



THE NATIONAL COUNCIL OF CHURCHES OF KENYA

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FOR WANANCHI

GENERAL SECRETARIAT

CREDIBLE FRESH ELECTIONS A MUST PRESS STATEMENT

A. Preamble:

The Executive Committee of the National Council of Churches of Kenya has held an Extra Ordinary meeting over the last two days here at *Jumuia Conference and Country Home, Limuru*. The meeting took time to pray and reflected on the state of the nation in view of the evolving election issues including the nullification of Presidential Elections by the Supreme Court and direction that fresh elections be held within sixty days from the date of the ruling.

During this meeting, we reflected on the scripture recorded in Proverbs 22: 28 – “*Do not move an ancient boundary stone set up by your forefathers*”, which is a strong reminder to all that we must respect the provisions and limitations set in the Constitution and Laws of Kenya. With this in mind, we wish to share the following message:

B. Message of Condolence for Victims of Moi Girls School Nairobi

This Executive Committee sends heartfelt condolences to the parents, teachers, students, and community of the 9 students of Moi Girls School who perished in a fire tragedy. We have prayed for the victims, and also for all who were injured so that they recover speedily. May the peace of God, which surpasses all understanding, guard your hearts as you recover from the pain and trauma.

On its part, we call upon the Ministry of Education, Science and Technology to urgently implement the recommendations of the School Arson Probe Committee (2016) so as to safeguard the lives of students.

C. Commending Kenyans for Being Patient and Peaceful

This Executive Committee commends all Kenyans for remaining calm and peaceful before and after the ruling on the Presidential election Petition by the Supreme Court of Kenya. Given the emotive nature of Kenya's elections, the restraint displayed by supporters of the leading political formations, who undoubtedly were affected by the ruling, is highly commendable. We urge that all Kenyans adopt such restraint and maturity as the norm in handling all future elections and any related disputes.

D. Release Detailed Ruling

This Executive Committee commends the Supreme Court of Kenya for processing the Presidential Elections Petition within the constitutional timelines. The ruling of the Court nullified the Presidential Election on the grounds that illegalities and irregularities were committed during the elections. We urge the Court to indulge the IEBC as requested by speedily releasing the detailed judgement so as not to keep the Commission, and all Kenyans, in any further suspense.

E. Respect National Institutions

This Executive Committee calls to mind Article 1 (3) of the Constitution of Kenya 2010, which reads:

Sovereign power under this Constitution is delegated to the following State organs, which shall perform their functions in accordance with this Constitution –

- (a) Parliament and the legislative assemblies in the county governments;*
- (b) The national executive and the executive structures in the county governments,*
and
- (c) The Judiciary and independent tribunals*

With this in mind, this Executive Committee observes that the non-political national organs are provided with constitutional protection to enable them secure the interests of all Kenyans without fear, favour or intimidation. The outcome of their processes are of interest to all Kenyans and they are expected to demonstrate that they are worthy of the trust placed on them.

For this reason, we take great exception at the vitriolic verbal attacks and acts of intimidation directed at the Judiciary, especially the Supreme Court, following its majority ruling that nullified the Presidential Elections. These attacks have happened at public rallies and press conferences where the judges have no opportunity to answer or defend themselves.

We also appeal that similar respect is accorded to the IEBC as they seek to address the challenges they faced in the last election and deliver credible fresh Presidential Elections.

We urge that all such public attacks cease forthwith and if parties are still aggrieved and have portent evidence, they commence formal proceedings against the affected officers as provided for in the Constitution and relevant laws. Such action will allow them to defend themselves accordingly.

F. The Date of the Fresh Presidential Elections

This Executive Committee has noted the uncalled for debate around the date of the fresh presidential elections that were ordered by the Supreme Court.

We urge all parties involved to cease disputes around the date of the fresh elections since the 17th of October is within the law and instead focus their attention on other material issues regarding the elections.

G. Fulfill Constitutional Requirements During Fresh Elections

This Executive Committee has reviewed the Constitutional and Legal framework for the fresh elections ordered by the Supreme Court of Kenya and notes that the 60 days provided for in the Constitution are fixed. Overshooting those days would take the country outside the Constitutional regime and the route back to the Constitution would become a matter of conjecture, emotional disputations and anarchy.

It is therefore our considered view that the fresh presidential elections must be held by all means and that all the parties involved must of necessity appear to be engaging in processes that make these elections happen. Not to do so should be seen as a seduction of the country into a potential disaster and coup against our Constitution.

H. Preparedness of IEBC for the Fresh Elections

This Executive Committee notes that the competence of the Independent Electoral and Boundaries Commission (IEBC) and its faithfulness to its mandate was dented by the Supreme Court ruling. Nonetheless, the Supreme Court directed that as provided for in the Constitution, IEBC should conduct fresh Presidential Elections within 60 days.

NCKK considers that the greatest focus of the Commissioners, management and staff of the IEBC should be managing the fresh elections while avoiding the pitfalls that led to the nullification of the presidential elections held on 8th August 2017.

We therefore express our deepest concern that both political formations have made it their business to adversorially engage the IEBC in sideshows that may undermine its capacity to deliver the election. We are also concerned that the IEBC is dancing to the invitations instead of exercising its mandate to carry out its work with utmost integrity within the constitution and the law.

The recourse for the political formations, if unhappy, is to gather evidence during the process and the election and if aggrieved with either the process or the results lodge

their petition in the Supreme Court. They have no legal mandate to obstruct the IEBC in the conduct of its work.

Having said that, this Executive Committee takes exception with the perceived internal contests amongst the IEBC Commissioners themselves as well as between the Commissioners and the Secretariat, leading to betrayal of the corporate responsibility, agreement and image of the Commission needed at this time.

We challenge the Commissioners and Secretariat to rise above ethnic, political, social and personal interests and instead organize the fresh Presidential Elections. They must cooperate with each other to put their house in order before the 17th October 2017 elections.

In the meantime, the NCKK and other religious institutions remain open to walk alongside, advise and provide pastoral support to the IEBC as it has an onerous task on its hands.

I. Suggestions to the IEBC

This Executive Committee appreciates that the IEBC must assert its independence, and the Chairman has shown a commitment to streamline the systems and personnel in readiness for the fresh Presidential Elections. We thus urge that:

- (i) All Commissioners discuss and resolve any differences as a matter of urgency. The Commissioners must work out with their Chairman acceptable mechanisms for the delivery of a credible election
- (ii) The IEBC considers adopting short contracts for supervisory staff at departmental level sourced from service and commercial outfits of large and heavy logistical capacities to help with the elections
- (iii) Where at county and constituency level reason may be found, the same method may apply to ensure deployment of persons with no disputes around them

We aver that NCKK and many other Kenyan institutions would be more than happy to release the personnel needed to make the fresh presidential elections successful.

J. Action on Hate Speech

This Executive Committee strongly condemns the continuing uncivil and criminal inclination in the speeches of some politicians from the main formations. We urge the two presidential candidates to reign in their political supporters and not allow hate speech among their ranks.

The Police, National Cohesion and Integration Commission (NCIC), and Directorate of Public Prosecutions (DPP) must also once and for all clamp on hate speech perpetrators in order to stem violence which might otherwise be fomented.

K. Conclusion

We conclude by calling on all Kenyans to continue praying for our nation and commit to nurture peace and strengthening of our institutions. The cooperation of all institutions and all Kenyans in facilitating the successful conduct of credible fresh Presidential Elections should leave Kenya a stronger and more resilient nation.

We especially urge all churches to put in place programmes for prayer and fasting in the period leading up to the fresh presidential elections.

May God bless Kenya now and forever more.

Signed on this 8th day of September 2017 at *Jumuia Conference and Country Home, Limuru.*



Rev Canon Rosemary Mbogoh
Chairperson



Rev Canon Peter Karanja
General Secretary

