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## AGLI Report from Kenya – May 22, 2010 Kenyan Referendum on a New Constitution

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Dear All,

On August 4, Kenyans will do something that Americans have never done – vote on a new constitution. As happens in Kenya, this vote has already become contentious and perhaps violent. The Yes side is supported by the Government including both President Mwai Kibaki and Prime Minister Raila Odinga. The No side is led by two men; William Ruto, the MP and minister who lives across the road from Lumakanda in Turbo Division; and, Cyrus Jirongo which is our MP here in Lugari. Turbo is an area where we have been doing a lot of peacebuilding work. More disturbing is that the National Council of Churches in Kenya (NCCCK) has joined the No vote. The papers have reported numerous times that the Friends Church is part of the No campaign since the leaders in Nairobi are part of NCCCK. Nonetheless, out here in western Kenya, I would say that the vast majority of Friends are on the Yes side of the vote and I know at least one yearly meeting which has unanimously agreed to the Yes side as opposed to the leadership of the Friends Church in Kenya which represents Friends on the NCCCK. In other words this has polarized the Friends Church in Kenya and is leading to a new division.

This has hurt the work of Friends Church Peace Teams, which is purposely neutral in all of these political wrangles. When Getry went to the USAID office in Eldoret to obtain funding for civic education on the constitution in Turbo Division, she was told that Friends could not receive any funding because they had already publicly taken sides!

The NCCCK objects to two items in the very long new constitution. One is the inclusion of the Kadhi Courts which are domestic courts in which Muslims resolve disputes when both parties are Muslim. The current constitution includes Khadi Courts so if the No side wins, the Kadhi Courts will still be in the constitution. I cannot interpret opposition to this item as anything more than an anti-Muslim crusade. After the fall of Communism in 1990, the conspiracy theories in Africa changed from being "the Communists want to take over Africa" to "the Muslims want to take over Africa". This theory is promoted by fundamentalist evangelicals in the United States. Kenya is about 10% to 15% Muslim and of course they support keeping the inclusion of the Kadhi courts.

NCCCK's second main issue is abortion. If adopted, the new constitution will be the only one in the world, except that of the Vatican, that includes the phrase "life begins at conception". There is also a clause that says there can be an abortion to save the life or health of the mother. Although this is not in the current constitution, it is the current law of the land. The NCCCK claims that this clause will lead to abortion on demand and the Catholic Church agrees with this assessment. Some of the Protestant Churches on the No side are receiving financial support from fundamentalist churches and organizations in the United States.

What is really behind this? I think that the above is mostly a smoke screen for the current establishment. One of the main issues that leads to violence in Kenya is land, particularly the large, illegal land grabbing by influential, rich Kenyans, including much government owned land. The new constitution will require that any land grabbed illegally will have to be returned to the State. Clearly this will upset many of those who have benefited from land grabbing but they cannot publicly fight the constitution on these grounds.

Already this has led to threats of violence. Since many people in Kenya are illiterate, the Yes and No sides have each been given a color – green for Yes and red for No. Church leaders on the No side have accepted this color because they say that it represents the blood of Christ and the bloodshed that they new constitution will bring! In Kitale just north of us to the east of Mt Elgon, fliers have been distributed in the town saying that if the new constitution is passed everyone in the region who is not a Pokot, who claims to be original owners of the area, will be forced from their homes and have to return to where they came from – clearly this is a campaign tactic of the No campaign rather than the Pokots themselves.

The old electoral commission for the 2007 election was dismissed in disgrace and a new one appointed. Their task has been to register voters, which has just been completed. The Friends Church Peace Teams (FCPT) held a seminar for about 50 Friends to do registration monitoring during the enrollment process. We have learned elsewhere that the fraud in elections in this region begins in the enrollment process so that this must be monitored closely. Below is a report from Getry Agizah, the Coordinator of FCPT. I have put in brackets my comments that will explain some of the observations.

Peace,  
Dave  
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**New webpage: [www.aglifpt.org](http://www.aglifpt.org)**  
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## Summary of Report on Registering Voters

### INTERVIEWS

I was able to conduct a one on one interview over the phone with 11 member of the counseling coordinating committee about the observation of the Voter Registration process.

## REACTIONS

1. Most of the voices said that it was a wonderful process and most were excited in that they learned a lot during the process.
2. The biggest challenge was the weather as people were looking at the right time. If they can work in the morning and go to register in the evening [This is the rainy season where it rains almost every afternoon] whereby the rains start so early in the evening. [and people can't go to register]
3. Most youth are still bitter about the empty promises [of the last election] and no jobs for youth and so they are boycotting the process, saying that it's not of any help.
4. It has still been a problem for the Kenyan citizen to take the process as important since more people started to flock in on the last day of registration. The good thing is when the IIEC [electoral commission] announced to add more days to accommodate more people.
5. Most people were confusing and thinking that the voter registration was just because of the constitution. They did not think of the 2012 [ie, this is voter registration is also for the 2012 election].
6. As the two principals [President Kibaki and Prime Minister Odinga] came up with the YES constitution and Ruto being on NO together with the church, people seemed to hesitate to take voting cards, thinking what happened in 2007 [post election violence] is going to revive again.
7. At some point there was mention of the biggest fear if the census number has not been given. [In August 2009 Kenya conducted a census. The results were supposed to be announced in January, but due to the suspicion of elevated census returns in certain districts, the results have not yet been released.] This brings unclarity since the number of people registered might be more that the population number of people [in a district] in Kenya.
8. The registration has changed with the number being fewer in urban areas and increased a lot in rural areas This is because people were scared of taking the voting card from the urban setting saying it is dangerous and quote, "I better go and die from my home area if anything happens".

This was but just a few of what was said. All in all everyone was grateful to have this experience and they can't wait to help with the observation of the 2012 election. VIVA FCPT AND MAY YOU LIVE LONG.

Compiled Report,  
Getry Agizah, Coordinator  
Friends Church Peace Teams

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