

**NATIONAL CONSTITUTIONAL CONFERENCE
DOCUMENTS**

**THE FINAL REPORT OF TECHNICAL WORKING GROUP “M” ON
CULTURE**

**APPROVED FOR ISSUE AT THE 110TH PLENARY MEETING OF THE
CONSTITUTION OF KENYA REVIEW COMMISSION HELD ON 30TH NOVEMBER,
2005**

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1. INTRODUCTION

Technical working group "M" on culture was formally established on 16th September 2003 through a plenary resolution, by consensus passing of a Motion requesting that the hitherto *Ad-hoc* Committee on Culture be elevated into a full-fledged technical working committee of the conference. The Motion was raised by Hon. Delegate Wangari Maathai convener of the hitherto *Ad-hoc* Committee on Culture.

The Motion received overwhelming support from the floor-an indication of the keenness and interest that the Delegates and, by extension, the people of Kenya have on our culture. The committee was thus mandated, as all other technical working committees of the conference, to carry out the functions and tasks of a technical working group as outlined in the Conference's Regulations.

The first function that the newly formed group performed was the election of convener for the group, which elections were held on 23rd, September 2003. Honorable delegate Paul Eliud Nakitare was unanimously elected convener. The elections were supervised and conducted by the Rapporteur of the committee, Comm. Kavetsa Adagala.

The committee generally executed its mandate as provided for in the Conference regulations.

Members of this committee did a sterling job considering that the committee started its business quite late as compared with the other committees and were dealing with an important and oft controversial issue that culture is.

It is an achievement of no mean measure to have had a chapter on culture in the constitution, although this is an achievement that has been realized forty years late. It is, nevertheless, a historic event that served to make a strong statement for the revival of our cultural values.

We now can truly stand and proclaim ourselves free for, as the common saying goes, *Mwacha mila ni mtumwa*.

2. COMMITTEE'S MANDATE AND METHOD OF WORK

2.1 **Committee's Mandate**

The Technical Working Committee on Culture was established under Regulation (49) (1) of the National Constitutional Conference rules and regulations.

The committee, having been formally established and having held election for convener and with a requisite membership, had full legitimacy to carry out the functions and tasks as of any other technical working committees of the conference.

A technical working committee established by the conference was mandated to consider any issue or theme arising from the Draft Bill, as it could consider appropriate.

In this regard, therefore, the committee was tasked, and had mandate, to consider both the Draft Bill, the Report on Culture and any official document or documents approved by the conference.

This committee on culture was mandated to deal with the following four key areas.

- Create a wholly independent chapter on Culture in the Constitution as well as mainstreaming cultural values across the entire constitution.
- Create a balance between the Bill of rights and the Peoples' rights
- Consider the concept of Globalization and how it affects and impacts on our culture and how we can, and should, make our culture and cultural values realized and felt in the global arena
- Consideration of the vision of Multiculturalism, which is that no culture can operate in absolute isolation. That there is need therefore, for the recognition and respect of the diverse cultures and to appreciate the fact that there is no superior or, conversely, inferior culture.

2.2 Committee's Method Of Work

The committee's method of work was based on the regulations of the conference and more specifically Regulations 45 and 49.

Apart from the National Conference Regulations, which guided the committee's work, there was the Agenda for the day prepared by the Convener of the committee in consultation with members of the committee before close of business. This Agenda provided a guide for the committee's discussions.

Under regulation 45 (3), a committee so established could commence its sittings as soon as possible and that the convener could call the said sittings at such a time and place as could be determined by the required number of members.

Under this regulation therefore, the Technical Working Committee on Culture, herein called Technical Working Group "M", held all its meetings in Tent number 13, herein called Culture tent, at the Bomas of Kenya.

Commissioner Kavetsa Adagala was the Rapporteur of this Technical Working Committee and helped in guiding and clarifying on issues of procedure connected with the carrying out of the committee's deliberations and debate. There also was the Secretariat staff made up of clerks, seconded from parliament, and four other Secretariat staff from the Commission. The secretariat helped in taking minutes, recording of proceedings and on matters of procedure generally.

Most decisions were reached by consensus with only two-on the determination of the title for the chapter and on the use of traditional oathing - arrived at by division.

The committee was mandated to consider, apart from the draft provisions on culture, the Report on Culture, which had been produced by the Task Force on Culture and adopted by the Plenary of the Conference. This report was part of the working documents of the conference.

The committee worked in consultation with cultural consultants.

In this regard, the committee retained one Dr. Isaac Were as a sitting consultant while Prof. Bethwel Ogot and Dr Monica Opole were on call and consulted occasionally. To complete its work the committee had a total of twenty-seven sittings. At the end of the committee's work, the following Reports were produced.

- The verbatim report of the proceedings;
- Minutes of the Committee meetings;
- Daily summaries of the proceedings; and

This committee made a very impressive progress in executing its mandate. This was particularly so taking into account the fact that the members had to work under stringent conditions in terms of having to deal with a laden agenda within a very short time. It is gratifying to report that indeed the committee managed to be in tandem with the other committees of the conference in executing the mandate assigned to it although it was established too late after other committees had been established and started executing their respective mandates.

3. THE COMMITTEE DEBATE

3.1 General Issues Raised About The Committee's Work

The proceedings of the committee were recorded in both verbatim and in summary form. This is besides the recording of the Minutes for every sitting of the committee.

The committee had a total of twenty-seven sittings and, as mandated, considered a wide spectrum of issues on culture. Members broadly looked at the following sub-titles as provided for in the draft provisions and adopted by the technical working committee.

- Significance of culture
- Cultural principles
- Cultural development
- Cultural transmission
- Family institution
- Cultural expression and conservation
- Establishment of a National Commission of Culture
- The African traditional courts systems
- Representation of the communities and peoples of Kenya in parliament.

During the discussions, the committee members noted with great concern that our culture and cultural values were dealt a devastating blow by the colonial powers, the missionaries before them, and other foreign influences. For forty years, the consequent governments did very little to reclaim our lost cultural values. Subsequent amendments to the constitution have not addressed cultural issues either. This constitutional making process could, therefore, be said to be a truly bold move to relieve our culture.

An introduction to this chapter would, therefore, serve as a reawakening call to the people on the significance of our culture and the need to promote and protect it.

Members thanked those who had made it possible for the culture chapter to be created and included as one of the chapters in the proposed draft constitution .It was resolved that the culture committee should lead the rebirth of our culture as the foundation of our nation and the bedrock on which all spheres of our individual and collective lives are based.

After a comprehensive debate on the chapter, the committee members resolved that the definition of Culture be as follows “For the purposes of this Chapter on Culture and this Constitution, *Culture* includes the dynamic sum total of the spiritual, emotional, intellectual, material features and aspects of a people’s way of life developed, adopted and adapted in and through their environment, science, technology, language, communication, arts and value systems for their own welfare and survival.” The committee also broadly looked at the original articles 15 to 19 and adopted, amended, deleted or redrafted them as considered appropriate. New articles were introduced too.

A summary of this is given elsewhere in this report.

The committee resolved, as part of its mandate, that there is need to:

- Promote the vision of multiculturalism and the concept of globalization through cooperation, tolerance and respect for each other
- Develop Protect and promote our cultural practices including the environment
- Vet imported culture as well as promote and expand acceptable cultural reciprocation and exchange programmes
- Design, develop and market cultural dress and modes
- Demand reparation and compensation for the genocide, plunder to recognize and destruction of the indigenous people and our cultures and materials
- Recognize and register African traditional marriages, including issuance of marriage certificates for such marriages
- Adopt the traditional oath and oathing system in the judiciary as well as in other offices
- Need to employ the traditional methods of solving disputes and incorporate this in governance
- Protect the farmer and the traditional farming methods including the protection of indigenous seed from misuse by outsiders (foreigners)
- To check against danger of having our languages go extinct. This is to be achieved through the teaching of indigenous languages and publishing in our local languages. Kiswahili should be promoted as the national language
- To develop the noble African beliefs, respect for each other, concern for the disadvantaged, the impoverished and people with disabilities as well as care for the children and the elderly
- Codify all of Kenya’s communities and the traditional and customary laws and develop a Kenyan common law
- Have the Senate (Upper House) to represent the diverse communities of Kenya
- To have a cultural day (utamaduni day) to celebrate our various culture

- To set up a cultural commission, with wide ranging responsibilities aimed at the revitalization, promotion and protraction of our cultures

3.2 Issues Relating To The Report

The committee made consideration of the Report on Culture. It was generally agreed that the Report represents the views of Kenyans on culture,

The committee made consideration of the following issues in the Report:-

- Creating a chapter entitled culture.
- Recognise and respect all Kenyan communities.
- Right to manifest and practice, protect and develop the past, present and future cultural manifestations.
- History and heritage, the right to transmission to future generations, histories, languages, oral traditions, philosophies writing and communication, systems and other structure or features which are of outstanding value from the point of history, art or science.
- Historical and religious sites, recognition respect, preservation, protection and promotion of religious and historical sacred places and archaeological sites acceptance of rights, access and visitation and other related rights.
- Intellectual property of the people of Kenya to include, knowledge of scientific, agricultural, technical and ecological, sustainable use of flora and fauna seeds and other biodiversity.
- Communities involvement in decision making process, and national institution should reflect the national character of diversity such in education, recruitment into Judiciary and Executive and Affirmative Action.
- National Culture, Identity, values and Symbols to promote Kenyan Cultures.
- Family and Marriage, all marriage all marriages including Cultural be recognized by laws out laws same sex unions.
- Cultural Institutions, recognize and facilitate reform and development of traditional intuitions e.g Museums , National archives and cultural center.
- National Council for the promotion and protection of cultural Heritage.
- Conflict management and resolutions, encourage use of traditional conflict resolution and recognize the traditional Oathing system in the judicial system.
- Media should be used to promote culture.
- Parliament shall enact such legislation to ensure the promotion , protection and access to cultural heritage .
- Cultural principles were also considered.

3.3 Issues Relating To Specific Articles, Sub Articles And Clauses Of The Draft Bill.

The technical working committee on culture didn't consider the Draft Bill. What the committee considered and debated for adoption, as the chapter on culture was the draft provisions on culture. These provisions had been adopted adopted by the plenary on the 16th of September 2003. The original provisions and subsequent amendments and reasons for the amendments are as given in the template below.

DRAFT ARTICLES ON CULTURE IN THE DRAFT BILL TO AMEND THE CONSTITUTION	AS ADOPTED BY THE TWC	EXPLANATORY NOTES
<p style="text-align: center;">New Chapter Title</p>	<p style="text-align: center;">Chapter Four: Culture</p>	<ul style="list-style-type: none"> • The committee was unanimous that there be a Chapter in the Draft Bill. This will provide an essential anchor for the mainstreaming of the culture principles in the entire constitution. • After careful consideration the Committee resolved that the title Culture was simple, precise and all encompassing.
<p style="text-align: center;">New Provision</p>	<p>The Significance Of Culture 15A (1) This Constitution recognizes culture as the foundation of our nation, the cumulative civilization of the Kenyan people and communities, and the bedrock on which all spheres of our individual and collective lives are based.</p> <p>(2) This Chapter on culture -</p> <p>(a) affirms the values and principles of the unwritten constitutions of all the communities of Kenya, their past traditions, present struggles and future aspirations;</p> <p>(b) recognises and protects the fundamental goals and values of our culture and appreciates culture as the basis for nurturing our national pride and identity; and</p>	<p>Members felt that it is important to have a preamble to the chapter on culture, which will serve to stress the significance of this chapter in the constitution. This is made necessary as the definition of culture will be included with all the other definitions in the interpretation section.</p>

	(c) reflects and affirms our sovereign uniqueness and distinctiveness as a people and community contributing to, and sharing in the global culture.	
<p>Cultural Values and Principles</p> <p>15 (1) All organs of the republic of the people of Kenya shall-</p> <p>(a) Work towards the promotion of national unity, peace and stability to develop the spirit of nationhood;</p> <p>(b) recognise the diversity of the people of Kenya, their culture, customs, traditions, beliefs, language and religions;</p> <p>(c) promote cooperation, understanding, appreciation,</p>	<p>Cultural Principles.</p> <p>15B(1) In the performance of their functions all organs of the State and the people of Kenya shall be guided by the following principles -</p> <p>(a) the promotion of multiculturalism through cooperation, understanding, appreciation, tolerance and respect for each others’ customs, traditions, beliefs, languages, religious practices, sagacity and philosophy which enhance the dignity and the well-being of the people of Kenya;</p> <p>(b) the taking of steps to develop, preserve, promote, enrich and transmit the languages of the people of Kenya; and</p> <p>(c) the development and respect for the preservation, protection and promotion</p>	<p>The Committee felt that all the provisions in Article 15 [as printed in the new draft on culture as adopted by the conference] be presented and conceptualized as principles under Article 15 of the culture Draft.</p> <p>The committee recognizes and appreciates the vision of multiculturalism and the need for respect of each others’ cultural values, in the realization that there is no culture that can exist in isolation and that there is no superior or, conversely, inferior culture. It if therefore to have this value entrenched in the constitution so that it is nurtured and made to grow with generations.</p>

<p>tolerance and respect for each others culture, custom, traditions, beliefs, language and religions;</p> <p>(d) protect, preserve, revitalize, promote, develop and incorporate into aspect of life, the cultures, customs, traditions and all other values and practices which enhance the dignity and well-being of the people of Kenya;</p> <p>(a) take steps to develop, preserve, promote, enrich and transmit the languages of the people of Kenya;</p> <p>(b) respect, preserve, protect and promote-</p> <p>i). cultural, historical, religious,</p>	<p>of -</p> <p>(i) cultural, historical, religious, sacred, archeological monuments and other cultural sites of importance for posterity;</p> <p>(ii) the spirit of the noble traditions, principles and practices of African socialism;</p> <p>(iii) the environment and the natural resources which shape and nurture communities and culture; and</p> <p>(iv) other cultural heritage of Kenya.</p>	
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<p>sacred, archeological and other sites of importance; and</p> <p>ii). other cultural heritage of Kenya.</p> <p>(2) The organs of the Republic shall-</p> <p>(a) safeguard and respect, cultural, linguistic and religious associations, organizations or institutions the objects of 'which are not inconsistent with this Constitution.</p> <p>(b) appreciate cultural, customary and religious days including beliefs celebrated by various communities;</p> <p>(c) promote and expand cultural exchange programmes and cooperation within and outside the country in order to enhance and publicize the cultural heritage of Kenya;</p> <p>(d) involve the people in the formation and implementation of cultural or linguistic development plans to ensure cultural sustainability; and</p>	<p>Cultural Development</p> <p>15C. The organs of the State shall –</p> <p>(a) safeguard and respect cultural, linguistic and religious associations, organizations and institutions the objectives of which are consistent with this Constitution;</p> <p>(b) recognize and appreciate cultural, customary and religious days including beliefs celebrated by various communities;</p> <p>(c) promote and expand acceptable cultural reciprocation and exchange programmes and cooperation within and outside Kenya in order to enhance and publicize the cultural heritage of Kenya;</p>	<p>The sub-title changed from organs of the Republic to read organs of the State, for it is the State that has implementing organs and not the Republic.</p>
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<p>(e) ensure that the relevant communities concerned and where possible benefit from their historical, religious, sacred and archeological sites as well as other cultural heritage.</p>	<p>(d) involve the people in the formation and implementation of cultural and development plans to ensure cultural sustainability;</p> <p>(e) ensure that the indigenous communities enjoy and benefit from their historical, religious, sacred and archeological sites as well as other cultural heritages;</p> <p>(f) encourage religious organizations to adopt, adapt and infuse African cultural values; and</p> <p>(g) promote and nurture multiculturalism as a vision and mechanism towards tolerance and respect of diverse cultures.</p>	
<p>Educational values and principles.</p> <p>(16) (1). The State recognizes that education is an important aspect in the development of the people and in the communication, transmission, conservation and development of their culture, consequently the state shall develop and maintain an education policy that enhances culture and cultural values.</p>	<p>Cultural Transmission</p> <p>15D (1) The State recognizes that culture is an important aspect in the development of the people and therefore the state shall develop and maintain an education policy that enhances culture and cultural values.</p>	<p>The committee changed the title to read ‘cultural transmission’ so as to emphasize the significance of cultural education in national development.</p> <p>The committee felt that cultural education is an important aspect of our national development and hence it should be addressed by constitutional means.</p> <p>The Committee also felt that there was need for a</p>

<p>(2) The State shall -</p> <p>(a) take appropriate measures to afford every Kenyan equal opportunity to attain the highest educational standard possible; and</p> <p>(b) take necessary measures to design and develop an education system that will nurture and emphasize creativity, acquisition of knowledge, talent, development, innovativeness and cultural values through formal and informal means.</p>	<p>(2) The State shall -</p> <p>(a) take necessary measures to design and develop a cultural education system that will nurture and emphasize creativity and innovativeness;</p> <p>(b) take appropriate measures to ensure that cultural education system in Kenya will enable the people of Kenya to develop strong moral, ethical and spiritual foundations;</p> <p>(c) ensure the creation of an enabling environment and take appropriate measures to design and develop transformative cultural education that will give positive knowledge on culture to people with disabilities and to the community in accordance with Article 39 of this Constitution; and</p> <p>(d) ensure the promotion, sensitization and enhancement of teaching of indigenous languages and cultural values at all levels of the education system by enriching them with publication and translation of scientific,</p>	<p>systematic promotion of our peoples creative capacities and innovations including intellectual property as part of our constitutive setup.</p> <p>The committee was concerned with the decline of ethical and moral values in society. Transformative cultural, ethnical and moral education should hence be embodied in our education system .</p> <p>The committee observed that people with disabilities as well as the wider society needed to change their attitude through transformative education..</p> <p>Members were unanimous that the development of local languages would anchor national development.</p>
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<p>New Provision</p>	<p>artistic, technological and intellectual materials into the indigenous languages.</p> <p>Family Institution</p> <p>15 E. The state shall; -</p> <p>(a) recognise and register marriages under the traditional systems, religion, personal or family law, which recognise the marriages of individuals of opposite sex but outlaws a marriage of the same sex, in conformity with this Constitution.;</p> <p>(b) recognize, appreciate and support cultural aspects of traditional child birth, naming, upbringing and inter generational parenting;</p> <p>(c) through legislation prohibit incest.</p>	<p>The committee observed that the family institution was the basis of the wider community. It therefore needed to be protected. It was also observed that certain traditional marriage systems were not legally recognised. The example of polygamy was given. It was therefore resolved that they be given recognition and registered.</p>
<p>Scientific, technological and intellectual inventions.</p> <p>17(1) the State shall recognize the role of science and indigenous technologies, and knowledge and the intellectual creativity in the development of the nation.</p>	<p>Traditional Technology, Science And Indigenous Knowledge And Intellectual Inventions</p> <p>15F (1) The State shall recognize the role of traditional, indigenous technology, science, knowledge,</p>	<p>The committee observed that the protection of indigenous and intellectual rights of the people is part of the unique expression of our identity, dignity and history and forms the basic foundation of our national development.</p>

<p>(2) The State shall –</p> <p>(a) support, promote, and protect Kenyan’s appropriate and self-reliant scientific, and technological inventions as well as intellectual innovations and their application to the development of the people of Kenya;</p> <p>(b) give priority, support and protection to research, invention, innovation and their utilization.</p> <p>(c) formulate and implement a national policy on science and technology and endeavor to develop modern science and technology and other various branches of science and scientific technology and science and scientific technological theories to support the formulation of policies.</p> <p>(d) support, promote, develop and protect indigenous intellectual, scientific and technological inventions and innovations and where appropriate combine modern and traditional practices to create viable conditions of living for the people.</p>	<p>2) The State shall;</p> <p>(a) support, promote, protect, patent and preserve artistic, technological, intellectual innovations, inventions and their application to the development of the people of Kenya and combine modern and traditional practices to create viable conditions of living for the people of Kenya;</p> <p>(b) give priority, and protection to research;</p> <p>(c) ensure that imported scientific, artistic and technological developments and inventions are consistent with this Constitution;</p> <p>(d) recognise the significance of and patent cultural medicine inherited from centuries of research on flora and fauna and encourage herbal farming and promote contemporary cultural herbal research and alternative medicine;</p>	<p>It is hence imperative that the desire to preserve, protect and promote our indigenous and intellectual rights and materials and the diverse cultural expressions at all levels and across the country, be considered as central or our constitutionality.</p>
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	<p>(e) encourage the people of Kenya to rediscover and apply the value of traditional farming systems, diet and traditional drinks; and</p> <p>(f) ensure that the designers adopt and adapt traditional architectural styles, materials and functions taking into consideration the extended family values.</p> <p>(3) The State shall -</p> <p>(i.) develop enabling policies and legislation, for policy research and development which supports and protects indigenous seed and characteristics;</p> <p>(ii) document research and develop community based indigenous seed development for social and economic benefits that ensure equitable sharing of benefits accrued from research and development of products and by-products of various seed utilization; and</p> <p>(iii) ensure equitable sharing of benefits accrued from indigenous seed /plant/animal material development that results in benefits for the welfare of the communities and the State.</p>	
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<p>Protection of indigenous and intellectual rights.</p> <p>18. The State shall support, promote and protect indigenous literature, art, oral traditions, performing arts and other intangible cultural heritage as well as the intellectual property rights of the people of Kenya.</p>	<p>Cultural Expression And Conservation</p> <p>15G (1) The State shall-</p> <p>(a) support, promote and protect indigenous knowledge, literature, art, oral traditions, performing arts and other cultural heritage as well as the intellectual property rights of the people of Kenya;</p> <p>(b) encourage and ensure the establishment of museums, including live ethnic cultural museums, archives and libraries for preservation and conservation of material culture, historical documents and literature in each distinctive cultural group;</p> <p>(c) encourage all distinctive cultural groups to establish their cultural centres;</p> <p>(d) recognize, conserve, protect, replenish and sustainably manage land and other natural resources, and artifacts that have cultural value to the people of Kenya;</p> <p>(e) develop local and foreign tourism as a means of cultural exchange among Kenyans and the world community provided that such tourism shall not violate Kenya’s culture as prescribed in this Constitution;</p>	<p>The committee observed that the protection of indigenous and intellectual rights of the people is part of the unique expression of our identity, dignity and history and forms the basic foundation for our national development.</p> <p>It is hence imperative that the desire to preserve, protect and promote our indigenous and intellectual rights and materials and the diverse cultural expressions at all levels and across the country, be considered as central to our constitutionality.</p> <p>The committee noted that many indigenous creations and innovations have been adopted and patented by other countries. Examples of ciondo patented by the Japanese and the tilapia by the Vietnamese, were given.</p>
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	<p>(f) encourage every community to adopt, adapt, develop, own and use their cultural dress, costumes and ornaments to signify our originality and pride in our rich culture and popularize the use of national dress mode and costumes, which are culturally acceptable; and</p> <p>(g) promote and enhance the traditional system of governance, discipline, respect and integrity through age sets, age groups, traditional associations, familyhood and clans.</p>	
<p>Establishment of National Council of Culture</p> <p>19. (1) There is established a National Council for Promotion and Protection of Culture and Art consisting of-</p> <p>(a) the chairperson; and</p> <p>(b) not less than eight and not more than ten other members</p> <p>(2) The chairperson and the other members of the Council shall be appointed by the President with the approval of the National Assembly.</p>	<p>Establishment of National Commission of Culture</p> <p>15H(1) There is established a National Commission for the promotion and protection of Culture consisting of the chairperson, two vice chairpersons and seven other members nominated and appointed in accordance with Chapter seventeen of this Constitution.</p> <p>(2) The Commission shall be devolved to the lowest levels of government.</p> <p>(3) The provisions of Chapter seventeen of this Constitution shall apply to this Commission.</p>	<p>The committee unanimously agreed that the promotion, protection, preservation and development of our national and community cultural heritage require a constitutionally established institutional framework to effectively handle all the diverse cultural matters of the Republic.</p>

<p>(3) The Council shall elect a vice-Chairperson from among its members.</p> <p>4) The provisions dealing with the Constitutional Commissions shall apply to the Council as if it were a Commission.</p> <p>5) The functions of the Council are-</p> <p>(a) to advise and give guidance to the Government or any other body on culture and cultural values;</p> <p>(b) to promote, develop, identify, preserve, protect and document the diverse culture of Kenya, cultural sites and cultural and historical monuments;</p> <p>(c) to carry out any other activity related to culture, cultural inventions and innovations or cultural activities of solid economic value.</p> <p>(d) to promote cultural investment in Kenya's cultural industry;</p> <p>(e) to promote the development of Kiswahili, other indigenous languages, sign language and</p>	<p>(4) The functions of the Commission are –</p> <p>(a) to formulate policies that will advise the relevant organs of state on the importance of culture to the people of Kenya;</p> <p>(b) to identify, develop, preserve, promote, protect and document the diverse cultures of Kenya, cultural sites and historical monuments of social and economic value;</p> <p>(c) to strengthen the national identity of Kenya through the promotion, appreciation and interaction of Kenya's diverse cultures;</p> <p>(d) to publicize research and promote investment and marketing in Kenya's cultural industry and creativity;</p> <p>(e) to promote, preserve and enrich Kiswahili as a national language and all indigenous languages, Sign language and Braille through education and the media;</p> <p>(f) to organize Annual National Fora on Culture composed of people from diverse cultural communities to receive and discuss reports from the District Cultural Councils and the Department</p>	
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<p>Braille;</p> <p>(f) to promote the technological or scientific studies which enhance cultural values and the preservation of ancient, and developing monuments; and</p> <p>(g) to carry out any other activity related to culture, cultural innovations or cultural activities</p>	<p>of Culture, to review and advice on future cultural activities and consider critical matters relating to the new perspectives in cultural practices, including rites of passage;</p> <p>(g) to identify Kenya’s expatriated aspects of culture especially the artifacts and take appropriate measures to ensure return of such aspects of expatriated culture to Kenya for the benefit of the people of Kenya;</p> <p>(h) to promote the recording and writing of Kenya’s past and contemporary authentic history;</p> <p>(i) to promote traditional and contemporary Kenyan performing and creative artists and practitioners and ensure that they are recognized, appreciated and supported in our society;</p> <p>(j) to recognize, appreciate and support musicians and ensure that their works are given legal protection;</p> <p>(k) to monitor and take appropriate action on non-governmental organizations and media houses that promote ideologies, technologies and materials which are contrary to our</p>	
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	<p>culture;</p> <p>(l) to utilize the electronic and print media to popularize our culture;</p> <p>(m) to identify, promote, support and facilitate talented individuals in various sporting activities through the development and management of sports facilities;</p> <p>(n) to facilitate the establishment of the Kenya National Institute of Culture;</p> <p>to establish the criteria for determining persons to be recognized and honoured as national heroes and heroines;</p> <p>(p) to codify traditional and customary laws and compile a Kenyan common law;</p> <p>(q) to ensure the naming of eco-systems, plants, trees, wildlife, place names and sites in accordance with the Kenyan local cultures;</p> <p>(r) to set up cultural systems of identifying, supporting, protecting and caring for orphans, the disadvantaged, the elderly, people with disability and impoverished members of society through extended families and</p>	
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	<p>communities;</p> <p>(s) on behalf of the people of Kenya demand reparation from Britain, Europe and other countries for the genocide committed against our people, plunder and destruction of indigenous cultures, materials, intellectual property, genetic and natural resources of the people of Kenya;</p> <p>(t) ensure that the indigenous people receive compensation or royalties for use of indigenous cultures and cultural heritage, and where prior consent must be granted by the indigenous people, the indigenous people shall in the absence of such consent, be able to stop commodification of aspects of their cultures, flora and fauna by either the State or foreigners; and</p> <p>(u) to carry out any other activity related to culture, cultural inventions, innovations and activities which are of social and economic value that are consistent with this constitution.</p>	
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<p>New Provision</p>	<p>The African Traditional Court System</p> <p>15I (1) There is established the African traditional court system whose functions, composition and structure shall be prescribed by an Act of Parliament.</p> <p>(2) The State shall encourage, promote and facilitate African traditional methods of resolving conflicts and disputes which are consistent with this Constitution.</p> <p>(3) The State shall recognize our traditional oathing systems in the judicial system and other offices.</p>	<p>The traditional institutions of peace building, conflict resolution and dispute settlement need to be affirmed in the Constitution taking into account the recognition of traditional courts and tribunals established at the village level.</p> <p>It was also observed that the current oathing system is alien to most people and hence its ineffectiveness as most people take oaths and still proceed to lie in the courts of law and in leadership. This is uncommon with the traditional oathing systems.</p>
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<p>New Provision</p>	<p>Representation Of The Communities And Peoples Of Kenya In Parliament 15J (1) The Upper House of Parliament shall be a representative body of the diverse communities and peoples of Kenya. (2) The election of representatives to the Upper House of Parliament shall be conducted on the basis of the First Schedule of the Constitution taking into account the principles of devolution set out in Chapter Ten and principles of affirmative action.</p>	<p>While considering that Members of the National Assembly represent constituencies for purposes of national interest, the National Council must be structured to represent and reflect directly, people's interests as they live them in their diverse local cultures and environments.</p>
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4. THE TECHNICAL RECOMMENDATIONS AND DECISIONS ON THE REPORT AND DRAFT BILL AS AGREED BY THE COMMITTEE

4.1 General Comments on the Report

The Rapporteur of the committee, commissioner Kavetsa Adagala, took the committee through the report on culture, particularly through the general principles of culture, the proposed definitions of culture, the functions of the proposed National Council (now commission) of Culture and in general, the views of Kenyans on culture and the consideration of the First Schedule on the Peoples of the Republic of Kenya as contained in the report.

The members were in general consensus that the report generally reflected the views of Kenyans on culture, which is that culture is the foundation and the base on which all other human activities rest.

Culture is a reservoir from which all of human activities draw values. There was need, therefore, to recognize, promote, preserve and protect our culture and appreciate our values. This is the running trend in the entire report.

The members considered the various proposed definitions given on culture in the Report, and although they were in agreement that the definitions reflected the general understanding of what culture is, they nevertheless felt that the suggested definitions were not exactly clear and precise. There was need, therefore, to think of a simple, clear, precise, yet all encompassing definition on this all-important aspect of human life, which culture is.

Several proposals on definition were put forward and the committee finally settled on the definition given below.

“For the purposes of this Chapter on Culture and this Constitution, *Culture* includes the dynamic sum total of the spiritual, emotional, intellectual, material features and aspects of a people’s way of life developed, adopted and adapted in and through their environment, science, technology, language, communication, arts and value systems for their own welfare and survival”.

4.2 Specific Recommendations On The Amendments To The Draft Bill

It should be indicated at this stage that the technical working committee on culture didn’t have a specific chapter in the draft Bill to consider. If anything, the committee was to consider the entire draft Bill as part of its mandate of mainstreaming culture across the entire draft Bill.

But since the core mandate of the committee was to create a wholly independent chapter on culture, the committee had to have specific articles to consider, which articles were to be subject to debate, amendments- either in terms of insertion of words or deletions, and adoption of those articles as a basis for the establishment of the chapter on culture. In this

regard, the committee dealt with the Provision Articles on culture, which provisions had earlier been adopted by plenary on 16th September 2003. These provisions were enhanced to form the chapter on culture as given elsewhere in this report.

4.3 Decisions Reached As Recommendations To The Conference

Upon conclusion of deliberation and debate on the provision articles on culture, the committee agreed, by consensus, to recommend the proposed chapter on culture to read as under:

CHAPTER FOUR

CULTURE

The Significance Of Culture

15A (1) This Constitution recognizes culture as the foundation of our nation, the cumulative civilization of the Kenyan people and communities, and the bedrock on which all spheres of our individual and collective lives are based.

(2) This Chapter on culture -

- (a) affirms the values and principles of the unwritten constitutions of all the communities of Kenya, their past traditions, present struggles and future aspirations;
- (b) recognizes and protects the fundamental goals and values of our culture and appreciates culture as the basis for nurturing our national pride and identity; and
- (c) reflects and affirms our sovereign uniqueness and distinctiveness as a people and community contributing to, and sharing in the global culture.

Cultural Principles

15B. (1) In the performance of their functions all organs of the State and the people of Kenya shall be guided by the following principles -

- (a) the promotion of multiculturalism through cooperation, understanding, appreciation, tolerance and respect for each others' customs, traditions, beliefs, languages , religious practices, sagacity and philosophy which enhance the dignity and the well-being of the people of Kenya;
- (b) the taking of steps to develop, preserve, promote, enrich and transmit the languages of the people of Kenya; and
- (c) the development and respect for the preservation, protection and promotion of-
 - (i) cultural, historical, religious, sacred, archeological

monuments and other cultural sites of importance for posterity;

- (ii) the spirit of the noble traditions, principles and practices of African socialism;
- (iii) the environment and the natural resources which shape and nurture communities and culture; and
- (iv) other cultural heritage of Kenya.

Cultural Development

15C. The organs of the State shall-

- (a) safeguard and respect cultural, linguistic and religious associations, organizations and institutions the objectives of which are consistent with this Constitution;
- (b) recognize and appreciate cultural, customary and religious days including beliefs celebrated by various communities;
- (c) promote and expand acceptable cultural reciprocation and exchange programmes and cooperation within and outside Kenya in order to enhance and publicize the cultural heritage of Kenya;
- (d) involve the people in the formation and implementation of cultural and development plans to ensure cultural sustainability;
- (e) ensure that the indigenous communities enjoy and benefit from their historical, religious, sacred and archeological sites as well as other cultural heritages;
- (f) encourage religious organizations to adopt, adapt and infuse African cultural values; and
- (g) promote and nurture multiculturalism as a vision and mechanism towards tolerance and respect of diverse cultures.

Cultural Transmission

15 D (1). The State recognizes that culture is an important aspect in the development of the people and therefore the state shall develop and maintain an education policy that enhances culture and cultural values.

(2) The State shall-

- (a) take necessary measures to design and develop a cultural education system that will nurture and emphasize creativity and innovativeness;

(b) take appropriate measures to ensure that cultural education system in Kenya will enable the people of Kenya to develop strong moral, ethical and spiritual foundations;

(c) ensure the creation of an enabling environment and take appropriate measures to design and develop transformative cultural education that will give positive knowledge on culture to people with disabilities and to the community in accordance with Article 39 of this Constitution; and

(d) ensure the promotion, sensitization and enhancement of teaching of indigenous languages and cultural values at all levels of the education system by enriching them with publication and translation of scientific, artistic, technological and intellectual materials into the indigenous languages.

Family Institution

15 E The state shall -

(a) recognize and register marriages under the traditional systems, religion, personal or family law, which recognize the marriages of individuals of opposite sex but outlaws a marriage of the same sex, in conformity with this Constitution;

(b) recognize, appreciate and support cultural aspects of traditional child-birth, naming, upbringing and intergenerational parenting;

(c) through legislation prohibit incest.

Traditional Technology, Science And Indigenous Knowledge And Intellectual Inventions

15F (1) The State shall recognize the role of traditional, indigenous technology, science, knowledge, and the intellectual creativity in the development of the nation.

(2) The State shall;

(a) support, promote, protect, patent and preserve artistic, technological, intellectual innovations, inventions and their application to the development of the people of Kenya and combine modern and traditional practices to create viable conditions of living for the people of Kenya;

(b) give priority, and protection to research;

(c) ensure that imported scientific, artistic and technological developments and inventions are consistent with this Constitution;

(d) recognize the significance of and patent cultural medicine inherited from centuries of research on flora and fauna and encourage herbal farming and promote contemporary cultural herbal research and alternative medicine;

(e) encourage the people of Kenya to rediscover and apply the value of traditional farming systems, diet and traditional drinks; and

(f) ensure that the designers adopt and adapt traditional architectural styles, materials and functions taking into consideration the extended family values.

(3) The State shall-

(i) develop enabling policies and legislation, for policy research and development which supports and protects indigenous seed and characteristics;

(ii) document research and develop community based indigenous seed development for social and economic benefits that ensure equitable sharing of benefits accrued from research and development of products and by-products of various seed utilization; and

(iii) ensure equitable sharing of benefits accrued from indigenous seed /plant/animal material development that results in benefits for the welfare of the communities and the State.

Cultural Expression And Conservation

15 G (1) The State shall-

(a) support, promote and protect indigenous knowledge, literature, art, oral traditions, performing arts and other cultural heritage as well as the intellectual property rights of the people of Kenya;

(b) encourage and ensure the establishment of museums, including live ethnic cultural museums, archives and libraries for preservation and conservation of material culture, historical documents and literature in each distinctive cultural group;

(c) encourage all distinctive cultural groups to establish their cultural centres;

(d) recognize, conserve, protect, replenish and sustainably manage land and other natural resources, and artifacts that have cultural value to the people of Kenya;

(e) develop local and foreign tourism as a means of cultural exchange among Kenyans and the world community provided that such tourism shall not violate Kenya's culture as prescribed in this Constitution;

(f) encourage every community to adopt, adapt, develop, own and use their cultural dress, costumes and ornaments to signify our originality and pride in our rich culture and popularize the use of national dress mode and costumes, which are culturally acceptable; and

(g) promote and enhance the traditional system of governance, discipline, respect and integrity through age sets, age groups, traditional associations, familyhood and clans.

Establishment of National Commission of Culture

15 H (1) There is established a National Commission for the promotion and protection of Culture consisting of the chairperson, two vice chairpersons and seven other members nominated and appointed in accordance with Chapter seventeen of this Constitution.

(2) The Commission shall be devolved to the lowest levels of government.

(3) The provisions of Chapter seventeen of this Constitution shall apply to this Commission.

(4) The functions of the Commission are-

- (a) to formulate policies that will advise the relevant organs of state on the importance of culture to the people of Kenya;
- (b) to identify , develop, preserve, promote, protect and document the diverse cultures of Kenya, cultural sites and historical monuments of social and economic value;
- (c) to strengthen the national identity of Kenya through the promotion, appreciation and interaction of Kenya's diverse cultures;
- (d) to publicize research and promote investment and marketing in Kenya's cultural industry and creativity;
- (e) to promote, preserve and enrich Kiswahili as a national language and all indigenous languages, Sign language and Braille through education and the media;
- (f) to organize Annual National Fora on Culture composed of people from diverse cultural communities to receive and discuss reports from the District Cultural Councils and the Department of Culture, to review and advice on future cultural activities and consider critical matters relating to the new perspectives in cultural practices, including rites of passage;
- (g) to identify Kenya's expatriated aspects of culture especially the artifacts and take appropriate measures to ensure return of such aspects of expatriated culture to Kenya for the benefit of the people of Kenya;
- (h) to promote the recording and writing of Kenya's past and contemporary authentic history;
- (i) to promote traditional and contemporary Kenyan performing and creative artists and practitioners and ensure that they are recognized, appreciated and supported in our society;
- (j) to recognize, appreciate and support musicians and ensure that their works are given legal protection;

- (k) to monitor and take appropriate action on non-governmental organizations and media houses that promote ideologies, technologies and materials which are contrary to our culture;
- (l) to utilize the electronic and print media to popularize our culture;
- (m) to identify, promote, support and facilitate talented individuals in various sporting activities through the development and management of sports facilities;
- (n) to facilitate the establishment of the Kenya National Institute of Culture;
- (o) to establish the criteria for determining persons to be recognized and honoured as national heroes and heroines;
- (p) to codify traditional and customary laws and compile a Kenyan common law;
- (q) to ensure the naming of eco- systems, plants, trees, wildlife, place names and sites in accordance with the Kenyan local cultures;
- (r) to set up cultural systems of identifying, supporting, protecting and caring for orphans, the disadvantaged, the elderly, people with disability and impoverished members of society through extended families and communities;
- (s) on behalf of the people of Kenya demand reparation from Britain, Europe and other countries for the genocide committed against our people, plunder and destruction of indigenous cultures, materials, intellectual property, genetic and natural resources of the people of Kenya;
- (t) ensure that the indigenous people receive compensation or royalties for use of indigenous cultures and cultural heritage, and where prior consent must be granted by the indigenous people, the indigenous people shall in the absence of such consent, be able to stop commodification of aspects of their cultures, flora and fauna by either the State or foreigners; and
- (u) to carry out any other activity related to culture, cultural inventions, innovations and activities which are of social and economic value that are consistent with this constitution.

The African Traditional Court Systems

- 15 (I)** (1) There is established the African traditional court system whose functions, composition and structure shall be prescribed by an Act of Parliament.
- (2) The State shall encourage, promote and facilitate African traditional methods of resolving conflicts and disputes which are consistent with this Constitution.
- (3) The State shall recognize our traditional oath-taking systems in the judicial system and other offices.

Representation Of The Communities And Peoples Of Kenya In Parliament

15J (1) The Upper House of Parliament shall be a representative body of the diverse communities and peoples of Kenya.

(2) The election of representatives to the Upper House of Parliament shall be conducted on the basis of the First Schedule of the Constitution taking into account the principles of devolution set out in Chapter Ten and principles of affirmative action.

DRAFTER’S REPORT

CHAPTER FIVE

CULTURE

The significance of culture

- 26.** (1) This Constitution recognizes culture as the foundation of the nation, the cumulative civilization of the Kenyan people and communities, and the bedrock on which all spheres of individual and collective lives are based and in particular-
- (c) affirms the values and principles of the unwritten constitutions of all the communities of Kenya, their past traditions, present struggles and future aspirations;
 - (d) recognizes and protects the fundamental goals and values of culture and appreciates culture as the basis for nurturing national pride and identity; and
 - (c) reflects and affirms the sovereign uniqueness and distinctiveness of the Kenyan people and community contributing to, and sharing in the global culture.
- (3) The people and communities of Kenya shall enjoy and practice their culture in a manner consistent with the provisions of this Constitution.
- (4) For the purposes of this Chapter, “culture” includes the dynamic sum total of the spiritual, emotional, intellectual, material features and aspects of a people’s way of life developed, adopted and adapted in, and through their environment, science, technology, language, communication, arts and value systems for their own welfare.

Principles concerning culture

- 27.** (1) In the performance of their functions State organs shall be guided by the following principles:

- (b) the promotion of multiculturalism through cooperation, understanding, appreciation, tolerance and respect for each others customs, traditions, beliefs, languages, religious practices, sagacity and philosophy which enhance the dignity and the well-being of the people;
- (b) the development, preservation, promotion, and enrichment of the languages of the people; and
- (c) the development and respect for the preservation, protection and promotion of-
 - (i) cultural, historical, religious and sacred, archeological monuments and other cultural sites of importance for posterity;
 - (ii) the spirit of the noble traditions, principles and practices of African socialism;
 - (iii) the environment and the natural resources which shape and nurture communities; and
 - (iv) other cultural heritage of Kenya.

Development of culture

28. State organs shall-

- A) safeguard and respect cultural, linguistic and religious associations, organizations and institutions the objectives of which are consistent with this Constitution;
- B) recognize and appreciate cultural, customary and religious days including philosophical beliefs celebrated by various communities;
- C) promote and expand acceptable cultural reciprocation and exchange programmes and cooperation within and outside Kenya in order to enhance and publicize the cultural heritage of Kenya;
- D) involve the people in the formation and implementation of cultural and development plans to ensure cultural sustainability;
 - a. ensure that the indigenous communities enjoy and benefit from their historical, religious, sacred and archeological sites as well as other cultural heritages;
 - b. encourage religious organizations to adopt, adapt and infuse African cultural values; and
 - c. promote and nurture multiculturalism as a vision and mechanism towards tolerance and respect of diverse cultures.

Transmission of culture

- 29.** (1) The State recognizes that culture is an important aspect in the development of the people and therefore the state shall develop and maintain a cultural education policy that enhances culture and cultural values.
- (2) The State shall-
- (a) take necessary measures to design and develop a cultural education system that will nurture and emphasize creativity and innovativeness;
 - (b) take appropriate measures to ensure that the cultural education system in Kenya;
 - (i) enables the people to develop strong moral, ethical and spiritual foundations; and
 - (ii) ensures the creation of an enabling environment for persons with disabilities and take appropriate measures to design and develop transformative cultural education that will give positive knowledge on disability to the community.

Traditional Science And Technology, Indigenous Knowledge And Intellectual Inventions

- 30.** (1) The State shall recognize the role of indigenous knowledge, traditional science and technology and intellectual creativity in the development of the nation.
- (2) The State shall -
- a. support, promote, protect, patent and preserve, artistic, technological and intellectual innovations and inventions and their application to the development of the people of Kenya and combine modern and traditional practices to create viable conditions of living for the people of Kenya;
 - (a) recognize the significance of, and patent, cultural medicine inherited from centuries of research on flora and fauna, encourage herbal farming and promote contemporary cultural herbal research and alternative medicine;
 - (b) encourage the people of Kenya to rediscover and apply the value of traditional farming systems, diet and traditional drinks;

- (c) ensure that designers adopt and adapt traditional architectural styles, materials and functions taking into consideration the values of an extended family system;
- (d) support the utilization of indigenous seed development to enhance the social and economic well being of the people; and
- (e) through legislation accord recognition and protection of ownership of the origin of seed, its genetic and diverse characteristics and its product use by communities of Kenya.

Cultural expression and conservation

31. The State shall-

- (a) support, promote and protect indigenous knowledge, literature, art, oral traditions, performing arts and other cultural heritage as well as the intellectual property rights of the people;
- (b) encourage and ensure the establishment of museums, including live ethnic cultural museums, archives and libraries for preservation and conservation of material culture and historical documents and literature in each distinctive cultural group;
- (c) encourage all distinctive cultural groups to establish their cultural centres;
- (d) recognize, conserve, protect, replenish and sustainably manage land and other natural resources, and artefacts that have cultural value to the people;
- (e) encourage every community to adopt, adapt, develop, own and use their cultural dress, costumes and ornaments to signify their originality and pride in their rich culture; and
- (f) promote and enhance the traditional system of governance, discipline, respect and integrity through age sets, age groups and traditional associations or clans.

Establishment of National Commission on Culture

- 32.** (1) There is established a National Commission on culture consisting of the chairperson, two vice-chairpersons and seven members nominated and appointed in accordance with Chapter Eighteen of this Constitution.
- (2) The Commission shall establish an office in every district.
- (3) The functions of the Commission are-

- (a) to ensure that the provisions of this Chapter are implemented;
- (b) to formulate policies that will advise the State organs on the importance of culture to the people;
- (c) to identify , develop, preserve, promote, protect and document the diverse cultures of Kenya, cultural sites and historical monuments of social and economic value and ensure the return of relics, archeological finds, documents and other expatriated material culture to Kenya;
- (d) to strengthen the national identity of Kenya through the promotion, appreciation and interaction of Kenya's diverse cultures;
- (e) to publicize research and promote investment and marketing in Kenya's cultural industry and creativity;
- (f) to promote, preserve and enrich Kiswahili, Sign language, Braille and all indigenous languages through education and the media;
- (g) to organize an annual national forum on culture for people from diverse cultural communities;
- (h) to promote the authentic recording of Kenya's history;
- (i) to ensure that the indigenous people receive compensation or royalties for the use of indigenous cultures and cultural heritage;
- (j) to ensure that a reasonable percentage of the profits accruing to an entrepreneur, from the exploitation of a natural resource of a cultural nature, in any area in Kenya is used for the development of that area;
- (k) to promote traditional and contemporary Kenyan performing and creative artistes and practitioners and ensure that they are recognized, appreciated and supported in Kenya;
- (l) to identify, promote, support and facilitate talented individuals in various sporting activities through the development and management of sports facilities;
- (m) to utilize the electronic and print media to popularize culture;
- (o) to establish the criteria for determining persons to be recognized and honoured as national heroes and heroines and recommend the conferment of national honours to such heroes and heroines;

- (p) to undertake a systematic codification of the cultures and cultural practices and the customary laws of the people and communities of Kenya;
- (q) to promote traditional naming of eco-systems, plants, trees, wildlife, place names and sites in accordance with the Kenyan local cultures;
- (r) to promote cultural systems of identifying, supporting, protecting and caring for orphans, the disadvantaged, the elderly, persons with disabilities and impoverished members of society through extended families and communities; and
- (s) to perform such other functions as may be prescribed by legislation.

Cultural Day

33. The 26th day of December in every year is designated as a Cultural Day (*Utamaduni Day*).

APPENDICES

APPENDIX I: MINORITY REPORTS

The committee registered the following four minority positions in the respective articles.

Article 15(C)(e)

The committee registered a minority position by honorable Mwandawiro Mghanga on this article. The honorable member states, in his opinion, that the proposed amendment to the article by the insertion of the word “indigenous” between the words “the” and “communities” and the subsequent deletion of the word “concerned” between the words communities and enjoy, will dilute the spirit captured in the article in its original form. The honorable member’s opinion is that the article should remain the way it is for it promotes the spirit of the Kenyan nationhood and does not open the doors for tribalism and exclusion.

Article 15(G)(1)(f)

Honorable Rita Katamu delegate number 381 and honorable David Rakamba delegate number 433 registered their minority opinion on this article stating that the article is misplaced for the commission on culture is not an appropriate fora to address the issues contained in this article; that the issues raised in this article are already catered for in article 15F (j); that culture is dynamic and diverse and therefore the commission on culture is not an appropriate organ to address these diverse issues of culture. The members suggested that the article should therefore end at “activities” and all proceeding words thereon be deleted.

Article 15 H (4)(k)

Hon. Wangari Mathaai registered a minority opinion on the monitoring of NGO’s and media houses arguing that the government could easily misuse this clause especially when it touches on NGO’s advocating and promoting good governance, democracy and human rights against the wishes of the government.

Article 15 I (3)

Hon. Mwandawiro Mghanga registered a minority opinion on this particular article suggesting the addition of the words “so long as they are not in conflict with the Bill of Rights” immediately after the words “and other offices”. He explained that some forms of oath are dangerous to both the victim and the one administering the oath

APPENDIX II: THE COMMUNITIES AND PEOPLES OF KENYA

	Name of community	Language	System of governance	Traditional Legal System	Traditional Habitat	Traditional Ornaments	Traditional worship System	Traditional Land ownership	Traditional attire
	ABALUHYA)
1.	Babukusu	Lubukusu	Owelichabe /Council of Elders	Basee	Round hut	Beads/ Copper	Namwima/ Wele	Family/ Individual	Skin(Ekutusi)
2.	Avaloogoli	Lologooli	Council of Elders	Council of Elders	Round hut	Beads/ Copper Bracelets	Creator/ Ancestral Spirits/ Wele	Family/ Individual	Processed Skin.
3.	Abanyole	Olunyole	Council of Elders	Council of Elders	Round hut	Beads/ Copper	Creator/ Ancestral Spirits	Family/ Individual	Processed Skin
4.	Avitakho	Lwidakho	Council of Elders	Council of Elders	Round hut	Beads/ Copper	Ancestral Spirits	Family/ Individual	ProcessedSkin
5.	Abashisa	Olushisa	Council of Elders	Council of Elders	Round hut	Beads/ Copper	Creator	Family/ Individual	Skin(Ekutusi)
6.	Abamarachi	Olumarachi	Council of Elders	Council of Elders	Round hut	Beads/ Copper	Creator/ Ancestral Spirits	Family/ Individual	Skin(Ekutusi)
7.	Abakhayo	Olukhayo	Council of Elders	Council of Elders	Round hut	Beads/ Copper	Creator/ Ancestral Spirits	Family/ Individual	Skin
8.	Abanyala	Olunyala	Council of Elders	Council of Elders	Round hut	Beads	Creator/ Ancestral Spirits	Family/ Individual	Skin

APPENDIX II: THE COMMUNITIES AND PEOPLES OF KENYA

	Name of community	Language	System of governance	Traditional Legal System	Traditional Habitat	Traditional Ornaments	Traditional worship System	Traditional Land ownership	Traditional attire
9.	Abawanga	Oluwanga	Council of Elders(omokasa Nabongo)	Council of Elders	Round hut	Beads	Ancestral Spirits/Were	Family/ Individual	Skin(Indivisi)
10.	Avatachoni	Olutachoni	Council of Elders	Council of Elders	Round hut	Beads/ Copper	Creator	Family/ Individual	Skin(Ekutusi)
11.	Avisukha	Lwusukha	Council of Elders	Council of Elders	Round hut	Copper	Creator/ Ancestral Spirits/Were	Family/ Individual	Skin(Ekutusi)
12.	Abakabarasi	Olukabarasi	Council of Elders	Council of Elders	Round hut	Beads	Creator/ Ancestral Spirits/Were	Family/ Individual	Skin(Ekutusi)
13.	Abamarama	Olumarama	Council of Elders	Council of Elders	Round hut	Beads	Creator/ Ancestral Spirits/Were	Family/ Individual	Skin(Ekutusi)
14.	Avatirichi	Lutirichi	Council of Elders	Council of Elders	Round hut	Beads	Creator/ Ancestral Spirits/Were	Family/ Individual	Skin
15.	Abasamia	Olusamia	Council of Elders Omutuki	Council of Elders	Round hut	Beads	Creator/ Ancestral Spirits/Were	Family/ Individual	Skin(Ekutusi)

APPENDIX II: THE COMMUNITIES AND PEOPLES OF KENYA

	Name of community	Language	System of governance	Traditional Legal System	Traditional Habitat	Traditional Ornaments	Traditional worship System	Traditional Land ownership	Traditional attire
16.	Abatsotso	Olutsotso	Council of Elders	Council of Elders	Round hut	Beads	Ancestral Spirits/Were	Family/Individual	Skins
17.	Abatura	Olutura	Council of Elders	Council of Elders	Round hut	Beads	Creator/Were	Family	Skin
18.	Abasuba	Suba	Council of Elders	Council of Elders	Round hut	Beads	Ancestral Spirits	Family	Skins
19.	Abagusii	Ekegusii	Council of Elders	Ritongo	Round hut	Beads	Engoro	Only Men	Skins
20.	Abakuria	Igikuria	Council of Elders	Iritongo Inchama	Round hut	Ostrich Shells	Sacrificing to ancestors Irioba Nooroi	Only men	Beads/Feathers
21.	Agikuyu	Gikuyu	Council of Elders	Kiama	Round hut	Hangi	Ngai	Clan Land	Ngoo Githis
22.	Akamba	Kikamba	Council of Elders	Council of Elders	Corner house	Beads	Ngai	Family	Kikoi
23.	Aembu	Kiambu	Council of Elders	Council of Elders	Round hut	Beads	Ngai Creator	Individual/Family	Skins
	AMERU								
24.	Aigembe	Kiigembe	Council of Elders	Njuri Nceke	Round hut	Copper	Murungu	Individual/Communal	Tara/ Igutio
25.	Atigania	Gitigania	Council of Elders	Njuri Nceke	Round hut	Beads	Murungu	Individual/Communal	Tara/ Igutio

APPENDIX II: THE COMMUNITIES AND PEOPLES OF KENYA

	Name of community	Languages	System of governance	Traditional Legal System	Traditional Habitat	Traditional Ornaments	Traditional worship System	Traditional Land ownership	Traditional attire
26.	Aiment	Kiiment	Council of Elders	Njuri Nceke	Round hut	Beads	Murungu	Individual/Communal	Tara/ Igutio
27.	Amwimbi	Kimwimbi	Council of Elders	Njuri Nceke	Round hut	Beads	Murungu	Individual/Communal	Tara/ Igutio
28.	Amuthambi	Kiithambi	Council of Elders	Njuri Nceke	Round hut	Copper	Murungu	Individual/Communal	Tara/ Igutio
29.	Achuka	Gichuka	Council of Elders	Njuri Nceke	Round hut	Beads	Murungu	Individual/Communal	Tara/ Igutio
30.	Atharaka	Kitharaka	Council of Elders	Njuri Nceke	Round hut	Copper	Murungu	Individual/Communal	Tara/ Igutio
31.	Ambeere	Kiambeeri	Council of Elders	Council of Elders	Round hut	Iron/beads	Murungu Creator	Individual/communal	Skins
	WASWAHILI								
32.	Bajun	Kibajuni	Council of Elders	Council of Elders	Corner house	Beads/Silver/Gold	Islam	Individual/Communal	Kikos/Kanga/Kanzu
33.	Pate	Kipate	Council of Elders	Council of Elders	Corner house	Beads/Silver/Gold	Islam	Individual/Communal	Kikos/Kanga/Kanzu
34.	Mvita	Kimvita	Council of Elders	Council of Elders	Corner house	Beads/Silver/Gold	Islam	Individual/Communal	Kikos/Kanga/Kanzu
35.	Vumbo	KIvumbo	Council of Elders	Council of Elders	Corner house	Beads/Silver/Gold	Islam	Individual/Communal	Kikos/Kanga/Kanzu
36.	Ozi	Kiozi	Council of Elders	Council of Elders	Corner house	Beads/Silver/Gold	Islam	Individual/Communal	Kikos/Kanga/Kanzu
37.	Fundi	Kifundi	Council of Elders	Council of Elders	Corner house	Beads/Silver/Gold	Islam	Individual/Communal	Kikos/Kanga/Kanzu

APPENDIX II: THE COMMUNITIES AND PEOPLES OF KENYA

	Name of community	Language	System of governance	Traditional Legal System	Traditional Habitat	Traditional Ornaments	Traditional worship System	Traditional Land ownership	Traditional attire
38.	Siyu	Kisiyu	Council of Elders	Council of Elders	Corner house	Beads/Silver/Gold	Islam	Individual /Communal	Kikos/Kanga/Kanzu
39.	Shela	Kishela	Council of Elders	Council of Elders	Corner house	Beads/Silver/Gold	Islam	Individual /Communal	Kikos/Kanga/Kanzu
40.	Amu	Kiamu	Council of Elders	Council of Elders	Corner house	Beads/Silver/Gold	Islam	Individual /Communal	Kikos/Kanga/Kanzu
	MIJI KENDA								
41.	Digo	Kidigo	Council of Elders	Council of Elders	Round hut	Beads/Vivorode	Kaya	Communal	Kanga
42.	Duruma	Kiduruma	Council of Elders	Council of Elders	Round hut	Beads/Vivorode	Kaya	Communal	Kanga
43.	Rabai	Kirabai	Council of Elders	Council of Elders	Round hut	Beads/Vivorode	Kaya	Communal	Hando
44.	Ribe	Kiribe	Council of Elders	Council of Elders	Round hut	Beads/Vivorode	Kaya	Communal	Hando
45.	Kambe	Kikambe	Council of Elders	Council of Elders	Round hut	Beads/Vivorode	Kaya	Communal	Hando
46.	Jibana	Kijibana	Council of Elders	Council of Elders	Round hut	Beads/Vivorode	Kaya	Communal	Hando

APPENDIX II: THE COMMUNITIES AND PEOPLES OF KENYA

	Name of community	Language	System of governance	Traditional Legal System	Traditional Habitat	Traditional Ornaments	Traditional worship System	Traditional Land ownership	Traditional attire
47.	Chonyi	Kichonyi	Council of Elders	Council of Elders	Round hut	Beads/ Vivorode	Kaya	Communal	Hando
48.	Giriamama	Kigiriamama	Council of Elders	Council of Elders	Round hut	Beads/ Vivorode	Kaya	Communal	Hando
49.	Kauma	Kikauma	Council of Elders	Council of Elders	Round hut	Beads	Ancestral spirits/ Kaya	Communal	Hando
50.	Segeju	Segeju	Council of Elders	Council of Elders	Round hut	Beads	Ancestral spirits	Communal	Kanga
51.	Pokomo	Kipokomo	Council of Elders	Age sets	Round hut	Beads	Creator	Communal	Kanga
52.	Ataita	Kitaita	Council of Elders	Council of Elders	Round hut	Beads	God (Creator)	Communal	Kikoi, Kanga
53.	Adawida	Kidawida	Council of Elders	Council of Elders	Round hut	Beads	Creator	Family	Kanga/Kikois
54.	Atavete	Kitaveta	Council of Elders	Council of Elders	Round hut	Beads/She lls	Ancestral Spirits	Communal	Skins/Kanga/Kikois
55.	Amalati	Malati	Council of Elders	Council of Elders	Round hut	Beads	Ancestral Spirits	Communal family	Skins
56.	Amalakote	Kiilwana	Council of Elders	Council of Elders	Round Hut	Beads	Prayers to God	Communal	Kanga
57.	Maasai	Maa	Council of Elders	Age sets/ Age groups	Oval Hut/ Manyatta	Beads	Sacrificing	Men/ Communal	Skins/beads/Shukas

APPENDIX II: THE COMMUNITIES AND PEOPLES OF KENYA

	Name of community	Language	System of governance	Traditional Legal System	Traditional Habitat	Traditional Ornaments	Traditional worship System	Traditional Land ownership	Traditional attire
58.	Samburu	Maa	Council of Elders	Age sets/ Age groups	Oval hut/ Manyatta	Beads	Sacrificing	Communal	Skins/beads
59.	Turkana	Ngaturkana	Council of Elders	Council of Elders	Round Huts	Beads	Akuj	Communal	Skins / beads
60.	Iteso	Ateso	Council of Elders/emorimor	Council of Elders	Round hut	Beads /bungles	Akuj/Sun/ creator Ancestral spirit	Clanism/ Communal	Animal Skins Gomez cloths/Bark cloths
61.	Ilchamus	Ilchamuu	Council of Elders	Council of Elders	Round hut	Beads/ spears	Creator	Communal	Skins/beads
62.	Elmolo	Elmolo	Council of Elders	Council of Elders	Along Lake Turkana	Beads	Ancestral Spirits	Communal	Skins
63.	Sakweri	Sakweri	Council of Elders	Council of Elders	Round hut	Beads	Ancestral Spirits	Communal	Wild animal hides
64.	Konsio	Konsio	Council of Elders	Council of Elders	Rounded hut	Beads	Ancestral	Communal	Animal Skins
65.	Nandi	Nandi	Council of Elders	Council of Elders	Round hut	Beads	Ancestral Spirits/Asis	Communal	Animal Skins
66.	Marakwet	Marakwet	Council of Elders	Council of Elders	Round hut	Beads	Asis/Sun	Communal/Clan	Animal skin
67.	Pokot	Ngala Pokot	Council of Elders	Kokwo	Round Hut	Copper/ Beads	Tororot	Communal/ Individual	Skins/ Beads
68.	Turgen	Turgeny	Council of Elders	Moning'ot	Round Hut	Beads	Asis	Family/ Communal	Skins/Beads

APPENDIX II: THE COMMUNITIES AND PEOPLES OF KENYA

	Name of community	Language	System of governance	Traditional Legal System	Traditional Habitat	Traditional Ornaments	Traditional worship System	Traditional Land ownership	Traditional attire
69.	Kipsigis	Kipsigis	Council of Elders(Komonik)	Council of Elders(age sets, age group)	Round Hut	Beads	Ngolo/Cheptolel	Family/Communal (Mainly Men)	Skins/ Beads
70.	Elkony	Kony	Council of Elders	Council of Elders	Round hut	Beads	Asis/Sun	Communal	Skin/Beads
71.	Elgeyo	Geyo	Council of Elders	Council of Elders	Round hut	Beads	Asis	Communal	Skins/Beads
72.	Saboot	Sabawoot	Council of Elders	Council of Elders	Round hut	Beads/bangles/Red ochre	Yeindet (Creator)	Clannism	Skins/Beads
73.	Terik	Terik	Council of Elders	Council of Elders	Round hut	Beads	Ancestral Spirits	Communal	Skins/beebeads
74.	Lembus	Lembue	Council of Elders	Council of Elders	Round hut	Beads	Sun/Asis	Communal	Skins/beads
75.	Yakhu	Yakhu	Council of Elders	Council of Elders	Rounded hut	Beads	Creator	Communal	Skins
76.	Okieg	Okiegi	Council of Elders	Council of Elders	Forest	Beads	Creator	Communal	Skins/Beads
77.	Sengwer	Sengwer	Council of Elders	Council of Elders	Forest/caves	Beads	Asis/Sun	Communal	Skin of blue monkeys
78.	Bong'omek	Ng'omek	Council of Elders	Council of Elders	Round hut	Beads	Asis	Communal/Clan	Monkey skins
79.	Luo	Dholuo	Council of Elders	Council of Elders	Round hut	Beads /spears	Ancestral Spirits	Communal	Animal Skins
80.	Nubians	Kinubi	Council of Elders	Council of Elders	Cornered houses	Silver/Gold	Islam	Individual/family	Animal hides

APPENDIX II: THE COMMUNITIES AND PEOPLES OF KENYA

	Name of community	Languages	System of governance	Traditional Legal System	Traditional Habitat	Traditional Ornaments	Traditional worship System	Traditional Land ownership	Traditional attire
81.	Boni	Boni	Council of Elders	Council of Elders	Round Hut	Beads		Communal	Skins/ Feathers
82.	Isahakia	Somali	Council of Elders(Agil)	Council of Elders	Round Hut	Gold/Beads	Islamic	Individual/ Communal	Buibui/ Gasu
83.	Somali	Somali	Council of Elders	Solalo	Round Hut	Gold/ Beads	Islamic	Individual/ Communal	Guntina/Shass
84.	Rendile	Rendile	Council of Elders	Council of Elders	Round Hut	Beads	Ancestral spirits	Communal	Animal skin
85.	Oromo	Kiormo	Council of Elders	Council of Elders	Round Hut	Beads	God	Communal	Kanga
86.	Borana	Borana	Council of Elders	Council of Elders	Round Hut	Beads	God	Communal	Skin/Feathers
87.	Gabbara	Gabbara Oromo	Council of Elders	Council of Elders	Round Hut	Beads	God	Communal	Kanga
88.	Sakuye	Kuyee	Council of Elders	Council of Elders	Round hut	Iron/Beads	Ancestral Spirits	Communal	Kanga
89.	Dushnek	Shnek	Council of Elders	Council of Elders	Round hut	Beads	Sacrificing to ancestors	Communal	Animal skins
90.	Munyoyaya	Yaya	Council of Elders	Council of Elders	Round Hut	Beads	Creator	Communal	Kanga
91.	Burji	Burji	Council of Elders	Council of Elders	Four cornered hut	Bangles/ Beads	God (Wonto)	Communal/ Individual	Bado
92.	Wata	Watta	Council of Elders	Age sets/ Clans	Round Hut	Beads	Sacrifice to God	Communal	Maratha

APPENDIX II: THE COMMUNITIES AND PEOPLES OF KENYA

	Name of community	Languages	System of governance	Traditional Legal System	Traditional Habitat	Traditional Ornaments	Traditional worship System	Traditional Land ownership	Traditional attire
93.	Sanye	Dahalo	Council of Elders	Council of Elders	Round Hut	Beads	Prayers to God	Communal	Skins/ Feathers
94.	Kenya Europeans/ Americans								
95.	Kenyan Asians								
96.	Kenyan Arabs								
97.	Non-Indigenous Africans								
98.	Iik	Iil	Council of Elders	Council of Elders	Rounded hut	Beads	Creator	Communal	Animal Skin

APPENDIX III: LIST OF MOTIONS

DATE OF MOTION.	NAME OF DELEGATE AND NUMBER	ARTICLE NO.		
26/1/04 27/1/04	<p align="center">Hon. David M. Rakamba – Delegate No. 433</p>	Article 19(5)	To identify and develop all creative talent among the people of Republic of Kenya.	
		Article 22	<p><u>Right to be involved in National life</u></p> <p>The State shall ensure that:-</p> <p>(a) All communities have equal opportunity in decision making process particularly when decisions may affect them directly or indirectly.</p> <p>(b) National institutions reflect the national character of diversity such as in education, implement, recruitment into police and the armed forces, and in national institutions e.g. Parliament, Judiciary and Executive.</p> <p>(c) Measures including affirmative action shall be used to re-dress past injustices and/or neglect.</p>	
2/2/04		<u>Article 23:</u>	<u>Conflict Management and Resolution</u> <u>The state shall-</u>	

2/2/04			<p>(a) Encourage the use of traditional conflict resolution mechanism where applicable.</p> <p>(b) Allow alternative traditional conflict resolution on matters where both parties consent.</p> <p>(c) Recognize the traditional oathing system in the judicial system.</p> <p>(1) That Article 15(1) be amended by inserting the following new sub-article or paragraph immediately after paragraph (f)(ii).</p> <p>That (iii) the noble African principle of mutual assistance.</p> <p>(2) That the article 19(5) be amended by inserting the following paragraph immediately after paragraph (a) to read as;</p> <p>“To promote and protect the noble African spirit, tradition of principle and practise of African socialism”.</p>	
20/1/04	Hon. Somoina Keko - Delegate No. 363	Article 18(6)	The State shall recognize and adopt the cultural age set, and age groups and promote and enhance continuity of it and other cultural values therein.	
20/1/04		Article 18(8)	Parliament shall enact a law that	

2/2/04		Article 18(9)	<p>protects cultural rights of communities.</p> <p>The state shall promote and enhance the traditional systems of Governance discipline, respect and integrity through Age sets, Age group and traditional association.</p>	
29/1/04		<p>Article 17(2)(G)</p> <p>-</p> <p>Article 19(5)(n)</p>	<p>The State shall ensure the promotion, sensitization and enhancement of teaching mother tongues and cultural values in Primary Schools. And promote translation of Scientific, Technological and intellectual invention to mother tongues.</p> <p>Recognizing the diversity of cultures and the principles of affirmative action, the chairperson and the other members of the Council shall be appointed by the President with the approval of the Parliament.</p> <p>To ensure that the present and future generations shall inherit and use cultural languages, philosophies, histories literature and other communication system.</p> <p>Recognize marriage under tradition system of religious, personal or family law, which recognize marriage between</p>	

			individual of opposite sex b outlaw same sex unions and which is consistent with this constitution.	
21/1/04	Hon. Rita Katamu Delegate No.381	Article 16C	The State shall take necessary measures to design and develop inclusive cultural Education that will give knowledge on Culture to the people with disabilities and promote them to achieve high Educational standards.	
20/1/04		16d: Amendment	The State shall take appropriate measures to design and develop inclusive cultural education that will give knowledge on culture to the people with disabilities in accordance with Article 39 of this Constitution.	
20/1/04		Article 18C Article 8 (5) Article 18	The State shall ensure establishment of Cultural centres at every District level for easy accessibility of the people. The State shall encourage every community to adopt, develop, design and own and use their cultural dress and ornament to signify our originality and pride of our rich culture. Our communities shall ensure that the deposition of our dead is culturally done to conserve our environment and save land for future use. 1. Cultural Assembly of Kenya 2. National Forum on Culture	

22/1/04		Article 19	<p>3. National Authority on Culture 4. National Council on Culture 5. Commission on Culture 6. Cultural Bomas of Kenya</p> <p>There shall be a National Council on Culture which shall implement matters.</p> <p>(a) The National Council shall comprise of representatives from all communities of Kenya including people with disabilities.</p> <p>The Council shall elect two Vice chairperson from among it's members</p> <p>To research, vet and publicize good cultural values and heritages of different communities.</p>	
26/1/04		Article 19(3)	<p>To formulate policies that will advice the relevant organs of state on matters of cultural importance to the people of Kenya.</p>	
26/1/04		Article 19(5)(1)	<p>There be clear goals and principles of report on culture.</p>	
20/1/04		Article 19(5)(a)	<p>The state shall recognize the role of science and both indigenous and scientific technologies knowledge and intellectual.</p>	
	Hon. Rhoda	Article 19(5)(u)	To designate a certain day which will be	

2/2/04	Arupe Loyor - Delegate No.321	Article 19(5)(r)	recognized as cultural National day (Utamaduni day).	
2/2/04		Article 15(1) (h)	To promote inter-ministerial dialogue in information, preservation of cultural heritage and overall management of the national system. Make a commitment to multiculturalism as a mechanism towards tolerance and respect for plurality of cultures.	
3/304	Ashepete Barasa Roseline – Delegate No. 393	Article 17(2)(f)	The state shall recognize the validity of cultural medicine, support, promote and protect modern cultural herbal researches and encourage the people of Kenya to re-discover the value of traditional diet, fauna and flora.	
19/1/04		18(4)(a) Article18 4(b)	The State shall support, promote and protect cultural and monument sites for the purposes of enhancing and encouraging national cultural heritage for posterity. The State shall develop local and foreign	

19/1/04		18(5)(b) Amendment	<p>tourism as means of cultural exchange among Kenyans and the world community provided that tourism does not violate Kenyan culture as outlined in this Constitution</p> <p>The State shall design, develop and encourage the use of a national dress.</p>	
19/1/04		Article 18(7)	<p>The state shall encourage the co-existence and interaction of acceptable traditional cultural arts and literature among the various languages for National unity.</p>	
20/1/04		Article (5)(a)	<p>Understanding the importance of our shared cultural diversities, I propose that 5(a) should include;</p> <p>(a) To formulate policy and give advise to Parliament, Judiciary and other government ministries on culture and cultural values.</p>	
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27/1/04		Article 19(5)(j)	<p>To identify Kenya's expatriated aspect of culture and cultural heritage and take appropriate measures to ensure return of such expatriated cultures and cultural heritage back to Kenya for the benefit of the people of Kenya.</p>	
		Article 19(5)(d)	<p>To publicize Research and promote investments and marketing in Kenya's</p>	

			cultural industry and creativity.	
21/1/04	Hon. Mwandawiro Mghanga – Delegate No.131	- Article 16(2)(e)	<p>The state shall promote and protect indigenous farming systems and food culture.</p> <p>The State shall ensure the creation of necessary material conditions that will enable persons with disabilities to participate in creating and benefiting from culture in accordance with article 39 of this Constitution.</p> <p>To promote the writing of Kenya’s true history.</p> <p>(2)To promote traditional and contemporary Kenyan literature, music, theatre and cinema and ensure that the artists are recognize and valued in our society.</p> <p>Articles, 16,17,18 19 and other provisions be adopted for discussion by the Committee on culture.</p> <p>The state shall recognize the role of science and technology, indigenous knowledge and technologies and intellectual reactivity in the</p>	

			development of the ..	
27/1/04	Hon. Joseph M. Soo Delegate No. 370	- Article 19(5)(m) 18(4)Amendment	<p>The State shall encourage every community to develop own use of their cultural dress to signify our originality and pride of our rich culture.</p> <p>And that the costumes not acceptable to the African society be scrapped out entirely.</p> <p>The State shall ensure that the costumes not accepted to the African society be scrapped out entirely.</p>	
21/104		18(5b) Amendment	<p><u>Motion on repatriation of knowledge and Genetic material</u></p> <p>That repatriation of our cultural materials be inclusive of Genetic and knowledge of our products development and use.</p> <p>For example Mango plant used to make sun-screens or viagra tablet based upon local knowledge and plant use.</p>	
21/1/04	Hon. Bishop David Gitari	18(5) (b) Amendment	The State shall work towards	

27/1/04	Del.No.522	- Article 19(5)(h)	<p>development of a national costume.</p> <p>There shall be an Annual National forum on Culture composed of people from various cultural groups whose main purpose shall be to receive and discuss reports from Regions and the Department of Culture and review and advise on future activities of the department.</p> <p>That the Council shall organize once every year a forum to receive report from Department of Culture and District Cultural Council, discuss and make necessary recommendations.</p>	
20/1/04	Hon. Asha Wanje – Delegate No. 493	18(6)(b) Amendment	The State shall encourage and a national dress mode develop.	
	Hon. Oscar Makokha - Delegate No. 391	Article 17(2)(c) Article 18(6)	<p>Formulate and implement a national policy on science and technology and endeavour to develop the culture of modern science and technology.</p> <p>Take notice that Hon. Oscar Makokha Delegate No. 391 intends to move the following motion at Committee stage.</p> <p>(a) That the indigenous people should receive compensation or royalties</p>	

	<p>Hon. Thomas Merengo Del.No.421</p>	<p>Addition 19(5)(h)</p> <p>Article</p> <p>Article 19</p> <p>Article 19(3)</p>	<p>for use of indigenous cultures where appropriate and prior informed consent has been granted by an indigenous group.</p> <p>(b) That indigenous people should be able to stop comodification of some aspects of their cultures, flora and fauna by either the state or foreigners.</p> <p>To develop, implement and support people centred policies and programmes that promote cultural diversities to enhance national cohesion.</p> <p>The state shall on behalf of the Kenya people demand reparation from countries and people's for the genocide, plundering, destruction of indigenous culture, material and intellectual property genetic resources, land and natural resources of the people of Kenya.</p> <p>I move that the name to be: KENYA CULTURAL COUNCIL OF COMMUNITIES.</p> <p>I move that Article 19(3) to read that the Council shall elect two vice chairpersons from among its members. The 1st Vice chairperson and 2nd Vice</p>	
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		Article 17(2)(j)	<p>chairperson one of whom shall represent the affirmative action.</p> <p>The state shall ensure that tobacco farming and processing is completely banned in Kenya smoking of tobacco is Hazardous to the Health of the people of Kenya.</p>	
	Hon. Omar T. Mzee – Delegate No. 244	<p>Article 19(4)</p> <p>Article 19</p> <p>Article No....</p> <p>Article 20</p>	<p>I propose that Article 19(4) be deleted.</p> <p>To identify, appreciate and promote investments in Kenya’s cultural industry</p> <p><u>To read:</u></p> <p>To promote the development of Kiswahili, all Kenyan indigenous languages, sign language and braille.</p> <p><u>Notice of Motion</u></p> <p>I seek to introduce an additional article after article 19 to be numbered 20 as detailed below:-</p> <p>Establishment of District Councils on Culture.</p> <p>20(1) There is established a District Council for promotion and protection of Culture and Art</p>	

			<p style="text-align: center;">Consistent of:</p> <p>(a) The Chairperson who shall be elected by members of the Council.</p> <p>Members of the District Council shall be drawn from all indigenous cultures inhabiting that district.</p> <p>20(2) The functions of the Council shall be;</p> <p>(a) To advise and give guidance to the National Council on Culture and all other bodies concerned with conservation of Culture and Cultural values.</p> <p>(b) To carry out activities related to culture, cultural inventions and innovations or cultural which are of social and economic values.</p> <p>(a) The District Councils on culture shall work in liaison and assist the National Council on Culture to achieve the assigned objectives.</p> <p>The state shall recognize the role of science and indigenous, technologies and knowledge, and the intellectual creativity in the development of the</p>	
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		Article 17(1)	Nation.	
	• Hon. Julia Ojiambo – Delegate No.220	Article 19(5)(o) Article 15(2)(f)	To recognize, appreciate and support the cultural aspects of child-birth, naming and up-bringing of the young ones and intergenerational parenting. Shall recognize and protect religious organizations to adopt African cultural values and infuse their values in African culture.	
	Hon. Wangari Mathaai – Delegate No.084	Article 18(6)(c) Article 15(1)(f)	<u>Motion of Amendment</u> The state.... From countries and peoples for the genocide, plundering for the people, land, natural resources and destruction of indigenous cultures...etc. Kenyans. The environment and national resources which shapes, sustain and nurtures communities and culture.	
	Hon. Mwai Gakuya – Delegate No.576	Article 15(2)(f)	The organs of the Republic shall:- Protect the commercial harvest of trees and indigenous trees in our environment. (g) The state shall encourage the research and enhance the use of alternatives for manufacturing of paper products.	

	<p>Hon. Joyce Kagendo Muriuki – Delegate No. 273</p>	<p>..</p>	<p>The State shall encourage every community to adopt and develop their own cultural dress mode and ornaments to signify our originality and pride of our rich culture.</p> <p>Functions National Council</p> <p>Strengthen institutionalize, reform and develop traditional legal systems and the Kenyan common Law.</p>	
	<p>Hon. Joseph Maritim Soo</p>	<p>Article Amendment 18(5b)</p> <p>Article No.</p>	<p><u>Motion of repatriation of knowledge and Genetic materials</u></p> <p>That repatriation of our cultural materials be inclusive of Genetic and knowledge of our products development and use.</p> <p>For example Mango plant used to make sun-screens or viagra tablet based upon local knowledge and plant use.</p> <p>The State shall ensure that the costumes not accepted to the African society be scrapped out entirely.</p>	
	<p>Hon.Paul E. Nakitare</p>	<p>Article No. 17</p>	<p>Introduce an amendment to chapter 17, the entitlement of the cultural mission, function of cultural expression, preservation and Members of the Commission.</p>	

APPENDIX IV: MINUTES

MINUTES OF THE FIRST MEETING OF THE TECHNICAL WORKING COMMITTEE NO. 13 ON CULTURE HELD AT TENT NO. 13 AT BOMAS OF KENYA ON TUESDAY 23RD SEPTEMBER 2003 AT 2.30 P.M.

PRESENT:

1. Hon. Kavetsa Adagala - **Rapporteur**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ombito Rita Katamu
5. Hon. Nakitare Paul E.
6. Hon. Einsintele Kureeya
7. Hon. M'Mworia Julius
8. Hon. Orwa Ochieng George
9. Hon. Omanga Clare
10. Hon. Masai Maroa
11. Hon. Peter Nyakundi
12. Hon. Mwai Gakuya
13. Hon. Keko Margaret
14. Hon. Omondi Rajab
15. Hon. Oscar Makokha
16. Hon. Bishop David Gitari

IN ATTENDANCE:

1. Comm. Kavetsa Adagala - **Rapporteur**
2. Mr. G.N. Mosoti - Assistant Programme Officer
3. Mr. Noor M. Abdi - Assistant Programme Officer
4. Mrs. Susan Mutile - Hansard Reporter
5. Ms. Kerubo Pauline - Intern

6. Mr. A.M. Mwendwa - First Clerk Assistant

MIN.NO.1/2003/TWG/CUL: RAPPORTEUR COMMENTS

The Rapporteur welcomed the delegates to the meeting and explained that the purpose of the meeting was to elect a Convenor. She explained that it had been agreed in principle that the Convenor would come from Western Kenya. Therefore the Rapporteur called for proposals.

Hon. Eliud Nakitare was proposed by Hon. George Orwa Ochieng, Delegate No. 418 and seconded by Hon. Rita Katamu, Delegate 381.

And there being no other proposal, the Rapporteur proclaimed Hon. Paul E. Nakitare unanimously elected as the Convenor.

Hon. Nakitare accepted the post of the Convenor and profusely thanked the Delegates for their confidence in him. He promised to serve the Committee with dedication. He urged the members to observe punctuality to enable the Committee to catch up with the other Committees.

The Convenor said that tomorrow's agenda would be a general discussion to map out the framework of culture report.

MIN NO.2/2003/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 3.30 p.m. until Wednesday 24th September at 8.30 a.m. at Tent No. 13.

For Circulation

Hon. Paul E. Nakitare
Convenor

Signature.....

Date.....

Comm. Kavetsa Adagala
Rapporteur

Signature.....

Date.....

For Confirmation

Hon. Paul E. Nakitare
Convenor

Signature.....

Date.....

**MINUTES OF THE SECOND MEETING OF THE TECHNICAL WORKING GROUP
ON CULTURE MEETING HELD ON WEDNESDAY 24TH SEPTEMBER, 2003 AT
TENT NO. 13, BOMAS OF KENYA AT 9.10 A.M.**

PRESENT:

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ombito Rita Katamu
5. Hon. Muriuki Joyce Kagendi
6. Hon. Eissintele Kureya
7. Hon. Omanga Clare
8. Hon. Orwa Ochieng George
9. Hon. Omanga Clare
10. Hon. Nyakundi Peter
11. Hon. Layor Rhoda
12. Hon. Mwai Gakuya
13. Hon. Keko Margaret
14. Hon. Bishop David Gitari
15. Hon. Joseph Maritim Soo

ABSENT WITH APOLOGIES:

1. Hon. Mwandawiro Mghanga
2. Hon. Ojiambo Julia
3. Hon. Maathai Wangari
4. Hon. Father Gitonga
5. Hon. Rev. Muchuga
6. Hon. Dubat A. Amey
7. Hon. Magundho Judith
8. Hon. Maasai Maroa
9. Hon. Ogingo Otieno
10. Hon. Iyadi Nancy
11. Hon. Ole Ntutu Stephen K.
12. Hon. Ngoroongo Makanga
13. Hon. Rajab Mwondi
14. Hon. Oscar Zakayo Makokha

OBSERVERS:

1. Mr. Keifa Chemwor - Pastoralists minorities
2. Mr. Bernard Chahilu - Vihiga Cultural Festival
3. Mr. Tim Gitau - The Kenya Children's Cabinet
4. Ms. Agness Mcantony - National Focal point on FGM
5. Mr.J.D. Akumu - Lancaster Veteran

IN ATTENDANCE:

1. Comm. Kavetsa Adagala - Rapportuer
1. Mr. G.N. Mosoti - Assistant Programme Officer
2. Mr. Noor M. Abdi - Assistant Programme Officer
3. Mrs. Susan Mutile - Hansard Reporter
4. Ms. Kerubo Pauline - Intern
5. Mr. A.M. Mwendwa - First Clerk Assistant

MIN.NO.3/2003/TWG/CUL: PRELIMINARIES

The meeting was opened with prayers by Hon. Ashepete Barasa.

The Convenor requested the Committee Members to introduce themselves for the purpose of getting acquainted.

MIN. NO.4/2003/TWG/CUL: CONFIRMATION OF MINUTES

The Minutes of the previous meeting of Tuesday 23rd September, 2003 were confirmed by the Members present and signed by the Chairman after being proposed and seconded.

MIN.NO.5/2003/TWG/CUL: MATTERS ARISING

Under matters arising, the committee requested the secretariat to separately record the names of the Members who send their apologies and of those who do not attend and neither sent any apology.

The Rapporteur requested the secretariat to provide all the available literature to the Delegates for reference.

MIN.NO.6/2003/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 11.00 a.m. and reconvened it at 11.45 a.m.

MIN.NO.7/2003/TWG/CUL: GENERAL COMMENTS ON CULTURE

The Convenor invited the Members to make general comments on Culture. The delegates deferred the decision on whether to include chapter three as part of Culture or to come up with a completely new chapter on culture.

The Committee was virtually unanimous on the important and critical value of culture in uniting the people of Kenya.

The following observations were made:

- The habit of fathers hugging their daughters and subsequent potential sexual liaison between fathers and daughters was condemned.

- The habit of young men being wooed by older women through financial inducements was also strongly derided.
- Language was cited as important tool since it defines the identity of a community.
- Parents were mentioned as the ones spoiling the youth by adopting the western culture especially in dressing e.g. **tumbo-cuts**.
- Retrogressive and decadent T.V. Programmes were also blamed for the breakdown of cultural norms and traditions.
- There was need to re-examine affirmative action to see whether it was consistent with African cultural concepts and ideals.

MIN.NO.8/2003/TWG/CUL: ADJOURNMENT

The Chairman adjourned the meeting at 1.15 p.m. until Thursday 25th September, 2003 at 8.30 a.m.

For Circulation

For Confirmation

Hon. Paul E. Nakitare
Convenor

Hon. Paul E. Nakitare
Convenor

Signature.....

Signature.....

Date.....

Date.....

Comm. Kavetsa Adagala
Rapporteur

Signature.....

Date.....

MINUTES OF THE THIRD TECHNICAL COMMITTEE ON CULTURE HELD ON THURSDAY, 25TH SEPTEMBER 2003 AT TENT NO. 13 AT BOMAS OF KENYA

PRESENT:

1. Hon. Nakitare Paul E. - **Convenor**
2. Hon. Kavetsa Adagala
3. Hon. Omar Twalib Mzee
4. Hon. Asha Chiku Wanje
5. Hon. Ombito Rita Katamu
6. Hon. Muriuki Joyce Kagendi
7. Hon. Omanga Clare
8. Hon. Orwa Ochieng George
9. Hon. Omanga Clare
10. Hon. Peter Nyakundi
11. Hon. Mwai Gakuya
12. Hon. Keko Margaret
13. Hon. Bishop David Gitari
14. Hon. Joseph Maritim Soo
15. Hon. Mwandawiro Mghanga
16. Hon. Ashepete Barasa
17. Hon. Moses L. Naimodu
18. Hon. M'Mworia Julius
19. Hon. Rajab Mwondi
20. Hon. Oscar Zakayo Makokha
21. Dr. Monica Opole

ABSENT WITH APOLOGIES:

1. Hon. Ojiambo Julia
2. Hon. Maathai Wangari
3. Hon. Father Gitonga
4. Hon. Rev. Muchuga
5. Hon. Dubat A. Amey
6. Hon. Magundho Judith
7. Hon. Maasai Maroa
8. Hon. Ogingo Otieno
9. Hon. Iyadi Nancy
10. Hon. Ole Ntutu Stephen K.
11. Hon. Ngorongo Makanga

OBSERVERS:

1. Keifa Chemwor - Pastoralists minorities
2. Mr. Bernard Chahilu - Vihiga Cultural Festival
3. Mr. Tim Gitau - The Kenya Children's Cabinet
4. Ms. Agness Mcantony - National Focal point on FGM
5. Mr. J.D. Akumu - Lancaster Veteran

- 6. Ms. Wairimu Mungai -
- 7. Ms. Gathoni Muya - Department of Culture

IN ATTENDANCE:

- 1. Comm. Kavetsa Adagala - **Rapporteur**
- 2. Mr. G.N. Mosoti - Assistant Programme Officer
- 3. Mr. Noor M. Abdi - Assistant Programme Officer
- 4. Mrs. Susan Mutile - Hansard Reporter
- 5. Ms. Kerubo Pauline - Intern
- 6. Mr. A.M. Mwendwa - First Clerk Assistant

MIN.NO.9/2003/TWG/CUL: PRELIMINARIES

The meeting commenced with a word of prayer from Hon. Ombito Rita Katamu.

The Convenor requested the members to be punctual in attending the meeting of the Committee and thanked them for the previous substantive contributions.

For Circulation

For Confirmation

Hon. Paul E. Nakitare
Convenor

Hon. Paul E. Nakitare
Convenor

Signature.....

Signature.....

Date.....

Date.....

Comm. Kavetsa Adagala
Rapporteur

Signature.....

Date.....

**MINUTES OF THE FOURTH TECHNICAL COMMITTEE MEETING ON CULTURE
HELD ON THURSDAY, 26TH SEPTEMBER 2003 AT TENT NO. 13 AT BOMAS OF
KENYA**

PRESENT:

1. Hon. Nakitare Paul E. - **Convenor**
2. Hon. Kavetsa Adagala - **Rapporteur**
3. Hon. Omar Twalib Mzee
4. Hon. Asha Chiku Wanje
5. Hon. Ombito Rita Katamu
6. Hon. Muriuki Joyce Kagendi
7. Hon. Orwa Ochieng George
8. Hon. Mwai Gakuya S.
9. Hon. Keko Margaret
10. Hon. Arch. Bishop David Gitari
11. Hon. Joseph Maritim Soo
12. Hon. Mwandawiro Mghanga
13. Hon. Ashepete Barasa
14. Hon. Moses L. Naimodu
15. Hon. M'Mworia Julius
16. Hon. Oscar Zakayo Makokha

ABSENT WITH APOLOGIES:

1. Hon. Ojiambo J.
2. Hon. Maathai Wangari
3. Hon. Father Gitonga
4. Hon. Rev. Muchuga
5. Hon. Dubat A. Amey
6. Hon. Nyakundi Peter
7. Hon. Layor Arupe Rhoda
8. Hon. Magundho Judith
9. Hon. Maasai Maroa
10. Hon. Ogingo Otieno
11. Hon. Iyadi Nancy
12. Hon. Ole Ntutu Stephen K.
13. Hon. Ngorongo Makanga

OBSERVERS:

1. Keifa Chemwor - Pastoralists minorities
2. Agness Mcantony - National Focal point on FGM
3. J.D. Akumu - Lancaster Veteran
4. Dr. Monica Opole - CIKSAP
5. David Orecha - Department of Culture

IN ATTENDANCE:

1. Mr. G.N. Mosoti - Assistant Programme Officer
2. Mr. Noor M. Abdi - Assistant Programme Officer
3. Mrs. Susan Mutile - Hansard Reporter
4. Ms. Kerubo Pauline - Intern

MIN.NO.10/2003/TWG/CUL: PRELIMINARIES

The meeting was called to order at 9.53 a.m. Prayers were said by Hon. Mwai Gakuya. The Convenor requested Members to ensure they attend the meetings in time as this committee is quite new and there is a lot that needs to be covered within this short time.

MIN. NO.11/2003/TWG/CUL: CONFIRMATION OF MINUTES

Confirmation of the minutes of the previous meeting of Thursday 25th September 2003, were deferred to the next meeting as the minutes had not been circulated owing to some technical hiccups.

MIN.NO.12/2003/TWG/CUL: MATTERS ARISING

Under matters arising Members requested that the Convenor and Rapporteur of the committee press for an extension of the sitting of the committee when the conference adjourns. The extension will help the committee catch up with deliberations on the Articles on the Draft Bill, as it was formed only a few days before the conference could adjourn.

Commission Adagala informed the meeting that this proposal had indeed been put forward to the Steering Committee, today 24th September, 2003 but that the Steering Committee rejected it.

As Plenary was to meet at 11.00 a.m. and there was tea break in between, it was suggested by the Convenor that item No. 4 on the Agenda Paper, which is Consideration of Draft Chapter on Culture, be shelved and Members continue deliberations on General comments on Culture. The proposal was unanimously endorsed by the Members present.

MIN. NO.13/2003/TWG/CUL: GENERAL COMMENTS ON CULTURE

The members continued with general comments on culture having shelved agenda No. 4 of the day.

The following were the general comments covered:-

- That culture as strong and beautiful as it is, still has some weaknesses and negative aspects which need to be discarded by society.
- That harmful aspects of culture must be discarded while the positive aspects are promoted and preserved.

- That we should endeavour to protect our own scientific and technical as well as intellectual property.
- That steps be taken to ensure that our art, technology, medicine is not taken by the foreigners and then patented by them, as happened with the **“Ciondo”**
- That the African traditional foods are very nutritious and healthy, but that some cultures which deny women the right to some food like meat, eggs, have been over lived by time and such practices should be discarded.
- That the use of folklore be encouraged as a means of educating our younger members of society.
- That some cultural rites and festivals like funerols take a lot of time and this has an adverse effect on other social as well as economic activities. These need to change.

MIN.NO.14/2003/TWG/CUL: ADJOURNMENT

Members having contributed to the deliberations on the General Comments and taking into account the fact that Plenary was to meet at 11.00 a.m., with tea break at 10.30 a.m., the Convenor of the Committee, Hon. Eliud Nakitare proposed that the meeting adjourn at 10.45 a.m. He then asked for those who were for adjournment to say “AYE” and those opposed to say “NAY” There was a unanimous vote for adjournment, with no voice for “NAY”

The meeting adjourned at 10.47 a.m. to reconvene soon after the re-opening of the conference on 17th November, 2003.

For Circulation

For Confirmation

**Hon. Paul E. Nakitare
Convenor**

**Hon. Paul E. Nakitare
Convenor**

Signature.....

Signature.....

Date.....

Date.....

**Comm. Kavetsa Adagala
Rapporteur**

Signature.....

Date.....

**MINUTES OF THE FIFTH SITTING OF THE TECHNICAL WORKING COMMITTEE
ON CULTURE HELD ON TUESDAY, 13TH JANUARY, 2004 AT TENT NO. 13, BOMAS
OF KENYA, NAIROBI AT 11.00 A.M.**

PRESENT :-

The following Members of the Technical Working Committee were present.

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Thomas Merengo
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Keko Margaret
8. Hon. George O. Ochieng
9. Hon. Muriuki Joyce Kagendo
10. Hon. M. Naimadu
11. Hon. M'Mworia Julius
12. Hon. Mwandawiro Mghanga
13. Hon. Ashepete Barasa
14. Hon. Ombito Rita Katamu

APOLOGIES

Hon. Peter Nyakundi

ABSENT

1. Hon. Julia Ojiambo
2. Hon. Ogingo Otieno
3. Hon. Loyor Roda
4. Hon. Lyadi Nancy
5. Hon. Ntutu ole Stephen
6. Hon. Oscar Z. Makokha
7. Hon. Bishop David Gitari
8. Hon. Ngorongo Makanga
9. Hon. Father Joachim Gitonga
10. Hon. Samwel M. Muchuga
11. Hon. Mugunda Judith
12. Hon. Omanga Clare
13. Hon. Maathai Wangari
14. Hon. Rajab Mwendia

OBSERVERS

1. Mr. J. Dennis Akumu

2. Dr. Monica Opole

IN ATTENDANCE:

- | | | |
|-------------------------|---|-----------------------------|
| 1. Com. Kavetsa Adagala | - | Rapporteur |
| 2. Mr. Tom M. Mboya | - | Draftsman |
| 3. Mr. George Mosoti | - | Assistant Programme Officer |
| 4. Mr. Ken Okada | - | Assistant Programme Officer |
| 5. Ms. Susan Mutile | - | Recorder |
| 6. Mr. Fred Mutula | - | Usher |
| 7. Mr. Paul Munene | - | Support Staff |
| 8. Mr. A. M. Mwendwa | - | First Clerk Assistant |
| 9. Mr. K.A. Kirui | - | Third Clerk Assistant |

MIN. NO.15/2004/TWG/CUL: PRELIMINARIES

The Committee opened its sittings with a prayer by Hon. Margaret Keko.

Thereafter the Convenor formally welcomed the Members to the meeting. The Convenor urged the Members to observe punctuality to ensure that the Committee completes its work within the stipulated time frame.

MIN.NO.16/2004/TWG/CUL: CONFIRMATION OF PREVIOUS MINUTES

The minutes of the previous sitting of Thursday 26th September, 2003 were confirmed and signed by the Convenor and Rapporteur after being proposed and seconded by Hon. Ashepete Barasa and Hon. Omar T. Mzee respectively.

MIN.NO.17/2004/TWG/CUL: REVIEW OF COMMITTEE WORK

The Convenor outlined the progress so far made by the Committee.

The Rapporteur explained to the Committee the mandate of the Committee.

The Rapporteur said that she has made a draft report, which she was proposing to distribute to other Committees for their review and input. The Committee approved the proposal.

MIN.NO.18/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 1.15 p.m. until 2.10 p.m. this afternoon.

AFTERNOON SITTING

The following Members of the Technical Working Committee were present.

1. Hon. Omar Twalib Mzee
2. Hon. Asha Chiku Wanje

3. Hon.Ashepete Barasa
4. Hon. Thomas Merengo
5. Hon. Bishop Gitari
6. Hon. Mwai Gakuyu
7. Hon. Joseph Maritim Soo
8. Hon. Meko Margaret
9. Hon. Ombito Rita Katamu
10. Hon. Nakitare Eliud
11. Hon. Muriuki Joyce Kagendo
12. Hon. M'Mworia Julius
13. Hon. Comm. Kavetsa Adagala
14. Hon. Akumu James Dennis

OBSERVER

1. Hon. Lydia Musyoki
2. Hon. Bernard Chahilu
3. Hon. Rosemary Sawe
4. Hon. Bard A. Adreasseu

ABSENT WITH APOLOGY

Hon. Peter Nyakundi

ABSENT WITHOUT APOLOGY

1. Hon. Mwandawiro Mghanga
2. Hon. Julia Ojiambo
3. Hon. Ogingo Otieno
4. Hon. Loyor Arupe Rhoda
5. Hon. Lyadi Nancy
6. Hon. Ntutu ole Stephen
7. Hon. Oscar Z. Makokha
8. Hon. Ngorongo Makanga
9. Hon. Father Joachim Gitonga
10. Hon. Samwel M. Muchuga
11. Hon. George O. Ochieng
12. Hon. Mugunda Judith
13. Hon. Omanga Clare
14. Hon. Eissintele Kureya
15. Hon. Rajab Mwendia
16. Hon. Maathai Waangari

IN ATTENDANCE:

- | | | |
|-------------------------|---|-----------------------------|
| 1. Com. Kavetsa Adagala | - | Rapporteur |
| 2. Mr. Tom M. Mboya | - | Draftsman |
| 3. Mr. George Mosoti | - | Assistant Programme Officer |

- | | | | |
|----|-------------------|---|-----------------------------|
| 4. | Mr. Ken Okada | - | Assistant Programme Officer |
| 5. | Ms. Susan Mutile | - | Recorder |
| 6. | Mr. Fred Mutula | - | Usher |
| 7. | Mr. Paul Munene | - | Support Staff |
| 8. | Mr. A. M. Mwendwa | - | First Clerk Assistant |
| 9. | Mr. K.A. Kirui | - | Third Clerk Assistant |

MIN.NO.19/2004/TWG/CUL: DELEGATES REPRESENTATION

The Committee expressed concern that some provinces were not represented in the Cultural Committee. This could have serious repercussions in making the conference accept the report of the Committee.

MIN.NO.20/2004/TWG/CUL: FORMAT OF THE REPORT

The Committee debated at length on the format of the Report and agreed on the following;

- Title of the chapter
- That the issue of culture be on chapter on its own

The following titles of the chapter were proposed

1. Culture
2. Cultural Heritage and National values
3. National Cultural Heritage values, pride and identity

The Committee after lengthy debate was unable to select the title and therefore resolved to deter the issue.

However, the Committee was divided over the issue and resolved to vote on whether to select the title or deter it until tomorrow.

The Committee voted to deter the issue until tomorrow Wednesday, 14th January, 2004.

POSITION OF THE CHAPTER

The Committee resolved to have the chapter on culture be made chapter four.

STRUCTURE OF THE CHAPTER

The Committee debated on the structure of the chapter and resolved to structure the chapter as follows.

- Introduction
- Principles
- The Draft Article

The Committee having identified the format of the chapter requested the Rapporteur to come up with draft principle.

The Committee also resolved that the delegates also attempt to come up with proposals on the principles.

MIN.NO.21/2004/TWG/CUL: AGENDA

The Committee identified the following as the Agenda for Wednesday 14th January, 2004.

1. Prayer
2. Confirmation of previous minutes
3. Matters Arising
4. Consideration of the chapter on Culture
 - Title
 - Introduction
 - Definitions
 - Principles
5. Any Other Business
6. Date of Next Meeting

MIN.NO.22/2004/TWG/CUL: ADJOURNMENT

The Chairman adjourned the meeting at 5.00 p.m. until Wednesday 14th, January, 2004 at 9.30. a.m.

For Circulation

For Confirmation

**Hon. Paul E. Nakitare
Convenor**

**Hon. Paul E. Nakitare
Convenor**

Signature.....

Signature.....

Date.....

Date.....

Comm. Kavetsa Adagala

Rapporteur

Signature.....

Date.....

**MINUTES OF THE SIXTH SITTING OF THE TECHNICAL WORKING COMMITTEE
ON CULTURE HELD ON WEDNESDAY, 14TH JANUARY, 2004 AT TENT NO. 13,
BOMAS OF KENYA, NAIROBI AT 10.00 A.M.**

PRESENT:-

The following Members of the Technical Working Committee were present.

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Bishop David Gitari
6. Hon. Joseph Maritim Soo
7. Hon. Mwai Gakuya
8. Hon. Margaret Keko
9. Hon. Ombito Rita Katamu
10. Hon. Muriuki Joyce Kagendo
11. Hon. M'Mworia Julius
12. Hon. Thomas Merengo

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Oscar Z. Makokha
5. Hon. Eissintele Kureya
6. Hon. Wangari Maathai
7. Hon. Rajab Mwendia
8. Hon. Omanga Clare
9. Hon. Eissintele Kureya
10. Hon. Wangari Maathai
11. Hon. Rajab Mwendia
12. Hon. George O. Ochieng
13. Hon. Mugunda Judith
14. Hon. Samwel M. Muchunga
15. Hon. Father Joachim Gitonga
16. Hon. Ngorongo Makanga

OBSERVERS

1. Mr. Bernard Chahilu
2. Mr. Bard A. Adreassen
3. Ms. Monica Opole
4. Ms. Rosemary Sawe
5. Mr. Marcos Rakamba

IN ATTENDANCE:

- | | | | |
|-----|----------------------|---|-----------------------------|
| 1. | Com. Kavetsa Adagala | - | Rapporteur |
| 2. | Mr. Tom M. Mboya | - | Draftsperson |
| 3. | Mr. George Mosoti | - | Assistant Programme Officer |
| 4. | Mr. Ken Okada | - | Assistant Programme Officer |
| 5. | Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 6. | Ms. Susan Mutile | - | Recorder |
| 7. | Mr. Fred Mutula | - | Usher |
| 8. | Mr. Paul Munene | - | Support Staff |
| 9. | Mr Andrew M. Mwendwa | - | First Clerk Assistant |
| 10. | Mr. K.A. Kirui | - | Third Clerk Assistant |

MIN.NO.23/2004/TWG/CUL: PRELIMINARIES

The proceedings opened with a prayer by Hon. Bishop David Gitari. Thereafter the Rapporteur introduced two eminent scholars i.e. Dr. Ruth Kibiti and Prof. Bethwel Ogot. She said that the two would offer observations and comments to assist the delegates appreciate cultural issues. Thereupon the Convenor invited Dr. Kibiti and Prof. B. Ogot to address the Committee.

MIN.NO.24/2004/TWG/CUL: ADJOURNMENT

The Chairman adjourned the meeting at Twenty-Five minutes past One O'clock until 2.30 p.m. this afternoon.

AFTERNOON SITTING

PRESENT:-

- | | | | |
|-----|----------------------------|---|-----------------|
| 1. | Hon. Paul E. Nakitare | - | Convenor |
| 2. | Hon. Asha Chiku Wanje | | |
| 3. | Hon. Ashepete Barasa | | |
| 4. | Hon. Bishop David Gitari | | |
| 5. | Hon. Joseph Maritim Soo | | |
| 6. | Hon. Thomas Merengo | | |
| 7. | Hon. Margaret Keko | | |
| 8. | Hon. Ombito Rita Katamu | | |
| 9. | Hon. Muriuki Joyce Kagendo | | |
| 10. | Hon. M'Mworia Julius | | |

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon, Omar Twalib Mzee
4. Hon. Mwandawiro Mghanga
5. Hon. J. Ojiambo

6. Hon. Ogingo Otieno
7. Hon. Mwai Gakuya
8. Hon. Ntutu ole Stephen
9. Hon. Oscar Z. Makokha
10. Hon. Omanga Clare
11. Hon. Eissintele Kureya
12. Hon. Wangari Maathai
13. Hon. Rajab Mwendia
14. Hon. George O. Ochieng
15. Hon. Mugunda Judith
16. Hon. Samwel M. Muchunga
17. Hon. Father Joachim Gitonga
18. Hon. Ngorongo Makanga

OBSERVERS

1. Dr. Monica Opole
2. Mr. Bernard Chahilu
3. Mr. J. Dennis Akumu
4. Ms. Rosemary Sawe

IN ATTENDANCE:

- | | | | |
|-----|----------------------|---|-----------------------------|
| 1. | Com. Kavetsa Adagala | - | Rapporteur |
| 2. | Mr. Tom M. Mboya | - | Draftsperson |
| 3. | Mr. George Mosoti | - | Assistant Programme Officer |
| 4. | Mr. Ken Okada | - | Assistant Programme Officer |
| 5. | Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 6. | Ms. Susan Mutile | - | Recorder |
| 7. | Mr. Fred Mutula | - | Usher |
| 8. | Mr. Paul Munene | - | Support Staff |
| 9. | Mr Andrew M. Mwendwa | - | First Clerk Assistant |
| 10. | Mr. K.A. Kirui | - | Third Clerk Assistant |

MIN.NO.25/2004/TWG/CUL: MATTERS ARISING

Under matters arising;

- (i) The Rapporteur informed the Committee that the Commission was streamlining the list of the delegates of the Committee on culture.
- (ii) The Convenor requested the Clerk to write to all the provincial coordinators requesting them to assign at least two delegates from each province to the Culture Committee to ensure fair representation and input.

- (iii) Under Min.6/2004/TWG/CUL,it was noted one title that had been proposed had been omitted and was thus inserted as
4: Cultural Heritage and our National ethics.
- (iv) Under minute 6/2004/TWG/CUL, it was noted that the proposal to have the chapter on culture numbered as chapter 4 had been omitted. It was thus resolved to have it recorded that it had been proposed.

MIN.NO.26/2004/TWG/CUL: CONSIDERATION OF CHAPTER ON CULTURE

(a) **TITLE**

The Committee resolved to name the title of the chapter as “**Culture**” after taking a show by hands vote with the following results.

<u>Title Proposed</u>	<u>Votes</u>
1. Culture	7
2. Cultural Heritage & National Values, Pride and Identity	1
3. National Cultural Heritage, Values, Pride and identity	0
4. Cultural Heritage and our National ethics	0

(b) **DEFINITIONS**

The Committee was presented with five different definitions by the drafts person.

After exhaustive discussions, the Committee resolved to defer discussion on the definitions until tomorrow in order to enable the Members make whatever amendments they may deem necessary.

The Committee was informed that the draft principles were not ready.

The Committee also resolved to peruse through the proposed Articles.

MIN.NO.27/2004/TWG/CUL: ANY OTHER BUSINESS

The Committee expressed concern over the punctuality of the Committee Members and resolved to be starting work at 9.30 a.m.

MIN.NO.28/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the sitting at 5.00 p.m. until Thursday, 5thJanuary, 2004.

For Circulation

For Confirmation

**Hon Paul Nakitare
Convenor**

Signature.....

Date.....

**Hon Paul Nakitare
Convenor**

Signature.....

Date.....

**Comm. Kavetsa Adagala
Rapporteur**

Signature.....

Date.....

MINUTES OF THE SEVENTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON THURSDAY, 15TH JANUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Bishop David Gitari
6. Hon. Joseph Maritim Soo
7. Hon. Mwai Gakuya
8. Hon. Margaret Keko
9. Hon. Ombito Rita Katamu
10. Hon. Muriuki Joyce Kagendo
11. Hon. M'Mworia Julius
12. Hon. Thomas Merengo
13. Hon. Mwandawiro Mghanga
14. Hon. Oscar Z. Makokha
15. Hon. Samuel Mwaura
16. Hon. Ngorongo Makanga

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Rajab Mwendia
5. Hon. Omanga Clare
6. Hon. M.L ole Naimadu
7. Hon. Wangari Maathai
8. Hon. George O. Ochieng
9. Hon. Mugunda Judith
10. Hon. Samwel M. Muchunga
11. Hon. Father Joachim Gitonga
12. Hon. Julia Ojiambo
13. Hon. Ogingo Otieno

OBSERVERS

1. Mr. Bernard Chahilu
2. Hon. Prof. Ruth Oniango
3. Mr. David Marcos Rakamba

IN ATTENDANCE:

1. Com. Kavetsa Adagala - **Rapporteur**
2. Mr. Tom M. Mboya - **Draftsperson**

- | | | | |
|-----|----------------------|---|-----------------------------|
| 3. | Mr. George Mosoti | - | Assistant Programme Officer |
| 4. | Mr. Ken Okada | - | Assistant Programme Officer |
| 5. | Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 6. | Ms. Susan Mutile | - | Recorder |
| 7. | Mr. Fred Mutula | - | Usher |
| 8. | Mr. Antony | - | Support Staff |
| 9. | Mr Andrew M. Mwendwa | - | First Clerk Assistant |
| 10. | Mr. K.A. Kirui | - | Third Clerk Assistant |

MIN.NO.29/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order at 10.00 a.m. with Hon. Bishop David Gitari opening the meeting with a prayer.

MIN.NO.30/2004/TWG/CUL: BRIEF BY HON. RUTH ONIANGO, MP

The Convenor invited Hon. Ruth Oniango, MP to address the Committee thereupon. The Hon. Member briefed the Committee on the importance and vitalness of various cultural issues particularly on the traditional foods *vis-à-vis* the modern Foods (summary attached).

MIN.NO.31/2004/TWG/CUL: CONFIRMATION OF THE PREVIOUS MINUTES

The Minutes of the previous sitting was confirmed by the Members present and signed by the Convenor and Rapporteur after being proposed by Hon. Bishop David Gitari and Hon. Margaret Keko respectively.

MIN.NO.32/2004/TWG/CUL: MATTERS ARISING

Under matters arising;

The Committee directed that the minutes should unequivocally reflect that the Committee on Culture had resolved that “**Culture**” be a chapter on its own.

MIN.NO.33/2004/TWG/CUL: DEFERRED

The Committee resolved to defer discussion on Introduction, Definitions and Principles until a later time and in the meanwhile consider the Draft Articles.

MIN.NO.34/2004/TWG/CUL: CONSIDERATION OF DRAFT ARTICLES ON CULTURE

1. **Article 15(1)(a)** Question proposed;
That 1(a) be part of the Bill.

Debate Arising;

Question put and Agreed to.

(b) Question proposed
That 1(b) be part of the Bill.

Debate Arising;

Amendment proposed

That the word “**culture**” be deleted
and wherever it subsequently
appears.
Question put and Agreed to;

1(c) Question proposed
That (1c) be part of the Bill

Debate Arising;

Question put and Agreed to;

1(d) Question proposed
That (1d) be part of the Bill
Debate Arising;
Question put and Agreed to;

1E Question proposed

That (1e) be part of the Bill
Debate Arising;
Question put and Agreed to

1(f) Question proposed
That 1(f) be part of the Bill
Debate Arising;

Question put and Agreed to

Article 15(2)(a)

Question proposed;
That 15 (2) (a) be part of the Bill
Debate Arising;

Amendment proposed

That the words “**are not inconsistent**” be deleted and the
words “**are consistent** “ be inserted thereof
Question put and Agreed to

Article 15(2) (b)

Question proposed
That 15(2)(b) be part of the Bill

Amendments proposed

That the sentence be amended to
*“recognize and appreciate cultural,
customary and religious days
celebrated by various communities”.*

MIN.NO.35/2004/TWG/CUL: PRESS STATEMENT

The Convenor read out a Press Statement from various Foreign Embassies in Kenya, which expressed their support to the on-going Bomas III Constitutional Conference.

MIN.NO.36/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 1.00 O'clock until 2.10 p.m. this afternoon.

AFTERNOON SITTING

PRESENT:-

1. Hon. Paul E. Nakitare - Convenor
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Bishop David Gitari
6. Hon. Joseph Maritim Soo
7. Hon. Mwai Gakuya
8. Hon. Margaret Keko
9. Hon. Ombito Rita Katamu
10. Hon. M'Mworia Julius
11. Thomas Merengo
12. Hon. Mwandawiro Mghanga
13. Hon. Oscar Z. Makokha
14. Hon. Samuel Mwaura

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. M.L.ole Naimadu
5. Hon. Rajab Mwondia
6. Hon. Omanga Clare
7. Hon. Wangari Maathai
8. Hon. George O. Ochieng
9. Hon. Mugunda Judith
10. Hon. Samwel M. Muchunga
11. Hon. Father Joachim Gitonga

12. Hon. Ngorongo Makanga
13. Hon. Julia Ojiambo
14. Hon. Ogingo Otieno
15. Hon. Muriuki Joyce Kagendo

OBSERVERS

1. Mr. Bernard Chahilu
2. Mr. J. Akumu Dennis
3. Mr. Davis Marcos Rakamba

IN ATTENDANCE:

- | | | | |
|-----|----------------------|---|-----------------------------|
| 1. | Com. Kavetsa Adagala | - | Rapporteur |
| 2. | Mr. Tom M. Mboya | - | Draftsperson |
| 3. | Mr. George Mosoti | - | Assistant Programme Officer |
| 4. | Mr. Ken Okada | - | Assistant Programme Officer |
| 5. | Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 6. | Ms. Susan Mutile | - | Recorder |
| 7. | Mr. Fred Mutula | - | Usher |
| 8. | Mr. Antony | - | Support Staff |
| 9. | Mr Andrew M. Mwendwa | - | First Clerk Assistant |
| 10. | Mr. K.A. Kirui | - | Third Clerk Assistant |

MIN.NO.37/2004/TWG/CUL: CONSIDERATION OF ARTICLES ON CHAPTER ON CULTURE

Debate interrupted resumed

Article 15(2)(c)

Question proposed
That 15(2)(c) be part of the Bill

Debate Arising:

Amendment proposed

That the word “**acceptable**” be
Inserted between the word expand and culture.

Question put and Agreed to

Article 15(2)(d)

Question proposed
That 15(2)(d) be part of the Bill

Debate Arising;

Question put and Agreed to

Article 15 (2)(e)

Question proposed
That 15(2)(e) be part of the Bill

Debate Arising;

Amendment proposed

That the word “**concerned**” be inserted immediately after the word “**communities**” and the words “**where possible**” be deleted immediately after be deleted

Question put and Agreed to

Article 16(1)

Question proposed
That 16(1) be part of the Bill
Debate Arising;

Amendment proposed

That the word “**conservation**” be inserted immediately after the word “**transmission**”

Article 16(2)

Question proposed
That 16(2) be part of the Bill

Debate Arising;

Amendment proposed

That in 16 (2)(a) the word “**quality**” be inserted immediately after the word “highest”.

Question put and Agreed to.

The Committee resolved to add several sub clauses after 16(2) in its next meeting.

MIN.NO.38/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 4.20 p.m. until Friday 16th January, 2004 at 9.00 a.m.

For Circulation

For Confirmation

**Hon Paul Nakitare
Convenor**

**Hon Paul Nakitare
Convenor**

Signature.....

Signature.....

Date.....

Date.....

Comm. Kavetsa Adagala

Rapportuer

Signature.....

Date.....

MINUTES OF THE EIGHTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON FRIDAY, 16TH JANUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT: -

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Bishop David Gitari
6. Hon. Joseph Maritim Soo
7. Hon. Mwai Gakuya
8. Hon. Margaret Keko
9. Hon. Ombito Rita Katamu
10. Hon. Muriuki Joyce Kagendo
11. Hon. M'Mworia Julius
12. Hon. Thomas Merengo
13. Hon. Mwandawiro Mghanga
14. Hon. Oscar Z. Makokha
15. Hon. Samuel Mwaura
16. Hon. David Marcos Rakamba

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Rajab Mwendia
5. Hon. Omanga Clare
6. Hon. M.L ole Naimadu
7. Hon. Wangari Maathai
8. Hon. George O. Ochieng
9. Hon. Mugunda Judith
10. Hon. Samwel M. Muchunga
11. Hon. Father Joachim Gitonga
12. Hon. Julia Ojiambo
13. Hon. Ogingo Otieno

OBSERVERS

1. Mr. Samwel Mwaura
2. Mr. J. Dennis Akumu
3. Hon. Ruth Kibiti
4. Hon. Rosemary Sawe
5. Hon. Bernard Chahilu

IN ATTENDANCE:

1.	Com. Kavetsa Adagala	-	Rapporteur
2.	Mr. Tom M. Mboya	-	Draftsperson
3.	Mr. George Mosoti	-	Assistant Programme Officer
4.	Mr. Ken Okada	-	Assistant Programme Officer
5.	Mrs. Selinah Kandie	-	Assistant Programme Officer
6.	Ms. Susan Mutile	-	Recorder
7.	Mr. Fred Mutula	-	Usher
8.	Mr. Antony	-	Support Staff
9.	Mr. Andrew M. Mwendwa	-	First Clerk Assistant
10.	Mr. K. arap Kirui	-	Third Clerk Assistant

MIN.NO.39/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order at 9.30 a.m. with Hon. Bishop Gitari opening the meeting with a prayer.

MIN.NO.40/2004/TWG/CUL: CONSIDERATION OF DRAFT ARTICLES ON CULTURE

Article 17(1) (a) Question proposed;
That article 17(1)(a) be part of the Bill
Debate Arising;
Question put and Agreed to.

Amendment proposed

That the word “**shall**” be inserted before the word state, and the word “**technologies**” after the word “**indigenous**”

Question put and Agreed to.

Article 17(2) (a) Question proposed
That article 17 (2) (a) be part of the Bill
Debate Arising;

Amendment proposed

That the sentence be rephrased to read;

“support, promote, protect and patent Kenya’s appropriate scientific, artistic, technological and intellectual inventions and innovations and their application to the development of the people of Kenya”

Question put and Agreed to.

Article 17 (2) (b)

Question proposed
That (2) (b) be part of the Bill
Debate Arising;

Question put and Agreed to.

Article 17 (2) (c)

Question proposed
That (2) (b) be part of the Bill

Debate Arising;

Amendment proposed

That article (2) (c) be rephrased to read;

“formulate and implement a national policy on indigenous science, art and technology and develop acceptable culture of modern science and technology”

Article 17 (2) (d)

Question proposed
That article 17 (2) (d) be part of the Bill

Debate Arising;

Amendment proposed

That article 17 (2) (d) be amended by deleting the word “**and**” between the words “**develop**” and “**protect**” and the words “**where appropriate**”, and inserting the words “**and patent**” between the words “**protect**” and “**indigenous**”

Article 17 (2) (e)

Question proposed

That article 17 (2) be amended by inserting a new sub article (e) immediately after sub article (d) to read;

“ensure that imported scientific, artistic and technological developments and inventions are consistent with this constitution”

Question put and Agreed to.

Article 17(2)(f)

Question proposed

That article 17 (2) be amended by inserting a new sub article (f) to read;

“The state shall recognize the validity of cultural medicine, support, promote and protect modern cultural herbal researchers and encourage the people of Kenya to rediscover the value of traditional food medicine and a good environment”

Debate Arising;

Question put and Agreed to.

MIN.NO.41/2004/TWG/CUL: VISIT TO CULTURAL CENTRES AND THE ARCHIVES

The Committee resolved to visit several cultural institutions and the National Archives on Tuesday 20th January 2004 so as to learn and benefit from the cultural resources contained therein and further inform the committee’s work.

MIN.NO.42/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 1.00 O’clock until Monday 19th January 2004 at 9.00 a.m.

For Circulation

**Hon Paul Nakitare
Convenor**

Signature.....

Date.....

**Comm. Kavetsa Adagala
Rapporteur**

Signature.....

Date.....

For Confirmation

**Hon Paul Nakitare
Convenor**

Signature.....

Date.....

MINUTES OF THE NINTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON MONDAY, 19TH JANUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Bishop David Gitari
6. Hon. Joseph Maritim Soo
7. Hon. Mwai Gakuya
8. Hon. Margaret Keko
9. Hon. Ombito Rita Katamu
10. Hon. Muriuki Joyce Kagendo
11. Hon. M'Mworia Julius
12. Hon. Thomas Merengo
13. Hon. Mwandawiro Mghanga
14. Hon. Samuel Mwaura

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Rajab Mwendia
5. Hon. Omanga Clare
6. Hon. M.L ole Naimadu
7. Hon. Wangari Maathai
8. Hon. George O. Ochieng
9. Hon. Mugunda Judith
10. Hon. Samwel M. Muchunga
11. Hon. Father Joachim Gitonga
12. Hon. Julia Ojiambo
13. Hon. Ogingo Otieno
14. David Marcos Rakamba

OBSERVERS

Hon. Rosemary Sawe

IN ATTENDANCE:

1. Com. Kavetsa Adagala - **Rapporteur**
2. Mr. Tom M. Mboya - Draftsperson
3. Mr. Geoffrey Mosoti - Assistant Programme Officer
4. Mr. Ken Okada - Assistant Programme Officer

- | | | | |
|-----|-----------------------|---|-----------------------------|
| 5. | Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 6 | Ms. Susan Mutile | - | Recorder |
| 7 | Mr. Fred Mutula | - | Usher |
| 8. | Mr. Antony | - | Support Staff |
| 9. | Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 10. | Mr. K. arap Kirui | - | Third Clerk Assistant |

MIN.NO.43/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order at 10.00 a.m. with Hon. Bishop Gitari opening the meeting with a prayer.

MIN.NO.44/2004/TWG/CUL: CONFIRMATION OF THE PREVIOUS MINUTES

The Minutes of the previous sitting was confirmed by the Members present and signed by the Convenor and Rapporteur after being proposed by Hon. Margaret Keko and Hon. Thomas Merengo respectively.

MIN.NO.45/2004/TWG/CUL: THE WORK OF THE SECRETARIAT

The committee complained that the work of the secretariat was below expectations and suggested that there must be improvement.

MIN.NO.46/2004/TWG/CUL: DEFINITION CLAUSES

The Committee was reminded that work on the definition clauses remained pending. The Rapportuer suggested that the committee disposes of the remaining articles first.

MIN.NO.47/2004/TWG/CUL: SUBCOMMITTEE ON ARTICLE 17 (2) (F)

A subcommittee comprising of Hon. Ashepete, Oniang’o, Mghanga and Rapporteur Kavetsa Adagala was constituted to redraft a new article 17 (2) (f) proposed by Hon. Ashepete and was asked to report to the committee in the next meeting.

The committee also deferred debate on new sub articles 16 (2) (d) and 18 (iv) proposed by Hon Katamu to the next sitting day.

MIN.NO.48/2004/TWG/CUL: CONSIDERATION OF DRAFT ARTICLES ON CULTURE

Article 16(2)

Question proposed;

That article 16(2) be amended in sub article 2 by inserting the following new paragraph (c);

“take appropriate measures to ensure that the education system of Kenya will enable the people of Kenya to develop strong moral, ethical and spiritual foundations”

Debate Arising;

Question put and Agreed to.

Article 17(2)

Question proposed

That article 17(2) be amended in sub article 2 by inserting the following new paragraph (g);

“ensure the promotion, sensitization and enhancement of teaching of mother tongues and cultural values in the entire education system by enriching them with publication and translation of scientific, artistic, technological and intellectual materials and mother tongues”

Debate Arising;

Question put and Agreed to.

Article 18 (i)

Question proposed

That article 18 (i) be part of the Bill

Debate Arising;

Amendment proposed

That the word “ **knowledge**” be inserted between the words “indigenous” and “literature” and that the word “**intangible**” be deleted

Question put and Agreed to.

Article 18 (ii)

Question proposed

That article 18 be amended by inserting the following new paragraph (ii);

“encourage the establishment of Museums and Archives for preservation and conservation of material culture, historical documents and literature in each distinctive cultural group”

Debate Arising;

Question put and Agreed to.

18(iii) Question proposed

That article 18 be amended by inserting the following new paragraph (iii);

“encourage all distinctive cultural groups to establish their cultural centers and ensure that cultural centres are established in all districts”

Debate Arising;

Question put and Agreed to.

MIN.NO.49/2004/TWG/CUL: VISIT TO CULTURAL CENTRES AND THE ARCHIVES

The Committee was reminded about the visit to the National Museums and the National Archives on Tuesday 20th January 2004 in the afternoon.

MIN.NO.50/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 4.14 O'clock until Tuesday 19th January 2004 at 9.00 a.m.

For Circulation

For Confirmation

**Hon Paul Nakitare
Convenor**

**Hon Paul Nakitare
Convenor**

Signature.....

Signature.....

Date.....

Date.....

**Comm. Kavetsa Adagala
Rapporteur**

Signature.....

Date.....

MINUTES OF THE TENTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON TUESDAY, 20TH JANUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Bishop David Gitari
6. Hon. Joseph Maritim Soo
7. Hon. Mwai Gakuya
8. Hon. Margaret Keko
9. Hon. Ombito Rita Katamu
10. Hon. Muriuki Joyce Kagendo
11. Hon. M'Mworia Julius
12. Hon. Thomas Merengo
13. Hon. Mwandawiro Mghanga
14. Hon. Oscar Z. Makokha
15. Hon. Samuel Mwaura
16. Hon. Joel Haji Mwalengo

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Rajab Mwondia
5. Hon. Omanga Clare
6. Hon. Peter Nyakundi
7. Hon. George O. Ochieng
8. Hon. Mugunda Judith
9. Hon. Samwel M. Muchunga
10. Hon. Julia Ojiambo
11. Hon. Ogingo Otieno
12. Hon. Father Joachim Gitonga
13. Hon. Davis Marcos Rakamba

OBSERVERS

1. Hon. J. Dennis Akumu
2. Hon. (Dr) Kiprono Too
3. Hon. Bernard Chahilu
4. Hon. Rosemary Sawe
5. Hon. Monica Opole
6. Hon. Fatuma Ibrahim
7. Hon. Simon L. Alen

IN ATTENDANCE:

- | | | | |
|-----|------------------------|---|-----------------------------|
| 1. | Com. Kavetsa Adagala | - | Rapporteur |
| 2. | Mr. Tom M. Mboya | - | Draftsperson |
| 3. | Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 4. | Mr. Ken Okada | - | Assistant Programme Officer |
| 5. | Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 6. | Mr. Fred Mutula | - | Usher |
| 7. | Mr. Antony Rono | - | Support Staff |
| 8. | Mr. Yakubu Ali Mohamed | - | Support Staff |
| 9. | Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 10. | Mr. K. arap Kirui | - | Third Clerk Assistant |

MIN.NO.51/2004/TWG/CUL: PRELIMINARIES

The meeting was opened with a word of prayer by Hon. Archbishop David Gitari.

The Committee expressed its condolences to Hon. Dennis Akumu, an observer to the Committee, over the sad demise of his father who passed away on Monday, 19th January, 2004.

MIN.NO.52/2004/TWG/CUL: CONFIRMATION OF PREVIOUS MINUTES

The minutes of the previous meeting were confirmed by the Members present and signed by the Convenor and the Rapporteur after being proposed by Hon. J. M’Woria, and seconded by Hon. David Gitari respectively. The minutes were amended as follows:

- (i) The name of Hon. Delegate Oscar Makokha which was inadvertently omitted was included.
- (ii) The name of Hon. Delegate Hon. Dennis Akumu, an Observer which was omitted was included.

MIN.NO.53/2004/TWG/CUL: MATTERS ARISING

The Committee resolved that the Convenor should contact the Rapporteur-General over the issue of the official membership of the Committee.

MIN.NO.54/2004/TWG/CUL: CONSIDERATION OF DRAFT ARTICLES ON CULTURE

Article 16(2)(D) Question proposed
That a new sub clause 16 2(D) be part of the Bill.

Debate Arising;

Amendment proposed

New sub clause be inserted after 16 2(c) and to read;

“The State shall take appropriate measures to design and develop cultural education that will give knowledge on culture to the people with disabilities in accordance with Article 39 of this Constitution”

Question put and Agreed to.

Article 16 (2) (E)

That a new sub clause 16(2)(E) be part of the Bill.

Amendment proposed

The state shall ensure the creation of necessary material conditions that will enable persons with disabilities to participate in creating and benefiting from Culture in accordance with article 39 of the Constitution.

Question put and Agreed to.

Article 17 (2)(f)

Question proposed;

That a new sub clause 17 2(f) be part of the Bill.

Debate Arising;

Amendment proposed

That the State shall recognize the validity of cultural medicine inherited from centuries of research from flora, fauna and shall support, promote, conserve, and patent contemporary cultural herbal research and encourage the people of Kenya to re-discover and apply the value of traditional farming systems and diet.

Question put and Agreed to

Article 18 (5)(a)

Question proposed

That 18(5) be part of the Bill.

Debate Arising;

Amendment proposed

That the state shall encourage every community to adopt, develop, own and use their cultural dress/costumes and ornaments to signify our originality and pride of our rich culture.

Question put and Agreed to

MIN.NO.55/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 12.45 p.m. to enable the Committee visit the National Archives and the National Museums of Kenya.

The Committee will meet on Wednesday, 21st January, 2004 at 9.00 a.m.

For Circulation

For Confirmation

**Hon Paul Nakitare
Convenor**

**Hon Paul Nakitare
Convenor**

Signature.....

Signature.....

Date.....

Date.....

Comm. Kavetsa Adagala

Rapportuer

Signature.....

Date.....

MINUTES OF THE ELEVENTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON WEDNESDAY, 21ST JANUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Bishop David Gitari
6. Hon. Joseph Maritim Soo
7. Hon. Mwai Gakuya
8. Hon. Margaret Keko
9. Hon. Ombito Rita Katamu
10. Hon. Muriuki Joyce Kagendo
11. Hon. M'Mworia Julius
12. Hon. Thomas Merengo
13. Hon. Mwandawiro Mghanga
14. Hon. Oscar Z. Makokha
15. Hon. Samuel Mwaura
16. Hon. Joel Haji Mwalengo
17. Hon. Julia Ojiambo
18. Hon. Davis Marcos Rakamba

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Rajab Mwendia
5. Hon. Omanga Clare
6. Hon. George O. Ochieng
7. Hon. Mugunda Judith
8. Hon. Samwel M. Muchunga
9. Hon. Ogingo Otieno
10. Hon. Father Joachim Gitonga

OBSERVERS

1. Mr. J. Dennis Akumu
2. Mr. Bernard Chahilu
3. Mrs. Rosemary Sawe
4. Mr. Moses Leleu Laima
5. Dr. Monica Opole

IN ATTENDANCE:

1. Com. Kavetsa Adagala	-	Rapporteur
2. Dr. Were	-	Consultant
3. Mr. Tom M. Mboya	-	Draftsperson
4. Mr. Geoffrey Mosoti	-	Assistant Programme Officer
5. Mr. Ken Okada	-	Assistant Programme Officer
6. Mrs. Selinah Kandie	-	Assistant Programme Officer
7. Mr. Fred Mutula	-	Usher
8. Mr. Antony Rono	-	Support Staff
9. Mr. Yakubu Ali Mohamed	-	Support Staff
10. Mr. Antony King'uku	-	Support Staff
11. Mr. Andrew M. Mwendwa	-	First Clerk Assistant
12. Mr. K. arap Kirui	-	Third Clerk Assistant
13. Ms. Rebecca Osore	-	Support Staff

MIN.NO.56/2004/TWG/CUL: PRELIMINARIES

- (i) The sitting was opened with a word of prayer by Hon. Mwai Gakuya.
- (ii) The Committee debated at length on the contentious issue of the other Constitutional Draft Bills that were apparently in circulation and were being quoted by the media as being official Constitution of Kenya Review Commission documents.

The Rapportuer in response explained that the so-called Draft Bills were not officially recognized but would be availed to the Delegates. However, the official Draft Bill was the one currently being scrutinized by the Committee.

MIN.NO.57/2004/TWG/CUL: CONFIRMATION OF THE PREVIOUS MINUTES

The minutes of the previous meeting were confirmed by the Members present and signed by the Chairman after being proposed and seconded by Hon. Thomas Merengo and Hon. Ashepete Barasa respectively.

MIN.NO.58/2004/TWG/CUL: CONSIDERATION OF ARTICLES ON CULTURE

Article 18(4) Question proposed;

That the following new sub-clause 18(4) be part of the Bill;

That the state shall support, promote and protect cultural and monument sites for the purpose of enhancing and encouraging National cultures heritage for posterity.

Debate Arising;

Question put and Agreed to.

Article 18 (4)(b)

Question proposed;

That the following new sub-clause 18(4)(b) be part of the Bill.

The State shall develop local and foreign tourism as means of cultural exchange among Kenyans and the world community provided that tourism does not violate Kenyan culture as outlined in this Constitution.

Debate Arising;

Question put and Agreed to.

Article 18 (5)(b)

Question proposed;

That the following new sub clause 18(5)(b) be part of the Bill.

The state shall encourage, design develop and popularize the use of a National dress mode and costumes which are culturally acceptable.

Debate Arising;

Question put and Agreed to.

MIN.NO.59/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 1.15p.m. until 2.00 p.m.this afternoon.

AFTERNOON SITTING

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Bishop David Gitari
6. Hon. Joseph Maritim Soo
7. Hon. Mwai Gakuya
8. Hon. Margaret Keko
9. Hon. Ombito Rita Katamu
10. Hon. Mwandawiro Mghanga
11. Hon. Oscar Z. Makokha
12. Hon. Samuel Mwaura
13. Hon. Julia Ojiambo
14. Hon. Davis Marcos Rakamba

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Rajab Mwendia
5. Hon. Omanga Clare
6. Hon. George O. Ochieng
7. Hon. Mugunda Judith
8. Hon. Samwel M. Muchunga
9. Hon. Ogingo Otieno
10. Hon. Father Joachim Gitonga

OBSERVERS

1. Mr. J. Dennis Akumu
2. Mr. Bernard Chahilu
3. Ms. Rosemary Sawe
4. Mr. Moses Leleu Laima
5. Dr. Monica Laima

IN ATTENDANCE:

- | | | |
|---------------------------|---|-----------------------------|
| 1. Com. Kavetsa Adagala | - | Rapporteur |
| 2. Dr. Were Isaack | - | Consultant |
| 3. Mr. Tom M. Mboya | - | Draftsperson |
| 4. Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 5. Mr. Ken Okada | - | Assistant Programme Officer |
| 6. Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 7. Mr. Fred Mutula | - | Usher |
| 8. Mr. Antony Rono | - | Support Staff |
| 9. Mr. Yakubu Ali Mohamed | - | Support Staff |
| 10. Mr. Antony King'uku | - | Support Staff |
| 11. Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 12. Ms. Rebecca Osore | - | Support Staff |

MIN.NO.60/2004/TWG/CUL: CONSIDERATION OF ARTICLES

Article 18 (5)(b)

Question proposed;

That the following new sub clause 8(5)(b) be part of the Bill.

“The State shall ensure that the costumes not accepted to the African society be scrapped out entirely”

Debate Arising;

Question put and Negatived.

Article 18 (6)(a)

Question proposed;

That the following new sub clause 18(6)(a) be part of the Bill.

- (i) That the indigenous people should receive compensation or royalties for use of indigenous cultures where appropriate and prior informed consent has been granted by an indigenous group.
- (ii) That indigenous people should be able to stop commodification of aspects of their cultures, flora and fauna by either the state and foreigners.

Debate Arising;

Question put and Agreed to

Article 18 (6)(b)

Question proposed;

That the following new sub-clause 18(6)(b) be part of the Bill.

The State shall on behalf of the Kenya people demand repatriation from Britain and other countries for the genocide against Kenyan peoples and for the destruction of indigenous cultures by its colonialism and for the continuing plunder of material and intellectual cultures of Kenyans.

Debate Arising;

Question put and Agreed to.

Article 18 (7)

Question proposed;

That the following new sub-clause 18(7) be part of the Bill.

Our communities shall ensure that the deposition of our dead is culturally done to conserve our environment.

Debate Arising;

Question put and Negatived.

MIN.NO.61/2004/TWG/CUL: MEDIA PROGRAMME

The Convenor informed the Members that the Media Advisory Committee had extended an invitation for several Members of the Committee to participate in various Media Programmes and therefore requested the Members to volunteer.

The following Members thereupon volunteered;

1. Hon. Paul E. Nakitare - **Convenor**

2. Hon. Mwai Gakuya
3. Hon. Joseph Maritim Soo
4. Hon. Rita Ombito Katamu
5. Hon. Oscar Makokha
6. Hon. Muriuki Joyce Kagendo
7. Hon. Margaret Keko
8. Hon. Mwandawiro Mghanga
9. Hon. David Gitare
10. Hon. Samuel Mwaura
11. Hon. Asha Chiku Wanje
12. Hon. Ashepete Baraza

MIN.NO.62/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 4.45 p.m. until Thursday, 22nd January, 2004 at 9.00 a.m.

For Circulation

Hon Paul Nakitare
Convenor

Signature.....

Date.....

Comm. Kavetsa Adagala
Rapporteur

Signature.....

Date.....

For Confirmation

Hon Paul Nakitare
Convenor

Signature.....

Date.....

MINUTES OF THE TWELFTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON THURSDAY 22ND JANUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Bishop David Gitari
6. Hon. Joseph Maritim Soo
7. Hon. Mwai Gakuya
8. Hon. Margaret Keko
9. Hon. Ombito Rita Katamu
10. Hon. Muriuki Joyce Kagendo
11. Hon. M'Mworia Julius
12. Hon. Thomas Merengo
13. Hon. Mwandawiro Mghanga
14. Hon. Oscar Z. Makokha
15. Hon. Samuel Mwaura
16. Hon. Julia Ojiambo
17. Hon. David Marcos Rakamba

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Rajab Mwendia
5. Hon. Omanga Clare
6. Hon. George O. Ochieng
7. Hon. Mugunda Judith
8. Hon. Samwel M. Muchunga
9. Hon. Ogingo Otieno
10. Hon. Father Joachim Gitonga
11. Hon. Ngorongo Makanga
12. Hon. Joel Haji Mwalengo

OBSERVERS

1. Mr. J. Dennis Akumu
2. Mr. Bernard Chahilu
3. Ms. Rosemary Sawe
4. Mr. Moses Leleu Laima
5. Mr. Kiprono Too
6. Mr. Silvester Cheserem
7. Mr. Lawrence Osano

IN ATTENDANCE:

1. Com. Kavetsa Adagala	-	Rapporteur
2. Dr. Monica Opole	-	Consultant
3. Dr. Isaack Were	-	Consultant
4. Mr. Tom M. Mboya	-	Draftsperson
5. Mr. Geoffrey Mosoti	-	Assistant Programme Officer
6. Mrs. Selinah Kandie	-	Assistant Programme Officer
7. Mr. Fred Mutula	-	Usher
8. Mr. Antony Rono	-	Support Staff
9. Mr. Yakubu Ali Mohamed	-	Support Staff
10. Mr. Antony King'uku	-	Support Staff
11. Mr. Andrew M. Mwendwa	-	First Clerk Assistant
12. Ms. Rebecca Osore	-	Support Staff

DEPARTMENT OF CULTURE

Mr. Amdanje Nafunga - Cultural Officer

MIN.NO.63/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order. Hon. Mwai Gakuya opened the meeting with a prayer.

MIN.NO.64/2004/TWG/CUL: CONFIRMATION OF THE PREVIOUS MINUTES

The minutes of the previous meeting were confirmed by the Members present and signed by the Chairman after being proposed and seconded by Hon. Rita Katamu and Hon. Margaret Keko respectively. Several corrections were made to the minutes namely;

- (i) The name of Asha Chiku Wanje that had been omitted for the morning sitting was included.
- (ii) That Dr. Monica Opole be listed under CKRC since she is a Consultant..

MIN.NO.65/2004/TWG/CUL: MATTERS ARISING

Under minute No. 41/2004/TWG/CUL:

The Committee was informed that the so-called Draft Bills should be treated as lobby material.

MIN.NO.66/2004/TWG/CUL: CONSIDERATION OF ARTICLE 19

The Committee debated at length on the structure, composition and functions of the proposed Cultural Governing Body.

The Committee received the following proposals for the title of the Cultural Governing Body.

7. Cultural Assembly of Kenya
8. National Forum on Culture
9. National Authority on Culture
10. National Council on Culture
11. Commission on Culture
12. Cultural Bomas of Kenya

The Committee resolved to defer the discussions on the title until further consultations between the Members had been made.

The Committee was briefed by a Cultural Officer from the Department of Culture (Summary attached).

MIN.NO.67/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 1.10 p.m. until 2.00 p.m. this afternoon.

AFTERNOON SITTING

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Bishop David Gitari
4. Hon. Joseph Maritim Soo
5. Hon. M’Mworia Julius
6. Hon. Thomas Merengo
7. Hon. Samuel Mwaura
8. Hon. David Marcos Rakamba
9. Hon. Oscar Z. Makokha

ABSENT

1. Hon. Asha Chiku Wanje
2. Hon. Mwandawiro Mghanga
3. Hon. Joel Haji Mwalengo
4. Hon. Julia Ojiambo
5. Hon. Loyor Arupe Rhoda
6. Hon. Lyadi Nancy
7. Hon. Ntutu ole Stephen
8. Hon. Rajab Mwendia
9. Hon. Omanga Clare

10. Hon. George O. Ochieng
11. Hon. Mugunda Judith
12. Hon. Samwel M. Muchunga
13. Hon. Ogingo Otieno
14. Hon. Father Joachim Gitonga

OBSERVERS

1. Mr. J. Dennis Akumu
2. Mr. Bernard Chahilu
3. Ms. Rosemary Sawe
4. Mr. Moses Leleu Laima

IN ATTENDANCE:

- | | | |
|---------------------------|---|-----------------------------|
| 1. Com. Kavetsa Adagala | - | Rapporteur |
| 2. Dr. Monica Opole | - | Consultant |
| 3. Dr. Isaack Were | - | Consultant |
| 4. Mr. Tom M. Mboya | - | Draftsperson |
| 5. Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 6. Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 7. Mr. Fred Mutula | - | Usher |
| 8. Mr. Antony Rono | - | Support Staff |
| 9. Mr. Yakubu Ali Mohamed | - | Support Staff |
| 10. Mr. Antony King'uku | - | Support Staff |
| 11. Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 12. Ms. Rebecca Osore | - | Support Staff |

MIN.NO.68/2004/TWG/CUL: ADJOURNMENT

The Committee adjourned at 2.20 p.m. in order to attend the Requiem Mass for the late Hon. Joab Omino, MP at Uhuru Park.

The Committee will meet next on Friday, 23rd January, 2004 at 9. 00 a.m.

For Circulation

**Hon Paul Nakitare
Convenor**

Signature.....

Date.....

For Confirmation

**Hon Paul Nakitare
Convenor**

Signature.....

Date.....

Comm. Kavetsa Adagala

Rapportuer

Signature.....

Date.....

MINUTES OF THE THIRTEENTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON FRIDAY 23RD JANUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Bishop David Gitari
6. Hon. Joseph Maritim Soo
7. Hon. Mwai Gakuya
8. Hon. Margaret Keko
9. Hon. Ombito Rita Katamu
10. Hon. Muriuki Joyce Kagendo
11. Hon. M'Mworia Julius
12. Hon. Thomas Merengo
13. Hon. Mwandawiro Mghanga
14. Hon. Oscar Z. Makokha
15. Hon. David Marcos Rakamba
16. Hon. Samuel Mwaura

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Rajab Mwendia
5. Hon. Omanga Clare
6. Hon. George O. Ochieng
7. Hon. Mugunda Judith
8. Hon. Samwel M. Muchunga
9. Hon. Ogingo Otieno
10. Hon. Father Joachim Gitonga
11. Hon. Ngorongo Makanga
12. Hon. Joel Haji Mwalengo
13. Hon. Julia Ojiambo

OBSERVERS

1. Mr. J. Dennis Akumu
2. Mr. Bernard Chahilu
3. Ms. Rosemary Sawe
4. Mr. Moses Leleu Laima

IN ATTENDANCE:

- | | | |
|---------------------------|---|-----------------------------|
| 1. Com. Kavetsa Adagala | - | Rapporteur |
| 2. Dr. Monica Opole | - | Consultant |
| 2. Dr. Isaack Were | - | Consultant |
| 3. Mr. Tom M. Mboya | - | Draftsperson |
| 4. Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 5. Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 6. Mr. Ken Okada | - | Assistant Programme Officer |
| 7. Mr. Fred Mutula | - | Usher |
| 8. Mr. Antony Rono | - | Support Staff |
| 9. Mr. Yakubu Ali Mohamed | - | Support Staff |
| 10. Mr. Antony King'uku | - | Support Staff |
| 11. Ms. Maureen Akoth | - | Support Staff |
| 11. Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 12. Ms. Rebecca Osore | - | Support Staff |

MIN.NO.69/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order. Hon. Margaret Keko opened the meeting with a prayer said in the Maasai language.

MIN.NO.70/2004/TWG/CUL: CONFIRMATION OF THE PREVIOUS MINUTES

The minutes of the previous meeting were confirmed by the Members present and signed by the Chairman after being proposed and seconded by Hon. David Gitari and Hon. Julius M'Mworia respectively.

MIN.NO.71/2004/TWG/CUL: REPORT OF THE VISIT TO THE NATIONAL ARCHIVES AND THE NATIONAL MUSEUM OF KENYA

The Committee briefly reviewed the report of the Committee's visit to the National Museum of Kenya and unanimously adopted it after being proposed by Hon. Rita Katamu and seconded by Hon. Ashepete R. Barasa.

The Committee also noted with appreciation the report by Hon. Rita Katamu, on the same said visit.

MIN.NO.72/2004/TWG/CUL: CONSIDERATION OF ARTICLE 19

Article 19(1)(a) Question proposed

That Article 19(1)(a) be part of the Bill.

Debate Arising;

Question put and Agreed to.

Article 19 (1) (b)

Question proposed

That article 19 (1)(b) be part of the Bill as amended.

Cultural representation divided into eco-cultural regions to represent the various cultures and ecologies that exist in the republic recognizing the principles of affirmative action.

Debate Arising;

Question put and Agreed to.

MIN.NO.73/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 1.10 p.m. until Monday, 26th January, 2004 at 9.00 a.m.

For Circulation

For confirmation

**Hon. Paul E. Nakitare
Convenor**

**Hon. Eliud Nakitare
Convenor**

Signature.....

Signature.....

Date.....

Date.....

**Comm. Kavetsa Adagala
Rapporteur**

Signature.....

Date.....

MINUTES OF THE FORTEENTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON MONDAY 26TH JANUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Margaret Keko
8. Hon. Ombito Rita Katamu
9. Hon. M'Mworia Julius
10. Hon. Thomas Merengo
11. Hon. Oscar Z. Makokha
12. Hon. Samuel Mwaura

APOLOGIES

1. Hon. Mwandawiro Mghanga
2. Hon. Muriuki Joyce Kagendo

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Rajab Mwendia
5. Hon. Omanga Clare
6. Hon. George O. Ochieng
7. Hon. Mugunda Judith
8. Hon. Samwel M. Muchunga
9. Hon. Ogingo Otieno
10. Hon. Father Joachim Gitonga
11. Hon. Ngorongo Makanga
12. Hon. Joel Haji Mwalengo
13. Hon. Julia Ojiambo
14. Davis Marcos Rakamba

OBSERVERS

1. Mr. W.L.Sewekesa
2. Dr. Kiprono Metei
3. Mr. Bernard Chahilu
4. Ms. Rosemary Sawe

5. Mr. Moses Leleu Laima
6. Mr. Francis M. Nalwa
7. Ms. Eunice Marima
8. Mr. Osano Lawrence

IN ATTENDANCE:

- | | | |
|----------------------------|---|-----------------------------|
| 1. Com. Kavetsa Adagala | - | Rapporteur |
| 2. Dr. Monica Opole | - | Consultant |
| 3. Dr. Isaack Were | - | Consultant |
| 4. Mr. Tom M. Mboya | - | Draftsperson |
| 5. Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 6. Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 7. Mr. Ken Okada | - | Assistant Programme Officer |
| 8. Mr. Fred Mutula | - | Usher |
| 9. Mr. Antony Rono | - | Support Staff |
| 10. Mr. Yakubu Ali Mohamed | - | Support Staff |
| 11. Mr. Antony King'uku | - | Support Staff |
| 12. Ms. Maureen Akoth | - | Support Staff |
| 13. Mr. George Ochieng | - | Support Staff |
| 14. Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 15. Ms. Rebecca Osore | - | Support Staff |

MIN.NO.74/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order. Hon. Rita Katamu opened the meeting with a prayer.

MIN.NO.75/2004/TWG/CUL: CONFIRMATION OF THE PREVIOUS MINUTES

The minutes of the previous meeting were confirmed by the Members present and signed by the Chairman after being proposed and seconded by Hon. Margaret Keko and Hon. Thomas Marengo respectively.

MIN.NO.76/2004/TWG/CUL: MATTERS ARISING

The Committee resolved to visit Lamu Island to study and enrich the perspectives of the TWG on top of Culture which have been based mainly on theory.

MIN.NO.77/2004/TWG/CUL: CONSIDERATION OF ARTICLES ON CULTURE

Article 19 (2) Question proposed
That Article 19(2) be part of the Bill.

Amendment proposed

That the word National Assembly be deleted and replaced by the word Parliament.

Debate Arising;

Question put and Agreed to.

Article 19(2)(i)

Additional sub-Article be added to read as

That the chairperson and the other members of the Council shall be appointed by the President with the approval of the Parliament.

Article 19(3)

Question proposed
That Article 19(3) be part of the Bill.

Amendment proposed

That the Council shall elect two vice chairpersons from among its members.

Debate Arising;

Question put and Agreed to

Article 19(4)

Question proposed

That Article 19(4) be part of the Bill.

That the provision dealing with Constitutional Commissions shall apply to the Council as if it was a Commission.

That notwithstanding the generality of sub-Article 281(1) of the constitution, it shall apply to the Council as if it was a commission.

Debate Arising;

Question put and Agreed to.

Article 19(5)(a)

Question proposed

That sub article 19 (5)(a) be deleted and be substituted by the following sub-Article.

To formulate policies that will advice the relevant organs of the state on the importance of culture to the people of Kenya.

To formulate policies that will advice he relevant organs of the state on the importance of cultural importance for the people of Kenya.

Debate Arising;

Question put and Agreed to.

Article 19(5)(b)

Question proposed
That 19(5)(b) be part of the Bill.

Question put and Agreed to.

Article 19(5)(c)

Question proposed
That the following new sub-Article 19 (5)(c) be part of the Bill.

To strengthen the National identity for Kenya through the promotion, appreciation and interaction of Kenya diverse cultures.

Debate Arising;

Question put and Agreed to

Article 19(5)(d)

Question proposed
That 19(5)(d) be part of the Bill.

Amendment proposed

To publicize research and promote investment and marketing in Kenya cultural industry and creativity.

Debate Arising;

Question put and Agreed to.

Article 19(5)(e)

Question proposed
That Article 19(5)(e) be part of the Bill.

Amendment proposed

To promote, preserve and enrich Kiswahili as a national language and all the indigenous languages including sign language and Braille through Education and Media.

Debate Arising;

Question put and Agreed to.

MIN.NO.78/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 1.00 p.m. until 2.00 p.m. this afternoon.

AFTERNOON SITTING

PRESENT:-

1. Hon. Paul E. Nakitare
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Bishop David Gitari
6. Hon. Joseph Maritim Soo
7. Hon. Mwai Gakuya
8. Hon. Margaret Keko
9. Hon. Ombito Rita Katamu
10. Hon. Muriuki Joyce Kagendo
11. Hon. M'Mworia Julius
12. Hon. Thomas Merengo
13. Hon. Oscar Z. Makokha
14. Hon. Samuel Mwaura
15. Hon. Wangari Maathai

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Rajab Mwendia
5. Hon. Omanga Clare
6. Hon. George O. Ochieng
7. Hon. Mugunda Judith
8. Hon. Samwel M. Muchunga
9. Hon. Ogingo Otieno
10. Hon. Father Joachim Gitonga
11. Hon. Ngorongo Makanga
12. Hon. Joel Haji Mwalengo
13. Hon. Julia Ojiambo

OBSERVERS

1. Mr. Bernard Chahilu
2. Dr. Kiprono Mitei
3. Ms. Hezron K.M. Manonda
4. Mr. Moses Leleu Laima
5. Mr. Francis M. Nalwa
6. Mr. A. A. Badawy
7. Mr. Osano Lawrence
8. Mr. W.L.Sewekesa

IN ATTENDANCE:

- | | | |
|----------------------------|---|-----------------------------|
| 1. Com. Kavetsa Adagala | - | Rapporteur |
| 2. Dr. Monica Opole | - | Consultant |
| 3. Dr. Isaack Were | - | Consultant |
| 4. Mr. Tom M. Mboya | - | Draftsperson |
| 5. Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 6. Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 7. Mr. Ken Okada | - | Assistant Programme Officer |
| 8. Mr. Fred Mutula | - | Usher |
| 9. Mr. Antony Rono | - | Support Staff |
| 10. Mr. Yakubu Ali Mohamed | - | Support Staff |
| 11. Mr. Antony King'uku | - | Support Staff |
| 12. Ms. Maureen Akoth | - | Support Staff |
| 13. Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 14. Ms. Rebecca Osore | - | Support Staff |

MIN.NO.79/2004/TWG/CUL: CONSIDERATION OF ARTICLE ON CULTURE

Article 19(5)(f) Question proposed that sub Article 19(5)(f) be part of the Bill.

Amendment proposed

To promote technological or scientific studies which enhance cultural values including preservation and conservation of the ancient and contemporary monuments.

Debate Arising;

Question put and Agreed to.

Article 19(5)(g) Question proposed

That Article 19(5)(g) be part of the Bill.

Amendment proposed

To carry out any other activities related to culture, cultural activities and invention on cultural activities which are of social and economic value.

Debate Arising;

Question put and Agreed to.

Article 19(5)(h) Question proposed

That 19(5)(h) be part of the Bill.

Debate Arising;

Question put and Agreed to.

Article 19(5)(i)

Question proposed

That a new sub Article 19(5))I be part of the Bill.

Amendment proposed

To develop and facilitate people centred policies and programmes that promote cultural diversities to enhance national cohesion.

Debate Arising;

Question put and Agreed to.

Article 19 (5)(j)

Question proposed

That 19(5)(j) be part of the Bill.

Deferred till tomorrow for Draftsman to come up with a draft sub Article.

Article 19(5)(k)

Question proposed

That a new sub Article 19(5)(k) be part of the Bill.

The Council shall draw its funds from the Consolidated Accounts.

Debate Arising;

Question put and Agreed to.

MIN.NO.80/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 4.40 p.m. until Tuesday 27th January, 2004 at 9.30 a.m. to enable the Committee to watch and cheer Kenya National Team, "*Harambee Stars*" in the African Cup of Nation match against Mali in Tunisia.

For Circulation

For confirmation

Hon. Paul E. Nakitare
Convenor

Hon. Paul E. Nakitare
Convenor

Signature.....

Signature.....

Date.....

Date.....

**Comm. Kavetsa Adagala
Rapporteur**

Signature.....

Date.....

MINUTES OF THE FIFTEENTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON TUESDAY 27TH JANUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Margaret Keko
8. Hon. Ombito Rita Katamu
9. Hon. Muriuki Joyce Kagendo
10. Hon. M'Mworia Julius
11. Hon. Thomas Merengo
12. Hon. Oscar Z. Makokha
13. Hon. Samuel Mwaura
14. Hon. Bishop David Gitari
15. Hon. Julia Ojiambo
16. Hon. Wangari Maathai
17. Hon. David Marcos Rakamba
18. Hon. Mwandawiro Mghanga

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Rajab Mwendia
5. Hon. Omanga Clare
6. Hon. George O. Ochieng
7. Hon. Mugunda Judith
8. Hon. Samwel M. Muchunga
9. Hon. Ogingo Otieno
10. Hon. Father Joachim Gitonga
11. Hon. Ngorongo Makanga
12. Hon. Joel Haji Mwalengo

OBSERVERS

1. Mr. W.L.Sewekesa
2. Mr. Bernard Chahilu
3. Mr. Moses Leleu Laima
4. Mr. Francis M. Nalwa
5. Mr. Osano Lawrence

IN ATTENDANCE:

- | | | |
|----------------------------|---|-----------------------------|
| 1. Com. Kavetsa Adagala | - | Rapporteur |
| 2. Dr. Monica Opole | - | Consultant |
| 3. Dr. Isaack Were | - | Consultant |
| 4. Mr. Tom M. Mboya | - | Draftsperson |
| 5. Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 6. Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 7. Mr. Ken Okada | - | Assistant Programme Officer |
| 8. Mr. Fred Mutula | - | Usher |
| 9. Mr. Antony Rono | - | Support Staff |
| 10. Mr. Yakubu Ali Mohamed | - | Support Staff |
| 11. Mr. Antony King'uku | - | Support Staff |
| 12. Ms. Maureen Akoth | - | Support Staff |
| 13. Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 14. Ms. Rebecca Osore | - | Support Staff |

MIN.NO.81/2004/TWG/CUL: PRELIMINARIES

- a. The Convenor called the meeting to order. Hon. Joyce Kagendo opened the meeting with a prayer said in the Meru language.
- b. The Committee was given a brief exposition on culture by sister Gachambi in which she highlighted the need of being proud of our culture in our mode of language, dressing and thought processes.
- c. Hon. Mwandawiro Mghanga thanked the Committee Members for their concern over his unfortunate road accident which occurred on Friday 23rd January, 2004 along the Nairobi-Kisumu Highway.

MIN.NO.82/2004/TWG/CUL: CONFIRMATION OF PREVIOUS MEETING

The minutes of the previous meeting of Monday 26th January, 2004 were confirmed by the Members present and signed by the Convenor after being proposed and seconded by Hon. Rita Katamu and Hon. Ashepete Barasa respectively.

The minutes were amended in minute 63/2004/TWG/CUL by adding the following amendment 19(5)(h) which had been proposed but inadvertently omitted;

To promote cultural exhibition, inventions, performing art and identification of reparation which have social and economic value.

MIN.NO.83/2004/TWG/CUL: MATTERS ARISING

The Committee was informed by the Rapportuer that arrangements were being made to enable the Culture Committee visit Lamu on Friday, 30th January to Sunday 1st February, 2004.

MIN.NO.84/2004/TWG/CUL: CONSIDERATION OF ARTICLES

Article 19(5)(j)

Question proposed

That the following new sub-Article 19(5)(j) be part of the Bill.

To identify Kenya's expatriated aspects of culture and to take the appropriate measures to ensure the return of such expatriated cultures and cultural heritage back to Kenya for the benefit of the people of Kenya.

Debate Arising;

Question put and Agreed to.

Article 19(5)(L)

Question proposed

That the following new sub-Article be included;

To facilitate research, and publicize beneficial cultural values and heritages of different communities and give them legal back-up knowledge and material protection.

Debate Arising;

Question put and Agreed to.

Article 19(5)(m)

Question proposed

That the following new sub-Article 19(5)(m) be part of the Bill.

- (i) To promote the recording and writing of Kenya's past and contemporary authentic history.
- (ii) To promoted traditional and contemporary Kenya performing and creative artists and practitioners and ensure that they are recognized, appreciated and supported in our society.

Question put and Agreed to.

Article 19(5)n)

Question proposed

That the following new sub-Article 19(5)(n) be part of the Bill.

To encourage the present and future generations to inherit and rise our cultures in all their diversity.

Debate Arising;

Question put and Agreed to.

MIN.NO.85/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 1.15 p.m. until 2.00 p.m. this afternoon.

AFTERNOON SITTING

The Committee reconvened at 2.00p.m. with Hon. Paul Nakitare in the chair.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Margaret Keko
8. Hon. Ombito Rita Katamu
9. Hon. Muriuki Joyce Kagendo
10. Hon. M'Mworia Julius
11. Hon. Thomas Merengo
12. Hon. Oscar Z. Makokha
13. Hon. Bishop David Gitari
14. Hon. Julia Ojiambo
15. Hon. Wangari Maathai
16. Hon. David Marcos Rakamba
17. Hon. Mwandawiro Mghanga

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Rajab Mwondia
5. Hon. Omanga Clare
6. Hon. George O. Ochieng
7. Hon. Mugunda Judith
8. Hon. Samwel M. Muchunga
9. Hon. Ogingo Otieno
10. Hon. Father Joachim Gitonga
11. Hon. Ngorongo Makanga
12. Hon. Joel Haji Mwalengo
13. Hon. Samuel Mwaura

OBSERVERS

1. Mr. W.L.Sewekesa
2. Mr. Paul S. Arati

3. Mr. Moses Leleu Laima
4. Mr. Francis M. Nalwa
5. Mr. Osano Lawrence
6. Mr. Abdulaziz Ahmed
7. Mr. Mithamo Kariuki

IN ATTENDANCE:

- | | | |
|----------------------------|---|-----------------------------|
| 1. Com. Kavetsa Adagala | - | Rapporteur |
| 2. Dr. Monica Opole | - | Consultant |
| 3. Dr. Isaack Were | - | Consultant |
| 4. Mr. Tom M. Mboya | - | Draftsperson |
| 5. Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 6. Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 7. Mr. Ken Okada | - | Assistant Programme Officer |
| 8. Mr. Fred Mutula | - | Usher |
| 9. Mr. Antony Rono | - | Support Staff |
| 10. Mr. Yakubu Ali Mohamed | - | Support Staff |
| 11. Mr. Antony King'uku | - | Support Staff |
| 12. Ms. Maureen Akoth | - | Support Staff |
| 13. Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 14. Ms. Rebecca Osore | - | Support Staff |

MIN.NO.86/2004/TWG/CUL: CONSIDERATION OF ARTICLES

Article 19(5)(o)

Question proposed

That the following new sub-Article 19(5)(o) be part of the Bill.

To recognize , appreciate and support the cultural aspects of childbirth naming and up-bringing of the young ones and intergenerational parenting.

Debate Arising;

Question put and Agreed to.

Minority View

Hon. Mwandawiro claimed to have his minority view recorded that sub-Article 19(5)(o) is superfluous to the Draft Bill.

Article 20

Question proposed

That the following new Article 20 be part of the Bill.

That there should be established District Cultural Councils whose functions and composition shall be set out by an Act of Parliament.

Debate Arising;

Question put and Agreed to.

Article 21(a)

Question proposed

That the following new sub-Article 21(a) be part of the Bill.

That the state shall encourage and set up live ethnic cultural museums.

Debate Arising;

Question put and Agreed to.

Article 21(b)

Question proposed

That the following sub-Article 21(b) be part of the Bill.

That the state shall protect and compensate human settlement displaced or killed due to human wildlife conflict in the National Parks or Orphanages.

Debate Arising;

Question put and Negatived.

MIN.NO.87/2004/TWG/CUL: ANY OTHER BUSINESS

Under Any Other Business;

(i) The Committee resolved to have a cultural lunch at its tent on a date to be agreed upon.

(ii) The Committee resolved to start the mainstreaming process of culture into the other chapters in the Draft Bill on Wednesday 28th January, 2004.

MIN.NO.88/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 4.30 p.m. until Wednesday, 28th January, 2004 at 9.00 a.m.

For Circulation

Hon. Paul E. Nakitare

For confirmation

Hon. Paul E. Nakitare

Convenor

Signature.....
Date.....

Convenor

Signature.....
Date.....

**Comm. Kavetsa Adagala
Rapporteur**

Signature.....
Date.....

MINUTES OF THE SIXTEENTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON WEDNESDAY 28TH JANUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT: -

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Margaret Keko
8. Hon. Ombito Rita Katamu
9. Hon. Muriuki Joyce Kagendo
10. Hon. M'Mworia Julius
11. Hon. Thomas Merengo
12. Hon. Oscar Z. Makokha
13. Hon. Samuel Mwaura
14. Hon. Bishop David Gitari
15. Hon. David Marcos Rakamba
16. Hon. Mwandawiro Mghanga
17. Hon. Wangari Maathai

APOLOGIES

Dr. Isaack Were - Consultant

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Rajab Mwendia
5. Hon. Omanga Clare
6. Hon. George O. Ochieng
7. Hon. Mugunda Judith
8. Hon. Samwel M. Muchunga
9. Hon. Ogingo Otieno
10. Hon. Father Joachim Gitonga
11. Hon. Ngorongo Makanga
12. Hon. Joel Haji Mwalengo

OBSERVERS

1. Dr. Kiprono Mitei
2. Mr. Paul Simba Arati
3. Mr. Francis M. Nalwa

4. Mr. Osano Lawrence
5. Hon. Emaase P.D. Ejore
6. Hon. Prof. S.S. Yahya
7. Hon. A.K. Sama
8. Hon. Martha Rop
9. Mr. Mwalimu K. Digore
10. Dr. James K.A. Koske
11. Mr. Mafunga C. Wambulwa

IN ATTENDANCE:

- | | | |
|---------------------------|---|-----------------------------|
| 1. Com. Kavetsa Adagala | - | Rapporteur |
| 2. Dr. Monica Opole | - | Consultant |
| 3. Mr. Tom M. Mboya | - | Draftsperson |
| 4. Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 5. Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 6. Mr. Ken Okada | - | Assistant Programme Officer |
| 7. Mr. Fred Mutula | - | Usher |
| 8. Mr. Antony Rono | - | Support Staff |
| 9. Mr. Yakubu Ali Mohamed | - | Support Staff |
| 10. Mr. Antony King'uku | - | Support Staff |
| 11. Ms. Maureen Akoth | - | Support Staff |
| 12. Mr. George Ochieng | - | Support Staff |
| 13. Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 14. Ms. Rebecca Osore | - | Support Staff |

MIN.NO.89/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order. Hon. Ashepete Barasa Rosaline opened the meeting with a prayer said in the Teso language.

MIN.NO.90/2004/TWG/CUL: CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the previous meeting held on Wednesday 28th January, 2004 were confirmed by the Members present and signed by the Convenor after being proposed and seconded by Hon. Omar Twalib Mzee and Hon. Thomas Merengo respectively.

MIN.NO.91/2004/TWG/CUL: MATTERS ARISING

The Committee re-considered Article 19(5)(m) and resolved to rescind it and thereafter amend it.

Article 19(5)(m)(ii) Question proposed

That sub-Article 19(5)(m)(ii) be amended to read;
To promote traditional and contemporary musicians, performing and creative artists and practitioners and ensure that they are recognized, appreciated and supported in our society.

Debate Arising;
Mover claimed to have the above motion withdrawn.
Question proposed to have the motion withdrawn.

Question put and Agreed to;
Original sub-Article 19(5)(m)(ii) be reverted to and which reads.
To promote traditional and contemporary performing and creative artists and practitioners and ensure that they are recognized appreciated and supported in our society.

Article 19(5)(m)(iii) Question proposed

That the following new sub-Article 19(5)(m)(iii) be part of the Bill.

That the Council shall recognize, appreciate and support musicians and ensure that their work is given legal protection.

Debate Arising;
Question put and Agreed to.

MIN.NO.92/2004/TWG/CUL: CONSIDERATION OF MAINSTREAMING CROSS-CUTTING ISSUES OF THE OTHER CHAPTERS OF THE DRAFT BILL.

The Rapportuer explained the rationale and methodology of mainstreaming cross-cutting issues of culture in the other chapters of the Draft Bill.

She said that the plenary of the Conference will have the option of adopting the mainstreamed issues.

MIN.NO.93/2004/TWG/CUL: INTERRUPTION OF DEBATE

The Convenor interrupted the proceedings at 10.50 a.m. to facilitate tea.

The Committee reconvened at 11.45 a.m.

MIN.NO.94/2004/TWG/CUL: DEFERRING OF AN AGENDA ITEM

The Committee resolved to defer debate on mainstreaming cross-cutting issues into the other chapters of the Draft Bill and instead resolved to discuss and resolve how to Define Culture.

MIN.NO.95/2004/TWG/CUL: DEFINITION OF CULTURE

The Committee resolved to nominate a sub-Committee of five Members to consult and synchronize the Definition of Culture and thereafter present it to the Committee in the afternoon.

The nominated sub-Committee consists of;

1. Hon. Prof. Wangari Maathai

2. Hon. Mwandawiro Mghanga
3. Hon. Ashepete Baraza
4. Dr. Monica Opole
5. Hon. Rita Katamu
6. Hon. (Dr) David Gitari

The Committee thereupon resolved to defer the issue and revert back to consideration of Mainstreaming.

MIN.NO.96/2004/TWG/CUL: MAINSTREAMING OF CROSS-CUTTING ISSUES OF CULTURE IN THE OTHER CHAPTERS OF THE DRAFT BILL

The following Committee Members volunteered to do the Mainstreaming in the following corresponding chapters.

Preamble, Supremacy of the Constitution, the Republic and National Goals, Values and Principles	- Hon. Muriuki Joyce Kagendo
Citizenship and the Bill of Rights	- Hon. Ashepete R.Barasa
Representation of the People	- Hon. Margaret Keko
The Executive	- Hon. Julius M'Mworia
The Judiciary	- Hon. Julius M'Mworia
The Legislature	- Hon. Twalib Mzee
The Devolution	- Hon. Ombito R. Katamu
Public Finance, Public Service Leadership and Integrity	- Hon. Joseph M. Soo
Defence and National Security	- Hon. Julia Ojiambo
Lands and National Security	- Hon. M. Mghanga
Constitutional Commissions and Amendments to the Constitution	- Hon. Samuel Mwaura

PREAMBLE. line (1) Question proposed;

That the words “**and communities**” in line (i) be part of the PREAMBLE.

Debate Arising:

Question put and Negatived.

lines (2&3)

Question proposed

That the following words be inserted in line 2 &3 and be part of the PREAMBLE.

“Believing in God of all creation for the blessing bestowed on our Nation”.

Debate Arising;

1st Amendment proposed.

That all the words in lines 2 and 3 be deleted.

Debate Arising;

Question put and Negatived.

2nd Amendment proposed

That all the words after the word “**creation**” be deleted.

Debate Arising:

Question put and Agreed to.

Clause to therefore read;

Believing in God of all Creation.

MIN.NO.97/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the Meeting at 1.15 p.m. until 2.00 p.m. this afternoon.

AFTERNOON SITTING

The meeting convened at 2.55 p.m. with Hon Paul E. Nakitare in the chair.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Margaret Keko
8. Hon. Ombito Rita Katamu
9. Hon. Muriuki Joyce Kagendo
10. Hon. M’Mworia Julius
11. Hon. Samuel Mwaura
12. Hon. Bishop David Gitari
13. Hon. Julia Ojiambo
14. Hon. David Marcos Rakamba

15. Hon. Wangari Mathaai
16. Hon. Mwandawiro Mghanga
17. Hon. Oscar Makokha

ABSENT

1. Hon. Loyor Arupe Rhoda
2. Hon. Lyadi Nancy
3. Hon. Ntutu ole Stephen
4. Hon. Rajab Mwendia
5. Hon. Omanga Clare
6. Hon. George O. Ochieng
7. Hon. Mugunda Judith
8. Hon. Samwel M. Muchunga
9. Hon. Ogingo Otieno
10. Hon. Father Joachim Gitonga
11. Hon. Ngorongo Makanga
12. Hon. Thomas Marengo
13. Hon. Samuel Mwaura

OBSERVERS

1. Mr. Dr. Kiprono arap Mitei
2. Mr. Bernard Chahilu
3. Mr. Francis M. Nalwa
4. Mr. Osano Lawrence
5. Mr. Paul Simba Arati
6. Mr. W.L. Sewekesa
7. Mr. Chris O. Oyucho
8. Hon. B. Nduta Kiarie
9. Hon. Abdulaziz A. Adam

IN ATTENDANCE:

- | | | |
|---------------------------|---------------|-----------------------------|
| 1. Com. Kavetsa Adagala | - | Rapporteur |
| 2. Dr. Monica Opole | - | Consultant |
| 3. Mr. Tom M. Mboya | - | Draftsperson |
| 4. Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 5. Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 6. Mr. Ken Okada | - | Assistant Programme Officer |
| 7. Mr. Fred Mutula | - | Usher |
| 8. Mr. Antony Rono | - | Support Staff |
| 9. Mr. Yakubu A. Mohamed- | Support Staff | |
| 10. Mr. Antony King'uku | - | Support Staff |
| 11. Ms. Maureen Akoth | - | Support Staff |
| 12. Mr. George Ochieng | - | Support Staff |
| 13. Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 14. Ms. Rebecca Osore | - | Support Staff. |

**MIN.NO.98/2004/TWG/CUL: MEETING WITH THE MINISTER FOR SPORTS,
GENDER, CULTURE AND SOCIAL SERVICES -
HON N. BALALA**

The Minister of Sports, Culture, Gender and Social Services, Hon. Najib Balala briefly met the Committee and briefed it on the measures the Ministry is doing on promoting culture and also on the National Soccer Team “Harambee Stars” performance in the on-going African Cup of Nations Soccer Tournament in Tunisia.

MIN.NO.99/2004/TWG/CUL: MAINSTREAMING OF THE PREAMBLE

Line 1 That the following words in line 4 be included in the Preamble.

“Proud to be the cradle of humankind”

Question put and Agreed to.

Line 5-9

Question proposed

That the following words be part of the Preamble.

Expressing our pride in our common Kenyan Culture and its enduring common philosophy of utu which has been nurtured for many centuries and survived through our shared history of struggles against foreign domination

Amendment proposed

Determined to assert and strengthen our pride in our common philosophy of *utu* which has been nurtured for generations and survived through our shared history of struggles against foreign domination for centuries.

Debate Arising;

Question put and Agreed to.

**MIN.NO.100/2004/TWG/CUL: MAINSTREAMING OF CHAPTER 1-
SOVEREIGNTY OF THE PEOPLE AND
SUPREMACY OF THE CONSTITUTION**

Article 1(i)

Question proposed

That the following words be inserted in Article 1(i) after the word people “**and communities**” and be part of the Article.

Debate Arising;

Question put and Agreed to.

Minority view

Hon. Wangari Maathai and Hon. Mwandawiro Mghanga claimed to have a minority view of Nay be recorded.

MIN.NO.101/2004/TWG/CUL: CONSIDERATION OF ORDER OF DISPOSING BUSINESS

The Committee resolved to dispose of the recommended mainstreaming clauses in the other Chapters and thereafter deal with the proposed amendments from the Committee Members

MIN.NO.102/2004/TWG/CUL: ANY OTHER BUSINESS

The Rapportuer informed the Committee that the cost details of the proposed Lamu tour was being worked out and will be presented to the Finance Committee of CKRC.

MIN.NO.103/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 4.45 p.m. until Thursday, 29th January, 2004 at 9.00 a.m.

For Circulation

For confirmation

**Hon. Paul E. Nakitare
Convenor**

**Hon. Paul E. Nakitare
Convenor**

Signature.....

Signature.....

Date.....

Date.....

**Comm. Kavetsa Adagala
Rapportuer**

Signature.....

Date.....

MINUTES OF THE SEVENTENTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON THURSDAY, 29TH JANUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Margaret Keko
8. Hon. Ombito Rita Katamu
9. Hon. Muriuki Joyce Kagendo
10. Hon. M'Mworia Julius
11. Hon. Thomas Merengo
12. Hon. Oscar Z. Makokha
13. Hon. Samuel Mwaura
14. Hon. Bishop David Gitari
15. Hon. David Marcos Rakamba
16. Hon. Mwandawiro Mghanga
17. Hon. Wangari Maathai
18. Hon. Loyor Arupe Rhoda
19. Hon. Julia Ojiambo

OBSERVERS

1. Dr. Kiprono Mitei
2. Mr. Lawrence Osano
3. Mr. Moses Leleu Laima
4. Mr. Joseph K. Waweru
5. Mr. Francis G.M. Nalwa
6. Mr. H.E. Mwangi Mukomi
7. Mr. A.A. Badawy
8. Ms. Evelia Rebecca
9. Ms. Joyce Umbime
10. Mr. W.L. Sewekasa
11. Mr. Bernard Chahilu
12. Mr. Sam Ongoro

IN ATTENDANCE:

1. Com. Kavetsa Adagala - **Rapporteur**
2. Dr. Isaack Were - Consultant
3. Dr. Monica Opole - Consultant
4. Mr. Tom M. Mboya - Draftsperson
5. Prof. C. Crabbe - Draftsperson

- | | | | |
|-----|------------------------|---|-----------------------------|
| 6. | Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 7. | Mrs. Selinah Kandie | - | Assistant Programme Officer |
| 8. | Mr. Ken Okada | - | Assistant Programme Officer |
| 9. | Mr. Fred Mutula | - | Usher |
| 10. | Mr. Antony Rono | - | Support Staff |
| 11. | Mr. Yakubu Ali Mohamed | - | Support Staff |
| 12. | Mr. Antony King'uku | - | Support Staff |
| 13. | Ms. Maureen Akoth | - | Support Staff |
| 14. | Mr. George Ochieng | - | Support Staff |
| 15. | Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 16. | Ms. Rebecca Osore | - | Support Staff |

MIN.NO.104/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order. Hon. Julia Ojiambo opened the meeting with a prayer.

MIN.NO.105/2004/TWG/CUL: CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the previous meeting held on Wednesday, 28th January, 2004 were confirmed by the Members present and signed by the Convenor after being proposed and seconded by Hon. Mwandawiro Mghanga and Hon. Joyce Kagendo respectively.

MIN.NO.106/2004/TWG/CUL: MATTERS ARISING

Under Matters Arising;

The Members expressed concern over the apparently slow progress and pace of the deliberations and urged the Convenor to be more firm especially on irrelevant contributions.

MIN.NO.107/2004/TWG/CUL: CONSIDERATION OF DEFINITION OF CULTURE

The Committee discussed at length the various proposed definitions and eventually agreed to adopt the definition proposed by the Draftperson, Prof. Crabbe, which reads;

Culture is the dynamic sum total of the spiritual, emotional intellectual, material, features/aspects of a people developed in and through their environment, science, technology and value systems.

MIN.NO.108/2004/TWG/CUL: PROGRESS REVIEW

The Committee reviewed comprehensively the report of the work done so far.

Areas reviewed include;

- (a) Title
- (b) Cultural Values and Principles
- (c) Educational Values and Principles

- (d) **Scientific, Technological and Intellectual Inventions.**
- (e) **Protection of Indigenous and Intellectual Rights.**
- (f) **Establishment of National Council of Culture.**

The Committee adopted the report unanimously after being proposed by Hon. Ashepete Barasa and seconded by Hon. Samuel Mwaura.

MIN.NO.109/2004/TWG/CUL: AMENDMENTS TO THE DRAFT REPORT OF THE ARTICLES

The Committee after reviewing the report on the Articles made the following amendments.

Article 15(1)(f) Question proposed
That the sub-Article 15(1)(f) be amended to read as follows;

Develop, respect, protect and promote-

- (i) Cultural historical, religious, sacred, archeological and other sites of **cultural** importance.
- (ii) Other cultural heritage of Kenya.
- (iii) **The noble traditions, principles and practices of African socialism.**

Question put and Agreed to.

Article 15(1)(f)(iv) Question proposed;

That the following new sub-Article 15 (1)(f)(iv) be part of the Bill.

The environment and natural resources which shape and nurture communities and culture.

Debate Arising;

Question put and Agreed to.

Article 15(2)(f) Question proposed

That the following new sub-Article 15(2)(f) be part of the Bill.

Shall recognize and protect religious organizations to adopt African cultural values and infuse their values in African culture.

Debate Arising;

Mover to withdraw the motion.

MIN.NO.110/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the Meeting at 1.20 p.m. until 2.30 p.m. this afternoon.

AFTERNOON SITTING

The Committee reconvened at 2.45 p.m. with Hon. Paul E. Nakitare in the Chair.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Ombito Rita Katamu
8. Hon. Muriuki Joyce Kagendo
9. Hon. M' Mworja Julius
10. Hon. Thomas Merengo
11. Hon. Oscar Z. Makokha
12. Hon. Samuel Mwaura
13. Hon. Bishop David Gitari
14. Hon. David Marcos Rakamba
15. Hon. Wangari Maathai
16. Hon. Loyor Roda
17. Hon. Julia Ojiambo

OBSERVERS

1. Dr. Kiprono Mitei
2. Mr. Lawrence Osano
3. Ms. Rosemary Sawe
4. Mr. Francis G.M. Nalwa
5. Mr. A.A. Badawy
6. Mr. W.L. Sewekasa
7. Mr. Bernard Chahilu
8. Mr. William Yalle

IN ATTENDANCE:

1. Com. Kavetsa Adagala - **Rapporteur**
2. Dr. Monica Opole - Consultant
3. Mr. Geoffrey Mosoti - Assistant Programme Officer
4. Mrs. Selinah Kandie - Assistant Programme Officer
5. Mr. Ken Okada - Assistant Programme Officer
6. Mr. Fred Mutula - Usher
7. Mr. Antony Rono - Support Staff

- | | | |
|---------------------------|---|-----------------------|
| 8. Mr. Yakubu Ali Mohamed | - | Support Staff |
| 9. Mr. Antony King'uku | - | Support Staff |
| 10. Ms. Maureen Akoth | - | Support Staff |
| 11. Mr. George Ochieng | - | Support Staff |
| 13. Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 14. Ms. Rebecca Osore | - | Support Staff |

MIN.NO.111/2004/TWG/CUL: AMENDMENTS TO THE DRAFT REPORT OF THE ARTICLES

The Committee reviewed the Draft Bill and made the following amendments;

Article 17(f)

Question proposed;

That the words “traditional drinks” be included after the word “diet” and be part of the Bill.

Debate Arising;

Question put and Agreed to.

Question proposed

That Article 17(f) be split into three distinct parts and renumbered as follows;

- (i) recognize the validity of cultural medicine inherited from centuries of research on flora and fauna;
- (ii) support, promote, conserve and patent contemporary cultural herbal research and alternative medicine;
- (iii) encourage the people of Kenya to rediscover and apply the value of traditional farming systems, diet and traditional drinks.

Debate Arising;

Question put and Agreed to.

Article 17(g)

Question proposed

That the words “**mother tongue**” after “**into**” be deleted and the words “**vernacular language**” be inserted therein.

Debate Arising;

Question put and Agreed to.

Article 18(7)

Question proposed

That Article 18(7) be rescinded and re-introduced by the indulgence of the Committee.

Burial ceremonies shall be done in a cultural acceptable way that takes into consideration decency, respect and conservation of the environment.

Debate Arising;

Question put and Agreed to.

Article 19(o)

Question proposed

That sub-Article 19(o) be amended to read as follows;

To recognize, appreciate and support the cultural aspects of traditional marriage ceremonies, child birth naming and child upbringing and inter generational parenting.

Article 19(5)(p)

Question proposed

That the following sub-Article 19(5)(p) be part of the Bill.

To promote and protect the noble African spirit, tradition principle and practice of African socialism.

Debate Arising;

Question put and Agreed to.

Article 19(5)(Q)

Question proposed

That the following new sub-Article 19(5)(q) be part of the Bill.

To monitor NGO's that promote ideologies which are contrary to our culture.

Debate Arising;

Question put and Agreed to.

Minority View

Monitoring NGOs is discriminatory because sources of information **which could have negative impact on our culture** are many and diverse. This clause can also be misused by powers that be to haunt NGOs, which try to promote principles of good governance but which may be unacceptable to the government of the day.

Therefore, monitoring should be done, but not only targeted to NGOs.

(Hon. Wangari Mathaai)

Article 15

The Committee requested the Draftsperson to re-organize Article 15 for the Committee to consider later.

MIN.NO.112/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 5.30 p.m. until Friday, 30th January, 2004 at 9.30 a.m.

For Circulation

Hon. Paul E. Nakitare
Convenor

Signature.....

Date.....

For confirmation

Hon. Paul E. Nakitare
Convenor

Signature.....

Date.....

Comm. Kavetsa Adagala
Rapporteur

Signature.....

Date.....

MINUTES OF THE EIGHTEENTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON FRIDAY, 30TH JANUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Margaret Keko
8. Hon. Ombito Rita Katamu
9. Hon. Muriuki Joyce Kagendo
10. Hon. M'Mworia Julius
11. Hon. Thomas Merengo
12. Hon. Oscar Z. Makokha
13. Hon. Samuel Mwaura
14. Hon. Bishop David Gitari
15. Hon. David Marcos Rakamba
16. Hon. Wangari Maathai
17. Hon. Loyor Akupe Rhoda
18. Hon. Julia Ojiambo

OBSERVERS

1. Dr. Kiprono Mitei
2. Mr. Lawrence Osano
3. Mr. Moses Leleu Laima
4. Mr. John Oduor Adpi
5. Mr. Francis G.M. Nalwa
6. Mr. W.L. Sewekasa
7. Mr. A.A. Badawy
8. Mr. Bernard Chahilu
9. Mr. Paul Simba Arabi
10. Hon. Dubat Amey

IN ATTENDANCE:

1. Com. Kavetsa Adagala - **Rapporteur**
2. Dr. Isaack Were - Consultant
3. Dr. Monica Opole - Consultant
4. Mr. Geoffrey Mosoti - Assistant Programme Officer
5. Mrs. Selinah Kandie - Assistant Programme Officer
6. Mr. Ken Okada - Assistant Programme Officer
7. Mr. Fred Mutula - Usher
8. Mr. Antony Rono - Support Staff
9. Mr. Yakubu Ali Mohamed - Support Staff

10	Mr. Antony King'uku	-	Support Staff
11	Ms. Maureen Akoth	-	Support Staff
12.	Mr. George Ochieng	-	Support Staff
13.	Mr. Andrew M. Mwendwa	-	First Clerk Assistant
14.	Ms. Rebecca Osore	-	Support Staff

MIN.NO.113/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order. Hon. Loyor Rhoda opened the meeting with a prayer.

MIN.NO.114/2004/TWG/CUL: CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the previous meeting held on Thursday, 29th January, 2004 were confirmed by the Members present and signed by the Convenor after being proposed and seconded by Hon. David M. Rakambo and Hon. Loyor Rhoda respectively.

MIN.NO.115/2004/TWG/CUL: MATTERS ARISING

Under matters Arising;

- (i) Minute No.92/2004/TWG/CUL the Committee resolved to delete minute 92/2004TWG/CUL from the minutes.
- (ii) The Rapportuer informed the Committee that the officer responsible for financial details of the Lamu tour will later report on the progress made so far.

MIN.NO.116/2004/TWG/CUL: BRIEF BY HON. PAMELA MBOYA

Hon. Pamela Mboya, was welcomed by the Convenor to the meeting and requested to share here views on culture. She expressed her views on culture and particularly on Chapter Five. The Bill of Rights Article 36- on the older Members of Society.

The Committee resumed reviewing the Draft Bill.

MIN.NO.117/2004/TWG/CUL: REVIEW OF THE DRAFT BILL

The Schedule of the languages and communities of Kenya as contained in the special working document on culture was discussed and several Members of the Committee assigned specific duties of coming up with omitted details.

Article 15(b) Question proposed

That Article 15(1)(b) as amended be part of the Bill.

Recognize the diversity of the people of Kenya, their customs traditions, beliefs, language, religious, traditional and Judicial systems.

Debate Arising.

Question put and Agreed to.

Article 16(3)

Question proposed

That the following new sub-Article 16(3) be part of the Bill.

Recognize marriage under traditional system of religion, personal or family law which recognizes marriage of individuals of opposite sex but outlaws same sex union and which is consistent with this Constitution.

Debate Arising;

Question put and Agreed to.

Article 17(3)

Question proposed

That the following new sub-Article 17(3) be part of the Bill..

Seed within the Kenyan Constitution, and at Communal Level

The utilization of indigenous seed development include/require policy changes which can improve and support social and economic situations in our lives.

That this provision aims to meet national policy by ensuring that “indigenous seed” material is owned, recognized and used by indigenous peoples of Kenya;

- (i) Be accorded recognition by the state through legislation (policy) to ensure support, protection and ownership of seed origin, and characteristics.*
- (ii) That the diverse characteristics of diverse seeds and product use be recognized by legislature, and indigenous communities taking into consideration gender disparity.*
- (iii) That current and prospective equal sharing of benefits accrued from “indigenous seed and plant material, products and by-products (for commercial interests or other exploitation) be shared between parent country and indigenous communities.*

(iv) *That prospective (current or future) communal use of seed material, produce and by-products or material be legally recognized by the State on behalf of indigenous communities for the welfare and benefit of the State.*

Debate Arising;

Question put and Agreed to.

Article 18(6)(c)

Question proposed

That sub Article 18(6)(c) be amended to read;

The state on behalf of the Kenyan people demand reparation from such countries and peoples responsible for the genocide, plundering destruction of indigenous culture, materials and intellectual property, genetic resources and natural resources of the people of Kenya..

Debate Arising;

Question put and Agreed to.

Article 19(5)(R)

Question proposed

That the following new sub-article 19(5)(R) be part of the Bill.

“Shall co-odify traditional and customs laws and compile Kenyan common law”

Debate Arising;

Question put and Agreed to.

Article 19(5)(T)

Question proposed

The following sub-Article 19(5)(T) be part of the Bill.

Shall ensure the naming of ecosystems plants, trees wildlife, place names and,, sites in accordance with the Kenya local culture.

Debate Arising;

Question put and Agreed to.

MIN.NO.118/2004/TWG/CUL: ANY OTHER BUSINESS

The Rapporteur informed the Committee that the Lamu Tour will most likely be between 10th – 15th February, 2004. In the meanwhile the cost aspect is being worked out.

MIN.NO.119/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 2.10 p.m. until Monday, 2nd February, 2004 at 9.30 a.m.

For Circulation

For confirmation

**Hon. Paul E. Nakitare
Convenor**

**Hon. Paul E. Nakitare
Convenor**

Signature.....

Signature.....

Date.....

Date.....

**Comm. Kavetsa Adagala
Rapporteur**

Signature.....

Date.....

MINUTES OF THE NINTEENTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON MONDAY 2ND FEBRUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT:

1. Hon. Asha Chiku Wanje
2. Hon. Ashepete Barasa
3. Hon. Loyor Roda
4. Hon. Joseph Maritim Soo
5. Hon. Mwai Gakuya
6. Hon. Margaret Keko
7. Hon. Ombito Rita Katamu
8. Hon. Nakitare Eliud
9. Hon. Muriuki Joyce Kagendo
10. Hon. Wangari Maathai
11. Hon. Samuel Mwaura
12. Hon. David Marcos Rakamba

OBSERVERS:

1. Mr. Moses Leleu Laima
2. Mr. Wasilwa L. Sewekesa
3. Dr. Kiprono arap Mitei
4. Mr. Bernard Chahilu
5. Mr. E. D. Godana
6. Hon. Nduta Kiarie B.

IN ATTENDANCE:

- | | | | |
|-----|------------------------|---|------------------------|
| 1. | Comm. Kavetsa Adagala | - | Rapporteur |
| 2. | Dr. Isaac Were | - | Consultant |
| 3. | Dr. Monica Opore | - | Consultant |
| 4. | Mr. Tom Mboya | - | Draftsperson |
| 5. | Mr. Geoffrey Mosoti | - | Ass. Programme Officer |
| 6. | Mr. Ken Okada | - | Ass. Programme Officer |
| 7. | Ms. Susan Mutile | - | Verbatim Recorder |
| 8. | Mr. Fred Mutula | - | Usher |
| 9. | Mr. Antony Rono | - | Support Staff |
| 10. | Mr. Yakub Ali Mohammed | - | Support Staff |
| 11. | Mr. Antony Kinguku | - | Support Staff |
| 12. | Ms. Maureen Akoth | - | Support Staff |
| 13. | Mr. George Ochieng | - | Support Staff |
| 14. | Ms. Rebecca Osore | - | Support Staff |

MIN. 120/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order. Hon Amina Hersi Ali opened the meeting with prayers.

MIN 121/2004/TWG/CUL: CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the previous meeting held on Friday, 30th January 2004, were confirmed by the members present and signed by the convenor after being proposed and seconded by Hon. Rhoda Loyer and Hon. Rita Katamu respectively.

MIN 122/2004/TWG/CUL: MATTERS ARISING

Under matters arising

- (i) small (ii) page 3. The Rapporteur explained that the officer responsible for financial details of the Lamu tour had been to the Committee's tent twice but didn't get to address the delegates. CKRC and UNESCO had agreed on a cost sharing arrangement. The (DS) CEPIC would be asked once more to address the issue.
- (ii) The names of two honourable delegates Pamela Mboya and Roda Arupe had been mis-spelled. This was corrected.
- (iii) Article 17(3). Amendment was adopted to delete the words '**require**' and '**which can improve**' as recorded in the minutes.
 - (iv) The Committee moved to make a press statement to "**PROTEST ABOUT "NEW" NON-TILLAGE CHEMICAL**" (press release deferred until or next 3rd February 2004.)
 - (v) The Committee on culture was not represented at the steering Committee on contentious issues. The Rapporteur promised to raise it at the Steering Committee meeting.

MIN 123/2004/TWG/CUL: REVIEW OF THE DRAFT BILL

The Committee moved to streamline the chapter on culture. Areas which had not previously been addressed in the chapter were discussed comprehensively.

Article 15 (2) (b)

Question proposed

That sub article 15 (2) (b) as amended be part of the Bill.

Recognize and appreciate cultural customary and religious days including beliefs celebrated by various communities and, to the extent that it is appropriate to do so, designate those days as public holidays within all or part of the republic.

Debate Arising;

Question put and Agreed To

Article 15 (2) (h)

Question proposed

That a new sub-article 15 2 (h) be part of the Bill.

“Promote and nurture multiculturalism as a mechanism towards tolerance and respect for diverse cultures”

Debate Arising;

Question put and Agreed to

Article 18 (10)

Question proposed

That a new sub-article 18 (10) be part of the Bill.

“Parliament shall enact a law that protects cultural rights of communities within one year of coming into force of this Constitution.

Debate Arising;

Question put and Agreed to

Article 18 (ii)

Question proposed

That new sub article 18 (ii) be part of the Bill.

The state shall promote and enhance the traditional system of governance, discipline, respect and integrity through age sets, age groups and traditional associations (clans).

Debate Arising;

Question put and Agreed to

Article 19 (5) (l)

Question proposed

That a new sub article 19 (5) (l) be part of the Bill;

“To identify, develop, promote, support and train talented individuals in various sporting activities in the Republic of Kenya”

Debate Arising;

Question put and Agreed to

MIN 124/2004/TWG/CUL: ADJOURNMENT

Meeting adjourned at 1.20 pm. To resume at 2.30 p.m.

MINUTE 125/2004/TWG/CUL: REVIEW OF THE DRAFT BILL

Article 19 (5) (t)

Question proposed

That a new sub article 19 5 (t) be part of the Bill;

“To facilitate the establishment of the Kenya National Institute of Culture”

Debate Arising;

Question put and Agreed to

Article 19(5)(u)

Question proposed

That new sub article 19 (5) (u) be part of the Bill.

“To promote inter-ministerial dialogue in information, preservation of cultural heritage and overall management”.

Debate Arising;

Question put and Agreed to

Article 19 (5) (v)

Question proposed

That new sub-article 19 (5) (v) be part of the Bill.

“To ensure that all property including land is owned by all members of the family regardless of the age, gender and disability”

Debate Arising;

Question put and Agreed to

Article 22 (a)

Question proposed

That a new article 22 (a) be part of the draft Bill.

“The state shall encourage, promote and facilitate traditional courts and methods of resolving conflicts and disputes which are consistent with this constitution.

Debate Arising;

Question put and Agreed to

Article 22 (b)

Question proposed

That new sub article 22 (b) be part of the Bill..

“The state shall recognise the traditional oathing system in the judicial system”

Debate Arising

Question put and Agreed to through split vote as follows:-

AYES - SIX (6)
NOS - FIVE (5)

MINORITY VIEW RECORDED AS FOLLOWS

Oathing should ensure the Bill of Rights is adhered to, as there are oathing systems that violate human rights. An amendment proposed to read:-

“Recognise traditional oathing systems in the judicial system so long as they are not in conflict with the bill of rights.”

Article 23

Question proposed

That new Article 23 be part of the Bill.

There shall be designated a day to be known as the Kenya Cultural day (Utamaduni day) to be celebrated on the 26th day of December each year.

Debate Arising;

Question put and Agreed to

MIN 126/2004/TWG/CUL: ANY OTHER BUSINESS

The Rapporteur informed delegates that, the committee would still meet the next day (Tuesday 3rd February. 2004) to read through the final draft on the chapter on culture.

MIN 127/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 4.45 p.m. until Tuesday 3rd February 2004 at 9.30 a.m.

For Circulation

For Confirmation

Hon. Paul E. Nakitare
Convenor

Hon. Paul E. Nakitare

Signed.....

Signed.....

Date.....

Date.....

Comm. Kavetsa Adagala
Rapporteur

Signed.....

Date

MINUTES OF THE TWENTIETH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON TUESDAY, 3RD FEBRUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Margaret Keko
8. Hon. Ombito Rita Katamu
9. Hon. Muriuki Joyce Kagendo
10. Hon. M'Mworia Julius
11. Hon. Thomas Merengo
12. Hon. Oscar Z. Makokha
13. Hon. Samuel Mwaura
14. Hon. David Marcos Rakamba
15. Hon. Wangari Maathai
16. Hon. Loyor Akupe Rhoda
17. Hon. Julia Ojiambo

APOLOGIES

Hon. Mwandawiro Mghanga

ABSENT

1. Hon. Lyadi Nancy
2. Hon. Ntutu ole Stephen
3. Hon. Rajab Mwendia
4. Hon. Omanga Clare
5. Hon. George O. Ochieng
6. Hon. Mugunda Judith
7. Hon. Samwel M. Muchunga
8. Hon. Ogingo Otieno
9. Hon. Father Joachim Gitonga
10. Hon. Ngorongo Makanga
11. Hon. Joel Haji Mwalengo

OBSERVERS

1. Dr. Kiprono Mitei
2. Mr. Lawrence Osano
3. Mr. Joseph K. Waweru

IN ATTENDANCE:

1.	Com. Kavetsa Adagala	-	Rapporteur
2.	Dr. Monica Opole	-	Consultant
3.	Dr. Isaack Were	-	Consultant
4.	Mr. Geoffrey Mosoti	-	Assistant Programme Officer
5.	Mr. Ken Okada	-	Assistant Programme Officer
6.	Mr. Fred Mutula	-	Usher
7.	Mr. Antony Rono	-	Support Staff
8.	Mr. Yakubu Ali Mohamed	-	Support Staff
9.	Mr. Antony King'uku	-	Support Staff
10.	Ms. Maureen Akoth	-	Support Staff
11.	Mr. George Ochieng	-	Support Staff
12.	Mr. Andrew M. Mwendwa	-	First Clerk Assistant
13.	Ms. Rebecca Osore	-	Support Staff

MIN.NO.128/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order. Hon. Asha Wanje prayed in the Miji-Kenda language.

MIN. NO.129/2004/TWG/CUL: CONFIRMATION OF MINUTES

The minutes of the previous meeting were confirmed by the Members present and signed by the Convenor after being proposed by Hon. Rita Katamu and seconded by Hon. Joyce Muriuki.

MIN.NO.130/2004/TWG/CUL: MATTERS ARISING

Under matters Arising;

- (i) The Committee was informed that the proposed Press Release can only be done by the plenary and not the Committee.
- (ii) The Committee expressed the desire to travel to Mombasa to finalize its Draft Bill mainstreaming of culture.
- (iii) The Committee was informed that the arrangements for the Lamu trip are being finalized.

MIN.NO.131/2004/TWG/CUL: RE-READING OF THE DRAFT

The Committee once again reviewed the Draft Bill and made the following amendments.

Article 17(2)(j) Question proposed

That following New sub-Article 18(4)(c) be part of the Bill.

The State shall recognize replenish, conserve, protect and sustainably manage land and other limited natural resources and artifacts which have a cultural value to the people.

Debate Arising;

Question put and Agreed to.

Article 17(1)(f)

Question proposed

That sub-Article 17(1)(f) be amended to read

Recognize the validity of cultural medicine inherited from centuries of research from flora and fauna and encourage herbal farming.

Debate Arising;

Question put and Agreed to.

Article 17 (2)(j)

Question proposed

That a new Sub-Article 17(2)(j) be part of the Bill.

The state shall ensure that tobacco farming and processing is completely banned in Kenya as smoking is hazardous to the Health of the people of Kenya.

Debate Arising;

Question put and Negatived.

Article 18(4)(c)

Question proposed

That the following new sub-Article 18(c) be part of the Bill.

The state shall legalize the use of ‘cannabis sativa’ herb which has a unique curing qualities unknown to our community.

Debate Arising;

Question put and Negatived.

Article 18(4)(d)

Question proposed

That a new sub-Article 18(4)(d) be part of the Bill.

The state shall find other sources of cannabis sativa plants as a source of production paper.

Question put and Negatived.

Article 19(5)(y)

Question proposed

That the following new sub-Article 19(5)(y) be part of the Bill.

The Council shall set a cultural system of identifying, supporting, protecting and caring for orphans disadvantaged and impoverished members of society through extended families and communities.

Debate Arising;

Question put and Agreed to.

MIN.NO.132/2004/TWG/CUL: INTERRUPTION OF BUSINESS

The Convenor interrupted the proceedings of the meeting to facilitate tea.

The Committee reconvened at 12.30 p.m.

MIN.NO.133/2004/TWG/CUL: ADJOURNMENT

The Committee adjourned at 12.40 p.m. until 2.30 this afternoon to enable the Draftperson finalise the Draft Articles of Culture.

AFTERNOON SITTING

The Committee reconvened at 2.30 p.m. with Hon. Paul E. Nakitare in the Chair.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Margaret Keko
8. Hon. Ombito Rita Katamu
9. Hon. Muriuki Joyce Kagendo
10. Hon. M'Mworia Julius
11. Hon. Thomas Merengo
12. Hon. Samuel Mwaura
13. Hon. David Marcos Rakamba
14. Hon. Loyor Akupe Rhoda

APOLOGIES

1. Hon. Mwandawiro Mghanga
2. Hon. Julia Ojiambo
3. Hon. Bishop David Gitari

ABSENT

1. Hon. Lyadi Nancy
2. Hon. Ntutu ole Stephen
3. Hon. Rajab Mwendia
1. Hon. Omanga Clare
2. Hon. George O. Ochieng
3. Hon. Mugunda Judith
4. Hon. Samwel M. Muchunga
5. Hon. Ogingo Otieno
6. Hon. Father Joachim Gitonga
7. Hon. Ngorongo Makanga
8. Hon. Joel Haji Mwalengo

OBSERVERS

1. Dr. Kiprono Mitei
2. Mr. Joseph K. Waweru

IN ATTENDANCE:

- | | | | |
|-----|------------------------|---|-----------------------------|
| 1. | Com. Kavetsa Adagala | - | Rapporteur |
| 2. | Dr. Monica Opole | - | Consultant |
| 3. | Dr. Isaack Were | - | Consultant |
| 4. | Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 5. | Mr. Ken Okada | - | Assistant Programme Officer |
| 6. | Mr. Fred Mutula | - | Usher |
| 7. | Mr. Antony Rono | - | Support Staff |
| 8. | Mr. Yakubu Ali Mohamed | - | Support Staff |
| 9. | Mr. Antony King'uku | - | Support Staff |
| 10 | Ms. Maureen Akoth | - | Support Staff |
| 11. | Mr. George Ochieng | - | Support Staff |
| 12. | Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 13. | Ms. Rebecca Osore | - | Support Staff |

MIN.NO.134/2004/TWG/CUL: REVIEW OF THE DRAFT ARTICLES

The Committee reviewed the Draft Articles on Culture and made no amendments save for the grammatical corrections.

1. **The Chapter to be numbered** - **Chapter 4 - Culture**

- | | | | |
|----|--|---|----------------------|
| 2. | Cultural Principles | - | No amendments |
| 3. | Educational Values and Principles | - | No amendments |
| 4. | Scientific, Technological and Intellectual Inventions | - | No amendments |
| 5. | Protection of Indigenous and intellectual Rights | - | No amendments |
| 6. | Establishment of National Council of Culture | - | No amendments |

MIN.NO.135/2004/TWG/CUL: ADOPTION OF THE ARTICLES ON CULTURE

The Committee adopted “*in toto*” Articles 15-23 of Chapter 4 - on Culture after being proposed by Hon. Rita Katamu and seconded by Hon. Omar Twalib Mzee.

MIN.NO.136/2004/TWG/CUL: MAINSTREAMING

The Committee resolved to request for more time to finalize mainstreaming.

MIN.NO.137/2004/TWG/CUL: CONVENOR’S REMARKS

The Convenor thanked the Committee Members for the dedication, devotion and diligence showed in completing the Culture Articles in spite of the constrains in a working draft and time. He assured the Members that during the Harmonization Retreat in Mombasa , he will ensure that Culture is not relegated in whatever way.

MIN.NO.138/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 5.00pm until a later date.

For Circulation

For confirmation

Hon. Paul E. Nakitare
Convenor

Hon. Paul E. Nakitare
Convenor

Signature.....

Signature.....

Date.....

Date.....

Comm. Kavetsa Adagala
Rapporteur

Signature.....

Date.....

MINUTES OF THE TWENTY-FIRST SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON TUESDAY, 17TH FEBRUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT:-

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Ombito Rita Katamu
8. Hon. Muriuki Joyce Kagendo
9. Hon. M'Mworia Julius
10. Hon. David Marcos Rakamba
11. Hon. Margaret Keko
12. Hon. Loyor Akupe Rhoda
13. Hon. Thomas Merengo

OBSERVERS

1. Dr. Kiprono Mitei
2. Mr. Bernard Chahilu
3. Ms. Rosemary Sawe
4. Mr. Moses Leleu Laina
5. Mr. E.D. Godana
6. Mr. J. Dennis Akumu

IN ATTENDANCE:

1. Com. Kavetsa Adagala - **Rapporteur**
2. Dr. Monica Opole - Consultant
3. Dr. Isaack Were - Consultant
4. Mr. Tom Mboya - Draftsperson
5. Mr. Geoffrey Mosoti - Assistant Programme Officer
6. Mr. Ken Okada - Assistant Programme Officer
7. Ms. Selina Kandie - Assistant Programme Officer
8. Mr. Fred Mutula - Usher
9. Mr. Antony Rono - Support Staff
10. Mr. Yakubu Ali Mohamed - Support Staff
11. Mr. Antony King'uku - Support Staff
12. Ms. Maureen Akoth - Support Staff
13. Mr. George Ochieng - Support Staff
14. Mr. Andrew M. Mwendwa - First Clerk Assistant

15. Ms. Rebecca Osore - Support Staff

MIN.NO.139/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order. Hon. David Gitari opened the meeting with a word of prayer.

The meeting adopted the proposed Agenda.

MIN.NO.140/2004/TWG/CUL: CONFIRMATION OF THE PREVIOUS MINUTES

The minutes of the previous meeting of Tuesday 3rd February, 2004 were confirmed by Members present and signed by the Convenor after being proposed by the Hon. Rita Katamu and seconded by Hon. Mzee Twalib.

MIN.NO.141/2004/TWG/CUL: MATTERS ARISING

Under minutes Arising;

- (i) The Committee resolved that in future, the names of the Members who have not been attending should not be recorded in the minutes.
- (ii) The Rapporteur informed the meeting that the UNESCO officer responsible for the Lamu trip was absent but that once he returns, the plans will be finalized.

MIN.NO.142/2004/TWG/CUL: CONSIDERATION OF THE ZERO DRAFT AND OTHER MATTERS

The Convenor briefed the Committee on what transpired during the recent Retreat in Mombasa and that the Chapter on Culture was well received.

The Convenor outlined the programme of work and sought proposals on how the Committee could also integrate the work of other Committees’.

The Draftperson thereupon explained the rationale of the term Zero Draft.

MIN.NO.143/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 11.00 a.m. for Tea and the Committee reconvened at 12.00 noon.

MIN.NO.144/2004/TWG/CUL: CONSIDERATION OF THE ZERO DRAFT AND OTHER MATTERS

The Committee reviewed the Zero-Draft Bill Articles as follows;

1. The Chapter on Culture to be numbered if possible as Chapter 3
2. Definition - No amendments
3. Cultural principles -15B No amendments

MIN.NO.145/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 1.00 p.m. until 2.30 p.m. this afternoon.

AFTERNOON SITTING

The Committee reconvened at 2.30 p.m. with Hon. Paul Nakitare in the chair.

The following Members of the Technical Working Committee were present;

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Ombito Rita Katamu
8. Hon. Muriuki Joyce Kagendo
9. Hon. M'Mworia Julius
10. Hon. David Marcos Rakamba
11. Hon. Loyor Akupe Rhoda
12. Hon. Thomas Merengo

OBSERVERS

1. Dr. Kiprono Mitei
2. Mr. Moses Leleu Laima
3. Mr. J. Dennis Akumu
4. Mr. Lawrence Osano
5. Ms. Rosemary Sawe

IN ATTENDANCE:

1. Dr.Monica Opole - Consultant
2. Dr. Isaack Were - Consultant
3. Mr. Tom Mboya - Draftsperson
4. Mr. Geoffrey Mosoti - Assistant Programme Officer
5. Mr. Ken Okada - Assistant Programme Officer
6. Ms. Selina Kandie - Assistant Programme Officer
7. Mr. Fred Mutula - Usher
8. Mr. Antony Rono - Support Staff
9. Mr. Yakubu Ali Mohamed - Support Staff
10. Mr. Antony King'uku - Support Staff
11. Ms. Maureen Akoth - Support Staff
12. Mr. George Ochieng - Support Staff
13. Mr. Andrew M. Mwendwa - First Clerk Assistant

MIN.NO.146/2004/TWG/CUL: CONSIDERATION OF THE ZERO DRAFT

The Committee resumed consideration of the Zero Draft Bill Articles on Culture.

Article 15B(2)(d) Question proposed

That Article 15B (2)(d) be amended by inserting the word **‘indigenous’** between the words **“the”** and **“communities”** and deleting the word **“concerned”** between words **“communities”** and **“enjoy”**.

Debate Arising;

Question put and Agreed to.

Article 15F(5)(h) Question proposed

That sub Article 15F(5)(h) be amended by deleting all the words after the word **“and”**.

Debate Arising;

Question put and Negatived.

- (iv) **Educational Values and Principles 15(c) no amendments.**
- (v) **Science, Technological and Intellectual Inventions 15(d) – No amendments.**
- (vi) **Protection of Indigenous and Intellectual Rights 15(e) – No amendments.**
- (vii) **Establishment of National Commission on Culture 15F – No. amendments.**
- (viii) **District Cultural Councils 15(g) – No. amendments.**
- (ix) **The African Traditional Court System 15(h) – No. amendments.**
- (x) **The Kenya Cultural Day 15(1) – No amendments.**
- (xi) **Representation of the Communities and People of Kenya in Parliament 15(j) – No. amendments.**

MIN.NO.147/2004/TWG/CUL: MINORITY VIEWS

Under Article 15 B(2)(e) Hon. Mwandawiro Mghanga registered a minority view that the Article should remain intact without any amendments.

Under Article 15F(1)(h) Hon. Rita Katamu and Hon. David Rakamba registered a minority view that article be amended by deleting all the words after the word “**and**”.

MIN.NO.148/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 4.40p.m. until Wednesday 18th February, 2004 at 9.30 a.m.

For Circulation

For confirmation

Hon. Paul E. Nakitare
Convenor

Hon. Paul E. Nakitare
Convenor

Signature.....

Signature.....

Date.....

Date.....

Comm. Kavetsa Adagala
Rapporteur

Signature.....

Date.....

MINUTES OF THE TWENTY-SECOND SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON WEDNESDAY, 18TH FEBRUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT: -

7. Hon. Paul E. Nakitare - **Convenor**
8. Hon. Omar Twalib Mzee
9. Hon. Asha Chiku Wanje
10. Hon. Ashepete Barasa
11. Hon. Joseph Maritim Soo
12. Hon. Mwai Gakuya
13. Hon. Ombito Rita Katamu
14. Hon. Muriuki Joyce Kagendo
15. Hon. M'Mworia Julius
16. Hon. David Marcos Rakamba
17. Hon. Margaret Keko
18. Hon. Loyor Arupe Rhoda
19. Hon. Thomas Merengo
20. Hon. Mwandawiro Mghanga
21. Hon. Julia Ojiambo
22. Hon. Bishop David Gitare
23. Hon. Samuel Mwaura

OBSERVERS

1. Dr. Kiprono Mitei
2. Ms. Rosemary Sawe
3. Ms. Nduta Kiarie
4. Mr. E.D. Godana
5. Mr. J. Dennis Akumu
6. Mr. Lawrence Osano

IN ATTENDANCE:

1. Com. Kavetsa Adagala - **Rapporteur**
2. Dr. Monica Opole - Consultant
3. Dr. Isaack Were - Consultant
4. Mr. Tom Mboya - Draftsperson
5. Mr. Geoffrey Mosoti - Assistant Programme Officer
6. Mr. Ken Okada - Assistant Programme Officer
7. Ms. Selina Kandie - Assistant Programme Officer
8. Mr. Fred Mutula - Usher
9. Mr. Antony Rono - Support Staff
10. Mr. Yakubu Ali Mohamed - Support Staff
11. Mr. Antony King'uku - Support Staff
12. Ms. Maureen Akoth - Support Staff
13. Mr. George Ochieng - Support Staff
14. Mr. Andrew M. Mwendwa - First Clerk Assistant

15. Mr. K. arap Kirui - Third Clerk Assistant
16. Ms. Rebecca Osore - Support Staff

MIN.NO.149/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order with Hon. Ashepete Baraza saying a word of prayer in Teso language.

MIN.NO.150/2004/TWG/CUL: CONFIRMATION OF PREVIOUS MINUTES

The minutes of the previous meeting held on Tuesday 17th February 2004 were confirmed by the Members present and signed by the Conenor after being proposed by Hon. Ashepete Baraza and seconded by Hon. Julius M'Mworia.

The names of Hon. Margaret Keko and Hon. Mwandawiro Mghanga, which had been omitted, were directed to be included.

MIN.NO.151/2004/TWG/CUL: MATTERS ARISING

Under matters Arising:

The Committee expressed concern over the inordinate time taken for Tea and Lunch and resolved to shorten the time taken.

MIN.NO.152/2004/TWG/CUL: PROPOSALS FROM MOMBASA RETREAT

The Convenor briefed the Committee on the proposals and observations on the Draft Articles on Culture made by participants during the Mombasa Retreat.

The salient observations were:

- (i) That some articles were overlapping and similar.
- (ii) The need to enrich the definition of Culture.
- (iii) Some Articles should be condensed.
- (iv) Some Articles had too many descriptive words (verbs).
- (v) Need to codify the various aspects of Culture.
- (vi) The need to swap certain articles with the Bill of Rights.
- (vii) Article (16)-Need to include registration of certain cultural activities as a function of the commission.
- (viii) Need to capture the creation of Elders Council and its role.
- (ix) Heroes and Heroines Commission should be related to the Culture Commission.
- (x) Need to rename National Commission on Culture to *Utamaduni* Commission.
- (xi) Issue of incest needs to be reflected
- (xii) Judicial oathing and other offices.
- (xiii) That the first schedule should reflect the people of Kenya

MIN.NO.153/2004/TWG/CUL: WAY FORWARD

The Convenor asked members to study the summary of comments and suggestions on cross cutting issues made by the participants at the Mombasa Retreat with a view to incorporating them in the relevant articles of the Chapter on Culture.

The following six Subcommittees were set up to liaise with other Technical Working Committees in harmonizing the crosscutting issues and, where necessary, redrafting and moving articles appropriately, pending the approval, or otherwise, of the committee when it resumes business later in the day;

- (i) *Mombasa Team: The Whole Chapter*
Hon. Nakitare, Rapp. Hon. Adagala and Drafter Tom Mboya
- (ii) *Preamble, Republic, National Goals, Citizenship and Bill of Rights*
Members: Hon. Kagendo, Hon. J. Ojiambo, Wanje and Mr. Osano.
- (iii) *Representation, Legislature, Executive and Judiciary*
Members: Hon. Mwandawiro, Hon. Katamu, Hon. Mworira and Hon. Rakamba.
- (iv) *Devolution*
Members: Hon. Ashepete, Mr. Godana and Hon. O. Makokha
- (v) *Land Rights, Property, Environment and Natural Resources*
Members: Hon. Keko, Hon. Soo, Hon. Merengo and Dr. Opole.
- (vi) *Public Finance, Public Service, Leadership, Security*
Members: Hon. Mzee, Dr. Mitei, and Mr. Akumu.
- (vii) *Constitutional Commissions, Interpretation and Transitional and Consequential Arrangements*
Members: Hon. Mwai, Hon. Mwaura and Chahilu.

MIN.NO.154/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 12. 10 pm until 3.00 pm this afternoon.

AFTERNOON SITTING

The Committee reconvened at 3.30 p.m. with Hon. Paul Nakitare in the chair.

The following Members of the Technical Working Committee were present;

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Ombito Rita Katamu

8. Hon. Muriuki Joyce Kagendo
9. Hon. M'Mworia Julius
10. Hon. David Marcos Rakamba
11. Hon. Loyor Arupe Rhoda
12. Hon. Thomas Merengo
13. Hon. Oscar K. Makokha
14. Hon. Margaret Keko

OBSERVERS

1. Dr. Kiprono Mitei
2. Mr. J. Dennis Akumu
3. Mr. Lawrence Osano
4. Ms. Rosemary Sawe
5. Bernard Chahilu

IN ATTENDANCE:

- | | | |
|-----------------------------|---|-----------------------------|
| 1. Comm. Kavetsa Adagala | - | Rapporteur |
| 2. Dr. Monica Opole | - | Consultant |
| 3. Dr. Isaack Were | - | Consultant |
| 4. Mr. Tom Mboya | - | Draftsperson |
| 5. Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 6. Mr. Ken Okada | - | Assistant Programme Officer |
| 7. Ms. Selina Kandie | - | Assistant Programme Officer |
| 8. Mr. Fred Mutula | - | Usher |
| 9. Mr. Antony Rono | - | Support Staff |
| 10. Mr. Yakubu Ali Mohamed | - | Support Staff |
| 11. Mr. Antony King'uku | - | Support Staff |
| 12. Ms. Maureen Akoth | - | Support Staff |
| 13. Mr. George Ochieng | - | Support Staff |
| 14. Mr. Kipkemoi arap Kirui | - | Third Clerk Assistant |
| 15. Ms. Rebecca Osore | - | Support Staff |

MIN.NO.155/2004/TWG/CUL: REPORTS OF SUBCOMMITTEES

The Subcommittees verbally reported to the Committee pending submission of typed reports.

Subcommittee 1 (Hon Nakitare, Rapp. Hon. Adagala and Drafter Tom Mboya – The Whole Chapter) expressed the need, and drafted a new proposal, for a preamble section. They said the definition article might be moved to the interpretation section and also proposed an insertion of a limitation clause. They also proposed the adoption of Commissioner Mutakha Kangu's definition of culture. The Subcommittee will also look into the collapsing and condensing of articles when the other subcommittees finish their work.

Subcommittee 2 (Hon. Kagendo, Hon. J. Ojiambo, Hon. Wanje and Mr. Osano) to consult with other TWCs and report.

Subcommittee 3 (Hon. Mwandawiro, Hon. Katamu, Hon. M'Mworia and Hon. Rakamba - Preamble, Republic, National Goals, Citizenship and Bill of Rights) reported the need to move the contents of articles 15 (H) (1), (2), (3) and 18 (5) to the Chapter on Judiciary. They also made general observations on the merits of articles 109 and 146.

Subcommittee 4 (Devolution - Hon. Ashepete, Mr. Godana and Hon. Makokha) reported the need for the harmonization of article 227 (c) with 20, 237 (c) with 22 (3) and that article 24 (1) be amended to provide for representation of the diverse communities of Kenya.

Subcommittee 5 (Land Rights, Property, Environment and Natural Resources - Hon. Keko, Hon. Soo, Hon. Merengo and Dr. Opole) recommended the harmonization of articles 17 (3) (a) with 242 (1) (b); 17 (3) (b) with 242 (2) (a); 17 (3) (c) with 242 (1) (b); 18 (1) with 242 (1) (c); 18 (5) with 232 (4); split of 18 (9) (1) into two; and 18 (10) with 237 (2) (f).

Subcommittee 6 (Public Finance, Public Service, Leadership, Security

Members: Hon. Mzee, Dr. Mitei, and Hon. Akumu) suggested changes to articles 243 A (c), 243 A (e) and 252 (3).

MIN.NO.156/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 4.50 p.m. until Thursday, 19th February, 2004 at 9.30 a.m.

For Circulation

For Confirmation

Hon. Paul E. Nakitare
Convenor

Hon. Paul E. Nakitare
Convenor

Signature.....

Signature.....

Date.....

Date.....

Comm. Kavetsa Adagala
Rapporteur

Signature.....

Date.....

MINUTES OF THE TWENTY-THIRD SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON THURSDAY, 19TH FEBRUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT: -

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Ombito Rita Katamu
8. Hon. Muriuki Joyce Kagendo
9. Hon. M'Mworia Julius
10. Hon. David Marcos Rakamba
11. Hon. Loyor Arupe Rhoda
12. Hon. Samuel Mwaura
13. Hon. Thomas Merengo

APOLOGIES

Hon. Julia Ojiambo

ABSENT

1. Hon. Margaret Keko
2. Hon. Bishop David Gitari
3. Hon. Mwandawiro Mghanga

OBSERVERS

1. Mr. E.D. Godana
2. Mr. J. Dennis Akumu
3. Mr. Lawrence Osano
4. Mr. Bernard Chahilu

IN ATTENDANCE:

1. Com. Kavetsa Adagala - **Rapporteur**
2. Dr. Monica Opole - Consultant
3. Dr. Isaack Were - Consultant
4. Mr. Tom Mboya - Draftsperson
5. Mr. Geoffrey Mosoti - Assistant Programme Officer
6. Mr. Ken Okada - Assistant Programme Officer
7. Ms. Selina Kandie - Assistant Programme Officer
8. Ms. Susan Mutile - Verbatim Recorder
9. Mr. Fred Mutula - Usher

- 10. Mr. Antony Rono - Support Staff
- 11. Mr. Yakubu Ali Mohamed - Support Staff
- 12. Mr. Antony King'uku - Support Staff
- 13. Ms. Maureen Akoth - Support Staff
- 14. Mr. George Ochieng - Support Staff
- 15. Mr. Andrew M. Mwendwa - First Clerk Assistant
- 16. Ms. Rebecca Osore - Support Staff

MIN.NO.157/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order with Hon. Joyce Kagendo saying a word of prayer in the Meru language.

MIN.NO.158/2004/TWG/CUL: CONFIRMATION OF PREVIOUS MINUTES

The minutes of the previous meeting held on Wednesday 18th February 2004 were not confirmed by the Members as the Committee felt that they did not reflect the true proceedings of the previous meeting. The Committee consequently directed that the minutes be redrafted and presented to the Committee during its next meeting.

MIN.NO.159/2004/TWG/CUL: GROUP WORK

The Committee resolved to break into sub-committees for Group work to resume discussions on cross-cutting issues.

MIN.NO.160/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 4.10 p.m. until Friday, 20th February, 2004 at 9.00 a.m.

For Circulation

For Confirmation

Hon. Paul E. Nakitare
Convenor

Hon. Paul E. Nakitare
Convenor

Signature.....

Signature.....

Date.....

Date.....

Comm. Kavetsa Adagala
Rapporteur

Signature.....

Date.....

MINUTES OF THE TWENTY-FOURTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON FRIDAY, 20TH FEBRUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT: -

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Ombito Rita Katamu
8. Hon. Muriuki Joyce Kagendo
9. Hon. M'Mworia Julius
10. Hon. David Marcos Rakamba
11. Hon. Samuel Mwaura
12. Hon. Thomas Merengo
13. Hon. Margaret Keko
14. Hon. Bishop David Gitari
15. Hon. Oscar Z. Makokha

APOLOGIES

1. Hon. Julia Ojiambo
2. Hon. Loyor Arupe Rhoda

ABSENT

Hon. Mwandawiro Mghanga

OBSERVERS

1. Mr. J. Dennis Akumu
2. Mr. Lawrence Osano
3. Dr. Kiprono Mitei
4. Mr. Moses Leleu Laima
5. Mr. E.D. Godana

IN ATTENDANCE:

1. Com. Kavetsa Adagala - **Rapporteur**
2. Dr. Monica Opole - Consultant
3. Dr. Isaack Were - Consultant
4. Mr. Tom Mboya - Draftsperson
5. Mr. Geoffrey Mosoti - Assistant Programme Officer
6. Mr. Ken Okada - Assistant Programme Officer

7.	Ms. Selina Kandie	-	Assistant Programme Officer
8.	Ms. Susan Mutile	-	Verbatim Recorder
9.	Mr. Fred Mutula	-	Usher
10.	Mr. Antony Rono	-	Support Staff
11.	Mr. Yakubu Mohamed	-	Support Staff
12.	Mr. Antony King'uku	-	Support Staff
13.	Ms. Maureen Akoth	-	Support Staff
14.	Mr. George Ochieng	-	Support Staff
15.	Mr. Andrew M. Mwendwa	-	First Clerk Assistant
16.	Mr. K. Arap Kirui	-	Third Clerk Assistant
17.	Ms. Rebecca Osore	-	Support Staff

MIN.NO.161/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order with Hon. Bishop David Gitari saying a word of prayer.

MIN.NO.162/2004/TWG/CUL: CONFIRMATION OF PREVIOUS MINUTES

The minutes of the previous meetings held on Wednesday 18th and Thursday 19th February 2004 were not confirmed by the Members as the Committee resolved to defer them due to time constrain and instead went to Agenda item **5-Consideration of Draft Bill Articles on Culture**.

MIN.NO.163/2004/TWG/CUL: CONSIDERATION OF THE DRAFT ARTICLES OF CULTURE

The Committee considered the draft Articles on Culture, which had been harmonized by the sub-Group of the Convenor, the Rapportuer and the Draftperson.

The following were the recommendations:

- **Definition:** Agreed that Definition of culture be transferred to the Chapter on Definitions.
- **Cultural Principles:** Agreed as proposed save for amendment to insert the words **“sagacity and philosophy”** in 15B(1)(a) between the words **“religious practices”** and **“which”**.
- **Cultural Development 15C** Agreed as proposed save to for an amendment in 15C (f) to insert the words **“vision”** between the words **“multiculturalism”** and **mechanism”**.
- **Cultural Transmission 15D** Agreed as proposed save for **substituting the word “vernacular” in 15D 2(e) with the word “indigenous” in line 2.**

- **Family Institution 15E** Agreed as proposed save for;
 - (i) amendment in 15E(a) in line 1 to add the word “**and respect**” after the word “**recognize**”.
 - (ii) Amendment in 15E(b) in line 2 by adding the words “**child protection**” after the words “**child upbringing**”.

- *Traditional Technology, Science and indigenous knowledge and intellectual inventions 15 F* **Agreed as proposed**

- **Cultural Expression and Conservation.** Agreed as proposed save for (i) and (j) to be redrafted and to come under the functions of the Culture Commission.

- **Establishment of National Commission of Culture** Agreed as proposed

- **District Cultural Councils** Agreed as proposed

- **The African Traditional Court systems** Agreed as proposed

- **The Kenya Cultural Day** Agreed as proposed

MIN.NO.164/2004/TWG/CUL: ANY OTHER BUSINESS

Under Any Other Business the Committee requested the Convenor to be briefing the Committee on the decisions and resolutions.

The Convenor adjourned the meeting at 12.00 noon until Monday 23rd February, 2004 at 9.00 a.m.

For Circulation

For Confirmation

Hon. Paul E. Nakitare
Convenor

Hon. Paul E. Nakitare
Convenor

Signature.....

Signature.....

Date.....

Date.....

**Comm. Kavetsa Adagala
Rapporteur**

Signature.....

Date.....

MINUTES OF THE TWENTY-FIFTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON MONDAY, 23RD FEBRUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT: -

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Ombito Rita Katamu
8. Hon. Muriuki Joyce Kagendo
9. Hon. M'Mworia Julius
10. Hon. David Marcos Rakamba
11. Hon. Samuel Mwaura
12. Hon. Thomas Merengo
13. Hon. Margaret Keko
14. Hon Julia Ojiambo

ABSENT

1. Hon. Mwandawiro Mghanga
2. Hon. Bishop David Gitari
3. Hon. Oscar Z. Makokha
4. Hon. Loyor Arupe Rhoda

OBSERVERS

1. Mr. J. Dennis Akumu
2. Dr. Kiprono Mitei
3. Mr. Moses Leleu Laima
4. Mr. Lawrence Osano
5. Ms. Rosemary Sawe

IN ATTENDANCE:

1. Com. Kavetsa Adagala - **Rapporteur**
2. Dr. Monica Opole - Consultant
3. Dr. Isaack Were - Consultant
4. Mr. Geoffrey Mosoti - Assistant Programme Officer
5. Mr. Ken Okada - Assistant Programme Officer
6. Ms. Selina Kandie - Assistant Programme Officer
7. Ms. Susan Mutile - Verbatim Recorder
8. Mr. Fred Mutula - Usher
9. Mr. Antony Rono - Support Staff
10. Mr. Yakubu Mohamed - Support Staff

- | | | |
|---------------------------|---|-----------------------|
| 11. Mr. Antony King'uku | - | Support Staff |
| 12. Ms. Maureen Akoth | - | Support Staff |
| 13. Mr. George Ochieng | - | Support Staff |
| 14. Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 15. Mr. K. Arap Kirui | - | Third Clerk Assistant |
| 16. Ms. Rebecca Osore | - | Support Staff |

MIN.NO.165/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order with Hon. Thomas Merengo saying a word of prayer in Kuria language.

MIN.NO.166/2004/TWG/CUL: REPORT FROM THE STEERING COMMITTEE

The Convenor briefed the Committee on the deliberations of the steering Committee. He said that the consensus building group had virtually completed its report. He highlighted the following issues;

- Dual citizenship
- Right to life
- Abolition on capital punishment
- Right to marry
- Issue of recall-not be applicable
- No limit of terms of service for MP's and Councilors
- ECK to supervise political parties elections
- Four levels of devolution of powers
- Constitutional Commissions

The Rapportuer further clarified that the consensus decision were fairly conservative.

The Committee resolved to make a resolution establishing a Commission on Culture and picked three Members to craft it.

1. Hon. Marcos Rakamba
2. Hon. Rita Katamu
3. Mr. J. Dennis Akumu
4. Dr. Isaack Were
5. Dr. Monica Opole

MIN.NO.167/2004/TWG/CUL: CONFIRMATION OF PREVIOUS MEETINGS

The Minutes of the meeting held on Wednesday 18th February, 2003 were confirmed and signed by the Convenor after being proposed and seconded by Hon. Omar Twalib and Hon. Kagendo respectively.

The Minutes of the meeting held on Thursday, 19th February, 2003 were confirmed by the Members present and signed by the Convenor after being proposed by Hon. Asha Wanje and seconded by Hon. Ashepete.

The Minutes of the meeting held on Friday 20th February were confirmed by the Members present and signed by the Convenor after being proposed by Hon. Omar Twalib.

MIN.NO.168/2004/TWG/CUL: CONSIDERATION OF DRAFT BILL ON CULTURE

The Committee reviewed the Draft Articles on Culture as follows;

The significance of Culture

Agreed to as proposed save for amendment of 15A(3) to read as follows.

“all cultural practices that are deemed by the Communities concerned to be retrogressive through a periodic review shall be discarded by the community”

MIN.NO.169/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 1.00 p.m. until 2.10 p.m. this afternoon.

AFTERNOON SITTING

The Committee reconvened at 2.30 pm with Hon Paul Nakitare in the chair.

The following members of the Technical Working Committee were present;

1. Hon Paul Nakitare **Convenor**
2. Hon Omar Twalib Mzee
3. Hon Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Ombito Rita Katamu
8. Hon. Muriuki Joyce Kagendo
9. Hon. M’Mworia Julius
10. Hon. Thomas Merengo
11. Hon. Oscar K. Makokha
12. Hon. Margaret Keko
13. Hon. Bishop David Gitari
14. Hon. Mwandawiro Mghanga

ABSENT

1. Hon. Julia Ojiambo
2. Hon. Loyo Arupe Rhoda

3. Hon. Wangari Maathai

OBSERVERS

1. Dr Kiprono Mitei
2. Mr. J. Dennis Akumu
3. Mr. Moses Leleu Laima
4. Mr. Lawrence Osano
5. Ms. Rosemary Sawe

IN ATTENDANCE

- | | | |
|-----------------------------|---|-----------------------------|
| 1. Dr. Monica Opole | - | Consultant |
| 2. Dr. Isack Were | - | Consultant |
| 3. Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 4. Mr. Ken Okada | - | Assistant Programme Officer |
| 5. Ms. Selina Kandie | - | Assistant Programme Officer |
| 6. Ms. Susan Mutile | - | Verbatim Recorder |
| 7. Mr. Fred Mutula | - | Support Staff |
| 8. Mr. Anthony Rono | - | Support Staff |
| 9. Mr. Yakubu Mohammed | - | Support Staff |
| 10. Mr. Anthony King'uku | - | Support Staff |
| 11. Ms. Maurine Akoth | - | Support Staff |
| 12. Mr. George Ochieng' | - | Support Staff |
| 13. Mr. Kipkemoi arap Kirui | - | Third Clerk Assistant |
| 14. Mrs. Rebecca Osore | - | Support Staff |

MIN.NO.170/2004/TWG/CUL: COMMUNICATION FROM THE CHAIR

The Convenor expressed concern that members were not coming back on time after the breaks. He asked them to maintain punctuality since time was running out.

He also asked members to lobby other delegates to support and ensure the adoption and passage of the draft chapter on Culture. He promised that after confirming that the draft is a true reflection of the work of the committee, and after reorganizing the numbering and removal of typographical errors, the final copy will be ready for submission to the drafters before the committee next sits.

MIN. NO. 171/2004/TWG/CUL: FINAL REVIEW OF DRAFT ARTICLES

Barring amendments to articles **15 A, 15 E, 15 F, 15 G, and 15 H** the rest of the articles of the chapter, as drafted, were adopted without amendments.

Amendments

Article 15 A (3) is deleted

This reversed the decision of the committee this morning to amend the clause.

Article 15 E (b); the clause is amended by deleting the word “**child**” after the words “**child-birth**” wherever it subsequently occurs.

Article 15 F (2) (a); the sub clause is amended by deleting the word “**and**” wherever it occurs before the word “**inventions**” and in place thereof insert “**a coma**”

Article 15 F (3); the clause is deleted and in place thereof the following new clause is inserted;

(3) (i) *“develop enabling policies and legislation for policy research and development which supports and protects indigenous and characteristics”*

(ii) *“ to document research and develop community based indigenous seed for social and economic benefits that ensure equitable sharing of benefits accrued from research and development of products and by-products of various seed utilization”*

(iii) *“ to ensure equitable sharing of benefits accrued from indigenous seed, plant and animal material development that result in benefits for the welfare of the communities state”.*

Article 15 G (1) (k); the sub clause is amended by inserting the words “**family hood and**” between the words “**traditional associations**” and “**clans**”.

Article 15 H Title: The title “**Establishment of National Commission of Culture**” is retained.

Article 15 H (4) (r); the sub clause is amended by adding the following words at the end;

“that are consistent with this constitution”

MIN NO.172/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 4.49 pm until Tuesday, 24th February, 2004 at 9.00 a.m.

For Circulation

For Confirmation

**Hon Paul Nakitare
Convenor**

**Hon Paul Nakitare
Convenor**

Signature.....

Signature.....

Date.....

Date.....

**Comm. Kavetsa Adagala
Rapporteur**

Signature.....

Date.....

MINUTES OF THE TWENTY-SIXTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON TUESDAY, 24TH FEBRUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT: -

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Asha Chiku Wanje
4. Hon. Ashepete Barasa
5. Hon. Joseph Maritim Soo
6. Hon. Mwai Gakuya
7. Hon. Ombito Rita Katamu
8. Hon. Muriuki Joyce Kagendo
9. Hon. M'Mworia Julius
10. Hon. Thomas Merengo
11. Hon. Margaret Keko
12. Hon Julia Ojiambo

ABSENT WITH APOLOGY

1. Hon. Bishop David Gitari
2. Hon. Loyor Arupe Rhoda

ABSENT

1. Hon Mwandawiro Mghanga
2. Hon. Oscar Z. Makokha
3. Hon. David Marcos Rakamba

OBSERVERS

1. Mr. J. Dennis Akumu
2. Dr. Kiprono Mitei
3. Mr. Moses Leleu Laima
4. Mr. Lawrence Osano
5. Ms. Rosemary Sawe
6. Mr. E. D. Godana

IN ATTENDANCE:

1. Com. Kavetsa Adagala - **Rapporteur**
2. Dr. Isaack Were - Consultant
3. Mr. Geoffrey Mosoti - Assistant Programme Officer
4. Mr. Ken Okada - Assistant Programme Officer
5. Ms. Selina Kandie - Assistant Programme Officer
6. Ms. Susan Mutile - Verbatim Recorder
7. Mr. Fred Mutula - Usher
8. Mr. Antony Rono - Support Staff

- | | | | |
|-----|-----------------------|---|-----------------------|
| 9. | Mr. Yakubu Mohamed | - | Support Staff |
| 10. | Mr. Antony King'uku | - | Support Staff |
| 11. | Ms. Maureen Akoth | - | Support Staff |
| 12. | Mr. George Ochieng | - | Support Staff |
| 13. | Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 14. | Mr. K. Arap Kirui | - | Third Clerk Assistant |
| 15. | Ms. Rebecca Osore | - | Support Staff |

MIN.NO.173/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order with Hon. Moses Laima saying a word of prayer in Sengwer language.

MIN.NO.174/2004/TWG/CUL: CONFIRMATION OF PREVIOUS MEETINGS

The Minutes of the meeting held on Monday 23rd February, 2003 were confirmed and signed by the Convenor after being proposed and seconded by Hon. Asha Wanje and Hon. Thomas Merengo respectively.

MIN.NO.175/2004/TWG/CUL: CONSIDERATION OF THE DRAFT BILL

The Committee carefully reviewed the final Draft Articles on Culture and made minor typographical corrections.

MIN.NO.176/2004/TWG/CUL: ADJOURNMENT

The Committee adjourned at 12.05 for Tea and reconvened at 12.15 p.m.

MIN.NO.177/2004/TWG/CUL: THE SCHEDULE OF THE PEOPLE AND COMMUNITIES OF KENYA

The Committee considered the schedule of the people and communities of Kenya and made various minor amendments.

MIN.NO.178/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 1.00 p.m. until 2.30 p.m. this afternoon.

AFTERNOON SITTING

The Committee reconvened at 3.10 p.m. with the Convenor Paul Nakitare in the chair.

The following Members of the Technical Working Committee were present;

- | | | | |
|----|-----------------------|---|-----------------|
| 4. | Hon. Paul E. Nakitare | - | Convenor |
| 5. | Hon. Omar Twalib Mzee | | |
| 6. | Hon. Ashepete Barasa | | |

7. Hon. Joseph Maritim Soo
8. Hon. Mwai Gakuya
9. Hon. M’Mworia Julius
10. Hon. Thomas Merengo
11. Hon. Margaret Keko
12. Hon Julia Ojiambo

ABSENT WITH APOLOGY

1. Hon. Loyor Arupe Rhoda
2. Hon. Muriuki Joyce Kagendo

ABSENT

1. Hon Mwandawiro Mghanga
2. Hon. Oscar Z. Makokha
3. Hon. Asha Wanje
4. Hon. Rita Katamu
5. Hon. David Marcos Rakamba

OBSERVERS

1. Mr. J. Dennis Akumu
2. Dr. Kiprono Mitei
3. Mr. Moses Leleu Laima
4. Mr. Bernard Chahilu
5. Ms. Rosemary Sawe
6. Mr. E. D. Godana

IN ATTENDANCE:

- | | | |
|---------------------------|---|-----------------------------|
| 1. Com. Kavetsa Adagala | - | Rapporteur |
| 2. Dr. Isaack Were | - | Consultant |
| 3. Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 4. Mr. Ken Okada | - | Assistant Programme Officer |
| 5. Ms. Selina Kandie | - | Assistant Programme Officer |
| 6. Ms. Susan Mutile | - | Verbatim Recorder |
| 7. Mr. Fred Mutula | - | Usher |
| 8. Mr. Antony Rono | - | Support Staff |
| 9. Mr. Yakubu Mohamed | - | Support Staff |
| 10. Mr. Antony King’uku | - | Support Staff |
| 11. Ms. Maureen Akoth | - | Support Staff |
| 12. Mr. George Ochieng | - | Support Staff |
| 13. Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 14. Mr. K. Arap Kirui | - | Third Clerk Assistant |
| 15. Ms. Rebecca Osore | - | Support Staff |

MIN.NO.179/2004/TWG/CUL: PETITION TO DEMAND FOR THE ESTABLISHMENT OF NATIONAL COMMISSION ON CULTURE AS A CONSTITUTIONAL COMMISSION

The Committee expressed deep concern over the omission by the Consensus Building Group, to establish National Commission on Culture as a Constitutional Commission.

Consequently the Committee drafted and signed the following petition expressing their concern to the Steering Committee, National Constitutional Conference;

We the Honourable Members of working Committee Group “M” on Culture wish to protest over the sad and painful decisions made by the Consensus Building Group sitting at KCB Institute Karen on Culture issues, particularly on the omission of the establishment of the National Commission on Culture. By this resolution, we the undersigned Members reject the decisions of the Consensus Building Group.

Justification

- 1. The Constitution making exercise recognizes culture as the foundation of our nation, the cumulative civilization of the Kenyan people and communities and the bedrock on which all spheres of our individual and collective lives are based.**
- 2. The establishment of the National Commission on Culture will promote and protect our culture for posterity.**
- 3. There was no voice to represent the culture of the people of Kenya.**
- 4. Though Technical Working Committee “M” was created by the Conference, our deliberations on the establishment of the National Commission of Culture were not considered.**

Demand:

*“We demand that the omitted Cultural Commission (Utamaduni) must be included in the list of Constitutional Commissions to cater for Culture for the people” “Without Culture we are slaves”. HISTORY is repeating itself as it was in the Lancaster House where our proposal to include our culture was rejected by colonialists. *Mkosa mila ni mtumwa**

Delegate No.	Name
392	Conv. Paul E. Nakitare
563	Comm. Kavetsa Adagala
244	Hon. Omar Twalib Mzee
493	Hon. Asha Chiku Wanje

393	Hon. Ashepete Barasa
370	Hon. Joseph Maritim Soo
381	Hon. Ombito Rita Katamu
273	Hon. Muriuki Joyce Kagendo
275	Hon. M'Woria Julius
421	Hon. Thomas Merengo
363	Hon. Margaret Keko
121	Hon. Rosemary Sawe
576	Hon. Mwai Gakuya
100	Dr. Kiprono R. arap Mitei (Observer)
234	Mr. Lawrence Osano (Observer)
220	Hon. Julia Ojiambo

Signed by the above members of technical working committee on culture.

MIN.NO.180/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 3.15 p.m. until Wednesday 25th February, 2004 at 9.30 a.m.

For Circulation

**Hon Paul Nakitare
Convenor**

Signature.....

Date.....

**Comm. Kavetsa Adagala
Rapporteur**

Signature.....

Date.....

For Confirmation

**Hon Paul Nakitare
Convenor**

Signature.....

Date.....

MINUTES OF THE TWENTY-SEVENTH SITTING OF THE TECHNICAL WORKING COMMITTEE ON CULTURE HELD ON WEDNESDAY, 26TH FEBRUARY, 2004 AT TENT NO. 13, BOMAS OF KENYA, NAIROBI AT 9.30 A.M.

PRESENT: -

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Ashepete Barasa
4. Hon. Joseph Maritim Soo
5. Hon. Mwai Gakuya
6. Hon. Ombito Rita Katamu
7. Hon. M'Mworia Julius
8. Hon. Thomas Merengo
9. Hon. Margaret Keko
10. Hon. Julia Ojiambo
11. Hon. Loyor Arupe Rhoda
12. Hon. Bishop David Gitari
13. Hon. Samuel Mwaura
14. Hon. Mwandawiro Mghanga

ABSENT

1. Hon. Asha Chiku Wanje
2. Hon. Oscar Z. Makokha
3. Hon. David Marcos Rakamba

OBSERVERS

1. Mr. J. Dennis Akumu
2. Dr. Kiprono Mitei
3. Mr. Moses Leleu Laima
4. Mr. Lawrence Osano
5. Ms. Rosemary Sawe
6. Mr. E. D. Godana
7. Mr. Bernard Chahilu
8. Mr. Hassan W. Wario

IN ATTENDANCE:

1. Com. Kavetsa Adagala - **Rapporteur**
2. Dr. Isaack Were - Consultant
3. Mr. Geoffrey Mosoti - Assistant Programme Officer
4. Mr. Ken Okada - Assistant Programme Officer
5. Ms. Selina Kandie - Assistant Programme Officer
6. Ms. Susan Mutile - Verbatim Recorder
7. Mr. Fred Mutula - Usher

- | | | | |
|-----|-----------------------|---|-----------------------|
| 8. | Mr. Antony Rono | - | Support Staff |
| 9. | Mr. Yakubu Mohamed | - | Support Staff |
| 10. | Mr. Antony King'uku | - | Support Staff |
| 11. | Ms. Maureen Akoth | - | Support Staff |
| 12. | Mr. George Ochieng | - | Support Staff |
| 13. | Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 14. | Ms. Rebecca Osore | - | Support Staff |

MIN.NO.181/2004/TWG/CUL: PRELIMINARIES

The Convenor called the meeting to order with Hon. Bernard Chahilu saying a word of prayer.

MIN.NO.182/2004/TWG/CUL: CONFIRMATION OF PREVIOUS MEETINGS

The Minutes of the meeting held on Tuesday 24th February, 2003 were confirmed and signed by the Convenor.

MIN.NO.183/2004/TWG/CUL: MATTER ARISING

Under Minute No.157/2004;

The Convenor explained that the steering Committee had proposed that the issue of the proposed National Commission on Culture be referred to the Constitutional Technical Working Committee dealing with Commissions.

MIN.NO.184/2004/TWG/CUL: REPORT OF THE CONVENOR ON THE STEERING COMMITTEE DELIBERATIONS

The Convenor briefed the Committee on the deliberations of Steering Committee as follow;

- (i) That it was agreed that Consensus Building should be encouraged even more and that delegates should be more dedicated to ensure that the work is completed in time.
- (ii) That it was suggested that the Draftpersons should be granted space and time by the Committees to enable them finalize the Draft Bill.

The Rapportuer, in addition, informed the Committee that the Steering Committee, particularly the Chairman of the Conference, had expressed very negative views on the Culture Articles.

Consequently the Committee Members expressed outrage over the views and resolved to;

- (iii) summon the Conference Chairman, Prof. Pal Yash Ghai to clarify his remarks on Culture.
- (iv) Hold a Press Conference to visibly protest the remarks made by the Chairman.

MIN.NO.185/2004/TWG/CUL: CONSIDERATION OF THE DRAFT ARTICLES ON BILL

The Committee reviewed once again the revised zero Draft Bill. However, the Committee deferred consideration of the Draft Bill due to the various inconsistencies of the Revised Zero Draft and the original Draft.

MIN.NO.186/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 12.30 in order to hold a Press Conference until 2.00 p.m. this afternoon.

AFTERNOON SITTING

The Committee reconvened at 2.30 p.m. with Hon. Paul Nakitare in the chair. The following Members of the Committee were present;

1. Hon. Paul E. Nakitare - **Convenor**
2. Hon. Omar Twalib Mzee
3. Hon. Ashepete Barasa
4. Hon. Joseph Maritim Soo
5. Hon. Mwai Gakuya
6. Hon. Ombito Rita Katamu
7. Hon. M'Mworia Julius
8. Hon. Thomas Merengo
9. Hon. Margaret Keko
10. Hon. Loyor Arupe Rhoda

ABSENT WITH APOLOGY

Hon. Bishop David Gitari

ABSENT

1. Hon. Mwandawiro Mghanga
2. Hon. Oscar Z. Makokha
3. Hon. David Marcos Rakamba
4. Hon. Bishop David Gitari
5. Hon. Muriuki Joyce Kagendo
6. Hon. David Marcos Rakamba.

OBSERVERS

1. Mr. J. Dennis Akumu
2. Dr. Kiprono Mitei
3. Mr. Moses Leleu Laima
4. Mr. Lawrence Osano
5. Ms. Rosemary Sawe
6. Mr. E. D. Godana

7. Mr. Gaita Baikiao
8. Mr. Daoro Orech K.

IN ATTENDANCE:

- | | | | |
|-----------|-----------------------|---|------------------------------------|
| 1. | Com. Kavetsa Adagala | - | Rapporteur |
| 2. | Dr. Isaack Were | - | Consultant |
| 3. | Mr. Geoffrey Mosoti | - | Assistant Programme Officer |
| 4. | Mr. Ken Okada | - | Assistant Programme Officer |
| 5. | Ms. Selina Kandie | - | Assistant Programme Officer |
| 6. | Ms. Susan Mutile | - | Verbatim Recorder |
| 7. | Mr. Fred Mutula | - | Usher |
| 8. | Mr. Antony Rono | - | Support Staff |
| 9. | Mr. Yakubu Mohamed | - | Support Staff |
| 10. | Mr. Antony King'uku | - | Support Staff |
| 11. | Ms. Maureen Akoth | - | Support Staff |
| 12. | Mr. George Ochieng | - | Support Staff |
| 13. | Mr. Andrew M. Mwendwa | - | First Clerk Assistant |
| 14. | Ms. Rebecca Osore | - | Support Staff |

MIN.NO.187/2004/TWG/CUL: CHAIRMAN'S COMMENTS

The Convenor informed the Committee that since the Culture Draft Revised Articles had not been received from the Draftperson, the Committee would have to adjourn. The Committee resolved to meet informally on Thursday, 26th February, 2004 at 10.00 a.m.

The Committee was informed that there would be a Cultural tour of the Bomas of Kenya "Villages" possibly on Saturday 28th February, 2003.

The Committee was also informed that the UNESCO official responsible for the LAMU trip would be back into the country tomorrow, Thursday, 26th February, 2004. The Convenor finally thanked the Members and the Secretariat for their dedication, devotion and the exemplary work that the Committee had achieved.

MIN.NO.188/2004/TWG/CUL: ADJOURNMENT

The Convenor adjourned the meeting at 3.00 p.m. *sine die*.

For Circulation

For Confirmation

Hon Paul Nakitare
Convenor

Hon Paul Nakitare
Convenor

Signature.....

Signature.....

Date.....

Date.....

**Comm. Kavetsa Adagala
Rapporteur**

Signature.....

Date.....

APPENDIX V: LIST OF MEMBERS

	NAME	DELEGATE NO.
1.	Hon Omar Twalib Mzee	244
2.	Hon. Mwandawiro Mhanga	131
3.	Hon. Asha Chiku Wanje	493
4.	Hon Ojiambo Julia	220
5.	Hon Ashepete Barasa	393
6.	Thomas Merengo	421
7.	Hon. David Marcos Rakamba	433
8.	Hon. Loyor Rhoda	321
9.	Hon. Oscar Z. Makhokha	391
10.	Hon. Arch-Bishop David Gitari	522
11.	Hon. Joseph Martim Soo	370
12.	Hon. Mwai Gakuya	576
13.	Hon. Margaret Keko	363
14.	Hon. Ombito Rita Katamu	381
15.	Hon. Nakitare E. Paul	392
16.	Hon. Muriuki Joyce Kagendo	273
17.	Hon. M’Mworia Julius	275
18.	Hon. Wangari Maathai	084
19.	Hon. Samuel Mwaura	604
20.	Comm. Kavetsa Adagala	563
	Observers	
1.	Akumu James Dennis	Lancaster
2.	Dr. Monica Opole	-
3.	Dr. Kiprono Mitei	100
4.	Mr. Lawrence Osano	234
5.	Ms. Rosemary Sawe	121
6.	Mr. Moses Leleu Laima	003
7.	Mr. Godana	004
	Secretariat	
1	Mr. Geoffrey Mosoti	
2	Mr. Ken Okada	
3	Mrs. Selinah Kandie	
4	Mr Andrew Mwendwa	
5	Mr. K arap Kirui	
6	M/s Susan Mutile	
7	Mrs Venessa Kinyua	
8	M/s Sarah Mureeithi	
9	M/s Maureen Akoth	
10	Mr Tony Rono	
11	Mr Antony King’uku	
12	Mr Yakub Mohamed	
13	Mr George Ochieng	
14	M/s Rebecca Osore	
15	Fred Mutula	

