

# Land bills full of flaws, experts say



Lands Minister James Orengo making comments on the Lands Bill at LDGI forum in Nairobi recently. Photo/Henry Owino

By FAITH MUIRURI

**T**HE much hyped land reforms in the country are likely to stall if the proposed laws are enacted in their present form.

The three major bills earmarked to jumpstart the process are full of inconsistencies which negate the spirit and letter of the National Land Policy and the land chapter of the Constitution in developing key steps and legislation.

The Land Bill for instance, runs contrary to the principles of devolution; does not bring out the tenure systems or attempt to offer any form of restitution to the long-standing tenure problems associated with the landless poor, persons in informal settlement in urban areas, or those who have weak tenure claims such as the so-called “squatters”.

Priscilla Nyokabi, the executive director of Kituo cha Sheria, says that the Land Bill also takes away the constitutional mandate of the National Land Commission and lumps them on the Cabinet Secretary (the executive) which makes the Bill no different from the existing system. The Land Bill does not offer the mechanisms

for the allocation and disposal of public land, including entrenching public participation procedures perpetuating the same legal order that has caused abuse to public land by those in authority in Kenya.

“The Land Registration Bill is equally inconsistent with the Constitution for instance with regard to devolution, gender equity and systems for land registration that would promote the constitutionally required resolution of historical injustices for marginalized groups, minorities, women and historically disadvantaged groups,” she explains.

Nyokabi says that the Community Land Bill on its part is completely unconstitutional and it appears to have been modeled from an existing Act of a foreign country with no bearing whatsoever on the demands of Kenya’s new constitution and the National Land Policy.

“The Bill is not even linked at all with the mandate of the National Land Commission,” she avers.

Similar glaring inconsistencies can be seen to exist in respect of all bills developed by the

► Turn to Page 2, Col. 1

## Radical change to education system proposed

By HENRY OWINO

A TASK force formed to carry out research on how best education system could be applied, taught, assessed and managed has come up with a raft of proposals, which if adopted will give every child opportunity to pursue a career of their choice according to their talents and abilities.

The highly controversial 2.6.6.3 system of education is however expected to serve the current market and technological needs in line with Vision 2030.

The new system requires two years of Pre-

Primary school education before moving to six years of Primary (3 years lower and 3 years upper), six years Secondary (3 years junior and 3 years senior), two years of middle level institutions, and a minimum three years of University education.

Among concerns raised by different stakeholder groups included failure by the current system to adequately measure learners’ abilities; teachers are not adequately trained in test development and evaluation procedures.

Due to the importance attached to exami-

► Turn to Page 2 Col. 1

### ON OTHER PAGES

**Insecurity to blame for poor learning in Turkana** —Pg. 6

**EU to fund health services in the country** —Pg. 22

**IEBC’s election date raises legal issues** —Pg. 8

**Mombasa port registers impressive growth** —Pg. 23

**Kibaki refusal to sign law praised** —Pg. 10

**Milk shortage blamed on prolonged drought** —Pg. 27

**Lobby groups find fault with land bills** —Pg. 20

**Ngilu moves decisively against climate change** —Pg. 30

# Land bills full of flaws, experts say

From page 1

Ministry of Lands under Article 68. The Bills are complex and voluminous thus need for a careful review broadly and specifically on a clause by clause basis. Such analysis would also identify content gaps in the existing bills and propose concretely how those gaps can be filled.

The pro-poor, marginalized, minorities and historically disadvantaged analytical perspective is required because it responds to the most of the challenges affecting the majority of Kenyans and in the spirit of the new Constitution and the radical National Land Policy of 2009. Such perspective must fully inform the land Bills and should not be subservient to the pro-investment, pro-property perspective that seem to run across the existing land laws and the proposed Bills.

Moreover, land is at the core of Kenya's political, economic, social and cultural problems. The land related ethnic clashes over the years that culminated in the post-election violence in 2007/2008 support the view that unless there is radical land reform with a view to promoting land rights of the poor, marginalized, minorities and historically disadvantaged groups, Kenya's future stability is at stake. This view was underlined conspicuously in the Kofi Annan mediation agreements particularly Agenda IV on long standing issues.

Kituo urges for a review of the Bills and making of concrete proposals in order to input into the process before it is too late. In their present form the bills stand the risk of being declared unconstitutional. The Bills that are supposed to be enacted under Article 68 and which should be reviewed are the Land Bill, the Land Registration Bill, National Land Commission Bill,



Priscilla Nyokabi, Kituo Cha Sheria Executive Director

the Community Land Bill, the Matrimonial Property Bill and the Law of Succession Bill.

So far the Ministry has only released the first three Bills unconstitutionally side-lining the gender friendly Land bills. The proposed land laws must generally: ● Translate the broad constitutional principles in chapter 5 (Land and Environment) and the National Land Policy into tangible legal provisions promoting the land rights of the urban and rural poor, marginalized, minorities and historical disadvantaged groups; ● Provide for mechanisms for the envisaged land re-distribution of irregularly acquired land and resettlement

programme proposed in the National Land Policy and the Constitution;

- Entrench affirmative action in institutions that make decisions on allocation of land rights;
- Give full effect to the broad principles that govern the issue of land under Chapter Five of the Constitution, as well as the national values stated in Art 10;
- Align the new laws with relevant applicable international standards contained in treaties ratified by Kenya and general principles of international law pursuant to Art 2 (5) and Art 2 (6) of the Constitution;
- Ensure that the constitutional mandate of the National Land Commission

is recognized in each bill and that the role of the commission is synchronized with other Government agencies that may have specific mandate on matters of certain public land such as the Kenya Wildlife and Kenya Forestry Service.

More public consultations and participation and in particular engagement of experienced and qualified persons in Land Law to review the various land Bills to analyze and critique each of the Bills should be done. Such consultations will be able to identify gaps and propose amendments for consideration by the various entities in the Constitutional implementation legislation-making chain. The experts

on land laws must especially analyse and critique each of the Land bills from a poor, minorities, marginalized and historically disadvantaged groups perspectives.

The position by Kituo cha Sheria came as the Director Land Development and Governance Institute (LDGI) Mwenda Makathimo claimed that the bills have been originated by a private consultant hired by the MoL to whom he is exclusively answerable as opposed to a cross-sectoral multi-stakeholder team.

This, he said had created divergence and caused unnecessary delays. Currently, the bills are running behind schedule having surpassed the February 26 deadline set out in the Constitution. The LDGI director says that although the long term land reforms have been entrenched in the National Accord, the two principals have not been proactive on the land reform implementation debate.

He says that the lawmakers are gradually switching to campaign mode in readiness for the General Elections and therefore they may not be able to give adequate attention to the important and fundamental land reforms. He says that although the land reform implementation process has already taken off, it must move in the right direction and at a desirable speed so that the benefits can be realized sooner rather than later. He also underscores the need to realign the reform implementation process with the guiding principles as stated in the NLP & ensure policy enforcement.

"We urge the government players to put aside selfish political interests to work together at this time of reform in the interests of poor and marginalized Kenyans who have been ravaged by years of poor governance," he concludes.

## Radical change to education system proposed

From page 1

nations, cases of malpractices have been reported in the management of examinations because the candidates, parents and teachers want to compete unfairly.

The current curriculum is perceived to be examination oriented with little regard to moulding students to become self-reliant. Assessment is no longer seen as part of teaching and learning process but as a sieve to determine those who can move to higher levels of education.

The current system of summative assessment at the end of primary and secondary levels dictates the teaching/learning process towards examinations as opposed to learning. The ranking of schools based on examination performance has brought about a lot of negative effects.

For example, head teachers of schools that are ranked low often get demoralized and others even resort to suicide. Likewise pupils who score low grades regard themselves as failures in life and some commit suicide.

The task force notes that assessment of curriculum implementation is a critical component in the provision of education as it provides information on whether the system is responding to the set objectives.

Such information is used by poli-

cy makers to design and improve on the current and future education programmes. Furthermore, assessment on individual learners helps to map the way forward either across levels or within the levels of education.

Assessment is therefore part and parcel of curriculum delivery and should be carried out competently and with a high degree of reliability.

The task force further underscores the need to establish a culture of assessment to support the teaching and learning process.

Further, the Task Force proposed that the Ministry of Education introduce a Learners Identification Number (LIN) at entry point, to help track the learner throughout the education system.

The task force recommends that the ranking of schools and students be abolished when releasing examination results. Achievement at Kenya Primary Education Certificate (KPEC) and Kenya Junior Secondary Education Certificate (KJSEC) will be considered in Senior Secondary School admission and streaming.

Schools will be ranked based on a holistic assessment of performance indicators built around the following areas: academic, co-curricular activities, quality of management, operations and maintenance of physical facilities, environmental care, learn-

ers services and community outreach programmes.

The Cabinet Secretary will give a report on these during a national education day. The process should start from institutions at the county to the national level. KNEC be renamed the Kenya Education Assessment Council (KEAC) to reflect the specific focus of its work, which is set to shift towards assessment.

It is further recommended that assessment in the new education structure be carried out at two levels: National and School levels. KEAC will conduct the National Assessment at Primary 6 as well as end of Junior and Senior Secondary levels, while individual institutions will be responsible for school-based assessment.

KEAC will also conduct the summative examinations at the end of Basic Education cycle and for all Tertiary institutions other than university.

There shall be a standardized county-based assessment process for Lower Primary aimed at diagnosing individual learners' talents and abilities. However, this will only be used to help the teachers and parents to attend to learners individual differences.

There shall also be school-based assessment. This assessment will not deter a learner from progressing to the next level. KEAC will provide a database from which these assessments

will be developed.

There shall be a national upper primary assessment test at the end of Primary 6 leading to the Kenya Primary Education Certificate (KPEC) aimed at identifying individual learner's talents and abilities. Besides, there shall be a continuous school-based assessment to measure learner's progress. This exam will not deter a learner from progressing to the next level of Junior Secondary school.

There shall be a National Assessment at the end of Junior Secondary education leading to the Kenya Junior Secondary Education Certificate (KJSEC). This assessment will help in identifying learners abilities for placement in the four specialisation streams in the Senior Secondary schools.

Learners will either specialize in science, humanities, social sciences or technical and vocational subjects. This assessment in essence will help learners to identify their career paths.

There shall be a National Assessment at the end of Senior Secondary education leading to the Kenya Senior Secondary Education Certificate (KSSEC). The National Assessment at this level will be used for placement at Universities, middle level colleges and progress into the world of work.

The Higher Education cycle shall consist of TIVET, other middle level training institutions and Universities.

In the middle level institutions, assessment will be by KEAC and various professional bodies.

Performance based on Course Assessment Tests (CATs) should be integrated into the terminal assessments, which should be competency based. It is recommended that a modular approach to teaching be used at these levels, to provide for flexible student exit and re-entry to avoid wastage.

This should allow students to transfer credits from one institution to another with minimal costs. Student assessment will consist of Course Assessment Test (CAT) and institutional assessment in liaison with professional examination bodies. Tertiary institutions will provide training for certificates and diplomas, whereas Universities will offer degree and post-graduate programmes.

The Course Assessment Tests (CATs) will be developed to collect accumulated CAT scores for each learner. It is proposed that the accumulated CATs will account for a percentage of the eventual score at National Assessment.

The other percentage will be contributed by summative assessment for the award of the final grade. There is need to monitor learners performance and achievements regularly at all levels in the CATs which will form part of the final exams.

# Mukurwe-ini poor boy scores high in exams

By JOSEPH MUKUBWA

A STUDENT who almost failed to join Form One for lack of school fees has scored a plain A.

Four years ago, Erastus Njaga was working as casual labourer at Karundu area in order to raise enough school fees to enable him join Form One.

The twenty-year-old Njaga who is the first born of a single

mother opted for casual jobs since his mother could not afford the required amount of fees at Kagumo High School where he had been admitted after scoring 393 marks.

Moved by his plight, the local community decided to seek help on his behalf from the office of the area MP who is also the Youth assistant Minister Kabando wa Kabando who immediately ordered that the local CDF fully

sponsor him for the four years.

The overjoyed Njaga was all smiles recently when he received the results scoring a plain A with 81 points.

The constituency manager Mike Thiari said the local CDF used about Kshs 120,000 as school fees for the four years he has been in school and now has a bright future to join university.

The CDF kitty is sponsoring

more than 100 other students who are orphans and bright poor people from the constituency.

"My dream of becoming a doctor is almost now being achieved. I'm very happy that I attained such good grades despite my poor background," the overjoyed Njaga said.

He will now join the local Model Achiever's club which is aimed to boost his education for a bright future.



Erastus Njaga is carried shoulder by his friends at Mukurwe-ini town recently after he emerged one of the best student of Kagumo High School in the last year's KCSE exams. Photo/Joseph Mukubwa

## Kilifi leaders urged to uplift education

By BEKADZO TONDO

EDUCATION stakeholders in Kilifi County have been challenged to work together to help uplift the standards of education in the area.

Naomi Sidi, who is a political aspirant in the area, says that unless local leaders provide a remedy to the appalling education standards in the county, students will continue posing poor results in national examinations.

Ms Sidi laments that education standards in the area had deteriorated to alarming levels as teachers have been to single-handedly manage the sector.

She spoke at Ganze primary school during a meeting with the heads of primary schools in the district.

She said politicians must accord priority to education which remains a major drive to attaining desired development.

"No meaningful development can be realized if a majority of the population lack the requisite skills and knowledge to steer growth in key sectors and hence the need for politicians, religious leaders and our local administrators to find a lasting solution to the myriad of problems afflicting the sector," said Ms Sidi.

Similar sentiments were shared by KNUT officials who challenged local leaders to come together and jointly support education programs.

The Kilifi District Executive Secretary Mr. Patrick Rasi, said that although the District was faced by acute shortage of teachers, lack of support by local leaders had contributed to the poor performance.

"Most schools in Kilifi County both at the primary and secondary school level are faced with an acute shortage of teachers and as we appeal to the government to deploy more teachers in the area, we urge our leaders to engage meaningfully with other stakeholders in the sector to help revamp the sector," said Rasi.

Mr. Rasi said that the area was in dire need of school inspectors to monitor teachers and ensure that students benefit from quality education.

"The District Education office is understaffed with only a few personnel deployed as quality assurance education officers and thus most of the schools have been operating without inspection to ensure quality standards are met," said Mr. Rasi.

School heads who spoke at the meeting said that most schools lacked basic infrastructure such as enough classrooms and desks for the children.

They appealed to local leaders to come to their aid to help develop a conducive learning environment.

## MP decries arbitrary fee hikes by school missions

By MORRIS GITHENYA

EDUCATION ministry has been accused of failing to regulate fee guidelines and allowing school managers to hike fees arbitrarily in complete disregard of the prevailing harsh economic environment.

Kigumo MP Jamleck Kamau says majority of students from poor families in secondary schools may be forced to drop out of school as they can no longer afford to raise the exorbitant amounts charged as fee.

Speaking at Ngurwe-ini village in his Kigumo Constituency during a funds drive, the MP said that education in the country had become a preserve for the rich with the poor being denied their rights as enshrined in the constitution.

"The Ministry must guard the poor from arbitrary fee increments which spell doom to the

future," said the MP.

The MP said pursuing education in Kenyan has been rated as the second most expensive venture after medical.

He disclosed that owing to high cost of education, many of the poor are forced to forfeit their slots in well performing schools due to lack of fees.

He disclosed that poor students from the best performing public schools are leaving their slots to children from rich families who have no problem with the charges.

"The highest bidder takes the slots left behind by the poor students in Secondary and Tertiary institutions," said the Kigumo MP.

On tertiary education, Kamau castigated the government over failure to regulate commercial colleges who were defrauding parents by offering substandard education.

"The Genesis of low quality education can be traced to greed for money as those charged with responsibility of ensure quality fail to do their part," adds the law maker.

Meanwhile, the Kenya Certificate of Secondary Education (KCSE) saw a number of District schools in Central Kenya overtaking academic giants among them Mugoiri Girls High School that has over the years had been ranked high.

Little known Nyagatugu boys, Kiaguthu, Gaichanjiru, Kirogo and Weithaga were ranked among the highest scorers in the last year's examination after they posted impressive results.

Mugoiri Girls was floored by its rival Kahuhia Girls which posted a mean score of 8.9 against its

Mean score of 7.3

The Principal of Kahuhia Girls Secondary School Ms Florence Ngarari termed the results as the

most impressive despite cases of unrests that rocked the institution last year.

In Murang'a region, the results shocked many with some of the institutions faced with cases of indiscipline emerging as the best performers. Kirogo, Gaichanjiru and Kiaguthu posted better results despite having been shut down owing to student unrests.

In Gaichanjiru High School, a student died while undergoing treatment in a Thika hospital after the students went on the rampage.

Ten students from Kiaguthu are at the moment facing criminal charges before a Murang'a court after they burnt a library worth Kshs 8.1 million.

Three other students from Kirogo Secondary School are in court after they were caught with 4 litres of petrol and a match box as they attempted to burn a dormitory.

# Elections: Education locks out most Kisii women

AS the clock ticks towards the next general elections, majority of women aspirants from Kisii County may not be able to contest for top seats as they lack the required educational qualifications.

Although Councilor Jane Justine Oruru declared her interest in the Kisii County women representative's seat, she does not meet the stipulated requirements to contest for the seat.

Mrs Oruru, who is the only elected female councilor in Kisii Municipal Council (KMC), has resigned to fate and intend to defend her seat and continue serving as a ward representative.

The vocal civic leader, who beat ten candidates to capture the Nyabururu ward seat in the 2007 General Election, says the law requires candidates with at least post-secondary education to contest for the women

## COMMENT

By BOB OMBATI

representative seat.

"I know many female aspirants will automatically be disqualified. That will be our disadvantage," says Oruru.

The councilor who won the seat through Mazingira political party ticket, asserts that she is the second civic leader to be elected after Clare Omanga since the inception of the council 30 years ago in a field that was dominated by male civic leaders.

Oruru says that she has been unable to advance in her education because she is the sole bread winner in her family and supports other needy

children.

The councilor, who is a former Deputy Mayor says that most civic leaders may remain as representatives at the ward level due to lack of education.

Oruru notes that the new political dispensation requires visionary, educated, focused and sharp grassroots leaders who will rightly interpret government policies subjects and mobilize them for community development.

She says that the merging of several civic wards to form County Wards requires massive resources and tactics to convince voters to support respective candidates, admitting some councilors might quit politics due to poverty and their questionable development records.

The councilor, whose Nyabururu

ward in Kitutu Chache constituency in Kisii County has been merged with others to create Kitutu central Ward says she will be faced with an uphill task to recapture the seat given the competition which pits male and female aspirants during nominations, campaigns and elections.

Additional wards were created by the Independent Electoral and Boundaries Commission (IEBC) after Kitutu Chache was split into Kitutu Chache North and Kitutu Chache South.

Mrs Oruru says that women should strive to occupy their rightful positions in respective party structures to give them a voice.

The civic leader says she was forced to defect to Mazingira party in last minute after the Orange Democratic Movement (ODM) gave an

aspirant direct nomination.

"As women aspiring for various political and appointive posts, you must have strategies that may propel you to power," says Oruru, urging women not to wait for leadership posts on a silver platter.

Mrs Oruru advises women aspirants to be cautious and guard against being short changed during nominations or asked to step down in favour of their male competitors.

She further challenges women to further their education so that they may qualify for appointive posts in the county and national governments which will require professionalism in specific fields, adding that time when appointments to cabinet posts and other sectors were based on patronage, political party affiliation, tribalism and nepotism is long gone.

By HENRY OWINO

THE Olympic Primary School is a government-run primary school in Kenya. Located at the heart of Kibera slums, the school has in the recent past lost the excelling tag previously associated with it.

Today the school is a pale shadow of its lost glory. Poor performance coupled with the high enrolment figures, continue to define the former academic giant. Enrolment figures that currently stand at 3,000 have overstretched the limited facilities at the school.

The school head teacher, Mrs. Ruth Namulundu however says the situation is soon likely to change. Speaking during the school's Annual General Meeting (AGM), the head teacher promises parents that teachers will go out of their way to reclaim the lost position during this year's national exams. "I want to ensure that Olympic reclaims its position before I clinch my retirement age," She poses.

Mrs. Namulundu at the same time says that the school did very well in the 2011 KCPE with about four students scoring 400 marks and above. "The school performed very well in last year's KCPE compared to the previous years. Olympic Primary was the only school in Langata District with students scoring over four hundred marks placing us in second position out of fifteen schools in Langata District. So, this year we must lead in Nairobi County," Mrs. Namulundu adds.

She says that this year the school has registered 318 candidates for KCPE with every stream taking at least 70 candidates which is twice the capacity recommended by the Ministry of Education.

The head teacher further says that

# Olympic set to regain its lost academic glory



Main entrance of Olympic Primary School. Photo/Henry Owino

the school is understaffed with only 27 teachers employed by Teachers Service Commission and 12 volunteer

teachers who are not payable either by school or parents. She says the school has over three thousand pupils which

are far beyond the teachers' capacity. She urged TSC to deploy more teachers or employ the 12 volunteer

teachers already in the school.

The head teacher also asked the parents to be vigilante and escort their children to school in the morning since one girl was recently abducted and raped next to Railways Club only to be found later on stranded at Uhuru Park by City Council Askaris.

Namulundu asked parents to accompany their children especially in lower primary who may be easily lured by strangers. The School Chairman, Mr. George Otieno urged the parents to be fully involved in the school activities especially academics and to monitor the children performance.

Mr. Otieno said teachers play very important role of educating the pupils in school and thus parents must mould them into responsible citizens.

"Education is the best gift a parent can offer to a child in life because when you educate a child she/he will be independent, responsible and make wise decisions," Otieno stated.

Mr. Kenneth Odhiambo Okoth who is an alumni of the school said Olympic is a leader to reckon with in education sector. Mr. Okoth who is aspiring for the Kibera Constituency Parliamentary seat gave Kshs 4,000 each to students who scored 400 marks and above and Kshs 8000 to staff members as a motivation.

# Girl who fled home makes it big in exam

By BEKADZO TONDO

AT the age of 14 years, Nema Nimwaka fled home to complete her primary education after her mother attempted to force her to drop out of school to supplement the family income.

Nimwaka managed to convince her aunt Scholastica Mwangandi, an early Childhood development teacher, to accommodate her to enable her complete her primary education at Bogamachuko Primary School.

The girl who sat for her Kenya Certificate of Primary Education

(KCPE) examination last year at the school managed to score 369 marks.

However, she could not raise enough school fees to enable her join Limuru girls where she had been admitted. But luck was still on her side when a teacher at the neighbouring Bahati primary school in Kilifi Mr. Masha Thoya offered to look for a sponsor to support the needy girl.

"I got wind that a girl who had performed well in her KCPE last year could not proceed with her education due to lack of school fees and therefore decided to find means to help

her," said Mr. Thoya

Mr Thoya was joined by another teacher Mr. Wycliffe Mwangome in his mission to assist the girl who had shown determination to achieve her ambition in education.

Mwangome decided to approach KESHO which is a Non Governmental Organization (NGO) in Kilifi known for supporting bright students from poor families to complete their education. Mr. Mwangome managed to trace the organization which offered to support the girl.

The manager of KESHO Mr.

Mackinlay Mutsembi said though the organization had the capacity to support only 20 students in Bahari division and some parts of Ganze district, the girl was in dire need of help and unless supported cannot proceed with her secondary education. The girl has now joined Limuru Girls secondary school.

"As an organization we have considered the case of the girl and we have offered to pay her school fees for the four years she will be in secondary school and for this year we have paid her fees to the tune of Kshs 80,000,"

said Mr. Mutsembi.

The program manager stated that the organization supports needy children who score 350 marks and above in KCPE and for those already in secondary school, they are required to attain grade B- and above for consideration. Applicants are however required to indicate the background of their families and whether they are orphans before funding can be approved.

The organization also makes a follow up of the children who benefit from the sponsorship to ensure that they perform well in their classes.

# Teachers issue strike threat over salaries

By PETER MUTUKU

TEACHERS are planning for a countrywide strike from July, if the government fails to budget for their salary increments and allowances during the next financial year.

The Kenya National Union Teachers (KNUT) says that they have furnished the Treasury with a budget that captures their allowances and new salaries negotiated and agreed on by the Government.

These include a salary increment of about 300 per cent and house commuter, hardship, special and responsibility allowances.

If the proposal is approved, the

Government will be expected to remit Kshs194 billion in addition to the current Kshs 64 billion in the next Budget to cater for the projected salary rise.

"We have already given the Government our proposals so that they can prepare the national Budget. But if they fail to comply, we intend to push for industrial action," warned KNUT Secretary General Okuta Osiany adding that KNUT also wanted the Government to recruit 40,000 teachers to address the current deficit.

If the proposal is implemented, teachers currently stationed in Nairobi, Kisumu and Mombasa will get a 70 per cent rise of their basic salaries as hardship allowances.

"We want cities declared hardship areas because working there is not easy. Teachers must therefore be paid as such," said Okuta.

The union official says that move has been endorsed by the respective national branch secretaries and thus did not expect the Government to back down like it had done with nurses.

KNUT National Chairman says that they have written to the Treasury to remit the cash to Teachers Service Commission in the next financial year and added that teachers would take nothing short of their full awards as per the agreement.

The union is demanding for a sal-

ary increment for all teachers in the wake of the high cost of living and completion of full implementation of teacher's allowances as indicated in Legal Notice No 534," said Sossion.

He called for the mainstreaming of early childhood development education by July this year.

If approved, school heads would be awarded responsibility allowance equal to half of their salaries while deputy principals will get a 40 per cent salary rise as their responsibility allowance.

Senior teachers and heads of department will be awarded 30 per cent of their salaries as responsibility allowances.

## Mkwajuni parents want class project stopped

By BEKADZO TONDO

PARENTS at Mkwajuni Primary School in Kilifi want a classroom project funded through Local Authority Transfer Fund (LATF) suspended forthwith due to alleged citing corruption.

The parents say the project which has been funded to the tune of Kshs 2 million is shoddily done and the contractor has been using sub standard materials such as coral blocks despite receiving substantive funding during the 2010/2011 financial year.

The parents led by the school PTA members Mr Kalume Karisa and Anthony Karisa took to task the project contractor representative Mr. Timothy Barasa and the council works officer Mr. Felix Kenga demanding that the project be halted as it was being done below the required standards.

"As beneficiaries of this project, we have the right to question when contractors negate the laid down procedures and unless the situation is rectified, the project should not be allowed to proceed," said Mr. Kalume.

However, the council works officer defended the contractor who he was doing commendable job.

"The project is being done to the recommended standards and we cannot understand why parents are protesting, citing shoddy work," said Mr. Kenga.

Mr. Karisa further said both the contractor and the council had refused to furnish them with the project plan and the bill of quantities to unravel the truth about the project.

The contractor also defended himself from the accusations insisting that he was using correct materials to construct the classroom block.

"The project has been done to the required standards so that children who are currently using makeshift structures due to lack of enough classrooms can benefit from the project," said Mr. Barasa.

Area councillor Mr. Geoffrey Muhambi supported the parents move and accused council workers of colluding with the contractor to do sub standard job.

Councillor Muhambi took issue with the blocks being used to construct the classroom block saying they were substandard materials and not grade one blocks recommended for such projects.

By JOHN NYAMBUNE

THE Independent Electoral and Boundaries Commission (IEBC) has finally announced March 4, 2013 as the official date for the next General Elections.

The elections which represent a paradigm shift from the traditional three-piece to six ballots have been billed as one of the biggest not only in the history of independent Kenya and in Africa, but also around the world.

IEBC chairman Ahmed Isack Hassan says that the commission has already put in place stringent mechanisms enhance credibility of the electoral process ahead of the next elections.

He says that the IEBC is making use of technology especially during voter registration, transmission of vote results and has been communicating both internally and externally using an array of new media tools such as bulk SMS and the Internet.

This has seen remarkable progress in the increase of administrative efficiency, reduction of long-term costs and enhancing political transparency," explains Hassan. According to IEBC, the 2007 General Election that saw the country degenerate into violence was flawed with the voter registration displaying glaring errors together with the transmission of results.

"It is estimated that there were up to 1,200 'dead voters' in the 2007 voters' roll. There were also serious delays in releasing of the results. We have tried to address these shortcomings by ensuring only those who register are the only ones allowed to vote," added Hassan.

The IEBC chairman spoke in Mombasa during a five-day workshop on the use of technology in management of elections in Mombasa.

## It is now official, elections will be in March 2013

The workshop brought together 250 delegates from electoral management bodies (Ems) and regional and international experts in elections who shared their experiences and best practices in the use of technology in the management of elections.

The meeting whose participants were drawn from regional EMSs and international organizations specializing in elections such as IFES, EISA, SADC, IDEA, EAC, ECOWAS and Civil Society Organisations was supported by the European Commission

and UNDP.

Meeting looked into voter registration technologies, sustainability of voter registration systems, use of ICT in the management of elections and implication of e-voting among other issues.



Mr. Isack Hassan, IEBC chairman

## TSC warns against recruitment of quack teachers

By AGGREY BUNCHUNJU

MANAGERS of both public and private schools have been warned against employing quacks as teachers.

Issuing the stern warning, the Teachers Service Commission (TSC) Chair Mr. Mark Oyoo said the country has so many unemployed trained teachers to meet the local demand and for export.

Oyoo as a result directed school management committees to hire qualified and li-

censed teachers only in their institutions.

The move, Oyoo said is aimed at protecting the integrity of the teaching profession to enable graduands from teachers training colleges to keep their professional skills alive.

He asked teachers in the country to be conversant with the TSC Act TSC Code of conduct and chapter six (6) of the constitution on leadership and integrity.

This, he observed would minimize cases of indiscipline among the teaching fraternity

and instead enhance professional ethics.

"Teaching profession requires high moral and ethical standards and that is why teachers must be conversant with the TSC code of conduct," he said.

The TSC chair disclosed that both primary and secondary public schools in the country are under staffed by over 70,000 teachers.

Oyoo, however, quickly pointed out that the current employment of teachers in the country is driven by budgetary alloca-

tion and not demand driven.

He regretted that graduands from teachers colleges will have to wait a little bit longer before they get employed by the TSC on the basis of first come first served.

Oyoo was speaking recently at Kaimosi Teachers College in Hamisi District, in Vihiga County during the 81st graduation ceremony where he was the chief guest.

During the ceremony 462 teachers qualified for the award of p1 Certificate.

# Who is eating Bunyala schools activity funds?

By NYAKWAR ODAWO

PLANS by primary schools from Bunyala district to participate in this year's drama festivals have been dashed for the second year in a row due to lack of funds.

According to a teacher who sought anonymity, the pupils were disheartened by the new development as they had taken a whole week to prepare only to be issued with a directive by the area education office that the festival will not

take place as scheduled due to lack of funds.

"The pupils have been preparing for the drama festival for a whole week only to be informed that they are not going to participate," said the drama teacher, adding that the unexpected action has completely demoralized the pupils who have vowed never to participate in any such activity unless they are told where and how the said cash had been spent and on what.

He added that even last year the

pupils never participated in the drama festival despite their parents having paid Kshs230 per child, a situation he said had ended up causing a lot of mistrust between education officials and parents who vowed never to pay the same again.

"Last year, each pupil was asked to pay Kshs230 to fund the festival, but surprisingly they did not participate and up to now the education officials are yet to explain to the parents the whereabouts of the money," said the teacher on condi-

tion of anonymity, adding that the cash was misappropriated by education officials who have chosen to remain silent on the matter despite persistent demands by parents that they account for the same.

The primary schools that were expected to participate in this year's drama festival at Butula Boys Primary School after the pupils paid Kshs230 each included Bulemia, Budubusi, St Cecilia Namenya and Mundere

"We are demanding proper ex-

planations from the department of education as to why our schools are not going to participate in the drama festival yet pupils paid Kshs230 each," said one of the school heads, adding that they want the said funds refunded to the pupils if they are not going to participate.

However efforts to get comments from Bunyala District Education Officer Maurice Jayoro over the allegations did not materialize as he could not be reached by the time of going to press.

By MALACHI MOTANO

PERSISTENT conflicts between the Turkana and Pokot communities have continued to impede access to education even as the government struggles to meet the Education For All (EFA) goals by 2015.

Ignituous Omukaga, the Head teacher of Nawoyaregae Primary school in Kaputir Location in Turkana says pupils in the area hardly attend classes on a daily basis and sometimes only a handful makes it to class for months.

"Again, school lasts just four hours so that children make it home early because of insecurity," the headmaster continues.

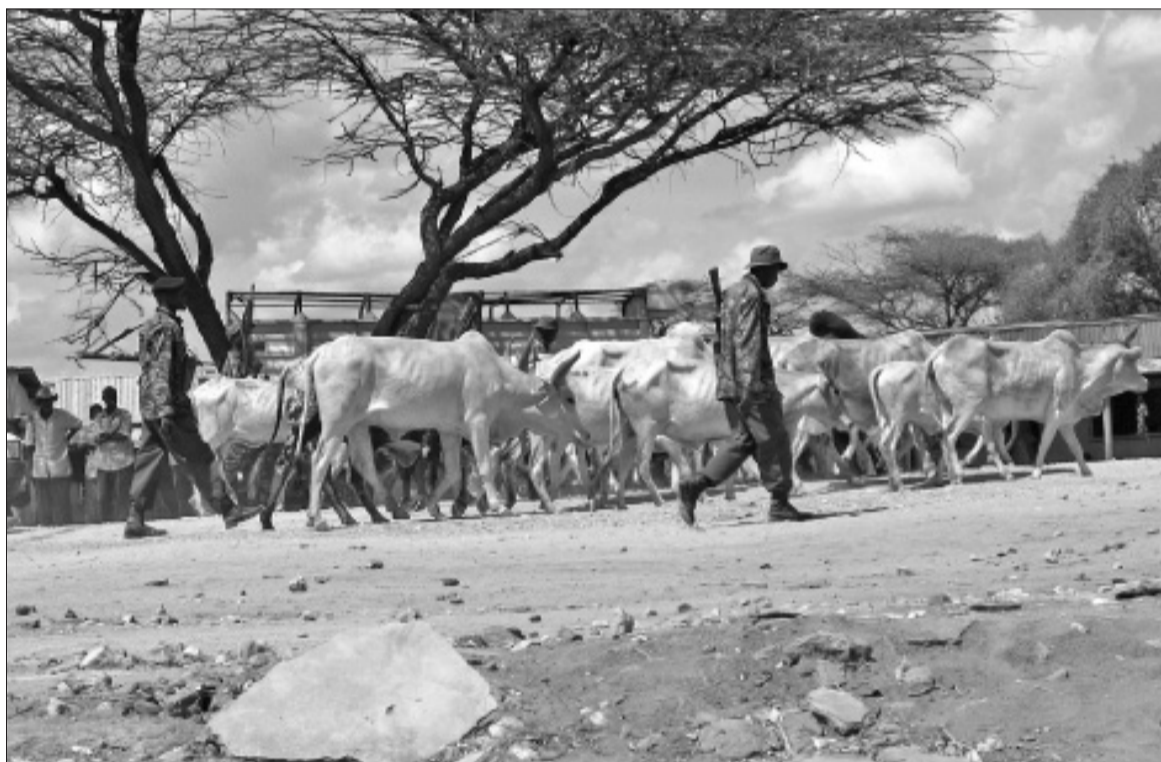
Nawoyaregae, 700 kilometres northwest of Nairobi, is a school barely getting by, with its mud-walled makeshift classrooms already crumbling. Nursery lessons are conducted under a tree, with the young learners, 30 in number, crowded into the available shade, peering at instructions drawn on the battered blackboard.

The Head teachers say, the school earlier had more than 350 pupils, but this has fallen to 125. The figure fluctuates, but the trend is steadily downwards.

"The children are afraid. There are armed bandits hiding with stolen animals in the thickets behind the School. In response, we are employing the services of a police reservist, who accompanies children to and from school.

According to the Head teacher, Primary school net enrolment is just 26 percent in the Turkana South District where Kaputir is found, com-

## Insecurity to blame for poor learning in Turkana



TOP: Reservist Salim Iro accompanies herders in Turkana owing to heightened insecurity in the County. BOTTOM: "Insecurity is a great factor compromising education in Turkana. It forces everybody to pose a gun-in school, at the grazing fileds even at home..." DC Mutuku Mwenga.

Photo/Malachi Motano

Development organisations in the area say the communities face a dilemma: insecurity keeps children away from school, but education is the key to solving such conflicts with traditional roots.

According to Nick Wasunna, senior advisor to the World Vision Kenya, "We need to achieve some level of education and use it to build peace in communities. Providing opportunity for education to the young generation and helping them understand the role of peace in development is very critical to address the situation.

Joyce Emanukor, is the Education officer - Oxfam in Turkana. "At Oxfam, we are concerned at how the prevailing insecurity has uprooted children from schools, particularly those on the Pokot border, forcing them to relocate to facilities in other areas, resulting in massive overcrowding. These facilities are overstretched. There are no additional books, classrooms and other learning material to care for the extra pupils; the quality of education is quite low."

pared to a national ratio 76 percent. Kenya's Free Primary Education programme has its work cut out here.

The Police Reservists armed with rifles follow the children to play on the school's field and to River Turkwell to draw water

"I escort them every day. I cannot take chances, because when the bandits come, they attack all our people including the children. This place is volatile. But children must learn; and we must do all we can to ensure their safety when learning," says Reservist Salim Iro while standing alert, gazing at the pupils from a distance as he caresses the weapon. According to Oxfam foundation, as many as five pupils are killed in attacks by raiders every year.

Charles Lopuya is the area's chief. "Even though a 2007 presidential directive led to the recruitment of Kenya Police Reservists in bandit-hit areas, this has not addressed the security situation because of inadequate numbers. Only one police reservist is deployed to each of the three schools in the region, which are about 10 kilometres apart. This is insufficient. To provide adequate protection we want about six reservists for Nawoyaregae."

Insecurity is not the only factor compromising education in Turkana. A gross shortage of teachers is another concern. For example, Nawoyaregae Primary School, with an enrolment of 350 or more school-aged children, has only three teachers.

"This is a great challenge, especially when we have more pupils coming back to school after fighting has subsided. The teachers get overloaded, and this is not good for the pupils," Omukaga, the school's head said. He said he would need about nine to be comfortable.

The situation is replicated in neighbouring East Pokot District, where majority of schools have just two or three teachers serving over 200 students, according to Mutuku Mwenga, the District Commissioner. He notes that teachers had been shying away from being deployed in areas such as Turkana and Pokot, largely due to the insecurity.

Even though the government is trying to deploy more teachers in these regions, enticing them with additional allowances, analysts contend that uneven progress on education will leave remote rural communities - who need it as much if not more than anyone - behind.



## Kieni DEO under fire by head teachers

By JOSEPH MUKUBWA

A CROSS section of secondary school head teachers from Kieni West district have called for the transfer of senior education officials in the area citing laxity and highhandedness.

The head teachers stormed area DC's office in Mweiga and demanded the immediate transfer of the District Education Officer Elkana Nyaga who they blamed for the declining standards of education in the area.

The angry head teachers also claimed that the DEO has been harassing them. One head teacher who did not want to be named claimed that the education officer has been intimidating, harassing and insulting them and instigating their transfers for no apparent reason.

Led by the area MP Nemesyus Warugongo, the teachers said it is unfortunate that the District was ranked the poorest in performance in the constituency. The MP said that he has written to Education Minister Prof Sam Ongeri over the matter and was waiting for reply.

"I will also boycott the forthcoming District Education Day because he is the one organizing it. I will not donate even a trophy or any resource," said the MP who accused the DEO of serving the interests of his political detractors. Warugongo said he will not relent in his quest to see the DEO leave the constituency.

The DC who is the chairman of District Education Board said he has received the grievances and will address them amicably. The DEO has been in the district for only five months after he was posted from Wajir area. Efforts to contact the DEO were fruitless as he could not be reached on his mobile phone.

# Water body crippled by delayed payments

By LINK CORRESPONDENT

FAILURE by water bodies and companies to pay the cost of water provision has curtailed operations of the Water Resource Management Authority (WRMA).

According to the authority's chairman Francis Nyenze, the institution is owed more than Ksh2 billion by different water bodies in the country, a fact that hampers its operations.

"We want water bills to be paid promptly and we are putting all defaulters on notice. We will not continue to allow them to source for our water without paying for it," stressed Nyenze.

He noted that the authority will continue with disconnection of water to companies that do not pay for the commodity promptly and advised them to seek ways of settling those bills.

Nyenze said water charges were still affordable and thus there should be no delay in payment to the authority.

"We use the money that we collect from various companies for conservation of water catchment areas and, therefore, no one should delay us or else Kenyans will not get this essential commodity," he reiterated.

Nyenze put on notice those who are destroying the catchment areas saying that they will be arrested and charged in court.

Speaking at the same function, Prof Richard Mibey, Vice-chancellor of Moi University noted that the institution will partner with organisations in the area to enhance protection of water catchment areas.

"Moi University will continue to partner with WRMA in protection of wetlands and other water sources," noted Mibey.



Mr. Nyenze, WRMA chairman



Mr. Mibey, Moi University

Meanwhile WRMA has signed a memorandum of understanding with Eldoret Water and Sewerage Company to guide in the payment of Ksh6.5 million debt.

The company will be paying the authority Ksh816,000 per month in addition to quarterly payments of Ksh1.3 million.

At the same time, water shortage in Eldoret town in North rift is set to be a thing of the past after Eldoret Water and Sanitation Company completed its rehabilitation project.

Meanwhile, Mwea rice farmers owe WRMA over Ksh 1billion. According to Philip Olum, chief executive officer WRMA, farmers in Mwea have not paid for the water for a long time.

WRMA is blaming the National

Irrigation Board (NIB) for delays in clearing the debt since it is the body that is responsible for management of water in the area.

"I am taking up the issue with NIB since they are the permit holders," reiterated Olum.

He urged the Government to come with modalities on how the debt will be repaid failure to which WRMA will move to court.

Olum noted that over the last eight years, the company had lost huge amounts of money through bad debts and thus plan to move to court to have organisations pay their debts.

He said that once the debt is recovered, the money will be channelled towards the construction of dams for irrigation in Nyanza, Taita and Isiolo.

The Authority also plans to extend

its services in other parts of the country including the flood prone areas to end the perennial displacement of people and unwarranted deaths.

"We are going to construct a dam that will act as a water reservoir to minimise flooding and cases of people being displaced," explained Olum.

Through community based organisations, WRMA has set aside Ksh25 million for conservation of the environment in various parts of the country.

The money will be used in the reduction of soil erosion and degradation as well as encourage activities that help in the management of forests.

In September last year, WRMA cut water supplies in Mwea Division over Ksh1 billion debt.

## MPs urged to pass family bills

By AGGREY BUCHUNJU

THE International Women's Day observed in March every year represents opportunities to advance the rights of women in the socio-economic and political development.

Gender, Children and Social Development Assistant Minister Atanas Manjala Keya says that on this day, women take stock of milestones accredited to their hard work and determination.

Speaking in Bungoma town during the celebrations, Keya who was the chief guest, said that his ministry was

committed to promoting the advancement of women's issues.

Keya urged the women to seize the opportunity availed to them especially this year to elect their fellow women in various political positions so as strengthen the voice of the women in advocating for gender and women issues.

He reminded the women that the Government created an enabling and sustainable environment to facilitate their progress and asked them to take up the challenge.

"You have made tremendous contributions in this nation and the govern-

ment has acknowledged this by putting in place various policies, legislations and programmes to support year efforts," he said.

The assistant minister however, urged women leaders of this country to be good role models to the young generation by portraying good leadership qualities.

This, Keya added, "would stir our nation to higher levels of development and sustained growth".

In an endeavour to reduce incidences of gender based violence, the assistant minister claimed that the government

is in the process of enacting family protection bill that seeks to address domestic violence and its adverse effects in the family units.

Keya urged fellow parliamentarians to pass the pending family bills to protect the rights and welfare of women.

The legislator mentioned the bills as family protection, marriage and matrimonial property bills of 2009.

In conclusion Keya urged men and women to unite so as to create a peaceful society free from discrimination.

# Now civic leaders demand send off package

By BEKADZO TONDO

CIVIC leaders in the country are demanding a send off package as they complete their five year term later in the year. The civic leaders want the Association of Local Government and Authorities in Kenya (ALGAK) to push for their retirement package ahead of the General Elections.

Speaking during a full council meeting at Kilifi county council, the deputy chairman Mr. Teddy Mwambire said that councillors, like the Members of Parliament be given as send off upon completion of their five year

term in office.

"After successful completion of our five-year political term in office, I think it is fair for the government to appreciate the work done by the civic leaders in planning and initiating development projects in their respective wards by awarding us a token," said Mr. Mwambire.

Mr. Mwambire who chaired the meeting on behalf of the council chairman Mr. Anthony Kingi, said ALGAK must intervene on our behalf and push for a send off package.

The county clerk Mr. Leboo Ole Morintat said chief officers have no

powers to approve such payments unless they receive consent from the Minister of Local Government.

"You may be entitled for such a token, but we as administrators do not have such powers to approve for additional payments without the consent of the minister," said Mr. Morintat.

Mr. Morintat advised the civic leaders to lobby for the package through ALGAK and when approved the council will look at their issues.

The over 40 civic leaders at the council said the send-off package could come as a relief during the campaigns as most of their allowances

had gone into supporting community projects and paying school fees to needy children.

"Councillors interact more with people at the grassroot level and therefore they spend most of their allowances in addressing myriad of issues afflicting the public and thus cannot save anything to help them in their campaigns," said Mr. Mwambire.

Earlier, the Minister for Local Government Musalia Mudavadi had indicated that councillors could only receive retirement benefits if their respective local authorities have a strong financial base.

Councillor Mwambire said that Kilifi County has enough capital to pay their civic leaders the send off package as its revenue collection is not bad. However he said the council needs to identify other sources of revenue to boost the current revenue collection to enable them get the send off packages and offer better services to the members of the public.

"The council collects enough revenue to pay us the send off package but we still urge the administration to explore more revenue sources to increase the collection," said Mr. Mwambire.

# The Link

Enhancing governance for all

## Stand up against lords of impunity

**I**T is increasingly becoming apparent to Kenyans that the lords of impunity are having their way in government. Recent changes in cabinet, especially on the PNU side, were clearly meant to show Kenyans who calls the shots in government.

But as Phyllis Schlafly famously said: Bite us once, shame on the dog; bite us repeatedly, shame on us for allowing it. Are Kenya's allowing the lords of impunity to steal or stall their revolution. In my view, it was never meant to be this way. After the enactment of the new constitution, Kenya glimmered with hope. We envisioned accountability and integrity at all the levels of the government. But, reality is dawning fast, the script might have changed but the cast remains all the same.

The deputy chief justice saga and the reactions from the government on the confirmation of charges on the ICC suspects are a clear indication that the more things change, the more they stay the same. I believe it's time for Kenyans to evoke the spirit of the constitution. We need to keep the government accountable or otherwise someone will continue playing Russian roulette on us.

The government through the advice of Githu Muigai, the AG, has decided that "The suspects are appearing in their individual capacity. The government cannot speak on their behalf on what to do and what not to do." If that's the case, why is the government forming commissions to advise it on the ICC cases?

Why did William Ruto and Henry Kosgey resign when they were charged in court or is the ICC a lesser court? Why are people holding public office being allowed to treat those offices as private entities? Why is Uhuru still holding on to the DPM's post despite public outrage?

It's not easy to get answers to these questions. We are in a maze created by the leaders of this nation. They will act the way they do as long as it's convenient for their power struggles. They have taught us to tolerate bad leadership, bad roads. Sadly, we have learnt to reconcile easily with bad governance. We keep re-electing corrupt politicians because of their looted wealth – and spend all the time whining about how bad they are.

We are in an election year. We can choose to whine for the next five years, or we can decide today to make a difference. If we don't, we will forever blame ourselves for allowing the same dogs of impunity to bite us repeatedly.



### COMMENTARY

## IEBC's election date raises legal issues

### COMMENT

By LINK CORRESPONDENT

**T**HE public debate generated by Independent Electoral and Boundaries Commission (IEBC) announcement of the election date raises pertinent legal issues.

At the fore, is whether IEBC is the constitutional organ mandated to set the date of the General Election; and if so, has IEBC set the date within the parameters of the Constitution and the Law.

Both these questions can be interrogated comprehensively in the judgment handed down by the Constitutional Division of the High Court (Lenaola, Ngugi and Majanja JJ) in Constitutional petition no.65 of 2011.

In its judgment on the question, the constitutional Court ruled that the first General Elections under the Constitution can only be lawfully held as follows:-

In 2012, the elections are to be held within sixty days from the date on which the National Coalition is dissolved by written agreement between the President and the Prime Minister in accordance with Section 6(b) of The National Accord and Reconciliation Act, 2008 or within sixty days from the expiry of the terms of the National Assembly, on 15th January, 2013.

On the question, "which body under the Constitution is entitled to fix the election date, the Court concluded that in the light of the authority and powers conferred by Article 88 to the IEBC to conduct and supervise elections, it is the IEBC that will fix the election date for the first elections under the Constitution.

THE IEBC is an independent body and in line with its mandate, it shall fix a date once it is satisfied the conditions and arrangements that ensure a free and fair election have been met but within sixty days of either of the two events referred to.

Having found that the first elections under the Constitution shall be held within sixty days from the end of the expiry of the National Assembly as provided or upon dissolution of the National Coalition, IEBC has the mandate to fix any date within the sixty days thereafter.

The Constitution of Kenya, and specifically Article 165, gives the High Court jurisdiction to hear and determine any questions with respect to the interpretation of the Constitution, unless a decision of the High Court is reversed or varied either by the Court of Appeal or the Supreme Court.

Therefore, the recognition of IEBC in the judgment by the Constitutional Court as the organ constitutionally mandated to set the election date, is thus authoritative and constitutionally and legal binding.

It is thus clear that, in the discharge of the mandate, IEBC acted entirely within the parameters of the Constitution, as stated by the Constitutional Court.

The date set by IEBC is therefore the constitutionally valid date for the first General Elections under the Constitution. It is to be recognized that this date may change if:-

The Court of Appeal or the Supreme Court reverses or varies the judgment of the High Court; or in accordance with the Court's ruling, the President and the Prime Minister, by a written agreement, dissolve the Grand National Coalition; or the Constitution is amended to expressly set a different election date.

In the absence of any of the above events taking place, it be-

hoves all Kenyans, including all other constitutional organs and offices, to respect IEBC and its mandate.

IEBC is established under Article 88 of the Constitution of Kenya, 2010, and is an independent Constitutional Commission within the meaning of Chapter 15 of the Constitution. In terms of both Article 88(4) of the Constitution and Section 4 of the Independent Electoral and Boundaries Commission Act, 2011, IEBC is inter alia "responsible for conducting or supervising referenda and elections to any elective body or office established by the Constitution".

In terms of Sections 14, 16, 17, and 19 of the Elections Act, IEBC shall publish a notice of the holding of the election, in the Gazette and in the electronic and print media of national circulation, in the case of a General Election, at least sixty days before the holding of the elections.

As regards the first General Election under the Constitution of Kenya, 2010, IEBC has made public its decision to hold the said Election on 4th March 2013.

Article 2 of the Constitution of Kenya, 2010, states that, "This Constitution is the supreme law of the Republic and binds all persons and all state organs at both levels of Government". Further, by virtue of Article 3 of the Constitution, "Every person has an obligation to respect, uphold and defend the Constitution".

All Kenyans must therefore uphold the Constitution of Kenya, 2010, in particular by according respect to both the Judiciary in its constitutional role of interpreting the Constitution, and to IEBC, in the discharge of its mandate, as the Election Management Body, including, the mandate to set the date for the first General Election under the Constitution of Kenya, 2010.



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# The Link

Enhancing governance for all

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# Njoka now wants women group banned

By JOSEPH MUKUBWA

MAENDELEO Ya Wanaume Organization has called upon the government to ban the Maendeleo Ya Wanawake Organization saying it is a hate group.

The organization chairman Mr Nderitu Njoka said the recent remarks by the organization's chairperson Rukia Subow of inciting women to continue battering their men in the country clearly shows that it is a hate group.

Speaking in Nyeri town recently during the launching of a book, 'Man in the Desert, Woman in Paradise,' the chairman who was accompanied by the organization Secretary General Mr Fredrick Mwangi said the women's organization is meant to subdue and suppress men and so should be banned.

He spoke on a day when women were celebrating the International Women Day.

Njoka also called upon the Government to address the issue of dress codes among women.

"The issue of dressing code was raised by men and women country-wide. They were unhappy the way some men, women and the youth dress up indecently in public.

The Government should introduce a dressing code in public. Action should be taken against men, women and youths who dress indecently because they are fuelling sexual abuse," the chairman added.

He noted there are many disparities between men and women in job



Maendeleo Ya Wanaume chairman Nderitu Njoka after launching the book, 'Man in the Desert, Woman in Paradise,' yesterday in Nyeri town. Photo/Joseph Mukubwa

market especially in education sector, civil servants and telecommunication center among others and urged the Government to practice equality.

"Women are occupying white color jobs while their male counterparts are left with few chances in the muscular jobs," he complained.

The chairman also urged men to

boycott the forthcoming general elections if the sections favouring women are not scrapped in the Constitution.

He told the men to instead hold demonstrations across the country during the elections day.

He promised to give the book to President Kibaki and PM Raila Odinga among other VIPs and ministries.

## Kiharu CDF fraudsters arrested

By MORRIS GITHENYA

A MAN who walked into Kiharu's Constituency Development Fund office and stole cheques endorsed for a particular project has been arrested.

The suspect was picked from his Kahuhia home by CID officers who have been investigating circumstances under which the cheque was lost and the identity of three people who cashed the cheque valued

at Kshs 500, 000 from a Kangema bank.

Murang'a East DC Mr George Natembeya says the detectives have been pursuing the three after a cheque drawn in favour of Njoguini water project valued at Kshs500, 000 disappeared from the office.

Speaking in Njogu-ini village when he inspected a water project funded to the tune of Kshs 3.3 million, the DC said two of his accom-

plishes are being pursued by the police.

"After disappearance of the cheque, committee members recorded statements with investigations narrowing on three people who withdrew the cash from the bank," said the DC.

The administrator asked the CDF committee to allocate the project additional funding to aid in the purchase of water pipes for distribution.

## Kajwang tipped on issuance of IDs

By BEKADZO TONDO

IMMIGRATION Minister, Otieno Kajwang has been challenged by Kilifi leaders to hasten issuance of identification cards to the youth in the area.

The politicians expressed fears that delays in issuance of IDs was likely to lock out many youth from participating in the forthcoming general elections due to lack of voters cards.

Led by Ken Chonga, the politicians at the same asked the registration of person's department in the area to stop imposing unrealistic demands on the applicants as majority were opting out of the process before they can acquire IDs.

"Most youth are being forced to abandon the process because the officers demand unnecessary information including the production of their parents' title deeds to verify their iden-

tity," said Mr. Chonga.

Speaking at Chasimba, Mr. Chonga urged youth who had obtained their identity cards to register as voters and elect leaders of their choice.

"Most people in Coast Province have not realized the importance of registering as voters and thus the need to change their attitudes," said Chonga.

Another politician Mr. Peter Shehe scoffed at assertions by the minister for Immigration and Registration of persons Mr. Otieno Kajwang that his ministry had enough funds to carry out mobile registration in the villages to ensure those who have attained 18 years and above get the IDS, saying the scenario was different on the ground.

He said that the Minister must ensure that registration of persons goes on smoothly at the grassroot level to

enable majority of people exercise their democratic rights during the elections.

Mr. Chonga further said people in Bahari constituency need to be educated and apply for new voters' cards following the split of the constituency into two.

"Independent Electoral and Boundaries Commission IEBC) has approved the splitting of Bahari constituency into two to create Kilifi south and Kilifi North and therefore the commission has an obligation to sensitize the voters to acquire new voters cards to ensure that they elect their respective leaders," said Mr. Chonga.

Bahari MP Mr. Benedict Gunda expressed similar sentiments, saying that through civic education, voters in Bahari will know where to cast their ballots.

## Vandals disrupt water supply to Ukambani

By PETER MUTUKU

THE water problem facing parts of Ukambani has been blamed on illegal diversions on the main supply at Mt Kilimanjaro by vandals to irrigate farms in Kajiado.

Tanathi board director Charles Kimeu says the vandals have destroyed the pipeline in several places and dug deep trenches to aid in the diversion of water into their farms.

This, he says, has led to the frequent water shortages experienced in Emali, Sultan Hamud, Salama and Machakos towns. Besides digging channels to their farms, the vandals have also created small dams to store the treated water which is supposed to get to Machakos from Mt Kilimanjaro through Nul Turesh Pipeline.

The residents of Machakos town say that police are yet to arrest the vandals in spite of a recent directive by Water Minister Charity Minister.

The Tanathi board director says the vice has continued unabated with the full knowledge of both the provincial administration and the police.

However, the residents of Emali and Sultan Hamud accused local politicians of colluding with the vandals and providing them with protection.

"We are informed that one of the directors of a water company comes from the area and thus the diversion thrives unabated," a local trader Munyalo Katua said.

Initially the residents had pointed fingers at the flower farms in Kitengela and Athi River for the water shortages in town only to realise that the pipeline had been heavily vandalised in Kajiado County. Kimeu urged the provincial administration and police to arrest the vandals to stop the vice.

"Those diverting the water are selfish because they are denying thousands of residents their right to water," Kimeu said.

# Kombo calls for privatisation of Webuye

By AGGREY BUCHUNJU

NOMINATED MP Musikari Kombo is now appealing to the Government to privatize the troubled Webuye Paper Mills in Bungoma County.

Kombo is of the opinion that revival and sustainability of the giant paper industry in East and Central Africa can only be achieved through privatisation of the factory.

Kombo attributes the woes facing the factory to active involvement of the government in its management claiming that efficiency is being deliberately compromised because of vested political interests.

He suggests that for the factory to

get back on track, politics must be delinked from its management and the Mill handed over to a private investor.

The MP cites the Eldoret based cloth making factory Rivertex as one of the factories that had grounded to a halt but got back on track after management was taken over by a private entity: Moi University.

"Rivertex was revived by Moi University and it is now doing so well because its management is devoid of political interference," he says.

Consequently, Kombo urges Masinde Muliro University of Science and Technology (MMUST) to take over the management of pan pa-

per mills in order to save the factory from collapse.

The legislator's remark comes against a backdrop of concerns by leaders over the Government's commitment to revive the factory.

For instance Bumula MP Wakoli Bifwoli reads mischief in the Government's assertion that the factory would be revived.

Wakoli accuses the government of not being serious to revive the factory saying leaders want the current financial woes facing the industry to persist so that they can use it as a campaign tool.

The MP who is also lands assistant minister for instance says that

during the plebiscite the government pumped into the factory Kshs. 500 million in order to woo the region's residents to vote yes.

He, however, dismisses the amount as a drop in the ocean adding that it was nowhere near the debts that had led to the factory's abrupt closure.

Wakoli feels that if the Government was serious to revive the factory and had the welfare of the local community at heart it would immediately release more funds for the factory's sustainability. The factory is indebted to the tune of Kshs. 8 billion hence its revival and subsequent sustainability is increasingly becoming elusive.

## KTTC tutor sets eyes on Nyamira Senate seat

By BOB OMBATI

A TUTOR at Tambach Teachers Training College (TTC) Rachael Bosibori Gechiko has joined the race for Nyamira county senator's seat.

Bosibori who is the first woman to declare her candidature for the seat which is currently dominated by male aspirants plans to resign from her tutorial job by May to launch her campaigns to capture the coveted seat.

She urged the legislators to pass the Kenya Constitution Amendment Bill 2011 once it is tabled in parliament to help determine the election dates and enable civil servants aspiring for elective posts resign from their jobs. The Tutor, who spoke at a Kisii hotel after a Federation of Women Group leaders meeting recently said she wants to join politics to help improve education standards in the county besides making it the best managed county nationally.

The Trainer noted the county has enormous resources which remain untapped, adding that she will encourage local and foreign investors to develop the county to help alleviate poverty among the residents.

Bosibori, flanked by the County's Women Representative aspirant, Nyarinda Moikobu asked women to seek other elective posts instead of crowding the race for the women representative seat to increase their numbers in leadership positions both at the county and national governments.

"We want many women to capture top seats in the counties and the national assembly for fair representation as outlined in the constitution. We do not want favours from men but we must capture our seats on merit," said Bosibori

The aspirant, who is a graduate from Andrews University in the USA said she will use her international network to market the county and ensure improved social, economic, cultural and infrastructural development.

She challenged men to shun retrogressive cultures which relegate women to their traditional roles and support women capture political seats, adding that the country would develop faster and attain vision 2030 if more women are involved in leadership.

Bosibori affirmed that women are not corrupt, adding that they can be entrusted with the country's economic resources and ensure that each Kenyan benefits just like children at a close knit family.

"As a woman and mother, I will see the county as a home where every family member gets his or her share of resources for self and collective development," stated Bosibori.

Bosibori's candidature follows an announcement by the Orange Democratic party national official, Janet Ong'era who has declared her interest for the Kisii county's Women representative seat.

# Kibaki refusal to sign law praised

By LINK WRITER

THE President's refusal to assent the County Governments Bill, 2011 is a blessing in disguise. It provides us with a definitive moment to not only redesign structures of the Provincial Administration but also to review the policies and functions of public agencies.

The Constitution creates two levels of government, both at the county and national level and distributes functions between them. Article 6(3) is emphatic that the national government must ensure reasonable access to its services in all parts of the republic.

The question that must be quickly yet carefully answered is how then should National government decentralise its services to the County, Constituency and Ward level?

The colonial and post independence governments in Kenya opted for provincial administration as their preferred way of decentralising services. But this only served to perpetuate tyranny and exclude majority of Kenyans. While, the Provincial Administration purported to maintain law order and order, crime spiralled to alarming levels with more areas registering a near disintegration of essential services. Conflict situations took another dimension as the provincial administration quasi-judicial role in conflict resolution, peace building or cohesion was replaced by a clogged up system that was not responsive to the needs of the ordinary Kenyan.

A more clearer perspective on the performance of the provincial administration renders it unfit to continue existing in a democratic order.

On security or crime prevention, the chief still operates with a handful



President Kibaki

of Administration Police officers to oversee 'security' in vast locations. In remote areas, the chief has to contend with support from untrained, unmonitored and often ethnically and politically biased Kenya Police Reservists (KPR).

Youth countrywide are grappling with the effects of unregulated alcohol, drug abuse and trafficking. The proliferation of small arms and livestock theft threatens the social fabric as criminals become more sophisti-

cated.

On environmental protection, Kenya has lost substantial forest cover through illegal logging and recommendations, often by the provincial administration, to de-gazette forests in the name of settling squatters. Media reports have revealed that such recommendations to degazette forests and water catchment areas are often done under guise of grabbing prime land for the benefit of unscrupulous politicians, the Provincial Administration

themselves and a few supporters of politicians who masquerade as squatters, while the politicians they front for hive off thousands of hectares of forest land.

On the quasi-judicial function of peace building, cohesion and conflict resolution, the Kofi Anan-led reconciliation team in 2008 heard that misallocation of land is essentially what fuels inter-ethnic conflict. Yet, it is the

Turn to page 20

# Co-ops boss calls for more savings

By MORRIS GITHENYA

KENYANS have been advised to save their money through Saccos in order to tame financial institutions that have been hiking their lending rates.

The Commissioner for Cooperatives Fredrick Odhiambo said investing in credit and cooperative societies had posted remarkable growth through investments in various sectors of development.

"The government was encouraging Kenyans to join Saccos as this enables them to pull their resources together and apply for loans at cheaper rates with proceeds being shared

out as dividends to members at a later stage.

The Commissioner described Saccos as the only available remedy to the recent global financial recession that has seen major banks closing down.

Speaking in Kirinyaga County during the opening of Mwea Branch Muhigia Sacco, the commissioner disclosed that while the collapsing banks were bailed out by their respective governments, none of the Saccos worldwide faced threats of closure.

"After the global financial crises that affected financial institutions, Saccos remained intact, to prove that they can stand on their own and sur-

vive if members continue supporting them," he pointed out.

Odhiambo said lending rates at the saccos are much lower as compared to those offered by financial institutions that have caused untold suffering to millions of Kenyans.

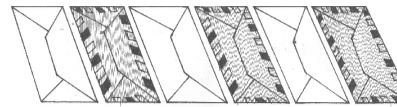
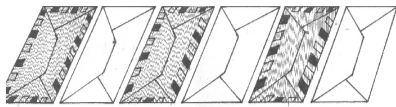
"Proceeds from the banks are shared among the investors as compared to dividends from the sacco which benefit members after payments to their employees," said the Commissioner. He cited a recent study which revealed that most Sacco members have managed to educate their children, improve their living standards and construct rental houses

among other forms of investments.

On Saccos that operated Front Office Operations Service (FOSA), the commissioner pointed out that 219 co-operatives have been issued with operating licenses to give their members services similar to commercial banks.

Kirinyaga County based Muhigia Sacco formerly a teachers cooperative Sacco pioneered FOSA services in 1995 at a time when others were opposed to the service but have now applied for licenses.

"Today there are 219 saccos operating FOSA with many more seeking authority from Sacco Regulatory Authority," said the commissioner.



## Profiteers made cost of living more worse

A RECENT World Bank report restated what is already common knowledge — global food insecurity and escalating poverty. With widespread degradation of the environment and the negative impact of climate change, recent announcement of world population hitting the seventh billion mark is bound to add to uncertainty over food security and general poverty.

Amid the apprehension, the gulf between the rich and the poor is widening. The message by anti-capitalist protestors occupying St. Paul's Cathedral in London, New York's Wall Street and Oakley in the US in recent weeks is that something is not right and the state of affairs needs to be re-evaluated. What the world is witnessing cannot be explained away as mere expressions of neo-socialism fervour. Truth is, the power of capital has been degrading the safeguards put in place by the International Labour Organisation (ILO), the trade union movement and consumer rights lobbies.

The rising cost of food and consumer goods is not restricted to Kenya. A number of European countries are edging towards the economic turmoil that has engulfed America for well over a year now. Nobody can claim that there are any quick fix solutions so we should not expect the government to perform any miracles. However, the government must be on the lookout for profiteers and cartels who exacerbate Kenyans' pain.

We do not believe on command economy where prices are arbitrarily fixed and market dynamics interfered with. However, there must be sensitivity on the part of oil merchants, landlords, PSV operators, manufacturers down to the retail chain.

This is not to say that firms should sell fuel at a loss, that PSV crew and operators should be denied profit but to appeal to them to accept the guidelines rolled out by the regulatory mechanism and even market realities so that they pass on the benefits to consumers.

They must remember that increase in fuel cost drives up the cost of everything else disproportionately. For example, why not give Kenyans a break when crude process fall at the international market? In any case market forces work best where competition is fair with reasonable latitude in supply options.

This country cannot afford to be complacent and assume that social upheavals only occur in other places. In part due to historical reasons founded on colonial practices, inequity is rife in our country.

This together with migratory patterns from rural to urban to seek relief, poverty is getting dredged. To their credit, these people have devised ingenious ways of surviving but let's not push our luck too far.

**Okello K'Ajoji,**  
via e-mail

## Miserably, it's no longer a crime to insult the modesty of a woman in Kenya

UP to about five years ago, it was a crime to insult the modesty of any woman under the Penal Code introduced in 1930, and even under the Indian Penal Code which it replaced.

The crime, punishable by a year in jail, was supplanted by the Sexual Offences Act in 2006, leaving a regrettable void.

The Act repealed section 144(3) of the Penal Code which made it a misdemeanour "to insult the modesty of any woman or girl". It was based on the morality of Victorian England but it served Kenyan women well.

Section 144(3) criminalised sexually insulting, harassing or tormenting a woman. For example, you could not call a woman a prostitute or loose or make obscene gestures and catcalls, or pester her for sex, without legal consequences. It would have been a misdemeanour, a crime that is legally less serious than a felony such as murder and arson.

All the same, for the women victims, psychologically and emotionally, the sexual insults were, and still are, no "less serious" than a felony as they touch on their very dignity and violate their rights.

The Sexual Offences Act falls short of the provisions of section 144(3). It leaves women helpless in a patriarchal culture which holds that the body of a woman belongs to man.

The Act, modern as it is, only criminalises sexual harassment by a person "in a position of authority or holding public office", and then only if that person makes the sexual advances or requests "persistently", and if he knows, or has reasonable grounds to know, the advances or requests are unwelcome.

The Act also criminalises "indecent act", defined as "an unlawful intentional act which causes any contact between any part of the body of a person with the genital organs, breasts or buttocks of another, or exposure or display of any pornographic material



**Law Court: The Sexual Offences Act sometimes hinders courts from punishing sex pests despite their obnoxious behaviour.**

to any person against his or her will."

It is punishable by imprisonment for a term not exceeding five years or a fine not exceeding Kshs.50,000, or both, if committed with an adult.

Though section 144(3) did not define what it means to "insult the modesty of any woman", courts punished such acts as obscene catcalls, calling a woman a harlot, exposing one's genitals to a woman, writing letters making indecent overtures and displaying pornographic material to a woman.

Today, courts can only take on such acts if they amount to a breach of public peace, or if they are said to defame the woman, as in the case of Anisia Kagwiria Mungania vs Lucy Gakanyi Kirema.

Ms. Mungania claimed Ms. Kirema called her, in Kimeru, a prostitute and uncircumcised. The words, she said, were uttered in the presence of other people, including children, and her reputation was injured and, as a result, children disrespected her. Tigania district magistrate D.J. Nyaga awarded Ms. Mungania Kshs.10,000 in general damages. However, Ms. Kirema appealed to the High Court in Meru and Justice Mary Kasango

quashed the award and conviction on May 7, 2010.

Many people are now unhappy that anybody can sexually pester, harass, bait, torment, tease, taunt and bug women, without legal consequences. One of them is chief magistrate Kiarie Waweru Kiarie. In an article, "The Sexual Offences Act: Omissions and Ambiguities", in the current issue of the *Kenya Law Review Journal*, he says section 144(3) played "a very central role" in checking conduct that is not covered in the definition of "indecent act" in the sexual Offences Act.

He says he recently tried a case where a man harassed a 12-year-old by pestering her to have sex with him until she ran away from home. Since the Sexual Offences Act does not cater for such acts, he says he had no option but to acquit the man "in spite of his obnoxious conduct," Mr. Kiarie concludes, rightly, that the Sexual Offences Act should be amended to incorporate the provisions of the revoked Section 144(3) of the Penal Code.

**Peter Mwaura,**  
via e-mail

## Educate people on cancer screening tests

CANCER is a life-threatening condition that has robbed the lives of our loved ones. It is a scary and slow killer disease, which brings stress and torture to both the victim and family. It claimed the life of my dear one last year and it was so painful for him and to my entire family to see him suffer.

We tried the treatment that was available in vain because the problem was realised late when it had spread.

Many people are dying of cancer in Kenya now at an alarming rate. Cancer of esophagus, breast, prostate, liver and ovary has now become a fear factor in every community.

It has by far superseded HIV and Aids, which used to be feared the most. The outcry at the moment is: where is our hope with this enemy? What is really the cause? Is it the change in our lifestyle? Processed foods that have flooded our supermarket counters or is there something new not yet discovered?

These warrants thorough research by our public health team and I hope these professionals get considered in funding so that they can do a good job because they can save the lives by pointing at the cause and suggesting the intervention.

The good news, with cancer is that it is preventable and treatable if diagnosed early, and the bad news is that there is little hope once it has metastasized to other organs. Cancer can be diagnosed early if people are enlightened on some of the preventive measures like having annual check-up.

There is a high need for everyone to participate in annual check-up, have your blood checked to include cholesterol and such like. Make appointment to see your doctor like you would take your car for servicing. By doing so, we stand high chance of detecting cancers in early stages.

**Everlyn Tarus,**  
Via e-mail





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

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# Balala roots for quality county leadership

By LINK WRITER

THE question of how county governments are going to be funded is sending jitters across the board with some quarters calling for a review of the proposed mode of resource allocation to guarantee equity.

Critics feel that some counties are already well equipped and, therefore, it is unfair to fund them equally with areas that have suffered marginalisation since independence.

Devolution presents an opportunity for a more equitable model of development. But implementation process comes against a backdrop of pronounced inequalities that have been premised on political inclinations.

These, therefore underscores the need to craft strategies that will address the glaring disparities and ensure that neither the Counties nor the national governments become financially crippled.

The Constitution mandates that a minimum of 15 percent of national revenue be transferred unconditionally to counties but this will not be enough to finance the full set of devolved systems.

The annual World Bank economic update report provides an insight on how these functions can be devolved effectively.

According to the report, counties that currently appear like they

will gain most in the new dispensation may be the biggest losers in practice.

The report says that regions which have been historically left out are precisely the ones whose capacity constraints are likely to be more binding and cites the weak financial management, major disruption in service delivery and unmet expectations.

"The success of devolution will depend critically on capacity

building and preparation at the local level," adds the report.

The document also states that counties which the national government has interest in may reap much in devolution as the Government will invest more in them. Marginalised areas too will benefit much from this.

The report further states that establishing strong systems and institutions to enhance accountability at the county level will determine

the success of devolution.

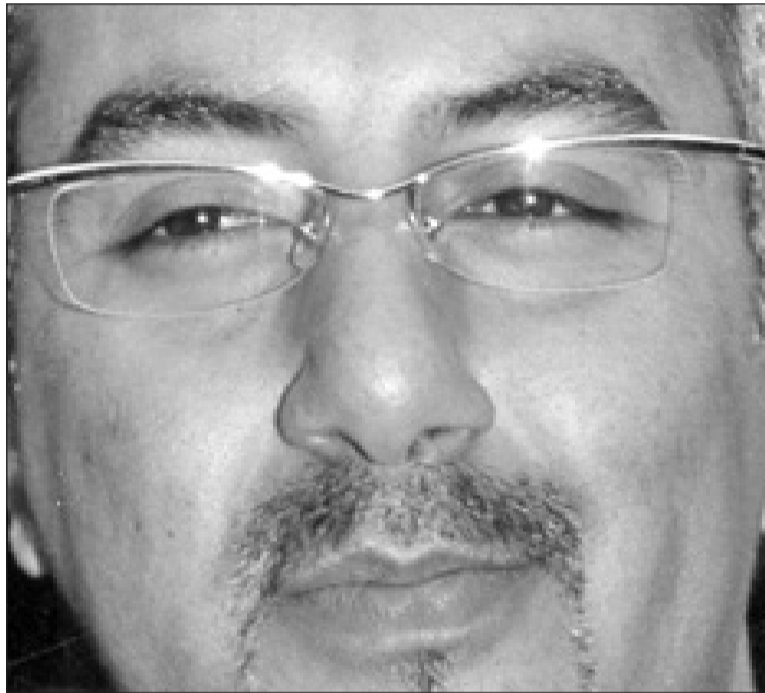
"In many countries, poor systems of accountability have undermined devolution leading to more corruption and weaker public services," states the report.

During the promulgation of the Constitution, President Mwai Kibaki said: "New institutions will be established both at the national and county governments and thus must be supported by all Kenyans. More importantly, let us use the opportunities being offered by the county governments to develop all corners of the country for the attainment of Vision 2030."

According to the President, unless all Kenyans join hands to make sure everything is done in the right way we may end up not enjoying the fruits of the new constitution.

Speaking during the launch of the Kenya Economic Update by the World Bank at a panel discussion, Immediate former tourism Minister Najib Balala said that for the County Government to transform Kenya's economy, the quality of leaders elected to head the new governance structures will play a major role.

He noted that academic qualifications and experience were not enough for leaders to spur development. "We need to elect people of integrity, we need to have leadership and institution capacity," said Balala.



Mr. Balala

## Busia councillors lock horns with Clerk over funds

By NYAKWAR ODAWO

A SERIOUS row has erupted at the Busia County Council between civic leaders and a chief officer over alleged loss of Kshs12million that had been earmarked for paying contractors.

Led by the Busia County Council chairman Charles Onyango Olemu recent, the civic leaders barred the local authority clerk George Maruti from gaining access into his office over claims that he was mismanaging the council's project funds.

Activities at the local authority grounded to a halt after the irate civic leaders completely shut down the clerk's office and stopped him from gaining access into the office.

Among the accusations leveled against the clerk included non-payment of workers' wages for the last three months. According to the council chairman, the civic leaders had unanimously resolved during a recent special full council meeting to block the county clerk from office.

The meeting had been convened to discuss the conduct of the clerk who they accused of misappropriating funds earmarked for payment of contractors awarded tenders to construct various development projects within the council's eighteen civic wards.

"We unanimously resolved to bar the county clerk from office until he accounts for the money in question because most development projects within the council's eighteen civic wards had stalled due to mismanagement of funds," said, the local authority chairman who was flanked by eight civic leaders.

However, contacted for comment, the county clerk defended himself from the accusations insisting that he had not mismanaged the Kshs12million in question as the funds had been diverted to other projects approved by the local authority for implementation.

The county clerk said that initially the cash had been earmarked for paying the contractors who have been working on council projects at the ward level, but when the local authority received second quarter of the Local Authority Transfer Fund (LATF) no single project had actually been completed. "This forced me to seek authority from the finance committee to divert the said funds to other activities which included payment of salaries," said the clerk.

Maruti termed actions by the councillors as uncalled for since no contractor had been awarded with certificate of completion because the said projects are yet to be completed.

He at the same time said that once the said projects are completed, the contractors would be paid their dues as soon as the council receives its third quarter of local authority transfer fund.

## State will not resettle Bungoma IDPs — Official

By AGGREY BUCHUNJU

IT is now official, Internally Displaced Persons (IDPs) from all the 2,690 families in Bungoma County will not benefit from the Kshs.4.2 billion set aside for resettlement of IDPs in the country in the current fiscal year.

Mr. Dan Munene from special programme advisory board on resettlement of IDPs in the country is categorical that the 2,690 families with a population of 16,000 people are not earmarked as beneficiaries of the IDPs resettlement fund.

Speaking to the IDPs representatives at Bungoma South District Commissioner's (DC's) office, Munene intimated that IDPs in Bungoma County and by extension Western province

will not get support from the Government.

During the closed door meeting Munene is said to have declared that IDPs in Bungoma County are not genuine.

He allegedly argued that the region was not a hot spot to warrant existence of IDPs adding that the Ministry of Special Programmes was specifically dealing with IDPs with critical problems only. Munene is reported to have further said that special programme was only dealing with IDPs in registered groups countrywide.

He is said to have reprimanded IDPs in Bungoma County and Western Province at large for failing to register themselves in groups to pave the way for vetting and get support from the

Government

The Special Programmes officer allegedly told IDPs in Bungoma County to forget about any Government support since they failed to register and time for registration expired long time ago.

But in a rejoinder, the IDPs' representatives in a meeting that allegedly ended in a stalemate challenged Munene to explain why the Government used a lot of taxpayer's money to deploy the military in Mt. Elgon if the area was not a hot spot.

They reminded Munene that Mt. Elgon had the highest number of deaths during post electing violence.

The IDPs representatives; Mr. Hudson Wanyonyi and Mr. Vincent Weswa and human rights activists, Mr. Job Bwonya and Mr. Taiga Wanyanja ac-

cused the Government of applying double standards. They wondered why the Government was resettling IDPs in the country selectively by focusing only on those from Central and Rift valley provinces.

Wanyonyi further asked Munene to explain why the Government in the first place paid IDPs in the region the initial Kshs. 10,000 if they were not genuine.

The meeting was convened following an attempt by the IDPs to camp at the Regional Commissioner's office two weeks ago.

The IDPs who were demanding to be addressed by the Regional Commissioner (RC), upper western, Mr. Rashid Mohammed were however, beaten and chased away by the police.

By BOB OMBATI

DIRECTOR of Public Prosecutions (DPP), Keriako Tobiko has blamed the emergence of illegal gangs in the country to the backlog of cases awaiting to be dispensed at the law courts.

Tobiko, who paid a courtesy call to the Eastern Nyanza Regional Commissioner, Lydia Muriuki said delays in the administration of justice had caused the public to lose confidence in the judicial system and resort to illegal gangs that had established kangaroo courts where terror unleashed on innocent citizens reigns supreme.

Tobiko warned that intimidation of witnesses and the so called "instant

administration of justice" by the gangs was illegal, stressing that his department will report such cases to courts for immediate action. The Officer directed the Witness Protection Agency and law enforcers to move with speed and address the issue of illegal gangs which, he noted was rampant in the region.

He revealed that 66 prosecutors will be recruited by the department during the current financial year adding that the department continues to face a shortage of prosecutors owing to budgetary constraints. Tobiko noted the Department had been allocated Kshs. 955m out of the required Kshs. 3.3 billion during this financial year.

He assured the residents, that the

reformed department under the new political dispensation will liaise with relevant agencies to respond quickly to their needs in relation to the delivery of justice. Tobiko said that filing system was being digitized as part of the reforms in the judiciary to enhance delivery of justice, stressing that cases where files get lost will now belong to the past upon the completion of the process.

The DPP who had earlier held a closed door meeting with stakeholders in the Judiciary and provincial administration urged members of the public to help in the implementation of the reforms through cooperation with judicial, provincial and security officers.



Mr. Tobiko

**Tobiko speaks on emergence of terror gangs**

# Massive voter education launched in Kisii

By **BOB OMBATI**

AN association in Kisii County has launched massive civic education for voters to help them understand the devolved system of government and participate in the country's democratic process. Kisii County Welfare Association (KCWA) chairman, Elkana Onyando, says the organisation is sensitizing voters on the constitution to enable them understand its implication in their lives.

Onyando says majority of voters are ignorant of the Bill of Rights, Political Parties and Elections Acts and do not know the operations of the county and its leadership structure.

The chairman, who addressed members of the public at Marani area in Kitutu Chache constituency dur-

ing a civic education forum, noted it would be difficult for the electorate to elect their leaders if they were not properly educated. He said that majority of the locals languished in poverty due to lack of knowledge and concentrated their energies in ventures that were not economically viable, hence perpetuating the vice.

He urged community members to diversify their economic activities and venture into income generating projects such as poultry and horticultural farming to fully utilize the diminishing land sizes in the region for maximum production to alleviate poverty and improve their livelihoods.

Onyando observed that the area lacked enough medical doctors with one doctor serving 100,000 patients,

adding that hundreds of people were unable to access healthcare due to the shortage. He said the road network was in a pathetic condition and less than 300 kilometres of tarmac road, adding that it also lacked public tertiary learning Institutions and a fully-fledged university.

He spoke as James Ongwae, a former Permanent Secretary (PS) urged Kisii county residents to elect competent, qualified and credible leaders to run the devolved government and help the county take off economically. Ongwae, asserted that the problems facing the county stemmed from poor leadership and had a bearing in the way the voters elected their leaders.

The former PS said the County

was endowed with productive agricultural soils, tourism sites and rare minerals and lime soapstone that must be exploited through value addition to improve the livelihoods of the local people. He urged the government and Non Governmental Organizations to inform people of the enormous opportunities around them to enable them exploit their resources and elect visionary leaders who can manage their resources for posterity. "You should elect leaders who have your interest at heart regardless of their clan or political affiliation. If you elect bad leaders, you will regret," said Ongwae.

Ongwae who tackled governance and leadership under the constitutional dispensation urged voters to examine politicians aspiring for county and na-

tional Assembly positions and pick those with clear policies to serve them. He challenged the electorate not to sell their votes stressing that leadership belongs to them and they should vote for leaders based on their policies and not financial status or inducements, which, he noted in most cases influenced their wrong decisions during electioneering period.

The former PS lamented that the region remains poor despite being endowed with enormous resources such as tea, coffee and banana farming, adding that the dependence ratio stood at an alarming 70 percent.

Ongwae asked the government to establish an industrial zone in the area to enhance its potential to compete fairly with other counties in job creation through investments.

# Kajwang opposes renaming of Mbita Constituency

By **JOHN NYAMBUNE**

LEADERS in Mbita constituency are sharply divided over plans to rename the constituency to Suba North.

Residents allied to Immigration Minister Otieno Kajwang, who is also the area MP, insist that the name of his constituency should not be changed.

"Already Mbita is a Suba word and there should not be worries over this. It still gives the identity to the community," he said.

Leaders of Suba community on the other hand want the name changed to Suba North Constituency.

Led by Microsoft Regional Education Manager, Mark Matunga, the leaders argue that the Constitution allows electorates to choose the name they want for their constituency and thus the need for the Independent Electoral and Boundaries Commission (IEBC) to consider their proposal.

They note that before the proliferation of the many districts in the country Mbita used to be in the greater Suba District," he said.

Matunga says if the rights of Suba people are to be upheld as outlined in the Constitution, then the name of the Constituency must be changed from Mbita to Suba North to reflect the identity of the Suba community.

Acting Suba Council of Elders chairman, Thomas Asango, says that

the current identity contravened their social, cultural and economic identity.

The elders says that they will not allow the neighbouring Luo community to impose an identity that only favours their political interests. The elders vowed to seek court's interven-

tion if the IEBC fails to consider their proposal.

"We are not at war with anybody but our desire is to have an identity that safeguards our cultural values in this region," Asango said.

During the recent public hearing

before the IEBC in Homa-Bay County Hall, Mbita constituents differed after a section of the group proposed the name to be changed to Suba North. And constituents of Gwasi Constituency unanimously agreed the name be changed to Suba South.



Mr. Kajwang'

# Justice Wanjala tips court committees

By **NYAKWAR ODAWO**

THE Supreme Court has directed the newly established court users committees in the country to work closely with stakeholders in their respective areas to ensure quick dispensation of justice under the new Constitution.

Supreme Court judge Smokin Wanjala says that the committees have been established at an opportune moment when the country is preparing to transit to a new system of governance as outlined in the constitution.

He says that as the country transits to other levels of governance, the rule of law must be upheld in line the new constitution, adding that the court us-

ers committee was an integral institution which seeks to ensure effective administration of justice.

"The court users committee has a very important role to play as far as the transformation of the judicial system is concerned," he said, adding that they should as well work closely with the community policing committees from their respective areas.

Justice Wanjala who spoke in Busia during the official opening of a two day workshop, says that the committee must help curb the rampant cases of burglary, smuggling of goods, human trafficking, child abuse and money laundering in the area.

Addressing participants who in-

cluded magistrates, judges, provincial administration, opinion leaders, police officers and prison officials drawn from Busia and Bungoma counties, the Supreme court judge said that such crimes rarely find their way to court.

"Corruption in the judiciary has continued to hamper the administration of justice and thus you must put in place measures to ensure effective execution of law and order," said Wanjala.

The deputy director of the United Nations High Commission for refugees Mr Mbilinyi who also addressed the occasion, lauded government efforts in hosting refugees from other countries.

"Refugees from other countries prefer seeking asylum in Kenya due to the hospitality by its people," said the deputy director, adding that the United Nations High Commission for refugees will work closely with Kenya to foster good relations.

The workshop was also addressed by lady Justice Florence Muchemi of Busia court, Deputy Director of Public Prosecution P. Gumo who represented the Director of Public Prosecution, Busia Chief Magistrate Kiarie Waweru, Justice A.O Muchelule, Busia District Commissioner Mwiandi Gitonga and the Busia District Probation Officer Harun Kiptuisang among others.

## Commission told to speed up release of salary scales

By **MORRIS GITHENYA**

THE Salary and Remuneration Commission has been challenged to unveil the proposed salary structure for all elective positions under the new political dispensation.

The Parliamentary Budgetary Committee says the Commission was sleeping on the job even as the election date draws near.

Committee Chairman Elias Mbau says formulating the structure will help those aspiring for elective positions make the right decisions by either opting to remain in their current postings or forging ahead with their political ambitions. Speaking at the Murang'a Teachers Training College, the MP said those aspiring for elective slots must know how much they are likely to earn before they resign from their current positions.

"The structure will help prepare those aspiring for respective positions with proper information on how much they are likely to earn once they clinch the seats," adds Mbau who is also the Maragua MP.

The MP expressed the sentiments days after the Prime Minister Raila Odinga asked civil servants eyeing for elective positions in the next general election to resign to avoid compromising their services.

"It is high time the commission woke up from slumber and come up with the structure that will ensure only those with passion resign from their respective positions in government.

He says this will also ensure that only individuals driven by the desire to lead the people contest in the elections while those who are only interested in huge perks stay away from the ballot.



# PARTNERSHIP FOR PEACE

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

## Ethnic alliances a threat to lasting peace

**I**N 2009, when the Partnership for Peace project took started, one of the first activities we undertook was to conduct research to identify the causal factors and trends of conflict in the project areas. The findings were published in "The Invisible Violence in Kenya – A case study of Rift Valley and Western Regions". The book outlines the sources of conflicts and strong feelings among certain ethnic groups of perceived historical injustices and marginalization.

The feelings arose from perceived inequities concerning the allocation of land and other national resources as well as access to crucial public goods and services. Unfortunately, politicians have capitalized on these feelings to articulate the grievances in ways that find appeal with certain groups of the public while alienating others. We know that for many politicians, both past and present, have used the ethnic card to gain political mileage over their rivals.

Political alliances continue to be built based on a politician's support from his or her tribe. In fact the bargaining power comes down to "I" can offer "your"

### MANAGER'S COLUMN



By  
**HANNA  
CARLSSON**

ethnic group. Sometimes, it does not even come down to that but the alliances take form because of a common enemy despite the fact that the politicians only some years back were bitter enemies. Every move of the politicians on a national level reflects on the ground. What is interesting to note is that when politicians change political and ethnical sides, people on the ground tends to forget the historical injustice which otherwise haunt them.

For instance, in Rift Valley the issue of land has been a major obstacle for the Kalenjins and Kikuyus to coexist and live in harmony. During the post-election violence in 2007/2008 this historical injustice was the legitimate argument used by the two different sides to chase away and even kill the so called "outsider". When the National Accord and Reconciliation Act 2008 was signed by President Mwai Kibaki

and Prime Minister Raila Odinga in February 2008, the open violence subsided and the country experienced a negative peace. Negative peace is a state in which there is no – or not yet – open conflict between actors. All the tensions that break out in an open conflict may still exist in such a state. Kenya is still today experiencing negative peace because the historical injustices have not been dealt with, relationships on the ground have not yet been restored, and people are still yearning for justice. However, in Rift Valley and in many other places in the country the negative peace has been confused with a so called positive peace.

When a country experience positive peace, relationships between people have been restored, people are healed, historical injustices have been dealt with, and the system of governance is structured to serve the needs of all. The confusion has its basis in the political game in Kenya. As stated above, political alliances in Kenya are built on ethnic grounds and a common enemy. It is a way to gain and benefit from as much power as possible and it is possible because most people at the grass-root level are still ignorant. The mindset is somewhat like this: *When I see my po-*

*litical leader on the national level interacting and having rallies with a former opponent, I suddenly believe that there is peace and the need to deal with my perceived historical injustices is suddenly forgotten. I attend peace-meetings acclaiming peace and that there is no need to deal with structural issues and historical injustices. But as soon as the leaders fall out, and not much is needed for that to happen, the false peace on the ground melts instantly. Neighbors start being suspicious of a neighbor from another ethnic group. Suddenly daily necessities are only bought from shops owned one's tribesman. The feelings of resentment due to perceived injustices quickly climb to the top of the community's agenda. It is therefore so easy for the politician to manipulate or even incite their people into violence and blind support.*

I think that you as a community member can identify yourself with what I have written. But the bitter truth is that nothing in Kenya will change until you dare to take the first step; until you forgive your neighbor, and start together to constructively address the root-causes of violence in your community.

**The writer is the International Project Manager of the Partnership for Peace Project. For comments or suggestions write to:**  
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## Rift Valley community leaders congregate on peace

BY HANNAH CLIFFORD

**T**HROUGHOUT the month of March, a series of Divisional Community Leaders Meetings were held in Rift Valley Province. The meetings, eight in all, were also replicated in Nyanza Province, and are currently underway in Western. The purpose of the meetings is to bring together those with knowledge on and influence over peace efforts in a particular location, and to encourage the leaders to share with one another and the Project, their successes and concerns. In Rift Valley, the meetings revealed a good deal of ground-level information on the emerging and ongoing tensions, as well as providing a starting point for new alliances in peacebuilding.

The locations of the Division-

al Leaders meetings in Rift Valley were: Chemelil (23rd February), Sondu (24th February), Kaptembwa (28th February), Banita, Rongai (29th February), Molo (1st March), Kipkelion (2nd March), Marich Pass (7th March) and Marigat (10th March). These locations were chosen as they had been identified as areas which could benefit from increased dialogue. In each area, the meeting was organised by a member organisation from the CSO network, under the coordination of Catholic Justice and Peace Commission (CJPC)-Eldoret (partner organisation for Rift Valley).

The first meeting in Chemelil was a joint meeting bringing together those from either side of the Rift Valley/Nyanza border. The meeting was co-organised by Nandi Council of Elders Central and Jua Kali Women's Group. There was good representation from the district administrations on both sides and the local Administration Police. The re-

cent incidence of cattle rustling was raised and there was concern expressed over the rising tensions related to this. Also discussed extensively was the issue of the ICC court cases, which were the source of much hostility between the Luo and Kalenjin and Kikuyu communities in the area. The process of the ICC was explained by Edwin Adoga, Coordinator for Nyanza, in an attempt to dispel the myths surrounding it. Participants were encouraged to tackle misconceptions in the rural communities, where rumours and misinformation were leading to high levels of suspicion. A few days following the meeting, violence broke out over the cattle rustling incident, leading to a number of deaths and many acres of sugar cane crops being burnt. Follow up meetings were quickly arranged with the support of the Partnership for Peace.

Turn to Page 16

### INSIDE THIS ISSUE:

**Unicef report outlines role of education in peacebuilding**  
— 16

**Civil society, security agents urged to promote peace**  
— 17

**A tribute to Professor Nabudere** — 18





## Unicef report outlines role of education in peacebuilding

By SHIMALISE NANAYAKE

**E**DUCATION can play a crucial role in peacebuilding in all phases of conflict, a UNICEF-commissioned study has concluded, outlining how education can help prevent conflict and contribute to long-term peace.

A fundamental human right of a quality education for all children is most at risk during conflict situations. It is precisely at these times that education can impart knowledge and skills that provide protection and access to life-saving abilities. In the longer term, education can provide values and attitudes that offer the basis for addressing the multiple drivers of conflict.

The report titled "The Role of Education in Peacebuilding," was presented on 9 February, to a packed room of United Nations experts, donors, human rights activists and aid workers.

"Education can do so much and play a vital and transformative role in societies through peacebuilding," said Mario Novelli of the Centre for International Education, University of Sussex, who led the study together with Alan Smith of the University of Ulster. The study, managed by UNICEF's Evaluation Office, was commissioned by UNICEF's Education Section as part of its five-year Dutch-funded Education in Emergencies and Post-Crisis Transition (EEPCT) Programme.

According to the findings, education can intervene during conflicts through emergency schooling for displaced people and schools as zones of peace, in the immediate post-war period through school reconstruction and psycho-social support and in the medium-term post-conflict period through development and curricula reform.

"We must invest as much in prevention



Students in a peacebuilding seminar.

as in post-conflict situations ....invest in systems to overcome obstacles as much as in challenges...invest in people and therefore the norms that entrench them that go beyond peacebuilding and peace keeping," said Nicholas Alipui, UNICEF's Director of Programmes, opening the event.

Mr. Alipui thanked the Dutch government for its steadfast support and strong partnership during UNICEF's EEPCT programme and its transition into a new education and peacebuilding programme.

"Peacebuilding is central to achieving progress in the Millennium Development Goals," said Corien Sips of the Government of the Netherlands. "And we believe education is a core component in building sustain-

able peace."

In 2011, a research team set out to collect evidence on how education interventions could have a stronger role in the UN peacebuilding architecture and, more specifically, how UNICEF can contribute effectively to peacebuilding through education.

Among the key findings were that the concept of peacebuilding remains underdeveloped and contested, even among UN agencies; security concerns dominate peacebuilding and marginalizes the role of education; weak, inequitable and segregated school systems can be and often are drivers of conflict.

Zeena Zakharia of the Columbia University and Mr. Smith were a part of the panel,

while UNICEF's Director of Emergency Operations, Louis-George Arsenault also spoke at the event.

Mr. Novelli said that UNICEF was well placed to make interventions in peacebuilding given its high level of credibility, strong civil society partnerships, its reputation as a lead agency in education and its rich national staff working in the field.

Key recommendations:

- Develop a comprehensive policy paper on UNICEF's commitment to peacebuilding.
- Identify areas of common agreement with global partners on the contribution of education to peacebuilding in conflict-affected countries.
- Carry out a short study to explore the extent to which UNICEF is integrated within UN peacebuilding, challenges and opportunities.
- Capacity support for peacebuilding and conflict analysis within HQ and field offices.
- At the outset, introduce education and peacebuilding in a limited number of countries.
- Place greater emphasis on knowledge management and institutional learning.

The panelists commended UNICEF for already instituting changes in its education programming based on its recommendation and getting a head start, which they said reflected the organization's commitment to peacebuilding.

"UNICEF is uniquely placed not only in delivering services but in community development," said Susan Durston, Associate Director, Education Section in her closing remarks, "This new programming is going to help us not only to be more strategic but to also focus on our equity approach by drawing attention to the underprivileged and marginalized who are most at risk during conflict situations."

## Rift Valley community leaders congregate on peace

From Page 15

In Sondu, a joint-meeting also took place, with participants from Nyanza and Rift Valley. The meeting in Sondu built on previous Divisional Community Leaders meetings held in the area, and there was reflection on the improvements made since the first of these in 2010. The participants also discussed the current issues in the area and potential triggers for conflict. As with the Chemelil meeting, the ICC process and rivalry between Prime Minister Raila Odinga and Eldoret North MP William Ruto, was having a significant impact on relations between the Luo and Kalenjin communities. The leaders at the meeting expressed fear that as the election year progresses, the two communities will further be polarized by politicians. In order to combat this, there was an agreement to continue dialoguing and in particular to include the youth and

elders in peace meetings. The leaders from Sondu were in agreement that differences in tribe, should not be a cause for conflict, and that more should be done to reduce the negative perceptions between communities. One tactic which was frequently suggested was that of inter-marriage, which it is believed would effectively bridge gaps. There was good representation from the Administration Police, who were supportive of efforts to reduce conflict and crime in Sondu.

The third meeting in Cheptembwa, Nakuru, was organised and chaired very successfully by Genesis Arts Creation. The meeting was of particular success due to the involvement of the Kenya Police and Administration Police. Throughout the meeting the police contributed on most issues very comprehensively. This served to reassure the community leaders that the police were both aware of the issues affecting

communities and were also making their own efforts to prevent escalations of violence. There was an agreement between the CSOs and police to collaborate more, and for sensitisation meetings with the police officers to take place. Again, it was acknowledged that this election year is likely to cause splits between residents, along ethnic lines. The leaders agreed that continuing dialogue is very important as, within the villages, rumours and misinformation fuel mistrust between the ethnic communities. The meeting was the first of its kind, where leaders from both sides spoke about the issues of the day.

In Banita, close to Rongai, the Divisional Community Leaders Meeting brought together elders, Chiefs and women's leaders to discuss the ongoing dispute between Kikuyu and Kalenjin communities, which is preventing residents from cultivating the land. Despite land being allocated and

deeds being issued in 1992 and again in 2005, elders have continued to contest the distribution of the land until today. This has led to a kind of invisible conflict between the communities, where there is neither peace nor war. However, with the election, many leaders in Banita believe that hostility may erupt into violence. Some of the early warnings were identified by the leaders. These included, restriction of movement to certain parts of the land considered belonging to the other group, animals prevented from drinking from certain parts of the river, people sitting separately at meetings. Though there was a certain degree of tension between those attending the meeting, it was nevertheless a success that both sides had been brought together. Prior to the meeting, there had been very little dialogue between the elders, and it was encouraging

Turn to Page 17



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## Rift Valley community leaders congregate on peace

### From Page 16

that most people were speaking openly about the issues affecting them.

In Molo, the meeting was organised by Hope Creator Foundation, a member of the CSO network, which has also entered in to a close partnership with two other CSOs to form the Molo Alliance for Peace (MAP). The meetings brought together community leaders to discuss current issues affecting the stability of the area. The meeting was attended by Chiefs, elders and women and youth representatives. Most of the discussions were regarding the divide between Kikuyu and Kalenjin communities, and the 'marriage of convenience' created by the alliance between Hon William Ruto MP and Hon Uhuru Kenyatta MP. The peace actors in Molo recognised that the political alliance had calmed tensions between the communities, but that this was simply a mask over the underlying, long-term differences, which were still not addressed. There is a fear among those working for peace that once the alliance between Uhuru and Ruto breaks, violence could break out. One way forward which the leaders felt could be of great help in preventing outbreaks of violence, would be to establish an early warning system. It was suggested that peace monitors in each of the "hot spot" locations around Molo could feed back information to a central point which could guide con-

flict mitigation efforts. The Partnership for Peace project is currently developing an Early Warning and Early Response System, and if possible, will support Molo peace actors to implement this.

In Kipkelion the meeting took place within the Youth Development offices and was well attended by youth leaders and officers from the Youth Development Fund. Youth unemployment and idleness was blamed for many of the instances of violence. Greater coordination between the youth groups and the Youth Development Fund officers was encouraged. As Kipkelion has a mix of ethnicities, there are a number of concurrent concerns among the different groups. Long-term hostilities between the Kikuyu and Kalenjin communities have dominated the area, however. Despite this, it was felt by a number of the community leaders that there is now peace in Kipkelion due to the alliance between Uhuru Kenyatta and William Ruto. As in Molo, this peace is only surface-deep, and the long-term land issues are still not resolved. Unlike in Molo though, even many of those working in peace, were also of the belief that peace was now the status quo in Kipkelion. For the Luo community in Kipkelion, there is a growing concern about the rhetoric from Kikuyu and Kalenjin communities. This is due to a belief that Hon Raila Odinga MP is responsible for the ICC case against William Ruto and Uhuru Kenyatta.

The meeting in Marich Pass (Kapenguria) was organised by SIKOM, a CSO working on peace issues in the West Pokot region. Attending the meeting were mostly District Peace Committee (DPC) members and Area Peace Committee (APC) members. Representatives from the police and district administration were invited but did not attend. Very recently, there had been incidents of cattle rustling along the border between West Pokot and South Turkana, and tensions were still very high. It was reported that most of the Turkanas living on the West Pokot side had been forced away to the Turkana side. A number of the participants from Turkana did not attend out of fear of being attacked. The cattle rustling is a seasonal occurrence caused by competition for pasture by Turkanas and Pokots. However, as it is election year, there is a chance of politicians encouraging the escalation of violence for their own ends. Another problem facing both Turkanas and Pokots is that, due to unresolved land conflicts, neither side is able to cultivate and prosper from land. As the administration has demonstrated that it lacks the will to resolve these issues, CSOs such as SIKOM are attempting to empower the communities to reach amicable agreements to avoid conflict. Also noted was that prior to this Divisional Leaders meeting, no NGOs have attempted cross-community projects, instead conducting separate activities on

both sides. This has led to an increased gap and a kind of competition between the communities.

The final Divisional Community Leaders meeting in Rift Valley took place in Marigat, on the shores of Lake Baringo. The area is inhabited by a mix of ethnic groups, including Turkana, Tugen, Ilchamous and Samburu. A major conflict arose in the area during the demarcating of the constitutional boundaries. The proposed new constituency borders would have split the Ilchamous tribe, half with the Turkanas and half with the Tugen. The Ilchamous vigorously opposed this, demanding that all should be within one constituency, preferably with the Tugen. They took their case to court, arguing that they were being split for political ends, and their appeal was sustained. The Ilchamous also complain about being marginalised by the dominant Tugen and Turkana populations. This has been seen, for instance, in the hiring of school teachers, where Ilchamous are very rarely given equal opportunities for employment. The meeting was attended by two head teachers of nearby schools, who confirmed this tendency. Also in attendance were three local Chiefs, a retired Chief and a member of the Administration Police.

*The writer is a Project Support Manager with KAS*

## Civil society, security agents urged to promote peace

By **NYAKWAR ODAWO**

**M**EMBERS of the civil society organizations in western province have been urged to work closely with the security agents in their respective areas to help promote peaceful co-existence among various ethnic communities.

Addressing the members of Western Region Peace Network during a two day sensitization forum in Busia town, the chairman of Mount Elgon Residents Association (MERA) John Ochemo underscored the need to bring the provincial administrators on board in order to build a solid partnership for peace.

"In Mount Elgon district, three quarters of the security agents are members of the residents association, a move that has worked well as the provincial administrators have played a leading role in the promotion of peace in the where scores of people had lost their lives during attacks by the Sabao Land Defense Force (SLDF)," said Ochemo.

The chairman spoke as civil society organizations drawn from Kakamega, Vihiga, Bungoma and Busia Counties claimed that security agents had in most occasions developed a negative attitude towards them.

Mount Elgon Residents Association chairman at the same time thanked Konrad AdenauerStiftung (KAS) and the European Union [EU] for working closely with each other to preach peace in areas hard hit by the post-election violence in Western, Nyanza and



*Security officers in patrol during post-election violence.*

Rift valley to avoid a repeat of the same.

"Scores of people had lost their lives and property during the post-election violence hence the need for civil society organizations to embark on peace building initiatives in order to promote peaceful co-existence among the various ethnic communities to avoid a repeat of the same," said Ochemo.

The association's western provincial coordinator Peter Chem, who also addressed the workshop participants, underscored the need to equip civil society organizations

with skills on how to effectively use the mobile text messaging system in order to preach peace.

The coordinator urged members of the civil society organizations to be vigilant during the campaigns to ensure politicians do not incite people by spreading hate speech.

"As members of the civil society organizations, we must be in the frontline to condemn politicians out to cause chaos during the electioneering period," said Chem, adding that members of the civil society organi-

zations should report politicians who make inflammatory remarks to the National Cohesion and Integration Commission (NCIC) officials so that action can be taken against them. Chem added that trust among the key players was the only way that could promote good rapport with the security agencies at all levels of the society in the interest of peace.

At the close of the workshop, members of the civil society organizations carried out an election of the network officials that saw Moses Odikor from Mount Elgon being elected as the network chairman, Hellen-Mukanda of GAP Kenya as the treasurer, Anne Bucheche as Vice-secretary, Fredrick Nasila as Vice-chairman with John Amisi scooping the position of secretary.

Others elected as members included Linneth Liphande, Erick Nyongesa of Rural Integrated Community Organization in Nambale and Isaac Nehondo.

The members of the civil society organizations at the same time unanimously agreed that membership fee would be Kshs1,000 with an annual subscription fee of Kshs 1,000.

Ms Hanna Carlsson, the International Project Manager, on her part assured members of the civil society organizations that the Partnership for Peace Project will continue to support the peace building initiatives by funding production of at least 2000 copies of *The Link* even after the expiry of the project later in July this year.



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# PARTNERSHIP FOR PEACE

## Borabu-Sotik women rally for peaceful elections

By **BOB OMBATI**

**W**OMEN along Borabu and Sotik districts common border have embarked on an initiative to promote peace ahead of the general elections to avert a repeat of the ugly incidents witnessed during the 2007/2008 post-election violence that caused deaths, massive destruction of property and ejection of thousands of Kenyans from the clash-torn areas.

The women, under SotikBorabu Women Peace Drive have opened a resource centre at Chepilat, the epicentre of the violence, and mounted a peace caravan which has been traversing Kaplong, Sotik, Nyansiong and Chepilat towns to preach peace.

Sally Kirui, the initiative's chair lady told The Link that they intend to mobilize women to reject politicians who incite the two communities against each other through irresponsible public utterances.

The official reaffirmed the commitment by women from the two communities to promoting peace and cited the establishment of "Women beyond borders and Amanimilele" (peace forever) initiative which she says was born out of the realization that women are the ones who bear the brunt of politically instigated chaos together with their children. Kirui commended the government, USAID and the Kenya Transitional Initiative Non-Governmental Organizations



A section of voters queu to cast their votes at a polling station.

(NGOs) for supporting them and stressed the need to set up a rehabilitation centre in the area to cater for the youth who engage in violence at the influence of drugs.

She noted that some youths under the influence of drugs have in the past been used by unscrupulous politicians to unleash

terror to their perceived opponents to satisfy their selfish ends. Rebecca Nyaanga, an official of the initiative, said the resource centre will go a long way in providing women and youth residing along the common border with the necessary information on conflict resolution and management.

She said the inter community conflict had been heightened by cattle rustling and land disputes but took an ugly turn during the post-election violence which left 1,133 people dead, over 500,000 displaced and property valued at billions of shillings destroyed. Nyaanga urged the government to resettle all the Internally Displaced Persons (IDPs) a head of the elections to enable them participate in the exercise under the new constitutional dispensation.

The official said that women wanted to leave a generation devoid of conflict by promoting sustainable peace among the two communities. "All Kenyans should preach and practice peace wherever they are. Peace is imperative for any meaningful development because no investment can thrive in a hostile environment" said Nyaanga.

Abagusii Culture and Development Council chairman, James Araka and his Kipsigis counterpart, Josiah Sang who addressed the meeting urged stakeholders to concert their effort to achieve lasting peace. The two elders told politicians not to politicize peace initiatives and instead use them to reunite the two communities to enhance social, economic and cultural development. Araka reiterated that the councils were not tools for politicians to further their selfish political interests and urged political leaders to support peace initiatives to enhance national cohesion.

## A tribute to Professor Nabudere

By **JOHN CHEPTAI**

**K**ENYA was not left out in celebrating the legacy of late Prof Dan Wadana Nabudere in attending the Memorial Conference organized in Kampala recently. Delegates were drawn from Mt. Elgon Resident Association Kenya in Bungoma county and residents of Tesos from Busia county. The conference ended by Chief Justice of the Republic of Kenya, Dr. Willy Mutunga launching two publications written by the late professor.

Prof Nabudere was a man who tried to change attitudes of the communities living on both sides of Mt. Elgon. That is on both the Ugandan and Kenyan sides. He used three parameters of development; economic empowerment, cultural development and political stability. He believed that through culture all things will stand on for development. Under the auspice of MERA the professor managed to organize cross border meetings for all the stakeholders doing peace in Kenya and Uganda at Cheptais market. He helped to form Mt. Elgon Resident Association East Africa. The MERA (EA) covers all people living on Mt. Elgon, both from the Ugandan and Kenyan sides. The intention of MERA (EA) is to bring people to work together so that issues of governance, accountability, and peace and conflict could be handled properly.

Professor made sure that all the ethnic groups especially those that were inside the

forest of Mt. Elgon were involved, including Benett and Bamosobo of Uganda and Ndorosos/Okiekof of Kenya. These are the people that are related to Sesei and Bagisu in Uganda while the Ndoroso are relatives to Sabaot in Kenya. In involving these people, it was one way of trying to avoid them being used by large groups residing outside the forest to cause chaos and to avoid their disappearance into the forest again.

On culture, Prof Nabudere planned one of the biggest international interethnic cultural festivals to be staged in September

2012 in Sebei, Uganda. The festival will still take place as scheduled. The theme of the cultural festival is "Know your culture to understand yourself". The cultural festival will involve story telling by elders on how youth should behave, cultural songs and dances will be staged, local foods will be served as people interact and share their cultural values. In the period before his sad demise, Prof Nabudere was able to sponsor four students to study Afrikology through his African study center which is now called Marcus Garvey Pan-African University.

The professor empowered Kipsis widows in Cheptais with start-up funds to start small income generating businesses. At the same time he funded the Tarajambilipeople to start cereal banking. All the groups were identified through MERA. Through MERA he also sponsored a meeting that brought cultural leaders together on the side of Kenya to discuss and identifying the causes of conflict in Mt. Elgon region.

On behalf of MERA East Africa and MERA Kenya, I take this opportunity to thank the family of Nabudere for the work done within that short period that I knew him.

*The writer is the Chairman of MERA Kenya.*

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# Lobby groups find fault with land bills

By HENRY OWINO

A LOBBY group has faulted the proposed land laws as defective and lacking in the letter and spirit of the National Land Policy and the Constitution of Kenya.

The Land Development and Governance Institute (LDGI) Executive Officer Mwenda Makathimo cites the Land Bill which he says fails to incorporate principles articulated in Article 60 of the current Constitution.

Similar sentiments are shared by Ibrahim Mwachane, a director with LDGI who notes that numerous provisions in the Bills either directly contravene the Constitution and the National Land Policy or do not adequately incorporate the proposals in these documents.

He says that stakeholders feel that the draft Land Bill has watered down the National Land Commission, which Kenyans had insisted on.

He spoke at a meeting organized by LDGI to discuss the proposed laws. Among proposals made by participants at the forum included redrafting the land Bill to incorporate gender equity provisions in sections of public land and in sections on private land rights that address transfers or contracts. They also proposed that the law includes community land within its scope, clear instruction on the interplay between customary and formal law and institutions in land governance.

The forum came up with a raft of proposals that would form a policy document expected to be presented to the three Parliamentary Committees and other State organs involved in the implementation of the Constitution.

Mwachane said the country has made tremendous progress by formulating the National Land Policy and embedding a chapter on Land and the Environment in the Constitution.

"This is no mean achievement. Few in Africa have achieved as much and the milestone needs to be appreciated," Mwachane said.

He also noted that gaps in technical skills within Parliament in specialized areas such as surveying, planning, land economics and natural resources management was evident, adding that this could undermine effective debate on land Bills.

Speaking at the forum, lands Minister, James Orengo said land issues in the country have been marked by controversy since the time of British explorers in the Coastal and Sultan regions. He said that matters related to land are administrative all over the country and thus the need to engage in extensive research to help come up with acceptable and comprehensive legislations to govern the sector.

"We have bills that require input from stakeholders before they become law. We do not want a scenario where we end up having undesirable laws that will not be of any benefit to the future generation," he adds.

Orengo admitted that the bills

were flawed and cited the NLC Bill whose functions as proposed in the Bill are likely to conflict those of the Cabinet and other institutions currently handling land management.

"It is wrong to assume that the aspect of tenure on public land is in the domain of the NLC at both national and county level," Orengo commented.

The three Bills namely the National Land Commission (NLC) Bill, the Land Bill and Land Registration Bill were published in February this year and were ready for discussion in Parliament but the timelines were extended for 60 days, ending on 26th April, 2012.

The Minister suggested that it would be appropriate if the findings are submitted at least 20 days earlier to create ample time for parliament to debate and approve them before they are forwarded to the President for assent.

The Minister outlined areas that

he said require comprehensive debate as follows; the minimum and maximum acreage with regards to private land ownership, taxation of idle land, resolution of historical land injustices, determination of legality of land and regulation on land use and developmental control.

The Minister however, assured the stakeholders that the three parliamentary committees namely the Oversight Committee, the Legal Affairs Committee and Land Natural Resources Committee would carefully look at the proposals made by lobby groups.

"You should not be worried as the joint committee will look at all suggestions and make recommendations based on your proposals," said Orengo.

Further, the stakeholders agreed to utilize the extension offered by Parliament to mobilize Kenyans all over country to fully participate in the formulation of the final bills.



Lands minister James Orengo with Land Development and Governance Institute Board chairman Ibrahim Mwachane during the opening.

## MPs reject proposed Nandi Dam

By JOHN NYAMBUNE

Plans to construct Kshs 50 billion dam in Nandi County have hit a snag after a parliamentary select committee disapproved the clearing of 3,000 acres of Kimondi Forest to pave way for the project.

The committee said the plan by Lake Victoria Water Basin Authority contravened the ongoing conservation efforts and thus should be halted.

John Muthutho, David Koech and Wilbur Otichilo accused the government of "giving conflicting signals" by emphasizing on environmental conservation while destroying it on the other hand.

Muthutho said the project had far reaching implications on the environment and could lead to "an exodus to micro climate" which he claimed will negatively affect the region.

He said: "In case of an earthquake the dam may break its walls and lead to a disaster because of water flowing at high momentum."

Muthutho said that the plan was inconsiderate of long term effects it would impact the region.

"Construction should not be done because it is attached to negative results that will be cumbersome to reverse," he said.

Otichilo argued that the negative implications assigned to the project far outweighed the benefits and thus should be stopped to avert an ecological imbalance.

He said that clearing of the forest was not welcome because water volume will reduce as a result.

Koech dismissed assertions that the dam may help to generate hydro-electricity adding that the country should instead explore the underlying potential in geothermal, biogas and solar energy.

Emgwen MP, Elijah Lagat who had accompanied them could not hide his anger.

"The forest land should not be regarded as free land that can be cleared at will," he said.

Lagat added the trees in the forest had grown for centuries and it was not logical to cut them down in a day.

Assistant Director of Kenya Forest Service, Alfred Tichu, also opposed the plan saying the country had not achieved the targeted forest cover.

"Clearing the forest will be wrong as it will undermine ongoing efforts to meet the 10 per cent forest cover," he said.

They called on the Ministry of Regional Development, which they claimed had been championing for the construction of the dam to halt such plans.

The committee was led to the proposed construction site of the dam by chairman of Nandi Friends of Environment, Mr. John Chumo.

# Kibaki refusal to sign law praised

From page 10

provincial administration that has presided over District Land Boards and Tribunals, and made recommendations for degazettement to settle squatters, IDPs and other landless people.

On family and petty disputes, the mediation role that chiefs have played has earned the tag 'kangaroo courts' because it is often alleged that decisions favour the rich, are un-enforced where they favour the poor and both parties end up making an un-receipted 'payment' for the service.

Further, all functions that provincial administration has been performing have under the new constitution been assigned mostly to County Governments and different organs of the government at national level. Under Schedule IV, policy making on agriculture, livestock, fisheries, public health, water and environmental protection, is a national government function, while the actual implementation is a County Government function, meaning no role for provincial administration. While citizens have since

independence elected councillors, the role of those elected representatives in local government at ward level has been emasculated by the existence of chiefs as a parallel authority, raising questions on what the role of elected representatives to the county assembly and the county public service will be if chiefs continue to take up the local governance function in the Ward.

Crime prevention, security and early warning on potential conflict are now functions of the National Police Service. Provincial administration is not among the security organs recognised under Constitution. In fact, by purporting to perform this function, what the provincial administration has done is to prevent the police from decentralising their services. In over 40 years of independence, there are still no adequately staffed and equipped police stations at ward level. Reason: For as long as provincial administration has been performing this function, no matter how poorly, there was no need to allocate funds for adequate staffing, remuneration, pro-

fessionalisation and equipping of the Police to operate at village and Ward level.

Again, the reason why Kenya has not invested in ensuring there is an efficient and accessible system of dispute resolution is that for as long as the provincial administration was playing this role, there was no need for the Judiciary to worry about decentralising its services, and how to make itself friendly to the poor and uneducated. Today, the Constitution under article 6(3) and 258 compels the Judiciary to ensure access to justice which means more formal courts; but which are cheaper, less technical and nearer to the people, as well as the introduction of Alternative Dispute Resolution (ADR) mechanisms, that acknowledge that Kenyans respect and use their traditional justice systems, which are a form of ADR to resolve disputes. Practically this means that the Police should from now see themselves as a service not a force, be present at ward and village level, be able to investigate and have early

warning of potential conflicts and liaise with the judiciary to mitigate. The Judiciary must from now on employ professionals whose main work will not be litigation, but ADR; a complete paradigm shift from what has been happening.

The provincial administration also serves as some sort of coordination or liaison point between Ministries. However, even on this, there is really no role for provincial administration as each Ministry has a way of conducting its horizontal inter-ministerial relations and its vertical relations from County, Constituency to Ward Level. Allowing provincial administration to play this role has been detrimental to the growth of the public service at the lowest level.

In conclusion, Constitution provides answers to the question on how national government should take its services to the lowest level possible. In fact, it provides guidelines on how to restructure provincial administration by redeploying its well trained and experienced staff elsewhere.

## Fresh demands delay Lamu port projects

By **BRIGHTON KAZUNGU**

THE implementation of the Lamu Port project has been hit by delays following a stalemate between the government and the local authority.

The Lamu County Council has introduced fresh demands which a section of civic leaders insist must be met before the project can be allowed to go on.

This is despite the existence of a provisional approval of the infrastructural work plan granted by the planning committee.

A recent meeting convened by the council chairman Abdulkasim Ahmed to iron out the stalemate failed to take off due to lack of quorum.

The faction opposed to the project claims that the council was being rushed to approve the project to satisfy the government's wish without being accorded an opportunity to scrutinize it thoroughly.

A full council meeting has also rejected plans by the Ministry of Transport plans to construct the multi-billion-shilling project citing lack of involvement of the council in the project.

The meeting was also attended by Transport PS, Dr. Cyrus Njiru, Local Government PS, Prof. Karaga Mutahi and Commissioner of Lands Zablon Mabea.

Speaking to The Link on phone, council clerk Patrick Ouya says local councilors want the government to among other things resettle local squatters, pay all council dues, make public the environmental impact assessment report and the construction plan of the project before they can approve the project.

"They made a provisional approval of a port building plan pending the implementation of those conditions," said Mr. Ouya.

The clerk says councilors want the government to follow the right procedures before they can approve the project.

A councilor who sought anonymity says that the government has received a letter from the World Bank seeking to have the local authority and residents involved in the project.

The councilor says the letter was produced during the full council meeting.

"The letter calls for the involvement of the locals but it did not set any conditions for funding," the councilor said.

Contacted, Dr. Njiru said he was not aware of the World Bank letter.

"I am not aware of such a letter and we have not received any funding from the financial institution. The project development requires consultation with the people and this is not a condition from the World Bank," he said, adding that it was the government's effort to involve Lamu people in the project.

# Nyando squatters blame violence on land disputes

By **JOHN NYAMBUNE**

SQUATTERS residing in the Nyando Sugar belt have blamed the recent spate of violence in the area to land disputes.

The squatters say that reports that the violence was sparked off by cases of cattle rustling were misleading since attackers were only targeting them.

Mrs. Anne Adongo who was evicted from her home at the Kibigori Plantation which is embroiled in controversy, says the flare-up was as a result of the tension that has been building up in the area following a resolve made by the government last year to resettle additional people in the disputed piece of land.

Initially the land had been leased by an Asian investor but was later repossessed by the government after he died in 1994.

The move elicited sharp reactions from workers who had been living in the farm and had by the time of repossession divided the land among themselves, with some ending up with huge chunks.

Mr. Edwin Ouma, another squatter says the recent attacks mainly focused on areas that were inhabited by squatters and thus had little or even nothing to do with cattle raids.

"Cattle theft has been common for long, and whenever it occurs, the aggrieved people group themselves and search for their lost cattle, but this time they ended up attacking us, their neighbours," said Mr. Ouma.

Recently a joint meeting convened by Aldai MP Sally Kosgei, Tinderet MP Henry Kosgey and Muhoroni MP Prof. Ayiecho Olweny whose constituencies are at the centre of the conflicts, ended in disarray after residents became



*Dr. Mzalendo Kibunja, National Cohesion and Integration Commission chairman.*

rowdy and accused their representatives of paying too much attention to non-issues.

The squatters say that cattle rustling is being used as a bait to conceal land issue which was more pressing

In the Nandi side of the border, over 16 houses were burnt to ashes at the Kambi Nguruwe Farm inhabited by more than 35 families who are squatters.

The residents who were forced to move out to a well-wisher's farm for safety disclosed that the farm is currently owned by the Agricultural Development Cooperation (ADC) but has been at the centre of controversy over ownership since 2009.

Mrs. Esther Jerobon who spoke on behalf of the residents said that

a private investor had laid claim on the land and wanted them to move out. "We have had battles with the investor until he chose to take the matter to court, but it is yet to be settled," she said.

Central Nyanza regional commissioner Arthur Osiya confirmed that there have been plans to resettle squatters who are spread in the vast sugar belt.

According to Mr. Osiya, several meetings have been held by government officials with the residents to prepare for the resettlement programme.

However, about 200 families currently residing in the plantation were displeased with the idea that other squatters who are not residing on the land would also be brought in.

"Currently there are about 300 families staying on the land and we wanted to bring in another 300 squatters and allocate each family two acres of land," said Mr. Osiya.

Several security meetings have been held by government officials and political leaders from the three constituencies to find a lasting solution to the skirmishes.

At least five people were killed with tens others injured as more than 300 acres of land under cane and several houses were set on fire.

While on a fact-finding mission to the areas affected, National Cohesion and Integration Commission chairman Dr. Mzalendo Kibunja said a full report would be issued after the commission gathers enough details concerning the clashes.

## Anti-Corruption body launches strategic plan

By **HENRY OWINO**



*Mr. Mutula Kilonzo, former Justice Minister*

THE National Anti-Corruption Campaign Steering Committee (NACCSC) has launched its five year strategic plan which will guide in the fight against corruption.

The Strategic Plan borrows heavily from the Constitution particularly Chapter two on National Values, Chapter four on the Bill of Rights, Chapter Six on Leadership and Integrity as well as Chapter 13 on Values and Principles of the Public Service among others.

Under the new Constitution, NACCSC mandate has been expanded to monitor substantive amounts of money to be devolved to the County Governments.

According to Mutula Kilonzo, the Minister for Justice, National Cohesion and Constitutional Affairs, the fight against corruption takes a different dimension with the affirmation outlined in Article 79 of the Constitution which is not subject to any

amendments.

Mutula says that nobody will be spared as the government agencies crack the whip on the vice which has taken root in the public service including the highest office of the land. He says gone are the days when leaders would hide in their tribal cocoons when asked to account for their actions.

The Justice Minister says this time round, no one will be spared as the constitution clearly stipulates the approved conduct of a public officer in Chapter Six on leadership and integrity and does not discriminate on positions, status, tribe, race and background.

"Let me inform you that Chapter Six on Leadership and Integrity of the Constitution is already in force and functional and those who think it is not, are in denial," Mutula cautions.

The Minister urged the public to familiarize themselves with the constitution to enable them demand accountability from their leaders.

"For instance Chapter One of the Constitution talks about sovereignty of the people and Supremacy of the Constitution which is very important for everybody in the country to internalize and understand fully even if the Chapters appear difficult," he explains.

He at the same time says that Article 101 of the Constitution which provides that general elections be held on every second Tuesday of August in the fifth year must be amended to avoid possibilities of holding premature elections.

Mutula says that the Court ruling that set elections for March 2013 was welcome as this will give the Independent Electoral and Boundary Commission enough time to prepare voters register to avert irregularities that marred the 2007 General Elections.

He calls on the two principals to respect the ruling adding that only IEBC has the mandate to provide direction on matters concerning elections.

# EU to fund health services in the country

By JOSEPH MUKUBWA

EUROPEAN Union will this year spend Kshs1 billion to improve access to quality health services in the country. This is in addition to Kshs 1.5 billion spent between the year 2009 and last year in the provision of quality health services under the program in Coast, Central and Eastern Provinces.

Speaking during the commissioning of the project at Ngorano Health Centre in Mathira district of Nyeri County, European Union Head of Social and Environment section Daniel Plas said that the Kshs1 billion will be channelled towards health facilities in dry areas in the country. Twenty health facilities benefited during the initial program to Strengthen Community Participation in Health Sector Governance in the three regions. The project included empowering and increasing communities' awareness on their health rights and improved service delivery at public hospitals.

"We have other projects that will be rolled out in marginalized areas including the slums, we are encouraged by achievements realized in the first project which started in 2009," said Plas, who was accompanied by EU's Social and Environment Section Program Manager Mita Manek.

Health Rights Advocacy Forum (Heraf) Chief Executive Officer Edward Miano Munene, whose organization was the lead agency during the implementation of the Kshs1.5 billion, said that due to the intervention measures, the number of patients seeking medical services at public hospitals has gone up due to confidence, improved service delivery and relationship between the medics and the community.

"Private health facilities were taking advantage of the situation to exploit pa-

tients, we had areas especially in the marginalized areas where more than 50 per cent of expectant mothers gave birth at their homes under the care of traditional midwives but the situation has now been reversed," said Miano.

He added, "the same has been recorded at Ngorano Health Centre which was handling about seven deliveries in a week but the situation has improved by more than 100 percent, this is due to change of perception by the mothers who would previously seek the services from private health centres at exploitative charges."

Nyeri North district Public Health Nurse Perpetual Waruhiu said that confidence by the community in the public health facilities in the area has improved utilization of the facilities as well as funds collected from members of the public through the cost sharing program. "Local public health facilities were heavily indebted; we could not afford to pay employees and other suppliers. But the situation improved when Heraf started implementing the empowerment programs in 2009. A good example is Ngorano Health Centre which had salary arrears and debts but has cleared the backlogs

out of the average Kshs50 raised through cost sharing program every month which is complemented by Kshs 112, 000 from the Health Sector Services Fund," said Waruhiu.

She attributed the progress to the confidence community has in facilities due to improved accountability which was not the case before the implementation of the Heraf and EU program.

According to Miano, other challenges facing provision of quality health services includes inadequate equipments and minimal resources allocated to line ministries by the government.



A delegation from European Union led by Daniel Plas (in a tie) with other health officials visit Ngorano Health Centre in Mathira district. Photo/Joseph Mukubwa

## How simple course changed woman's life

By BEKADZO TONDO

WHEN Asha Saidi was selected to undergo a week long training workshop on disposal and solid waste management, she did not know that she was being prepared to start her own business in recycling solid waste.

Ms Saidi discovered that the training was more useful to her when she started using waste materials like polythene paper bags to make valuable items like handbags, baskets and some caps. Today she generates good money from the venture. Ms Saidi says she makes between Kshs 500 and 1,000 respectively from a weaved handbag or kiondo depending on the size and pattern used.

She also generates between Kshs 120 and 250 from pillows which she makes using leftover pieces from local tailors adding that in a month she is able to generate up to Kshs15,000 depending on availability of customers, majority of who are small scale businesswomen and civil servants.

"This job is well paying and you do not need a lot of money or energy to make the items and it also helps in managing the waste products that have become an eyesore in our urban centers," said Ms Saidi.

Ms Saidi says after collecting the waste products she uses scissors to trim the polythene papers to small strands. She then uses a sweater sewing needle to weave the materials and out of this, she manages to make beautiful handbags for women and caps.

For about three years now after she

acquired the skills, Ms Saidi's life has changed for the better and she has been making a lot of money from the items she sells from the trade.

Saidi who is also the deputy chair lady of Maendeleo ya Wanawake organization in Kilifi branch says that she will forever remain grateful to the Regional Program for the Sustainable Management within the Coastal Zone of the Countries of Indian Ocean (ReCoMap), which trained her among 17 other women on how to turn solid waste materials into useful items.

"The donor just offered us the training and equipped us with the skills but starting the business was an individual's choice as the business did not require much capital," said Ms Saidi. She has created herself a market niche and operates at the heart of Kilifi town where she has managed to employ someone to help her in the job. She also hires casuals on a regular basis to collect the waste materials for her within the town.

Although, market remains a big challenge in the trade, the jovial mother of five is able to juggle up with other income generating activities to fend for her family.

Ms Saidi has been engaged in other business ventures and runs a salon besides owning a food kiosk which helps to augment her income. Ms Saidi who is also a member of Kilifi Green town Environment initiative sells tree seedlings and has been able to generate enough income to educate her five children after the death of her husband five years ago.

ReCoMap is a Non Governmental Organization operating in the area with support from the European Union and has

been supporting many groups engaged in solid waste where Kilifi Green town Environment Initiative is a beneficiary.

The solid waste management initiative comes as a relief to the residents who have had to contend with heaps of garbage littered all around them oblivious of the dangers posed by improperly dumped waste which can lead to the destruction of the ozone layer and may cause diseases such as cancer.

Air pollution can also lead to formation of acidic rain which is dangerous to crop life since it fastens the removal of soil fertility from the surface of the ground. Further, solid wastes dumped in drainage channels and gutters lead to blocked sewers which may cause flooding.

Some of the waste materials such as polythene bags can be dangerous to the aeration system of the soil hence hindering agriculture. It also leads to the reduction of fertile cultivatable land in form of dumping sites. Waste materials like toxic if consumed by animals can be very dangerous to life and worse still if these wastes are dumped in water bodies, they expose aquatic

life to danger.

Poor Domestic Waste management also displays an ugly scenario of the environment. This can affect the tourism industry, which remains a major income earner to the Coastal town.

Uncontrolled dumping of solid waste can lead to wastage of land where we find lots of land being used as dumping sites for wastes. These same pieces of land are later on neglected by the inhabitants of the area.



Asha Saidi displaying some of the kiondos she has been making using waste polythene papers. Photo/Bekadzo Tondo

## Women aspirants get crucial UN support

By BOB OMBATI

THE Federation of Women Groups jointly with the United Nations (UN) Entity for Gender Equality and Empowerment have launched a massive civic education program that targets women aspiring for various appointive and elective political seats at both county and national governments.

The Group's chairperson, Catherine Nyamato, says the aspirants are being trained on the Political Parties and the Elections Acts to sharpen their understanding on the electoral process to enable them participate in the democratization process effectively.

Nyamato says the Group seeks to support women aspirants in all the constituencies to gain self confidence, gun for elective posts and capture majority of the County and National assembly seats.

The official says the Group will educate women on their rights and legal procedures to help them defend their nominations in political parties or challenge party leaders whenever the party conducts the exercise unfairly, lamenting that majority of women are short changed during nominations and some give up due to ignorance.

"We want women aspirants to compete with their rivals and lose or win the nomination tickets in a free, fair, transparent and democratic manner," states Nyamato.

Nyamato, who addressed women leaders from Kisii and Nyamira counties during a one day sensitization workshop at a Kisii hotel recently said the Group was educating the electorate on various elective seats to enhance their participation in the upcoming general elections.

She urged women to join political parties, know their policies and structures to enable them articulate their manifestos during the campaigns and convince electorate to vote for them during the elections.

She asked women leaders to identify women aspirants for various political seats and their respective parties and forward their names to the Group without delays for support.

Nyamato, flanked by National Convention Executive Council Chief Executive Officer, Cyprian Nyamwamu urged women to shun hate speech to avoiding arrested, prosecuted and disqualified, adding they should refrain from slandering their opponents based on their marital, tribal, cultural, economic, social, academic and historical backgrounds.

The chairperson challenged women to use their numerical strength to support fellow women to capture majority of county and national assemblies' seats to pave the way for their participation in the country's leadership and governance.

Nyamwamu, who facilitated the workshop, urged women aspirants to advance their education to meet the minimum constitutional requirements to avoid being locked out during nominations, adding that they will blame themselves if they failed to make it beyond the primaries.

The women leaders lamented that majority of rural women were ignorant of the constitution, saying they needed civic education to avoid spoiling votes during the elections owing to the many candidates on ballot papers contesting for various new seats unlike before.

# Mombasa port registers impressive growth

By BRIGHTON KAZUNGU

THE port of Mombasa has registered remarkable growth in transit cargo over the last one year, officials announced recently.

According to Kenya Ports Authority (KPA) Managing Director, Mr. Gichiri Ndua, the growth has highly been linked to a recent move by South Sudan to turn Mombasa as its main gateway for imports.

The MD says that last year, the port handled 417,033 tonnes of transit goods for South Sudan, up from 223,467 tonnes in 2010.

He notes that although Uganda continued to lead in cargo for landlocked countries using the port, other countries such as Tanzania, Democratic Republic of Congo, Somalia, Rwanda and Burundi were posting an increase in cargo.

"The rest of the transit markets notably Tanzania, Democratic Republic of Congo, Somalia, Rwanda and Burundi registered insignificant movements in the share of the traffic between the 2010 and 2011," Ndua said.

He points out that last year the port handled 4.37 million tonnes of transit cargo for Uganda up from 4.33 million tonnes handled in the previous year reflecting an increase of 3.37 per cent.

Ndua says despite cases of economic depression witnessed in other parts of the world, KPA had recorded 10 per cent container growth through Mombasa



Containers at the Mombasa port.

Photo/File

port.

In terms of container traffic growth, the port handled 771,000 20-foot equivalent units (Teus) of containers last year up from 695,000 in 2010 registering 10.8 per cent which is over international growth rate of eight per cent.

Ndua was accompanied by KPA General Manager, Mr. Salim Chingabwi, Mr. Abdulahi Samara and Mr. Joseph Atonga.

He said the turnaround of the vessels had improved to 2.9 days

compared to performance contract target of three days. He said the average ship waiting had improved from 2.13 days compared to 2.36 days last year.

Ndua assured port users that the clearance of the containers which had been lying at the port had improved.

"We now have about 15,911 containers unlike in January when there were 24,000 containers which had been left by the owners," said Ndua.

The MD said the construction

of berth 19 at container terminal at a cost of Kshs.5 billion would be ready before the end of the year.

He said the berth would handle bigger ships, which would increase more business for the port. Ndua said the 240-metre long berth was being constructed

in the sea and reclaimed land.

It was earlier expected to be completed in March 2013 but works have been faster and it could be operational this year.

"We have constructed almost 50 per cent of the project within a few months after being launched in July last year," said Ndua.

## Japan funds Kilifi maternity hospital

By BEKADZO TONDO

THE government of Japan has donated Kshs 9 million to assist in the construction of a maternity wing at St. Teresa Catholic Church health center at Chonyi area in Kilifi district.

The project comes as a reprieve to expectant mothers who have to travel for long distances before they can access maternal services at Kilifi district hospital.

The deputy chief of mission at the Japan embassy in Kenya Yoichiro Yamada says the grant will also help put up staff houses, buy medical equipments and improve sanitation facilities.

Yamada says the project is being financed under the Grant Assistance for Grassroots Human Security Projects (GGP).

The chief of Mission was speaking at the health center during the official signing of the grant contract with the dispensary management board headed by Sister Mary Njuguna.

Yamada who was accompanied by his wife Hisano expressed dismay at revelations that over 90 per cent of expectant mothers in Chonyi division have been de-

living at homes due to lack of a maternity wing in the area.

"I have been moved by the plight of mothers who have to deliver at home under unskilled traditional birth attendants due to lack of a maternity wing," said Yamada.

A former permanent secretary Mrs. Rachael Dzombo who addressed the gathering on behalf of the women in Chonyi lamented that many mothers had lost their lives in the hands of unskilled birth attendants but the project is likely to reverse the trend.

"Most of our mothers have either lost their lives or that of their babies during delivery due to lack of a health facility which had maternity services nearby and we thank the government of Japan for its timely gesture to put up a maternity wing in Chonyi," said Mrs. Dzombo

Yamada recalled how his wife Hisano who is a midwife by profession had to contend with labour pains for 30 hours before she could get access to a health center in Tokyo three years ago where she was assisted to deliver her baby boy.

"When I hear of stories of how expectant mothers face problems

due to lack of health facilities near them where they can seek proper maternal care, then my mind goes back to the experience of my wife Hisona when she was in labour pains," said Yamada

He urged the management of the dispensary to make proper use of the funds as he will personally visit the area after a year to assess the project.

"These funds have been released to you for very serious work and I wish to request those who will be in charge of the project to ensure the funds are properly utilised for the benefit of the struggling mothers," said Yamada.

The district medical officer of health Dr. David Mulewa assured the ambassador that the government will support the project with medical equipment, drugs and personnel.

Dr Mulewa further said plans are underway to have the health facility equipped with an ambulance to deal with emergency cases.

The medical officer noted that Kilifi and Ganze Districts are still experiencing an acute shortage of health facilities and appreciated support by the Japanese government.

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## Relief as court returns grabbed land to school

By JOHN NYAMBUNE

**KAKAMEGA** Primary School has received a major reprieve after a court ruling restored their grabbed land.

The school which caters for 2,500 pupils has had to contend with limited space after a developer was allocated seven acres of school land ten years ago.

The school's head teacher David Ikunza says teachers had to forego their staffroom to create room for classrooms which were confined to one acre piece of land.

Both teachers and the pupils commended Lands Minister James Orengo and the Provincial Commissioner, Samuel Kilele for helping them to reclaim their land.

The school was given a go ahead to reclaim their land in court ruling dated February 17, 2012 published in the Kenya gazette.

The school had also sought audience with the Truth Justice and Reconciliation Commission (TJRC) over the stalemate.

"This is a joyful day for us, we are making rounds through the town as a show of appreciation to the ministry of lands and the provincial office for giving us back our land," said Ikunza.

He continued: "We now want the ministry to dispatch state surveyors for demarcation to enable us plan our development.

# Nyeri teachers' sacco records impressive growth

By JOSEPH MUKUBWA

NYERI Teacher's Sacco Society last year recorded growth in turnover from Kshs284 million in year 2010 to Kshs332 million last year.

Speaking during the 36th annual general meeting, the Sacco chairman Daniel Muturi also said that the Sacco recorded positive growth with its loan portfolio from Kshs 9.7 billion in the previous year to Kshs 10.8 billion in year 2011 while the return to the members in form of dividends stood at 11.8 per cent.

"However, the society withstood the harsh times and focused on the opportunities that gradually gave growth. Competition, technology, taxation, dignified re-

quirement, death, rising demand for credit have been part of the myriad challenges surrounding this very dynamic environment. The society membership grew from 7, 213 year 2010 to 7,904 last year," the chairman added.

The chairman said the management endeavours to deliver best customer services to their members, become more innovative, and inculcate good corporate governance to propel growth.

Those present during the meeting included Secretary in the Ministry of Cooperative Development Daniel Maanzo, KNUT Nyeri branch Executive Secretary Mutahi Kahiga, and branch KNUT chairman Patrick Karinga.

The society has been able to establish its own office block at a

cost of Kshs 55.8 million.

"The office block is in conformity with the global trends on provision of essential services. The society has realized its dream in ensuring that members will enjoy private cubicles, ATM services, interview rooms, spacious banking hall, visa cards, mobile banking and a one stop shop," added the chairman.

The society last year scooped several awards including first position of the best loan services in teacher's Sacco category in the country, first position of highest average savings in the teacher's category in the country, best managed Sacco in the urban Sacco's category and also the first position of dividend paid in the urban Sacco category in the country.



Teachers follow proceedings during the 36th Annual General Meeting of Nyeri Teachers Sacco in Nyeri town recently. Photo/Joseph Mukubwa

## State will not sell troubled KPCU, says Nyaga

By BOB OMBATI

COOPERATIVE Development and Marketing minister Joseph Nyagah has assured coffee farmers that the government will not sell the trouble ridden Kenya Planters Cooperative Union (KPCU).

Nyagah says KPCU is being restructured to serve coffee farmers better owing to the mushrooming coffee mills nationally which had rendered it irrelevant. The minister says the union will no longer mill coffee but will instead serve as a warehouse for storing milled coffee from various cooperative societies before they are sold internationally.

He says the union will pay farmers advance to boost coffee production and deduct the money once the coffee is sold and urged farmers to increase the quality and quantity of their produce to enable the fetch high prices and boost their earnings in the international market.

Nyagah was addressing stakeholders at Gusii Coffee Farmers Cooperative Union (GCFUCU) during a ceremony to commission a Kshs. 10 million lorry bought by the union to facilitate the transportation of coffee from various parts of Western region for milling.

KPCU, noted the minister will invest in housing projects on its 54-acre farm in Nairobi to benefit farmers, adding that the land will not be sold despite pressure by some unscrupulous politicians and cartels out to fleece farmers.

"The government owns a third of shares in KPCU while the remaining two thirds shares are owned by cooperative societies and thus anyone who wants to sell their shares can go ahead instead of rocking the union from within.

The minister was accompanied by Commissioner Fredrick Odhiambo, Nyanza provincial cooperative officer, Zephaniah Osok, Cooperative alliance of Kenya Chief Executive officer, Daniel Marube, Wakanya Pamoja Sacco Chief executive Officer, Gideon Oyuma and his GFCU counterpart, Robert Mainya during the function.

# Measures on northern corridor to spur intra-regional trade

By LINK WRITER

THE government plans to boost regional trade by eliminating non tariff barriers (NTB) along the northern transport corridor.

According to the Minister for East African Community and member of the cabinet subcommittee on NTBs Musa Sirma, the ongoing measures by Kenya Ports Authority, Kenya National Highway Authority, Kenya Revenue Authority and Kenya Police among other implementing agencies will help to address infrastructural bottlenecks along the corridor to reduce cost of doing business in the country by its EAC partners.

"Uganda, Rwanda and Burundi heavily depend on the Northern corridor. Kenya as a responsible EAC partner is obligated to reduce cost of doing business within their jurisdiction to comply with the spirit of EAC integration," said the Minister.

Recently KPA launched a rapid results initiative that targets to decongest

the facility within a hundred days. The challenges that face the Northern transport corridor range from the laborious cargo clearance process; storage to documentation and customs verification at the port which negatively affect regional business with Kenya's EAC Partners, Burundi and Rwanda suffering the most.

While over 65% of Rwanda's exports and imports go through the Mombasa port, the inefficiencies at the port have become a barrier to the EAC Partner. The cost for exporting and importing a container to and from Rwanda is USD 3,275 and USD 4,990 at 29 and 31 days respectively. It costs USD 2,965 and USD 4,855 for Burundi at 35 and 54 days for the same.

"An inefficient port will result in industrial meltdown and other repercussions such as loss of jobs with dire consequences for regional economies. This must not be allowed to happen", says Dr. Cyrus Njiru, PS, Ministry of Transport. The Kenya National Highway Authority (KENHA) has also been

engaged in aggressive administrative reforms to revamp their operations of the facilities to make them more effective and to rid them of corruption.

The authority, under the auspices of East African Transport Facilitation project aims to promote efficiency of its facilities to harmonize weighbridge management and axle loads in the northern transport corridor.

Already, new modern weighing machines have been installed at the Athi River weighbridge to speed up the movement of trucks at the facility. The new machines are able to weigh three trucks within less than a minute, a departure from the past where one truck took more than three minutes to be weighed. Mariakani and Gilgil weighbridges are also under contracts for revamping.

"The new weigh machines will measure three axles at once, thereby reducing the time spent by trucks on the roads," says Athi River weighbridge manager Edwin Ranji who also said CCTV cameras have also been

installed at the entrance of the weighbridge to help track offenders.

According to Joseph Mwaniki, a seasoned truck driver with a 15 year experience on the northern transport corridor, the changes at the weighbridge herald a new era in the regional transport. "We used to spend long hours and sometimes one day at the weighbridges, it now takes a few minutes", says Mwaniki, currently an employee of Sigison Freighters

The development at the port and weighbridges coupled with the stringent administrative measures set by the KRA and the Kenya Police at the borders will help reduce transporters' woes at the border points. The revenue body launched a decongestion Rapid Result Initiative (RRI) last month at its border point's offices to facilitate faster clearance of transit cargo.

At the Malaba border, KRA has resolved that only two licensed clearing agents per company will be allowed to operate within the customs premises while a USD1000(Kshs.82,000) pen-

alty will be charged on transporters who park within 5km of customs entry points. This is as per the powers provided by Section 15 of East Africa Community Customs Management Act (EACCMA, 2004).

Citing recent public concerns and in the spirit of the East African Community Common Market agreement, KRA is pushing for simultaneous verification of cargo by all border agencies at the border point. Currently traders in the region are hampered by strenuous customs clearance procedures in which goods are separately checked by officers on either side of the border leading to massive delays.

The establishment of the One Stop Border Post (OSBP) experimental facility at Malaba, a concept that will be replicated in EAC region- has shown a glimpse of success. For instance, truckers previously requiring two days to clear with customs officials now require an average two hours or less courtesy to the joint handling of documentation.



# Rape cases spike in Bahari — report

By BEKADZO TONDO

AT LEAST 360 cases of defilement were reported in two Districts of Kilifi County last year.

A report compiled at Kilifi district hospital reveals that girls aged between 12 and 16 years registered the highest prevalence rate with 119 cases. Girls below the age of 5 years reported 33 cases in both Kilifi and Ganze districts.

A health worker attached to Kilifi District Hospital Mr. Christopher Chome made the revelations during a workshop on gender based violence held at the District hospital.

“Majority of the defiled girls ranged between 12 and 16 years re-

spectively with a total of 119 cases while girls below the age of 5 years accounted for 33 cases,” said Mr Chome.

The social worker further revealed that girls aged between 5 and 11 years accounted for 87 defilement cases.

According to the findings, Bahari division of Kilifi district ranked high in the list with 175 cases being registered in the area.

“Records indicate that Bahari division was leading with the highest number of defiled girls in the year under review where a total of 175 cases were reported at the district hospital,” said Mr. Chome.

Kikambala followed with 69 cases, Ganze division 32 cases, Chonyi

18 while Vitengeni division registered 15 cases and Bamba had the least number recording nine cases.

The report says majority of the perpetrators were neighbours who defiled about 50 girls while strangers accounted for 35 cases.

The findings further indicated that friends were responsible for 15 of the reported cases while 12 of them were committed by relatives.

It was further observed that eight victims were sexually molested by close family members including fathers, brothers and cousins.

The social worker however said the figures could be higher considering most cases go unreported.

“The figures in the report only

represent cases that were officially recorded at the district hospital when the victims sought for medication including counselling, but the number could be bigger,” said Mr. Chome.

Mr. Chome told the forum that about 63 of the defilement cases received counselling on trauma.

The forum was also informed that most of the offenders were never taken to court as victims had either interfered with the evidence or reported to hospital very late and therefore cases could not sustain conviction due to lack of evidence.

The meeting heard that the district hospital lacked technical medical personnel to handle victims of sexual offences because out of the 300 public

health centres in the region, only six had knowledge on such matters.

Mr. Chome blamed the increased cases of defilement on the lack of awareness among the public and therefore majority of the cases were never reported to the relevant authorities.

Members of the public have an obligation to assist defiled girls by taking them to the nearest public health centers for close medical examination before such cases are reported to the police.

“Late reporting of defilement cases tampered with evidence and I am therefore appealing to members of the public to report the cases to ensure that justice prevails,” said Mr Chome.

## Alarm over rising teenage pregnancy in Nyamira

By JOHN NYAMBUNE

THE rising cases of teenage pregnancies in Nyamira County have been blamed on the influx of Boda Boda operators in the area.

A Children Assembly organized by the Ministry of Gender in collaboration with the National Council of Children Services heard that 15 cases have been reported in the area since the beginning of the year.

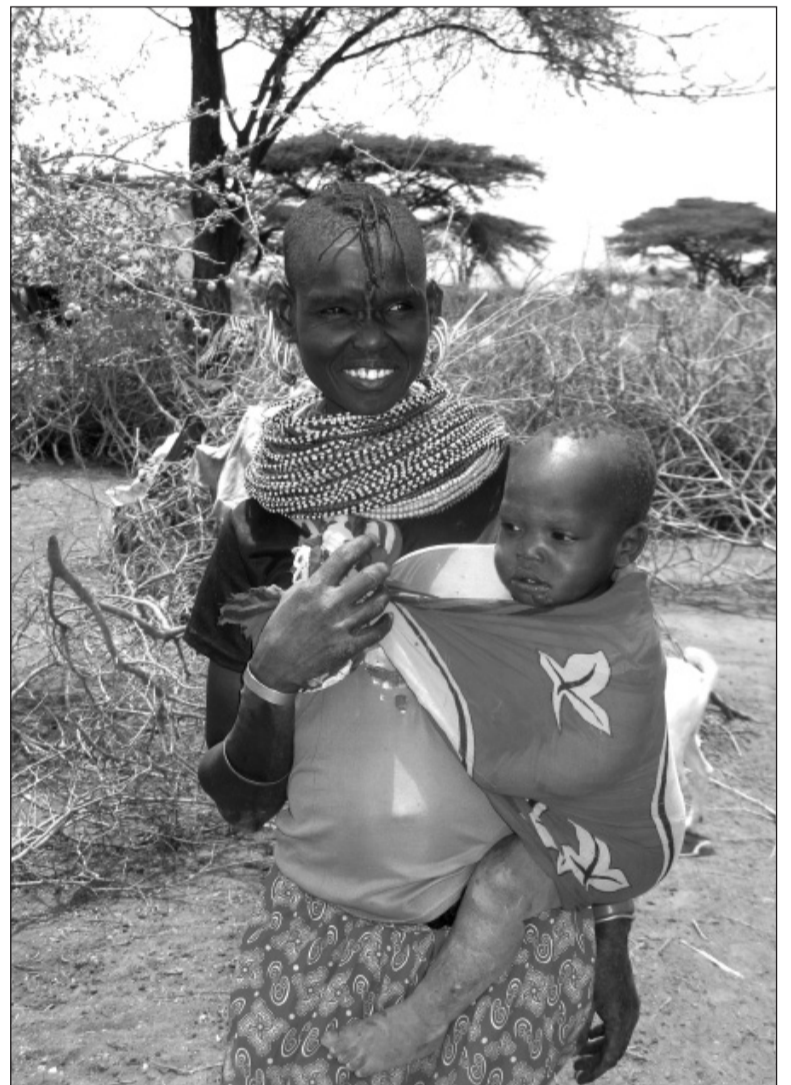
“I have documented reports of 15 teenage pregnancies connected to boda boda operators. Some transporters lure underage girls into sex for free rides,” adds the Nyamira District Children Officer, Mr. Samwel Masese during the meeting held at the Agricultural Training Institute in Kisii.

He spoke as it emerged that about 50 boys in the area had dropped out of school during the month of February to engage in Boda Boda trade which promises quick money.

Dr. Grace Nyamongo, a gender and development expert



TOP: Poverty and deprivation are major factors contributing to teenage pregnancy. RIGHT: A pregnant woman in Kenya's North Eastern Province with one of her children. BOTTOM: AMREF educates Kenyan girls in Ganze to help combat high teenage pregnancy.



who spoke at the meeting challenged both parents and teachers to provide guidance to the teenagers to enable them cope with the myriad problems that afflict them.

Nyamongo, a lecturer at Kenyatta University says that the boda boda trade should be streamlined to help limit the age bracket that is currently dropping out of school to join the trade.

She further says that children must be accorded with an opportunity to air their grievances both at home and in school to avoid violation of their rights.

Dr. Nyamongo notes that some children have been abused

by their teachers and thus the need to impose punitive measures to discourage the vice.

Masaba North District Children Officer, Mr. Robert Njiru and his Borabu District counterpart, Mr. Thomas Mulwa, called for implementation of programmes to sensitize boda boda operators on the need to change their behaviour adding that it was the newest challenge in the fight against HIV/Aids.

Some operators interviewed in Nyamira town confirmed moral decadence involving a section of them who demand for sex in exchange for free rides.

# Bunyala rice farmers in protest over graft

By NYAKWAR ODAWO

RICE farmers from Ruambwa-Mudembi irrigation scheme are up in arms following the disappearance of Kshs 60 million meant to revamp the sector.

The rice farmers led by group chairman Thomas Otieno Oduor took issue with the project committee officials who have since been ousted and accused them of embezzling the funds.

"We want the former office bearers to account for the millions of shillings that the Ministry of Agriculture had disbursed to fund the rice project in Bunyala South and East," said the farmers, adding that even the water gates meant to ease flow of water into the rice field are non-existent and that the drainage system is also poor.

The rice farmers at the same time said that the area CDF committee had disbursed a total of Kshs100,000 during the 2009/2010 and 2011/2012 financial years to aid in the purchase of a rice dryer but no dryer was acquired and that there is nothing on the ground to justify its existence.

"The cash was deposited to account number 492178-111340-102-

106-003 and account number 4-92-178-111340-102-006-001. We are therefore demanding to be told who owns the two bank accounts and in which bank. The rice dryer is not available and we have been told that the rice project committee had allegedly purchased a parcel of land at a cost of Kshs100,000 which we have not been shown," said the farmers, adding that the former project committee officials are yet to account for the outstanding cash.

The rice farmers as well attributed poor rice harvest last season to untimely delivery of fertilizer and pest spray yet the farmers had paid for such services in advance.

The angry farmers lodged their complaints before the national irrigation officer in charge of Bunyala district at Magombe and called for the immediate disbandment of Ruambwa-Mudembi rice project committee to pave way for the election of new officials.

Contacted for comment, the national irrigation board official Joel Tanui said that when he discovered that Ruambwa-Mudembi rice project had been infiltrated by politicians, he authorized the rice farmers to go ahead and elect new officials.



Rice farmers are up in arms following the disappearance of Kshs 60 million meant to revamp the sector. Photo/File

"I convened a meeting with the aggrieved rice farmers at Ruambwa shopping centre where I gave the farmers authority to go ahead and elect new officials," said the national irrigation official, adding that the

former project committee had been operating without an account, registration certificate and a constitution yet the CDF committee was still continuing to disburse more funds to the project.

However, the national irrigation official assured the farmers that his office will undertake thorough investigation on the alleged embezzlement of the said cash and take stern legal action on those involved.

# Rice farming to control Budalang'i flooding

By LINK CORRESPONDENT

RICE farming is emerging as an alternative form of cash crop for farmers in flood prone Budalang'i area in, Bunyala District.

The area that has been synonymous with floods is now being transformed into a leading rice producing area.

According Christopher Gunyi, chairman of Magombe Multipurpose Co-Operative Society, farmers in the area have a reason to smile after venturing into serious rice farming.

"We used to rely on maize farming which had low returns but now with rice we are getting something," observed Gunyi.

Areas such as Rwamba, Munaka, Mudembi and Nanjomi that would be flooded during the rainy season are today leading produc-



TOP: Farmers in a rice plantation. BOTTOM: A rice plantation farm.



The project funded by the World Bank targets 30 groups in Ugunja, Alego Usonga and Budalang'i districts.

According to Tanui, the project that covers more than 14,000 hectares will be put under gravity-fed irrigation.

In order to allocate more land for the cereal, Bunyala District Agriculture Officer Michael Wekesa says they will double the acreage under rice.

"Farmers are embracing rice farming in large numbers and we hope that this will help boost food security in the District," he said.

The initiative is being supported by economic stimulus programme and more than 1,600 hectares of land is now under rice farming.

Wekesa says that farmers in the area have the capacity to harvest if the programme is expanded.

However, the only challenge is that middlemen have pitched camp in the area to take advantage of the desperate farmers.

According Cajetan Gaitano, a farmer in the area, lack of market and poverty makes it easy for brokers and middlemen to buy the rice at a throw away price.

Under the new initiative farmers will be equipped with knowledge to grow a variety of crops such as maize, arrow roots, potatoes, rice, fruits and vegetables for domestic consumption as well as selling.

Statistics indicate that Kenya imports three-quarters of the rice consumed from Asian countries such as Pakistan under preferential tax terms.

ers of rice.

The farmers have already started harvesting and they are now targeting 45,000 bags of the cereal.

The initiative has received a major boost from the Ksh 2.3billion disbursed by the National Irrigation Board to assist in rice farming within the next three years.

According to Joel Tanui, a manager with NIB the area has a great potential that needs to be utilised.

The programme being conducted within the River Nzoia belt targets 20,000 farmers. The programme is set to produce four million bags of maize and a million bags of rice within a period of two years.

# Milk shortage blamed on prolonged drought

By HENRY OWINO

THE Kenya Dairy Board has blamed the rising milk prices in the country to the prevailing drought situation.

The Board's Managing Director Mr. Machira Gichohi says the prolonged period of dry spell has resulted in a decline in milk production with an estimated shortfall of 6 million litres during the month of January and 11 million in February this year.

He further says the shortfall has been occasioned by severe frost affecting most parts of Central and Rift Valley highlands, which are the major milk producing regions in the county.

"The frost that occurred in the last quarter of 2011 resulted in the drying up of fodder and grasses in these areas. To date, the affected fodder has never recovered leading to inadequate animal feed," he explains.

He says the scenario has been aggravated by increased demand for milk consumption owing to campaigns spearheaded jointly by the processors and Kenya Dairy Board.

"The School milk program has expanded to a large extent after last year's promotion campaigns by the Kenya Private Schools Association (KEPSA) and the Kenya Primary Schools Head Teachers Association (KEPSHA). The impact of these promotional campaigns is the increased demand for milk and milk products," he adds.

He says that the ongoing land

preparation in the Rift Valley Province which normally takes place from the month of December was extended to February leading to reduced availability of animal feed.

The MD at the same time notes that over the last decade, Kenya has continued to suffer from the importation of counterfeit products which enter the country through its porous border in the North Eastern parts of Kenya.

The ongoing peace keeping mission in Somalia has seen a sharp decline on the illegal imports in the local market, especially in North

Eastern and Nairobi and Mombasa cities. The traditional consumers of the illegally imported produce have shifted to the local produce thus occasioning a strain in the milk products.

However the Board is advocating for the distribution of the powdered milk reserves held by New KCC. He says that milk processors have been asked to liaise with New KCC to buy powdered milk while farmers will be facilitated to obtain pasture in areas hit by shortage.

The MD says that farmers will

be encouraged to invest in milk processing infrastructure to enable them venture into long life products to ease distribution and marketing challenges. The Kenya Dairy Board will develop Integrated Management Information System to improve information systems for ease access and communication amongst stakeholders.

The board also wishes to improve efficiency in dairy chains by integrating several components like feed production and processing, service provision, breeding, milk processing and marketing.



Mr. Machira Gichohi, Kenya Dairy Board Managing Director.

## Nzoia calls for zoning to curb cane poaching

By AGGREY BUCHUNJU

NZOIA Sugar Company Managing Director Mr. Saul Wasilwa now wants the regulations on sugar cane zoning enforced.

The move, Wasilwa says, will help curb the ever increasing sugar cane poaching by millers who do not have sufficient supply of cane and jaggeries.

Speaking to the press in the company's board room recently, Wasilwa disclosed that the company was holding six tractors loaded with poached sugar cane from its contracted farmers. He accused a neighbouring miller of perfecting the art of cane poaching and vowed not to release the tractors until the required penalty is paid.

"We will release the tractors after they pay the required penalty," the MD who was accompanied by the company board chair Mr. Lawrence Sifuma said.

Wasilwa said that for the company to recover the credit in terms of farm inputs advanced to its contracted farmers, the farmers must sell their cane to the factory.

He, however, regretted that the company has continued to incur huge losses because some farmers evade paying the company's dues by selling premature cane to unauthorized jaggeries and millers.

The MD for instance noted with dismay that the company's cane on 164 hectares had been deliberately poached since July last year. Wasilwa further noted that 640 hectares of sugarcane at the company nucleus and another 46 hectares on the outgrowers' farms have been torched by arsonists.

He attributed the two incidents to the recent dry weather conditions and strong winds saying they were conducive to the fast spreading of fire. Wasilwa estimates the losses the company incurred through arsonists and poachers in both the nucleus and out grower farms at Kshs. 45 Million.

Recently Nzoia sugar company security personnel have been engaged in running battles with West Kenya sugar company, Butali Sugar Company and several jaggeries over poaching of cane from Nzoia Zone.

Quite a good number of tractors and lorries transporting cane from farms belonging to farmers contracted by Nzoia Sugar Company have been impounded.

However, the affected farmers accuse Nzoia sugar Company of harassing them without any apparent reason. They urged the company's management to embrace liberalised economy by allowing them to sell their cane to a factory of their choice without coercion and intimidation.

# Kilifi residents faced with starvation

By BEKADZO TONDO

NEARLY 100,000 people from three districts in Kilifi are faced with starvation due to the prolonged period of drought.

The latest drought and food security surveillance report reveals that the area registered total crop failure after last year's short rains thus putting a large number of the residents to the risk of starvation.

The survey titled the Kilifi County Food Security Assessment Report covers Kilifi, Ganze and Kaloleni districts in the southern part of Kilifi County and indicates that out of the 831,108 people living in the area, about 555,180 people are living below the poverty line which constitutes to 66.8 percent.

The report compiled by the department of drought management in Kilifi notes that about 65,100 poor people have benefitted from the Cash for Asset assistance programme.

Another 8,200 hunger stricken people in the three districts are relying on the relief supplies distributed under the Food For asset program while an additional 24,501 have been receiving relief food through the general food distribution category.

Under the food for asset program, beneficiaries are hired for communal work before they can receive their food rations to help rid the notion that food is given freely.

"Beneficiaries under the food for asset program are required to

do some manual jobs like excavation and de-silting of 12 water pans while other are engaged in 31 community water harvesting projects to assist in crop production," noted the report.

According to the report, the government through the ministry of livestock development has spent Kshs I million to purchase livestock from farmers and distribute meat to the famine stricken families.

It was noted that a total of 67 heads of cattle were purchased from Vitengeni and Bamba division of Ganze district and meat distributed to 2,975 households which are worst hit by famine.

The World Food Program (WFP) has also offered support in the distribution of relief food with a total of 7,100 people being assisted where 1,200 of them are children.

The report indicates that WFP has so far donated 13,537 metric tonnes of cereals, 7,232 metric tonnes of pulses and 1,807 metric tonnes of vegetable oil which has already been distributed to the targeted families.

Further, the Plan International has introduced feeding program in 35 schools where 11,529 children have benefitted from the school feeding program.

The organization has also disbursed unimix to six health centers to help feed the malnourished children who lack balanced diet.

Health centers that have benefitted

include Kizingo, Takaunga, Roaka and Takaungu in Bahari constituency while Sokoke and Palakumi dispensaries are in Ganze constituency.

Farmers in the affected regions last year recorded poor farm harvest from the short rains with some man-

aging to get a paltry 4 bags of maize from an acre, 3.5 bags of cow peas and 3 bags of green gram per acre.

In areas like Tsangatsini and Mariakani in Kaloleni district, farmers registered total crop failure due to lack of rains.



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# State gives free inputs to Kisii farmers

By BOB OMBATI

THE government has disbursed certified maize seeds and fertilizers to farmers in Kisii central district through the National Accelerated Input Access Programme (NAAIAP) which has been funded to the tune of Kshs16 million in the current financial year.

Area Agricultural officer, John Katimbwa says the programme seeks to assist poor farmers who have been unable to engage in meaningful farming due to lack of certified maize and fertilizer.

The officer, who addressed 800 farmers at Mosochi divisional headquarters after distributing fertilizer and maize to the needy farmers, notes that food production in the area had increased from five to 20 bags per acre after farmers embraced the program.

He says that previously the area registered poor yields as only a few farmers planted certified maize with fertilizer, stressing that the trend was changing with the adoption of better farming methods.

Katimbwa says each farmer in Keumbu, Mosochi and Kiogoro Division has been given 25 kilograms of DAP, 25 kilograms of CAN fertilizers and 25 kilograms of certified planting maize.

Maize production, notes the officer had shot up from 20,000Kgs to 60,000Kgs and thus improving food security and reducing household pov-

erty levels.

Farmers, says Katimbwa have been trained on how to apply farm inputs and use correct methods of farming to increase food production for household consumption and sale, adding that officers have been deployed on the ground were monitoring the process to ensure farmers benefited.

"Farmers have to prepare land, plant, weed, top dress and harvest. Officers monitor the process to know the challenges encountered by farmers in case production is affected," adds Katimbwa.

He says farmers sold 30 percent of their produce to the cereal board and used the proceeds to buy farm inputs for the subsequent planting seasons, adding that they no longer depend on the program for free farm inputs.

Katimbwa notes that farmers can secure bank loans to buy farm inputs as they wait the cereal board to pay them to settle the debts, stressing that most beneficiaries have been empowered economically.

Fredrick Ochwangi, a disabled farmer lauded the government for the programme, which he says has helped households to produce enough food to ward off famine which previously ravaged the area.

He says most poor and vulnerable residents can afford to put a meal on the table and cater for the needs of their families unlike before when they were forced to do menial jobs to raise income to buy food.



Maize seeds being delivered to farmers.

## Another maize shortage looming, says NCPB

By LINK CORRESPONDENT

ANOTHER maize crisis looms in the country owing to the inability by the government to buy enough stocks from farmers last year.

The National Cereals and Produce Board (NCPB) have raised a red flag citing government's failure to boost

the Strategic Grain Reserves (SGR) from three million bags to eight million bags.

Statistics compiled by NCPB indicates that the government has only managed to buy 600,000 bags of maize even as the harvesting season came to an close. The strategic reserves now stand at 2.7 million, with

2.1 million bags having been carried forward from the 2010 harvesting season.

NCPB managing director Gideon Misoi however says the government plans to increase the SGR stocks by five million bags – from three million to eight million bags to offset the deficit that hit the country last year," he

told The Link. Last year, the country witnessed an acute shortage of maize mid last year which saw an upsurge in prices with the 90-kilogramme bag of maize retailing at a high of Kshs.4,800. The board bought the 600,000 bags of maize from the Kshs2 billion allocated to it by Government.

NCPB's public relations manager

Evans Wasike further says the board is still awaiting an additional Kshs.1.7 billion as promised by Prime Minister Raila Odinga. "We are still waiting for communication from the Ministry of Special Programme to see if the money will be released," he said.

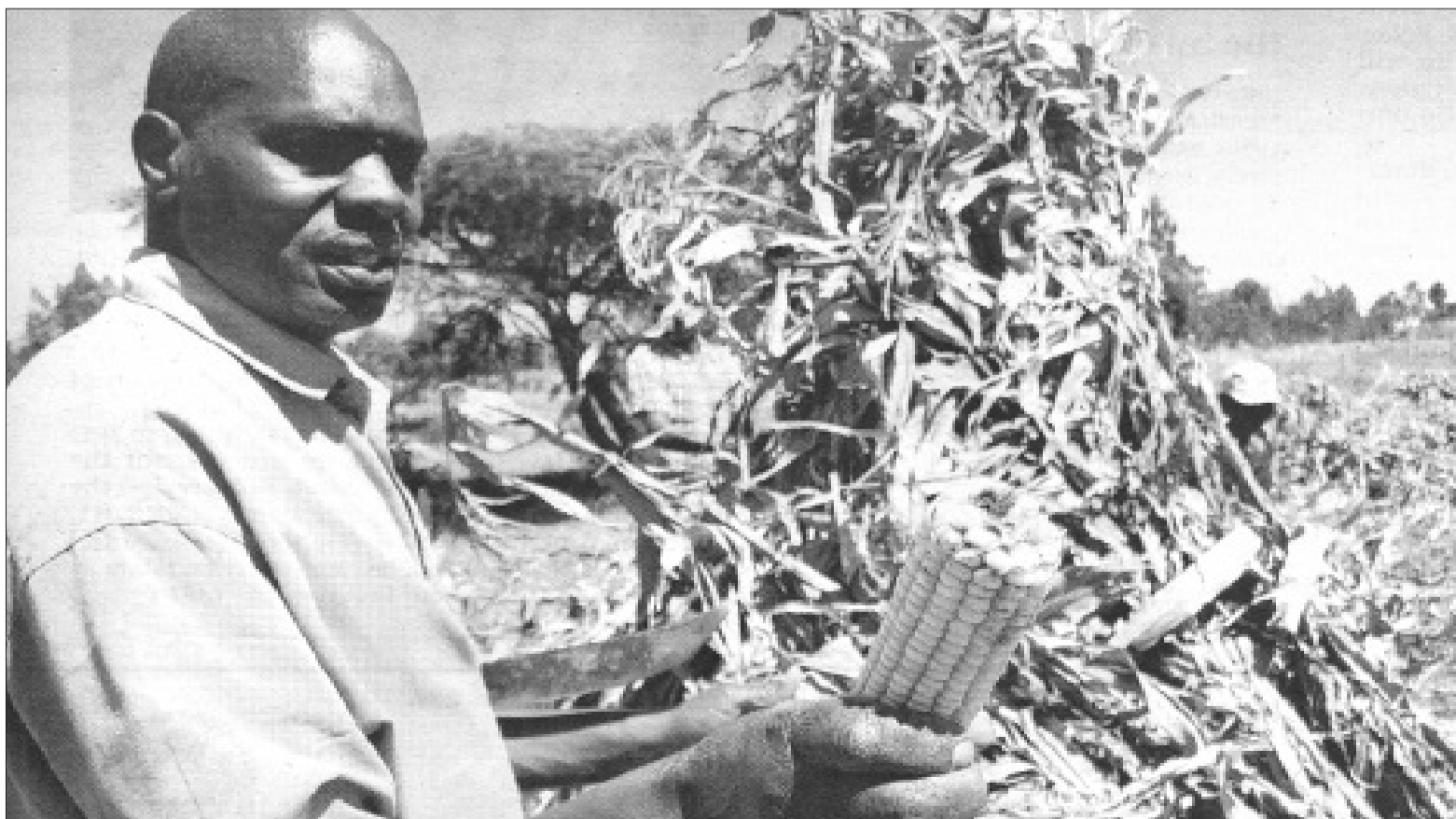
Millers Association chairman Diamond Lalji intimates that they have only 400,000 bags of maize. He dismissed as a fetched and misleading reports attributed to the government alluding that a total of 27 million bags were harvested from last year's season.

Further, a report on the Cost of Living compiled by NCPB and tabled before the Parliamentary Select Committee last year, revealed that over the last 10 years, "national production has been erratic, barely meeting national demand." The same report indicated that the country would experience a deficit of 13 million bags of maize from last year's harvest.

The national annual consumption of maize stands at 33 million bags, but cereal growers argue that the figure might have gone up by now owing to over-reliance on the commodity.

Mr. Timothy Busienei, a director at the NCPB, at the same time questions the validity of 27 million bags that the government claims were harvested last year. "It is impossible to argue that the 27 million bags of maize were harvested last year. Farmers might have harvested 20 million bags at most," he said.

He says that only half of the estimated 20 million bags could be available for commercial purposes while the remainder is meant for subsistence use.



A farmer at Lorian in Uasin Gishu County harvests his maize crop late last year.

## Central residents face famine due to drought

By LINK CORRESPONDENT

CENTRAL Kenya which is considered among areas with the highest potential for agricultural output is faced with famine.

A monthly report compiled by the National Drought Management Agency (NDMA) reveals that Kiari area has registered a near total crop failure as a result of dry weather and frost since last December. According to the report February has been marked by hot and dry days and extremely cold and chilly nights which had resulted in frequent frost attacks on both crops and pastures.

The NDMA report says that only negligible amounts of maize, beans and potatoes – the region's staple foods – will be harvested and that these could only sustain the households for a month or less. The report further notes that most people in the area were currently relying on food purchases as their main source of food which has seen prices of staple commodity going up.

The report says most households had exhausted their crop yields long before maturity. The report intimates that currently, most households had resorted to disposing off their livestock at throw-away prices as a survival strategy.

The report also cites an outbreak of the Food and Mouth Disease (FMD) in three locations in the area during the month of January but lauds the government for timely interventions through quarantines and the closure of the Nanyuki Slaughterhouse.

It also adds that the nutrition status of children under five years deteriorated considerably in February by 82 per cent with the number of children at the risk of malnutrition in the area increasing from 0.55 per cent to 1.55 per cent.

"This is an indication that most households have begun experiencing stress which if not addressed might slide to a crisis in time," said the report.

The agency sampled 1,503 Kiari residents in 330 households. The number of children monitored was 1,325.

## Nyeri priests accused of sexual harassment

By JOSEPH MUKUBWA

NYERI primary school head teachers have bitterly protested over alleged regular sexual harassment by the Catholic priests.

The teachers mainly women who lead Catholic sponsored schools claim that priests call them at odd hours of the night to sexually harass them.

The teachers who stormed the area DEO's offices say that some of them have been transferred for failing to comply with the demands.

They demanded that the DEO

Wilfred Gaichu, firmly deals with the notorious priests.

"One father has been calling me at the ungodly hours of the night and I'm wondering why. We should be given freedom to do our work without interference," adds a furious head teacher of Gitathi-ini Primary School Rose Mureithi.

Another head teacher of Kiambwiri Primary School in Nyeri Central District, Immaculate Kabutha, says she has since been transferred to another school after she refused to 'cooperate' with the fathers.

Central Province Kenya Primary

School Heads Association (Kepsha) chairman Nicholas Gathemia who was among those present in the protest said they are fed up with the sponsors and urged them to let the head teachers do their work without interference.

"We are tired of their 'questionable behaviours' and constant intimidation by the priests. If the trend continues, education standards will decline in the District.

Area DEO Wilfred Gaichu promised to consult his seniors and convene a meeting in order to chat the way forward.



Nyeri primary schools head teachers are barred by police from entering the gate of Central Provincial Director of Education to lodge their complaints against Catholic priests. Photo/Joseph Mukubwa

## 'Yes Nyanza Youth Can' clubs launched

By BOB OMBATI

A YOUTH programme in Nyanza region has mobilized 5000 youth groups in the area to empower them economically ahead of the forthcoming general elections.

The "Yes Youth Can" Programme Manager, Fred Apopa says the Programme is being implemented by World Vision with funding from USAID. Apopa notes the Groups will be aided with small grants and investment loans to initiate income generating projects to improve their livelihoods.

The manager, who spoke at Kisii Sports Club in during the elections of Yes Youth Can Kisii County forum of-

officials said that once the youth are financially stable, the culture of overreliance on handouts during electioneering periods will be eliminated. He said impoverished youths were vulnerable and easy to manipulate with politicians targeting them to unleash terror on their political rivals. Apopa urged the youths to shun politicians who incite them to violence during the electioneering period as they risk serving jail terms in the current political dispensation.

The official said that 500,000 youths aged between 18 and 35 years respectively have been mobilized under the program countrywide, adding that they will be aided to venture into income generating activities in their respective counties.

During the exercise, Dennis Orioki Justine Omwenga, Lilian Kenani, Victor Makana, Kevin Motonu, Emmah Were, Enock Nyakundi, Irine Onchoke, Esther Moraa, Juma Oseko, Eric Omota, Obiri Mariaria, Ruth Obure, Alice Nyakundi, Valentine Moraa and Evans Momanyi were elected as officials to the Kisii youth forum board to coordinate the activities in the county.

Others officials include Hellen Keya, Edward Ogari, Ezna Otenyo, Albert Choti, Evans Omweno, Risper Bichang'a, Doris Machoka, Vincent Orog, Geoffrey Obuba, John Sagero, Vincent Maobe, Simon Osano, Alfred Nyakoe, Margret Kiega and Alice Osano. He said the programme is being im-

plemented in six counties in the country and challenged the youth to seize the opportunity to venture into businesses to help alleviate poverty and boost their standards of living.

The official explained that the elected youth will elect their board officials and president this month, adding that those who intend to contest for elective posts at the county and national governments are not eligible to sit in the Board.

"Members of the Board who intend to seek elective positions during the forthcoming General Elections will be forced to resign to pursue their political ambitions," stated Apopa and urged politicians not to interfere with the affairs of the youth.

## Raila, Musalia urged to reconcile to unite party

By NYAKWAR ODAWO

ORANGE Democratic Movement (ODM) civic leaders from the entire Busia County have expressed concern over the emerging split between the party leader and Lang'ata MP Raila Odinga and his deputy Musalia Mudavadi following disagreements on the mode of nominating the party's presidential bearer.

The civic leaders led by Walatsi ward civic leader councillor Jackson Wambulwa who is also the Busia County Cess chairman expressed fears that the party which has over the years enjoyed overwhelming public support is headed for collapse unless the differences are ironed out amicably.

"ODM is likely to lose grassroots support it has enjoyed all this years unless the two party leaders settle for an agreeable system of nomination," they said.

The civic leaders who spoke to The Link at the Busia council hall recently said that ODM as a party had won the confidence of majority of Kenyans as the only party with the ability to deliver.

They at the same time appealed to the Prime Minister Raila Odinga to stop interfering with the National Executive Council (NEC) saying he should instead give NEC room to work independently so that the council which is the top party organ, may come up with an agreeable system of nomination that will be acceptable to all the parties.

"We are appealing to the party leader Raila Odinga to allow the National Executive Council (NEC) to come up with a suitable nomination method that is agreeable to all," they said, adding that changing a section of the party constitution to suit the whims of an individual is unacceptable and can therefore wreck the party.

"We are also appealing to the PM to let nominations be done at the County level as opposed to the mode preferred by a section of ODM MPs who appear to be the PM's political die-hards," they added.

The civic leaders further criticised politicians from the area who are opposed to bid by Mudavadi to seek the Party's presidential ticket, and threatened to mobilise the electorate against them during forthcoming General Elections.

By LINK CORRESPONDENT

PLANS are underway to retrench workers attached to the six regional development authorities in the Ministry of Regional Development.

The exercise slated for June this year will mainly affect workers at Kerio Valley Development Authority, Lake Basin Development Authority, Tana River Development Authority, Ewaso Nyiro North Development Authority, Coast Development Authority and Ewaso Nyiro South Development Authority.

The Permanent Secretary in the

## Ministry set to lay off workers

Ministry of Regional Development however says that the exercise will only proceed if funds are availed on time.

He says that currently the Ministry has embarked on a rationalization program that seeks to redeploy workers on areas of specialization as they wait for funds to lay off workers.

"We are not going to retrench until we have enough funds to undertake the exercise. But we have rolled out a

programme that aims at reassigning employees to their respective areas of specialization," adds the PS, adding that there were no funds to pay those declared redundant.

Orege says the retrenchment process can only be effected in June if funds are available. Currently, the authorities have a workforce of about 1,625, with many serving in low cadres. "Retrenchment cannot proceed without funds as the Government

doesn't have money," said Orege.

It is estimated that the retrenchment programme will cost the exchequer close to Kshs.60 million in compensation packages.

The retrenchment programme seeks to strengthen the authorities and enable them review remuneration packages to boost performance and efficiency of those retained.

Re-organisation is also expected to attract and retain qualified staff.

The move further reflects the Government's turnaround strategy to put the authorities on the profitability track.

The authorities are tasked to foster development within their localities through implementation of programmes and projects like provision of hydropower, flood control, water supply for irrigation, domestic and industrial use as well as environmental conservation. They also act as a link between local farmers and the market.

Established primarily to address the regional imbalances, regional authorities though underfunded, play a key role in cohesion of the country.

# Ngilu moves decisively against climate change

By PETER MUTUKU

THE Ministry of Water has embarked on ambitious projects that seek to mitigate climate change.

Projects earmarked for implementation include the construction of five large dams namely Maruba dam in Machakos County, Badassa in Marsabit County, Kiserian in Kajiado County, Umaa in Kitui County and Chemususu dam in Baringo County.

Water Minister Charity Ngilu says that already Maruba dam has been completed and Kiserian dam is to be completed soon.

"These dams will provide 21 billion litres of water to the consumers for various uses," she says adding that remarkable progress has been registered in the construction of the Isiolo Urban Water Supply and the Isiolo Sewerage systems project. The project is jointly funded by the African Development Bank and the Government of Kenya at a cost of Kshs6.6 million.

This, she says will help reduce water related complications and improve sanitation in Isiolo town and its environs.

The Minister says that the Ministry plans to upscale related programmes so that the impact is felt all over the country especially in water stress areas.

"This will be achieved through implementation of the water storage policy that the Ministry has prepared in which we project to construct 26 large dams in the next five years.

She further says that the Ministry plans to revive major irrigation schemes in a move that aims at creating wealth and employment in rural areas.

She says that the revival of major irrigation schemes namely Bura and Hola has started while rehabilitation of Perkerra, Bun-

yala, and West Kano are ongoing. Mwea irrigation scheme is scheduled to be expanded from the next financial year.

"The works will include construction of Thiba Dam, Rehabilitation of Water Conveyance infrastructure and expansion of irrigated land at a cost of Kshs 10 billion.

The Ministry has completed implementing several water and sewerage projects in towns such as Nzoia water supply project covering Kitale, Bungoma, Kakamega, Webuye and Busia in the Western region.

Other projects under implementation include Isiolo, Nyahururu, Migori, Nairobi, Kiambu, Murang'a and Mukrweini.

She spoke as World Vision, an international relief and development organization intensified support to communities in the arid and semi arid regions of Kenya to enable them access clean drinking water and reduce incidences of water borne diseases.

World Vision has introduced rain water harvesting technologies in the areas it operates in the arid and semi arid regions. The initiatives have enabled thousands of agro-pastoral communities to realize impressive agricultural output and provide adequate water to their livestock within short distances.

Food and other livelihood activities are always compromised

by inadequate rainfall which does not sustain crops to maturity, while livestock is lost for lack of water and pasture.

In the dry Mwala region that is prone to food insecurity due to persistent crop failure, the World Vision has initiated a rain water harvesting project that supports a group of 400 farmers in Vyulya location.

Under the initiative, the groups received support to construct and protect seven underground water reservoirs complete with a 10 kilometer pipeline extension to the farms where crops are irrigated.

The groups were also supported to put up 19 green house kits where they grow vegetables such as green pepper and tomatoes.



Water Minister Charity Ngilu commissions the Evoleni community water project in Kibwezi district. Photo/File

## Bogas Malindi clinics closed

By BEKADZO TONDO

THE Kenya Medical Practitioners and Dentist Board (KMPDB) has shut down illegal clinics in Malindi in a major crackdown to nab unqualified medical personnel and protect unsuspecting residents.

Four clinics were shut down and three unqualified personnel arrested during the operation led by the Board's chief executive officer Mr Daniel Yumbya.

According to Mr Yumbya, the clinics were operating without the relevant licenses

while the arrested quacks were managing them without proper certification.

"We raided about 28 health centres in Malindi and we managed to arrest at least three medical personnel who were managing the health facilities without the required qualifications and shut down other four for not having the relevant licenses," said Mr Yumbya.

During the raid, the Board established that most of the private clinics were registered but later handed over to unqualified medical personnel to run them.

"In most of the private clinics, we found that they were officially registered with the respective medical boards and local authorities but lacked qualified personnel to man them," explained the CEO.

Mr Yumbya said this exposed the lives of innocent people at the risk of being infected with other types of diseases due to wrong diagnosis.

The CEO further revealed that most private clinics were being operated by medical officers working at different government institutions in complete disregard of the code of

ethics which barred them from engaging in private practice.

Mr Yumbya at the same time ordered the management of Malindi municipal council clinic to improve the standards of the clinic which was in a pathetic state.

Ms Fatuma Abdalla, an inspector from board said the drainage system at the facility was grounded while the staff did not have uniform as required by law.

She noted that toilets at the clinic had blocked due to poor sewerage system and gave the council two weeks to repair the system and ensure all staff are in uniform besides being provided with protective gadgets like gloves and overcoats.

## Araka raps politicians over funeral politics

By BOB OMBATI

THE Council of elders from Gusii region has urged politicians from the area to stop turning funerals into political platforms to advance their political agenda.

Abagusii Culture and Development Council (ACDC) Chairman, Araka Matundura, says it is wrong for politicians to hijack funeral programmes to sell their policies a head of the general elections.

Matundura says such campaigns negate the cultures, customs and traditions of Omogusii and it is a mockery to the bereaved family, their friends and relatives.

The chairman, who spoke at Nyaribari Chache, Kiogoro division during an awareness campaign on Gusii culture and traditions urged politicians to organize political rallies to sell their policies instead of capitalizing on funerals.

"As elders, we want the departed to be buried in a respectable manner. Politicians should respect the dead and accord them their last respects," Matundura told The Link in Kisii town.

The official noted that it was wrong for leaders to attend funerals to canvass for jobs and political offices, adding that they should follow right channels to achieve their objectives instead of feeding mourners with politics.

He admitted it was difficult to reign in on politicians who engage in politics at funerals, stressing the council of elders has no powers of controlling their speeches but urged them to exercise self control to avoid offending the bereaved families.

His remarks are likely to irk leaders who are fond of attending funerals to campaign for election or re-election for various seats in the county and national governments.

Gusii leaders including Education Minister, Sam Ogeri and former cabinet minister, Simeon Nyachae have vehemently opposed political speeches during funerals and have often been at loggerheads with politicians who defy their opinions.

## TMEA supports Tea Board

By LINK WRITER

TRADE Mark East Africa Supports Tea Board of Kenya in Automating its Business Processes Trade Mark East Africa (TMEA) has partnered with the Tea Board of Kenya (TBK) to develop and design an online web portal and a Management Information System (MIS) that will aid in the automation of TBK's business processes.

This is expected to significantly improve application and issuance of licenses, certificates and permits for stakeholders in the tea industry.

TBK is responsible for regulating and promoting the tea industry as well as facilitating research into all aspects of tea growing, manufacture and pest and disease control.

It is also mandated to oversee the smooth running of the tea industry through policy guidance, licensing, registration and trade development. The tea industry stakeholders include tea growers, manufacturers, management agents, tea buyers, packers, brokers, warehousemen, exporters, importers and the auction organizer.

"The TBK web portal will aid in the sensitization of tea traders on TBK requirements, regulations and procedures for tea trade and offer online application for licensing and permits; thereby improving trade compliance and reducing the time it takes to apply and issue trade documents" said Trademark East Africa's Kenya Country Director, Jason Kapkirwok.

Speaking during a press briefing, TMEA Country Director said the project which should be completed in six months time will cost a total of Ksh 12 million.

"Once the project is complete it will significantly reduce delays on cargo clearance as well as increase transparency, accountability and competency in the tea industry," said Kap-Kirwok.

He noted that, TMEA is providing business process automation and web-based portals to various trade facilitation agencies to allow for easier access to standardised trade information and documents, improved and consistent application of trade regulations by trade facilitation agency staff, increased compliance rates by traders and increased transparency and accountability in import and export trade operations.

These solutions also enable government agencies and the private sector to participate in the planned national and regional electronic Single Window Information for Trade (SWIFT) that will reduce time and costs for traders and trade facilitation agencies in the East African region.

SWIFT is a trade facilitation concept whose implementation allows cross-border traders to access, apply for and submit regulatory documents at a single location.

# Publisher raises red flag over piracy

By JOSEPH MUKUBWA

MORAN East Africa publishers Limited have raised a red flag over piracy of its books.

The publishing company says that many of its books have been pirated and were now being sold by street vendors in Mt Kenya region mostly Thika, Nyeri and Karatina towns.

Speaking in Nyeri town, the Mt Kenya Regional Manager Blaise Mwangi urged police to crackdown on those selling the books to unsuspecting teachers, schools, parents and students since they are buying fake books.

He said pirates were targeting the Swahili set books which have been authorised for use in all secondary schools in the country up to 2017.

"This is a popular book printed in pink colour with water marks of the Moran publishers. Some unscrupulous people have reproduced it contrarily to the Copyright Act. I urge police to take action against those producing it and charge them in court," he said.

Mwangi said the 'Damu

Nyeusi na Hadithi Nyingine' books written by Ken Walibora and Said A. Mohamed are being sold by street vendors with unsuspecting parents, teachers and students buying erroneous and misleading books.

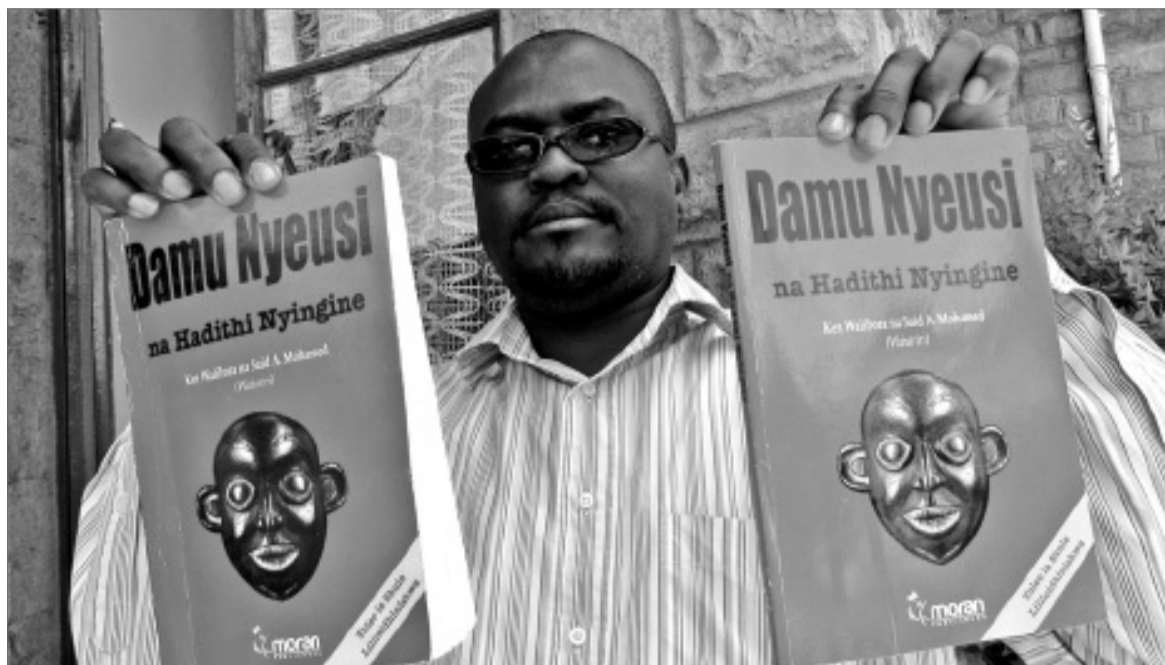
He urged buyers to insist on

genuine copies from established and reputable bookshops and avoid street vendors selling second hand books.

"The authors of the book are losing loyalty. The company is also losing millions of shillings since January this year when the

books hit the market. These pirated books are also produced in bad quality papers. We must fight piracy," he added.

The Copyright Act makes it an offense for anybody to possess, reproduce and sale pirated books offense.



Moran (EA) Publishers Limited Mt Kenya regional manager Blaise Mwangi displays identical books (left is the original) while right is a fake one in Nyeri town. Photo/File

# Poll suggests ethnicity to count less in voting

By PETER MUTUKU

ETHNICITY and political euphoria may have little impact in the next general elections, according to an opinion poll on the 'State of Governance in Kenya' conducted by Transparency International-Kenya.

According to the survey, there is a high level of public expectation for honesty and a clean development record among aspiring leaders with 77percent of the respondents reporting that they will consider these two values while casting their votes; 15.7percent said they will consider election pledges while 4percent cited the ethnicity of a candidate as a key factor in selecting leaders.

The opinion poll was premised on the ongoing processes linked to the implementation of the Constitution, anticipated general elections and impending International Criminal Court (ICC) trials on the 2007/2008 post-election violence.

"These three processes have without doubt placed key governance institutions under a sharp spotlight, ignited Kenya's political temperature and catalysed political formations," adds the survey.

The opinion poll was conducted to evaluate notable changes following the adoption of the Constitution; anti-corruption efforts; factors that are likely to influence voting patterns in the next general elections and

the impact of the ICC process in the forthcoming elections and Kenya in general. About 1,936 Kenyans participated in the poll conducted between January 20th and February 13th, 2012.

The poll established that majority of Kenyans want candidates in the next elections to make commitments to build national cohesion (27.9 percent), fight poverty (27.1 percent), reduce the cost of living (22.7 percent), and tackle corruption (21.6 percent).

"These results demonstrate Kenyans' desire for issue-based politics. Politicians therefore have to be alive to the critical challenges facing the electorate," the report reads in part. Most respondents said that candidates will be vetted to establish their values, vision and ability to deliver commitments made during the campaigns.

"We must critically scrutinise all individuals seeking our votes and take advantage of the next general elections to birth a refined leadership that meets our priorities and expectations, and places country before self," said the TI-Kenya Executive Director, Mr Samuel Kimeu during the launch of the opinion poll report.

On whether, the Constitution has helped to steer change in the governance structure, sixty-four percent of the sampled population said there has been positive change in governance practices since the passage of the

Constitution. 28 percent of the respondents reported positive change based on the ongoing judicial reforms while 26percent mentioned more awareness on human rights.

However, the study established that the rising cost of living and high corruption levels have diminished appreciation for the Constitution. About 34percent and 11 percent cited the rising cost of living and high levels of corruption respectively as the reasons behind their pessimism on the impact the Constitution has had on governance practices.

Institutions perceived as being major impediments to the implementation of the Constitution included Parliament, which is viewed as the largest threat to successful implementation of the Constitution.

Fifty-seven percent of the respondents were apprehensive about Parliament's commitment to the implementation process while 15percent and 12percent cast doubt on the Judiciary and Presidency respectively in the same regard.

The TI director says that Parliament is at the centre of the legislative process and therefore it is important that the public views it as an institution that facilitates rather than hinders or stalls implementation process.

"Perhaps petty politicking, partisan interests and self-preservation attempts by Members of Parliament during the law-

making process have eroded public confidence on this all-important institution. There is need for Parliament to examine why the public has a negative perception on its commitment to the constitutional implementation process and reform accordingly," he adds.

On Anti-corruption efforts by the government, Seventy-seven percent of the sampled population reported being unaware of any government-led anti-corruption efforts in their locality.

Public confidence in institutions involved in anti-corruption efforts such as the Ethics and Anti-Corruption Commission (EACC) and the civil society remained low at 33 percent with respondents doubting their capacity to steer the fight against corruption. "Public confidence in the commission should be maintained and elevated even further as it is a key factor in mobilising civic support in the fight against corruption," said Mr Kimeu.

At the same time, 46 percent of the respondents said that the impending ICC trials will help minimise a recurrence of electoral violence in future; 20 percent believe that the ICC process will provide relief or justice for the victims. On this basis, the establishment of the judicial and legal structures necessary to prosecute other post-election violence perpetrators not committed to the ICC process should be expedited.

## Mobile schools restore hopes among Turkanas

By MALACHI MOTANO

THE introduction of mobile schools through a project dubbed 'Education for Marginalized Communities in Kenya (EMACK)' is slowly building resilience amid drought in north-western Kenya.

Rebecca Ekusi, 15, a beneficiary of the programme narrates how it has helped to restore hope to the majority of school going children in the area. "Before I joined the Kalokutanyang Mobile School, I was confined to a life of hopelessness and mainly spent my days tending the family's goats in this vast, semi-arid region Turkana".

For years, her dream of ever joining school had remained elusive. "But God eventually answered my prayers. A prolonged regional drought set in and withered the pasturelands and over time, killed off much of the livestock in the region. The onset of drought was a devastating blow, yet in an ironic twist, it was the answer to my prayers. Finally, I would have a chance to learn."

Currently, the young lady and her family are living in a tiny village of thatched, dome-shaped minyatas, where they earn their living from weaving baskets and selling charcoal. About two kilometres away, the Kalokutanyang School beckons.

At the age of 13, she enrolled in grade one which was a far cry from

the scorching heat she had had to endure during her days as a herder.

"When our animals were affected by the drought and died, I asked myself what will happen to me. Where will I get any benefit for my future? I said let me go to school." She recalls.

Kalokutanyang is one of the 81 mobile schools in Turkana County, which allow access to basic education for the children of pastoralists and others in remote areas.

The Government established Kalokutanyang Mobile School in 2008, with support from UNICEF, to meet the needs of three village clusters comprising of about 150 households. The school has 95 registered students ranging from 2 to 17 years of age. On any given day, about 40 to 50 students attend school.

Christine Tukei is the only teacher at the school which has helped to bridge the existing education gap in the area. "Never before have they had the opportunity to study together. Some of the children walk for about three to four kilometers," she explains.

In the afternoon, when children classes end, adults who never got an education can receive informal instruction at the mobile school.

According to Mohamed Elmi the minister for Northern Kenya, the government is committed to achiev-



**Kalokutanyang is one of the 81 mobile schools in Turkana County, a largely neglected part of Kenya known for its timeless ways. The schools allow access to basic education for the children of pastoralists and others in remote areas. Photo/Malachi Motano**

ing MDG number two and Education for All (EFA) by 2015 and thus the need to introduce programs that seek to incorporate even the pastoralists.

"My view is that people do not have to choose between their lifestyle and an education. While increasing numbers of nomadic groups are choosing to settle in villages, there are still many who wish to pursue their traditional lifestyles, which involve polygamy and female circumcision. The government does not want to push people to stop roaming. There are now 91 'mobile schools'.

Stakeholders like UNICEF have provided this school (Kalokutanyang) with two mobile school kits and two early childhood development kits containing recreational and instructional materials. The agency has also built girls' and boys' latrines, which are to be linked to a nearby borehole through pipes that have already been laid."

When the pipes are connected, they will provide water for Kalokutanyang, another local school and the surrounding villages. For now, Rebecca's mother and the other village women must walk for hours to fetch water – unless it rains, in which case they can dig shallow wells by hand.

Like poor access to safe water, child malnutrition is a chronic problem in Turkana. In some places in the

county, 37 per cent of children under five were severely malnourished due to prevailing drought in the area.

The situation is however being managed through the supplementary school feeding programme. The children at Kalokutanyang Mobile School get two meals a day, prepared with supplies from the World Food Programme. The meals are a lifeline – especially for young children from pastoralist households that have lost the milk, meat and income formerly derived from their animals.

"When school is open, they eat in the mobile school because their parents cannot afford a meal at home," says Iperit Ekadeli, a mother whose four children attend Kalokutanyang.

By reaching children where they live, mobile schools represent one long-term solution to the education gap for pastoralists. In addition, 60 boarding schools in Turkana, many assisted by UNICEF, allow the children of nomadic herders to remain in classes while their parents are on the move.

For Rebecca Ekusi – and millions of children like her across the Horn of Africa – education is all about gaining the skills and knowledge to succeed in the future, no matter what crises arise.

"With education you become well off in the future," says Rebecca. "But without education, you will be poor. You will not have anything."

## Committee concurs with Kibaki over Bill

By PETER MUTUKU

A PARLIAMENTARY committee has allowed a memorandum by President Kibaki to the House rejecting the County Government Bill but proposed further amendments to push for the enactment of the legislation.

The Committee on Local Authorities rejected the contentious Clause 30 that MPs inserted during the second stage of the legislative process.

Committee members underscored the need to delete the clause that gives county governors powers to chair security meetings equivalent to the National Security Council be deleted from the Bill.

President Kibaki declined to assent to the Bill on February 27, arguing that it should be amended to reflect the Constitution.

House Speaker Kenneth Marende had directed the committee chaired by Kinangop MP David Ngugi to look into the concerns raised by the President in the memo and report to the house.

In its report tabled in parliament, members of the committee further proposed amendments to Clause 54 by introducing a new sub clause that establishes a county inter-governmental forum that would be chaired by the governor.

The forum has been entrusted with the responsibility to harmonise the services rendered in the county and coordinate inter-governmental functions among other issues.

When issuing the directive, Marende noted that the President had raised pertinent issues among them the legality of the Bill as amended during debate. Members had the option of adopting the President's recommendations in totality or in part before the Bill is resubmitted to him for assent.

It emerged that if legislation had rejected the amendments and decided to pass the Bill in its original form, they would be required to garner the support of 65 per cent of the House.

The speaker in his ruling noted the Presidents right to refuse to assent a Bill and to return it to Parliament with a Memorandum could not be taken away by the expiry of the period for enactment provided for under Article 261 of the Constitution.

Marende directed that the House proceed to dispose of the Memorandum from the President through the committee as he early stated.



**The Minister for Northern Kenya, Mohamed Elmi, addresses a meeting at Kumpa Primary School, Kajiado, during the launch of the District Ranking Sheet. Photo/Malachi Motano**





# Transition to County

## INTRODUCTION

**T**HE Transition to Devolved Government Act, No. 1 of 2012, is a facilitative law of transition to county governments. It is a fulfilment of the constitution *Schedule 6, section 15* that mandates parliament to enact a legislation that transfers function to counties in phases. It recognizes that while the next elections will bring forth county governments, the functions of the counties domicile in the national government as it inherits the functions of the old central government. In order not to have county governments in place without functions, the Act provides for the requisite phased transfer of functions and has created a Transition Authority to manage the process for three years.

### The Transition Authority

The Authority has been vested with powers to facilitate and co-ordinate the transition to the devolved system of government. In doing so, the Authority is to;

- (a) facilitate the transfer of functions and powers between the national and county governments
- (b) determine the resource requirements for each of the functions
- (c) develop a framework for comprehensive and effective transfer of functions
- (d) co-ordinate with the relevant authority to;
- (i) assist in the development of the budget for county governments during the first phase of the transition period;
- (ii) establish the status of ongoing processes, develop management programmes, projects and make recommendations to pave way for the co-ordinated management, reallocation or transfer to either level of government during the transition period;
- (iii) ensure successful transition to devolved system of government;
- (e) prepare and validate an inventory of all the existing assets and liabilities of government, other public entities and local authorities;
- (f) make recommendations for the effective management of assets of the national and county governments;
- (g) provide mechanism for the transfer of assets which may include vetting the transfer of assets during the transition period;
- (h) develop criteria to determine the transfer of functions from the national to county governments, including—

- (i) criteria to guide the transfer of functions to county governments
- (ii) criteria to determine the transfer of previously-shared assets, liabilities and staff of the government and local authorities;
- (iii) carry out an audit of the existing human resource of the government and local authorities;
- (j) assess the capacity needs of national and county governments;
- (k) recommend the necessary measures required to ensure that the national and county governments have adequate capacity during the transition period to enable them undertake their assigned functions;
- (l) co-ordinate and facilitate the provision of support and assistance to national and county governments in building their capacity to govern and provide services effectively;
- (m) advise on the effective and efficient rationalization and deployment of the human resource to either level of government;
- (n) submit monthly reports to the Commission for the Implementation of the Constitution (CIC) and the Commission on Revenue Allocation (CRA) on the progress that has been registered in the implementation of the transition to the devolved system of government;

### Powers of the Authority

The Authority has powers to

- (a) gather relevant information,



*It is all systems go as the country transits from government that has had an overbearing central authorities. A new law providing a legal and ins for a co-ordinated transition to the devolved systems already in place. The law lays out phases of transition county governments, validation and transfer of of the outgoing public institutions and establish ity with various mandates including crafting county governments.*

*In this edition, GIDEON OCHANDA gives a summary of the Transition Government Act, No. 1 of 2012.*

- including requisition of reports, records, documents or any information from any source, including state departments or public entities;
- (b) compel the production of any information necessary in the discharge of its duties
- (c) interview any person, groups or members of organizations or institutions;
- (d) hold inquiries and investigations
- (e) make recommendations and facilitate the distribution of assets to the National and County Government; and
- (f) undertake any activity necessary to effectively carry out its functions.

### Organs of the Authority

The authority is to be composed of;

- (a) a chairperson and eight other members appointed by the President, in consultation

- with the Prime Minister;
- (b) the head of public service and secretary to the cabinet;
- (c) Permanent Secretaries in the ministries of local government, public service, finance, planning and justice
- (d) the Attorney-General and the Authority's chief executive officer are ex-officio members with no rights to vote;

### Qualifications of Chairperson and Members

To qualify for appointment as a chairperson, the applicant must:

- (a) hold a masters degree from a recognized university;
- (b) have a distinguished career in senior management position in either private or public sector;
- (c) hold at least fifteen years post qualification professional experience; and
- (d) satisfy the requirements of Chapter six of the

Constitution.

Members of the authority on the other hand require:

- (a) a degree from a recognized university;
- (b) a distinguished career in their respective field;
- (c) at least ten years post qualification professional experience; and
- (d) satisfies the requirements of Chapter Six of the Constitution.

The law disqualifies applicants who are:

- members of Parliament or County Assembly;
- members of governing body of a political party;
- elected or nominated member of a local authority;
- members of a Commission established under the Constitution;
- bankrupt;
- removed from office for contravening the Constitution or any other law;
- Unable to meet any statutory obligations.

The law provides for the appointment of a Secretary who is the accounting officer responsible for—

- (a) the implementation of the decisions made by the Authority;
- (b) the formation and development of an efficient administration;
- (c) the organization, control and management of staff;
- (d) maintaining accurate records on financial matters and resource use;
- (e) ensuring the drawing up and approval of the required budget; and
- (f) performing any other duties as may from time to time be assigned by the Authority

To qualify, the secretary must have at least—

- (a) a masters degree from a



**Mr. Charles Nyachae, CIC chairman**



**Mr. Micah Cheserem, CRA chairman**

# County Governments

*In a highly centralized control over sub national constitutional framework transfer of functions to county governments requires a neutral authority to vet the initial budget for transition to Devolved*

- (b) ten years experience in a management position.

### Guiding Principles

In performing its functions, the Authority to be guided by principles which include;

- ◆ accountable to the people and ensure their participation
- ◆ facilitate the transition in a transparent, objective and fair manner
- ◆ promote and sustain fair procedures in its operation
- ◆ non partisan and non- political in its operations
- ◆ apply and promote national values

### Constitutional Implementation

Commission is mandated to monitor and oversee the transition process to devolved government.

### Transition Phases

Transition is to be done in two phases. Phase one means the period between 9th March, 2012 (*when the act commenced*) and the date of the first elections. Phase two means the period between the date of the first election and three years after the first election.

In **Phase One**, the Authority is to;

- (a) audit assets and liabilities of the government, to establish the asset, debts and liabilities of the government;
- (b) audit assets and liabilities of local authorities, to establish the asset, debts and liabilities of each Local Authority;
- (c) audit local authority infrastructure in the counties, to establish the number and functionality of plant and equipment in Local Authorities;
- (d) audit the government infrastructure in the counties, to establish the number and functionality of plant and equipment for the purpose of vesting them to either level of

- (e) government; audit the government staff in counties, to establish the number of staff in each county by cadre, grades, gender, age and qualification;
- (f) audit the Local Authority staff in the counties, to establish the number of local authority staff in each county by cadre, grades, gender, age & qualification;
- (g) facilitate civic education,

- (m) provide a mechanism, for the transition of government and local authority employees;
- (n) provide for a mechanism for the transfer of government net assets and liabilities to national and county governments.
- (o) provide mechanisms for transfer of assets and liabilities which may include vetting transfer of assets during the

elections, the authority is to publish identified functions which may be transferred to county governments immediately after the elections. Thereafter each county is to make requests to the authority for additional transfers. The criteria below are to be followed by the authority upon which a transfer of function may be granted or denied. The determination must be within 60 days. When transfer is denied, the authority has to propose clear

- (f) The availability of the required infrastructure and systems to deliver the function;
- (g) The presence of the necessary financial management systems;
- (h) An approved plan in relation to the function; and
- (i) any other variable as may be prescribed after consultations between the Authority, county governments and the Commission for the Implementation of the Constitution and the Commission on Revenue Allocation.

### Assets and Liabilities

Assets and liabilities of any state institution or local authorities is not allowed to be transferred without the permission of the Authority. During phase one, the authority has to consult with National Treasury, the Commission on Revenue Allocation, the Ministry of Local Government and the Ministry of Lands before any assets and liabilities are transferred.

In **phase two**, the authority has to consult with National Treasury, the Commission on Revenue Allocation and the Cabinet Secretary responsible for matters relating to intergovernmental relations.

Any transfer of immovable property requires the approval of the Authority in consultation with National Treasury, the Commission on Revenue Allocation and the Cabinet Secretary responsible for matters relating to intergovernmental relations and Lands.

### Progress report

The law directs the Authority to submit a progress report in every three months to the President, Parliament, the Commission for Implementation of the Constitution and Commission on Revenue Allocation.

- The progress report includes—
- (a) status on transfer of functions to county governments;
  - (b) any impediments to the transition programme;
  - (c) recommendation to address specific concerns identified by the Authority ; and
  - (d) any other information of concern relating to the functions of the Authority.

The law stipulates that consequent reports after the first elections are to be submitted to Parliament and to the relevant county assemblies and county executives committees.



Nairobi City Hall.

- (h) to ensure civic education on devolution is commenced and co-ordinated;
- (i) facilitate the initial preparation of county budgets, to ensure such budgets are agreed upon;
- (j) facilitate the preparation of county profiles, to ensure that the profile of counties are produced published and publicized;
- (k) carry out an analysis of functions and competency assignment and ensure plan for distribution of functions and competency is published necessary Acts amended;
- (l) provide mechanism for closure and transfer, of public records and information;
- (m) facilitate the development of county public finance management system;

- (p) transitional period.
- (p) provide for a mechanism that will secure assets and liabilities held by the Local Authorities; and

In **Phase Two**, the Authority undertakes the following activities;

- (a) complete any activity that may be outstanding from Phase One;
- (b) oversee the transfer of functions from the national government to the county government;
- (c) facilitate the county governments in the performance of their functions;
- (d) any other activity that may be necessary to enable county governments carry out their functions.

### Procedure for Transfers

In at least 30 days before the

and practical measures to build the capacity of the county to enable the transfer take place within the shortest time possible.

### Criteria for transfer of functions

- Functions to the county governments are to be transferred subject to;
- ◆ Existence of legislation in relation to the function.
  - ◆ Existence a framework for service delivery to implement the function;
  - (c) Whether a county government has identified or established administrative units related to the function;
  - (d) Whether the county government has undertaken a capacity assessment in relation to the function;
  - (e) Arrangements for and the extent of further decentralization of the