



## Department of Justice, Peace and Human Development Office of International Justice and Peace

### **Background on Kenya May 2008**

*We wish to make a passionate appeal to all Kenyans, men and women, old and young, from all political parties, and from all walks of life, to refrain from violence and from the senseless killing of our brothers and sisters! ... We appeal specifically to the political leaders ... to reach out to one another through dialogue in order to seed a solution to the present situation. This country needs peace that is based on justice and true brotherhood.*

--Kenya Episcopal Conference, January 2, 2008

#### **BACKGROUND**

When the results of the December 27, 2007 Presidential elections were announced giving incumbent President Mwai Kibaki the victory, violence broke out in Kenya. The unrest was widespread, killing over 1,500 people and displacing around 300,000 people to various makeshift camps in and outside of Kenya. The economy of Kenya, a vibrant engine of growth in the region, has been crippled with huge losses registered in the tourist industry and in the export of agricultural commodities like flowers, coffee, and tea.

The initial spark to the violence was a very hotly contested election. Although the election was well run compared to past elections with record levels of voter registration and a 70% voter turn out, the press and opposition parties raised serious concerns about the tallying of country-wide votes in Nairobi, the capital of Kenya. Questions were raised about election fraud, intimidation of voters and other irregularities on both sides. In the end, the flawed election was not seen by many as a conclusive and legitimate transfer of political power to a new president and administration.

After a number of mediation attempts by international actors failed, Kofi Annan, former UN Secretary General and a team of mediators succeeded in mapping out a series of political compromises and policy changes that were acceptable to the political actors. President Kibaki retained the Presidency and Raila Odinga was appointed to the position of Prime Minister with strong executive power. The two leaders also agreed to a list of political reforms that included a revised constitution that would reduce the power vested in the President and distribute more decision making power to the prime minister and the legislative branch and reform the judiciary branch to give it more independence from executive influence.

Other reforms are designed to address the long standing problems around land ownership that have divided Kenyan society and aggravated ethnic divisions since independence. Previous governments have neglected and politicized land reform. Linked to land tenure is a longstanding call by some parties to devolve more decision making power to the provincial governments which would increase the autonomy of local leaders to further local interests. The political parties continue to disagree strongly on this issue.

Land ownership issues are the core reason why 300,000 Kenyans are now displaced, with many not able to go back to their homes and many not having homes in the areas where they find themselves now. The Kenyan government faces a huge challenge in mediating land disputes and then reconciling people who only months ago were in violent, sometimes deadly conflict.

Another key to long term stability in Kenya is the administration of justice. The government, the judicial system and the broader society will have to address the line between punishment for the most egregious criminal acts of violence and a more restorative form of justice for others who might have been

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manipulated into criminal acts. The Kenyan government must also re-establish the rule of law and stability in order to assure investors and businessmen that it is now safe to re-invest in key industries such as tourism and agriculture for export.

The Catholic Church in Kenya was active early on as a voice of calm and as a source of protection and relief. On January 2, a few days after the election, the Kenya Episcopal Conference (KEC) wrote a letter to the people of Kenya, "My Peace I Give You." The Bishops called for a halt to all violence, for an audit of the election tallying process and for immediate mediation talks between the two political leaders. Only a week later, the Bishops met and issued a second letter, "Call for Prayer for the Success of Dialogue." They called on the incumbent, Mwai Kibaki, and the opposition leader, Raila Odinga, to negotiate an agreement in good faith that would stop the fighting and bring peace and reconciliation to the country. In response to the fighting in the western part of the country, the Bishops asked the leaders to work towards land reform to redress past injustices.

## **USCCB POSITION**

Immediately after receiving the Kenyan bishops' first letter, Bishop Thomas Wenski sent a letter of support to the KEC that congratulated them for their stance and expressed the solidarity and prayers of the American bishops. Bishop Wenski also sent a letter to Secretary of State Condoleezza Rice. It echoed the convictions of the Bishops of Kenya and urged the United States Government to heed the calls of the Church leaders.

Catholic Relief Services, which has maintained a program in Kenya for decades, is actively supporting the Church in Kenya with relief supplies and funding to aid the victims of the violence. CRS is one of the leading providers of assistance in this crisis and is working closely with the Church. Other international Caritas partners have also offered aid. CRS also is providing particular support to the KEC in peace and reconciliation efforts.

## **ACTION REQUESTED**

The United States Conference of Catholic Bishops continues to follow the events in Kenya and is working with the U.S. government to encourage a just and sustainable peace to Kenya, to help the Kenyan government and civil society leaders redress long standing grievances and to promote reconciliation among the people of Kenya. More specifically, the USCCB recommends that the U.S. government:

- use its influence with Kenyan political leaders to encourage them to respect the agreements that they reached to resolve the political crisis that is at the heart of the breakdown in civil order;
- work with the African Union, the European Union and others to assist the Kenyan Government to address the difficult issue of land reform decentralization of power;
- assist the Kenyan government to reform the judicial system in order to re-establish its capacity to provide equal justice for all and to ensure justice to the victims of the worst forms of violence after the election;
- provide adequate funds for humanitarian aid to the 300,000 Kenyans who are displaced in addition to sustaining development programs and HIV-AIDS prevention and treatment initiatives; and
- extend long term financial assistance to Kenyan civil society and religious leaders to help them rebuild peace and reconciliation among the people of Kenya.

**For more information:** Contact Stephen R. Hilbert, Office of International Justice and Peace, USCCB, 202-541-3149 (phone), 541-3339 (fax), [Shilbert@usccb.org](mailto:Shilbert@usccb.org). See related USCCB documents at this website: <http://www.usccb.org/sdwp/international/callafrica/knyftpg.shtml>.