



# JUA KALI ASSOCIATIONS' COALITION SUMMIT

*"Pressing for restoration of democracy and promotion of best practices in MSE sector"*  
*(Utetezi wa maslahi ya wafuta-jasho)*

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## RE: PETITION

**FROM: JUA KALI ASSOCIATIONS' COALITION SUMMIT (JACS)**

**TO:**

1. THE EAST AFRICAN COMMUNITY COUNCIL
2. THE CO-ORDINATION COMMITTEE
- ✓ 3. THE EAST AFRICAN LEGISLATIVE ASSEMBLY
4. THE FAST-TRACKING COMMITTEE
5. THE SECRETARY GENERAL

**SUBJECT: THE EAST AFRICA CONFEDERATION OF INFORMAL SECTOR ORGANISATIONS (E.A. CISO) : MISGOVERNANCE BY A REGIONAL BODY COLLABORATING WITH THE EAST AFRICAN COMMUNITY**

The JUA KALI ASSOCIATIONS' COALITION SUMMIT (JACS) is a pressure group composing of leaders of various registered MSE/Jua Kali organizations in Kenya. JACS' main object is to restore democracy and promote the inculcation of best practices in the management of the sector's affairs.

In order for the Community to ably execute its mandate on its development objectives; and **COGNIZANT** of the fact that one of the causes of the collapse of the previous regional integration arrangements in East Africa, including the former East African Community (1967-1977) was the low level of involvement of civil society in their activities, from decision making to implementation of regional programmes.

This matter is hereby formally referred to you, as the custodians of the same, in respect of the stipulations governing **East African Civil Society and Private Sector organizations** as provided by the **Treaty for the Establishment of the East African Community Act 2000 No. 2**. Special emphasis is laid on Articles 127 1(a) and 4 and Articles 128(a) and 129 2. and possible remedies to disputes and queries under Articles 14(j) and (l), Article 18(c) and (d) and Articles 21(b) and (c).

The above named EACISO having blatantly violated its registered constitution and the statutes under which it is registered, namely the Societies Act Cap. 108 of the Laws of Kenya (the country of depository). The EACISO though registered vide file No. SOC/35404 in 1997, has violated its founder members, rank and file and effectively has disenfranchised and aggrieved the entire MSE/Jua Kali fraternity in the region.



The said violations include but not limited to not holding Annual General meetings, not holding authentic elections and not rendering annual audited accounts for the last 6 years, in contravention of section 29 of the Societies Act Cap. 108 of the Laws of Kenya and Articles 12 (b) and (c) of EACISO's own constitution.

These violations have been going on inspite of EACISO continuing to receive substantial levels of facilitation from sister governments, the East African Community, the corporate sector e.g. the British American Tobacco Co. and other development partners. The only time the EACISO's leadership becomes visible is when there are sponsored events, such as the nondescript regional exhibitions and organized engagements by the Community and other Development Partners. Needless to say, that the organization has been turned into personal property for rent making and personal aggrandizement.

It is noteworthy that it is exactly 10 years since the EACISO was officially launched in the port-city of Mombasa. Sadly, a decade down the line the EACISO has nothing to show for it, for their 10<sup>th</sup>. Annivessary. The founder members who participated in its launch some 10 years ago, are deeply disappointed by the less than dismal performance of the incumbents and the sheer lack of respect for rules and regulations governing organizations of such significance.

NOW, we the aggrieved parties who coalesce around the JACS do hereby make petition to the authorities named hereinbefore to invoke their respective vestments as by the Treaty established and **CEDE** all collaboration with EACISO, and for the **COUNCIL** specifically, as specified in Article 21(b) and (c), to order for INQUIRY into the issues raised hereinbelow:-

1. Whether the EACISO possesses the requisite legal status and legitimacy to claim representativeness of an entire sector in the entire East Africa region
2. Whether the EACISO adheres to its registered constitution
3. Whether the EACISO adheres to the statutes it is registered under, namely the Societies Act Cap. 108 of the Laws of Kenya (the country of depository)
4. Whether the officials fronting the EACISO are **bonafide** officers who possess the mandate of the sector stakeholders they purport to represent in their respective countries.
5. THAT the **OBSERVER STATUS**, to the East African Legislative Assembly, so requisitioned by EACISO be stood over generally until that time that they will have complied with the dictates of their own constitution and the statutes under which they are registered AND verifications sought from the line ministries of the 3 partner states.



Further, the Council, under the provisions of Articles 14(j) and (l) and all enabling statutes resolve this **DISPUTE** as referred.

As is stated in the its policy documents, the Community's new approach to development emphasizes on **POPULAR PARTICIPATION** in execution of all its programmes. In the circumstances, the above audit is therefore compulsory. What obtains currently at the helm of EACISO is nothing but a masquerade, which is unacceptable as it is unsustainable.

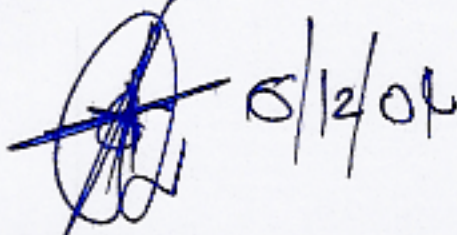
Equally, the Secretary General, for the purposes of giving leadership and direction, should throw some light on the grounds covered so far by the study which was launched to ostensibly look into how to set up a Forum for consultation between the Private Sector, Civil Society and other interest groups and the relevant institutions of the Community, as reported in the Community's web news.

Therefore, it is imperative that the said **STUDY** consults more widely than previously and takes cognizance of the content of this Petition.

In this regard, the JACS shall act pro-actively and ensure that organized Civil Society in this sector plays its right and legitimate role in the Community's affairs, as is envisaged in the Treaty and in keeping with all the governing statutes. It is only in this way, that the sector will be able to weed out **MALAFIEDS** and **IMPOSTORS** and ensure the success of the Community this time around.

It is noteworthy, that the equally aggrieved brothers and sisters in Uganda and Tanzania have taken equal exception to the foregoing and have expressed their solidarity with this petition.

Kindly acknowledge receipt.



**SOLOMON PETER AMBUKU**  
Chair & Co-convenor

**JUA KALI ASSOCIATIONS' COALITION SUMMIT (JACS)**

**6<sup>th</sup>. DECEMBER, 2004**

(when responding kindly use the Mombasa address, P.O. BOX 80794-80100)