

KENYA CONFERENCE OF CATHOLIC BISHOPS



KENYA CATHOLIC SECRETARIAT

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A CALL TO BUILD A UNITED, HEALED AND RECONCILED NATION

“How good and delightful it is to live together as brothers and sisters” (Ps. 133:1)

Preamble

We the Kenya Conference of Catholic Bishops, gathered for the November 2020 Plenary Assembly at Subukia Village of Mary Shrine, have had time to reflect and discuss the state of our Nation.

First and foremost, we acknowledge the many graces and protection God has given us since the announcement of the deadly Covid - 19 pandemic. We note with great concern the surge in the number of those infected by the coronavirus, and the many lives we are losing daily. We send our condolences to the families who have lost their loved ones to this pandemic and assure you of our continued prayers. For those who are sick, we assure you our prayers for healing.

We are very much concerned by the financial burdens that are facing all of us, especially the poor who cannot afford the medical bills for those who are sick, and funeral costs for those who have died. We appeal to the generosity of our dear Kenyans to reach out to those in need and help ease the financial and psychological burden they are carrying. We should be guided by our great African tradition of sharing what we have.

We also appeal to the hospitals, especially the private ones not to overcharge those who come for medical attention.

We encourage the Government to consider more creative ways of containing the spread of the virus in addition to the recommended universal protocols, including wearing of masks, social distance, handwashing and sanitizing. Each one has a personal responsibility to ensure a safe environment for the people we live, work and interact with in our everyday life.

We wish to remind religious leaders and all worshippers of the protocols developed by the Interfaith Council that we should continue to be more vigilant and compliant to ensure the safety of our worshippers.

Observations on the BBI Report

Dear Kenyans, on the 26th October 2020, we were presented with the BBI report, which was a product of a long process of the handshake.

As Kenya Conference of Catholic Bishops, we welcomed the BBI as an opportunity for all Kenyans to engage constructively in discussing those issues which affect our country and have caused perennial conflict and division.

Our hope was that the BBI report would address the four key concerns that we raised in the November 2017 plenary in Nakuru, namely:

- a) Reconciliation and national healing;
- b) Restoration of values, democratic governance and institutions of governance,
- c) Recovery and reconstruction of the economy and services.
- d) The lack of structured and redemptive reforms as was pointed out in the Agenda 4 Items of the 2008 Kofi Annan led Kenya National Dialogue and Reconciliation Process.

As Bishops, we have keenly followed this process from its inception up to where it is at present. As a result of this process, and reading through the report that was launched at the Bomas of Kenya on 26th October 2020, we wish to make our observations.

1. Expanded executive

Looking at the proposal on the Executive it is very clear that the BBI document gives power to the president to appoint a Prime Minister and two Deputy Prime Ministers. The expanded executive was supposed to reflect the face of Kenya and tame the “winner-takes-it-all” structure. To give the President the power to appoint the Prime Minister and the two deputies risks consolidating more power around the president thereby creating an imperial presidency. This amendment could be creating the same problem it set out to solve.

It is very important to stick to the principle of separation of powers, for it is the backbone of democracy.

2. A bloated Parliament

The expansion of the Senate to 94 members and the National Assembly to 363 will be a huge burden to the tax payers of this Country who are reeling with a huge wage bill supporting the present numbers of legislators. There is no reason why we should have such a large number of legislators. We do not want more government, but better government.

3. Politicized IEBC

The proposal to have political parties appoint members to IEBC is a dangerous one since it will politicize IEBC hence compromising its independence. This proposal will turn IEBC into a political outfit with partisan interests. The question will arise on how fair the elections will be.

4. Formation of Kenya Police Council

The proposed formation of a Kenya Police Council headed by the Cabinet Secretary of Interior with four other members, to replace IPOA is a move that is likely to make Kenya a police state and compromise the independence of the police from the Executive.

Reading and discernment of the BBI report

We, your Shepherds, wish to encourage reading and discussion of the report. It is necessary that Kenyans get a chance to interact with it, discuss it in different fora and give their views. The report offers an opportunity to the Kenyans to reflect on how they can build a solid democratic, just, peaceful and all-inclusive nation. It gives them a chance to see how they can make institutions work and be at the service of every citizen, regardless of tribe, political affiliation or social status. It is an opportunity to reflect openly and candidly on the concrete measures to fight impunity, corruption and the politics of exclusion.

We should therefore pay attention when discussing and pointing out how the document could be improved while we avoid the risk of taking hardline positions and sectarian demands, and ultimatums that destroy the very meaning and spirit of the BBI.

By its very nature the report is a product of the handshake which was born out of dialogue and consultation. It is therefore of utmost importance that this process move on the path of dialogue and consensus building rather than position taking.

On its part, the government and all political actors must not forget that the primary purpose and intention of the BBI process was to bring together all Kenyans. It is about unity, (building bridges). Everyone must therefore embrace a spirit of patriotism, listen to the recommendations made and adjust the report to reflect popular consensus.

Listening to what many Kenyans are saying across the country, there is urgent need to give them opportunity for a review of the report with regard to some of the issues raised therein, namely, the expanded executive, the increased number of national assembly representation, the reconstitution of IEBC, the creation of the Kenya Police Council, replacing the IPOA, Women representation, the independence of the Judiciary, persons living with disability, etc.

Our resolve on the BBI report is to encourage all Kenyans to read and understand the content, in view of building consensus. At this point, we want to strongly remind all actors, including ourselves as Bishops, that this process has serious implications for the future of this country. The constitutional, administrative and policy recommendations in the document ought to be seen in the light of discernment. We urge all those involved in this process to help Kenyans understand in a simple way the contents of the report, pointing out clearly specific proposals and their implication. Our law experts are encouraged to break down the report in simple terms for all to understand.

The government should facilitate a robust civic education process to help all Kenyans appreciate the report in order to make informed decisions about it.

Dear Kenyans, especially our political leaders, this is not about political competition, it is not about FOR or AGAINST, YES or NO, it is not about 2022. It should be about KENYA, about which way we want to take as Kenyans, not only for ourselves, but for posterity. It is about CONSENSUS.

It is our recommendation, as Catholic Bishops in Kenya, that any amendments to improve the report should still be listened to and included where necessary. This means, the report is still a draft in progress, not cast in stone; and therefore, every voice should be accommodated.

Referendum Debate

We the Catholic Bishops, having looked at the BBI report, we see it addressing issues on three levels, namely legislative, policy, Administrative and institutional proposals and constitutional proposals. Moreover, there are those constitutional proposals that require a referendum and those that do not.

Whereas there is a call for a referendum, which has generated views on supporting or opposing it, we wish to ask ourselves the following questions:

1. In the wake of the persisting effects of the COVID-19 pandemic that has hit families across the country, is this the time to subject Kenyans to heightened political activity to undertake fundamental constitutional reforms?
2. Hit by COVID-19 pandemic, with the economy affected, does the country have the funds needed to carry out a referendum before 2022, 18 months before the general election, a process that also requires money? Can the country afford to spend its very limited resources in a referendum when there is a struggle in the education and health sectors to provide for urgently needed support due to the effects of COVID-19 pandemic?

Consequently, we believe that proposals that are legislative, or which require policy or institutional and administrative amendments, should be handled through the relevant existing organs and institutions of governance. Those that require constitutional amendments through a referendum should be separated and handled as a cluster to which Kenyans will be subjected, for their input through a ballot. This is to avoid a rejection of good ideas that have already been generated in the BBI report. This is the reason we keep on emphasizing on building consensus rather than taking sides.

National Ethos: Conscience Formation

We are pleased with the emphasis placed on national ethos. Our two major problems as a country that we have time and again highlighted are: -

- (i) Acting without listening to our conscience, and
- (ii) The runaway corruption that has permeated every sector of society.

The BBI report points out issues that touch on our role as religious leaders.

We are concerned that as a nation we are losing our collective conscience. The emphasis in Kenya over the last twenty-five years, and especially after the new Constitution of 2010, has been on the rights of the people. Unfortunately, this has sometimes overshadowed the conscience of the nation, away from what is right in conscience, to merely the right to act. While this inherent human freedom must be defended, it ought to be understood within the context of what is true and what is right. These demands for rights have sometimes clouded the corresponding personal and communal responsibilities. The exploitation of children, human trafficking, the violation of women and men, the violent settlement of disputes even among couples where dialogue is increasingly diminishing, the bickering among leaders, all show that deceptive entitlement has displaced responsibility in making moral and spiritual decisions, and silenced the conscience.

For this reason, in our pastoral letter released last year, we emphasized on the centrality of individual conscience for the renewal and reconciliation of our Nation.

However, when the conscience is deformed or misinformed, and when malice or vices guide the person, one would end up choosing evil over good. When we do not listen to our conscience we easily plunge into sin and evil conduct, without caring about the consequences of our actions on our lives and our relationship with God. Conscience can be deformed by bad habits and vices. Notably all actions of greed in all its forms and other capital vices, fatalism and suicidal tendencies all indicate a deformed, misguided, or misinformed conscience. Conflict, corruption and greed that we see across the country,

in families, schools, communities and in public affairs is born out of ignoring and rejecting the guidance of conscience in making decisions.

Our culture as Africans, Kenyans

The BBI report brings out the value of conscience in the chapter on National Ethos. It is difficult to achieve our national aspirations if they are not anchored on any founded ethos. We are not a people without culture, a culture that has values and systems to ensure they are achieved. We are Africans, and Kenyans in particular, who want to continue improving our lives through better systems of governance. But, this process, should not in any way take us away from our rich culture of being human, being religious and being people who appreciate others including refugees from near and far. Our great African tradition of sharing what we have should not be swallowed up by a materialistic culture. Accumulation of wealth must be within our culture of owning what you have genuinely worked for. Our great grandfathers, great grandmothers were known for their generosity especially to strangers. Everyone in the family had their fair share.

We therefore acknowledge the proposals in this section that elders, religious leaders and learning institutions have a critical role in forming the conscience, of not only the children but also adults. None of the proposals made in the report or the Constitution will be achieved if we continue acting in a manner that ignores our conscience as individuals and collectively. A formed conscience is founded on ethos so that we are able to listen to God and self at all times of our lives, young and old. We therefore should not deceive ourselves that legal documents on their own will protect us from falling to sin. The best law and the law of God is inscribed in our conscience. We are under obligation as people who profess God to do what is right at all times.

Our resolve is to intensify our efforts in forming a society that has conscience in line with the BBI report. We welcome and encourage the promotion of ethos in both our basic and tertiary learning institutions. We are committed to support all stakeholders in forming the national ethos, for the good of all Kenyans.

Conclusion

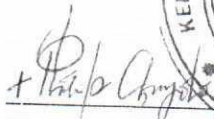
Dear Kenyans, as your Shepherds, we appeal to each one and all of you to seek the greater good of our nation, to seek unity and work towards true reconciliation. We call upon all of us leaders, and especially political leaders, to see a greater picture of a nation that is united, resilient and reconciled, where all of us are our brothers' and sisters' keepers. This is the time to shun divisive politics, seek the paths of dialogue and sharing our values. Addressing you dear Kenyans and all people of good will from this Marian shrine, where we gather every year to pray for our nation, invoking the maternal intercessions of Our

Lady Mother of God, we pray for unity love, reconciliation and healing from all evils and especially from the COVID-19 pandemic. May the Peace of Christ abide with you all.

God bless you all!

God bless Kenya!

signed by:



Most Rev. Philip Anyolo
Chairman of KCCB
Archbishop Kisumu and
Apostolic Administrator of Homa Bay

Date: Thursday, 12th November 2020

Present

1. Rt. Rev. John Oballa Owaa
 2. His Eminence John Cardinal Njue
 3. Most Rev. Martin Kivuva Musonde
 4. Most Rev. Anthony Muheria
 5. Rt. Rev. Joseph Mairura Okemwa
 6. Rt. Rev. Maurice Crowley
 7. Rt. Rev. Alfred Rotich
 8. Rt. Rev. Norman King'oo Wambua
 9. Rt. Rev. Peter Kihara
 10. Rt. Rev. David Kamau Ng'ang'a
 11. Rt. Rev. Anthony Ileri Mukobo
 12. Rt. Rev. Virgilio Pante
 13. Rt. Rev. Salesius Mugambi
 14. Rt. Rev. James Maria Wainaina
 15. Rt. Rev. Paul Kariuki Njiru
 16. Rt. Rev. Maurice Muhatia Makumba
 17. Rt. Rev. Dominic Kimengich
 18. Rt. Rev. Joseph Mbatia
 19. Rt. Rev. Joseph Alessandro
 20. Rt. Rev. Joseph Obanyi
 21. Rt. Rev. Joseph Mwongela
 22. Very Rev. Fr. Benjamin K. Maswili
 23. Very Rev. Fr. Albert Buijs
- Vice-Chairman/Ngong
 - Nairobi
 - Mombasa
 - Nyeri
 - Kisii
 - Kitale
 - Kericho
 - Machakos
 - Marsabit
 - Auxiliary- Nairobi
 - Isiolo Vicariate
 - Maralal
 - Meru
 - Murang'a
 - Embu
 - Nakuru
 - Eldoret/
 - Apostolic Administrator, Lodwar
 - Nyahururu
 - Garissa
 - Kakamega
 - Apostolic Administrator, Bungoma
 - Kitui
 - Apostolic Administrator,
Military Ordinariate
 - Diocesan Administrator, Malindi