



Kenya: Will the draft constitution debate be some politicians' graveyard?

Cabral Pinto
Nairobi (allAfrica) — The draft constitution cobbled together by the Committee of Experts is now public. But the question is if it will ultimately be the graveyard for Kenyan politicians. Will the politicians, as usual, derail the country's quest for a new constitution and consequently a reconstituted state?

Will the politicians see the old constitution as the one that reflects their material and political interests, and mobilize Kenyans to support it? Will they this time get away with their divisive tactics, or will Kenyans reject their machinations and pave the way for the overthrow, through the ballot, of the politicians?

One undeniable fact is that most Kenyans want a new constitution. Prof Yash Pal Ghai's team confirmed this. If it were not so, the politicians would not keep the quest for a new constitution as one issue they cannot ignore.

What the politicians have done for two decades now is to keep the issue alive as they sabotage all efforts to give the country a comprehensive constitution.

After two decades of futile promises by the politicians, can we say Kenyans will not be bamboozled into rejecting whatever draft constitution the Committee of Experts comes up with after we give our responses to their initial draft within the next 30 days of its publication?

Kenyans can still be divided on grounds of race, ethnicity, religion, gender, region, class, generation and even clan.

The politicians have perfected the art of these divisions. False consciousness based on the divisions is still healthy in Kenya.

We will underestimate at our own peril the native cunning of our politicians, who are adept at invoking the divisions to block issues of national interest such as the new constitution.

If there was any time critical to the nation to confront the divisions head on, it is now. But how do we do this?

We should not rubbish the draft as some people have already done. If we do this, we shall actually give the politicians more ammunition for torpedoing the draft. We should instead decide what is positive in the draft, what we can support as well as what we have problems with.

We should not repeat the mistakes of the past, in which we rejected a draft constitution, resulting in the nation losing provisions important for our social transformation.

We should engage the Committee of Experts on the remaining contentious issues, and mobilize the people to ensure a consensus. The secular and religious lobby groups as well as the private sector have a critical role to play in this effort. Other Kenyans ought to be involved as well.

We need to persuade political parties to be involved as well. It is said that the Committee of Experts has all along ignored parties, which now wish to pay back in kind.

But it is only the parties that are capable of such rationalization in the protection of the old Constitution. For once, our parties should realize that they have, for the past two decades, promised us a new constitution, and that now is the time to deliver.

Is this not the time that social movements of change in this country can use the referendum as a struggle for political power?

Sri Lanka vows to free 130,000 Tamil refugees

By Gethin Chamberlain

Sri Lanka bowed to international pressure and announced plans to close the internment camps that are home to more than 130,000 people locked up since the end of the country's bitter civil war six months ago.

Two days after the UN's top humanitarian official, Sir John Holmes, urged Sri Lanka to allow those inside the camps to leave, the government in Colombo announced that the internees would be set free from their barbed wire enclosures from 1 December.

A statement from Basil Rajapaksa, the brother of Sri Lankan president Mahinda Rajapaksa and one of his key advisers, said the camps would close completely by 31 January.

The camps and the detention of hundreds of thousands of people after the end of the fighting have become a diplomatic embarrassment to the Sri Lankan government, which had hoped to capitalize on its success in bringing the 26-year civil war to an end.

Instead, it found itself on the receiving end of international condem-

nation over the detention of non-combatants and mounting criticism of the conditions inside the camps, which — although they had improved considerably — remained squalid.

Domestic political considerations may also have played a part in the decision to speed up the releases.

President Rajapaksa received an unexpected political setback earlier this month when Sarath Fonseka, the head of the army and the man who plotted the defeat of the Tamil Tigers, announced that he was quitting to "fight for democracy".

He is widely expected to mount a challenge to the president in forthcoming elections, possibly as early as next April, and his popularity could mean a much closer fight than the incumbent was expecting.

In a farewell letter to troops Fonseka pledged to work to restore human rights, media freedom, social justice, ethnic unity and peaceful coexistence. "I want to assure you that I will commit myself to protect democratic freedoms which we are rapidly losing," he wrote.

Sri Lanka had already acknowledged the international clamor for



Tamil civilians peep over a fence at an internment camp in Vavuniya.

(Photo: Eranga Jayawardena/AP)

action on the camps when it pledged in September to release all the detainees by the end of January, but until very recently officials briefing privately had continued to stress the problems faced by the government in dealing with the inmates of the camps.

One official told the Observer that concerns remained about whether many of those held behind the barbed wire fences had played an active part in the Tamil Tiger military campaign or had offered support to the terrorists. He also cited security problems which made it difficult to return some people to their villages, particularly the presence of minefields, which were used extensively during the military conflict. It is understood that many of the estimated 1.5 million mines have yet to be made safe.

The decision received a qualified welcome from the humanitarian agency UNICEF, whose spokeswoman Sarah Crowe said it was "to be welcomed without any doubts" but cautioned that those who had been locked up for months would need time to adjust.

"It means people now have a

chance to live a normal life and it must be a huge relief to them," she said.

"But the next step will be reunification. That clearly has to happen and there is a need for trauma counseling, particularly for children who have lived through horrid, horrid times and seen things they should never see, really the stuff of nightmares, that will live with them for a very long time."

An estimated 136,000 Tamils remain behind barbed wire, most in the Menik Farm complex near the town of Vavuniya.

As many as 300,000 people were detained as they fled the last days of the fighting. Most were picked up at the end of the April and in early May after escaping from the so-called no-fire zone in which the government forces had cornered the Tamil Tigers.

Many accused the rebels of using them as human shields and there were credible accounts from witnesses that civilians who tried to escape were shot by rebels.

But once they made it through to the government lines, they were put on to buses and taken to Vavuniya, where they were detained initially in

tents, with reports of up to 20 people in each one.

Conditions in the immediate aftermath of the end of the fighting were dire, with even the Sri Lankan authorities conceding that they struggled to cope with the sheer volume of refugees.

Those detained included a British citizen, Damilvany Gnanakumar, who was eventually released in September.

Human rights groups had criticized the detention, claiming it was an illegal form of collective punishment for Tamils. There was also heavy criticism of the limited access permitted to the camps, with media heavily restricted and even aid agencies having problems gaining admittance on some occasions.

Basil Rajapaksa said the military had agreed that the detainees could be released because they no longer posed a security threat.

"They are free to move in and out of the camps and could even go home if they wished," he said, adding that detainees would be allowed to settle in areas cleared of mines.

(Source: Observer)

Obama Afghan decision to come after Thanksgiving

WASHINGTON (AFP) — U.S. President Barack Obama has put off a decision on whether to send reinforcements to Afghanistan until after next week's Thanksgiving holiday amid resistance to a troop buildup among key Democrats and criticism from the right.

After months of ruminating over the way forward in the eight-year war, Obama will not announce the biggest strategic decision of his young administration until after the holiday, his spokesman Robert Gibbs said Friday.

Thanksgiving is November 26 and Americans traditionally observe a Thursday-to-Sunday break.

Obama had earlier indicated he would end months of deliberations over possible deployment of thousands more troops to the battle-scarred nation "in the coming weeks."

He has held a series of closed-door meetings with top advisers — including General Stanley McChrystal,

the commander of the more than 100,000 U.S. and NATO troops already in the country — to discuss the campaign in Afghanistan and how to achieve U.S. goals there.

McChrystal has asked for up to 40,000 more U.S. troops, warning that Afghanistan could be lost if he does not get them within a year to put down an intensifying Taliban insurgency. Currently, there are 68,000 U.S. troops in Afghanistan.

But the top Democrat in Congress observed Friday that there may not be sufficient political support for more troops, especially when Washington had an "unworthy partner" in Afghan President Hamid Karzai, who was sworn in Thursday to a second term.

"How can we ask the American people to pay a big price in lives and limbs, and also in dollars, if we don't have a connection to a reliable partner?" House of Representatives Speaker Nancy Pelosi told National Public Radio in an interview.

Pakistan to send more troops to tribal area

ISLAMABAD (Xinhua) — Pakistani Interior Minister Rehman Malik said on Saturday that the campaign against militants is achieving success and more troops will be dispatched to Waziristan tribal area.

Talking to newsmen here, Malik said the security forces have cleared many strongholds of the militants and are consolidating their positions in South Waziristan.

The interior minister said that mobile and fixed scanners are being procured which will be installed at the federal capital Islamabad and Peshawar, the capital of North West Frontier Province, to check the activities of unscrupulous persons for prevention of terror incidents.

He said a total of 77 masterminds

of various terror activities have been arrested.

The interior minister categorically denied the presence of American security agency Blackwater in Pakistan. He said a U.S. contractor company DynCorp is operating in Afghanistan to provide necessary supplies to the U.S. forces, and Pakistan is only facilitating the company to transport the supplies to Afghanistan.

He said that he will quit his office if Blackwater was found operating anywhere in Pakistan.

The interior minister added that a code of conduct is being developed for the security companies and license of those companies will be canceled who will not adhere to it.

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All Stocks Must Go!