

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, MATHIRA CONSTITUENCY,
KARATINA TOWN HALL**

ON

23rd April 2002.

CONSTITUENCY PUBLIC HEARINGS, MATHIRA CONSTITUENCY,
HELD AT KARATINA TOWN HALL ON
TUESDAY 23RD April 2002.

Present:

Bishop Bernard Kariuki Njoroge - Commissioner
Mr. Ibrahim Lethome - “
Mr. Keriako Tobiko - “

Secretariat In Attendance:

Samuel Wanjohi - Programme Officer.
Josephine Ndungu - Verbatim Recorder.
Leah Omondi - Sign Language Translator.

The meeting was called to order at 9.00 a.m.

Samuel Wanjohi: Kwa mkutano, hawa ndio staff ambao tutakuwa nao. Huyu mama anaitwa Leah Omondi. Anafanya kazi ya sign language translator, na huyu mama anaitwa Josephine Ndungu. Josephine Ndungu ana-tape maneno yote mtakayo ongea hapa. Na mimi naitwa Samwel Wanjohi. Mimi ni Programme Officer, mimi nitakuwa nikiangalia mambo vile itakuwa hapa. Na tutamuomba Father mwenye mission hii, Father In charge, Father Mucheke, atuongoze kwa maombi ya asubuhi ili tuanze kazi ya kusikiza maoni yenu. Father Mucheke please.

Member of Constituency Committee: I am sorry I am not the Father in Charge, I am a member of the Constituency Committee. Okay rekei turugame.

Maombi:

Kwa jina la Baba na la Mwana na Roho Mtakatifu, Mungu baba mwenyezi tunakushukuru asubuhi ya leo kwa yale yote umetujalia. Twakushukuru kwa nchi yetu na twakushukuru kwa wananchi wote. Katika kikao hiki ambacho umetujalia tunakuomba uongoze yote yale tutakayofanya kwa manufaa ya sisi wenyewe na zaidi kwa nchi yetu. Wabariki watakao kuja. Wabariki Commissioners wetu na utujalie yote tunayotarajia. Na tunaomba hayo kwa jina la Kristo Bwana wetu.

Samuel Wanjohi: Thank you. Yule mwenye kuongea, ataongea kutoka hapa. Na sasa tutampatia Bishop Njoroge ndio aendeshe kikao.

Com. Bishop Benard Njoroge: Habari ya asubuhi. Mnasisikia vizuri? Hii ndio inafanya kelele. Wanjohi *tamiige irorete na kuria*. Na sasa mnasisikia? Habari ya asubuhi Wakenya? Muko wazima? Huku kwenu ni kama Mungu anawapenda, kuna mvua kila siku. Si ni kweli? Mungu ni mwema. Tunafuraha kuja hapa kuwa nanyi. Tunafurahia Father kukubali tutumie *hall* hii. Na tumekuja kwa ajili ya kupokea maoni ili tuweze kutengeneza nchi hii yetu. Jina langu naitwa Bishop Bernard Njoroge. Na mimi ndiye nitakuwa Chairman wa kikao hiki, na mimi ni Commissioner wa Constitutional Review na tuna ndugu yangu Bwana Lithome atawasalimia kwa sababu anajua eneo hili. Karibu ndugu Lithome.

Com. Lethome: Watu wa Mathira. Hamujambo. Tunashukuru sana kwa kuweza kuwa na nyinyi hapa na tunamshukuru Mwenyezi Mungu ambaye ametuleta kwa salama kutoka Nairobi mpaka hapa. Pia tunashukuru Mungu ambaye amewaleta mpaka hapa na nafikiri katika hiki kikao tutaweza kusikia maoni yenu. Leo sio siku yetu ya kuzungumza, ni siku yetu ya kusikiza. Sisi kwanzia sasa mpaka jioni kazi yetu ni kuwasikiza nyinyi. Kwa hivyo, najua muko tayari na maoni. Ama hamko tayari?

Audience: Tuko tayari.

Com. Lethome: Na sisi kazi yetu ni kuwasikiza na tunatumaini kuwa tutapata maoni ambayo itatusaidia kuandika katiba

ambayo itatuongoza katika siku zijazo na kuweza kutupa nchi ambayo ni nzuri zaidi ambayo pia watoto wetu wataweza kufaidika nayo. Kwa hayo machache, namwachia mwenye kiti wa kikao Bishop Njoroge.

Com. Bishop Njoroge: Tukianza kutoa maoni, tutampatia kila mtu nafasi. Na mtu akitoa maoni yake, tutakubaliana kwamba hakuna mtu ataingilia mwingine anapotoa maoni. Sawasawa? Hata ukisikia hasemi vizuri. Hiyo ni maoni ya nani?

Audience: Yake.

Com. Bishop Njoroge: Yake. Wakati utafika wewe utoe maoni yako. Ya pili tunataka tukubaliane kwamba tunaweza kutumia lugha zote. Lugha ya Kiingereza, lugha ya Kiswahili na wale hawafahamu lugha hizo vizuri, wanaweza kuzungumza Kikuyu na itatafsiriwa. Sawa sawa?

Audience: Sawa.

Com. Bishop Njoroge: Kwa sababu hatutaki kumuacha mtu nje. Maoni yake ni ya muhimu. Jambo la tatu ni kwamba kuna wale wamekuja na Memorandum. Wale wamekuja na nini?

Audience: Memorandum.

Com. Bishop Njoroge: Ukiwa una Memorandum, hatutaki wewe useme yote yaliyo katika memorandum kwa sababu tutachukua hiyo memorandum. Tukienda Nairobi tutaitengeneza na kuiweka katika mahali inayofaa. Kwa hivyo tusipoteze muda mwingi ili tuweze kusikiza watu wengi. Ukiwa na Memorandum, taja tu points. Sawa sawa. Kwa sababu tutaichukua twende nayo. Lakini kama huna memorandum, tunahitaji uzungumze yote ili kwamba tuweze kuyapokea na kuiweka katika kadude haka. Sawa sawa? Kuna swali sasa. Tumekubaliana? Uliza.

Interjection: Sasa mtu akiwa na memorandum yake na anataka kusoma ndio watu wasikie, na wewe unasema lazima mtu asome points. Inaweza kuwa wewe umetengeneza vizuri watu wasikie na mwingine anaweza kupata chance ya ku-correct.

Com. Bishop Njoroge: Hilo ni swali nzuri. Huelezi maoni yako kwa hao watu. Si ni kweli? Mtu afanye nini? Rafiki yake anaweza kusimama ifike ya *Taliban*. (inaudible) Maoni yale tunatoa hapa, ni ya kutengeneza nini?

Audience: Katiba.

Com. Bishop Njoroge: Na maoni yako ikifika mahali inachukuliwa na kuwekwa mahali ya katiba. Hiyo ndio inafaa. Sawasawa? Kwa sababu hii ndio njia ya kutengeneza katiba. Kwa hivyo haja yako ni maoni yako. Na iende Nairobi na

ifanywe Katiba. Kwa sababu ukihimiza sana, kuna wengine watakosa nafasi. Na tunataka kusikiza kila mwananchi. Kuna mtu mwingine ana swali? Tuanze sasa. Tunaanza kwa pamoja. Sawa. Jambo lingine moja. Katika code of conduct yetu sasa, tunasema ukizungumza usimtaje mtu kwa jina mbaya au kuharibu jina la mtu yeyote. Sawasawa, hiyo tunaweza kukubaliana. Kwa sababu Katiba sio ya mtu ni yetu pamoja.

Kwa hivyo ukitaja jina kama kuharibu jina la mtu,hiyo hatukubali. Kwa sababu itakuwa siasa. Si ni kweli? Kwa hivyo wewe taja mambo kama ni ya utawala kama sio mzuri. Ungetaka nini? Lakini tuwaache watu nini? Nje. Kwa sababu mnafikiri hao watu watasaidia kutengeneza katiba? Kwa nini tuwataje? So, ukija kwa njia ya kutukana mtu mwingine nitakunyamazisha. Nitakuwa nimefanya makosa?

Audience: Hapana.

Com. Bishop Njoroge: Mnajua Biblia inasema, watu wawili hawawezi kwenda pamoja bila kuwa na mahidiano. Kana tiguu? Andu eri matingituarana matari naki?

Audience: Kariko.

Com. Bishop Njoroge: Ihatikoragwo kariko. Ndirenda mundu a ndume kariko. Asante. Sasa tungetaka kusikiza Stanley K. Kagombe.

Stanley K. Kagombe: Asanteni sana. Kwa jina naitwa vile mmesikia. Stanley Kigara Kagombe. Niko na memorandum lakini niko na section ambayo iko outside the memorandum. Na hiyo ndiyo ningetaka kusoma but with the memorandum hiyo ndio nitapatia the Commission. This memorandum is for and on behalf of the Miiiria clan, which they have discussed and resolved to give.

I will start with land and property Rights. Let it be on record in our new Constitution, that the people of Kenya are sovereign and that no law or authority including even the Constitution is above the people. Let it be further noted that we are committed to the future of Kenya as a united and indivisible country and composed of people of diverse cultures whose Rights are inviolable.

During the emergency in 1952, Kenyans joined hands to free themselves from the yoke of colonialism, but little did we know that we freed ourselves from white colonialism and shifted to what one would literally term as black colonialism - In that the white colonialism, granted the whites large chunks of land, - that is the white highlands, - which you are aware of, while independence granted the same to a few blacks.

The new Constitution should address itself to the fact that the population is increasing on a daily basis while land remains static.

It is then unfortunate that after forty years of independence down the line, some people in this country are living as squatters and refugees in their own country. It is common knowledge that large-scale minority landowners in the country, -both in Government and Opposition, - ruling or ruled belong to a class of their own.

They join hands to protect their land. Let me warn in advance of a possible catastrophe in future when the majority of small-scale and landless citizens will join hands and revolt against the minority large-scale land owners with bloodshed. To avoid this possible mishap, let our Constitution revert all land to the government and all users become tenants or in the alternative let the new Constitution put a ceiling to the land ownership by individuals, not below the age of eighteen years, to own a maximum of a hundred acres with a high acreage only to institutions like Agricultural development cooperation or the Cooperative society. Egypt has successfully put a land ceiling of fifty acres per person and therefore, I can not see why ours can not work.

The new Constitution should see to it that all grabbed public utility land is reverted to the government. I have touched slightly on the security, but most of it is on the memorandum. Security: The security situation in some parts of the country, e.g. in Laikipia, where women, men and children are being killed indiscriminately and the government seems to be taking little or no care at all despite reports to the police. Rape cases have been reported in various places in the region. This has been a common practice with the current government as we approach the general elections.

Let our new Constitution have a clause where people can use their sovereignty to take arms and defend themselves. We shall always obey just laws and disobey unjust laws, even if this will mean shedding blood - hence protection by the new Constitution. Thank you very much and may God bless you for giving me this opportunity to address you and have a good day.

This is my contribution.

Com. Bishop Njoroge: You go there and record your memorandum. Peter Wanjohi.

Peter Wanjohi: Thank you Chairman. My name is Peter Wanjohi Mugweru and what I have here are the views of P.C.E.A Kahuru church members. I have said that what I have here are the views of P.C.E.A Kahuru church members and the views are written in points. So, I am just going to read the points as they are and I will try to be very quick.

The first point is that the President of this land should be a graduate from a recognized University. Two: The President should stay in office for five years and can stay for a maximum of two terms only. Maximum age of the President at election should be fifty to sixty years. The President should be a member of Parliament.. The President should be a person of integrity living with his or her family. The President should be subject to the law of this land. He or she should acquire more than fifty per cent of the total votes cast regardless of their provincial background. The President should declare his wealth and make it subject to assessment from time to time by a Parliamentary select committee. The President should appoint Ministers and their Assistants only.

The Vice President should be communally elected and should be of the opposite sex. His main duties include: Taking care of Kenya's relationship with other countries globally, conducting state functions, being a symbol of peace in the country and co-ordinator of government activities. A Member of Parliament should have a minimum of Kenya Secondary School Examination certificate and over twenty-one years of age. Life of Parliament should be five years but a member can go for a maximum of two terms.

Parliament should be divided into as many select committees as need arises, to cater for appointments to all Public Service Commission heads, Clerks to Parliament, Controller and Auditor General, Judges, Chief Justice, Attorney General, Permanent Secretaries, Ambassadors, High Commissioners, Chief of General Staff and Chancellors to public Universities. Parliament should elect its own Speaker. Any amendment to the Constitution should not be made before public education on it is given and recommendations given to Parliament.

Members of Parliament should be full time employees with offices in the administrative headquarters of their Constituencies and their salaries should be negotiated by Parliamentary select committees and as at present, should not go over Kenya two hundred thousand shillings per month. An MP cannot be removed from his seat because of an offence unless he or she is jailed for more than six months. Replacement can occur if he is jailed, dies or fails health wise.

Parliamentary elected heads and Chairmen of select committees, including the Vice President should work hand in hand with the President but not subject to him. The Attorney General should be the legal advisor to the government and a Parliamentary select committee appointee.

Chief Justice should be the head of the Judiciary which should be an autonomous body. The Judiciary should see to it that in Parliament, there is a legal drafts-man elected by a Parliamentary select committee. Chief Justice and his, or her senior officers are appointed by a Parliamentary select committee. Present Judges are draining the country financially. Their salaries currently, should not exceed Kenya shillings six hundred thousands with allowances included.

Judiciary should add manpower to cope with demand to alleviate sufferings of suspected criminals in police cells as they wait for their judgment. If a foreigner stays in Kenya, behaving well for fifteen, to twenty years and then willing to become a citizen, the right should be granted. Mayors and Chairmen of county councils should be elected by the public in their areas of operation after every five years.

The Central Government should have its power limited over local authorities thus making the Minister a co-ordinator of the authority but have no direct authority over them. The Councilor should have at least Kenya Secondary School Examination certificate while chairmen and Mayors should be graduates from recognized universities. These authorities should be hired, I mean the local authorities. They should hire and fire their employees without interference from any quarter. Kenyans should own

land anywhere in the republic regardless of their tribe, nationality of origin, religion e.t.c. There should be no duplication in taxation to farmers when payment is made as it is in tea and coffee e.t.c.

Local government should concentrate on development of economic, social e.t.c. of their areas with equal assistance from the Central Government. Provincial Administration should be strengthened for the execution of the law and order. Lastly, as the members saw, land tenure should be revisited to ensure that no individuals own estates which are not utilized. This should be segmented and given to public for utilization. The State should rightly acquire these estates for public use. Even the Nyayo Tea Zone should either go to public or go back to the public reserve. Thank you.

Com. Bishop Njoroge: Thank you very much Mzee. Just wait we have a question.

Com. Lethome: Umesema kuwa Rais ni lazima awe mtu ambaye anaishi na familia yake. Kwa hivyo kama ni mume awe na mke na familia yake. Mwanamke awe ameolewa. Unajua kuna baadhi ya watu, viongozi wa dini-kwa mfano kanisa la katoliki, wamechukua ile oath of celibacy. Suppose let us say a father or a priest wants to vie for Presidency, do you deny him that chance because he has taken an oath of celibacy?

Peter Wanjohi: What I was reading were views of members, so I can answer your question by giving my own view. Am I all right?

Com. Lethome: Yes, Just go on.

Peter Wanjohi: If the Presidency falls on such a person, then because we know, everybody knows what he has done- he is a clergyman, my views are that he should be allowed.

Com. Bishop Njoroge: Thank you very much. Waambie tumefurahia kwa memorandum yao na itafika mahali inakofaa.

Samuel Wanjohi: Mtu akimaliza kutoa maoni, anaenda pale anarecord.

Bishop Bernard Njoroge: Tutampatia Mayor wa town hii nafasi ya kueleza maoni yake. Kwa hivyo Mayor ukienda pale *we all have to give the same credit. The Ten Minutes.*

Mayor: Thank you very much Commissioners, Support group and members of the Public. Kwanza ningetaka kuwashukuru na kuwakaribisha katika hii town yetu ama mji huu wetu wa Karatina. Tuna furaha sana kwa kuwapokea. Mkiwa Commissioners kutoka Nairobi na vile vile wananchi ambao wamejitokeza katika tarafa yetu ya Mathira. Leo ni siku kubwa kama vile tulivyokuwa tumeingonjea kwa hamu sana, maanake leo ndio tutapeana yale maoni yetu kabisa ambayo kwa miaka mingi

tumekuwa tukipigania ili tujue jinsi ya vile tunataka kuishi.

Nafikiria Bwana Commissioners mumeona vile watu wamejitokeza hata ingawa kuna mvua na bado najua wengine wataingia zaidi. Hii ni kwa sababu ya yale mapenzi ambayo watu wanayo kuhusu kuwapatia maoni yao katika siku ya leo na siku ya kesho katika upande wa Ruguru. Leo itakuwa hapa Karatina. Kesho itakuwa ni Ruguru. Maanake kule ni mbali sana. Na kwa hivyo ninajua mtapokea maoni ambayo itasaidia nchi yetu kwa maana yale maoni ambayo zote tunawapatia, itakuwa itatusaidia sisi sote katika nyakati zinazokuja.

Na mimi sitaongea mengi maanake kuna viongozi wengine watakuja kupeana maoni. Lakini niwaambieni kwamba muko huru kabisa kupeana yale muko nayo. Leo hapana siku ya kuja kupigania hapa mbele Kanisa za Kianglikana ama kusema hii ni mbaya ama ile ni mbaya. Ama viongozi waanze kuzushiana hapa. Parties,- zile political parties sizije zikapigania hapa mbele ya Commissioners. Leo ni maoni yako kibinafsi, ama as an organization kuhusu vile unataka tuishi ama kuishi tukiwa kwa nchi hii. Kwa hivyo, nataka niseme kwamba sisi kama municipal tuna maoni yetu ambayo iko njiani yaja. Na ikifikia wakati huo, mtaacha tupeane hiyo maoni Memorandum na vizuri maanake sitaki ku-present mwanzo,-nipatie wengine waendeleo ninapongojea wale wako na hiyo maoni. Asanteni sana.

Com. Bishop Njoroge: Asante kwa kutakaribisha. “Can we switch off all the mobile phones”? Kama una mobile yako, uizime ili isije ikafanya.....kwa sababu tuna-tape haya maneno, na ni kwa sababu ya watu watakao zaliwa miaka hamsini ijayo, waweze kusikia haya maneno. Kwa hivyo hatutaki kelele yoyote kuingia ikiwa mtu anazungumza. Kwa hivyo wale wana mobile phones tafadhali wazime.Tungetaka tupatie Crispo Ngari.

Crispo Ngari: I want to talk more about workers agony after retirement. Or being retrenched before attaining mandatory fifty years. There has occurred misuse of clauses in the N.S.S.F Act, when workers are either retired or voluntarily retrenched. This mis-use has directly benefited the employer and the government of the day, when you the employee has been shown the door. The red tape bureaucracy comes about when your former employer tells you day in, day out, that your contributions are on his desk-such that you can check with the NSSF for appropriate action, where else, he really knows that these are musical chairs and when.....

Com. Bishop Njoroge: Let me say this, ukijua taabu tupatie jawabu, hatutaki utupatie hadithi kubwa, tunajua shida zetu zote; tunataka ile jawabu ambayo itaingia katika hii Katiba, Utuambie NSSF, ungetaka ifanyike nini?

Crispo Ngari: What I would suggest is that the clause should be changed so that you benefit after being retrenched before you attain 50 years. For some reasons best known to us, you would probably have had a loan before you were retrenched,-you had been covered by AAR, National Hospital Insurance Fund, and after leaving the place, you have got nothing to use. That is where we are wondering why the present government is telling us to join Jua-kali. We apply for loans, from “micro-soft” and others, where else we contributed some money. That is where we should request the government of the day to amend that Act

- because the very money we contributed is the money which has been misused by Managing Directors who had been purchasing houses without the approval of the contributor. That is where I would like the amendment to be changed.

Com. Bishop Njoroge: You have made that point.

Crispo Ngari: Yah, I have made that point. Second one, I am giving these views on behalf of other retrenches or retirees. This one is that all strict restrictions in the Act should be repealed and replaced with other good clauses that guarantees some sense of civilization instead of a crude sense of direction. As an aspect of right, they should have a universal code of protection and Kenya, as part of the global family should not be left behind. Loopholes exist where the Managing Director of NSSF were appointees of the sitting President. The powers of the President should be trimmed in the appointment of these people.

The other one is about land ownership in Kenya: There have been numerous problems in Kenya – for instance if you had a land dispute, you are referred to the DO, the DO refers you to the High Court, after the High Court, you are referred to the DC, where again the whole issue is referred to the President to give his consent for the case. So many people have died without acquiring this land due to this delayness. So, I should suggest that the powers of settling land cases be referred to the village Wazees.

Another point is that the sitting President has so much power that he has been giving out land without regard to the common mwananchi. We would like the powers of land to be taken back to the people who are living in that particular place. For those few points, I will hand over my memorandum.

Com. Bishop Njoroge: - The next person is Thomas Kagambi.

Thomas Kagambi:- Ningetaka kutoa mapendekezo yangu kuhusu mambo kadha wa kadha. Elimu: Ni vizuri elimu ambayo inatolewa katika shule zetu za msingi ipunguzwe ili kuwapa watoto wetu nafasi ya kushiriki katika michezo - kwa sababu kwa sasa hivi, inaonekana wana mzigo mkubwa wa masomo ambayo haiwawezeshi kukuwa kama inavyo tarajiwa. Pia, ni vizuri jambo hili la wanafunzi kusoma kila wakati - wakati wa likizo, siku ya jumamosi likomeshwe kwa sababu linachangia katika kuwafanya watoto wetu wakati mwingine hata wawe wagonjwa na wengine hata kukaribia kurukwa na akili.

Jambo la tatu, ningetaka jambo la kuwalazimisha wanafunzi, kurudiarudia masomo lipigwe marufuku, kwa sababu jambo hilo pia linawafanya wanafunzi wengine wadumu katika shule za msingi kwa muda wa miaka hata kumi na minane kwa sababu kila wakati wanalazimishwa kurudia rudia eti, wao si wazuri. Jambo hilo wakati mwingine linawafanya wengine sasa wadharau elimu na linachangia katika kuzorotesha maendeleo yetu.

Pia, kuna hili jambo la kuorodhesha matokeo ya mitihani. Jambo hili pia linafanya baadhi ya maovu yatekelezwe na walimu

wakuu kwa sababu tunaona ya kwamba shule inataka ionekane kwenye magazeti ikiwa inaongoza. Kwa hivyo wakati mwingine unaona shule zingine zinafanya maovu kama kusajili au kuwa na vituo viwili katika shule moja. Unakuta ya kwamba wale wanafunzi wazuri wanasajiliwa katika kituo fulani, wale ambao sio wazuri, wanaorodheshwa katika sehemu nyingine ili wasiharibu nafasi ya yule. Pia ni vizuri idadi ya wanafunzi ambao wanatakiwa kuwa katika darasa moja lipunguzwe ili kuhakikisha ya kwamba mwalimu anapata nafasi ya kuwahudumia wanafunzi barabara. Wakati mwingine tunaona ya kwamba shule zetu sina idadi ya watoto ambao wanapita hamsini katika shule za msingi

Com. Bishop Njoroge: - You should go to the point.

Thomas Kagambi: Thank you. Asante, pia uteuzi wa waalimu wakuu utekelezwe kupitia ujuzi lakini sio jambo lingine lolote. Ningetaka pia kuzungumzia wasiobahatika katika jamii. Hawa ni raia kama wengine na Haki zao zinatakiwa kupewa kibao mbele. Ni sharti pesa maalum zitengwe ili kujengwe makazi maalum ambapo wasio bahatika katika jamii watahudumiwa. Pia tunapojenga miji, hospitali, makanisa na nyumba lazima tufikirie juu ya wale ambao ni walemavu, ili wapate nafasi ya kutembea, kuingia kwa nyumba au kanisa bila pingamizi ya vile ambavyo wameumbika.

Ni vizuri pia wale ambao hawajabahatika katika jamii watengewe baadhi ya viti katika Bunge ili wawe na nafasi ya kutoa maoni yao na waakilishi wao. Wale ambao kwa kawaida huvunja sheria hasa ya hawa watu ambao hawabahatika katika jamii, ni vizuri wachukuliwe hatua mwafaka kwa sababu jambo hili linaleta aibu wakati mwingine katika jamii yetu. Kuhusu siasa, ningetaka kila MKenya apewe haki ya kupiga kura popote alipo.

Pia kuna jambo hili la kujiandikisha kama mpiga kura tuseme sehemu hii, - Halafu baadaye ninasafiri kwenda Kisumu wakati wa kupiga kura. Ninatakiwa nipewe ruhusa ya kupiga kura ya kumchagua Rais, kwa sababu hata kama kadi yangu ni ya sehemu hii, na niko Kisumu, bado sitakiwi kupigwa marafuku kupiga kura. Jambo lingine ni kuwa ni vizuri kura zihesabiwe katika vituo vya kupigiwa na zitangazwe mara moja hapo bila kusafirishwa pahali pengine.

Atakayechaguliwa Rais, ningependekeza awe ametimiza asilimia hamsini na mbili ili atangazwe Rais wa nchi. Jambo lingine ambalo ningezungumzia, ni uhuru nchini. Kunatakiwa kuwe na uhuru wa kuanzishwa kwa vituo vya utangazaji bila mapendeleo. Shirika la utangazaji litumikie wanaKenya wote kwa sababu zote ni watu wa kodi. Pia umiliki wa mali uruhusiwe popote katika nchi hii. Sheria isitumiwe kubagua baadhi ya wanaKenya. Madaraka ya Rais yapunguzwe. Uteuzi wa nafasi muhimu, unapaswa uidhinishwe na Bunge letu.

Dini: Ni vizuri tuwe na uhuru wa kuabudu nchini mradi tu dini hizo ziwe zinatoa maadili mema ama mafunzo yanayozitahili. Pili, dini zisitumiwe kupotosha jamii. Dini hizo ni sharti zizajiliwe ili kuepusha vikundi ambavyo vinachipuka na ambavyo vina maoni mengine. Makundi ya dini pia yaruhusiwe kusimamia shule zetu ili kuhakikisha ya kwamba maadili mema yanafunzwa katika shule hizo. Natarajia maoni haya pamoja na mengine, bwana mwenyekiti ambayo yametolewa na wanaKenya mbalimbali

yatatusaidia na kuchangia katika kuunda katiba mpya ambayo itawezesha Kenya kusimama wima kama kielelezo kizuri cha nchi katika bala hili la Afrika na katika Ulimwengu wote. Katiba ambayo haitakuwa na ubaguzi wa kielimu, rangi, kabila, jinsia ama umri na tukifanya hivyo, Nchi yetu itaendelea kusitawi kwa mapana na marefu. Mungu aibariki Kenya. Mola atuongoze katika miaka ijao. Asante.

Com. Bishop Njoroge: Thank you very much. Those were very good points. Sasa ningetaka kumpata Erastus Munyiri. Erastus. Tafadhali zungumza pointi bila kuelezea.

Erastus Munyiri: Thank you Chairman. My name is Erastus Munyiri of Box 160 Karatina. These are my presentations. I believe there should be a preamble stating clearly that the Constitution of Kenya is of Kenyan people themselves and for themselves for the purpose of helping to promote and maintain peace, love, patriotism and unity through all possible means within and outside our Country.

Two: I believe that within the preamble, the boundaries of the country should be clearly stated so as not to leave any room for any doubts.

Three: Geographically and Administratively, the country should be divided into equal provinces based on demographical and economical principles. They should bear Kenyan, African names. This principle should also be reflected in Districts, Divisions, Locations and Sub-locations.

Four: Future sub-dividing should be done jointly by, and through decisions reached between the electoral commission of Kenya and the relevant government organ and tabled in Parliament for approval. On Constitutional supremacy, I believe that amendment to the Constitution should only be done by an 85% vote in Parliament. Fundamental and basic Rights should be amended only after a referendum conducted by the relevant standing Parliamentary committee.

On defense and national security: The disciplined forces should be established very clearly by the Constitution with all relevant matters pertaining to them - like enlisting, training, movement from one station to another, divisional branch, promotion, examination, demotion, suspension, dismissal e.t.c. set out clearly. The President should be the Commander-in-Chief of the Armed Forces- but, all decisions pertaining to national security like declaration of war and emergency, imposition of curfews, insurrection, breakdown of public order, national disaster, should be reached through joint consensus between the relevant Parliamentary committee enshrined in the Constitution, a council set up comprising of the heads of the different disciplines, and the President of the country.

On political parties: There should not be more than three political parties, which should be formed, managed and conducted through a method prescribed by a specific Act of Parliament. Educating the masses, establishment of development plan,

involvement and in other fields that touch on the members' welfare should be part of their role. The parties so established should receive a specific funding from the ex-chequer. They should be allowed to raise funds for their activities - but strict rules under a 'moral-and-ethics declaration' should be applied where campaign funds are concerned and which should be declared. In this way, their role will then become complimentary to the State one.

On structures and supremacy of government: Kenya should adopt a high-grade system of government.should be made from competent Kenyans as in the American system but vetted by the House of Representatives. They should not be members of Parliament.

On Legislature. All senior appointments like Cabinet Ministers, their Assistants, Permanent Secretaries and their Deputies, Directors of different departments, Controller and Auditor General, Chief Justice and all the other Judges, Registrar General, Heads of Parastatals, Provincial and District Commissioners, if there would be any, Commission Members, Ambassadors, Heads of different sections of the Armed Forces, Police Heads, Prisons, GSU, Intelligence, should all be vetted by Parliament.

Two, apart from law making, Parliament should educate and carry out research as well as monitoring implementations of any decisions made by the institutions through powers vested in related and relevant studying committees.

Parliament should control its own procedures and a calendar be drawn following rules laid down in the Constitution in an Act. Strict ethical and moral qualifications should be introduced in the Constitution, and appropriate remedial measures set out on the same. Mr. Chairman, I believe there should be an elected Chamber of people called 'House of Representatives'. But another Chamber should be introduced to cater for geographical minorities, special interest, the vulnerable group social economical needs, named Senate - selected by a council of able and competent non-politicians and set two months before they are named.

Finally, there should be no change on the Currency, National holidays, National Anthem, Court of Arms and the National flag of this House. I believe that if this is followed, Mr. Chairman, Kenya would be prosperous, there will be peace and God will bless the country. Thank you.

Com. Bishop Njoroge: Thank you very much for those very inspiring points.

Com. Lethome: I have a small clarification. About the political parties registered in Kenya, you are suggesting that in the Constitution we are making, we should not have more than three. So, do you have any suggestion on what we should do with the current parties to reduce them from 46 to the three?

Erastus Munyiri: Yes, Mr. Chairman, I believe that if there are parties that are not represented in Parliament, they should be struck off the register, and if they do not have more than ten members of Parliament, they should also be struck off from the

Parliament.

Com. Lethome: Thank you.

Com. Bishop Njoroge: I just wish to recognize the Father of this parish who has given us this hall to use today. I just want to recognize him. May be you can tell us *karibu* because we started when you were not here.

Father Muturi: Actually am not the Parish priest of this parish but on his behalf, I welcome you to this hall on this very aspiring day. May the Lord stay with us to help us make a law that correspond to His will. Thank you.

Com. Bishop Njoroge: Can we have Mary Wanja? You can speak from where you are.

Samuel Wanjohi: Anasema karatasi yake inakuja.

Com. Bishop Njoroge: Sophia Wathoni?

Sophia Wathoni: Jina langu ni Sophia Wathoni Kigui kutoka P.C.E.A Kiamwangi parish, na yangu ni kusema wananchi wote wawe wenye kuogopa Mungu ndipo tuweze kufanya mambo yote yetu vyema. Rais awe Kenyan citizen na achaguliwe na Wananchi, na awe mcha Mungu na awe na Shahada ya degree na umri kati ya miaka 50-55, atawale kwa miaka kumi, kisha aondoke, na awe na familia, na pia achunguzwe mambo yake yote kutoka utotoni. Na tena achunguzwe mambo yake yote kutoka utotoni.

Tena tuwe na Waziri mkuu na apewe mamlaka ya kusaidia Wabunge, kuahirisha na kufungua Bunge, apange timetable ya kila mwaka na awe kiongozi wa serikali. Tena kuwe na vyama viwili peke yake. Na kuwe na serikali ya mseto: Kuwe na kamati ya kuchunguza mishahara ya wabunge, bila wabunge kujipatia mishahara na kujiongezea wao wenyewe.

Polisi nao wasijichukulie sheria mikononi, wasimwadhibu mkosaji kabla hajapelekwa kortini. Kila mwananchi awe na shamba hata kama ni sehemu ndogo peke yake. Rais naye apewe mamlaka ya kuchagua wakuu wa majeshi. Mahakama nayo yawe na uhuru wa kufunga au kuachilia mshitakiwa bila kuingiliwa na ye yote yule. Wanafunzi nao wawe wakichapwa viboko mahali mwalimu anaona hawezi kuumia. Wasichana wanaweza kuchapwa kwa mikono nao wavulana nao wawe wakichapwa kwa matako ili kuwe na discipline katika shule zetu.

Katika bunge kuwe na wanawake thelathini wa bunge. Nominated members wawe wakichaguliwa na vikundi vile wanavyowaakilisha. Kama ni walemavu, wapewe nafasi ya kuchagua nominated wao wa kwenda kuwaakilisha katika bunge. Na kila kikundi kipewe nafasi ya kujichagulia nominated members wao bila kuchaguliwa na Rais. Nao uabudu wa shetani upigwe marufuku katika nchi yetu. Wananchi wote wawe wamcha Mungu.

Com. Bishop Njoroge: Usiondoke hapo. Kuna swali ambalo ningetaka kukuuliza. Hawa akina mama thelathini ambao ungetaka wawe wabunge, ungetaka wawe-nominated. Na swali la pili ungetaka tu wawe thelathini katika Parliament ya watu zaidi ya mia mbili?

Sophia Wathoni: Ningetaka hata kama tunachagua, kwa maana wanawake ndio wengi, ningeliza, mwanamke akijisimamisha, wanawake tumchagua, tuone tumechagua wanawake thelathini wa kutuakilisha katika bunge. Tuwachague.

Com. Lethome: Hata mimi niko na swali hapa. Kuna kitu kinaitwa affirmative action hapa Kenya. Na affirmative action siku zote inazungumzia habari ya 1/3. Sasa huoni kama unauumiza kina mama ukiwarudisha kwa thelathini? Kwa sababu 30%1/3 ya 210 ni zaidi ya thelathini. Kwa nini unarudisha mama chini?

Sophia Wathoni: Hapa kwa wale wasiojiweza, kwa maana sasa tuna wanawake wachache. Kule kwa bunge na wanawake ndio wengi katika nchi yetu-unaona tuna wachache. Angalao thelathini wanaweza kutuakilisha - Kwa maana sisi hatujipendi sana. Tunaona thelathini wanaweza kutuakilisha katika bunge.

Com. Bishop Njoroge: Asante Mama. Tuletee memorandum. Joseph Karoki.

Joseph Karoki: Asante sana Mwenyekiti wa kikao hiki. This is a presentation of my own views. I have taken my presentation as defining the three sections of the government. That is the Legislature, the Executive and the Judiciary, and the way I would want them to be in the new Constitution.

Com. Bishop Njoroge: Hebu nizingumze kabla haujaanza. Tunataka tu, recommendations. I understand tutakuwa na zaidi ya watu elfu mbili. Na mtu akizungumza muda mrefu wengine hawatafanya nini? Tunataka recommendations. One.... "Pa pa pa." Kwa sababu hizo stories hazitaingia, recommendations ndio itafanya nini? Itaingia.

Joseph Karoki: For the members of the Legislature, i.e. Parliament, a member should have a minimum of form four standard of education, should have upright morals and should never have been convicted of a crime. There should also be a provision for independent candidates besides those nominated by Political parties. The Legislature should remain multiparty and bicameral. We should have Upper and Lower Houses as was in our independent Constitution; and for bills to pass in the House, we should have 75% in House of Representatives and 90% in the Senate- the Senate comprising one representative from every district.

Recall of MPs: There should be in our Constitution a provision for the constituents to recall their MP incase his performance is below expectation.

Nomination of MP: Presently, this practice has promoted patronage. Nomination of MPs should bravely be on basis of special interests.

Disabled: Somebody should be nominated to represent the disabled because he has interests in the disabled or he is disabled himself. Church interests, Women interests, Children interests, those special interests should be the only ground for nomination of MPs to Parliament.

The power to remove President: As representatives of people, Parliament should have the power to remove the President through the vote of no confidence. They should also have the power to impeach the President.

The Parliamentarians emoluments: Parliamentarians are elected by the people and they are therefore employees of the people. They should not therefore, vote themselves hefty allowances at the expense of the taxpayer who are their employer. The Commission should determine a system of paying them. The current system of MPS voting themselves money should be done away with immediately. Parliament must set its own calendar. It should have its own calendar as far as its prolongation, adjournment and dissolution.

Now, I come to the Executive. There should be an Executive President. Natural resources including land, forests, water and minerals belong to the State. Therefore, to all the people of Kenya. They should never be signed away without the approval of Parliament. Accordingly, all forests signed away in Karura, Mau, and Mt. Kenya e.t.c. should revert to former youth without further ado. The holder of the Office of the President - should be between the age of forty-five and seventy five years of age. He should be a University graduate. He should never have been convicted of any crime. He should not be a Member of Parliament, and during elections, he should not be elected as a Constituency member but only as President.

Com. Bishop Njoroge: One minute to go.

Joseph Karoki: During elections, he should obtain over fifty percent of the votes cast and in case none obtains the fifty per cent of the votes, there should be a rerun of the two leading Political Parties. The President should only have a two term of four years each. Not five as at present. Nobody in our republic should be above the law. This should apply to any President in office or out of office. Presidential appointment should be governed by qualifications of the appointee and not rewards of loyalty as at present. The appointments should be vetted by Parliament.

The Judiciary: As one of the main protectors of the Constitution, freedom of the Judiciary should be protected in the Constitution.

Com. Bishop Njoroge: Now, we are going to have that memorandum. Because we have to give others a chance. Anybody who has a mobile, please can you switch it off? Can you say your last point? Just one point.

Joseph Karoki: As one of the main protectors of the Constitution, the freedom of the Judiciary should be protected in the Constitution.

Com. Bishop Bernard Njoroge Thank you very much. Okay, leave the memorandum there. You have made important points. Please do not mind because all this has gone to record. Asante sana. Tunataka Town clerk, tafadhali....

Town Clerk: Thank you Chairman. This is a memorandum on behalf of Karatina Municipal Council and it has dwelt on a few points. My name is Patrick N. Wainaina Councilor. My memorandum dwells on issues related to the local authorities in particular in respect of election of mayors and chairmen of local authorities in Kenya. The present arrangement at the moment is that Mayors and Chairmen of local authorities are elected from among the Councilors.

Com. Bishop Njoroge: Patrick, please give us the recommendations. We want the recommendations for the future. What would you want the City council to be like in the future?

Patrick Wainaina: We think that the Mayors and the Chairmen of Local Authorities should be directly elected by the people. Now during creation and elevation of Local Authorities, sometimes those Local Authorities are uplifted or down graded without due consideration in respect of the financial implication. We recommend that a Commission be created specifically to consider areas to be looked into for purposes of creation and elevation of local authorities. This should take into consideration the revenue paid and the population factor. Now, we feel that the present Public Service Commission of Kenya is overburdened by the fact that it caters for all citizens in this country- so we feel that Local Authorities officers should be appointed by a special commission named local government staff commission. So, we feel that this should be created so that it caters for those officers.

We feel that the present centralization of functions in the Central government, in respect of education health and roads should be transferred back to Local Authorities so that they can be effectively managed by the same of Local Authorities. These functions were transferred to central government back in 1970. We feel that Local Authorities should have their own Local Authorities National Assembly. This will represent the interests of Local Authorities throughout Kenya - as opposed to the present arrangement so that the Speaker of the Local Authority Assembly should actually be a nominated Member of Parliament. We feel that the present arrangement where the Minister for Local government has absolute power of control of Local Authority.....should be reviewed so that the control of the Local Authority can be regionalized at every Provincial level. So, Mr. Chairman, those are my views. Thank you.

Com. Bishop Njoroge: Thank you very much. We want a clarification. If you say that an MP should be the Speaker of Local Authorities Assembly, does the MP also have to be in the National Assembly?

Patrick Wainana: The arrangement, we feel, is that the Local Authority National Assembly membership should be composed of elected Councilors who would actually fit in that National Assembly. If it is the Speaker, he should actually then be a member of the National Assembly i.e. Parliament. So that interests of the Councils are catered for.

Com. Bishop Njoroge: Thank you very much Bwana Clerk. Those are very good comments. You can bring your memorandum. We are going to look at it. Now, ladies and gentlemen, I think many people are coming. Lazima tukubaliane, ukiwa na memorandum, usizungumze yote. Sema tu yale ya muhimu. Kwa sababu tukiwa na memorandum tuna wafanyi kazi katika ofisi zaidi ya kumi ambao wanachukua hizo memorandum na kuziweka katika Computer ili tukija kuandika Katiba, inatolewa pointi. Kwa hivyo si lazima useme kila kitu. Na wale ambao wana Memorandum na hawataki kuzungumza wanaweza kutuletea hizo memorandum ili tuweze ku-save time. Sawa sawa. Ili kila mtu apate nafasi.

Interjection: This is a people driven Constitution, I suggest everybody must give his view and that is why we have come.

Com. Bishop Njoroge: Can you sit down. Let me ask you. I am the one who is going to manage this process, Okay it is not you-because I have been chosen to manage it. But if you understand what I am saying if you have a memorandum, it will not be lost; it is going to go where it is supposed to go. But we want as many people to talk. Kwa sababu wengine wakitoka nyumbani na waende kabla hawajazungumza, hawatasikia vizuri. Si ni kweli?

Audience: Ni kweli.

Com. Bishop Njoroge: Ama mnataka mtu azungumze wakati wote.

Audience: Hapana.

Com. Bishop Njoroge: Mnakubaliana na huyo.

Audience: Hapana.

Com. Bishop Njoroge: Basi maoni yako haina, Ikiwa una Memorandum na hutaki kuzungumza, unaweza kuenda pale. Wacha niseme hivi kwanza. What we are going to do with this memorandum is that we have people in the office, they are going to pick all the points spoken by every individual. Na mtu akizungumza hizo points zitawekwa katika katiba lakini hizo memorandum hazitapotea. Sawa sawa. Kwa hivyo ikiwa ni wale tu ambao hawana memorandum na wanataka kuzungumza ndio ninahitaji wazungumze. Asante sana. Ujiandikishe jina pale. Wale wana memorandum waende pale nje. Wale wana

memorandum wanaweza kupeana, Wanjohi give us the names so that we can remove them from here. Asante sana. Kila mtu aliye na memorandum aende upande wa nje na kupeana. Tuite Father Muturi. Father Muturi tafadhali.

Fr. Muturi: I believe that our Kenyan Constitution must have a preamble and in this preamble, the following must be reflected. That this Constitution must recognize God as the supreme lawgiver and commit the entire Constitution to God. This Constitution must be people centered by ensuring the sovereignty of the Kenyans. It must state that Kenya is one united and indivisible democratic State and that we should all aim at promoting homogeneity and unity in diversity,-recognizing that Kenya is a multi ethnic country.

It must state that Constitution is established by the people of Kenya on the basis that they are the sole determinants of the destiny of their own country. The Preamble should state Kenyans common history that has made them what they are, - underlining the fact that Kenya freedom is hard earned and has costed Kenyans life and property. We need the following directing principles that will guide particularly those in leadership in articulating the inspirations and values of Kenyans.

Life is God given, sacred and should be treated as such. It is inherent and inviolable rights to every human being. No one has the right whatsoever, to take away the life of another person. All people are equal in the eyes of law, regardless of color, race, sex, religion, position in society or ethnic background. Good tradition and heritage, culture values, can guide life provided they do not contradict or harm any sector of the society. Justice will at all times be our shield and defender as enshrined in our National Anthem.

The Family is the natural and basic unit of the Society and shall be protected and upheld by the Society and State. In making laws of a particular individual of the family, family must be considered first. State organs shall at all times regard and promote human rights as their primary responsibility-and this Constitution must do the same. State shall have special regard for the disadvantaged groups and communities in Kenyan society like disabled, elderly, orphans, sick women and youth.

On Constitutional supremacy, Parliament should amend only some parts of the Constitution with an 85% majority as opposed to the current one of 65. Parliament powers to amend the Constitution should be limited particularly in these areas. In the preamble, Citizenship, Land and Property Rights, Directive Principles, Presidential powers and Basic Human Rights. Citizens must be involved through referendum while making major amendments to the Constitution.

The referendum should be conducted by Constitutional Commission which should be established by the Constitution.

Structure and systems of government. We should adopt a federal system of government. Provinces will be made into states under the leadership of elected governor. Each state will have a Parliament which is responsible for local registration. However, a National Parliament should be supreme of a State Parliament. We require to have a Prime Minister and a President and the

two will be elective positions where even the Prime Minister is elected. Legislature: Parliament should vet the following appointments. The Attorney General, Ombudsman, Chief Justice and Controller general. Head of Civil servants service, Members of the Electoral Commission, Military Heads, Heads of Central bank and all Cabinet Ministers. The criteria for vetting all these appointments must be written down.

Parliament should have unlimited powers to control its own procedures through standing orders. It should not be subject to dissolution or prolongation by the President. We should adopt a two chamber Parliament. With the Upper House Senate and the Lower House,- This is the House of Representatives. Judiciary: Besides the current judicial structure, the Constitution should recognize alternative dispute resolutions. Alternative dispute resolution (ADR) system. Like village council, baraza la wazee and so forth.

The judiciary should be Constitutionally established free of influence from the Executive. The Attorney General should not be a member of the Executive. The Chief Justice should be vetted by Parliament with security of tenure and can only be removed on bad conduct or behavior. Senior Judicial officers should be appointed by Parliament with the advice of the Chief Justice. They should also have security of tenure.

Election of commission Chairman should be vetted by the Parliament and all Commissioners should be accorded security of tenure. Commissioners should be people with integrity, qualified and competent to the job. The work of the Commission would be to supervise elections and to review the boundaries of the Constituencies using population criteria. Ballot boxes should be transparent and allow any person to see the contents inside. After polling is done, vote counting should be done on the spot under the supervision of party agencies and interested parties.

The Constitution must strike off winning of elections through a simple majority. All those seeking elective posts must win with fifty five per cent of the total votes. Civic, Parliamentary and Presidential elections must be held on different dates. May be Civic and Parliamentary should be given a day but Presidential should be done in a separate day. Election dates must be publicly known to avoid them being used as a secret weapon to win elections. Presidential elections should be done directly.

Basic rights. The Constitution must clearly define the freedom of worship in terms of which God to worship. It must be that...

Com. Bishop Njoroge: Father am giving you one more minute

Father Muturi:which does not disturb other people. The Constitution must establish a body which should ensure registration of few of denominations or sects. The Constitution must also define places of worship. The Constitution must guarantee right to free education for all. Right to free medical service. Right to basic rights like food, shelter, clothing. Right to employment and decent life. Our Constitution must strike off capital punishment and retain life's right without exception.

Diversity of a Kenyan ethnicity and culture must be protected by the Constitution. All ethnic and cultural values that are meant for national outlook should be promoted.

The Constitution must ensure that the resources of the state are shared by all regardless of communities, culture ethnic and regional diversity. The Constitution must ensure that we all strive to promote a National Language which should be Kiswahili. The Constitution must facilitate love and pride of Kenya by all Kenyans. Asante.

Com. Bishop Njoroge: Thank you very much Father. Those were very good suggestions. Thank you very much Father. Can we have your memorandum? Now we want to listen to the Member of Parliament, Honorable Matu Wamae. Mheshimiwa, I will say the same to you that, because you have a memorandum, may be you say the most important points only.

Honorable Matu Wamae: Actually, I will only mention the most important and I am giving these views on my own behalf and also the views of the Democratic Party of Kenya Mathira sub branch. Therefore, I am going to make the major points because I am going to give you this memorandum. Organs of state, we have said there should be Executive, Legislature and Judiciary. We have said that the President should address Parliament at the beginning of every year, or upon declaration of war or declaration of emergency.

There should be a Vice President who should be a running mate with the President qualified to be a Member of Parliament but should not be a Member of Parliament. Parliament should be one unilateral Parliament called the National Assembly.

Special offices and commissions of the commission. The Public Service Commission, Judicial Service Commission, Electoral Commission Advisory commissions of prerogative of mercy. Attorney General, Controller and Auditor General. We have also said that the President in the appointment of senior people or personnel should share those powers with Parliament.

There should also be Judicial Service Commission. Advisory Committee on the prerogative of mercy. The human rights commission and Parliamentary Service Commission.

Then Local government, we have said this is very important because we should have two types of government - the Central Government and the Local Authority which should be given a lot of powers to be able to deal with those land local issues. The Electoral commission should divide the country into locations, counties, towns, municipals or city councils. On the question of land, we have said that property and land rights should be respected.

Therefore, there should be a permanent land commission which should be permanent to make sure people's rights are protected. There should be also the Bill of rights, the rights of the child, and the rights of women. There should be proper system of succession to office including that of the President. I would also like to inform the Commission that Members of Parliament should, as practically, as possible, represent equal number of people - It does not make sense for one Constituency

to have one hundred voters; another one has seven thousand or eight thousand members. There should also be proportional seats, increasing the number of Parliament from two hundred and ten heads to three hundred - these ninety members be proportionally nominated proportion to the number of votes cast for Parliamentary votes, to ensure that those areas where you can neither (inaudible) or in the areas where there may be conflicts. The resources of the state should be shared proportion to population. It does not make sense to share the resources where there are no people. Resources should go to develop the people and they should mostly go where it is productive, and will assist the country. I think that is all I have to say because I am giving you a copy of my memorandum. Thank you.

Com. Bishop Njoroge: Thank you Mheshimiwa. Thank you. That is very quick and we have a question to ask you. Can you please pause there for a moment.

Com. Lethome: Mheshimiwa, you have spoken about Judicial Service Commission and I am sure the office will be depending on the Judiciary. I am interested in knowing the composition of the Judicial Service Commission in your memorandum. Who appoints the members of that Commission? Because the independence of the Commission remains a lot on the Judicial Service Commission on its composition and the appointment of the members in it.

Honorable Matu Wamae: That is a very good question. The Judicial Service Commission should have seven members and those should be: Judge of the supreme court of Kenya, one. Judge from the court of appeal, one Judge of the High court, one Magistrate and Law society of Kenya appoints one member.

The Chief Justice in essence should be ex-officio member of the Judicial Service Commission. Members of this Judicial Commission should hold office for one term of five years only and should appoint their own Chairman. The Appointment of these officers should be made by the President with the recommendations of these organs. That is the Supreme Court, Court of Appeal, the High Court, the Magistrates, and Law Society of Kenya should propose their nomination to be appointed by the President.

Com. Bishop Njoroge: One more question. You have talked about the succession to the office. Can you please elaborate?

Honorable Matu Wamae: This is a very important area that the commission should take into account, because we want to avoid having any vacancy at any time in the key office of the President of the republic of Kenya. Therefore, we are saying that as much as possible and to avoid any break or vacuum in case the President is unable to perform his duties, the Vice President should perform those duties. If the Vice President cannot perform those duties, then the Cabinet should appoint one Minister to act as President. Secondly, within forty-eight hours of declaration of election results, the new President should be sworn to ensure that there is no gap in appointment to the President.

Com. Lethome: Mheshimiwa sorry I know we are short of time but you know there are some interesting things that all Kenyans would like to know. Nitauliza kwa Kiswahili. Hii issue, ya President kuingia katika uchaguzi, akiwa ni President, sijui una maoni gani kuhusu hiyo. Aingie akiwa President ama aache kiti chake wakati bunge inavunjwa, au awache kiti chake aingie akiwa raia. Sijui unasema ni nini hapo?

Honorable Matu Wamae: Ile tumesema kwa hii memorandum ni hii. Ikiwa bunge linavunjwa, hata uongozi wa Rais vilevile unakwisha. Lakini lazima aendelee kwa siku tisaini. Kuwe Rais wakati ambao uchaguzi unafanywa. Na serikali lazima iwepo. Hauwezi kuwa na wakati ambao serikali haitakuwako. Na mawaziri lazima wawekwe. Na tumesema hata wajumbe waendeleo mpaka wale wengine watakapochaguliwa. Lakini wawe tu ni kusimamia, hakuna kugeuza kitu yeyote. Hakuna kuweka watu wapya katika kazi. Ni kusimamia tu ili uchaguzi ufanywe ikiwa iko serikali.

Com. Bishop Njoroge: Ningetaka pia kujua. Rais akichaguliwa ungetaka awe sworn in kwa muda fulani. Ni muda gani?

Honorable Matu Wamae: Tungependa, mara moja wakati wa uchaguzi, wakati electoral commission inaposema amechaguliwa. As soon as possible, a judge should have the power to swear him in immediately. There should be no waiting. Because the more we wait the more problems, we get.

Com. Bishop Njoroge: Thank you very much Mheshimiwa. So we will take your memorandum and we appreciate. Now let me have Mary Wanja. Ningetaka kusema, ikiwa umepeana memorandum yako, uniambie, ili tuweze kupatia wengine nafasi ya kuzungumza. Nikikuita na uwe umeshapeana memorandum, uniambie umepeana memorandum. Tafadhali. Nikikuita. “Ndagwita na ni uui niunengeranite Memorandum unjire niwanengerana ki?” Memorandum. Wanja?

Mary Wanja: Thank you Chairman of the Commission, I am Mary Wanja. I am also a committee member for the Constituency hii, committee ya Mathira. I am just going to present not my own personal view but I am doing so for a group that I am a chairlady of i.e Mathira Disabled Persons Welfare Association.

The interests of the people with disabilities can fully be taken care of if the Constitution can enlighten the government to consider the disabled and to provide for their needs as they do for the needs of pensioners who can no longer work. The government should make sure that there is an office in every Constituency as it does with the education, the agriculture and the livestock e.t.c. So that people with disabilities can table their needs there. The Kenya National Funds for the disabled should also have an office in every division so that the funds can be shared equally.

The new Constitution should recommend that all buildings in our country be built to be accessible to all people with disabilities. This should be made compulsory in places like Schools, Churches, Hotels, Universities, Hospitals, Recreational places and Banking institutions. All public vehicles should be made to provide for special spaces in their vehicles for people with disabilities. All political parties in our country should retain three seats for nomination of members with disabilities who would represent the

interests of people with disabilities in the Parliament, the Municipal Council and the County Council.

The Government Schools bursary funds should assist the children of people with disabilities taking into account that these children might not perform well because they come from unusual families. The schools' bursary funds should be divided into two categories. E.g. for the brighter and poor students, the less fortunate children of people with disabilities, children of widows, orphans so as to give all children right to education. Equipment for use by people with disability e.g. wheelchairs, crutches, artificial limbs and any materials imported to our country to be used by people with disabilities should be given free. This should apply to an individual who would like to import anything useful for these disabilities. No person with disabilities should be denied the chance for education in any government institution for lack of money.

All people with disabilities should have free medical treatment in government hospitals and be considered for half charges in private hospitals. Land board when dealing with land matters, should make sure to investigate all families and find out if any person with disabilities has been over looked because of his or her disabilities before any land is subdivided. When plots are being set aside for Schools, Hospitals e.t.c. a special road should be put aside for the interests of people with disabilities. The new Constitution should make sure that the rights of people with disabilities are effected when it comes to matters of:

- a. Marriages.
- b. Having children
- c. Employment and job opportunities.
- d. Acquiring property
- e. Protection and right to adopt children if they can cater for them.

The Ministry for Culture and Social Services should consider putting up a special office to cater for the people with disabilities. This should be included in the new Constitution to make it effective.

Com. Bishop Njoroge: Ukiwa una nyingi, sio lazima usome zote kwa sababu tutachukua hiyo memorandum - lakini usome ile unafikiria ni muhimu.

Mary Wanja: Other vulnerable groups are widows, single mothers and the aged. All these groups have problems beyond their needs. The Constitution can make provision for affirmative action by enlightening the government on the need for poverty eradication through taking interests in these groups. There should be national trust for all these groups for if the government leads the way, public to follow. The Constitution can guarantee and protect the rights of children by enforcing laws made to protect children from neglect by parents. Parents and the public at large should be enlightened on their responsibilities towards their being in the world. That is what I could read but they are more than that.

Com Bishop Bernard Njoroge: Thank you very much Wanjat. Your memorandum will get to our headquarters and your

suggestions will enrich us. May I ask anybody who has a mobile phone to switch it off? Tafadhali. Peter Mwangi Gathanga.. Umepeana memorandum?

Peter Mwangi: Bwana Mwenyekiti mimi sina memorandum, nikuongea nitaongea na ni taongea juu ya Katiba kuhusu mkulima. Katiba tuliyo nayo ya Kenya, inaonyesha haishughulikii mkulima. Na haishughulikii kwa kipengele ambacho nitasema, ukienda kwa upande wa mkulima, ndio uchumi wa nchi hii na uchumi ni ukulima na ndio uti wa mgongo. Lakini, Bwana Mwenyekiti, tukienda kwa mkulima ndiye mtu ambaye Katiba imemunyanyasa sana na haimshughulikii.

Tuna zao la kahawa. Katika zao la kahawa, katiba imeruhusu mabrokers kuingia kwa kahawa. Mkulima ambaye analima kahawa hawezi kupata kitu, brokers zote, katiba imekubalia zikae mbele, mkulima akilima kahawa, akipeleka kwa society, kahawa yake inafika hapo inachukuliwa na brokers. Inakuwa pesa yote inaenda kwa broker. Kwa hapo ningetaka kusema ya kwamba tuondelewe brokers kwa ukulima wa kahawa. Mkulima ajiuzie kahawa yeye mwenyewe.

Ile ingine, Bwana Chairman katika kahawa, kuna mikopo ambayo saa hii ambayo huwa tunapewa ya kuinua ukulima wa kahawa. Ukipatiwa hiyo mikopo inaingia kwa mikono ya brokers. Kama hizo donors zinatoka nje zikiwa na rate ya chini sana, zinaingia kwa brokers kama cooperative bank. Halafu wakitupatia wanatupatia na interest ya juu sana. Tungetaka hizo ziende direct kwa mkulima, ndio mkulima naye jasho yake apate. Ile ingine, kahawa hii tunauza, tunauza kama raw material. Na katiba haishughulikii kahawa yetu ambaye ndio inasemekana ina ladha nzuri sana katika dunia nzima. Sisi tunabaki watu kuuambiwa, kahawa yenu iko na ladha, - lakini pesa hatupati. Kahawa yenu ni namba moja dunia mzima. Lakini pesa hatupati. Kwa hivyo ningomba katiba ishughulikie kahawa tusiwe tukiuzia kama raw material. Tuuze kahawa kama tumetengeneza na tujuzie tupeleke mpaka mahali inanuliwa.

Ile ingine Mwenyekiti kwa kahawa, kabla zijatoka kwa kahawa, kuna mahali kahawa ambapo wale watu wananunua kahawa wananunua Nairobi. Na wanaenda kuuza nje. Mkulima hawezi kuwa anakuza kahawa na hawezi kujiuzia huko nje. Kwa hivyo soko la kimataifa la kahawa, liwe likishughulikia kahawa yetu na tuwe tukichagua watu wetu wa kujiuzia kahawa. Vikwazo vingine ambazo tumewekwa ni vikwazo vya kusema ati kahawa ikiuzwa au mtu anauza kahawa awe na billion kama surety ili awe ana nunua kahawa. Kama kahawa hii ni yangu na ni mimi nimekuza, na mimi ninajiuzia, kwa nini niitishwe surety ya one billioni ndio niende kwa cooperative bank ni kakope? Nizidi kuwa nimenyonywa na Cooperative bank. Kwa hivyo kwa upande wa kahawa tungetaka sheria itushughulikie na sisi tuwe huru kwa ukulima wa kahawa kabisa kabisa. Na brokers wote waondolewe kwenye kahawa.

Ya pili Mwenyekiti, ningesema habari kama ya majani chai. Majani Chai vile vile ni kama kahawa. Tukienda kwa ukulima wa Cotton. Sisi Cotton yetu inaharibikia kwa mashamba. Tungetaka katiba ishughulikie hiyo Cotton isiharibikie kwa mashamba. Maanake hiyo Cotton ndiyo imefanya sisi tufunge viwanda vya nguo, tunafunga kama Rivertext, Eldoret, Hamisi na kila kiwanda inafungwa na pamba inaoza halafu tunabaki tukifaa mitumba na sisi wenyewe tunakuza pamba na tuna viwanda ambavyo

vingeinua uchumi wetu. Kwa hivyo wakati tunaenda kuchukua mitumba na pamba yetu inaharibika na zile viwanda za kutengeneza nguo nazo zimelala na pamba inaozea kwa shamba. Mkulima hapo hashughulikiwi.

Ile ingine Bwana Mwenye Kiti ni pande ya mazao ya mahindi. Mahindi Bwana Mwenye kiti sisi tunalima mahindi na tukilima mahindi, mahindi ingine inaenda inatolewa nje. Inakuja inaharibu bei ya mahindi yetu ya hapa Kenya. Kwa hivyo sisi tunajenga uchumi wa nchi ingine tunakosa kujenga uchumi wa nchi yetu. Kwa vile mahindi inaozea hapa na ile ingine inatolewa nje ikiwa ni ya bei rahisi. Kwa hivyo yetu inaoza, tunapewa ingine iharibikie mkulima hapo ananyanyaswa. Ningetaka pia kipengele hicho kishughulikiwe. Ile ingine Bwana Mwenye kiti ni mazao kama ya miwa ya sukari. Kwa miwa nayo, miwa tungetaka ishughulikiwe na Katiba ilinde sukari isitoke nje. Tunalima miwa, wakulima wa miwa. Miwa inaozea kwa shamba. Na sukari inatolewa nje. Na hiyo miwa ikiozea kwa shamba, viwanda kama Mumias, Nzoia...inakwisha.

Com. Bishop Njoroge: You have made your point.

Peter Mwangi: Ile ingine Bwana Mwenyekiti ningetaka kumaliza nayo ya mwisho ni ya kwamba uchumi wa nchi hii ni wa mkulima. Serikali inasema inataka ipatie tourists. Ilinde matourists wakuje hapa ndio tupate pesa ya kutoka nje. Kama sisi wakulima, Serikali haijalinda sisi kwa ukulima wetu. Haingekuwa na maana ya kutaka pesa ya kutoka nje. Haingeomba pesa kutoka nje lakini kwa sababu hailindi mkulima, inaenda kulisha watu wengine ndio sisi ukulima wetu unaharibika, uchumi unaharibika na sisi tunaendelea kuzorota. Kwa hivyo tukitaka kuwa uhuru kiuchumi na kirafiki na kikatiba, lazima Katiba itushughulikie ndio na sisi itulinde halafu tuinue uchumi na hatutakopa tena kutoka nje. Asante Bwana Mwenyekiti.

Com. Bishop Njoroge: Thank you very much. Those are very much appropriate suggestions under farming. E.K. Njogu. Umepeana memorandum?

E.K. Njogu: Hapana.

Com. Bishop Njoroge: Just give us the most important points.

E.K. Njogu: Asante sana Mwenyekiti. I am a civic education provider but I also have a document which I felt I should present which gives my own personal views. I will only highlight the personal views in this particular presentation. Mr. Chairman, I feel that the preamble of the Constitution should highlight the main mission of this Country. I have provided a small heading which reads like this. "We the people of Kenya in our endeavor to establish a just government for the service of every Kenyan, which shall secure for us the peace, prosperity, liberty, justice, unity, happiness and the rule of law for all, hereby establish with the help of God this Constitution of the Republic of Kenya."

Mr. Chairman on the structure of the Government, I have suggested that the structure of the Government should reflect the

thinking and the political activities of the Kenyans. In this regard, I suggest that there should be an Upper House or Senate with not more than hundred member, distributed fairly on population basis. A House of Representatives, the Parliament, Regional Assembly, County Councils and Municipalities, Area Council and Urban Councils.

At the end of it I have indicated that no changes or amendment to the Constitution should be undertaken by the Parliament under any circumstances, unless after a referendum. Any changes should be carried out by the citizens after thorough scrutiny. The Executive authority should be vested to the President. All such authority and the functions of the President, should be fully included in the Constitution. Qualifications requirements for this office should be specified and in conformity with the status of the position. The Presidential term should be for two five years Parliamentary term. The Constitution should provide for the removal of the President in case of misconduct while in office or on account of failure to protect the Constitution.

The President should not represent a Constituency. Which means after the elections, if he held a Constituency, a by election should be held. In order for the people to feel that a democratic government is in place, the Provincial Administration should change and its place be put elected organs such as National Assemblies, County Councils and the like, which should be charged with the implementation of government decisions. The system of Government, a Presidential and Parliamentary system is what I feel would be ideal and detailed job description for members of Parliament, Councilors and the others to be drawn, which they should be made to adhere to. Annual leave entitlement for the office bearers should also be indicated. In this regard, Mr. Chairman, I indicate that the Member of Parliament should be full time. The President should have two deputies and the Prime Minister with two deputies alike. The President should be the Head of State with defense responsibilities. When the President is outside the geographical boundaries of the republic of Kenya, or is unable to carry out the State's responsibilities, one of the Vice Presidents should act as the President on rotational basis. A system of sharing the Executive authority should be worked out to allow the President, the Vice President, the Prime Minister and his Deputy to be vested with equivalent authorities for their positions.

Com. Bishop Njoroge: I am giving you one minute.

E.K. Njogu: Thank you. The local government: I have indicated that the local government should essentially be put in place. But I have put this, in dismantling the Provincial Administration, I have in mind that within the division, a "police sheriff" would be in charge to take the place of the role of the Chief. The "Sheriff" should be elected by the public and his role clearly explained.

Mr. Chairman I have also indicated that the Parliament should vet all top public officers and members of the public should have the right to recall the Member of Parliament in case of non-performance. But in this, a commission should be set in place. The electoral process should have a voter registration which takes into consideration, the identity card, birth certificates, evidence of ownership of permanent immovable assets, employment and the like, to eliminate possibilities of voters moving from one area to another.

Mr. Chairman, I have also indicated that in the event of the election, all positions should be declared vacant and the Speaker should act as the President during that time. The electoral commission could have twenty-two members distributed. On the issue relating to electoral Constituencies, they should be based on population status with small positive and negative divisions of not more than twenty per cent, to take care of factors like land, scarcity of population, distance and the like. Mr. Chairman thank you very much.

Com. Bishop Njoroge: Thank you very much. Those are very good suggestions and they will find their way to the Constitution. Now let us have Onesmus Mureithi. Joseph Kariuki Mugo. Nafikiri hawa ndio walipeana memorandum. Kenneth Maina Wanjohi. Alexander Mwangi. Umepeana memorandum? Okey. Ningetaka ufanye vile mheshimiwa alifanya, si uliona alienda kwa points. Alikuwa na kitu kikubwa ili tuweze kupatia watu wengi kuzungumza.

Alexander Mwangi: Bwana Mwenyekiti. Ningetaka kutoa maoni yangu kwa lugha ya Kikuyu.

Com. Bishop Njoroge: Kuna mtu ana mobile? Mama nataka ufunge hiyo mobile kama tunaweza kusikizana. Nani ana mobile? Ningetaka kuwaomba kwa sababu nitakapo chukua hizi maoni , itakwenda kuwekwa katika machine na mobile inaweza kuharibu hiyo maoni. Tuwe tunafanya kazi ya bure. Si ni kweli? Tunataka mzime mobile ili maoni ambayo itaingia hapa, ikiwekwa kwa machine itatoka vile mtu alivyosema. Mobile ina nguvu sana, inamaliza maoni. Where is Wanjohi to interpret? Hapa kuna mwalimu? Do we have a school teacher here? Come, come and help us. Come and help us to interpret.

Alexander Mwangi: Ndirenda kuuga. Constituencies...Haritwa njitagwo Alexander Mwangi Wanjohi.

Translator: His name is Alexander Mwangi Wanjohi. Ndirenda kuuga ati Constituency cigayagwo kuringana na muigana wa andu.

Translator: He is saying that the Constituencies should be divided according to the population of the people in a Constituency.

Alexander Mwangi: Gutige kugiaga na Constituency ya andu ngiri ithano.

Com. Bishop Njoroge: You have made your point.

Alexander Mwangi: Undu uria ungi ndirenda kuuga ni aati gutikagie na mundu uri iguru ria watho.

Translator: There should be nobody above law even the President himself.

Alexander Mwangi Magoti maria marihagwo, marikia kurihwo, eighty per cent ikaruta wira o kuu magoit mau marihwo.

Translator: Okay, the taxes that are taken from the people, eighty per cent of those taxes should be used in the area where that money has been collected from.

Alexander Mwangi Anene a honge cia thirikari aria macaguragwo ni President, hakorwo na committee ya kumachaguraga.

Translator: All the appointees of the government bodies or departments should be appointed by a commission set to appoint such people to those bodies or boards.

Alexander Mwangi Andu amwe matige kugiaga na migunda minene muno riria andu aria angi matari. Gutikagie na mundu wina makiria ya ika milongo itatu.

Translator: People should have equal land portions instead of some people having a lot of land while others do not have or even they have so little. At least one should have a maximum of thirty acres.

Alexander Mwangi Wendia wa kahuwa, machani, pareto na iria utuikie huru ya ma.

Translator: The sales of Coffee, Tea, Milk, Pyrethrum should be at a retail price.

Com. Bishop Njoroge: One minute now.

Alexander Mwangi: Muingi uheo hinya wa kurugamirira ithaka cia muingi, Mititu iria iri matura ini mao.

Translator: The public should be given permission to be looking after their forests and other natural resources within their localities.

Alexander Mwangi: Ageni magituika citizens, hakorwo na committee ya guthuthuria andu acio.

Translator: Foreigners who want to be Kenyan citizens should be looked and be censured by a certain committee.

Alexander Mwangi: Local Authorities maheo hinya wa kurugamiirira utonga wa kanju io gutari mundu ungi ukumaingirira kuuma na nja.

Translator: The Local Authority should be given power to oversee the properties of the Local Council.

Com. Bishop Njoroge: Ni wega muno. Maundu macio maku ni mega muno. Na niwamaria undu mangihota kuiguika. Thengiu muno muno. Ukorwo ni witiwo wakorwo utariho ri ni uhitukiirwo. Joseph Mwaniki. John Kababa. Samwel Njogu. John Kababa.

John Kababa: Thank you Mr. Chairman, this is the Memorandum from Gikubo Catholic Parish Christians.

Com. Bishop Njoroge: Which Parish?

John Kababa Gikubo Catholic Parish Christians.

Com. Bishop Bernard Njoroge: Please I want you to say on points.

John Kababa: The Constitution of Kenya should have a preamble which should have clearly stated its aims. That represent the vision, hope and aspirations of the people of Kenya. The Constitution should have an appropriate heading which reflects its document as a great important instrument as the Constitution of Kenya made by the people of Kenya and for the people of Kenya.

Directives and principles of the state policy. It should constitute and have statements which capture the National philosophy as a guiding principle.

The Constitutional supremacy. The Constitution must allow not only the Parliament to amend certain parts of the Constitution, but also the majority votes from the Constituencies to be involved by 85%.

The Parliament power to amend the Constitution must not interfere with certain fundamental areas such as Basic Rights of the people of Kenya. The public should also be very much involved through the referendum in amending certain parts of the Constitution. Any person born in Kenya should be a citizen automatically. Any person of known origin, good moral character and who desires and wills to reside in Kenya and abide with the laws of the land, can acquire citizenship. Of Defense and National Security: The President must not be the Commander in chief of the Armed forces for he may misuse the role. The Executive must not have any exclusive power to declare war. He must consult the Cabinet.

The Political parties in the republic: We should not have more than two. They should be regulated in formation. The parties should be funded by the government from public funds. The Executive: The President must have as a minimum qualifications of academic, a degree holder, morally upright, sane mind, religious, family man and having no criminal record. The tenure of the President must be two terms of each five years.

The Judiciary: We need to have a Supreme Court above all courts. The judicial officers to be appointed by a commission selected by the Parliament and other public bodies.

Com. Bishop Njoroge: One minute.

John Kababa: The minimum qualifications for a judicial committee officer should be a first in University degree in law. The local government: the Mayors and Council Chairmen should be elected by the people directly. They should have a two-year term being a council member. The fundamental basic human rights must be observed by the Parliament. The Rights of the vulnerable groups should be observed by the Constitution of Kenya - Especially the women, the disadvantaged and other groups and minority groups in the republic. The Constitution must observe and control the use of the environment and the natural resources and also control the pollution of the natural resources and their management should be done by the local community.

In the international relations, the Parliament should have the control and responsibility of the people concerned with international relations affairs. Thank you.

Com. Bishop Njoroge: Thank you very much, can we have your memorandum, the memorandum will go into the record and there are people who will work on it. Thank you very much. Can we have Samuel Ngugi?

Samuel Ngugi: I am Samuel Ngugi. I am giving my own individual views. The electoral systems.....

Com Bishop Bernard Njoroge: I want you to present your views in point form because we are going to get that memorandum.

Samuel Ngugi: On the issue of election, all political parties participating in a general election should receive funds from the government treasury, to finance their candidates and campaigns. All candidates should be provided with security by the government. In order to have free and fair elections, the Electoral Commission should at once nullify all elections held under a hostile environment. The electorates which should start with the civics and elections whereby the electorate would elect the electorate would elect their Councilors and the Mayors. The electorate should then elect a Mayor and Chairman of the Councils from the elected councilors. After Mayoral elections, elections of members of Parliament should be held. After elections of MP's the elections for the Presidency should be held.

The requirements for the candidates: for the Councilors: They must be literate-that is they should have a minimum of O'Level education. They must speak and write English and Kiswahili languages fluently. They must have diploma in business management or business administration, and they must be of good sound mind. They must have certificate of good conduct that is they should not have any criminal cases pending in court.

Members of Parliament: They must be University graduates and must have higher degree or diploma or in Management and Administration. They must be of good sound mind and must have certificate of good conduct.

The President, they must have Masters degree from University and must have higher degree in Management. He must have a certificate of good conduct.

The powers of the President should be minimized; Any Presidential trip abroad must be approved by the Parliament. Any Presidential appointments and especially in the Civil Service must be approved by the Parliament.

The President should be given a list by Parliament, for the members of Parliament who are to be chosen as the Ministers and other staff who are behind various Departmental Heads.

The President should not fire and hire Ministers or Departmental Heads at will without the consent of the Parliament. The Parliament on its own should be independent and the members of Parliament should decide on their own calendar. The Parliament should ensure that Ministers, Permanent Secretaries and Departmental Heads are appointed according to their profession.

On the economy, the Kenya country must be struck out from COMESA market or region. As this would help in ensuring that there is no cheap on importation of goods which are manufactured locally like sugar, milk and dairy products. All those who have corrupted various institutions of the government must be forced to repay that money plus the interest that money could have earned from that specific time. All persons accused of corruption must be hanged because many people have sufferedin supporting local industries and should cater for better training of personnel managing the industry. All retirees should not be appointed as Chairmen or Directors of industries because their worthiness in government is of no use. Thank you.

Com. Bishop Njoroge: You know it is meant to be useful. But one day you will retire and I would like you to come and give views. Umesema President ili asimame kiti ya President, he must have a certificate of good conduct. Hii certificate anatoa kwa nani? You recommend a body that will give a certificate of good conduct.

Samuel Ngugi: I believe that to get a certificate of good conduct, it should state that he or she must not have been involved in criminal deals.

Com. Bishop Njoroge: Who is going to give that Certificate?

Samuel Ngugi: The Attorney General or the Chief Justice.

Com. Bishop Njoroge: Okay. Fine. Thank you so much. That was good presentation. It will find its way where it is supposed to go. Can we have Grace Muathe? Yuko.

Grace Muathe: Ni ndamugeithia inyuothe. Thank you for giving me this chance to give my personal views about the Kenya yetu. I am Grace Wandia Muathe from Tumutumu. I have a few points which I think should be used to help us get forward. First, I should say that we should have God as our guide in the whole Republic because we have set God aside at the moment - we don't refer him, although he was referred to in the Constitution when we said '*Eeh Mungu Nguvu yetu*'. Sasa tumeondoka kutoka hapo, tukamweka chini, tukaendelea mbele bila Mungu.

Elections should be free of party policy. Any criminal should not hold public office. The President should be a family man. Professionals also should hold, or should lead in any public office. E.g. if it is a health department, it should be headed by a doctor not any other professional.

Jobs: I suggest that we should have one job one office. Not more than that. Handling office: If it is the Office of the President, the office of the President should not suggest who is to take over even if it was his or her task.

No employee even if it is the MP, the President should set his or her own salary. No long cases should be kept in court because, I believe that long delay gives no justice.

No one should be landless if he or she is born in Kenya. These are my few points. Thank you Mr. Chairman.

Com. Bishop Njoroge: Thank you very much.

Com. Lethome: I have a small question for you. You suggested very well that our President lazima awe ni family man. Na akina mama utawaacha wapi?

Grace Muathe: The President should be a family man or a family lady.

Com. Bishop Njoroge: Thank you very much Madam. You have put on a very good condition. Thank you. Engineer James Gachegu?

Engineer James Gachegu: Mr. Chairman, although I have a written memorandum. I would like to just go through a bit of it because I am confining my views particularly to the Legislature, notwithstanding that there are other organs in government.

Com. Bishop Njoroge: Let me tell you. What we want is points. We do not want you to go into details. Only the points that will go into the Constitution.

Engineer James Gachegu: Yes, Mr. Chairman, it is my view that we should maintain the current separation of powers in the structure of the government. Let it have an independent Judiciary, independent Executive and independent Legislature. But my views will be particularly on the Legislature because it is through the Legislature that the views of the ordinary mwananchi find expression. I do believe that If we are able to strengthen the institution of the Legislature, we should be able to have most of the views of the members of the public find expression in the day to day running of the government.

With this then, I do propose that one of the areas where we have had a problem is sometimes in the quality of the members of the August House. To that end, I propose that we should insist on a minimum standard of education. This standard Mr. Chairman is not so that you create a cadre of different people in the country. This is because to understand some of the intricacies that

Com. Bishop Njoroge: Mr. Engineer I am going to stop you. You are now telling us many things. If you want to suggest minimum education. Say, either Form 4 or graduate, don't tell us the reasons why you want to do it. Because all these people know. So, I want you to say in point form. If you want MP to be form four. If you want the President to be University. Give that...Okay.

Engineer James Gachegu: Point taken.

Com. Bishop Njoroge: Because there are so many people here and we do not want them to go without talking.

Engineer James Gachegu: I take your point Chairman and to that end, I propose that those vying as members of Parliament should have a minimum of first degree from one of Kenya's public Universities or any other recognized Universities. I do also propose that to enable members of Parliament to work because that is an area where we have had a problem, we should put provision where members of Parliament are facilitated at the Constituency with offices well equipped with all the necessary equipment i.e. Computers, Fax systems, Phones e.t.c. I also propose that they should also have similar offices in Nairobi to enable them to turn the deliberations of the August House into reality. I also do propose Mr. Chairman, that we have had incidents where members of Parliament have lost their lives in various circumstances. I do propose that it is essential that they be provided with an armed driver/bodyguard. They should be provided with armed security both at their rural residences and in their Nairobi houses.

The other point I propose is that given the nature of the work they have to do, it is important that these members be men of unquestionable integrity. I propose that they should be free of any criminal condition from a court of competent jurisdiction-But they should be barred purely because of miscellaneous things like that. I do also propose-this point Mr. Chairman I must make

because members of Parliament and remuneration to enable them to work. Their salaries should not be seen as a rip-off from the public coffers because it facilitates independence. It should be the preserve of the Parliamentary Service Commission to set salary regulations to be at par with the requirements of that office.

My final point, Mr. Chairman, I do propose that there should be a limitation of the term for a member of Parliament. This is because when one “hangs” in office for too long, one tends to be liturgic, one tends to be compulsive or autocratic. It is my view that the same bases on which Kenyans have limited the Presidential term, is in my view applicable to Members of Parliament. If those few changes are made to the Legislature Mr. Chairman, I do hope that that will improve the quality of that House and that the views of the ordinary members of the public will find expressions through those members chosen there. Thank you very much.

Com. Bishop Njoroge: Thank you very much Engineer. Those were very good views and we will have a look at your memorandum. Thank you very much. Can we have KNUT representative Wanjohi Munyiri. Wanjohi Munyiri, we want you to talk in points form. Don't say so much because we don't have time.

Interjection: Why is it that these ones are coming late and you are giving them time and we have been here?

Com. Bishop Njoroge: Okay. Let me tell you. Representatives of groups like KNUT, we do give them preference because they are representing many people. Also women groups. But we will follow the programme as it is.

Peter Wanjohi Munyiri: Mr. Chairman, My name is Peter Wanjohi Munyiri. I work in KNUT office in Nyeri and am the secretary of Mathira Constituency Review Committee. These are my views. Appointment of Ministers and Assistant Ministers: The names should be vetted by Parliament.

Appointment of senior government officials like Permanent Secretaries, Directors and senior officials of Police force e.t.c. should also be vetted by Parliament and they should also be given the security of tenure. They should not be sacked at the will of a person..

Number three: The Provincial Administration should be abolished. This was a method that was used by colonialists. Local leaders like Councilors are more capable to do what they do. We should have a Constitution that will protect public land. Today land is given by a person.

Number four: Constitution should guarantee free and basic education. The other one is trade unionism; Workers should be allowed to form trade unions and the Constitution should guarantee whatever is agreed between the employer and the union is met. We have cases where government.....

Com. Bishop Njoroge: Please don't elaborate.

Peter Wanjohi: Thank you. The other one. Constitution should be translated in vernacular languages. The other one Mr. Chairman, I would wish to suggest that after you have collected your views, we continue giving the memorandums to your office until you complete this work.

Com. Bishop Njoroge: Thank you. Let me finish up with that; if you do not have a memorandum, you can still send it through the District Coordinators or through the box number of our offices. So, thank you so much, you can still continue presenting your memorandums. Thank you very much. Charles Macharia.

Charles Macharia: Thank you Mr. Chairman. My names are Charles Macharia Mwangi. Box 160 Karatina. My views on the new Kenya Constitution. It should have a preamble. This preamble should state that the "Constitution is made by the people of Kenya." The Constitution should not be above the people of Kenya. This Constitution should state that it serves the interests of the people of Kenya. This Constitution should also have checks and balances.

Directive principles: All regions of Kenya should be developed equally. The elders, village elders should also be given a place to arbitrate civil cases. The natural resources should also belong to all people and future generations. Kenya should also have a Prime Minister chosen from the party majority in the Parliament and should be answerable to it inside the Parliament. Kenya should have a ceremonial President who should be above politics and should not be a member of a Parliament.

Legislature. It should have its own fixed timetable and it should not be dissolved at the whims of any person.

The Parliament should have powers to impeach the President in case of gross misconduct. The Parliament ought to vet the following people chosen by the President. Ministers and their assistants, Chief Justice, Judicial Service Commission, Public Service Commission, Police Commissioners, Heads of Parastatals, Judges and other appointments made by the President who hold vital public offices and foreign offices. Members of Parliament should be subjected to two terms of five years each. The President's age should be about forty years and should not be above eighty years. The President should also have a minimum of Form four education qualification.

Government should not borrow money unless it is given 75% approval by the Parliament. We should have a bicameral Parliament. That is we should have Senate and House of Representative. The Constitution should also have powers to recall the MP who is not performing his duties and who is not consulting the people who have chosen him to go there.

Com. Bishop Njoroge: One more minute.

Charles Macharia: World Bank should be discouraged because this one does not encourage democracy. The environment should be protected. Catchment areas should also be protected. More dams should be constructed so that they can conserve water during the rainy season. Others; privatization, individualization should not be done to harm the ordinary people. Farmers cooperatives such as KCC, KMC, KPCU should be revamped and made to be operational for the benefit of ordinary farmers. Farm inputs should be subsidized such as fertilizers, seedlings e.t.c. Farmers should be guaranteed the sale of their products and payment by the government promptly. Dumping of goods should be discouraged through levy taxation.

Primary education should be made compulsory up to standard eight. Our Constitution should be taught in schools. Starting from standard six onwards. Our Constitution should be written in simple English, in Kiswahili and local languages. Auditor and Controller General should be given power to prosecute people who misuse funds. Women spouses who are foreigners should be allowed to be Kenyan Citizens. Thank you Mr. Chairman.

Com. Bishop Njoroge: Thank you very much. Can we have that Memorandum? It is good so that then we can preserve it. Wacha tupokee sisi wenyewe. Can we have Duncan Kagumu? Yes, njoo hapa. Umepeana memorandum yako. Tunataka useme pointi, pointi ili tuweze kupatia watu wengi nafasi. Au useme lile la muhimu.

Duncan Kagumu: Thank you Chairman. My points are very few and brief. I am talking about the Registrar. There should be a two Chamber Parliament: Regional Parliament and Central Parliament. Appointment of the following should be vetted by Parliament. Military, Commissioners of various Institutions, Chief Justice, Judges of High Courts, Ambassadors, Permanent Secretaries and Parastatal Heads.

The function of Parliament should be expanded by vetting important appointments, electing of Prime Minister, Commissioner of Government. The power of Parliament should not be limited.

Being a Member of Parliament, should be a full time occupation. President's age should be forty five up to seventy five. Twenty five to seventy five years for an MP. Language proficiency is necessary-at least form four leavers with experience in public rights as nationally level. Moral and ethic considerations necessary for MPs. That is all Mr. Chairman.

Com. Bishop Njoroge: Thank you very much. You also have to leave the memorandum with us. Can we have Daniel Njenga.

Daniel Njenga: Thank you Mr. Chairman. On behalf of Gikubo Youth Group, I want to present a few suggestions here. Proposals: First, I would like to dwell on succession and transfer of power. I would like to propose that immediately the Parliament is dissolved, the Speaker should take over and the Cabinet should also be dissolved and running of the Ministries should be taken over by their respective Permanent Secretaries. The Chairman of the Electoral Commission should publicly announce the results of Presidential elections immediately at the polling stations before handing them over to the presiding

officers and returning officers.

The incoming President must assume the office immediately the results are announced. After declaration of the President, the President elect should wait for one month. This period should be used to appoint Ministers and election of the Speaker of the National Assembly. The Chief Justice will swear the incoming President after he is handed over the instruments of power. The Constitution should make a provision for the former President in terms of security, a welfare. I must also say here that, the former President must not enjoy immunity from legal process. On structures and systems of government, I propose that we have a federal system of government. The President: we should have the Presidential system and a Prime Minister. The duties of Prime Minister and President should be clearly distinguished.

Also, I would like to propose that we have two Parliaments. That is we have the Upper and Lower House. In the upper house, the Mps should be the ones to represent their electors and in the lower house we should have the Councilors and then they should elect their Chairman or the Mayors. The mayors will form the regional government. Finally, I would like to talk about the salaries of various groups i.e of public servants who should be determined by a Commission and Ministry of Finance should be included because Ministry of Finance is the one responsible for the economic situation of the Country. Thank you Mr. Chairman.

Com. Bishop Njoroge: Thank you very much. Those are very good proposals towards succession of power. Can we have Githuka Muhia?

Githuka Muhia: Asante Mwenye kiti. Mimi sina memorandum nataka kutoa maoni. Nilikuwa nataka kusema, kuwa maneno ya mashamba, yaani land, ichunguzwe sana kwa sababu kuna watu wengine wako na mashamba makubwa na hata ikiwezekana kuwe na reconciliation after independence, maanake tunaona watu wengine walinyakua mashamba. Wengine kama wale walikuwa wanapigania wakanyimwa mashamba. Kwa hivyo tungetaka kusema wale walinyakua hayo mashamba, either warudishe bila chochote cha kuitisha.

Hii maneno ingine ni maneno ya Parliament. Wabunge inatakikana wakiingia kwa bunge, wawe either wako na blueprint ya kusema vile wanataka kuhudumia Constituency. Na kama hawatimizi vile wamesema, either wakuwe impeached kwa sababu tunaona tunadanganywa na hawa ma MPs. Aidha kuwe na committee ambayo inachunguza vile vitendo vile either walikuwa wamesema - kama vile walikuwa wanataka kusema kuhudumia Constituency. So that in case they fail, they can be impeached.

Neno ingine ningetaka kusema ni kuhusu wafanyi kazi. Wafanyi kazi wengine tunaanza kuona either let us say like Executives. They earn a lot of money at the expense of the junior staff. So, I think that gap should be filled either to say that at least hata kama kuna gaps ya.....ya ..

Com. Bishop Bernard Njoroge Sawa. Tumepata hiyo.

Githuka Muhia Okay. Sina maoni mengine.

Com. Bishop Njoroge: Thank you. Hiyo ni maoni makubwa na mazuri. Onesmus Ngari?

Onesmus Ngari: I had gone to check.. because I was the first person here. I had gone to check what had happened. My name is Onesmus Ngari. My case here is a little different from what you have heard. Because everything has its bad side and good side. I want to say the good side of the old Constitution. I had only two points to advise. Or in my case, I just want to review and propose and make my observations which is: we had a Constitution,-The Lancaster House Constitution, and there was nothing wrong with it but it was messed up by a few things that I want to mention here. It may help to make up the new Constitution that these things should be marked and never be repeated. Because we will not be doing a very good exercise if we have to repeat what went wrong. These two points were: immediately after Kenya reverted to become a republic and the Governor general had left, the Constitution, which we had, was more or else almost suspended. Then a sort of syndrome was created, where by a “Mzee amesema” came into being and it has really changed everything up to now. It has not ceased to be the measure of what is going to be ruled in Kenya. That is one of the points.

Another point is that the same thing killed the bicameral Parliament. With all its supremacy, it was crashed and it was no more. Parliament members became mere individuals. Another thing that went ahead is the discipline of the Civil Service. I have made up a point there, that Civil servants were considered with what was then known as ‘Ndegwa report’. Which completely eroded the discipline of the system of the Civil Service system which we had known or we had inherited from the Colonial Government. Which were very honest and such like. Especially on financial side.

Another thing I have here for you to look into is the freedom. I think no freedom is absolute. Lawyers know that. No freedom is absolute. Now the freedom of worship which is... am very particular about that. Freedom of worship. You cannot have everybody with all corruption we have in Kenya, getting a license to start going about saying this or that or the next. The freedom of worship must be safeguarded because we have...as somebody else said there before. We have to respect God. My last point is the freedom of Association which mostly handles the situation of these parties. Parties are formed from nowhere. For no reason at all. Somebody is sacked from the Parliament, tomorrow he forms up a Party. I suggest as we have done in Nigeria, Political parties to be restricted to three. Somebody mentioned that three. That has to be included in the Constitution - That a political party must reflect a national outlook even moral has to be included in a party, so that we know everybody is there. Not a section. We have reached a stage whereby a political party represents nothing other than a clan. Which is now going to cause a lot of disunity among ourselves.

The last one I would ask is that the Constitution we had, did not include referendum clause. Or what they call in Switzerland

“people’s initiative”. I would like to bring that attention to the Commissioners the importance of “people’s initiative”. Because, the Constitution that we inherited from the officials Lancaster house, was an American state and it was American based and it was of the people, by the people, for the people. Unless we have that, we are going to get nowhere. Thank you very much. That is all I had.

Com. Bishop Njoroge: Before you sit down. I just want to ask you one thing. What you are saying is, to have disciplined civil service, we have to scrap out “Ndegwa commission” recommendations?

Onesmus Ngare: Completely. It ruined everything.

Com. Lethome: Okay then. About the churches, do you want us to limit the registration of churches so that the freedom of worship is not abused?

Onesmus Ngare: Not at all. It is like this, the criteria with the Registrar of Societies’ Act has to be vetted who is who. It has to be vetted.

Com. Bishop Njoroge: Thank you very much.

Onesmus Ngare: Not at all.

Com. Lethome: How do you reduce these political parties from the forty-six that we have today to the three that you have suggested? Because you have to look at it in the terms of what we have now and the ideals that you would...

Onesmus Ngare: What I suggest. What they did in Nigeria, if I remember well. I mean what it is to be restricted, that a political party, when one goes to the Registrar General for a party, he completes the form and what he does is to be given a time normally a year or so, to recruit a number of members from every corner of the country. I think this should be fifty thousand.

Com. Lethome: My question is, you have them registered already. Now do we deregister some of them?

Onesmus Ngare: Now what is at the moment,... Yes we should go back and really do something about this. Those with only one member and others don’t have any members. I mean they are representing nobody.

Com. Bishop Njoroge: Thank you very much.

Onesmus Ngare: Not at all.

Com. Bishop Njoroge: Thank you very much. Those were good suggestions. Are you a teacher or what are you? Are you a retired teacher?

Onesmus Ngare: I am a jack-of-all-trades. I cannot tell you exactly what I do.

Prolonged laughter from the audience.

Com. Bishop Njoroge: Ndegwa Muno. Ndegwa muno. Maina Gicheru.

Maina Gicheru: Thank you Mr. Chairman Sir. The Kenya Constitution should be based on eight basic foundation objectives. Namely: Peace, Prosperity, Justice, Liberty, Democracy, Unity, Rule of law and Happiness. The above foundation objectives should therefore form the basis of preamble and the Constitution should rest and agree to the above-mentioned eight objectives. The current Constitution does not agree with the eight objectives.

To make our Constitution agreeable, I recommend the under mentioned changes. Section 14, sub-section 1 should be changed and the President whether in office or retired should be charged in court of law. If he is found to have acted against the law of the land. Another recommendation is that the Constitution should be written in a very simple language the language that all people understand. It should be interpreted into all Kenyans indigenous languages.

The Administration system that do not serve the citizens should be scrapped. E.g. The Administration and detention without trial, laws and rules that are not passed by the Parliament. The Government security forces hence should be agreed upon in Parliament, contrary to the present Constitution whereby they are chosen by the Office of the President. Other categories are; the Attorney General, Heads of Parastatals, Ambassadors, Vice-Chancellors, Directors, Auditor General, Electoral Commission and Enquiry Commissions e.t.c. All the above names must be elected in Parliament with a majority of at least 70% votes. Citizens should be given power to vote out their MP if he does not serve them well-even if the five years term has not expired. MP's and Councilors should serve for two terms of five years each.

Term of Parliament should be extended only when the country is at war. MP's salaries and other allowances should be recommended and passed by a certain commission but not by the Parliamentarians themselves, as it is the case today. All retired officers from Public Services, Security forces and those who have failed other institutions during their and that Constituency be represented and elections be called. He should also resign from the Chairmanship Directorship or Management of any public or private corporation because of the conflict of interests. He should also not be a member of the Regional Assembly. Should quit and if he is also a member of any Civic Authority because as I have said here, the President

could be elected from any public office or from business circle provided he has been successful in those areas. In addition to his noble duties of the President which we all know, directives and policy statements should be issued from State House, the highest seat of government, to avoid the present system of issuing directives from anywhere and we don't know whether they have a force of law or not. It should come from the State house itself. In fact I have seen, I have not traveled abroad very much, where a President wears a uniform, kind of ...you have seen it. That kind of thing. The duties of the President are very well known. I don't have to speak about them.

Our founding father by then, Late Mzee Jomo Kenyatta, set a precedent. He ruled for fifteen years and I have been looking for a place like this where I would recommend that every person be allowed to rule for three years term. Because that one is the wish of God, Mzee Kenyatta died after fifteen, nobody should rule beyond fifteen years - Elected three times. This will be in agreement because the rule says ten years.

Mr. Chairman, there was a time Kenya was one. The Colonialists, - you people who have been there during colonial days, went ahead and divided us.....

Com. Bishop Njoroge: I want you to state your recommendations.

Ndegwa Munro: My recommendations here.....I was saying so because my recommendation here is, the boundaries should be drawn on ethnic basis to avoid people in places fearing or being treated as guests. This has happened already in our own country. This now should be looked out to draw correct boundaries. E.g. the Coast Province should be one region. All those people are Swahili speaking. A place like Western Province should encompass Uasin Gishu and Transoia because the people are many let us acknowledge that fact. Central Province could perhaps go up to the Eastern side of the Kericho including Laikipia, Nyandarua, Meru, Embu because those people have been one ethnic group. Let us say from there, - those are regionalists as far as they are concerned.

Then we have got elections. I say that we should have Regional Assemblies. The Regional Assemblies' elections should be held together with civic. But there should be no way where, Presidential elections should be held together. Because of the economy, we should have Parliamentary, Civic and Regional at one time. So that later on after six months, then we should have Presidential elections so that, that man resigns as I have said.

The Parliament should also observe that all elected offices are for five years term for fifteen years, three years term. Thank you very much.

Com. Bishop Njoroge: Timothy Waruinge. John G. Mwangi.

John G. Mwangi: Thank you very much Mr. Chairman. I am John G. Mwangi and these are my individual contributions to the Constitutional change.

1. Preamble: The current Constitution does not have a preamble. It should include. The systems undertaken to ordain and safeguard their Constitution and also the relationship between Kenya as a sovereign state and other sovereign states.
2. The Executive: The President is vested with enormous powers. These should be reduced so that he remains the Head of State only with the powers of appointing a Prime Minister who will in turn appoint a Cabinet.
3. Ministers should be left alone to run their Ministries with their Permanent Secretaries. Possibly to the end of the current session of Parliament. All other appointments should be by various Service Commissions. Armed forces should be controlled by the Minister for Defense and various units that is the Army, the Air force, the Navy should have Chiefs of staff who will choose their Chairman.
4. The President should not be the Commander in Chief of the forces. Police force should also be under the Ministry of Internal Security-Independent of the Office of the President. Provincial Administration can remain but be purely administrative and should not have authority over other departments. They may be agents of other Ministries as far as providing financial services.
5. Parliament. The life of Parliament should be enshrined in the Constitution. The President should not have powers to dissolve it. There should be a provision for removal of an Mp who does not serve his Constituency properly to be removed immediately. Same to apply to Local Authorities representations. Anyone rejected at an election, should not be nominated to Parliament or Local Authority.
6. Judiciary: The Judiciary should be completely independent of the Executive. The Judges should be appointed by an appropriate service commission including the Chief Justice but be ratified by Parliament. The Attorney General powers should be curtailed to leave him only as the legal advisory to Government and Parliament.
7. Constitutional offices: This should be safeguarded and have security of tenure. The Executives should not have veto over them. Parliament to ratify their appointments.
8. Human rights: Kenya should adhere to the universal declaration of human rights. No individual should be subjected to torture, especially by the police. People should have complete freedom of movement, expression and association. Police should not interfere with people's assemblies unless they are riots threatening the Kenya security.

9. Citizenship: Kenyans should be recognized as the custodians of our land of Kenya. Where a Kenyan male marries a foreign woman, she automatically becomes a Kenyan Citizen. Same should happen to a foreign man married to a Kenyan woman.
10. Public Finance: No public funds may be withdrawn from the consolidated funds without authority from Parliament. Where such happens, the Minister for Finance should be held responsible. The Controller and Auditor General should be given powers to prosecute in case of misappropriation of public funds. There should be only one Controller and Auditor General. Auditor Generals, Parastatals and Local Governments should be abolished to give the Controller and Auditor General firm control. He should continue to have security of tenure.
11. Public Service Commission: Appointments, promotions and dismissals of all civil servants should be by Public Service Commission. Members of the Commission should be appointed by the Minister in charge of Public service and should be professionals in various fields represented in the civil service. Same should be of Local Government Service Commission. There should also be a Parastatal Service Commission. Permanent Secretaries should be “permanent” in their Ministries. To ensure proper management of Ministries.

Com. Bishop Njoroge: One minute.

12. Land: The land we live in Kenya is either Government or transfer land. No one has his own land in Kenya. Ownership of land should be vested in Kenyans such that they have control and ownership of the natural resources in their land.
13. Finally, generally, the Constitution of Kenya should make provision for education for our children. It should address agriculture, which is our economic backbone. It should also address our cultural values, heritage and our national resources. Thank you. Mr. Chairman.

Com. Lethome: We wish to welcome our colleague Commissioner Keriako Tobiko. Who has just arrived. Commissioner mwenzetu ataweza kuwasalimia. Thank you. The next person is Charles Thamaini, Samuel Kibaba.

Com. Bishop Njoroge: Can IWhere is Wanjohi? Wanjohi, can you make sure that the list we have here tallies with the list outside there. Because it may not tally, and we do not want some people who came here not to have the opportunity. The list is here, must agree with the list outside there. So, Monitor. Where is Kabeti Musumeno? She is there. Okay, you were called but you were not there. Because we called Stanley Kagombe, we called Wanjohi, we called Kiarie. We called Kathambi, we called Ngugi, we called Father Muturi. Okey fine, go on. Before you do that, why can't the Commissioner say “hae” because he is just come. Ama hamtaki kusikia sauti yake?

Audience: Tunataka.

Keriako Tobiko: Hamjamboni nyote. Vile ndugu yangu amesema, mimi naitwa Keriako Tobiko, na mimi ni mmoja wa Commissioners katika hiyo tume ya kurekebisha Katiba. Nimekuwa na shida kidogo barabarani lakini hata hivyo nimefika. Namshukuru Mungu kwa hiyo. Asanteni.

Walter Wambugu: Okay Mr. Chairman. Mimi maoni yangu ni: Ya kwanza ni upande wa elimu. Elimu ningepuliza kufuatana na vile tulipata uhuru mwaka wa 1963, Katiba iliyokuwa ilikuwa ikisema elimu iwe ya bure. Hiyo ndio mimi ningepuliza Katiba mpya ifikirie sana elimu iwe ya bure.

Namba ya pili nayo ni upande wa health: Nao upande wa health nao uwe free – kwa sababu nchi tumekuwa na taabu sana upande wa matibabu. Jambo la tatu, ni upande wa ukulima. Wakulima wametaabika sana hasa upande huu wetu. Ningepuliza kama ingewezekana, Serikali iwe kama ni upande wa Kahawa upande wa Majani na upande wa ukulima wa Ng’ombe - upande wa Maziwa. Serikali iondoke kabisa iachie wakulima wafanye kazi yao. Serikali ifanye tu kuuliza tax, waulize kodi peke yake. Mambo ingine yote waachie wakulima wenyewe.

Naye President wa nchi apunguzwe mamlaka yake kwa sababu ikiwa President kila kitu yeye mwenyewe ndiye atakuwa akisema, nchi itakuwa na taabu sana. Tutauliza Parliament yenyewe kwa sababu ndiyo ilichaguliwa na watu, mambo yote ikipitishwa na Parliament, President awe mlinzi wa kuangalia hiyo sheria ambayo imepitishwa, hakuna mtu anaigeuza. Ila Parliament yenyewe, irudishwe Parliament kama kitu kinatakiwa, Parliament yenyewe iwe ikifanya hiyo kazi.

Namba tano ni upande wa Bank. Upande wa Bank! Hii inakuwa shida sana. Unafanya agreement na Bank, umekopa loan. Bank kwa ile agreement mmeandika, Bank wenyewe wanakaa wakimaliza miezi tano, hiyo loan inapanda juu, Inapanda juu. Na wakati ulifanya agreement, ulifanya ukijua pesa hii nitachukua nitalipa na ...unafanya budget yako vile unapata pesa. Uwe ukilipa hiyo pesa kulingana na vile muliagana. Lakini sasa loan unaona mtu amechukua kitu kama shilingi elfu mia moja. Unalipa karibu half a million. Hii imekuwa shida sana upande wa bank.

Com. Bishop Njoroge: Sasa, ningetaka useme, pointi kwa pointi kwa sababu tuko na watu wengi. Kama hiyo umesema tumeelewa. Interest ya Banks iangaliwe. Sawa sawa. Kwenda nyingine na useme ya mwisho ili tuweze kupatia wengine nafasi.

Okay, na upande wa Budget ya nchi. Wakati Budget inasomwa, inakuwa shida mambo ya...budget ikishasomwa, tukaelewa, tukaelezwa hii na hii zimepanda. Lakini baada ya kumaliza wiki moja wiki mbili, tena unasikia kitu kimepanda tena. Sasa hiyo ndiyo tunauliza Katiba iangalie sana kama budget itasomwa, iwe ni hiyo hiyo mpaka mwisho wa mwaka. Okey. Asante sana Bwana Mwenyekiti.

Com. Bishop Njoroge: Thank you very much. Hiyo ni maoni ya muhimu. Na tumeshukuru. Gatheri Miano?

Gatheri Miano: Okay thank you for this opportunity. Well, my first point is that we should have free and compulsory Primary education as well as affordable Secondary and Higher education. The next proposition is that we should have free medical services. I must say that no one wish to be sick and thus the government should afford free medical services for those who cannot afford private medical services. The bills to cater for free education and free medical services should come from tax collection. My next contribution is on Civic education. I must say that we should have civic education as a compulsory and examinable subject in all learning Institutions. It is a big fallacy that we are reviewing the Constitution of Kenya but right now not many of us know the old Constitution.

The next issue touches on professionalism at all levels. I must point out that this should be dignified and respected. Doctors, Lawyers, Engineers, Teachers, Policemen and so on should be remunerated reasonably. In turn they should be expected to serve the country with patriotism. They must not be allowed to indulge in any private practice while in public service as this tantamount to double standard or double dealing. If they show carelessness, professional misconduct such as corruption, negligence and so on, Proper punishment, which should include sacking, imprisonment and even hanging should be preferred.

The next point is we should have protection of local enterprises. I must point out that the Constitution of Kenya should endeavor to put in place effective machinery to protect the means through which Kenyans earn their livelihood. In this regard, the agricultural sector must be protected from cheap imports that are flooding the market currently. Research on cheap production methods should be funded by the government as well as provision of quality seedlings, fertilizers and other farm inputs at an affordable price. Kenya should not be the dumping site for foreign goods in the pretext that they are cheap. In this case second hand items should be checked and highly discouraged.

My next point touches on the Presidency. This should be an office that is accountable to the Kenyans and not to the individual occupying it. In this regard, the new Constitution should provide avenues through which the Citizens of this land can sanction the actions of the Head of State if they feel he or she is not doing the right thing. This could be through referendum called and conducted by an independent body on contentious issues.

Secondly, the Parliament should be given powers to impeach a President who is found to be serving interests detriment to the welfare of Kenyans. My next point touches on Conservation. The current generation owes prosperity a big deal in terms of conserving the fauna and flora granted by mother nature. In this regard, senseless destruction of forests, catchment areas, world game and other gifts of nature must be prohibited. Perpetrators of such acts must be punished accordingly and where possible made to pay heavily. Rehabilitation through afforestation and restocking must be prioritized to check the harm already done. In addition to this, deposition of industrial effluence with products, emission and use of chemicals that have potential harm to the environment should be checked and well controlled to avoid their negative effects to the environment. Here, greenhouse, gas

effect and plastics should be addressed.

The next issue touches on legal representations. A clause should be provided for free legal representations for those who cannot afford private lawyers. It is note-worthy that the rich have in the past used money to oppress the poor in cost by first hiring lawyers and bribing officers in charge of the justice system. To check this, the Constitution should provide lawyers to help the poor argue their cases competitively in the courts.

The next touches on Electoral system. Registration of voters should be a continuous process as people are attaining the mandatory age of eighteen everyday. Free and independent candidates should be given a chance.i.e those who do not have any party affiliation.

The next issue touches on corruption. I must point out that time should not be used to justify any wrong. Thus, the new Constitution should endeavor to unearth all those who have been involved in corrupt deals - especially in the Public Service since independence. Those found should made to pay any benefit they got from the corrupt deals from the time of perpetration to date with interests calculated at the prevailing market rate. Those who cannot pay should be declared bankrupt, jailed and not allowed to hold any public office.

Lastly, any past conventions and treaties with other government which are outdated and overtaken by events now and in the future must not be allowed to hold Kenya at ransom. That is any treaty which may prohibit the development of Kenya currently, should be varied or done away altogether. Thank you.

Com. Bishop Njoroge: Thank you very much. Those were very interesting suggestions. Can we have the memorandum? You are going with it? Have you put your name on memorandum? One second...

Com. Keriako Tobiko: About treaties and conventions, if they go against, or are inimical digital development in the country, if they should be varied or reviewed, by who?

Mr. Miano: By Kenyans. In this case am talking of treaties like the Nile treaty which prohibits Kenya to use the waters of Lake Victoria.

Com. Keriako Tobiko: By Kenyans who are in Parliament or appointed by President?

Mr. Miano: By Parliament or even by a referendum.

Com. Bishop Njoroge: Thank you very much. There is a young man here. Come. Tell us your name and then present your

views.

Felix Matheri: My name is Felix Matheri. My views on the Constitution are: This is what I want to say as a student. That this 8-4-4 system of education should come to an end because it is too expensive for our parents thus locking out many children in need of education. Even the subjects we are learning are expensive since the books keep increasing and we are forced to buy them and this our parents can ill afford. The government should come up with a circular of books to be used by the Ministry of Education and it should not change books every now and then. Otherwise most of us will not be educated fairly enough.

The economical problems facing our country: I as a villager, I want to come to rescue of people living in Muoroto. This is because they have built at the roadsides. They have nowhere to farm or dig. They should be given land to build and also till. Security. The other day two children were killed and their mother seriously injured and these were school children. Those people who were guarding the area ought to be prosecuted. My worry is, how can someone enter a protected area and be unseen. The same applies to the policemen. He should be convicted and jailed and not only to be interdicted in case he is found not to be doing his duty or taking part in an illegal action. They should stop using guns like sticks that they can shoot you anytime in case you disagree with him or her.

Com. Bishop Njoroge: Thank you very much for those views. You know that the views will be part of the Constitution. Thank you very much. One question.

Com. Keriako Tobiko: How old are you?

Felix Matheri Ten.

Com. Keriako Tobiko Do you go to school?

Felix Matheri Yes.

Com. Keriako Tobiko Which school?

Felix Matheri: Gathaini.

Com. Bishop Njoroge: Which class are you?

Felix Matheri: Standard 5.

Com. Bishop Njoroge: Thank you very much. Can I have your memorandum? *Tumuhurire karuhi*. Sasa hiyo ndiyo inaweza kutuonyesha kwamba hii Katiba ina maana sana. Si ni kweli? Tangu lini mliona mtoto na wazee na akina mama wakienda kuzungumza mambo yao wenyewe? Si tunaweza kushukuru Mungu? Tupate Samuel Kibatha. Benard Kabii Maina.

Benard Kabii Maina: Bwana Mwenye kiti, majina yangu ni Bernard Kabii Maina. Na kwa kisiasa ni Mwenyekiti wa chama kinaitwa Kenya Social Congress hapa Mathira. Yangu nitakwenda haraka tu. Kwa upande ya mashamba, mashamba yalichukuliwa na watu wengine wakuu maofisini. Na watu wetu bado wanahaingika. Haya mashamba yote mazuri serikali ijayo iyachukue ndio isaidie kuwapatia wale watu hawako na mashamba - hata kama ni kuuziwa. Kwa sababu walichukua wakitumia maofisi. Hata town ndogo kama hii kuna viwanja zinakaa bure. Kwa hivyo kama hizo zinakaa bure ni vizuri zichukuliwe.

Ya pili, nasema kwa ma-Rais ambao watakuja nyuma hii, sionelei kama ni vizuri kuwa tukiwaita Baba wa Taifa. Sionelei kama ni vizuri kwa sababu baba taifa alikuwa mmoja tu, na alikuwa Mzee Jomo Kenyatta. Kwa hivyo ikiwa tutapata Rais wa baadaye, apewe jina tu lakini baba wa taifa alikuwa Mzee Jomo Kenyatta.

Ya tatu, ni pesa. Pesa za Kenya sionelei kama ni vizuri ziwe zikiwekwa picha ya mtu. Na kuitwa jina lake. Na ikiwa ni lazima kupewe jina au kubeba picha ya mtu, iwekwe ya Hayati Mzee Kenyatta, kwa sababu ndie mwanzilishi wa taifa hili. Na itakuwa kwa record watoto watakao kuja nyuma yake watakumbuka kumwona Rais wetu wa kwanza. Kwa hivyo kama hizo kwa mambo ya picha, kuwekwa jina la mtu ikiwa ni lazima, iwekwe ya Mzee Jomo Kenyatta.

Ya nne, ningetaka kuzungumzia mambo ya Serikali. Serikali iwe na mpango ya wazee hawa mnaita wakongwe. Wazee wanazeeeka na wengine wanakaa bure. Wengine matajiri tu. Serikali ya baadaye, ifikirie wazee wanaweza kuchungwa namna gani wasije wakawa wanakufa ovyo ovyo.

Ya tano, ni watu wanaitwa wahalifu. Nimezungumza kuhusu criminal kusimama. Mimi naona kwa kuitwa criminal, kijana kama mmoja niliona hapa akizungumza, ni mtu wa miaka kama ishirini au kumi na nane. Criminal labda aligonga mwingine, na anaingia record ya criminal. Labda alichukua kuku akiwa kijana- criminal.

Iwekwe muda, huyu kijana akirekebisha tabia kwa miaka kama ishirini mpaka ishirini na tano achukuliwe kama hana makosa. Kwa sababu akiitwa criminal kwa wakati huu, ataingia kwa criminal zaidi sababu hana tumaini. Na ndio atakuwa mtu mhalifu zaidi. Kwa sababu hiyo mimi naonelea ipewe muda. Wacha nikate kauli niseme, mtu akiwa na miaka 18 au 20 na afanye uhalifu, apewe miaka ingine ishirini na tano. Na hiyo itampa nafasi ya kusimama Councilor...ama Mheshimiwa.

Com Bishop Bernard Njoroge: Tumesikia hiyo point.

Bernard Kabii Maina: Ya sita ni uchaguzi. Uchaguzi uwekwe nafasi ya mtu kuwa anasimama kama Independent Candidate. Kwa sababu vyama vingine vinakataa watu na kuwakataza kusimama. Kwa hivyo watu wakubaliwe namna hiyo. Kuna dini.

Dini zimeandikishwa zaidi ya elfu moja. Dini ziwe zikichunguzwa kutoka sasa. Na ikiwa dini inaleta mambo ambayo sio ya kupinga na Serikali lakini inahubiri vibaya, mambo ambayo tunajua sasa wanahubiri sijui ingine ni pesa, ni mingi - Iondolewe kwa register. Dini ikionekana inaendesha mambo ambayo si mzuri, iondolewe kwa register.

Nafikiri ya mwisho nitazungumzia mambo ya uchaguzi na elimu. Mmeona watu wengine ambao hawana elimu nyingi wanafanya kazi nyingi hata kushinda wale wako na elimu kwa hiyo kazi. Kwa hivyo, elimu ya Mbunge ikiwa ni Form four, inaweza kufaa. Mtu anaingia kule akiwa Form four. Kwa sababu hapa tumekuwa na mwingine hata wa Form two, na amefanya hata zaidi kushinda watu wa degree. Kwa hivyo, watu wa Council, mimi naonelea akiwa anajua Kiingereza na Kiswahili akubaliwe kuchaguliwa kwa sababu wengi wanafanya vizuri. Hata pengine unaweza ona watu wa Form four wa 1950's kwa siasa. Kwa hivyo mimi nitamalizia hapo na niseme asante sana.

Com. Bishop Njoroge: Asante sana. Can you bring that memorandum. Thank you very much. Stephen Warui Wahome. Umepeana Memorandum?

Stephen Warui Wahome: Thank you very much Mr. Chairman for this opportunity. My name is Stephen Warui Wahome. I come from this Constituency, Gikubo village. I am a leader of a clan and I therefore present these views on my behalf, and on the behalf of my clan. The Constitution...

Com. Bishop Njoroge: Which clan is that?

Stephen Warui Wahome: Mugei clan. I start with congratulating you for coming here to take our views and infact the Constitution we are making today here, is a Constitution of the people and by the people. What I want to present here first of all, is that our present Constitution has got very many amendments. These amendments are occasioned by Acts of Parliament, Judges, Cabinet, by-laws e.t.c.They should not be allowed to override this Constitution we are making.

The Provincial Administration: I put it to you that it is of no use at present. I am calling for its abolishment immediately if possible. Their role can comfortably be taken over by the elected leaders and the regular police who I believe, if properly funded, equipped and their welfare catered for, can do a lot for our nation. This will reduce government expenditure and be more effective. The Provincial Administration doesn't often serve ordinary people.

Com. Bishop Njoroge: Excuse me Mr. Wahome. If you make a point like, "I want Provincial Administration to be abolished," you have already made your point. Now these are Kenyans they know what is Provincial Administration, so you do not need to go higher because we need as many people to talk. Sawa sawa?

Stephen Warui Wahome: Point taken. Another thing we want abolished is the quota system. Quota system infact encourages laziness and tribalism in our nation. We therefore, want it abolished. Just imagine you were in one class with....

Com. Bishop Njoroge: No, do not explain. We do not want to...

Stephen Warui Wahome: Okay. The other point I want to put forward is about the number of Ministries. I want the number of Ministries to be determined by the Parliament itself. After which, the President will appoint the Ministers. I repeat the number of Ministries to be determined by the Parliament, after which the President will appoint his Ministers. No Ministry should have more than one Minister or more than two Assistant Ministers, to avoid wastage of public funds. To share our national cake and to reduce or eradicate illiteracy, we want purely free Primary education and free medical services.

Something else which is very vital is about protection of life and property. If the law enforcing officers are properly funded, I am sure they can take the task properly.

Com. Bishop Njoroge: I am giving you one more minute.

Stephen Warui Wahome: The other thing I want also to inform you is about the appointment of Service Commanders such as Army Generals, Commissioner of Police, Prisons, Commissioner of Lands, Judges, Auditor General, Civil Service e.t.c. We propose that the Minister concerned consults his Permanent Secretary first. He gets four names of the suitable people and the Parliament will then peruse the names or go through the names and if satisfied, recommend. The Minister will then forward the names to the President, who will then appoint one of those four.

Finally, I propose that we have an “ombudsman.” This person is important especially during the campaign to be in charge of the government - and by so doing we reduce....I mean we prevent rigging and unnecessary expenditure of public funds.

Com. Bishop Njoroge: Thank you very much. No. you cannot... you have said you want that office. That recommendation we have made. Otherwise don't tell us what we will do. This is something we can read from your memorandum. Is it so?

Stephen Warui Wahome: Yes.

Com. Bishop Bernard Njoroge: Ndio umeandika hapo? Kwa nini unataka kutwaambia na umetwaambia ile unataka iingie kwa Katiba. Those others are detailed?

Stephen Warui Wahome: Yes.

Com. Bishop Njoroge: Okay.

Stephen Warui Wahome: Yes. Then all the official trips by the President, should be approved by the Parliament first. Otherwise, it will be deemed to have been a private trip. That is all Mr. Chairman.

Com. Bishop Njoroge: Thank you very much. Those are very important suggestions. Can I have your memorandum? Thank you very much. I can see you are the Head of a clan. Can we have Josephat Kagerwa?

Com. Bishop Njoroge: Mimi nataka sasa kutoa sheria ingine. Tunataka utupatie points. Ikiwa unataka Ministers wawe kumi, unasema tunataka Ministry iwe ngapi? Kumi. Bila kutwaambia ni kwa sababu gani. Kwa sababu we have so many people and they must present. Fanya kama vile MP alifanya. Anataja tu moja moja. Tafadhali.

Josephat Kagwera: Okay fine. I will start by saying that any amendment that will be done in the Parliament, should involve the public through a referendum. Also we would propose that Parliamentary duties should be consistent - That is MP's should not be going to the Parliament inconsistently. That inconsistency is bringing what we call the quorum issue.

On education, I would say that the government should make it free and available to all citizens. I also want to say that the Constitution should look at the ambiguity that is existing in the children's Act. Whereby it is said that one can be jailed for a year or be fined Ksh. Fifty thousand for not taking a child to school. So, we know that poverty is the cause of all this, so we are actually wondering, should one be jailed for being poor? So, that should be addressed.

Also the government should enhance on employment outlook in the country, because we know there is high rate of unemployment in the country. So we are kind of proposing for the formation of bureau of employment and retrenchment that should be placed in a competent, or rather, a favorable Ministry that should address all the issues of unemployment. I think they should liaise with the poverty eradication commission and the public should be encouraged to give their ways on how they can address that.

I also want to comment on the participatory governance, whereby civil education should be continuous or should happen now and then. We should also respect the cultural diversity of a community and this should be incorporated in the National philosophy. But we should not want issues of ethnicity to come in because it will create tribalism and such like.

In conclusion, I would wish that the Constitution address the issue of the independence of the review commissions. So that it should not bend towards a certain party. Infact it should justify its independence by incorporating all the people's views and marks, so that it is a true reflection of what Kenyans need. In that way, we will be happy to note that we have had a direct participation on matters that are affecting us. Thank you.

Com. Bishop Njoroge: Thank you very much for that portion. So, let me tell you this so that I can erase your fear. Once we

finish writing the report, we are going to bring it to the people in the Constituency for sixty days for them to find out whether what they said is what we have written. So, I don't think you should fear. Because, if we will not have written what you have said, then you will make a correction. Okay? So you don't have to worry. You will see the report and you will see what you have said in the report. Thank you very much. Can we have William Mbogo Mureithi. William Mbogo Mureithi? Jane Njeri Mugo. Nicholas K. Njogu?

Nicholas K. Njogu: Okay, Mr. Chairman. My points are: The powers of President should be split. MPs, President, and councilors should not go beyond two terms. People should be given right to elect Chiefs and Sub-chiefs. Commissioners should not be..... Members of Parliament and President should not exceed sixty five years so that they would represent the majority of people. Any one who uses money to buy loyalty so that he would be elected should be disqualified after results. Study of basic law should start at a primary level. Salary of MPs should not be determined by the MPs but should be determined by a different committee. Law should be written in a language that every Kenyan can understand. Any order made by the President should not be taken as a law. That is all I have.

Com. Bishop Njoroge: Thank you very much. Let us have Anne Miano.

Anne Miano: Asante mwenyekiti. Yangu ya kwanza ni hii ya kutahiri wasichana. Hiyo wamama hatutaki. Ya pili ni kunajisi wasichana ama wa mama. Nayo ya tatu ni kupigwa na wanaume wetu. Ile ingine ni mateso ile wamama wanapata wakiwa huko kwa cell na hii wanapatiwa na police officers. Na ile ingine ni early marriages. Na ingine ni ya abortions. Na hiyo ingine ni mimba kwa wasichana wakiwa kwa shule - na nyingi ya hizo zinatokana na waume ambao wameajiriwa kwa kazi ama teachers. Halafu hiyo ingine ni kufaa nguo ambazo ni mzuri na sio ku-copy kwa wazungu ati tuwe tunafaa miniskirts ama nguo ambazo hazifai. Hiyo ingine ni freedom of worship. Tunataka tupatiwe freedom ya ku-worship. Asante.

Com. Bishop Njoroge: Thank you very much mama. Tupate memorandum yako. Asante sana. Kaa hapo kidogo. Anastasia Wanjira Ikobe.

Anastasia Wanjira Ikobe: I am acting on behalf of Gachuiro Catholic Church Gekubo Parish. I shall tackle on Basic Rights. The Fundamental Rights are not adequate. Other Rights which should be embraced in the Constitution are; protection of education of the young child, abolish child labour, female genital mutilation on young girls must be stopped and liberisation to the economy of the country must be stopped. Hawkers must not be harassed. Every child must have a father. We should not have street children because of the negligence of the parents. The death penalty must be abolished and replaced with life imprisonment. The Constitution should protect the Basic Rights without discrimination. The Parliament should have the responsibility in ensuring that all Kenyans enjoy Basic Rights.

Specific issues on health: That is we should have free medication services, qualified doctors, clean and treated water, free

education and also freedom of worship.

The other part is vulnerable groups. The interests of women are not guaranteed in the Constitution. Issues that need to be addressed are to include women in the leadership. Interests of people with disability are also not fully taken care of. There should be more special schools for the disadvantaged ones. Accessible free medical services, right for children, no child labour, free education, no enforced marriages. Also there should be no abortion.

Other vulnerable groups include marginalized communities. i.e. We have the marginalized communities, then the blind people, dumb, street children, youth and other minority groups. They do not enjoy the basic rights. Okay that is all I have for today. Thank you.

Com. Bishop Njoroge: Thank you very much for your presentation. I don't know whether... Okay. One question. Can you just give her the mic....

Com. Keriako Tobiko: Just one question. You said about marginalized communities and other priority groups you know... who are these marginalized communities?

Anastasia Wanjira: Now we have people like the Elmorog of Kenya and the Ogiek.

Com. Bishop Njoroge: Can we have Dominic K. Kamwaro?

Dominic Kamwaro: Asante sana Mwenyekiti. Yangu ni machache na ni maoni yaliyo ya chini. Nasema si yale makubwa ni yale.....yes. Ya kwanza. Mavazi: Kuwe na mavazi rasmi ya wakenya inayohusu wakenya wote.

Ya pili vitambulisho vya kitaifa: Miaka ya kuchukua vitambulisho ipunguzwe kutoka miaka kumi nane hadi miaka kumi na tano.

Kuabudu: Kuwe na uhuru kamili wa kuabudu ila tu uabudu wa kishetani. Hii nasema moja katika mashule yetu. Pili katika kazini ya serikali au mashirika ya kiserikali au ya kibinafsi. Hapo ya tatu ni katika jeshi yetu.

Ya nne sasa, kazi. "Mtu mmoja kazi moja." Hata duka au biashara iwe ni aina moja.

Mashamba: Watu wasikubaliwe kuwa na mashamba makubwa. Aliye na shamba kubwa iwe ni acres kumi na aliye na shamba ndogo iwe ni acres mbili.

Rais: Kiongozi wa nchi asikubaliwe kuwa kiongozi wa jeshi yeyote au kikosi chochote.

Ghalama: Ghalama ya hospitali na shule ziharimiwe na serikali.

Serikali: Rais au Minister, akisema jambo isichukuliwe kwamba ni Serikali imesema. Ile iwe ni maoni yake kama haijaidhinishwa na Bunge.

Drugs au 'vileo.' Unywanji wa pombe au uvutaji sigara, bangi, miraa, na vinginezo zipigwe marufuku na yeyote akipatikana nazo, afungwe bila fine. Na industries za sigara na pombe zifungwe. Asante Wananchi.

Com. Bishop Njoroge: Inaonekana hiyo hamkubali. Hamtaki pombe ifungwe na sigara? Jackson Miano.

Jackson Miano: Asante sana Bwana Mwenyekiti. Nina maoni hapa: God should be supreme- That is, there should be freedom of worship. The main goal of Kenya as a country is to eradicate poverty, ignorance and disease. In order to eradicate poverty, the present idle land should be sub-divided to cater for the poor. In this regard, there should be Land Act so that those with great chunks of land can surrender to the government so that it can be given to the poor.

Employment should be on merit according to academic qualifications distributed evenly throughout the country. Wananchi should be safeguarded not to have their resources grabbed by some people E.g. the Coffee's Act should go in line with the Tea and Milk, so that they have one organization which should be national.

Education: Primary school should be seven years, Secondary school form one to form four, High school form five to form six, University should be three years and the syllabus should be reduced to avoid the overburdening of our children which leads to school strikes and school drop outs.

Schools should learn from Monday to Friday and it should not be more than thirteen weeks each term. Each term should not be more than that. Therefore we should have thirteen weeks, thirteen weeks and twelve weeks in the whole year and should avoid all costs of holiday tuition and Saturday tuition. Every one child should be given free education from primary school, secondary school, High school and University education.

Under age children below eighteen years should not be forced to marry so that by the age of twenty and above, everyone in Kenya should be literate. The government should pay the civil servants well including the teachers to boost their morale.

Disease: There should be government hospitals throughout the country spread evenly as per the population. Don't build hospitals where there are no people. People should be given free medical treatment. If there is need for treatment outside the country, the patient should cater for two thirds and the state one third. Citizenship should be by birth or by marriage. Foreigners

should be in Kenya for twenty continuous years to be allowed citizenship. Foreigners should not be allowed to own shops and businesses - such as the Indians , the Arabs, the Europeans but instead they should be allowed to run industries. Work permit should not be given to foreigners if the Kenyans have the skills that is required in such.

The Parliament should appoint the following and fire them if need be freely - that is the President should not appoint the following. They should be appointed by the Parliament. These are the High Court Judge,

Com. Bishop Njoroge: One minute more.

Jackson Miano: The Attorney General, The Commissioner of police and so on and so forth. The country should be stop importing things like used cars, used clothes - like mitumba but instead do the following:

Reduce the tax to manageable area, Revive closed industries like Rivatex, Mountex, KCM, Kikomi (Kisumu Cotton mills), which will not only improve the economy of wananchi who grow cotton and keep woolen sheep. We should get rid of very old cars on our roads which were used elsewhere. Political parties should be reduced to only two strong ones like in America..

Com. Bishop Njoroge: Can you give your last point.

Jackson Miano: The President: He should not be above the law. He should be between forty five years and seventy years. He should have a good track record. He should be elected directly by the people. He should not be below five feet tall. He should be physically fit and there should be no political administration - It should be replaced by governors. Lastly, the street children should be taken to their respective parents and if the parent is not found, they should be taken to the homes of the orphans. The insane and the elderly should have their own homes - That is the Homes for the insane and the Home for the elderly. That is all.

Com. Bishop Njoroge: Thank you very much. Why five feet tall? I don't think I am five. You mean I cannot be a President. What is the limit?

Jackson Miano: For example in America, he should be more than six feet tall. Therefore, let me give my point please, those people who are very short, get angry very quickly.

Prolonged laughter from the audience.

Com. Bishop Njoroge: Can we have Richard Kinyua? Richard Kinyua?

Richard Kinyua: Asante Bwana Chairman. Pointi ya kwanza, ni hii mambo ya free education. It should be provided to the Kenyan citizens. Quota system should be abolished because it was political. We Kenyans are highly taxed and as such, and to

see that our money is properly used, we should be given free education and free medical treatment.

Appointees to senior positions in government: Judges, Parastatal Heads and such should be vetted by Parliament to avoid allocating them to friends or such. Or your tribal friends. You have noted? The other point is Presidential powers should be reduced because we believe absolute power corrupts.....

Com. Keriako Tobiko: Ndugu yangu. Please. Just say your recommendations.

Richard Kinyua: The other point is on the side of Agriculture. I believe the future Constitution should really address the economy. Since our economy is mostly based on Agriculture, the country should see to it as a priority that the economy is put on sound study. The other point is on land policy. Currently, our land policy is so bad. We have people living in villages which were created by the colonialists in 1952 which is a shame in Kenya.

Com. Keriako Tobiko: What is your recommendation?

Richard Kinyua: I recommend that trust land in Kenya should be given to such people. The other point is on economic sabotage: Anybody or a group of people who uses a public office to enrich himself or themselves should be taken to a court of law and if charged, all the property gained through such office should be confiscated. That is all Mr. Chairman.

Com. Keriako Tobiko: Gethi Mwai.

Gethi Mwai: Yes. Mr. Chairman, I would start on education. My recommendations are that; basic education should be free and compulsory to all. Government should set enough funds to finance for basic education. Government should abolish unnecessary spending e.g. on school milk and such and channel such funds to acquisition of stationery and infrastructure in education system.

The government should remunerate the teachers well to raise their teaching morale. The Government should equip and educate school inspectors to make them able to inspect schools well. Promotion of teachers and education of teachers should be based on performance and not on other merits. The government should create more job opportunities to absorb graduating students. It should also allow and encourage jobless people to seek for employment outside the country. The government should implement the Koech Commission of education. On poverty reduction or poverty eradication, the government according to my view should do the following: Farmers should be encouraged because they are the ones that grow crops by:

- a) The government controlling Bank lending rates to make farmers have access to loan facilities.
- b) It should also encourage micro-finance organizations and NGO's who are financing the farmers.

- c) The government should provide seeds, chemicals, fertilizers and other farm inputs at very affordable price and especially by lowering duties on this.
- d) The government should also control the market of farm produce by encouraging farmers and showing them ways of marketing their produce.
- e) This government should strictly restrict improper importation and dumping of farm products like sugar, tea, eggs, vegetable from abroad by the few unscrupulous traders.
- f) The government should also have an emergency kit to assist farmers in times of bad weather or bad harvests.
- g) Secondly, the government should also encourage the Jua-kali sector by giving them revolving loans, lowering the duty on Jua-kali raw materials, control illegal importations and dumping of commodities that can otherwise be made in this country.
- h) It should also enhance and encourage cooperative movements.

Management and use of Natural Resources:

1. The government revenue should be channeled to the right and appropriate area.
2. Government expenditure. i.e. the budget should be approved by Parliament and this expenditure should be under constant scrutiny by these people's representatives.
3. There should be equitable distribution of government resources to all areas of the republic. Funds should not be directed to unqualified areas or on political basis.
4. The Controller and Auditor General be directly answerable to Parliament.
5. On cultural ethnics and rights: Cultural values be maintained. Religious ways of worship be respected. No one should suffer on basis of his or her religious belief provided such beliefs are acceptable in the society. Days of worship which include; the Friday for the Muslims, Saturday for the Sabbath people and Sunday for the Christians should be respected. Students and other groups should not be allowed...

Com. Keriako Tobiko: Excuse me. Can you wind up.

Gethi Mwai: Yah. I am doing that. Students or any other groups should be allowed to worship on days of their choice without any intimidation or any harm. Thank you very much.

Com. Keriako Tobiko: Thank you very much. Peter Gichohi Kinoti. Peterson Ndingo. Justus Muriuki. Stansio Kahugu. Esther Muriuki. Samuel Nderitu.

Samuel Nderitu: Asante kwa kunikaribisha Bwana Commissioner. Mimi ningetaka kusema kwanza kuhusu mambo ya vyama.- kwa sababu vyama vilivyo hapa ni vingi na vingine havina meno. Kwa hivyo mimi nauliza Katiba ikiandikwa, chama ambacho hakijafikisha miaka miwili, mtu yule wanachagua awe amekuwa kwa chama hicho kwa miaka miwili.

Bunge ikifungwa, kabla ya kufunga, iteue Electoral Commission mbele ya kufunga kwa maana ile iliyokuwa hapo mbeleni ilikuwa ya term ingine. Iwe commission mpya.Wale wanateuliwa na vyama wawe na condition kama uteuzi wa Rais. Rais awe wa miaka hamsini kutoka kuzaliwa. Awe na elimu ya University Degree not ya honours. Mbunge akichaguliwa awe na miaka thelathini na awe wa University. Councilor akichaguliwa awe na elimu ya Form four. Awe na miaka thelathini.

Kitu kingine muhimu mimi naona tungefanya ni uchaguzi wa MP uwe siku moja. Na wa Rais uwe nyuma yake kwa mwezi mmoja. Kwa sababu mahali ingine wanafanya hivyo. Tena uchaguzi ukifanywa...

Com. Keriako Tobiko Tafadhali umesha nena. Endelea. Enda pointi ingine. Umeelewa?

Samuel Nderitu: Hapa umefanya nisahau kidogo.

Com. Keriako Tobiko Nimekwambia hivi. Tumeshaelewa pointi yako. Kuna watu wengi wanataka kuongea. Okay.Usiende kufafanunua. Naelewa. Zote tumeelewa. Umesema kuwe na siku tofauti ya kufanya election ya Bunge halafu tena mwezi mmoja tunafanya....hiyo tumeelewa. Kwenda point ingine mzee.

Samuel Nderitu Pointi ingine ni President asiwe juu ya sheria. President amchague Commissioner. Kitu ingine muhimu nilikuwa nimefikiria ni ya kwamba, tusiwe na Nominated Members. Wote wachaguliwe. Nimemaliza.

Com. Keriako Tobiko Asante sana Mzee wangu. Geoffrey Weru?

Geoffrey Weru: My name is Geoffrey Weru and I have some recommendations to the current Constitution. The first one should be; We should encourage minimal changes to the current Constitution. Number one will be on Citizenship. I would propose three at one documentation.i.e National ID, Voters card and a Passport at attainment at eighteen years of age.

Constitution should be subject to repeal/amendments after every twenty years on referendum basis.

National Security: Provision for military takeover for a period of six months in case of total seizure, unrest and complete government run-down.

Com. Keriako Tobiko: Sorry you said military takeover?

Geoffrey Weru: Yes. For a period of six months in case of total seizure, unrest and complete government ran down.

1. Political parties should be limited to a maximum of three parties. Legislature: On nomination: professionals on various fields should be nominated such as:

Heads of Parastatal, Secretaries of government recognized societies such as Marketing Society, Engineering Registration Board, Architecture Society, Kenya National Union of Teachers e.t.c. to have automatic nomination to the Parliament.

Executive. Every citizen has a right to vie for Presidency. There should be no limitation on academic grounds or age, - except on limits of fifty-five years age.

Participation governance: Youths should have a right to serve their motherland through a mandatory two-year period in the National Youth Service after the Secondary school or at the age of twenty or nineteen years.

Electoral system: Provision for a voter to vote for his or her Ward Constituency, President on the basis of where he or she is.

Others: The Constitution should encourage decentralized form of Government - that is a federal form of Government. Death penalty should be abolished. Thank you.

Com. Keriako Tobiko: Thank you so much Mr. Weru. Peter Maina.

Peter Maina: Mr. Chairman. Mine is that all cultural values of all ethnic groups be catered for in the Constitution to uphold the moral of individual groups that make Kenya nation. That an office, this is the second one, an office should be catered.....

Com. Keriako Tobiko: Can you please try and speak up so that we can hear what you are saying.

Peter Maina: An office be elected to gather our problems addressed to Public Servants without hinder or hindrance so that

public servants can be answerable to people. Those who misappropriate national resources be fired from office. That is all.

Com. Keriako Tobiko: Thank you so much. Naftali Maina.

Naftali Maina: Mimi nachangia kidogo. Namba one, watoto wapewe haki zao na wazazi “wasikubaliwe” watoto ovyo ovyo. Pointi ya pili. Mtoto asiolewe...

Com. Keriako Tobiko: Mzee wangu usijaribu ku.....

Naftali Maina: Okay Mtoto asiolowe akiwa chini ya miaka kumi na tano. Pointi ya tatu. Watoto wasipigwe hata kuumizwa na wazazi wao ama walimu. Waalimu wasifanye mapenzi na watoto. Pointi ingine, Elimu ya Msingi, Secondary na University, College iwe ya bure. Katika shule zote za umma.

Hongo: Polisi, Mahakimu, Majudge na Walimu, Mawakili na wale wanahudumia uma, wawe na “affidavit” ama kibali ya kusema hivi. “Akihongwa” anakubali kufungwa, na mhongaji afungwe mara mbili yake.”

Pointi ingine. Hospitali: Matibabu iwe ya bure. Katika hospitali yote ya umma. Pointi ingine. Watu wakataliwe kusafisha nguo zao katikati ya mito ile iko na maji kidogo kama Ragati. Na wakifanya hivyo wachukue karai na wasafishe nje kama futi kumi na tano yaani kuzuia magonjwa ingine kama typhoid.

Com. Keriako Tobiko: Nafikiria wamesikia. Ungesema sasa kwa sauti kubwa ndio wasikie hawa wazee.

Naftali Maina: Okay watu wakataliwe, kusafisha nguo zao katikati ya mito. Ile iko na maji kidogo kama hii yetu Ragati, na wakifanya hivyo wawe mbali kama fiti kumi na tano. Na wawe na basin mahali maji hawezi ingia kwa mto tena na kuteremka. Kwa sababu hii ya typhoid.

(Applause from the audience).

Pointi ya Rais: Asikubaliwe afanye mambo peke yake. Kama kubadirisha elimu, kufukuza watu misutini - hiyo jukumu iwe ya Bunge. Rais asichaguliwe akiwa na zaidi ya miaka sabini. Kwa sababu hata Biblia inasema.....

Com. Keriako Tobiko: Sawa sawa.

Naftali Maina: Zaburi 90. Mstari wa kumi. Pesa ya nchi iwe ya picha moja. Isiwe ikibadirishwa kila mara. Rais asifanye masanamu ya makumbusho yake. Kuwe na uhuru wa kusema kwa kila mtu. Asante Mwenyekiti.

Com. Keriako Tobiko: Asante sana Mzee wangu. Makofi kwa mzee. Pastor J. Mureithi.

Pastor J. Mureithi: Ndiyo. Kwa majina naitwa Joseph Ngunjiri Muriithi kutoka kanisa la kiAdventista katika eneo hili la Mathira. Katibu wetu ataeleza zaidi mambo ambayo tumeidhinisha. Kitambo aingie nina haya ya kusema. Ili kumaliza na kuangamiza adui tatu za wanadamu ambao ni magonjwa, njaa na ujinga, napendekeza yafuatayo.

Namba ya kwanza. Kila mwananchi wa Kenya apewe na ahakikishiwe huduma ya bure ya matibabu. Namba ya pili. Kila mwananchi wa Kenya apewe bure kipande cha ardhi kimoja, kiasi kama acre mbili ambacho hawezi kukiuzia mtu yeyote, ila akishindwa anaweza rudishia serikali ikiwa hatakitumia, maana ni kaburi lake. Kila mtu binafsi katika Kenya awekewe kiwango cha ardhi na plot anazoweza kumiliki kama acre tatu na ploti tatu. Zaidi ya hayo, aweze kukomboa mwenyewe kwa muda fulani ili kuzuia uhaba na unyakuzi wa ardhi katika Kenya.

Namba ya nne, utaratibu wa kuhifadhi misitu yetu, urudishwe kama awali ili kuzuia uhaba wa vyakula, mbao na miti, maji na hewa. Kingo zote za mito barabarani, na railways zipigwe marufuku kulimwa, hivyo kuzuia mmomonyoko na kuhifadhi hewa nzuri na mazingira mazuri. Pia milimani iweze kuhifadhiwa.

Sita: kila mwananchi wa Kenya apewe huduma ya bure ya elimu mpaka Chuo kikuu katika shahada ya kwanza - mradi tu ana bidii ya kuendelea kusoma. Kuhusu usalama wa wananchi wa Kenya, napendekeza yafuatayo. Kila mwananchi wa Kenya, ahakikishiwe usalama wake wa kuishi, kumiliki ardhi, ploti, kufanya biashara au kazi katika eneo lo lote la Kenya bila kuingiliwa au kunyanyaswa kwa ajili ya rangi yake, kabila lake, ukoo wake au uumbile wake na kadhalika.

Pili, Mtu yeyote akiuawa au kuchomewa nyumba, mali zake, au kuibiwa kwa sababu zilizotajwa hapo juu ya ukabila, rangi na ukoo na kadhalika. Serikalil iweze kumlipa haraka iwezekanavyo kwa muda usiozidi miezi mitatu, na walinda usalama wa eneo hilo wachukuliwe hatua kulingana na sheria.

Tatu: Wahalifu wa kila mara, wanaofungwa na kufunguliwa zaidi ya mara tano waweze kuhamishwa na kufungwa maisha ili kulinda usalama wa wananchi.

Namba nne. Vituo vya usalama viweze kuongezwa kila mahali. Kuhusu uhaba wa kazi na uajibikaji, napendekeza yafuatayo. Namba ya kwanza. Mishahara ya watumishi wote wa serikali iongezwa kiwango cha kuridhisha kulingana na grade zao. Namba ya pili, kila mtumishi wa Serikali aweze kustaafu afikapo umri wa miaka hamsini - ili kuwapa vijana waliomaliza masomo pia nafasi ya kazi. Namba ya tatu. Kila mtumishi wa Serikali asiruhusiwe kuendesha biashara ingine akiwa kwenye utumishi. Kama vile madaktari wanaofungua clinic kando kando. Angojee.

Com. Keriako Tobiko: Excuse me Pastor, I did not want to interrupt you but please you have a written memorandum, we will read through. There are so many people who want to speak. Can you just give me.highlight the most important aspects.

Pastor J. Mureithi: Okay. Kazi maalum kama vile mkuu wa sheria, judge mkuu na Rais wanaweza kustaafu wafikapo umri wa miaka sabini. Kuhusu uufisadi katika Kenya. Napendekeza kila kiongozi wa Serikali anayesimamia kikundi cha watu au idara fulani atangaze mali yake aingiapo kwenye utumishi na pia atakapostaafu kwenye utumishi.

Pili: pia madiwani, wabunge na viongozi wa NGO watangaze mali zao ili kuhakikisha wananchi utumishi wa haki bila uufisadi.

Tatu: kila kazi maalum kama vile Mkuu wa majeshi, Judge mkuu, Mkuu wa sheria, Commissioner wa polisi, Commissioner wa ardhi na makao, Commissioner wa uchaguzi na Commissioner wa katiba kama vile ilivyo, wawe wakichaguliwa na Bunge na kuajibika kwenye bunge ili wafanye kazi bila uoga na mapendeleo.

Nne: kuwekwe kikosi maalum kilicho na uwezo wa kustaaki mtu yeyote, wakati wowote na mahali popote anapopatikana na uufisadi. Tano:muda wa kukaa.....

Com. Keriako Tobiko: Excuse me. I give you one minute to wind up please.

Pastor J. Mureithi: Thank you. Kesi zote zisiweze kukaa zaidi ya mwaka mmoja bila kumalizika. Saba: Mtu yeyote akipatikana akipewa hongo au toa kitu kidogo, anayetoa na anayepeana wachukuliwe hatua. Na kuhusu ajali barabarani, kuna mapendekezo yafuatayo. Magari ya abiria ya umma ipunguzwe idadi ya kubeba ili kuwe na nafasi, hewa, ya kujikinga wakati wa ajali. Madereva wa abiria ya uuma waweze kukaguliwa na waweze.....

Com Keriako Tobiko: Pastor, pastor, your time is up. I am sorry. I cannot give you any other minute. Can we have Kariuki Muiru?

Kariuki Muiru: Thank you Commissioner. My name is Kariuki Muiru from Social Democratic Party. (SDP). Donor aid and grants: All money lent to Kenya must be approved by Parliament. At the moment, 70% of GDP is composed of debts. Only 30% to go before this country become bankrupt. Local borrowing by government of Kenya must have a ceiling. Preferably five percent of GDP.

Devolution of power including fiscal, to Local Authorities. Of seventy per cent of taxes collected must be retained by Local Authorities and the budgets of the Local Authorities must be participatory. Rationalization on the size of government of Kenya: We only need about twelve Ministries. Ministerial departments also should be created and approved by Parliament. Controller and Auditor General tenure should only be for a maximum of two five-year terms. Appointments must be through merit and vetted by Institute of Certified Public Accountants of Kenya, Public Service Commission and Parliament. The President must

pick one of the three recommended to him.

All Public servants employees co-aspirants to declare and account their wealth through tax certificates. All trust deeds must be registered with Kenya Revenue Authority. All money hidden in tax harvests abroad should be repatriated. Six months after adopting this Constitution, then those having the money in such harvests must be prosecuted. Minimum guarantee returns and agricultural insurance for all export commodities like tea, coffee and pyrethrum. Constituency boundaries to respect one man one vote. Let us say forty thousand people per Constituency. The President must garner over 51% of total votes cast.

Every economic activity including matatu, farming, hawking should be done under a self regulating organization and code of ethics recognized in law. A one hundred million revolving fund must be set up by treasury to help exporters of coffee and tea meet conditions of Letters of Credit. Supreme court must be set up to deal with Constitutional matters and the court can be moved with a simple letter from a layman whose Rights have been abused and procedures must be simplified.

Funding of Political parties from the Treasury according to commonwealth standards. Total freedom to access information from government Ministries and Parastatals. Except in security related matters. Airwaves especially radio should be freed completely. Free and compulsory primary education. Abolition of Provincial Administration and powers transferred to local authorities through popularly elected mayors and councilors.

Com. Keriako Tobiko: Please try to wind up.

Kariuki Muiru: Economic sabotage of over ten million must be punished. China is the fastest growing nation on earth and they do a death penalty on economic saboteurs. If you are mentioned in Public Accounts Committee and Public Investment Committee, before you stand to vie for any elections, you must be cleared by a court. Then, we must exhume and give decent burials to all freedom fighters who were buried in prison grounds, including Dedan Kimathi and others. Thank you very much.

Com. Keriako Tobiko: Thank you very much. David Ngugi.

David Ngugi: On behalf of the Seventh Day Adventist here in Karatina, as the secretary, I have a few points to make here. What the law should guarantee. Point number one.

Com. Keriako Tobiko: Please do not lead us through the memo, just highlight the most important aspects. Okay.

David Ngugi: Thanks. As an individual Right, the content of religious liberty, law must guarantee and protect the freedom :- To profess or not to profess the religious or belief. To receive or not to receive religious instructions. To participate or not to participate in any form of worship not to be compelled directly or indirectly to disclose personal religious convictions and to

have access to places of worship. To refuse to take any oath contrary to personal convictions. To decline the performance of military armed service contrary to any belief system constituting, - instead the performance of humanitarian services. As a collective Right, the content of religious liberty must guarantee the freedom of bodies. To manifest conviction and to propagate their religious choices or belief. Protecting each group and each person within a group privately, or participating from coercion. Protecting their rights to spread their convictions or beliefs. To acquire and maintain places of worship, conduct and attend religious services and activities in any place in Kenya.

Com. Keriako Tobiko: David I give you one more minute to wind up.

David Ngugi: The state must allow individuals in public schools and institution members of military, patients in hospitals, inmates in prison, to receive from their churches the necessary spiritual assistance. State regulations must be reasonably accommodated. Citizens participating in religious festivals and for the development for effective

Com. Keriako Tobiko: Ndugu yangu. Say your last point and give us your memorandum. Your last point. Just finish.

David Ngugi: I am coming to my last point. ...and to simple services system. Last: To facilitate the collective right of religious freedom, and with regard to the unique religious and sociological background for the country, the state could enter into signed agreement with a religious organization. Thank you.

Com Keriako Tobiko: Thank you so much. Peter Macharia. John Mwangi. Jackson Mwangi. Danson Wahome.

Danson Wahome: My personal recommendations are:

1. Include Preamble with national vision.
2. I would recommend a unitary government. Parliament with one chamber of members.
3. Constituency boundaries should represent the percentage population of membership.
4. President to be elected on a different day from that of the MP's and must obtain fifty one per cent of the total votes cast.
5. Provision for the re-run for two top candidates should be done
6. The term of the President should be two terms of five years each: The President must be a graduate.
7. There should be a provision for impeachment of the President. Powers of the President should be spelt out.
8. Parliament should make laws which are not discriminatory. Have power to vet some important appointments either Political or otherwise.
9. Members of Parliament to have a Constitutional code of ethics, or conduct. Provisional removal of MP's support by their political parties.

10. Elections should be held every five years and no extension of Parliament.
11. Separation of powers must be adhered to - Executive, Parliament and Judiciary.
12. Set Constitutional independent commissions to supervise all institutions of the government whether they break the Constitutional rights or otherwise. The Speaker of the National Assembly should be in charge after dissolution of Parliament. Creation of independent Election Commission. International conventions and rules should be there.
14. Kenya as a nation should avoid genocides or tribal clashes or any other sort of such in future.

Com. Keriako Tobiko: Through.

Danson Wahome: I am not through.

15. Security for all cities should be provided in the Constitution.
16. Constitution make impossible for the Nation to slide into dictatorship or totalitarian government. Scrub Provincial Administration. Fill vacuum by democratic apparatus or institutions.
17. Give medical treatment for all civil servants who have retired until their death.
18. All Human Rights should be respected and included in the new Constitution.
19. Last, there is the clause that gives religious freedoms, the one which states, here is a Muslim mosque, here is a Christian church. They should be about several feet away from each other because of the disturbance.

Com. Keriako Tobiko: There should be a radius. How many metres apart?

Danson Wahome: I would say about hundred meters or so.

Com. Keriako Tobiko: Thank you very much. Geoffrey Muriuki. David Magondi. Anthony Muriuki.

David Magondi. Mimi nitaongea kwa Kikuyu.

Com. Keriako Tobiko: Ongea Kiswahili. Lakini hata Kikuyu unaweza ongea tu. Hakuna shida.

David Magondi Nitaongea Kikuyu.

David Magondi: Niwega mwene giti niundu wa kuhe kahinda gaka ngwete tumaundu tuninituria nguenda kuona nituhinyirirwo watho ini.

Translator: Thank you Chairman for this opportunity to contribute a few ideas to go into the Constitution.

David Magondi Uhoro wiigie President. Woni wakwa agiriirwo ni guthurwo uria utanyihiirie miak mirongo ina na itano na

guthii na iguru.

Translator: The President should not be not be below forty-five to seventy.

David Magondi Haria hangi naho, mutongoria ucio wa thirikari niagiriirwo nigukorwo ari mundu uteri iguru ria watho.

Translator: President should not be above the law.

David Magondi Uhoro wa Bunge nake, agiiriirwo na guthurwo na njira ya thiri no ti na njira iria ya mlolongo.

Translator: Member of Parliament to be elected by secret ballot not by queuing system.

David Magondi Wagatatu, Mayor agiririrwo ni andu o enyewe no ti uria mathuragwo umuthi ni Councilors.

Translator: Mayor should be elected directly by the people and not the Councilors.

David Magondi Ngithii igotini, ngwenda kuuga wendi wakwa ni igoti ritikirio rirugamiirire rio riene no tigukinyagirwo ni hingo rikagia na andu mekuriingirira.

Translator: Judiciary should be fully independent.

David Magondi Wa gatano, andu aria mehia kana mavunja watho matiagiirwo ni kuigwa thini wa cell makiria ma kiumia kigima matatuirwo igotini.

Translator: The people who break the law should not be kept in cells for more than one week.

David Magondi Ciana cia andu aria athini, kana iria tuitaga guku cokora, itiagiriirwe ni gukoro ciikuo. Nikuagiirirwo ni gukurwo na githomo kia mwana o wotho muchiarire bururini uyu.

Translator: All children should be able to go to school. We should not have streetboys.

David Magondi Uhoro na guo wigie migunda. Ndikuona bata wa mundu akorwo ena ika makiria ma magana meri na gucoka gukoragwo kwi na mundu uraranda guku ndari ona gacigo angiaka.

Translator: There should be a land ceiling. Nobody should have more than two hundred acres.

David Magondi Tutiagiriirwo gukorwo na squatters at all.

Translator: He says we should have a land ceiling. Nobody should have more than two hundred acres.

Translator: Woiga ika magana meri?

David Magondi Ndoiga gutiagiriirwo ni mundu ari na ika kuu iguru nyingi. Riria mundu uria ungi Atari hagwaka ona hamwe.

Translator: Nobody should have a lot of land when others do not have.

David Magondi Ngithii hau hangi. Ngwenda kwaria uhoro wigie indo iria tuhuthagira. Kwenda kwaria uhoro wa arimi. Arimi ta a michere, machani, arimi a iria, uhoro wao niuhinyirikite muno. murimi aturite o arimaga.

Translator: Farmers of Rice, Coffee, Milk, Tea and others have greatly been oppressed.

David Magondi Na ndonaga maciaro.

Translator: Farmers do not get any payment for their products.

David Magondi Katiba ino niyagiiririe guiciria uhoro wa

Translator: Urorio ukwenda arimi mekwo ati.

David Magondi Ngugathiriria indo ciao metikirio mendagie na methurire andu a kumenderia. Utekuriha kuri brokers.

Translator: They should market their products without going through brokers. They should themselves market or choose who will market their produce.

David Magondi Gutiagiiriire ni gukorwo na uhoyi wa ngoma or caitani.

Translator: Devil worship should be abolished.

David Magondi Uhoro uyu niwagiirirwo ni gukorwo uri katiba ini wega tondu niuguthukia ciana ciitu iria iguka thutha uyu.

Translator: The Constitution should ban devil worship.

David Magondi Uhoro wigie cukuru naguo. Woni wakwa ngwenda kuuga. Ciana niciagiirirwo ni kuherithio riria cieka mahitia.

Translator: Children should be given corporal punishment in schools.

David Magondi Riria ndari cukuru na andu aria me haha a riika riakwa, mundu ni angiahurirwo kiboko ahitia. No riu nyonaga ati mwana angihitia, ona muchiari ni ekuihariria athie athitange mwalimu naamutware igotini. Tugakiaga murutani tondu ni athiire ciira.

Translator: The policy of banning corporal punishment should not be in effect.

David Magondi Arutani nimagiiriire gwitikirio marore ciana wega na maciherithie hindi iria cieka uru nigetha tuigiire na bururi wina kiene thutha uyu.

Translator: Children in schools should be under the responsibility of the teacher so that they are disciplined and so that we may build good citizens for future.

David Magondi Thank you very much.

Com. Keriako Tobiko: Thank you so much. Anthony Muriuki.

Anthony Muriuki: Thank you Mr. Chairman. These are my recommendations. They are centered around the electoral system and process. There should be a minimum percentage of votes that a Ward Constituency and Presidential candidates must attain in order to be declared the winners. These candidates should attain 51% majority of registered votes. This will take care of the third opinion where a voter refuses to vote because he or she is not satisfied by any of the candidates.

Com: Keriako Tobiko: Excuse me. You have made a point and a recommendation. Please don't go on to repeat that. Go on to the next point.

Anthony Muriuki: If they do not achieve this fifty one per cent, then there should be a rerun. The second recommendation: A candidate who fails to seek nomination in one party, can be allowed to switch over and seek nomination from another party. Third recommendation; The election date should be specified in the Constitution. The fourth one: We should not retain geographical Constituency system, their boundaries should be redrawn with considerations of the population in each region. The fifth recommendation is that we should practise representative electoral system. Thank you so much.

Com. Keriako Tobiko: Thank you so much. James Muriuki Kamunu.

James Muriuki Kamunu: Thank you very much. I am presenting this memorandum on behalf of Itiaki Primary school parents. Constitutional supremacy. Here, we discussed about citizenship. A child whose both parents are Kenyans should be a citizen of Kenya. Somebody who has stayed in Kenya for more than fifteen years can apply to be a citizen and the government should consider him and give him that citizenship.

The other thing is, if a woman or a man marries a foreigner, that foreigner should be given citizenship of Kenya. All citizens of Kenya should have access to medical, education, food and every other requirements.

The other thing is discipline: Discipline is a must in our Armed Forces. They should be disciplined. The other thing is that Kenyan President should not be the Commander in Chief of the Armed Forces. The Parliament should be given powers over Armed Forces. President should not declare any emergency in our land. Only Parliament should do that.

We should have only two political parties in Kenya. If somebody wants to register a political party, he should not have less than fifty thousand members or followers. We should have onlysorry...the expenditure of our land should be vetted or recommended by Parliament only. The PIC & PAC seats should have more members from the opposition and the Chairman should be elected from the opposition. There should be independent candidates during elections. These ones should not

necessarily come from any party. A Presidential candidate should have a University degree as a minimum academic qualification.

We should have Parliamentary system of the government, whereby the Parliament is supreme. All members of Parliament should work full time. The minimum age of a Presidential candidate should be between not less than thirty-five years old and not above seventy-five years.

The age of an MP as a candidate, should not be less than twenty one years and that one of a Councilor eighteen years. We should introduce moral and ethical qualifications for a Parliamentary candidate or a Presidential candidate or a Councilor. The MP's salaries should be reduced and the money that is reduced from their salaries be used to employ more school leavers. All nominated MPs should be professionals.

Com. Keriako Tobiko Tafadhali jaribu kumaliza ili tupatie wengine nafasi ya kuongea.

James Muriuki Kamunu Vote of no confidence should remain as a power given to Parliament and should remain at 65% for President's removal. There should be a Parliamentary Service Commission to decide on the salaries of MPs. The President should not have a veto vote over their views.

The last point, after dissolution of Parliament there should be an interim government during campaign time to prevent the President or incumbent President from manipulating the electorate or Electoral Commission. Any winning President should have over fifty per cent of cast votes. The condition of the twenty five per cent of cast votes in five provinces should be removed. Thank you.

Com. Keriako Tobiko: Thank you so much. Mundia Njoroge. E.K. Njogu. Anthony Wambugu. Charles Maina. Engineer James Gachagu. Have already spoken? Levy Materi. Hata yeye. Patricia Wagichugu.

Patricia Wagichugu: Thank you Mr. Chairman. My views are just very few and I am not going to elaborate more. The first one I am going to talk on the President. The Presidential term should be reduced to two each comprising of four years thus giving a total of eight years.

The Presidential powers: The Presidential powers should be reduced. That is he or she should not be above the law. Then there should be a right, or the Kenyans should have a right to impeach the President in case of gross mis-conduct. The third one, the President should not be elected as an MP but fully as a President only. The Presidential elections should not be held together with the others i.e. the Local Government and the Parliament.

The second point I am going to talk about is the forests. The forests extinction should be stopped immediately and those possessing more than one hundred acres of land especially in the forests should surrender them to the government with immediate effect. Those grabbing forests, I give an example of Karura, Mount Kenya, and so on should be evicted from those forests with immediate effect and be prosecuted in the court of law.

The second one on the forests: Kenyans should not be squatters in their own country. There are people living in the roadsides at Shehe, Makutu and so on. These people could be resettled into their places where they used to be, or the government should look for another place for them to live.

The other point I am going to talk about is the industries. We have cheap imports being brought in the country while we have the farmers who are producing those goods, thus making the farmers products to be left with no one to purchase. Then those people who are banking lump- some amounts of money outside the country. Those people banking that amount of money should be made to return the money to the Kenyan banks. Because they are leaving the Kenyans very poor under God's mercy.

The fourth one is the Presidential commissions. The President has dissolved a number of commissions. For example, the Koech, the Ouko and devil worship and so on. These commissions, the reports have not been made public. If the President appoints a commission, the commission is supposed to be made public.

The other thing, the fifth one is education. The education system should not be changed at ones pleasure. That is from this system to the other depending on who is the President or who is the ruler. The education system for the primary education should be made free and compulsory - That is if the government tells us there is no fee we are going to pay, then they should give us the funds. That is all I have.

Com. Keriako Tobiko: Thank you so much. Grace Wangu Mwangi.

Grace Wangu Mwangi: Majina yangu ni Grace Wangu Mwangi. Maoni yangu: Ya kwanza ni vile akina mama ama akina dada wanapopata watoto na watu wenginewanapata watoto halafu wanawachwa bila watu wa kuwasaidia. Mimi ningenelea kama vile pale zamani, wasichana walikuwa kama wanapata mimba na jamaa fulani anaulizwa na akijulikana yule mwenye kufanya yeye mimba, anaambiwa watunze huyo mtoto pamoja. Lakini sio kuachia mama peke yake ama msichana peke yake. Hiyo ningetaka iwe ni moja inaweza kuandikwa kwa Katiba yetu kwa maana hakuna mtoto wa mtu mmoja. Mtoto ni wa watu wawili. Na watu wawili wanatakiwa wawe wakichunga huyo mtoto wao pamoja.

Ya pili, mimi nilikuwa naonelea habari ya mashamba. Habari ya shamba tumeonelea kuwa akina mama hawajulikani kama ni watu wanaweza kufanya kazi ya shamba ama ni watu wanaweza kujazwakwa kuwa ni ... wanaweza kuridhi kwa wazazi

wao ama kwa Serikali yetu.

Com. Keriako Tobiko: Pendekezo lako ni gani?

Grace Wangu Mwangi Ningependa hata akina mama wawe wakichukuliwa yaani hata wao wawe wakigawa na kuridhi kama wanaume. Wawe wakipatiwa mashamba.

La tatu, ni korti zetu. Korti zetu, ningependelea ziwe zikifanywa kama vile makosa ya mwenye kukosa amefanya. Sio ati kesi iwe ikiwekwa inawekwa, inawekwa nyuma yake hata kama ilikuwa ilipatikana makosa fulani, inafichwa huko kwa korti. Tunasikianga ati kuna makaratasi ingine inapotea kortini. Itapotea namna gani na kuna wale wanachunga hiyo? Kwa hivyo tungetaka kwa Constitution yetu ijayo, kama kuna kesi inaweza kupotea kwa Chamber ya magistrate, hata yeye ni heri ashitakiwe kwa sababu hajui kazi yake.

Ile ingine ya nne ni wajane: Sisi akina mama kama tunawaachwa na mabwana zetu, tuna taabu mingi sana. Ningetaka kwa Constitution yetu iwe, ikiwa mtu ameolewa, ameolewa na bwana yake hata kama tunaenda church ama kwa kimila, yule mwanaume na mwanamke wana mji wao, sasa huo mji wao kwa nini unaingiliwa na watu wengine mmoja akiondoka? Kwa hivyo ningetaka Serikali ijaze hivi, wale wawili mmoja kama amekufa, mji ni wa huyo mwingine. Lakini sio watu wengine wawe wakija kuingilia na kufukuza yule mama ama kufukuza yule baba.

Ile ingine ni watoto wa kike. Watoto wa kike si ati wanazaliwa kama ni chini ya wale watoto wa kiume. Ningependelea Serikali naye iwe ikichukua watoto wa kike wamezaliwa kama vile watoto wa kiume. Ikiwa ni kuridhi mali ya baba yao ama mali ya baba zao, ningependa serikali yetu iwe imejaza ati yule mtoto ni mtoto kama yule mwingine. Hakuna kuangalia karabati ati ni mwanamke ama mwanamume.

Com. Keriako Tobiko: Tumelewa hiyo. Enda pointi ingine na uweze kumaliza.

Grace Wangu Mwangi Hii ingine nayo ni Serikali yetu. Sisi raia hatujui kwa nini Serikali huwa na mashamba na raia wake hawana mashamba. Kwa hivyo ningependelea serikali ikiwa iko na mashamba, hayo mashamba iachilie raia. Sio ati Serikali iwe ikilima, inalima kahawa ama inalima majani. Hapana! Lakini najua kuna mashamba ya kufundisha watu wawe wakijua kulima ni namna gani. Lakini sio serikali iwe ina majani, ama ina kahawa ama ina ng'ombe zao. Nafikiri hiyo tu ndio nilikuwa nao.

Com. Keriako Tobiko Asante sana mama. Martin Kimuri. Simon Wairuiru, Jane Nyaguthii, Mathu Kinyua, Thomas Mzee..

Thomas Mzee: Bwana Mwenyekiti, mimi naitwa Thomas Mzee. Nimekuja hapa kutoa maoni yangu. Bwana Mwenyekiti, mimi naelewa kwamba tulipopigania uhuru, kuna watu “walipata” uhuru. Bwana mwenyekiti, Serikali ilipochukuliwa na hayati mzee

Jomo Kenyatta ikawa kuna watu wanaitwa squatters. Na kuna wengine Bwana Mwenyekiti wakaitwa landlords.

Bwana Mwenyekiti, maoni yangu ni hii. Ikiwa ni Katiba ambayo tunataka kuibadirisha wakati huu bwana mwenyekiti, tunasema ya kwamba wale ambao walinyakua mashamba wakati wa mzee inyakuliwe na hii Katiba tunabadirisha ipatie wale watu ambao wamebatizwa masquatters. Hiyo ni moja hapo Bwana Mwenyekiti.

Ya pili, kuna watu ambao wameajiriwa kazi. Ikiwa ni madoctor wamekuwa Bwana mwenyekiti, unaenda hospitalini, unaambiwa ya kwamba enda clinic fulani ukapatiwe dawa na ile clinic ni yake mwenyewe. Ningeomba kamati hii tubadirishe Katiba ikiwa ni daktari awe katika kazi yake ni daktari na asiruhusiwe kuweka clinic katika Kenya.

Jambo la tatu, ni elimu. Hii Kenya Bwana Commission, kuna watu ambao..... wanaenda kufundisha watoto wao na hizo pesa. Mwananchi wa kawaida akienda hiyo banki hawezi kupatiwa chochote. Mimi ningeuliza ya kwamba, tuwe kila mwananchi akienda banki apatiwe pesa kiasi.

La mwisho, kuna watu bwana mwenyekiti, nasikia kwamba wanaenda ng'ambo wakiwa ni watu wa serikali, wanachukua mikopo bwana mwenyekiti, zile pesa ambazo wanazichukua wanazipeleka huko nje. Bwana mwenyekiti mimi nataka tubadirishe katiba ya kwamba, ikiwa wewe unazo pesa upande wa nje. Ukiwa umekufa ama bado uko hai. Zile pesa zirudishwe katika Kenya, situmie na watu wa Kenya.

Maoni yangu ya mwisho ndio hayo, na mubarikiwe na mkae hivyo hivyo - Inginge nimesikia bwana mwenyekiti ni kwamba kuna watu politicians, hiyo ndio ya mwisho. Ikiwa maoni yenu ni hivi tunakaa kukuja kutoa maoni yetu sisi wananchi wa grassroot, Ikiwa hii kazi ndio mnafanya, mimi naomba wananchi wa Mathira wakubaliane na mimi hawa Commissioners waongezwe siku hata kama ni mwaka ingine tukiwa bado kuchaguana. Ili wananchi wa kawaida kama nyinyi, tuwaletee maoni yetu, ili tubadirishe Serikali. Kwa sababu waliokosa, wale walikosa Kenya hii, ndio wanaharakisha hii kamati. Wafanye uchaguzi haraka haraka ili msitoe maoni yenu ili wasishikwe tunapotoa maoni yetu. Asante sana.

Com. Bishop Njoroge: Mngempigia makofi. Haya. Peter Kuguru.

Peter Kuguru: Okay, Commissioners na wananchi hamjambo. Mimi nataka kutoa maoni kidogo, lakini sababu mimi najua watu wametoa sana, na sitaki kurudia, ningesema tu machache. Na ya kwanza ningezungumza kuhusu mambo ya economy hii ya nchi yetu.

Ya kwanza ningesema, Kwa vile watu wanatoa kodi na ex-chequer anaokota pesa, kutoka kila area kwa area, ningeuliza hii Commission iweke kwa Katiba vile ex-chequer angerudisha msaada kwa kila area kulingana na vile pesa imechukuliwa kwa hiyo area. Kwa hivyo area kama hii yetu, ni area iko na matumizi mingi, kwa hivyo watu wako very active - kwa hivyo wanatoa

kodi pesa mingi, Wawe wakirudishiwa rate ku-encourage growth kwa hii area. Na sana sana hii area tunataka kuongeza growth upande wa masomo - education, upande ya health. Tunataka priority upande wa maji kwa kila mji. Tunataka tutengeneze mabarabara zetu. Tunataka kutengeneza stima iwe kwa kila nyumba. Na infrastructure yote kulingana na ile pesa tunatoa.

Ningetaka Constitution itaje priority areas. Ie ita-stimulate development ya small industries. Kama stima ikiwekwa area, small jua-kali people wapewe chance, wawekewe stima na wapatiwe support kwa Constitution ili waweze kuanzisha biashara ndogo ndogo ile anaandika watu wawili watatu. Kwa sababu hiyo ndiyo itakuwa backbone for growth of our economy.

Ile ingine, Mwenyekiti, ningependa ihimizwe na bado iko kwa Constitution lakini ihimizwe kabisa ni protection of individual Rights. Hivyo mimi nasema kuwe na free ownership of business or land kwa kila mwananchi pahali popote katika nchi ya Kenya. So that everyone can have Right to own land. No matter what tribe he is in any part of the country and to do business in any part of the country and be protected by the Constitution. Hata wale watu wako kwa *Gichagi* waliachwa na sehemu ndogo ndogo, pia wawe protected, wakae pale pale na wakitaka ku-develop hiyo kasehemu yao pia wajisikie wako protected.

Mwenyekiti mimi ningetaka kuzungumza mambo ya Parliament. Na ningesema Constitution inatakiwa kuangalia mambo ya Parliament, sababu, at present the Parliament is able to bring legislation and yet they recently passed an Act where there can be implementers and at the same time they can be auditors of the same projects. I would like to request you Mwenyekiti, Constitution ibadirishwe, watu wa Parliament wawe kazi yao ni kufanya legislation peke yake, Implementers na auditors wawe tofauti. Kwa mfano hii...

Com. Bishop Bernard Njoroge Unajua Mr. Kuguru, kitu tunataka ni kwamba, utoe pointi pointi bila kueleza kwa sababu kuna watu wengi wangetaka kuzungumza.

Peter Kuguru: Basi ningetaka, Constitution Review, mwenyekiti, iwe Parliamentary driven. Kwa sababu ingekuwa continuously reviewed as need arises within Parliament. Pia ningeuliza mwenyekiti, within the Parliament that MPs should not be given a free hand by the Constitution to review their own personal terms and emolument. The Constitution should spell out and create an independent commission to be looking into the needs of the Parliamentarians. Because they have shown a certain amount of selfishness.

Ya mwisho ningetaka kuhimiza juu ya Katiba hii. Commission ingekuwa divorced from the concentration of election process. That the election process, when time comes should not depend on Electoral Commission review. It should be independent. Hiyo tu mwenyekiti ningetakaku-share.

Com. Bishop Njoroge: Labda, sijui. Hebu keti kwa sababu sijui kama ndugu Lithome ana swali. Ningetaka tu kufahamu. Unaweza kufafanua ukisema Commission iwe divorced na General Election. Now, hapo unamaanisha nini?

Peter Kuguru: Namaanisha, sababu Constitution iko, ile iko kama wakati wa election unafika sio lazima tubadirishe Katiba kwenda kwa election. Election inawekwa na wananchi na kura. Na kila mtu ako na kura yake, hakuna haja ya kwenda kusoma Katiba kumwezesha aweke kura yake. Wananchi wachague watu, kwa sababu wale watu wako bunge pia ni wananchi. Na sio kusema hao wenyewe ndio watakuwa fit kuangalia Katiba. Hata wengine mpya wakija pengine wataangalia katiba ile ile hata kwa njia mzuri, kuliko wale. Kwa hivyo, Constitution yenyewe iwe continuous. Constitution Review iwe continuous whether there is election, whether there is rain or whether there is sunshine. Kwa hivyo isiwe parts and parcel of electioneering.

Com. Bishop Njoroge: Thank you very much. Can we have James Njogu? Ningetaka tu useme mapointi mapointi.

James Njogu: Ya kwanza, ningetaka President awe akichaguliwa miaka tano na akiwa mzuri aongezwe miaka tano - Basi awe retired - asiulize kazi hiyo mara ingine. Habari ya bunge, naonelea kuwa bunge iwe mbili. Upper House na Lower House. Maanake ikiwa moja itakuwa na nguvu mingi. Local Authority iwe na nguvu katika eneo zake kwa area yake, halafu watazame mambo yao.

Agriculture: Habari ya economy yetu, Kahawa, na ingine kama Miwa, wenye kuharibu, Commissioner hii itii amri mtu huyo anaharibu hiyo mapato ya wananchi, apigwe fine au kufungwa ndio wengine waone wasiingilie kazi hiyo kuharibu.

Habari ingine. History ya Kenya watu hawajui iko namna gani. Nchi hii ilipiganiwa tunataka commission hii itengeneze nchi yetu ilitoka wapi? Ilipiganiwa? Nani alipigania? Wale walipigania wajulishwe kwa watu kwa history. Halafu kusiwe ati mtu anasema, oh *tulipigania nchi hii* halafu hajulikani na wengine.....

Com. Bishop Njoroge: Kwenda kwa pointi ingine hiyo imeeleweka.

James Njogu Habari ya election: Mbunge awe katika Kenya ana-represent watu elfu ngapi. Kusiwe wengine wana-represent watu elfu mingi na wengine wana-represent watu wa tano. Hiyo iangaliwe. Habari ya landless: Ni aibu katika nchi hii..

Com. Bishop Bernard Njoroge Sema kile unataka.....

James Njogu Landless waondolewe, wachukuliwe katika ile village ya emergency. Bado wako. Wapewe mashamba na kila mtu, Serikali ione hakuna landless, maana nchi hii ni kubwa na ni aibu kusikia iko landless.

Habari ya freedom of worship: Yaani dini. Hata kukiwa iko freedom of worship, dini inaingia katika nchi hii, serikali iangalie.

Com. Bishop Njoroge: Hebu kidogo. Mnaenda?

Audience: Hapana.

James Njogu Iko dini hata ya mtu mmoja anatengeneza dini yake. Hata wa shetani wanatengeneza dini yao. Hii tunapigana na shetani, na sisi hatutaki hiyo.

Com. Bishop Bernard Njoroge Sasa mimi ninataka utoe maoni tu. Maoni ya mwisho sasa.

James Njogu: Ya mwisho, Commission hii tunataka watu wakikasirika, wakubaliwe kuwa na demonstration. Waeleze maelezo yao wana-demonstrate waonyeshe.

Com. Bishop Bernard Njoroge Thank you very much. Hata hiyo hakuna mtu alikuwa amesema. Sijaisikia hiyo ni kwanza na wewe ndiye umetoka nayo. Asante. Tupate Daniel Kimaru. James Mwaniki Muhia. Useme pointi pointi Mwaniki ili tuweze... kuna watu wengi sana.

James Mwaniki: Langu nikuwashukuru wa Commissioners wa Katiba. Kwanza ningetaka kuwajulisha nyinyi nyote ati hapa ulimwenguni huu, aliyeabudiwa ni Mwenyezi Mungu tu. Kwa hivyo kuabudu mtu mwingine ati yeye yuko juu ya amri, hiyo ni kuabudu shetani. Kwa hivyo President wetu asiwe juu, awe chini ya sheria. President asi nominate mtu hata akiwa ni nani. Maanake hii itakuwa mapendeleo wakati wanakata kauli.

Nyumbani kwetu, kuna vikundi vitatu. Kuko na watoto, kuko na mama, na kuko mzee. Na kwa hivyo ni lazima kama tunatekeleza amri sawasawa, ni lazima tuwe na Upper House na Lower House. Kilimo lazima Serikali ifikirie KCC ilianguka kwa sababu gani. Kenya Meat Commission ilianguka kwa sababu gani....

Com. Bishop Bernard Njoroge Aah sio hivyo. Sema vile unataka Katiba iandike. Si kuuliza ilianguka kwa ajili gani. Sema ungetaka katiba ifanye hivi.

James Mwaniki: Ningetaka katiba ifufue KCC, ifufue Kenya Meat Commission, Bacon Factory na Coffee Industries. Kenya Railways should be given a very big mandate and power. No heavy lorries should operate on our countries because they damage roads and to repair roads is very expensive. Only lorries of ten tones should be allowed to operate in our country. The President should not be the Commander in Chief of our forces. School education and medical services should be free. Chokoras should be finished by giving them free education, jobs and land. Taxes: Where taxes are collected, 90% of it should help the area of that place. That is my opinion.

Com. Lethome: Asante sana Bwana Muya. Uko na memorandum? Enda ukaandikishe jina pale hivo. Sasa nitamwita Mwangi Karingithi kutoka Disabled people of Mathira Welfare Association.

Mwangi Karingithi: Thank you Commissioners, secretaries and those people who have come to bring in their views. This is a memorandum of the disabled people of Mathira welfare association. We have got recommendations whereby I will give a few of them.

The Employment Act on discrimination against people with disabilities be amended to provide affirmative action to create employment for persons with disabilities. A disability tax relief for employed persons with handicaps. Disability allowance for the unemployed persons who are unable to secure employment on account of their disabilities and have no means of income should be enacted.

Ministries and the Local Authorities to consider enacting businesses operated BY disabled persons free from all levy demanded by the Ministry and Local Authority. A law should be enacted for disabled parents to have their children receive free education if they have no gainful employment or business to enable them pay school fees. Otherwise there shall a line of illiterate families due to disability persons' poverty. A law compelling parents of handicapped children to provide education facilities be enacted. Making education compulsory for these children would give a positive move for their learning as most of them are ignored by parents. Education Act should be amended with special reference to learners with special needs according to their disability. That is in the University, if you go there you will find some of the students have no access to their places of learning, because some of them are using wheelchairs and crutches and whatever have you.

Disabled persons, most of them are denied access to public facilities. The pavements you find, stairs and whatever have you, make it a hindrance to their access. Even in some offices where the service provider has to come from the office and meet the person just at the pavement. The law should be enacted for all constructions, buildings, roads and even play grounds to be made usable by disabled persons. There should be an income tax amendment whereby wheelchairs, crutches, white cane, hearing aids and readers service brails that make people communicate be available to the disabled people. Telecommunication Tax Act Cap 473, should be reviewed as it affects communication apparatus and services denying the disabled person certain privileges.

Public Service Vehicles should be modified to have room for disabled persons especially wheelchair users. The Transport Act should be reviewed to enact a law to have drivers to have proper consideration for disabled persons. Accidents and illnesses are some of the causes of disabilities. The Health Ministry should have an Act whereby the medical charges are waved for such persons. Whereby they create free treatment as part of my recommendation.

Disabled persons are the only right people to be consulted and included in the decision making process on matters affecting

their lives. Including among others representations at Civic and Parliamentary level. I recommend that the Parliament should have six seats contestable to the disabled. City council should have two seats contestable by the disabled. County council and Municipalities to have one seat each to be contested by the disabled. Further, if there is room as in Section 33 for the Kenya Constitution, a nominated disabled should be nominated to represent the rights of the disabled. Visually impaired persons during elections should be assisted by people of their choice in marking the ballot..

Com. Bishop Njoroge: Excuse me. You are going to give this memorandum, and we cannot allow you to read the whole of it. So, please, you have one minute now to say the most important points because we are going to have the memorandum.

Mwangi Karingithi Thank you. The visually impaired persons during elections should be assisted by people of their choice in marking their ballot. Inheritance, as I would term it, should be strictly on sons and unmarried women. Married women should not be part of the beneficiary. Divorced women should receive marital benefits from their husbands. Divorcees should not remarry. Customary law to determine most of these things.

Finances. Annual audit on all public institutions, collections and expenditures should be done for example in schools and hospitals. Commissions: I recommend that they be recommended by Parliament and the Commission appointed by the Parliament, must have their report made public. Public offices should give us priorities in attending disabled problems, as they are slow to get to the offices and late to go home - Hence forced to come the following day.

Problems of the disabled can only be manned by people who have got knowledge of their disabilities. The Constitution should enact a law to have a Ministry of Disabled for proper representation in Parliament. Thank you Commissioners, Secretaries and even the Organizers for organizing this place to be so convenient for the users.

Com. Bishop Njoroge: Thank you very much. Can I have the memorandum? Now tumefikisha watu mia moja sitini na nne. Na tuko tu namba themanini. Si munasikia ni wengi sana? Ikiwa tumefikisha watu themanini na watatu kutoka asubuhi, kutoka asubuhi ni masaa mangapi, na sasa ni saa tisa. Na sasa tumeenda nusu. Mnaona tutalala. Kwa hivyo tungetaka mtu akija hapa, aseme pointi pointi ile itaingia kwa nini? Kwa katiba. Ili kila mmoja apate nafasi. Ukiwa una memorandum, usiisome, please highlight the points. Don't ...kwa sababu shida tunazijua. Si ni kweli?Kwa hivyo tuambiwe points. Kama Ukisema Ministers wengi. Usiseme ni wengi. Sema tunataka Katiba iandike namba fulani. Sawasawa? Hiyo itatusaidia na itaokoa kazi. Mumbi Thuthi.

Mumbi Thuthi: Nii ngwaria na gikuyu. Nii uria ngwenda kuhoya Katiba ikigaruruo. Njitagwo Mumbi Thuthi. No nii wa mbere ngwenda kuria uhoro wa njohi ici cia ciringi inya, ciana iriguthira. Cia ciringi inya. Iranyuo ni mwana wa miaka itano onginya miaka ikumi na eri.

Translator: Commissioners, watoto wangu wameumizwa na hii pombe ya pesa kidogo. Shilingi nne.

Com. Bishop Njoroge: Urenda twike atia riu?

Mumbi Thuthi Ithire.

Mumbi Thuthi Ngwiciria iyo ingithira bururi niuguka wega. Tondu mwana ndukimuatha riu niundu wa njohi icio. Ucio ni wathira. Gichagi kiria turi, turaraga twithina utuku. Na kuri athini matangiona gwa guthithikwo, no mathikirwo barabara. Nii ingihoya Katiba, haria hatigaru tutigirwo haguthika andu acio aitu athini.

Translator: Whatever land is remaining, please reserve it for cemetery. Public cemetery. There are no cemeteries to burry their people.

Mumbi Thuthi Thibitari tutingiona ha gwaka niundu wa guthimwo utuku na cukuru na niyo iri na bata wa gukuria bururi.

Translator: Public institutions, schools, hospitals and those State systems are very important therefore there should be public land. There must be a stop to public land being grabbed.

Mumbi Thuthi Nii ndingiuga maundu maingi. Macio mangi mangihoteka ri. Nii matuku makwa haria matigaire andu aria megutigwo ri nimagathondeka.

Translator: My days are few. Therefore, I don't have much to say Commissioners. Thank you very much.

Mumbi Thuthi Wee. Nihatigara. Andu aria mari githaka. Ta nii umwe. Twerirwo nitukaheo handu ha kurima na tuheo kiheo na tutiri twa kiona.

Translator: Those of us who fought for independence were promised land and a gift which we never got.

Com. Bishop Njoroge: Murenda atia riu. Mwikwo atia?

Mumbi Thuthi Tuheo handu ha kurima na tuheo kiheo kiria tweriirwo ni tukaheo. Twarikia wira.

Translator: "They get the gifts and land which they were promised."

Mumbi Thuthi Ita kiria muheagwo mwa-retire.

Com. Bishop Njoroge: Aria maundu manene na aria ihinda inyinyi. Kana tiguu. Ikorwo andu mararia uguo na ni maundu mena bata muno maya. Kworwo niguu andu mangiaria nitukurikia na ihenya na mundu o wothe akoiga point. Kahuthu Wahome. Macharia Murigu. Kibitu Mwangi. Peter Maina.

Peter Maina: Asante sana Bwana Commissioner. Mimi niko na registration. Parliament should control its own procedures through standing orders. People should have a right to recall their MP by giving signatures through their local churches.

President should not have powers to veto legislation passed by Parliament. President should not have powers to dissolve Parliament. Parliament should have calendar.

Local government. Mayors and Council chairmen should be elected by people. Mayors and chairmen should serve five years term. Councilors should be a form four; Should have a qualification of up to form four to qualify.

People should recall their Councilors by signing through their local churches as in MPs. Councilors should not defect to other parties before their term ends. Matatu businesses: Nissan should carry eighteen passengers instead of sixteen. Conductors should not be asked by traffic police for the vehicle which carry people from one destination to another.

Com. Lethome: Elaborate please. It is not clear.

Peter Maina: For example. From Karatina to Nairobi you find that traffic police are asking conductor and those people are going from one destination to another. So the driver should not be asked or conductor. Because when you don't havewe should....passengers should have their own insurance cover.

Electoral system and process. Candidates should have at least half of the votes. Incase of run-off, number one and two should repeat the elections. President should be elected on a day separate from the MP and Councilor, election of MPs and Councilors should not defect or co-operate with the other parties.

Com. Lethome: Are you in the Matatu business?

Peter Maina: Yes.

Com. Keriako Tobiko: Miriam Wanjiku. Margaret Wandia. Anne Wanjiku. Machira Muya. Gitonga Ndigwe. Geoffrey Gakuo.

Geoffrey Gakuo: Thank you. Kwanza ningetaka kusema kitu. I just want to comment on something. It appears.... I want to comment on this scene. It appears some people are given more time than others. I would like us to have equal time please. Okay I go to my points.

The first one is about elections. Kwa elections let us have an MP serving for two consecutive and co-current terms. Then we should have a maximum amount of money to be used in elections by those standing as President, MPs and Councilors.

The second point is on the immigration. One, the ID is a colonial legacy so it should be abolished. Second, we have so many illegal immigrants in this country who do nothing. So, let us have... this immigration laws should be tightened. Then, the people... the indigenous people should be given preference when somebody like an entrepreneur comes to this country. The entrepreneur should be bound to employ several people from this country instead of these bogus immigrant workers. Then I want to talk on the churches. We have been having a lot of churches and cults which have been mushrooming and this is a way of enriching individuals. So, the state should control the number of churches we have. There should be taxation for all the churches because they generate a lot of money and we just see the pastors driving huge cars.

The next thing I want to talk about is brain drain. We realize that all the best Kenyan brains are either in Europe, U.S.A or South Africa. So, this means that the taxpayers money which go to educate this people, is just wastage. It is a kind of a slave trade whereby our best labour go to those countries. So, the government should retain the professionals like doctors for three to five years to cater for the public funds used by the government. Then, I want to talk about administration. The role of PC's, Chiefs and DC has been duplicated. So, this administration branch should be abolished. It is obsolete and colonial.

I want to talk about poverty in Kenya. We find that Kenya is the leading in the disparity between poor and rich. So, the government has a moral responsibility to make sure that the low income brackets like the hawkers and the people who operate these small kiosks and the cobblers – wale, shoe shiners. They don't pay any taxes, but instead are given some emolument - They are given some money which can encourage them to keep business. Because most of the time they pay taxes and they are given no service.

Then I want to talk about the youth, women and minority. As for the youth and the minority, they should have a Constituency in Parliament. We should have a youth MP ,woman MP and an MP who takes care of the disabled.

The land question: The land question has been talked about but I want to summarize one point. The land which remains in the hands of colonial era whites should be repossessed. For example, we have a lot of land in Laikipia owned by people who were here during colonial times. That land was grabbed from our fathers. It should be grabbed from them like in Zimbabwe and given to squatters. We have so many in Kenya.

The last point is on capital flight. A lot of money in Kenya is invested in western capital. We have people who have 48 billion, it was in the papers. So, we want this money back. At least this money has been stolen from us. So, let them eat the meat, we are going to be comfortable in taking the bones.

The last point is on corruption and other economic crimes. The economic sabotage and other crimes bordering on capital should be punishable by death for the saboteurs. Because these people submit a full population to a life of poverty. So there should be no immunity for such crimes. Thank you.

Com. Keriako Tobiko: Thank you for observing the points.

Com. Lethome: Umesema kuwa kitambulisho is colonial legacy?

Geoffrey Gakuo: Yes, it is a colonial legacy.

Com. Ibrahim Lethome What do you suggest to serve as identification for Kenyans?

Geoffrey Gakuo: We should be like South Africa and other countries. We should have a passport. We should not pay shillings 2500 for this passport. It is for identity only. Thank you.

Com. Bishop Njoroge: You say that the land should be repossessed. Now, the land has many whites. The land has been taken by “black whites.” Do you also want it to be repossessed?

Geoffrey Gakuo: Hiyo mambo yatuseme ya ardhi. Ningesema hivi, kile akina baba wetu walienda kupigania huko kichaka ni juu ya land. Sasa, tuna wakoloni mara mbili. Tuna wakoloni weusi na wale wakoloni makaburu. Sasa niliona excision . Ningetaka kuongea kinaganaga. Excision ile ilifanywa, Moi family was given one thousand acres and something thousand. Hawa ni wakoloni weusi hatuwataki. Kuna wengine wanaitwa Gachoki hapa Laikipia. Wana thousands, ten thousands of land.

Tulipokuwa na kiangazi mwaka wa 2000, ngombe za watu zilikuwa zinakufa, ukienda kulisha malisho hapo, ngombe yako inapigwa risasi. Hao watu hatuwataki hapa. Tunataka hiyo, Serikali kama ilivyokuwa. Serikali ya Uingereza ikipeana pesa, hiyo ardhi inunue yote igawanywe kwa watu. Kenya tuna a lot of land lakini kuna watu wana elfu kumi. Mwingine hata hana acre moja. Hiyo tungetaka.....

Com. Bishop Bernard Njoroge Asante sana ndugu yangu. Peter K. Muiruri. Joseph M. Muchiri. David Mwangi.

Ashbel Macharia: Thank you Honorable Commissioners na wananchi wa Mathira. Nataka kuwasalimia. Muriega.

Ashbel Macharia: Woni wakwa wa mbere kwage andu mekugia na migunda minene riria aria angi matari kinya kanini.

Translator: There should be a land policy where nobody should have a lot of land while others do not have.

Ashbel Macharia: Murimi owothe wa machani, iria, kahawa atige guathirwo urimi wake.

Translator: Farmers should be left to manage their produce.

Ashbel Macharia: Ciana riria ciarikia githomo kiao wega na mathomo mao makorwo mari mega, niciagirirwo nikuandikithio ni thirikari hatari mahaki ona manini.

Translator: Corruption should be eradicated from the job market. People should not bribe to get jobs.

Ashbel Macharia: Muikari owothe wa bururi thiini wa Kenya niagiirirwo ni gukorwo ari na mugunda no gutikagie na mundu ono umwe utari handu ari giikaro thini wa bururi wa Kenya. President kana abunge othe, matiagiriruo ni gukorwo ni o maretuira mishara iria magirirwo ni kuheo. No magiriirwo ni gutuirwo ni thirikari.

Translator: President and Members of Parliament should not determine their salaries. There should be some outside body doing that.

Ashbel Macharia: Nayo thirikari iria iratongoria uhoro uyu wa kuruta maoni kama mawatho. Niyagiriire ni kuona ati uhoro ucio ni wahinga biu.

Translator: The Commission should ensure that our views go into the Constitution.

Ashbel Macharia: Nacio thibitari cia thirikari niciagiriirwo ni gukorwo ikigia na dawa mahinda mothe. Gutikagiage muruaru uteguthondekwa ni undu wa kuaga ndawa thiini wa thibitari iyo.

Translator: There should be provision for drugs in public hospitals. Mama amemaliza.

Com. Keriako Tobiko: Amemaliza. Nataka kumjibu hivi kidogo. On this issue of their views being incorporated in the new

Constitution, you tell her this, that once we have done the draft Constitution, we will bring it back here so that we can conduct civic education on the draft Constitution and you will have the chance to see whether her views have been incorporated.

Translator: Commissioner akwira atiriri, Commissioners mamuthikiriria meguthii mandike Constitution macoke mamurehere thiku mironko itandatu. Mwitwo mucemano. Murumirire yothe niguo akorwo maundu maku matiri ho uge niguo mekirwo. Akorwo maku nimariganire nomatikaniganira. Niguo arakwira maundu macio uroiga nimekwandikwo.

Com. Keriako Tobiko: Secondly, I am not through. Tell her there is a National Constitutional conference, where we have representatives from every district, and we have representatives from special groups like women groups, youth, labour organizations and so on and so forth. That national conference is the organ that will debate the draft report and the draft institution. So, she must make sure that once the three representatives from every district are elected, she elects a true and genuine representative.

Translator: Commissioner aroiga atiriri. Constitution yarikari, nigugwitwo muchemano witagwo National Constitutional Conference. Uria ugathii MP othe aria muchagurite. Odistrict niigacagura andu atatu. Niguguthondekwa uria mugacagura guku thiini wa Nyeri District area magathii National Constitutional Conference. Ciama icio ingi cia kanitha, ciama cia arutani na cia atumia na tribunal icio ingi nacio niigacagura andu aria magathii National Constitution Conference kwariria Constitution iria ikaandikwa ni Commission.

Kwoguo ikuaririo maita meri. Ni mukamba kugerererio guku Constituency, nimugacokerio. Muone kana maundu manyu meho, muchoke muthure andu mairimurire Nairobi. Mathii macemanie. Members of Parliament, group cia aruti a wira, andu aria magathurwo kuuma ma district mathie mariirie na maiguanire Constitution. Uguo mwina mieri ta eri ya kuona ati maundu manyu nimekuhinga. Ni mutumia uyu urerirwo ati nimekuhingia...

Com. Keriako Tobiko: Sorry, in that office there is referendum - kura ya maoni. If they have not agreed on issues at the national conference, then there will be kura ya maoni for all Kenyans.

Translator: Murerwo atiriri ni Commissioner, ati muico biu andu acio magathii national Constitution conference mangigathii mahitanie, niundu wa undu umwe kana maundu meri, maundu macio kana macio meri nimukareherwo inyothe andu a Kenya murio muikie kura ya maoni. Maundu macio meri mahitaniirio kuria national conference muikie kura inyothe. Aria makaingira, niguo watho utuo na kihoto.

Com. Keriako Tobiko: Okay Mum. Charles Karuhiu Muraguri. Mureithi Munene. Humphrey Muchere. Wachira Mwago. Wachira.

Wachira Mwago: Thank you very much Commissioner. My first point is towards the commission itself. We are getting worried by the disagreement we are having in public, in the TV and we get afraid whether you shall really finish the work. Will you please disagree in private and have a spokesman who will tell us you know.....things might be mistaken out. One party will say this and the other one will say that. My point number one is on the retirees. There is a colleague who had said retirees are forgotten. We would like to have the retirees remembered whenever there is a review of salaries. When a retiree has died, his spouse is given only five years. Is it possible for the Commission to look at it and pay the spouse for life because he or she is dependent on the other one.

NHIF funds: This money should cater for everybody including even those people who are not working. We normally see people on TV who are begging for money and they are Kenyans. You find some sympathetic cases of people who are very seriously sick and they can't be treated in Kenya and there are Kenya National Hospitals. We are getting worried about this. We have so many boards - like the Dairy Board, like the Coffee Board, that really refuse the farmers their freedom. You find for example the Dairy Board arresting farmers when they come to sell their milk. Is it possible for these things to be abolished, because they are colonial. People should be left to deal with their produce as they like - To sell wherever they want.

Salaries: We have had some people giving themselves very high salaries and forgetting other people. I would like to suggest that the salaries be pegged on the lowest paid person in that Ministry - so that the highest paid person should not be paid more than thirty times the lowest paid because the highest paid is the one who is making the decisions. The sweeper is not making the decision. So if he gives himself one million, then the lowest paid person should get thirty thousand automatically.

Licenses: We have a lot of corruption whenever we go to get licenses. Take for example, vehicle licenses. You go through so many problems. I suggest that all licenses should be given at one point to avoid corruption. So if you are getting driving license, and so on, you go to one person instead of being thrown here, go here, you see one person, you see another one and all the time you are being asked for "kitu kidogo. "

Imports to Kenya of produce that is produced in Kenya should be controlled and if possible banished so that our farmers and other producers may have a market for their things.

We hear that things like maize brought by from outside are sold at a lower price and when we read the newspapers, we find that their governments subsidize the production of those goods. Why can't our government also subsidize the produce of things like maize, wheat and so on?The Government should reduce taxation on things like fertilizers, fungicides, so that we produce our things cheaply. We read of incompetent heads of Parastatals or even Secondary schools; and you hear that a headmaster of a certain school where students are failing every year, the following year, is still being kept.....

Com. Keriako Tobiko: What is your recommendation?

Wachira Mwago: My recommendation is that incompetent people should be removed immediately so that they do not continue destroying the country. We have people with good vehicles and they are driving those vehicles on very bad roads. My recommendation is that if a vehicle gets broken down by poor roads, then the owner should sue the government so that they can repair that government vehicle.

Com. Keriako Tobiko: Summarize.

Wachira Mwago: I am summarizing. My last point is on education levy. We have many orphans, street boys and girls who are not being catered for. I would suggest that we have an educational levy that is paid by all adults to cater for children who have low income and they have no money to be taken to schools. Thank you Commissioner.

Com. Keriako Tobiko: Samuel Thambo. Leonard Karugu. John Kihara. Kahuhu Mathai. Leonard Nyamu. Wewe ndiye nani? Samuel Thambo.

Samuel Thambo: Thank you Chairman. Nii nguruta maoni makwa na gikuyu. Gutiri mundu wagiriirwo gutuika iguru ria watho.

Translator: Nobody should be above the law.

Samuel Thambo: Wira ndukaheanwo ni mundu umwe.

Translator: One person should not make all appointments.

Samuel Thambo: President ndaigiriirwo guikara gukira term igiri ten years.

Translator: A President should have two five-year terms.

Samuel Thambo: Maundu mahitukio, hagio na body ya kuona ni mega ya andu mena wara.

Translator: Upon policy making there should be a form of organization to give recommendations.

Samuel Thambo: Ihaki rininwo biu muno hari borithi.

Translator: Corruption among police force should be eliminated.

Samuel Thambo: Mundu aheo wira kulingana na uhoti wa wira uchio.

Translator: So, people should be employed strictly on merit and experience.

Samuel Thambo: Mundu wothe etikirio gukorwo handu hothe thiini wa Kenya naagie na githaka.

Translator: That people should be allowed to live and own land and property anywhere in Kenya.

Samuel Thambo: Gutiagiriirwo gukorwo andu me muoroto riria kwina ithaka itari na andu maratumira.

Translator: There should be no landless people when we have a lot of idle land.

Samuel Thambo: Mbecha cia igoti irutithio wira wega.

Translator: Money collected from taxes should be properly used.

Samuel Thambo: Mundu aheo wiyathi wa indo ciake.

Translator: People should have the right to own property.

Translator: Niwarikia?

Samuel Thambo: Nindarikia.

Translator: Mzee amemaliza.

Com. Keriako Tobiko: Asante sana Mzee wangu.

Com. Bishop Njoroge: Ndirenda gukuria o kiuria kimwe. Woiga ati andu mathiage na waara. Waara ri ni bururi kana waara ...gwisu nakuria Kabete waara ni kindu kiuru. Mundu mwara ni mundu mwega. Kana waara guku kwanyu niki...waara ni mundu ungikuhenia na uugi. Kana tiguu. Woiga ati andu aria mena waara nio marithuragwo.

Samuel Thambo: Ngwendaga kuuga mundu akiheo wira, hagakoragwo na body ina uugi..

Com. Bishop Njoroge: Ti wara.

Samuel Thambo: Ti wara ni uugi.

Com. Keriako Tobiko: Kahuho Mathai. Joseph Kiiru. Christopher Mwaniki, Zachariah Muriuki, Esther Mukami Githaiga.

Esther Mukami Githaiga: Nii ngwaria na Gikuyu, Maoni makwa ni maya. Kamiti yathurwo niheo hinya wa gutua matua mao.

Translator: When a committee is appointed, it should get powers to make decisions.

Esther Mukami Githaiga: Na itua riu riao metikiirio kurura wuira igotini.

Translator: That the committee should be able to stand in court for decisions that they make while they are meeting in that committee.

Esther Mukami Githaiga: Kamiti iheo hinya wa kurutithia itua ria wira matarugamiriirwo. Kamiti cia muingi.

Translator: Public committees, farmers should therefore be able to make their own decisions.

Esther Mukami Githaiga: Itarugamiirwo ni Chiefs kana Assistant Chiefs.

Translator: The chiefs and sub-chiefs should keep off local committees, farmers, schools and social welfares associations.

Esther Mukami Githaiga: Kamiti ithurwo andu mari na uugi wa githomo na uugi wa muciarire.

Translator: That the committee should have people with experience and people with knowledge.

Esther Mukami Githaiga: Mundu murume ahikia mutumia wa mbere, ndakahikie ungi ona mutumia ta guo.

Translator: Commissioners, when a man marries one wife, he should not be allowed to marry another. Just remain with one.

Esther Mukami Githaiga: Ikundi cia atumia iheo ritwa ri acio itige gwitwo maendeleo.

Translator: Women groups should not be called Maendeleo. They should get their name according to the service they are providing.

Esther Mukami Githaiga: Nyimbo cia mathako ma irua, makiria ria andu a nja itigwo.

Translator: Female circumcision should be stopped and songs related to female circumcision should be banned.

Esther Mukami Githaiga: Nyimbo ciinwo cia gikeno, Okorwo ni cia athuri, Kuri muthunguce, cia atumia, kuri ndumo, gitiro. Cia anake, kibata, gichukia. Cia airitu, ndumo. Cia twana tunini, muthuo.

Translator: She is encouraging local customs, local traditions, local songs. Local traditional values.

Com. Keriako Tobiko: Thank you so much. Michael Mbogo, James Macharia, Wachira mureithi, Terry Nyaguthii, Joseph Mathenge, Duncan Kihake, Duncan Njogu, James Kiriumbi, John Mutahi, Johnson Murage, Wambugu Kihoro, Christopher Wahome, Githungo Gacemo.

Githungo Gacemo: Mwenyekiti wa tume hii ya kuangalia mambo hii ya Katiba, pamoja na wenzake ambao wanafanya kazi, yangu ni machache na nitaendelea tu na kusoma. Mimi jina langu ni Githungo Gacemo. Ni mwanachama wa chama cha Kanu. Yangu ya kwanza: Ningeuliza wenye kuangalia hii mambo waangalie mambo ya ardhi, yaani ya mashamba. Mashamba, kuna watu ambao wana taabu ya hii mashamba. Na ningeuliza, na nimeandika kwamba wale watu wanakuwa na shamba kubwa katika jamhuri yetu ya Kenya, kila mtu awe na acre hamsini. Na yule ambaye ana ile ndogo kabisa, iwe ni acre tano - ili watu watosheleze mashamba.

Ya pili, Mwenyekiti, ningeuliza ama nimeandika, ikiwezekana katika bunge, mbunge mmoja awe akiwahudumia watu kutoka twenty thousand, yaani elfu ishirini mpaka ishirini na tano elfu- ili aweze kuhudumia watu.

Yangu ya tatu nikuwa tangu tulipoachwa hapa, tukaambiwa ati kuna soko huru, ile control price iliondolewa na serikali ikawa haina uwezo katika hiyo mambo. Ningeuliza katika hii kamati, ikiwezekana, hiyo ni namba tatu yangu, kuwe na control price. Vitu vikitengenezwa kutoka katika factory mpaka mwenye kununua wa mwisho serikali isimamie hayo mambo.

Com. Keriako Tobiko: Tunaelewa Mzee.

Namba nne: Watumishi wa serikali kutoka kwa DC mpaka Assistant Chiefs wawe wakichaguliwa na kamati ya wazee ambao wanajua watu. Wale ambao ni wa pahali hapo wanamjua.

Com. Keriako Tobiko: Jaribu kumaliza sasa Mzee wangu.

Githungo Gacemo: Nitamaliza! Kuwe na hospitali za serikali badala ya zile ambazo ni *private*. Yaani ninauliza tu kuwe na hospitali ya serikali badala ya hii *private*. Kwa sababu kuna mambo mengi ndani ya hiyo mambo.

Yangu ya sita ni katika shule zote za msingi, siziwe zinalipwa. Watu wawe wanasomeshwa bure bila kulipa chochote. Yangu ya saba, serikali ichague kamati kubwa ya watu kutoka ishirini hadi ishirini na tano, yakuangalia au kukagua tenders za kuendesha mambo- yaani katika Serikali, zile tenders ambazo zinafanywa za kununua vitu, kuwe na watu ambao ni zaidi ya hiyo ishirini au ishirini na tano badala ya wale watumishi.

Com. Keriako Tobiko: Sasa ya mwisho. Nisikusimamisha mzee wangu. Karatasi umeandika na points. Soma lile unafikiri ni muhimu kabisa kwa ile dakika imebakia, soma ile moja ambayo ni most important.

Githungo Gacemo: Basi nitasema ya mwisho niwaache ingine mtasoma.

Com. Keriako Tobiko: Tutajisomea.

Githungo Gacemo: Ile ingine yangu ya mwisho nauliza Serikali iangalie hii mambo ya dini zote. Denominations ziangaliwe kwa makini sana. Sasa zimegeuka. Langu la mwisho, nasema basi ili nikwamie hapo, mashamba yaliyokusanywa kutoka kwa watu yaani villages, ziwaachiwe mikononi mwa waliokusanya hayo mashamba badala ya kuachia council.

Com. Keriako Tobiko: Asante sana Mzee wangu. Asante kabisa. Johnson Wanjohi, Mary Wanjiru, Lucy Wanjugu.

Lucy Wanjugu: Nii ngwaria na gikuyu. Ndirenda kuuga ati ndiraruta woni wakwa wa mwanya ati, ithui nituhinyiriirio ihinda riri muno.

Translator: Mimi ningetaka kusema tumefinywa sana na serikali.

Lucy Wanjugu: Raia nituhinyiriirio ihinda riri muno uhoro ukonie urimi witu wa kahawa.

Translator: That coffee farmers have been greatly oppressed.

Lucy Wanjugu: Ati ithui twatuikire turi arimi na tugituika ithui tutirona kiria kiratuteithia ihinda ini riri.

Translator: We are farmers but we get nothing from our produce.

Lucy Wanjugu: Uguo thirikari igerie kurora muno mone uria ithui tuhinyiriio, tugichoka tukihinyiriio no uhoro wa iria.

Translator: Our milk products are also not fully being catered for.

Lucy Wanjugu: Tugicoka tukihinyiriio na uhoro wa machani na kuu nikuo arimi magunikagira makona kindu gia gwiteithia nakio.

Translator: Tea as part of farming is also a determinant.

Lucy Wanjugu: Undu uria ithui tuikaga tutikoima haria tuturaga. Tugutura o hau tuthiururukaga tutari kuria ithui twererekeire o tu hinyi ririkaga. Na no turaroka kurima.

Translator: Our economy is so bad. You are working so hard but you are not making any returns. So we are moving round and round.

Lucy Wanjugu: Wiyathi niwaheanirwo no tutionaga kiria ithui twaheerwo wiyathi tondu nokuhinyiriirwo tutuire tuhinyiriirwo.

Translator: We do not see the benefit of independence.

Lucy Wanjugu: Thirikari irore muno na kiyo muno. Tutige gucoka kuhinyiriirwo.

Translator: The government should come to our.....

Lucy Wanjugu: Ucio ungi ngicoka kugweta, njuge ati ihinda riri ithui twerirwo ni tuaheo wiyathi no niguikirwo tuekiirwo mihindo ngingo.

Translator: That we got independence, but independence is like a rope round our necks.

Lucy Wanjugu: Niundu ucio nayo thirikari igerie gwiciria raia muno tondu ituikite mitarukire.

Translator: That people are poor and the government should consider our plight.

Lucy Wanjugu: Riu ndiri undu ungi nguongerera munene muno. No njugire ati tutuirio na twicirio. Raia iciirio muno ni hinyiriirie muno ni undu twaheirwo wiyathi ugicoka ugituika ati turirangaagirio thi na makinya ithui niandu aria mari indo. Tugituika kindu gia tuhu.

Translator: We should make a new beginning in this Constitution because we are poor and independence has not benefited us, it has benefited the rich.

Lucy Wanjugu: Nokio andu aitu maigirwo barabaraini makiaga gwa guikara. Tondū thirikari nditwiciiragia.

Translator: The squatters problem should be solved.

Lucy Wanjugu: Na nikiu andu aitu makite mabarabaraini.

Translator: We have squatters on the roadside who have no land.

Lucy Wanjugu: Ni undu ucio, thirikari itwicirie muno andu aria maroigire ati ni megutwiciriraa ta inyui mukite gutuandikira. Murore na tha cianyu muno wothē ithui nikuhinyiririka twahinyiririkire. Twanengerirwo wiyathi na watuikire kindu gia tuhu hari ithui.

Translator: That Commissioners we look up to you to assist us to make a new beginning in this country. So that our labour can be beneficial.

Lucy Wanjugu: Twakiruagirira ki riria twari githaka ta nii?

Translator: What did we fight for if we cannot reap the fruit of independence?

Lucy Wanjugu: Na macio manini, ndiri maingi nguongerera makinye hau. Thirikari ithii ituirio tondu thirikari iria ikuo ni ya mikora.

Translator: That we have a government of crooks.

Com. Keriako Tobiko: Pigieni mama makofi. Peter Wangondū.

Peter Wangondū: Ngwaria na gikuyu. Commissioner mwene giti na aria angi mena o nindamugeithia na nindoiga niwega niundu wa gutucerera nigetha mumenye Maundu maingi.

Translator: Thank you Chairman Commissioner and the other Commissioners for coming to listen to us.

Peter Wangondū: Niundu ucio. Hindi iria kwarikitie guthio ruraya. Aria mari kuo moigire indo ciandu niikugitirwo.

Translator: That the Lancaster Constitution....those who attended the Lancaster Constitution wanted the property people protected.

Peter Wangodu: Angikorwo ciatuikire niikugitirwo ri na riu turimaga kahawa tutikona maciaro makori, ciana ciitu ona matiringikia githomo na njira njega tondu ithe nimathinire aria maruiiire wiyathi. Na amwe riu kinya ciana imwe ciatuikire macokora guku.

Translator: That our property is not being protected because we grow coffee for which we are not making any benefit.

Peter Wangodu: Angikorwo nitwaigiire na thirikari iitu na ta muthuri Kenyatta athiiga agatuirira ona gwatuika nii ndiguaga githungu wega. Oiga ga ati tukuruirira self-government.

Translator: According to the Lancaster Constitution, we fought for self-governance.

Peter Wangodu: Angikorwo self-government iyo tweragwo ni muthuri ti Kenyatta ri ati ni maundu maitu ri nigetha twehererio ucolony ri. Niuru muno tucokete kuria thina oriria turi na thirikari itu.

Translator: That it is very sad, after independence, Kenyatta told us he was going to give us self government and thirty, forty years down the line we are getting poorer even with our independence.

Peter Wangodu: Na riu nikuri mundu wiriga gucera guku oimite thiini wa bururi wa Arab. Akiuga Kenya no iheithio nayenderie mabururi ma nja.

Translator: That some guests came from the Arab countries and said that we could grow enough food to eat and to sell outside.

Peter Wangodu: Na riu ona nginya ciarihwo, ithui ene tutirahuna na tutiireka ona tutirona na kuria irathii. Natutimenyaga. Riu nitakuonania uhoro wa Kenya watuikire no andu anini marihunaga aria angi makuage na ngaragu.

Translator: That the farmer is not catered for by the government. The government does not care for the farmer.

Com. Keriako Tobiko: Excuse me. We sympathize with the problems. Can he be frank by giving us some solutions. What solutions does he want? We can sit here and lament and cry for wasted years but let us now look for solutions.

Translator: Commissioner arakwira atiriri maciariirwo bururi ini wa Kenya na nimoi mathina ma Kenya mothe. Mathina macio mwina mo. Riu arenda atiriri umwire ni atia kungikwo bururi wagiriire. Ungithondekwo atia. Aria uhoro wa guthondeka.

Peter Wangodu: Uhoro wa guthondeka ni thirikari iria iguka kana iria iratuma Commissioners moke guku nigetha tuthomithio uria kuagiriire nigetha igie na watho mweru wa gutama o mundu wothe atigirwo ni utonga wa Kenya.

Translator: That the Constitution which we are going to make should have a structure which ensures that our farm products are protected, that our property is protected. That we reap the fruits of our labour.

Peter Wangodu: Nguthiaga kuga tuoigaga riria twahunjagia tukoiga wiyathi na githomo, tukoiga wiyathi na githaka, tukoiga wiyathi na thibitari na kunina urimu nikio githomo. Riu guku, maundu macio matihingagio ni aria matongoretie maundu. Riu ithui twahanire ta mburi itari na mutongoria itigitwo rurii.

Translator: The government should look at social services, education and health to ensure that we get these services. Because this is what we fought for. That is why we fought for independence, those things are not there any more. The government should ensure we get those services.

Peter Wangodu: Amwe marakwira micii matangiona mbecha cia thibitari. Tondu ni athiire kuria thibitari. Nindihirio, wathie thibitari iria ukuuga niyo ya thirikari, ukuheo karatathi nigetha urehe clinic. Clinic iyo ni mbecha nyingi.

Translator: Uguo wothe niukumwiriite. Woiga thibitari ithondekwo.

Peter Wangodu: Nii ndikuga maingi nguga macio. Nanonjugire kuri andu aingi mena kuo no murare guku ni getha andu acio nao makamuhe maoni.

Translator: That there are many other people here who want to talk to you. So, you should sleep here and come tomorrow. We will still be here tomorrow.

Com. Keriako Tobiko: Tomorrow we will be in..... Kiamariga. Tell him we will be in Kiamariga tomorrow. He can try and see whether he will be able to get a second chance. Waithaka Mwatha. Peter Muriuki. Tafadhali jaribu kuwa brief kabisa.

Waithaka Mwatha: Okay, I will be very brief. I would like to propose that the Head of Parastatal, our Universities that is the Vice-Chancellor, should not just be appointed by one person. Those posts should be advertised. Qualified people who have technical and professional qualifications to apply. A committee of a board of fifty to vet them or about three of them can be proposed to the Parliament so that they can be appointed to occupy these positions. Otherwise others have been mentioned

and am not going to repeat. Thank you.

Com. Keriako Tobiko: Thank you very much. Peter Muriuki. James Kamau.

James Kamau: Honorable Commissioners and other distinguished guests I am going to be very brief and my names are James Kamau from Baraka Praise Church. I am the Chairman of indigenous churches council of Kenya – ICCK, Nyeri district. I am also an aspirant councilor here in Karatina. I do hereby recommend the following in our future Constitution.

First: The duties of a Chief to be performed by an elected Councilor and that will minimize the expenditure. I would also recommend that the term of a Councilor and an MP to be two terms each comprising of five years - Just as it is the case with our present President. I also recommend that a Mayor should be elected directly by the members of the public and not by Councilors. I also wish to say that a Councilor should have a minimum of form four or its equivalent. I also say that all political parties should be funded by the government according to their strength in Parliament, and the churches also to be funded by the same government.

Judiciary also should be independent from the government. That is Judges should not be government appointees since they will be loyal to their bosses but not to the law. The President should not be the Chief – in command of the Armed Forces as it is the case in Kenya since Kenya is not ruled by the military but by democracy.

Heads of Parastatal and the other government organizations should be discussed by the Parliament and they should be vetted. The second person during the general elections should be an automatic Vice President. I also wish to say that the government should comprise of all political parties who are in Parliament.

Commissioners, I would also come to penal code and say that the death penalty should be abolished from our penal code since our Constitution is Biblically based, and the Bible forbids killing. Any registered church...

Com. Keriako Tobiko: Wind up please.

James Kamau: I am in the last point. Any registered church or Ministry should not give a cover to another church in order to minimize churches in Kenya which are causing divisions. Thank you.

Com. Keriako Tobiako: Thank you so much. Esther Mido.

Esther Mido: I am not going to repeat what has been said but I will only highlight few things. Education: The form of education we have today is very tiring and we should have like what we had before. Those who are of my age you know what we used to

call Carlie Francis maths. That one was good because everyone of us was kind of unified when it came to Mathematics.

Com. Keriako Tobiko: What do you recommend Mum?

Esther Mido: I recommend that we have one system of.....if it is Mathematics, we have something like that which we had before. Not having so many writers of the Mathematics books. Then foreign affairs: We have so many tourists who come to this country but some of them,nobody knows exactly how they come because they come in backward ways; We would like to recommend that our foreign affairs should tighten our boundaries so that we do not have the neighbouring people becoming Kenyan citizens.

Another thing on foreign affairs. We Kenyans find it so hard to get a passport and yet it is our Constitutional right. I think that you should recommend that it should be very easy to get one as it is when you get an ID.

Coming to the Basic Rights: I think everyone of us should have a fundamental Right of what he thinks and we want you to spellto make it clear.....to be a very clear policy that we should have freedom of speech that one could speak what he thinks. Because one's opinion can be a public opinion.

Environment: I want to talk about the precious stones that are found within the Kenyan environment, when it comes to selling them, you find that it is only very few Kenyans of African Oasis dealing with them. I wonder why this is so, yet those stones are our own. I recommend that whatever is produced within Kenya's environment should be done by a Kenyan of African origin.

Another thing is that we have the African Kenyans who are citizens by papers and then we have African Kenyans who are citizens by birth. I think this one should be taken care of because it seems we are caring for foreigners more than we are caring for our own people. When it comes to the voting, we have other people who are not within the reach of voting. Take for example those who are.....

Com. Keriako Tobiko: Mama just give us the recommendations and try to wind up. Just be brief.

Esther Mido: The prisoners should be given a right to vote when it comes to the time of voting. The people who are sick in the hospitals should be taken care of.

Judiciary. We have the law and we say that we are guided by the law. But how do we execute our laws? So many of us do not know how our laws are executed. When it comes to Courts, either of the Lower Court or the High Court, one does not know which language to use because.....especially amtalking here on women. Women should be educated on what is their Basic Rights. Thank you.

Com. Keriako Tobiko: Thank you so much. Margaret Nyambura, James Mureithi, Mwangi Mutanya, James Weru.

James Weru: Thank you Honorable Commissioner. I have very brief points and I will give them very briefly. First I have noted that our current Constitution has no preamble. I recommend that when you are making this Constitution you come up with a good preamble with a national democratic vision.

Number two: I would like to say our independence war veterans have never been recognized in this country like we have in the other countries of Africa and elsewhere in the world. There should be a system whereby these people are recognized for the work they did. I would also like to say the same independent war veterans were promised compensation in form of land or money and other things. But it has never been done. I would recommend that these people be compensated by the British government who caused the stragety which was done in this country during the Mau Mau war. The government should put pressure for these people to be compensated because these people are dying in poverty right now.

Number three: There should not be nominated members of Parliament, and if any, they should not be appointed to Cabinet Posts in this country.

Education: We should have a free and compulsory education. We should also have our learning institutions such as primary and Secondary schools and others audited every year.

Grabbing: I would recommend that you come up with a system where we can we have a body dealing seriously with the grabbers in this country - especially in land, councils, municipalities and such. Provincial Administration: I would say the Provincial Administration serve no purpose in this country these days. So, I recommend that it should be scrapped out of the government and the powers and duties be left to the elected members like Councilors e.t.c

Com. Keriako Tobiko: Okay, Fine. Just wind up.

Esther Mido: Mayors and council chairmen should be elected directly by members of the public. The Review: The making of the Constitution, Review and all amendments to the Constitution should be done through public referendum. Our environment like forests and other catchments, - water catchment areas should be protected by the government. Our agricultural sector should be totally liberalized such as coffee, tea, sugar and others to make the farmer have a say. I would also like to say that the marketing of our farm produce should also be liberalized.

Com. Keriako Tobiko: Now your time is up.

Esther Mido: I am now winding up.

Com. Keriako Tobiko: Just wind up. I do not want to cut you short. Just wind up.

Esther Mido: We should not have squatters in this country while we have people owning land more than ten thousand acres illegally. Judiciary should be left independent. Thank you.

Com. Keriako Tobiko: Joseph Gachagua. Na sasa nikikwambia umalize na ukatae kumaliza nitakukata niite mwingine. Sikutaka hivyo lakini sasa naona kama sijui...ujaribu kuwa to the point. Recommendations. Hapana tupatia historia mingi, tunajua hiyo.

Joseph Gachagua: Okay, my points are few and clear. I would like this Constitution to look more on corruption which it should be stopped from the high offices going downwards. The other one is on drugs abuse. The Constitution should care about and stop completely the uses of drugs by the youth. Judiciary in Kenya should be independent.

Primary education should be free and the government should supply for the necessities as it was in the early years. On religions, we have some people with beliefs that they do not take their children to hospitals when they are sick, or even to school for education. That one should be looked into and the Constitution ensures that everyone is given his or her right. Economical activities should be protected. Retirement age should be reduced may be to between forty-five and fifty. Taxpayer's money should be managed by the Parliament and budgeted for. Cooperative societies' Act should be reviewed to cater for the benefit of the members. On schools, the heads and the deputies should be given a higher grade after their appointments. Then Members of Parliament and the Councilors should be at least of Diploma or Degree level to be appointed. In schools, committee members and the BOG members should be of O'levelthank you.

Com. Keriako Tobiko: Umemaliza? Peter Maina. James Mwangi.

James Mwangi Muthiga: I am James Mwangi Muthiga a sub-candidate of Uma patriotic of Kenya Kiamukuu Location. My first thing is to talk about corruption. Corruption should be treated as a murder case particularly of high-tech corruption.

I will talk about the Ex Mau Mau freedom fighters. They should be given the first priority to enjoy what they fought for. Thus, Dedan Kimathi as a hero should be exhumed and be buried with respect by his family. All freedom fighters should have a pay salary from the government for they are living in absolute poverty. There must be a Mau Mau day rather than..... Moi day but Mau Mau day. Because it pays a lot.

Com. Keriako Tobiko: How about Kenyatta day?

James Mwangi Muthiga: Kenyatta day must not be there also. It should be Mau Mau day because they are exfighters. The other thing is about the KACA. (Kenya Anticorruption Authority) should be involved in the Constitution. Because you cannot send a thief to catch a thief. Those thieves are sent to catch thieves. Police officers must go to the college at age of twenty five up to thirty five. Rather than take immature people there who do not do their work collectively and maturely. The other thing is about the custodians - people who are taken to custody or police cells. They should not stay there. Before forty eight hours, they should be out if they are not prosecuted and taken to court. That is all.

Com. Keriako Tobiko: Thank you so much. Wilson Wachira. Ngacha karani.

Ngacha Karani: Thank you Mr. Chairman, there should be a statement for national philosophy. That is we should have what we call nationalism and democracy in this country. The other statement is that the freedom fighters are being described as dangerous to the good government of this public under Section 412 of our Constitution in the present Constitution.

Com. Keriako Tobiko: The clause mention that the freedom of fighters are dangerous?

Ngacha Karani: Yes, this is the Constitution that we have been using since independence and it describes societies dangerous to the good government of the republic under Section 412. Kikuyu Central Association, the Mau Mau, Kikuyu Karina Education Association. Kikuyu Independent Schools Association. Mkamba Members Association, Taita Hills Association, Kipsigis Central Association, Kenya African Union, Gikuyu Land Association, Kiama Kia Muingi or Kiama Kia Hathara which is for compensation. Then there is Kenya Land Freedom Army, Kenya Land Freedom Party, Kenya Parliament, the one that was fighting for independence in the forests. Thirikari, Kiama gia ita, Mbutu cia itu, Njamba cia ita....

Com. Keriako Tobiko: And so on and so forth so what were...

Ngacha Karani: Walioleta Uhuru Union.....

Com. Keriako Tobiko: Ndugu yangu sasa tufanye namna gani?

Ngacha Karani: We want....or I suggest that that part of the Constitution be removed forthwith in the new Constitution. That is CAP number 108 Section 412.

Com. Keriako Tobiko: Society's Act?

Ngacha Karani: Society's Act. The coffee industry should be left to be controlled directly by the farmers. Roasting of coffee should be done by the farmers and grinding and packing should also be done by the farmers to create more employment. Trust land should only be given to the needy. Tea Act should provide that farmers receive their proceeds directly from the market. Bank rates should be controlled by Central Bank to remove the theft that has been going on by foreign international banks. Export of raw materials or raw goods should be forbidden. There should be total protection of the same in Kenya.

Our Kenyan economy should not be controlled by foreigners as it is today. Kenyans should not be refugees in their own country. The population of Constituencies should be fairly as equal as possible - at least forty thousand. The Judiciary being part of the corrupt area should be removed completely. No medicine should be imported into this country without being put under vigorous tests – as AIDS was brought into this country by a company called Mark, Sharp and Don Cooperation.

Com. Keriako Tobiko: Can you wind up your submission Sir.

Samuel Kimaru: Thank you Sir. Jomo Kenyatta International Airport should be owned by the freedom fighters who labored there for five years. Foreigners should not be allowed to own land or buy land in Kenya. The President should not be above the law. Thank you Sir.

Com. Keriako Tobiko: Thank you so much. Samuel Kimaru.

Samuel Kimaru: My preliminary observation is that the provision of civic education should be a continuous exercise so that we can educate members of the public on why, how, where and what is our Constitutional Review. In that time, I am proposing that this Commission should be given some permanency. It should not be a commission that is being used by Parliamentarians on powers that lead to determine the date of the general election. That is Constitution Review should extend for at least another one year.

On the Presidency, I think, the man who is the President has no personal problems. The problem is the powers vested in the Presidency. I am proposing that the powers vested in the presidency should be redistributed among other group of players, so that we can widen the scope of accountability, lighten the load of every individual player, establish an inbuilt system of checks and balances and then we do not often be blaming one person for all the wounds in this country.

I am also proposing that the President should be assisted by a Prime Minister who should be in charge of the running of the government. In making appointments to senior offices, he should be helped by an appointment committee that is not necessarily answerable to him or answerable to Parliament. There should also be an independent committee whose role will be to weigh the integrity of appointees.

I am also proposing that the Presidency should not be open to every “Tom, Dick and Harry.” We should limit it using certain qualifications, - that is the holders should be of minimum level of degree of education or its equivalent, in areas where it can be compensated by experience. He should be experienced with management in any other area. I think the same qualifications or level of qualifications should be used in vetting Parliamentary candidates and candidates for Local Authority positions. In that case, we would have a larger group of players to help the President run the country and this country would then not be run as an international marathon.

Com. Keriako Tobiko: Please give us the recommendations.

Samuel Kimaru: The President should at least get more than half of the votes cast so that he can be representative. I am proposing that elected Members of Parliament and Councilors, should be living residents of areas they represent not just people with houses here, and only representing us in Nairobi and when they come here on weekends for harambees, is only when we meet them. There should be a mandatory attendance of Parliamentary sittings or Council sittings, failing which, the culprits or the occupants should forfeit their seats. If, in the course of one’s time he or she is proved to be incompetent, that seat should be declared should be declared vacant.

Com. Keriako Tobiko: Can you now wind up your submission please.

Samuel Kimaru: I think others have talked about limiting the land acreage. I would also say that we should make laws that would ensure that the greater amounts of our wealth is invested in the peasantry and not just on two or three people up there. In that way, we will be redistributing wealth. I think the greatest thing in this country is corruption. I am proposing that we form a strong anticorruption authority, and I have already talked about an integrity committee that will vet the integrity of whoever is going to occupy higher office.

Finally, I am proposing that we should also establish an economic truth commission that will detail the extent of the mismanagement to looting and if need be, offer amnesty on condition that, what has been taken from the public is returned. We should abolish the quota system of education so that in the same vein we can bring an end to parochialism.

Com. Keriako Tobiko: Thank you so much. Can I have John Kagombe? William Wahome, Wambugu Theuri. John Kagombe.

John Kagombe: Commission ile imekuja hapa na wananchi pamoja, ni furaha yangu kuwasalimia halafu nitoe machache ikiwa ni maoni yangu. Mimi ni John Kagombe kutoka Ragati Sublocation Magutu Location na ni Chairman wa AIPCE church independent church. Yaani Ragati Parish. Yangu ni machache na nitazungunza juu ya misitu ya Kenya. Misitu ya Kenya imenyakuliwa. Nchi yetu imeshakuwa kavu. Imenyolewa kama mtu ananyolewa kichwa halafu hakuna matone ya maji inaweza

tiririka huko. Watu wamegawia mashamba huko.

Kwa maoni yangu kidogo, ningependelea kusema machachae juu ya democracy ya Kenya. Hakuna nchi yote katika Africa inaweza kuwa na democracy na watu wake ni refugee ama wakawa ni watu wa kuhamishwa. Ukitembelea huko karibu misituni, utakuta watu walitolewa katika misitu yetu wakateremshwa. Wanaletwa pahali tunaita Muoroto kwa barabara. Wamejengewa huko barabara. Mimi naonelewa hii sio Democracy.

Com. Keriako Tobiko: Mzee Kagombe nikuulize namna hivi. Sasa unataka tufanye namna gani? Katiba mpya itusaidie namna gani?

John Kagombe: Katiba mpya nataka irekebishe namna hii. Wale watu waliotolewa forests, warudishwe huko huko halafu waje wakatengeneze miti yetu. Tunajua mbao zetu zinatoka nchi ingine ile tunatumia. Wanyakuzi wameshanyakua misitu yetu inakwisha. Hawa watu wakirudishwa wapatiwe kidogo pahali pa kukaa. Wakipatiwa halafu wataendelea na kulima miti yetu.

Com. Keriako Tobiko: Sawa sawa jambo lingine Mzee wangu.

John Kagombe: Jambo lingine ni hili, kama hiyo misitu inakuwa mzuri, Rais wa jamhuri ya Kenya anyimwe uwezo wa kuteuwa wajumbe maalum - Nominated members. Wale watu walikataliwa na watu, wanateuliwa wakawa mawaziri. Na kule watu walikataa hawa. Tunataka ikiwezekana, Rais anyimwe uwezo huo na watu wakuwe wakichaguliwa na wananchi bila mapendeleo yote. Sababu Rais hapo anaweka chuki kidogo anachagua rafiki yule ...hivi na hivi.....

Com. Keriako Tobiko: Tuondoe hawa MP 's wabunge wakuteuliwa.

John Kagombe: Watolewe. Kwa sababu wanawakilisha watu.

Com. Keriako Tobiko: Sawasawa hilo lingine.

John Kagombe: Jambo lingine la muhimu ni hili. Tuko na Chiefs, maSub-chiefs katika ma-location yetu. Ningeonelea wawe kama zamani. Wawe wakichaguliwa na wananchi ili wajue yule ataweza kuwa.....

Com. Keriako Tobiko: Tumelewa hiyo. Jambo lingine.

John Kagombe: Mnanielewa? Jambo lingine ni hili. Kwa vile sisi wanakijiji wetu iko watu wengine hawana mashamba - walikuwa kijijini. Tungetaka sheria iwe ya kuwapatia hawa mashamba na sio msituni. Tunajua iko mashamba ingine kama ya Delamere, Koro huko na Njoro ranch huko, mashamba makubwa, makubwa inakaa bure. Na watu huku wanataabika.

Com. Keriako Tobiko: Sasa la mwisho Mzee wangu.

John Kagombe: La mwisho ni Asante.

Com. Keriako Tobiko: Asante. Wambugu Theuri.

Wambugu Theuri: Thank you very much for your patience. I will be very brief. These are my recommendations. All major towns in Kenya to set aside two days every week, one of them being a Sunday when hawkers should be allowed to display and sell their goods at the center of their towns

Number Two: More towns and municipal clerks to serve their respective towns or municipalities for a maximum of two terms of ten years.

Number Three: All major towns to fully sponsor homes for the very old men and women who have no one to care for them.

Four: the higher education loans board should offer bursaries for all students in the University, whether they are normal students or any other student undertaking University education.

Five: The Presidential term should be for a maximum of two terms for five years each. Lastly: University professors, doctors, and all teaching staff there, should publish a book at least once every five years. Thank you very much.

Com. Keriako Tobiko: Thank you very much. Anne Gichachi. Lucas Wambugu. Peter Kuguru. Esther Mwangi. John Macharia. Keffa Githeru. Agatha Muthoni. Jane Njeri. Francis Mwangi. Edward Kamau.

Edward Kamau: Thank you very much. I think I will be very brief. I would like to suggest that all the community resources be controlled by the community other than the Councilors and the government.

Two: I would want to suggest that senior citizens, people who have retired from the government services or any service and have reached the age of sixty years, should have their taxes waived and be given special privileges because they have already contributed to the economy of the country. I would also want to suggest that women be allowed to inherit property, regardless of whether they are married or not. Inherit any property from their parents or their spouses. I would also want to suggest that parents with disabled children and grownups be given some incentives by the government either by way of parents being supported by being given some money to support those kids - Disabled people be given free education.

Three: I would want to suggest that all those treaties signed earlier by the colonial government like the control of L. Victoria waters, be done away with. We should be allowed to control the use of L. Victoria together with our neighboring countries and not to be controlled by those treaties that were signed earlier. I would also suggest that the Kenya currency should bear a landmark other than a portrait of the President during his tenure. I think I would also suggest that Kenyans be allowed to have a dual citizenship. Yah. I think that is all.

Com. Keriako Tobiko: Thank you so much. Godfrey Karanu.

Godfrey Karanu: Thank you very much Commissioners. I will start with taxes. Taxes should be distributed according to resources and need. There should be a higher percentage to those who pay more. About Provincial Administration: There should be a Commission Department in Provinces to administer the behaviors and conduct of the administrations to check the activities. About marginal areas. These areas should develop and progress in line with others. It should be the responsibility of the Parliament as a whole to look into this.

About Education: Basic Primary Education should be compulsory and regarded and returns should be done when one tries to get a government document. About those who have completed Form four, and they reach the age of thirty before they get work, the government should pay them levies to maintain them.

The other one is about the High Office. The Head of State should be vetted among a number of contestants by a commissioned party. He or she should cease to belong to any political party after nomination. Also for the Vice President it should be the same.

About the Cabinet: The Cabinet should be nominated and vetted by the Parliament. It is only the Parliament that should fire them when they do wrong. About the Vice, and the Assistant Minister, that could be done by the President.

About land. Land belongs to all Kenyans born or unborn. It should be clean. There should be a limit of the number of hectares that one should possess. All the land that is lying idle should be taxed, so that, that money can be returned to the government.

Worshipping:

Com. Keriako Tobiko: That should be the last one.

Godfrey Karanu: There should be checks and balances. The final one is about Judiciary. This one should have a commission so as to avoid the influence of an individual. Presidential powers should be curtailed.

Com. Keriako Tobiko: Thank you so much. Peter Muthee. Charles Muraguri Maina. Edward Mwangi. John Kagombe. Anne

Kanyiri Ngahu: Mr. Chairman, the following are my recommendations.

Com. Keriako Tobiko: Please be brief because we still have a very long list.

Kanyiri Ngahu: I will be very brief. To start with, I would recommend something about the new Constitution. It should be ensured that the Constitution is available to the locals in a language that they can understand. After it is written in English.....

Secondly, about Agriculture. I recommend that tea, coffee and other crops whose produce earn the government a lot of money, should have the government provide credit and subsidize for them.

Thirdly, about co-operatives: For the marketing co-operatives, it should be ensured that there is no government interventions and that the government ensures that members welfare is taken care of. About the Savings and Credit Cooperatives, it should be ensured that a law is put to prevent some individuals from running it like a private company so the Central Bank should supervise. It should be supervising what is going on.

Com. Keriako Tobiko: Pick the last most important points.

Godfrey Karanu: The last two important points. One. Education. I recommend education for all. From Primary to University. Finally, about Parliament: We should have salaries of Members of Parliament reviewed and this time not by the Parliament itself, but by an independent body. Still on Parliament, members of a Constituency should be in a position to remove an MP after serving for a period of time, if they are not satisfied with the work he or she is doing.

Com. Keriako Tobiko: Thank you. Francis Maina. Ndio wewe. Okay fine. Na uwe very brief.

Francis Maina: I will be very brief. Thank you Mr. Commissioner for allowing me this chance so that I can present written ideas from Kenya Union of the Blind. I will not even read it but I will highlight. "Please Sir, on behalf of the disabled community, I have noted that this congregation has.... Mathira Constituency has the people who are deaf and some of them have never been able to hear so it will be very hard to communicate to them. So next time please look into that."

Lastly, to the Commissioners I would like to pray that there are some people who are blind. I am acting for the blind. When you make your final Constitution, please make a taped Constitution so that they can press and listen because most of them are blind. They do not know how to read. Only approximately six percent of the Kenyan Disabled Persons attend school - But we have the hearing skills. So if you can make a final draft in tape they can listen.

Lastly, our Judiciary has peoples who oppress disabled persons in rape and in other ways. They cannot prove their cases in court. May I pray that the Constitution provides a way that they can be able to have a lawyer to intercede for them even to petition for cases where inheritance, the peoples actually the families simply because they care for the disabled persons. They do not want them to inherit this land. I therefore wish to present this copy because the recommendations are there and I thank you so much for arriving here.

Com. Keriako Tobiko: Okay. Timothy Njogu. Francis Muchiri. Jane Wakihuru. John Mathenge. Mureithi Gichuru. Denise Ngatia.

Denis Ngatia: Thank you Mr. Chairman. "Education should be free. Subjects in schools done today are too many. They should be cut. Teachers should only teach pupils in schools where they are working. Government should provide free texts and exercise books. All students should receive free treatment in hospitals. My name is Denise Ngatia. Thank you all for listening.

Com. Keriako Tobiko: Okay Denis. How old are you?

Denis Ngatia: Eleven.

Com. Keriako Tobiko: Eleven years. In school?

Denis Ngatia:: Yes.

Com. Keriako Tobiko: Which school?

Denis: DED.

Com. Keriako Tobiko: Standard?

Denis: Standard Five.

Com. Keriako Tobiko: Makofi kwake tafadhali. Kanake Samuel. Nimekuita. No, nimeita Daniel. Kanake Samuel. Ngatia Gichaga.

Ngatia Gichaga: Asante sana Mwenyekiti. Yangu ni machache tu. Mimi nataka kutoa maoni yangu. Ya kwanza. Kuna watu ambao hawajaoja uhuru kutoka wakati tulipata uhuru. Wanaishi katika vijiji vya ukoloni. Na hawa watu.....

Com. Keriako Tobiko: Kama vipi?

Ngatia Gichaga: Kama Karindundu, Kathati, Kiamwangi, Kiarithaini, Kiamariga, Mathaiti na hata ni vingi kwa sababu zinajaa katika.....ni mingi sana.

Com. Keriako Tobiko: Sawa sawa. Wafanye namna gani?

Ngatia Gichaga: Serikali iwafikirie na kuwapatia makao. Na hayo makao yawe imekaguliwa. Yaonekane kweli inaweza kuwasaidia kwa chakula na matumizi mengine.

Jambo la pili. Kuna shida sana kwa sababu hakuna ofisi ambayo mtu wa kawaida anaweza kupeleka malalamiko yake. Kwa mfano, anaweza kukosewa na ofisa wa polisi. Na akipeleka malalamiko yake, anapeleka tu kwa polisi ambayo haichukulii kama yana maana. Kwa hivyo serikali ikiweka ofisi ya malalamiko ya Raia, mtu ukiwa amepeleka malalamishi yake kwa polisi na ikose kuchukuliwa vizuri, anapeleka kwa ofisi hiyo.

Com. Keriako Tobiko: Sawa sawa.

Ngatia Gichaga: Ya tatu. Kuna mashirika ya serikali kama reli. Reli ilipata hasara kwa sababu hii kazi ya uchukuzi ilipewa watu binafsi. Na hii reli ndio

Com. Keriako Tobiko: Tuifanye namna gani Mzee wangu?

Ngatia Gichaga: Hii malicense iwaache kupewa watu wengi sana kujitajirisha. Irudishwe kwa reli.

Com. Keriako Tobiko: La mwisho.

Ngatia Gichaga: La mwisho, ni kila mtu, pale ako na mali yake, hata ikiwa ni wapi, katika Kenya mzima. Iajiriwe na ilindwe na serikali.

Com. Keriako Tobiko: Asante Mzee wangu. George Muthiga.

George Muthiga: Well am very fast. I have only about five points. The first one is double standard to the application of the law and the Constitution. All Senior Politicians and President inclusive should be answerable for any breach of Constitutional law in general which they have sworn to protect and uphold. There are no two separate laws for the members, activist,

chairmen, Legislatures or opposition parties and those of ruling parties e.t.c. So, the same applies to the poor and rich. In this respect everyone is equally answerable and no discrimination for delay should occur when dealing with the culprit in any of the categories. All are equal in front of God. So, should they be to the.....

Com. Keriako Tobiko: Ndugu yangu just highlight your recommendations.

George Muthiga: Alright. So, finally what I am trying to say on this point is; we should not have discrimination in the application of law - Neither should there be insurbodination or manipulation of justice. The second point - The Police Force: This force as has been mentioned by somebody else should be made liable for all wrongs done. Especially where there is deliberate implications or (inaudible) e.t.c. So they should meet the law like any other ordinary criminals. On the same point, some areas or boots should be set aside where suggestions and criminals can be mentioned. Their names are pre-headed and then they be under constant police surveillance even policemen themselves.

Thirdly: Land. Trust land and public land i.e. environment at large. There should be strict and transparent measures for conservation preservation. Sustainability and exploitation. This should be from the people - the locals themselves. We should avoid situations that we call the tragedy of commons. Whereby everybody goes for whatever he feels it is for him.

Com. Keriako Tobiko: Thank you so much. Can we have Kenneth Maina.

George Muthiga: Just one point.

Com. Keriako Tobiko: No. Just hand in the memorandum. Kenneth Maina.

Kenneth Maina: Thank you Mr. Commissioner. I am just going to highlight on political parties. They should be limited to three. They should all be equally financed by the government. There ought to be less interference or influence on the government from the ruling party. Structures and systems should reduce the Presidential powers by introducing a Parliamentary government in which we have a Prime Minister.

Defection and change of parties should only be allowed during elections time. The Executive: The President should be reasonably educated, aged between forty-five and seventy-five, he should have no powers to hire and fire public servants, he should also not have the powers to make or dissolve Parastatals. The Provincial Administration. This should be done away with because it is a parallel government to the elected one. The Mayor should serve five years term.

The Basic Rights. Free health care for all with drugs available. Free regular clean water to every home. Free and compulsory education. Food should be made available. Adequate shelter for all. Living expense allowance for the un-employed.

The vulnerable groups: Make provisions for the disadvantaged persons in transport, roads and stairs.

Land and property: A Kenyan may own property or land in any part of the country. No individual should own land more than fifty acres. Land should be guaranteed to all Kenyans. There should be established an anti-corruption unit. Also, the Constitution should free the media. The President should be elected directly by the people with more than fifty per cent of the registered voters. Thank you.

Com. Keriako Tobiko: Thank you so much. John Muriuki Wahome. Esther Nyaguthii. Festus Kiiru, Peter Mwangi, Eustace Maina.

Eustace Maina: Thank you Mr. Chairman. I am Eustace Maina, civic education provider. Our new Constitution must have a Preamble. This Preamble should state that the Constitution is made by the people. The people of Kenya are sovereign. No law or authority including even the Constitution, is above the people. Kenyans are committed to democratic values of Constitutionalism, equality and rule of law. Kenyans are committed to the future of Kenya as united and indivisible country composing of people of diversity culture whose rights are inviolable. The Preamble should also state our common history as a people who were colonised for many years and who joined hands to struggle for their freedom. That is hard earned freedom that we are out to safeguard with our new Constitution.

National Philosophy and guiding principles: Children, young people, the elderly and other vulnerable groups should be protected. Traditional customs may guide life in the society provided they do not have any sector of the society. Of particular importance would be the formation of village council of elders.

On the point of structure and the system of government: Kenya should adopt a Parliamentary system of government in which a Prime Minister is appointed from the majority party in Parliament. The Prime Minister should be in charge of the daily running of the government affairs. He should be directly accountable to Parliament. Kenya should have a ceremonial President who should be above party politics. He should be elected by all Kenyans with a majority vote. While it is important to retain Central Government, local Government should be given leeway to implement development projects in their regions. From a percentage of taxes collected in the region.

Com. Keriako Tobiko: Now, please try and wind up.

Eustace Maina: Yes, I am summarizing. On Local Government. Local authority are the most basic level of government which makes them closer to the people. With this in mind, Mayors should be elected directly by the people. Like the Presidential and Parliamentary positions, local authority seats should also have moral and ethical qualifications. This Constitution should

empower the electorate to recall their Councilors. This should be done through collection of at least five hundred signatures of the electorate who registered their dissatisfaction on the performance of the Councilors.

In the electoral system and process, Kenya should continue practicing representative electoral process. The Constitution should retain the current geographical constituency system but we recommend that the current boundaries be re-looked into - on the basis of geographical and particularly on population diversity. On free, fair and informed elections, the Constitution must provide for very independent electoral commission. To do this, I propose that the electoral commission should be constituted by the political parties according to their strength. The commission should also have representatives from other organized civil societies.

Com. Keriako Tobiko: Can I have the last one. Because we will read your memorandum.

Eustace Maina: The last one will be on the part of Constitutionalism. If the Constitution is made by the people and belong to them, they should know it and understand it. The Constitution must be written in a clear, plain and straightforward language, as opposed to the legal language. The Constitution should state that it must become part of the school curriculum so that Kenyans grow with their Constitution. The Constitution must commit any government in power to continuously offer civic education to citizens. Thank you.

Com. Keriako Tobiko: Thank you so much. Charles Mwangi Mahinda.

Charles Mwangi Mahinda: Thank you Mr. Commissioner. I will only make a small point and I go forward. The President and the Vice President should be elected by the people. They should each get at least garner 51% of the votes. The President and Vice President should be at least forty years old - But there should be no older age limit. The President can appoint Ministers and Chief functionaries in the government, but they should be vetted by the Parliamentary morals and ethics committee. In case of any misdeeds by the President, Parliament should have the powers to impeach him, and after thorough investigation, the Parliament should recommend whether he should be taken to court or not.

Provincial Administration should be scrapped. Districts should become counties. District Commissioners, DEO's, Chiefs and Assistant Chiefs should go. They should be replaced by County Councils, Divisional Committees and Local Committees which should be able to formulate development policies in their own locality. County Councils should be autonomous from the Central Government. It should be able to use their revenue in their domain to provide free education, health and infrastructure.

Taxation in Kenya is one of the heaviest in the world. Parliament should be empowered to abrogate some of the taxes that are draining poor Kenyans dry today. The office of the Auditor General should closely monitor government spending and prosecute those found to have mis-used public funds.

Com. Keriako Tobiko: Lastly.

Charles Mwangi Mahinda: Parliament should have the power to form commissions and make public the outcome of such commissions. There should be an ombudsman and a Parliamentary truth and reconciliation committee, to look into former mis-deeds of the government officials. Thank you so much.

Com. Keriako Tobiko: Thank you so much. Now, Reverend Harrison Waigwa.

Rev. Harrison Waigwa: Thank you very much. In presenting this memorandum from P.C.E.A Tumutumu Parish, I wish to just make one comment. That completion of the Constitutional Review and date of the next general election should be de-linked. There is no question of extension of life of Parliament beyond the five-year term. This is what 2003 can mean. A chance to change. A time for resurgence. A chance to change. Thank you.

Com. Keriako Tobiko: Thank you so much. Now, sasa tumemaliza ile list yetu tulikuwa nayo hapa, ningetaka kuuliza. Sasa nataka kuuliza. Nani ambaye angetaka kuongea, anasikia kuna kitu inam....na haijasemekana. Something new.

Agatha Wanjiku Wahome: Thank you. My recommendations are few and brief. The first recommendation.

Com. Keriako Tobiko: What is your name?

Agatha Wanjiku Wahome: My name is Agatha Wanjiku Wahome.

Com. Keriako Tobiko: Nilikuita na haukuweko.

Agatha Wanjiku Wahome: I was here. One I would say that the MP's should be qualified. By qualifications, I mean that they should have attained a degree level of education. Secondly, I would also like to recommend the same for the Minister. I would like to add that when the reshuffles are being done, they should be done in a reasonable manner. A Minister should be put in a Ministry in which he is qualified to work I recommend that the MP's should act full time in order to serve the electors fully.

I would like to say that if a Minister does not act during his term, he can be removed by members or those who elected him, even before the Parliament term has expired. Next, The President should have attained a degree level of education. The Provincial Administration should be abolished. Dedan Kimathi should be exhumed and given a respectful burial. Thank you.

Com. Keriako Tobiko: Thank you so much.

Simon Muturi : My names are Simon Muturi. I have only three points. One. On retirement, the President should be barred by Constitution from participating in active politics - whether be it party or national level.

Number two. The national resources - the so called national cake, there should be a national technical committee to oversee how the resources are allocated in each Constituency. To avoid, a situation where everybody wants the national cake.

Number three and the last one is that there should be an interim period in which to practice this Constitution that you are making right today. That is.....

Com. Keriako Tobiko: After the completion of the.....

Simon Muturi: Yes, after the completion of Constitution making. At least there should be one year to put into practice what weso that it doesn't become so theoretical. That is all.

Com. Keriako Tobiko: Iko mzee bado kuongea. Mumesha angalia? Sasa yule ambaye ako na jambo ambalo halijasemwa na hao wengine ambao wameshaongea, Yes, please.

Simon Gachemi Gatiba: Mimi naitwa Simon Gachemi Gatiba. From Ndiraku Sub-location, Kiamukui location. Kitu ile ya maana mimi naweza kusema hapa, kubadirisha katiba, ile imetufinya sana, ni habari ya ukumbi wa Rais. Hebu niongee kwa kikuyu ndio niende kwa haraka.

Simon Gachemi Gatiba: Undu uria ingienda uhoro wa katiba guchenjio niundu wa Kenya. Ni thina uria twina guo niundu wa gukorwo ari iguru wa watho thiini wa bururi uyu witu wa Kenya.

Translator: We have a problem because the President is above the law.

Simon Gachemi Gatiba: Undu uria ungi ni uhoro wa migunda. Wa kuima subclans hinya ni undu wa migunda. Tugatunyagwo migunda na njira ya kuaga haki.

Translator: Clans should be able to control land.

Com. Keriako Tobiko: Clans?

Translator: Yes. Clans.

Simon Gachemi: Uguo no nyende kuuga, katiba icenjio ne erorwo hau uhoro wa clan. Muhiriga uheo hinya tondu nio moi uhoro wa andu aria mari area iyo na aria mabatie kugaya. Undu uria ungi ni uhoro wa andu aria mahikite. Makaga kugiria ciana cia anake aria mahikiire mundu akua. Magoka kuingata ciana cia mundu uria wakua. Magoka makagaya kuria mahikite na makagaya kuu.

Translator: That the married women get inheritance from where they are married and from their parents place. He is against that. That the married ladies should get inheritance from where they are married.

Simon Gachemi: Kwoguo katiba iria irikuo thiini wa Kenya. Ndirarora no kuhatiiriria irahatiriria andu aria mari bururi uyu wa Kenya. Hau ni ndoima. Haria hangi. Ni uhoro wa Rais o wothe. Gutiri abatie gukorwo agithura munene wa borithi kana wa jeshi. Kana kuga ati ucio niwe munene na uria ungi.

Translator: President should not be able to choose every other person. Like police and other senior officers.

Com. Keriako Tobiko: Mzee la mwisho.

Simon Gachemi Gatiba: Uria ungi ni uhoro wa Rais hingo ciothe. Agathiaga akirutaga mbecha na no cia bururi araruta. Handu guteithia ciana cionje na ciana cia ndigwa. Agathiaga akiheanaga marigu na matumbi na kuhe ikundi mbecha iria itangiteithia andu maigana una thiini wa Kenya.

Translator: That the President buys bananas and gives money on the roadside.....

Simon Gachemi Gatiba: Riria kwina ciana iria ingi ikomete barabara na aciari. Handu hakumateithia.

Translator: He is made a recommendation. That such money should help the disabled.

Simon Gachemi Gatiba: Undu uria ungi ni migunda yana guku Laikipia. Kunengera aria matunyirwo macokerio. Asante.

Com. Keriako Tobiko: Asante. Nani amekupatia nafasi wewe.

John Maina Mugongo: Ni huyu.

Com. Keriako Tobiko: Okay. Nakupatia dakika mbili. Maana umechukua nafasi ya mtu mwingine.

John Maina Mugongo: Asante Mwenyekiti wa Constitution Commission. Kwa majina mimi naitwa John Maina Mugongo kutoka hapa Karatina. Mimi nataka kuongea juu ya jeshi yetu ya Kenya. Tuko na huzuni sana katika nchi yetu ya Kenya. Jeshi yetu imetumiwa vibaya sana. Kwa maana jeshi yetu inatolewa hapa inapelekwa nchi ingine kupigania haki za wengine.

Com. Keriako Tobiko: Kwa hivyo tufanye namna gani?

John Maina Mugongo: Tunataka jeshi letu litumike hapa kwetu Kenya. Pointi ya pili. Tunataka Rais wetu wa Kenya wa jamhuri letu la Kenya anyimwe nguvu ya kuandika mtu yeyote ama kuchagua kiongozi wowote. Tatu. Tunataka hospitali zetu siziwe za malipo. Pointi ya nne tunataka shule zetu zote kutoka shule za msingi hadi University ziwe hazina malipo.

Pointi ya tano nataka kuongea juu ya kilimo chetu. Kilimo chetu iwe hatutawaliwi na mtu yeyote katika mazao na shamba zetu.

Com. Keriako Tobiko: Umemaliza.

John Maina Mugongo: Hapana.

Com. Keriako Tobiko: La mwisho.

John Maina Mugongo: La mwisho. Naongea juu ya marriage. Yaani watu kuoana vile wanaoana katika sheria za kuoana.

Com. Keriako Tobiko: Unataka aje?

John Maina Mugongo: Mimi nataka zirekebishwe hivi. Kukiwezekana. Mtu akiwa amemuoa mkewe na kwa muda usio mrefu sana ama kwa muda ule watakuwa wamekaa, wamekosana, watoto wale watakuwa nao wakiwa wataachana, wawe wakigawanywa mara mbili. Kukiwa hivi. Hata kukiwa hivi, baba asinyimwe nafasi ya kukaa na watoto wake hata wakiwa umri wa chini ya miaka kumi na nane.

Com. Keriako Tobiko: Asante sana. Mzee wetu. Nakupatia dakika mbili tu. Kwa hivyo chagua zile pointi ambazo ni muhimu na ambazo hazijagusiwa na mtu mwingine.

Daniel Ngatia: Asante sana bwana Commissioner. Thank you akina Commissioners. Mimi yangu ni machache sana yale nitasema. Naitwa Daniel Ngatia kutoka Ngandu sublocation. Na proposals zangu ni hizi. Serikali yetu ya Kenya inatakiwa iwe:

Number one: Inatakiwa Democratic Government, Multi-party Government na coalition Government. Hiyo pointi iandikwe namna hiyo. Ya pili. Tunataka tuwe na President na Prime Minister. Kutoka hapo nitakuja pande ile tunaita 'Administration'.

Hiyo iwe abolished. Na Sub-chief naye atachaguliwa na watu - na akichaguliwa ataitwa 'Village elder'. Na hiyo haijasemwa hapa. Sasa ingine nitasema ni ya elections. Tunatakiwa kuwe siku moja ya President na siku ya pili MP. Na ya tatu Councilor. Namba ingine nitasema MP na Councilor 'aki-defect' kutoka kwa chama chake arudi tena achaguliwe tena. Kwa sababu hapo tunaona kumeingia ukora.

Com. Keriako Tobiko: La mwisho.

Daniel Mwangi: La mwisho. Ni chama cha wafanyi kazi wa serikali kirudishwe. Kile kilikuwa abolished au kile kilikuwa I think scrapped by the state. Thank you very much.

Com. Keriako Tobiko: Thank you. Mama ulikuwa unataka kuongea.

Mary Wandia Kabiru: Ngwaria na Gikuyu ndagika imwe. Ni Mary Wandia Kabiru. Nii ngwaria uhoro wa ta muchiari uiguite thina muno niundu wa ciana kuuma college either cia Universities kana cia Primary Teachers Colleges cia thirikari cikaga wira na makerwo mecaririe.

Translator: Mimi naongea kama mzazi kuhusu watoto ambao wamemaliza Universities na wanaomaliza shule za waalimu ambao hawafanyi kazi ingawa wamehitimu kazi hiyo.

Mary Wandia Kabiru: Na cukuru nikurendwo arutani, no ciana icio ina hinya muingi muno wa kuruta wira. No matingiona wira. Kwoguo thirikari njeru iciirie muno kwandika andu acio ethi tondu mena hinya muingi wa gutungatira bururi uyu.

Translator: Katika Katiba mutengeneze kwamba kuwe na kama monthly rationing ati mtu akienda training course for a profession, aweze kupata kazi baadaye.

Mary Wandia Kabiru: Uria ungi wa keri ni uhoro wa aria makoretwo nao matungatiire bururi nio retired officers. Acio nao tondu makoretwo matungatiire bururi kuuma riria mari ethi. Marikia kuretire nimatiganagirio makaga ona mishara yao ni minini muno. Kwoguo ingiuria thirikari irore andu acio ati mundu a retire anina miaka itano akongererwa kamushara karia aheagwo.

Translator: Retirees should be looked after. They get pension money. Their retirement benefits should be reviewed starting from five years.

Mary Wandia Kabiru: Na kiria mekurihwo makarihwo na riu tondu maheagwo ta mweri milongo iri ni ta andu makuire.

Translator: Their benefits are greatly delayed. They get their benefits around the twentieth of the next month.

Mary Wandia Kabiru: Na nohoe thirikari njeru ithondekete mawatho. Macira maria mari igotini matigakiragia mwaka umwe. Tondum mamwe nimaikaraga ta miaka milongo iri. Ene ciira magakua matari macira.

Translator: Recommendations on Court systems. They should not last cases for more than one year. A case should be settled within one year. She is saying that there are cases that stay for twenty years and people die when the case is still in court. Hawa ni mawakili wanaelewa.

Mary Wandia Kabiru: Thirikari njeru irore ati uhoro wa kuraga niguu abortion umenyererwo ni aria marikoragwo magithii na mbere tondu ni kunina andu.

Translator: Abortion should be discontinued. There should not be any abortion.

Mary Wandia Kabiru: Ciana cia arimi ta kahawa na majani, ni itigaga githomo na ikaaga guthoma niundu wa maithe kana aciari kwaga kuheo mbecha. Kwoguo turore tuone ati nimaheagwo hindi iria yagiriire nigetha ciana ithii na mbere na githomo. Na macio manini. Thank you very much.

Translator: Sources to be formulated whereby farmers can be paid in time for their produce. Thank you very much.

Com. Keriako Tobiko: Sasa. Saa yetu sasa imekuwa mbaya. Tumekaa hapa tangu saa tatu. Kwa hivyo sasa nitawachukua watu.....ni nani ambaye ako na jambo ambalo halijatajwa na mwingine. Tafadhali ukisema jambo ambalo limesemwa na mwingine nitakusimamisha. Sawa sawa tumesikizana. Ukisema jambo ambalo limeshatajwa nitafanya nini.....nitakusimamisha.

Com. Bishop Njoroge: Ni muraigua uria aroiga.

Audience: Iii.

Com. Bishop Njoroge: Waria undu uugitwo...

Wachira Kamau: Ngwaria Gikuyu. Nii njitagwo Wachira Kamau. Na gwitu ni guku itura ria Kirimukuyu. Kiria nguga ni atiriri. Namba ya mbere ni watho wa namba ya 108 uria ugiritie andu aria maruirire mbaara makorwo na igweta bururi uyu.

Translator: When you look at Section 108, it discriminates against freedom fighters.

Wachira Kamau: Uria ungi nikuuga ati mundu ugwitwo Kimathi wa Chiuri. Ni abataire guthikurio kuria ari na nigetha Kenya

ituike niyo ohorirwo.

Translator: Dedan Kimathi should be exhumed and given a decent burial.

Wachira Kamau: Wa gatatu. Mathenge wa Mbiruri. Niturikitie kuona ngathitini ati ari muoyo. Na thirikari itu njeru ni ibataire kuona ati mundu ucio nioka guku niundu niekuhota gutara ita ciitu uria maruire mbara makihotana.

Translator: General Mathenge Mbiruri who is alive and whom they wrote about in the papers recently, should be brought back to advise our army.

Com. Bishop Njoroge: Kimwire ya muthia.

Translator: Ya muthia.

Wachira Kamau: Mothe makiri na bata. Wakinjira ka muthia. Ngwenda kuuga ati. Watho wa mbecha thiini wa bururi uyu andu aria marikitie kuruta wira wa thirikari na angi itonga cia guku, ni ithamitie mbecha igatuara mabururi ma kuraya. Na thirikari njeru twagia ona a retiree mbecha icio ikinyiirwo icoke bururiini.

Translator: Money banked overseas should be brought back. The Constitution should recommend that money banked overseas be returned.

Wachira Kamau: Rais wa bururi, athane miaka itano. Akorwo ari mweka tumuhe ingi itano.

Translator: Two five-years term for the President.

Wachira Kamau: Machief na Maheadmen mao. Twitikirio ni thirikari njeru. Tumathurage. Ota uria twamathuraga hindi ya mbere. Tukamarira line.

Translator: We should be allowed to elect Chiefs and Sub-chiefs.

Com. Keriako Tobiko: La mwisho. Mzee.

Translator: Ka muico.

Com. Bishop Njoroge: Ungiaga kuandika ri....

Wachira Kamau: Uria ungi. Andu aya mari bunge. Mari na mishara minene nikio andu mararira ni kuhuta. Mishara iyo yao ri, mundu umwe atukite uria ungi e wabichi ari heagwo ngiri magana matano o mweri ri. O riria muraigua kiriro kia bururi ni ciagiirwo inyhanyihio.

Translator: The Parliamentarians salaries to be reduced. Mzee amemaliza. Asante Mzee.

Wachira Kamau: Mundu tiga kuhinga. Nindaruiire mbaara ino muno reke ndimuhe uhoro.

Com. Keriako Tobiko: Jaribu kumaliza mzee.

Translator: La mwisho.

Wachira Kamau: Uria ungi ni kuri kiama gitu gia gwitia mungereha hadhara. Na thirikari itu njeru itunyite mbaru tondu iria iri kuo Wathika uria umitire ya mikora ndira ya tunyita mbaru. Kiama gia gwitia hadhara iria tuathire bururi uyu ya kuragwo na gutunywo indo ciitu. Na ciira ucio nitukinyitie igotini.

Com. Keriako Tobiko: One minute kila mtu. Okay tumesikizana. Dakika moja kila mtu.

Zachariah Kamau: My name is Zachariah Kamau from Karatina. I am saying that the government seem to benefit too much on court fines. Because when fines are too high, offenders always look for other alternatives and this gives policemen field day. Especially this.....

Com. Keriako Tobiko: Sawa sawa tumeelewa.

Zachariah Kamau: The second one anybody who has sworn to protect the Constitution like the Parliamentarians, the Ministers or the President akikiuka Katiba, he should be detained. Thank you.

Com. Keriako Tobiko: Asante sana. Nani mwingine. Musemba. Kigama. Unataka kuongea?

Peter Mureithi: Thank you for this opportunity. I am Peter Mureithi just from the area of Mathaiti. I just have two items. One is in relation to lack of jobs in the country. What should be done is that one should get a job according to his academic achievements. Retirement should not be overseen or overlooked by the issue of ID because you can be very much corrupt here, you can be of seventy years and still working in the government quarters. We should have a duration of twenty years to work then you leave. That is a short stay and we have another generation.

Com. Keriako Tobiko: Sawa sawa.

Zachariah Kamau: Just one item remaining. On the issue of sole businesses enterprises - like some coffee brokers and Jua-kali, I should urge the government to oversee or to approve the issue of anybody working or doing a business of beyond 40 to 20 dollars, he should not be touched by local government authorities. That will increase, I believe..... income generating activities and it will minimize bribe and crimes that come as a result of idleness. Thank you.

Com. Keriako Tobiko: Thank you very much.

John Maina: Nii undu wakwa wa mbere. Ngwaria na Gikuyu. Atumia aria mari cionje makiria nimagite uhoro wa uikaro muega tondu cionje icio niiraciara ciana no itirona gwaguikara.

Com. Bishop Njoroge: Ritwa riaku ni ririku?

John Maina: Nii njitagwo John Maina kuuma Karithu Sub-location. Atumia acio cionje na athuri cionje nimaraciara ciana icio maraciari itirona gwaguikara. Kwoguo nguria thirikari itikire ciana icio niguu iheo migunda nigetha ikona gwa guikara. Tondu ciana icio cia ciarwo ti cionje.

Translator: The disabled have a lot of problems. They get children and have nobody to cater for them. They have nowhere to stay. The government should look at the children of the disabled.

John Maina: Undu uria ungi ingienda kugweta ni ati andu aria marikiirie gukorwo moimite mititu maturaga barabaraini na mena ciana. Na nimarathomithia . Na imwe niiciarite njiarwa cia gatatu. Ngakiuria thirikari itikire andu acio maheo migunda nigetha makenagire bururi wao ota andu aria angi.

Translator: Former freedom fighters should be given land so that they can settle their families like other people.

John Maina: Undu uria ungi ingienda kugweta ni atiriri. Andu aria mari bungeri. Maraheo mishara minene muno. Oria kuri na andu mena thina wa mbecha. Ciana nyingi itirathoma, iri micii na ina githomo kinene niundu wa kuaga mbecha ikaga guthoma. Riria andu acio maraheo mishara minene makaga gwiciria uhoro wa andu aria angi mari thi.

Translator: Gwikwo atia?

John Maina: Andu acio maheo mishara minini nigetha ciana ici itari na ateithiriria a githomo. Na cio ithome ta andu acio

igatuika atungatiri a guku gwitu.

Translator: Niwaigania muthee. Reduce Parliamentary salaries.

John Maina: Undu uria ungi ngwenda kugweta ni ati ona andu a kanju. Ningwenda mishara yao inyhanyihio nigetha nao andu aria marutanaga nursery schools mahote kuona mbia cia kuheo mushara tondu onao mena ciana nyinyi marathomithia.

Com. Keriako Tobiko: Asante. Mwambie yeye Asante.

Translator: Reduce salaries of Councilors to pay nursery school teachers.

Com. Keriako Tobiko: Okay. Asante. Sasa taja mambo.....

Mugo Mureithi: One.

Com. Keriako Tobiko: One minute? Na usipitishie tafadhali.

Mugo Mureithi: I am Mugo Mureithi. Nangingiuria quorum ya abunge makirihwo. Matige kurihwo na quorum marehagwo na tendance. Twike undu undu umwe. Tondu abunge aitu mathiaga wira o riria mundu ekwenda.

Translator: Members of Parliament to be paid for sessions they attend Parliament.

Mugo Mureithi: Undu uria ungi ingienda kuuga niundu wa Trade Unions. Trade Unions twaheirwo tondu tutiri na mundu ungituteithia. Thirikari irore na gwikirwo Consitution. Mundu aiya o Trade Union. Anyitwo na athitangwo na Wananchi aria mari kuu maheo powers. Thank you.

Translator: That there are some Trade Unions that people steal from.

James Ojwang: I am James Ojwang. Shoot out by police should stop forthwith and policing of people should be practiced in this country. Proxy methods should be used in eradicating corruption within the top civil servants and Parliamentarians.

Com. Bishop Njoroge: Thank you very much. Wewe ndio wa mwisho. Na utwambie jina lako.

Dominic Kariuki: Okay. Thank you. I am Dominic Kariuki from Gakuyu. The issue I want to talk about here is that; in addition to this administration government, being elected like for example the Chiefs, and the Sub chiefs, they should also be

transferred. We have treaties whereby they have been signing for boundaries they have curved. Therefore, they are supposed to be straight and strict and they should learn the criteria. Who will come to say that they are straight, when they have treaties and boundaries they have curved?

The other thing that I want to talk about is that the cost sharing is the one that has actually killed people here in Kenya. It should be banned completely especially on the health sector and education sector. The cost sharing should not be there.

The other thing is that when it comes to those people who are finishing their education or we would better talk of the graduates from the various colleges. We have seen the cases of joblessness here in Kenya.

Com.Keriako Tobiko: Can you recommend what you want?

Dominic Kariuki: What we want is that the government distribute equal loans. The loans should be carried free of interest so that people can invest in the business sector.

The other thing is that the Constitution that is being made here should talk about the people first and not the Executive because I understand the one that is here talked about ...I don't know the republic of Kenya and the next one 'the Executive'. Let it talk about the people because it is the people who elect the President. Thank you very much.

Com.Bishop Bernard Njoroge: Thank you very much. Ladies and Gentlemen. Wapendwa. Nituakinya muthia wa ihinda riria tuma nario. Kai mwina ciira hau? Athiiku? Nikwenda ekwendaga kwaria? Okay, niathii. Nitukwenda kuuga ati twina gikeno muno niundu kuuma riria twanjiriirie wira uyu. Ikara thi tondu ndirenda kwaria. O nawe no uthikiririe.Ungirega guthikiriria tutingiguana. Ni tukwenda gukena tondu kuma riria twanjiriirie wira uyu thiini wa Central Province tutiri twathii Constituency tugakorwo na andu aingi uu. Andu aria meyandikithitie ukaigua ni mbere ya magana matandatu. Kwoguo ningwenda gucokeria Constituency Committee ngatho na atungatiri aria methiini wa Constituency ino. Na mafather.

Without their devotion we would not have had the many people we have had today. We have also heard views that are interesting. Very focused views. Ndikiui kana andu a Mathira ni guthoma mwathomire muno kana hihi no kuona mukwenda gutuimpress mutithomete uguo muno. No ngwiciria ni guthoma muthomete muno. Kana tiguu? Ni thina mwagiire muno?

Interjection: Ni thina twaigire naguo muno.

Com. Bishop Njoroge: Okay. Kwoguo ni thina. Tunataka kuwashukuru. Zile views ambazo mmepeana mutakuja kuziona katika ile report ambayo tutaandika. Na ningesema Mungu awabariki na muendeleo na kutuombea. Ili tumalize kazi hii tukiwa tume saidiwa na Mungu. Sawa. Don't lose hope. God is with us. Yule aliyefanya hii Katiba ianze kuzungumzwa, si bado yuko?

Audience: Yuko.

Com. Bishop Njoroge: Na ataona imefika nini? Mwisho. Sasa nitamwambia Commissioner Lethome aseme machache halafu tumpatie program officer. Na baadaye Priest Gitari atatuomba.

Com. Lethome: Baada ya Bishop kuzungumza sidhani nina mengi ya kueleza, isipokuwa nawashukuru pia. Hatujaona umati mkubwa kama huu tangu tulipoanza kufanya kazi. Lakini pia tunajua bado muko na maoni mengine ambayo hamjatoa. Sasa msione kuwa tumeondoka hapa ndio mwisho. Bado tutapokea maoni, process bado inaendelea. Kwa hivyo hata sisi baada ya kurudi Nairobi, kama una maoni yako, andika, mpatie District coordinator au utumie njia yeyote. Karatina sio mbali sana na Nairobi. Tukisema Karatina ni mbali, na wale wako Mandera je? Na wako Kenya hii? Mandera tunazungumzia habari ya kilomita elfu mbili. Hapa na Nairobi ni one hour peke yake matatu zozote zinaenda. Hakikisha usikae na maoni. Kwa sababu tunasema '*we are making history*'. Hii ni history tunafanya sasa. Baada ya miaka hamsini ama baada ya miaka mia moja, haya maoni ambao unatoa sasa ndio itasaidia watoto.

Ikiwa sisi kama WaKenya tumedhulumiwa miaka thelathini na nane ama thelathini na tisa kwa sababu ya sheria mbaya, tusikae na maoni ndani yetu ambayo yangeweza kusaidia watoto wetu na wajukuu wetu na watoto wao miaka ingine mia moja. Lazima tutoe sasa. Twasema hivi. Tusikubali kudhulumiwa. Ni makosa tena ni dhambi kukubali kudhulumiwa. Sasa kukubali kudhulumiwa na kunyamaza na maoni ambayo ni mazuri, ukatae kutoa, umekubali kudhulumiwa. Kwa hivyo msikubali kudhulumiwa. Hapo tumekubaliana?

Audience: Ndiyo.

Com. Lethome: Kwa hivyo muendeleo kutoa maoni. Mtufikishie Nairobi. Twawashukuru sana kwa maoni yenu na Mungu awabariki. Asante.

Com. Bishop Njoroge: Hakuna kuzungumza tena. Wanjohi.

Samuel Wanjohi: Nairobi ofisi iko wazi. Nairobi ofisi iko Kencom House. Hapo karibu na Hilton Opposite. Kencom House. Ghorofa ya pili. Na hapo tuko wazi. Ile kitabu nilikupatia iko na hiyo anwani. Sasa ni Members of CCC. Ningetaka mama ukuje u-introduce members wa CCC. Na ufanye hiyo announcement. Introduce Members wa CCC walioko sasa.

Vice Chairlady CCC: Mimi natoa shukrani kubwa sana. Namsalimu nyote. Hamjamboni.

Audience: Hatujambo.

Vice Chairlady CCC: Sitakaa. Lakini hata sisi tukiwa wanakamati tumetoa shukrani kubwa sana kwa vile mumevumilia, mkachoka, kutoka asubuhi mpaka wa leo ili mtusikilize. Hata sisi tunatoa shukrani kubwa sana. Nikiwa mdogo wa mwenyekiti - mwenyekiti ni Mayor wetu na ameenda kidogo akaniwacha. Tulikuwa tukifanya pamoja kwa vile mumeongea. Lakini hapa tumebaki wachache. Tuko na Secretary wetu Mr.Wanjohi, na Miss Mary huyu mnaona hapa ni mmoja wa kamati. Hata na huyu Assistant John Gatua, na huyo mwingine ni Father Mucheke ambaye ni Secretary - simama tu. Hiyo kazi mnaona inafanywa hapa, ni hawa kamati na wale waalimu wetu kama huyu na wengine. Na tunajua tukifanya, tukishirikiana kwa vile hii ni kitu tunataka sana, kwa vile iko mzigo juu yetu, tunataka tuondolewe, na tuondoe tukiwa pamoja nchi yetu irudi pahali ilikuwa. Asante sana. Ningependa kupatia Chairman amalize.

Interjection: Hebu. Chairman wa Civic Provider aseme jambo moja. Twachie Mwenyekiti.

Vice Chairlady CCC: Ndiye huyu. Asante Asante sana.

Chairman Civic Provider: Asante sana Commissioners. Hebu waalimu wangu wasimame. Commissioners, huyu ni mwalimu mmoja wa Civic provider, James Muriuki Kamunya. Kuna wao wengine walikuwa wakisaidia kazi pale nje, na wengine wametoka. Nashukuru sana kamati yetu ya Mathira kwa sababu ya vile wametusaidia kuleta watu pamoja, kule nje na hata ndio ikafanya watu waingie hapa vile mnaona wameingia. Na waalimu wamefanya kazi sana. Thank you Chairman wa kamati hiyo na Vice-Chairmen kwa vile wametufanyia kazi kubwa sana. Tutamwombea Mungu. Tunajua ile kazi mko nayo ni kubwa sana. Nanyi mukirudi tuombeeni ili tufikishe message yenu kwa watu na wajue Katiba ni nini? Asante.

Com. Bishop Njoroge: Asante. Tukienda kwa Commission, tutawaambia vile tuliona Mathira.

Samuel Wanjohi: Asante. Bishop. Ningetaka kumshukuru Secretary wa KNUT Bwana Munyiri pia. Mwalimu ambaye amefanya kazi mingi. Tulikuwa na yeye huko Secondary School Runguthu - Kule kwa KNUT na wale wengine. Na waalimu wameanzia juu, wamekwenda mpaka chini. Infact tumeandika kwa gazeti yetu. Hii gazeti ya *katiba news*, tumeandika KNUT vile wamefanya. To cater for schools in Mathira. Nawashukuru walimu nafikiri asante sana watu wa Mathira. Tutakwenda kesho Kiamahiga, hatujamaliza - Kesho tutaenda Kiamahiga ndio tusikize maoni ya pande ile ingine. Reverend ningetaka kukuomba utufanyie sala ya mwisho ili tumalize.

Rev. Fr. Mucheke: Thank you very much. I want to assure you that we are gaining and we shall look at that document to see whether what we have spent the whole day saying is really included in that draft. Natusimame tuombe. *Twagucokeria ngatho ni tondu wa guturehe giikaro giki na gututeithia kuheana maundu maria matuthumburite na maria tukuona mabatii gwikirwo thiini wa Katiba iria njeru. Twagucokeria ngaatho ni tondu watuhotithia gwika uguo. Maundu macio nitukuhoya na tugetikia nimagwikirwo thiini wa watho uria mweru ukuuma ni tondu wa wagiriru wa bururi uyu. We*

take this opportunity to thank you for the Commissioners and the time that you have given them to visit this place. We thank you because of their time and we thank you because of the obstacles that you have been able to take them through. Even as they go to meet the people of Kiamahiga tomorrow, we want to commit their work and the entire process in your Hands, as we leave this place we pray that you will part with us and you will bless us. Haya yote tunaomba kwa jina la Yesu Kristu ambaye ni Mwokozi wetu. Amina.

Meeting ended at 6.15 p.m.

&&&&&&&&&&&&&&&&&&&&&&&