

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**Verbatim Report Of**

**DISSEMINATION OF REPORT AND DRAFT BILL, WESTLANDS  
CONSTITUENCY, HELD AT HARVEST CENTRE**

**ON**

**8<sup>TH</sup> OCTOBER 2002**

**DISSEMINATION OF REPORT AND DRAFT BILL, WESTLANDS CONSTITUENCY, HELD AT HARVEST CENTRE FELLOWSHIP KANGEMI ON 8<sup>TH</sup> OCTOBER 2002**

**Absent with Apology**

1. Yash Pal Ghai

**Secretariat Staff in Attendance**

1. Achieng Olende - Programme Officer
2. Hellen Kanyora - Verbatim Recorder
3. Gilbert Omoke - Asst. Programme Officer
4. Catherine Rimberia - District Co-ordinator

Meeting was called to order at 11.00 a.m.

**Catherine Rimberia:** Tunaomba radhi, Kiswahili changu si kizuri vile. Kwa hivyo nitachanganya Kingereza na Kiswahili. So I want to call this meeting to order so that we start because we were supposed to start at 10.30 a.m. but we were still holding on for people to come in but I believe now we can now start despite the number that we are. So I will call upon somebody from among ourselves to start the meeting with a word of prayer. Anyone can volunteer to lead us in prayer.

**Prayers:** Father we thank you because of this day. Thank you because of each and everyone of us. I thank you Father God that everything that we are going to do Father God, let it be to give you Glory Father. For what we are going to do Father concerns us as citizens Oh my Father. It concerns this country oh my Father. Let your spirit be with us. We pray for those who are still on the way coming oh Father God that you may remind them oh my Father and quicken their feet oh my Father God so that they come here on time. For it is in Jesus name I pray and believe. Amen.

**Catherine Rimberia:** Thank you very much. I think we will start with the introduction. It is not good to start a meeting without knowing one another. I will start with the Constitution of Kenya Review Commission staff who are here and then the rest will follow. So I will ask them to do self introduction. Thank you.

**Gilbert Omoke:** *Good Morning? My name is Gilbert Nyamweya Omoke.*

**Achieng Olende:** *Morning everyone, my name is Achieng Olende.*

**Hellen Kanyora:** *Good Morning, my name is Hellen Kanyora.*

**Alex Maina:** *Habari zenyu? Habari zenyu tena? Kwa majina naitwa Alex Maina, mimi na- tumikia Tume upande wa Embakassi/Kasarani kama Co-ordinator na ninafurahi kuwa hapa leo kushirikiana na nyinyi. Asante.*

**Catherine Rimberia:** *Habari, mimi naitwa Catherine Rimberia, I know we have worked with you, we have been here before I do not think I am a new person to you. I am the co-ordinator for Westlands and Starehe. Thank you.*

**Catherine Rimberia:** So, I think I will ask the others to give their names quickly so that we get to know you. What you do is you say your name loudly.

*(introductions by participants. - inaudible)*

**Catherine Rimberia:** Sasa tumefikia mama Sarah? Hajasema? Sorry.

**Cllr. Sarah Joan:** Thank you very much Cathy, mimi naitwa Cllr. Sarah Joan, ni member wa Westlands Constitution Review committee. Thank you.

**Catherine Rimberia:** Sorry for that Sarah. So, I was saying that I really thank you for coming. This is not the first time we are calling you. I remember we called you here and you came in big numbers. I still believe others are on the way coming, however we will start and they will get us wherever we shall have reached. One thing that I want really to bring to your attention is that recently we did, in Nairobi, elect our three delegates. I know they have not been gazetted but Westlands did produce one delegate and I am happy for that. Nancy Lungai is the person going to represent the women in the NCC. I know the name has not yet been gazetted but we intend to do that in the next few days.

Now, I must say thank you very much for your coming here. I must also thank the Harvest Church, we gave them a very short notice to make the hall available to us. We do say thank you for that. I know it was a very short notice indeed. The other thing that I need to bring to your attention is that please, we have the draft bill with us and take a copy. We brought enough for you. Take time to read because you took time to give views. You should not tire now that we are coming almost to the last stage. Take time to read, understand, usome uelewe and then make contributions to that Bill.

Now, we have our programme today and I am sorry you do not have the programme. We will start by giving the reasons why we have come back to you and the reasons are very simple. We have come back to you because we collected views from you and therefore we are coming back to give you what you gave us. So we want you to read that Draft Bill and see if what you

gave us is what we have presented. One thing that I have to caution you is that, you cannot read just this draft bill and say that is all. We do have a report that you have to read together for better understanding and the reason is we do understand that a Constitution cannot capture all our problems. So you have to read this Draft Bill plus the report.

We have our report put in the Macmillan Library where we have our documentation centre, so if there is anything that is not clear in this draft Bill, you can come and consult the report because you have to read the two hand in hand for you to get a better understanding. There are things that are not captured here and they are captured in the report. So for better understanding, you have to read the two together.

By us bringing the draft Bill to you, we want to encourage free debate on this document. Now, I want to quote our chairman who always says we do not have a monopoly of knowledge and that is why we brought the document back to you, so that you can debate with members of your family, you can debate with your friends and then at the end of it we will produce a Constitution that Kenyans will all be proud of.

We also want you to contribute. Whatever you feel is not okay in this draft Bill, then you are free to give your views. You are free to do that because maybe what you gave – some of these things you will be able to identify with what you said, some of them you will not be able to identify with them. So if there is anything that is not clear, then you are free because we said that this a people driven Constitution, that every Kenyan must participate and therefore this is your opportunity because at the end of the day, we do want to come up with a Constitution that generations to come, our children's children will be proud of what we are doing today. So I encourage you to take time, put abit of your time and energy to read that draft Bill and also to discuss about it among your friends.

So, I will not talk much. I am a teacher by profession and if I mean to talk I can talk the whole day but I have to cut short my talk because I need to welcome Alex Maina, who will take us through the objectives of the review process. So Alex please, it is your time to take us through that. Thank you.

**Alex Maina:** Habari zenyu tena? I will be very very brief because I am sure during civic education we went through the objects and purpose of the review. Today I would really want us to look at them and as we go through the draft Bill, we try as much as possible to see whether these objectives have been captured. I will try to compare – I hope each one of us has a copy of the draft Bill and as we continue, as the other presenters continue, be bearing in mind the objectives and just see if whatever they will be discussing conforms to the objectives that were set up in the 3A Act that set up the Constitution of Kenya Review Commission.

The objectives are contained in chapter three of the 3A and the first objective was to guarantee peace, national unity and integrity of the Republic of Kenya in order to safeguard the well being of the people of Kenya. If you look at the draft Bill, you

will be able to see that that is taken care of very well in the first few chapters. The first few chapters that talk about sovereignty, the Republic, the national goals, values and principles.

The second one is the free and democratic system of government that enshrines good governance. That includes the rule of law, human rights, there is the whole issue of the Bill of Rights in the new Bill, there is the whole issue of Gender equity that is very very well explained in the new Bill and I am sure women will appreciate this.

We also have another very important object, that is demarcating divisions of responsibility among the state organs; the Executive, Legislature and Judiciary. I know this has been the bone of contention especially the Executive. The Bill from chapter 8, the Executive, chapter 9 Judiciary and of course Chapter 7 Legislature, really covers that very well and as you will be taken through, you will find that this has been taken care of especially with creating checks and balances between the three arms of government.

The other objective was in people's participation in the governance. This one has been addressed. If you check the whole of chapter 6, we have representation of the people. It talks well about how we as Kenyans can participate in the governance of our country through democratic, free and fair elections and the devolution and exercise of power. The Bill takes care of political parties, takes care of electoral system, it is in the Bill, you will go through it.

The other objective was something to do with ethnic and regional diversity, communal rights which include the rights of communities to organize and participate in cultural activities and expression of their identities. The Bill looks at this. It respects our ethnic background, takes care of the communal rights, rights of communities. It has something to do with culture and all that.

There is a very interesting objective that I am sure people will be happy about and that is the provision of basic needs. We have in chapter five, Bill of Rights. You will see that a lot of this has been captured as you will go through it. The Bill tries to show how some of the things will be done to provide for the basic needs of all Kenyans which of course will ensure equitable distribution of wealth and equitable access to national resources.

There is the whole issue of promoting and facilitating regional and international co-operation to ensure economic development, peace and stability and to support democratic and human rights. You will be able to see something to do with this. How the new Constitution will facilitate co-operation regionally and internationally. How it will see to it that there is peace and stability, democracy and human rights.

Then there is the whole issue of creating conditions conducive to a free exchange of ideas and so you will be able to see this. There is also a whole issue of ensuring the full participation of people in the management of public affairs. That one is also

captured. You will be able to see it. Then of course enabling Kenyans to resolve national issues on the basis of consensus. How people can agree to disagree or disagree to agree on certain issues.

So these are the objectives that were set by the Parliament when setting up the Constitution of Kenya Review Commission and like I have said, it is good as we go through the Bill, we try as much as possible to see whether these objectives have been captured and where we feel that there are certain things that have not been addressed, it is important that we actually question why this objective is not met in this way. Namaanisha kuwa, ni la muhimu sana kuangalia kama haya malengo ambayo yaliwekwa wakati sheria iliyokuwa ikitunga Tume ya Marekebisha, kama yameweza kuangaziwa na hii Katiba ya awali ambayo tunayo na ni vizuri wakati tunaiangalia, wakati tutakuwa tukisoma hii Katiba ya awali, tuweze kujikumbusha haya malengo ambayo yalikuwa yamewekwa. Kwa sababu Tume ilipopatiwa jukumu la kurekebisha Katiba, kuna haya malengo iliambiwa ni vizuri iangalie. Kwa hivyo ni vizuri wakati tutakuwa tukiangalia, kama kuna kitu ambacho pengine unaona hakijatekelezwa, ama bado kuna swali mahali fulani katika haya majukumu, ni vizuri ulize. Nafikiri hayo ndio ninayo. Asante.

**Catherine Rimberia:** O.K. I believe you are asking why we are just giving you all this information and ours was just to come and launch the draft Bill. It is important to understand where we have come from, where we are and where we are headed to. That is the reason why we are also reminding you, that we did have Act 3A of the Constitution or the Review Act 3A that guided us on what we have been doing and therefore it is for you Kenyans to know what has been our standing pillars, what was guiding us and that is the reason why we are taking you back.

Thank you Alex for giving us the objectives and it is for you Kenyans to check if these objectives have been captured in that draft Bill because I think these were the guiding objectives. Also, something else that we need to remind ourselves is the structure or the process. How was the process structured? So that we know where we have come from and where we are going.

Remember we did start with the civic education. I remember we called you in Charter Hall and you came and the reason why we actually called you in Charter Hall was for civic education, most of you were there for the launch of the civic education programme. Now, because that was the beginning step in the process of the review, we had to tell people what we were about to do and hence that was the first step in the Constitution review or the Constitution making.

The reason why we did call you is because the principles that were guiding the Constitution review was that of a comprehensive review, it was going to be a process that was going to be inclusive. It was a process that was going to be open and democratic. It was a process that was going to involve everybody. Everybody had to participate. So those were our guiding principles and through these guiding principles, we have to go through various stages because it was a process and we started with civic education. Some of you did participate in civic education either as providers, others participated in other various ways. After that you were prepared to give your views. I do remember in Nairobi we did have what we called the public hearings by end

of December and early January, I remember we met in Charter Hall and the civic education was meant really to prepare you to give those views. That of course ended in us having the pilot public hearings in Charter Hall.

However, after sometime we did hold other public hearings and I remember for the first one we came to Harvest Centre here and you did come to give your views. We did have another one in Aga Khan High School and you also gave your views. So that was the second stage in the Review Process. So the first one was the civic education that prepared you to give your views.

Now, the second one was giving views where you had Commissioners coming here and you gave your views.

After that, there was supposed to be debating on the recommendations of the Review Commission and this is where we are right now. So right now we are here because we have to fulfill step number 3. We have gotten your views, they have been evaluated, they have gone through our various processes and very soon we are going to hear of the various steps that those views underwent and now we have given back what you have given us and we expect you to actually debate on them. We expect you to make recommendations. Okay? If you feel that what you gave us is not well captured or is not well written it is up to you now to tell us.

In this particular step, we are going to organize public gathering. Like what we have today, is our first public gathering in Westlands. We are going to have many others. So if you feel today for example is not enough for you, I know for Starehe/Westlands District we have another one on Friday. We have indicated it is going to be in Charter Hall but that venue has been changed to KICC room 7. So we are going to have another one. So if you feel that today, you do not have enough that you should have, then come back on 11<sup>th</sup>, that is on Friday to KICC Room 7 and again we will continue with the debate.

The other way we are supposed to give this information is through the print media. The document you are holding- I think-appeared in one of the print media. So we have done that. It is also in the website so if you feel you do not want this one, you can still go to the website and still download a copy.

We have also made short summaries. You also have this one which came in form of this but now we have it like this. Very soon you will have them. They will be distributed to you. This is the short summary. It did appear in one of the print media just before this one. So we have this one now. This is what I would call the modern one. Okay? That is how we are supposed to give this information on the views given by Kenyans.

After we have debated on the draft Bill, what is the next step? The next step we will have the NCC, that is the National Constitutional Conference and that is after 30 days. Our Act 3A, gives 30 days for debate, for recommendations, for raising any issues. After 30 days, then the delegates who are going to be in one of the venues that will be announced to you later will again go for that National Constitutional Conference where of course they will go through the draft Bill and if they are in agreement, if that draft Bill is okay, then the next step is that it will be presented to Parliament to enact it. But if that does not

happen, then of course we will have a referendum. That is if they cannot agree on a number of issues. But we do not anticipate to go to that, we do anticipate that after the National Constitutional Conference, then we straight away take it to Parliament to be enacted as law. So those are the four or five steps of the Review Process. So we are in step number 3. We have already done civic education, we have collected your views and now we are debating on the draft Bill after which 30 days – and this draft Bill was launched on the 28<sup>th</sup> of last month so you can calculate approximately when we shall have the National Constitutional Conference. So 30 days after that, we should have the National Constitutional Conference and after that then we take it straight to Parliament and if there are any disagreements then we go to the next step. So those are the stages in the review process.

I think with that then we will move on to something else because our programme today says we are supposed to disseminate the information to you and I do not want to really take a lot of your time. I will call upon Achieng who will take you through the steps leading to the draft report and Bill. After we collected your views, what happened to them? It is important that you know because there are many questions. Wengine wanauliza, how come we did it within a very short period? And some of them are doubting. Did we really look at every view that was given? The answer is yes. I can confirm that. The answer is yes and that is why we are coming back to you, to tell you what was done to your views. The very views, the many people who spoke here- I remember the day of our hearing, we left this place after 7.00 p.m. and in many other places. But our worry is, did the Commission have time to look at all the views? So I will ask Achieng to take you through the steps through which these views underwent so that today we have this document. So with that, I will sit down. She is the expert in this area, she was involved in it so she is the right person to tell you what happened to your views after we got them from here. So thank you very much.

**Speaker:** (*interjection from audience*) What it is, is we are concerned by the President's statement that he is going to act soon after Kasarani, that is after Saturday and acting means to dissolve Parliament. Will this process continue? And if it is not going to continue, what is the next step?

**Catherine Rimberia:** Thank you for that question. I guess you are expecting an answer from me. I am also as concerned as you are because I am a Kenyan. I am not any different because I am working for the Commission, my concern is even greater but I think when that happens, then the Commission will have to re-appraise itself. I think that is the best answer I can give. Because Constitution making as you know is a political process and if that happens, then the Commission will sit down and re-appraise itself. And I believe there are always alternatives.

My teacher taught me that if A cannot work, B cannot work, there are always other alternatives to re-appraise ourselves as a Commission. Thank you.

**Mr. Kiarie:** My question is simple. I wanted to know, in the course of last week, two Judges of the High Court refused to proceed with some cases because the lawyers were having that yellow ribbon. So could you please tell us when and where not



to wear them because we might not be knowing what is happening.

**Catherine Rimberia:** Well, just like my chairman says, we do not have the monopoly of all the information and knowledge. First of all we need to know why we are wearing the yellow ribbons. I am wearing the yellow ribbon because I am in solidarity with the Law Society of Kenya, that the reforms should continue. So I guess if you know why, then your question will be answered automatically.

However, if there is somebody with a better answer than mine, you can answer, but that is the best answer that I can give. I am saying that because I am also wearing that. So before wearing this, I should know why I am wearing that.

**James Thuo:** Mimi nitasema Kiswahili. Nauliza hivi, tangu hii kazi ilianza mpaka wakati huu, kuna watu wanajenga barabara, kuna watu wako mahali pabaya, pahali pa maji na hawajulikani na serikali. Munakumbuka hawa watu na tutafanya nini mukipeleka hii kitu iende imalizike kabla ya hawa watu kujulikana na serikali? Ati kuna watu namna hii wenye wako na shida.

**Catherine Rimberia:** James Kinyanjui sijaelewa sawa sawa swali lako.

**James Thuo:** Mimi nauliza hivi, kama hujaelewa. Kuna watu hata hapa Kangemi wanakaa kwa barabara. Kuna watu wengine wenye hawana makao, wanalala kwa mashimo. Kuna watoto wakubwa wanavuta gum. Hawa watu na sisi tunapeleka hii Constitution yetu imalizike, tuwe sisi ni watu huru. Hawa watu watakuwa huru kweli kama nyinyi hamtaangalia hawa watu kabla ya kuweka sign? Hilo ndilo swali langu.

**Alex Maina:** Asante sana mzee. Ni swali nzuri hilo umeuliza na tunakuhakikishia tutakapo ingia katika kuangalia hii Katiba ya awali, utakuta haya ni mojawapo ya maswala ambayo Katiba hii ya awali imeshughulikia. Swala la watu ambao hawana makao, swala la watu ambao hawana chakula, swala la watu ambao wana shida na mambo ya maji, mambo ya mashamba. Imejaribu kuonyesha vile mali ambayo tunayo itaweza kugawanywa na kufikia kila mwananchi wa Kenya. Inaweza kuonyesha kila Mkenya anavyoweza kufaidika na mali ambayo iko hapa katika nchi hii.

Kwa hivyo tutakapokua tukiiangazia hii Katiba ya awali, utakuta mambo haya, Katiba hii imejaribu kushughulikia haya mambo. Lakini pia kama ulivyoelezwa, kama kuna mambo ambayo kidogo umeona yameachwa nje, ni vizuri mwenyewe useme ni mambo kama yapi ambayo umeona pengine haya-kushughulikiwa. Pia kidogo kusema yaliosema, utakuta si kila kitu ambacho kimewekwa katika Katiba. Lakini si kusema haya mambo hayajashughulikiwa. Yameshughulikiwa. Kuna kipengele fulani ambacho kimesema haya mambo yashughulikiwe halafu kikaonyesha haya mambo yatashughulikiwa namna gani. Kama vile kuna mambo mengine ambayo hii Katiba ya awali imesema, mambo fulani yashughulikiwe na Bunge. Na kumepeanwa njia ile haya mambo yatashughulikiwa. Sijui kama nimekuridhisha.

**James Thuo:** Iko mahali nataka nijue zaidi. Hapa Kangemi, kuna watoto wengi wenye wana vuta gum. Kuna watu wanalala ndani ya mapipa. Na tukiangalia sana, hii Katiba – na tulikubali sisi wazee kwa shauri ya watu wale wako na taabu. Lakini hatukutengeneza hii Katiba kwa wale watu wenye wako na mali. Hii Katiba inatengenezwa kwa wasiojiweza. Kwa hivyo hilo ndilo swali langu nataka kusema.

Nikiangalia hapa wakati nitakapoenda kusoma nione hiyo kitu hakuna, malalamiko mutapata kutoka kwangu.

**Catherine Rimberia:** Asante sana mzee Thuo. Vile ningekuuliza ni utulie kidogo kwa sababu hatuja angalia draft. Tuiangalie kwanza tuone kama hiyo imewekwa hapa. Now, let me say that we do have a session for question and answers, why don't we wait until that time? We go by the programme. Right? So let us hear what happened to your views. When we took them, tulifanya nini na hizo views?

**Achieng Olende:** Hallo again. Basically, after we came and collected your views, we went through six steps before we ended up with the draft Bill that we all have. So the first step was during the hearing, following this red book that we used to see what you thought of the different changes we wanted to make in the draft Bill. So, this book was designed and that led to the second step which was called pre-testing. Here the Commissioners went out to all the constituencies in panels to see how you respond and how we could get your views from this book we designed to get them.

We then went to the third stage, which was now gathering all your views from all these different constituencies. That was the time that you came to Charter Hall to tell us what you thought about the changes you wanted to make and some changes which you wanted to make which we might not have considered and put in this book.

After that, we went back to our offices, our headquarters at Kencom House and now we begun the process slowly of getting your views together in groups. So all of you who had something to say about the Executive, we sat from each constituency, took those views, put them together in the category called Executive. What you had to say about women inheriting land all throughout Kenya, we sat, put all those ones together. Doing that that way, made it easier for us to look at your views and see what do Kenyans want? Do they really want a Prime Minister? Do they really want women to take land after their husband died? Once we did that, we could analyze our views and see how we could begin to put them into our report and the draft Bill.

I know the question has come, where did we get the information for our draft? Did it really come from all of your views? And I can tell you that everyone that made a submission to us during the hearings, everyone that wrote a memorandum and gave it to us, we looked at that memorandum, we went back, we listened to tapes of your submissions and we sat, we went through everything you said, we coded it and now we were given and that is how we begun the process when we were in Mombasa of writing this national report and coming up with the provisions for the draft Bill.

What we did after that, is for each constituency, here is the one for Westlands. After getting all your views, we made them all in this short form where we can see very quickly should we be asked or should you want to see what you said, we put it here, when you said it, how many of you said that thing and we put it together in a constituency report. This report shows us how many of you came, how many women came, how many men came, how many farmers came. Your ages, whether you went to primary school, secondary school, whether you were giving your views from the university, so we have them all here. So we can refer to this is what the people of Westlands said and this is how we put it in our report and this is how we have put it in the draft Bill.

The next stage is stage number five; the report writing. That is when we took these things and compiled them. We put them all together in the report. So we have different sections which match each with your views, what you said, what you did not like about the current Constitution, what you liked about the current Constitution and you did not want us to change. What was not there in the current Constitution that you wanted us to add. Now we sat and wrote the report.

The final stage is where we are; feedback. Now we are coming back to you and we are asking you, “did we get what you said right? Did we put what you told us properly? Did we leave out something that you wanted us to put? Can we add it now?” So that is why we are back here with you, making sure before ...(tape ends, word lost)... which is also maybe part two of step six. We want to make sure that when this is over, when the NCC is over, we have the proper records of what Kenyans said forever and over. For your children to see, for your grand children to see. So that it is there. So whatever Achieng said one day in Westlands, someone 15 years from now can see and they can see the right thing that Achieng said. So now that is where you can help us.

What I am going to do next is walk you through the beginning chapters of the draft Bill. Highlighting, not that I will go through everything, I will focus on places where the draft Bill is different from the current Constitution. I will focus on places that we have added things that you told us to add and I will take you through those first six chapters then the other presenters here will help us finish, then we are very eager to get your questions afterwards and also go back with some concerns maybe that we have missed.

**Catherine Rimberia:** I do not know if you were going to do this. I am a teacher by profession and I like giving my students instructions because as we go through this draft Bill, it is important that we know how to identify areas – you know-to walk with the speaker. Alright? So, we have the various chapters and I believe Achieng you being a lawyer will not really tell us chapter this and that, but you have the Articles. We are going to use the Articles. For example, if we talk of Article 5, - - I want them to see if they can identify Article 5. If we are on Article 5, can you please tell me it is on what page?

**Audience:** (inaudible)

**Catherine Rimberia:** No, the chapters will remain there. Let me say for example you go to chapter one. Alright? Let us go to chapter one. It is on page four of the draft bill that you have. If for example I talk of Article 5, are you able to identify Article 5? They are all numbered 1, 2, 3, 4, 5. You have Article 5 isn't it? Then the number in brackets are what? Sub-section 1, and the (a) is what? I want the participants to walk with you. Because I did attend a meeting where I could not walk with the speaker. So it is good we walk with them. We know how to identify those Articles. So if the speaker says for example Article 5, you see the next one in bracket is section 1, subsection (a). So Article 5, Section 1, subsection (a), you will be able to read with them. Are we okay now? So let us go by the Articles because the chapters are going to confuse you and you will be lost. Yes, I said I am a teacher and I like participants walking with me. Are we okay?

**Audience:** *(inaudible)*

**Catherine Rimberia:** No, let us not use the – because if I tell you like get chapter 12, can you get it right away? How much time are you going to use?

**Audience:** A lot of time.

**Catherine Rimberia:** A lot of time. But if I tell you the Article, you will be able to identify them and also I would ask the speakers please, indicate the page because we are not yet conversant with the draft Bill and also something – now, this is not the current Constitution, this is just a draft Bill. The current Constitution is still in operation so this is the draft Bill. Alright? Okay. Thank you so much.

**Achieng Olende:** Before I go to chapter 1, Article 1, let me just take you through the preamble quickly. The preamble is something that you will not find in the current Constitution but something that Kenyans wanted put there. What I will do throughout my presentation, I will not tell you everything, I will try and walk you through the section and tell you why we put it there, why we have changed it. So a preamble which is there, you can all read it, was put there because Kenyans wanted us to be sure that we put in the Constitution that we are all valued equally. No Kenyan has more value than the other Kenyan because of where they are in Kenya, because of what tribe they are from in Kenya, we are all Kenyans, we all have equal rights and we are all valued equally. So that is why you will see it says “aware of our ethnic, cultural, religious diversity and determined to live in peace and unity as indivisible, so we stand as one sovereign nation”.

Then the preamble goes on in the next part about been committed and that we added now because the well being of Kenyan citizens is the most important thing that we want to make sure is protected in this document. We were mandated to do that in our Act so we have done it and Kenyans also asked us to do it. Even once I did not know that we were told to do that in our Act. So that is why we say “we are committed to nurturing and protecting the well being of individuals, families and the communities that all make up our Kenya. “

As Mr. Maina said, take note of one of the objectives of the Review Process which is making sure we all participate in the democracy in Kenya. So, we recognize women as well as men and we also uphold that freedom, democracy, social justice and the rule of law are important in realizing this objective.

Finally the end, where we do adopt, enact and give ourselves and to our future generations this document. There, we are just putting it in the Constitution that this thing is done for Kenyans, by Kenyans and this is what Kenyans wanted. This is not a document from another country. This is a Kenyan document, for Kenyans, made by Kenyans.

Now let us move to chapter one, Article 1, you will find it on page four of your draft. That one is sovereignty of the people and the supremacy of the Constitution. The things that are important here, are that sovereignty is just a big way of saying that now in this draft Bill, we are giving the supreme power, the ultimate power is with the people of Kenya now. You are the supreme rulers of this country and the ultimate power lies with you. We are giving it to you in this draft Bill to use, hopefully to make Kenya a better place and keep just developing, developing, we make it better and better for ourselves. That is basically what Article one is saying.

It is also going back to that objective of Mr. Maina, about making sure our government now is an inclusive one where we recognize women, we recognize older members of our society, we recognize children as having a special status as Kenyans, we recognize the disabled and we recognize different ethnic groups within Kenyan.

Now I am moving down to Article number 2, the supremacy of the Constitution and there, we are just again saying that the ultimate power in Kenya, the supreme rulers of Kenya are the Kenyan people and we are highlighting the democratic principles that we want put in the draft Bill. We want to protect multiparty democracy, we want to make sure our government is transparent so that you know what your government officers are doing, you know what is happening. We want those offices to be accountable now to the people so that they have to answer to you, whether it is something they have done well or something they have done not so well.

We want to make sure that our human rights are protected so that we can live as dignified Kenyans and we want to make sure that our government is independent. That is why we say separation of powers. So the Executive is there, the Judiciary is there, Parliament is there, but they do not just operate and we do not know what they are doing. They are all there, checking on each other, looking at what the other one is doing, balancing each other so we have a fair system of government.

Now, I am leaving, let me just mention briefly Article 5, the laws of Kenya. There we have just decided to put the different types of law that will be ruling us here in Kenya. So we do not only say that the Constitution is the only law. We recognize, we respect customary law, as long as that law does not take away a right we have given someone in this draft Bill. We recognize

Islamic law and Hindu law in line with our respect for people's religions. We recognize common law, we recognize East African Community law because we know that Kenya is not an island, we are here with Tanzania there, Uganda, Somalia, so things within our regional community we also recognize and respect them and we also respect our disabled fellow citizens. Their languages are important to us and they are protected in this draft Bill.

I am now on to Chapter 2, we are still on page 4. This is the chapter about the Republic of Kenya. This is a more technical chapter. Again we are saying that Kenya is a sovereign republic, the power is ours. We are recognizing Nairobi as our capital. I am on Article 7 and Article 8. We are also putting the territory of Kenya – I am sorry to take you back to that Article 7- and the details of all our boundaries you can find in the first schedule which is towards the back of your draft Bill but we are stating it briefly there.

As you come with me down that page to Article 9, we are giving Kiswahili and English equal footing in Kenya. So no longer can anyone that was making one of them second to the other one do so. English is a language of Kenya and Kiswahili is equally a language of Kenya. We are also promoting further down there, Article 9, section 3, we want to encourage indigenous language so that if maybe you speak Duluo or Kikamba in addition to English and Kiswahili, that is also being encouraged by this draft Bill.

Article 10, we are separating the State and religion so that there is no State religion that anyone must feel they have to follow. You are free, you have the freedom of religion. The State cannot dictate to you. Then we have our national symbols in Article 11. Again those are contained in the third Schedule that you will find in the back of the draft Bill, just saying what is our flag, what is the anthem, what is the seal of Kenya. Then the final one, Article 13 are the national holidays. Kenyans told us when we were going around that there were too many sometimes. They lose track of them and they also lose meaning. So we have listened to what you have told us and we have put that number there. There are actually only two of them that you know and now subsection (e) of Article number 13 gives us a new one, Katiba day. The day that our draft bill hopefully is enacted so that that day can be remembered afterwards.

Now I am on to chapter 3, we are still on page 4- national goals, values and principles. This chapter is dealing more with what Mr. Maina had shared with you about the objectives of the review process, only that now we were told to do so and we are making sure it is in the Bill. We are making sure the Executive, the Judiciary, our Local Authorities, Parliament, citizens, our State Organs, our State officials uphold these national goals, these values and these principles. What we are really trying to do here and that is Article 14 is make sure that national unity and ethnic identity are protected together as one so that even though we are all from different groups, we are all from different areas, our goal as a nation, our goal as Kenya is to make some sort of a national unity so we stand together and we now protect that in the draft Bill.

The most important thing in this section is the safeguarding of the well being of Kenyans. So we will try for instance in

subsection 6 there on page five, to eradicate all forms of corruption. In section 11, we want to again encourage our women, the disabled and communities who maybe currently or in the past have not always been included. We want to make sure that they are part of now our national goal, our road to achieving national unity. We want to make sure they are there. We want to make sure we respect them and that they are recognized.

In section 14, we are going back to another objective of making sure that Kenyans have their basic needs met. Whether that is food, a house for you to live in, enough clean water for you and your family, sanitation, so there are no open sewers in your neighbourhood and not in the homes of others. Security, so that you do not feel threatened when you are walking in your home at night, you do not feel harassed by our police, that kind of thing.

Section 15, we recognize that Kenya we do not just exist on our own. Now we have put in the draft Bill that we have to promote science and technology so that as other people are advancing and moving up, we are also moving up with them and that is your right now. It is put here, so the State has a duty to make sure that that thing happens.

Article 15, on page 5 is new. You will not find that in the current Constitution because in this draft Bill, we are giving you these rights that you told us as Kenyans you want us to give you. We are also saying you have to have something that you do in return. So we are giving you duties now as Kenyan citizens and they are all listed there in the section (a) – (n). Briefly, you have the duty to know your Constitution, you have the duty to defend that Constitution when it is attacked or threatened. You have the duty to vote so that you may be represented in the government. You have the duty to contribute to national development, you have the duty to protect your environment, the duty to help in stopping corruption and the duty to promote national unity, so there can be one thing that stands as one that people will know as Kenya.

Now I move to Chapter 4, that is citizenship. That one begins with Article number 16, we are still on page five. Here, again we were mandated in our review Act so it is one of the objectives of this process, that we give all Kenyan citizens alike the same right and the same duties. So in the current Constitution, if you are a man and you marry a woman, she can become a Kenyan citizen, your children are Kenyan citizens. But, if you are a woman and you marry a who is not from Kenya, your husband will not become a Kenyan citizen. So the rights of men and women in citizenship in the current Constitution were not equal. Here in Article 16 sub-section (a), we have made them equal. So men will give their wives citizenship and wives will also give their husbands citizenship so that men and women can be recognized as being equal citizens of Kenya.

We are doing this not only because of what Kenyans told us throughout the country where we went, but also because in our other objective of national unity, citizenship is a very important way of now achieving that objective. When you count yourself as citizen of Kenya, that is when you can work towards making the nation of Kenya unified, making the nation of Kenya develop, making the nation of Kenya progress. That is why we have put it here and that is why we have made both men and women have and share that duty.



If you go down to number 18, you will see the ways that we have put in the draft Bill for you to become a citizen of Kenya, whether it is by birth, whether you register as a citizen or whether somehow you might become naturalized as a citizen. Article 23 on the rights, you will see that the draft Bill now recognizes dual citizenship, so we can allow you to be a citizen of Kenya and another country with guidelines that we have put there. We have also noted how your citizenship might end, that is in Article number 24 and if you turn the page to number 6, you will see in Article number 27, we have given that duty of making sure that thing is done, of seeing how it is done to Parliament. Sometimes people have been telling us we said this, we said that, we do not see it in your draft Bill.

This draft Bill of ours could only be so many pages. So we could not put everything you said – though we listened to everything you said, we could not put everything you said in the draft Bill so sometimes like with citizenship, we have told Parliament or we will help tell them, this is what Kenyans said, now you put an Act of Parliament to be sure that what Kenyans said is realized in Kenya. So that is what Article number 27 is telling you. Article 28 is a new citizenship registration board which will register Kenyan citizens. So now we are still on page 6, we are on to chapter five.

Article number 29 is where that begins, the Bill of rights. This is a long section, so you will bear with me as I walk us through it. Before I begin, the difference you see here with our current Constitution is that now your rights are put here. They are put here specifically and they are put here in details so there can be no confusion as to do I really have a right to food? Did this mean I have a right to water? Now it is there. It is there in Kiswahili, it is there in English so you will see it and you will know that is your right as a Kenyan and this is where you will come to show anyone who questions you or threatens that right where they can find it.

This goes back to the objective. I am going to take you back to making sure we safeguard the well being of citizens. We can only do that by protecting your dignity, your lives, your human rights. So that is what all these Articles here are about. We make sure that we put them there, we give you a way of getting, we put there a way for them to be protected. You will see later on in the draft, there is a Commission on human rights and administrative justice, where you go when those rights are violated, where you go when those rights are violated, where you go when those rights are threatened, but for now, let us just go through some of them.

Article 29, we are saying that these rights are fundamental. There we just mean they are the most important thing, the most basic thing that we are giving to you. In our current Constitution, many of what we call your civil rights and your political rights have been protected. Your right to vote, that kind of thing. Your right to elect a candidate, your right to move within Kenya, those are your civic and political rights. What was not there in the current Constitution so much is your economic rights, your social rights. The ones that help you live, the ones that help your family live, the ones that help Kenya go up and up, progress and



advance. So here in this Bill of rights we have added them.

You will see, for instance again, Article 33, there we are stressing again the equality of all Kenyans. We had it in the preamble, we have had it in other places, now we are putting it here again. Article 33 (1) and (2). All Kenyans are equal. Article 34, because you are equal, you are also given freedom from discrimination. So no one can discriminate against you because you are a man and you are a Kenyan. No one can discriminate against me because I am a woman and I am a Kenyan. We are Kenyans, we are equal and that is there under the Bill of rights.

Article 35, you will see that we have given a whole section to the treatment of Kenyan women. To make sure that their rights are seen as important as the rights of our Kenyan men. So you will see in Article 35, we are giving them the right to equal treatment with men. The right to equal opportunities. We mean jobs, we mean money for business. All those things that men do, we are saying that our Kenyan women are important and we want them to be protected so that they can also do them.

You will see Article 36, the lower parts of page 6, our older members of society which in our current Constitution are not there as such. Now we have put them there. We are saying they deserve to live in a dignified way. They deserve to participate in all the affairs of Kenya. They deserve our respect it is their right and they also deserve the right to maintain themselves. That is what we mean in number 36, section one, subsection (f). They retain their autonomy.

Then now if you turn to page 7, you will see Article 7. This is another topic you will not see in the current Constitution. We are giving children in Article 37 a special status and we are putting it in the draft Bill so that they will be protected. They are members of society, they are citizens of Kenya and we are also making sure now, Article 37 that their rights are protected.

If you go down, Article 37, section 5, subsection (d). We are protecting children from discrimination, from harmful cultural rights and practices. From being exploited in terms of child labour, child slavery and from being neglected. There we wanted to capture our street children who just because maybe they do not have parents, they do not have a home, they still have their rights that we have to protect and we want to protect children from abuse.

Then there you will see most of this section came from Kenyans' wish that we include the Children's Bill in our Constitution. They are telling us Parliament has given children all these rights and all these things, but who is making sure they are put there? So what we did, we looked at that Bill, we took everything that our children as special citizens of Kenyan needed and now we have put it in the draft Bill. So it goes into the Constitution now, it is as important as the Constitution, it is not only an Act that Parliament did.

Then we have a section, Article 38, on the family. We are recognizing that towards our objective of national unity, the unity of the family is so important in Kenya. So we are giving it there. It is special recognition and those other sections you will see are

towards that realization. Then you will see Article 39, Kenyans with disabilities, we are recognizing their special needs here and making sure that those needs are met and protected.

Then we move to Article 41, that is another new one from the current Constitution, because as we went around Kenya, whether we were in urban areas like Nairobi, Kisumu, Mombasa, or whether we were in areas that share a border with our neighbouring countries, people told us they do not feel safe. They told us that the Constitution now protects their land, it protects their home, it protects their vehicles, but themselves, they are not protected. So there in number 41, we've protected you as a citizen of Kenya. You are to be free from being deprived of your rights. You cannot be detained without a trial, without someone telling you why. You cannot be harassed by the police, you cannot be beaten and that kind of thing. It is your right to have yourself be safe and secure and that right is in the draft bill.

Another new one we have is your right to privacy. These same places we went – that is Article 43, people told us sometimes the police enter their homes at midnight, search their homes, break windows, tear things, now you have your right to privacy in Article 43. That means that you have the right to refuse that your home is searched. Your land is searched, your possessions are taken from the house to the police station. That is your right that is in the draft Bill now, Article 43.

Article 44, the freedom of religion. We have recognized as Kenyans, you are the ones to decide how you want to pray, where you want to pray, what you want to believe, how you want to think or not to think. That right is in Article 44. For the Muslims among us, later on in the draft Bill, we have given special recognition to your law, your courts, the Kadhis courts, you will see them there.

Now if you turn the page-to-page 8, we have protected in Article 45, the press, the print media that our District co-ordinator was telling us about. They have to print what we want. They have to inform you. No one can tell them put this and remove this. They have the freedom to represent and disseminate information to Kenyans. That is Article 46.

The other one I want to just highlight briefly during this time of election is the publication of opinion. That is Article 46. The next column section four "... All State owned media have to be independent and fair in their coverage so that you Kenyans see everything". That is what you should see before you make your informed decision, so now that is your right and we have put it in the draft Bill the way you have asked us to put it. Other than that, Article 50, political rights just correspond with those duties as citizens you were given. So, you were given the duty to vote, again it is repeated there in Article 50.

The rest, freedom of movement and residence, number 51 are refugees. We appreciate in Article 52, that as we are going towards this national unity, this development of Kenya, we might also act not for ourselves but as a heathen for our neighbours be they at war, be there famine, that kind of thing. That is Article 52. So they are regulated so that they do not come in and take over Kenya. That sort of thing we heard on our borders. They are there, they are protected to that degree.

Property; Article 54. In line with our equality, there in section 1, we are saying that every person, every Kenyan can own land, they can inherit, that is what we mean by acquire land. So women, when their husbands die will no longer be told, the family is taking all the land. The girl child in the family, when the father dies, and all the brothers get land, now we are also saying we have to give her something also. She is a Kenyan, she has equal rights to that land.

Now I am on page 9. Just quickly, Article 55, considering our teachers currently are on strike, Labour relations, Article 55. Every worker in Kenya has those rights that you see and you will see that, Article 55 section 2, sub section (d), the right to strike is yours. And you will see above (a), fair remuneration is also yours. Meaning, you can strike but you must also be paid. That is your right in the draft Bill, we have put it there.

Basic needs, which Mr. Maina had mentioned, you will see them listed there from number 57. Health. We have added something from the current Constitution, reproductive health. There we mean family planning. We also mean that we do not want HIV/AIDS to finish our people here in Kenya. We want you to become educated about that. We want you to have the facilities in your home area. Kenyans told us they all cannot afford to travel to Nairobi for treatment. Now we have given you health as your basic need and the facilities to realize that will come.

Education, we know that as Kenyans sometimes we have difficulties without school fees, sending our children to school, even once they have passed properly. So there we have put, Article 58, every Kenyan has the right to basic education. First we are giving free and basic compulsory, so that every Kenyan must at least have primary education. Then we are asking the government that slowly, they keep adding until that becomes secondary and that becomes even university education. You will see that in sub-section number 3.

Housing, another basic need that Kenyans told us they need. That they do not all have now, is Article 59. There the change you will see is, we say you have the right to access housing and that housing must be adequate. There we were thinking of our disabled fellow citizens so that they are not given a house, that they may not live in comfortably, that they might not access easily. The housing must be accessible. There we also mean affordable and it must be adequate for your needs.

Food we have put there, must be made available again and accessible to you as you need it. It is your right. Water, the same way, sanitation, sewage, toilet, the same way. We have put language and culture, you will see again Article 63 (a); We have added consumer rights. Article 64; Kenyan consumers deserve quality goods. Now it is your right. Safety from those goods, so if your gas cooker has a problem and you are burnt, now you have a right in the draft Bill. You have a right to compensation when maybe the fridge you buy is not working properly. It is not that you keep that thing forever, now you can be compensated for that defective thing you bought and you have to be consulted by the people that make these things that you buy. So that they know what do Kenyans want? Let us give them what they want. That is Article 64.

Then the rest is there. From 65 on, Administration must be fair. You have the right not to obey unlawful instructions, Article 66. Access to courts, Article 67. So that no longer do people live with a problem because it is too expensive for you to go to court. There is your access in Article 67. If you turn to page number 10, it continues. Your right to a fair trial. Article 70, the rights of persons held in custody, those in jail who might find themselves in jail. There all those things we are saying your rights are there to be held in a dignified manner. Not to be tortured, not to be abused.

Also another new thing in this draft bill that is not in the current Constitution is your religious freedoms have to be protected. Even if you are in jail, you are still a Kenyan. If you need to pray, if you need a church, if you need to wash before you pray, we have to make sure those things are done.

If you turn to page 11, that is Article 72, we are just telling you how this Bill of rights that belongs to you will be applied so that the Executive must make sure they act in accordance with it. The Judiciary when you are in court cannot take away rights which we are given here. Then there is a mention, Article 73, about the Commission on human rights and administrative justice which one of the presenters will go into more details with you.

We have talked about the authority of the courts regarding this Bill of rights. That is Article 74. We have said how we want this to be interpreted, Article 75, so that there are treaties Kenya is a party to, there are things we have signed. Some of us just see our officers go abroad to these countries, they sign something, we read it in the paper but we do not see that thing in Kenya. Now Article 75, we are saying when you go there and you make Kenya sign something, you have to bring that thing back. So whether it is how children will be protected, how women will be protected, we will make sure that we see that thing in Kenya.

Chapter 6, Article 76. This is the representation of the people. This is now how we will be electing officers of our government of Kenya. The general principles Article 76, section 6, the new things you will see is that since it is one of our objectives to make sure that we have a democracy where we all participate, we have to make sure that women, the disabled and the minorities feature in our elections so that they are represented as Kenyans.

If you come down to number 77, you will see that we have now told Parliament, these are the things you will do. These are the things you will monitor to make sure there is representation of and by the people. So, they will deal with the number of constituencies, that is sub-section (a) of Article 77. They will deal with how our candidates are nominated, how we vote, how we register, how our elections are conducted, how our elections are supervised to make sure they are fair. Now a new thing is section (g), where you will be able to vote even if the elections find you outside of Kenya.

Article 78 is dealing with Political parties and women. To make sure that women are there as equal Kenyans, these are the things that our political parties will do. Make sure that we have a certain number of seats, so that our rights are recognized, our

needs are also there. Then if you turn to page number 12, here are more technical details of how you will register to vote. That is Article 79, number 80, how you will be disqualified from that registration and Article 81, let me just stop because it is important because now it is saying in Article 81, that voting has to be simple and it has to be precise so there are no mistakes, there are no confusions, our ballot box must be transparent so that we can see what is going in there, that is Article 81.

Now in subsection c, Kenyans wanted their votes counted there and then at the polling station by the presiding officer to make sure that the election is free and it is fair. So now you will see it is there section 81. It is part of the draft Bill. I am moving now to number 83, the Electoral Commission. This is now being established as an independent Commission. You are appointed there by the President but now you must be vetted by the National Assembly. No MPs will seat in this Commission. We want it to be independent and we want to make sure that it is representative of the candidates that Kenyans want. So you will see in sub section two, that is just dealing with the appointment and being vetted by the Assembly. The rest of those sections just deal with now the details of establishing that Commission.

If we move to number 84, these are the functions of the Electoral Commission. You will see in Article 84 number 1, subsection (e), that they now supervise our political parties. Throughout Kenya some people were telling us there are too many parties, parties are just based on tribal affiliation. Every time we turn around there is a new one. Now they do not just operate by themselves. 84 – 1(e) makes sure that there is an independent Commission that now supervises these parties within Kenya.

(g) within that same Article 84 –1, make sure that electoral disputes... So if there is a situation where there are two candidates and they are both saying that they have won the election, now it is this independent Commission that will make sure that is resolved properly. They also observe, monitor and evaluate the election.

Article 85 just talks about the staff of this Commission. 86, the Commission will be the one naming the constituencies. Now 87, we are dealing with political parties. Basically, the draft Bill is making political parties be more responsive to your needs. So that they do not just operate for their needs, they also remember their members and their supporters. That is Article 87. You will see in Article 87 Section 3, no person, that means no candidate, no one standing for office can use state money which belongs to all Kenyans to support a political party.

Then now Article 88 deals with accountability, roles and functions of the parties; Making sure that they answer to you when you ask something of them. Article 89 at the bottom deals with the registration of the parties. If you now turn to page 13, you will see Article 90, the qualification for the registration, but this time of the parties. What Kenyans asked us to do was make sure that parties are national. They have a national Kenyan character. Not that this party is for Kikuyus, this party is for Luos, this party is supposed to be for Kenyans and we want to make sure that they promote the things that all Kenyans need. That is what Article 90 is saying.

Article 92, we talk about how your registration might be cancelled, we do not want parties that are based on language, because you speak a certain language you join this one, because you are a woman you join this one, we want one that will unify Kenyans' national character. That's just what might make you get disqualified in addition to how you use your money, which we discussed in Article 93. That is the political parties fund. This is here because Kenyans asked that we find a way to decrease corruption in the political parties. So what this fund does, is give State money to the party based on how many votes they get. In addition to that money from this fund, in Article 94, section 1, subsection (b), you will see that they can also receive money from other sources. Those other sources you will see them in Article 96, they are listed there.

We move upto Article 97. Here is where we will try to end corruption because that is what Kenyans wanted and to make parties more transparent. So, you will tell the Commission how you received your money, you will tell them how you are using your money and because this entire thing is about representing Kenyans, you will not take money from a non-Kenyan to make your party because it is not non – Kenyans you are representing, it is Kenyans. So you will see that in Article 96, section 5 and then it continues with supervision in Article 97. Party discipline is the final one I will talk to you about. Article 96, there we just mean that since this draft Bill if, enacted, will be the most important law in Kenya, political parties must conduct themselves in line with this Constitution. This will be the document they answer to, this will be the draft that guides them.

Now I have talked enough, another presenter is going to take you through Chapter 7 until we finish. Thank you.

**Catherine Rimberia:** O.K. Thank you for being patient. It is a long draft and we have actually to internalize it. Now, it is as new to us as it is to you because as I was seated here, I am still discovering new things that are not seen, so do not be worried that you cannot internalize the document immediately, remember we are just telling you , this is what you told us and that is what we have brought to you today.

So, thank you so much Achieng. She requests that I ask those with questions just to keep them. She will take a break and answer the questions later. Now we have Gilbert who will take us through the other session. Thank you.

**Gilbert Omoke:** I will take you through chapters 7, 8, 9, 10 and 12. May I know if all of you are at page 14. Chapter 7 is about the Legislature that is Parliament and Article 101 of Chapter 7 establishes Parliament with two Houses, that is the National Council and the National Assembly. That is a big difference from the current Constitution because under the current Constitution we have only the National Assembly. Now, we will have two chambers of Parliament. Article 102 goes on to outline the purpose of Parliament. The current Constitution merely states that Parliament will be the legislative authority of the republic but the proposed Constitution will ensure that that power to legislate laws will be for the benefit of the people and that is why Article 102 paragraph (2) which says in order to ensure that the State functions according to the will of the people, Parliament has the Authority to exercise the sovereignty of the people. From now, Parliament will be legislating laws for the benefit of the ordinary members of the public.

Article 103 bestows upon Parliament power which it does not have under the current Constitution to approve some important appointments. This is because in the course of collecting views the Commission received a lot of complaints that there are Presidential appointments which are made and the process of doing that is not transparent. Therefore, it was necessary for Parliament to play a role in the appointment of such people, to ensure that people of integrity are appointed.

Under that Article, paragraph (3), there is outlined some appointments whereby the National Council has to approve. That is the Judicial Service Commission, there is an Ethics and Integrity Commission, National Lands Commission, National Environment Management Commission, Salaries and Remuneration Commission, Teachers Service Commission, Constitution Commission, Human Rights and Administrative Justice Commission, Attorney General and the Director of Public Prosecution, Public Defender and Police Commissioner, Judges and the Chief Kadhi.

Parliament has been given more powers in the approval of expenditure of public revenue. That is under Article 104. Under Article 104, Parliament has been given more powers in scrutinizing budgetary allocations.

Article 105 merely describes the two Houses of Parliament. The National Council will be known as the Upper House, the National Assembly will be known as the Lower House. Article 106 talks about members of the National Council. The National Council is going to be constituted of course by elections and then by the terms of paragraph (a), there will be 70 members who will come from the Districts. So from each District we will have one representative. Paragraph (b), there are seats which are reserved for women candidates. As we saw from the objectives of this review, the Commission was given the mandate to ensure that there was gender equality in government and this will ensure participatory governance.

Article 107 is on members of the National Assembly. These ones will come from constituencies. Article 108 goes on to set out the qualifications of members. There is no great departure from the current Constitution here and therefore we can move on to Article 109. Article 109 re-affirms the principle of equality of gender in a representative government. We will have at least one-third women representation of members in each House.

Election of members is dealt with under Article 110. It talks about elections of members of the National Council. There will be at least 45 days before expiration of the term of the Council. It means before the end of each term of Parliament and that is within 45 days, there will be elected members of the council. Therefore, even when Parliament is dissolved, we will still be having members of the National Council sitting.

Article 111 talks about tenure of office of members of Parliament. A member can vacate office by resignation and that resignation has to be tendered to the Speaker and if circumstances arise that if the member were not a Member of Parliament, would cause the member to cease to be a Member of Parliament. For example insanity, things like those.



Another innovation in the Draft Bill is Article 112, which bestows power on the people to recall a Member of Parliament. I do not know whether you can see Article 112. That is the Article that will empower you to recall a Member of Parliament if you feel that his performance is not in the interest for which you elected him or if he is failing in performing.

There is Article 113, this one talks about the presiding officers in Parliament for example the Speaker and deputy Speaker. These ones will be elected by the members of each House. We will not have them appointed. There is a clerk to the National Assembly who will be recruited by – that one is under Article 118. He will also not be appointed by any member. He will be appointed by a Parliamentary Service Commission.

Another innovation in this draft Bill is Article 120, which talks of a leader of minority party. Now, in each House, we shall have a leader of the minority party that is the parties that have the lowest number of members in the House.

Article 124 is about the Presidential assent to Bills. Under the current Constitution, the President may refuse to approve a law and that may mark the failure of that law but this new draft ensures that the procedures that will be followed in the process of assenting is in such a way that the President cannot over power the Legislature and that is why we filled a provision in paragraph – we are in Article 124, paragraph 2, which sets out a procedure the President follows in assenting to the Bill. That is to send it to the Supreme Court for an advisory opinion, or he can refer back the Bill to Parliament, to the Speaker.

Another notable provision is Article 128, paragraph (1). It says that once a Bill has been passed and assented to by the President, shall become law and shall be published in the gazette as an Act of Parliament. I am saying this is a departure from the current Constitution because under the current Constitution there is no obligation to make that it becomes a law at that time. They can postpone its operation to a future time. This draft Bill ensures that once it is passed and assented to by the President, it becomes law.

There is a right bestowed on members of the public to petition Parliament. That is Article 129 in terms of legislation. Even a private individual who is not a Member of Parliament can initiate the process of making laws under this draft Bill.

Another innovation is Article 131, which sets out a provision to ensure that there shall be established a registry whereby laws made by Parliament will be kept and we are told under that Article 131, paragraph (2), the fact that a law is kept in this registry is evidence that that law was enacted and therefore someone cannot come and say this is not a law of Kenya.

The official language of Parliament under Article 134 will be Kiswahili, English and sign language. This is another innovation to ensure that the interest of the deaf people is catered for. Under Article 136, a procedure is set out for Parliament to regulate its own procedures because many people wanted Parliament to have an autonomous control over its own process.



There are committees of Parliament which are set out under Article 140 and these committees will ensure that the process of legislating laws is properly adhered to (*interjection from audience*) We are at page 18. At Page 18, Article 141, this is another innovation from the current Constitution because now Parliament may sit in another place other than Nairobi if the House decides. I am not going through each paragraph because that will take a lot of time but I am highlighting the essence of those provisions. (*interjection from audience*).

The term of the National Council, that is half of Parliament will be four years and that is Article 142. Article 143 talks about no confidence motion. Another innovation in this draft Bill is Article 146 which facilitates the members of the public to participate in the proceedings of Parliament.

Now I am moving to another chapter, chapter 8 on page 19. The fundamental principles that are set out in this chapter are that Executive powers will now be exercised for the well-being and the benefit of the people of Kenya. I move down to Article 150 which talks about the powers of the President. He will be the Head of State, Commander in Chief of the Defence Forces, the Chairperson of the National Security Council and the Chairperson of the Defence Council. This Constitution limits the exercise of Presidential powers because at paragraph two, it says they shall be exercised in accordance with the provision of the Constitution and other laws. Not from his own views or his own will.

At Article 152 the same page, the President may initiate the legislation of a particular law. Article 154 talks about curtailing the powers of the President, that is page 20. It basically talks about how the President may conduct himself, when he can be deemed to be in power or not in power, when he ceases to be a President. Then Article 155 says that a President must be elected by the people. Article 160, it is also important because it says explicitly that the term of the President shall be limited to a term not exceeding five years from the date he assumes office.

Then Article 162 sets out procedures on the removal of a President if he is unable to discharge his functions. Article 163 at page 21 talks about the impeachment of the President. Under the current Constitution there is no such provision and now this is an innovation in this draft Bill because those were the views of the people.

Article 170, the same page, there is another innovation which is not in the current Constitution whereby we shall have a Prime Minister who shall be the head of government, whereas the President will be the head of State. The Prime Minister will be appointed from among the members of Parliament. Page 22, Article 175, it talks about a cabinet of ministers who shall not be appointed from among the members of Parliament. This means we shall have professional ministers appointed from experts.

Now we move to another chapter. Chapter 9, that is the Judiciary but here it has been referred to as the Judicial and the legal system. That is at page 23. The draft Bill says that judicial authority will be exercised for the people and in the name of the

people. That is Article 184. Article 185 talks about the courts we shall have. It highlights them as the supreme Courts, the Courts of Appeal and the High Courts, Subordinate Courts will be the Magistrates Courts and other courts that maybe established under Acts of Parliament.

Article 186 stresses on the independence of the Judiciary. That means that the process of adjudication of disputes in court should not be interfered with by members of Parliament or members of the Executive. Page 24, there is a procedure for appointment of Judges. Judges shall be appointed by the President but with the consultation of the Judicial Service Commission and that has to be approved by Parliament. There are explicit provisions on the qualifications of these persons to be appointed Judges at Article 195. This is to ensure that the most competent persons are appointed to those offices.

Article 196, the tenure of office of Judges will be upto 65 years but they have an option to resign at the age of 60. Under Article 197, if a Judge is unable to discharge his functions or he breaches the code of conduct or he becomes incompetent and he is guilty of misconduct, he may be removed. There is a procedure set out there.

A Kadhi's court has now been provided for. Under the current Constitution, the Constitution merely says there shall be a Kadhi's court but this new Constitution now properly establishes this Kadhi's court and sets out the people who can hold office in those courts. There is a Judicial Service Commission at page 25. Article 204 says that its main principles will be to ensure and enhance the independence and judicial accountability of the Judiciary. To ensure that the Judiciary is independent, transparent, free of corruption and many other such things. These are set out in Article 205 to ensure that it has achieved these objectives.

Let me move on to the Legal System on the same page on Article 208. Okay, the main difference in this draft Bill from the current Constitution is that the office of the Attorney General and the office of the Director of Public Prosecutions have been separated. Now the Attorney General will be the principle legal advisor of the government and he will not be concerned with litigations in court. Therefore this State function of litigating in court will be bestowed upon the Director of Public Prosecutions. Now this will be another office but it will be like the office of the Attorney General to ensure that it will operate efficiently and it will be free from interference by other members of for example from the Executive and Parliament. Because of that, there are provisions stating that - those you will find under Article 209, saying that the Director of Public Prosecutions will not be subject to any directions by any other person in the conduct of his duties. Therefore he is supposed to operate independently.

Article 210, this is another thing that the people were asking about. It is the office of Public Defender. People were asking about legal aid and to have advocates or lawyers to represent them if they cannot be able to pay for their fees. Now the State or the Government will see to it that people who are not able to secure lawyers to represent them in court and other matters get these services by setting up a Public Defender's office- Chapter 10, the same page. Because people were saying that state powers or government services are concentrated in Nairobi or in urban centres, we want them to be devolved so that you do

not have to travel to – if you come from Kakamega, you do not have to travel to Nairobi to get certain services and that is why the Commission set out to put this provision- Devolution of power. To see that even at the villages we have government. Therefore, the provincial administration was found to be ineffective and it was abolished.

Let me not go into the intricate provisions of how the devolved government will operate because it will take a lot of time but the main essence of this chapter is to ensure that services are brought closer to the people. People are able to have their own health centres, schools. Therefore I will ask you kindly to move on to page 29, chapter 12. It is on environment and natural resources. If you can recall, when Achieng was taking us through the provisions on the Bill of Rights, there was a right to a clean environment and therefore that is why the Commission set out to elaborate on that right by setting up provisions regarding environment and natural resources. That is Article 239 which says that every person in Kenya has a duty to safeguard and enhance the environment.

Paragraph two enjoins the government to ensure there is a proper structure and policy framework to ensure that the environment is protected. There are elaborate provisions there to protect the environment and natural resources as you will see from Article 239, paragraph 3. There is an obligation upon the government to ensure that the wildlife, genetic resources and our biological diversity is protected. Forests are protected and many others in that regard.

There is established a national environment management Commission. This is already in existence but now what the draft Bill does is to Constitutionalize it to show that environment is a very important issue. The purposes of the Commission are set out in Article 240, paragraph 2. There is Article 241, it talks about the enforcement of environmental rights. It gives every person who feels that his right to a clean environment is violated or has been violated or is likely to be violated, right to go to court and ask for a remedy. That means even if you have not been injured but you feel that because of some actions you are likely to be injured, for example destruction of forests, extinction of forests which you think will affect your right to a clean environment and the rights of future generations to a clean environment, you can go to court and stop that person or that government department from exercising government authority.

That resolves the problem of interest. Sometimes you go to court and you are told, how are you affected by this action of excising forests and you are not a resident of this place, you are not the owner of this land. Like it was when Wanagari Mathaai went to court. Therefore that issue has been resolved. With that I come to the end.

**Catherine Rimberia:** Thank you very much Gilbert. I think for the next speaker, I will have to time you because time is not with us and we do not want to keep you really for a long time, but my joy is that the draft Bill is very friendly. Those of us who are not lawyers like me, that maybe we can read through. You have the draft Bill with you and a lot of things really we cannot internalize them within this short period but my joy and for those of you who are not lawyers like me, is that we can really read it

unlike our current Constitution which is in that English that you know -.

I am glad that the Commission heard you, that whatever we come up with should be reader friendly and I believe we are happy with the language because you can sit when you are tired in your house and go through some of those sections, isn't it? So I will ask the other speakers who will come, please give us the highlights and Kenyans have the energy and they will enjoy reading this just like I was saying, wao! this is very good because the language is very friendly. We will read because we still have the session for questions and answers and I think it is important that we spend a lot of time there.

Now, before I call the next speaker, we have a little drink here, so I will ask those who are serving, please come and serve very quickly. I will give you three minutes and then we move on to the next session. Thank you. Can we continue as you serve? Yes, Kenyans are able to do a lot of things at one time, so thank you for that. Alex Maina I am giving you three minutes. I will time you.

**Alex Maina:** Asante. Mimi nimepatiwa sehemu ambayo ningetaka Catherine aniambiye kwa nini ameni-choose nifanye. Ameniambia ni-eleze kidogo kuhusu mambo ya ardhi ama what you call land and property. Pengine ameniangalia hivi akaona nimetoka Embakassi, akajua huyu na mambo ya ardhi, lazima anaelewa zaidi.

Mambo ya ardhi yako katika page 28 ya the draft Bill. Na kwa kifupi tu ni kuwa page 28 imeguzia mambo ya land on about 6 issues. It talks about land policy framework, it talks about ownership of land, classification of land, tenure of land, protection of property or land and establishment of national land Commission.

One may ask me, "what is this land? How do you define it?" If you look at page 29, Article 238, land has been defined as the sub-soil, sub-terrain, deposit beneath or at body. Any body wholly contained within or beneath any land and the air space immediately above it. So that is the simple definition that has been given by this Constitution. About the issue of land policy framework, tukiangalia mambo ya land policy framework, kipengele hiki kina-gusia umuhimu wa mchanga. It talks about the (inaudible) of livelihood. Sisi kama wananchi, tutakaa namna gani katika ardhi ambayo tunayo. Inaongea kuhusu usawa, uzalishaji na utumiaji ambao ni wa kudumu wa ardhi ambayo tunayo. The equitable efficient, productive and sustainable way of making use of the land.

Ukiangalia hiyo page 28, Article 232, from 2 (1) to (f), kuna mambo muhimu ambayo yamezingatiwa katika mambo hayo ya mashamba. Kuna vile utumiaji sawa wa udongo na mali. Imezungumuzia kuhusu usimamizi wa umilikaji wa wenye udongo. Inazungumuzia pia kuhusu vile utumiaji unavyoweza kudumishwa. How you are supposed to sustain land?

Inazungumuzia pia kuhusu uwazi na njia isiyo ghali ya kushughulikia mambo ya udongo. Inazungumuzia pia kuhusu vile tunaweza kuchunga udongo wetu. Inazungumuzia pia kuhusu njia ya kusuluhisha shida na mambo ya ardhi. Talk of the conflicts

that are there on land issues, we know especially in Nairobi that we have so many problems when it comes to land buying, land issues, we have had bogus land selling companies and all that. The draft Bill gives us a direction on how we can solve all that.

Kuna umilikaji wa udongo. Katiba hii inazungumzia Wakenya wote kama ndio wenye ardhi. All Kenyans have access to the land. Na pia inazungumzia kuhusu wale watu ambao si watu wa Kenya, na masharti ambayo wametoa kuhusu umilikaji wa ardhi. Katiba hii ya awali pia inazungumzia vile ardhi inapaswa kugawanywa, ama imegawanywa, ama the classifications of land. Tuna udongo wa raia, community, na ardhi ya kibinafsi. Imezungumzia kuhusu mambo hayo matatu, uraia, makundi ama community na private.

Imezungumzia pia kuhusu umilikaji wa ardhi ama the tenure system. Hiyo itafurahisha sana sana watu wanaoishi katika sehemu za informal settlements ama slums. Imezungumzia vile watu watailiki ardhi na pia kuhakikisha mali ya udongo imelindwa. To protect whatever is within the land. Imezungumzia kitu muhimu zaidi pia kuhusu kuteuliwa kwa Tume maalum ambayo itasimamia haya mambo ya ardhi, kuangalia kuwa mambo yote ambayo yanahusiana na ardhi yameendeshwa kwa njia mzuri na jambo la hili la Commission ndilo sana sana limeleta tofauti kubwa kati ya ile Katiba ambayo tunayo sana, na ile Katiba ambayo tungetaka iwe. Hii ni kumaanisha kuwa hii Katiba ikipitishwa, mambo yote kuhusu ardhi yatakuwa mikononi mwa hii Lands Commission ama hii Tume maalum ambayo itashughulikia mambo ya ardhi.

Kwa haraka tu ningependa tu kusema, mambo ambayo yamezingatiwa katika hayo mambo ya ardhi ni kama yafuatavyo. I will go through it very fast because I believe this is very important. What does the draft say about land? The draft provides general protection of rights to property. That property must not be taken away and if the State does take land for public purpose, then there must be compensation.

The draft proposes that all public land in the country will be held by a national land Commission and that land will be held in trust for the people of Kenya. Hii Tume ambayo tumesema ya mashamba ndiyo ambayo itashughulikia mambo yote ya ardhi hapa Kenya. Nasema hii Tume itakuwa na jukumu la kulinda mambo ya ardhi kwa njia zote zile. The draft says that there must be a new law about land which will, among other things, protect the interest of husbands and wives in the family homes, which will set up an efficient system of land administration and ways of settling disputes. Inasema kuwa kuna sheria zingine ambazo zitatungwa na Bunge kuhakikisha kuwa mambo ya ardhi yametokelezwa kuhusu bwana na mabibi ili kusuluhisha shida zile tumekuwa nazo sasa kuhusu mambo ya ardhi.

The land system must also provide a fund and other ways for helping landless Kenyans to get access to land. Ninafikiri mzee rafiki yangu pale atafurahia kuona kuwa kuna pesa maalum ambazo zitatengwa, ili kusaidia wale watu ambao hawana ardhi kuhakikisha kuwa wamepata ardhi. A very important proposal is to require Parliament to pass a law, which sets up a mechanism to review allocation of land- public land in the past and to see whether they were lawful and consider revocation if they were not. Bunge linapaswa kupitisha muswada ambao utaangalia mambo ya ardhi ambayo tulikuwa tunasema ni public land. Na

kuangalia kama kuna shamba ambazo ni za public na ambazo pengine zimetumiwa vibaya na ambazo zinaweza kuwa revoked ili zitumiwe vizuri na raia.

Kwa hivyo kwa kifupi tu haya ndiyo mambo hii Katiba ya awali inazungumuza kuhusu mashamba. Asanteni.

**Catherin Rimberia:** Thank you Alex Maina. I know land in Kenya is very controversial and that is the reason why I would urge you to read the report and when I heard Achieng saying that you will get the report in the documentation centre, let me once more say, our documentation centre in Starehe/Westlands District is located at Macmillan library, first floor. Even if I am not there we will make this document available in the library so when you go to the library, make sure that you ask at the reception for the report and it is good because I know you have a lot of questions and some of them we said for you to understand the draft Bill, you have to read hand in hand with the report. So come and read the report so that you have a better understanding of the draft Bill.

Now, for the remaining sessions, I will walk you through the last 8 chapters. Myself I am not a lawyer, but I said I am excited because I have many here who are like me and therefore I will just highlight the main items. I am starting on page 29. So let us walk from page 29 on public finance and revenue. I said I am not a lawyer so I will just highlight the most important points. When we talk of management, we have to look at the past and what we are saying is that in the past, there has been poor management of resources and of course when we say resources, finance is also part of that resource. So I think from that bearing, we have to understand we are coming from a past that maybe has not been very nice to Kenyans and we have talked about it, we have given our views on this.

We move on to Article 243, sub section (a) to (f). Now that sets out all the principles and objects of the public finance and revenue management. Because we are saying this is one of the resources that we need to manage properly because if we do not manage it properly, we will continue getting poorer and poorer.

I would move on to Article 244, section 2. I would want you to take note of that. That no person or authority may waive or vary any tax imposed by the law except as provided for by an Act of Parliament. So, for me to interpret that, that no one will have authority to waive any tax. I will move on to section 3 of Article 244, any person or authority who waives or varies a tax shall submit to Parliament within 3 months of such waiver and variations a report, starting the person or persons in whose favour the waiver or variation has been granted.

So there are conditions. Now, formally we have heard people not paying taxes and what we are saying is that every Kenyan is entitled to pay taxes and if it is waived, then a report should be given. Of course we move on to Article 245. That is on the consolidated funds. That all revenue and other monies raised or received for the purposes of or on behalf of, or in trust for the government shall be paid into and from a consolidated fund. That I think is a very good area that we should really pay attention

to.

The other part that I want to draw your attention to is Article 246, that is on page 30 and on 246, is divided into (a) and (b). I want us to look at (b). I said I will just give you the highlights, the rest you can read. Maybe the question there that I found necessary for you to look at is that the Prime Minister shall prepare and lay before Parliament, in each financial year, but in any case not later than two months, before the commencement of the financial year, estimate of the revenues and expenditure of government for the next financial year. Now, the question that I wanted to pose to you as a Kenyan is, does that mean we shall not have a Finance Minister?

That is why I wanted to highlight that particular portion. Now, remember the way ministers will be appointed. So maybe they are anticipating that at one point we may not have really a minister for finance, I do not know. But we are free to debate on that. So, look at it carefully and as I said I will just give you the highlights.

Article 251, that is on page 30 still. Article 251(1). There is established the Central Bank of Kenya. What we are saying is that Central Bank was not catered in the current Constitution and therefore this time we are saying it is established under this draft bill. That is the Central Bank. Then Article 252, gives you the functions of Central Bank and I am not going to deal with that, I will ask you to read.

Article 253 page 31. I would want you to look at articles 253 and 254 (1) together. There is creation of two offices. In 253(1), there is Controller of Budget and in 254 (1) there is Auditor General. I think currently what we have is one person holding that office. But this time we will have these offices split into two and that is why I felt this is important for you to look at.

Then we move on to Article 257. Now, the establishment of an Economic and Social Council which shall consist of 21 persons appointed by the President, acting on the advice of the Prime Minister. So we will have the formation of that Economic and Social Council. So that is also something that we need to look at. The rest about that Economic and Social Council is indicated in the rest of that Article and I believe you can look at it.

I think those are the major highlights that I need to give you. I believe you have time, you create time for yourself to go through that.

I am moving on to chapter 14, on the Public Service and I want you to pay attention to Article 259 on page 32. There is established a Public Service Commission within the Public Administration. I know this is an area of great concern to us as Kenyans. I believe the Public Service Commission has been there but now it is been put in the Constitution. So, that Article



sets the establishment of that Commission.

Article 262 on the same page, that sets out on the appointment of public officers. How public officers are to be appointed. Again that is a very important area to pay attention to because when the Commissioners went to the field, Kenyans felt that the way public officers are appointed was not right and therefore something needed to be done and that is the reason we have that Article 261. The whole of it really gives you the recommendations on the appointment and also protection of public officers and then the principles and objects.

Now, the other Article still in chapter 14 that I want us to pay attention to is 265 (1). That is establishment of the Kenya Police Service. So what we are saying here is that the Kenya Police Service is in the Constitution. In the current Constitution, I do not think it was there so again it is good to look at that particular Article.

Article 266 (1) that is still page 32-The office of the Commissioner of Kenya Police Service is a Constitutional office and that means it has a tenure of office and that is what is spelt out in Article 266 (1). Also you need to pay attention to still the same Article, 266, section 3, subsection A to B and this sets out the qualification for this man or woman who is going to head the Kenya Police Service and the qualifications are (a) shall be a person who has a degree from a recognized university; Has served in the police service for at least 10 years. So those are the minimum qualifications for the man or woman who is going to head that service.

Also, something that I would like to highlight is on page 33, Article 268 (1) section (1). There is established a service to be known as the Kenya Correctional Services. I believe this is the prisons so you get the new name and on Article 269 (1) now the person to head that Kenya Correctional Services, the President on advice of the Prime Minister and after approval by Parliament shall appoint the Director of the Kenya Correctional Services. Again this office becomes Constitutional and it is there in the Constitution. So, I think that is also something that you need to pay attention to. Those are the main points that I wanted really to highlight on that. We can read further to that in our Articles.

Now I am moving on to chapter 15 still page on 33. That is the Defence Forces and National Security and there are two items that I want to highlight here. Article 272 (1) which sets out the establishment of the National Security Council. It is clearly spelt out there. Then Article 274, now that is on the Defence Forces Council. So again I will ask you to read that on your own because it is quite elaborate the way it is given there. So, I will leave chapter 15 at that then I move on to Chapter 16 which is about Leadership and Integrity.

As the Commissions went out, Kenyans told them that we needed some code of conduct on our leaders because it was like our leaders were not really behaving well and therefore if you look at chapter 16 on page 34, on Leadership and Integrity and I would like you to look at this together with the 5<sup>th</sup> Schedule on page 44. So again for your better understanding of chapter 16,



you have to come to that schedule for better understanding of chapter 16.

If we go back to page 34, the application of the chapter, that the chapter applies to the President, the Prime Minister, the Deputy Prime Ministers, the Ministers and the Deputy Ministers, all members of Parliament, all members of Local Councils, all Constitutional office holders within the meaning of the Article 293 and all other public officers. So this is the code we are saying that will guide our leaders. From the top, even the President included, to the lowest leader in the local councils and also those who will be holding the Constitutional offices. So they have to adhere to that code of conduct.

Article 287 it is on page 35. 287 (b), the Ethics and Integrity Commission, again that is a Constitutional Commission. That is what that Article is telling you. 287 (b), Ethics and Integrity Commission. So there is a Commission for Ethics and Integrity that is now in the draft Bill. That ensures that all organs of government are accountable to the people and to the law.

Now from that, I will mention on page 35 down, you have the Ethics and Integrity Commission and those who will consist of that Commission. So, I think on that one, I will leave it at that and move on to Chapter 17.

Chapter 17, which is on Constitutional Commissions and Constitutional Services. From page 34 and what this chapter is telling us is that the main principle is that these Commissions and the Constitutional offices must be impartial and they must act impartially. So that is the main principle of that chapter. I want you to look at Article 281 this is on page 34, if I am too fast for you please tell me and it is giving the general composition of Commissions. A Constitutional Commission shall consist of not less than three and not more than ten members at least one third of whom shall be women. I think if we look at this particular chapter, what we are saying is that formerly in Kenya, a lot of Commissions have come and they have gone. Ours is also a Commission and a lot of them we have not known what they are supposed to do and I think that is the reason why we have that chapter. Again the composition of the Commission is given there on Article 281 (1).

Article 282, general functions of Commissions. So the functions here are clearly spelt out and what Kenyans said is these Commissions come, they are established, even before people realize what they are supposed to do, I think they are gone and that of course Article 282 will give us functions of Commissions and one of them, I am excited by this, is to educate the public on its role. So if a Commission is set, it has to educate the public on its role, purpose and sanctions. So that we do not see Commissions coming and the public does not know what they are coming up for. So I think that Article 281 is important to look at.

Article 287 on page 35, it is titled special Constitutional Commissions and with this, I want you to move to Article 259. I may not be able to use the pages really because I did not use this one to prepare my part of presentation, I used a different one and it may not tally with your paging. It should be in page 32, Special Constitutional Commissions. Now, Article 287 is not actually naming all of them because they have been named elsewhere in the draft Bill and that is why I am drawing you backwards.

If you check Article 251(1) there is establishment of the Public Service Commission. If we move on again to Article 240, that is on the section on environment. Article 240, is on the chapter of environment. Again, this is a Commission, which is not mentioned in Article 287 but is the National Environment Management Commission. If you move backwards again to Article 237 (1), there is the National Land Commission and if you move further backwards, you will find there in Article 204, there is the Judicial Service Commission. Now, what I am saying is, in Article 287 on page 35, has not mentioned all the Commissions but they are mentioned elsewhere. So you may read that Article and then you ask “which are the other Commissions?” that is why I am taking you backwards. So we have a number of them, I have not exhausted the list but you can go backwards and find those that have been established in other areas.

The Article 387 is about the special Constitutional Commissions, Constitutional offices. Now we have just read about the governor of Central Bank, the Commissioner of Police, the Director of Kenya Correctional Services, all those are Constitutional offices. So about the Constitutional offices they are also catered in that chapter 17.

I move on to chapter 18, that is on the amendments of the Constitution. Previously of course we know how our Constitution was amended. From 1963, or from the day we were given our Constitution as a Republic, to date you can count the many times our Constitution has been amended. But if you we look at other Constitutions, for example the American Constitution and here I am not implying it is the best in the world, I am just giving an example. In a time of 200 years, it has only been amended about 20 times and Kenyans were feeling that we do amend sometimes our Constitution for personal gains, for our own selfish interest and now time has come to check that. Because when you start amending even the Katiba in your house, then it will show that if you are a mother, if you are a father you are not serious. So we are saying that there must be a way by which our Constitution should be amended. That you get in chapter 18 which is actually the shortest of all the chapters. So the way the Constitution should be amended is spelt out in Chapter 18 from Article 294 – 296.

Chapter 19 is on the interpretation of this Constitution or the draft Bill. I do not want to say this is the Constitution, this is just the draft Bill and interpretation of the same is clearly spelt out in chapter 19.

I am now coming to a very crucial chapter, that is chapter 20 on page 37, on transitional and consequential provisions. Now, because we are saying we are in a transition and in most cases in many other parts of the world, when a Constitution comes into force, it is either a country is getting independence like during our time when we got our first Constitution we were becoming an independent state and at that time it became necessary to have a Constitution of our own. In other parts of the world, Constitutions have been made because there is a war, so there are many reasons but in Kenya, we are neither a new state and we are not at war isn't it? So how are we going to have a very smooth transition from the old to the new? From the old or the current Constitution to adopt this new one? So chapter 20 is giving you that. It is giving the provisions that will make the transition a smooth one because we do not want war, we are not at war with anyone or with any country and we want a smooth transition.

For you to understand chapter 20, you have to read it with the 6<sup>th</sup> Schedule. It is on page 45 and I remember when Achieng came here she said that there are some things that we really do not need to change. Because we are not saying our current Constitution is all that bad. It has been with us for forty years (tape ends, some words lost) so there are some of those things that will continue but there are others that will change and there are others that will need to be reconstructed. So as we look at the draft Bill, note that we are not discarding our current Constitution because there are a lot of things that are good there and we are saying we will continue with them. There are others that do not need complete overhaul. We will change a bit of them but there are others that we need to include and others that we need to change completely. So we must move to chapter 20 with that understanding and that is why there are some things that the Commission found that would change within a certain given period of time. But if you look at the 6<sup>th</sup> schedule, you will find that there are some with no time limit.

I know you are about to ask me, the time limit, knowing the way Kenya has been operating, it can take forever for that time to be. If the draft Bill goes through, it may take forever to have that implemented. That is catered for in Article 298, section 2. If we look at that, back to page 37, 288 where in this Constitution Parliament is required to enact legislation to govern a particular matter and no time is specified within which the legislation shall be enacted, Parliament shall enact that legislation within 3 years from the date of its first seating.

So what you find on the 6<sup>th</sup> schedule and has no time limit, then Article 288 section 2 caters for that because I know that will be raised. Then also, to understand chapter 20, we must move on to the 8<sup>th</sup> schedule on page 46. So that Schedule is actually giving you what really should continue. As I said because we are transiting from the current and when the draft Bill is enacted into law, then we will be talking about the old Constitution which as of now is the current Constitution. So at that point in time, we will be talking of transiting from the old to the new Constitution and therefore it will be necessary for us to create some institutions which will carry on activities and ensure that other institutions are supervised and that is what the 8<sup>th</sup> schedule is telling us. That 8<sup>th</sup> schedule should be read together with Article 259. Again I am sorry for taking you back and forth because as you go home and you want to understand these Articles, then you have actually to know where you have to get this information.

What you need to know about chapter 20 and 8<sup>th</sup> Schedule are the issues. Where as Kenyans we know what is to be maintained, okay? So you have to read carefully to know what we require to be maintained. Because as I said, our current Constitution is not bad, there are some things that we would want to maintain, then we know what we need to change. As I said, there are some things that need to be changed completely, others need to be included. Like we are saying that we want to have the Constitutional Commissions and offices, then to reconstruct others.

For example if you look at the Judiciary, I am shy to look at it because I am not a lawyer. But what the Commission has done to the Judiciary is to reconstruct. Because it is an institution that has been with us for a long time now. So what we are doing to do is to reconstruct it. So we are saying it is okay, we can have the institution but for it to move us to the future generations we have to reconstruct it.

Also, ownership of land is something we need to reconstruct because what we have been having has not been too good for us and Kenyans said this is maybe something we can overhaul, we can change and so on. As I said, we are not creating our republic anew. Our republic is still there, we are not in a revolutionary State and therefore, you find that for example the rights, some of the rights, some of the obligations, some of the duties have been accumulated over the years and we need to carry on with this and therefore we do not need to change some of these things.

So for you to understand chapter 20 and 8<sup>th</sup> schedule, you must understand them in that light. That we do not need to overhaul everything, there are some things that will continue and that is what the Commission has given provision for. There are things that will need to change, there are those that will need complete overhaul, there are those that just need reconstruction. With that I think I will stop at that. I am sure you have questions to ask. I know it has been quite comprehensive but please take time to read and understand. I will ask those who spoke before me, you ask them questions and together as Kenyans because we are building this Constitution together, it is a people driven Constitution, it is a Constitution by Kenyans for Kenyans and remember we have to build a very stable Constitution. As I said, we do not want to be amending our Constitution every other day so we need actually to make a stable Constitution that even our children's children, when they read it, they will say, our parents were great and they will really salute you for what you have done for them.

Also remember when you are making a Constitution, it is a document that needs to speak to several generations to come and therefore, we need to spend time, read and also be truthful to ourselves in what we are saying. We do not just say things for the sake of saying, but we must really focus into the future. Not as for now because for anything that you undertake in life, always focus on the repercussion for it in the future and that is what I would urge you as the people of Westland's. Be serious with what you say now because this is a document that will speak to many generations to come and they will remember you at this point in time for the good work that you did. So with those few remarks, let me sit and then I will open the floor for questions. Remember we do not have a monopoly of knowledge. Some of you are more enlightened than some of us and like I like quoting our chairman, we do not have a monopoly of knowledge and there is no person in the world that can claim to have. So, what we cannot answer, there are people here who can answer and together we can make the Constitution, so thank you very much.

Okay, I am told because we are recording the proceedings, once you stand to ask a question, say your names, we know you are in Westlands, so you do not need to repeat that and then straight on go to your question and please be specific. Do not take too long because we really want to finish and then give you time to go and internalize this document. Thank you.

**Waweru Mwangi:** Hamjambo wote. Majina yangu ni Waweru Mwangi na kulingana na vile tume-pitia pitia kidogo, kuna pahali nilisikia imesema kwamba kuna uhuru wa kufanya kazi na nilitaka kujua kwamba, ni kazi yeyote hata kama kazi ya

ukahaba, kuna makazi ya ushoga, infanywa na watu na wanasema ni kazi, kama hiyo kuna uhuru wa kufanya kazi namna hiyo? Jambo lingine, kuna kazi zingine zinafanywa ambazo zinafanya tulalamike mara mingi kila pahali. Kama hii kuuzia watoto dawa, na wanasema ni kazi wanafanya. Na ningetaka kujua kama kazi kama hizo kwa sababu sikusikia, vile zimeshugulikiwa kwa sababu kuna madawa inatoka nje kama India ile inaitwa Kubel na inasemekana ni mbaya hata kuliko bhangi na inauzwa madukani. Kwa hivyo infaa Katiba ielezee kama kazi za namna hiyo zinafaa.

**Gilbert Omoke:** Hilo ni swali nzuri sana na tungependa kulijibu namna hii. Ya kwamba vile tumeambiwa kuna uhuru wa kufanya kazi. Unafanya kazi lakini kazi ambayo haivunji sheria. Kwa hivyo, kwa hii Katiba mpya itakuja, Parliament itapewa nafasi ya kuangalia kuwa kutakuwa na sheria ambazo zitaangalia biashara kama hiyo isiyo halali haitafanywa. Kuna mtu mwingine pia anataka kuuliza swali?

**Charles Otieno- CJPC:** My name is Charles Otieno, from Justice and Peace, Consolata Shrine. So, katika Article 208, kwa ofisi ya Mkuu wa Sheria. Haijalezwa kama Mkuu wa Sheria atakuwa Mbunge ama kutakuwa na Waziri ambaye atahusika na mambo ya sheria. Wakati huu, mkuu wa Sheria ni Mbunge kutokana na ofisi yake, Ex-officio Member. But I cannot see whether it is the same in this draft Constitution.

**Gilbert Omoke:** O.K. kwa hii draft Constitution, hawakusema kama atakuwa Mbunge ama Ex-officio Member of Parliament lakini amepewa nafasi ya kusaidia wabunge kuandika sheria na huo ndio wajibu wake mkubwa kwa hii draft Bill.

**Charles Otieno:** Pendekezo langu lingekuwa asiwe Mbunge. Afanye kazi ofisi yake, tuwe na waziri wa Sheria, Minister of Justice. Hiyo ni moja. La pili, katika hii National Council, kunasemekana yule mtu atakuwa speaker, atachaguliwa kutokana na wale ambao wamechaguliwa tayari. Na mtu ambaye atachaguliwa, atatakikana ajiuzulu ili awache hiyo nafasi kwa mwingine achaguliwe. Pendekezo langu ni kwamba Vice President of the country can easily do this job of Chairman or Speaker of National Council. Badala ya ku-subject people to elections. Asanteni.

**Gilbert Omoke:** Tunawaomba wale mumezungumuza na wale mtazungumuza mukuje hapa mbele mjiandikishe majina yenu.

**Catherine Rimberia:** Thank you Mr. Otieno. Now it is good because we said we are coming back to you and Westlands has the honour of having Nancy as their delegate. Nancy, remember the Commission will go to the NCC with no vote ya? So we can have more questions and what you feel should be put in the draft Bill. Remember it is only the NCC that can change this. Ourselves as a Commission we cannot but it will be at the NCC and that is why I am pointing at Nancy as the delegate. She should listen very keenly.

**Wanjiku Mburu:** O.K. According to Article 281 Section 1, it said that at least one third of whom shall be women in the composition of the Commission. Why should it be one third and not half? That is my question.

I have another question again. What should be the latest time when a political party should be formed before the general elections of a country? What should be the limit of time before a political party is formed?

**Achieng Olende:** Okay. For the first question about the one third of women, that came about when we were using Affirmative Action as we were getting views from Kenyans throughout the country without saying in as much that they want Affirmative Action, they asked that there be a way that initially women are put there.

We had some submissions where people wanted as you said half, we had some submissions where people wanted even more than half. But at the same time, other Kenyans wanted women to get out there and fight just like men so as to have no special seats put aside. Then now we are mandated as a Commission that we evaluate everything Kenyans said. So as a way of compromise if you will for lack of a better word, we decided that is a formula that has been used in other areas and it is successful without taking as much as half, giving them at least one third, give them what we call multi-proportional representation system. So that is of the standard. That way we do not totally disregard those Kenyans that wanted women just to compete just like that. Just the way men do. So we have been able to cater for both sides.

For the political parties, I think that is covered under the section for the qualifications for registration. Let me just see the page. 13. So, page 13 number 90, - actually we do not have a provision for that. The provisions are dealing mainly with the accounting of a political party but now that is something we will take note of and go back with because we might need some sort of cut off point. That is what you were saying before an election? So now we have made a note of that. We will ask and will come back to you with that answer.

**Catherine Rimberia:** Now, mine is to add to what Achieng has said on the women issue. Now this is Affirmative Action, it is supposed to be just a temporary measure. What we are saying is that in the past, women have been put aside and they have been left behind by their counterparts the men. Therefore, to bring them at par with their counter parts, you have to come with a way of doing that. Because a time will come when even a third will not be necessary because they will be able to go through by themselves, but Affirmative Action is just a temporary measure. A time will come when we will not need it.

**Gilbert Omoke:** Wanjiku Mburu tafadhali kuja ujiandikishe. Kuna mtu mwingine ambaye anataka kuuliza swali?

**James Kihiu:** I think mine is more like an observation and I would like to refer it to our Delegate to the National Council. Why do we need someone to have gone through to form four so that he can go through to Parliament? For me I think that does not make a lot of sense because we know that people can train themselves and they can go read books on their own and at the same time they can acquire knowledge because if we put in the Constitution that we need someone to have a certificate, we will

be discriminating against people who educate themselves and we have a lot of them. So I think our delegate should take that as a serious consideration that hey! People can go train themselves as long as they understand Kiswahili, English, they can communicate. Then they can go to Parliament without necessarily proving through certificates but if they can promote the national goals that we have put in the Constitution, I think that is what we should more reflect on rather than insisting on the certificate.

The other thing was like, I can see where we were talking about association, where I can form my association, I can remain in any group of people. I can see that there is this talking about good character or behaviour something to that effect and I am thinking, who is this to determine what is good or bad? We cannot leave this to the government or to the custodian to the Constitution because something that might be good for them might not be good for me. I think there is a real way in this draft Bill that we should look like. Let us not call it good. If it calls for the aspiration of the Constitution of what we want as Kenyans, we can go for that but not come in with terms like good because good is relative. Something good for me is bad for you and I should be protected in the new Constitution to hold my different views of calling things bad when you call them good.

Another thing that I have seen was on the Police Force. Why are we Kenyans coming up with so many educational requirements? I am not against that because I do not maybe hold some of the certificates, but I think it would be limiting to the Police Force. Why should someone have a degree and we know someone can go to the police force, be a very good police officer, uphold all what the police are looking for. He will be overlooked for a position that might come to the Police Force because he does not have a degree and I am thinking, what is the basis for this education we are talking about? Because if they know Geography, Mathematics, History and someone knows about philosophy, studied more on religion, let us not come up with those because those ones for me, they are more limiting and more discriminative and coming from a Constitution, I still feel that there is a danger of people being side stepped because they do not have those. So for me that was what more burning as far I was concerned.

I am looking at the issue of land. When we talk about land, from when and to where? Because for me when I speak about land I am looking at a time in our history when land was for everybody. Then we are coming and we are saying people who continue to hold private, they will continue holding it, but from where? I am looking at where we have in this Commission, to be mandated that we can go back into establishing where did this land come from? Because I still think that we shall still be marginalized.

I am talking about someone who feels marginalized because there was a time in our history when my grandfather used to walk the way he wanted. Then a time came when he was deprived of that and then people are still holding that land. How do we come and equitably, not even go back to history, but be equitable right now in our current Constitution because I think this draft Bill, for me when we talk about people to continue holding land, where did they get it? If I have ten acres, because my father was a colonial chief, if he took a 1000 acres, it has changed to five hands. I still hold that land as my land but in actual sense it



was not mine because in the beginning it was taken from the people. So I think we should define from where are we taking land from? Where did this land called Kenya come from? How has it changed hands and to where did we want to take it?

I think those are things that my representatives will go and represent us, Landlessness. We should not address it as I do not have land. You have land because if you come from Kilgoris that is your home town. Something else also I did not see in the Constitution, I am sorry if I am taking so much time. How shall we treat those crimes of the past? Because there are people who are scared because they killed others in tribal clashes. There were people who stole from others. How do we address this?

If this is not addressed, I think there will be more problems than there are answers. How do we address those problems of the past so that we can move ahead as a nation? I think that is something we should look at and we should either come up with what we are going to do with them. Either if you are going to jail, forgive them or go for reconciliation. I do not know, I do not have answer but I think that is something that can be debated by my representative to the national council. Thank you.

**Gilbert Omoke:** Let me respond to the first issue that he raised. He raised the issue of educational qualification of police officers. This is not an invention of the Commission but it is drawn from the views that were predominantly submitted by the people. Something else I would like to talk about is land which he raised. He is asking why does the Commission make a proposal to protect land holding when we infact don't know how someone acquired that land. I would like to refer him to the provisions relating to the National Land Commission, whereby we thought that one of its mandate is to try and trace back and see how someone acquired land. Whether it was through lawful means and infact, it is only land that was acquired through lawful means that will be protected. That will not be done immediately, it will be done progressively. With time, that will be cured.

*(Interjections inaudible)*

**Gilbert Omoke:** What I would say to that is, it was also not an invention of the Commission. It emanated from the views that Members of the public were giving. Most people favoured certain qualifications.

**Margaret Karuga:** Hello everybody. I am Margaret Karuga from Consolata Shrine, Justice and Peace Committee. What I wanted really to refer you to is Article 298 subsection 1 and you were talking about the Ethics and Integrity Commission and subsection 1 says the Ethics and Integrity Commission shall consist of subsection (a), the Chairperson and six other members all of whom shall be persons of integrity and high moral character. I really want you to articulate what that means. How are you going to chose that especially when the people who have been in the limelight are people who have very dubious characters. How do you go about it? So that is my first question.

The other question is on Article 144 and there shall be freedom of speech and debate in Parliament and that freedom shall not be impeached or questioned in any court of tribunal. Most of the time, especially some of the MPs who do a lot of work, most

of the time they are questioned “what are you going to put in place?” and they are not impeached or questioned. Thank you.

**Catherine Rimberia:** Thank you for your question. Now, let me draw you to chapter 17. Article 282, page 34. That is the general functions of the Commissions. The Ethics and Integrity Commission will be a Constitutional Commission, alright? So I believe what is one, Article 282 applies to it but more particularly to section 2, complains may be launched directly by an aggrieved individual or a member of the individual’s family or an interested person or an organization. If you look through in this particular Constitution, it is like the power has been given back to the people. So a lot of the things, the people are going to be the watchmen. So it is like you can go to – if you are aggrieved as a person and I remember whoever presented on the environment, now when Wangari Mathaai was fighting for some land in Uhuru Park and speaking on behalf of Kenyans, the question was, “who has mandated you to speak on behalf of Kenyans?” But the draft Bill has given that power to Kenyans. That you can speak on behalf of the rest of the Kenyans. I think that was the best I could do.

**Cllr. Keyo:** Mine is actually a general question. All I wanted to know is, whatever we are now going through with you, you have explained, we have heard, we are asking questions, are you going to go back there and where you think the public is right, you correct according to their wishes? I am sure you are going round all over the country doing the same thing. So I am asking whether you are going to put those corrections or we are just kind of passing time and – that is why I said it is a general question. So that they know where to fit in.

**Achieng Olende:** Thank you Councilor. We are not just passing time. Our mandate is not to Judge the correctness of what Kenyans say. We are a vehicle that gets your views back to our Commissioners. So whether we personally feel what you have said is right or whether it is wrong, we take it back and we put it there because it is a people driven process, it is the people’s Constitution and your views should be there. So what we have heard now – we are on the last stage of our data management which is the feedback and the storage. So everything that is been said here is going back, it will be included then we will have the second stage where your delegate will make sure it is there and she or he will vote on it during the NCC. So yes, your views are going back.

To answer our learned friend who asked about past crimes, has he gone? You are here. Do you still have your draft Bill with you? O.K. So, in the 8<sup>th</sup> Schedule, you will see. That is page number 46. This is just concerning what you said about past crimes. That one we have taken care of. You will see when you are on the 8<sup>th</sup> Schedule, page 46, you will see in the Article there number - sorry it is page 47. You will see a sub-heading on that last column towards the end of the page. Past human rights abuses. Here is where we have the section where the Commission on human rights and administrative justice will deal with just that- Past crimes. Do you see? So they will investigate, based on complains by citizens and take appropriate action thereafter. So that one at least is there.

**Catherine Rimberia:** Now, Councilor I am on your question. The Commission will go to the NCC without a vote. You will

have many delegates and that is why Nancy is here and she will carry whatever you pass here with her to NCC because the Commissioners will not have a vote in the NCC. If you read our Act 3A, Commissioners will not have any vote.

**Evans Musonye:** I have at least almost 3 questions that I want to put across. The first question is that as per the devolution of power that has been carried out. I look at it and see it has been done in a very well categorical way reaching to the stage of the village, I am looking at it that the sub location has been left out and if it is only considered at the location level, it will be very hard to have villages taking information to the location without passing through the sub-location.

Talking on this in reference to my home area, is that - like in a location we have almost 40 villages. So if you will have 40 villages taking representatives to the location, I am looking at it as a very big number. I was of the view that in the middle of the villages and the locations, the sub locations which are there now as administrative posts should be considered.

Number two, my question goes to the National Disaster. For the last 10 years I believe we have had so many disasters in this country. The truth is that these people who have been affected in these National Disasters have not been taken care of. I was of the opinion that a national disaster should have been incorporated in this particular draft.

The last question is that people like us who were once involved in elections, elections is a very taxing thing, it is very influencing and all that. I look at it to nominate 90 nominated Members of Parliament is on the higher side because if you have 210 then you nominate 90, then it means almost half are nominated and they have not really gone through that particular system. So it is a very very high sort of number that I think should not be encouraged.

**Audience:** Infact we should discourage nomination completely.

**Gilbert Omoke:** He has raised the issue of devolution of power and he is saying according to this draft Bill it has not been sufficiently carried out because sub-locations have been left out. What the Commission was trying to do was to try as much as possible to put this principle into place. Anyway, we are taking this proposal.

About the 90 members you are saying are nominated, they are not nominated. What is happening, during elections when you are voting for the President, Member of Parliament, there will also be a slot where you will be voting for your preferred political party and that political party will have prepared a certain list of people, if that party is given an opportunity to select members of Parliament, some members who are not elected as MPs of constituencies, they will select some people to represent some interests. Like a political party can produce a list of two people whereby if the first one is a man, the second one has to be a woman and so on and so forth. Therefore, this procedure is to ensure that there is some kind of equality in representation.

**Cllr. Keyo:** I have not gone through that one, the one you are talking about. Though I have just come in and I was from another important meeting locally here. Has it given the provision of who, what profession is supposed to be nominated? Because if you look at the current council that we are in today, you will find one person was nominated because of being a traditional dancer and you know, there is no traditional dancing in City Hall. You will look at another one, who does not even have any educational background but he was nominated. He is not able to talk in Kiswahili, he is not able to talk in English, na yuko kule. Sasa una-ona City Council, wakati tuko kwa mikutano, inakuwa ni Keyo, Mama Sarah na wengine ndiyo wataongea. Ndiyo munaona kila wakati kwa televison. Have you given that- and I am sorry, I am been abit ignorant but I am saying I have just arrived. So, do you have a provision of what category of a person? Because when it comes to nomination and the interest you are talking about, you are talking about a teacher. Or can I call it in general professionals? You are talking about professionals and I concur with him that that barrier ya form four ama ya certificate iondolewe. If you can only speak in Kiswahili and abit of English, unaweza kuchaguliwa. Ndiyo tunarudi tunakuwa na hawa nominated. Anaweza kuwa ni daktari, ni mwalimu, ni engineer, namna hiyo. Has it been categorized in that way?

**Catherine Rimberia:** Thank you councilor. If I may draw you to Article 106 on page 14. That is members of the National Council. I believe that is what you are asking. That is about the 70 members. That is 106 and 108. Why I am referring you to 106, there is nothing in this draft Bill as being nominated, it is all elections. So, 106 (1), elections for the National Council shall be held for 70 members on the basis of single member constituencies. 30 seats for women candidates on multi-member constituencies representing provinces and Nairobi.

Now, Nairobi there, you may question why Nairobi. Because there is a set up of guidelines on how Nairobi will be treated as a city. Right? So it is there that is why Nairobi is quite special, I would say special.

If you move to Article 108, I will give Achieng the mic here to – although I can actually talk about it. One way it is about the qualifications and disqualifications of members. Unless disqualified and a cause to, a person is eligible to be a Member of Parliament if that person is a citizen of Kenya, has attained the age of 35 years in the case of the National Council. Has attained the age of 21 years in the case of the National Assembly. Is qualified to vote in an election for Parliament. Has attained at least form four standard of education with a pass in Kiswahili and English, but persons who can only express themselves in sign language are qualified and satisfies any moral and ethical requirements prescribed by the Constitution or Act of Parliament. So you have all that information there.

Then we have sub section two. A person is disqualified from being a Member of Parliament if that person holds an elective or appointive office in the republic other than as a Member of Parliament. Is of unsound mind and is charged bankrupt. He is serving a sentence of imprisonment for the commission of a crime. And we continue and continue to the very end. So I do not know if I have answered you question?

**Cllr. Keyo:** No.

**Catherine Rimberia:** I haven't?

**Cllr. Keyo:** (*Inaudible*)

**Gilbert Omoke:** If I may respond to the criteria of nomination. I cannot right now point or sight the particular provision, but there is provision to ensure that that person or those persons will have qualifications which can enable them to be elected if they were contesting in an election.

**Cllr. Keyo:** That is what you should be referring me to so that I can go through it. I am talking from a practical point of view. I am already elected and I know what kind of problems we receive from nominated people. If they have been nominated, you say with interest, it should be specified what interest. Ni mwalimu, ni daktari, ni engineer, you know, those provisions. Hapana kwenda tu kurokota mtu because what political parties normally do, akijua tunasimama na yule mzee, na nimeshinda yule mzee, anakuwa appointed. Sasa unaona, instead of working, we are competing. Now here we are making a Constitution so that it can benefit Kenyans. You get what I mean? So we do not want the process abused. If it is not there, and I do not know where Nancy is, she should go and contest that one seriously. It has been misused even by parties of bureaucrats like DP who are now leading in the current council. We have got nominated people and we do not know why they are in city hall. They are just dormant, eating public money (tape ends, words lost) you are going to draw a salary, how are you helping the council? How are you helping the government kama wewe umechaguliwa, wewe ni Kamotho umeanguka na huna elimu na ume-nominatiwa. We are supposed to nominate people with some profession. Kama ni kwa City Hall, kama tunaongea maneno ya medical. Get this very clearly because it is a very important part of the Electoral process.

We are supposed to nominate people. Tuseme kama ni daktari. Wakati tunapewa the wrong ... because politicians are jacks of all trades but masters of none. Wakati tunadanganywa bei ya dawa, tuko na daktari pale. Anasema hizi dawa hazitoki hivyo. Wakati tunadaganywa ati lami imewekwa nchi sita, tuko na engineer pale, anasema haiendi hiyo. Wakati tunadanganywa maneno ya shule na officers of government, yule anasimama anasema, hapana, upande wa shule, hiyo haiendi hivyo. So, they are supposed to guide professionally. But if it is not given here and you have no way of including it – bring me to where it is.

**Gilbert Omoke:** Okay, that one has not been exhaustively been addressed but I refer you to Article 107, paragraph 7. Parliament will develop some modalities to that effect. Na hivi sasa, ningependa kumkaribisha mtu yeyote ana swala. Na useme jina lako kwanza.

**Achieng Olende:** Before the next question, may I just answer your other question about victims of national disaster. That again might not have been drafted clearly but I believe it is being dealt with on page 10, Article number 71. You see with the draft Bill, our attempt, based on what people had told us primarily about detention during times when a state of emergency has been called, was to draft this clause so that a state of emergency could be viewed kind of like something shall we call an extra

ordinary power? A power above the usual power of the State to make it more people friendly, citizen friendly.

This draft Bill understanding of state of an emergency is more like an extra ordinary power. So if you come now to the last column to sub-section (b), you see the declaration is necessary to restore peace and order. What we meant there which maybe we have not captured clearly, that we can go back and do, is that this State of Emergency is put there, so that people's human rights can be protected above and beyond the usual call of the law. So that is where that compensation would come in.

Maybe it is more clear, the last one, section 5 on that column, sub-section (c ), this is now what Parliament would do. It says any legislation enacted or other action taken in consequence of declaration of State of Emergency. That is now where law would come, that we would say where there is a flood and people's homes are washed away, you give them this much. When there is famine and people need food, the state gives them this much. But what we can do, is take it back so that it is made more clear that compensation comes out so you see that it is there, but it is there it is just not very clear.

**Joel Mathenge:** Good afternoon, I am Joel Mathenge Nderitu. Mine is just a comment. Instead of having five year term, I think we should have a four year term like the case of US.

**Alphas:** Before I ask a question, I will start with a concern. The way the Commission is working, you explained that in the first stage, there was civic education. According to me it is like not all people, even if it is not supposed to be all, but very few people who got the civic education during your work. Me as a person who had a lot of concern about the Constitution, I did not receive any civic education simply because I did not know where it was taking place. Which means there are so many people like me who never received civic education and yet I am in the city. What about the rural people or the people who come from interior places?

The other thing is according to the population of this place, our councilor is here, he can tell you. Kangemi has got so many people. According to me, this place is supposed to be filled with people but because of lack of information about your impromptu meeting, people are unaware of where you are and what you will be doing next. During your last meeting here when you were collecting views, they were not so many people here and the same today. This is because of impromptu visits like this.

I do not know how people will know all of these. It seems they are very few people who know about this. It is just a concern.

On my question, I was not here I was some how busy. Who elects the independent bodies that look into matters like corruption, the independent bodies that select the Judiciary bodies and like inquiry bodies. Who are the people electing such bodies in the country? Because we need to have at least independent bodies because the leaders of the country are the people who are controlling everything. Even in the Judiciary, like the leader has got power, he can go into the court and order the Judges to have the case that is in court be stopped.

**Gilbert Omoke:** For the last question, I would like to inform you that most of these Commissions or bodies that are set up under this Bill, there are set out provisions on how they are to be constituted. How their members are selected. There are processes to ensure that competent people are nominated or appointed to those committees and infact it is not one person who does this, but there are procedures to ensure that one person nominates or suggests, then there is another stage whereby there is a committee to vet that person and in other areas, even Parliament has a role. Before someone can be confirmed as appointed, Parliament has to approve. So those are the checks that are put in place to insure that these Commissions or institutions are set up under this draft Bill will be independent and impartial.

**Aphias:** Is it a part of this?

**Gilbert Omoke:** It is a part of it. Infact you know now there are provisions all over depending on which one you are talking about. For the Judicial Service Commission, there are such provisions. You read through you will see.

**Audience:** What about the first question?

**Gilbert Omoke:** That one when the District Co-ordinator comes she will respond to that. Na wale wamezungumuza na hawajaandika majina yao hapa, tunawaomba mukuje mujiandikishe.

**Makori Thomas:** My names are Makori Thomas and I –

**David Kariuki Mugo:** Yangu nitaongea kwa Kiswahili tafadhali hata kama imesemekana kuna wengine wamesoma na wengine hawajasoma lakini we are leaders. Mimi ni mwenyekiti wa walemavu Kangemi na ninataka kuuliza upande wa walemavu. Ninataka kuuliza hivi, nimeangalia nikaona ya kwamba hakuna mahali tumetajwa kama ku-nominate-iwa kama Parliament, sikuona mahali na tungetaka tuwe tukihusishwa kwa sababu siwezi simama kuwa councilor, siwezi simama kuwa MP kwa sababu ya disability. Kwa hivyo, this time tunataka tuhusishwe katika Katiba mpya kwa haya. Ya kwamba tuwe tuki-nominate-iwa, tuwe ma-councilors na kadhalika. Kwa hivyo mimi sikuona kama kuna mahali tumetajwa katika hiyo maneno. Kwa hivyo hiyo ndiyo nilikuwa nauliza tu kwa upande wa walemavu nikiwa kama mwenyekiti wa Kangemi disabled group.

**Gilbert Omoke:** Kwa hili swala ameulizia, ningependa kusema kwamba kwa hii draft Bill iliyotolewa, - ameuliza ya kwamba kama kuna provisions zinazoangalia ya kwamba hawa watu wenye wako na disabilities wako represented in Parliament ama kwa kamiti zingine. Ningependa kujibu ya kwamba, kwa the Bill of Rights chapter 5, Article 39 paragraph 5, hapo ndio kuna jibu kwa hilo swala. Kuna mtu mwingine ambaye tunaweza chukuwa swala lake?

**Makori Thomas:** Thank you very much. My names are Makori Thomas na ningependa kuuliza where our brother was talking very much about appointments. I believe that the state of our country Kenya in the way that appointments sometimes are



questionable. Like for example, the dismissal of our managing trustee of NSSF Mr. Konzolo became very questionable when he was sacked and for now, that is where we need to ask a question. That sometimes appointments are made, or people are appointed to take big jobs while sometimes they do not have qualifications of these big jobs. For example, a person is just got from maybe the Forces and given the job of taking care of the KCPU and when it fails nobody is there to be blamed. So now the question of appointments there actually raises eye brows because we need professionals to be appointed to professional work. Not a lame man to be appointed to go and lead a professional job when he cannot.

Maybe I can ask on the Police Force. This is a concern to very many because at times you are not allowed to walk around past maybe 8.00 p.m. or 9.00 p.m and actually it is our country where we have freedom of movement, we are to go anywhere at whichever time. But when you are found walking at night by the Police Force, you will be harassed, that is one and you will be taken in that you were walking out at night even if you had a reason. Because we have people who are coming from work at very late hours, we have people who are coming from colleges at very late hours and they are found victims of these places. You will find when you get there, what they will ask you is an ID. You produce it or you do not produce it, you are in for it. So, the ID is just a formality to ask you whether you have the ID. If you have the ID you will be asked for your work ID, which not all will have them. Therefore, we find that at times our rights are violated by these police-men and we want to know, in the Constitution, have you taken provision of this?

Also you find that as we are harassed by these policemen, we find that the same same place where we are going to report the harassment is at the police post where maybe the person you are going to report to, is also a friend to the person who harassed you. Therefore, you will find that justice will not be done finally.

Another thing that I want to say is the form and ways of harassment. These police actually harass us very much. Not only the police, but also the city council police. They harass people very much. One day as a woman was being harassed on the streets of Nairobi, it was very sad and people actually –infact the city policeman was about to be stoned.

My next question is on religion. We are saying that there is freedom of worship. What about these people who go to worship on Saturday? You find that many of them at times are not getting the jobs because they will not be working on Saturday and at times, they may be sacked because of that. I want to know whether there is a provision for that.

The next thing I will talk about are the public funds. I remember we have been called for harambees time and again. The President has also called us for harambees time and again. We are never told how this money is spent. We would like to have an external auditor who is independent and will take care of these public funds. Again, you find that during the budget reading, you find that bursaries are awarded to very poor people. But you find funny enough, a very poor person may go to seek for that bursary and finally hatapata. So we want to know what criteria is there for these persons to get the bursaries? First of all the bursary is distributed among the people who are working there. Therefore we need to know how these public funds are

governed and how they are getting to us.

Come to the engineering sector, I might be concerned very much because I am in the sector. You find that we have this tendency of giving tenders to companies that are not mostly Kenyan companies and the way this operates you find that it operates from the allies of the people who are heading the engineering sector. Therefore you find not most of the Kenyan companies have got tenders from the government.

Come to the wages of Kenyans. Most of the job opportunities that are offered in Kenya are offered by the Indians. The type of payment that a Kenyan will receive from an Indian, actually it is pathetic. It is a big shame. Because a person may receive Ksh. 1,000 per month. What is that? We want a regulatory body whereby it is going to regulate the amount of wages or the amount of salary a person is going to receive. Regardless of the fact that he is employed by the government or a sole person, we need to see that Kenyans are having a good stay in their own country. It is discouraging and disappointing when you find that a person who is working for an Indian, because of a very small mistake, he will receive abuses and maybe be sacked. One funny thing is no one works past three months because they do not want to allow that. We want a provision that is going to take care of that.

**Gilbert Omoke:** Tumepata hayo malalamiko. You were talking about police harassing innocent people. My answer is that now this draft Bill has provision that prohibits such harassments. It goes further to set up a Human Rights Commission where you can report any such harassments or abuse of human rights rather than go back to police posts or station. Again, the court has been given more powers to remedy such abuse of human rights.

When you talked about harassment by the city council, police officers, I construed that to mean harassment of hawkers. Is it? The right for people to engage in activities to earn income and therefore we think they are protected once this draft Bill comes law.

You also raised the issue of usage of public funds. You said there is no proper accountability. As the District Co-ordinator was taking us through the provisions of Chapter 13, that is public revenue and finance, there was a provision separating the office of the Controller General and the office of Auditor General. That has taken care of that and further more Parliament will have an upper hand in ensuring that public funds are properly used and in an accountable manner.

You also asked about wages. People earn very low, very deplorable wages. There is a Salaries and Remuneration Commission that has been set up under this draft Bill and we hope that it will address some of those concerns.

Freedom of religion, it has been specifically mentioned under the Bill of rights. You were mentioning engineers. The procedures that are followed in awarding tenders. Under the same chapter, 13, I think and I have seen, there are provisions there which will

ensure that proper procedures are followed in awarding tenders.

**Makori Thomas:** It is about freedom of worship. Can we get a certain limitation? Because there is some worship in the world which has even come in the country which is not good. For example, the devil worship whereby people sacrifice other people's lives. Can we have a certain limitation or some laws that control the freedom of worship. Because we cannot just allow anything. The other thing is that you have to answer my first question about the civic education.

**Catherine Rimberia:** Okay. I was pulling the mic there because what you are saying, I could actually identify with who said that in this particular hall. I could also remember somebody in Consolata Shrine giving views about worship. It was a view that was given all over wherever we went but then remember we are trying to balance those views. Majority of Kenyans felt that we should have that freedom and that is why as you talked I could identify actually that the same question was raised here and many people actually said, there were some who were opposing the freedom of worship, saying there must be a limitation.

I remember in Charter Hall somebody said there must be a limitation, but elsewhere also, people thought we should have no limits. So remember in this draft Bill, we were trying and maybe you can consult the report to see why that was not put because I am sure it should be in the report. We said for you to understand why a certain stand was taken, you must read the draft Bill together with the report.

Now, I do not know which other question I am supposed to answer. I have a paper here telling me that someone asked why people have not turned up in large numbers in this forum. I throw back the question to you, why didn't you bring your friends? Anyway, that is on a light touch. Now, we have done the best that we can do. This meeting was advertised in the print media for a long period. My committee has done the much they can do so, I do not know how best I can answer that question, maybe you are the people to tell us why.

The other thing is there are a lot of activities in town. You remember there is an AIDS campaign in Uhuru Park and I believe that has drawn a lot of people. I understand in KICC there is also something, I understand at the DO's there is something. So that explains why people had to be divided I think to the different activities but we have done the much we can do. Infact if you can look at last week's newspapers, the advert is there and it has been there for a while. Was that the question I was meant to answer? Are you satisfied now? Maybe you could tell me why. Because I would also want to know more reasons as to why people have not come in large numbers yet when we came for the views, this hall was packed and you remember we left this place after 7.00 p.m. isn't it? So maybe you can give me other reasons and maybe next time we call for a meeting then we will take those into consideration.

**Gilbert Omoke:** Kabla hujaongea, ningepuliza yule aje ajiandikishe jina lake.

**Julius Odali:** Nitazungumuzia upande wa chapter 8, Article 150, page 19. Ile inasema ya kwamba, authority of the President. President anaweza kuwa namna gani head of State na tena akuwe Commander in Chief? Kazi ya Minister of Defence ni nini? Tena akuwe Chairperson wa National Security Council. Kazi ya Director of Investigation Department, kazi yake ni nini? Tena akuwe Chairman wa Defence, Chief of General Staff, kazi yake ni nini? Hiyo kitu inatakikana mtusaidie katika review Commission abayo inakuja, President asiwe na authority mingi, au kazi mingi. Ndiyo unaona wengi wanaanza ku-mess huku na huku kwa sababu wanajua wamechukuwa sehemu kubwa ya utawala.

Ya pili, Freedom of worship. Sisi tulichukuwa nchi yetu tukuwe Wa-afrika, sisi wenyewe tujiamulie kwa maneno yetu, tuwe na vitu yetu sisi wenyewe na inaonekana makanisa ambayo ni ya sisi wenyewe Africa au ya hapa Kenya, yamepuuzwa. Hata ukienda kuuliza serikali ikupatie mahali ambapo unaweza kujenga kanisa mzuri, wanakupatia mahali pabaya. Saa zingine ukienda kupata msaada, wanakwambia msaada hakuna. Na inatakina Constitution ambayo inakuja, inatakikana you recognize makanisa ambayo ni ya sisi wenyewe Wafrika Tusiangalie makanisa ambayo ni ya wazungu huko. Asante.

**Gilbert Omoke:** Kuna mtu mwingine angependa kuuliza swali ama kusema lolote? Umepeewa nafasi.

**Kamau Kamathi:** Mimi swali langu la kwanza, ningetaka muangalie juu ya uhuru wa kuabudu. Uhuru wa kuabudu uko lakini saa zingini unasikia kuna kanisa zingine ziko kwa mitaa. Wanaenda mpaka usiku na public address, vile tunaweza kulindwa kutoka kwao. Maana una-lala saa tano, public address ndiyo iyo. Masaa ya kuimba, wanaendela tu. Hata usiku mzima, nikukeshwa pegine. Unaona wewe huna masaa ya kulala na kesho uko kazi.

Haya, tutoke kwa kanisa. Kuna hawa watu wenye mashamba makubwa. At least tungepeewa limit ya shamba. Tuseme kama askari tano kwa mtu. Ukizidisha hapo, hiyo ingine una-lipia tax. Ndiyo tuzuiye idle land. Unaona mtu ameweka askari hamsini haifanyiwi kitu na tuna vijana wenye wanaweza kulima. Sasa hiyo ikiwekwa revenue, hawa watu wataweza either kukodesha ama kuuza kwa watu wenye kutumia. Tuna hawa watu wakushikwa na hizi by-laws. At least city council hata kama itaendelea kushika, watu wengine wanashikwa bila makosa. Halafu wanapigwa fine ya elfu moja. Wapewe at least fine ndogo ambayo mtu anaweza kulipa na aende. Maana ukikataa hiyo nini, unawekwa ndani pegine wiki mbili na siyo watu wengi wanaweza ku-manage hiyo elfu moja kulingana na Kenya ya sasa. Sina mengi.

**Dr Samuel Okiya.:** Thank you very much for giving me this opportunity to air my views as regards this follow up of whatever wananchi gave out. Mine will be just a little bit a purview. General purview or rather observation. First I would like to thank you for coming again to see exactly what we told you. It is properly documented and whether it is actually our views. So thank you so much for coming. The other thing is that as the Constitution stands, we did not have a Constitution in the first place. What we had was just a document, transfer of powers from a white man to a black man. So I am very happy that this is now the right time that we have now done one for Kenyans and I am very much pleased with the preamble. The previous one, or rather the current Constitution, we do not have a preamble and therefore it does not qualify to be a Constitution.

The other thing is, I would like to register my complaints a little bit and this is subject to amendment. Is that the age of a President and I am told that the entry age should be around is it 70 years?

**Achieng Olende:** Maximum age.

**Dr Samuel Okiya.:** Maximum age. They talked of what? Maximum. I could rather have suggested that the maximum should be at least 75 years or 74 for that matter. Otherwise thank you so much. The playing ground has been laid and we have started the journey of liberating our country. Thank you.

**Catherine Rimberia:** O.K. the gentleman who has raised a question on land, I would urge you to read chapter 11, on land and property, I think there are some provisions which have been given there and also if you look at the report, I am sure what you said about idle land and all that, there are provisions for that. So please if you can read chapter 11, it is on page 28 together with the report, there are some provisions there. I know they are there it is only that right now I cannot lay my hands on them but I know they are there.

**Wanjiku Mburu:** I would like to suggest that nobody should have the overall perception that all religions are equal. So I would suggest that we leave that open, we do not put it in the Constitution that all religions are equal. Again I am observing that Kenya is almost becoming another Soweto when it comes to the rape of women. So I believe this should go to the judiciary that we should have a very strict measure of judgment to rapists. Thank you.

**Catherine Rimberia:** I think we have exhausted all the questions, our debate. Now I must - -

**Anthony: (*Interjection*)** I just have something madam. My names are Anthony Luteya, I will talk about religion. Kenya, if we may go to our national anthem, you hear about Oh God Bless, so it talks much about God and all that. Actually what we are afraid of is, about the freedom of worship whereby you find most sects come and what is behind them actually brings disaster or destruction to the people. I believe when you were here the other time, we talked about us setting a Commission whereby it will comprise of people from different religions, Islamic, Christianity and all that, whereby they are going to look into whichever people that are coming or whichever sect that is coming. What do they believe, what are they doing? Before actually they go to all those things, these people should be looked into because we want to live a life. If I may talk of what we are seeing, we see people, - yaani kikundi kinakuja kwamba ni kikundi kizuri cha kuabudu cha kufanya nini, lakini unapata kwamba mwishowe maisha ya watu wengi inaharibika.

If we may talk about the satanic worship, shall we continue to allow such a people to continue in this nation just because we have the freedom of worship? That is why we said that let there be a Commission or a set body which is going to look into such

things and there are some bodies which must be eliminated from the nation.

**Catherine Rimberia:** Okay, thank you. Remember I started with the remarks that this draft Bill, you cannot really understand it on its own. You have to get to the report and those Commissions that have been set, some of them have been merged. Like if you look at the Human Rights Commission, there are so many things like the gender and all those are combined into that. So once you get to the report you will see. I have not looked at that particular item but I believe it is in one of those Commissions. Alright? So that is why we are saying you actually have to go into the report. I am not putting you off but I think it is time we wound up. (*Interjections*) I am about to say where. I am actually excited you asked me that question because my documentation centre has not been used by majority of you. So I am inviting you to Macmillan library, if my office is closed, the document will be down at the reception. Ask for that report but however you have to sit there and read. I hope Achieng you hand it over to me. I am making this remark with the assumption that you hand it over to me. I hope you do that now. So by tomorrow if you come, it will be there and you can read. But you have to read in the library unless you want to make a copy.

You can also get those reports in our library at Kencom House second floor which is open to the public. You do not have to have a permit to enter there. I believe I have seen the Kiswahili version there in the Kencom library. I do not have the Kiswahili version in my documentation centre. So how do I conclude? I conclude by saying thank you very much to have spared time to come. I am really happy, I appreciate and on behalf of the secretariat, the staff here, we say thank you. On behalf of the Constitution of Kenya Review Commission we say thank you very much. If for anything, please come to our head office, enquire on anything and you will get the answers. Remember we have 30 days before the NCC and the document is there for us to debate and discuss on, so please, this is not the end it is a continuation. So keep it up and as a District Co-ordinator I say thank you very much for coming. I know it has been a long day, you have left your businesses, your other activities to attend this particular meeting. I say thank you once more for coming in within a very short notice.

I will ask one of us again to close this meeting. I do not know if we have the Pastor of this church, do we? We can have somebody amongst ourselves because we started with God, we have ended well and it is time now to say thank you.

**Prayers:** Asante sana kwa kazi ambayo tulikuwa nayo hapa. Haikukuwa uwezo wetu, ilikuwa uwezo wa Mwenyezi Mungu, alitujalia tukaja hapa. Tunaomba si ndiyo? Tusimame na tuombe.

Tunakushukuru Mwenyezi Mungu. Wewe ndiye uliumba nchi na ukaweka watu wako. Ni asante sana kwa siku ya leo, ulitujalia tukaja hapa. Tumesoma machache kuhusu nchi yetu na wale ambao ni walimu wetu, Mungu utawazidisha kuwapatia mengi, na waelimisha watu wako. Tunatoka tunaenda Mungu wewe utakuwa mbele na sisi tutakuwa nyuma yako. Nawaweka mikononi mwako wote ambao walikuwa hapa na nyumba zao zote Mungu utawabariki, utabariki na watoto, na vyote ambavyo wako navyo Mungu utawabariki.

