

Canada - Africa
Parliamentary Association



Association parlementaire
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**Report of the Canadian Parliamentary Delegation
respecting its Bilateral Mission to the Republic of Kenya and
the Republic of Malawi**

Canada-Africa Parliamentary Association

**Nairobi, Kenya and Lilongwe, Malawi
January 19 to 26, 2013**

Report

MEMBERS OF THE CANADIAN DELEGATION

The Canada-Africa Parliamentary Association was represented by the Honourable Mauril Bélanger, P.C., MP and Co-Chair, the Honourable Raynell Andreychuk, Senator and Co-Chair, the Honourable Mobina S.B. Jaffer, Q.C., Senator and Vice-Chair, David Christopherson, MP and Vice-Chair, Lois Brown, MP and Vice-Chair, Tyrone Benskin, MP and Director, Cheryl Gallant, MP, Mike Lake, MP, and Wai Young, MP. The delegation was accompanied by David Gagnon, Secretary of the Association, and Aïcha Coulibaly, Analyst, Library of Parliament.

OBJECTIVES OF THE MEETINGS IN THE REPUBLIC OF KENYA AND THE REPUBLIC OF MALAWI

The Canada-Africa Parliamentary Association (hereinafter referred to as the Association) made bilateral visits in Nairobi, Republic of Kenya, and Lilongwe, Republic of Malawi, from January 19 to 26, 2013. In the Republic of Kenya, the meetings had the following objectives:

- Obtain information on the electoral process of the upcoming elections (which are scheduled for 4 March 2013 and will be the first elections since the adoption of the new Constitution in 2010), as well as the involvement of the Independent Electoral and Boundaries Commission (IEBC);
- Reiterate the Association's support for peaceful political campaigns and for a democratic election;
- Obtain information on the content of Kenya's 2010 Constitution and its potential impact on the electoral process;
- Encourage parliamentarians to engage in dialogue to support democracy, good governance, human rights and the rule of law;
- Promote exchanges between parliamentarians on economic and security issues;
- Strengthen relations with regional organizations, in particular the African Union (AU), the East African Community (EAC), the EAC Common Market Protocol, the Common Market for Eastern and Southern Africa (COMESA), and the Intergovernmental Authority on Development (IGAD);
- Update parliamentarians on Canada's activities in the region via contacts with parliamentarians, as well as representatives from government, civil society groups and businesses; and
- Strengthen bilateral relations and parliamentary cooperation between Canada and the Republic of Kenya.

In the Republic of Malawi, discussions had the following objectives:

- Obtain information on improvements in terms of human rights, political rights and the rule of law;

- Encourage parliamentarians to engage in dialogue to support democracy, good governance and the involvement of civil society;
- Obtain information on the work of the Malawi Human Rights Commission;
- Promote exchanges between parliamentarians on issues associated with economic diversification and regional integration (SADC¹, COMESA, etc.);
- Discuss Malawi Growth and Development Strategy II, which should in particular facilitate meeting the Millennium Development Goals;
- Update parliamentarians on Canada's activities in the region via contacts with parliamentarians, as well as representatives from government, civil society groups and businesses; and
- Strengthen bilateral relations and parliamentary cooperation between Canada and the Republic of Malawi.

To achieve these objectives, the delegation met with parliamentarians, representatives of the governments of Kenya and Malawi, members of the electoral and human rights commissions, representatives of civil society and Canadian businesses or businesses working with Canadian businesses. Furthermore, in Kenya, the delegation met with the panel conducting a pre-assessment of Kenya's electoral system made up of members of the AU and COMESA. In Malawi, the delegation met with the President of the Republic, Joyce Banda. The delegation also visited a malnutrition treatment program piloted by UNICEF to which the Canadian International Development Agency (CIDA) contributes.

The Association had previously undertaken fact-finding missions to Kenya in 2008 and 2012. It was important for the Association members to return before the March 2013 general elections to reiterate their support for the conduct of peaceful elections. The Association travelled to Malawi for the first time.

REPUBLIC OF KENYA

A. Issues and relations with Canada

The Republic of Kenya is located on the equator, on the east coast of Africa. It is bordered by Somalia to the east, Tanzania to the south, Uganda to the west and Sudan and Ethiopia to the north. Its area of 582,650 km² is slightly smaller than that of Manitoba. Kenya has a population of 41.6 million. The country includes seven tribal groups, the largest of which are the Kikuyu (22%), followed by the Luhya (14%), Luo (13%), Kalenjin (12%) and Kamba (11%). The country is divided into seven provinces (Centre, Coast, Eastern, North Eastern, Nyanza, Rift Valley and Western) and one zone (Nairobi).

Kenya is considered an important economy in East Africa. In 2009, its GDP accounted for approximately 19% of the economy of East Africa. The country is a regional trade hub and alone accounts for 33% of trade in the region²

¹ The acronym stands for Southern African Development Community.

² African Development Bank, Eastern Africa – Regional Integration Strategy Paper 2011-2015, September 2011.

In 2011, bilateral merchandise trade between Canada and Kenya totalled \$106.6 million. Canadian exports were made up primarily of used clothing, paper and machines, wheat and vegetables, while Canadian imports were made up of tea, coffee, spices, edible fruits and nuts, and clothing. Natural Resources Canada estimates that Canadian mining assets in Kenya totalled \$2.2 million in 2010.

Canada has a High Commission in Nairobi, which is Canada's largest mission in Africa.

Despite its economic importance in the sub-region, the country is wrestling with many political and national security challenges. Following the 2007 elections, the country faced inter-tribal violence that resulted in hundreds of deaths and thousands of people displaced. To avoid a repetition of such events, the Kriegler Commission³ was formed to review the 2007 general elections and made recommendations on how to improve the electoral process. The Interim Independent Electoral Commission (IIEC), headed by Isaak Ahmed Hassan, replaced Kenya's electoral commission, which was in charge of the 2007 elections. In August 2010, the IIEC held a referendum on the Constitution and, on August 27, 2010, the country promulgated the new Constitution. This new Constitution sets out a partial transition from a British Westminster System to a presidential system, the creation of a Senate, a redesign of Kenya's National assembly, the devolution of powers to the 47 counties and the setting up of the Independent Electoral and Boundaries Commission (IEBC). The first elections organized under the new Constitution were scheduled to take place in 2012 on the second Tuesday of August as set out in the new Constitution. However, further to a Court of Appeal decision that established that the elections should be held within 60 days following the end of the mandate of members of parliament, which was scheduled for January 14, 2013,⁴ the IEBC scheduled the elections for March 4, 2013.⁵ Despite the IEBC's work to make the electoral system fairer and more equitable, acts of violence were again observed in the Tana River area and other regions. Some attributed this spike in violence to the organization of elections scheduled for 2013. Violence also occurred during the primary elections in January 2013. The additional potential contentious issues include the decision of the International Criminal Court (ICC) to hear charges of crimes against humanity against Uhuru Muigai Kenyatta and William Ruto, who are both accused of being indirectly responsible for inhumane acts during the violence that followed the 2007 elections; they are scheduled to stand trial before the ICC on April 11, 2013. Both men intend to run in the March 2013 general elections.⁶

Kenya is also active in fighting terrorism and deals with the threat of terrorist attacks on its own soil. In October 2011, Kenyan forces entered Somalia to pursue Al-Shabaab, an Islamic extremist group with ties to Al Qaeda. This group retaliated by threatening to launch terrorist attacks inside Kenya. In the fall of 2012, terrorist attacks took place in Nairobi, in the Eastleigh neighbourhood populated primarily by Somalis. On November 18, 2012, a grenade thrown into a minibus killed nine people, while on December 7, another grenade killed five people near a mosque in the same neighbourhood.

³ Johann Kriegler is a former judge of South Africa's Constitutional Court and Appeal Court.

⁴ Michael M. Murungi, "[Summary of Court of Appeal decision on Election Date](#)", The Star, August 14, 2012.

⁵ Wambui Ndonga, "[Kenyans to Vote on March 4, 2013](#)", AllAfrica, March 17, 2012.

⁶ [Kenyatta and Ruto to Face ICC trial over Kenya Violence](#), BBC News, January 23, 2012.

According to *Jeune Afrique*, the attacks are linked to Al-Shabaab, which has escalated its attacks since African Union forces, including Kenyan troops, took the port city of Kismayo, an Al-Shabaab stronghold in southern Somalia.

Kenya also received hundreds of thousands of refugees from Somalia; the latest estimates indicate approximately 474,000 refugees in the Dadaab and Alinjugur camps in the east of the country.⁷ Somalia, which has not had a functioning central government since 1991, has suffered the devastating effects of fighting among various clans and militias. For the past 20 years, Kenya has received Somali refugees fleeing not only the fighting but also famine. Security in these camps, especially the Dadaab camp, has worsened following the kidnappings of aid workers and fatal attacks on refugees and Kenyan security forces.⁸

The Association has maintained close relations with Kenya since January 2008. This visit is the third by Canadian parliamentarians. The Association also received Kenyan delegations twice, in particular in September 2010, which allowed the Association to meet with members of the committee on the administration of justice and legal affairs of Kenya's National Assembly in order to discuss constitutional reform and issues regarding federalism, bicameral parliaments, responsibility and regional integration. In October 2011, the Association received the parliamentary delegation headed by the Speaker of the National Assembly, the Honourable Kenneth Marende.

Following the violence in Kenya after the 2007 elections, the Association had correspondence with the Honourable Kenneth Marende in 2008 and in 2012 to encourage Kenyan parliamentarians to use the tools at their disposal to facilitate the conduct of free, fair and peaceful general elections in March 2013.

B. Meetings

1. Meeting with the clerks of the houses

Parliament was in recess during the Canadian delegation visit. Meetings were held with the clerks of the two houses, namely Justin Bundi, Clerk of the National Assembly, and Jeremiah Nyegenye, Clerk of the future Senate, who are in charge of implementing the administrative structures for the reform under the new Constitution.

Mr. Bundi explained that the administration was preparing to implement the bicameral legislature by hiring new employees and reallocating existing personnel between the two houses. He stated that the administrative personnel would also support the setting up of county assemblies. He said that adequately training parliamentarians in procedures and regulations will be a significant issue, since 70% of parliamentarians are expected to be newly elected.

The Clerk of the Senate, Mr. Nyegenye, described the Senate's make-up as stipulated in the 2010 Constitution: 47 out of 68 senators will be elected. He described the role of the Senate. The upper house will represent the counties, and protect their interests and governments. It will be responsible for allocating government revenues to the 47 counties.

⁷ UNHCR (United Nations Refugee Agency), [2013 UNHCR Country Operations Profile – Kenya](#), n.d.

⁸ Ibid.

In response to the Canadian delegation members' questions, Mr. Nyegenye reiterated information on the sharing of legislative responsibilities between the two houses and explained the relationships between the two houses within the framework of the process for passing laws. He emphasized the independence between the legislative and executive branches, which according to him is a keystone of the 2010 Constitution. He mentioned minority representation in the two houses. He spoke of sharing responsibilities between the national government and the county governments.

2. Centre for Parliamentary Studies and Training

The delegation members met with the team from the Centre for Parliamentary Studies and Training (CPST), which is led by Professor Nyokabi Kamau. The CPST is a project in which the Canadian Parliamentary Centre is collaborating, with the financial participation of CIDA.

The CPST's role, as described by the professor, is to provide members and personnel of the various national and county parliaments with courses or learning and training opportunities to strengthen their roles and duties in a context of democratic government. The CPST also hopes to provide courses to members of civil society who are interested in learning about parliamentarians' work. Ms. Kamau also detailed the challenges the CPST is facing in terms of access to adequate resources to be able to train the 2,000 parliamentarians who are scheduled to be elected in 2013. According to her, the CPST needs additional support to meet its objectives and meet the needs of its future clients. She also acknowledged the role that the Canadian Parliamentary Centre played in the development of the CPST's learning, instructor training and strategic plan development programs.

Further to questions from the Canadian delegation members, Ms. Kamau replied that the CPST must ensure that it introduces incentives for the members of parliament to take the courses. However, she recognized that the CPST is just starting out and that the team is still engaged in a process of reflection. She also explained that, although the courses that are currently developed are not specifically adapted to female parliamentarians, they are designed to help parliamentarians understand the interest in having women members of parliament. She also indicated that the CPST is considering focusing on information technologies to interact with members of parliament and provide them with follow-up after they receive training; however, the concept must still be refined. She pointed out that the CPST reports annually to Parliament. She concluded by mentioning how important it was for the CPST to know its clientele well in order to provide them with courses adapted to their needs.

The meeting concluded with a tree planting ceremony, which the Canadian delegation appreciated.

3. Meeting with Kenyan civil society organizations

The delegation met with civil society group representatives who work on various points of interest to the general public. This meeting allowed the members to get an overview of the key concerns regarding the organization of the 2013 elections and national security. The following representatives were present:

- Peter Okoth Aling'o, Executive Director, Institute for Education in Democracy;
- Waikwa Wanyoike, Executive Director, Katiba Institute;

- Morris Odhiambo, Executive Director, Centre for Law and Research International;
- George Morara, Senior Program Officer, Kenya Human Rights Commission;
- Hassan Ole Naado, Chief Executive Officer, Kenya Muslim Youth Alliance;
- Eva A. Maina Ayiera, Centre for Human Rights and Policy Studies;
- Anne Ngugi, présidente par intérim, Kenya National Commission on Human Rights; and
- Clea Amundsen, International Commission of Jurists.

The organizations, the Association met with, praised the promulgation of the 2010 Constitution and its ongoing implementation process. The 2010 Constitution is seen as a way of resolving the country's tribal politics and opening up the system for a broader representation of the population.. They recognized that the Constitution brought the opportunity to change the structure of the government and improve Kenya's judicial system, in which citizens had lost all confidence. However, in their opinion, efforts still need to be made to avoid a repeat of the post-electoral violence of 2007. These organizations indicated that there was a lack of civic education associated with the electoral process and that minorities, in particular women, are not adequately represented among the general election candidates. They also indicated that laws aimed at facilitating the electoral process still had not been amended or passed, in particular legislation on party finance. Some organizations mentioned that, although the IEBC may be ready from a technical standpoint, there is a lack of confidence in its ability to manage the electoral process, especially following the violence that occurred during the primary elections on January 19, 2013.

There were also national security concerns, given that the Kenya National Police does not have sufficient resources and given that the terrorist threat hanging over the run-up to the elections. In addition, the Inspector-General who was newly appointed may not have had sufficient time to make changes to instill confidence in the National Police Force. The delegation also learned that the Al-Shabaab militant group is still active, especially in the regions near the Somali border, but also in the city of Mombasa. The group was able to incorporate a large number of people in its ranks, including Kenyan soldiers who had not been paid by Kenyan government. The attacks might spread in the run-up to the elections.

Many also wonder about the post-election period regarding the functioning of the complex devolution of powers system. The ICC's decision to have Uhuru Muigai Kenyatta and William Ruto appear to stand trial is also concerning, because these individuals are also candidates in the March 2013 elections.

In response to the delegation members' questions, the organizations replied that it is important for the political institutions in charge to communicate with civil society to inform it and educate it on the electoral process; and it is also important for these institutions to show their commitment to this process. They also emphasized how important it is for civil society to properly coordinate its actions in order to have a common strategy. According to some of these organizations, the Canadian government should play a more active role in Kenya in the democratic process, and this participation should not be limited to education and mining projects.

4. Meeting with the African Union Panel of the Wise and the COMESA Committee of Elders

The AU and COMESA delegation was made up of the following individuals:

- Dr. Brigalia Bam;
- Marie Madeleine Kalala-Ngoy;
- Ambassador Dr. Simbi Mubako;
- Ambassador Soad Shalaby; and
- Ambassador Anund Priyay Neewoor.

The AU Panel of the Wise and the COMESA Committee of Elders conducted a pre-election assessment mission in Kenya to express their solidarity with the Kenyan people and convey to them the importance of having peaceful elections for the financial and economic well-being of the country, as well as the region. This mission also provided the opportunity to speak with Kenyans regarding the best practices the Panel observed in other countries.

They explained that their organizations generally involved themselves in observing elections, but that they felt the need to start an assessment mission because of the existing pre-election climate. The information they gathered is the result of meetings with Kenyan stakeholders, in particular political party candidates, the Chief Justice and the IEBC.

They told the Canadian delegation that they were impressed by the work the Kenyan authorities had accomplished over the past five years, in particular the referendum, the efforts to introduce the new Constitution, setting up the IEBC and their new electoral system. They also remarked that the workings of several organizations were inspired by the Canadian model.

However, they have security concerns, since it was difficult for them to assess the human and financial resources of the police forces. They were able to obtain information on the efforts implemented to prevent potential violence during the elections. They also took an interest in the use of media during the campaign because of the negative role the media played during the previous elections. Another subject of concern for the Panel was the integration of women into the political arena, which is why they obtained information on the political parties' codes of conduct. The implementation of the electoral system is another issue they identified. They assessed that the system is very complex. Furthermore, given that it will be implemented for the first time, they tried to find out whether the various stakeholders understood the system.

They hope that the political parties will respect the results and the technologies used during these elections. They also hope that an adequate dispute resolution process will be in place to resolve potential challenges to the election results. They recalled that the lack of confidence in the judicial system during the last elections had in part explained the 2007 post-election violence.

In response to the Canadian delegation's questions, the Panel indicated that it is confident that the Kenyans have learned from their mistakes. The Panel members were well received during the various meetings and benefited from the IEBC's cooperation.

They indicated that their organizations planned to send observers during the March 2013 general elections. (See the press statement in appendix A)

5. Meeting with the Chief Justice of Kenya

In response to the delegation's questions, Chief Justice the Honourable Willy Mutunga referred to the following subjects:

- The devolution process;
- Public confidence in the judicial system;
- The training of judges and the role of the AU;
- The judge nomination process
- Police forces; and
- Human rights.

The Chief Justice explained that devolution is a way to decentralize powers and incorporate the notions of diversity and integration into a context in which ethnicity and religion are very important. He indicated that the process of devolution of the judicial system is on the right track, although not yet completed. So far, 20 of 47 counties currently have a High Court, the rests are yet to be developed.

A discussion with the chief justice covers issue of public confident in the judiciary. He noted that many Kenyans believed that violence occurred after the 2007 election because the court was not seen as impartial or fair. The new Constitution created a Judicial Service Commission for vetting new judges before appointment by the president. He believed this has helped instill public confidence in the judiciary system.

He further explained that to re-establish public confidence in the judicial system, the Chief Justice explained that there had been significant turnover of judiciary personnel to eliminate problems of corruption and bring younger members into the judiciary. Travelling courts have started to be used in remote regions where citizens have difficulty accessing courts. According to the Chief Justice, this is a way to become closer to citizens, but he acknowledged that it was an expensive service to maintain. Regular communication also takes place to explain to citizens the reforms undertaken and the legal process generally. The chief justice is working with municipal councils and religious groups to harmonize some existing customary and religious laws with the new Constitution.

Regarding judicial training and the role of the AU, the Chief Justice explained that the AU served as a forum to exchange best practices. However, the collaborations are primarily at the regional level between countries that are members of the EAC and the SADC. For example, Uganda participated in training Kenyan judges in the context of the 2013 elections, and Kenyan judges collaborated on the development of Tanzania's constitution.

The Chief Justice also expressed the opinion that the police forces should be able to provide security during the coming elections. Sufficient resources for an effective policing are still an issue.

Regarding the issue of human rights, the Chief Justice emphasized that the Judiciary Training Institute, created in 2008, could play an important role in training judges to

allow them to better address gender issues and human rights. Although the Constitution remains ambiguous regarding homosexual rights, he said that the situation in Kenya was not like in Uganda but he acknowledged that the situation in Uganda was a concern for the region although he did not think any outside forces are in play in Kenya. The issue of abortion is another challenge to address mostly within religious communities.

6. Meeting with Abdikadir Mohammed, Chairman, Constitutional Implementation Oversight Committee and member of the Justice and Legal Affairs Committee

Mr. Mohammed said that, for the first time since 1965, Kenya will have a bicameral parliament that functions differently from what could have been seen before 1965. Many institutions have been successfully reformed, while improvements remain to be made in reforming others. Thus, the reform of the judicial system was well under way: 100 new judges were appointed transparently, and the budget was doubled, and even tripled. The Supreme Court has 50% more judges, the majority of whom are women. Regarding the parliamentary system, the composition of the Senate will be decided in the coming elections. The criterion of representativeness for women (one third of members of parliament elected) will be respected in the Senate. The National Assembly representation will obviously depend on the outcome of the election. However, Mr. Mohammed indicated that police reform is slower than reform in other areas. He mentioned that the reform is intended to have police forces function independently under the supervision of the National Police Service Commission, which includes civilians. He also cited the stalled reform of the Independent Ethics and Anti-Corruption Commission further to a court decision that overturned the appointment of the Commissioner because he did not meet the constitutional requirements.

In response to members' questions, Mr. Mohammed indicated that, in terms of devolution, the National Police Service Commission will report to the national government, not to the counties. The Commission is responsible for selecting its members, some of which are then appointed by the President and then confirmed by Parliament. The Commission includes a High Court judge, two retired police force members, three civilians, the Inspector-General of the National Police Service and his two deputies. Mr. Mohammed also brought up the process of recruiting and training police officers. On the issue of women's involvement in politics, Mr. Mohammed replied that the problem was social and cultural in nature. Mr. Mohammed also explained that, although the ethnic factor was important since it had played a key role in the post-election violence of 2007, there was no department responsible for addressing inter-tribal relations. The work is concentrated on the representation of the various ethnic groups within various institutions. He acknowledged that Kenyans were very engaged in the political process, even though information and electoral education need to be improved. He also acknowledged that corruption will be a challenge for the next administration to overcome.

7. Meeting with Adan Kenyan, Chairman, Defence and Foreign Relations Committee

Mr. Kenyan discussed issues of defence and national security regarding terrorist attacks in Mali and Nigeria, but also in Somalia. He indicated that the war in Libya contributed to the growth of Islamist groups in the Sahel area.

He discussed the security issue resulting from the link between Somalis in Kenya illegally and certain attacks committed in the north of the country, in particular in

Mombasa and Nairobi. In his opinion, these attacks can be attributed to Al-Shabaab, which has financial resources derived from trade, but also from piracy. He indicated it was important to count and document refugees in order to strengthen the country.

In response to the delegation's questions, Mr. Kenyan explained that the military did not intervene during the post-election period in 2007 because of its professionalism and in order to not to be seen to be used by political parties. These forces will only intervene to maintain security during the 2013 elections, as set out in the Constitution.

8. Meeting with the Independent Electoral and Boundaries Commission

During a working lunch, the delegation had the opportunity to meet with representatives of the IEBC, in particular the following individuals:

- Ahmed Issack Hassan, Chair;
- Lilian Mahiri-Zaja, Vice-Chair;
- Kule Galma Godana, member; and
- Mohamed Alawi Hussun, member.

The IEBC representatives reiterated the issue of the coming general elections and the reforms accomplished since the 2010 Constitution came into effect. They also mentioned the independence between the legislative and executive branches in the appointment of Commission members, the electoral process, the dispute-resolution process and party funding. Regarding the electoral process, they explained that the Commission had just finished registering voters and that they had begun training the employees who would be working in the 33,400 polling stations. They also plan to deploy 4,500 observers throughout the country. They have worked on educating voters in partnership with civil society to minimize misperceptions associated with the technologies that will be used during the elections. They also plan to become involved in schools to educate children so that the children can then convey information to their parents.

They also mentioned the challenges associated with the primary elections and national security. They acknowledged that some candidates could potentially be brought before the International Criminal Court. However, they indicated that the Commission has no oversight role in this regard and that, according to the Constitution, everyone is innocent until proven guilty.

Further to the Canadian delegation members' questions, the Commission members explained that the primary elections had been somewhat disorganized because of the various political parties' lack of preparation. They also mentioned that the parties were to have access to public financing as stipulated under section 88 of the Constitution. Unfortunately, these laws were not adopted before the adjournment of the parliament. He finished by thanking Canada for the support it provided in redesigning Kenya's electoral system.

9. Meeting with private businesses

To understand the challenges and business opportunities that Kenya's private sector offers, the Canadian delegation met with the following individuals:

- Keith Hill, President and CEO of Africa Oil Corp;

- Glen Edwards, Director, African Barrick Gold; and
- Philippa Hutchinson, Manager, Aviva Mining Kenya Ltd.

The delegation members were informed of the potential petroleum resources in East Africa. The region is one of the premier locations for oil exploration. Kenya has a reasonably well developed infrastructure and a relatively fair regulatory structure.

However, businesspeople in Kenya still have to face issues of financial transparency and good governance. Businesses hope that Kenya will agree to follow Extractive Industries Transparency Initiative (EITI) standards to promote transparency of the revenue derived from natural resource extraction.

The businesses the Association met with also mentioned their involvement in sustainable, social and economic development in the regions where they operate.

10. Meeting with representatives of international civil society and observation groups

- The Canadian delegation met with the following individuals:
- Mary O'Hagan, Senior Director, National Democratic Institute;
- Michael Yard, International Foundation for Electoral Systems;
- Stephane Mondon, Manager of the local office of the Carter Center; and
- International Crisis Group.

The civil society group representatives indicated that the promulgation of the Constitution was a real step forward for Kenya. However, concerns remain regarding voter education, given the complexity of the electoral process. They also pointed out that, while the IEBC enjoys voter confidence, the Commission has experienced delays in educating voters. The representatives also stated that, as in the 2007 elections, the vote tallying and the speed of announcing results will be a challenge to overcome during the 2013 elections. Additionally, they mentioned that women and young people were underrepresented during the election campaign. They express concerns regarding police reform and the effectiveness of police forces given the violence that occurred in the Tana River region. Also, they brought up the challenge posed by the devolution process.

In response to the delegation's questions, they explained that voter education was vital, since voter ignorance of the electoral process could be a trigger for acts of violence. However, they admitted that, if the March 2013 elections succeed, Kenya could be a democratic and economic example for the sub-region.

REPUBLIC OF MALAWI

C. Issue and relations with Canada

The Republic of Malawi is a landlocked country in southern Africa, bordering Mozambique to the east and south-west, Zambia to the west and Tanzania to the north. The country's population is approximately 16.2 million.

Malawi is a low-income country whose public finances depend significantly on the support of donor countries, in particular through the International Monetary Fund's Extended Credit Facility.

The country faces many economic challenges. The country's economy is primarily agricultural (31.6% of GDP in 2010), depending in particular on tobacco exports. However, weak tobacco revenue because of lower prices and poor harvests has pushed Malawi's authorities to implement measures to promote alternative crops, such as cotton and pulses. The government is also trying to develop its mining and quarry sector—in 2010 these sectors accounted for only 1.2% of GDP—although the electricity infrastructure and supply are insufficient and uranium production has dropped. According to the African Development Bank's forecasts, these sectors should experience strong growth, with a 18.9% increase in 2012, because of mining rare minerals such as niobium. The wholesale, retail and food service sector is the second-largest in the country, at 23.5% of GDP in 2010.

The business climate continues to face structural problems in terms of infrastructure, electricity supply, cumbersome laws and regulations, as well as weakness in private sector support institutions. These factors explain Malawi's poor performance compared with the regional average in terms of ease of doing business. In 2013, Malawi's ranking in the East of Doing Business list was 157, while the regional average was 140 (rankings of 1 to 185). Aware of the importance of the private sector in the country's economic development, the government implemented a technical assistance project to strengthen the business climate with the assistance of international development agencies, the World Bank and the European Union. The project began in 2006 and lasted approximately six years. Malawi's government also implemented the Malawi Growth and Development Strategy II, intended to strengthen nine key priority areas: Agriculture and Food Security; Energy, Industrial Development, Mining and Tourism; Transport Infrastructure and Nsanje World Inland Port; Public Health and Sanitation; Integrated Rural Development; Education, Science and Technology; Water Development; Child Development and Youth Development; and Natural Resources and Environmental Management within the context of Climate Change.

In April 2012, President Wa Mutharika Bingu, age 78, died suddenly of cardiac arrest. As set out in the Constitution, Vice President Joyce Banda was named President of the Republic until the next elections, scheduled for 2014.

Trade between Canada and Malawi has been minimal but growing. In 2010, trade between the two countries amounted to \$76.72 million. Canada plays an important role in Malawi in terms of development aid. CIDA's programs in particular are tied to objectives of social development, gender equality, and improving the nutritional status of young children, pregnant and nursing women.

The High Commission of Canada to Mozambique also represents Canada's interests in Malawi.

This was the Association's first visit to this country.

D. Meetings

11. Meeting with Joyce Banda, President of the Republic of Malawi

This meeting was also attended by:

- the Right Honourable Khumbo Kachali, M.P., Vice President;
- the Honourable Dr. Ken Lipenga, Minister of Finance;
- the Honourable Grace Maseko, M.P., Minister of Local Governments and Rural Development; and
- the Honourable Halima Daudi, M.P., Deputy Minister of Health.

During the meeting, the members of the delegation were interested in understanding Malawi's challenges and opportunities and the type of support that Canada could provide through an economic development partnership.

The delegation was informed that the President has made regular personal visits to Canada as a post-graduate student at Royal Roads University in British Columbia.

The President stated that she regretted the closing of Canada's High Commission to Malawi but she hoped exchanges would be stepped up between the two countries. She indicated that our Canadian parliamentary visit was a first step.

The President focused on the problems her country is facing in the areas of corruption, economic development, human rights abuses and good governance. When sworn in as President of the Republic following the death of her predecessor, President Bingu, she had to institute monetary reforms, which were supported by Christine Lagarde, Managing Director of the International Monetary Fund, to improve the country's financial health. Those reforms required financial cooperation by the World Bank. She explained that she also had to restore relations with partners such as the United Kingdom and she had to establish a development plan focusing on energy and mines, infrastructure and agriculture, the objective being to eradicate poverty. She stated that the country could no longer depend on aid from international partners, which are also dealing with economic problems of their own. It is important for Malawi to put in place strategies to ensure its own development. In her view, trade is also an important way to reinforce economic development in the region's countries. The country is therefore active in regional integration, particularly through SADC, the next meeting of which will be held in Malawi. President Banda will assume the Chair of the SADC starting in 2014.

The President emphasized that her government was working to eradicate poverty by putting in place programs to reduce maternal mortality and to contain the birth rate. The government is also seeking to improve levels of health and education among Malawians.

In response to questions from the delegation, the Right Honourable Khumbo Kachali, Vice President, explained that Malawi is a relatively young democracy that needs to strengthen its democratic institutions to ensure good governance of the country. Malawi also has an Anti-Corruption Bureau and an Ombudsman. He also indicated that there has been a net improvement in human rights compliance. A civil protest march was held in January 2013 in peaceful conditions without violence. According to Mr. Kachali, that contrasted with what was observed during the violent demonstrations in July and September 2011. The Honourable Dr. Ken Lipenga, Minister of Finance, explained that the efforts the government has made will help the country combat inflation resulting from its monetary reforms. In his view, the fiscal reforms put in place should also improve private sector competitiveness and attract foreign investment. President Banda explained that the AU's objective is to ensure the political and economic stability of the

African countries, whereas regional communities such as the SADC influence regional development.

12. Meeting with the members of the Parliamentary Committees on Education, Science and Human Resources, and Health and Population

The meeting was co-chaired by the Honourable F.E. Viyazyi, Chair of the Education, Science and Human Resources Committee (Malawi), and by the Honourable R. Andreychuk, Senator and Co-Chair of the Association (Canada).

The Canadian delegation was interested in issues related to the education of young girls and persons with special needs, such as those suffering from autism, to health, to the usefulness of parliamentary committees and the key role they play in the government actions. With regard to the education of young girls and persons with special needs, the Malawian parliamentarians explained that Malawi's society is forced to deal with the prevailing tradition according to which parents marry off their daughters at a young age. In addition, children perform household duties or work in the fields. The government is aware of these problems and has put policy programs in place to promote education for young girls. School is free of charge at the primary level; children have school food programs; scholarships are offered to young girls to facilitate their access to the secondary level; boarding schools are being built to get children closer to schools, and funding is being granted to local governments to build new schools. However, the Malawian parliamentarians acknowledged that a portion of the funding for those initiatives is dependent on international aid. A group of women parliamentarians is involved in the education of young girls, and, although limited, there are also facilities to assist children with special needs, as well as adapted programs and educational materials, particularly for blind students. In 2012, the Malawian government also announced the construction of an institute for special needs education in Lilongwe.

In health, the government is working to reduce maternal mortality, provide family planning services, facilitate access to medication and improve health centres in order to achieve Millennium Development Goals 4 and 5: reducing child mortality and improving maternal health. Authorities are attempting to work in cooperation with tribal chiefs to accomplish these goals.

The Malawian delegation was interested in the following topics: the way M.P.s work in the House; international aid granted by Canada; training programs for Canadian parliamentarians and the representation of women in the Parliament of Canada. The promotion of education for young girls; health services; the division of responsibilities between the federal government and the provinces and territories; the importance of the monarchy in Canada's democratic system and aboriginal governance were also addressed.

13. Visit to a Community-based Management of Acute Malnutrition program site

During this visit, the delegation met:

- Julita Manda, nutrition consultant;
- Dr. Chauma, physician;
- Piyali Mustaphi, Chief, Nutrition, UNICEF; and
- Rose Kandulu, project coordinator.

The Community Management of Acute Malnutrition (CMAM) program is in place in Mitundu, some 30 km from Lilongwe. CMAM is the result of moderate, severe and acute malnutrition treatments pilot project that was implemented in Malawi in 2002 as part of an initiative organized by Concern Worldwide, Valid International and Malawi's Ministry of Health. Based on the pilot project's positive results, the project was expanded and adopted by the Ministry as its main acute malnutrition management program in 2006. CIDA began contributing to the program's funding in 2010 by committing to invest \$6.9 million. To date, 85% of health centres in Malawi have adopted this acute malnutrition treatment program, compared to 65% in 2010.

During its visit, the delegation observed child growth and vaccination monitoring activities and toured a nutrition rehabilitation unit, where home craft workers explained the care and treatment administered to children and mothers to improve their nutritional status and the HIV screening and monitoring program introduced as part of the CMAM.

14. Roundtable on the theme of building resilience, nutrition and food security for Malawi's rural communities

This roundtable was organized by the International Development Research Centre (IDRC) to present the results of work done to build nutrition and food security capacity in rural areas.

In response to the delegation's questions, the researchers explained that the general condition in Malawi was toward corn and tobacco dependence. This practice enables farmers to receive grants to purchase fertilizer, for example. In addition, previous government incentives emphasized corn production as a way of combating food insecurity, as a result of which corn is now part of the population's diet. However, crop diversification is being encouraged as a result of a change in food policy. Agronomists are trying to introduce other crops such as quinoa for its nutritional value and potential impact on food security. The government is also attempting to introduce legume crops. These initiatives have not yet produced results because producers are uncertain about the profit they can earn in the market using the new seeds and are therefore reluctant to adopt them. Action is being taken to popularize the crops and educate women about new food recipes.

The researchers also questioned government policies for their lack of integration and common vision, as well as a lack of government funding for agricultural research, and expressed regret that the government had not introduced a national seed production system and had decided instead to privatize seed production. They also discussed environmental issues, explaining the causes and effects of soil erosion and the agricultural practices they are trying to introduce to address that problem. The agricultural sector's lack of productivity was another problem raised.

15. Meeting with the Honourable Ken Edward Kandodo, Minister of National Defence

The Minister stated that the Ministry's budget is relatively small and that defence forces are under the authority of the Ministry of National Defence. The country has been relatively calm since it acquired independence in 1964 and has no history of civil war. He described the armed forces involvement in peacekeeping missions, particularly in Côte d'Ivoire.

In response to questions from the delegation, the Minister explained that, although Malawi has good relations with Tanzania, mediation efforts have been undertaken between the two countries to solve the problem of the boundaries of Lake Malawi. He also noted the illegal immigration problems the country is facing and the naval surveillance missions being conducted on the lake to prevent illegal immigrants from entering Malawi.

He discussed the issue of regional integration and its implications for military intervention. He explained that the decisions regarding military intervention in the country were increasingly being made by regional African communities and described the impact of that type of intervention on the funding of troops in the field. Within SADC, military intervention has not really been required to date, except in Mozambique. The Minister cited SADC's role as a mediator in Madagascar's political crisis. In his view, that example shows why it is in the interest of African countries to resolve their conflicts on their own, but he admitted that that type of intervention was sometimes undermined by a lack of technical capability. He said he thought the economic development of African countries would help address that problem.

With respect to the civilian oversight in monitoring national defence issues, the Minister said that the Parliamentary Committee on National Defence and Public Security is responsible for examining the Ministry's programs and actions but is subject to national security limitations.

As regards gender, the Minister said it was important for military members to be trained on gender equality issues. Women have been recruited into the Malawian armed forces for 13 years now and play an effective role in UN peacekeeping missions.

The Minister explained that Malawi has intelligence officers that meet on a regular basis to discuss various issues.

The Minister ended the question period by saying that the professionalism of Malawian military members has been assisted by the British, Canadian and American training. The Constitution of Malawi moreover provides a clear definition of the role of the armed forces, which is why the country has experienced no civil war. However, the armed forces are required to intervene in the event of natural disasters that may occur in the country.

The Minister also explored issues pertaining to relations between the legislative and executive branches in Canada and how the budget of Canada's Department of National Defence is determined.

16. Meeting with Vera Chirwa, human rights advocate in Malawi

Ms. Chirwa related her struggles in Malawi. She stated that her late husband, Orton Ching'oli Chirwa, had been imprisoned twice under the colonial system and then under the presidency of Dr. Hastings Kamuzu Banda during his single-party regime. He was imprisoned under the colonial system because he had fought for independence and, under the presidency of Dr. Hastings Kamuzu Banda, because he had been involved in the struggle for rights and freedoms. Her husband died in mysterious circumstances during their second period of imprisonment. Ms. Chirwa was herself imprisoned because she was fighting for the independence of the country and for the human and legal rights as well as good governance. She was released in response to international pressure exerted by countries such as Uganda, Canada and the United States, but also

by Amnesty International. While in detention, she spent time with individuals who had been unjustly imprisoned and promised herself that she would fight for their rights once released from prison.

Ms. Chirwa continued by saying that Malawi's political governance has evolved from a single-party system to a multi-party state and that there have been positive developments in the area of human rights with the proliferation of human rights organizations. She also noted that positive changes have been made under the current presidency of Joyce Banda, although she stated that improvements were necessary with respect to freedom of expression. She explained that there has not been much change in the conditions in which inmates are imprisoned: prisons are overpopulated, food is in short supply, and there is a lack of access to medical care.

With regard to women's rights in Malawi, she said that women are still assigned household duties and are not involved in the decision-making process for cultural reasons. She is therefore working in cooperation with international partners to involve women in politics. Training is being provided to women to help them play their role as parliamentarians in an effective manner, and Ms. Chirwa was pleased to note that other national organizations are taking part in this type of training.

In response to questions from the delegation, Ms. Chirwa explained that, despite all her years in prison, her determination and spiritual beliefs had helped her stay positive.

17. Meeting with General Henry Odillo, Commander of Malawi's Defence Forces

During this meeting, General Odillo detailed the Malawian military's involvement in UN peacekeeping missions started in 1994 with Rwanda and continued with the Congo mission in 2005. Their largest contingent to date, consisting of 850 soldiers, was sent to Côte d'Ivoire. Malawian soldiers have also taken part in missions in Syria, Israel, Western Sahara and Chad.

The General explained that language training and upgrade training were necessary for their mission in Côte d'Ivoire. He mentioned that their training programs are opened to other SADC member countries, as a result of which they are able to share their experience. Those programs have been developed with the aid of countries such as Canada.

The General described the actions he took, following the death of incumbent President Wa Mutharika Bingu, in the transfer of power to Vice-President Joyce Banda in accordance with the Constitution. In response to a question on the key role he played during this transfer of power in 2012, the General explained that he had acted in accordance with the Constitution to maintain his country's political, economic and social stability.

In response to questions from the delegation, the General explained that, following the police violence in July 2011, actions were taken to restore confidence in the police, including the replacing of the chief of police. The country's security challenge is illegal immigration, as many illegal immigrants transit through Malawi to South Africa. The General once again emphasized the professionalism of Malawian military personnel and their responsibility toward the people they must protect. For that reason, he said, it is important that military members attend human rights training seminars and that training can be shared.. He stated that the Canadian parliamentarians' visit was perceived as a way to spread the news of the achievements of Malawi's military forces outside the

country. The General said it was important to analyze security issues in a comprehensive manner given the increasingly globalized nature of issues.. The problems associated with climate change, food shortages and illegal immigration affect national security and extend beyond national borders, hence the need for cooperation among countries and greater integration of the various peacekeeping actions. He also said it was important for Western countries to share their experience with African countries.

18. Meeting with the members of the Malawi Human Rights Commission

The following commissioners attended the meeting:

- Sophie Kalinde, Chair of the Commission;
- Marshal Chilenga, Commissioner;
- Rev. Dr. Zaccheus Kawalala, Commissioner;
- Dalitso Kubalasa, Commissioner;
- Stephen Nkoka, Commissioner;
- Rodgers Newa, Commissioner;
- Benedicto Kondowe, Commissioner; and
- Gertrude Lynn Hiwa, Commissioner.

The commissioners explained the Commission's structure and responsibilities in the areas of civic education, policy review and relations with the country's various authorities.

In response to questions from the delegation, the commissioners explained that article 20 of the Constitution prohibits discrimination against persons with disabilities. The National Assembly also passed the *Disability Act* in June 2012. The challenge is to implement concrete actions in the field. Consequently, violations occur in the areas of education, transportation and access to buildings (with the exception of hospitals). However, the commissioners explained that access to new buildings has been adapted for individuals with reduced mobility.

On the question of women rights, the Commission responded that action is being taken to monitor violence against women. The goal is to protect women and to put an end to the acts of violence they suffer.

The commissioners explained that sexual orientation was a moral, cultural and religious issue in Malawi. Attitudes would take time to change. They stated that no cases of discrimination existed that they were aware of or that were presented before the Commission formerly. However, the commissioners said that no discriminatory acts were committed against homosexuals in Malawi.

19. Roundtable on the human rights situation in Malawi

The roundtable was attended by following representatives of civil society:

- Emma Kaliya, Chair, Board of Directors, NGO Gender Coordination Network;
- Faith Phiri, co-founder, Girls Empowerment Network Malawi;
- Gift Trapence, Executive Director, Centre for the Development of People;

- Anthony Kasunda, President, Media Institute of Southern Africa; and
- Olivia Mchaju Liwewe, moderator.

The representatives described the problems that Malawi is experiencing with regard to freedom of the press and access to information. Although articles 35, 36 and 37 of the Constitution provide for freedom of expression, freedom of the press and access to information, Malawi ranks poorly in those three areas. They said they hoped that improvements would be made during Joyce Banda's presidency.

On women and gender issues, articles 20, 23, and 40 of the Constitution protect human rights, including those of women and children. Malawi has also ratified several international protocols, including the Convention on the Elimination of All Forms of Discrimination against Women, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the SADC Protocol on Gender and Development (2008). Although progress has been made, including an increase in the number of female parliamentarians from 14% to 22%, for example, and their involvement in the decision-making process, much remains to be done. Women are not yet fully involved in the country's economic development, largely as a result of a lack of education. Tradition also weighs heavily on the behaviour of young girls in society, who are destined for marriage at the age of 11, confined to domestic tasks and often victims of human trafficking.

As regards sexual orientation, the representatives explained that homosexuality is a criminal offence under section 153 of Malawi's Penal Code. Much remains to be done to achieve social integration as homosexuals do not have access to medical care, for example.

The delegation was also informed that consumer rights were not being respected. Bribes must be paid in order to access common services such as electricity and water. Although the *Consumer Protection Act* was passed approximately 10 years ago, it has yet to be enforced.

In response to questions from delegation members, the representatives said that no party had endorsed minority rights. Attempts had been made to revise the Constitution to integrate that aspect more fully, but those attempts were rejected. Abortion is a criminal act, although it is widespread among young women, who practise it illegally in dubious sanitary conditions. As for freedom of the press, most television networks are affiliated with political parties, although radio stations retain a degree of independence to the extent they are privately-owned.

20. Meeting with Mkango Resources Limited

Mr. William Dawes, General Manager of Mkango Resources Limited, explained that the company specializes in mining exploration and extraction and operates in Malawi. Malawi has the potential to be one of the top rare earth producers in Africa. It is politically stable and the government offers mining sector development incentives. However, Mr. Dawes stated that much remains to be done to develop the country's road and rail infrastructure. Exploration operations are just starting up in Malawi and the country is facing competitors that offer companies more capital and opportunities. The country also needs a tax system that is appealing enough to attract foreign capital.

In response to questions from the delegation, Mr. Dawes said that processing costs are an issue in the rare earth mining sector. Since Malawi does not have refineries

specializing in ore separation, it must work with infrastructure in foreign countries. Plans are being discussed for the construction of refineries in South Africa. Competition for rare earth mining projects comes from countries such as China, Canada, South Africa, Namibia and Tanzania.

E. Conclusions

1. Nairobi, Kenya

The delegation took as its prime objective in Kenya, just prior to the 2013 general elections, to reaffirm its support for the conduct of an election in a peaceful environment. It also reminded Kenyan parliamentarians of the key role they have to play in promoting non-violent election campaigns and in the conduct of fair and transparent democratic elections. That message had been conveyed by the Association in a letter dated November 2, 2012 to the Speaker of the National Assembly, the Honourable Kenneth Marende (see letter in Appendix B).

The delegation met with individuals playing key roles in the electoral process and the training of future elected representatives, including the Chief Justice, members of the Independent Electoral and Boundaries Commission, politicians and the staff of the Centre for Parliamentary Studies and Training.

The delegation noted during those visits that the implementation of the new Constitution is well under way, even though there have been some delays and that the judicial and security structure has been revamped. The delegation also observed that action appears to have been taken to reduce the possibility of election violence such as occurred in 2007. It noted, however, that incidences of violence have already taken place; it also noted that a number of national and international civil society organizations were somewhat pessimistic. Those organizations noted some shortcomings such as the authorities' ability to educate the public about the electoral process and the technologies that would be used to support that process and the actions of key political players. The issue of two key aspirants for the presidency being under the International Criminal Court indictments is worrisome. Efforts must be made to increase proper security during the upcoming elections in view of the violence that occurred during the primary elections on January 19, 2013.

The delegation appreciated the initiative by the Centre for Parliamentary Studies and Training. It believes that it is important for parliamentarians to be trained appropriately so that they are aware of their responsibility to promote democracy and represent the people. The delegation emphasized that it is important to put measures in place to make those courses flexible and appealing so as to attract large numbers of parliamentarians. The Centre should also be able to add value for parliamentarians in view of the multitude of training seminars available at the international level.

2. Lilongwe, Malawi

The delegation concluded that the visit was very timely.

Support for democratic development, rule of law and furtherance of human rights are major challenges for the government and people of Malawi. The government of Malawi is tempting to enhance the country economic and social developments. Rich in human resources and potential natural resources, Malawi is poised to overcome the past

setbacks. Canada has had a long association with Malawi and the delegation believe that now is the time to strengthen our ties.

The delegation was particularly confident that the visit has established the proper linkages with parliamentarians, both as an association and individually, in assisting parliamentarians as their task is pivotal to the success of democracy in Malawi. The delegation was particularly impressed by Ms. Vera Chirwa, for her tenacity and wisdom and by General Odillo for his integrity and effort to comply with the Constitution.

F. Acknowledgements

The members of the delegation very much appreciated their visits to Kenya and wish to thank Canada's High Commissioner to Kenya, His Excellency David Angell, and his team, Ms. Farrah Musani and Messrs. Jamie Bell, Jeff Narraway, David Mwagiru and Stéphane Nicolau, for organizing appropriate meetings and for making themselves available in a very busy period for the mission. The delegation acknowledged the supportive role of the Kenyan parliamentary staff who made the visit to the Centre for Parliamentary Studies and Training possible.

The members of the delegation acknowledged the work of Canada's High Commissioner in Mozambique, accredited to Malawi, His Excellency Alain Latulippe, who prepared an excellent program. And in particular the delegation would like to thank Mr. Stuart Lane and the other members of the high commission for their on the ground support. Delegation members also want to thank Colonel Richard Millot, and Mr. Peter Killick and Ms. Julita Manda of the Malawi Program Support Unit Transition Project for their cooperation.

In both cases, the measure of success of our missions is in part a reflection of the excellent reputation and rapport that the missions have with the host country.

Respectfully submitted,

The Honourable Raynell
Andreychuk, Senator, Co-Chair
Canada-Africa Parliamentary
Association

The Honourable Mauril Bélanger,
P.C., M.P, Co-Chair
Canada-Africa Parliamentary
Association

Appendix A



January 18, 2013

PRESS STATEMENT

As already made public, the Panel of the Wise of the African Union (AU), the Committee of Elders of the Common Market for Eastern and Southern Africa (COMESA), working with the Intergovernmental Authority on Development (IGAD), have been in Nairobi since a number of days on a routine mission to Kenya, as one of the Member States, to express its solidarity with the Kenyan people, as they go through this very important period of its democratic transition: the elections.

So far, we have been encouraged by the steps taken by all Kenyans, especially in the last five years. We followed very closely, and noted the engaging discussions and heated debates that led to the drawing, and adoption of the new constitution. The referendum that crowned that process reflected a progressive consolidation of the critical pillars of democracy and peace in any society.

In its consultations and exchanges so far held with the stakeholders, notably, the political party candidates, the Chief Justice, and the Independent Electoral and Boundaries Commission, the Panel is appreciating the level of preparedness for the elections. The nominations which peaked yesterday, and are currently being completed provide an opportunity to gauge and test the readiness of the parties, their contestants and the voters.

Those we met so far have expressed their commitment to peaceful elections and a credible process. It will be critical for the appropriate institutions to continue placing close attention around issues of security, equitable access to the media, civic and voter education, amongst others.

We hope that all the key stakeholders: the political parties, the media will continue to inform and educate the citizens, and also adhere to the Code of Conduct. As the country gradually goes towards the March elections, the Panel feels that it will be important for the media and political parties to affirm their responsibilities toward ensuring that they are credible and violence-free, before and after the polls.

Our mission will continue to meet with other Presidential candidates and all Kenyan institutions and authorities who are responsible to ensure that the elections at both the County and national levels are free, fair, credible, transparent and peaceful.

Appendix B

Canada-Africa
Parliamentary Association



Association parlementaire
Canada-Afrique

November 2, 2012

The Honourable Kenneth Marende
Speaker of the National Assembly
of the Republic of Kenya
Parliament Buildings
P.O. Box 41842 – 00100
Nairobi
Kenya

Dear Mr. Speaker,

We are writing in our capacity as Co-Chairs of the Canada-Africa Parliamentary Association to assure you of our ongoing support in your efforts to ensure free, fair and peaceful general elections in March 2013.

The world was stunned at the violence that gripped Kenya in the aftermath of the 2007 general elections. At that time, our Association wrote to you indicating the role that parliamentarians can play in promoting the peaceful conduct of the election process. We encouraged you to speak out, and appreciated your efforts towards a resolution that allowed the coalition government to begin its work.

In its subsequent investigation, the Kriegler Commission suggested reforms to the Kenyan electoral process. Many human rights groups indicated the organized nature of much of the violence and pointed to the role of senior politicians and of officials in the use of local grievances to fuel violence for political ends. Indeed, the International Criminal Court is proceeding with actions to hold those responsible to account.

During our January 2012 visit to the Republic of Kenya, our Association was pleased to observe the measures implemented by the Independent Electoral and Boundaries Commission to avoid a repeat of electoral violence in Kenya. We hope that these efforts will not be compromised, and we continue to support the efforts made so far by Kenyan authorities toward this end.

However, recent incidents of deadly violence in Kenya, and suggestions in the press and by MPs, indicate the possibility of further clashes as the next general election

approaches. We understand that an MP has introduced a motion in the Kenyan Parliament asking for army intervention to quell violent activity.

The role of parliamentarians in promoting non-violent political campaigning and democratic elections is critical. The Canada-Africa Parliamentary Association is therefore renewing its offer of assistance during this next Parliamentary election process. We call upon your good offices to urge all Kenyan Parliamentarians to exercise every means at their disposal to help establish the necessary conditions to ensure that the 2013 general elections are able to proceed without resort to unacceptable action or violence.

We believe the success of the upcoming elections will be an extremely important landmark in Kenya's democratic evolution. We are confident that, through your leadership, the National Assembly can exercise its important and responsible role on behalf of the citizens of Kenya.

Yours truly,

The Honourable Mauril Bélanger, P.C.,
M.P.

The Honourable Raynell Andreychuk,
Senator

Co-Chairs

c.c.: His Excellency Mwai Kibaki, President of the Republic of Kenya
The Right Honourable Raila Amolo Odinga, M.P., Prime Minister of the Republic of Kenya
His Excellency Dr. Yayi Boni, Chair of the African Union
The Right Honourable Stephen Harper, P.C., M.P., Prime Minister of Canada
The Honourable John Baird, P.C., M.P., Minister of Foreign Affairs
His Excellency Simon Nabukwesi, High Commissioner of Kenya to Canada
His Excellency David B. Collins, Canadian High Commissioner to Kenya

Travel Costs

ASSOCIATION	Canada-Africa Parliamentary Association
ACTIVITY	Bilateral mission to the Republic of Kenya and the Republic of Malawi
DESTINATION	Nairobi, Kenya and Lilongwe, Malawi
DATES	January 19 to 26, 2013
DELEGATION	
SENATE	The Hon. Raynell Andreychuk, Senator, Co-Chair The Hon. Mobina S.B. Jaffer, Q.C., Senator, Vice-Chair
HOUSE OF COMMONS	The Hon. Mauril Bélanger, P.C., M.P., Co-Chair Mr. David Christopherson, M.P., Vice-Chair Ms. Lois Brown, M.P., Vice-Chair Mr. Tyrone Benskin, M.P., Director Mrs. Cheryl Gallant, M.P. Mr. Mike Lake, M.P. Ms. Wai Young, M.P.
STAFF	Mr. David Gagnon, Secretary of the Delegation Ms. Aïcha Coulibaly, Analyst
TRANSPORTATION	\$128,615.69
ACCOMMODATION	\$11,075.03
HOSPITALITY	\$776.90
PER DIEMS	\$4,229.23
OFFICIAL GIFTS	\$678.27
MISCELLANEOUS / REGISTRATION FEES	\$442.39
TOTAL	\$145,817.51