

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

**NATIONAL CONSTITUTIONAL CONFERENCE
(NCC)**

Verbatim Report of

**THE PLENARY PROCEEDINGS, HELD AT THE BOMAS OF
KENYA**

ON

12.01.2004

**CKRC - NCC - PROCEEDINGS OF THE PLENARY MEETING HELD AT THE
BOMAS OF KENYA ON 12TH JANUARY 2004**

The meeting started at 11.30 a.m. with Prof Yash Pal Ghai in the chair.

(The National Anthem)

Prof. Yash Pal Ghai: Honourable Delegates and friends, it gives me very great pleasure to be among you at Bomas. This is a happy day for me, the process and I am sure it is a happy day for the people of Kenya, *(Clapping)* because we are about to resume the process which will give us a new Constitution which people have yearned for for a very long time. I am overwhelmed by your welcome and your show of your confidence in me, by the affection you have shown me. Any anger or resentment that I might have had against those who have verified me have been lifted by your warmth and I thank you very much. *(Clapping)*

We have a difficult and challenging task ahead of us and it is a task that every Kenyan would welcome and we are very privileged to have this task entrusted to us. We have to make sure that in this session, and I hope the final session of Bomas we conclude with a Constitution that we can entrust to Parliament for formal enactment. This may be the last chance the people of Kenya have to fashion and adopt their own Constitution and so let us not fail in our tasks.

It is a critical time for our country and for the process. I think the role of Bomas among others is to bring us together as the people and as Kenyans. We are going to have a Constitution which promotes the unity of our country and the diversity of its people and the process of making the Constitution must also reflect those qualities. We have had troubled times in Bomas I and II and I think it is time to put past tense to those troubled times and the fiery exchanges that sometimes took place and we have to look forward to a future of harmony and peace and that has to be reflected in the remainder of our work. We have to bring together all the Delegates in one community of peace dedicated to the task it was entrusted by the people; the task of making a Constitution. That task requires us to listen to others and to try to persuade others.

At the meeting on Saturday, the Minister for Justice, Honourable Kiraitu said, 'I have come to persuade you but I have also come willing to be persuaded' and I thought that was a wonderful statement. (*Clapping*). I think that should also typify the spirit in Bomas. Let us work together with those who have attacked us and sabotaged us because I now believe they truly have a commitment which is consistent with our commitment to adoption of a new Constitution for us.

So, let us extend the hand of friendship to all the Delegates, even the ones with whom we have had differences because unless we begin to fashion a consensus now, we may not succeed in this task. We have limited time left for us and we have limited money at our disposal. So, the challenge for us is to work with expedition, diligence and discipline. I think the Delegates are known for the hard work that most of you have put in through the previous two sessions. It has become fashionable to castigate Delegates for lack of commitment, for greed, but as you and I know and I have stated before, you have worked extremely hard and we have made very good progress. In this room, we have among the best experts that we can think of in the country, we have extremely experienced administrators, professional, Parliamentarians representing a wide variety of fields and we also have people who are deeply rooted in the villages and they bring to us a great deal of worth.

When we as the Commissioners travelled throughout the country collecting the views of Kenyans, speaking of myself, I found most illuminating are the views of the villagers. That opened a new world to me (*clapping*) and the strengths that you see in our Draft Constitution was a very great deal to these people in the villages. So, I believe that we have here performers, the best of the people of this country and we are representing all sectors of society. We have considered, pondered and reflected on Constitutional needs of the country and no expert who has not been through this process can better understand than us what this country needs (*clapping*).

So, I want to declare my own full confidence in the ability of the Delegates, in your commitment to the task ahead of us. I have no doubt today after this show of courage and confidence on your part that we shall succeed. I am sure we shall succeed in the task that we have been given and the new Constitution will be adopted in accordance with the procedures outlined in the Constitution of Kenya Review Act.

