



The cabinet has unanimously cleared the Bill on new election date, agreeing to amend the constitution so as to end debate over the date of the next General Election. The members argued that the August date was not feasible as it interfered with the government's budget cycle.

The intended amendments if effected will change the date to 17th December 2012 from 14th August 2012 as is currently in the constitution. A Bill with the amendments to the Constitution and all other provisions that touch on the election date will be drafted and brought to Parliament for debate.

The move by cabinet has however stirred controversy among Kenyans and also drawn criticism from the Commission for Implementation of the Constitution (CIC) which rejected the plan to alter the date of the next general election, terming it mischievous and an act of impunity.

Through its chairman Charles Nyachae, CIC warned Kenyans against giving the Executive or the Legislature a leeway to make "unnecessary amendments meant to only advance narrow and selfish political interests." He also cautioned that it is such amendments to the Independence Constitution that undermined the reform agenda.

The Constitution currently sets the elections date on the second Tuesday of August on the fifth year of an elections cycle. Nyachae explained that this new election date has never been contentious and retorted that Kenyans knew of the budget cycle when they voted for the Constitution last year.

He stated that "If indeed the budget cycle does not fit into the constitutional framework, what requires alignment with the Constitution is the budget not the Constitution,"

The amendment is also expected to extend the term of the current Parliament to what most MPs view as completion of their term.

Justice and Constitutional Affairs Minister Mutula Kilonzo, defended the cabinet's decision stating that as the Constitution demands, he would have to publish the Bill 90 days before it is presented to the House. He stated this arguing that "CIC should not block the implementation of the Constitution. It should instead be the one championing it,"

Mutual also argued that the current Parliament was sworn in on January 15, 2008, and that if it were to serve the full term it would have to sit until January 14, 2013. President Kibaki was sworn-in on December 30, 2007, and if he were to serve his full term, then he would have to be in office until December 26, 2012.

The CIC has now written to Attorney General Prof Githu Muigai asking him to block the intended amendments. The commission also noted that it was still early to move to court to challenge the proposal, but Nyachae said this could be the ultimate move, if the matter was not resolved through consultation.