

What is at Stake in Kenya is the Making of a New Constitution

By Fr. Emmanuel Adeboia W.F.

On the 1st. of December, 2000, there was some violence in **South 'B'**, a suburb of Nairobi, that led to the destruction of property including the burning of places of worship, notably the parish church of **Our Lady Queen of Peace**. At the time the media reported that there were clashes between 'Muslims' and 'Christians'. Religious Leaders, both Muslims and Christians called for restraint and fingers were pointed at the Kenyan Government for inciting the clashes. Many of us share the opinion of our Religious Leaders that **KANU**, the ruling Party in Kenya was behind the violent clashes in **South 'B'** at the beginning of December, 2000. (see issue no. 358, June-July, 2000)

Prior to the 1997 General Elections, President Daniel Arap Moi, the President of Kenya since 1978, announced that the Kenyan Constitution would be reviewed before the next general elections to be held in 2002. The announcement was received with a lot of enthusiasm as many people had constantly been calling for an urgent review of the Constitution. A series of meetings were held to discuss the format of the review process.

1. THE BOMAS OF KENYA.

The first of such meetings was held in a place called the Bomas of Kenya on the 11th. May, 1998. The meeting was to discuss how the Constitution of Kenya Review Act was to be amended. This was an initiative of the **Inter Parties Parliamentary Committee (IPPC)** formed earlier on before the 1997 General Elections. In June, 1998, the Attorney General convened a consultative forum where thirty-three organisations were invited to send one delegate each.

Other interested parties soon found themselves joining the review debate.

2. THE SAFARI PARK MEETING.

In a meeting held at **Safari Park**, a famous tourist hotel here in Nairobi, the stakeholders of the review process - i.e. political parties, civil societies, women's organisations, and religious groups - agreed on setting up a twenty-five member Review Commission. The President himself assented to this decision by signing it. Parliament was mandated to choose thirteen members to represent the various political parties (with 222 MPs), while the other stakeholders, such as civil society, were to select twelve representatives.

The Civil society was able to nominate its twelve members without any problem. Parliament, however, could not reach a consensus on who to nominate and who to leave out. The MPs argued that the nomination should be done on the strength of each Party, but some parties wanted to have more representation than their strength required. Come the day for presenting their candidates, the **Kenya African National Union (KANU)**, the ruling party, presented more than the expected nominees. There followed a public outcry on **KANU's** action, which fell on deaf ears.

Later the President rescinded to the **Safari Park** agreement by saying that it was only Parliament that had the mandate to review the Constitution of Kenya. This led to the formation of the Parliamentary select Committee to research on the best possible way to form the review commission. The composition of the Select Team was to have fourteen **KANU**

members, three **National Development Party (NDP)** (an opposition party) members and eight members from all other parties. Apart from **NDP**, all other parties boycotted the sitting on this committee, hence the two parties went ahead to represent the now infamous Raila Committee (named after Raila Odinga, the leader of the **NDP**), after he was appointed by the President to head the team.

Concerned about the urgent need for social and economic change in the country through good governance and respect of human rights, the religious leaders and civil society initiated what they termed as an all inclusive and participatory Constitutional process. Their first

meeting was held at **Ufungamano** House (thus they acquired their name - **Ufungamano**), where it was decided that they undertake a parallel review process to that of the Parliamentary team. They gave themselves the name the **Peoples' Commission of Kenya**, with the firm conviction that all the people of Kenya were in support of their initiative.

During the last part of the year 2000, the **People's Commission of Kenya** formed a Steering Committee which started going round the country collecting views about Constitutional change. The **Peoples' Commission of Kenya** spearheaded by the religious leaders in Kenya is not only asking for a Constitution that is

Picture above: Nairobi panorama dominated by Yayo House, with Uhuru Park in the foreground



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understood by the ordinary women and men of Kenya but also a Constitution that is drafted by them.

President Moi has openly condemned the activities of the **Peoples' Commission of Kenya** as illegal and unrepresentative. On many occasions the President condemned religious leaders for interfering in politics and always referred to parliament as the only body, which has the power to review the Constitution. Despite all the public remarks about religious leaders and the **Peoples' Commission of Kenya**, the group has grown from strength to strength, gathering popularity and support day by day. This is a sour pill for the ruling party and for the President to swallow.

Many of us believe that the violence in **South 'B'** was provoked by the government to cause division among the religious groups. The consequences of such a division are obvious; disunity among the religious groups which are the main stakeholders in the **Peoples' Commission of Kenya**. Shariff Nassir, a Minister in the Office of the President publicly boasted about how he encouraged 'Muslim' youth to go out and take revenge when they are attacked. President Moi himself ordered the release of all the youth who were arrested by police after the burning down of the Church of **Our Lady Queen of Peace**.

In the practice of true Christianity, the parishioners of **South 'B'** have all agreed to forgive and to pray for the people who destroyed their shine and hope that this incident will teach Kenyans that violence does not achieve anything and that the best way to solve disputes is through dialogue. Fr George Smith, the Parish Priest of **South 'B'** championed the course of forgiveness. Fr. George went on air and on television preaching the message of hope and reconciliation.

One of the greatest lessons from the fire tragedy is that the Church is not the building but the heart. They have also learnt that the greatest virtue one can have is the virtue of forgiveness and reconciliation. The Christians of **South 'B'** have forgiven those who burnt their Shine more than seventy seven times seven (over 490 times) as instructed by Christ. They even wish to welcome those who burnt down their Church to come and worship God with them once the new Church is built.

On the 18th. of February there was a major **Harambee** (fund raising) to rebuild the Church of **South 'B'**. The amount needed to reconstruct the Church is forty million Kenyan Shillings (about half a million dollars) and this was the target at the **Harambee**. About eleven million was collected, about one third of the money needed.

For us here in Nairobi the **Harambee** was more than collecting money. It was a time of healing. It was like a liturgy. Thousands of Christians came out from the various parishes in Nairobi to contribute their widow's mite. Except for some Bishops and some Politicians nobody was in a hurry to leave the venue of the **Harambee**. People took initiatives and volunteered for anything. The Media advertised the **Harambee** free of charges; Coca Cola and individuals gave tents free of charges, the Police, Prison Officers, private security firms were all there to ensure peace and order all for nothing.

The spirit of the day of the **Harambee** is the spirit we are all longing for here in Kenya. The new Church yet to be built will be a symbol of tolerance and reconciliation for the whole of Kenya. It will be a Shrine of **Our Lady Queen of Peace**.

'Religious Clashes' in Nairobi

By Fr. Ted Wildsmith W.F.

OUR LADY QUEEN OF PEACE, SOUTH 'B'

What happened in **South 'B'**, Nairobi is very upsetting news. During the course of this tragic Friday, 1st. December, 2000, I was able to get an update from the Internet and towards the evening I had a twenty minute conversation on the telephone with Fr. George Smith, who took my place as Parish Priest of **Our Lady Queen of Peace, South 'B'**. At one stage Fr. Franz Gieringer * and himself were trapped in the Parish Hall where they had rushed to try and persuade the 'youths' to desist from their mission of destruction. The 'youths' were pelting them with stones and they felt their last moments were at hand. Then there was an almighty 'woosh'! Those who had been busy dousing the inside of the Church with petrol threw a match! At least this saved Fr. George and Fr. Franz. Their attackers ran to

gaze at the fresh spectacle. Fr. George and Fr. Franz made for the House. However they were followed and their attackers started smashing all the windows and throwing petrol into the House. They were again in mortal danger along with Fr. Jesús, a Spanish White Father who is in the Parish. Fortunately another diversion took place, possibly the arrival of some security forces. By some stroke of providence the flames from the burning Church were blown away from the House.

I think we have just to offer thanks for the preservation by The Lord of our White Father colleagues. These attacks took place starting at 2.00 p.m. on Friday 1st. December, 2000. I was talking to Fr. George on the phone about 6.15 p.m. UK time on Saturday. On Saturday morning a pre-arranged funeral and marriage took place in the courtyard. Television cameras

* Both Frs. Franz Gieringer and Jesús-Maria San Juan are curates in Our Lady Queen of Peace Parish.

Picture above: The old Parish church (right) and hall (left) of Our Lady Queen of Peace



and reporters were present. Viewing himself on TV Fr. George said: "I couldn't believe I looked so old!"

Fr. George says the Parishioners are being just wonderful as are all the ordinary people of Nairobi. There was never animosity between the Muslims and Christians and both Communities are reaffirming their unity and good relations. (cf. Internet for Sunday 3rd. December, 2000). Saturday had seen a never ending stream of well-wishers and among them were the Priests of the Archdiocese of Nairobi. Bishop David Kamau was scheduled to celebrate one of the Sunday Masses now to be celebrated under the African sun!

WHY? WHY SUCH MAYHEM?

In 1992 Kenya had its first Democratic Elections. A fairly large area of land, more or less opposite **Our Lady Queen of Peace, South 'B'**, Catholic Church, was given by **KANU**, the ruling party, to some 'middle-income' people with the ability to construct small slum-type-dwellings for rent. They were to be allowed to collect rents for five years. In return **KANU** expected their votes. Some of this land was owned with 'title-deed' by the Muslim Community for the building of a Mosque. As the five years drew to an end they began to enclose their plot with a wall which would include some of the slum dwellings. People objected. The Landlords went to Court and obtained a further three years. 2000 was the due time for the Muslims to be given their right of ownership. They tried to claim their just right by completing the wall. To achieve their aim they had to knock down some of slum dwellings. People rioted! A small Mosque Hall and Offices already located on a vacant part of their plot was burnt to the ground! Some time later angry people arrived, probably some of them Muslim, bent on seeking revenge.

For those who know a little about Kenyan affairs the country is trying to make a new Constitution for the country. The experts say this is overdue. Many former British colonial territories have had to face this challenge of making their constitutions reflect indigenous realities. Uganda has recently voted in a new Constitution. For Kenya this is proving a difficult task. The **KANU** Government in power has one plan for what is best.

There is another plan going under the name of the '**Ufungamano Initiative**' (Joint Initiative). They maintain the **KANU** plan is just cosmetic. It doesn't touch the question of Land and is weak on many Human Rights issues. Above all it will entrench **KANU** in power. Many agree with them. The Muslim and Christian Communities are together the driving force behind the '**Ufungamano Initiative**'. It is alleged that some people are trying to drive a wedge between the Muslim and Christian Communities. It is alleged that some of those who arrived bent on revenge were in fact being paid to stir up trouble! Hence these present so-called 'religious clashes'. Several times in the recent past Kenya has suffered tribal clashes. The recent troubles in Nairobi do bear some of the hall-marks of the 'tribal clashes'. However, on this occasion both Muslim and Christian Leaders have appealed for calm, proclaimed there is no hostility between them and reaffirmed their joint commitment to the '**Ufungamano Initiative**'.

Our Confreres of **Our Lady Queen of Peace, South 'B'**, Nairobi certainly need the support of our prayers and sometime soon the Parish Community are going to have to face the daunting task of rebuilding the Church. So too are our Muslim brethren. They will need all the support they can get. The *Daily Nation* newspaper mentioned a figure of 10 million Kenyan Shillings (£100,000).