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International Centre for Policy and Conflict

Press Release
April 26, 2010

State -Church Constitution Negotiations Illegal and Illegitimate

The State-Church negotiations on the Proposed Constitution being held are time barred, illegal and illegitimate. They are not only discriminatory, not recognized in the Constitutional Review Act 2008 but also are meant to subvert the sovereign will of the people. The International Center for Policy and Conflict has said today.

In Constitution making, it is the people who exercise their sovereign will to write the social contract for and amongst them. It is not the church, state or third party representatives. This is precisely why; Committee of Experts has faithfully adhered to the views of Kenyans regardless of political negotiations and memorandums from various interest groups.

There can be no constitutional negotiations driven by partial interest-based factions. People of Kenya are not going to be blackmailed into adopting a Constitution that would be intended to evangelize certain christianity or religious doctrine. This would be a ripe for chaos and anarchy. Kenya is a multi-religious, cultural and secular society.

International Center for Policy and Conflict would like to state that the Interim Independent Constitutional Dispute Resolution Court (IICDRC) was formed as an integral part of the Constitutional Review in order to act as an independent arbiter on matters arising from the process. The Court has already published its rules of procedure. If any person has any grievance over the Proposed Constitution or the process, he or she is advised to seek remedial measures at it {IICDRC}.

The President and Prime Minister must not as such appear to endorse or condone activities that undermine the authority and functions of the Court.

We are surprised that the Attorney General Amos Wako, Lands Minister James Orengo and Justice Minister Mutula Kilonzo all sitting in a meeting purporting to resolve so-called contentious issues being whipped by Church leaders. Even more tragic, they were appointed to serve in 10 member irrelevant committee in so far as the Constitutional Review Act is concerned. This Committee has no status in the Constitutional Review.

Constitutional Review train has already gone past its last corner heading to the station under the stewardship of the Constitutional Review Act 2008. Those who are calling for the stoppage of the train in order to remove some rails on the railway line won't succeed. They are living in the past, which served them well. Kenyans are on top of their future destiny.

We are urging Kenyans not to waste any more time in registering to vote for the Proposed Constitution. Kenyans, you are the right holders not the church or the state. Register and vote for your future now.

Signed by

Ndung'u Wainaina

Executive Director