

# Rules to gag airing of hate speech set

By HENRY OWINO

**T**HE government has unveiled new guidelines to prevent electronic transmission of undesirable and inflammatory contents to the public.

The move also seeks to insulate the country from political chaos witnessed during the 2007 General Elections. Under the new guidelines, the Ministry of Information and Communication will regulate the transmission of bulk political contents over all electronic communication networks as the country draws closer to the next general elections.

According to the new guidelines, mainstream media would be expected to shun individuals and politicians bent on jeopardizing the security and stability of the country through inflammatory statements. Electronic media reaches big population within a short time and can influence both positively and negatively depending on the information disseminated.

According to Dr Bitange Ndemo, the Permanent Secretary, Ministry of Information and Communication, the guidelines by the Communication Commission of Kenya (CCK) seek to prevent transmission of undesirable and inflammatory political messages to protect ICT consumers. He stated

The move is aimed at ensuring peaceful general elections

that the government has put mechanisms in place to deter a repeat of 2007/08 electoral violence fuelled by the electronic media.

The Permanent Secretary (PS) outlined that the Ministry has constituted a National Media Monitoring Steering Committee to monitor the media on a

continuous basis for incidences of hate speech. Dr Ndemo stated the committee is made up of; representatives from the Ministry of Information and Communication, CCK, the Kenya Police, Media Council of Kenya, Independent Electoral and Boundaries Commission (IEBC), National Cohesion and



CCK headquarters.

Photo/Henry Owino



Dr. Bitange Ndemo, PS, Ministry of Information and Communication.

## Top aspirants accused of misuse of CDF kitty

By FAITH MUIRURI

AN AUDIT of the Constituency Development Fund (CDF) in areas represented by leading presidential contenders in the country paints a grim picture towards the management of devolved funding.

The audit by the National Taxpayers Association (NTA) reveals that about Ksh39,781,875 has been lost in massive wastage, unaccountability and poor workmanship in constituencies represented by Prime Minister Raila Odinga, Vice President Kalonzo Musyoka, Deputy Prime Minister Uhuru Kenyatta and Musalia Mudavadi, Cabinet Minister Eugene Wamalwa, Eldoret North MP William Ruto.

Only Gatanga Constituency represented by Peter Kenneth has received a clean bill of health in the audit which highlights continued wastage of public funds with some being misappropriated while some projects are non-existent.

Accountability  
 Prime Minister Raila Odinga's

CDF kitty ranks poorly among the eight presidential contenders surveyed in accountability of CDF funds.

According to the report, Ksh6,663,000 went to waste on badly implemented projects in his Lang'ata constituency in Nairobi County. An additional Ksh8,309,517 set aside for the construction of an ultra modern CDF office three years ago cannot be accounted for.

The report states that the project on the ground is estimated at Ksh 350,000 and there is nothing to show of the ultra modern facility. "No bank statements were availed to indicate that the sums were in the project account," reads the report in part adding that efforts to get more information from the Lang'ata CDF office were not fruitful.

At VP's Mwingi North Constituency, Ksh 1,050,000 earmarked for the construction of a workshop at Mutwang'ombe Polytechnic cannot be accounted for.

According to the report, an old

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Integration Commission (NCIC) and the Kenya Film Classification Board.

The Steering Committee he explained is supported by a Media Monitoring sub-committee which issues weekly media updates and briefing on issues of concern in respect to hate speech. In addition the Ps stressed that the ministry is determined to ensure that the citizens exercise their rights, have credible elections for the honour and pride as a peace loving, democratic nation. "My Ministry will keep these two committees active until the conclusion of the next General Elections, and if necessary, for a longer period," promised Dr Ndemo during the launch of Guidelines for the Prevention of Transmission of Undesirable political messages, via electronic communications networks, at a hotel in Nairobi.

Mobile phones have become an important platform for transmission of bulk political messages. Dr. Ndemo said the total mobile subscription in the country today stands at about 30 million. In addition, of the 14.03 million Internet users in Kenya, over 90 per cent of them use the mobile phone as the preferred Internet access medium. "To leverage on the mobile platform and further entrench our democratic culture, it has become increasingly urgent to put in place sufficient regulatory safeguards against transmission of inflammatory and divisive messages, including hate speech," Dr Ndemo regretted.

"I wish to call on CCK and other agencies such as the Police, the IEBC and NCIC to enforce these guidelines strictly to avoid another bloodbath in the lead up and aftermath of next General Elections," he urged.

The Ps said the deactivation of fake mobile devices will now make it easier for law enforcement agencies to track

down those using mobile phones to perpetrate crime including transmission of irresponsible and divisive messages. The PS said very soon the Ministry will publish requisite regulations to facilitate the switch of all unregistered SIM cards.

"I wish to encourage those who have not yet registered their SIM cards to do so before the said regulations are published," he cautioned. All the initiatives are geared towards ensuring that the ICT sector continues supporting the national economic policy objectives rather than a platform for perpetration of criminal activities.

According to Francis Wangusi, the CCK Director General, the guidelines require Mobile Network Operators to exercise greater oversight over political messages transmitted through their infrastructure. He explained that content service providers sending political messages will now be required to request the mobile network operator at least 48 hours before sending the message. Wangusi said the application shall include: a minimum verbatim content of the political message; a signed authorization from the political party or individual sponsoring the political message; and certified copies of registration documentation of the political party or identification documents of the individual.

"These regulations and requirement are meant to eliminate the transmission of anonymous political messages over our communication networks. The guidelines provide Mobile Network Operators with the right to refuse transmission of political messages that are deemed to be offensive to the law," explained Wangusi, the ICT sector regulator.

Wangusi said that the new guidelines now outlaw transmission of offensive, threatening, abusive, obscene or profane language. They further outlaw the transmission of messages bearing

inciting, threatening or discriminatory language that is intended to expose individuals or groups of individuals to violence, hatred, hostility, discrimination or ridicule on the basis of gender, ethnicity, race and colour.

To protect consumers of mobile telecommunication service from SPAM, he clarified that the guidelines outlaw the transmission of political messages to customers who have not subscribed for the service. "Content Service Providers will be required to provide evidence of such consent immediately upon request by mobile network operators or any other concerned governmental body or regulator," said Wangusi.

The CCK Director General, urged relevant licensees to abide by the guidelines strictly to ensure that the country remains peaceful in the run up to the elections. He however declared that CCK will work closely with relevant government agencies to ensure those who contravene the guidelines, are brought to book. In a related move, the Church has warned politicians to refrain from inciting Kenyans against each other. Taking the lead, the Anglican Church of Kenya (ACK) has strongly condemned politicians who issue statements that are likely to divide Kenyans. The church said the inflammatory remarks will set a bad tone as the country heads to the next General Election due on March 4th, 2013.

The church leaders are calling upon National Cohesion and Integrity Commission led by Mzalendo Kimbujia to take stern action against such political aspirants. The clerics said politicians are uttering offensive words to their opponents in the name of campaigns which might cause chaos if not checked. "We are concerned at the high level of impunity displayed by some leaders through utterances that are offensive, divisive

and potentially damaging to the fragile inter-ethnic relations," said Archbishop Eliud Wabukala. "This is irresponsible and careless as the leaders are widely quoted in the mass media. This is unacceptable and we condemn it," added the ACK Archbishop Eliud Wabukala during a news conference at a hotel in Nakuru. "As a church, we have reflected on what is happening in our country and we feel there is a need to raise our voice to speak and warn the nation and our political leaders," concerned Archbishop Wabukala stated.

Archbishop Wabukala regretted that the church was blamed for not giving direction to the nation during the post elections violence (PEV) of 2007/08 but this time round they are out to provide that guideline for peace. He said the PEV that occurred was enough lesson learnt and church would not keep quiet or leave any element that is likely to stir up skirmishes again. The clerics who included spiritual leaders from the House of Bishops, the ACK's top decision making organ, made the remarks at Imani Guest House, Nakuru.

They stated that politicians have developed a habit of inciting Kenyans and then issuing apologies. The church leaders stressed that apologies should not be used to undermine justice otherwise several others would do the same and ask for forgiveness at the expense of the people and victims of violence. "Kenyans yearn for a nation where there is respect for the rule of law, human rights, equality and integrity," said Archbishop Wabukala. "Let each Kenyan and leaders reflect on their personal and collective conduct because each action will have far reaching effects on our future generations," he added.

The clerics said in order to avert the security crisis, the church demanded the appointment of an Inspector General of

Police as a matter of urgency. They said that they were appalled by the continued delay on police reforms. This, they said, could undermine security during the elections come March next year.

"It is the responsibility of the security forces to gather and act on intelligence reports in such areas to prevent future conflicts. "Memories of the destructive violence experienced in 2007/08 are yet to fade as Kenyans continue to live in IDP camps," the bishops asserted.

They regretted that as Kenyans prepare for the elections, some parts of the country have continued to experience a wave of violence like; in Tana River, Mombasa, Wajir and Mandera Counties. Spiritual leaders alleged that it must have been attributed to political incitement. The clerics said that they had signed the 'I am Kenyan' pledge committing them to ensuring peaceful campaigns and the March elections conducted in a free, fair and transparent manner. "We can't afford to let Kenya burn again under our watch. We are keen and monitoring all processes from campaigns to voter registration exercises, civic education, voting and eventual counting and tallying of the ballot papers before the official announcement of the poll results," the clerics emphasized.

The leaders said that they were encouraged by and are proud of many individuals and organizations who have taken it upon themselves to promote peaceful coexistence before, during and after the elections. They urged all candidates aspiring for leadership positions to take up the pledge and live by it for the sake of the country.

The church leaders said for free, fair and transparent elections, all Kenyans must engage in peace building. They unanimously stated that it is vital to promote Kenyan identity and shun ethnic hatred fuelled by unfounded prejudices.

# Top aspirants accused of misuse of CDF kitty

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building at the site was constructed by the community in the 1980s to serve as a polytechnic. "It was however turned into a Secondary school in 2008," adds the report saying that Mwingi North CDF allocated funds to the project for a period of two years despite the fact that the polytechnic was no longer in existence. Ksh 200,000 was allocated to the project during the 2007/2008 financial and an additional Ksh250,000 during the 2008/2009 financial year.

## Abuse

The report says that a former management committee can hardly account for the funds that went into the project, although reliable information on the ground indicate that part of the Ksh 600,000 allocated to the project during 2006/2007 was used in painting the building but it is not clear how much of the funds were spent in the same.

An additional Ksh 6,354,358 was lost in wasteful spending of the CDF-a devolved programme that is under the control of MPs and is meant to support infrastructure development at the grassroots.

In Gatundu South, where Deputy Prime Minister Uhuru Kenyatta is the area MP, a substantive Ksh 3, 500,000 pumped towards the rehabilitation of Kiganjo Dairy during 2006/2007 financial year has gone to waste since the project is incomplete and has not been beneficial to the community.

Gatundu South CDF chairman Timothy Njau however says the funds were used to renovate the facility and purchase a milk cooler. He explains



Raila



Uhuru



Ruto



Kalonzo



Karua



Ngilu

that the project was taken up by farmers in 2009 and is currently used by farmers as a milk collection centre.

Further, the report states that Mag-amano- Ituru road funded to the tune of Ksh 4,300,000, is poorly done.

## Dubious projects

At Deputy Prime Minister Musalia Mudavadi's Sabatia backyard, Ksh 5,200,000 has been lost in dubious and poorly implemented projects.

Among projects mired in controversy include the purchase of land to put up Sabatia Sports Complex. The project was funded to the tune of Ksh5, 180,000 but only Ksh2, 680,000 went towards the project while Ksh2,500,000 cannot be accounted for. The report notes that the project has been abandoned and no structure exists at the site besides the fact that the amount spent is higher than the estimated cost.

An additional Ksh 1,520,000 earmarked for the construction of a maternity wing at Nadanya Health Centre cannot be accounted for. Records availed to NTA only indicate that only Ksh 400,000 went into the project which has been shoddily done.

According to the audit report, the

project begun in 2004 and is not yet complete.

The report further cites Solongo Youth Polytechnic which received Ksh 1,180,000 to aid in the construction of a mechanic workshop. "Fairly good materials were used but the structure has gaping holes on the wall and floor. The roofing was also poorly done besides the fact that the project cost has been inflated.

Saboti Constituency which is the home turf of presidential aspirant Eugene Wamalwa has lost Ksh 2,450,000 in poorly implemented projects.

Projects cited in the report include Chebukaka Primary school where four classrooms were shoddily constructed at Ksh 950,000.

The construction of a maternity wing at Kitalale Dispensary has been shoddily done despite the fact that the project benefitted from an allocation of Ksh 1,000,000. "The project management committee did not consult the District Public Works Officer before construction thus the project has gaping cracks on the walls and on the floors due to poor implementation.

## Stalled projects

At Sirende Primary School, the reno-

vation of four classrooms remains incomplete despite the fact that the project was allocated Ksh 250,000 through CDF, PTA contributed an additional Ksh 328,900 and 112,100 bricks, Khetia supermarket also contributed another Ksh 9,000 towards the project. A classroom construction funded to the tune of Ksh250,000 at Mokoywet Primary School remains incomplete and the community has expressed their disappointment at the slow pace of implementation.

The story resonates in Eldoret North Constituency represented by William Ruto Moses. The construction of Kiptanui Dispensary has stalled and most of the work was poorly done. The project was awarded Ksh 700,000, the former project management committee mismanaged Ksh 200,000. The report points out that the community did not participate in the implementation of the project

The report also cites the construction of Mogoivet cattle dip which was poorly done despite being allocated Ksh 280,000. In addition Sigowet Cattle dip awarded Ksh 225,000 is already disintegrating and the project has been abandoned

In Gichugu Constituency represented by Martha Karua, the construction of toilets at St Peter's Karumandi South Primary School remains incomplete despite having been started in 2009. Although good quality materials were used in the project that cost Ksh600,000, major cracks have emerged on the walls depicting poor workmanship. The toilets that the pupils are currently using are in a deplorable state and are posing a health hazard. The report calls for the allocation of additional funding to help complete the project.

And the story is similar at Raimu Primary which was allocated Ksh 150,000 to aid in the construction of a toilet block. "Although initially well implemented, the project has stalled owing to lack of adequate funding. The current wear and tear due to harsh weather conditions means the final cost on completion will be much higher than would have been the case had this project been implemented in good time. There is thus the need to avail additional funds to complete this project," affirms the report.

The CDF was created in 2003 to fight poverty at the constituency level through community-based projects and to bridge imbalances in regional development caused by partisan disbursement of funds since independence.

The government has allocated 85.9 billion since the inception of the fund and an additional Ksh 17.1 million that was recently allocated to each constituency to aid in the completion of stalled and ongoing projects.

## By LINK CORRESPONDENT

THE Presidential assent to the Kenya National Examination Act, 2012 has paved the way for the adoption of measures to curb exam malpractices.

The Kneec Act now criminalises possession of copies of exam papers by unauthorized persons before or during exams. The Act also spells out stiff penalties for anyone found in possession of any material or information purporting to relate the contents of any paper or material for that exam unlawfully. Such a person commits an offence and shall be liable for imprisonment for a term not exceeding ten years, or a fine not exceeding Kshs.2 million or both.

The provision in the Act that is likely to rub the teachers the wrong way is the one that makes it illegal for persons engaged in the organisation or administration of the exams to go on strike. The justification made is that each child has a right to free and compulsory basic education as guaranteed in Article 53(1) (b) of the Constitution and that exams are extremely expensive exercise and disruption of the process may mean repeat of the process at the expense of the exchequer.

Supervisors and invigilators have been colluding with teachers and candidates to leak exams. The Act states that "a person who recklessly or willfully assists or causes any exam candidate to obtain or gain unauthorized possession of any exam paper, material or information thereof, commits an offence and shall be liable, upon conviction, to imprisonment for a term not exceeding ten years, or a fine not exceeding Kshs.2 million or both."

Other examination irregularities that have been criminalized include disclosure of exam paper or material to candidates or an unauthorised person. Making a change in the original answer in a script of a candidate without lawful authority and fraudulently altering results, works or marks of a candidate has also been declared illegal and punishable.

Those handling exam materials must be vigilant as their loss or misuse is now punishable. The Act further states that "a person who willfully and maliciously damages exam material or facilities an offence and upon conviction, shall be liable to imprisonment for a term not exceeding five years, or a fine not exceeding Kshs.5

# New law spells doom for exam cheats

million, or both.

Impersonation during exams has been rampant in some areas. The Act prescribes stiff penalties for impersonators if found guilty.

"A person who, for the purposes of an exam conducted by or on behalf of the Council, is not registered to take a particular Council's exam but, with intent to impersonate, presents or attempts to present himself or attempts to present himself or herself to take the part of a candidates, commits an offence," says the Act.

Other than the possible fine or imprisonment for impersonation, the person will be prohibited from taking an exam offered by the Council for a period not exceeding three years immediately after the commission of the offence.

Candidate who copy other candidate's work, communicate with others with intent to assist another candidate answer an exam question or be in possession of a textbook, electronic

device or material in the exam-room without lawful authority shall be disqualified from taking the entire exam. If the person has already taken a paper at the exam, the paper shall be cancelled and may be prohibited from taking an exam offered by the Council for some time.

The Act also acknowledges the importance of security during exams. Possession of offensive weapons, acting or inciting another person to act in a disorderly manner for the purpose of disrupting the conduct of an exam or of harming, intimidating, assaulting or obstructing a candidate or any person involved in the conduct of the exam, commits an offence. This is punishable and one can be imprisoned for a period not exceeding three years or pay a fine of Kshs.500,000, or both.

Last year, when former Education minister Sam Ongeru released KCPE exam results, he shocked people with revelations of the many witty ways used in exam cheating. A certain can-

didate was found with exam answers scribbled on a sandal. Others, especially girl's scribble notes on thighs or hands to refer to when in the exam room.

Unfortunately, over the years, the examiner has been coming up with new strategies to stem the vice, but the evil promises to be so stubborn that every year there are cases of irregularities.

And as students sit for their exams, this law can only be described as timely.

In the past, Kneec has been unable to decisively deal with persons involved in abetting exam cheating due to weak law. The law was either too lenient to offenders or did not have provisions to deal with the evolving crafty ways offenders use to cheat, like in the use electronic devices such as mobile phones.

However, the best way to deal with exam malpractices is for all stakeholders to develop a culture of honesty.



New Kenya National Examinations Council Act, 2012 criminalises all forms of exam malpractice.

## Adult education officer backs curriculaum

By AGGREY BUCHUNJU

CONTRARY to the public perception, adult education curriculum is universal and qualitative in content.

The Lugari District Adult Education officer (DAEO) Mrs. Irene Murunga reveals that the curriculum includes all spheres of human development.

Murunga explains that the learners apart from being taught how to read and write, they are also taught business, agriculture, nutrition, general health and other topics that are in-line with vision 2030.

"The curriculum does not only cover writing and reading but also other topics that are beneficial to the learners in terms of their socio-economic development in the contemporary world and the envisaged vision 2030," She said.

She appeals to the learners to take their studies seriously in order to better their lives and ready themselves for the vision 2030 challenges.

The DAEO observes that for adult people who missed out on formal education during their youth to succeed in today's competitive global economy, they must be equipped with advanced skills such as vocational skills, numeracy and literacy competencies.

Consequently Murunga urges more illiterate people to enroll in the programme which she reiterates is quite wide in content in order to acquire cognitive skills and knowledge that can boost their intellectual capacities.

Murunga discloses that those enrolled and attending lessons have already been taught financial literacy by one of the commercial banks in the region.

Besides financial literacy, Murunga says that the learners have also been equipped with skills to address food security, reproductive health and drug and alcohol abuse among other topics.

The right to education is one of the basic human rights stipulated in the Universal Declaration of Human Rights and Article 43 (1) (f) of the constitution of Kenya 2010.

According to the Annual Literacy Assessment Report (UWEZO, 2010), girls aged 6-14 years whose mothers have not been to school are seven (7) times more likely to be out of school than their peers whose mothers completed the primary school cycle.

Since Children's literacy and numeracy competencies increase with mothers level of formal schooling, adult education should be made compulsory in order to eradicate illiteracy in the country.

## Bondo don tips parents on benefits of education

By BOB OMBATI

AS both Public and private universities scramble for students, Bondo University College (BUC) plans to roll out E-learning programmes to reach out on more learners.

The College's principal, Prof. Stephen Agong says the demand for university education has reached fever pitch and thus the need for universities to embrace E-learning to aid learners' access education easily within their homes.

Agong noted the programme was cheap since learners will not be expected to travel to universities or be accommodated, easing pressure on housing and boarding facilities.

The Principal was addressing stakeholders at former Stephen Teachers College grounds during the official inauguration of the College's learning Centre.

Agong, accompanied by his Deputy, Planning, Administration and Finance, Prof. Washington Olima and the Centre's Director, Dr.

Henry Onderi said the university will open a campus in Kisii county to cope with the increasing number of students.

He challenged residents to build descent rental houses to accommodate the students drawn from various parts of the country who have missed out on accommodation at the institution.

The Principal said the university was offering demand driven courses and urged students to take advantage of the programmes to enable them compete effectively in the job market.

He said the university was improving its infrastructure and will soon start offering more courses to meet the interest of learners locally and globally.

"We are upgrading our library and laboratories. We will equip them and start offering science courses," said Agong.

The launching of universities and Campuses nationally noted Agong had enhanced national unity and

promoted nationalism, stressing the interaction by students from various parts of the country helped them share and appreciate diversity in their cultures.

The don challenged parents, guardians and sponsors to invest in high quality education to enable learners cope with new challenges presented by the new system of governance.

He noted that some Counties will be forced to hire professionals from other counties, adding that it was necessary for each county to have highly trained professionals to help steer them to great heights of development.

BUC, ranked number three nationally in performance contracting after Nairobi and Kenyatta. The university is ISO certified and offers programmes recognized globally.

Kisii County's secondary schools Heads association chairman, Jairus Onchoke petitioned the government to scrap a clause requiring first degree holders to wait for two years

before enrolling for masters degree programmes, saying it was a waste of time.

Onchoke noted the requirement was punitive, stressing some Kenyan graduates had been compelled to pursue their Masters programmes in foreign countries, thus improving the economies of those nations.

"They undertake the programs within two years, graduate and join the job market while their Kenyan colleagues wait for two years to join such programs. It is unfair" stated Onchoke.

Onderi said the institution was started last year and the student population currently stands at 300 with 26 of them undertaking their Doctor of Philosophy degree (Phd) program.

Abagusii Culture and Development Council Secretary General, Samwel Bosire asked the government to allocate more funds to universities for research to help hasten

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# PM vouches for relevant courses in higher learning institutions

THE Prime Minister Raila Odinga has urged the Ministry of Education to ensure that the courses offered to students are relevant to demands in the job market. He said several learning institutions have come up but have missed the objectives by offering irrelevant courses which are non-marketable in the current competitive world.

Raila encouraged schools heads and administration to adopt Research, Innovation, Science, Engineering and Mathematics (RISEM) model that allows students a holistic education while emphasizing technology. He added that the mentioned curriculum can be made more effective by partnering up with institutions that offer Science, Technology, Engineering and Mathematics (STEM).

The Premier reminded the teachers and students that education sector is set to undergo major changes to align it with the current Constitution of Kenya and Vision 2030. He said the Social Pillar in Vision 2030 singles out education and training as the vehicle that will drive Kenya into becoming a middle-income economy.

The Prime Minister made the remarks as he witnessed groundbreaking ceremony of Raila Educational Centre School situated at Kibera in Nairobi. He disclosed that his relationship with the school is quite personal and dates back to 1996 when the local community sought his intervention to improve its condition as the area Member of Parliament (MP).

"Back then, the school had 240 students standing beyond railway line and in a deplorable state, lacking both classrooms and land for any expansion. With the help

## COMMENT

By HENRY OWINO

of my friends and the community, we put up the structures that we see today," said Raila.

"It is not only the creation of extra space that concerns us with education. We must complement this with adequate educational reforms to enable meaningful learning to take place," he added.

The area MP said to underpin the important role of education, two important Bills are before Parliament for enactment. These are the Basic Education Bill and University Bill. He emphasized the reforms covered in the Bills relate to Access, Quality, Relevance and Equity in Education. The basic education he explained consists of Early Childhood Development Education (ECDE), Primary and Secondary cycles.

Raila asserted that all the three areas of Education are now free and compulsory. While public schools will be the main centres for free and compulsory education, private schools are encouraged to help realize the stated goal of the government in facilitating access.

"It is important that the education system shifts focus from schooling to learning while constantly assessing the outcomes especially at ECDE, Primary and Secondary levels. I am happy that this school has already put in motion the process to address the twin aspects of quality and relevance," he rejoiced.

In his opinions, the PM thought it would be desirable to make it easier for scientists and



Prime Minister Raila Odinga addresses a press conference in his office recently. Photo/File

engineers to become teachers by providing incentives to attract them to the classroom at secondary school level. In addition, he added it is also important that students are given sufficient grounding at foundation level in Mathematics, Science and Technology.

The production sector of Kenya's economy is going to depend largely on engineers with relevant skills. Research has shown that schools which create an environment focused on science and technology have successfully enabled their students to study science and mathematics related disciplines at levels far beyond what students in conventional secondary schools are at. They can then get degrees in Mathematics and Science at relatively high levels.

"We know this to have been the situation in our country when we had technical schools like Sigalagala, Mawego, Rift Valley, Kabete, Kisumu, Nairobi and Mombasa polytechnics. We can build on this successful model in our country and significantly expand the number and scope of schools focused on Maths, Science, Engineering and Technology," Raila outlined.

More importantly, for every Kenyan child to value practical and technical knowledge, some elements of technical and engineering disciplines will have to be incorporated in the school curriculum of the conventional schools, right from upper primary. Relevance is crucial that education offered to the Kenyan children is linked with the marketplace to ensure thousands of the youth attain skills that are widely applicable in the market.

The PM reminded other ministries that they have a responsibility to ensure that students learn in a conducive environment. For

instance; Ministry of Energy on electrification, Ministry of Water to see that children in schools have access to clean drinking water, Ministry of Communication to see that young Kenyans have access to ICT, Ministry of Public Health and Sanitation to ensure that children have access to proper nutrition and hygiene among other ministries duties.

Education must be made everyone's business to draw from the strength of other Ministries and Organizations. Public schools will be the main centers at which free and compulsory education will be implemented under current Constitution, while private schools are encouraged to help realize the stated goal. However, the premier said the government must focus more on marginalized and vulnerable categories of children rather than allocate a uniform amount of Free Primary and Free Day Secondary, for all children.

"I have had the occasion to hear from school heads on challenges they face especially due to the high enrollment rates. But it is just a simple question of transferring the funds," the Premier realized.

He said the Government must work out formulas of increasing capitation for children and schools in arid districts and urban slums.

Premier revealed that REC has set a good model of private/public sector partnership that can significantly impact on access. PM further said the realization of new schools is going to be made possible through collaboration between the Government and private organizations like Light Academy who will be financing the construction of the library and water supply, Cisco with Access

Kenya, Nokia with Airtel who are focused on technology and many other friends who have indicated they will play various roles.

"Let me take this opportunity to urge our private corporations to take a keener role in the provision of education across the country," he urged. "I am aware of what Cooperative Bank, Equity Bank, KCB Bank, Nation Media Group and others are doing in awarding scholarships to bright and needy students across the country. But more can be done in uplifting physical standards in schools," Raila added.

The new school will serve as a feeder school to many of the Kenyan public universities. It is important that students receive good foundation which can be enhanced at the university level. The Government therefore must support and help universities implement reforms as set in the current policy framework for university education in areas of increased access, affordability, equity, relevance and research.

Raila urged the technical team that is mandated to work with the contractor to ensure that the design of all the buildings guarantees children's safety in case of fire or any other danger. He stressed on the safety regulations as recently set out by the Ministry of Education to be observed in the construction of all learning institutions.

"In a wider sense, I want to appeal to the Ministry of Education to ensure that no school opens next year without complying with the necessary security measures to avert calamities in schools. Kenyan children must never die at school on account of buildings that don't allow easy exit or access in times of danger," Prime Minister Raila urged.



Mr. Mutula Kilonzo, Education Minister.

# Embrace cultural diversity, students urged

By HENRY OWINO

THE African Institute for Research and Development Studies (AIRADS) recently held a one day cultural event to showcase diversity and promote peaceful coexistence.

The students displayed performances that depicted different cultures through songs, coral verses, oral narrative, dances and comedies.

According to Rodgers Rutto, the Principal of Nairobi Campus, the event was organized to help students appreciate diversity in culture. He said the event has always been held in every semester since 2006 and students benefit from the initiative.

The seven campuses are Nakuru, Nairobi, Eldoret, Mombasa, Kisumu, Bungoma and Kericho where all ethnic groups are represented. The Principal said the event acts as a source of communication, exchange of ideas, knowledge and acknowledging cultural values.

Rutto who was also the hosting Principal said the students need to learn other cultures so that they accept and appreciate colleagues. He said the post election violence where over 1200 people were killed and several others displaced could have been averted if young people were taught to respect and appreciate diversity in different ethnic groups.

A group of students from Mombasa Campus performed a thrilling Giriama Traditional Dance entitled Ubakuzikanda meaning eliminate discrimination that sent the audience into frenzy.

The song had three key messages being conveyed to the audience; mahenzo (love), umwenga (unity) and amani (peace). The song therefore preached peace, love and unity among the students and community.

According to Claris Ngonyo, a first year student, the dance song is from Giriama community but the performers are drawn from different communities.

Ngonyo confirmed that the event was good for their exposure in the real world through interaction with people of different ethnic backgrounds and orientations. She asked the college administration

to invite other colleges/universities next time for inter-college/varsity festivals so that they bond even wider

The chief guest was Martha Karua who encouraged the students to work hard in their studies. She said the poems, dances and songs must have been well researched before they were finally composed for audience consumption.

Karua asked the students to shun tribalism adding that tribalism and corruption are the main factors that derail development in the country.

"I would like to urge all the stu-

dents to take their work seriously be it in academics, co-curricular or any other work. You are the leaders of today and not tomorrow and thus always ensure you do your level best," urged Karua.

"The culture of corruption, tribalism and impunity has undermined development in this country. You need to come out as students to condemn it by choosing visionary leaders," she added.

She asserted that ethnic diversity should not divide Kenyans but encourage individuals to learn more from one another as a way of understanding different cultural backgrounds.



Students from Mombasa Campus performing Giriama Traditional Dance during AIRADS Cultural day in Nairobi. Photo/Henry Owino

## Bondo don tips parents on benefits of education

From Page 3

the country's social and economic growth.

Bosire, who represented his chairman, James Matundura urged the government to properly remunerate scholars to boost their morale and avoid instances where majority opt to leave in search of greener pastures.

The Kenya National Union of Teachers (KNUT) National executive Council member, Geoffrey Mogire noted the setting up of constituent campuses and colleges by universities nationally had helped many students access education cheaply within their localities.

Mogire noted that many leaders including civil servants had enrolled for various programmes to enable them offer effective and efficient services in the counties and national governments.

A District Officer in Mosochi Division, Diana Wekesa who represented Kisii central district Commissioner, Philip Soi challenged the county residents to embrace affirmative action and contribute towards the attainment of the country's vision 2030. She challenged the girl-child to work hard and aim at higher education to enable them compete favorably for jobs in the county and national government.

Reuben Oyondi, the immediate former East African Legislative Assembly (EALA) member of parliament urged the university's management to buy land and improve infrastructure to help improve enrollment. Oyondi, who is undertaking a Course in Business Administration at the University's Kisii centre said he had gone back to class to improve his education as he plans to contest for position of governor in the County.

## The disabled cry foul in ongoing political realignments

By JOSEPH MUKUBWA

POLITICAL parties have been accused of sidelining Persons with Disabilities (PWDs) in their lineup thus disenfranchising their participation to politics.

Nyeri Disability Network Chief Executive Officer Stephen Warui lamented that PWDs have been locked out of the ongoing political processes in the country thus denying them their democratic right to vie for elective posts.

Speaking recently in Nyeri during a stakeholder's forum for disability and advocacy, Warui said that his network would raise the matter with the Registrar of political parties to enforce the equal representation rule in political parties' leadership structures.

The day long forum further observed that PWDs were

subjected to stigmatization and discrimination by the society in their quest to seek for elective positions with voters frustrating their quest for leadership.

"Persons with disabilities aspiring for elective positions come across all manner of discrimination including name branding and use of other derogatory words when they are being referred to against other able bodied contestants forcing many to shy away from politics," Warui said.

The forum expressed the need to conduct aggressive sensitization and awareness campaigns on the rights of those living with disabilities as well as enforcing of the Disability Act 2003 where institutions were supposed to adopt infrastructure to make them accessible to all PWDs within a given time frame.

The forum however noted

with sadness that compliance with the act has not been forthcoming in many sectors including government arms where they noted even new government buildings being put up lacked the basic amenities such as wheel chair ramps and special washrooms to enable PWDs have ease of access.

Participants particularly singled out an office complex for the Gender department being constructed in Nyeri town which they said lacked provisions for easy access by the disabled yet their plight is handled by the same department.

The forum noted that PWDs had every right to access education, health care, justice, work and employment, sports and recreation and transport as enshrined in the constitution and the government should ensure the same.



Disability is not inability. PWDs have been locked out of the ongoing political processes in the country.

# Individual biases hamper regional integration

By JOSEPH MUKUBWA

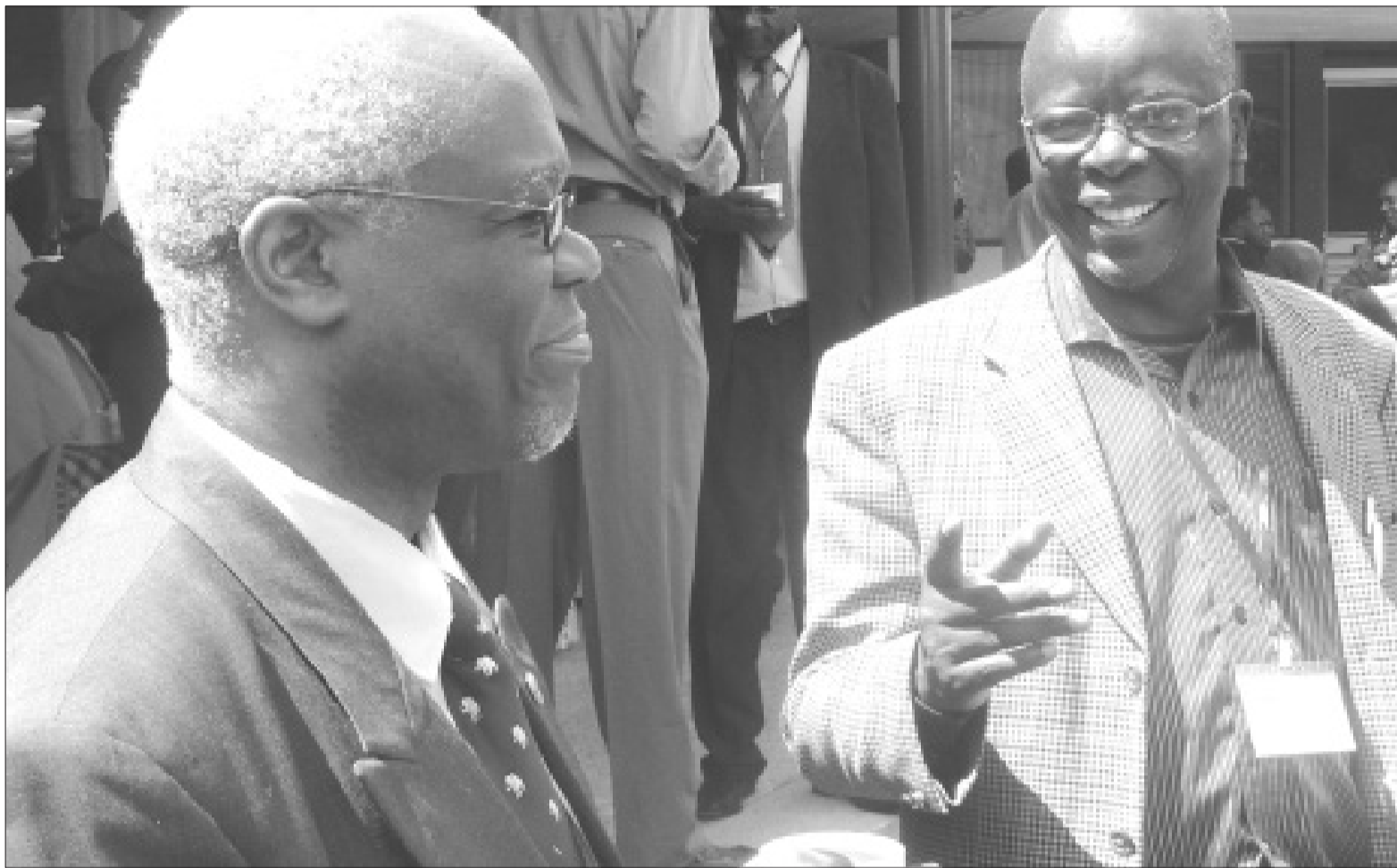
NEGATIVE attitudes continue to impede efforts to fast track the East African Community within the member states, a forum on regional integration policy was told.

The forum held in Nyeri to seek public views on Kenya's regional integration strategy and policy heard that citizens of neighbouring countries viewed Kenyans as arrogant and treated them with a lot of suspicion thus hampering integration.

"Our neighbouring countries view us (Kenyans) as too proud and ambitious wherever we visit to do business and at times they insinuate we are out to steal from them. We need to shed this negative image if regional integration has to be attained," Margaret Njeri a civil society activist told the forum.

The forum that was coordinated by Central Province deputy commissioner Francis Sila also heard that education systems among member states should be synchronized in order to offer standardized education and training.

John Muchiri from the Kenya National Union of Teachers



Acting East African Community PS Chiboli Shakaba (left) shares a cup of tea with a delegate who attended a workshop on support in trade negotiations for professional regulatory bodies and professional associations held at Green Hills Hotel in Nyeri town recently. Photo/Joseph Mukubwa



Some of the delegates who attended a workshop on support in trade negotiations for professional regulatory bodies and professional associations held at Green Hills Hotel in Nyeri town recently. Photo/Joseph Mukubwa

(KNUT) underscored the need to formulate policies that would pave way for the harmonization of education systems in all the member countries of the EAC noting that it would be easier for residents to work in either country as qualifications would be uniform.

Speakers at the meeting expressed concern that although regional integration amongst the East African countries was being strengthened, cohesion, integration and unity of Kenyans was not yet strong as it should be.

They also lamented that negative ethnicity was affecting integration as Kenyans were still divided along their different ethnic lines. "If Kenya's many ethnic groups

cannot coexist harmoniously, how do we expect integration beyond the county to work? It is not possible," a speaker observed.

Speakers also called for review of trade policies in some of the members countries which they said were restrictive and cited Tanzania's restriction of Kenya's tour operators from accessing her national parks as some of the impediments to integration.

The public consultations being held countrywide seek to collect views from the public on Kenya's regional integration strategy and policy and are jointly coordinated by the ministries of East African Community, Trade and Foreign Affairs.

## Cancer cases take a toll on Kisii residents

By BOB OMBATI

KISII level five hospital has continued to register a high number of cancer cases, its capacity notwithstanding.

The Medical Superintendent Dr. Geoffrey Otumu says that the hospital receives 30 to 40 percent of cancer patients from Nyanza region and parts of Rift valley in its outpatient section every year.

He says some patients are unaware of the disease and are diagnosed late, making treatment

and management very costly.

The Officer made the remarks at the facility after he received mattresses and linen from Mary Omare, a wife to the late Central Bank Deputy Governor, Dr Hezron Nyangito, who succumbed to cancer a year ago.

He noted plans were on course for the hospital's management to set aside special wards for the swelling number of cancer patients which has become the second killer disease after malaria.

"The hospital has set up a

palliative cancer treatment centre for patients. But it is still difficult for cancer patients to access treatment," stated Otumu.

Otumu, accompanied by the facility's chairman, Patrick Monyenye appealed to well-wishers to support the centre and enhance its capacity to cater for impoverished patients and save their lives.

The hospital, noted the Medical Superintendent was unable to clear bills of poor cancer patients even through waivers since majority lacked National Hospital

Insurance Fund (NHIF) Cards.

He urged Kenyans to acquire the Cards and be screened for various terminal diseases for early detection, treatment and management instead of waiting to be down to prompt them undergo tests.

Cancer and other non communicable diseases observed Otumu were increasing and called for concerted efforts to tackle challenges facing cancer patients nationally.

Mrs Nyangito, accompanied by her daughter Megan Omare

said the naming of one of the Wings at the hospital after his late husband was an honour and showed the passion the husband had on health care services.

"I feel duty-bound to donate some items to help cancer patients in a bid to make their lives better as was the wish of my husband" said Mrs Nyangito

She said the family would continue to support cancer patients and urged other well-wishers to donate towards the welfare of the patients as part of their social responsibility.

# Church, state in tussle over ownership of special school

By JOSEPH MUKUBWA

TUMUTUMU School for the Deaf in Mathira district, Nyeri County, is embroiled in crippling ownership wrangles.

The fate of the 150 deaf pupils at the school run by the Presbyterian Church of East Africa (PCEA), now hangs in the balance after the government withdrew all the 15 teachers from the institution following a tussle with the church.

The fresh dispute follows refusal by the PCEA church to allow the government to register the school which was started in 1965 under the local District Education Board citing control over it.

The government on the other hand opted to withdraw teachers deployed at the facility by the Teachers Service Commission (TSC) following the stand-off with the church which is the sponsor.

The fate 15 Standard eight candidates who are expected to sit their Kenya Certificate of Primary Education (KCPE) at the institution later in the year, remains unknown as there are no teachers to prepare them for the exam.

Parents have been advised that the institution would remain closed following the withdrawal of the teachers.

Officials from the Kenya Society for Deaf Children led by the director Makarius Katheria and Chairman Geoffrey Wathigo have condemned the action and asked PCEA officials to re-admit the pupils as a solution to the teachers sudden transfer by the government is sought.

A meeting convened at the school and attended by among others Reverend Nahashon Mwaura who is the church's education director resolved that the school shall not be closed and that immediate negotiations with the government would be initiated to have the transferred teachers return.

The parents and their children who numbered over 100 sat pensively in the compound for the whole day as deliberations about their fate were made inside one of the boardrooms with most of them expressing fears

that if the school closed they would not be able to secure places for their deaf children easily due to scarcity of special institutions in the country.

They alleged that there were rumours that the church wanted to convert the institution into a private university and do away with the deaf school but Rev Mwaura dismissed the fears saying that the special school would remain.

"The church however intends to set up a university in the area in future that would offer among other faculties

a degree course in special education where students would offer internship and work at the deaf school," said Mwaura.

Peter Wanyiri, who is a parent at the school, led fellow parents in calling for the two warring parties to find a permanent solution to the issue at the institution, the only of its kind in Nyeri County.

He said that parents were disappointed at the withdrawal of special teachers at the school saying such drastic actions were uncalled for.



Stranded parents of the Tumutumu School for the Deaf after the Government withdrew all the 15 teachers over wrangles. Photo/Joseph Mukubwa

## Kingi leads coast resident in demanding land rights

By BEKADZO TONDO

COAST residents now want the newly constituted National Land Commission (NLC) to move with speed and resolve the long standing land disputes in the region.

The residents led by Fisheries Development Minister Amason Kingi say the commission should start probing all the land grabbing cases in the region to pave way for the immediate repossession of illegally acquired plots.

The Minister says that the plight of landless people in the region fomented by past historical injustices now rests with the Commission.

"As leaders in the region, we are optimistic that the unresolved land problems spanning over decades will be addressed amicably so that land can revert to the indigenous people," said Kingi.

The Minister spoke at Mtepeni Primary school grounds during a meeting to discuss changes anticipated in the area once the county governments become operational.

Mr Kingi urged the Land Commission to move fast and correct past mistakes which had rendered residents as squatters in their own land. "This issue of squatters in the region is to blame for the formation of amorphous groupings such as Mombasa Republican Council (MRC) ostensibly to press the government to restore residents rights as land owners," said Kingi.

The Minister lamented that influential people in the current and past regimes used their positions to illegally acquire huge chunks of land in the region and thus locals now live as squatters.

He said all cases of land grabbing including sites along the beach must be identified, probed and later repossessed.

The Minister further said County governments must also be vested with powers to look into all matters concerning land transactions.

He said this will ensure that all land cases are resolved promptly to avoid flare-ups as people demand for their rights.

Mr Kingi noted that land remains an emotive issue both in the Coast and Rift Valley regions adding that peace can only be restored in the affected areas if measures are put in place to ensure that the indigenous people get their land rights.

"Records from the Ministry of Lands reveal that both Coast and Rift valley provinces are hard hit by land grabbing menace and thus the need to repossess grabbed land and restore the same with the community," he said.

He cautioned individuals aspiring for leadership positions in the forthcoming General Elections against using land as campaign tool as this will not help restore the rights of the local people.

"Coastal people are victims of empty promises during electioneering periods and this time round we want all the land matters to be left to the National Land commission and not politicians who come in the area and promise the residents they will allocate them land when elected in office," said Mr Kingi.

## Court ruling over coast land dispute irks squatters

By BEKADZO TONDO

A MAJOR row is simmering between squatters residing on a disputed 3,172 acres of land at Takaungu area in Kilifi and the Mazurui family.

This follows a high court ruling in Mombasa declaring the Mazurui family as the bona fide land owners.

The more than 10,000 families who have been residing in the disputed plot are now faced with eviction.

Although the ruling by Justice F. Tuiyot at the Mombasa High Court on the July 19, 2012 appears to have put to rest the longstanding protracted battle between the squatters and the Mazurui family, the squatters have challenged the decision citing unfair grounds.

Speaking during a highly tensed meeting convened by the government to inform the squatters about the development, the squatters led by Mzee Kazungu Pilau vowed never to live the land.

The 77 year old man argued that most of the families threatened with eviction have nowhere to call home apart from the land in question where they have lived for the better part of their lives. "The ruling of the land dispute case number 185 of 1991 was not fair for the residents of Takaungu and we are today openly stating that we will not move out of the land," said Mzee Pilau.

Mzee Pilau made the remarks before Kilifi D.O Mr. Christopher Siele who had officially gone to inform the

squatters about the court ruling.

The ruling irked the squatters who demanded to be told why the government had taken so long to inform them of the ruling delivered way back in July.

"We are reading a sinister motive on the part of the government because Mr. Siele who is representing the government is coming to inform us about the court ruling today 18th of September and yet the actual ruling took place on July 19, this year," posed Mzee Pilau. Another squatter representative Mr. Mohamed Omar said the ruling is likely to fuel tension in the area.

Mr. Omar said the squatters have been living on the land for most of their lives and wondered what the court relied on to declare the Mazurui family, the absolute owners of the land.

"As squatters we are shocked by the court ruling whose title number is 409, because this is likely to fan tension in the area as affected families plan to resist any attempts to evict them," said Mr. Omar.

The squatters argued that they have fully developed the land and erected permanent buildings and planted coconut, mango, orange and cashew nut trees over the years and thus they will not give up their lifetime investments.

The D.O who was earmarked to give the eviction notice to the squatters had to defer the move as the squatters were angered by the court ruling.

The administrator instead opted to calm down the squatters by assuring

them that they will not be evicted from the land.

"Though the court has ruled that the land you have been occupying belongs to the Mazurui family, you will not be evicted," said Mr. Siele.

The administrator said the government will not evict the squatters before getting alternative land to resettle them.

"The government has no immediate plans to kick you out of this land until an alternative piece of land is secured to resettle you," said Mr. Siele.

Local leaders who were present included Esther Kache and nominated councilor Joseph Chilumo who urged the squatters not to leave the land.

Kache who is the chairlady of Kilifi town council said the new constitution gives Kenyans right to own land and that the government has no authority to evict them from the land.

Mr. Omar said the squatters were allocated the land in question by the government which was holding it in their trust and wondered ownership changed hands without their knowledge.

"Most of the squatters who have lived on the land were officially allocated the land by the government many years when it was holding it in trust for the community and we cannot understand why the court has ruled that the land belongs to the Mazurui family.

The land dispute between the Mazurui family and the residents of Takaungu has been ongoing for many

years and the ruling by the high court has relatively painted a grim picture about land ownership in Coast Province.

Separately, a lawyer clashed with residents of Shariani in Kikambala division of Kilifi District after he allegedly accused the locals of laxity in fighting for their land rights.

The lawyer, Jackson Muchiri who had been invited by Muslim for Human Rights (Muhuri) to give the residents legal advice on how they can seek redress and reclaim their land, ran into trouble when he accused the coastal people of not being aggressive in fighting for their land rights.

"I think the issue of landlessness among the Mijikenda community in Coast region should be blamed on the people themselves because they have not been aggressive enough to fight for their land," said Mr. Muchiri.

However the remarks by the lawyer did not go well with the local leaders who asked him to give them legal advice which could help them recover their grabbed land instead of engaging in blame game which had left them as squatters on their own land.

The leaders led by Pastor Donald Mzungu of Shariani Pentecostal Light of God Evangelical church said the government was to be blame for the suffering of the landless people in the region.

The leaders accused officers from the provincial administration and the lands office of aiding land grabbers to take their land.

# The Link

Enhancing governance for all

## New electoral commissioners ought to be beyond reproach

**T**HE next general elections, which will be much bigger than the last one, is just a few months away, if recent assurance by President Kibaki is anything to go by. And we have no reason to treat his words with a pinch of salt now that he has signed into law the much-unanticipated Independent Electoral and Boundaries Commission Act.

Kenyans desire to resolve the longstanding issues that stoked the fierce fires of the infamous post-election violence of 2007/8, needs no gainsaying. We say without any fear of contradiction that the enactment of the boundaries act marks the beginning of the fulfillment of that mighty desire. No Kenyan in his right mind would like to see the country go so dangerously close to the precipice of uncivil war.

We reiterate that the enactment of this Act has set in motion the most crucial process in the management of the electoral reforms as outlined in Article 88 of the Constitution. It sets the stage, pace and benchmarks for streamlining the hitherto not-to-transparent electoral playing field.

For instance, the Act provides for the establishment of an authoritative and independent electoral body unlike the defunct Electoral Commission of Kenya (ECK) that was at the beckon of the powers that be of the Kanukas and the stormy first Kibaki Reich. Section 26 of the Act is explicit that the Commission is not subject to any other authority except that of the people.

What is more, Section 30 (1) guards against creation of demigods and little Leviathans within the Commission. The Section imposes relatively stiff penalties on the commissioners and employees who act in breach of its edict for self aggrandizements. To be sure, Section 30 (1) states that such offenders are liable to a fine of Kshs1 million or to both. The convict is also banned from hold public office for a period of ten years.

It is this Commission that must create the much-awaited, controversy-ridden 80 new constituencies. It must also put measures in place to ensure that the next year's general elections will pass without leaving Kenya and Kenyans in a shamble like that of the previous general elections. The men and women who will be given the mantle to steer this important Commission ought to be beyond reproach like the proverbial Caesar's spouse.



## COMMENTARY

### Varsity rankings promote academic excellence

COMMENT

By FAITH MUIRURI

**H**IGHER education has become a dominant factor in the job market. But has anyone posed to ask what type of education is being offered in most universities in the region?

According to the latest Times Higher Education (THE) World University Rankings, only three South African universities – University of Cape Town, University of Witwatersrand and University of KwaZulu-Natal – made it to the list 400 best world universities.

This essentially paints a picture of uncertainty as ranking becomes a primary pointer to academic excellence, especially in teaching, research, publications and academic citations. Hence, students and parents are using rankings to obtain information on quality of universities.

Rankings have become more than a roadmap for students to identify universities of choice. They also are of great political interest to governments as they indicate opportunities and threats in balance of power in global knowledge battlefields. For instance, in the 2012-13, THE rankings released last month, US had 76 universities in the top 200. Britain had 31 while Netherlands was a distance third with 12.

But according to Phil Baty, the editor of the THE rankings, there is an emerging shift of academic power from the Western Europe and America to Asia varsities. "Almost without exception, the top institutions in China, Singapore, Taiwan and Korea are matching up global rankings," he says.

He attributed the tilting academic balance of power to strong funding and support for world-class research varsities in selected Asian countries in contrast to public funding cuts in Europe and America.

"Clear national commitments to driving the knowledge economy through investment in research innovation is paying off in Asian countries," says Baty.

However, Africa needs not be a spectator or indifferent in the knowledge rivalry between the West and the East but should enter into competition by transforming some of its universities into world-class research facilities. Whereas South Africa had three of its varsities on the list of the best 400, it's evident other African institutions can also perform well if properly funded.

Such achievement could not be attained by universities that are less like senior secondary schools that are inca-

pable of setting high standards in terms of attracting best students and the most qualified professors and researchers.

"The determinant of excellence of a world-class university is the presence of a critical mass of top students and outstanding faculty," says Jamil Salmi, a global tertiary education expert.

In his study *The Challenge of Establishing World-Class Universities*, Salmi, a former co-ordinator of the World Bank's tertiary education programme, argues besides top scholars teaching best students, is vital for a university to attain a high global profile. However, this has not been the case in sub-Saharan Africa where national universities continue to compete for students with low-rated academic grades.

For instance, in Kenya, supposedly elite public universities still admit large numbers of diploma students in various courses and others offer bridging courses for students who fail in KCSE.

Whereas certificate and diploma programmes might be cash cows for public universities, graduates of such programmes are eventually admitted into degree programmes, albeit their low qualifications. The outcome is mediocre products of secondary school systems feeling proud they too can have a go at university education and, in many instances, cause frustration among bright and talented students.

According to Salmi, lecturers and professors also feel frustrated and disappointed for being saddled with poor students who now have access to higher education institutions.

"But for such students, the quality of education provided is immaterial as their concern is to enter college and pass out with a university degree," says Salmi.

Nonetheless, declining quality of education has become the uppermost threat to quality higher education in Kenya and elsewhere in Africa. Subsequently, the continent has become a mere onlooker in academia and too often taking every opportunity to criticize and highlight any suggested controversial aspect of rankings.

For instance, Madrid's Webometrics Ranking of World Universities is highly vilified in Kenya's higher education sys-

tem for relying heavily on universities' web visibility. Despite those shortcomings, the critics fail to point out that in this century, prominence and reporting in the cyberspace is an important matter for varsities.

Unlike in the past century when varsities were viewed as custodians of teaching, innovation and research, Internet is where such knowledge is displayed and made public. Indeed, varsities' web presence is crucial to fulfill some of the institutions' traditional goals of sharing knowledge with the wider public.

Unfortunately, some universities in Africa have very little to share in scientific, innovation or cultural knowledge apart from urging students to join their programmes. Unesco says peer-reviewed publications are almost absent in many universities.

To qualify for entry into the 2012-13 THE rankings, universities are required to have annual publication of 200 peer-reviewed research papers – a requirement that excluded most universities in sub-Saharan Africa and Latin America. Nevertheless universities that were below the 200-articles threshold were included if they had focus on disciplines with generally low publication volumes, such as engineering, arts and humanities.

There is danger Africa scholarship has not only dimmed in science, engineering and technology but has dropped in all disciplines. The issue is critical in that if a scholar wanted to undertake advanced research in African history, anthropology, Kiswahili linguistics or African politics, the universities of choice are London University's school of African and Oriental Studies, Cambridge, Harvard, Oxford and University of California at Berkeley and not University of Nairobi, Makerere, University of Dar-es-Salaam, University of Ibadan or University of Ghana in Legon, institutions that were once beacons of academic excellence in sub-Saharan Africa.

Over the decades, apart from deteriorating in teaching, research, publications and citations, most African universities have lost their international appeal. Libraries are still stocked with outdated books and have lost most of their rare collections to theft. While some literature, history and political science books written by African academics are mandatory student reading and are readily available in libraries and bookshops in universities abroad, such materials are absent in local universities.



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# The Link

Enhancing governance for all

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# Kibaki praised for rejecting Finance Bill

By AGGREY BUCHUNJU

PRESIDENT Mwai Kibaki has been lauded for declining to assent to the Finance Bill that had intended to grant lawmakers a send off package of Ksh. 2.1 billion.

The Kenya Workers Rights and Harmonization program, a civil society organization (CSO) that advocates for the rights of workers who are denied joining unions by their employers described the President's decision as fantastic.

The CSO board chair Mr. John Munyasia, and Executive Director Mr. Taiga Wanyanja said that Kibaki could have damaged his political career irreversibly especially during the last moments of his regime had he assented to the bill.

Assenting to the bill would have meant that the President had no regard for the Constitution which had mandated the Salaries Remuneration Commission (SRC) to review the remuneration and benefits of all state officers.

They pointed out that the increment of MPs' salary, benefits and allowances is no longer the prerogative of the legislators but the preserve of the Salaries and Remuneration Commission.

The Salaries Commission is one of the ten (10) commissions enshrined in the constitution of Kenya 2010.

Other Commissions are:

The Kenya National Human Rights and Equality Commission  
The National Land Commission  
The Independent Electoral and Boundaries Commission (IEBC)  
The Parliamentary Service Commission

Judicial Service Commission

The Commission on Revenue

Allocation

The Public Service Commission (PSC)

The Teachers Service Commission (TSC)

The National Police Service Commission

The Salaries and Remuneration Commission is established under Article 230 (1) of the constitution of Kenya 2010.

One of its core functions is to set and regularly review the remuneration and benefits of all state officers and taking into account the need to ensure that the total public compensation bill is fiscally sustainable.

Passing the Finance Bill in the midst of industrial disputes in the country, the lobby group leaders said was in bad taste and explained how unpatriotic the

political leaders are in Kenya.

The duo at the same time pointed out that they were saddened by the manner in which the government handled the recent teachers and doctors strike.

They censured the government saying it was not only discriminative but also ineptitude in controlling and handling the industrial crisis.

Munyasia alleged that the government has put little focus in the development of industrial relations and urged workers in other sectors not to relent in their fight for fair pay.

He challenged the salaries and remuneration commission to educate workers and the public on how salaries are determined basing on value and productivity of services.

Wanyanja, on his part castigated medical services minister Prof. Peter Anyang' Nyong'o saying he should keep himself abreast with the new constitution and stop issuing threats to striking workers.

"Issuing threats to striking workers is not a solution to labour disputes and it is contrary to Article 41 (2) (d) of the constitution of Kenya 2010," said Wanyanja.

He asked the Executive to implement the labour laws that have been legislated in order to minimize industrial unrest in future.

"All employers should allow their workers to join trade unions and enroll them to National social security Fund (NSSF)," he added.



President Kibaki signed Finance Bill. Photo/File

## Graft mars construction of fish plants in Coast region

By BEKADZO TONDO

THE government has directed the anti-corruption commission to probe the misappropriation of Ksh 47 million earmarked for the construction of fish cooling facilities in the Coast region.

Fisheries Development Minister Amason Kingi says the construction of the cooling plants had stalled while others were shoddily done.

Mr. Kingi says the anti graft body should investigate the contractor who was awarded the tender, the fisheries officers at the district and provincial level, district development officers and ministry of public works officers.

The minister issued the directive when he toured the Kilifi central beach management unit cooling facility which was shoddily done at a cost of Ksh 1.9 million.

"I have visited most of the fish

cooling facilities constructed along the coastal fish landing sites and it is shocking to see that most of the projects have stalled while others were shoddily done and thus cannot be of any use to the fishermen' said Mr. Kingi.

The Minister who was accompanied by the Director of fisheries in Coast region accused the officer of failing to monitor and evaluate the construction work which had cost the government millions of shillings.

"I am not impressed with the workmanship in the construction of the fish cooling plants because most of them had not been completed while others have been poorly done and thus cannot be used to store fish," said Mr. Kingi.

The minister said the funds sourced from the ministry of finance had been entrusted with the District Development Officers (DDOs) who were supposed to monitor the imple-

mentation phase while the officers from the ministry of public works were to supervise the works.

He said the projects were to be implemented in Vanga in Kwale County, Mji wa Kale in Mombasa County and at the Kilifi central beach management unit and Faza in Lamu county.

The minister at the same time ordered the concerned officers to prepare comprehensive reports detailing how much money was spent on the projects and why they were not completed within the stipulated time.

Mr. Kingi said his ministry will not entertain corrupt and lazy officers and warned that stern action will be taken against those found to have squandered the money meant for the projects.

"As a ministry in charge of fisheries development we will not be branded corrupt because of the deeds of a few officers," said Kingi.

The minister directed the officer in charge of personnel to ensure that corrupt and lazy officers are sacked and not transferred.

He said though the government was determined to bring development to Kenyans some state officers entrusted with the work were not committed to their duties, thus dragging the government development efforts.

Mr. Kingi said ministers should not be expected to go to the ground to supervise development projects when the government has employed enough officers to oversee specific functions and challenged those who are not ready to work to resign from the service.

The minister further said the government was in the process of establishing a Coast guard unit which will see some security officers being trained and fully equipped with facilities to offer security to fishermen.

# Justice Wanjala warns over Kangaroo courts

By NYAKWAR ODAWO

SUPREME Court Judge Justice Smokin Wanjala has said handling defilement cases through kangaroo courts is unconstitutional and should stop forthwith.

The supreme high court judge made the remarks when he led a team of commissioners in a tour of Busia law courts recently to assess the state of service delivery in line with the judicial reforms as well as inspecting the ongoing construction of the Busia High Court.

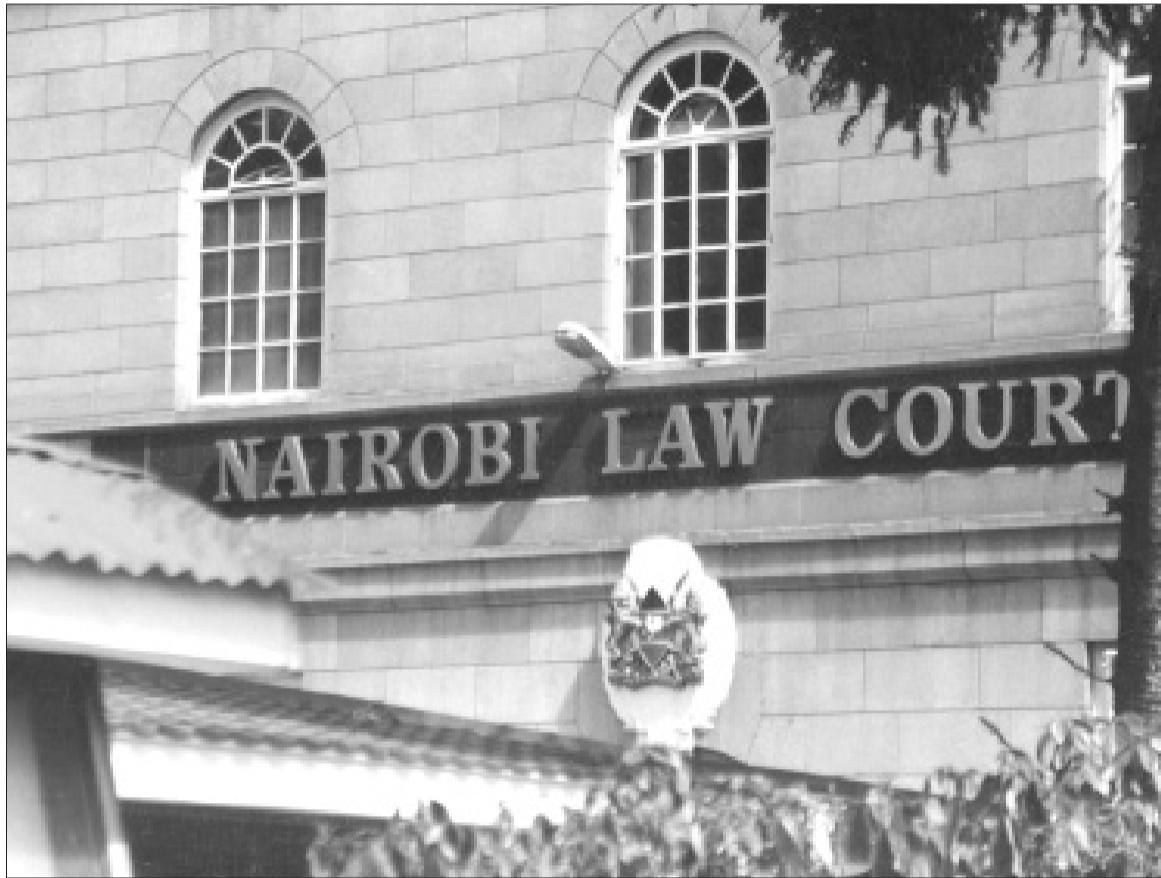
Wanjala urged the court users committees to ensure that the handling of defilement cases through unethical means is stopped so that justice can be seen to be done to the victims.

The call followed complaints by members of the public that the police were colluding with the culprits to settle the matter out of court hence enabling the assailants to evade justice.

“The hearing of defilement cases through Kangaroo courts is unconstitutional. Therefore as court users committees, it is your responsibility to ensure that such malpractices are done away with and the right procedures are followed for justice to take place. That is why the judiciary has formed the court users committees,” said the Supreme Court judge.

“You are the eyes of the court at the grassroots level and I believe you are the people who know what is taking place on the ground,” he said.

Wanjala added that the ongoing reforms have helped to restore confidence between the judiciary and



Nairobi Law Courts.

the members of the public.

On the ongoing construction of Busia high court, the Supreme Court judge said the facility will ensure speedy dispensation of justice and reduce the current backlog of cases pending in courts.

The court users committee led by Busia Chief Magistrate Kiarie Waweru Kiarie complained that magistrates and judges were not being given adequate time to hand

over to the incoming judiciary officials before moving to their new stations.

They at the same time appealed to the Judicial Service Commission to facilitate the training of interpreters as majority of them are inexperienced and hence cannot discharge their duties effectively hence interfering with the smooth flow of service delivery.

The court users committees at the

same time expressed concern over the shortage of prosecutors; a situation they said has led to backlog of cases.

The Supreme Court judge was accompanied by Commissioner Ahmed Nasir Maalim, an advocate of the high court, Justice Isaac Lenola, Busia executive officer Aggrey Wakasiaka and Busia Chief Magistrate Kiarie Waweru Kiare and Busia lawyers among others.

## Muslim leaders urged to promote peace

By AGGREY BUCHUNJU

MUSLIM leaders have been asked to be at the fore-front of preaching peace, love and unity among all the 42 tribes in Kenya.

The Supreme Council of Kenya Muslims (SUPKEM) national vice chair Al-Haji Abdallah Ateka said that contrary to popular belief, the Muslim community also values peace and human life.

Ateka asked Muslim leaders to join other peace crusaders in the country in order to prove that the community is also keen in promoting peaceful co-existence.

He noted with regrets that the Muslim community has always been associated with terrorism activities in Kenya and in other countries.

The SUPKEM vice chair said that time had come for the religious leaders to remove the negative tag by preaching peace to both the Muslims and other Kenyans who profess to Christianity.

Ateka called on Kenyans to observe peace during and after the next general elections in order to restore

confidence in the elected leadership.

He reminded Kenyans that African countries and the world at large are interested to know how Kenya conducts its elections under the new constitution dispensation.

“The world is eager to see how Kenya adopts the two levels of Government; from the old centralized system to a decentralized system in a peaceful way,” He said.

Ateka who was speaking recently at Jamia Mosque in Kakamega town at the same time appealed to Kenyans to elect focused leaders during the next general elections. He observed that the two levels of government need people who can deliver and consequently cautioned voters against electing leaders on the basis of tribe and party affiliation.

On Kakamega County, which is the second largest in the country, Ateka suggested that all leaders in the county regardless of their party affiliation should come together and discuss the way forward.

The Muslim leader observed that for the people of Kakamega County to benefit from the devolved systems



A section of Muslim leaders address the public.

of governance, their unity and focused leadership should override all other individual and selfish concerns.

In another development, Bungoma South acting District commissioner, Sylvester Mwangulu has challenged Muslims to be wary of strangers in their midst.

Speaking to Muslims in Bungoma town recently, Mwangulu warned them not to entertain or in-

teract with strangers purporting to be fellow Muslims.

The move, Mwangulu said that is aimed of minimizing cases of insecurity adding that any suspicious person must be reported to authorities for thorough identification.

“He/she can be your fellow Muslim alright, but you may not know his/her motive,” the provincial administrator said.

## Govt nullifies land allocations at a scheme in Kilifi

By BEKADZO TONDO

THE government has revoked the allocation of land at Mavueni B settlement scheme in Kilifi County after beneficiaries alleged that the adjudication and allocation exercise was marred by irregularities.

Lands and Settlement Minister James Orengo suspended the process until all the alleged irregularities are addressed.

The move by the Minister followed a meeting with the squatters in Nairobi who complained that the exercise was mired in corruption.

“I have decided to revoke all the allocations until your concerns are addressed,” said Orengo.

The meeting with the squatters was coordinated by an ODM nominated councilor in Kilifi Mr. Joseph Chilumo shortly after the Ministry of Lands issued letters of offer to the beneficiaries of the land in Bahari constituency. However the allocation was rejected by the squatters who claimed that the exercise lacked transparency.

The squatters through their chairman Mr. Kahindi Kabao send a petition to the Minister in a letter dated September 19, 2012 demanding that the exercise be revoked and conducted afresh.

“We decided to petition the Minister after we received information that the Ministry of Lands had dispatched the letters of allotment at the district lands office in Kilifi and that most of us have been allocated lesser portions of land compared to the areas we occupy while others had missed out on the allocation,” explained Mr. Kabao.

In his letter to the squatters dated September 26, 2012, the Minister said the allocation of the plots at the controversial scheme will remain suspended until all their concerns are addressed.

The letter read in part: “As per your protest letter dated September 19, 2012 concerning the irregular allocations at the scheme land, I have decided to suspend the whole exercise until all the raised concerns are addressed”.

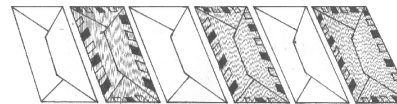
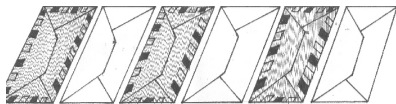
A squatter Mr. Andrew Chiviatsi, said he was allocated about two and a half acres out of the 20 acres of his family land. He suspected that the lands adjudication officers secretly surveyed and allocated the land to other people.

“From the 20 acres of land left for me and my two brothers by our late father, the Ministry of Lands has just allocated us less than five acres of the same and we want to know where the rest of the 15 acres have gone to,” argued Mr. Chiviatsi.

According to the letters of offer dated July 5, 2012 and signed by the Director of Land adjudication and settlement from Nairobi Mr. E.N Ogega, the beneficiaries of the land allocation have been given 90 days to pay for the land or miss out on the allocation.

“I am pleased to inform you that your applications for a settlement scheme plot has been successful and you have 90 days to pay for the same failure to which will lead to cancellation of the offer without further notice,” said Mr. Ogega.

The director further instructed the beneficiaries to report to the district land adjudication and settlement officer in Kilifi to pick the letters and later be shown plot boundaries.



### Farming should be a noble profession

Kenyans in general have 'peculiar' feeding patterns, something that extensively affects food supply. Most of us over rely on certain foods to the point that we cannot substitute them for others even when they are not readily available.

For instance, residents in Western and Nyanza provinces cannot do without *ugali* (a by-product of maize). This replicates to our farming practices where most farmers plant the same type of crop year in year out. The North Rift region is currently having excess supply of maize, with most farmers lacking market for their produce.

Prices have consequently declined making farmers protest. A 90 kg bag of maize is currently going for less than Kshs.2,800, down from Kshs.3,000. This has not impressed farmers.

National Cereals and Produce Board (NCPB), which is mandated to buy maize from farmers noted that they are overwhelmed by supplies. To add insult to injury, farmers whose maize has been taken may not be paid promptly by NCPB. The institution, as always, will say it has run out of funds and has to pay through farm inputs such as fertilisers and seeds. Farmers play a pivotal role in determining market supply of harvests, however, their efforts have always been overlooked.

This is not the first time maize farmers are being frustrated by the NCPB. It has become a norm that farmers harvest their produce and NCPB declines to buy it due to over supply. NCPB should devise means of exporting excess supplies to neighbouring countries so that farmers do not incur losses.

Millers are also contributing to farmers woes since some operate as cartels and the firms are run by the affluent in the society who do not understand farmer's problems.

As NCPB officials try to justify why they cannot buy farmers' maize, some farmers have opted to sell their products at a throw away price of Kshs.2,400 per bag to middlemen, who are exploiting them.

One factor fanning such practices is that maize, like wheat farmers, depend on Government to buy their produce. The situation is no different for dairy farmers. Some years back, farmers were forced to dispose their produce due to milk glut. Then few months later, the country experienced milk shortage and had to import milk powder, something we could have produced locally.

These kinds of scenarios greatly disappoint farmers. That is why many have decided to quit farming crops that make them incur losses namely maize, tea coffee and pyrethrum. Gone are the days when people boasted of being farmers because returns on their crops do not offer them decent lives.

Farming is a noble profession just like the others and it should not be taken as a pastime or alternative activity.

**Concerned Kenya,**  
Via e-mail

## Exam cheating thrives on the high premium we place on good grades

IT is welcome news that President Kibaki has signed into law the Kenya National Examinations Act, 2012. Individuals who leak examinations to candidates are now liable for imprisonment of up to 10 years or a fine of Kshs.2 million.

That may sounds radical, but will it stop examination irregularities? My quick answer is NO. If laws worked effectively then no one would traffic in drugs.

Why is there crime yet there are laws to punish culprits? Crime, like goods, operate under the laws of demand and supply. There must be a ready market for goods/service in demand for crime to thrive.

So having the law in place will not stop examination irregularities overnight.

Individuals who abet cheating are smart. They know how to evade the law. So it would be naive for K nec to imagine that now there is a law in place cheating will end.

I am not saying the law will not help. No. But fighting examination cheating will require more than just the law.

This is because cheating is not just done by candidates; it starts from the top down. K nec officials collude with other agents in the process of examination cheating.

In our country, where everybody places a high premium on good grades, cheating will take more than just the law to eliminate. Examinations in Kenya are matters of life or death.

Candidates are duped into buying fake papers thinking they



KCSE candidates sit for their exams. Photo/File

are genuine examination materials. Owing to the high premiums placed on examination grades, candidates feel under pressure to perform well. Candidates who may not have been prepared thoroughly are especially venerable.

Candidates who fall in examinations are regarded as failures in life and are forever condemned even if they become successful in other areas of life.

People only respect those who passed exams in school. Consequently, people are prepared to do whatever it takes (including cheating) to make sure they "pass" these exams. How I wish there were no exams?

The culture of examinations is so entrenched in our society that

students go to school to "pass" exams. In the process integrity and character are thrown out of the window.

Sometimes the schools that are ranked top use unethical means to claim that "glory" so that parents may scramble to take their children to performing schools.

Nobody stops to ask how these schools ended up in those good positions.

There are also teachers who want credit through short-cuts. In the end everybody becomes a culprit in examination cheating.

Cheating can only be eliminated if the causes are identified and addressed.

**Concerned Kenyan,**  
Via e-mail.

### Heavy penalties should be imposed on traffic offenders and officers

WITH road carnage having reached epidemic proportions, the Government is justified in taking stern action against the menace.

It is sad that the country has lost many of its productive people through road accidents. At the same time, many families have been robbed off their breadwinners. Some of those who have survived accidents have been paralysed for life.

In retrospect, this is due to faults by almost everyone in society.

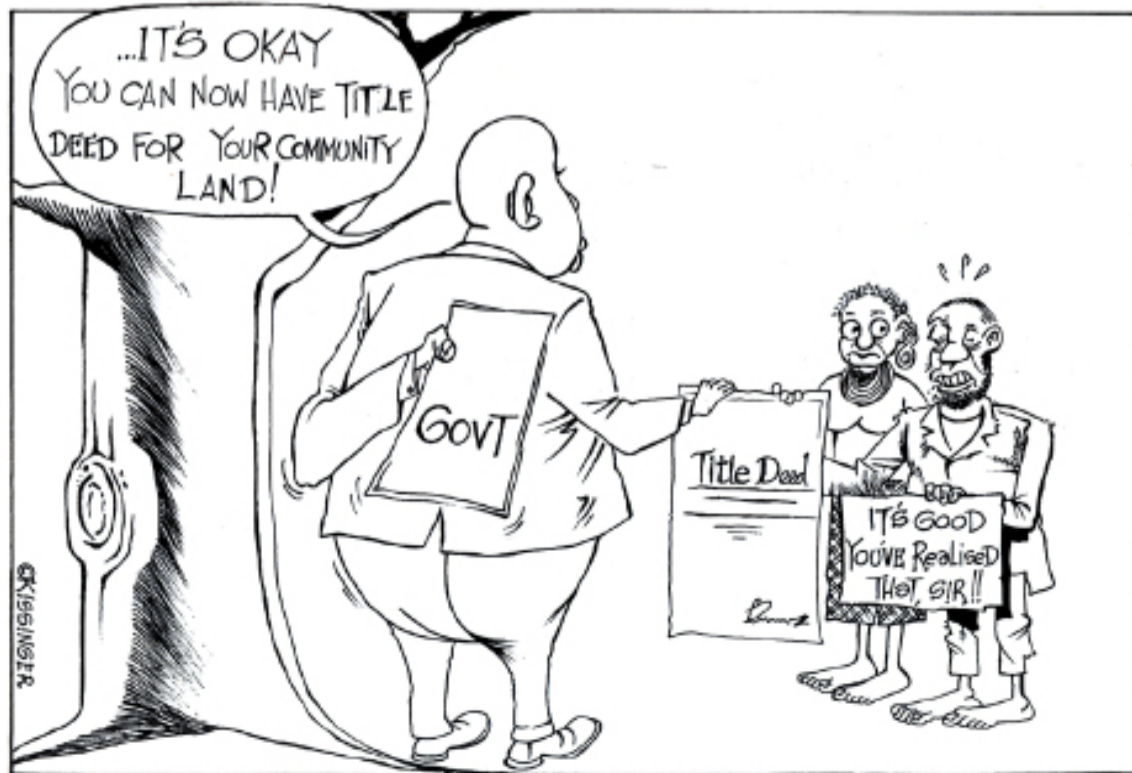
To begin with, pedestrians are the main violators of the Highway Code. On numerous occasions, accidents have been caused by drivers trying to avoid hitting pedestrians, majority of whom do not observe traffic rules while crossing roads. There is need to sensitise the public on the dangers of flouting traffic rules as this will not only reduce the number of accidents but also deaths and casualties.

Passengers also take the blame. Ever since the later minister John Michuki was moved from Transport Ministry, the industry has never been the same. It is not surprising that vehicles are still overloaded and passengers do not wear seat belts.

Drivers are third in the list of those to blame. Reckless driving is a major contributor to deaths witnessed on our roads. Some speed while others, in total disregard of human life, drive while drunk. The new amendments on the Traffic Act, signed into by President Kibaki, should help to reign in on these vices. From now on, reckless drivers must pay for their sins through harsh fines or time in jail. It is due to light fines and sentences meted on traffic offenders that many drivers have continued to repeat mistakes.

Also, that drivers will undergo compulsory tests after every two years to ascertain their competence is good news since this will help to polish their skills. However, paying them on montly basis may not work since this will become expensive for investors. Stiffer penalties should also be imposed on traffic officers, who take bribes thus letting *matatu* operators get away with serious offences.

**Concerned Kenya,**  
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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## Administrator woos investors in Bungoma County

By AGGREY BUCHUNJU

BOTH local and foreign investors are being invited to invest in various economic sectors within Kimilili District of Bungoma County.

The area District commissioner (DC) Joseph Lewa says that the region has enormous potential for business activities due to its proximity to several border towns.

Lewa adds that apart from being close to border towns like Malaba, Lwakhakha and others, the district also has potential for agricultural activities.

He appealed to investors from within and without to take advantage of the friendly business environment and invest in the district.

The provincial administrator is categorical that investments can boost the local economy and urges them to maintain peace in order to attract investors.

Lewa points out that the government is determined to ensure that peace prevails in the district all the time for the benefit of both the investors and the local community.

He, however, challenges area residents to assist the government to adequately address security matters by reporting suspected criminals in their midst.

"We will always make every endeavor to beef up security but we can only succeed in the war against insecurity if residents agree to strongly support us," The DC says

The DC also calls on residents to uphold peace during the next general elections saying that violence during and after the elections will definitely scare away potential investors.

Consequently Lewa urges area residents and particularly the youth to shun politicians who incite them to violence and smear campaign.

He reminds the youth that leadership is not about engaging in violence but being ready to concede defeat and people's verdict.

Although Kimilili district is one of the major maize producing administrative units in Western province, it is one of the poorest districts in the region. The district has a surface area of 181.2 square kilometers with a population of 132,822 people as per 2009

national census.

However, 60percent of the population lives below poverty line and the district's contribution to provincial poverty is 6.7 percent, this being the highest in the region. Area residents attribute the biting poverty to lack of ready market for their farm produce particularly maize which is grown on a large scale in the district.

They point out that National Cereals and Produce Board (NCPB) which is the major Government institution buyer of maize has no stores in the district to facilitate marketing of the crop.

This, they claim has made them vulnerable to maize brokers who continue to impoverish them by buying the commodity at throw-away price.

## Nyachae team irked by MPs insatiable greed

By PETER MUTUKU

THE Commission for the Implementation of the Constitution (CIC) has termed as unconstitutional a recent move by parliament to award themselves hefty perks as severance pay after the expiry of their current term in office.

The CIC chair Charles Nyachae accused parliament of usurping the mandate of the Salaries and Remuneration Commission in violation of Article 230(4). "We would like to reiterate our position that it is not the mandate of Parliament to determine their own remuneration," he added.

He says that their diversionary argument on amounts of monies paid to the chairperson of the CIC or any other person is a deliberate effort to divert attention from their unconstitutional actions.

"CIC remuneration was arrived at as is provided in law enacted by Parliament. The discussion on the salaries of all state officers in all offices is a legitimate discussion that must take place and is the core mandate of the Salaries and Remuneration Commission. This Commission must be allowed to undertake its constitutional responsibility without interference," he explained.

He said that CIC's track record on ensuring the Constitution is not violated is clear. "From when CIC came into office in January 2011, CIC has not shied away from raising issues of violations of the Constitution whether committed by the Executive, Parliament or any other institution. CIC will not relent in carrying out this part of its mandate without fear or favour for the benefit of the people of Kenya," he affirmed.

He said any attempt to personalize the official views expressed by the CIC Chairperson lacks substance, is misguided and is meant to intimidate CIC and other independent offices that have critical functions to discharge in the reform process.

"This conduct by MPs is unacceptable and must not be entertained by Kenyans," the CIC chair Charles Nyachae said in a press statement.

He pointed out that CIC has a constitutional mandate to monitor, facilitate and oversee the implementation of the Constitution, and thus will always expose any actions that contravene the Constitution.

He said that all State officers, including MPs are not exempt from the rule of law and that the Constitution is supreme and binds all. "In this respect any attempt by Parliament to blackmail state organs by threatening not to pass any laws unless MPs' demands are met is both unconstitutional and an abuse of power," he noted.

# Improve cash transfer to the elderly -state told

By JOSEPH MUKUBWA

PURITY Elderly Care Foundation has called on the government to roll out cash transfer program throughout the country to reach as many vulnerable elderly persons as possible.

The organization Executive Director Joyce Kairu observed that the cash transfer program, started a year ago to assist the aged was yet to benefit all the elderly persons and challenged the government to roll out the same countrywide instead of disbursing funds on a pilot basis that covers only a few regions.

Kairu who was speaking recently in Nyeri town during celebrations to mark the United Nations International Day of Older Persons said the organization has come across many cases where those who do not need the cash are benefitting from the same while extreme needy cases have been ignored.

She called on the Ministry of Gender and Social Services to uphold transparency in the screening process to determine deserving cases.

The celebrations saw over 500 aged persons drawn from Nyeri County feted with goodies and each of them given a package of food items to carry home.

The donations were sourced from various well-wishers in the

area especially the business community from the Central Business District.

"I challenge the society to support the aged and treat them with compassion because many elderly persons were neglected by family members and end up living depressing lives during their last days

on earth," she added.

The International Day of Older Persons was set aside by the U.N General Assembly in order to highlight the plight of the aged and advocate for their rights across the world 22 years ago.

"We have had cases of elderly persons committing suicide due

to stress as a result of neglect by the community as they try to seek a way out of the abandonment by their loved ones," Kairu said.

The foundation takes care of the neglected elderly persons in the area by donating foodstuff, clothing and providing shelter through donations from well wishers.



Old people from Nyeri County take a jig in Nyeri town during the United Nations International Day of Older Persons recently. Photos/Joseph wambugu

By BEKADZO TONDO

MEMBERS of the cash strapped burial and benevolent scheme in Kilifi have threatened to withdraw their membership citing poor leadership and misuse of funds. The move follows revelations that the board members have paid themselves allowances running into Ksh 2.3 million.

Led by Mr Sylvester Njunga, the over 2200 members of the scheme are irked by the board's move to spend a huge chunk of their savings in payment of their allowances at the expense of the scheme's core activities.

Mr Njunga said the core business of the scheme is to ensure that teachers who are the members get a decent

burial when they die and not for the board members to accord them huge allowances.

"We are shocked to learn that our board members have been using our money to allocate themselves huge allowances and when a teacher dies there is delay in releasing Ksh 20,000 to meet their burial expenses," said Mr Njunga.

The board chairman Emmanuel Kalama was hard pressed to explain to the members why they had spent Ksh 2,341,579 million last year as payments of allowances to the board.

Trouble started when Kalama and

Audit company tabled the audited accounts for the scheme during the last financial year. The report revealed that the board members took home more than Ksh 2.3 million in form of allowances up from Ksh 1,833,085 paid to them in 2010.

According to the audit report, the executive officials pocketed Ksh430,100, the burial committee allowances amounted to Ksh 553,300, board committee allowances Ksh 516,800, accommodation allowances totaled to Ksh 108,000, duty allowances stood at Ksh 686,179 while other allowances for the board members

were valued at Ksh 47,200.

The scheme members questioned why the board had decided to hike the sitting allowances to Ksh 4,200 each saying this was too high and proposed that the figure be reduced to Ksh 2000.

Another member Mr. Felix Mramba took to task the board members saying that they had started a cyber-café project without the approval of the members.

"Members only allowed the board to computerize its operations and not to establish a commercial bureau as outlined in the management report," said Mr Mramba.

Attempts by the board chairman to explain that the project was meant to boost the income of the scheme were rebuffed. "As a scheme the board has to explore other means of getting revenue apart from the monthly contributions by members and that is why we came up with the bureau business," said Mr Kalama.

Mr Mramba said the project was a conduit to siphon funds from the scheme as the business could not raise enough funds to sustain itself, which means money will be drawn from members' contributions to meet operational costs.

## Corruption allegations mars benevolent scheme

# NEMA, leaders reject proposed Nandi dam

By JOHN NYAMBUNE

CIVIC leaders in Nandi County have endorsed a move by the National Environment Management Authority (Nema) to reject proposals to clear 3,000 acres of Kimondi forest to pave way for the construction of a multipurpose dam.

Led by Kapsabet Mayor Michael Rono, the civic leaders said the decision by Nema was commendable.

"Councilors and MPs from the county were vehemently opposed to the project and we are glad the environment body has listened to us," he said.

Chairman of Friends of Nandi Environment, Dr. John Chumo, said the project was insensitive to environmental protection. We are glad Nema has done what we expected," he said.

In a letter dated September 17 and signed by its Director General Prof Geoffrey Wahungu, NEMA rejected the proposed construction of the Kshs.50 billion dam by the Lake Basin Development Authority.

The letter addressed to the Permanent Secretary in the Ministry of Regional Development indicated that the proposed dam would destroy 61.2 per cent of the forest reserve.

"This would have led to the loss of irreplaceable ecological, biological and socio-economic services," it said.

The letter further said the people living around the forest were against

the proposal, adding that clearance would destroy flora and fauna.

Public Complaints Committee (PCC) had also opposed the proposed project in their report dated July 10 signed by PCC chairperson Florence

Mwangangi, Secretary Lucy Mulenkei and five members.

"Nema should strongly communicate to the project proponents that the project will not be licensed under any circumstance," stated the report.

The decision by Nema to stop the proposed clearance of the forest seems to echo PCC's recommendation that called on the environmental organization to save the forest from destruction.



Nema reject proposals to clear 3,000 acres of Kimondi forest to construction a multipurpose dam.

## Bungoma civic leader accused of graft

By AGGREY BUCHUNJU

RESIDENTS of East Sang'alo ward in Bungoma County are up in arms over alleged embezzlement of project money by their civic leader Cllr. Jonathan Lusaka.

The residents led by Mr. Isaac Kwoba want Cllr. Lusaka to explain how Ksh.0.5 million meant for Mwikhupo youth polytechnic was used.

Cllr. Lusaka is besieged by angry residents in the wake of a story we published in our September issue on alleged misuse of Local authority Transfer Fund (LATF) in Bungoma County Council.

The irate residents are calling on the civic leader to show them the four acres of land he purports to have bought during the 2009/2010 financial year courtesy of LATF.

"We want to be shown where the four acres of land are situated within our ward, land sale agreement duly signed by vendor and witnesses, transfer status and the mode of payment," they say.

The ward residents are further asking Cllr. Lusaka to disclose the names of the Project Management Committee (PMC) members and how they were picked to manage the project if they are there.

"We are giving the civic leader one month ultimatum to convene a stakeholders meeting at the purported project site and supply of all the information as sought in our memorandum," says Kwoba.

Kwoba avers that failure to convene the meeting within one month and to comply with the residents demands will result in prosecution.

"We are currently collecting signatures and sooner or later we shall take appropriate action against the civic leader because apparently this is a ghost project," he reveals.

Jukwaa la Katiba, Bungoma County chair Mr. Allan Sitati and secretary Mr. Lumumba Wekesa concur with the ward residents saying the civic leader should explain the whereabouts of the project money.

Sitati, who is also National Civil Society Congress NEC member asks Cllr. Lusaka to table all documents pertaining to the project and also explain why the project has not received subsequent funding.

"Taxpayers should be told whether this is a ghost project or a stalled project," Sitati adds.

He urges Cllr. Lusaka to come out in the open and tell his voters the much he knows about the project in order to dispel rumours that he pocketed the project money.

The project is referenced LATF/BCC/101/2009/2010 and was allocated Ksh.0.5 Million during the 2009/2010 financial year to purchase land for the then proposed Mwikhupo youth polytechnic.

However, the project did not receive further funding during subsequent financial years help jump-start the proposed project, a fact that defeats the purpose for which the project was established.

We could not immediately get the council's financial statements for 2010/2011 financial year to establish how much East Sang'alo ward was allocated and the beneficiaries in terms of capital projects.

## Journalists tipped on personal security

By AGGREY BUCHUNJU

JOURNALISTS have been asked to exercise restraint in their work and ensure personal safety.

Mr. S. Dave who is a consultant cum trainer claims that although journalists are brave on duty they do not take safety precautions.

Dave says that journalists assume that they cannot become victims of calamities or organized gang attacks. "One of the mistakes journalists make is the assumption that accidents cannot happen to them because they think are cautious enough," he says. Dave points out

that the biggest obstacle to personal security is risk taking and consequently challenges journalists to always prepare and plan for every eventuality.

He is categorical that personal security planning is by far the most important step in a journalist's life because it requires attention, vigilance and anticipation. Dave was speaking recently during a media training workshop on safety and security for journalists at Nairobi hotel where he was the Chief trainer.

"Your plans are personal. Journalists should be very careful in their planning and ensure to stick to it," Dave told 15 journalists who attended

the two (2) day training.

The trainer cum consultant reminds journalists that they are always targets for political goons and kidnapers because of their informative work in society and their value.

Consequently Dave urges the journalists to avoid being complacent and immediately change tactic by planning personal safety and security as their daily routine.

He observes that for journalists to avoid being caught in dangerous situations, they should always plan for their operational safety, personal security, risk and travel safety among other things. Dave cautions journalists

against being generous and extravagant in terms of information sharing while engaging with strangers saying some may be spies.

He at the same time warns the newsmen to avoid routines saying such behaviors can enable their enemies to easily track them.

The trainer however avers that the safety and security of a journalist is guaranteed by himself or herself.

For the journalists to easily remember that none other than themselves can guarantee them security Dave developed a slogan which he asked the participants to chant after every activity.

## Now Gusii fighters demand pay from Brits

By BOB OMBATI

FREEDOM fighters from Kisii and Nyamira counties want the UK government to compensate them for the atrocities committed against them during the colonial rule.

Led by their chairman Patrick Angwenyi, the freedom fighters say that the Gusii fighters rebelled against the colonizers in 1903 when they invaded Gusiiland.

The chairman, who addressed Mashujaa Day celebrations at Gusii stadium recalled Gusii people lost cows to the white settlers who beat them up and torched their houses in a bid to suppress their rebellion.

He petitioned the government to include the heroes and heroines from Gusii community in the on-going

compensation case filed against UK, saying some of them were languishing in abject poverty despite being at the forefront in the struggle for independence.

"They fought for a just cause. Their struggle was fruitful. They should be rewarded as they age gracefully," stated Angwenyi.

Angwenyi, accompanied by some heroes and their children disclosed that the late President, Mzee Jomo Kenyatta sought refuge in Gusii to escape the wrath of the colonial soldiers who were tracking him.

Kenyatta, noted Angwenyi was hid at the home of the late colonial Senior Chief Musa Nyandusi, the father of former cabinet minister, Simeon Nyachae in 1952 before he was apprehended and detained for his role in

mau mau.

He challenged Kenyans to uphold peace during the electioneering period to honor freedom fighters who sacrificed immensely to free the country from the colonial yoke.

Kisii Central District Commissioner, Philip Soi warned politicians against using hate speech and instead sell their policies to the electorate.

Soi urged leaders to embrace peaceful campaigns, saying stern action will be taken against individuals who incite the public to violence for their selfish interest.

The Independent and Electoral Boundaries Commission (IEBC) noted the DC had deployed monitors nationally to monitor leaders who incite the public, stressing they risked arrest and prosecution as stipulated by the law.

The DC deplored rampant cases of land grabbing in Kisii county and warned parents against disinheriting their daughter's in law after the death of their husbands.

He said the constitution protects widows and anybody who interferes with their properties will face legal action.

Kisii Municipal council's former mayor, Edward Nyamweya said the town's strategic plan was in place and will soon be debated by stakeholders for two months before it is fine-tuned and adopted.

Nyamweya, who represented the council's mayor, Alloys Moseti during the Mashujaa Day celebrations urged Kenyans to elect visionary and wise leaders who will properly manage huge funds to be funneled to the counties to benefit the residents.

# Kibwezi CDF on the spot over graft claims

By PETER MUTUKU

THE Kibwezi Constituency Development Fund committee is on the spotlight following the mismanagement of Ksh. 19,700,000 of taxpayers' money on badly implemented projects during the 2009/2010 financial year.

An additional Ksh 2,400,000 has been lost through abandoned projects during the period under review.

An audit report by the National Taxpayers Association (NTA) reveals that Ksh 1,150,000 allocated to the constituency is unaccounted for.

The report shows that Ksh 1,500,000 had allegedly been pumped into non-existent projects. The lobby group now wants the area MP Philip Kaloki to fully account for all the missing funds or take the necessary legal action to ensure recovery of the same.

Among controversy-ridden projects include the rehabilitation of King'utheni earth dam at a cost of Ksh 2,300,000. The report states that only Ksh 1,300,000 went into the project while the remaining Ksh 1,000,000 cannot be accounted for. Further, an additional Ksh 300,000 earmarked for the construction of

Kambu market shades cannot be accounted for.

Another Ksh 440,000 allocated towards the construction of a classroom and the roofing of an administration block at Kasue Girls Secondary school went into waste as the structures already have potholes and the walls have gaping cracks.

A classroom construction allocated Ksh 300,000 during 2009/2010 financial year has stalled and the project is now covered by overgrown vegetation. The story is similar at Syumile Secondary school where Ksh 410,000 was allocated towards the construction of a classroom. The classroom is incomplete and about Ksh 110,000 cannot be accounted for.

Others projects mired in controversy include Kwa Onyango earth dam which was allegedly allocated Ksh2,500,000 but poorly done to justify the huge allocation. Muthiingini earth dam cost Ksh 2,600,000 but it is very shallow and holds very little water against the community's expectations. In addition, Ksh 600,000 earmarked for the construction of a science laboratory at Ndauni Secondary school cannot be accounted for.

The construction of Nzeveni dis-

pensary has stalled over the last two years despite the fact that the project had received Ksh 1,700,000. A substantive Ksh 300,000 set aside for the project cannot be accounted for.

About Ksh300,000 earmarked for the construction of an administration block at St Mary's Komboyoo cannot be accounted for Makindu river sand project which allegedly received Ksh 100,000 during the financial year under review is poorly done, heavily cracked on the wall and thus has not been used by the community.

Investigations have also established that Ndalani dispensary only received Ksh 200,000 from the CDF kitty and not Ksh 500,000 as alleged. The dispensary was constructed by AMREF and community in 2004. Kibwezi CDF purchased 5 doors and 8 windows; brought 2 lorries of sand for plaster and iron sheets in 2005 for the completion of the facility.

The community mobilized themselves to complete the dispensary. The community was not informed how much was allocated and how much the materials had cost. In the 2009/2010 financial year, CDF indicated that they had funded the dispensary for Kshs. 200,000 to finish the structure. The dispensary com-

mittee however confirmed to NTA that they have never received such funding to date.

"This points to misappropriation of funds and further investigation is recommended," adds the NTA report.

Non-existent projects were funded to the tune of Ksh. 1,500,000. They include Machinery mbondeni water project which was allocated Ksh 200,000 but it is non-existent.

Another controversial allocation is Kshs 800,000 allegedly disbursed to Kyamulinzi water project yet the project is non-existent.

Another anomaly that has been noted in the implementation process is the inflation of project costs. Three classrooms at Iviani Primary school were built at an inflated cost of Ksh 1,150,000 despite the fact that local residents participated in the project and the materials were readily available. Over Ksh 1 million was spent in the construction of market shades in seven bus termini at inflated rates.

The construction of Kwa Kan-yasia earth dam at Ksh 2,600,000 was way below the recommended standards while two water pans were poorly done at an inflated cost of Ksh 400,000.

## Insecurity threatens economy of the Coast

By BRIGHTON KAZUNGU

THE surging cases of insecurity in Coastal region may lead to the job and revenue losses if the situation is not swiftly brought under control.

According to Kenya Association of Hotelkeepers and Caterers (KAHC) Coast branch executive officer Sam Ikwaye, most establishments in the region have registered low business due to the fragile situation.

Mr. Ikwaye said the number of both domestic and international tourists had dropped as potential holiday-makers were unsure of their safety.

He said international bookings were low following the Mombasa chaos in August, the Tana Delta clashes last month and the recent attacks on fisheries minister Amason Kingi, among other cases of violence.

"For the past two months, the Coast region has registered a rise in cases of insecurity, with more than 120 people having lost their lives in various parts of the province," he said.

"In the wake of the insecurity, tourism and other businesses have adversely been affected. For tourism to thrive, peace is vital."

Mr. Ikwaye said unless the government put measures in place to address cases of insecurity, hotels may soon start be forced to lay off some of their workers due to low business. "If the security concerns are not addressed, jobs in the hotel industry will definitely be affected while the government will lose revenue," he stated.

Due to low international bookings, hotels across the region are now depending on local tourists and conferences to remain afloat, he added.

A spot check at some hotels indicated that bed occupancy for international tourists in September was between 15 and 20 per cent compared to between 30 and 50 per cent in the same period last year.

Kenya National Chamber of Commerce and Industry Mombasa branch chairman James Mureu said investors were worried about their safety and their businesses.

He said during the violence in Mombasa in August, business-people suffered losses estimated at millions of shillings as they could not open their shops.

Buyers from various parts of the country did not come to purchase goods, fearing that they would be attacked. "I am unable to quantify the losses but insecurity has certainly dealt a blow to economic activities in general," Mr. Mureu said.

"In order to build investor confidence at the Coast, the government must contain the violent acts and loss of innocent lives," he said and called on the government to hunt down the masterminds of violence and bring them to book. He said politicians who have been inciting residents to violence or issuing inflammatory statements should face the law to restore peace in the region.

Mombasa and Coast Tourist Association (MCTA) executive officer Millicent Odhiambo said night-clubs and bars bore the brunt of insecurity as only a few people patronized the outlets. "Following attacks on bars in Mombasa months ago, residents and visitors fear venturing into the night-spots," she said.

"Night-club and bar business has gone down due to the violence incidents in various parts of the Coast region. Something must be done urgently to end the insecurity," she said.

# Paralegal staff to get pay increase, says JSC

By JOSEPH MUKUBWA

THE judiciary has finalized pay increase for paralegal staff and is currently awaiting green light from the Salary Remuneration Commission.

Speaking in Nyeri during a tour of the courts, the Judicial Service Commission chairman of Finance Ahmed Nassir said that the commission has set aside money to increase salaries for the paralegal staff but its hands are tied since they have to get approval from the Salary Remuneration Commission as required by law.

"I want to tell paralegal staff that we have already earmarked funds for their salary increment but we cannot award them due to that constitution requirement, we are going to have a meeting with the Salary Remuneration Commission soon and once we receive the go ahead they will smile all the way to the bank," said Nassir.

Nassir who was accompanied by other commissioners led by vice chairperson Prof Christine Mango said that the increment will be backdated to June this year once it is approved.

He said that contrary to the belief in some quarters that junior staff in the judiciary have been neglected, their terms and conditions of service will soon be improved including finding out whether they have the right implements to effectively perform their duties.

There has been hue and cry from junior staff in the judiciary following increment of salary to magis-



The Judicial Service Commission led by Judicial Service Commission chairman of Finance Ahmed Nassir (right) and vice chairperson Prof Christine Mango (next to him) during a tour of Nyeri law courts.

Photo/Joseph Mukubwa

trates and judges who are aided in their work by the paralegal officers who normally do the donkey work.

However, Nassir said that in the increment they will not consider magistrates and judges since their case is not urgent.

Nassir at the same time revealed that plans are underway to establish a permanent court of appeal in Ny-

eri town to handle huge volumes of appeal cases emanating from the area which serves a huge part of Mt Kenya region.

"After the recruitment of Court of Appeal judges in finished, I want to assure litigants and lawyers in this region that we will post a permanent judge here to cater for the court of appeal permanently," Said Nassir.

He said that so far the high court in Nyeri is being renovated to accommodate the new court which will ease administration of justice and thus litigants will not be waiting for regional sessions by court of appeal to get justice. The commission is on a countrywide tour on fact finding mission on the courts capability to offer service following reforms.

By PETER MUTUKU

OVER five million shillings has been wasted on shoddily done projects in Kaiti Constituency, according to a lobby group's audit report.

The audit was done by the National Tax Payers Association. The report says the wastage accounts for 14 percent of the total Kshs.59,001,602 CDF cash allocated to the Constituency during the 2009/2010 financial year.

According to the report, the wastage was replicated in about 20 projects mainly due to poorly constructed structures and inflated budgets than what was actually delivered.

In some instances, the projects remained incomplete because they did not receive additional funding in the subsequent financial year.

This is despite the fact that the CDF Act provides for continuous allocation to projects until completion.

Among the projects that have elicited audit queries include the construction of three door pit latrines in Ngiluni nursery school. The project cost Ksh 100,000 but according to the audit report, the work was poorly done and did not reflect in any way the amount of money funneled towards its completion. Further, the renovation of the two classrooms at Ngiluni primary school at Ksh 100,000 was below the set standards largely blamed on poor workmanship and use of sub-standard materials.

The story is replayed in several other projects. Ksh 200,000 earmarked for the construction of a dormitory at Katulye secondary school went into waste as the structure remains incomplete two years down the line. The NTA report explains that although the project has been built with good quality bricks, the jointing mortar is of poor quality.

Further, a classroom construction at Kee youth polytechnic has stalled despite having been allocated Ksh 300,000.

"The allocation was used to purchase sand and stones only. Less than three-course wall was put up and the rest of the materials stored since there were no funds for labour. This project depicts poor implementation, poor supervision and coordination. The materials have been stored for two years now and the committee has been unable to account for how they spent the funds. There is no commensurate value for taxpayers money," reads the report

# NTA accuses Kaiti CDF of misuse resources



**CDF Project: Pit latrine, the project cost Ksh 100,000 but according to the audit report, the work was poorly done.** Photo/File

in part.

Another Ksh150,000 earmarked for the construction of Kivani Assistant chief's office was mismanaged. "Although good quality bricks were used, there is no floor slab and the lintel is not put all round. The funds were poorly managed since the work done is small compared to the amount of money spent," adds the report.

At Kyau primary school, the report says that the construction of eight toilet doors was allocated Ksh 100,000, which was more compared to the value of the work done. "More work could have been done to give taxpayers good value for their money," notes the report.

The cost of renovating Kaiti cattle dip was also inflated to Ksh 150,000 and the project remains incomplete. The construction of two toilets at Kyamatheka primary school remains incomplete despite the fact that the project had received Ksh 100,000.

At Iuani HGM primary school, four classrooms were shoddily done

at Ksh 500,000 while an assistant chief office at Ikalyoni is incomplete despite being allocated Ksh 250,000 during the financial year under review.

Four classrooms at Kitundumo primary school are incomplete even after the project received Ksh 350,000 for the same. At Inyokoni secondary school, the cost of purchasing furniture was inflated to Ksh 399,600 while at Iuani secondary school, a computer laboratory allocated Ksh 500,000 remains incomplete and the foundation is poorly done.

The construction of Wautu community dispensary is still ongoing but shoddily done at a cost of

Ksh300,000 while the cost of fitting toilet doors at ACK Kaiti primary school was inflated to Ksh200,000.

Some projects are yet to be implemented despite having been allocated funding during the 2009/2010 financial year. The construction of a tank under Mbooni water project at Ksh 300,000 is yet to take off after

the community rejected the project management committee saying they were not involved in its appointment.

The construction of Kasunguni market at Ksh 150,000 has not taken off owing to a dispute in land ownership at the proposed site between the Local Authority and business people.

The National Tax Payers Association now wants the MP to reduce by 80percent the poorly done projects in the constituency.

The lobby group also wants the local MP Gideon Ndambuki to avail all records of CDF projects and Bills of Quantities in line with Article 35(a) and (b) of the Constitution

The lobby group at the same time challenges the CDF board to respond promptly to requests for re-allocation of funds to avoid delays at the implementation stage.

NTA further wants the CDF board to enhance surveillance on re-allocation of funds to reflect the needs of citizens at the constituency level.

## Stop using devolution as excuse to derail law, CIC tells leaders

By PETER MUTUKU

A REPORT by the Commission for the Implementation of the Constitution (CIC) cautions that devolution could be used as a tool to derail the constitutional implementation process. "Devolution is emerging as the tool and instrument to tame and slow and, probably, ultimately kill the Constitution. Kenyans now need to seriously monitor devolution if they have to reap the benefits of the Constitution fully," says the CIC in its quarterly report.

CIC cites sharp differences between the Treasury and Local Government ministry over allocation and management of resources to the 47 county governments. "The differences between the ministries and departments caused unnecessary delay and consumed the Commission's time in its effort to get the actors agree to a common position, especially where the disagreements were on policy," the report says.

The commission further criticizes a move by Parliament and the Cabinet to pass two Bills — the National Government Loans Guarantee Bill, 2011 and the Contingencies Fund and County Emergency Funds Bill, 2011 — on resource mobilisation and sharing without the input of financial experts.

The two Bills were controversially passed by the Cabinet, approved by Parliament and assented to by the President, even as stakeholders called for more time to review them.

The move grossly contravened the Constitution. The Constitution protects the sovereign power of the people under Article 1, which provides that Parliament is exercising delegated power from the people and thus cannot legislate against the wishes of the people. This is emphasized by the fact that Kenyan people are now assured of the right to recall nonperforming legislators.

However, Kenyans will need to be vigilant, and be able to rise up and defend their sovereign power against any attack by any state organ, including the legislature. Under the new Constitution, the Kenyan people have limited the power of the legislature to make any constitutional amendments, making a referendum a prerequisite in certain salient amendments. The people have also under Article 118 and 119 of the Constitution ensured their access to and participation in parliamentary matters through the right to petition for enacting, amending and repealing of legislation under Article 119.

However, Parliament still retains the right, upon consideration, to effect the suggested changes. Nevertheless, there is need to underscore the fact that under the 2010 Constitution, parliamentary sovereignty is restricted not only in terms of what Parliament can do as an institution, but also in terms of what an individual House of Parliament can do. First, the sovereignty of Parliament emanates from the sovereign power of the people.

The sovereign power of the people thus precedes the formation of a constitution and thus cannot be conferred by the 2010 Constitution.

The call for vigilance came as CIC warned Kenyans were losing interest in the implementation process.

# Kilifi clerics root for peaceful polls

By BEKADZO TONDO

RELIGIOUS organizations in Kilifi County have launched inter-faith peace forums to preach peace and unity ahead of next year's General Elections.

The religious groups drawn from both Muslim and Christian faith will sensitize the residents on the need to coexist harmoniously during and after the elections.

Speaking during a workshop on peace and security held at the Kilifi

County hall, the coordinator of the Kenya Muslim Youth Alliance Mr. Juma Mwanguzo said the move follows inter communal clashes in Tana Delta District of Tana River County which left one hundred people including nine police officers dead.

"Kenya Muslim Youth Alliance is a peace loving organization and we have decided to preach peace to avert killings of innocent people at the behest of political machinations," said Mr. Mwanguzo.

Mr. Mwanguzo at the same time

accused politicians in the area of fanning religious animosity which has hit the area in the recent past and urged the youth to shun violence.

"For a long time, Muslims and Christians have been co existing as brothers and sisters but today some politicians are inciting the religious people against one another," said Mr. Mwanguzo.

The coordinator condemned the recent destruction of churches by hooligans who were allegedly protesting against the killing of Sheikh

Aboud Rogo. Rev. Dickson Jembe, the chairman of Evangelical Pastors fellowship in Kilifi urged the government to prosecute perpetrators of violence in the County.

Rev. Jembe said the police must move swiftly and arrest politicians who are inciting people to violence for their own selfish political gains.

The chairman of Supreme Council of Kenyan Muslim (SUPKEM) in Kilifi Maalim Bakari urged Muslims and Christians to love one another and live in harmony.

# New law guarantees right to

## INTRODUCTION

**T**O begin with, Article 118 and 119 of the Constitution ensures that people have access to and can participate in parliamentary matters through (among others) the right to petition for enacting, amending and repealing of legislation under Article 119.

The principal has been replicated in County Governments. The County Act (section 87) directs that people must participate in the formulation and implementation of policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards.

The law directs the governor to submit an annual report to the county assembly on citizen participation in the affairs of the county government.

### Establishment of modalities and platforms for citizen participation

The Act directs county governments to facilitate the establishment of structures for citizen participation including

- (a) information communication technology based platforms;
- (b) town hall meetings;
- (c) budget preparation and

- validation fora;
- (d) notice boards: announcing jobs, appointments, procurement, awards and other important announcements of public interest;
- (e) development project sites;
- (f) avenues for the participation of peoples' representatives including but not limited to members of the National Assembly and Senate;
- (g) establishment of citizen fora at county and decentralized units.

The same rule is to be replicated in all decentralized units of the county.

In addition:

- (a) Counties are to ensure residents access information, data, documents, and other information relevant or related to policy formulation and implementation on a timely basis;
- (b) Counties must commit to protect and promote the interest and rights of minorities, marginalized groups and communities and their access to relevant information;
- (c) Communities can appeal or seek review of decisions, or redress with particular emphasis



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DC and PC and VOK (now KBC) have been medi...  
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has put in place profound measures that guarantee public participation...  
and decision-making process, writes FAITH MUIRURI, our Chief-Sub-*

- on traditionally marginalized groups, including women, the youth, and disadvantaged communities;
- (d) County governments and non-state actors to reasonably share roles and obligations in decision-making processes to promote shared responsibility and partnership, and to provide complementary authority and oversight;
- (f) County governments promote public-private partnerships, such as joint committees, technical teams, and citizen commissions, to encourage direct dialogue and concerted action on sustainable development; and

- (g) recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight.

### Petition

The Act empowers citizens to petition the county government on any matter

The law sets out that all petitions must be addressed to the county governments in writing.

Further, the Act makes it mandatory for County government authorities, agencies and agents to respond expeditiously to petitions and challenges from citizens.

### Matters subject to local referenda

The law outlines that a county

government may conduct a local referendum on among other local issues—

- (a) county laws and petitions; or
- (b) planning and investment decisions affecting the county for which a petition has been raised and duly signed by at least twenty five percent of the registered voters where the referendum is to take place.

The referendum is to be conducted in line with the Elections Act with necessary modifications.

### Public communication and access to information

Public communication and access to information is premised on the following principles:

- (a) integration of communication in all development activities;
- (b) observation of access to information by county media in accordance with Article 35 of the Constitution; and
- (c) observation of media ethics, standards and professionalism.

### Objectives of county Communication

A County government can use the media to—

- (a) create awareness on devolution and governance;
- (b) promote citizens understanding for purposes of peace and national cohesion;
- (c) undertake advocacy on core development issues such as agriculture, education, health, security, economics, sustainable environment among others; and
- (d) promotion of the freedom of the media.

### County communication framework

The Act provides that a County government is to establish mecha-



President Kibaki meets Parliamentarians after officiating re-opening of Parliament. Photo/File



# information, representation

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vision making on critical  
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nisms to facilitate public com-  
munication and access to infor-  
mation in the form of media with  
the widest public outreach in the  
county, which may include —

- (a) television stations;
- (b) information communication  
technology centres;
- (c) websites;
- (d) community radio stations;
- (e) public meetings; and
- (f) traditional media.

The county government is to  
encourage and facilitate other  
means of mass communication  
including traditional media.

## Access to information

The law borrows heavily from  
Article 35 of the Constitution  
which outlines that every Ken-  
yan citizen can upon request  
access information held by any  
county government or any unit  
or department or any other State  
organ.

The law requires county gov-  
ernments to enact legislations to  
ensure access to information.

According to the law, the pro-  
posed legislation can further im-  
pose reasonable fees or charges  
for accessing information held  
by the county government, its  
departments or agencies

The Act stipulates that county  
governments and their agencies  
are to designate an office for pur-  
poses of ensuring access to infor-  
mation.

## Inclusion and integration of minorities and marginalized groups

The law lays emphasis on the  
need for a county government,  
public and private organisation  
and private individual to uphold  
the following principles —

- (a) protection of marginalized  
and minority groups  
from discrimination and  
from treatment of distinction  
of any kind, including



Parliament Buildings: This is where the laws are passed.

- language, religion,  
culture, national or social  
origin, sex, caste, birth,  
descent or other status;
- (b) non-discrimination  
and equality of treatment  
in all areas of economic,  
educational, social,  
religious, political  
and cultural life of the  
marginalized and  
minority groups;
- (c) special protection to  
vulnerable persons who  
may be subject to threats  
or acts of discrimination,  
hostility, violence and  
abuse as a result of their  
ethnic, cultural,  
linguistic, religious or  
other identity;
- (d) special measures of  
affirmative action for  
marginalized and  
minority groups to  
ensure their enjoyment of  
equal rights with the rest  
of the population;
- (e) respect and promotion  
of the identity and  
characteristics of  
minorities;
- (f) promotion of diversity  
and intercultural  
education; and
- (g) promotion of effective  
participation of

marginalised and  
minority groups in public  
and political life.

## Procedure for the exercise of legislative powers

A county assembly is to ex-  
ercise its legislative power  
through Bills passed by the  
county assembly and assented  
to by the governor.

A Bill may be introduced  
by any member or committee  
of the county assembly, but a  
money Bill may be introduced  
only in accordance with the  
recommendation of the rele-  
vant committee of the county  
assembly after taking into ac-  
count the views of the county  
executive committee member  
responsible for finance.

A "money Bill" means a  
Bill that contains provisions  
dealing with—

- (a) taxes;
- (b) the imposition of charges  
on a public fund or the  
variation or repeal of any  
of those charges;
- (c) the appropriation,  
receipt, custody,  
investment or issue of  
public money;
- (d) the raising or  
guaranteeing of any loan  
or its repayment; or

## Assenting a Bill

The governor is to within  
fourteen days after receipt of  
a Bill—

- (a) assent to the Bill; or
- (b) refer the bill back to  
the county assembly with  
a memorandum outlining  
reasons for the referral.
- (3) If the governor refers  
a Bill back to the county  
assembly, the county  
assembly may, following  
the appropriate  
procedures:
  - (a) amend the Bill taking  
into account the issues  
raised by the governor;  
or
  - (b) pass the Bill without  
amendment.
- (4) If a county assembly  
amends the Bill taking  
into consideration the  
issues raised by the  
governor, the speaker  
is to within fourteen  
days submit the Bill to  
the governor for assent.

If a county assembly passes  
the Bill a second time, with-  
out amendment, or with  
amendments which do not  
accommodate the governor's  
concerns by a vote supported  
by two-thirds of members

of the county assembly, the  
speaker has to within seven  
days re-submit the Bill to the  
governor and the governor  
must within seven days assent  
to the Bill.

If the governor does not as-  
sent to a Bill or refer it back  
within the period referred,  
the Bill is to be taken to have  
been assented to on the expiry  
of that period.

Coming into force of a law

A legislation passed by the  
county assembly and assented  
to by the governor is to be  
published in the county Ga-  
zette and Kenya Gazette with-  
in seven days after assent.

The county assembly leg-  
islation then becomes op-  
erational after the fourteenth  
day after its publication in the  
county Gazette and Kenya  
Gazette, whichever comes  
earlier, unless the legislation  
stipulates a different date on  
or time at which it shall come  
into force.

A county assembly legisla-  
tion that confers a direct bene-  
fit whether financial or in kind  
on members of the county as-  
sembly shall come into force  
after the next general election  
of members of the county as-  
sembly.

# Vision 2030 signs mega wind power deal

By HENRY OWINO

LAKE Turkana Wind Power (LTWP) Company has been given green light by Vision 2030 Delivery Board to start harnessing wind for production of green energy for the country.

The project, estimated to cost a whopping 75 Billion shillings, is expected to provide 300MW of reliable, low cost wind power to the Kenya national grid, equivalent to approximately 20 per cent of the current installed electricity generating capacity. The wind farm site covers 40,000 acres (162km<sup>2</sup>) of land. It is located in Loyangalani District, Marsabit West County, in north-eastern Kenya, approximately 50km north of South Horr Township.

Speaking during the official signing of the MOU, Carlo Van Wageningen, the chairman LTWP said the wind energy resource at Lake Turkana is exceptional. He explained the average wind speed is approximately 11metres per second if wind blows consistently from the South East.

Wageningen anticipated that given the exceptional wind resource at the project site, it will be a reliable and cost effective source of energy for the entire country.

"Apart from providing low cost power, the project will bring numerous macroeconomic, community and social benefits for the region," said Wageningen. During the 32 month construction period, up to approximately 2500 jobs would be created followed by over 200 full time jobs throughout the period of operations mainly targeting Kenyans," he added.

The chairman LTWP said they will be implementing a comprehensive training and international skills transfer program for which it will not only build capacity for individuals but intellectual benefit goes for Kenya as a whole.

"Let me assure you that Kenyans will benefit from this project. We plan to organize exchange training programs to build individuals' intellectual capacity," explained Wageningen.

According to Mugo Kibati, the Director General of Vision 2030 Delivery Secretariat, Government of Kenya's Least Cost Development Power Plan shows that LTWP wind power will be one of the least cost

power generation options available in the country. He was optimistic that along with geothermal power, it will be even at less cost than the feed in tariff for other wind projects set at US\$12 cents/kWh.

"The project will replace the need for Kenya to spend approximately Ksh 15.6billion per year on fuel importation," projected Kibati.

"This Project reduces the need to depend on unreliable hydro and expensive, unpredictably priced fossil fuel based power generation and insulates Kenya's power tariff by providing a low and consistent power

price," Kibati stressed. "Kenya stands to save Euro 120 million of fuel imports as a result of shifting its electricity generation mix to include the power to be produced by LTWP," he stated.

Kibati said the project will comprise 365 wind turbines each with a capacity of 850 Kw, the associated overhead electric grid collect system and a high voltage substation. The Project also includes upgrading of the existing road from Laisamis to the wind farm site, a distance of approximately 204km. It will also open up an access road network in and around

the site for construction, operations and maintenance.

The Kenya Electricity Transmission Company (Ketraco) limited, with concessional funding from the Spanish Government, is constructing a double circuit 400kv, 428km transmission line to deliver the LTWP electricity along with power from other future plants to the national grid.

The Vision 2030 Delivery Secretariat Director General affirmed that Kenya is set to further develop as the hub of trade and logistics in the Sub-Saharan Africa. This he said is in line with the Vision 2030 outcomes for Kenya.

Kibati said the inclusion of a wind farm in Kenya increases the industrialization efforts for Kenya, which are necessary to helping Kenya realize a middle income status by 2030 ensuring that there is access to reliable and cost-effective electricity.

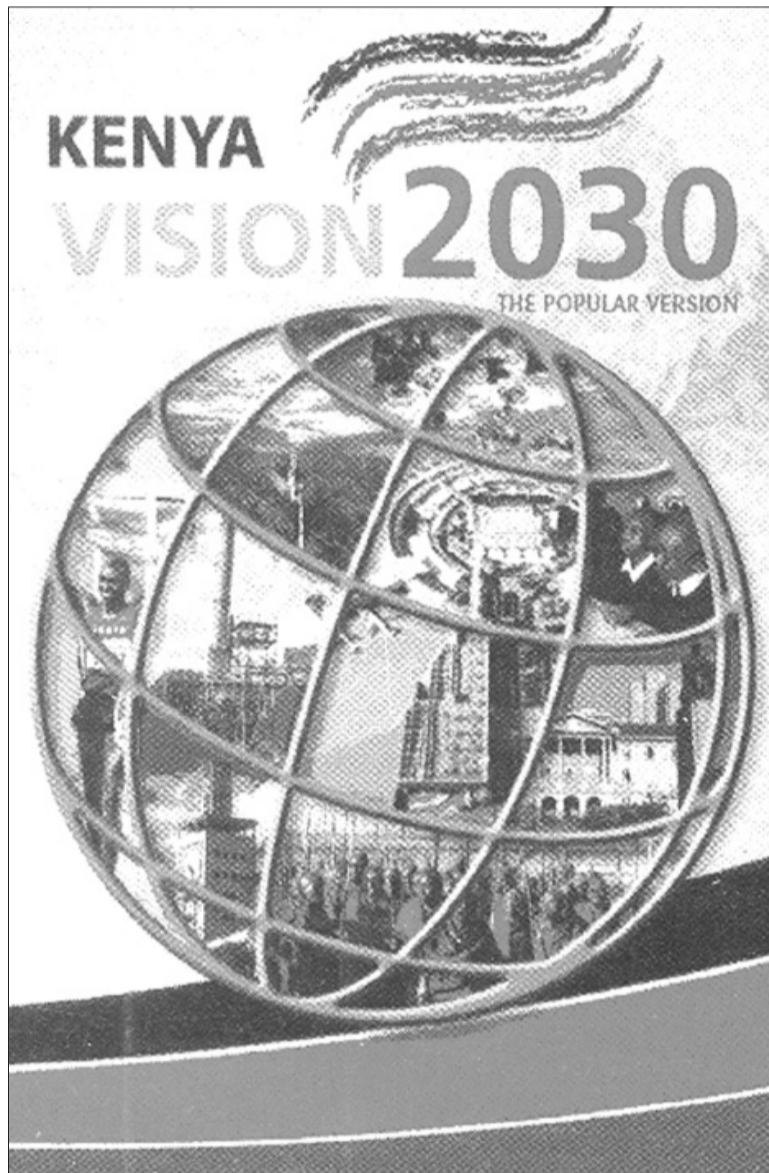
"In addition, the project will bring numerous social and economic benefits to Kenya, which Vision 2030 Delivery Secretariat are totally committed to implementing," he anticipated.

Mary E. O'Reilly on the other hand, said Vision 2030 is the national long-term development blue-print that aims to transform Kenya into a newly industrializing middle-income country, providing a high quality of life, to all its citizens by the year 2030 in a clean and secure environment.

O'Reilly summarized that the Vision comprises of three key pillars: Economic; Social; and Political. The Economic Pillar aims to achieve an average economic growth rate of 10 per cent per annum and sustaining the same until 2030.

The Social Pillar seeks to engender just, cohesive and equitable social development in a clean and secure environment and the Political Pillar aims to realize an issue-based, people-centered, result-oriented and accountable democratic system.

O'Reilly simplified the three pillars are anchored on the foundations of macroeconomic stability; infrastructural development; Science, Technology and Innovation (STI); Land Reforms; Human Resources Development; Security and Public Sector Reforms.



## Caucus to vet female aspirants in Kilifi County

By BEKADZO TONDO

Kilifi County women caucus forum plans to vet all women aspiring for political seats in the area ahead of the General Elections.

The caucus chairperson Ms Linah Buni says they are now compiling a list of all female aspirants and the seats they are seeking before they are invited for vetting.

Speaking to both aspirants and women leaders at Kilifi County hall during a one day capacity building forum coordinated by Centre for Multi Party Democracy (CMD), Ms Buni who is also a nominated councilor in Kilifi said the vetting process was meant to identify strong contenders to compete with their male counterparts.

"Kilifi County women caucus has entered into partnership with CMD to ensure we prepare women aspirants for the different political seats in Kilifi County ahead of the elections," said Ms Buni.

The chairperson said women in Kilifi county with the support of a former Managing Director of the Kenya Airports Authority Naomi Sidi and a former permanent secretary Mrs. Rachael Dzombo had come up with the idea to form the body so that women aspirants use it to strategize themselves in the battle for political seats.

A CMD officer in charge of Gender Sarah Muhoya said her organization will build the capacity of women candidates on the electoral process.

Ms Muhoya said lack of knowledge on the electoral process, the Political Parties Act among other issues continue to pose a big challenge to potential women leaders in Kilifi County.

She said financial constraints and lack of unity among women may also hinder their prospects of winning political seats.

"We have been training women across the country to equip them with knowledge on the electoral process ahead of the elections," said Muhoya.

She added "another big challenge was that, the women have little information concerning the laws governing the Political Parties Act, are faced with financial constraints and lack unity amongst themselves.

The women leaders resolved to field a female candidate to compete for the governor's seat in the County which has attracted other male candidates.

Mrs. Dzombo said time was running out and urged the caucus officials and female aspirants to move with speed and reach out on the voters at the grassroots.

She said male aspirants had organized themselves and were traversing the region seeking votes and said for the women leaders to win the seats, they need to get out instead of engaging in indoor meetings.

# Busia traders urged to go for loans

By NYAKWAR ODAWO

TRADERS and investors from Busia County have been urged to secure development loans currently being advanced by the department of trade, to enable them boost their businesses and improve on their livelihoods.

Speaking during a one day sensitization workshop jointly organized by the Kenya Investment Authority and the office of the Prime Minister recently, the Busia County trade development officer Naphtali Oweru expressed his dismay saying scores of traders in the region do not want to take development loans.

"Majority of traders have declined to secure development loans offered in the range of between Ksh20,000 to Ksh100,000 by the trade department to enable them boost their businesses," said the trade officer, adding that the sole mandate of the department is to finance the small scale traders.

The trade development officer un-

derscored the need to organize forums to sensitize the local business community on the importance of development loans," said Oweru.

"There is an urgent need on the part of the government to avail resources to facilitate sensitization forums that will enlighten and convince the business community to shake off their negative attitude towards loans," he said, adding that prominent businessmen and women of the day have succeeded due loan facilities.

He at the same time appealed to the traders in Busia County to exploit the loan facilities available at the department of trade so that they can be able to strengthen their business entities.

However, scores of traders blamed the restrictions imposed by the department of trade on the current state of apathy in securing loans.

"The department of trade has placed a lot of hurdles that have discouraged us from accessing develop-

ment loans," said the traders, adding that the department should consider relaxing the tough regulations so that they can take development loans.

Meanwhile, over 5,000 traders in Bunyala district will benefit from the ongoing construction of 60 market stalls by the local Constituency Development Fund (CDF).

According to the Budalangi CDF manager Wilson Okumu, the project has been funded to the tune of Ksh.11.2 million and is expected to be complete by the end of this month.

He explained that 25 stalls were being constructed at Bulemia trading centre while 35 others at Port Victoria town with a view to boost trade in the area and bring services closer to the people.

"There are sufficient funds to complete the two projects and we hope people will start using them within the next 40 days," said Okumu adding that the stalls will help expand business activities at the two trading

centres.

However, a number of residents have expressed concern at the delay in completing the projects started two years ago and alleged that the move was aimed at siphoning CDF money.

"There have been deliberate intentions to delay the project because this is not the first time we have received assurance that the project will be completed," said Wilberforce Juma, a resident of Bulemia.

However, Okumu swiftly dismissed the allegations that there were plans to use the projects as a conduit to loot money from the CDF coffers.

"We have documentary evidence on all the materials used and expenses incurred in the construction of the two projects and these documents are available for public scrutiny," said Okumu.

He urged members of the public to visit his office and verify documents on all the projects funded by CDF in the area.

# Kisii town set to receive a facelift

By BOB OMBATI

Kisii town is slated to receive a major facelift to usher in the new County Government. The town, which will now serve as the headquarters of Kisii County, is set to adopt a strategic plan to steer the process.

The plan has been finalized and is awaiting approval, adoption and implementation by stakeholders, says a former Kisii council mayor Edward Nyamweya.

Nyamweya says the plan supported by the Ministry of Local Government and Geodev consultants has taken two years to complete and seeks to transform Kisii town into a modern and attractive county headquarters.

Nyamweya who spoke during a review of Kisii town's digital mapping and integrated urban development plan 2012-2030, said that grabbed public land will be repossessed to create room for the town's expansion and growth. The former mayor who represented his worship, Mayor Aloys Moseti assured county residents that the council will take part in the implementation of the plan.

He lamented that some private

developers had grabbed the council's only cemetery and fenced it off, saying the council plans to take legal action against the developer to serve as a lesson to others.

"Some private developers are insensitive and were grabbing public land with impunity, negating public interest which overrides their personal interest," he added.

He faulted a Kisii Magistrate court for giving the developer, a go ahead to fence off Nyamvera cemetery, saying the court should have visited the site before giving the order.

"The cemetery is a long a river bank and is a road reserve. It is the only cemetery serving the town and it is full. Relatives of deceased persons bury their loved ones on shallow graves due to lack of enough space," said Nyamweya. The Mayor noted that if the order was not revoked, unclaimed bodies from public morgues will pile up and decay since the cemetery had been grabbed.

It is a taboo in the Gusii community for a developer to exhume bodies and erect skyscrapers, noted Nyamweya and urged the developer to shelve his plan to avoid conflicts

with the government and the spirits of the dead people which, he noted would haunt him.

Members of public, asserted the mayor had protested against the developer's move to fence off the disputed plot. He said the developer had deployed armed youths to guard the area, saying the public has threatened to hold demonstrations to push him out of the cemetery. "The plot is heavily guarded. Nobody can access it. Residents who plan to bury their dead relatives have nowhere to bury them. It is sad," said Nyamweya.

Geodev, consultant firm's project planner, Stephen Ngari however said the area should be developed into a recreational park and animal orphanage to make the town attractive.

"Trees should be planted at Nyamvera cemetery and the council should identify a suitable site and relocate the cemetery," said Ngari, adding that the proposal has been factored in the plan.

The council's town planning chairman, Willy Obiri accused some civic leaders of grabbing public land for their own selfish interest and urged them to surrender them to aid in the

implementation of the town's plan.

Obiri, the council's surveyor, Prescott Nyakang'o and Deputy town Clerk, Francis Otachi said it would be difficult for the Governor to implement the plan without enough land for social amenities, infrastructural and industrial development.

Nyakang'o, who represented Town Clerk, William Chepkwony lauded the Ministry of Local Government for supporting the project, saying stakeholders will fine tune it for two months before it is adopted and officially launched for implementation.

"The Governor and his team will implement the Plan. Grabbed public land will be repossessed and structures built along road reserves flattened to pave way for the town's development," stated the surveyor.

He noted that the town relied on an obsolete plan developed in 1971, saying that it had hindered proper planning of the town, paving way for the mushrooming of slums and unplanned structures which fueled conflicts between private developers and the council's officers.

The consultants- David Gichuki

(project surveyor), Nicholas Waweru (Planner), Stephen Ngari (Project surveyor) Prof. G. Gichuki (Project Director) and Gichuki proposed that Kisii Branch Agricultural Society of Kenya (ASK) Show be relocated to Farmers Agricultural Training Centre (FATC) to allow the expansion of Gusii Stadium.

In the Plan, they proposed that an international stadium be constructed at FATC while Police line be moved to Kisii Branch's Coffee Research with Kisii GK prison relocated to either Nyangweta or Nyanturago area to decongest the town.

They proposed that a Home for the elderly be set up near the Golf Course while Kisii level five hospital, Oresi Health centre and Kisii University College be elevated to referral, level five and full-fledged university respectively to cope with the increasing population.

The consultants urged the local community to cooperate and offer land to implement the plan which covers conservation and protection of environment, cultural tourism, and infrastructure, industrial and agricultural development.

# Council unveils its annual budget

By PETER MUTUKU

MACHAKOS Municipal Council plans to spend Ksh 32,896,897 in development projects during the 2012/2013 financial year.

According to the Town Clerk A. S. Abdullahi, all the projects earmarked for implementation in the current financial year were identified and prioritized by the residents during a Local Authority Service Delivery Action Plan (LASDAP) meeting.

He says all the 11 wards under the council will receive an equal disbursement of Ksh 1,400,000 to implement new and complete any pending projects.

Among projects set for implementation at Muvuti ward include the completion of Mwanyani Bridge at a cost Ksh. 100,000. Wonden dispensary has been allocated an additional 200,000 to aid in its completion while the renovation of Uamani social hall will cost Ksh 200,000. Kalumoni, Nthungini, Kyangundi nursery schools will get an additional Ksh 100,000 each to aid in the renovation of a classrooms while Ikulu dispensary is set to benefit from Ksh100,000 for electrification.

Kyambuko/misakwani and ukuni water projects have been allocated Ksh 300,000 each. A water tank with capacity to hold 10,000litres of water will be put up at Kusyomuom chief's office.

Further, projects earmarked for implementation in the current financial year at Mua ward include the construction of Kyaani dispensary which has been allocated an additional Ksh 700,000. Desilting of Kwa Samuel dam will cost Kshs. 500,000 while Makyau Primary School will be fenced at Kshs. 200,000.

At Mumbuni ward, the council will repair an existing gabion at Ivumbuni at Ksh 200,000 while another gabion has been earmarked for construction at Mungala (Kwa



An aerial view of Machakos town.

Kombo) at Ksh. 800,000. The renovation of two classrooms at Kiangini Primary school will cost Ksh 100,000 while a classroom at Ithingi Nursery school is estimated to cost Ksh 200,000. Another classroom at Kathese Primary school will be constructed at Ksh 100,000.

In Ngelani ward, the council plans to finance the construction of two toilets at Kamuthanga and Metuma Primary schools at Ksh 300,000 each. The renovation of one classroom at Keaa Secondary school will cost Ksh 300,000. An additional Ksh 100,000 has been set aside for the construction of a laboratory at Kamuthanga Dispensary. The desilting of both Kithito and Kwa Mutaki dams will cost an additional Kshs. 200,000. Kwa Kitaa Primary school has been allocated

Ksh 100,000 to aid in the renovation of four classrooms while additional Ksh 100,000 will go towards the rehabilitation of Kwa Kinywa water weir.

At Mutituni ward, the entire al-

1. Renovation of two classrooms at Kyemutheke Sec. School - Kshs. 600,000.
2. Repair to Uutini water weir - Kshs. 150,000.
3. Construction of 1 brick classroom at Kivani Pri. School - Kshs. 500,000.
4. Provision of building materials for Kavovi Nursery School - Kshs. 150,000.

Among projects slated for implementation in Mjini ward include

1. Renovation of two classrooms St. Mary's Girls Pri. School - Kshs.300,000
2. Renovation of two classrooms at Baptist Pri. School - Kshs. 400,000.
3. Installation of solar panel floodlight Mjini area - Kshs. 500,000.
4. Construction of water kiosk at Kwa Mbondo Kariobagi - Kshs. 100,000
5. Provision of water tank and connection of pipes at Mumbuni Primary School - Kshs. 100,000.

location of Ksh 1,400,000 will go towards the construction of two classrooms and toilet block at Mutituni S. A. Secondary school.

In Katheka Kai ward the following projects are to be funded in

the current financial year

At Eastleigh ward, the school for the physically disabled will benefit from Ksh 250,000 for the construction of a toilet while school for the deaf will receive an additional Ksh 250,000 for the construction of two toilets. Ksh 300,000 has been set aside for the construction of a computer lab at St Mary's boys while Machakos Primary school has been allocated Ksh 250,000 to aid in the construction of a toilet.

The laying of culverts at Eastleigh-Kathemboni Bridge will cost Ksh. 100,000 and a toilet at A.P.D.K School will be constructed at Ksh. 250,000.

Projects set for implementation at Kiima Kimwe ward include the construction of a classroom at Muthini Primary School at Kshs. 400,000. Kathaayoni and Kakinuni Primary schools will be connected with electricity at Ksh 100,000 each.

The Mbilini sub-chief office will be constructed at Kshs. 100,000 while the construction of Kiima Kimwe, Muthini, Kathaayoni sub-chief offices will cost Ksh. 200,000 each. Electricity will be connected to Kiima Kimwe chief's office at Ksh. 100,000.

At Kimutwa ward, Konza AP camp will be constructed at Ksh 200,000 while Kimutwa chief's office will be connected to electricity and equipped with furniture at Ksh 100,000. Mang'auni Primary School has been allocated an additional Ksh 100,000 to aid in the construction of a toilet. Kaathi, Love Primary Schools will receive Ksh.100,000 each for the renovation of classrooms while Kwa Kavoo Secondary School will be supplied with building materials valued at Ksh. 150,000, Kwa Katheke Pri. School will also receive building materials worth Kshs. 100,000. Kimutwa Primary School will be fenced at Kshs. 150,000 while Makakoi Dispensary will be renovated at Ksh. 300,000 and additional Ksh 100,000 will be spent in the fencing of materials at Katamani Secondary School.

# Central woos investors a head of devolution

By JOSEPH MUKUBWA

INVESTORS have been encouraged to invest in Central Kenya region due to improved infrastructure and excellent weather conditions.

Central PC Japhter Rugut said recently that the region experiences favourable weather patterns that range from a pleasant combination of rain and sun throughout the year with minimal periods of extreme weather.

The PC said the region has improved infrastructure as it has a good transport / road and communication network with most areas within and outside the town covered.

"Access to major towns in Kenya from the region is easy due to the availability of an established road network and commuter networks. As of telecommunications, the area is covered by all the major mobile phone networks," he noted.

The PC said the area also has established business network for almost all industries from large scale suppliers to low and retail shops as most products are available from the numerous supermarkets, hardware, computer and mobile phone shops in the region among others.

Rugut was speaking in Nyeri County during the official opening of a one day Kenya Investment Conference.

The conference was sponsored by the Government, Kenya Investment Authority,

Kimathi University and Equity Bank among others.

Over 200 investors and provincial administrators attended the conference.

The administrator added that the cost of living in the region is comparatively low and this is reflected in the low food prices, rents for residential property with easily and

cheaply accessible means of transport for those working within the region.

"The region has a large supply of professional business service providers with a good network of banks, microfinance institutions, insurance companies, lawyers and more to serve the business community," he noted.

Rugut said the 4 million population in the region is enough to provide ready casual or skilled labour and the population is also a ready market for most products.

However, the Kenya Investment Authority General Manager Mwalimu Musee said some remote areas in the region have no infrastructure

and this is a big challenge.

Musee who was accompanied by the Authority board chairman Mwangi Ngumo also said bureaucracies in the Government offices during the obtaining of various licenses is also a big setback to investors.

Meanwhile pyramid scheme victims want Government to compensate them before parliament dissolves.

The victims from Nyeri County who lost their money five years ago want the Government to ensure that they are compensated before parliament is dissolved.

The over 300 victims who met in Nyeri town recently said they have waited long enough and it was now time to be given back their money.

Speaking after a meeting with the victims who lost their money in the scheme, the chairman of Pyramid Schemes Victims Initiative bishop Erastus Njoroge said the Government must give them back their money and also charge the directors who were involved.

Mt Kenya region lost over Ksh 4.5 billion in the year 2007 scam.

"Let the Government give us our money back before parliament is dissolved. We need our money back," he said.

Njoroge however lauded parliament for passing the Bill which will regulate pyramid schemes in future so that investors do not lose their money.



Some of the investors who attended the Kenya Investment Conference recently at Green Hills hotel in Nyeri County. Photo/Joseph Mukubwa

## Busia County gets a billion for access roads

By NYAKWAR ODAWO

THE Government with support from the Finish government and the Programme for Agriculture and Livelihoods in Western Province has earmarked a total of Ksh1billion to aid in the upgrading of rural access roads in the entire Busia County.

Addressing stakeholders at the Busia District Works office recently, the Director General of the Kenya Rural Roads Authority (KRRRA) Eng. Mwangi Maingi said that the link roads sub-component has been allocated the largest share of about 30percent in the programme budget.

He said that under the Programme for Agriculture and Livelihoods in Western Province (PALWECO), a total of 342 kilometres of the access roads will rehabilitated, which translates to

38percent of the total road network of 900 kilometer in Busia County.

The Director General said all roads will meet the all-weather recommended standard outlined in the 2000 strategy adding that a total of Ksh902million has been budgeted for the same.

He at the same time said that Ksh 10 million has been set aside to equip the Kenya Rural Roads Authority regional office and build the capacity of the staff, adding that 25 local contractors and 40 firms will be trained under the project at an additional cost of Ksh20.7million.

The project includes the design and preparation of tender documents for the first batch of roads covering a total of 64 kilometres, advertising of tenders in local newspapers that was done in August 2012 and

the selection of contractors which is still in progress.

The training of Kenya rural roads authority regional staff and contractors will be done at the Kisii Training Centre.

The Director General said the Memorandum of Understanding between the Programme for Agriculture and Livelihoods in Western Province and the Kenya Rural Roads Authority (KERRA) will specify the obligation of each partner in the implementation of the link roads sub-component that will run up to the end of June 2016.

The rehabilitation of the link roads will provide year-round access for inputs and marketing of produce as well as access to other services once completed, said the director general, adding that it will also support value chain platforms among others.



Franklin Bett, Roads minister.

# UNEP, State seal deal on conservation projects

By HENRY OWINO

THE Government of Kenya and the United Nations Environmental Programme (UNEP) have signed an agreement to guide implementation of environmental projects in the country.

The deal was sealed by Ali Mohamed, the permanent secretary, Ministry of Environment and Mineral Resources (MEMR) and the UNEP Deputy Executive Director, Amb. Amina Mohamed.

Ali said UNEP support in environmental conservation, management and multilateral environmental negotiations had in the past lacked a structured and formal framework. As result, he noted, some of the projects formulated and supported through UNEP did not receive priority at the national level.

“Due to lack of cooperation framework, it has not been possible to forge synergies and maintain optimum information and knowledge flow,” stated Ali. In addition, capacity in UNEP has not been used to build the capacity of government officers in formulating and implementing programs and bankable projects that can attract funding from various global funding mechanisms for environment and climate change,” he added.

He explained the framework seeks to help the two bodies to forge partnership in the different areas of interventions.

“This will provide forum for regular dialogue meetings between UNEP and Ministry of Environment, enhance joint development projects and activities that could be implemented

through the Kenya Country Program,” promised Ali.

According to Amina Mohamed, the Deputy Executive Director, UNEP country representative, said Nairobi is the only city in the developing world to host the headquarters of United Nations agency.

Amina said UNEP now employs over one thousand local and international staff at its headquarters in Gigiri, which acts as a hub for strategic networking of regional offices in Thailand, Panama, the United States, Switzerland and Bahrain. She admitted that Kenya is richly endowed with natural resources that are famous across the world.

She said that the agency will support vital services that include carbon storage valued at Ksh 1.5 billion US dollars each year.

In Rift Valley for example, Amina mentioned lies another natural endowment- geothermal heat, which is powering Africa’s biggest geothermal power plant. “Today the Olkaria power station provides 150 Megawatts (MW) to the national grid, or roughly 15% of Kenya’s total power generation. And this is only a fraction of its potential,” she observed.

She reiterated despite the wealth of Kenya’s natural resources, and their importance to

the development of the national economy, its environment faces major challenges namely the biodiversity loss, deforestation, and the growing problems of land degradation and dwindling water resources.

“In Kenya, 80% of people depend on subsistence farming and livestock keeping. But the effects of climate change and desertification are major threats to their livelihoods,” stated Amina.

In Nairobi, she emphasized that waste management remains a critical issue, and untreated sewerage continues to pollute waterways. To meet some of the challenges, Amina proposed that Kenya can increase its for-

est cover to 10 percent as outlined in the constitution. “The country can embrace good land management practices, including zoning and rights to ownership of land, and deal with its solid waste in a more integrated manner,” she suggested.

Amina disclosed UNEP has also trained members of parliament (MPs), Nairobi City Council employees and other public bodies on climate change challenges facing the country. These are only a few examples of rich partnership that would be strengthened to expand under the new Memorandum of Understanding signed.



Amina Mohamed, Deputy Executive Director, UNEP

## Major Western roads set for rehabilitation

By JOHN NYAMBUNE

THE Government has disbursed Ksh 250,000 million to finance the construction of Kamukuywa-Kimilili-Chwele-Bungoma road in a move that seeks to rehabilitate major roads in the region.

The Mumias-Bungoma road has been funded to the tune of Ksh.200 million while minor repairs along the Kakamega-Mumias road will cost Ksh.20 million.

“We are also set to complete work on other roads like the Ekeru-Sabatia-Luanda, the Sabatia-Butere-Manyulia, the Sikata-Bokoli-Kimilili and the Kamukuywa-Kopsiro-Kapsokwony roads, all of which were new projects initiated by the Government,” said Kenya National Highways Authority (KeNHA) Western Region Manager Stephen Gichuru.

“We have enlisted contractors on almost all important roads and already some crucial work is ongoing on most of them while others are set to begin in a short while,” announced Gichuru.

The Manager who spoke to The Link in Kakamega, said that tenders have been awarded to several companies to undertake major repair works on the Kisumu-Kakamega-Webuye-Kitale highways, the Eldoret-Bungoma-Malaba highways, the Eldoret-Kitale highway as well as the Kisumu-Luanda-Busia highways.

Gichuru added that already work on the Eldoret-Bungoma-Malaba and the Chavakali-Kapsabet-Eldoret highway is halfway done while similar activities on the Kisumu-Luanda-Busia and the Kisumu-Kakamega-Webuye-Kitale highways have also commenced.

He said that only firms that have capacity to deliver quality work have been awarded the tenders.

“We are going to ensure that the roads we are putting up now last for a long period and we are committed in ensuring that only quality work is done,” warned Gichuru.

He said other measures will soon be spelt out in a bid by the Government to maintain major highways and roads in the region.

## Palweco funds road projects in Western region

By JOHN NYAMBUNE

THE Programme for Agriculture and Livelihood in Western Communities (Palweco) has earmarked one billion shillings for repair of roads in Busia County. The initiative is being implemented with support from the Kenya Rural Road Authority (KeRRA).

According to Palweco programme Director Sakwa Mwangala, the initiative aims at reducing poverty and boosting the region’s economy.

Mwangala who spoke at KeRRA’s region headquarters during the signing of the Memorandum of Understanding between the Finnish government, Ministry of Planning and KeRRA.

Present during the ceremony were KeRRA Board of Directors led by Chairman Richard Chepkwony, Director General Mwangi Maingi, Busia County Commissioner Joyce Isiaho and Maarit Hirvonen, a representative of the Finnish government

who also acts as the chief technical adviser of Palweco.

Others were Bunyala DC Khalif Ali, his Nambale counterpart Francis Olenyangume, KeRRA Regional Manager Josephat Amadi and representatives of area constituencies’ roads committee. “The programme, jointly funded by the Finnish and Kenya governments, will go a long way in ensuring improved infrastructure and boost agriculture, which is the economic mainstay of the locals,” said Mwangala.

The representative of the Finnish Government Ms. Hirvonen on her part pointed out that the project will go a long way in enhancing cordial relationship between the Kenya government and the people of Finland and is premised on the realization of Vision 2030.

Meanwhile, more than 500,000 people are set to be affected by the continuous rains experienced in parts of the country.

The Minister of State for

Special Programmes Esther Murugi said if the rains continue to January, then the country is likely to witness increased cases of flooding, loss of lives and property, landslides and destruction of infrastructure.

Ms. Murugi, however, said that the Government has put measures in place to alleviate any subsequent effects of the rains and urged Kenyans to adhere to the mitigation measures that have been put in place.

“I want to assure the public that the Government has put in place stringent measures to avert any negative impact of the rains,” said the minister.

Speaking recently during the International Day for Disaster Reduction at Kakamega based Masinde Muliro University of Science and Technology, she noted that losses associated with catastrophes are on the increase, therefore were a global concern.

This year’s theme was dubbed ‘Women and Girls, the Invisible Force of Resilience’, which highlights women’s suc-

cess in society.

Ms. Murugi said women form the largest population and are more often vulnerable when disasters occur. She asserted that women should be involved in providing solutions to disasters and not be seen as victims.

The minister decried lack of knowledge to cope with disasters and shortage of positive role models for women and girls in the quest to reduce risks.

Andrew Mondoh, Permanent Secretary in the ministry said the Government has also received Ksh.480 million from Japanese government that will help avert disasters.

They include 30 lorries, ten water boozers, high-speed boats and low loaders. He said the Government was expecting more equipment, which will be distributed to counties that are prone to disasters.

The PS said risk reduction is part of Vision 2030 and the Government is committed and has prioritized disaster management.

# Big boost for girls in Nyanza

By JOHN NYAMBUNE

THE Women's Initiative in Education (Newi) has rolled out an elaborate plan to educate the public on the need to address gender inequalities that remain pronounced among school-going children in Nyanza.

The move coincided with this year's International Day of the Girl Child whose theme was 'Ending Child Marriage'. Eve Obara, the chief executive officer of the Kenya Literature Bureau who spoke at a function held at Mfangano in Lake Victoria said that cases of early marriages in the area have continued to undermine the rights of many girls.

"This has been costly to the society as it disrupts their education, endangers the health of many, and denies them their childhood, thereby limiting opportunities in their lives," she says.

Newi brings together professionals from the region, mainly women, with the primary aim of uplifting the education of the girl in Nyanza through championing mentorship, counseling and material support. "The initiative started in 2010, out of a shared vision between Microsoft's Dr. Mark Matunga and myself. It is now an initiative of professionals, mainly women who have since continued to influence lives and empower girls in education," says Obara. According to Obara, a society that ignores the girl and her education is a society built on quick sand and this perhaps illustrates the values upon which Newi was founded and the desire to establish a firm foundation for the future of the nation.

Says Obara: "It is only through a girl's full and equal participation in society, starting with quality education that we can hope to achieve gender equality and fundamental freedoms for the society." "When you educate a girl, you educate a nation and it is indeed sad that according to United Nations, for every million children not in school, over half of them are girls, a clear indicator that the society is yet to achieve gender parity that would enable girls to engage more fruitfully in key aspects of their lives," she says.

This year, in observance of the in-



Kenya Literature Bureau CEO Eve Obara (standing, second right) and secondary school girls during a previous Women's Initiative in Education function.

augural 2012 International Day of the Girl Child, a high-level panel discussion co-organised by United Nations Population Fund (UNFPA), United Nations Children's Fund (Unicef), UN Women and Girls Not Brides will take place at the United Nations Headquarters in New York.

The panel of experts that includes the UN Secretary General Ban Ki-Moon, Archbishop Desmond Tutu, Chair of the Elders, founders of Girls

Not Brides, Dr. Michelle Bachelet, Executive Director, UN Women, Shirin Sharmin Chaudhury, State Minister for Women and Children Affairs, Bangladesh, Dr. Babatunde Osotimehin, Executive Director, UNFPA, Geeta Rao Gupta, Deputy Executive Director, Unicef, among others will discuss how to progress girls' rights and address the unique challenges they face, with a focus on ending child marriage. Obara says that Newi

also works jointly with the Ministry of Education, Caucus for Women's Leadership, Maendeleo Ya Wanawake Organisation, Cradle, the Children Foundation, Kenya Literature Bureau and Microsoft East and Southern Africa. "The primary objective is to engage the local communities, school managers, the private sector and Government in an effort to develop support that would address the existing and anticipated gender,

economic and socio-cultural constraints to education," she says. Last December, the United Nations General Assembly officially approved October 11 as International Day of the Girl, a special annual day to focus on girls' issues. "By designating October 11 as Day of the Girl, we are all agreeing to put a special focus on the rights of girls throughout the world," Plan Chief Executive Officer Nigel Chapman noted.

## Public interest litigation in Kenya: The potentials and challenges

By LINK CORRESPONDENT

PUBLIC Interest Litigation (PIL) is certainly not a new phenomenon. The tendency towards the use of PIL in many jurisdictions of the world has been driven by many factors. In India, PIL has largely been used and spearheaded by the judiciary for over three decades to tackle social and economic disempowerment directly attributed to poor governance and the implementation of policies. In Latin America, PIL has been instrumental as a tool to achieve social justice. In Canada as well as South Africa, PIL has been used to address historical injustices.

PIL is relatively new in Kenya. Numerous factors mentioned in the different jurisdictions above have played a significant role in the adoption of PIL in Kenya. Kenya has been struggling to emerge from decades of historical injustices that have created large inequalities among its citizens. Institutions charged with protecting the populace against this – mainly Parliament and the Judici-

ary have consistently failed to do so. As Kenya seeks to emerge from this dark period, it has had to employ and be exposed to different innovative ways of addressing deeply rooted inequalities and discontentment as a result of historical injustices.

Advocacy for social justice in Kenya gained momentum in the late 1980s and early 1990s with the push for an end to single party dictatorship and an introduction of multi party democracy which became successful in 1992 when the old constitution was repealed to allow for opposition parties. These parties were viewed by many as the voice through which the populace and electorate could air their discontentment with the policies of the government of the day. However powerful these voices were, the political muscle of the then ruling party KANU was just too powerful for them. Civil society and the church joined the fray and begun agitating for constitutional reforms which started taking shape in 1997. During this period, a few courageous politicians, human rights activists and judges highlighted

the rampant cases inequality, human rights violations and failure to address historical injustices in Kenya. However, many of them were incarcerated, maimed and a number lost their lives.

There has been significant progress since this unfortunate period of the country's history. It is imperative to examine how the courts have progressed – if at all they have progressed – in addressing these issues and how PIL, even in its toddler stage in Kenya, may have been used to accomplish this.

In India, though the term PIL still suffices, the term 'Social Action Litigation' (SAL) is preferred as it makes the idea uniquely Indian and more closely identifies with its history. SAL is preferred because according to Upendra Baxi, its American equivalent PIL 'represents for America a distinctive phase of socio-legal development for which there is no counterpart in India'. Notably SAL is uniquely Indian in the sense that it is primarily judge-led and even judge-induced. The Indian example raises an important issue about PIL. In order for PIL to have

proper 'grounding' and to better serve the jurisdictions where it is employed and developed, it has to have a basis in a past – immediate or otherwise – that is unique to that particular jurisdiction. For it to be as effective as it is meant to be, it is imperative that it is driven and informed by a past relevant to that particular jurisdiction that has consciously and collectively decided to make that right.

In Europe, it is called 'strategic litigation' or 'Impact litigation' suggesting the importance of strategy in the choice, interrogation and litigation on an issue affecting a certain marginalized or vulnerable group in society. In Canada, South Africa and now Kenya it is referred to as PIL. PIL as the term suggests is borne out of three words, namely; public – suggesting its scope and impact, interest – suggesting the weight or import of the issue to the public or to that society, and litigation – which obviously suggests a process of making or defending a claim in a court of law.

Arguments abound about what 'public interest' really means as well

as whether PIL is limited to processes in a court of law, or whether they extend elsewhere. However, the scope of this paper restricts our participation in these protracted debates. Of importance, as a lesson, is the fact that from these attempts at defining PIL, it is quite clear that a lot more goes into it than the 'normal' litigation, hence making it a very unique process.

In India, the concept evolved on the premise that the fundamental rights guaranteed by the Indian Constitution are futile to the vast majority of people who, because of their social and economic disempowerment, are unable to effectively resist executive policies and actions which may violate their rights. In addition, the courts then were viewed as mere 'auditors of legality'. So bad was the situation with the courts that a judge referred to the Supreme Court of India as "an arena of legal quibbling for men with long purses."

So radical was the shift that the

# Public interest litigation in Kenya: The potentials and challenges

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Supreme Court of India later came to be fondly referred to as 'The Supreme Court for Indians'. The Supreme Court through outstandingly innovative judges was able to deliver judgments of far reaching importance involving not only the adjudication of disputes but also determination of public policies and establishment of rule of law and constitutionalism.

So much has PIL developed in India that it now faces criticisms of one, letting PIL be a double edged sword by reversing decisions initially protecting forced and violent evictions of poor and marginalized Indians in the cities, and ordering evictions in order to protect the environment and allow government to carry out large developments of the cities like Mumbai and improve their aesthetic value and attract tourism and investment.

The other issue stems from an accusation of over-reach with the courts being accused of taking over the functions of other organs of state. Thirdly, it is the obvious challenge of an influx in cases – some frivolous and vexatious, many of them genuine – hence threatening to clog the system and interfere with the judiciary's efficiency. The latter has necessitated the development of PIL rules.

South Africa too has had an opportunity of trying its own unique brand of PIL. Its history under the Apartheid regime and the atrocities propagated is well documented. Of significance, is the fact that all the atrocities carried out by the repressive regime at this unfortunate period in South Africa were sanctioned by law. The courts then played a very important part in interpreting laws to protect and promote the actions of this regime. So deeply involved were the courts that when the new Constitutional Court tasked to help address these historical injustices began its work, it found itself in a situation accurately – almost poetically described in a case as follows: "This paradox lies at the heart of our national project – that we come from oppression by law, but resolved to seek our future, free from oppression, in regulation by law."

From this quote, it is quite obvious that the South African judiciary viewed as a descendant of a court which was fully a part of a formerly repressive regime – considering that some of the judicial officers were retained – had to innovatively steer clear from and make right this dark image.

Though not as developed as India, South Africa through its very progressive Constitution has been able to create a conducive environment for PIL by importantly dealing with the issue of Locus Standi – a great impediment

to effective PIL.

Despite the change of regime, South Africa is still one of the most unequal societies in the world. Several PIL decisions like the famous Grootboom Case (CCT 11/00) on the right to adequate housing, and the even more successful Treatment Action Campaign Case (CCT 8/02) on the issue of health for HIV infected mothers to prevent mother-child transmission have enabled the Constitutional Court to, in a significant way, address inequality and historical injustices. In these cases, the Court sought to protect those in the 'greatest or most desperate need.'

The role of the Courts in PIL has however been kept strict with the Constitutional Court declining to offer supervisory jurisdiction in the implementation of PIL decisions, and a constant reiteration to all who come before it that the court cannot partake in law making or interfere with the executive's policy making role – known as deference. The fluctuation in levels of deference raises questions as to the future effectiveness of PIL in addressing the continuous inequality in South Africa.

These two jurisdictions certainly have very unique application of PIL and more so the history that has informed the development of PIL in these countries. However, for a PIL toddler like Kenya, the wealth of lessons to be learnt and borrowed is immense. Kenya has the great advantage of being able to interrogate both the successes and shortfalls of these countries with fairly developed PIL approaches and come up with a brand of PIL – of course in tandem with its own unique history too – that is in many respects better or improved.

Indeed, the Kenyan situation at present benefits from a young constitutional dispensation and a reenergized judiciary looking to break free of its clouded past and assist in nation building through addressing repressive government policies that have perpetuated many social injustices since independence – and even colonial times. PIL in Kenya also benefits from the fact that many progressive judges, especially those at the Constitutional and Human Rights and the Judicial Review divisions of the High Court are willing to adopt and recognize precedents set not just here but also from many of these countries with fairly developed legal systems and PIL processes. Unlike previously when only a few judges stood out against the autocratic system, the current judiciary as an institution and its leadership has taken the lead in reforming itself and pushing for reforms that will address age old concerns of

the Kenyan citizenry.

Already the courts are bustling with PIL type cases mainly on the interpretation of the Bill of Rights and other constitutional provisions. A look at some of these cases will help us gauge the progress made so far in the development of the Kenyan brand of PIL.

One worthy of consideration is *Satrose Ayuma & 11 Others Vs Registered Trustees of the Kenya Railways Staff Retirement Benefits Scheme & 2 Others* ('Muthurwa Right to Housing Case'). The case though still going on is an interesting PIL case. It concerns a community seeking to prevent the state, a parastatal, and private corporations from constructively evicting them in order to demolish the houses and construct ultra-modern business complexes in total disregard of the constitutional obligation of all to respect and protect Article 43 right to adequate housing. The case is spearheaded by Kituo Cha Sheria – an NGO actively involved in PIL. The case has petitioners drawn from among the residents, legal and constitutional experts, as well as counsel experienced in human rights litigation. Research into the case has also benefited from expertise from other sectors notably those dealing with the social impact of such evictions on such communities. It is hoped that the case will be instrumental in the long-term addressing of forceful and violent evictions as well as the constitutional provision obligating state to provide adequate housing. The case has greatly benefited from South African lessons.

This case highlights a few challenges about PIL in Kenya. Firstly, for litigants unable to partner with organizations with PIL capacity and resource capacity like Kituo Cha Sheria, successfully carrying out a PIL case can be a tall order. Second, poor litigants would find it a challenge to attract experienced counsel capable of properly articulating their issues in a PIL case. Third, even for organizations involved in PIL, capacity to handle big and involving PIL cases can be a concern. In a case of this nature a lot can be invested in 'lawyering' at the expense of other forms of advocacy that enable a closer interaction with the community involved in the litigation – which in my opinion is an equally important part of the PIL process. Investing in the continuous involvement of the community in the PIL process can better prepare the litigants and their wider community for the often unpredictable results of PIL cases. A case that can be borrowed to improve on this respect is the *South African Treatment Action Campaign case* where the organizations involved mobilized the relevant community prior to and during the case and further invested to ensure proper implementation of the favorable judgment (post litigation strategies).

Such an investment would also involve lowering the usual high expectations as well as potential burn-out in the community especially with regard to the length of time of the litigation processes, the conduct during this period and result of the litigation process. It is also essential to explain to the litigants that the case might never really benefit the community itself but that the decision will help avert any future violations by the state and private individuals and corporations towards other persons in similar circumstances.

The political and social nature of PIL cases further creates a challenge concerning who to pick as litigants in the case. Not only should the person or persons be widely acknowledged as capable of providing leadership during the life of the case, but be able to assist in the interaction of the community with the case. Client management in this regard will be vital.

Another challenge that comes out is the fact that since PIL might take some time to complete, the case is likely to be handled by several judges with varied opinions – some conservative, others liberal – about the issues raised. For PIL to be effective, therefore, an investment in capacity building of judges alongside lawyers is critical. This is a lesson that can be learnt from the Indian example where having gone 'full cycle', PIL in India threatens to cut back on the gains made when it was at its peak. Having borrowed heavily from the South African Constitution, Kenyan judges may not be as hands-on and as inquisitorial as their Indian counterparts. Capacity building would however assist in building appreciation for the potential of PIL in addressing social injustices in Kenya.

Rushing to litigate without looking keenly at these issues could do more harm than good not only to the litigants' case and the issues being highlighted but will also damage or dent the jurisprudential cause. Good quality jurisprudence is not concocted by the judge but rather by how well-prepared the litigants are and how well they are able to articulate their issues.

Despite the challenges posed here,

there are several advantages of PIL in Kenya as a strategy of promoting social justice. A single case can have extensive legal and social effects, it establishes precedent especially in common law jurisdictions like ours, it raises issues publicly – many times less expensively, it broadens access to justice, and most relevantly during this constitutional implementation period, it 'tests' and clarifies the content of existing laws furthering government accountability by establishing parameters within which government must operate.

PIL as currently practiced in Kenya though taking shape still suffers from a proper lack of focus. If this were to continue it could end up as the proverbial 'headless chicken'. Borrowing lessons from jurisdictions that have over time developed PIL, it is imperative that PIL rules are developed to avoid some of these pitfalls. A concerted effort involving seasoned human rights legal practitioners, organizations actively involved in PIL and the judiciary is needed to develop PIL rules that are reflective of the successes and shortfalls of PIL processes around the world. As has been seen, the benefits of PIL are immense. Undeniably, PIL has created great judges, highly respected legal practitioners, litigants looked at henceforth as leaders, and organizations esteemed for their unselfish quest to push for social justice. Therefore, the actions taken at this formative stage of PIL in Kenya will no doubt determine its place – and the place of those involved – in history. More effort is desperately needed at this stage to make PIL work.

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A section of The Kenyan High Court.

By MALACHI MOTANO

LEADERS from the larger Kakamega County have appealed the government to resolve the stalemate surrounding the Butali sugar mill that has made it inoperational.

Led by Presidential aspirant Musalia Mudavadi, they pledge that they will not sit back and watch as sugarcane farmers continue to be exploited by selfish individuals who are only driven by their personal interests.

He is condemning those who went to court to deny the new sugar factory an operating license terming their act as 'immoral'.

"Anybody blocking this is committing an immoral act," said Mudavadi, adding that, "because you cannot punish the whole population of farmers, who have their cane going to waste, who is going to compensate them?"

The deputy Prime Minister is also disclosing that over 25,000 cane farmers registered with the Butali had signed a petition signed with six thousand more requesting for a lasting solution to their predicament with the continued closure of the mill.

"I have also written a letter to the Prime Minister Raila Odinga and I am yet to forward it to President Mwai Kibaki for them

to help in resolving the stalemate. I had also met Prime Minister Raila Odinga and Housing Minister Soita Shitanda who is also the area MP at his Nairobi home and discussed the matter."

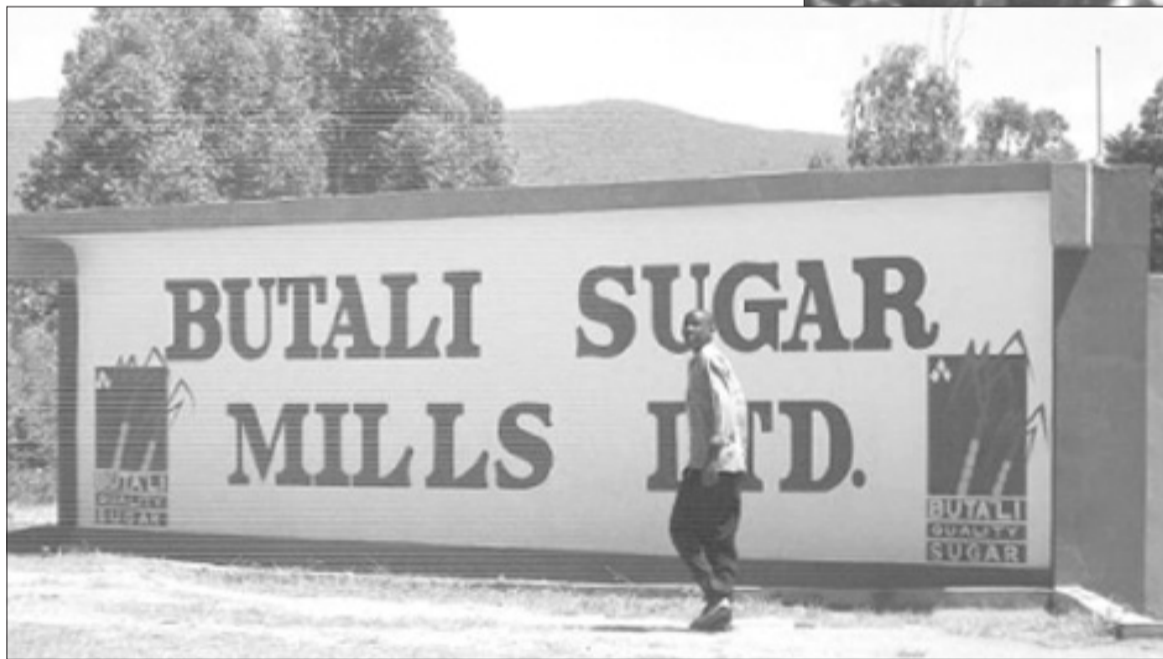
He said, Raila Odinga, Shitanda, and himself, had vowed to witness as the engines of the sugar factory are turned on as the first batch of cane is crushed at the plant.

The Sabatia Legislature goes further saying that there was no doubt now, that the plight of the farmers was becoming unbearable if nothing was going to be done because they relied on the factory for their livelihood and there was no justification for denying the factory a license.

"Maisha yao yako hapa – their life is here," he said.

"I have seen, I have touched, I have smelt and there is no way the government can justify the

# Mudavadi demands reopening of Butali



Farmers: Leaders from Kakamega County have appealed the government to resolve the stalemate surrounding the Butali Sugar Mill. Inset: Butali Sugar Mill sign post. Photo/Malachi Motano

punishment to the farmers," added Mudavadi.

Kizito Mugali the Mp for Shinyalu said that the one who placed a court injunction should withdraw it immediately and allow the factory to operate.

At the same time, Kizito assured locals that as Western Kenya's elected leaders, they had united and were pushing

for the operationalising of the factory so that it could cater for the livelihoods of the region's residents.

Similarly, area MP Soita Shitanda disclosed that soon, smoke will be billowing from the chimneys of the factory assuring residents that school fees for their children will come from the cane delivered to the factory

## New seed tech set to boost horticultural farming

By JOHN NYAMBUNE

PLANS are underway to introduce new seed germination enhancing technology to boost horticulture farming in the country.

The technology dubbed Solar Grow (SGI) is set for implementation in Uasin Gishu County and seeks to help farmers germinate diverse seeds within seven to 14 days, which is the shortest time a seed can germinate under normal conditions.

SGI is solar powered and has command modules and seedling plant factories aimed at improving scaled horticultural plant production.

Alexander Bushell, the inventor of the over Kshs.5 million equipment, says the tech-

nology is the first of its kind in Africa and aims to increase production and promote diversity of crops.

"This is a pilot project in Africa. Germination time would be improved by 25 per cent from normal times and local farmers would get an opportunity to diversify their production and benefit financially," Bushell said.

The pilot project is being implemented in Turbo Division.

The equipment has the ability of germinating over 100,000 seeds in a week and over 100 seeds can be tested for diseases each day.

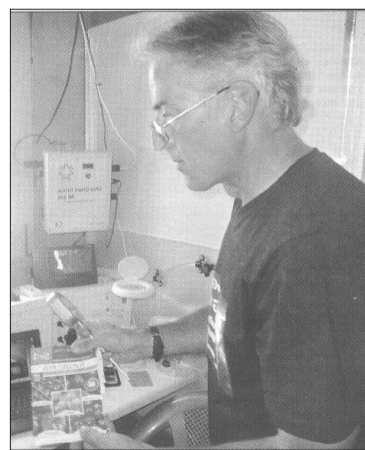
The Solar Grow is fully equipped with a production area, a weather station which monitors and brings forth weather

patterns, internet platform, and a lab system that will help farmers detect crop diseases.

SGI is fitted with an irrigation system, which has the ability of irrigating over five acres of land depending on the water source.

Bushell said farmers in the region will get an opportunity to test soil PH at the centre at Kshs.500, which will be affordable and convenient.

"Soil testing can be done instantaneously from the lab at a cheaper price. This will definitely increase production thus food security will automatically improve," noted Bushell. He added: "Farmers from this region will benefit from training on how SGI works as well as ways of incorporating new



Alexand Bushell, the inventor of the equipment

seeds and improving production in general".

Bishop Daniel Kwatuha, facilitator of the project said it

is a great opportunity for local farmers and farmers from other regions were also welcome at the centre.

"I thank Bushell and Emerge Poverty Free for donating this facility, which will help farmers from within and outside the region," Kwatuha said.

Bushell appealed to the Government to support the project in terms of stepping up custom procedures even as they endeavour to reach other regions of the country.

Recently, a forum held in Arusha attended by Government representatives, their development partners and agribusiness people agreed that the key to food sufficiency in the Africa is through increased production.



# Farmers cry foul over increased maize imports

By JOHN NYAMBUNE

MAIZE farmers in Kitale are up in arms following the shipment of a consignment of dry maize from a neighbouring country.

The farmers say the move seeks to destabilize their livelihoods since majority have not harvested the crop.

Middlemen have secured the cheap cereal from Bukwo and Kapchorwa districts of Eastern Uganda.

The imports have flooded various markets in Trans-Nzoia County despite the fact that local farmers expect a bumper harvest this season.

Farmers are now expressing fears that the shipment could find its way into the National Cereals and Produce Board (NCPB), therefore, locking them out of the market. "We have not harvested our crop and we are against these imports that are going to spoil prices," said Job Tallam, a large-scale farmer.

Middlemen are said to have purchased and transported hundreds of tonnes of maize and stocked them in some go-downs in Kitale.

A spot check by The Link established that in Matisi and Bondeni areas along the Kitale-Endebess highway, some middlemen were drying the cheap imports to meet the recommended moisture content.

Ugandan trucks have in the past few months delivered maize to the area that is dried before storage.

Sources say that a 90 kg bag of maize is purchased from Uganda at between Ksh.1,200 and Ksh.1,800 and will be delivered to the board at Ksh.3,000.

"These middlemen are targeting to deliver the maize to the board. We are not going to allow this to happen and some people



Importation of maize destabilize livelihood of Kitale residents since majority have not harvested the crop.  
Photo/File

out there want to cash in from the business," added Tallam.

The farming community appealed to the State to intervene and ensure the traders do not dispose of the produce to the board.

They said they would lack market when the harvesting season kicks off this month if the

board accepts the maize.

"We will not get market for our maize if the cheap imports flood the market as it will affect prices," said area Kenya National Chamber of Commerce and Industry Executive Officer Martin Waliula.

Kenya National Farmers Federation of Agricultural Produc-

ers said it has been alarmed by the imports and urged the State to monitor the movement of the consignment.

Some farmers secured loans from financial institutions to plant their farms saying the imports would lock them from accessing a good market. They said farm inputs were costly.

## New law required to regulate coconut farming, KCDA

By BEKADZO TONDO

PLANS are underway to introduce a bill in Parliament to regulate the management and conservation of the coconut plant in the country.

The chairman of the Kenya Coconut Development Authority (KCDA), Dr. Titus Kadere, says the authority is pushing for the enactment of the legislation which seeks to give it powers to fully manage the cash crop and avert further destruction of the plant.

Dr Kadere argues that currently there was no policy in place to guide in the conservation of the cash crop adding that the bill which is in its final stages of adoption in parliament will provide a legal framework for its management.

"The bill is now in the third reading stage in parliament and if passed into a law, the authority will have powers to prosecute anyone found felling the trees," says Dr. Kadere.

He said that the authority was currently at logger heads with the provincial administration and the department of forest services over which office has powers to issue permits to allow the cutting down of some aged coconut trees and the general management of the trees.

The KCDA chairman was speaking at Bandara salama village in Kilifi where the authority signed a partnership agreement with Kenya Commercial Bank foundation.

The foundation seeks to support the authority to revamp the coconut farming sub sector and transform it into a leading foreign exchange earner to improve the country's economy. During the ceremony, the foundation through its chairman Engineer Musa Ndeto donated Ksh 1.7 million to the Kenya Coconut Development Authority.

Part of the funding will be channeled towards six farmers groupings involved in coconut farming to engage in value addition.

"The groups will be required to invest in equipments to enable them process coconut products," adds the foundation chair, Engineer Ndeto.

According to Engineer Ndeto, the remaining amount will be used in building the capacity of farmers in Msambweni, Kilifi, Kikambala and Chonyi during the first phase of support to the sector.

"Coconut farming contributes immensely to the economy of Coast Province and thus any efforts to boost the sector must be supported by all stakeholders," said Ndeto.

The engineer at the same time said the KCB foundation will donate an additional Ksh 230,000 to Amua coconut products processing group in Chonyi to aid in the purchase of a machine required by the group to help them in value addition. The KCDA chairman Dr. Kadere welcomed the donation of Ksh 1.7 million and assured the foundation that the funds will be utilized properly to revive coconut farming.

He said lack of financial support had curtailed the work of the authority which was initiated back in 2007. Dr. Kadere urged farmers to form groups and secure loans from financial institutions including KCB to enable them invest in the crop and engage in value addition.

## Farmers ignore calls to defer maize cultivation

By LINK CORRESPONDENT

FARMERS in Kieni have rejected proposals to defer maize cultivation for at least two seasons in the wake of the devastating viral Necrosis disease.

The National Drought Management Agency (NDMA) had recently recommended in a report for August that farmers skip maize cultivation for two seasons to interrupt the disease cycle.

"Continued planting of maize poses a threat to maize crop farming in the area since the disease might be under incubation waiting for right conditions to explode," the NDMA Kieni project report said recently. Kieni is one of the direst parts of Central Kenya.

In its latest report for September, the NDMA says majority of farmers in the area are currently preparing land and planting and have shown no signs of following the advice given.

"Crop production is on a fragile state as households continue planting maize in total disregard of the risk posed by the Necrosis disease," says the report.

The Kieni farmers' actions could be because of the depressed maize yields they registered from the main long rains season harvest that ended last month.

NDMA's Kieni project information officer Kiragu Kariuki said last month that adverse weather and vagaries of the crop disease had driven the food situ-

ation to "stressed phase" and there was a moderate possibility of falling into a "crisis phase". Other factors such as delays in availing subsidized fertilizers were also listed.

The disease had been a double-edged sword to farmers in the area because it had also condemned large amounts of maize stalks, which are usually a dependable livestock feed.

Farmers have been advised that using the disease stalks as livestock feed would help in the regeneration of the disease since the same would find its way back to the farm as manure.

The culture report says pasture availability has worsened because of the ongoing land preparation in readiness for the

short rains expected from mid last month. NDMA reported in September that expected maize yield per hectare for the last season would be approximately five bags as compared to the average production of 14 bags due to the disease and lower than average rainfall.

The reports indicate that marginal increases in maize prices have started to be recorded in the area as a result of the unsatisfactory harvest threatening to leave many households without food.

The disease has caused fears of soaring food prices in the country, which faces a deficit of the staple every year and bridges the gap through imports from Uganda, Tanzania, Zambia and Malawi.

# Kenyan farmers cut tilling to raise yields

By LINK CORRESPONDENT

IN the west Kenyan village of Siilila, 27-year-old Geoffrey Wanjala and other members of his farmers' group are trying out a way of working the land that avoids ploughing and releasing the carbon dioxide stored in the soil. So far it is also cutting their costs and boosting yields.

Traditionally, farmers across Kenya till their land at least twice before planting, then weed it after their seeds have germinated. But the new method, known as conservation agriculture, aims to leave the land in its natural state as far as possible.

"It involves minimal or no soil disturbance in terms of tilling," said Wanjala, chairman of the Tumaini (Hope) Farmers Field School, a group of 25 young men and women in Bungoma County.

The farmers keep the soil covered, so it retains moisture and nutrients, by laying mulch on the field. They also practise intercropping (growing two or more crops together) and crop rotation, Wanjala added.

"Farming without ploughing sounds like a contradiction of what we have always understood about crop husbandry. But new evidence suggests the practice reaps the greatest rewards, when land is protected from the sun and the plough," explained Alfred Micheni, a research scientist with the state-owned Kenya Agricultural Research Institute (KARI), which is implementing the project with technical assistance from the International Maize and Wheat Improvement Centre (CIMMYT). "There is limited soil erosion, nutrients are kept intact, and there is no harm to the soil's natural structure," Micheni added.

The pilot project is mainly targeted at improving food security in Kenya. But there is another purpose too – enabling the soil to store carbon, which is otherwise released when it is tilled.

According to scientists, rising concentrations of carbon dioxide in the Earth's atmosphere are largely responsible for temperature increases on its surface, which are altering the planet's climate, bringing more extreme weather and rising seas.



Geoffrey Wanjala on a plot under conservation agriculture, where farming is done without ploughing in Siilila village.

Plants take in carbon dioxide, the main greenhouse gas, from the atmosphere through the process of photosynthesis. When they die and their organic matter is buried in the soil undisturbed, the absorbed carbon remains there – a process known as carbon sequestration. This helps limit carbon levels in the atmosphere, thereby mitigating the climate change.

The Food and Agriculture Organization of the United Nations (FAO) says that sequestration of carbon in the soil during the first decade after adopting best practice in conservation agriculture can offset up to 1.8 tonnes of carbon emissions per hectare per year. However, the rate at which soils store carbon differs around the world depending on environmental factors including the climate, landscape and plants.

The trial project in Kenya started in 2010, and involves six groups of 250 small-scale farmers in western and eastern areas.

It is part of a wider initiative working to sustainably intensify maize-leg-

ume cropping systems for better food security in Eastern and Southern Africa (SIMLESA), with funding from the Australian Centre for International Agricultural Research (ACIAR). Other participating countries are Ethiopia, Malawi, Mozambique and Tanzania, where conservation agriculture is being trialled on a small scale.

"This is the second season we are harvesting under the project. We mainly intercrop maize and legumes such as beans, cowpeas and desmodium (tick-trefoil). After harvesting, we retain the crop residue on the farm to form mulch," Wanjala explained.

Instead of weeding, the farmers apply chemical herbicides, which dry up the weeds, turning them into mulch.

According to the FAO, there is growing proof that conservation agriculture can make a significant contribution to reducing greenhouse gas emissions by storing carbon in organic matter in the soil. And it improves the state of the soil too.

"There is evidence that soil organ-

ic carbon is fundamental to the development of soil quality and sustainable food production systems," said John Achieng', a KARI agronomist and head of the SIMLESA trial project in western Kenya.

Conservation agriculture has been deployed successfully in a number of countries, including Australia, Argentina, the United States and Brazil.

But the practice has yet to be widely adopted in sub-Saharan Africa, according to Achieng'. "Farm holdings in this region are small, making it difficult to practice crop rotation, which is the primary principle for conservation agriculture," he explained.

It also requires a relatively high level of investment at the outset and specific farming equipment, which is a deterrent for poor African farmers. "But with the kind of research and trials going on at the moment, we will most likely find the most suitable methods for (these) farmers to use," Achieng' added.

In Siilila, participating farmers have plots where they practice conservation agriculture and separate plots for conventional agricultural methods. This helps them compare the labour and expenditure required for each approach, as well as the results in terms of yields.

So far, the farmers are more concerned about boosting crop production than how much carbon is being sequestered in the soil through the accumulation of organic biomass.

"There has been a clear difference considering the past two seasons. With conservation agriculture, there were less farm inputs compared to the control plots. Yet the harvest on the conservation trial plots almost doubled yields from the same (land) in previous years," Wanjala said.

According to Achieng', KARI is also encouraging farmers involved in the project to use more climate-resilient maize varieties it has developed, which can also increase yields.

"As much as zero tillage reduces labour and the amount of farm inputs to ensure the farmer gets maximum profits, improved varieties will help ensure the crops do not get ruined by bad climatic conditions," he said.

## News rice variety poised to increase production

By JOHN NYAMBUNE

RICE production in Marigat District is set to increase following the introduction of a new variety of rice in the area.

The New Rice for Africa (Nerica) variety has been introduced to the area courtesy of Japan International Corporation Agency (Jica) on a pilot basis.

The agency, with support from the Ministry of Agriculture plans to replicate the initiative to other parts of the country to boost rice farming.

The new variety has potential to produce high yields of up to 2.3 tonnes per acre with proper management practices.

Area District Agricultural Officer Ezekiel Chepkwony said the new rice variety can survive in harsh weather conditions and thus will thrive in the area.

"The crop is easy to maintain as it requires less water to attain maturity and we are optimistic it will go a long way in solving food insecurity," he said. He added that the crop takes between 90 to 100 days to mature and therefore can be planted three times a year.

Mr. Chepkwony called on farmers to embrace rice farming to help diversify on their crop output instead of overlying on traditional cereals like maize and horticultural crops grown in the area.

The officer at the same time revealed that the agency had donated 1.3 tones of seeds to Perkerra and Eldume irrigation schemes to carry out sustainable farming as demand for the commodity was high compared to supply.

Farmers in the area have over the last two years obtained seeds from Mwea and Ahero irrigation schemes. Chepkwony asked the Kenya Seed Company to ensure only certified seeds are sold to farmers.

At the same time, Jica donated two rice-milling machines to Marigat Farmers' Co-operative Society at Eldume trading centre.

Chepkwony said lack of weed and pests control and sufficient farm machinery had continued to impede the growth of rice farming in the area.

"The Government is working on providing herbicides and getting farm inputs from Agricultural Development Corporation to enable farmers increase acreage under the crop," he said.

Perkerra irrigation scheme farmers' representatives Weston Lanoi said more farmers are willing to venture into rice production if they are assured of ready market for the produce.

In 2010 the Ministry of Agriculture released four new varieties of rice for planting by farmers in Western Province. The varieties included Nerica1, Nerica 4 and Nerica 10 and 11, which are capable of producing one tone of rice an acre, the Western Provincial Director of Agriculture John Cheruiyot said.

# Cane farmers in fresh demand for better pay

By JOHN NYAMBUNE

OPERATIONS at the newly established Butali Sugar Company may soon grind to a halt if the miller fails to meet fresh demands for better pay by cane farmers.

Farmers through the Butali Sug-

arcane Outgrowers Company (Bosco) now want the miller to increase payments to Ksh.4,500 per tonne from the current Ksh.3,900 per tonne.

The chairman of the outgrowers company William Kopi says that they were currently held up in talks with company but nothing concrete

has been forthcoming. Kopi said that Bosco has been negotiating for the increment since last year.

"We have always vouched for an increment from Kshs.3,900 per tonne to Kshs.4,500 but we are yet to get a breakthrough," Mr Kopi said.

West Kenya Sugar Company pays the highest at Ksh.3,900 per tonne followed by Mumias whose rates stand at Ksh.3,825 while Nzoia Sugar Factory pays Kshs.3,800 per tonne.

Contacted for comment, Butali company's Managing Director Jayant Patel dismissed claims that the mill is headed for a crisis, adding that negotiations would soon yield positive results. "I don't foresee a crisis because we are committed to talks with farmers' representatives and we will agree," he added. He noted the management valued farmers and would not soil their good relationship.

"The negotiations are still ongoing because we cannot reach an agreement in one day. I want to assure farmers that all will be well," he said, adding: "We don't want any collision with farmers as this would

hurt our operations."

Kopi at the same called on the industry regulator, Kenya Sugar Board (KSB) to explore ways of empowering cane farmers to afford them a better negotiating environment with sugar millers.

"Currently, efforts by farmers to demand better pay are always frustrated by millers who come up with well-prepared figures showing how much they have assisted in terms of farm inputs," observed Kopi.

He proposed that KSB comes up with a plan to supply farmers with farm inputs such as cane seedlings, fertilizer and chemicals to cushion them from exploitation by millers.

He lamented that farmers have for a long been underpaid adding that they are within their rights to demand for better pay for their produce.

Although the miller pays farmers promptly, he said the payments are not commensurate with the cost of inputs incurred by the cane farmers.

"Even though farmers receive farm inputs from millers, we feel they deserve an increment because they spend more money on their farms," demanded Kopi.



Cane farmers cry foul over poor pay.

# Violent cases threatens social stability

By WAMUYU GATHERU

WE are living in tempestuous times. The violent episodes of August are not old recurring conflicts. There is nothing familiar about dozens of women and children being slaughtered in revenge over pasture.

Throwing grenades at security agents has taken violence to new and dangerous levels. Arbitrary pillaging of churches is a new provocation. Kenyans have a choice. They either accept never-ending conflict as a way of life, or decide to use all means possible to ensure that a country called Kenya continues to exist and function.

By now it is obvious that the police are too ill-equipped to provide adequate protection. These days, unless you are an 'important' person or violence is occurring across a whole neighbourhood, it is a waste of time to call the police.

Political pull and push continues over reforms that are necessary for an independent and effective police service. Now, in the eve of the election, the confirmation of the Police Commission is only the first step, but comprehensive reforms remain uncertain.

The background to these institutional hitches is a restless public who include young people who have given up. While the flare-ups of violence and the determination of movements like the MRC give a face to these pressures, everyday interactions mirror an inflammable society.

In the past, if one did not have bus fare, one was asked to get off



This man is a victim of the newly discovered gender-based violence act in Nyeri, Kenya. Photo/File

at the next bus stop. Lately, such people are being brutally beaten up. Pick-pockets regularly receive bloody justice on the spot even in leafy suburbs. Hawkers are pursuing City Hall askaris with pangas.

The IEBC is not inspiring confidence when we need it most. If

internal operations collapsed under a tender, one wonders what storms could arise over presidential votes.

We've witnessed the repercussions of the killing of a radical preacher. Now, imagine sudden death of a leading presidential candidate or, God forbid, the President himself. That is at the national level.

Many injustices, gripes and grudges at the local level remain unaddressed. These local problems are fodder for reckless political campaigns at every poll.

The odds are against us but we also have capacities that most African countries do not have and therein lies our salvation.

The first thing that Kenya has is information. Although their work is incomplete, the Truth Justice and Reconciliation Commission provided a view of injustices since independence.

The stories of brutalised and disenfranchised individuals are on record. Tensions and injustices around land ownership have been mapped and a land commission and High Court created to handle them.

The potential hotspots are discussed daily by peace and conflict management organisations, and in government.

When disenfranchised people anywhere rise up in arms, it is often as a last resort. Most indige-

nous people at the Coast are squatters and their health and education institutions are an embarrassment 50 years after independence.

The reason there are so few Digo and Pokomo leaders in the private and public sectors is simply because they never attended or graduated from primary school. Instead of asking the MRC to shut up, county educational plans should be debated with them.

The Kenya vision should be made attractive for the many old and middle-aged men and women, and even girls who are members of the MRC.

*Ms Gatheru is a governance adviser and public policy analyst.*

## NGO receives an award for promoting human rights

By BOB OMBATI

A NON Governmental Organization in Kisii County has been awarded by the United Nations Development Programme (UNDP) Amkeni wa Kenya for enhancing and protecting human rights in the area.

Stema Women Development Group Chief Programme officer, Nyabuto Onyambu said the organization was awarded for its relentless efforts in spearheading anti Female Genital Mutilation (FGM) campaigns that are rampant in Kisii and Nyamira counties.

Onyambu, who received the trophy at Sirikwa hotel, Eldoret on behalf of the Group's management board commended UNDP/Amkeni Wakenya national programme officer, Scholastica Marenya for supporting the programme, saying it had helped create awareness on human rights and enhanced social justice.

He conducted civic education on human rights and promoted citizen participation in the devolved system of government besides promoting justice for the poor and marginalized members of the public.

Onyambu told The Link in his office that UNDP/Amkeni Wakenya had helped civil society organizations (CSOs) in fostering democracy, governance and realization of economic, social and cultural rights nationally, stressing it had aided majority of Kenyans to know and defend their rights

when violated.

The Group, revealed Onyambu was involving cultural leaders from the Gusii community and government officers in its fight against the retrogressive age-old old practice which violated the rights of the girl-child with impunity.

The girl-child has suffered physically and psychologically in the name of FGM and culture which is primitive and valueless to the Gusii community.

Onyambu noted that FGM was being carried out in August and December holidays, saying that civil society organizations were monitoring perpetrators to apprehend and hand them over to the security agents for legal action.

The Officer challenged the girl-child to undergo an alternative rite of passage and report anybody who forced them to undergo FGM.

Some parents, noted Onyambu took their young girls to private clinic where they were admitted under the guise they were sick only to be circumcised without 'ceremonies' to fool community members.

During Mashujaa day celebrations, Kisii central District Commissioner, Philp Soi warned community members against perpetuating the practice, noting that stiffer penalties will be imposed on perpetrators.

Soi noted girls who escape the FGM will be given incentives to motivate others follow suit until the practice was eliminated.

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# Matatu operators in Kilifi protest new levies

By BEKADZO TONDO

A ROW is brewing between matatu operators and the Kilifi town council owing to plans by the local authority to increase the parking levy by almost a 100 percent.

The local authority has already served operators with the notice to increase the levy, before the new charges become effective next month.

Led by Mwakio Mbogoli, the operators have opposed the new charges saying they were too

high and should be reviewed to reasonable figures.

According to the new charges imposed on the operators, a salon car will pay Ksh 30, mini buses Ksh 40, and the buses to pay Ksh 60.

Speaking to The Link in Kilifi, the operators want the town clerk Mr. Edward Jefwa to intervene and revoke the new levies.

According to Mr. Mbogoli, the matatu operators' have been paying Ksh 20 as parking fee at the council bus park but with the new charges, they will be re-

quired to part with Ksh 40 daily.

"As matatu operators, we are opposed to the new charges the council plans to introduce and we want the clerk Mr. Jefwa to intervene and address the problem," said Mbogoli.

However the clerk said he would soon convene a consultative meeting between the council and officials of the matatu operators.

"It is true the council has revised its parking charges at the bus park and the operators have already raised concern over the

increment. We will thus convene a meeting to address the matter," said Jefwa.

The clerk however admitted that the current charges were too low and hence the need to increase the levies but after consultations.

"We must engage the operators in dialogue to resolve the problem," said Mr. Jefwa

The row pitting the council and matatu operators comes barely a month after the motor bike operators also protested over increased charges by the

council.

The motor bike operators had complained that the council had failed to construct some shelters for them and general harassment from the council askaris.

However clerk Jefwa said the differences were resolved after the council officials held a consultative meeting with the operators.

Mr. Jefwa further said the council had allocated funds to oversee the construction of sheds at Kilifi bus stage and Mnarani for the motorbike operators.

By JOSEPH MUKUBWA

SPECIAL Programmes Minister Esther Murugi has emphasized the need to create awareness on mental illnesses in the country.

The Minister, who flagged off a walk organised by students from various learning institutions in Nyeri County during the World Mental Health Awareness Day at Outspan Medical College, noted that mental illnesses prevalence was so high, but in most cases, patients are treated of other diseases leaving out mild mental illnesses.

Murugi revealed that the government will before the lapse of the parliamentary term table the Universal Health Bill, which will also cover mental health, training of medical personnel and counselors.

"The rising cases of domestic violence in Central Kenya to depression and other cases might have led to mental illness. There is need for urgent measures to deal with the issues," he added.

At the same time, the medical practitioners raised alarm over increasing cases of mental-related illnesses in the country and noted that at least 60 per cent of in-patients in both public and private health

# Murugi calls for awareness on mental illness



Students of Outspan Medical College and other students from other learning institutions participate in a walk in Nyeri town to mark the World Mental Awareness Day. Bottom: During processional walk. Photo/Joseph Mukubwa



facilities in the country suffer mental-related illnesses.

The medics observed that depression is the most common mental health illness.

A psychology consultant Dr Kiruhi Macharia observed that nearly 50 million people in the world suffer depression, but the cases are only discovered at late stages.

Macharia observed that the high cost of living, poverty, joblessness, diminishing land sizes, especially in Central Kenya among other factors led to an increase in the cases.

He however said that the country faces an acute shortage of mental health practitioners, especially counselors and psychiatrists.

"I wish to appeal unto the government to establish more

mental-health based health facilities and also train more medical personnel to cater for the affected in the society," appealed Kiruhi who is also the CEO of Outspan Medical Hospital.

Cathy Ngarachu, a Psychology Consultant at Outspan Hospital in Nyeri observed that most Kenyans turn to alcoholism and drug abuse whenever they suffer depression, hence worsening the situation.

"If not treated at early stages, mental cases become traumatized and opt for tragic incidents including committing suicide," She added.

The participants walked in the town's streets sensitizing residents on the need to seek medical attention and care for mentally ill.

By JOSEPH MUKUBWA

A STRANGE skin disease reported at the sprawling Majengo slums in Nyeri has been blamed on poor waste disposal and sanitation.

Several cases have been reported over the last one month affecting children and their mothers.

Those affected said that the victim first develops itchy rashes across their bodies which later degenerates into sores which are painful.

The residents lamented that the disease has been spread through drinking and bathing water which is mostly fetched from the contaminated Chania River as tap water is expensive and thus they cannot afford.

One 20 liters jerrican fetches Ksh 20 which is expensive according to the poor dwellers.

Asmin Said, a mother of one is suffering from the disease with her three-month-old daughter.

The two are affected seriously and spend the better part of their day sleeping instead of going to the hospital. She is afraid of paying high medical fees as she cannot afford to take herself and the daughter to Nyeri Provincial General Hospital which is less than a kilometer away.

"If I go to the hospital, who will pay for our medical bill? I better try to cope with it," said the mother while holding her crying baby.

The area is full of garbage with open sewers drizzling around the area while others overflow in this rainy season.

Mashinani Youth Alliance chairlady Jane Wambui said the disease started with the children and now it has affected the

# Strange skin disease afflicts Nyeri residents

adults.

"The drainage system here is non-functional and the children could have contracted the disease as they played with the waste, drinking water and bathing.

There are few water pipes in

Kiawara and Majengo slum villages while residents of Witemere have to rely on polluted water from River Chania.

Nyeri Central district Public Health Officer Kathuri Mithange said that he is not aware of the outbreak neither is he aware

of the raw sewage spilling into the river and instead said the residents should have alerted his office.

However residents said they have approached all the offices but no action has been taken so far.



A three-month baby who has been affected by a strange skin disease at Majengo slums, Nyeri town.



Some of the waste dumped in Majengo area, Nyeri town. Photos/Joseph Mukubwa

## Bitter land row ruins prospects for mega project

By BRIGHTON KAZUNGU

A SIMMERING row between squatters and investors in Kwale County has delayed the implementation of a multi-billion sugar project.

The project, which was earmarked for implementation three years ago, has never taken off as the investor on the one hand wants the squatters evicted while the residents are demanding compensation.

The firm, Kwale International Sugar, which has funded the project to the tune of Kshs.21.2 billion, now blames the government for the delay, saying, the Ministry of Agriculture has reneged on a promise to evict squatters from the 15,000 acres it had set aside to grow sugarcane.

The agricultural manager, Mr. Patrick Chebos, says that the company can only access 8,000 acres despite paying land rates for the 15,000 since 2007.

The land is in Ramisi, Kwale, which is along the Mombasa-Lungalunga road.

The manager also takes a swipe at local politicians, who he accused of hypocrisy. While they speak ill of the firm in public, they have forced Kwale International to hire 150 of their relatives, he revealed.

He appealed to Environment minister Chirau Ali Mwakwere and Msambweni MP Omar Zonga to sensitize the residents on the benefits of the project, which has so far employed 800 people.

Residents recently accused the firm of attempting to evict them several times by burning their houses and destroying property without giving them alternative land or compensation.

Recently, a group of villagers from the area, complained that there was a deliberate plot by the firm and the government to displace them from the ancestral land they have occupied for more than 50 years.

"The company, local leaders, provincial administrators and even human rights bodies have not helped us. The brutal evictions are done using bulldozers and supervised by the Provincial Administration," a resident Suleiman Bakari Shauri, said.

The most affected villages are Nyumba Sita, Kibiga, Vidziyani, Gonjora, Mabatani, Kingwede and Fahamuni.

## 600 underage girls rescued from forced marriage

By NYAKWAR ODAWO

A NON-GOVERNMENTAL Organization that is involved in the protection of child rights in Butula and Nambale districts in Busia County has helped to rescue over 600 girls from early marriages since 2004.

Addressing stakeholders during celebrations to mark the International Day of the Girl-Child in Butula recently, the executive director of Rural Education and Economic Enhancement Programme (REEP) Mary Makokha said the protection of

the girl-child has remained a priority to the organization due to her vulnerability.

"The protection of the girl-child from sexual exploitation, child labour and early marriage at the expense of education has remained critical to the organization considering their vulnerability," said the executive director, adding that scores of the girls have ended up dropping out of school due to the vice.

Makokha at the same time shocked the audience when she revealed that her organization has exposed over 500 cases of

early pregnancies in Butula and Nambale Districts.

"Since 2004, the organization has rescued a total of 621 girls from early marriage in both Butula and Nambale districts," said Makokha, adding that child labour affects the girl-child in the two districts.

"This month alone, we have rescued four girls and two boys from child labour and one of them had been taken to Nairobi where he had been sold for Ksh2,000 but as an organization we managed to track the boy and brought him back," said Makokha, adding that poverty was to blame for the high cases of child labour in the region.

The executive director lamented that HIV/AIDS has impacted negatively on the girl-child who in most cases is forced to provide for the family when the parents become incapacitated or succumb to the disease, a situation she noted has forced scores of them to drop out of school to play parental roles.

"REEP education pro-

gramme for the orphaned vulnerable children has 59 children in the university but out of these only 11 are girls. Most of our girls have continued to perform poorly due to many factors which include either early marriage or becoming pregnant before completing their high school," she said.

She said parents including mothers favour the boy child compared to the girl-child, adding that girls going to school are not provided with the necessary things such as sanitary towels.

"REEP through a project supported by the International Labour Organization (ILO) provides sanitary towels to schools in Walatsi location in Nambale district. This has had a great impact on the girls who can now attend classes throughout the term and their academic performance has also improved a lot," said Makokha.

She added that since 2004, her organization has so far handled over 2,000 cases of defilement with the youngest girl being one and a half years old.



School girls entertain guests at a public function. An NGO has rescued over 600 girls from early marriages in Butula since 2004. Photo/File

# Ogiek community lodge claim to ancestral land

By LINK CORRESPONDENT

KENYA'S Ogiek community, the indigenous group of hunter-gatherers who were evicted from the Mau Forest three years ago, say they will no longer sit by and watch logging companies profit from the resources of their traditional home while they live in poverty in tented camps around the forest without even the most basic of services, like sanitation.

"The Ogiek community has lived and depended on the Mau Forest since time immemorial," said Joseph Towett, national coordinator of the Ogiek Welfare Council. "We have only been involved in conservation efforts through tree planting, and we do not benefit from the money accrued from this forest."

"Yet we do not see the government move to initiate development projects in the locations of Mariashoni, Neiswet and Tinet where the Ogiek community now lives."

Currently 100 saw millers are licensed to log 50,000 hectares of mature exotic and indigenous trees in the forest reserve – the largest in the country stretching across 400,000 hectares. The millers have permits to harvest the mature trees before they fall into decay and generate over one million Kenyan shillings or 11,000 dollars in revenue for the government each month.

For the last three years some 20,000 Ogiek have been living on the outskirts of the forest in three areas: Mariashoni, Neiswet and Tinet.

The Ogiek community was forcefully evicted from the forest in 2009 after a government order to stop the massive deforestation occurring here. The government promised to find alternative land for the evictees. But in 2011 Minister for Lands James Orengo admitted that mistakes were made in the eviction process.

The community has to travel to other villages to access health care and schools. The Ogiek say that be-

cause they have to travel on foot, it takes them four to six hours to get to the nearest health facility, while children spend two to four hours a day going back and forth to school.

Towett said that the Ogiek want the Kenya Forest Service (KFS), the government agency that protects forests, to give them permission to harvest a four-hectare plantation of 8,000 mature cypress trees.

He said that they planned to enter into an agreement with a private logging company that would log and purchase the trees from them. The sale of all the trees is expected to bring in an estimated 350,000 dollars.

"This money will go towards the construction of roads, schools and health facilities. We know it is not enough, but it will be used for the

most critical projects ... to prevent the deaths of sick women and children that have previously occurred due to lack of facilities," he said.

According to the KFS, there are up to 100 licensed saw millers, including three major timber companies, who carry out tree harvesting in the Mau Forest. Loggers also have to pay the government, through the KFS, an additional fee of between 17 to 60 dollars per tree cut.

"The loggers are licensed and they operate on over 50,000 hectares of tree plantation," said the head of the Mau Forest Conservancy, Cosmas Ikiugu. "They also harvest mature indigenous trees, and they generate over one million shillings (11,000 dollars) in revenue per month. The revenue is good, but not as high as claimed by some of the Ogiek lead-

ers."

The director of KFS, David Mbugua, said that according to the 2005 Forest Act, a genuine saw miller must meet several requirements as stipulated by the law. This includes owning logging equipment and processing machines, and being able to provide proof of tax payments. These, he said, are requirements that the Ogiek and other communities do not meet.

Mbugua said that although the community cannot be licensed to harvest trees, it could work with the KFS to find a way to benefit from the forest.

"The Ogiek community has a genuine issue and I am aware of their concerns because we have discussed these topics with their leaders. They feel left out in development and feel

that they have a right to a share of the revenue from the Mau Forest, which is constitutional. However, allowing them to get into the forest to cut trees is not the way to go. If we allow them to do that, what about other communities who also live not so far from the forest?" asked Mbugua.

He said that the Ogiek should send proposals for the projects they would like to see implemented to the KFS's corporate social responsibility department.

But Towett claimed that corruption in the KFS was rife. He said that out of the 100 licensed saw millers, less than 30 are allocated trees because they bribe officials of KFS. The forestry service regulates which millers are allowed to harvest trees in the Mau Forest. The loggers cut down trees in turns every month, and some get more turns at logging than others.

"The three major companies normally remit (to the government) 500 million shillings (five million dollars), while the remaining saw millers remit up to 100 million shillings (one million dollars). But much of this money goes into individuals' pockets," said Towett. The Ogiek community believes that were it not for mismanagement of the money, there would be enough resources to initiate development projects for them.

Ikiugu confirmed that the loggers cut trees in turn, but he denied claims that some are favoured over others.

The Ogiek have also asked that the government allocate 320 square kilometres of land near the forest for their permanent settlement.

"Just like any other community, the Ogiek have a right to a portion of the revenue generated from the forest. They should demand their fair share of the revenue through legal means, including suing the government," said environmental lawyer Bernard Ngetich. But he said he was against allowing the community to live in or next to the forest.



A section of Ogiek community members at a meeting in Nakuru recently. They said the community would not move out of the Mau as it is their ancestral land. Photo/File

# Gusii women shy away from parliamentary seats

By BOB OMBATI

BOTH Kisii and Nyamira counties are unlikely to meet the gender threshold unless more women in the area come out to seek all elective seats during the General Elections.

A former nominated Member of Parliament, Catherine Nyamato, laments that women in both counties have shunned parliamentary seats, thus giving men a wide berth in the race for political seats.

Nyamato warns that unless women aspirants contest for parliamentary seats, then the county may not realize the gender threshold outlined in the Constitution.

The former lawmaker notes that women in the two counties which traverse 13 constituencies have only declared their interest in the Women Representative seat, Senate and County Ward Assembly seats, giving men a

field day in the race to parliament.

Women aspirants, she says have been misled by their male rivals that the Constitution only allows them to contest for the Women Representative seat, adding that this mere propaganda, meant to stop them from seeking for other competitive seats.

Nyamato, who served as a KANU nominated MP between 1992 and 1997 is gunning for Nyamira County's Women Representative's seat.

She urged women aspirants to read and understand the Constitution to avoid being misled by their male competitors for their selfish interest.

She disclosed that UN Women was conducting countrywide civic education for Women aspirants in various elective seats to sensitize them on the provisions of Elections and Political Parties Acts to avoid conflicts during

political campaigns and General Elections slated for March 4, 2013.

The nominee, who was the first to be nominated to parliament since independence after several futile attempts to clinch a parliamentary seat urged men to support women capture seats for fair representation.

"Our men must discard the retrogressive belief that a woman's role is to bear, nurse children and cook for them. Women can make good leaders if they are given a chance," said Nyamato.

The County's Women Representative aspirant, Mary Otara told The Link that even the few women who have been vying for parliamentary seats are shying away this time round.

Otara says that they have tried to encourage women to contest for the seats but they are a bit reluctant.

She notes that majority of the

women aspirants fear seeking parliamentary seats due to lack of resources, adding that unlike their wealthy male competitors, they lacked resources to mount serious and effective political campaigns to capture the seats.

"It is unfortunate that since independence, no Kisii woman has ever contested for a parliamentary seat and won. We need support in the new dispensation to exploit our leadership skills" notes Mrs Otara.

Bosoti Ward civic leader, Felicitus Metobo says women parliamentary aspirants lack moral, financial and material support from their husbands and fear violence which they allege is rampant during electioneering period.

Metobo also told The Link Women fear being humiliated in public by their male competitors who, she claims advance propaganda to tarnish their names and

vanquish them politically.

Gesangero Ward County Assembly Aspirant, Ruth Bitange says that majority of the women lack the required educational qualifications and have thus resorted to contesting for seats with lesser requirements.

Mrs Bitange observed that women aspirants had enrolled for various courses at the universities and colleges to ensure that they qualify for nominations and elections like their male counterparts. She proposed that qualifications for women be reduced to enable majority to seek for elective seats.

The aspirant notes that the retrogressive Kisii culture had hampered the education of the girl-child, stressing many of the women in the community were not highly educated like their male counterparts, disadvantaging them when it comes to elective and appointive posts.

By BOB OMBATI

WOMEN aspirants seeking various elective political seats from Kisii and Nyamira counties plan to conduct a joint civic education that will enable them to mobilize political support ahead of the elections.

The aspirants have resolved to conduct civic education at the grassroots to sensitize fellow women on the new constitution and how it affects their lives.

Speaking during a women forum at a Kisii hotel, the women noted that majority of rural women were ignorant of the constitution and were not even aware that the supreme law gives them a third of elective and appointive posts.

Former Maendeleo ya Wanawake chairperson, Wilkista Onsando urged men to support women seeking elective posts to meet the two thirds gender rule.

Speaking during a forum organized by Centre for Rights Education and Awareness (CREAW), Onsando told women aspirants to be wary of individuals out to mislead voters that women need not to compete for other seats as they had been allocated the slot of Women Representative seat and they should be satisfied.

She told them to contest for other seats as there are no restrictions into the number seats they could compete for.

The former Maendeleo ya Wanawake official urged the Independent and Electoral Boundaries Commission (IEBC) and the civil society organizations to roll out civic education programmes nationally to enable voters understand the electoral process.

"Majority of potential rural voters do not know that they will elect a president, a Governor, a senator, a Member of Parliament, a Women Representative and a County Assembly ward Rep. They need education to know and vote for the six leaders," asserted Onsando.

She said that women will use their numerical strength to garner political support, adding that women were slowly getting politically emancipated.

Onsando rooted for peaceful, free and fair elections and urged voters to shun aspirants who incite their supporters to unleash violence to their opponents.

The women drawn from various political parties, noted Onsando had started recruiting, nurturing and mentoring other women, youths and men to take up their rightful roles in leader-

# Women in Gusii region strategize on how to win the elections

ship, stressing that the expanded democratic space had accorded women freedom to participate in the country's leadership and governance.

Mrs Onsando said she had shelved her political ambition to campaign for women aspirants to catapult them to elective posts to avert constitutional crisis at the County and national governments after the March 4, General Election.

County governments which fail to elect the required number of women to their Counties, noted Onsando will be constitutionally compelled to nominate more women to meet the required gender threshold.

This she said will increase the counties monthly wage bill, adding that funds meant for development will be used to pay the additional nominees, stagnating the affected Counties' social and economic development.

She lauded CREAW and Maendeleo ya wanawake for supporting the forum and challenged women to use their, leadership, campaign skills and numerical strength to elect more

women to counties and national governments.

Kisii County women representative aspirant, Jane Matoke alleged that some aspirants were intimidating their opponents in a bid to push them out of the race.

"We have received the reports and we are investigating to know exactly who is behind the threats and why. We will ask IEBC to take action against the aspirant once we establish the truth," stated Matoke.

Her Nyamira county counterpart, Rebecca Nyaanga, said male chauvinism and retrogressive cultural practices had relegated women in the two counties to political oblivion.

Nyaanga noted since independence, no Kisii woman has ever been elected to parliament despite numerous attempts for the elective seats and their numerical strength, stressing that women had perennially been socialized to believe that their roles are within the traditional confines.

Women noted that the aspirant had been educated, stressing that those

who had been given leadership post had proved to be capable and competent like their male counterparts.

She urged Kisii men to discard retrogressive culture and stereotypes associated with women to avoid being compelled to nominate women in the two counties to form the government.

Cyprian Nyamwamu, a facilitator told women to elect visionary and wise leaders to address their plight, saying it will be unfortunate for them to vote for bad candidates who bribe them to get elective seats.

"Once they are in power, they will tell you they bought your votes. So you have to wait for five years again to sell your vote," noted Nyamwamu, adding the culture of handouts had led to the election of unfit leaders.

He urged them to take the aspirants to task on how they will implement their policies, saying they should not be satisfied with rhetoric from politicians out to con them politically only to disappear for five years, leaving them wallowing in abject poverty.



Former Maendeleo Ya wanawake chairperson, Wilkista Onsando reads a statement at a Kisii hotel where women Aspirants from Nyamira and Kisii counties resolved to hold joint political campaigns to capt  
Photo/Bob Ombati

## Report: 56m youths without primary education in sub-Saharan Africa

By LINK CORRESPONDENT

OVER 56 million young people in sub-Saharan Africa have not completed primary school and lack basic skills for employment, according to a report released recently.

These young people are aged between 15 and 24.

The African leg of the UN Global Monitoring Report on Education was released by the UN Educational Scientific and Cultural Organisation (Unesco) in Soweto.

"In sub-Saharan Africa about 30 million [children] are still missing out on primary school and 22 million are out of secondary school, missing out on vital skills for future employment."

Women were the hardest hit.

In eight African countries, over nine out of ten young women in rural areas had not completed lower secondary school.

There was a dire need to increase funding to fix the skills deficit.

The report calculated that on top of the \$16 billion needed annually to achieve universal lower education by 2015, it would cost \$8 billion in aid to achieve universal lower education.

"Re-allocation of aid could help to fill the funding gap."

This is the 10th Unesco-backed Education for All report on the global state of education and skills.

# Kilifi residents set up team to vet aspirants

By BEKADZO TONDO

KILIFI residents have endorsed a panel of ten people who they have vested with powers to vet all individuals aspiring for leadership positions in the County.

The panel was selected by an inter-communal task force which had been mandated to identify people of high integrity in the area to sit in the vetting body.

According to Daniel Mwayaya who chairs the inter-communal task force, the vetting panel will ensure that the County gets good leaders to steer the community to greater heights of development.

He says that Kilifi County is endowed with enormous resources which must be exploited to address poverty which has become synonymous in the area.

Mr. Mwayaya says the panel will

enable voters to identify good leaders who will be charged with the responsibility of raising the profile of the county at the national level.

Dr. Shauri Halimu of Pwani University who is among the individuals sitting in the panel accepted the offer.

"As leaders in the County, we must play a critical role in ensuring that only visionary leaders are elected to steer the area into prosperity," adds Dr. Halimu during a forum organized by the community Aid international.

The forum moderator Mr. Kasheero Chinyaka who is also an official of community Aid international in coast region says the panel will vet all those aspiring for the different political seats in the County.

"The vetting panel will compile a list of individuals aspiring for the positions of governor, his deputy and the senate, vet the candidates and recommend the most credible individuals,"

explains Mr. Chinyaka.

The Chief Executive Officer of community Aid international Mr. Joseph Kwaka who attended the forum said the panel has been restricted to vet only those aspiring for the positions of governor, his deputy and the senator due to financial constraints.

He however urged other organizations and groups to support the community vet other aspirants who include the MPs, women representative, and the ward representatives.

Most candidates are nevertheless opposed to the initiative with the majority arguing that vetting of the candidates will not work.

Fisheries development minister Amason Kingi who has declared his interest for the Governor's seat said the initiative can only succeed if the exercise is conducted in a professional manner

Meanwhile, a human rights lobby

group in Coast region has challenged residents to reject politicians with poor track record in development during the forthcoming general elections.

Muslims for Human rights (MUHURI) senior officer in Kilifi district Mr. Eric Mgoja noted with regrets that voters in the area had continued to re-elect politicians regardless of their poor record in development.

Mr. Mgoja said voting patterns now have to change since counties will serve as units of wealth and job creation once they roll out after the General Elections.

The officer was addressing opinion leaders at Kilifi social services hall during a one day seminar organized by MUHURI to sensitize residents on the yardstick to use to determine the leaders who will hold public office.

"Most constituencies in Kilifi County have continued to lag behind

in development because voters hardly question their track record in public leadership," said Mgoja.

Mr. Mgoja cited Ganze constituency, which he said is ranked the poorest in the country despite having representation in the cabinet and senior government positions.

He said Kilifi County is endowed with enormous resources which had not translated into any meaningful development in the area.

Youth who participated in the seminar vowed never to be used by politicians to cause violence.

The youth said for a long time politicians have been misusing them to unleash violence to their perceived opponents.

Led by the Kilifi youth leader Mr. Faruk Lali, they pledged to shun self seekers and support leaders who are ready to initiate development in the area.

## Women could help end hunger, says Ki-Moon

By LUKE KAPCHANGA

**I**N a major endorsement for investment in women – the bulk of food growers in the developing world – UN Secretary General Ban Ki-Moon has said food security could not be achieved without women, and that the world's hungry also needed leaders to prioritise actions.

"Girls and women are society's best chance to overcome hunger," Ban told a gathering of world leaders, researchers, farmers and policy-makers at the presentation of the 2012 World Food Prize.

Global leaders meeting in the Midwest U.S. state of Iowa to discuss strategies to boost food production worldwide say the particularly challenging food security situation in Africa will require mobilising the continent's best scientific minds, including those of African women.

"Ending hunger in our lifetime calls for harnessing the creativity of scientists and researchers...ending hunger also calls for better global governance...Ending global hunger can be done and is the right thing to do," Ban Ki-moon said at this year's ceremony for the World Food Prize, an international award recognising the achievements of individuals who have advanced human development by improving the quality, quantity or availability of food in the world.

Calling for global cooperation in providing leadership in food security at a time when nearly one billion people go to bed hungry according to the Food and Agriculture Organisation (FAO), Ban could have been talking about African Women in Agricultural Research and Development (AWARD).

AWARD which has been celebrated for working to increase the number of women researchers and scientists in agriculture, received close to 20 mil-

lion dollars in new joint funding from the Bill & Melinda Gates Foundation and the United States Agency for International Development.

The support announced at the Borlaug Dialogue, held in Oct. 17-19 in Des Moines, Iowa, will allow AWARD to launch a second five-year phase to equip more women agricultural scientists in 11 sub-Saharan African countries, in addition to the hundreds of researchers already served since 2008.

Only one in four agricultural researchers in Africa is female, according to AWARD's 2008 benchmark study. But it gets worse: just one in seven holds a leadership position in African agricultural research institutions. AWARD founder Vicki Wilde said this has left women underserved in the agriculture value chain and therefore in a weakened position in the fight against hunger.

"It comes as no surprise why it has been hard to achieve food security in Africa," Wilde said

"Part of the reason for it being so tough is that while women's labour force participation in agriculture is the highest in the world in Africa, less than one in four agriculture researchers are women, and this has left us underserved throughout the agriculture value chain," Wilde said women were not at the decision-making table on food priorities.

She added that although bring-



UN Secretary General Ban Ki-Moon

ing them on board is not the answer to every problem, it would ensure better and faster progress, and small-scale farmers – a majority of whom are women in Africa – would be better served by means of boosting food production and enhancing livelihoods.

"In Africa we need a new generation of leaders who are innovative, visionary, entrepreneurial, well-skilled and gender-responsive, and they have to respond to the priority needs of small-holders, most of whom are women," she said.

AWARD, commended by major organisations at the Borlaug Dialogue, is a competitive programme which this year has seen 3,000 applications from African women scientists for 320 available fellowships.

Wilde said her organisation has

sought to widen the talent pool of implementers of effective food security policies.

AWARD is a career development programme that strengthens the research and leadership skills of African women in agricultural science, empowering them to contribute more effectively to poverty alleviation and food security in sub-Saharan Africa.

It offers two-year fellowships focused on mentoring partnerships, science skills and leadership development.

African women working in agricultural research for development from Ethiopia, Ghana, Kenya, Liberia, Malawi, Mozambique, Nigeria, Rwanda,

Tanzania, Uganda and Zambia, and who have completed a bachelor's, master's or doctoral degree in selected disciplines, are eligible.

Mary Njenga, an AWARD fellow from Kenya, is one woman with her sights set on changing policies and mindsets about the role of women in food security. Njenga has worked to make clean, simple technologies available to poor rural communities.

Njenga, an environmental scientist linking agriculture to environment and energy issues, has focused on improving natural resources management to mitigate climate change.

She has done this by bringing technologies such as environmentally-friendly, simple fuel briquettes made from charcoal dust, sawdust and other organic by-products to poor commu-

nity-based groups. "I can work with women and come up with good technologies, but if I do not have a voice with policy-makers, my technologies will remain in the books and not be adopted," Njenga said.

"Through training and mentorship in AWARD, I have learned to influence policy development for change by being tactful in my writing for different target groups and diversifying my work by not only publishing in journals but also in the media to reach people in the language they can understand."

Njenga, a PhD fellow at the University of Nairobi working in affiliation with the World Agroforestry Centre (ICRAF), said she was concerned about developing clean fuel briquettes to improve women's income and protect their health and that of their children while conserving the environment.

"I am worried that we may reach a situation where in sub-Saharan Africa we will be able to produce food but fail to cook it because of a lack of cooking fuel; therefore it is a must that we prioritise biomass cooking energy as an important aspect of food and nutrition security," Njenga said.

Roy Steiner, director of agricultural development at the Gates Foundation, said the AWARD programme and the fellows involved helped ensure that women were at the heart of agricultural development, advancing research and innovation to reduce hunger and poverty.

Another AWARD fellow, Professor Sheila Okoth of the University of Nairobi, has contributed significantly to reducing hunger through her research on solutions to combat contamination by aflatoxin, a poison produced by a fungus, of farm produce in Kenya.

"I changed tremendously following the training and exposure I had through AWARD," said Okoth. "I am even more determined to help solve the aflatoxin problem that makes poor farmers even poorer."

Okoth established the university's first post-graduate mycology research lab, inspired by her three-month advanced science training at Stellenbosch University in South Africa, which was sponsored by USAID through AWARD.

By HENRY OWINO

DR. Kofi Annan, the chairman of the AU Panel of Eminent African Personalities, has urged key government institutions to uphold the rule of law. He said this is paramount especially as the country prepares for the next general elections.

"Our objective has been to observe the progress realized towards the implementation of the reform agenda and in particular the Constitution, and to support and encourage preparations for Kenya's elections next year," said Dr Annan.

The chair of UN Panel of Eminent African Personalities stated that the Constitution provides a clear framework for a peaceful and prosperous future. Dr Annan at the same time noted that the IEBC faces

## Respect rule of law: Dr Annan

an enormous task as it prepares to conduct the first elections under the new Constitution.

"The Independent Electoral and Boundaries Commission (IEBC) has assured us of its commitment to hold a free, fair and credible election on March 4th, 2013," said Dr Annan. "We support its work towards this objective and encourage Kenyans and other government agencies to ensure the realization of this important task," he added.

He pointed out that the Judiciary, Parliament, the police and other security agencies have a critical role to play in ensuring that the country holds

peaceful election.

The Constitution demands the implementation of the gender provision. Parliamentarians have an urgent responsibility to agree on the mechanism for its implementation. Failure to do so would deny Kenyan women their right to fully participate in democratic governance.

Dr Annan said that in every discussion that the Panel has had, cases before the ICC have been raised. "It is important to state that these cases are against individuals and not against any tribe or group," he explained. Dr Annan added that justice must be done and Kenya is obliged to assist the

Court in accordance with the Rome Statute. "The Panel is also deeply concerned with violence that has been witnessed in Northern Kenya, the Tana River Delta and the Coast region," the chairman of the AU Panel of Eminent African Personalities posed.

Reports of militia groups re-organizing or being created are equally worrying. It is vital that security sector reforms are carried out and that the Inspector-General of police is appointed as soon as possible. The Panel also called on the Truth, Justice and Reconciliation Commission to finalise its work.

The Panel calls on religious lead-

ers to demonstrate strong leadership and to do everything in their power to ensure that Kenya has credible elections.

Religious leaders must also preach peace, national unity and cohesion. Civic and voter education are vital and must be undertaken with urgency. The media also has a critical role to play in educating the public and in promoting a serious discussion on the nation's future.

The Panel also lauded the private sector-led initiative dubbed MKenya Daima which brings together all stakeholders in a campaign to promote peaceful elections.