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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 Valdis Dombrovskis, Colm Burke, Maria Martens, Filip Kaczmarek and
Horst Posdorf

on behalf of the PPE-DE 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, in particular Articles 8 and 9 thereof,
 - having regard to the African Charter on Human and Peoples' Rights guidelines on the conduct of democratic elections,
 - having regard to the African Union Declaration on the Principles Governing Democratic Elections in Africa (2002),
 - having regard to the 'Declaration of Principles for International Election Observation' and the 'Code of Conduct for International Election Observers', commemorated at the United Nations 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 EU Presidency Declaration of 8 January 2008, on behalf of the European Union, concerning presidential elections in Kenya,
 - 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 fell short of basic international and regional standards for democratic elections and were followed by rioting and ethnic tensions that led to the deaths of nearly 500 people,
- C. whereas, as a result of the unrest, several hundred thousand people have fled their homes, while the Kenyan Red Cross estimates that the recent turmoil has led to the displacement of more than 250 000 people, in particular from the cities of Eldoret, Kericho and Kisumu,
- D. whereas these elections have betrayed the hopes and expectations of the Kenyan people, who eagerly engaged in the electoral process by voting in large numbers in a peaceful and

patient manner,

- E. whereas, during the election campaign, freedom of association, expression and assembly were broadly respected; whereas, however, the campaign was also marked by ethno-political divisions, which contributed to the volatile situation in the run-up to the elections,
- F. whereas the international community did not pay sufficient attention to these underlying ethnic tensions and must henceforth take this issue into consideration in any future mediation efforts in the current Kenyan crisis,
- G. 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,
- H. whereas, however, the ECK did not demonstrate the necessary impartiality, transparency and confidentiality that are prerequisites in a democratic election, and whereas this is reflected in the flawed nomination procedures of ECK Commissioners,
- I. whereas the EUEOM observers were welcomed by the relevant authorities at polling stations, where polling was conducted in an orderly manner,
- J. whereas, however, 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 election results,
- K. whereas turnouts higher than 90% were recorded at certain polling stations and whereas the ECK voiced doubts about these unrealistically high figures,
- L. whereas journalists who attended the announcement of the presidential elections on 30 December 2007, were then expelled from the meeting room,
- M. whereas the EUEOM concluded that, overall, the election process prior to tabulation was well managed and that the parliamentary elections were deemed largely successful,
- N. whereas, however, the EUEOM concluded that the tallying process of the presidential election lacked credibility, and therefore expresses doubts as to the accuracy of the results,
- O. whereas Finance Minister Amos Kimunyu estimates that the political turmoil will cost the Kenyan economy USD1 billion,
- P. whereas Ghanaian President John Kufuor travelled to Kenya on 8 January to mediate between incumbent President Mwai Kibaki and opposition leader Raila Odinga, in order reach a political settlement,
- Q. whereas, on 8 January, incumbent President Mwai Kibaki appointed 17 members of his cabinet, thus effectively pre-empting a tripartite negotiation,

- R. whereas incumbent President Mwai Kibaki has suggested holding bilateral talks with the opposition, a proposal rejected by Raila Odinga,
- S. 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,
- T. whereas Kenya has made commitments to good governance and respect for human rights and the rule of law within the framework of the Cotonou Partnership Agreement,
- U. whereas the recommendations made by the 2002 EU EOM, including the size and boundaries of electoral constituencies for the legislative elections and the fact that the tenure of office of ECK Commissioners should run to six months after general elections in order to enhance the independence and professionalism of the election authority, were not sufficiently taken into consideration,
1. Condemns the tragic loss of life and critical humanitarian situation and urgently calls on the relevant authorities and stakeholders, therefore, to do their utmost to bring peace to their country and to ensure respect for human rights and the rule of law;
 2. Endorses the conclusions presented by the EUEOM in its Preliminary Statement;
 3. Regrets that, despite the broadly successful parliamentary elections, the results of the presidential elections cannot be considered credible due to widespread reports of electoral irregularities;
 4. Deplores that, despite such flawed results, incumbent President Mwai Kibaki rejected the offer of President John Kufuor's mediation and appointed his cabinet;
 5. Calls, in this regard, on incumbent President Mwai Kibaki to respect his country's democratic commitments enshrined in the African Charter of Human and Peoples' Rights guidelines relating to free and fair elections;
 6. Urges both sides to engage, as a matter of urgency, in remedial action through negotiations, with the involvement of an international mediator;
 7. Welcomes, in this regard, the bilateral talks held on 9 January between President John Kufuor and the two political leaders, but stresses that this is not sufficient and that both parties need to urgently engage in a constructive dialogue;
 8. Urges, in addition, that the Kenyan authorities urgently, thoroughly and transparently investigate electoral irregularities and take immediate action to redress the situation and to make the perpetrators of these irregularities accountable for their actions;
 9. Calls for concrete measures to establish a truly impartial Election Commission, so that it will in future be better able to conduct free and fair elections;

10. Regrets that the 2007 general elections missed the opportunity to consolidate and further develop the electoral and wider democratic process;
11. Calls on the leadership of political parties to take responsibility for preventing further violence in the country, to demonstrate a commitment to the rule of law and to ensure respect for human rights;
12. Is deeply preoccupied by the social repercussions of the current economic crisis and their detrimental effect on the country's socio-economic development;
13. Calls on the relevant authorities to reinstate live broadcasting with immediate effect;
14. Urges the Kenyan Government to address the roots of corruption that have undermined governance in much of the country, especially at state and local levels;
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.