disabled and therefore can hardly earn a living.

Kilifi leaders bankroll academic missions

By BEKADZO TONDO

IN a bid to improve academic standards in Kilifi County, leaders are sponsoring schools in the area to tour best performing national public and private schools in the country to help raise the performance of schools in national examinations.

The initiative follows the ranking of Kilifi, Lamu, Tana River, Kwale and Taita Taveta counties among the lowest performers in last year's KCPE results by the Minister for Education Professor Sam Ongeri.

Former PS Mrs. Rachel Dzombo who is spearheading the initiative recently sponsored Lutsangani mixed secondary school in Chonyi division to touring national schools. Girls visited t Kenya High girls during the learning programme while the boys were taken to Sunshine Boys school in Nairobi.

"As a leader of Kilifi county am very concerned about the poor performance registered by most students in national exams and therefore I plan to organize a series of tours to enables both teachers and students to learn some of best practices," said Mrs. Dzombo.

Mrs. Dzombo said students need to be taken to top performing schools in other parts of the country so that they can learn what needs to be done to boost their performance.

Mrs. Dzombo who is also a women leader in the county underscored the need to promote girl child education and urged politicians and other stakeholders to join hands and see how best they can assist female students.

She noted that lack of physical facilities in most schools in Bahari constituency where she comes from was a big challenge which continues to impact negatively on students performance.

"Most of the schools in Bahari constituency direct from the nursery, primary to secondary schools lack the necessary physical facilities such as enough classrooms, libraries and laboratories and that has made it difficult for local students not do well in their national examinations," said Mrs. Dzombo.

Speaking during a farewell party hosted by Kenya High school to Girls from Lutsangani, the principal of Kenya High girls secondary Ms Rosemary Saina urged female students to take their education seriously to enable them take up leadership positions in their respective areas.

Ms Saina said discipline and determination were the key to better performance and urged the students to observe that.

Meanwhile, Coast Province continues to register the least number of students enrolling in both public and private universities in the country.

Bahari MP Benedict Gunda says national statistics indicate that only a small number of students from the region enrolled for higher education.

Gunda who is the chairman of the Coast Parliamentary Committee said there was need for local leaders and parents to invest in higher education of their children to enable them to compete effectively for opportunities in the market.

"Leaders and parents in Coast region have not taken education of their children seriously and that is the reason why Coast has been rated among areas where the uptake of higher education is still low," said Gunda.

The legislator says that although the region has three university collages among them Pwani, Mombasa Polytechnic and Voi universities, the enrollment of local students was still very low.

According to the Principal of Pwani University College, Prof Rajab Mohamed, local students at the institution accounted for only 20 percent of the total number of student population while the rest of the admissions are from other provinces.

'It is true the enrollment of local students at our University Colleges is still very low," Professor Mohamed.

The principal now wants local leaders to support bright students who have been unable to enroll for higher education due to lack of funds.

'Politicians have an obligation to assist bright and needy pursue their education to the highest levels and therefore it was unfair to see bright students miss out on their learning opportunities on the basis of their inability to raise the required fee.

At the same time Tourism Minister Najib Balala has urged the government to upgrade two public university colleges in Coast Province to fully fledged universities.

Balala said the Province had lagged behind in education for many years as it did not have a local university and said it was high time that the government considers upgrading the two institutions to fully fledged university status.

Ministry reads riot act to bogus colleges

COMMENT

By MALACHI MOTANO

KENYA has published new rules and put more than 200 institutions on notice in a crackdown that will see 21 managers face criminal charges for operating illegal colleges.

The action comes in the wake of government plans to bankroll colleges to help them cope with the rising demand for skills.

Most are technical, industrial, and vocational and entrepreneurship training (TIVET) colleges, a sector that is key in Kenya's post-school system as it absorbs thousands of students who fail to secure places in universities. Currently, enrolment in such colleges stands at nearly 100,000 students, close to that of universities.

The government's latest strategy is the strongest attempt yet to stem a problem that has refused to go away despite repeated warnings by education officials over the past five years.

Statistics from the Ministry of Higher Education, Science and Technology indicate that there are 467 fully registered TIVET institutions while 283 were operating under provisional licenses, meaning they have yet to meet the criteria for being accredited. As a result of threat of closure, 68 institutions have made formal applications.

Higher Education Permanent Secretary Prof Crispus Kiamba said the 21 managers are facing charges related to abusing the Education Act, Kenya's core legislation on the education sector, by opening up colleges without prior approval and duping students and parents or guardians. The managers risk being jailed for six months or more if found guilty.

The government, under its long-term economic blueprint Vision 2030, hopes to use TIVETs to produce the technical skills required to promote industrialization. The intention is to bankroll TIVETs countrywide to give them a much-needed infrastructure boost and allow them to hire tutors to help meet rising student demand.

Kenya is this year spending at least US$56 million in donor funding on building new TIVET institutions countrywide as well as expanding existing ones.

In the newly released operational rules, any college registered to offer specific courses and wishing to add programmes is required to seek registration afresh.

"All training providers must display their registration certificates in the front door [area] for ease of reference by parents, guardians and students," said Kiamba in the regulations, which will also see the ministry tracking advertisements placed by colleges to check on compliance.

But while the move to close bogus colleges and charge their managers in court signals the government's intention to clean up the post-school sector; it has caused uncertainty and panic among students in colleges that have been put on notice for closure.

When the government cracked the whip on bogus colleges early last year, the decision triggered massive transfer of students from 'unrecognised' colleges. This is expected to happen again in the coming weeks as news of the planned closures sinks in.

There are also questions about the fate of thousands of students who have gone through institutions that might not have been registered prior to opening. Of most concern is that some students have certificates from institutions whose credibility has been called into question or that have been closed down.

Kenya is currently crafting a new curriculum for TIVETs as it positions the facilities to help better equip students with skills. The idea is to ensure that institutions offer market-driven courses that are needed by industry.

Officials at the Ministry of Higher Education said that once the curriculum has been reviewed and technical institutions are well equipped, some would be upgraded and allowed to offer degrees in areas like engineering – a departure from the current system where technical colleges and polytechnics offer only diploma and certificate courses.

Society appeals for varsity for the deaf

By KAVYU-KURA

THE Kenya Society for the Deaf Children (KSDC) wants the government to set up a university for bright deaf learners to enable them realise their full education potential.

KSDC chairman Francis Ng'ang'a said the organization plans to approach the government to explore the possibilities of putting up a university in the country to cater for the needs of deaf children.

Most deaf children are unable to join institutions of higher learning and thus the need to avail university education to those willing to further their studies.

"After all the deaf children are not destined to be carpenters and tailors. We have very bright students among the deaf children. We want the government to look at the possibility of coming up with a university for the deaf children," said Ng'ang'a, a former secretary general with the Kenya National Union of Teachers (KNUT).

He was speaking when her toured Mwingi School for the Deaf in the company of a KSDC director Makarius Gathenya and the officer in-charge of the deaf education in Mwingi Judith Munyoki.

He expressed concern over the limited accommodation facilities at the school which he said had forced the 106 boys and girls at the institution to share a single block for a dormitory.

Ng'ang'a who was conducted in the tour by the institution's principal Jorum King'ori further lamented that the school did not have adequate infrastructure including decent teachers houses, dormitories for the children and classrooms. He said there was need for local leaders to help address the problems.

The chairman of the Kenya Society for Deaf Children Francis Ng'ang'a speaks after touring the Mwingi school for the deaf. *Photo/Kavyu-Kura*

He at the same time appealed for the setting up of schools for special education at the county level to incorporate the deaf children in all the 47 counties in Kenya. He lamented that some counties did not have a single school for the deaf children and yet they existed.

He pointed out that up to 11 secondary school wings have been set up for the deaf in the country to assimilate deaf children completing their primary school courses.

He at the same time thanked donors who had continually donated food stuffs to schools for the deaf and also helped with infrastructure. He appealed to members of parliament to support schools for the deaf with CDF money or raising funds through their connections.

Ng'anga noted that there was need to ensure that the deaf children are provided with conducive learning environment just like other Kenyan children. He added that his society was out to find ways to intervene as they made total advocacy for the deaf child.

He noted that his team was impressed that in Mwingi parents had adopted taking their deaf children to the school. He urged the government to employ its administrative machinery to ensure every single deaf child accessed education.

He however lamented that the Mwingi School for the deaf did not have adequate infrastructure including decent teachers houses, dormitories for the children and classrooms. He said that boys and girls shared on block for their dormitories.

He said deaf children were like any other children despite having special needs. He challenged local leaders, the government and all men and women of good will to assist the school including supporting needy cases.

KNUT demands more teachers be employed

By AGGREY BUCHUNJU

THE Kenya National Union of Teachers [KNUT] is contemplating to invoke Article 42 (2) (b) and (d) of the Constitution in order to force the government to hire enough teachers.

Bungoma west KNUT branch executive secretary Mr. Fred Sichangi says that since dialogue has failed to bear fruit, the only option the union can resort to is picketing.

Sichangi who is also a National Executive Council (NEC) member accuses the government of allegedly subjecting the teachers to unreasonable working conditions.

He laments that public primary schools across the country have a very high teacher-pupil ratio, a factor he adds had compromised the quality education in the country.

'What we are witnessing now in public primary schools is quantitative education and not qualitative education,'Sichangi says.

The Knut branch boss attributes the poor quality education in public primary schools to over-enrolment of pupils and acute shortage of teachers.

Sichangi claims that since the advent of free primary education, enrolment in public primary schools has steadily grown from 5 Million in 2003 to 10 Million at the moment.

He however, notes with dismay that the number of teachers has not been growing in commensurate with the ever increasing number of pupils.

The trend, Sichangi reiterates has impacted negatively on the education standards in most public primary schools across the country.

Sichangi observes that it is quite absurd for the government to boast of having introduced Free Primary Education (FPE) when the quality of education is wanting.

Sichangi adds that FPE will go on record as having succeeded only if the government can employ enough teachers to commensurate with the number of pupils in schools.

The Knut branch secretary challenges the government to hire more teachers in order to improve education standards in the country.

'For free primary education and affordable secondary education to be of value to learners the government must hire enough teachers, 'he says.

Article 53 (1), (b) of the constitution states that every child has the right to free and compulsory basic education.

The constitution which was promulgated seven years after the introduction of free primary education is however, silent on the quality of education to be offered.

Plans to digitise schools short of billions

By PETER MUTUKU

EDUCATION ministry requires an estimated Kshs.7 billion to invest in ICT infrastructure in more than 6,000 Secondary schools.

Education minister Prof Sam Ongeri says the cost is in addition to Kshs.1.8 billion that has already been spent to equip five schools per constituency with ICT equipment.

"We have already developed a digital curriculum for students from Standard Four to Seven in primary schools and Form One and Two in secondary schools and this has already been rolled out to all schools in the country," said

He spoke as it emerged that the process of digitising Form One, Two, and Three syllabi has been finalised, with the remaining phase that targets Form Four earmarked for completion in the first quarter of this year.

According to the Kenya Institute of Education (KIE), plans are at an advanced stage to digitise the primary school curriculum for Standard Four to Seven.

The project is a joint initiative by KIE and the Communication Commission of Kenya (CCK) and aims at digitising the current syllabi to enhance e-learning in the country.

After the project's completion, schools will be able to offer education online. The government has already set aside Kshs 2 billion to oversee the equipping of five schools in each of the 47 counties with computers.

"The digitised format for Form One and Two is already out in the market and we are currently finalising on the Form Three syllabus," said KIE e-learning assistant director Esther Gachicio.

"We also expect to roll out digitised formats of the Form Four syllabus in the first quarter of this year."

Parents with children in public schools have often complained of appalling learning conditions and overstretched resources.

In addition, prices of school text books have been steadily rising with parents having to dig deeper into their pockets every year. The pilot phase of the programme kicked off in August 2008 in 16 schools across eight provinces at an initial capital of Kshs 15,208,000.

CCK and KIE has initiated joint project aimed at digitising the current syllabus to enhance e-learning in the country.

CCK supplied each of the selected schools with a server, four computers, and a printer.

As part of their contribution to the project, telecommunication operators in Kenya has promised to provide free Internet connectivity for at least 12 months. The schools were selected randomly from areas with telecommunications network coverage.

CCK has funded the project to the tune of Kshs33, 208,000. The funds were used in procuring hardware and software to facilitate the development of digital content for Form One students.

KIE on the other hand provided specialised staff, for example teachers IT specialists, and curriculum developers, who have helped develop digital content for eleven Form One subjects.

"So far the material that we have made available has been well received in the market and the feedback is that students are finding it more desirable and effective than the conventional system", said Ms Gacicio. "It is fun, interactive, and where adopted it has given a completely new approach to the learning process."

Efforts to digitise the curriculum go hand in hand with Elimika, the open platform e-learning tool from KIE that targets educators aiming to improve their proficiency in ICT.

Once teachers are equipped with Elimika's ICT skills, they are expected to help students navigate through the digitised content in an interactive process.

Teaching aids KIE is quick to state that the digitisation of the syllabus is not meant to replace print editions or the human resource.

"We are providing the digital content as a supplement to the existing recommended print editions and they are meant to be used as teaching aids for teachers and not as replacements of either teachers or printed books," said Ms. Gacicio.

"What makes text books expensive is the fact that many parents go for several text books for one subject, you find a parent buying four books for Mathematics or English while two books per subject are enough." However, more remains to be done if the country is to achieve its goal of adopting e-learning by the year 2030.

Cheptais resident cry foul over transfer of teachers

By AGGREY BUCHUNJU

EDUCATION stakeholders in Cheptais district are up in arms over the alleged arbitrary transfers and promotion of teachers in the district.

Speaking to *The Link* on phone recently, a teacher, Paul Wanjala accused the area district education office of corruption and abuse of power when it comes to transfers and promotion of teachers.

He spoke to us shortly after area residents including students and parents held peaceful demonstrations against the education office over the alleged dirty dealings.

The teacher says that the education office is fond of promoting classroom teachers to head teachers at the expense of long serving deputy head teachers.

For instance, he alleges that the head teacher of Mariko primary school, Fred Kapondi Kapero primary school and Kiptii primary school were given accelerated promotions; from classroom teachers to head teachers.

"Some of the deputy teachers that were skipped during the promotions have served in that capacity for over 15 years and with clean record'" he says.

He further accuses the education office of promoting two head teachers who the community had allegedly rejected due to their dismal performance.

The irate teacher questions the criteria used to promote the head teacher of Chepwek primary school arguing that he is a non performer as far as the community and other education stakeholders are concerned.

Our efforts to reach the District education officer (DEO) Mr. Jacob Wanyama for comments were fruitless.

However, a source at the DEO's office who wished to remain anonymous said that transfer and promotions are normally ordered by the area member of parliament.

Report reveals massive looting of text books funds

By PETER MUTUKU

THE government has lost a total of Kshs 1.4 billion earmarked for buying of text books for primary Schools over the last five years.

A report compiled by officials from the Ministry of Education reveals massive looting of funds disbursed to schools to facilitate the purchase of text books.

The report dubbed "National Database of Textbook Stocks" in all primary schools in the country intimates that the government has been losing huge amounts of money in corrupt deals between school managers and book sellers.

The report which covered 18,014 schools in 136 Districts indicates the books in question were either not bought or stolen.

According to the report which covers a duration of six years from 2003 to 2008, Rift Valley region is the hardest hit by the scam with over Kshs395 million disappearing from text book kitty in the region in dubious circumstances.

Eastern Province follows with about Kshs252 million which cannot be accounted while comes third with losses totalling to Kshs187million. Further, about Kshs 170 million has been lost in Western Province while Central cannot account for Kshs 153 million.

Others are Coast region with losses amounting to Kshs97 million, Nairobi Kshs51 million and North Eastern which cannot account for Kshs13 million.

The report further notes that Mwingi County lost 204,554 books out of the 470,583 books which were to be bought for 194 schools.

The loss account for 57 percent, the highest in the country as other regions record losses of an average of 18 percent.

Nyando recorded the least percentage of books lost as out 470,448 books bought for 279 primary schools, 1909 books valued at Kshs 431,000 cannot be accounted for.

The investigations implicate school head teachers, school management committee members, public service transport operators, government and private accountants and book sellers.

The school heads allegedly collude with booksellers and accountants to defraud the FPE programme an amount some estimates put at over Kshs 46 billion per year.

Some bookshop owners collude with head teachers to steal money meant to buy books. The booksellers invoice schools for books that have not been delivered. Or school heads pay booksellers for books that were never delivered. The con traders then share the loot.

According to the report, data reported from the District Education Officers revealed that many schools had paid a much higher average price for their textbooks than is specified in the Orange Book.

The Orange Book which is published by the Kenya Institute of Education (KIE) contains the lists of recommended books to be bought and the names of approved booksellers. The government recommends that booksellers may increase the price of books by at least two or 12 per cent.

Varsity acquires wild animals for its sanctuary

By JOSEPH MUKUBWA

KIMATHI University College of Technology plans to put up a wildlife sanctuary at its expansive forest land.

Already the university has acquired about 20 wild animals mostly zebras to jumpstart the project at the electric fenced 140 acre forest land.

More animals of different species will be trans-located to the forest by the end of the month.

The sanctuary will help promote tourism in the region besides being used for educational purposes.

Kenya Wildlife Services (KWS) helped in the trans-location of the first batch of over 20 zebras from the expansive Solio ranch to the University's sanctuary situated along Nyeri - Mweiga highway in Nyeri County.

The university Principal Prof Ndirangu Kioni said KWS has partnered with the University in promoting wildlife conservation and tourism.

"The institution's forest land is a suitable habit for wild animals and thus will be used to promote tourism around Mt Kenya region as well as boost academic standards at the institution," said the principal.

KWS assistant director Robert Njue said Kenya Wildlife Service will continue working with other stakeholders in the spirit of the public-private partnership to promote tourism and protect wildlife for prosperity.

"KWS will also collaborate with the institution to beef up security by employing more guards to protect the animals," said Njue. He said KWS will continue trans-locating more animals to other game reserves in the country adding that by end of this month they will bring more different species to the institution.

"This will also help to ease the pressure of overgrazing and help to reduce conflict between predators and people," added the KWS director.

Some of the 20 zebras from the expansive Solio Ranch sent to Kimathi University College's forest. *Photo/Joseph Mukubwa*

Fruits of free secondary education finally realized

By HENRY OWINO

THE first students to benefit from the Free Day Secondary Education funds (FDSEF) introduced by the grand coalition government in 2008 have just received their results.

The results saw major improvements not only in candidates but also in the general performance of most schools.

As a boost to the programme, bursaries and scholarships from other partners in the education sector saw the return of 82,293 students to schools.

Prof Sam Ongeri, the Minister for Education made the remarks during the official release of the 2011 Kenya Certificate of Secondary Education (KCSE) results at the Kenya National Examination Council. Prof Ongeri said there were great strides made towards achievement of the Education for All (EFA) goals in access to basic education. He said towards the goal, the ministry managed to absorb 562 761 students into public secondary school education this year of the 776,214 candidates who sat for KCPE examination in 2011.

"This represents a 73 per cent transition rate when compared to 539,792 in 2011, increasing the transition rate to secondary by 1 per cent in comparison to the previous year. However, this does not include those candidates absorbed to private secondary schools.

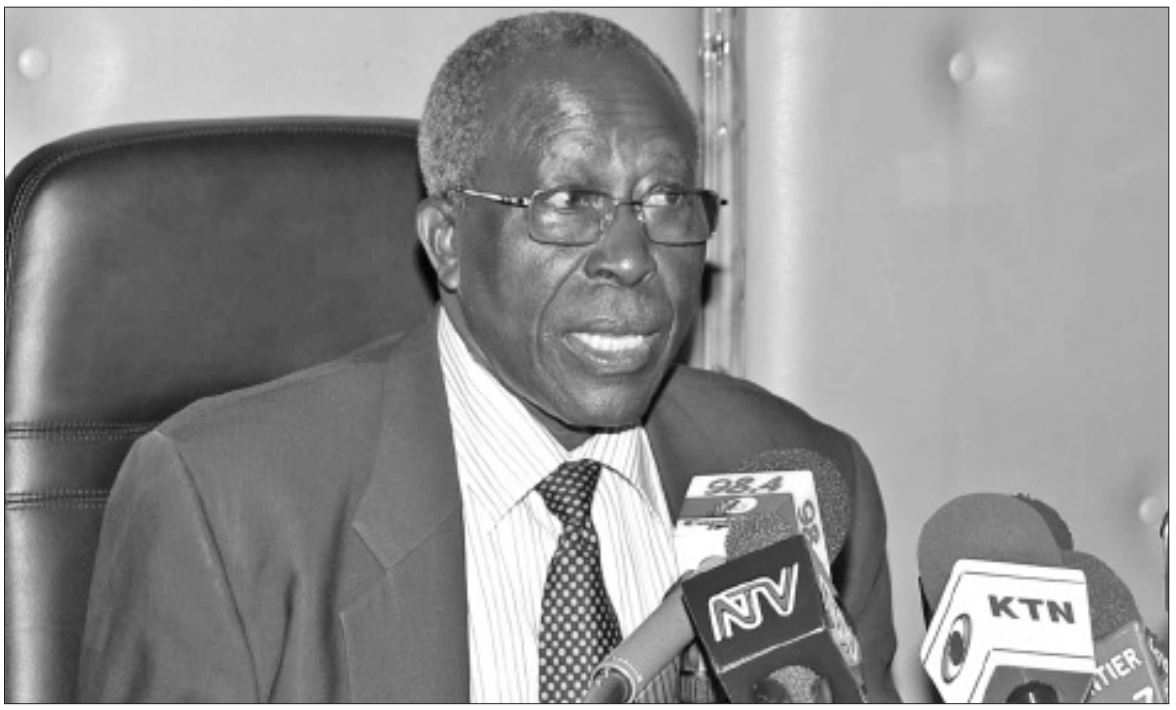
The Minister said they have planned to invest in increasing access to secondary education to accommodate the growing number of candidates.

"To cater for the increased number of KCPE candidates each year, we have invested in increasing access to secondary education. As a direct result of this, the number of KCSE examination centres increased from 6,004 in 2010 to 6,448 in 2011, an increase of 444 centres or 7.40%," Prof Ongeri observed.

The Minister however admitted that the increase in examination centres and schools does have its own challenges. The main challenge being the basic requirements expected of an examination centre as stipulated by the Ministry of Education.

He recommended that the school administrators should provide the required facilities for the examinations which their candidates register for. Prof Ongeri pointed out that during the 2011 KCSE examinations, a head teacher registered candidates for Computer Studies when there were no facilities and the candidates had to sit part of their Computer Studies examination in a cyber café.

In other centres, it was observed that Chemistry practicals were being undertaken in make-shift laboratories with poorly improvised heating sources such as 'korobois' which not only affect the candidates' performance of the practicals but also pose risks of fire break-out to the candidates.



Prof. Sam Ongeri, launched Free Day Secondary Education in 2008. *Photo/File*

He said that was against the examination regulations and cannot be accepted whatever the circumstances may be.

For the first time in the history of Kenya, the ministry upgraded thirty good performing secondary schools to national status last year to address access to national schools. Before the intervention, provinces such as Coast, Eastern, Western and North Eastern had no national schools. The Education Minister said the regions will now not only have national schools within reach but also enjoy the improved facilities in the new national schools. The ministry has disbursed a grant of Ksh. 25million to each of the schools. The intervention increased the number of opportunities in national schools this year from 4,517 to 10,262 and is also expected to promote national cohesion and integration.

"I am appealing to all parents and head teachers to ensure this year year's KCSE candidates select national schools using the current information which has been availed at all County Education offices," the Education Minister appealed.

Turning to the 2011 KCSE results, a total of 4,11,783 candidates sat for examination 6,448 examination centres representing an increase of 54,295 or a 15.19% in candidature compared to the 357,488 candidates registered in 2010.

The number of girls who took the examination increased from 159,388 in 2010 to 182,612 in 2011. The boys increased to 229,171 from 198,100 in 20210, an increase of 31,071 or 15.68%.

The Minister was concerned that the national gender ratio is still skewed in favour of boys. In 2011 the ratio was 44.35% girls compared to 55.65% boys.

The number of boys was more than girls in all counties except in Kirinyaga County which had more female candidates. It was Prof Ongeri's hope that when each county gets their results, they will put in interventions to mitigate against gender disparities.

"My ministry has put in place many interventions to address gender disparities but there are some counties where the disparities are still too high," Prof Ongeri said.

Mandera County has the highest ratio of disparity, at 27.73% girls to 72.27% boys and the Minister urged the community agencies in such counties and the society at large to join the ministry in putting appropriate strategies to reduce the gender gap. The candidates' performance there was marked improvements in the 2011 KCSE examination compared to 2010. Candidates' performance improved in 16 subjects in 2011 when compared to 13 subjects in 2010.

The improved performance in critical subjects like Mathematics, Physics, Biology, Kiswahili among the compulsory subjects and twelve other elective subjects which show good signals towards achievement of the Kenya's vision 2030 if performance sustained over the years to come.

Although there was improved performance in 16 subjects out of the 34 offered, there was a drop in candidates' performance in 13 subjects among the English, History & Government and Chemistry.

"I am particularly disturbed by the drop in performance in English which has been on a down ward trend for the last three years. I think this has resulted from the use of sheng and other mysterious languages used by students and even some teachers," worried Prof Ongeri.

The Minister said there is new strategy to address the issue and the Ministry has instituted interventions in primary school level to enhance early-grade reading which is expected to redress the poor performance in literacy.

He added that teacher training institutions including universities should also put emphasis in humanities especially History and Government while teacher training colleges should encourage teacher-trainees to acquire high proficiency levels in languages so that in turn, they can impart good language skills to learners.

The number of KCSE candidates attaining the minimum university entry qualification of grade C+ and above in 2011 increased to 119,658 (29.12%) when compared to 97,134 in 2010.

The candidates who scored an overall mean Grade A increased from 1,566 in 2010 to 1,930 in 2011 while the total cumulative number of candidates who scored D+ and above and who are therefore eligible for absorption to middle level colleges this year rose to 292,321 compared to 250,075 which again is commendable.

Prof Ongeri said the remaining 118,265 who obtained a mean grade of D and below can absorbed in other institutions of learning like youth polytechnics.

The Minister therefore said the numbers bring into focus the need for to invest in middle level colleges to absorb the learners who do not attain university entry and also ensure that the country have the skills required for moving Kenya to be middle level industrialized nation by 2030.

Though there was examination irregularities reported, all were not lost because eleven out of 47 counties reported no any such menace for instance; Busia, Nyamira, Nyeri, Laikipia, Tana River, Taita Taveta, Machakos, West Pokot, Trans Nzoia and Nyandarua.

Devolution should promote popular participation

By PETER MUTUKU

THE functions of the devolved government have over the years been performed by local authorities in Kenya albeit with mixed results. In fact local authorities in pre- and post-colonial Kenya have principally derived their existence from the need to create vehicles for faster service delivery through the transfer of functions from the central government, promotion of good governance through democratic participation of the populace in the election of local leaders, involvement in decision-making, and the provision of faster, cheaper, and accessible avenues to address local problems.

Ideally, the thrust of the devolution agenda, the policy proposals and legislation should aim at promoting popular participation and ownership of the machinery of government by shifting the process of governance from command to participatory processes, and by transferring power, authority and functions, competence and means resources to the county level.

In general, the proposed county government bill captures a lot of the issues raised in the original bill drafted by the Devolution Task Force and points of view in the public domain. The proposed bill is intended to give effect to Chapter Eleven of the Constitution; to provide for county governments powers, functions, and responsibilities to deliver services and to provide for

(a) the implementation of Chapter Eleven of the Constitution pursuant to Article 200 of the Constitution;

(b) give effect to the objects and principles of devolution as set out in Articles 174 and 175 of the Constitution;

(c) give effect to Article 176(2) of the Constitution in respect of further decentralisation;

(d) the removal from office of the speaker of the county assembly in accordance with Article 178 of the Constitution;

(e) the powers, privileges and immunities of county assemblies, their committees and members under Article 196 of the Constitution;

(f) public participation in the activities of the county assembly as required under Article 196 of the Constitution;

(g) ensure that the community and cultural diversity of a county is reflected in its county assembly and county executive committee as contemplated in Article 197 of the Constitution;

(h) prescribe mechanisms to protect minorities within counties pursuant to Article 197 of the Constitution;

(i) prescribe additional requirements in respect of the publication of county legislation as contemplated in Article 199 of the Constitution;

(j) provides, pursuant to Article 200 of the Constitution, for—

(i) the manner of nomination or appointment of persons to, and their removal from, offices in county governments, including the qualifications of voters and candidates;

(ii) the procedure of assemblies and executive committees including the chairing and frequency of meetings, quorums and voting; and

(iii) the suspension of assemblies and executive committees;

(k) prescribe, pursuant to Article 235 of the Constitution, uniform norms and standards, for—

(i) establishing and abolishing offices in the county public service;

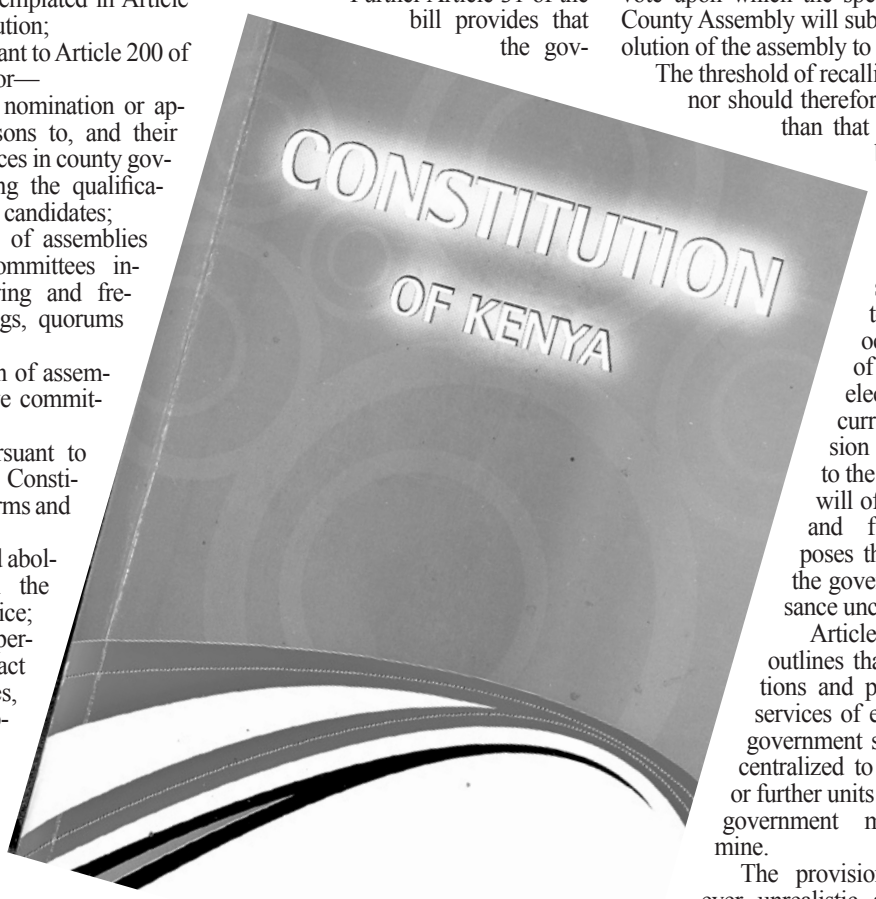
(ii) appointing persons to hold or act in those offices, and confirming appointments; and

(iii) exercising disciplinary control over and removing persons holding or acting in those offices; and

(l) provide for the promotion, evaluation and reporting on the compliance by county public officers with the values and principles in Articles 10 and 232 of the Constitution.

However, certain provisions in the bill negate the spirit of devolution and unless they are addressed before the enactment of the legislation, the principles and objects of devolution may not be realised. For instance Article 31 has been amended to read that the governor is to preside over all state functions in the county on behalf of the president.

The original clause intended to make the Governor a mandatory representative of the president in all state functions thereby eliminating windows to undermine local leaders by the office of the President. But the bill subjugates his role to a mere appointee answerable to the President.



Further Article 31 of the bill provides that the governor submits to the county assembly an annual report on the implementation status of the county policies and plans. The proposed reporting cycle is inadequate for parliamentary oversight and should be enhanced to increase parliamentary oversight and supervision. At the same time, the bill should not create rogue governors.

Article 34 provides that the governor maybe removed by a two-thirds voting majority in county parliament and upon confirmation by senate. A majority of stakeholders however feel that the grounds for recall of a member of the county assembly in Article 28 together with Articles 29 and 30 should apply and in addition, the county assembly may initiate recall of the governor by a two-thirds majority vote upon which the speaker of the County Assembly will submit the resolution of the assembly to the IEBC.

The threshold of recalling a governor should therefore be higher than that of a member of the assembly to provide adequate safeguards to the democratic will of the county electorate. The current provision is offensive to the democratic will of the people and further exposes the office of the governor to nuisance uncertainties.

Article 48 (d) outlines that the functions and provision of services of each county government shall be decentralized to such other or further units as a county government may determine.

The provision is however unrealistic and should be done away with. In fact counties should not be allowed to decentralize further for the sake of public finance. Allowing further units of devolution will make the local government bottom heavy and these will become a huge drain in public finances. Most counties may spend a large portion of their budgets in recurrent expenditures and the cost of longer term development interventions and further undermine the very object of devolution.

Article 52 (1) allows for further county legislation to make provision for creation of structures, administration and operations of further units of decentralization within a county and pending such legislation, it elevates administrative locations and sublocations to comprise units of further decentralization in each county.

There should be a single system of local government to avoid wastage, duplication and undermining the mandate of the people through the retention of parallel structures of appointed representatives at the local government. The Intergovernmental Relations Bill and the Transition to Devolved Government Bill should further provide a mechanism for the seamless transfer of duties and responsibilities of the current provincial administration to the county governments.

Article 106 (1) provides for the development of a five year county integrated development plan for each county. The law should further provide stronger basis for ensuring harmony and concurrence with broader National development goals, objectives and priorities.

Another striking deficiency in the bill is Article 107 (1) which provides for the development of a ten year county sectoral plan as component of the county integrated development plan. This is likely to present an overload at the county level with planning processes merely aimed at meeting the legal requirements in the county and poor follow up. Too many plans are also likely to weaken the focus on implementation.

It is also imperative that the legislation provides for the creation of a County Parliamentary Service Commission. Currently, there is a glaring omission in the management and administration of parliamentary business without a Service commission to cater for the staffing and capacity building of parliament.

It is therefore important to engage national leaders and senior civil servants and local government leaders in continuous dialogue on impending reforms, while simultaneously working to reconstruct our state through the opportunities presented by this bill and other mechanism at our disposal.

Is child labour official in Migori, Nyatike?

By LINK CORRESPONDENT

"GOLD mining is better than going to school on an empty stomach", declares Jacob, 14, a victim of the alluring Migori gold mines.

Jacob (not real name) is one of the 15,000 children toiling in the region's pits in search of small glittering flakes of tiny gold elements, a job he says beats.

"I would rather work for people here at the mine and at the end of the day they will give me money to spend," he adds.

"Even my parents say what I am doing is right; I can buy my own clothes. What is the point of being in school?" There are few formal job opportunities in the region.

Jacob's employer for the day - one of many people who rent a section of the mine on a daily basis - will pay him Kshs 100 for his labour. A gram of gold sells for around Kshs 4,675 on the world market. "We are told those who have employed us are rich, but me, I just want a little money to buy good clothes and food for my mother. I don't want to be rich," said another child.

An estimated 15,000 children are working in gold mines in the districts of Nyatike and Migori in western Kenya's Nyanza province, either in actual extraction or in ancillary services such as selling food, according to the local Children's Welfare Office. This number rises significantly at weekends and during school holidays.

Some, like Jacob, end up missing school altogether. "When you look at the levels of school drop-outs... the closer a school is to a gold mine, the higher the rates of (decline) in school attendance," said Geoffrey Cherongis, the Nyanza provincial director of education.

''When people are poor, nothing that brings in income is dangerous."

School attendance in the affected areas is about 35 percent of the total school days. "What this means is that in one week a child working at a gold mine will normally attend school for just two days," said Cherongis.

Poverty factor

"We know the dangers of involving children in gold mining, both in terms of losing school days and damaging their health, but we rely on the goodwill of people to report cases but this doesn't happen often because parents encourage their children to seek employment at the mines," said Emily Waga, a senior children's officer in Migori. "When people are poor, nothing that brings in income is dangerous."

Jack Omoro, a government official in one of the mining areas, said his efforts to persuade parents to keep their children in school had been in vain.

"One thing that has held us back is that while we promote education, there is little to end the cycle of poverty that creates this problem in the first place," he said. "A parent will find it hard to send a boy to school when that boy can bring back income that very evening when employed at the mine," he added.

Exploitation

The children's services department has set up toll-free telephone lines to report cases of child abuse, said Ahmed Hussein, a director at the department. Referring to existing child protection legislation, Hussein said that no child should be denied a right to education because they are earning money to feed families.

Children under 18 constitute 30-50 percent of the total workforce in small-scale gold mines across Africa, according to the UN International Labour Organization.

Gold was first discovered in Migori in the 1930s, with initial prospecting activities involving large mining companies. At present, small-scale companies and artisanal miners work in the deep and waterlogged tunnels left by the old companies - the pure gold deposits there are worth about KSh64 billion according to estimates by the Department of Mines and Geology.

But residents continue to live in poverty exploited by middlemen.

"These are poor people with very low levels of education who believe whatever price they are told," Henry Rapenda, a mine manager, explains.

James Ochoro, a resident, added: "We have gold on our land but we are poor and we live like squatters; it is the middlemen who benefit from our gold.

"Our children drop out of school because they have to supplement our meagre incomes," said Ochoro. "Here, we work ourselves to death with our children."

Health concerns

The use of mercury to amalgamate small particles of gold is also a source of concern because of its high toxicity and detrimental impact on children's development. "The damage from mercury on people's health, including children, is there because they have been exposed for a long time," said Hillary Okoth, a clinical officer at Migori District Hospital. "What is lacking is the capacity among health workers to diagnose the symptoms of such damage. I think it is time the government moved in to sensitize and train health workers to diagnose and treat such damage once detected," added Okoth.

Dusty conditions in the mines, where protective masks are not used, may also contribute to Migori having the province's highest prevalence of TB - 37 percent - as well as to high rates of respiratory tract infections.

"Governments must have strong laws in place, enforce the laws through awareness-raising and labour inspections, and take steps to assist children transition from child labour into education," Juliane Kippenberg, a senior children's researcher at Human Rights Watch, adds. "For this, access to education must be improved."

According to Nyatike agriculture officials, the over-reliance on gold mining is leading to food insecurity, with at least 69 percent of the population affected.

"Nyatike is extremely food-insecure because people have abandoned farming to rely solely on mining as a source of income," Joash Otieno Owiro, the Nyanza Provincial Director of Agriculture, reveals. "The area continues to be food-insecure and those with money have to travel to other districts to get food, yet the place is on very fertile soil."

EDITORIAL & COMMENTARY

The Link

Enhancing governance for all

Go under the bed It's election year

KENYAN beware, it is another election year! Are you surprised that the so called ethnic clashes have started rearing their ugly heads again. This time it is the people living next to each other in Muhoroni and Tinderet Constituencies.

The narratives is so strikingly similar the last conflicts we have seen in other boarder areas. Communities who have lived together peacefully for years suddenly start going for each other's limbs and property as if they are sworn enemies. First, they say cattle are stolen and police fails to arrest the thieves.

The aggrieved community mobilizes themselves for murderous revenge which leads to counter revenge and so on and so forth. The final end is death misery and widespread displacement of people whose houses are burnt to the ground. We refuse to believe that it can be by coincidence that since 1992 elections the election pre-election violence has become the norm rather than the exception.

No. Something more sinister must be going on and those charge with maintaining law and order in this country have a case to answer. But before they answer that we strong appeal to them, especially the two principals of the grand coalition government to do everything possible to bring under control the violence in the Sugar Belt of Chemelil, Tinderet and Muhoroni before the whole country degenerates into even more violence as it did in 2007/8.

We salute the twin MPs of Muhoroni and Tinderet for moving in fast to pacify the people. We wonder why it is easier for the state to mobilize planes to ferry politicians while they can do the same snare livestock thieves. The people have a right to live peacefully and to enjoy their property, but they can't do that when unexplainable violence keeps popping up and sending their lives into a spin.

Yes, scarcity of resources and inequitable allocation of the resources have been blamed for most of the conflict, but we believe that some hidden dark hand may be behind some of the conflicts, especuially those that occur in election years. We stand to be corrected.

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P.O. Box 7438-00200, Nairobi, Kenya.
Tel: 020 6001776 / 020 6001274
Email: *thelink@wananchi.com*

COMMENTARY

Let all leaders preach peace, reconciliation

COMMENT

By JOHN NYAMBUNE

TIME has come for politics of accountability and inclusion. The country's top leaders need to move away from their ethnic enclaves and promote reconciliation and healing as Kenya heads to the next election.

It seems that the last has not been heard about the implications of the recent confirmation of charges against three prominent Kenyan politicians and a journalist by the International Criminal Court (ICC) at The Hague. Two of those involved have just stepped aside from their roles in the Grand Coalition Government. The leader of Kenya African National Union (KANU) and Deputy Prime Minister Uhuru Kenyatta stepped aside from his role as Finance Minister, while Francis Mathaura stepped aside from his role as the Head of Public Service and Secretary to the Cabinet. However, Mr. Kenyatta still retains the position of Deputy Prime Minister and may be vying for presidency under Party of National Unity (PNU) Alliance party. There was intense public pressure on both leaders to step aside when the charges against them were confirmed.

It is not clear at the moment the sort of repercussions the expected trial may have on Mr. Kenyatta's political ambition and that of the former Education Minister Mr. William Ruto, who is also among those charged. In the last few days there have been a lot of political permutations and engineering, whose result remains unpredictable. Pundits have continuously cautioned both politicians and citizens to do everything not to allow the situation to lead to conflict.

Some observers believe that the fact that charges have been confirmed against the Uhuru and Ruto may make them ineligible for the elections especially with reference to the limits set by Chapter six of the new constitution on leadership and integrity. The Minister for Justice and Constitutional Affairs, Mr. Mutula Kilonzo, made reference to this in a recent statement. However, both Uhuru and Ruto have appealed the confirmation of charges as they continued to maintain their innocence. They have even vowed to go ahead with their campaigns.

Kenya's Attorney General Prof. Githu Muigai argued that nothing could be done to them until the pending appeal is determined. This view is also held by the Constitution Implementation Commission whose chairperson Charles Nyachae recently stated that Article 99 of the constitution which sets out conditions under which a candidate can be disqualified does not bar Uhuru and Ruto from seeking Kenya's highest political office.

Divisive politics have been a recurring decimal in Kenya. The Kikuyus and Kalenjins, for instance, have a long history of intertribal antagonism. They were also the two main tribes that were involved in the post-election violence in 2007 especially within the Rift Valley Province. However, political expediency at this time may force them to quickly consider forgiving each other and realign towards a common goal. Mr Kenyatta is the leader of the Kikuyus and Mr. Ruto is also seen as the de-facto leader of the Kalenjins. As it stands now in their current travails, both men may decide to forget their past and team up against Prime Minster Raila Odinga, whose influence and political acumen is feared by most of his opponents.

Another relevant factor is Mr. Muthaura who stepped aside as Cabinet Secretary and Head of the Public Service and who is a Meru-born top bureaucrat. His ethnic group is considered as an ancestral cousin of the Kikuyus. Going by that relationship, they could be seen as possible allies during the next political season.

One other interesting scenario is the possible emergence of a dark horse in the name of Stephen Kalonzo Musyoka, the current Vice President. Though he is free of any political baggage in theory, many Kenyans see him as a political opportunist having been referred to by his opponents as 'watermelon' during the campaigns for the constitution. Mr. Kalonzo, who is from the Kamba tribe (which constitutes about 11.42 per cent of the population), ran for the presidency in 2007 against Raila Odinga and Mwai Kibaki. It is believed that his insistence in participating in the elections and the 879,899 votes he scored contributed greatly in denying both front-runners an outright win. Supporters of the PM consider him a political traitor – a perception shared by many Kenyans and which may become the biggest impediment to his possible emergence as president. Despite all these, it will be politically perilous to dismiss a man of his statue and political experience.

The biggest challenge before all the contenders is to eschew divisive politics laced with hateful utterances, which can threaten the fragile peace in the country. All presidential candidates and their supporters should take the lead through campaigns of forgiveness, reconciliation, inter-ethnic harmony, unity and amity.

The time has come for forward-looking politicians who can unite the people, implement the constitution and bring lasting peace.

The Link
Enhancing governance for all

EDITOR
DANIEL OTUNGE

SUB-EDITOR
FAITH MUIRURI

ASSOCIATE EDITOR
OLOO JANAK

WRITERS

MORRIS GITHENYA Central
0735 855586

JOSEPH MUKUBWA Central
0724 039787

BEKADZO TONDO Coast
0728 341240

PETER MUTUKU Eastern
0721 455048

KAVYU-KURA Eastern
0721 000000

BOB OMBATI Nyanza
0728 435255

OJWANG OGOCH Nyanza
0725 690223

NYAKWAR ODAWO Western
0726 264153

LUKE KAPCHANGA Western
0723 622136

AGGREY BUCHUNJU Western
0733 537002

JOEL JUMA Western
0723 622136

LAYOUT AND DESIGN:
WALTON DESIGNS
0725 903 938
kasserahw@yahoo.com

Konrad Adenauer Stiftung

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All correspondence and enquiries to the editor, P.O. Box 7438, 00200, Nairobi, Kenya.
Tel: 020 6001274
Telefax: 020 6001776
e-mail: thelink@wananchi.com

Cabinet finally approves crucial land bills

By MALACHI MOTANO

THE Cabinet has approved three vital Bills that are expected to overhaul and streamline land management and administration in the country.

At a meeting chaired by President Mwai Kibaki, the ministers approved the National Land Commission Bill 2012 which seeks to identify the functions of the commission, qualifications and procedures for appointment to the commission.

The Bill gives effect to the Constitution provision that has established the National Land Commission as well as the objects and principles of devolved government in land management and administration.

The commission consists of a chairman and members who will serve for a non-renewable term of six years. Its functions include alienation of public land and approval of the national and county government, monitoring registration of all rights and interests in land and developing and maintaining an effective land information management at both the national and county levels.

The Commission will have the mandate to review all grants or dispositions of public land to establish propriety or legality within five years.

The Bill also establishes the County Land Management Boards which are to comprise of three members but not more than nine. Two ex-officio members are to be nominated by the governor, one of them being a physical planner.

All members of the board except ex-officio, are to be appointed for a single non-renewable term of five years. The law directs that the board must reflect gender equality and be sensitive to the county's ethnic composition

Cabinet in a past meeting. *Photo/File*

The Cabinet also approved the Land Bill 2012 which will revise, consolidate and nationalise land laws, to provide for the sustainable administration and management of land and land based resources. This will apply to all land declared as public, private and community by the Constitution.

The Bill consolidates various laws on land into one substantive legislation governing land in Kenya. The new law requires that public land in the national government be administered by the National Land Commission in trust for the people as required by the Constitution.

It provides for the revision, consolidation and rationalisation of the law governing the registration of title to land, regulation of dealings in registered land and to give effect to the principles and objects of devolved government in land registration. The Bill requires the National Land Commission to establish land registries in all the counties.

The Cabinet further approved restructuring of the balance sheet of the Kenya Railways Corporation which entails the conversion of the debts owed by Kenya Railways to the government into equity.

The move will give the corporation a stronger capital base.

Kisii leaders urge review of CDF Act

By BOB OMBATI

A CROSS section of leaders from Kitutu Masaba constituency in Nyamira county want the Constituency Development Fund (CDF) Act amended to transfer the mandate of managing the Fund to the people.

The leaders- Hezron Rasugu, Morris Nyachwaya, Benjamin Omwenga, Samwel Omwamba and Christopher Mwamba say the current mode where Members of Parliament are allowed to handpick the officials was detrimental to development.

They note that most MPS had infiltrated the committees with incompetent sycophants who mismanage the Fund with impunity.

Led by Hezron Rasugu, the leaders claim they are not happy in the way public funds channeled to their constituency are managed, alleging that they are used to award areas where the local MP Walter Nyambati enjoys political support.

He urges the government to audit various public funds, claiming that the impact in most constituencies is negligible since substantial amounts have been embezzled under the watch of the lawmakers.

Rasugu told The Link that the area has no tarmac road save for Kisii-Chemosit Highway which cuts across the constituency.

He claimed that the construction of roads in the area was mired in corruption as the awarding of tenders has never been transparent.

" We want qualified contractors to be given first priority so that they can be held accountable for their shoddy work and compelled to redo incomplete work," observed Rasugu.

The poor roads in the area, said Rasugu had kept off investors while others had fled the area, adding that civil servants stayed in other towns and wasted most of their working hours travelling due to the corrugated roads.

They cited Motemomwamu-Manga road that links Manga town and other towns, stressing it was in a pathetic state despite numerous pledges by the area Mp that it will be tarmacked.

"Last year, Nyambati had promised to push for the allocation of funds to oversee the construction of the road but residents were shocked when a contractor started to construct it with sand and huge stones," he adds.

"We will not be cheated again. Once beaten twice shy. We are now shy," said Omwamba, adding that empty promises by MPs had affected development.

Omwamba said Health and Water Foundation, which is a Non Governmental Organization had built a modern market at Manga, which risk being underutilized due to the poor state of roads.

"At the moment, the market operates only in the evening as traders prefer active markets during the day," explains Omwamba.

According to Omwanga, traders from neighboring counties had relocated elsewhere, stressing that unless the roads in the area were improved, the district, inaugurated seven years ago will remain dormant with no prospects of progression.

Mwamba, who works for the Water and Health Foundation, urged investors to flock the area and set up rental houses to accommodate the increasing number of civil servants, traders and investors in the area.

He said civil servants stayed in Kisii and Nyamira towns and commuted every day to their working stations in Manga due to lack of enough houses.

Mwamba said the tramacking of Motemomwamu- Manga road should be done without further delay to help open up the area before the County Governments become operational.

Stop harassing youth over MRC, police told

By BEKADZO TONDO

LEADERS in Kilifi have cautioned the police against harassing the youth in their bid to wipe out the outlawed Mombasa Republican Council (MRC).

The leaders said the government should come up with better ways of handling the outlawed movement which is pushing to have Coast region secede from the rest of the country instead of killing innocent youth. Mwarakaya ward councilor Dr Silas Mzungu said it was unfair for police to brand victims of their reckless shooting as members of MRC.

"It is shocking that police are now branding victims of their shootings as members of the outlawed MRC to evade justice," said Dr Mzungu.

Dr Mzungu cited the killing of Mr Lewa Kai by police and later linking him to MRC as a cover up to the heinous acts. Nominated councilor Joseph Chilumo demanded that thorough investigations be carried out to establish the motive behind the shooting of the youth.

"As leaders in Chonyi, we are demanding fresh investigations into the killing of innocent youth who are later branded as members of the outlawed MRC," said Mr. Chilumo.

Armed administration police officers from Chonyi divisional headquarters are alleged to have shot dead the deceased youth as they pursued another youth whom they suspected to have abducted a 14 year old girl and turned her into his wife. Kilifi OCPD Mr. Clement Wangai however confirmed to The Link that police have launched investigations into the shooting.

Mr. Wangai explained that the youth was shot as police dispersed unruly mob that had attempted to lynch the officers.

"The youth had barred the entry of police officers at Mwarakaya saying that the area was an MRC zone.

Taita-Taveta County residents recount land injustices

By BRIGHTON KAZUNGU

EMOTIONS ran high in Taita-Taveta County as residents joined their leaders in recounting how they lost their ancestral land to powerful individuals under the KANU regime.

The residents told a meeting convened by the Truth, Justice and Reconciliation Commission (TJRC) in Wundanyi town that they now live as squatters after their land was illegally allocated to well-connected individuals.

They said out of the total area of 17,728 sq. km. covered by the County, the Tsavo National Park occupies 10,680 sq. km. or 62 per cent, rangelands occupy 4,110 sq. km. or 24 per cent while only 2,053 sq. km. or 12 per cent is suitable for agriculture. The residents lament that a75 percent of the entire population of over 280,000 people are squatting on either Government or private lands. This has resulted in persistent wrangles between the community and outsiders whom they accuse of encroaching into their ancestral land.

The angry residents recalled during the TJRC meeting how in 1991 Taita Sisal Estate management in Mwatate District sent six bulldozers and flattened houses, graves and hundreds of acres of mature food crops without notice at Singila and Majengo villages.

The sisal estate also unleashed dogs on the helpless residents that terrorized them. They lost several livestock during the eviction.

"The sisal management could not even respect the dead as our forefathers' graves were exposed. We were dispossessed of our ancestral land, which was illegally allocated during the colonial era," said Mnjala Mwasima, the Executive Director of Mwasima Mbuwa Welfare Association, a land lobby group fighting for land rights of the community.

TJRC Commissioner Margaret Shava (left) at a past function. She assured Taita-Taveta County residents that the commission would look into their grievances during sittings in the County. Photo/File.

Mr. Mwaluma told the commission that the title deed that was given to the sisal estate management during the colonial era was obsolete and residents do not recognize it.

He called for the immediate compensation of the affected residents and demanded that stern action be taken against land grabbers who have always enjoyed protection from the Government.

"The Government has not adequately addressed the thorny land issue in the region as locals are still living as squatters on their own land," added Mwaluma.

He told the public forum presided over by Commissioner Margaret Shava that tension is still brewing between residents and the management of the sisal farm over the actual boundary of the farm.

"The management has tampered with the boundary and we are demanding compensation for our stolen land," Mwaluma told Shava and judge Gertrude Chawatama, as he presented documents to support his cause. The 80,000-acre estate with a 999-year lease is regarded as the largest sisal farm in East and Central Africa.

Shava encouraged the residents not to give up in their quest to seek justice. "We're optimistic that the thorny land issues will be a thing of the past once the National Land Commission is put in place," she added.

Coast squatters want land injustices addressed

By BEKADZO TONDO

SQUATTERS in Coast region want the government to halt all the ongoing land allocation processes in the area until the national land commission is put in place.

The squatters argue that the ongoing processes are only reinforcing injustices meted out on the residents over the years adding that only the commission can help to address historical injustices which had confined them to squatters in their own land.

Led by a land rights activist Mr. Nicholas Wanyepe, the squatters claim that most of the settlement schemes in Coast region have been allocated to influential people at the expense of genuine squatters.

"Though the creation of settlement schemes by the government was a noble idea, officials entrusted with the responsibility of allocating the land have abused the exercise by rewarding their close friends and relatives," says Wanyepe.

Mr. Wanyepe who is an activist with Ujamaa center in Mombasa alleges that over 80 percent of the beneficiaries are none residents.

He claims that anytime the schemes are set up, senior people present lists to the lands officers. "This essentially means that land officers are compromised and therefore genuine squatters are left out while undeserving cases benefit from the exercise.

"A close scrutiny of the list of beneficiaries indicates that most of the people who have benefited from the settlement schemes in coast region are foreigners," adds Mr. Wanyepe.

A civic leader from Kilifi, Boniface Mwingo now wants the allocation of plots in Kikambala nullified as the exercise has been characterized by irregularities.

Councilor Mwingo alleges that only prominent personalities have been allocated land at the recently established Gathecha settlement scheme in Kikambala.

"Allocation of land at the Gathecha settlement scheme has been hit by irregularities as genuine squatters who have been living in the area and cultivating land were never allocated land," said Cllr Mwingo.

Mr. Henry Kalinga from Malindi demanded that the government allows the 47 counties in the country to form their own land commissions to supplement the work of the national land commission to ensure justice and fairness in allocation of land to the landless.

Mr. Kalinga argues that if land maters are left solely to the national land commission, then land grabbing will become the order of the day.

"The 47 counties must be allowed to establish their own land commissions to supplement the work of the National land commission and identify genuine squatters for land allocation," said Mr. Kalinga.

A squatter in her shamba.

The residents say local leaders are better placed to deal with land problems and identify genuine squatters.

Mr. Wanyepe said the government through the ministry of lands should move with speed and repossess irregularly acquired land to pave way for the resettlement of the landless people.

Bahari MP Benedict Gunda at the same time demanded that the government identifies land to resettle the landless people ahead of the next General Elections.

"Over 80 percent of the people in Bahari constituency are living as squatters in their own land and thus the government must identify land to resettle the affected residents.

The Truth Justice and Reconciliation Commission (TJRC) admits that Coast region has borne the brunt of illegal land allocations since independence followed by Rift Valley Province where area residents have no land.

KFS sends out alert over loose arsonists

By TITUS MAERO

THE Kenya Forest Service (KFS) has send out an alert after fire destroyed parts of Kakamega Forest recently. The Officer in Charge of Kakamega Forest Mr Mwai Muraguri said that 15 hectares of land on Lirhanda view point had been destroyed by fire believed to have been started by arsonists who later went underground.

Muraguri told reporters in Kakamega town, that following the incident and other sporadic fire out beaks in the area, all the staff on leave have been recalled and instructed them to be vigilante and respond promptly to avert fire incidents.

Muraguri further pointed out that his office had undertaken to educate communities around the forest on the dangers of lighting fire near the forest noting that such fire was likely to spread and destroy their houses. The Officer further said that his department was happy with the co-operation it has received so far from other agents, the media and the general public in guarding the forest against destruction by fire.

He said Kakamega forest was an important ecosystem which served as a tourist attraction site as well as a rain catchment area which should be guarded by the community residing around the country's remaining rain forest. He noted that the Canadian tourists who climbed the hills around the forest lauded the government for protecting the forest from encroachment for Agricultural and wood harvesting purposes.

Meanwhile, the Kenya Industrial Estates (KIE) sheds across the country are set to receive a major facelift in a move aimed at tapping the enormous growth potential for Small Micro Enterprises (SMEs). The Managing Director (MD) Mr Julius Mokoji says KIE will revive the industrial estate programme in a bid to enhance the business incubation services alongside offering financial support for the SMEs sector in the country.

Speaking at the official opening of the KIE sheds in Kakamega town, the MD further pointed out that KIE is currently re-structuring its programmes to match the dynamics of a changing business environment in which quality and efficiency of service delivery is crucial. The official said that under Vision 2030, KIE seeks to reduce the number of people living in poverty by creating more opportunities to establish income generating facilities such as the KIEs sheds.

The MD at the same time reveals that KIE intends to partner with the Masinde Muliro University of Science and Technology (MMUST) to create a competitive and responsive human resource to meet the requirements of a rapid economic growth. He says the partnership with MMUST targets graduates who will allocate jua kali sheds and loan facilities to engage in business activities. "The parastatal recognizes the critical role played by higher learning institutions in carrying out research and related matters to accelerate economic development," he adds.

Mokoji noted that KIE is a government agency that is charged with the mandate of promoting industrialization through indigenous enterprise development with a focus on Micro, Small and Medium Industries (MSMI). Present at the function included the MMUST Vice Chancellor Professor Wangila Barasa, Kakamega Mayor Councillor Mathias Sichere, among others.

Change aspects of 8-4-4, but ignore proposed system

A NUMBER of people have praised the recommendations of a task force on education seeking to realign basic education with the new Constitution.

The task force, led by Douglas Odhiambo, wants the educational cycle changed from 8-4-4 to 2-6-6-3 system.

I don't believe changing the educational cycle will add any real value to the basic principle that underlies education cultivating students.

Whatever, the goals of a national education, the ultimate objective is to foster critical thinking, problem solving, and the innovative use of knowledge to prepare students for college and career and the wider world. This is the competitive edge which modern governments want of the educational system it adopts for its young citizens.

Educational reform aimed at this goal has also to look at the state of the training of teachers, the quality of the textbooks used by the students and also the methodology used to impart the knowledge in question.

I believe that the ministry of Education has the means to transform the education system into that which will promote the cultivation of moral integrity, the development of superior intellectual abilities and one that establishes a much desired balance between moral, intellectual, physical and aesthetical development than the current system without changing its cycle.

Students listen attentively during one of the past functions.

I submit that it is possible to impart knowledge and skills and teach students how to think, how to survive in society and how to conduct themselves as people under the current 8-4-4 format without creating the changes the task force had recommended.

Retention of the current format will ensure we don't face the crisis of double intake when students under the last batch of the 8-4-4 system and the envisaged one will be constrained to sit university entrance examinations at the same time.

The East African Community member countries are pursuing three different systems of education. Uganda and Tanzania run the 'A' Level system (7-4-2-3), Kenya runs 8-4-4 while Burundi and Rwanda run the 6-5-3 format.

The principle of integration that informs the community would ordinarily have compelled educational authorities in member countries to harmonise the education systems to ease movement of students, and manpower in search of education and training opportunities as well as for jobs.

We can change the content of education and how it is taught and assessed without changing the 8-4-4 system.

Concerned Kenyan,
Via e-mail.

TJRC unlikely to achieve its mission with all the infight

THE return of Mr. Bethuel Kiplagat as chairman of the Truth, Justice and Reconcilliation Commission confirms a tragic reality in Kenya: nothing changes in the long run.

We always get back to the beginning and contest the very issues we have tried to overcome all through. We are a people doing the motions of a chicken whose head has been cut off.

The commission had a pretty tempestuous start because of the same man. In fact, it became necessary that to complete its work, it had to seek more time which to the National Assembly's credit, gave it six months. How can Mr. Kiplagat complete what could not start because of his presence?

Since he has been out most of the time, how can he conclude a report whose chief content was gathered in his absence? It cannot be his leadership that is so needed, since the commission has done well without him.

For all its worth, the court of law has given him a clean bill. But the court of public consent still has him at fault. If the poll questions on the local television stations are anything to go by, most Kenyans have said No; they have always said No.

If the very people Mr. Kiplagat pruports to reconcile are hostile to him, is this really the time to convince the country that he was right all along and that we were wrong?

I find Mr. Kiplagat a stubborn man who does not give a damn about public opinion. Mr. Kiplagat is a reminder of our tragedy as a nation. Why should any country that seeks to address its bitter past still cling, or be forced to endure the same people who were there in the very past Kenya is now seeking to address.

Wafula Achucha Jnr,
via e-mail.

* * *

Dissolve team

The President and Prime Minister or any other relevant authority must act quickly to disolve the so-called Truth, Justice and Reconcilliation Commission (TJRC).

What kind of justice and reconcilliation can we get from a commission chaired by a person whose past deeds were supposed to be investigated by a tribunal? A commission where members are fighting in court?

This commission is just a wastage of public resources and will also create more hatred than reconcilliation, so the options are to dissolve it or remove Mr. Kiplagat as he is part of the problem facing the commission. Mr. Kiplagat must ask himself the kind of reconcilliation, if any, he can deliver.

Mohamed Diriye,
via e-mail

Agenda for the next leadership should be Agriculture

AGRICULTURE remains the engine for economic growth world over, ranked second after manufacturing. Needless to mention, the sector is the greatest contributor to the GDP.

This underpins the place and contribution of the sector to economic development.

However, as the rest of the world embraces agribusiness, the bulk of agricultural activities still revolve around production of raw materials for industries in the West.

Value addition is still an alien, with even food processing industries being in short supply despite most farming activities being food crops-based.

For some reasons, we have defiantly refused to start treating agriculture as a business even when it is evident that subsistence farming is not working for us.

Besides, there is no reason a country that boasts several major water bodies should not use them to boost farming. And how sad that success stories at independence have since collapsed due to mismanagement. Ahero and Bunyala, for instance, are pale shadows of their former self. So is Mwea irrigation scheme and others.

Rain-fed agriculture has failed and the vast land in arid and semi-arid land not put under irrigation.

Egypt and Sudan are thriving on Nile waters as the East African region struggles to feed its population.

Poor farming technologies have also impeded efforts to maximise returns from agriculture. Farming is still based on outdated practices and nothing is being done to revive agricultural extension services to equip farmers with necessary skills.

Access to credit presents big headache to small-scale rural farmers as the cost of farm inputs is out of reach for most rural farmers. More than ever before, there is need for small farm holdings empowerment through easy credit, farm inputs and modern farming technology.

Despite the obvious financing gap in this sector, am yet to hear a presidential contender pledge to set up a credit facility for the small-holder farmer.

The underdevelopment marketing channels for farm produce on the other hand have made agriculture to appear unprofitable.

Via e-mail,
Nairobi.

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:
The Editor,
The Link,
P.O. Box 7438 – 00200, Nairobi.
E-mail: thelink@wananchi.com

Nyeri residents complain of graft in the judiciary

By JOSEPH MUKUBWA

NYERI residents have accused the judiciary of corruption, incompetence and impartiality in their work.

Speaking during a meeting convened by the Judges and Magistrates Vetting Board at Nyeri Town Hall, residents said most of the judges and magistrates in the country are corrupt and delivered judgments that favour highest bidders.

Francis Ndegwa, a resident, said that the whole lot of judiciary is corrupt starting from the magistrates, judges, court clerks, prosecutors, litigants and brokers.

"Advocates are officers of the court; they are the main players of corruption in the judiciary. The judges use lawyers to perpetuate corruption. It is obvious that the judiciary in our country is riddled by corruption. If the committee consulted me on the matter, I would have told them that vetting should start with advocates," said Ndegwa.

The speakers also questioned the judges and magistrates over their integrity.

They were accused taking sides, lack of commitment, incompetence and lack of professionalism.

Wachira Nderitu, another resident from Nyeri said the vetting board should start with the lawyers since most of them are very corrupt adding their profession is tainted than the matatu sector.

"All those who have been jailed by the corrupt judges and magistrates should have their cases reviewed if the rule of law is to prevail," said Maisha Githinji.

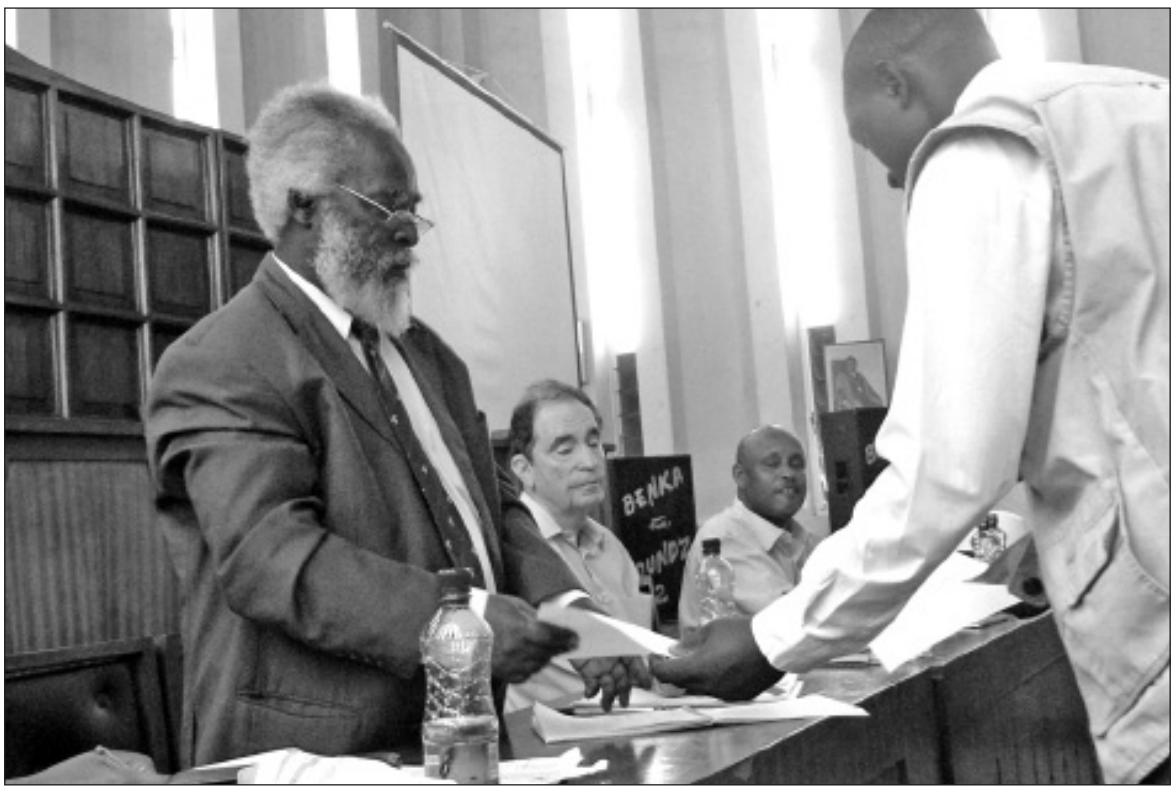
He lamented that the oath of office taken by the magistrates and judges did not apply in the administration of justice.

David Ngigi decried that some judges and magistrates are very intimidating.

A lawyer who has been in the service for over 20 years Vincent Muguku said that the vetting board should be permanent and judges must be paid well.

Another lawyer John Mugambi admitted that corruption is rife in the judiciary.

Judges and Magistrates Vetting Board members Prof Ngotho Kariuki , Hon Justice Albi Sachs and Abdirashid Abdullahi were present during the meeting.



A resident gives a memorandum to Prof Ngotho Kariuki of the Judges and Magistrates Vetting Board at Nyeri Town Hall recently during a public sensitization meeting. *Photo/Joseph Mukubwa*

Coast lands most abused, says TJRC

By BEKADZO TONDO

TRUTH Justice and Reconciliation Commission (TJRC) has rated Coast province as leading in cases of the historical justices on land allocations.

The commission said Rift valley followed with similar cases and blamed the scenario to corruption in the Ministry of Lands, local administrators and bad leadership.

Acting chair of the commission Teckla Namachanja who led other commissioners to a press briefing after their two-day sitting at Kilifi county hall to get views from the local people, said land problems dominated all presentations in the counties.

"We have been to Lamu, Tana River and now in Kilifi County and the issue of land remains an underpinning factor among injustices committed to the local people," said Namachanja.

The commissioner said the injustices in land allocations had been worsened by corrupt land officers and general poor leadership by successive governments since independence.

"Corruption and poor leaders are solely to blame for the historical injustices meted out on Coast people as far as land allocation matters are concerned," said Namachanja.

She said the other worst hit region is Rift Valley where people who participated in their sittings complained much about land and demanded that remedial measures be taken to avert further crisis.

"We have noted with concern of the emerging issues on land ownership in both Coast province and Rift Valley provinces and as part of our recommendations, we will urge the government to act without further delay to ensure peace and harmony in the country is upheld," said Namachanja.

Mr. Nicholas Mrima who led other leaders in lodging their complaints to the commissioners, blamed the late President Jomo Kenyatta and the retired President Daniel Arap Moi for the land crisis in the area.

Mr. Mrima tabled a list of influential personalities in the country who had grabbed land from the area.

"Dear commissioners, the issue of land in Coast Province remains emotive and we appeal to your commission to address the matter urgently to enable us reclaim our land failure to which we will resort to other means of fighting for the same," said Mrima.

"The concerns raised by the people from Coast region need to be given special attention by the government to avert cases where people turn to other crude ways of fighting for their land rights like the joining of the illegal groupings such as MRC' said Namachanja.

The commissioners earlier on had said that TJRC was a special body which had been appointed by the government to collect views from Kenyans after which they will make their recommendations to provide the basis for action.

KWS rescues abandoned, starving snakes in Taveta

By BRIGHTON KAZUNGU

THE Kenya Wildlife Service (KWS) has moved swiftly to recue starving snakes abandoned in a snake park near the Tsavo East National Park in Taita-Taveta County.

KWS officials confirmed that the snake park located in a building owned by the Kenya Railways Corporation was run by a lady who had rented the buildings to rear the reptiles of about six different species namely spitting cobras, green mambas and crocodiles among others. The park's Senior Warden Dominic Wambua however said the lady later abandoned the reptiles after she disagreed with the corporation over rent. "The woman had locked the snakes in the building after Railways ordered her to leave over rent dispute. She left the animals without food and we decided to rescue them," said Wambua.

A joint effort by the KWS, regular police and Railways officials helped to rescue the starving reptiles. Speaking to *The Link* recently, the warden said the lady had a valid permit to operate the snake park within the Tsavo Ecosystem. "The proprietor had valid license to operate the park. Unfortunately she abandoned them and therefore KWS had to intervene and relocate them to salvage the situation," said Wambua. The snakes were relocated to Mombasa for rehabilitation and the crocodiles to River Galana.

This is the second time that KWS has repossessed the reptiles from her. In a similar incident, KWS recovered 26 snakes of different species, two crocodiles and nine tortoises from the woman after she was found operating the snake park without a permit. Cases of illegal trafficking of reptiles from the country have been rampant due to lucrative market abroad.

Kilifi leaders clash over boundaries

By BEKADZO TONDO

LEADERS from two bordering constituencies in Kilifi County clashed before members of the Independent Electoral and Boundaries Commission (IEBC) after they differed over the actual boundary between the two electoral regions.

Trouble started when former MP for Ganze Mr Katana Ngala with the support of local residents told the commission chaired by Ambassador Dr Yusuf Nzibo at Kilifi county hall that Ngombeni sub location which historically belonged to Ganze had been wrongly carved out and include as part of Bahari constituency.

The leaders demanded that the proposal be revoked and the sub –location be retained in Kauma location which falls in Ganze constituency.

"Historically Ngombeni sub location falls under Kauma location in Ganze constituency and we are wondering why it has been included in Bahari which is our neighbouring constituency' said Ngala.

However, Bahari MP Benedict Gunda who was present insisted that Ngombeni was in Bahari to stay and any attempts to revoked the proposal will not be accepted.

"Claims by our neighbours in Ganze that Ngombeni sub location has been in their constituency are not true as both political, administrative and educational boundaries maps clearly show that the area falls under Bahari constituency' said Gunda.

The legislator said the matter has been addressed in many forums which brought together politicians, elders from both sides and administrators including the Coast provincial commissioner Mr. Ernest Munyi and the ruling in such sittings were that Ngombeni remains in Bahari.

'We urge our fellow leaders from Ganze not to give misleading information about the actual constituency where Ngombeni sub location falls as the maps are every clear and they have to be followed' said Mp Gunda.

Mr Edward Kombe from Ganze urged the commission to look into the issue of the boundary dispute between Ganze and Bahari and come up with a lasting solution.

'The boundary dispute between Ganze and Bahari constituency has been there for many years and as people of Ganze we want the commission to look into the problem keenly and get us a lasting solution based on facts' said Mr. Kombe. Gunda further differed with the leaders of the proposed Kilifi North constituency over demands that Mnarani ward becomes part of their new constituency.

Gunda said the proposed boundary by the IEBC of the new constituency of Kilifi south and Kilifi north should be at the Kilifi creek instead of Mnarani ward as proposed.

However, the idea was opposed by the chairman of Kilifi county Mr. Anthony Kingi who said the boundary should be at Shauri Moyo so that Mnarani ward becomes part of Kilifi north Constituency.

"We as leaders in the proposed Kilifi North constituency are opposed to plans to place the boundary at the Kilifi Indian Ocean creek and we are demanding that the boundary be pushed to Shauri Moyo which finally will put Mnarani ward in our constituency," said Mr. Kingi.

Mr. Kingi said carving of Mnarani ward from the proposed Kilifi south to Kilifi north constituency will lead to unfair distribution of the wards. Kilifi south has six wards while Kilifi North has four wards.

DCO forced to call off Mutheka Society due to chaos

By JOSEPH MUKUBWA

A SPECIAL general meeting called by Ministry of Cooperative officials to end wrangles in the troubled Mutheka Farmers Cooperative Society almost turned chaotic when farmers disagreed with the management of the society.

Chaos and shouting marred the coffee meeting which was attended by over 1,000 farmers from the seven coffee factories from Tetu district.

The meeting had been convened by the Central Provincial Cooperatives Officer Stephen Mwenje after farmers staged protests in Nyeri town.

However, the meeting nearly turned chaotic after two groups failed to reach a consensus. The meeting convened to iron out grievances and chart the way forward ended in disarray as members of the six factories shouted down each other. There was tight security during the meeting with about 20 police officers being deployed to guard the angry farmers.

Over 500 farmers drawn from Kihuyo, Kigwandi, Muthua-ini, Chorong'i, Kamuyu and Kaiguri coffee factories accused Kiandu coffee factory members of trying to split from Mutheka society.

Majority of the farmers accused the splinter group of being used to destabilize the society through agitation for split and disagreements on milling licenses.

Kiandu coffee factory which is one of the biggest factory have time and again been calling for a split.

"They are trying to kick out our management team but we have full confidence with it. We shall not allow anybody to destroy our society," shouted one farmer.

Tetu District Cooperative Officer Hesbon Kiura had to call off the meeting without giving farmers a chance to vote for or against the split demanded by the Kiandu farmers.

However, DCO termed the meeting successful saying it had given farmers an opportunity to air their views. He said voting was not part of the agenda of the meeting.

"However, the splinter group could still petition the chairman Githae Hunyu to discuss the split agenda. The farmers can then pass a resolution at the AGM approving the split but will still need another 90 days to confirm that and trigger the splitting process," he added.

Mutheka Farmers Cooperative Society farmers protest during a special general meeting at Ruring'u area in Nyeri town. Photo/Joseph Mukubwa

Judicial service desks set at Kisii law courts

By BOB OMBATI

A NON-GOVERNMENTAL Organization has entered into partnership with the government to train paralegal officers and police officers to enhance service delivery in Kisii.

Legal Resource Foundation (LRF) will implement the programme jointly with the law society of Kenya (LSK), Kisii chapter to help offer fast, efficient and effective services.

The branch's LSK chairman, Momanyi Aunga says the officers will be sensitized on human rights and civil proceedings to enable them serve wananchi better.

Aunga, who spoke during the launch of the Judiciary service care desk and LRF desk at Kisii law courts said police officers will be trained on how to uphold the rights of suspects to avoid conflicts. "Police officers must learn to arrest suspects without harassing them. The suspects must be told why they are being arrested. The suspects must also be made aware of their rights once they take pleas in courts," said Aunga.

The chairman lamented that some people purporting to be lawyers had defrauded unsuspecting members of the public millions of shillings, adding the two desks will help eradicate the vice. He said the desks will also help members of the public to follow up on their cases and familiarize themselves with court processes to curb on time wastage.

Aunga asked the local Chief Magistrate to engage officers to man the judicial Desk to direct the public to various courts for their cases to avoid wasting time and crowding at the registry. Wanjiku Mukuru, LRF's board member said that the training for paralegals begins in April while that of police officers will commence in May.

She said the Judiciary legal desk is the first in the country and aims at helping to dispense and administer justice fairly and expeditiously to the members of the public

The official said LRF and lawyers in the area will embark on massive civic education to help members of the public understand the new law, adding that the Foundation with support from LSK will roll out a civic education drive in March this year.

Resident Judge, Roseline Korir decried the backlog of cases pending in the judiciary and blamed this on inadequate staff. Korir was accompanied by the Chief Magistrate Valentine Wandera, Senior Principal Prosecuting council Nicholus Mutuku and Magistrate Ann Ong'ijo who said the Desks will help members of the public access vital information on their cases.

Members of the public who spoke to The Link after the launch of the desks lauded the move, stressing the reforms were long overdue.

Change agents must work hard to protect rights

By JULIUS OKOTH

THE adoption of Kenya's new constitution in 2010 provided a solid foundation for the growth of vibrant democracy that is supposed to lead to sweeping social progress. The constitution automatically provides for social and economic rights and free expression. Despite this success, Article 43 on the rights to food, housing, health and education has not met ordinary Kenyans' aspirations, especially for those living in urban slums and rural set-ups who are faced by widespread poverty and deep-rooted inequality which have intermittently given rise to conflict and violence. The majority have limited access to basic rights, resources, education and are prone to infectious diseases and AIDS-related deaths.

Life is grim. Heed keenly all the voices in urban slums and rural areas, even from the mentally unstable, because that mental instability could be socially constructed and expression of our possible collective condition. This condition should not be obscured by the sentimental philosophy of the pulpit, where everything is outsourced to God and ordinary people encouraged to believe that justice and goodness will somehow result from some deity reaching down through the clouds to sweep all our sorrows away, wipe our tears, build roads, schools and most important of all dish out money to the poor, idle and jobless youths.

Unless we, the visionaries in the front line of social change in Kenya, compound ourselves and create an impact by coming out in a clearer, more consistent and compelling voice and propose conceivable actions to demand the realisation of Article 43, that section of the constitution would be a sheer blueprint, like Vision 2030 prepared by the Kenyan government as a guide for Kenya's much-vaunted long-term development strategy.

With the promulgation of the new constitution, the fight against poverty needs to be renewed and intensified. To pressure the Kenyan government to actualise Article 43 requires a formidable force of agents of social change who are active, unafraid to take risks in order to find lasting solutions to the most urgent problems of access to food, health, sanitation, housing and education. A force that will be central to collective action. Successful poverty eradication does not lie in paper work but in mobilising and lobbying communities to demand what is in the paper work. If a movement boosts its impact in a large scale it will attract political forces that share certain basic values rooted in social movements.

In order to actualise Article 43, we, the social justice actors, must create opportunities. As Kenya heads towards general elections, this is the best time that calls for clear thinking and rationality are urgently needed, not magical solutions and reliance on divine intervention. Currently there is increasing interest in grassroots movements from political forces and this is the right time to demand for actualisation of Article 43. Various political parties that were previously resistant to social change have significantly shown interest as others are strategising on how to align with social movements in order to reach their political goals.

There are two reasons why political forces are currently interested with grassroots social movements; first, many militant social activists originally came from political parties that they left when they got disappointed. Second, and more importantly, young people who are the bulk of voters are found in social movements and have a growing influence in the public. For example, Safina and SDP political parties have co-opted some of the forward looking social movement actors into their ranks. The parties are working to ensure that all social movement agents are in their midst to use their expertise in lobbying and mobilisation of voters at the grassroots.

Indeed, grassroots movements in Kenya like the Unga Movement and Bunge La Mwananchi, have more membership than most registered political parties. Political visibility of these movements has continued to increase with a growing influence in the general public and in the media. Because of this growing influence and weight, various political parties have attempted to increase contacts at times even providing financial and other support. At the same time, the drivers of Unga and Bunge La Mwananchi have openly called for political parties to reclaim the ideas advanced by the movements.

For example, the co convener of the Unga movement which has been advocating for reduction of prices of basic commodities, Mr Franco Sakwa, once said: 'I say to the political parties: go ahead, take us on board, you adopt our ideas. And even put in practice our proposals concretely'. This is measured in terms of Unga movement's capacity to challenge existing power by demonstrating and picketing at the office of Kenya's Prime Minister demanding the realisation of article 43. Furthermore, many of the calls and claims that arose from Unga movement made the President of Kenya to sign into law the Price Control Bill.

As we are hunting for political parties that will fight for our course and Article 43 when those parties campaign to form the next government, first we have to do a thorough vetting of these parties that want to align with grassroots social movements. We have to look at their leaders, new and old, parade them before ourselves. We will look at their manifestos. What is the party's essence? Does it have a set of principles and values for the greater benefit of the poor? Is it being led by opportunists seeking temporary courtship with social movements until something better comes along?

We have to look at the values of these party leaders to see if they are relevant to our mission. Is that mission reflected in their faces, their words, their deeds and campaigns? We, as Kenya's social actors fighting for social justice, should not display blind, emotional loyalty to political leaders who have little to offer in realization of Article 43. The good society of which we speak of will not be built by waving the hand, one finger, two fingers, three fingers, raised thumbs or any other symbol of a political party. That society will be built by men and women who act, who take it upon themselves to sacrifice a little bit of their individual pursuit for the common good.

The good society will be built by agents of social change who are able to identify common problems and find alternative solutions while resisting the lure of easy money. And yes, by citizens who understand and accept the collective responsibility of good citizenship. Real change will come from us first as individuals and then as a collective. Personal values drive the collective action; and our destiny is in our own hands. Good government is necessary and good leaders are vital. We need men and women of good will and good intent who are going to emerge from among us and to give alternatives for the greater benefit of the poor and who can show pathways to lasting social change.

PARTNERSHIP FOR PEACE

A monthly supplement funded by the European Union and Konrad Adenauer Stiftung

Peace networks spread wings in project areas

MANAGER'S COLUMN

By **HANNA CARLSSON**

IN the month of February the project team had the privilege to meet all CSOs in our partnership. More than 140 CSOs from the three regions, Nyanza, Western and Rift Valley, are involved in the partnership. Our first stop was at the dry and dusty NarokTown, where we were the South-rift CSOs' network, hosted by NABOK. For many of the participants from the Rift Valley region it was their first time to visit Narok Town, which is the central town for one of the biggest tourist attractions in Kenya, the Masai Mara National Game Reserve. Our programme did not give us the opportunity to visit the game reserve; instead the days were filled with interesting and fruitful discussions about the partnership and cooperation in the three CSOs peace-networks in the Rift Valley, namely NABOK, BAKENA and COPEN. Each respective network did a SWOT analysis and, based on that, a strategic plan for the network. The meeting ended with some wise words from the provincial administration represented by NarokDO,Ms Pamela WanguiKiama, who encourage the NABOK network to visit their office to discuss closer partnership. If Narok was dry and dusty, Kisii was even worse. Even so, that did not keep the Nyanza CSOs representatives away. The CSOs in Nyanza has come together under one network called the Nyanza Partners for Peace Alliance (NPPA). During the two days in Kisii, the CSOs discussed the constitution of the Alliance, Memorandum of Understanding and an Operation Policy. It was also agreed that CSOs which wants to join the alliance should pay an annual membership fee. By so doing the alliance will be able to raise money for peace-interventions and other activities. The meeting was graced by a representative from the Administration Police, who actively participated in the discussion and emphasized how important the cooperation between non-state actors and state-actors are in the region. The final stop for the project team was Busia where we met the CSOs from Western region. The CSOs peace-network is called Western Regional Peace Network (WERPEN) and the discussion in the meeting focused on the networks constitution. The network also elected new officials representing each county and agreed about a date when the annual membership fee needs to be paid. All CSO networks in the partnership for peace project have embraced the idea of paying annual membership fees to help boost commitment to the networks. The networks are also open for new members. Therefore if your organization is based in any of the three regions, and you would like to be part of a peace network, and by so take advantage of the networks strength, you are welcome to contact the coordinators. Contact details can be found on the last page of this supplement.

In the month of March and April, the Partnership for Peace will implement 24 Divisional Community leaders' meeting. The meetings are intended to gauge the feelings in the communities and by so doing be able to adopt preventive measures before cases develop to open conflicts. Some meetings will take place in areas where tension is already high because of local incidences but also of fear of the next general election. Similar meetings have taken place before and generated very positive results. In some areas, the different ethnic communities nowmeet on their own initiative once a month to discuss emerging issues. In this supplement you will among other articles find an article from a Divisional Community Leaders meeting that took place in Cham GiWadu, Nyanza, in February.

The writer is the International Project Manager of the Partnership for Peace Project. For comments or suggestions write to:
partnershipforpeace@gmail.com

The role of community leaders' meetings

BY **EDWIN ADOGA**

THE main objectives of the Partnership for Peace Divisional Community Leaders' meeting are to share and disseminate information relating to peace, cohesion, tolerance so as to strengthen peaceful coexistence. The community leaders' meetings are therefore important components of the project.

What comes out clearly from these community leaders meetings is that, they have undoubtedly helped to provide a common platform to reflect and follow up on issues that may impact on peace negatively. For instance they focus on emotive issues like the delimitation of electoral boundaries –constituencies and wards; the ICC trials debate and its impact on cohesion; prevalence of negative ethnicity and its subsequent effect on the coming general elections et cetera.

With respect to the above insight, I would like to particularly highlight on the delimitation of boundary exercise as a pertinent issues relating to peace and conflict that was one of the thematic areas discussed in the three communities of; Cham Giwadu, Rongo and Borabu. On the issue of delimitation of boundaries, there was consensus coming from the three meetings that most of the local residents were contented with the proposed new constituencies. In the greater Rongo constituency for instance, there was a uniformed resonance regarding the proposed Awendo constituency, which reports indicating that because of the new constituency, people's grievances would be well represented in parliament and in the process contributing to development that informs peaceful interactions.

On the ward level, there is a proposal for the proposed Awendo constituency to have four wards and Rongo constituency to have five wards. This process however hasn't been smooth and simple courtesy of the amalgamation of previous other small wards to form bigger ones in conformity with the law. Even so, some clans felt marginalized and in the process protested against the creation of the new wards. This has seen instances of agitation which if left unaddressed, can escalate into

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Ordinary Saboats still waiting for justice

By **LUKE KAPCHANGA**

ELSA Chesut cry for justice is a reinforcement of the violations meted out on Mt Elgon residents five years.

She lost her husband during a military operation to flush out members of the outlawed Saboat Land Defense Force (SDLF) militia group in Mt Elgon.

She recalls that in April 2008, the military personnel arrested her husband on claims that he was part of the militia group.

"They beat him up, stuffed sand into his mouth to prevent him from crying out, tied him on the back of the truck and dragged him towards the Kapkota military camp," she recounts.

Elsa searched for her husband at the military camp and the nearby prison, but no one could provide her with information of his whereabouts.

His decomposing body was later found in a forest in Mt. Elgon, three months after the arrest.

Five years down the line, Elsa still awaits justice and has not been given full information on the events surrounding the death of her husband.

Elsa's story is one of many told by victims of the Mt. Elgon insurgency, a conflict which begun in 2006 after SDLF staged a strong resistance against government plans to evict squatters in the Chebyuk area of the district.

In a report titled "Waiting for Justice" by Human Rights watch, both the SDLF militia group and Kenyan security forces are accused for having committed atrocities in region between 2006 and 2008.

Security officers patrol the area after post-election violence in 2008.

According to the report, the SDLF militia group killed, raped and mutilated thousands of civilians during their sporadic raids.

In March 2008, the military and police conducted a joint security operation dubbed "OkoaMaisha", (save lives in Swahili) to crush the SDLF insurgency

During the operation, security forces allegedly killed hundreds of innocent people in extra judicial attacks, torture and arbitrary detention of thousands, including mass round ups of men and boys.

An estimated 300 people disappeared in Mt. Elgon region between the period, either arrested by security forces or abducted by the military group.

The National Accord and Reconciliation Act of Feb 2008 that brought an end to the Post Election Violence (PEV) led to the establishment of the Waki commission to inquire into the violence.

The Waki report excluded atrocities committed in Mt. Elgon on the basis that problems in Mt. Elgon preceded the election.

The Waki report puts the number of those killed from political violence both before and after the December 2007, at 1133, while the death in Mt. Elgon during the insurgency is 1074.

It was on the basis of the Waki report, that the ICC took over the investigating political violence in Kenya and four suspects have had their charges confirmed by the Pre-Trial chamber accused with crimes against humanity.

Human Rights watch says, the crimes committed in Mt. Elgon are on scale comparable to the political violence of 2007 – 2008

Yet to date the Kenyan government has still not investigated the violence in the mountain.

The Attorney General Prof.Githu-Muigai has asked the Appellate Division of the EACJ sitting in Arusha, to set aside a ruling by the Court's First Instance Division affirming its jurisdiction in a matter where the Kenyan Government is accused of failing to investigate, prosecute and punish those responsible for executions, acts of torture, cruelty, inhuman and degrading treatment of over 3,000 Kenyan residents in Mt. Elgon area.

In December last year, a Senior Principal Litigation officer Mr. Anthony Ombwayo, who acted on behalf of the

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conflict.

The delimitation exercise benefited Borabu residents largely. After candid discussions, it was unanimously agreed that the current proposal to ensure Borabu becomes a constituency will help in addressing both socio-economic and political opportunities and benefits that have been enjoyed in the past years by dominant clans from North Mugirango in the then North Mugirango/Borabu constituency set up.

The proposed Borabu constituency has a population of approximately 73, 443 and covers 248.3 square kilometres. "Historically, Borabu is a settlement scheme with seven well interacted clans. The area thanks to poor political leadership, has in the past suffered a high degree of marginalization manifested through the rampant poverty prevalence, illiteracy and slow development.

Due to marginalization, the people of Borabu were forced to compete for scarce resources with their neighbours. Being along the border with the Kipsigis and Luos, the residents of Borabu have witnessed several instances of violent conflict, some of which are ethnic based and resource based. Although Borabu constituency has gone ahead to prepare for its three wards: Asise, Central and kiang'eni wards, there is an imminent conflict brewing on attempts by politicians to use forceful methods to lodge Kitutu people to Borabu constituency. This is perceived as bringing a predominant clan to control the affairs of Borabu constituency. Community dialogue needs to be encouraged among the Borabu people and other neighbor local residents on issues of electoral boundaries.

There is need to sensitize the public on issues of electoral units particularly on the ward establishment. This sensitization initiative can inculcate a sense of ownership to the locals. In addition, various opinion leaders are obliged to ensure that they interact with their followers in a more splendid and honest manner to provide them with the true picture regarding the delimitation exercise. This will help greatly in reducing chances of conflict and in the process improve cohesion and tolerance.

The Writer is the PPP Provincial Coordinator for Nyanza region.

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Focus on domestic violence instead of gender inequality

By **NATASCHA MOSER**

"I was told when your husband beats you it means he loves you" was a caption in a caricature in an online article. This is something many Kenyan women were told and believed for a long time, or at least something similar that carried the same message. There are a number of women who believe that their husbands should be encouraged to hit them as a way of disciplining them. A Kenyan in Diaspora, who names herself Madona, wrote in an online article titled "Wife-beating: Madona calls for an "End to Stupidity" that women need to be disciplined by their husbands, that slapping of wives belongs to one of the responsibilities of husbands as this allows them to be men. She claims that there is a difference between slapping and battering, saying slapping is not a form of violence against women. She states that she tells her husband to slap her when she steps out of line. According to her, this makes the love between a husband and wife stronger and this is how a marriage can be allowed to succeed. There are many women and men who share this view and domestic violence against women is thus allowed to prevail. However, according to the United Nation's Declaration on the Elimination of Violence against Women, 1993, slapping of women by their husbands does fall under violence against women: "Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts..."

The next picture in the mentioned caricature went on to show the same woman with two police officers and her husband who was lying in a pool of his own blood with a club next to him. The woman was saying, "...so this time I decided to show him how much I love him." Have the roles changed? In Nyeri County this appears to be what is happening, with rising cases of husband battering. Maendeleo ya Wanaume Chairman, Nderitu Njoka, blames the cases on a rising female superiority complex with roots tracing as far back as colonial female chief Wanguwa Makeri who is known for being especially brutal when it came to dealing with men. Njoka believes women are trying to dominate their husbands and insists that men are the heads of the family. He went as far as threatening to call men to boycott meals in their homes in protest to the domestic violence. One thing that's rather disturbing though is the strong male chauvinistic voice that is hard to miss in his comments on the husband battering issue. He seems to be trying to hold on to traditional views of gender inequality where women are viewed as less than men, the same discriminatory ideologies that gets most couples to a point of disrespect enough to opt for violence as a form of communication. Is he fighting the wrong fight? The issue at hand is domestic violence. Whether it is against males or females should not matter, although the amount of attention these cases have been receiving is proving otherwise. After all, there are thousands of women who are beaten, sometimes almost to death, by their husbands and many of the cases go unreported.

Do not think that I am trying to understate the magnitude of the violence that is going on against men. To the contrary I think it would be wise for all stakeholders of the campaigns against violence to marry the two and launch a more cohesive front that addresses violence regardless of the gender of the guilty party. Sometimes the women are even blamed and the men justified. This paints a grim picture of the reality of how backward Kenya still is when it comes to gender equality and how much work still needs to be done in this field.

As FIDA stated in response to the husband battering, violence in all its forms must cease. Instead of making comments that can easily incite men to disrespect their wives and resort to domestic violence against women, Njoka should consider working with organisations like FIDA and Maendeleo ya Wanawake to fight battering. Furthermore, he should focus on addressing domestic issues that are leading to the violence, such as excessive alcohol consumption, which is one of the main reasons given for the husband battering. At the same time, organisations and groups fighting for the rights of women should be careful not to go to extremes when it comes to female empowerment. What women the world over have been fighting for decades for is gender equality and not female dominance, and we should be careful not to lose focus of that. For it shall be this same path we are laying that shall be walked by our sons and daughter, so let us lay it with them in mind.

We don't want to fight, says Kenyans

By **A CORRESPONDENT**

THE ongoing Divisional Community Leaders meetings has brought out mixed but objective realities. The four thematic areas of ICC, IEBC, Ethnicities and Community Peace and Reconciliation Strategy Formulation have yielded blended capture calling for a whole stakeholders' active participation, role playing and respect for laws, human rights and justice.

A critical spotlight has been on Political Leadership and their roles in peace and development. The horizontal Kenyan community feeling portrays pessimism of the political class and describes the Kenyan Politician as architect of marginalization, corruption, poverty, war, crimes and disintegration. Majority of the Kenyan politicians have been identified as exploiters of the ethnicity and diversity of the people of Kenya as power propellers. Poverty which is considered a creation of politicians is identified as the reason for people's vulnerability to political manipulation.

On ICC, the local Kenyan communities have jumbled information which is and might remain inaccurate forever. There is however a widespread sensation that the ICC issue has been blown out of proportion. It must also be noted that, The Hague Case in relation to accused Kenyans prospects remains uncertain and all stakeholders can do is to conjecture. In one of the meetings at Borabu District, a boundary between Maasai, Kisii, Luos and Kipsigis, a staid comment was quoted by a participant from an old lady village lady "..why are the cases taken to The Hague..why can't it be taken to Kisumu or Murang'a). The speculations however will bear detrimental effects if, and only if proper response mechanisms and systems are not put into place.

Reforms and constitutional post developments relationship to peace and stability has also continued to draw significance to the communities. The political class is stippled to have hijacked the constitutional process and the Kenyan dreams once promised by the new constitution are perceived fiddled. The common man is ganging against the Political Class and this is a Conflict Early Warning. Attached to reforms, the IEBC ongoing process of determination of electoral boundaries has created division amongst communities and clans. It is indeed vital for community organizations and the government though the IEBC to conduct intensive civic education to revert the looming inter-clan worse still, tribal conflicts.

Security officers in patrol during post-election violence.

Communal take on negative ethnicity has a strong background on historical injustices which is tagged on to political leadership. Border conflicts between people living in Rift Valley and Nyanza Province are narrowly connected to cattle rustling and physical boundaries especially around settlement schemes. To address these issues, enhancement of police and provincial administration services was called upon. The need for strengthening collaboration between the community and the provincial administration has been emphasized in all meetings. In several cases, the provincial administration has been keen on closing the gap between them and the community and has called for criminal reports from the community. On the same note, they have ensured confidentiality of the source of such information.

Finally, in there has been development of various strategies for communal peace and stability. The strategies have been varied depending on the region and conflict problems with those regions.

The divisional community meetings continues.

NAFOSEC addressing root causes of conflict

By **JONATHAN KIMUNGE**

MANY avenues must be followed to prevent conflicts and restore peace; but to make the resolution of conflicts a lasting outcome and to prevent new fuel being added to the sleeping fire of violence, it is necessary to address not simply conflicts but "the deep-rooted socio-economic, political, cultural and environmental factors.

That is why NAFOSEC, a project of Sustainable Project Program for Africa (SUPPA), is focused on addressing the root causes of conflict in its area of operation. The project advocates for sustainable food security and effective adaptation to effects of climate change inNakuruCounty. Other pertinent issues addressed by the project includesmapping of Non-state actors in the area, formation of networks/coalitions among CSOs and with government departments. Other activities include training of the coalitions on food security and climate change adaptation strategies. NAFOSEC also addresses cross-cutting issues like peace education activities and illiteracy level.

Peace and security which are fundamental universal rights for all humanity, as well as essential prerequisites for achievement of the Millennium Development Goals (MDGs). This is one of the reason NAFOSEC is encouraging networking among CSOs in Nakuru County to promote harmony and peaceful coexistence.

Through our peace education we advocate for equitable distribution of the limited resource to reduce occurrence of resource-based conflicts. Our dialogue meetings are meant to encourage development through all inclusive participation of communities at all levels of decision making, strategy formulation and implementation, so as to bring peace and harmony within the County.

Konrad Adenauer Stiftung
Internationale Zusammenarbeit

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CIAG-K
Kenya

CJPC

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AG, appeared before Justices Harold Nsekela, President, Philip Tunoi, Vice President, Emillie R. Kayitesi, Laurent Nzosaba and James Ogoola to challenge the jurisdiction by the court to hear the matter because matters concerning human rights cannot be heard by the Court according to Article 27(2) of the EAC Treaty.

In addition, the counsel contended that the matter was only filed in 2010, outside the two-month timeframe provided for by the Treaty, even though the respondent, Independent Medical Legal Unit (IMLU), had knowledge of the same by 2009.

IMLU in 2010 sought redress on behalf of Mt. Elgon victims arguing that the atrocities committed against the region were in violation of the Treaty, Kenya's laws and several international human rights conventions.

According to the plaint, residents of Mt. Elgon lost their lives and were tortured in an attempt to flush out the members of the Saboat Land Defense Force, houses were burnt, women and young girls were raped, innocent residents were arrested and money was extorted from residents for release.

Ms.KethiKilonzo, an advocate for IMLU however prayed Court to uphold the ruling of the First Instance Division asserting that what the claimants were asking for was a declaration that the Kenyan Government's act of failure to investigate, prosecute and punish the perpetrators was in contravention of the Treaty.

She at the same time argued that the case was not limited by time since the Government had not investigated, prosecuted and punished anyone, noting that the Kenyan Government made public last year the report on investigations it carried out after this case had been filed at the EACJ.

The East African Court of Justice (EACJ or 'the Court'), is one of the organs of the East African Community established under Article 9 of the Treaty for the Establishment

The declaration on the protection of all persons from enforced disappearance has been outlined by the Assembly's resolution of 47/133 of 18 Dec, 1992.

Enforced disappearance occurs when persons are arrested, detained and abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of government or organized or private individuals.

Security officers and residents of Saboat Lands Defence view the body of a victim.

The action either has direct or indirect support of government, followed by a refusal to acknowledge the deprivation of their liberty, which place such persons outside the protection of the law.

The enforced disappearance of persons infringes upon a range of human rights ,embodied in the Universal Declaration of Human Rights as set out in both International covenants on human rights, as well as in other major International human rights instruments.

The declaration of the General Assembly resolution 47/133 of 18 Dec 1992, article 17" states" Acts constituting enforced disappearance shall be considered, a continuing offence as long as the perpetrators continue to conceal the fate and whereabouts of persons who have disappeared and the facts remains unclarified.

Article 7, puts it clearly that NO circumstances what so ever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be involved to justify enforced disappearances.

The primary responsibility for preventing disappearances and ascertaining what has happened to people reported missing lies with state authorities.

The state has the role to investigate disappearances and take measures on behalf of missing persons and facilitate access to information by families.

The rights of the people who disappeared in Mt. Elgon were violated in regards to their arrest and detention.

The arrest detention or imprisonment must be carried out only in strict accordance with the provision of the law and by competent officials who have been authorized.

Those carrying out the arrest have to identify themselves and abide by instructions governing arrest and detention.

The victims must be informed promptly of the reasons of their arrest and an official register for those arrested maintained.

The register has to have up to date information about places of detention, be it police station or military bases, which is made available to relatives, judges, and counsels or any other person having legitimate interest.

The Human Rights watch now wants the International Criminal Court to analyze whether crimes committed in Mt. Elgon fall within its jurisdiction.

CONTACT ADDRESSES:

Partnership for Peace, Konrad-Adenauer Stiftung, Mbaruk Road 27
P.O. Box 66471 - 00800, Nairobi, Kenya,
Telephone. +254 - 20 - 2610021
Fax: +254 - 20 – 2610023
e-mail: partnershipforpeace@gmail.com

PARTNERS

Mt. Elgon Residents Association (MERA)
Chem Ngeywo, Project Coordinator
Western Province
P.O. Box 21-50201, Cheptais, Mt. Elgon
Mobile : 0720-744827; 0734-517489.
Email: pchem2007@yahoo.com

Community Initiative Action-Group (CIAG-K)
Edwin Adoga, Project Coordinator
Nyanza Province
Milimani (Hosted by CADIF Kenya,
next to Plan Intern. Milimani)
P.O. Box 9104-40140, Kisumu.
Tel: 0705-266 057 or 0735-865 026
E-mail: adogaedu2006@yahoo.co.uk

Catholic Justice and Peace Commission (CJPC)
Mr. James Kimisoi, Project Coordinator
Rift Valley Province
The Catholic Diocese of Eldoret
P.O. Box 842-30100, Eldoret.
Tel 2031272; 0722-448110
E-mail: jameskimisoi@yahoo.com

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Peace building initiative as nine killed

By KAVYU-KURA

GOVERNMENT officials have stepped up peace meetings in Mwingi region and Tana River County following the killing of nine people in bandit attacks.

The meetings that have been spearheaded by the districts security and intelligence committees have so far been held in Mwingi town, Boka Well in Tana North district and Kyeni in Tseikuru district. Other meetings are scheduled to be held in Kyuso district, Mbalambala district and Mwanzele in Mwingi East district.

The meetings were convened after it emerged that the gang that has been terrorising residents of Kyuso and Tseikuru Districts had pitched camp at the expansive Kora National park.

Consequently, the Kenya Wildlife Service has launched a massive drive to forcibly eject illegal herders who have been blamed for frequent bandit and cattle rustling in the peripheral areas of Mwingi region and Tana River.

The warden in charge of the Kora Park, Wilson Njue says that already thousands of herders who had pitched tents within the park have been rendered homeless together with their livestock.

"It is true the operation to drive illegal occupants from the Kora National Park kicked off in earnest and a considerable number of families and animals have been moved out. We are continuing this operation to ensure that all illegal persons are completely out of the park," said Njue on phone.

A security meeting held in Mwingi town on January 19 shortly after the killing of five people in Musavani division Tseikuru district by heavily armed bandits heard that the marauding bandits used the Park as their hideout.

The meeting that was also chaired by Kyuso DC Peter Maina brought together District Commissioners Martin Mwaro (Mwingi East), James Kianda (Mbalambala), Stephen Momanyi (Tseikuru) and Reuben Loyotaman (Tana north) whose areas have for a long time borne the brunt of the rustling and banditry.

The meeting unanimously agreed on a massive disarmament exercise to mop up illegal guns among criminals perpetuating banditry and rustling in peripheral areas of Mwingi region. Further, the security agents resolved to intensify the crackdown on the criminals hiding in Kora National Park.

KWS's Njue consequently promised the meeting that in a matter of weeks all suspected criminals masquerading as herders would be forcefully moved out of the Kora Park as well as the Mwingi north game reserve.

Safaricom mobile phone has further put up its mast to enhance security in the bandit prone Musavani area in Tseikuru.

The imposing 45-metre Safaricom network communication mast has been set up at Kamali trading centre in Kaningo location of Musavani Division. A local peace committee member, Daniel Mukiti Kyambo, said locals were celebrating the kind gesture by Safaricom.

"The residents have welcomed the good gesture by Safaricom. In fact, the coverage goes beyond the 30 kilometer radius and residents can report attacks in real time to the authorities," said Kyambo on the phone.

When Safaricon CEO Bob Collymore was hosted by Vice President Kalonzo Musyoka at his Tseikuru home on January 11 less than a week after five Musavani residents were killed in cold blood by bandits, he assured that the mobile telephone network would be installed to help combat insecurity.

"We are going to find some quick solutions…… We can do that in the next few weeks," said Collymore who added that low cost installation is prudent to enhance communication and boost security.

The VP had pleaded with Collymore to intercede, arguing that lack of reliable mobile telephone network in the area has compounded the insecurity situation. He said mobile telephone network was not available for a whole stretch bordering the Mwingi North National Game Reserve.

The VP's sentiments were corroborated by the lower Eastern Commissioner Joseph Otieno, who was also present. "Most people in the area have mobile phones in their pockets but they cannot use them for lack of network," said Otieno.

The Kyuso DC Peter Maina addressing a security meeting. He is flanked by DCs Stephen Momanyi (Tseikuru), and Martin Mwaro (Mwingi East) extreme right. Photo/Kavyu-Kura

Gucha, Rongo youths vow to foster peace

By BOB OMBATI

OVER 100 youths from Gucha South and Rongo districts have been trained in peacebuilding to foster cohesion as the country gears towards upcoming general polls.

Active Citizens Programme, a civil society organization chairman Samson Nyandoro, says youth from Kisii and Luo communities along the common border have benefitted from a training programme that seeks to equip them with skills to avoid inter-tribal conflicts.

Nyandoro notes the youngsters have also been trained on conflict management and resolutions to enable them to become pro-active and detect early signs of violence.

"We fear chaos might erupt as we head towards the elections and even after. That is why we are not taking any chances," says Nyandoro.

The official was addressing forty youths drawn from Rongo and South Gucha districts during the closing of a two day peace training workshop dubbed "Community football for peace" at a Gucha hotel in KisiiCounty.

Area District Officer (DO), Philemon Cherop who officially closed the workshop challenged the youths to shun violence, tribalism and become peace ambassadors to promote nationalism.

Cherop noted some youths had been brainwashed by their aged parents to perpetuate negative tribalism through historical stereotypes that have torn the social fabric and created conflicts between communities.

The officer lauded the British council and the Ministry of Justice, National Cohesion and constitutional Affairs for sponsoring the workshop and urged the government to organize peace exchange programmes to enable the youth to share their experiences locally and internationally.

"I appeal to the youths to participate in many peace building activities like sporting to promote national unity to hasten social, cultural and economic development," Cherop told 40 youths who participated in the workshop.

Cherop deplored periodic flare-ups along the Kisii-Luo communities' common border, saying they negated the spirit of national cohesion and undermined development.

He urged the youths to shun politicians who incite them to violence and instead interrogate their policies before endorsing them for leadership.

The Officer challenged youths to discard retrogressive cultures and embrace inter-tribal marriages to enhance national unity and stop dancing to the whims of their parents who discouraged them against such unions and perpetuated negative tribalism, hatred and family conflicts.

He advised them to be focused and venture into businesses and farming to boost their lives instead of waiting for scarce white collar jobs and relying on occasional handouts from politicians during electioneering periods as this made them vulnerable to incitements.

The government noted Cherop had come up with youth friendly policies and programmes geared towards attaining vision 2030 and challenged the youths to take advantage of the policies to venture into income generating activities to alleviate poverty and improve on their standards of living.

Cherop, who represented the area District Commissioner, Geoffrey Mayama urged the youths to seek loans from the Youth Enterprise Fund (YEF) and invest in viable income generating projects to realize income and boost their standards of living.

He commended the CSO official MrNyandoro and Mr Josiah Arende and the Ministry officers Mr Ambrose Biketi and Mr Andrew Mongale, for the peace initiative. He stressed that it would help promote investments and hasten national cohesion and development.

Nyandoro said they will continue organizing peace workshops and inter-ethnic sporting activities to ensure that residents from the two communities co-existed peacefully.

"We are also targeting elderly men and women in the peace building initiative. Our aim is to-promote national cohesion, peace and development," said Nyandoro.

Wetang'ula decries poor infrastructure in Western

By AGGREY BUCHUNJU

THE foreign affairs minister, Moses Wetang'ula has decried infrastructural development in the four counties of western province, saying they are in poor condition.

Some of the roads, the minister claims, are already in very bad condition despite having been constructed a few months ago. He gave examples of Kakamega-Kisumu road; Kakamega-Webuye road and Webuye-Kitale road.

Others are Sikata-Kimilili road; Kanduyi-Kimilili road; Bungoma-Mumias road and Mumias-Busia road among others. All these are tarmac roads but marram roads present a grim scenario since most of them are completely impassable during the rainy season.

The minister blames the poor condition of roads on cow-boy contractors who do shoddy work despite being paid colossal amounts of money.

He says most contractors had contravened the rules governing construction of roads due to corruption in the sector. Wetang'ula says that there is urgent need for the government to come up with policies that are aimed at clamping down corruption in the sector in order to save taxpayer's money.

On the youth employment the minister says that they can only be assured of jobs in the private sector and not the public sector. Consequently, the minister points out that there is need for all the four(4) counties in the region to put up cottage industries.

The industries, Wetang'ula suggests that should use locally available raw materials in order to benefit a wider population in the region.

For instance, the minister says that it is quite absurd to transport maize produced in the region to Nairobi and other towns outside the region for milling. "As a maize producing region we need to put up a flour milling factory so as to create jobs for our youth and increase the revenue base for our counties," he says.

The minister is, however, silent on the fate of the troubled Webuye Pan Paper Factory, collapsed Kitinda dairy and Malakisi Cotton industry. Western Province is endowed with agricultural products that can sustain industries but corruption and political interference have been the major undoing.

Meanwhile, cattle rustling in Cheptais District in Bungoma County has risen at an alarming rate, area District Commissioner (DC), Mr. Omar Salat says. Salat now wants security agents in the district to launch a massive crackdown on the rustlers as coffee theft which has in recent months been rampant is curbed.

"Coffee theft has stopped and what is worrying us now is the rate at which cattle rustling is increasing in the area," the DC says. The DC was speaking recently at Cheptais District headquarters when he met all security agents working in the area.

During the meeting, Salat disclosed that since the year 2010 the government has recovered a total of twenty eight (28) firearms from area residents. In the year 2010, Salat said that twenty one (21) firearms then in illegal hands were surrendered to the government. The DC added that last year, six firearms were surrendered to the government and that this year, one firearm has so far been surrendered.

Salat asked those still in possession of illegal firearms to surrender them to the government adding that they will not be victimized.

Clerics call for peaceful elections

By BOB OMBATI

TWO bishops from Kisii County want Kenyans to shun politicians who incite their supporters to violence during the electioneering period.

Kisii Catholic Diocese Bishop, Joseph Mairura and New Life Pentecostal Church bishop Dan Migosi say that politics should not be used as a tool to divide Kenyans along ethnic lines and urged aspirants to uphold principles espoused in the new electoral laws to restore sanity in the political arena.

The two prelates urged aspirants to use various political platforms to preach peace to consolidate on gains made in the promotion of national cohesion and reconciliation after the ugly incidents witnessed in the 2007 disputed presidential poll.

The two urged the Truth, Justice and Reconciliation Commission (TJRC) and the National Cohesion and Integration Commission (NCIC) to put in place the necessary machinery to ensure Kenyans go the poll united.

Mairura was addressing an annual diocesan mass at Cathedral church while Migosi spoke after he presided over mass weddings at Egetuki church grounds, Gucha district where he solemnized ten marriages free of charge.

Bishop Mairura recounted the incidents that followed the last General Elections where innocent people lost their lives, thousands were displaced and properties destroyed during the post poll chaos, stressing never again should Kenyans kill each other over politics.

He urged church leaders to preach and foster unity to avoid a repeat of the violence.

Bishop Migosi at the same time challenged men to foster peace in their families and inculcate moral values in their children to help them grow to be responsible citizens as moral decay in the society has largely been blamed on the disintegration of the family unit.

The bishop deplored the rising cases of incest and urged parents to sensitize their children on positive cultural values to help preserve the family unit.

He urged men against wasting their hard earned family resources while subjecting their families to unnecessary suffering while they led lavish and reckless lifestyles.

Migosi lauded public and private schools which performed well in last year's Kenya Certificate of Primary Education (KCPE) examination and urged education stakeholders to concert their effort to promote quality education and performance in schools which performed dismally.

" Parents should stop interfering with schools and instead support the teachers and children to improve the schools' education standards and performance in national exams" noted the bishop.

He warned students against engaging in strikes and destroying school properties during examination period, stressing that this disrupted their learning and impoverished their parents who paid heavy fines.

Bishop Migosi said the church will continue playing its rightful role of preaching peace and reconciliation, stressing church leaders will not allow politicians who incited their supporters to unleash terror on innocent people to destabilize the country.

DC angered by release of illegal loggers

By KAVYU-KURA

THE Mwingi East District Commissioner Martin Mwaro recently found himself on the receiving end of what he believes is an intricate web of corruption.

The DC had ordered the arrest of 15 illegal loggers in Mikolosoni village of Mui division in his area of jurisdiction. However, the suspects were set free a few days later under mysterious circumstances.

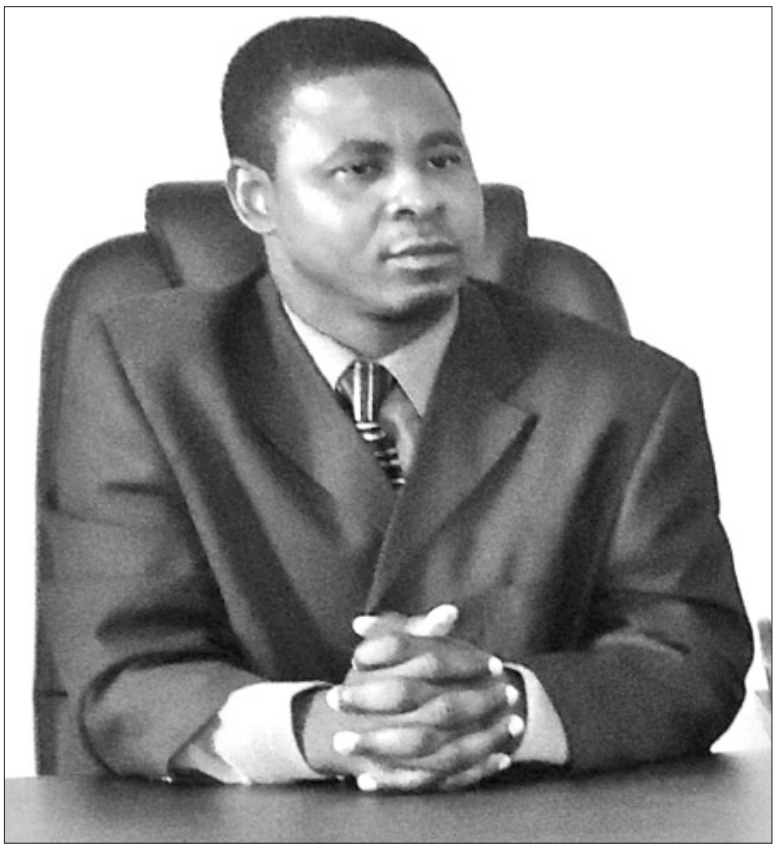
The visibly angry DC suspected foul play in the setting free of the suspects after he handed them over to the Kenya Forestry Service (KFS) department in Mwingi and the Police for prosecution.

"It was very clear that the suspects had broken the law because I personally arrested them as they harvested fresh trees for charcoal burning. They did not have any licences and therefore their actions were illegal," said Mwaro.

The DC said it was unfortunate that 13 of the arrested loggers were released at the Mwingi police station without any charges being preferred against them. Two others who were taken to court- Mulwa Mbao and Simon Musili-were further set free by Mwingi Senior Resident Magistrate Hezron Nyaberi after their case was withdrawn by KFS.

When they initially appeared before Nyaberi for the charge of failing to comply with the Forest Act , the prosecutor Richard Mwololo sought adjournment. He later told the court that the Mwingi KFS Zonal office had opted to withdraw the charges against the two accused.

Mwalolo said that the suspects had a valid licence to harvest dead trees in Mui area where the arrests took place. And since the two accused persons did not raise objection, Nyaberi ordered the cases against them withdrawn.



The Mwingi East District Commissioner, Mr. Martin Mwaro, who was taken aback by the release of 15 people he had arrested as they engaged in logging In Mui division. Photo/Kavyu-Kura

After learning of the development, Mwaro said the move was highly suspicious because when he made the arrests none of the suspects had any legal permit or licence.

Besides, he added that although it is claimed that the suspects had a permit to cut dead trees they were altogether on the wrong side of the law because they were found harvesting live and fresh trees.

The DC vowed to follow up the issue with senior officers at the Kenya Forestry Service as he suspected that the documents that led to the release of the suspects were a forgery.

"I will get the records on the case and follow it up with seniors at the Kenya Forestry Service to ensure justice is done," vowed Mwaro on phone.

State moves to protect Bunyala children from abuse

By NYAKWAR ODAWO

THE government has launched an ambitious programme dubbed "Tetea Watoto" in Bunyala District in a bid to stop the rising cases of child abuse and neglect in the area.

Under the programme, the local community is to be sensitized on the effects of child abuse and neglect as part of an elaborate move to protect children and in particular orphans.

Already the Bunyala Children's department has embarked on an exercise to compile data on the number of orphaned children in the area to ensure that they are covered under the programme.

"The government is committed to ensuring that effective measures aimed at protecting the children from abuse and neglect are put in place. Already the government is collecting information on the orphaned children in the area," says the director of children services Ahmed Hussein, adding that stern action would be taken against those engaged in child abuse.

Addressing the stakeholders during a one day sensitization workshop at the Bunyala district headquarters recently, the director expressed concern at the rising cases of child labour in the area especially along the beaches where children are engaged in fishing at the expense of education.

Mr Hussein at the same time underscored the need to sensitize the people on the importance of agriculture adding that child abuse and rising cases of HIV/Aids have been caused by high poverty levels in the region which has forced more children to seek employment to fend for their families. He says such practices contravened the Article 53 of the Constitution which clearly outlined that every child has a right to.....

He decries the culture of dependency in the area saying that residents must change their attitudes and take charge of their destiny.

"It is high time you discarded the culture of handouts and instead take advantage of the rich agricultural land to plant crops that will sustain you and your families," he said.

The forum was also addressed by Bunyala District Children Officer Maurice Okiru who lauded various non-governmental organizations such as World Vision and Aphia Plus which he said have always worked closely with his department through the training of members of the advisory council from various locations on how to handle child abuse and neglect cases from their respective areas.

"World Vision and APHIA-PLUS have trained the district advisory councils from three locations out of six," said the district children officer, adding that others have also been trained on paralegal practices that will enable them to handle children cases effectively.

Okiru at the same time lauded the Busia children court for ensuring that children cases were handled properly and stern action taken against abusers.

The forum that was chaired by Bunyala District Commissioner Khalif Ali Abdi was attended by children officers from Busia, Bunyala, Teso and Samia districts, Provincial director of children Judy Oduor, Bunyala children officer Maurice Okiru and the provincial administrators from various locations among others.

Teso North District enjoying peace

By HAGGAI OPOLO

TESO North District is enjoying peaceful co-existence amongst the diverse ethnic communities living in the region after witnessing widespread violence and lawlessness attributed to 2007 disputed presidential election results.

The peace prevailing in Teso area can be attributed to the efforts of the Partnership for Peace Project through the local Civil Society Organizations (CSOs), Provincial Administration and other stakeholders. The Partnership for Peace Project is funded by the European Union and theKonradAdeneurStiftung (KAS). The project is coordinated in Western by Mt. Elgon Residents Association (MERA). The project iscurrently building capacities of the local CSOs byequipping them with the skills required in mitigating conflict related issues.

The government should strengthen and empower the existing District Security Committees (DSOs)and the Provincial Administration so as to work hand-in-hand with the CSOs in addressing issues of conflicts in order to achieve sustained regional peace.

Taveta women eye elective posts

By BRIGHTON KAZUNGU

MORE women in Taita-Taveta County have declared their interest to contest for political leadership ahead of the forthcoming General Elections.

Ambassador Esther Mshai Tolle is among the latest female candidates to openly declare interest in the position of Senator. She will fight it out with former Cabinet minister Major (rtd) Marsden Madoka and a Mombasa businessman, Mwakazi Mtongolo.

"I promise to give men who have been dominating local politics, a run for their money and it will not be easy for them to beat women this time around. We are currently carrying out civic education to not only sensitise women on their fundamental rights as enshrined in the Constitution but also to make informed decisions in the General Election," she says.

Speaking to The Link in Voi town, Ambassador Tolle, who is also a former Permanent Secretary, says she has what it takes to be Senator. "I have served in the public service for over 30 years and I am qualified and capable of being the first senator in the County. Women are competent to lead this country and I'm calling on women and youth to support my course," said the ambassador in an interview.

"I'm the right candidate for the seat going by my experience in government and those doubting my credibility are misguided," said Ms. Tolle, who at one time served as Permanent Secretary in various ministries. She says if elected she will strive to improve the poor standards of education and also explore ways of addressing the high rates of unemployment among the youth.

At the same time the race for women representative has attracted a founder member of Maziwa Taita Trust and businesswoman Joyce Wanjala Lay and a former secondary school teacher, Elleen Mwaita, Joyce Mwangoji, Ann Kina and Christine Kilalo, among others. The candidates have printed and distributed business cards bearing their portraits and their vision and mission.

Wananchi Sacco, youth fund unite against poverty

By JOSEPH MUKUBWA

WANANCHI Sacco has partnered with the Youth Enterprise Development Fund (YEF) in a move that seeks to reduce unemployment among the youth.

The initiative aims at empowering young people within 18 -35 years age bracket who account for 61 per cent of the unemployed population in the country.

The Sacco chairman Wambugu Kang'ondu says the plan targets youth within Nyeri and Nakuru Counties since the women's fund has been a success within the two regions.

The Sacco has received Kshs30 million from the youth kitty for disbursement to an estimated 10,000 youths who are slated to benefit from the fund.

"We have received Kshs30 million to lend to the youth in our area of operation. Interest rate is fair and affordable. Over 10,000 youths will benefit from this fund in our Sacco," said the chairman at the Sacco headquarters in Othaya town.

He said the funds will be channeled through the Saccos eight branches in Central Kenya and Rift Valley regions.

The chairman says they will require a minimum of Kshs200 million to cater for the youth in Nyeri County and beyond.

The Sacco intends to empower more youth to start and expand their income generating activities which include agriculture and livestock production.

"Our goal is enterprise development as a key strategy that will increase economic opportunities for participation by Kenyan youth in nation building and encourage and strengthen collective social, economic, cultural, environmental and technological initiatives developed by youth in our areas of operation," said the chairman.

However, Youth Enterprise Development Fund Chief Executive Juma Mwangala said the funds will never be adequate since there is a high demand by the youth who constitute the highest population.

"The fund has a deficit of about Kshs10 billion. The government has already injected Kshs 3.8 billion into the fund while a total of about Kshs 6 billion has already been disbursed to 158, 000 youth enterprises," the fund chief executive said.

He adds that the kitty requires Kshs 15 billion to effectively address the high demand and not the Kshs 3.8 billion set aside by the government.

Mwangala said they are now seeking to partner with non- governmental organizations on the provision of non-financial services, such as training, in order to cut costs.

The chief executive said they are seeking support from more financial partners to create a comfortable revolving fund adding that as the economy improves, they will get increased allocations from the Government.

Some of the Sacco branches are in Nyeri County, Subukia and Mirangine branches.

The Sacco which was started in year 1992 has a current membership of 45,090 and a loan portfolio of over Kshs 400 million.

The Sacco has over 20 youth groups who carry out various incomes generating projects such as green houses and poultry farming among others.

Kang'ondu said the youth forms 40 per cent of the total membership and believe that with the youth fund facility, membership will grow to help empower more youth to start and expand their income generating activities thus creating more job opportunities for the youth.

Youth Enterprise Development Fund CEO Juma Mwangala (left) with Wananchi Sacco chairman Wambugu Kang'ondu speaking to the media during the function. Inset: Wananchi Sacco headquarters in Othaya town.
Photo/Joseph Mukubwa

World Bank backs Kenya's afforestation plan

By MORRIS GITHENYA

KENYA'S environmental strategy to boost the forest cover to meet international standards has won praise from the World Bank.

The Bank's Vice President Ms Rachael Kyte said the move to increase the forested area by 10 percent will help mitigate effects of Climate Change.

The World Bank official, who spoke during a tour of environmental programmes around Aberdare and Tana regions initiated with support from the Water Resources Management Authority (WRMA), said the projects are a step towards enhancing the capacity of the community to protect the environment and mitigate effects of climatic change.

The government plans to increase the forest cover by 10 percent by the year 2030.

Accompanied by Water and Irrigation PS David Stower and WARMA CEO Phillip Olum, Kyte who is also in charge of Sustainable Development Network said similar projects should be initiated in other parts of the country.

Kyte also lauded community efforts in reclaiming water catchment areas and adopting other forms of energy to save trees. She cited the Green Land Agro Forestry project which has been funded by WARMA to the tune of Kshs 800,000.

"Trees play a key role in conserving the environment and thus the need engage in massive tree planting exercises to avert pressure exerted on water towers," she advised.

The World Bank has allocated a credit facility of US$68.5 million towards the implementation of the five year Natural Resources Management Project.

She paid tribute to the late environmental icon, Professor Wangari Maathai over her role in restoring the forest cover in the country.

The PS said Aberdare region was an important ecosystem to Kenya and therefore any grants to promote conservation either by the World Bank and other development partner was welcome.

World Bank, he disclosed has allocated US $140 million to oversee the implementation of the second phase of a dam project at Ndaka- ini in Gatanga district.

Chenje changes academic gown for political crown

By BEKADZO TONDO

PROF Mwachiro Chenje plans to resign from his public service job at Pwani University to concentrate on his campaigns for the governor's seat.

However, local leaders are opposed to his candidature insisting that he was a resource in the education sector and therefore it was wrong for him resign his job and gamble for a political seat.

But Chenje argues that as a Governor, he was better placed to raise the profile of the county in the national arena and push for the implementation of programmes that will raise education standards in the area.

"One of my vision is to uplift the standards of education in the county by linking people to opportunities of higher education both in the country and outside and I can do that better if I become the county governor," said professor Chenje.

Leaders led by the chairlady of Kilifi town council Esther Kache argue that people in Kilifi county need senior people in the civil service like Prof Chanje and therefore their debut in politics did not auger well for them.

Ms Kache says that it will be a big blow for the county if senior civil servants in the county resign from their civil service jobs and join politics.

Speaking to The Link in Kilifi, Prof Chenje said he had made up his mind to go for the political seat and urged his fellow leaders in the county to accord him the necessary support to win the seat.

The Professor has also agreed to go through a vetting process by the civil society organizations in the area.

Meanwhile, the National Council for Science and Technology (NCST) has received Kshs 400 million from the government to offer grants to researchers to help improve their programs.

The Chief Executive Officer of NCST, Prof Shaukat Abdulrazak, said the funds will be disbursed to individuals and learning institutions willing to undertake science oriented research programs.

Speaking at Pwani University during a one day program on regional sensitization workshop on Science, Technology and Innovation, Prof Abdulrazak said scientific research is vital for national growth and socio-economic development.

He said research and innovation remain key factors towards realization of Vision 2030 and thus the need to support scientific research programs in order raise the country's profile as a technological hub.

He noted that Kenya was good in development of policies but poor in their implementation adding that scientists must take a leading role in transforming the country to achieve high standards of technology.

The professor noted that the government of Kenya has not fully exploited the potential that lies with its location at 250 nautical miles from the ocean by carrying out research and innovation which could help develop its economy.

"The 250 nautical miles along the coastal Indian ocean has a high potential which if utilized properly through marine research programs, could boost the economy of the country," said professor Abdulrazak.

The CEO who was accompanied by a NCST council member, Prof Vasey Mwaja, urged his fellow professors, doctors and university lecturers to embark on scientific research programs.

He said NCST has funds which it can offer as grants to interested researchers and learning institutions directly from secondary schools, colleges and universities.

"The vision of NCST is to act as an advisory institution of excellence on matters of science, technology, innovation and research and it is the obligation of the government to allocate the council enough funds to supplement its programs," said Professor Abdulrazak.

In his opening remarks, the principal of Pwani University, Prof Mohamed Rajab said NCST has wider research programs which have not been utilized and challenged researchers to take advantage of the council to come up with scientific innovations.

Mr. Rajab said he was happy that NCST has decentralized its operations to the grass roots saying for many years the council had concentrated its activities in Nairobi

"Scientific researchers at the grassroots can now access the services of NCST as it has moved its services to the ground and it is now your obligation to seek financial support to undertake Scientific research," said Professor Rajab.

Likoni channel set for expansion

By BRIGHTON KAZUNGU

THE Kenya Ferry Service (KFS) plans to expand the Likoni crossing channel to accommodate more vessels and ease the movement of people and goods between the mainland and the South Coast.

The expansion will create room for more ferries to cross the channel after KFS acquired two vessels last year from Schiffs und Yachtwerft Dresden, a German supplier, at Kshs1.3 billion. The parastatal now has seven ferries.

According to KFS managing director, Musa Hassan, Cormaco Construction Company had already started work, which is estimated to cost Kshs90 million.

The MD says that under the project, the channel will be rehabilitated to create symmetrical ramp surfaces and a 40-metre seafront landing area, which would allow four ferries to operate at the same time. Currently, the quay's length is only 20m.

The parastatal also plans to buy new engines for the old ferries — MV Mvita, MV Nyayo, MV Harambee, MV Kilindini and MV Pwani — which are between 20 and 40 -years -old.

"We are planning to replace all the old engines, starting with the two that we have already received," said Mr Hassan.

He says that currently, the old model engines were experiencing problems as spare part were no longer available.

Over the years, the demand for the ferry has increased significantly due to their linkage between the Mombasa Island to the mainland and at Lunga Lunga, Kenya's border with Tanzania.

An estimated 62 million people use the ferries every year and over 3,000 vehicles cross the channel daily.

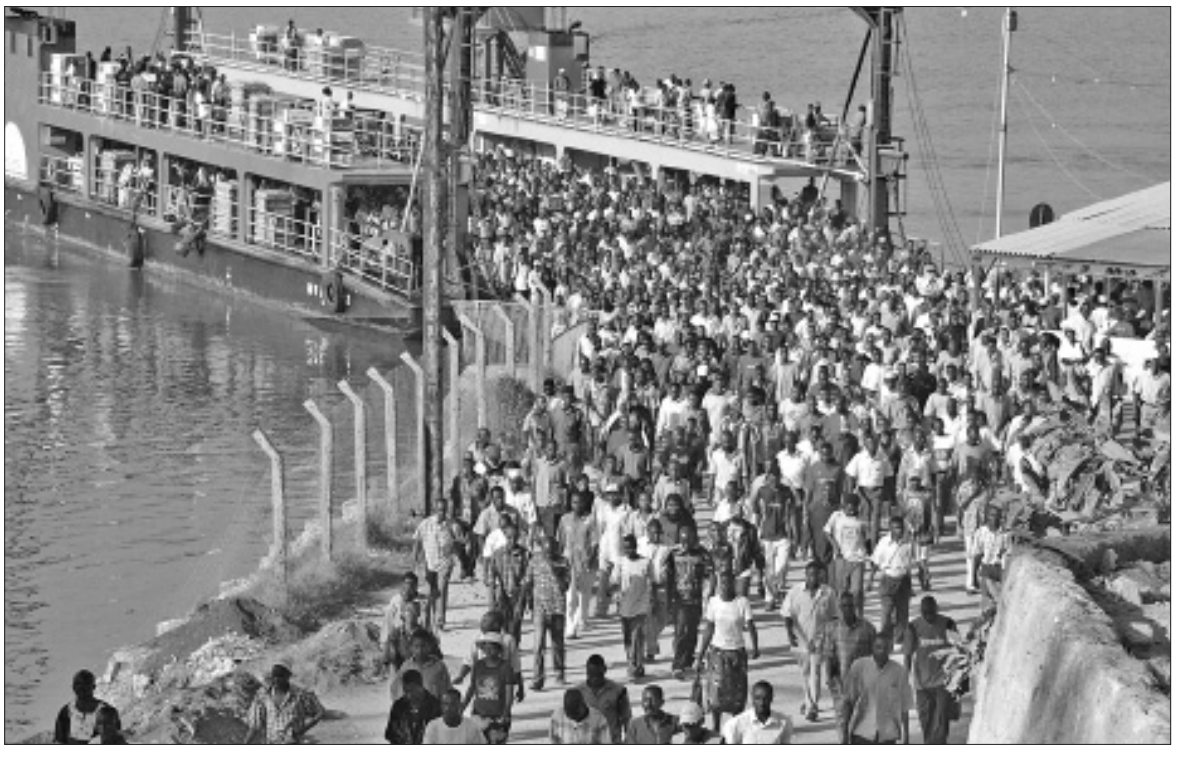
Traders in the South Coast say delays at the Likoni channel crossing cost them sales despite the South Coast having some of the finest beaches in the world.

Tourism at the South Coast would also pick up with the building of the Dongo Kundu by-pass by the Kenya National Highways Authority.

The proposed road would start near Miritini, west of Moi International Airport, on the central mainland and connect with the south mainland on the Likoni-Diani road.

The by-pass would have two arms, one leading to the new container terminal at Port Reitz and the other passing through Dongo Kundu, where there are long-term plans to create a free trading zone. This is meant to improve cargo delivery and ease congestion at Mombasa port.

The project is contained in a 2004 government master plan aimed at opening up the South Coast.



Kenya Ferry Services plans to expand the Likoni crossing channel to accommodate more vessels.

Gitugi gears for steady firewood supply

Tree Planting: Gitugi Tea Factory plans to acquire land plant trees to enquire a steady supply of firewood. Photo/File

By JOSEPH MUKUBWA

GITUGI Tea Factory in Othaya plans to acquire a 52-acre-piece of land for tree planting.

Already, farmers have identified a farm at Ol Jororok in Nyahururu area where they will plant trees to ensure a steady supply of firewood to the factory.

Speaking during the annual general meeting, the chairman Joseph Nderitu Mugi said that the factory will also modernize the plant by replacing the old machines to ensure sustainability in production and quality tea.

"We shall also be replacing roofing in the main production unit with the ZAS iron sheets. There shall also be replacement of factory fleet in line with the five year replacement policy," the chairman added.

Mugi noted that the factory has embraced the Electronic Weighing Scales solution, which is a digital weighing online system that has improved and safeguarded leaf loss incurred during weighing and collection centres.

The factory paid farmers Kshs 464.2 million of the green leaf tea delivered last year. This payment was higher than previous year's payments of Kshs 431.5 million. Shareholders will receive Kshs2.2 million as dividends.

The factory has been able to attain Rainforest Alliance Certification and UTZ certification during the current financial year.

The organizations works to conserve biodiversity and to ensure sustainable live hoods by transforming land use practices and consumer behaviour. "We have also maintained the ISO 9001: 2008, ISO 22000 and fair trade," added the chairman.

He added that the factory has joined other factories in the region in pursuing the generation of electricity from hydro power.

The factories include Gitugi, Chinga, Iria-ini and Gathuthi and KTDA which have formed Gura Power Company.

Meanwhile, Kiru Tea Factory in Murang'a County is planning to expand its withering section during this financial year.

The factory chairman Geoffrey Kirundi said this during the Annual General Meeting adding that the move has prompted by the limited processing capacity against increasing green leaf production.

"Plans for expansion of the withering area are underway as the current green leaf production and the projected crop is above the 15 million per annum. The additional withering area can be created by jacking up the withering building to acquire withering troughs," the chairman added.

He said with a slight adjustment in the loading density, the area is adequate enough to receive more than the 110,000 Kg maximum crop received per day during flash periods.

The plant is facing many challenges including over reliance on traditional markets, narrow product base and instability of dollar versus Kenya shilling, declining prices of tea in the global markets, new legislations that affect existing operations and trading relationships, growing substitutes to tea environmental degradation and decreasing farm sizes.

Last year, the farmers were able to pay Kshs 655. 3 million for green leaf delivered against a total payment of Kshs 651 million realized in year 2010.

"Crop production for the year was lower than last year's. 13.9 million Kilogram's of green leaf which were delivered by farmers while 13.9 kgs were processed at the company's factory," added the chairman.

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Mudavadi rescues insolvent civic authorities

By BRIGHTON KAZUNGU

THE Government has rolled out a plan to bail out cash strapped local authorities in the country. Deputy Prime Minister and Local Government Minister Musalia Mudavadi says that under the plan, Kshs 500 million will be allocated to financially crippled civic bodies in phases to enable them offset their debts.

The minister says that Kshs 250 million is to be disbursed in the first phase noting that majority of the local authorities are reeling in crisis and have suspended most of their projects due to small and unreliable revenue bases while others could not raise their own funds as they had been created for political expediency. He spoke in Lamu after area Councillors sought to know what the government was doing to save cash strapped councils from collapse.

Lamu council finance committee chairman Adallah Baabadi said operations at the authority had ground to a halt and appealed to the minister for help. The Lamu councillors blamed their predicament to the security threat from Alshabaab which had affected their revenue base.

"We have been hard hit because of our dependence on the tourism industry that has been severely affected by abductions of holiday makers last year by Somali based criminals. We currently depend on small businesses that have also been affected," he said.

Mr Baabadi said the council was in dire need of Kshs30 million to settle its debts and employ casual workers to clean up the tourist town.

"As a matter of urgency, the Ministry has to do something to rescue the council because we will soon be forced to stop salaries and councillors allowances," he said.

Council chairman, Ahmed Kassim urged the Minister to lift the employment embargo slapped by the Ministry to enable the council to replace six workers who have died.

In January, the council was forced to sack casual workers who were on a go slow over poor wages.

The workers mainly garbage collectors were demanding an increase in their daily wage from Kshs150 to Kshs300.

Bett unhappy with pace of Kericho road repair

By JOHN NYAMBUNE

THE government is torn between terminating a slow contractor building a key highway to western Kenya or imposing penalties over the delay.

While the Ministry of Roads wants the tender for the Kshs14 billion Mau Summit-Kericho-Kisumu Road cancelled, the Kenya National Highways Authority (KENHA) -the state agency responsible for maintenance of highways- says retendering the contract should be a last resort.

"The procurement process is lengthy. If we decide to kick out the contractor, it will take us up to one year to award another," said Michael Kidenda, KENHA's chief executive.

In December, Roads Minister Franklin Bett gave the contractor up to March this year to improve the stretch, or have part of the contract terminated.

But KENHA says that the lengthy procurement procedures would further delay the project awarded to an Israeli firm, Sonal International Holdings Ltd."We need three months to advertise, three months to evaluate the bids.

Two months for no objection from financiers and 14 days from date of award for possible appeals," said

KENHA has rejected claims by the contractor that local residents were responsible for the delays of up to 13 months. It has given the contractor up to this month to speed up the reconstruction efforts or start paying penalties at the rate of Kshs400, 000 a day.

'We are managing the contract. The timeline will kick in for us to take action. We do not think that even with additional time, the contractor will deliver the project," he added.

Mr Kidenda spoke after the government warned in December that it could terminate the World Bank funded contract.

The Office of the Prime Minister also supports the stance, saying penalties in the contract are clear on both client and the contractor.

"There are penalties within the contract for both client and contractor, which need to be enforced. KENHA has powers to penalise the contractor" said Sylvester Kasuku, secretary for infrastructure at the prime minister's office.

He defended the current procurement laws as 'refined' and lengthy to guarantee quality of the projects. "We would recommend penalties rather than retendering on the basis of escalating costs of materials. The law provides for it on the basis of implementation delays," he said on telephone.

However, the head of the Vision2030 Secretariat, Mugo Kibati, said the country needs sound procurement rules to realise the goals of the blue print in the next 18 years, where Infrastructure as a key component.

Road under construction. Inset: Mr. Franklin Bett, Roads Minister.

Busia cotton ginneries set for revival

By NYAKWAR ODAWO

THE government plans to revive stalled cotton ginneries in the Busia County at a cost of Kshs 20million.

Farmers' spokesman Stephen Musungu says the funds are to be disbursed to the seven cotton ginneries in the entire Busia County adding that the farmers will be paid their dues as early as possible. .

The farmers' representative at the same time challenged the youth in the region to take advantage of the opportunities presented by the plan and seek employment at the cotton ginneries which will soon become operational.

"I am appealing to the unemployed youth in the county to move with speed and apply for jobs now that the government has allocated adequate funds aimed at facilitating the revival of the stalled cotton ginneries in the county," he said, adding that the exercise will be launched officially by Industrialization Minister soon.

Musugu at the same time appealed to the government to revise cotton prices upwards as the currents rates were negligible and discouraged farmers from growing cotton.

"Majority of cotton farmers in the region have opted for other cash crops due to the low prices that the crop attracted. Unless the government revises the price of the commodity, we will have no option but to resort to the growing of other crops that we feel can fetch good prices," said Musugu during a stakeholders forum at the Busia district headquarters recently.

The farmers at the same time appealed to the government to protect them from middlemen who they claimed exploited them under the guise that they were exploring new market outlets for their products.

"We are appealing to the government through the ministry of agriculture to protect us from the middlemen who have been conning us under the pretext that they are assisting us to find markets outlets for our products," they said.

Busia District Agricultural Officer Samson Khachina on his part said that the ministry of agriculture is committed to the promotion of agricultural activities in the county in a bid to ensure that the region has adequate food supplies.

"The government is committed to the promotion of agricultural interventions in order to ensure that the county had sufficient food hence reducing the high level of poverty," said the agricultural officer.

He added that the ministry of agriculture will as well deploy field officers who will work closely with the cotton farmers in their respective areas to provide them with the necessary expertise that will see them harvesting quality cotton crop.

Fund unveils grand plans for the youth

By PETER MUTUKU

THE youth enterprise development fund has launched a series of initiatives to support youth in specific sectors of the economy.

The Fund's Chief Executive Officer (CEO) Mwatata Juma Mwangala says that the fund plans to partner with experienced players in respective fields under the programme dubbed "sector specific financing".

"The Fund will provide financial support and the identified players will provide the needed technical support to the youth," he adds.

He says that among the sectors identified under the initiative include dairy, agriculture, livestock, green energy and film and music industry.

The CEO says that already the fund had entered into partnership with Ramat, a livestock marketing firm. "Under the partnership, the fund will provide credit to the youth who will buy livestock, fatten and sell to Ramat," he explained as the fund marked its fifth year anniversary.

Further the fund has established a new product to provide youth with loans to acquire greenhouses. "The fund plans to finance two youth groups per constituency to acquire two greenhouse kits each. The greenhouses kits, complete with inputs, will be provided by Amiran Kenya which will also train the youth on modern agricultural practices. This product is expected to create over 5,000 jobs instantly as well as improve food security considerably.

The fund, in partnership with Kenya Film Commission and the Kenya Broadcasting Corporation, will soon be launching a product for young film makers, complete with an incubation facility.

Mwatata at the same time reveals that the fund intends to partner with business owners who would like to franchise their brands.

"This move aims at providing the youth with business opportunities already tried and tested and known in the market. The fund will finance interested Franchises to start and run such businesses with the technical support of the franchisor," he explains.

Further, the Fund wishes to set up Credit Guarantee Scheme for young entrepreneurs by providing guarantees to financial institutions to facilitate easy access to credit under a risk sharing arrangement.

This initiative is geared towards unlocking capital in the private sector and entails entering into partnership with financial institutions willing to provide financial services to the youth under a guarantee scheme from the fund with a risk sharing framework. "The scheme provides guarantees against default to financial institutions for loans advanced to youth entrepreneurs that would not ordinarily have been funded.

The scheme is intended to support the youth enterprises with particular focus on entrepreneurs with good start up business ideas but are unable to access financial support due to lack of adequate collateral.

Other areas where youth are likely to benefit under the scheme include trade finance products such as LPO financing, bid and performance bonds, invoice discounting and letters of credit. This will enable the youth to take advantage of the government's affirmative action on 10 percent procurement that they are currently unable due to lack of credible credit history with financial intermediaries.

To date the Fund has advanced loans worth Kshs5.96 billion to 157,538 youth enterprises. Out of this amount Kshs614.8 million has been advanced to 13,341 group projects while Kshs66.1 million has been disbursed to 2,645 individual enterprises at the constituency level. Through financial intermediaries, the fund has financed 141,552 group and individual enterprises to the tune of Kshs5.3 billion.

Women now have say over family land

By MALACHI MOTANO

FELISTUS Maore is a widow living in Mabinju village in Asembo-Rarieda constituency. Her husband's death left her solely responsible for their two sons 12 and 7 years old.

To meet their needs, she depended on the small piece of land she and her husband had farmed together. But just months after his death, her in-laws sold her husband's land without her knowledge. However, with assurance of the constitutional back, she quickly teamed up with her sister in-laws and a lobby group to teach the culprits a bitter lesson.

"We only realized this when the buyer came to evict us," Mrs. Maore explains who was able to reclaim the land after she got legal assistance with the help of the Nyi Asembo Land Alliance, a civil society group that was campaigning for land rights.

Mrs. Maore's plight is common in Kenya and the rest of Africa, although she was more fortunate than most other women. Many never regain access or rights to matrimonial land lost after divorce or the death of a spouse.

Thanks to the new law, in a case that is in court today, eight sisters together with their sister-in-law and a niece celebrate victory after obtaining court orders stopping their brother Phillip Kamau, from selling their father's land in Mukuru village -Subukia.

The ten women had accused their Brother whom they considered as the administrator of their late father's estate, of colluding with the government to purchase the land for the resettlement of IDPs at an unspecified amount without involving them. "We inherited the land after the demise of our parents and have a grant issued by the High Court in Nakuru in December 1997. We are happy that we also obtained orders against the Attorney General and the PS in the Ministry of Lands and even that of Special Programs stopping the resettlement of 260 IDPs on our family land." They say in chorus

Judge William Ouko granted their request for a temporary injunction restraining the government from taking possession of the land, subdividing it, allocating it to IDPs or even settling them on Ndonga farm until the case they have filed has been heard and determined.

The high court Judge also ordered both the AG's office and the women's lawyer Kahiga Waitindi to file written submissions and exchange them within 21 days. The AG was directed to file a reply to the women's case within 14 days.

This came after the High Court in September stopped the government from resettling IDPs on the 755 acre piece of the same land claiming that the Ministry of Lands had failed to go through proper channels in procuring the land. The sisters are asking the court to cancel the entire transaction that resulted in their land being sold off to the government.

The eight sisters received 16.2 acres of land each while their sister-in-law, Mary Wangari, inherited 80 acres from her husband after his death. Her daughter, Peninah Wangui, who is also one of the petitioners in the case, inherited 30 acres of the farm. The eight sisters are Wangeci Mburu, Winnie Muthoni, Damaris Riri, Ziporrah Waringa, Mary Nyambura, Harriet Wanjiku, Irene Kanyi and Loice Wanjiku. The ten women all own 239.6 acres of Ndonga farm.

The women told the court that they learnt of the deal after they each received a letter dated August 8 2011 from Rachier and Omolo Advocates in Nairobi directing them to go to their offices to receive a payment of Kshs1.65 million each as payment for their individual parcels of land. They are now asking the court to issue an order of permanent injunction against the government to bar its officers from resettling any IDPs on the disputed land.

The right to own land and (inherit property) is a crosscutting right that traverses the realm of Civil, Political, Economic, Social, and Cultural rights. It is central to the true empowerment of all in society and is a key developmental right. It is the common right to all societies and cultures. It is a right that was shared by all members of the community (men, women and children) in all cultures. It is central to securing the dignity of all members of society.

Emerging legal and social trends, as they relate to the ownership and inheritance of property, indicate a practice that has largely worked out to the detriment of women in virtually all communities and social classes in Kenya. They include the laws relating to property, to marriage and dissolution of marriage, the land registration systems and the social and cultural attitudes that determine the actual enjoyment of this right.

There is also the increasing alienation of women and the emerging trends of the abandonment of community responsibility on the care of the vulnerable within society. Most of the resources in the country are in the hands of men. Women own less than 5 % of land in the country yet they provide bulk of the workforce in agriculture and are the main managers of family land for subsistence farming; only a small percentage of women can access credit since the majorities don't have property in their names.

Women inheritance of ancestral land a tall order

By MALACHI MOTANO

IN Kenya, land is a basic source of livelihood, as it is a social asset, a symbol of economic and political power and a feature of cultural identity in many communities.

Although there are laws, bills and systems in place to safeguard land ownership rights of women, Kenya still has a long way to go as the challenge is deeply rooted in our cultural values and beliefs.

"It is our mindsets, attitudes and cultural practices that remain the biggest hindrance to women's right to own land. This is the next warfront now that the new Constitution and the National land Policy have offered some reprieve," adds Grace Maingi who is the executive Director FIDA Kenya.

According to Maingi, Women's right to property ownership is still unequal to that of men in Kenya. "So far Women have been robbed of the right to own, inherit, manage and dispose of property because customs, laws and individuals including government believe that women cannot handle property.

Women are therefore suffering adversely from poverty, disease and violence, and this in turn trickles down to the entire country's economy just as a result of the denial of their fundamental rights to property ownership,

The executive director says, "Although there are laws, bills and systems in place to safeguard land ownership rights of women, Kenya still has a long way to go as the challenge is deeply rooted in our cultural values and beliefs."

"The challenge posed is no just legal, but also cultural. We are facing a problem with wrong perceptions. In the olden days, African women had land rights and were allowed to farm and benefit from land. But the problem arose with colonialism when land became a commodity and a source of power," says Eric Makokha, the Chief Executive Officer (CEO) of Shelter Forum, a local NGO.

The discrimination of women is widespread in all spheres: Politically, economically and socially. Despite the fact that women provide the bulk of labour in agriculture, there are a number of laws as well as social and cultural practices that deny them equality with men in their rights to own property and enter into contracts."

Grace Maingi, Executive Director, FIDA Kenya.

The Executive director says that in almost all communities in Kenya, only men inherit land. Women's rights to land continue to be determined by their marital status and by laws and cultural practices of inheritance and divorce. The discriminatory laws and policies are also to blame for the gross alienation of women when it comes to land ownership.

"Kenya recognises women's equal rights in the new Constitution, thus complying with international human rights and standards. However, there is still discrimination in matters such as inheritance," says Maingi.

Traditionally, land was communal property. But everyone, including women, had access and permission to till the land and benefit from it. This happened until the colonial times when land suddenly became a commodity and the issue of ownership came up.

Maingi explains that while in communal land tenure systems women had significant indirect access and rights to use communal resources through their roles as household managers, they were further excluded when land tenure was individualised and adjudicated and registered in the name of 'heads of households' or men.

Land is viewed as property belonging to the male while the woman only has the right to use it — she does not retain the right to own it. Most of the tribal customs are based on patrilineal systems, and the male elders usually manage the land. Land inheritance was, therefore, passed to the male heirs and women left out, a thing that is still practiced in most parts of Kenya.

"Without legal protection, women are at risk of suddenly becoming landless, as has happened in the many cases where the husband sells the family land. Upon divorce, women still have to prove their contribution to the marital property in court. Upon the death of the husband, the marital home is included in the deceased husband's estate and is divided among his heirs," notes Maingi.

Many succession laws only entitle widows to a temporary-use right of the marital home. If the marital home had been registered jointly, it would not become part of the estate upon the death of any spouse, and instead the widow would remain the registered right holder of the land and house with the authority to sell, mortgage or carry out any other transaction. Unequal land distribution and widening gaps between rich and poor have further excluded women.

As Maingi notes, the overemphasis on privatisation, individual freehold tenure and rigid planning and registration procedures that are costly, lengthy and often inaccessible to the (urban) poor deepen the gap between those who can and those who cannot afford.

The widespread discrimination against women in land ownership continued until the realisation of two major historic events in December 2009 and in August last year: The adoption of the Sessional Paper No 3 of 2009 on National Land Policy and the promulgation of the Constitution of Kenya respectively.

"The National Land Policy provides against the discrimination of women in land use. It now has even more legal backing with the new Constitution, which has clear guidelines against discrimination of the sexes," notes Makokha.

While the Succession Act provides for equal rights to inheritance of parents' property for both female and male siblings, in reality, patriarchal inheritance systems in which only sons gain still prevail.

Before the promulgation of the new Constitution, there was no watertight safeguard for women's right to matrimonial property. Although now the Constitution clearly and unequivocally provides for that, legislation is still begging.

Offers Makokha: "In most cases, matrimonial property including land is registered in the name of the male spouse. This gives rise to major problems and suffering for women upon death of the male spouse or divorce."

The new Constitution and the National Land Policy launched a bold new set of land rights for women to address land rights, security and gender equality. This reform ends widespread discrimination against unmarried, widowed and divorced women, which was often upheld by customary laws.

These two documents have made a radical departure from the past. Women have now been given constitutional and policy safeguards against violation of their human rights with regard to land. However, their struggle for their emancipation and total enjoyment of land rights is far from over.

Nevertheless, although discrimination on the basis of gender has been effectively addressed in both the policy and the Constitution, it remains strongly embedded in practice and belief.

Mindsets, attitudes and practices remain stumbling blocks to true and final emancipation of women, in addition to relics in statutory provisions. This is the next and immediate battle that must be waged.

Women owning property, and especially land, will enhance food security as the women form the bulk of the rural population and they are the ones in the forefront in land cultivation. This will allow them to access loans for development.

"There is need for serious land reforms in totality: access, allocation, use, management and administration. For this to be realised, change must be instituted in all spheres: legislation, institutional arrangements, mindsets and attitudes and resource allocation".

Funds to empower youth groups businesses advanced

By HENRY OWINO

THE Youth Enterprise Development Fund (YEDF) and Amiran Kenya limited have partnered to support young farmers in acquiring loans designed specifically for the youth involved in Agribusiness to expand their purchasing power.

The YEDF funding is to be disbursed through a partnership with Amiran Kenya limited and seeks to support young farmers in acquiring a tailor made Amiran Farmers Kit (AFK) designed specifically for the AgriVijana Loan.

The announcement was made by Public Relations Manager, Youth Enterprise Development Fund Board, Mr. Benson Muthendi at a hotel in Nairobi where he encouraged the youth to form groups and come up with Agribusinesses that will help them receive the money.

Mr. Muthendi said that already, youth who are groups are being encourage to get involved in Agribusiness by purchasing the special Amiran Farmers Kit's each with two greenhouses and a large irrigated area.

"This is the first of its kind Private Public Partnership (PPP) and is focusing on youth empowerment that seeks to reduce youth unemployment countrywide," declared Mr. Muthendi confirmed.

Considering that today's youth are highly educated, energetic, and smart with clear and vibrant thoughts about accomplishing their aspirations. Thousands of youths complete their education anticipating conventional employment while others opt for entrepreneurship.

The organization provides loans to existing micro-finance institutions (MFIs), registered non-governmental organizations (NGOs) involved in micro financing, and savings and credit co-operative organizations (SACCOs) for on-lending to youth enterprises.

The Youth Enterprise Development Fund (YEDF) was initially conceived by the government in 2006 as one of the strategies of addressing youth unemployment problem who account for over 61% of unemployed in the country which was later officially launched by President Mwai Kibaki on 1st February, 2007.

The initiative was established in December 2006 to create employment opportunities for the Kenyan youths within age bracket of 18 to 35 years who number 13million. This is through enterprise development, market support & linkages, facilitating jobs abroad as well as commercial infrastructure. The Youth Fund indeed represents a new dawn for the Kenyan youths in positively transforming lives through economic empowerment.

The fund was also established to facilitate investment in micro, small and medium enterprises oriented commercial infrastructure such as business or industrial parks, markets or business incubators that will be beneficial to youth enterprises.

Most of them are unable to secure employment in the already flooded job market. Those with industrial ideas face several challenges including lack of capital to start businesses, inaccessibility of trading space and worksites, and also lack market for their products and services.

In its first phase, the AgriVijana Loan will be provided to two groups each with at least ten members who are youth in every constituency in Kenya. Phase two of the loan, which is follow in several months, will offer the loan to youth throughout the country.

Mr. Muthendi said most young people of this generation think the only source of income is through white collar job employment where they wear suits and ties with briefcase or laptops besides them not knowing that there is money in Agribusiness.

"Most youth perceive farming as something one does to survive or when one retires. As part of the AgriVijana loan, YEDF and Amiran will embark on an advocacy campaign that aims to raise awareness among the youth to the financial opportunities that modern agribusiness offers," Mr. Muthendi observed.

Amiran's Head of Administration, Business Development and Public Relations Officer, Mr.Gilad Millo said Amiran Farmers Kit (AFK) is a tailor made kit designed to meet the farmers specific needs. It was created with an aim of allowing small scale farmers access modern agricultural technologies, methods and inputs of the highest standards.

Amiran's Head of Administration, Business Development and Public Relations Mr.Gilad Millo noted: "This award is important as a statement of recognition by the development community endorsing the approach that Amiran has taken to deliver agribusiness revolution to small holder farmers".

Mr. Millo explained that the AgriVijana Amiran Farmer's Kit, contains two greenhouses, a drip irrigation system for the greenhouses and 400m of open field, a water tank, plant support system, Gold Medal Seeds to be grown inside the greenhouses and in the open filed, high quality fertilizers for one season, crop protection products for one season, a farmer's sprayer, nursery set, health and safety protective gear, training, agro-support and AFK insurance.

He clarified that the loan is allocated for youth by the YEDF to acquire an AgriVijana Amiran Farmers Kit at cost of Ksh. 358,344. The group is expected to raise 10% of the loan amount. Repayment will start after a fourth month grace period which is adjustable in the case that the crops planted by the group take longer to mature.

Mr. Millo explained that the loan shall be repaid in three cycles totaling to 3years. Each cycle of 12 moths shall be as follows; the first four months after installation of greenhouse shall be grace period, 5-8 months is the high yielding season therefore, the group will pay Ksh.17,425 per month and 9-12 months is the lower yielding season in which the group will pay Ksh.10,000 per month during this period. The security of the loan will be the financed equipment, assignment of sales and personal guarantees by group members.

He categorically stated the qualifications for getting the loan are that the group's composition must be 7 per cent youth aged between 18-35 years with the leader being youth and must be registered in the constituency it is applying the loan from.

Other qualifications include access to land and water and knowledge or experience in agriculture. The groups must also be registered with the relevant government ministry and those that have sponsors or guarantors will have an added advantage over groups without.

Mr. Muthendi also said the government has continued to place the concerns of Kenyan youths at the heart of the development agenda and has initiated various initiatives towards addressing their needs.

"We wish to call upon you to patronize our products and services and continuously push us to learn and improve on our service delivery to ensure that the country realizes the Vision 2030 blue print, of which the Youth Fund is a flagship project," Mr. Muthendi said.

The YEDF public relations manager stated the fund's strategic focus is on enterprise development as a key that strategy that will increase economic opportunities for, and participation by Kenyan youth in nation building.

He revealed that the government has so far released Ks.1.75 billion to the fund with a further commitment of Ksh.500 in the financial year 2008/09 with and intention to evolve and be able to meet the dynamic needs of the youth, who are its raison d'être. The fund is therefore constantly reviewing its operational mechanisms from time to time in order to make responsive to needs and expectations of the target clients.

Crops failure in Mwingi despite heavy rains

By KAVY-KURA

RESIDENTS of the larger Mwingi region are faced with starvation. This follows massive crop failure despite the short rains experienced between October and December last year.

About 35 to 40 percent of the local population require relief food to survive until they harvest food from the anticipated March-April long rains, according to a survey by the Kenya Food Security Steering Group (KFSSG).

The survey blames the scenario to invasion of farms by worms in the larger Mwingi region districts of Kyuso, Mumoni, Tseikuru, Mwingi central, Mwingi east and Migwani.

KSSG further says the scenario has been worsened by the over reliance on maize crop by residents instead of planting drought resistant crops like sorghum, millet, cowpeas and green grams which can survive harsh climatic conditions. A senior official with KSSG Francis Wambua also faults the farmers for planting the wrong maize seeds during the October-December rains which contributed to the massive crop failure.

Government officials now want a policy to control the distribution of uncertified maize seedlings by donors who supplied farmers with counterfeit seedlings which affected food security in the region.

The District Steering Group (DSG) on food security underscores the need to encourage farmers to plant drought resistant crops like sorghum, millet cow-peas and greengrams.

The wrong PH4 maize seeds that led to crop failure being distributed at Kiomo. The area MP David Musila supervised the distribution. *LEFT:* ***Farmer Francis Meli at his farm in Kiomo. His farm is covered by dry maize stalks after planted the seeds supplied by KRCS.*** *Photo/Kavyu-Kura*

Migwani district crops officer Patrick Mutwiiri says that although majority of farmers in the area were reluctant to plant drought tolerant crops, steps must be taken to help resolve the perennial food crisis.

Mwingi Central deputy district agricultural officer Joy Ochieng' is says that that the agriculture department has embarked on efforts to entrench the exclusive growing of drought tolerant crops as opposed to overreliance on maize.

She however laments that the campaign has been frustrated by other stakeholders who included the Kenya Red Cross Society as they have been distributing a variety of maize seedlings that is intolerant to the drought situation in the area.

The region's drought management officer Francis Koma says future drought recovery measures by donors must be approved by the district steering committee. He adds that the provision of the wrong seeds would worsen the food insecurity as efforts were being made to decisively deal with the problem.

Wambua of the Kenya Food Security Steering Group Francis told the meeting that crop failure due to wrong seeds and attack by pest meant that between 35-40 per cent of the population would continue relying on famine relief food.

In the meantime farmers who received a donation of PH4 maize seeds from the Kenya Red Cross Society in Migwani and Mwingi central districts continued to count losses after the towering maize crop dried up soon after the last season's rains subsided before the crop matured.

Meli who planted the wrong maize seed took reporters in a tour of his farm which is covered by immature dry maize stalks. He says if he had not planted the maize seed given by KRCS, he who would have harvested his usual 50 bags.

Another farmer Joseph Mutambuki of Mbondoni said the loss he had incurred was unfathomable.

Mutambuki of Mbondoni said he normally harvests at least 100 bags of maize from his farm but the supply of the wrong PH4 seeds had disappointed him a great deal.

He two farmers who said the area stared famine in the face, called on government to vet future seed donations the area.

The Link learnt that humanitarian organizations distributed seeds to a good chunk of the residents at the request of the area MP David Musila. In some instances the distribution was done under the supervision of Musila oblivious that the PH4 seeds were not suitable for the area.

An agricultural extension officer in Migwani district where the bulk of the seeds were distributed said agricultural authorities were never consulted during the distribution exercise. "If we were consulted we would have advised on the seeds suitable for this area," said the officer.

The officer who did not wish to be named added that it was disappointing that the ministry had distributed drought tolerant seeds for sorghum, greengrams and other early maturing pulses, but farmers kept them aside in favour of the wrong PH4 seeds from KRCS.

Poisonous maize meal lands kids in hospital

By KAVYU-KURA

FIFTY three pupils from a private Catholic Church academy in Kyuso town were recently treated at the local hospital following food poisoning, raising questions over the safety of the grain in local market.

Soon after the incident, samples of the bad maize stuff were taken to the government chemist for analysis. But area District Commissioner Peter Maina blamed the poor handling of crop locally harvested..

Six of the children from the St. Patrick Academy in Kyuso town who were taken ill after consuming contaminated maize meal were in serious condition and had to be admitted. The rest of the patients were treated and discharged.

The DC confirmed the poisoning but said all the children were treated and allowed to go back to school after responding well to treatment.

"None of the children was in an extremely dire condition. In fact those who ended up being admitted were purely for observation purposes," said Maina on phone soon after the incidents.

However, attempts to get in touch with the manager of the Catholic Church ran school Father George Marete to establish the circumstances that led to the food poisoning were fruitless as his mobile phone went unanswered.

However, The Link established that the pupils were taken ill just over a week after 20 other students at Kyuso Girls' Secondary School were taken ill and treated at the same hospital for eating contaminated maize as well.

But the DC said that none of the secondary school students were admitted. He said that, just like those from the Academy, they were complaining of serious stomach pains after consuming a maize meal.

He said that it was later established that the maize had been sourced from cereal dealers in Kyuso town. He added that investigation were launched to establish the source of the poisoning but ruled out afflatoxin infestation.

"It is likely to be a problem of post harvest handling but not afflatoxin. The kids had no symptoms of afflatoxin," said the DC in a terse message following our inquiries.

Maina said that action had been taken to rid Kyuso of the contaminated maize stuff and that police had seized maize from three business premises that sold to the schools. "We have already impounded a total of 27 bags so far," said the DC.

He added that samples of the contaminated maize both from the affected schools and the shops had been forwarded to the government chemist for testing and analysis. "We will only be able to tell actual problem with the maize when we get the result of the analysis and testing from the government chemist," said Maina.

Vice President, Kalonzo Musyoka, area MP with the pupils of St. Patrick's Academy during a past visit. Some were taken ill after eating contaminated maize meal. Photo/Kavyu-Kura

Busia farmers urged to grow sunflower

By NYAKWAR ODAWO

THE Busia County plans to host a field day in June to equip farmers with modern farming methods, according to a resolution passed during an Agricultural stakeholders meeting held at the Agricultural Training Centre in Busia Town recently.

Further, all crops in the demonstration plots for the field day will be planted at the same time to ensure uniform growth while at the same time enable farmers to "appreciate the different varieties which mature at different times.

Individual farmers will be allocated plots measuring 10 by 10 metres and trained on appropriate and inexpensive farm practices such as weed control.

Speaking to farmers on behalf of the Agricultural Training Centre principal Ms. Jacqueline Ongeso, the institute's farm manager Francis Owiti informed the participants that guidelines for crop development will be launched in late March before the onset of the long rains planting season.

Speaking at the same forum, the Busia District Bayer East Africa Company coordinator, Wycliffe Syeundah revealed to the participants that herbicidal weed control is cheaper than manual weeding.

"For, example, to weed an acre of maize crop using herbicides, a farmer will require Kshs.2000 from planting to maturity, while the same piece of land will cost about Kshs6,000 if manual labour is employed.

Addressing the participants on behalf of the District Agricultural Officer Mr. Samson Khachina, the Busia District Home Economics Officer Ms. Jane Angano called on the stakeholders to sensitize farmers on value addition to enable them boost their incomes.

Ms. Angano also urged farmers in the area to opt for high value crops instead of the perennial ones.

Citing an example of Aliwa palm oil processing plant at Segero in Nambale District, she told the forum to encourage farmers to plant the crop since it has a ready market in Nairobi, and sold at Kshs.130 per litre which was economically viable.

At the same time, farmers in Busia County have been called upon to increase their acreage of sunflower as the Busia Agricultural Training Centre was currently engaged in the production of sunflower oil and the by-product, "cake" which is sold to farmers as animal feed.

The Area Agro-processing promotion officer Patrick Wandera said the centre buys the black variety of sunflower seeds at Kshs.30 a kilo with 50 kilogrammes of the seeds producing eight and ten litres of oil.

A litre of the refined cooking oil is currently being sold at Kshs200 after processing at the Agricultural Training Centre.

Report: Africa agricultural reforms could ensure food security

By LINK CORRESPONDENT

EXPERTS say Africa needs agricultural market reforms if it's going to overcome food shortages and high prices. A new report outlines what it calls high payoff, low-cost solutions.

The Alliance for a Green Revolution in Africa, AGRA, and the International Livestock Research Institute say there are "substantial inefficiencies" in trade, transportation, communication, credit and storage in Africa.

"Some of the problems are weather related. There is a major drought or a flood or locusts. It happened in West Africa. The farmers have no surplus to sell," said Anne Mbaabu of Kenya, AGRA's director for market access. The report says few African farmers use irrigation systems.

"As long as they are dependent on the weather, rain-fed agriculture, then you are at the mercy of the gods," she said. It's estimated seven out of 10 Africans make their living in farming. "One year you might be having a bumper crop and the market is not ready to take the surpluses. The next year you end up with an acute shortage," said Mbaabu.

The report also says there's no comprehensive regional trade policy. Mbaabu says one leader could threaten food security by taking unilateral action to withhold his country's food reserves.

"One government may wake up and say no food exports because we think we are going to have a deficit. That throws the whole region in kind of a spin. And the reason they're doing this basically because they don't have food information or evidence-based data to let them know what food is available in their country or not available," she said.

The report estimates the continent's market for milk, meat, maize, rice, sorghum and millet is worth $150 billion a year. It says that "far exceeds" Africa's market for internationally traded cash crops like coffee, tea and flowers.

Recommendations include so-called high payoff, low cost solutions. These include the use of mobile phones to provide farmers with the latest market prices or to receive the latest weather forecast.

"Very few countries are able to offer that because their weather stations are either dilapidated or very few," Mbaabu said.

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Migwani farmers earn millions from mangoes

By KAVYU KURA

A GROUP of farmers in the semi arid Mwingi region are reaping millions of shillings from a mango growing project initiated to fight poverty and famine in the area.

The 4,556 members of the Migwani mango producers Community Based Organisation (CBO), whose patron is defence assistant minister David Musila, cumulatively raked in Kshs 87.5 million from Mangoes last year.

The Migwani District Agricultural Officer (DAO) Charles Ndung'u said the poverty alleviation and food security initiative saw the CBO members sell a total of 5000 metric tonnes of mangoes from which they made Kshs75 million.

The CBO members further earned Kshs 10 million from the sale of mango seedlings and another Kshs 2.5 million from the sale of mango value added products like Juices and jam among others, said Ndung'u during a tour of the mango farms recently.

He pointed out that Musila who is the area Member of Parliament is rated the best mango farmer in Migwani district with the CBO's chairman Munyoki Mwangangi coming second having put up to 17 acres of land into mango farming.

Ndung'u added that since the mango project was doing exceedingly well, efforts were being made to penetrate the international market. "We have already approached the fresh produce department to allow us to participate in the international market in six years time," said the agricultural officer.

He added that the several training initiatives on best practices in mango production received through the National Agriculture and Livestock Extension Programme (Nalep) and various exposure tours had made local farmers excel in the feat.

At a farm belonging to the CBO chairman, the host noted that he took up mango farming- as a business- upon realizing that the growing of beans, greengrams and maize did not bring impressive returns. Mwangangi added that the local climatic condition was ideal for mango farming.

"Local mango growers have, however, a big challenge due to the high cost of farm chemicals and a saturated local market .We are therefore considering venturing into the international market for better profits," said the CBO chairman.

He added that, in a very short time, the project had helped a lot in bringing down poverty levels among members of the CBO who have had it smooth in financing their children education.

The Migwani District Agricultural Officer (DAO) Charles Ndung'u holds a mango fruit as he explains a point during a visit to the Kithethesyo women group in Migwani district that processes mango juices. Photo/Kavyu-Kura

"They have also been able to raise money through the sale of mangoes to buy food for their families during times of famine and meet other domestic obligations as well,' pointed Mwangangi.

Mukurwe-ini farmers turn to poultry keeping

By JOSEPH MUKUBWA

FIFTY-year-old Charles Njoroge has been in the poultry business for the last one decade.

He has been able to educate his children and fend for his family with his 60 birds.

Twenty of these lay an egg each on a daily basis, which amounts to Kshs 300 daily income as one egg goes for Kshs 15.

Most of the farmers prefer layers birds since eggs have good income than the chicken birds.

"I have been able to build a good permanent house and also educated my four children who are in secondary and primary boarding schools. The farmers have been able to generate impressive income," says the farmer.

Njoroge and other poultry farmers affiliated with Mugathi Focal Area Development which has about 20 members have joined hands in rearing the birds for commercial purposes.

The group which was started four years ago has brought together the farmers for a common goal of poultry business.

Poultry business has been a booming business in the area and runs second after dairy.

The farmers earn a lot of money everyday due to the eggs selling enterprise and also selling of bird's meat.

Some of the members of the group in Mukurwe-ini District of Nyeri County display the chicken they have been rearing for eggs and meat. Photo/Joseph Mukubwa

With the small portions of land in the area, every farmer now want to do income generating projects which will not take big portions of land.

The farmers rear different types of breeds including Sasso breeds, Kenbro breeds and other local breeds.

The project is supported by Kenya National Agriculture and Livestock extension Programme (NALEP) which is implemented by the Ministry of Agriculture (MoA) and the Ministry of Livestock Development (MoLD).

Nalep has helped the farmers in training and also in vaccination.

"Initially we would lose many birds but after training, we are able to vaccinate the birds by ourselves against diseases like New Castle. We do the vaccination exercise after every six months," said the farmer.

Another farmer Simon Githinji adds "We focus much on vaccination, feeding and now marketing. The programme has been of much help to our group,"

He adds that they have been empowered much on the enterprise and opportunities ahead.

"Our birds have increased and even the income has increased. We are now able to plant more sorghum, sunflower and even cassava in order to subsidize the feeds of the birds," adds Githinji.

"This is a deliberate effort for encouraging and supporting smallholder farmers through confidence building measures and capacity building so that they operate in organized structures, learn user-friendly technical and social skills for efficient production and initiate both income-saving and income generating agricultural enterprises," says Ruth Wanjiru Mwangi who is the Nalep Central provincial monitoring and Evaluation officer.

The main outputs in the programme deal with support to what is referred to as institutional setting, extension approaches and methods, technical packages, collaboration and networking with other actors, gender and other cross cutting issues mainstreaming.

Mwangi outlines that the programme offers intensive and thorough training to extension officers in how to identify and measure poverty, reach vulnerable groups, promote group formation and link farmers groups to various service providers (Stakeholder fora).

"It plays a major role in enhancing commercialization of agricultural production especially of smallholders most of whom reside in rural areas. This is achieved through formation of Common Interest Groups (CIGs) which are linked to various financial and marketing institutions," the officer adds.

The Sida- supported Kenya National Agriculture and Livestock Extension Programme (NALEP) Phase II started in January 2007 and may soon come to an end.

Minister cautions against hate politics

By AGGREY BUCHUNJU

POLITICAL leaders have been cautioned against propagating politics of hatred while soliciting for votes.

Foreign affairs minister Moses Wetang'ula observes that for peace to prevail among different ethnic communities in the country, campaigns for political leadership should be devoid of hatred and malicious propaganda.

Wetang'ula who is also Ford Kenya party leader attributes politics of hatred and negative ethnicity to the 2007\2008 post election violence.

He consequently asks Kenyans to shun political leaders who advance hate speech adding that their motive is to plunge this country into chaos.

The minister however, quickly points out that Kenyans have learnt from the skirmishes that followed 2007 General Elections and therefore will not tolerate individuals out to erode the gains made so far.

Wetang'ula says political leaders who malign their opponents lack a positive agenda for majority of Kenyans and thus are unfit for leadership.

He appeals to Kenyans especially the youth to distance themselves from people who want to use them to settle political scores. 'You should be wary of people who want to advance their selfish interests through tribal groupings,' the minister cautions.

He says that political groupings that have been formed in order to instigate hatred among different ethnic communities will not solve Kenyans' political and social-economic problems. He challenges Kenyans to remain united and vote wisely during the next general elections in order for this country to move forward.

Wetang'ula discloses that Ford Kenya is ready to team up with other political parties of similar ideologies.

Wetang'ula was speaking recently in Bungoma town during a public rally organized by his party.

Retarded Mathira pupil pregnant after defilement

By JOSEPH MUKUBWA

A MENTALLY retarded pupil at Kianjogu Primary School in Mathira district is three months pregnant after a neigbour defiled her on Christmas Eve.

The pupil recently narrated how a 19-year-old man who is a student in one of the boarding secondary schools in Mukurwe-ini district arrived home on the Christmas Eve and defiled her severally.

"He came here when I was washing my clothes and asked me to give him avocado and as I went to the kitchen to look for one, he followed me and forced me to remove all my clothes before he sexually molested ," she recounts.

The assailant later threatened to stab her with a knife if she will ever disclosed the ordeal to anybody.

The culprit has not yet been arrested and is still at the boarding school in Form Two.

Area Sub Chief James Mathenge said that he was informed about the issue and guided the parents how to table their case to the local police post although the parents have been advocating for the case to be settled out of the court.

The parents Jane Wangui and William Mutahi are now calling upon the Government to intervene and ensure that justice prevails.

"We don't have resources to bring up another baby. We want justice to be done since this is a very big shame," said her mother Jane Wangui.

The pupil now fears she might drop out of school before she sits for this year's KCPE.

She added that she is now facing stigma in school and prefers being transferred to another school.

A Standard eight pupil of Kianjogu Primary School in Mathira district who is now over three months pregnant with her parents ponders their next move at their home in Wariruta area. Photo/File

State launches plan to boost fish production in Nyanza

By JOHN NYAMBUNE

THE government has launched an initiative to boost fish production in Nyanza Province.

The initiative, which is currently being implemented with support from the Israeli and German governments, entails the formulation of strategies to ensure increased fish production from alternative sources, including underutilized water bodies.

Fisheries Permanent Secretary, Japheth Ntiba says the joint venture seeks to improve Tilapia aquaculture in the country to increase the value of tilapia and create more job opportunities.

Speaking recently at a workshop in Kisumu on Tilapia Value Chains, which was attended by experts from Israel and Germany, Ntiba decried the over exploitation of Lake Victoria and expressed the need to identify alternative water bodies to for fishing activities.

He said the three countries were assessing whether they could engage in deep-sea fishing in the Indian Ocean, utilize lakes in remote areas like Lake Turkana and the promote aquaculture.

He said Lake Turkana alone could give about 2 million metric tons of fish a year, but this has not been so because the water body has been abandoned because it lies far away from developed areas of the country.

He said revealed that the government intends to construct mini-processing plants and storage facilities in all the counties to promote fish production. Each County would have fishponds.

The Ministry has already identified sites in Rongo, Migori County, Murumbi in Kakamega, Tetu in Nyeri and South Imenti in Meru County where fish farmers have been trained on hygienic ways of handling fish.

Ntiba said the partnership was muted after the country, experienced decline in fish production of 90 per cent in both domestic and export supplies.

"We have come up with campaigns to ensure more Kenyans accessed fish and include it in their diet to improve nutrition," he said.

The German Embassy's Head of Development Corporation, Ms. Natasha Beinker said her country will work together with the Kenyan government to develop the fishing industry for food security.

She said Israel has the best expertise in aquaculture development and this will be of significance in starting off the project.

"Most people here in Kenya are fishermen, but they get very little from fishing. We want to come up with alternatives that will relieve Lake Victoria from pressure," she said.

A fish pond in Sagana. The Fisheries ministry says the country has experienced a decline in fish production destined for both domestic and export markets. Photos/File

Church condemns lynching of suspected witches

By BEKADZO TONDO

PENTECOSTAL Evangelism Ministries Alliance (PEMA) church in Ganze has condemned the massive killing of elderly people in Kilifi County on suspicion that they are witches.

The church Bishop Ezekiel Kalu said it was criminal to target each other for killings over baseless myths.

Investigations by The LINK have established that four elderly people have so far been killed since the beginning of this year while about ten others have been rescued by police.

"Cases where youth gang up and target elderly persons for killing after branding them witches are on the rise in Kilifi County thus threatening the lives of innocent aged people," said Bishop Kalu.

The cleric said most of the deaths which occur target the elderly for no apparent reason and therefore they must be stopped and offenders charged with murder.

"Cases where elderly people are killed on grounds that they have been practicing witchcraft are not justified in any way and thus assailants must be charged with murder," said Bishop Kalu.

Bishop Kalu who is the chairman of Ganze Peace committee said beliefs which associate the growing of gray hairs, red eyes and dirtiness with witchcraft are archaic and cannot therefore be used to justify killings by the Mijikenda Community.

"Members of the Mijikenda community must discard retrogressive and harmful traditional practices which encourage the killing of elderly people on suspicion that they are witches," said Bishop Kalu

The clergyman was speaking at Vitengeni divisional headquarters where he had gone to intervene in a case where the life of a 70 year old woman is in danger after she was accused by family members of practicing witchcraft.

"People must learn to embrace diversity and tolerance and stop this cold blood murders," said Bishop Kalu.

Vitengeni ward councilor Teddy Mwambire said cases where the elderly people are targeted for killings are shocking and urged the police to move fast and arrest those behind the acts.

He said failure by the police to arrest the offenders had led to the rise of the murders.

Kilifi OCPD Mr. Clement Wangai has warned that individuals behind the ghastly murders will be prosecuted.

Biting poverty forces families to feed on blood

By JOHN NYAMBUNE

MONICA Ochieng', 83, will not relent in her determination to fend for her family. She braves the scorching sun to prepare origa (blood meet) for her grandchildren.

"This is blood and I want to cook it for my grandchildren," she explains in Dholuo. The blood has clotted and so she takes a knife to cut it into pieces.

Her grandchildren surround her, waiting in bated breath for the food to be ready.

She pours the pieces into a sufuria and boils them for five minutes, after which the meal is ready for consumption.

Ms. Ochieng' says "My grandchildren love this meal."

She says Origa is an ancient meal that was cooked in the old days.

This is what our great grandfathers and mothers used to feed on. It is very healthy and makes you stronger," she explains.

She adds that anyone who feeds on blood is like the one who feeds on meat, though it tastes more like liver.

Ms. Ochieng' gets the blood from the local slaughterhouse any time she wants to change her diet.

But her resolve to feed on blood is not just out of sheer love of it; the high cost of living has also contributed.

"If one kilo of meat costs Kshs.280 and I earn Kshs.50 to Kshs.70 a day, how can I afford meat for all these grandchildren?" She asks.

And she is not alone. Ms. Felista Achieng', a mother of six, also does the same for her family.

The community health worker says the income she gets is not enough to sustain her family.

"I can only afford a quarter of a kilo of meat, which is not enough for me and my entire family. So instead of buying meat that will cost over Kshs.500, I can get the blood for free. It is also a very good traditional food," she says.

"If I buy meat, I will be forced to buy onions, tomatoes and cooking oil," she adds.

She says that her family enjoys the meal with ugali and only takes beef once in a while.

"We only buy beef on special occasions, like when we have visitors and during Christmas," she says.

Mr. Adera Osawa, the secretary general of the Luo Council of Elders, says the meal was prepared during special occasions by their great grandfathers.

The elder explains that the blood, which was tapped from a cow slaughtered during special occasions like funerals and weddings, was dried for two days before being cooked.

"It is delicious. You can add ghee to the cooked blood to make it tastier," she says.

The elder is, however, disappointed that not many people like the meal, especially now that many religions are against taking it.

Poverty: These women are out on the street looking for assistance to feed their families. Photo/File

Bukusu MPs accused of plot to split community

By AGGREY BUCHUNJU

MEMBERS of Parliament from the Bukusu community have been accused of plotting for the disintegration of the community in pursuit of their selfish interests.

Bungoma County Council chair Meshack Wekesa alleges that the MPs want to pull the community in different directions as they fight for political supremacy.

Wekesa notes that the MPs are mesmerized by personal aggrandizement adding that they are ready to divide the community down the middle at all costs for their own political survival.

He questions the legislators' sincererity saying that despite having been in the two antagonistic parties that form the coalition government they have done nothing tangible for their constituents.

The council chair laments that people from other communities who are aspiring to lead this country are the ones using the MPs to cause disunity in the populous community in Bungoma and Trans Nzoia Counties.

He says that it is a shame for the MPs to play to the game of outsiders as they seek to settle their political scores at the expense of the much needed unity.

Wekesa challenges the Bukusus in Bungoma and Trans Nzoia Counties to be vigilant during electioneering period and refuse to be auctioned by political leaders in the regions.

Noting that political leaders have for many years been deciding the political destiny for the community Wekesa now asks the people to set agenda for the leaders.

'In order for the Bukusu community to avoid being irrelevant to the political leadership in the country the Mps should let the people to decide their own destiny,' he says.

The council chair describes the current politics in Bungoma and Trans Nzoia Counties as laughable and urges the Mps to stop causing confusion in the community.

Wekesa was speaking recently at Mwibale village in Bungoma County during the burial ceremony of Council employee, Aaron Wepukhulu Babikha.

Persons with disability complain of neglect

By BRIGHTON KAZUNGU

PEOPLE living with disabilities in Coast Province want measures put in place to ensure they benefit from employment opportunities and representation. They called for the enforcement of the constitution which outlawed any forms of discrimination saying that majority were today languishing in abject poverty besides being denied education and health services among other opportunities.

"We are suffering as we are being viewed as "objects" of seclusion and mistreatment rather than subjects of rights," said Margaret Mkacharo.

She told Truth Justice and Reconciliation Commission (TJRC) that they have been denied representation in Constituency Development Fund (CDF) committees and hospital boards, among others.

The TJRC commissioners who included Margaret Shava and Judge Gertrude Chawatama were shocked to learn that expectant women with disabilities were treated badly in hospitals and were never accorded any support.

"Sometimes our members are being ignored in hospitals and abusive language is being used on them by health workers," Ms. Mkacharo, who lives with disabilities, told the commissioners.

The woman, who is a member of the Voi Angaza Disabled Group in Taita-Taveta County, proposed that special facilities be introduced in all buildings to cater for the interest of people living with disabilities.

"It has become difficult for us to access vital offices in the region and we're forced to use the same facilities with able people. We're also forced to crawl on the floor in order to access toilets in buildings which expose us to diseases," said Ms. Mkacharo.

Regional leaders officially launch Lamu port

By LINK CORRESPONDENT

THE Lamu Port project is expected to contribute 2 per cent to 3 per cent of Gross Domestic Product (GDP) growth in the three East African nations it will link.

Mugo Kibati, the Director General of the Vision 2030, said the entire project is estimated to cost US$ 24 billion.

The Lamu port, East Africa's largest infrastructure project, launched early this year at a ceremony attended by Ethiopian Prime Minister Meles Zenawi, South Sudan's Salva Kiir and their host Mwai Kibaki.

Kibati, who is steering the implementation of the projects listed under Vision 2030, said the three countries were likely to gain from between 2-3 percent GDP growth from the economic activity generated by the rail-road-pipeline project alone.

"This justifies why we are in this project," Kibati said, adding "President Kiir is keen on this pipeline project. His coming for the launch would inject the sense of urgency there is in its competition."

Kibati said each of the three countries involved in the project would implement their respective segments of their infrastructural component of the project.

"We will focus on our part, and that is to get the construction of the Lamu Port started. The piling of the Port is expected to be completed 2016. By 2020, the port should be fully functional," Kibati explained.

On Funding, Kibati said although the initial estimate of US$ 24 billion was huge, the funds would be generated from private-sector driven investments such as real estate developers for the proposed resort cities to be constructed along the major highways.

"This is a 20-year project. There would be new engineering designs and each country would be responsible for its own segments of the rail, road and pipelines," Kibati explained. The port is expected to begin initial functions within four years.

The construction of the Lamu-Juba via Isiolo highway, railway line and pipeline is expected to be complete by 2015, Kibati said.

The highway to link Addis Ababa to Lamu is also under construction with some larger segments of the road already complete, Kibati revealed.

The Isiolo-Marsabit road, a 106-km highway, has been completed and another segment linking Marsabit in Eastern Kenya to the small town of Turbi, has also been complete.

Vision 2030 lists several infrastructure expansion projects, including modernizing Kenya's ageing urban transport infrastructure, the building of resort cities along the Lamu-port project and the construction of an oil refinery in the region.

NEMA cautions against rush to erect ill-fated dams

By PETER MUTUKU

THE government stands to lose more than Kshs1.4 billion in irrigation projects that have been rated as unviable by an environment watchdog.

Eastern Province National Environment Management Authority (NEMA) branch boss Stephen Njoka has warned that the 17 projects slated for implementation in Meru and Embu under Vision 2030, could stall even before completion because there are no dams to provide water during dry seasons.

The projects seek to reduce over reliance on rain water for agriculture and to boost food production.

Mr Njoka however says that lack of storage facilities might hamper efforts to provide farmers with water for irrigation.

He accused the line ministry of failing to consult the relevant authorities before embarking on these projects.

The projects are funded by the National Irrigation Board and according to NEMA official, they lack water abstraction permits from the Water Resources Management Authority (Warma).

The agency determines whether the projected water will be enough.

The director said that diverting huge volumes of water from the rivers could deny people living downstream water.

"If the amount is insufficient, it will have far reaching implications on both the micro- organisms and plants that depend on it," said Mr Njoka.

Environment officers have raised concerns that government agencies are laying the pipes but without the necessary permits.

Most of the irrigation water in Embu County is being harvested from the overstretched River Thuchi which drains 311,700 cubic meters of water and supplies the resource to two major irrigation projects in Runyenjes and Siakago constituencies.

Rukuriri tea factory is also constructing a dam for generating hydro electric power while Kyeni Water and Sanitation Company also draws water from the same river.

The government has released Kshs1.4 billion for irrigation projects in Eastern Province, which experiences drought.

About Kshs520 million was released in 2010 to expand nine projects.

Phone birth services launched in Matuu

By RACHUONYO DUNCAN

THE Ministry of Public Health has launched an initiative in Matuu, Ekalala, Machakos County, that seeks to address maternal mortality in the area.

Under the project funded by the United State Agency for International Development (USAID), pregnant women can call through their mobile phones for delivery services.

According to 2010 survey done by the Kenya Service Provision Assessment, 56 percent of pregnant women deliver at home, most without assistance from a trained provider.

Louisa Muteti, who is the chairperson of the National Nurses Association of Kenya (NNAK), says that the project is aimed at reducing maternal deaths in most of informal settlements and remote villages within Kenya.

She further added that most of the pregnant women deliver at home due to lack of transport and the negative perception about the health providers who are in most public hospitals.

She says "We have received many complaints about the harsh treatment that pregnant women undergo in the hands of nurses and we need to change that perception."

She added the since the start of the pilot project through calls from their mobile lines, they usually attend to at least 50 women in a month and the number is increasing. "The response is positive and the women have gained trust in our services. Securing the life of the child and the mother is our goal," she responded.

Further the findings show that only 3 percent of all facilities have services supporting home delivery, either for routine cases or emergencies. Fifteen percent of facilities have programmes with traditional birth assistants, and 44 percent have programmes with community health workers.

Beth Mugo, Public Health Minister

When asked about the accuracy of the traditional birth attendants, the NNAK chairperson said that most of the traditional birth attendants are not well trained and qualified to provide services to pregnant women.

"We are encouraging most pregnant women to seek professional help when it comes to medical attention, traditional birth attendants in most cases cannot helps during emergency," posed.

She believes that most of the pregnant women will benefit from the project, and even reduce cases of child mortality which occur during birth especially in the hands of quacks.

According to Nekesa, popularly known as "Mama Mkunga", she says that most of the young women who seek for her assistance come because they fear the mandatory HIV test required in some of the health facilities in the Country.

"I sometimes advise them to seek proper counseling before they breastfeed their babies, though a few disappear after giving birth, "she narrates.

She believes that some of the women are afraid of confirming their HIV status. "I always insist on the clinic card before I perform any duty, in case there is problem, I advice the young girls to seek further medical attention," she admits. The mother of five children further added that most of her clients sometimes visit her for stomach massage purposes but later give birth at the nearby health centers.

She says that when pregnant women go for their regular clinic visit, the nurses only check the normal heart beat of the child alone instead of massaging the pregnant woman. "Massages allows free movement of the child inside the womb and also reduces pain," says Nekesa. According to Nekesa, during normal home birth delivery, she charges Kshs 2,000 although many still cannot afford the small fees.

"Poverty has really contributed to the rising cases of home birth delivery, I also depend on the business for my survival," she admits. Nekesa says that she has been in the business for at least 28 years and she has never encountered serious birth complications.

"In a month I can attend to at least six people and I have never encountered any serious challenges apart from over bleeding," she explained.

As a business woman, Florence Nekesa also encounters few challenges during home birth delivery since she is required to maintain maximum cleanliness. "I always make sure that I do not reuse the same blade during delivery, I use a lot of detergents to clean the place for the next delivery service," she adds.

She urges the Ministry of health to support them through training and even recognize their work since some of the traditional birth attendants work better than the nurses at the hospitals.

"My good work is known and respected by many people around here, for the nurses, they still believe that we are just quacks who are exploiting pregnant women," she concludes.

New technique for managing diseases unveiled

By HENRY OWINO

GLOBAL Integrated Information Technology (IT) solutions provider together with Hewlett Packard (HP) in collaboration with the Ministry of Health and Clinton Health Access Initiative (CHAI) have developed health data centres for disease surveillance across the country.

The project seeks to speed up information to the centres to save lives. It is set to improve the quality and efficiency of disease management to enhance protection and prevention by making process such as HIV testing fast and easy. This will enable swift communication once disease is detected thus ensure quick administering of treatment.

Speaking during the launch of the project at Afya House, the director of health services in the Ministry of Public Health Sanitation Dr. S.K. Shariff said the data centre is unprecedented in the history of the Health Ministry and represents the biggest investment in information technology to date.

He stated that Afya House is just one in a series of five health data centres with the objective of speeding information to save lives.

"This data centre is unprecedented in the history of Health Ministry and represents the biggest investment in IT to date. As technology improves, so does the quality of life therefore the ministry is willing to embrace technological advancements that will help improve the health sector,"Dr.Shariff said.

Dr. Shariff added that the launch of the data centre was a significant step towards modernizing functions in the sector in a bid to manage diseases and alleviate barriers that frustrate developmental efforts.

Together with the Clinton Health Access Initiative (CHAI) and the Ministry of Public Health, HP's Early Infant Diagnosis (EID) project will dramatically improve testing and treatment for more than 120,000 infants exposed to HIV in Kenya each year. Through the EID project, HP will set up five data centres connected to four existing laboratories. Each data center will include the computing and storage power to connect more than 1,500 health facilities and 20,000 healthcare workers.

The Clinton Health Access Initiative (CHAI) was founded in 2002 by then US President William J. Clinton , and is a global health organization committed to strengthening integrated health systems around the world and expanding access to care and treatment for HIV/AIDS , Malaria and other illness.

The equipment makes HIV testing quick and simple. Each blood sample is tested and results recorded in a database created by software developers from Kenya's Strathmore University.

"Instead of waiting for results to arrive by courier, doctors receive results via a text message sent to SMS/GSM-enabled HP printers located throughout rural areas. Results can arrive in just a few days, which mean infants can receive lifesaving treatment in good time," the health director said.

The permanent secretary in the ministry of public health and sanitation, Mr. Mark K. Bor said the previously launched District Health Information (DHIS) as well as the Human Resources Information System (HRIS) for all health workers in addition to the new Electronic Medical Records (EMRs) will now facilitate effective patient management especially in large volume hospitals.

Mr. Bor reiterated that to improve the monitoring of diseases outbreak, the ministry has adopted the use of mobile telephone technology through the Integrated Disease Surveillance and Response (IDSR). He adds that tracking of the distribution of health commodities and ascertaining of the quality of pharmaceutical products are also slated to benefit from the technology.

"The transition from the equipment we had in the data centre to what has been launched is indeed a quantum leap. This state of the art equipment will, needless to say change significantly the way our Health Information System works," assured Mr. Bor.

He said the centre now has the capacity to manage the entire health sector's information and data management needs, as well as function as the hub for future sector innovations.

Mr. Ken Mbwaya the managing director, HP East Africa said HP is providing technology that will shorten the turnaround for HIV test results to just two or three days which is a huge improvement that has the potential to save thousands of lives.

"The data centre will facilitate provision of life-saving care to infants accelerating access to life-saving technologies and helping the government to build the capacity required for high-quality care and treatment programs," Mr. Mbwaya reiterated.

Mr. Mbwaya said the data centre is to host manual processes including the District Health Information System (DHIS) which allows the government to evaluate the performance of the public health system on issues such as vaccination coverage and mortality under five among other millennium developmental goals as they relate to health.

Others include Human Resources Information System (HRIS), Electronic Medical Records (EMRs), the Health Sector Commodity Management among others.

The data centre will also be a Disaster Recovery Installation (DRI) for other key installations within the Ministries of Health as well as other departments/ministries of government. At the moment, it houses key routing infrastructure for the country's integrated finance management information systems (IFMIS) which is run by the Ministry of Finance.

Mr. Mbwaya stated that HP will upgrade the data center with three generation seven servers, Core Switches, allowing connectivity to all types of networks, internal and external, HP ProCurve Switches to improve the Local Area Network at Afya House, Fibre Channel Storage which allows for storage separate from the servers and that supports the other existing servers, as well as tape backup systems to allow for automated backups.

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State to start ranking universities by April

By MALACHI MOTANO

BY April this year, the government will start ranking the universities based on their performance and the quality of graduates they are producing.

The move is intended to boost the faltering quality of education in the country and raise their profile globally.

According Education PS Crispus Kiamba the move will not only stoke competition among universities but will also help market Kenyan institutions globally to attract foreign students.

"We want a system where students can compare and choose which university to join. Globally, ranking is common in higher education systems and has become key in marketing courses to international students.

The planned Kenyan rankings, educationists say, should address growing employer concerns that the skills being produced by universities do not meet job market needs and that graduates are 'half-baked'.

The new system should also help weed out rogue institutions offering unaccredited degrees and diplomas."

Kenya has just kicked off a survey across universities, which will see administrators, parents, students and other higher education stakeholders proposing benchmarks to be used in the ranking system.

Once data has been gathered, government will publish a list of universities and their rankings according to the benchmarks. This will help students to choose institutions and study programmes. It will also mean that unaccredited institutions will attract fewer students.

University of Nairobi students sit for their exams. *Photo/File*

The proposed ranking system, educationists argue, could also help universities address current challenges such as overflowing classes, strained facilities, high fees and shortages of lecturers – which are said to be hurting quality.

"The quality of learning in some universities has been declining," said the country's new *National Strategy for University Education*. "There is a shortage of doctoral-level lecturers as a result of rapid expansion and brain drain."

Efforts at improving performance in Kenyan universities could not have come at a better time. The perceived low quality of university education in the country is said to be pushing students to study abroad.

A recent survey by Synovate, a consumer research firm, revealed that most Kenyans would prefer to study abroad, where they believed universities guaranteed quality learning and were prestigious. Of the 1,044 students polled in the survey carried out towards the end of 2011, 57% said they would prefer to study at a foreign university than a local one.

The ranking system could be adopted by Kenya's neighbours in the East African Community once their higher education systems are harmonized in the coming years. The German Academic Exchange Service, DAAD, is said to have been preparing a ranking system for Kenyan universities, a project that is also to be rolled out to other East African countries.

Kenya has been relying on international rankings such as the one by Spain's Webometrics to measure the reputation and credentials of its universities in the global higher education arena. The current Webometrics survey, which ranks universities according to their web presence, showed Kenya's top universities had slipped several places, indicating that local universities have been slow to adapt to new technologies.

In the meantime, the University of Nairobi (UoN) is confirmed as the top ranked University locally according to Webometrics Ranking of World universities. UoN is ranked 2nd in East Africa, 17th in Africa and 1,367 worldwide, a massive improvement from previous rankings and the best position ever attained by a local university. It is second to Makerere University while University of Cape Town leads the rankings in Africa.

The top positions in the world are dominated by universities from the United States which scooped 394 positions among the top 1000, and was followed by Canada and Western Europe countries.

In Africa, only University of Cape Town was ranked among the top 500 at position 366. Eight of the top ranked universities in Africa are from South Africa while two are from Egypt.

Other Kenyan universities ranked in Africa included Strathmore at 54, Egerton at 60 and Kenyatta University at 61. In another ranking by 4 International Colleges and Universities UoN emerged 11 in Africa and top in East Africa, ahead of Makerere University which was ranked 12.

A 2011 report by the European University Association shows that the existence of rankings encourages universities to improve their performance. But the question remains as to exactly what type of actions they lead to.

"Striving to improve their position in the rankings, universities are strongly tempted to improve performance in those specific areas that are measured by the indicators used to prepare rankings," said the report, *Global University Rankings and their Impact*.

NACC to train CBOs on proposal writing

By NYAKWAR ODAWO

THE National Aids Control Council (NACC) has embarked on countrywide training forums to sensitize Communities Based Organizations on project designs and proposal development.

Addressing the participants at the close of a two day workshop at Farm View resort in Busia town recently, Peter Kinuthia, a Nairobi-based economist with the National Aids Control Council in charge of Financial Strategy said the main objective of the workshop was to enable the participants to understand proposal development review and approval under "TOWA" Total War against HIV/AIDS project.

Kinuthia said majority of the civil society organizations (CSOs) had their proposals rejected as they were poorly designed and did not follow the recommended procedure.

"Given the high proportion of applicants with poorly designed proposals, the council had seen the need for training in project design and proposal development. The training can be integrated within the on-going capacity development that has been initiated by the National Aids Control Council," said Kinuthia, adding that even the technical sub-committees (TSCs) will be trained on the same.

He added that other areas that needed improvement included the need to review separation of call for proposals, guidelines and criteria per level of application, establishment of mandatory requirements for applications as well as the establishment of timeliness at all stages of the call for proposals.

Other workshop objectives was to sensitize respective Constituency Aids Control Committees (CACC) and District Technical Committee (DTC) members on the existing HIV and AIDS programmes under the national response, districts and constituencies, understanding mandate and roles of NACC and its decentralized structures and also to sensitize CACC and DTC members on "TOWA" project.

He said the role of Constituency Aids Control Council was to coordinate and supervise HIV and AIDS activities both at the community and constituency level, mobilize community to respond to HIV and AIDS and design sustainable coping mechanisms against the pandemic.

Other roles of CACCs included conducting of HIV/AIDS awareness campaigns at the community and constituency level, monitoring and evaluation of HIV/AIDS activities and programmes and developing of up to date HIV/AIDS information such as Voluntary Counselling and Testing [VCT] and Prevention of Mother To Child Transmission [PMTCT] among others.

Kinuthia at the same time said the District Technical Committees have been mandated by the National Aids Control Council to consolidate HIV and Aids statistics and analyze socio-economic impact of HIV/AIDS, ensure timely reporting and accounting to National Aids Control Council resources by the respective CACCs and DTCs among others.

World Aids Day procession. NACC has embarked on country-wide training forums to sensitize CBOs. *Photo/File*

The topics covered during the workshop included overview of HIV/AIDS situation in the region, roles and responsibilities of District Technical Committees[TDCs] and CACCs in HIV/AIDS response and TOWA [Total War Against Aids] design among others.

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How the two-tier govern

Kenya is in the process of adopting tw ments in line with the Constitution. A 6 (2) of the Constitution, the two levels distinct and interdependent. Further, the ernment are slated to conduct their mutu basis of consultation and cooperation. A basic mechanisms for cooperation and co the national and county governments. O Sub-Editor, *FAITH MUIRURI,* ***explores the new law aim lationship between the two governments.***

INTRODUCTION

THE new law establishes a framework for intergovernmental consultation and provides mechanisms for the resolution of intergovernmental disputes where they arise.

Further, the legislation establishes intergovernmental structure. It sets up the National and County Government Coordinating Summit and an Intergovernmental Relations Technical Committee which is to provide technical assistance to the summit and serve as secretariat for the summit.

Intergovernmental dispute resolution mechanism

The law also provides for dispute resolution mechanisms with an emphasis on alternative dispute resolution mechanism.

The legislation further proposes that any agreement between the national government and a county government or amongst county governments include a dispute resolution mechanism that is appropriate to the nature of the agreement. This is to help reduce the disputes and provide for alternative dispute resolution mechanism with judicial proceedings as the last resort.

The law empowers the summit, the council or any other intergovernmental structure to convene a meeting within 21 days of the declaration of a dispute, inviting the parties or their designated representatives to determine the nature of the dispute, including the precise issues in dispute, and any material issues which are not in dispute.

Where all efforts of resolving dispute under the devolution mechanism fail, a party of the dispute may submit the matter for arbitration or institute judicial proceedings.

Intergovernmental structure

(i) The National and County Government Coordinating Summit

The summit is to comprise of

(a) the President or his Deputy who assumes the role of the chairperson

(b) the governors of the forty-seven counties.

Functions of the Summit

The new law provides that the Summit holds meetings twice in a year. The legislation at the same time directs that the Summit provides a forum for:

(a) consultation and cooperation between the national and county governments;

(b) promoting national values and principles of governance;

(c) promoting national cohesion and unity;

(d) promoting matters of national interest;

(e) considering reports from other intergovernmental forums and other bodies on matters affecting national interest;

(f) evaluating the performance of national or county governments and recommend appropriate action;

(g) receiving progress reports and advice as appropriate;

(h) monitoring the implementation of national and county development plans and recommend appropriate action;

(i) considering issues relating to intergovernmental .relations referred to the Summit by a member of the public and recommend measures to be undertaken by the respective county government;

(j) co-ordinating and harmonizing the development of county and national governments policies;

(k) facilitating and co-ordinating the transfer of functions, power or competencies from and to either level of government; and

(l) performing any other function that may be conferred on it by this Act or any other legislation.

Reports by the Summit

The Act (Section 10 (1)) directs that the Summit submits annual reports to the National Assembly, the Senate and the county assemblies, within three months after the end of every financial year.

(ii) Intergovernmental Relations Technical Committee

Mr. Musalia Mudavadi, Local Government Minister

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The Technical Committee is to comprise of
(a) a chairperson; and

(b) not more than eight members recruited and appointed by the Summit.

Members of Parliament in session.

Functions
The law empowers the technical committee to—
(a) oversee administration duties of the Summit and in particular—
(i) facilitate the activities of the Summit
(ii) implement the decisions of the Summit

(b) preside over the functions of the transition entity established under the law relating to transition to devolved government after the dissolution of such entity ; and

(c) perform any other function delegated to it by the Summit, this Act or any other legislation.

Sectoral working groups or committees.
The Act (Section 13 (1)) vests the Technical Committee with powers to establish sectoral working groups or committees to discharge its functions.

Reports by the Technical Committee
The law stipulates that the technical committee —

(a) submits quarterly reports to the Summit

(b) be accountable to the Summit.

Establishment of the Intergovernmental Relations Secretariat
Under the new law, the Technical Committee serves as the Secretariat of the Summit and is to be headed by a secretary.
The secretary is to be recruited and appointed by the Technical Committee, with the approval of the Summit.
To qualify as the secretary, the applicant must —
(a) hold a degree recognised in Kenya;

(b) have at least five years relevant professional experience;

(c) demonstrate competence in administration of not less than five years; and

(d) satisfy the requirements of leadership and integrity provided under Chapter Six of the Constitution.

The law outlines the responsibilities of the secretary who is to serve as the chief executive and accounting officer of the Secretariat as follows—
(a) implementation of decisions of the Summit and the Technical Committee;

(b) establishment and development of an efficient administration of the Secretariat;

(c) organization, control and management of staff of the secretariat;

(d) maintaining accurate records on financial matters and resource use;

(e) ensuring the preparation and approval of the budget for the required funding of the operational expenses of the Summit and the Technical Committee; and

(f) performing any other duties as may be assigned to him by the Summit and the Technical Committee.

(iii) Council of County Governors

The law provides for the establishment of a Council of County Governors comprising of the governors in the forty-seven counties.
The Council is to elect a chairperson and a vice chairperson from amongst its members. The two are to serve for a term of one year but will not be eligible for re-election.

Functions
- The council is to provide a forum for consultation amongst county governments
- Share information on the performance of county governments in the execution of their functions with the objective of learning and promotion of best practices and where necessary initiate preventive and corrective action
- Consider matters of common interest to county governments.
- Give a platform for dispute resolution between counties within the parameters prescribed in law
- Help in the training of governors
- Implement inter-county agreements on inter-county projects
Consideration of reports from other intergovernmental forums on matters affecting national and county interests or relating to the performance of counties is also within the mandate of the council
The criteria for transfer or delegation of powers, functions or competencies, between the county and nation al government includes
- capacity of the entity to which the function is being transferred or delegated;
- the extent to which the transfer or delegation allows for accountability;
- the extent to which the power, function or competency is best performed by a single authority across a county, city, municipality or the republic;
- the existence of the level of technical and managerial expertise required to perform a transferred or a delegated function or competence or whether the provision of the service requires substantial inter-county or large scale bulk infrastructure.

Offence
The law provides that a person commits an offence if —
(a) without justifiable cause, fails to attend a meeting for settling a dispute when required to;

(b) refuses to produce any article or document when lawfully required to do so;

(c) knowingly gives false evidence or information; or

(d) interrupts any proceedings of the meeting.

A person found guilty is liable, upon conviction, to a fine not exceeding Kshs200, 000 or to imprisonment not exceeding six months, or to both.