

noted that it had become the closest political contest in that country's history and that the two leading candidates were running robust, active campaigns. Although I also acknowledged the persistence of a deeply entrenched culture of corruption, I was encouraged by the growing engagement of Kenyan citizens and civil society organizations during the relatively peaceful, well-run, and competitive campaign season. I joined many others in hoping that the presidential and parliamentary elections held on that day would confirm Kenya's place among the world's most promising emerging economies and young democracies. Instead, that hope turned to dismay as we watched a blatant disregard for democratic principles and processes by the ruling party and an extraordinary disrespect for rule of law and human rights by both leading candidates' parties. The serious allegations of vote rigging, the rushed declaration of a presidential winner, and the destructive violence that have ensued are not only hurting the Kenyan people—they are jeopardizing Kenya's previous democratic progress.

With Somalia, Ethiopia, Sudan, and Uganda as neighbors in the volatile Horn of Africa, Kenya has long been regarded as a stable country making slow but persistent progress towards democracy. Kenya's press and courts seemed to be asserting their independence from the president-dominated government, and the mere fact that all pre-election opinion polls put the incumbent president neck-and-neck with his challenger from the main opposition party seemed to be an encouraging sign of a vibrant democracy. But on December 27 and in the days that followed, this progress came to a grinding halt. The Kenyan election suffered a fate all too common in Africa, with the votes tallied behind closed doors and the results finally announced by Kenya's Electoral Commission suggesting significant rigging.

The resulting frustration and deadlock have sparked violence, looting, destruction of property, and disruption of normal activity, creating an economic and humanitarian emergency on top of the current political crisis. Hundreds have been killed—some of them because of disproportionate use of force by Kenyan police as they seek to quell protests—and tens of thousands have fled their homes. Trust in the government, law enforcement, and even in one's neighbor has been seriously undermined.

The rival political leaders—incumbent President Mwai Kibaki and leader of the Orange Democratic Movement opposition party, Raila Odinga—can work to end this violence and destruction by refraining from using, inciting or condoning violent tactics. In recent days, Mr. Odinga and his supporters have demonstrated noteworthy restraint and it is essential that both parties respect the importance of a peaceful resolution as they begin to participate in an internationally bro-

kered dialogue, led by former U.N. Secretary General Kofi Annan.

It is early days yet, and it remains unclear how committed these leading candidates are to seeing the negotiation through to the finish line. Although he has agreed to participate in an internationally brokered meeting with Mr. Odinga, Mr. Kibaki has been less than cooperative by rushing to appoint his own cronies to top cabinet positions and declaring he will follow the recommendations only of the Kenyan courts, which are also packed with his supporters. A political settlement is a key element in working through this electoral crisis but it must be part of a greater initiative that includes institutional reform. The road ahead is long, and I remain concerned that while both leading candidates have come to the table for negotiations, they could still decide to abandon the effort.

The past few weeks have shown how superficial Kenya's democratic gains may really have been. Now the international community—and the United States in particular—must live up to its rhetoric in favor of free and fair elections and institutional building. Many of the other countries that have suffered botched elections had a long history of such fraud but if this relatively stable and prosperous country is allowed to abandon its democratic experiment, the appeal of democracy will inevitably dim around the world. The citizens of Kenya as well as those from around the world had higher expectations for Kenya.

Resolving Kenya's current political, humanitarian, and economic crisis will require a coordinated international effort to engage all players in identifying and addressing the deeper problems that allowed the election fraud to occur and to ignite such a wave of outrage. Although a power-sharing agreement will likely be part of the solution, serious underlying problems need to be addressed. The challenges facing Kenya include an over-concentration of power in the office of the president, insufficient independence of the judiciary and electoral institutions, the need for professionalization of police and armed forces, and a persistent lack of transparency and inclusiveness throughout the political system. Only by addressing these root causes of the recent conflict will Kenya be able to truly restore stability and emerge from this crisis a stronger and more prosperous nation. Such a task will not be quick, easy, or cheap, but the alternative—not seizing this chance to bring about essential political reform—would be enduring, complex, and costly.

Last week, along with my ranking member on the Senate Subcommittee on African Affairs, Senator SUNUNU, and Senators CARDIN and KERRY, I introduced a resolution to encourage the United States and the wider international community to resist the temptation for a quick fix in Kenya and to instead pursue a more intensive, encompassing plan for political transi-

tion and transformation. I hope the Senate will pass this resolution shortly. The administration has played an active role—sending Assistant Secretary Frazer to Nairobi shortly after the elections to meet with both leading candidates—and I know Ambassador Ranneberger has been actively engaged in-country. But we need to see greater collaboration from all donors—with one consistent message that helps move Kenya to the next stage. I hope that Members of Congress from both parties will come together to support this initiative and the diplomatic and humanitarian efforts in Kenya that must follow in the coming weeks and months.

The U.S.-Kenya partnership is a long-standing and important one, but I cannot condone a continued relationship with a government that has apparently stolen an election and uses tactics of fear and intimidation to address dissent. This is not the Kenya I have come to know, and I am sure, not the Kenya its citizens want to know. We must close this devastating chapter by addressing the reasons for the electoral crisis and ensuing violence. Without such vital work, our historic partnership will deteriorate. There is a window of opportunity to ensure this does not happen, and I encourage all key actors to seize upon this opening. Above all, I want to see violence end and hope restored in Kenya.

VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I was necessarily absent for today's cloture votes on the Rockefeller-Bond Substitute amendment No. 3911 and the Reid amendment No. 3918 to S. 2246, the FISA legislation. Had I been present, I would have voted "no" on No. 3911 and "aye" on No. 3918.

I believe that now is the time for the full Senate to consider and debate the difficult questions raised in this legislation. The Senate should consider and vote on important amendments relating to the protection of Americans' civil liberties and the question of immunity for telecommunications providers.

REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON JANUARY 28, 2008—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

To the Congress of the United States:

Madam Speaker, Vice President CHENEY, Members of Congress, distinguished guests, and fellow citizens:

Seven years have passed since I first stood before you at this rostrum. In that time, our country has been tested