

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

**NATIONAL CONSTITUTIONAL CONFERENCE
(NCC)**

VERBATIM REPORT OF

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

ON

27.02.2004

CONSTITUTION OF KENYA REVIEW COMMISSION

NCC – PLENARY PROCEEDINGS, HELD AT PLENARY HALL ON 27TH FEBRUARY 2004, AT BOMAS OF KENYA

Present

Prof. Yash Pal Ghai - Chairman, CKRC

The meeting was called to order at 10.30 a.m. with Prof. Yash Pal Ghai in the Chair.

Prof. Yash Pal Ghai: If we could start our meeting now. We will have prayers and then the National Anthem. So, please keep standing until the National Anthems has been played. I am going to request Baldip Rihal, Mrs. Keko and Sheikh Ali Shee to say the prayers in that order. I request you to stand up please.

Hon. Delegate Baldip Rihal: (Prayers).

Ek Onkar Satnam!

Oh Supreme God, Absolute yet All-pervading the Eternal, the Creator of the Universe, the Cause of Causes, without enmity, without hate both Imminent in your creation and beyond it. You are not the God of one nation, but the God of Grace. Oh Supreme Lord, Delegates to the National Constitutional Conference are having yet another Plenary session this morning. Oh God, we pray that you bless the Delegates so that they get the wisdom and sense of selfless service to work for the good and for harmony in this nation. Oh God, give us light, give us understanding so that we may know what pleaseth thee. And may all mankind prosperous by thy Grace. Oh Supreme God, we pray for Your mercy and blessings on all people of this nation.

Waheguru Ji Ka Khalsa.

Waheguru Ji Ki Fateh.

Hon. Delegate Sheikh Ali Shee: (Prayers).

Bismillahi. Kwa jina lako Muumbaji wa mbingu na ardhi na viumbe vyote, tuko mbele Yako tukiwa waja wako, wanyonge, wanyenyekvu. Tukitoa shukurani zetu Kwako Muumbaji wetu,

kutuweka katika hali hii ambayo tuko nayo. Hali ya amani na hali ya umoja kwa Wakenya wote. Mola shukurani zetu kwako Wewe ni nyingi kwa kutuweka katika hali kama hiyo. Tunaomba Mola wetu uzidi kuendelea kutuweka katika hali hiyo ili tuweze kufanikiwa na nchi hii iweze kufanikiwa kuwa ni mfano mwema katika nchi zote zilizoko kwenye Bara hili la Afrika. Mola, tunajua Kenya imekuwa ni mfano mwema kwa mataifa yote yaliyoko katika Bara hili kwa sababu ya matangamano mema ambayo Wakenya wako nao kwa sababu ya baraka Zako na kuungwa mkono na Wewe.

Eeh Mola, tuko hapa kwa kazi ngumu ambayo tunaifanya kwa ajili ya maendeleo ya vizazi vilivyoko hivi sasa, na vizazi ambavyo vitakuja baadaye. Mola tupe busara na hekima, na subira na uwezo ili tuweze kukamilisha kazi hii ambayo wananchi wako wa nchi hii, wanaingojea kazi hii kwa hamu kwa sababu ni sehemu kwenye maendeleo yao ya taifa hili ya leo na siku zijazo. Mola, Wewe ndiye uliyetuumba sisi wanadamu, tunazo nguvu mbili ambazo zinatushawishi na kutupoteza na kutuondoa katika njia ya sawa. Nguvu za kiunyama ambazo tuko nazo kwenye miili yetu na nguvu za wasiwasi wa shetani za kutoka nje ya mwili wa mwanadamu. Wewe ndiye uliyeumba nguvu zote hizi mbili, unaweza kuzi-control, unaweza kuzidhabiti na kuzifanya nguvu hizi zisiweze kutupoteza sisi wananchi wa Kenya.

Eeh Mola, makosa ambayo tunayafanya tukiwa tunapotezwa na nguvu hizi mbili, ni Wewe ambaye unaweza kutusamehe na kutusaidia ili tusifanye tena makosa kama hayo, makosa ambayo yaweza kuharibu taifa hili na maendeleo yake. Eeh Mola, ni Wewe ambaye utatuweka katika hali iliyo bora, hali ya matangamano ya pamoja, ya kuweza na sisi kuwa na moyo wa kuwasamehe wale ambao wametukosea, wale ambao wamekukosea Wewe na hiyo ndio njia ya pekee ambayo yakuweza wananchi wa nchi hii kuishi pamoja na kukaa katika hali iliyo bora. Eeh Mola, makosa ambayo yamefanywa na tunayafanya, ni kwa sababu ya unyonge ambao tuko nao, makosa mengine hatukusudii kuyafanya, tunayafanya kwa kukosea na mengine tunayafanya kwa kukusudia, eeh Mola tusamehe na utuweke katika hali iliyo bora.

Mola ibariki nchi yetu, wabariki viongozi wote walioko hapa, wajumbe ambao tuko nao hapa na walioko nje ya hii boma, eeh Mola wabariki. Bariki nchi yetu, utuondolee maafa na balaa ili tuweze kuishi katika hali bora. Eeh Mola Tubariki, Amina.

Hon. Delegate Margaret Keko: Tuombe.

(Prayers). Mtakatifu, Mtakatifu Mungu uishie mahali palipo inuka, hatukosi kulia mbele Yako na kukuita Wewe uliye Mwokozi. Wewe ambaye ulituumba, sio kwa bahati mbaya. Wewe uliyeona ya kwamba yastahili na yafaa tuwe katika nchi hii. Baba, hukuangalia kabila, hukuangalia dini, lakini Mfalme wa Rehema, uliangalia kila mmoja wetu na ukaona kwamba yafaa na yastahili tuwe nchi hii. Asante Mwokozi, kwa sababu U mwema siku zote na ninajua utazidi kuwa mwema, utazidi kutuongoza na kutupa nguvu. Mfalme tumenyong'onyea na kulia mbele za uso wako, sisi tukiwa kama wajumbe wa Kongamano hili. Sisi ambao tunatarajiwa kuuzunguka ukuta huu wa Jericho, ili Mfalme, mtoto mpya akapata kuzaliwa, ambaye ni Katiba ya nchi hii, itakayo waokoa wengi katika shida zao Mfalme.

Tazama unajua watu wote wa nchi hii, tuko asilimia milioni thelathini na moja Mungu, na unatujua kila mmoja kwa shida yake. Unatujua kila mmoja kwa mahitaji yake. Kristo tuko mbele ya uso wako, tukiwa wachache tulio kabidhiwa kazi hii, ni ngumu Mfalme. Tazama ukuta unazidi kuwa mgumu Kristo. Tazama tulivyouzunguka pande zote, lakini wameinuka, kina Sambalate, kina Tomaso na kina Yudah Mfalme, ambao hawaamini, wala hawatarajii ukombozi huu Kristo. Ninakuita Mfalme, siku ya leo, asubuhi njema. Ni kwa sababu ninajua nguvu na mamlaka ni zako. Kwa mwili huu na nyama hatutaweza, lakini kwa nguvu zako Kristo, uko pamoja nasi, utatupigania. Na tazama tutakaposhinda, utakuwa mshindi. Ushindi ni juu yako Baba. Tazama Mfalme, sikosi kulia, sikosi kunyong'onyea na kukuuliza ya kwamba, kama ilikuwa ni bahati mbaya sisi kuwa mahali hapa, Kristo katende jambo na ukajihidhirishe ni kwa sababu ninajua hukawii. Huji kwa haraka, unakuja kwa wakati unaofaa na ndio huu Baba. Ninakuita Mfalme wa rehema, ukatuonyeshe yatupasayo kutenda.

Tazama Wajumbe hawa, wamejitoa, wameacha boma zao ili Baba waone ya kwamba Kenya imepata ukombozi mpya kutokana na Katika hii. Hivi sasa Baba ninatisha kila hila, kila roho isiyo amini, kila roho inaenda kinyume na ukombozi huu, mbele ya miguu yako. Ni kwa sababu hakika kazi yetu ni kusimama kama mashujaa, kama kina Joshua na kina Caleb walivyo simama, hata wana wa Israeli wakapata kufika nchi ya Misri. Ninaimani, ni wakati wa Mkenya huu. Miaka arobaini tumeteseka, Kristo unafahamu ya kwamba wengi wanalala njaa, wengi wanakaa

bila makao Mungu na wote uliwaumba kwa makusudi moja. Ninakuita leo Kristo ukatende jambo, tuundie roho mpya, tuundie unyenyekevu hata mwisho tutakapomaliza.

Ninaombea kila mjumbe aliyeko hapa asubuhi hivi. Mungu katupa nguvu maradufu. Tupe kuvumilia, tupe ushindi ili Baba ushindi wako ukapata kuonekana. Ninakupenda kwa sababu hubadiliki. Ninakupenda kwa sababu wewe ndiye yule jana, leo na utakuwa mpaka milele. Asante Mwokozi. Baraka zako ni nyingi, uvumilivu wako Baba nimeuona. Nimeona umeumbia kila mjumbe roho mpya na hata hivi sasa ninakuomba tutakapoenda kujadili yale yaliyo mbele yetu na yale yalioleta hapa, ukatuundie moyo mpya, moyo wa nyama Mungu, usiobeba, usiodhulumu, usiodhihaki, usiolaani. Ni kwa sababu hiyo sio yetu, ila ni yako Mwokozi. Ninakupenda Roho Mtakatifu. Ulituahidi hutatuacha yatima, na hata sasa nina imani hutatuacha yatima lakini utakuwa pamoja nasi. Asante Roho Mtakatifu. Ninaomba, nakushukuru katika jina la Yesu aliye Bwana na Mwokozi ninaomba, Amen.

(National Anthem).

(Consultations at the “high” table).

Prof. Yash Pal Ghai: Honourable Delegates, let me give you the programme for the session this morning. I would like to first of all make a communication from the Chair, at the request of the Steering Committee. Then I would like to make a statement of my own, which I had prepared on the assumption that we are on the eve of the Committee of the whole Conference, and I wanted to remind you of your task in the Committee of the whole Conference. And then finally, we have asked one of our Commissioners, Dr. Adede to take you through the procedure that we should follow in the Committee of the whole Conference.

These are the three items that I have on the Order Paper and I will therefore start with the first item which is connected to the meeting we had yesterday. We distributed a report of certain Commissioners on the question of the amendment of Section 47 of the Constitution, and Sections 27 and 28 of the Review Act. I hope that you have had an opportunity to read that document and to reflect on it. We did reflect on it in the Steering Committee this morning. A number of members expressed their strong disapproval of the document in the way--(**clapping**)--in the way

in which it had been prepared. They deployed the fact that some Commissioners went to the PSC, when the only members of the PSC who were meeting are the ones who are boycotting Bomas. (*Clapping*). They also disagreed with the interpretations put on the Constitution and the Review Act, which are contained in their document.

The view of the Steering Committee by a large majority was that there was nothing wrong with Section 47 of the Constitution. That previously in this Country, the Constitution has been replaced entirely, in 1969, by relaying on a formula for change identical to Section 47. other countries similarly in the Commonwealth have changed their Constitutions entirely, in total, relying on a very similar amendment procedure. The feeling of the Steering Committee was that really, we as Commissioners or we as Delegates have little to do with questions of amendments. (*Clapping*). If Parliament wishes to amend the Constitution or the Act, then it is their responsibility and we should be no part of that process. (*Clapping*). Our role and tasks are clearly defined in the Review Act, which we believe is a valid Act, under which we have operated for three and a half years and have managed to spend nearly four billion shillings. (*Clapping*).

So, the general view of the Steering Committee was that we should not be distracted by these activities outside Bomas, that the Commissioners who went, went in their own personal capacities and in no way represented the views of the Commission. (*Clapping*). It was also the view of the Steering Committee that I should read this communication, which I shall do in a minute, and then we should not have further debate on this. I know that many of you have a lot of anger inside you. When I did not allow a debate yesterday, many of you came to see me and said that you were disappointed, that you didn't have a chance to express your views and to express your great contempt for these Commissioners. But the feeling in the Steering Committee was that we need to get on with our task, not to be distracted by these events and having made our position very clear, in the Steering, which we hope you will endorse, we can then proceed on to our other business. (*Clapping*). So, what I now would like to do with your permission is to read the communication that was proposed at the Steering Committee and hopefully that will conclude the matter for the time being.

Yesterday, Delegates received a document entitled “Report of the Commissioners Task Force on Amendments to the Review Laws”, dated the 25th of February. The Steering Committee has deliberated on the issue and has concluded that the following communication be made to the Delegates at this Plenary and also to the public at large.

- (a) That the document referred to above and its version dated 26th February 2004, entitled “Decision of the Commission on the Report of the Commissioner’s Task Force on Amendment to the Review Laws” submitted to the Parliamentary Select Committee yesterday by a section of the Commissioners is not a document of the Constitution of Kenya Review Commission. (*Clapping*). It was not produced in accordance with the decision-making processes of the Commission as laid down in the Act and Regulations governing the conduct of Commission’s business.
- (b) The Steering Committee wishes to affirm to the Delegates and to all Kenyans that the on going Constitutional Review Process has been and remains legal and constitutional under the Review Act and the current Constitution.
- (c) No amendment to Section 47 of the current Constitution is necessary as a similar provision namely Section 91 of the 1963 Constitution was used in 1969 to fundamentally change the independence Constitution and introduce a completely new document which is now our present Constitution. (*Clapping*). This was done through Act number 5 of 1969. A number of Commonwealth countries with similar provisions have indeed amended and replaced their previous Constitutions. Delegates should therefore disregard the document and continue with their work as mandated under the Review Act without further distractions by issues related to that document. (*Clapping*).

I should also say that we had some Parliamentarians at the meeting today, who are members of the Select Committee and they made clear that they had not attended the meeting yesterday because they did not think that was a valid meeting and therefore the Select Committee itself was a rump, was a few members of the Select Committee and I do not believe that was a properly constituted Committee either. (*Clapping*). Now, Honourable Delegates, I would like to read a

statement to you, as Chair on the eve of the convening of the Committee of the whole Conference. The statement is as follows.

On Monday, 1st March, as we begin the first meeting of the Committee of the whole Conference, the eyes of all Kenyans and indeed of many in other parts of the World will be on Bomas. It will be a historic occasion. The first time ever that the representatives of all Kenyans will assemble to decide on the Constitution and it is our great privilege that we are those chosen for this task. With that privilege comes great responsibility. On the eve of the meeting of that Committee, I want to remind you of the privilege and the responsibility and share some other thoughts with you.

First, I want to refer you to the importance of the role of the Committee of the Whole. This Committee of course consists of all the Delegates to the National Constitutional Conference. It is in this forum that we shall make the decisions and the contents of the new Constitution. Its decisions will be further refined into the final text of the Constitution which you will all consider and adopt in the Plenary of the Conference.

As you know, the Steering Committee has planned that the Plenary will begin in the week of 15th March. The intention of the Steering Committee is that the Bomas part of the process will be concluded by 19th March. It is hardly necessary for me to emphasize the importance of new Constitution for Kenya. We reached the point a long time ago when we realized that the current Constitution could no longer serve our country. It had deprived people of the power and it had crippled democracy. It had concentrated power in the hands of a small political and economic elite and removed the accountability of the Government.

Under it, massive violations of human rights had occurred and the security of individuals and communities denied. Corruption has become rampant, the economy has declined and poverty has increased. Kenyans believe that we cannot progress socially, economically and culturally unless we have a new system of ordering State power. This fully recognizes are individual and collective rights, takes power back to the people at the national, as lowest as local levels, establishes a democratic participatory and accountable Government, adopts a framework for responsible policies about land and the environment and ensures social justice and basic needs of our Kenyans.

The decisions that you in Bomas, in Plenary and in Committees have made, go a very long way to meeting these needs and I believe we shall have a very humane, human oriented Constitution. But we do not yet have the Constitution that incorporates these decisions. It is our responsibility over the next three weeks to ensure that we do adopt such a formal document. Although we have travelled a long way together, we are still not out of the woods. Only yesterday, we received evidence of the constant attempt on the part of certain groups to strip away the path of this national representative body and to derail the process.

Their machinations have failed so far because we at Bomas, have been united and we have enjoyed massive support from the public (*clapping*). Let us remain resolute and united in a determination to give Kenyans the type of Constitution they have asked for. I want to warn you of the danger that we could become our worst enemy and thus our project could be destroyed from within.

We need, for example, to proceed as far as possible through consensus. Consensus is not only important because it is a requirement of the Review Act that we aim to reach decisions by consensus. It also law that consensus will vest the Constitution with that added legitimacy. It will be hard for our enemies to destroy or disregard the Constitution adopted through a consensus. It will also be affected in strengthening national unity and allowing us as a people to move to truly national values, institutions and processes.

In the last few weeks, we have made concerted efforts at consensus involving even individuals and groups who have on the whole chosen to stay out of Bomas. The Conference Consensus Building Group under the able leadership of Bishop Sulumeti, has achieved much and I am glad to say that its recommendations have for the most part been adopted by the Technical Working Committees. The Group will be available throughout the period of the meetings of the Committee of Whole in case we run into deadlocks.

I want to emphasize that unless we continue to work in a consensual way, we may not have a Constitution at all in the end. As a last resort in decision-making, we need a vote of two-thirds of all Delegates present and voting to reach a decision. That majority may not materialize unless

we show a willingness to make concessions on controversial issues. We must avoid the temptation to use the force of numbers to run down a decision on others. We must constantly remind ourselves of the possibility of failure and that years of efforts and countless millions of shillings will have been squandered to no purpose.

Do not forget that we need to have present a quorum throughout the next three weeks. Please, clear your timetable for Bomas. Put aside your other obligations for the time being and we shall have to work long and hard hours. We are operating under a tight time constraint. The President has committed that the Government and the nation to a June deadline. We know that Parliament will be convened in April and some indeed as you know, are pushing for its recall even earlier. So, unless we are able to submit the Draft Constitution to the National Assembly in March, we may lose that opportunity altogether. So, we need to be disciplined, assembling punctually and focusing on our specific task at this stage of the process.

Let me return to our responsibilities. In entrusting the task of Constitution-making to us, people have placed their future and those of their children into our hands. I have frequently stated in this assembly that Constitution-making is the most religious or secular task for our task, is not less than deciding the framework for the exercise of people's sovereignty which God has conferred on them. Our responsibility is echoed in the oath of office that we took that reminds us that we have to make decisions in the national interest. In order to discharge that responsibility, we need to understand the nature of our Constitution and the Constitution-making process.

In this regard, I would like to make two points. The first is that the Constitution is not a party manifesto or the creed of a religion or a child's Christmas list to Santa Claus. Some Delegates want all kinds of improbable proposals to go into the Constitution. They expect the Constitution to be the panacea for all our problems. They think that all aspects of our lives, should be governed by and through the Constitution. They show contempt for most state institutions. They think that there is nothing wrong with the Constitution which is three to four hundred pages long.

A Constitution of that length will obscure the essential principles that we want to be governed by, by imposing too much detail on them. It will also intimidate those who wish to study the

Constitution seriously and it may unduly restrict the powers of the legislature and the Government and indeed add to the volume of Constitutional litigation. The Constitution should have realistic ambitions. A Constitution which imposes an impossibly ambitious agenda that ignores financial, administrative, economic and social constraints will lose the respect of the people and will be seen as a worthless piece of paper.

It is necessary to see the distinction between a Constitution and an Act of Parliament. We also need to appreciate the difference between the public and the private and resist the temptation to bring all matters of religion, culture, family fully into the public domain for that creates serious risks of loss of freedom and threatens the very values that we seek to uphold.

The second point I want to make is that there is a division of labour in such a complex process as Constitution making. The Review Act provides some guidance on this by setting out the tasks and stages of the process. There is a role for civic educators, for collection of views, for the analysis of views, for the making of Draft proposals, for the scrutiny and improvement of all those proposals, for the refinement of the legal text and ultimately for its adoption. Unless each group stays within its allotted functions, there is a great danger and the result will be a mess.

You Delegates, have done a wonderful job in producing ideas related to our current circumstances and aspirations for the future. You have recommended many new institutions and the principles under which they will operate and this has been a wonderful effort. That was within your responsibility. Delegates must accept that there is also a role for the work and advice of experts and drafters. Some Delegates seem to get upset if even a comma in the original formulation is changed. However long and repetitious their formulations, they resist the attempt to synthesize or correct them. They do not recognize that legal forms have specific technical meanings. They think sometimes that they are greater experts than the distinguished team of drafters that we have assembled.

Many Drafters, I have to say with regret, feel somewhat intimidated by Convenors and Committee members and feel less and less able to give of the best. Which brings me back to the nature of our Constitution. We have to recognize that a Constitution is first and foremost a legal instrument, the foundation of all other laws and the source of all public authority. It is

constituted by various legal concepts which have specific meanings well known to lawyers. Most provisions of the Constitution can be referred to courts for interpretations and courts have to apply this well understood and sometimes not so well understood concepts.

A judgment of a court on these provisions can have huge consequences, can have a double stating effect on the economy or political stability on legitimate expectations of the people. Internal contradictions in the Constitution frequently evident only to the experienced eye of a constitution lawyer can cause great confusion or uncertainty. The Constitution also divides responsibilities among state organs, often using terms that lay people do not understand. For example, by loading the Constitution, the vague and gender principles or objectives they may pass public power to the Judiciary thus weakening the political and democratic process.

Also, as we do with the establishment of too many Commissions which leads to the risk of Government by Commission instead of by elected and accountable governments. Here again, to assess these matters, we have to rely on specialized training and experience. I have only spoken up for the Delegates, you know that, when you have been accused unfairly of being peasants, greedy, quarrelsome, ignorant of Constitutions, incompetent for the task you are appointed to. I have heard subsequently, we have great expertise among the Delegates here, they have deep knowledge of their areas of the country, of the wishes of the people and I have said frequently that you have done a wonderful job.

But, unless we impose more discipline on ourselves, recognize the task for which we are appointed and not usurp proper role of others, I am afraid that the public might conclude that our critics were right. Unless we listen to and respect experts and legal Drafters, unless we greatly reduce the size of the Constitution, unless we stick to principles and essential details only, unless we remove matters and directives that do not belong to a Constitution and unless we build a Constitution, we shall either have no Constitution or what may be even worse, an unworkable or ineffective Constitution.

There is another reason also why we should aim for as perfect a Constitution as possible both in terms of substance and technique. Our enemies will scrutinize our Draft very carefully to find flaws in it which they can then justify to destroy or ignore the Constitution and then they will call

in their favourite experts and favourite Commissioners to undo our work. We must achieve excellence in all aspects of our work, in ideas, policies, institutions and procedures that we are recommending. In the coherence of the Constitution avoiding internal inconsistencies and a good and imaginative style of drafting that makes the Constitution accessible to all.

We should be able to use all the resources that are available within this Bomas, family of Delegates, Secretariat and experts including, if I may say, your Chairperson. I assume that I was appointed to chair the Commission and the Conference on the basis of my expertise in Constitution and Constitution-making (*Clapping*). But some of my efforts to contribute to our process have been resisted by some Commissioners and Delegates who keep accusing me of sneaking in things, sneaking in Drafts. I have given all I have to this process. I refused to take the Oath of Office on my appointment unless I was able to bring all Kenyans around a common process (*Clapping*).

I have protected the process against numerous threats. I have fought hard to maintain the integrity of the Bomas process and when I try to contribute to ideas for the Constitution, a right that every Delegate has, I am accused of improper practices. So, several of my contributions to the Drafting of the CKRC Draft in Mombasa were ignored, papers I wrote were torn apart by Delegates just because they came from me and my contributions to Bomas have been likewise neglected by the same group of Commissioners whose constant preoccupation has been the scuttling of the process (*Clapping*). So, I would plead with Delegates and Drafters to please pay some attention to my contributions whether in ideas or in drafts form and who knows, you may well find something interesting in them.

Let me conclude by remind you that the sharp and sometimes critical eyes of Kenyans and the Media will be focused on us for the coming weeks. Let us not give them any reason to say that we are rowdy, quarrelsome, rude and aggressive. Let us show them as we truly are sensible, reasonable and wise. I have been impressed by all the work that you have done in the Plenary, in the Committees, the willingness to build a consensus and the wonderful secular proposals that you have made and I have no doubts whatsoever that we are going together to produce a wonderful Constitution (*Clapping*).

Let me wish you all success so that we fulfil the high expectations that Kenyans have of us and may God be with us in our endeavours. Thank you (*Clapping*). Thank you very much. I would like you to know that it is your support that has enabled me to stay to the end of the process. So, thank you (*Clapping*).

Now it is my pleasure to invite Dr. Adede to come and lead us through the Rules of Procedure that we shall follow in the Committee of the Whole Conference. Please listen to him carefully because the success of our meeting depends a great deal on that. Dr. Adede is a very experienced, negotiator, mediator, well experienced regarding Conferences and I now request him to begin his presentation.

Com. Andronico Adede: Mr. Chairman, I thank you. I am grateful to be here and to say a few words following that beautiful demonstration of the spirit that we must now maintain from now until we finish our work. The Chairman has set the mood, has reminded us that all us distinguished Delegates participating are arriving at a critical stage of our work. That is, the process of receiving the reports of all the Technical Working Committees that have worked hard and produced Draft Articles which will be tabled in the Committee of the Whole Conference next week. I am quite clear in my mind that all of us are now thinking of our responsibility and know how it weighs heavily on us to try to use the means at our disposal to arrive at a successful conclusion of our work to give unto ourselves and the peoples of Kenya a new Constitution.

This is why it is intended that on Monday as we convene the Committee of the Whole, all the Convenors will have the opportunity to present the Draft.

(Consultations at the “high” table).

Com. Andronico Adede: I have been gracefully interrupted to say the following. It appears that some people are getting out of the hall perhaps to take an unofficial tea break. May we probably at this time adjourn, let us have tea and come back here together. Thank you.

The meeting adjourned at 11.40 a.m. for tea break.

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