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MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Feleknas Uca and Gabriele Zimmer

on behalf of the GUE/NGL Group

on the situation in Kenya

European Parliament resolution on the situation in Kenya

The European Parliament,

- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the ‘Cotonou Agreement’), and amended in Luxembourg on 25 June 2005, and in particular Articles 8 and 9 thereof,
 - having regard to the African Charter of Human and People's Rights' guidelines on the conduct of democratic elections,
 - having regard to the African Union Declaration on Principles Governing Democratic Elections (2002),
 - having regard to the 'Declaration of Principles for International Election Observation' and the 'Code of Conduct for International Election Observers', commemorated at the UN on 27 October 2005,
 - having regard to the Preliminary Statement of the European Union Election Observation Mission (EUEOM) in Kenya of 1 January 2008,
 - having regard to the Declaration of 8 January 2008 by the Presidency of the European Union on behalf of the EU concerning the Kenyan presidential elections,
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas, according to Article 9 of the ACP-EU Partnership Agreement, 'respect for all human rights and fundamental freedoms, including respect for fundamental civil rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development',
- B. whereas the 2007 general elections in Kenya were for a long time promising to be the most democratic elections in the country's history, and whereas during the election campaign freedom of association, expression and assembly were broadly respected; whereas, however, some campaigners tried to capitalise on ethno-political divisions which contributed to the tense atmosphere in the follow-up of the elections,
- C. whereas according to international independent observers the tallying process fell short of basic international and regional standards for democratic elections, and whereas the EUEOM concluded that the tallying process of the presidential election lacked credibility and therefore expresses doubts as to the accuracy of the results,
- D. whereas the EUEOM observers were not given similar access to tallying stations and concluded that the lack of transparency and adequate security procedures severely undermined the credibility of the presidential results,

- E. whereas publicly raised suspicions concerning election fraud were followed by rioting and ethnically motivated killings that led to the deaths of more than 500 people,
- F. whereas along with the post-election violence numerous cases of rape crimes against women and girls were reported,
- G. whereas members of the so-called Mungiki appear to rank high in the figures of the perpetrators of crimes,
- H. whereas as a result of the unrest, several hundred thousand people have fled their homes and remain in a desperate situation short of water, food and all basic supplies,
- I. whereas the Election Commission of Kenya (ECK) oversaw the logistical and technical aspect of the elections, improved access to voter registration centres and trained the polling staff,
- J. whereas, however, the ECK did not demonstrate the impartiality, transparency and confidentiality that are prerequisites in a democratic election, and this is reflected in the flawed nomination procedures for the ECK Commissioners,
- K. whereas the President of the African Union, the Ghanaian President John Kufuor, travelled to Kenya on 8 January 2008 to mediate between incumbent President Mwai Kibaki and opposition leader Raila Odinga, in order to reach a political solution,
- L. whereas on 8 January 2008 incumbent President Mwai Kibaki appointed 17 members of his 'Government of Unity',
- M. whereas four former African Presidents from Botswana, Mozambique, Tanzania and Zambia have travelled to Kenya and appealed to Kenyans to cease fighting and unite in order to hold their country together,
- N. whereas a mediation process has now been initiated, led by former UN Secretary-General Kofi Annan,
- O. whereas Kenya has made commitments to good governance, human rights and the rule of law within the framework of the Cotonou Partnership Agreement,
- P. whereas Kenya's economic progress in recent years fell short of delivering its benefits to all regions and population sectors of the country,
 - 1. Condemns the tragic loss of life and the critical humanitarian situation, and therefore urgently calls on the relevant authorities and stakeholders to do their utmost to bring peace to their country and to ensure respect for human rights and the rule of law;
 - 2. Calls on the Kenyan Government and the political party leaders to take all possible measures to ensure an immediate halt to the violence;
 - 3. Calls on the Kenyan Government to establish an independent and impartial inquiry into the killings and other crimes in all regions and districts where people were killed or injured in the context of post-electoral violence;

4. Deplores the fact that despite the existing doubts concerning the election results, the incumbent President Mwai Kibaki appointed his cabinet regardless of the pending mediation process;
5. Calls, in this regard, on the incumbent President Mwai Kibaki to respect his country's democratic commitments enshrined in the African Charter of Human and People's Rights guidelines relating to free and fair elections;
6. Urges both sides to engage urgently in remedial action through negotiations, and welcomes, in this regard, the willingness of former UN Secretary-General Kofi Annan to mediate; stresses that both parties need to urgently engage in a constructive dialogue, in which all efforts at mediation deserve full support;
7. Urges in addition, that the Kenyan authorities urgently, thoroughly and transparently investigate the election irregularities and take immediate action to redress the situation and make the perpetrators of these irregularities accountable for their actions;
8. Calls for the establishment of a truly impartial Election Commission prior to the next elections;
9. Regrets the missed opportunity provided by the 2007 general elections to consolidate and further develop the electoral and wider democratic process;
10. Calls on the leadership of the political parties to exercise maximum restraint and to refrain from any action or comment which could provoke further violence, to demonstrate a commitment to the rule of law and to ensure respect for human rights;
11. Is deeply concerned about the social repercussions of the current economic crisis and the detrimental effect on the country's socio-economic development;
12. Calls on the Kenyan government and on the Commission to arrange rapid humanitarian assistance to the internally displaced and to provide all necessary humanitarian relief workers;
13. Urges the Kenyan government to address the roots of the corruption that has undermined governance in much of the country, especially at state and local levels;
14. Calls on the Commission to reflect upon the role that social inequalities in Kenya have played in the run-up to the current tragedies, and urges the Commission and the EU Member States to reshape development cooperation with Kenya, with a new emphasis on the reduction of inequality;
15. Instructs its President to forward this resolution to the Council, the Commission, the Governments of the Member States, the Government of Kenya, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, and the Chairmen of the Commission and Executive Council of the African Union.