

## **Statement by Ambassadors and High Commissioners to Kenya**

### **In Advance of the New Presidential Election**

We, Ambassadors and High Commissioners, met today with the IEBC leadership to discuss preparations for the new presidential election. As committed friends of Kenya, we have been following developments around it very closely. We are deeply concerned by the deterioration in the political atmosphere and the impact this has had on preparations for the election. We believe it is time for Kenya's leaders and citizens to come together to work for a free, fair, credible, and peaceful poll.

We would like to offer the following thoughts.

First, we are neutral and have no agenda other than to help ensure the Kenyan people have a successful election. We do not support any party, any candidate, or any outcome. We did not back any politician in the August 8 election, and we will not for this poll either.

Rather, we are committed to supporting Kenya's Constitution, laws, and institutions. These are critical to a strong democracy and all sides should respect them. As partners, we have provided assistance to the IEBC, as well as for voter education and peace building in Kenya. We are continuing our support in the run up to the new election.

On September 1, Kenya's Supreme Court issued an historic decision. Now, all sides need to prepare for an election within the Constitutional 60-day timeline. It is critical that this election process be better than the last one and that it be free, fair, credible, and peaceful. It must be conducted consistent with Kenya's Constitution and laws.

For this to happen, the IEBC must act decisively and everyone needs to respect its independence. Leaders on both sides must be reasonable in their demands of the IEBC and in their actions leading up to, and following, the new election. It would be impossible to remake the IEBC in a way that satisfies all political demands, and everyone should refrain from undermining it. All should give the IEBC space, time, and respect. Do not paralyze the IEBC. It is the only institution Kenya has to run the election and ensure Kenyans can choose their president. This is an opportunity for both sides to demonstrate leadership, strengthen Kenya's democracy, and build the country's international prestige.

Unfortunately, the opposite appears to be happening. The draft "Election Laws Amendment Bill," for example, puts at risk the IEBC's ability to conduct a better election within the mandated 60-day timeline, and unnecessarily increases political tensions. Kenyans can debate whether or not electoral changes are warranted, but the timing is a serious problem. Wise reforms to an established electoral process take time. They require thoughtful reflection and

broad agreement from all parties. Well-established international best practice is to avoid changes to electoral rules just prior to an election.

In the same vein, the growing list of political demands, inflammatory rhetoric, and boycott threats undermine the IEBC's ability to carry out its constitutionally-mandated job to hold a new election. For example, if IEBC personnel are to be removed, it should only be done by the appropriate authorities and be consistent with the law and relevant regulations.

We urge all parties to engage immediately in a genuine dialogue with the IEBC regarding electoral procedures and processes. Parties' requests of the IEBC should be concrete, specific, and appropriate. The IEBC should then make reasonable, fair decisions, and the election should be held as the Supreme Court directed.

We also urge all Kenyan leaders and citizens to reject violence. The international community is watching Kenya and every step of its electoral process. We are also watching what politicians are saying and doing. Kenyan leaders should publicly reject violence and ensure their supporters do the same. Some Kenyans are stoking community tensions and it must stop. Security services should use the utmost restraint in handling demonstrations, and any response must be proportionate and measured. We urge independent investigations into all allegations of abuse of force. Those who are guilty of abuse should be held accountable under the law.

Freedom of the media is essential. The media should be protected and allowed to cover the election without intimidation. All media, both traditional and new, should be independent, fair, and balanced in coverage, and work to avoid spreading distortions and misinformation.

In recent months Kenya has witnessed an upsurge, especially in social media, of troubling "fake news," hate speech, and ethnic profiling. In addition, there have been unfounded attacks on individuals and institutions, for instance on the judiciary and the IEBC. While we support freedom of speech, baseless attacks must stop, and leaders should work to ensure they do. Such attacks risk undermining Kenya's Constitution, the rule of law, and peace and security.

Civil society plays a key role in elections and should not be undermined. Kenyans may not agree with what a particular group or person says, but the Constitution guarantees the rights of free expression and association. Security or other services should not go after individuals or organizations because of their views.

Transparency is critical to a successful election and we are committed to assisting with it. Observers make an important contribution to ensuring elections are free, fair, and credible. Election observation missions are reviewing what happened in the August 8 poll and taking steps to do the best possible job when they return for the fresh election.

As representatives, we have all seen the importance of foreign investment, trade, and tourism for Kenya's economic growth, jobs, and security. If the upcoming election devolves into chaos, the economy, businesses, job-holders, and families – all Kenyans -- will pay a heavy price.

Finally, all of us here are from democracies and Kenya is part of our democratic family. This is why Kenya matters so much to us and to our citizens. Kenya is part of us. We share essential values and we are all concerned. Today, the eyes of the world are on Kenya. How Kenyans approach the election and the outcome -- regardless of the winner -- will have an impact on your country and well beyond. This election offers Kenya the opportunity to inspire and shape the future of Africa and the world. We stand with all Kenyans who seek to deepen democracy, advance prosperity, and strengthen security.

Thank you for joining us today. We will now take questions.