

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. CON. RES. 283

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, FEBRUARY 6), 2008

Received and referred to the Committee on Foreign Relations

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## CONCURRENT RESOLUTION

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

Whereas on December 27, 2007, the citizens of Kenya 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 on December 29, 2007, the opposition presidential candidate, Raila Odinga, was reportedly over

300,000 votes ahead of the incumbent with 90 percent of the precincts reporting;

Whereas on December 30, 2007, the head of the Electoral Commission of Kenya (“ECK”) declared that Mwai Kibaki won the presidential election by 197,000 votes;

Whereas Mr. Kibaki was sworn in as President within an hour of the announcement of the election results, despite serious concerns raised about the legitimacy of the election results by domestic and international observers;

Whereas the lack of transparency in vote tallying, serious irregularities reported by election observers, the implausibility of the margin of victory, and the swearing in of the Party of National Unity presidential candidate 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 on January 1, 2008, 4 commissioners on the ECK issued a statement which called into question the election results announced by the Commission and called for a judicial review;

Whereas the head of the European Union Election Observation Mission stated that “Lack 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 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 in 1991 President Daniel Arap Moi agreed to move from one party rule to multi-party politics, and in 1992, Kenyans voted in record numbers in the country's first multi-party election in almost 26 years;

Whereas in 1997 Kenya held its second multi-party elections, despite extremely high levels of tension between the opposition and the ruling party;

Whereas in 2002 the opposition succeeded in forming and holding together a coalition that for the first time in history ousted the ruling party from power, demonstrating to Kenyans and Africans that incumbency and the entrenched clout of a ruling party can be defeated through the ballot box;

Whereas the violence and unrest in Kenya threatens to roll back the democratic gains made over the past 17 years;

Whereas more than 900 people have died and an estimated 250,000 people, 80,000 of whom are children, have been displaced as a result of the violence;

Whereas Kenya has been a valuable United States ally since independence, providing the United States with access to its military facilities and political support in the United Nations, and has been an important ally in the war against terrorism, especially since the United States embassy bombings in Kenya and Tanzania in 1998;

Whereas the political instability in Kenya is connected to a larger struggle for democracy and is not merely the result of tribal violence;

Whereas continued violence and unrest could have serious political, economic, and security implications for the entire region; and

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: Now, therefore, be it

1       *Resolved by the House of Representatives (the Senate*  
2 *concurring)*, That the Congress—

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

7           (2) strongly condemns the ongoing violence in  
8           Kenya and urges all parties concerned to imme-  
9           diately end use of violence as a means to achieve  
10          their political objectives;

11          (3) calls for a peaceful, negotiated settlement of  
12          the conflict in Kenya;

13          (4) calls on the 2 leading presidential can-  
14          didates to continue to accept external and internal  
15          assistance to help find a solution to the current cri-  
16          sis which has the support of the people of Kenya;

17          (5) calls on Kenyan security forces to refrain  
18          from use of excessive force and respect the human  
19          rights of Kenyan citizens;

1           (6) calls for those who are found guilty of com-  
2           mitting human rights violations to be held account-  
3           able for their actions;

4           (7) calls for an immediate end to the restric-  
5           tions on the media, and on the rights of peaceful as-  
6           sembly and association;

7           (8) condemns threats to civil society groups,  
8           journalists, religious leaders, human rights activists,  
9           and all those who are making every effort to achieve  
10          a peaceful, just, and equitable political solution to  
11          the current electoral crisis;

12          (9) calls on the international community,  
13          United Nations aid organizations, and all neigh-  
14          boring countries to provide assistance to those af-  
15          fected by violence and encourages the use of all the  
16          diplomatic means at their disposal to persuade rel-  
17          evant political actors to commit to a peaceful resolu-  
18          tion to the current crisis; and

19          (10) urges the President of the United States  
20          to—

21                 (A) continue to support diplomatic efforts  
22                 to facilitate a dialogue between leaders of the  
23                 Party of National Unity, the Orange Demo-  
24                 cratic Movement, and other relevant actors that  
25                 will lead to the establishment of an interim or

1 coalition government in order to implement nec-  
2 essary constitutional reforms, establish a mech-  
3 anism to investigate the election crisis, and ad-  
4 dress its root causes;

5 (B) consider the imposition of targeted  
6 sanctions, including a travel ban and asset  
7 freeze, on political leaders and other relevant  
8 actors who refuse to engage in mediation efforts  
9 to end the political crisis in the country; and

10 (C) conduct a review of current United  
11 States aid to Kenya for the purposes of restrict-  
12 ing all non-essential assistance to Kenya unless  
13 the parties are able to establish a peaceful polit-  
14 ical resolution to the current crisis which is  
15 credible to the Kenyan people.

Passed the House of Representatives February 7,  
2008.

Attest: LORRAINE C. MILLER,  
*Clerk.*