

Kenya's Democracy is at a Crossroads

Kenya is special. As diplomats living here, we see and admire daily the determination and creativity of the Kenyan people; the energy and innovation of Kenyan business; and the inspiring democratic journey that Kenya has made since independence. These and Kenya's many other achievements have made it a hub for the region and indeed for the continent and the world.

Like all democratic countries, including our own, Kenya's democracy is not perfect. But it can and should remain a source of strength, and an inspiration to all of us.

That is why, as friends, we are deeply concerned by recent political developments in Kenya. Both the Government and the Opposition have taken steps that have undermined Kenya's institutions, and driven wedges among its citizens.

A father of multi-party democracy has made unsubstantiated claims about elections and unilaterally sworn himself as "President", in deliberate disregard of the Constitution for which he so proudly fought.

The Government, which should be the guarantor of liberty and freedom of expression for all under the law, has shut down television stations, seized the passports of Opposition leaders, refused to obey court orders, and deported a prominent Opposition lawyer. These events follow two elections that left many Kenyans dead and many more livelihoods disrupted.

For friends of Kenya, alarm bells are ringing.

The ambitions of politicians are fundamentally weakening institutions, and breaking the bonds of shared citizenship, which Kenyans have built up patiently over decades.

We are concerned not because we presume to dictate how Kenyans should regulate their country's affairs – we don't. But as fellow democracies, we know our freedoms and rights were hard won, and how carefully we must cherish, strengthen and protect them if our nations are to thrive and prosper.

For democracy to work, leaders must govern justly on behalf of all citizens. When citizens disagree with the decisions leaders make, they dissent peacefully. Opposition provides a check on governmental power. A free media and civil society keep the public informed and facilitate dialogue, and that dialogue improves the policies and programs that leaders deliver to their citizens.

Institutions and Constitutions are not abstract things of interest only to lawyers. They are the only way to ensure that everyone can get justice regardless of gender, religion, wealth or personal connections; can build a better future for their family; and can have their voice heard in the decisions that affect their lives.

Today, Kenya stands at a fork in the road along its democratic journey. Its leaders need to take the right path for Kenya to succeed.

We strongly urge the Government to comply fully with court orders and follow legal process in appealing or contesting them. Freedom of expression, freedom of the media, and all civil rights need to be protected. When individuals are arrested, their rights should be respected and due process followed. Citizens have the responsibility to protest non-violently, and security services should avoid

unnecessary or excessive use of force. Whatever the conduct of others, the government has a special duty to protect democratic institutions and adhere to the Constitution and the rule of law at all times.

Meanwhile, the Opposition must accept the decision of the Supreme Court to uphold the election of October 26. Uhuru Kenyatta and William Ruto are the legitimate President and Deputy President of Kenya. The Opposition needs to accept this as the basis for the dialogue that it and many Kenyans want. Stoking and threatening violence are not acceptable, nor are extra-Constitutional measures to seize power.

As partners, we will do all we can to help; but only Kenyans can resolve the country's problems. We again call for an immediate, sustained, open, and transparent National Conversation involving all Kenyans, to build national cohesion, address long-standing issues, and resolve the deep-seated divisions that the electoral process has exacerbated.

We are investing in Kenya and have great hope for the future. But Kenyans must summon now all their strength and resolve, reaffirm the Constitution, and put the country back on the path to democracy, prosperity, and security.

Robert F. Godec
Ambassador of the United States

Nic Hailey
High Commissioner for the United Kingdom

Jutta Frasch
Ambassador of Germany

Alison Chartres
High Commissioner for Australia

Sara Hradecky
High Commissioner for Canada

Mette Knudsen
Ambassador of Denmark

Anna Jardfelt
Ambassador of Sweden

Victor Conrad Rønneberg
Ambassador of Norway

Frans Makken
Ambassador of the Netherlands

Tarja Fernández
Ambassador of Finland

Kim Ramoneda
Chargé d'Affaires a.i., France