

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, GICHUGU
CONSTITUENCY, AT KIAMUTUGU CATHOLIC CHURCH,
GICHUGU.**

Thursday, APRIL 19TH 2002.

**CONSTITUENCY PUBLIC HEARINGS , GICHUGU CONSTITUENCY, HELD AT KIAMUTUGU CATHOLIC
CHURCH, ON 19TH APRIL 2002**

Present:

1. Com. Nancy Baraza
2. Com. Charles Maranga

Secretariat staff in attendance:

1. Maimuna Mwidau - Program officer
2. Charles Njenga - Assistant Program Officer
3. Vivian Muli - Verbatim Recorder
4. Eliud Kariuki - District Coordinator

The meeting was called to order at 10.00a.m.

Com. Maranga: So we want to call this meeting to order, and before that, we want to ask the Reverend concerned, to come and give us a word of prayer. And I am requesting everybody to stand.

District coordinator: Let everybody, wherever you are, to come in and we open our session with a prayer.

(Pause) Titus... Reverend Titus please come and ...(pause)

Reverend Titus: Can all those who are coming in please come in, so that we can all open the session with prayer. As we stand let us pray: In the name of God the Father the Son and the Holy Spirit, we come before you Lord almighty, that you may lead us in all the deliberations that we are going to make this day; We want to thank you for bringing us safely, and for bringing this session to the beginning. And we want to commit whatever we are going to do for the sake of our Nation today into your hands, that as we deliberate on issues pertaining to the Constitution that will lead this Nation of Kenya, Lord you may help each one of us, and help those who are presenting their memoranda; That Lord, whatever they say and whatever is said in those

papers....

(The rest of the prayer was not recorded).

Mr. Kanyua: ... on the National Youth movement. ... Yes!

But first of all;

- ◆ We should have a Constitution with a Preamble.
- ◆ We should have a Constitution with a provision for independent candidates who are not party-sponsored.

- ◆ Direct elections of mayors and county council chairmen.

- ◆ Review of the constituency borders so that we do not have MPs representing 2000 people, while others represent 200,000 people.

- ◆ Reduce the minimum age of a Presidential aspirant, to 30 years old to accommodate the youth.

(Pause)

Com Nancy Baraza: The old should be in what bracket?

Kanyua: Just after 55 years. Even for elected members of the Local Government and the MPs it should not be more than 55 years of age. If so, they should retire.

- ◆ Introduce land tax to idle land. And give the youth, in the bracket of 18 to 35 years, a right to own land. And limit the number of acreage that one person can own, to at least 20 acres.

- ◆ Create an office of the Ombudsman.

- ◆ Reduce the powers of the President, such that the President does not appoint the Judges, the Chief Justice and the Attorney General. They should be elected and appointed by the members of the Law society of Kenya, and others in that profession.

- ◆ Members of the electoral Commission of Kenya should include people from religious organizations, civil society, the disabled, the youth and the women.

- ◆ The President -apart from gaining 25% of votes from five provinces, - should also garner over 51% of the total number of votes nationally.
- ◆ Scrap the post of chief and sub- chief and instead reinstate the council of elders, to deal with land matters and other family matters.
- ◆ The dates of an election should be announced immediately after the election of the Speaker of the National Assembly; and it should be done by the Speaker of the National Assembly and not the President.
- ◆ Establish mobile courts; because some people cannot go to Kirinyaga for courts proceedings. So bring mobile courts nearer to the people.
- ◆ The Constitution should be readable by everybody, and should be in different languages. That is all local languages, including Kiswahili and English and Kirinyaga.
- ◆ Scrap the District Development Committees, such that when the money comes from a district, from the Local Government, the district committee, it is only the MPs who should be able to distribute the money.
- ◆ The Executive, that is the President, should attend all the Parliamentary sittings.
- ◆ The MPs should be able to access the National Budget three months prior to the presentation of the budget in Parliament.
- ◆ And also, - the last point, - it should have an Affirmative Action whereas women, the youth, people with disabilities and minority groups from North Eastern should be given a chance in Parliament and in the Government.

Thank you.

Com. Maranga: Thank you very, very much Kanyua, maybe I want to ask my colleague whether there are any points of clarification.

Com. Nancy Baraza: Yes. Just one. Mr. ... who? Did I get your name? Mr. Kanyua, you have talked of Affirmative Action. In leadership, in Parliament or where?

Kanyua: In Parliament, Local Government and all Government offices. Even in the P.S. and all those people, and all

Government offices.

Com. Maranga: Do you have a percentage of these groups in mind?

Kanyua: They should give the disabled and the people from North Eastern around 10%, the women 5% and the youth 5%.

Com. Maranga: Thank you very much. I have no question for you. You can register with National secretariat of the Commission and leave your memorandum there with us. I now want to call upon Mrs. Jane Wanjiru to come and present her memorandum, five minutes, summarize the main points only. Start with your name.

Jane Wanjiru: My name is Jane Wanjiru Ngugi, from Njokeini, representing Njokeini women's group. I will start with the Preamble; and I would say that the Constitution should have a Preamble of which we need to say, - 'we the people of Kenya,' - and then continue with what we want to say.

On the side of national vision, I would say, let us all be equal, and have equal treatment before the law. Let the law not be for some people or favor some people.

On citizenship, I would say we have the automatic citizenship on all children born of any Kenyan spouse. And then all children inside and, or outside Kenya born of a Kenyan citizen should also be a Kenyan citizen. Foreign children adopted by a Kenyan citizen, should automatically become Kenyan citizens.

The next thing I would mention is on defense of National security. The President should not be the Commander in Chief of the Armed Forces. The Constitution should permit the use of power in emergency disasters, where at least one third of the Parliamentarians should be involved, in effecting the orders.

Political Parties: registered Political Parties should include gender equality at all levels. Then they should also be free to advocate for human rights. They should also protect and manage the natural resources.

Presidential seat; Okay, on this issue, I would say, the President should be a degree holder of between 40 and 70 years of age. He must be morally upright.

Interjection. (Question from Commissioner Nancy Baraza, -inaudible.)

Jane Wanjiru: Age. He must be 40 to 70 years.

The election of a President should be done separately from the other elections. It should be done on a different day.

On the side of Judiciary, the Judiciary should be quite independent.

(Pause).

Okay, let me say something on women rights.

1. The women rights should be well addressed in the Constitution;
2. The women rights should be well addressed as the human rights. This includes; property rights, inheritance and ownership.
3. Sexual abuse; that is rape.
4. Female circumcision.
5. Domestic violence
6. Equal opportunities without discrimination.

The Government should also care for single parents.

Children who need special protection also should be considered. For instance, the street children and the orphans. We should also think about the aged, we have got old people here who do not have anybody to care for them.

Then the HIV/AIDS victims and the mentally retarded people. (Pause).

Let me read these points quickly please. Final suggestions that we gave:

- ◆ Sub- chiefs to be elected by the people
- ◆ There should be proper governance or management in our cash crops. This has made our people very poor.
- ◆ They also said that, the currency we are using today, the Government should decide what kind of portrait they should use for currency; not people, changing according to the... - those people who are coming to power. For example we can have the founding father of the nation to be on the money.
- ◆ Then, we have so many problems when we go to collect bodies in the mortuaries. Government hospitals should try to scrap the mortuary fee for collecting dead bodies from the mortuaries.
- ◆ Schools like Starehe Boys' Center were once for the poor, but today they are for the rich. Why?
- ◆ Water is very essential; the Government should see to it that fresh water is supplied to all.
- ◆ All the public resources should be distributed evenly without favor.
- ◆ Primary education should be a must and free to all so that every child can get it.

Thank you.

Com. Maranga: Thank you Jane. Then you wait for, -whether there are any points for clarification from my colleague. I have

none, so I am requesting... *(The rest of his words were not recorded)*

Speaker:

- a) We recommend the next Constitution to guarantee the freedom of worship on Saturday, as the seventh day of the Lord according to the scriptures.
- b) That is the recommendation, - there should be protection of that freedom of the Seventh Day observers.
- c) Guarantee, - the seventh day, -Saturday-, be declared a public holiday. With restrictions on public activities like harambees on that day; graduations, by-elections, games, and examinations in schools, because our children suffer very much. They are denied that right.

Part two; the organization has been preoccupied in three ministries. That is education health and religion. We have got our institutions. We train our children in these institutions to give relief to our community in Kenya and engage in their development. So when our children qualify, there should be equal employment opportunity. Because they have been discriminated against. If you are from a church or mission college, they take the Government ones and they leave the rest out to suffer. So there should be equal employment opportunity in both public and private institutions.

They also recommend that the next Constitution should include freedom - to provide individuals in public institutions, freedom to preach in colleges, schools, and hospitals and to inmates in prisons. Because when our preachers got to such institutions, they are told there is somebody from other denominations who is conducting the services, so they are barred. They are denied that freedom. We have got our children in colleges, so our clergy should be given freedom to preach in these institutions.

The next one, we also recommend the next Constitution to guarantee freedom of medical treatment and of herbalists and no cost sharing in our institutions. The Government should provide free medical treatment; the next Constitution should include that.

In our country, there is a system where the President is above the law. We recommend that those powers should be reduced. Reduce the powers of the President and the Presidential appointments - he appoints people like the Attorney General or other big people. Those powers should be restricted and an advisory committee should be formed to give these appointments, not the President alone. In this advisory committee, we should have church representatives.

In what type of Government we would like, - because it is a multi party system, - we should have a coalition type of Government, where all parties are included in the Government and not the winning party only.

Every citizen has a right to receive justice. In the next Constitution, there should be a clause to defend this. – When somebody is before the courts or is arrested by the police, they should be subjected to threats, torture, even beating before they are found

guilty in a court of law.

The Agricultural sector should be liberalized. And there should be a free market, there shouldn't be a broker to frustrate the farmers, with reduction of the agricultural inputs, since the country is agricultural and we have no gold, we should be assisted by the Government in all the development of agriculture.

The other recommendation is on health hazards. Citizens are subjected to health hazards. You see the smoking of cigarettes should be banned by the Government. Even it is written on the packet, 'it is harmful to your health,' but they allow it. So, the next Constitution should include restriction of cigarette smoking in public places if not abolishing the smoking.

The last one, our country is having a problem of street children. They started in big cities, came in towns, now they are in the villages. So, the next Constitution, we recommend, should include a clause door to help check the explosion of street children. By, for example, imposing heavy bond penalties to the irresponsible parents. There should be heavy penalties for them. The last one is provide rehabilitation institutions to manage these children to become useful citizens.

That is all. The Seventh Day Adventist had that to recommend.

Interjection. ...(Inaudible).

Mureithi: Yes I have finished.

Com. Maranga: (inaudible)...you may stand there for a few minutes, just in case of any point of clarification you can assist us.

Com. Nancy Baraza: Thank you Mr. Mureithi. You say you want Saturday to be declared a public holiday with no work done at all. Muslims worship on Fridays, other Christians worship on Sunday, are you also suggesting that the whole of Friday should be declared a public holiday and no work done? The whole of Sunday? So we have a public holiday on Friday, public holiday on Saturday, public holiday on Sunday, where no Harambees, no other activity goes on? Because you realize we have many religions in this country.

Mureithi: Yes there are very many, but there are three groups that is, Muslims, protestants are still Seventh Day Adventists. So for us, we understand we have got five working days. But it is only Sunday now. There is no public... - like in Islam, where we have Idd-ul-Fitr, they are given freedom. And that day, is declared a public holiday. Sunday believers have no activities on Sunday. But Saturday is not recognized, that is why we are claiming also to be equal to them. We be having a public holiday on Saturday where we shall be free. It does not matter, even if you are going to work on Sunday, if on Saturday we got that freedom, it would be okay. On Sunday we can work so that we can have development in the country, provided we are given

Saturday as a public holiday as Muslims are given Idd –Ul- Fitr on Fridays. Otherwise, others are given Sunday as a public holiday, they enjoy. We Sabbath people we never enjoyed. When you read the bible, the seventh day is the day of the Lord. So to honor the Creator, the Ruler of the universe, we are requesting that the new Constitution should include that holiday because it is recognized even in the bible.

Com. Maranga: May be the word is not holiday, may be you want it to be in the Constitution and then the Seventh Day Adventist members are given that freedom to worship on that day, and not to do any work. But other members of the Kenyan society, as Commissioner Nancy Baraza is saying, belong to other religious faiths. So you cannot go ahead and stop them from doing other activities. What we are saying is that, may be for the seventh day we shall do that. But what we are saying is that, national activities like elections, - if I understand you right, - should not be conducted on that day?

Mureithi: Yes.

Com. Maranga: Okay then I get your point.

Mureithi: We don't deny that. Friday, Saturday and Sunday should also be included in the Constitution.

Com. Maranga: Thank you very much. Now you can register with our lady there, and then you can leave your memorandum here. Now the next speaker is Reverend John Gachoki of A.C.K. Kiamutugu. Reverend, you have five minutes to come and give us your main points. You start with you names first.

Reverend John Gachoki: I am Reverend John Gachoki, of Anglican Church, A.C.K. Kiamutugu parish. I am presenting a memorandum, on behalf of the parish. And we as Kiamutugu parish we have agreed that the new Kenyan Constitution should have a Preamble, because the one we have does not have a Preamble. But because I am going to present this memorandum, I am just going to highlight on some of the points which are in it.

Concerning the Bill of Rights, we recommend that every region of the country should be entitled to equal development regardless of the geographical situation. And therefore in our new Constitution, that one should be looked at.

Concerning Citizenship, we recommend that all people born in Kenya, of parents who are both Kenyan citizens, should be taken as Kenyan citizens. And all children born outside Kenya of both Kenyan citizens, should also be taken as Kenyan citizens. All children of parents of either father or mother is a Kenyan citizen, should also be regarded as a Kenyan citizen.

Concerning Political Parties, the new Constitution should state that parties founded on ethnic basis should not be registered. Political Parties should take nation building as their first priority. Therefore, every political party should take nation building as

their first priority.

Concerning the Executive, the new Kenyan Constitution should specify qualifications of a Presidential candidate such as:

- ◆ A President should be one of good morals.
- ◆ He should be at least a graduate.
- ◆ The age of a President should be between 45 years and 70 years.
- ◆ He or she should be one who has not been convicted of a criminal offence.

Concerning Local Government, Mayors and council chairmen, should be elected directly by the people. The current two-year term is a very short period. This should be increased to five-year term.

Although I have presented, or I read those views as stated in our memorandum, I have a concern or fear. We feel that the Constitutional review process should be over before this year's election is held. It is better for the election to be pushed some months ahead, or its proper time, rather than do it before this review process is over. This is because whichever party wins and forms the next Government may fail to regard the Constitutional review process, or disregard the whole process altogether

That is all I had.

Com. Maranga: Thank you very much Reverend, and you sign your name there before you hand over the memorandum and stand there for clarification.

Com. Nancy Baraza: Thank you Reverend. You say, on the qualifications for a Presidential candidate, that he has to be a graduate; of what? Of the polytechnic?

Reverend John: A Graduate with at least have one or two university degrees

Com. Maranga: Another thing Reverend. You said Political Parties need not to be founded on ethnic background. Do you have an idea of how many Political Parties you want to have in this country? Are you happy with the number we have now - 46 and above?

Reverend John: We are not happy because of having those many Political Parties. Because during the election, what they do is just.... The votes we have are shared among all those Political Parties, because they have many representatives. And therefore, elections may be sometimes do not succeed because of those many Political Parties.

Com. Maranga: Thank you. Now you can sign and be able to give us your memorandum and we shall read. Now, the next

speaker is Yale Mohammed. Yale Mohammed... okay now we come to you and you will be able to give your presentation. Yes, thank you. You will have at least to be... I think you should go there then you will speak to us. Okay thanks. Thank you. I would like you to be on the other side. Ooh! Okay. So you will speak like that? Okay thank you. Let him stand there, and ... (inaudible).

Yale Mohammed (Deaf) speaks through a sign language interpreter.

Yale's interpreter: My name is Mahmoud, I am a deaf student. I would like to request that you give me slightly more minutes since I am using a Translator and I want to present to you issues concerning deaf people, and also a bit about other disabilities.

We need the Government to provide Translator services for deaf people, like we have at the moment. They also need to finance Sign language so that it can be developed. And it needs to be included in the curriculum of all learning institutions in Kenya.

Persons with disabilities also need to be given accessibility, especially those who have visual impairment. They need accessibility so that they are... especially public houses that give public services, they need some – in order – because you can't know, for deaf people you need a light, they need some warning lights that goes on and off to warn somebody that somebody is at the door. So the constructors need to take that into consideration. Also in the Traffic Act, as it is deaf people are not allowed to drive, but we need that to be amended so that they are allowed to drive.

Sign language needs to be recognized as one of the national languages in Kenya. Deaf people also need representation in Parliament. And if we are going to have a deaf minister or MP they are also going to need Translator services in Parliament. They also need a better educational system in primary and secondary education. And for smooth learning of deaf people, they need teachers who are conversant with Sign language.

Also, they need more time during examination than the other normal students. There is also... - there are some families who either deny their children or their children with disabilities the right to marry. This is not right. It is one of their rights to marry or not to marry, which is a decision that should be left for them to decide. And of course, other than deaf people, we need people with other disabilities to be represented in Parliament.

Deaf people also need some special I.Ds, because they always get into trouble with the police. Because, as a deaf person, - when the police is shouting at you, you may not hear. They may mistake you to be rude and beat you for nothing, so they need some sort of I.Ds for deaf people.

Lastly, we need to let people know that we are intelligent people. All we need is to be given a level playing ground and we can

do anything, - any responsibilities that we are given to develop our dear nation.

Thank you very much.

Com. Maranga: Just tell him to remain there just in case there are points of clarification.

Com. Nancy Baraza: Thank you Mohammed. I wonder what you would say about - some other people with disabilities have been telling us that in schools and other learning institutions, the people with disabilities should not be isolated, they want to be integrated with other learners. What would you say to that?

Mohammed's interpreter: Okay, it is not a problem, but with deaf people, what we need is a teacher who is skilled in Sign language, and to give attention to the deaf student, equal attention with the hearing. Otherwise, integration is a good idea and also they just need a little more time than the rest of the students.

Com. Maranga: You have requested that we amend the Traffic Act. I am a little concerned, how will deaf people interact with so many drivers who are mad like the matatu drivers and so on? And yet know that they have that problem? What will happen? I want you to expound on that.

Mohammed's interpreter: You see, these cars have mirrors. And these people have a wide vision. So, even if.... I know there are mad drivers, but we deaf people have a very good vision and don't need to fear to drive. What we need is to have all the needed mirrors on the vehicle. And of course you go to a good driving school, so that you come out as a qualified driver.

Com. Maranga: Thank you very much. And I thought you can sign up our register and hand over the memorandum to us. Thank you very much. Now the next person to speak is Ephantus Magendu, then John Nyaga be ready.

Ephantus Magendu: My name is Ephantus Magendu and I am going to present my proposals which I think can be incorporated in the Constitution. One of them is on the Presidency. The terms of the President should be retained as two five-year terms. The powers of the President should be trimmed.

Local Government authorities should be given more powers so the powers of the President are taken down to the local people. Mayors and the.... County councils and the municipalities, - there should be no chairmen, - only mayors should be elected by people, they should be able to recall non-performing mayors. These should be elected directly by people.

To scrap the provincial administration and empower these mayors who are elected through to represent the people. The election, - to have an independent electoral Commission in which there should be a number of religious leaders. They should not be appointed by the Head of State, but by Parliament through consensus.

The election boxes and the election material. The former should be transparent so that any body can see what is inside to avoid rigging. And it should be kept in an open space, in an open field, so that when one fills the name of whomever he is going to elect they can view it in an open field.

MPs and Ministers: These should be of good moral standard. In the Constitution, there should be a committee to scrutinize their character. Before they are... after they are appointed by the Parliament there should be a committee to scrutinize their character and that if anybody has been caught in these corrupt deals they should not be allowed to contest for any public office.

Land: We have a lot of land problems in Kenya today, because this land is bringing a lot of tribal clashes and the rest. There should be no Government land. All land must be vested in the people, the local people. Nobody should be allowed to own more than 50 acres. If one has more than 50 acres, the rest should be taken back to the landless. And in the Constitution, it should be made that nobody should be declared landless. Everybody should own land because there is enough land in Kenya.

Citizenship: All Kenyans should have equal rights and we should not be calling ourselves as Kikuyu or Meru or Embu or anybody, or Kalenjin. In our Identification forms or I.Ds we should be known as Kenyans. It should not be indicated you are a Kikuyu, you are what, it should be Kenyan. If a parent is a Kenyan and is in a foreign land, and he gives birth to a child, this child should be a Kenyan citizen. And if it is a foreigner in Kenya, but one parent is a Kenyan, this child should be a Kenyan citizen. Nobody in the Constitution should not be allowed to become a citizen. If he is a foreigner, of dubious character, he should be first of all vetted so that we should not be bringing bad people in our country.

Education: A Commission should be formed to look at the education sector. It should not be the prerogative of the President to be calling or making changes in the education sector. This Commission should be given powers to look at education and it is only Parliament which should review those powers and the Commissioners.

Religion: There should be freedom of worship. Nobody should be denied this freedom. Anybody should worship any time, and day they feel like, provided they do not infringe on freedom. There should be no fixed days for religious activities to avoid religious conflicts. We have the Muslims who worship on Fridays, we have S.D.A. on Saturday, other Christians on Sundays; so if the Constitution should recognize all these days, there would be conflict.

Environment; There should be a committee to look at the environment which should be given powers, and not the minister for Environment, to look at all matters concerning the environment. These include forests, sanitation and other industrial processes.

That is all.

Com. Maranga: Thank you Ephantus Magendu. And I want to ask my colleagues whether there are any points of clarification;

I don't have any, thank you very much. You can now step down and be able to register with our officials. Thank you. The next person is John Nyaga. You have five minutes to give us the main points and hand over your memorandum.

John Nyaga: My full names are John Nyaga Justus and I hail from this location. My views are as follows. I would like, in the Constitution to be established, the Ombudsman's office. This is an important office as far as I know what it all means and it will really help us to eradicate the rampant corruption in our country today.

The other one is on Health and Medical Care. The death rate in our country is very high because we lack available and affordable health and medical care. I ask that a way be put in place in our institutions so that the existing medical institutions can improve the services required of them. A Medical or Health Fund should be established like the N.H.I.F., which we already have in place, which will be all-encompassing and not for the working class alone as it is today. The funds should not be for those who are admitted in hospitals, as it is with N.H.I.F. but for all types of medical and health attention. The fund requirements should also be affordable.

The other one is on the Executive. If the Executive is impeachable, corruption would die a natural death. Then, the root cause of corruption will have no supporter, or somebody to encourage that corruption we already have in our country, which is actually in bad shape now. Our country is in bad shape because of corruption. We, as citizens of this country, have no say as far as pricing of commodities is concerned. There was a time there used to be a price controller, but the office was misused by those who were given the office through corruption. They would go to the producers or manufacturers and be corrupted, then the prices used to be hiked just as the producers or manufacturers wished. If we had a clean price controller today, established in our new Constitution which we wish to be put in place, we shall be very happy because nobody will be playing about with prices of commodities; they would be leveled as per the actual production costs. And the office of the price controller should be approved and the appointment be made by Parliament. I would like a by- cameral Parliament to be established in our new Constitution. I have seen one like this in Kenya sometimes back and I would like that to be put in place. Countries like America and Britain have bicameral Parliaments whereby checks and balances are available.

I would like our Government to be headed by a Prime Minister. If we have to have a President, he should only be a titular head, not somebody with Executive powers like we have today.

As far as the courts are concerned, our courts go up to the Kenya High Court, which I find not adequate. Now that we have the East African community, I would like us to have a Court of Appeal for East Africa. Bank interest rates are maiming each and everyone of us and I would like the interest not to exceed the principle sum of the loan given and in view of this I would like the Constitution of Kenya Review Commission to look at the Donde Bill and if it is possible, include it in the review.

We also have a problem with the distribution of wealth as per our budget, services as per the budget should be strictly adhered

to and nobody should manipulate the budget. Abolish of the provincial administration, I would like to have the administration abolished and if not, it should be elected by the governed so that those people can be accountable to the electorate. Finally, I would ask you as Commissioners you are esteemed people – I would like you to work very hard; we have everything in place like the machinery is there, so that we can have this Constitution –this review ready before the next General Election. If you so wish, that one we can do. That is all I have.

Thank you.

Com. Maranga: Thank you Mr. Nyaga, you hold on for maybe some points of clarification from my fellow colleague. She says she has none. Maybe I want to ask you a question on the Court Appeal for East Africa, what about if the other two countries will not agree to that court? Do you want Kenyans to set another court?

Nyaga: To be realistic, put another court in place with the present,- I mean of –to be run by Kenyans, it would be same Kenyans who are in the High Court who will be running the High Court unless they increase the number of Judges.

Com. Maranga: Thank you very much. You may sit down. Please register officially with our secretariat and hand over your memorandum. The next person is councillor Duncan Mugo. Thank you. Councillor your five minutes to summarize your main points. I know you are a perfect speaker. Thank you.

Duncan Mugo: Thank you Bwana Commissioner. My name is Duncan Mugo Ndata. It is not the English data but the Kikuyu Ndata with an N not without an N. I may need slightly more time because I am representing both party memorandum and my own personal views.

Interjection: Com. Maranga: We want to be honest. There are so many people who want to speak. Give us the main points, and now that you have the memorandum, you can start with your personal views, then you give us your memorandum and sign. I know that you will be fast. Isn't it? So just give us your main points.

Duncan Mugo: I will first of all start with my personal views. Bwana Commissioners, I feel that we should be grateful that we were given a chance to air our views. First, I would talk about electoral system. We should have A representative electoral system like we have today and this question of simple majority where the winner takes the majority, say for example, if a person takes – if we have several candidates where the top candidate gets less than 50%, he should not be declared the winner. So, for a winner to be declared, he should command 50% of votes and when it comes to Presidential elections, this issue of 25% in 5 provinces should not be included in the Constitution. Instead, the winner of the Presidential election should be a person who commands over 50% of the total votes cast countrywide. And if there is nobody who can command such, we should have a run

off by the two top contestants.

On the constituency boundaries, I feel that present constituency boundaries are not fair. Because you find that in today's Kenya, the minority are the ones who rule, not the majority. Because you find that those people in some areas the people they represent are so few and I will give an example. You may find that in Turkana district there are about 42,000 voters with three MPs. And if you go to Mathira constituency you may find they have got 300,000 voters with only one M.P. We should have this constituency boundaries demarcated in such a way that a particular Member of Parliament will represent almost an equal number of voters throughout the country so that when we talk of a party with a majority in Parliament. We know it is actually a majority of voters not a majority of MPs who have been elected by the minority voters.

On Electoral Commissioners, these should be vetted by Parliament so that those who have got bad records should be voted out by Parliament. When we come to Constitutional appointments like the Attorney General, the Chief Justice and Judges, the ambassadors, the Permanent Secretaries, their appointment by the President should be vetted by Parliament so then the Parliament will be seen to be the overall controller of State matters the President should then answerable to Parliament and not the other way round.

On land matters in Kenya, we have got a lot of land but only that, that land is in the hands of very few people. You find that some people own big chunks of land when others are living on roadsides. There should be – it should be included in the Constitution that nobody should own more than 100,000 acres of land; there should be a ceiling of ownership of land and this land should not be owned by individuals. It should belong to the state and should only be leased to individuals so that the state can have a way of settling landless people in the acquired land, which will be acquired from these people who own land which they are not even utilizing.

On Basic Rights, our people have been maimed by police. The police, when they are investigating crimes and getting statement from suspects, they torture them so much- so hard that they are maimed, - and when we go to the court, the judge starts conducting some trial within trial. I would suggest that for anybody, any suspect to give a statement, he should do so before a magistrate. Like presently in India, where you cannot give a statement before- unless a magistrate is there, so that you give a voluntary statement not a statement under coercion. And there should be nobody above the law. Today we have had cases where the President is above the law. He is a citizen he should not be above the law and to avoid the abuse of that office, the President should be impeachable; he should be impeachable to avoid the abuse of that office or any misconduct.

Primary school education should be compulsory and provided free by the state, so that we can fight illiteracy. And when we come to trade unions, some workers are being – we would like everybody to be allowed to join trade unions freely, because some people have been denied that right. Bwana Commissioner those were my personal views and I have a party memorandum.

Interjection. (*Com. Maranga speaks, -Inaudible*).

Duncan: I will do that, pardon...

Com. Maranga: Thank you very much. And Commissioner Nancy will ask for some clarification.

Com. Baraza: Councillor Ndata, how do you intend to deal with this very vexing question of minorities in this country? Because it is one that has probably been driving us into creation of those constituencies and such. How do you intend us to deal with the minority plight in this country? It is a plight actually, what can you advise us?

Ndata: To be contained?

Com. Baraza: Yes, give us some ways on how we will tackle it. Because while it is to be vexing, it still remains a problem.

Duncan: It is not a problem if handled properly. The reason why I am saying this is, when we were here, before independence, we had big constituencies where we were included together with Meru, Mbeere and Kikuyus. Mbeere are not Kikuyus and we were not in one constituency because of the number of the voters. I am sure you have got Elmolo in your mind when you are asking that question. Elmolo tribe is a small tribe but it can be enjoined with other neighboring tribes because we cannot afford to have an MP representing Elmolo, who are less than a thousand people. But they can be enjoined by other people so that we can have equal representation. Let the MPs not represent the soil and the forest. Let them represent the people.

Com. Maranga: I want to thank you councillor Duncan Mugo Ndata. Please sign our official register and hand over your memorandum to our secretariat. Thank you very much. Before I call the next speaker let me recognize the presence of the Member of Parliament for Gichugu Hon. Martha Karua. Karibu. Thank you very much. Now the next speaker is John Mbui. Okay, please take the mic. Start with your name. And then, please, you have five minutes to give us your main points. Thank you.

John Mbui: My names are John Mbui Jeremiah. Yes. Tafadhali ningeomba Commissioners waniruhusu niongee kwa lugha ya taifa, kwa vile nina hakika sio kila mtu hapa anaelewa Kiingereza sawa sawa. Na kwa vile hii Katiba ni ya wananchi, wanafaa kuelewa kile kinazungumziwa hapa. Kama nimekubaliwa, nitatumia hiyo lugha.

Nambari ya kwanza: Mimi niko kwa chief na sub-chief. Hawa watu, mimi ningeonelea, iwekwe katika Katiba ya Kenya ya kwamba wawe wakichaguliwa na wananchi, kwa sababu ni watu ambao hawawezi kuwa-transfer, ni watu wametoka kwa community ambayo wanatumikia. Kwa hivyo, ni vizuri kama wangukuwa wanachaguliwa na wananchi - baada ya miaka mitano.

Jambo la pili: Hakuna mtu ambaye anafaa kuruhusiwa kuwa na zaidi ya acre kumi za shamba, na tuweze kuona kama tatizo la watoto wanaorandaranda mitaani tunaweza kulipunguza. Hii ni kwa sababu utaona kuna mashamba mengi ambayo hayatumiki, na kwa vile sasa ni shamba la mtu, - na Katiba ya sasa haiwezi kuruhusu mtu kuenda kufanya kazi ile shamba, unaona ni kichaka tu.

Jambo la tatu: Ningetaka iwekwe katika Katiba ya kwamba, mwananchi wa kawaida akiwa mahakamani, wakati mwingine huwa tunaona wanatumikiwa sana. Utaona eti, - kama ni kucheka, pengine mtu ameongea jambo ambalo ni la kuchekesha, eti unacheka kwa mpango. Eti kama sasa ukicheka sana eti hiyo inafaa jaji aseme utupwe ndani. Mimi naona ya kwamba, sio wakenya wote ambao wameumbwa sawasawa. Kwa hivyo kuna wengine wako affected wanacheka sana. Mtu kama huyo anafaa kufundishwa jinsi ya ku- behave katika Korti, lakini sio eti kutupwa ndani kwa sababu ya kucheka.

Jambo la nne, ningetaka iwekwe katika Katiba ya kwamba, baada ya kila miaka mitano, mtu yeyote ambaye ana utajiri unaozidi shilingi elfu mia tano awe akitangaza utajiri wake.

Jambo la tano, ningetaka iwekwe katika Katiba ya kwamba kusiwe na watu ambao wanasimamia idara ya serikali kama inavyo kuwa kama K.C.C, Coffee Board... vitu vya aina hiyo, - ambao wameteuliwa na Rais mwenyewe. Tunajua Managing Directors, wa every parastatal, huwa wameteuliwa na Rais mwenyewe. Na hiyo inaangamiza wananchi huku chini. Maanake mtu kama huyo akiwa kwa committee ambayo inasimamia hiyo parastatal anatumikiwa na Rais kuleta mambo yake hapo, ambayo sasa inanyanyasa watu sana hapa chini.

Jambo la mwisho, ningetaka iwekwe katika Katiba ya kwamba mambo ya kupeleka pesa nchi za nje iwekwe katika Katiba ya kwamba kusiwe na ruhusa kama hiyo. Maanake sasa tunaona watu wengi – kama ana pesa ambazo sio halali – anapeleka kule halafu sisi tunapata tabu upande huu mwingine.

Ni hayo tu Commissioners.

Com. Maranga: Ahsante, Bwana John Mbui, na pengine ungebaki hapo ili tuilize kama mwenzangu ana swali lolote. Lakini kabla ya hapo, ningetaka kutangazia wananchi kuwa, sisi kama Tume ya Kurekebisha Katiba, tulikubaliana ya kuwa kama mtu unataka kuongea katika lugha ya Kimombo ama Kiingereza unaweza kufanya hivyo, kama unataka kuongea katika Kiswahili unaweza kufanya hivyo; kama unataka kuongea kwa lugha ya Kikuyu una weza kufanya hivyo. Kwa hivyo unakubaliwa kikatiba ili uweze kujieleza kwa njia ile unataka. Ahsante. Inaonekana hakuna swali lolote kwako, kwa hivyo mimi ningekuomba, uweze ukajiandikishe katika kitabu chetu rasmi na uweke sahihi. Ahsante.

Mwingine anayefuata ni E.N. Mwenja. E.N. Mwenja yuko wapi? Haya kuja. Una dakika tano, na inaonekana una memoranda.

Utupe yale maoni ya muhimu tu.

E. N. Mwenja: Ahsante. My name is Edwin Gathendu Mwenja. These should be included in the Constitution:

- 1) Constituency members should elect Justice and security committee, with a life of five years.
- 2) (Inaudible) should be elected by parties with members in Parliament.
- 3) A central Government should be established in the republic.
- 4) The President should not be above the law.
- 5) Constituencies should be created by Electoral Commission and supported by parties in Parliament.
- 6) The Electoral Commissioners should be elected by parties with members in Parliament.
- 7) No individual should have power to accuse the Press or electronic media except parties with members in Parliament.
- 8) Action acts should be scrapped.

Action act should be scrapped. Action act... action... action act.

That is a law. Our MP is a lawyer, I think he knows. (Laughter) action act. Okay,

- 9) Parents should elect school boards.
- 10) Schools should be given back to their sponsors.
- 11) The Right to privacy should be there.
- 12) Boarding and Day schools should be made compulsory to all schools.

(Interjection. – not clear.)

E.N. Mwenja: Boarding and day schooling should be, in every school, made compulsory. So that many parents may afford to educate their children in secondary schools.

- 13) Land buying and selling should be prohibited and replaced by leasehold of at least fifteen years.
- 14) K.C.P.E. should be scrapped and be replaced by K.J.S.E. still in Primary level, so that our children may be made science literate in Primary because many parents do not afford high school fees.
- 15) The President should be left with two powers only Commander in Chief of the Armed Forces and appointing of ministers.
- 16) The Government should employ nobody for more than sh90, 000. This is because; the Government is denying citizens their money, making people very poor. And that is what the current Government is doing. It has already made us completely poor and useless citizens.

That is all.

(Interjection. - not clear.)

Com. Maranga: Enda huko ukajiandikishe na utuwachie hiyo memorandum yako. Ahsante Bwana Edwin. Na sasa mwenye anafuata ni Coem man Mureithi. Yuko? Yuko? Hayuko? Wapi yeye? Okay sawa. Then we have Hellen Wanjiku, wapi Hellen? Okay, it your chance now. Una dakika tano utupe maoni yako.

Hellen Wanjiku: *Liita liakwa ni Hellen Wanjiku Kivatha.*

Translator: My names are Hellen Wanjiku Kivatha.

Hellen Wanjiku: *Uoni wakwa uendi (Inaudible) Theo thya serikali irumbuiye anwa rya mathomire ma ikeme wa ni kithomo nundu wasiari kwaga mavinya matiythione thirikari tutumiro arutani mangitothomithia getheri ona githungu.*

Translator: My concerns are that, there are some people who went to school, and due to financial inability, were not able to finish their education. They are asking if the Government can provide for adult education to continue, so that they too can have the privilege of extending their education.

Hellen Wanjiku: *Gehomu kio ne gekorito giku na kethomithetie and aria matakinya ona std one no mundu oria wakinyeti std four kana five ndafatie gokoro akegiyaka tondu kiari kia free. Oguo tovie kithomo gia kovota gotothomithia va yo vangi vatigarete.*

Translation: Adult education has been there but it was for those who never went to school. But those who went to class – say five, six, seven, and stopped there, were not catered for.

Hellen Wanjiku: *Vyo vake kuonaga ciana iria ciungi itari na aruboria neria ikuwerero ne manyina kana mithe mathe cukuru makarimerua ne undu wa muako. Thina oria turona ciana icio thirikari iciruborie.*

Translator: The other point is of children who have no able parents, or who are orphans and cannot afford to pay school fees or building funds. It is likely that even they will not go to school and they will end up having no education. So, the Government should take care of that kind of group.

Hellen Wanjiku: *Vandu vake wacoke gocothereria thinie wa Primary citu kwe na ciana ira vetoka kinya marks magana matano na reuo kora vitukwa na marks magana mathitu ma mirong inana, ciana icio onkonaga aciare macio ne atheni, cian icio ikorora guku bure.*

Translator: The other point is that, there are children from poor families who, even when they qualify for higher education, - due to lack of funds, - they drop out. So, the Government should take responsibility over those children who have qualified and cannot go ahead due to financial hardship.

Hellen Wanjiku: Maundo makwa, mauma mwena ine wa kithomo.

Translator: My views were on education.

Thank you.

Com. Maranga: Sasa yeye anataka tufanye vipi? Katika Katiba mpya anataka elimu ambayo haiwezi ikagharamiwa na mtu yeyote ama serikali igharamie? Anatakaje? Na hadi darasa la ngapi?

Hellen Wanjiku: Kithomo keuo kia andu agima ona ciana iria cia ndigua ithomithio ne thirikari.

Translator: She wants the Government to take responsibility of education for those who cannot afford.

Com. Maranga: Mwambie aweke sahihi kwa register yetu na umwambie ahsante sana. Mwenye anafuata ni Joyce Wangu. Joyce Wangu... hayuko. Next is ...tuko na Eunice Wanjiru. Eunice... Okay Wanjiru.

Eunice Wanjiru: Thank you. My names are Eunice Wanjiru, from Kamuguna local church; I am representing the C.W.A. from Kamuguna. Our points are:

- a) Direct payments of the farm produces to the farmers.
- b) Lowering of the children's education payment for the mwananchi to afford to educate their children.
- c) Minimize the hospital funds and may there be enough medicine in the Government hospitals.
- d) The Government to do away with corruption especially in the police force and in hospitals for every mwananchi to afford all the services.
- e) No leader in the Government should be above the law.
- f) Forest guards and game wardens are not supposed to torture the people near the forests by beating and raping their women.

Thank you.

Com. Nancy Baraza: One question Eunice. Thank you for your submission. You did suggest that there should be medicine in hospitals so that Kenyans buy, or so they can get it?

Eunice: I want Kenyans to get free treatment.

Com. Maranga: Ahsante. Thank you very much. Now you can sign our official register, then leave us your memorandum. The next speaker is Ephantus Kanyua. Ephantus Kanyua... Come, and you have five minutes. (*End of tape one*).

Joseph Waweru Kiambati (Kikuyu dialect through translator) Njitagwo Waweru wa Kiambati -

Translator: My names are Joseph Waweru Kiambati-

Mr. Kiambati: - na ndi wa kanitha uyu.

Translator: From this church.

Mr. Kiambati: Mbere, Commissioners, ni wega muno ni undu wa gukinya guku tondu ta nii ningoretwo ndina meciria; ngaigua meciria makwa matiranjuka kuringana na uria ndirenda niundu wa kwonaga uria bururi uthiite uur.

Translator: I thank the Commissioners for coming here, because I have been longing to meet with them, to give my views because of seeing how our country is running poorly... (*No continuation*).

Alcarendu Wanjira: Maritua ne Alcarendu Wanjira Koma Local Church ino ya Kiamutugu.

Translator: My names are Alcarendu Wanjira, from this local Church of Kiamutugu.

Alcarendu Wanjira: Uoni wakwa ne ati tukorago na thina wa mathibitari,

Translator: My views are that we have hospital problems.

Alcarendu Wanjira: Aria maruaraga magethi thibitari, na mathii thibitari magekoro ati marefi maria marareba thifitari ne manene na ne ya thirikari.

Translator: One of the problems we have is the hospital bill. When one gets sick and goes to the hospital, one is given a big bill at these Government hospitals.

Alcarendu Wanjira: Turi arime gwe set etinagua ya gotethirira geconje kimwe gia thirikari, tokoria ne nduye getomaga, tukoro

tokereva thibitari cia thirikiri na ne turatinio.

Translator: We, as the farmers, fear that when we sell our produce, there is money that is deducted excessively; when we go to Government hospitals we are charged heavily, and then we ask why should we be charged as farmers in the Government hospitals?

Alcarennda Wanjira: Uoni witu ne tuge ati akoro cake ne toratinwa ne thirikari tutiyagerero ne korevya mathibatari ne tondu ainge aria mate ne mbecha ne marakuwera mocie na makathinera mocie mageta mbecha ingematethia.

Translator: Since the Government deducts tax from our produce, then we should get free medical services.

Alcarennda Wanjira: Numba igiri ne ati turavua ati wathu ne twande'kero ati akoro ne ma Sub-chief na ma-Chief twetikerio twe thuragere ne tondu akoro ne ta kivende geke turona waragania ne wagete thinie wa thirikari makanga ne magokoro varia na mage korua na mundu othit ogu na njira wa kawainda na ndenathina akagwatwa na agakio cero na akiegerero undu utagarereti.

Translator: On the issue of administration, our views are that we should be allowed to elect our own chiefs and assistant chiefs. Because the employed chiefs do allow things like illegal beer and don't do anything even when they are told to do so.

Alcarennda Wanjira: Twarora turona undu ocio umete thirikari ine varia iguru, tondu ondu okonie kithomo ona ciana nyinge cia athine, mothine niarekinyereria akathomithia mwana, na athomithia mwana, mwana ocio akaga wira na aga wira araga ne tondu mundu oria we na mbecha athii avakanera mwana wake akona wira no timovetoku agakoro ari omucie. Ondu ocia we na thina na niorakinyereria mwananchi wa kawinda ne undu wa wagi.

Translator: The other issue is that, we feel that this problem is emanating from the top, that is from the hierarchy of the authority. Because, even after equipping our children with all the education they need, they cannot get jobs because of corruption. Not that the child does not deserve the job but because the parent of the child did not have the money to bribe, so that the child might be employed.

Alcarennda Wanjira: Kaundo karia ka angi ne ati thinie wa thirikari iria iko oivindaine rere, ne tondu akoro ne macukuru makareto onamo mina corruption ati akoro ne kevenda geke tokiro oyo gotigweka, mwako otikorutua, tuthikarerie mithinya iri ciana ii mucie, tukarigo a thirikari ino ne eria.

Translator: The other thing is that, - the whole thing is a confusion from the Government, - because at times we are told this policy, next time we are told another policy, other times we are told that money will be paid, when we go to school, the money is being asked for then we are told to pay the money. This confusion is coming from the top.

Alcarenda Wanjira: Kaundo karia kenge ne keigie atumia, atumia.

Translator: The other thing is concerning women.

Alcarenda Wanjira: Atumia ne makinyagererua.

Translator: Women are really oppressed.

Alcarenda Wanjira: Akoro ne mwena wegie ciama iria ciaragererua ne ma-chief, na Ma-DO, ciama ine icu gotiri mtumia weko.

Translator: Because if it is to do with the local authorities, the chiefs, the D.Os have their own councils, and in those councils, there are no women.

Alcarenda Wanjira: Turavuo atumia mekero ciama ine ico tondu wendia mwingi wa megonda na mavetania maingi ma micie maratwara kou mtumia ka kinyagererua tondu ndina mundu arona varia.

Translator: Our prayers are that, women be represented from sub-locational level, to the highest level, in all administrative councils.

Alcarenda Wanjira: Kaundu karia ka'nge na ne ka mothia ne ati mtumia oco, reke tuge tario ne gokete mwena wegie athurana, Ngai ombiri mundu na movuanere wake, oguo mtumie obeto na movuwanere wa mothuri.

Translator: from the Biblical point of view, we learn that the woman was created in the image of God, who created men and women in His own image.

Alcarenda Wanjira: Ithurano cia umera mtumia araruma agetago mundumka onaokoro ne obiro oundu umwe.

Translator: When it comes to election or campaign, we see that women are insulted in such a way that there is – they are so insulted because of their gender. And that the representatives of the women feel shy in coming forward...*(continuation not recorded)*.

Com. Baraza: ... Kuchukua title ndio you transfer, unaona ni ngumu au ni rahisi kwako? Hiyo mambo ya kuenda kwa registry ndio ... hiyo sheria yote ni nzuri kwako au hauielewi vizuri? Unaiielewa vizuri? Hiyo sheria ya kufanya transfer? Umelipa pesa

nyingi, halafu unaenda kwa registry halafu ndio you transfer hivyo vitu. Hiyo yote unaelewa vizuri au inakusumbua hapo? Inakutatiza au ni mzuri kwako?

(The speaker answers from the background. - Not clear)

Com. Maranga: Haya tuwekee sahihi kwa kitabu chetu rasmi, na tunakushukuru sana. Sasa yule ambaye angefika hapa ni Cleid Muriuki. You are the one? Then we go to ...*(Inaudible)*.

Venn. Muriuki: Chairman I want to do a bit of correction. I am not here on behalf of N.C.C.K. I am here on behalf of Kiriamba Arch deaconry on behalf of A.C.K. Diocese of Kirinyaga. The Kiriamba also covers nearly half of Gichugu constituency, which covers Njokeini location, Karumande, part of Karumande and Ngariama location. It has ten parishes. I am sure nearly half of all members seated here, belong to the Kiriamba Archdeaconry and, of course, they form three-fifths deaconries in this Archdeaconry.

Having been facilitated by the group of C.J.V.C. and the group of N.C.C.K, the Ecumenical Education Program Precept, I have called some seminars and workshops at the grassroots level. So the Kiriamba archdeaconry alone has come up with the following to the Commissioners:

- ◆ Preamble: indeed, they were so shocked to see that the Kenyan Constitution does not have a Preamble at all. They were remembering when the Israelites were redeemed from Egypt, the first thing they did was to write their Constitution, and write a very good Preamble. Briefly I say, I quote, ‘I am, they were told by God, ‘I am the lord your God, who brought you out of Egypt where you were slaves, have no other God besides me.’ That was a wonderful Preamble; when people know where they are coming from and where they are going. So we are saying and we are appealing to the Commissioners to write a Preamble, which will capture the geographical area of the Republic of Kenya. Chairman, I don’t think I will be able to do everything in five minutes. I will try to be as fast as possible.
- ◆ This is, of course, a deeply religious country; there is no mention of God in our Preamble. We would want it done here.
- ◆ Relationships between the ethnic groups forming the nation of Kenya. Kenyan people’s aspiration is expected in the Preamble; we should envision social economic and cultural destiny.
- ◆ The Constitutional supremacy: the group said, Kenyans should be involved whenever there is Constitutional change and, in the event of amendment, a referendum should be conducted before they enact it in Parliament. This will keep Kenyans well informed of developments in their Constitution.
- ◆ Citizenship: They said all people born in Kenya should be automatic members of this country. All children born outside Kenya of both Kenyan citizen parents, a child born of one Kenyan parent, regardless of gender, and not as

it used to be before.

- ◆ We have talked of defense.
- ◆ We have talked of Political Parties. Because we have written so well, where I will not say, you will read it Mr. Chairman. We said the Political Parties should be at-most three of them, whereby three will be properly funded by the Government, leaving room for independent parties, who want to be on their own.
- ◆ Structure and system of Government: We thought we should maintain Parliamentary system of Government, where the Prime Minister is elected by members of the majority party in Parliament. He should also be in charge of the day to day running of the Government be also accountable to Parliament.
- ◆ We have also said about the President. We said we want a ceremonial President, who will also be the Commander in Chief of the Armed Forces. Other details to be worked, and they are well written here.
- ◆ We also talked of the Executive, where we see the separation of powers, the arms of Government, the Executive, Judiciary, Legislature (Parliament). There must be a very clear boundary as to who does what. There should be clear separation of powers between the three. On the Executive area, we said, on the President, the Constitution should specify the qualification of the Presidential candidate such as:
 - an automatic Kenyan citizen, between ages 35 to 75 years.
 - Should be able to declare his wealth, when in Parliament and when he is out of it. I mean, when he is in the office, and when he is out of it.
 - Should not have been convicted of any criminal offence.
 - Possess at least a University Degree
 - Should be of good, sound mind
 - Should be above Political Parties.
- ◆ Provincial administration: it is a duplication of work and should be scrapped off and instead strengthen local authorities.
- ◆ We have talked of the Judiciary. We have said the present structure of the Judiciary is very much adequate, what it lacks is the independence and tenure of the office; it deserves.
- ◆ We have talked of the Local Government. We said, the Local Government is the basic level of Government closer to the people. People know more of local authority other than the central Government and hope that they can get all the services they need from the local authority. With this in mind, then, the local authorities should be strengthened to be able to deliver adequate services to the citizens.
- ◆ We elect the mayor and the chairman of the county council directly. Their offices should be-, terms of office should be extended from two-year to five-year terms.
- ◆ The electoral system, we have said, in fact I am leaving some areas for you to look at. Electoral system and process: Kenyans should continue practicing the representative election process. The simple majority rule that has

been used in Kenya has always seen some people getting to power even when they are elected by the minority. To uphold this democratic principle of representation, or its strength, the Constitution should state that to be legally elected a candidate should at least get 51% of votes cast.

- ◆ I am trying to beat up my five minutes, Mr. Chairman. We have talked of land and property rights. The Government should have rights and power to compulsorily acquire land for the purpose of development of social amenities like roads, hospitals, schools, for extension of minerals; for the purpose of national development and compensation offered should be adequately promoted.
- ◆ The State, the Government or county council should have the power to reclaim big chunks of land that are not put into proper use for economic development. In fact, we have written quite a lot about it, Mr. Chairman I hope you will look at it and take it as our wish.
- ◆ Cultural and ethnic rights: Kenyans should uphold existing multi ethnic cultural diversity as long as it does not affect unitary Government, or be offensive to the social, economic and development of the State.
- ◆ Basic Rights: Our new Constitution must make provision for social, economic, cultural and environment rights. It should protect security, health care, water, education, shelter, food, employment, and Basic Rights for all Kenyans. This should be in disregard of any political party inclination.
- ◆ We have talked of rights of vulnerable groups. Affirmative Action, indeed, should be linked to DAP, 'Differently Abled Persons'. We thought we have a very powerful member of Parliament in our constituency, she is more than a man, - so, the question of Affirmative Bill should be buried and forgotten.
- ◆ Management and use of our resources: Parliament should approve all expenditure –in of course bad governance-. Controller and auditor general should be independent and with security of tenure. They should also have powers to prosecute all those who misappropriate public finances.
- ◆ All corrupt offenders should be made to repay whatever they might have corruptly acquired and be banned from holding any public office.
- ◆ On prosecution: the A.G. should not interfere with the proceedings of the Controller and auditor general, through the nolle prosequi. You lawyers understand that properly. The latter should be let free to continue with his work.
- ◆ Establish an independent and anti-corruption unit with power to arrest and prosecute.

- ◆ Report by Public Accounts and Public Investment Committees be implemented.
- ◆ The Constitution should establish a code of conduct for officers holding public offices.

I have tried to run very fast Mr. Chairman. We have written a document, which you can have a look at.

Com. Maranga: Thank you sir, and thank you for trying to take as little time as possible, even though you went beyond the five minutes mark, but that is okay. I now may want to invite my colleague, Commissioner Nancy Baraza, if there are any points of clarification...

Com. Nancy Baraza: Honorable Muriuki thank you very much. On the issue of gender equity in this country, you say the Affirmative Action Bill should be buried and forgotten? The law which is overseeing this process of the review, - that is the Constitution of Kenya Review Act; I don't know whether you have had the opportunity to look at it? But it recognizes the fact that there has been gender disparity and gender inequity in this country. So, by saying that we bury any thoughts on that, it will be really going against the very law. It does recognize that there has been gender inequity, and what we are asking the public is that where do we go from there having recognized that there has been gender inequity? How do we bring out a balance? That is the basic of the law that we are operating under.

Muriuki: We understand. That used to be there many years back. But now in the Millennium, I don't see it existing.

Interjection. Com. Baraza: ... Not clear.

Muriuki: That is why we are reviewing it.

Com. Maranga: I don't want to encourage the exchange between Hon. Muriuki and Com.Baraza. But the issue here is, the Act is very clear; please consider Affirmative Action where necessary, because it is important.

Interjection. (Inaudible).

Com. Maranga: Thank you sir. I agree with your position, but we are saying that the Act is clear, and we need to re-examine all those parts. The way you have said that we realized that there was no Preamble, which you have come up with. The same way we realized that there is no Affirmative Action. So we want to see what kind of programs we can come up with. Thank you very much. I want now to request you to sign our official register and hand over your memorandum. Thank you very much Hon Muriuki. Now the next presenter is Peter Njuki. Peter Njuki... yes, you have five minutes to

summarize your points, and I have been requested by the general public, that you use the mic so that they can be able to hear you from the market. In fact, they are listening to these proceedings. Thank you very much. So speak to the mic please. Thank you.

Peter Njuki: My name is Sospeter Kinyua Njuki, from this constituency of Gichugu, and I am here on behalf of Kiamutugu Catholic youth in this area.

My first point, which we would like the Commission to review, is unemployment. This is brought about by the negligence of duty by the ministry of Labor. This is all because the ministry of Labor has power to oversee how many people are retiring in the country, how many people are in higher education institutions and their goals. So, when these people finish or complete their courses, they are just dumped out in our country, just to toil with some other principles for which the Government is still oppressing.

Secondly, salaries: if you get a chance to have a job in Kenya, sometimes it is ridiculous to understand that you have been offered this job and you are under paid. The country should have at least a machinery in which it will provide the maximum payment or the minimum payment at least, which will cater for the basic needs of the common mwananchi. You get the country is also advocating the privatization of schools. You have been licensed to have a school of your own and you employ people who have been to colleges whom you pay money, which cannot cater for their needs. You get that your payments are also not given at the right time and you had already worked for it. You are just given money which cannot sustain you in that area because these people want you to be in the school at exactly eight, or some minutes before eight, and you are released at about 5.00 p.m. so you cannot get something which can help you to supplement that money or that payment. So, the ministry of Labor has a task to do to see into these things.

The Government allowing some syndicates in the name of institutions. In Kenya, we have institutions, which everyone is entitled to, he can go to. Then all over a sudden, the corrupt members of our country are licensing syndicates in the name of institutions. So, when you are trying to look for your daily bread from home you end up doing syndicates. And then, you have nowhere to turn your eyes to. Because, if you go to the Government, you will hear that those people had been licensed to operate but the certificates they are issuing the common mwananchi have no use. And if you go looking for a job, you will be told that your Certificate is invalid and still we have the Government.

Citizenship: Kenyan citizens should not be grouped along tribal lines. This is, - if it is people in Gichugu-, when you go to apply for an Identity Card, you are asked your tribe, your family groups and whatever, and this increases corruption. Because if you have gone to look for a job, and you give your testimonials, - some people are very corrupt, because they will say this is a Kikuyu and I cannot help a Kikuyu; somebody will say this a Luhya, I cannot help a Luhya. And you will end up, - even if the merit indicates that you have qualified for that job, you will never find it.

Abuse of power: The Government has given directors, managers in hospitals and higher institutions. But I will dwell on hospitals. You get that in a hospital, -that is a manager or the senior doctor in that hospital-, these people are given, - are professionals in those fields, - and due to uncertainty of life, - that is why we build these hospitals, and the drugs are bought, which are very expensive, - then you will come to understand that these drugs are put in those stores until they expire, and we still have this Government over the audio videos, in the TVs, over the air, saying that a certain hospital and such and such amount of drugs which cost the country this much, has expired...

Interjection. Com. Maranga: Wind up please; I give you one minute to wind up now...

Peter Njuki: Okay thanks. You get these doctors or these managers are just kept in those hospitals, and the drugs are expired, and they are not warned. If this Government should come to a standstill, it is better these people may be suspended from their posts. Because, even in Kenya there are some professionals who have no jobs, and can fit in those positions.

Thank you.

Com. Maranga: Thank you. Remain there, if there are any points of clarification.

Com Nancy Baraza: Just one point Peter, would you rather we have a Constitution, which treats you fairly, whether you are a Kikuyu, I am a Luhya and another one is a Kalenjin? That is a better one than us running away from what we are. Isn't it? I would want to be a Luhya, but I want equity and justice. What is it? We run away from what we are, or we ask for fairness and justice in this country?

Peter Njuki: We ask for fairness and justice in this country. That is why, I would like the Constitution and the act of getting these I.D. cards to be scrapped and then we should be issued with Identity cards which do not have the tribal lines or the family groupings; we just be called Kenyan citizens, only indicating your name.

Com. Maranga: Thank you very much Peter. And now I request you to hand us your memorandum and please sign our official register. Thank you very much for your presentation. The next presenter is Geoffrey Kariuki. You have five minutes please. And you start with your full names.

Geoffrey: My names are Geoffrey Kariuki; I am presenting the views of Democratic Party of Kenya, Gichugu Sub-branch. Before I present these views, I would like to note... (Pause)

Interjection. ... Not clear.

These views are an addition to what was presented by the Democratic Party of Kenya at the national level. I have been informed that they were represented there, so, I want to add on what they put across to avoid a situation where, may be at the national level they said this, and at the lower level we say something different.

First and foremost, we would like to have a Constitution, which will have a Preamble. This would reflect the vision and aspirations of Kenyans. It should also reflect that we are all equal before the law, irrespective of gender, political affiliations, ethnicity, e.t.c.

Citizenship: Children born in Kenya by Kenyan parents, children born in Kenya but who are abroad. For a Kenyan male, who happens to have married a foreigner, their offsprings should automatically become Kenyan citizens. A foreign male, who may marry a Kenyan lady, they are entitled to be Kenyan citizens, unless they choose otherwise.

Political Parties: In addition to political mobilization, Political Parties should check the excesses of the Government of the day. The Constitution should regulate the formation, management and the conduct of Political Parties to avoid situations where Political Parties are being sold in the market places in the name of mergers or whatever they have been calling it. The Constitution should limit the number of Political Parties to a maximum of four; and the issue of merging should not arise.

Political Parties should be financed by the public coffers on the following conditions:

- ◆ Parties must be represented in Parliament. We don't want a situation where somebody registers a Party and then goes to get the money from the Government, which they use for their own purposes.
- ◆ The other condition, we would like a situation where we have three or four parties at the highest. The activities of the Political Parties should be delinked from the state activities. For example Public resources should not be used to finance political activities of any party, irrespective of whether the party is in power or not.
- ◆ The ruling party should cease from using public resources.

Structures and systems of Government: The Constitution should retain the Presidential system of governance. We should have an Executive President elected directly by the people, and a Prime Minister appointed by the party with majority representation in Parliament. We should retain a unitary system of Government in which local authorities will be empowered and strengthened. That is, they be autonomous.

The Legislature: Functions of Parliament should be expanded to include vetting Presidential appointments and also control its own timetable and calendar. Parliament should also have unlimited power to control its procedures through Standing Orders. Parliamentary and Presidential contenders should hold a University Degree to enable them adapt more easily to new ideas. MPs' salaries should be determined by the Parliamentary Service Commission. We should retain the concept of

nominated MPs on the basis of party strength in Parliament.

Executive: A President should serve two five- year terms.

Judiciary: Judicial officers should be appointed by the Judicial Service Commission and must be vetted by Parliament.

Local Authorities: Mayors, Chairmen of county councils should be elected directly so that they can be answerable to the people who elected them. They should serve for a term of five years without being recalled by the electorate. Minimum academic qualifications for the councillors should be 'O'-Level. A minister should not be vetted with powers to dissolve councils. And if the council is not performing, it can be vetted by the Parliament and be dissolved. But not a single person to do that.

Succession and transfer of power: During a Presidential election, the Speaker of the National Assembly should be in charge of the Executive powers to avoid a situation where a player becomes a referee at the same time. Before the results of the Presidential elections are declared, all contenders must accept the results and sign, to show that they have agreed with what has gone on. An elected President should assume office after some time in order to give other contenders time to petition if they are not satisfied with the results.

Com. Maranga: Thank you very much Peter... No that is Geoffrey. Sorry, Geoffrey Kariuki. Now let me ask my fellow colleague whether there are any points of clarification. She does not have any, neither do I. I want to thank you very much, please sign up in our official register and then hand over your memorandum to the secretariat. Thank you very much. The next speaker is Kimotho Kinyua. Kimotho Kinyua...not there. The next one is William Njagi Jotham. Yes, please Jotham come in, and you have five minutes to give us your main points. William, thank you. Start with your names

William: My names are William Njage Jotham, from Thumaita sub-location. I suggest the following should be included in the new Constitution of Kenya:

1. Lease period of our agricultural land to be 1,000 years rather than 99 year.
2. Powers of the President should be limited.
3. Opposition parties should be funded by the state.
4. Parastatal chief should be appointed by Parliament
5. Vice-President of the country should be elected by Parliament by a 65% vote.
6. The 8-4-4 system of education should be abolished and replaced by an 8-2-2 system of education.
7. Mayors and chairmen of county councils should be elected directly by the electorate.
8. The ruling party should not be funded from the Government fund.

9. Primary education and medical services should be free and funded by the ruling Government.
10. All financial transactions should be scrutinized by Auditor general.
11. Ministers and assistant ministers should be appointed by Parliament (by 65%).
12. Street children should be taken care of by the Government.
13. Any officer holding public office should be taken to court if he misuses public funds and if found guilty, should be jailed and made to pay the misappropriated funds.

And that's all.

Com. Maranga: Thank you very much for keeping time. Now let me ask my colleague if there are any points of clarification. Thank you very much. Now let me ask my fellow Commissioners if they have any point of clarification.

Com. Baraza: Thank you Mr. Jotham. You do suggest that lease of land be up to 1,000 years not 99. 1,000 years?

Interjection.

Jotham: 1,000 years or life lease.

Com. Baraza: We are taking this issue of land and management of land very very seriously. So we take your views very seriously. Now, who should be the ultimate titleholder of that land? Who should it belong to ultimately? The land? Is it the state, is it the Government, is it you, is it the people?

Interjection. Jotham: The people.

Com. Baraza: We the people should own the land? Okay. Then we give ourselves a lease? Okay, fine. And then another one, ministers. Do you have any thoughts on how many ministries should we have? Most people are suggesting we should limit the number and that should be in the Constitution.

Jotham: Twelve.

Com. Maranga: I have a question about the system of education. You have said 8-2-2...

William: On education we have an old system that is 8-2-2.

Interjection: Com. Maranga: You want the system of 7-2-2? No, 7-4-2?

William: 7-2-2, 8-2-2, yes 7-4-2.

Com. Maranga: Okay, thank you very much. Okay, thank you. Please sign up our official register Mr. William, sign the official register and hand over your memorandum. Now the next speaker is Felix Gichobi. Felix is not there, is he there? Okay please Felix you have five minutes to give us the main points.

Felix: My name is Felix Gichobi Kariuki; I come from the Ngere sub-location. The following are the points that I want to deliver to the electoral Commission.

1. Presidential powers. Our President or the President to be should not have powers to dissolve Parliament, the members of Parliament should do that.
2. People should be given a right to recall their MP and a letter of no confidence should be written, signed by not less than a thousand people.
3. MPs should not be entitled to permanent and pensionable terms of service as we have in a lot of unemployment countrywide.
4. Chiefs and assistant chiefs. Chiefs should be elected by the local people, who know them, because they don't go on transfer from one location or sub-location to the other one. This is because, there is a lot of, - if I recall, in our location-, there is a lot of drinks; 'Makabo' is a lot. There is a lot of 'Makabo' drinking/brewing going on; and I thought if they were elected by the people, there would be no *Makabo* within our sub-locations and our locations, even our divisions and the district at large.
5. The police force. I feel that the Government should pass a law to stop the high rate of corruption in the police force, on the roads especially on the matatus side.

That is all I have to deliver to electoral Commission.

Com. Maranga: Thank you, this is not the electoral Commission, this is the Constitution of Kenya Review Commission. Tume ya Kurekebisha Katiba. Ahsante. So, nafikiri nitamuuliza mwenzangu aweze kukuuliza maswali, kama anayo. Kama hana tutajua.

Com. Baraza: Now, thank you Mr. Gichobi. That right of a thousand of you signing a memorandum is called 'The right of Petition.' If you sign a thousand of you to recall your MP is called 'a right to petition'

Felix: To recall an MP ... (Inaudible)

Com. Baraza: Yes, and that right you have is called the right of Petition. Ahsante.

Com. Maranga: Ahsante sana Bwana Felix, mimi sina maswali kwako, na I am just asking you to sign up in our official register and hand over your small memorandum to us. Thank you very much. The next speaker is John Gachanja. Where is John? Yes, John Gachanja you are the next one. Then yule anaitwa James Mitire, ako? Uwe tayari.

John: Jina langu ni John Gachanja kutoka Thirikwa sub-location.

- ◆ Kunyanyaswa kwa wazee na wanawake.
- ◆ Wanawake kugawiwa shamba mara mbili. Kwa mume wake,

Interjection. Com. Baraza: Usiweke kea mdomo, weak mbali kidogo. Namna hivyo..

John: Jina langu ni John Gachanja kutoka Thirikwa.

- ◆ Kunyanyaswa kwa wazee.
- ◆ Wanawake kugawiwa shamba mara mbili, kwa mume wake na kwa baba yake, na wazee hawawezi. Kwa nini hawawezi kuchagua upande mmoja?
- ◆ Wazee kuwa hawana watoto isipokuwa akina mama. Nimeona mara mbili,

Interjection. Com. Maranga: Which is your first point?

John: My first point was wanawake kugawiwa shamba mara mbili. Kwa mume wake na kwa baba yake, na wazee hawawezi. Kwani hawawezi kuchagua upande mmoja?

- ◆ Haya, ya pili. Wazee kuwa hawana watoto isipokuwa akina mama. Nimeona mara mbili, Kajoo na Thirikwa sub-locations.
- ◆ Mtoto kuchukuliwa na mama baada ya kuachwa na mume kwa miaka minne.
- ◆ Kisheria. Mwanamke kuolewa mara mbili. Tena kukaa wazee wawili. Wa kwanza aliye muoa na wapili aliye muoa. Ni lazima achague upande mmoja.
- ◆ Kuolewa kwa mwanamume. Sikiza sana. Kuolewa kwa mwanamume na mwanamke, miaka kumi hadi miaka ishirini. Baada ya miaka ishirini mwanamume hufukuzwa na wamezaa. Ni lazima agawiwe mali na huyu mwanamke kwa sababu wamekaa miaka kumi hadi ishirini na wamezeeka.

Mambo yangu ni kama hayo.

Com. Maranga: Ahsante sana Bwana John. Na sijui kama Nancy ana... okay.

Com. Baraza: (*Laughing*), John, wanawake wamekukosea nini? Nataka kuuliza swali. Kwani huku Gichugu, miaka ikifika

twenty wanawake wanafukuza wanaume au unatuambia nini?

(Laughter).

John: Siku hizi, wanawake wanaoa wanaume. Munakaa na mwanamke mpaka ukazeeka. Sasa wakati umezeeka na umezaa na huyo mwanamke, anakufukuza. Sasa utawacha bibi na ako na watoto?

Com. Baraza: Na liko swali lingine ndogo. Umesema hiyo point yako ya kwanza muhimu sana. Umetaja point muhimu, ukasema wanawake wanapata shamba mara mbili, kwa baba na kwa mzee. Na wale ambao hawana husband, unaonaje? Hawa ambao hawapati shamba mahali popote, tuwape vipi? Kama uko na... wewe uko na familia? Kama msichana wako, unajua siku hizi, huenda asiolewe. Apate shamba wapi? Utampatia?

Com. Maranga: Okay. Thank you John. Enda uweke sahihi kwa kitabu chetu rasmi na utuwachie hiyo memorandum yako. Thank you. The next is James Mitwe. James Mitwe you have five minutes.

James: Ahsante Bwana electoral Commissioners.

Interjection. Com. Baraza: Karibia hapo.

(Speaks in Kikuyu).

Translation: My names are James Mitwe Gatumu. Kumo thirikua sub-location

Translator: I come From Thirikwa sub-location.

James: Ne kocokia ngatho kwe Electro-Commission ne undu wa gothikereria na maoni maitu na negetha mekeo thinie wa Gatiba iria megothondika.

Translator: I thank the Commission, for coming to listen to us. For our views to be put in the new Constitution.

James: Maoni makua ne undo okonie murime wa kahowa.

Translator: My views are on the coffee farmers.

James: Murime newe mundu oria mutheni muno thinie wa Kenya.

Translator: Because the farmer is the poorest person in Kenya.

James: Tondu ndi Kiama.

Translator: Because there is no organization.

James: Kana mundu ongemwareria reia indo ciake ceragoro.

Translator: or somebody to speak on his or her behalf, in the marketing of his or her produce.

James: Mwena we gie kahawa twena kiama getago Coffee Board.

Translator: On the side of coffee sales, we have an organization called Coffee Board.

James: Coffee Board ye ndagia kahowa oria ikeceria.

Translator: The Coffee Board sells coffee in whichever way they think is fit,

James: Mwena we giye igorti etinagia ndetethagia murime.

Translator: and it taxes heavily without considering the farmer.

James: Koragia watho ogethondeko murime nietekeruo athuri andu magokorago monganete kuo thinie wa wendia wa kahawa.

Translator: I am requesting that when writing the Constitution, a farmer should be allowed to have his or her own representative in the Coffee Board.

James: Twendia Kahawa murime ne atige kwendageruo mbecha ciake muno

Translator: After selling the coffee, the farmer be paid immediately or after two weeks.

James: Ocuo neguo uoni wakwa.

Translator: That is my view.

Com. Maranga: Ahsante Bwana Mitwe. Thank you very much. Pengine ubaki hapo, kama hakuna swali... hata mimi sina swali nakuomba uweke kitabu chetu sahihi halafu uwache memorandum kama unayo, nasi. Thank you very much. Mwingine ambaye tunataka aongee ni Joseph Kiura. Joseph...where are you? Kuja. Sasa wewe inatakiwa uongee. Thank you. Jitambulisha hapo, majina yako kamili na uongee. Utaongea lugha gani?

Speaker: Kiswahili.

Com. Maranga: Thank you. Okay proceed.

Joseph: Okay, Ahsante. Jina langu ni Joseph kiura Njui. Maoni yangu yanahusu mashamba na title deed zake. La kwanza, mashamba ambayo yanakaribia msitu wa Mt. Kenya. Tuna wasiwasi ama watu wana wasiwasi. Imepita kama miaka ishirini sasa, huo msitu kuna wakati ulifanyiwa survey na katika ma-officers waliokuwa wakifanya survey walisema ni development wanataka kufanya, na huenda ikawa hawa watu wanakaribia msitu watahamishwa. Hii habari ya kuhamishwa ililetea watu wengi nikiwemo mmoja, wasiwasi na kuanza kuchunguza title deed zetu. Nilipokuwa nikichunguza niliona ya kwamba miaka 99, huenda ikawa nitafukuzwa wakati wowote. Je, nitaenda wapi? Na sio mimi pekee, ni watu wote ambao wako katika sehemu ambazo zinahusika sana na Mt. Kenya.

Pia, kuna boundaries ambazo zinaonekana na inasemekana zilifanywa surveyance miaka mingi iliyokwisha, ikionyesha ati ni future development. Langu ni kuuliza Tume ikiweza, - na ina uwezo nafikiri hivyo, ifikirie habari ya title deed hizi, ikiwa ni 99, hata ikiwa ni miaka mia moja, itafika wakati iishe, je, huyo mtu ataenda wapi? Itakuwa renewed namna gani? Maoni yangu ni kufikiria, ikiwezekana kabisa, title deed upande wake wa mwisho, uandikwe miaka hiyo ikiisha, hakuna haja ya kuenda kutafuta ati ilikuwa, aa aa. Ilipitishwa, ni kuenda ku-renew. Kusema title deed yangu imefikisha miaka hii, so, nataka ku-renew. Isiwe tu unatokea na mtu pale nje, unaambiwa ondoka, area hii si yako. Kwa sababu hiyo, mimi nilianza kufikiria hivyo kwa sababu, pahali nipo, nimezaliwa hapo, baba ya baba yangu alizaliwa hapo, ninashindwa nikitoka tunaenda miaka ya sitini huko kuenda mbele, mtoto wangu nitakuwa nikiwambia shamba hili ni letu aje? Ikiwa title deed akichunguza vizuri, anaona, hata hajui ataenda wapi ataelekea wapi, ataenda kuuliza nani? Kwa hivyo wakati huu wa kurekebisha Katiba, ningependa title deed iwe ikieleweka vizuri na wakenya. Ahsanteni.

Com. Maranga: Ahsante. Unaweza kusimama hapo, tujue kama kuna swali... hamna. Na nakuomba uweke sahihi katika kitabu chetu rasmi na nakushukuru. Thank you very much. The next... mwingine ambaye anatakiwa kuongea anaitwa Felista Kariuko. Sijui ni Kariuki lakini inaonekana kama Karioko. Karioko, yes, that is the correct one. Felista Karioko ako? Oh! She is the one coming. Utaongea na lugha gani mama?

Felista: Gikuyu.

Com. Maranga: Gikuyu? Haya, ...(inaudible). Aanze na majina yake.

Felista: Felista Karioko Nyaga. Ndiraria ovuro wa gikundi getago “Gwekoria Group”. Tukorago vakuve na mutitu wa Kenya.

Translator: Majina ni Felista Karioko Nyaga. I am talking about a group known as “Gwekoria Group”. We are based near Mt. Kenya.

Felista: Tokorago kondo gwetago Nguguini.

Translator: Our group is in an area called Nguguini.

Felista: Ne vakuve muno na mtitu ne ta megonda etandato oguo.

Translator: very close to the forest.

Felista: Kondu kou tukaragua ne tukarago twi na thina wa korero ne njogu migonda.

Translator: We have a problem of wild animals destroying our gardens and farms, particularly elephants.

Felista: Na twarero ne Njogu ciana citu ne ciagaga kendo gia koria ne twakinyia gwe thirikari goti kendo tuonaga. Turago ne irio na tokoro ne ciana.

Translator: And after the wild animals destroy our farms, there is no compensation from the Government. We lose the farm produce and our children die of hunger.

Felista: Thina oria onge tukorago naguo. Thirikari neikireti watho thinie wa mtitu wa Kenya

Translator: The other problem is that the Government has put a law for the forest,

Felista: Ati mundu oria wonuo kou ne kanyaka.

Translator: that whoever is found there has trespassed.

Felista: Ne togete na wasi wasi mu’nge ne undu wa maundo maria meketo kuo mutitoni.

Translator: So we live under frustration because of what is happening in the forest.

Felista: Thirikari ne ya tuthomithiriye ohoro wa family planning na tukero ciana iria mundu akohota korera

Translator: Now that the Government has taught us to do family planning and we did so, we gave birth to the children we can afford,

Felista: Na reuo tondu ndina ciana ciaka ona akoro ne ikumi na igiri kana ne mirongo iri na nenemagera. Njogu iyo irekagererio uke inderi neke?

Translator: and I have my twelve children or so, and I am able to cater for them, why is that elephant allowed to come to my farm and it is not part of my family?

Laughter from the audience.

Felista: uoni witu ne ati ona njogu iyo ekoro ne kanyaka.

Translator: In our views, even the elephant is a trespassing when it gets on my land.

Felista: Muthigari ne aremito ne kumigetera, watho ovetokwe ati enge kauma koria muthigari wao aremito ne kumegitera uoke migondani itu, ya kinya mogonda wa mundu uoragwe ne miguongo twendie.

Translator: Now that the forest rangers are not able to protect us, or to control the elephants particularly, and the elephants come into our land, our view in this group is that, if that elephant comes to our land, we be allowed to kill and sell the tusks.

Laughter.

Felista: Na nio thirikari.

Translator: Because I am the government,

Felista: Varia vangi ne ciana koriga gothe cukuru, aciare makarekereria ciana

Translator: The other thing is that we have a problem of children dropping out of school or refusing to go to school.

Felista: Ciana iria eregaga cukuru ciandekago muno ne andu aria maturaga mbao thiniwe wa mutitu wa Kenya.

Translator: Some parents have neglected their children or they have been unable to control their children to go to school.

Those children have also affected the other good children.

Felista: Nie kugo ati akoro muciaru nia remeto ne gotethia ciana ciake, gokoro ne watho wa konyita aciari aria mathokagia ciana iria inge.

Translator: People who are cutting wood in the forest mainly employ those children who refuse to go to school. So, our view is that, we be allowed to form a group to get to the parents who are not able to control their children, so that we can discipline them.

Felista: Ciana irarega cukuru na ikanyua vangi na njovi ne iraviyo ne andu agima, tondu mwana wa miaka ikumi na ithato nda kemeinya, ndena oge wa kohanda vangi ne konyua.

Translator: The other thing is, drug addicts among school children who have refused to go to school. And also drinking beer, they become drug addicts and they are children. They are being given these drugs or alcohol by grown ups.

Felista: Nde na kaundo kange ga kuga ne undo wa iretu aria mataviketi

Translator: For the unmarried ladies,

Felista: Arume maugaga ati mundu atavikete akorago na thina mwingi, oguo ne athinagiuo muno.

Translator: there is general consensus in our culture that the unmarried women, they belong to anybody, so even if they rent a house in a town, men always molest them.

Laughter.

Felista: Njoke njuge ati netuthenekaga muno ithui ta honjiwa tondu mocie okarago na mtumia na ciana na mando mangi, andu amiwe ne mirutaga ta arume makanyuaga njohi, avunjia mavunjia ovoro wa Ngai mtumia akeinoka mocie wake na ciana mekorara kitheka. Thirikari yone ati mavunjio ne marathi na mbere.

Translator: As preachers, we also find that their families' domestic problems should not interfere with the work of preaching, because of domestic quarrels.

Felista: Kerekia kwenda kuga atirere. Gothendoko thirikari irava avunjia gatio, rita rimwe ne jiguweti Batiri, Gatiri, magecaborero muno ne undu wa kwaria oma.

Translator: Finally, I want to say that we want a Government that respects the religious leaders because we have heard politicians insulting or talking ill of religious leaders. In fact, some councillors are even beating the religious leaders.

Felista: Aritu monago me ivia muno ne undu wa gociera ciana ithati inya, nao anake aria mekeraga aritu nda onamu mekerero watho, ne undu nake ti mwanake rake no mociaro.

Translator: I also want to say that for those who are responsible of their pregnancy be questioned they have also brought in those children.

Interjection.

Com. Maranga: Order, order please, tafadhalini mukae chini amalize... Harakisha kidogo tafadhali mama.

Felista: Ahsante.

Translator: She has finished with saying that women who get children are seen as very guilty people. But the blame does not go to men who are responsible for those pregnancies. Can something be done about that?

Com. Maranga: Ahsante sana. Thank you very much. May be, I want to note that our translations must be accurate because these are records of the Commission. Please be fair and give us a truthful translation. *(To Com. Baraza):* Do you have any issues with Felista? *(To Felista's Translator):* Mwambie tuna maswali ya kumuuliza.

Com. Baraza: Felista, wewe umeongea maneno mazuri. You have raised very important issues I want you to clarify. Unasema kwamba wanawake ambao hawajaolewa wanaonekana kama ni wa kila mtu? Hata waki-rent nyumba wanaume wana wa-molest? Wako na shamba nyumbani, au wanataabika tu kwa market wakitafuta hizi nyumba?

Felista: Mange makorago mekateuto ne aciare auo.

Translator: Their parents expel some of them and therefore they have nowhere to go, they just loiter all over.

Com. Baraza: So it is a problem of not having. So, as a resident, kuna jambo ambalo tunaweza kufanyia hawa watoto ndio wasisumbuke kwa market places? Wakiwa na baba na mama na shamba?

Felista: Ne kwenda atumia acia magetirwe na kogeuage na ithomo cia kothomithia andu maviyage aria angi getiuo ne undo ona

ocia wekareto oguo mtumia ocia araruta wira onakoroga mundu mrume, ne undu ena family yake kogu aviuo gituo.

Translator: She wants those women to be respected and to be protected by the Government and not to be molested, simply because they have gotten into that situation.

Com. Baraza: No my question is, can the parents provide for them, wapatiwe shamba nyumbani?

Felista: ee no ma mavi migonda, tondu ne rogai ruo.

Translator: Yes, the parents should give them land because that is their inheritance.

Com. Baraza: Yes, another question, - a chance if you don't mind. Umeongea juu ya wanyama wa pori wakiwasumbua, nataka clarification. Why are they on the loose, why are the elephants in your farm? Is there a problem?

Felista: Ne undu wa thirikari njuru, neo marimeto ne wira wao.

Translator: They are coming into our farms because of poor management of wild life. I said from the beginning we give birth to the number of children we can afford.

Felista: Njuge atirere ndikevuta njuge atirere mo mekuaga gokoro ma keromia watho koria mutitu mari moke majekerero watho.

Translator: I also want to add there and say, the forest rangers are not able to control the animals in the forests and they are now letting the animals come into our land.

Com. Baraza: The last one, you talked about the trespass law. Ukitembea kwa msitu wanasema ume-trespass. Now, hiyo sheria ni Kukukinga wewe usiwawe na wanyama ama, nataka kuelewa, kwa nini unasema hiyo trespass? Unataka uingie kwa msitu na wanasema kuna hiyo sheria au ni nini?

Felista: Marauga atirere kore kwao ndathi koria mutitu tutikathi kou ne undu twathi kuo ne tukoraga njogu kana, ithui tothiyaga kuna ko na aria mokaga kou gothokoma matoraguo ne ithue ne turaguo na tuthiyaga kuna ko.

Translator: When they get in the forest they go to look for firewood. But those who get in the forest go there to cut down the wood. Why should there be discrimination? Those who go to cut firewood are not asked, but for them, when they go to fetch firewood they are asked.

Com. Baraza: Okay fine. I get it. The last issue is on the children, watoto wanao randaranda; they are not going to school. Wouldn't you suggest to this Commission that probably, education should be free and compulsory for those who are not able to afford, so that it is not your duty to discipline those children but that they should be in school.

Felista: Aciare acio mateithue na makinyokeruo ikinya ne undu wa korekereria ciana ciao tondu no kinya ohati komenyerero ciana ciaku.

Translator: She is talking about parents who are not able to control their children. The discipline she is talking about is for those parents who are not able to control their children.

Com. Maranga: Order please... Okay thank you ... Ahsante sana Felista. Lakini namuomba aende aweke sahihi katika kitabu chetu rasmi. Na ahsante sana kwa maoni yako. Sasa, mwingine ambaye anatakiwa kutoa maoni ni Bwana John Gachoki. John ako? Okay kuja, wakati ni wako, dakika tano please. John...

John: My names are John Gachoki Njeru. I don't have much to say because much has been said. So, my few comments will be on the Armed Forces. For one,

- ◆ Unless the President is trained, he should not have any office in the Armed Forces.
- ◆ Promotions in the Armed Forces should not be on political grounds.
- ◆ Meanwhile, when there is no war, the Armed Forces should serve the public, since in some areas they are equally trained with the civilians e.g. health services, any thing to do with mechanical training, air traffic technical jobs, and so on.

Next issue will be upon the wasted manpower: people in rehabilitation or in prisons or under any probation, should be once again be absorbed in the Government. Let the Government plan its offices, since in the present Kenya we hold, there are so many people who have been trained, yet they have got no responsibility to serve.

I comment about schools. Schools should not be under any sponsor. Let them be wholly under the ministry.

Another issue is about cash crops. Marketing of cash crops should directly involve the producer. If only the producers are not a saleable lot, let there be no hindrances apart from the state taxes. Even coffee, let the marketer be the producer. And if there is any licensor, let him license the producer.

Lastly, Worship: Since there is freedom of worship, let there be a true measure of worshipers e.g. the Bible or the Qurhan. Let there be a law that will stop preachers from insulting the Government, since they use this umbrella to insult the Government. For

instance, there are those who claim that they are Bible followers yet they take the chance to insult the Government. And the Bible sincerely says, those who know God should pray for the Government but should not insult the Government. So, under any capacity, let there be nobody who holds any responsibility in any church or any group, have the chance to insult the Government.

Com. Maranga: Ahsante, thank you very much Bwana Njeru. Pengine, sijui kama kuna swali from my colleague? We have no questions for you. I request you to step down now and please sign up our official register. Thank you very much.

John: Thank you and God bless you.

Com. Maranga: Thank you. The next is Julius Gichobi, Julius yuko? Wapi Julius? Hayuko. Ako wapi? Wapi Julius Gichobi? Hayuko. The next is Joseph Muma. Joseph Muma ama ni Mumo? Joseph Mumo... Hayuko. Okay, the next is... sorry Joseph Muna ... Hayuko. The next one is Richard Gitari... yes...

Richard: Thank you the Commissioners. My name is Richard Gitari Ngare from Kabare, Kariamo location. Katika Katiba, lile mimi naomba is that,

- ◆ The President should not be the Commander in Chief of the Armed Forces.
- ◆ The President should not appoint the Attorney General, Chief Justice, and even P.Cs. Even the parastatal bodies' managing directors, he also should not appoint them. That should be done by the committee formed in Parliament, by the elected MPs.
- ◆ All Political Parties should be respected by the Government; -those elected to Parliament should be respected by the Government.
- ◆ Kenyan wealth should be well taken care of in order to uplift the standard of the country. Over 60% of the natural resources in Kenya should be left in the country to develop the country, especially in mining. We have gemstones and even Magadi soda and other products, which are found in the soil.
- ◆ Tourism; The Government earns very little from the tourists who come to Kenya to see the scenery. This money cannot be used to develop most parts of the country, which are very poor.
- ◆ The other thing is in agriculture. We can have coffee, tea, -most of the money which is earned by the farmers or producers is taxed by the Government, leaving them with very little and making them poorer and poorer.
- ◆ The other thing is that K.W.S. officers and forest guards should not arrest or disturb the people when they are not in the forest.

That is all that I had.

Com. Maranga: Thank you Richard. Now I want to ask my colleague if they are any points of clarification? Yes there are.

Com. Baraza: Now, Mr. Ngari, I thank you for your submission. I have two clarifications. On the national resources. Are you saying that in... I didn't get you well. You said the tourists are going away with too much, leaving the country with too little. Are you probably saying that, where that resource is, some should be left in that area, and other natural resources, where it is produced some be left for that area? Or what are you saying?

Richard: What I mean is, within the areas where these things are found, especially let me say, - if it is tourism, those people come and they see the animals which are closest to us, but they leave us without anything, especially we common persons.

Com. Baraza: So we leave some resources to those people who come from Mt. Kenya area, we leave some for you people here?

Richard: Yes. To develop the area

Com. Baraza: And where there is magadi soda they develop their area?

Richard: They develop their area.

Com. Baraza: What percentage do you think you should get?

Richard: Over 60% if I am not wrong.

Com. Maranga: Thank you very much Richard. Now you can sign our official register and leave us with our memorandum. The next speaker is ... I think Reverend Evantos Muriuki did speak. And I think he gave us his memorandum. Now we have Acathas Wanjira. Do we have that person here? Yuko. Kuja utoe maoni. Kuja useme majina yako... utatumia lugha gani? Kikuyu? So we need a **Translator**.

(Speaks in Kikuyu)

Acathas: Atumia marumago ne undo ne atumia makaigua hinya kumera mbere.

Translator: Women are insulted because of their gender. And that makes the women feel shy in coming forward.

Acathas: Mtumia akoro akionuo ta mundu oria onge, ndakavothue,

Translator: So our view is that the Constitution should be gender sensitive and not ignore women, or misuse or abuse them in

whichever way.

Acathas: Ngerekia ka undu kao tariuo kore na atumia me kwero gamia aria maramaruma oundo omwe na athuri wa cothereria okona ona mtumia ne agero kiyne, na riuo ne turauga ati ohoro wa equality. Kaoundu kao ne karoro muno.

Translator: To wind up on the side of women, it is important that the Constitution recognizes that even when they come for elections and campaigns, they should be treated like human beings, not to be treated unfairly because of their gender.

Acathas: Ndiri na kaundo kange.

Translator: That is all.

Com. Maranga: Thank you Acathas Wanjira. Ahsante sana. Sasa nitauliza mwenzangu kama ana maswali? Inaonekana Commissioner Nancy Baraza hana swali lolote na mimi sina. Namuuliza aende akajiandikishe rasmi kwa kitabu chetu ili aweze akaweka sahihi. Thank you very much. Now the next speaker is Reverend Francis Mwai. Okay.

Pause.

District coordinator: Hiki kikao chetu cha Tume ya Kurekebisha Katiba, tutapata break kuanzia saa saba na nusu hadi saa nane na robo. Kwa hivyo tutapata Break kati ya saa saba na nusu hadi saa nane na robo. Kwa hivyo nawaomba radhi kwa hayo.

Reverend Francis: Thank you. My name is Reverend Francis Mwai, from A.C.K. Njokeini Parish. I stand here to present the views from this parish, - not me alone, but with others who are with me here. These views to the Constitution Review Commission are that:

In our Constitution we have no Preamble. And so we said the Constitution should have a Preamble, which gives our geographical boundary, and it should be comprehensive. We have touched many areas of the Constitution, - I will only highlight a few and may be one or two points in every section.

- ◆ Principles and policies of state. The Government of Kenya should follow democratic principles of governance. Whilst we strongly propose a unitary form of Government, where we have an elected ceremonial President, and a Prime Minister to look into the day-to-day affairs of the Government. In that section we have eight points, but due to time, I will mention only those two, for I will hand over the memorandum.
- ◆ Constitutional supremacy: We said that the Constitution should have supremacy above all other laws, and any law that contravenes the Constitution remains void. In the event of a serious Parliamentary Constitutional disagreement, there

should be a provision of National referendum to make the final decision but not President.

- ◆ **Citizenship.** We have four points here. One is that, any person born in Kenya of two Kenyan citizens should be an automatic citizen of Kenya. Two, any child born outside Kenya, where one of the parents is a Kenyan, she/ he qualifies for citizenship, regardless of parents' gender. Anybody living in Kenya who deserves to be a Kenyan citizen qualifies for such citizenship, regardless of gender. Every Kenyan should be governed by the Constitution and all other laws and rules of the land. He or she has a right to participate in social economic, political or other affairs.
- ◆ **The other area we touched on is defense and national unity:** One, we think that the President should be the Commander in Chief of the Armed Forces, namely the Air Force, Army and Navy for national security from external forces. Two, we said, G.S.U. should not be paramilitary but should come under police. Three, we said, the rest of the Armed Forces namely G.S.U, Police A.Ps, Prison Warders and so on, should come under the ministry of Home Affairs.
- ◆ **Structures and systems of Government.** We should adopt a Parliamentary system of Government, in which a Prime Minister is appointed from the majority party in Parliament and the President remains ceremonial. We should adopt a system in which, the Executive authority is shared between the President and the Prime Minister as afore said, and as Parliament would deem it fit from time to time. I won't continue with those points because they are many; I will go to another section due to time, I believe you will bear with me.
- ◆ **The other one, which has about eighteen points, is the Legislature.** One, we said the Parliament should be the supreme authority in law making in accordance with the Constitution. Two, Parliament should have independent powers to draw its own programs and the election date should be stated at the beginning of the Parliamentary sittings. The third point is, Parliament should be made to approve all Executive appointments, including P.C, Judges, A.G, Chief Justice, Auditor General, Public service Commissioners including electoral Commissioners e.t.c. The President should not be above the law. There are about eighteen and I cannot go through all of them due to time.
- ◆ **The other area we touched on is the Executive.** One;
 - We said that the President must be a Kenyan citizen by birth.
 - Must be between 45 and 60 years of age.
 - Must be one of good morals; not convicted of a criminal offence.
 - Should declare his wealth on election and from time to time.
 - His minimum qualification: a Degree in, may be, political science, but it should be a Degree.

Two: The Presidential term should be two five-year terms only.

The Judiciary. The Constitution should guarantee an independent and impartial Judiciary.

Two, the office of the Attorney General should be removed from the Executive to the Judiciary.

Three, the Judges should have security of tenure.

The other area we touched on and has several points also is Local Government. We said that one: mayors and the council

chairmen should be elected directly by the people.

Two, we said that mayors and chairmen of councils should be elected for a five- year term, unlike the current two-year term.

Three, Local Government should be delinked from the central Government. Minimal qualifications for councillors should be 'O' Level and above. There are several other points, which I will not be able to go through. Otherwise, the dissolution of,- the last point – the dissolution of councils should be determined by Parliament , -when it should be dissolved.

The other area we touched on is, the Electoral system and process. We said,

-We recommend that Kenya should continue with the representative electoral system.

-We recommend that simple majority rule be the basis of winning an election.

-We recommend that the 25% representation, in at least five provinces for Presidential election, be removed from the Constitution.

-The demarcation of constituencies and wards must be governed by the population factor.

- The election date must be specified in the Constitution.

- The Presidential election should be conducted directly.

- The electoral Commission and its members should be regulated by Parliament.

The other area we have touched on is basic right.

1. The Government of the day should provide all Kenyans with Basic Rights such as: security, medical services, water, education, food and employment as stipulated in the new Constitution.
2. The Constitution should also provide for a free and compulsory primary education.
3. The Constitution should guarantee all workers' rights to trade union representation.

Land and property right was the other issue.

1. Land ownership be left to the individual and no one else.
2. Non-citizens can only hire but not own land.
3. Men and women must have equal access to...

Interjection.

Com. Maranga: Reverend, you have one more minute.

Reverend: We went to the management of resources. Parliament should manage and distribute finance and manage human resources.

Then we touched on environment and natural resources, we touched on the succession and transfer of power, when elections are in progress, the incumbent Head of State should remain in office until the President-elect IS sworn in.

We suggest that there should be a period of one month after a Presidential election before the swearing in of the President elect. The ceremony should be a national and public event.

Rights of vulnerable groups: There are several points also there but I will not highlight them due to time.

-We also touched on cultural, ethnic and regional diversity and communal rights.

-We also touched on participatory governance. That non- governmental organizations should be allowed to operate wherever necessary in socio-economic development, taking into consideration the fact that they do not duplicate their activities in one given area. N.G.Os together with the parastatal groups should work within the Government development plan.

-We had international relations,

-We had the Constitutional Commissions and offices. Those are the issues we touched in our memorandum.

I will hand over the memorandum to the Commission.

Com. Maranga: Thank you very much Reverend Mwai. I want to know whether my colleague has any points of clarification, I don't have. I think you have a very comprehensive memorandum. Thank you very much. I now request you to step down and then be able to sign our official register and hand over the Memorandum. Thank you very much. Now, I think, is a good opportunity to give the member of Parliament, Honorable Martha Karua, to say a word of 'Jambo' to you as the constituents and then we also give a chance to the D.O. of the area to say one word before we break for lunch, and then come back at 2.15 p.m. Thank you.

Hon. Martha Karua: Commissioners na watu wa Gichugu, *muriega?* Leo hatuna maneno mengi, tulikuja tu kutoa maoni yenu. Mimi sijatoa maoni. Kwa sababu lazima kwanza nisikilize, nisikie Gichugu inasema nini kwa ma-Commissioners. Nitatoa kesho, mkisha kuwa mumetoa mpaka mumechoka. Lakini nimeona hatuko mbali sana. Na nimeona maoni yenu, yanafanana kwa area nyingi. Ile ningeuliza ni, watu watoe maoni bila uoga, kwa lugha ile inakufaa, hata ikiwa ni jambo moja tu unataka kusungumzia tuendeleo.

(She speaks in Kikuyu). Na njira kuve kugaaga andu matigetigere mundu arute maoni make, kana no kaundu kamwe okwendagga kuga, ndokarie ruga we aria otona warutiro kwaria ne nyina wako, kana tutiugaga kwa thoka mundu arie ta nyina. Ene mundu ndegokeyareria na njir iyo. Ne wega muno omuthee ti muthenya wa miario onani ndemothikereria. Ahsanteni. Lakini naambia ma-Commissioner na team yao yote, you are welcome. Na wale walitayarisha, wale waakilishi wa ma-Commissioner hapa Gichugu, wakiwa wameongozwa na Father Mureithi, ahsanteni sana.

Sasa nitampatia D.O. nimeulizwa na Commissioner Maranga.

D.O: Commissioners, Hon. MP wa area hii Martha Karua, ma-officer wengine wa constitutional review, na wananchi ambao

mumefika, hamjambo?

Audience: Hatujambo.

D.O: Yangu ni machache sana. Hata mimi nakubaliana na Hon MP alivyoongea. Sisi hatukuja kuongea. Kama mimi, nimekuja kusikiliza wananchi wangu wanataka mabadiliko gani. Ama wanataka tutofautishe wapi na wapi. Nimefurahi sana. Yuko mzee mmoja, la, ni mama. Mama mmoja amesema ma-chief wawe wanachaguliwa. Hata mimi ningefurahi kama wangechaguliwa. Kwa sababu, wakati mwingine ninaambiwa kuwa mimi na watu wangu ndio tunakubali pombe ya kienyeji itengenezwe. Lakini sasa saa zingine hata sijui hiyo pombe inatengenezwa wapi. Lakini, naambiwa kama sub-chief wangu anapewa kitu kidogo, hata mimi kama D.O. nakubali. Hata D.C. anajua haya maneno. Hata kingine kidogo inapelekwa kwa P.C. ambayo ni uongo.

Lakini kitu ambacho ningependa kuwahimiza ni kitu kimoja, tuwe na uhuru wa kusema chochote ambacho tungetaka kirekebishwe. Na mtu asiwe na uoga wa kusema, “D.O. amekuja, pengine nitashikwa na askari,” ama kitu kama hicho. Hata mimi nikiwa hapa, niko chini ya ma-Commissioners. Kwa hivyo, muwe na uhuru na museme mambo yote ambayo mungetaka yarekebishwe ama kitu ambacho mungetaka kabadilishwe. Kwa hayo mengi, nashukuru sana, na ningetaka kuwaalika hata wale members wengine naona wako kule nje wakuje wasikize na wao watoe maoni yao. Na kwa ma-Commissioners, karibuni Gichugu division, na you have a free will kusikiza kila kitu. Ahsanteni sana.

Com. Maranga: Ahsante. Naona viongozi wameongea vizuri na wamechukua muda mfupi. Tuko na wakati na nafikiri tutasikiliza watu wengine wawili kabla hatujaenda lunch. Kwa hivyo mimi namuomba Bwana James Njami afike mbele yetu ili aweze kutoa maoni yake. James ako? Kama hayuko... ni Njami ama Njamu?

Answer: Nyamu.

Com. Maranga: Nyamu? But this looks like ‘j.’ Okay Nyamu. Sawa. Yes Nyamu, unajua vile munaandika majina yenu ina tatiza kidogo. James Nyamu, halafu atafuatiwa na Sebastian Njuki wa KANU group.

Nyamu: Ahsante sana Commissioners, na mbunge wetu... Jina langu ni James Nyamu Kariuki. Mimi nasema ahsante sana kwa hawa Commissioners ambao wameingia hapa na Martha Karua mbunge wetu, Tumefurahi sana, hata mimi naona nitasema jambo moja tu ambalo ningetaka hawa Commissioners na mbunge wetu watupelekee huko kwa Bunge.

Mimi kama mwalimu wa miaka mingi na nime-retire, nimekuwa nasikia hasira nyingi katika moyo wangu nikiona ile kazi ambayo tumefanya inaharibiwa na watu kufanyana maovu. Mimi nimeona kama mwaka wa 1992, watu walifukuzwa kutoka huko Coast na mahali pengine. Na 1997, vile vile ilitokea. Na 2002, mimi nimemuona kijana mmoja ametoka huko Molo, anatafuta mahali huku, huku. Nikamuuliza “kijana, unaitwa nani?” Akaniambia jina. “Unakipande?” “Sina.” Basi hii mambo ya watu kupigana na

ni watu wa Kenya moja, mimi naona hiyo ni shida na vibaya sana. Sasa Commissioners nawauliza, kutoka leo, siku hii ambayo muko hapa, mpitishie kuwa, hakuna mtu ambaye atafukuzwa kutoka mahali popote katika Kenya. Kwa sababu mwingine, iwe Kisumu, au Embu, amenunua shamba, ana duka, ana kazi, sasa kumfukuza yule ni kumharibu vibaya sana. Basi naona hiyo, iondolewe kabisa kabisa. Na tena tushike mfano wa America.

America kuna waingereza, Portuguese, Spaniards, Africans, na Red Indians. Na hatuikii hata mmoja amefukuzwa. Basi kwa hayo, naona ati hapa, nataka uhuru wetu na amani yetu iwe kama America hata Britain. Na ikiwa sasa wakati huu ma-Commissioner, kama mambo yataendelea hivyo, mimi naona hii nchi yetu itakuwa mbaya; na mimi naogopa nchi yetu isiwe kama Rwanda, ambapo wameuwana au pahali pengine. Hapa Kenya yetu, mimi nataka amani, amani kabisa. Kama uko Coast, hapo ni kwako. Kwa sababu hukunyang'anya mtu shop, hukunyang'anya mtu kazi, ni kazi yako. Basi mimi naona ile cruelty against humanity ikomeshwe kabisa kabisa ili tuwe ndugu na dada mahali popote tulipo.

Ahsante sana.

Com. Maranga: Thank you James Nyamu. Can we have the next person ...Sebastian Njuki. Wapi Njuki? Ako? Sebastian...Mzee unaweza ku-step down, Bwana James Nyamu, ujaze hicho kitabu chetu rasmi halafu you-sign na utuwachie memorandum kama unayo. Thank you very much. Wapi Sebastian Njuki? Ako? Njuki ako? Okay, kama Sebastian Njuki hayuko, hebu tumwite Bwana Ernest Mungai. Lakini unajua bwana Mungai mimi nafuata list. Ulikuwa ume-indicate hutaki kuongea na sasa inaonekana unataka kuongea. I know you came very early but then you didn't indicate. Kama unataka kuongea, zile form unajaza hizi, lazima uhakikishe ya kuwa umesema unataka kuongea, kama una memorandum, kama huna, mimi niandike jina lako. Tunaelewana? Poleni lakini.

Ernest Mungai: Commissioners, Honorable member of Parliament, Bwana D.O., my names are Ernest Kiongoyo Mungai, na mimi natoka hapa hapa, hapa tulipo, nilisoma hapa hapa na dakika tano sio nyingi kusema yale tungesema. Na nimepata kitabu hiki leo leo. Kwa hivyo mimi nitawaandikia memorandum nikirudi Nairobi, niwapatie. Lakini kwa vile nimepata nafasi ya kusema, ningetaja mambo mawili, matatu yale ya muhimu kwa wananchi kwa jumla, na kwangu binafsi.

Kama hii mambo ya land, -land tenure-, I would recommend that our new Constitution should work on that, to remove free hold land tenure system, to a leasehold ranging from 66 to 99 years, for all land in Kenya.

I would also like to suggest that we separate the elections of the President and the MPs and the councillors. And I would also like to suggest that, for all the registered Political Parties that do participate in an election, if any party does not garner at least 5% of the cast vote, it should be dropped off the register.

I would also like to suggest that we allow independent candidates to take part in elections. I would also like to suggest that we

do maintain a single chamber Parliament, and that the election date be put in the Constitution, so that we know that in the year 2002, it will be such a date. In 2007, it would be such a date. I would also like to suggest that Parliament should vet all political appointments and civil appointments.

I would like to suggest that we abolish all nominations. I would like to suggest that we allow for dual citizenship. As I said, I would give you a proper memorandum, but I would like to finally say that since you are collecting views country wide, I don't know what method you will use to finally come up with a document. Because a lot of us would be repeating views, and I don't know whether you are allowed to repeat views. The number of people that have been in Gichugu, twenty thousand could express one view, or whether that view was expressed by one person, I have no idea how you will go about that. But I would like to suggest that since a lot of people who hail in some areas of Kenya talk about Majimbo, and a unitary Government, I would like to suggest seriously that, if that gains currency, that the so called Majimbo should not be restricted to the existing provincial boundaries, that people be allowed under referendum, to choose what jimbo they would like to belong to.

Thank you very much Commissioners.

Com. Maranga: Thank you. But still wait there, maybe I want to comment on that. You know we are going to have the National Constitutional Conference at which all the issues which the Commission will have found out and put in form of a report will be discussed. Any way, we are going to avail the report to the people of Kenya, like even Gichugu constituency, they will read that report and see whether the views they gave are actually in that report. Then after that, we are going to have another short period, where we are going to go to all provincial headquarters to be able to get any comments about that report. Then soon after, we are going to have the National Constitutional Conference, where members of Parliament and everybody else, representatives from district and Commissioners and representatives of churches will be there, to be able to discuss the document. If there are any outstanding issues then they will be subjected to our referendum like the one you are mentioning.

Thank you very much. Any clarification?

Com. Baraza: I think just to add on what Commissioner Maranga has said, the views that are being collected across the country, should find their way into our documentation centers. So that if you go to your documentation center, you should find the views of Elgeyo Marakwet or Bungoma there. That is, I think, what we are going to do. And we also putting them on the website, if you have access to the website you should be able to compare what is being said where.

Now, I have two clarifications I want from you sir. You want us to remove the free hold land tenure system, no, no, no. To remove freehold to lease hold. Some people say, it is because of ancestral land. Then there could be a problem. If you replace it with leasehold, then who is the ultimate titleholder? Are you giving it to the state? And if you are giving...

Interjection. (*Mungai answers - not clear*).

Com. Baraza: So you say we do away with ancestral land? (*He answers but it is not clear*). All right, I appreciate that. Now, the Jimbos, I think what we want to make Kenyans be relaxed about, I am sure you have been following the debate on Constitutional reform, ten years Kenyans have been busy talking about reforms and luckily we have this opportunity now. One reason has been that power has been too centralized, at the expense of Kenyans that Kenyans don't participate in governance. Now, this issue of devolution of power, I think the law says that we must devolve power if we are to satisfy what Kenyans have been wanting. So don't be afraid, look at all other systems of devolution. We should not be tied to any. All we want Kenyans to get is a chance to participate. But tell us, we could come up with our own ways...

Interjection.

Mungai: Excuse me Commissioner Baraza; our time is limited.... But definitely I would as I said, I would not want to think of Majimbo system or federal system, I would like the unitary system to stay, with the devolution of power through the regions.

Com. Baraza: Yes. Tell us how. We shall come up with something. When you do your memorandum, do a good one and tell us how. That is okay. For every other Kenyan, don't be scared. How do we give you power yourself? We want you to participate in governance.

Com. Maranga: Ernest, thank you very much. Please sign up our official register. Thank you for those views. May be wacha nirudie kidogo yale ambayo nimezungumza kwa kimombo. Ni kuwa yale maoni sisi tunachukua kutoka kwa wananchi wa Kenya, sisi kama Tume ya Kurekebisha Katiba, haya maoni sisi tutachukua katika, kama Tume tutaingalia, tutaandika ripoti, baada ya kuandika hiyo ripoti, nyinyi mtapata hizo ripoti katika mahali tunaita District documentation centers.

Kwa mfano kwa upande huu wa Kirinyaga, mtapata kwa Kirinyaga county council, ambayo unaweza ukaenda ukasoma ripoti yoyote kutoka pande yoyote ya nchi ya Kenya. Kwa mfano, wa Turkana wamesema nini, wa Kisii wameongea nini, wa Luhya wameongea nini maneno kama hayo. Kwa hivyo utapata ripoti kutoka constituencies zote za Kenya, hapa hapa Kirinyaga.

Kwa hivyo tena tunasema hii ripoti baada ya sisi kuandika kama Tume, tunatakiwa kisheria, hii ripoti iwe imesambazwa nchini Kenya kwa siku sitini ama miezi miwili. Nyinyi mtaipata kwa documentation center, kupitia kwa vyombo vya habari kama KBC na Kenya national library, mutaangalia hiyo ripoti muone kama maoni ya watu wa Gichugu kweli yako ndani ya hiyo repoti. Baada ya hiyo ripoti kuangaliwa na nyinyi, sisi kama Tume tutakuja kukaa katika mikoa yote ya Kenya katika head quarters -kwa huu mkoa tutaenda Nyeri- tutakaa hapo pengine siku chache, -pengine siku tatu ama nne ama wiki moja na kama kuna marekibisho yoyote kwa hiyo repoti, nyinyi mtatoa hayo maoni na memorandum wakati huo.

Baada ya hapo, tutaenda katika kile kikao cha kitaifa ambacho tunaita National Constitution Conference, ambamo nyinyi watu kama wa Kirinyaga mtakuwa na waakilishi watatu, wabunge wote kutoka district ya Kirinyaga watakuweko. Kwa hivyo, hiyo itakuwa ni mkutano wa kitaifa ambao utajumuisha wabunge, ma-Commissioners, waakilishi watatu kutoka kwa kila wilaya na vile vile watu wa makanisa na wale ambao ni watu wasiojiweza disabled. People with disabilities. Kwa hivyo mtakuwa katika hicho kikao cha National Constitution Conference.

Kama tusipo sikizana, kama kuna maswala yoyote ambayo yatapatikana hayawezi tukasikizana katika kikao cha kitaifa, basi tutazidi ndio tutaenda kwa ile kura ya maoni ama National Referendum. Lakini tukisikizana katika kikao cha kitaifa basi hiyo repoti ya mwisho itaenda moja kwa moja hadi bunge na tutapata Katiba mpya kupitia bunge kuidhinisha hiyo repoti.

Na baada ya referendum, kama tunaenda referendum, vile vile tutarudi kwa bunge na iwe inaidhimishwa na iwe Katiba mpya. Tumesikizana kwa hayo maneno? Kwa hivyo wakati mnatoa maoni muwe mnafikiria hayo maneno. Na wakati huu, nafikiri, nawaomba sasa sisi kama Tume tungetaka mapumziko ya dakika kama arobaini na tano tuwe tutarudi hapa kama twenty past two, ama saa nane na dakika ishirini, ili tuweze tukapata break. Na nimegundua kuna kikundi kimoja mimi niliruka ambacho kilikuwa list moja, ambacho kinahusika na bwana Henry Muriuki na James Ngari. Hawa, mtazungumza wa kwanza kabisa wakati tutarudi saa nane na dakika ishirini. Samahani sana.

Thank you. Yes, you have a question?

Speaker: (From the audience) Tulikuwa tunasikia about the time limit na sijui mutasemaje juu ya hayo?

Com. Maranga: Sheria sisi inatukubalia, kama hatuwezi tukamaliza kazi yetu, tunaomba wakati wabunge, -mheshimiwa ako hapa-, wameweka hiyo sheria kama hatungemaliza, tunaweza kuomba wakati. Lakini sisi kama Tume hatujakubaliana ni wakati wa kiasi gani tunataka. Kwa hivyo sisi tutakutana tarehe ishirini na mbili mwezi huu ndio sisi tutaweza tukawa na ule uhakikisho wa kabisa sisi tunataka muda gani, tunaelewana? Lakini nayo kama mnayo maoni yoyote kuhusu ule muda munataka Tume imalize hii kazi munaweza mukatoa. Kwa sababu munajua sisi, kama Tume, ile kazi ambayo Tumeangalia, imebaki kwanza kabisa, kuna hii wakati wakuchukua maoni yenu, itachukua muda kidogo.

Vile vile tutatengeneza ripoti na kisheria tunatakiwa tusambaze hiyo ripoti yenu kwa miezi mingapi? Miwili na vile vile tutakuwa na National Constitution conference, ama mkutano wa kitaifa na kama kuna maswala yoyote ambayo yatakuwa magumu tutarudi katika kura ya maoni ama national referendum. Kwa hivyo hiyo yote inatakiwa wakati. Ahsante.

Sio lazima kila mtu aongee mbele yetu. Kwa wale ambao wameandika memorandum munaweza mkaleta hapa, mkajiandikisha hapo na muache hiyo memorandum. Bora tu sisi kama Tume, tujue umeleta memorandum, unakuja hapa. Kama kuna watu kama hawa, ningetaka hiyo list itengenezwe halafu wakuje hapa, waseme mimi ni fulani, nimetoa memorandum, halafu tupate

record yako, tunaelewana?

Interjection:

Com. Maranga: Sawa sawa mlete hiyo. Thank you very much. Sasa tunasema tunaenda kwa break mpaka saa nane na dakika ishirini.

Thank you very much.

(After lunch)

James Ngari Gitari: My names are James Ngari Gitari. Natoka hapa Thirikwa sub-location. The first point, which I would like to say, is about unemployment in this country. Unemployment, according to my point of view, is being caused by the Government allowing the importation of goods, which are already being produced in this country. e.g. sugar, powdered milk, second hand clothes and second hand shoes.

The other point is about the land policy. It is my opinion that, once the current lease expires, the Government should think of an alternative land policy. The current land policy allows the landowner to fragment his land into very small and economical plots. It is my view that once this point is reviewed, the Government should think of a second land adjudication. That is bringing all those fragments together, and having state farms.

The other one is about street children. This one, it is in our opinion that we should allow what we can call a zero tolerance of the following:

1. Rape; It should be severely punished.
2. The other one is about other immoralities such as fornication and adultery. It is my opinion, if it is possible, the Government should also borrow a leaf, from the books of Moses in the Bible, where a fornicator or an adulterer would be killed. Or the Quran. If it is a case of rape, it is my opinion that a person who has committed a rape should be castrated. If not, life imprisonment.
3. The other one is about the so-called political constituencies, which have already been created without following the right procedure, that is, going through Parliament. It is my opinion that those constituencies should be scrapped.
4. The other one is about Commissions. The future President should not be allowed to set Commissions unless he has got an approval from Parliament.
5. The other one is about forests and National parks. The Government should try and protect our forests as sources of water and National parks as a source of tourism industries.
6. Agriculture: The Government should subsidize the agricultural input and agricultural implements should be duty free so

that the common man can get those implements at a reasonable price.

7. The Law courts. In any court, starting from the magistrate's, it is my opinion that, to eradicate corruption, there should be at least four Judges in a court, and in case of magistrates, about three. So that any body who tries to bribe will not be able to bribe all those Judges.
8. The last one is about the Traffic Act. It should be reviewed. The Traffic Act offences. When one commits a traffic offence the fine should be too high. And this allows the victim to bribe. It is my opinion that if the fines are brought to a reasonable standard, the traffic bribery in traffic can be minimized.

Thank you.

Com. Maranga: Very well daktari, any clarifications? If there are no clarifications, even from me, thank you very much. Now you can register with us officially and hand over your memorandum. Thank you very much. The next person is Henry Muriuki. He's not there. Okay, now the next person is Fausto Ruthangi. Fausto ako? Hayuko. Sebastian Njuki... Hayuko. Next is Alabima Wambura... hayuko. Then we have Francis Kinyua, hajarudi. Then we have Felista Wanjiru, si aliongea? We call Felista Wanjiru.

Com. Baraza: Kuna mtu ambaye anaweza kutafsiri? Ndio tusichelewe sana. Anataka kuongea Kikuyu na mtafsiri wetu hajarudi.

(Speaks in Kikuyu)

Felista Wanjiru: Ritwa riakuo ne Felista Wanjiru.

Translator: My names are Felista Wanjiru.

Felista Wanjiru: Point ya kwa ya mbere ne ya makabo.

Translator: my first point is local liquor (*Makabo*).

Felista Wanjiru: Ne ikuga makabo maria mararugo thinie wa area ciothe.

Translator: The local liquor being prepared in the local areas

Felista Wanjiru: enino bio.

Translator: should be banned completely.

Felista Wanjiru: getumi ne tondu ne ecoketie boruri witu na thutha muno.

Translator: Because it has retarded our development.

Felista Wanjiru: koria erugaguo atumia maria mithinie ya maci iyo ne marakora makuona thina maingi muno tundo indo cia mocie ne irendio.

Translator: Where this liquor is prepared, the property of the women there is always taken away.

Felista Wanjiru: Mendagia indo ta ifanga na indo ciothe cia nyumba.

Translator: Utensils, pangas and other household goods have been sold.

Felista Wanjiru: Na aria mararuga govi icyo ne marageruo kogeruo makauga no kinya mathi na mbere na koruga.

Translator: And those preparing it have been told to stop but still continue.

Felista Wanjiru: Reuo takarigo watho ocio maraoruta ko, getume ne tondu mundu ne arakora akeruga akagwata omuthii rocia go gekia ne we oyo na akabereria korugha jovi reke.

Translator: So we are wondering where they are getting this power, they are preparing it, and when they are arrested, the following day they are back. So we don't know what they are doing. We don't know the chicken game that is happening.

Felista Wanjiru: Rio vauo no tuge jovi enino viyo ne goturia boruri thutha kondo konene muno, tondu kinya ciana itirathoma.

Translator: So I am saying that this local beer should be stopped so that even our children can get an opportunity to go to school.

Felista Wanjiru: Point iyo inge ne ya mutitu.

Translator: The other point is on forests.

Felista Wanjiru: Niye njikaraga hakuhe na mutitu.

Translator: I am a neighbour of the Mt. Kenya forest,

Felista Wanjiru: Maundu maingi muno thinie wa mutitu ne maraonekana.

Translator: and many things are being seen in the forest.

Felista Wanjiru: Twagora ko tuvana ta tumia.

Translator: The women buy firewood.

Felista Wanjiru: Na twarekia kogora ko tu gatunya mutiti na marua citu.

Translator: and when we buy the firewood, we enter the forests with our permits.

Felista Wanjiru: Reuo andu aya ma KWS. Nimarakora andu thinie wa mutitu makamatunya marua na makavora atumia bara etare na getumi. Tukarigo kogora gwitu kwa ko kwe na fata oreko?

Translator: The K.W.S people meet people in the forests, they even get their letters by force, and go as far as beating the women in the forests. So I wonder, why I buy this firewood and if I have done it illegally. What is the use of buying the firewood?

Felista Wanjiru: Reuo tukoria tovana ta tumia aria tugoraga ko mutitu, twetekeruo kogora ko gotari na andu maraturia.

Translator: We women who take firewood from the forests are asking, to be allowed to purchase and collect the firewood, without being molested by people.

Felista Wanjiru: Tutikorago tunete wadho, turakoro tuomererete wadho, ne undu ne turakoro tuomererete wadho.

Translator: Because we have not broken any law. Our letters are legal.

Felista Wanjiru: Point iyo inge, ne ohoro wegie koria turatwira ma-case maitu, ta igortini

Translator: The third point, I am talking of where we take our cases in court.

Felista Wanjiru: Nr korakoro na case imwe minor

Translator: There are some minor cases

Felista Wanjiru: Na inge nene.

Translator: and major cases.

Felista Wanjiru: Kasi iciyo nini irarekithanio na iria nene.

Translator: Minor cases are being determined like the major cases.

Felista Wanjiru: Na ngevayana example ne takuga, reke mundu ne okete gwako akoya kifanga giako kana a kiya mbeba ciaku, na wamugwata na wamutwara are we uo.

Translator: To give an example, somebody has come to your place and collected a panga or stolen your money, And when you take this person to the place he is supposed to be taken,

Felista Wanjiru: Ciru oyo wekaraga kinya miaka iri.

Translator: the case has gone as far as taking two years,

Felista Wanjiru: Na tikwa kwe na uchukunzi orekwa ati mundu oco turenda komenya na iyeti kana ndayeti.

Translator: and there is no investigation to find out whether this person has stolen or not.

Felista Wanjiru: Ne vakwa engoruo ndauga kasi ici nini igatake short-time, ta mweri ir, iria nene ta ya kuraga mundu ne ra take time ne undu wa kuchugunza.

Translator: So I would like to say, these minor cases should take a short time like two months. The major ones like murder should take a longer period because there is need for investigation.

Felista Wanjiru: Kasi icyo nini igocago na onene tondu. Mundu oria orakaro agowatetwe ne ara riya matuko maingi muno agigatwero cira ocuo na ne gacera kanini mangecirere ohoro othire.

Translator: So minor cases would be taken lightly. The person called as the witness, who saw the person steal, in this minor

case is being punished by this lawbreaker and one gets offended.

Felista Wanjiru: Oco neguo uni wakwa.

Translator: Those are my views.

Com. Maranga: Okay, ahsante Felista. Hatuna swali kwako na tunamshukuru, na tafadhalini sana ujiandikishe kwa kitabu chetu rasmi, na Tumeshukuru sana. Thank you very much. Mwingine ambaye anatakiwa kuongea sasa ni Susan Wangechi. Yuko? Okay una dakika tano, kama una memorandum utatupatia ili tuweze kuitumia.

Susan Wangechi: My name is Susan Wangechi from Njokeini location. I am here now to represent a Koogo women's group.

Citizenship: Persons born in Kenya after the year 1969, and persons staying in Kenya for a period of more than five years are automatic Kenyan citizens. A person born of a Kenyan citizen, regardless of gender, should be a Kenyan citizen. Rights and application of citizenship; The Kenyan Constitution should provide that all citizens are equally subjected to the duties and responsibilities of a citizen irrespective of the gender. The following document should be proof of Kenyan citizenship:

1. Birth certificate.
2. Kenyan Passport
3. National Identity card.

Basic Rights and basic needs: The Constitution should guarantee basic life needs, which include free health care, water, and food.

-Education: There should be free education up to secondary school and cost sharing in higher education and public universities.

-Shelter, security and employment for all Kenyan citizens.

-Property for all Kenyans irrespective of gender.

-All state matters should be upheld by the Constitution.

Thank you.

Com. Maranga: Susan Wangechi ahsante. Sijui kama mwenzangu ana maswali? Commissioner Nancy... Hana. Basi jiandikishe hapo unaona mahali Reverend amekaa, weka sahihi na utuwachie hiyo memorandum. Patia Reverend aweke kwa niaba ya Tume. Yule mwingine ambaye tutamwita ni Fausto Ruthangi. Sasa kama nimeita jina lako na haukuweko, sitarudia. Wewe ndiye mtu tu ambaye nimesaidia kwa sababu ulikuja haraka. Mtu nimeita asipokuweko, tunaendelea mbele. Thank you. Haya, una dakika tano mzee.

Fausto: Mimi naitwa Fausto Rutangi, kutoka Ngerwe sub-location. Nimeona ni afadhali nifike hapa, kwa sababu nilikuwa nikifikiria kuna maneno mengi nimeona naweza kusaidia serikali-. Mambo yale mimi naona ni muhimu sana ni, mahali popote naenda, naona nikiambiwa nitoe chai kidogo. Hayo mambo imebidi mimi nifike hapa, nieleze nieleweke kwa sababu mambo hayo ni mabaya sana. Na hakuna pahali popote, mimi nasema ukweli, kwa sababu nimekwenda nikaona ni afadhali niongee-. Tuwe tukitafuta dawa ikiwa tutakuwa na serikali mpya, ile inaweza kutusaidia ili nchi yetu iwe inakaa vizuri. Kwa sababu, kwingine hata tukienda kwa mashule, tukienda pahali popote tunapata hiyo tu. Isipokuwa siwezi kusema ni wapi, kwa kuwa ni mahali pote.

Mahali pengine, ni kama tunaenda hospitali, tunapata mambo yale yale tu. Ukiona mwananchi hana mtu wa kumsaidia. Nataka serikali yetu, iwe ikizingatia hayo mambo sana. Isiwe ya chai saa zote. Na tukisema chai isiwe ni mtu ameajiriwa na mambo hayo. Wananchi, ikiwa tunataka kutengeneza serikali nzuri, tuwe tukifikiria mambo hayo.

Pahali pengine nataka kusema ni, mkulima amesahaulika kabisa kabisa. Mkiona tukiwa tunataka hiyo pesa ya wakulima, - mahali tunataka kwenda kuchukua, kama ni kwa coffee board, chai ile iko. Nikakaa, nikafikiri, nikaona kuwa, huo mtindo, sijui tutaufanya nini? - Na tutaifanya kwa sababu iko. Kama nchi ya Uganda nimesikia wale wametembelea huko wakisema, mambo kama hayo hayako. Sasa nyinyi wananchi tufikirie hayo mambo. Tufikirie mkulima apate pesa. Mkiona upande kama ule wa kwetu, sijui ni hapa ... Ni kila pahali Kenya yote. Watoto wako nyumbani kwa sababu ya pesa na sisi Tumefanya kazi na pesa zetu hatulipwi. Sasa tunataka kufungua shule, hatuna pesa, watoto watasoma kweli? Hawatasoma. Hata ikiwa ni mitihani inakuja kufanywa na mtu hajaenda shule, atafanya mtihani vipi na anafukuzwa kila wakati? Mambo hayo yote, nataka serikali ile itakuja ijue mambo hayo ni namna gani, tuone ili tuweze kufaidika.

Ahsanteni sana.

Com. Maranga: Ahsante Fausto Ruthangi, nakuomba ujiandikishe kwa kitabu chetu rasmi ama register, halafu urudi ukae. Ahsante sana. Yule ambaye anafuata sasa ni Wambere Mureithi. Hayuko. Anayefuata ni Boniface Kiura... hayuko, Anderson Nyaga hayuko. David Muthike... hawa watu hawako. Mzee ulikuwa unaitwa nani?

Gachugu Ndugi: Gachugu Ndugi.

Com. Maranga: Okay, ingia huko uanze.

Gachugu Ndugi: (Speaks in kikuyu). Betago Gachugu wa Ndugi ne goweto ne goko ngariama

Interjection. Speaker: Ngoja kidogo.

Laughter.

Gachugu: Hasa mimi naitwa Gachugu Ndugi, kwetu ni hapa Ngariana. Nina kitu kinanisumbua sana hasa, kinanifanya mimi nije hapa, ili hata mimi nitoe maoni yangu. Maoni yangu ya kwanza ni serikali tunayo wakati huu, sijui kama nitasema habari yake. Corruption imezidi. Imezidi kwa njia nyingi. Kwa hospitali iko, kwa misitu iko, kwa wanyama wa porini iko. Pia naona kwingine kwa kanisa iko. Kwote iko. Majuzi, niliona hapa, - sorry sana kwa kusema kwa kanisa sababu, nakuona mwenye kanisa hii yuko hapa.

Laughter.

Lakini nasema, tumeona kwa kanisa, harusi yenyewe, harusi hapa ilienda mpaka kotini. Wengine wakasema hii itapitishwa tu. Tutaunganisha huyu bibi na huyu mpende msipende, itakuwa hivyo. Kwa hivyo, corruption imeingia kila mahali. Ninatoa maoni yangu kwamba, kama kutawezekana, hapo parekebishwe, hiyo isiweko.

Kitu kingine ni mashamba. Kuna hii lease wengine wanapewa, 99-year lease. Na wengine wanapata miaka mia tisa na tisini na tisa. Hiyo ni tofauti kubwa sana. Na sisi wengine tunapewa tu tisini na tisa. Ni kuonyesha ya kwamba, serikali yetu ina ubaguzi pande mwingine.

Kitu kingine, ni mashamba hayo yetu. Unaona ati wengine wanasema ni yao na ile ya *mihirira*. Yaani clans, mashamba ya ukoo. Inanyakuliwa na kupewa watu wengine hata hawahusiki na hiyo. Ni kuonyesha kuwa nyinyi mnachunguza mambo mtusaidie hapo. Yako mambo yanaendelea hapo ambayo yanatukasirisha.

Kitu kingine cha mwisho, uchaguzi huu tunasema uchaguzi, uchaguzi, hata uchaguzi huo tulikuwa tunafanya, hata huo ulikuwa na kasoro. Watu kumi wakashinda mia moja. Hicho ni kitu kibaya sana. Hilo tunataka kifungu hicho kiondolewe kabisa. Kukiwezekana, hilo liondolewe kabisa. Kitu kingine, kwa uchaguzi huo huo, kupewe nafasi kama wanachama wale wanaunda vyama vyao kama D.P., KANU na kadhalika, kuwe na kifungu cha independence, ili ukiwa chama kimoja na ufukuzwe huko, unaingia chama kingine ili tupate uhuru sisi wote. Kuwe independent candidates, kuliko tu chama, chama, chama. Chama hicho, ninaweza kukataliwa kule, nikataliwe kile kingine, na niwe na nafasi ya kusimama independently.

Kwa hayo machache, nakoma hapo.

Com. Maranga: Ahsante Gichugi. Sijui kama kuna swali lolote? Huyu hana swali. Tafadhali nakuomba sasa uweke sahihi kitabu chetu rasmi ama register. Ahsante sana. Anayefuata sasa anaitwa John Mugambi. Hayuko. Joseph Njagi... Mwangi Murage...

Mwangi Murage: Jina langu ni Mwangi Murage, Abiud Mwangi Murage, na nitaongea juu ya Constitutional review process in Kenya.

Constitutional supremacy: The current Constitution allows Parliament to amend any part of the Constitution by 65% majority Parliamentary vote. We should not retain this procedure. History has proved that our members of Parliament can be brought to pass laws that suit themselves. Remember how in early 1980s, the Parliament in Kenya passed a law making Kenya a one party state and the problems that followed.

Kenyans must be involved if a certain clause has to be included or excluded in the Constitution. I have the current Constitution Review Commission headed by Professor Ghai, in mind.

If the Constitution has to be amended, a referendum must be done. A Commission involving Parliament, the law bodies, church organizations and the people of high integrity should be prepared. The list must be forwarded to the Parliament for approval. It should also be passed to the mass media for public scrutiny.

A well-balanced Constitution will stop over ambitious leaders retaining power by misusing the Constitution. I have in mind clauses inserted in the Constitution with double meaning. I have the case of N.D.P. and KANU in mind. N.D.P. Party dissolved itself just the other day to join KANU but members did not lose their posts in Parliament.

The Constitution should be the final say, when the Executive, the Judiciary and the Legislature have differences.

As a fundamental factor of Kenya, citizenship must be highly safeguarded. A Kenyan citizen should be any body whose parents are Kenyan. A Kenyan citizen should be a person with one of his parents as a Kenyan. Any spouse married to a Kenyan citizen should be given temporary citizenship. This should be renewable. This is to safeguard Kenyan-ship because such a spouse can divorce after acquiring Kenyan citizenship. A Kenyan citizen should be patriotic and respect his country by deeds and rights.

Systems of Government: Kenya has a Presidential system of Government. This system has over the year proved to be cumbersome. During the writing of the present Constitution, it appears the powers of the British monarchy. were passed over to the Head of State of Kenya. Instead of answering to the 'Her Majesty' we replaced it with 'His Excellency the President.' The President of Kenya...(Inaudible), security, defense, police, administration police, C.I.D, national youth service, fire arms bureau, immigration department, citizenship, National institutional bureau, registration of birth and death. Department dealing with.....

Department dealing with civil service: directorate of management, Kenya institute of administration. He appoints the terms and service of Vice President, ministers, assistant ministers, Permanent secretaries Judges, magistrates, ambassadors and others.

The President also appoints the provincial administration, Government press, Presidential Press Unit, and Kenya Air Force. He is also in charge of inspectorate of state co-operation, the agricultural development cooperation, NGOs, e.t.c. The above and most of the services should be handed over to the relevant ministries. This should give the President time to be the head of the cabinet and the Government.

All political appointments should first be passed over to Parliament for vetting. The relevant bodies in Parliament should invite all appointees of the President for scrutiny now and then. Parliament should summon permanent secretaries for explanations on how they spend their budgetary allocations. Any officer, whom the Parliament loses confidence in, must immediately be dismissed. Any officer who misuses public money, by going to harambees and contributing millions and millions must be taken to court and pay for that money. Such a provision should be in the Constitution.

It is only when Government officers are accountable to the office they head, that Kenya will reverse again to the growth graph in the positive manner. Officers should head departments they are disciplined in. We had a case in Kenya where a doctor was taken to the treasury to head the treasury.

Let me talk about the chiefs. Independent Kenya adopted the post of the chiefs created by the colonialists under the chief's act. They more or less retain the powers they were given by the colonialists. Not all powers have proved to be productive, almost 40 years after independence. The Kenyan chief must be, their minimum education should be: 'O'-Level. Somebody who can interpret Government policies and pass it on in the Barazas. He should be mature, married and of sound mind. A chief should not be a party activist of the party in power. In Kenya we have got a problem. After the 1988 'mlolongo', party activists were made to be chiefs. A chief should call Barazas. They should not convert funerals, burials and marriage ceremonies into Barazas. A chief should always be in the office. We have a case where chiefs are never in the office and only the administration police are left there. A chief should be transferable within a given district. A chief should be a civil servant. A chief should be non- partisan and patriotic to his country and should be above party politics.

The chief should control the flow of illegal drinks, here we call them *makabo* in the location-. The illegal beer is almost equal to drug abuse; the seller must be prosecuted. Here we prosecute only the people who are found taking Makabo, but funny enough, if you go to Kirinyaga, the depot of Makabo is there but nobody interferes with it. They only interfere with the drink.

Com. Maranga: Thank you very much...

Mwangi Murage: Can you give me the time ... I had written about the policy....

Interjection.

Com. Maranga: Now that you have written you give the memorandum.

Mwangi: Thank you so much.

Com. Maranga: Thank you very much and I am requesting you now to sign down on the official register, and hand over the memorandum. Now the next presenter will be Mr. Julius Njoka. Not there. The next one is Agatha Muthoni. Haya kuja mama, njoo utoe maoni.

Agatha: Ahsante sana ma-Commissioner. Mimi naitwa Agatha Muthoni.

Com. Maranga: Utaongea Kiswahili?

Agatha: *Asha.* Mimi najua kidogo ya kuomba maji tu.

Interjection.

Laughter.

Agatha: Ya kuomba maji. *Ni wega. (She continues in Kikuyu).*

Agatha: Kaundo gakwa ne gaka, Njeteguo Agatha Muthoni, ne nyumba yakwa neno neuo kocagera mwathani.

Translator: My names are Agatha Muthoni. I praise the Lord in this church. These are my views:

Agatha: Nie ne makete muno ne gokoro ne twagomero ne merimo goko thinie wa Kirinyaga eno itu.

Translator: I am so frustrated and scared that the diseases have continued to become a problem in our area here in Kirinyaga.

Agatha: Ne reuo twavothithirwe mbia ati twakero thibatiri afa neguo tothiyage varia vakuve.

Translator: Money was collected from us so that a hospital could be constructed here so that we might be near medical services.

Agatha: Ona re;eria etakere ya reka.

Translator: Though it has not yet been completed,

Agatha: Tuthiyaga vo no otari na merongo athatu ndokiandikero.

Laughter.

Translator: we do go there, but if you don't have thirty shillings you are not given a card.

Agatha: Na warekia kwandikero tukathi kwero tu kagore ndawa.

Translator: And after registration in that card, then you are told to go buy the drugs.

Agatha: koria reuo neye mathigini wa Ngai na mbecha ne ciorere ko gethi konyua ndawa na ke?

Translator: Coming back to myself, I ask myself, now that I am a poor woman, what am I going to do? Where do I get money for the drugs?

Agatha: Kacokerera hava ve madagitari ngamera ndujokerini to ngotore twakwa.

Translator: I go back to the nurses and ask them, can you then give me thirty shillings so that I may go and buy drugs?

Agatha: Na negetha thi varia va privati/chemist ka gore ga tawa.

Translator: So that I may go to the chemist and buy the drugs.

Agatha: Tigokora ndimukoro tiga ne murima ohenyererye.

Translator: I am not that old but it is sickness that has made me look old.

Agatha: Nie vakwa ndiraria ati mukegarura Gatiba mugaroranerie ona thibitari citu.

Laughter.

Translator: My concern is if you are reviewing the Constitution, can you also review our medical and health services.

Agatha: Na sina mengi ya kusema, yangu ni hayo machache. Ahsanteni.

Laughter and clapping.

Com. Maranga: Ahsante sana kwa maoni yako, hii ndio sababu sisi tunafanya marekebisho ya Katiba, kwa sababu tunataka tusaide maneno kama hayo unasema ya hospitali. Kwa hivyo sijui kama mwenzangu Commissioner. Nancy Baraza ana swali?

Com. Baraza: Agatha, Tumeelewa maneno yako. *Ni mega muno muno.* Tutaangalia ndio usionekane mzee kama wewe bado hujakuwa mzee...

Agatha: Mimi ni mtoto mdogo.

Laughter.

Com. Maranga: Ahsante Sana. Hayo ndio maneno ya kutengeneza Katiba. Sasa mwingine ambaye ninaita anaitwa Catherine Wawera. You have five minutes. Wewe unaongea Kikuyu? Haya.

Catherine: Njetago Cathrine Wawera.

Translator: My names are Catherine Wawera,

Catherine: Atumia manjera bariye na gikuyu neguo ma make sure maundu aria madekithetie hava ne mauga.

Translator: and the women I am representing have told me to speak in Kikuyu so that they may be assured that what they wanted to say has been said.

Catherine: Miako ya thukuru ne erakinyereria aciare muno, ne undo mathukuru aya ma primary ciana iragorero mabuku, uniform na miako.

Translator: School fees are too exorbitant and it is exploiting parents, because they are buying books.

Catherine: Koriba thibitari ne koratuma andu makwere mecie.

Translator: Paying hospital bills is making many people die at home.

Catherine: Mavaki makaingiva thinie wa mathibitari na ma-offici ma maundu mothe.

Translator: Bribery in all hospitals.

Catherine: Arime gokenyereruo aremane wao ta kahawa, na majani.

Translator: Farmers are exploited and especially in coffee and tea sectors.

Catherine: onyuwe wa johi cia ivako oka ngeha muno, kinyagia atumia mavurago ne athuri otuko.

Translator: Taking of illicit brews which are not allowed has become too much, and has even made women to be beaten and even be misused at night.

Catherine: Thirikari irorege traffic muno ne undo ngari ne iragua muno ne undo ngari iria etenjega ne irakoro ibarabarane.

Translator: The Government should pay attention to the traffic because many accidents are being caused by the traffic police not doing their work well.

Catherine: Mundu ange'gua ruwe andu a mundu oco ne mathinekaga muno ne ondu nokinyagia mavakani neguo mundu ocio aruto.

Translator: If somebody is drowned and then his body is recovered from the river, it is the wish of the women that the Government should take up the matter of postmortem and otherwise. Because the relatives of such bodies are being asked to pay a lot of money so that the postmortem can be carried out and the body may be taken where it should be.

Catherine: Atumia matwaro maternity maraciarero kuo nje ovyo ovyo ne undu,

Translator: At the labor wards, women are giving birth outside the wards because they are being asked to buy gloves, cotton and what have you. If they don't have this money or by the time they get these things, you find that they may, either miscarry or have a, a child can die instantly, - stillbirth -, that is right.

Catherine: Gethomo gecoke ta tene kinyagia std 7, ne undu ne getha tukinye kuma form one kinya form four matigakinyereke kinya magathi university.

Translator: This group of women is suggesting that education goes back to the old system where children were going up to standard seven and then go ahead. Because this 8-4-4 system has become impossible.

Catherine: Giti kia Mbunge tiwega konenega miaka etano, oguo miaka itano na mundu ahetia akaruto gogekero onge.

Translator: The Parliamentary seat does not necessarily need to take five years. It is even enough if one has gone there for three years and does not deliver, they can be removed and replaced.

Catherine: Athigari a council ne marahenyereria athani tondu mokaga gotiyeka indo ciao makio moraga tukiosiki .

Translator: The council askaris are disturbing people, because they only come to loot and destroy their structures.

Catherine: Kuogo tukona kinya movuri wa biashara ne ara vinyarereka.

Translator: So the business person becomes so frustrated and oppressed.

Catherine: Akoro mwene plot ne arifete kigwanja ne ndoue kiratuma movuri wa biashara endukani etaguo marevi.

Translator: If the owner of the plot has paid for the plot rent, why should the owner of the structure that stands on that plot be asked to pay another tax?

Catherine: Gethurano giki kirendika o mwaka oyo wa ngiri igir na igiri ti gotwara kinya mwaka wa ngiri igir na ithatu.

Translation: The women's view on the coming election is that the election be done as scheduled, not to be prolonged.

Catherine: President athurago muthenya wake ne tondu andu ne marigithagua, MP arathuro o muthenya oco, Councilor mothenya oco, muongio mokoru athi akerego ne jogoo, aka ne ndoue.

Translator: The Presidential election should be done at a different time, not the same time as other elections. Because old women and other people are confused when they are told you are electing the councillors, the MP, the President, then they are confused. They don't know which is which.

Catherine: Atumia kohenyereka tondu athuri mendaga kwandekero ma-title, omo matindaga joint cia tumia.

Translator: Women are being oppressed because men insist that the title deeds belong to them, they don't want to have joint ownership with their wives.

Catherine: Aruti a wira mukagerero mucara O mwaka neundo megomo eroneko ne undu wa thina oco.

Translator: All employees' salaries should be increased on annual basis so that strikes may be avoided.

Catherine: Barabara iria igoko ciothe ciagerero gokoro ina rami ne getha reria tukoruta ma wira maitu ma kahowa kana magothe thuku ciothe tukorago tu free, tu ramiene.

Translator: Roads need to be regularly repaired and especially tarmac, so that we can have access to our areas of work properly.

Catherine: That is the end thank you.

Translator: That is the end. Thank you.

Com. Maranga: Unaweza kungoja hapo kidogo, ulizwe maswali kidogo na mwenzangu Commissioner Nancy Baraza.

Com. Baraza: Wawera, you said that the families of the people who drown are being asked for a lot of money? Is drowning a problem in this area and what is the cause of drowning if it is a chronic problem here?

Catherine: Reria andu monekana maruto rowe taroro rwa Nyamindi .

Translator: When the dead bodies are retrieved from the river...

Interjection.

Com. Baraza: The question is, what is causing those people to be drowning in rivers? I think this is a unique problem I am hearing of. Are there no bridges? Why are people drowning in rivers?

Catherine: Imwe itiakago wega.

Translator: The bridges are not well constructed. Some are poorly constructed and it is easy for one to think that one is going over a bridge, but it is not a bridge. It is just a log.

Com. Maranga: Okay, ahsante Catherine na uweke sahihi kwa kitabu chetu rasmi, na nakupongeza sana. Ahsante. Sasa ningemwita mzee mmoja hapa, alisema kwamba alikuwa amechelewa na nilikuwa nimeita jina Lake, anaitwa Patrick Ndwiga. Kuja utoe maoni yako kwa dakika tano.

Patrick: Thank you very much Commissioners, I am here before you. My names are Patrick Kenyue Ndwiga from Thirikwa sub-location, Ngariama location of Gichugu Division. My first condemnation is on drug abuse, and I want to clarify and say that I don't see the great difference between alcohol and cannabis. Those people who do take alcohol, those who take cannabis and any other drug like cocaine and so forth, do suffer mental retardation. If you find in alcohol establishment, like we have Kenya breweries, Castle in Thika, these establishments have been registered. Lakini pombe like 'Kumikumi,' 'Kilimanjaro,' 'Kibao,' hizi zinapoteza watu macho, establishment zao zimekuwa registered wapi? I would like to suggest today that, if we have patriotic police department, wakiona mahali ambapo wanapika hizi pombe, ziwe demolished, and the entrepreneur ama mwenyewe afungwe maisha. This is the only way we can actually cut it from the head. Munywaji hajui hiyo pombe inatoka wapi. For example, kumi kumi inauzwa Nairobi inakunywiwa Kiamutugu. Huyu muuzaji hajui hiyo pombe imetoka wapi, munywaji hajui imetoka wapi, na unaona imeuzwa shilingi kumi. Sasa hii ni kumaanisha, we are actually killing the generation that doesn't know what it is doing.

Ya pili, kuna magendo fulani. Unakuta fertilizers zinaundwa na mchanga, ile cotton black soil Abagathi area. Unakuta chumvi ya ng'ombe, ambayo tunakuja kuuziwa shilingi kumi imeundiwa pale Kariandusi. Is it that in our state Kenya we don't have the Bureau of Standards? What are they doing? The same should happen for those who are formulating the funny chemicals for our livestock, and so forth.

La tatu, I come to the coffee Act 33, which was reviewed and adopted just the other day. We know very well that immediately a bill has been debated, and signed by His Excellency, it becomes law. What is remaining of the Coffee Bill being implemented? You hear "Leo tumefanya hiki, kesho tutafanya hiki," and munatuwachia, ama serikali inatuwachia sisi wakulima kunyanyaswa na middlemen. We would like to have an immediate implementation over this. In the coffee marketing, unakuta saa hii kuna watu wengi wamejiandikisha licha ya bill kutangazwa. Tuwe na hiki, tuwe na kile kingine. Lakini unakuta, mwenye kuuza kahawa ...

Com. Baraza: On the issue of illicit brew, some areas in this country you go to, - I am just from Western doing my civic education and people are already giving me views. And they are saying, they want to be allowed to drink their busaa, their pre-occupation is to be allowed to, they are being harassed when they drink their busaa. Now, in some places, you are saying that illicit brew is killing others. So, do you think it is an issue of regulation? Do you think it will be better if it is regulated; in Uganda, if you go to Uganda, they are allowed to drink after they have worked for certain hours, and the kind of brew they are drinking. There is some regulation I don't know what you say, banning doesn't seem to be helping, it just goes underground. And others say 'why would you legalize Johnny Walker and not busaa? I don't know. I mean...

Patrick: Thank you very much. Mine was to bring a dead end, whatever is not today registered as legal. Because, liquors like Johnny Walker, those ones in the shops are okay. Why are these others, these other ones not in the shelves. Compare even

their prices; it is actually like the net for fishing. Unaweka bait ya kuuwa our younger generation. Because these are actually the most affected. Mimi ningehimiza, pale hiyo kitu inapikiwa imalizwe.

Ile ingine ya benefit. Ningetaka kusema, tuko na - kama NSSF, you claim your refund at Kerugoya. But you go to Kerugoya wanakwambia; there is a document we want. Na hiyo document wanataka, it is in the ministry of whichever the person is originating – Ministry of Natural resources, ministry of agriculture ministry of what. All these ministries have their headquarters in Nairobi. Hata kama machines tuko nazo, hata kama computers tuko nazo, lakini computer haina your G.P 24 for whatever they want to check. May be hapo ihmizwe ya kwamba na uandikiwe, if this person doesn't get his benefit within 60 days, then the officer concerned, would be liable.

Interjection.

Com. Maranga: Thank you Mr. Ndwiga. Now you can register with us. Now the next one is Michael Nyaga, KANU – Kiamutugu. Yuko? Hayuko. Yes, thank you. The next one is George Mbui, -Rung'etho farmers.

George: My name is George Mbui, from Rung'etho sub-location, Ngariama location in Gichugu division. Before I go into details I thought it would be better if I say I am very thankful because you have given us this opportunity of giving our views. At the same time, can I also send you to Mr. Chairman, professor Ghai? That if we do not succeed this game we are doing we shall wholly blame him. Ask me why? Because I am hearing that you want an extension. And you are so many that you have been distributed to many areas. And I thought, because you are not all here, you have been distributed to many areas; you are going to cover this work within a very short time. So, it is my request, and let it be registered, that I would like the next election that is going to take place in this country, to take place when this thing is complete. Because I think you are capable and you have been given this work because you are capable. So, can you prove your capability by making sure that this thing takes place in the given time limit. That is the only time you can do us the best favor, and we shall live to remember it.

I move from there. I am simply saying, today in Kenya, - when I was a small boy, I used to hear something like career. So that when you complete school, you were able to go to the job you want-. But today, can I say there are so many strikes, because people have been given the diet that they do not want. Probably I am a teacher, and that has not been my favorite since my youth. I wanted something else. But when I go there because of money, I even do not deliver the goods at the required standard. So I am saying, in the present Constitution we are going to make right now, can it be guaranteed that the Government that is going to take over, is going to follow career goals. So that people go to their taste.

I want to register that we have Kenyans who should be treated equally. Kenyans who should be treated equally. Men, women, children and even the disabled. When I say the disabled, I remember there was a very big harambee organized in this country. And I don't see anything going to the disabled. I don't think those people have applied to be the way they are. It is accidental

to them. But, they are not looked at seriously. So, in the next Government we would like a Government that is going to take care wholly, for these people.

Constitution should never be dictated by customary laws. When I say that, sometimes I find, when we talk and when we are even educated about circumcision, there are tribes that are circumcising their girls. I would hate that in Gichugu, and especially in my place, Rung'etho. I want people to remain the way God created them. Because He had a purpose. That is why I want the Constitution not to be dictated by customary law.

Electoral Commission; I thought, if you are going to help this country of ours very much, and especially when we talk of the electoral Commission, we should be very sensitive when it comes to gender. So I was thinking that when we are creating the electoral Commission, we would think of, for every two men, and a lady.

Interjection. Com. Baraza: Why not vice versa?

George: We are giving them a taste so that next time they will have done enough rehearsal with the little they will be given. And because of that, I want them to be given a term of fifteen years, and be twenty-two in number. And they should be having Degree qualifications. I want to categorize them now. I want to have eight people in that group coming from agricultural sector. Two to be doctors, two to be educationists, three to be economists, two to be church leaders, three to be lawyers, and we have two disabled. With that mixed grill, we shall be having a formation that is really caring for all people in the nation.

Com. Maranga: You have only thirty seconds.

George: I don't want to go without saying something on Basic Rights and especially on the side of agriculture. Agriculture is the backbone of this country. And because it is the backbone of this country, it must be treated with the dignity it requires. I am saying, even when I find the ministry of agriculture being mixed with another ministry that is weakening the ministry. Let it remain the ministry of agriculture. And when we talk about the crops that grow here, we want to have what we call minimum price. So that the farmer can be guaranteed. Today I am saying so because I have got an example of the tea farmer, who knows after picking one kilogram of tea, he is able to make seven shillings and fifty cents. In coffee it is not like that, in pyrethrum it is not like that. Today, when somebody starts growing flowers, growing French beans, the next day you find him going abroad to sell his French beans and the like. Why is this not happening with coffee?

Com. Maranga: Sorry, John Mbui, I will ask you to stop there.

John: Yes, will stop me, but I am happy because, what I wanted to tell you is here, it is going to be in black and white.

Com. Maranga: Okay. The next speaker is Festus Njiru.

Festus: My name is Festus Njiru Kariuki, from Thirikwa sub-location, Ngariama location. Mine is rather personal views, about one or two things. The first one is about rural projects. The rural project I want to talk about is the water project, and the former, I call it former because it used to be here, but it is no longer with us, is about rural electrification.

Because of the wide corruption in large cities, by our Government officials and representatives, severe laws should be enacted by the present amendment of the Constitution, and that responsibility should be given to the local communities and our local elected members; whether councillors or MPs to survive this responsibility. Because whatever fund is allocated to these projects, the funds normally ends up - even if it's a road project or whatever - it ends up in the few hands of the Government officials and they are never followed. Whether money comes from abroad or whatever, or from the treasury, these projects have not taken off, they have taken years take off.

For example, some few years back, there was this rural electrification in Ngariama. It no longer exists. It was only there by then and people were made to contribute. Some of the groups that contributed money ended up asking for their money because it had taken too long. Because the money they were promised never came up

From there, I want to talk about water projects. There are several groups of water projects especially in Gichugu Division. These projects, from time to time, especially during election time like now, they come up with very good ideas. Even some county council officials were sent here in our location, chief's camp, to come and tell us that whatever project we want implemented, the Government was ready to assist us. But I am very curious about this motive. Because we are only promised everything only during election years, why not the other years? This is now the fifth year and we are going to the election perhaps by December, where were these officials before then? Why are they coming only now, this month or last month to promise us heaven? Which perhaps will never happen. Okay, with projects I thought of that. Now, I want to talk about the Government itself.

About the Government, there is a lot of talk about federalism. It's my opinion and my view that there should be no Majimbo Government in this country at all. There should be no Majimbo. The reason is, I reject Majimbo with my blood. Because this kind of Government will encourage Clanism and tribalism. It is only during election year that we hear of people being ejected from other places. For example, Molo was there, now we hear about Tana River, now we hear about North Eastern, why is this kind of ejecting some people, some tribes from other regions? Why does it come only during the election year? So there is a hidden motive about this federalism and so I would urge my colleagues and everybody else to reject Majimbo. With those few remarks – I am sorry there is another- excuse me one minute.

Now about the Government, I would like to have an elected Government having a President and if need be let us have a Prime

Minister who will be, who will run the Government on behalf of the electorate. So I would suggest an elective Government with a President or a Prime Minister. With those few remarks, I say thank you very much Commissioners and I hope that you will take these remarks seriously.

Thank you.

Com. Maranga: Mr. Kariuki everything being said is taken seriously that is why we are recording and that is why we are here. It is serious business. Thank you very much, you can sign up our book and then we will be able to see what we can do. The next speaker is Reverend John Karani. Reverend John Karani.

John Karani: I am John Karani Reverend from Kiamboi, the priest in charge of Kiamboi parish of the Anglican Church. I will just highlight some points in our memorandum at the parish, because of time.

1. We expressed the need of our Kenyan Constitution having a Preamble, which will recognize that we did not come into being in 1963 as the former Constitution has mentioned. We should recognize that we are God's creation and we are here by God's purpose. We should identify our geographical and political borders from, north, and south, East, West. And the Constitution's Preamble should also recognize the presence of 43 ethnic groups.

I want to highlight something very brief on Constitutional supremacy. We mentioned that among other things, the Constitution's amendment should be subjected to a referendum. Because we are coming up with a Constitution from the people, not from a forum created from above. I want to skip what we have written on defense and citizenship, because it is a repetition of most of what has been said here and mention something on Political Parties. Political Parties should completely be detached from the day-to-day running of the Government. We should not be civil servants engaging directly in party activities. We have in mind the issue of Kasarani where we had the Commissioner of police, the Commander in Chief of the Armed Forces in a political activity. That should be taken care of in our new Constitution.

The other view in our memorandum: We should adopt a unitary Government with an Executive President, and a Prime Minister who will be in charge of the day to day running of the Government. We proposed that on election, the President is detached from any party activities. That is, we should have a President who is above party politics, or the regional politics. Therefore, we want one to become a national leader and take a national position, he should detach from constituency politics. That is, he should not necessarily be an MP. He should be above that, to be able to represent the interests of the whole nation.

Elections should be based on majority votes. That is, leaders should not assume office without having acquired a 51% majority votes in from the registered voters. Parliament should be able to draw her own calendar, and the electorate, the people who elect the MPs, should have power to recall them or rather to call them in case the MPs do not perform. I want to just highlight those points among many others.

The Judiciary: We should have some separation of power in the Judiciary. And one point I would like to emphasize that we looked into is that, today, hiring Judicial services is quite expensive, and looking at the current situation of our people, it becomes very difficult for some of us to be able to hire private lawyers. The Government should take care of that because nobody

can guarantee that he will not be involved in a legal matter.

Local Authority: We were concerned that the election of Mayors is done as an in-house business, and this is a person of great importance to the electorate. Therefore, we suggested that the position of mayors and chairmen of county councils should be elected directly by the electorate. This should ensure that the person running our local authority has authority has the mandate of the people. More to that, there is a need of giving them enough time to bring up their agenda of development. That is, we should not be repeating the election year by year. It provides for a person elected in such a position to run for the whole term of five years.

Come to the election process: We greatly discourage the 25% clause in the current Constitution. Because this one denies the people living in highly populated areas their rights. It reduces the voice of the people from the highly populated areas. We therefore discourage that clause, and we say that any person aspiring for any position should garner a majority vote.

We were also concerned with the distribution of constituencies. We had in mind the population of a constituency like Embakasi with 118,000 voters, versus a constituency like Samburu with 4,800 voters. These people are elected by a very different support from the grass roots, yet they enjoy the same right when they go to Parliament. We suggested that the Electoral Commission should redraw the constituency borders with the view of representation. To have an equitable distribution of power. That is, constituency borders should not only be geographical, but they should be sensitive to the population of the electorate. **Polling stations:** To avoid maneuvering of counting and introduction of new ballot boxes, polling stations should also be used as counting centers. There other many suggestions we made but these ones are the ones I wanted to highlight. **On Basic Rights,** we felt that our Constitution should provide for maximum protection, security, health care as it has been said by our Wanjikus of today, provision of water, education, food, shelter and other human rights as stipulated in the international agreement. We also suggested that in our Constitution, we should abolish capital punishment in view of the dignity of human life and in mind that no man is above God's commandment, 'Thou shall not kill.' Maybe to wind up, because I have the memorandum, after we had written this our people were concerned that some of the Commissioners are resigning and maybe the process maybe derailed. Our prayer is, what has started shall not end in the middle. God bless you.

Com. Maranga: Thank you very much. I'll ask you to please sign our official register and may be you can be able to give us that memorandum. Thank you very much and God bless you. The next person I want is Leonard Njagi Njiru of Kiamutugu SDA church. Yuko? Hayuko. The next one is Edward Njiru. Edward... Edward Njiru... hayuko. The next one is Kamau Thato, hayuko. The next person we need is Isaiah Muchiri Mwangi... very good. Karibu mzee. **Com. Baraza:** Unaongea kimombo au Kikuyu? **Isaiah Muchiri:** Nitaongea Kikuyu. **Com. Baraza:** Wewe ongea hiyo kizungu yako tusikie. **Isaiah Muchiri:** Hapana, nataka kuongea Kikuyu ili wanawake, wazee wasikie, waelewe. Mimi jina langu ni Isaiah Muchiri Mwangi. Nimesimama hapa kama mzee aliyestaafu, nilikuwa mfanyikazi wa serikali lakini nimestaafu. Mambo yangu ni haya: Napenda chief, assistant chief wawe wakichaguliwa na wananchi, kama nilivyofanywa mimi. Mimi siku-appointiwa, ni mlolongo ilinichagua. Hilo ni neno la kwanza. (*He changes to Kikuyu*).

Isaiah Muchiri: Nie nda thuriro na mlolongo, na neguo kwenda Chief na Assisstant Chief mathuragwo, **Translator:** Mr. Muchiri anasema chief na assitant chiefs should be elected by the local people.

Isaiah Muchiri: Oria onge ne ohoro wa forest, forest etige gothakero ne andu, ona andu aria makarago kuo athigari nemo mendagia miti.

Translator: The forest must be respected and should not be tampered with even by the people who guard it like the forest rangers,

Isaiah Muchiri: Nemanitaga atumia mathi kuna ko magakomania nao.

Translator: because they are also misusing our women when they go to fetch firewood there.

Isaiah Muchiri: Thirikari ithomithie ciana cia chokora na mbecha ciayo.

Translator: The Government should educate the so-called chokora or street children from the public fund.

Isaiah Muchiri: Ciana icio cia rekiya gothomithio ciabagei kuonero wira mbere ya ciana ciakwa na cioria we moyo.

Translator: Once those children are educated, especially those street children are educated; the Government should ensure that they get jobs as a priority, because they don't have parents.

Isaiah Muchiri: Mushara wa andu ma Bunge enyivye nyivye tondu ne menene muno. **Translator:** The salary of members of Parliament is so exorbitant it should be reduced.

Isaiah Muchiri: Oguo neguo kwendaga ko gwita mbere ya Comissone.

Translator: That is all what I wanted to mention before the Commission. Thank you. **Com. Baraza:** Wacha nikuulize swali mzee. Hii mambo ya forest, umesema lazima tulinde forest, kwa Katiba ya sasa, wewe kama Mr. Mwangi huruhusiwi kulinda environment yako ama forest yako, sasa kwa hii Katiba mpya kile ninakuuliza ni kwamba, upewe haki na opportunity, haki ya kulinda mazingira yako?**Interjection.Com. Baraza:** Umesikia hiyo mambo ya Wangari Mathai, huyo Professor. Mkuu akienda kotini watu wanamaliza misitu anaambiwa toka hapa hauna haki, sasa tunauliza wakenya, je, tupewe haki?**Isaiah Muchiri:** Ndio. Wengine waliruka mito wakaenda Embu. Tulipowashika, tukachukua misumeno, tukaleta pale ofisini, wakatoroka.

Com. Baraza: Sina swali lingine kile utafanya, ujiandikishe hapo na huyo ofisa wetu ndio jina lako lingine katika historia kwamba ulileta haya mambo hapa. Sindio? Thank you. The next presenter is Samuel Waira, are you the one? Wapi Samuel Waira? James Muriithi? Wapi Hellen Wagichugu? Hellen Wagichugu, wapi Hellen wangu ameenda wapi, na mimi nilimuona hapo?

James Ndambiri, James, James Ndambiri Kanu Ngariama? Simon Ndambiri watu wangu wameenda wapi? **Interjection:** Lunch.**Com. Baraza:** Lunch? Sabina Wambui... Ako wapi *urio, uka haha*.**Interjection: Inaudible****Com. Baraza:** Who, Simon, Simon, who? Fine. Sabina ngojea tu hapo. **Interjection: inaudible**.**Com. Baraza:** Hellen, basi ngojea, yeye anachukua tu dakika tano. Simon do you have a memorandum? So we will give you five minutes to highlight the main points. **Simon Njagi:** Okay, mine are just four. My names are Simon Ndambiri Njagi from Mugate sub-location. I want to start. The first one is concerning those people who don't have land in Kenya. I am very much worried about those people who don't have anywhere to build their houses.**Com. Baraza:** We cannot hear you, please move closer to the microphone.**Simon Njagi:** Commissioners my worry is about those people who don't have anywhere to build their houses in Kenya, and taking into consideration that there are some people who own more than 1000 acres in Kenya. So I am wondering or I am asking the Commissioners, if they can put it into place and revoke these shambas and let those who have more than 1000 acres, be left with at least 20 acres or 50 acres. The rest, let those who don't have shambas to be settled there or that land be earmarked for animal game parks, at least you can get small portions from that land, from all these game reserves. These people can be settled there. The second one, tribal clashes: I am suggesting that the Constitution provide for the clause which will take the people who facilitate these clashes straight away to the court, instead of forming bodies which take too long to finish their investigation. Third, employment for the school leavers: I would like the budget of this country to cater for the – for all the school leavers, like overseas where, when people finish their school, they are sustained with some funds which are passed by Parliament. Why can't this happen in Kenya? That is we are having so many school leavers engaged in thuggery so we don't have peace day or night, especially in Nairobi. You hear after two days there are theft cases, why can't the Government in future, set aside some funds to sustain these people from school, at least Ksh.1,000 per month and when these people are employed it is stopped because they now have their salaries. But before this, why don't they put up in place a mechanism where by they will be getting money at least to distract their mind from burglary. Four, provide free medical care: This is just as simple as terminating the payments that are made right now. If taxes on individuals were abandoned, maybe 30 years ago there were these individual taxes. If they were abandoned and it is not there anymore, why don't we – why can't the Government get these taxes from the manufacturing companies which have a lot of profit, instead of these mamas and akina these boys, why they go to the hospitals, instead of being given services straight away, they ask for money and kwanza by the way, they are even bribing there because if you want a bed, unless you get into your pocket and give something, you will not be given a bed. Drugs and drug traffickers: I am wondering why the Government in place, is not putting a very, very strict penalty like life imprisonment or freezing the account of drug traffickers, or withhold all their properties, so that they can fear. I had only four points. Thank you very much.**Com. Maranga:** Thank you Simon, hand in your memorandum. The next person is Sabina Wambui, yuko? Okay ndio huyo, karibu mama. (Pause). Mama unataka kiti ukae ama utasimama? **Sabina Wambui:** Nitasimama. (*She speaks in Kikuyu*).

Com. Maranga: Can we have a Translator for ... Yes Reverend, aje atusaidie. Thank you. Unajua Tumeruka mtu mmoja anaitwa Hellen Muchiri lakini nafikiri nitampa nafasi. **Sabina Wambui:** Batago Sabina Wambui, nagwitu ne goko.

Translator: My names are Sabina Wambui and this is my place.

Sabina Wambua: Oria kwenda kwaria.

Translator: What I want to say-

Sabina Wambua: Thirikari iria ikuo arête mbeca cetu cia kahawa igatuma.

Translator: The Government should return our coffee money

Sabina Wambua: Ciana iria ithiyaga gweka interview, ciathe koguthoko, koria ekuthokaga, ona cia vetoka cetaguo marua ya ithe ne undo ne mbeca,

Translator: And the children who go for – young people who go for interviews, when they go for the interviews, they are told to run, I think she is talking of administration or Armed Forces interviews, they are told to run and do all heavy work and once they qualify, they are asked for money.

Sabina Wambua: Thirikari iria aku yume ku viuo tondu neyo atohenethetic bio, tukathena togatweka gotiri keno tukiona. Thirikari aria igoka etotedhereriye., negeth tutiga kothenika muno.**Translator:** The current Government should move immediately in some ends because it has made all the mess we are having in the country.

Sabina Wambua: Nie ndina maundo maingi kwaragia ne baragia oro'gu.

Translator: That is all she had to say.

Com. Maranga: Thank you mama. Enda hapo uweke sahihi kwa kitabu chetu. Thank you very much for those views Hellen. (speaks in kikuyu)

Hellen: Va ritwa riakwa ne Helen Wa Gechugu wa Muchir.**Translator:** My names are Hellen Wa Gechugu Muchiri.

Hellen: Nio thina wakwa ne undo wa ciana citu cia eretu.

Translator: My concern is our daughters.

Hellen: Ciana ico citu na iratohinia ne undo ivenda reria ciakoro ne arata maya mao ma anake, mwanake.

Translator: These daughters are disturbing us, because when they have their boyfriends,

Hellen: Mwanake oyo oka ova mweritu wakwa mwana, atigaga akithinia muciare,

Translator: When these boys impregnate these daughters, they are left free and the parents of these daughters are left to educate the grandchild.

Hellen: Ondu oco newagerere ne kothuthurwa, ithwe aciare onathuwe,

Translator: We as parents feel that this should be enshrined, -entrenched in our new Constitution,

Hellen: Na negetha onaithuwe aciare twegue turi anogokie murigo oyo wa korera ciana cia eritu.

Translator: So that we parents too are eased the burden of bringing up the grand children from our daughters.

Hellen: Nie ndinaveke.

Translator: That is all.**Com. Maranga:** Ahsante Hellen, any questions? Kuna swali?**Com. Baraza:** Hellen *uka*. Umesema hutaki mtoto wako msichana akuletee granddaughter ama grandchild?**Hellen:** (speaks in Kikuyu) (inaudible).**Translator:** She is saying she is not rejecting the grand child but what she is saying there should be something, a provision in our Constitution that the man or the father, the person who fathered this child, should take the responsibility. The Constitution should provide a way in which the fathers responsible of these children do take their responsibilities rather than leaving the burden to the grand parents of these daughters' children.**Com. Baraza:** Na unataka huyo msichana wako arudi shule au awachiliwe?**Hellen:** muiretu acoke cukuru,**Translator:** Her daughter can go back to school but then they can both of them ...*(End of side A of tape four)*. ... What they think is very difficult, and it is not enshrined anywhere in our Constitution.**Com. Maranga:** Thank you. Ahsante Hellen. Unaweza kutuwekea sahihi kitabu chetu rasmi na nakushukuru sana. Sasa namwita Fredrick Njue. Hayuko. Next, huyu nafikiri tulimpa nafasi, so that one is done. Nataka nimwone yule anaitwa Kamunyi Titus. You are the one? Okay, tupe tu highlights. Please, please tunataka watu wengi wazungumze... **Titus:** Mimi nasema Kikuyu.**Translation:** My names are Kamunyi Titus Gatana.

Titus: Thirikari eria eko twarekia koheuo weyadhi thirikari eria ako ne ya omasikini.

Translator: The current Government that we have, which has been in existence since we got independence, is poverty Government...

Interjection. Com. Maranga: Tafadhali mzee. ...Wale ambao wako na memorandum na wanataka kuondoka, ni vizuri kuja kwa desk ya Commission, mtuwachie memorandum, mjiandikishe na muweke sign. Ahsante sana. Endelea mzee. **Titus:** Muthee Kenyatta arekia gwetia weyadhi thinie wa Kenya.

Translator: The late Kenyatta, after getting independence from the colonialists,

Titus: Kahowa kavandago ne muthoko, Kenyatta ageteta tuvandee nego tutonge.

Translator: - by then coffee was only grown by the white settlers. But when Kenyatta brought independence, then it was allowed to be grown by Kenyans.

Titus: Twavanda kahowa kauo Thirikari eria ya cokere kwathana Kenyatta akuwa, etioye mukulima ne nani

Translator: After planting the coffee, and after Kenyatta left, the Government that followed is not concerned with coffee and it does not even care what the farmer gets from the coffee.

Titus: Tondu tareuo twarekia gotayalisha kahawa, tugaketha tugatwara Nairobi tutioe kendagiuo ne oo.**Translator:** For example, once we harvest coffee and take it to Nairobi, as farmers, we do not know anything else about it.

Titus: Thirikari ya rekia kwendia kahowa ithue a kurima neceuria ciokaga, thirikari akagia mbecha ciothe thinie wa murime agekero kuoria. Ati murime ne arevo ke?

Translator: What happens is that, the Government takes the money from the coffee sales and uses the money. First of all, they deduct all their dues and then ask what is left to pay the farmers.

Titus: Ta reuo kilo ne 60 cents mwaka.

Translator: Up to now, the current rate is only 60 cents per kilo for the whole year.

Titus: Thirikari eyo ibadilishwe tohuri and mange.

Translator: So, that Government needs to be changed and we get another Government.

Titus: Reuo nde vauo nde wa miaka 50 kana 60 na ndire ndagia ona muithikiri na ndina kahowa miti ngiri ithatu.

Translator: I am over 50 or 60 years old, and I am a coffee farmer and to date I cannot even afford to buy a bicycle. I am a poor man.

Titus: Gatiba egoro no ohoro wa murime wa kahawa.

Translator: The new Constitution should be concerned with coffee farmers.

Titus: Sawa. **Com. Maranga:** Thank you mzee Titus Kamunyi. Hiyo form yako, - nyinyi wananchi mnajua ndio mko na haki ya kubadilisha serikali. Sio sisi kama Tume. Sisi kazi yetu ni kuchukua maoni yenu, vile mtapigia wabunge kura, hiyo ni shauri yenu. Tunaelewana? Sasa hiyo ndio...- pengine uende hapo ujiandikishe. Tumesema ahsante sana. Tumeshukuru. The next is Stephen Ndiga. Hayuko. Ambrose Kariuki, not there. The next is James Kariuki, hayuko. Then we have Elijah Njagi...thank you. **Elijah:** Ahsante sana. Majina yangu ni Elijah Njage; mimi nawakilisha kanisa la A.I.P.C.E.A Manyanjau, na maoni yangu ni kwamba:Nchi yetu ya Kenya ni ya vyama vingi, na katika vyama vingi, unakuta katika kila constituency, kuna MP ambaye amechaguliwa kutoka kwa chama fulani, kimoja cha hivyo vyama vingi vilivyo katika nchi hii. Sasa kila MP akichaguliwa kutoka chama chochote kile, anaongoza ile constituency kutokana na ofisi ya ile chama. Kwa hivyo ningemba Tume, mnapo endelea na kutengeneza Katiba, kuwe na ofisi ya constituency, ambayo yule mbunge atachaguliwa atashughulikia kila chama kutoka kwa hiyo ofisi. Wakati anashughulikia chama chake, awe kwa ofisi ya chama chake. Wakati anashughulikia constituency, awe katika constituency office. Ndio kila mtu awe na uhuru wa kuongea na mbunge, kila mtu awe na uhuru wa kutembelea ile ofisi, bila kujali yeye ni wa chama gani au gani, chama changu hakikuchaguliwa, chama changu hakiko kwa county council, chama changu hakiko kwa bunge, watu wote wawe huru na sawa. Lile lingine ni kuhusu wakulima. Wakulima wanafanya kazi nyingi na kazi kubwa sana. Lakini inaonekana sasa kwamba wakulima hawafaidiki na ile kazi yote wanafanya. Maana, kama sasa milling industries, kahawa inalimwa hapa, milling industries zinajengwa Nairobi, Thika, na kahawa inaenda kuuzwa Mombasa, majani chai inaenda kuuzwa Mombasa na wapi. Sasa instead of farmers being the beneficiaries, wananyang'anywa ile haki yao, wale wanafaidika na ile marketing ya kahawa, ni wale watu wako huko Mombasa, hawajui kahawa ni nini, hawajui inatoka wapi, hawajui kazi ya kahawa ni gani. Sasa ningemba serikali, zile industries za kahawa zote zijengwe kwenye maeneo yanayo kuza kahawa. Zile industries za majani chai zijengwe kwenye maeneo yanayo kuza majani chai. Ndio wale watu wanaokuja kununua majani chai, waende kwenye maeneo yanayo kuza majani chai. Na ndio ile transport ambayo wakulima wanatumia, unakuta hawapati pesa kwa sababu majani yanasafirishwa kutoka hapa mpaka Mombasa ndio unakuta yanaenda kuuzwa. Pesa zikirudi kutoka Mombasa kufika hapa, unapata mkulima anapata shilingi tano, kumi, zile haziwezi hata kumusaidia. Lakini kama majani chai ingezuwa hapa Tumaita tea factory wale wanunuzi watoke huko wanatoka, waje hapa Tumaita Tea factory, wakitaka manyumba ya kulala wakomboe huko Tumaita factory. Hiyo sehemu itakuwa inaendelea na inaendelea kwa sababu ni wakulima wako huko na zile siku wanalima ndio wamekuwa beneficiaries. Bei ya kahawa; mimi hushangaaa sana. Mzungu anatoka ulaya anakuja kununua kahawa ambayo hajui bei. Mimi nashindwa sana. Ningetaka serikali ku-standardize coffee prices, kama ile kahawa ya P.D.P.T. iwe kama ni shilingi ishirini, iwe ni shilingi ishirini. Wakati munapolima na hawa watu wanafanya grading, waende kwa factory watembelee ma-factory. Sio kama sasa tuseme Gakuyuni ndio iko hapa karibu sana, ile kahawa yao yote wametengeneza, wale watu wanafanya littering, waende kwa Gakuyuni factory, wafanye grading ya hiyo kahawa. Kama ni grade A, waseme hii ni grade A, na bei yake ni fulani, hata mkipeleka kwa market. Ndio wale wakulima wawe wakijua kahawa yetu sasa itakuwa ni bei hii. Lakini sio ati kahawa inatoka kwa factory inaenda Sagana, kutoka Sagana inaenda Thika ama Nairobi. Na watu hawajui hiyo safari yote, itarudi na nini. Watu wanarudi kuambiwa kahawa yenu

haikutoka kitu, ni shilingi tano, hakuna kitu ni shilingi moja, hiyo ni makosa makubwa sana. Kwa hivyo, coffee prices should be standardized as far as the Government is concerned.

Thank you.

Com. Maranga: Thank you Elijah. Thank you very much. Sign our official register na thank you so much. The next person ni David Mugo. David Mugo...

David: My names are David Mugo, from Ngerwe sub-location, Njukeini location, Gichugu Division. I have three points that I want to contribute to this commission. One is the distribution of the National Resources.

According to the present situation, the National Resources are not distributed according to the way they are produced in Kenya. There are some areas which have potential in Agriculture, like in this area of Gichugu, there is tea, coffee, and there are even some dairy cattle. And therefore, it contributes quite a substantial amount in the National resources. Unfortunately, those resources are not taken back to the areas where they came from. That money is taken to other areas and is used in tarmacking, putting electricity in areas, which were not involved in the generation of those resources. So, I would ask the Constitution, to ensure that the resources are utilized in the areas they came from. Kama ni pesa ya kahawa ile inatoka, irudishwe kwa sehemu zile zinakuza kahawa, ya majani chai irudishwe kwa sehemu zinazokuza majani chai. Na ndivyo wakulima wa sehemu hizo waweze kufaidika. And in the final analysis, it will contribute to some more production in the resources.

Jambo la pili ni governance. Katika sehemu hii yetu ya Gichugu, kuna shida ambazo tunapata. Na shida zenyewe zinatokana na serikali. Kwa mfano, kuna watu wa Gichugu walienda Molo, wakanunua mashamba huko. Wana title deeds na wana haki ya kuishi huko. Lakini wakati wa clashes, unasikia watu hawa wamepigwa, wamefukuzwa na mali yao imechukuliwa. So, I am suggesting that because of these issues, we should have a type of Government that is going to ensure people can live in all the places in Kenya, irrespective of their areas of origin.

The Constitution should make sure that there is no room for ethnic cleansing. Kwa sababu wale watu wanatoka sehemu fulani wakinunua mashamba sehemu zile zingine za nchi ya Kenya, wakati tunafika mwaka wa uchaguzi, unasikia watu wale watapigwa na kisha warudi kwao. That is what I am calling ethnic cleansing. It should not have any room in the Constitution of Kenya. Na ndivyo watu waishi katika sehemu zote za nchi na Katiba ihakikishe wana haki ya kuishi huku, na kusiwe na msukosuko wa clashes wakati kunafika wakati wa uchaguzi.

Jambo la mwisho ni constituencies. Kulingana na present state of our constituencies, the MPs are chosen in a very abnormal way. Unaona mtu ana-represent 5,000 people, the whole constituency na anasemekana ati ni mbunge. Unasikia mwingine anawakilisha 50,000 people, ni mbunge. So, I am suggesting that the constituencies should be redrawn to reflect the population and not by acreage. Kwa hivyo, kama hata mtu anawakilisha sehemu kubwa, na haina watu wengi, apatiwe sehemu kubwa.

Lakini kule ambako kuna watu wengi katika sehemu moja, kupatiwe more constituencies. So that we have representation of the constituencies according to the population.

Ahsante.

Com. Baraza: Mr. Mugo, your point on distribution of Natural resources, do you want a certain percentage retained, for example in the coffee area, or you want all of it retained? Do you want any to go to the central coffers?

David: A part of it should go to the central coffers, but the biggest proportion should be returned to the area it came from.

Com. Baraza: Okay, fine. Any suggestion on what we do with our very deprived provinces, do you have any provision for them in your mind? Some areas, - I am not saying you should say that but some areas have nothing. What do you think of it?

David: Well, I think that every area has something that it contributes. Kwa sababu kuna watu wanafuga wanyama, kuna watu wanalima kama kahawa, kwa hivyo, hakuna sehemu ambayo haina kitu inatoa. So they should be able to utilize what is from their production. Lakini sio wachukue ile inatoka sehemu fulani watumie huko. Kwa mfano, tunasikia, - I don't know how true it is - tunasikia kuna watu wana thresh ngano kwa barabara ya lami. There are no vehicles that pass through there. Na kwa sababu barabara imejengwa sehemu hizo, hawana kazi ya kutumia hiyo barabara na hakuna gari zinapitia barabara hiyo. Ile wangeweza tu, ni kukatakata ngano, wana-thresh kwa hiyo barabara. Kwa sababu to them, it is not productive. That is misuse of resources. They should be taken to areas, which are equitably going to produce more and a part of it goes to the national coffers so that it can be used in those areas. But the biggest portion should go to the area that it came from.

Com. Maranga: Thank you David. Sasa unaweza ukaweka sahihi katika kitabu chetu, you sign in our official book and then register, then you hand over your memorandum. Thank you very much. The next person is Patrick Nyaga. He is not there. The next is Nancy Nduta...not there. The next person is David Muchira... okay, he is not there. The next person is Walter Kariuki... not there. The next is Anastacias Mureithi. Ni wewe? Nani wewe ndugu? Nani wewe? Okay. Karibu. Una dakika tano.

Anastacias: Sina mengi ya kusema. Kwanza nataka kusema mimi ni Anastacia Mureithi, kutoka Ngerwe, katika Njokeini location Gichugu. Na, sina mengi ya kusema, isipokuwa kwanza, mimi nataka kusema maoni yangu. Nimeonelea, hapa kwetu tunasema serikali yetu na Kenya. Kila mara tukiambiwa tuko na uhuru na inaonekana kama wananchi wako mbali na serikali. Inaonekana wazi ni kama raia wako ng'ambo ile na serikali iko ng'ambo ile ingine. Kwa nini wakati wa kuchaguana ndio sisi tunaletewa maneno ya kusema serikali ni yetu. Lakini wa leo, inaonekana kama watu wote katika kila sector, iwe ni kilimo, biashara na kadhalika, watu wanaonekana ni kama wale wanaitwa tax remitters tu. We do farming, we do business lakini hatufaidiki. Hatukuli ki-binafsi hata inch. Ndio hapa kwetu hakuna barabara, hakuna chochote. Mtu analima, hakuna kuinuka.

Hata shule sasa tumeshindwa.

Na ndipo hapo sasa mini nataka kusema, ikiwa tutakuwa na sheria sawa sawa, naonelea kuwe na bridge, kuwe na kitu kama bridge ya serikali na mwananchi; iwe mwananchi wakati anashida anaweza kuambia serikali. And I propose the church can do better on that issue. And when the Government is wrong, it has somebody who can tell it “you are wrong. You are on the wrong side.”

The other one is on violation of human rights. Actually, these big men have become what we call ‘big fishes.’ A simple man has no say. He is misused actually. Because when we go to the courts, the exercise of natural law is not proper. It favors those who are economically well to do. That is why I want to say before the Commission of the Constitution that, the exercise of law should be well managed, as it usually seems to have failed in Kenya.

Thank you.

Com. Maranga: Ahsante. Thank you very much. Sign for us in our official register. Please sign your name and your signature. The next is Obed Gachuki. Oh! Sorry. Jane Wambura. Do we have Jane Wambura? Then the next one is Obed Gachuki... not there. Then the next is Rachael Wambui, not there. Then we have Nahashon Mwaruki, Charity Kaguchu... Charity A.C.K. Kiamutugu, hayuko. Then we have Henry Wachira, Henry... okay. The next one Charles Mugambi... wewe ndiwe Charles? Okay.

Charles: Kwa jina ni Charles Mugambi, kutoka Thirikwa sub-location. Mimi nimetoa shukurani kwa serikali, kwa kujua tuko na haki ya kutengeneza Katiba. Hii ni haki yangu na yale nimechangia ni mawili tu. Mimi naona wakati ujao, ikiwa hakutakuwa na Katiba, - ikiwa Katiba haitarekebishwa-, upande wa shule kutakuwa na watoto ambao bado hawajui kusoma hata kidogo. Hiyo ningependa, hata ikiwa sio secondary schools, yaani primary schools, - kutoka standard one mpaka standard eight-, wawe wakisoma free. Tusije tukaambiwa iko building fund, ama activity fee. Hiyo pesa, serikali itoe yenye4444we. Kwa sababu kurekebisha Katiba ni kutengeneza nyumba. Kwa sababu ikiwa hatutatengeneza sasa, tutakuwa tuna tabu. Wengine watatoroka, mambo mengine yatakuwa mambo ambayo si mazuri kwa nchi.

Ya pili ni upande wa mahakama. Upande wa mahakama, mimi nashindwa ni kwa nini kesi inamaliza miaka kumi na hakimu wako wengi. Ni kwa nini serikali haiwezi kuongeza hakimu ikiwa kazi ni nyingi? Sasa ningependa kesi isije ikamaliza miaka kumi, iwe ikienda sana, imalize miaka tano.

Upande mwingine, upande wa pombe, siwezi nikasema. Kwa sababu, pombe, tangu nikiwa mdogo nilikuwa nikiona pombe, watu wakishikwa, wakapelekwa mahakamani na wakarudi. Basi hiyo ni hali ya dunia.

Ingin ni upande wa corruption. Upande wa corruption, mimi ningependa serikali iangalie upande huo sana kwa sababu mambo mengi yanaharibika upande wa corruption.

Ni hayo tu.

Com. Maranga: Ahsante Charles Mugambi. Thank you Charles, jiandikishe katika kitabu chetu rasmi, na ahsante sana kwa maoni yako. The next person is Magdalene Wambura. Ako? Hayuko. Then the next person is John Kongi. Is it John Kongi or John Kangi? John Kangi. Thank you.

John Kangi: Jina langu ni John Kangi kutoka hapa Thirikwa. Maoni yangu ni kuhusu education. All the secondary schools should be allowed to operate at least a day class, including nationals. This is to help ease the burden of fees and make the facilities which are there affordable to the mwananchi wa kawaida. Kwa sababu hata wale viongozi wako hapa wanajua kwamba secondary schools zetu ambazo tulijenga kama kina Kirinyaga, are no longer affordable to the ordinary person. They are only accessible to the rich. Basi, sasa hata nyinyi ma-Commissioners mnajua kuna secondary kule kwenu ambazo zilianza zamani, lakini siku hizi wakulima wa kahawa cannot afford. Wakulima wa miwa cannot afford. Sasa ningalitaka serikali itengeneze Constitution kwamba kila secondary, iwe national, iwe district, iwe provincial, kuwe na darasa, at least two classes ya day, so that the ordinary mwananchi can afford to go there.

Ya pili ni kuhusu education still. All the school boards be composed of strictly active parents, wale wako na watoto huko. Ie sababu secondary schools zetu zimekuwa unaffordable ni kwa vile kunachaguliwa boards za watu ambao wengine ni ma-ministers. Minister akienda aseme tunataka wazazi mutoe Ksh. 60,000 basi hiyo ni hiyo. Akisema ni Ksh. 100,000 hiyo ni hiyo. Na sasa fee ikiwa Ksh. 100,000, ama Ksh. 60,000, kweli mwananchi wa kawaida ataweza? Sasa tunaendelea kufukuzwa, wananchi wa kawaida, tunafukuzwa katika shule hizo na ni sisi tulijenga, mpaka sijui tutamalizia wapi.

I have made an observation. Kuna watoto walipita mwaka jana, mwaka huo mwingine uliopita. Lakini zile marks walipata ni za national schools na za kwingineko kama provincial schools, lakini hawakuenda huko. Sasa wako nyumbani kwa nini? Na ni sisi wananchi tulijenga shule hizo. Si ni wale wakubwa tuliwaweka huko kama B.O.G ndio wamefanya hivyo? They have continued to make those schools unaffordable, na wale watoto wetu ambao wanaweza kusoma hata wawe ma-doctor sasa wametupwa.

Ya tatu ni kuhusu those campuses, - the local universities be allowed to extend campuses, to district headquarters. Those campuses should be based on the kind of resources found in those districts. e.g. Kirinyaga, a campus based on coffee, tea and rice; Garissa, a campus based on livestock; Kisumu, a campus based on fisheries. Haya, na kwingineko, tufuate hivyo hivyo.

Haya, point ya nne ni kuhusu farming. Change the Constitution so as to decentralize processing industries such that coffee farmers be allowed to process their coffee up to the final product. Sababu yangu ya hiyo ni kwamba, wakati tunachukua

kahawa Sagana kwa K.P.C.U. ukipeleka kahawa huko, useme ufanyiwe iwe kahawa ya kunywa, unafanyiwa huko. Ni kwa nini kahawa inapelekwa mpaka Nairobi, kahawa inapelekwa mpaka Nairobi ikafanye nini? Na processing yote inaweza kumalizikia hapa? Hata kwa factory, inaweza kumalizika hapo.

Haya, point hiyo ingine ni, coffee farmer, sorry. The coffee exporter should seek mandate right away from their locational or district co-operative societies. Wale wenye ku-import kahawa wawe wanakuja hapa tunawapatia mandate, halafu wawe na hiyo mandate. Wasiwe waki-seeek mandate kutoka Nairobi. Because people of Nairobi do not know anything concerning coffee.

Hiyo ingine, the people who are non-farmers are in the process of frustrating the activities of the farmers yet these non-farmers do not seem to mind the welfare of the farmers. The Constitution should be changed so that the issues of coffee and other farm produce be left to coffee societies at location levels, and deal with the farmers directly.

Exporters be farmers themselves, of proven record and endorsed by farmers themselves.

Com. Maranga: Mr. Kangi, I am not going to allow that.

Kangi: Otherwise, exporters should not be Nairobians who know nothing about coffee and other products.

Com. Maranga: Give us your memorandum and I will have to ask you to stop because there are also other people who want to give their views.

Kangi: Okay, hebu nimalize. Dakika moja... professionals be paid more, not politicians. As it happens in Asia and America. So that we won't have professionals scrambling for political positions. Because it is professionals who can build a country, not politicians.

Com. Maranga: Thank you very much Mr. Kangi. Sign our book, our official register and give us your memorandum. Thank you very much. Murage Manderi. Not present. The next one is Michael Muthike are you the one? Okay Michael Muthike. Do we have Eliud Ngari? Eliud Ngari...okay, Michael.

Michael: My names are Michael Muthike from Thirikwa, Ngariama, and Gichugu. I propose that in the new Constitution, the Electoral Commission should be properly representative and I believe all the parties should be represented, including other people who may not be in any party, who are non- partisan. The Commission should also be empowered to have the ability to vet all those people who want to compete for any political post. For example, I expect that, say for the MP who may be younger, the President should be a family man or a family woman. They should be of high moral integrity and they should be

people who have not been involved in any kind of corruption or any mismanagement anywhere. And this will apply to any other officer of the Government.

Powers of the President: I know that much has been said but I just want to emphasize that, for example, the President should not have powers to, say, detain somebody, before he has been taken to court and proven guilty of any offence, for more than 24 hours. If somebody has been detained, it should not be for more than 24 hours. If the President has to make any orders, I think that should go to the Parliament, even if it is so urgent. Perhaps he can order for probably only 24 hours, after 24 hours he should seek permission from Parliament to either allow the continuation of such orders or not.

Education. It has been said, and I also support, that the education system in this country basic education- should be free for everybody. That is, primary education should be free. Nobody should be charged. And if somebody has to continue for further education, then, those who are in Government institutions, the Government should ensure that it does not sponsor or allow the training for the man power it will not use, so that there will not be the misuse of resources. Anybody that goes for further training in this country, it should go in the Constitution that the Government should be able to train people that it can put into use.

The Constitution should provide that there should be no more than three parties in the country, considering the resources that we have. I also want to propose that in the Constitution, we should establish an anti corruption authority. I just said that Political Parties should be no more than three. The next one has to do with the parties; I am talking about the establishment of the anti-corruption body. It should be provided for in the Constitution. And before I forget, any Presidential appointees, - if they are professionals-, should be vetted properly in Parliament. It should be for all those senior officers in the Government. Then also in the Constitution, the A.G. who is the legal advisor of the Government, and also the public prosecutor, I think the two roles should be separated and have two different individuals doing the job. We should have somebody who advises the Government in the legal matters, and a different one doing the public prosecution.

And then also...

Interjection.

Time? Okay. To finish, the Constitution should provide that anybody who is taken to court over corruption charges, the A.G. or anybody should not have any authority to stop that case. Corruption cases should be allowed to continue until they are determined. Others have just been said and I wont repeat.

Com. Maranga: Thank you very much Mr. Muthike. Thank you very much. This would be – I want to know if these people are present, those will be the last ones. Do we have Mary Njue? Not there. Do we have Linus Njagi Njiru from the SDA? Not there. Geoffrey Gachanja? Do we have him? No. Ebrahim Njeru? Not there. Reverend Muriuki. Did he speak? I think he did.

Thank you very much people of Kirinyaga, I mean especially Gichugu constituency. It is now 5.03 p.m. we now want to bring this session to a close because again tomorrow we are sitting down at Kiburia Girls. So, all those who have not been able to have a chance to air their views today, you will have a chance tomorrow. Thank you very much. And I now want to request one person to give us a word of prayer before we close. And those who have memoranda you register with us, and then we will be able to record that. Now, can I ask Reverend to come and close for us? Thank you very much. Can we have Reverend? I request every body to stand then we say a word of prayer.

Reverend Titus: In the name of the Father and of the Son and of the Holy Spirit, God our father, we have come to the end of this day, and we greatly thank you, first, because of our Commissioners, who have given themselves selflessly, to hear our views for the first time in Kenya, which has been given by all people of all walks of life. We thank also other facilitators, the C.Cs and C.C.S. who were also working tirelessly to make sure that the people you brought to this world, have known what is necessary and what is to be done, and to be put in our coming Constitution, which many people are longing for. We thank you because they have also given themselves within their limits of knowledge and understanding, which you have empowered them to do so. We also thank you for those who accommodated us here, especially the Kiamutugu Catholic Church, and all the rest who have been behind all this, especially our Government which has sponsored this kind of occasion through out the country. We now again ask you to bless each and every person, especially the Commissioners so that they may not be tired even to listen to us tomorrow at Kiburia Girls Secondary school. Now we ask you for safety to wherever we are going. Be with us and make sure that we reach our respective destination; we also thank you for what you have done for this country. Forgive us for the many ills we have made, looking forward to making a good Constitution. We know that we are your children and we have wronged you. Forgive us and help us have the next election with a good Constitution, which will really cater for each and every person and especially the farmers, the business people, the professionals and all kinds of people you brought to this world. Now again Lord we now with simplicity ask you to just walk with us, be with us in whatever we are going to do. For we ask all these through Christ our Lord. In the name of the Father and of the Son and of the Holy Spirit. Amen.

Com. Baraza: *Muthie mukome wega na tuonane rucio.*

Meeting ended at 5.30 p.m

