

Acquisition of illegal guns raising security concerns

With the elections fast approaching, the state must move speedily to confiscate these lethal weapons

By HENRY OWINO

THERE are over 870 million Small Arms and Light Weapons (SALW) in circulation across the world today with 75 per cent being held in wrong hands.

In Kenya, it is estimated that about 600,000 illicit arms are in circulation with majority being concentrated in North Eastern region as well as in major urban centres such Nairobi and Mombasa where they have been used to fan criminal activities.

The damning revelations are contained in a report compiled jointly by the Kenya National Focal Point on Small Arms (KNFP) and the Geneva based, Small Arms Survey (SAS) in 2011.

The revelations came as the world observed a one week of action against small arms and light weapons marked in June each year to highlight and sensitize the public about the gangsters of SALW.

This year's week ran from 11th -17th June under the theme: "Say No to Illicit Arms; Say Yes to Arms Trade Treaty."

According to Ambassador Ochieng Adala who is the acting Executive Director of the Africa Peace Forum, the weapons mainly comprise of assault rifles, handguns and ammunition



Confiscated illegal fire arms being destroyed. Photo/File

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Raila warns against mutilating the Constitution

By FAITH MUIRURI

AS the country prepares to mark two years after the promulgation of the Constitution, the political class is on the spotlight for trying to circumvent the Constitution in order to suit their selfish interests.

The lawmakers have displayed an unacceptable degree of impunity by passing controversial amendments to the Political Parties Act and the Elections Act, in complete disregard of the constitution which

was overwhelmingly passed by majority of Kenyans.

And although President Kibaki has refused to assent to the Statute Law (Miscellaneous Amendments) bill, the public is disenchanted and majority feel that their collective resolve to push for reforms through the constitution has been compromised.

The implementation process has been mired in controversy with MPs attempting to sneak in issues which serve their interests. (see excerpts from the Hansard Report)

Currently some of the enacted legislations are subject to litigation. According to the Commission on the Implementation of the Constitution (CIC), the passing of the Contingencies Fund Act and National Government Act, negated the constitution and thus is subject to litigation.

Further, the passing of the Statute Law Miscellaneous (Amendment) bill in parliament raises pertinent issues on the

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manufactured by nearly 1000 firms, spread in about 100 countries across the world.

He stated that small arms have been estimated in excess of USD 6 billion and the figure is much higher when illegal trade is included. Adala however, admitted that the actual assessment is difficult due to the reluctance by many states to report publicly on their production, exports and imports of small arms.

"A critical hindrance in any effort to analyze illegal activities concerning SALW is that many important exporters of small arms are not necessarily major producers of the weapons. This leads to a situation where, a substantial number of small arms enter the illicit market through corruption, seizure and loss," Adala regretted.

Kenya's Country Director Justus Nyang'aya, said that in the recent past, the country had witnessed a dramatic surge in security threats that have the potential to compromise the national security in particular as well as that of the sub-region. For instance, he stated today more than ever before, Kenyans live in perpetual fear of terrorist attacks. Nyang'aya added that there is a spike in urban crime which includes organized crime and seemingly unending armed inter-communal conflicts over access and control of diminishing resources such as water and pasture as well as disputes over territorial control and integrity especially in pastoralist areas.

"In most of these cases, the principal weapons of choice are manifestly illegally held firearms. The Kenyan situation is even more critical when one takes into account that the country is still smarting from the 2007/2008

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post-election violence (PEV) caused by a dispute in the presidential election. We are preparing for yet another general election without resolving some of the major issues that ignited the PEV," cautioned Nyang'aya.

Nyang'aya observed that while some reforms highlighted under the Agenda 4 of the National Accord are underway, such as the Judiciary, Electoral and Constitutional reforms, other critical ones including historical injustices, land reforms, youth unemployment, corruption and impunity remain unresolved.

Other setbacks include the intense political competition, polarization, ethnic mobilization and the politics surrounding the ongoing ICC process against senior politicians which has provided a fertile ground for hate speech and incitement by vote-seeking politicians. With recent government warnings on the revival of armed gangs and the courting of similar groupings such as the coast-based Mombasa Republican Council (MRC) by politicians, some watchdog organizations are worried over possible illegal arming by certain groups and communities.

The situation has been complicated by Kenya's entry into the war against Al Shaabab in the neighbouring Somalia and the resultant grenade

attacks by the group and warnings of further retaliations. This consolidates Kenya's vulnerability to the infiltration of small arms, a situation that has a direct correlation to the level of crimes especially in urban centres.

The Kenya Action Network on Small Arms (KANSAs) and the Global Week of Action against small arms is an initiative of civil society organizations to draw the world's attention to the human suffering caused by the proliferation of illicit small arms and light weapons. The KANSAs was established in 2001 and serves as the national umbrella civil society organization's network whose mission is to coordinate and spearhead initiatives and programmes designated to combat the proliferation of illicit and misuse of small arms and light weapons in Kenya.

KANSAs is the local chapter of the International Action Network on small arms (IANSA), the global civil society movement that works closely with relevant government departments and agencies, including the Kenya National Focal Point on small arms (KNFP) in the office of the president to combat illegal SAWL in the country.

During the one week of action, KANSAs undertook a series of activities that included a media engagement, community forum and prayers for the

victims of gun violence in mosques and churches. This year's week of action came as the world prepared for negotiations on Arm Trade Treaty (ATT) in New York in the United States of America starting this month.

The signing of the Arms Trade Treaty is the beginning of the culmination of a long and rigorous process initiated in 2009 by the UN General Assembly resolution titled: "Towards an arms trade treaty; establishing common international standards for the import, export and transfer of conventional arms." Lt. Col. (Rtd) Jaw Kituku, Director of Security Research and Information Centre in Kenya said the treaty seeks to prevent, combat and eradicate the illicit transfer, illicit production and illicit brokering of conventional organized crime and terrorism.

Kituku added that the treaty also seeks to contribute to international and regional peace, security and stability by preventing international transfers of arms that violates the international humanitarian law, the UN Security Council resolutions and arms embargoes and other international obligations against armed conflict, the displacement of people, organized crime and terrorist acts thereby undermining peace, reconciliation, safety, stability and sustainable social and economic development.

Kituku explained under the proposed treaty, states shall be required to enact national legislations and introduce strict regulations covering among others; international arms transfers, brokering, manufacture under foreign license as well as technology transfer. He hoped that specific measures contained in the treaty will help to control the movement of illegal weapons and reduce the suffering of millions of people, especially in Africa.

KANSAs recommended that government put in place national mechanisms to counter the threat of small arms and light weapons in order to guarantee the national security. The organization also urged the government to act in concert with the adoption of a legally-binding arms trade treaty in July in New York.

KANSAs also demanded that the government puts in place measures to protect its citizenry from the illegal SALW. They suggested that this will be achieved through accountability and monitoring of illegal SALW entry points and having punitive legislation that deter potential arms dealers and users. They appealed to the media to keep highlighting issues of small arms and light weapons since none is immune to the deadly weapons of terror and destruction.

PM warns against mutilating the Constitution

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constitutionality of the proposed changes which would have seen MPs undermine public interest and shield themselves from party hopping.

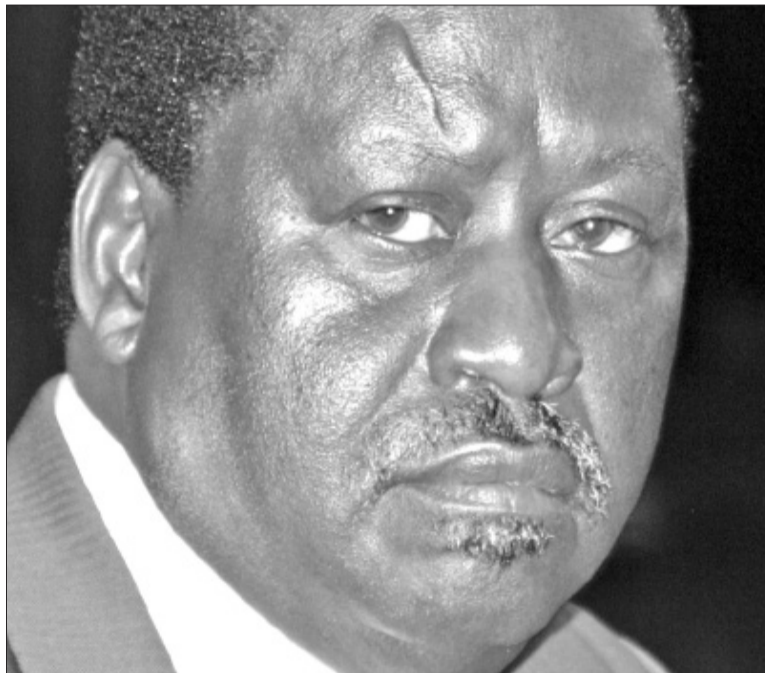
It is now increasingly becoming clear that the MPs cannot be trusted to safeguard the aspirations of the Constitution especially where they have vested interests.

Prime Minister Raila Odinga has in fact called for a critical review of all laws that have been passed to ensure that they comply with the letter and spirit of the constitution.

"Laws that are not compliant with the constitution are as good as no laws at all. We have to probe whether constitutionalism and respect for the rule of law is getting entrenched or subverted and short changed as we implement the Constitution," he cautions.

The PM says that unless we inculcate the culture of constitutionalism in respective legislations, then the struggle for a new constitutional dispensation will have been in vain and its promulgation an exercise in futility that gives Kenyans a false sense of glory and achievement.

"It is generally agreed that the absence of constitutionalism, combined with an appetite for impunity manifested in a determination not to obey rules, has been responsible for Kenya's tribulations.



PM Raila Odinga

We are also aware that the vested interests who want to retain the status quo have crippled attempts by many countries to make a transition to democracy," he explains during a round table meeting on the implementation of the Constitution.

He notes that the culture of creating good laws, then undermining them at every turn had become entrenched in the country where majority still wallow in misery while the ruling elite continue to enjoy themselves in luxurious lifestyles.

"Let us not forget what gave us the final impetus and courage and made majority accept that indeed we needed a new constitution. Let us not forget that it is the institutional failure; a failed electoral system, a failed judiciary, a failed police force and a failure of the state in 2007/2008 that woke us up from self imposed slumber and made us confront our imminent collapse," he adds.

He challenged Kenyans to rise and defend the constitution and ensure its full implementation as

this was the only way to avoid the ugly scenes witnessed during the last polls.

The PM also called on leaders to respect the constitution as this was the only way they can question Kenyans if they fail to elect leaders who fail to meet the integrity test as spelt out in Chapter Six of the Constitution.

The PM spoke as the chairman of the Commission on the Implementation of the Constitution (CIC) Charles Nyachae urged all players in the implementation process to work together in a harmonious, consultative and transparent manner. "The adoption of this approach will help avoid disagreements and increase public confidence in the process," he added.

He accused Parliament of overstepping its mandate by introducing changes that seek to undermine the Constitution and challenged Kenyans guard against forces out to scuttle the implementation process.

"Parliament is an important organ of the constitution but it is precisely that, an organ of the constitution. By definition therefore and in line with Article 2 of the Constitution, Parliament like all other Constitutional organs is subordinate to the Constitution of Kenya 2010. It is thus important that Kenyans in cognisance with Article 3 of the Constitution to challenge any issues of constitu-

tional nature arising from parliamentary proceedings," he advised.

He said that the implementation process has been marred by a series of challenges among them the inability by key actors to agree on the constitutional provisions relating to the process.

"The most popular challenge is the seemingly consistent difficulty by the CIC to arrive at a common understanding with the office of the AG on the legislative process contemplated in Article 261 and in particular which laws if initiated either by the executive or a private members bill would fall outside the apex of provisions of 261," he explained.

He said that this is an issue which if not addressed conclusively will continue to pose a serious challenge to the process and indeed certainly impede the implementation of the constitution.

He expressed the need to employ an inclusive approach during the development of legislations noting that the administrative procedure of the implementation process continues to lag behind with the legislative process.

However, CIC has been engaging government ministries, department and agencies to correct the anomaly.

"CIC has nonetheless had to audit laws that have been enacted by parliament and concluded

Raila warns against mutilating the Constitution

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but which contain provisions that largely violate the latter and spirit of the constitution," he regretted adding that CIC has shared this concern with the executive in particular with state law office with the request that such laws be amended to comply with the constitution.

"But where the executive is unable to agree with CIC on this or in any event is unwilling to act as recommended, CIC has sought judicial intervention to determine the particular matter.

He pointed out that implementing a transformative supreme law such as the constitution of the Kenya 2010 was never going to be an easy task.

Other distinct challenges relate to the need to have a common understanding amongst all the actors in the implementation process of their respective roles and to achieve the mode of working that mutually acknowledges and respects these roles.

"The process has been challenged by such lack of common understanding. For instance when parliament was debating the Statute Miscellaneous (Amendment) bill, CIC wrote to the Speaker of the National Assembly giving opinion on the constitutionality of some amendments introduced on the floor of the house during the debate and requesting the speaker to draw constitutional conscience in the context of the then emerging debate. However, this provoked uproar from parliamentarians both in and outside Parliament who accused CIC of seeking to supervise parliament.

The Attorney General Prof Githu Muigai said that the constitution is the largest single pillar on which Kenyans are building a stable, prosperous and equitable nation.

He however said that differences of opinion will continue to emerge and will range from methods, strategy, tactics and priority but called for tolerance adding that the ongoing debate should not be used to create despondency in the country.

Safaricom to equip varsity's hi-tech lab



Masinde Muliro University of Science and Technology, Kakamega.

By TITUS MAERO

MOBILE phone service provider Safaricom is exploring ways through which they can partner with the Masinde Muliro University of Science and Technology (MMUST) to equip the institution with the requisite physical infrastructure needed for the Science and Technology Department.

The MMUST Vice Chancellor Prof. Barasa Wangila said the institution must have enough facilities to effectively run science oriented programmes and keep abreast with the changing technological needs.

Wangila pointed out that the increasing number of students enrolling at the institution had overstretched its physical facilities including laboratories for research as science oriented programmes had become marketable.

Speaking in his office after he received the Safaricom Busi-

ness General Manager M/s Sylvia Mulinge, the V-C noted that the demand for university education has resulted into expansion of infrastructure.

"The university has opened satellite campuses to accommodate the large number of students enrolled both as part time and fully sponsored students. However, the institution lacks requisite infrastructure to enable students study well and compete with others in various public and private universities," he added.

The scholar further said that the institution would strive to provide relevant curricula to the increasing number of students adding that the high enrolment figures must be in tandem with the physical facilities which are currently inadequate at the institution.

Wangila said the national Information Communication Technology (ICT) Strategy for Education and Training at the

institution has been developed and aims at guiding the institution in the adoption of ICT.

The administrator said the institution will align its programs to the government's Sessional Paper No. 1 of 2005 which lays emphasis on training of ICT and E-learning model under the New Partnership for Africa Development (NEPAD) initiative.

"We have a science laboratory that houses video conferencing rooms that is yet to be furnished. The University plans to take the road of Corporate Social Responsibility with other organizations," he added.

On her part M/s Mulinge said that technology was making a difference in the world today saying Safaricom was connecting people and that it was making a difference in institutions. "We have an initiative to partner and work together at providing connectivity with other campuses," She noted.

MRC intensifies calls for justice

By BEKADZO TONDO

FAMILIES that were forcefully ejected by the government from 220 acres of land at Kanamai in Kilifi, more than 30 years ago, have resurfaced to reclaim their land.

The 49 families have invaded the land amidst mounting pressure by the outlawed Mombasa Republican Council (MRC) to push for resolution of historical injustices, including demands to secede Coastal region from the rest of the country.

The council has received support from the local people, including politicians who have challenged the government to lift the ban imposed on the group. The families said though the land belonged to their ancestors, officers from the provincial administration and police officers in Kilifi district evicted them and burnt down their houses.

However two families who are said to have resisted the eviction managed to get a portion of the disputed land where they have settled to date.

According to the squatters' spokesman Mr. Dennis Shera, after the successful eviction, the government allocated the land to an Arab whom they identified as Mr. Bedi omar.

"The families were residing on the piece of land located a few kilometers from the Mombasa-Malindi highway, when the government forcefully removed the squatters in 1975," said Mr. Shera

Documents at the Ministry of Lands reveal that the Arab later sold the piece of land to an Indian by the name V.J Patel who also disposed the land to the current owner Mr. Francis Mutura.

The squatters' spokesman said the residents decided to invade the land after one of them was arrested when he went to plough part of the land.

A spot check by The Link established that the squatters are coming back in droves and have started cultivating the land and have vowed not to leave. Police officers who attempted to eject them were repulsed by irate squatters who stood their gun and told them that they will never get out of the land as it belonged to their ancestors.

"This land belongs to our forefathers' and we refuse to be intimidated anymore," said Mr. Shera.

Pastor Joseph Ondiek of Soly Harvest church at Kanamai who claimed to be the caretaker employed the farm owner, declined to comment on the issue and instead referred the press to the directors of a company that owned the land as he is just an employee.

The OCS of Kijipwa police station Mr. D.A Kipsugut told The Link that he had nothing to say as he had been instructed by his seniors to remove the squatters.

"I have no information concerning this problem as I have just been instructed by my seniors to come and remove the squatters from the land," said Mr. Kipsugut.

School plans to honour freedom fighter

By PETER MUTUKU

A PROVINCIAL school in Machakos County, which has been named after a freedom fighter, plans to honour the hero in a unique way.

The Muindi Mbingu Secondary school plans to designate an area within the school to plant trees in honour of the hero, who the local community feel has not received the right recognition accorded to other heroes by the government.

The school captain Titus Matheka says that the Government should have done something to acknowledge the role played by the hero during the struggle for independ-

ence.

Mutua adds that the hero should receive equal treatment accorded to other freedom fighters like Dedan Kimathi.

The school head girl Abigail Mumbua says the Government should consider supporting the school in honour of the hero.

The school which has a population of over 700 students is set to plant two trees per student as a symbol of respect and honor to the hero.

"We are also appealing to the government to honour the hero by erecting a monument in Machakos

town where he came from," adds the school's Principal Mr. Michael Mutua.

The Principal says that school has benefited from the government ICT project and will strive to equip students with computer skills to enable them compete effectively in the job market. The principal adds that the school has in the recent past registered remarkable improvement in the national examinations and intends to raise its profile within the county.

He says that the school's population has also grown from an initial 180 students to the current

population of about 700.

He attributes the growth to hard work and planning which has seen the school upgraded from a community school to a provincial school.

The school started in 1989 with a population of 42 students and 4 teachers. This school was opened in honor of a brave leader known as Samuel Muindi Mbingu.

Samuel Muindi Mbingu was born in 1893 and went to school at Kabete Technical Training School. After form four he joined the Kenya Power and Lighting Company (KPLC) and later the police force.

Gender rule presents a hurdle for Parliament

KENYAN women still need to fight hard to realize their political rights. And although the political landscape has for many years been typified by low proportion of female representation, there have been no clear mechanisms to ensure equal representation.

Constitutional provisions notwithstanding, most proposals on how to realize the two thirds gender principle in Parliament ahead of the General Elections have been rejected. Not even proposals to amend the Election Act to compel political parties to comply with the two thirds principle while nominating candidates for elective offices has seen the light of the day. Much remains to be seen of what becomes of the proposed Constitutional of Kenya (Amendment) Bill 2011.

The bill seeks to amend the election date and entrench the two thirds gender rule as part of the electoral practice in Kenya. If the bill becomes law, then political parties have no option but to nominate women MPs according to their strengths if those elected do not reach the two thirds threshold.

But this too appears headed for obscurity as debate shifts to the election date and delimitation of boundaries. Further, critics already feel proposals in the bill may lead to Parliament having more than the constitutionally required 349 MPs. This leaves the Kenyan woman politically disfranchised despite the mandatory provisions of Article 81 (b) of the constitution. In fact, women candidates may now be forced to fend for themselves in the absence of a legislation to lend support to their candidature.

It is against this backdrop that women rights activists plot to have the bill withdrawn to allow for the inclusion of more robust provisions on the gender rule.

According to Jane Serwanga who is the Deputy Director FIDA Kenya, the bill has been watered down by the unrelenting debate on the election date with the gender rule being relegated to the periphery.

She says that unless a new bill is crafted to capture the gender concern,

COMMENT

By FAITH MUIRURI

we are likely to go to the elections without a clear roadmap on how to realize the gender rule.

This she says spells doom to the Kenyan taxpayer who will have to contend with a bloated parliament.

"If we go to the elections without a clear formula on how to realise the two thirds gender principle, then we are likely to be confronted by trends that have characterised elections outcomes where women are virtually underrepresented. This means that parliament will be unconstitutional and thus the situation can only be corrected by aligning the number of women to reflect constitutional provisions," she adds during a stakeholder forum on the two thirds principle convened by the ICJ Kenya.

Similar sentiments are expressed by Jill Ghai who is the director of Katiba Institute. She says that the country may end up having as much as 402 legislators if the two thirds principle is not realised at the elections.

She says that the bill should be withdrawn and presented afresh to give room for the realization of the gender rule.

She however proposes numerous options which can be explored to increase the number of women representation in the country.

Key among them includes the quota system which she says has helped to increase women representation in countries such as India.

"Although the quota system has produced prolific results in Indian Upper House, it has been rejected by their Lower House in the same way the Kenyan MPs rejected it in fear that they may be barred from defending their seats in their respective constituencies.

She says that the quota system would have guaranteed the realization of the gender threshold without amending the constitution. However, it violates people rights to choice by

limiting their choice of candidate.

Jill says that women elected under the quota system are also unable to build long-term credibility as effective representatives, because of rotation.

Charles Ouma, a principal lecturer at the Kenya School of Law says over 20 countries in Africa have either legislated quotas or political parties have voluntarily adopted them to increase women representation and cites Egypt, Mauritius, Morocco, Mozambique, Namibia, Senegal, South Africa, Tanzania, the Democratic Republic of the Congo, Rwanda and Uganda.

And just like Jill, he warns that the quota system can lead to the fielding of substandard candidates, create a political glass ceiling, bloat legislatures and manipulate by appointing constituencies.

Another option that can be explored to increase women representation includes the adoption of the mixed member proportional system, which Jill says was removed by the parliamentary select committee on constitutional affairs in Naivasha.

"The Committee of Experts (COE) in their 'Revised Harmonised Draft' (RHD), had proposed the inclusion of extra seats, to bring up the number of women to one third as well as persons with disability," she explains during the ICJ meeting.

She says that proposal was however rejected as it was impossible to know how many extra seats would have been needed, because the CoE, wisely, did not specify the number of geographical constituencies. The extra members would have been taken, from party lists, in proportion to the number of votes cast for each party in the constituencies.

She says that something similar exists in relation to county assemblies, but the CoE itself changed the distribution based on proportion of votes to a system based on proportion of seats won in the wards.

She intimates that a constitutional amendment could reintroduce the mixed member proportional system to the National Assembly.

"But can the MPs buy it, having

got used to the idea of 80 new constituencies? If they insisted on keeping 290 constituencies, and having extra seats for women would the electorate buy it? Already 349 MPs seems a lot," she notes.

She argues that it might be necessary to have a body of about 400 based on the assumption that 10percent of women can be elected to constituencies, roughly 50 more women would be needed to get up to one third women. Also the size of the National Assembly would not be fixed.

Jill further says that the country can also explore the pairing system to meet the two thirds gender rule. Under the system, she says certain larger constituencies would have two members each – one man and one woman. Or have only even larger constituencies with at least one of each gender plus one from either, and no county women seats.

"This may entail a party putting first choice first and if the party wins that seat that person is the presumed holder of the seat. Once the results are declared, the gender balance has to be assessed so that enough of the under-represented gender is taken from the least successful tickets to make up the balance and the over-represented gender from those tickets dropped," she explains.

She warns that the system could be abused by political parties who may end up placing women to compete in marginal seats where possibilities of winning the seats is impossible.

They could have a true mixed member proportional system, with only 210 constituencies, and 80 list members, the latter allocated on the basis of votes received. This would produce a house roughly proportional to the votes cast (making the perpetuation of the existing very unequal constituencies less important). Either all the 80 could be women, or as many as needed to produce one-third women.

Or they could adopt a purely proportional representation system (there are several methods, though not all are "simple" as the Constitution requires). Proportional representation

has a natural tendency to produce legislatures that reflect the make-up of the country – because the parties want to appeal to all sectors in their choice of candidates. This idea has a lot to recommend it, including removing or reducing the burden of constituency boundary redrawing – but it does not guarantee the two-thirds rule. She says that the system however ends up increasing the size of the dominant party.

National Assembly (reading) and the second reading; the second reading is usually followed by a committee, which could comprise all the members. For the Bill to pass, two thirds of the members of the House of Assembly would have to support it on both the second and the third readings.

Some would argue that this would infringe a provision of the Bill of Rights – Article 27(8) which says the State must do what is needed, including legislation, to achieve the two-thirds principle. Such a change requires a referendum. But the point is arguable, while removing Article 81 (b) about every legislative body satisfying the not more than two-thirds principle is not part of the human rights provisions.

After amending the Constitution, the new Elections Act might have to be amended. More important, perhaps, and something people should consider very seriously: do we want the constitution to be amended at this point at all?

Factbox

In Africa, there are three main quota systems:

Constitutional quotas: Some countries, including Burkina Faso and Uganda, have constitutional provisions reserving seats in national parliament for women.

Election law quotas: Provisions are written into national legislation, as in Sudan.

Political party quotas: Parties adopt internal rules to include a certain percentage of women as candidates for office. This is the case with the governing parties in South Africa and Mozambique.

Educate traders to curb illegal cross border trade

By LUKE KAPCHNGA

LACK of information on the new tax regimes within the East African Union continues to derail cross border trade and undermine small scale entrepreneurs' potential to exploit the emerging opportunities in the region.

A study by the collaborative centre for gender and development dubbed Opportunities and Challenges for small scale women traders reveals that traders were still using illegal routes to move goods which are not supposed to be taxed.

The study says that the illegal transit points are risky and dangerous for female traders and expensive.

"They at times end up losing their goods to unscrupulous smugglers for not knowing customs regulations and penalties related to cross border trade," reads part of their findings.

Ignorance is causing traders to be exploited and losing money which in return affects their mode of operation, marketing strategies and marketing opportunities.

Poor infrastructure results in market distortion, making costs transporting of goods from boarder points to other parts of the country very high.



A customer buying some kitchen basic needs at an open air market along Ngong Road to cut cost.

When such goods become expensive profit margins are small, rendering traders poorer. For improved business environment there is need to enlighten

small scale women traders on the customs union.

The awareness would enable the traders take advantage of the oppor-

tunities created and deal with emerging challenges. The scenario has been complicated by traditions, customs and religious practices that restrict women

participation in trade.

A closer scrutiny of the EAC customs Union Protocol reveals that the cross border trade is dominated by agricultural products.

However, there are no deliberate attempts to improve the welfare of small scale traders even with the enforcement of the Protocol. The protocol aims at promoting efficiency in production to enhance domestic and economic development but obstacles still remain.

However, the women remain trapped in a complex web of trade challenges which are adversely affecting their trade activities. The study says obstacles hamper the women's ability to optimally enjoy the full benefits of the cross border trade.

The report recommends that the Government takes up the initiative to educate border Communities who are involved in cross border trade as a matter of urgency.

Programmes have to be developed to promote and support women's self-employment, small enterprises and strengthen their access to credit.

The protocol which came into force in 2005 sought to eliminate intra-state tariffs, and harmonize customs services & procedures.

Parents blamed for poor education standards in Bungoma

By BOB OMBATI

POOR academic performance in some schools in Bungoma County is now being blamed on parents and guardians.

The Catholic Diocese of Bungoma Bishop, Norman Wambua, claims that failure by some parents and guardians to pay fees on time is one of the major causes of poor academic standards in the region.

Bishop Wambua avers that most students in the County miss some lessons because of the time

spent at home to look for fees arrears.

The Bishop however, quickly exonerates the schools administration from any blame arguing that for students to be kept in institutions they must pay school fees as and when required.

"You cannot expect teachers to keep students in school when there is no money with which to buy food and other basic items to sustain them," he says.

He, as a result, appeals to parents and guardians to ensure that they pay school fees in time in

order to keep their children constantly in class.

Unnecessary movement of students out of learning institutions Bishop Wambua, adds that should be avoided in order for the county to excel in national exams.

Bishop Wambua who was speaking recently at Christ the king Church in Bungoma town at the same time appealed to Bungoma County residents to elect visionary leaders and observe peace during the next general elections.

"You should this time round

elect leaders who can address issues affecting the masses and shun leaders who incite you to tribal hatred and violence," he advises.

He took a swipe at some political leaders in the county saying they are divisive, a factor he adds may jeopardize peace and unity during electioneering period if not checked.

"We need peaceful elections, and let us tell our children to shun politicians who incite them to violence for selfish interests," he says.

TSC reads riot act to quacks masquerading as teachers

By BOB OMBATI

The Teachers Service Commission (TSC) will soon crack the whip on teachers practising without licences.

Kisii County TSC Director of Education, Martin Adede says that teachers who are yet to be licensed will face disciplinary action and denied access to classrooms.

The Director who was accompanied by area District Education officer, Gilbert Oloo, Kisii county Kuppet executive secretary Ben Nyaundi and area Knut Executive Secretary, Charles Mokuia told private schools to register their teachers with the Commission without further delay.

He said that the move is meant to rid the sector of quacks and mushrooming of illegal structures posing as learning institutions. He said that most schools had compromised the quality of education as they do not invest in human resource.

Adede challenged school heads to manage their schools professionally to improve on their education standards, adding that action will be taken against teachers who engage in private businesses to the detriment of learners.

The Director said that the Commission will not defend lazy and incompetent head teachers whose schools continue to post poor performance in national exams despite substantive resources channelled to their schools by the government through the free education programme.

The Director said that the TSC had decentralized its services to manage teachers affairs at the grassroots.

He said that TSC will not victimize teachers, adding that commission will stick to rules to ensure that teachers adhered to the code of ethics to enhance discipline and integrity in the teaching profession.

Adede, who addressed school Heads from Kisii South District at Itierio church grounds said that teachers have to obtain a written approval whenever they are not in school to avoid cases where they desert duty to run personal errands.

He said firm action will be taken against those who desert duty without documented evidence, stressing that head teachers will be taken to task for failing to comply with the rules and regulations of the Commission.

He at the same time cautioned school Heads against misusing public funds channelled to their respective schools through the Free Education program, saying action will be taken against who embezzle the funds.

"You should ensure that the funds are properly utilized and accounted for. You will carry your cross if you misuse the funds," stated Adede.

Area Education officer, Gilbert Oloo directed school heads to report cases where bars were operating 300 metres away from their schools as this was illegal. He said some children could be influenced by their peer groups to indulge in drinking at a tender age, thus ruining their lives.

The KNUT executive secretary lauded the government for the prompt disbursement of the free education funds, noting that most schools are heavily indebted due to the delays.

He observed that operations in most schools had paralysed as suppliers had stopped supplying items due to non-payment of debts.

By PETER MUTUKU

THE government has no plans to scrap the 8-4-4 system after all. Education Assistant Minister Ayieko Olweny says that the government will instead explore ways through which the current system can be improved.

The Assistant Minister says that a committee has been set up to explore ways through which the proposed radical changes to the system of education in the country can be incorporated in the current system.

He says the committee will assess the current 8-4-4 system and come up with recommendations on how the system can be improved.

"There is a committee that has been set up to look into the issue because scrapping 8-4-4 will not solve the problems bedevilling education sector," added Olweny.

Olweny spoke at a prize giving ceremony for Kirinyaga Central District, at Waigiri primary school.

The minister added that introducing the proposed 2-6-6-3 system of education will require an excess of Ksh340 billion to implement, adding that the money is too much.

He called on education stakeholders to go slow on the matter, since the ministry is starved in terms of funds.

"The money needed to implement the new 2-6-6-3 system is Ksh340 billion which can be used to employ more teachers and improve the standards of education," he added.

He said that the country currently requires an additional

8-4-4 system here to stay, says Prof Olweny



Prof. Ayiecho Olweny, Education Assistant Minister.



Mr. Gachoki Gitari, Area MP

80,000 teachers to offset the shortages currently facing public schools.

The minister said that, instead of scrapping the 8-4-4 system, we can make some changes in the current system and still serve the country better.

Olweny further cautioned students against indulging in drugs while in school, saying that drugs will ruin their lives.

He caused a stir when he told male students that they will be

battered by their wives in the future if they start to indulge in alcoholism at an early stage.

Olweny further revealed that the government plans to employ early childhood teachers to boost enrolment in nursery schools.

The minister cited child labour, absenteeism, and school dropout due to poverty as some of the major challenges facing his ministry while implementing the free primary and secondary education.

Area Member of Parliament Gachoki Gitari took the occasion to reward students who performed well in last year's KCPE examinations, and attributed the good performance in Kirinyaga county to good working relationship between all stakeholders in the education ministry.

The legislator called on parents to take their children to school and promised to support poor and vulnerable students to achieve their dreams.

Eshiwani opposes new system of education

By AGGREY BUCHUNJU

THE proposed radical changes to the system of education in the country continue to attract criticism from stakeholders and professionals.

Former Kenyatta University (KU) vice chancellor Prof. George Eshiwani says the present 8.4.4 system of education should be maintained.

He argues that changing education system from 8.4.4 to the proposed 2.6.6.3 without changing the curriculum will not add value to the

learners.

The educationist claims that it is the curriculum and not the present 8.4.4 system of education that has failed to address the current labour market needs.

"What should be changed to serve the current market better in terms of technological needs in line with vision 2030 is the curriculum and not the 8.4.4 system of education," he says.

Eshiwani is categorical that for vision 2030 to be realized with ease all teachers in the country must be computer literate.

Consequently, Eshiwani challenges the government to make it mandatory for all the head teachers in the country to have knowledge in Information Communication Technology (ICT).

"Head teachers who are not computer literate have no business being in positions of leadership in the contemporary times," he says.

The former university head adds that there is serious need to capacity build all the teachers in ICT so as to facilitate change of the curriculum to meet the technological needs of vision

2030.

On holiday teaching, Eshiwani says that it is not useful because pupils need some rest and consequently urges the government to ban it.

"If I were the District Education Officer (DEO) I would ban holiday teaching because official time allocated for teaching is just enough to cover the syllabus," he says.

Eshiwani was speaking recently at Namachanja High School in Bungoma Town during Bungoma South District Education Day where he was the chief guest.

Group enlightens public on effects of climate change

By BRIGHTON KAZUNGU

AS the world joins hands in looking for ways to combat global warming, increased carbon emissions continue to destroy the Ozone layer. Although the carbon dioxide emitted from the burning of fossil fuels is supposed to be absorbed by plants and trees, the rate of carbon emissions is very high as compared to the level of absorption by plants.

Moreover, people have continued to deplete forests resulting to extreme weather conditions currently being experienced in different parts of the world.

It is in this regard that the international small group and tree planting programme (TIST) has undertaken to enlighten members of the public on the

effects of carbon emissions into the atmosphere.

According to Bernard Githui, a trainer on the environment conservation in Kerugoya and Mbeere regions, the programme has also been rolled out in Nyeri, Laikipia, Masai Mara and Bomet.

He said that the main aim of the programme is to encourage farmers to plant trees in large numbers so as to ensure that the carbon released to the environment is absorbed in equal measures to prevent environmental destruction.

Githui pointed out that due to the increased global temperature, the climate is changing unpredictably from floods and hurricanes to heat waves and droughts that are affecting human beings all around the country.

He said that in the programme, the farmers are supposed to plant as many trees as possible in their farms where they are later paid carbon credit as per the number of trees they have planted.

"The carbon credits payments are incentives given farmers in a group of six to twelve people to encourage them to plant more trees to mitigate against climate change," he said.

He said that the farmers are supposed to plant both the indigenous and exotic trees that are useful to human beings with an exemption of eucalyptus trees which consume a lot of water.

Githui said that about farmers groups have received payments amounting to Ksh25 in the programme.

"The programme has empowered

farmers economically and some have use the revue generated from the project to start poultry, pig and dairy cattle farming," he adds.

Apart from planting trees, Githui said that they are enlightening the community on the importance of using Energy saving jikos that use very little fire wood and still produce enough energy for their cooking and lighting activities.

These he said will help in the reduction of the number of trees that are cut for purposes of cooking and lighting in the country as the community adopts alternative sources of energy.

Githui said that the programme is also educating the farmers on the need to embrace farming methods that help to conserve the environment and avoid

chemicals such as fertilizers and sprays.

"We are encouraging the farmers to use organic manure as chemicals are also contributing largely in the emissions of the carbon dioxide into the atmosphere." He posed. He said that they are also encouraging farmers to adopt Zero tillage which allows them to dig small holes in the farms enough for the maize and beans to grow. Githui points out that managing global warming is a collective responsibility saying that the continued destruction of the environment spells doom to future generations.

"As the late professor Wangari Maathai used to say, if we destroy nature, nature will destroy us," he said adding that we should join hands and conserve it lest we all perish.

By NYAKWAR ODAWO

CO-OPERATIVES will be a function of the County Government and must therefore align their operations to the constitutional dispensation.

Cooperatives Development Minister Joseph Nyaga says that the co-operative movement must therefore reposition itself to play a pivotal role in the future development of the county economy.

"Counties with vibrant co-operatives are likely to register sound economic and social development more easily than counties where co-operatives are weak," he said, adding that in order to safeguard the position of co-operatives, it will be important to have a national co-operative body to unify and safeguard the national interests for co-operatives.

"This is where the Co-operative Alliance of Kenya (CAK) comes in. I hereby urge all co-operatives nationally to support the Co-operative Alliance of Kenya," he said.

In the promotion of peace, the Co-operative Development and Marketing minister said co-operatives are non-political and non-religious organizations that bring together people of diverse ethnic background.

"Kenyan from all walks of life come together to do business guided by the seven principles of co-operatives. If all of us formed co-operatives, a big chunk of the economy will be in the hands of ordinary Kenyans, hence the gap between the rich and the poor will narrow leading to reduction of social strife," said Nyagah.

The Minister who was addressing members during the Sacco's 35th Annual General Meeting held at Township primary school in Busia town, at the same time said that membership loyalty and support is critical for survival and growth of any Co-operative society adding that management's prudent leadership is equally signifi-

Sacco members lauded for continued loyalty



Mr. Nyagah, Cooperative Development minister.

cant. "I want you all to remain focused and united towards achieving your objective in line with the co-operative principles of democratic member control and equity among members," said the minister.

The minister said the co-operative sector is key to the socio-economic development of the country.

"Co-operatives enjoy a unique comparative advantage in that when they engage in any enterprise their clients also happen to be the members of the co-operative. In addition,

the returns generated by the business are ploughed back to the members including generation of employment opportunities and cheap credit facilities," he said.

He said the Sacco movement has more potential in raising savings as envisaged in vision 2030 which outlines their strategic role in creating a vibrant and globally competitive sector that promotes high levels of savings.

"Butete Sacco has the potential of playing a key role of mobilizing

savings among the members and new clients within the entire republic of Kenya. This will position your Sacco to be able to compete effectively with other financial institutions," said the minister.

He requested the Sacco members to work together for the benefit of teachers who are also members of the society saying he has visited various Teachers' Saccos between 2011 and 2012 and established that in cases where KNUT and Sacco leadership do not agree, the Sacco does not per-

form well.

The minister at the same time said he was delighted to note that Butete Sacco had performed very well in 2011 as compared to December 2010.

"The positive performance is attested by growth in membership from 3,052 to 3,521, deposits increased from Ksh287.3million to Ksh324.3million, loans advanced to members also increased from Ksh293.9million to Ksh362.5million and turnover from Ksh32million to Ksh45.4million," he said.

He as well observed that since the year 2005, Butete Sacco has been on a positive growth path in the provision of sound financial solutions as well as giving a full return on investments.

"The performance is commendable and I congratulate the board and management for your continued effort to meet your customers' needs and ability to develop products that have maximum returns to your members and Sacco in general," said the minister, adding that the leadership of the Sacco should always be guided by prudent business and commercial practices driven by teamwork and reflection on members' aspirations geared towards growth and development.

The occasion was also attended and addressed by Butete Sacco chairman Michael Wambia, Vice-Chairman Peter Opasamong, the Secretary Robert Atedu and the treasurer Lucas Ochieng among others.

Water PS calls for speedy rehabilitation of Mau

By JOHN NYAMBUNE

EFFORTS to reclaim the Mau ecosystem have been hampered by increased encroachment into forested area.

Speaking at Kiptunga Forest, Block 7 of the Mau Complex, the Permanent Secretary in the Ministry of Water and Irrigation, Eng. David Stower, said in a speech read on his behalf by a Director in the Ministry, David Jakaiti, that Mau forest plays an important role in energy generation, a tourist attraction site, agriculture and water supply in Rift Valley and Western Kenya region.

Eng. Stower noted that the participation of key stakeholders in tree planting in the degraded riparian zone of the

Amala River, within the Kibooyet Block 7 of the Mau forest, would play a great role in the preservation, conservation and protection of the water catchment area.

The PS observed that there is a need to increase the quantity and improve the quality of the catchment through the rehabilitation of the Amala catchment, a tributary of River Mara. During the tree planting exercise, over 13,000 seedlings were planted to boost the rehabilitation efforts by the Kenya Forestry Service on a 10 hectare block.

Water Resources Management Authority (WRMA) Chairman, Francis Nyenze, said that in order to ensure the levels of water in these rivers do not go

down; there is a need to stop illegal settlements, encroachment, charcoal production, and logging of indigenous trees and to adopt better practices in saving the country's water resources.

Nyenze disclosed that WRMA is committed to ensuring effective protections and conservation of water catchment areas to help increase quality and quantity of water, and improve water resources management.

He further encouraged the active formation of Water Resource Users Associations (WRUAs) to help in the eradication of destructive and threatening activities within the catchment areas. To the water users, Nyenze reiterated WRMA's support in ensuring that they

comply with Water Resources Management's rules to enhance effective management of water catchment areas.

He observed that WRMA recognizes the need for stakeholders' involvement as an important aspect in integrated management of land, water and related biological resources. Nyenze added that this would promote the sustainable use of natural resources, improve the quality and quantity of water that originates from the environment.

Mau Community Forests Association Chairman John Tanui reiterated that communities living near the water towers' resolved to bolster and support the government's bid to conserve the water catchment areas.



Mr. David Stower, PS Water and irrigation ministry.

Mwea National Reserve suffering from political interference

By PETER MUTUKU

THE Mwea National Reserve is grappling with financial constraints largely attributed to poor revenue collection.

According to the Kenya Wildlife Service Embu District Warden Cornelius Muoka, the national reserve which is jointly managed by the agency and the Mbeere county council has registered a major decline in revenue collection due to poor road network. Muoka accuses Mbeere county council of reneging on its pledge outlined in a Memorandum of Understanding which was signed in 2010.

In the agreement signed by the director of KWS Dr Julius Kipng'etich and the council in 2010, the KWS was to train rangers from the surrounding areas, provide the necessary equipments while the council was to ensure the roads heading to the reserve are constructed.

"The deal was that the council reserves the ownership of the land, while KWS holds the right of the wildlife, and we have played our part of the bargain," he explains.

However, since then, the council has done very little to facilitate access to the sanctuary, thus limiting the number of tourists into the facility which is home to crocodiles, elephants and other wild life.

He said that KWS and the county council usually share the revenue collected from the national reserve adding that the residents who were supposed to benefit from the deal are yet to realize its importance.

"The leaders in the county council brought in their cronies to become staff at the national reserve, but there is no revenue to sustain operations in the park," he said.

Priest appeals to Kenyans to vote leaders of integrity

By JOSEPH MUKUBWA

NYERI Catholic Archbishop Peter Kairo has urged Kenyans to vote leaders of integrity during the forthcoming general elections.

Kairo says that voters

should elect leaders who have shown commitment in the fight against corruption and other vices in the country.

"We want leaders who can be able to address the soaring unemployment rates in the country, the challenges in the

health sector and the water crisis in the country," said the archbishop.

He at the same time said leaders who fan tribal animosity and preach divisive politics should be rejected.

Kairo was speaking dur-

ing the annual thanks giving mass by the disciplined and uniformed police officers at the Nyeri Consolata Cathedral Catholic Church in the town.

Retired commandant John Kimani who was the chief guest during the occasion said counselling sections have been established in order for the counsellors and clergy to guide police officers against misusing fire arms.

"We know the officers are facing many challenges including the threat by Al Shabaab militia and thus there is need for them to be vigilant around the clock," Deputy PC Francis Sila who was present during the occasion said.

Sila called upon all the officers to work in unity so that the country can stay in peace.

"Let all the officers work in unity and corporation and join hands for the sake of security in our country," he added.

Police commissioner Mathew Iteere in a speech read on his behalf by Zipporah Waweru urged the congregation to pray for the officers who are working outside the country.

While admitting that there are many challenges facing the officers in their work, he urged them to remain vigilant all the time.



Nyeri Catholic archbishop Peter Kairo consecrates fire arms that police officers use in their duties at Our Lady of Consolata Cathedral Catholic Church in Nyeri town recently. Photo/Joseph Mukubwa

Turkana: Sea of oil but desert of leadership

By CAVINCE ADHERE

WHEN the president broke the news on Kenyan Oil prospects, Turkana County earned the envy of her contemporaries. Attention shifted to the hitherto 'cursed county'. The residents were particularly elated and with smiling faces and newfound agility as prospects of a better future overshadowed the historical hardships they had weathered.

This optimism was further reinforced by additional information that Ngamia-1 well, was only one among many. With expert report on the commercial viability of Kenyan oil nearly consolidated, Turkana residents are literally feasting on hope balms.

Amid this excitement however sits a deeply rooted fear. The residents must grapple with intricate issue of governance. Many politicians have now burst into the limelight, salivating for the new status oil confers on the county.

Without effective and sound multi-tiered governance structure, the residents fear they may not benefit from oil exploration in

the county.

According to Derrick Merinyang, a resident of Lokichar, Turkana County has high levels of illiteracy. "Because of limited education, residents have been manipulated by politicians who are not development minded", said Derrick.

Poverty has equally contributed to poor leadership and governance in the county. Hard living conditions have encouraged electoral malpractices like inducements and intimidation.

"Voter bribery and buying have defined past elections in this county", said Jackson Nakusa who is eying Turkana County Senate seat. This, according to Mr. Nakusa, has eliminated competent leaders who are financially disadvantaged.

Although it remains the responsibility of IEBC to conduct voter education to avert some of the malpractices, the region has no history of effective civic education.

According to Erick Lokai, a local trader at Lokichar, Civic education in the county has been af-

ected by poor infrastructure and insecurity.

"IEBC offices are located in Lodwar. With no roads, they cannot access the remote areas, where most of the Turkanas reside due to their pastoralist lifestyle," said Erick.

Mr. Erick adds that proliferation of small arms in the region has equally negatively affected civic education in Turkana.

"The insecurity has led to selective regional civic education. Access to information through the media is also negligible. Newspapers get here days after publication," said Erick, adding that television sets are a luxury in the region, only affordable to a few.

Another IEBC related bottleneck in Turkana County, is the delimitation of boundaries. Several political interest groups moved to court to protest the boundaries as envisaged by the IEBC. Oil as a resource is believed to be an impetus of the protracted boundaries wars.

Of equal concern is lack of Identity Cards among the youth. This has disenfranchised many

residents from participating in the electoral process.

"With a population exceeding 850, 000, barely 100, 000 residents can vote. This is unfortunate. We are calling on the government to expedite issuance of ID cards to enable our youth to participate in the forthcoming elections", said Senator Aspirant Jackson Nakusa.

Even though the new constitution accords both gender equal opportunities in leadership, Turkana County hardly has female leaders. This lopsided representation has been fuelled by patriarchal societal structures.

"Our culture abhors woman leaders, but under the new constitutional dispensation we hope things will change. Already we have women administrators including chiefs," says Lydia Awoi, Youth Leader in Lokichar.

Without addressing the concerns identified by the residents, election of credible and competent leaders will remain elusive in the county.

Poor leadership will equally thwart the realization of the hopes

of Turkana residents despite the oil exploration and extraction tipped to be actualized in the county. Turkana South District Commissioner (DC) Mr. Joseph Kanyiri, advises the residents to elect people who will champion the development agenda of the region.

"Let the community members pick the leaders wisely for maximum benefit from this God given resource. Avoid selfish leaders," said the DC.

The DC further urged the residents to embrace modern education in order to capitalize on the oil and auxiliary services that will soon be demanded in the region.

As the next six-pronged general elections approaches, Kakalel David, a fresh graduate from Nakukulas village, Lokichar has a word of advice to his fellow Turkana youth.

"Let us be cautious of the shaky leaders who have always taken advantage of us. Under devolved government and emerging oil issue, let us elect the best in order to effectively manage our resources", said David.

The Link

Enhancing governance for all

This rogue parliament must disband now

WE chose to send a few of us to parliament to represent us because all the 40 million plus people cannot go to parliament to legislate. So every five years we elect people to represent us and legislate on our behalf but not for their self-aggrandisement. But our MPs do not seem to think so. Somewhere along the way the fact that MPs are supposed to represent the will of people seems to have been lost. This despite that fact that several provisions of the constitution point back to the sovereignty of the people, in fact that whole of Chapter One of the constitution is dedicated to this. Article 1 (1) and (2) of the constitution provide that:

“All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution. The people may exercise their sovereign power either directly or through their democratically elected representatives”

Even so, recent events surrounding the manner in which MPs have been legislating around the Statute Law (Miscellaneous Amendments) Bill, calls in to question whether MPs are really honouring their duty as the peoples’ representatives.

The Statute Law (Miscellaneous Amendments) Bill seeks to change provisions in the Political Parties Act to allow MPs to switch parties without losing their parliamentary seat, and remove from the Election Act the requirement that those running for the position of Member of Parliament have university degrees.

Despite widespread objection from the people the MPs passed the Statute Law (Miscellaneous Amendments) Bill and consequently the amendments to the Election Act and the Political Parties Act. The Prime Minister voiced his opposition to the proposed amendments and the President has refused to assent to bill. At which point one would have thought that the subject on the proposed amendments to the Election and Political Parties Act would be closed both premiers having rejected the amendments and the people having spoken.

However MPs seem to be unmoved by the widespread disapproval of the amendments by the public, and despite the President refusal to assent to the Bill, parliament is set to reopen debate on the amendments. If MPs who support the bill get a two-third majority they can veto the President’s memorandum and the proposals there in and pass the bill anyway. The long and short of which is that the amendments to the Political Parties Act and Election Act will be enshrined in law in spite of the will of the people. The President, PM and VP were right to unanimously reject the amendments.



COMMENTARY

How safe are you as a journalist?

COMMENT

By LUKE KAPCHANGA

TWENTY-YEAR-OLD Horriyo Abdulkadir worked hard to become a journalist. A dedicated multitasker, she edited, produced, and presented at Radio Galkayo in north central Somalia while corresponding for the Mogadishu-based Radio Risaale.

She covered the Somali conflict, focusing on gender and humanitarian issues.

Late in the afternoon of September 14, 2011, unknown assailants shot Horriyo five times as she was leaving work.

“The actual attack was not the most painful moment because it happened so fast,” she said. “It was the time afterward—I was terrified.” Days later, needing further medical attention and fearing more violence, Horriyo left for Nairobi.

Since June 2011, seven journalists have fled Somalia, making it the country with the highest number of journalists forced into exile in this 12-month period.

It is closely followed by conflict-ridden Syria and Pakistan. Three other East African countries—Ethiopia, Eritrea, and Rwanda—also rank among the top 10.

In fact, while the global number of journalists going into exile has decreased to 57 cases from 67 in the previous period, the proportion of East African exiles remains steady.

More than a quarter of those who fled their homes from June 2011 to May 2012 came from an East African nation.

A majority of exiled journalists, like Horriyo, cited fear of violence as their reason for leaving; some fled after being attacked.

(Their fears are justified; in Somalia, for example, six journalists have been killed in 2012, and no journalist murders have been prosecuted since 1992.) Others fled threats of prison and judicial harassment, common in Ethiopia and Rwanda, according to CPJ research.

While reasons for fleeing into exile vary, the results are universal: Exiled journalists are subject to fear, poverty, and uncertainty, while conditions for free expression deteriorate in the countries they leave behind.

Zerihun Tesfaye, the 29-year-old senior political reporter for the critical Ethiopian weekly *Addis Neger*, is among the 49 Ethiopian journalists forced into exile over the past five years. He and almost all of the paper’s news staff left in December 2009, closing the publication. In July of that year, a new anti-terrorism law criminalized any reporting deemed to “encourage” or “provide moral support” to groups labeled terrorists.

A government paper accused *Addis Neger* of making false “anti-state” allegations, and having ties to banned opposition groups. “When we heard the government was trying to charge our reporters and editors using the anti-terror proclamation, we decided to flee,” Zerihun said. Last year, 11 independent journalists were charged under the law—six in absentia, because they are in exile.

Horriyo Abdulkadir (NUSOJ)

In the neighboring Eritrea, Africa’s leading jailer of journalists, 28 remain behind bars. Ten were arrested during a 2001 crackdown.

In Sudan, Aaron was terrified by the rumored presence of Eritrean security forces said to kidnap refugees. Other exiled journalists, including Iranians in Iraq and Turkey, have expressed similar fears. These are also common among those living in Kenya and Uganda, the two hubs for exiled East African journalists—Kenya hosts 52 exiles, Uganda 24, by CPJ’s count.

Rwandans Charles Kabonero, Richard Kayigamba, and Didas Gasana fled in 2009 to Kampala. At home, they had worked for the independent weekly *Umuseso*. The journalists say they were harassed from the time they launched the website *The Newline* in the summer of 2010. Local police warned them that unidentified individuals carrying Kabonero’s photo had been arrested, and that as a precaution they should stop writing.

Weeks later, a Rwandan official gave a European diplomat, who had hosted them for dinner, minute details of the journalists’ activities. “At that point,” said Kabonero, “it became evident that we were being followed.”

The journalists identified their trackers: Rwandan security officials they knew from Kigali. Then, in August 2011, Kayigamba and Gasana found several men outside their home. One said in Kinyarwanda, “Those are the people we are seeking.” As they ran, one of the men managed to grab Kayigamba’s T-shirt, but he got away.

In December 2011, Rwandan reporter Charles Ingabire was murdered in Kampala. He had recently launched the *Inyenyeri News*, a critical website popular in Rwanda and Uganda. His death—still

unresolved—intensified fears among exiled journalists in Kampala and Nairobi.

Rwandan editor Charles Kabonero fled to Uganda in 2009, but was pursued by Rwandan security officials. (Phil Carpenter)

Kabonero and his colleagues increased their security protocol—residing far from other Rwandans; leaving the house only for basic necessities and never doing so alone; and regularly checking in with Ugandan authorities. “We lived a really terrible life,” said Kabonero, “but it was the only life we had to live.”

A month after Ingabire’s shooting, Kabonero and Gasana were resettled to Sweden by the United Nations High Commissioner for Refugees (UNHCR). Kayigamba, once a soldier in the Rwandan army, is not eligible for resettlement by the UNHCR. He said he lives in permanent fear.

Refugee process full of challenges

Exiled journalists in Nairobi are more likely to be harassed by local police. They told CPJ that officers routinely stop them and ask for bribes in exchange for not arresting them. “They go directly to your pockets,” said Abdikafar Shire, who fled Mogadishu in 2005 after repeated threats. “They don’t care about your documentation.”

Even so, documentation is essential for journalists in exile, and often hard to get. Since March 2011, refugee registration in Kenya is handled by the government’s Department of Refugee Affairs and the UNHCR. (Previously, the task had been solely managed by the UNHCR.) In Uganda, the process is handled by the office of the prime minister. In both countries, the process involves initial registration, interviews, and the eventual issue of official refugee papers that allow access to basic services such as primary education and health care.

The process in Uganda can take up to three months, said Sylvia Samanya, a protection officer at the prime minister’s office. In Kenya, the process can last up to a year and cause much anxiety. According to Ethiopian reporter Zerihun, who has been in Nairobi for more than two years, “waiting is the most frustrating thing happening in exiled life.”

In at least one case, the extended process had fatal ramifications. Veteran Somali journalist Hassan Mohamed visited the UNHCR as soon as he arrived in Nairobi in January 2011, but was told



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The Link

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How safe are you as a journalist?

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to return in 2012. A diabetic with other health complications, Hassan became seriously ill in March 2011, after months without medication that he could not get without documentation. Hassan died on March 2012 after a weeklong coma. By then, he was a registered refugee, but his condition worsened. The UNHCR estimates that there are almost as many unregistered refugees as those who are registered in Nairobi.

Finding work is also crucial for exiled journalists. In Nairobi, refugees need an official work permit, granted by the government, which is expensive and difficult to obtain. "Very few people are able to get them," said a UNHCR protection officer in Nairobi, who asked not to be identified per the agency's practice.

Journalists who spoke to CPJ said that hunting for other kinds of jobs is difficult because of xenophobia among host populations. A few string for local or international outlets, and many work for independent websites that do not remunerate them. Instead, journalists said they often rely on grants from international organizations like CPJ to cover basic needs.

All of these challenges are intensified by a lack of information. Many journalists said they knew nothing about the refugee process or life in exile prior to fleeing. "I had no time to ask what Nairobi life looks like. It was not my intention to be here. I just came to save my life," Zerihun said. Journalists often lack information about refugee rights and the exact responsibilities of the UNHCR and host governments.

The UNCHR protection officer said that registered refugees are handed a booklet in major local languages with this information and that the UNHCR hosts periodic forums to address questions. Mark Weinberg, a regional refugee coordinator at the U.S. Embassy in Nairobi, agreed that misinformation is a serious challenge. "No matter how much we try to get the message out there," he said, "I fear that the rumor mill always tri-



Battery of journalists at work.

umphs."

The UNHCR officer said a lot remains to be accomplished. "The main hurdle for us is that we have very few resources," he said. Local authorities are also under-resourced, he added. For example, he said, the often overburdened local police can't provide appropriate security for refugees while also dealing with Nairobi's high crime rate

High cost for exiled journalists

The journalist refugee crisis of East Africa has now spanned more than a decade, taking a serious toll on the region's press freedom. With 14 journalists forced out of Rwanda, 27 from Eritrea, 49 from Ethiopia, and a whopping 78 out of Somalia over the past five years, the region's media

landscape is devastated, exiled journalists told CPJ.

Somali reporter Abdikafar lamented that violence and exile had wiped out the country's most professional outlets. His colleague Horriyo said that with so many journalists gone, those left to report inside the country don't have proper training. Eritreans, Ethiopians, and Rwandans told similar stories of desolation.

All the journalists in exile share an uncertain future. While Zerihun has no hope of returning to Ethiopia, Horriyo would go back to Somalia in a heartbeat if there was peace. "When you go into exile, at first it doesn't feel like a good thing because you've left everything behind," concluded Eritrean editor Aaron. "But then you are also grateful to have a new life."

This year, CPJ cut the period in which it tracks exiles from 10 years to five, in order to effect a more complete account. CPJ's survey counts only those journalists who fled due to work-related persecution, who remained in exile for at least three months, and whose current whereabouts and activities are known.

It does not include the many journalists and media workers who left their countries for professional or financial opportunities, those who left due to general violence, or those who were targeted for activities other than journalism, such as political activism. CPJ's survey is based solely on cases it has documented, from which it derives global trends. Other groups using different criteria cite higher numbers of journalists in exile.

Joy as Webuye finally gets its share of LATF cake

By LUKE KAPCHANGA

WEBUYE Municipal council has at last received LATF funds of Ksh.34million after missing out in successive allocations over the last three financial years.

However the money will not be for development, instead the funds will go towards clearing debts, which had accumulated to the tune of Ksh.71million.

Mayor Ali Mutoka Machani, says Ksh.31million has been earmarked for the repayment of debts according to the agreement reached by the ministry. "We have got the money, but the conditions are that we use it to clear the debts", he told the press in his office. The mayor and town clerk, are said to have committed in writing that they use the money for clearing the debts and not development when it was released.

Operations at the council had almost ground to a halt as a consequence of not receiving LATF money. All LATF funded projects were suspended as workers went for months without pay.

Late last year, Mayor Mutoka had indicated that the council was tot-

tering on the brink of collapse after the government froze LATF disbursements as sources of revenue to the council are minimal.

He said then, "in case the government under the Ministry of finance and the Local government does not intervene and salvage the pathetic situation, they will be rendered insolvent". Poor services have plagued the town, plus unpaid arrears to council employees salaries.

The mayor in the company of cllrs Grime Juma, Paul Wamalwa, Raphael Ekojo, Joseph Chemakile and Jafred Makhaka complained that the situation had been aggravated by defaulters in payment of business rates due to economic down turn caused by the closure of Pan African Paper mills.

The Mayor asked the government under the mentioned ministries to stop punishing the community that has been affected practically.

"The community is being affected in service provision by the financial constraints occasioned by debts amounting to a whopping cash of Ksh. 71 million, a problem caused by the past administration and individuals". Mutoka complained.

The municipal had not received

the last three disbursements of the LATF funds following a directive by the ministry of local government after the council failed to remit funds to statutory bodies amounting to Ksh.50 million.

This, according to the mayor and the councillors was the default and negligence of the former office holders who are now out, and enjoying hefty salaries in other councils.

Whereas the former administrators are transferred, the Webuye community faces the grave impact of the new policy directive on statutory remittances.

The Mayor told the press that workers are finding it difficult and are going through tribulations under the prevailing economic conditions.

Their tribulations were the reason for the decision to pay them a full one month salary from the LATF allocation as they seek other possible avenues to raise more money.

The finance and general purposes committee chairman, Mr. Jafred Makhaka, said they require a monthly administrative cost of Ksh.3million, yet the collection stands at Ksh.1.2million.

He said that the commitment to

repay the money to creditors/was the condition behind getting the money, and they cannot backtrack on the understanding.

Makhaka claimed that, the past political establishment played part in creating the current predicament, and now employees who retire are unable to get their benefits.

The community he added was going without accessing essential services from the council in addition to numerous stalled projects funded by LATIF, for crimes made by others.

The two political leaders confirmed that thirty six projects had been lying unattended in the six wards being served by the municipal council due to the three delayed counts of the LATF funds by the ministry of Local government. They insisted that the funds behind the funds deduction but never remitted to the statutory bodies must be brought to account.

The leaders told journalists that the closure of Pan Paper Mill plant that has now reopened made the problem worse in the last two years as they lost annual rates of Ksh7 million from the plant as the business community defaulted on the rent rates amounting to Ksh40 million.

Nyeri youth urged to register as voters

By JOSEPH MUKUBWA

YOUNG people from Nyeri County have been urged to register as voters to be able to participate in the forthcoming elections.

Kituo Cha Sheria Executive Director Priscilla Nyokabi notes that there are very low figures of youth registering as voters in the area, a trend she said was impacting negatively on the type of leaders who are elected.

"There is need for the youth in this County to take up the issue of participating in the elections seriously if at all we want to change the kind of leadership," says Nyokabi.

She notes that the total number of registered voters in all the constituencies in Nyeri County was below 50 per cent of the population, a trend she attributed to migration of people to other areas, adding that the low figures might have contributed to the rejection by the Independent Electoral and Boundaries Commission (IEBC) to create extra constituencies.

The advocate noted lack of identity cards among young people was also a great hindrance to them acquiring voters cards and urged the government to hasten the issuance of the identification documents to enable the youth to exercise their democratic right while choosing their leaders.

Nyokabi was speaking in Nyeri town during a forum organised by the Kenya League of Young Voters to prepare youths in the County ahead of the elections and enlighten them on the various positions that will be contested in the County governments.

"The awareness we are creating will also enable these young people to look for leaders who have the best qualities of leadership and who have the interest of the voters and the common mwana-nchi at heart," she added.

IEBC coordinator Patrick Odame disclosed that the commission would kick off a nationwide voter registration exercise in August and urged all youths to turn out in large numbers and acquire the vital document.

Odame urged the youth to refrain from being used by politicians to create chaos during elections and also abandon the notion of electing or supporting leaders who bribe them with their money.

"Time has come when we must carefully vet the people who

want to be elected into various positions come election time because we have all seen what happens when we elect bad leaders just because they bribed us. We must look for those leaders who can be able to solve the problems facing the youth especially in this region," said Odame.

Nyokabi noted alcoholism among many young people in the region was also contributing to the group keeping away from elections and urged the group to develop a sense of responsibility.

She said the issue of joblessness among many youths could only be solved if the right people are elected into leadership positions so that they can articulate agendas for creating jobs for the group.

The more than 50 youth leaders from Nyeri town, Othaya, Tetu, Mukurwe-ini, Mathira and Kieni constituencies at the same time endorsed Nyokabi as their preferred candidate for the Nyeri County Womens' Representative seat.



Kituo Cha Sheria Executive Director Priscilla Nyokabi (left) addresses a youth forum in Nyeri town organized by Kenya League of Young Voters. She wants the youth to register in large numbers as voters.

CRA wants finance bill fast-tracked through Parliament

By BOB OMBATI

THE Commission on Revenue Allocation (CRA) wants Parliament to pass the Finance Bill to enable the government allocate funds to county governments.

Commissioner Wafula Masai says the delay by the legislators in passing finance legislations has derailed the work of CRA.

Masai, who was hearing views from members of the public at Gusii county council, said CRA had allocated Ksh. 200 billion to the 47 counties based on land size, population and poverty levels.

The Commissioner said the public views on the allocation of funds to the counties will be incorporated and presented to parliament for deliberation and approval.

Masai noted CRA had proposed that Ksh. 200 billion be shared among the counties based on population, levels of poverty and land size.

He said out of the Ksh 200 billion set aside for the Counties, 60

percent is based on population, 12 percent on poverty levels and 6 percent is anchored on land size.

The Commissioner urged locals to identify potential sources of revenue to complement the funds from the central government and challenged private investors to develop the counties to help boost their economic growth.

The government, noted Masai would advance loans to investors to enable them initiate viable projects to generate wealth and create jobs in the counties.

Commissioner Masai who sensitized the residents on the role of CRA, in devolved system and central government asked the locals to elect leaders of integrity in line with the constitution.

"Chapter Six of the Constitution is very clear on the qualities of a person to be elected or appointed for any government position. You must ensure that you elect leaders who pass the integrity test and who would uphold the rule of law," stated Masai.

Taking participants through the

government's financial responsibility and the criteria used in sharing revenue for the counties, Masai noted counties which will improve in revenue collection will be rewarded, adding that an equalization fund had been set aside to benefit marginalized areas.

Masai implored Kisii county residents to be gender sensitive and ensure that they comply with the two thirds gender rule to avoid creating a constitutional crisis.

He said Counties which fail to comply with the requirements of the gender rule will have to nominate more female or male leaders at their cost.

Participants urged the government to enact the legislations that will ensure that billions of public funds channelled to the counties were not embezzled by unscrupulous leaders.

They said senior officers forced their juniors to commit economic crimes with threats to sack them if they disobeyed, adding the officers should be protected to challenge their wayward bosses to reduce

corruption in the counties.

"Junior officers are forced by their bosses to sign documents for the bosses and embezzle public funds. The officers are powerless and comply to protect their jobs," said Alfred Makone, an Accountant.

Makone observed that it would be difficult for the funds to trickle and benefit grassroots people if mechanisms were not put in place to ensure the funds were properly allocated for projects and utilized to benefit the citizens.

He asked area residents to elect professionally qualified and visionary Governors to manage the public funds at the county level and the ones generated within the county governments.

Esther Onkundi, a women leader said Riana in Bonchari constituency, Magenche, Bomachoge and Nyakeyo in South Mugarango were marginalized areas and recommended that more devolved funds be directed to develop the areas whose residents live in abject poverty.

Group calls for removal of street children from Meru Town

By LINK CORRESPONDENT

MEDICAL practitioners in Meru Town have urged the government to seek ways of containing and removing street children in the area.

Kinoru medical women group led by their chairperson Eunice Mboroki called on the government to team up with other like-minded organizations to seek a permanent solution to the menace of street children who are growing up and indulging in various forms of crime.

"It's unfortunate that there are many street children in Meru Town and the number is rising up. The little we can do as a medical group is to encourage family planning because it's not ethical for any mother to give birth and leave a child in the streets", said Ms. Mboroki.

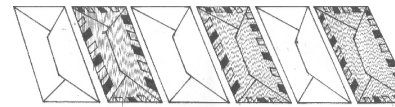
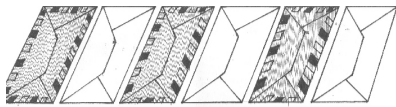
She said they are advising the young women to shun unwanted pregnancies and are training them on the need of promoting togetherness in the family so that the parents can be able to take care of the children.

She says they have bestowed upon themselves the need to revert to the former Meru Culture which has vanished because previously girls were not having babies before they were married but nowadays it is the norm and has turned to be a normal occurrence in many families.

"The parents are busy looking for money and don't have time for their families leaving their children to indulge in drugs. As mothers we are advocating for family planning and health messages to girls so that they can be married when they are prepared", adds Ms. Mboroki.

She was speaking when the women group visited Thelyan children's home in Meru town and gave them foodstuffs and money as support.

"We decided to give back to the society by taking care of community through services like free medical camps which we do in collaboration with Ministry of Health and Lions Club. We identify and verify the needy people in the society and support them by contributing our own money", she said.



These talk shops will not handle environment fear

FRIENDS of nature, or rather, people who talk about nature and the environment met in Rio De Janeiro at a conference dubbed Rio+20.

Twenty years ago, the world met at Rio and looked at several issues that inform the management of our environment. Several issues were discussed. Sadly, 20 years down the line, we have nothing to be proud of since then.

The status of the world has degenerated. Global warming has increased. The ozone layer is being depleted. The forest cover is going down across the world. And man has become system.

Instead of solving our problems, we have come up with things like carbon trading and green economy.

Instead of addressing our environmental issues, we have opted for the softer options; coining words and phrases that are vacuous.

Our towns are getting messier and dirtier and our waters are getting more polluted.

Just recently, world leaders convened in Durban in South Africa. Still, they were talking about the same things. Ask anybody what Durban achieved and you will be shocked.

For how long will we be talking and conferencing? This is a tough question because we have many professionals whose forte is to talk and give more talk. They never implement. We get mountains and mountains of lectures on nature and environment, and it stops at that.

Take the example of having a clean neighbourhood. Do we really need lectures and conferences on having our towns clean? We only need to implement. What if we took the money set aside for these kinds of conferences and decided to strengthen our implementation agencies? We will be able to buy many trucks to cart away our garbage.

This will strengthen our councils across Kenya and we will employ more personnel to police our environmental by-laws. We will buy more loaders, more tractors, more working implements for the enforcing teams, and the teams will be motivated.

But, instead, we have chosen the more easier roots: conferencing.

Forty years ago, the United Nations Environment Programme was born. This means, it could not get sustained funding to address the environmental concerns of the world. For 40 years, there have been talks about moving the Unep from Nairobi, about upgrading Unep, about strengthening her status and about all conceivable issues you may imagine.

It is unfortunate that the world and her leaders have just been talking for the last 40 years. Let Rio+20 be the last of these talking shops. The world is experiencing environmental problems of unmitigated proportions yet, we who have solutions to these issues, are only engaged in talking.

Odhiambo Oketch,
via e-mail.

Act now on rogue contractors and engineers to stop building deaths

NEWS about collapse of buildings have been hitting the headlines every so often. Some of the buildings are still under construction while others are fully built and occupied by tenants.

Those buildings are definitely owned by wealthy Kenyans who have acquired permits to build the apartments. Their building plans have been inspected by presumably tutored planners and the works inspected by engineers who approved the entire process and gave the nod that the structures were safe for human habitation.

How then do we hear news of collapsed buildings every other month? Do these people ever have their conscience pricked by news. News that "a house has collapsed, five confirmed dead, several injured, and the owner has disappeared into thin air" is now the order of the day.

Very soon thereafter, announcements are made to the effect that investigations are on. After that, nothing is heard in most cases.

Do these people who disappear after their building collapse ever come back? My view is that they do come back, but no one bothers about them because those who perished in the tragedy were common citizens who are masons or tenants.

Often, the bereaved might not have the money to push for justice in courts. The victims, therefore, go uncompensated.



Rescue operations at the site of the four-storey building that collapsed in Mlolongo recently.

Yet just like other Kenyans, those masons have families to feed. Their children need school fees and all that. After the death of their energetic fathers, the children are left leading a miserable life without hope.

The full force of the law should be applied towards the owners of collapsing buildings and their accomplices in the public service, especially now that we are cleaning up the judiciary.

Those masons are just like

other citizens who go out to fend for their families. My appeal is to the government and all those concerned with house building to make sure that the buildings meet the required standards.

The engineers should be qualified, and not cut corners with building materials to make savings at the expense of human lives. And lastly full law must be applied in case a building collapses.

David Mwaura,
Via e-mail



Youthfulness alone cannot define a progressive leader

KENYAN politicians are a cunning lot. They are known to be always on the lookout for any idea that would improve their chances of ascending to power while searching for facts that they think can be used to discredit their political opponents.

In the recent past, a section of Kenyan politicians have been parading their 'youthfulness' as a selling point. But they have not been keen to define 'youthfulness' or disclose how young they are. To them, they are 'youthful' because they are not as old as their opponents.

The Kenya National Youth policy draft of 2002 defines a Kenyan youth as one aged between 15 to 30 years. All of these politicians screaming about age are way above 30 years.

But then again, to showcase one's age as a 'virtue' in itself is both simplistic and hollow since no one cares about the age of a political leader, provided the leader is able to deliver.

Those who fought for the multi-party democracy that the country is currently enjoying were senior citizens who formed the Forum for Restoration of Democracy (Ford) in 1991.

These elderly leaders accomplished what the youthful leaders could only dream of. Jaramogi Oginga Odinga, Masinde Muliro, Martin Shikuku and George Nthenge, among others, pressured the Kanu government to repeal section 2A of the old constitution — an action that paved way for multi-party democracy.

Similarly, it took the action of a nonsense octogenarian in the person of John Michuki to bring sanity to the transport industry in Kenya. Matatu operators had defied the youth leaders and only gave in when the ageing Michuki cracked the whip.

The elderly and sober former President of South Africa, Nelson Mandela, led his country in the first ever majority rule after decades of repressive Apartheid.

Finally, Dr. Lee Huan Yew, the architect of modern Singapore, continues to play a major role in his sunset years.

It is, therefore, evident that youthfulness alone cannot replace, vision, honesty, integrity, hard work, intelligence and soberness.

Sonye David,
Via e-mail



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

Write to:

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Nyong'o urged to address Garsen health crisis

By BEKADZO TONDO

RESIDENTS of Garsen have appealed to Medical Services minister Anyang Nyong'o to help reopen Garsen Health Centre.

Operations at Garsen health centre have ground to a halt following the disconnection of water and electricity supplies seven months ago over pending bills.

Irate residents now blame the government for failing to clear outstanding bills to restore normalcy at the facility.

The residents recently paralyzed transport for nearly two hours to protest against the poor conditions at the facility before they were dispersed by riot police officers.

According to the patron of Tana Youth Federation Network (TAY-FEN) in Tana County Mr. Toash Amuma, the power bill currently stand at Ksh 124,000 while the water bills have accumulated to Ksh 57,000.

Mr. Amuma says efforts by area residents to push the government to assist the community offset outstanding bills have hit a snag and there are no indications of plans to resolve the problem.

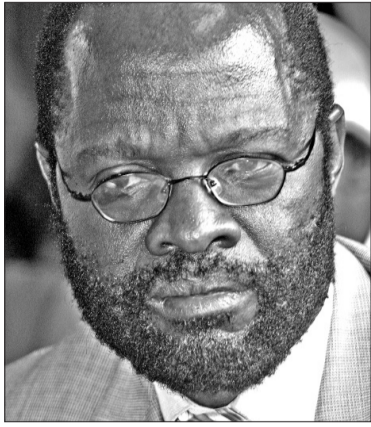
"Garsen health centre serves a population of over 60,000 people and our efforts to push the Ministry of Health to clear outstanding bills have not bear any fruit," said Mr. Amuma

A senior health worker at the hospital who declined to be named, admitted that the hospital has been operating without power and water for the last seven months.

However, the officer says the health centre has been unable to raise enough money through the cost sharing program to clear the pending bills.

Women are hardest hit with expectant mothers delivering in the dark. "Expectant mothers who deliver at Garsen health center experience a lot of problems including delivering in the dark as the facility has no power supply," said Mrs. Jamila Dokota, a resident.

She further lamented that expectant mothers are forced to buy delivery items like gloves, cotton and stitching needles and carry water be-



Prof Nyong'o

cause the facility has no water.

Mrs. Dokota said in the past two months at least two expectant mothers had lost their lives as there no personnel at the facility when they went to deliver and urged the Ministry of Health to intervene without further delay to forestall more deaths.

The chairman of Tana Youth Federation network Mr Twalib Abdallah and his assistant Mr. Stephen Otoi said that although Garsen division has the highest population, it lacked essential facilities such as health centres and water.

Mr Abdallah said the nearest health facility was in Hola which was about 90 Kilometers from Garsen thus exposing expectant mothers to death risks in case of complications at child birth.

"Though Garsen division has a population of about 60,00 people, the area lacks proper health facilities and a maternity wing where expectant mothers could go and deliver their babies and the nearest referral health center is situated in Hola which is about 90 kilometers away and the ambulance is grounded," said Mr Abdallah.

Speaking at a harambee for women groups in Garsen, an assistant minister for registration of persons Mr. Francis Baya described the situation as pathetic and asked the PS in the ministry of health to look into the matter.

"The situation at Garsen health center is pathetic and I will meet the PS in the ministry of health to look into the problem," said Mr. Francis Baya

PM Raila launches the Aberdare Trust

By JOSEPH MUKUBWA

THE PRIME Minister Raila Odinga has launched the Aberdare Trust which will help to manage the Aberdare National Park fence.

The trust is a public/private project that will help to manage the 400 km fence and play an active role in the best practice of the Aberdares Ecosystem.

Speaking during the occasion, the premier said that the Government has committed Ksh 100 million in the current financial year to assist with the new fencing initiatives at the Mt Kenya and Mau Eburu.

"Of the funds allocated, Ksh 70 million has been channelled through KWS to finance the fencing of Mt Kenya forest while the

remaining Ksh 30 million will be spent on Mau Eburu. The projects are ongoing and the Agricultural Development Corporation has agreed that 3,000 acres in its farm at Ndabibi is managed as part of Eburu Forest," he added.

A minimum of Ksh 800 million is needed for these projects.

The PM launched the trust at a ceremony held at Bondeni in Kiambu West District of Nyeri County.

The occasion was also a celebration of the partnership between two agencies, the Kenya Wildlife Service and the Kenya Forest Service and the Rhino Ark.

In his speech which was read by assistant minister Josephat Nanok, the Forestry and Wildlife minister Noah Wekesa said, "The aim of the Trust is to ensure sustainability

of the project mainly through generating funds for the maintenance of the fence infrastructure."

He continued, "It shows great commitment and a shared vision by the three institutions on what sustainable conservation is all about."

The Rhino Ark Aberdare Fence Project has been funded for over 23 years by donations from thousands of Kenyans mainly through the annual Rhino charge.

It has not only successfully resolved the human / wildlife conflict in the Aberdare ecosystem but has assumed a much greater role in the unfolding process of developing strong management and conservation practices within the 200km squared fenced ecosystem.



Prime Minister Raila Odinga unveils a plaque during the launch of Aberdare Trust 2012 recently at Bondeni area in Nyeri County. Assistant Minister Margaret Wanjiru (left) looks on. Photo/Joseph Mukubwa

NZOWASCO losing millions due to water spillage

By LUKE KAPCHANGA

NZOIA Water Services Company (NZOWASCO) is losing millions of shillings every month in water spillage caused by burst pipes.

According to an audited report for the year ending June 2010, the company lost a total of Ksh.100,834,308, due to water spillage.

The Company produced 5,166,515 cubic meters of water out of which only 2,365,562 cubic meters was billed to customers.

The remaining water was unaccounted for which also resulted into loss of sales.

"The significant level of unaccounted water has negatively affected Company's profits and may have far reaching effects in the long term," the

audited report says."

The annual report and financial statement of the company, covering the period up to 8 June 2011 was released during the company's A.G.M.

Further the debt of Ksh.1,045,560 from the National Water Conservation and pipeline Corporation was not reflected in the books of accounts.

The Managing director Patrick Munialo told the delegates that they have put in place stringent measures to control water spillage.

Munialo noted that with the increased volumes of water coupled with high pressures and dilapidated infrastructure, water spillage shot from 49.9percent to 65percent

"In response, the company focused on replacement of low quality pipes, crackdown on illegal water use, reviv-

ing of dormant water connections and increased recruitment of new customers," he added.

The MD also stated that the company has increased metering from 44percent to 65 percent, with Kitale recording the highest increase from 39percent to 75percent, Kimili follows with an increase of 48percent from 32percent while Webuye registered a slight increase from 41percent to 43percent.

Munialo told the delegates meetings in Bungoma that the Company experienced a growth of 102percent.

In Comparison to the losses registered during 2007/2008 financial year of Ksh.10,914,158, the company made a surplus of Ksh.10,914,158.

In revenue collection, Munialo added that efficiency improved to

90percent by increasing collections during 2009/2010 financial year to Ksh.117,682,393 from Ksh 98,595,659 during the previous year.

The MD also noted that the company helped to address the needs of poor people and less privileged in their area of operation.

"About Kshs.24,375,125 went towards the construction of water in Kiosks and taps," he added.

The production capacity of the Company has increased to 38,600 cubic meters per day up from 16,300 cubic meters per day with the completion of Ksh. 6 billion expansion project.

The chairman Bernard Bifwoli said the transmission lines in Bungoma have been experiencing a lot of spillage.

He said that the lines still require more investments to upgrade the distribution network to handle increased pressure.

For Kitale, the chairman said they have done replacement of weak pipes in some areas, but the problem still persists.

On metering, Bifwoli noted that the company has received 300 plastic meters which have been installed to capture new customers to reduce the rates in Kitale. He said that the company requires an additional 1,600 plastic meters under the project.

"The issue of meters theft has reduced considerably as members of the public report suspects and also the change from brass meter to plastic ones has discouraged looting," he added.

Proceedings of debate on amendments to political parties and elections laws

PARLIAMENT recently passed controversial amendments to the Political Parties Act and the Elections Act introduced through the Statute Law (Miscellaneous Amendments) Bill, 2012 which allows legislators to amend numerous legislations. However, the amendments were subsequently rejected by the President who sent them back to Parliament for further debate. Here is the full Hansard report indicating members contributions during the debate.

Section 14(7) – The Political Parties Act, 2011

Mr. Baiya: Madam Temporary Deputy Chairlady, I beg to move:-

THAT, the Bill be amended in the Schedule by inserting the following new provision in its proper numerical sequence-

Provision Amendments.14 Insert the following new subsection immediately after subsection (7)-

“(7A) A political party shall notify the Registrar of any member deemed to have defected from it to another political party, and such member may, if aggrieved by such notification, refer the matter before the Tribunal for determination.” This provision is made to provide for a procedure where a Member is deemed to have left a political party, directly or by interpretation, as to how that process will be dealt with. We recognize the role of the Registrar of Political Parties as well as the Tribunal. These two provisions make it mandatory to ensure that the role of the Registrar of Political Parties is, as it is now, to process that information but refer any dispute to the Tribunal, which will be the one to arbitrate.

(Question of the further amendment proposed)

Mr. Lang’at: Madam Temporary Deputy Chair, I want to oppose that proposed amendment by Mr. Baiya. This is because although the Member argues that it is giving a procedure, it is actually giving the Registrar of Political Parties sweeping powers without any procedure at all to deem somebody as having resigned from a political party. I think there must be a better procedure that will ensure justice to the Member and to the party.

Mr. Ruto: Madam Temporary Deputy Chair, I also beg to oppose the proposed amendment because I think it is the courts of law which have elaborate procedures for enforcing the law. If you allow political parties to start deeming members to have resigned from them-- Some of the political parties already have some dim view of democracy; therefore, you do not expect them to deem any other person. I, therefore, suggest that this deeming business be taken out of political parties. They should just be allowed to go through the normal courts of law.

Mr. Namwamba: Madam Temporary Deputy Chair, I have persistently been trying to get you to address this question of constitutionality. Perhaps, this is the right time for us to just pause and consider these issues of constitutionality. Madam Temporary Deputy Chair, I am in possession here of a letter from the Commission for the Implementation of the Constitution (CIC). This letter is addressed to the Speaker of the National Assembly. This letter, which I will proceed to table

A Hon. Member: Where did you get it?

Mr. Namwamba: Those who are heckling in this House may want to refer to the Constitution and know that the Constitution guarantees every citizen of this land the right of access to information. Therefore---

(Mr. Duale approached the Dispatch Box)

The Temporary Deputy Chair (Dr. Laboso): Mr. Ababu, allow that point of order.

Mr. Namwamba: No amount of heckling can---

The Temporary Deputy Chair (Dr. Laboso): Allow the point of order by hon.--

Mr. Namwamba: But I am on a point of order.

The Temporary Deputy Chair (Dr. Laboso): Were you on a point of order? I thought you were contributing.

Mr. Namwamba: I rose on a point of order. This is a point of order, Madam Temporary Deputy Chairlady.

The point of order is whether we are in order to continue debating this matter before we consider the weighty constitutional issues that are attendant to this matter.

The Temporary Deputy Chairlady (Dr. Laboso): Order, hon. Members!

Mr. Namwamba: Madam Temporary Deputy Chair, I will table this document for your perusal.

(Mr. Namwamba laid the document on the table)

For the benefit of hon. Members, let me just quote a section of the letter:-

“The Commission is, therefore, greatly alarmed by the proposals by the National Assembly to use the Statutes Miscellaneous (Amendments) Bill to amend crucial provisions of the Elections and Political Parties Act. Worryingly, some of the proposed amendments are clearly not intended for the purpose of reforming the law but rather aimed at the personal interest of currently serving Members of Parliament which is a direct contravention of Article 261 of the Constitution.

The CIC is particularly concerned by the proposal to introduce---

(Loud consultations)

The Temporary Deputy Chairlady (Dr. Laboso): Allow him to read the text. It is not his words. There is somebody else who wrote it and he has already tabled the document.

Mr. Namwamba: Madam Temporary Deputy Chairlady, I am putting this on record and no amount of heckling will turn this House into a House of legislative banditry or legislative piracy.

“The purpose of this letter is to, therefore, request you to reject any proposals to the Statutes Miscellaneous (Amendments) Bill to amend the law through a process contrary to the one set out by the Constitution and not to allow passage of any provisions in the Bill that conflict with the Constitution. I wish to point out that since the process being followed currently contravenes the requirements of Article 261(1) and (4) and Section 5 and 6 of the Six Schedule to the Constitution and since some of the proposed amendments contradict the letter and spirit of the Constitution, the CIC will be duty bound to seek court intervention in the event that Parliament passes the offensive provisions”.

(Loud consultations)

An Hon. Member: *Waende huko!*

Mr. Namwamba: Madam Temporary Deputy Chairlady, we may heckle at the top of our voices but that does not take away the fact that this House is duty bound to listen to questions of constitutionality. Let me just remind you that in a ruling of the Chair dated Thursday, 17th February, 2011, the Chair had this to say on a similar communication from the CIC and I quote a ruling of the Chair:- “I rule that the pronouncement of the CIC on a matter such as the present matter has relevance and are of persuasive value and should be consid-

ered carefully by the National Assembly and the Speaker.”

This House is duty bound to consider – “carefully”, those are the words of the Chair – any communication touching on constitutionality from the CIC which is a constitutional organ mandated by the Constitution to oversee implementation of this Constitution. Therefore, I want to plead that we find a way to consider the issues of constitutionality that are on record and if you indulge me, I will proceed to give examples of some of the issues. Indeed, let me raise just one as an example.

The Temporary Deputy Chair (Dr. Laboso): No, we cannot have the full debate on this issue, just give us one issue.

Mr. Namwamba: Madam Temporary Deputy Chair, I will just raise one issue because I want this matter to go on record. It has been proposed---

(Several hon. Members stood up in their places)

The Temporary Deputy Chair (Dr. Laboso): Order, hon. Members! Allow him the one example.

Mr. Namwamba: Madam Temporary Deputy Chair, I am on a point of order. Unfortunately for those who are fans of heckling--- I want to draw your attention to one particular amendment as proposed by Hon. Mutava Musyimi as an example.

(Several hon. Members stood up in their places)

The Temporary Deputy Chairlady (Dr. Laboso): Order! Order, Members!

An Hon. Member: That is useless!

The Temporary Deputy Chairlady (Dr. Laboso): Be careful Members. I will throw somebody out of the House, if you continue to heckle. We are going to hold ourselves in dignity and we are going to debate with decorum.

Hon. Namwamba, complete what you are saying but do not use hon. Musyimi’s example because we are going to debate it next. So, do not use that.

Mr. Namwamba: Madam Temporary Deputy Speaker, I have been challenged to give an example on the record. Hon. Musyimi’s proposed amendment is on record. I want to use it as an example.

The Temporary Deputy Chairlady (Dr. Laboso): You will get the chance to use it when it comes, hon. Namwamba.

Mr. Namwamba: Madam Temporary Deputy Speaker, in that case, therefore, will you allow me to raise a series of issues, which I believe raise weighty constitutional issues, which must, as of essence, invite a substantive ruling by the Chair?

Madam Temporary Deputy Chairlady, I wish to indulge you on that question; as at what point these issues must go on record. I wish you to indulge me on that.

The Temporary Deputy Chairlady (Dr. Laboso): Hon. Namwamba, allow the Chair of the CIOC to make his point. Please, address yourselves to the matters raised by hon. Namwamba, so that we can all---

Mr. Abdikadir: Madam Temporary Deputy Chairlady, the Commission for the Implementation of the Constitution (CIC) is an important institution under the Constitution and the Chair of CIC is a lawyer. But among the functions of the CIC does not include the supervision of Parliament.

(Applause)

The Temporary Deputy Chairlady (Dr. Laboso): Order, hon. Members!

Mr. Abdikadir: Madam Temporary Deputy Speaker, in the function of legislation and especially in the function of legislation dealing with political parties, the National Assembly and Parliament has plenary powers – unfetted powers. Madam Temporary Deputy Chairlady,

let me read you the Constitution:- “Parliament shall enact legislation to provide for the regulation of political parties.” Period! You can regulate them left, right, centre, up and down. That is Section 92(c).

Secondly, Section 92(i) says:- “Any other matters necessary for the management of political parties.”

So, if this House, in its wisdom or lack thereof, decides to regulate political parties in one way or the other, there is nothing unconstitutional about that, whether it is two days’ notice, two weeks’ notice or two months’ notice. That is the National Assembly legislating. It is not subject to the Speaker. It is not subject to the Chair. It is not subject to CIC. It is not subject to the Executive. It is not subject to anyone other than the Constitution and that is the constitutional powers that were given.

Madam Temporary Deputy Chairlady the final point is this:

The letter states and I quote:-

“That is aimed at the personal interest of current Members, which is in direct contravention of Article 116 of the Constitution.”

That Chairman does not even know that the whole of that Chapter is suspended. It is not in force. Now, the worst the Chair of CIC can do is to demonstrate his illiteracy about the Constitution to the National Assembly.

(Laughter)

It is important---

The Temporary Deputy Chairlady (Dr. Laboso): Order, Members.

Mr. Abdikadir: It is very critical. Madam Temporary Deputy Chairlady, it is important for the Chair of CIC and all Commissions to understand the Constitution gives them important mandate. But the

Constitution has given legislative authority to the National Assembly. Period! The

Constitution has given executive authority to the Executive. The Constitution has given judicial authority to the Judiciary. They cannot purport to decide what the Judiciary does for the Judiciary; what the Executive does for the Executive or what the Legislature does for the Legislature. Theirs are constitutional mandates that are unlimited. When they say they are doing this or that on behalf of the people, the Members of this House were elected by more than 10 million Kenyans. No other institution in this land has the direct mandate of the people than this National Assembly has; not CIC, not the President, not the Speaker and, certainly, not any of the other individuals we are quoting here.

So, Madam Temporary Deputy Chairlady, we, as a Committee, say we are constituted, but the decisions in this House are decided by the majority at Committee. Let us move on; let us not try to use technicalities to stop things that we do not want. That is the way legislation is done. They say it is not beautiful. In fact, the saying is that you might not want to watch legislation or sausages being made because they are not tidy. But that is how legislation gets done!

(Applause)

The Temporary Deputy Chairlady (Dr. Laboso): Yes, hon. Midiwo.

(Several hon. Members stood up in their places)

Order, Hon. Members! I have given the Floor to Hon. Midiwo.

Mr. Midiwo: Thank you, Madam Temporary Deputy Chairman. I would like to seek one clarification from the Attorney-General, so that we move forward to whichever way. I agree with hon. Abdikadir that legislation is done in one way. But I want to seek one fundamental

clarification from the Attorney-General.

(Loud consultations)
Madam Temporary Deputy Chairlady, could you, please, protect me from the noise makers?

The Temporary Deputy Chairlady (Dr. Laboso): Order, hon. Members!

Mr. Midiwo: Thank you, Madam Temporary Deputy Chairlady. The Constitution prescribes how the operationalizing Acts to the new Constitution are to find their way into this House. It says the State Law Office, which is really under the Attorney-General, in consultation with the Commission for the Implementation of the Constitution (CIC) are supposed to bring those legislation to the Floor of this House. Is it normal to use The Statute Law (Miscellaneous Amendments) Bill to---

An Hon. Member: Yes!

Mr. Midiwo: You may say “yes,” but this is a matter of clarification. So, the Hon. Members may know, but I do not know. That is why I am asking. So, be fair to me. Is it normal that by way of The Statute Law (Miscellaneous Amendments) Bill, we amend the operationalizing Acts which we already passed in accordance with the Constitution? I think it is good to clarify that, so that Kenyans know that we are not violating the law.

Particularly, I am of the opinion that there is more than meets the eye. I think it is very clear and that clarification should come to us.

The Temporary Deputy Chairman (Dr. Laboso): Order, hon. Members!

Hon. Members, this very matter that we are raising here was raised with the Speaker and he gave a ruling. So, that we put an end to what is going on now, allow me to just read what the Speaker ruled. It reads: “Standing Order No.47 emphasizes this point by providing that the Speaker, if he is of the opinion that any proposed Motion is contrary to the Constitution, without expressly proposing appropriate amendments to the Constitution, may direct either that the Motion is inadmissible or that notice of it cannot be given without such alterations as the Speaker may approve. That said, I must agree with the remarks of the Attorney General made last Thursday, that a conclusion that a provision of a Bill is unconstitutional, should not be casually or hastily arrived at, without considering all the points of view. It cannot be the case that every claim of unconstitutionality suspends the proceedings of this House until a ruling is made by a Speaker. It may well be the case that the claim, on closer scrutiny, is made on account of an erroneous interpretation of the Constitution or is, otherwise, unfounded. It is for this reason that the Speaker may allow other points of views to be advanced or proceedings to continue, as he reflects on the claim of unconstitutionality. That was, indeed, the case in the present matter. I wish to urge the Members, however, that points of order on the basis of unconstitutionality be carefully considered before they are raised. It is possible that the proceedings of the House could become adversely affected if, instead of points of arguments being advanced in debates on the Floor and contrary views expressed on the same manner or by voting for or against specific provisions, matters are, indeed, raised as challenges on constitutionality.”

Hon. Members, that was part of the ruling of the Speaker. In the interest of moving forward, allow us to use the ruling of the Speaker and continue.

(Several hon. Members stood up in their places)

PARTNERSHIP FOR PEACE

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The Partnership for Peace Project score-card

THREE years down the lane and I ask: Did the financial contribution from the European Commission and the Konrad-Adenauer-Foundation facilitate to fill the gaps that were identified in 2008?

The gaps identified were that the state's single track mechanisms in community conflict management and crisis prevention had failed over three years. Inter-ethnic violence had kept recurring every election year for the last 5 elections. Secondly, the state lacked institutional data to help it develop comprehensive policies on community crisis situations. The trends were not codified in any systematic manner. All conflicts were treated as security threats and were dealt with by the government's security apparatus. Socio-economic dimensions to community conflicts were hardly considered.

Thirdly, there existed no back-up support in terms of locally coordinated expert personnel and lastly initial phases of conflict particularly before open conflict were not attractive to the commercially oriented media. Information about threats and potential conflict was not public early enough to call for a response. It made latent

MANAGER'S COLUMN



By
**HANNA
CARLSSON**

and confrontational conflict stages build up too long before they were addressed.

Therefore, this action "Strengthening non-state actors' capaci-

ties to prevent and resolve conflicts in areas affected by the post-election violence in Kenya" focused on building the capacity of civil society organizations in the regions of Rift Valley, Nyanza and Western (the limitation of target area dependent on the fact that at the time the regions accounted for 90% of the community conflicts occurrences). 133 civil society organizations and an undisclosed number of individuals have benefited from the trainings and the gained visibility through the action.

When concluding the outcome of this action I would like to highlight some achievements in reference to the identified gaps: In the three regions there are now capacitated civil societies which are able to engage earlier, when early warning signs are seen, than the old reactive state strategy. It is able to mobilize communities at

the grievance level before overt flare-ups. Also other actions implemented by other actors have complemented to this achievement;

The civil society organizations are able to provide the state with institutional data to help it develop comprehensive policies on community crisis situations. The provincial administration is continuously in contact with the civil society organizations to collect relevant data, to ask for assistance in responding to early warning signs, and spearhead reconciliation meetings;

The civil society organizations are coordinated and act cohesively through established networks. The civil society organizations in the five networks established are able to borrow from each other strengths and report to reference points to make sure that there are not duplications of interventions. The networks can also ask for support and help in a severe situation from regional local expert pools. The experts are particular respected for their knowledge and skills in conflict management, and their ability to work with all ethnic communities.

The monthly Link Newspaper has gained a deeper recognition in the target area and is trusted to report on sources of tensions, before the

mainstream media. The newspaper has also become an interactive medium for information exchange between the civil society organizations in the three regions.

Four bullet points do not capture all the outcomes and impact of this project and many of you readers could add a number of additional points on what this action has achieved and how it has changed the situation in your community.

The action has not only changed diffused entities as communities but also lives of individuals. The new gained knowledge has made individuals to: make life-changing decisions as forgiving their neighbor; change the perspective on their own situation activating them to tackle the challenges facing their community, advance in their professional career.

I am proud to have been a part of this process and I encourage all our civil society organizations to continue the hard work. It is only by our united efforts we will see a new Kenya.

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

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Atwoli tips Nyanza on peace, democracy

BY **AGGREY BUCHUNJU**

THE people of Western and Nyanza provinces have been urged to maintain peace and unity ahead of the elections.

Speaking in Kakamega County recently, the Central Organization of Trade Union (COTU) secretary General Mr. Francis Atwoli described the present political intrigues pitting Prime Minister Raila Odinga and his

Deputy Musalia Mudavadi as "normal" in democracies.

Atwoli, however, quickly added that the political game should not be allowed to undermine peace and harmony between the people of Western and Nyanza.

He asked the people of the two regions to view the emerging political issue in the context of democracy and remain united for the sake of their own socio-economic development

The trade unionist underscored the importance of continued cordial relationship between the Luhyas and the Luos saying the two communities have shared values and they are interdependent in terms of regional trade.

Atwoli observed that for Western and Nyanza Provinces to achieve socio-economic and even political development there must be unity and

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Atwoli tips Nyanza on peace, democracy

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peaceful co-existence.

"Luhyas and Luos need each other in order to prosper and that is why the political differences between Raila and Mudavadi should not be allowed to divide the communities," he said.

He challenged the communities to accord the two leaders audience and respect as they sell their ideologies saying name-calling may promote hatred and hence deny the region victory in the presidential race.

The COTU boss appealed to the communities in the region to support the two leaders' quest for the presidency and not to condemn them.

Atwoli further appealed to the two leaders to embrace competitive politics by selling their ideologies in a civilized manner.

The way the two leaders behave and articulate issues, Atwoli added will entice the voters who will determine who between the two goes to state house.

He challenged the leaders to conduct peaceful campaigns so as not to divide the communities along tribal lines reiterating that at one point the communities will need each other.



Mr. Atwoli at a press conference. Photo/File

Peace committees push for peaceful elections

By JOHN NYAMBUNE

AS Nakuru County braces itself for another election, peace committees have embarked on rigorous campaigns to forestall any escalation of conflicts in the area.

The chairperson of the Rift Valley Provincial Peace Forum, Samuel Musumba, says that the committee is currently engaged in awareness campaigns to sensitize the public on the need to maintain peace both during and after elections.

Musumba says that the peace forums have been mandated to carry out civic education aimed at preparing the ground for peaceful elections.

He revealed that there are 15 peace groups working in the region, among them National Council of Churches of Kenya (NCCK), USAID, and Anglican Church of Kenya (ACK). They are carrying out campaigns aimed at enlightening voters to elect

credible leaders.

Musumba however points out elections of county representatives now presents a major challenge to the gains made in restoring peace in the area.

"In Nakuru County, the issue of who becomes governor is based on ethnicity and not leadership credentials," he adds.

Musumba appealed to all communities in the county to entrust one of their own to negotiate for a peaceful outcome. They need to create a conducive environment during and after the electioneering period.

He points out that national politics have in the past influenced county politics despite the fact that they are pegged on identity rather than being issue oriented.

Musumba discloses that peace committees have put in place mechanisms aimed at strengthening peace structures through training, early

warning and early response, and gearing up efforts of reconciliation among communities.

He further noted that his office has created county peace forums to bring every community on board. He stressed on the need for accountability in these forums, which could eventually foster cohesion among Nakuru County residents.

The Administrator turned peace ambassador agrees with the National Security Intelligence Service (NSIS) report that states Nakuru is one of the major hotspots in the country.

He said that even though there are issues of concern, they will not degenerate to levels experienced during the 2007/2008 post-election violence because of the peace mechanisms in place and the lessons learnt from the International Criminal Court (ICC) process.

Musumba disclosed that conflicts are dynamic, but are worsened by

negative ethnicity and the polarization of politics.

He revealed that major conflicts in the region revolved around land, boundaries, youth unemployment, population, the Mau evictions, cattle rustling and pastures.

Musumba observed that his office's approach is to create a platform of collaboration, networking and partnership with all stakeholders in addressing all the conflicts in the region.

He accused 'briefcase' Community Based Organisations (CBOs) of contributing partly to the problems of Post-Election Violence (PEV) by being partisan in their approach to resolving conflicts.

The administrator pointed out that the lessons learnt in 2007/2008 propelled the government to form a structured and well-coordinated peace approach. Sharing information from the grassroots to the national level will help to avert conflict.



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

Orengo urged to probe Trans-Nzoia land allocation scam

By JOHN NYAMBUNE

THE government has been asked to probe the alleged irregularities in the resettlement of landless people at Chepchoina settlement scheme in Trans-Nzoia County.

The programme unveiled by Lands Minister James Orengo in March this year has sparked public uproar following claims of corruption and political influence.

A local politician has been accused of importing people from Kakamega County to push for their resettlement at the scheme.

Documents available at the local lands office indicate that some of the beneficiaries of the resettlement scheme include allies and workers of the politician.

Lands Ministry last year revoked allocations to former and serving government officials by the former KANU regime to facilitate the resettlement of landless people from various communities in the county.

Most of the beneficiaries of the land at the scheme were former and serving government officials who were allocated between 10 and 50 acres.

Some of the land has in the past remained idle after beneficiaries abandoned them due to insecurity.

While unveiling the resettlement exercise, Orengo said that about 1600 landless people were targeted for the allocations.

The beneficiaries are expected to be allocated between 2 and 5 acres of land.

The allocations have elicited protests from the over 30,000 squatters in the county, with the group claiming that it has been ignored.

A furious Trans-Nzoia Squatters Alliance chairman Mr. Christopher Mutasia termed the resettlement as a sham and called for its nullification.

"Not even one squatter from my group has benefitted from the land



Lands Minister James Orengo with Lands Development and Governance Institute Board chairman Ibrahim Mwathane in past function. Photo/File

distribution exercise. It has been politically manipulated and we are moving to court to stop the resettlement exercise," vowed Mutasia.

Mutasia regretted that politicians have hijacked the programme to suit their political interest at the expense of the targeted group.

"It is a sham. It is unfortunate for a politician to import people from his native home and political allies to be allocated land, when deserving people live in squalid conditions along road reserves," lamented Mutasia urging the

Land Minister to stop the exercise.

Former Kitale mayor threatened to name the politician behind the scam arguing that it is useless for the government to allocate land to well-connected individuals while deserving groups are left out.

"It is a big shame for a politician to have his housemaid allocated land when some people are painfully suffering while living on road reserves. We want the whole exercise cancelled," demanded councilor Werunga.

Kwaza District Commissioner Mr.

Gabriel Risie was reluctant to provide details on the resettlement programme but maintained that right procedures have been followed in the whole exercise.

He said 1681 people are set to benefit from the resettlement programme and already 400 people have been shown their parcels of land.

"We are appealing to those people with allotment letters to show up and get in touch with the District land adjudication officer in order to hasten the exercise," said Risie.

Land dispute threatens peace in Mt. Elgon region

By NYAKWAR ODAWO

THE residents of Kopsiro area in Mt Elgon have appealed to Lands minister James Orengo to help them reposes parcels of land in Kopsiro and Chebyuk respectively, which they claim have been grabbed by well-connected individuals.

A copy of the memorandum availed

to this writer by the residents indicate that two graduates from Texas University namely Rev. Stephen KomonMatwakei and Pastor Peterson Korrok have set up a bible training centre at the disputed site.

The two graduates told The Link that after graduation, they acquired the said parcels of land where they established the bible training college way back in

1998 adding that by the year 2000 they registered the organization with the ministry of social services.

"Between 2002 and 2005, we partnered with other organizations and donors among them a Kitale based International Christian Ministries who welcomed the initiative and agreed to support us to develop our new found project which would act as a change agent

hence bringing people closer to God and thereby promoting peace in the region," they said.

They said the main reason for coming up with the initiative was purely to promote bible studies in the region, adding that later on a senior church official

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PARTNERSHIP FOR PEACE

Ochanda cautions on dangers of subverting the constitution

By **AGGREY BUCHUNJU**

THE constitution is very clear about the formation, operation of the two levels of government and what is required of each government.

Mr. Gideon Ochanda of Konrad Adenauer Stiftung (KAS) said this recently by during Bungoma County Civil Society Organizations (CSOs) meeting in Bungoma Town.

Ochanda challenged Bungoma County residents to jealously guard the constitution with a view to ensuring that the document is not tampered with by the powers that be.

He reminded the participants at the one day meeting facilitated by KAS and Dialogue Africa Foundation (DAF) that anything about Bungoma County must be decided by the county residents themselves.

Consequently, Ochanda dismissed talks of sub-county structures and the recent appointment of 47 County commissioners by the government as unconstitutional.

Ochanda warned that creation of more levels of governance which are not enshrined in the supreme law may create

problems.

"The more levels of governance you create the more problems you create," the KAS official observed.

He told the representatives of Bungoma CSOs that both levels of the government should perform their functions, and exercise their powers without infringing on the rights of the other level as outlined in the article 189 of the constitution

To avoid friction between the two levels of government, Ochanda emphasized the need for the two governments to be in constant consultation as enshrined in article 189(b) and [c] of the constitution.

He urged the participants to read the fourth schedule of the constitution in order to be conversant with the functions of the national government and the county Governments.

On leadership, Ochanda challenged the CSOs to ensure that all people aspiring to be elected as County leaders meet the conditions spelt out in chapter six of the constitution.

Ochanda at the same time reminded Bungoma County residents that it is now illegal for somebody to register in more than one political party as member.



Mr. Ochanda, KAS Deputy Resident Representative.

Land dispute threatens peace in Mt. Elgon region

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allegedly forged their signatures and a memorandum purporting that the two founder members had surrendered the bible training college to the International Christian Ministries.

"The move by the said senior ministry official has seriously affected the majority of our family members and the community at large. I am preparing this grievance letter with a heavy heart and to the point of tears, unable to believe what is happening and wondering why a person whom we had welcomed as a friend has finally opted to turn against us, ejecting us from our land through irregular deals," they wondered, adding that they have been bundled out of their land yet they had exhausted all the resources they had for the sake of the college.

The two further claimed that between 2007 and 2009 the senior church ministry official made sure they were totally barred from setting foot in the bible collage which was their own brainchild.

"This man took advantage of our

eviction from Mt. Elgon during the clashes and the post election violence to evict us from our land. He is using the fake document to cheat and compromise some politicians in the area and also using his position to influence and compromise the local provincial administration to ensure we lose the land completely," they claimed, adding that a local District

Officer (name withheld) who had questioned the move and was willing to help us reposes the land was finally transferred to another station.

They at the same time claimed that the senior church ministry official managed to acquire fraudulently about 20 acres of land in Kopsiro and 50 acres in Chepyuk phase (3) new settlement

scheme at the expense of the affected squatters in the region adding that he even went to the extent of making empty promises.

"We are appealing to Lands Minister James Orengo to move with speed and help us reposes our land that has been snatched from us fraudulently," they said.

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Proceedings of debate on amendments to political parties and elections laws

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THAT, the bill be amended in the Schedule by inserting the following new amendments in their proper numerical sequence -

(ii) by inserting the following immediately after the amendment proposed to section 22(1)-

S. 22 Insert the following new sub-section after sub-section (2)-

(3) Despite the provisions of this section, a person who immediately prior to the first general election held under this Act held the office of member of Parliament or member of a local authority shall qualify for nomination as a candidate for election as a member of Parliament or as a member of a county assembly respectively in the

first general election held under this Act. S. 23(3) Insert the following new paragraphs after paragraph (c)-

(d) a governor;

(e) a deputy governor;

(f) a member of a county assembly.

Dr. Nuh: Mr. Temporary Deputy Chairman, Sir, with respect to Section 23(3), I am again guided by the Constitution although I was seeing that even the Constitution has denied some rights to people who should have had it. But I want to withdraw because it is in contravention of Section 137 and Clause 2 and 3 of the Constitution. So, I withdraw amendment to Section 23(3).

(Proposed amendment to Section 23(3) by Dr. Nuh withdrawn)

The Temporary Deputy Chairman (Mr. Ethuro): The hon. Member has withdrawn the proposed amendment to Section 23(3) and so I will only propose Section 22.

(Question of the amendment proposed)
(Question, that the words to be inserted be inserted, put and agreed to)

(Provisions relating to Section 22 of the Elections Act, as amended agreed to)
Sections 28 and 29 – The Elections Act, 2011

Dr. Nuh: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the bill be amended in the Schedule by inserting the following new amendments in their proper numerical sequence -

(iii) by inserting the following immediately after the amendment proposed to section 27-

S. 28 Re-number the present provision as sub-section (1).

Insert the following new sub-section after sub-section (1)-

(2) Despite sub-section (1), a political party shall inform the Commission of any changes made to its party membership list not later than fourteen days before the nomination day.

S. 29(2) Delete

The amendments are on 3678 on the Order Paper in respect of Section 28. The input of this is important because of the freedom of movement and association as enshrined in the Constitution. We have said in the Political Parties Act, for sanity of the register that will be used towards the nomination, we are saying that at least 14 days before nomination, any update to the register that is valid should be communicated to the Commission for them to determine who is in the membership list of the party and who is not.

As regards Section 29, I propose the deletion of both sections 1 and 2. In cases where parties might not have candidates even at the county level or should I say in the constituency, why would it be mandatory for them to be restricted to nominate members of other political parties or even an independent candidate where a political party does not have any person to nominate in the first place? So

I am proposing a deletion of Section 29(2).

The Temporary Deputy Chairman (Mr. Ethuro): Hon. Dr. Nuh, if you can just highlight the ones you think are significant, we can read the rest that are obvious.

Dr. Nuh: Mr. Temporary Deputy Chairman, Sir, as regards Section 31, we are talking of---

Mrs. Odhiambo-Mabona: On a point of order, Mr. Temporary Deputy Chairman, Sir, I would really like to raise an issue of concern. Hon. Dr. Nuh has several amendments which he is dealing with all at once. In some of those amendments, we are not even aware of what we are passing. I think we will realise tomorrow that we do not know what we are passing. We need to look at those amendments one by one. We need to be informed of what we are passing.

We do not want to come back later and start giving excuses that we passed things in a hurry at midnight. Even if we are passing them at midnight, we need to know what we are passing at midnight.

Mr. C. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I think hon. Mrs. Odhiambo-Mabona has said it all. I think what is happening is either Members are fatigued--- We are now passing these laws without even understanding the implications.

Like now, we have given a blanket waiver on qualification on Members of Parliament.

When Hon. Dr. Nuh was moving his proposed amendment, he never gave the rationale.

So, we need to be very careful because we do not want to be accused of passing bad laws.

Mr. Temporary Deputy Chairman, Sir, to be very precise, it is wrong to be discriminatory, whereby we put qualifications for Members of Parliament, which are different from somebody outside there. Just to expand on that, it is one thing to say that the qualifications for Members of Parliament are exempt from that provision of postsecondary---

The Temporary Deputy Chairman (Mr. Ethuro): Except, hon. C. Kilonzo---

(Mr. C. Kilonzo interjected)
No! No! The Chair cannot allow you to do what is not permissible. We have already finished that. I think the argument by Mrs. Odhiambo-Mabona, which I thought you were going to fortify, was that we give more time per sections, which I am willing to allow. I would also like to remind the House that this Bill could not be discussed yesterday for one simple reason; that all the amendments were to be published and circulated. They were at the Reception for the purposes of Members looking at them against the Bill and against the statutes themselves so that, by the time we come here, we already know what we are talking about. That time was given. But I am willing to consider the amendments to be moved per section.

Mr. C. Kilonzo: Mr. Temporary Deputy Chairman, Sir, what I am getting is this: We have the Statute Law (Miscellaneous Amendments) Bill here which had given the requirements. So, we have abandoned it and gone directly to the proposed amendments by individual Members. What I would have suggested is we do them together. If this happens, then we will agree. We cannot just leave what is provided for because there was a provision on qualification under the Statute, which was never called.

The Temporary Deputy Chairman (Mr. Ethuro): Order! Order, hon. Members.

My head is very clear on this one. We have followed everything according to the sections of the Bill. The amendments

are in the light of the sections of the Bill. I think if one or two Members may not be following, that is not a good reason to assume that all of us are not following.

Mr. Ogindo: On a point of order, Mr. Temporary Deputy Chairman, Sir. I have a small point of order on procedure. I was very keen on this amendment by Dr. Nuh that seeks to lower the qualification requirements.

Mr. Temporary Deputy Chairman, Sir, when you put the Question - and the HANSARD will bear me out - you did not propose the Question. You went straight and put the Question. That is how we missed it. I was up on my feet.

The Temporary Deputy Chairman (Mr. Ethuro): Order Members! What we have before us are Sections 23 and 29.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): On a point of order, Mr. Temporary Deputy Chairman, Sir, I think Hon. C. Kilonzo has raised a very serious matter. This House must be responsible to this nation. This House should not pass laws in its own interest. We should pass laws for the sake of posterity.

(Applause)

Mr. Temporary Deputy Chairman, Sir, we are moving from county councils now, which are smaller institutions, to county governments. If we are going to have a governor with high qualifications and with some of the councillors as you know them today, we will not have proper county governments.

An Hon. Member: Exactly!

The Minister for Medical Services (Prof. Anyang'-Nyong'o): So, Mr. Temporary Deputy Chairman, Sir, I think this is something that whatever we have done---

(Several hon. Members stood up in their places)

The Temporary Deputy Chair (Mr. Ethuro): Order, Hon. Members!

Mr. C. Kilonzo: On a point of information, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Ethuro): Order, Hon. Members! Order, Hon. C. Kilonzo! Let me be very clear, Hon. C. Kilonzo; you will ask to inform an Hon. Member and it is the Chair to ask that Hon. Member if you can inform them. I did not allow you to inform that Hon. Member and I think my job is to ensure that you follow the procedures.

Prof. Anyang'-Nyong'o, you are right! However, you should have done it when the proposal was before us. I cannot go backwards, Prof. Anyang'-Nyong'o!

(Applause)

The Minister for Medical Services (Prof. Anyang'-Nyong'o): On a point of order, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Ethuro): I cannot! There are procedures in which you can even revisit; that is up to you to look at them. But for now, we are on Section 28 and we will proceed accordingly.

(Several Hon. Members stood up in their places)

(Question, that the words to be left out, put and negatived)

Hon. Members: That is being deleted.

The Temporary Deputy Chair (Mr. Ethuro): That is being deleted, is it not? I am repeating; I therefore, wish to put the Question---

Mr. Midiwo: On a point of order, Mr. Temporary Deputy Chairman, Sir. I kindly beg you to listen to me. I know that people are tired, but we are following the Bill. We have not dealt with Section 22 in the Bill and Section 27 in the Bill; we are already up there. That is where the confusion arose. We are following the actual Bill, but you are fol-

lowing the amendments as they appear on the Order Paper. So, we had no way of even knowing what you were calling. We are not in guillotine; you proposed an amendment which is not in the Bill itself.

(Loud consultations)

The Temporary Deputy Chair (Mr. Ethuro): I think hon. Midiwo may be having a point. The question is that we have a section 10(1) which we disposed of; we went to Section 22(1) which was disposed of. Where are we? Are we on Section 29?

The Minister for Trade (Mr. Wetangula): Mr. Temporary Deputy Chairman, Sir,

I think we are having a convoluted process. This is because if you look at what---

The Temporary Deputy Chairman (Mr. Ethuro): Hon. Wetangula, I hope that you have the Bill because that is where we are following the amendments.

The Minister for Trade (Mr. Wetangula): Mr. Temporary Deputy Chairman, Sir, I do have the Bill and know why I stood up.

The Temporary Deputy Chairman (Mr. Ethuro): So, you have to give us the page number because actually, I am trying to dispose---

The Minister for Trade (Mr. Wetangula): Mr. Temporary Deputy Chairman, Sir, let me finish. If you look at page 3678 of the Order Paper, we have passed hon. Dr. Nuh's amendment on Section 22. But on the Bill, we also have an issue on Section 22. I do not know if we will go back to that, because you ought to have dealt with the Bill--- When you finish with the Bill, you go to the hon. Members' amendments. That is normally the procedure.

Mr. Temporary Deputy Speaker, Sir, secondly, when you have a raft of amendments, like Dr. Nuh, he has to deal with one after the other. He says: "This is my amendment and this is what I want" then, we debate or vote and move on, otherwise, we may be at cross-purposes in what we are doing.

Mr. C. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I am very glad that my good friend, hon. Wetangula, has really made the case for me. We were doing very well until we got to Section 10(1) and then we stopped following the statutes to the Bill. We are expected to go by the Bill and if there is something related to that from the Hon. Members' amendments, we will look at it, but not through the Bill. We went straight to the Order Paper.

(The Temporary Deputy Chairman (Mr. Ethuro)

(consulted with the Clerk-at-the-Table)

The Temporary Deputy Chairman (Mr. Ethuro): Let me just clarify one thing. I am advised that the procedure has been that, first, we deal with the amendments which are proposed by the hon. Members. If you heard actually, the language is: "The provisions relating to the Elections Act"--- I have not put the overall Question, where the amendments that we have accepted plus the provisions that are already on the Bill itself can now all become part of the Bill. The provisions of the Bill that have no amendments will have to be carried the way they are. Agreed?

What is it, Prof. Anyang'-Nyong'o?

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Chairman, Sir, I would really need some guidance in this House. This is because if you look at the amendments by Dr. Nuh, they go through almost the whole Act. Maybe you should guide us from now on and maybe we should establish a precedence which will

help the House. When an hon. Member is proposing so many amendments to an Act of Parliament, would it not be a better procedure for that kind of thing to go, first, to the Legal Committee, so that they can scrutinize these things in detail, so that when the House comes to discuss them, it is guided by the Legal Committee? If an hon. Member is only suggesting one amendment, it is easier for the House to deal with it, but if he sits down alone and makes 1001 amendments to an Act of Parliament, he ought to submit them to the Legal Committee..

Mr. Keter: On a point of order, Mr. Temporary Deputy Chairman, Sir. There was also an amendment by hon. Chanzu to Section 22 which you did not even table. You moved to Sections 28 and 29 without ventilating on all the amendments which are dealing with that section. Just like we have been dealing with all the sections, you should clear all the amendments so that you adopt it as it is. So, I beg that we go back to Section 22, clear all the amendments and then move on.

The Temporary Deputy Chairman (Mr. Ethuro): Hon. Members, let me proceed. The argument by hon. Anyang'-Nyong'o is fine. However, once we reach here, any Member including your good self can bring an amendment and you cannot go back to the Committee. It is up to the House to decide. Whether you are a lone ranger amending the entire Bill, that you cannot take away from an hon. Member. In fact, you should be congratulated for attempting to do so.

On the one for Hon. Keter, we should have mentioned that once we adopted the one for Dr. Nuh then the one for hon. Chanzu collapsed because it is basically the same.

The only valid point now is that there is an amendment to Section 13 by Hon. Ms. Martha Karua who should have come between 10 and 22. So, we can move to that and then we move in that order.

Yes, Ms. Karua.

Section 13 – The Elections Act, 2011

Ms. Karua: Thank you, Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, the Bill be amended in the Schedule as follows:-

(d) in the amendments proposed to the Elections Act (No.24 of 2011), by inserting the following new amendment immediately after the amendment proposed to section 10-

Section 13

Insert the following new subsection immediately after subsection (1) -

(1A) In nominating candidates for an election under subsection (1), a political party shall ensure that not more than two-thirds of its nominees are of the same gender.

The rationale for this is that the Constitution says that not more than two-thirds shall be of one gender, either in the National Assembly, in the County Assemblies or in the Senate. Members will recall that we have a 349 chamber, according to the Constitution. If we leave it for women to be nominated to make the one-third, we are likely to end up with a Parliament of over 400 Members. That chamber has been renovated for 350 Members. Instead of waiting for women to come through nominations, let political parties give them a chance to fight for seats. However, nobody will dictate to the parties where those women will be. Each party will check where they have strong women candidates. Therefore, I beg to move this amendment.

TO BE CONTINUED IN THE NEXT ISSUE

State rolls out plans to combat climate change

By JOSEPH MUKUBWA

THE Government is in the process of developing a comprehensive Action Plan which will help to address the climate change phenomenon.

The Government with support from the development partners and other stakeholders will develop the plan in order to implement the National Climate Change Response (NCCRS) that was launched in year 2010.

Central PC Kiplimo Rugut said the Action Plan has eight operational sub-components that once ready will be mainstreamed into the relevant socio-economic sectors and funds identified for implementation.

"The Action Plan provides the potential for collaboration with Kenya's development partners to ensure full implementation of the National Climate Change Response Strategy," he added.

He was speaking at Green Hills hotel in Nyeri town during the three - day county level consultative meeting for Central Province.

The administrator said the process is designed to involve county stakeholders in consulta-

tions in line with the constitution.

He told the participants to be ready and willing to share their experiences of the evidence and

impacts of climate change.

Central provincial director of Meteorology Nguatah Francis regretted that the central region has

been adversely affected by the climate change and areas which have been producing bumper harvest might lack food at this time.



Participants share a cup of tea during a three day consultative meeting on climate change at Green Hills hotel in Nyeri. Photo/Joseph Mukubwa

Water and Sanitation projects gets major boost

By NYAKWAR ODAWO

THE government, in collaboration with the African Development Bank, Unicef, the World Bank, Community Development Trust Fund and other donors, has set aside Ksh1.7billion to oversee the construction of the proposed Mt Elgon, Bungoma and Teso Water and Sanitation project.

Addressing stakeholders during a District Development Committee forum held at the Nambale Town Hall, Busia District Development Officer Charles Kimani said the project will be implemented in six districts namely Cheptais, Bumula, Teso North, Teso South, Nambale and Bungoma South, adding that it will traverse Bungoma and Busia Counties.

He said the project area has an estimated total population of over 800,000 of which a total of 38per-

cent have access to water leaving out an estimated population of 62percent with no access to potable water.

"According to the Global Environment outlook 2,000, Kenya is rated as a water scarce country in Africa. The country has only five main water towers that are currently under pressure from human activities causing degradation hence depleting available water resources," said Kimani, adding that this has compounded the problem of water availability in the county.

He said in Kenya, 57 percent of the population have access to safe drinking water. "However, access in rural areas stand at about 48percent as compared to 82percent in the urban areas indicating an 82percent drop from 90percent in recent years partly due to rural-urban migration," he explains.

"Access to potable water within the region is currently averaged at

30percent mainly due to limited water resources, pollution of available water sources, distance from available water sources and high cost of installing, operating, treatment and conveying potable water to the consumers," he said, adding that this has made availability and quality of potable water to the people within the project area inadequate.

He added that within the project area, there is low sanitation coverage causing pollution of surface water sources hence the high prevalence of waterborne diseases due to use of contaminated water.

"The existing water supply system is being vandalized by farmers along the existing supply system to tap water for irrigation especially during the dry season. "This has raised tension within the project area leading to water conflicts with dwindling water resources especially between

downstream and upstream users," said the district development officer.

He at the same time said that women and girls who are often tasked with the responsibility of fetching water for the household in many places in the rural areas are forced to walk for long distances and make long queues to obtain the commodity hence wasting economically productive time leading to cyclic poverty within the project area.

"Lack of access to potable water has also led to poor performance in schools since most pupils spend most of their time fetching water hence losing time for their academic studies," said Kimani.

He said the project will be implemented in four phases starting from 2012 and ending in December 2016 with each phase lasting one year, adding that during this time the community will be fully involved and technical department will also be involved in the overall supervision to ensure its successful completion.

Kitinda, Malikisi industries set for revival

He lauds the constitution saying for the first time in the history of the nation public recommendations have been taken into account during the review of estimates of revenue and expenditure.

"Citizens should be proud of the new constitution because it allows them to participate in all matters of national importance including the budget," he says.

The parliamentary budget committee is according to article 221(5) supposed to seek representations from the public before tabling the estimates

of revenue and expenditure in parliament for consideration.

About the other collapsed industry; pan paper mills, in Webuye Town of Bungoma County, Sambu claims that the government has cleared all the debts that largely contributed to its collapse.

Sambu, who is also the area MP, does not say how much money the government has used to clear the debts in order to facilitate the re-opening of the one time largest paper factory in East and Central Africa.

"The factory will be running in

the next three to six months and the government has agreed on the way forward," that is all he says.

Former workers of the factory however, dismiss Sambu's assertions that the mill will start running soon as pure lies.

They wonder why the government had to wait until around the campaign period to come up with the declaration to re-open the factory. The workers led by Joseck Wafula say they are tired of waiting for the re-opening of the plant which they claimed has been turned into a campaign tool by leaders.

Embu ESP health centre set to open soon

By PETER MUTUKU

A HEALTH centre constructed at a cost of Ksh 21.2 million under the Economic Stimulus Programme (ESP) in Kithimu, Embu West District, is complete.

The project has received green light from the Embu West District Inspection and Acceptance Committee and will soon open its doors to the public.

The committee, led by its chairman Embu West District Commissioner Maalim Mohamed and other line ministry heads, toured the health centre to inspect the project before approving payments for the final phase.

The chairman said that the committee has to ensure that the health centre is built to the required standards, so as to ensure that the government gets value for its money and addresses the thorny issue of corruption that has continued to affect government projects.

"We have come here to make sure things have been done as per what we had anticipated, as we don't want to pay any money to the contractor for work that he has not done," he said, adding that the completion of the project is a major step in the realization of the vision 2030.

Embu West District medical service officer, Elizabeth Githinji, said that the project received Ksh 8.1 million for the first phase in 2009, and later received a similar amount for the second phase.

"We later received an extra Ksh 5 million for the final phase for the completion of the project, which now we have come to inspect before we approve the payments," she said, adding that the health centre is now ready to start giving health services to the needy.

She said that the health centre, which has been offering dispensary services, now has a maternity ward, the children's ward, and the men's and female observation ward, among other services that were not there before.

The MOH pointed out that the residents of Kithimu region who have been travelling for more than 20 kilometres to the Embu Provincial General Hospital will now have health services closer to them.

"Pregnant women, particularly, have been suffering a lot while using the 20 kilometres rough road to seek maternity services at the Embu PGH, and others have even lost their lives in the process due to the poor road network," she posed.

Githinji noted that the ministry is now organizing itself to deploy more staff to the health institution. Those who have been serving at the dispensary are not enough to give proper services to the public in such a big health institution.

By AGGREY BUCHUNJU

THE government has allocated a total of Ksh. 150 million to Bungoma County to revive collapsed industries.

Parliamentary budget committee vice chairman Mr. Alfred Sambu says the funds will be factored into 2012/2013 national budget.

The beneficiaries of the funds are; Kitinda Dairy Industry, which has been allocated Ksh. 100 million while Malakisi Cotton Industry has been allocated Ksh. 50 million.

Sambu points out that the two industries benefitted from the allocations owing to the public participation in the national budget making process.

Nestlé Healthy Kids programme launched in Kenya

By HENRY OWINO

ABOUT 3500 school children in 15 public primary schools are set to benefit from a balanced diet programme jointly initiated by the Ministry of Education and the Nestlé Equatorial African Region.

The program targets lower primary school children aged between 6-10 years with the aim of improving their nutritional levels and promoting healthy lifestyles.

The programme was officially launched by Education Assistant Minister Calistus Mwatela at St. Georges Primary School, Nairobi. The programme is dubbed "Nestlé Healthy Kids Programme in Kenya."

Mwatela underscored the need to provide children with balanced diet for optimal growth. He said that most of the lifestyle diseases that are affecting people today can be traced back to childhood eating habits.

"The rampant cases of poor nutrition among school going children is negatively affecting education performance of our children. While parents have a responsibility in providing their children with healthy diets, this role may be challenged by lack of proper information and also busy lifestyles," said Mwatela, adding that schools must actively take up their role to bridge the knowledge gap that exists in the area of nutrition and healthy eating habits.

The Assistant Minister alluded that 'Nestlé Healthy Kids programme in Kenya' has been aligned to the current school curriculum, and provides essential teaching materials including posters, flash cards and interactive games, which helps teachers to involve the children in interactive learning about healthy eating, physical exercise, hygiene and sanitation.

Mwatela explained that fifteen schools in Nairobi will be participating in the implementation of the first pilot phase, involving 3500 children before the programme is replicated in other schools across the country.

According to Pierre Trouilhat, the Nestlé Equatorial African Region, Chief Executive Officer, the 'Healthy Kids Programme' in Kenya, is informed by research conducted on nutrition and physical activity among children at the lower primary school level.

He said that the baseline survey had established that inclusion of healthy nutrition programmes into primary schools curriculum and other levels of formal and informal edu-

cation can improve knowledge and bring behavioral changes associated with eating habits.

Trouilhat explained that Nestlé Healthy Kids Programme, is a global initiative, and by the end of 2011, there were 65 programmes operating in 60 countries and another 21 are in the pipeline to run from 2012 to 2014.

He said Nestlé reached more than six million children across the globe in 2011 through the programme. The CEO said that the programme appreciates the diverse needs of school going children across different markets, hence the need to tailor the global programme to suit the needs of school going children in Kenya.

Trouilhat pointed out research identified education and awareness as key area of concern and the company is pleased that the Ministry of Education and the Kenya Institute of Education have partnered with them for the successful implementation of the programme.

"As I stand here today before all these young children, I am reminded of my childhood days, which are definitely the best years of a person's life. I am very pleased to be here to launch the Nestlé Healthy Kids Global programme in partnership with the Ministry of Education," said Pierre

Trouilhat.

Trouilhat clarified that the objective of Nestlé Healthy Kids Global Programme, which started in 2009, is to raise nutrition, health and wellness awareness of school-age children around the world.

The intention he said is to implement the scheme in all countries where the company have direct operations. As the largest food and Beverage Company, Trouilhat felt it was their duty to alleviate the dual problem of obesity and malnutrition, which, together, affects over 2 billion people globally.

"The Nestlé Healthy Kids Global Programme forms an integral part of our commitment to improving global nutrition and health through the promotion of greater awareness, improved knowledge and effective practice of healthy eating and regular physical activity among school going children in Kenya," said Trouilhat.

He emphasized that education is a powerful tool for ensuring that children understand the value of nutrition and physical activity, and continue leading healthy lives as they get older. In Equatorial African Region, the Chief Executive Officer said the program is already being implemented in Zimbabwe, Mozambique and Mauri-

tius.

"We are gearing up to launch of the program in Democratic Republic of Congo later this year and Zambia next year," proposed Trouilhat.

"We are aware that with every country or community facing a different set of challenges, each solution must be based on a thorough understanding of local culture and issues, and must also be tailored to local health needs of the children if the programme is to succeed in the schools over time," he suggested.

The research will form part of the reference materials in developing the course outline along with the partners who are Ministry of Education, the Kenya Institute of Education and City Education Department to get the 15 schools for the first pilot phase.

According to Christine Masta, the Communication Officer, Nestlé, the information is provided in the teaching materials and has also been developed and collated in collaboration with key stakeholders including teachers, Kenya Institution of Education, City Education, Ministry of Education, School Health Programme and also the school going children at various levels of education.

She gave example such as a range of fun, colourful, recognizable mes-

sages and pictures and also interactive and interesting physical activities that children interact with on a day to day basis.

Christine however, noted majority of the children, have mixed messages when it comes to the foods they recognize as important for their health. While many of the children know that fruits, vegetables and legumes are good for health, they tend to consume a lot of processed snacks, fast foods and soft drinks.

"I am happy to note that this programme is informed by deep insights, collected during our baseline survey conducted in the last one year and involving twenty primary schools in Nairobi. The study has helped us to identify areas that the programme needs to focus on. To deliver the best results, the Healthy Kids Programme in Kenya has been designed to address the specific health needs of local children, keeping in mind the resources available to them and the local implementation team. Our local programme partners, through their knowledge, expertise and first-hand experience, help us to better focus on local needs," explained Christine Masta.

She stated that the programme is currently targeting class one, two, three and four during the initial phase of implementation. These Lower Primary children were identified as key target audiences because it is where behavior change is greatly needed, to ensure proper eating habits are nurtured at a very early age.

Christine said that the children will at the same time be taught on healthy ways to handle food and the importance of good personal hygiene.

"Our hope is that parents and teachers will encourage the children to take these feeding habits through to the upper primary school level and thus establish a new eating culture. As the programme gets integrated into the daily culture of the children, we hope it will give them the chance to develop positive attitudes and behaviors towards food and exercise to achieve and maintain a healthy body weight into adulthood," Christine urged stakeholders.

Grace Situma, the headmistress of St Georges Primary School, thanked the company for such a move and assured parents, guardians and the Ministry that the program will be fully implemented.

Situma urged the parents and guardians to work together with teachers so that everyone plays their role for the general school's performance.



Mr. Mwatela, Education assistant minister addressing the press in a past function.

Flourishing Meru County readies for greater development

By PETER MUTUKU

THE Meru County has witnessed tremendous development over the past five years with the agricultural, infrastructure, education, health and tourism sectors registering remarkable growth.

Substantive amounts of money have been pumped in to key sectors with the roads receiving an approximately Ksh18 billion.

Major roads that have benefited from the funding include Ruiru-Isiolo-Muriri-Micici Mikuru, Meru-Marimba, Kionyo-Chogoria and Lewa-Isiolo roads which have been allocated between Ksh1.5 billion and Ksh. 3.5 billion respectively.

Roads Minister Franklin Bett

intimates that the county has received the greatest share of budgetary allocation towards roads construction.

The agricultural sector has also benefitted from government funding with allocation of Ksh 188 million to oversee the construction of the Gakoromone open air market.

Besides the Gakoromone market, several regional markets are being constructed under the Economic Stimulus Package.

Currently construction works are ongoing at the Muthara market in Tigania East, Kariene market in Meru Central district, Nkubu in Central Imenti, Kiirua market in North Imenti amongst other similar projects like the Jua Kali sheds

which have been built in Timau, Mikinduri, Kithongo and Mutuati areas.

The tourism sector has also received a boost with Meru National Park being the epicenter of tourism.

It is expected that whoever becomes the Governor of Meru County will capitalize on the unexploited potential in the tourism sector which prides itself for tourist attraction sites such as Lake Nkunga and Lake Mbututia.

Unlike the neighbouring Tharaka Nithi and Isiolo counties where patients have to walk for long distances in search of health facilities, Meru County is endowed with health centres which are separated by a span of five kilometers.

The county is expected to receive a major facelift with the Tana Water Services Board working on major drainage and sanitation projects for the town.

According to the Chief Officer at the Tana Water Services Board Eng. Moses Naivasha, more than Ksh 2 billion will go towards providing clean domestic water and improving sewerage systems within the major urban centers.

He says plans are underway to redesign the sewerage system within Meru town and relocate Gakoromone dump site at a cost of Ksh. 12 million.

The rehabilitation of the sewerage system has jointly been funded by the Government of Kenya and

the African Development Bank to the tune of Ksh1 billion and is being

As the county government takes shape, water issues are taking the centre stage with most of the aspirants and organizations promising to put in place measures that will ensure adequate supply of water for both farming and domestic use with Buuri constituency being the focus of irrigation due to vast idle land.

According to Fr. Andrew Biko, the Catholic Church is putting up a major dam covering 40 acres in Nyambene Forest with support from other churches and organizations abroad and urges the political fraternity in Igembe and Meru County support the project to hasten the completion rates.

Grinding poverty robbing Kenyan youth of their youthfulness

By JOHN NYAMBUNE

FOR many days, Samson Anunda would sleep with pangs of hunger gnawing at his empty stomach.

Luck came knocking, however, when the founder of Uzima Foundation, Humphrey Were, recruited him into a useful and purposeful group.

Were, 79, is a retired civil servant. He has dedicated his retirement to consulting for the United Nations and other agencies while transforming the lives of destitute youth through Uzima. Together with his wife, Professor Miriam Were, they have touched thousands.

Uzima, which means life in Kiswahili, literally injected life back into a group of youngsters who had given up any hope of living. It galvanized them into a purposeful and focused entity, driven by greater vitality, creativity and fulfilment.

Expert

Were, an expert in agribusiness, uses his expertise and vast experience in agriculture acquired from years of work across Africa and the United States of America. Were encouraged the youth to form self help groups that engage in income generating activities.

"When young people are given a purpose to live for and a hope for tomorrow, they focus on growing themselves, their families, and the national economy. If left to be eaten by the cancer of idleness, they easily get lured into crime, alcoholism, prostitution and other dangerous and life threatening vices," says Were as he recalls how he helped restore hope in Anunda and others.

Anunda and other young inhabitants of Busilwa Irechelo village in Kakamega County, Western Kenya were given what leadership Guru Robin Sharma calls the keys to self-leadership, personal responsibility and spiritual enlightenment.

Like Sharma states in his book *The Monk Who Sold his Ferrari*, Were helped the young people to banish worry from their lives by conditioning their minds to translate every event into a positive, empowering energy. They stopped being prisoners of their past and became the architects of their future.

Today they engage in various farming activities as organized groups. From planting bananas, and vegetables to rearing chicken and indulging in fish farming. They even engage in competitive sporting activities that help build team spirit while relieving stress.

In his earlier life, Anunda could barely afford a daily meal for his family. With torments that come with poverty, he struggled to provide for his four children. Education and other basic needs became a dream. That, however, was before the formation of Uzima Youth Group Irechelo (UYGI).

Anunda initially joined the group as a security guard watching over the fishponds. His pay could barely meet ends meet. However, after encouragement from friends, he joined upon paying the Ksh 10, membership fee.

The group gave him a few suckers of tissue culture bananas and two chickens to start off a business venture that he pursues to this date. The rest of his success was driven by passion and a desire to bid farewell to poverty and pangs of hunger.

Architects

With his two acre architects, Anunda began to transform the proceeds of



Youths in a past function.

Photo/File

his God given soil into fortune and wealth. Today he sells between 30 to 35 chickens and 30 bunches of bananas, earning him an estimated Ksh. 15,000 a month. Farming has also tremendously improved the nutrition and health of his family.

The farming business is not for the faint of heart, he advises. Determination, patience and hard work drive this 35-year-old. "Although poverty and ignorance barred me from climbing the academic ladder, I promised myself that what I failed to gain academically, my children will attain and surpass it," affirms Anunda.

Anunda and his colleagues are now driven by an insatiable hunger for solutions –breaking away from the vicious cycle of poverty. They are helping the government in improving family nutrition, creating wealth and, ultimately, driving the country in attaining the United Nations Millennium Development Goals (MDGs).

Despite lacking clear policies, coupled with failure on agricultural extension services in the country, the success of Uzima Youth Group has made it famous across Western Kenya. Most parents hail the group for helping their children eschew the dangers that most youth in Kenya have fallen into: delinquency and crime.

The organization facilitates expert training to its members on farming and basic financial matters. It helps them distribute banana suckers and indigenous chicken to each group member. Members endeavour to produce enough bananas, eggs and chicken meat for domestic consumption and trade.

The Group Coordinator, Maximilla Khavele, says that apart from empowering children and youth, the group also sensitizes "members on HIV/AIDs, malaria and dangers of drug abuse."

UNICEF

Maximilla says that although UNICEF places youth with the ages of 14 to 24 years, the Uzima Youth Group allows anyone aged 10-40 years to join as long as they pay the membership fee, which is equivalent to an egg.

Mr. Were, the UYGI patron, says it is critical to equip children with a clear understanding of social dynamics. For any nation to grow, he asserts its youth must be involved in all de-

velopmental issues.

He says, "the images we saw daily of young people idling along the road, some drunk with others absolutely doing nothing galvanized us into action. We decided to bring them together and show them that opportunities exist everywhere and that given a chance every one of us can transform our lives."

Today, the group has 300 registered members. It endeavours to promote the values that help cope with challenges facing many African nations. According to UNDP, food insecurity and malnutrition remains major impediments standing in the path of sustainable development and economic growth for the developing world.

Were, a US trained agriculturalist, worked as a food production officer, chairman of the Agricultural Society of Kenya (ASK) and one time commissioner to the Poverty Eradication Commission (PEC).

He spent many years in Southern Sudan at the height of its civil war doing relief work for the United Nations. He says that the group's objectives gear toward improving food security, tackling malnutrition, reducing poverty and creating wealth.

The youth project started in early September 2010. It not only strives to open job opportunity doors, but also to create wealth for the members and the community at large.

From a mere Ksh10 initial capital per member, the group now boasts of a thriving poultry and banana business and 15 fishponds. It is still growing.

Though fish feeding and fingerlings remain a big challenge, the group is expecting a major fish harvest this season. Patrick Makutu, the group's fish officer, says that once the fish are mature, the local community will form its immediate market as it maps out expansion strategies.

The young farmers' group dreams to build its own fish processing industry one day: "We have watched small seeds of hope grow into big dream and we believe that our big plans will become a reality one day. We have even started saving towards the big project."

Reaping millions

While fish farming is yet to pick up, poultry farmers are reaping millions all over Kenya. Jasper Nkenye, Director of Agricultural Engineering Serv-

ices, says the government is placing emphasis on farming diversification to reduce by half the population faced by poverty.

Khavele is all smiles as she visualizes the millions of shillings flowing her way. The 23 year old has sold 10 poultry birds and says she is still contemplating in which project to invest the proceeds. She says that with good care, dedication, and close monitoring, a single fowl can bring forth 15

chickens within 75 days.

She explains that a mature hen lays up to 15 eggs, which, with proper brooding conditions, hatch into 15 chicks. With a proper feeding diet and early diagnosis when sick, the will chicks mature in 75 days and start laying eggs. "If 10 out of 15 chickens lay 150 eggs, you can double your harvest within 75 days. It is a big and viable concept for meeting food security and wealth creation," she suggests.

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Sio Basin Scheme farmers set for cash reward

By NYAKWAR ODAWO

THE government through the ministry of Water and Irrigation has allocated a total of Ksh57million towards compensation of farmers affected by the proposed lower Sio Basin irrigation scheme project.

Addressing stakeholders during a one day sensitization forum that was held at the Busia district headquarters boardroom recently, the National Irrigation Board chief irrigation officer Mr Daniel Atula said that the proposed scheme will utilize the water from River Sio in order to boost farming in the area.

Already, the board has dispatched a valuer and a surveyor on the ground to undertake a feasibility study on the phase one of the project which will traverse Namaderwa-Bulwama, Busina-Mundika and Samia districts and cover 1,700 hectares, 2,053 hectares and 675 hectares respectively.

"Environmental impact assessment has already been done within the proposed project areas where the pipeline will pass through. If the land proposed for acquisition has any structure in it, then the owners of the affected land or parcels of land will be compensated for the same as well," said the chief irrigation officer.

Atula at the same time said that a grievance redress committee that will be chaired by the local district commissioner will be established to tackle any emerging complaints regarding the compensation of farmers who will be affected by the proposed irrigation scheme.

The board's Engineer Nesline Ogwa on her part said that beacons will be erected on all the parcels of land where the pipeline will pass through in order to avoid any future conflict regarding the boundary of the affected parcels of land.

The stakeholders appealed to the government through the Ministry of Water and National Irrigation board to consider assisting the farmers to acquire title deeds since majority of the farmers in the project areas do not have the land title documents.

"We are appealing to the government through the Ministry of Water and National Irrigation board to assist the farmers whose parcels of land fall within the project areas to get title deeds as majority of them do not have the said documents," said Bukhaya location chief Mr Chrispinus Odunga Mauda.

All the farmers within the project areas have been sensitized on the proposed irrigation project with majority saying it was timely as it will enable them to engage in horticultural activity through irrigation especially during the drought period.

The farmers however appealed to ministries concerned to provide them with enough farm inputs saying majority of them are unable to afford the high cost of the inputs.

"We are appealing to the national irrigation board to provide us with adequate farm inputs because majority of us cannot afford the high cost of the farm inputs," said a farmer, adding that though they have been receiving some farm inputs from the Ministry of Agriculture, they still require more for a better yield.

Tabacco farmers: Slaves of industry cartels

By HENRY OWINO

TOBACCO cultivation in Kenya was initiated in the 1960's by then British American Tobacco (BAT) now the British American Tobacco Kenya (BATK) in Meru and Kuria Districts as part of Government efforts to increase income among smallholder farmers.

Tobacco growing in Kenya has mainly been through contracting farmers by the three main players that is Alliance one Tobacco Kenya (AOTK) which is part of the global Alliance, one of International leaf tobacco merchants, the Mastermind Tobacco Kenya (MTK) and British American Tobacco Kenya (BATK).

The three companies contract about 30,000 farmers with AOTK having about 15,000 small scale independent farmers. The area under cultivation increased to about 15,000ha in 2009 from 12,586 ha in 2008 and currently 20,000.

Total output by the three companies in 2009 was estimated at 20 million kilograms of dried leaf valued at Ksh 2billion, with BATK producing more than two thirds of the total. The average price of dried leaf increased from about Ksh64 in 2008 to about Ksh100 per kilogram in 2009 across all grades.

The crop is mainly grown in Nyanza; Kuria, Migori, Suba, Homabay and Rachuonyo Districts. In Western province, the crop is found in Bungoma, Busia, Teso and Mt Elgon Districts while in Central region, tobacco is planted in Kirinyaga, Muranga and Thika Districts and in Eastern Provinces; Meru, Kitui and Machakos Districts.

According to Vincent Kimosop of International Institute for Legislative Affairs (ILA), the total acreage covered by tobacco represents only 0.5percent of the total arable land in Kenya and tobacco growing is not among the ten leading products that

contribute a large proportion to agricultural sector marked production.

Kimosop said since tobacco growing in Kenya is a contract based activity, farmers are always under tight control from the Tobacco Companies who determine the grading system and prices as well as the cost of farm inputs and extension services provided to the farmers as credit.

This he said had led to decreased earnings by farmers who are perpetually indebted to the industry. Kimosop clarified that though the growing is done simultaneously with other crops, it represents an average of 2 per cent of the farmers' field while maize occupies 47 per cent, sugarcane 16 per cent, coffee 4 per cent and the rest 31 per cent.

"Typically in Kenya, tobacco companies sign contracts with farmers, although reportedly, the vast majority of the farmers have limited levels of literacy and thus do not understand them," Kimosop explained.

In particular, the contracts set the buying price of the tobacco and the points of sale. Inputs such as seeds, fertilizers and pesticides are loaned to farmers by the tobacco companies. The costs, often priced high above the normal shop price which are then deducted by the company when the farmers sell their leaf to them.

Kimosop intimated that farmers have complained of exploitation by the tobacco companies. "For instance, some of the complaints by farmers include lack of provision of protective gear, poor grading system, poor quality inputs, and harassment when crop fails due to drought or hailstorms and farmers cannot repay a loan in full."

Other challenges faced are lack of insurance for the curing barns which often catch fire during the curing process and finally, labor organizers have reported that BATK has been fighting any meaningful union representation that would give tobacco farmers collective bargaining powers.

"These cash crops therefore seem to be more beneficial to the industry than the farmers who are actually the producers of it. This has led to many farmers in the regions remaining poor while the industry continues to make huge profits," Kimosop concluded.

Tobacco farming being a family oriented activity, leads to various negative social-economic impacts especially to the women and children. In order to cut on the cost of production and increase earnings, farmers resort to having underage members of their families assist in farm operations and therefore leading to high instances of school drop outs and in some instances child labour.

Women also suffer in tobacco production as together with the children they do most of the farm work, only for the male head of household to collect and squander the resulting income. Men are also known to marry multiple wives during the planting season to meet the demand for cheap labor only to take large part of the income share.

The Tobacco growing regions are some of the poorest in the country. This is mostly due to the unfair



Smoking zone at Uhuru Park, Nairobi designated for smokers where they converge to smoke freely.

Photo/Henry Owino

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Meru County agriculture gets major boost

By PETER MUTUKU

THE government has allocated Ksh 188 million to oversee the construction of fresh produce markets in Meru County.

The PS in the Ministry of Agriculture Romano says the government is building the best cold storage facility at Kariene market at a cost of Kshs 40 million and six other fresh produce markets at a cost of Ksh48 million.

The markets under construction include Nkubu at Ksh. 38 million, Chogoria at Ksh. 22 million and Meru town at Ksh 28 million which the PS says are meant to promote the horticulture farming in the region.

He says during the last financial year, horticultural farmers in the region earned Ksh 77.7 billion from the sale of horticulture produce and urged local leaders seek additional funding from the government to establish processing plants in the region.

Kiome who spoke at this year's ASK show also said Meru County has overtaken Kisii in banana production and is the leading producer

of bananas in the country and urged farmers to set up cooperative societies and start processing bananas jointly to reap from the economies of scale.

Speaking from the showground, the ASK National Chairperson Haris Karimi urged the government to increase to 15 percent, the budgetary allocation to the agricultural sector to help the country attain food security.

Karimi said this will help key players in the agricultural sector who include Civil society, private sector, research organizations and farmers to increase their input in the sector to help the country to be food secure.

"The main challenges faced by small scale farmers in the country include lack of water for irrigation and access to markets which denies them opportunities to reap maximum profits. We therefore need to invest in proper storage facilities," said Karimi.

Recently, President Mwai Kibaki announced that the government will allocate Ksh104 billion towards improving the agricultural sector. He

said an additional Kshs 20 billion will be channeled towards the irrigation projects nationally.

On the Coffee sector, the PS urged farmers to consider taking loans offered through the Coffee Development Fund.

He said the coffee sector has grown tremendously since 2006 owing to debt waivers amounting to Ksh 9.8 billion.

"The Coffee Development Fund was initiated in 2007 with an initial allocation of Ksh 500 million and has been receiving Ksh. 250 million annually. Farmers in Meru County are slated to benefit from Ksh300 million which will be disbursed through Saccos at an interest rate of 12 percent this year," he said.

He challenged coffee farmers in the County to increase their uptake of the loans as currently only Ksh 58 million has been disbursed to farmers.

However according to the General Manager of Muguna Coffee Society Mutwiri Muthige, farmers from Buuri and areas that share similar climatic conditions may not benefit

from these loans because they have witnessed a decline in their production due to unfavourable weather conditions in past few years.

The PS further said that the government is initiating programs that will help tea farmers to benefit from subsidy programs like other crops.

He said Meru region produces 25 percent of Kenyan tea, adding that farmers earned Ksh7.8 billion from their produce. Imenti tea factory paid the highest rates nationally at Ksh58 per kilo while the rest paid an average of Ksh 45 per kilo.

He called on Dairy farmers to take advantage of the revived milk processing plants to engage in value addition.

The PS advised farmers in dry areas to consider engaging in cotton farming which can withstand harsh climatic conditions.

"Ginneries that were mismanaged are being revived and this year, cotton industry has been allocated Ksh 180 million for the same. Last year Meru region received Ksh 30 million to uplift the cotton sector," he said.

Central dairy farmers pocket cool Ksh21 billion

By JOSEPH MUKUBWA

DAIRY farmers in Central Province earned Ksh 21 billion from the sale of milk last year.

The farmers earnings increased following the production of 829 million litres of the commodity over the same period with prices ranging between Ksh 25 to Ksh30 per litre.

According to the recent livestock annual report released by the Central Provincial Director of Livestock Production (PDLP) Mary Kanyi, farmers registered marked increase in their earnings from Ksh18.9 billion in the previous year to Ksh 21 billion in 2011.

Kanyi, in her report observed that dairy farming in the region is characterised by small holder enterprises where the most popular breeds are Friesians, Ayrshires, Guernseys, Jerseys and their crosses mostly kept in Zero grazing units due to small parcels of land owned by majority of farmers.

"A considerable number of dairy farmers still kept the traditional Zebu breeds that produced 18 million litres of milk out of the total 829 million

litres produced last year in the area," She added.

The PDLP attributed the increase in milk production in the area to stabilization of market prices owing to stiff competition by different milk processors in the country who were trying to woo more farmers to sell them the commodity thus making dairy farming a viable commercial venture.

Further the increased usage of Artificial Insemination in the region to improve dairy breeds has also seen good returns for local farmers since the A.I services are readily available from private practitioners.

However, inadequate fodder, unreliable rainfall, high cost of feeds for dairy animals and tick borne diseases remained a big challenge to the sector in the region as the factors contributed to a drastic reduction in milk production and thus less earnings by farmers.

"Poor road infrastructure in the region also played a key role in depressing dairy earnings as considerable amounts of milk went to waste or sold at unfavourable prices since farmers could not easily access lucrative markets in big towns such

as Nairobi thus relying on middlemen who purchase the commodity at throw away prices due to its perishable nature," she regretted.

Other challenges include lack of organized markets, long calving intervals, high cost of production during drought and poor houses.

The other constraints are increased incidences of tick born diseases, poor feeding practices, inadequate credit to farmers and high cost of AI services.

"As a way of addressing the challenges, the Ministry of livestock has begun training farmers on silage and hay making as well as preparation of home-made rations for the animals. Farmers have also been trained on value addition of the dairy products in order to fetch better market prices," she added.

She also noted that farmers were being encouraged to form and join Savings and Credit Cooperative Savings Societies that would assist them in marketing the commodity at competitive prices as well as setting up cooling plants through pooling of resources from the members contribution savings.



Some of the dairy cows being reared in Nyeri County. Photo/Joseph Mukubwa

Pig farmers in Central region earn Ksh 591 million

By JOSEPH MUKUBWA

PIG farmers in Central province produced 3.1 kilograms of pork last year that earned them Ksh591 million.

Provincial Director of Livestock Production Mary Kanyi while releasing the region's livestock production report for last year at her Nyeri office, noted that the pig production industry had showed marked improvement since year 2009 especially in Nyeri, Thika and Kiambu counties after local farmers had entered into a contractual agreement with the Farmers Choice Company Limited to supply pork products.

"The agreement had guaranteed a reliable market outlet for pork products at fairly stable wholesale prices averaging at Ksh200 a kilo," She observed.

The PDLP also cited the upsurge of tourist arrivals in the country, which she said had contributed to growth in the industry due to the popularity of pork especially with European tourists.

She however noted that lack of quality breeding stock, high cost of feeds and poor local consumption of pork needed to be addressed if farmers were to reap maximum benefits from the industry.

As a result, her department has partnered with researchers with a view to developing high quality breeding stock as attention shifts to feed manufacturers who have been urged to produce affordable feeds and in smaller packaging affordable to most farmers.

Consequently, a vigorous campaign to encourage consumption of pork locally is ongoing since some communities shun pork due to cultural and religious beliefs.

Meanwhile, Bee keepers in Central province also earned Ksh



222 million from the sale of honey and bee wax.

Kanyi noted that bee keeping known as Apiculture had a high potential in the province but it remained largely untapped.

She further noted that the industry was fast gaining popularity especially in marginal areas of the province particularly in Nyeri, Thika, Nyandarua and Murang'a counties where farmers have embraced the practice with relish.

As a result, the PDLP outlined measures her office had employed to popularize apiculture in the area among them intensive training of local farmers for higher productivity as well as aggressive encouragement of the adoption of the enterprise by both genders.

Kanyi observed that adoption of the Kenya Top Bar Hive and Langstroth Hive, have been encouraging as honey increasingly becomes popular in most Kenyan households especially at breakfast tables.

Tabacco farmers slaves of industry cartels

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practices of the industry that keep the farmers indebted for life with paltry profit if any to show off for their trouble. In addition, the Tobacco industry has been known to employ underhand deals such as the abrupt suspension of purchase of leaf, fighting farmer representation through unions.

On the other hand, studies have shown that tobacco farmers can get higher returns with less input by switching to alternatives crops and livelihoods such as soybean, pepper, passion fruits and sugarcane and livelihoods.

Dr William Maina, Ministry of Public Health and Sanitation said tobacco use is one of the leading causes of preventable deaths today. The global tobacco epidemic kills nearly 6 million people each year of which more than 600,000 are people exposed

to second-hand smoke.

Dr Maina stated that approximately one-half of lifetime smokers die prematurely from tobacco use. Many of these deaths occur within a citizen's most productive year between the age of 35 and 60 in developing countries. In Kenya, every one in five men aged between 15 and 49 years use tobacco.

He says that 15percent of the students use some type of tobacco product while only 1percent of adult women in Kenya report using tobacco, 15percent of boys and 15percent of girls report using tobacco, raising concern about the growing rate of use among young girls.

"Studies show that cigarettes in Kenya are cheap and are becoming more affordable over time and unless we act, it will kill up to 8 million people by 2030, of which more than 80% will live in low-and middle-income

countries," Dr Maina cautioned.

The doctor pointed out some of the health issues affecting tobacco farmers includes; Cardiovascular diseases, Lung Cancer, Respiratory infections among others caused by exposure to large amounts of chemicals as well as handling of raw tobacco leaf, often times with no protective gear. Hospitals in tobacco growing areas report up to 60 per cent of tobacco related deaths with a significant increase in unexplained miscarriages.

A study done in Nairobi in 2007 indicated that the most prevalent mode of tobacco use is smoking at 91.7 per cent followed by snuffing at 3 per cent and combined snuffing and chewing at 3.7 per cent. Apart from the snuff which is mainly made in homes from ground tobacco leaf; other smokeless tobacco products are now available in the Kenyan market mostly imported

from Asian countries.

"Some of these products are for chewing while others are for sniffing. Most of the smokeless tobacco products found in the Kenyan market are imported," Dr Maina noted.

Dr Maina reminded the public, cigarette smuggling is detrimental to health policy and the World Health Organization Framework Convention on Tobacco Control (WHOFTTC) emphasizes the importance for tobacco control of combating illicit trade.

The Tobacco industry claims that tobacco is a cash crop that leads to development for the tobacco farmers and subsequently for the country. However, the tobacco growing districts are some of the poorest in the country with high cases of food insecurity, illiteracy and high levels of poverty.

Further studies have shown that

the returns from tobacco growing are not commensurate with the time and effort required and is much less than alternative viable economic cash crops identified.

The ILA Company is now calling for the reduction in demand and supply of tobacco use so as to increase the price of its products through tax increases. Higher tobacco prices encourage smokers to quit and prevent youth from starting to smoke.

Higher taxes are particularly effective in reducing smoking among vulnerable populations, such as youth, pregnant women and low-income smokers. The taxes would bring in significantly more revenue to government and the money used to correct the negative impact of tobacco use such as death and diseases caused by it and the loss in economic productivity from the sick smokers.

US Navy to join war against Indian Ocean pirates

By BEKADZO TONDO

UNITED States Navy plans to support government efforts in fighting pirates along the coastal shore line.

The US Navy Maritime Civil Affairs Team Captain Cory Cole says his country will join efforts geared towards ensuring that the ocean was protected from any criminal activities.

He spoke at Baobab public beach in Kilifi during the celebration to mark the World Ocean day, a function

which was coordinated by Eco-Ethics organization and other stakeholders.

Captain Cole who also led the navy and local residents in an exercise to clean up Boabab beach line said his team will intensify patrols along the shore line to help create conducive atmosphere for investors.

The director of Eco-Ethics Dr. Bernard Okeyo said human activities at the ocean have interfered with conservation efforts and protection of marine life.

Dr Okeyo said illegal fishing activities and poor disposal of solid waste had endangered marine life in the area. He called on the government formulate clear policies to help guide the management and conservation of the ocean and marine life.

Dr. Okeyo further cautioned hotels and industries in the area to stop disposing their waste to the Ocean as this polluted the ecosystem and endangered marine life.

"Eco-ethics monitors both liquid

and solid waste disposal mechanisms by hotels, industries and other tourism related enterprises along the shore line," said Dr Okeyo.

An official from the Kenya Wildlife Service Mr. Isaac Mugo said 60 percent of the tourists visiting the country frequent the coastal line and thus the need to conserve the ecosystem.

Mar Mugo said Kenya has ten marine parks which were currently managed by KWS.

Residents of Tana River need help to get IDs

By BEKADZO TONDO

SCORES of people in Tana River County may not participate in the forthcoming General Elections due to lack of identity cards.

Majority do not have identity cards and consider the process of acquiring an identity card in the area as punitive and discriminative in nature.

Led by former Ambassador Hussein Dado and Mr Ali Wario, the residents mainly drawn from Waridei, Pokomo and Orumas now want the government to set up mobile registration centres to enable people acquire identity cards without further delay.

The residents say the current process of acquiring identity cards in the area was punitive and thus majority of the residents have kept away from the exercise.

"We are suffering because Tana River borders Northern Eastern province which also borders Somali and thus the government has introduced punitive measures to ostensibly ensure that illegal immigrants do not access national identity cards. "The communities living in Tana River County are Kenyans and they should not be punished as the government streamlines the issuance of identity cards in porous borders," said Mr. Wario.

However, Assistant Minister for Registration of Persons and Immigration, Mr Francis Baya, said that stringent measures have been put in place



Mr. Dado



Mr. Baya

to facilitate the issuance of national identity cards in the area.

He said that the people of in Tana River County can now access their identity cards without being subjected to unnecessary screening.

"The government is committed to ensuring that all Kenyans who have attained 18 years and above get their identity cards without delay and I am

assuring the Pokomos, Orumas and Waridei communities in Tana River County that they will be issued with the IDs," said Baya.

"The immigration department plans to implement a special program that will ensure all those who have not been issued with IDS and have attained 18 years and above get registered," said Baya.

Security tightened at the coast over Al Shaabab threats

By BEKADZO TONDO

THE government has intensified security in Coast Province to minimise attacks by militant groups including the Al Shaabab.

The Kilifi County Commissioner Mr. Maalim Mohamed says security officers have been put on high alert to avert criminal attacks.

"In the past few months we have witnessed grenade attacks in public gatherings like Mtwapa in Mombasa and thus the need to intensify security patrols to curb similar incidents," said Mr. Mohamed

The commissioner says Coast Province highly depends on tourism sector whose survival largely relies on conducive atmosphere to thrive.

"Tourism industry generates substantive revenue to this nation and the government will not tolerate terrorist groups to disrupt and erode the gains

made in the sector which has currently registered remarkable growth," explains Mr. Mohamed.

Mr Mohamed also wants the public to volunteer information to the police on people suspected to be involved with terrorism acts so that urgent measures can be taken to arrest them.

"The issue of security should not be left to the government alone but should be a collaborative initiative where every Kenyan must expose criminal elements in their midst without further delay," adds Mr Mohamed.

The commissioner at the same time cautioned members of the outlawed Mombasa Republican Council (MRC) to drop their demands that seek to have the region secede from the rest of the country.

Mr Mohamed said Coast is in Kenya and accused MRC of pursuing a misguided agenda which is only

meant to incite animosity in the area.

"Coast is in Kenya and am urging the group to drop their secessionist agenda as this was counterproductive and undermines development," said Mr Mohamed.

The Commission said the government will not tolerate activities of illegal groupings adding that right procedures must be followed when resolving problems including historical injustices.

Mr Mohamed however said he will soon convene a leaders meeting in the County to discuss the MRC and chat the way forward.

"I believe in dialogue and will soon convene a leaders meeting where everyone will be given an opportunity to talk and come up with concrete proposals on how to deal with issues being advocated for by the group," said Mohamed.

The administrator cautioned local

people against invading private land saying that such acts are illegal.

"In the recent past, we have seen leaders mobilizing innocent people to invade privately owned land which is illegal and I want residents to learn to seek redress using existing machinery," advised Mr. Mohamed.

Mr Mohamed said such acts if allowed to continue will discourage investors in the region who were critical for development.

Other local leaders who included the chairlady of Kilifi Town Council Esther Kache said Kilifi County has lagged behind in development for many years due to poor leadership and called on residents to vote for visionary leaders.

"Kilifi County continues to rank highly among poor counties in the country and thus the need to elect leaders who are committed to initiating development in the area.

Leader's meeting ban plastic packaged alcoholic drinks

By JOSEPH MUKUBWA

CENTRAL province leaders have called for a complete ban on the manufacture and sale of plastic - packaged alcoholic drinks in the region.

Speaking after a two day consultative meeting at a Nyeri hotel, the leaders who mostly included the provincial administration and politicians called upon every individual in their community to adhere to the Alcoholic Drinks Control Act including the ban on plastic packaging of alcoholic drinks.

"Observing the need to regulate the manufacture, sale and consumption of alcohol, we unanimously affirm our support to the provisions and implementation of the Alcoholic Drinks Control Act, 2010 and recommend the total ban on the manufacture and sale of such alcoholic drinks in our region," said part of the resolutions.

The meeting which was organized by National Agency for the Campaign Against Drug Abuse (Nacada) was also attended by Chief Executive Officer William Okedi and Nacada chairman Frank Njenga.

The leaders while noting the rampant misuse and abuse of alcohol and other substances and its negative effects, they declared their commitment to fighting the vice in the region and unanimously support the declaration of alcohol and drug abuse as a national disaster.

The meeting which was officially opened by Central PC Kilimo Rugut recognized that the alcohol problem is 'our problem' and so, "we unanimously urge all partners - political leaders, Government officials, youth groups, women leaders, religious leaders, opinion leaders and other community leaders to unite in addressing the problem.

The leaders also called for communal efforts in rooting out excessive consumption of alcohol and illicit brews.

"Identifying that low funding is a major constraint towards partners' involvement in the campaign against alcohol abuse, we urge Government, private sector and other partners to allocate more resources to support alcohol and drug abuse intervention programmes," they resolved.

While noting the low involvement of our political leaders in the campaign against alcohol and drug abuse in the region, the leaders called upon the politicians as trend-setters to take up the matter and facilitate implementation of innovative and long lasting solutions.

They at the same time recognized that alcohol and drug abuse is a hindrance to the region's socio-economic development and called upon the people of the area to maintain sobriety towards a society free from drugs.

Kibunjia promises stern action against hate speech mongers

By HENRY OWINO

THE National Cohesion and Integration Commission (NCIC) has warned that stern action will be taken against politicians, musicians and media houses who propagate hate speech messages.

NCIC chairman Dr Mzalendo Kimbujia, said that Kenyans must remain vigilant to stem vices that may fan animosity during the electioneering period.

The NCIC chair reiterated the Commission is on high alert and is currently monitoring the social media to curb the spread any form inflammatory statements. He said there is a thin line between freedom of expression and hate speech and thus individuals must be careful on how they exercise their rights to avoid being caught on the wrong side of the law.

Dr Kimbujia said the commission had contracted people and firms who will be monitoring hate speech in the social media to curb the vice. He said maintaining peace, harmony, cohesion and integration is a responsibility of every Kenyan.

Dr Kimbujia said sustainable peace can enable the country to realize vision 2030 adding that the Commission is partnering with political parties to propagate peace messages across the country during the electoral process.

"Today there are about 50 registered political parties and more are yet to be registered and thus we are committed to work with them for a common good and for the harmony of our country," said Kimbujia.

"We are therefore reminding political parties that the world is watching them during this electoral process and especially to see if they are able to inculcate the spirit of Constitutionalism through their party nominations," said Dr Kimbujia.



Dr. Kibunjia, NCIC chairman

The current Constitution dispensation requires enactment of new laws and practices that will promote national unity through for example, creating a level playing field in the political space. In Kenya, like any other country, political parties are instruments available for aspirants to express themselves to voters in their quest to get elected. They provide candidates with the platform to voice their aspirations to various elective offices.

Nevertheless, political parties' process has been characterized by cut-throat competition for nominations, outright bias, absence of a level playing field and mischief. The competitions within and across parties has often been marred by use of foul language, hate speech and even violence.

He said that NCIC is promising to work with the Register of Political Parties, as well as leaders and members of all political parties to infuse national cohesion, integration and equal opportunity principles in their campaign strategies and manifestos, to make political parties more inclusive.

"This is cognizance to the fact that political parties do not just contest elections, but also mobilize and organize social forces that energize democracy on a continuing basis." Chairman posed.

The Commission said the partnership is being supported by the National Democratic Institute (NDI) and will focus on working with political parties as agencies performing a serv-

ice in which the public has a special interest, thus strengthening them to execute this in a manner that will build national cohesion.

A workshop for all the Political Parties was scheduled to take place in Naivasha on 1st through 3rd July 2012 that brought together about 50 key representatives from political parties. The objective was to ensure that all sectors remain alive to the need of putting Kenya's interest first in all they do.

The NCIC draws its existence from the National Dialogue and Reconciliation Agreement that sought to provide a peaceful solution to the political impasse and violence that engulfed the country after the 2007 general elections.

Kilifi elections vetting panel formed

By BEKADZO TONDO

A PANEL to vet individuals willing to contest for elective posts in the forthcoming General Elections in Kilifi County has been constituted.

The panel is to include Prof Shukat Abbdarazak who is a lecturer at Pwani university, Dr Halmu Shauri also a lecturer at the Pwani university, Rev. Francis Katana of Baptist Church, Lawrence Mwachidudu who is a program's officer at Action-Aid in Malindi, Shariif Muhudhari who is the chairman of Supkem in coast region and Rhoda Lewa who currently works for an Italian organization.

The names were presented to members of the inter community forum which comprises of seven sub tribes of the Mijikenda community and members of the civil societies network in Kilifi county by a task force mandated by the community with the responsibility.

According to the Task Force chairman Mr. Boniface Mwamuye, the panel will be required to vet all the people vying for different political seats within Kilifi County.

"The work of the panel is precisely to get names of all those interested in contesting for political seats in Kilifi county including that of the governor and senator, look into their CV, track record and integrity and give their

verdict," said Mr. Mwamuye.

The coordinator of the Inter community forum Mr Kashero Chinyaka, said a total of 11 names of prominent personalities in coast region were forwarded to the Task force but upon evaluation, six people were short listed.

Mr. Mwamuye said the vetting panel requires an additional three people to be complete as proposed by the community.

Members during the meeting however complained that the selected panel was not gender sensitive and demanded that the remaining slots must go to women to help realise gender parity.

A member Marcelina Mwamuye said women have been marginalized in many things and thus must be included in the panel to increase their participation in decision making positions as outlined in the new constitution.

"Days where all committees comprised of one gender are long gone as the Constitution has entrenched the gender rule which is explicit in stating that not more than two thirds of one gender should occupy both appointive and elective positions.

Mr. Daniel Mwayaya also said the panel must reflect representation from all regions to ensure that fairness while discharging its duties.



Mr. Kingi

"Kilifi County currently has five constituencies and it is fair to have representation of people from each constituency in the vetting panel to avoid cases of discrimination or favourism" said Mr. Mwayaya

The chairman of Kilifi civil societies network Mr. Peter Thoya echoed the same concerns adding that the panel should have at least a lawyer or a judge to advise on Constitutional matters.

"It is very important to have a legal representation to help the panel interpret the law as stipulated in the new constitution," said Mr Thoya.

Mr. Chinyaka said the community

forum initiated the idea of vetting aspirants for political seats to help the community elect good leaders.

"For quite a long time now Kilifi county and Coast province in general has been lagging behind in development due to poor leadership and thus the need to vet aspirants to ensure that only qualified individuals clinch victory in the coming general elections.

However, a section of aspirants have trashed the proposed vetting process saying the idea was farfetched and was bound to be manipulated.

But Fisheries development Minister Mr. Amason Kingi who has declared interest for the governor's seat said the idea was good and the panel must also comprise of people with high integrity.

"I have no problem with the vetting process. However my worry is the capacity of the panel to discharge its mandate," said Kingi.

Former Magarini MP Mr. David Kombe who is eyeing for the senate position dismissed the vetting panel arguing that only voters have a constitutional mandate to scrutinise their leaders.

"Politics is a delicate issue and I differ with those advocating for the vetting of aspirants as I do not believe if those to be in the panel will have the capacity to discharge that duty as required," said Kombe.

CRA defends revenue allocation criteria

By BEKADZO TONDO

THE Commission for Revenue allocation (CRA) has dismissed claims by politicians and civil societies that the revenue allocation criteria had been skewed in favour of some regions.

Commissioner Raphael Munavu categorically stated that the commission shared the funds based on provisions stipulated in the Constitution. "CRA did not favour any region during the allocation of resources but strictly adhered to provisions stipulated in the Constitution," said Mr Munavu.

The commissioner made the remarks at Pwani University where he addressed the students.

The allocation criteria was sharply criticised with some politicians and members of the civil societies threatening to move to court to revoke the allocations.

The Minister for Fisheries Development Mr. Amason Kingi said CRA used a wrong formula to distribute funds to the counties. "The allocation process was unfair and most MPs including cabinet ministers rejected the figures," said Mr Kingi.

Kingi intimated that the cabinet had recommended that the matter be taken back to the Commission for review to help come up with figures that are acceptable to all.

"Most ministers were opposed to the allocations of the County funds and we resolved that the matter be taken back to CRA for review and fresh allocations," said Kingi.

But commissioner Munavu stated that the commission was guided by the poverty index and the size of the population in each county before they arrived to the figures.

"As a commission we factored in many variables including the poverty index and population to get to our figures and claims that we were biased have no basis," said Mr Munavu.

Mr. Munavu further said marginalized areas were also considered in the allocation process.

However, Kingi expressed his reservations about whether the commission based their allocation on poverty index in each county and marginalized areas.

"Leaders looked at the figures shared to the counties but it emerged that issues touching on poverty index and marginalised areas were not given weight," said Kingi.

Mr. Munavu further said the commission will soon open a complaints desk in Nairobi to receive grievances from counties dissatisfied with the allocation process.

"CRA will open a protest desk in Nairobi to receive complaints and suggestions on how best the county funds could be shared," he added.

He said CRA will later refer the matter to parliament for direction.

University students however expressed fears that the funds could be misused by those entrusted to manage them. They demanded that CRA comes up with clear guidelines on how best he funds could be protected from looters.

"Development in the counties is expected to go up now that the government will be allocating monies to each of them but our worry is how well those funds will be protected from misuse," noted the students.

Disused Suneka market a white elephant

By BOB OMBATI

SUNEKA fresh produce market in Kisii County requires Ksh. 60 million to give it a facelift and benefit residents, Suneka Town Council Chairman, Simon Ondigi has disclosed.

Ondigi says the market which was commissioned 20 years ago, remains underutilized, structures have become dilapidated and deserted by traders due to its poor architectural design.

He reveals that the market was opened by retired President Daniel Arap Moi in 1993 but has not been used by traders with majority preferring to operate in the congested and small bus park.

The chairman says the council wants the money to redesign the structures and reconstruct dilapidated facilities to help generate

revenue for the council.

"The market has become a white elephant public funded project. It appears as if the project was hurriedly implemented and poorly supervised, wasting public funds," states Ondigi.

The official notes that it is difficult to collect taxes from traders scattered in the congested bus park, stressing that Public Service Vehicle Operators (PSVs) are forced to pick and drop passengers outside the market along Kisii-Migori highway, risking lives of pedestrians and passengers.

Ondigi told The Link the architectural design was imported and local people were not consulted or involved in the multimillion project co-funded by the government and the European union.

The chairman, who showed reporters the abandoned market said

the high stalls resemble small offices found in markets in Western countries, adding that buyers and sellers of goods and services can hardly interact with one another in the 156 stall market.

"Currently, the market is being used as a store. You can see the floor and the roof are getting worn out faster due to shoddy work," stated Ondigi, adding that birds have transformed it into their place of abode, making it filthy and smelly with their droppings.

During the digital mapping and development plan for Kisii town and its environs at Mwalimu hotel recently, a consultant, Prof. George Ngugi deplored mushrooming white elephant projects in the country, saying they were draining public coffers and impoverishing tax payers.

Ngugi asked the government to engage qualified, honest and experienced professionals to implement its projects, adding that tax payers were paying dearly for shoddy work, threatening the attainment of the much hyped vision 2030.

Local people, noted Ngugi, should be involved in government projects initiated in their respective area to win their confidence and help in sustaining them to speed up the county's economic growth.

The consultant petitioned residents of Kisii County to demolish illegally constructed structures to pave way for re-planning as the country embraced the devolved system of government amid increasing population and pressure on infrastructural and social amenities.

Kingi supports calls to equip school laboratories

By BEKADZO TONDO

LEADERS in Kilifi County want schools in the area equipped with laboratories to enable students in the area to excel in science subjects.

Led by the Minister for Fisheries Development Mr. Amason Kingi, the leaders accused the ministry of education for failing to equip schools with essential facilities to uplift their performance in science subjects.

Speaking during a prize giving meeting at Lutsangani mixed secondary school, Mr. Kingi lamented that the school which is one of the oldest provincial secondary school in the county was operating without a laboratory.

"For students to do better in science subjects during the national examinations, the schools must be equipped with the necessary equipments," said Mr. Kingi.

The minister donated Ksh 100,000 to the school to facilitate repairs of the laboratory.

He said Coast Province continues to rank poorly in national examinations as most school were ill equipped to support any meaningful learning process.

"Schools in other provinces are fully equipped with the necessary physical facilities such as classrooms, dormitories, laboratories and libraries thus giving the students an upper edge in the national examination but the scenario are different in Coast Province," said Mr. Kingi.

The minister further observed that failure by the Ministry of Education to upgrade to national status secondary schools in the area has disadvantaged students in the province.

"As the ministry of education established at least one national school in some provinces in this country, the same was not done to Coast and North Eastern Provinces," noted Mr. Kingi.

Former PS Mrs. Rachael Dzombo who also attended the ceremony called for the establishment of single sex secondary school in Kilifi County to give the students an opportunity to concentrate on their studies.

Fencing Mt Kenya and Mau Eburu forest starts

By JOSEPH MUKUBWA

THE fencing of Mt Kenya and Mau Eburu forest is set to kick off any time. The Rhino Ark Executive Director Christian Lambrechts said plans are almost complete to fence off the two major towers at Ksh 1.1 billion.

Speaking recently during the flagging off of a relay run at Aberdare Forest by the Rhino Ark patron Charles Njonjo, the Executive director said Mt Kenya forest needs Ksh 1 billion in order to fence 400 kilometers which will take about five years.

He said most of the funds are available for the project after the government promised to release Ksh 100 million for Mt Kenya forest.

The project involves Rhino Ark, Kenya Forest Service, Kenya Wildlife Service and the local community. The funds have been raised from donors, the Rhino Ark and the Government.

"I'm optimistic that the work will be complete within five years in Mt Kenya forest despite challenges of heavy terrain, deep valley and resistant of the some community. Mt Kenya forest brings about Ksh 56 billion economically per year and so we must conserve the ecosystem," he said.

Mt Kenya forest is a major water tower with its rivers draining in River Tana whose water is used for hydro power.

The forest touches part of Embu, Chuka, Chogoria, Timau, Nanyuki, Narumoru and Ragati among other areas.

This will end the human /wildlife conflict which will later boost the food production in the area and also raise the land value of the neighbouring community.

Meanwhile, Mau Eburu Forest which is part of Mau forest needs a 50 kilometer fence and will be fenced soon at a cost of over Ksh 100 million.

Others present during the function were Lord Aberdare, Rhino Ark chairman Colin Church, area DC Abdi Mohammed and KWS official

Paul Mbugua.

The flagging of the relay was meant to raise funds to in order to help maintain the 400 KM Aberdare forest.

Sixty schools around Aberdare forest participated in the exercise.

And, School Management Committees and Board of Governors have been urged to continue employing teachers using the available resources as the Government addresses the issue of acute teacher shortages in the country.

Public Works PS John Lonyangapuo told the committees and the BoGs that it was wise for them to use resources at their disposal in order to fill the shortages.

"I would also like to encourage the teachers to take advantage of the Government initiatives towards the capacity building on management skills and pedagogy conducted by Kenya Education Staff Institute and the Centre for Mathematics, Science and Technology Education in Africa through inset programmes among others," said the PS.

Speaking when he presided over the prize giving day of Karima Boys High School in Othaya, the PS said this will strengthen the expertise and increase the schools output.

He also advised the students to maintain good discipline in school in order to continue performing well.

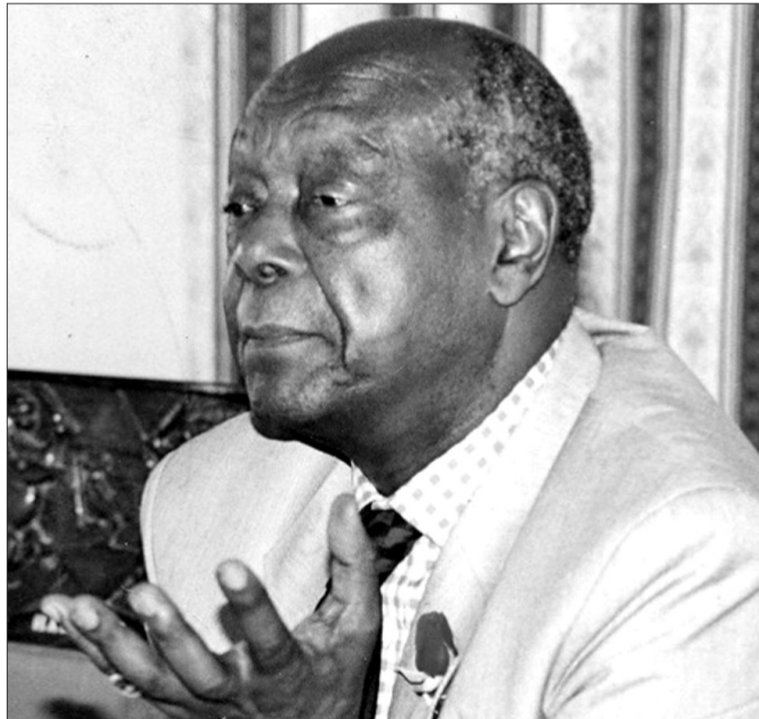
Others present during the function was principal James Maina, BoG chairman James Theuri and BoG member Priscilla Nyokabi.

Nyokabi said hard work and corporation between teachers, parents and students have made the school to perform well in Nyeri County.

She urged the Government to create more employment for the youth so that those leaving schools can acquire jobs.

The principal said the school needs a third laboratory, a good basketball court, generator, new classroom block and modern dormitory.

The school which was started on 1960 by the Catholic Mission has grown over the years to become an academic, spiritual and more centre and has 683 students.



Mr. Charles Njonjo, Rhino Ark Patron

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Nakuru residents sign peace accord ahead of elections

By FAITH MUIRURI

THE National Cohesion and Integration Commission (NCIC) has mediated the signing of a peace accord between the Kalenjin and Kikuyu communities in Nakuru County.

The accord brings to an end hostilities and ethnic instigated clashes that have characterised the area over the last decade.

The accord which was signed during a meeting convened by the NCIC and witnessed by elders from the communities at a Nairobi hotel will bring on board other communities in the County including women, youth and the politicians.

The two communities have also agreed to form an elder's mediation committee which is to comprise of three respected members from each community.

Key issues outlined in the accord include the reduction of risks of violence (especially politically instigated violence) by among others: "Acting towards one another in good faith by acknowledging each other's perspectives and reasons and non-participation in activities relating to ethnic violence."

The Accord is anchored on trust as the centre piece for peace and espouses the need for communities to work together to earn each other's trust.

Further the accord discourages the use of stereotypes against communities in the county, use of insulting language and assumptions as well as criminalizing a community based on crimes committed by individuals.

According to the accord, if the committee is unable to resolve any conflict, members will convene a meeting of elders within the targeted communities to discuss the issues and where appropriate invite NCIC to chair, participate or convene such a meeting.

The accord will be revised after every three months to align itself to any developments within the community.

Elders from both communities at the same time committed themselves to embracing their diverse cultural backgrounds in line with the rights and freedoms outlined in the constitution including dispute resolution mechanisms that inculcate trust and peace in the community.

Samuel Maigwa who spoke on behalf of the Kikuyu community said that they have resolved to shun negative ethnicity and hatred which had in most instances resulted to violence.

"We have agreed to shun violence and denounce forces that are out to divide us including politicians during and after the elections," he said during the meeting.

He said that elders from the two communities have also resolved to



Mr. Wilson Leitich during the peace accord between the Kalenjin and Kikuyu communities in Nakuru County.

encourage politicians to preach peace and refrain from utterances that may fuel conflict amongst the two communities

Maigwa said that the elders will be at the fore front of propagating harmony within the community and condemning skewed public appointments as they had in the past fuelled conflicts between the communities.

Former Kanu Chairman Wilson Leitich who spoke on behalf of the Kalenjin community said that the two communities have resolved to amicably resolve disputes that may arise between them including conflicts arising from unequal distribution of resources, youth unemployment and election related disputes.

"We will strive to ensure that all elected representatives demonstrate integrity and goodwill in working with all communities to address their needs, interests, concerns and aspirations," he said.

Elders from both communities agreed to establish a joint secretariat and create a network of monitors that may play a critical role in reporting incidents at the grassroots level.

They will also jointly disseminate and explain the peace accord to their respective communities.

Nakuru has in the past been listed among hotspot areas in the country. According to NCIC chairman Dr Mzalendo Kibunja, a conflict mapping survey conducted by the commission prior to the referendum had confirmed that Nakuru is still a hotspot for violence.

He said that the NCIC conflict mapping had established that the key players of violence are more often between the Kalenjin and Kikuyu communities.

South Consulting has consistently pointed out in its quarterly reports that illegal arms have been flowing into Nakuru.

The Kenya National Commission on Human Rights (KNCHR) and Waki Report highlighted Nakuru as an area that was highly affected by the 2007/8 Post Election Violence.

"The Commission has thus resolved to bring together representatives of the two communities to explore ways of establishing sustainable peace before, during and after the general elections. They have agreed on a Peace Agreement as a way forward," he explains.

He said similar initiatives will be replicated in hot spot areas to enable the warring communities to identify with each other in a manner that supersedes ethnic, cultural or religious groupings, acquire political awareness, share common norms and values and develop attitudes favourable to the display of integrative behaviour among people of different groups.

The NCIC chairman at the same time called on the media to help re-brand Kenya, not as a country marred by ethnic conflicts, but showcase the rich diversity to achieve Vision 2030.

"We need to change our behaviour and attitudes to promote values that can enhance cohesion and integration, and build cohesive communities in

Kenya where people can live in harmony and invest," he added.

He said that as the country heads to the General Elections, NCIC is committed to building a cohesive community, critical towards improving the quality of life of Kenyans and enabling them to achieve their potential irrespective of their ethnic, gender, age and religious background.

"Building cohesive communities must be seen as on-going process. Any regeneration initiative must include mechanisms which will identify the different communities within the area. Any tension or conflict; current or potential must be managed," he said adding that communities need to be engaged in building a cohesive society.

Clashes that followed the disputed 2007 Presidential election saw over 1,300 Kenyans killed and over 600,000 others uprooted from their homes and some are still in Internally Displaced Persons (IDPs) camps up to date.

Dr Kibunja also challenged political parties to include peace building in their manifestos and to ensure peace prevails during the next General Election.

NCIC also warned politicians against making inciting statements that might be a threat to the stability on the country ahead of the elections.

Elders who have been key in the negotiations that have lasted 14 months expressed optimism that the accord will foster peace among communities in the county.

Busia council to spend Ksh153 million on projects

By NYAKWAR ODAWO

BUSIA county council plans to spend a total of Ksh153million during the 2012/2013 financial year to assist in the implementation of its projects.

Addressing stakeholders during the council's budget day at Busia County Hall recently, Finance committee chairman who is also the Luguu ward civic leader Josephat Wandera, said Ksh15.7million will go towards the rehabilitation of rural access roads in twelve civic wards.

Ksh1.3million will be spent on a health facility at Tingolo ward, Ksh5.4million will help in the establishment of Early Childhood education at Bukhaya West, Busibwabo, Bwiri and Bunyala South civic wards as well as the provision of water to Matayos South civic ward to the tune of Ksh1.3million.

The local authority will also undertake additional programmes on environmental conservation through the establishment of tree nurseries with a view to raising seedlings that will be planted around active markets and selected schools within various civic wards.

"The council has also lined up activities to support HIV/AIDS campaigns and will soon organize a series of rallies to create awareness and distribute condoms at Ksh200,000," said Wandera.

He said that "drugs and substance abuse is another challenge which has really affected the youth. The council through the department of social services shall create awareness on the effects of drug abuse by the youth, implementation of the survey findings and training of officers on drug abuse," said the finance chairman, adding that Ksh650,000 has been budgeted for the same.

"The council has also allocated Ksh90, 000 to facilitate a survey on disability mainstreaming," he added

Busia County council chairman Charles Wafula called for transparency and accountability during the implementation of the project funds saying public funds must be utilized towards the purpose for which it was intended.

"I am calling upon all the stakeholders especially the Local Authority Service Delivery Action Plan (LASDAP) committees to work closely with the civic leaders from their respective civic wards to ensure that the projects are properly done before the contractors are paid in order to avoid shoddy work at the expense of the taxpayers," said the council chairman, adding that a monitoring and evaluation committee is already in place to ensure the projects are properly executed.

EX-prisoners continue to be stigmatized by the society

By JOSEPH MUKUBWA

EX-PRISONERS continue to be stigmatized by society despite having served their sentences and in most cases end up sliding back to criminal acts, a workshop heard recently.

Central Provincial Probation Officer Boniface Muindu while speaking during a sensitization workshop in Nyeri town observed that some ex-convicts feared being released from jail after serving their term and upon release engaged in criminal activities immediately so that they could return back to prison where

they are used.

Speaking during a one-day sensitization workshop for chiefs and their assistants drawn from Nyeri Central district on crime prevention, the probation officer noted that it was necessary to rehabilitate ex-offenders in order for them to feel acceptable back to society.

"Ex-convicts despite having been reformed and having abandoned their criminal ways suffer great stigmatization since society looks at them as offenders and quick to point accusing fingers anytime a crime occurs in the community," Muindu observed.

He underscored the need for partnership between all those involved in the Criminal Justice System in ensuring that ex convicts are accepted and integrated back to society after serving their sentences.

"Let's all come together as members of the judiciary, provincial administration, probation officers, prisons and the community in ensuring that ex convicts are rehabilitated and integrated back to society," Muindu added.

The workshop organized by a Non-Governmental Organisation, Resource Oriented Development Initiative

(RODI Kenya) seeks to sensitize chiefs and their assistants on their role in rehabilitation of offenders and those serving community services as part of their sentences.

RODI Kenya Programme Officer Joseph Nyaga urged the provincial administrators present at the forum to ensure that ex convicts do not slip back to crime by overseeing their speedy rehabilitation to society. Muindu said that the justice system in the country was encouraging non-custodial sentences thus training on management and rehabilitation of offenders was very necessary.

A Kisii cultural group demands hero's head

By BOB OMBATI

OTENYO Cultural Group in Kisii County has petitioned the British government to return the head of freedom fighter, Otenyo, who was killed at the height of colonial repression in Kenya during the struggle for independence.

The Group's Secretary, James Namu claims that Otenyo's head was taken to Britain after he killed a British soldier, North code in 1907 during a bloody confrontation between the Kisii and the colonialists who wanted to grab the community's land by force.

Namu, who spoke at Cooperative Ground in Keroka town during a cultural festival, observed that heroes from the community who resisted colonial rule and fought for freedom have never been recognised and their families were impoverished.

The official, flanked by his Chairman, Makori Nyakeya and Treasurer, Sabina Nyarindo said some freedom fighters were also killed and buried upside down in Kisii town during a revenge mission by the British soldiers who wanted to suppress the rebellion against them after Gusii warriors dared to recover hundreds of cows the colonialists had taken as a fine for disobedience.

Namu said the British also took valuable community cultural artefacts and demanded they also be returned alongside the head and be preserved in cultural museums to protect the community's cultural heritage.

"Otenyo's head and the artefacts belong to Gusii community. They have no cultural significance and value in Britain. They should be returned unconditionally or else we seek legal redress to recover them," said Namu.

He said that Otenyo's head should be ferried back and the fighters' bodies exhumed to be given a heroic and decent burial.

The Group, said Namu has bought a one acre farm at Montine in Nyamira County and urged the government to support them to build a cultural Museum to preserve artefacts to promote cultural tourism and create employment.

"The Group has collected artefacts but lacks a spacious building to store them. We want Ksh. 30 million to build the museum," Namu observed.

Gusii community, noted the official lacks a museum and thus it was difficult for the youth to know the various cultural artefacts and their significance, a situation that puts them at loggerheads with the elders.

He says the Group is non political, adding that it embraces cultural diversity and strives to reunite Kenyans for peaceful co-existence.

The official appeals to Kenyans to enhance unity and peace as the country heads to the next General Election to avoid post-election violence like the one witnessed shortly after the 2007 General Poll.

Knut cautions against interfering with colleges

By LINK WRITER

KENYA National Union of Teachers is opposed to elevation of public middle level colleges into universities or their constituent campuses.

According to the National Chairman, Mr. Wilson Sossion, "The plan by public universities to convert middle level colleges into universities will deny most students who did not get university entry points a chance of realizing their dreams."

Speaking in Bumula during a funds drive in aid of Musakasa Technical Training Institute, Mr Sossion said converting middle colleges into universities will deny most students the chance to realise their dreams. "Let the government build universities in-

stead of taking over middle level colleges," he said.

He said the colleges play a key role of helping students who did not join universities acquire skills to help them contribute to the country's development.

The unionist said skills acquired from such institutions had made a number of youths self reliant.

"We are saddened by the government's plan of changing almost all colleges into universities or their campuses. This will kill the communities morale whose children had not performed well to join universities as they could have just enrolled in such colleges to pursue their life dreams," he said.

Mr Sossion who was accompanied by Knut NEC officials,

Mr Samson Kaguma, Mr Mudzo Nzili and Mr Wycliffe Omucheyi said if the trend of universities taking up colleges continues, many students who do not qualify for university admission will end up a frustrated lot. He demanded that the government employ on permanent basis all 28,000 teachers employed on contract basis.

This, he said, will boost their morale to offer quality service. "These are trained teachers who need not be employed on contract and instead be fully employed and be pensionable, this will give them room to demand for better salaries as an employee on contract can be fired anytime or his services terminated by the employer without further questions," he said.



Mr. Sossion addressing a gathering.

Photo/File

NTA lays out plans to protect the coast girls from abuse

By BEKADZO TONDO

THE National Tax Payers Association (NTA) plans to establish a 24 hours communication center in Mombasa to help protect the rights of the girl child in Coast Province.

A project officer with NTA Mr. Wolde Wesa says that the initiative dubbed 'school report card' will be rolled out in different parts of the region to stem the rising cases of abuse that mainly target the girl child.

He says that NTA has already acquired a free hotline number 0708 577565 which can be used by teachers, parents and children to report cases of abuse. He says the organization will then use the information compiled to move to court on behalf of the victims to ensure that justice is realised.

"We have developed a school report card program which will serve

as a reference point when compiling cases of abuse in the region," he adds during a prize giving day at Vitengeni divisional headquarters.

He says that it is unfortunate that most school girls have to drop out of school due to unwanted pregnancies as others become victims of sexual abuse.

"Cases where schools girls are sexually exploited by adults in coast province have become rampant and NTA is coming up with a special program to monitor the illegal activities and prosecute individuals involved in the vice," said Mr. Wesa.

Mr. Wesa spoke as Vitengeni District Officer Mr. Vincent Kibara revealed that cases of early pregnancies among school girls in the area were on the raise. "The government is concerned with the rising cases of unwanted teenage pregnancies in the region," adds Mr. Kibara.

The administrator disclosed that police were currently hunting for a man who impregnated a Standard Four school girl from a local primary school in Vitengeni and fled away.

Mr. Kibara pointed out that the suspect impregnated a 12 year old girl and when he learnt that he was being sought by the police, he decided to run away from his home.

"Police officers are hunting for the man and were following some crucial leads that could help in the arrest of the suspect," he added.

Ganze District Children's officer Mr. Daniel Mbogo said that the department will deal firmly with individuals found to have abused children in line with the Children' Act.

He at the same time accused parents of failing to provide guidance to their children and abandoning their responsibility.

Syokimau Bright Homes to buy EAPCC land

By PETER MUTUKU

MEMBERS of Syokimau Bright Homes Limited, have every reason to smile after it emerged that there are plans to subdivide 1000 acres of the disputed 1332 acres of the East African Portlands Cement Company (EAPCC) land, to members.

Addressing delighted members in Mlolongo, the Syokimau Bright homes chairman Wilson Mbithi said the cement company has committed to sell the 1000 acres to the local community through Syokimau bright homes.

"As part of policy, the decision to dispose part of our Kanga land and give priority to the local community represented by Syokimau bright homes and our staff Sacco, still remains. This will also take place after the plan has been approved and the required process finalized," added Mbithi.

The chairman however lamented that prominent people in the country have tried to grab the land meant for the local community.

"When leaders and EAPCC met and discussed on how to sell the land to the community, Syokimau Bright homes was identified as the only bonafide group that would buy the land on behalf of the community. But the process has not been smooth because members and those who stood with us have been frustrated by forces out to grab the land," he said.

Mr. Mbithi added that the former Athi River District Commissioner Loyford Kibaara was transferred in unclear circumstances after he refused to withdraw the letter endorsing Syokimau bright homes to purchase the land on behalf of the community.

"It is so unfortunate when good men of this country behave in a manner that does not befit their status as leaders. The era of impunity is quickly coming to an end when the Constitution becomes fully operationalised," he reiterated.

He said prominent people had hatched a plot to remove EAPCC board of directors, the managing director and the chairman and in their place put people who they could manipulate and place the cement company under receivership and later sell the 1332 acres to their cronies.

"The same forces went ahead and sacked EAPCC chairman through a gazette notice. This was very unfortunate because all gazette notices of that nature are always authorized by the head of state. But EAPCC board did not give up, they went to court and that gazette notice was declared by our honourable courts not only illegal but unconstitutional," said Mbithi.

The Chairman said as locals, they are against the privatization of EAPCC because they want it to continue serving them and the County as a parastatal. He however declined to name the prominent people behind the woes facing the management of EAPCC due to their status in the society.

The cost of makuti goes up in Coast Province

By BRIGHTON KAZUNGU

MAKUTI has for many years been used as a cheap material for roofing by the low income people in the Coastal areas of Kenya. This is no longer the case. More and more rich people are using the same material as rooftops for their residential and commercial buildings.

"The business of selling Makuti started in the 1980s. However, prior to that it was just free. Those without Coconut trees collected it freely from neighbours and relatives," recalls 70-year-old Harun Charo, a resident of Likoni, Mombasa.

Charo said that before the Coconut products were commercialized, one would build a house for free because even building poles and coconut ropes were not sold. "You could just look for chicken and a guard of Coconut wine, or some farm produce, and get all you needed to put up a house."

For many years the price of palm fronds has been affordable because a head load would go for just Ksh100, but in the last 10 years it has shot up tenfold.

Kazungu Karema, 65, of Ganze, Kilifi County, recalls building his two roomed Makuti thatch with sticks and mud wall, at a cost of Ksh10,000 in 1992. But when his son Sila built a similar house this year, he spent Ksh40,000, with palm fronds alone costing him Ksh15,000.

On Average, 60 percent of the population in the region lives below the poverty line, thus not many people can afford to build or rent a decent house. Sila, a primary school teacher, was lucky he could afford it, thanks to his Sacco.

When you travel along the road from Mariakani, through Mombasa, Kilifi, Malindi to Lamu, you will notice that many shacks or booths with roofs of eroded Makuti have gaping holes. The owners of these structures say they can no longer afford the thatch to repair the roofs.

Even the Makuti-thatched rental houses in the town's estates are not any better. The landlords also complain of the rising costs of the fronds. Marina Kadzo, a resident of Maweni slums of Malindi town, lives in a dilapidated makuti shack, for which she pays Ksh500 a month.

"The landlord has promised to replace the worn out fronds for the last ten years, because the roof leaks," lamented the woman who has been a widow for six years, and survives by selling traditional vegetables.

In the towns there are now permanent yards at the roadside where traders display loads of Makuti transported on trucks from the rural areas.

"Our target markets are the moneyed people who buy in bulk for thatching big hotels and bungalows," said Kalana Chidudu, one of about 100 sellers of the commodity at a yard in Malindi town.

Palm fronds are harvested and dried, then the upper ends are woven around sticks two-feet long, and this sheaf is called a kuti, of which many are Makuti.

This one measure that resembles a doormat is now sold at Ksh10, up from Ksh5 just four years ago.

A ten square feet hut would require 1,000 of these to thatch, which is Ksh. 10,000. One kuti has a profit margin of Ksh2-3. Besides the buying, there is also the transportation cost.

The traders said demand for the commodity was on the increase, for those who spent an average of Ksh50,000 in one purchase.

So the rich are using Makuti thatch on mansions, five star hotels, cottages, resorts and villas. Yet others have used it on entertainment halls, theatres and curio bazaars.

The villas and hotels bear spectacular high roof designs, which owners said they spent between Ksh1.5 to 3 million on the Makuti alone.

"So, to investors and the affluent, it is not about using a cheap material; we still spend much on it, but the aim is to tap the historical and cultural heritage aspect of the Makuti for prestige and marketing," said Rossi Mancini, who owns Makuti thatched tourist high class hotels in Mombasa and Lamu.

Makuti thatch and the architecture of the old towns represent the history and heritage of the Arabs and indigenous coastal tribes.

Even many of the internationally famous beach hotels in the coastal towns have their roofs made of networks of hardwood poles, crowned

with the grey color palm fronds thatch.

"Because money is not the problem to the wealthy people, they use up to six layers of Makuti to thatch some of the roofs, which cover up to 10,000 square feet," said Karisa Baraka, a roofing artisan. Some of these investors have spent fortunes to put up villas with the Indian Ocean as the backdrop, which they have used as a strong marketing tool.

They then market the buildings on the internet and in glossy magazines to prospective buyers in Europe. An internet site shows one of such villas in Malindi, offered at Ksh7 million.

To make these roofs, architects and designers have mixed their technical knowhow and the traditional artistry of the Giriama and other coastal tribes.

The mania for Makuti roofs among the affluent has also spread outside the coastal region; for example the roofs of the Safari Park hotel in Nairobi are made of the material, courtesy of Italian contractor-cum-tourism marketer, Armando Tanzini.

"The rich also like gigantic high

Makuti roofs, with generous ventilation because it makes buildings cool, besides blending well with the natural environment," said Robert Kalu, who owns a seafront Makuti thatched villa, at Nyali, Mombasa, which he said cost him Ksh5.3 million to construct.

Then there are those who are not so low to live in the shacks, and not high enough to build the expensive Makuti mansions. Most of them build or rent houses roofed with iron sheets, and others with tiles. These different types of roofs are seen side by side in many areas, and help define the low, medium and high classes.

This mania for the Makuti among the wealthy seems not to have been deterred by the numerous fire accidents in the recent past.

At least 200 Makuti-thatched buildings, including prized villas and beach resorts, have been razed down by accidental fires in Mombasa and Malindi in the last three years.

A source said that there is now a certain chemical on trial in South Africa that can render dry palm fronds inflammable in case of fire.

Nevertheless, because owners of the burnt down property have the means, the razed down structures are normally restored within three months.

On the contrary, the poor cannot rebuild their shacks in case of fire or flooding. About 300 of such houses have been swept away after River Sabaki burst its banks this month in the Malindi and Magarini Districts, displacing 1,200 people.

"These fires have not deterred investors, because the number of Makuti buildings constructed in the same period was higher than at any given time", said Hamid Jefwa, Ministry of Housing, Coastal Region.

Even though one tourist marketing website declares, "Join the coastal people to enjoy their legendary hospitality, rich heritage, cool ocean breeze and the cool of palm fronds thatched houses," the reality is that tourists and the poor lot do not, cannot, mingle under the same roofs to enjoy luxurious ambiance and delicacies.

As the wealthy reflect and reminisce over the heritage, and savour the hospitality and the cool of Makuti, the poor worry about their fate should the shack catch fire, or how to bear the rain if roof starts leaking.



Palm tree in Mombasa. Palm tree leaves are used as cheap roofing material by the low income people.

Increase county allocations, says Ojaamong

By NYAKWAR ODAWO

LABOUR Assistant Minister Sospeter Ojaamong has appealed to the Commission on Revenue Allocation (CRA) to consider increasing the county allocation from fifteen to forty per cent so that the counties can be able to operate effectively.

The minister, who was addressing a group of stakeholders during a sensitization forum convened by the CRA in Busia town, said that as leaders they want enough resources to be funnelled to the grassroots level so that the common mwananchi can benefit from devolved governments.

"We want much of the money to trickle down to the grassroots so that the counties can operate optimally and transform regions into viable units," said Ojaamong.

"We expect at least 40percent in-

stead of 15percent. It is impossible for a governor to manage the affairs of the county effectively with as little as 15percent. As leaders, we are now appealing to the commission on revenue allocation to move with speed and revise the allocation criteria," said the minister.

Ojaamong who is also Amagoro Member of Parliament at the same time said there is need on the part of the commission on revenue allocation to consider channelling the funds via electronic money transfer system to the respective counties.

"We want the counties allocation to be channelled through an electronic money transfer to avoid travelling all the way to Nairobi to collect the same," suggested the minister, adding that there is also need to form a loans and grants commission in each county that will be charged with the respon-

sibility of receiving and distributing funds while ensuring equitable distribution.

On the population of Teso which was erroneously included under Bungoma County, Ojaamong urged the commission to resolve the issue and give Busia County its rightful share of revenue allocation.

"We want the census error to be rectified as a matter of urgency so that Busia County can be given its rightful share of the allocation," said Ojaamong, adding that failure to act on the same will subject the county to serious economic challenges.

However, Commissioner Amina Ahmed assured the residents of Busia County especially the residents of Amagoro that the commission will consult the planning ministry to correct the error and allocate Busia County its rightful share.

Commissioner Amina called upon the people as well as the leaders of Busia County to work as a team in order to uplift the economic status of Busia County.

"Ensure you elect leaders of integrity who will put the interest of the people at heart hence steering the county to greater heights of economic development," said the commissioner, adding that without transparency and accountability the county concerned will not be able to provide effective services.

The commissioner at the same time urged women to present themselves for various elective posts saying that the constitution has given them the opportunity to do so.

"Any county that will fail to observe the 'one-third' gender rule will be forced to appoint another group and use their own allocation to pay them



Mr. Ojaamong

their salaries," warned Amina, adding that failure to adhere to the gender rule will be costly to the respective county.

East African region wary about antimalarial drug resistance

By HENRY OWINO

A MAJOR crisis looms in the health sector following reports questioning the efficacy of the highly publicized Artemisinin Combination Therapies (ACTs) malaria drug.

According to a report released by Lancet, the emerging development portends a global health disaster as there are no new drugs or vaccines to replace ACTs expected soon.

For instance, resistance to chloroquine, the cheapest and most used drugs, first emerged in 1957 and has now spread across almost all endemic countries. Another drug that developed resistance is combination of sulfadoxine-pyrimethamine. It is already present in South America and in South-East Asia and now emerging in East Africa.

A team of scientists drawn from three regional centres that play central role in capacity building in malaria-endemic countries are working around the clock. Their activities are tailored to local challenges and resources to understand how far resistance has spread.

The three regional centres are in Asia, East and West Africa with support activities in Central Africa and South America. The scientists are all providing training to those collecting and processing clinical samples. They are also building sustainable networks with other scientists, bridging gaps between the research community and those responsible for malaria control at a country level.

In Africa, if the antimalarial drug becomes resistance, it will pose a major public health threat. The African teams are actively advocating for restoration and building of surveillance networks and tools to ensure early identification of artemisinin resistance.

The team of expert doctors and malaria researchers from East and Central Africa has refuted the reports by a section of media that artemisinin combinations therapies (ACTs) drugs in the market are already resistant to treatment. The doctors said there are no any researchers who have identified or confirmed the antimalarial drugs as ineffective and resistance in Africa. They therefore disputed the media reports in the phenomenon as inaccurate representations of published research.

The doctors confirmed the ACTs drugs are the most effective, reliable antimalarial treatments available. The expert assured Africans of safety and efficacy of the ACTs drugs for



Anti-malarial drug experts Doctors posing for photo at a press conference. Photo/Henry Owino

malaria treatment adding that there should not be cause of alarm. They were addressing journalists at a hotel in Nairobi during Malaria Resistance Stakeholders meeting. It was convened to engage the scientific community, policymakers, international agencies and other concerned parties to formulate an action plan.

The doctors and scientists however failed to deny reports indicating that resistance was being registered in Africa. "The resistance may spread to Africa since mosquitoes do not need visa card to spread the germs causing malaria to any continent".

According to Dr Joaquim Da Silva, Coordinator, Roll Back Malaria-East Africa Regional Network (RBM-EARN) hinted the risk that antimalarial resistance will spread is significant, due to increased trans-continental flights. He cautioned that East Africa is particularly vulnerable, due to the major regional trade hub. The doctor reiterated that Eastern African nations must now be vigilant and prepare for the possible

emergence of antimalarial resistance.

Dr Da Silva said there are approximately 28 million cases of malaria treatment per year being reported in East Africa. For that reason, he promised Africans efforts are being made to make the drugs available and affordable to all.

"There are critical gaps in drug efficacy baseline data on the African continent right now. If we do not know how effective a drug is now, how will we see trends towards resistance?" posed Dr Da Silva.

Dr Ambrose Talisuna, the East Africa Scientific Director, World Wide Antimalarial Resistance Network (WWARN), stated that Africa must be prepared for any challenge with the antimalarial treatment. He pointed out that malaria parasite resistance to the most effective antimalarial treatment ACTs is already being experienced in Southeast Asia especially in the border regions between Thailand/Cambodia and Myanmar/Thailand.

Dr Talisuna therefore urged

the media to report the issues surrounding antimalarial resistance in simplified manner and effectively. He challenged media to convey the information to the general public, to strengthen the effect of proactive collaboration instead of being malicious.

Dr Talisuna called upon regional and global cooperation to prepare for the possibility of antimalarial drug resistance in Africa nations. He urged Scientists, institutions, policymakers and national malaria control divisions to collaborate by sharing information to build a viable response to the emerging public health threat.

A summit led by Roll Back Malaria-Eastern Africa Regional Network (RBM-EARN), WWARN and the East African Consortium for Clinical Research (EACCR) funded by the EDCTP have workshops. The aim is to discuss an action plan for meeting the possible threat of artemisinin resistance in Africa should it arise particularly in Eastern region. The meeting is attended by over 40

expert scientists most of whom are outstanding researchers from Kenya, Uganda, Tanzania, Burundi, Sudan, Rwanda and Congo Republic.

Africa countries are not taking any chances even though no any confirmed reports of ACTs resistance. They are acting now by increasing their vigilance for there is no room for complacency.

According to Dr Philippe Guerin, Executive Director, WWARN, malaria is preventable and curable. Though in 2010, it caused deaths of an estimated 655,000 and with an uncertainty range of 537,000 to 907,000 mostly among African children.

Dr. Guerin however, was very optimistic that increased malaria prevention and control measures are dramatically reducing the burden of malaria in many places. He said malaria deaths have fallen by one-third in Africa since 2000.

Dr Willis Akhwale, Head of the Division of Disease Control and Prevention, Ministry of Public Health and Sanitation in Kenya, pointed out that despite efforts made to curb malaria, many challenges still exist.

Dr Akhwale admitted that historically, effective drugs have been lost as parasites develop resistance due to drugs over exposure. He said factors are use of poor quality and counterfeited medicines increasing the risk of drug resistance. Mosquitoes were seen as becoming resistance to insecticides in bed-nets and drug abuse either taken under dose or over dose for right treatment or any ailment.

He regretted that lack of proper regulations policies in Kenya is leading to substandard and counterfeit drugs. Purchasing of drugs over the chemists' counters at reduced price of Ksh 40 without diagnosed prescription from a physician among other factors contributes to resistance.

"There is a difference between substandard and counterfeit. Substandard simply means poor quality and not effective for treatment while counterfeit means there are some ingredients of the real drugs in the fake medicine but do not add up to the required threshold. So, counterfeits will cure but with time, the body develops resistance to both original and the fake," explained Dr Akhwale.

Dr Akhwale warned cheap use of counterfeits is costly both to the government and the patients using them. He urged the public to seek guidance if in doubt of any medicine being sold to them by chemists.

"The resistance may spread to Africa since mosquitoes do not need visa card to spread the germs causing malaria to any continent"

Proceedings of debate on amendments

From Page 13

Order! Order, Hon. Members! What is your point of order, Hon. Mbadi?

Mr. Mbadi: On a point of order, Madam Temporary Deputy Chairlady, I plead with you that this is a fundamental issue. The Speaker ruled that whenever the Constitution Implementation Commission (CIC) expresses doubts and reservations about the legislation that is brought to this House, it should be considered. In fact, I am so much disappointed by the Chair of CIOC. He is the Chair of the Committee which is supposed to ensure proper implementation of the Constitution. (Mr. Abdikadir stood up in his place) I have not even said anything. Why are you standing?

Madam Temporary Deputy Chairlady, if this is the way the Chair of the CIOC is going to ensure that the Constitution will be implemented, then this country is in problems.

Madam Temporary Deputy Chairlady, the Chair of the CIC actually said that this Commission is subordinate to Parliament. I want to let him know that the people of Kenya knew that there was Parliament when they did set up this Commission. I want to read the Sixth Schedule which says:-

“This Commission shall ensure that any impediment to the implementation of the Constitution is addressed.”

This is one of the impediments. The Political Parties Act and Elections Act are some of the legislations that were put in the Fifth Schedule. You could not bring these particular legislations unless they were processed through the CIC, the Attorney-General and the State Law Office. You can equally not bring an amendment without following the same procedure.

(Loud consultations)

The Temporary Deputy Chairlady (Dr. Laboso): Order, hon. Members!

Mr. Namwamba: On a point of information, Madam Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Dr. Laboso): Who do you want to inform?

Mr. Mbadi: Madam Temporary Deputy Chairlady, he can inform me. I accept the information.

The Temporary Deputy Chairlady (Dr. Laboso): Hon. Members, remember that this is the Third Reading. We are not debating.

Mr. Namwamba: On a point of information Madam Temporary Deputy Chairlady, I want to inform the hon. Member for Gwass that the question he is canvassing received considerable attention in the ruling that you have just selectively read to the House because that is what you have just done. You have selectively read a ruling of the Chair to this House and I want to point out that--- This is selective in acceptable simple English. We want to defile the new Constitution. We will not allow anybody to defile the new Constitution.

Mr. Mbadi: Thank you for the information.

Hon. Members: On a point of order, Madam Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Dr. Laboso): I have stopped any further points of orders on this matter. Hon. Baiya, move your amendment.

(Loud consultations)

(Mrs. Shebesh stood up in her place)

The Temporary Deputy Chairlady (Dr. Laboso): Order, hon. Mrs. Shebesh. Get out of the Chamber!

(Mrs. Shebesh withdrew from the Chamber escorted by Mrs. Odhiambo-Mabona)

(Applause)

The Assistant Minister for Industrialization (Mr. Muriithi): Madam Temporary Deputy Chairlady, I support and

as I do, may I say the following. I am under the impression that the National Assembly of the Republic of Kenya cannot be intimidated or at any rate be threatened that if we do not do this, we will go to court and if we do that, we will go to court.

I support.

The Temporary Deputy Chairlady (Dr. Laboso): Hon. Nderitu, that matter is closed. I will now put the question.

(Question, that the words to be inserted be inserted, put and negatived)

Mr. Musyimi: Madam Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Statute Law (Miscellaneous Amendments) Bill, 2012 be amended in the proposed amendments to the Political Parties Act, 2011 (No. 11 of 2011) by inserting the following immediately after the amendments proposed to section 41(4) of the Political Parties Act- S.51 Insert the following new sub-section immediately after sub-section (1)-

(1A) Until after the first general election held after the commencement of this Act, nothing provided for in sub-sections (4), (5) or (7) of section 14 shall be construed as requiring a person to vacate his or her seat as a Member of Parliament or of a local authority, or as disqualifying any person from eligibility to contest in an election under this Act.

Madam Temporary Deputy Chairlady, I wish to commend this august House for enacting the law on political parties. It is a very forward-looking law. It is a law that will bring order and health. As we all know, democracies rely on political parties for their day-to-day activities. So, I stand to support this honourable House in enacting this law. I think it is a wonderful law. However, even as we commend this August House, might we also say that this nation is in transition and transitions are not easy things? I am not sure

that many of us are fully aware of the changes that we are going through as a country. I have looked at the activities within our political parties over the last one year; it is quite obvious that there are fundamental changes that are taking place in terms of party affiliation and organization.

(Loud consultations)

Madam Temporary Deputy Chairlady, could you, kindly, protect me? I can hardly hear myself.

The Temporary Deputy Chairlady (Dr. Laboso): Order, hon. Members! The consultations are too loud. Hon. Musyimi, remember it is Committee Stage. You are not moving a Motion. Summarize your contribution.

Mr. Musyimi: Thank you, Madam Temporary Deputy Chairlady. I feel that we need to give the political parties and our people the necessary legal framework to negotiate their future and, therefore, the future of our people.

Jesus said: “Law was made for man and not man for law.” If it is necessary to change the law, we change it. I believe in reforms and I have spent a good part of my life pushing for reforms. However, if we just push reforms without pushing the agenda for providing predictability to society, then reforms will hurt us eventually. What we want is stability in terms of political engagements. I beg to move.

(Question of the amendment proposed)

Ms. Karua: Madam Temporary Deputy Chairlady, I stand to oppose the amendment.

(Applause)

It is a great shame that shortly after passing the Constitution – passing the Political Parties Act, 2011, we are now telling the country that; allow us as Members of Parliament, as the rest of Kenya obeys the Constitution and the law, to just misbehave just a little; allow us not to be faithful to the party that we

have come to Parliament with.

I think that we need to be disciplined. If one wants to change party allegiance, there is a mechanism for doing so but I think let us not do that. I am saying that for Kenya to democratize, it is political parties that will help to change the governance of this country.

We destroy parties today, we are destroying our country. I just want to go on record as vehemently opposing this amendment which is going to open a floodgate to indiscipline in political parties and what we call political promiscuity.

I oppose.

Dr. Duale: Madam Temporary Deputy Chairlady, I stand to support this amendment.

History will bear me out that the people who will oppose this amendment have changed parties more than five times.

Mrs. Odhiambo-Mabona: On a point of order, Madam Temporary Deputy Chairlady. Is the hon. member in order to mislead the House that those who are opposing have changed parties? I have only been a member of the Orange Democratic Movement

(ODM). I have never changed and I vehemently oppose.

Mr. Duale: Madam Temporary Deputy Chairlady, we are doing this in order to---

Dr. Nuh: On a point of information, Madam Temporary Deputy Chairlady.

Mr. Duale: I do not want to be informed. Madam Temporary Deputy Chairlady.

Hon. Mutava Musyimi is exercising his legislative role of either amending or doing his oversight role that we create parties based on the Constitution. As we go to the new constitutional dispensation, we have parties where in the morning, evening and at night, are owned by individuals. For that, the way we have created many transitional authorities in this House both in the social, economic and political spheres, we must create a transitional period for us to leave parties that are full of dictators – parties that believe in regional politics and ethnic polarization and form a Kenyan political party. I think Hon. Mutava Musyimi has created the avenue. He has brought an amendment where party hoppers can leave dictators and go to where democracy thrives.

Mr. Midiwo: Madam Temporary Deputy Chairlady, let me oppose this amendment. I am opposing the amendment, knowing that the people who are used to indiscipline shall win. However, I want to go on record as having said that this country is a multiparty democracy, and that there cannot be a thriving multiparty democracy where there is no political party discipline. Let me promise my colleagues that it does not matter how many political parties one hops from and to, in the final analysis, you will come back to this House. You shall only survive in politics if you believe in some ideology of some party, which you shall help to build. Otherwise, you will not be helping yourself, other than promoting gross political party indiscipline in our country.

I know that those who are supporting this amendment will win, and I wish them well.

The Assistant Minister for East African Community (Mr. Munya): Madam Temporary Deputy Chairlady, I support this amendment for one very key reason.

The Bill of Rights ranks at the top in the hierarchy of norms in our constitutional make up. A cardinal principle in the Bill of Rights is freedom of association. When you are restricting enjoyment of a fundamental freedom, you have to be extremely careful.

When you tell people that if you have disagreed with your party or you no

longer share your ideology with that party, you cannot move out, is unreasonably restricting your freedom of association, which is a fundamental principle in the Constitution. Especially in a country where parties are really shades, and not real parties, and where we have owners of parties who dictate within the parties; they will want to keep you in the parties, so that they can use you to negotiate for political power.

Madam Temporary Deputy Chairlady, I hold the freedom of association as being more fundamental than that people are trying to protect, where parties are really personalised outfits.

I beg to support.

The Assistant Minister for Lands (Mr. Rai): Bi Naibu Mwenyekiti wa Muda, ninaomba nianze kwa kusema kwamba haki iwe ngao na mlinzi, na kwamba maneno tunayozungumza ni lazima tuyapime tujue kwamba tunazungumza na Wakenya wanasubiri.

Kwa heshima yangu yote, ninataka ieleweke kwamba mhe. Martha Karua aliteuliwa kuja Bungeni kwa tikiti ya PNU lakini, hivi sasa, yeye ni Kinara wa Chama cha NARC-(Kenya). Bado hajajuzulu. Anapigania kiti tena, na hapa anasema ni lazima demokrasia ifuatwe.

Ms. Karua: On a point of order, Madam Temporary Deputy Chairlady. Is it in order for my good friend, who appears not to have any understanding of the Political

Parties Act, to mislead the House? It is true that I was forwarded to the PNU by NARC-Kenya. I never became a member of PNU. The law allows me even now to define myself as a member of NARC-(Kenya) because it is NARC-Kenya that had become a corporate member of PNU. Is it in order for this good hon. Member, who is otherwise my friend, to mislead Kenyans on the law? We saved clauses 2 and 30 of the Political Parties Act. I am not a member of PNU. I am a member of NARC-(Kenya) and its head.

(Several hon. Members stood up in their places)

The Temporary Deputy Chairlady (Dr. Laboso): Order, hon. Members! Gonzi Rai, complete your contribution.

The Temporary Deputy Chairlady (Dr. Laboso): Do you accept the information, hon. Gonzi Rai?

The Assistant Minister for Lands (Mr. Rai): Yes, I do, Madam Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Dr. Laboso): Proceed, Minister.

The Minister for Nairobi Metropolitan Development (Mr. Jamleck Irungu Kamau): Madam Temporary Deputy Chairlady, I happen to be the Vice-Chairman of the PNU, the party that is being said to be “Pnu”. The party is not “Pnu”. It is actually PNU.

For the information of this Hon. Member, I was actually in NARC-(Kenya), together with hon. Martha Karua. I was elected under the PNU, through NARC-Kenya, just like Hon. Martha Karua was elected. Therefore, she belongs in PNU.

(Loud consultations)

The Temporary Deputy Chairlady (Dr. Laboso): Order Hon. Members! Allow the Hon. Member to complete his contribution.

Yes, Mr. Rai.

The Assistant Minister for Lands (Mr. Rai): Madam Temporary Deputy Chairlady---

(Loud consultations)

The Temporary Deputy Chairlady (Dr. Laboso): Mr. Rai, you have now forfeited your time.

Dr. Eseli: Madam Temporary Deputy Chairlady, is the hon. Member correct to suggest that some of us are in PNU when we have come directly through other parties considering that PNU, as a medical doctor, I actually examined it and pronounced it dead? It died of

constipation after eating its own children and adopting the neighbour’s.

(Laughter)

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Chairlady, I know hon. Members may be looking for some hilarious moments here but is it in order for an hon. Member to stand before this House and talk of a political party which is supposedly dead when he has not even been a Member? I am the Secretary-General of PNU, a party that is in the coalition; the party that is ruling and a party that participates in this Government and is here sponsoring all these presidential candidates including Martha Karua. For the information of Ms. Karua, I would like to just inform her that Section 2 of the Political Parties Act of 2007 was not saved in the Political Parties Act that was repealed. Section 33 was saved but not Section 2. So, be very careful how you approach me as the Secretary-General of PNU!

(Laughter)

Mr. Namwamba: Madam Temporary Deputy Chairlady, as the dead bury their dead, I just want us to get back to---

The Temporary Deputy Chairlady (Dr. Laboso): Yes, but no debate, please.

Mr. Namwamba: No, Madam Temporary Deputy Chairlady. I wanted to seek some guidance from the hon. Attorney-General and in his absence, the Minister for Justice, National Cohesion and Constitutional Affairs is here. I just wanted to seek this clarification for the benefit of this discourse.

The essence of the amendment is to basically allow hon. Members to continue holding their positions even after vacating their political parties. However, I want to benefit from the Attorney-General who is not here but the Minister for Justice, National Cohesion and Constitutional Affairs could also do it. With respect to Section 3 of the Sixth Schedule to the Constitution, which provides that Sections 30 to 40; 43 to 46; 48 to 58 of the former Constitution - the provisions of the former constitution concerning the Executive are extended which means they are still applicable--- The clarification I seek, therefore, is how this particular amendment would sit alongside Section 40 of the former Constitution whose applicability is extended by Section 3 of the Sixth Schedule. The said Section 40 of the former Constitution provides as follows:

This is Section 40 and I quote:-

“Vacation of seat in the National Assembly upon resignation from party - a Member of the National Assembly---

(Loud consultations)

The Temporary Deputy Chair (Dr. Laboso) Order, Members!

Mr. Namwamba: I do not know whether we are here to debate or to make noise and heckle. It states:

“A Member of the National Assembly who, having stood at his election as an elected Member with the support of or as a supporter of a political party, or having accepted appointment as a Nominated Member as a supporter of a political party either:-

(a) resigns from that party at a time when that party is a parliamentary party; or,

(b) having, after the dissolution of that party, been a Member of another parliamentary party resigns from that other party at a time when that other party is a parliamentary party shall vacate his seat forthwith unless in the meantime that party of which he was last a Member has ceased to exist as a parliamentary party or he has resigned his seat”

Madam Temporary Deputy Chair, I raise this matter because---

Mr. Abdikadir: On a point of order, Madam Temporary Deputy Chair.

Mr. Namwamba: I am on a point of order. I raise this question because this Section 40--

Mr. Abdikadir: On a point of order, Madam Temporary Deputy Chair.

Mr. Namwamba: I am on a point of order myself.

Madam Temporary Deputy Chair, when pretenders to reforms suddenly show their colour and start demonstrating the worst possible traits of impunity---

s to political parties and elections laws

The Temporary Deputy Chair (Dr. Laboso): Order, Mr. Namwamba! Continue with your contribution. Just stick to your points.

Mr. Namwamba: Madam Temporary Deputy Chair, would I be in order to seek the guidance of the hon. Attorney-General, who is back here now, as to how this amendment would sit alongside Section 40 of the former Constitution, whose application is saved by Article 3 of the Sixth Schedule of the Constitution, which is actually part of the Constitution? Would this provision, therefore, be valid?

Whether you make noise or not, we are a country governed by the rule of law not by the noise of man.

The Temporary Deputy Chair (Dr. Laboso): Minister for Justice, National Cohesion and Constitutional Affairs, please, proceed.

Mr. Abdikadir: On a point of order, Madam Temporary Deputy Speaker. Is it in order for the legislative function of this House to be subjected to the opinion of the Minister for Justice, National Cohesion and Constitutional Affairs? This House is legislating at Committee Stage; the views of the Minister, respectable as they are, do not supersede the functions of the House.

Madam Temporary Deputy Chair, the Standing Orders talk about a Motion. Standing Order No.47 talks about a Motion. We do not have before us a Motion. There is developing a habit in this House that everything is sent to the Chair or the Speaker for determination. It is not the Speaker or the Chair that makes laws. Absolutely not! It is the cardinal function of the House; it is the mandate of the House. It is not the mandate of the Speaker or the Chair. It is certainly not the mandate of the Minister for Justice, National Cohesion and Constitutional Affairs to make laws. Will I be in order to seek that we move ahead with the business of the House?

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Madam Temporary Deputy Chair, I stand to oppose the amendment. The guilty are afraid. All the people who are supporting this amendment are hoppers of political parties.

We cannot kill democracy in this country. It is only in this country that we have selfish legislators; people who want to help themselves because you want to jump from one party to another so that tomorrow, you can survive. We cannot kill democracy because you want to move from party to party.

(Loud consultations)

The Temporary Deputy Chairlady (Dr. Laboso): Order, hon. Members! Complete your contribution.

The Assistant Minister, Ministry of State for Defense (Maj-Gen. Nkaisserry): Madam Temporary Deputy Chairlady, you can see a big shame tonight that Hon. Members who have themselves to blame. We cannot kill democracy because you are political hoppers. We cannot allow that and, therefore, I oppose this amendment.

(Loud consultations)

The Temporary Deputy Chairlady (Dr. Laboso): The House will decide. Mr. Namwamba sought an opinion and I will allow the Minister because he had stood up. Let us allow the Minister and then put the question so that the House can decide. Do you have an opinion? We are not bound by his opinion but we can benefit from it.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Madam Temporary Deputy Chairlady, I think I want to concur with what Mr. Abdikadir said and I want to assure the hon. Member that we are available together with the Attorney-General to give him our considered opinion but if he has grounds on which he wishes to oppose this amendment on constitutional grounds, he is free to do so in this debate but we will be available to give him our considered opinion.

(Question that the words to be inserted be inserted, put and agreed to)

(Several Hon. Members stood up in their places)

Hon. Members: Division! Division!

The Temporary Deputy Chair (Dr. La-

boso): Hon. Members, we do not have 20 Hon. Members standing. Mr. Kivuti's amendment, therefore, falls as it is similar to Mr. Musyimi's amendment.

(The provisions relating to the Political Parties Act as amended agreed to)

Dr. Nuh: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the Elections Act, 2011 be amended by inserting the following immediately after the amendment proposed to section 10(1)- S.10 (2) Delete. Mr. Temporary Deputy Chairman, Sir, I am proposing a deletion of that section which proposes that the identification documents produced during voting be the one you used during registration and I was asking that if you registered using a passport and you have an identity card and maybe you have misplaced your passport, if the identification of the person can be well proved beyond doubt because the passport and the identity cards are interchangeable, why would we want to force on a voter that he must produce an identity card if he registered using an identity card when he can produce a passport since maybe he lost his identity card? That is basically the rationale.

The Temporary Deputy Chairman (Mr. Ethuro): Order! Hon. Dr. Nuh, you need to move all of them under the Elections Act. Deal with one first and then we will go to two.

Section 13(3) – The Elections Act, 2011

Dr. Nuh: Mr. Temporary Deputy Chairman, I beg to move:-

THAT, the Elections Act, 2011 be amended by inserting the following immediately after the amendment proposed to section 10(1) S.13 (3) Delete all the words appearing after the words "its constitution and rules" and substitute therefor the words "which shall be at least forty five days before such election."

Mr. Temporary Deputy Chairman, Sir, the section I am deleting is when it is giving the days when nomination is supposed to be done and it says:-

"Such nominations shall be done in accordance with the constitutional rules which shall not be more than 21 days after the date of publication of such notice."

What we are basically saying here is that what should be definite is the date of the election and just as the nomination is a fixed date that should not be less than 45 days before the general election. I am proposing that rather than give a date that is ambiguous – that is not fixed and it will be for the IEBC to determine, then you say 21 days after that date. If that date is set, then there is a danger of getting towards and closer to the day of the election. So, I am trying to align it with the previous provisions and say that we replace it with the words "a date which shall be at least forty five days before date of such election."

Mr. Temporary Deputy Chairman, Sir, with respect to Section 21(3) and Section 21(4), I learnt that there were some corrections which were done because this was to correct the anomaly of the Acting Speaker and the Deputy Speaker. So, I wish to withdraw amendments 21(3) and 21(4).

The Temporary Deputy Chairman (Mr. Ethuro): So, Dr. Nuh, if the Chair heard you, you are withdrawing Sections 21(3) and (4) and still maintaining Section 10(2) and Section 13(3)?

Dr. Nuh: Yes, Mr. Temporary Deputy Chairman, Sir.

(Proposed amendments to Sections 21(3) and (4) by Hon. Nuh were withdrawn)

Dr. Nuh: Mr. Temporary Deputy Chairman, Sir, we are deleting Sections 10(2) and 13(3) and proposing that we put "forty-five days before such election". I have withdrawn the amendments to Sections 21(3) and 21(4).

(Proposed amendments to S.21(3) and

S.21(4) by Dr. Nuh withdrawn)

(Question of the amendment proposed)

Ms. Karua: On a point of order, Mr. Temporary Deputy Chairman, Sir. While moving the amendment, I heard the hon. Member talk about registering with an ID, but voting with a passport. However, looking at the amendment on the Order Paper, I see nothing talking about that proposal. So, could the hon. Member clarify where this proposal appears, so that we can follow the amendments? Otherwise, it is impossible to contribute to the amendment. Even in the Act itself, I am not seeing any such proposed amendment.

The Temporary Deputy Chairman (Mr. Ethuro): Hon. Members, there is another clarification being sought by hon. Kimunya.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Chairman,

Sir, indeed, Section 10(1) of the Act basically says that you use the same document that you used to register as a voter for purposes of voting. So, Dr. Nuh is basically saying that the document that you use to register need not be the one you will use for voting, and that you can be identified separately. Such an amendment could provide room for manipulation of the election.

Mr. Temporary Deputy Chairman, Sir, if you remember, when we were legislating on this law, we went through a very elaborate system to sort out these issues. The document that you use to register is the one that you are known by in the register.

You cannot then come back – because of multiple registrations – and use another document to vote. It was at that point that we actually removed the issue of voters' cards, which have always been used as an opportunity for buying voters. I am surprised that voters' cards are coming back.

Therefore, I have a further amendment to Dr. Nuh's amendment, to actually delete the clause that is seeking to re-introduce voters' cards, which we removed in this House with a lot of wisdom. We know that voters' cards are an avenue for rigging of elections. We should especially consider the budgetary constraints that the IEBC is in. It is unfortunate that whereas we are crying that we do not have money for elections, we are seeking to re-introduce voters' cards, which will cost so much money, despite the fact that we do not need them, and which this House, in its wisdom, had removed from the Statute.

Mr. Temporary Deputy Chairman, Sir, I want to introduce my amendment at this point.

The Temporary Deputy Chairman (Mr. Ethuro): What are you amending, Minister?

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, it is a further amendment to Dr. Nuh's amendment.

Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Section 10(1) on the provisions relating to the Elections Act, 2011 and other references to voter's cards within the Elections Act, 2011, be deleted.

The rationale of this amendment is that when we were legislating on the Elections Act, 2011, we looked through this matter and said that voters' cards have previously been used for purposes of rigging elections.

The Temporary Deputy Chairman (Mr. Ethuro): Minister, conclude. You have convinced the hon. Members.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Chairman,

Sir, if I have convinced the hon. Members, I need not speak any more. Let me just say that Section 10(1) of the Elections Act, 2011, be further amended by

being deleted.

The Temporary Deputy Chairman (Mr. Ethuro): Hon. Kimunya, that cannot be a further amendment to Dr. Nuh's amendment because you are dealing with Section 10(1) whereas Dr. Nuh is dealing with Section 10(2).

(Mr. Kimunya consulted the Chair)

Mr. Baiya: On a point of order, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Ethuro): What is it, hon. Baiya?

Mr. Baiya: Mr. Temporary Deputy Chairman, Sir, I wish to support that amendment by the Minister. That is with regard to removing the voters' card as a requirement for registration and even for voting. Actually, it is not just for voting. It is not needed either for registration or for voting. That way, we shall be making the election

more efficient, effective and less expensive. So, that has been the position. The Departmental Committee on Justice and Legal Affairs has also agreed with that position and we, therefore, support the amendment.

The Temporary Deputy Chairman (Mr. Ethuro): Mr. Kimunya's amendment is strictly 10(1) and Dr. Nuh will come with 10(2) and then 13(3).

Dr. Nuh: Mr. Temporary Deputy Chairman, Sir, I have been advised by some documentation experts and a few legal minds, who I think sought to know the few issues that entail getting an ID and a passport, that it is not the same information although I have one. But you know I am just among the very few from Bura who have the opportunity to have a passport. I am informed that it is not the same information which is on the passport that might appear on the ID and that might open room for fraud. Mine was only to facilitate the voters. However, if it opens avenues for corruption I want to be guided and I want to withdraw the amendment.

The Temporary Deputy Chairman (Mr. Ethuro): So, you are withdrawing 10(2) and 13(3)?

Dr. Nuh: I am just withdrawing 10(2), Mr. Temporary Deputy Chairman, Sir.

(Proposed amendment to Section 10(2) by Dr. Nuh withdrawn)

Dr. Khalwale: Mr. Temporary Deputy Chairman, Sir, I just want to register my support for Mr. Kimunya and draw the attention of hon. Members to Article 38 subsection---

The Temporary Deputy Chairman (Mr. Ethuro): Order! I will give you the chance. Let me then put the amendment properly. Mr. Kimunya, we can start with yours.

Move the amendment.

Section 10(1) – The Elections Act, 2011

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I beg to move:- THAT, Section 10(1) on the provisions relating to the Elections Act, 2011, and references to voters' cards in the Election Act, 2011, be deleted.

(Question of the amendment proposed)

Dr. Khalwale: Mr. Temporary Deputy Chairman, Sir, I want to support Mr. Kimunya by making a reference to Article 38(3) of the Constitution, which provides that every adult citizen has the right, without unreasonable restriction, to be registered as a voter and to vote by secret ballot in any election or a referendum.

Since the Constitution talks of there being the total absence of unreasonable restriction, it reminds me of some of the voters who are not able to read and write. They usually get into a lot of confusion.

The Temporary Deputy Chairman (Mr. Ethuro): Order, Dr. Khalwale, I can see where you are going; this is Committee Stage.

Dr. Khalwale: Thank you.

I support.

(Question that, the words to be left out

be left out, put and agreed to)

(Provisions relating to Section 10(1) of the Elections Act, 2011 were accordingly deleted)

The Temporary Deputy Chairman (Mr. Ethuro): Dr. Nuh, move the amendments on Section 13(3).

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, I had an objection to the amendment by Mr. Kimunya but it seems you are going too fast for some of us.

The Temporary Deputy Chairman (Mr. Ethuro): That is why I am here, Dr. Nuh.

Dr. Nuh: Mr. Temporary Deputy Chairman, Sir, even if you give a chance to someone who supports, it might be good to hear the contrary view; I was a little disturbed. Now that this amendment is already gone I just want Members to digest a case where someone misses in the register and their missing is caused deliberately by the Independent Boundaries and Electoral Commission (IEBC) and you have nothing to prove that actually you went to the IEBC to register. I think that is for the digestion of the Members.

Mr. Temporary Deputy Chairman, Sir, I have moved the amendment to Section 13(3); so, I do not know what you want me to do. Just propose the Question.

The Temporary Deputy Chairman (Mr. Ethuro): Let me not put the Question so that at least we get one or two clarifications.

Ms. Karua: Madam Temporary Deputy Speaker, I oppose the amendment. Dr. Nuh himself has doubted it. If you allow people who are not in the register to vote, what will happen is that we will have hand written registers replacing the old ones. This is the method that has been used---

The Temporary Deputy Chairman (Mr. Ethuro): Order, hon. Karua! You are back to Section 10(1). We had finished that. That is Mr. Kimunya's---

Ms. Karua: No; Dr. Nuh is on Section 10(3).

The Temporary Deputy Chairman (Mr. Ethuro): No; he was complaining that I had denied him the opportunity earlier on.

Ms. Karua: No; I have nothing on Section 10(1). I thought we were on Section 10(3).

The Temporary Deputy Chairman (Mr. Ethuro): We are on Section 13(3)

Mr. Ruto: On a point of order, Mr. Temporary Deputy Chairman, Sir. The Hon. Member was just about to tell us how elections can be rigged. You stopped her---

The Temporary Deputy Chairman (Mr. Ethuro): Yes, you must stop all rigging of election.

Mr. Ruto: Mr. Temporary Deputy Chairman, Sir, you know very well that Hon. Karua is an authority.

The Temporary Deputy Chairman (Mr. Ethuro): Mr. Ruto do not--- No! No!

Order, Ms. Karua! You do not need to answer him.

Ms. Karua: Because of what he did in Chepalungu; 400,000 votes---

The Temporary Deputy Chairman (Mr. Ethuro): Order, Ms. Karua! Order, Members! The next time someone ignores the Chair, I will throw him or her out. I will now put the question in relation to the amendment by Dr. Nuh on Section 13(3)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof, be inserted, put and agreed to)

(Provisions relating to Section 13(3) of the Elections Act, 2011 as amended agreed to)

Dr. Nuh: Mr. Temporary Deputy Chairman, Sir, I beg to move:-