

## **RE: STOP IMPUNITY AND ADDRESS THE CONCERNS RAISED BY THE MRC.**

**Mombasa, Tuesday 31st, 2012** Civil Society Organisations in Mombasa have challenged the government to uphold the rule of law and address the issues raised by the Mombasa Republican Council whose ban was lifted by the High Court sitting in Mombasa last week.

The Kenya Community Support Centre Executive Director Ms. Phyllis Muema said that the government is on record for dismissing court rulings, a practice that might push the country into lawlessness. "The court ruling on county commissioners has not yet been effected by Government, now the same government officials still claim MRC is an illegal body even after the lifting of the ban by the Court" She said. , The government should lead by ensuring the rule of law is complied with and institute mechanisms to urgently address issues raised by MRC.

The government instead of wasting time thinking of how it is going to appeal the ruling by the three bench judge should come up with a marshall plan that will make long lasting interventions towards addressing all the issues raised, she pointed out.

The ruling by the high court on Wednesday sent the government back on the drawing back on how best to deal with the popular group that has been agitating for cessation of the coast province citing marginalisation, entrenchment of historical injustices and the existence of a colonial era treaty as the reasons for their demands.

She noted that issues of marginalisation, economic exclusion, access to land rights and other historical injustices are legitimate and do not need legal interventions but the mobilisation of resources and inclusive awareness creation forums that would make the people feel part and parcel of the Kenyan nation.

Muema observed that it beats logic for example to find that water boreholes have been dug in Tiwi Kwale county to supply water for thousands of residents of Mombasa, yet the number of households in the area who are connected to piped water is negligible.

"The same case applies to residents of Lango Baya in Malindi where water is piped all the way to Mombasa while residents along the water pipeline continue to suffer access to clean piped water," she observed.

She noted that the ruling by a three judge bench caught the Government flat footed and urged it to come up with a multisectoral rapid result initiative that will also involve the MRC in the efforts to address the issues.

Muema also added that there was need to convince the coastal community that the new constitution had instituted constitutional mechanisms that gave more power to the local people to make decisions about their own destinies.

"While it is true that the problems may not be addressed overnight, the county

governments mechanisms gives the people a chance to elect leaders who are visionary enough and capable to comprehensively represent their interests," she said.

The ruling made by a three bench judge bench comprising of Justice Francis Tuiyott, John Mwera and Mary Kasango observed that the issues raised by the MRC are of a political nature and ought to be addressed through political means and therefore advised the group to register as a political party.

The MRC was banned alongside other 26 illegal groups by the Minister of State for Internal Security through a gazette notice on the 18th October, 2010.

However, the group led by Randu Ruwa, Robert Tukwatukwa and Nyae Ngao did not take the ban lying down and instead instituted legal proceedings against the Minister to have the ban lifted.

The group still has another case pending in court in which it challenges the constitutionality of the Independent Electoral and Boundaries Commission to conduct election within the jurisdiction of coast province.

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