

110TH CONGRESS  
2D SESSION

# S. RES.

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Calling for a peaceful resolution to the current electoral crisis in Kenya.

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## IN THE SENATE OF THE UNITED STATES

Mr. FEINGOLD (for himself and Mr. SUNUNU) submitted the following resolution; which was referred to the Committee on \_\_\_\_\_

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# RESOLUTION

Calling for a peaceful resolution to the current electoral crisis in Kenya.

Whereas on December 27, 2007, Kenyan citizens went peacefully to the polls to elect a new parliament and a new President and signaled their commitment to democracy by turning out in large numbers, and in some instances waiting in long lines to vote;

Whereas election observers reported serious irregularities and a lack of transparency that, combined with the implausibility of the margin of victory, and the swearing in of the Party of National Unity presidential candidate Mwai Kibaki with undue haste, all serve to undermine the credibility of the presidential election results;

Whereas the Government of Kenya imposed a ban on live media that day, and shortly after the election results

were announced, in contravention of Kenyan law, the Government also announced a blanket ban on public assembly and gave police the authority to use lethal force;

Whereas subsequent to declaring Mr. Kibaki the winner, the head of the Election Commission of Kenya (ECK) stated that he did not know who won the presidential election;

Whereas in the aftermath of the election announcement, significant violence began and continues to flare;

Whereas on January 1, 2008, 4 commissioners on the ECK issued a statement which called for a judicial review and tallying of the vote;

Whereas the head of the European Union Election Observation Mission stated that “[l]ack of transparency, as well as a number of verified irregularities. . . cast doubt on the accuracy of the results of the presidential election as announced by the ECK” and called for an international audit of the results;

Whereas the Attorney General of Kenya has called for an independent investigation of the tallying of votes and for the votes to be retallied;

Whereas observers from the East African Community have called for an investigation into irregularities during the tallying process and for those responsible for such irregularities to be held accountable;

Whereas some estimates indicate that at least 700 people have died and as many as 250,000 have been displaced as a result of this violence, which continues;

Whereas the economic cost to Kenya of the violence and civil unrest in the wake of the disputed polls is estimated at \$1,000,000,000;

Whereas the Assistant Secretary of State for African Affairs has stated that “serious flaws in the vote tallying process damaged the credibility of the process” and that the United States should not “conduct business as usual” in Kenya; and

Whereas Kenya has been a valuable strategic, political, diplomatic, and economic partner to those in the subregion, region, and to the United States and has been 1 of the major recipients of United States foreign assistance in sub-Saharan Africa for decades: Now, therefore, be it

1       *Resolved*, That the Senate—

2           (1) commends the Kenyan people for their com-  
3       mitment to democracy and respect for the demo-  
4       cratic process, as evidenced by the high voter turn-  
5       out and peaceful voting on election day;

6           (2) strongly condemns the violence in Kenya;

7           (3) urges all politicians and political parties to  
8       immediately desist from the reactivation, support,  
9       and use of militia organizations that are ethnic-  
10      based or otherwise constituted;

11          (4) calls on the 2 leading presidential can-  
12      didates to—

13           (A) engage in an internationally brokered  
14      dialogue, which results in a new political dis-  
15      pensation that is supported by Kenyan civil so-  
16      ciety; and

17           (B) respect the will of the Kenyan people;

1 (5) simultaneously—

2 (A) supports a call for electoral justice in  
3 Kenya, including a thorough and credible inde-  
4 pendent audit of election results with the possi-  
5 bility, depending on what is discovered, of a re-  
6 count or retallying of votes, or a rerun of the  
7 presidential elections within a specified time pe-  
8 riod; and

9 (B) encourages any political settlement to  
10 take into account these recommendations;

11 (6) calls on Kenyan security forces to refrain  
12 from use of excessive force and respect the human  
13 rights of Kenyan citizens;

14 (7) calls for those who are found guilty of com-  
15 mitting human rights violations to be held account-  
16 able for their actions;

17 (8) calls for an immediate end to the restric-  
18 tions on the media, and on the rights of peaceful as-  
19 sembly and association;

20 (9) condemns threats to civil society leaders and  
21 human rights activists who are working towards a  
22 peaceful, just, and equitable political solution to the  
23 current electoral crisis;

1           (10) holds all political actors in Kenya respon-  
2           sible for the safety and security of civil society lead-  
3           ers and human rights advocates;

4           (11) calls on the international community,  
5           United Nations aid organizations, and all neigh-  
6           boring countries to provide assistance to Kenyan ref-  
7           ugees who have fled in search of greater security;

8           (12) encourages others in the international  
9           community to work together and use all diplomatic  
10          means at their disposal to persuade relevant political  
11          actors to commit to a peaceful resolution to the cur-  
12          rent crisis; and

13          (13) urges the President of the United States  
14          to—

15                (A) support diplomatic efforts to facilitate  
16                a dialogue between leaders of the Party of Na-  
17                tional Unity, the Orange Democratic Movement,  
18                and other relevant actors;

19                (B) consider the imposition of personal  
20                sanctions, including a travel ban and asset  
21                freeze on leaders in the Party of National  
22                Unity, the Orange Democratic Movement, and  
23                other relevant actors who refuse to engage in  
24                meaningful dialogue to end the current crisis;  
25                and

1                   (C) conduct a review of current United  
2                   States aid to Kenya for the purpose of restrict-  
3                   ing all nonessential assistance to Kenya, unless  
4                   all parties are able to establish a peaceful, polit-  
5                   ical resolution to the current crisis, which is  
6                   credible with the Kenyan people.