

THE AUGUST 2010 REFERENDUM - A MILESTONE NOT A CONTEST

The Message to Kenyans by the Archbishop of the Anglican Church of Kenya (ACK) DATED 31 JULY 2010

1. GREETINGS: On behalf of the Anglican Church of Kenya (ACK) we greet all Kenyans in the name of Jesus Christ our Lord, our Teacher and our Saviour as we prepare for the Referendum scheduled for August 4, 2010. While conveying these greetings, we would like to encourage all of us to prayerfully meditate on the momentous task ahead of us. When we go to vote, let each of us cast our ballot as an expression of our deep love and concern for our nation with an even greater focus on the common good of the generations to come. Notwithstanding our counsel regarding the proposed constitution, we urge all Kenyans to acknowledge the democratic right of every registered voter to vote as directed by each person's conscience.

The noble task of constitution making has over time been invaded by highly diversionary and divisive factional and political interests. The process seems to have been misunderstood as a competition of various factions. The scheduled Referendum has been over-hyped as a competition between the 'Yes' and 'NO' campaigners. It is not. There must be neither winners nor losers in making a constitution that is intended for governing all of us and our future generations. The Referendum is only a milestone event in the long process of building a better Kenya we all can cherish.

A constitution is much more than a set of words. Above all else it is the expression of the will of a community to live together in peace, harmony and unity under God. The determination of a people to live together as a nation ought to be rooted in their national consciousness, not imposed from outside through a document such as a constitution. It is this national consciousness that ought to guide each of us in our decision when we vote on the Proposed Constitution.

Our nation of Kenya is a religious community. Our National Anthem is a prayer to God of all Creation. Any attempt or strategy to marginalize religion in our national consciousness therefore runs against the ethos of Kenyans as a people, and against the teaching of the church that we human beings are subject to the reign of God. We need to anticipate the Referendum with calmness and coolness of heart, respecting the views of everyone. In the meantime we ought in solemn vow to commit ourselves to honour the democratic verdict of the people of Kenya.

2. BACKGROUND: The Anglican Church of Kenya (ACK) has keenly followed the debate on the Proposed Constitution and has been deliberating in detail on its content. We have consistently emphasised and reiterated the view that consensus building among all Kenyans is essential for the new Constitution to strengthen peace, harmony and unity within the nation of Kenya as a whole. In this endeavour the ACK has consistently indicated those provisions in the Proposed Constitution, which in the long term are divisive as clarified in our Statements of the House of Bishops dated 29 April 2010 and 8 July 2010. Tensions have risen as a result of those controversial provisions, on which the Church had recommended revision before the Referendum. We had hoped the Government would heed this call in the interest of peace and harmony for Kenyans. However, Kenyans are going to the Referendum to democratically

express their verdict on a highly divisive Proposed Constitution. It would have been much better to reduce to a minimum the potential of conflict, but adversarial politicking has undermined this possibility. Yet as Kenyans we share a common history, a common present and a common future. It is in our interest as one nation to maintain our integrity and peace during the Referendum and beyond.

3. **CONSENSUS:** A constitution outlives all of us and will provide the basis for the future governance of this nation. We have the responsibility to anticipate how Kenya will be functioning beyond our generation, and consider whether all the provisions will secure peace, harmony and unity in the long term. Whatever the outcome of the Referendum there will be a significant proportion of Kenyans that will feel seriously aggrieved. Constitution making should unite the citizens of a nation, not divide them. We ought to learn from our African heritage, in which decisions are made through consensus rather than through adversarial means. The ACK therefore encourages all Kenyans to look beyond the immediate factional interests driving the campaigns for and against the Proposed Constitution. The ACK has always strongly maintained that we need not proceed to a referendum with such deep divisions among Kenyans yet there has been an opportunity to narrow the differences over this proposed Supreme Law which will govern all Kenyans without exception. The ACK's 'No' verdict on the Proposed Constitution arises from this concern and remains conditional upon satisfactory resolution of these concerns. This approach would leave Kenyans more united and emotionally committed to the new Constitution instead of anticipating another expensive and very difficult process of amending a new constitution.

4. **DOCTRINAL CONSIDERATIONS:** The religious foundation of the nation of Kenya is enshrined in our National Anthem, which affirms God the creator of everything. This affirmation makes no religious distinction. It is important and essential for this affirmation to permeate the entire Constitution, so that under God we appreciate and respect one another as citizens, providing for the freedom to practise and propagate religion without hindrance within the framework of the law and without particularistic provisions for any religion. Similarly we recognise that the greatest gift for anyone is the gift of life because it can only proceed from God. Consequently, the greatest right is the right to life. All other rights become meaningful only if there is a guarantee to the fundamental right to life for all including the unborn. This right does not need to be qualified for the unborn simply because they can't speak for themselves.

This doctrinal foundation enshrined in the National Anthem brings together all Kenyans irrespective of religion, ethnicity or cultural heritage. The religious and cultural diversity of Kenya ought to be our strength, not our weakness. For this reason the ACK has consistently encouraged Christians to participate in dialogue with others, without compromise to the central doctrines of the Christian faith, which resonate with those of other religions. We wish to remind Kenyans that while indeed there are many provisions in the Proposed Constitution that can boost our economic development, let us not forget the insight written in Luke 4:4 that 'Man shall not live by bread alone but by every word of God'.

5. **THE CONSTITUTION AS OUR COVENANT:** The Constitution of our nation ought to be written in our hearts, as a Covenant binding the people of Kenya to live together in love, peace and unity. What is written on paper ought to be a true reflection of the spirit and

commitment of the Kenyan people to the ideals of their nationhood. The instruments of review therefore have an indispensable obligation to take into serious account the concerns raised by the Church so that the Church and the State can together move the nation forward in a complementary rather than adversarial relationship. The Church is the Conscience of the nation. We therefore urge the Government to urgently deal with the issues raised by the Church instead of rolling out the massive political engine of the State to subdue genuine concerns of its own citizens. We will however take solace in the Biblical text from 1Samuel 8:6-9 “ . . . -it is not you they have rejected but they have rejected me as their King. As they have done from the day I brought them up out of Egypt until this day, forsaking me and serving other gods, so they are doing to you. Now listen to them; but warn them solemnly and let them know what the king who will reign over them will do.”

6. **OUR HOPE:** Our hope as the nation of Kenya is in God in whom we live and have our being. The Referendum on the Proposed Constitution is only an event and a step in a long journey of seeking to build a prosperous nation. There must be no winners and losers in the referendum event. May the ballot result only represent a milestone in form of a democratic verdict by the people of Kenya on what the majority want, and also what another significant lot is opposed to. We trust and pray that the detailed results will serve as the immediate building blocks of the Constitution the people of Kenya truly deserve. Therefore, as we await this verdict we must look ahead in confidence and hope for a better nation of Kenya. Let all of us commit ourselves to accept the verdict and also to move forward in peace, harmony and unity as members of one family, trusting one another as mutually interdependent brothers and sisters. This hope is enshrined in our National Anthem, which transcends the Proposed Constitution. *“Let all with one accord in common bond united build this our nation together, and the glory of Kenya, the fruit of our labour fill every heart with thanksgiving.”*

7. **PRAY AND FAST:** We have dedicated the month of July to pray for our Constitution. We would also like to have **Sunday the First Day of August 2010** as a special **Day of Prayer for Peace** in our nation. During this challenging time let us continue to pray to God and fast individually and in fellowship, remembering the words of St. Paul in Philippians 4: 8-9: “. . . Finally, brothers and sisters, whatever is true, whatever is noble, whatever is right, whatever is pure, whatever is lovely, whatever is admirable— if anything is excellent or praiseworthy— think about such things . . . and the God of Peace will be with you”.

**The Most Rev. Dr. Eliud Wabukala,
Archbishop of the Anglican Church of Kenya
and
Bishop of All Saints Cathedral Diocese.**