

10th Jan 2008

PRESS STATEMENT BY THE OVERSIGHT BOARD OF THE CENTER FOR MULTIPARTY DEMOCRACY (CMD-KENYA)

'STATE OF THE NATION'

Preamble:

The Centre for Multi-Party Democracy (CMD-Kenya) a body founded in 2004 by political parties in Kenya exists to promote the institutionalisation of vibrant and democratic political parties capable of enhancing and perpetuating multi-party democracy. In addition we facilitate the growth of political parties through capacity building of member political parties. It is therefore inevitable that CMD-Kenya must address the pertinent issues with respect to the State of the Nation. In this connection, The CMD-Kenya held a Special Board meeting on the 10th of January, 2007 to discuss the State of the Nation and noted the following:

A. Pre-election Period:

The Board noted with deep regret that the pre-election period was marred with major irregularities within the political parties, especially at the nominations period, which created a culture where unfair practices of winning by hook or crook were the order of the day.

We further note that the haphazardly and hurriedly formed coalitions undermined the already fragile structures within political parties and further weakened the nomination processes.

Besides, there was no clear or obvious political leadership to deter the fermenting of ethnic tensions that were developing towards the election day.

Additionally, the failure to deliver on the new constitution continued to make the stakes for the presidential election too high with the winner take it all scenario. There is too much power vested in the presidency and we are currently witnessing how this power can to be misused.

Furthermore, powers of the President to single-handedly appoint electoral commissioners without due regard to other political parties as per the agreement in the IPPG reforms clearly affected the independence of the ECK as per the facts on the table.

B. Election Period:

We note that there were cited problems in a number of constituencies; however the polling on the 27th of December was generally orderly, with an unprecedented turnout which was very encouraging. Kenyans were hopeful and peaceful. As far as we have been able to gather, Kenyans generally conducted themselves in a civil manner and with decorum.

Information from local and international observers confirms that the counting and tallying of parliamentary and civic ballots has been regarded as generally credible with exception of some constituencies. The main problem came up in the presidential tallying and especially at the national level. It is widely acknowledged even by the ECK chair and other commissioners that the ECK failed in its mandate.

We are further dismayed to note that the ECK Chair Mr. Samuel Kivuitu seemed not to be in control of the situation and not in-charge of commissioners or the electoral staff. He acknowledged the existence of credible and substantive complaints but did nothing about it, to the extent that he has acknowledged that he does not know who won the election.

Mr. Samuel Kivuitu, an occupant of a tenured office should be able to withstand all kinds of pressures.

The manner of the announcement of the presidential results, including the shutting out of all press, except the state broadcaster, also raised a lot of questions.

1.1 C. Post Elections

Events of the post election show that the whole process culminating with the swearing in was conducted in an irregular and suspicious manner. The hurriedly organized swearing in ceremony at State House, and the whole scenario surrounding the same, indicate that one party knew the election results in advance.

We note with sadness that there were spontaneous and sporadic riots in some areas, and in other areas it seems the killings may have been pre-planned and well coordinated. This unfortunate situation is unprecedented in the history of this country. The Board regrets very much the loss of hundreds of innocent lives maiming of thousand others and the massive destruction of property.

Shockingly despite a public outcry, local and international denunciation, the system seems to be impervious to reason and public opinion. As the Centre for Multi-party Democracy we decry the deterioration of the democratic gains this country has had for the last 44 years, the high contempt and disregard of the constitution and direct interference with the freedoms of expression and assembly which have further aggravated the already dire situation.

The announcement of a cabinet on the eve of the mediation talks is a pointer to the above.

D. Way Forward

CMD-Kenya demands that all these fundamental issues be addressed if this country is to recover from this state of mistrust and potential anarchy.

CMD-Kenya joins calls for truth and justice by other organisations and individuals; we wish to stand by our national anthem 'Let Justice be our Shield and Defender' without which this country will not develop sustained peace.

We reiterate our position that a new constitutional order is long overdue because without it political actors continue to take advantage of existing loopholes. CMD-Kenya will champion the institution of a new constitutional order.

It is clear that the horizontal-participatory democracy which has been developed over the years and which had empowered the voter has been trashed through the current malpractices. This is regrettable indeed.

CMD-Kenya shall continue to facilitate all its member political parties and its new potential members in working towards resolving the current national crisis.

CMD-Kenya will continue to work with like-minded organisations on endeavours towards eternal peace for this country.

Finally, CMD-Kenya has set up a State of the Nation technical committee that will constantly advise the membership on the best way forward as well as inform future engagements on this matter.

**LONG LIVE KENYA, LONG LIVE DEMOCRACY!
JUSTICE BE OUR SHIELD AND DEFENDER!**