

**CONSTITUTION OF KENYA REVIEW COMMISSION
(CKRC)**

NATIONAL CONSTITUTIONAL CONFERENCE

Verbatim Report of

**PLENARY PROCEEDINGS, CONSTITUTION OF THE
STEERING COMMITTEE OF THE CONFERENCE, HELD AT
BOMAS OF KENYA**

ON

2ND May 2003

**VERBATIM REPORT OF PLENARY PROCEEDINGS, CONSTITUTION OF
THE STEERING COMMITTEE OF THE CONFERENCE, HELD AT BOMAS
OF KENYA ON 02.05.03**

The meeting started at 9.15 a.m. with Prof. Yash Pal Ghai in the Chair.

Muslim Prayers: Bismillahi Rahmani Rahim, Alhamdhulliahi Rabbil Alamin, Wasallahu alla Sayyidina Mohammad wa allahi wasaabihi wassalim. Ewe Mola, twakuomba kwa rehema zako nyingi utubariki waja wako, tuliokusanyika hapa kwa sababu ya kutengeneza muundo mmoja wa kuishi na kufahamiana na kutangamana. Basi ewe Mola tupe baraka tuweze kutengeneza Katiba yetu ambayo kwamba itakuwa ni njema, ni nzuri na ya tangamano njema. Ewe Mola wabariki viongozi na wabariki wote, wajumbe na wasimamizi wenye kuifanya kazi hii. Utuhakifie tumalize kwa salama na amani. Amin.

Prof. Ghai: Thank you very much. As we agreed on Wednesday towards the closure of our session, today morning will be devoted to meetings of the different groups of delegates so that they can discuss and nominate their representatives on the Steering Committee.

Could I first ask you to rise in respect of the late Member of Parliament for Yatta, Mr. Mutiso, please.

(1 minute silence observed).

Prof. Ghai: Thank you.

It is proposed now that we adjourn in a few minutes so that the delegates can meet and decide on the nominations of the Steering Committee. I want to ask Mr. Lumumba to indicate the tents in which the different delegations will be meeting. We propose that we assemble again here in the afternoon, after lunch, so that we can receive the nominations

from different delegations. I would also like to propose that if there is time after that, that we have the session on Constitution Making and Lancaster House.

PLO Lumumba: (inaudible).

Prof. Ghai: I am corrected by the Secretary, the delegates to the Lancaster House Conference have been requested that they make the presentation on Monday at 11.00 o'clock. So I suggest we meet here at 2.00 p.m and then we decide if there is sufficient time for business other than setting up of the Steering Committee. I will ask the Secretary now to let us know the tents where the different delegations will meet immediately after the adjournment now.

PLO Lumumba: With the Chair's permission, these are the tents which are assigned for the various categories:

Tent number 1: Persons with disability.

Tent number 2: Parliamentarians.

Tent number 3: Religious groups.

Tent number 4: NGOs.

Tent number 5: Professionals.

Tent number 6: The youth.

Tent number 7: Trade unions.

Tent number 8: Women.

Interjection: What about the provinces?

PLO Lumumba: will repeat again. (as above). Thank you. Of course, the provinces cannot be left out and you are in tent number 9. That is a small tent; you can spill over the tent no. ten. (*noise*).

Hon. Paul Muite: I think that what the members are trying to say is that they need eight tents, one for each province. Is that correct?

Reponse from Delegates: Yes.

Hon. Paul Muite: When we finish this, then we can give them the same tents.

PLO Lumumba: For the provinces, once we conclude this exercise, because we only have 13 tents, we will assign the tents in the following fashion.

Tent no. 1: Nyanza Province.
Tent no. 2: Rift Valley Province.
Tent no. 3: Coast province.
Tent no. 4: Eastern Province.
Tent no. 5: North Eastern Province.
Tent no. 6: Nairobi Province.
Tent no. 7: Central province
Tent no. 8: Western Province.

So once again (as above).

(Inaudible discussion)

Prof. Ghai: We had agreed just on Wednesday on the distribution of seats on the Steering Committee. As the Secretary has read out the names of these groups, and I think we have to proceed on that basis after we have concluded that, we can proceed to other motions. So what I propose to do now is to adjourn the session and request the delegates to go to their relevant tents and to come back here at 2.00 p.m. promptly after lunch. Thank you very much. The meeting is adjourned.

The meeting adjourned at 9.25 a.m.

Afternoon Session.

Meeting was called to order at 2.00 p.m. with Prof. Yash Pal Ghai in the Chair.

Prof. Ghai: We are here now to receive nominations for membership to the Steering Committee. I will now call upon these delegations to give us their nominees; I will start first with the Disabled. Do the Disabled Delegates have a name now please? Do you have a spokesperson?

Speaker: On behalf of delegates with disabilities we have elected Mr. Samuel Tororei to be our representative on the Steering Committee. He is entered by Miriam Muto on behalf of delegates listed below.

- Theresa Songa
- Noris Mute
- Samuel Tororei
- Miriam Muto
- Michael Wamalwa
- Dubat Ali
- Abdi Ali.

Thank you.

Prof.. Ghai: Thank you very much indeed. Could I now ask the spokesperson for the Youth to give us a name.

Mrs. Pamela Mboya: Mr. Chairman, point of information. Mr. Chairman, my name is Mrs. Mboya. I tried to attract your attention on Wednesday evening--

Prof. Ghai: Could I please finish this business? I am asking the spokesperson for the Youth if they have a name. Okay we will come back.

Speaker: On behalf of the Youth who are involved in various provinces and other interested groups, we are still consulting, we will give out the name of representative to the Steering Committee at the end of this session.

Prof. Ghai: The next group I want to call upon is Religious Organizations.

Speaker: Chairman, I want to second--

Prof. Ghai: No, please I am not taking any orders, I am going to finish this list first, I want to collect the names of nominated delegates first before we proceed any further.

Speaker: Point of order.

Prof. Ghai: Please, Sir.

Speaker: Because there is something wrong on the list you are following. The Political Parties are not represented.

Prof. Ghai: Please listen and follow the procedure I am suggesting. I am now asking the Religious Organizations to give us their names. I think they were allocated three representatives. Mr. Musyimi, I recognize you.

Rev. Mutava Musyimi: Thank you very much, Mr. Chairman. They were indeed allocated the three representatives and the names are as follows: Sheikh Ali Shee, Bishop Philip Sulumeti and I dare add my own name, Mutava Musyimi.

Prof. Ghai: Thank you very much indeed. The next group is the Professional Bodies.

Speaker: Point of order, Mr. Chairman.

Prof. Ghai: There is no point of order yet, I am waiting for the representatives and the next group is Professional Organizations.

Speaker: Thank you, Mr. Chairman, and fellow delegates. The representative from the Professional Organizations will be Mr. Raphael Mwai, he is the Chairman of the Association of Professional Societies in East Africa.

Prof. Ghai: Thank you very much. The next group is the Trade Unions.

Speaker: Thank you, Mr. Chairman. Trade Unions, we are gender sensitive, we have nominated sister Roselinda Simiyu to represent Trade Unions.

Prof. Ghai: The next group is the NGOs.

Speaker: Thank you, Mr. Chairman. On behalf of the Non Governmental Organizations the following names are being proposed: Joyce Umbima and Oduor Ong'wen.

Prof. Ghai: Thank you very much. I call upon the Women's Organizations to present their nomination.

Speaker: The representative for the Women Organizations is Dr. Ruth Kibiti.

Prof. Ghai: Thank you very much. We now have the representatives of Parliamentarians.

Hon. Paul Muite: Where is the Chief Whip, Norman Nyagah? Is he present?

Prof. Ghai: I believe we have the list.

P.L.O. Lumumba: The Honorable Norman Nyagah has given the following list. Honourable Raila Odinga, Honourable Musikari Kombo, Honourable Martha Karua, Honourable Simeon Nyachae and Honourable Uhuru Kenyatta.

Prof. Ghai: Thank you very much. We now go to the provinces and I think we will start in order of the tents. We will begin with Nyanza, I believe that was the first group to be constituted. Nyanza please.

Speaker: Mr. Chairman, the names of the provincial representatives to the Steering Committee are Mr. Thomas Aburi Nyabote and Mrs. Grace Ogot. Thank you.

Prof. Ghai: Could you repeat the names please?

Speaker: The Nyanza representatives are two: one is Thomas Nyabote, the next one is Honourable Grace Ogot.

Prof. Ghai: Thank you very much. May I now call upon the Coastal delegation to give us their two names.

Speaker: Thank you, Mr. Chairman. The names of the representatives from Coast Province are Mwalimu Digore Kitambi and Madame Mariam Mwanyota.

Prof. Ghai: Thank you. The next is the North Eastern Province.

Speaker: Mr. Chairman, my fellow delegates, the members of the Steering Committee from North Eastern Province are as follows: Ahmed Maalim Omar, I repeat again Ahmed Maalim Omar, two, Safia Abdi, I repeat again Safia Abdi.

Prof. Ghai: Thank you very much. Central Province.

Speaker: The representatives to the Steering Committee from Central Province are Professor Wangari Mathai and Gacuru wa Kareng'e.

Prof. Ghai: Thank you very much. Eastern Province please.

Speaker: Mr. Chairman, the representatives of Eastern Province are Mrs. Councilor Rhoda Maende and the gentleman is Mr. Yusuf Wako. Thank you.

Prof. Ghai: Thank you very much. Now we go to Rift Valley please.

Speaker: Mr. Chairman, the representatives from Rift Valley are Kimayo Keroney Sego and Margaret Somoina Keko.

Prof. Ghai: Thank you very much. I will now call upon the delegation from the Western Province.

Speaker: Honourable Chairperson, the representatives from Western Province are Mr. Sammy Naibei Chemwey and Honourable Professor Ruth Oniang'o.

Prof. Ghai: Thank you very much, and now finally to Nairobi.

Hon. Norman Nyagah: Mr. Chairman, the delegates for Nairobi are as follows. Nancy Lung'ahi Kabeteka, the second one is Rev. Sam Macharia Muchuga. Thank you.

Prof. Ghai: Thank you very much indeed. We now proceed to the nomination of three Vice Chairpersons, we receive nominations for a woman Vice Chair and a man Vice Chair from all the delegates and then we had allocated one Vice Chair to the Select Committee to nominate a member of that Committee. Maybe we can begin with the third of these categories and I therefore invite the Chair of the PSC to give us the name of the Vice Chair.

Hon. Paul Muite: Mr. Chairman, I would like to ask the Government Chief Whip to communicate the decision of the Parliamentary Select Committee, he is also a member. Honourable Norman Nyagah.

Hon. Norman Nyagah: Mr. Chairman, I would like to propose that the Chairman of the Select Committee, the Honourable Paul Kibugi Muite, becomes a member of the Steering Committee, the Vice Chairman. Let me correct this once more on what we agreed this morning and let me repeat again. I propose that the Honourable Paul Kibugi Muite, the Chairman of the Parliamentary Select Committee, becomes a member as Vice Chairman of the Steering Committee.

Delegates: No!

Hon. Muite: Mr. Chairman, as you remember when we were having the consultations we had agreed that there would be some ex officio members and I had been proposed to be an ex officio member of that Committee and I believe that when we had consultations we had agreed that the Honourable Godana Bonaya be nominated as one of the Vice-Chairs.

(Delegates clapping)

Prof. Ghai: Thank you very much. Now I invite nominations for a woman delegate, a woman Vice Chair. Could I just deal with this and then I will come to any complaints or any motions please. Let us see if there are one or more nominations for the women Vice Chair.

Ms. Khamla Sikand: Can I propose the name of Mrs. Rose Waruhiu.

Delegates: No!

Hon. Muite: Can we have some order please, can we have some order please, Delegates. Tulikubaliana kutoka mwanzoni hata ikiwa mtu hataki yale inasemwa apatie musemaji nafasi. If there are other nominations we shall accept them and we shall proceed to voting, are we agreed? Are there any other nominations? Let us have one meeting. There is a proposal, is there a seconder? Is there any other proposal of another name? Can we have it? You have the floor.

Hon. Grace Ogot: Can I speak please.

Hon. Paul Muite: Can we give Itrachia Miti an opportunity?

Hon. Grace Ogot: I am the one, I am proposing. We had an election this morning of all Kenya women and the Kenya women elected Madam Fadhil Sultana.

(Clapping)

Hon. Muite: Is that unanimous?

Delegates: Yes it is.

Hon. Paul Muite: Tuseme hiyo tosha?

Delegates: Hiyo imetosha.

Prof. Ghai: Thank you very much. Order please. I am now going to ask for nominations for the final Vice Chairperson, a male delegate please. Are there any nominations? I have asked for nominations for a male Vice Chair.

Mr. Oloto Jilo: Thank you, Mr. Chairman. My names are Oloto Jilo, delegate number 237, I propose Koitamei Ole Kina.

Prof. Ghai: Is there someone to second?

(A Hon. Delegate seconded)

Mr. Njuguna Kung'u: Mr. Chairman, my names are Njuguna Kung'u from political parties constituency who up to this point—

Prof. Ghai: Excuse me please, at this moment I want to conclude the election of male Vice Chair. We have one nomination, are there any other nominations?

Mr. Njuguna Kung'u: Mr. Chairman, I am nominating. I am proposing Kennedy Kiliku to be Vice Chair on the floor. Can we have a seconder please?

(An Hon. Delegate Mwalimu Digore seconded)

Prof. Ghai: Are there other proposals?

Speaker: Mr. Chairman, can I have your attention please. Mr. Chairman, I have seconded the name of Honorable Kennedy Kiliku as the Vice Chair.

Mwalimu Digore: And I am seconding the proposal to have Mr. Koitamei ole Kina as our Vice Chair. I am Mwalimu Digore, delegate number 231.

Speaker: Mr. Chairman, I am a delegate from Western Province, I am proposing Bishop Philip Sulumet,

Prof. Ghai: Is there a seconder for that?

(An Hon. Delegate seconded)

Ms. Khamla Sikand: Mr. Chairman, can I make a point of order. Mr. Chairman, we were made to understand that the Vice Chairs will all be elected by the Conference and not by a few handful of women. So I am asking you--

Delegates: No!

Prof. Ghai: Order, order, please. We must conduct our proceedings with some dignity. I will ask you all to keep quiet please. I want to conclude the election of the male Vice Chair before we turn to any complaints or additional motions. Could we please finish the election of the Vice Chairs.

Speaker: Mr. Chairman, I want to propose; I propose Professor Kibwana.

Prof. Ghai: Has he been seconded? Has Professor Kibwana been seconded?

(Hon. Delegate Amos Kyumo seconded)

Speaker: Bwana Chairman, I am proposing the name of Samuel Ng'eny.

Mr. Amos Kyumo: Mr. Chairman, I wish to second Mr. Kivutha Kibwana for that post. My name is Amos Kyumo, delegate from Nyambene.

Prof. Ghai: Are there any other nominations before we proceed to elections?

Rev. Mutava Musyimi: Mr. Chairman, I must begin by saying we were all very gratified by the very kind remarks made regarding the modest contribution of religious leaders, we would wish to add one more name. When we met today we decided to propose as the religious community for the Vice Chairmanship the name of Dr. David Gitari.

Prof. Ghai: Has Dr. Gitari been seconded?

Speaker: Mr. Chairman, on a point of order. Mr. Chairman, if you could look this side, for heavens sake.

Prof. Ghai: Mr. Mboya, do you have to speak on this because I want to finish this first and then we move to other issues so I suggest that we--

Speaker: But, Mr. Chairman, we are mixing issues here already.

Prof. Ghai: We have five names and I suggest that we close the list and we will arrange for ballot papers to be prepared so that we can have elections after a short adjournment on this.

Speaker: Mr. Chairman, before you adjourn I would wish to rise on a point of order. Mr. Chairman, if you could give me your attention.

Prof. Ghai: Just a minute, I am consulting with my colleagues to see if it is possible to have the elections today or whether we need to do it on Monday, so please give us a few seconds. Order! I am told that it is possible to have the elections today so we will start preparing the ballot papers and we will conduct the elections today. Are there any of the candidates who have been nominated who would like to stand down?

Speaker: If you could just give me you attention, Mr. Chairman, there is a clarification we want to make from that Chair.

Prof. Ghai: I will ask the Secretary to read the names of the nominees.

P.L.O. Lumumba: For the sake of confirmation and with the Chairman's permission may I read the persons proposed. Women's delegates I have the name of Fadhil Sultana, of the men - I may mispronounce the names but this is how I have it - number one, Koitamei ole Kina; number two I have Kennedy Kiliku; number three I have Bishop

After Tea – Evening session

The Session started at 4.25 pm with Prof. Yash Pal Ghai in the Chair.

Prof. Ghai: Honorable Delegates, I'd like to call the meeting to order, could you please all take your seats. I'd like to begin by making a plea to you. I have been very disappointed in the way we conducted our meeting before tea break. We are all here representing the people of this country, we all came to be leaders but we are not all behaving with propriety. The rules of this body or any body like this require the members to listen to others with respect, even if you disagree with them to speak one at a time and to take your instructions from the chairperson. Unless we observe this rule we are not going to make any progress and as you know the people of this country are waiting most anxiously for the new Constitution. So I think we have to follow the rules and we have to respect others, we should not heckle, we should not shout people down and please do not speak unless you have permission from whoever is chairing the session, otherwise I feel we behaved for a very, very long time in a very unproductive way. Now I am going to make proposals. Before we adjourn the-- (P.A Failure)

(Inaudible)

Clapping from the delegates.

Prof. Ghai: We have already prepared the Ballot papers for voting. Meanwhile Mr. HKennedy Kiliku has withdrawn to obtain the unity of the Conference.

Clapping from the delegates.

Prof. Ghai: Unfortunately the notice has been withdrawn or received after we have already prepared for the Ballot papers and so his name does appear in the ballot paper but we want to acknowledge the vote of one of the other or any delegate.

(Inaudible) has to change the announcement with effect that the person is elected twice and such person who has already been elected with the same committee can also be *(inaudible)*.

Audience. No.

P.A Failure.....(inaudible)

Prof.Ghai: I would like to make an announcement.

PLOLumumba: Can you hear us now?

Audience: Yes.

PLO Lumumba: What the Chairman is saying is this, can you hear me?

Audience: Yes.

PLO Lumumba: He is saying that this was the announcement he was making before power went off. That the mere fact that you have already been elected to the Steering Committee does not make you to be ineligible for keeping the office of the Vice Chair, have you heard me?

Audience: Yes.

PLO Lumumba:The Chairman was saying that we now have the Ballot papers ready, each delegate should receive a Ballot paper, in fact the Ballot Boxes are before you; those who cannot see can move to the counter *(inaudible)* after that you will then mark the delegate candidate you prefer, the counting will then be conducted before you and in a *(inaudible)*. Ballot papers will be distributed. Can you hear me?

Audience: Yes.

PLO Lumumba: Now you will receive the Ballot papers.

Audience: Yes, Clapping.

Prof. Ghai: I think the sound system is working again. I am grateful to the Secretary who has a more authoritative voice than I have and he has been able to communicate to you our message. Please take only one Ballot paper and fill it in with your mark against your proposed candidate. We will then collect the papers and then I will make my final announcement after we have conducted this business. So will you please now mark your Ballot paper and then this will be collected as soon as you have made your mark. Thank you.

PLO Lumumba: Let them not start voting.

Prof. Ghai: Wait until you are told and you can mark the papers.

PLO Lumumba: Ladies and Gentlemen, you will be advised when to commence voting and Professor Kivutha Kibwana has withdrawn for the sake of unity of the conference.

Clapping from the delegates.

Hon. Kivutha Kibwana: Just a moment, I have not withdrawn for the sake of unity; when I was proposed I was not here and when I got the Ballot paper I realized my name was in the Ballot paper, I do not want to be a Vice Chair. Thank you.

PLO Lumumba: So I confirm that everybody has a Ballot paper, does everybody have a Ballot paper now?

Audience: Yes.

PLO Lumumba: Does everybody have a ballot paper now?

Audience: Yes.

PLO Lumumba: We have printed enough numbers of Ballot Papers to ensure there is no rigging, Observers are sitting on this side, therefore they do not have Ballot Boxes.

You may now proceed to cast your Ballot, you do it in an orderly version by way of lining up please; could you kindly line up and cast your Ballots.

[Delegates cast their votes].

PLO Lumumba: Is the voting process complete now? We take it that everybody has cast their votes? We will now request the tellers to move the Ballot Boxes to the counting desk and the candidates are requested to move down to the counting desk to witness the counting. We request the candidates - Koitamen ole Kina, Bishop Philip Sulemeti and Archbishop Dr.David Gitari to witness the counting which will commence in two minutes

Clapping from the delegates.

PLO Lumumba: You may now commence.

[Votes are counted]

PLO Lumumba: Ladies and Gentlemen, the exercise of vote counting has been concluded. We had a total number of four hundred and twenty votes cast (420), we have twenty nine (29) spoilt votes. The Archbishop David Gitari received Thirty four (34) votes, Bishop Philip Sulemeti received seventy (70) votes (*clapping from the audience*),

Koitamen Ole Kina received two hundred and eighty seven (287)votes. (*Clapping from the audience*). I shall now give the microphone to the Chairman to formally declare the winner of this exercise.

Prof. Ghai: The winner is Koitamen Ole Kina.

Clapping from the audience.

Prof. Ghai: I now congratulate him and look forward to working with him, as indeed with other Vice Chairs. I said that I will make a proposal after the selection and let me do it now.

During the last couple of days we have received representations from certain groups who feel that they have been unfairly left out. I have consulted during the tea break with a number of delegates and after those consultations I would like to make the proposal that we allow further representations to three groups and no more: the first group that I want to propose for a representation are the Non- parliamentary political parties.

clapping from the audience.

I think that indicates the approval of the Conference to my suggestion.

The second group I am going to propose is what is called Special Interests and that includes actually the large group: business, commerce, judiciary, electoral commission, minorities and they don't have many delegates actually in the Conference, but they do represent very important sectors. So I suggest one seat to the Special Interests and then finally I would like to propose that the Elderly are represented as well and Elderly is defined as any one who is sixty and above - I should join the group myself - and as to the way of elections, or nominations, I want at least the Non- parliamentary political parties to have a name. If not then, I will suggest they give us a name on Monday if they prefer to reflect on it; so on Monday.

The Special Interest likewise, they have given me two names but I think I will give them a chance to reflect more on this issue and also ask them to give us a name on Monday and I was going to ask Mrs. Mboya Pamela, who is the president I believe of Helpage if she will organize the meeting of people over sixty (60) to nominate their representative.

An Hon. Delegate:

(inaudible).

Prof. Yash Pal Ghai: Yes. Do you agree to do that? Yes. The tents will be available through the weekend or if you would like to have a meeting quite early on Monday, they will be available too.

So let me then also make another announcement on behalf of the Youth; the Youth have asked all members who think they are youthful--

But let me now finally announce the program for Monday. I would like to convene the meeting of the Steering Committee which we have chosen today at 8.30 a.m. Secretary, do we have a room? We will meet in tent number 11, please make a note of that at 8.30 a.m. and we need to be prompt because we will convene the conference itself at 10.00 a.m., so we need to control our business in the Steering Committee. At 11' o'clock on Monday we will have presentation by what I often call the Veterans of Lancaster House Conference who will describe the proceedings in 1963 and what lessons we can learn from those proceedings. We will try to conclude that by lunch time so that we can resume the business of the Conference as regards rules and regulations. And so we will discuss then on Monday what programme we can begin after lunch. But at 11.00 o'clock we will have presentation from a number of very distinguished leaders and politicians on the Lancaster House process.

I have no further announcements, I wonder whether my colleagues on the table have. Yes, one of things we want to do on Monday which is extremely important, is to constitute the twelve technical working group. As you know these technical groups will

be given the responsibility to examine in committees one or more chapters of the Constitution.

We expect that each of these technical groups will consist of about sixty or so delegates and they will look at the topics that are listed in the rules of procedure. We are asking the provinces, that includes Nairobi, for this purpose to nominate seven of their members for each of the twelve committees and we hope that we can also conclude that business on Monday. So that will give us the full membership of the Steering Committee and the Steering Committee can then begin to work in advance, but there would be a meeting of the Steering Committee at 8.30 a.m. of those members who have already been appointed to it.

I had one further announcement and that is to say that those delegates who have not yet taken the oath of office or affirmation can do that at the opening of the proceedings on Monday at 10 o'clock, so please be punctual and we will swear you in as we did others collectively. Now I see some hands and I hope we won't be here for long, maybe I will begin on this side and then move there.

An Hon. Delegate: Mr. Chairman, thank you, I am standing on a point of order. Mr. Chairman, you are our leader, we are all leaders but we appreciate that you are also our leader of this Conference. I think, Mr. Chairman, there should be respect for leadership; any leadership will come if the leader respects those whom he leads. I think one of the respect that we want is the respect of the rules that are developed by the Commission which we have been given and one of those rules requires that any time a delegate can stand on a point of order to interrupt any particular proceeding and raise the matter that is important on a point of order. We have tried before we went for break to raise this issue on a point of order and you didn't give us that chance. The reason why we think it is important, Mr. Chairman, we all came here to discuss a very important thing and we think the right that we have in the rules must be respected. For example, one of the rules requires that we do vote by acclamation; rule number 41 section 1 requires we vote by acclamation. When we requested to do this, you went ahead and adjourned the meeting

so that we could go into the ballot which was not necessary because many members here are ready to vote by acclamation which is provided by the rules. So we request the chair not to be dictatorial in this Conference, give us the chance, please.

clapping from the delegates.

Prof. Ghai: Well pointed and thank you.

Hon. Delegate Silvester Wafula: Chair, as a request I have understood-- My name is Silvester Wafula from the Professional Groups. You have talked about technical committees. We as professionals feel that is where we should participate and we can see that you are not allowing us to have a representation; we are making a special appeal that you allow us to have a representation. Thank you, Chairman.

Hon. Joseph Nyagah: Mr. Chairman, two points. We from Eastern Province did not produce or come up with names of the technical teams; we understand that other provinces have done it. So could Eastern Province meet out here so that we can finalize.

Prof. Yash Pal Ghai: That is fine, no problem with that.

Hon Joseph Nyagah: Two, the ones who have done this, do they bring them to you now or not?

Prof. Ghai: Yes you can bring the names on Monday, thank you. If there are no further speakers I would like to close the meeting.

Hon Boniface Mghanga: Mr Chairman, can you look on the right hand side. Mr. Chairman this is a point of order from political parties. You have made a statement but the point of order is that we have a notice of motion which has been filed and according to the orders you must make a ruling on it because we would want to proceed on that motion. Thank you, Mr. Chairman.

Prof. Ghai: Thank you very much.

Hon Boniface Mghanga: Mr Chairman, I stand up on a point of order to seek guidance from the Chair. My name is Boniface Mghanga, Member of Parliament for Voi. Today is Friday, we are breaking off and you have given us a tentative programme for Monday. When we came here on Monday you circulated a programme for the rest of the week, but regretfully by today only about 80% that was contained on that programme has been adhered to. We feel that the Conference is getting restless because there is too much time wasting. A number of these things that we are doing today should have been done by Monday and Tuesday. I am requesting, Mr. Chairman, if the Commission or the Steering Committee could make sure that from Monday next week we would not engage in any time wasting and make sure that when we come on Monday at 10 o'clock we start on the business of the Conference as we expected to be doing. Thank you very much.

Prof. Ghai: Okay, thank you very much for those suggestions, right now--

Hon Boniface Mghanga: Mr. Chairman, the last point here--

Prof. Ghai: Okay the last point.

Hon Boniface Mghanga: I would like to bring to attention the guidelines on the constitution of committees and with specific reference to the 15 members drawn from the delegate categories. And specifically, Mr. Chairman, I would like to bring to attention category number three, which is Religious Organizations. Mr. chairman, in view of the fact that we are looking at gender as a matter of importance in line with affirmative action, in all the representations the provinces have provided one man and one woman. On that line, Mr. Chairman, and with respect to Religious Organizations you find that there are two anomalies: there is a religion which is not represented here which is a minority and that is the Hindu.

