

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, WESTLANDS
CONSTITUENCY, HELD AT**

CONSOLATA SHRINE

ON

29TH MAY 2002

**CONSTITUENCY PUBLIC HEARINGS, WESTLANDS CONSTITUENCY, HELD AT
CONSOLATA SHRINE, ON 29TH MAY 2002**

Commissioners Present

1. Com. Dr. Mosonik arap Korir
2. Com. Riunga Raiji
3. Com. Alice Yano

Secretariat Staff in Attendance

- | | | | |
|----|--------------------|---|-----------------------------|
| 1. | Irungu Ndirangu | - | Programme Officer |
| 2. | Mr. Oduori | | Assistant Programme Officer |
| 3. | Mary Babu | - | Verbatim Recorder |
| 4. | Catherine Waruinga | | District Coordinator |

The meeting was called to order at 9.20 a.m. with Commissioner Yano in the Chair.

Father Franco Good morning, Nairobi?

Response: Good morning.

Father Franco Hamjambo wote?

Response: Hatujambo.

Father Franco: Tunashukuru Mungu kwa siku ya leo. You are most welcome, the members of the Review Commission of Kenya who have come to be with us today. You are most welcome; mujisikie nyumbani hapa. Welcome.

Here we have Mrs. Alice Yano, Dr. Mosonik arap Korir (*clapping*) and Mr. Riunga Raiji. Then here there is Mrs. Catherine Kithiira, the District Coordinator of the Commission and here we have the three Commissioners and Catherine Kithiira came with Nancy Mungai, Chairlady of our Steering Committee and Mr. Irungu, the Program Officer. We thank the Secretariat, but to you, dear Commissioners, we are saying thank you very, very much for coming here, to be here with us for

the future of our country, Kenya. You are doing very great work, I think this is a very important event at this time, to listen to the views of the society which are the of our people and so and also here in Consolota we say, we found one in protest. We want to propose our protest as a proposal. So, thank you very, very much PLO, tunamuomba Mungu akubarikie katika kazi zote kwa siku ya leo. Asante.

Com. Yano: Thank you very much, Father Franco and maybe before we proceed on we will ask Fr. Franco to pray for us. Kindly Father pray for us.

Fr. Franco: (Prayers.) (Most of it inaudible)

Oh Lord God of creation, (inaudible). We appear to be too very proud to receive your light, One people, Your people Oh God. Bless all of us, our Kenya, our community, even as we forget our differences, we want to sit together, to serve You and to give our views for the Constitution. We ask to reside today so that our work may be done in unity, in peace, integrity (inaudible). We want to thank you God for the peace of our region, of our faithfulness, and forgive our sins, sins for the nation, sins of Calvary, sins of oppression sins of violence. We don't like them. We want you to serve you even in their place. And we ask all this through our Lord Jesus Christ. – Amen.

Com. Yano: Without taking much of your time, I know very well, today you know why we are gathered here. We are gathered here because we want to take your views – take your views and take the memoranda for the Constitution making. Needless to add that there are ways that we are going, or the ways we are going to use, while taking your views.

First of all, if you are given a chance to air your views, you have two ways about it, if you have a written memorandum; you have five minutes to touch on the most important issues on that memorandum, then kindly hand us your memorandum because it will be our work, as the Commission to read it. Then, if you do not have the memorandum, we are allowed ten minutes to give your oral submission to the Commission.

Also the language that you are going to present your views in, should be open – we understand as Kenyans we are quite diversified and I imagine, maybe indeed of all everybody will be using Kiswahili and English and I hope that one will be comfortable with you. Then we also have our recorders, the work of our recorders is in as much as possible, write down what you are submitting to us. We also have the tape recorders, we are going to verbatim and record your views and also for our brothers and sisters who do not have the benefit of hearing, we have a Sign Language interpreter and I am made to understand -, where is our sign language interpreter? Yes, we have a sign language interpreter and if you are seated next to one kindly ensure that we get to know so that we can avail that facility. I think that now we will start.

We will start with Samuel Muigui Wachira. Of course, we've been informed that the tafsiria is here, we are going to try as much as possible, to ensure that you give us your views, so that when we go back to your (inaudible). Let us start Samuwel Muigui Wachira, Kindly come and give us your views. Thank you very much.

Samuel Migwe Wachira: Honorable Commissioners, Ladies and Gentlemen, we have a fifteen (15) minutes memorandum, from the Justice and Peace Committee of the Presbyterian Church of East Africa St. Andrews Parish. Go and give to the Commissioner. Now, in our memorandum, we have highlighted fifteen points. The first one is on the Preamble to the Constitution. When you look at the present Constitution, it tells us that Kenya is a Republic but does not in any place give us as Kenyans, as people, the clarity in that Constitution. So we are proposing, that this constitution opens up with a statement similar to “This Constitution is enacted by the people of Kenya, under God, in the interest of freedom, justice and unity of the true Kenyan people.” There we have tried to harmonize and to incorporate a very important word in the national anthem.

We have also noted that there is very frequent transgression by our leaders where we have organized this country, we sometimes would say that this role belongs to these people and therefore, we wish, honorable Commissioners, that we could also include a very tight definition of the sovereign nation of Kenya, which includes, or has taken attributes, both political, social, geographic, economic, which all Kenyans can lay claim to, without fear of favor and common heritage to all and which should enjoy protection of the same from vocalization on ethical, political or tribal lines. We feel that it should be criminalized for anybody to say that this geographical region belongs exclusively to any exclusive ethnic or geographical unit.

We have touched on the executive and we say that the President- the constitution leaves out the issues of qualifications, qualities that determine the nature of leadership and which if insisted on, with the successful democracies around the world. We suggest addition of qualifications for the President and the Vice President as follows:

One, he should be of sound mind; we feel that he should be of the age between 35 and 75, that the Head of State should be living in legally marriage or be known to uphold family values both in his public and private life. We feel that he should be judged to be morally upright, and his integrity must be unquestionable. The Head of State should have attained a minimum education level of diploma from a reputable institution.

Point number three is the Attorney General: We feel that the Attorney General should not be a Member of Parliament and instead we should have a Minister of justice. We have mentioned on the Electoral process that the date should be fixed, far ahead of the elections and should be fixed in the Constitution so that we should all be expecting it and that we should have the ballot boxes transparent so that everybody sees what is put in and that votes should be counted in the electoral area where the votes have been cast.

On the Judiciary, we say that the Constitution should be amended clearly, and ambiguously to vet all judicial powers in the

Supreme Court which should also be in the Constitutional court. We feel that there should be established an office of special prosecutor for all cases touching on the government. We feel the holder of this office should have security of tenure and it should be upon Parliament to determine which cases will be tried in the said Special Court.

The appointment of the High Court of Appeal and the Supreme Court judges should be strictly vetted by Parliament to ensure that only people of high moral standing and integrity occupy such posts. We feel that our Constitution – the first one of 1963, and the second one of 1964 have been mutilated and we would wish to have a safeguard that 75% of the Parliament - of Members of Parliament vote for any amendment.

On the fundamental rights and freedom: We feel; under freedom of worship, there should be a rider to constrain the freedom out of the cultic and other worships that are not of good life to members such as devil worship and other such practices. We feel there should be protection from discrimination, that this Constitution should protect against discrimination grounds of race, tribe, authority, ethnicity which we note has been demonized, and misused by the government of the day. This has resulted in uneven development, due to the selective allotment of the available resources.

We feel that the heritage of ethnic culture is sacred, and should it should not be tribalized, but yet held as wealth of this country.

Basic rights: We feel that in addition to the right to life, property guaranteed in the current constitution, the new one should guarantee security, health care, clean water, education, shelter, food and employment. We feel that employment- it is very important, that it should be protected by the Constitution. We have seen jobs eroded by unethical importations, and we feel that people should have a Constitutional clause to quote, when they are sending the government to court on that.

Com: Yano: Interjection: Your time is up but I will add you four minutes.

Mr. Wachira: Okay, I just what to say that the age of employment should go from 18 to 65 years for everybody.

Now the point I would wish to highlight with my one minute left, is the issue of citizenship. That we feel that all Kenyan citizens who are born of indigenous Kenyans should actually be allowed dual citizenship, particularly based on the mother, the motherhood of the child. I think my time is over.

Com: Yano -: Excuse me; Commissioners would want to may be make just clarification on your side.. Kindly do have a seat. Commissioner Riunga Raiji.

Com. Raiji : We have the liberty. The Chair has allowed us the liberty of seeking clarifications. Bwana Samuel Migwe, I know that you have been presenting views on behalf of the PCEA Church, and we thank you for your focused presentation.

Now you have made proposal regarding the question of restriction of freedom of worship and we have heard this proposal from everyone that we must restrain cults and devil worship. The major important thing is that, we have the temptation of having the entire freedom of views, or does the Church have any views or exactly how we are going to determine, the mechanism that we will set in place in order to determine that for example, whether PCEA has been worshipping God, or the devil, whether it is a cult or a genuine. Do you have any views regarding this, perhaps mechanism?

Mr. Wachira: I thank you Honorable Commissioner, I think we have a very good start in this country, in the national anthem, which talks of God. It is all authentic affair and I think the Commissioners will be guided very much in their deliberation, on the words, of our national anthem, because it sets boundaries, that we do not allow, I mean it does not give room to, for example anything that is destructive of our needs. That is destructive of our humanity and I feel that anything that may go outside the spirit of the national anthem is what we would consider to be retrogressive and

Com. Alice Yano: Thank you very much Mr. Migwi kindly record your name with the secretariat. Now, the second one is the Consolata Justice and Peace Commission. Thereafter, I kindly ask that we may have Steven, Martha, Eric, Rashid, Risper and Ruth as the next ones. I kindly ask you to hold on as we listen to the young ones.

Gerald Wachira: Honorable Commissioners of the Constitution of Kenya Review Commission Father Franco our host today, my name is Gerald Wachira – I am the Chairman of Consolata Justice and Peace Commission. I am here with my team of Peter Ng'ang'a, Martha Mugambi, Margaret Karuga, Michael Kinango, Miriam Kung'u and Charles Otieno. I mention their names because I could call on them to respond to a question. Can you hear me, can you hear me at the back?

This presentation by the Justice and Peace Committee of Consolata Parish has been inspired by the on going debate, and the request by the Constitutional Review Commission of Kenya, for the betterment of this country, to present their views for consideration during the Review process. The views contained in this presentation are derived from wide consultations among the Parishioners of Consolata Parish. The presentation covers large specific areas.

Notably, number one: separation of powers, number two abolition of bad governance, number three, review of un-coordinating laws that means outdated laws, number four human rights, number five, strengthening principles of good governance in management of resources.

Number one: separation of powers: The Consolata Justice and Peace Commission recommends – One, the powers of the presidency be reduced and limited to matching levels with other organs of State. Number two - Other arms of government, notably, the Legislature, the Judiciary and the Executive, be interested and guaranteed independence and autonomy to discharge their functions effectively. Number three: Public Service Commission be strengthened to enhance efficiency, performance and merit-driven appointments and promotions for all public officials. Number four, Parliament be vested with powers to control

business of the House, the calendar of the House and institutionalize a two thirds physical participation in Constitutional amendment, approval of budget and international commitment and obligation.

Number five: To enhance participatory management and accountability, religious leaders of high moral standing should be appointed to public offices. Number six: Electoral process to be completely independent to the Executive and managed by a permanent Commission. The Commission will determine the date of elections and have power to enforce rules. Number seven: Reserve seats in Parliament for special groups: religious groups, workers union, women, disabled, e.t.c to be nominated and to be no less than 10% of the total Parliamentary seats.

Abolition of bad governance: The Consolata Parish Justice and Peace Commission, recommends for radical review of bad governance. Number one, enforce the rule of law and develop a new culture of respect of law. For instance, review the Police Act, to retrenching circumstances and expectation being independence, and curb abuse of Human Rights. Number two: Creation of administrative areas, Districts, Provinces etc, will be approved by Parliament. Number three, establish a Defense Council that collectively considers security issues, and emergencies. Number four, the national security organs to have explicit powers and accountability to avoid them being misused by the executive. Number five: formulate a procedure of providing accountability for the use of taxes levied by the Local Government, Central Government and Parastatals.

Number three, review of laws or outdated laws. We recommend that laws governing Local Authorities, Chief officers, for example, overrule the Mayor or the Mayor being unable to discipline the chief officers, that is just an example to mean crisis. Penal Code, we recommend death penalty abolition. Number three, laws governing retrenchment without compensation, should be addressed. We have all seen how families have suffered, after they have their breadwinners have been retrenched, without immediate compensation.

Human rights: Rights of vulnerable and marginalized citizens, be protected. For example, Children's Rights etc. Basic rights of all citizens to education, food, shelter, health etc be guaranteed. An office of Ombudsman be established.

Number four- Protection of fundamental freedoms, for example, freedom of worship, expression, association, with due respect of individual rights, for example, moral rights and by that I mean, all people have got the freedom to express themselves and they should not also, infringe on other people's moral rights – you can walk in our streets, or in your sitting rooms, you can see some of the things I am talking about .

Number five - Affirmative Action given to giving women one third slots in Parliament, be pursued. Number six: Laws governing childbirth – including Human rights from conception be enacted. On that section five, - strengthening principles of good governance in management and resources: The Consolata Justice and Peace Commission recommend:

5 (1) National resources be distributed equitably and fairly. Number two, the environment be protected and

laws governing human habitation be respected. Forests, water catchment areas, wetlands, be respected and conserved for posterity. Number three, Public appointments be subject to a vetting process. Number five, Food policy protecting the citizen be introduced. Number five: Quota system in education be abolished.. Number six, Land utilization be regulated and land laws restituted. Number seven, Clear policies cum transport be formulated. You have all seen the problem on transport sector is matatus, buses, accidents, it is chaotic, we need a clear policy on transport.

Interjection: Com. Yano – You have a minute.

Number eight, Review the basis of trade liberalization, with a view to protecting Kenyans right to industrialization and the agricultural economy. Leaving competing imports and encouraging Kenyans to have competitive international standards. You know we got problems in the Sugar Industry, some of it is caused by un-regulated imports. Import of used by- trade parts, should be reviewed to protect citizens like COMESA which protects our farmers, our industries, etc.

Number nine: Media laws to be self-regulating. Number ten - Enforce strict immigration and citizenship laws to ensure that only *bona fide* individuals are granted Kenyan citizenship, Passports, ID Cards, Birth Certificates, Death Certificates should be issued to Kenyan promptly and Lastly, we should have a housing policy for shelter – human habitation. Thank you, honorable Commissioners.

Com. Yano: Thank you very much Mr. Wachira, Now, there is a clarification Commissioner Mosonik would want to hear from you.

Com Mosonik: Clarification number one, on the issue of Parliament you suggested that the voters majority for amendment, and you are looking for devolution of powers. Now I would like to ask you based on issues and questions in the pamphlet, whether you looked at the question on Constitution Supremacy and then considered the questions which was “Parliament power to amend the constitution be limited? If so, how? You accept 75% more specifically should any parts of the constitution be beyond the amending power of Parliament, specifically, should the public be involved through referendum? Should any part of the Constitution be beyond the amending power of Parliament? That is on page four. In other words the role of the people in safe guarding the Constitution. That is one of the questions. The second one has to do with what you said, regarding the resources. You said there should be equitable and fair distribution. I was wondering how you relate that to the question of the structure and systems of government. How do you realize that there is unfair distribution in relationship to the question of structure of government?

Mr. Wachira: Thank you Commissioners. Like I said, I have got my team here with me. Could I have Mr. Nganga, a member of my team to answer the first question?

Mr. Nganga: Commissioner, if I can answer the first question, our views are that the Constitution should be changed by acts of 75% of the Parliament in some clauses. But, in the general review, a referendum should be enough, that is, the people will pass it. On regard to the second question, Mr. Chairman, what you are referring here equitable distribution, the country should have a unitary governmental system with a strong Local Authority, that will make sure that resources are equitably distributed. I hope I have answered your question.

Com: Yano - You said you wanted to add something on that?

Mr. Wachira: Martha Mugambi would like to add something to that question.

Martha Mugambi: Thank you Madam Commissioner, thank you. I think the issue here about resources, is about the government divorcing itself. Madam Commissioner, divorcing itself from the budgetary distribution. That means, all the institutions that will take care of the development will be responsible, to the distribution and accountability of the budget that has distributed; i.e. we have seen the road levies collected; we have seen the budget collected for the road repairs. Now, if we are going to a serious nation, let the professional institutions responsible, to carry out, for example, the road repairs, take the responsibility for the budget they are given, and they are responsible for the people, to tell us what has happened to the money allocated. I will give my contribution later.

Com. Yano: Thank you very much Martha, and we are very grateful for the views you have given us. Kindly forward your memorandum and also register with the Program Officer.

Now we move on to St. Mary's School, I will be generous today I will give you twenty minutes and I realize that you are about seven of you, so twenty minutes divide by seven you know the arithmetic's that goes into it.. Now can we start with Judy Senior School? Please move very fast seniors, where you are still very young. Give us all your names.

Judy Gitau - St Mary's Senior School: I would like to present three issues namely: environment, environmental issues, political issues and customary issues. Under the environment, we the St. Mary's School want to say that no more destroying of forests should go on because the existing ones are under 4% which is under what the Kenyans say is sustainable for a country let alone the continent to exist and we also suggest that land defamation should be entrenched in the constitution, so that this will enable the people who do not have land, or the landless people, to get land without having to exercise the power as usual as earlier stated.

Featuring on the pollution of the environment, it should also be against the law and better policies should be placed. Different countries have put this in their constitution where it has worked perfectly well and there is not as much to say in this country. Under political issues, we would like to say that Parliament should **(tape cuts)** - - the government directly. The electoral

commission should also be chosen by a partial body and not participating bodies such as the government which will take part in the elections and yet it will choose the Electoral Commission, we do not know about its impartiality.

The President should be the set hand of the law and not above the law. Therefore,

we think the President should be below the law. Under customs, we feel that children are fair all over and therefore inheritance should be to both children regardless of their sex. Sorry one more about - - I think I will give it to my other students who can mention on the other issues.

Com.Yano: Thank you very much Judy for those focused views. Kindly register yourself. (inaudible) Njeri, Njeri please. Then followed by Maureen Muthoni, please prepare yourself. Then thereafter, Victor.

Njeri Waithaka: My names are Njeri Waithaka, I am a student at St. Mary's School. I will be presenting basically on education. First of all, I would like to start on the syllabus. We all agree that the syllabus is too wide. It is not just that the 8-4-4 is a bad system, it is that the syllabus is too wide for us people to handle, and the recommendations made by the David Koech Commission did not adequately provide for a cut down in the procedure. It had been cut down on subjects like Art, and things like that and the teachers who teach those subjects (inaudible). After that they look for some people to present them and also consideration that some students are not exclusively academically or scientifically focused, that is they focus on things like of Art and Music and that was the by

We also agreed that, the aspect of composition in the 8-4-4 system is what makes it a little taxing. People who say that the 8-4-4 system is bad; it is not bad in itself, it is the composition aspect that makes it bad. There is so much competition between all the schools in this country that it kind of beats the whole purpose of learning in schools. The government should create more opportunities, that is build more universities, more rural polytechnics, and also upgrade them like these rural polytechnics so that we have people who are not, who do not go to universities going to the polytechnics.

The government should also build more colleges and training institutions focusing on things like masonry and such things, and we also should maintain the current existing universities, and also those that are not up to the standards, let's say up to the international standards. We also talked about the teachers; we should have teachers who are highly qualified. Mainly, O.K. not all the teachers but some teachers we have are not qualified. They do not meet the standards of what a teacher should be in this day and age.

We also talked about having regulatory bodies for both private and public schools to ensure that the system in current use that is the 8-4-4 system is being well implemented and meeting the correct standards of the government who came up with the system and also providing for the children who are in these schools. We also saw that free education is a basic right for all children.

We know for a fact that many children are not receiving education especially today and this is because most parents cannot afford to pay the school fees or any minimum that is required by most schools. So we feel that the government should actually make education free for all. This should be priority in the budget and in all other government funds. That is all I have to say.

Com. Yano: Thank you very much Njeri. There is a clarification that Com. Mosonik would want to get from you.

Com. Mosonik: I was just wondering whether we can reserve queries to the (inaudible). You said something international standards. I am a university Lecturer myself and I am very keen to know which are these 'international standards' that we do not measure up to.

Njeri Waithaka: I can say that most universities probably measure up to the standards but not to the exact standards that we all would like them to measure up to. Like offering, especially in the courses that you offer, you do not offer all courses that most people like to study and some people have to like leave the country and pay very highly for education elsewhere. We would like the inclusion of different various courses that are not there at the moment.

Com. Yano: Thank you very much Njeri. Muthoni.

Muthoni Ndoka: My name is Muthoni Ndoka; I am in St. Mary's and I would like to make comments basically on gender issues. I hope that it won't seem like it is very gender oriented. Okay, the first issue that we feel should be taken into consideration in this Constitution is Affirmative Action. We believe that affirmative Action should be put in place both in political and non-political institutions. Because we feel that men have had unfair advantage over women over the course of our history and though we cannot discount that entirely because it has been as a result of cultural malpractices and influences, we feel that it is about time we overcame that hurdle and Affirmative Action is the most effective way of doing so.

We feel that strict penalties should be instituted for both rape and defilement. I will begin with defilement. The age limit for defilement should be lowered from 14 years to 12 years because a girl begins to attain puberty at 12 years and from 12 years she becomes a woman in her behavior. So we feel that at 12 years, it is not a defilement, it is rape. We feel that the sentences should be made quite stiffer and the idea of a minimum sentence should be introduced and that of a maximum sentence be abolished. That would make the laws more effective.

The law on attaining citizenship by marriage should be repealed such that a Kenyan woman who marries a non-Kenyan man, the man should be allowed to become a citizen, which is currently not in practice and we think that a woman just like a Kenyan man is a full citizen and their spouses should be given the same.

The issue of domestic violence should be looked into. We think that the current Constitution does not cater for this. In fact

most incidences of domestic violence that we have heard of or that we have found out in our research, we have discovered that most people who go to the modern forces such as police are told that the issue of domestic violence is a domestic issue therefore the police cannot get into it or do anything about it. So we think that the law should clearly define what a domestic issue is and what a criminal issue is. We should create laws with minimum sentences for this. Now, we realize that most sentences are oriented to West jail terms. We don't think this would be very effective especially in a country where the man who is battering you is the breadwinner, or that the woman who is battering the man is the breadwinner. So we think that the government should set up social service institutions to deal with these cases such that the sentence could be community based sentences. For example people who have incidences of battery those are people who have tended towards violence so they should be put in institutions where they have to work with people who are in cases like in a hospital or stuff like that so that they can feel the result and probably have a mindset to revert back into good behavior.

Then finally, all cultural and social practices that seem to be a deterrent to women should be abolished and stiff penalties imposed to those who practice them. Notably Female Genital Mutilation and women/wife inheritance. We feel that all existing bodies that propagate or carry out Female Genital Mutilation should be abolished. It should be made illegal and the ones that are currently existing; all people known to be associated or to run them should be arrested. That is the only way we will feel it can be institutionalized. Then women/wife inheritance should be abolished because we think that in this day and age of AIDS and other diseases, it is an out-dated practice that no longer needs to be put in place. That is all we feel on gender issues.

Com. Yano: Thank you very much Muthoni, there is a clarification from Commissioner Raiji.

Com. Raiji: Thank you for these very focused gender issues and proposals. Now there is one issue that you have not given us your views on and this is the inheritance. Do you have any views on the rights or other ways of women or girls inheriting? ... On marriage (inaudible) do you have any views on those issues, which are normally treated as generally tradition?

Muthoni: Okay, let me start with - should a marriage break up, when a couple are together, most of the time they acquire property together. There is absolutely no reason why if one of them say the man passes away, the woman should not be able to automatically inherit the property that they have acquired together. Unless between the two of them when they were acquiring the property they had a prenuptial agreement prior to the marriage that everybody retains their own property even once they get married. But in the absence of this, then I think that the woman should be able to inherit the property automatically.

On the issue of inheritance, especially for parents as Judy had pointed out earlier, we think that there should just be a law that clearly states that girls and boys should have equal right to inheriting because we cannot create a law that would dictate to parents that you must give to the boy and not your girl child your property. But should there be a reason for inheritance, then they should both have equal opportunities.

Com. Dr. Mosonik: On that issue of girls and boys being the same, you are saying on the one hand that in a marriage union, the spouses should share so much which means the girls have property from their husbands and family, and then on the other hand, they also have property in their own homes. Isn't that not double of what the boys inherit?

Muthoni: I am sorry I don't quite follow.

Com Yano: Let me clarify that for you, he means that lets say now that you have said boys and girls should have equal opportunities to inherit their parents property and then on the other issue that you are also entitled as a woman to inherit your husband's property. Isn't it a double advantageous allocation to a woman and a girl?

Muthoni: Okay, I understand. In the case of a couple, should the husband pass away, I think that the woman should get the property the woman should acquired the property because they acquired it together, unless there was a prior arrangement to that. In the home, if the girl would inherit property, that means the boy is also getting property, so I don't think it is double advantageous to the woman in anyway.

Com.Yano: Thank you very much Muthoni, next we have Victor, then from there we move to Junior School.

Victor Onyancha: My name is Victor Onyancha from St. Mary's School and am here to air my views over the constitution. The first thing I would like to talk about concerns security. On this issue I would like to turn to the women. How many women in Kenya can walk outside at night freely without fear?

Audience: None, even the men.

Victor Onyancha: Yeah, the answer is automatically none. In fact you know once you go outside there, there is somebody waiting. Who is this somebody? it might be a rapist, it might be a robber it might be anybody waiting to do anything to you, and this is not only to the women, but also to the children. You know our young girls, they cannot go and walk outside saying that let me go and... for example, if I forget my book at somebody's place, the girl cannot tell you that let me go an get it, because she knows once she gets outside the house, she is in the hands of somebody else.

Another issue I would like to talk about is the unfair treatment to the prisoners. Some of us we have read in the newspapers and we have heard it everywhere, thieves being burnt, the same being beaten to death and some of them being mistreated. If you go to the jails today and for example a prisoner gets sick, none of them is ever taken to hospital, and if at all they are taken to hospital that would be once in a blue moon.

Another issue I would like to talk the over speeding. If we look at our roads today, they are very pathetic. Somebody cannot come from America and say that this is Kenya, yes you know you are Kenyan and you look at it through the back of your hand, because the roads are in a pathetic state. Why? Because everybody wants to be in a hurry. Over speeding, it is like we are racing in a race that never ends. Once you get out to the roads now it is liket you are driving in heaven. You don't have to know how the road ill look but you just over speed.

Since some of us are the ones who are being caught in accidents. With the acts of over speeding, it is not only the accidents that badly affect us but also our country, because you see those who come to our country, they don't only look at the scenery and wildlife and say, " yes Kenya is beautiful". You see you cannot read somebody's mind so they might be saying that Kenya is beautiful in terms of wildlife yet they might be abusing Kenyans inside his mind saying how pathetic it looks.

Another issue I would like to talk about is drugs. Nowadays drugs are very cheap. You can even go and find, and especially for these drugs that are illegal you find them everywhere. Somebody cannot be ashamed to sell them in the streets. You see they are very cheap, so you can go to the streets, you can buy the drugs and as one is taking the drugs, you are ruining your life and to ruin your life, you are not only ruining your life own but also the life of Kenya – the future Kenya. You see drugs continue being sold, because even as we take the drugs, us as the teenagers of today, our younger brothers and sisters have seen us and so they follow the same example. Where will our Kenya go to if everybody is taking drugs?

Another thing that I would also like to touch on is the environmental pollution. Nowadays, everywhere you go you find that everything, everyone is pollution. If you go the factories, they pour all their waste products into the water and the amount of smoke they emit into the air is unimaginable. You see and as the pollution that is poured into the rivers, some of us love to bathe in the rivers in this way we damages the natural well being and even as the rivers are polluted, our country is also getting polluted and on that issue, I would like to ask the Commissioners to see to it that something is done about the pollution, about the raping, about the insecurity, and how the prisoners are treated. Thank you.

Com. Yano: Thank you very much Victor, you have given us generally the trouble that Kenyans are going through like drugs, you also talked about over speeding, insecurity but you have not given us recommendations. Like now to deal with the drug problem, what would you recommend, what kind of laws should be put in place to take care of these people to heed the law? Thank you very much.

Victor: Thank you, as I said for example I want our country to go on into the future so that ten years to come we can look at Kenya and say yes, this is the Kenya we want and they can all say yes this is the Kenya I always dreamt of. First thing we should do, the drugs should be abolished. There should be a law that all people selling drugs should be heavily fined or sent to prison for life. The other thing about over speeding, one way to deal with this is that there should be police officer everywhere, if at all we can get them to be put everywhere so that those prone to over speeding can be heavily fined. For insecurity, I really don't know what actually can be done because today if you put there you don't know if the policeman himself will be the one

causing the insecurity, so that one is up to the people to decide, and then for the pollution, pollution is something that every Kenyan talks about. It is something that everybody in Kenya talks about in any way. So for the pollution all the factories should be situated away from the rivers, in fact they not only destroy the fish, but they destroy our source of food. Some of us really love fish and if they are destroyed, I mean they are killed, we don't know what we will eat. Thus results in starvation.

Com. Yano: Thank you very much Victor, kindly register yourself and I can see you have a memorandum to leave with us. Now, we have Junior School, Paul Kuria to be followed by Glen Gitonga. Please let us give Master Kuria his time; I think he has very interesting views to give.

Paul Kuria: My first point is about Education.

Interjection by Com. Yano: Your name please, we are recording.

Paul Kuria: Education should be free for primary school because there are some people whose parents do not have the money so they cannot get education and they are very bright pupils and with that they will not have the chance to read and at least (inaudible) to get a job or (inaudible)

My next issue is about health facilities. The health facilities should be free for people who do not have money to pay, people who do not have enough money to go to the hospitals, pay the bills and it is really unfair. Instead we should have free medical facilities for those who are less privileged and don't any money to pay for them.

My other issue is about, the mental institutions or the disabled institutions in Kenya. They should be improved because right now what we have, people die everyday and other people are (inaudible) the right facilities. My last issue is about mental institutions, they should be improved because the ones we have now many people die everyday because they are not up to the standards we need.

Com. Yano; Thank you very much for your views. The next one, still from junior school is Glen Gitonga, are you ready? Hurry up.

Glen Gitonga: I will start, my name is Glen and I am from St. Mary's school. My main points are on the Constitution Review of Kenya are the laws. In Kenya, the laws should be fair to the people and corruption should be the least as people are talking about. This causes chaos and a lot of indiscipline, this doesn't bring a good name on the country. On the Constitution, the government should prevent insecurity. People should feel safe. The people who practice insecurity should suffer penalties and no violence should paralyze the country. This brings us to the issue when people cannot be safe in houses, homes, when they go shopping and all - the next minute your property is stolen.

The next point is on the poor need plenty of support and the government should provide free education and free health support from the government. Homes for the street children. We need more homes for the street children, as the population increases. The development in the country in our industries is causing an alarming figure, are extreme. We need a lot of development and the government should provide more facilities for communication, and power. Roads should be better and so we can get more foreign exchange when tourists come and water should be plenty. The government should decrease the VAT tax this puts a great strain to the economy and causes a decrease of around 80%. We need more public facilities as the population increases.

We should also conserve our environment. It is at risk. We need to plant trees and conserve our water and our needs etc. There should be no child labor in Kenya and children should have the rights to be heard. They should also reduce the level of poverty and that is the point I was trying to explain on homes for street children. There should be less strikes and the government should help like the teachers so that they do not go on strike. They should be paid well. This affects learning when teachers go on strike.

No drugs should be allowed. This brings a shame to families and theft in schools should be banned. The people should tackle such things (inaudible) shame to the family as these practices affect the career of our people and the economy. Thank you.

Com. Yano: Thank you very much Master Gitonga maybe I will also ask that you register yourself. I will still ask the residents of this region to please allow one more presentation from the Junior school because a girl is somewhere telling me please to allow us one more. That is Rachel Gichinga.

Rachel Gichinga: Good morning, my name is Rachel Gichinga, I have this comment to the Commission, when collecting view about the constitution, I asked my fellow students and we really don't know anything about the Constitution. Information is the key to knowledge as we have been told time and time again but we don't know what whether to be excited, we don't know this is right, this is wrong and there is no way we can act on it that is why we remain complacent most of the time because we do not know what our rights are. So the only people who know anything about the Constitution are perhaps the History students. I asked them but even them it is very limited. So if we take all the history students in Kenya and that is around

(inaudible) it is such a minute proportion of the country. The rest do not know anything about it and perhaps instead of coming down from the media about what is happening in (inaudible) I do not know much of the details about that but the media (inaudible) can really give satisfaction to the heart.

Instituting laws that make it compulsory for even F.M. stations which play only music and entertainment (inaudible) beyond that to tell us information each day about our Constitution such that people are listening to it even on television when viewing the things that appeal to them but are still learning about their country all the time because ignorant is what is killing us right now because we do not know (inaudible) stressed us in our time.

Finally quoting on the constitution, about the powers of the President, about him being above the law that is in Section 14 sub-section 1 chapter 2. We are all responsible for our own actions and none of us can escape the penalties for getting into the highest office of the land is not an excuse to be above the law such that we can get away with anything simply because we have been elected to the highest office of the land. The President should be within the law. He should be prosecuted for whatever it is, he should be investigated and that is all I have to say. Thank you very much.

Com. Yano: Thank you very much kindly walk to the other side and register. We have the stage for Mr. Peter Wachira.

Peter Wachira: Thank you the Commissioners, it looks like today is a day of 'Wachiras' but, here we are. I would like to dwell so much on education because that is where I work. As the students who have spoken before have said, education is a basic right or should be a basic right for every child, irrespective of the ability of the parents who pay or not pay and the only way we can ensure that every child gets education, is for the government to have a policy in place where a certain section or a certain amount of the taxes paid should cater for all disadvantaged children and there must be a way of us getting to know who those children are.

The other thing is, we have communities, who are used to their traditional way of viewing life, they get their children out of school, and this is where our administration should come in, and ensure that every child gets to school. No child should be denied access to school because they have to look after animals, or must go and work because the parents are poor.

Education in itself is the source of all those other things that we are talking about; the issue of integrity moral up-rightness all that should be from school and once that is inculcated in the young children at an early age, then the issue of even domestic violence - this is not just done by the ignorant, it is actually done even the so-called the 'cream' of our society. And you also find that the moral uprightness which should have been inculcated in kids going to standard one, who also go to church, who also go to the mosques or to the temples, there should be a curriculum that helps the children to uphold their morality.

Education should not be left to politicians; right now we have so many children out of school because sometimes the government wants to make something political pronouncements on the education system. Our 8-4-4 system was not done by professionals. It was a political pronouncement and later people were told you have to come up with a curriculum for school A, B, C. I participated in one of those things that is why I know what I am talking about. There was pressure, if I would question certain things, we were told you do it, no questions. Questions later. What has happened today, we have a number of children out of school because 8-4-4 system is not only very expensive but it is also very burdensome on children.

Now, you hire us to do some damage control as one of the students said. You remove certain subjects and you assume that every other child will make a scientist, which is not true. There are children who will be artists; they are going to earn their

livelihood from art and the minute you tell them that what they are doing is second-class, it demoralizes them. I believe the education system should be left to the professionals who should set up policies and they should also come up with a workable curriculum and that way then everybody will be deemed prudent. It should be an inclusive thing not an exclusive thing.

The other thing is about scholarships. We must be a society which appreciates and also recognizes good standards, where children who may not afford university education or even high school education, they have passed very well, you see it every January on the KCPE results. Children who cannot go to school yet in our midst we have millionaires if not billionaires. It is high time our society came up with funds, which can take care of those disadvantaged children. If Mr. Griffins can do it for us, why not us doing it for ourselves.

If we get our education right, then when it comes to our Legislature – the people who are supposed to make the laws for us, first I would like to say: the Legislature or Parliament should be made up of men and women of honor and integrity. A minimum of ‘O’ level education. Somebody whose records can be traced right through high school and that comes to us people as teachers; we must keep records of every single student and before they try or aspire or take office, we should be able trace their record and see if they were dope smokers, or drug addicts and now just reformed. We must get to know those things and there should be a law that dictates that. I believe then we shall have most of the people as we have as sitting MPs out of Parliament.

It should be a full time job and no sitting allowance for people who do not seat in Parliament and deliberate on the issues of the day. The Legislature should also vet all senior civil service appointments, Commissioners of police, P.Cs, D.Cs and the A.G and the Permanent Secretaries. The Permanent Secretary must be a person who is knowledgeable in the field of the Ministry that he heads. We do not want a P.S. who is a medical doctor heading the Treasury.

The Executive should be a man of the highest moral integrity. He must be a man who is educated, minimum ‘O’ level if not higher. There should be only two terms of four years each; ten years is a long, long time. 4 years each, He must have a running mate who will be the Vice President and he must never have powers to hire and fire the Permanent Secretaries and all those Senior Civil Servants without refereeing to the Legislature and He must not make political pronouncements that affect the citizens of this country. Like when I go and live among the Digos and I am being called ‘mtu wa bara’ I have a right to live anywhere in this country, own property, as long as I do not infringe on the rights of the people from who I am getting that property and I should never be referred to as a guest in my own country.

The President may not be the person to dissolve Parliament. The date of Parliament as was said earlier must be know and it may never be used as whatever they call it a ‘secret weapon’. The Basic Rights, I would like every Kenyan to appreciate that women have a right to live here. They are actually the people who brought us into this world and every girl - I wanted us to clarify something that was said and they did not say they answered it right. When a girl inherits from the father, and later gets

married, and maybe has the right to inherit the husband when the husband dies, the boy will be doomed to fight for it, because he will be getting married to a girl who has also inherited from the father. Every man if properly educated would appreciate that every child is a child and there is no one who is greater than the other and all those ethnic things that trample on the rights of the children because of their sexuality, should be removed from our constitution.

The word tribe should not be seen on any government document. I find it very hard. I come from a family where we have intermarried with nearly every single ethnic group and I have nieces and nephews whom I cannot refer to as Kikuyus or Maasai, now why should there be a tribe? That thing should be excluded. Anyway, you will read that memorandum. Thank you very much.

Com. Mosonik: I just wanted to ask you, this issue of partisan in education, is it true that as per the structure of the 8-4-4 was designed (inaudible)

Second you know the structure is 8 plus 4 plus 4, and the other is 7 plus 4 plus 2 plus 3, which are both equal to 16. Outside the structure it was decided today that it is true that the (inaudible) the curriculum and is it true that the David Koech Commission, was a system of experts rather than politicians and then (inaudible)

Mr. Wachira: Thank you sir, there is one issue that I know. Everything was done by the so-called professionals. But as I said, most of the things that were done at that time was under duress. Mr. David Koech or Dr. David Koech, he collected views from people, but so far everything that he came out with is being implemented piecemeal. The things that David Koech recommended, if they are properly implemented the way he said it, then we would have a better education system.

The 8-4-4 passé has nothing wrong with it. but yet the structure that we used to have there before the 7-4-2-3; seven years of primary education, four year of secondary education, two years of high school and then after that three years in the university. What is happening to day is that if you calculate the number of students who are finishing fourth form and they believe they have a right to university education which is not available, then we have a dilemma because those children feel frustrated. The old system what it used to do was that everybody after fourth form he/she had to specialize in certain subjects where he had to go for A-levels do at least three principal subjects. Not everybody had the combination, and therefore you accepted your loss at some point. But today, everybody after fourth form all that you need to do is have maybe a C+ minimum and you feel you qualify and yet there are no places. Although I know there have been the cluster issue of what is going to happen. The thing is you are giving hope to everybody, not that the other system did not give hope to everybody, but at least it gave strict guidelines as to what you expected to do. But anyway...

Com. Yano: Thank you very much Mr. Peter Wachira, we are very grateful for the presentation you have made. Now we move on to our list. Kindly register yourself. We have Mr. Steven Ng'ang'a.

Steven Ng'ang'a: My name is Steven Ng'ang'a, I am a retired Civil Servant, and I am very glad to present my views to the Commission. One I would like to talk on the issue of abolition of provincial administration.

1. Yano: Are you presenting your views as an individual?

Steven Ng'ang'a: As an individual. Abolition of provincial administration, because I think that the Provincial Administration, together with the Local Government, where you have councilors, you have provincial administration in all the systems, there is a very big chunk of resources that are utilized by those two bodies. One with abolition of the Provincial administration, you will strengthen the Local Government and therefore you will replace the Provincial Administration with the Local government with Chairmen of the Local Authorities elected by the citizens and Mayors of the cities elected by the citizens. With that you will make a strong type of unitary and strong Local Government.

The next is on the election of the President. One point is that the President should not be above the law, the President should be impeached. The President should be elected by 50% of the electorate. If it happens that he does not get 50% a run-off should be there. The issue of five provinces acquiring 25% should be abolished and it should be four provinces to acquire 25%. The present terms of the President should be retained as two terms of five years each.

Coming to political parties. Political parties should be restricted. Not everybody should register a political party. They should be restricted to at least three political parties. The political parties should be entrenched in the Constitution that they must be controlled by an independent registrar but not the registrar of society – who registers societies and things like that. It should be above that.

The next issue, another point that I would like to bring to your attention is the defense council. The structure of the present defense council should be changed. The defense council consists of Chief of General Staff, the Commanders and a PS in the Office of the President and a politician, a Minister. Now the type of Defense Council that I am talking about should have a religious leader within the defense council. Two, a Chief Justice should also be included in that Defense Council. The aim is to make sure that the defense council is not manipulated by the Executive through the politicians and through the appointment of the serving Commanders and the Chief of General staff.

The other point that I would like to bring to your attention; the citizens must have a right to look for a redress if a law is not being implemented, or a law in the Local Government is not implemented. We should not have people in this country trading on highways. Why should we have people trading on highways? And there are laws which are supposed to be implemented? but the system does not implement that. So we should have, within the Constitution, we should have a clause that a citizen when he sees a law is not being implemented or the organs of the government or local government is not implementing that law he should

have a redress directly to a court of law without him paying for any charges.

Com. Yano: Is that all? You have less than a minute.

Steven Ng'ang'a: The next point that I should have is that the constituencies should not be by the geographical distribution but by population. We have constituencies that have only 10,000 people registered, while others we have over 100,000 that is not really proper. I have only that to say. Thank you very much.

Com. Yano: Thank you very much. There is a clarification from Com. Mosonik.

Com. Mosonik: The political parties you recommend should be three. We would just like your guidance as to which three, like now we have nearly twenty. If you were asked to identify the three how would you go about it?

Steven Ng'ang'a: Now, I would like to say. You see you can see now what is happening, they are merging. They are merging, so it is a way of telling you restriction on political parties. I don't need to say so and so, but these could find their own way, whichever it is.

Com. Yano: Thank you very much Mr. Ng'ang'a, kindly go register yourself. Now I realize that we have a big long list, kindly let us be sensitive to time so that we can cover as many of you as possible. The next one is Martha Mugambi. Is it individual or personal?

Martha Mugambi: Thank you Madam Commissioner, my name is Martha Mugambi, although it is personal, I am a member of the Standing Commission of Human Rights, so I will take care of the (inaudible) .Commissioners, my entry point is to remind you that Kenya is a signatory of the United Nations International Bill of Rights, by that responsibility therefore, the government should ensure that what we enshrined in the Bill of Rights is guaranteed for all the citizens rights and therefore, it should domesticate all the rights that the Council has valued.

Point two; I am proposing the creation of Gender Commissions like all other countries with independent governments. Two, I am proposing the creation of Juvenile Remand Homes care units. The Juvenile Remand Homes that exist, Commissioners are below acceptable standards by all Human Rights standards. They should have a care unit to make sure that they are managed by the standards that are important and necessary.

I am proposing that there should be clear guidelines on marriage and property rights. I am also proposing an introduction of government welfare funds for the aged. We have the aged in this country that are left to the welfare groups of this country, it is not enough.

Commissioners, Land rights and title deed issuance must have time limits. We for example in the Meru North District after independence of so many years, we do not have title deeds. I am proposing that title deed issuance be speeded and the Constitution should make sure there is a limit for giving title deeds.

I am proposing because in the six years I have worked with the Human Rights I am seeing the relaxation of laws regarding rapists. Rapists should have life sentences. When you rape a baby of four years, does that say something? When a child of twelve years is displaced by a retired citizen does that say something, Commissioners? I know time is of essence. I am proposing that laws regulating pornography in this country be instituted. We who went to Beijing then, we said no pornography in Africa and it is in our shelves. If that can be done we would protect these intelligent young men and girls.

FGM, I support the students, should be abolished and criminalized. When you perform FGM, you should go to jail and for good! Commissioners, I have been round the East African countries, we are the only people who have not established Human Rights Desks in our prisons particularly Maximum Prisons, they should have Human Rights desks.

Last, but not least, the current Constitution Review Commission should be made permanent and independent. Shelter and housing particularly for slum dwellers, our Chairman, I have no enough time to spend on that, should be guaranteed. Political parties, I join with Ng'ang'a in saying, they must be regulated and should not hold 30 million Kenyans in ransom. 30 million Kenyans are waiting for what the political parties are going to come up with at the expense of the economic development. Religious communities should be represented in our law making body that is a right. I thank you Commissioners.

Com. Yano: Thank you very much Martha, you are kindly requested to register yourself. The next one is Eric Simiyu. Can we also have Nancy Lung'ali preparing herself and Risper.

Eric Simiyu: Honorable Commissioners and Honorable Kenyans, I am glad that you have given me an opportunity to be here especially the (inaudible) of Kenyatta University. I am going to speak on one aspect under the Judiciary and that is regards the office of the Chief Kadhi.

In understanding that we all would want to have freedom of worship for everyone in this country, I do propose that the Constitution should state categorically that Kenya is not a religious State but a secular State that acknowledges freedom of worship for all and sundry. Having said that, it is important to understand that even though somebody is given freedom of worship they should not infringe on the freedoms of others in their practice of that freedom. Therefore, I find it not workable both from an Islamic point of view and a practicability point of view that the office of the Chief Kadhi should be enshrined in the Constitution.

From the Islamic point of view, the Koran is the Constitution under which an Islamic State is governed and that is the same source

of law that the Chief Kadhi should use. If the Chief Kadhi is not using the Koran, the Hadith, or the Hitmah, or the Kiyaze from the Muslim side, then he is not doing his function as the office may purport to say and thus is deceiving Kenyans and future generation. This in the future I foresee a problem because if we present an ambiguous interpretation of law. If the Chief Kadhi has to be instituted as an office in this country, then the Kikuyus, the Luo, the Luhyias, the Hindus, the Christians and every other person should also have their own court because they also have their own court because they also have their own laws and regulations, norms and practices that govern them.

From a practical point of view, the Koran itself blends itself to a lot of misinterpretation and recently you have seen how the Al-Quieda have done that, and many other Sects. There are over 72 Sects of Islam in the world and most of them are also finding their way into Kenya. Each one of them just interprets the Koran as their Orthodox leaders see and as it suits them. If this is in our Constitution then we would really have a big problem in the future and we do not want to experience what is happening in Northern Nigeria in our country.

Am I just against Islam? No way. Muslims are free to practice and propagate their religion as the Constitution may allow them without having to interfere with other people. However, they should do so in the Mosque.

Who then should appoint the Chief Kadhi? The Chief Kadhi is an Islamic leader, and being Islamic, even in the present Constitution, in Section 66, of Chapter 4 sub-section 1(a) says he should be a professing Muslim. That means that no other person can hold that office and it is exclusively for Muslims, and the honor of appointing the Chief Kadhi lies with the Muslims and not even with the Parliament and not even with the Constitution of our country.

By that, taking that this already excludes women that means that no woman would ever hold the office of the Chief Kadhi and strictly outside discrimination which would be contravening the other Sections of the law of our land interms equality.

May I say that it is a historical problem with Sultan of Zanzibar and the ten-mile Coastal strip of the Colonial Government that these have enshrined the Office of the Chief Kadhi in our Constitution. We still term it negative as much as we have moved away from that. The implications of this has been that a section of this land has experienced the application of the Sharia Law without necessarily having it in the Constitution. The examples are the Coastal areas where Christian are marginalized and other nominal groups are also marginalized.

In North-Eastern Kenya, where churches have been burnt down without compensation. This should be stopped and anybody who destroys another person's place of worship should be jailed and face the court to answer charges. Lastly, may I say that Muslims they themselves practice different sects. The current Constitution says that is Section 66 1(b) if a citizen practices

knowledge of the Muslim Law applicable to any State or States of Muslims as qualified being In the opinion of the Judicial Service Commission to hold a Kadhis voting.

May I say that, that again from a very fundamental Islamic point of view, the only person who appoints leaders for the Muslims is what is called the 'ashura' or the margin. This is the Islamic Advisory Council. The Parliament of Kenya will not have that capacity because they are not all professing Muslims and as such they do no mandate from Allah to implement anything in regard to the Chief Kadhi.

Secondly, if the 'ashura' does not decide who is to be the Chief Kadhi, then it means that the Koran has no place in the use in being a source of Law for the Chief Kadhi and the Chief Kadhi cannot work.

Thirdly, the Koran has very ambiguous statements in regard to inheritance, women treatment, dealing with minorities and peoples of other faiths, those who contravene, those who turn away from Islam and join another religion that is the Law of Apostasy, the Law of blasphemy – speaking anything evil against Mohammed, Koran or Allah as being blasphemous. This is very ambiguous and as such if we enshrine it in our Constitution then, we would give our future generations a hard time, a hundred years from now.

Com. Yano: You have half a minute to go

Eric Simiyu: Thank you very much, I have actually finished.

Com Raiji: Mr. Simiyu thanks for your views on that point. I just want to ask, I noticed you are aware of it but, must the Constitution now (inaudible). The issue you have raised about conduct and (inaudible) appears that the Islam is discriminatory against women, it is not under the present Constitution, in fact, it is discriminatory because Section 82, sub-section 4(b) except for discrimination, issues relating to marriage, divorce, and inheritance are covered by the first

(inaudible) so I do not know whether (inaudible) we have heard a lot of views on that.

Simiyu: I am a Kenyan who is concerned about every other group that (inaudible)

Com. Raiji: I just was pointing out to you that we take your proposal, but just wanted to point out that the law which is basically the civic law has sought of legitimized the discrimination against our girls inheritance except those points that were being described as discrimination, although in fact they appear to be there.

Simiyu: Can I respond Sir? Thank you. May I say that we also go back to history and we should always learn from history. It has been a practice of our brethren the Muslims to pressurize the government and any other community to follow their own ways. In 1982, there was the Succession Act Cap 160, which was to unify all family laws in terms of equal single course applicable to everyone, Muslims protested that this would infringe on their religious beliefs, and this due to pressure from them was duly amended in 1990 Cap 160 sub-section 3. You find in sub-section 4 if this is allowed to happen, then I would, based on that and

say that therefore, every community, every religious grouping should be treated equal under law and none should have a head start by being enshrined in the Constitution and I really concur with you on what you have just said. Thank you very much.

Com. Yano: Thank you very much. Right now we have Nancy Lungali or Lungalo? Please do correct me on that. Then can we have Risper preparing herself.

Nancy Lung'alo: Thank you very much. My name is Nancy Lung'alo, I am here on behalf of women from Westlands and I am representing them as the women's leader within Westlands, and would like to highlight from the women issues that they wanted mentioned today. Now, I will present a memorandum but will just touch on a few issues that the women wanted highlighted.

I would just like to begin by saying that we all know that women constitute at least more than half of the population of this country, and so for any meaningful development to take place, issues affecting women have got to be addressed. We all know that although Kenya has ratified several International Human Rights instruments that affect women's human rights like the law and maintain the declaration and sanction for action, these conventions have not been incorporated into Kenya's municipal law and very little has been done to ensure that the many gender discriminatory laws remain in the current Constitution and that they need to be reviewed, repealed and amended as necessary. For this reason, legal strategies for addressing or empowering women must therefore be put in place to address issues that cut across or affect women's lives.

Number one, we need a preamble in the Constitution and it must have basic national values, philosophies and vision. It should also capture the spirit of the entire Constitutional framework and taking the basic principals and commitments including gender equality and democratic developments.

On basic rights, we feel that, culture should not override fundamental rights and harmful practices such as FGM and wife inheritance should completely be outlawed. Family laws need thorough review and reform as appropriate and to harmonize the co-existing and contradictory Christian/Muslim Islamic laws which have actually seen women manipulated upon and especially in issues of marriage, divorce, inheritance as well as ownership of marital properties.

The principle of affirmative action should be adopted in Kenya preferably that 30% of all the appointments should be reserved for women and a comprehensive Affirmative Action law should be put in place and be entrenched in the entire Constitution.

Section 82 of the Constitution sub-section 4 should be amended as it permits discrimination of women in matter of personal law, customary law, marriage and inheritance. This section should be amended to ensure elimination of all areas of discrimination and to facilitate the attainment of equality and justice for all. There should be a thorough review of laws relating to all forms of violence against women and girls. Minimum sentence for rape should be at least a life sentence with hard labor.

The Employment Act of 1975 is outdated and it needs to be amended as it discriminates against women on matters, terms and

conditions of employment in the public sector. On land and property rights: the Law of Succession Act 1981 while it gives provision to both men and women to inherit land, should be amended to provide that all family land even when registered in the name of the husband should be deemed registered in the name of both spouses. Both men and women should have equal access to land and the Constitution should regulate the land tenure and ensure gender equity in land distribution. Laws should be enacted to give property rights to women.

On children's rights, primary education should be free and compulsory to all citizens of this country. Child labor should completely be abolished and punishable by law. FGM should again be outlawed for the girl child and the Children's Act should be entrenched in the Constitution. The Affiliation Act needs to be reinstated and entrenched into the Constitution.

On governance, this being a very crucial point. The quality of governance at the political, social and economic level can be assessed and seen through the result of the quality of governance and management of the economy and so, no branch of government should solely be allowed to control and direct the problems government. All senior officials of government should be able to impeach any individual who abuses office and the Constitution should address the issue of governance and protect the nation against corrupt leaders and preserve its national resources, economy and Human Rights.

On the issue of the national budget, as I said earlier, the economy of this country cannot be addressed without looking at women's issues especially on specific gender issues and so, we think that the Constitution should allow Parliament to be able to vote or to allow Parliament to allocate funds to promote women's activities like women's groups, self-help groups in order to promote any enterprise development because the women's movement is something that has helped as far as empowering women is concerned.

Last but not least, we feel that there should be a Gender Commission and this should be established through subjects to promote gender equality in society and to ensure that the government and other non statutory bodies implement their commitment to gender equality. Thank you very much.

Com. Yano: Thank you very much Nancy, Kindly record your memorandum and also register yourself. Risper you are next, and then maybe I have to remind you, kindly switch off your mobiles, it interferes with our recording.

Risper: Thank you very much and my names are Risper, and I am representing an organization called (inaudible) productions which is working with the community in Westlands. I am going to talk about the need for a preamble and the directive principles of State policy and then I will talk on governance.

The new Constitution should have a preamble because the present Constitution lacks a statement of value and therefore fails to give us a general direction on which the society should be focused to promote patriotism, prosperity and socio-economic development. I also want to suggest that this preamble should go as follows: 'We the people of Kenya, aware of the equality and

security existing in our land, recognizing our struggles against exploitation, corruption, injustice and discrimination, and keen to create a society that secures the dignity of human rights respect cultural diversity, promote ethical public standards and pursue justice and freedom for all, knowing that it is both our right and sacred duty to strive for such a society to establish, adopt and give to ourselves prosperity in this chapter”.

On the Directive Principles of State policy, I want to talk about a few things. First of all, the supremacy of all the people of Kenya and the powers of the President which I think should be reduced. So when I speak of this nation and I want also to look at the economic principles under the directives of State Policy and say that all natural resources belong in common to the people of Kenya including future generations, and the State shall protect such resources including land, water, flora, fauna and minerals for the benefit of all Kenyans.

All public resources shall be managed and used in a rational and efficient manner avoiding wastes and corruption. The State shall take measures as provided for in the Constitution to involve the people in the conservation, implementation and evaluation of development plans and programs. The State shall recognize the significant role played by Civil society organizations in the process of development. Under the social principles, I want to say that all Kenyans should be provided for within the Constitution to have the fulfillment of their Basic Rights and needs which include education, adequate food, safe and clean water, housing, health and information.

The State should make sure that through the Constitution, special measures to promote the right and welfare of persons who have been discriminated against by reason of history, culture, age, tradition and certain laws. I also want to say that the Constitution should provide for the State, individuals and groups in society to promote literacy to enhance national unity and cohesion. Every citizen shall have the duty to obey just laws and to pay taxes that are fairly levied. To respects the rights of others and to participate in public affairs.

For governance, I want to say that we need a structure or a system that will ensure distribution and evolution of power to enable effective delivery of basic substance to Kenyans, to ensure proportional representation, equitable distribution of resources and facility people’s participation in government and in public affairs. Thank you.

Com. Yano: There is a question here from Commissioner Raiji

Com. Raiji: I want to say that when you talk about the obligation of the citizens to obey just laws and pay fair taxes, are you by any chance proposing that the decision whether or not the law is just or a tax is just for purposes of (inaudible) be left to the individual?

Risper: What I mean here is that when you say obedience of just laws, what I mean is that the present Judicial system favors

some people such that there are people who defy those laws and do what they want and the law does not actually condemn them as is appropriate. When I talk of fairly paying taxes I mean that Kenyans are overtaxed and so in that case there are those people who often default paying taxes and some other people pay. So these levies should be fairly paid the taxes should be fairly paid and every Kenyan is answerable and is supposed to obey those laws. Through the Constitution, they know that their positions demands that they pay off whoever it is who is doing business or is working in Kenya should pay those taxes and the taxes are fairly levied and affordable to Kenyans to pay. That is all I have to say.

Com. Mosonik: (Inaudible) about governance and the distribution of power. However you did not specify should we adopt a federal system of government, (inaudible) make it supreme, a central government and two, how well should the powers be governed?

Risper: Okay, devolution of power here means that we decentralize the operations and also strengthen the Local Authorities so that the Local Authorities can be strengthened and empowered to deal with their accounts for the purpose of the development at that level, so that we do not have levy fees collected at the local level coming back to the Central Government to be spent from there. This has created gaps where these funds do not go back well to the Local Authorities for their expenditure for their needs at that level. So when we talk of division of power that is what I mean. The structures here are such that we have the Central Government, the District Development levels and the Local Authorities. The Local Authorities should be accountable for all the funds that they generate at that level and they use it on spending for their needs at that particular level, that is what I mean by devolution of power, because as I said, this will enable effective delivery of services to people, all people at the level where they are.

Com. Yano: Thank you very much Risper, I think we are satisfied with your answer. Is Ruth Kibui there? Then followed by Nixon Mwanzo – prepare yourself.

Ruth Kibui: I am Ruth Kibui from National Association for Family Association and Community development. I will talk more on the rural division, and I have a written memorandum from a few people who were not able to attend where (inaudible).

The directives and principles of State Authorities: Most Constitutions have no principles that governs how to obtain the State power should be exercised; the Kenyan constitution does not include such mention. We should therefore help this (inaudible) Constitution that shows national philosophy and guiding principles.

Citizenship: automatic citizenship should be accorded to any Child born within without Kenya so long as one of the parents is Kenyan. It is the right of all Kenyans to have a passport or to be issued with a passport, dual citizenship should not be allowed. Section 91 of the Constitution should be amended to allow Kenyan women to bestow citizenship to the spouse.

Basic Rights: the current Constitution guarantees civil and political rights but does not make provisions for social, economic and cultural rights. The cultures should therefore not override fundamental rights and harmful traditional cultures such as FGM, wife inheritance, should be outlawed.

The principles of Affirmative Action should be adopted in Kenya. Preferably a 30% of all appointments be reserved for women. The death penalty should be abolished and the Constitution should guarantee the right of life. The Constitution should enshrine the freedom of thought, conscience, peaceful and (inaudible).

Land and property: land is a basic of economic and development in Kenya, the Constitution should enshrine the right to own land and settle anywhere in the country without discrimination on either language or (inaudible). There should be restriction of ownership of land by non-citizens. Non-citizens should not be allowed to own land without (inaudible) as an (inaudible) shareholder. Both men and women should have equal access to land. The Constitution should regulate land ownership, ensure gender equality in land distribution.

Environment: sustainable validate of the environment natural resources, water bodies, forests (inaudible) is a fundamental issue on the contemporary government and it should ensure protection of man. There should be no private excision of forestland such that there should be no (inaudible) of the environment. Individuals should not be allocated forest lands.

Children's Rights: primary education should be compulsory to all citizens of Kenya. FGM should be completely outlawed for the girl child. The executive: no branch of the government should be allowed to control and direct the process of Parliament. The Legislature: all senior government officials, should be impeached and individual who abuses his/her office. Regional government to manage education, public health police, and the court of law in the federal government structure.

The electronic media should have a positive influence on the youth. Illicit brews should be completely banned. All nightclubs banned or closed by midnight. Alcohol ... *(noise from the audience)*

Com. Yano: Can you please her time to air her views? After all you will also have your time.

Risper: Levies of one shilling be implemented on a bottle of alcohol or cigarette and this should go to the street children. Smoking and drinking age should be raised to 24 years. Traffic police should be given video cameras to help control the traffic lights. Women rights should be fully guaranteed in the Constitution.

Com. Yano: I hear lots of murmurs from this side. Can we kindly keep quiet so that we give her time. Let her air her views.

Riper: Proper regulations of infrastructure should be put in place to ensure protection of public and State Land. No smoking in public areas. Civic education should continue after the process of the Constitution Review process so that empower the people on the Constitution.

Com. Yano: Thank you very much. The next one is Nixon Mwanzo.

Nixon Mwanzo: Commissioners, ladies and gentlemen. My names are Nixon Mwanzo from the Institute of Education Studies and Development. I am here with my fellow students who are seated right here and together we had a conversation as a contribution to the Constitution Review.

According to our discussions, we started with the Basic rights. As we know very well in our society today, the press plays a very important role in the development of our economy and for information to reach everyone in the country early, we were proposing that no law should be made to limit the freedom of the press.

Secondly, we went to education. Education as we know very well is the basic...Each child should be entitled to free basic education up to class 8. When education is free, there should be a law that should be enforced that children under the age of 16 years must and that should be compulsory to go to school. Every Kenyan should be entitled to subsidized learning in High School and colleges. We realize the amount people are paying in the High Schools and colleges is going up each and everyday.

Third, we went to social security, we were proposing that, there should be loans on college graduates after colleges and this is to help them establish personal businesses and utilize fully the knowledge they obtained from the learning institutions. This came by because of the increasing unemployment and lack of jobs between universities and colleges.

Under social security again, , after sixty years of age, a Kenyan citizen should be entitled to social security provision by the government for their up keep. This can be debated on, but then personal emoluments should be provided for those aged 60 years and above.

Then, there should be free medical services to Kenyans under the age of 20 years. We realize today that Kenyan youth under the age of 20 years are also active, and that we are facing a situation where we have many diseases like the AIDS, STIs, where the youth can contract and the youth could be afraid to contact their parents for money to pay for medical attention. Therefore, there should be free medical services for Kenyans after the age of 20 years and subsidize medical services to others up to the age of 60 years, after which they should be entitled to free medical services.

Still under social security, families with poor financial support (inaudible) should be assisted by the government. You realize that

we lose several lives because of (inaudible) but their families do not have enough funds to pay or take their patients to hospitals to pay for their treatment.

Under the Election process, we were proposing that a Kenyan citizen over 18 years should be automatically issued with National ID cards, accompanied by voter's cards and a passport, because the government is currently making a lot of money in the issuance of voter's cards when the it is almost the time of elections and you realize so many people go without registering.

Secondly, an independent presidential candidate who does not belong to any party should be given a chance to vie for presidency. I do realize that we have very many people, who have the potential to lead this country, but then they do not belong or are not actively involved in a political party and then they do not get the chance to vie for the presidency. So we retaliate that candidate who do not belong to any party but have the potential and want to vie for presidency to be given a chance to do so. Then, a post of Prime Minister and Deputy Prime Minister should be created, and the President should be made ceremonial.

Com. Yano: You have half a minute.

Nixon Mwanzo: Members of Parliament should serve for only two five-year commission terms. Rights of vulnerable groups, i.e. the prisoners. Every prisoner must be entitled to healthy living standards in prison. Prisoners must be entitled to modern rehabilitation schemes. Again, prisoners must be entitled to humane treatment and all the basic rights while in custody and thus should rule out the issue of torture. A system should be established where the prisoners can get to mobilize education or be rehabilitated or trained in various sectors and work to earn capital to use upon release or support their families while still in custody.

Again, prisoners' rehabilitation fund should be established to enable the prisoners support themselves by borrowing some money regularly. Then, we ended up with the disabled. The cost of life for the handicapped should be subsidized. As we are treated while looking for jobs after education, we realize that after learning, the handicapped or the disabled are just left without a system to sustain/absorb them. So the government should make a policy that upon completion of school, these groups are helped with the type of jobs that suit them.

Com. Yano: Thank you very much.

Com. Mosonik: (Inaudible)

Nixon Mwanzo: On education, I said they should be compulsory education for our children and Kenyans should be entitled to subsidize learning in high School and College.

Com. Yano: Thank you very much Mr. Mwanzo, now we have... I was wondering Nairobi School, are they students or are their student representatives here? Now we have Patricia Wangui. If Patricia is not there, then Lukio Were.

Lukio Were: Thank you very much Commissioners, Ladies and Gentlemen. I am going to make a presentation on about three issues. My first issue is on the limitations as opposed to publications. Now, basically we all know that politics is about competition for power. Power in itself is all about the ability in controlling and allocating of resources. Controlling and directing actions behavior and arguments of people whether they like it or not. That is what power is all about.

Control would be carried out through cash or time or by force. Now the proper investigation therefore leaves me to conclude that politics is all about people, and how they live, how they organize themselves, how they generate and utilize resources. It is about governing and involvement in a process thereof. Anybody who is involved in controlling and allocating resources must of necessity have (inaudible) in communication. For without it one would want to concentrate in his or her assistance hence the original establishment by those who are involved in the distribution of the systems of development of the stability for retirement on attainment of a given age or after putting up a given number of years.

The current Kenyan Constitution limits the tenure of service for the president to two terms of five years each but does nothing about ordinary Members of Parliament or Councilors, or any other persons holding positions of power like in Corporative, or other important companies or organizations. It is against the common background that I wish to propose that a Constitutional provision be established limiting sustainable office for those serving in public offices as representatives of all time.

I wish to propose to begin with that an MP be limited to four terms of five years, subject to the popularity or of a representative with hi/ her voters. If he is not popular, he can be voted out in the first term. But if he is so popular, then he can keep on being voted in provided he will not be voted in for more than four terms of five years. On completion of the period of representation, such a member would be paid either the duties or retirement benefits depending on the number of years served. I propose that if an MP is voted out after serving between five to ten years, he should be entitled only to (inaudible) while those serving between fifteen to twenty years will qualify for retirement benefits. This will caution them and will not make them feel insecure anymore.

The same criteria should be used for those serving in the councils. Mayors and Chairmen of such councils should be limited to two, five year terms, while councilors serve a maximum of four, five year terms like Members of Parliament subject to their continued popularity and endorsement by the voters.

Chairmen and members of the Board of Directors like if you have been a Chairman of an important Board, or directors of a leading committee should have limited tenure for two, three-year terms for Chairmen and a maximum of four, three-year terms for members.

Trade Union Executives, these are also people who are coming to power, they control resources. The Secretary General, the treasurer and all the other participants you know should be limited to a tenure of four by three years or four by five years depending on how often their election meetings are supposed to be held in accordance to their individual constitutions. The major purpose of a system of administration is to enable leaders to develop a greater sense of awareness and responsibility especially when one is suppressed of the inevitability of retirement at a certain age. It will also reduce the habit of corruption and instigation of violence to perpetuate oneself. That is when we shall improve governance and (inaudible) encouraging those who have relinquished responsible positions to open up new ventures and improve the economy.

Establishment of a House of Senate, or a House of Elders. It is my honest opinion that the establishment of this House can contribute greatly to the improvement of government. This is because once Parliament knows they have another constituent and law or question some of the issues they have emotionally or hurriedly passed, they would be more careful and articulate in scrutinizing business before them. Qualifications in this House should be based on special and security of tenure. Various interest groups should all be represented here through free and fair elections.

Those in the three different groups must be allowed space to exercise their democratic rights of making choices. I believe that if there is a House where people who have various special qualifications, people who have various expertise, we shall have a system of governance where we have some order. The problem we have been having in this country is brain drain towards politics. Every person of every qualification strives to make it so that when he has money he can eventually decide to be a politician. We have to do something against this brain drain where everybody focuses on going to Parliament.

If we have a House where we can have people of special interest groups being represented, maybe we will have people concentrating on their jobs. And more so, if we have limitations because right now we have lost very good professionals, doctors, engineers, lawyers name them to Parliament and when they go there they no longer become useful to the country.

Com. Yano: Your time is up.

Lukio Were: The last one, State protection of the vulnerable groups. The Constitution of Kenya should make it mandatory for the State to take care of the Vulnerable groups such as the small children, mentally handicapped and physically handicapped and the very old ones that is mainly 75 years and above, so as to enable them to spend their lives in peace and tranquility. I know so many people have talked about these vulnerable groups but I think that we should appeal for them to be taken of by the State in every way.

Com. Yano: Thank you very much. I think Com. Mosonik has a clarification.

Com. Mosonik: (Inaudible).

Were: I am talking of all the professional groups should be represented. We are talking of Accountants, we are talking about Lawyers, we are talking about people in various religious groups. We are talking about the Constitution and defining all the interest groups, the disabled being represented at the highest organ where things can be discussed with a lot of maturity.

Com. Yano: Thank you very much Mr. Were, kindly move to the other side and register yourself. I still have (inaudible) students from Nairobi School, if we can hear their views and let them go back to class. We will have about four presenters, one is Ken Assami, then they are followed by Michael and Abdul, kindly prepare yourselves.

Ken Assami: Ours is more on the Legislature (inaudible). We should not retain the power of revenue management and distribution of finance and management of human resources. (inaudible) These powers should be given to Parliament. Parliament should retain the power to authorize the revenue and the appropriation of funds in government for transparency reasons. The Comptroller and Auditor General should be appointed by the executive and vetted by Parliament to ensure a dignified person is appointed.

Remuneration packages for the Civil Service should be increased so as to attract competent people to work in the Public Service.

Public Service Commission members should be appointed by Parliament. There should be a code of ethics for all holders of public offices. All public officers should declare their assets.

Parliament should have the power to enforce law on protection of the environment. All natural resources should be owned by the government. Natural resources include cultural and social values today. Local communities should be protected. The Ministry of natural resources or the environment should be responsible for the management and protection of natural resources and be answerable to Parliament. The State should not regulate the conduct of the civil society including the media. The conduct of the Foreign Affairs should be adjoined (inaudible).

Parliament should vet and streamline regulations to be used to check the conduct of foreign affairs. The office of the Ombudsman created. He should have the powers to prosecute department of civil servants who abuse powers and are corrupt. There should be a Human Rights Commission for handling human rights and abuse cases. An anti-corruption commission should be established to prosecute corrupt public officials and it should work hand in hand with the Ombudsman.

The elections should be held on the venue and be declared immediately after the elections. The incoming president should assume office immediately after election. The Constitution should promote and protect cultural and ethnic diversity. We should have two official national languages i.e. Kiswahili and English. The Constitution should recognize and promote the indigenous languages. The ultimate ownership of the land should be by individuals. The government should not have the right to make it compulsory to acquire land from any person apart from settlements.

The government or Local Authority should not have the power to control the use of land by the owners or occupiers. There should be no ceiling of land owned by an individual. There should be a limitation of land by non Kenyans. Kenyans should own land anywhere in the country. Both men and women should have legal access to land and to inheritance and should be divided equally among the men and women. Finally, the name of God should not be included in the current Constitution.

Com. Yano: Thank you very much, now can we have Daniel Munyi.

Daniel Munyi: Each party should appoint an Electoral Commission representative. The Electoral Commission should be independent from Parliament. Mayors, councilors and chairmen should be elected directly by the people. There should be no education qualifications for councilors. When vying for Local Authority seats, candidates should (inaudible). There should be moral and ethical qualifications for the Local authorities leaders. Parliament should decide (inaudible) remuneration.

Nominated councilors should be retained and should be nominated by their parties. Judges should be appointed by the Judicial Service Commission and vetted by Parliament. There should be in our Constitution a right to legal aid for those who cannot afford a private lawyer. The Constitution should (inaudible) for a presidential candidate who should be over 35 years, nominated by a party, have a good public service record, have attained at least a university graduate. The president's tenure should be a maximum of two, five-year terms.

The constitution should limit the presidential powers. Parliament should vet all appointed Public Servants Ministers, Ambassadors. The Constitution should provide for the removal of a president for mis-conduct through impeachment by Parliament. The president should be (inaudible) we need the provincial administration for carrying out and implementing Parliament's and the high Court powers. All public office holders should be vetted by Parliament. Being an MP should be a full time occupation. Language tests should be set for all Parliamentary candidates. No one identical qualification for Parliamentary candidates should be (inaudible).

The concept of nominated MPs should be retained. We should have a two-chamber Parliament; the Senate should be there for making decisions based (inaudible). The Constitution should be changed (inaudible)

.We should be retain the presidential system of government. We should retain the unitary form of government in which all affairs (inaudible). Political parties should not be financed from public funds, but they should source funds through other means.

Parliament should have the authority to evoke emergency powers in situations such as war and national unrest. The president should be the Commander-In-chief of the Armed Force, the disciplined forces, the military, Para-military, police (inaudible) established by the Constitution. Children of Kenyan citizens should be automatically be citizens of Kenya. Kenyan citizenship

should also be acquired through (Inaudible) in our national language. Thank you.

Com. Yano: Thank you very much, can we have Michael Karanja.

Michael Karanja: Good Afternoon, I am Michael Karanja. On Elections and electoral commission, we feel that each party should appoint election commission representative. Electoral Commission should be funded from the national budget.

Mayors and Councilors and Council Chairpersons should be elected directly by the people. Councilors should have a minimum of 'O' level education. Before nomination, they should have sat for a language proficiency test and have passed. Local authorities should have good moral standards and ethical standards. Parliament should decide (inaudible) salaries. On Judiciary issues judicial officers should be appointed by the chief Judicial Service Commission. These appointments should be vetted by Parliament. The Constitution should provide for legal aid for people who cannot afford a private lawyer.

On the executive issues, the president's tenure should be reduced to a maximum of two, five, year terms. Parliament should vet all appointments by the president (inaudible) e.g. ministers and (inaudible). The president should not be above the law. The Constitution should provide for the removal of a president for mis-conduct, which means impeachment by Parliament. A presidential candidate should be a university graduate.

On citizenship issues, a child born of one Kenyan parent regardless of the parents gender should be entitled acquire citizenship because usually in a (inaudible). Kenyans should carry IDs as evidence of citizenship. The public should be involved through a referendum in amending the Constitution. The referendum should be conducted by the Constitution of Kenya Review Commission. We need a preamble in our constitution capturing the national philosophies and (inaudible). Thank you.

Com. Yano: Thank you very much. Kindly record your name.

Mohammed Abdulahi: Thank you. Good afternoon Honorable Commissioners. Ladies and gentlemen and the public at large. First of all I will start by completing the presentations of my fellow students and later I will present the observations of the Muslim students concerning (inaudible). First, the interest of people with disabilities are not being taken care of.

Com Yano: Your name please.

Mohammed Abdulahi: I am Mohammed Abdulahi, from Nairobi School. We should have especially night payment for them.

The death penalty should be abolished, as everyone has a right to life. The Constitution should provide security, health care water, education, water, shelter, food and employment as they provide for all Kenyans. The Constitution should to provide for free and compulsory education upto form four level. Tenants should not have to information by professional direct (inaudible). We should retain the rule 5% in at least five province on election of members. (inaudible)

(his views on Muslims are inaudible)

Com Yano: Thank you very much, (inaudible). We go back to our list and the next on like is E. K Ng'otho and followed by Julia Mugo, prepare yourself.

E.K Ngotho: Thank you very muchI am x-civil servant, retired 1986, and I am a farmer. Now I have come to give entirely my personal views on Constitution Review. I might say we have got the same problem for extending, because these days we face charges. Now my views are based on about seven points.

One is the Presidency tenure, Powers of the President, Constitutional Review that is yourselves, the appointment of Minister, the appointment of Permanent Secretaries, that the Government and the Environmental issues and Political Parties. Now my submission is these points following the eleven sections. That is section 4, section 5, section 24, section 67, section 60, section 109, section 111, section 32, section 41, 42 and 34. Those are section in eleven sections.

Now the first issue is the Presidency. The first person to view the problems of many countries based in Africa, based on the President on the way we go about appointment our members of state. Without going further I will state the points will stress the first Who said that the head was looked at for more uprightness, you will define the machinery better. If somebody is normal, being of normal character, we don't have to wait until that person is completely in moral growth. Some skill are obvious. Now the question is how to achieve these. I think we find the solution may be possible even people like your self who be given that a and reach upon amendment. The President should be highly moral uprightness. We should not elect somebody who is not of no use in these department. The President should be the central family byby even in America.....He should be well qualified, we should not want a President who goes welcoming and they can not advise our economic issues . so that touches on section 4 and 5 of the Constitution. Infact if you refer to the court, A to C. I would like to add another section 5G in co-operate with those

I think we would have started to explain in the same way, for the Vice President and for the Ministers, they should be vetted. They should be people of high moral upright.

Now the next item I have to give is the powers of the President. Our Constiution has given much powers to the President.

Including even saying where I am staying, that is the President the whole nation is his, where the head of state can give a shamba of land elsewhere. Now those powers, he is the one who appoints Chief Justice, and before I go further, I will go to section of a criminal dispute. The authority involves around now, saying for what and from what. Now the first section saying the President shall appoint somebody. Another section says, there should be a department to be headed by that person. Now I find the two sections completely contradictable. You say organize these since it was independent, it should be shared by somebody appointed and also shall be dismissed by a person. Is the same thing like saying, I am going across my all...I will at one time employ kids. But silently you have a another door open you want kids. Now if we can assume you close office in that shape, you are doing nothing, because somebody will come open it. That is the 24th section system we have in our Constitution.

Because one sections say the Commission, the Review Commission is independent, but is it should be lead by somebody appointed. That is the issue of right party to be complete. Those sections assisting such as 109 and section 111 which are to appoint a Attorney General, appointment Chief Secretary, which should be amended.

Now Constitutional Review: I will appoint a way of the duties quality or the duties that you are to be given by the Legislature. But I will say, I will differ with people who are saying, that we will go until next year. My view is that if you amend this election section of the Constituion, the next can wait. This country is not independent because the mama in Lamu does know, is not calculated well for people have got different penalty even the married one. Problems is on the eleven sections I have mentioned.

Office of the President, Minister who are appointed who are not earning to find a way to others, if I conclude, if can amend those sections, which can be done in two months, even.....

Now the next issue I think is the MP's. Kindly at this point we have to amend those sections again. If I will see President and his appointment it comes completely we are in older Lancaster. The Lancaster house, the sections, is section 4, section 5, section 204, section 67, section 16, section....., section 111, section 32 also is not going to be in order, section 41, section 42 and 34. My mind is problem on these sections

Com. Yano: You have a minute to go.

E.K. Ngoto: So the next was MP, they should also be qualified, we should check qualifications, how muchto be powered. They should be officers withon development in education. We should feelif he is from Coast or Kisumu, especially secondary will remain. The roles should be based on economics which political parties, some will say let them be limited. We should have the right qualifications of political parties. Either by the number or the people. Have two or three parties that can be.... political parties of one person, should be scrubbed.....

I am sorry, the chair lady, my time seems to be finished, so is a way possibly to find issues in spiritual terms, so I would like the people to vet the president, be from prominent people like the yourself. Will even appoint the good constituencies out.

Probably will be bill to vet. Let people to decide. Thank you very much.

Com. Yano: Thank you very bwana Ngotho, we have the other lady, where is she? Julia Mugo. Elizabeth Nyahiro, Dr. M.O. Ondongo. Father Steven Mugo, Mary Alividza.

Mary Alividza: Thank you Commissioner and fellow Citizens. I will start talking of the Judiciary on the issue of the Chief Kadhi. I find there is a problem for us to know theand....

First of all officers, I find that in the way of the places of the Judiciary, it seems like fathers and mothers, we are assumed that everybody is like some of these be there. Because I feel some of us are saying that the Chief Kadhi issues should be restricted only be involved only in judicial matters and that kind of a thing. It is time we might be presumed that we would like to there. I wish to say that, I would like the chief Kadhis office not to be there. Simply because of the environment that we are having in the world today. We have our own state and we have already known that if we are according to the Koran Tukufu, saying that, if you find a Christian, or a Jews, kill them. And so they come here and they tell us that it is a division of peace. When we have it there, it is supposed to convert every person that is not Muslim, to Islam, either by persuasion, or by force, through Jihad, then I feel that, because these is a exceptional, the Constitution that were are amending, the Chief Kadhi's office should not be there.

First and foremost we need I thin we need to define who is a Chief Kadhi, is a religious leader, and if he is religious leader, he is a religious for Muslims, fine. And I am a Christian. I also have, I also have my religious leader who is a pastor or a father, and also there are also some other people like Hindus, we have them here with us today, and I also we have people who go to there traditional religions. And were are going to allow the Chief Kadhis to be instituted and put in the Constituion, I think to tell you the Christians and Catholics, father and Pastor to be included in the Constitution. Because we also does things to do with inheritance which are causing us problems, they also do that, they come you are also divorced, or how divorce is..... on succession they give us a lot of church councils. And ended Christian faith, we have a low-lish those who take our fellow brother in the court. So that means, my pastor is actually taking the judicial duties and like the chief kadhi. So if the Chief Kadhi come in, put in the Constitution, I take that, it has also to be for our Pastors to be included. And that means they should be given every right that the chief Kadhi is normally given. For instance he is given limousine, he is chauffeured around and he is being protected and protection. So every person that appears in the Kenya Gazette should be done the same and I hope that comes to be impossible, and that how it because that the Chief Kadhis office need not to be included because it is primarily, I think for the duties included, they can also talk about anything the Imams and the Muslims.

I have a Muslim friend, who converted to Christianity, and she was actually killed in Kibira slums of Nairobi. And for us to

have a Constitution, that to put the Chief Kadhis law as the kind of protecting, I think they are also going remain Christians who have to become Muslims or the right person's Muslims want to become Christians to become. Okay I think I will clear on that Chief Kadhi should be out. And my recommendation is that, if the Pastors are not also given the same chance like other religious leaders, they should not be there.

My second point is, the 75% of five provinces should be retained in the next Constitution. Kenya is a tribal country that we cannot pretend. We have seen even political parties that are being formed. They are very tribal, and what about the deal, the first two tribes that have taken power, starting from independence, and the one took over, the one that took over after that, you find that even the head of state, after that he just goes making kwake kuzuri, then decided let's have these one, then we remove them and go back again. Because of that the tribal...in these country, I will recommend that any person that take over the Presidency, should have 75% from each of the five provinces, and that will be fair. Because you will big tribes that can turn up, or advised to think that they are numerous to control the rate of the country. And have to know that, the two tribes that have ruled the Government and the second, all the economic and whatever they have all been given to people in favour of their tribes. Who also don't sometimes who also don't also sometime deserve it. So that should be controlled and that should be retained.

I want to talk on corruption: Corruption anybody implicated in corruption should not be allowed to hold office. Public office. And even private, if they get an NGO, they should not be registered. And especially our MP's. Those who fight in Parliament and became a very bad example over youth, they should be sacked immediately and the Councilors at the City Hall. Because they really making us a state of Violence amongst our youth

Then the chapter for University. We have got very many universities that are coming up and these universities may be being formed more for commercial use than really Education. And sometimes they cater fruits they get some cannot be able to chew. If a university can not be queue, I propose that the Commission for higher education should be given the mandate to be able to call that university in to question without them going through the judicial system which is very cumbersome in Kenya. And there denying the students what they want. And I have in mind institution here that frustrate students within, some students that were registered in the evening programme, they frustrated all those students out. Because they were no longer available, to in that institution. Because they not bringing money.

The Succession act, as the much as they want or they have the coolinghas the power to the kind of the first person, the family members especially the parents they should not be forgotten. And I think there is a lot of emphasis the.....making, but we should not forget the trend, especially who are depending on those people and the other people who could be dependants.

Now the was partly implemented but we need to know that that as Kenyans most of the world especially system are now being possible and usually in many towns it is only Britain, I think in the world that is almost detaining that old current

system. So I think standard eight performance to be implemented quickly as there were no enough resources. By I think we need to improve in it. Just charging the system is not enough, because most of the world education system are being formal.

There is a lot of violence and unreported violence. Capital punishment should be retained. And especially where people kill others by carjacking and they are just going making room that they are just killing people unnecessary. Capital punishment should be retained, because if we let them take other people's life's and they are just being sentenced and come back to roam about on the street, I don't think that is right.

Then forget we have international..... andhow the local authorities should be given a lot of authorities to maintain the area of their jurisdiction. And I come back to the Chief Kadhis office at the Constitution, most of the Chief Kadhis have already had some of Commissioners here commissioner they have started on sheria law. And they are going to get it, if we do these we should not have a country. We will have a divided county and so we need one Central Government, however the Local Authorities need to be empowered so that they yet to deliver, from the level

And then.....

Com Yano: You have less the a minute.

Mary Alividza: Thank you, the refugees are too many in these country, and as much as God tells us on we need to be good to other people, we need to be good to foreigners, they need to be vetted out, because there is a lot fire arms that are coming in our country from outside, they are spoiling our country like the country where they come from, and especially those people that will keep not keep most of wanted in the country to go back to his, we should not keep them here because we they are the ones again creating violence.

I think that is it and thank you very much.

Com. Yano: There is a question for you right here.

Com Riunga Raiji: I think you simply suggested that.....without recommending, You said that matters from inheritance that fall under succession, parents should not also be forgotten, that is the problem you are aware , the one problem is where , man from, spouse and the children, those are the people considered in inheritance. Do you have any specific recommendation on exactly how parents are to come. I think for example suggesting that, they share equally on what was left and why they should be included.

Mary Alividza: I think the succession role, women, and I think there is a provision for parents. And I think the law is quitebut I hope there is a lot of trouble , so that the widows especially have been mishandled by the society, with the what they think they have. What I would suggest is that, my recommendation is, the widows needs to be protected and the children too. But is also wrong for you to forget if there is a parent. I have a case right now of a mother who is house girl and the father in-law who is a doctor. The husband happened to have dead in a road accident, and the daughter in law as decided to live on two million shillings, she cannot even give the father in law even ten thousand. It now becoming a legal case. What I am saying is I think the law needs to put the protection on somebody that will need some share of that. Of both protecting the widows and the children. The society should not neglect and just mishandle them.

Com. Yano. Thank you very much Mary for your view. I have been told farther Mugo is now with us, kindly come and give your views.

Father. Stephen Mugo: Thank you Commissioners and thank you for also coming.

Com Yano: Yes father repeat your name so that it can be recorded.

Father Stephen Mugo: I Father Steven Mugo. The first point is about the law. The law in Kenya aims for everybody. And nobody who is indeed above them. Everybody should keep them. And the problem in this country is many people over look, jump and go away with it. And the law is not keep, even in the judiciary we are going at, we need to strengthen them in the present Constitution today, has not been keep, that is why we have the judges. We need to keep the law, every body as to keep the law. No body should be above them. And if anybody goes against the law, should face the law.

Then the seconds aims about education system: I think we have touchéred people, by these system of education. People cannot keep, cannot be bound in the whole world and the whole couldn't help it. People should be given Sciences, appoint once, parents to give room amongst talents.. And not to be given useless unnecessary thinking we are opening the mind that is why we a lot of people doing nothing. Because they have been taught, they are not even interested in them. How can a person do things that can be done by a machine. How can somebody go to some issues of fourteen subjects. We need to have few subjects but from primary school to secondary school somebody should know what one is aspiring to and put an effort towards it. In universities, let them put two three or even one subject. And if the whole world is not going to question. That is why we have even we call them adults of people who have gone to school but they are nothing out., they don't have anywhere to go.

Then the third point about the Environment. I think we have got and destroyed our environment, and these has come about trough corruption. Corrupting in the sense that also for example we have put solders to guard the forests. And they have no powers to remove what has been inserted. What are they doing there now. That is why have a desert now. We have no water, the rain comes and normally all the pollution, because we have not keep, we have not managed, we have not cared

about environment. Make use and to help.

This is for you all listeners and the Constitution. There must be no extension of Parliament. We have the law to the programme.

Five years or four years and any people should keep to that. And you Commissioners go and ask for more time. Is like the students told, the examination is December and because they had not finished his work, he goes on to say, headmaster can you put it in January? You know that you have been given time, you accept that time, please don't discourage the Kenyans. We are heard that the Kenyans are sorted out that they hope in you, but the way showing your figures for listeners of views, also you are letting down. You are putting us down again. When are we get the hope. So there is no extension of parliament, there is no extension of the time you were given, do your work, citizens are have no have no extend, even if it late start it day and night. I know people look at much you have spend the time. Thank you.

Com. Yano: Thank you very much father Steven Mugo, may be he is one clarification I should make about that. Section two..

Father Stephen Mugo: Kenya is not religious state. Kenya is not a religious state. Kenya is a simple state. No religion was tempered what it is should be, to nominate and who or should be.

Com. Yano: Is something I want to ask about that, it is only this issue of extension of life of parliament. I think I should make it very serious to do you that these commissioners we don't have power. About the extension of parliament, only parliament can decide on that. Anything you want to commend on that.

Father Stephen Mugo: They are asking to extend the parliament because of you. It is your work. Otherwise if You finish up your work early, surely the issue of extending the parliament should not be coming in.

Com. Alice Yano: Can we now call upon Mathews Ocharo. But still I want to go back to the first list, there were people who were not there when I called that list. Is Julia now there, Julia Mugo, is she there? Elizabeth Nayahiro, she is not also there, Dr. M.O. Odongo.

Mathews Ocharo: My name is Mathews Ocharo, I have two issues, one is on the federal laws and the other one is on the Chiefs Authority Act.

Now the LPG of 1997, made the Chief's Authority Act, now the Chief Act, for those ones who comes from the rural, it took powers away from the chiefs and give it to the police. Which means that at the rural area, the Commanding Police Officer, the OCS, OCPD, was given the powers to administrate in case of theft, in cases that deal with community. Now I would like to make a recommendation, where by the Chief Act should be updated and the Chiefs given more powers and stop giving powers to the police.

When we were doing civic education in the rural areas, one parent come up with a very sad story, where by the daughter was raped, and she went to the police and reported the case, the rapist went and give a bribe to the commanding officer, and the case was scrapped. Now I am asking these, if the powers are given back to the Chief, the Chief comes from the local area, as opposed to the police officer who comes from very vey far. The Chief will have a say and even bit that particular case, because he is the person from the community. So I would like to make these recommendation that, the Chief Authority Act should be amended. Which is now the Chiefs Act. Give the chief some powers so that he can be able to protect the wanainchi. Because you go now to the rural areas, people now have became ruthless they watch a... all times because powers are taken away from Chief.

The other point on court, I think you can arrange you are more conversant on these. According to the level of law, if somebody makes or committe a crime, the person who convict him or give the sentence of the crime, is the police. These is where we go wrong, because if a person is convicted or got in robbery with violence or robbery with murder. According to the law of Kenya the person who has committed a crime that case is available.. But if you committed with a crime of murder, that is not then, . The other thing is that any person got hand having arms, dangerous arms,.....so I am saying these, we should not allow the police give the sentence of a case or to put the conviction. That I think should left to the court system, or a special kind ofso that I they can find something which should not be given to the police men to make judgment. Because if something happen, they prosecute, and actual sentence is done by the Magistrate. So it is the prosecution is done by the police, so I am saying these prosecution now should not be done by the police but by the court system, so that police man should not be corrupted, or give a bribe to give a lesser sentence, because now these as displaced our chief to use these kind law to cause lawlessness.

I think that is all I had thank you.

Com. Riunga Raiji: There is an issue I wanted clarification. Is these question issues that determine the rape case that was notthe problem is that, corruption.....even in the PG there is no laws state that sentence to twenty years.....so the problem is corruption, the proposal now is corruption in the in the police post or in the arms of government, because it is also possible thatin other venues that Chief Officers to be corrupted. So I think you have some recommendation on those act and corruption in the police and else where, then that will stop the problem we are having elsewhere.

Mathews Ocharo; I just wanted to say that initially, we used to report to Chief, the Chief had power even to go to court, to be a witness, in any case had come. But now since the powers have been taken away from him, they have been given to the police, these are when the problem comes in. So we are saying the Chief has more kind, he is more mercy full, because he comes from that particular area where the crime has been committee are supposed to be OCS or OCPT who comes from

very far.

Com Yano: Now thank you very much Mr. Ocharo, we have P.J. Kabati. Gakuja C. W. Be followed by Elizabeth Nyakiro, is Elizabeth there, Nyakiro, please come, P Adoyo, is a Adyo there, you sign yourself then you can talk after Elizabeth.

Elizabeth Nyahiro: My names are Elizabeth Nyahiro, and I am here to present a memorandum, to the Constitution Review Commission of Kenya by Children's Rights stake holders and they have a memorandum, these are the compiled papers.

Now, we the stake holders of the issues concerning children considered compiling the provision for Children in the Constitution for our sister countries of Uganda, Ethiopia, South Africa and India and have considered international trend to the provision a of international instrument protective of children's rights. Key of which are like the United Nation Combining of the Rights of the Children. Believing that issues Governance are close to our society, and that the principle that should guide our Government should be manifested in our Constitution.

We call for the inclusion of a preamble in our Reviewed Constitution that impresses fundamental values which would be essential for protection children of Kenya and which include freedom. Blessed women have the right to live their and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice.

Participation: Democratic and participatory Governance based on the will of the people rest assured this right.

Equality: No individual or community must be denied the opportunity to benefit from development. The equal right and opportunities children, women and men have to be insured..

Solidarity: National resources must be managed in a way distribute the cost and purchases, shared in accordance with basic principles of security and social justice.

Aspirants: All parties must respect one other.

P.....:must be shown in management of all living things and natural recourses. Shared responsibility, responsibility for managing our economic and social resources and development as well as strength to national peace and security must be shared among all Kenyans communities.

Featuring to human rights: The recognition of and commitment the core idle of honest, morality, and respect must be our defined public philosophy and a father of conduct as people.

Responsibility of citizens: We recognize and appreciate the fundamental of every Kenyan Citizen in protecting the Constitution and holding the rule of law and preserving our nation heritage into prosperity.

Constitutional Principles. Number one, distinct recognition of children in a special section and at the bill of rights. Children are like distinct category of citizen deserve a difference Constitutional identification and bill of rights.

Definition of a child, nationality of citizen rights: All Kenyan Children have the right to a name and nationality from birth. To automatic citizenship, although born of a Kenyan female or male, parents in Kenya or a broad and subject to law made to their best interest, to know and be cared for by their parents or those entitled by law to bring them up.

The right to life and the basic rights. Children have a right to life.

Right to Education: Every child should be entitled to free and compulsory basic education at affordable subsequent education. Both of which should be the state responsibility to grantee.

Number six, protection from abuse and exploitative measures. To protect the children today is to grantee a secure tomorrow. Every child should have the child should have the right not to be subject to exploitative practices, neither to be required to be perform to perform work until late, which is harmful to his/her education, health or well being.

Number seven, Basic interest principle

Number eight, special Constitutional office for protection of children. To grantee effective protection of the child and ensure full enjoyment f right due to all children, the Constitution should establish a special office named children ombudsman. These will be an independent Constitutional office vested with full security of tenure with proven mandate among others.

Prosecuting violation of children's rights in any court of law and Kenyan and handling all equal issues regarding children accordance with law. In questing law, policy and practice when we have dealt with human right of children. My time is over but I am handing it over o the Commission. Thank you.

I have something to justify, children, retain governance, the reviewed Constituion should provide a verify for children voiced to be heard.

Succession and Community rights, the constitution should have provision to enable Kenyans to preserve their culture in a ...rights of the child. Every child as the right to a name and nationality from birth. To family care, parental and appropriate

alternative care from removed from the family environment. To basic nutrition, shelter, basic, health care services and social services. To be protected from down treatment, neglect abuse or degrading

Com. Alice Yano: Elizabeth I have beensometimes back, I have children presented to us and two of them insist that they should also be served a seats in parliament so that theirand they were also saying that they wanted to go focused in life, like having title deed and I was thinking may be you should make a clarification in regard of that issues. If it is okay, how should it happen.

Elizabeth Nyahiro.: According to what was recommended by these organization, they clearly indicated that, there should be somebody to get back to the children, and talk to them about their right, if it is in parliament, they should have a representative, somebody who calls the children and finally tells these are your rights. It had been discussed that we should do these and these. For example some street children they have their rights to life, they have rights to shelter, food, security and they should not be mouth feeded, and we that unless they are taught of their vital of what they should be doing, I don't they will be able to know and represent themselves.

Com. Yano: There are some more questions

Com Ruinga Raiji: You have proposed that we have some form ofgood of good shelter, you said something like in form of tribunal court during violation of the.....don't you think that it should be in form administration and protection that is given by their local courts.

Elizabeth Nyahiro: I feel that, I think that they should be somebody which says that there should be somebody who knows the children right or who knows the law of children. To seat with them and explain what should be done. And be giving them the paper.

Com. Yano: Thank you very much Elizabeth, the next one is B.Adoyo, followed by M. Njuguna, Dan Oluolo.

B. Adoyo: Thank you Commissioners, fellow citizens, my concern is with Kenyan Motto. A motto is very important instrument of Nation and give a Nation the vision, gives the nation...

Com. Riunga Raiji: Sorry you have an organization NPC?

B. Adoyo: Yes, I am representing Nairobi Pentecostal Churches and the Christian Pentecostal family. I was saying these a motto for a nation is a very important instrument, most of the citizen and for the whole Nation. They have to hand that motto knowing that it is especially to the Nation.

Now I will get very once I read these study, when do we tell our Kenyan motto about it, and the systems of technology and origin of words and in terms what we have adopted are very important. The word adopted that are not having its roots in the Kenyan languages, public languages, solicit other languages or if it a langue, languages that make sense hata tutumie Kiswahili. Harambee come from the objects. Meaning ambe to hail an ambe ...

Now cousins, you have done research, I have done mine, and you can see all over it, Indians type of ambe, and harry, you see Harry Krishna, you see Harry Rama and is held on those rama's. And know what is Kenya in praising ambe. I mean a Hindu goddess. Every thing the way we have three hundred thousand Gods and mostly for things that we get for worship are few of these powerful ones. And one of the powerful one as I submit to you is ambe. Ambe believe to have powers in about every other goddess in Hindu religious. She is a very powerful goddess, when many others, the goddess of health and strength, she is the goddess of Commerce and Industry, and you will not miss her in her in any Hindu shops. She give prosperity and fertility. She isand present. I willthe supreme ruler of the universe, she is a prosperous chain ambe man, every goddess mother and how to go in the trap? Of hailing and into goddess as our motto. It is believed that the Kuris from India, not believe in writing, who come from India to Construct the railway line. From Mombasa to Kisumu, will enforce the health and strength of Ambe. As they tooled the marathons that tooled the rail rods. They were saying harambee, and they jail. In other thing, in other words, hail of praise ambe and they will respond jail. Now when the African word that new that come to our system and do that they adopted it to mean pulling together.

Com. Riunga Raiji: Excuse me Mr. Adoyo, while I am enjoying the History, please note the limited time in which you have to give your proposals, if any so that we join them on what you are presenting.

B. Adoyo: Now these is a proposal, the Kenyan Motto, is not useful enough and if found in unto burns and entry administrative arm of the Government in our Constitution but I am here to say that infringes upon may cadency to have these manual legend. I am forced to hail or farce upon goddess that infringes my Constitutional rights to worship the God I want to worship. We have in adjacently forced every Kenyan. Also it infringed every Kenyan Right by causing them to praise Ambe, ambe, and I suggest, I highly propose that we establish a neutral Motto. Each District was strictly sure to say we could have it but it could have it with another meaning, I would say that, now..... do charge use it by saying that now that they charged we need something else. It also be very close association without any of praising an ambe we should charge it. It highly infringes upon the Christians in these land who are 80%, the Muslims who do understand as far as that. And I suggest that in your Constitution, highly suggest, that they adjust a natural motto that will cause every Kenyan to run behind what our motto is suggesting. Otherwise these one , as a Christian I am presenting other Christian it highly infringes upon my Constitutional Rights.

Especially when you say in the spirit of harambee, in the other spirit of any ambe, that is a spirit and I pass these Commission, please let us adopt a natural and in anywhere else indicate, or imply that me as a Christian are being forced to ascribe to other religion. Thank you very much.

Com Yano: Thank you very much bwana Adoyo.

B. Adoyo: Ladies and gentlemen you have thought of mottos, you can adjust one that is prosperity with patriotic.

Com. Yano: Thank you very much Mr. Adoyo come and registers yourself. Can we have S. Njuguna, is S. Njuna there. Dan Ololo, K. Mutui, P. Shah, don't talk, to be followed by Ben Ngujira.

Diban Shah: Thank you Commissioners, my name is D. Shah. I would like to talk on forests. Okay forests are being cut down. Forests bring rain, everything that is done, the existence of forest in Kenya is not enough, to encourage rain in regular basis.

We have all said many timesdue to usual jobs, why? Do deforestation of our forest will continue, we will have less rain and more drought. And the drought will occur more. And before we realize these, our country will have gone into a desert.

There fore if you we want to avoid Kenya from going into a desert, it is intelligent, and I repeat it is intelligent to that we stop cutting down our forests.

Com. Yano: Thank you very much Mr. Shah, can you kindly register yourself. Muchira followed by Joseph Mukohi, is Joseph Mukhoi there? Are you same Joseph who presented yester at Kiajiado. Then I told you were are going to give you time here, you have already recorded your presentations and you come again.

James Muchira: My names are James Muchira, I am going to talk about education. Primary education should be cost sharing between the Government and the parents. Theses is to avoid the laziness of some parents. If you have powers to give birth you should also have powers to give to your child some money to go to school, shelter, clothing, education and health. Let it be a girl who needs education, a person might end up having ten kids because he know that there is free education and these will be burden to the country. Educate them on his own is a lesson of family planning and it should be implemented. That including seeing an irresponsible parent to be called to show they go to work, to being able to bring all these kids up and he wouldn't be able to educate the them.

I also need to talk about inheritance. A woman should only be allowed to inheritance. A women should only be allowed to inherit her father wealth if she didn't not marry can not get married or to give birth or produce. Starting at the age of forty years

and above. If she is married, she should have the courage to inherit his husband's wealth after the death. In case of divorce, she should only get half of what they had together, not to have all the wealth and becoming hers.

Then the issue here is the girl child having double inheritance and also reduce the interest where females kill their husbands so that they can inherit their wealth.

Affirmative Action Since women are fighting for equal rights for equal, then let them fight along with men, because both have the same power of voting. Affirmative Act should be applicable only to those with disabilities. They should have their rights to appoint the representative to the parliament.

A woman has a right and duties indication performed by a woman. Right away from the begging, let go back to what the religion and our tradition as Kenya teaches us. We should not adopt to western influences.

Passports and ID: All these should be, ID, Passports and electors cards, all these should be issued at the same time to avoid inconveniences. But should be given with a lot of concern to avoid outsider in joining in these country. I recommend that both the Elders, Chiefs and Councilors should be concerned about these issuing. Thank you very much.

Com. Yano: Thank you very much Mr. Muchira, kindly record your memorandum with the secretariat. David Yamina, Michael Kinangu, then Michael Kinagu will be followed by Elizabeth had given her views I think so. Please come, go on.

Michael Kinangu: Thank you Commissioners and listeners. My names are Michael Kinangu from Westlands.....My views are following on these political parties. Political parties, since 1992, up to now, it is held up in Kenya 1992 and 1997, and that period I have seen that, they have not been encouraged by the ruling party, political parties. In the new Constitution I request it whether we can promote political parties, because they have the sketches for the bringing competition of the ideas in the districts. The act as instruments for handling politics in our Country. They....for political organizations, for example, to govern the peopleand develop the country. They also indicate the poverty in our country. So I am suggesting that whether in the new Constitution that help to support them financially because some of them financially poor, they can't even develop their areas.

It is also help that helps us to be decided so that we are assigned of the chiefs and to being harassed by the police. They can help it to be chosen my opinion. Even include human rights and also govern these by rules of law. Thank you very much.

Com. Yano: Thank you very Mr. Kinagu then after we have C. Wanjiku Isha, John Kangethe, Cllr. Sara Ajwang.

Cllr. Sarah Ajwang: Thank you very much Commissioners. My names are Councillor Sara O. Ajwanga. I am here to talk on behalf the Slums Women in Westlands. And we have represent choose themselves in to groups, they are about 30 groups

and these are listed and the list is listed here.

I will request you the commissioners to let me read, although it is written in English but I will talk in Kiswahili so that they can understand what they wanted to be put.

And before I say anything I request them to stand up so that we them, and know who have written these. Wamama msimame tuwaone.

Com. Yano: Councillors Sarah Ajwang may you take more Kiswahili and so you can try and talk in whichever language you think.

Nitaanza, tulizumguza kuhuziana na mambo ya inheritance of property na land. Walipendekeza wamama wanapata shida sana kwa sababu wale walifiliwa na mabwana zao, huko manyumbani hawana haki ya kuzungumzia mali ya mabwana zao. Na wanateswa sana pamoja na watoto wao. Na hawesi kuzungumza kuhusu kupewa especially ukiwa wewe ni msichana wa sehemu fulani na umeolewa province fulani. Ikifika wakat ambapo kifo imetokea, unaambiwa urudi kwenu na ndugu zako wakukawanyie mali. Lakini ile ni ya madugu yao.

Walizungumza pia kulingana na in-laws interferences. Kwa sababu watoto wakizaliwa, kuna watoto wengine ambao mama alienda nao kwa amme wake. Wakati waliona walipendana, lakini, bwana akamkupalia aende na huyo mtoto ama hao watoto.

Lakini ikifika wakati mtoto ahanze kujenga ama anataka kuolewa, hao mashemeji waruka pamoja na bwana yako, wanasema hawataki kuona huyo na hawezi kujenga. Wamama wakauliza watafananya je na hao ndio waliza hao watoto na mme huyo alimpenda wakati alikuwa anamuoa?

Neno lingine ambapo wamama waliuliza, sisi sasa tuko grandmonther, msichana anazaa kwa nyumba yako, kijana pia amepeana mimba kwa msichana mwingine. Wewe kama mzazi unaletewa hawa watoto kwa boma, hawa watoto wamanakua wakubwa, wewe mama utalasimishwa kutoa watoto kwa hiyo boma. Utapeleka wapi? Hiyo inasheria ambapo inalinda hawa watoto wote wa wale watoto wa hilo boma na mali ikakawanywa ikawanywe kwa watoto waote bila kufuza huyu ni wa msichana na huyu ni wa kijana maana hakuna mahali wataenda hawa watoto.

Naneno lingine ambalo walizungumzia ni masomo. Zamani tulikuwa tukisoma, vitabu vilikuwa vinapeanwa na mashule ya masomo na kuandika. Na siku hizi ni ngumu sana mwalimu anfukuza mtoto kwa sababu kitabu cha kuandikia kimeisha. Na wakati huo wewe pia mama hujapata senti ya kunua kitabu. Hata ya Masomo huna. Mtoto yako atakua akienda na hasomi kwa sababu lazi atumie text books ndio atoe esabu ndani ya next book, ama atoe maswali nadani ya text book. Walimu siku hizi waandiki kwa Black board. Wanaomba hiyo sheria ya zamani choke na daster, walimu watumie kama kawaida ili watoto wa-copy notes from the black board na watoto wasome wapewe vitabu.

They also give us to here, ya kumpa kila mtoto a-benefit kutoka na pesa za masomo ambazo zinapelekwa, yaani busaries. Inaoneka busaries siku hizi ni ya wale matajiri, ikifika huko matajiri wanajuana, headmaster anampatia mtoto wa masikini anakuza masomo. Na hiyo tunapata machokora wanakua wengi kwa m-streets. Hawa sio machokora, for example, watoto wa kutoka Kithongoro, Kahawangware, asubhi wanaamka, wanaenda on the street, njioni wanatembea vizuri sana, wanajua sisi kama wazazi wao, kuna wengine wanaenda wakaajiriwa kwa watu, because ni wale wale watoto tumewazaa, lakini hakuna namna. Ukimpeleka shule mwalimu ndio yule kando karo imekozea, sasa wanakuwa machokora lakini ni wetu wanarudi nyumbani njioni, walale nyumbani usiku, asubuhi wanenda, kwa sababu ya cost of education is very high.

Wamama wanauliza, education ianze free education ianze kwa mtoto kutoka nusery mpaka primary, ili mtoto afunguliwe macho na akenda secondary busary ikawanywe vile masiki unakuwa.

Basic Rights: Tulikuwa tumezungumza na tumetajataja huko, lakini hapa tumesema community based health care iHINGIZWE NJINI NJINI YA VIJJI. Isiwe kitu inasemwa kwa mahoteli, kwamba wanazungumza wanapitisha na innocent mwanainachi ako kule kwa kijiji kwa grass-root na ahelewi ni kitu gani kinaendelea. Pia wamesema vitu kama Health Control Management, Population Control Measures and Nutrition, yes, Serikali inapikana na wanazungumza lakini haifiki kwao. Hawajaona hata hakuna mtu ana office. Wanang'anana na wakonjwa peeke yao, wanawasika na hawafikiwi. Wangeomba law intengeneswe ambapo wale leaders wakichaguliwa wachaguliwe from there community wakipanda juu.

Neno lingine ambapo walisema security, Police station iwekwe katikati ya wanainachi. Ikiwekwa mbali zaidi ,inawajukua muda wawafikie. Kitampo wafikie, waepikwa, wemeuawa na ndiye inakuja wizi mwingi.

Pia tulionelea regular patrols ziwewe sheria ambapo hawa hao ma-police, hawafahi uniforms kwa sababu sasa it is very difficult kua-identify police na mwizi. Kwa sababu wote wanakuwa sawa bila uniform. Pia wame-suggest iaandikiwe na law ya kukupalia police ku-shoot. Kwa sabu wanainachi wanapikwa risasi na wengine wanakufa innocent mwanainachi ambaye hakukua ameusina na hiyo kifo ama risasi limemfikia. Limemfikia bila yeye kujuwa. Sasa kuwe na njia ambapo ina-insure innocent, the innocent life ipotezwe na hao ma-officers.

Politics: Hao wanauliza who should finance the campaigns? Kwa sababu inaonekana siku hizi uchaguzi, wale wanachaguliwa ni wale amatajiri wako na pesa . Ikiwa huna na and you are a good leader, huwezi kuchaguliwa kwa sababu watsu wamaaribiwa na pesa. Sheria ingewekwa ambayo ina-control utoaji wa pesa nyingi ama mtu wa pesa nyingi ndio awe na cheo ndiy aongoze na labda wako na mtu katikati yao ambaye anaweza kuongoza.

Pia wanataka wamama wafikiwe sana, wakati ambapo wanachagua wale wanakuja kusimama kwa mbuga na madiwani. Walemavu wafikiwiwe. Na the minority pia wafikiwiwe. Youth pia wasizauliwe iwe balance portfolio iweko katika jamii.

Pia tulifikiria tuwe na elimu kidogo ambayo inampa mtu anaweza kuongoza. Awe ni civic leader. Presidential, hatung'ang'ania ma-degree kwa sababu unaweza kuonza hata bila kupita lakini awe ni mtu ana-understand leadership. Unaweza kuwa na capabilities ya kuongoza bila yeye kuwa na hizo ma-degree. Na tunapendekeza mtu akizizitiwa awe nominated kidogo anonyesha kama amesha lead wapi ndio iqullify yeye yeye awe kiongozi. Maana wale wanajukuliwa na 3C's ndio wnaleta taabu wako wakati huu. Kwasababu bali nazungumza.

Com. Yano: Councillor Ajwang, sijui kama ungefufupisha kidogo.

Cllr Sara Ajwang: Nimemaliza mama. Nimemaliza. Ya mwisho sisi tunasema kuna wanaume wanosa watoto wetu na wanakaa nao kwa kiurafiki, for ...hii wanaona kama ingewekwa sheria ya guard against misuse or a buse of the conception ya huyu mtoto msichana kukaa na huyu mme wako kwa miaka tano sita halafu atakuja kumruka anasema mimi sikuo wewe. Rudi kwenu. Amekuwa mzee hakuleta mali, kezi kama hiyo itafanywa namna gani? Tungetaka sheria iweko, mtu ikizaa na mtoto yako, akae period kama ni one year , two years awe imeptishwa amekaa na mtoto yako na alipe mali. Badla ya kumtupa arudi kwako na hutatoa akishaolewa.

Thank you.

Com. Yano: Asante sana Councillor Anjang, hapa kuna swali tafadhali, ingewezekana kama ungejibu.

Com. Riunga Raiji: Asante sana madam councilor, ulikuwa umetaja sijui tatizo la watoto ambao wamezaliwa inje ya ndoa na watoto wetu, na ulikuwa umependekeza hawa watoto wachukuliwe kama watoto wa boa hii. Lakini hapo mbeleni watu wengi walikuwa wamependekeza kwamba wakati baba anakawa mali yake, hawa wasipate, na kuna uridhi, na ilipendekezwa kwamba kila mtoto ikiwa ni mwanamme au mwanamke, apatiwe kiasi sawa. Uwezi kusema tulipatia kama tungetaka huyu mtoto wakike asipatiwe sehemu yake, na mtoto wa kiume apatiwe sehemu yake, Je mtoto wa kiumme anaweza kupatia hao watoto wake hiyo sehemu?

Pili, ulitaja hii tatizo la ya watoto wetu kupata watoto kama hawajaolewa, hapo zamani kulikwa na sheria ingine ya kuweka into application and then iseme kwamba mtoto akizaliwa, nje ya ndoa ni lazima baba yake amtunze mpaka umri wa miaka kumi na minane. Je ungependa kuwa na sheria kama hiyo irudishwe?

Cllr. Sara Ajwang: Asante sana Commissioner, umelinga hasa,na sirudishwe ili sisi tupumzike. Hapo umeweka tiki.

Com. Yano: Asante sana councillor Ajwang, nasikia ningetaka kukuuliza wale mama umekuja nao, ni wangapi ambao wana-represent ama ni kutoka region wote.....

Cllr. Sara Ajwang: Madam Commissioner ilikuakikishia wewe kidogo ningeta ten of themkukundi kutoka huko to introduce your names haraka iwezekanavyo. Waikishokoro, mmoja aamke, Huruma, mmoja aamke, Kachoni mmoja aamke, Kilimani mmoja aamke, Loresho mmoja aamke, Kangemi mmoja. So that is all. Thanks.

Com. Yano: Thank you very much, can you record your memorandum then you register with us. This chance we want to say that we have reached the end of our morning session, we want to move to a short break for about forty five minutes and come back and will back here at two, ten sharp. The people whom I would want to be here even earlier than that so that they can present, is Cyrus Kabunja are you here, please be here around exactly two ten, Kennedy Musalia, Charles Wambugu, if you here your name I am calling out so that you go and come back when we expect you to be here. Philomon Ochieng, Accessnard Kakendo, Roselyne Mutie, Dancan Mathenge and Virginia Jane. Thank you.

Com. Alice Yano: Okay go on tell us.

Derrick Musina: My names are Derrick Musima from Young Men Christian Association and I am here representing the views and recommendations of the youth in Kenya YMCA. YMCA is made up of 25 agents which are scattered all over Kenya and I am going to present the views of those 25 agencies. The YMCA youth all over the country --
------(inaudible).

Preamble- the current Constitution has an introduction that simply says we own the Constitution and why it was drafted and how the public will be behold the new Constitution being reviewed and then preamble and the YMCA youth hereby propose such a preamble. We the people of the Republic of Kenya recognize and respect the blood shed by our fore fathers during the struggle for independence. We therefore need----- (inaudible) respecting the community and -----(inaudible) the current constitution gets the President as the head of the government and the head of the state. It doesn't define the duties of the head of state and also the head of such government. So the constitution also subjects the parliament and the executive, it does not give enough power upon parliament and ----- (inaudible) therefore the Kenya YMCA youth propose these powers to put down in the new constitution and hence clearly apply the duties -----(inaudible) that is separation of duties of the head of state and the head of government these new good powers in parliament are making the president -----(inaudible) cabinet ministers, AG.

The judiciary- one ---(inaudible) the current judiciary.....

.....
.....(inaudible). Because of time I will not be able to continue so I will just hand over the memorandum to the commission.

Com. Alice Yano: Thank you very much Mr. Mutima we are grateful that you have a well-written memorandum and we shall ensure that your views are taken care off. Maybe I should make a reminder on what we are suppose to do with the memorandums, if you have a written memorandum kindly touch on the subject issues just touch on some issues you don't really have to read word by word to us that is our work later we sit down and read the same and therefore we are giving five minutes for those who have a written memorandum, if you don't have a written memorandum we give you ten minutes to give all your presentation, thank you very much. The next one is the people I had called out in the morning and they were not there now I am repeating it for the last time, Kabunga T.W, followed by S. Njunguna is he there Dan Onolo, Kiayi Mutuwi you are there so fine you hold on there you shall come after Kabunga thank you. Go ahead.

Kalistus Kabunga: I am Kalistus Kabunga, good afternoon.

Com. Alice Yano: Good afternoon to you.

Kalistus Kabunga: I want to talk about the remuneration of the MP's or members of parliament, you realize that it is the same people who are suggesting about the day they should be paid so is like someone is trying to search and you know what to expect in such in a case so their should a modality of getting this or who should set how these guys should be paid. And again on the kind of comments that our leaders give about each other especially in parliament is like we have this tag of war between the young turks and the older and you find that somebody like that can speak anything and you see they are our role models, whatever they are doing, whatever they speaking would humiliate them and you see we need to set the youth a good example.

About the youth or generally the active people in this land- it's agreed that's where problems come in. The biggest problem I think we are having is to get people use their energy constructively. We have people who are active they have the energy, they are learned and they are able to be involved in to some activity here and there but you will find some they have to choose their role models, some have been involved in drug trafficking and using of these drugs such like things and adding that if someone has been groomed may be rightfully the early age he will not just be supposed to be doing anything even if there is no job. There is another way of doing something that can be useful I think so and so that people will not just be seated because of lack of jobs we have to help ourselves in the situation the way it is.

We talk of schools and I will talk of career master I believe that this part is very important career mistress it is very important in a school, we realize that many times we just want to encourage people to take science subjects because they are marketable but in real we don't look at the abilities of this person, we don't look at what best he can do some of us are not talented

academically we may be having another talent that even help you earn your living in further but we.....(inaudible).

So in the long we are talking of half baked trainee or half baked person and when we are talking of him being half baked now, we have baked him ourselves so their should be a way of getting people realize what they can do best especially when they are in school and I know that will be of use. To many people again it will help us not to have people who are not confidence may be in one way or another we have gone to(inaudible) so you except me to be confidence and you will respect that. Another thing is that when we are talking of free education, we need to define what free education is in this case. Otherwise when we just say we want free education for all people, some people will result to laziness, they waste themselves out and they can not do anything, I don't need to anything you see it's free education and so let us check if what we are saying will encourage laziness and therefore unproductivity in the country.

I want also to touch on a point the kind of schools in which our children go to, it is like if school doesn't have science facilities it should not offer such service you see may be if there is a school here and I hear that is a marketable, I also want to take a science subject but there is no language in the school so how do you start learning theology when I am(inaudible) I don't know what it is yet I know what it looks like. So only schools with those facilities should offer those particular subjects. For that matter that will help us to distribute or to see if a certain region needs a particular school and how many are there or how many pupils can be taken to that school.

I also want to take on the provincial administration and the local authorities how they respond to some of the issues like when the (inaudible) get the central business district you see I believe the guy responsible should be brought to accountability as to what they should learn posted in such a matter. You wait the focus get restricted then you deploy policemen to chase after them why don't use the same pattern to provide for a way or rather to create space for these guys to where they should sell there things and I believe that is creating a society which people would like to struggle with nothing.

I also want to talk about the street children as someone said earlier they are not just street children for those who are parents these are our children and for those who don't have these are our brothers and sisters and so I think that the government is not unable to remove to remove these kids and these people from the street and put them into a constructive place or (inaudible) place I think it's not unable, I believe it's negligence of another kind of let it go the way it takes it's own direction. With these few remarks thank you very much.

Com. Alice Yano: There is a question for you?

Kalistus Kabunge: Yes

Com. Alice Yano: Bw. Kabunge you did say something about free education encouraging laziness but I did find later your

specific recommendation are you saying perhaps the.....

.....(inaudible).

Kalistus Kabunge: Thank you for reminding me of something I was forgetting, when you talk of free education for the children, there should also be education for adults especially those who have not gone to school, they tend to think that whether free education has room for them to lazy around or(inaudible) and except things to work for them so as for the people who are(inaudible) they should not just be told that there is something free here they should(inaudible) and appreciate what is coming freely to them and it should be that all children who have reached the age of going to school should go to school learn without paying anything otherwise

.....(inaudible) as long as I am the one handling the money as a poor person even if I am(inaudible).

Com. Alice Yano: Thank you very much Mr. Kabunge, the next is K. Mutuwi Murethi can I know whether Julia Mumo is here is she there?

K. Mutuwi Murethi: My name is K. Mutuwi first of all my I apologize to the commission(inaudible).

One – My recommendations

.....

.....(inaudible). One thing we should all excel back it should make it very clear through the parliamentarians that they don't have free bed(inaudible).

Number two the insecurity council that records the population of the public is not empowered because we can not say that this(inaudible) because there is no such power we should make clear in the constitution that the public has the right to suspend and raise and detain to the authority hand over to the authority.....(inaudible).

The other thing I am talking about is there is so much corruption.....(inaudible) I am suggesting this in our constitution because we are dealing with natural resources and human rights especially when it comes to.....(inaudible) a lot of money is put into

.....(inaudible) I am saying the public should be involved in this constitution not just a hand full of opposition from I don't know where.

Next one.....(inaudible).

The constitution should be restored after all it has been here for about 80 years and it has done well. Commissioners and Board of Commissioners I didn't say what I done, I have calling lecture part-time and I am a retired civil servant. Thank you.

Com. Alice Yano: Thank you very much Mr. Murethi we have some teachers here who have requested that may be they will be going back to class and may be if we could give them the stage, mwalimu Madaza followed by mwalimu Nderitu okay.

M. Madaza: Thank you very much, mine is in a form of a questionnaire to the commissioners who are here, jambo commissioners.

Question number one?(inaudible) the president will not call for the general elections before the new Constitution is replaced by calling it(inaudible).

Question number two, what benefits will the new Constitution(inaudible) if impeached those who will be in government after the new constitution has been put in order e.g. cases of abuse of office?

Question number three, in what language will the new constitution be written to enable the Kenyans to read and understand it properly. The constitution being the main document would there be subsequently translations to enable every Kenyan to understand the document.

Question number four, how effective is the new constitution going to be from the present constitution?

Question number five, if the new constitution will not be ready if the new constitution will not be put in place by the next general election, what are the main reforms that will be put in place to ensure free and fair elections?

I hope the commissioners will address the questions faithfully.

Com. Alice Yano: Thank you very much Mwalimu Mwadaga and second Mwalimu Nderitu

Mwalimu Nderitu: I have the same questions.

Com. Alice Yano: They are the same questions okay thank you very much for your questions now we move on to David Liamina has he come by is he there now David Liamina, C. Wanjiku P. Shah, am calling out for the last time if you are not there right now then I will not repeat. P. Shah is she there, John Karere, Silas Owiti Okeyo you are there prepare yourself.

David Liamina: Okay thank you so much, I have the opportunity to present our written memorandum but as (inaudible) I have to say something small.

My proposal is that the electro office. The elections I propose the election commission should be empowered to put in place a maximum limit of expenditure. Not every company will supply to our political expenditure. If anybody exceeds that expenditure then he stands to be disqualified for the election, this will put in place at least equally opportunities for those who have and those who don't have.

Secondly I propose the establishment of planning commission just like the constitution review commission. A planning commission should be put in place to ensure that effective use of the resources in the country is utilized. And they should be answerable to Parliament in the sense that they have to come up with proposals and plans which are(inaudible) and after every one year when we are having to revise the budget of the country, the planning commission should be able to come out and involve the public on what progress they have made and what are the other requirements they will need to extend their plans for nation. This will enable us to be able to account for the money that we spend other than the many plans and(inaudible) that we have in the planning ministry, which have never been implemented. It's a poor issue and the fact that we have so many plans in the country but implementation has been a problem because for one the public doesn't have any confidence in the implementers who work there, Government officials and parliamentarians.

Thirdly we want to have measures as pertains to discipline in public offices. When we talk of discipline we want the rules and regulations that are normally put in place for anybody as far they are working in an office to be applicable also to parliamentarians. An aspirant who has got a poor discipline record, a criminal background should not be eligible to vie for any political seat besides that I will also suggest that misuse of office at any point be it in public like for instance the case where we have Ministers who have got cases in court and because of the influence of the Government these cases are poorly handled immediately a Minister has some case in court since the Government controls authority of the public, should be suspended from the office immediately until further notice.

About the city council, I propose the division of authority whereby we should have an establishment like the Nairobi Development Authority, which will operate on currently the Nairobi City Council. Meaning that the local authority will be strictly concerned with planning and implementation of the city. And the City Commissioner will be basically concerned with the maintenance and collection or revenue.

Forms of government, I propose a form of government which accepts federalism. A form of government that will have a President that is none partisan, a President that doesn't belong to any party and whoever has to come out to be the Prime Minister should be called upon by the President after the elections from the party that has gathered the majority of the seats in Parliament. Besides that we should have an allowance for the formation of a collusion government the party that is called upon to form the government should be given a limited time to prove it's majority support in the house failure for which another party will be called upon to form the government.

The other aspect is about qualification(inaudible) office that is in Parliament. Whenever we appoint parliamentarians for jobs they always ask for our qualification, when it comes to us employing MP's we also want to their qualifications. We should have a basic minimum qualification based on academic standards in the country up to which a member should be eligible to vie for a parliamentary seat. During the nominations they should use their credentials to qualify somebody to be eligible for a

parliamentary seat. This also affects the civic systems.

Interjection: Com. Alice Yano, you have a minute to go.

David Liamina: Okay. Lastly I will also suggest that the continue to delays in paying retired Government workers by the Government, until they have reached a period of up to one year I don't see why the Government should not pay that worker with interest(audible) because the Vice-President didn't sign the cheque in time. It makes it possible for the Government to delay paying the workers their retirement benefits and they still give them the same same amount that they were required to get at the given time. So those are the proposals that I had. Thank you.

Com. Alice Yano: Thank you very much Mr Liamina, Silas Owiti and as we are having Silas Owiti presenting can we have Jamuhuri preparing themselves the line is long.

Silas Owiti: Our Commissioner and members of the public my name is Silas Owiti Okello from Parklands division. I want to talk about issues on Local Government. We felt Mayors and their Deputies should be elected directly by the public and serve for a term of five years while the Chairman of various department in our Councils should be people or should be Councilors with relevant information or qualifications about those departments. Election of Councilors, recognized leaders should be allowed to vie for Councilors post with any minimum education level but our education system should be improved to allow all school children going age to get education well adult education should be encouraged to minimize the level of illiteracy in our country.

Another issue on housing problem in urban areas, councils should be compiled to have continuous housing development policy for rental houses, for income class earners while private landlords should be controlled not to mistreat their tenants.

On other issues, elected leaders Councilors and MP's should have office, should be provided with offices in their areas so that they can coordinator development projects and local people can also reach them.

Another issue is about Police, Police have the sole responsibility of maintaining law and order. And of late we have realized so many Policemen are involved in unlawful activities and if you have a problem if you report them at their police stations they are very reluctant to take any measure against their colleagues. So we are requesting they should be established accordingly to manage their police post.

On youth we have acquired education from schools we have even gone to colleges to acquire skills on various lines of skills, we have even gone further and formed youth groups but when we want to embark on development activities as you know nowadays things have gone high tech even if you want to collect garbage's you need a truck for garbage collection you can't do

it with a wheel barrow so we are requesting or am suggesting we have a way we can get access to financial institutions for loans to enable us perceive our development programmes that is all.

Com. Alice Yano: Thank you very much Silas Okello now can I have Jamuhuri High School Steven Tindi.

Steven Tindi: Yes Commissioners on behalf of Jamuhuri Student Committee I am glad to make the following recommendations.

First of all the introduction of the post of the Prime Minister to share powers of the executive like for example enhance the powers and responsibilities of Kenya President are too many for one person to shoulder.

Secondly, the(inaudible) system of Government under control of the Central Government. We don't want majimboism, which is a waste of money, and Kenya wants adequate funds and skilled personnel for this kind of administration. Besides Kenya is ethnically to inverse for diversive policies. Government to provide every device regardless of the control rule in offices so that they can take their work more seriously and be available to the public. MP's should not have powers to revile their own salaries, a committee should be set up to do this.

Fourth, decentralize and demolish the Provincial Administration and reduce the powers of the Chief in the devolution process, probably election of Regional Governors to replace the Provincial Commissioners.

Fifth, provision of fundamental rights and freedoms of individuals should be adequately implemented without partiality. Eliminate corruption and police brutality to change this.

Sixth, protection of natural resources, public land should be adequately implemented by Parliament.

Seven, the Constitution should provide what type of Government that caters for the best for equal basic rights of citizens for example food, water, jobs, health, housing and education(inaudible) without discrimination. This will crab thuggery and robberies in the country. The independence of the judiciary to be practically than ...(inaudible), they should be no power over the three Arms of Government. The new Constitution should ensure proper chain and balance of powers of the Government to enhance efficiency, transparency and accountability and to refuse abuse of power. Transfer of power of the President should be properly stipulated in the Constitution. There should be no loopholes. The 25% winning capacity for the presidential candidates should be abolished, should attach the mantle(inaudible).

Qualifications for presidency should include high level of education and expertise.

The education system should be well streamlined. The 8-4-4 system of education is too strainus. Student's come out of school

system half-baked and unable to deliver that is can't participate in nation building.

Political parties should reflect a high degree of national(inaudible) so as to enhance national unity, they engage too much in divisive politics. The Constitution should protect the less privileged in the society gender sensitivity should be promoted so as not to make women and girl child be marginalized and endangered species in society. The disable should have their rights protected too. The Constitution must suggest how to work out national disasters for example HIV aids and the youth in Kenya.

The rule of(inaudible) should be made to prevail in it's fullest conduct and no one should temper with justice or be above the law. Offenders that are criminals of petty crimes should be exposed at community level like being given community work to avoid congestion in prisons. A suspect not to be kept in police custody beyond the stipulated time so as to avoid torture by police sometimes leading to cell deaths.

Ministers should be appointed on merit. Most important thing how could the Kenyan Constitution ensure free and fair elections so that we have leaders of our choice and not those who abuse the power and money to become Government leaders. The Constitution should allow the Kenyan Council of Imam to appoint the Chief Kadhi. Death penalty should be abolished no one not even the Government has the power to license to kill. It is against the society norms and religious ethics upon which Kenyan laws originate.

Conduct of foreign affairs should not be the express duty of the executive. The legislature should discuss such matters before the executive takes action. The new Constitution should provide channels by which the common Kenyans even the highly educated are not aware of their fundamental rights and it is not a joy that they don't, they are not exposed to it. Thank you.

Com. Alice Yano: Thank you very much.....(inaudible).

Now we move as per our list Kenneth Musalia, Charles Wambugu, Philemon Ochieng, Hasna Kagendo welcome Hasna followed by Roselyne Eyan is she there

Hasna Kagendo: Thank you so much for giving me the opportunity to present my view and my first view is on bush doctors and hospitals. I want to say that the Constitution should be in a position at least to protect the common mwananchi from these bush doctors and hospitals as we know maybe in slums there are so many or small hospital emerging like I know of an incident of a friend of mine, he was suffering from a certain disease and he went to those hospitals and he was given a half dose and he come to buy later, so what I propose is maybe the Government should provide something which will be protecting us from these bush doctors and hospitals so that they may not humiliate us in such a way.

Another thing I would like to speak about is TBA for those people who don't know about TBA, TBA stands for tradition birth attendance I would like also to give of an incident of somebody who lost a kid due to this TBA, so I would like the Constitution to provide a license that because these people have been put there so that they can assist in extremes situations so what I would like to propose is the Government if they are going to put these people in position so as to help those women who are giving birth, they should take the responsibility of educating these people fully like a nurse if they are not going to educate these people fully like a nurse then they should do away with these people because like that person I am telling you she was in pain because of the kid which she lost and she lost the kid because of a mistake which was done by the TBA and the TBA didn't have enough information. So what I am suggesting is the Government of Kenya should educate these people to an extend that they will be able to handle each and every situation. Another proposal that I would like to put forward is this TBA I have been meant to understand ... (inaudible) I am not sure that they should implemented on that.

Another thing I wanted to talk about is attachments, when people are in college they are suppose to be attached so as I have come to learn is that yes people are attached but they are some people who don't have a place to be attached and when they don't have a place to be attached there are some companies who are refusing to attach these people and also there are these companies which are refusing to take somebody who doesn't have previous experience, so I would like the Constitution of Kenya to provide for something like each and every company should take a profession from that field and maybe a minimum or maybe four or five something like that to attach them and another thing is these people should be paid because they are working for that company, mostly some people are paid but some of them they refuse to pay want I say is these people because they are working for that company they should be given their dues.

Another thing I would like to talk about is about Policemen, these Policemen are harassing the common mwananchi so much to an extend such that even when you are walking in the streets you are so an secure and like of an incident I saw their at Uhuru park, a certain Policeman with plain clothes I think he was broke or something of the sort I don't know somebody was passing by from Uhuru park other end to the other end, then that Policeman called that man and harassed him with some few words I was behind the man then he went to an extend of entering his hands into the pocket of that man then took the money then told the man enda na usiagalia nyuma, I was very hurt. The Constitution of Kenya should at least try to protect the common mwananchi from such harassment.

Another thing I would like to talk about is a case of information need by students prospecting to join Universities. Mostly like maybe when I was in secondary school what I was just given is a list I should choose for me to go to the University and the University I would like to go too and the cost, nothing else so I would like them to be more detailed on that.

And also another thing is these people who are may be finished a diploma or a certificate and you would like to enhance your education maybe to degree level. I would like the Constitution of Kenya to provide for such people like for example there is one University which has tried to do that which is Moi University but I have been meant to understand that once you join the

University you are not given the allowances which the other student who joined directly are given, so I would like the Constitution of Kenya to look to that. Those students who have qualified from certificate may be they be grade or may be their should be a testing test like that, an exam they may join for a diploma if you have done a certificate, then after the diploma may be you do a certain exam then you join for the degree course. Thank you.

Com. : Thank you very much for those recommendations I think that you have passed three recommendations to do with Health care that is bush doctors, bush hospitals and the tradition birth attendance don't you think that if we were able to avail free medical facilities to everybody including particularly the poor people it would not be necessary to result to this other alternative?

Hasna Kagendo: Yes it will be very okay.

Com. Alice Yano: Thank you very much Kagendo we are grateful for you views is Roselyn there, Dancan Mathenge then followed by Virginia Njeri, Virginia is there can you prepare yourself.

Dancan Mathenge: My names are Dancan Maina Mathenge. My first recommendation is concerning the Constitution in service. The previous Constitution has been greatly diluted through Parliament I wish to recommend that since we the ordinary citizen have participated in the coordination or amending of the new Constitution, it can only be amended through the national referendum.

Secondly, the Constitution should be self-protecting against violation by Government, agents, public or organizations in this regard the establishment of a Constitutional Board.

Thirdly, a complaint commission where I am free to walk in and complain about constitutional violation or failure to receive services from public servants irrespectively.

The President, retain of the two terms limit. The President should be subject to the Constitution, the President should be punishable by the Parliament. Presidential appointment should be subject to approval by a committee and the President should not be a representative of a constituency but should have the power to attend parliamentary sessions. Presidential commissions one of their tasks must conclude the businesses for which they were set up and their recommendations implemented or adapted failure to adapt the recommendations should constitute a constitutional offence on the part of the President.

Parliament, in my opinion Parliament or parliamentary system or electro law has been the major contributor to corruption to the ordinary person. This is through(inaudible) culturally, inducement and I think in this regard it should be made an offence that automatically disqualifies a candidate from participating in an election if they are found out(inaudible). The

Parliament itself should be independent the hefty salaries and allowances should be taxable. The MP must have a minimum number of seatings that they attend for a month to qualify for full allowances and deductions deducted from missed seatings I think this is the only employment in this country where you get paid for failing to do what you are suppose to do. As for the position of the MP and the seating through out the term we have found that we have a lot of(inaudible) or absent MP's in this regard I wish to(inaudible) where an MP can loose their position by virtue of having loose moral values, failure to defend his constituency through unavailability and failing to promote and initiate development at the constituency level.

The delivery of justice, in our attempt to address both corruption and police torture I think it should now become that once you are a suspect you are guilty until you prove yourself innocent this will mean the police will no longer have to torture you in an attempt to gather evidence and secondly the question of corruption you don't need to bribe them because after all it is you who has the responsible to prove yourself innocent.

Land and natural resources, I would wish to see a limit as to what a citizen can own through allocation of Government or public land, both agricultural and commercial. Items like oil and minerals should be entrusted to the local communities and therefore in cases of(inaudible) the request for alienation should only emanate from the local communities themselves however the names of the intended actual beneficiary and the reasons for the intend allocation should be included in the gazette notice. The local communities should also be made in charge for the actual allocation and not the provincial administration. Then the natural resources that are found in the local communities should also benefit those communities like mines, minerals and tourism, people who live side by side national parks should be able to get a percentage of the lot that is generated by those resources in terms of community development.

Interjection: Com. Alice Yano, you have a minute.

Dancan Mathenge: The last question is on health; I would wish to see a more strict mechanism for registering formal health, tradition medicine and foreign medicine. We have a lot of Chinese clinics that are found in our health centers and these people are supposed to be cultural practicing cultural medicine. We would wish to see a monitor that is established to help curtail this. In the labor sector I wish to see both public and private sector that employees are guarantee of at least 120(inaudible) every Kenyan in order to enhance both their knowledge and service delivering. Thank you.

Com. Alice Yano: Thank you very much is Virginia their Virginia come and give out your views then followed by Felia Njogu prepare yourself Mr. Felia Njogu.

Virginia Njeri: Thank you I am Virginia Njeri from slums I am representing the slums dwellers. As well I am going to speak in Kiswahili so that my fellow slum dwellers can here what I am speaking about.

They want to talk about Chief - wanasema Ma-Chief wanafaa wachaguliwe na raia kisa na maana, Chief analetuwa hajuwani na raia, hajuwi background ya raia wanaokaa huko kijijini huwa ni shida sana kwa sababu wana wasumbuwa mara kwa mara.

Pesa- Chief asipewe nguvu ya kupeana housing kwa sababu hao nidio wanajegesha vijiji na ndio muna sikia vijiji zimejaa katika city.

Tatu, Chief asiwe na kangaroo court unaweza kuona huko kijijini pengine watu wamekosana kidogo unaitwa kwa Chief na saa zile anaenda kutatuwa matatizo yenu atakuwa na charges mia tano, elfu moja sijuwi hizo pesa zinaenda wapi zinapelekwa kotini ama sijuwi kwa hivyo kangaroo court ya Chief inafaa imalizwe.

Nikenda kwa upande ya Police, Police wako na corruption sana. Ukienda kwa Police hauwezi kusaidiwa bila kitu kidogo lazima utowe hongo ndio usaidiwe kwa jambo lolote utakayo taka huko police station. Mapolice hupiga watu bila sababu na kuwasika saa ingine huwasika hata kuwa eka wiki nzima katika gereza zao hapo police station bila ya kupelekwa kotini. Ukitaka usaidizi saa ingine wanasika watu kwa sababu hawafanyi chochote yani wana ambiwa wako idol unasikwa bila sababu na pengine umekutwa kwa stage unakojea mtu wako hapo kwa stage ama unafanya chochote lakini utachukuliwa sababu wewe haufanyi chochote yani idol. Tukienda kwa upande mwengine labda ukienda kwa kituo cha police ukiwa na shida labda mtu wako mafilia huko kijijini na hiyo ni police case lazima huyo mtu achukuliwe na police, utapata wanakwambia weka gari mafuta, hiyo ingefaa ikomeshwe sababu serikali ndiyo inafaa kutu garamia.

Security katika vijiji sisi hatuungaliwi kabisa wanagalia matajiri. Utapata watu wana weza uwana katika vijiji kwa sababu security sio ati aingi kwa vijiji labda kuna patrol katika hapa sehemu zetu Westlands huwa na patrol ya police pamoja na Wahindi na magari zao lakini utapata kuwa wana tumikia matajiri lakini kule kijijini hawafiki kamwe, watafika saa zile wanataka hongo. Tukienda kwa jela zetu au kotini, corruption inafanyiwa sana kotini hiyo ingefaa inagaliwe sana manake utapata masikini sababu hana wakili pale yeye ndiye atahesabiwa mkosaji. Haya tuki angalia katika jereza, human rights haifatwi hata kidogo manake saa zile unaenda kumtembelea mfungwa hautaonana na yeye hata hauta juwa kama ako kwa hali nzuri ama hali mbaya sababu utamuona kwa waya hata ujuwi ninani unazugumza naye ni sauti tu unasikia. Kwa hivyo human rights pale inafaa ifuatwee ifanyiwe mtu anatembelea mfungwa, ajuwe ni kama kitu haina maana, waonane na mwenzake.

Haya tukienda kwa landlord, sisi waka aji wa vibanda kugependa vibanda vitabuliwe, vifanyiwe up grading badala ya kutubomoa. Tuki bomolewa shida inaongezeka manake lazima wataenda kuanza vibanda vingine. Kwa hivyo tungeomba sheria iwe ya kuangalia vile vibanda vina weza kufanywa up grading visiwe vibanda tena ndiyo hali iwe mzuri. Maneno ya squatter itolewe manake unapata kuwa mtu ni squatter zaidi ya miaka thalagini na squatter ni kuchuchuma na sijuwi unaweza kuchuchuma kwa miaka ngapi naona hapo miaka ile watu wanachuchuma bado wanaitwa chuchuma kwa Kenya ni mingi sana. For example kwa kijiji yetu kuna watu wako over 30 years na bado ni squatters, wanaishi kwa hizo vibanda hata vibaya hata kushinda refugee. Wakaaji wa vibanda katika Nairobi wanakaa vibaya kushinda hata refugee na sisi ni wakenya tungeomba tutambuliwe kama wana Kenya. Serikali iangaliye mambo ya ubomowaji wa vibanda pia. Pahali kijiji iko iwekwe kwenye namani sababu ukienda huko city hall pahali iko kijiji haiko kwenye ramani ina ambiwa haku watu na hali kuna watu maelfu na

maelfu, sasa tunashindwa sheria inaona hawa masikini sio watu sababu utapata ile sehemu iko plain hakuna watu, kwa hivyo waweke kwenye namai na wandike kuna watu pale ili kuzuwiya uyakuwaji wa ardhi manake ukienda ukute pahali ni bure unaweza uliza na uziwe na ukienda huko utakuta kuna watu wengi. Sheria hasa kuhusu mashamba, squatter anafaa akaye pahali pale miaka na mbili ndiyo aweze kudahi pahali pale. Vile vile hiyo ni miaka mingi sana kama unachuchuma pale yani unajificha ni kama mtu anajificha ni kama mtu anajificha kwa majani. Tungeomba hiyo miaka kumi na mbili ipunguzwe iwekwe miaka tano kwa ardhi ya binafusi na kwa ardhi ya serikali iwekwe miaka mitatu sababu sisi ni wakenya.

Interjection: Com. Alice Yano, uko na dakika moja.

Virginia Njeri: Kitu ingine gazeti la Kenya gazette, tunataka gazette ya Kenya iuzuwe kama gazeti zingine na kwa nafuu manake mambo mingi ya serikali uandikwa katika Kenya gazet sio rahisi kuiona hata wengine wetu hatuguwi iko zipi au sura yake na hali inaitwa Kenya gazet kwa hivyo iuzuwe kama gazeti zengine ndiyo wananchi wa chini kabisa kutoka vijijini wajuwe kile kina endelea katika serikali. Ni hayo tu asantee.

Com. Alice Yano: Asantee sana Virginia na asante kwa kusema maneno ya squatter na kuhusu Kenya gazette. Felia Njogu, Felia, Njirangua Joseph huyo alipatiana memorandum, Doctor S. O. Okiya you are the one please come and present your views to the audience then Dakitari will be followed by Muchiri Karanja is Muchiri there, please prepare yourself with akina Stephen Kiarie Njaramba.

Doctor S.O. Okiya: Asantee Bi. Commissioner, wananchi watukufu kwa jina naitwa Doctor Samuel Osako Okiya nikiwa mkaaji wa Westlands kwa muda wa karibu miaka kumi na tano. Ningelipenda kuzungumzia mambo machache kuhusu Katiba rather kuchangia na ningependa kutumia lugha ya Kiswahili hivyo sasa aliye elimika na yule ambaye haja elimika apate kuelewa.

Nina mambo kama ya patayo nane ambayo ningependa kuyazungumzia;

Jambo la kwanza ni habari ya uchumi economic right,

- Jambo la pili itakuwa federal state,
- Jambo la tatu itakuwa education system,
- Jambo la nne itakuwa land issue habari ya mashamba,
- Jambo la tano itakuwa ni civic education au elimu ya jumuiia,
- Na jambo la sita itakuwa ni corruption hali ya rushua,
- Jambo la saba itakuwa ni administration yani utawala,
- Na jambo la mwisho kabisa itakuwa ni hali yetu ya magereza.

Tukitizama(inaudible) za Kenya tuna umasikini mwingi na chanzo cha umasikini huu labda wengi tunaolewa na wengine labda hatuelewi ningeweza ku propose ya kwamba katika Kenya ukiangalia Nairobi kuna in floods watu wengi wanatoka sehemu za vijijini kuja Nairobi waki tarajia kupata kazi, kasi ambazo hazipo. Labda kwa sababu viwanda vingi vime jengwa Nairobi, barabara nzuri ziko Nairobi, stima nzuri iko Nairobi. Ningelipendekeza kwamba katika katiba hii ambayo tunaitengeneza ina nafuu sana katika Katiba kwa sababu hatuja wahi kuwa na Katiba hakika, mimi sasa ni mtu wa....(inaudible) na sijawahi kusikia hata baba yangu akiniagizia kwamba kuna mahali wali pita kwa booking au pahali fulani ili kuigizwa kwa Moi, kwa hivyo shukurani na ni kipindi kizuri ili tupate kutengeneza Katiba.

Ningelipendekeza ya kwamba Local Government, serikali hizi za Local Government zipatiwe uwezo kamili kamili ili sasa waweze kuona kwamba kama ni barabara, kama ni elimu hivi vitu vyote plots za industries ziweze kuganywa ili sasa sehemu zengine ambazo ni kama Western province maybe North Eastern, labda.....(inaudible)

Jambo hili lita weza kusababisha ku control in floods ya watu kutoka sehemu za vijijini kuja mjini wakitajia ya kwamba mambo mema yanaweza kupatikana hapo.

Jambo lingine ni kwamba katika federal state, tungependekeza katika Katiba hii kwamba tuwe tuna federal state na kama haiwezi kuwa federal state fully, Local Government zipatiwe(inaudible) and provincial level waweze ku function kama federal state, ile waweze kuwa na federal resources. Na province zengine ambazo kama tuseme North Eastern ambazo bado kipato chao ni kidogo ni juu ya serikali kuangalia ya kwamba wanaweza kusaidiwa nanuna gani ili nao pia waweze kuwa na administration yao. Hi itapunguza watu wengi kuja town wakitajia ya kwamba kuna kazi ambazo zita patikana hali kuna resources ambazo tunaweza kuzitumia katika province zetu.

Jambo lingine ni kuhusu elimu, ukiangalia katika education act inasema ya kwamba ukitaka kuanzisha education kama tuseme kwa mfano University lazima uwe una ekari hamsini za shamba. Hakika katika mshara wetu wa leo ni Professors wangapi ambao wame retire katika Kenya na wame enda manyumbani wanakufa masikini kwa sababu naujuzi lakini hana ekari hamsini za kuweza kutumia ujuzi wake anzishe University aweze kusaidia community kwa hivyo nataka inagaliwe kwamba education ku establish University isiagaliwe kwa nguvu wa ekari hali iagaliwe katika capability ya wale watu ambao wanaweza kuanzisha kile chuo. Ikiwa kwa mfano kuna Professors watano wame retire.....(inaudible) waki weka(inaudible) pamoja zitatoha kuanzisha University kwa hivyo University iangaliwe katika hali ya uwezo sio hali ya ukubwa wa shamba ile waweze kuazisha kwa sababu kuna wakati mwengine tunaona University without walls which means that distance learning na hivi sasa tunaona kama Kenyatta University pale wameanzisha distance learning itasaidia zana kwa hivyo tu angalia upande huo. Na pia katika upande wa education system nigepeenda ku support hii education ya 8-4-4 system isipokuwa tu implementation yake vile imekuwa mbovu na imekuwa implemented politically.

Land issue, ningependekeza ya kwamba mambo ya mashamba mtu binafusi akiwa ana shamba kubwa zaidi liwe ni ekari hamsini na ikiwa atakuwa na zaidi ya ekari hamsini then hio ekari ya hamsini na moja serikali katika Katiba iweke ushuru fulani ambao wata kuwa wakilipia kila mwaka jambo hili litafanya hili shamba hata kuwacha kukaa idol liwe linaweza kuwekwa

katika production na watu wengi wanaweza kupata kazi. Kwa sababu(inaudible) watu wamejipatia mashamba by five I don't know how we can put it in Kiswahili ni five. Mimi nimekuwa kiongozi labda ni mwanasiasa, labda mimi natoka katika uko fulani wa President kwa hivyo wakati huo watu walikuwa bado wanalala ningeweza kutumia uwezo wangu to acquire hata ekari elfu mbili hata elfu kumi jambo hili linafaa linagaliwe sana, otherwise shambo lolote lisilo onekana mahala linakaa(inaudible) litumike katika hali ya kibiashara ki sawa sawa ili watu waweze kupata chakula kuliko kukod.....(inaudible) kwa kuweka tu wapate loan katika shamba, banki(inaudible) for things worth other people suffering.

Upande mwingine ni upande wa civic education, ili tuwe tuna freedom of expression na mambo mengine na mambo mengine ni lazima hili jambo la civic education liwe ni jambo la kuweza kuendelea kila mara kwa mara lisiwe tu ni wakati wa election au wakati wa commission inaenda round round no lazima watu wawe wanaweza kupatiwa elimu ambazo wanajuwa serikali inafanya nini na wawe wanataka ku elimika namunagani mambo kama hayo.

Jambo lingine la corruption,

Interjection: Com. Alice Yano, you have a minute to go.

Doctor S.O. Okeyo: Asantee. Jambo lingine la corruption, kuwe kuna sheria katika Katiba ya kwamba mtu yoyote katika uwezo awe ni nani wala nani wala nani akipatikana ame fanya corruption ya ku loot hakika afungwe maisha katika jela na kile chochote kile ambacho amekichukuwa katika njia isio ya dhadari kirudishiwe mwananchi au kipelekwe mahali ambapo kingelistahili kuwa.

Jambo la saba ambalo ni administration mambo ya machief, Chief act hakika huo ni ukoloni nasiwezi kujuwa nitaeleza namuna gani. Mambo Chief ni watu wakuenda kabisa kabisa katika new Constitution Chief hawana kazi hakuna chochote watakacho kipata wanaendeleza corruption, wanafanya kangaroo court na mambo kama hayo. Chief ndiyo DC, PC, improvements of President na hao ndiyo wanafanya President anakuwa na nguvu nyingi zisizo kuwa na maana kwa sababu anatumia watu hao wanastahili kuenda, mahali pa PC tunataka tuwe tuna Governor, mahali pa Chief Councilors wanatosha . Councilors wakiwa katika Local Government kama kuna fund ya education wanaweza kujuwa ni nani anastahili kupata masikini na kama MP's watataka kufanya harambee then wafanye harambee katika Local Government kuwe kuna special funds. Administration kidogo, public secretary wanatakikana wachaguliwe na Parliament na wawe ni watu experts katika sehemu ministries ambazo wanasimamia sio political refugees.

Prisons; ukienda industrial area utakuta kwamba mwanaume ameshikwa haja sitakiwa kotini anavaa nguo zake za rahia, lakini ukienda pale Langata wamama wameshikwa kabla haja hukumiwa kwamba ana makosa wameviswa ile nguo ya kuguru. Hii ni act ya zamani sana na hii ni hali sijuwi itaeleza namuna gani, kwa nini huyu mama avalishwe nguo ya kuguru na tena nyeupe na

hali koti haija prove kwamba yeye ni mfungwa kwa hivyo ni hayo machache tu Commissioner asanteni sana kwa wakati huo.

Com. Alice Yano: Thank you very much Philosopher, Muchiri Karanja, is Stephen there Stephen Kiare are you there.

Muchiri Karanja: Thank you Commissioners my names are Muchiri Karanja. May be to start I will just like to say what I ... (inaudible) in the new constitutional document. I will indicate a situation whereby it will define system, processes and structuring which dignify the management of all people of Kenya. The other area I would also talk about is Citizenship. I think the current act we don't give women their full status when it comes to their marriage (inaudible) in their problem, in my opinion everybody has got the right to marry whomever they want so if they marry anybody outside this country especially women they should have full citizenship.

The problem in the presidential powers they should be (inaudible) by reducing the civic executive role particularly as pertaining to (inaudible) and committee and other arranged bodies particularly the judiciary, the Cabinet Ministers, AG, the Attorney General and other cooperation or Parastatals. I believe strict laws of committee should be put in place to be able to liaise with these kinds of people.

When it comes to the issue of land I think this particularly constitution, which is there at the moment, should go now. I think (inaudible) we have reached a situation whereby we thought from the very beginning our land (inaudible) we have put our trust in the Government for too long and with that truth they misuse the trust we put on them. They have taken away the land that we have given to them for many many years. When it comes to Ministers many people at top level have taken away what belongs to Kenyans and in regard I believe and trust that what we should have (inaudible).

We should also have in our Constitution, retribution and restitution if a wrong has been done then it should be rectified, immediately the ... (inaudible) has been done then it should be rectified (inaudible). We should have a civic education at an early age. I think between ages of 18 to 21 Kenya should put (inaudible). Every Kenyan between the ages if 18 to 21 a specific time must be set out to where they should be able to (inaudible). When it comes to succession, either occasion in the participation of the work of the President, I believe that Speaker of the National Assembly should own the ream power for the institution and then call for a new general election. When it comes to discrimination of any form I think all Kenyans together as we are should have equal opportunities, women, men, the disabled should all have equal opportunities and should be punishable by the law in any way with out any discriminatory (inaudible). And then finally every Kenyan I think we should have a social security setting network where every Kenyan should have a minimum three (inaudible) no Kenyan after the age of 18 years can be (inaudible). Those are my recommendations thank you very much.

Com. Alice Yano: Thank you very much Mr. Karanja, Stephen Kiarie then Richard Wambua can you prepare yourself.

Stephen Kiarie: Good afternoon Commissioners and the public. My contributions are what(inaudible). Prosecuting boards have powers to prosecute with the approval of the elect committee of Parliament in order to have easy court judgements or prosecution because most of the work is done by the Attorney General and he may not manage to prosecute all those cases.

So professional bodies like the

.....(inaudible) should have powers with approval of the electro commission of Parliament to take those people who have done wrong to court.

.....(inaudible) but approved by Parliament. The other thing is about the seating of Parliament, the charges of Parliament should be clearly defined in the Constitution and not the President organizing and saying he has declared Parliament(inaudible) we have few changes whereby when Parliament was(inaudible) because most of the things are happening in our nation because there is nobody to present them in Parliament. The other thing is about.....(inaudible) I feel that nobody in this country should

.....(inaudible).

The other thing is about the provision in each district and(inaudible) services. I feel that ministry should be headed by people who are professionally educated according to the work in that ministry. And those for the Minister who are appointed should have a professional knowledge of that ministry, and that thing(inaudible).

The other thing the first commission which has been set out by our government for so long for the last about 20 years, we have more than 200 communities and what commission have used a lot of tax money reason for the formation of those commissions yet(inaudible) public money. This should be made public and those which are accessible should be prevented without(inaudible).

Another thing is about the City Councilors should have a minimal education as possible. Such that the Chairman should have his own particular department should have a

.....(inaudible) in that Parliament. And the case of the Mayor I think they should have at least a higher knowledge set out by the Constitution. Thank you.

Com. Alice Yano: Thank you very much, Mr. Wambua is he there Mary Sewekero, Joshua Agele, Virginia Maina, Selina Songoti, Jane Mweri , Mohamed Abuduba is he there prepare yourself karibia.

Jane Ngoiri: My name is Jane Ngoiri and am here to say a few points.

.....(inaudible). Therefore I propose that there should be no advertises on both beer and cigarette especially cigarette I think there should be a

.....(inaudible). There should be more campaign on the negative effects on beer like we have on drugs and

HIV because I believe beer is able to drain and weigh you down. Even beer has a(inaudible). Illicit brew should be checked by the Kenya Bureau of Standards and this both acts should be legalized then the drinking hours should be regulated to midnight.

Okay something else about the(inaudible) court. The(inaudible) should not be under a Chief but they should be under a Magistrate that is my view this is because the Chiefs have been known to abuse that court. These law courts should be established at community level they should be effective with people who don't know what they are doing, including issues affecting families e.g. husband(inaudible)

Children who are irresponsible, or people who can't pay their debts e.t.c. If there are people fighting we should have somebody in charge over that.

The next thing is education especially in Universities and colleges. The person at the University and colleges should be revealed and those that are irrelevant at current age should be done away with. Other courses, some other courses we have at the University are not thought the way they used to be thought many years ago and these things are outdate, you find like sometime when you go lets say to have a teeth checked for example the only thing those people know is to remove your tooth and I think that is illegal to remove somebody tooth just like that therefore they should find other ways of treating your tooth and your mouth. We should have more technical schools funded by the Government to give the youth more skills because they urgently need. And these technical schools should also cater for the street children so that they can have something to do. I believe that the technical schools and Universities should bring out more manufacturers instead of employees.

Agriculture; there is too much soil erosion in this country, we are hoping using fine methods that are a(inaudible) therefore I believe modern methods should be encouraged that is if at all(inaudible) and people should stop relying on rain, when you rely on rain in this country is like you are rely on luck and there is nothing like that. We should be more concerned with relying on irrigation, agriculturally at rural level should be there to advice and to educate. Trees should be planted more for every tree that is felled by those people who sell craving they should plant another. Am of the opinion that this indigenous trees that are being cut by craving should not be cut down at all they should be made illegal instead they should look for ways of producing their own cravings from synthetic wood whereby they have in China. When you go outside there you find that people have things like wood but it's not wood that is what they should be doing in this country instead of cutting down trees. Okay they should be marketed internationally by people who are capable and honest for the good of our farmers. Farmers also should be subsidized by the Government so that they can afford things like fertilizers and all that so that they don't give up. In my opinion, everybody has got the right to marry whoever they want. So, they marry everybody else and yet (inaudible).

The third one is the Presidential power, they should be rectified by reducing specific roles particularly as pertains to appointing tribunals and committees. (inaudible) particularly the Judiciary, the Cabinet Ministers, the Attorney General, Heads of Government corporations and parastatals. I believe with these jobs, a committee should be put in place to be able to vet these

kind of people. When it comes to the issue of land, I think this (inaudible) should (inaudible). I think in history we have got too many (inaudible), but this is the biggest (inaudible) we have. I (inaudible) and (inaudible) situation whereby because at the very beginning, our land is also (inaudible). We are pushed.

We have put our trust in the Government for too long and in that case they misuse the trust we put on them. They have taken away the land that we have given to them for many many years. Many cabinet Ministers, many people at top levels, have taken away what belongs to Kenyans. In this regard, I believe infact that what we should have is that, no Kenyan should own more than fifty acres of land as my colleague said. We should also have in our Constitution, retribution and restitution. If a law has been done, then we should rectify it. (inaudible), then we should rectify it. We should not have it until we know what has made the (inaudible.)

We should have a civic education (inaudible). I think between the ages of eighteen to twenty one, Kenyans should be pushed to undergo a civic education course. Every Kenyan between the ages of eighteen to twenty one. A specific time be set out when they should be able to study all these other documents. When it comes to succession, either occasioned by the death or it is a vacation of the Office of the President. I believe that the Speaker of the National Assembly should hold the (inaudible) for the (inaudible) and then call for a General election.

When it comes to discrimination of any form, I think all Kenyans regardless of who they are should have equal opportunities. Women, men and disabled should all have equal opportunities. It should be punishable by law if anybody (inaudible).

Finally, I think we should have a special security network where every Kenyan should have a minimum income. No Kenyan that of age of eighteen can be (inaudible), because the fact about it is that he is not a Kenyan. So, I think all Kenyans at any given time should have a minimum (inaudible) by the Government. Those are my recommendations. Thank you very much.

Com. Yano: Thank you very much Mr. Karanja. Stephen Kiarie. Then Richard Wambua, Can you prepare yourself.

Stephen Kiarie: Good afternoon Commissioners and my fellow citizens. The contributions I want to make are that I would like professional bodies to have powers to prosecute. We therefore go for the select committee of five in order to have easy court judgments or prosecutions. Because most of the work is done by the Attorney General and he normally ends up not prosecuting those (inaudible). So, that everybody can have central (inaudible) we should have powers with the approval of the representatives, direct committees or Parliament, to take those people who have done nothing to Parliament to court. The other one which has been touched by somebody else is (inaudible) should be appointed by the Head of State but approved by Parliament.

The other thing is about the(inaudible), the timetable of Parliament should be enshrined in the Constitution and not the President

organizing the dates he has declared Parliament (inaudible) for a long time. We have a case whereby, when Parliament go through recess, most of the things are happening in amnesia because there is nobody to discuss them in Parliament.

The other thing is about squatters. I feel that nobody in this country should be a squatter upto the age of forty five. Again, anybody who is at the age of forty five at the time of writing this Constitution should be provided a place (inaudible).

The other thing is about the provision in the Ministries and (inaudible). I feel that Ministries should be guided by people who are professionally educated according to the work in that Ministry and also the Minister who is appointed, should have professional knowledge of that area. In that case, appoint (inaudible) heading the Ministry of Finance or an Engineer heading the Ministry of Agriculture.

The other thing is about the past Commissions which have been set up by our Government for so long. For the last about three years, we have more than twenty commissions and those commissions have used a lot of taxpayer's money. We don't know the recommendations of those commissions yet, despite having (inaudible) public money. It should be made public and those which are acceptable should be (inaudible) without further delay. Another thing is about the city Councillors, I feel that the city Councillors should have a minimal education as possible. But the Chairman (inaudible) department should have a place in that time of that party and in the case of Mayor, I think he should have at least a (inaudible) set out by the Constitution. Thank you.

Com. Yano: Thank you very much. Mr. Wambua. Is Mr. Wambua there? Mary Shimitelo, Joshua Adele? Virginia Maitha? Selina Chongoti? Jane Muiri? Mohammed Abdullah? Is Mohammed there? Sir, karibia.

Jane Muiri: My name is Jane Muiri and I am here to say a few points. (inaudible) I feel that there is too much advertising of beer and cigarettes in this country and it is having a drain on the finances of families. Therefore, I propose that there should be no advertising on both beers and cigarettes, especially beer and if there is, there should be a (inaudible) just like we have on the cigarettes. There should be more campaigns on the negative effects of beer like we have on drugs and H.I.V. Because, I believe that beer is going to trend this country down. Just like we have bad governance, even beer has bad effects on both men and women and especially in our families. Illicit brews should be checked by the Kenya Bureau of Standards and those that pass, should be legalized. Then the drinking hours should be regulated to mid-night.

Something else about the small courts. The small courts should not be under a Chief but they should be under a Magistrate, that is my view. This is because the Chiefs have been known to abuse such responsibilities. These small courts should be established at community level, they should be effective, those people who know what they are doing. They should deal with small issues affecting families e.g. husbands who forsake their responsibilities, children who are irresponsible or people who cannot pay their debts e.t.c Instead of people fighting we should have somebody to discuss over that.

The next thing is education especially in Universities and Colleges. The Universities and Colleges should be reviewed and those that are irrelevant at (inaudible) should be done away with. Some other courses that we have at the University are taught to (inaudible) resources ten years ago and these things are outdated. You find that sometimes when you go straight to have your scheme checked for example, the only thing that those people know is to remove their shoes and I think that is difficult to (inaudible) just like that. You find that you are officiating your (inaudible) and your mouth. We should have more technical schools funded by the Government to give the youth more skills because (inaudible). These technical schools should also cater for the street children so that they can have something to do. I believe that technical schools and Universities should bring out more manufacturers instead of the employees.

Agriculture: There is so much soil erosion in this country. We are also using farming methods that are (inaudible), therefore I believe modern methods should be encouraged that is if at all we are being taught at the Universities. This nation should stop relying on (inaudible). When you rely on (inaudible) in this country, is like you are relying on luck.. It is exactly like that. We should be more concerned with relying on irrigation. Agriculturalists at rural level should be there to advise and to educate. Trees should be planted more for every tree that is felled by those people instead of (inaudible), they should plant another.

I am of the opinion that indigenous trees that are being cut by carvings, should not be cut down at all. It should be made illegal. Instead they should look for ways from producing their own carvings from synthetic wood. Just like we have China. When you go outside there, you find that people have things that look like wood but it is not wood. That is the case that should be here in this country instead of cutting down trees.

Coffee: This should be marketed by people who are (inaudible). They should be marketed internationally by people who are capable and honest for the good of our farmers. Farmers also should be subsidized by the Government so that they can afford things like fertilizers and all that. So that they do not give up.

Kenyans should also be made aware of their rights and the media should be concerned about educating people about their rights and what is happening in the developed world, what methods they are using instead of dealing with politics. There is so much politics in the city and it is not important. So, one cannot even understand the idea of people's rights. I think that is very important.

Then, about international companies in this country. Some of the international companies in this country are just here to mis-use the Kenyans. Some of us or rather most Kenyans when they see these whites owning a company, they feel as if they have been (inaudible) and they tend to think that everything that the white man says is the right thing. But now the whites are just cheating us. Therefore, although most of them are good, I have not denied that, but most of the others that are crooks, who come they get their money and go. You have seen like (inaudible), some of them don't even pay taxes. Some of them don't even pay us what we are supposed to be paid. They say they are going to mess the.....they are supposed to be doing it at the same level.

But they say they are (inaudible). I don't understand why. That should be checked in the Constitution (inaudible)

Com. Yano: You have a minute to go.

Then going on to hawkers: Hawkers should be given certain days, hours and the places that they should sell their wares instead of being chased around. Because they are also Kenyans. So, they should have certain days like Saturday afternoon, they go spread their wares wherever and then we go buy and sell (inaudible). Going on to land and industries. Fifteen per cent owned by Kenyans and my opinion (inaudible) I think that's it.

Com. Yano: Thank you very much. Next person is Mohammed Aduba, followed by Mr. Wilfred Gichuki.

Mohammed Abduba: Asante sana kwanza kwa kunikaribisha leo kwa mkutano huu. Sasa mimi nafurahi.

Com. Yano: Jina lako tafadhali.

Mohammed Abduba: Mohammed Abduba. Nakaa Lunda (inaudible) na mimi ni mzee wa kijiji. Sasa sisi, nataka sisi wanakenya kwanza tunataka salama. Watu wote kwanza tuchunge usalama. Tuweke (inaudible) ya (inaudible). Sasa mambo ingine ningetaka, sisi iko shida sana. Shida yetu ya (inaudible). Shida ya (inaudible), hakuna usaidizi. Kwa sababu hospitali yetu ya kwanza, hospitali yetu ya mitaani juzi juzi inapotea. Hospitali yetu ya Kangemi, watu maskini hakuna pahali wanapelekwa ugonjwa yao. Akiwapeleka pahali ya hospitali, sasa wanaitisha pesa. Pesa hiyo haiko, kwa hivyo unarudi sasa hakuna msaidizi. Sasa kifo tu. Sasa Serikali yetu, hospitali, waingie kutoka pande ingine na ng'ambo ingine na ng'ambo ingine. Wanafungua biashara yao hapa. Serikali yetu iko wapi? Sasa sisi tunasema hivi, irekebishe mambo yote ya hospitali ya Serikali na (inaudible) natawala Kenya.

Ya pili, sisi sasa.....(speech quite inaudible)

Com. Yano: Bwana Abduba ongea maneno ya hospitali vile ungetaka tufanye. Maoni yako ni nini. Ungetaka nini ifanyike.

Hospitali sasa isaidie maskini, ijenge hospitali ya Serikali. Maoni yangu ni hiyo. Kwa sababu maskini waweze kupata mahali ya kupeleka wagonjwa hao. Maoni yangu ni hiyo.

Ya pili sasa, watu sasa (inaudible). Tunaenda huko kwa (inaudible) na agenda inasema tunaonana. Watu sasa hapana iko sasa maelekeo, mwaka mzima, miaka miwili, miaka mitatu unaenda huko na hawapati haki yao. Sasa raia wanaumia. Kwa sababu saa zingine hata kama napeleka korti, wakili sasa inarudi (inaudible). Wakili sasa anatuletea raia. Haki ya mwananchi, na mambo yao wanaumia. Sasa Serikali iangalie sana mambo hayo. Serikali iangalie mambo ya hao raia. Katiba yetu hii sasa

iangalie ikatae mambo hiyo, watu hawa wanafundishwa habari ya kazi ni watu wa (inaudible)

Mambo ingine tena. Kijiji sasa, mimi nakaa. Mambo ya kijiji sasa. Wazee wa kijiji ambao wanafanya kazi pamoja, sasa sisi tunapata mshahara. (inaudible). Sababu hii kama hi hapana iko, bado (inaudible)

(speech quite inaudible)

Com. Yano: Asante sana kwa maoni yako. Tafadhali jilandikishe kule. Tutapata Bwana Wilfred Gichuki na kabla Bwana Wilfred Gichuki kuongea, I will be a bit biased, are there ladies or women who have not given their views. Kuna wamama hawajapata kupatiana maoni yao na wangetaka kupatiana maoni? Ni wangapi? Inueni mikono tuwaone. Wamama. Mmoja, wewe ndiwe utafuata sasa. Wewe ni mama na naona umefunga tai? Wacha tupatie huyu mama halafu aende nyumbani awapikie na apikie watoto kabla hawajafika nyumbani.

Wilfred Gichuki: Thank you very much, Good afternoon. My name is Wilfred Gichuki. I am representing the Kenya Technical Teachers college. We have a memorandum and all I will do is flip through and leave it with you because there is so much that we have got through. So, we have talked about the preamble, the directive principles of the policy.

The Constitutional supremacy e.t.c. In the preamble, we are saying that we need a preamble in the Constitution as it is today, it hasn't. The preamble should contain the following; there should be equality among the races, men, women and children and tribes with no discrimination. The good and various cultures need to be respected and the Constitution should foster national unity. It should also enshrine how we achieve the domain, that is a very important aspect that should be captured in the preamble. On directive principles of State policy, national philosophies have increased. I am saying here that Kenya wants its independence through a (inaudible).

The Constitution of Kenya shall guarantee the independence of the country and speed of quality and justice for all its citizens regardless of race, religion, gender and tribe. The people of Kenya shall be supreme, the Government of Kenya shall derive its authority from the people of Kenya through a vetted Constitution. The Constitution shall be the enshrinement of Kenyans, peoples collecting wills. The Constitution shall be called X to Z and uphold that will. In terms of the principles to be included in the Constitution, I am saying that for example, we should have the Bill of rights. The Bill of rights should have the following: Shall have the following fundamental rights which must be entrenched in the Constitution.

Freedom of speech as long as it doesn't hover the (inaudible). Freedom of religion or worship, freedom of press, freedom of peaceful assembly, trial by the jury, freedom to work, own property and live in any part of the country without discrimination or any places whatsoever. I am also saying that there should be separation of powers. That is the Executive, the Judiciary and the Legislature. Those powers should be selected.

Their accountability to the people, the Government of Kenya should establish and practise justice, ensure domestic tranquility, ensure domestic security from all the common welfare of all Kenyans. Ensure there is equitable distribution of resources from all marginalized communities and groups and ensure liberty. The last one on that one is to ensure zero tolerance for corruption in all sectors of life.

(inaudible) to be (inaudible) in the Constitution, Kenya is a multi-racial and multi-ethnic society. The cultural diversity should be seen as a source of strength and used to mould harmony and unity. The reflective diversity of the people should be used as an asset in the promotion of national unity. Mother tongues should be taught after Standard eight. Reading materials in mother tongues should be developed and examined.

Programmes in mother tongues should be run on national TV's and radio's. Cultural values from the different communities should be promoted. Kiswahili should be developed even further with a view to completely replacing some of these other languages as medium of education and technology.

Point number three, the Constitutional supremacy. We are saying that we should retain procedure for constitutional amendments. But, by 75% majority votes. In other words if we have to change it, let it be by 75% majority votes. The next section that seriously touches on the way of life of Kenyans should be subjected to public referendums. For instance, property rights, management and use of national resources.

A committee appointed by Parliament should be involved in the referendums, this committee should compose of a representation of all stakeholders. On citizenship, every person with a Kenyan citizen shall, subject to this Constitution be entitled to enjoy all rights, priviledges and benefits of Kenyan citizenship. He/she shall be subject to all duty, obligations and responsibilities of Kenyans citizenship as are accorded or imposed upon him or her in terms of this Constitution or Act of Parliament.

Com. Yano: One minute to go.

The rights of an obligation should not depend on the manner in which citizenship was acquired. There should be no dual citizenship. Documentation that Kenyans should carry as citizens of this country should be as follows; a birth certificate of Kenya is value right, other useful documents are baptismal certificates, card (inaudible), an affidavit from the Chief of the area e.t.c. A person whose parents are Kenyan citizens and is born in Kenya should be given automatic citizenship. I could go on and on, my fellow Commissioners but I think everything is here. For example, we have talked about the political parties, we have said that political parties should focus on the affairs pertaining to the citizens.

The Constitution should guide the formulation, leadership and behaviour of the parties. We are also saying that the parties should be reduced to about two. Too many of these parties are pressing us. They should be reduced to about two, because to me, most of them are encouraging a lot of ethnicity and tribalism.

On Legislature, Parliament should consist of two chambers; the House of Representatives and the Senate. High (inaudible) public appointments such as Permanent Secretary, Auditor General, Chief Justice, Attorney General, Head of Public Service Commission, Head of the Military e.t.c. to be vetted by the Parliament. Parliament should have (inaudible) and limited power to control its own procedures through standing order.

Moral and ethical qualifications requirements for Parliament and parliamentary candidates need to be introduced. We have too many of them who have very questionable factors and yet will still keep on footing the (inaudible) just because they have money. MP's should have qualifications of conscience and convictions. Nobody is (inaudible) from their party. An independent tribunal be called to determine MP's salaries.

I think it is not fair that the MP's should decide their own salaries. Recently we have seen them increasing their salaries even amid the poverty that we have in this country. Special measures to be put in place to increase women participation in Parliament. This may include reserved parliamentary seats for women. The Constitution should commit commission of operations data. A simple majority is sufficient to remove the Executive from office through a vote of no confidence. Parliament should have the powers to (inaudible) so is not in accordance with national office e.t.c. It goes on and on and right at the end, we are saying about the participatory governance.

We are saying that NGO's and other organized groups should have a role in governance as a vital. Each unit of civil society organizations, the Constitution should allow freedom of expression, accountability and (inaudible). The State should not regulate the conduct of civil society but this must operate within some laws established by a professional body. The role of a simple organization should follow some order professionally developed by the organization. The inclusion of the following marginalized groups is vital for good governance, the women, disabled persons, youth, minority groups and others that may qualify. A law should be made to ensure proper implementation of the above and whenever public (inaudible).

On international affairs: Foreign affairs should be the responsibility of all Kenyans. Parliament should be involved and the committee on foreign affairs to detect and approve any foreign affairs or policy or appointments. Treaties like conversions, regional and bilateral treaties should have to pass through Parliament before becoming domestic roles. They should be passed by a two thirds majority in form of a Bill, either from the Government or private members. For laws and regulations passed by regional organizations, that Kenya (inaudible) needs to be passed through Parliament with a two thirds majority votes. My dear Commissioners, these are some of the things we had in mind and they cover also the electoral system and how it should be done and I will leave this for your perusal. Thank you.

Com. Yano: Thank you very much.

Com. Mosonik: You said that mother tongues should be taught after Standard eight. In Secondary? (inaudible), the second one is a small one. The two political parties you have said that we should have, which ones are these?

The first one is about the teaching of mother tongues. You see we have Kenyans who see the mother tongue as if they do not matter in this country. It is as if, if I was born somewhere in Central Province, I made a mistake of being born there. I think what we are trying to say is that, they should be seen as a strength and in those communities, let it be taught so that the children value what it means to know their own language.

We are not teaching (inaudible), we are only teaching the language. I am not saying that after that stage it should not be taught. I am only saying that we are refusing to teach those languages at our own Province. I am also saying that in the cities, certainly it is true, we cannot teach any mother tongue because you cannot divide the whole class into groups. We are saying in cities and places having (inaudible) be singled out thirty years down and I know you said it, nothing like that happens. That is the rural way. I think that should be a beginning, that should be a strength when children are taught some of those things and value being Kenyans, not just because of being taught Kiswahili but from they can be taught citizenship using their own mother tongues.

That is what I mean. They can be taught so that the whole country use their mother tongues. Because that is pure (inaudible) rather than using languages which you cannot understand. That (inaudible). That should be introduced in English and Swahili. The other thing I was talking about, the Parliament. I think we are also getting there.

There was a lot of emotion rising about having a multi-party. But with development, I can assure you and I know we are getting too (inaudible) about two parties. Right now we have been printing in (inaudible) in fuels or in some of the other countries. I think we are getting closer but my feeling is that there should be co-allition matters and whatever you want to call them. Let us get closer to that because it seems like if I go to (inaudible), I will go and start my own (inaudible). What I am saying is, let's match because at the end of the day, (inaudible) and we don't (inaudible) to be so (inaudible). Thank you very much.

Com. Yano: Thank you very much Mr. Gichuki, we are very grateful for the time you have taken as far as this (inaudible). (inaudible) is Agatha Kagure. Do we also have Njambi Kariuki. Njambi? Any other lady? Any other woman? Then she will be followed by George Mbuthia Kamau, George Kamau.

Agatha Kagure: Thank you very much. My names are Agatha Kagure, I am here to recommend some points and I start with citizenship. One, persons or Kenyan citizens within or outside Kenya, whether the parents, father or mother should be automatic Kenyan citizens. A person, man or woman married to a Kenyan citizen should be entitled to automatic Kenyan citizen

unless they choose otherwise. A child of less than eighteen years whose parents are not Kenyans, adopted by a citizen or a Kenyan should be registered as a Kenyan citizen.

The next one, I come to basic rights and basic needs. The Kenyan woman should suffer no form of discrimination, oppression, that (inaudible) her dignity as they are Kenyans. Affirmative action policy: The affirmative action policy to ensure (inaudible) opposite gender at all levels (inaudible) in the Constitution. It is a legal requirement for the (inaudible). State of disability, affirmative action in a matter of (inaudible) Education opportunities:

We should not have set quarters for employment if we do not have enough (inaudible) and (inaudible) to meet those quarters. The girl-child education, the youth, the disabled, need to be (inaudible) specifically. Bursaries should be provided for girls, the disabled or any other marginalized communities like the pastoralists.

Political parties: All national political parties should be funded by the public funds to avoid the domination of political party. Parties should not be run as private enterprises from which only the most economically able can benefit. The next one, the electoral system: The appointment of four women to positions of political (inaudible). Here affirmative action (inaudible) at least 33% of the total seats in Parliament and local authorities should be held by women. This will be a wastage of money in campaigns to (inaudible). Women publication (inaudible) campaign.

The Constitution Commissioners, a national (inaudible) should (inaudible) of women be established and be constitutionalized. The Constitution Review Commission in (inaudible) in the Constitution.

The other one is Land and property rights: (inaudible) regardless of marital status should be entitled to inherit public property including land without discrimination. There should be equal access to land ownership and control and other resources among Kenyan citizens. The title deed of land in Kenya should be (inaudible) and Kenyans to be given freehold ownership of land (inaudible).

Com. Yano: Madam, you have a minute.

I think the next one is natural resources: (inaudible) the environment has to be prevented (inaudible), catchment areas (**quite inaudible speech**)

Com. Yano: Thank you very much Agatha. Now, the next one is John Kamau Kuria. John Kamau is not there? Then Maureen Adhiambo, are you there? Maureen Adhiambo. We move on to James Ngunji? Evanson Kariuki? Ronald Magenya? Vincent Kigoma? (inaudible). Is there anybody who is ready to give views and may be you have not registered yourself. Yes, please come over. For those want to give views, start here and register yourselves. We are strictly following the list that you registered

with us this morning. So, come in front and register yourselves. Thank you.

Gerald Mugo: My names are Gerald Mugo. I want to put a proposal on Presidency. Where a candidate is a head of a party, I suggest that if he or she wins the elections, he or she should cease to be the head of that party. The other is, incase we have an election, the President, before the new President is sworn in, we should have a (inaudible). It can be argued out in a better way so that (inaudible) We want fair President elections and (inaudible).

Com. Mosonik: You said that the President should surrender being the head of his party?

Gerald Mugo: He should surrender his post as a head of party. (inaudible)

Com. Mosonik: Now supposing he or she ceases to be (inaudible) and then resume (inaudible).

Gerald Mugo: We should appoint the person because of the freedom of parties, he will not give you (inaudible)

Com. Yano: Thank you very much Mr. Mugo. Can we have Mary Okumu?

Mary Okumu: Thank you Commissioners, my name is Mary Okumu, I would like to present just four issues. I would like to emphasize women's production college because political party system favours women and we know that these women must have equal representation even with the affirmative action. If they have to compete, within the current political parties, will still not even be able to get that affirmative action. So we are recommending in addition to affirmative action, to be applied through the women production college. So that women can then actually benefit from the affirmative action of 33%.

I would also recommend violence against women to be enforced and that women who are still violated and seriously injured to be taken care of by the State and to be compensated and stern measures particularly where H.I.V and Aids arises out of rape of women, we are demanding that life imprisonment or (inaudible) capital punishment be mended because H.I.V Aids condemns the woman who has been raped to death. We are also recommending that while they are alive, women who have been raped to be treated free by the State and that H.I.V Aids treatment be available in all public hospitals to women in particular who are suffering from H.I.V Aids from infections (inaudible)

Finally, that Affiliation Act should be revisited and enacted in the Constitution because women are still meant to care for children. I think that is all I have.

Com. Yano: Thank you very much Mary, I think my colleagues were wondering about the meaning of K.W.C.A. Can you tell them?

Mary Okumu: Kenya Women (inaudible). Thank you very much Mary for your views. Fagian Achila.

Fagian Achila: Commissioners na wale wote ambao mmefika kutoa maoni yenu nawashukuru. Mimi ninayo maoni kuhusu habari ya hii Katiba, kuwa hii Katiba inaweza kuweka kuwa sheria angalao ya wafanyikazi. Mamlaka ya President au Rais, ningependekeza hiyo ipunguzwe. Kwa upande wa barabara, kuna (inaudible) kama barabara unaweza kuta round about na unakuta viosk vimejengwa hapo. President akipita utasikia ya kwamba wale watu walikuwa hapo walienda wapi, anasema hao watu wakuje hapo mara moja. Ikiwa anachukua mamlaka ambayo anatumia sana, as Kenyans ni makosa.

Kwa hivyo hiyo mamlaka inabidi ipunguzwe. Kuna Ministries ningependekeza hii Tume ambayo inachunguza sheria. Iweke sheria ambayo inaweza kuwafanya wafanye kazi yao na kwamba Minister kama wa Council adjurisdiction ikiwa ajali zitazidi sana, kila wakati ajali, ajali, huyo Minister anafaa aachishwe kazi au a-resign. Kwa mfano kama hii (inaudible), Minister inafanywa hivi hivi. Mtu kama huyo Minister ana-resign powers from the Government. Hiyo inafanya Ministers wanafanya kazi ngumu na itakuwa ina-affect mahali kazi iko mzuri.

Ningetoa tena maoni au Katiba kama itaona hii ni sheria, iweke, na kwamba mtu kama Chief Justice awe akichaguliwa na Bunge na sio President. Chief Justice ni mtu ambaye anafaa kuchaguliwa na Bunge. Kuna mwingine kwam Attorney General, huyo awe akichaguliwa na Bunge. Kwa sababu yeye ndiye anaangalia (inaudible) yeye ndiye adviser wa nchi yote. Kwa hivyo asiwe anachaguliwa na President peke yake ambaye anachagua labda mtu ambaye (inaudible).

Kuna hizi land cases: Cases za mashamba, mashamba, kesi za mashamba ningependekeza ziwe zikiangaliwa na wale wazee wa nyumbani na sio korti. Kwa sababu korti haijui mpaka wa (inaudible) inapita wapi. Nafikiri tunagundua kesi kama ya shamba inaenda kortini na unasikia ya kwamba 'sio wewe ulifanya, umeweka nini na nini'. Wananyang'anya maskini ambaye si chochote. Wanamnyang'anya shamba na ni kitu ambayo inaweza kuangaliwa na wazee halafu ipitishwe.

Kwa hivyo kesi ya shamba kama vile ningependelea ingerudishwa kwa wazee wa nyumbani. Kuna hawa Commissioners wale wanachaguliwa na wanakuwa appointed na President, hizi Commission zingechaguliwa na Bunge. Hizi Commission za enquiry, mtu fulani maarufu amekufa, President anasema Commission imechaguliwa wakati ripoti inaenda huko kwa President. Watu kwa (inaudible) President anasema ingebidi ikuwe namna hiyo. Bado.

President anachagua Commissioners (inaudible) hawashindangi Kenya. Tunaambiwa ya kwamba President (inaudible) wanakwambia hiyo tumerudishia makanisa. Makanisa ndiyo yatajibu. Kwa hivyo Commissioners hawa wangukuwa wanachaguliwa na Bunge. Bunge ingekuwa inatambia zile vitu hiyo Commission imepata au recommendations. Kwa hivyo hao Commissioners wowote, ningependekeza wawe wakichaguliwa na Bunge.

Com. Yano: Umebakisha dakika moja.

Fagian Achila: Asante . Ningependekeza sheria iwekwe kwa hii idara ya polisi. Polisi waondolewe hiyo mamlaka ya kuwa, polisi anapata mwananchi barabarani, anamshika na imekuwa Kenya ambayo hatujapata uhuru. Mshikwa akienda huko kituo cha polisi ndio anapatikana kuwa na makosa. Anaambiwa kuwa alipatikana na fire arms, unapatikana na nini na nini. Ningependekeza ya kwamba polisi kumshika mwananchi, lazima wawe na warrant ya kuja kumshika. Ajulikane amefanya makosa fulani.

Ile elimu ya msingi au Primary, ningependekeza iwe ya bure kwanzia nursery school hadi Standard eight. Yaani iwe free. Mfano kama Australia, Australia ukienda huko unakuta Primary schools hakuna hata ndululu inatolewa kutoka kwa mzazi.

Ningependekeza tena kama sheria itawekwa ya makanisa. Kuwekwe sheria ya kufunganisha ndoa au wasimamie ndoa peke yao. Siku hizi unaedna kama kwa District Officer, unakuta kwamba watu wanafunga ndoa huko. Mtu ameenda amechukua mke mwingine hapo na wanaenda kwa DC au PC. Wanaandikishana na ku-sign hapo na unasikia huyo ni bibi wa fulani. Ikiwa ni kanisa inaweza kuwa inasimamia hizo, unaweza kukuta watu wengi wanaingia katika kanisa na wanaoana hivyo hivyo pia. Mke wa fulani au msichana fulani anaoa kijana fulani. Kwa hivyo ningependekeza Serikali iondoe kabisa mambo ya ndoa. Asanteni sana.

Com. Yano: Asante sana Bwana Fagian Achila na nafikiri sasa tumefika kiwango cha mwisho. What I said is that may be we should have...has everyone spoken? Anything to say something before I hand over to Father.

District Commissioner: I want to thank you very much for being with us here. Moreso, the Consolata church. Father thank you so much for allowing us to be here for this day. I think we are very grateful to you. Thank you very much. Thank you our Commissioners for being patient with us, it has been a long day. Now, thank you very much. Asante sana wale mmefika, wale wamechukua maoni. Asante sana. Thank you so much.

Com. Yano: Thank you so much and I know you are speaking on behalf of the Commission. So, I am not going to add what you have said. Welcome Father and give us closing remarks for this meeting.

Father: I am not a Kenyan by birth but I am a Kenyan by adoption. But I believe that I am also a Kenyan. So, I want to give my views and after listening carefully to all the proposals today, it has been a very rich day for me. To understand how our people / citizens are speaking about the country. Kenya is a country with a great potentiality.

A great potentiality of education, of natural resources and of tourists from all over the world. It's one of the best countries of Africa and it is improved by resources, education and (inaudible). But let me say that we have noticed in particular today that

there are many people who are landless. Land is very important. So I think that every Kenyan must have a piece of land and a shelter. This is very important because we are facing a great time when the rural people will come to the cities and yet (inaudible) and the law can be prepared to resist those people. For upto now, it is in Nairobi here, we have noticed it elsewhere. So, there are people (inaudible). Tunahitaji kweli heshima kwa watu wote. Kwa sababu immigration ni mingi sana.

Education: Elimu. Kama yule amesema elimu ya msingi ni muhimu sana. Tunao watu wengi ambao hawawezi kwenda shule kwa sababu wazazi wao hawawezi kulipa. Na pia tunapokea bei ya juu sana. Kama class 1,2,3,4,5, the fees are high and the salaries are low. Hawataweza kusomesha kwa sababu ya mishahara. Elimu ya msingi iwe free. Tuna (inaudible) development of stakeholders. (inaudible) . Everyone deserves to serve but we are not (inaudible). The local government needs to rectify this. The institution (inaudible) in that way can eliminate the (inaudible) stakeholders.

Health: Mara nyingi katika manyumba yetu na katika eneo zetu, hakuna haki ya kuwa mgonjwa anaweza kufa kama (inaudible) Kwa sababu watu hawawezi (inaudible) kwa sababu hospitali ya council na hospitali ya juu hawawezi kulip the same. Na hospitali ya Serikali iko na madawa na inatibu magonjwa. Kwa hivyo hospitali zibadilishwe kidogo, kuwe kwamba Serikali ina ma-officers na ma-inspectors na madawa. Hao watu wazidi kuwa na namna ya (inaudible). Kwa sababu sasa hivi kuna matatizo mengi.

Concerning children and women's rights, (inaudible). Serikali ni lazima iweke mipango ili shida iliyowakabili watu iondolewe. (inaudible)

Joblessness: Kuna watu wengi ambao hawana kazi. There are no jobs. So, the Government should know how to create jobs for these people. So, we need to provide and create jobs. Sio kununua tomato ambayo imetoka nje na tomato ile ile imetoka kwenye shamba. Na ile tomato imemaliza soko tatu. (inaudible).

Economic powers: This should be enhanced through agriculture, through (inaudible). We ought to encourage the farmers. The dairy farmers on how to market their milk. So we (inaudible). Prevent all people's money from being invested outside the country. (inaudible). Prevent bribes and instead do according to the law. To have Peace & harmony through the reviewers (inaudible) and also – Religious, social and economic values. (inaudible). Thank you. Those are my views. Thank you very much for coming to listen to the people and we are very honoured to have you here. Thank you. Because we have finished, let me pray now.

Mary Okumu: Father just before you pray for us, there is something I want to tell you people. I want to comment that, I have been throughout yesterday to all the hearings and I am concluding here that you are very kind, you are very patient, you are very polite to people. There are places where the Commissioners were really harassing wananchi. The language was not stable. They were not kind to people. So, I just want to firmly recommend these three because I have been to all the centers since

yesterday. Let us clap for them.

Father: Thank you very much and we really appreciate your comments. As you know, that we are very (inaudible). Let us pray together. (inaudible) in English or in Kiswahili.

Our father who art in Heaven, hallowed be thy name, thy kingdom come, thy will be done on earth as it is in heaven, give us this day our daily bread and forgive us our trespass as we forgive those who trespass against us, lead us not into temptation but deliver us from evil. Joy to you Lord, Joy to you because you have taken care of us today. (inaudible). Thank you Lord because (inaudible). We thank you for these Commissioners. Bless them all, bless their work and their hands (inaudible) and so we ask you to bless all of us. Our families, our country and also (inaudible). We ask this, through Christ our Lord. Amen. May your light go with us all, the Father, and the Son, and the Holy Spirit. Amen. Let us go and peace.

The meeting ended at 5.00 PM.

