



KENYA

Capital
(and largest city) Nairobi, 1°16'S 36°48'E

Official languages Swahili, English

Government **Semi-presidential Republic**
– President Mwai Kibaki
– Prime Minister Raila Odinga

Independence from the United Kingdom
– Date December 12, 1963
– Republic declared December 12, 1964

Political Parties (election results 2007)

Parties Seats

Orange Democratic Movement 99 – Party of National Unity 43 – Orange Democratic Movement-Kenya 16 – Kenya African National Union 14 – Safina 5 – National Rainbow Coalition-Kenya 4 – Forum for the Restoration of Democracy-People 3 – National Rainbow Coalition 3 – Chama Cha Uzalendo 2 – Democratic Party 2 – New Forum for the Restoration of Democracy-Kenya 2 – Party of Independent Candidates of Kenya 2 – Sisi Kwa Sisi 2 – Forum for the Restoration of Democracy-Asili 1 – Forum for the Restoration of Democracy-Kenya 1 – Kenya African Democratic Development Union 1 – Kenya African Democratic Union-Asili 1 – Kenya National Democratic Alliance 1 – Mazingira Green Party of Kenya 1 – National Labour Party 1 – People's Democratic Party 1 – People's Party of Kenya 1 – United Democratic Movement 1 – Total: 207

State of Democracy Kenya

2008 has been a challenging year for Kenya. The violence that gripped the country after the elections in the December 2007 prompted many to ask what happened to this African bastion of stability and burgeoning democracy. Politically, the early months of 2008 were marked by a stalemate between Kenya's main political opponents: on one hand the incumbent president Mwai Kibaki representing the Party of National Unity (PNU), and on the other Raila Odinga of the Orange Democratic Movement (ODM). It took to the end of February before a breakthrough was reached, and negotiations led by Kofi Annan resulted in a power sharing deal.

Kriegler report

In the second part of 2008 a number of initiatives ensued from the Annan agreement. First the formation of the Kriegler Commission, set up to investigate the 2007 elections and the circumstances that led to the violence that gripped the country soon after. The Kriegler report clearly named and blamed the Electoral Commission of Kenya's (ECK) lack of legitimacy and called for radical reform. The ECK was disbanded and replaced by an Interim Independent Electoral Commission for the duration of maximum two years.

Waki Commission

In the aftermath of the conflict, the Waki Commission formulated guidelines to bring the perpetrators to justice. However, Parliament failed to pass a law devised to create a Special Tribunal for Kenya before the deadline set by Commission. Hence, the list of suspects has now been forwarded to the International Criminal Court (ICC) in The Hague.

Constitutional reform

Another aspect of the Annan agreement was the promise of a revised constitution within twelve months. However, it took almost a year for the Constitution of Kenya Review Act, which paves the way for the review process, to be passed in parliament. The process is now driven by a Committee of Experts of nine persons and a Parliamentary Select Committee of twenty-seven.

Analysis current situation

Today the political situation in Kenya remains volatile. A lack of real political commitment by the main protagonists of the Annan reform agenda hampers democratic consolidation in the country. The political elite is only lukewarm to reforms that directly threaten their power base and the informal networks that safeguard their vested interests. The Grand Coalition is effectively an incentive to retain the status quo as it weakens the opposition and contributes to a lack of checks and balances within the democratic system. What some refer to as the 'elite capture of state' is apparent by the slow implementation pace of the Annan agenda and ongoing allegations of grand scale corruption by government officials.

If the political elite once more fails to deliver on democratic legal reforms, violence in Kenya is likely to erupt again. It is evident that historical injustices and sensitive political issues such as land reforms and devolution of power, which were at the root of the 2007/2008 election crisis, cannot be ignored any longer, and that a sustainable solution for the still substantive numbers of internally displaced people should be found in order to restore the trust of the Kenyan population.

NIMD Kenya programme

Alarmed by the escalation of violence and its implications for many Kenyans who had lost their homes or even their lives, NIMD's Kenyan partner, the Centre for Multiparty Democracy (CMD-Kenya), developed a programme to stem the conflict, foster dialogue, and renew trust and understanding amongst ethnic groups. Immediately after the crisis started, CMD-Kenya's Executive Director Ms Njeri Kabeberi and her colleagues mobilized politicians from the main parties to re-invigorate interparty dialogue.

Fora

As the violence spread throughout the country CMD-Kenya initiated a Peace Forum of Kenyan Parliamentarians. This forum met with Kofi Annan and included MPs from the violence-struck Rift Valley and Central regions. They also created the Multisectoral National Salvation Forum consisting of all political parties and civil society groups (including trade unions, churches, the business community, and professionals). This forum tries to find a sustainable solution to the crisis and monitors the implementation of the Peace Agreement.

Building bridges of understanding

Although triggered by the disputed electoral results, the 2007/2008 violence in Kenya manifested itself along ethnic lines. In order to address the real and perceived social and economic disparities between Kenya's ethnic groups, CMD-Kenya developed the 'Building Bridges of Understanding' programme, designed to break ethnic isolation and foster understanding among ethnic groups. The programme featured an exchange of politicians, people from the business sector, women and youth from one ethnic constituency, visiting a another ethnic constituency. A video report of the exchange was broadcast on national television.



Another project consisted of a visit of war veterans to the site of the Hola Massacre in 2009, 50 years after the historic event. Like the Building Bridges Programme, this project fostered appreciation of a collective national past and identity. Other bridges built were between faith based communities in the preparation and realization of a mass burial for the victims of the postelection violence. The churches can play a key role in bringing people together yet are also problematic in blocking the much needed constitutional reforms.

Constitutional Reform

CMD-K and Parliament are taking a new initiative to move the constitutional reform process forward. The Committee of Experts that is charged with preparation of a new constitution is not making much progress. Hence a fall-back position is required. Key issue is the reform of the electoral system. Without a change in the electoral system the negative incentives of the current system on the political culture in Kenya will not change.

ICC

CMD-K and Parliament also agreed to take new initiatives to break the deadlock on the prosecution of culprits of the political violence, specifically on finding agreement on establishing a tribunal in Kenya for this purpose, aligned with the proceedings of the ICC.

Sharing Knowledge

CMD-Kenya has also hosted two important international conferences on behalf of NIMD, where politicians and democracy assistance practitioners from Africa, Latin America, Europe and Asia shared their knowledge and experiences.

On 30 October 2009 Kenyan CMD-K Director Njeri Kabeberi received a Human Rights Award from the Chamber of Lawyers of Frankfurt am Main, Germany, for her personal commitment and professional dedication to peace, justice and democracy in Kenya. Subsequently, on 3 November 2009, she was honoured in The Hague, The Netherlands, where she was awarded a 'democracy ribbon' for her work.

Stakeholders

1. Programme Partner

Centre for Multiparty Democracy Kenya (CMD-Kenya)

2. National Partners

Kriegler Commission – Waki Commission – Constitution of Kenya Review Commission – Kenya Law Reform Commission – Registrar of Political Parties – Coalition for Accountable Political Financing (CAPF) – Former Parliamentarians Association of Kenya (FPAK) – National Civil Society Congress – K24 television channel – Kenya Broadcasting Corporation

3. International Partners

Royal Netherlands Embassy – United Nations Development Programme (UNDP) – United Nations Development Fund for Women (UNIFEM) – Department of International Development (DFID), United Kingdom – Ford Foundation, United States of America – U.S. Agency for International Development (USAID) – National Democratic Institute (NDI), United States of America – International Republican Institute (IRI), United States of America – European Parliamentarians for Africa (AWEPA) – Heinrich Böhl Foundation, Germany