

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report of

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**CKRC – JOINT MEETING BETWEEN CKRC AND ECK
COMMISSIONERS**

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27.01.05

CONSTITUTION OF KENYA REVIEW COMMISSION,

**CKRC - MEETING BETWEEN CKRC AND ECK COMMISSIONERS AT THE CKRC BOARDROOM ON 27
TH JANUARY, 2005**

Present:

- | | | |
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| 1. Mrs. Abida Ali-Aroni | - | Chairperson |
| 2. Prof. W.H.O. Okoth Ogendo | - | Vice Chairperson |
| 3. Prof. Ahmed Idha Salim | - | 1 st Vice-Chair |
| 4. Prof. Wanjiku Kabira | - | Vice-Chair |
| 5. Com. Riunga Raiji | - | “ |
| 6. Ms. Kavetsa Adagala | - | “ |
| 7. Bishop Bernard Njoroge | - | “ |
| 8. Dr. Mohamed Swazuri | - | “ |
| 9. Dr. Abdirizak Arale Nunow | - | “ |
| 10. Mr. Abubakar Zein Abubakar | - | “ |

CKRC Secretariat in Attendance:

- | | | |
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| 1. Col. J.P. Gichuhi | - | DS/Mobilization |
| 2. Samuel Wanjohi | - | PO/CEPIC |
| 3. Stephen Mukaindo | - | PO/Personal Assistant |
| 4. Hellen Kanyora | - | PO/Hansard |
| 5. Richard Maranga | - | IT |

ECK Commissioners present:

- | | | |
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| 1. G.K. Mukele | - | Vice-Commissioner |
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- | | | |
|------------------------------|---|---|
| 2. Edward Lopokoiyit Cherono | - | “ |
| 3. Kihara Muttu | - | “ |
| 4. Henry Jura | - | “ |
| 5. Anne Wambaa | - | “ |
| 6. Pastor M’Thambu | - | “ |
| 7. Abuya Abuya | - | “ |
| 8. Rachel Mzera | - | “ |

The Meeting was called to order at 2.35 p.m. with Commissioner Abida Ali-Aroni in the Chair.

Com. Abida Ali-Aroni: I see we are doing very well with time and I do not want to be the one to delay, I want to call the meeting to order and welcome Mr. Mukele and his team to the Commission. I do not know whether it is the first time, we are always coming to your offices and this time round your Chairman here, decided or proposed that it is not fair that we drink your tea all the time and I thought, yes, we should have thought of it earlier. The only reason we kept coming to your offices is because you are our senior in many ways, but welcome. We are happy to have you here. In our various meetings we kept talking about forming Task Forces that could work together in preparation for the forthcoming Referendum. I believe it is the two Task Forces meeting this afternoon to help us formulate the way forward, but before we go very far, we have a habit of praying all the time and we have heard that there are turbulent times ahead of us. I will ask Bishop to pray so that we begin on the right note, hopefully. Thank you, Bishop.

Com. Bernard Njoroge: Okay, let us pray. God our Father, we thank you for this day, for your goodness in this life, for giving us work to do for this nation. We pray that you may bring our thoughts together as we prepare for this Referendum so that we may do it for the good of this nation and for the future of our children. Father, we pray that you may direct our thoughts so that when we finish this meeting we will be able to say that we have seen you, God, because of the guidance that you will give us this afternoon. Through Jesus Christ our Lord, Amen.

Com. Abida Ali-Aroni: Thank you, Bishop. I would propose that we introduce ourselves, we may know each other but maybe not a hundred percent and I will request Mr. Mukele to begin by introducing his team.

Com. G.K. Mukele(ECK): My name is Gabriel (?) Mukele, Vice Chairman, Electoral Commission of Kenya. Thank you.

Com. Pastor M’Thambu(ECK): My names are Pastor Njiiru M’Thambu, a Commissioner with the Electoral Commission.

Com. Anne Wambaa(ECK): My names are Anne Muthoni Wambaa, Commissioner with the ECK.

Com. Kihara Muttu(ECK): My names are Kihara Muttu, Electoral Commission.

Com. Edward Cheronno(ECK): My name is Edward Cheronno, Electoral Commission.

Com. Rachel Mzera(ECK): my name is Rachel Mzera, Electoral Commission.

Com. Henry Jura(ECK): My names are Henry Jura, Commissioner, Electoral Commission.

Agnes Kisero(ECK): My names are Agnes Kisero, Voter Education Officer, Electoral Commission.

Steven Mukaindo: My names are Mukaindo Steven, Programme Officer, CKRC.

Samuel Wanjohi(ECK): My names are Samuel Wanjohi, Programme Officer, CKRC.

Col. J.P. Gichuhi: My names is Col. Retired Gichuhi, I am Deputy Secretary in charge of Mobilization and Outreach. Thank you.

Com. Mohammed Swazuri: My names are Mohammed Swazuri, Commissioner, CKRC.

Com. Andronico Adede: My names are Andronico Adede, Commissioner, CKRC.

Com. Riunga Raiji: My names are Riunga Raiji, Commissioner, CKRC.

Com. Wanjiku Kabira: My name is Wanjiku Kabira, CKRC, Commissioner.

Com. Bernard Njoroge: My name is Bishop Njoroge, CKRC, Commissioner.

Com. Okoth Ogendo: My name is Okoth Ogendo, Commissioner, CKRC.

Com. Idha Salim: I am Idha Salim, Commissioner, CKRC.

Com. Abida Ali-Aroni: Thank you. I am Abida Ali, CKRC. When we last met at the ECK offices, we all agreed that we need to meet, as I said before, to look into this issue of the Referendum. There is this new law that has generated a lot of heat, but since there is nothing else that we can look at, I suppose we have no choice but to look at it. It requires ECK to prepare the forthcoming Referendum and of course, naturally, with the Referendum goes a lot of other things, Civic Education, Voter Education, Logistic arrangements and a host of other things that, we feel as CKRC, that there is need to collaborate with ECK

to ensure that we have a successful Process at the end of the day.

It is the first time that our country will be undertaking such an exercise and apart from learning from our neighbours who have undertaken this exercise before, there is quite a lot of groundwork that needs to be done by the two Commissions. Sometime in 2002 we met in Mombasa, CKRC and we had Mr. Mukele and Mr. Kivuitu, come in to share with us what we had prepared as rules for the expected Referendum under the old law, but even then, we still thought that there is quite a bit to be done on what we had prepared in conjunction with yourselves as rules and regulations for the Referendum. So, apart from updating the rules and regulations, we feel that we need to look at the kind of Civic Education material that we want to prepare for purposes of educating the masses. Our Commission has an added function of monitoring the Referendum, we will also want to discuss with you and learn from you how best we can be able to monitor that exercise.

There is also the issue of the question that needs to be framed. We had a very healthy debate the other day as CKRC. When we look at the new law, at a glance you see that it is quite obvious that ECK will frame the question and the question is there in the law, but one cannot be a hundred percent sure and the question arose and we feel that we need to again consult, so that we can be very clear on the type of question that we would like to frame at the end of the day.

Then, of course important, are the preparatory activities. You have very good structures on the ground. We know that you have began registration of voters, you have District Officers and so on and so forth and our humble opinion is that we do not have to begin afresh, even for the exercise that we are obligated to undertake, but we can collaborate and use your structures as we try to resuscitate the structures that we had when we initially undertook Civic Education. So, in a nutshell, those are things that we feel that we need to brainstorm, set some policy guidelines and get moving before we are caught up. You are extremely busy and we feel that the earlier we begin, probably the better, so that you can see how you can fit in this exercise of the Referendum. For us, that is the major activity that we have and we have all the time to assist, as and when you think we can help in terms of manpower and other facilities. Basically, that is why we have called you here to be able to brainstorm on those issues. But, should my colleagues have ideas that I have left out, I will be more than happy to ask them to mention them.
Professor Salim.

Prof. Idha Salim: Thank you very much, Madam Chair. Basically, all I want to do is perhaps add a point to one of the subjects or topic you raised, Civic Education materials and I think one thing we would like our colleagues in ECK to give us some information on is Voter Education. To what extent should Voter Education have also some materials prepared and who will prepare the material? So, as a (b) to Civic Education material, Voter Education related to the materials, I think, should be something we need to discuss.

Com. Bernard Njoroge: I think there is also an issue of the timeframe, because during the 90 days given in the law, we are supposed to do Civic Education, Voter Education and the Referendum. I think that is an issue which both the Commissions

must agree on. When is one likely to end, or the other one begins, so that we are clear?

Com. Abida Ali-Aroni: Sorry, I just want them to bring up our issues, and then I will get back to you.

Com. Wanjiku Kabira: One of the issues that we have raised a few times is on whether, for instance, if you look at the law as it is now, we are likely to have the Referendum in October and if it is in October, this is during the examination period for the schools, you know, how do we deal with that kind of situation, would we need to make arrangements with the Ministry of Education? Because, either you have it in August, which is not possible because Civic Education will not have been carried out, or you have it in December, which requires amendment of the law, because if you begin counting seven months from March, then it is not possible to go to December without amending the law. So, maybe, like Bishop said, the question of the timeframe is critical and we need to think about the problems that will impact on this exercise.

We also thought about areas of common interest that we may want to look at. For instance, District Electoral Coordinators and District Coordinators for CKRC, who will both be in the field, maybe some for Voter Education, others for coordinating Civic Education. If it is possible for instance, to have a joint meeting, joint training so that all of us are reading from the same script. We thought maybe that is one we might want to raise. We as Commissioners also, although we are not the ones implementing the Referendum, they would want to know the details of what is required, even to be educated on Voter Education so that we know whether the baby we are carrying ourselves is going to be born after the Referendum. So, we thought – or it will be stillborn, hopefully not – so we thought maybe those are areas we need to look at.

There are many areas of cooperation on the ground, because we have, like the members of 3Cs, the Constitution Constituency Committees who will both be mobilizing for Civic Education and also mobilizing for Referendum, but some of them will be carrying out Civic Education. In fact, today they were just talking about whether it is possible for us to use District Electoral Offices as their dissemination point for the time being until our District Coordinators are in place and we thought we would raise those issues with you. Of course, there is the whole joint coordination in terms of logistics, because we are also making it our business to moderate the Referendum because it is in our interest that there is maximum participation of Kenyans and that they turn up to the voting stations. So, as far as carrying out Civic Education, we are also making it our business to also mobilize as many Kenyans as possible to participate in the Referendum. I think there are many issues around those areas that, maybe we could discuss.

Com. Abida Ali-Aroni: Thank you. Raiji, you had something?

Com. Riunga Raiji: I think, Chair, the only issue that, perhaps has not been-- I think you have mentioned it in passing, the question of Referendum regulations. I think as we stated, this is the very first time that we have to do this exercise, I know in this Commission and I think, Professor Okoth Ogendo's Committee had worked and put a lot of effort in that. You may wish to

consult us when it comes to making regulations, because we did spend a lot of time and consultations on that and it is possible the Commission maybe able to assist you if you require such assistance, because we had a specific Committee working on that.

Com. Abida Ali-Aroni: Thank you. Indeed, we worked with ECK, we consulted quite widely. We had a joint Committee on that, so we could still, if they find favour, we could continue with such a Committee and of course, rely on the expertise of the guru, who happens to be with us. I think we have said quite a bit, Mr. Mukele, you can now have a feel of the issues that we wanted to raise today. please, welcome.

Com. G.K. Mukele(ECK): Thank you for your comments. I will express the feelings that may be basically mine, as having looked at the documents I have on the file. The lawyers are used to carrying books when they go to court and people say, do they read there? (*Laughter*). They just pull out one and read a line in it and say, this is what the law is. That is what they do. Some of the books, we never look at them for years. So, there are preliminary points in this matter. In the first place, we did not come here clearly, with an Agenda. If there was one I can be corrected and I apologize in advance. Now, a second point is that we are supposed to be operating under a law, which law are we operating under?

The Commissioners of the Electoral Commission, the other day unanimously agreed, let us proceed with things as they are, because we do not want to come in and we find everything is confused, and then we would get lost, because the law is saying a Referendum should be carried out. Then, statements come and politics. Even us, you see us being abused everyday ourselves and we are used to it. Maybe you are not used to it and you find, on your part, people are saying different things. Now, there is nothing wrong with differing, even on our part, we differ. If you saw in one of the papers yesterday, “Election Commission bosses differ”. They were saying nothing really, they said the Chairman said this, the Vice Chairman said the other, but we were not differing to this level of saying, this action is legal under the Act. We also watch television, we read newspapers, to what level are you together? Not with basically the differences of Kivuitu and Mukele differing. What I mean is that, is the Commission working together and saying, this is where we are working and if it comes this way we will do it this way. Differing in views or opinions is normal and that is how people live.

You see, as I said, our Commission said we must now proceed, that is why we are here and you can see a big team which is here with you. So, what law are we applying? Our group, I think, after we had the first Minute, I have looked at what is regarded as Minutes and there are about 14 of them, somebody headed it ‘emerging issues’. In those emerging issues, if we had to work together in each one of them, the Electoral Commission would not have time to do its own other work and I can see basically that there are others where we would really have to come down. Like the one where they said, the issue of how you are going to try to get people on a Referendum and then, there is the issue requiring preparation of the necessary legal requirements to be placed by July 2006, or something like that.

Now, on number 5 it reads, “Roles of each Commission clearly defined as the law may prescribe specific mandate”. Now,

there are amendments, the Bills which have been put forward, I have one of them here. There is an Act which they are saying, “oh, somebody has signed”, His Excellency, not somebody, his Excellency had signed last week and I rang this morning to find out if I could get hold of the Act now. Once he has signed it is not yet gazetted, it may not be operational, but a signed one, if we had it we would sit with the Commissioners and say, this is the law. Now, I have seen also in some of the notes that both Executive Committees were discussing and saying, the Electoral Commission is going to be busy with going round the country as from August. I think the Commissioners who are here may agree with me that we wanted to go to the field very soon, (?) August this year. It was said it was very soon, but if again there I am wrong my colleagues will say, “I think you forgot” or “you are wrong, it was earlier”.

However, I do not want to appear to be such a pessimist and say there is nothing I am doing. That has been my original feelings as a person, but the Commission has now decided and we must go forward. So, the issues we are raising, perhaps now in a team like that, with the help of what we already have, you would have each item where-- Some of the (?) information you need, what do Coordinators do on the ground and how your team is going to work with them and you have said you are returning your officers who are at the district level, I have seen that in one of the notes here, which makes it easier. So, if somebody can clarify the state of the law and the regulations and then we come and take a topic, for some of us who are these bad people called thieves called advocates, we like studying our topic and then we go forward and, Madam Chair, you would agree with me, you go forward knowing the issue you are going to discuss, so you do every other search or research, teachers do the same, you come knowing what you are coming to discuss. That would be very good and then we would take a topic. General information we can share, we tell you this is what is happening, you will tell us what is happening, easy, but some areas really need concentration and even a little research in order to do it. The Conference in Mombasa did a lot. I have my papers here, Professor Ogendo, and many of you and the Chair, we were together. If we take the Draft rules that we were looking at, at that time, I do not know whether they have been enacted and then you take some of the reports that were presented by Rwanda, Uganda and other people. I managed to even get a report about Commission Referendum, from a London friend and it is quite detailed. So, if we know what the rules are, if the rules are not yet ready and they need you people - technical staff – -sitting to polish them up and when are they coming out. If they are already the law we are happy to say this is the law, now the lawyers go and study, not necessarily the lawyers alone. There is a bit of confusion, but I am saying, sharing views across the table is all right, but there are a lot of views to be shared. So, if one is taken, go as far as we can, the one which needs further information we say, go and now look at it, at the next meeting let us have details. This one we share straight and Commissioners are here on both sides, they give the necessary information.

So, maybe I have raised too many questions, but that is my view and I think, my sisters and brothers can add something to what I have said and then the Chairlady can react.

Com. Abida Ali-Aroni: Thank you, Mr. Mukele. I am sure your colleagues have a few things to add. There was a hand up sometime back.

Com. Rachel Mzera: I just had a question, myself. I think it has been answered, because I wanted to know whether we know when the Referendum is going to take place and I hear now, it may be in October. Mine was a question.

Com. Abida Ali-Aroni: Well, if one is to follow the timeframe as enumerated in the new law and there are no hitches or extensions, then October would be the likely date. Yes, Pastor.

Com. Pastor M'Thambu(ECK): Thank you, Madam. I think I have a few things that I may wish to really get clarification on. Commissioner Vice Chairman Mukele, has actually highlighted precisely what was my problem and I will leave law aside, should that be clarified. I felt that I need to raise this issue of holding a Referendum during the rainy period. Our experiences have been very hampering sometimes especially because of the rains and at the same time, the schools are holding their examinations. I was wondering whether there isn't any way that that could be brought backwards to August/September, whereby now, the mode of traveling, the transportation and the logistics will be easier and not costly. During the rainy season you have got to prepare properly financially, both sides, on your side and the Electoral Commissions side. As per personnel, I think once the law has been actually clarified and the questions have been put in place, I think ECK has (?) lying down there. There is the question of just policing them for one or two weeks and they will be in a position to grasp what they are supposed to do. So, personnel, I believe we are set if we are going to use the same people that we used during the elections. I think that one is quite in order.

Also, I thought that the area that actually should also come up and again, very urgently and should be prepared early enough, that is Voter Education and Civic Education, because people must know, they are used to the Electoral Process. Now, they are not used to an actual Referendum, this is the first time we are talking about a Referendum in Kenya. The questions and the kind of people who are going to be out there to educate, I believe we should give them ample time to do that before we actually proceed. Those two areas, I felt that I needed to mention something about them besides very many other issues, because infrastructure is not really accommodating and at the same time logistics, material and delivering the material on time to those places that are so remote, I think we will require really, to work very hard and again, very early. Thank you very much.

Tape 2

Com. Abida Ali-Aroni: Thank you, Pastor, and welcome Commissioner Mageto-- Am I getting the wrong name? Abuya, abuya Abuya, how can I forget that. They are neighbours and they are brothers. *Karibu*. Are there other comments from the ECK? Yes, please. Or the Chairman has said it all? No, he cannot finish.

Com. Kihara Muttu(ECK): Chair, I have looked at the Minutes of the-- Or rather, notes of the meeting held on the 19th of November last year and looking at those, what you are calling notes, I see there was an issues number 1 on page 2, where it was agreed that we define the roles of the two Commissions in carrying out Civic and Voter Education. That is one.

Then, under the conclusion it was agreed that the Committee consisting of Commissioners and staff of the two Commissions (?) to address the issues raised and there are 14 issues and I thought, if those issues were addressed and we come out very clearly and understand how to tackle the issues, then maybe it will help the joint Committee.

The other issue is, to carry out a Referendum there must be regulations in place, an Act of Parliament if there is no Act of Parliament, specifically we could amend, or rather, have the election regulations for Presidential, Parliamentary elections be amended to suit that kind of Referendum. So, there must be regulations for carrying out a Referendum and there must be an Act of Parliament, I don't know, I am not sure. If we are to carry out what we are calling here Voter Education or Civic Education, we must have a curriculum and we must agree on what the content of that Voter and Civic Education, it must be in place and arising from that will be the material that we shall use, you cannot prepare materials if you do not know the content of that education.

So, I see that there is need to agree on quite a number of issues which have been raised. There were also issues raised at the meeting attended by some of the officers-- I am sorry, I have just received this file here, so I am trying to look at the history of our joint meetings. Now, there was also a meeting here and it agreed on quite a number of issues which are raised on page 2 of Minute - I think Minute 3 of that meeting – and there were issues that needed to be discussed and agreed. If we programme or we discuss exactly what we want to do and all of us understand what we want to do, as the Vice Chairman said, which law are we using? When we carry out elections we have election regulations, or we have election rules for Local Authorities. What rules, what regulations are we going to use? Will they be in place? Have they been prepared? Have they been forwarded to the AG for discussion and approval by Parliament? Is it included in the current programme? Because if we say October, then we must have a programme between now and October, knowing very well that by this period we shall have the regulations in place, we shall have agreed on the content of our curriculum, we shall then have completed the materials that are required for Voter Education and so on and the most important thing is – as it is raised on page 2 – design the roles of the two Commissions, so that we know exactly what we are doing, so that when we meet as the Electoral Commission we can tackle our issues quite easily, you can do the (?) and then we can have joint meetings so that we meet where it is necessary and we discuss the issues together. Thank you.

Com. Abida Ali-Aroni: Thank you very much. Mrs. Wambaa.

Com. Anne Wambaa(ECK): Madam Chair, I was just going to suggest that it appears as if the other Commissioners do not have a copy of these Minutes which are very important. The meeting of the 19th where we were represented by yourselves and ourselves and I was suggesting, so that they also participate and know what we are talking about, I am sure you have a machine room where an officer here can take this and reproduce just these Minutes because that is where the emerging issues came about and which are going to form the basis of this meeting and future meetings between ourselves. We do not have to produce

the entire file, just the Minutes of the last meeting which came up with the emerging issues. Thank you.

Com. Abida Ali-Aroni: Thank you very much. In fact, we were lost so that is-- I was going to request, I am happy that you volunteered that, we could photocopy, we have a machine, so one of our officers could help do that as we continue with the discussion.

Com. G.K. Mukele (ECK): These extra Minutes, there is also your meeting on 3rd December--

Com. Abida Ali-Aroni: Yes. Give us all so that we are all together.

Com. G.K. Mukele: --and there is nothing wrong with our adjourning as we take soda and even we can adjourn for 10 minutes or 15 minutes, fine.

Com. Abida Ali-Aroni: I was going to suggest that we proceed with the general comments. We will be served with tea and soda as we continue because time is of essence and you can see we have – is a mouthful or a handful or both – of issues that we need to deal with. Is that acceptable?

Commissioners: Yes.

Com. Abida Ali-Aroni: Okay, thank you. Yes, please?

Com. Henry Jura(ECK): I think the Vice Chairman, ECK, has raised a very fundamental question, the law. We better have that in place as soon as possible and then we underline the timeframe. We are doing this for the first time, we shall be fumbling on a lot of things, making mistakes and then correcting them and we need time to make those mistakes and correct them and I understand there is the law about the timeframe, October or the law must be changed. I think all these things need to be done because we who have been involved in preparing and conducting elections know that if you leave things up to the end or towards the end you end up with a lot of administrative problems. So, I think, at the risk of repeating, we should put, first the law, in place so that we know the law on which we are operating and get the timeframe very early in time, look ahead and see if there is need to go to Parliament to change the timeframe, let us do that when we know, because we also need to plan all this with that timeframe in mind. Right now October, examination period and yet if we need to change it to December, December is a rainy period and we cannot come back to August, maybe because the time-- So, let us get those factors right and for us, we are just operators, we shall then operate when we know the timeframe. Thank you.

Com. Abida Ali-Aroni: Thank you very much for those comments and I like the word operators, I think I have learnt a new word today. Now, I think it is important we begin from a point where we understand what law we are operating under. I think

the Vice Chair has come up with that and unfortunately, he used an example of Professor Okoth, he did not say it but he obviously meant that, but Professor and I agreed just before you came, that we are reading from the same script. So, let us say this, that we are looking at the same script as a Commission, unfortunately you have – Vice Chair, with a lot of due respect – joined in this way where people imagine that the Review Commissioners are divided. We have never been together as we are now and that is a fact, Professor, isn't it?

Com. Okoth Ogendo: Yes.

Com. Abida Ali-Aroni: I think we have never been together as we are now, we are not divided. What has happened is that there is this new law that has come and we are looking at this law and you said it yourself, that lawyers read a line and interpret. So, we are interpreting the law, we are getting accustomed to the new law. The exercise of Review has been very turbulent, we always have laws that have loopholes, so it is not the first time. So, we are looking at those loopholes and we also hope that together we will see how we can overcome the loopholes, either by coming up with rules and regulations that can fill the gaps and where it is impossible then we shall recommend for Parliament to put in motion amendments if necessary, but probably as a last resort because I think people are just tired of various amendments that are being done and in any event, every time they touch an Act of Parliament they just mess it up. I mean, we were hoping that this time round Parliament will give us a legal frame that would be perfect, but the other day I thought hard and decided it is just divine law which is perfect, a human being can never come up with a perfect law.

So, like I said before, there is no division, we are all bound by the law in place. I do not think we have a choice, we can critique it, yes, we can try to see how to sort out the problems, but as our colleague said, we are operators and to the best of my knowledge the law in place is the one that was passed by Parliament on the 9th of December and assented to by the President and bad as it is, that is the law in place at the moment. I do not think we can have a debate on that but we can critique it, that we are allowed, Vice Chair and that is precisely what Professor was doing the other day and he is our guru in the Commission like he is to a lot of people. So, basically that is what you saw happening and you have seen a lot of NGOs on the streets and people will keep talking until this country has a new Constitution and even after that, we cannot stop people from critiquing the law.

The rules that we have are the rules that we prepared in conjunction with you as we were preparing to go to the National Conference--

Com. G.K. Mukele(ECK): Vice Chair--

Com. Abida Ali-Aroni: Yes.

Com. G.K. Mukele(ECK): Sorry to interrupt. Are you saying you already have an Act of Parliament and you will make it available to us today?

Com. Abida Ali-Aroni: Let me say this, we do not have an Act of Parliament, but we follow the proceeding of Parliament very closely, so we have an idea of what has been amended. We will make efforts to obtain-- There is a copy out, I actually saw somebody with a copy yesterday in a meeting, so there is a copy out of the Bill that the President signed, we can try and get a copy. What we have done in the Commission is that we have followed the proceedings in Parliament and the way poor lawyers do, we have amended with a biro or a pen to incorporate the new amendments. So, we will make that available, hopefully in our next meeting.

So, we have studied the amendments and when we talk with you about timeframe we are looking at the timeframe under the law that was past by Parliament on the 9th of December last year.

Com. G.K. Mukele(ECK): Sorry for interrupting.

Com. Abida Ali-Aroni: No, its okay. So, the rules are the old rules, so we are hoping we will be able to have a technical team that looks at the rules and amend them to incorporate, where necessary, specifics that will help us where the law has gaps and also to incorporate the new law because the Referendum as we envisaged before Bomas was different from the Referendum under the new law. So, that is maybe one of the issues that we will be taking up as we discuss the 14 issues that are there in the Minutes and I agree with you, that we require a lot of concentration and research in some areas, more specifically in regard to the rules and regulations and possibly the conduct of *(Mic failure)*. may want to study and borrow from our neighbours. It is also crucial that we define our roles. I think it will make our work easier although at a glance, one can say our roles are very clear, but we may want to seriously revisit that issue and draw lines so that we can compliment each other in terms of producing Civic Education material as we define exactly what each Commission will be doing, who is doing Voter Education, who is doing the ordinary Civic Education in terms of the information that we will be disseminating and also, what sort of personnel we want to utilize on the ground. So, I think basically that is what I wanted to say in response, but I know Bishop and Professor, I can see their itching with some information and Kavetsa as well. Maybe I will begin with Kavetsa, coming this way.

Com. Kavetsa Adagala: Thank you, Chair. I think we share equally in the insults which are hurled at us, both the ECK and CKRC, so, I think in that respect we are probably getting together in a situation where we can understand that it is not easy out there. I was going to propose, Chair, that we have met – I think this is the third or fourth time – and there is the time also, when our officers have been meeting and including the time when we met over regulations and we have a structure in CKRC, of Committees. I do not know what you have on your part in terms of ECK. I do not know what you have, Vice Chair.

Com. G.K. Mukele(ECK): We to *(Inaudible)*. For example now, the group that is here is a Committee, all Commissioners form your problems Committee with three or four members of staff. So, it is a Committee as is, but we have five or so Committees within the Electoral Commission, Voter Education is one of them, legal and the law reform is another Committee, the Finance is another Committee and so on.

Com. Kavetsa Adagala: Okay. That is what I was itching to know and my proposal is like this. I think we have reached out to each other adequately, to be able to move to that Committee level and it will solve some of this-- There is a bit of going around, every time we kind of ask the same questions, both sides. So, I was going to suggest – if I am not moving to fast, Madam – I was going to suggest that we get into these Committees, because me, for one, because I am in the Civic Education Committee, I am itching to work with the people in Civic Education, in ECK, in Voter Education or Civic Education. So, we can define what we have said, define roles in Civic Education, familiarization, curriculum, that is content and materials. I think it would be more useful if we sat down in that smaller inter-Commission Committee and then Mobilization and Outreach, that is what we call ours, I do not know what your counterpart is, we talk about infrastructure, moving of materials and logistics. I am just talking about the notes which were what people have been saying. I think the Steering Committee, on our part, needs to meet with their counterpart so that we can define roles of ECK and CKRC because, I think at that level you would be able to work out what should be. Then in recess, Mobilization which is our Finance Committee, would obviously discuss finance and there is Research and Drafting, which then would take up the Referendum, the regulations, the Act and all that. I feel that we would be moving into actually working together more than this, we have been kind of tentative, partly because we do not have the law in our hands and I hope you realize that we are not the ones who can-- When we get it we will give it to you, your is more set, ours is fluid all the time, so we do not really have that much control. My feeling is that if we move that way we will be able to work even if the law is not yet in our hands, we will be able to work around quite a large terrain of our joint activities and move forward. For instance, Mobilization and Outreach would certainly need to find out about your District Coordinators and then also, venues and so forth, all those matters which have come under operationalization. However, for myself, if I were to speak, the Chair of CEPIC is here, that we would like to get to the nitty-gritty of this Voter and Civic Education, because for us, some of it is content, some of it is method, some of it is approach, just the usual education kind of thing and I think our problem solving Committee is the Steering Committee.

So, I do not know if it can work out that way, I want to feel like I am moving forward and even have some publicity to go with this, that we are working together, that will be part of Civic Education also. For instance, this registration you are doing, I think it is Narok, is it Narok? (?) over but the Narok one was highlighted. We would have also liked to come along from CEPIC or even Mobilization and say that we want people to register, as they are registering for the usual voting, it is also for Referendum, so that we can put more fire, just combine so we can have some synergy to move the registration forward. I do not know if this would be acceptable, but this is a proposal I would like to make, Madam Chair. Thank you.

Com. Abida Ali-Aroni: Mr. Mukele.

Com. G.K. Mukele(ECK): This sounds, probably, as a step forward, in my view, because we do not have a list of your Committees. If it was produced and then given out saying briefly what each Committee does. We also have Committees on our side to produce and then exchange. For example, I have seen that you have Research and Drafting, we have a Research Committee and the drafting is a bit of legal and so, there is a Legal and Law Reform Committee. So, when it comes to the lawyers the two Research Committees, since it is common, they combine together with the Drafting and the Legal Committee and if they hold a meeting, as Madam has said, it will work. Voter Education and what you call Civic Education-- In fact, if you ask somebody what exactly is there, there is hardly any and then that concerns people who have knowledge of education, how you transmit education to the people. I think that, perhaps, would be a step forward when it comes to the technicalities of the staff.

Com. Abida Ali-Aroni: Thank you, Mr. Mukele. Bishop.

Com. Bernard Njoroge: Chair, we have to have a foundation under which we are going to operate and for me, the law does give the ECK a certain mandate and it does give us a certain mandate. The first thing that we should do is the Commission, CKRC, must look at the law and understand its mandate. The ECK must look at the law and understand its mandate. I think that is where we start, then after both the Commissions have understood their mandates, because even saying the law is not good or it is good, one has to say specifically for us as CKRC, who are doing Civic Education and monitoring, how can we follow the law, where is it that we want some adjustment. As ECK, they are going to do the Referendum, where in this law do they think needs to be beefed up, that we cannot say generally. After both the Commissions have understood what their mandate says, it is easier now to hold a meeting, because you have gone through the law, you have seen what you are supposed to do, you have crystallized it in your mind and we have done the same. It is easier now to meet and say, "now we understand our mandate, you understand your mandate, how are we now going to cooperate? What are the areas?"

I find it a little bit premature to start on Committee work before we are able to define what our respective mandates are and my own proposal would be that this law that has been sent by the President be made available to ECK and the Commission, we see our respective roles and organize another meeting now, when each side is clear as to now, how we start cooperating together. That would be my suggestion, because unless we lay a foundation under which we are going to operate, we will spend a lot of time having meetings that will make no progress.

Com. Abida Ali-Aroni: I will come to you. Let me finish with Professor, then I can come to you.

Com. Okoth Ogendo: You know, Madam Chair, what I wanted to say is what the Bishop has just said. This has surprised me because we do not always agree. *(Laughter)*.

Com. Abida Ali-Aroni: It might rain again tonight, so that is a good sign. (*Laughter*).

Com. Okoth Ogendo: On this one I agree entirely with the Bishop. I do not think we can have meaningful discussions until we understand what the law requires of us and there is an additional issue. We have to ask ourselves the question ‘is there enough law for all these things we are going to do’? Because we might find that we can understand our various mandates, we understand what is being called the roadmap, but we do not have enough law to go with it and therefore, we need either to resort to the process of creating regulations or amendments to be able to have a process that is (?) for all purposes and therefore, I would start. As a teacher I always want to understand the facts and the facts are what is the law, can we agree on a common understanding of what that law is between CKRC and ECK and then we proceed from there.

Com. Abida Ali-Aroni: Thank you. Mr. Abuya.

Tape 3

Com. Abuya Abuya(ECK): I am lost that your Commission seems to give me an impression that you are quite remote about what is going on.

Com. Abida Ali-Aroni: Quite?

Com. Abuya Abuya(ECK): Remote from the law that is going to be applied, because I expect that you would be working together closely with the Minister. One, when you are talking about an Act of Parliament or the law you are going to use, obviously that Act will not have the regulations. The regulations are drawn by the users and you are going to be the users and therefore, you should be able to have worked very closely or start working on that, because if you leave it to the Minister and the Attorney General, they will come up with a very awkward law and you will begin sitting here and saying, “well, we did not expect this”, but you are the user and therefore, I request you to work closely with the Attorney General and if possible, this is where you can get some information from the Electoral Commission for those regulations which will apply on the ground.

I also want to say something about some of the-- When we are talking about the Referendum we should be talking about what it is so that our people know. Like elections, yes, they know elections, elections of the councillor and Members of Parliament and the President, not (?). what issues are involved, are we going to have a Referendum for the whole Constitution or contentious issues? And again, your Commission should be in (?) on this issue. Let me also ask, it is becoming clear that there will be a Referendum. What resources are we talking about? Are we going to have a budget for the Electoral Commission, a separate budget for yourselves, or is the Minister in charge going to get some funds? So, we need to be clear also, where this money is coming from. Is it already budgeted or it-- Because when you talk about Mobilization we should go further and say, what are you talking about (?) Should it be the Government to give money or is it the donors, or it must come from the Ministry and they say, “yes, we have the money for you”. I do not think we have the capacity here to raise the

money, even you and so, the Minister or the Government must be clear that there is so much money required and it is provided for, or it is going to be available at such and such a time. Thank you.

Com. Abida Ali-Aroni: Raiji, maybe before I allow you to speak, Mr. Abuya Abuya, I am a bit surprised that you think we are remote as far as the law is concerned. I think you need another bottle of coke, it is too hot. (*Laughter*). We are trying to inform you about what we have studied as the Review Commission. We have studied that law and we continue to study to try and see how we can overcome the loopholes, because it has various loopholes and that is why Professor Okoth Ogendo is saying that we need to see how we are going to handle the issues of regulations and whether there is need to amend. In fact, there is another suggestion also that we may need a Referendum Act. All this is out of the fact that our Commission is extremely familiarized with the new law. What we do not have is the white laws of Kenya, that is what we are missing, but otherwise, we are almost – I want to believe – up to date.

What I want us to agree, because you are telling us “your regulations”. Let me say it is our regulations with you, because you have a wider mandate, you have to carry out the Referendum. We will be monitoring that, so I think we – all of us – have to work towards the rules and regulations, they will affect you as much as they will affect us. So, it is something that we jointly need to work on.

We do not work closely with the Minister, let me put it this way, for good reason. We are an independent Commission like you are and you know what it means to work closely with anybody, but the Attorney General is an *ex officio* Commissioner with CKRC, so there we talk to him quite often, but even with the Ministry of Justice, where the need arises, we do consult with him so we have no problem at all, but you have been at it for longer than us, should there be a problem we will come for some advise on how to handle politicians. Last year our two Commissions had their Secretariat staff meet, I think, with the PS in the Ministry of Justice, to discuss the budget and we took issue and I know your Chairman took issue with the Ministry discussing our budget with the two Secretariats, but as late as two weeks ago the Ministry did inform me that there is money set aside since last year, for the exercise of the Referendum and I can tell you, donors will not fund the Referendum. We have had great difficulties and I am sure you had similar problems, in fundraising, so this has to be entirely an expenditure of the Kenya Government and let us hope that the money is still there somewhere, in a suspense account, and we will be able to access it.

Therefore, what we will be doing, maybe once we agree or we understand the law, is to get our Finance Committees sort out the issue of budgeting, but we were made to understand that the two Commissions would like to have, or the staff did suggest that we should have separate accounts. You have a bigger mandate, you will have to do the actually Referendum, you have Voter Education, ours will simply be monitoring and carrying out of Civic Education, so in the basket I am sure we will be able to share, depending on the roles. Raiji and then Mrs. Wambaa.

Com. Riunga Raiji: Thank you, Chair. I think I can see the difficulties we are having with regards to the law, I think, let us

first of all understand the process. A law was passed by Parliament but it does not become law until assented to by the President and then it is published in the gazette. Now, the Commission has generally been pro-active, in fact the way we do it, we actually do with scenarios. Because of the nature of this process, even before things happen, we take that into account. The meetings that we have been having was in anticipation that – I think as has been said by you – that it was obvious towards the end of last year that we were going to have a Referendum and that there would be necessary changes in the law to accommodate that. We put that as one scenario, that assuming that the law, in fact, is put in place, how are we going to prepare ourselves to ensure that we are able to carry out whatever mandate will come under that law.

Now, I think the problem comes because we did manage to confirm that around the Christmas period. In fact, the President had signed but it was not yet gazetted, at least by last Friday, I think they come out on Fridays, Mr. Kihara Muttu. So, that is actually the problem, but we have never had any confusion because the Bill that left Parliament, in fact we took photocopies of the Hansard, because luckily we also had two professional draftsmen, one of whom was in Parliament, so we worked very closely with Parliament to monitor this. So, we knew as a fact that a law was coming and in anticipation we tried now to foresee the consequences and various steps. On that basis, we drew for ourselves a tentative timeframe taking into account the various Acts that have to be performed, that is how the date of October is coming up. So, it is actually in that context that we knew that, but I think your Vice Chairman and all of you have said, the law has not been seen because it has not been published to be able to be freely available to Kenyans. It is that we anticipated ourselves and came to that conclusion, so I would imagine that very soon that should come out, of course, it is not within ours.

So, I think it is important to appreciate that unlike you who deal with the matter that is regular, that we are all used to, again like the Referendum, this is the very first time that we had anybody going through changing the Constitution and some of the challenges and confusion that you see is really because this is the very first time, there is no set procedure, they are made as we go along. The Act under which we are operating, the Constitution of Kenya Review Act, I think started in 1997, the first Act and it has been undergoing various amendments, there is no guarantee that further amendments are not going to come, but I think the position that we have taken as a Commission and I think, even your Vice Chair said is that once the law comes, we follow the law. Politicians have their own beat, you as a professional and us in the same category, we also have implementers, we ourselves have another mandate more or less like yours and it is in that connection really, that we are coming with these scenarios. The fear that we have is that, supposed tomorrow - because the new law talks of consensus, politicians being politicians – supposed tomorrow they say that we have agreed on the process, can we go to a Referendum, we want this Constitution by a particular date. We are trying to place ourselves in such a situation that once that comes we will be ready to face that and that is why we are trying to look into all this. The reactivation of the machinery on the ground, in fact, we are reactivating but not giving it a go ahead until we confirm that all is well, but we are merely taking into account that due to the very fluid nature of the Review Process, unlike the elections which are constant and it is know in advance, is such that we rarely have the luxury of having time to organize. So, we try to organize in advance and I think it is in that connection, Chair, that we have been consulting our colleagues. Thank you.

Com. Abida Ali-Aroni: Mrs. Wambaa.

Com. Anne Wambaa(ECK): Thank you, Madam Chair. I think the last speaker has almost summarized my concerns, because my concern was again to do with the law. I was looking at the timespan, I was looking at the suggestions from my colleagues, all of us, that we should do it in September because of the problems of October and I was feeling that when we prepare, for example, the General Elections, it is a five year preparatory period. You start from the last day when you announce the election to prepare and organize for the five years, then when we have a by-election, it is a preparation of several months and I was looking at a Referendum where you are going to involve – we have over ten point something million voters – and those are the people you are talking to and the logistics and of course, the financing is not a very major thing, because we will either have the money for the Referendum or they do not. So, if there is money they do the Referendum, if there is no money there is no money, but it is the logistics and the preparations that I was thinking would need a lot of time and as he says, we have first to see the law, so that if there could be amendments, like he suggested, at the threat of becoming very unpopular to the Kenyans, whether this can be postponed or whether the law is rigid, whether the law says it shall be held within a certain period of time, or it may be changed, because the Commission also has to follow, like my Vice Chairman says, we are operating under the old Constitution which says that we must go out and review the Constitutions within ten years and this is the year that we are supposed to be out, the entire Commission is supposed to go round the whole country which is a programme of almost the whole year when we start and I was wondering whether it is going to be possible, we do not want to break the law, we do not want to go against the Constitution so that must be done this year unless Parliament changes that clause.

So, we will wait for what the Professor and Bishop and my brother there, are talking about and you also mentioned, we wait and see the law and then we see what can be done, because if we have to do a Referendum we must do it well for the sake of this nation. We do not want to have a few months and then everything is haphazardly done, because there was not enough time to prepare and then the people who will be blamed by the Kenyans, future generations, will be this Commission and the Electoral Commission of Kenya. So, as soon as you get the law let us know so that when we come to the next meeting – and I was hoping we could have something rough for my Vice Chairman – because the Commission, Mr. Kivuitu, our Chairman and the rest of the Commissioners are waiting for a report on Thursday when we go for the Plenary, to report to them and if you could have a brief something and give it to the Vice Chairman so that Mr. Kivuitu can go through it and when we present now, your views and our views, they can also chip in and give in their views. Thank you, Madam Chair.

Com. Abida Ali-Aroni: Thank you. I can see time is advancing and we are losing a few colleagues. I think it has come out very clear that the basic issue here is to study the law and understand. So, I would want us to agree how you think we should do this, we will work very hard to avail copies of the current law, whether it has been published or not, because it will be published anyway, in a month or so, but how do we want to go about this? Do we get the two research and legal Committees to work together or separately so that each group studies its role? And probably that would help, because once you study the

law, you have eminent lawyers with you, Kihara Muttu is there, Chairman is here, the bigger Chairman is even more senior than all of us, then maybe we can also compare the loopholes as you see them and as we see them and there are two ways. Either we could them report back to this task force, or report back to the wider Commissions and probably that will help because you do not want to keep repeating to people who have not heard. So, if we agree we differently study the law, because you are the ones who are on the ground and I pity you because you are also required to do this as well as you undertake the exercise you are doing at the moment. Then we can have a days workshop in Nairobi where we will brainstorm and come to a common understanding of the law. I think that is really crucial. Then from there we can break into Committees and begin to put things in place, because some of the questions we were addressing today are very basic but we cannot answer them unless we understand the law. Mr. Kihara Muttu.

Com. Kihara Muttu(ECK): Thank you, Madam Chair. Just before they answer your question, the question you have posed, I believe while we are waiting to look at the law, perhaps we could make it clear that we do it simultaneously with the Draft regulations that you have, because they will have to go together and in the end these are the regulations that will determine the role the CKRC will play or the role that ECK will play. So, I would imagine there is a Draft for the regulations, we should do it simultaneously and then see the adequacy or inadequacy either way. Thank you.

Com. Abida Ali-Aroni: Thank you. So, probably then our two research and legal Committees must meet, whichever way, because like Mr. Kihara Muttu said, it will be important to look at the existing rules. Kavetsa, any suggestions on that?

Com. Kavetsa Adagala: I really did not mean to set an opposition between the mandate of the Committees, but I think it is okay if we go that way.

My main issue is that if we could work towards a synergy. I do not think we have a choice actually, between the two Commissions and then it will be much better. I think we are moving in that direction, but just as a last light comment, our involvement in the Referendum is actually terminal but the continuing one is for ECK because there will be other referenda. So, we are willing to be and we are, the guinea pigs, but you are the ones who will be left holding the baby after that. So, I think we need to pay really close attention to doing it well this time, as Mrs. Wambaa said, but knowing that it will remain with you and I think we what, we terminate ourselves.

Com. Abida Ali-Aroni: Okay, unless the Vice Chair has something to say, I think we need our two legal Committees to carry on from here to study the two roles and the regulations and I would suggest that we have a workshop very soon in Nairobi, jointly funded (*Laughter*) as we wait for the funding to come. It will not be too expensive if it is in Nairobi and then we move on from there, Vice Chair. Do not finish all the money doing Constituencies. (*Laughter*).

Com. G.K. Mukele(ECK): Our money was budgeted for in the last budget and there is no other one, now we are actually--

Don't appear to say, okay, the work is ours, we know it is yours and you have to go to ask for the funding. However, on the issue of the two Committees having a meeting, I think the procedure that we follow normally is that if we got the copies of the law, the Draft regulations, it is good to have those documents, do not assume anybody has them, it is very easy for you to be reading a copy I do not have. Somebody has got to circulate the up to date copy, because some of them have the first draft, second draft and so on and then the legal Committee in our Commission looks at it, reports to the Commission as a whole over there. Then yours also looks at it and reports at one of your meetings. After that the two sides Committees then meet, have a look at the views and now, when we come together we know that all of us are aware of what we are talking about, rather than having a joint Committee meeting and we have not reported to the Commission as a whole. You will find us differing on the floor.

Com. Abida Ali-Aroni: Yes, I think you are absolutely right. I just assumed, because in our Commission nobody would dare to come to meet you unless they have reported to the-- But, we have similar procedures, so I think maybe what we need to do if that is agreeable, is to set a date when we think we can have this workshop and then both Commissions will work towards that date. Mr. Abuya.

Com. Abuya Abuya(ECK): You say there are certain things that can go on, for example, without waiting for the regulation or the law. For example, if we can agree that our Secretariat staff, I am sure you have done Voter Education or Civic Education before and we have done it and this does not have to wait for the Commissions to make decisions. I think the two sides, the staff, can begin comparing notes of the materials you had asked for, for Voter Education and it does not have to wait, so that this can be available.

Com. Abida Ali-Aroni: Okay, we are still working on our Civic Education materials, but unless we are meeting to have a preliminary discussion I do not see any difficulty, because we are still working on the basics at the moment, the curriculum and all that. So, probably we could take that as a second step, but begin with this as soon as we are ready, because we are always ready, this is really your usual business. Give us a few days and once Professor Salim is ready, we agree in principle, when we are ready then our staff can meet. It is not a bad idea at all.

Com. G.K. Mukele(ECK): I could also add that even my colleague here was thinking in terms of logistics, but in both views, it is difficult for me to talk about real logistics or serious education unless I see the context of the law. If I find that in that law the point is not adequately covered, then we can bring in our own experiences and in terms of Voter Education, Prof, I think IED people did take 9 districts and went to the ground as experiments in Kenya. They have very good notes, so when you are talking about Voter and Civic Education get the help of IED, madam there, she will give you some very useful information. So, each one of us has the work he is doing, other work, I would have been inclined as it is agreed, if the law is available the latest Draft of regulations is available, let us look at it before you have joined Committee meetings on any other matter.

Com. Abida Ali-Aroni: All right. I think maybe that is the safest route to go. We will make available to you, latest Monday,

we will try and gather all this, the rules as lastly looked at by the Commission and probably the papers that were presented in Mombasa and we will also try and get the updated copy of the Bill and send them over to you. Yes.

Com. Bernard Njoroge: On the proposed meeting, so that when we come we can do business, I want to also propose that as these two different Commissions meet and study the law, it is good for the two to raise issues which pertains to them and they think we can cooperate, so that you will come with issues, we will come with issues and that way we can move very fast.

Com. Abida Ali-Aroni: You know, Bishop, the problem is people want to understand the law and their roles. So, unless you understand the law and your role you would not have an issue, but once we understand then we can tackle that, either at the workshop or at a later date, because that is the difficulty we are having now.

Com. Bernard Njoroge: What I am saying is, as CKRC we have the law, we know what we are supposed to do. As we read we know where we want to cooperate, because the law will obviously say the gaps we will see. So, we will come up with our own opinions and they will come up with their own opinions. That way when we meet even in a workshop, we will move much faster, but then sitting again to see what are the issues and then we discuss them, it will make it easier.

Com. G.K. Mukele(ECK): Sorry, can I react to that as well? What he is saying and my understanding was, the Committee separately study the law, report to the Commission. The Commissioners and the staff will have understood it so now, when we come in that workshop we are seeing the problems, the weaknesses and the differences. The differences of opinion on particular matters and the workshop is meant to draw up a conclusion from any differences that might arise or any loopholes that are available. That is my understanding.

Com. Abida Ali-Aroni: I think we are more or less agreeing on the Agenda for that meeting. Yes.

Com. Riunga Raiji: I think the anxiety that I think the Commissioner was raising is the question of losing time in view of the very tight programmes that we have and I think it is possible to accommodate both points, because we are actually saying the same thing. We understand that the legal issues have to wait until you exhaust your own internal machinery's at that side and this side, but then there are the logistical issues that are dealt with by your officers and ours. For example, I was just looking quickly at the meeting that was held in December, like Voter Registers, polling stations, educational materials and maybe where the District Coordinators are and things like that, who is on the ground and where they are contacted and so forth, the logistic. I believe it is possible because the fear I think that I see is that suppose this machinery, the workshop does not take place maybe in another three or four weeks and we probably may lose, but there may be nothing lost if their logistic officers and our logistics officers can be meeting just to work out since whatever it is that will be required on the ground so that by the time now the big bosses come up with the policies and progress on implementation we will have gained some ground. I think that is what the Commissioner was saying.

Com. Abida Ali-Aroni: Raiji, I think we agreed that unless CEPIC, our Civic Education group has come up with the basic documentation, it is also very difficult to begin planning Civic Education and Voter Education. If we agree that this workshop is important and should be held as soon as possible, I think that would be the way forward, so that we can agree we have it in two weeks time so that from there everything flows, we will have no misgivings and if you can give us time we will be more than happy because we know your time is really tight. Mr. Abuya, you want to suggest a Friday?

Com. Abuya Abuya(ECK): Just a small one. Madam Chair, I am always worried about lawyers. They are already thinking about breaking the law which is not there.

Com. Abida Ali-Aroni: We always break the law. (*Laughter*).

Com. Abuya Abuya(ECK): There is nothing wrong. For example, I said you have got in your stores some samples of materials to be used, we also have. There is nothing wrong with the two groups of officers sitting together, that does not require--

Com. Abida Ali-Aroni: You know, you are a lawyer in yourself.

Com. Abuya Abuya(ECK): I am not.

Com. Abida Ali-Aroni: But, let us go by consensus. The general meeting feels that we wait for the two weeks and then the first thing we will do is what you are suggesting. I think that is a good compromise.

Com. Abuya Abuya(ECK): Right, agreed.

Com. Abida Ali-Aroni: And he has thrown in the towel, thank you. (*Laughter*).

Com. Abuya Abuya(ECK): Agreed.

Com. Abida Ali-Aroni: Okay, thanks. I think with that maybe we can adjourn our meeting, but if, Chair, you could probably suggest a date after two weeks. Or you want to go and consult your diary?

Com. G.K. Mukele(ECK): We are having a meeting on Thursday next week and that day-- We have, by the way, we are carrying out what we call notices in the field. Even after that meeting we are going to the field. So, I was not inclined, in fact, we have already concluded, but the inclination to say Committees will be working, we are assuming that the two Committees from

the Commissions have all the time, they can meet once or twice a week, no. There is no time on our side for them. So, I think a week after next Thursday, that is when we come down now, towards the end of that week, within the two weeks you are stating, we can provisionally-- If you had a calendar I would have brought I because I do not see one here.

Com. Abida Ali-Aroni: You gave us so many but we took them home, they were not enough for the office. (*Laughter*). But if you send us another one we will put it here, but don't we have diaries? I have a diary here.

Com. G.K. Mukele(ECK): I think the following week after 2nd.

Com. Abida Ali-Aroni: Okay, the week beginning 8th, the Thursday will be 11th.

Com. G.K Mukele(ECK): 11th?

Com. Abida Ali-Aroni: No, it will be 10th.

Com. Anne Wambaa(ECK): (*Inaudible*) we are going to go out because of the checking of the registers throughout the country.

Com. Abida Ali-Aroni: But you can come back for one day.

Com. Anne Wambaa(ECK): We can come on the weekend, but we would like the other Commissioners to participate. You need all of them, so I was just suggesting if we could go back and tomorrow is Friday and the Chairman Kivuitu is there and yourself, both of you look through your diary then you can communicate and both communicate to us. We need Mr. Kivuitu there, in case he is not there we need you there, in case you are not there it will not be complete. So, let them consult and then tomorrow they confirm still.

Com. Abida Ali-Aroni: Okay, I think that is fair.

Com. G.K. Mukele(ECK): Let us try, as she said, within two weeks if possible. If it does not work it might be within three weeks, that we convey tomorrow after some consultation.

Com. Abida Ali-Aroni: Okay, I think that is fair. Thank you very much, please leave at your leisure. There is still tea and more coca cola for Mr. Abuya. (*Laughter*). Thank you.

The Meeting adjourned at 4.04 p.m.

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