Progress on the Constitution Review process by the Committee of Experts as at October 2009

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views and has, through its research department, analysed the views, worked them into percentages and classified them into the three categories of highly contentious, resolvable and issues agreed upon.

The Committee also considered the CKRC report over which Kenyans were highly divided. It took cognizance of post CKRC draft issues e.g. the 2005 referendum, the issues surrounding the 2007 general elections, the post election violence and the National Accord. The Committee further held consultations with the Parliamentary Select Committee and the previous chairpersons of the CKRC namely Prof. Yash Pal Ghai and Lady Justice Abida Ali.

From the foregoing, the CoE unanimously identified the following issues as being the most contentious and issues on which Kenyans were most divided.

i. The system/form of Government (i.e., the Executive and the Legislature),
ii. Devolution of Powers, and
iii. Bringing the Constitution into Effect (Transitional Clauses)

In addition, the CoE noted and consulted on other issues of concern. These included:-

a) Kadhis Courts
b) Land
c) Electoral systems
d) Affirmative Action

Some of the Secretariat staff.

C. Public, Thematic and Sectoral Consultations

The CoE has carried out regional public hearings for purposes of receiving presentations on the contentious issues as well as engaged in thematic and sectoral consultations with various stakeholders and interest groups.

Following the Publication of Contentious issues and invitation to submit views, through Memoranda and public submission on the said contentious issues, the CoE has collected 19,133 vies by the way of written and oral submission from members of the public. Of these submissions, 5,212 of them came from organised groups as follows;

a) Civil Society 2,073
b) Political Parties 88
c) Private Sector 50
d) Religious Organizations 2,969
e) Statutory bodies 32

This number excludes verbatim recordings gathered during the provincial public hearings. This number of views collected over a period of only five (5) months compares favourably with a total of thirty five thousand (35,000) views collected by the former Constitution of Kenya Review Commission over 5 years.

In addition, the CoE has organised, held and participated in a series of consultations with various stakeholders directly and through the media as detailed below;

1. Consultations on Devolution - June 25th 2009 at the Hotel Intercontinental, Total participants - 46
2. Consultations on the Executive and Legislature: June 29th2009 at the Hotel Intercontinental, Total participants - 39
3. Consultation on Inclusivity & Affirmative action: June 30th 2009 at the Hotel Intercontinental, Total participants - 45
4. Consultation on Electoral Systems: June 30th 2009 at the Hotel Intercontinental, Total participants- 31
5. Consultation on Transitional Clauses: 1st July 2009 at the Hotel Intercontinental, Total participants – 45
6. Meeting with The Private Sector: 15th July 2009 at the Hilton Hotel Total participants – 42
7. Meeting with Political Parties: - (1) 1st meeting on 15th July 2009 at the K.I.C.C; Total participants – 50
(2) 2nd meeting: 2nd and 3rd September at the Leisure Lodge, Total participants – 126
8. Meeting with Religious Groups: 16th July 2009 at the K.I.C.C, Total participants – 214
9. Meeting with the Civil Society Organizations: 16th July 2009 at the K.I.C.C Total participants – 170
10. The CoE constituted a panel on the constitutional review process and met with over 300 Advocates during the 2009 LSK Annual Conference in Mombasa.
11. Participated at the Centre for Multiparty Democracy CMD meeting at Safari Park Hotel
12. Participated in the Accord Program, KBC TV
13. Participated in an interactive session of Agenda Kenya on KBC on the 29th of April, 2009.
14. Participated in a roundtable meeting on Governance and Security in Kenya hosted by the Institute for Security Studies on the 5th of May, 2009.
15. Participated in the Louis Otieno Show, sponsored by Transparency International on the 14th May, 2009,
16. Took part in an episode of Moving the Masses on KBC (Lumumba's Show) at the invitation of the National Anti-Corruption Steering Committee on the 17th of May, 2009
17. Participated in the breakfast show on KBC, on the Contentious Issues,
18. Attended a meeting of the Minority Rights Consortium on Constitutional Reform on the 7th of August, 2009.
19. Attended 'A breakfast meeting for women commissioners' (from all the Agenda 4 bodies and KNCHR) hosted by Fida-Kenya on behalf of the G10 on the 31st August 2009,
20. Address to the members of Kenya Civil Servants at the Public Servants Club, Kisumu on the 14th of August 2009
21. Attended the Land Sector Non State Actors' breakfast meeting on "Land Reforms in Kenya" on the 7th October, 2009
22. Meeting with the National Council of Churches of Kenya NCCK meeting at Jumuia place, Limuru, August 5th, 2009
23. Address to the Franciscan Sisters of Saint Anna (Iwak) IN Kisumu on September 26th. 2009.
24. Address to Actionaid Kenya's meeting of training of trainers at Jumuia Place Limuru, October 2009
25. Foundation for Women Rights in Kenya meeting at Pan Africa Hotel a Presentation on the review Act, 2008
26. Gender forum at Pan Afric Hotel on the role of Women in the Review process
27. Gender Forum organised by Heinrich Boll Foundation at Nairobi Club
28. Nairobi-based NGOs meeting at the Desmond Tutu Centre
29. The ICJ-Religious groups meeting at Naivasha
30. North Rift Academic Forum debates on Agenda no. 4: the Constitution making process
31. CoE Breakfast meeting with Editors and release of Contentious issues, June 25, 09, Intercontinental= Hotel
32. CoE Breakfast Meeting with the Media Owners Association, July 17, 09, Serena Hotel
33. Senior Journalists retreat, July 17, 18, 2009, Outspan Hotel, Nyeri
34. Community Media Training at the Stanley Hotel in Nairobi, August 8, 09
35. Community Media Training, Serena Beach Hotel Mombasa, August 15, 09
36. Community Media Training, Merica Hotel Nakuru, August 22, 09
37. Community Media Training at Kisumu Hotel, Kisumu, August 29, 09
38. CoE press Conference at Delta House Headquarters, Nairobi, September 3, 09
39. CoE Press Conference at Green Park Lodge, Naivasha, September 18, 09
40. Participation in the Nairobi International Trade Fair, September 28 to October 3, 09
41. Kenya Correspondents Association training workshop, Nanyuki, October 16, 2009. 120 participants
42. Appearance on 'Luis Otieno Live Show' on Citizen TV, June 25, 09
43. 'Power Breakfast Show' on Citizen TV, June 24, 09
44. 'Damka Morning talk Show' on KBC, July 1, 09
45. 'KTN Leo Live News' June 26,
46. 'Good Morning Kenya' Talk Show on KBC, June 24, 09
47. NTV on the 'Record Programme', July 2, 09
48. 'The Jam,' Capital FM, July 14
49. 'Frontier FM Talk Show 'Somali station, July 17, 09
50. Appearance on Citizen Radio – 'Mjadala wa Jambo', July 14, 09
51. Appearance on Inooro FM 'Hagaria Programme', Kikuyu language, July 21, 09
52. Appearance on Mulembe FM 'Bukha Bushiele,' Luhya Station July 16, 09
53. Musyi FM 'Wamuka ata,' Kamba Language, July 15, 09

D. The Reference Group

The CoE has held three joint meetings with the Reference Group (RG) . The 1st Reference Group meeting was held on the 11th of August, 2009 at the Hilton Hotel with 46 participants. The CoE brought the RG members up to speed with the process and together defined a working

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