



THE ANGLICAN CHURCH OF KENYA (ACK)

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Press Statement

"THUS SAYS THE LORD"

1. Preamble

The House of Bishops of the Anglican Church of Kenya met at the All Saints Cathedral Multi Purpose Hall on 29th April 2010 to deliberate on the Proposed Draft Constitution which is currently a matter of national importance. And in this, we found the state of our nation to be as described in the book of Mark 2:23-28 with a particular emphasis on verse 27 *"Then He said to them, 'The Sabbath was made for man, not man for the Sabbath.' "*

It is therefore of great importance that Kenyans take into keen consideration the place of the Constitution in the life of the nation. The Constitution is meant for Kenya, not Kenya for the Constitution. The Constitution must therefore of primary importance unite Kenyans and not divide the nation for either political or religious reasons.

We the Bishops of the Anglican Church of Kenya commend Kenyans for conducting themselves in a peaceful manner so far in the process in spite of the differing opinions and views. We urge a spirit of calm, sobriety and tolerance to persist until the National Referendum and subsequently to the logical conclusion of this process that is no doubt going to go down in the annals of Kenya's history. However we cannot fail to note the perception created that the Church does not want a new constitution.

2. The concerns of the Anglican Church of Kenya

The draft constitution is in many ways a step up from the current constitution. Some provisions therein would pave way for a prosperous, inclusive, accountable, transparent, responsible and peaceful future if and only if Kenyans change their attitudes and follow its principles and spirit to the letter. The document in itself is not the solution to Kenya's myriad problems neither will its adoption automatically change Kenya for the better.

As we note the wonderful things this country stands to experience if this constitution is adopted, we cannot fail to emphasize the issues that are of concern to most Kenyans and particularly to the church and that we have consistently spoken about.

- a) The fact that Kenya is a sovereign state and invokes the supremacy of the constitution in the light of international law
- b) The need for all Kenyans to enjoy the provisions of the Bill of Rights equally irrespective of their religion
- c) The need for all religions to be accorded equal status by the constitution which for all intents and purposes represents a multi-religious state
- d) The need to enshrine the rights of the unborn alongside those of the mother in the constitution as we often pray-

"...For the little children and babies: born and unborn, that their tender lives may be protected and their rights guarded... We beseech you O Lord" (**Anglican Modern Service Litany pg. 238**)

Philippians 4:8 exhorts us thus:-

Whatever things are true, whatever things are noble, whatever things are just, whatever things are pure, whatever things are lovely, whatever things are of good report, if there is any virtue and if there is anything praiseworthy – meditate on these things

The ACK holds LIFE, MORALITY and JUSTICE as the fundamentals of the conduct of society and this must therefore also guide the process and content of the constitution. This is a demonstration of the assertion that we acknowledge the supremacy of God in this nation as outlined in the Preamble of the Constitution. God expects us to protect life, to be morally upright and to protect access to justice for all.

We are appalled by the decision and declaration by the Cabinet that no amendments can and will be made prior to the Referendum. The instruments of Review according to the Review Act are clearly spelt out and the Cabinet is not one of them. Their declarations are therefore in our opinion misplaced, unconstitutional and an attempt at dictating on the outcome of the Referendum. In our view, the President and the Prime Minister should not be taking sides for Yes or No but should be spearheading national healing and reconciliation.

We call upon the government to spend more time educating Kenyans on what the Proposed Constitution says rather than spending public resources spearheading a Yes campaign.

Further, all Kenyans have a democratic right to declare their position without fear or intimidation including threats from any quarters.

Based on the issues highlighted above, we therefore say **NO** to the Proposed Constitution as it is unless amendments are effected before the Referendum i.e. Justice and equality for all religions, the limitation of fundamental rights based on religion, the protection of the right to life and the supremacy of our constitution in the light of International conventions and treaties.

3. Message to Kenyans

We call upon all Kenyans to think beyond what side of the Yes/No divide they fall on and focus on the period post Referendum. Kenya must remain united and focused on nation building beyond the Constitutional debate and thus we urge the government, the religions and Kenyans to work for peace.

As the outcome of the Referendum depends on the expressed will of Kenyans, we strongly urge all who are eligible to register as voters to ensure that they exercise their God-given and democratic right to vote. In the meantime, we advice Kenyans to read the Proposed Constitution and seek clarification on issues they don't understand from experts in their midst.

We pray that God gives Kenyans the grace to make the right decision and live together in unity.

God bless Kenya

Signed:

The Most Rev. Dr. Eliud Wabukala - Archbishop of Kenya
The Rt. Rev. Stephen Njihia - Nakuru Diocese
The Rt. Rev. Joseph Wasonga - Maseno West Diocese
The Rt. Rev. Josiah Were - Nambale Diocese
The Rt. Rev. Dr. Samson Mwaluda - Taita Taveta Diocese
The Rt. Rev. Julius Kalu - Mombasa Diocese
The Rt. Rev. Dr. Francis Abiero - Maseno South Diocese
The Rt. Rev. Joseph Kanuku - Machakos Diocese
The Rt. Rev. Thomas Kogo - Eldoret Diocese
The Rt. Rev. Simon Oketch - Maseno North Diocese
The Rt. Rev. Jeremiah Taama - Kajiado Diocese
The Rt. Rev. Daniel M. Ngoru - Kirinyaga Diocese
The Rt. Rev. Charles Gaikia - Nyahururu Diocese
The Rt. Rev. Dr. Gideon Githiga - Thika Diocese
The Rt. Rev. Johannes Angela - Bondo Diocese
The Rt. Rev. Beneah Salala - Mumias Diocese
The Rt. Rev. James Ochiel - Southern Nyanza Diocese
The Rt. Rev. Charles Mwendwa - Meru Diocese
The Rt. Rev. Joseph Kagunda - Mt. Kenya West Diocese
The Rt. Rev. Isaac Ng'ang'a - Mt. Kenya Central Diocese
The Rt. Rev. Henry Kathii - Embu Diocese

The Rt. Rev. Michael Sande	-	Butere Diocese
The Rt. Rev. Dr. Zakayo Epusi	-	Katakwa Diocese
The Rt. Rev. Moses N. Masamba	-	Mbeere Diocese
The Rt. Rev. Allan Waithaka	-	Mt. Kenya Central
The Rt. Rev. Lawrence Dena	-	Mombasa
The Rt. Rev. Peter Arok	-	Nakuru
The Rt. Rev. David Mutisya	-	Garissa
The Rt. Rev. Cleti Ogeto	-	Lodwar
The Rt. Rev. Robert Martin	-	Marsabit
The Rt. Rev. Jacob Lesuuda	-	Nyahururu