

# **CONSTITUTION OF KENYA REVIEW COMMISSION**

## **NOTES ON NORTH EASTERN PROVINCIAL VISIT – 03.08.01**

### **CONSULTATIVE MEETING AT GARISSA LIBRARY**

The meeting started at 9.30 a.m. with Muslim prayers.

The Chairman of Garissa County Council welcomed the Commissioners to Garissa.

**Com. Lethome(MC)** explained that the visit was scheduled for 2<sup>nd</sup> August, 2001 but that the Commission had been advised that there was another function in Garissa which necessitated the change of date to Friday, 3<sup>rd</sup> August, 2001 and apologised to the participants for interfering with the Muslim day of prayer. He welcomed those present and invited Commissioners to introduce themselves.

#### **PRESENT:**

Prof. Yash Pal Ghai	-	Chairperson
Prof. A. Idha Salim	-	1 <sup>st</sup> Vice-Chairperson
Dr. Charles Maranga	-	“
Mrs. Alice Yano	-	“
Ms. Salome Wairimu Muigai	-	“
Ms. Kavetsa Adagala	-	“
Dr. Wanjiku Kabira	-	“
Mr. Ahamed I. Hassan	-	“
Mr. John Mutakha Kangu	-	“
Dr. Abdirizak Arale Nunow	-	“
Mr. Domiziano Ratanya	-	“
Ms. Nancy Baraza	-	“
Bishop Bernard Njoroge	-	“
Dr. Mosonik arap Korir	-	“
Pastor Zablon Ayonga	-	“
Mr. Riungu Raiji	-	“
Mr. Isaac Lenaola	-	“
Mr. Keriako Tobiko	-	“
Mr. Githu Muigai	-	“
Mr. Ibrahim Lethome Asman	-	“

**ABSENT WITH APOLOGY:**

Dr. Oki Ooko Ombaka	-	Vice-Chairperson
Mrs. Abida Ali-Aroni	-	“
Mr. Paul M. Wambua	-	Commissioner
Prof. W.H.O. Okoth-Ogendo	-	“
Hon. Mrs. Phoebe Asiyo	-	“
Dr. M.A. Swazuri	-	“
Mr. Abubakar Zein Abubakar	-	“
Hon. Amos Wako	-	Ex-Officio
Mr. Arthur Okoth-Owiro	-	Commission Secretary

**Com. Lethome** then invited the Chairperson to make opening remarks.

**Prof. Ghai** explained that the purpose of the short visit was to tell the people about the work of the review of the constitution and the procedures that will be followed in conducting the review. He said the Commission will be returning later in the year to visit every constituency to receive the views of the people of the Province on the future constitution.

Prof. Ghai said this was the first time in the history of Kenya that the people have been given an opportunity to participate in the making of a new constitution. He said the constitution at Independence was written in London when a few party leaders met in Lancaster House and since that time it has been changed a number of times without the consultation of the people. He emphasised that the review process is planned on the basis that people must be fully involved and the recommendations that the Commission makes must be based on the opinions that are given to it by the people. He said the responsibility for ensuring a good constitution is that of the people who have a greater responsibility than the Commission. This is because it is purely on the basis of what the people say that the Commission will draft a constitution. He hoped that everyone will participate throughout the process so that the final product will be the people's product and not the Commission's.

He said there are different organs of review that will participate in the process. He said although so far the focus has been on the Constitution Review Commission, it is important to realise that the Commission is only one of several organs of review and that its role is not as important as people sometimes think. The Commission's role is to stimulate and promote discussion on constitutional issues to make the people familiar with the present constitution, history of the

country and make them aware of the terms of the review and what kind of issues have to be examined in the review process. He said the Commission also has the responsibility to carry out civic education which is the way the government is run or can be run, the structures of government, the rights and responsibilities of citizens, relationship between citizens and the state, how public policy and laws are made and implemented. He said the Commission has to make sure that all Kenyans are aware of these issues so that when it travels to collect views from Kenyans, there is a basis on which to make recommendations.

He said after the Commission receives the views of the people, it will write a report and draft a constitution for process by other organs of the review. He said after this report the role of the Commission becomes secondary to the role of other organs of review. The Commission has to allow a period of two months after the report is published for the public to study it, debate the recommendations and to give a feedback on the Commission's recommendations. He said after this the Commission has to send its report and comments on the report to the national constitutional conference. This body, he said will consist of about 500 people including all the Members of Parliament, three representatives from every district elected by the local authorities, representatives of the civil society, religious groups, professional bodies, political parties, youth groups, women's groups, trade unions and NGO's. The Commissioners will be members but they will not have a right to vote but will essentially serve as a Secretariat of the conference and facilitate its work. He said this constitution conference is the most important organ of review because it will make decisions on the future constitution and it will be the most representative body in the review process.

Prof. Ghai said that if the constitution conference is able to reach a consensus on the constitution, the draft constitution will be sent to Parliament for enactment and there will be no need for a referendum. If, however, the conference is not able to agree on the draft constitution, there will be a referendum, which is another organ of review, at which all registered voters will be able to decide on which version of the constitution to adopt. He said the result of the referendum along with the draft constitution and the recommendations of the constitutional conference will be sent to Parliament so that the constitution can be adopted.

Prof. Ghai said another organ of the review is the constituency constitutional forums to be established in every constituency. He said the purpose of these forums is to facilitate debate and discussion on the constitution within the constituency which will facilitate the Commission's discussion with the people during its constituency visits. He said the work of the constituency forums is very important because they will be the institutions where debate takes place throughout the country about the next constitution. While the Commission will provide guidance to these forums, it believes that it is for the people and their leaders in the constituency to establish mechanisms they think are best suited for promoting discussion and collecting ideas to present to the Commission.

Prof. Ghai said the Commission is supposed to be an independent body which brings together people with the expertise and the knowledge to be able to make the constitution and not linked to any particular party, religion or any other group. The Commission's recommendations must be to promote national interest and it can only do that if it is truly independent and has the necessary skills for the purpose of examining the constitution and making recommendations.

He said the Review Act under which the Commission is operating sets out certain values and institutions which must be reflected in the new constitution. It must provide for a democratic system of government, human rights must be protected, basic needs of the people of Kenya are met such as food, shelter, health and education and ensure that every Kenyan is given a chance to have a decent standard of living. It also says that the new constitution must strengthen national unity, provide security and protection of the Republic and this requires everyone to think of ways to increase the solidarity among the people and remove the divisions and conflicts that exist at the moment. He said the emphasis is on national unity and creating a sense of being one people. The Act also says that social, religious and ethnic diversities of the people have to be respected and therefore the people have to strike a balance between their identities as Kenya citizens with equal rights and loyalty to the Republic and the local loyalties and identities.

Prof. Ghai said the new constitution has to show that every province has enough resources, that its traditions are respected and that power is not concentrated in Nairobi but distributed throughout the country. He said within this broad framework there are choices to be made in the number of ways a democratic system of government can be organised. There could be a

parliamentary system as in Britain and India, there could be a presidential system as in the United States or a system of power sharing where every community is involved in the work of the government as in Switzerland and all these are democratic ways. He said it is the work of the review to decide which of these options are most suitable to Kenya.

Prof. Ghai said the purpose of the meeting was to seek the people's views on how to conduct the work of the Commission on three issues starting with civic education. He said this is important in order that the review process is an informed process in which people can participate with the knowledge of the issues under discussion. He said the people are aware of how the government has been run and they know the weaknesses and strengths of the present constitutional system and the values by which they want live as individuals, communities and as a people. He said the Commission wanted to hear how the people think civic education should be conducted. He said the Act gives the Commission the responsibility for ensuring that civic education is provided with the purpose of stimulating public awareness and discussion about constitutional issues. Prof. Ghai said the Commission has decided that it has a responsibility to make sure that people in all parts of the country, however remote, have an opportunity to receive civic education and that this education is provided objectively and does not become propaganda for or against the government. This should be education that enables people to make up their own minds in that they get information, understand the concepts that are important to the constitution but decide for themselves what kind of constitution they want.

He said the Commission does not think it is in a position to conduct all the aspects of this education and although it will provide consultation papers there is a lot of work to be done. He said the Commission will use radio and television for discussion in order to contribute to people's understanding of constitutional issues. Prof. Ghai said the Commission intends to work with a number of organisations to carry out civic education and asked any participants who would be interested in this cooperation to get in touch with the Commission.

Prof. Ghai said the Commission also wanted ideas on how to set up constituency forums, e.g. who should organise them, who should participate in them and the method whereby the Commission can serve the people in the constituencies. He said the Commission will not set rules for the organisation of these forums because the constituents are in a better position to

know how to set up these forums. He said the Commission will facilitate the work in every way it can.

Prof. Ghai said the Commission would also like the people's views on how to establish district documentation centres. He said the Act requires the Commission to set up documentation centres in every district containing materials useful for understanding the review process. He said in many provinces already visited people had said they would like to study the present constitution which is different from the constitution Kenya had at Independence which had a majimbo system as opposed to the present presidential system. These constitutions, he said, will be placed in documentation centres, there will be a summary of the present constitution in simple language, submissions received from other districts and constitutions of other countries that have made new constitutions in recent years. He said some people had also said that the district is not always very accessible to everybody and documentation centres should be set up at constituency levels, divisional levels and even sub-location levels and invited views on this subject. He said the Commission will also try to translate the material into local languages.

Prof. Ghai said the Commission will appoint coordinators in every district to help the local communities to participate in the review process, provide material and help in logistics. He said these coordinators will be appointed from within the districts and people who live in the districts.

Prof. Ghai said the Act says that the whole process should be concluded by September, 2002 and that if the Commission considers it will not be possible to do this, then it may request Parliament for extension of time for the process. This request cannot be made until after October 2001 but that there is no guarantee that this request will be granted. He said the Commission has a legal obligation to try to finish the process by September 2002 and it has produced a Strategic Plan setting out the different stages of the process against a timetable for the processes. He said the Commission will review the process constantly and if extra time is needed, the Commission will ask for it.

He said that if the Commission is not able to complete the process then it will have to consider other options for example in relation to elections. He said it is possible to have elections for a new Parliament and the work of the Commission continues, it is possible to extend Parliament to

wait for a new constitution, it is possible to make minimal reforms and it is possible to have an interim constitution. He said at the moment the Commission hopes to finish its work by September and so it is not considering these options. He said if more time is need the Commission will seek the people's opinions on the options.

He said at the moment the Commission is focusing on civic education, documentation centres and constituency forums so that a decision can be made shortly and that the people should give their views on these topics.

He invited Com. Idha Salim to give a short summary of his remarks in Kiswahili.

**Com. Lethome** recognised the presence of the Provincial Commissioners, DC's of all districts of North Eastern Province, Hon. Hussein Maalim, Hon. Mohamed Shiddiye, Hon. Barre Shin (?), former MP Barre Maalim, former MP Ibrahim Mohammed Salat, County Council Chairman Dubet Ali Ahmed, Garissa Mayor, Hon. Yusuf Haji, former MP Nasif Ardhi (?), Hon. Mohamed Abdi Ardhe (?), Hon. Aden Kainan (?), Hon. Mohammed Abdi, Hon. Dr. Abdillahi Ali, former MP Arale Hassan Ahamed, Hon. Aden Mohammed Noor, former MP Haji Ibrahim Ali Hussein, Chairman of Wajir County Council and other politicians and leaders. He recognised religious leaders and 55 organisations who had registered.

**Chairlady of Maendeleo ya Wanawake, Garissa**, said they support the Commission. She said Muslims have only one religion. She said women in North Eastern Province have been left behind and they should be educated. She said civic education should be done by Maendeleo ya Wanawake and that girls and women's rights should be given special attention.

**Osman Abdul Karim, Secretary General of North Eastern Province University Students Association**, said one of the Association's objectives is to empower social and economic education in NEP. He said the Association can empower the residents through awareness.

He said the curriculum should be translated into Kiswahili and local languages so that everyone in the region understands it. He said civic education should be carried out by indigenous CBO's, religious organisations and other allied associations who are aware of what is happening in North Eastern Province and that NEPUSA should be one of those associations.

He said documentation centres should be at divisional level because some district headquarters are inaccessible to many people.

He said that NEPUSA has confidence in the Commission and hope that it will complete the process before October, 2002 so that elections can take place as scheduled.

He said the review process will determine the future of the current generation's life and it should not be hurriedly done. If the Commission does not finish its work on time, there should be minimum reforms so that elections can go ahead and the review process can continue.

**Hussein representing Association of the Physically Disabled of NEP** said disabled persons should be recognised in the new constitution.

**Hon. Hussein Maalim** complained that the Commission should not have come to Garissa on a Friday which is Muslim prayer day and asked that when the Commission visits NEP again it should be on any other day of the week.

He said people in Kenya talk about civic education as if it is the most important subject in this country and this is because the Commission has said it would produce its own curriculum. He said district coordinators should be appointed so that they can reach everyone. He said the districts in NEP are very large and a lot of time is needed to cover a whole district and that people should be given resources in order to do this work.

He said that University and high school students, women groups and local NGO's should be used for this exercise and information should be disseminated in mosques because Muslims go to mosques five times a day.

He said unity is very important and that although majimbo was a good system it was spoiled and that if it is re-introduced it will divide Kenya. He said majimbo system of government would only work at district level and only if local authorities are empowered to conduct their affairs.

**Hon. Mohammed Shiddiye** welcomed the Commission to Garissa. He observed that the meeting was an illegal gathering because out of 27 Commissioners only 2 are from NEP. He complained that NEP visit was almost the last in Kenya and said this was marginalisation.

He said civic education should be done by the few educated people in NEP.

Documentation centres should be at locational level because districts are too large.

**Hon. Barichi (?)** welcomed the Commission to Garissa and commended Prof. Ghai for bringing the two groups together.

He said NGO's did not go to NEP to help when there was famine and wondered why they would want to go there now if it is not for financial gain. He said civic education must be conducted by people who understand NEP people and whose language these people will understand. He said the curriculum should be written in Kisomali so that everyone can understand and it should be conducted by people who will move around with the pastoralists. He also said the local people who have gone to school should be used so that they have something to do.

He said documentation centres should be at locational level through tapes in mosques.

He said constituency forums should be conducted by religious elders and youth groups.

On time frame, he said elections should not be deferred and if the Commission does not finish its work, it should ask for extension and continue with its work.

He said 25% of the country's resources should go to NEP.

**Hon. Maalim (?)** said civic education should be conducted by local CBO's and local organisations through madrasa, mosques and local elders' forums because these are the only people who can access the rural areas. It should also be done through religious ceremonies and weddings. He said young people who have gone to school should be trained to do this work.

He commended the local authorities for restoring security in the area.

He said the political agenda should be delinked from the review process which is not a political process.

He said if the Commission does not finish its work on time there should be either an interim constitution or minimum amendments and the Commission continues with its work which he believed will take longer than a year.

He said that the Commission is not entrenched in the present constitution and that that should have been the first thing to be done because with the existing political environment the Commission could run into problems.

He said the Commission should consult with the Commissioners from NEP when they appoint district coordinators.

**Hon. Ibrahim Salat** said the method of conducting civic education must be local driven in order for the people to feel that the new constitution belongs to them. It should be done by local people who understand the wananchi.

He said he is against the idea of the Commission splitting itself to collect views from the people because he believed all Commissioners should hear all the views so that they do not differ on any issues.

He said if the piecemeal amendments to the constitution continue, the whole constitution will be amended and nullify the work of the Commission and that Parliament and the Commission should have consultative meetings to stop this.

On time frame, he said there is a constitution in Kenya but that people are now looking for a more democratic constitution to strengthen the institutions weakened by the single party system. He said the review process should not be tied to Parliament and that there should be elections after 5 years.

He said documentation centers should be at divisional level and even where necessary locational level because districts in NEP are very vast.

**Asman, Mayor of Garissa**, said the Commission does not represent the people of NEP and the people's interests might not be taken into consideration.

He said there should be a time frame for civic education because people of NEP move around and they should be reached. He suggested civic education should be done over a period of 12 months and it should be done by local CBO's and NGO's.

He said people are suggesting majimbo because they have had a chance to develop their areas and for NEP people to talk about majimbo the Province must be developed first.

**Mohamed of Inchara (?) District** concurred with other speakers that civic education is very important to constitution review and it should be conducted in all languages and the people who are doing the work must be given resources.

He said documentation centres should be accessible to the people at sub-location level. Material should be provided to these centres.

He said the Commission must be independent and free from any interference.

He said women should be empowered so that they can contribute and share their ideas.

**A lady speaker from Inchara** thanked the Chairperson for his remarks but said a Commissioner should have translated the remarks in Somali.

She said NEP needs civic education more than anyone else because there have been a lot of problems and that residents of NEP must be allowed to identify themselves with other Kenyans. He said Muslims, who have their own constitution in the Koran, need to know what is contained in the curriculum to ensure that all the issues are covered.

She said civic education should be conducted by local people.

She said documentation centres should be mobile so that they can reach all the people.

On time frame, she said this exercise is very important and it should not be hurried and not tied to Parliamentary elections. She said if extension is needed, the Commission should ask for it.

She said as a woman from NEP, she was disappointed because there is not a woman Commissioner from NEP. She pointed out that in the whole hall there were only 8 women and they feel they are not properly represented.

**Mohamed Mandwale (?) of Inchara** welcomed the Commissioners and said that NEP people have confidence in the Commission. He said the Province is not represented in the present constitution.

He said NEP is very large and documentation centres should be mobile at divisional level.

He said care should be taken so that constituency forums do not represent just one opinion.

He said civic education should be conducted by local NGO's together with local people, religious groups and Imam organisations.

On time frame, he said the Commission should try very hard to finish its work on time but if it is not possible there should be an interim constitution to facilitate elections.

**Hon. Yussuf Haji** welcomed Commissioners to Garissa and wished them well in their work. He apologised in case any speaker had offended the Commission.

He said there is a constitution in Kenya which must be respected until there is a new constitution.

He said the President and the MP's have taken an oath to protect the constitution of Kenya and that they have a right to speak on constitutional matters.

He said the media and newspapers should stop giving bad coverage about the Commission.

He said the people would like to know what is contained in the curriculum to make sure it contains nothing contrary to their religion.

He said there are many educated young men and women who have no jobs and they should be given a chance to conduct civic education in the local language.

On time frame, he said Parliament should not be extended but that elections should only be done under a new constitution.

**Hon. Ardhi of Wajir** said under the old constitution NEP has a lot of problems and it has isolated them so that they cannot use water from a nearby river. He also said the Commission should not go to Garissa on Fridays.

He said civic education should be conducted by local people, mobile centres should be used and resources should be provided because the areas are very vast.

**Capt. Omar of Wajir South Development Association representing NGO's** welcomed the Commissioners to Garissa and said the people have confidence in the Commission.

He said NGO's of Wajir South are ready to work with the Commission on civic education because they know the area very well. He said they have worked with the people for 5 years and the Association is made up of people from different professions. He said they can translate the Commission's curriculum to Kisomali and disseminate it in a way that the people can understand like poems, music, cinemas and so on.

He said documentation centres should be at divisional level because districts are and locations are too large and they have no buildings. He emphasised that mobile centres would be ideal for the area.

**Mohamed of Wajir for the youth** said the young generation want to teach their brothers, sisters and parents about constitution making. He said they should be given money to do this job instead of giving it to NGO's.

He said documentation centres should be in mosques where people go 5 times a day.

If the Commission does not finish its work on time, Parliament should not be extended but there should be a coalition government.

**Mohamed Haji of Wajir** said civic education is very important and should be done in the local language. He said NEP was known as a danger zone but since they got a PC from the area there is security and people can move around day and night teaching civic education.

**Hon. Mohamed Abdi** said the emotions expressed by the people present were not targetted at the Commission but that they only want a new and fair constitution and they want a just Kenya. He said the people of NEP want to participate in civic education so that they prepare themselves to give views to the Commission. He said civic education in NEP cannot be conducted in three months because the area is vast. It must be done at division level and where necessary location level.

Documents centres, he said, must be established at constituency centres and district coordinators should be appointed fairly.

He said resources should be provided to facilitate civic education.

He said this country has waited for 35 years to have a review and now that there is this opportunity, the review must be comprehensive.

**Hon. Aden Kenan, Wajir**, referred to an earlier comment about the Commission and said Commissioners did not select themselves, but that they were appointed.

He said there are a lot of young people in NEP who have not been given ID's and this should be looked into. He said these people want to register as voters but they cannot do that because they do not have ID's.

He said BBC Somali Service is heard more than KBC in NEP and it should be used to disseminate information.

He said Kenyans must ensure they do not choose a mad president.

He said documentation centres should be at constituency centres.

He said during this process, the Commissioners will have a lot of problems but they must be strong and listen to the views of the wananchi.

Meeting closed at 12.30 p.m.

**Meeting reconvened at 2.45 p.m. at Garissa Provincial Library.**

**The first speaker** said district coordinators should be from different districts in the Province. Educated men, women, university and secondary school leavers who are unemployed should undergo training for one month so that they can conduct this education.

He said parliamentary elections should go ahead as scheduled.

He said people of NEP do not know about the constitution .

He said constituency forums should be determined by the local people.

**Dagan of Wajir** said civic education should be at divisional level and commented that there are no lady Commissioners from NEP. He said the people support the Commission and the process of making a new constitution.

**Mohamed Saleh, PC NEP** said he was speaking as an elder and leader in the Province. He said NEP is huge with a population of about one million people and a population density of 10 persons per sq. km. He said while conducting civic education, the Commission should prepare itself for a huge task. Anyone doing this job should be prepared to walk, move at night, go hungry and thirsty and sleep in the bush and it is only the local people who are willing to do this and do the work effectively and sufficiently.

He commended the Commission and said the people of NEP will give it total support and cooperation. He said the people of Kenya in general should get total ownership of the product of the review process.

He said 75% of the population of NEP are illiterate, 85% live below the poverty line and therefore the standards applied in other provinces cannot be applied in the province and the curriculum should be different.

He said documentation centres should be at divisional level and that there are 40 divisions in the province.

On time frame, he said the Commission should complete its work and ask for extension if necessary.

Speaking as PC, he said the entire civil service will give the Commission total cooperation and support. He said all security personnel will be available and gave assurance that security position is under control in the province and people can move day and night.

**Abdillahi Ali, a pastoralist**, said pastoralists should be included in the review process.

He said the Commission should conduct civic education to the best of their ability and that it should be given enough time to finish its work.

He said the Commission should recruit district coordinators who will organise the people of the district to decide who should teach people civic education whether CBO's or NGO's at constituency level.

He said forums should be at divisional level.

**Chairman of Wajir County Council** said NGO's should not be used in civic education. He said young people should be used to conduct civic education and they should be paid.

He said Parliament should not be extended.

**Rashid, NDP Chairman Mandera** said they now have a good PC from the area and there is no tribalism and the province can now join other Kenyans and work together.

He said civic education should be done slowly however long it takes and the Commission should tell the people what it wants them to do. He said the people have confidence in the Chairperson and that the process should not be hurried.

**Osman Sheikh of Mandera** said the people have confidence in the Chairperson.

He said civic education should start at the grassroots level in the locations. He said media should be used to disseminate the information like BBC Somali Service and KBC.

He said there are no women leaders in the region because of lack of communication and so radios should be used.

He said civic education should be in the local language.

Information centres should consider gender and it was clear from the attendance that the leaders had not reached all the people to come to the forum.

He said Parliament should not be extended.

He also said all Kenyans should fully participate in this process so that they can elect good leaders of tomorrow.

**Hon Abdi, Assistant Minister from Wajir** said the people have confidence in the Commission and they are satisfied that they have two Commissioners in the Commission and a number of Muslims.

He said Commissioners should be given civic education so that they know all social and traditional problems in Kenya. He said the educated young people in NEP know about tribalism

and they can write a book for the Commission so that it knows about their religious beliefs which are very important and so that it does not conduct meetings on Fridays.

He said Islamic point of view should be taken into account in the curriculum for the civic education to succeed. He said it should be conducted by local CBO's because they know people's traditions and they even teach under trees.

He said the people themselves will decide who should participate in constituency forums.

In civic education, he said it is important to reach the pastoralists and it should be done through the radio and KBC Somali service because it is not every Somali who can read Kisomali. He said TV should also be used. Young people should be used to conduct the education in manyattas.

On documentation centres, he said these should be at divisional level with all available material.

He said Parliament should not be extended and the Commission should try to finish its work within the stipulated time.

**A speaker from Mandera** said the people support the Commission and that civic education should be done by Sheikhs.

**Hon. Aden Mohamed Noor, Assistant Minister from Mandera** said Kenyans respect the Commission and they expect a lot from it. What matters is the report that the Commission comes up with.

He said the Commission should use the machinery, institutions and resources that are in place and they should not have hired a public address but obtained one locally.

He said that as much as the Commission has to be independent, it must use government resources already in place.

He asked the Commission to forget about Parliament and do its work.

He said NGO's and the civil society should only be facilitators in the civic education but they should not conduct it and they should not be allowed to hijack the process.

He said district coordinators should be appointed to work from the grassroots level.

He said the people should be given the criteria of setting up constituency forums e.g. who should be included and how many people there should be.

He said documentation centres should be set up by the people in the constituency forums.

He said districts are vast and that resources should be granted fairly.

**Hon. Shaban of Mandera** said that the people of NEP have capacity to conduct their own civic education.

He said most people in NEP do not know how to read and write and they require a lot of time for civic education and to reach everyone mobile cinemas should be used because reception on radio is not very good.

He said documentation centres should be at divisional level in order to reach everybody.

On timeframe he said if the Commission does not finish its work on time, there should be minimum amendments.

He said there should be fair distribution of resources and gave an example of the boundary that put Mandera three miles away from a river and now the people cannot draw water from that river.

He said since Independence Kenya has had a unitary system and that the people of NEP prefer federalism.

### **THE MEETING MOVED TO GARISSA PRIMARY SCHOOL GROUNDS**

Meeting started at 3.15 p.m. with singing of the first stanza of the National Anthem by way of prayer.

**Com. Maranga (MC)** asked Commissioners present to introduce themselves.

**(Same Commissioners at Garissa Library).**

**Com. Maranga** explained to the people present that the topics of the meeting were civic education, documentation centres, constituency forums and timeframe.

**Com. Nunow translated in Kisomali.**

**Chairman, Garissa County Council** apologised to the Commissioners for any offensive remarks that may have been made as it was not Somali culture to offend visitors.

He said civic education should be conducted by local organisations.

He said documentation centres should be at divisional level because NEP is very fast. He said all documents should be available at these centres, including the Lancaster House constitution. He

said they would also like to see a document signed by Somalia and Kenya after the war. They also want to see the report of a provincial security committee meeting held from 9<sup>th</sup> – 13<sup>th</sup> November because after that meeting the police went around killing people.

He said NEP people want civic education so that they can understand what they need to change.

He said the process should be geared towards national unity.

**Hussein Bory, Vice-Chairperson of the Station for Disabled Persons, NEP** said they supported the democratic way in which the Commission is conducting the process because this was the first time that disabled persons have been included in a programme.

He said civic education should for the disabled persons should be done by people with disabilities because they understand their problems. He noted with gratitude that the steps at Garissa Library had been replaced with ramps which made wheelchair users movement easier.

He said the amenities of the disabled could be used by able people without any difficulties.

He said civic education for disabled persons should be done at sub-division level and take into account age and religion.

**Hassan Asman of NEP NGO and CBO Forum and District Youth Forum, Garissa** said civic education should be done by NGO's and CBO's which includes youth groups. He said in every divisional headquarters, between 50-100 people should be employed to undertake the exercise and that there should be constituency and division coordinators.

He said NEP is a very large province and they should be given a longer period for this education.

He said life of Parliament is 5 years and it should not be extended.

**Hussein Abdi, a civil servant** complained that there were only 20 Commissioners present.

He said documentation centres should be at borehole points to reach pastoralists.

He said the people are supporting the Commission and that it should try to finish its work by next year.

**Sheikh Ali Babara** said women rights are talked about all the time but that young people's rights should also be addressed.

He said the present constitution takes care of the rich and leaves out the poor.

He said the government should respect religions and religions should respect the government.  
He said the government has no religion and Kadhi's should be elected by the people.  
He said if administrators are charged with crimes they should be sacked and not transferred.

**A high school student** wondered if there are enough finances to conduct civic education at locational level. He said everybody has to participate in the review process and that it has to be disseminated practically. He said youth must be represented in every issue of constitution making and they have talent which should be developed.

He said Parliament should not be extended and the review process should not be linked to Parliament.

(Shouting at a speaker)

The speaker said he does not want majimbo.

**Halima Alhirji** said a poor woman has no rights and the government does not look after poor people. She said although primary education is free parents are still paying a lot of money.

**A lady speaker** said civic education should be done through the media. She said Parliament should be extended and the Commission should try to finish its work by the stipulated time. Civic education should be done by local people and coordinators should be appointed soon. She said documentation centres should be stocked with enough documents for people to read.

**A speaker** said civic education should be conducted practically by local CBO's and people should be taught their civic rights.

He said constituency forums should put in place in constituencies.

He said the Commission should try to finish its work within the timeframe agreed but if it is not possible there should be minimum reforms so that elections can be held when they are supposed to be held.

**Mohamed** said civic education should be conducted by local people especially Form Four schools leavers who are unemployed.

He said extension of Parliament should not be considered.

**Zain(?)** representing CBO said most people at the meeting are youth because they are interested and that the forum was not for MP's.

He said Parliament should not be extended.

He said civic education should be conducted by local CBO's who are independent bodies via mobile centres.

**Salim** said the laws of Kenya say that a Somali is not a Kenyan. He asked the people to give their views freely.

He said Parliamentarians have a right to give their views because they are representatives of the people. He said people of NEP have undergone a lot of problems through the governments that have been in power and if they do not speak the truth they will not get any help.

He said Bills in Parliament should be vetted by the many lawyers in Parliament before they go to the Attorney General and not afterwards when it is too late.

He said the Commission is answerable to the people for the success of the review process.

**A lady speaking in Kisomali** complained that parents struggle to take their children to primary school but when they pass they cannot go to secondary school because they come from poor families but the rich people's children go to secondary school even when they fail. She said there were times when there were jobs but there are no jobs at the moment for school leavers.

**A speaker** said life of Parliament should not be extended even if the Commission does not finish its work on time. He said the work of the Commission should not be limited to time but that it should attain its objective.

**Com. Maranga** invited Prof. Ghai to make closing remarks.

**Prof. Ghai** said the Commission had come to listen to the people views and recommendations and it was grateful that so many people had expressed their view freely. He said the Commission has taken careful notes of what the people have said and recorded their comments and that they will be considered carefully before making the final plan for civic education.

He said there are certain points that stand out very strongly and that he had been struck by the sense of alienation of NEP from the rest of the country. It seems that NEP people feel marginalised and that there is discrimination and oppression. The people had referred to various laws that discriminate against them. He said citizens must have the same rights wherever they live in any part of the country.

He said the Review Act requires the Commission to look at all instances of discrimination and to remove all social and economic aspects that lead to discrimination.

He said another point that had come out was the extent of poverty in NEP and the Commission has also to deal with this aspect. He said 57% of Kenyans live below the poverty line and many families cannot even afford a meal a day, they do not have access to education and medical attention. The Act requires the Commission to consider ways in which to ensure that every Kenyan has basic needs i.e. food, shelter, medicine and education and that there is proper distribution of resources.

He said the Commission had also noted that there was heavy emphasis on human rights like speech, assembly and expression. He said everywhere the Commission has been many young people had attended its meetings and presented their views which means that they face special problems. The future belongs to the youth and they will be the people responsible for operating the constitution that is being made. He said the Commission will pay special attention to their views.

He said he had noted the diversity of the country in that people of NEP speak a different language, 99% profess the Islamic faith and that these diversities have to be recognised and that the rich culture of NEP should be allowed to flourish in the future.

He said the Commission had also noted the expression that civic education is suited to circumstances of NEP. He said the Commission had noted the preference to use local CBO's and ensure that materials that bring out the historical background of NEP are placed in the documentation centres, taking into consideration the geographical nature and distances that prevail in the Province. He especially noted a suggestion that these centres should be next to boreholes.

He assured the people that the Commission had taken note of all these points and will special attention to them when drawing up a plan for civic education.

He thanked the people again for coming and hoped that they will continue to engage in the process in the same way that they had done because the success of the review depends on the people's participation.

Com. Nunow gave a translation in Kisomali.

The meeting closed at 4.30 p.m. with a Muslim prayer.