



13th October 2017

PRESS STATEMENT BY THE KENYA BUSINESS COMMUNITY FOLLOWING RECENT POLITICAL DEVELOPMENTS

The business community applauds the IEBC for its latest statement re-affirming that the Presidential election re-run will be held on 26th October, 2017.

The prolonged uncertainty and frequent disruptions arising from this election period are undermining Kenya's competitiveness in an increasingly competitive global economy. Several businesses have been forced to employ a wait-and-see attitude on key investment and spending decisions, as they await the end of the Presidential election process. The linkages that tie businesses within a complex, integrated modern economy mean that the ripple effects of such decisions have spread to all businesses, and especially, much to our mounting alarm, to Small and Medium Enterprises (SMEs), which account for a large proportion of Kenya's businesses, and on which much of our economic growth is premised.

As key stakeholders in the economy, the business community's position on the current election-related issues has been clear and consistent from the start: Kenyans have set up, at great cost and sacrifice, independent institutions to run elections (the IEBC), and to adjudicate disputes arising out of this electoral process (the Judiciary). We will continue supporting these institutions as they carry out these functions, and we will speak out without fear and favor against those who try to sabotage their activities.

The following is our 3-point message to politicians, to the IEBC and the Judiciary, to other concerned institutions, and to all Kenyans:

1. Independent institutions must be allowed to execute their mandates, and in turn these institutions must be non-partisan

The IEBC and the Judiciary must continue conducting themselves in a non-partisan and patriotic manner, and must be seen to be doing so. Their sole obligation is to Kenya and Kenyans.

During the run up to and immediately after the October 26th Presidential election, the IEBC is the most critical institution, and it is to the IEBC that we address the following:

- The IEBC must execute its mandate in manner that does not undermine Kenyans' confidence in the conduct of the electoral process, and in the outcomes of this process.

- The IEBC must not allow itself to be intimidated by any political force. It should always remember that it is the very nature of politicians to try and influence electoral outcomes through flattery, promises or threats, and the IEBC must stand firm against all such moves, and make decisions strictly based on its mandate.
- The IEBC must communicate clearly, consistently and constantly. A lot of misunderstandings and misinterpretations of its actions arise from this non-communication, or mixed communication. The IEBC must rid itself of this “*Siri Kali*” culture, this excessive secrecy, that afflicts so many official institutions. Otherwise how is the IEBC ever going to win public confidence, and allay public suspicion, if it continues treating Kenyans as though they can’t be trusted with information? The electoral process is too serious for this outdated view of public engagement to prevail.

On their part politicians, their supporters and commentators on political matters should, even when criticizing them, exhibit respect for these institutions’ independence and mandates. It does no good to continually abuse, denigrate and generally undermine these independent institutions. We cannot remind politicians often enough that the Circle of Life being what it is, one day they may wish they had earlier respected, nurtured and encouraged these institutions’ independence. Politicians are, of course, free to criticize and disagree with these institutions’ decisions and actions, but not to the point of active disrespect, and of undermining their capabilities and activities.

2. Security for all, and the use of established dispute resolution mechanisms.

Kenyans are rightly proud of their hard won freedoms, including the rights of free speech, of assembly, and of peaceful demonstrations. However too often and to our peril, we ignore the rights of others not to be harmed as we exercise these freedoms. The business community is a perennial victim of this disregard for the rights of others, as witnessed in the wanton destruction that is starting to become a feature of the anti-IEBC demonstrations, and the risk that those who oppose these demonstrators may resort to equally destructive counter measures. This is not right, and must stop. Others, including the business community, also have a right to security of their businesses and property, and the right to be free to go about their affairs in peace and security. More than 80% of all revenues and jobs comes from the private sector and thus a key stakeholder in the economy. Therefore, we support the authorities’ nascent moves to control the wantonness of demonstrations through the designation of approved demonstration and picketing sites, while ensuring that those who feel aggrieved can come out and express their displeasure peaceably. Like with all institutions, security forces should focus on their mandates without fear or favor and always act with restraint.

We also urge some of our politicians to re-think their instinctive reactions to outcomes that displease them: to call out their supporters in demonstration. It beats all logic that the same politicians urging supporters out onto the streets are also the very ones active in our courts seeking legal redress to other political disputes! We are not naive; we recognize that “street power” has its own political logic and usefulness as a lever to force action. But we would be remiss in not pointing out the hypocrisy and dishonesty embodied in this stance, when these selfsame politicians also loudly proclaim their fidelity to the growth of institutions, including the entrenchment of the rule of law in Kenya. Let us promote the development of our Judiciary, and the emergence of a vibrant body of jurisprudence to underpin it. This election period has seen our High Court and Supreme Court tested severely, and come out reinforced and invigorated. Why not allow the Judiciary to continue its emergence as Kenyans’ hope for redress? Why should it be so hard to take disputes to this battle hardened, tried and tested institution, instead of promoting chaos and the violations of other people’s rights?

3. Let’s keep our focus firmly on the future

Kenyan elections are highly emotive affairs. Notwithstanding this, civility is a core responsibility for every citizen, particularly during this sensitive period. Therefore we urge all Kenyans, the unsung heroes of our nation building story, to keep calm and carry on with building this Nation. This Nation is where it is today because of millions of hard working men and women, and it will become a great Nation if we all keep the focus on Nation building, despite political excitements. Elections will end

To all investors, Kenyan and international: Kenya remains an attractive investment destination. Our noisy, colorful and very long election will, in fact, result in the country becoming an even more attractive investment destination, as dispute resolution institutions and mechanisms, and other guarantors of the rule of law, become further entrenched as they pass through this institution “character building” election period.

May the words of our National Anthem guide us in this time.

**Let all with one accord
In common bond united
Build this our Nation together
And the glory of Kenya
The fruit of our labour
Fill every heart with thanksgiving.**

God Bless Kenya