

Canada – Africa
Parliamentary Association



Association parlementaire
Canada – Afrique

**Report of the Canadian Parliamentary Delegation respecting
its
participation at the Bilateral Mission to the Republic of Kenya**

Canada-Africa Parliamentary Association

**Nairobi and other cities, Republic of Kenya
March 11 to 17, 2018**

REPORT

BILATERAL MISSION TO KENYA

The Canada-Africa Parliamentary Association (“the Association” or “CAPA”) visited Kenya from March 11 to 17, 2018. CAPA was represented by the Honourable Raynell Andreychuk, Senator, Co-Chair; Robert Oliphant, M.P., Co-Chair; the Honourable Jim Munson, Senator, Vice-Chair; Greg Fergus, M.P., Vice-Chair; Jamie Schmale, M.P., Director; Pam Damoff, M.P.; Gord Johns, M.P.; and Len Webber, M.P.. The delegation was accompanied by the Association’s Secretary, Grant McLaughlin, and André Léonard, Analyst.

This mission to Kenya was the Association’s first since 2013. The delegation’s objectives were as follows:

- follow up on CAPA’s previous bilateral mission and, in particular, update members on the current political and economic situation in Kenya;
- meet with parliamentarians to learn about the functioning of Parliament, their role and their priorities following the legislative elections on August 8, 2017;
- engage with government officials to discuss the political and social situation in Kenya following the re-election of President Kenyatta on October 26, 2017, after the Supreme Court having nullified the results of the August 8, 2017, vote, and learn about their priorities;
- meet with officials from the Office of the United Nations High Commissioner for Refugees and learn about the situation of displaced persons residing in Kenya;
- discuss the role and strength of Kenya’s judiciary system;
- meet with businesspeople in Kenya, which is an economic and commercial driver in East Africa, and learn about Kenya’s views on the future direction of the East African Community;
- discuss Kenya’s opportunities and challenges in the areas of conservation, climate change, the environment and sustainable tourism;
- engage with civil society organizations that promote human rights, freedom of the press, and the rule of law;
- discuss Kenya’s involvement in African peacekeeping operations and peace and security issues.

In support of its objectives, the delegation met with parliamentarians, government officials and representatives from the business community, electoral officials, conservation organizations peacekeeping forces, and those who work with refugees. The delegation

also visited development projects outside the capital city. This report contains information about the current situation in Kenya and a summary of the delegation's meetings there. It concludes with the delegation's key observations.

REPUBLIC OF KENYA

The Republic of Kenya (Kenya) is located in eastern Africa. Crossed by the equator, it has a 536 km coastline on the Indian Ocean and borders on Ethiopia to the north, Somalia to the east, Tanzania to the south, Uganda to the west, and South Sudan to the northwest. It has an area of 580,367 km² (or 581,309 km² given that the border with South Sudan is in dispute¹), which makes it the 23rd largest country in Africa.² In July 2017, Kenya's population was estimated at 47.6 million. Its population density, about 82 people per km², was 14th highest in continental Africa.³ Kenya's capital is Nairobi, its largest city, with a population of about 3.9 million in 2015, although when the suburbs are included, the population is 8.3 million. The second-largest city is Mombasa, on the Indian Ocean near the Tanzanian border, with a population of about 1.2 million. In 2017, it was estimated that 26.5% of the population resided in urban areas, and 40% of the population was under the age of 15, with a median age of 19.7.

Kenya has seven main ethnic groups: the Kikuyu (22%), the Luhya (14%), the Luo (13%), the Kalenjin (12%), the Kamba (11%), the Kisii (6%) and the Meru (6%); 16% of the population is foreign (15% from Africa and 1% from other continents). The official languages are English and Swahili, but 22% and 13% of the population have Kikuyu and Luo as their mother tongue, respectively. According to estimates, in 2009, Kenya's population was 48% Protestant, 23% Catholic, 12% another Christian denomination, and 11% Muslim. The Muslim population is concentrated on the coast and in the northwestern part of the country, where the population is mainly of Somali origin.

A. Recent Political History

In 2002, President Daniel Arap Moi stepped down after 24 years in office. In the presidential elections, Mwai Kibaki, from the National Rainbow Coalition (NARC), defeated Uhuru Kenyatta (son of the first president of Kenya, Jomo Kenyatta), from the Kenya African National Union (KANU).

In 2007, President Kibaki won the election against Raila Odinga (son of Kenya's first vice-president, Oginga Odinga), from the Orange Democratic Movement (ODM).

When the Electoral Commission of Kenya (ECK) announced that President Kibaki had won by some 230,000 votes, violence erupted. Within an hour, President Kibaki was sworn in for a second term. Mr. Odinga rejected the result and called for protests, and

¹ The reason the country's area is unclear is that there is a land claim regarding the border between Kenya and South Sudan in the region known as the Ilemi Triangle, a territory that Kenya has administered since the colonial era but which is claimed by South Sudan because of the Sudanese ethnic communities that live there and because of its precolonial territory. In addition, the countries have taken an interest since the recent discovery of oil deposits in the Ilemi Triangle. "[Simmering border disputes in battle to control oil, gas](#)," Africa Review.

² Population Data.net, [Palmarès – Pays et territoires d'Afrique](#).

³ Ibid.

election observers from the European Union said the ECK had failed to ensure the credibility of the vote. As evidence mounted that there had been fraudulent activity in the presidential election, the chair of the ECK, Samuel Kivuitu, admitted he had announced the results under duress and could not say with certainty that President Kibaki had won.

Despite mediation attempts by the chairman of the African Union (AU), other African presidents, and diplomats, the violence continued, resulting in 1,500 deaths and hundreds of thousands of displaced persons. Former UN Secretary-General Kofi Annan began a peace mission in January. Subsequently President Kibaki and Mr. Odinga agreed to share power, creating the post of prime minister and forming a coalition government in which cabinet posts were to be allocated on the basis of each party's representation in Parliament. In April, Mr. Odinga became Prime Minister, supported by two Deputy Prime Ministers, and a 42-member cabinet – the largest in Kenya's history – was announced.

In the aftermath of the post-election violence, a commission of inquiry was established with Johann Kriegler, a South African judge, as its Chair. The commission concluded that the way the election had been conducted made it impossible to verify the results and recommended reforming or replacing the ECK. Shortly afterward, the ECK was disbanded and replaced by a nine-member Interim Independent Electoral Commission.

In an August 2010 referendum, a new constitution was endorsed by 67% of those who voted. The new constitution retained the presidential system but introduced new checks and balances. It abolished the post of Prime Minister and created a Deputy Presidency. It also devolved powers to 47 counties and gave them seats in a second parliamentary chamber, the Senate. The new constitution was to come into effect over a five-year period.

Work on implementing the new constitution continued in 2011, and the government rushed to pass legislation and make appointments to positions such as Attorney General, chief of police, Auditor General and budget controller. In August 2011, it was reported that the government was considering dropping the requirement that women make up a third of the Members of Parliament.

In November 2011, the Interim Independent Electoral Commission was replaced by a nine-member Independent Electoral and Boundaries Commission (IEBC). The IEBC was tasked with delimiting 80 electoral constituencies and compiling a list of voters. It was also to regulate the nomination of candidates and monitor campaign financing.

In March 2012, the IEBC announced that parliamentary and presidential elections would be held on March 4, 2013. Under the new constitution of 2010, President Kibaki was ineligible to run for a third term. In January 2012, two out of three judges of the International Criminal Court (ICC) ruled that charges of crimes against humanity could be brought against Francis Kirimi Muthaura and Uhuru Kenyatta as indirect co-perpetrators of inhumane acts in the violence that followed the 2007 election. They were to be called to appear before an ICC chamber on April 11, 2013, barely a month after the presidential election. AU envoy Kofi Annan urged people not to vote for candidates who might be found guilty of the charges laid by the ICC chamber.

In February 2013, the Supreme Court ruled that Mr. Kenyatta, of The National Alliance (TNA), and his running mate William Ruto, of the United Republican Party (URP), could

run in the presidential election despite the ICC allegations. President Kenyatta was elected with 50.5% of the vote, compared with 43.7% for his main rival, Wycliffe Musalia Mudavadi, of the United Democratic Party (UDP). The Jubilee Coalition, which includes the TNA and the URP, formed the government.

Between 2013 and 2016, particularly following terrorist attacks by the al-Shabaab Islamist group, there were a number of violent incidents. On September 25, 2013, armed men killed 71 people and wounded 200 others at the Westgate Mall in Nairobi. On April 2, 2015, gunmen killed 148 and wounded 80 at Garissa University, near Somalia. Al-Shabaab's stated motive is revenge on Kenya for sending troops to Somalia to fight their organization. It also supports the imposition of Islamic law in the border regions of Kenya and Somalia.⁴

On September 5, 2013, the National Assembly passed a motion to have Kenya withdraw from the ICC which, in the end, it did not do. Following the Kenyan government's interference, the ICC withdrew its charges against President Kenyatta in March 2014 and against Vice-President Ruto in April 2016.

In January 2015, the Jubilee Coalition became the Jubilee Alliance Party (JAP). In September 2016, the JAP merged with some smaller parties to form the Jubilee Party (JP). In January 2017, the ODM, the Forum for the Restoration of Democracy-Kenya, the Amani National Congress and the Wiper Democratic Movement merged to form the National Super Alliance (NASA), which put forward a single candidate, Mr. Raila Odinga, in the 2017 presidential election. The announced results showed President Kenyatta received 54.2% of the vote, compared with 44.9% for Mr. Odinga. Violence erupted, claiming about 70 lives.⁵

Initially, international observers, including former U.S. Secretary of State John Kerry and former South African President Thabo Mbeki, hailed the orderly nature of the elections.⁶ However, the Supreme Court of Kenya annulled the presidential elections results (but not the legislative elections results) because of irregularities – in the transmission of results, for example – and scheduled a new election for October 26, 2017.

In the new vote, President Kenyatta was re-elected with 98.3% of the ballots, with the NASA boycotting the election, claiming it was not free and democratic. It was impossible to remove Mr. Odinga's name from the ballot, and he received 1% of the votes.⁷ There was further violence, with at least 14 people killed.⁸ Mr. Odinga demanded that free and

⁴ Central Intelligence Agency, "[Kenya](#)," The World Factbook.

⁵ Jina Moore, "[Uhuru Kenyatta Is Declared Winner of Kenya's Repeat Election](#)," New York Times, October 30, 2017.

⁶ Jeune Afrique, "[Élections au Kenya : le rapport des observateurs de l'UE irrite Nairobi](#)," January 10, 2018.

⁷ Central Intelligence Agency, "[Kenya](#)," The World Factbook.

⁸ Jina Moore, "[Uhuru Kenyatta Is Declared Winner of Kenya's Repeat Election](#)," New York Times, October 30, 2017.

fair elections be held within 90 days.⁹ President Kenyatta was sworn in on November 28, 2017.¹⁰

On January 10, 2018, election observers from the European Union published a report that was highly critical of the 2017 Kenyan presidential elections, which was not well-received by the Government of Kenya.¹¹

On January 30, 2018, Mr. Odinga was unofficially sworn in as “President of the People.”¹² Private television stations were closed by the government for broadcasting images of the “swearing-in” ceremony. On February 1, however, the High Court ordered the government to allow the television stations to be reopened and to not interfere with their programming until their case was heard.¹³ NTV and KTN News were back on the air on February 5,¹⁴ as were Citizen TV and Inooro TV on February 8.¹⁵

On March 9, 2018, two days before the delegation arrived in Kenya, Mr. Odinga, leader of the NASA, a coalition of four parties, reached an agreement with the President in an effort to “unite” the country. They issued a joint news release designed in part to ease ethnic tensions and curb violence.¹⁶ However, Mr. Odinga was the only one of the NASA’s four party leaders who endorsed the unification agreement. What impact this agreement will have on Parliament and politics in Kenya remains unclear.

B. System of Government ¹⁷

Kenya is a presidential republic. Executive power is held by the president, who is elected by a simple majority of the popular vote for a five-year term, renewable once. Candidates for the presidency and vice-presidency are elected on a single ticket. In addition to having a majority of the votes, a presidential candidate must have at least 25% of the votes in at least 24 of the 47 counties. Failing this, there is a run-off election. Since March 2013, when the office of Prime Minister was abolished, the President has been both the head of state and the head of government.

The Cabinet is selected by the President, subject to approval by the National Assembly. It is composed of the President, the Vice-president, the Attorney General and between 14 and 22 “cabinet secretaries” (ministers), who cannot be members of the National Assembly.¹⁸ On January 26, 2018, the President presented his cabinet, two months after

⁹ Chloe Farand, “[Kenya election: Opposition leaders calls re run ‘a sham’ and demands another vote within 90 days.](#)” Independent, October 29, 2017.

¹⁰ “[Kenyatta sworn in for second term as Kenya’s president amid protests.](#)” The Guardian, November 28, 2017.

¹¹ Jeune Afrique, “[Élections au Kenya : le rapport des observateurs de l’UE irrite Nairobi.](#)” January 10, 2018.

¹² Johannesburg Aislinn Laing, “[Kenya’s opposition leader sworn in as alternative president.](#)” The Times, January 30, 2018.

¹³ Tom Odula, “[Kenya’s top TV stations still off the air amid crackdown.](#)” National Post, February 2, 2018.

¹⁴ “[NTV, KTN stations finally back on air.](#)” Daily Nation, February 5, 2018.

¹⁵ Nancy Agutu, “[Citizen, Inooroo TV finally back on the air after 10 days.](#)” The Star, February 8, 2018.

¹⁶ The Presidency, Official Website of the President, “[Building Bridges to a New Kenyan Nation.](#)” March 9, 2018.

¹⁷ Central Intelligence Agency, “[Kenya.](#)” The World Factbook.

¹⁸ Kenya Law Reform Commission, “[Part 3: The Cabinet.](#)” Constitution of Kenya.

his swearing-in. There are 21 Cabinet Secretaries, including six women, who have important portfolios such as Foreign Affairs, Defence, Education and Health.¹⁹ On February 14, the National Assembly approved the nine new nominees for Cabinet Secretaries, while opposition members boycotted the process.²⁰

Legislative power rests with a bicameral parliament. The Senate has 67 seats, 47 of which are elected directly (one Senator per county); 16 are reserved for women, two for youth, and two for persons with disabilities, appointed by their party based on the proportion of seats held by each party. Senators are elected for a five-year term. Constitutionally, the Senate deals with matters affecting the counties and the distribution of the National Assembly's budget among the counties. Following the elections of August 8, 2017, the JP held 24 seats, the NASA 28 and other parties 14, with one independent. There were 21 women in the Senate.²¹

The National Assembly has 349 seats, with 290 members elected directly in single-seat constituencies, 47 women members (one per county), and 12 members appointed by the National Assembly, six representing youth and six representing persons with disabilities, nominated by their party based on the proportion of seats held by each party.²² Members of the National Assembly are elected for a five-year term. Following the elections of August 8, 2017, which, unlike the presidential elections, were not cancelled, the JP held 140 seats, the NASA 62, and other parties 118. There were 76 women in the National Assembly.²³

Like the Senate, the National Assembly has parliamentary committees, each composed of 18 or 19 members of the National Assembly.²⁴ The standing committees of the Senate normally have nine members.²⁵

The 47 counties also have assemblies. The regional government is headed by a Governor, and the assemblies hold sessions on subjects of more regional interest. They also have parliamentary committees.

C. Court System ²⁶

The highest court in Kenya is the Supreme Court, composed of the Chief Justice, the Deputy Chief Justice and five judges. The Chief Justice and the Deputy Chief Justice are nominated by the Judicial Service Commission (JSC) and appointed by the President with approval of the National Assembly. The other judges are nominated by the JSC and appointed by the President, without National Assembly approval. The Chief Justice is appointed for a 10-year term or until age 70. The other judges serve until age 70.

¹⁹ Faith Nyamai, "[Six women make it to Cabinet list](#)," Daily Nation, January 27, 2018.

²⁰ Gideon Keter, "[M.P.s approve Uhuru's Cabinet nominees](#)," The Star, February 14, 2018.

²¹ Inter-Parliamentary Union, [Women in national parliaments](#).

²² Parliament of Kenya, [About the National Assembly](#).

²³ Inter-Parliamentary Union, [Women in national parliaments](#).

²⁴ Parliament of Kenya, [Committee Composition](#).

²⁵ Parliament of Kenya, [Standing Committees](#).

²⁶ Central Intelligence Agency, "[Kenya](#)," The World Factbook.

The subordinate courts are as follows: the High Court, the Court of Appeal, the military courts, the magistrates' courts, and the religious courts.

D. Conservation

A large portion of Kenya's economy is based on tourism and ecotourism, which in turn depends, to a large degree, on the conservation of animal species. Animal conservation is in jeopardy because of the rapid growth of the human population, which requires more agricultural land, encroaching on the natural habitats of many species. In addition, the very lucrative ivory market encourages poaching of elephants and rhinoceroses. As a result, the populations of a number of species are shrinking rapidly. For example, there were 140,000 giraffes in the world in 1999, but only 80,000 in 2017.

Conservation measures include the development of national parks and the protection of habitats. The Kenya Lake System in the Great Rift Valley is a UNESCO World Heritage Site and is thus protected to a certain extent.²⁷ The Wildlife Conservation and Management Act came into force in 2014. Its provisions included an increase in the penalties for poaching. For example, on January 28, 2014, a poacher caught in possession of a tusk weighing 3.4 kg was given the choice of paying a fine of about US\$233,000 or serving a seven-year jail term.²⁸

To combat pollution of the land and the sea and promote conservation of many species, Kenya banned the use, manufacture and importation of plastic bags on August 28, 2017.²⁹

E. Economic Development ³⁰

In 2017, Kenya's gross domestic product (GDP) was US\$74 billion. Real GDP (adjusted for inflation) was up 5.1%, compared with 5.8% in 2016 and 5.7% in 2015. The annual population increase of about 2.5% to 2.8% also has to be factored in, as it results in a higher GDP growth rate than in countries with slower population growth. Consumer prices rose 6.4% in 2016 and 4.5% in 2017, after climbing 6.0% in 2014 and 8.0% in 2015. According to The Economist Intelligence Unit, inflation will probably hold steady in the range of 6.5% to 6.7% in Kenya in 2018 and 2019, compared with 8% to 10% on average in sub-Saharan Africa. There was a sharp increase in food prices in 2016 and early 2017. For example, food prices jumped 21.5% between May 2016 and May 2017. However, prices stabilized in the second half of 2017, and food price inflation was 4.7% between January 2017 and January 2018.³¹

In 2016, agriculture accounted for 35.0% of GDP, industry 17.6% and services 47.7%. The number of tourists grew by 17% and revenue from tourism by 37%.

²⁷ African Wildlife Foundation, [Kenya](#).

²⁸ WWF, [Kenya finally gets a new wildlife law](#), February 17, 2014.

²⁹ "[Pour lutter contre la pollution, le Kenya bannit les sacs en plastique](#)," Le Monde, August 28, 2017.

³⁰ Most of the information in this section is from The Economist Intelligence Unit, [Kenya](#), and Central Intelligence Agency, "[Kenya](#)," The World Factbook.

³¹ Trading Economics, [Kenya Food Inflation](#).

In 2017, the value of Kenya's exports of goods and services was US\$909 million, and the value of imports was US\$2.0 billion, for a trade deficit of US\$1.1 billion. In 2014, Kenya's chief exports were tea (US\$1.1 billion), trees, plants and flowers (US\$622 million) and refined petroleum products (US\$606 million). The main destinations for its exports were Uganda (11.2%), Tanzania (8.0%) and the Netherlands (7.6%).

The country's main imports were refined petroleum products (US\$3.8 billion), machinery and equipment (US\$3.2 billion), and vehicles and transportation equipment (US\$3.0 billion). The main sources of imports were India (16.3%), China (15.3%) and the United States (10.4%).

The currency, the Kenyan shilling, declined by about 38% against the U.S. dollar between 2007 and 2015. Since then, the exchange rate has been steady at about 101 to 103 shillings to the U.S. dollar.³²

The estimated unemployment rate in 2013 was 40%, which is very high. A large portion of employment may be in the underground economy. Nevertheless, according to a 2012 estimate, the income of 43% of the population was below the poverty line.

In 2017, Kenya's budget deficit was 6.1% of GDP, and its debt was 52.6% of GDP. On February 13, 2018, ratings agency Moody's downgraded Kenya's rating from B1 to B2 because of "an erosion of fiscal metrics."³³

In 2017, Kenya ranked 80th in the world on the World Bank's ease of doing business index, second-highest in continental Africa, after Rwanda (41st).³⁴ This means that the regulatory environment in Kenya is relatively conducive to business operations.

Kenya is a founding member of the East African Community (EAC), along with Uganda and Tanzania. Rwanda and Burundi joined the organization in 2007, and South Sudan in 2016. It has been a common market (free movement of goods and people) since 2010. The EAC is interested in forming a monetary union and possibly a political union.³⁵ Its headquarters is in Arusha, Tanzania. Its official languages are English and Swahili. The East African Legislative Assembly, the EAC's legislative branch, held its most recent plenary session in Kampala, Uganda, between January 22 and February 9, 2018. Draft legislation was presented, including a law on forming a monetary union.³⁶

F. Human Development

In 2015, Kenya ranked 146th out of 188 countries in the world on the UN's Human Development Index and is therefore considered to have medium human development, though it is just above the 148th place, which would have given it the status of a low-development country.³⁷ This placed Kenya ahead of the other members of the EAC:

³² Devises Zone, [Graphique Shilling kenyan – dollar US](#).

³³ Jeune Afrique, "[L'agence Moody's dégrade la note souveraine du Kenya](#)," February 14, 2018.

³⁴ World Bank, [Ease of doing business index](#), 2017.

³⁵ East African Community, [Overview of EAC](#).

³⁶ East African Legislative Assembly, [Monetary Union Bill and another piece on Statistics management in the offing](#), February 8, 2018.

³⁷ United Nations Development Programme, [Human Development Report 2016: Human Development for Everyone](#).

Tanzania (151st), Rwanda (159th), Uganda (163rd), South Sudan (181st) and Burundi (184th). The index is composed of several indicators: life expectancy at birth (62.2 years in Kenya), expected years of schooling (11.1 years), mean years of schooling (6.3 years)³⁸ and gross national income per capita (US\$2,881 in 2011 purchasing power parity dollars).

The maternal mortality ratio (maternal deaths per 100,000 live births) decreased from 687 in 1990 to 510 in 2015, a slight improvement; Kenya has a lower ratio than some of its neighbours and a higher ratio than others: Uganda (343), Ethiopia (353), Tanzania (398), Somalia (732) and South Sudan (789).³⁹

In November 2017 alone, the World Food Programme provided food aid to 1.2 million people in Kenya, most of them living in refugee camps.⁴⁰ At the end of 2016, Kenya ranked 10th in the world for the number of refugees inside its borders, with 451,100, including 324,400 from Somalia, 87,100 from South Sudan, 19,100 from Ethiopia and 13,300 from the DRC.⁴¹

On December 31, 2017, Kenya had only small numbers of soldiers or police officers (and a few civilians) deployed in eight UN peacekeeping missions: 191, 55th in the world. The main missions where they were deployed were UNAMID (the UN/African Union joint mission in Darfur – 118 people) and UNMISS (UN Mission in South Sudan – 29 people).⁴²

G. Governance Indicators

Kenya is considered partly free by Freedom House; Internet access is seen as free, but the press is only partly free.⁴³ On August 14, 2017, the Kenyan government cancelled the Kenya Human Rights Commission's registration as a non-governmental organization, which made its work impossible. That came in the wake of the August 8, 2017 elections, after which the Commission had expressed concern about the announcement of the preliminary results and the discrepancies with the final results and criticized the security forces' response to the post-election demonstrations.⁴⁴

The Mo Ibrahim Foundation's governance index measures the quality of governance in Africa. In 2016, Kenya ranked 13th on this index out of 54 African countries. It came 10th in the Human Development category, 11th in Sustainable Economic Opportunity, 22nd in Participation and Human Rights, and 27th in Safety and Rule of Law.

³⁸ Expected years of schooling is the number of years that a child can expect to be in school if recent trends continue, and mean years of schooling is the actual number of years of schooling received by the population aged 25 and over. As previously mentioned, half of Kenya's population is under 20 years of age.

³⁹ World Health Organization and other partners, [Trends in Maternal Mortality: 1990 to 2015](#).

⁴⁰ World Food Programme, [WFP Kenya Country Brief](#), November 2017.

⁴¹ Office of the United Nations High Commissioner for Refugees, [Global Trends, Forced Displacement in 2016](#).

⁴² United Nations Peacekeeping, [Troop and Police Contributors](#).

⁴³ Freedom House, [Kenya](#).

⁴⁴ Freedom House, [Kenya: Government De Registers Human Rights NGO](#), August 14, 2017.

In Safety and Rule of Law, it had lower rankings in the Personal Safety (26th) and National Security (38th) subcategories. In Participation and Human Rights, its rankings in the subcategories were similar: Participation (20th), Gender (24th) and Rights (26th).⁴⁵

Homosexuality is illegal in Kenya and carries a 14-year prison sentence. However, on February 23, 2018, the High Court of Kenya started hearings in a trial that could decriminalize homosexuality.⁴⁶

In 2017, Kenya's position on The Economist Intelligence Unit's Democracy Index was 95th out of 167 countries studied, which placed it in the Hybrid Regimes category, that is, neither a democracy nor an authoritarian regime. Kenya fared better on the index than most of its neighbours: Tanzania (91st), Uganda (98th), Ethiopia (129th) and Rwanda (133rd). On the other hand, Kenya ranked 108th for civil liberties, behind Uganda (90th) and Tanzania (107th) but ahead of Rwanda (140th) and Ethiopia (150th).⁴⁷

According to Transparency International, Kenya ranked 143rd out of 180 countries on its 2017 Corruption Perception Index, well below Rwanda (48th), Tanzania (103rd) and Ethiopia (107th) but above Uganda (151st), the DRC (161st) and Somalia (180th).⁴⁸

MEETINGS IN KENYA

A. Briefing by the High Commission of Canada in Kenya

The delegation began its visit with a briefing provided by David Gervais of the High Commission of Canada in Kenya. Mr. Gervais provided the delegation with valuable security tips for the duration of its stay in Kenya.

Then Ms. Sara Hradecky, High Commissioner of Canada to Kenya,⁴⁹ with the assistance of her acting political advisor, Rick Steenweg, outlined the political, economic and social situation in Kenya.

B. Meeting with the Honourable Kenneth Makelo Lusaka, Speaker of the Senate

The delegation met with the Honourable Kenneth Makelo Lusaka to learn more about the role of the Kenyan Senate and to obtain more information about the recently announced agreement between President Kenyatta and Mr. Odinga, and about the AU and the EAC.

Speaker Lusaka stated that Kenyans had cordial relations with Canada. He said that as a former county governor, he was in a good position to promote decentralization. He explained that the Senate had existed when Kenya first became independent, but that it had been abolished. It was reinstated when the new constitution was adopted in 2010.

⁴⁵ Mo Ibrahim Foundation, [Ibrahim Index of African Governance](#).

⁴⁶ Briana Duggan, "[Kenya's top court considers case to legalize homosexuality](#)," CNN.com, February 23, 2018. Note: While the title of the article suggests that the country's highest court was hearing the case, it was actually the High Court, which is subordinate to the Supreme Court.

⁴⁷ The Economist Intelligence Unit, [Democracy Index 2017: Free speech under attack](#).

⁴⁸ Transparency International, [Corruption Perception Index 2017](#).

⁴⁹ Ms. Sara Hradecky is High Commissioner of Canada to Kenya, Rwanda, and Uganda. She is Ambassador of Canada to Somalia and Ambassador-Designate to Burundi; she is also Permanent Representative to the United Nations Human Settlements Programme and the United Nations Environment Programme.

He noted that the challenge for the previous Senate was to define the roles of governors and senators. Those roles are better defined in the new constitution.

Decentralization has given more powers to the counties. It is the Senate's role to ensure that the counties receive adequate funding from the central government, and that the funds are properly distributed among the counties. The governors' role is to administer the funds.

According to Speaker Lusaka, the new Senate will be more active than the old Senate. Bills that concern the counties are required to go through the Senate, but not other legislation. As a result, there are discussions between the speakers of the two houses about what legislation needs to be considered in the Senate. Sometimes disagreements need to be settled by an arbitrator, but every effort is made to avoid that. He also said that there were differences of opinion (such as when petroleum was discovered in a county) about how the revenue should be split between the central government and the county. Speaker Lusaka also stated that, in the view of members of the National Assembly, county leaders first had to exercise responsible management of the money they were already receiving and, once they did so, they would be given more money. Funds are distributed among the counties using a formula that is based in part on population size and relative need.

In response to a question about whether there was a systematic analysis of the consequences of policies by gender and other characteristics, the Speaker indicated that the Senate Committee on Labour and Social Welfare and the Senate Committee on Finance and Budget were studying the matter. He also explained that at least 30% of government contracts had to be awarded to companies owned by women, youth, or persons with disabilities.

With regard to the recently announced agreement between President Kenyatta and Mr. Odinga, Speaker Lusaka noted that the country was encouraged by it, and that it might "heal" the country.

C. Meeting with the Senate Committee on National Security, Defence and Foreign Relations

The delegation met with members of the Senate Committee on National Security, Defence and Foreign Relations, which has nine members, including four from the opposition. The delegates were interested in topics such as decentralization, the roles of the counties and Senate, and the outcome of the most recent elections.

The Chairperson of the Committee, the Hon. Mohamed Yusuf Haji, a former cabinet secretary, stated that Kenya had very good relations with Canada and mentioned the December 2017 visit by Canada's Minister of Immigration, Refugees and Citizenship, the Hon. Ahmed Hussen.

The Vice Chairperson of the Committee, the Hon. Arthur Sakaja Johnson, pointed out that meetings between parliamentarians of different countries were a rarity and that these kinds of meetings should be more frequent. He said that in Kenya, the lower house "had the upper hand" in Parliament. The Senate's role is to champion decentralization. The Committee's role includes studying and mitigating youth radicalization and terrorism in

the counties. He also mentioned the assistance that Canada could provide in this area, and he noted Canada's positive contribution to resolving the refugee crisis.

One female senator spoke about the important role that women play in Parliament; they have a caucus of women parliamentarians, which has members from all parties. She said that the decentralization mandated by the constitution had not been completely implemented yet.

Several members of the Committee wanted to know more about the roles of the Senate and the provinces in Canada, which the Association delegates described.

CAPA delegates then questioned Committee members about terrorism and if there was a particular role for women and youth in that regard. Senator Johnson explained that the terrorists' goal was to divide Kenyans, but that they had not succeeded, because many victims of the terrorist acts committed in the country were themselves Muslims. Like the Speaker of the Senate, he further noted that 30% of government contracts had to be awarded to women, youth and persons with disabilities. He also spoke about the youth caucus, which includes young parliamentarians from all parties.

D. Meeting with the Speaker of the National Assembly

The CAPA delegation met with the Speaker of the National Assembly, the Hon. Justin Bedan Njoka Muturi, in part to find out how Canada could engage with Kenya, either bilaterally or multilaterally.

The Speaker began by saying that he had enjoyed meeting with the Canadian representative, Member of Parliament Alexandra Mendès, from the Commonwealth Parliamentary Association a week earlier. In response to questions from the delegates, he said that, in his view, the agreement between President Kenyatta and Mr. Odinga had profound implications but that some opposition parties were not present, which was causing a little confusion in Parliament. In his judgement, the joint news release showed that Mr. Odinga had accepted the results of the presidential election, since it referred to Mr. Kenyatta as "His Excellency President Kenyatta" and to Mr. Odinga as "His Excellency Raila Odinga"; he said the agreement would speed up Parliament's work.

The Speaker pointed out that two seats were reserved for persons with disabilities in the Senate, and six seats in the National Assembly, which he said was fair since persons with disabilities make up 5% of Kenya's population.

In response to a question, the Speaker stated that the assistance that Canada could provide to Kenya was its experience and knowledge, especially in the areas of petroleum extraction and mining. The HC noted that a delegation from Kenya was scheduled to visit Calgary in June 2018 to attend the Global Petroleum Show.

The Speaker also encouraged the delegation to push for a foreign investment promotion and protection agreement with Kenya; negotiations on the agreement are in progress.

He also spoke about his relationship with the Speaker of the Senate. He noted that there were sometimes differences of opinion, but that they were decreasing over time. He said that each house's role is well-defined in the new constitution. The division of funds

between the Senate, the National Assembly and the counties is clearly defined by a formula based mainly on county population size.

E. Meeting with the Cabinet Secretary for Tourism

A meeting was held with the Cabinet Secretary for Tourism, the Honourable Najib Balala, to discuss tourism, conservation and security issues. The Principal Secretary for Wildlife, Margaret Mwakima, was also present.

The Cabinet Secretary began by saying that tourism made up 11% of Kenya's GDP. About 60% of tourists come primarily to visit national parks and observe wildlife, and 40% come for the beaches on the Indian Ocean. Kenya has a number of competitors for wildlife watching, including Tanzania and Botswana. He also noted that Kenya had banned elephant hunting in 1973, but that poaching was still a problem. He stated that Kenya had worked with China to have the sale of ivory outlawed there, and that was done on January 1, 2018. Importing rhinoceros horn to China had been prohibited since 1993. The elephant population is now growing and stands at 34,000; the rhinoceros population is also increasing and is currently about 1,100.

Anti-poaching measures include heavier fines and the use of dogs trained to detect ivory. Ivory from countries with less severe restrictions often transits through Kenya and is shipped from Nairobi by plane or from Mombasa by boat. A solution is to have enough dogs at the Nairobi airport and in the Mombasa port area to detect shipments.

The conflict between agriculture and conservation was also discussed. Population growth is making it necessary to cultivate additional pasture areas, which in turn attract wild animals, often putting them in conflict with humans. Petroleum industry development was raised as a potential problem for wildlife well, but the Cabinet Secretary indicated that the infrastructure was not supposed to harm any animals, and that expensive measures had to be taken, such as elevating rail lines, so that animals could get by them safely.

The issue of security was also discussed. Violence is a regular occurrence after elections. Terrorism is also present, though there have been no terrorist incidents of late, except near the border with Somalia. The relative security may have contributed to the recent increase in tourism. Kenya now welcomes 1.5 million tourists a year and hopes to attract 2.5 million by 2025.

F. Meeting with the National Assembly Committee on Defence and Foreign Relations

The delegation met with 17 of the 19 members of the National Assembly Committee on Defence and Foreign Relations, including its Chairperson, Katoo Judah Ole Metito. The Committee is composed of M.P.s from the party in power (the JP), M.P.s from the opposition coalition (the NASA), and independent M.P.s.

The Chairperson of the Committee stated that Kenya's relations with Canada were cordial. He mentioned the visit to Kenya by Canada's Minister of National Defence, the Hon. Harjit Singh Sajjan, in 2016, and Canada's Minister of Immigration, Refugees and Citizenship, the Hon. Ahmed Hussen, in 2017.

The Kenyan parliamentarians were very interested in the roles of the different levels of government in Canada (federal, provincial and municipal) and those of the Senate and the House of Commons. They were curious about the salaries of Canadian M.P.s. In August 2017, the base salary of Kenya's M.P.s was lowered to about C\$90,000 a year, a 15% cut, and they lost certain allowances.

G. Meeting with the Majority Leader

The delegates met with the Majority Leader, the Hon. Aden Bare Duale, whose constituency is very close to Somalia. He affirmed there had been less terrorism in the last three or four years.

The discussions centred on two themes: first, the role of Parliament and its two houses in comparison with presidential authority, and second, the past and present political climate in Kenya.

Mr. Duale explained that cabinet secretaries were not M.P.s, but individuals nominated by the President and approved by the National Assembly. He said that even though Parliament is now independent of presidential authority, 216 of the 349 M.P.s are members of parties loyal to the President. Consequently, it is rare for nominations to be rejected by the National Assembly. It has, however, happened, as in the case of a candidate for Cabinet Secretary for Education.

The presidential budget also has to be approved by the National Assembly, as do nominations for leadership positions in government agencies such as the head of the Ethics and Anti-Corruption Commission and the Attorney-General.

Mr. Duale explained that his role was to act as a link between the President and the National Assembly. Government bills and the budget are brought to the Majority Leader and submitted to the National Assembly. Bills may also be put forward by members of the National Assembly.

According to Mr. Duale, the President consults with his cabinet secretaries and other experts in preparing the budget and government bills. The latter are studied in the National Assembly; public consultations are held for one week with public participation. Cabinet secretaries may be summoned to explain their bills to a parliamentary committee. He noted that four committees, including the Public Accounts Committee, are chaired by opposition members.

The Senate is completely dedicated to devolving powers to the counties and ensuring that they receive sufficient funding from the central government and that funding is fairly distributed among the counties; the Senate also concerns itself with any bill that directly affects the counties.

The Majority Leader also talked about the most recent elections, which were cancelled and rescheduled. In his view, the agreement between Mr. Kenyatta and Mr. Odinga is a good thing for the country and could ease differences among ethnic groups.

Mr. Duale provided a brief description of politics in Kenya. He said that, since independence, politics has been dominated by two families, the Kenyattas and the Odingas. This rivalry is often attributed to the disputes between the two ethnic groups

from which they come, the Kikuyu and the Luo respectively. Since the seven main ethnic groups each make up between 6% and 22% of the population, the smaller ethnic groups tend to support the candidate they think can win, in order to protect their rights. According to Mr. Duale, ethnic tensions and alliances are the real deciding factors in election results, and politicians exploit that discord. It also contributes to violence erupting after every election, sometimes pushing the country to the brink of civil war. Mr. Duale wishes Kenya's politicians would instead focus on debating real public policy issues.

H. Working Dinner on the Refugee Situation in Kenya

The delegation met with a number of important players in analyzing and delivering refugee services in Kenya: representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR), providers of refugee services (HIAS and RefugePoint) and members of the Immigration, Refugees and Citizenship Canada team working at the High Commission of Canada. At the meeting, there was a discussion of the challenge presented by the influx of so many refugees and also of the opportunities they could bring to the Kenyan economy if they were provided with adequate services.

UNHCR representatives told the delegates that there had been several waves of refugees. Some of them have been in Kenya for decades, while others are more recent arrivals. The refugees living in Kenya are mostly from Somalia and South Sudan. It was reported that, during the delegation's visit, large waves of asylum seekers were entering Kenya from Ethiopia.

There are currently about 500,000 refugees and asylum seekers in Kenya. According to the UNHCR, the situation is reasonably good. However it could be improved if the country had an asylum seeker management system and help from other countries in managing the refugee situation. In addition, the Kenyan government's position is that the rest of the international community has a role to play and that no end to the influx of refugees is in sight. The refugees are sometimes blamed for terrorist attacks, but no refugees have ever been arrested on terrorism charges.

According to the UNHCR, the Somali refugees would like to return to their country, but they are better off in Kenya. Somalia continues to be unable to sustain their resettlement, with improvements necessary in education and other areas to ensure their safe return to Somalia with an acceptable quality of life.

In September 2016, the UN adopted a number of commitments to improve the protection of refugees and migrants: the New York Declaration on Refugees and Migrants promised substantial support for countries affected by influxes of refugees and stressed the need for additional infrastructure to accommodate them. This also led to the Nairobi Declaration on Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia, by the Intergovernmental Authority on Development (IGAD), whose membership includes Kenya, Somalia, Djibouti, Eritrea, Ethiopia, Uganda, Sudan and South Sudan. The goals of the Nairobi Declaration included taking an integrated regional approach and making greater efforts for the support of refugees.

According to the UNHCR, the decentralization of powers in Kenya means that some decisions regarding refugees are now being made at the county level.

In addition, the Syrian refugee crisis has made Western countries realize that the needs of refugees are diverse and include long-term needs such as education and integration into society. The presence of refugees in some countries may, in fact, be an opportunity to find and keep people who have highly needed skills. It was suggested there is a real danger that a generation will be lost if nothing is done. A representative of a refugee services provider confirmed this point, citing the example of the Kakuma Refugee Camp, which is home to a large number of highly skilled students.

Representatives of refugee services providers also spoke about their various priorities, including, obviously, basic needs (food, shelter) and the relocation of vulnerable people, such as persons with disabilities and members of the LGBTQ community. There are a number of institutions in Nairobi that provide equipment for the disabled. The LGBTQ community's situation continues to be difficult as it is not widely accepted in Kenya. Members of this community often have to be relocated to other countries.

Some refugees are looked after by case managers who work for those organizations. They receive support for six months. The agencies try to avoid having refugees become dependent on their services. There are also child protection officers, whose job is to ensure that children go to school. Microfinancing of up to US\$200 is available to help people start a business. Some agencies tend to specialize in supporting urban refugees (mostly in Nairobi), while others operate primarily in the large refugee camps.

It was suggested that Canada could become home to some refugees – not as refugees but through the immigration system, as some have language or job skills that employers are looking for.

I. Visit to Fleur Africa, a Horticultural Project for the Production of Roses

In Naivasha, a city of about 185,000 located 90 kilometres northwest of Nairobi, the delegates visited a company that produces roses in greenhouses and exports them to places around the world, including Canada, the United States, Europe and Australia.

The size of the property is 40 hectares. The company, established in 2013, now produces some 75 million roses a year, or about 200,000 a day. It also buys about 15 million roses a year to meet demand that it cannot satisfy itself. Roses thrive in the climate of this region, principally because of the altitude, which is neither too high nor too low. If the roses are refrigerated after being cut, they will last for at least 55 days without wilting. After cutting, they are treated and refrigerated for 24 hours. They are shipped by truck to Nairobi at night, when temperatures are lower and there is less traffic. Following inspection, they can reach Europe in 24 hours and the United States or Canada in 48 hours. After two more days for distribution, they can be in supermarkets in Canada less than a week after they were cut.

The company employs about 1,000 Kenyans, some 45% of them women. Training and development programs are provided. The company supplies transportation and lunch for employees, daycare programs and scholarships. Wages are slightly higher than the industry average. That is probably the reason for the low staff turnover, which is about 0.05%.

The company is audited twice a year to check its compliance with certain environmental certifications. Requirements regarding the use of various products (pesticides and insecticides) are strict in some countries and less strict in others. A traceability system is in place in case of major problems. Competition is mainly from Colombia and Ecuador.

Some employees have a university education, but no research is done at the university; all research is done in house, as the company wants to develop products that consumers like.

J. Working Lunch at the Elsamere Conservation Centre

Also in the Naivasha area, the delegates visited the Elsamere Conservation Centre, its Centre for Education in Sustainability, and the Joy Adamson Museum. Sam Mwashimba recounted the history of the Centre and the Museum for the delegates.

A number of animals can be seen on the site, which used to be the residence of Joy and George Adamson, conservation advocates who raised lions, including Elsa, whose story has been told in books and a film.

The Centre's mission is conservation education, and it has a number of programs for young people and for conservation officers from Kenya and other countries. The Centre also provides trees for schools at no cost, but Centre employees make sure that the trees are properly cared for and are growing.

K. Visit to Facilities of the Kenya Electricity Generating Company (KenGen)

The delegation visited a geothermal power plant, the Olkaria project, which has 59 wells and produces 412 megawatts of electricity. Some of the wells are 3 kilometres deep. The steam generated by the subterranean heat drives turbines to produce electricity. Company representatives, including engineer Abel Rotich, explained that the geothermal program started in Kenya in the 1950s but was not successful until the 1970s. Petro-Canada trained employees in Kenya between 1989 and 1992.

Energy demand is growing by 8% a year in Kenya. About 50% of Kenya's energy comes from geothermal sources, compared with 30% from hydroelectricity and 20% from thermal sources such as petroleum. When demand is lower (at night, for example), power stations that use thermal sources slow down or stop production, since geothermal production is difficult to stop.

Wildlife can coexist with the geothermal pipes, which run on the surface from the various wells to the power station. For example, some pipes can be raised to allow giraffes to pass underneath.

The company has about 1,000 employees in Kenya. There are a great many apprentices and tradespersons, as well as engineers of various types. According to the KenGen representatives, Kenya is a leader in geothermal production in Africa. Ethiopia and Eritrea also have geothermal industries, but they are concerned about the massive investment required. KenGen secured long-term loans to finance drilling and construction of the plant. The company receives money from the government for delivering electric power. It also puts up transmission lines.

L. Visit to Hell's Gate National Park

On the way back from Naivasha to Nairobi, the delegation made a brief visit to Hell's Gate National Park, holding discussions with wildlife officers of the Kenya Wildlife Service. The park covers an area of 68.5 km², half of which is used for geothermal projects and half for conservation. It is home to zebras, gazelles, impalas, buffaloes, wart hogs, baboons and many species of birds. Senior Warden Elema Apicha explained how important protecting species against poaching was, not only to promote biodiversity but also to build tourism, a key industry in the Kenyan economy.

M. Meeting with Human Rights Organizations

The delegation met with the following representatives of human rights organizations: Henry O Maina, of Article 19; Sabine Dwinger, of Peace Brigades International (PBI) Kenya; and Otsieno Namwaya, of Human Rights Watch. Also in attendance was an official of the Kenya Women Parliamentary Association (KEWOPA) secretariat.

The Article 19 organization takes its name from Article 19 of the UN Universal Declaration of Human Rights: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." As this suggests, the organization promotes freedom of expression and freedom of the press.

PBI Kenya works to increase the civic space for the work of human rights defenders, defending those who face challenges to their rights. For example, its workers may provide legal assistance and training, operating mainly in Nairobi's urban residential areas.

In Kenya, Human Rights Watch monitors election violence and assists people who are wrongly suspected of terrorism.

While not a human rights group per se, KEWOPA brings together women parliamentarians from all parties (National Assembly and Senate). It focuses primarily on matters of gender equality in Parliament.

The issues reported by these groups related to security, terrorism and violence, particularly during and after elections. After the 2013 and 2014 terrorist attacks, the counterterrorist response was violent. Families that were victims of reprisals were afraid to make complaints, because they had to do so at the police station where the officers about whom they wanted to complain worked. In addition, security companies took liberties in the name of national security, even though the courts had ruled they were not entitled to do so. Police allegedly employ excessive force in demonstrations, even if they are peaceful.

Some organizations are working to make encounters between police and the public better. NGOs and the police are having discussions and are learning about each other's needs.

The Kenya Human Rights Commission is no longer considered a non-governmental organization, which is making its work impossible. This flies in the face of court rulings, which are being ignored by the executive, and which parliamentarians do not seem willing

to enforce because they are afraid of losing some of their functions (membership on committees, etc.).

Violence is very common during and after elections. Both male and female candidates sometimes engage private militia to intimidate their opponents and the people who support them. Freedom of the press is often violated; there have been allegations that journalists have been intimidated, arrested and even murdered. Union rights are gaining ground and are supported by the counties, but efforts are also being made to cripple the unions financially: the reason given is budgetary constraints.

N. Meeting with Representatives of the Business Community

Representatives of TradeMark East Africa (TMEA) Ahmed Farah, Country Director, Kenya; Lisa Karanja, Senior Director, Business Competitiveness; and Gloria Atuheirwe, Programme Manager, Women in Trade met with the delegation to talk about their organization and the economy of Kenya and East Africa.

TMEA, a not-for profit organization established in 2010 to support the growth of regional and international trade in East Africa, endeavours to ensure that gains from trade in the region result in tangible gains for East Africans. To that end, it has three main focuses: (1) increased physical access to markets; (2) an enhanced trade environment; and (3) improved business competitiveness. It receives funding from a number of countries, including Canada. In 2016-2017, Global Affairs Canada provided \$400,000 to TMEA through transfer payments.

The TMEA representatives referred to Kenya, particularly Nairobi, as the trade hub of East Africa. A number of multinationals have regional offices in Nairobi. Some 41% of Kenya's exports go to other African countries. They consist mainly of tea, coffee and horticultural products such as flowers. Kenya's population is growing rapidly, but does not have enough technical skills. In addition, direct foreign investment in Kenya is relatively weak. This results in high rates of unemployment and poverty.

One of TMEA's programs is designed to reduce the amount of time it takes to cross borders; in particular, the One Stop Border Posts program facilitates the construction of infrastructure at Kenya's border posts so that only one stop is required at the border with Tanzania (at Taveta), Uganda (at Malaba and Busia) and other East African countries. This speeds up the movement of goods, services and people.

Another project involves expanding the Port Reitz road to increase the capacity of the Kipevu West Container Terminal, which will enhance the capacity and efficiency of the port of Mombasa. The port is close to full capacity, and a new port is being completed at Lamu. TMEA is also supporting an environmental project in the port of Mombasa, which has a shortage of potable water. This project will collect and treat waste water. TMEA is also working with the Kenya Ports Authority on a project to improve productivity in the port of Mombasa.

In response to questions from the delegates, the TMEA representatives talked about the EAC Common Market, which is expected to boost trade. If workers have better skills, this will attract more foreign investment to East Africa, which will improve infrastructure, trade and employment.

The Women in Trade Programme Manager also talked about the many women who are informal cross-border traders. They are often victims of harassment and are unfamiliar with the procedures available to speed up border crossing, which is very important for their perishable export products. The program targets poor women in rural areas, focusing on helping them understand administrative procedures, diversifying their exports and providing strategies for avoiding and reporting harassment. The program has not been developed to its full capacity; the women need to know how to use technology and to have cell phones. There is not yet sufficient data to measure the effectiveness of the program.

O. Meeting with Electoral Organizations

The delegation met with the Independent Electoral and Boundaries Commission (IEBC) and with the International Foundation for Electoral Systems (IFES), which provides technical assistance to election officers around the world, empowers the underrepresented to participate in the electoral process, and applies field-based research to improve the electoral cycle. Joel Mwita, of the Universities and Colleges Students' Peace Association of Kenya, was also present.

The IEBC representatives explained that, since 2013, it has had to hold six elections simultaneously (for president, for the Senate, for the National Assembly, for county governors and ward representatives, and for the seats reserved for women). This has proven to be challenging for them.

According to the IEBC representatives, elections in Kenya are frequently associated with inter-ethnic tensions. Voters have little confidence in the electoral process and attach little importance to voting. As previously noted, violence often erupts during election campaigns and when results are announced. The 2007 elections were particularly violent, with 1,500 people killed.

For the 2017 elections, the IEBC had to work hard to rebuild public confidence in the electoral process and, because of that lack of trust, improve the voter registration and identification system, notably with biometrics (voter fingerprints and digital photos). A lot of educating was done, including distributing pamphlets explaining the registration and voting procedures. In the August 2017 elections, there were "bottlenecks" in the results compilation system, but improvements were made for the October 2017 elections.

IFES representatives stated that the IEBC was perhaps overly critical of itself, and that it was only in 2010 that the constitution was amended; democratic institutions take time to change. They also reiterated that the violence was due to inter-ethnic tensions, which were exacerbated by some candidates, and that a great deal of civic education had to be done with members of the public and candidates to ensure that there would be peaceful political debate during election campaigns.

P. Visit to the International Peacekeeping Training Centre

The delegates visited the International Peacekeeping Training Centre in Karen, just west of Nairobi. This Centre of Excellence for East Africa, formerly a Kenyan Ministry of Defence training college for UN peacekeeping missions, became independent in 2011

through a partnership agreement between Kenya, Canada, the United States, Japan, the United Kingdom, Germany, the Eastern Africa Standby Force (EASF) and the UN Development Programme (UNDP). Other partners have been added over time. The Centre carries out training, education and research activities for soldiers, police officers and civilians on all aspects of peacekeeping missions.

The Centre's Director is Brigadier Patrick Muta Nderitu of Kenya. The Centre has 294 employees, 32% of whom are women. In 2017, the Centre trained 6,100 people; 37% were civilians, 37% soldiers and 24% police officers.

The training programs are varied and designed to provide a good understanding of the various roles for military, police and civil society. They include courses in conflict resolution, post-conflict reconciliation, improving security following terrorist attacks, disarmament and mine clearing, and rapid deployment of engineering capabilities following disasters or conflicts.

The Centre does not have long-term base funding, and agreements are negotiated on a piecemeal basis. In the future, the Centre is looking for more partners and hopes to offer more training.

It was also noted that since the Centre's establishment, Canada had always been involved, and that two Canadian senior officers had been working there. At present, however, there is only one Canadian senior officer.

Q. Reception at the Residence of the High Commissioner of Canada to Kenya

The reception was an opportunity for the delegates to reconnect with some of the representatives they had met in earlier meetings and to meet partners, civil society representatives and Canadians living and working in Kenya. The discussions were many and varied, covering the main issues raised during the delegation's trip: economic and political development, the legal system, the electoral process, conservation, human rights, freedom of the press, etc.

The High Commissioner also took advantage of the event to announce an investment of US\$10 million in the Kenyan company M-KOPA, which is already supplying 75 million hours of lighting per month to 600,000 low-income households in isolated parts of Africa, using solar energy. This is equivalent to 125 hours of lighting per month per household. The funding is the first such investment from the newly established FinDev Canada and is in addition to funding provided by other partners, including the CDC Group and the Government of the United Kingdom.

R. Visit to the International Center for Tropical Agriculture

The delegation visited the International Center for Tropical Agriculture (CIAT), a member of the CGIAR Consortium, an important partner for Canada in pursuing research to reduce malnutrition. Since 1996, CIAT Africa has received \$22 million from the Canadian government. The funds are managed by the Pan-Africa Bean Research Alliance (PABRA) and have been used to build bean research and development facilities. In addition, Global Affairs Canada is providing CIAT with \$11 million over five years (2016-2021) to improve bean productivity and markets in Africa.

Regional Director for Africa, Débísí Àràbà, and several representatives of CIAT Kenya greeted the delegation and provided a briefing on their organization. CIAT was founded in 1967 and now has a presence in 53 countries. CIAT's Regional Office for Africa is located in Nairobi.

The Centre's activities are varied, focusing on improving bean productivity, distribution and marketing. For example, profiling of climate risks was carried out in more than 30 sub-Saharan countries, including 31 of Kenya's 47 counties, which is helping farmers decide where to plant their seeds. Research is also being conducted to find beans that are more resistant to heat, drought, heavy rain and disease. Work is now being done on a fast-growing, high-yield "superbean."

Several new varieties of beans have been developed and are being marketed pre-cooked. Since beans play such a fundamental role in daily meals, this saves a significant amount time, particularly for women. Bean farming also results in better income distribution, since the beneficiaries are the small farm owners and the local shippers, distributors and vendors.

S. Meeting with the Governor of Nyeri

The delegation met with the Governor of Nyeri County, Mutahi Kahiga. He was elected Deputy Governor in the August 2017 elections, becoming Governor following the death of Governor Wakome Gakuru, who was killed in a car accident on November 7, 2017.

According to the Governor and his team, including his Chief of Staff, Paul Wambugu Muriithi, the County is fairly small in surface area, and half of it is arid or semi-arid. It is generally an agricultural county, except for the capital city (Nyeri), which has a population of 250,000. The residents grow tea and coffee and raise cows. Most of the milk is purchased by co-operatives. Tea farming is expanding, while coffee farming is stagnant. There is one co-operative that roasts coffee. Water shortages are a major problem for agriculture: some areas have not had any rainfall for five years. As a result, it is important to capture water when it rains. In addition, the County's soil is rather acidic, which makes it almost impossible to grow beans. The County also has an insecticide plant, while fertilizer is mostly imported from the United States and Israel.

The division of land among children when their parents die is a problem. Plots of land become smaller with each generation which is having social impact. Additionally, women who inherit land are often pressured to give their shares to their brothers.

The devolution of powers to the counties was said to be working, but problems were acknowledged. The distribution of revenue among counties is under discussion. Nyeri County receives about US\$54 million from the National Assembly and US\$10 million from other sources. About US\$26 million is spent on health care.

There are 30 elected ward representatives in the County Assembly, and 10 executive members (ministers), who are not elected but are appointed by the Governor and approved by the elected members of the County Assembly; the latter also approve the budget.

The Senate's role as the institution overseeing the counties was also discussed. Governors can be relieved of their duties by the Senate or called to testify before Senate committees.

The Governor pointed out that the first two of the UN's Sustainable Development Goals (SDGs) were "no poverty" and "zero hunger" and that these were his goals, just as they should be Canada's. He reminded the delegation that the SDGs were not only for Africa but for developed countries as well.

T. Visit to Eco Fuels Kenya Facilities

The delegation visited Eco Fuels Kenya (EFK), a company based in Nanyuki that extracts oil and produces ecological gasoline from an indigenous nut, the croton nut, which is not eaten by humans. Alan Paul and Cosmas Ochieng, who co-founded the company in 2012, told the delegates that the gasoline can be used instead of diesel fuel in agricultural machinery, generators and water pumps. The oil can also be used for hide-tanning and as an insecticide. With the remaining 90% of the nut, EFK produces organic compost that can be used as fertilizer and poultry feed. About half of the company's revenues come from the oil. EFK is unable to fully meet the demand.

Community residents harvest the nuts and sell them to EFK by weight. EFK gives trees to the harvesters at no cost. It is widely understood that if they cut down their tree to sell it for the wood, they will make about \$15. If, on the other hand, they harvest the nuts, they will make \$15 to \$20 per season for a very long time.

EFK received US\$800,000 in funding from the Africa Enterprise Challenge Fund (AECF), an investment it had to match. The AECF is an organization that supports innovation and job creation; its head office is in Nairobi. Global Affairs Canada is providing the AECF with \$15 million between 2015 and 2020 for its Agribusiness Africa Window program. Under this program, 19 companies, including 8 based in Kenya, were selected through a competitive process. The United Kingdom and Sweden are the AECF's main contributors; the other contributors, apart from Canada, are Australia, the Netherlands and Denmark.

U. Visit to the Mount Kenya Wildlife Conservancy and Animal Orphanage

The delegates had the opportunity to observe first-hand the operations of the Mount Kenya Wildlife Conservancy and Animal Orphanage, which was founded in 2004. It rescues and rehabilitates orphaned animals. It also offers education programs and conducts research.

The discussion with the organization's managers centred on the conflicts between wildlife and human beings. There are two ongoing conflicts: farmland encroachment and poaching.

The Conservancy is a not-for-profit organization and receives no government funding. The Kenya Wildlife Service brings in orphaned animals, including leopards, cheetahs, bongos, ostriches and tortoises for rehabilitation or other veterinary services.

V. Visit to the OI Pejeta Conservancy

The delegation had the opportunity to visit the Ol Pejeta Conservancy. In 2016, the park was home to 114 black rhinos, and the goal was to have 130 by 2020. The delegates heard about Sudan, the last northern white rhino, who unfortunately died a few days after the delegation's departure. This was a palpable illustration of the fragility of and need to safeguard biodiversity. It is hoped that in vitro insemination technology could revive the species in the near future.

The delegation heard about the ongoing challenge of managing scarce land and the preservation of wildlife habitats. The Conservancy is well-equipped from a security standpoint to combat poaching. At the same time, there were two poaching incidents in 2016, one of which resulted in the death of a rhinoceros; the poachers were arrested. Representatives also mentioned the lack of infrastructure to accommodate visitors.

OBSERVATIONS AND CONCLUSIONS

The delegation's visit was timely in more than one respect. The second presidential election in less than three months had just been held. The reconciliation between President Kenyatta and Mr. Odinga took place the day before the delegation left for Kenya. It was thought by many to herald a possible period of political stability which was welcomed by parliamentarians and others. And two days after its departure, Sudan, the last northern white rhino and the symbol of conservation in Kenya, died, a reminder of how important, yet difficult, conservation is for the country, and the importance of sustainable eco-tourism for the future economy.

The delegates had numerous opportunities to hold important meetings in the capital with parliamentarians, businesspeople, human rights activists, and electoral officials, and also to visit parts of the country beyond the capital and see encouraging development projects and conservation centres whose mission is to protect wildlife, which is a priceless asset for Kenya and the entire planet.

The discussions held during this mission covered eight main themes: (A) the electoral process and the inter-ethnic violence that has accompanied recent elections, (B) the devolution of powers to the counties and the respective roles of the houses of parliament, (C) governance and non-compliance with the rule of law, (D) human rights and security, (E) conservation and sustainable eco-tourism, (F) the refugee situation, (G) economic development and infrastructure, and (H) peacekeeping operations.

A. Electoral Process and Inter-ethnic Violence

The delegates heard multiple times that the electoral cycle coincided with a cycle of inter-ethnic violence, often exacerbated by some politicians and their supporters. A number of people expressed that candidates for election should set an example by focusing more on the policies proposed by their respective parties instead of engaging in personal attacks on their opponents' origins. In this regard, the joint news release by Mr. Kenyatta and Mr. Odinga on March 9, 2018, was applauded by many members of the political class and the public, though some people remain sceptical of the agreement's real impact. Delegates also met with electoral officers, which highlighted the lack of public confidence in the electoral process and the lack of attachment to voting.

The Canada-Africa Parliamentary Association acknowledges the agreement between His Excellency Uhuru Kenyatta and His Excellency Raila Odinga and encourages further acts of inter-ethnic healing and reconciliation, and ongoing efforts at enhancing the rule of law and democracy.

B. Devolution of Powers to the Counties

The devolution (decentralization) of powers to the counties was a constant topic of discussion. The process was set in motion by the 2010 constitution; the changes are taking time to implement as the Senate continues to evolve in its role as defender of regional powers and the counties themselves grow into their new role.

The Canada-Africa Parliamentary Association encourages the Government of Canada to continue to support Kenya in its devolution of powers and to pursue a dialogue with the Kenyan government about the opportunities and challenges presented by the division of powers between and among different levels of government.

C. Governance and Non-Compliance with Court Decisions

Even though, overall, Kenya is making progress in a number of areas, some interlocutors talked about continued corruption in Kenya; according to Transparency International, Kenya ranked 143rd out of 180 on its Corruption Perception Index 2017.⁵⁰ The fact that a number of court decisions have been ignored by the executive was also mentioned.

The Canada-Africa Parliamentary Association urges Kenya to increase its efforts to further combat corruption and to comply with the decisions of its courts and encourages the Canadian government to provide assistance to achieve those goals.

D. Human Rights and Security

Similarly, interlocutors talked about the excessive violence reportedly used by police officers in dealing with peaceful demonstrations. In addition, the press and journalists are sometimes pressured or even physically attacked. It is acknowledged that the country continues to contend with threats of terror and regional insecurity which makes the use of force necessary at times, but it is important to strike a balance between security and rights.

The Canada-Africa Parliamentary Association supports Kenya in its efforts to protect its citizens, but it encourages Kenya to improve its human rights practices, including with regard to women, people with disabilities and the LGBTQ2 community.

E. Conservation and Sustainable Eco-tourism

The delegation noted the tremendous efforts being made in the area of conservation, including the banning of plastic bags and the encouragement of green energy. The Kenya Wildlife Service diligently protects wildlife from poaching. Nevertheless, there remain conflicts between human development and wildlife protection.

⁵⁰ Transparency International, [Corruption Perception Index 2017](#).

The Canada-Africa Parliamentary Association supports Kenya's conservation efforts and encourages the Government of Canada to review the financial support it provides to Kenya for biodiversity protection, which benefits not only Kenya, through tourism, but all countries, through the maintenance of biodiversity.

F. The Refugee Situation

Kenya plays a significant role in accepting refugees from neighbouring countries, hosting at least 500,000 of them.

The Canada-Africa Parliamentary Association underscores the efforts being made to accommodate refugees and encourages the Government of Canada to regularly review its contribution to the various refugee assistance programs in Kenya.

G. Economic Development and Infrastructure

The delegates observed that a number of development projects are enjoying great success in Kenya. Economic development also requires efficient transportation infrastructure, which facilitates trade. They also heard that Canada can assist Kenya, including with its capabilities in the mining and petroleum sectors, and corporate social responsibility.

The Canada-Africa Parliamentary Association encourages the Government of Canada and Canadian business associations to explore partnership agreements with Kenya in the areas of infrastructure, mining and petroleum.

H. Peacekeeping Operations

Kenya contributes to international peacekeeping operations. The delegation was impressed with its visit to the International Peacekeeping Training Centre. The centre's management said it appreciated Canada's contribution, but highlighted the fact that there is now only one senior officer at the centre, instead of two in the past and that more Canadian involvement would be welcome and helpful.

The Canada-Africa Parliamentary Association asks that the federal government review its decision to send only one Canadian senior officer to the International Peacekeeping Training Centre in Karen on a permanent basis.

ACKNOWLEDGEMENTS

The members of the delegation express their appreciation to the staff of the High Commission of Canada to Kenya, particularly High Commissioner Sara Hradecky, Acting Political Advisor Rick Steenweg, and Njeri Munyiri, Public Affairs and Policy. They are also grateful to the delegation's driver, James Mungai Mbugua.

The Association would also like to thank all of those it met with in Kenya and shared their opinions and views.

Respectfully Submitted,

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

Robert Oliphant, M.P.
Co-Chair
Canada-Africa Parliamentary Association

Travel Costs

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| ASSOCIATION | Canada-Africa Parliamentary Association |
| ACTIVITY | Bilateral Mission to the Republic of Kenya |
| DESTINATION | Nairobi and other cities, Republic of Kenya |
| DATES | March 11 to 17, 2018 |
| DELEGATION | |
| SENATE | Hon. Raynell Andreychuk, Senator, Co-Chair Hon. Jim Munson, Senator |
| HOUSE OF COMMONS | Mr. Robert Oliphant, M.P., Co-Chair Mr. Greg Fergus, M.P. Mr. Jamie Schmale, M.P. Ms. Pam Damoff, M.P. Mr. Gord Johns, M.P. Mr. Len Webber, M.P. |
| STAFF | Mr. Grant McLaughlin, Association Secretary Mr. André Léonard, Analyst |
| TRANSPORTATION | \$ 87,962.67 |
| ACCOMMODATION | \$ 15,268.44 |
| HOSPITALITY | \$ 7,377.94 |
| PER DIEMS | \$ 5,143.50 |
| OFFICIAL GIFTS | \$ 467.78 |
| MISCELLANEOUS | \$ 2,300.03 |
| TOTAL | \$ 118,520.36 |