

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, GATUNDU NORTH
CONSTITUENCY, HELD AT GATUNDU NORTH KAMWANGI**

ON

19TH APRIL, 2002

CONSTITUENCY PUBLIC HEARINGS, GATUNDU NORTH CONSTITUENCY, HELD AT KAMWANGI, ON

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Present

Com. Prof. Okoth-Ogendo

Com. Pastor Zablon Ayonga

Secretariat

John Wanyoike

Susan Mutile

Pastor Zablon Ayonga: Kabla sijawaambia ambavyo tutafanya, nadhani sote tunganamama na tuombe Mungu atubariki katika huu mkutano. Tusimame tuombe. Mungu wetu uliye juu Mbinguni, tunakushukuru, kwamba umetutunza umetuleta hapa na tunaomba kwamba yale mambo ambayo imetuleta hapa, ni ya kurekebisha Katiba yetu kwa njia ya kutoa maoni. Tunaomba kwamba maoni yale ambayo tutatoa ibarikiwe na iwe maoni yale ambayo inaweza kujenga nchi yetu. Na kwa hivyo hata kwa wale wako njiani wanakuja tunawaombea baraka yako. Na pia kuwemo kwako kati yetu hapa ili kazi yetu iweze kubarikiwa. Twaomba kwa jina la yesu ambaye ni Bwana wetu. Amen. Tuketi. Sasa leo ni siku ya kutoa maoni leo si siku ya civic education, leo si siku ya kutuuliza maswali, tumejua mumeishafikiria yale mambo ambayo munaona mngpenda kuona

yatawekwa Katiba, ili tuweze kurekebisha Katiba yetu tunawategemea nyinyi. Katiba hii ya wanakenya, ni ya kila mtu. Na kwa hivyo kila mmoja wenu aliyemo hapa, anawajibu wa kutoa maoni yake kwa njia anavyofikiria.

Kitu kingine, kuna wale pengine wameandika memorandum, ambao wako nayo, tutaichukua leo. Pengine katika memorandum yako umetaka ueleze mambo fulani, fulani kwa kifupi, kabla hatujaichukua tutakupa hiyo nafasi pia ufanye namna hivyo na wengine mmekuja mna maoni yenu ambazo hayakuandikwa ambayo utapewa microphone kule, utayasema. Na tutawagawia ndakika ambazounaweza kutumia. Na tunapogawa ndakika, ni kwa maana tunataka kila mmoja aliyekuja hapa ikiwezekana aweze kusema. Na kwa hivyo tafathali yeyote asije akapita ule mda ambao tumewapa. Kwa maana kila mmoja amekuja hapa ili atoe maoni. Kwa hivyo mambo yako ambayo unayofikiria yaseme hayo hayo tu. Pointi ni hii, pointi ni hii, na umalize upesi. Tumeelewana? Kwa hivyo nikikwambia mzee au mama dakika zako zimekwisha tafathali utii. Kwa maana hivyo pia ni democracy na hiyo ndio tunayotaka. Na isiwe mwingine atasema maoni yake na wewe unaona maoni yake hayo kufuatana na wewe ni kama bure, tafathali usimpigie kelele. Hakuna atakayejibiwa hapa. Wacha kila mtu aseme jinsi anavyoona apewe haki ile ya kusema that is freedom of speech or freedom of expression. Tumeelewana?

Na ambavyo nitakavyofuata, nitafuata orodha ya registration ingawa kwa wakati mwingine nitakuja badirisha hiyo orodha ikiwa kuna watu wazee sana, mzee au mama mzee mkongwe na tumetaka tumpe nafasi aseme yake na aende nyumbani, hapo ninaweza ku-jump orodha hii kiasi ambavyo imeorodhoshwa. Na kila mmoja wenu ajue, kila mmoja ajue maneno atakayosema, yanakuwa recorded kwa hivyo hakuna kitu unasema kitapotea. Au uje useme bona nilipokuwa nikisema sikuona wakiandika. Tuna wanaoandika kule, lakini zaidi ya hayo yote, tuna recording machine hapa tumeweka karibu na hii. Hata haya maneno ninayosema yanakwenda hapo tu. Kwa hivyo uongee ukijua hakuna neno lako litapotea. Sema ukijisikia kwamba uko huru na hakuna mtu ata -victimize wewe kwa maana umesema hivi ama vile. La, jisikie uko huru.

Kabla sijaendelea nataka kuwajulisha aliye mkono wangu wa kulia, huyu ni Prof. Okoth-Ogendo, mwalimu mkuu wa sheria. Na mimi kwa jina ni Pastor Zablon Ayonga, Commissioner.

John Wanyoike: Na mimi naitwa John Wanyoike na mimi ni District co-ordinator kuhusu hii Commission na huko Thika District. Thank you.

Pastor Ayonga: Basi tuko tayari na tunaenda kuanza., Peter Karaba, Onesmus au kama nikisema jina lako vibaya unisamehe, ni kwa ajili ya maadishi. Na Peter ninakupa dakika tano tu. Nikikwambia zinakwisha, unakoma.

Peter Karaba: Thank you Commissioners, I will talk on Electoral System in the process. If a member of Parliament or Councillor he does not qualify, to contest the same seat. This will reduce the government expenditure and avoid corruptible MPs and Councillors. The 25 rules should be scrapped , as it is a majibo system.

On Legislature: nominated MPs should not be there because in most cases they are political rejects.

The Executive: the President should be a degree holder and should not be a chairman of a political party or an MP. The President should not be above the law, because even King of Kings Jesus himself was not above the law. And that are my findings. Thank you. My names are Peter Karaba Onesmus Kariuki

Thank you Peter. Sasa unaweza kutoa hiyo memo yako na kujiandikisha hapo kwamba umetoa. Asante kwa precise view.

Next ni Samwel Babu, Samwel Babu, Samwel Babu unapoingia unasema jina lako na kaunza mambo yako.

Samwel E.M Babu: Mimi naitwa Samwel E.M. Babu, kutoka Githobokoni Location, of Gakoe Sub-location. Mimi nataka kusema namna hii. Kenya is an agricultural country therefore, we should never import agricultural products under any circumstances unless there is a disaster. If it should be imported, due to a disaster like drought or climatic circumstances, the ministry concerned should have the responsibility with approval of Parliament. We should have sub-locational committees dully elected by the citizens to curb brokering of the horticultural products and to make by-laws of how they should sell their products and how to pay their labourers. And the punishment if one breaches the by-laws. Freedom of worship should be scrutinized and we should not pray satanic idols. Politics should be completely be separated with administration.

Jua Kali Sector: Any validly registered Jua Kali association should be included during budgeting of constituencies expenditure according to the number of artisans and their activities. Their approval should come from the officer concerned but not administration nor politicians. If there is more than one Jua Kali association their chairman should sit down with the officer concern to arrange the priorities. There should be strictness in the importation of goods available. And the ministry concerned should approve and make public. There should be a fully budgeted reserved trip for artisans four after either 2 years or 5 years, four other competitors approved, no!for artisans to exchange technologies with other competitors approved by the minister concerned. Before any registration of an association, there should be scrutiny concerning that. The minister should access the exportation and the quality for Kenya to qualify internationally.

Constitutional law: There should be power but through public opinion.

Political parties: Not more than three. Their strength in Parliament should be determined during last elections.

State and political parties relationships: State public after 6 months their performances. Register Parliament appointees. Chief Justices, Electoral Chairman, Commissioner of Police, Commissioner of lands, Central Bank Governor, Presidents age should be at least 35 years with a degree.

Salaries MPs: All chief accountants with ministries and permanent secretaries should be done with approval of Attorney General. Thank you.

Pastor Ayonga: Thank you very much Bwana Samwel. Now, next if you could please submit your memorandum and then sign. Next will be Mr. Peter Kamau, Peter Kamau, I don't see Peter Kamau but I have Lawrence Kiarie. Wewe ni Lawrence, Lawrence Kiarie pia hayuko. Grace Nduta, hayuko, Lawrence kiarie pia hayuko, Grace Nduta Kimani mama Grace Nduta Kimani, are you there? No! Rachael Wanjiru Ngugi, Rachael Wanjiru Ngugi, ni wewe,? Unaweza kukaa hapa. Ketu hapa.

Nautupe highlight. You are not going to read it all. Just give us the highlight.

Rachael Wanjiku: I am Racheal Wanjiku Ngugi from Githobokoni. I am going to read the memo from disabled from Gakoe Sub-location. Some of us we were born with disabilities and others we are not. Law of work men compensation act cap 236 Notice by employer of accidents causing injury to or death of workmen section 14. If anybody acquire his or her disability while working, the government should consider him. It should continue to give him salary for a period of time. Give him long term loan to start a business. We usually use it to support ourselves. These aids are so expensive, that many of us cannot afford to buy. Why cant we get these aids free or with less money.

Special education: nowadays especial education nowadays is so expensive. Many parents cannot afford to educate us. why can't we get free education or less expensive education so that we can all be educated.

Bursary fund: Should be entrusted to trustworthy people. So that people who really need it get the fund and by doing so many of us may benefit from this fund. Many buildings, while being constructed the builders did not consider people with disabilities. They put so many stairs which becomes a problem to us. We should be considered while this is done. One may get an accident while at work and become a disabled. Instead of being terminated from work one should be given another duty which her /she can be able to do. There is a special land board which does not favour mwananchi. Before a piece of land is sold, the child and the mother should be asked about it, and also the pastor elders from the area, subchief and the whole family at large should be aware and be given time and chance to speak about the land. Thank you.

Pastor Zablon Ayonga: Thank you very muc, if you can help her, give your material, but then you have to sign. Mpatie hicho kitabu aweze ku-sign. Just wait, wait, wait. Mwonyeshe pahali pa ku-sign.

Next itakuwa, next person is going to be Lucy Wanjiru, Lucy Wanjiru. She is not around, next to her will be James Wanyoike Kabachara. Taja jina lako na uendelee.

James Wanyoike Kabata: Nitaomba kwa sababu mambo yangu nimetengeneza na lugha ya mama na sikuwa nimejitayarisha kupindua kwa hivyo ningepomba nisamehewe na nipewe ruhusa ya kusema vile nilikuwa nimetayarisha. Nimekubaliwa?

Okey? Uhoro wa utonga wa bururi, niuhuthiritwo uru ta uhoro wa kahuwa, (habari ya utajiri wa nchi umetumiwa vibaya) kahuwa karia karimagwa ni aciari aitu (watu wetu anarima), gakahuthagirwao na muhuthire muuru(inatumiwa kwa njia mbaya). Na gukoneka nikwagiriirwe karorwe wega,(inaonekana kama inastahili kuwa iangaliwe vizuri) niguu athuri acio matige gucoka kwihumba mirengeti,(ili waze wale ambao wanalima kahawa wasijifunike mangunia bali wajifunike kwa suit) na karihagwo o mweri na mwaka ugithira gakaheanirwo bonus ta majani(na iwe inalipwa kila mwezi na katika kila mwaka wanapata bonus) andu akuru marikia kuritaya nimirakua na ihenya niundu wa kwaga guteithio ni bururi(watu wakongwe baada ya kutoka kazini, kustaafu wanakufa haraka kwa kutosaidiwa na nchi) meciria uria mariheagwo mbeba kinya hindi iria magakua.(kwa hivyo nchi ifikirie vile watakuwa wakilipwa mpaka watakapo aga) Ciana cia airitu aitu niithukitio ni anake muno,(wasichana wetu wameharibiwa sana na vijana) makagiaga na mahu na magacoka magatiganirio, (wanakuwa na mimba halafu wanaachiliwa) na aciari tugatwika akureraga ciana tutaciarite.(na wazazi tunapewa kazi ya kelea watoto ambao sisi hatujazaa). Kugie no horo wa mundu agia mwana, aciarira mundu mwana, akamuthomithia kinya form 4 na kwaremogu athomithio nginya miaka ikumi nenena nigetha atwike mundu mugima wakuhota guthii gwicariria wira.(Ikiwa kijana atambandika miba msichana, amwelimisha huyo mtoto mpaka miaka kumi na nane,) na andu aria nao manyitaga airiru aitu na hinya, mohwo miaka mugwanja na makiria(ambao wananajisi wasichana wetu wafungwe kortini miaka saba na zaidi) uhoro wa President guthiaga na ngari mirongo itano cia muthemba wa macedace, (President kuwa na magari, akifuatwa na magari aina ya macedece hamsini,) aheo ngari igiri kana ithatu riu, (apewe ngari mbili au tatu) niundu hii imwe yahota guthuka ndagatinie thabari(ili moja ikiharibika asikwame kwa safari) na ndagacoke gukirorwo muno akorwo ni mundu mwega(na asitazamwe sana ikiwa ni mtu mzuri) tondu nitwonete maPresident mamabururi nimathiiaga nginya thoko matarugamiriirwo (sababu tunaona President kutoka nchi zingine wanaenda kwa soko bila hata body guard.) iyo no njira imwe ya gu-save mbeba ilia ciagiriirwo gukorwo akiheo andu acio akuru, nigetha matige gukua na ihenya. (hiyo ni njia moja ambayo inasaidia kuchunga pesa na zinaweza kulipiwa wale ambao ni vikongwe.)

Githomo ni kigite na goro muno,(Elimu imekuwa ghali sana, andu aingi matingihota guthomithia ciana ciao (watu wengi hatuwezi kuelimisha watoto wetu) githomo kiheanwo nginya form4, nigetha ciana icio irathoma ihote gwicariria mawira na njira huthu. (elimu iwe ya bure mpaka kidato cha nne ili watoto wale waweze kupata kazi kwa njia rahisi)

President ndagiriire ni gutuika Commander-in-Chief. Kwagiriirwe Parliament ithure mundu umwe yarikia guthura mundu ucio umwe aheagwo hinya ni Parliament nigetha President angitwika niwe ungitwika Commander-in-Chief, ahota kuhuthira mandaraka make uru(President hastaahili kuwa amri njeshi bali parliament ipatiwe jukumu la kumtafuta ambaye atakuwa amri jeshi sababu ikiwa President atapatia mamlaka hayo, anaweza kuyatumia kwa njia mbaya.) basi hayo ndio maoni yangu, asante sana. Thank you.

Pastor Zablon Ayonga:Unaweza kutoa hayo uliyoandika uwape huko na fanya registering. Next , atakuwa Mwangi

Wamatu. Mwangi. kama Mwangi hayuko, tutaenda kwa Karanja, Wandui. Karanja una dakika tano, na kama una memo tafadhali usisome neno kwa neno kwa maana tutaenda kusoma wewe tupe highlight ya memo yako, maneno magani makubwa makubwa unayoona yalio na maana hapo.

Pastor George Kamau Wanderi: I am Pastor. George Kamau Wanderi, we have a joint memorandum Mr. Wandui will talk after me briefly. I am talking about political parties. One, I am going to talk about management. The management of the political parties should be supervised by an independent committee. These will create healthy political parties which will enhance democracy that's offering people clear choices of policy and God. These supervision will also make parties to uphold Constitutional values to pursue their objectives with dedication and professionalism, and seek honesty to reflect public interest and opinion. These will solve problems of :-

- Manipulation and control,
- Fundamental compromises
- Fundamental subversion
- Political corruption
- Criminalization of politics; that is having thugs and private armies like Taliban, Mungiki and Jeshi la Mzee.
- Intergrate society
- Avoid intimidation and violence

Changing of parties. These needs to be addressed in the Constitution and should be restricted if any member of Parliament wishes to cross over, then he should first resign and seek fresh mandate from his constituents

The formation: the formation of any political party should not be based on ethnic, religious, tribal, or any other sectional decision. The internal organization of the political party shall have a national character and consult the democratic principles. To make parties of national character, they should apply in writing to the registrar of societies and the application should bear a minimum of 1000 appended signature, from every province. They will make a political party national oriented and promote party responsiveness to their constituency and ensure good governance. This will also make them to be led as a public institution rather than private or personal entities.

Financial affairs and states support: The party should have full disclosure of their financial affairs in public media.

2. Parties and those seeking to be elected will have election expenditures limited and state support

3. All political parties should be provided with fair opportunities to present their activities to the public and ensure equal

access to the state owned media.

4. As the Presidential candidate, should be given same amount of time as on the , on the state own media to present their programmes to the people.

Parties after election. All oppositions parties apart from the official political party should be merged to the government until the next general election. This should help the government to run properly. Merging the other minor parties, will supervise or limit compromises on the government side, due to the stiff opposition from within. The official of the opposition parties should have equal powers with those of the President until he/she is the President in waiting, should challenge the incumbent government as if he is running a parallel government. At the same time, the cabinet waiting should be empowered to run a parallel government. There should be an independent committee to oversee the issues arising from the government in waiting to avoid extremes.

Boundaries: All political, geographical administrative or any other form of boundary within the country should be curved or adjusted by an independent committee and passed through the Parliament for the final ratification.

Disabled: The following facilities should be provided to cater for the disabled persons:

Provision for free education: Provision for public utilities like public booths, public transport, lifts and staircases.

Special attention in public hospitals and clinics, favourable consideration at places of work. Disabled persons should not be discriminated against where employment opportunities arise as their disabilities cannot hinder services supposed to be offered.

Salaries: All salaries for public service workers ranging from parliamentarian's salaries to the most junior public servant, should be reviewed by an independent committee from time to time.

Quota systems: Education should be on merit except for very special cases, such as disabled, destitute and in case of war. These special cases should be given small quotas according to their needing levels.

Marginalized areas: These should not be considered for quotas since it is the failure of the government which is responsible to Raise education standard of these areas. Every machinery should be put in place by the responsible arm of the government ministry to avoid making other people suffering at the expense of their failures. Education should not be politicized. Corruption in the sector should also be abolished. These should be done, these should be done through removing all political hawks from the sector and should not be allowed to interfere with education, but should be entirely, should be entirely be left to the professionals. A good example is when an executive is allowed to appoint the Vice Chancellors.

Professionals: they should be the highly paid in the country. This will help to eliminate duplication of jobs, divided loyalties, insufficient responsibilities, and employment.

Cost sharing: Cost sharing, in hospital should be left entirely for the civic servants.

The employed: In case of unemployed, retired, old, least fortunate, disabled and the victims of age it should not be acceptable.

Pastor George Wanderi: I am Pastor George Wanderi and I am requesting that Naftali Karanja may come after me. Thank you.

Pastor Ayonga: Thank you if you could give your memo and sign. Now, do we have, if you are sitting closer to someone who needs sign language. Is there one because you, who is sitted next to him you know, and I can't know and he wont know that I am asking for that. Do you recognize anybody here ambaye hawezi kusikia ambaye tungempa mtu wa kumueleza proceedings zetu? Je mama ndio mama unasemaje? Mimi nauliza mtu wa sign language. Bubu,

Volunteer: Commissioner aroria atiriri? He mundu utaiuguaga? Mundu utaiuguaga niguu aneo mundu wa kumuoni na moko na sign iria ya kwaria na moko? Niguu aroria.

Pastor Ayonga: Now, just a moment wapi yule mtu wa sign language. Kuja hapa fanya ile maneno yako unaweza pata yule anakuhitaji. Hakuna, so, for now tutaendelea but we will keep asking from time to time, kama mtu ambaye ni kiziwi ameingia. Sasa next namtaka Michael Gachanja, pastor ulikuwa na mtu mlie naye ambaye anamambo tofauti?

Volunteer: Ya!

Pastor Ayonga: Na ameisha register

Ya, Naftali wandui Karanja Wandui

Ee

Pastor Ayonga: Karanja Wandui. He has registered. Ndiye huyo? Okay, Sema majina

Karanja Wandui: yale yametajwa na Pastor, ni yetu mimi na yeye lakini sasa ningetaka kuongeza kitu kidogo sana.

Jambo la kwanza ningetaka Constitution of Kenya, the Constitution of Kenya is the property of Kenyans but not a reserve for

the leaders and especially political leaders. And therefore, civic education should be a continuous processes. Thus it is a right that every Kenyan is conversant with his Constitution. To add on that, the Constitution should be translated into all indigenous Kenyan languages so that every mwananchi could be able to read and understand the Kenyan Constitution. I would also like to bring the attention of the fact that there several Kenyan heroes who are languishing here in this country in poverty because they were not recognized by the two successful governments which came after colonialism. Therefore, my proposal is that, that national heroes should be compensated for loss of their livelihood while they were struggling for this country. Thank you Mr. Commissioner.

Pastor Ayonga: Thank you, hayo maadishi ambayo umeandika unaweza kutupa? Hayo maadishi unaweza kuyatoa kule.

Thank you, next. Baada ya Michael Gachanja ningependa Maina Kamalenga awe tayari.

Michael Mwikirire Gachanja: I am Michael Mwikirire Gachanja from Gatahithi Location. I begin with Constitutional supremacy. In the past the Constitution has been changed to fit certain vested interests, especially those of the Executives. Parliaments power to amend the Constitutions should be limited by Raising the majority votes needed to change the Constitution from the current 25% to 85 % where the amendments have to do with the powers of the President. The public should be involved through the referendums conducted by an independent Electoral Commission.

Political parties: The Constitution should set up regulations for the formation and management and conduct of political parties. The number of political party should be limited to three. This should reduce the chances of political parties being ethnic based. The three political parties should be financed by the state, but to have access to the funding, a political party should have more than 25% Parliamentary seats in Parliament.

Legislature: Parliament should have the powers to make the appointments of ministers, Permanent Secretaries, Ambassadors and Judges. Parliament should be the authority to establish government ministries. Being an MP you should remain part time occupation. People should not have the right to recall their MP as this would create situation where election losers will gang up to incite the electorate against the MP. It would also be very expensive. We should retain the concept of the nominated MPs but his should not be nominated by political parties but by special interest groups, that is the disabled, trade union, federation of Kenya Employers and other minorities. Parliament should have the authority to remove the Executive through a vote of no confidence. Where necessary it should also have the powers to impeach the President.

The Executive: The Presidential tenure should be seek to two terms of five years each. The Constitution should set limit on Presidential powers to hire and fire senior government officials as these compromises the ability to serve. The Constitution should provide for the removal of the President for misconduct. Such misconduct should include corruption, mismanagement of natural resources, for example forest, misuse of public funds for personal gain and lying to the nation.

Electro process: we should retain election through the second ballot. The simple majority rule of winning an election should be scrapped and replaced by one where the winning candidate should gather more than 50% of the vote cast. The rule on 25% to presentation at at least 5 provinces form Presidential election, should be scrapped all together to be replaced by one where the winning candidate should get over 50% of the vote. The Constitutions should provide for a run of incase this is not attained in the election proper. We should retain the current geographical constituent system, but he demarcation should be based on the population and nothing else. This will stop the imbalance of some areas being over represented or others are under represented.

Basic rights: The freedom of worship should clearly state that it is God to be worshiped. Though the Constitution guarantees the right to life, the death penalty, should not be abolished. The Constitution should provide for compulsory and free primary education. The Constitution should guarantee all workers the right to trade union representation, except the disciplined forces.

Land and property right: The individual should have the ultimate ownership of land. The government should have the power to compulsorily acquire private land for public good. The owners should be adequately compensated. There should be ac eilling by a land owned by an individual to a maximum of 50 acres. Kenyans should own land anywhere in Kenya. The Constitution should guarantee access to land for every Kenyan.

Succession and transfer of power: The speaker of the national assembly should be in charge of the Executive authority during Presidential elections. Elections results of the President would be declared as soon as the votes are counted in every constituency. The President should be sworn in by the Chief Justice, one month after the elections after which the instruments of power are transferred to the incoming President by the former President. The Constitution should take care of the outgoing President in terms of security, welfare, immunity from legal process and travel. Thank you very much.

Pastor Ayonga: Thank you if you can give your memorandum there, and sign for it please. Next, Kuna Mr. Maina Kamarenga, ambaye ana memorandum. Maina give us some highlights of your memorandum

Maina Kamarenga: Commission, thank you my name is Maina Kamarenga,

Pastor Ayonga: Ndio endelea tu.

Maina Kamarenga: My name is Maina Kamarenga. I belong to Rosco as an organization, and my chairman has a memorandum for representing to this Commission later. So I reserve this opportunity for him. Thank you Commissioner.

Pastor Ayonga: Thank you. Next is Isaak Njau, Isaak Njau.

Isaak Njau: EE habari zenu?

Pastor Ayonga: Toa maoni

Isaak Njau: Mimi naitwa Isaak Njau kutoka Gatei lakini mimi nataka kuongea na lugha ya mama, yangu sio memorandum yangu ni kuongea.

Uhoru wakwa nindirenda kuga atiriri, mundu ta sub-chief ndagirirwo guthuragwo ni thirikari. Sub-chief ndagiriirwo ni guthuragwo ni thirikari, uhoru ucio ungi, nigukwenda watho (ana sema naibu wa chief hafai kuchaguliwa na serikali) hau hangi, uhoru wa mundu gukoragwo na eka mirongo itano cia mugunda na aria angi gutire kindu mari, gukwenda mundu ari na eka nyingi cia mugunda akoragwo na eka ikumi tu ica mugunda.(mtu ambaye anashamba kubwa awe na hekari kumi tu hakufai mtu awe na hekari hamsini na wakati wengine hawana.)Haya hau hangi mundu kunyitagwa agatwarwo igotini akaigwa thiku ikumi na inya, mundu agiriirwo gutwarwo igotini, akarario muthenya umwe, akaroka gucirithio. (Mtu akishikwa anafaa kulala siku moja nakushtakiwa keshoe badala ya siku kumi na nne) na ni ndarikia.(nimemaliza).

Pastor Ayonga: Asante, S.N. Muchiri, Endelea

S.N. Muchiri: Vile mini nitauliza, ni hali ya insurance. Basi maneno yangu hali ya insurance

Pastor Ayonga: Sema majina yako na uendelee.

S.N. Muchiri: Samwel Ndungu Mucheru from Gakoe. Mimi yangu ni kusema kwa insurance-bima. Ambayo watu wa magari wanaweka. Na hii bima, serikali imelazimisha watu kama una insurance lazima ushtakiwe kwa sababu uko na makosa. Na insurance hiyo ikihara, na umekwisha weka kuna kuja mabroker, ambao wanauza mali yako. Na wewe ulikuwa unaweka insurance ikusaindie kwa gari lako.

Pastor Ayonga: Tafadhali, Tumsikize, tumsikize akiendelea

Muchiri: Na, ukisha insurance hiyo ikiwa broke unashitakiwa ulipe pesa ya wale watu walikuwa na accident. Mimi naonelea , raiya anaona taabu . kwa sababu ameweka insurance ndio alindwe. Na hiyo insurance ikihara na imekubaliwa na serikali ya Kenya kuendesha kazi yake, unakuta nyumbani shamba yako inauzwa. Mali yako inauzwa. Sasa hata watoto wako, wanakuwa barabarani. Mimi naonelea serikali ibandilishwe kwani serikali ndio imeweka insurance. Na kuna hawa ma-broker wa insurance wanawekwa na boss, Ndio mkubwa wa insurance. Serikali ifikilie hali ya mtu maskini akiwa na gari yake ni gari mbovu na hawezi kwenda kwa insurance, ameweka insurance na anafwatwa ikifanya accident. Tena mimi iko swali moja mimi

nitauliza. Mashamba ni ya mababu yetu, tuligaiwa. Si ya mtu, na, mtu akikopa pesa, katika benki na yuko na watoto na mama na hiyo shamba ni yake watoto na mama. Mama hakujuklishwa, inapigwa mnanda. Hiyo watu wote, watoto na mama wanawekwa kwa barabarani. Mimi ninaonelea serikali iweke sheria, ya kulinda mwananchi wa kawainda kwani hii shamba si ya mwenye kukopa pesa.

Pator Ayonga: Asante sana mzee, Bwana Mwaniki jilandikishe. Sasa nataka, Bwana Mwaniki Ngaruiya, Mwaniki Ngaruiya, Mwaniki Ngaruiya naona una memorandum, na kitu ambacho tungetaka ni utupe tu highlight ya memorandum yako kwa maana tutaenda kusoma. Kwa hiyo usisome neno kwa neno utupe highlight.

Robert Mwangi Ngaruiya: Majina yangu ni Robert Mwangi Ngaruiya, Ninaanza kuongea kuhusu the Executive. The President should remain only as the Head of State and all other responsibilities eg the Commander-in-Chief of the Armed Forces, the Chancellor of the Public Universities, be left to the relevant departments to decide eg the Department of Defence. The terms of service should not be limited but should continue as long as the President is effective, productive and also eligible, by the majority.

About the Legislature: all members of the Parliament should attend the proceedings of Parliament as full time job just like any other civil servant, failure to which the seat can be declared vacant and disciplinary action taken against them. All members, to be appointed as ministers should have a degree from a recognizable university. All members of Parliament should hold meetings in their constituencies to update the electorate of the development of the government.

Concerning the common mwananchi: All sectors under the Ministry of Agriculture should be run by permanent secretaries who shall be answerable to the farmers and update them on the development in those sectors eg the market price and others. Importation of locally produced goods should be banned and only allowed under the consent of the relevant ministries. All the idle and productive land except the forest should be given to the landless including old and unutilized land. The prices of commodities should be controlled by the government in order to protect the consumer from exploitation by the middlemen. No civil servant should be allowed to offer private services or run private business related to his job. The mode of dressing should be advocated whereby no individual should be allowed to abuse others sexually. A one man one job policy should be introduced to protect some from exploitation. There should be equal elimination of personnel in all government sectors to avoid some communities from being marginalized. The registration of voters should be a continuous process, just like the national identification exercise. By singing of the national anthem and the national flag must be made mandatory in all private and public sectors. Thank you very much.

Pastro Ayonga: Asante, jilandikishe, next, ni Mr E.C. Miringu, E.C. Miringu.

Edward Chege Miringu Thank you, I am Edward Chege Miringu.

My highlights are, that I propose the government to offer free and mandatory primary education for all children.

Secondly, I propose the Constitution to say that one man should have one job not having a chairman of every board that exists. All government appointees should be vetted by Parliament.

Thirdly, taxes that we pay are so much high and the services we get, are very poor. Thank you.

Pastor Ayonga: Thank you so much, next is Mr. Peter Githinji.

Peter Githinji: Ya, my name is Peter Githinji Chege ,

Constitution: I advocate the following type of Constitution.

Unitary, Republican, we need a Republican government,

Presidential: the country should be ruled by an Executive President who is both head of State and Head of Government. The new government must protect Kenyans against the future President who might result to governing by decrees.

The Presidency: The President shall be the head of state and government. The President should be eligible for Parliamentary election, but will not be representing any particular constituency. The President shall not be above the law.

The Vice President: The vice President should be elected directly by the people, having been elected by the people, then the VP cannot be fired by the President.

Parliamentary elections: Now, I propose that the Electoral Commission must device a proficiency course in the history and nationalism of this country. Then all aspiring candidates must be subject to this course, and tested accordingly. We need leaders who patriotic and nationalist minded.

Remuneration of MPs: Members of sitting house cannot increase their own salaries. When a salary review is done, the implementation shall be effected after the succeeding general elections.

Special seats for children and the disabled: There shall be specially reserved seats for members who will represent children and the disabled people.

Constituencies: There should be balance in voter representation in Parliament. Thus we should not have one MP representing a

constituency of 50,000 voters while another one representing 5,000 voters, yet the two have equal votes in Parliament.

Civic Service: I propose that mayors and their deputies should be elected directly by their people. The academic qualification for a mayor should be a university degree.

Provincial administration: PC and DC and the entire hierarchy of provincial administration should be scrapped because these are more functions of colonial rule. The civil service and the police can effectively do the work that is done by provincial administration. Now, should provincial administration be accommodated by the new Constitution, then I advocate that the Chief and their assistants be elected by the local people. However, we need to discard the titles Chiefs and sub-chiefs.

The rule of law: The police should not execute suspected criminals. Torture of criminal suspect by the police should be outlawed.

And I also propose that the hanging Act should be repealed. There should be no death penalty in this country. Human rights in particular the right of children, I propose that the Constitution should affirm the right of children in respect to free education which should be compulsory up to primary level. There should be right to health care for our children and child labour should be abolished. Girls, children should also be protected against retrogressive cultural practices. That is my written memorandum.

I am requesting to say something that is not written. Some, a few side issues.

Some institutions which help to create national unity in this country like the national flag, this one should be reviewed so that it reflects the philosophy of all political parties and not merely one particular party. We should be particular on the national holidays so that future leaders don't come up to create days to mark their own birthdays. So we need at least two national holidays, Mandaraka day and Independence day. The philosophy such as Harambee and Nyayo should be discarded in favour of new philosophy reflecting the new found freedom of multipartism. We also need a new Court of Arms and as far as the currency notes are concerned, we don't need the portrait of the ruling President. We can have the national monument to the on the currency note.

On afforestation I propose that our forest should not be alienated for any economic development. Future government must commit themselves to rehabilitation of our environment and a watch dog must be, should be established to safeguard public utilities against grabbers.

And national resources, the government should preserve and promote natural resources such as forests, world game, national parks and minerals. All these should be harnessed for the common good of the people. As far as land tenure is concerned, I propose that Kenyans should have right to own land and property anywhere. And any victims of dispossession of land should be compensated accordingly. Thank you very much.

Prof. Okoth-Ogendo: Thank you. Just a moment before you leave. On the National Flag why should it reflect the flags of political parties rather than things, symbols which Kenyans in general identify with?

Peter Githinji:Yah, for example, we have the various colours like black, red, white green, in this country,

Prof. Okoth-Ogendo: That is not Kanu, that is Kenya isn't it? The National Flag

Peter Githinji: The national flag?

Prof. Okoth-ogendo: Yes.

Peter Githinji: Yah, now, in this country, we have people who are not necessarily black and yet they are Kenyans so, originally the black colour meant that this country belongs to the black people. So, I propose that these colours could be reviewed. In the interest and in accordance with the second liberation. We are like a country which is emerging from state of war and during this healing process I think some of these symbols of national unity need to be reviewed to accommodate the feelings of everybody.

Prof. Okoth-Ogendo: But you are not saying that in the review we should follow political party process, are you?

Peter Githinji: No, what I am saying is that a symbol like that one, a unifying symbol like that one should not be too much in favour of the aspiration and philosophy of one particular party but it should accommodate every political party, everybody in the country. So, the present national flag is so much.....

Prof. Okoth-Ogendo: May be what you are saying, I don't want to argue with you, but may be what you are saying is that once we have agreed on a national symbol, political parties should be prohibited from using it.

Peter Githinji:That's it.

Prof. Okoth-Ogendo: Okey

Peter Githinji:Thank you..

Pastor Ayonga: Thank you, you know that's the observation of the professor, now, I am calling on Catholic Church. Who is this, that is presenting a memorandum? Okey please give us the highlights since we are going to pass on your memorandum.

Catholic Church Representative: The Constitution of Kenya review memorandum compiled by Mangu Deanary Catholic priests of the Arch dioces of Nairobi.

Preamble: Nobody in the Kenyan soil should see himself or herself inferior or superior to another, irrespective of creed, colour, or tribe. All are equal. A Kenyan citizen can legally acquire land and own it in any part of the country and settle. The spirit of nationalism should prevail at all times and anybody who discriminates against another will be liable to lose of office or jail if proven so. Our currency should have national outlook by having portraits of our national heritage and environment, but never a person's image. The current currency demi gods of personalities. Nobody is above the law thus anybody breaking the law is liable to be taken to court irrespective of office he or she is holding at the time he/she commits the crime. Freedom of association and speech should be applied with checks. Your freedom stops where my freedom begins. Transparency and accountability should be a foundation of our way of live and shine in our philosophy of peace love and unity, among all cultures and let this principles be enforced by law.

Citizenship: The world is becoming a global village and duel citizenship should be allowed with restrictions of being domicile for not less that a period of ten years consecutively without a break of more than a year put together.

Defence and national security: the Executive should not have the exclusive power to declare war. Parliament to be involved.

Political parties: neither the ruling party nor the opposition parties should be funded by the public funds. All parties to take care of their financial problems the way they can. The state should not view political parties as aggressors but watchdogs for the better governance.

Structures and systems of government: Being a developing country we need a unitary system of government in which all affairs of the state are controlled by the Central Government. So as to develop every part of the country but at the same time to introduce a Prime Minister who will share with the President the Executive powers. The provincial district Commissioners to be retained. Chiefs and their assistants to be appointed by community. They must undergo a training of not less than three months to be acquainted with the governing laws. Their tenure of service should be restricted three terms of two years each.

The Legislature: the Parliament should be autonomous to run its activities without interference from the Executive. Being a member of Parliament should be a fulltime occupation like any other job Moral and ethical qualifications should be a requirement and one must produce certificate of conduct before being legible for elections. No persons should be allowed to contest any public office who has been jailed or accused of corruption of any nature. Candidates for parliamentary seatto

declare their wealth as prerequisite to election. Their salaries and benefits to be determined by a Commission appointed by the jury to avoid the case of the accused being the judge and the executioner. No nomination of MPs, Constitution to leave it to the discretion of the winning parties to decide whether to adopt coalition government or not.

The Executive: The President must be a Kenyan citizen of moral and ethical standing above the age of 35, educated up to university level or its equivalent. Not above the age of 70 years. The term of office to be two terms of four years each. The Constitution to provide the removal of the President for misconduct or abuse of office especially when it can be proven that he/she is the cause of insecurity, genocide or unrest in the country. E.g land issues, tribal issues and etc. The Parliament to have power to vet him/her. The President should not be a member of Parliament thus should not contest any seat in a constituency level.

The Judiciary: The present structure of the judiciary is adequate what it means is to put its house in order. I am not going to go further in that.

Local Government: The mayors and the council chairman, chairpersons to be elected directly by the people. Thus they serve like the member of Parliament, eg four years per term. Councillors to work under the Central Government but neither to make decisions without consultations and agreement from both parties. The minimum education qualification of a Councillor should be a form 4 certificate. Like members of Parliament, there should be no nominated councillors.

The electoral systems and process: Simple majority rule to remain the basis of winning an election for members of Parliament. But for the President 75% of votes from the whole country. A level playing ground to be put in place so as not to discriminate any gender wishing to contest. Anybody found to be defaulting this clause, to be deterred from contesting for a whole term. If one fails to be nominated in one party, he or she should not switch over to seek nomination to another party. To deter defection a person defecting from one party to another, before the end of a current term of Parliament, should be fined not less than a million shillings, Kenya and the party to which the defector is moving to, also pays the same amount to the party affected.

To ensure a level playing ground there should be a limit on election expenditure by each candidate that will be determined by the Electoral Commission and monitored by the same Commission. To ensure that election date does not turn out to be a political weapon, election date should be specified in the Constitution. The Electoral Commission chairperson to be elected by the Commissioners themselves. Their security of tenure should last for two terms of four years each.

Basic Rights: life is sacrosanct and must be preserved at any cost. Death penalty should be abolished. The Constitution should and must protect security, health care, water, education, shelter, food, employment as basic rights of all Kenyans. Parliament guided by various committees to make sure that all Kenyans get their basic rights. Education being the foundation of society, it should be compulsory and free up to secondary level. Students residing in the school premises are the only ones supposed to provide for their upkeep fee.

Land and property rights: the individual should have ultimate ownership of land. The community have the last verdict in case of the government wishing to acquire private land for any purpose. The state government and all local authority should have some powers to control the use of land.

Pastor Ayonga: Please, please summarise.

Catholic rep: I am finishing

Pastor: Your time is up

Catholic Rep: A minute Commissioner, please. No citizen must be restricted from acquiring land, Kenyans can own land anywhere in the country and on ancestral land. I think I will stop there. This Constitution of Kenya review memorandum has been prepared and compiled by 8 priest from this deanery of Kamwangi

Pastor Ayonga: Please wait for an observation

Prof Okoth-Ogendo: I just want to ask you one question. The suggestion about defections that if any member of Parliament defect, you fine them and also the party they are going to should also be fined. Are we going to be buying and selling members of Parliament like foot ball players.

Catholic Rep: Actually that one is to deter members from defecting. We are already tired of political prostitution and so in this sense, I don't think a member, person will be able to pay one million shillings, as a fine and at the same time, the party to be paid a million shillings I think unless they are minting money some place, they won't be able. So it is more or less deterring them from going to other parties.

Pastor: Thank you

Prof Okoth.: You can buy the Vice President from another party.

Catholic Rep: At least they will be expensive. They are very cheap nowadays

Pastor Ayonga: Thank you. Thank you. Clement Kariuki Nganga, Clement Kariuki Nganga

Clement Kariuki Nganga: My name is Clement Kariuki Nganga and before I bring my memorandum so very brief, I think I

want to point out to this floor that we should allow the public at least to put some injection.

You give them a chance to give a point of clarification or injection. But it is seen as if is only the floor. According to me this is what I have said. We should change our philosophy which is Harambee, may be, “ Patriotism, Trust in Hard work” because Harambee has been used for implementation without planning. Kenyan Constitution should be amended without the approval of the Kenya citizens. Therefore even if they have to do something that have to seek mandate from the electorate. When I go to the citizenship, spouses of Kenyan citizen are supposed to be entitled to automatic citizenships regardless of their gender. Children born of one Kenyan parents should be entitled to automatic citizenship.

There should be a dual citizenship. One should be given social security number as an evidence of citizenship in Kenya because, birth certificates have no proves, even IDS , they can be easily forged.

The President should not be a Commander- in- Chief and the national security personnel should be utilized for development activities during peace times.

There should be no, there should be few political parties and the slogan of opposition party should be scrapped, because it is against our culture. If you are an oppositionist, everything you can, any point you can Raise, is opposed so then we should talk about majority, and minority parties. They should be funded or financed by the public fund. But there should be a ceiling of at least Kshs200,000 to avoid citizen manipulation. Let us maintain Presidential system where the President should be from the majority party.

The length of the Parliament should not be determined by the President. So, it should set also to be a calendar set. In case of members of Parliament who should be elected directly, at least they should be 21 years of age and above and they should hold a diploma or degree because already, we have learned people.

On the side of the presidency, the age requirements should be reduced to 25 years and the President should be the limit actually should be set to 60 years. All those people who are holding electoral posts, they should be free, corruption free and he should not even be drug addict, or they should pass the test of moral and ethical standards, because they are models to their constituencies.

Citizens should be given right to recall their MPs through signing about 1000 signatures and pass them to the speaker of the National Assembly who should terminate the MP term. The Constitution should permit coalition government only as a symbol of national unity.

Parliament should impeach even the President and there should be no any creation of any Commission without the approval by

the Parliament and any appointment done, should be approved by the Parliament. On the separation of power between the Executive and the Legislature, I propose that all executives should not be members of Parliament except the VP who should be a representative of the government in the national assembly.

There should be a land ceiling. This is about ownership of land to above 1,000 acres. As pertains to public office and Electoral post, and to clean the corruption, I propose, there should be nobody actually to hold the electoral post or public post if in his life, he has committed any criminal offence and he should prove this through the certificate of good conduct and he should even show the list of pending cases in courts.

Let me talk about Workman Compensation Act. It should be revisited. If somebody dies in the duty, something need to be done and those people should not suffer. Hence they should be paid probably half of their salaries which they used to get or their beneficiary should be given half of their salaries.

Let me talk about quota system: Jobs should not be given by quota system. They should be given by merit. And as they talk about the jobs, then we should say to increase productivity in this country, jobs should be given by way of a kind of contract and this contract should be renewed according to productivity. Remunerations should be according to hard work. 38 hours hard work physical stress and literacy, to avoid uncleaned actually being given portfolio because they are Presidential appointees.

We should created cottage industries in rural areas to create more jobs actually for the young people. These industries probably can emanate from the act actually which can be put that, all industries which actually they make any product in this country they should have a recycling plant hence to avoid by products which are within in our country which are environmental hazards, like plastic papers, polythene papers, they should do something and the recycling plants should be created hence creating more jobs.

There should be a community policing because in the lake in Kenya people work very little,. By 6 pm all people go to bed, the country go to bed until the morning. So, something needs to be done to intensify or security and I propose community policing which is a good policy in America and other countries.

All the youth should joint the National Youth Service and at least serve for two minimum years to contribute to national development and this then should be enhanced by really strengthening our National Youth Service manifesto.

Pastor Ayonga: Bwana Kariuki, summarize, your time is up. Your five minutes is up.

Kariuki: Alright, the other things we talk about the human rights. Our people have really been harassed and really done very

bad by the police. We adopt actually the French policy whereby people should be presumed guilty when they are caught. The suspects, are be presumed guilty before they are proved innocent by the court of competence jurisdiction. Statement and inquiry in charge in cautionary statements should be cancelled and removed, to avoid torture and force to accuse to accept some of the things which have never been even committed.

Personal portraits as a symbol of government symbols should be abolished and probably we adopt another sign which is a symbol of a government. Reduce government expenditure by avoiding using big, big cars which consume a lot of fuel at the expense of the tax payers who are the poor. There should be a national youth policy in this country its unfortunate because I can't say what the national youth policy needs to entail. But it should address the historical background, it should address the situation analysis, it should define who are the youth, because at least we don't know who are the youth in this country. It should talk about the national commitment and the rationales for the policy, and there should be principle underlying the principles which should really looked into, like equity, respect, of culture, religion and ethical values, gender inclusiveness, good governance, national unity, youth participation, youth empowerment, team and partnership, right of the youth should be there. This should be meaningful education better health marriage at legal age of consent, protection from sexual exploitation and abuse, right to seek meaningful employment without discrimination, adequate shelter, food, and clothing, freedom of speech and inspiration and participation in making decision that affect their lives.

Pastor Ayonga: Thank you, There should be a mission goals objectives strategic areas and actions which actually address the young people and should be a targeted groups, these are school drop outs, street kids, HIV/ Aids victims, drug addicts and then the implementation, there should be levels in the national framework, district and sub country frameworks and by so doing I think we can say the young people then can be addressed

Pastor Ayonga: Thank you. Thank you Kariuki. If you can give your memo and sign for it. Next, will be Father Peter Njau from the Catholic Church. Father Peter Njau, if he is not there,

Mzee: Ni watu wangapi wamekuja? I have come, my name was called I was not there

Pastor Ayonga: Sasa mzee hiyo hatukukosea, uliitwa hukuwepo, sasa tunaendelea tafadhali. Tutakuja kukupa nafasi badaaye lakini kwa sasa ninafuata list. Nikianza kujichanganya, niko mbele, niko nyuma nitapoteza majina mengine. Thank you. Kuna Father Michael Mungai, okey, hawa wamekwenda? Okey. Riritu Henry, are you Riritu Henry? Si wewe?, okey, hayuko, Gitau A.K,

Gitau A.K: My names are Gitau A.K. I have something to present concerning the rights of vulnerable groups. Women are among the vulnerable groups we have in Kenya. If the Constitution is to be completely protective, it must fully take care of women. Women interests are not fully guaranteed in the current Constitution. To counter this, the following should be done.

Constitution should guard women against harsh cultural norms like, forced circumcision. We can't force a girl to do what she does not want. Another thing, forced marriage, you cannot tell a person, that is a girl to be married by a partners who is not of her own choice. Then there is limitation in inheritance. A male should not domineer in inheritance matters. A girl should also be entitled to the same. Right to leadership. We should have more women being chiefs, headmen and so on. Also DOs, DCs and so on. Why should we have males domineering in that sector?

Equal chances to education: We should ensure that women accept education just like men have done so. Then we also have something when it comes domestic problems. We have women being so much battered by their male partners. That is the husbands, the relatives, the brothers and so on. How can we streamline this so that we don't have women so much battered by their male friends. The law should enforce and put forward something, a term that protect women against this battering. Then what about the disabled people. Interest of people with disabilities are not well taken care of. We should first of all expose the disabled people to the entire world. That is, we should not have them locked up somewhere in a some rooms. You get that in most homes you get a kind is there he is disabled he is not exposed by his parents, The parents don't want to expose the children. They are disabled nobody knows them, the government does not know that they exist. They are somewhere locked in doors. What can the Constitution do, to take care of such people? Then we have also to educate the disabled children. We have most of these disabled children living in isolated places. Most of them are quite genius. We can get professors from these disabled peoples, but now because they are not even exposed to these children, education what we can print the next Constitution. So the next Constitution should take care of these and we should get all these brilliance coming out from them.. I have also to underline a case whereby we saw in the recent newspaper that the press we can remember when the KCSE of last year came out we had a certain disabled Alliance High School student, a girl who featured being the best but was disabled. Meaning that they have potential and it should be natured so that it comes out. What about rehabilitating the street children? They are also vulnerable in our current Constitution. So, if we have to really exploit all the potential in our people, even the street children we should have to really tap and see what is in them. If the Constitution to come is really to help all of us, we have to also take care of that. What about the case of the blind people. We have them being raped, the council who is raping them, they can't see who is buttering them or anything of that nature, yet the Constitution is there. It does not take care of that, so the next Constitution should make sure that ther is strictness along that line so that we don't have people being, you know, molested, and nobody cares.

Then there is also this something about children. They are also vulnerable and we have to look at the both positive and negative side. They are vulnerable because like now we have the minister saying that the whole government and the President are saying that children should not be punished in school. Yes, you don't punish them because you don't want to molest them, but even your children at home, do you punish them when you tell them to draw water? If you do punish them, these are the same children you have at school. It means morally they are going to be degraded because they cannot even be pinched. Then, the Constitution to come should take care of that. What about the old people? Should they languish in old age in the village? Why can't we have them being rehabilitated like in foreign countries so that we can take care of them. They should die ninety,

not eighty. Because they have not been rehabilitated.

I have something also to talk about the youth. They are vulnerable. Something should be done about them. If this is not the place our country should not be a place whereby the garbage and in quotes “Condom” should just be dumped so that our youth just takes them. The Constitution should look into all those areas.

And to crown it, I have something special for teachers. Teachers are the ones who see that professor have come up, doctors come up and so many and important people in the country, the pilots and so on. So, we shall take care of the teacher whether she is a nursery teacher, even a special education teacher. If you do not take care of them the government will always be taking the finances from their sector so that they are always on the streets, you know, rampaging and demonstrating because they don't have and they are not paid may be for three months, they are not paid. Why don't we have other people in other branches, you know, other professions suffering.

Pastor Ayonga: Thank you.

Speaker: I am summarizing

Pastor: Summarize because time is not on our side.

Gitau A.K: About the faith even if every body has freedom to worship, we do not who is the devil worshipper I want to lay emphasis on the Mungiki sect. Even if they are to be permitted to worship in their own way, they should not molest citizens in their ways of worship. The next Constitution should make sure, that this exercise, they have freedom of worship without necessarily tampering with the well-being of the citizens. Thank you.

Pastor: Just a small question. Now what do you want us to do or put in the Constitution as regards the devil worship.

Gitau A.K: About the devil worship I don't have something specific but this is what I would like to say. They can exercise their own worship in their own way, but if they tamper with the well-being of the citizens, like where we have evidence of like somebody took away the blood of my child, then they should have something to control them.

Pastor: In other words you are saying, they should be given any freedom to so, without tampering with the blood of your child or must we scrape them out.

Gitau A.K: They should be given maximum freedom to worship the way they want if they call it religion, but if they cross boundaries whereby they come and infringe on other peoples rights, they should be curtailed.

Context in which his suffering becomes vulnerable, so, what is now the issue of vulnerability because I cannot present the issue or vulnerability

Prof. Okoth- Ogendo: No, No, what I am asking you is really a definition question. If you say you want to talk about goats, I know the difference between a goat and a cow, how do I know who is vulnerable and who is not vulnerable for purposes of the Constitution?

Gitau A.K: Okey, now for the purposes of Constitution I think the one who is vulnerable now, is the one who does not completely enjoy what she is entitled to especially by nature.

Pastor Ayonga: Okey, thank you Bwana Gitau. Unaweza kutoa hiyo memorandum yako, na ujiandikishe kule. Next, ni Bwana Francis Karanja, Francis Karanja, Karanja ninaona una memorandum tafadhali utufanyie highlight usisome neno kwa neno kwa maana tutasoma baadaye.

Francis Karanja: I am Francis Karanja and these are my rulings.

The political parties are supposed to be only two and be funded by the government.

The Defense and National Security: All locations are supposed to be well represented in the Defence and National Security. The Constitution is supposed to define how and how many are going to be represented in the locations. The President should not be a Commander- in- Chief and if he is he is supposed to be well trained as an armed force.

Executive: The President should have a degree preferably an administration degree. Should have 35 years of age. The tenure of 5 years per term should be retained are only two terms. The function of the President should be well defined in the coming Constitution

Local Government: The mayor should be well elected directly by the people. Every mayor should have a relative degree or a diploma. The terms of mayors Kenya should be two terms each four years.

The youth should be well represented in the Constitution, and by this I mean, that the Constitution should enforce that in every ministry, there is supposed to be a young person because and this I say because young people are the majority in the population

because currently they are 65 % the Kenyan population.

Basic rights: we should have free education that is free basic education. We should have free health service, that is well supervised clinics. The Constitution should be well elaborated, to be well understood by a common wananchi not only lawyers.

By this I mean the Bible seem to be the Christian Constitution and it is well explained and elaborated to cater every Christian. Only in the freedom of worship personally I would say, only god to be worshiped. Thank you.

Pastor Ayonga: Thank you so much. If you can give your papers there. Next is Lucy Mary, Lucy Mary. Okey, kuna Titus Njoroge, Titus Njoroge, kuna Samwel Mambo, Paul Mwangi, Paul Mwangi, Petronino Wangui, Petronino Wangui halafu kuna Rose Nyambura, where is she?

Rose Nyambura: Njina langu ni Rose Nyambura. Hii memorandum ni ya Gatundu North Women recommendation to the Constitution.

Preamble: We need a preamble in our Constitution, the current one has no preamble.

National vision: Unity in our diversity, equal treatment for all before the law.

Supremacy of individual freedom. Guarantee basic rights for all

Constitutional supremacy: The Constitutional amendment should be subjected to the referendum and not to the 65% majority. The Electoral Commissioner should conduct the referendum.

Citizenship: Automatic citizenship. All children inside and outside Kenya by a Kenyan citizen must be treated as a Kenyan citizen. Foreigners and their children who have lived and worked in Kenya for 15 years. Adopted foreign children by Kenya citizens. Other ways of enquiring citizenship application, marriage, adoption, right and obligations, basic rights, right to vote, right to own property. Right and obligation of the citizen should not depend in the manner citizenship is acquired. The Constitution should allow these citizenship. A citizen should be identified by pass port, identity card.

Defense and National Security: The discipline forces, the military and others should be established by the Constitution . They should be treated like any other public civil servant. The President should not be the Commander-in-Chief of the armed forces. The prerogative to declare war should be subjected to Parliamentary debate. The constitution should have extra powers in emergency situations. Parliament should have no laws in effecting the emergency powers.

Roles that political parties can play: Involvement in all areas in development ie power, road and communication. Enhance

access in useful education for all. Enhance access to health and insurance for the aged.

Low income earners and the disadvantaged.

Involvement in the social amenities. Advocate for basic human rights. Protect and manage the natural resources.

Political parties. Registered parties should enhance gender equity at all levels. There should be laws and regulations to safeguard stability of the parties. Avail finance to political parties from public resources. There should be a maximum of three to five strong political parties. The parties should be transparent and accountable to party members and to the relevant audit bodies. There should be a provision for a coalition government.

Structures and systems of the government: The Presidential system of government should be retained and checked and balanced. There should be separation of powers between the three arms of the government. The President should not be a Parliamentary candidate to be elected by 75% of the voters. The President should not belong to any political party. If the President is a woman the Vice President should be a man. And vice versa.

The President's age must be from 35 to 60 years. The President should be married, have a stable family. Minimum education qualification must be a degree holder. He should be morally upright.

Parliamentary system of government: No Parliament system government, no prime minister.

Role of President: The President should oversee the process and the implementation of the bills, laws and policies, representing Kenya in international forums or matters

Devolution of power: power should be shared. Unitary system with Central Government. The government that unites and develops all regions. All provincial administrations should be directly elected and should be relieved of their duties if they don't perform within a period of two years.

Disadvantages of a federal government: Ethnic differences, inequitable distribution of resources.

Legislature: Appointment to be vetted by Parliament, Judiciary, and a Constitutional Commission. Persons of the Parliament should be extended to include appointment done by the Executive. The Parliament should not have unlimited powers but register the wishes of the people. Being a member of Parliament should be a full time occupation

Age requirement for voting and contesting Parliamentary and Presidential: voters should be above 18 years. Members of Parliament should be above 30 years. Presidency should be 35 to 65 years.

Pastor: Please summarize, summarize

Rose Nyambura: Judiciary: The Judiciary should be independent that separated from the Executive. There is need to establish a Supreme Court. There should be Constitutional Court, there should be a panel of member to elect judges. Judicial officers should have minimum of degree qualification in law and should have served for more than 7 years experience in High Court.

Special rights: Security, mob killing, police shooting, fire arms, prisoners treatment, discipline of security forces.

Health care: Free medical care, medical insurance company, hospital and changes control, check and balances, medical care should be closer to the people.

Water : Production of water catchments sources, control, irrigation and cultivation. Initiate projects to provide clean water for all by year 2002.

Education: Free and compulsory education, basic education, civic education with emphasis on constitution should be included in the curriculum.

Pastor Ayonga: Thank you, thank you. Your time is up , but before you leave I had one observation and I want some clarity from you. You said the President must be married and have a family, what if the President was married and his wife died, or the person who wants presidency had married and his wife died and he does not want to marry again and he is a good man, cant he be a President?

If the wife dies he is likely to get another wife,

Pastor:Oh does he have to?

Nyabura: Yes!

Pastor Ayonga: Well wait for another important question. Professors is on the mic.

Professor Okoth-Ogendo: My question is also connected with the qualification of the President. We have had a lot of people telling us that the President should have degree, now, I want to ask you a question that might be sensitive and let me

remind you that you are completely protected by the legislation that you are operating under. Both of the President that we have had, we have had only two Presidents in this country and both of them did not have degrees, do we have a problems with that?

Rose: Yes,

Prof. Okoth-Ogendo: What is the problem? I am asking Rose. And Rose, let me also remind you, that there have been very many leaders even in the United Kingdom, John Major did not have a degrees, Churchill never had a degree, and I can go through all the system, what is the problem, are we looking for paper qualifications or are we looking for leadership? And Mac Cary did not marry also.

Pastor: well, you don't have to give us your answer now, I think this is something to think. A good person is not made because he or she has a wife or a husband. There are some of those intrinsic values that are within a person which if you have them, a single woman can be a President. No, I am not calling for debate all we want is your views. Today we are not debating anything we want your views and I want to tell you mama Rose that all that you have said, has been recorded and no one is going to erase it. And we are going to get similar sentiments from other places as well. May be that is going to be what Kenyans want. So we leave it to you.

Next person is going to be Mr. James Muiya Njau. Are you Mr. Muiya, okey, Muiya is not there, Mr. John Njoroge, Mr John Njoroge, David Muriga, Paul Njoroge, Mr. Wainaina Ngwenyi are you Wainaina?

Francis Karare Mwangi: We have prepared something together. I am reading but we have prepared something together with Wainaina

Pastor:For wainaina?

Francis: Ya!

Pastor:Okey do so

Francis Karare Mungai: My name is Francis Karare Mungai and my presentation is like this.

The President must be aged between 35 an 75 years. He should be married with a stable family. He should have a university degree.

He should be morally upright without any known criminal record.

He should not serve for more than two terms of five years.

To be elected, one must get more than 50% of the votes

A running mate should be known

A President should not be a constituency holder

Powers of the President should be reduced and should not be above the law.

Impeachment should be legalized.

Elections: There should be a time table specified and not a secret weapon. The American style is preferred. Votes to be counted at the polling station. Ballot boxes to be transparent. There should be no defections. On labour, doctors, police and teachers should be well remunerated for those professions to have dignity. A special body can be formed to look into the salaries of public servants including teachers.

Laws: There are some colonial laws that should be scrapped and therefore we have a general amnesty for crimes committed during colonial times. There should be recognition of our national heroes like Kimathi, Kenyatta, Mboya and others. On political parties they should be limited to only 3. They should be known by the total number of votes got during the last general elections. Also some others, Parastatals heads should not be semi illiterate but university graduates.

On provincial administration, we should scrap the post of Provincial Commissioner but the post of Assistant Chief, chief, DO and DC be elected and a laid down qualifications be given.

On land issues, the Chief, should have no role. We only have to have the role of the assistant chief who knows the land well and the land control board where there are representatives and all parties included. Thank you. That's what I had to present.

Pastor: Thank you if you can pass your memorandum there, and record your name please. Next is Mr Charles Ndambia, Charles Ndambia, I may mispronounce your name, no, Thank you Charles Ndambia, Peter Gitau, Peter Gitau, Henry Gakumo, Henry Gakumo, Henry Gakumo, Edward Gikinyo, Edward Gikonyo, Peter Kariuki Ndungu, Peter Kariuki Ndungu, you have a memorandum peter, Give us some highlight of your memorandum

Peter Kariuki Ndungu: My names are Peter Kariuki Ndungu and this is a summary of the memorandum that I have prepared.

Qualifying in any elective post, one must gather a 51% votes. Eligibility of vying for any elective post. Should not be based on age but capacity to deliver. To call back an elected member of Parliament it should be manned a 51% total votes casted during his period. For any one to be a member of Parliament, he must gather 51% of all votes cast in his constituency. The Parliament in place should determine salaries and allowances of the second successor House. Kenya should be a Partyless state. Any Constitutional amendments should require a 90% majority votes. After five years have elapsed of which the current Constitutions should not been amended. The President should not be a member of Parliament but should attend Parliament to explain his government policies to the Parliament. Ministers should not be members of Parliament, but the Parliament should have the right to call any minister to answer any query pertaining to his ministry. Minister should be vetted by he Parliament and approved by the President. Where the President fails to approve a minister, he should require a Parliament to pass an 85% majority vote to fix that minister in place.

Professionalism should be placed first in the issue of issuing ministries. Where a minister is a member of a professional bodies, the body should be made answerable to any misconduct that their member have otherwise the Parliament should consider scrubbing the body off the register where it contravenes the code of ethics of that professional body. A ministry should be contracted for five years of which the Parliament reserve the right to renew or council his terms of contract where that span ends.

Creation and disbanding of ministry should be reserved solely to Parliament upon garnering a 75% majority votes. Any employee or officer of any ministry, should petition the Parliament at any one time, if he does not get proper treatment from the ministry officials. The President should also, head the government and all ministers should be answerable to him. The President also should be answerable to the parliament and where the President fails to satisfy the Parliament, the Parliament should consider voting a no confidence with him upon getting a 65% majority. where the President is removed through a vote of no confidence, the Speaker of the House should take all the duties of the President in the interim period. No member of Parliament voting the President out should run for presidency during the by election called to elect the next President. The Speaker of the National Assembly should assume only the ceremonial roles and the Parliament should take over the Executive duties during the transition period. All judges in the country should be vetted by the President in conjunction with the Judiciary Commssion, subject to 65 % majority in Parliament.

Salaries and allowances of any official elected or vetted by Parliament should be reserved by the party that elects him. The country should have a Central Government and Local Government at local levels, but the Local Government should be given power to plough back 50% of the revenue they collect from their area of jurisdiction. The Central Government should be responsible for paying allowances and salaries of the Local Government officials and approving their budget estimates.

County Council chairman and mayors should be elected by the people themselves during the general elections. The High Court, jointly with the Parliament should investigate accusations against the President, and decide whether or not he has a case to answer of this if he has a case, the High Court and the Parliament should form a special court to investigate or to judge the President. A provincial of a bicameral House, should be there. Where the Upper House should be on regional bases. And the Lower House, on the constituency base.

Pensions for the aged should be there because they have grown old serving the nation. There should be a trust bank for the youth in the country. Thank you.

Pastor: Thank you so much, if you can pass over your papers to them so that they register. Now, mzee wewe unaweza kuja sasa ukae hapo, na unamemorandum au unataka kusema tu

Mzee: Iko na mano nimetayarisha kidogo,

Pastor: Iko memo?

Mzee: Ee kidogo na nigepele kusema.

Pastor: kwa hivyo tafadhali usammarise.

Mzee: Mimi nitafupisha maneno kabisa lakini nataka kuuliza Commission niwaambie mimi ni nani.

Pastor: Hiyo utatuambia kwa maana hutatoa maneno bila ya kutuambia. Haya mpe hiyo, sema jina lako mzee na ndipo uendelee.

Mwangi: Nitasema kidogo. Jina langu ni Mwangi Wamathu. Haya jambo la kwanza ningependa jina la nchi yetu liitwe Kirinyaga and not Kenya. The name of our country should be called Kirinyaga and not Kenya. As a people we should know our name, the name of our country better than any other person. Our country Kirinyaga was given to forty two tribes by the Almighty God and before the colonization they were governed and administered by those forty two tribes. They are the right people even today to say how the country should be ruled or administered. The present government, the present system of government was transferred to Africans just as it was during the colonial time. No change has been made. Eee I sioni vizuri kidogo sijui nitafanya nini hapa. Colonial era. What should I say I don't see properly.

Speaker: Tumpe mzee nafasi wacha ajitayarisha, mzee kama ungesema tukutoka kwa kichwa, wacha kusumbuka na kusoma.

Sema yale manenao yako kwa kichwa, hiyo tutasoma utatupa hii.

Mwangi: During the colonial era, the Europeans agreed on how they would reduce or take away the African humanity, and they agreed that they would uproot all our customs and traditions instead they said and I quote” It was the transfer of overseas of European cultures- European languages, European religions, European principles of law and government, scientific knowledge and its application to the needs of the society. That is how they agreed during their age discovery, about 600 years ago. The age of discovery, that is the time of scramble for Africa, they said so therefore I would request the Commission not to listen to those who are brainwashed people or all African are brain- washed and our country is spoiled by 2 ,3 things. These 3 ideas were not from the African heads which were given to them by the Almighty God. They were not conferred our age were not conferred on us by any person but by the creator. So these 3 things they have made untold harm to our country Kirinyaga, and these are education, money and religion. We are told that education is wisdom and this is false. Wisdom is given only to you and to me by the Almighty God and what is given in your schools is knowledge and knowledge is not wisdom as far as I know. So if the Commission was going to do any lasting thing in our country is to let us use our own brain, our heads and I have written a confidential letter. I was in government service because of part and parcel of Kenya’s freedom. I said that all wonders that we see are net product between a man and his wife.

Speaker: Please be quite so that we can hear him.

Mwangi: We must practice our brain to get what we know, we get what we want and briefly the Almighty God gave a man 8 extra ribs to help him and this are, if you know them excuse them, eyes, the ears to hear, eyes to see and noses to smell with and mouth to speak the truth with, hands, uninal sections and like 3 parts where we get what we don’t want and the feet, these are 8 organs to be made use of not to decorate our bodies. Women have 8 ribs because of their breasts. Our breasts don’t do anything. But we suckle these are the things that we take when we are born. So if you want to obey God we have to use these 8 organs.

Pastor: Thank you so much. We are giving every person five minutes mzee you have spoken enough and if you could give us your memorandum we are going to use the wisdom given by God and for those things that you have recorded we certainly appreciate your present.

Mwangi: Alright I will do so.

Speaker: Would you like to answer one question or an observation?

Mwangi: Yes I will happily

Speaker: Mr Mwangi

Mwangi: Yes

Com. I think I can understand the message you are giving to the Commission, what kind of Constitution do you want us to write for Kirinyaga.

Mwangi: The Constitution I would like us you to make is the ideas produced by the Africans, we do not want to see foreign eyes. All we have in Kenya was made by white men and we got to re-team or (rebel to) turn against we use our own heads.

Comm. Thank you very much Mr. Mwangi

Speaker: Mzee toa memorandum yako kule weka kidole ndipo uketi kule.

Mwangi: Or I can go

Speaker: Oh ndio you are free. Kila mmoja wetu hapa yuko free ukimaliza unaweza toka au unaweza kukaa usikie maoni ya wengine.

Mwangi: Wapi, wapi?

Speaker: Ok, let us go back to business, let us go back to our business. John Muigai, is there John muigai, Sagero Ombaso, Nchege Njuguna, Paul Muturi, Samuel Kamau, John Mwaura, George Wanderi, Joseph Ndu'gu. Joseph katika hiyo memorandum yako tafathali kama naweza kutupa highlight za yale maneno ungependa kuzingatia na usitusomee neno kwa neno.

NAME: I am Joseph Ndungu Mwangi. The preamble: The Constitution of Kenya should be a reflection of our aspirations values, motivations and achievements as Kenyans and as a nation. It should be our common bidding heritage, setting out our common ancestry and identity. It should be our common denominator serving all Kenyans equally and should not at any time be a limiting factor to the aspiration of all Kenyans. The powers of the President should be limited. The incument President should not be above the law. If while in office the President engages in criminal activities or crimes emanating from misuse of office for instance corruption, political assassinations, politically instigated clashes, nepotism, tax evasion, misappropriation of public funds amongst others. There should be a provision for a Parliamentary Commission empowered to investigate his conduct and dealings and if need be, to prosecute him. The Parliament should also be empowered to make a provision for his impeachment. Such a motion should require 2 thirds of the Parliamentarians to be effected. If the Executive fails to serve the

nation, for instance if there is massive economic recession, massive unemployment, total failure of law and order. The Executive should tender its resignation to the Speaker of the National Assembly. The President can hire or fire senior Civil Servants but to effect the same he should get a majority of votes from the members of the Public Service Commission. The members of such a Commission should be people of integrity, voted from civil and religious organizations, and voted for by parliament and can number 25. Once elected, the member should enjoy security of tenure. The President should not be the Commander-in-Chief of the Armed Forces but the Chief of General Staff, should be the most senior officer of the Armed Forces. He should also not be the Chancellor of public universities. He should also not be empowered to commit a person to death. He should also not reshuffle his cabinet more than once within a five year duration. He should not at any time dissolve Parliament. The Presidential campaign, should not exceed a certain stipulated bracket for instance, Kenya shillings ten million. Private funding from individuals and companies exceeding kshs 500,000 should be informed to the Electoral Commission. A Presidential candidate should not be an elected member of any constituency. He should be nominated by an existing political party, but after nomination, he should win at least 40 % of registered votes in at least three provinces to be accepted for nomination by the electoral Commission. This can amount to primary kind of election. He should be at least 30 years but less than 50 years. He should have attained a minimum university degree. He should be a person of moral standing and his marriage should not be divorced. He should have a stable family and his children should be of moral standing. Presidential elections should be held separately from Parliamentary and civic elections. After elections the President can serve two five year term. If the incumbent President dies in office, the Vice-President should assume power and rule the remaining uncompleted term. And after expiry, call for a Presidential election. Such a President is eligible to serve only one five year term. In case a President and the Vice-President dies at the same time, the Speaker of the Nation Assembly should assume the duties of the President. Presidential election day should be specified eg to be held on 18 or on 28 December after every five years and the incoming President should assume office on 1st April after election. The Presidential Candidate should name his running mate who becomes the VP. After winning the election such a VP should not be fired or sacked by the President unless proven to have engaged in criminal activities by a Parliamentary Commission. The Parliamentary election should be held separately from Presidential and civic election. The Parliament should never be dissolved but the elections should be held on rotational phases, based on provinces. The counting of votes for all elections should at the polling stations. Parliamentary representation should be based on demographic pressure. For instance, twenty thousand registered voters should be represented by one Member of Parliament. A person vying for Parliamentary election should be of moral standing and should have a university degree. Should be above 21 years but less than 55 years. On election, he should be paid on hourly basis according to the number of hours spent in the National Assembly. The number of nominated MP should be increased to 100. and his seat should be reserved for special boast, 20% for women, 20% for physically handicapped, 20% for youth, those between 21 and 30 years. And 10% for religious bodies. Once elected this person should not be identified with any political party. If voters of a given constituency hold a referendum and 25% of the registered voters pass the resolution to recall their MP, such an MP should automatically lose his seat and should not be eligible for re-election. The MP should not determine their own salary, but such salary should be determined by the members of the Public Service Commission. 2 thirds of the members of the Parliament, can veto a decision, made by the President, but the President should never veto a decision, a resolution passed by two thirds of the members of the

members of Parliament. The Parliament can amend laws but the amended laws should get concept for such amendment from the judges of the Court of Appeal.

Bill of rights: There should be the creation of the office of the ombujusman as peoples' watch dog. All complaints emanating from the prople should be dealt with in his office. He should also conduct referandums to get peoples' opinions on certain issues. There should be establishment of People's Freedom Square. Preferably where we have the statue of Kenyatta where people can address themselves to any issue without fear of intimidation or arrest. People should have access to legal representation and the state should provide one when such a request is made. There should be establishment of human right offices at evey divisional headquarter to cater for instances of human rights abuses. Prisons should be people oriented, and prisoners should have access to information by establishment of libraries equipped with newspapers and TV sets.

Pastor: Please summarize, summarize.

Mwangi: Prisoners should also be given free days monthly to visit their families. Those arrested for petty offences should be bonded at the point of arrest. Every Kenyan should be entitled to hospital insurance cover and the government should be the guaranter for the unemployed and the aged. Kenyans should not carry ID card but instead should be provided with Social Security Numbers. These numbers should enable the employed to be paying monthly welfare money, to cater for the upkeep and the Kenya should not undergo tideous process while acquiring properties. Finally may be I would also say that the people should have a right to access any information and report by Commission on anybody investigating a given matter should availed to the citizen.

Pastor: Thank you so much, but wait, wait for a minute.

Prof Okoth-Ogendo: Bwana Ndung'u, just two quick questions and one very small one. The first one, you said that the President should not be the Commander-in-Chief of the Armed Forces and the Commander of Generals Staff should be, I hope you understand what that means. It means that the Chief of General Staff can declare war and move soldiers even if the President disagrees with him, is that what you want?

Ndugu: If at all he has the consent of the Parliament. The Parliament should pass the consent for such a person to commit the country to war.

Prof: You want the Chief of the General Staff to go to Parliament and not the President?

Ndugu: The President should also not be a member of Parliament.

Prof:No, No, you know what I am asking you. The reason why the President is the Commander-in-Chief of the Armed Forces is so that he can declare war and give permission for Kenyan soldiers to move. Now, you are saying that that should be the Chief of the General Staff and not the President, is that what you mean?

Ndungu: Yes, that's what I mean.

Prof: Okey, No. 2 you are suggesting that the election should be held on December 18, any particular reason?

Ndungu: So that the day should not be used as a weapon..

Prof: No, No , why Dec 18th why not June 1?

Ndungu: It should be specified. The date of the elections should be specified

Prof: Okey, fine that's the message. Not a particular date, but the date, that should be specified.

Ndungu: Yes,

Prof: Okey, you want a Freedom Square you are saying that it should be where the statue of Kenyatta is ? There are two statues of Kenyatta in Nairobi, which one are we talking about?

Ndungu: Near the High Court

Prof: The one in front of the Kenyatta Conference Centre not the one in Parliament?

Ndungu:Yah, the one near the High Court.

Prof: Thank you

Pastor: Thank you. Hayo ni maoni yake, na tuyaheshimu. Kuna Mr Gitau, Thingi. Njoroge mwangi, we are going to break very soon,

Njoroge: I am Njoroge Mwangi of P.O. Box 146 Kanjuku. On the preamble, the new Constitution requires a preamble. Which should emphasize the principles of democracy and supremacy, and each and every individual's duty to strive for the betterment of the nation. On the Constitutional supremacy, Parliament should have authority to amend the Constitution by using

95% majority, but the public should be involved in amending the Executive citizenship, and land, through a national referendum which will be conducted by a Constitutional Commission.

Citizenship: A person born in Kenya and having both parents as Kenyans by birth should be regarded as an automatic citizen. Spouses of Kenya children should not have automatic citizenship to deter commercial marriages and exploitation. The Constitution should not allow dual citizenship as this will give the rich or the able to travel persons undue advantage over the others and would contravene the Constitution. It would also create citizens with multiple loyalty to those other states and hence erode patriotism.

Defence and national security: The disciplinary forces should be established by the Constitution with the President as the Commander-in-Chief, but lacking powers to declare war. Declaration of war should lie with Parliament. Extra-ordinary powers should be used in times of war, and national disasters, and Parliament should also have that authority to invoke those orders.

Political parties: Political parties should not be limited by the Constitution to enhance democracy. They should be left to fade and finally wide up on their own. They should also be financed from the Consolidated Fund based on their strength in Parliament.

Structures and systems of government: We should retain a Presidential system of government, the Commissioner of Police, Attorney General, Chief Justice, Permanent Secretary, Parastatals head, Governor of the Central Bank of Kenya, Provincial Commissioners and DCs among others should be vetted by Parliament. We should have a system of both multi party system in the Legislature and the Executive.

The Executive: The Constitution should fix the Presidential tenure to a two term of five year each and the removal of the President in case of wrong doing while in office should be by impeachment by Parliament.

The Judiciary: The Constitution should establish a Supreme and a Constitutional Court, members of the Judiciary should apply to a body which will then recommend them for appointment which will be vetted by Parliament to ensure that the members of the Judiciary serve the interest of the nation and not the President. Each and every citizen who earns less than a dollar should have a lawyer, whose fees should be paid by the state.

Local Government: Mayor and council chairman should be elected by the councillors under supervision of the Electoral Commission. The DCs should not be members of any local authority. Local authorities should be independent of the Central Government, with government providing the auditing facilities. Nomination of councillors should be done by the respective parties on the recommendation of the members of Parliament of those very particular parties basing it on the strength in their

local authorities.

The Electoral system and process: The electoral system of one man one vote, should be retained. A simple majority should decide the winner of a Parliamentary and civic election. Transparent ballot boxes should be used in the Presidential, Parliamentary and civic elections. Ballot papers should bear the name of the respective constituencies or wards. A winning Presidential candidate should have 51% of the total votes cast. If none of the candidate is able to attain that number, there should be a re-run of the leading and the No. 2 contender. Each constituency should have an equal number of constituents. If due to geographical constraints it is not possible, the least number of votes cast and having a member of Parliament should be taken as a cut line whereby the other constituencies would nominate members to equalize. So that we can evade a situation where the DP has three members of Parliament with Mwai Kibaki having 1.8 million votes and Arap Moi has over a hundred and ten MPs with 2.4 million votes. The Electoral Commissioners should be elected by the parties with the MPs in the House. The members for the Electoral Commission should retire after a general election, leaving a secretariat only to be nominated if there is any by election or two years before a general election.

Basic Rights: The government should have the responsibility of ensuring that all the basic rights are taken care of. Education should be free up to university level. All information in possession of the state will be subject to public access on request. Workers including Civil Servants, should have a right to join trade unions. The right of the vulnerable groups: The Constitution should take care of human rights to jointly own property with their husbands. Affirmative Action, would contravene a Constitution that guarantees equal opportunities to all people irrespective of their sex. It would also be against woman resolution in the Beijing conference on equity. It would make them appear as second class citizens and actually might end to discriminate men, boys and girls who might in the long run demand their own Affirmative Action.

Please summarize

Okay. Non-citizens should not acquire land and if they should acquire for commercial purposes or development, it should be at the recommendation of a Parliamentary committee. The President should not give out land as he wish. Let me summarize.

On the succession: After the dissolution of Parliament, the President ceases to be a member of Parliament and hence during the elections the Executive power should lie with the Speaker of the National Assembly, the Chief Justice and the Attorney General.

And finally, this should be compulsory, if ...after attaining 18 years of age, should be provided with a copy of the Constitution of Kenya by the government. Thank you

Pastor: Thank you Mwangi toa makaratasi yako, na weka sahihi. Now, I would call upon Rev. Moses Kinuthia, to present.

Rev Moses Kunuthia: Asante. My names are Moses Kinuthia the parish minister of PCEA –Chania.

On Parliament and the Constitutional amendment, I propose that the public should be allowed to have a say. And where possible a referendum should be held before the amendment of certain parts of the Constitution.

About representation: The constituency boundaries should be reviewed from time to time and should be based on population thus ensuring equitable and fair representation of people in Parliament.

The President: He should be elected by at least 50% of the total vote, as opposed to the present 25% in the five provinces. Provision should be made in the Constitution so as to remove the President from the office in case of gross misconduct, that impeachment should be put in place. He should not be a member of Parliament and the present two year term of five years each should be maintained. On the relationship with Parliament. He should not have powers to prolong and to sermon Parliament at will but rather Parliament should be allowed to have its own calendar.

On the Electoral process: The direct nomination of President and MPs, Mayors and civic leaders should be put in place. Counting of votes should be done at the polling station. **On defection:** Those who defect should not be allowed to contest in the subsequent by-election. They should pay the cost of that by-election since they are not defecting for the goodwill of Kenyans but for their own stomach. So they should pay for the cost of that by-election. The Electoral Commission should also have the power to cancel elections results in case of irregularities such as bribery, or violence during polling day. The chairman of the Commission should be elected by the Commission, and this should be independent and should be allowed to do their work without any interference. The election date should be set in the Constitution.

On the Executive: Ministries should be limited to 15. The Office of the President should only deal with administration, and departments, such as HIV/AIDS prevention should be placed in the right ministry and that is the Ministry of Health. I wonder who is the doctor in charge of this department at the Office of the President. Provincial administration should be replaced with empowered local authorities, ie including the chiefs and the DOS and the DCS. We do not really understand their roles and they should be done away with so that our government should not waste their money on public servants who have nothing that they do today.

On agriculture: Farmers should be allowed to manage their activities, especially in the marketing of their produce, like coffee, tea sugar and which should also discourage importation of what we are producing in Kenya. Taxes should be lowered eg on fertilizers so as to reduce the cost of farm productions. Our public roads in our farming areas should be well maintained for easier making of farm produce not to have good roads they are not being used whereas in those in agricultural areas are not well catered for.

Let me pick on education: The implementation of Children’s Bill, should be put in place and, that is free, education for all. But on the issue of discipline. Let us remember that we have Godly role to discipline our children. So when you talk about caning maybe you stop canning yours but mine should not be stopped canning. Because it is a Biblical role that we have that keep the rod away and you spoil the child. So let us not implement foreign policies that cannot really work in Kenya. Presidential directives on matters of education, without considering policy should be stopped. For example when we say, the policy say that people pay for the education and the education directives say they should not pay. Who is he in matters of education? We should follow the policy rather than the individual. They should not even be Chancellors of public universities in any case they are not even qualified for that responsibility. And I am not advocating for university degree holders to be President. So it should not be Chancellors of that public universities. On freedom of worship, let the Constitution be clear and state the limit. Underground movements, should be discouraged. Before registration of religious movements or churches, we should put in place the theological panel to look into what that movement is all about before it is registered and certain movements like the Mungiki and the rest of them should be discouraged and our Constitution should be very clear and that is on the worship of God and God alone. And then we need to define who is really God to allow people on this area. Finally I would like to urge the Commission that we need a new Constitution in place, before the coming elections and we would request that may be you people pull up your socks work extra hard, serve the Kenyans and let us have a Constitution before the end of this year. We know that yes you have good salaries, but we can pay you for other services out there, but for the Constitution, let it be in place before the general election this year. Thank you.

Prof: Mr. Mwangi I hope you know that elections do not have to be held this year.

Mwangi: Yes I know, but when you were put in office, the Commissions, your duty was to give us a new Constitution by October 4th.

Prof: That’s okay, I just want to make sure that you do understand that elections can be held anytime upto April next year as a matter of law. But we take your point. Now I just want again, that you understand the difference between a Chancellor and a Vice Chancellor. The Chancellor is the ceremonial head of the university. The vice Chancellor is the manager of the university. Why shouldn’t a President be a ceremonial head of the university.

Mwangi: He should not be the ceremonial head of that university because we don’t really see the reason why he should be there. Secondly, as the Chancellor he also has the powers, some powers over that university and that is why we can see him interfering with the public universities because he is the Chancellor. So, let us have qualified people to lead our universities.

Pastor: And let me make this clear again to you, Ref Moses Kinuthia, is that the Commission is working very, very hard, is working very, very hard. You have to be at our collidors you have be throughout Kenya and see the kind of terrain we are

working with, and how much time we sleep. How much time we are on the road running here and there, then you would understand the Commission is not dragging its feet, and besides, read also their Act of Parliament (3 A) We are doing our work in a very systematic way. If there is something wrong, is wrong some place else. Next,

Rev: Thank you very much even for listening and we congratulate you. We are praying for you we don't want you to fight.

Pastor: And we are not fighting anybody and let me ask you, I should also want you to know, we are not making a Constitution for you alone. We are making a Constitution for us all. It is not your Constitution, it is not my Constitution, but it is ours. Therefore, lets work together and let's make a way to understand one another. Next, is Rev Gilbert Gathuria and if you can be brief, because of time and when I see so many people like this, I want each one of them to get time to say something. Therefore,. When you have a memorandum, just give us a highlight of your memo and submit your memorandum as such. Thank you.

Rev. Gaturia: I am Rev. Gilbert Gathura and I am an Anglican priest, and here are my suggestions:-

Any person in for Presidential seat, should be a citizen born in this country and his grandparents were also born here

Presidential candidates should appoint those they intend to be their vice so that they can also be voted for by the public.

Election of the President and the Vice, should be done after Parliamentary, civic elections

There should be an independent committee to evaluate and excess financial need of the country and monitor money borrowed from international monetary institutions

There should be a committee that will be evaluating the Presidential appointees to public offices.

The administration positions, that is the position of the PC,the DC the DOS the chief and the assistant chiefs should come from the locality they intend to administer

The local authority should be exposed to manage their own resources

The community should be allowed to participate in the management of forests in their localities

Land policy should ensure equal distribution of land use, size per an individual and general utilization of public resources.

Judiciary to be independent in order to ensure a just society

Last and not the least , is that anyone who has failed to manage his or her family should not be allowed to manage Kenyan families. Thank you

Pastor: Thank you so much. Thank you so much, now, ladies and gentlemen, we are going to break for a few minutes then we resume after about half an hour. But before we break, I would like to introduce to you the one in his home, we are in his constituency Hon. Kariuki Muiruri, whom we had been told earlier that he was caught up somewhere with some other things and that he would join us later. He has joined us. He has been listening, but before we go may be he has a word to say, or even greet us. Bwana muheshimiwa.

Hon. Muiruri: Thank you Prof. Thank you Pastor Zablon Ayonga and Prof. Okoth-Ogendo. Mine is to welcome you to Gatundu North. And I know you will be here for two days, and I intend to be with you all the way through except just a little part of this afternoon where I have to attend a burial somewhere. We will be together with you tomorrow. You must have noticed something here, that the people of Gatundu North are far too intelligent. That is something you must have noticed that their contributions are the best. Because I have been watching the media, the KTN, the Nation and have had the opportunity to listen to quite a number of contributions from other constituencies and I have no doubt that I represent some very, very intelligent people. The only thing I would request you to consider, because by the end of it all this matters will come to Parliament, and I don't want to be seen to jump over the gun and take over your responsibilities is that, please consider the question of the natural resources, especially in our constituency. Because we have our forest, Kieni forest, which is the source of all the rivers in this area and especially river Chania which feed Nairobi with water. People in Nairobi including myself, and very many people we pay billions and billions of shillings. To the city council of Nairobi and they use our own water and they don't pay us anything. Consider that in your contributions because whatever the case is , something belongs to somebody. The resources of a country are very, very important. Consider when you go to Athi River to get the sand you got to pay for it. When you go to Mara Sarova, you got to pay the entrance fee and so forth. And that money generates back to that area. But here, you find river Chania the city council spends a lot of money. People pay a lot of money, or we don't get that water. So, consider those resources. Also consider that we and some other communities in this country, the current Constitution does not favour us at all. We are terribly disadvantaged by this Constitution. Why I am saying that is because like Nairobi there are about three million people and they are only 8 members of Parliament. Only 8. In our own community of Central Province you find every constituency has got more than 40,000 people. But in other areas like the North Eastern and so forth, you find constituency has only got 7,000 registered votes. So, the representation is not fair. Please remember to recommend that every constituency in this country must have over 40,000 voters so as to create a level playing ground in Parliament. I will be able to be talking with you individually as we go on, because I have so many points I would like to Raise up with you, but since I came late I don't whether some of them have been Raised. I am going to stop there and thank you all, I thank you all. Because of your contributions. I also want to thank the Commissioners once again and urge them that we need them to finish this

Constitution as quickly as possible, because we are disadvantaged. If we are to go for the election, another general election with the current Constitution, we will be disadvantaged again. And somebody has said it earlier I think it is Muteti who said it. So, I urge you sincerely just as one of us has said that we do not want to see you quarrelling. We do not want to see you in the media exchanging nasty words, against your chairman, and against yourselves. We want you to work as a team because the moment you start arguing then the people of Kenya will lose confidence in yourself. So this mudslinging in the paper that must stop. And work together. We have a lot of respect for the chairman, Prof. Ghai. Yash Pal Ghai and I met him in Parliament the other day and I told him look Prof. Yash Pal Ghai, Do you know the meaning of Ghai in Kikuyu? He said no, I told him Ghai means God. And we are dependent on God's guidance for you to finish this Constitution as quickly as possible. Personally I do not want to be given even one extra day, I want my term, the five year old term that I was given by these people, I don't want an extra day myself. Not me. And I don't want to be tied up in the Constitution. So, finish up the Constitution as quickly as possible. Bring it to all other levels and we get it as quickly as possible. But for heavens sake , stop quarrelling amongst yourself. Kana mutionaga makinegenania? Nimuonaga oguo kinya makirumana. The act of exchanging letters between yourselves like Muigai writing a letter to Yash Pal Ghai, and Yash Pal Ghai writing a letter to Muigai and they were supposed to sit down together and sort out matters yet they are exchanging letters. This is not healthy and go and tell them the people of Gatundu North have said that they work together because we want this Constitution to be done as quickly as possible. Before I finish, the Constitution we have in Kenya now, if I am not wrong it was written within a very, very short time in Lancaster House. And the man who was behind it all was a man called Marshal. Who ended up being a Supreme High Court Judge in the United States of America and he died the other day about 2,3,4,5 years back. He was brought over by the late Tom Mboya and he wrote that Constitution himself. It has served us well so, we do not, we do not know why you yourselves with all the brains that you have, Prof.,prof., Prof. you are all professors anyway. So, make use of this and write it. We all know what actually is required in Kenya in this matters of Constitution. Make it quick so that we can go for an election. You have heard these people talk about many things about the qualities of the President and so forth. Part of it is because of what has happened in the past. When they say they want somebody to be married, is because Moi has not been married for a long time after divorcing his wife. And the way things have run here and there, because when somebody has got a family at home, in the morning as you talk with your wife where you are going and so forth, you see your children are around and then you see your wife, by the time you go you come back home and this is why the running of the way they and so forth and mendling and interfering and every sphere of departments and so forth, this is what has actually,.... If this man was married, mundu wina mutumia-ri githi muka ...riu if you are not married I believe prof you are married aren't you? Thank you very much Asante sana thank you.

Pastor: Now, let me repeat. Thank you. Let me repeat that we are going to break and we come back after 30 minutes. Thank you for this morning session. It has been wonderful. You have done a good job and we will do the same in the afternoon. God bless.

Pastor Ayonga: Kiratu wa Mathu, Patrick Muchai, kuja mpaka hapa mbele. Kuja mpaka hapa mbele. Sema jina lako,

Patrick Muchai Karogo: Patrick Muchai Karogo.

Pastor Ayonga: Haya endelea, wee endelea kusema tu...

Karogo: Mimi, mimi yangu, yangu maoni yangu ni kwa Ma-chief na Ma-sub-chief, wawe wakichaguliwa na raiya sababu wakati wanachaguliwa na raiya, watatumikia raiya vizuri. Lakini wale wakiwa wameandikwa sasa watasema kazi ni kwandikwa wameandikwa lakini akichaguliwa na raiya tukiona ni mbaya, tutamfuta. Tuandike mwingine.

Hiyo ingine, ni kwa pesa hii inakopwa nje na serikali. Iwe ikitumiwa na chama chote. Sababu sasa ikitumiwa na serikali ile iko wakati huo sasa itakuwa pesa hiyo ni ya serikali hiyo na itatumia vile inataka. Kwa hivyo iwe ikitumiwa na chama chote. Hiyo ingine, ni Rais asiwe ndio mkuu wa majeshi sababu akiwa mkuu wa majeshi anatumia majeshi kama ngao yake yakupiga watu. Kwa hivyo mimi kwa maoni yangu naona, kama ni mkuu wa majeshi, awe kado, na Rais awe kado. Hiyo ndio maoni yangu.

Pastor Ayonga: Asante sana, asante sana, enda huko pia uandike jina. Richard Kibuba, Richard Kibuba, Samwel Muriithi, Samwel Muriithi. Haya ndiye huyo, wee ndiye Samwel Muriithi?

Samwel Muriithi: Ndio.

Pastor: Endelea

Muriithi: Mimi sikua nimeandika memorandum yangu, lakini mimi yangu ni moja tu, serikali hii vile iko leo inachagua Commission kwa sababu ya kasi hii na hii. Na haitoi repoti hii Commission imeona namna gani. Tungetaka nyinyi ambao mnaitengeneza iwe kama kuna Commission inachaguliwa na serikali au ni President ireportiwe wananchi.

Pastor: Asante sana mzee. Zablon Nyaga, Zablon Nyaga, Dominic Kamau, Dominic Kamau, Dominic Kamau, Amos Gatondo, Amos Gatondo, hiyo ni memorandum?

Gatoto: Ni memorandum

Pastor: Kama una memorandum nataka utupe kwa kifupi yale maneno makubwa makubwa, ambayo yako kwa memorandum kwa maana sasa nampa kila mtu ndakika mbili mbili

Gatoto: Haya, Sasa mimi naitwa Amos Karanja Gatoto na ninasoma juu ya memorandum ya Kenya Association of Retired Officers. Mimi ndiye chairman wa Kamwangi Branch. Maoni ya the Presidential election should be held together with that of

Mayors and council chairman separately from the Parliament and councils election. The President should be a married man unless death occurs. He should be an able man that is not above 65 years. A President should not belong to any party and should go to Parliament for opening of ceremony only. There should be a Prime Minister who should see the day to day duties of the government is carried out. Cabinet should be chosen from the civil society, by the President and vetted by the Parliament. In case of the President death or sickness, the prime minister should act for 90 days within then, Presidential election is held. The President should not be above the law, so, his office and presently can be discussed by the Parliament.

Constitutional offices must enjoy right of tenure. Attorney General like ministers should not be a Parliamentarian. The Parliament should have a fixed timetable. The Judiciary Commission which should be chosen by the President and separated by the Parliament should appoint High Court Judges. The distribution Commission should be composed of knowledgeable officers. Kenyan citizens should move freely anywhere in Kenya.

Freedom of speech and religion should be unlimited as well as that of assembly. No one should have dual citizenship.

Parliament should not remunerate itself. A referendum should be carried out to decide its remuneration.

The Parliament should lie under the PSC and therefore, the recently formed Parliamentary Commission should be abolished. No one should be pensionable, if he was not pensionable right from employment and has worked for not less than 25 years. The appointment of head of police force should be by the PSC. The PSC should appoint permanent secretaries. Pensions should be incremental and should have no obligations once one is considered a pensioner, should be let free to earn, use and urgently and promptly paid his money. Pensioners should enjoy the right of tenure. No one in Kenya should own more than 100 hectares of land. The surplus mass of land should be shared to landless and owners compensated. The government should through the minister of agriculture should pay some of the input to enhance agriculture. Forest land should remain intact. The grabbed land should go back to the owner, or to the public. The ground land should remain intact unless a referendum of local people is held decides otherwise on the land. Taxes on land should be minimized.

Primary education should be free and compulsory. All primary school learning should be channeled through public schools. The number of teachers training colleges should be reduced to minimize expenditure and produce labour force that can be observed. The security should be distributed to every one at all times. A bill should be established to check on nepotism, tribalism and such evils at working places. All Commissions should produce their reports and these reports be made public immediately.

Pastor: Will you please summarize?

I only have about two points. All parastatal heads who milk dry their institutions should be made to pay the principle they

started with. Registration of new religious groups should be restrained. Political parties that are dormant should be erased and registration of new ones restrained. The ruling party that lowers per capital should immediately resign to avoid creating sufferings for its subjects. The posts of DC, DO and chief should be abolished for they do not deliver their services. All the benefits enjoyed by the pensioners should be enjoyed by his wife, until death. A pensioner should enjoy all the benefits he used to earn, House allowance, medical allowances, etc

Pastor: Thank you thank you, if you could give your memorandum and then sign. Next is Peter Makara, Peter Makara, Stanley Mwangi, Stanley Mwangi. Give us just the highlight of your memorandum

Stanley Mwangi: Thank you, mine is on the Electoral system and process, I feel that the President being a unifying personality of the country at large. The mode of election of whoever occupies this important office, should be utmost concerned in the Constitutional making. This is why I strongly believe that universal suffrage should reign here. The President should attain at least 50% of the votes cast in the general election, without considering 25% representation in at least 5 provinces. Where no one attains 50%, there should be a run off between the first two candidates. In the general elections whereas some people may argue for the 25% representation in at least 5 provinces, I dispute this due to the following reason. It makes some citizens have more votes than others. How? consider a province like Central Province with a population of above 5 million people, and another one like North Eastern Province with roughly 2 million people. If we consider 25% of 5 million people, this is about 1.25 million people. On the other hand, 25% of North Eastern will be about 0.5 million people. The above arithmetic means that the say of 0.5 million people in North Eastern, equals the say of 1.25 million people in Central Province. If you take 1.25 divide by 0.25 it equals about 2.5 rounding off, it is about 3. This can be interpreted on the ground to mean that North Eastern people have three votes compared to those of Central Province with one vote. This question then is a problem. And would actually make a point of requesting that we make a point of having 60% universal suffrage of those people who make up to the Presidency. Now, these same disparity or unfairness is also extended to Parliamentary representations. Without stating figures, it is common knowledge that some constituencies have far many more people than others. Take the example of Nairobi which has 3 million people. It is represented by only 8 MPs that means that an average of a Nairobi member of Parliament, represents 300 and 75,000 people. If we want to take a case like Taita Taveta district with about 250 people, with 4 MPs, each MP on average represents 65,500 people. Surely on our Constitution, should have ways and means to regulate these unfair disparities so that the people of Kenya in general should feel properly represented.

Pastor: Summarize

The other point I have here is that we have Affirmative Action. We have some groups which are disadvantaged like women, and I strongly believe that these people should be given some reserve seats in Parliament. With the case of 2002 elections, there has been accusation of rigging, and especially when the ballot boxes are being transported from one end to the other. To avoid this, the vote counting should be done in the station or the centre where they are cast. Then on basic rights, we know that we

have issues like in the constitution, whereby the Constitution of Kenya guarantees people the right of life. But it further contradicts itself by involving in what we have the death penalty. Surely death penalty by itself is not to be in this Constitution of Kenya, simply because it encourages killing of other people. For example, a robber who happens to fear being identified there after will be tempted to kill the person who has actually or he thinks that he may identify him.

Pastor: Please your time is over

Thank you

Pastor: Thank you so much for your contribution, could you please sign in. George Nganga, George Nganga, Peter Njoroge. Peter Njoroge, Peter Njoroge had a memorandum, yes it is. Thank you, Thank you, sign on his behalf. No no no it is informally, it's George Gicheru Njoroge. Hapana mimi nasema Peter Gicheru Njoroge.

Speaker: Hapo mbeleni.

Pastor: I have just found that name, that's the name we have submitted the memorandum on behalf of Peter Gicheru Njoroge. Isn't it? That's all. Next, atakuwa Rev. Davis Dickson Mukange, Mukonge. Okey, mwingine ni, I think it can be Evangelist Stephen Nyaga au Nyagia. Is there such a name? Halafu Anthony Kamau, Anthony Kamau.

Kamau: Yes sir

Pastor: Una dakika mbili tu kwa hiyo tafadhali make your speech brief.

Kamau: Mimi ningetaka kuzungumza mambo ya shule. Sababu sasa katika nursery, ni shilingi mia moja, elfu nne kuingia kwa darasa. Na sasa hizi shule zamani tulikuwa tunasoma bure, na vitabu za bure, hata chokaa ya bure. Sasa imezindi kutoka wakati Rais Moi aliingia mambo yote imekakuja imezoroteka. Kwa hivyo hapo tunaomba serikali irekebishe hayo mambo yote kuhusu shule.

Mambo ingine ni katika hali ya askali. Ngari za serikali zinatakiwa kuwa na insurance kwa sababu ikianguka, inasemekana umepotesha kifungo yako. Ni hayo tu.

Asante: Next ni Joseph Sijui ni Njue au ni Njere.

Voice: Joseph A.N. Njue

Pastor: Yes correct. Ufanye dakika mbili na be brief, to the point.

I will do that. Mine is from the Executive of the Presidency. I would like to see that the age between 35 and 70 years, so that we can avoid somebody becoming senile and being used by other people.

He should be under the law and vetted by the Parliament, and should be voted out by 65%.

The Judiciary, should be independent from the other arms of government, and the appointment should be done by the LSK, who recommends to the Parliament about who should be the AG of the CJ.

The Parliament in Kenya should be the supreme organ of the running of the country and all arms of the government must be answerable to Parliament.

On provincial administration: Assistant chief and chiefs must be elected by the people if they are to be there. They should be elected from the sub-locational and locational levels respectively. Their level of education should be higher or from O level and they should be of high moral standards. They should know, or have a minimum of basic military skills. The DOs and the DCs should be appointed on merit and answerable to the Judiciary, and not the Office of the President. The office of the PC and the PS in this areas should be abolished.

Agriculture: All agricultural products should have a financial institute from which the farmers will borrow at reasonable interest rates. They should be farmers oriented, and the proceeding for the farmers must first come to the farmers organizations before any kind of deductions is made. The import, export account run by the government should be abolished because this is exploitative to the people.

On the education: Right to education alone is not a factor to education requirement. We should have a right of choice in accordance to the capabilities, right from the basic education skills. In other words one's gift should be identified and encouraged and exploited to the full for the sake of this nation. Our education syllabus, must be relevant to the whims of this nation. Why should a child run about the prairies of Canada, the steppes and the like etc and has no time from where irrigations scheme or the Kano plains or the other plains.

Land Tenure: Land is our heritage and should be acquired lawfully anywhere in Kenya. Nobody should be allowed to sell all the land he possesses. That is, he should leave a minimum of 2 acres, whether there is consent from his family or not, he cannot sell those two acres. Whether from the nuclear family or the extended family. Nobody should own more than 50 acres of land in one district. This, anything beyond should be redistributed to the landless. No part of Kenya should be left without title deeds for the citizens. It is wrong to have parts of Kenya, without title deeds

Natural Resources: Our natural resources should benefit the people of this land under all circumstances. The proceedings should be ploughed back to assist even assist the exploiting the unexploited for further gain. Kenyas water resources leaves a lot to be desired in terms of exploitation, yet only one third of Kenya is productive. The rest demand full use irrigation water. What does a Kamba want? Water or food aid?

Basic rights : There should be no chaining of suspects unless they are violent or they are of unsound mind. The right of worship has enshrined in our Constitution has been abused and so laws should be enforced on the work, worship of Almighty God. And *satanism* should be banned to avoid our nation becoming satanic. This will protect the youth who are beginning to be vulnerable. A woman married to a man should automatically acquire powers of Attorney without necessarily going to swear an affidavit in court. This should follow same for the children in case she dies. Federal government, that is majimbo in case there has to be one, the jimbo should have not only economic and political autonomy but should also be granted military autonomy. If this is unattainable due to far flung ethnic diversity, then let us discard it owing to the living examples of former Yugoslavia, at USSR. Thank you

Pastor: Thank you and sign. Next, is Michael Thuo, Stephen Kamau, Stephen Kaamu, Gladys Githigia, Gladys Githigia, Stephen K. Kamau, Paul Njoroge, Chairman wa 3 Cs yuko wapi? Hapana hayuko nje kidogo, hayuko tutumie ile lugha iko, kama mtu hayuko si hayuko? Sawa? Halafu Patrick Kuria, ambaye anasimamia Catholic Men Associaton na wanawake, si watu wote ni watu. Okey endelea, tafadhali kama una memo fanya summary tu.

Patrick Mwaura Kuria: My name is Patrick Mwaura Kuria, and I am from Kamwangi men Catholic Association on Kenya Constitution Memorandum

We must retain our name Republic of Kenya

We must have the real democracy

The Kenya citizen should be the supreme body

No body should be above the Kenyan laws

All Kenyans governing bodies be independent. For example, Judiciary, Executive and Kenya parlilament.

Abolition of tribal identifiiction for example in the identification, there should not read Kikuyu, Kamba or Kalenjin.

The independence of the three arms of government must be there but, Parliament should be the supreme body where the

powers of the citizen belongs or is.

A person to be Head of State must be married with a sound mind, god fearing, wise, learned, hard working and not tribalistic, and with the age between 25 years and not exceeding 60 years. With clean legal record who should have qualified, having been voted in by 50% of the Kenyan registered voters.

The head of government must be elected by the winning party, approved by the Parliament having won not less than 2/3rds of votes cast by Parliament. He must also not be the chairman of any political body or party.

The structure of coalition government is recommendable and the ministers appointed by the strength of the political parties in Parliament

Qualifications of a member of Parliament, must start from O level and above even to Dr. or Professor.

To qualify to be Kenyan minister, one must apply to the Kenya Parliament whereby his activities can be known rather than being appointed for duties he does not know.

The powers of the Executives body, must be limited by the fact that nobody must be above the Kenya laws and

The Parliament powers must be supreme having a Parliament yearly calendar. For this time, we have been hearing the Parliament surjourned, the Parliamentbut we should have a yearly calendar

The independence and the impartiality of Judiciary, can only be guaranteed by being independent from any intervention by the Executives.

Free and fair elections can only be guaranteed by counting the votes on each voting station and only having no intervention from administrators and must there be no anoposed candidate to enter the Parliament.

The Electoral Commission must be appointed by the Parliament as well.

To protect the human right on individuals, the independence of the Judiciary must have powers until one is proved guilty. To secure the right fo Kenyan children, the Constitution must provide basic needs, for example, education to the child, food to the child, protection and health

The Constitution must provide equal employment and right care, for unmarried women

The Constitution guiding principles on better management of public finances must always be vetted in by priorities in the Parliament.

Pastor Ayonga: Please summarize

Kuria: Now, to summarize, I have only a few points. The constitution guiding principle on natural resources must be, care and reserve the current forest and national parks and distribute the land back to the landless. To guarantee the independence, efficient and competent civil service, the Constitution must remove the office of the chief, that of the DO and the PC and remain with headmen, the wazees DC and this post must be elective.

Local authorities: On local authority, the office of the local chairman, must be elected by the people as well as that of the mayors. Both local clerk and town clerk be elected by councillors by votes of 2 thirds. About the revenues 2 thirds of the revenues must remain in the local authorities. For unitary government, no majimboism, government must be, but a true one unitary government is needed in the Republic of Kenya

Pastor Ayonga: Thank you, thank you,

Kuria: About education: quarter systems should not take place for right of young people, the Constitution should provide equal employment by merit, primary education must be free from any other disturbances even reviews of the DCs must be removed.

Thank you very much

Pastor Ayonga: Thank you, submit yourokey Next is Peter Muriithi, Peter Muriithi, na uweke kidole.

Let me remind you ladies and gentlemen, we have to manage our time, and the only way, we can manage our time is obedience in that you should consider your other fellow man or woman who wants also to say something, that you should spend that time that you were given so that you leave for the other person. Now, when you take the time that is supposed to be for three people, you are denying three people their right. And so when I tell you your time is out, please obey so that we can give the next person who is as good as yourself, or maybe even better, also to have a chance to say something. All memorandums, we are going to read them. So, just give us a highlight, don't read it to us because our brains are so small that they cannot accommodate all that. Do we agree. Please, let us co-operate. Next person is Peter Nganga, Peter Nganga has a memorandum. Are you Peter Nganga? Please come. Peter, give it a name. Give us just your highlight of your memorandum.

Go ahead

Peter Nganga Kibui: My name is Peter Nganga Kibui. I am going to talk about persons with disabilities. They are the most discriminated persons in this country. The only time you note them is when somebody falls in the public or when one falls from a vehicle. That's when people just watch them without helping. My views are these, that the disabled person should be considered in this way. When building and constructing the House, there should be an extra veranda for the disabled person instead of stairs so that he can access to every building in Kenya. There are jobs which should be left to the disabled. Eg. Telephone operators, bank managers, accountants, etc. Jobs which need somebody who sits down. There should be installed telephone booths meant for disabled persons countrywide. Free education for disabled persons and also if the disabled persons is responsible, treat all her offsprings the government should implement a way of helping them with business for them to earn their daily bread. Those who come from poor families should be accommodated with land if possible. The parents of the disabled persons are the most ignorant parents I know, and they should be taken to court because of ignorance or negligence.

Last but not least, disabled persons should be treated like other normal human beings. His/her rights should be taken into consideration and that they can contest any seat from presidency to that of civil. Because in politics we usually need mouth work in most cases, so why not the disabled.

Pastor: Thank you, Thank you. Now, next is Henry Kungu, Henry Kungu, Paul Karugu, Paul Karugu are you Paul? Peter Mugo, and Joseph, jina imeandikwa vigumu, Peter Mugo, Samwel Ndungu, Samwel Ndungu, Peter Kom, Who are you gentlemen? Ndungu, okey go ahead. Ndakika mbili tu.

Samwel Ndungu: I am Samwel Ndungu. In the case of citizenship, dual citizenships should be allowed for the benefit of those willing to migrate to other countries to seek employment. Identification cards should be abolished and replaced with passports. A valid driving licence should be acceptable as an identification document. In case of defence and national security, Parliament should have a role to play in effecting emergency powers. It should not be left only as a prerogative of the Executive to declare an emergency.

Parliament should pass emergency orders with 65% majority. In case of political parties, they should be funded for a public funds and should publish their account annually, for public scrutiny during the public accounts committee of the Parliament. The number of political parties should be limited to 3 to allow formation of a coalition government where a clear majority is not attained during an election. Structures and systems of the government.

He should adopt Parliamentary system of government in which the Prime Minister is appointed for the majority party in the Parliament and the President to remain ceremonial. Prime Minister to be electorate and takes care of the running of the government business and all other aspects of the public interest. The President also should be answerable to the electorate, retain the prerogative of the public appointment but with approval of the Parliament.

Commander-in-Chief of the Armed Forces and national security. Abolition of provincial administration and empowerment of local authorities to run their respective areas as autonomous units but answerable to the Central Government.

The Legislature: Appointment to be vetted by the Parliament. This should include Attorney General, Director of Public Prosecution, Chief Justice, Registrar of High Court, all Judges of High Court and Court of Appeal, Head of Public Service and Permanent Secretaries, directors of government departments, Auditor and Controller General, controller of State Houses and lodges, Chief of General Staff, service commander, chairman and Commissioners, of independent Commission eg. PSC, Electoral Commission of Kenya, Judicial Service Commission, TSC, Chairmen and managing directors of state parastatals, ambassadors to foreign countries, vice Chancellors of public universities.

Then in case of Parliamentary seat, being a member of Parliament should be a full time occupation and should not be a part time job.

They should be paid out of public funds and they should earn their salaries to the last cent. All members of Parliament should be at least diploma or degree and they should eliminate the requirement of language test. Parliamentary candidate should have high moral and ethical qualification. They should not in any way be tainted with corruption or any malpractices in public life.

They should preferably be married and leading a normal family life. Electoral rate should have a right to recall their MPs and councillors when they feel that they are not performing their duties as expected. In such cases, constituency referendums are called, should be called by independent Electoral Commission, and if he disagrees, the Electoral Commission will declare the seat vacant and call for a by-election. At least one third of the MPs should be women. Political parties should be encouraged to nominate more women as their candidates. Coalition government should be permitted. A two chamber Parliament should be introduced in senate being composed of other representatives from each district. The senate becomes the higher authority than the Lower House and these eliminate any excesses. In case of basic rights, the death penalty should be abolished and replaced by life imprisonment.

Provision of security, health care, water, education, shelter and food, employment as a basic right for all Kenyans. Constitution is to provide for free and compulsory primary education up to standard 8. Trade union representation for workers to be guaranteed. Constitution to guarantee employment for all graduates from tertiary colleges and universities. The government uses a lot of public funds to train these people and should in turn use their expertise to develop their otherland. Thank you.

Pastor: Thank you so much. Thank you, Peter Komu, Komu, S.W. Kinanjui, S.W. Kinanjui, S.W. Kinanjui, alikuwa na memorandum, Gabriel G. W. Titi, alikuwa na memorandum, Peter Karega, Peter Karega, Michael Mwaura, Michael Mwaura, Michael Mwaura, Joseph Mwangi, Joseph Mwangi, Sijui ni councillor J.N it's a title and initials. S.M Kagwima, N.G. Mwiruri, Wandui Mbugua, Wandui Mbugua, Michael Ngarari, Michael Ngarari. Anna Wangari Mungai, Anna Wangari Mungai, ana

memorandum? Samwel Kariuki, you have a special memo.

S. Kariuki: I got two special memos and , I think I will be very brief.

Pastor:You have two minutes, so, see how you can manage your two minutes please.

Samwel Nganga Kariuki: I am Samwel Nganga Kariuki from Kamwangi and I am the chairman of small scale coffee farmers, Thika District. My views are based on the coffee industry. These are natural resources. Coffee being one of our country revered agricultural commodity and the highest foreign exchange earner and being provider of 60% of the total government revenue, has been a death trap to the common producer, that is the farmer. The common coffee farmer has for many years been working through rain and sun, in all seasons of the year. But to his/her dismay nothing tangible comes on his/her own way. This trend has led this person to ignore our precious commodity leading to poor returns in the last five years. The common coffee farmer remains a laughing stock among other farmers due to poor remuneration and has never realized that this particular coffee industry is our countries live line. Time is now ripe for our constitution to address the predicament and uncertainty so as to instill confidence, Ownership and the farmer be a real player of our countries economic pride of this black gold. Although the previous enacted coffee act has been put in place, it failed to address the real province of the industry, and further tended to safe guard the interests of the government rather than the farmers as earlier anticipated. For the farmers to benefit with their labour and further increase their production in this particular industry, and for greater economic growth of our country, the following measures should take prominence:

Farmers co-operative societies be empowered to import various agricultural inputs such as fertilizers, and other chemical nutrients, suitable for the coffee crops and all taxes be waived that is, tax free. The government should delink itself completely from the industry and facilitate the liberalization law, take its full course

Farmers to be free to form the coffee marketing agency in conjunction with the KPCU, which is a farmer's property.

Coffee Board of Kenya facilities be converted to Coffee Marketing Agency and then directors elected by the farmers, and they are answerable to them, at all times.

Farmers be allowed to create a coffee planning and development body with the mandate to carrying out the following tasks.

Tarmacing of road network. Marraming of feeder roads of all coffee growing areas.

Provision of electricity to all members homes and other established coffee factories.

Improvement of all existing infrastructure such as schools, nurseries for the general welfare of the farmers.

Be mandated to solicit for funds from willing donors for coffee industry development giving loans to farmers.

Conducting workshops seminars and manpower trainings.

If the above will be taken care of, farmers will be encouraged to work harder and hence production in the country will Raise more foreign exchange and improve peoples welfare.

This is on defence and national security: Armed Forces. Chapter 199 of the laws of Kenya established the Armed Forces but it has been an enigma, to discuss matters concerning this vital defence organs. In a democratic country such as our country Kenya, people must know the organs of defence as they are the tax payers for their upkeep. Although the present Constitution provides for the establishment of the above, referred organs, the act should be repealed and enacted to conform with democratic ideals of our democratic country. The act tends to be Kenyan oriented but this proves opposite as it inherited the colonial legacy of slave and master. In fact the officers talk of the day is always ,“yes sir, yes sir, heollo,” and such things. There by show this priority to the soldiers referred as men in the books of our former matters. The park referred as officers and men should be removed and replaced by either the following: men of defence or officers of defence. And if possible, this superiority complex refered be completely erased from the act.

Fo the act to be accepted as of a truly democratic country, the review Commission should address a view of draw views.

The President or the Head of State should not be the Commander-in-Chief of the defense forces as this implies the chief of the general staff, they are allocated duties of administration as provision.

The recruitment of the Armed Forces should be delinked from political devide and quota system be abolished. Hence create equal chances to all qualified citizens.

Dismissal from the services without benefits is a colonial legacy as this results to abuse of human rights and personal freedoms as enshrined in our Constitution and other universal declarations hence fails to observe the end results of the individual or his/her dependants.

Yes please, I am just concluding sir. The defense council should be composed of both serving and retired officers. The composition will create a board and with non partican members who can exercise their duties with no bias and especially matters concerning retirement, of senior officers, promotions and remunerations.

The act should provide reserve list to avoid using young competent experienced officers and servicemen.

Compulsory National service for a maximum of 3 years should be enacted for all Kenyans. Once the above view will be taken care of, the Armed Forces will definitely become people's organ of defence and be ready to sacrifice their efforts for the forces upkeep. This will further instill the sense of belonging to the officers and service men, towards other citizens who are their brothers and sisters. That's all with my brief. Thank you very much.

Pastor Ayonga: Thank you very much, if you can submit your memo, and sign. Next, will be Pauline Wangui, Pauline Wangui you have a memo, she is nowhere to be seen. I go to David Mburu, David Mburu has a memo? Mburu is not there either. Christopher Kabuior Kabui, Christopher Kabu, Maina Njau, Maina Njau, ana memo, ni wewe Maina Njau? Okey take your seat. Give us briefly your memo,

Maina Njau: I am MainaNjau, and I am going to start on the liquor act. Due to the deaths emanating from the consumption of illicit brews, the powers of the liquor licensing board, should be transferred from the district Commissioners office to that of the local authority, and be headed by the area councillor comprising of selected elders from the same locality.

On natural resources, in an instance of discovery of a natural resource ,eg titanium, diamond etc, the revenue generation therefore should directly benefit the residents of the given locality subject to the relevant taxes. In addition, the revenues from existing natural resources e.g forest and water catchment areas, should also benefit the local people.

The appointed ministers should possess professional qualifications relevant to the ministries they head. Ministry which overrump or duplicate in their duties should merge and give room to the optimum ministries required.

The last one is on Parliamentarians. The members of Parliament should have offices located at the central area of their constituencies. And the expenses of the upkeep of such offices should be met by the government. The MP should be mandated to report to their respective constituencies offices, at least once per week. Thank you.

Pastor Ayonga: Thank you very much submit and sign. Next I have Maina Njau, Maina Njau, Patrick Karanja Nduru, Parick Karanja Nduru, Daniel Menga Kamau. You have a memo?

Kamau: Ninayo ya kusema

Pastor: Basi wee tuambie briefly juu ya memo yako halafu unaweza kuisabmit.

Kamau: Asante sana, mimi nina maoni tofauti kidogo kuhusu nchi yetu. Tunastahili kuwa na President mwenyewe, anayesimamia watu ambao ni wakulima katika nchini kuhusu cash crop tunapolima kahawa imestahili mtu awe akilipwa hapo hapo kama kahawa yake ikikubaliwa ni kwa ajili baina ya kukopa mkulima amekaa mwaka mzima, akangoja tena mwaka wa pili, atasoloteka kiasi siku hizi, pesa ni punguvu mno. Tunayo miti aina kama seed nut yaani, seed nut. Nazo tena mtu akipeleka katika kwa agent anastahili kulipwa pale pale ni kwa ajili yeye anategemea kwa wakulima anaajili kazini shamba na yeye mwenyewe binafsi na watu wake. Bali baina ya kukopwa na yule tajiri akawa na mwaka tofauti anangoja inatokea kusoroteka kwa nchi kwa ajiri yo kutegemea cash crop. Tuna watu wengine wanastahili kusimamiwa, ni kama vile tuna daktari, wangestahili bali na kutazama mapato kutoka kwa mgonjwa, serikali imestahili kuwa macho kuona kwamba, yule mgonjwa ni kama ngombe wake humpatia maziwa na kila kitu. Lakini haimpasi wakati ngombe ni mgonjwa tena kwenda mwingine anataka msaada kwake kama daktari asiojua kazi yake. Kwa hivyo nimeona tumestahili kuwa na President anachunguza mambo ya binadamu wa Kenya wanaotazama kilimo akiwa anajua kila upande itakuwa faida ya nchi yetu na kuwa na sheria ya kusimamia daktari aonekane anasimama na anatazama mshahara wake, badala ya kwenda kuachilia mgonjwa ovyo kwa ajiri ya kutamani kitu kutoka kwake. Na hiyo sheria iwe ikifuatwa na serikali thabiti.

Kuna mambo mengine yanayoweza kudhuru maisha yetu. Ni hii kwamba kama nchi yetu vile, tuna kahawa, machine ya kwenda kufanya kahawa ya kuuzwa ng'ambo, tuwe na machine hapa nchini, sio tu ile ya kutoa maganda. Na vile vile avacando kuwe na machineza kufanya mafuta na kadhalika ili tuweze kutuma ng'ambo vifaa vyetu kutoka hapa nchini diposa vijana wengi na umaskini umekuwepo tutapungukiwa nayo. Sina shaka kusema hakuna budi President awe ni mtu hakuingia kazi kwa ajili yake binafsi, ni kwa ajili yake faida yake na mioyo ya wananchi.

Kwa upande wa security, tumestahili kuona ati kwamba wale watu wanawekewa, wanawekewa amri ya kusimamia hao watu wanne, mkulima, daktari, mwalimu wote, ni watu wamesimamiwa na sheria, ili wawe watu wa kuharibu sheria bali ni watimize. Na yule msimamizi kama upande wa defense akiwa hajui kazi yake vile anapokea rushwa kutoka kwa anayekosewa, vile umepigwa ukiwa mzee na mtu mwenye nguvu, naye anakwenda kuanguka upande wa pesa, anawacha yeye amestahili kuondolewa hiyo kazi hapo papo. Baina ya kujua anastahili kufanya kazi kwa ajili ya faida yake binafsi. Na kwa ajili ya kwamba, kesho atakuwa nje ya kazi, je? Akinyag'anywa zile mali alitoa huko nje atafanya kitu gani kama asimamiwi na sheria. Nimetosha kwa hayo. Thank you for your listening.

Pastor Ayonga: Asante sana Mzee kwa maoni mazuri ambayo umetupa. Nina amini kila kitu kitachukuliwa kwa rekondi. Ladies and gentlemen, watu wa hapa Kawangi nataka kuwashukuru kwa niamba ya mwenzangu Prof. Okoth Ogendo, na mimi mwenyewe, tumekuwa na mkutano mzuri sana hapa. Mmetupa maoni yale ambayo ni very informative, maoni ambayo yamekomaa. Maoni ambayo yatatusaidia kwa kuweka katika constitution yetu. Maoni kama haya haya tumeyasikia pahali pengine, na pengine na pengine. Na kwa hivyo tunawaahidi ya kwamba hakuna jambo lenu litabaki. Kwa maana kila lililosemwa, liko katika ile mikanda. Mimi ninaweza sahau, Prof anaweza sahau kwa

