

Happy 2010!



News and Events



Fr Adolfo Nicolás S.J., the Superior General of the Society of Jesus (C), is received by Jesuit Hakimani Centre staff on his visit to the institution on December 15, 2009. On the right is Fr Ignatius Ikunza, SJ, the Director of Hakimani Centre. Earlier at the Eucharistic celebration for Jesuit lay collaborators at Hekima College chapel on December 14, 2009 which was part of his encounter with lay collaborators, Fr General exhorted lay collaboration in the Jesuit mission; saying that it has become the lifeline of the Society. "We exist because people have supported us and dedicated their lives to the mission in bringing new life in our communities." PHOTO: Zacharia Chiliswa

Climate Change: Do we need persuasive opinions or actions?

Wanyonyi Eric, S.J., Student of Loyola School of Theology, Quezon City, Philippines

On 26th September, 2009 while in my room doing my assignments, one of our companions called to inform me that a shopping mall had been submerged in water. We both hurriedly went to the place to assess the situation and to see what we could do as the heavy downpour continued. Unfortunately, the only thing we could do at that moment was to take some pictures of the flash flood swallowing people, houses, shops, cars, pets, and garbage. It was only after two days, when the water had receded, that my Jesuit community joined other volunteers in cleaning up, distributing food and other life saving items.

I learnt that the heavy downpour was part of an unpredicted tropical storm called *Ondoy* (international code named *Ketsana*), which slammed some provinces of the Philippines. The typhoon poured about 34.1 centimeters of rainfall within six hours breaking a previous record of 33.4 centimeters recorded during a 24-hour period in June 1967. The swollen flood kept people

In this Issue:

- Climate change
- The people's choice in constitution process.
- Promotion of research on culture key to development
- Reduce number of constituencies in Kenya

APPEALS

- In the next issue of Hakimani e-Newsletter: February 2010, we will focus on: What are the opportunities and challenges of International Criminal Court's (ICC) intervention in Uganda, Sudan and Kenya?
- Please make your submissions by every last Thursday of the Month.

hostages on rooftops: “If you are on the roof, don’t try to leave. Just remain there and we will do everything to rescue you,” said Defense Secretary Gilberto Teodoro.”¹

Symptoms of Climate of Change

As 12 million people were making sense of how suddenly their lives had been changed by the whips of *Ondoy*, I wondered what had caused the typhoons. Since it was my first real encounter with typhoons, I consulted Professor Nancy C. Tuchman² to help me understand the phenomena of typhoons. She said, “global climate change causes flash flooding, and increases the intensity and frequency of storms like hurricanes, tsunamis and tornadoes. It is something we have to pay attention to immediately.”

Tuchman agrees with other environmental analysts who observe that hurricanes, cyclones or typhoons are the symptoms of climate change. Robert Henson observes: “The notion of stronger hurricanes and typhoons in a warmer world makes physical sense. Warm ocean waters help to cause tropical cyclones and provide the fuel they need to grow.” Henson emphasises that “the cyclones can’t survive for long over sea surfaces that are cooler than about 26°C. The larger the area of ocean with the waters above that threshold, and the longer those waters stay warm in a given year, the more opportunity there is for a tropical cyclone to blossom if all other conditions allow for it.”³

However, Henson cautions that “for reasons not fully understood, the planet does a good job of conserving the total number of tropical cyclones [...] The frequency stays fairly constant because the planet’s ocean basins appear to trade off in their periods of peak production. Typically, when the Atlantic is producing hurricanes galore, parts of the Pacific are relatively quiet, and vice versa.”⁴

Occasion for Persuasive Climate Change Summit

Nonetheless, the emerging evidence of disappearing snow caps, for example, on Mt Kilimanjaro, Mt Kenya and melting glaciers as well as rumbling oceans and seas have led to different opinions and actions. Conferences are held both at national and international levels bringing together politicians, environmental activists, business people and scientists among others.

Armed with political advice from political party environmental experts, politicians give persuasive promise of cutting greenhouse gas emissions to their targeted political audience. For instance, political leaders at the 2009 UN Copenhagen summit in Denmark pushed for political agreements that would satisfy their respective governments. The U.S. Secretary of State Hillary Rodham Clinton proclaimed that the U.S. was ready to partner with other countries and business clubs in raising \$100

billion a year by 2020 to help poorer countries cope with climate change. But after trampling over the opponents and posing for photo session, would this political excitement bear fruit or it would be business as usual waiting for another opportunity?

For environmental activists, this is an opportunity to battle with political establishments as they participate in organised protests. Thousands of activists from all over the world gathered in Copenhagen displayed placards demanding for huge compensation from the developed world.

For manufacturers, there is concern about how to maximise profit at a minimum cost so long as they remit their taxes, and when found in the wrong side of the law, they could use their financial muscles to undermine justice system.

And for scientists, it was the moment to display scaring detailed reports of global temperature changes. The data comes from three competing climate research institutions – the Climatic Change Research Unit of the University of East Anglia (UEA) based in the UK, the US National Aeronautics and Space Administration (NASA) and the US National Oceanic and Atmospheric Administration (NOAA). Although the detailed data are helpful, some critics argue that there is little transparency in the data, procedures and models used in the climate-change research. For instance, it is claimed that the NASA omitted some data in the analysis of US temperatures in the twentieth century,⁵ which gives a skewed picture.

Skeptics take advantage of loopholes in science to argue that “we just don’t know enough about the science of climate change to take action. Too many questions remain unanswered to justify investing money in solutions.”⁶ Instead, more money should be invested in research to come up with accurate scientific data that would be useful in addressing challenges of climate change.

Do we allow ourselves to be trapped in persuasive opinions forever?

Despite the controversy surrounding the debate, it seems that there is something happening to our planet, to our environment and to our life that should be addressed urgently. Air is polluted by pollutants from industries, motor vehicles, and aviation sector; water is polluted by toxic chemicals streaming from industries, untreated sewages, oil spills from ships, and farming inputs such as pesticides, herbicides and fertilizers. Natural environment cleaners found in different food chains and food webs are slowly being destroyed.

Life threatening flash floods are pushing people and animals from their habitats. Dr. Rajendra Pachauri, Chairman of Intergovernmental Panel on Climate Change (IPCC), thinks that

since we have some evidence of global warming: “the global community thus has a moral and material responsibility to do all it can to limit the growing impacts of climate change on these and other vulnerable society across the globe.”⁷

To respond to the challenges of climate change, the continued reliance on the illusive agreements and disagreements of politicians, activists, business clubs and scientists would not contribute much to the efforts of environment management. We need persuasive and concrete actions. There seems to be many concrete options, but I will highlight four of them.

Conservation of Natural Ecosystems: Nikita Lopoukhine, chairman of the IUCN World Commission on Protected Areas, maintains that a lot of carbon could be retained and absorbed naturally by protecting existing ecosystems.⁸ Lopoukhine’s argument is based on the findings of IPCC, which notes that 17.3% of global atmospheric concentration of CO₂ is because of deforestation, decay of biomass and peat.⁹ Biologists inform us that living vegetations absorb CO₂ and releases O₂ in the process of photosynthesis. This natural process of regulating CO₂ is hampered when forests are cleared on a large scale for agricultural, industrial and residential uses. This implies that even if we may not fully understand the dynamics of photosynthesis, protecting forests contributes to having fresh and clean air.

Divorce Politicians from Environment Management: We cannot ignore politicians because they play a critical role in managing government especially in policy making.

As Tuchman’s observes politicians are “seduced by so many forces (vanity, wealth, popularity, power) outside of what their focus should be (by the people and for the people).”¹⁰ Let us take an example of conservation of Kenya’s ecosystems and listen to how politicians from two opposing strands would handle the issue. On one side there are political leaders who have clearly seen the dangers of neglecting the conservation of water catchment areas such as Mau Forest, Mount Kenya, Mount Elgon, Cherangani hills and Aberdare ranges. They contend that continuous deforestation would undermine the water catchment area consequently leading to less flow of water into Kenyan rivers and lakes, with devastating impact on human livelihood, rain-fed agriculture, food security and weather patterns. On the other hand other political leaders argue that there is no concrete connection between the rivers flowing in these forests and the changing weather patterns and drying of lakes. For instance, during the Mau saga a former legislator from Rift Valley reportedly said that “rain comes from up and not trees”. As much as we would want to listen to their political sentiments, substantial progress could be made in environment management and the electorate be empowered enough to ignore

political leaders use life threatening issues for their own political interest.

Waste Management: Another area that needs persuasive action rather than persuasive opinions is waste management. In order to have clean air, water, seafood, and appropriate temperatures, waste management at local, national, regional and global levels is a prerequisite. The IPCC 2007 report points out that atmospheric concentration of greenhouse gas methane (CH₄) comes from wastes. This implies that as much as we intend to manufacture, distribute and consume goods and services, we should also take measures to conserve the environment. Therefore, waste management personnel have a moral responsibility to use allocated funds for waste management and not for the betterment of their financial portfolio.

Some of the ways of handling waste management are as follows: First, there is need to initiate inter-institutional collaboration in handling domestic, office and industrial waste. This helps to pull together resources to enhance effectiveness and efficiency. Second, it is important to give awards to people involved in waste management. For example, the men and women who spend most of their working hours in garbage collecting trucks need to be appreciated for their efforts of trying to keep our environment clean. Third, we should turn biodegradable waste into manure for organic farming while improvising technology that recycles non-biodegradable waste.

Streamlining Transportation System: The demand for human mobility and transportation of goods and services has led to the continuous expansion of the automobile and airplane industries. Unlike in the 16th century where movement of people would take months, in the 21st century it takes only a few hours to move from one continent to another. However, as we enjoy the benefits of modes of transportation, we need to be aware that a large amount of fossil fuels are used. From my college chemistry, I learnt that incomplete combustion of fossil fuels emits toxic gasses, which have long-range effects on human life such as Lead (Pb) poisoning and combination of oxides of Nitrogen and Sulphur to form acid rains. Some of the by-products of fossil fuels combustion are carbon dioxide (CO₂), sulphur dioxide (SO₂), sulphur trioxide (SO₃), and lead compounds.

Since we cannot avoid using transportation facilities and the experts are promising to come up with more cleaner transport technology, there are a few simple things we can do. For instance, why should a government in Africa allow the importation of very old reconditioned cars from the developed world? The developed world does not need those smoky motor vehicles on their roads because of their inefficiency and pollution. There is no doubt that each person seems to desire to own a

car, but should the desire of ownership blind one to the negative impact such an old car would have on environment? It would be a worthwhile idea if intergovernmental partnerships with the private sector develop facilities for light trains, for example connecting Tanzania, Kenya, Uganda, Rwanda and Burundi: the five Partner States of East African Community.

Secondly, why should a family of five, for example, drive three cars to almost the same place of work? The family would strongly claim that it is convenient for them to operate the three cars. In my opinion the five members of the family could share one car or even use public transport as this would certainly reduce greenhouse gasses emission into the bio-sphere. In addition, the family would save in fuel, parking and maintenance bills. It is a hard choice to make, but if we need clean air, clean water, and moderate temperatures we have to weigh our transport options.

In summary, to have a sober and balanced approach to the challenges of climate change or environment management requires true actions and partnership among all stakeholders. That is, learned and unlearned folks, politicians and electorate, environmental activists and scientists, business community and consumers. Finally, developed and developing nations have a role to play managing the effects of climate change.

Endnotes

1. See Update 7 'Ondoy' Toll rises to more than 100-reports (<http://www.abs-cbnNews.com>).
2. Professor Nancy C. Tuchman is the Director of Center for Urban Environmental Research & Policy and Professor of Biology Loyola University Chicago.
3. Robert Henson, *The Rough Guide to Climate Change*. 2nd ed (New York: Rough Guides Ltd, 2008), pp. 130-31; see also Intergovernmental Panel on Climate Change (IPPC) *Climate Change 2007 Synthesis Report: Summary for Policy Makers* (http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr_spm.pdf).
4. Henson, p.134.
5. Henson, pp.179, 259.
6. David E Newton, *Global Warming: A Reference Handbook, Contemporary World Issues* (Santa Barbara, California: ABC-CLIO, 1993), p. 20.
7. See Dr. Rajendra Pchauri's Speech at the Welcoming Ceremony at COP15/CMPS5 on December 7, 2009, Bella Center, Copenhagen, Denmark (<http://www.ipcc.ch/pdf/presentations/cop%2015/RKP-welc-cer-cop15.pdf>).
8. See Nikita Lopoukhine, "Act Naturally," published in the International Herald Tribune, Tuesday December 8, 2009.
9. See IPCC, *Climate Change 2007 Synthesis Report*.
10. Personal conversation with Professor Tuchman.

The People's choice in the constitution process

Mugo Phares Kirii, Programmes Coordinator, Jesuit Hakimani Centre

A Constitution is the supreme law that not only binds society as equals but also shows how the governed and the governors relate. Thus, a constitution is an *agreement*: An *agreement* that is based on a realisation that people can and will cause harm to each other if the law does not exist to protect against each others transgressions. So, in order to protect the interests of all, people are forced to enter into what has been termed as a *Social Contract*¹: an *agreement* on how to live together (regardless of their social status, gender, ethnicity, or race) within a social setting with rights, duties, and responsibilities towards each other.

In this regard, these groups of people or families form a political community called a State having four components: a territory having both internal and external borders (thus the ability to enter into international relations); a set of public institutions called a government, a monopoly of force exercised by armed forces; and most importantly the people. On the other hand, constitutionalism must be practiced to give meaning to the constitution.

Constitutionalism revolves around the twin issues of individual rights and limited powers of government. These issues make room for the rule of law, separation of powers, periodic elections, independence of the judiciary, and the right to private property among other critical issues.² Be that as it may, the objects of reviewing the Kenyan constitution were mainly based on two issues: the excessive powers of the executive and subsequent amendments done to the Lancaster constitution. In reviewing the constitution - which later transformed to an overhaul - there were objectives set forth, which include: comprehensive review of the constitution; that the organs involved in reviewing the constitution such as parliament and the Committee of Experts, be accountable to the people of Kenya; to ensure that the process accommodates the diversity of Kenyans be they socio-economic, religious and ethnic among others; and to ensure that the final product reflects the wishes of the people.

As the constitution of Kenya review process unfolds, one area that has raised considerable concern and debates across the nation is that of governance, more specifically, that of devolution and system of government, that is, either presidential or parliamentary

system of government. This is because, among other things, the current unitary system has had its failures as indicated by calls for the decentralisation of government powers and functions so as to counter problems of marginalisation of minority groups and inequitable distribution and management of resources.

The Committee of Experts gave Kenyans 30 days to read the Harmonised Draft Constitution and make submissions. The COE received close to two million submissions which they recently concluded considering and have forwarded the revised Harmonised Draft Constitution to parliament. As parliamentarians prepare to discuss the Harmonised Draft Constitution, the following thirteen points summarise what Kenyans want in the new constitution and could be used to critically assess the Harmonised Draft Constitution.

That the new constitution should:

- Give the people of Kenya the chance to live decent lives: with the fundamental needs of food, water, clothing, shelter, security and basic education met by our own efforts and the assistance of government.
- Ensure a fair system of access to land for the future and justice for the wrongs of the past.
- Give the people more opportunity to participate in the decisions which affect their lives, bring government closer to them and make a better understanding the decisions people can't make themselves but affect them deeply.
- Decentralise power currently concentrated in the hands of an imperial president.
- Ensure MPs to work hard, respect people who elected them and their views – and that people have the power to recall them if they don't perform as expected.
- Ensure election of able leaders who have the qualities of intelligence, integrity and sensitivity which make them worthy of leadership.
- Bring to an end the culture of corruption and impunity.
- Ensure a police service that respect the citizens and are in turn respected by them.
- Ensure women have equal rights and that there is gender equity.

1 The *Social Contract* theory towards the constitution making was as a result of the works of three social-political philosophers: Thomas Hobbes (1588-1679), John Locke (1632-1704) and Jean Jacques Rousseau (1712-1788).

2 See Julius Ihonybere, *Towards A New Constitutionalism in Africa*, 4th Occasional Paper Series for the Centre for Democracy & Development, London.

© CDD & Julius O. Ihonybere, 2000.

- Ensure children have a future worth looking forward to.
- Ensure respect and decent treatment for the disabled.
- Ensure all communities are respected and free to observe their cultures and beliefs as long as they are not repugnant to justice and morality.
- Assert people's rights to hold all sections of our government accountable – and want honest and accessible institutions to ensure this accountability.

Generally, using a two column matrix of comparing and contrasting the Harmonised Draft Constitution and the Current Constitution based on the above principles, it is evident that the harmonized draft still has ignored some of the above principles, and to some extent, went overboard to rubbish what Kenyans want in a new constitution.

The harmonized draft constitution could be briefly described as *the good, the bad and the ugly*: having the good side, bad provisions, and indeed some ugly provisions that go contrary to the objectives of review and the principles of the constitution Kenyans want. My humble submission is that the revised Harmonised Draft Constitution submitted to parliament was reworked to reflect what Kenyans want in a new constitution.

Promotion of research on culture key to development

Elias Mokuu Nyatete, SJ, Postgraduate student at Melborn University, Australia

Parents and guardians will find sections of chapter 6 and 8 of the Harmonised Draft Constitution that talk about our culture and collective mentorship of the youth important. This is in light of the continuously globalising world. The recent news reports on the exponential rise in sexual activity and moral decay in learning institutions in particular, is a pointer to the weakening or even submission of our culture to post-modernism.

The culture of post-modernism regards individual rights as being more fundamental than collective rights. It promotes subjectivity over objectivity. It directly undermines the very philosophy that has informed our African culture that “I exist because we exist.” In the eyes of postmodernists, almost any embodiment of a common culture is interpreted as a hindrance to people with “different views and/or orientations.”

This, unfortunately, is becoming a common characteristic in the way youth have been socialised to view the world around them. The socio-economic structures and processes that ably supported the youth in traditional settings have largely crumbled due to the influence of new external cultures. These new cultures, mainly flowing from developed countries, have values that contradict most the Kenyan society, cherished in the upbringing of young people. The good values that have often identified us with the outside world and given us a resemblance of respect are now beginning to fade away. For instance, our respect to a strong social connectivity founded on the norm that a child belongs to the community and not just a nuclear family is one of the most profoundly appreciated African values in developing countries.

The main agents of values that contradict our own cultures include, the media but also music. These two are best consumed in particular social places such as disco halls, drink spots and cinema theatres. In spite of the invaluable contribution media make to the growth of the youth, the negative effects they generate should not however, be underestimated. These effects gradually selected, adopted and practiced by an individual youth have enormous impact on young minds. They accrue from a routine and addictive tendency to want more of the same. Further, these “contagious effects” flow from urban to rural, rich to poor, Lavington to Kibera, Muthaiga to Mathare and so forth. Put differently, youth greatly influence each other especially on issues that give them a sense of freedom, autonomy and pride.

That is why article 27 (c) which seeks to promote: (i) research and an education policy that enhances culture and cultural values and enables the people to develop strong moral, ethical and spiritual foundations; and article 40 2 (c) whose aim is to “protect the youth from cultural practices that undermine their dignity and quality of life” must be qualified further.

The proposed constitution should henceforth domesticate movie watching (restricted to homes) and drinking of alcohol for youth below the age of twenty six. While drinking alcohol in itself is not a problem, and while there are many young people of great admiration who drink alcohol in public places and still are able to successfully map their lives, clearly these are exceptions. Most young people even if they do not become criminals of some sort to be seen as a bad influence to others still impair their potentiality to good moral, ethical and spiritual growth because they start drinking often for wrong reasons and moreover in morally tempting environments.

Movies present subtle but powerful messages to the youth especially on why and how to be a “free” person, on what it means to be “happy” and “successful” and the kind of qualities that opposite sexes are interested in. Movie producers promote these themes aware that youths want reinforcements in sensory appeals. In addition, to be a celebrity, a hero, beautiful, handsome, conqueror, and great, manly, girlie, in brief to be a “someone” in society are some of the values that media advance to these young minds. However, these packages have barely any elements of moral, ethical or spiritual considerations.

There is no question whatsoever that any movie can be educational, informative and entertaining. Again, a few young people are able to navigate through these delicate choices and hence find movies a good way to open their horizons to the outside world. However, anyone with some rudimentary knowledge in media would know that movie makers are primarily in business. They know sex and violence and deviant behaviour attract attention. Most movies even those that have solid moral lessons for the youth have scenes that offer “delight” to the young minds.

If movie watching and drinking of alcohol are domesticated, these youth will be largely under the guidance of parents and/or guardians. Two reasons justify this proposition. First, parents are being blamed for failing to guide their youth yet the structures and processes of life in a country that is increasingly losing its local values is not taken into account. For example,

only a few parents can withstand poverty, cultural imperialism and secularism to instil positive values into their children. In this sense there are many unfounded allegations in the claim that “parents have failed.” In addition, the role of mature or even older people to advice the youth is being pushed to the periphery by external forces to our culture. The result is that we will see more unruly and self-righteous youth and eventually a new highly self-centred generation.

Two, most young people at least in the Kenyan context, begin to develop a sense of priorities in their lives at about the age of twenty six. If their “freedom” can be delayed to this age for noble reasons as promoting moral, ethical and spiritual values it should make sense to have the constitution uphold the seriousness we attach to our youth’s human and psychological development.

In relation to alcohol we ought to also consider that youths below age twenty six should not work in brothels as barmaids or sex workers. It is an irreparably damaging exposure.

We are not under any illusion that by legislating movie watching and drinking of alcohol in public places or indeed working in brothels will wholly solve the challenges that face the human and psychological development of the youth. The significance of this is that as a Kenyan society we aim to do what it takes to promote a generation that is moral, ethical and spiritual. Individual youths hold responsibility in taking advantage of national provisions aimed at helping them acquire the best skills, values and worldview for a better future.

Merge constituencies to create a better system of national governance

Elias Mokuia Nyatete, SJ, Postgraduate student at Melborn University, Australia

The Ligale Commission should swiftly downsize, by merging, the existing constituencies in order to create room for the proposed three-tier system of governance in the harmonised draft constitution. Even in the event that a two-tier system is adopted, it is imperative that constituencies are merged.

In its current form the harmonised draft constitution anticipates the findings, conclusions and directions of the Boundary Review Commission, headed by Andrew Ligale, to arrive at a number that will determine how many legislatures will form the government. This in turn will determine the composition of the Regional and County assemblies.

While politicians will be more interested in criteria that best suit their interests in order to appreciate or reject the recommendations of the Ligale Commission, cost-effectiveness is the main factor for the rest of us. The concern is: to what extent are people served better by a smaller number of parliamentarians in view of the checks and balances provided for by other sections of the proposed constitution? Such checks and balances include the introduction of the position of the Prime Minister.

Cost implication is a major factor for a taxpayer. Efficiency in service delivery is another. Both form the primary basis on which the Ligale Commission should draw their recommendations. The question of representation – proportional or first-past-the post – is of lesser importance to the common mwananchi struggling to make ends meet. As a matter of principle every Kenyan has a right to see that taxes are fairly used for public interest which is hardly the case.

Kenyans are probably the most taxed in the world yet the service rendered is disproportional to tax returns. In addition, the justice sector is so slow to the extent that many are giving up on government as an institution of public service. The amount of corruption in high places and unchecked political spectacle vindicate the very notion of a government for the people, with the people and by the people. In mind we have the alleged embezzlement of free primary education funds in the Ministry of Education. In fairness, one would be hard pressed to explain what for an economically struggling country needs 222 MPs. The amount of taxpayer's money that goes into the pockets of these MPs in return for a poor service delivery does not justify our own conception of creating, sustaining and correcting the structures and processes of good governance.

The Commission should be bold to engage in broad and independent thinking in deciding the re-adjustment of boundaries. Fear and elitist approaches should give way to pragmatic solutions. The harmonised draft constitution proposes a large bureaucracy at various levels that will need tonnes of money – and politicians are good at supporting this as it allows a few more of the elitist club to join in the plundering of national resources! As such, the added value of electing over a hundred MPs to the national assembly is not only a waste of public funds but also reduces ordinary Kenyans into money minting machines for the political class.

A top cap of a hundred MPs will reflect the wishes of Kenyans at a national level than a cohort of 222 MPs – or perhaps more – that forms itself into clusters of interests. Our experience is that when parliamentary sessions are fully packed it is anyone's guess that political and elitist interests are at stake. Issues of great interest to ordinary Kenyans register very poor attendance. Speaker Kenneth Marende has done well to grant live coverage of these sessions which has enabled us to realize that parliamentary debate and representation does not require a large number of honourables. Fewer MPs will feel obliged to be present in parliament and oblige to their duties.

Call for papers

Hakimani Publications

In the next issue of Hakimani e-Newsletter: February 2010, we will focus on: The role of International Criminal Court (ICC) in addressing international crimes (genocide, crimes against humanity, war crimes and crimes against peace). What are the opportunities and challenges of ICC's intervention in Uganda, Sudan and Kenya?

Deadline for e-Newsletter submissions, every last Thursday of the Month.

Hakimani: *Jesuit Journal of Social Justice in Eastern Africa*

Call for papers

In the next issue of Hakimani journal we turn our focus to International Criminal Court (ICC)

Deadline February 15, 2010

The establishment of the ICC at the end of the 20th century was seen as remarkable step towards addressing international crimes: Crime of genocide, crimes against humanity, war crimes and the crime of aggression especially in countries facing civil strife, armed conflict or any other form of massive violation of human rights targeting civilian population. There has been optimism among comity of states that the ICC will be the right institution to deal with atrocities committed in various parts of the world. In the first decade of the 21st century, there have been various attempts of ICC intervention in Uganda, Sudan and Kenya. The three states are part of the Eastern Africa Province of the Society of Jesus.

In 2005, the government of Uganda invited the ICC to arrest the five top leaders of the Lord's Resistance Army namely Joseph Kony, Vincent Otti (R.I.P.) Raska Lukwiya (R.I.P.), Okot Odhiambo and Dominic Ong'wen. In Sudan, the ICC indicted President Omar El-Bashir and issued a warrant of arrest accusing him of having committed international crimes in the Darfur where an armed conflict have pitted the black African Darfurians against the Government since March 2003. El-Bashir regime is accused of having used the Janjaweed Arab militias to unleash terror on the black Africans leading to loss of tens of thousands lives, destruction of property, internal displacement of civilian population, flight of other thousands of people to foreign countries and massive violation of human rights in Darfur.

The announcement of results of the 2007 disputed presidential polls in Kenya between the main contenders Mwai Kibaki of Party of National Unity and Raila Odinga of Orange Democratic Movement led to widespread violence that claimed over 1,300 lives, displacement of over 500,000 people, destruction of property and serious violation of human rights. A commission appointed by the grand coalition government and headed by Justice Philip Waki to investigate the post election violence recommended that the perpetrators of the violence be dealt with through ICC and/or local tribunal. It is most likely that the ICC will begin its work in Kenya before the end of this year.

The intervention of the ICC in the three Eastern African countries has prompted a heated debate in various circles at regional, continental and international levels whether the pursuit for justice could be realized through the ICC, national courts, independent tribunals or Truth, Justice and Reconciliation Commission. The issue of respecting the principle of sovereignty and intervention in a conflict-ridden state to protect the victims of violence has also been a major concern in the debate. As our countries strive to establish institutions and democratic culture, norms and practices that should be the foundation of stability, peace and development, it is important that Jesuit Hakimani Centre participates in this imperative debate that touches on matters of justice, peace, social justice and reconciliation. This will inform the next issue of the Jesuit Journal of Social Justice in Eastern Africa in which writers tackle the issue from various perspectives.

- Interested in contributing a reflection on a social justice issue in your locale in Eastern Africa?
- Are you organising or have attended an event seeking to promote social justice in the region?
- Are you involved in a campaign for transformation of unjust social structures?

Email us: editor@jesuithakimani.org

Hakimani e-Newsletter is the electronic monthly supplement of Hakimani: Jesuit Journal of Social Justice in Eastern Africa.

It offers reflections on issues of concern to social justice in the region, as well as announcements of news and events.

Jesuit Hakimani Centre is the social justice, research and advocacy centre of the Eastern Africa Province of the Society of Jesus. The province comprises of Ethiopia, Kenya, Sudan, Uganda and Tanzania.

Contact us

Jesuit Hakimani Centre,
P.O. Box 214, 00625 Nairobi
phone: +254 20 3597097
web: www.jesuithakimani.org
email: admin@jesuithakimani.org,
hakimani@gmail.com