

KatibaNews

The birth of a new Republic

Is IEBC on course to deliver credible polls?



Inside

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- * The place for coalition governments in Kenya
- * Performance of the integration commission
- * Will Traffic Bill curb road carnage?

ABOUT THE MEDIA DEVELOPMENT ASSOCIATION

The Media Development Association (MDA) is an alumnus of graduates of University of Nairobi's School of Journalism. It was formed in 1994 to provide journalists with a forum for exchanging ideas on how best to safeguard the integrity of their profession and to facilitate the training of media practitioners who play an increasingly crucial role in shaping the destiny of the country.

The MDA is dedicated to helping communicators come to terms with the issues that affect their profession and to respond to them as a group. The members believe in their ability to positively influence the conduct and thinking of their colleagues.

The MDA aims at:

- Bringing together journalists to entrench friendship and increase professional cohesion; Providing a forum through which journalists can discuss the problems they face in their world and find ways of solving them;
- Organising exhibitions in journalism-related areas such as photography;
- Organising seminars, workshops, lectures and other activities to

discuss development issues and their link to journalism;

- Carrying out research on issues relevant to journalism;
- Organizing tours and excursions in and outside Kenya to widen journalists' knowledge of their operating environment;
- Publishing magazines for journalists, and any other publications that are relevant to the promotion of quality journalism;
- Encouraging and assist members to join journalists' associations locally and internationally;
- Creating a forum through which visiting journalists from other countries can interact with their Kenyan counterparts;
- Helping to promote journalism in rural areas particularly through the training of rural-based correspondents;
- Advancing the training of journalists in specialised areas of communication;

- Create a resource centre for use by journalists;
- Reinforcing the values of peace, democracy and freedom in society through the press;
- Upholding the ideals of a free press.

Activities of MDA include:

- Advocacy and lobbying;
- Promoting journalism exchange programmes;
- Hosting dinner talks;
- Lobbying for support of journalism training institutions;
- Initiating the setting up of a Media Centre which will host research and recreation facilities;
- Working for the development of a news network;
- Providing incentives in terms of awards to outstanding journalists and journalism students;
- Inviting renowned journalists and other speakers to Kenya;
- Networking and liking up with other journalists' organisations locally and abroad.

This newsletter is meant to:

- 1 Give critical analysis of democracy and governance issues in Kenya.
- 2 Inform and educate readers on the ongoing Constitution Review Process.

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All are welcomed to send their observations on the constitutional review process to be the Editorial Board.

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Is IEBC on course to deliver credible polls?



Pulling in different directions. IEBC Chairman Isaack Hassan (left) with the Commission's CEO James Oswago during a press conference.

that the election would be held on March 4, 2013, in keeping with the transitional provisions in the Constitution.

The court gave a rider that a General Election would be held sooner if the Grand Coalition Government was dissolved through an agreement in writing signed by the two principals, the President and the Prime Minister. This decision was upheld by the Court of Appeal by majority of 4 to 1.

ECK

There was the lingering question whether the country was prepared for elections. After the 2007 General Election, the public lost trust in the then Electoral Commission of Kenya (ECK). The perception that the commission lacked independence and impartiality fuelled the post-election violence and undermined the credibility of the election results. Almost all parliamentary elections that were contested by way of an election petition were nullified by the courts. The ECK was abolished and the Interim Independent Electoral Commission established in its place. The IEBC was later established by the new Constitution.

The IEBC has commenced preparations for elections. The commission was allocated Sh17.5 billion for the election by the Treasury, despite its protestations that the funds were inadequate. The

By Maracharia Nderitu

The new Constitution has conferred upon the Independent Electoral and Boundaries Commission (IEBC) the constitutional mandate and daunting task of organising the elections for public office. The Constitution that was promulgated on August 27, 2010 has altered the election system significantly.

Whereas in the past the election related to the offices of the President, MP and councillor in the local authority, the new system has created additional elective posts, whose elections will be conducted simultaneously. An elector will vote for a President, Governor of his or her county, a Senator, MP,

County Women Representative and a County Assembly Member.

Other factors that have made the next general election significant include the need to speed up the implementation of the new Constitution, the on-going cases at the International Criminal Court relating to the violence in the aftermath of the 2007 General Election, and the increased ethnic based mobilisation in politics.

Initially, there was a dispute over the exact date of the next General Election. A suit was filed in the High Court and the date was declared to be 60 days from January 15, 2013. This is the date when the 10th Parliament was sworn in after the 2007 General Election. Subsequently, the Commission declared

Other factors that have made the next general election significant include the need to speed up the implementation of the new Constitution, the on-going cases at the International Criminal Court relating to the violence in the aftermath of the 2007 General Election, and the increased ethnic based mobilisation in politics.

commission had floated tenders for the supply of the biometric voter registration kits. This process was marred by a procurement dispute and the commission stated that it would register voters manually. The Government stepped in by facilitating the procurement of biometric kits through a government-to-government arrangement between the Canadian and Kenyan Governments.

The procurement contract for the kits has been signed. The voter registration scheduled to commence on November 1, 2012 for 30 days and the Election Act has been amended to reflect this amended timetable. The commission has completed recruiting registration clerks who are undergoing training on the registration procedures. The registration process is essential in cleaning up the voter register by getting rid of double registrations and 'dead' voters.

The commission must, however, work harder to sustain the public perception of credibility by ensuring that the registration process is carried out seamlessly, the results are tallied and announced promptly and the election officers remain credible and independent.

Preparations

The preparations for elections are still at the infancy stage. The

registration of voters is yet to be commenced. The commission must therefore fast track the process to ensure that we are on course for the March 4 elections. One important pillar of free and fair elections is maintenance of security and law and order during election period. At present, the police reforms have lost traction and a new Inspector General of Police is yet to be appointed.

The Inspector General was to be appointed within two years from the date of promulgation of the Constitution, which is on or before August 27, 2012. Without functional security organs, the memories of 2007 post-election violence may precipitate voter apathy and disinterest. The police reforms are, therefore, an enabler for peaceful elections. In the recent past, more than 100 lives have been lost in violence perpetrated by unlawful gangs within Coast Province.

Further, there is an emergence of terror groups in various parts of the country that are a threat to

peaceful elections. It is therefore important that the selection and appointment of the Inspector General of Police and his deputies be expedited so that police reforms can be implemented before the election date. Other reforms are yet to be carried out. The Elections Act was amended by Parliament to permit change of membership of political party any time before January 4, 2013. The Registrar of Political Parties has not been recruited. Other threats to free and fair elections include the tension between the chairperson of IEBC and the Chief Electoral Officer, who have been issuing contradictory statements on policy matters of the commission.

The political parties will nominate their candidates closer to the elections. The commission must ensure that the political parties espouse the demands of the Constitution on free and fair elections during nominations. The commission must immediately embark on the registration of voters. Already, 200 BVR kits have been delivered to the commission with another batch expected later in October.

The Ministry of State for Immigration should expedite the issuance of Identity Cards to new voters and the replacement of lost ID cards. This will ensure that all eligible voters participate in the elections. The commission must undertake comprehensive training of the election officials due to the

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complex voting system established by the Constitution.

Challenges

The acceleration and completion of police reforms remains a key pillar in enhanced security in Kenya. The Government must therefore implement the provision of the Constitution, the National Police Service Act and the National Police Commission Act. The Police Service Commission has been appointed and it is hoped that it will accelerate the appointment of key officers in the police service as well as implement the vetting and retraining of police officers. The Independent Police Oversight Authority has already been appointed and is functional. The centrality of security during the election period cannot be overemphasised.

The commission must accelerate the registration process to ensure that the majority of eligible voters are registered. It will need to collaborate with the Executive to ensure that Identity Cards are issued to all deserving persons. The use of biometric voter registration system is expected to reduce incidents of voter fraud, ease voting and tallying by ensuring faster and accurate counting and reduce the number of spoilt votes. The commission must invest in training and orientation of staff



A sample of the Biometric Voter Registration (BVR) Kit.

who will manage the system. The commission must ensure that voter privacy is protected at all times and that the data stored in the system is not subject to unauthorised use. The commission has not established the mechanisms and guidelines for registration and voting for persons living outside the country.

IEBC must establish an effective and efficient voter tallying system using modern information and communication technology. It is noted that the commission established a tallying system that has been in use during the by-elections. However, during the recent by-elections in Ndhiwa, Kajiado North and Kangema constituencies in September 2012,

the IEBC website was inaccessible due to the high number of enquiries.

The commission must ensure that the website and other resources have adequate capacity to handle queries from the public on the election results. Tallying will be difficult due to the six constitutional seats that will be contested at the election. The commission has been relying on the mobile phone networks to transmit election results. However, some remote constituencies are not covered by the main service providers.

IEBC must therefore provide satellite equipment to facilitate transmission of such results. For example, Kajiado North constituency, which is near Nairobi, has network coverage of about 40 per cent of its area. This resulted in delay in tallying, which was completed in seven hours after close of polling. Such delays may result in unnecessary anxiety and tension, especially for the presidential elections.

March 2013 polls

It is unlikely that the elections will be postponed beyond the March

There was the lingering question whether the country was prepared for elections. After the 2007 General Election, the public lost trust in the then Electoral Commission of Kenya (ECK). The perception that the commission lacked independence and impartiality fuelled the post-election violence and undermined the credibility of the election results.

2013 date. Already, the terms of the President, Prime Minister and Parliament have been extended beyond the expected expiry date of December 2012. The last General Election was held on December 29, 2007 and it was therefore expected that the term of office would expire on December 29, 2012. As stated, the High Court decision setting the March 2013 date has been confirmed by the Court of Appeal. The IEBC must work extra hard to ensure that it delivers its mandate and that it builds and sustains public confidence in its ability to carry out free, fair and credible elections.

The Executive must supplement the work of the commission. A successful and credible election requires seamless multi-agency cooperation to ensure adequate facilities to carry out the elections. Schools are often used as voting stations and tallying centres and should be available at the election time. Security, law and order must be maintained during the election period. Further, the Government must provide adequate resources for the purchase of electoral materials and hiring and training of competent staff.

The commission and civil society partners should engage in a massive civic education campaign to enhance electoral literacy of the citizens. The citizens have not familiarised themselves with the new Constitution. Kenyans have a very high expectation of the Government performance and are

Without functional security organs, the memories of 2007 post-election violence may precipitate voter apathy and disinterest. The police reforms are, therefore, an enabler for peaceful elections. In the recent past, more than 100 lives have been lost in violence perpetrated by unlawful gangs within Coast Province.

very optimistic about the outcome of the next elections. The National Cohesion and Integration Commission has warned against the proliferation of ethnic media.

The role of such media and their ability to cause ethnic disharmony should be investigated and appropriate action taken. Further, politicians have been mobilising their supporters along ethnic lines. The Commission on Implementation of the Constitution has approved the Campaign Financing Bill. However, Parliament is yet to enact it. This means that there will be no limit on the amount of funds a candidate or party can use for the campaigns. The outcome of the election will be determined by the funds at the disposal of the candidates. Already, the campaign for the office of the President and other elective offices is underway.

Judicial reforms have restored public faith in the ability of the court to arbitrate and determine electoral disputes independently and impartially. The Chief Justice has formed a committee on anticipated electoral disputes,

which has recommended some reforms to the Elections Act. All elections disputes must be resolved within six months after holding of the election.

Deadline

The biggest hurdle the commission is facing at the moment is commencement and completion of the registration of voters. Once the Voter Register is complete, it will be possible to source for electoral materials. Further, the commission must co-ordinate an extensive civic education programme to ensure that the citizenry are well acquainted with the electoral system. Given the limited time before the next elections, IEBC must work extra hard to ensure that it efficiently, independently and impartially delivers an election outcome that is acceptable to all Kenyans.

The commission is functioning under a new Constitution and the Elections Act and the Independent Electoral and Boundaries Commission Act further reinforce its independence. The commission must invest in building trust among political parties, media, and civil society. [KN](#)

The writer is an advocate of the High Court of Kenya.

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Resolving the two-thirds gender rule controversy

By Dorothy Momanyi

Women have been under represented in Parliament for a long time. Whereas the percentage of women voters is estimated at 52 per cent, only 10 per cent of MPs are women. All citizens regardless of gender should have an equal opportunity to participate in politics. Women are reluctant to participate due to discriminatory practices in political parties, traditional cultural practices that discourage women to participate in public life, social economic conditions and the type of electoral system, among other factors.

The Constitution of Kenya has introduced new standards in the conduct and management of public affairs and it demands the respect of human rights by all. A key human rights principle is equality of all before the law. The Constitution recognises that women have been excluded from public offices for long and therefore creates safeguards to ensure inclusion of women in public offices. Gender quotas draw legitimacy to the discourse of exclusion and are temporary measures to be implemented until the barrier for women entry in politics is removed.

Article 27(1) of the Constitution provides that every person is equal before the law and has the right to

equal protection and equal benefit of the law. Article 27(3) provides that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. Article 27(6) states that to give full effect to the realisation of the right, the State shall take legislative and other measures, including affirmative action programmes and policies designed to address any disadvantage suffered by groups and individuals because of past discrimination.

Article 27(8) provides that in addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two thirds of the members of elective and appointive bodies shall be of the

same gender. Article 27(4) provides that State institutions to have at least one third of members from different gender.

Discrimination

Article 56 provides that the State shall put in place affirmative action measures designed to ensure that minorities and marginalised groups participate and are represented in governance. Marginalised groups are defined in Article 259 to mean a group of people who, because of laws or practices before, on or after the effective date, were or are disadvantaged by discrimination on one or more grounds in article 27(4).

Article 81 of the Constitution provides that the electoral system shall comply with the principle that not more than two thirds of the members of elective bodies shall



Arch-feminist and political fighter NARC-Kenya leader Hon. Martha Karua.

be of the same gender. Article 97 (1) provides that the National Assembly consists of 290 members, each elected by the registered voters of single member constituencies, 47 women, each elected by the registered voters of the counties, each county constituting a single member constituency, 12 members nominated by parliamentary political parties according to their proportion of members of National Assembly in accordance with article 90, to represent special interests including the youth, persons with disability and workers and the Speaker who is an *ex officio* member.

Article 98(1) provides that the Senate shall consist of 47 members each elected by the registered voters of the counties, each county constituting a single member constituency, 16 women members nominated by political parties according to their proportion of the elected members of the Senate, two members, being one man and one woman representing the youth, two members being one man and one woman representing persons with disabilities, and the Speaker who shall be an *ex officio* member.

Article 100 provides that: Parliament shall enact legislation to promote representation in Parliament of women, person with disabilities, youth, ethnic and other minorities, and marginalised communities. Article 177(1) provides that a county assembly shall consist of members elected by registered voters of the wards, each ward representing a single member constituency, the number

of special seat members necessary to ensure that no more than two thirds of the membership of the assembly are of one gender, the representatives of marginalised groups including persons with disabilities and youth as prescribed in an Act of Parliament, and the Speaker, who shall be an *ex officio* member. Nomination of members shall be by political parties in proportion to the seats received in that election in that county by each political party. The filing of special seats shall be determined after declaration of elected members from each ward.

Alternative mechanism

As constituted, Parliament has no mechanism for affirmative action except the election of the 47 county women representatives,

Marginalised groups are defined in Article 259 to mean a group of people who, because of laws or practices before, on or after the effective date, were or are disadvantaged by discrimination on one or more grounds in article 27(4).

who shall be elected in the National Assembly from the counties and 16 Senate representatives nominated by political parties. The county women representatives will not be adequate to ensure that at least one third of the National Assembly is comprised of women.

This means that an alternative mechanism must be established through a constitutional amendment to ensure that Parliament is not declared unconstitutional for failing to comply with the one-third gender rule. The number of elected women MPs has never surpassed 10 per cent the total membership of Parliament. This means that it is unlikely for sufficient numbers of

women MPs to be elected to satisfy the gender rule. The county assemblies will comply with the gender rule as they have a mechanism to nominate additional members if the gender rule is not met through elections.

The one-third gender rule has been criticised as granting preferential treatment to women in politics. Political representation, it is argued, is a contestation and choice between ideas and not social categories. Quotas are deemed undemocratic and imply that politicians are elected because of gender. They have been supported on the basis that quotas compensate for actual barriers that women face in politics - women have the right to equal representation; men cannot represent the interest of the diversity of women; elections is about representation; and that international treaties in gender equality set targets for gender representation.

The gender rule is set out in Chapter 4 of the Constitution that enshrines the Bill of Rights. Article 255 of the Constitution provides that any amendment to the provisions relating to the Bill of Rights must be approved through a referendum. Amendment of Article 27 will therefore be extremely difficult. The provision is inspired and Kenyans need to embrace it so that we can increase the representation of women in the National Assembly and Senate and eventually in positions of national leadership.

International treaties, for example the Convention on Elimination of Discrimination against Women, provide for gender equality. Kenya is a state party to the treaty. The provision is not discriminatory since the Constitution has expressly permitted affirmative action to ensure increase in representation of women. As noted, whereas the representation at the County Assemblies will ensure compliance with the one-third rule for either gender, the provisions relating to the National Assembly and the Senate were excluded.

The High Court has ruled that the gender provision is subject to progressive realisation where the numbers can be increased incrementally to satisfy the rule. However, there is a present danger that failure to comply with the gender rule may render Parliament to be declared unconstitutional. Some of the options that have been proposed to ensure compliance include the amendment of Article 97 of the Constitution to provide for the nomination of additional women MPs by political parties in the event that the gender quota is not realised.

This has been criticised on the basis that it will result in a bloated Parliament. Another proposal has been to reduce the number of MPs so that the additional nominations to conform to the gender rule are included in the proposed 347 MPs. These proposals would require a two-thirds majority support in Parliament. The Attorney General has filed a reference in the Supreme Court seeking an interpretation of the gender rule. This is intended to avoid a constitutional crisis after the election. If Parliament is dissolved and the subsequent Parliament is declared unconstitutional, there would be no Parliament to enact the



Been there done that, NARC Leader Hon. Charity Ngilu.

necessary amendments. The political parties can be compelled either through internal rules or under the Elections Act to ensure at least one third of all candidates nominated to vie for political seats are women. This will enhance the possibility of meeting the gender quota after the elections. Another proposal by the IEBC, which was contested, was to reserve a third of all seats available for election for women candidates.

This will mean that all political parties will be obligated to nominate women candidates during the election. But such a proposal may be opposed in the High Court and may be declared as contrary to the Constitution. In the Kenyan legal system, the best way to protect the one-third gender rule is through a court interpretation or amending the Constitution.

Nordic countries, like Sweden, Norway, Finland and Iceland, have the highest representation of women in Parliament. In Sweden, for example, about 45.2 per cent of MPs are women. However, there is no law demanding parties to nominate women to Parliament. The parties have developed internal rules that ensure at least 40 per cent of the MPs are women. In Rwanda, 30 per cent of all Parliamentary seats are reserved for women. These countries have ensured that the rules set by the parties are observed. The internal rules were formulated due to persistent campaigns by the women MPs and civil society organisations. Political parties in these countries recognise the importance of women representation.

[Constitution of Kenya Amendment Bill 2011](#)

The Bill proposes to amend Article

This means that an alternative mechanism must be established through a constitutional amendment to ensure that Parliament is not declared unconstitutional for failing to comply with the one-third gender rule.

97 of the Constitution to create special seats in the National Assembly. The number of such seats shall be such number that is necessary to ensure that no more than two thirds of members of the National Assembly are from one gender. The nominations shall be done by political parties in proportion of their seats in the National Assembly. The Bill further seeks to amend Article 98 of the Constitution by creating special seats in the Senate.

Members shall be nominated to these seats to ensure that no more than two thirds of the members of the Senate are of one gender. The nominations shall be done by political parties in proportion of their seats in the Senate. The nominations under article 97 and 98 shall be done after the determination of the elected members of the National Assembly and the Senate respectively. The total membership of Senate and the National Assembly will be unlimited.

The amendment may result in a bloated and dysfunctional Parliament. The Bill also incorporated the change of the date of elections from second Tuesday of August each fifth year to third Monday of December each fifth year. However, with the determination of the date of elections as within 60 days from 15th January 2013 and with the announcement by the Commission of the date as March 4, 2013, this limb of the Bill has been abandoned.

The gender outcomes of our electoral system have been unsatisfactory. The Kenyan system is single member constituency through a majoritarian or first past the post electoral system. Previously, only 12 MPs were nominated to represent special interest groups. It has been argued that a proportional system creates better outcomes for gender representation. Political parties are under increased pressure to include more women in their nominations.

Proportional system

The proposed amendment creates a proportional representation system for the additional special seats that will be created in the Senate and the National Assembly to ensure compliance with the gender rule. The nominees will be sourced from the under represented gender. Proportional representative systems have been noted to produce better gender representation in Parliament than the first past the post systems. The proportional system operates by nominating party members through a list.

Once the vote is tallied, each political party is allotted seats based on the total number of votes in its favour. The party nominates its candidates to the allotted seats. The first past the post system recognises the winner of the majority vote in a single member constituency. Such winner is automatically declared the Member of Parliament. It is easier

to make demands for political parties to nominate women in proportional systems.

The quotas can be divided into voluntary, legal and constitutional quotas. Voluntary quotas involve adoption of policies by political parties to increase women representation. Legal quotas are prescribed by the law. In Sweden, there is no law that obligates political parties to nominate women to Parliament.

However, all political parties have developed internal rules that demand the nomination of women should be carried out on 40 per cent to 50 per cent basis of all the available positions. These rules have been in place since 1972. The percentage of women in Parliament has been above 30 percent since 1980. The Swedish Parliament is comprised of 45.2 per cent women MPs while the Cabinet is equally shared between men and women.

In Rwanda, 30 per cent of the membership of Parliament is reserved for women under the law. Parties are therefore required to nominate women to at least 30 per cent of the available seats in parliament. The percentage of women in Rwandese Parliament average 48 per cent, with Rwanda having the highest number of women in percentage terms in Parliament in the world. The nominations are required by law. Tanzanian Constitution demands that at least 20 per cent of MPs should be women. However, this threshold has not been reached with the percentage of women MPs ranging at 16 per cent. [KN](#)

The writer is a journalist.

Another proposal has been to reduce the number of MPs so that the additional nominations to conform to the gender rule are included in the proposed 347 MPs. These proposals would require a two-thirds majority support in Parliament.

The place for coalition governments in Kenya

By Guandaru Thuita

A political coalition or alliance is an agreement for cooperation between different parties on common political agenda, often for purposes of contesting an election to mutually benefit by collectively clearing election thresholds or for government formation after elections.

A coalition government is formed when a political alliance comes to power, or when only a plurality (not a majority) has not been reached and several parties must work together to govern. Most countries have used coalition governments as a way to gain a majority of seats in Parliament or when there is a national crisis, for example during wartime, or economic crisis, or when there is necessity to give a government the high degree of perceived political legitimacy, whilst also playing a role in diminishing internal political strife.

The purpose of this article is to examine amongst others, the provisions of the Constitution in relation to pre-election pacts and other power sharing arrangements, the scenarios likely to develop on coalitions, suitability of coalitions for Kenya, the kind of lessons learnt from the ODM-PNU coalition and finally, any coalitions formed in the recent past. Such an examination will assist us in understanding and evaluating the



From left: Kofi Annan, President Mwai Kibaki and Prime Minister Raila Odinga during the signing of the post election 2007 peace accord.

coalition making process, its significance and benefits if any.

Pre-election pacts

The Constitution does not provide elaborate provisions on coalitions and other power sharing arrangements. It acknowledges the concept of coalitions under Article 108 where it talks of a majority leader being the leader of the largest party in the National Assembly or coalition of parties. It also refers to the minority leader being the leader of the second largest party or coalition of parties. The Constitution also recognises right to freedom of association, which includes the right to form, join or participate in the activities of an association of any kind.

The recognition of this right makes it possible for alliances and other loose arrangements such as the G7 to be formed. The Constitution is, however, economical on details of how coalitions are to be formed, whether prior to or after elections. In this regard, Article 92 authorised

— which was done — the enactment of the Political Parties Act 2011, which is the substantive law on the management, registration, regulation and funding of Political Parties and all other connected purposes including coalitions.

Section 10 of Political Parties Act, 2011 provides that two or more parties may form a coalition before or after the election. However, they are to deposit a coalition agreement (which must comply with the basic requirements provided for under the Third Schedule of the Act) with the Registrar. A coalition agreement entered into before the election must be deposited three months before the election. This means that since the elections are on March 4, 2013, any party that intends to form a coalition must do so before December 4, this year. A coalition agreement entered into after the elections must be deposited with the Registrar of Political Parties within 21 days of its execution.

Coalition scenarios

Recently, there have been a lot of political activities in readiness of the March 2013 elections. While presidential aspirants crisscross the country to woo supporters, they are also holding meetings of all kinds - breakfast, lunch and night time - with their competitors with a view to forging alliances that will deliver power without the necessity of going for a run-off.

Going by the recent opinion polls of various pollsters including The Ipsos Synovate Poll released in the first week of October, and that of Infotrack Harris released on July 27, 2012, it is apparent that none of the presidential aspirants is capable of garnering anything near the requisite 50% + 1 required votes to win the presidency. None of the political parties as well enjoys more than half the support of the electorate.

Accordingly, unless there is a fundamental change in the political landscape, it is pretty obvious that the current political parties have no choice but to devise some form of unifying arrangements in the form of coalitions. The leading contenders have already realised this fact and have begun putting in place some mechanisms of reaching various pre-elections agreements. For instance, on October 4, presidential aspirants Kalonzo Musyoka (Wiper Democratic party), William Ruto (URP) and Uhuru Kenyatta (TNA) met at The Norfolk hotel to chart some coalition of sorts.

It is without doubt that other aspirants will take the cue and hold similar coalition talks. Raila Odinga's ODM Party, which remains the most popular at 36 per cent rating, is likely to woo other major parties left out by the Kalonzo-Ruto-Kenyatta axis such as Kanu, UDF and Narc with a view to

reaching a coalition agreement. None of the aspirants would want to go through a run-off and for that reason, pre-election coalition agreements will likely be a must for any serious political party.

Other activities that have begun gaining prominence and whose intensity shall steadily rise is defections across the board, as candidates fight for survival in their backyards. Parts of the defections are as a result of the prevailing alignments, but as coalitions are formed there will be further shifts based on the outcomes of those coalitions.

Are coalitions ideal for Kenya?

The Republic of Kenya has so far had two coalition governments.

country in 2007. This coalition necessitated the enactment of the National Accord and Reconciliation Act and the amendment on the old constitution to create room for the new positions of Prime Minister and two Deputy Prime Ministers.

Advantages

- Broader Representation: In a country where ethnicity is a great challenge, a coalition government enables all ethnic communities to perceive the government as inclusive rather than exclusive. In a way, this takes away the feeling of being left out and consequently enhances peace and stability in the country.
- Compromise on conflicting

A coalition government is formed when a political alliance comes to power, or when only a plurality (not a majority) has not been reached and several parties must work together to govern.

The 1964 merger between Kanu and Kadu, which ultimately led to the dissolution of the latter, was not exactly a coalition government, but a merger and dissolution of one party. The effects though of the merger were similar to those of a coalition. The first major coalition was in 2003 when the National Alliance Party of Kenya and the Liberal Democratic Party combined forces and formed the National Rainbow Coalition Party – Narc, which was the vehicle that was used in ousting Kanu from power.

The second major coalition was formed in 2008 when the Party on National Unity (PNU) and the Orange Democratic Movement (ODM) entered into a coalition with a view to ending the post-election violence that rocked the

ideologies: Parties forming a coalition must learn to accommodate the respective views of their partners in legislative processes and policymaking. Consequently, a greater number of citizens end up benefiting from these compromises than would have been the case if only one side carried the day. A perfect example was the passage of the Constitution, which wouldn't have been possible were it not for compromises on ideologies by the principal players in the PNU-ODM coalition.

- Greater policy scrutiny: Having two or more parties in power leads to a greater scrutiny of proposed policies through debates and discussions.

Ultimately, such scrutiny leads to policies passing the bar of quality, democracy and transparency.

- More enactment of laws: The main function of parliament is to enact laws. The 10th Parliament is considered to have enacted the highest number of legislation. Other than the fact that the new Constitution required such legislations to be passed, the fact that the Government is a coalition ensured that more votes were garnered on the floor of the House to pass Bills.

Disadvantages

- Lack of independence in decision-making: The principals in the coalition government must consult before making major decisions in the government. This often increases to too much bureaucracy thereby imperiling urgent matters. In worst-case scenario, there may be a deadlock on an issue rendering the coalition government ineffective.
- High government expenditure: Politics is all about sharing of power and resources. With a coalition, it is necessary for positions to be created to accommodate the partners and their supporters. The current Kenyan Cabinet is composed of the President, his vice, the Prime Minister, two Deputy Prime Ministers, 40 Cabinet ministers and more than 52 assistant ministers. This figure does not include Permanent Secretaries and other auxiliary staff who end up draining the taxpayers' contributions.
- Individual political interest

takes precedence over national interest: A politician will always be a politician and will endeavour to look after his own survival above all. Kenya's Tenth Parliament is no exception. Over and over they have enacted unpopular laws, including that raising their remuneration and the unpopular amendments of the Elections Act and the Political Parties Act, 2011 legitimising party hopping until after the March 2013 General Election.

- High corruption levels: A coalition government with weak checks and balances like the present one in Kenya results in higher cases of impunity. The policy of turn a blind eye on my back and I turn a blind eye on yours carries the day. This explains why neither side of the coalition is too keen on pursuing scandals by the other.
- High levels of compromise: For policies to be passed, some ideologies have to be sacrificed. Too much sacrifice may have a negative effect on the

citizens and the party's membership. In such situations, the party compromising may appear weak and end up losing its support base thereby dimming future chances of re-election.

Bearing in mind the pros and cons of coalition governments, we can now go back to our key question, is coalition government suitable for Kenya? None of the coalitions in Kenya have rendered satisfactory performance to the people. Though the Kanu-Kadu was not exactly a coalition but a merger, it gave rise to a one party authoritarian government, which killed the vision of those who had so gallantly fought for independence.

Divided

The Narc coalition was a disaster. Within two years of the coalition, the disintegration was complete. Ethnicity, politics of exclusion, greed, mistrust, failure to honour pre-election pacts were some of the factors that led to the collapse of this coalition. The acrimony between the principal players in the Narc coalition was so severe that it divided the country to the



The first woman German Chancellor Ms Angela Merkel.

The 1964 merger between Kanu and Kadu, which ultimately led to the dissolution of the latter, was not exactly a coalition government, but a merger and dissolution of one party.

point that the election violence of 2007 was inevitable.

The PNU–ODM coalition has fared no better. The Government seemingly appears to be divided. The same factors that bedeviled the Narc coalition followed the PNU–ODM grand coalition. Though it is credited with bringing back peace, the Grand Coalition was condemned as undesirable by Kenyans in a survey Report prepared in March 2011 by the Kenya National Dialogue and Reconciliation Monitoring Project.

The idea of another coalition government sounds a bit unpalatable to the Kenyan electorate. Had the government system been parliamentary rather than presidential, maybe a coalition would suitably be adopted. For the time being, however, Kenyans are yet to appreciate and embrace the benefits of coalition governments. Coalition to them symbolises the coalition of tribes rather than of ideologies. The politicians also lack the political will to make coalitions work. Until the country reaches optimum political maturity, it would be best if coalitions are kept at bay.

Unlike the Narc coalition whose terms of agreement remained secret, the PNU–ODM coalition was at least put down in an Act of Parliament - The National Accord and Reconciliation Act. This may have contributed to its longer durability. It is, therefore, important for coalition partners to transparently, expressly and openly lay out their terms of

agreement in the coalition.

Further, it has always emerged that when the principal partners are acting in concert with each other, legislations and government functions get performed with ease. However, when a partner chooses to ignore the other and instead pulls a fast one like when President Kibaki unilaterally selected the Attorney General, Chief Justice and Director of Public Prosecutions without consulting the Prime Minister, the country went into an overdrive of tension and near gridlock. Unison and good faith is key to a successful coalition.

Guinea pigs

Another lesson that emerges from the ODM–PNU relationship is that it may be better to form a pre-election coalition than a post-election one. Before elections, partners have enough time to consult and agree on their mode of operation way in advance. The PNU-ODM coalition has been one of enemies for convenience. The title “strange bedfellows” fits the bill. The coalition had no clear map on how to engage each other, thus making Kenyans guinea pigs of their trial and error methods.

Finally, it appears that ethnicity has been the key most challenge to the PNU–ODM coalition. For coalitions to have any survival in a country, the dragon of negative ethnicity must be slayed first. It is hoped that with the distribution of resources and affirmative action envisaged in the Constitution, the country shall progressively shed the ethnicity tendencies and develop as one

unified nation, having a balanced regional and ethnic representation in the government.

Coalitions are common phenomenon in the developed world. The present UK government is a post-election coalition between the Conservative Party of David Cameron and the Liberal Democrat Party of Nick Clegg. It was formed after both parties failed to achieve a majority to form a government.

The failure to achieve parliamentary majority is usually the reason behind coalitions in the developed world, including the Nordic countries, Australia, Austria, Germany, Italy, Japan, Turkey, Israel, New Zealand, Kosovo, Pakistan, India, Trinidad & Tobago, Thailand, Ukraine, Ireland and Switzerland.

In Germany, coalition governments are the norm. It is rare for either the Christian Democratic Union of Germany or Christian Social Union in Bavaria (CDU/CSU) or the Social Democratic Party of Germany (SPD) or Free Democratic Party (FDP) to win an unqualified majority in a national election. In Finland, there exists a majority coalition formed by six parties yet it is considered one of the most stable governments.

It only has 12 ministries and 19 ministers. When you look at the power sharing that Finland has, it leaves no doubt that a coalition government that is disciplined and focused on the economic empowerment of its people can be efficient and successful even if the parties forming the coalition differ on their political ideologies. [KN](#)

The writer is an advocate of the High Court of Kenya.

Performance of the Integration Commission

Emmanuel Kiprotich

After the horror of the 2008 post-election violence, which resulted in 1,133 deaths and over 600,000 people being displaced, there was urgent need for measures to arrest and avert a recurrence.

Efforts of realising long lasting peace led to the National Cohesion and Integration Commission being born (NCIC). NCIC is a statutory body anchored in the National Cohesion and Integration Act (Act No.12 of 2008). The commission originated from the National Dialogue and Reconciliation Agreement signed on February 1, 2008 by a government delegation of the two main parties – the Orange Democratic Movement (ODM) and the Party of National Unity (PNU). The agreement was born as a result of the careful midwifery of HE Kofi Annan, representing the Panel of Eminent African Personalities.

The agreement formed the basis of the National Accord signed by President Kibaki and Rt Hon Prime Minister Raila Odinga on February 28, 2008, when the dialogue was officially given the green light. The sitting together of the two main 'rivals' sought to find a breakthrough in the deadlock that had emanated from the 2007 contested presidential elections in which even the chairman of the defunct Electoral Commission of

Kenya admitted he was not sure who won.

Four main agendas were on the table during the much-awaited dialogue. Agenda 1 was stopping the violence and restoration of rights and liberties while Agenda 2 sought to address the humanitarian crisis and promote reconciliation. Agenda 3 was basically to explore the mode of arresting the boiling political crisis prevailing at the time.

Agenda 4 was to deal with long-term measures and solutions, such as legal reforms and enhancing national cohesion.

Functions

NCIC's main function is to grow and cultivate the seed of cohesion and integration through dissemination of knowledge and transformation of practice. It is also mandated to strip off all forms of discrimination and ensure good governance. The commission is



Performing below par, NCIC Chairman Mzalendo Kibunja.

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also tasked with ensuring implementation of the Constitution and all other laws and policies that counter ethnic and religious tensions. They are also to delve into the matter of ensuring equality of opportunity.

In order to perform the above functions effectively, the commission has established four main committees and programmes. They include:

- Civic Education and Advocacy
- Enforcement, Complaints, and Legal
- Finance and Administration and, finally
- Research, Policy and Planning

As the debate on the Bill on whether to extend the term of the current commission, which was to end on September 7 rages, the more pertinent question is whether the commission has given a performance that warrants its extension during the period it has been in existence.

Nominated MP Mohammed Affey, who tabled the Bill that sought to extend the term of the commission for one year, argued that its existence during the upcoming election was crucial, especially in monitoring hate speech utterances and ensuring co-existence among the different communities.

An amendment tabled by the AG that sought to give power to the

president to re-appoint the current commissioners was defeated. The need to amend the Act to extend the term of the commissioners is important since the process of getting new commissioners is long and arduous and may not be completed before Parliament goes on recess in December.

Consensus

The process of recruiting new commissioners entails placement of an advertisement by the Public Service Commission and the mind-boggling challenge of getting the President and the PM to reach a consensus on the names suggested (consultation).

According to polls released on October 2 this year, only around 23 per cent or one in every five persons have forgiven the perpetrators of the 2007/08 post-election violence. But at least they are willing to continue living with them. The poll was conducted in 47 counties between April and May and involved 5,035 people. This poor record shows the commission has not performed its

core mandate thoroughly.

The commission, however, prides itself for brokering peace dialogues between the pastoralist communities of Orma and Wardei in Tana River. The region has been a hotspot with recent violence between Orma and Pokomo resulting in 38 persons losing their lives on September 10. The communities were fighting over natural resources such as water.

Dr Mzalendo Kibunjia and several NCIC commissioners, security officers and local leaders instituted dialogues with the two rival communities, which led to the perpetrators being earmarked and arraigned in court. The Kibunjia-led commission has also deployed a public participation approach of handling the Tana River incident, by instituting a door-to-door campaign literally marketing peace in the area. The campaign has involved a broad cross-section of the society with elders, women and youths being taken on board.

NCIC has established a training manual for hate speech for Kenya Police Service to enable the police apprehend any politicians peddling hate speech.

The objective of the manual is to shed light on issues of hate speech with specific regard to identification, investigation, evidence preservation, preparation of prosecution and its monitoring.

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Failures

As noted earlier, the commission's performance has not been exemplary. There have been myriad allegations that NCIC has been biased during their hunt for hate speech perpetrators. The allegations began as early as during the referendum on the constitution when politicians opposed to the new law alleged foul play.

But it is important to note that such allegations were inevitable given that the commission deals with politicians, who are the major offenders of the hate speech law. On Embakasi MP Ferdinand Waititu's recent inciting utterances, there were reports that Dr Kibunjia said he could not respond because he was out of office as his term had lapsed. It would thus be illegal for him to respond, as he had no capacity to do so. We can therefore safely say that Kibunjia cannot be blamed for inaction because his hands are tied unless the term of the current commission is extended.

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Freedom of expression is written in gold under Article 33(1) of the Constitution. It, however, goes on to state that the freedom of expression does not extend to hate speech (article 33(2)(c)) and advocacy of hatred constituting ethnic incitement (article 33(2)(d)(i)). But it is not as simplistic as it is stated above by the Constitution. There is immense difficulty of determining when freedom of expression crosses the line and becomes hate speech. In fact, there is difficulty of comprehensively defining 'hate speech'.

A good example of this difficulty is the recent video that has been circulating on the Internet mocking Islam's founding prophet. It has led to devastating ramifications. There are strong reasons to believe that the video caused the death of US ambassador to Libya, Christopher Stevens, and three of his staff by an armed mob angered by the video.

It thus goes without saying that freedom of expression is a time bomb is if not monitored. But excessive monitoring can also lead to rights being derogated. The commission has had to grapple



You do not want to be caught up in such a situation - youth in a confrontation during the 2007 post-election violence.

with such difficulty on where to put the boundary of clamping down on hate speech while guaranteeing freedom of speech. The courts will definitely be faced with the same difficulty as they are mandated with interpreting the laws and resolving disputes of this nature.

Justice and reconciliation

Another difficult question is whether or not justice is a must for lasting peace and reconciliation. There are arguments that justice may prick wounds that are already healing. It is also quite difficult to decide which side of the warring factions should be prosecuted, especially when there is an intervention by an outside court such as the ICC. For example, there are complaints in Ivory Coast among the supporters of former president Laurent Lbagbo that he is being prosecuted by the ICC while President Alassane Ouattara's side, which was also accused of committing crimes during post-election violence, was not prosecuted.

Some people argue that forgiving and forgetting is the best route for genuine and lasting reconciliation, the way South Africa did. There is another school of thought that affirms that there can be no true reconciliation unless the perpetrators face justice. The two ways have led to an adage that goes 'the perpetrators always want to forget, while the victims insist on justice'.

Public hearings

The restorative justice was conducted by the Truth and Reconciliation Commission (TRC). Its mode of operation is what inspired it to be dubbed as restorative justice. It entailed persons identified as victims giving statements about their

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experiences. Some of the selected victims recounted their experiences in public hearings. Consequently, the perpetrators also vividly recounted their heinous acts and requested for amnesty from both civil and criminal prosecution. There was also provision of compensation for victims. TRC was hailed as being largely successful despite having some flaws.

The Gacaca courts were established in 2001. It is a type of community justice that was necessitated by the devastating 1994 Rwandan Genocide, which resulted in between 800,000 and 1,000,000 Rwandans, mostly Tutsis, being slaughtered. The government of the day, the Rwandan Patriotic Front, were overwhelmed by the task of putting more than 100,000 people accused of genocide, war crimes and crimes against humanity to justice using existing State mechanisms.

In fact, by 2000 around 120,000 alleged genocidaires were crammed into Rwanda's prisons and communal jails. Gacaca courts were thus a much-needed reprieve to rid the courts of the backlog. Their main aim was to promote healing and reconciliation and divorce the people from the nightmare that had just occurred. The officials who presided over the traditional courts in the villages were elders

elected by the community on the basis of their honesty.

The accused person was confronted by the victim(s) and his or her family in a public hearing. The accused on the other hand could confess or assert his innocence. The villages could in general speak for or against the defendant.

The system has been successful but was faulted due to lack of expertise of the elders who presided over the disputes. The acquittal rate of 20 per cent has also been frowned upon.

The two models of South Africa and Rwanda clearly show that forgiveness supersedes retribution. It also shows the model formulated by individual local countries is better suited than outside intervention. It is also important to note that the Truth, Justice and Reconciliation Commission is mandated to look at, among other things, gross injustices and violations that occurred from December 1963 to February 28, 2008 and try to instigate reconciliation. It is thus not solely the work NCIC to foster reconciliation. Given the financial constraints it has been facing, the commission has done a good job. ^[KN]

The writer is third year law student at Kenyatta University.

Will Traffic Bill curb road carnage?

Albert Irungu

Every year, thousands of Kenyans die on our roads. Statistics obtained from the Kenya Police — although not reliable — put the figures at over 2,000 deaths. Last year alone, road accidents caused 3,120 deaths, while more than 21,400 received various injuries, in many cases serious and life changing.

Across the country in district and provincial hospitals, a large number of patients requiring emergency treatment services are road accident casualties. With the ever-rising number of fatalities on our roads and with traffic laws that seem incompetent to stem the wave of accidents, the proposed Traffic Amendment Bill 2012 by Gem Member of Parliament Jakoyo Midiwo is a welcome relief.

Origins of traffic laws

The first traffic department was established in 1954 at the Police Headquarters in Nairobi. By 1960, there was a significant increase of vehicles and a Nairobi Area Traffic Branch was created. Traffic officers were hired and posted to other major towns to work under the Officer Commanding Police Divisions of those respective towns.

Come 1973, Highway Traffic Operations was created that would manage and control traffic on the country's highways. In



The all new Thika road. We need a new road traffic culture in Kenya.

1985, Highway Traffic Operations transformed to Police Traffic Department and in 2003, Traffic Department was reorganised and all the bases countrywide handed over to respective Provincial Police Officers for both administrative and operational management. The Traffic Act Cap 403 of 1954 was established to regulate the road transport industry under the Ministry of Transport.

Provisions of the new Bill

The Traffic (Amendment) Bill 2012 proposes radical changes with its punitive statutes, joining the league of countries like the United Arabs Emirates with strict traffic laws. Because of the worrying numbers of accidents, the Bill has drastic provisions envisioned to reduce the deaths and restore order on our roads.

Majority of road accidents are caused by reckless driving,

speeding, using road unworthy vehicles and driving under the influence of alcohol — violations that have been put under scrutiny of the new legislation. Some of the highlights of the Bill are:-

If caught driving under the influence of alcohol you can be jailed for ten years or pay a minimum fine of Sh500,000, or both. Overlapping, driving on pavements and pedestrian walkways or using petrol stations to avoid traffic could get you a three-month prison term or a fine of Sh30,000, or both.

The licence of a person found guilty of exceeding speed limits would be invalid for not less than three years if the limit is exceeded by more than 10km/hr or if the offence is repeated more than three times.

There has been an increase in motorcycles all over the country without proper regulation. There are many motorcyclists on our roads with no proper training. Motorcycle operators will be required to have third party risk insurance and the riders would be compelled to wear helmets and reflector jackets. Penalties for violating this law would attract a Sh10,000 fine or a one-year jail term.

The Bill proposes a mandatory eye test to be done on all drivers every three years, and those who fail the test will lose their driving licences. A licence will not be renewed unless a medical practitioner's report certifying the condition of the applicant's eyesight is presented. Failure to adhere to this can lead to the withdrawal of a motorist's licence for three years.

The Bill would give Kenya Revenue Authority ownership of vehicle registration plates compelling drivers to surrender their cars' plates to the Registrar of Motor Vehicles when ownership of a vehicle changes. Failure to do so will attract a fine not exceeding Sh30,000 and Sh10,000 for every month the law is not observed. The Bill also proposes that the Traffic Department, an administrative department of the police force, be abolished. In its place, the responsibility of enforcing traffic laws shifts to the entire police force.

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What are the real problems on our roads?

Failure to observe the rule of law and poor state of our roads both contribute to the problems on our roads. In addition, the current traffic laws have become ineffective in restoring sanity on our roads. The current laws rarely deter traffic offenders from repeating the same offences. The transport laws the late John Michuki introduced during his tenure as Minister for Transport had brought lucidity in the public transport system – one of the biggest transgressors of traffic laws. For a while, everything was fine and road carnage had reduced to a minimum.

The introduction of speed governors, mandatory seat belts, and uniforms for public service vehicles operators was a plus. However, after Michuki's exit from the ministry, his good work was not carried forward. The rules were abandoned and majority of public service vehicles reverted to their bad old ways.

It is becoming evident that even with the increased rehabilitation and construction of new roads and

highways, accidents are caused by human errors and recklessness rather than the poor state of our roads. A good example of improved road infrastructure with responding reduction in road accidents is the Thika superhighway. From January to April of this year, 54 people have lost their lives on this road.

Both motorists and pedestrians are to blame — motorists do not observe speed limits as indicated by erected signage while pedestrians would rather dash across the highway than use footbridges constructed for them. As long as motorists are reckless and depend on police officers to enforce rule of law on our roads, reducing road carnage will be a mirage even with the best roads in the region.

So, what ails the Kenyan roads? The whole system does. From the law enforcers, the motorists, the pedestrians and even the mechanic who is willing to use shortcuts in repairs. This impunity means that many are willing to break rules to get what they want. Kenyans are ready to buy driving licences without any formal training on road use and driving; police are willing to take bribes from traffic offenders and look the other way; and mechanics will replace worn out car parts with fake ones just to skim a shilling or two. All these factors combined create an atmosphere where anything goes.

The first traffic department was established in 1954 at the Police Headquarters in Nairobi. By 1960, there was a significant increase of vehicles and a Nairobi Area Traffic Branch was created.

The proposed law can bring sanity to our roads if implemented and enforced accordingly. If judiciously implemented, when the Bill is gazetted, it will reduce cases of recklessness, road unworthy vehicles that endanger other road users and driving under the influence of alcohol. One of the proposals of the Bill to abolish the Traffic Department may challenge the enforcement of the Bill once it is gazetted. It has already been resisted by the Traffic Department.

According to the current Traffic Commandant, Joseph ole Tito, the idea of disbanding the Traffic Department is not good, as the police force would lose its grip on the traffic situation if the duties were to be spread to the entire force. According to Tito, the Traffic Department is highly specialised, like NSIS or CID, and has a command structure through which they report. Disbanding the department would diminish its relevance and duties. In its current state, the Bill promises to rein in errant drivers.

Traffic laws in other countries

Traffic laws in developed countries in general are advanced and even though there are accidents with casualties, the good road infrastructure, adherence to traffic laws by road users, good law enforcement mechanics coupled with the latest technology has seen accidents reduced to a minimum. For example, in the United States driving under the influence of alcohol comes with severe punishment that results to either licence suspension or revocation.

In populous Japan, the country amended the Road Traffic Law in 2007 to impose stricter penalties on drunk drivers, anyone who abets them by providing a vehicle or alcohol despite the risk that they will drive. Some of these infringements can land someone in prison for two years or more with fines amounting to 300,000 Yen or more depending on the severity of the transgression.

Rwanda is known to have the highest road safety enforcement in the region and it would be a plus for stakeholders in the transport industry to borrow best practices from the country.

In providing a comprehensive policy on traffic road use and transport in Kenya, the Traffic (Amendment) Bill 2012 cannot be implemented by itself. The system should be overhauled. Enforcement of these laws cannot happen in a corrupt system. We cannot advocate proper road use when our roads are bad and lack signage. Developing this comprehensive policy requires all actors working in the transport sector to develop lasting solutions. For example, sale of fake spare parts endanger any vehicle owner who buys them. Thus ensuring such parts are detected and removed from the market safeguards the safety of motorists.^[KN]



Traffic police manning a road block.

THE KONRAD ADENAUER FOUNDATION IN KENYA

Konrad-Adenauer-Stiftung is a German political Foundation which was founded in 1955. The Foundation is named after the first Federal Chancellor, Prime Minister and Head of Federal Government of the then West Germany after World War II. Konrad Adenauer set the pace for peace, economic and social welfare and democratic development in Germany.

The ideals that guided its formation are also closely linked to our work in Germany as well as abroad. For 50 years, the Foundation has followed the principles of democracy, rule of law, human rights, sustainable development and social market economy.

In Kenya, the Foundation has been operating since 1974. The Foundation's work in this country is guided by the understanding that democracy and good governance should not only be viewed from a national level, but also the participation of people in political decisions as well as political progress from the grass roots level.

Our aims

Our main focus is to build and strengthen the institutions that are instrumental in sustaining democracy. This includes:

- Securing of the constitutional state and of free and fair elections;
- Protection of human rights;
- Supporting the development of stable and democratic political parties of the Centre;
- Decentralisation and delegation of power to lower levels;
- Further integration both inside (marginalised regions in the North/North Eastern parts) and outside the country (EAC, NEPAD); and
- Development of an active civil society participating in the political, social and economic development of the country.

Our programmes

Among other activities we currently support:

- Working with political parties to identify their aims and chart their development so that democratic institutions, including fair political competition and a parliamentary system, are regarded as the cornerstones for the future development in Kenya.
- Dialogue and capacity building for young leaders for the development of the country. Therefore, we organise and arrange workshops and seminars in which we help young leaders to clarify their aims and strategies.
- Reform of local governance and strengthening the activities of residents' associations. These voluntary associations of citizens seek to educate their members on their political rights and of opportunities for participation in local politics. They provide a bridge between the ordinary citizen and local authorities, and monitor the latter's activities with special focus on the utilisation of devolved funds.
- Introduction of civic education to schools and colleges. We train teachers of history and government in civic education. In addition, we participate in the composition of a new curriculum on civic education.

Our principle is: Dialogue and Partnership for Freedom, Democracy and Justice.

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