



STATEMENT OF THE KENYA NATIONAL YOUTH CONVENTION REGARDING THE ONGOING MV FAINA PIRACY INCIDENT

Wednesday October 1st 2008, Nairobi, Kenya: The Kenya National Youth Convention (NYC) demands answers from the Government of Kenya.

The Kenya National Youth Convention (NYC) considers the ongoing *MV Faina* incident to be an exemplar of the reckless and dangerous conduct of national affairs by elements within the Government of Kenya, and calls for an end to the importation of offensive weaponry into the East African region. Such transactions endanger regional security rather than enhancing it. The position of the Government of Kenya does not ring true and the NYC after deliberation is seeking answers to disturbing questions about the *MV Faina* incident.

The Position of the Government of Kenya:

In the Government of Kenya's last update, on September 28th 2008, to the people of Kenya the government spokesman is quoted as follows:

"Combined security efforts are still going on to secure the ship ferrying Kenya military equipment that was hijacked two days ago by Pirates off the Somali Coast. The Kenyan Government is NOT in contact with the pirates. There have been alarming propaganda by the pirates to media that the weapons are not for the Kenyan Military. This is a tactic by the terrorists to try and fend off reprisals against them. The Kenyan Government will not engage in answering back to terrorists who have hijacked important military equipment paid for by the Kenyan tax payer for use by the Kenyan Military. The Government advises media editors to be cautious about being used by terrorists who, on realizing they cannot get away with their plunder, are trying to draw attention from their criminal acts. Who do you believe? The Official Kenyan Government or a rag tag terrorism unit that has been hijacking ships and causing wanton destruction to the World? Do not empower them by giving them the publicity they seek."

Questions for the Government of Kenya:

1. WHERE ARE THE ARMS END-USER CERTIFICATES TO PROVE THE GOK CASE? The Government has made public documents related to the shipping bills of lading but where is the end user certificate that confirms that these weapons were indeed purchased for use by the Kenya military, and further confirms that there is no possibility of re-export or resale or transfer to a third party? The Ukrainian Government would require such an end user certificate in order to



sell the Government of Kenya these weapons. Rather than releasing shipping documentation, the Government can clear all doubt about its ownership by releasing the End User Certificate.

2. WHY IS KENYA NOT ACTIVELY INVOLVED IN SECURING THE CARGO OF THE MV FAINA? Why, if the weapons belong to Kenya, would we not be interested in talking to the pirates to secure our weapons? Press reports show that foreign militaries and the international press are in active contact with the pirates – why are foreigners showing more concern for the cargo of the *MV Faina* than the Government of Kenya which claims to have used tax-payers funds to acquire the dangerous cargo on board the *MV Faina*?

3. WHY WASN'T THE MV FAINA UNDER OFFICIAL KENYAN ESCORT? Although we are thankful that no Kenyan citizen has been taken hostage on the *MV Faina* we are curious as to why, if the weapons on board indeed belong to Kenya, there are no Kenyan military officials on board the Ukrainian Ship *MV Faina* to escort the weapons to Kenyan shores? Is this the manner in which the Government of Kenya transports dangerous weaponry?

4. WHERE IS THE KENYA NAVY AND WHY ISN'T IT BEING DEPLOYED TO SECURE THE MV FAINA CARGO? Where is the Kenya Navy Ship 'Jasiri Mombasa' and why wasn't it, or isn't it being deployed to assist in the recovery of the *Faina's* consignment? By all official accounts Kenya has taken delivery of *Jasiri Mombasa* allegedly fitted with sophisticated equipment after paying around 4 billion shillings for it under controversial circumstances. Why should , the *Jasiri Mombasa* not be guarding our cargo at this very moment, or is it not true that this ship was another rip off of Kenyan Tax payers money and there is no such Kenya Navy ship?

5. WHY ARE WE ON AN ARMS BUYING SPREE? According to press reports the weapons on board the *MV Faina* are not the first recent export of T 72 tanks into Kenya. On the same day the Official Government Spokesman issued his last statement, Kenya Television Network broadcast footage of large numbers of tanks being transported by rail into the Kenya hinterland from Mombasa, and interviewed a shipping observer who stated that over 1 thousand five hundred tons of similar military tanks have been delivered in 3 prior shipments through Mombasa. Photographs have also appeared on the internet of tanks at Athi River Train Station in October 2007. Why at this time of economic hardship is the Government on an arms buying spree – Are we at war? Where did the Government of Kenya get the money to acquire these weapons and why are we buying second hand old T 72 tanks?

Recommendations:

INVESTIGATE THE MV FAINA INCIDENT – PUNISH THE CULPABLE IF WRONGDOING IS ESTABLISHED. The United Nations should establish an enquiry into the *MV Faina* incident and investigate this matter immediately. If it is found that the Government of Kenya is participating in illegal arms trade, especially in light of the arms embargo against Darfur related shipments into Sudan, the strongest possible action against all corporate entities and individuals involved in the *MV Faina* incident should be taken. The Kenyan people, and international interests in peace and security, will be better served by the punishment of such crimes and impunity must not be condoned.



REFORMS ARE NECESSARY IN SECURITY RELATED PROCUREMENT BY THE GOVERNMENT OF KENYA – PARLIAMENT MUST EXERT CIVILIAN CONTROL OVER THE MILITARY. The NYC demands that Parliament re-establish civilian control over the military of Kenya and that security related procurement be reformed to introduce levels of accountability and transparency in order to reduce opportunities for abuse of taxpayer's funds on the grounds of national security and secrecy. In this regard a Special Audit of the alleged procurement of T 72 tanks is in order.

The NYC stands committed to its own resolutions made at the Bomas of Kenya on September 20th 2008 concerning security related procurement. On that date we stated that the youth demand the immediate taking of steps towards reduction of the recurrent expenditure of Government with a corresponding increase of the development allocations in the National Budget and for the development and implementation of a comprehensive Government Policy to effect this change after consultation with youth.

We reiterate our position that

“Reduction of recurrent expenditure should begin with cutting wasteful expenditure by Government in the National Budget including spending [on] unjustifiably massive expenditure on secret security related procurement.”

As Parliament resumes its sessions next week, we demand that the defense budget must be cut by over 40% to curb this senseless wastage AND this money allocated to resettling all IDPs, Building social Halls for young Kenyans across the country and buying capital machinery for young people to enter productive enterprises using the show grounds and disused halls and government buildings across Kenya.

NYC shall not accept more of these Anglo-leasing-type frauds to go on unabated!

We call on the President, the Prime Minister, the Minister of Defence to issue their statements on this issue of the MV Faina incident which is a threat to Kenyan and regional security. What the pirates have done is an overt act of aggression against the Republic of Kenya.

Now, the Government must account to the people of Kenya. Whose weapons are these?

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HIJACKED SHIP: UPDATE & POSITION OF THE GOVERNMENT OF KENYA

The Government is actively monitoring the situation of the hijacked ship MV FAINA containing cargo for the Kenyan Military. The Government continues to work closely with our security partners in this endeavour. The Government has noted with concern, propaganda being peddled questioning the ownership of our Military equipment, which is in that ship. To this end, it should be very clear that:-

1. The Government of Kenya has claimed ownership of the cargo in the hijacked ship and stated in more than one forum that it is our cargo.
2. The shippers and sellers of the equipment have stated clearly that the cargo is for the Kenyan Ministry of Defence.
3. The Government of Sudan has also stated clearly that they have not ordered any of the said equipment.
4. Shipping documents show clearly that the cargo in the ship is destined for the Kenyan Military.

The question then arises – Why are some people making this an issue? The Government has been clear on this matter and will not get drawn to keep on repeating itself and justifying its military strategy, use of military equipment and defence plans. Therefore, the Government does not have anything more to add to this issue and request media to stop making wild guesses, speculation and interferences, with no iota of proof or documents to back them.

In the near past, we have seen many allegations against Government Agencies pushed and promoted by media houses without any evidence given whatsoever. These allegations have in the most part been found to be baseless after causing so much disharmony in the country. For example, at one time, newspapers and TV Stations ran headline stories questioning the authenticity of a drug cache being held by the Kenyan Police. They even alluded that the drugs had been stolen and sold. International, including United Nations experts, came and publicly ascertained the drugs were all there despite the previous media propaganda that had been quoting so called “reliable” sources. Media never spoke of how wrong they, media, were.

We are all aware of the various allegations made during the last elections and the Kreigler Commission’s report showing no evidence to back up some of the serious allegations. We, therefore, all need to be careful when we make serious allegations, and, especially, not just ask leading questions that confuse Wananchi.

If you have proof provide it, and say what you are sure of, but it is wrong to hide behind questions, most of which are at times based on propaganda from discontented individuals and/or at worst terrorists.

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