



International Center for Policy and Conflict

ICPC PRESS RELEASE

STOP SABOTAGE OF CONSTITUTIONAL REVIEW PROCESS

Sunday, September 27, 2009, Nairobi. International Center for Policy and Conflict (ICPC) wishes to register its disgust and utter dismay over narrow political interest derailing the completion of much-needed constitution-making process. It is quite clear that the effects of such parochial interest have started taking toll on the process and new constitution for Kenya remains a mirage. It is also evident that the coalition government has neglected and /or refused to midwife the realization of a new democratic constitutional dispensation as agreed in the National Accord and Reconciliation Agreement of 2008.

ICPC is concerned with the conflicting statements emanating from the Committee of Experts regarding the process of writing a new constitution. Issuing different statements at different times leave Kenyan people confused and more desperate. The Committee has exhibited gross misconduct and irresponsibility in eyes of the public and this amount to dereliction of duty.

It is further disheartening to see the Committee of Experts that is supposed to be non partisan and independent arbitrators engaging in public altercation over the constitutional review process. This patently shows how the Committee has been permeated by both individual politician and political parties self-serving short term political interest. This sadly disregards the interests of the majority suffering Kenyans. This unnecessary partisan wrangling have for almost two decades denied Kenyans a democratic constitutional order while the beneficiary of this state of confusion continue to amass wealth at the expense of the majority poor.

The National Accord and the Constitutional Review Act 2008 has a clear road map and timelines for the constitution-making process that must be adhered to. What the Committee of Experts and the political leadership seem to forget is that Kenya is trying to come up with a sound and democratic constitutional dispensation for present and the posterity . If we all accept that this is the ultimate objective, then narrow and partisan interests should not be allowed to clog the process of writing a new democratic constitution for Kenya.

We observe that the Committee of Experts was mandated to ensure that it comes up with a concise, and broadly acceptable proposed draft that respects and guarantees adherence to the principle that a constitution is by, and for, the people. Derailing of progress in coming up with such a people-driven draft is a serious violation of the National Accord and Reconciliation Agreement and the Constitutional Review Act 2008. Kenyans have a legitimate expectation that the Committee of Experts will live up to the guiding principles enshrined in the Constitutional Review Act 2008. Specifically, the public that the Committee was sworn to serve expects the process to observe the tenets of accountability, transparency, neutrality and consensus building.

ICPC urges that Kenya cannot afford a constitution designed solely to perpetuate the current confused governance system. The current system was meant to be temporal, transitional and deliver on specific mandate and cannot be expected to be a long-term solution to the governance crisis in Kenya. It goes without saying that those who have been mandated to lead the process of writing a new constitution must not let the nation down.

It is time to move from the constitutional writing careerism and start living a life of the letter and spirit of a new democratic conditional order. It is still fresh in the minds of Kenyans that lives have been sacrifices, property worth billion destroyed and hopes and aspirations have been shattered in the clamor for a democratic constitution. Further the constitutional review has this far costs tax payer billion of shillings which would have facilitated Kenyans to live life and the realities of a new constitution. The absurdity of this is that there are few Kenyans who treat constitutional writing as a well paying career while the politicians take it as avenue for political stardom and platform to ascend to political power.

Signed by

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