



## **Kenya Diaspora Alliance (KDA)**

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Our Ref: KDA/15/07

14<sup>th</sup> May, 2015

**The Chairman**

**Independent Electoral & Boundaries Commission (IEBC)**

**NAIROBI**

### **DIASPORA CALL FOR IMMEDIATE, HONEST & TRANSPARENT ACTION - OPEN LETTER ON THE SUPREME COURT RULING ON DIASPORA VOTING**

#### **JUDGEMENT OF THE SUPREME COURT**

#### **S.C PETITION 25 OF 2015: IEBC VS. NEW VISION KENYA & OTHERS**

We take note with satisfaction the last and final verdict by the Supreme Court on May 7, 2015 with regard to the above referenced petition. It is our considered view that it was quite uncalled for, unnecessary and indeed a misapplication of public resources for the Commission to drag Diaspora through this litigation in an unfair attempt to diminish and outright deny us our fundamental rights as citizens.

We hope this ruling brings to end all excuses to disenfranchise Diaspora. We ask of, and expect of you nothing less than faithful implementation of the court ruling. It is our hope that other concerned arms of government will expeditiously empower the Commission to fulfill the ruling. We also lay at your table abundant skills the Diaspora have that you could leverage to deploy cutting edge and reliable electoral technologies.

We note the Supreme Court upheld the Court of Appeal Decision in favor of Diaspora Voting, and instructed that annual audit reports on progressive implementation be laid in Parliament.

We applaud the Judiciary for the pace-setting ruling. To bring the ruling to effect, we thus address IEBC and other concerned constitutional offices:-

- ✓ KDA, affiliate and partner organizations are ready to work with IEBC, Ministry of Interior, Ministry of Foreign Affairs and other stakeholders in facilitating locating and registration of Kenyans abroad.

- ✓ We commend the Commission's attempt to map the Diaspora, but encourage you to avoid reinventing the wheel and instead consider utilizing technologies already available such as i-vote ([www.i-vote.net](http://www.i-vote.net)).
- ✓ Appeal to the Executive and Legislature to uphold the President's promise on the '**48th County**' by facilitating not only consensually agreeable modalities of a transparent and fair Diaspora registration and voting process, but also provide for representation through Diaspora constituencies.
- ✓ In ensuring the letter and spirit of the ruling are adhered to, we implore the National Treasury and Parliament to guarantee the timely appropriation of sufficient funding for Diaspora Voting and related activities.

We reiterate KDA's commitment and desire to continue working with IEBC and other concerned state and non-state stakeholders to mainstream Diaspora in development of governance and democracy, as well as other socio-economic endeavours for the common good.

For our part, we shall shortly announce a cross-sectional Diaspora Committee to work with you to ensure successful inclusion of Diaspora in the governance and electoral fabrics of our society.

Signed for & on behalf of KDA by:

*Bernard Marasa*

Dr Bernard MARASA

**President, Baltimore Minto (Kenya) Association & Co-Convenor, KDA**

**Cc:** The Executive  
The Legislature  
The Chairman, Constitutional Implementation Commission (CIC)  
The Media (including Diaspora Media)