

**Kura Yangu  
Sauti Yangu**



## PRESS STATEMENT

*Kura Yangu Sauti Yangu* is a citizen led coalition spearheaded by a number of like-minded civil society organizations, who have come together to proactively support Kenya's preparations for the 2017 elections with a view to ensuring that the country minimizes the risks related to dysfunctional electoral competition which the country has experienced in the recent elections.

As Kura Yangu Sauti Yangu the overriding concern as the country nears another closely-contested presidential election is whether or not the contest will occasion political violence. This concern is grounded on the country's history in recent elections, in which all contests where there has been an incumbent have been accompanied by violence. Thus, the violence that followed the 2007 elections, the worst in the country's history, occurred in the context of a contest between the incumbent, Mwai Kibaki, and his challenger, Raila Odinga. The violence that preceded the 1992 and 1997 elections also occurred in a setting of President Moi, as an incumbent, facing a challenge from different rivals. By contrast, no major violence accompanied the 2002 or 2013 elections, neither of which had an incumbent president as a candidate.

A national dialogue on the crisis resulting from the 2007 violence yielded a reform programme aimed at addressing deep-seated historical grievances, viewed as the structural drivers of the violence. The programme included a truth and reconciliation commission which, after a troubled four years of work, produced a report in 2013. However, the political leadership poured cold water on the report and nothing has followed in the way of implementation. Also, the rest of the reform agenda, aimed at dealing with long-term grievances, came to an abrupt end after the 2013 elections. Notwithstanding the reform efforts, political polarisation, notably along ethnic lines, has remained a feature of the country's politics and has been the cause of an intractable political situation in the country.

With a constitutional requirement for an absolute majority of votes to be declared winner of the elections, the country's political elites have organized two closely-matched outfits that are competing in the forthcoming elections, thus guaranteeing that the results will be close. The closeness of the election is a factor that has created tensions around the election.

A feature in the pervasive fear is the fragility of the public institutions that are most responsible for managing the elections. After a long period of disagreement over the fate of members of the Independent Electoral and Boundaries Commission (IEBC) who managed the 2013 elections, consensus was reached through a Parliament-led negotiation that saw the retirement of the commissioners who were eventually replaced in January. While the appointment of new commissioners has improved the level of public confidence in the IEBC, it is also clear that the new commissioners have assumed office very late, at a time when key preparatory arrangements had already taken shape without their input. In the short time they have been in office, the new commissioners have been involved in a breathless endeavour to implement a timetable for the management of the elections. While the timelines were already tight, allowing little room for variation, further time has been lost as the IEBC has endured a series of unforeseen delays caused by court challenges to some of its decisions.

Confidence in the courts of law, which have a key constitutional mandate to resolve electoral disputes, has also been affected. After its decision in the presidential election petition in 2013, for which it was severely criticized, the Supreme Court went on to experience two internal crises, the first over the correct retirement age for judges, and the second which occurred following

allegations that a member of the Supreme Court accepted a bribe to give a favourable judgment to a litigant in a high profile case. The damage to this institution has been profound and may affect public confidence in its ability to play a meaningful role in the elections, should this be required.

The national-level contest is not the only source of fear of violence. With a new Constitution that introduced 47 county governments as part of its devolved arrangements, there are also local contests in the election. Because the local contests are so many, and with national level politics monopolising public attention, there is a possibility that localized situations could deteriorate undetected and may surprise the country's security apparatus.

The traditional drivers of violence remain intact and could play a role if the situation degenerates. These include the country's youth bulge, which assures the ready availability of young people for recruitment into violent schemes. Also, the elections coincide with a noticeable economic downturn, characterised by high prices for household commodities such as maize, milk and paraffin. Already, the rising cost of living has featured as an election issue, and could yet become a factor in any violence.

However, violence is not an inexorable outcome in the forthcoming elections. What happens in the elections and thereafter will depend significantly on the level of efficiency with which the IEBC, as the lead elections agency, manages to discharge its responsibilities. Peace, a national craving at this time, will be delivered through the competency of the country's institutions. With the best preparations, many things can still go wrong. With such time constraints affecting their tenure in office before they are expected to deliver the elections, the IEBC commissioners are not in the best position to make any guarantees that the elections will run smoothly, and that no glitches will occur.

Still, the commissioners must take full responsibility for the elections and are accountable for all that will happen. While it is hoped that they will do their best to ensure that the elections are free and fair, the commissioners must also actively manage public expectations and, at every stage, must proactively provide as much information as possible. So far, the IEBC is viewed as not providing enough information on key developments affecting the process.

Crucially, the IEBC must also actively demonstrate its independence. The country's political processes are a low-trust environment. More than anything else, a perception that the IEBC is doing the bidding of any one side in the political divide will be the source of trouble for the country. Remaining independent and being able to demonstrate that independence will be a key determinant on the credibility of the elections.

The country's political leadership is not without responsibility for what happens in these elections. President Uhuru Kenyatta bears responsibility for keeping the country united even in the face of highly competitive elections in which he is a candidate. This role will require him to send a clear signal to public institutions that he does not expect any favours even though he is the president. Merely because he is president, Kenyatta will need to demonstrate great magnanimity towards his opponents, and to facilitate the maintenance of a healthy political atmosphere.

On their part, the opposition will need to engage in good faith, and to take responsibility for the conduct of their supporters. Kenya's future depends on how much responsibility its leaders and institutions are willing to take during this challenging time.

The Secretariat

**Kura Yangu Sauti Yangu - Coalition**

Kenya Human Rights Commission [KHRC]

Opposite Valley Arcade Shopping Center, Gitanga Road

P. O. Box 41079 - 00100, Nairobi

Website: [www.khrc.or.ke](http://www.khrc.or.ke)