

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, MAKUENI CONSTITUENCY,
HELD AT MATILIKU CATHOLIC CHURCH.**

ON

MAY 15TH, 2002

CONSTITUENCY PUBLIC HEARINGS, MAKUENI CONSTITUENCY, HELD AT MATILIKU CATHOLIC CHURCH, May 15th, 2002.

Present.

1. Com. Wanjiku Kabira
2. Com. Ahamed Isaack Hassan - Chairing
3. Com. Abida Ali – Aroni

Secretarial Staff in Attendance.

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|---------------------|------------------------|
| 1. Maimuna Mwindau | Programme Officer |
| 2. Rosemary Mwanzia | Ass. Programme Officer |
| 3. Josephine Ndungu | Verbatim Recorder |

The meeting started at 9.45 a.m with a word of prayer from the 3Cs member.

Eric Mativo: Kwa Commissioners wa Tume ya kurekebisha katiba ya Kenya, wale waliondamana na wao kutoka Nairobi, viongozi wa Makueni constituency pande hii, na wananchi hamjambo!

Audience: Hatujambo.

Ningeomba mmoja wenu atuongoze kwa maombi, ndio tuweze kuanza mkutano wetu asubuhi ya leo.

A Member from 3Cs: Asante sana, natuombe, Baba wetu aliye mbinguni, tunakushukuru leo, sababu tuko wakati unaofaa, Mungu tunaomba, tukianza hii mkutano utusaidie, tupe nguvu ya kuongea sababu tunajenga nchi yetu, tunashukuru sana sababu umeongoza hawa wajumbe kutoka mahali walikuwa wamelala, na wakati huu tunao hapa, tunakuomba uwe msaidizi wetu, yale tutakayonena mahali hapa, Mungu uwe pamoja nasi, nani katika jina la Yesu aliye mukombozi wetu tunaomba na kuamini.

Amen!

Eric Mativo: Asante sana, kwa kutuongoza kwa maombi, nitaanza kwa kutaja jina langu, mimi naitwa Eric Mativo, kutoka katika ofisi ya wilaya Makueni, ya Tume ya kurekebisha katiba nikiwa mshirikishi. Nitachukua nafasi hii kwanza, kuwakaribisha Commissioners na wale walioandamana na wao, katika hiki kituo cha kwanza cha Makueni Constituency, kinaitwa Matiliku, na pia wale wengine ambao wamekuja kupeana maoni yao na wakaribisha kwa mkutano huu wa leo.

Kwanza nitachukua nafasi kuwajulisha, ile kamati ya constituency hii ambao wameweza kufika hapa, wengine tutakuwa nao

siku ya kesho katika kituo cha pili. Nitawaomba wasimame wale walioko hapa wa committee hiyo, niweze kuwajulisha kwa commissioners na wageni wale wengine. Nitaanzia na ladies kwa sababu, you say ladies first.

On my immediate left, ni Margaret Juma, ambaye anatoka katika Division hii ya Matiliku, next to her ni Rose Mulu, ambaye anatoka, Division ya Wote ambayo, tutakuwa kesho. Upande ule mwingine tuko na Sammy Kitemo, ambaye pia anatoka upande huu, na tuko na Allan Musyoki ambaye anatoka Division inayoitwa Ngoo. Hii constituency iko na Division tano, na ndiyo the most popular constituency in the District.

Nitachukua nafasi hii tena, kusema kwamba leo ni siku muhimu kwetu watu wa Makueni, na kwa hivyo itakuwa muhimu sana kwetu kushiriki na kupeana maoni yetu vile tumeitayarisha, na kwa sababu tumechelewa kidogo nitachukua nafasi hii kuwapatia commissioners, watusalimie watujurishe, majina yao na waendeleo na programme iliyosalia, asante.

Abida Ali – Aroni: Habari zenu!

Audience: Mzuri.

Tungependa kuwakaribisha tena, kwa kufika leo, ingawa tunaona mko watu kidogo tunatumaini kwamba, wakimaliza na shughuli za soko, watafika ili tuweze kupata maoni yenu.

Pengine tungetaka kuwajulisha, watu ambao wako hapa ambao tumefuatana na wao, na tungeanza na officers ambao wanatusaidia, tuna Maimuna Mwidao, ambaye ni programme officer, ambaye yuko incharge ya hii shughuli ambayo tunafanya leo. Halafu tuna Rosemary Mwanzi, ambaye anamsaidia, na tuna ambaye anarekodi, kwa kuandika na kutumia hii tape recorder, ambaye ni Josephine Ndung'u. Halafu Commissioners nitawaomba wajijulishe. Mimi naitwa **Wanjiku Kabira**, I am a Commissioner asanteni, Mimi pia naitwa **Ahamed Isaac Hassan**, na mimi naitwa **Abida Ali-Aroni**, karibuni. Na nitawapeleka kwa Hassan atuambie vile tutaendelea na programme ya siku ya leo.

Com. Hassan: Thank you very much Abida, tungeanza kwanza na, rules ya hearing yetu, kuna wale watakuwa wakitoa maoni yao kwa maandishi, written memorandum, na kuna wale ambaye pia wanataka kutoa tu kwa kuongea, bila kuandikisha. Kwa hivyo tunawapatia wale wameshaandika maoni yao, tutawapatia dakika tano, na wale hawana maandishi, tutawapatia dakika kumi, kwa hivyo tutawaomba tafadhali, mjaribu kuangalia hiyo wakati, ndio wengine waweze kutoa maoni yao pia, na tutawomba pia saa ile mtu atakuwa akitoa maoni yake, tunataka watu wengine wamuzikize, na apewe ruhusa na nafasi ya kutoa maoni yake, bila kupigiwa kelele, ama mtu mwingine kuongea nyuma yake. Kwasababu kila mtu ako na haki ya kutoa maoni yake hapa leo.

Na tutapenda mtoe maoni kuhusu, kurekebisha katiba ya Kenya, na sio kuanza kutumia lugha ambayo, labda itamdhuru mtu mwingine, ama kumtukana mwingine, ama kutaja majina ya watu. Hiyo ni rules ambayo tunafanya kazi nayo hapa. Nasijui kama list iko tayari. Labda kuna wale wamejiandikisha wapi wa kwanza anajijua, na labda angekuja tu aanze kutoa maoni, while we

wait for the list. Sasa tuanze na Benson Mutiso, naona uko na verbal na memorandum pamoja, tutakupatia dakika tano.

Benson Mutuku: Thank you very much commissioners of the CKRC, the District Coordinator CKRC Makueni district, and the fellow citizens, good morning, I am Benson Mutiso, and I want to present my proposals that are to be effected in the constitutional of Kenya.

At first I would like to say that, I would like the Kenyan constitution to have a Preamble, in this I mean that, the preamble should state that, the people of Kenya have enacted this constitution and therefore, people are stream even than the constitution itself. In addition we must state that, we are a democratic state, and the constitution must give ways, for the citizens to exercise their supremacy. In constitutional supremacy, I would like to comment that, the laws made by the parliament must be in line with the constitution, in addition all the government laws, that are not repugnant to the justice and morality, should be allowed by the constitution. The rule of law must be applied, all citizens must be equal before the law.

The ammendment of the Constitution, must be done through referendums but not parliament. Forcing the constitution, every citizen must have a Constitution, it must be available in every mother tongue, spoken by the citizens. It must be a mandatory subject taught in schools. Commissioners, I would like to comment that we should have direct principles, that means we must have guidelines, for interpreting more specific constitutional professions, like for example, say the that power belongs to the people, and it is exercised on their behalf through representatives, under accountable situations.

Constitutionalism under rule of law must be adhered to, this is very important,because we may have very good laws, but then they are not intimate, and therefore Constitutionalism, must be emphasized by the constitution. Human rights must be equally entitled to all people, i.e. civil and political rights, economic, social, cultural and development right. In addition natural resources belongs to all citizens, equal development should be to all regions.

In citizenship I comment that, all children born to Kenyan parent, or a Kenyan parent must have automatic citizenship. Spouses of Kenyan citizen regardless of gender must also have automatic citizenship. We should also entertain dual citizenship, in our Constitution, I comment that birth certificate, I D, and passport should be used as evidence of citizenship.

Fundamental rights and freedom must be (*inaudible*) and protected by the Constitution, i.e education, should be free and compulsory in Primary education, minimal Secondary school fees and cost sharing in universities, I also comment that, we should have quality type of education, the fair system, like I comment the 7 4 2 3.

In health care, I recommend that we have free medical health care to all citizens. Clean water, should be available to all. All citizens must be protected against hunger, that means, food must be indicated as basic right. Information also, all citizens must have access to information, at all rights, must be absolute without exceptions.

I commend that, we should have political parties, and the number of the political parties, I commend that we have only three political parties. Each political party in addition must submit names of at least, 200 people, from one third of each Kenyan 62 districts. Each political party must be financed from public funds.

Some appointments like that of the A G, C G, Police Commissioner, electoral commission, chairman, must be vetted by parliament. I also comment that being a member of parliament must be a full time occupation. The principles of one-man one job must be applied in the constitution. Moral and ethical qualifications for president, MPs and Councilors must be produced. A President in addition must be a holder of a degree, like ways to a MP and a Councilor must be at least a four year leaver.

The A G, that is the Attorney General, must not be the government legal adviser, as well as the chief prosecutor, and also an MP, a Cabinet Minister. Because this is open for many conflict of interests. Mayors as well as County Council Chairman, must be elected directly from the electorate. The local authorities must replace the *(inaudible)*. The Presidential elections must be separated from Parliamentary and Local Government elections, and also the electorate must have powers for someone and suspend any MP or Councilor, who is non-performance even before the expiry of five years.

All MPs must have offices in their Constituencies. The number of Ministries and Ministers must be stated in the Constitution. The issue of issuing National IDs, and total registration, must be a continuous exercise. All public office orders must make an annual declaration of wealth, and indebtedness. The procedures of transfer of land must be simplified, by reducing, the number of land steps that we have in Kenya, and also must be made cheaper.

There must be a sealing for land, owned by an individual. The Constitution, must guarantee every Kenyan citizen, at least ten acres of land. Constitutional offices to curb out corruption must be introduced, e.g. the office of ombudsmen, also a human rights Commission, land Commission and also anti corruption Commission. A transitional period of three months, untraditional government must be enshrined in the Constitution, to act before a new President takes over power. I urge our current MPs to make sure that they enact, the current Constitution Review Commission, in the current Constitution, so that we are assured of having a new Constitution in place, thank you very much.

(interjection, (Inaudible)) okay.

Com Abida: You said that, you would like us to have customary law respected so long as it is not repugnant to law and justice, which is this law and justice that, we would be looking at? How do we decide that, a customary practice or law is repugnant?

Mr. Benson: For example, if it is discriminatory, to say gender, there are some practices, which are discriminative either to gender, or to young children, or according to tracks whose laws are repugnant to justice and law.

Com. Abida: But who decides, that one of gender may be is common sense, let us take an example may be of payment of dowry, in a certain clan, how would we be able to tell, whether it is repugnant to justice or not? What is the yardstick? That is what I want you to advise us, so that when we are making those recommendations we are able to understand you better. What yard- stick do we use to measure if, a customary practice or law is repugnant or not? Do we use the constitution, do we use English law or what do we use?

Mr. Benson: Well, I mean, for example in the payment of dowry, as men are expected to pay dowry, irrespective of whether, you are able to pay, and may be the girl you are marrying is able to pay, and yourself, you are able to pay, and you are forced, because it is a custom, and the custom, we are not thinking of what is the really meaning of having the dowry a part from just money pay, because I belief, a man and wife when they marry, they become one.

Com Abida: Thank you, I think I am okay now.

Com. Hassan: He calls out Daniel M Musau

Daniel Musau: Commissioners, fellow Kenyans, this is a memorandum for Kawala sublocation, and I start with the, *com Hassan*).

Interjection Com. Hassan: Daniel I want to make one correction for you, and this applies to all those who are going to have the written memorandums, please don't read word for word, just try to highlight the main points, we are going to read it for ourselves, do you understand thank you.

Mr. Daniel: Preamble, their should be a preamble, the Constitution should be the property of people of Kenya. It should have the basic supremacy, directive application of law should not be allowed. Directive principles from state policy. We Constitutionalise values reflected in our national anthem such as unity, peace, liberty and justice, and the justice should be the basis of the above values. Democratic principles, there should be regular election after every five years, parliament executive and judiciary, to be fully and truly independent of each other. Kenyan should retain values, like peace, generosity, humanity, handwork and ethnic poetion.

For Constitutional supremacy, the Constitutional amendments should be done through referendum, preferably by two referendums, separated by five years under a Constitutional Commission. Defense and national security, the discipline forces should be established by the Constitution, and the president should be the Commander in Chief of the armed forces. Declaration of war should be done by the parliament, and the president should not be given extra ordinary powers in the emergency. The President should not be given extra ordinary powers in the emergency situations and he should act through the

consultation of the parliament, the parliament should have the authority to invoke emergency powers.

Political parties should play roles other than, political mobilization, such as, protection of environment, and conduct civil education. A legislature education, formation, management and conduct for political parties, should be reflected in the constitution, the number of political parties should be limited to three, and they should be financed by the government through public funds. Proportional (inaudible) Its performance in general election. The State and the political parties should be consulting partners in the business of running the country.

Structures and system of government, we should not retain the presidential system of government, we should adopt parliamentary system of government, whereby the president should be the head of state, in charge of defense and finance. Prime minister should be in charge of government and should appoint the ministers. Kenya should retain a unitary system of government.

The legislature, all disciplined forces should be appointed by the parliament, and permanent secretaries should be appointed by the legislature, ambassadors and parastatal head. The branches of the legislature should be faithful functions, with confirmation hearing, and they should also regulate their own affairs. Parliaments should have unlimited powers to control its own procedures. MPs should work eight hours a day and five days in a week. Parliamentary candidate should be proficient in both Kiswahili and English. We should introduce moral and ethical qualifications.

An MP should be recalled by its electorate through petition, an MP should act according to the instructions from his constituency. A Parliamentary Commission should determine their salaries, we should do away with nominated MPs. We should not have special measures for women but put in place, to increase their participation in parliament.

There should be rules to govern the conducts of parliamentarians in multi-party state, such as, the members should board across party line, there should not be defections and in case of defections, the defector, should not be eligible for the by election at the next general election. The Constitution should permit for a Coalition Government, we should have multiparty representation at both levels of Government.

A parliament should have unpartitioned powers to remove the president, through a vote of no confidence, the president should have, to vital registration passed by the parliament award, e.g awarding itself remuneration packages. In case the President fetters a registration which is in the interest of the parliament, The parliament may dissolve to request a referendum, the President should have no power to dissolve the parliament, and there should be no staggered elections for the parliament.

Executive, Presidential candidate should have the following qualifications, he should be a Kenyan citizen, aged 35 registered in some Constituence as a voter in election to the national assembly, a university graduate, strong family values, and should have

professional intergraty. Presidential tenour should be fixed to two terms five years each. The confunctions of the President should be defined in the Constitution, Presidential powers should be limited in the Constitution, e.g. powers exercised in regard to control Judiciary and Parliament.

The Constitution should provide a mean to remove a President out of office for misconduct through impeachment. The relationship between the President and the parliament should be cordial and strictly independent from each other. A president should not be an MP and we don't need Provincial Administration.

The Judiciary, the present structure of Judiciary is not adequate, and should be expanded from bottom to top. We need a supreme court and a constitutional court. Judicial officers should be appointed through a Judicial Service Commission. The qualification of Judicial Officers, they should hold masters in degree in law. The duration for Judicial Officers should be ten years then re apply. They should be disciplined by the Judicial Service Commission. They should be full time Judicial Officers. The kadhis should have similar qualification to other magistrates, and they should be appointed by the Judicial Service Commission. The kadhis court should only handle matters related to marriage, divorce and succession. It should have the apirate jurisdiction, Judicial powers of the state, should not be vested exclusively in court, their should be other bodies like, judges and ethnic institution.

Court system should start at divisional levels, there should be a Constitutional right to legal aids in circumstances pertaining capital, (*inaudible*) and properties. There should be profision of judicial review of laws made by the registrature.

The Local Government, Mayors and Council men, should be directly elected by the people. The current two years term for Mayors and Council men is not adequate. Councils should not operate under the Central Government. Minimal education qualifications for councilors should be O levels, they should be moral and ethcal qualification for local authorities each. The people should have the right to recall their Councilors, through petitioning. Parliamentary service commission should determine remunalisation of Councilors, we should not retain nominated Councilors. The conduct of Councilors in multi party state, they should work across party lines, and there should be no defection within five years term.

The President or minister in the local government should not have power to dissolve the council. The electro system and process, Kenya should practise representative electro system, we should not retain the simple majority rule as the basis of winning an election, there should be a run up. They should be no special cases for women in the parliament and local authority elections. A President should win 51% of the election, and for the wards and Constituency, the simple majority to declare the winner. Candidates who space to seek nomination in one party, should seek nomination in another party.

Interjection Com Hassan: Please try and summarize up, your time is up.

Mr. Daniel: Defection from parties should not be allowed, and the defector should not seek election for the by election at the next general election. For parties crossing the floor, MPs should seek fresh mandate from the electorate. The 25% representation in at least 5 provinces to Presidential election is not applicable, since we should have a run up. We should not have seats for specific interest and the current geographical Constituency Demarcation, the demarcation should be based on population.

Civic, parliamentary and presidential election should continue to be held simultaneously, there should be simplicity in our elections, like separating ballot papers for all conducting parties. There should be a limit on election expenditure by each candidate from election commission. Election date should be specified in the Constitution. Presidential election should be done directly by the public. Election process for 2002 should be conducted under the new Constituency demarcation. Counting of voting should be done at the polling station.

Basic rights, Constitutional provision to fundamental rights are not adequate, they should be expanded, they should include security, health care, water, education, shelter, food and employment. Death penalty should be abolished, since the Constitution guarantee the right to life, basic rights should be protected. Human right Commission should be set up to ensure that all Kenyans be

Interjection Com. Hassan: Daniel you have taken more than your time, please try and summarize, I am telling you again for the second time.

Interjection: Inaudible

Mr. Daniel: Okay fine, we should have a free and compulsory education from nursery to University level. We should have access to information, in the position of the State and the Constitution, should guarantee the right to trade union representation for all workers. The right of vulnerable groups, interest of women are not fully guaranteed in the Constitution, the interest of the people with disabilities are not fully taken care of, they should be given mobility aids, food, clothing and shelter. The Constitution should guarantee and protect the right of children through strict enforcement. Elderly men and women should be provided affirmative action in the Constitution

Land and property rights, land should be owned individually, the Government should have power to compulsorily acquire private land for any purpose, provided that, compensation for the land acquired should be proportional to the value of the reason of acquisition. Governments, states, local authorities, should have the control of the use of land. Land inheritance should be directly to the issues of wife and wives. There should be a sealing of land owned by an individual, and there should be restriction of ownership of land by citizens, the procedures for the transfer of land should be simplified. Men and women have simple access to land.

Cultural, ethnic and regional diversity and communal rights, Kenyas ethnic and cultural diversity, is contributing to a national culture,

Interjection Com. Hassan: Thank you very much David, we shall read the rest.

Mr David: I have to stop there.

Com Hassan: He calls out, Margaret Juma.

Speaker: Na wale mnao kuja kupresent mnaombwa na wale wana record, usiongee ukiwa mbali na microphone, kwasababu wakati mwingine ukikaa mbali, your presentation is not well recorded. Kwa hivyo ongea ukiwa karibu, wakati huo huo najulishwa mheshimiwa Maudu, ametuma apologies hataweza kuwa na sisi kwasababu ya commitments. (inaudible)

Com. Hasssan: Huko pia mnaweza kukaa usiende huko mbali, na tafadhali saa ile unakuja kwa microphone, aanza kwa jina lako, ndio tuweza kushika kwa tape recorder.

Margaret Juma: Jina langu naitwa Margaret Mweni Juma, kutoka Makueni Constituency, Commissioners, fellow Kenyans, I am going to present some recommendation on women specific issues, the preamble should capture women storage for experiences e.g. that of freedom fighter. (inaudible) Citizenship, equality in citizenship, dual citizenship for women, national defense and security should ensure women perspectives on national security, influence national defense and security.

Structures and systems of Government, should adapt a system where power is shared between the President and Prime minister. Parliament, should compose one third of members should be women, through a firmative action number to be increased to 50%. Process elections through district representation by women, the local people should discuss proposed nominees to parliament before they are nominated.

Right to recall MPs who are non performing. Political should retain profession of independent candidate, to give women an opportunity, to vie for seats even if a specific party doesn't nominate them. The executive, Presidential powers to independently appoint or dismiss should be reduced and invested in a Constitutional office, and Presidential powers should be ceremonial.

The tenure office of 2-5 year term should be retained, President should not be above the law, parliament should have an independent calendar. Judiciary, judges should be appointed by the judicial service commission, religious organization and civil society organization and civil societies organizations to make recommendations on judges to parliament. Profession in Constitution, for legal aid especially for women and the poor. Simplification of legal language, separation from civil cases, establishment of an efficient and non corrupt judiciary and legal system.

Local government, should have affirmative action profession for a fund, women representation in the local government, direct election of mayor and chairs of the council, right to recall both the mayor and the chair of the council if non performing. Commission to be put in place to look at term of services of councilors, they should be paid from consolidated fund. Electro process, one third of electro Commissioners should be women, and it should have been headed lectro Commission. Basic rights, requirement that government in office, must meet basic need of citizens.

Rights of vulnerable groups, ensures basic rights of all vulnerable groups including the disabled elderly, minorities, street children, destitutes, orphans especially of HIV Aids, these groups should be given a right to participation. Cultural, ethnic and regional diversity and communal rights, cultural and traditional practices and attitudes have continued to old women back they should be removed, muslim women, in mourning for four months, be guaranteed full paid leave with a guarantee of not loosing their jobs.

Land and property rights, they should facilitate women access and control of property in all its forms. Should remove impedments that have kept women from accessing property, both in the private and public sectors, cultural, social, traditional, legal, political etc. Take measures to provide similar access to land/property to special categories of women e.g those with disabilities, including giving them tax exemption, ensure equal inheritance in succession right to both men and female children, ensure the right to own land by all. A creation act to be brought back, thank you very much.

Com.Hassan: Thank you very much Margaret for sticking to your time, we are very grateful for that, Rashed H Kiengo.

Rashed Kiengo: My names are Rashed Kiengo, and I am going to read a memorandum from kilili location. Preamble, we the people of kilili location propose to have a preamble in our Constitutional under review, this will make our Nation a united one, cultivate the spirit of togetherness and oneness among ourselves, we also propose to be included in a philosophy, bearing a combination of any of the following these are, peace, love, unity, honest, and faithfulness.

Agriculture, we propose our new Constitution to deal with economic issues by adopting a Government agricultural policy, where by the Government provide market for the farmers produce. Structures and System of Government, we propose for a coalition Government with an adoption of parliamentary system of Government, in which a Prime Minister is appointed from the majority party in parliament, and the President remains more or less ceremonial. The President should be the Head of State while the Prime Minister remains the head of the Government.

The registrature, (*inaudible*) ethical qualifications for parliamentary candidates. Land and property rights, we propose that issues concerning transfer and inheritance of land rights, should be addressed in the Constitution, be simplified and reach all levels rather than, be centralized at the district level. There should be a profision in our Constitution that all people over 18 years, be legible to own land, that one man ten acres. Non citizens should not be allowed to own land in our Country, under the

new Constitution, both sons and daughters should have equal rights, to inherit their parent piece of land, the daughters will have such rights if only they are not married or have divorced.

Citizenship, anybody whose parents were born in Kenya, has an ID card, birth certificate should be termed as a Kenyan citizen. Anybody from another country who requires to be a citizen of Kenya should withdraw, his or her citizenship from the country of birth. Constitutional supremacy, the Constitution, should be supreme and nobody should be above it. We propose the constitution, to be brought down to the people for any amendment to show the power of the people.

Defense and national security, we propose the powers of the defense, to be dedicated to senior qualified officers, the president should not be the commander in chief of the armed forces. Appointments to these offices, the defense department should be effected by the parliament. We propose to have the defense officer to be convicted in the same court as any other Kenyan citizen.

Political parties, we propose for a limitation of political parties to at least three. The political party and the state should relate to one another, all political parties, should be equally financed from public funds. Political parties should educate the public on their rights.

Provincial Administration, we propose for scrapping of two levels in the Provincial Administration, these are the locational and Provincial levels, that is the chiefs and PCs respectively. All the other offices from other ministries at these level are included. Assistance Chiefs to be elected by the people. Educational Qualifications for Assistance Chiefs to be form four C+ and above. We should also introduce moral and ethical qualification for Assistant Chiefs and Chiefs incase they are retained. Incase these responsibilities are to be retained, they should be given transfers like any other civil servants.

Electro system and process, we should not retain the simple majority rule as the basis of winning of an election, but we should introduce majority rule as a basis of winning an election that is we propose for a propotional representation. We are not satisfied with the demarcation of Constituencies and Wards, we therefore propose that, demarcations to be determined by the population and not the stage of land.

Mayors and Chairmen of County Councils to be elected directly by the people, we propose councilors, to be holders of K.C.S.E C+ and above, city Mayors to be holders of a degree. Counting of votes to be counted at the polling station. We also propose that civl servants be legible to take leave in order to stand for an election without risking their careers. If elected, they would then resign, or be granted leave during the time they hold office, to retain a one man one job policy.

Cultural, ethical, regional, diversity and communal rights, we propose the Kamba clan to be included in our Constitution, we suggest to have, a proffesion, in the Constitution to govern the clans, these clans should be headed or led by well recognized

people leaders of sound minds. The Constitution to be translated to all mother tongues taught in our schools, we have unanimously agreed to retain the kamba custom, Kivitu, which should be administered by a Locational Committee, these elders should be derived from different clans in that location e.g seven clans to have seven members in the same location. That is my end.

Com. Hassan: Thank you very much, just hold own and wait a question from the Commissioners.

Com Abida: Have two small questions, one of them is about, actually what is this Kamba custom, Kivitu, you are saying it should be constitutionalised? for all Kenyan to practise?

Mr. Rashad: You know, every tribe has its own culture, so each tribe have to follow its own Kivitu.

Com Abida: This Committee will it be elected?

Mr. Rashad: Yes it will be elected, from the clan in that location.

Com Abida: Why do you think it is necessary?

Mr. Rashad: It is necessary because when it is there it creates some kind of fear, in our people.

Com Abida: Can you tell us what it is?

Mr. Rashad: Kivitu, it is something that is used as a final decision after there have been a quarrel, it is the one which tries to solve all the problems, and most of the kambas agree it works.

Com Abida: And there are women in that committee?

Mr. Rashad: Their will be there.

Com Abida: One more question and not related, the question of three political parties only, are you saying we should not allow people to form parties, because we have 46 political parties, or we should tell all the others to join those three?

Mr. Rashad: You know when the parties are too many, they make the citizen to be confused and they should be lying on tribal lies, if there are too many, it means that every tribe will have to form its own, but when they are three, their will be National Parties.

Com Abida: Who will decide this?

Mr. Rashad: With this one, it may be during the coming election, the first three parties, if it is decide, they will remain.

Com Abida: The three parties with the majority and the others we buy.

Mr. Rashad: The others we buy if it is accepted.

Com. Hassan: Gilbert, he is not in, Titus Mutiso,

Titus Mutiso: Commissioners, audience, I am Titus Mutiso from Nthuba (Inaudible) division. Most of our suggestions have been read by the former people, and by now I would like to emphasis this,

Interjection Com. Hassan: Would use the microphone please.

Mr Titus: On land, the land that are not with people, the government should possess, if there is no person at home who can be compensated, the government should find everybody a piece of land even if it would cost, kufukuza hawa wanyama waende mbele inaitwa je?

Interjection Com. Hassan: Mzee unaweza kuongea, ile lugha yoyote ambayo unaelewa hata kikamba ukitaka, si lazima uongee kingereza, naona unajisukuma.

Mutiso: Wakati watu wanataka kuuza mashamba wakubaliane kinyumbani. Especially huku ukambani, wakati shamba inakatakatwa, watu wote, mara nyingi wakamba tunakuwa na wanawake wengi, kwa hivyo, tunaonelea ya kwamba wanawake hawa wapate mashamba, na vile vile, Pia mtoto wote apate shamba. Wale watu wanaitwa land board, tulionelea ya kwamba waje karibu, juu wale wako na mashamba, wako huku mashambani dani dani. Na mtu akitaka kuenda huko Makueni anachelewa juu nimbali.

Juu ya wanawake tulionelea ya kwamba, kama mtu ako na watoto wakike na wakiume wachukuliwe kisawa, juu ya mashamba. Na kama wewe ni mkenya tulionelea ya kwamba unaweza kupata shamba pahali pote nchini Kenya. Asanteni.

Com. Hassan: Asante sana Mzee Titus, James keli.

James Keli: Majina naitwa James Keli, Yangu ya kusema ni, nitaelezea kidogo kidogo tu, wale wakenya wako na miaka

kumi nane na saidi, wanapaswa kuwa wanapokea mshahara, kiasi kile serikali inaweza kuwapatia, kwa sababu umaskini unaenea sana katika nchi ya Kenya, juu watu wengi hawana ardhi, na wengine hawapokei mshahara, area yao hata wakilima hawapati kitu, na wanaendelea na kuumia. Kenya inatakikana itenge mshahara kwa watu wale ambao hawana kazi, Wakipata mshahara ya elfu tatu kwa mwezi na anaenda kuopokea kwa division yao.

Ile ingine, ni chiefs na manaiibu wake, wanapaswa kuwa wanapewa transfers kwa sababu kuna chiefs na assistance chiefs wanakalia watu wengine ngumu sana, wakiwa katika utawala wao hawawezi kumpatia mtu mwingine nafasi ya kuendelea kimaisha, wengine wanaleta umaskini mingi sana, juu ukiwa unataka kufanya kitu, bila kupitia kwao huwezi fanya kitu, kwa hivyo mimi sina mengi nafika hapo asante.

Com. Hassan: Thank you very much James Keli, amerudi Gilbert Naisi, hayuko, John Betu.

John Betu: My name is John Betu, I am going to present the views of Mwea ini Location. We need a preamble, equality in Constitution, for all citizens, it should safe guard all the interest of all Kenyans social and legal. Corruption by the higher places of Government officials which affect the common citizens, misuse of powers by Government officials. Tribalism should be avoided in our Constitution.

National food policy in our Constitution should be well outlined, to favour all the Kenyans. Principles of state policy, nobody should be above the law and freedom of worship should be optional. Free and fair elections should be a national policy. Fair distributions of natural resources. Respect for cultural and traditional practices for all the tribes in Kenya, the harambee spirit should be maintained, some of the cultural and practices like payments of dowry and traditional dancers should be in the constitution.

Constitution supremacy, parliament should not be allowed to change the constitution, the citizen should be consulted when there is need to run the Constitution. Referendums and citizenship, people born in Kenya, should be automatically granted citizenship and we should not allow dual citizenships in Kenya, ID cards to be used by the citizens.

Defense and security, the present mechanism should be continued faithfully. Political parties, they can play roles of development, other than mobilization, they should be limited to three in number, and they should be financed by the central government external donations and party membership subscription. Finacing of the parties be based on the size of the memberships. Nationally, political parties and the state should be friendly. The state being the mother of the parties.

Structure and system of government, we in Kenya, should retain the parliamentary system of government. Registrature, parliament to be empowered to appoint ministers and head of departments, parastatals. MPs need to be full time workers during their five years period in the parliament, for a Kenyan to be an MP should be aged 30 years and be limited to 70 years.

Minimum academic qualification be form four with a pass in English and Kiswahili, any body who wishes to be an MP should be of good conduct and depute.

Nominated Mps should continue to be allowed in the constitution and nomination be done by political parties. No defection before the five years period expires. The President should not settle parliamentary decision, and also he should not also have the power to dissolve the parliament. They should be no siding MPs during election. The executive, no body is supposed to enter politics if he is a form four leaver but he should holder of a Degree.

The parliament should have the power to have a vote of no confidence on the president and the president should not be an MP, and we need to have the Provincial Administration office. The Judiciary, the present system of Judiciary is okay. No judicial officers to be appointed by the parliament. Kadhis should be confirmed only to Muslims law only. Every poor citizen unable to pay for legal advise should be, assisted by the state by being given a free lawyer.

Local government, mayor and Council Chairman should be elected by the Councilors, the two

Inaudible for Mayor and the Council Chairman is enough, local authority be allowed to operate independently with some guidelines from the Central Government. The Councilor should have a minimum academic qualification of form four and he is supposed to complete his five years duration. Nominated Councilors to be allowed. A President or Ministers should not be empowered to dissolve councils. Elect power systems, majority be the basis of winning. One is free to join a political party of ones choice, the 25% winning plan in Kenya is okay.

Some wards are needed to be split because they are too big, Presidential election be held separately. There should be limit of funds in use when campaigning. Election dates to be known before the announcement. There should be graduate of law and masters in law and good moral and ethic education appointed by the parliament. The retirement should be enerceted after two elections terms of 5 years. Electro Commissioners should be removed from office incase of misconduct.

Constitutional provision of fundalmental rights are not in adequate. Should enhance social, economic and cultural rights in the Constitutional rights.

Interjection Com Hassan: Please try and summarise John because your time is up. I can see you are reading it word for word, why don't you try and highlight most important points.

Mr. John: Rights and vulnerable groups, the constitution should provide employment, financial support, materials, relevant to disability to all the disabled groups, other groups considerable from the vulnerable include the aged people, windows, orphans, street children.

Land and property rights, ownership of land should remain automatically to the state. The state government and all local authority should have power to control the use of land by the owners or occupants. There should be no selling of land, owned by individuals and there should be agreement between relevant parties in case of transfer and inheritance of land. And no citizen should be restricted from owning land in Kenya. Men and women should have equal access to land.

Culture, ethnic and regional diversity communal rights, Kenya ethnic cultural diversity should contribute to national culture, the Constitution should promote and protect cultural and ethnic diversity. Cultural and ethnic values delivered from our collection experience should be captured in the constitution thank you, That s all.

Com. Hassan: Thank you very much, and please try to stick to your time to ten minutes, we have a lot of people waiting to let out their views. Caroline Kanga from Nziu girls.

Caroline Kanga : To the Commissioners, I am here to present the memorandum of Nziu girls C.U Club. In our views we checked the following points, the first point was, Education, should be free and compulsory in Primary schools, in Secondary schools the fees should be reduced to affordable amount. Also school bursaries should be distributed in schools equally and also the government should provide the learning materials free. Coprol punishment should be abolished in School.

The second point was employment, for the people who have worked in the Government for so long, should retire to give chances for the qualified and jobless young people. Government houses provided for employees, should be renovated for good environment. Local authority should be doing their work seriously, to keep the city clean. All employees should be based equally but not according to sex.

The third point was water, Government should make sure that, they provide clean and safe water to minimize water borne diseases, in this I mean like in big towns, the water sometimes comes out very dirty and it is not treated and it causes a lot of water borne diseases like typhoid. Health, there should be health facilities provided free for every Kenyan citizen, there should be proper establish code of ethic, that safeguards the patients, in this we mean like you might go to the hospital, and you are seriously sick, and you cannot be treated because you don't have enough money to pay for the treatment you need.

Rape cases, severe punishment should be given to rapist i.e they should be jailed for so long, and if possible, the person who has been raped should be paid for the damage that she had undergone. Land inheritance, it should be shared to both sexes of the children equally. Title deeds should contain both names of the couples for ownership. In this we mean, like the couples might have gotten a title deed, but one of the spouse has written his or her own name, and when of them passes there will be collation in whose title deed should be given to.

Circumcision of girls, although it was abolished, it is still there in some communities, I would like to say that, should be abolished

seriously, any person who is going to be caught circumcising a girl, a severe punishment should be given to him/her.

Social rights, games should be sponsored by the Government free for every body to expose his or her talent, and should be compulsory for Primary schools at any level. This talent can help you to get a job thus earning your living. Worship, though we were told there is freedom of worship in the country, there should be only freedom of worship the true God, the devil worship should be abolished in every community.

Food, relief food should be appropriate, in schools to enhance proper learning. Most of schools have poor diet which give students stress, instead of thinking of their books, they start thinking that their parents are mistreating them by taking them to that kind of school. They start complaining about the food and some end up by getting stomach ulcers because of thinking a lot, with this points of mine, I hope the Constitution will consider our points. Thank you.

Com. Hassan: Thank you very much Caroline, Faith Kamau from Nziu girls.

Faith Kamau: To the Commissioners and my fellow Kenyans, I have come to present my views from Nziu girls young Christian society, our first point is, Education, primary education should be free and secondary fees should be reduced. The government should offer bursaries, and equipment used in school. Children from poor parents and orphans should be given free education. Teachers salary should be considered as they do a lot of work.

Employment, every educated and qualified person should be employed, the Government should be fair to employers, i.e they should consider payment of salaries. The Government should cancel the habit of bribery before employment.

Medical care, Government hospitals should offer free medical care to all students, Doctors and Nurses should be polite to patients, bribery should be stopped in hospitals. Hospital diet should be balanced. Relief food should be provided in Primary and Secondary schools to ensure smooth learning of the school.

Water, supplied water for drinking should be medicated and clean. Population, environmental population should be controlled. Land, girls should be given share of land like boys, inheritance should be for both boys and girls. Marriage, citizenship should be considered, i.e when a lady who is from Kenya gets married to a man who is may be from Uganda, he is supposed to acquire citizenship, quickly without any hassals from the government.

Forceful marriage of girls should be stopped, wife inheritance should be stopped due to Aids. Religion, freedom of worship should continue but only one God should be worshiped. Tax, taxes should be reduced by the Government, drugs the government should also curb drug abuse. Thank you.

Com. Abida: Your colleague and yourself would like us to, make recommendation in controlling of worship and you are talking about one God, it worries me, because we have different religions, are you talking about worship of God or there is a particular God, that may be there is a kikamba name you would like us to recommend? What exactly are you saying?

Miss Faith: I mean, that devil worship should be stopped, we should only worship the true God.

Com Abida: You are talking about the inheritance of land by both boys and girls, at the family level is it equal inheritance? Somebody else talked about whether they should be married or not married, if you are not married or you are divorced you should inherit what is your position, is it all?

Miss Faith: I think as the inheritance boys and girls should get the same share from their parents, if married or not married.

Com. Hassan: Thank you very much Faith, Baptised Mbuvi.

Baptised Mbuvi: Baptised Mbuvi presenting the views for (Inaudible) location.

Preamble, we should have a preamble in our Constitution with a view of National Unity, a constitution for all Kenyans, should be amendable, it should be able to guide citizens property, rights and interests, free from all soughts of discrimination. Common experiences to be reflected in the preamble include, nepotism, tribalism, sectionalism, lack of fair distribution of resources, and a Constitution, that is life, that is not a shadow.

Directive principles of state policy, we need statements, in our Constitution capturing National Philosophy and guiding principles, democratic principles to be included in the Constituion are, conducting of free and fair elections, power to be compelled to be subject to the Constitution and freedom of movement, assembly, and association, reduction of exepenses in Government Institution.

Kenyans have important values to be reflected in the constitution, as follows, freedom of service, freedom of audience incase of public offices, all the system according to the customs, and traditions of the African culture, freedom to conduct all customary and traditional rituals,cultural values in relation to marriage to be followed and practiced according to tradition, the harambee spirit should not be forgotten. And all these should not be enforceable by law, some of them should be followed according to their customs.

Constitutional supremacy, the parliament to amend any part of the constitution but 55% votes should be increased to an 80 %. Parliament power to amend most of part in the Constitution which include, basic rights should involve citizen through referendums. Constitution beyond the amending power of parliament should include the human right, basic right, the international rights, and those matters touching the citizens directly.

Public should be involved through referendums in cases of amending the constitution, and citizens should elect those to conduct the referendums, citizenship has not been a problem with the present set up according to the other constitution, so we would say it should remain. Defense and National Security should follow the set up it has been given. Political parties should play other roles other than mobilization of citizens and this law should include, interpretation of Government policies, participation in development projects and teaching philosophy. It should regulate the formation and management, conduct of all political parties. Political parties should be limited to three and they should be financed through membership fees, donations and from public funds.

Structures and systems of Government, we should adapt the Presidential system of Government. We should adapt the parliamentary system of government, in which Prime Minister is appointed from the majority party in parliament as the President remain more or less ceremonial. The Prime Minister will form the Government, and undertake the duties of the head of the Government, the President will be an overseer of the duties of the Prime Minister and those of the parliament.

Legislature, parliament should vital all appointments made by the President and the Prime Minister. The President function should be, expanded by making him the overseer in development projects. Parliament should not have unlimited power to control its procedures through standing orders. Being a MP should remain a full time occupation. Age requirement should be 18 years and above, and when for the parliamentary seat, should be 21 years and above and a President should not be above the age of 70 years.

Language used for parliament elections are not sufficient and should have the least part in O level academic education. There should be introduction of moral and ethical qualification for all Parliamentary candidates, people should have the right to recall their members of parliament and the procedure should be through Constitution, referendums. Members of parliament should act according to basis of conscience and instructions from their Constituents. We propose to continue having, nominated MPs. No special measures should be put in place to increase women participation in parliament, any woman should contest for a seat with equal rights as man.

All parliamentarians in the multi party state must remain loyal to their Constituency and the Constitution. The Constitution should permit coalition Government, should have a system that demands multiparty representation in both levels of Government. Should have only one chamber Parliament. Parliament should have power to remove the executives through a vote of no confidence.

President should not have power to settle registration barked by the parliament. The registration should have power to override President, settle in any case. The President should not have power to dissolve parliament. We should not stagger election for parliament so that there is no time when we have no seats in MPs, i.e during elections we should have sittings MPs.

The executive, the Constitution, should specify qualification for Presidential Candidates as follows, all Presidential Candidates must be graduate, should be women and men of good integrity, should be first religious persons. Presidential tenure should stick to two terms each term of five years. The function of the President should be to safeguard the Constitution. There should be limit a super power of the President as it concerns matters touching to life, and interference to other nons of Government.

The Constitution. Should provide the removal of the president, for his misconduct, while in office in circumstances that interfere with the interest of citizens and the Government, jeopardize the Constitution, and the interest of the citizens, and it should be conducted through referendum. President and the parliament must respect one another, and the President should work under the parliament. We recommend, to continue having the provincial administration, which should include village elders, payable elders, and their functions should be, interpretation of government policies, coordination of development projects, and profession of security in rural and local areas.

The Judiciary, the structure of the judiciary is not adequate, and therefore should provide a supreme court. There should be a Constitutional court also, according to the orders of merit as it concerns moral and ethical qualifications, the academic standard for the judicial officers should be masters degree in law. Tenure of judicial officers should be 72 years.

The local Government, mayors and council chairman should be elected by fellow Councilors. Mayors and Council Chairman should be elected by,

Interjection Com. Hassan: I want to warn you that your time is up, please try and summarize now.

Mr Mbuvi: Mayors and Council Chairman should retain the current term of two years in the office, Council should operate independently but not under the central Government. Minimum education requirement for Councilors should be O level. The language taste are not adequate for Councilors and they should have a pass in O level education. People should have the right to recall their Councilors, and the right should be followed through locational and ward referendum. Remuneration for councilors should be determined by, Constitutional salary review commission and there should be nominated Councilors.

The electro system and process, we propose to have the representative electro system, simple majority rules, should remain the basis of winning an election. The electro process should not increase the participation of women in parliament and local authorities. No minimum percentage or number votes of contestant so long as he remain the majority winner. If contest stays to six nomination in one party, may not be allowed to switch to another, incases of defection and crossing the floor, that is merger, all contestants must loose their seats.

We should have this reserved for specific interests,

Com. Hassan Interjects: Why don't you try and summarize up because you have to submit it.

Mr Mbuvi: We should have seats reserved for specific interest group such as

Interjection Com. Hassan: You are continuing to read it again.

Mr Mbuvi: And the disabled,

Interjection Com. Hassan: Please try and summarize.

Mr Mbuvi: Current geographical demarcations are not adequate and they should anticipate great room for population.

Basic rights,

Interjection Com. Hassan: Just before you move on, I think we should not have a misunderstanding, you have to follow instructions which we give you, we are telling you please don't read word for word, because we are going to read it, you are wasting time of other people, there are very many people here who also want to talk, try and summarize, I have told you three times, so you have two more minutes and please try and summarize.

Basic rights, constitutional provision for fundamental rights are not adequate hence we need to advocate for social, economic and cultural rights, and death penalty must be abolished. The constitution should protect security, health care, education, water, shelter, food and employment. It should provide for employment for all trained persons. The parliament and the local authority must have power to ensure that all Kenyans enjoy their rights. It should provide security services to all citizens and the aged people, including, free adult education for the aged people on matters touching the government and philosophy from the government and should supply food in cases of natural disasters such as hunger.

Rights of vulnerable groups, interests of women have been fully catered in the present Constitution, hence we feel that there should be no other way of dealing with them. The Constitution, to provide for assistance for age materials in relation to disability and provide for free education for the disabled. It should make sure that all rights of children are enforceable in law

Other vulnerable groups include orphans and aged.

Interjection Com Hassan: You are not trying to summarize you are continuing to read word for word again, or you just have a break, because we are going to read this things again, they are going to the computer, so just try and summarize in one minute left.

Mr Mbuvi: Other vulnerable groups include, the orphans, the old aged, which need to given a specific interest that will include financial support and free medical care. Land and property, the state should have ultimate ownership of the land, the government may have power to compulsarily aquire private land, in the possession of owners. Land owned by individuals should be protected fully by the constitution. Ownership of land by non,

Interjection Com. Hassan: Thank you very much we shall stop you there and we can now ask Albanus Mutisya to come, but just wait for one question..

Com. Abida: You said that women rights are fully catered for in the Constitution how?

Mr.Mbuvi: Infact, when we talked about the preamble, we said that all citizens should be handled without discrimination, hence we could say, that there should be profisions for women, we would be discriminating men, in some access, and as per the present the gender problem is affecting Kenya, since we feel that most of the power is advocating for the girl child not for the boy child, and it seems as if the men have been forgotten, by the arms of the Government, so we feel that the chances they are given are adequate.

Com Abida: Would you then rather say that, the interest of both men and women, boys and girls, should be taken care of, is that what you are saying.

Mr. Mbuvi: That is what I am trying to say without favourism of gender.

Com. Abida: Okay, thank you.

Com. Hassan: Thank you very much, Mr Motivo, perhaps you could explain to the people of Matiliku, because we seem to have a problem, in trying to explain this issue of written submissions, we don't have enough time to read it to all word for word, reading of the submissions, you people try and summarize and say the main points, because you are going to read them anyway, may be you could explain that in kikamba may be it will help.

Mr. Mbivu: Ile commissioner wanaomba ni ya kwamba, wale ambao wameandika kile unataka ku present, kwa sababu utapeana na hiyo taarifa yote itasomwa, usisome kila kitu, anasema utaje tu, yale mambo ya muhimu, ambayo umeandika pale, juu unamepewa dakika chache na kuna watu wengi wanataka kupresent, na itakuwa vibaya siku iiche, tumekuwa na watu wachache wame-present na wale wengi wameenda nyumbani bila ku-present, na walikuwa wamekuja kutoa maoni yao. Kwa hivyo mnaombwa ile dakika chache kuna yale mambo ya muhimu, taja tu hayo. Yale mengine yote yatasomwa katika ile reporti umeandika. Kwa sababu reporti ukipeana hapa, itasomwa yote. Hiyo reporti yote itasomwa, unajua kila mtu anataka

kuongea sana lakini nafasi ya kuongea sana hatuwezi kupata. Nitwaeleanwa? Vandu va kusoma kila kindu, nundu ii saa iyivo, twisainoka vee andu ainge matanesa kuvikewa na ti useo.

Com. Hassan: You are Albanus Mutisya, I hope you have understood what Mutivo have said, please try and respect that.

Albanus Mutsya: I will start with the first point that is, about the preamble of our Constitution, it is a very important issue, and should be reflected in the Constitution, in the Constitution we should understand clearly, the responsibility of the Government in place, to take care about the citizens interest. Principles of the Constitution that is, all citizens regardless of their ethnic groups, should feel part of the principles, it should not be produced by some of the forty two groups. None of the chapters of the constitution, should be amended by the parliament, if the chapters are to be amended by the parliament let us have referendums.

Identifications should be either of by the passport, ID or driving license. Passports, photo registration and IDs should be a continuous exercise, citizens rights and more so civil rights, social rights which are not in our constitution, should be enshrined, and enforced by law. Presidential qualifications, i.e education qualifications should be included in the Constitution, currently our constitution doesn't have education qualification, e.g president candidate should have at least a degree, he should also be above 35 years and has to retire at the age of 65 years, he /she should have at least two five years terms.

Kenya should adapt a parliamentary system. The following Presidential powers should be scrapped from our Constitution, cap one section, 14 sub section 1 and sub section 2, which are dealing with the criminal and civil proceedings against the President, that should be scrapped. He should not be also Commander in Chief of the armed forces. It is not a must a President has to sign all the bills in order for them to become laws. The executives should not be appointed by the president, they should be vetted through the parliament.

Parastatals heads and chairman, should be appointed and also vetted by the parliament. Neglects of duty by anybody in the office of President, shall be liable to offence. Any elected MP or President or any body in the office should be sacked when found guilty of corruption offence. MPs, Councillors, President should be recalled, when they are not performing according to the wishes of the electorate, and this should be done through referendums but not the vote of no confidence of the parliament.

Parliament should come up with its own calendar and it should be shown in the Constitution which we need. The law should show clearly in the Constitution that every political parties, should have at least 1000 members from at least 2/3 of the 62 Kenyan districts. Kenya should have at least 3 political parties which are to be financed fully by the Government funds. An office of the ombudsman, with security of tenure should be enshrined and shown clearly in the Constitution. All marriages regardless of customary, structure must be registered. Nobody should hold office e.g MPs and also to be in the executive.

There should be a land ownership at least 20 Acres. Spouses should register their assets in one name. Local authorities should have joint accounts with residents of that area, and residents should be involved in planning and participation, monitoring and also evaluation of what the county council is doing. Civic Education must be included in the primary and secondary school curriculum. Constituencies should be created with consideration of population, with no more than 40,000 mature people. The winning President should have 30% at least in the 8 provinces of Kenya. Thank you.

Com. Hassan: Thank you, very much Alunas, just wait for some questions.

Com. Abida: Alunas, just one question, you said the property of couples should be registered in one name, and I overheard somebody asking, which name, so you it can be registered in a wife's name?

Mr. Alunas: Yes. I would like to clarify, we have seen where couples are involved in corruption activities, I request that if I am a man and my wife we acquire an estate, all assets should be registered jointly. We don't need this issue that I have a firm, registered at my name, she had asset and register under her name, such that if I participate in corruption and I am found guilty, our assets won't be sold because we had registered jointly.

Com. Hassan. Thank you very much Alunas for your good presentation and sticking to your time, next is Lazaraus Thonge.

Lazaraus Thonge: Basi kwa wakubwa ambao mlio kuja, na wenzangu ambao tumeleta maoni, natoa shukrani kwa ajili, ya kusimama mbele yenu, na lengo langu nikutoa maoni ambayo niko nayo, mimi mwenyewe, kwa majina ni Lazaraus Konge, na nitaenda point by point, kwa mambo tofauti ambayo niko nayo, kwanza ni kuhusu elimu, katika shule ya upili, karo inafaa ipunguzwe ili kuwezesha kila mwanafunzi kufikiwa na masomo, kwa njia inayofaa, kwasababu ukitazama utakuta ya kwamba watoto wengi wamekuwa wakifika tu kidato cha kwanza cha pili, juu ya kukosa karo. Katika wakati tuko nao, kila jambo linahitaji elimu, kwa mfano in every Ministry kunahitajika watu ambao wako na elimu, na ikiwa watoto hawatafikiwa na elimu kwasababu ya ukosefu wa karo, mambo mengi itaendelea na kudidimia.

Ningependa kuongea juu ya wizara ya afya, Serikali inafaa kuangalia maswala ya wanachi, ili kuhakikisha ya kwamba kila mtu anafikiwa na matibabu inayofaa, watu wengi hawafikiwi na matibabu kwasababu, unapoenda katika hospitali, kunakuwa na msongamano mwingi, na hii inaletwa ni kwasababu wizara ya afya inaendelea na kudidimia, kwa hiyo tunaomba Serikali itazame jambo hili, ili ya kwamba walio wakongwe, ambao wamezeeka waweze kufikiwa na jambo hili kwa njia inayofaa. Nikimalizia kuhusu wizara ya afya, serikali inafaa kuhakikisha ya kwamba kila mahali pailpo na soko kuna hospitali ya serikali ambayo inahudumia wananchi katika njia inayofaa, juu unaweza kwenda bali sana, bila kuona hospitali ndio watu wana kuwa na problem ya matibabu.

Kuhusu maoni ya worship au kumuabudu mungu, hasa siku hizi kumekuwa na msongamano wa makanisa mengi, na kumekuwa na shida kubwa katika kueneza neno la mungu. Hii imesababisha hata kukawa na wengine ambao wanasabasa mafunzo yasiyofaa, hii serikali inafaa kupiga marufuku dini zote, sizizofaa, kwa mfano zile ambazo hasifuati biblia, ili ya kwamba jambo hili liwe rahisi kwa serikali, inafaa, kuhakikisha kila mhubiri ambaye anasimama mbele ya waumini, ako na cheti ambacho kinadhibitisha ya kwamba amepitia katika shule ya biblia.

Jambo hili Serikali ikitazama itakuwa rahisi kwa Serikali kujua dini ambayo ina hubiri neno la mungu lina ukweli, ijapokuwa wengi wanasema wanatumia na roho, lakini pia kama huna elimu ya biblia huwezi ukatumia na roho. Nikimalizia katika hiyo point inafaa kila denomination iwe registered katika Serikali, ili Serikali iwe na urahisi wa kujua dini ambayo ina funza mafunzo inayostahili. Na wakati registration inafanywa kuwe na mtu anakuja kusimamia ili kuziwe na hila katika registration na awe na elimu ya kibiblia. Nikimalizia ninasema ya kwamba Serikali inafaa kuangalia hayo, ili tuone ya kwamba hali yetu ya maisha imekuwa rahisi, na tuwe tunaweza kujimdu katika kila hali, asanteni.

Com. Hassan: Ngoja kidogo Pastor.

ComAbida: Nataka unifanyie clarification, kwasababu umeongea sana kuhusu dini, unataka watu wote wasiofuata biblia, katika kuamini makanisa yao, mambo yao yaondolewe na serikali ndio unavyosema hivo? Unataka Kenya iwe na dini moja tu ya kikristo, tutafanya nini waisilamu na wahindu, wafukuzwe Kenya ama tufanye je?

Mr. Lazaraus: Inafaa waambiwe, na ikiwa basi watakataa, naona mungu hataweza kuwashida, lakini kuwe na msimamo katika serikali, ambao inadhibitisha hiyo, kwasababu ikiwa serikali itasema tuwe na free worship, hiyo ndiyo imeleta hata kuna devil worshipers, ambao hata ukiangalia wamendelea kupoteza watu wengi na wengi wameendelea kupoteza maisha yao, juu inasemekana it is free worship, na kitu chochote kiko free wakati mwingi huwa kiko na problems kwasababu hakina msimamo

Com. Hassan : Asante, wacha tumpatie wakati Rose muli

Rose mulu: Ningependa kuzungumza kidogo juu ya citizenship, the equality in citizenship and the dual citizenship for women. Then I go to Parliament, the local people should discuss proposed nominees in parliament before they are nominated. Rights to recall MPs who are non performing.

Judiciary, provision in Constitution for aids especially for women and the poor. Specification of legal language, what I mean is that it should be simplified, so that people can understand what the legal language is talking about, then there should be separate criminal and civil cases and Judicial commission should ensure that courts are efficient.

Rights of children, the children have rights to parent hood, and implementation of right in the child act, they should fill in on

culture that will give us toward developing a national culture, and they should promote culture of negotiation. Management and use of natural resources, they should put in place mechanisms for resources to be managed well, management and control of natural resources to be under private sector. Involvement of local communities in management of natural resources.

Succession and transfer of power, recognition of the President, honour the President, prosecute him for crime committed when he is in power. Offer the President security welfare and (**inaudible**) provision for resigning if one is involved in scandals. A President who retires from office should also retire from the chairmanship of his party. (*interjection from the audience*) Elimination of violent against women, Kenya should be made safe for women to live, work and move without fear or physical violent both in private and public spaces, thank you .

Com Hassan: Thank you very much Rose, Paul Mwangangi

Paul Mwangangi: To the Commissioners my names are Paul Mwangangi from Matiliku, before I read our proposals, I must say that there wasn't enough, civic education done in Matiliku, and if there was, it was under very poor circumstances. Commissioners, our Constitution, must have a preamble stating why it has to be enacted, we made proposals to reduce the executives powers, one all presidential nominees to made by (*inaudible*) but not by an individual.

Creation of Ministries, public offices etc to be also made by the parliament. powers to discuss civil servants should be made by the Public Service Commission but not by the executive. Parliament to be dissolved after its time expires. Impeach the President if he misuses his offices a President must be elected by the people and become non partisan, a father of the nation with no party connections, let us have a prime minister answerable to parliament. The President should not be an MP, elections of President, MPs should not be held on the same date.

We propose that the constitution allows the formation of a coalition Government. The human rights, our Constitution must protect the security, health care, education, water, light, shelter, food, for every Kenyan. I want to elaborate on education, we should not have National, Provincial, District, issues to the education system, because a child feels more bigger when he is accepted in her national school than the other one at a district level.

Community rights to be protected, in that the aged should be cared for, by the government. Oppressive laws, the societies acts, barrier to Freedom association, I want a permit when I want to associate with you, if I am a critic to the Government, I will be a subject. Chiefs authority acts same and preservation of public security to detain critic of the Government without trials.

land laws to be reviewed to make it easier for succession, ownership, transfers of land to be the ultimate of the individual, I want to elaborate on succession, when I die, my sons to acquire what I have left on land, it is tedious expensive, currently, Makeni title deeds are lying at the land register offices uncollected because the amount involved is corosove, the Constitution

should guarantee access to land, for every Kenyan anywhere in Kenya.

Scrap provincial administration and local government to take its place, and strengthened by scrapping chapter 265 to be reviewed, councilors to be paid from consolidated funds. The Constitution should provide for the creation of a (inaudible) Occupation, amendment to the constitution should be done with the participation of all Kenyans but not the parliament. Thank you, commissioners.

Com Hassan: Thank you very much for your good submissions and sticking to your time, Nzii Phillip.

Nzii Phillip: I salute you fellow Kenyans, I have got two issues to present, first I have got a written memorandum, which I have been requested to read from Mulala Girls, I hope I will be allowed time to read, actually I have my points to present first, what I will suggest the constitution to be like, is the following provisions. First I would like to have separation of powers, where we are not going to have the chief executive that is the President being the overall boss of the judiciary and the magistrature, because you find that he is the one who appoints the judges and that one is an impediment as far as justice is concerned, we should have an independent judicial commission that is not appointed by the chief executive. We should have a provision for the impeachment actually of the president, in case of abuse of office.

In Kenya we talk about democracy but the Kenyan democracy as I can call it is a rule by the minority, because the moment we have 42 political parties and the winning political party having 23 or 25 % of the Kenyans, it means that 75% of the Kenyans are opposed to that form of government, so there is no democracy, what I might recommend is that the first two or three which actually top in election tallies should run again, like in the case of Uganda, so that we can have an over 50% win, to determine the President of that particular country.

Opposition parties should be sponsored by the Government, you find that the opposition parties, provide an alternative system of governors to the citizens, where they can choose if the current government is not operating properly, the government machinery provision should have a provision for political parties where they will be receiving some amount to be able to learn their activities, other than depending on members' contributions and the party heads' financial status.

Politics is a competition for power it is actually a struggle for power, so we should not have provisions like where we can say, we should have like in the East African magistrature we should have a provision for women the whole issue is that just compete equally as the other person, let us be provided with an equal playing ground whether as a lady or a man, let us compete for power, don't be given special consideration because you are lady or not. Therefore the citizens are sane enough to choose the person that is going to represent them accordingly.

The Doctrines of the media appeal, this was approved by the President, these are in absolute limitation to freedom of speech,

they should be scraped with immediate effect. the issue of diplomats, they take a very huge amount of money from the Government, e,g the ambassadors children have to be educated by the Government, they have diplomatic immunity that stretches to several of their dependants, that is a load to the Government, these are the people who are heavily paid, so they should be able to take care, of the educational need of their children.

We should not have religious hawking, especially in Nairobi, I witnessed somewhere here, when you board a matatu, we have someone get in and start preaching, well, he will be preaching but not all the people who are in that bus will be pleased with his preaching. If a pastor is leader and all other leaders have some criteria to judge for you to be a leader, we should have religious leaders having a criteria of judging who is to qualify as a leader or not.

Not just someone from the gutter to come up and pick a bible and just start preaching to us, because religion actually is a matter of faith, and it can corrupt peoples mind. We should have a Government intervention in the kind of messages being passed to the people within the market, and that also applies to the crusades which should be restricted to the church premises, not just anywhere, if they have to conduct a crusade, outside, it should have a license.

Delocalisation of industries where possible, especially you find in a certain area, if like in Kitale we have got a maize producing zone, let have the maize millers, most of the industries being localized. Like in this area we have a fruit production, let industries dealing with fruits being localized around here so that we don't have all the people moving up to go look for the jobs in the urban areas and leaving the rural areas without able people to work on the land, actually to enhance a crop production which is a leading sector in our economy. Thank you a lot for allowing me to present my views.

Com. Hassan: Thank you very much, but one for the girls, you could just highlight the main point in that document. You don't have to read word for word.

Mr. Nzii: I believe it was written by the teachers and I respect teachers, I think it is good enough for you to read and make up what is in it. Thank you very much, it is from Mulala Girls.

Com. Hassan: Mulala Girls thank you very much, Kilonzo Muthiani,

Kilonzo Muthiani: Thank you commissioners for founding it better, to come down to our place here and give us an opportunity to air our views I cannot say how much I appreciate your presence. I am Kilonzo Muthiani, I would start by general elections, as contacted presently in Kenya, do not give harsh the right persons whom we intend to place in their places of power, Kwasababu the present situation whereby Presidential elections and parliamentary elections and civic elections are all ramped in one day, and one date are designed to deprive some of us our rights, so I request that, these elections to be separated, so that we are given enough time to choose our leaders without interference.

The present situation as it is now, we Kenya assume that the person who have a sense to that power is a god of some kind who cannot make some mistakes, so we want some of this powers catelled, he should be made to realize that he is a human being by having a system where powers are separated. Presently now you see President every where even to the village elders anaulizwa kama huyu ni mtu wetu, nina asiye wa Kenya we are all Kenyans, so we want to have separational powers, we want to see the three arms of Government working independently and freely, with out any intimidation.

Let me stick to the higher authority, nobody should claim to be the President of this country when he/she has less than 51% of the casted votes, we should also have the public service commission reinstated and made to have some cross binds and bind nicely, Because now Kenya is on the death, because every day is being worn out by corruption. The people who are holding the offices they must be people who have been vented by the parliament, if somebody is appointed and found unworthy he or she must be trown out and down away with.

The present system whereby appointments are rewards other than merits, we have a situation where people are appointed not on their competence, but because, other parimeters have been employed to pick that somebody e,g I am not accusing our fellows down to the Constitution but you see we are performing poor we may not be doing what we are supposed to do because wehave not received adequate civic education, whoever picked them, may be he wanted his duties or he wanted something like that, because he thought those who were critic we are anti Government, nobody is antigovernment, we love our Government more than of the people who are serving it, we love it, more than they do, some of us can die for it, some of them can run away when they hear that there is something, because they have accumulated enough wealth to make them run away.

The other thing about Presidential qualifications, he should have at least some minimum understanding of how a Government functions, I am not trying to say academic qualification cutmark, but somebody who has been accessed and found to have some e,g somebody like Kenyachae, he is not a guranted of any kind, but he has some good amount of knowledge. Somebody who is running for Presidential election must have his 90% of his property invested in the country, to demonstrate his love for the country.

Political parties, in order for us as Kenyans to set in point, political parties must be limited to three, we should not have a club of gunstars who have been registred by somebody some where.

Trade unions, the trade union acts must be reviewed, so that the trade union can invest, on behalf of its members, the present situation we have thieves and I am not ashamed to call them thieves, because, they eat and eat and after sometimes go home and leave the members languishing, so they must begin to invest, like in the case it is in Israel, which is a process of elevating poverty.

Also, I would like to see a situation whereby the President appoints his states names his running mate, and the two were elected by the voters and we are going to have a non executive Prime Minister, like the case it is in our neighbouring countries Tanzania and Rwanda and they have seen to work. The non executive Prime Minister, will be in the office when the elections campaign are going on, like the situation is in Kenya, we have a President who is campaigning at the same time is marketing himself and he is also being executive, the field cannot be fair. So we want somebody who will be taking care of a Government during campaigns and the rest.

We would like to have a situation where by political parties are sharing power in respect, the opposition produces Foreign Minister, like the case in it is France. By that we will be trying to make our country free and be void of any tension.

Education The present education in Kenya is very expensive, I am a Primary school teacher and I can tell you, that Primary education is not in anyway free, unless the word free means opposite, because everyday my headmaster stands and says that we want this and this levy, and in my mind I am calculating and it runs to almost a 1000 in a term, we want to achieve universal Primary education, and education must be made free as the word means in the dictionary and compulsory.

On social benefits, in order for us to refuse the late at which poverty is growing in Kenya, every person aged 60 at above, must receive some benefits from the government. On provincial administration, I would suggest that the present provincial is not balanced it is biased, and therefore must be scraped and be represented by an elected kind of system. These organs of the parliament that is the PIC, PSC must be given power to prosecute, Government property, it is a mess, the present day situation shows that the Government property is somebodies property, we always read that somebody has given land in Mutito Adei by somebody, another has been rewarded with land and we don't know what he have performed, we want Government property to belong to the public, and nobody should be given powers to be dishing it to his royals. Thank you.

Com. Hassan: Thank you very much, please try and observe, the use of civilized language in your presentation, we don't want people to use offensive or insulting language. Patrick N Kamba.

Patrick N Kamba: Hamjambo wote! Kwa mapenzi ya mwenyezi mungu na baada ya kumsalimia, changu ni point mbili tu, na ningetaka washilikishi wetu wa katiba wasisikie, cha kwanza nita changia upande wa makanisa kwa kuwa dunia nzima mwenyezi mungu hakugawanya umungu wake, hivi naona kujiongezea makanisa inaoneka wazi tunaongeza shida wenyewe.

Ndani ya ma boma kuna talanta ambapo mtoto wa mzazi huwa anazaliwa nayo, na wakati tunaponyima mtoto talanta yake huwa anaweza pata taabu, hivi serikali iangalie sana mambo hayo mawili, kwa maboma na upande wa makanisa, kama ni mtoto ako na talanta yake arekebishwiwe talanta kulingana na vile mwenyezi mungu amembarika kipower chake. Sina mengi, asanteni sana.

Com. Hassan: Asante sana, thank you very much, Eunice Kiugu.

Eunice Kiugu: I am Eunice kiugu, from Lala division, our views have been written by Joseph Mutisya, so I think he can come and talk something about our Constitution, views.

Com. Hassan: What is his name?

Eunice Kiugu: Eunice Kiugu

Com. Hassan : Who is going to write?

Miss. Kiugu: To read the memorandum is Rev. Joseph mutsya

Com Hassan: please Rev, don't read memorandum word for word, like the way you have done before, try and summarize and make the highlights.

Rev, Joseph Mutsya: My names are Rev. Joseph Mutisya, and I come from Kaguthu Mutiabua, where by we have the views, from the people of those local areas, so to the Commissioners and my fellow Kenyans I hve the pressure now, to point out some of the issues we raised. We should have a preamble that should declare Kenya as united nation, where by the rights, beliefs, traditions and cultures of all the Kenyans should be guranteed. On directive principles the Constitution, should be written in a language that its understable to all and be available, to all whether in our local bookshops or in any other method that the Kenyans will get the Constitution.

On the Constitutional supremacy, the parliament should not have the powers to amend the constitution without the consultation from the citizens or the area they represent, through referundums. On citizenship, I would rather say that spouses of Kenyan citizen, regardless of their sexes should be registered and the Constitution should not provide for dual citizen ship. On defense and national security, the president should be commader in chief of the armed forces, and the parliament should be given the madate to declare state of emergencies and also declare war, but not the executive. On the sructure and system of the government, we should retain the presidential system and also adapt the parliamentary system whereby the prime minister is appointed by the party with the majority members in the parliament.

On the registrature, appointment done to the department, all those people to hold such post should be sicrutinized by the parliament, to avoid those people with the spirit of corruption, parliament should be able to dissole the government in power. Mps should be full time and not part time, and people in the Constituency where these people come, they should have power to recall these MPs back if they are not performing to their exepectations. The President should not have powers to override the

passed vito by the parliament, for the parliament should be the area of representation for this people.

Executives, the President should be over forty years, and a person of clean record and one advocating for national unity, Constitution should provide the removal of the President, we should retain the provincial administration parts with some changes, we should have the D C as the person representing Kenyans to the central government, whereby we don't have the P C s the D O s and in this case we have the DC and the chiefs, then the local elders, who should also be salaried, to ensure that all the Kenyan have access to some of the resources, because most of it get wasted on the way, it doesn't reach the Kenyans.

On electro process, counting of votes, the Constitution, should provide for the counting of votes to be done in the polling stations, where by we should have transparent ballot boxes, defection should not be allowed to a seating MP, if it occurs the MP should be meant to pay for the cost of the by election, to avoid the wastage of Kenyan resources. The date of election should be provided in the Constitution, such that we are able to know when we are going to do the next election this month this date.

On basic rights, education, it should be a right for every Kenyan to get education, which must be free from nursery school to the last class of the Primary level, secondary school fees should be minimal and cost shared, thus constitution should provide free education. Land inheritance, we should have equal right of inheriting land to both sexes boys and girls.

On matters pertaining some of this vulnerable groups like women, I would rather say, any child that is born the two parents should be registered, to avoid this case of children being abandoned, left, with nobody caring for them. Marriage should be registered at sublocational levels to avoid these cases whereby, a boy stays with a girl for two three days and then he runs away so if a man brings a girl to his home, the area assistant chief must ensure that such a marriage is registered.

Mangement of resources, the natural resources should be owned by state, to ensure equal distribution of the national cake. Onland, land should be owned by the states, and the constitution, should provide for a maximum of 20 H to the person having large lands and people should be provided with title deeds, thank you.

Com. Hassan: Thank you very much reverend. Dominic Muhindi

Dominic Muhidi: Natoa shukrani kwa kiako hiki, kwa kuwa na fahamu, wakati katiba iliandikwa kwa Lancaster house, ilikuweco kama leo sasa May, na kikao tunachokaa sasa nasikia raha sana kupita kulia machozi, kwa kuwa sasa ndio tunaunda serikali yetu Matiliku, hapana Lancaster house nilikuwa freedom fighters nikipigania uhuru, na kutoka 1963, mpaka leo kwa kikaamba tunene kwa kiswaili, sijakaa chini mpaka wa leo, na tulipoandika katiba yetu kwenda Lancaster house, ilipotea ndani

wa hewa haikufika kwa hio house, na ndipo tuliuliza mtu mmoja mkubwa kwa siasa, akasema Mau Mau si degree katiba yetu haikufika Lancaster house.

Tulipokuja, Mzee Kenyatta alituita mkutano akasema tusahau yaliyopita, yani tuache kusosana sisi wenyewe yani wale walikuwa kwa Mau Mau na wale wengine. Ile mtu alikuwa akiandika akaandika tusahau Mau Mau, mpaka wa leo hatujakubukwa ni katiba iliyoko sasa, kwa mfano, kutoka huku Nairobi Isili mpaka chiulo, kunaweza kaa wakamba wa makueni na machokozi na watochee nao kuna pewa watu 21, watu wanapewa oversize watu wanapewa acres kumi, elfu tano, nani wale watu walikuwa wakipiga mimi, na mtu akipewa cheo, kama hao meja mpaka awe anaua watu tano ama anafunga watu kumi na tano, hao watu ndio walikuja kupewa shamba over size, kutoka sultan mpaka makindu ni hawa watu 6 peke yao, na mimi nilikuwa napigania hiyo mshanga na shujumaa mpaka waleo, kwa hivyo nasema tulisahuliwa watu wa Mau Mau.

Na sasa watoto wa Kenya mnao andika katiba, mkubuke, mimi niko miaka 65 na sina pahali ya kukaa, na wale watu walikuwa wakitupiga sisi wanapewa na wazungu na serikali ilioko mashamba ile tungepewa, kukubusha ya kwanza hiyo nguo unayofaa ni yako, si matuda ya uhuru. Matunda ya uhuru ni kipande cha mshanga. Nataka kuguzuia chama, vile unavyosikia watu wakisema Kanu damu hawajui maana yake ni waste, maana mimi ndio Kanu damu, pale mimi ni mwaafrika, nilipigania uhuru rangi nyekundu, na mimi nalipa, hawa wanasema ni Kanu damu ni mashusho, baloses, kwa hivyo chama apana ingilia serikali kwa kujigamba ndio serikali.

Inginge nimegusia kidogo ni namna ya mashamba, mtu akiwa president, anapewa shamba ya maili mia moja peke yake na ako na watoto watatu, ukiwa unachagua mbunge anapewa acre elfu kumi peke yake, naye tukichagua councilor, anauza plot na anachukua yake tano ndio saa ile ataretire atauza, kuonyesha hakuna mpangilio wa katiba. Hii katiba ya Kenya wacha ya Lancaster house, you make adjustments, ili sisi wote tutaweza kupata kapande cha mchanga matunda ya uhuru.

Na mjue ninyi wote ni watoto wa Mau Mau, siwezi kusema sasa mimi ndio Mau Mau peke yangu ni watoto, na ule mtoto akiandikwa kazi kama wewe, ajulikane ni a freedom fighters anaendewa mpaka anafutwa kazi, na mimi nitaambiwa nitakufinya ukiwa Mau Mau na ukiwa poa sasa, sisi nalia machozi ninyi mnatengeneza katiba mtukubuke watu wa freedom fighters, mimi naitwa Dominic Muihndi Nguli kwangu ni division ya Nditini, location yamlala. Hapa sikusikia mtu ameandika juu ya freedom fighters, kwa hivyo ninyi ndio karani wangu, jambo ni hiyo muandike, mpeleke mkutane na watu wengine ya freedom fighters Kenya mzima, muone tunakubukwa, asante, thank you very much.

Com. Abida: Mzee Nguli unajua kusema mkubwe, hiyo si kusema pendekezo lako? Mkubukwe kwanjia gani ?

MzeeNguli: Ile mashamba unayosikia nikisema ilipewa watu oversize, na hawafanyii kazi na hawalipi serikali kordi, mtu anaweka yake na mna hii na kukatakata akiuza, kutoka south C mpaka chiulu, kuko watu 25, na kutoka sultan mpaka makindu

kuko 6 na kila mtu ako na acres elfu nne na kitu na mimi na shujumaa na mnahiyo, na hawa watu walipewa ndio walikuwa wanashoot sisi, mimi na jua mmoja alikuwa ananifunga Nairobi na yeye amepewa shamba na mimi sijapata. Sasa hii katiba iwache kutegemea mtu, kama mtu ni meja na anafutwa kazi, atafute mali na kazi yake, si kupewa oversize farm aambiwe ajenga estates au nyumba akodishe watu, ikiwa ni mbunge, president ama hawa watu wakubwa Serikalini, wanapewa shamba wanyanganywe ndio sisi watu wa freedom fighters tupewa.

Com Abida: Asante sana Mzee Nguli hiyo maoni tumechukua, Joseph Manga, hayuko, na Donald Mailudi, ako hayuko, Thomas Kimagei, hayuko, Onesmas Maundo hayuko, okay what about Peter Mutula.

Peter Mutula: Ni meandika andika, na mimi ni retiree, nani tasoma vitu Fulani, kwanza na sitajabu sana for example now, tuna commission hii review Constitution Commission ya leo, (**inaudible**) Kama sasa tuna Constitution ya land watu wanakaa chini wanapitisha juu ya land na sisi tunakaa chini natunaanza kusema juu ya land itakuiwa je? Nisawa sawa tu

Com Abida: Let me explain Peter, ni sawa tu hata watu wakitaka kuzungumza mambo ya ardhi kwa sababu, you know constitution inaangalia chochote ikiwa ni natural resources or the land or whatever, I think it is okay, what we shall we do is have a consultation with the jojo Commission, the one which is dealing with the land so ni sawa tu.

Mr. Peter: Tuendelea kwasababu yote ni yetu na ya Kenya, kile kingine nataka kucontribute juu ya constitution, hii ambayo tunaambiwa iliandikwa zamani na wale watu waliokuwa colinist, si ni sawasawa, lakini the amendment imekuwa amended kwa siku nyingi sana, si ni kweli? Sasa ni ile ya zamani, au ni hii, tunashangia gani? Ni sawasawa tuendele, ebu ni endeleee, president power, singeona ni mzuri aondolewe nguvu, lakini sioni vizuri kama yeye ataachiliwa yeye mwenyewe kupitisha vile apendavyo, kwasababu siku zingine anaweza kuwa nakichaa, President kichaa kinamwogopa, not the present one, I speak of him, hata mwingine atakayekuja, tomorrow may be a woman, kwa hivyo a single minister, single president, single person sioni vizuri kupewa mamlaka ya kufanya apendavyo lazima atafanya vibaya.

Kwa hivyo naona itakuwa council iwe na parliament, for example hata laws za dunia, laws za Kenya namna hiyo. Tukifanya constitution au laws lazima tuangalie vile ilivyo, naona vizuri parliament iwe ina kaa chini, kupitisha laws, na tena kuwe na supreme council ya kupitisha, e.g America, president wa America yeye ni mtangazaji, ni chairman tu. President in kenya na wa America there is very great difference, kwasababu huyu mmoja ni final na wa America si final, na ile ingekuwa mzuri ni kuwa parliament ndio final, e.g today, in Kenya parliament haina nguvu.

kwa sababu siku moja walipitisha msawaada juu ya benki, juu zimetumiza saidi, kwa kuchukua kordi juu ambayo ni kubwa sana, lakini haikupita kwasababu haina nguvu, mtu mmoja, alikuwa parliament, akasema, you want to castrate the parliament, but I don't mean it is castrated, but it is partly castrated. Naona kwa sababu sisi wa Africa bado hatujakuwa kisiasa sawasawa, tukipeana ruhusa ya parliament iwe haina nguvu, tutakuwa tunafanya vibaya, for example ebu nije kwa sheria, law and order,

chiefs and assistant chiefs na serikali tuseme yote ambao ina aangalia, nataka tujue kitu kimoja, kama hakuna law katika country tunaumia, sasa chief ameondolewa nguvu na yeye alipoondolewa nguvu, usione ni kama ni yeye ameondolewa nguvu, aliyeondolewa nguvu ni wewe, kwasababu siku hizi unaweza kutaandikwa na mtu hapa hapa, chief akiweko na asifanye chochote na anakuambia nenda umwambia chief, unangojea askari ambayo yuko mbali, atakuja kufanyia nini wewe, kwa hivyo nataka ijulikane wazi kuwa chief akiwa na nguvu ata sisi tuko nayo, wengine wanasema No.

lakini sisi a big a number ikiwa wewe nitajiri, namba kubwa ya watu wa Kenya si matajiri, kwasababu ya income ya kila siku nichache, kwa hivyo wewe uko na pesa unaweza kusitaki mtu, lakini asiyekuwa na pesa, kwa hivyo naona ya kwamba, president awe na nguvu kutoka parliament, na parliament iwe supreme council ya kupitisha law, juu wengine wanasema wafanywe consultation sasa ita kuwa je, ikitaka kupitishwa tuwe tunaulizwa, itafika huku lini, mimi naona tuwape hawa. kama nchi yote haitakuwa na sheria, tutasema ile Constitution ndio ilikuwa ina haribu law lakini si ukweli, kwasababu parliament.

Interjection, Com Abida: Peter, tafadhali tumia microphone.

Mr Peter: kwasababu parliament imeenda nje za laws, the present laws of Kenya hasiruhusu watu kufanya makosa, ingawa wamefanya amendments zingine ili wa restrict their interests, tomorrow naweza kuwa MP, lakini nataka kusema lazima kuwe laws, ambazo haziwezi pitwa, lakini ikiwa uhuru Mwingi itakuwa mbaya. Ikiwa hakuna sheria hakuna uhuru, tunasema tuna uhuru lakini hatuko huru, e.g watu wanasema human right, human rights ya siku hizi akitaka kundunga wewe jicho, akikunduka unamwambia bona umeninduka, naye anakuambia its my right to do so, is that human right? .

Politicians in Kenya, siasa ya siku hizi Kenya, kwasababu ya kupewa uhuru muovu na kuondolewa law hawa hakuna monitory council, watu wanafanya wapendavyo, parliament ndio inafanya makosa makubwa kuliko waovu wengine, kwasababu wanapora mali ya serikali, wanafanya hivi na hivi kama kungekuwa standing laws hakuwezi kuwa na mna hiyo.

Opposition, wengine wanaona vizuri kuwa watatu au wawili, lakini mimi naona nisawa sawa, ili kusiwe kila mtu akitaka chama chake anaform, na hapo heshima itakuwa. Watu waelewe kwamba opposition si mbaya, e.g ni seme kwangu mimi nikiwa mzee, nikilewa nakuja nachukua ngombe moja nauza na ninakunywa pesa yote na ninaendelea namna hiyo, watoto wangu si watani correct, that is opposition, opposition si vita na nzuri, nao opposition wawe watu wazima wasi criticize kila kitu, kama the ruling party ikitenda jambo mzuri walisupport, e.g walikuwa wakiitishwa 25 billion shillings, opposition ilikataa, juu labda hizi pesa sikifika hapa, siwe za mtu mmoja na ni vizuri ikitae.

Let me come tu mwanachi wa kawaida, siku hizi mwananchi wa kawaida yuko katika taabu kubwa sana, juu atatolewa ile kordi ya kawaida, income tax ya serikali, anatolewa tena VAT, hakuna mtu wakumtetea, kama oppositon ingekuwa na nguvu ingengataa, na tena anatolewa refunue tax, ya county council, e.g akija hapa kuuza kitu anatolewa, na ikikuchukulia tena haina nguvu ya control market brokers, kwa hivyo kwanini county council ilipishe na inipokonye mali yangu, this is very sad, hata

mungu angalia mambo mengine.

market brokers wamekuwa ndio wenye mali shambani, wameshika watu wa Kenya mateka, na hakuna mtu wakujali, I get surprised, hiyo ndio ajabu kubwa Kenya. Tukienda kwa mabarabara, tunalipa tiketi kubwa, kwa sababu watu hawafanyi kazi juu ya kukosa law na halafu wanasema leta pesa. Economy itakuwa nini. Watu wanafanya wapendavyo.

Interjection Com Hassan: uko karibu bwana mutula?

Bwana Mutula: Niko karibu sana, I am very much about to be through, ya mwisho, tuangalie Kenya, Constitution yetu iwe ya kutusaidia na ya kusaidia international na local laws, asanteni.

Com Abida: Asante sana bwana mutula, do we have, Lawlence Mutii Mumbua:

Lawlence Mutii Mumbua: I am Lawlence Mutii Wambua from Mutiliku Secondary School and these are our points which we want government to change. first and foremost we are going to talk about freedom of worship, we are denouncing any form of worship that it is involving sacrifice of human beings so we would like devil worship to be done away with.

On the other note, we would like education to be free to all people, so primary education should be extremely free and compulsory, and when we come to secondary schools the Government should subsidize or pay about 20% of the fees, so that even the parents who are leaving beyond poverty line are able to educate their children.

The powers of the president, the president who will be elected should not be the Commander in Chief of the armed forces and also the head of the state and the lecturer of public universities, the powers should be reduced so that we can have some people who are qualified, joining some of this post.

Lastly I am going to talk about prostitution in Kenya, infact this is contributing a lot to the health apedimic, so the new government which is going to be formed should see to it that, these people who are involved should be brought to book, because some participants are students who are visiting those brothels, and therefore infecting the disease, so let the people who are involved be brought to book and it must be completely burned, because it is actually bringing a lot of havok in our country, thank you.

Com Abida: Thank you very much, Lawrence, can I ask you a question, the people you want to be brought to book, are the, even the students who are going to the brothels?

Mr. Lawrence: No, those extreme end, like the women who are participating, because they are the ones who are attracting

the students to the brothels.

Com Abida: So the prostitution is not a two way process, if the student didn't go would the women have jobs.

Mr. Lawrence: It is not only affecting the students but it is affecting very many citizens of Kenya.

Com Abida: So we should bring to book the women and the men who are going there.

Mr. Lawrence: Yah the women and the men so that we don't have the students being attracted to those women, that is.

Com Abida: Thank you very much, I think the other group of children were observant is that correct, does any of you want to speak, have you changed your minds from being an observer to give any presentation, okay, please come and give us your name as you begin.

Mutua James: My names are Mutua James from Matiliku secondary school, concern this Constitutional Review, I just want to summarize some of the things that should be changed, e.g, in secondary school, you find that while you are in form one you find that you are taking about 12 subjects, this is a burden, this subjects should be reduced to about seven, so that some one may over burdened, and if he is out of school you may ask what he has done and he has nothing to explain, this is with reference to the education which was there before, e.g they were taking 3 subjects but those who were involved in the education are now up.

The education should be free and compulsory, if you are parent the children should be educated because it is a right for him/her to be educated. We have also, equal distribution of facility should be availed to all institutions in kenya, because not all of them are able to provide their facilities they have to be supported by the Government. On the other hand, job posts should be run by qualified people, not a matter of just picking somebody from the bush, then he runs that post, since he has got no skills to run it, he just pushes it to a corner that the economy of the country is just gone decreasing drastically instead of uplifting.

Tax got by the Government, should be of benefit to the Kenyans citizens, they should get a reward because of the tax, we see if they are taxed, and the tax is given to only those who are up, I think they will just be depriving or exploiting the poor and that will not be, lifting the nation but leading it to a pit, with those few thank you.

Com Abida: Thank you very much Mr Mutua, any other student who wants to add anything? , you are okay?, Mr Musyoka.

Mr. Musyoka: Thank you, I think I have a written memorandum, but I just go through a few of the points I have raised, Concerning the Constitutional supremacy, I think the views of the public and any other groups who are interested in the

Constitutional reform should be checked into. The role of the parliament should only be to endorse, what the publicus come up with, the Constitution should introduce a system where we have checks and balances, and through this you are going to cut down some of the parliamentary powers, and then we avoid misuse and abuse.

On citizenship, I think the state should formulate clear policies, countries like USA and Britain, to be a citizen especially when you have not been born in that particular country, they have set a standard requirement that one should meet before you are entitled to citizenship. For children, those that are born, by one parent of not a Kenyan origin, I think they should be entitled to automatic citizenship.

On the case of the political parties, I think the role of political parties is not purely political mobilization, they should participate in other issues like, educating their electorate on issues of the health, now we are faced with acute unemployment, they should also see what can be done to check on such issues, also they should try to check on some of the establishment within their Constitution. I am sorry to quote an organization like Mungiki, the politician should ensure that we don't have such groups. Any party with less than five members representation in the parliament, should be either be merged or dissolved, on the other hand, public funds, should not be used to finance political parties, I think we can better use them to support community projects.

The issue of the electro system, the best system is the use of the secret ballot, that is the only way we can ensure it is done in the right way. The advancement of technology and to the introduction of things like computers, the Constitution should allow a system where by the cards and the ballot boxes are computerized, such that within a voting station, we can actually get the results, instead of moving the boxes from this point to a place like Wote, because along the process, so many things have happened before.

Another thing, candidates who fail to be elected within a certain party, they should not be allowed to switch to another political party, because most of them they just stand to get some political favours, so when they are not elected they should be barred from joining another party.

On Presidential election, I think we should have them on the time of their own, they should not go hand in hand with the civic and parliamentary elections. The President should meet some requirements, the minimum education of a president should be a grauate and the age bracket should be between 45 to 60 years and his morals state should be, clearly stated and also his wealth should be counted for. For civil servants those people who have old positions in offices, should be made accountable on matters of mis appropulation and misuse of funds, thank you.

Com Abida: Okay, thank you very much mr Musyoka, do we have Michael (inaudible) he is gone, Simon Kikaa, (inaudible

) please give your name before your beginning.

Mutuku Muthiani: My name is Mutuku Muthiani, I have a memorandum here which I would like to go over very briefly, number one Madam Commissioner is the preamble in our constitution, I think I don't need to say much about what has been said but it is crucial that we have a constitution that has a clear preamble, that expresses our past, the aspiration for the future and our hopes, we should have a Constitution that has a preamble that is clearly defined so that we do not read in the paper later when the bill has been rejected by the courts that it went against the Constitution, so this should be reflected in our new Constitution.

The Constitutional supremacy, I may not have a quarrel, with a situation, where the parliament amends our Constitution at 65 subjects to 65% majority in the parliament, but I would wish that this is tied to either two or one of the following conditions, The sitting MP does not enjoy an advantage because of this amendment, as the case in Sweden now where they are meeting some Constitutional amendments but the effect date of the same would be after 10 years, that means nobody will pass a constitutional amendment for immediate game, if that is not practical, then we should have a referendum, that it is carried out by an independent electro commission that I would talk about later. Citizenship, we have a case at the present, where we sometimes we are not very serious I would say, and could descriminate against gender, where a man is given priority but a lady suffers when she gets engaged to a foreigner, I think we should not have such a case in our new Constitution, a Kenyan is a Kenyan, let us all enjoy the same rights.

Dual citizen ship, we are talking about the 21st century, in the last century we were talking of cold war, we were talking of Eastern or Western but now we are talking about a global village, a country that talks about a dual citizenship is something that is unwelcome, it is dancing out of the tune, so we should encourage dual citizenship, so that if somebody is working in America, and there is something he can bring back to Kenya, let him go to America and look for wealth and bring it back to Kenya, and we will enjoy.

On the same is the Kenyan citizen, we are talking about the documents, we are tired of the ID cards every time, so I would propose that the following, one document would be sufficient to prove that you are Kenyan citizen, the ID, the Passport, Birth certificates or a Marriage certificates any of those document should be enough and we should not worry, we should not say that without an ID card you are not qualified to be called a Kenyan, in any case nobody ask you about an ID card outside Kenya you will be asked for a passport, and you cannt get the passport without the Birth certificates, therefore if the Birth certificate is that crucial, why should we tire people with the ID cards.

Defense and national security that has been set, I would wish to say that, we don't leave the question of the declaration of war, or state of emergency towards person, he can do that but subject to approval by the parliament.

Political parties, I may not have a quarrel with political parties in this country we may have as many as possible but I would propose the following, one, if a political party does not gather at least five parliamentary seats then that should not be considered a political party worth its mention, I propose that if a party does not manage to take 5 seats, then that party should be deregistered and the 4 elected MPs advised to seek a political marriage, during the life of that parliament, and 6 months before the election date, we should have more parties registering but they should know that if they don't master at least five political seats, they will cease to be political parties, I think this will stop the question of auctioning parties and forming parties based on families and ethnic groups.

Funding of the political parties, I think time has come for all Kenyans to be treated the same, so that we don't have one party dominating the political seats, just because it is the ruling party, so I would propose that, any party, that manages ten parliamentary seats, it is funded from public offers, and of the same, we should not have a situation where one party takes advantage of its position, to ruin other parties, we should have clear cut on operations of the political parties, and they should have their own act, it is very funny that, a society such as the one I was using to run the civic education programme in Makueni, is registered at the same act as the ruling party, that is not a good thing to happen in a civilized world.

Structure and systems, before I come to that, Madam Commissioner, let me talk about defection, I would have no a quarrel who decides to defect from one party to the other, but there should be conditions, somebody has proposed that he pays the costs of the by elections, but I would propose that the Mp such a candidate is not allowed to run in the subsequent by election. If she decides to defect well and good, but there must be a price to pay, and the price is you don't take part in the next by election.

Structures and Systems of the Government, I don't have a quarrel with what we have today, we are okay, but I would propose that in the new Constitution, we have a President and a Prime Minister, the President would land to be a ceremonial figure to perform national holidays celebrations, to perform state opening of the parliament, confirm Constitutional appointment that have been rectified by the parliament. On the other hand, the Prime Minister should form the Government, he should be the one to decide, who goes in the cabinet, and he should also attend parliamentary debate, and defend his Government as well as its policies.

The registrature, appointments to senior positions in the Government, be it to the cabinet, ambassadorial, military, state corporations, judiciary, and others should be debated by the parliament. We have had a problem in this country with our parliament, the forum which is used is 30 MPs yet we are talking about 210 plus the other ex official and nominated members 222 and we are still talking about 30. This question of simple majority in our parliament, has not helped this country, because it simply translate to something like 30 members sitting down to determine the fate of 30 million Kenyans, so one man stand for about 10 million Kenyan, I think it is the high this one was reviewed, so that we have something like 50 Mps at least this could help. (*inaudible*)

Being an MP as has been said, it should be a full time occupation, I think this will pay dividends. We come to president, we should have a president who is aged over 50, and he should not run after 72, that will be very comfortable from the majority of Kenyans, but I think allow here, where somebody is elected when is 70 such a person should be allowed to complete his term even if he goes beyond 72, but somebody who is already 72, coming to tell Kenyans that he want to lead them, for another 10 years, I think as somebody as the first President of the republic of South Africa said, then there could be something wrong, if somebody who is 80 is being told to lead us, then it means that nation has a problem.

Time has come for Kenyans to recall their non performing Mps, but the problem is how do we recall them, do we have that profision at the moment we don't have, but I would propose that, after three years, we look at the Mps balance sheets and we don't get any game, I think Kenyan should be allowed to recall their MPs, and I would propose we do this through a referendum.

Parliamentary candidate and the presidential candidate should declare his wealth. The Coalition Government has been talked about, I think that is the best thing for us, so that we benefit from all the prey in this country, it is a pity that we are talking about professors in this country who are not contributing to the well being of Kenyans, in terms of the economy, in terms of other fields where they have specialized, simply because there are not in the correct political parties, the time has come when we should make use of our brains, irrespective of my political incination for the better of this country.

The executive, I have talked about the president, somebody proposed that we should have somebody who is aged up to over 60, and I proposed 72 as the maximum age. Education, we have talked about the 21st century, we have talked about globalisation, we have talked about privitasation and other very heavy terms, so I would propose that somebody who is educated up to university level would be the right candidate to lead this country in this century.

The same should apply to the same candidate, that he should have a stable family. Because how would you lead 30 million, if your have your own problems, surely we need that, and we should also have an impressive perfomance in public affairs, we should have a rich CV, we look at it and we say, you were incharge of this, you led this, you did this, you have achived this, but you not you were here, it corrusped, you were moved to this endit corrusped, you moved to that place, I think that will not be good for the Kenyans.

The two five year terms are enough, for our own good. I have no quarrel with what we have today, but I will suggest that in future let us have intial officers chosen by the parliament, and we should also reach this age from 50 that what I will propose, I don't think it will be enough to have somebody who is in his 40 presiding over as a judge, in a case where somebody has been sentenced to death, and we hoped for the best from such, I tnick somebody who has lived long to determine the fate of somebody in a court of law, so I would think that the judge should be aged over 50 and the retirement age at the moment is not

a big problem.

Local Government, we have talked so much about the Local Government short comings of our Local Government, and I think part of the problem is with us, because we just only push in people into the Local Government for the sake, and we don't care, we don't look at their past, we don't look at the educational qualification, I think time has come for the Constitution to define this, so that we don't have just everybody standing up, tomorrow I want to be the Councilor of this area, because we would talk about this problems time in time out, so could we have in our constitution, a cross to the effect that if you are not educated up to form four level and you have a certificate, then you qualify to be a candidate for civic election.

Electro system and the process, I think we should retain what we have with an introduction of what I say the President and the Prime Minister, but I would propose the following, at least let us not declare somebody an elected MP when he has less than 40% of the registered voters, we avoid a case where somebody is representing a Constituency, and it he received only 8% or 4% is he representing that constituency really, so I would suggest that during the general election, for one to be declared an elected MP or a Councilor they should have gathered at least 40% of the registered voters, but we can vary this during the by election and we bring it down to about 30%, so that we avoid the case where somebody is representing the minority and there he is.

For the President I am comfortable with 25 % requirement for at least 5 provinces, but from the past 2 elections I would say that this has not served Kenyans, time has come when we should say, despite the 25 % from the five provinces, the winner should also master at least 51 % of the registered voters in the country, so that we don't have somebody got 25 % from Eastern, Western, Nyanza post, and the total is only 30 % of the registered voters, I think such a situation may not be very health for us.

The other thing that I would like to talk about is the constituency, we have a case where one Constituency has three times, the number of registered voters in another Constituency, are we being fare to Kenyans, so time has come when we don't have to rely on the ten, that we must go over ten years before we review our boundaries. If a need arises a case where somebody is an MP and is representing a third of what is represented by another MP, I think we need to have a gross to the effect that once this arises they should be review of the boundaries for that Constituency, so we have equal representation in our parliament.

The last on the same is the election date, in America they know that the second, I am not very sure I am there to be corrected, but it is something like the 2nd Tuesday of November they have election, and this is after four years every American know that they shall go to polls. I think time has come in Kenya when we should have such a profision, so that I know the year 2000 the third week of October I would be catching my vote. The idea of, I am using this as a secret rule wont be come in, and I prepare myself as at now we are talking about election, somebody is talking about December, others would talk about February and all the confusion sets in. I have summary of basic rights but I am sorry I have taken too much time, since it is here, you will have

time to look at it, thank you very much.

Com Abida: We allowed you to take the time, and we are glad you have been able to present all those views. There is somebody called Mativa.

Mr. Mativa: Thank you very much, to the commissioners, I just want to be very brief, in the verbal way, may be just to talk about one aspect of the governance of this country, this is about the registration of the parliament, I think I want to be emphatic on one point, that the policies of this country are based on majorly on what the parliament deliberate on, therefore the quality of members of parliament is of great importance to this country, the quality not the necessarily the quantity, therefore similarly the quality of ministers, the quality of any government official is of great importance.

And in that aspect of registration of parliament, I want to highlight one important thing, the language test of members of parliament, it is very sad that some members of parliament are in parliament and cannot understand the proceedings of the parliament, infact language test must be done to all those aspiring parliamentarians, in such a serious way such that you will be allowed to appear in the public, for more than hour, deliberating on pronouncements, in all languages that you know including your mother tongue, so that we have very competent people to communicate, while in parliament, while public and while executing their official duties, for that matter I would suggest that communication should be a very serious matter.

In this aspect therefore, language test means, the education level of a parliamentarian must be very crucial, and not only education level to form four, what did you acquire, it is very important, sorry to mention, I here certain fellow, went to an examination room and scored just nothing in every paper, and now he is aspiring candidate for parliament, I wonder what kind of and state of life that person would be there, just the moral and ethical qualification for parliamentarian candidate it is a very important aspect. Moral and ethical qualifications, infact as my colleague has just mentioned, we must be morally and ethically competent to be justified to lead, infact I am talking of leaders, so the moral and ethical qualification of members of parliament must be under scrutiny, and this I don't need to emphasize but somebody who has been involved in scandle, (**inaudible**) to emulate morally upright leaders, we have seen, but not leaders of questionable morality and ethical standards.

Benefits of MPs, who should determine the benefits of MPs, we hear there is now they are trying to deliberate how much money they should earn and something like that, I don't want to mention much, but I want to say, first and foremost, members of the parliament know that they are servants .of the electorate, so the voters must also be asked, what would do we think our servants should earn, because I don't think a servant is justified to fix a salary for himself/herself, and if so he can only request and he is granted by the employer, so us as the employers of the MPs should also be consulted on how much people should earn, otherwise if they earn too much they become careless and not know what they are doing.

Contacts of parliamentarian in the multiparty state, I want to mention this, of late I have not gone to parliament, but I here there

is the opposition bench, and there is the Kanu bench or the Government bench, this is terrible, according to me, that has resulted to punching a lot of controversies in the parliament, infact unless for those specific laws that had set aside, I would suggest that members of parliament, must be in a place, in the Lancaster house they must sit in a way they can interact but not in specific places for specific people.

otherwise when I am looking at you, I know you are in the government and I am in oppositon, definitely there is a barrier, what I am saying is, there must be unity in diversity within even parliament. Even if we are diversified we come from different political parties, we must be united when we go there, therefore, our contact, within the parliament must exhibit, unity and diversity, so that even in the states, there is unity. And just to wide up,

Interjection Com Abida: By the way, are you saying they should change the siting arrangements.

Mr. Mativa: Exactly, that what I am saying, to some exetent especially for the common members for the back benchers they should be every where, the back benchers for Kanu, Ndp, for that kind of this they should be together, so that there is harmony, I am saying that because that point of separating this from that and from that is sometime seen as kind of division, that what I am saying.

Recalling of Mps, this has been mentioned, we need to be able to put uder scrutiny after 2 ½ years so that we through them out, especially in performance in parliament, if an MPs has been in parliament and has never contributed to a bill he has never even wanted to participate in anything, he has never asked a question, we don't know even attends, we should have records of how many station our MP has visited in parliament, how many times has that person contributed to certain issues of national importance, if the fellow has not done anything we should recall him back to come and do other busineses.

Of course to finish up, I want to talk about commissions, Presidential Commissions, appointments like the one you honourable commissioners have been given, I think we are having a problem in this country of commissioners, where we appoint people to do a certain job and terms and refence on perfomance of duty are not specific and are not legally bidding, that is appointment of whatever nature, commissioners, whether President or not must have specific terms of reference and infact, this people must a time frame more important, they must legally sign and say that should we not do this by this, we shall be liable for questioning and legal action should be taken. Infact other factors remaining constant, we should expect that commissioners or appointees must perform their duties satisfactorily.

Just to comment commissioners if you allow me, I think if I am not wrong it is wrong for us to castigate the current oppositon review commission, and say these people have failed, people have not completed the constitution, I would want to defend them and say this, I think Kenyan we are faithful to give them time frame and we were not specific and therefore they had time to play around, knowing that legally all the way they can still extend the time, infact if this commissioners, view very well, by December

if the constitution would not be there, we shall have to prosecute you, you pay us our money, you have spent and all that, then definitely you shall not be fighting to remove Prof, Yash Pal Ghai, and other who went to state house, you won't be fighting to do unnecessary (*Inaudible*) but since there was no time frame, returns of reference are not specifically legally binding then you have every time, then we must have a system where anybody given a duty, must fail naturally branch and legally to perform that duty within the specified time frame.

Lastly education, must be taken seriously, in fact I want to propose that, the Constitution must be able to identify education, as the most important among anything else in this country, and be regarded and given the priority of every thing that it so deserves, for instance, we are having a very poor education system, because we are not seeing it as important, it is education that brings every thing else. Just to quote, some body went to Japan and told us, the most prestigious job in Japan is teaching, the most competitive university faculty, is the faculty of education, in fact to join the faculty of education you must score the highest, but here in Kenya we are talking about architecture, medicine, this fellow will have to be taught by a teacher.

so I am trying to say that in education terms, we must prioritize education and give it the place it deserves in this country. Otherwise I just want to comment on those views, and say on presidential powers and the rest, I think I concur with what majority have said, because I have been a listener, thank you commissioners for coming, we support you but we want you to finish this Constitutional, review business very soon, so you have a raps of time to play around but we want this commissions finishes work in time, thank you very much.

Com Abida: May be, Mutiva for clarification sake, the commissioner has a life time of 2 years so there is a law, saying a commission should have completed by October this year, the only thing is that the constitution making being a political problem, we spent the first 8 months from October 2000 to June 2001, during the negotiation with Mfungamano, so the time frame is there, but other political process have also to play, and therefore the need may be for the extension that the Commission is asking for, but we will seek them later.

Mr. Mutiva: thank you very much, what I want to say, I don't want to castigate, because there are other few other preamble that went wrong for you, especially for instance, in 1997 the President said after election, that the Constitution will be in place, now the Constitution is taking five years and two again we had a lot of time debating, is it the parliament that should make the constitution, or is it the people? , now that also took much of your time.

There was also the time of bringing two bodies together that also costed you a lot of time, as far as I am concerned, the question of parliament that time went to have some people in parliament wanting to make a constitution, there is no way I can choose you to be my leader and you want to tell me how you are going to lead me, it is me to tell you how you should lead me and that is why the Constitution must be people driven, that is a point that should have been earlier, and then we don't waste a lot of time, otherwise for the Commissioners, that is why I am giving you benefit of doubt for whatever languish you had just to

play their around, which would also say, you took a lot of time unnecessary fighting, and therefore we want to correct you and tell you, we would want an extension for you to have a very good Constitution for us in Kenya, because we would not want this exercise repeated another time, it is very costly, but next time we give you in term of reference we should be very specific, you should have signed a legal document, so that by October you don't finish we sue you pay us a lot of money and then we go on, but now we are not in a position to that because we had a lapse on.

Com Abida: Mutiva thank you very much, you scared me when you said you are going to sue us, mutiva please can you give us your memorandum and sign the register for us. Now that was the last person we had in our list, I want to check whether Peter Kombo has come, he is not here, now it is free for all, is there anybody who would like to present, okay thank you.

Joseph Kiema: Thank you Commissioners, ladies and gentlemen, my name are Joseph Kiema and not the broadcaster. Nina machache sababu mengi yamesemwa, I am going to be very brief, one, mimi ningependekeza, mtu awe na kazi moja sababu mali ile anatafuta inatumiwa na mdomo mmoja. Wazee whoever is above 65 years should be cared by the Government. Any person who tries to capture any parliamentary, civic seats and he/she does not go through should not occupy any public office, no matter how handsome/beautiful the person is.

Kuwe na kiti moja katika zile nominated iwe ni ya kanisa, muungano wamakanisa uwe represented in the parliament if it is possible. Ya mwisho, death penalty should be replaced by life imprisonment, ufungwe maisha badala ya kuuwawa sababu error is to human na huenda ikawa makosa uliyofanya ndio ili uhukumiwe kifo, makosa haikuwa yako na wakati ulipelekwa kortini yule hakimumu akaonelea, akuuwe na sisi tunakuhitaji, kwa hivyo ukiwa umefungwa kifungo cha maisha, may be tunaweza kuongea na wewe na utuambie jambo la muhimu ambalo linaweza kusaidia nchi yetu Kenya, and with those few remarks, I say thankyou.

Com. Abida: Thank you very much (*inaudible*) anybody else who want to speak, okay please. Utuambie jina lako kwasababu tunafanya recording.

Donald Makindu: I am Donald makindu, well more has been said, however I spend this opportunity to contribute on cultural ethnic, religion, diversity and communal Rights, Kenyans ethic and cultural diversity should contribute to our national culture and ethnic diversity to be protected and promoted in the Constitution.

Marriage and other cross tribal functions, peace, love and unity are other cultural and ethnic values derived from our corrective experiences to be textured in the constitution. Gladross eg education, disputes are a part of distinct social groups, interest to be catered for in the Constitution. Dowary payments, abitritions, should be catered for in the Constitution, and write application in kamba land on property and unacceptable domestic behaviuors. Property dispute and uniform applications of justice dowary registration, subject to modifications in line with law with good judicial justice principles, the Constitution should provide

protection for from the disciplinary aspect of culture.

We should have two national languages English and Kiswahili the Constitution should recognize and promote these national languages, thank you.

Com. Abida: David can you please go and sign our book and you can give us your papers if you have them. Huyu ni mzee nani, mwambie ajitambue.

Mulwa Ngati: Sitwa yakwa nitawa Mulwa Ngati

Translator: Naitwa Mulwa Ngati

Mr. Mulwa: Kindu kila ngwenda kunena, ninena yulu wa pension ambao selikali itunengae pension. Lakini pension ne nini.

Translator: He is talking about pension, which is given to retired servants and he says that it is not enough it is too little.

Mr. Mulwa: Na niiseleawa.

Translator: And above that it comes late.

Mr. Mulwa: Na mbesa isu nitukeekuangiswa nasyo, na ni nini. Twewa twose mbesa posta, twithi pho posta twiethia kuingwa mbesa, tuithi kwosa mbesa kwa DC, niwe twisene nake kuma twenoka.

Translator: He is saying there is also a problem of getting the money, they have been getting from the District Commissioners, now there are been told to go to the post offices bank, but there are used to the District Commissioners system, now he is giving them a problem to shift from one place to another.

Mr. Mulwa: Na ningusenga muno mbesa isu itwaitwe posta, na ndi account posta.

Translator: He is being told to the post office bank but he has no account there, so he is surprised how the money will come there.

Mr. Mulwa: Eee mbesa isu nailie kwosa vala nosea kwa DO. Nosea mbesa Makindu, na nivo naile kwosa mbesa syakwa.

Translator: He is requesting that the money remains under Provincial Administration, for his case he get his pension from the DOs office Makindu division.

Mr. Mulwa: Vau nivo naile kwosa mbesa syakwa. Ndisene na posta nye kana commercial bank, ndisene namo. Neesene na ovisi wa DO nivo nosea mbesa syakwa.

Translator: He is requesting that the money goes back to the district officers office, because he doesn't know how he should go to the banks, which he is not familiar with the processes and he is not willing to go there.

Mr. Mulwa: Ngiminea niasya, mbesa isu twaile kwongelwa. Syaele kwaongelwa, andu ma pension, twaelwe kwongele ta ngili itano.

Translator: He is saying that the pension should be increased, but I am asking him to what amount? And he is saying up to 5000.

Mr. Mulwa: Tondu syindo syi ulu, syindo syi ulu muno.

Translator: Because the cost of living has really gone high.

Mr. Mulwa: Na skulu navo vyalye.

Translator: And they are expected to pay school fees and other requirements in school which are really expensive

Mr. Mulwa: Twitwe pisi wa mwana skulu. Ninatwaiye kamwana kakwa na ngili ikumi na moonza kilasi cha mbee (form one).

Translator: He is giving an example that he took his son to Ssecondary school where he paid, 17 000 shillings to form one.

Mr. Mulwa: Na mbesa isu numasya nimani na ndieya ngewa ya nima, mbemba syowa naie. Kilo silingi intha, kilo cha mbemba. Na ethiwa niitetwe ngili ikumi na moonza mbemba isu nita makunia meana ata?

Translator: He is also complaining about the prices for farm produce, he is giving an example of maize which is selling at four shillings per kilogram, and this is the main source of income to pay such big amounts of money, so I believe the concern is that the prices for farm produce should also be looked into.

Mr. Mulwa: Selikali niyoumisye kwoko kwayo katika price control wethiwa yu mundu eta memba undu unukwenda. Esisye uvyo wa mbemba, serikali usisye uvoa wa mbemba. Yambatye thoowa.

Translator: He is saying there used to be price control by the Government and he is proposing that we should go back to the same system.

Mr. Mulwa: Nethiwa naasya no mbaka selikali iikeye mukaso muno mbembani nikwithiwa yu, ae kila tukwima, (inaudible) mekuwa mbemba nakututhoeya mbemba nai.

Translator: He is trying to explain that point further that, the people who buy their farm produce are gaining more than the farmers themselves, so there are just doing it to make people richer, while they go losing from their produce. Yes that is all he had.

Mr Mulwa: Thank you

Com. Abida: Ngati, you want to speak, okay, it is okay.

Peter Mbaluk Nzola: Nye nitawa Peter Mbaluk Nzola.

Translator: Peter Mbaluk Nzola is the name.

Mr Mbaluk: Nye niambiae, ila nukia vaa ninewa mundu umwe ukunene (Peter Mbaluk Nzola) Ninewa mundu umwe ukunena uvoov wa machief. Newe onavala ndiewaa kisongo nesa indi ninewa vanini. Newa kana machief nimoliwe wesi. Indi nye ndi mukuu, nio mukuu indi ndi mukuu muno. Tutieambea ivinda ya mau mau nae u kamwana uvandu ovaa okethiwe niniene kila kiendaa selikalini wa mwengelesa na uu wa Kenya. Machief navu mbee kana ovaa twoka kukwata weyasi, mania na uweso mwingi muno sana ukesa kwithiwa, chief wina undu wako kana musye, wethiwa no ndeto munenaa sya musyi, kana o undu mwemanita na mundu, we mundu usu, utee ngali ila chief we witwawa nai unaitiwa nuwe wivetetee.

Translator: He is talking about provincial administration, the chiefs, he saying that he had some presentors, although he is saying he doesn't know much English but he had, that since independence, up to some fews back, chiefs have been very powerful, that a chief decide

Not to support you then you are in trouble.

Mr Mbaluk: Kila kinge ni President niwaisye kana uki nuthete. Nye ninaanthusaa indi ninaikie. Indi uki niwesie kuananga syana situ. Ukathi vandu vee twana twina uu twinywa uki, na uki usu wasisya woo vaa musye, utuma kwendea nichao? Wendewaa ni nyao? Wethia mena utonyi wa kwika ati, uki usu ukakomewa kwananya na undu President waisye.

Translator: He is saying that the president burnt local brewies, but unfortunately it has been on going in the villages and it has really messed up the lifes of young people in the villages, and the chiefs and the assistants chiefs are still there but there are now less powerful, so he is requesting that they should have that power to burn such brewies in the villages. (*Interjection, inaudible*) okay, he is saying that the chief should be in a position to make sure that there is no brewing, in the localities.

Mr Mbaluk: Kila kingi ngunenaa ni kindu kii ngwiwa kietwa uhaki wa wanawake. Uhaki wa wanawake, ni sawa. Lakini wethiwa mundu ume niwe we chongo na mundu muka utuoka umwose we ta yu ta mwanake too, witwaa kivetu chaku nawiyoka wiandikethya mali yaku we na kivetu chaku, na mundu muka no ula umwe, pengine unamwosie Kisumo kana umwosete vana, na atyoka tondu niwewa wamukuna nukustaki, na ayoka ambeye kutukewa ainywa undu unukwenda, yu amathete umokite. Na wamukiita uu, asemba, aithi vaya atasya konda vyoive nalumangwa naanangwa pio. Nivoiwe naanagwa kabisa pio. Nayu mundu usu enda umwosee hatua. Uyuka uyosewa hatua, uithi uyambwa yela sii. Ula mundu muka tondo niwamwandikithye kila kindo, ayoka aita na aithi. Uitiwa mwamba oo hai.

Translator: He is talking about gender issues, that people are proposing that women be given the authority just as the husband to own property and the like, and also there is a discussion to be allowed to take the husbands to court because of the domestic violence, he is saying that, now women will be very brutal, for example they will go taking brewies, they will come very drunk so that they can be beaten by the husband and then go to court, and when they go to court, the husband will be jailed, and the other man comes in and they mess up the property which they have been registered together, so he is concerned about that

position of gender participation.

Mr. Mbuluk: Kila kingi ni ethiwa vaa Mwikuyu kana Kalenjin naandekkee. Kila kingi kionanyae, ailete kwithiwaie syondo isu sye ulu waku. Syindu isu onawethiwa nuthukumaa mali yake yee ulu waku, ukamweyaiyaa.

Translator: He is saying ownership of property, should be in the hands of the husband.

Interjection Com Abinda: Because she is also under him.

Translator: yah because she is also under him.

Mr. Mbuluk: Kila kingi wethia yu Kenya ninewa kuyewa ati nibankrept kana ni nyao? Kenya in nthelele. Yu ajumbe me vaya nimakwasya Kenya ni bankrupt na maisyoka meyongele musala wa ngili maana atatu matuko miongo itatu. Na mundu usu etowa towaa uu. We mundu usu kila kyotuma totowaa twikina maki time kwake nichao ona mwamumya Parliament? Miaka itano akiosya ngili maana atatu? Nenkiwithiwa na mali minge monu withiwe ni milionea?

Interjection: Kwou wendaa ata?

Mr. Mbuluk: Ando asu mailete kwolwa mbesa, mbesa isu ni nthinge muno.

Interjection: Makaivwa misaala yanaata?

Mr. Mbuluk: Makanengwa misaala ya kawaida lakini tii ngili maana atatu matuko miongo itatu.

Translator: He is now talking about the parliament, he is concerned about, he is saying first the parliament says that the country is bankrupt, and then they go ahead and increase their salaries to such big amount, he is quoting 300 000, and then in return, they really don't do much in the localities, therefore he is saying such salaries should be reduced to normal if like the other servants, so that there is no much money going to them, and then the country is suffering.

Mr. Mbuluk: Naasya nimwise Ekuyu kuu nimo athui. Ekuyu ni aingi muno ala athui na wethia kila mbai yakwata usukani, yo ikakwatya kwoveya mali na kwoo. Ala matikakwatu usukani, mayokoa (inaudible) andu asu? Yu ta ukamba kukenuka vendela indii iveveete uu ni vintha muno.

Interjection: Kwou wendaa ata?

Mr. Mbuluk: Syindo syananwe wise kwithiwa ithonye twe equal nundu ando amwe nimothina.

Interjection: Kwa nzia yiva?

Mr. Mbaluk: Yaani wisekwithia wethia ni wia, noona ivinda ya ukoloni, wethia ni DC kana DO ukethia wethia ni wia wandikitwe muka mungame, wenda askali atumala asye nenda valua silye, silye. Lakini maDO ala meatuko aa ai umunengie silingi maana eli we ni basi. Usu ni DO wauko mwao?

Translator: He is also talking about the distribution of natural resources, he is giving an example, he is saying the kikuyus are very rich, and he is saying that, probably I will explain from my understanding, that because one time President was in their community, another time he was in the same place get a lot of wealth. So he is saying there should be fairness, that resources are not going to where the national leadership is, he is also quoting that during the colonial time DOs were really fairly appointed, compared to this days where people give some little money and they are appointed to various positions.

Mr Mbaluk: Nye ninoonie twikata wiyathi kuya Ilovi. Natwanengwa wiyathi twendelee uu, wesa kwithiwa kila vandu ona utowa mbemba ona uteeka ata kila kindu chonthe che vau una ekuyu matandekite ithamu kuu mwiomoni. Na ndumukiita, nengi miyaiye mwitu wa Kenyatta, Kenyatta nawe niwe President, mukuu wa polisi etawa Inga, ui va? Twaileta (inaudible) maofisini withia ni makalenjin, kalenjin, kalenjin. Andu maeletwe wethiwa syana situ imwe nisyoya masikini, syoswa wenda ukulwe, “wewe unaletwa hapa na nani” onawethiwa kavitete ata, katesa kulika wiyani. Nayu twetua tukunaa mark time vandu vamwe nundu u wethiwa ninasomethisye, mali inathelae, mwana atisyokea vau nyumbae, kila tutoa tuinganse vau ni chao?

Translator: He is further talking about abuse of power, he is saying that once a given community is the one leading the nation, people from that particular community are normally very powerful, he is giving an example saying during the independence time he was in Nairobi and Margaret Kenyatta, was the mayor of Nairobi, so kikuyus were selling allover and nobody else could sell where they were and he is talking about abuse of power for that matter, when people are in power, because he is saying now the kalenjins have done the same.

Mr. Mbuluk: Yu niguminea. Naneminea ndiasyae andu ala twinthe, niwaa nengi noo ndeto niwaa ndiese. Niwaa nakuu ulaya mundu amina kuvicha miaka mingo thantha endete uu kana Amerika, ve vandu matwawa onawethiwa uthuete ata ukasoveawa. Yu andu ala tute kindu mwa tutakufa tap! Na tutiasya kwi wiyathi na yu ndubea kwi wiyathi ndithina konese kana kwi wiyathi. Tusiwe withewe nitusovewa, andu methiwe nimoosovewa. Kusovewae ni ukethia mundu ula mukuu ula unzaa no ukutethwa ni selikali. Sya kuvwekwa ngua, oo ngo isamu, kwakiwa nthumba oou syindo sya muthemba.

Translator: He is talking about the elderly now, he is giving example that he here that some other part of the world the aged are put in homes where they are taken care of, unlike where if you are aged and you have nobody to support you then you really suffer a lot. So he is proposing that the government should care of the welfare of the aged, for example, to ensure that they have food, clothes and their welfare is taken care of generally.

Mr. Mbaluk: Ve kangi keulete na ninakalilikana. Kiasya ee, nikoombula (interjection, inaudible).

Com. Abida: So is there, we have heard everybody in the room, is that correct?

Interjection from Eunice.

Com Abinda: we have finished.

Eunice M kiubu: I am Eunice M Kiubu, nani nataka nishangie upande wasisi wa mama, kweli kabisa, wanaume wetu wanatunyanyaza sababu ya hii, wanaifisha kwa bibilia kuwa wao ndio kichwa, na sisi ndio shingo, lakini kwa njia ingine wanatumiza na hiyo. Ningeona hii inaitwa gender issue, ingewekelewa maanani sana, ili pia sisi wamama tusinyanyazwe sana.

Ya pili na ongea habari ya taxes, yani court, sisi kweli kabisa sijui tutatuma tume gani iliende iangalie habari ya kordi, tunatolewa kordi nyingi sana, hata saa hii ile imebaki, ni hii hewa tu iko huku ya mungu, ndio karibu itaxiwe maana kila kitu vile naangalia hivi, kila kitu is taxes, kwa hivo mimi sina mengi nafika hapo, asante.

Com. Abida: Asante sana Bi kiubu.

Interjection from Kilonzo Muthiani: I was here, I was supervised, but after listening to the participant, there is a point that I want to put across for you.

Com Abida: Please give your name because we will not be able to connect the other voice with this one, so you give your name again.

Kilonzo Muthiani: I am kilonzo Muthiani, there is a point, just one point that I want to put across. We want a situation whereby, as I said before I am a teacher, but presently if somebody asks me, what is our education policy, frankly speaking it is not there, and if it is there it has never been made public, so we want a situation whereby our Government works with certain laid down policies. We should have something we call education philosophy.

I would also like to say something extra about marriages, our Constitution now accept that there are 3 types of marriages in Kenya, but actually there is no particular occasion, whereby you find somebody has gone through one particular type of marriage, you will have to go through two or the three of them. For example if you marry traditionally, for you to acquire a marriage certificate, you will have to go to the church or a mosque or go and register as civic marriage, I am suggesting this, somebody who marries through traditional marriage should be given a certificate, by the elders who are there, because we have people who can read and write, so traditional marriage should be a warrant certificates on marital day.

Let me point out about taxation, tax corrected from us is our public property, but as it is now presently, our tax, the taxes corrected from us is not ours, it belongs to a view collected individuals, a case in point, we are told is an open secret, every Kenyan who minds to minds, knows that for every one litre of free line, there is a shilling that is taxed, but nobody can account for that money, where does that money go, that money is used by somebody or a few select people to feel that they are next

somewhere, so tax should belong to us, and the end of every year or during budget day, we Kenyans must be given our balance sheet, because money is our property.

Lastly, Government should also come up with their clear cut policy on farm products, to protect farmers. It is a hypocrisy of the highest order to claim that 80 % of Kenyans are farmers, and they don't enjoy any protection, we have developed countries like America, Germany, where farmers are protected where we don't have these erratic crises, frustrating as **(inaudible)** by a few wings of a few people some. We would like a policy where if I grow maize, I know one kilo will fetch so much, but livestock farmer, I am just quoting him, will know the live weight of a cow, I think this will motivate farmers and create food security.

Com. Abida: Thank you very much, and I want to take this opportunity to thank all of you, and say that although we have few presentations at Matiliku, we actually have the presentation from many people, in terms of particularly the original, the memorandum we got in the morning, which were prepared was it at the divisional or locational level, we think that we have at least 45 memorandums that have been presented from divisional or locational level, which means that quite a number of people have debated, and some of these issues as well as individual presentations, so we want to thank you all of you who were involved in this, and assure you that your views, are put together as soon as possible like you are recommending, and probably, we will be in field until about early August or late July, and we believe that the views are going to come back to the district and constituencies for further debate.

So there will be opportunities to continue improving on the views of the people as we move along, and probably I also want to add that, although we are winding up this session it doesn't mean that people cannot present the views, people can still write memorandum and you can tell those who are interested in coming but they didn't come, that they can actually prepare the memorandum and give them to the district coordinator or the 3Cs, so the presentation of the views is still open. Mativo you are winding up the, okay so we want to thank you very much and promise you that we will be able to deliberate on the report, may be in sometimes in August, September and you can add more on to the report, thank you very much.

(Interjection Inaudible)

Joseph Mutsya: Thank you as I said my name is reverend Joseph Mutisya, and the question that I am asking is that, in some of our areas, you find that our people didn't get enough civic education, and when they were contributing to this, may be they didn't know what they were supposed to do, what is going to happen to such groups of people, because as I stand it is a Constitution, right to have this civic education? .

Com. Abida: Thank you, I think first of all the presentation we got this morning were very rich presentation, they were actually right on the dot in terms of what the Constitution is all about, you know the structure of the Government which is what they have been talking about, the electoral process and so on. So the presentations we got here were very well informed presentations.

Number two, civic education is a continuous process, and in fact we were just talking about bicycles, they should come to the Constituency, for the committee members and civic education providers to continue with civic education, so that of course when you read the report and there are things that you still to add on to the report, there will be provincial hearings so that other views can come in to the report and we continue improving on the collection of the views. Also as we said they can still memorandum send them through the district coordinator for the 3Cs and they will come to Kencom house but the civic education is going to continue up to the time when the constitution is ready and after, is that okay.

Mr. Mutisya: This is because in some areas we didn't see (*interjection*)

Com.Hassan: I think the reverend is worried that, perhaps because there was no civic or very little civic education, then the quality of the presentation is very poor, I think that is a misconception in your part. There is no one time you can say that civic education is complete and now people can give views, mathematically we propose to say that this is an umbrella. And in any case you don't need to be a Constitutional expert, to be able to come and give views, people have been telling us there problems there ordinary problems, their common big problems, what they feel in hearts, and that in our view it was very very important, so I think you should not be skeptical about the fact that because there was no much civic education, it is very true, we understand your point, in most part of the country especially the remote part they have been very little civic education. In Eastern province, North Province, Coast Province, so that is true, but that should not make you feel that the quality is very poor, I think the people of Kibwezi and the people of Makueni have given what they feel it is very important for them, and for us that is something very important so you should not be very skeptical of that.

Mr. Mutisya: I was right just to the general understanding of the local people to know of their rights because most of them don't know their rights (*interjection*)

Com.Hassan: People have been telling us civic education should become part of the curriculum in schools, it should become part of teaching, if that happens then we are going to develop a culture of Constitutionalism in the country, but for now this a very short process it is only (*inaudible*) And teach all of them civic education, so you have also to understand the limitations under which you are working.

Speaker: I request you not to be impatient, if you look at the list now for those who are from the team are very few, we are saying this, some of your people down on the ground have not been doing what is supposed of them, these are fellows who have been chosen and they are there to enjoy the money, not actually bothering to know whether we actually know what we are supposed to do, we are not doubting our contributions, but we are saying we should see this people on the ground, we should feel them we are not feeling them.

Com. Abida: May be we can ask the district coordinator to take place.

District Coordinator: I think I will just explain briefly, first of all is that, it is a big assumption that the Commission has had a lot of money for exercise in the various part of the district, which is not true, and also the country in general, we have had very limited resources and we have tried very much, to make sure that the little has made us reach as many people as possible, therefore I think it is bad for people to assume there has been a lot of money and resources to reach everybody, which is not possible to reach everybody as Commissioners have said, but we try our level best to reach as large number of people as possible.

The Commissioners have just said civic education is a continuous process and it is not yet over, and it is not by the Commissioner alone there are also others and its is also good, that once you here of such forums whether it is by the Commissioners or other new participants just here of what others have about civic education.

At this point, I don't whether the commissioners are through, then I would thank them very much for having come and being with us at Mutiliku our first center for Makueni Constituency, I also thank the people of Makueni Constituency this side for their active participation and making their informed views for the process of Constitution making.

I would repeat what the Commissioners have said, incase you have, either yourself or another person, has not made a presentation and feels that they are willing to present, then this is not the end, you can write down your proposals, you can forward them to my office then I will forward them to the Commission, you can also post them directly to the Commission using the addresses which have ben allover, but I will repeat, box number 10526 Nairobi I think it is normally addressed to the chairman of the Commission.

For those also who have prepared themselves for presentation and they didn't get a chance today, tomorrow, we will be at AIC Wote, so we are also welcome to come and make you presentations there and you can also inform everybody else who would like to present. I think with those remarks, I would wish everybody good time as we wait for a new Constitution, when it will be ready, and I hopefully soon, so that we can have our interests and considerations considered and then we have better life in future. I will again ask the reverend to close with a word of prayer so that we can disperse.

Reverend Mutisya: Thank you, lets pray, tunakushukuru Mungu wetu uishie milele katika jina la Yesu Kristo, kwa ajili ya kutuweka hai na huru wakati kama huu, Bwana tunakutukuza na kusema unastahili, kwasababu ya siku njema ambao Bwana umetupatia hapa matiliku, kwa ajili ya kutoa maoni yetu kwa makamishna ambao wameteuliwa ili Bwana wayapokee haya maoni yetu, na kuyapeleka ili ya kachunguzwe kama yanafaa kuwa katika katiba mpya, ambao Bwana inahitajika katika nchi yetu, tunaomba Bwana ukawabariki, wote ambao walikuja na kutoa maoni yao, pia tunawaombea makamishna wetu Bwana

