

**Kura Yangu
Sauti Yangu**



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H.E. President Uhuru Kenyatta
President of the Republic of Kenya
State House
NAIROBI

The Right Honourable Raila Odinga
The Leader of the Official Opposition
NAIROBI

10th June 2016

Dear Sirs

RE: PROPOSALS ON THE STAGES OF THE NATIONAL DIALOGUE PROCESS

Kura Yangu Sauti Yangu is a citizen movement spearheaded by a number of like-minded civil society organizations (Kenya Human Rights Commission, Independent Medico-Legal Unit, Constitution and Reforms Education Consortium, the Africa Centre for Open Governance, the Civil Society Organization Reference Group, Inuka Trust, Katiba Institute, and the Kenyan Section for International Commission of Jurists) who have come together to proactively support Kenya's preparations for the 2017 elections with a view to ensuring that the country minimizes the risks related to dysfunctional electoral systems and practices which the country has experienced in the recent past.

We welcome the announcement by the Jubilee Coalition that it is willing to institute a process of national dialogue to resolve issues surrounding the IEBC ahead of the next elections. However, we have a number of concerns and proposals to make.

First, we are concerned that this is being framed as a CORD and Jubilee dialogue process to the exclusion of other actors. While the two coalitions control a large following in the country, there are important voices both within and outside politics that also need to be heard in an inclusive dialogue. Within politics, these voices include political parties other than Jubilee and CORD, and outside politics, they include civil society, faith-based organisations, trades unions, the private sector. Our proposal is that the participants in the dialogue process shown be enlarged to include these other actors.

Co-Conveners



The Civil Society Organizations
References Group
(CSO-RG)



The Independent
Medico-Legal Unit
(IMLU)



The African Center
for Open Governance
(AfriCOG)



Constitution & Reforms
Education Consortium
(CRE-CO)



icj International
Commission
of Jurists
KENYAN SECTION | Since 1959

The country's history has had multi-sectoral forums that were composed partly of Members of Parliament and non-parliamentarians two examples are the Sulumeti Consensus Building Committee established in 1998, to build consensus on the contents of the Constitution of Kenya Review Act, after the first constitutional amendment bill suffered rejection in the National Assembly. Also, in 2005, after the failure of the referendum on the Constitution, the Justice Ministry set up a mixed committee partly of parliamentarians and others, to advise on how the constitutional review process could be revived.

We are therefore proposing a hybrid dialogue process, partly composed of Parliament and partly non-parliamentarians. The Jubilee and CORD coalitions can have four members each, and all other parties and formations should each contribute one member to the dialogue committee.

Secondly, there are concerns about the decision to base the dialogue process inside Parliament. To begin with, the Standing Orders are restrictive of aspects of what the dialogue might involve. Also, in a country with devolved structures of government, Parliament is not the sole legislative organ. This is a responsibility shared by County Assemblies. For an inclusive process, there would need to be a role provided for the county governments, and involving the Council of Governors might be a way of getting these to be involved. Further, the problem that the proposed dialogue is supposed to address is the lack of public confidence in the electoral management arrangements. If that is the problem, there is no logical role for Parliament in the proposed dialogue, whose outcomes are essentially not about law-making.

Thirdly, we are concerned about the narrow agenda that is proposed for the dialogue process. While the reform of the IEBC is necessary, it is not sufficient for the country to manage the next elections properly. Other problems that the country must address have to do with the state of the Judiciary, which is also an elections management body, and the security situation of the country and how this will be ensured during the elections period. The country also has to address the fact that we are going to elections again, without having attained the gender requirements of the Constitution.

We, therefore, propose that there should be an expanded scope in the dialogue agenda and this should include at least these three items.

Fourthly, we have given thought to the convening of the national dialogue process and would propose that this should be done by an international convenor, assisted by two national mediators. Ms. Graca Machel who already understands Kenya because of her recent involvement with the country, can possibly be the international mediator.

Fifth, we have given thought to the pressure for time resulting from the fact that there are only 14 months before the next elections. Our proposal is that the IEBC item should be prioritized in the mediation and must be settled within a period of one month, and that the rest of the questions must then be addressed with the subsequent two months, so that the entire dialogue process can take a maximum of 3 months.

We trust that these proposals will be given your serious consideration as the country is craving for leadership.

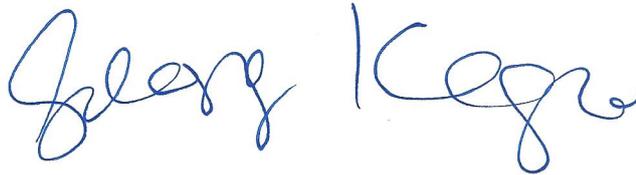
We enclose herewith the National Electoral Dialogue Framework which Kura Yangu Sauti Yangu has developed and which summarizes our ideas on how the national dialogue should be managed.

Yours faithfully

REGINA OPONDO



GEORGE KEGORO



CO-CONVENORS

KURA YANGU SAUTI YANGU