

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, GATUNDU NORTH
CONSTITUENCY AT MANGU CATHOLIC HALL**

ON

SATURDAY, APRIL 20TH 2002

CONSTITUENCY PUBLIC HEARINGS, GATUNDU NORTH CONSTITUENCY, HELD AT CATHOLIC HALL, MANGU ON 20TH APRIL 2002

Present:

1. Com. Prof. Okoth Ogendo
2. Com. Alice Yano

Secretariat In Attendance:

- | | | |
|---------------------|---|---------------------------|
| 1. Charles Oyaya | - | Programme Officer |
| 2. Daniel K'Onyango | - | Asst. Programme Officer |
| 3. Susan Mutile | - | Verbatim Recoder |
| 4. Christine Moraa | - | Sign Language Translator. |

Meeting opened at 9.35 a.m with Com. Prof. Okoth Ogendo as chair.

Stephen Wanyoike: Kama unafanya jambo lolote, tumheshimu Mungu na wale wana kofia tafadhali watoe, if you are wearing a cap, please take it off, na wale wako nyuma tafadhali sasa tunaomba, Bwana Roshio mara nyingine naomba wale wako na kofia watoe.

Jean Maria Gitau: Prayer: Kwa jina la Baba na la Mwana na Roho mtakatifu amina, Mungu Baba mwenyezi, siku ya leo ni siku kubwa sana kwa watu wa Gatundu North. Ni wakati wa kutoa maoni yetu, ili tuweze kutengeneza Katiba mpya. Mungu Baba ni wewe tunakuomba utupatie masikio ambayo yatatusaidia sana, na tena hivi leo tunakuuliza uwe mwalimu wetu mkuu, kiongozi wetu mkuu tunapotengeneza hii katiba, ili nchi yetu ya Kenya iweze kuongozwa na katiba ambayo italinda kila mwananchi; italinda watoto, italinda wakazi, italinda walimu, na watu wa tabaka zote za maisha. Tunaomba Mungu tunapotoa mawaidha yetu, ama maoni yetu, yote yaandikwe, ili Katiba hii iwe Katiba ambayo itatumika katika historia; hata wale ma-commissioners ambao wanahusika katika kila tarafa, pia wawe wanakumbukwa ya kwamba walifanya kazi njema na

Mungu pia uwabariki. Ongoza viongozi wetu ambao wanajitayarisha kwa uchaguzi mkuu, wawe viongozi wetu ambao Mungu utaona wanafaa, utawapatia nafasi na wale utaona wataharibu nchi yetu watupe nafasi tuchague viongozi wengine wapya.

Mungu

baba naomba ikiwa ni wakati wa kutoa maoni sasa ni wakati wa maoni. Ni mengi tunajua tunataka na kile hasa ambacho tunataka utatutafutia Katiba nzuri ambayo itaongoza nchi yetu kwa miaka mingi, bila kuleta ugomvi wowote.

And now Lord as we wind-up, we thank you once again for having given us this chance to enable us to contribute our views to the Constitutional making through contributing our views. Bless our minds, bless our hearts and our bodies, that we will give our views here today and will carry them on, and whatever we shall contribute shall make a good Constitution that will guide our Nation for many years to come, and that it will be a Constitution that will be read, and will guide our people of all the coming ages; young people, old people and members of the public, through your guidance from right now and forever.

We also pray for the Commissioners who are collecting the views. Give them strength and courage, and whatever Constitution we shall make, may it be for the benefit of all of us. For all of us that are coming here that are going to contribute, bless us all. And this we pray through Jesus Christ our Lord. Amen. In the name of the Father and the Son and the Holy Spirit Amen.

Com. Prof. Okoth Ogendo: Can you please settle we want to start. I want to officially start our meeting of the Constitution of Kenya Review Commission sitting at Gatundu North to receive the views of the members of the public on the Constitution. We are here to receive your views. If you have a memorandum we would request you to highlight that, and if you give your memorandum, you will enter your name on the register of the Constitution and then you will give your views. We will follow the register, which we have here, and we will put down the names, and I hope we will be able to cover everybody that wants to speak to us. My name is Prof. Okoth Ogendo a Commissioner, and with me is Commissioner Alice Yano, and we now want to start. I want to start with Mr. Michael Ngugi. Can we start with you? Michael Ngugi is not there? Can you please let Ngugi give his views, Mr. Ngugi please say your names so that it can be recorded and then summarise your memorandum

Michael Ngugi: Good morning Commissioners

Commissioners: Good morning

Michael Ngugi: My names are Michael Ngugi Thatu. I am a Councillor of Mangu Location. Today I have proposals mostly centering on federal of Government. I would like to read, as a Councillor. I have been a Councillor for ten years and for those ten years; I will say the reason why I will not prefer the direct elections of mayors and chairmen of councils. I have found for those years even for the two years we are being elected, that they become too pushy and too domineering at the expense of other councillors. Direct elections also create room for corruption and it remains only for the rich people who will be elected, and not responsible people, yet a chairman represents a whole district.

I would also discourage it because it means experimenting with our democracy. The current system should remain, and this will only be for the mayor wielding a lot of power in the district and then creating a bone of contention between the voters, the councillors and the constituency Members of Parliament. For that reason, my recommendation is for the current two-year term to stay

The Local Authority should be autonomous and have power of electing officers. The Federal Government should only remain with the supervisor's role at the district, and neither the President nor the minister for Local Authority should have the power of his office and Cabinet. If found misbehaving, councillors and civil officers concerned should be held responsible and safeguarded particularly on financial matters.

There should not be nominated Councillors, because they interfere with the good running of civic wards of the council. Secondly, the method of nomination for those who are retired, for most of them happen to be close to them and relatives of the nominating party leaders. There should be a minimum education or qualifications for party Councillors. One should have a minimum of form four education or a certificate of proficiency in English and Kiswahili as I see it happening to the Members of Parliament.

Number two, Councillors should have letters of recommendation from their respective councils after serving for a period of five years, and should not be subjected to any other duty just as it is done to the members of Parliament and therefore should be automatic nominees, if nominated by their respective party.

Councillors should be enumerated properly under the regulated programme to avoid corruption.

Councillors should be awarded a pay rise after serving for a period of two terms

Councillors should have an insurance scheme and should have tough rules. I am saying it because once a Councillor leaves the office of Government, they became very desperate people and therefore a system should be created to take care of the retired Councillors.

Thank you Commissioners and happy Constitutional making.

Com. Prof. Okoth Ogendo: Register also there. Can we now have John Mumbia. Thank you. Please summarise your memorandum.

John Mumbia: Commissioners, I would like to make my presentation, which is a memorandum that is representing the views of over five thousand, three hundred teachers of Thika who elected me as their secretary. First.

Preamble: The Kenya Constitution requires a preamble. We need a provision for Kenyan people. The Constitution should be amended by a 75% majority to avoid the sitting of Parliament and changing the Constitution with vested interests. For example in 1982, Kenya was made one party state in a record of two hours.

The Bills of rights should to be closely amended and the Central Government should be by a 75% referendum. The referendum can be done by the Electoral Commission.

Citizenship: Anybody under and in the jurisdiction of the Republic of Kenya should be an automatic citizen. A person married by a Kenyan should automatically be a Kenyan citizen. The Constitution should allow dual citizenship.

Defence and security: The District Officers, the military, and the police also must be established by the Constitution.

The President should be consulted. The Cabinet should have the power to declare war. However in extra ordinary situations, that is, the irregular, the President should have the power to make decisions. Incase such a situation has never been

encountered for example; the Parliament should have power to declare the state of emergency.

Political Parties: The major role of the political parties should be political mobilization, and these parties should have their agenda. The Constitution should regulate the conduct of political parties and there could be a political party code of conduct. Political parties should be registered. It should have one thousand registered members from the several districts of the Republic of Kenya to avoid tribal parties

Structure and System of the Government: The present system of the Government should be retained. The unitary system of Government should also be retained, but some of the powers should be distributed to the Local Authority, for example, power to contract land.

Legislature: The system of a proper legislature should be replaced with none supremacy of the Parliament. Parliament should have the power to make appointments of the Attorney Generals, the Chief Justice, Treasury staff, Auditor General, Solicitor General, Cabinets, Parastatals Chiefs, Police Commissioners and Kadhis of the High Court.

Parliament should be independent and should have unlimited power to control the procedure through standing orders. Salaries of the MP's should be recommended by a Parliamentary Service Commission, but not themselves.

Nomination of MP's should be of different parties, for example, Maendeleo ya Wanawake, Trade Unions like Kenya National Union of Teachers and other organizations but not political parties

Coalition Cabinet should be encouraged once a political party gains the majority.

The President: The President should be over 35 years and should have ten years experience in order to vote and be a graduate. They should serve for ten years; two terms of five years each. The powers of the President should be defined to avoid very powerful presidency.

Currently the President has the power to appoint everybody in the Government, from the sub-chief to the Vice President. He should share the roles with other people. The President also should be a Member of Parliament; we do not want a President who does not have grassroots support.

Judiciary: The Judiciary should remain the same but charges should be reduced. They are very high, and this is discouraging people. What about the authority we have? The Councillor has done that effectively.

The Electoral system: The Electoral system should remain the same but should be defended from manipulation by its Executive.

Basic Rights: They should be highlighted in the Constitution. These includes the right to education, care of water, shelter and employment

Parliament should effectively participate in the budget and Parliament should elaborate its process. The budget should be no longer discussed and lastly, the President should have powers after he has been removed in order to have his benefits.

Com. Prof. Okoth Ogendo: Thank you very much Mr. Mumbia. Can we have Michael K Kuria? Michael K. Kuria, please

summarise your memorandum.

Michael K. Kuria: My name is Michael K. Kuria; I am here to represent the Chain Association. I have a got a memorandum, I want to highlight a few points. The Constitution should have the supremacy of all the functions of the Government, and should take the law. All the other laws must be stipulated by the Constitution.

Citizenship: We know that to become a citizen one must be a citizen by birth, by spouse who has been married by a Kenyan citizen or a foreigner who has adopted a child within the country and at the same time the children who are adopted from anywhere else, by a Kenyan citizen could also became citizens.

Rights and Obligations: We require a Constitution that has got strength of basic rights of individuals: the rights to vote, right to own property anywhere in the republic. It should not be limited or within your original province.

The Defence and the National Security: The disciplined forces, the military and other organizations should be established by the Constitution.

The President should not be the Commander in Chief of the Armed Forces, that wing should be taken by a trained military officer.

The role the political parties can play, I think I have indicated clearly what the office should be doing, but at the same time they should not be always quarreling but they should also think of the welfare of the public at large.

The structure and the systems of the Government: The current Presidential system of the Government should be scrapped and replaced with a ceremonial President. We prefer a ceremonial President because we have in mind that the Constitution may create a post for a Prime Minister, who will be the executive within the system.

The President should not be a Parliamentary candidate. He should not be campaigning for other candidates who want to become MP's or Councillors. He himself should not remain as a Parliamentary candidate. To be elected to be President, one must gain at least 50% of the votes cast in all our provinces, not only 25% as it has been in the present Constitution. However this time we pray that there will be Constitutional changes and we ask the candidate to gain at least 50% of all the votes cast.

The Parliamentary System: We prefer that we retain a system of Unitary Parliamentary system as it is today. This is preferred in that if we have a federal Government there will be a lot of ethnic differences and fighting in different provinces for people who come or go from one province to another, if we form a federal Government. I think that at the same time we have to also consider the inequitable distribution of resources if we form a federal Government.

Legislature: We would like the legislature to have the vetting power of all the appointments of the Judiciary, particularly, the Chief Justice, all Constitutional Commissions, Permanent Secretaries, and the Head and Chairmen of Parastatals. It must be debated by the Parliament regardless of who is the appointing officer. We also see that being a Member of Parliament should be a full time job. One should not be a Member of Parliament and at the same time be the Chairman of a parastatal, or he becomes the Chairman of a certain bank, which is run by the Government. That one should be taken as a full time job. That is

why we don't see most of our MP's back in their constituencies, because they are given other responsibilities, therefore they hardly go to visit their constituencies.

To become a Member of Parliament, we have this plan, that a candidate should have a minimum qualification of school certificates similar to the President's. The existing system where a nominated MP could also be a constituency MP later on by matter of being a Member of Parliament for five years, that is wrong and should be discouraged. We have known some very illiterate people to be nominated.

Com. Prof. Okoth Ogendo: Please summarise up.

Michael K. Kuria: Okay thank you. Next we come to the Executive: The Judiciary should have a Chief Justice, and the Chief Justice should not be an appointee of the President alone. It should be debated by the Parliament. I had just said earlier on, that the executive man in the future Government should be the Prime Minister and not the President.

Although I have left a few points, that is all.

Com. Prof. Okoth Ogendo: Please register your memorandum over there, Eunice Wambui Mwaura.

Eunice Wambui Mwaura: My names are Eunice Wambui Mwaura, presenting a memorandum on behalf Gadundu North women. I have a memorandum here, but I will just highlight the main points.

One, in our memorandum, we wrote down the way people can become citizens of Kenya. Since we are women, we will not like our children to get lost in other countries.

We also have the roles that political parties can play, eg. They should support equal education for all, and should invest fully in social amenities. We also have the roles of political parties, that registered parties should enhance better equality at the national level.

Parliament system of the Government: Here we have the post of the President, that the President should oversee the process and recommendations of the bills, laws and Government policies.

We also have some points on the Legislature: That appointments should be vetted by the Parliament, that is the judicator and all Constitutional Commissioners.

We also have the requirements for voting and contesting Parliamentary seats and the Presidency. One is, the President should be between 35 – 65 years and the members of Parliament should be above 30 years, I am sure there are others in the memorandum. There should also be academic qualifications which should prevail and minimum qualification should be form four and above.

There are also Executive powers: We have the Presidential qualifications, that the President should hold a university degree from a recognized university, he should be morally upright, and be a family person. He should have the age between 35 to 65 years, should be of sound mind, God fearing and should also declare his wealth.

Next we have roles which should be played by the Judiciary, that the judiciary should be independent and should be separated from the Executive. Also disciplinary mechanisms for civic and other officers, like demotion, and sacking must be there.

On Judiciary: the Chief Kadhi should be registered and should listen to judicial work, like all other judicial officers. The Chief Kadhi also should have a minimum degree, and he should have been appointed, with an emphasis on gender equality.

We also have some highlights on the electoral system and policies. Here I will first talk on the Electoral Commission. There should be a calendar for the elections. The Presidential candidate should gather votes from all over the country. Here are the qualifications for the electoral Commissioners: a minimum of a diploma in law, at least three years of experience in practicing law, and upright and moral conduct.

Com. Prof. Okoth Ogendo: Please summarise

Eunice Wambui: We should also have basic rights and here I have the basic issues of basic rights. We should have basic rights on security, health care, water and education. There should also be rights on vulnerable groups, property rights, that is, inheritance and ownership, physical violence, sexual abuse and others.

Land and property Rights: All matrimonial property should bear names of both spouses, and there should be proper establishment of the succession law. The Local community should have the power to control the use of land by the owners or occupiers.

Lastly, we have the, the civil institutions and offices. The following should be established in the human rights commission; a gender commission and an anti-corruption commission. These commissions should act as autonomous bodies mandated to deliberate on the basics right failures.

Succession and transfer of power: We suggest have that the Vice President should be directly elected and not be a Presidential appointee. The Chief Justice should have executive powers during Presidential elections. The Constitution should also have a provision for a former President. This is the matter concerning security, welfare and pension. With that I have summarised our points hoping that you are going to consider our views.

Com. Prof. Okoth Ogendo: Thank you very much. Otherwise I want to ask you one question. You want the Presidential candidate to be somebody with a degree. We have had two Presidents and both of them did not have a degree. Do we have a problem?

Eunice Wambui: We think that if the President holds a degree, especially in law, he will be conversant with the laws of Kenya and, therefore, might work better.

Com. Prof. Okoth Ogendo: Thank you very much madam. Can you please go and register your memorandum over there. Can we have Joseph Gitau. Joseph Gitau, please summarise your memorandum.

Joseph Gitau: Commissioners I am very pleased to be allowed to show my views to these Commission the way I think our Government should be organized so that it may benefit citizens and members of Kenya.

First, I remember, it was passed that there will be a multiparty sytem, but, the way I see it, it was exempted from the Executive. In other words they do present a time and therefore, it is my request that they should be endorsed in the Constitution and be allowed to participate in the functions of all people of Kenya the way they represent their Constituency. Therefore I

recommend, what I call in my view, a coalition Government, but not a Government where only one party is ruling because that is oppressing the other parties.

The other point in the Constitution way of Government is that the President must be the candidate who has scored the most votes in the general elections. Other than the President in the coalition Government, there should also be a Vice President who follows the President with the number of votes. In relation to that we should have somebody called the Prime Minister who will be the Executive of the Coalition Government who will elect or appoint ministers who will be working with him. So the President should be elected by the Kenyan citizens in general. That means, he has been elected through the winning votes in the election.

Com. Prof. Okoth Ogendo: Could you please Mr Gitau summarise your memorandum. Go a head.

Joseph Gitau: I beg your pardon. The Prime Minister should be chosen from the party which has won. Also the ministers should be obtained from all political parties, not just one party, by observing their political ability, their talents, and education of a high level, such as diploma or degree from a well-known University. I will also talk particularly about the Economic Minister; he should be learned so that he can make a plan to uplift the economic resources, in order to eradicate the public poverty that is pinching the people of Kenya.

Assistant Ministers and Permanent Secretaries: They should be chosen by Cabinet ministers so that they can choose persons suitable for assisting people. For the most important Government posts, like those of Cabinet Ministers, Permanent Secretaries, under Secretaries, and Assistant Ministers, these should be controlled by the popularity of votes and not merely to be appointed by one person.

Recommendation number two: The Constitution should be made to create a clause that will remove any chosen persons who fail to act as directed by law through a vote of no confidence in the Parliament or by the public, These should be replaced by a better person. Any criminals should also be removed to avoid the collapse of that party.

Those are my views the way I presented them to the Commission, and I think they will be recommended so that our Constitution will be perfect. Thank you very much for your audience.

Com. Prof. Okoth Ogendo: Thank you. Please register your memorandum with the secretariat. James Wangombe, James Wang'ombe is a member of C.C.C. James Wa'ngombe is not there, what about Michael Roshua Gitau?

Michael Roshua Gitau: Mr. Commissioner we made a little error. We had appointed our person to represent our memorandum but unfortunately he was late but he has come, so I can allow him to continue to present our views. Thank you.

Com. Prof. Okoth Ogendo: And please give us your name. Okay, go a head.

Joseph P. Mungai: My name is Joseph P.Mungai. I would like to present the views of Mwea Community Center as follows:

Preamble: We are farmers and small business people from Mwea, of Mangu Sub- location in Thika District. We grow coffee as part of our cash crops, dairy cows, and poultry for business. We want to say the following to be included in the new Constitution of Kenya: -

Separation of Power: The Executive, Legislature and Judiciary should be separated and each to work independently, independent from one another.

The Presidential powers should be reduced. He or she should be elected by 51% of voting population and at least 25% out of each province. He should have two five years terms. He should be impeachable. We should have a Vice President that will be elected by the people. He should have his own day of election.

Judiciary: Parliament should elect the Attorney General. We need a Constitutional court to lead the varying elections and other judicial duties. Judges should be elected by the Parliament and should be highly educated people with a Masters degree in law. A supreme court should be formed to elect judges. Our next point is local Government.

Local Government: Local Government should be autonomous. Mayors should be elected by the people directly. They should be graduates from Government universities. They should have two five years term.

Councillors: They should have two years term. They should have a minimum of Form four level of education. They should not have a criminal background. The Parliament should draft a law that will establish the accreditation of candidates. A select committee should be chosen out of the Cabinet to act as overseer and to give feedback of the work of the councils.

Elections and Electoral Commission: Commissioners should be given three years to remain in office. They should be appointed by parties according to representation. The number of Commissioners should be reduced to have a manageable number. These should not be allowed to join other political parties. There should be different days of elections. The current Constitution should be reviewed and should be based on the population views.

Land and property: Ex-Government land must be taken back. There should be a review that some of the leases given immediately after independent should be removed to allow local people access to some land. There should also be restrictions over land tenancy that will put land in control.

Rights of Vulnerable Groups: These groups should be given free education and good employment opportunities should be created. Government should also give street children compulsory free education up to university.

Basic Rights: Schools should include Basic Human Rights in the curriculum, i.e. Inter Parliamentary rights to life. There should be imprisonment for any kind of crime. Identity cards should be issued to together with a voting card.

Environment: People should be encouraged to plant trees and to conserve our forests. Water pollution should be avoided, and those who cut trees for self-use should be imprisoned. Negative environmental pollution - Industries should be constructed away from people. Local people should be allowed to use government projects to benefit the locals eg. The Nyenu water project.

Provincial Administration: Chiefs should have a minimum of high school education, and should be elected by people. People should also elect sub-chiefs. Such groups should be incorruptible. That is the end of our views. Thanks you.

Com. Prof. Okoth Ogendo: Please register your memorandum with the secretariat. Can I have now James Wang'ombe, please summarise your memorandum.

James Wang'ombe: Thank you very much Commissioners. My memorandum is as follows, Presidential powers should be split and the President should not be above the law, and should have two five year terms, with the Government ending after a successful term.

Industries: Manufacturers should be manufacturers only and not manufacturers, wholesalers, transporters, clearing and forwarding agents etc. What I really mean is, "One man one job". Over researching of local products and imports of manufactured goods, kills and destroys mwananchi in his chance to create jobs and poverty reduction.

Banking interest rates should be controlled by the Central Bank with the help of financial bodies through the Parliament. All the currencies should have a restriction, ending the use of the portrait of the founding father of the nation, Mzee Jomo Kenyatta.

Health facilities should and must be free for all, in all public hospitals. Education should be free and mandatory for all from primary to university.

Parliament should never amend any apart of the Constitution and if need be, there should be a memorandum.

Importation and Exportation documents of all Agricultural products must be debated upon by the Parliament to ensure that licences are issued easily. Agricultural productions, manufacture and sales from Agricultural products should be left entirely on farmers, without any interference whatsoever from the Government.

Provincial Administration should be abolished and should be replaced with people elected by the public. All Parliamentarians and Civic leaders should have some minimum education of ordinary level, and the Electoral Commission should be elected by the Parliament. During elections voting cards should be controlled and votes should be counted at the polling station. That is the memorandum I have for now, thank you.

Com. Prof. Okoth Ogendo: Next can I have George Mbugua? George Mbugua please, George Mbugua is not there? Can we then have Peter Muthi? Michael Ngugi, is Michael Ngugi there? Summarise your memorandum.

Michael Ngugi: Commissioners, and members of the public, I have a personal memorandum and my names are Michael Wakambi Ngugi. There are several things, which have been mentioned by other people. Maybe, I should not go through them, since some areas are quite alike.

One point is that all similarities and attractive differences should be perfected by law. There should also be a legal council protecting seminaries in Kenya, so that no Kenyan is related according to culture or language.

Then we should have basic rights whereby each one should follow the freedom of good governance. The rule of law should also be imposed, so that Kenyans are all equal in law.

There should also be freedom of media and freedom of religion, which should be contained in the Constitution.

Then the Government: We should have the three arms of the Government: Executive, Legislature and Judiciary. The work of the Executive should be to implement the laws, and the Judiciary to upgrade, interpret and enforce the laws. Judges should be appointed by the Commission and approved by the Parliament. We should have a unitary system of the Government.

We need a President who has executive powers and a Prime Minister to run the Government. The President should garner

50% of the total votes from the elections. Provision should be given for a particular party or a coalition party. We should have a Cabinet, which consists of not more than fifteen ministers, and we should have the rest of the seats covered by assistant ministers. For the the others chambers, one should be occupied by the director of prosecution.

The Parliament should have two chambers, Senate and the House of Representatives, and the Parliament should not have less than 24 MP's.

We should have an extra court from the Court of Appeal.

Then in relation to our land, the Government should protect agricultural quality.

Every Kenyan, that is everybody that holds an ID card should be able to vote. In relation to land also, all Kenyans should have access to land and anybody having land of over ten hectares should pay some tax to the Government.

Com. Prof. Okoth Ogendo: Please summarise

Michael Ngugi: Public officers should not operate any business, and the Electoral Commission should be appointed by the Parliament. Thank you very much.

Com. Prof. Okoth Ogendo: Thank you very much Mr. Michael, please register. Can we have Mr. Irungu, Nashon Irungu. Please summarise your memorandum.

Nashon Irungu: The following are my suggestions, we should have the following forms of Government, first a ceremonial President, who should be elected and voted in by 51% majority votes. He should be the head of state and should have limited powers over the armed forces. He should decide over the state matters, including endorsing any bills from the Parliament.

The second level of leadership is that, we should have three heads of the Government arms, and that the Speaker of the National Assembly should be elected by a certain party majority by the Parliamentarians. The head of the Judiciary should be the Chief Justice, and he should have served in his capacity as High Court judge, Head of the Law Society of Kenya or he should be a university law professor. As a law he should be voted in with Parliamentary approval.

Lastly we should have the head of Executive who should preferably be a Prime Minister, who should be a Kenyan, directly elected by citizens, or alternatively should be a candidate or a leader of the party with the majority of the Parliamentarian's support. His party should gather support of a 25% majority in Parliament.

The Parliamentarian should be Kenyan with at least an essential level of education, a candidate of a mature age, and should have a clear record of indication to national laws, that is, they should be cleared by the Judiciary before they can vie for any seat.

To avoid making Parliament a money-making institution, the monthly salaries should be divided between the Parliamentarians and their constituents. This is to ensure that the constituency benefits from the MP as well as making the Parliament a partner in solving issues in the MP's... Constituency.

No political party should be funded by the Government.

Com. Prof. Okoth Ogendo: Please summarise

Nashon Irungu: Okay. Kenyan education should be localized, and languages besides Kiswahili and English should be promoted. Five linguistic zones should be established to represent five different languages to be used at the National level.

We should abolish Provincial Administration, and citizenship should become automatic to all Kenyans born in this country. All the pending British land treaties should be done away with; that includes British land settlers. (The Government should acquire all land illegally acquired). Such treaties have extended to date and protect particular communities whose owners claim ancestry of land of not less than two hundred years ago, should produce a certificate to show that the land was purchased or leased before the independence. Thank you.

Com. Prof. Okoth Ogendo: Thank you very much. Please register your memorandum. Nicholas Ngihi, is Nicholas Ngihi there? If he is not there, can we have Rose Nyambura, Okay Rose.

Rose Nyambura: My name is Rose Nyambura. Hii memorandum ni ya Church of PCEA, lakini yule alikua anasoma ameshachelewa kidogo lakini nitasoma.

Com. Prof. Okoth Ogendo: Endelea.

Rose Nyambura: Basic Rights: - The Constitution should provide and safeguard the following,

Education: The Constitution should revive the vital Kenya School Equipment scheme, and the Nyayo milk which they disbanded. If not so, this money should be used to buy books and other equipment. There should also be free access to compulsory primary school education through provision of teaching staff. 8-4-4 system has totally failed to work, hence establishment of the college system of education e.g. International curriculums hence introduction of institutions like USIU, Augustana Academy where they are only acting as primary schools. Rich people take their children and leave poor children in the 8-4-4 system, which is even unaffordable. We would prefer our old 7-4-2 system. The Constitution must make provision for any other cases in the education systems, through educationists. That is, when, how, why and under what conditions should changes come in. The selection for further education should be by merit and not based on the quota system. e.g. in Alliance there should be every 250 marks from one corner of the society, 450 marks from another corner, the gap is very wide hence discouraging the performer with low marks.

The Constitution should empower schools to offer subjects in various professions. These subjects should be made compulsory. Some other areas should also be made compulsory in order to provide the initial guidance on body and character formation.

In future the Constitution should cater for respective and proper discussions in Parliament.

Com. Prof. Okoth Ogendo: Please summarise

Rose Nyambura:

Rights of Children: - The Constitution should emphasize on the eradication of child labour. The law should be strict on child abuse e.g rape, and should be punishable by rights to implement. There should be compulsory basic education for all children. In the case of abandoned children, a law should be passed to emphasis approbation, that is, the abandoned party to cater for

the welfare of the children.

Street children: The Constitution should cater and provide for the plight of the street children in many ways, e.g. They should have protection, and should be placed in the institutions for learning, rehabilitation and proper guidance there after like any other child, instead of giving them annual new year advance, and then taking them back to the streets. This is beyond comprehension.

Com. Prof. Okoth Ogendo: Thank you very much, madam please register your memorandum with the secretariat over there. Can we have Mwaura Ndirangu, where is he? Please welcome.

Mwaura Ndirangu: My names are Mwaura Ndirangu, I am a C.C.C member, Juja constituency, I am a civic education provider of Thika district, and I am the Chairman of the disabled and several jua-kali projects of Kenya. I am here in the capacity of the chairman to present the views of the disabled and several jua-kali projects in Gatundu North Constituency, because this is where I was born. The following is what we would like to be put in the next Constitution.

1. All disabled persons should be given free compulsory education from Primary to the University.
2. The Education curriculum should be centered to cater for the needs of the physically handicapped along side the basic ones. We know if you want to improve a nation it needs education, so we would like for the respective persons to be given education
3. Public buildings and vehicles should create various lifts so that they can be accessible by the physically disabled persons. We know that countries likes America have such facilities in public areas, in churches and also in public transport, so we would also like our Constitution to enhance something like that.
4. All disabled persons above the 25 years of age should be given a social pension in form of a monthly allowance. This is because in Kenya no matter how much you are educated, if you be a physically disabled, you are discriminated from getting employment an example is me. Formally I used to work with a very high office, but immediately I got an accident and became physically disabled, nobody in the office would entertain me, no mater how I have certificates and diplomas, even a university degree; so we would like all disabled persons to be given a social pension in form of a monthly allowance.
5. The Government should give free of charge, aid like wheel chairs, hearing devices and amenities that help the disabled person to make life worth leaving.
6. The Government should give free medical services to the disabled and also to the other people.
7. Disabled persons should be given representation in areas like County Councils, Municipal Councils and all other institutions like the Parliament and any institution in form, by being nominated
8. All ministers should be appointed professionally, not being a minister of health, with a portfolio of energy, but you know nothing about of energy. So we would like all ministers to be appointed according to the professionals. If he is a minister for health, he should be a doctor, minister of foreign affairs, should be a professor in law or a lawyer and other fields.
9. The Ministry of culture and social services should be given to a physically disabled person, so we would like our

Constitution to leave that ground and that is okay for a physically disabled person.

10. We would like our Constitution to have a ground where the Government emphasizes to people how to live with the disabled, because we know the Kenyan public is far behind where disabled people are concerned. I will give an example if you allow me Mr. Commissioner. I will appoint a person like me, when I go to a hotel, and I want to eat, along side with my driver, but the waiter comes and asks the driver what I can eat, as though I don't talk. It should be emphasized to the public that we are disabled people and we are going to be with them as long as God will like. So they should be enlightened on how to live with us.

Com. Prof. Okoth Ogendo: Please summarise.

Mwaura Ndirangu: I am reading my last point Mr. Commissioner

Com. Prof. Okoth Ogendo: Thank you

Mr. Maura Ndirangu: The disabled community of Thika District would like the verification of a law to be handed or imposed to people who abuse or mistreat the disabled, where some people rape physically handicapped children and other people, so we would like this verified and a law can then be imposed on both of them.

And lastly, we would like the Constitutional Review exercise to be free from the forth-coming elections. Thank you.

Com. Prof. Okoth Ogendo: The Secretariat will take your memorandum where you are. Now let me make things clear. You can speak in any language that you are comfortable with. You can speak in English, in Kikuyu, in Kiswahili. If you speak in a language which the commissioners don't understand, we will get a translator. But please don't keep quiet in giving your views because you cannot speak English or Kiswahili. Now can we have Michael Kanyingi. Michael Kanyingi there? If he is not there, can we have, Thomas Kamau, Thomas Kamau is not there. What about Francis Karari Mungai, Francis Karari Mungai? You are Karari Mungai? Okay please go ahead.

Francis Karari Mungai: I am Francis Karari Mungai, of Mangu location, P.O.Box 38 Ganungo. I am a teacher by profession. I am presenting

1. On Education: There should be free and compulsory Primary Education
2. On health: Kenyans should get free medical care in all Government hospitals. Doctors, nurses and pharmacist should not practice privately when in Government service
3. On taxation: All salary earners should be taxed including the President and the ministers.
4. Imports: The country should not import what we can provide locally, e.g, sugar, milk, eggs, meat, fish e.t.c.
5. Roads: There should be a department for road maintenance, and all roads reserved should not be cultivated.
6. On Agriculture: Advances should be paid on delivery of farm produce, e.g, coffee, tea, cereals etc., awaiting the final bonus payment at the end of the season.
7. Quota system:- In employment and education should be scrapped, merits should be the order.

8. On Districts: There should be a Parliamentary body to recommend the creation of Districts. Some very small and tribal districts, like the Suba, Teso, Kuria etc should be scrapped. Kenya should have districts of between four hundred thousand and five hundred thousand people.
9. Constituencies: They should be distributed according to population. No single constituency should have less than four hundred, sorry, forty thousand voters.
10. On cost sharing: Where there is public finances, Government project, e.g, political, education offices, street offices etc. should be abolished.
11. Resources: At least 40% of resources should benefit the regional they are obtained in matters of development e.g. water from Nyendu to Nairobi, Sand from Matuu, Tourism and Wild life.
12. Trade: Economic planning and privatising should be left to professionals without political interference e.g. rural electrification, roads and the telecommunication network.
13. Public media should be set free and independent.
14. Participation and other public institutions should be charged to be serving Kenyans and not just those in power. They should be held by professionals of known good character and not to be seen as political handouts.
15. Ministries: They should be reduced to about eighteen, headed by, a Minister, a deputy minister and an assistant minister. Special ministries e.g Health, Education, Agriculture and Defence should have professionals heading them.

We are an independent state, and in our streets we find street children. The Government should cater them for. The Government should put up rehabilitation centers or approved schools for them. We should not allow the to loiter in the streets yet they are Kenyans who have a right to education, training and security. Thank you.

Com. Prof. Okoth Ogendo: Please take it with you, your memorandum, to the secretariat. Alex Chege, if Alex Chege is not there? Can we have Joseph Kimotho. Is Joseph Kimotho there? Okay please summarise your memorandum.

Joseph Kimotho: My name is Joseph Kimotho Kangethe, and I wish to present our proposal with regard to the Constitutional Review of Kenya.

The Presidential tenure of office must be two terms of five years each. The power of the President should be defined to stop him from messing with other Government institutions. The President's power must be limited:

1. The President must never have the power to dissolve Parliament.
2. The President must never fix the elections dates himself. The dates should be set out in the Constitution
3. The President must not have the power to control the farewell of the banking industry, taxation, etc.
4. The Constitution should provide for the removal of a President for misconduct while in office. For example if he behaves immorally, with single wives or daughters.
5. It is not a must for a President to be an MP.

6. All the appointees of the President must be verified by the Parliament. They should vote to accept or reject them, if the appointee doesn't reach the qualifications. The same Parliament must have the power to dismiss such appointees on grounds of inefficiency or otherwise.
7. We do not need provincial administration any longer. These are high promoters of corruption in Kenya, public molestation and even theft.
8. The Parliament should have the power to impeach the President, should he break the Constitution or commit any other crimes.
9. Kenya is a multiparty state; honestly, we should have at least three and not forty seven political parties.
10. The President should not be the Commander in Chief of the armed forces.
11. The Constitution should permit a coalition Government.
12. We should have a multiparty presentation, with the Legislature and the Executive.
13. The President must not be above the law.
14. The Constitution must allow for a Supreme Court. It must also establish a Constitutional Court.
15. Under the Judicial system, the Judicial Service Commission should be making the appointment of judicial officers and referring the same to Parliament for approval or disapproval. The election of major players should be done by the people. A term of three years is adequate.
16. Councils must operate fully under the Central Government. Councillors must have good educational qualifications, from form four and above. We should retain nominated Councillors who should be nominated by area MPs. If not, let us refuse the wards.
17. Kenya must continue to be a multiparty state.
18. The present electoral Commission should be disbanded and should be replaced by the Parliament.
19. The winner of an election must have the majority votes. No crossing over of candidates who fail to reach nomination in one party.
20. The rule of 25% representation in all provinces must not be retained. It should be abolished and we should adopt the 50% and above of the total votes counted for Presidential candidates.
21. The demarcation of constituencies is not at all as confined, because we have demarcated in Kanu strongholds and left the opposition strongholds.
22. Affliction act should be re-introduced.

Com. Prof. Okoth Ogendo: Please summarise. Summarise your presentation

Joseph Kimotho: Yes please, Suspects of crime should be appearing in court within twenty-four hours.

Retirees of both the private and public sector should continue to enjoy their necessities like receiving house allowance, medical allowance etc. Farmers should be free to elect their own leaders.

We hope Prof. Yash Pal Ghai, that what has been said will come up with a Katiba, that will bring light to eyes, reaching December 2002. Thank you very much.

Com. Prof. Okoth Ogenndo: Thank you very much Mr. Kimotho, excuse me, just one minute. If you don't want the President to be the Commander in Chief of the Armed forces, who should be the Commander in Chief?

Joseph Kimotho: The responsibilities of a Commander in Chief should be given to the Minister of defence.

Com. Prof. Okoth Ogenndo: Thank you. Benard Karanja, is Benard Karanja there? If he is not there, can we have John Morote, John is not there? Steven Ngugi, please summarise your memo.

Steven Ngugi: My name is Steven Ngugi, I am the co-ordinator for Association of Poverty and Irrigation and Development, and this is my presentation.

The Association of Poverty and Irrigation Development is a low income generation association, who's major objective is to fight the high levels of poverty in Kenya, and it has been involved in this programme of Constitutional Review in the past few years.

Now as we review our Constitution, we should not only focus on the internal factors for amendment, but also in international factors, because these have created economic crisis and poverty in Kenya. It is by now very clear, that International Monetary Fund, the World Bank, and the World Trade Organization and the United Nations, have been imposing policies on Kenya on behalf of the transnational cooperations. These transnational cooperations are also used by big powers like the United States of America and Britain to impose the same policies to save their basic interests.

Now we therefore suggest, that the new Constitution should be vetted to ensure that these transnational cooperations which are based in Kenya should be closed as soon as local investors venture in a similar area. For example, Coca-Cola should move out of Kenya, Coca-cola Kenya should be evicted from Kenya as we have Kunguru foods making similar products and it is an indigenous company

Number two; the Structural adjustment programmes have made us poorer. They are of no profit, and are exploitative and destructive, they advocate for devaluation of currency, retrenchment, high taxation, high prices with low Government taxes and by deciding on Government enterprises.

At the same time foreign institutions are manouevering to gain their own legitimacy after having given us aid in helping poverty levels. So our suggestion is that, the new Constitution therefore should come out clearly against Structure Adjustment Programmes and their various strategies that have led to poverty. For example the poverty eradication strategy paper, herein with it has proven the opportunity act AGOA, and the New partnership for African Development. (NEPAD)

Poor countries that need poverty to be alleviated have been pulled down in growth by the World Bank and IMF, and have been improverished.

To ensure that big projects are not sustainable in Kenya, the Constitution should ensure that Kenya is completely free from the

World Bank, the IMF, WHO and the UN, as a matter of priority. Their offices in Kenya should be shut down and they should be evicted from Kenya. They should only be allowed back if they change their policies. After all we have nothing to lose.

The Constitution should ensure that the Government does not enter in new contracts with these institutions because all their anti-poverty programs are imposed on us, ignoring or refusing our coordination development plan, which are genuine and popular. For example that National Poverty Eradication Plan which was replaced by the unpopular poverty eradication strategy paper. These are external interferences with no regard to our national dynamics and unwelcome institutions to our sovereign.

The Briton woods institutions are using debts to ensure that we can never be able to repay, they ensure the continuation of the global power regime in which the regional domination control the poor countries. Kenya Government has an international debt of forty two billion, and with population of thirty million citizens, these translates to everyone owing over twenty thousand Kenya shillings.

Com. Prof. Okoth Ogendo: Please summarise.

Steven Ngugi: Okay, so we are saying, our Government should not receive or be given any further credit at all costs. We should use our resources for development.

Our Government should stop any further debit payments especially foreign debts. We should avoid paying more than we have received. There should be mechanized provisions for debts payments and the same purpose will be used for our welfare. The debts should be cancelled by 100% and without conditionality, otherwise the Government should wish to link with all the creditors.

Sides for investments should stop borrowing especially by transnational corporations. All local NGOs should become fully governmental organizations. They should only be funded by the Government from the contributed funds. And finally, all Northern NGOs which are operating in Kenya should be expelled and should only be allowed back if their interests and policies are not monitored by the IMF, WHO and the UN.

The Government should immediately repulse the effect of the work and the strategy of Structural Adjustment Programme and should therefore try to strengthen our currency and reinstate the civil servants who have been sacked and employ them with lower taxation, and lower prices to sustain our welfare and acquire all by exploited Government enterprises. That is all.

Riu andu aitu uria turoiga. Turoiga andu matutumite tugie na thina uyu wothe twinagaru ni andu angi metagwo IMF na world Bank. Na nonginya tunyitanire ithuothe nigetha tuhurane nao tondu ona katiba tito njuru muno tondu no ithondelwo uria mekwenda. Kwoguo tumenyage haria hothe turi, andu aya uria wothe marka ni wagututhukiria bururi uyu. Nio matuhinyiriria bururi uyu miaka magana matano maria mathiru. Kwoguo IMF na World Bank ona gutiri kindu kingikorwo gikiuru ta institutions icio certi nicio citureheire thina uyu wothe. Kwoguo nitukwenda tunyitanire na Katiba ino yarie ikimenyaga andu acio tutikwenda uhoro wao riu. Na wabici cia cieherio guku nigetha macoke kwao.

Com. Prof. Okoth Ogendo: I don't want anybody to interpret what he is saying. Okay, thank you, Clement Gachanja, please summarise your presentation.

Clementine Gachanja: My points are very very brief and would like to emphasize that this Constitution should form a way to make the position of the President to have minimum powers by moving all the powers from him. I propose that the President should be allowed only to hold ceremonial duties such as entertaining a President and diplomats and heads of states from other countries and also to confirm these to the public only.

I propose to have a creation of the office of the Prime Minister, who is going to form the Cabinet and enhance them. I also propose to remove the prerogative of appointing the Vice President from the President and have the Vice President elected along with the President by the people directly. That means the Vice President should have a comfortable tenure of office because the President cannot sack him if he did not elect him. I also propose that the Vice President should move in at the moment and this should not be postponed. If anybody has to be moved, it should be the Minister of Home Affairs, who should control all the VAT. Special taxes should be controlled by the President because he wants to hold the office.

I also propose that the ministers must be appointed purely on their experience and education and as one has said, a minister for health should be a doctor.

Com. Prof. Okoth Ogendo: Summarise the points

Clementine Gachanja: I also propose all executive and non-executive chairmen of Parastatal bodies must be appointed through Parliament to avoid tribalism.

I also propose that the mayor and chairmen of the County Councils should be elected directly by the people. I propose the position of nominated Councillors and nominated MPs, and they ought to come from marginalized the groups.

I also propose that since Agriculture is the backbone of our country, all votes for those who form the agricultural sector, like the tea industry or coffee should be competed only by non-politicians. The industry needs people who have got the time to take care of them.

Then I also propose that the President cannot run for more than ten years. That is two terms and should not be running again. He should be taken to court if he tries to run for the second term. Dear commissioners, I don't want to go through the whole memorandum for everything you have heard I have got trust in you that you are going to complete the work in time. Thank you.

Com. Prof. Okoth Ogendo: Thank you Mr. Gachanja, now we have gone through the people who have memorandums. Now I start with oral presentation and I have got down the names. Is Mr Samuel Mburu there? Samwel Mburu, he is not there? Father George Mambo, is Father George Mambo there? Not there? Gabriel Thionyi, Rafael Wanyolo, is Rafael Wanyolo there? You want to make a presentation. Annet Karangu, do you want to make a presentation? No? Zachari Mwarila, Florence Njogu, is it Mwaura, please go a head and make your presentation. You have one minute.

Zacharia Mwaura: I have two points to make, the first one is that of the head of Government should be somebody who believes in God, because somebody who is an atheist has a distorted view of the whole universe, so his politics cannot be correct. And any body who is a leader and is an athiest cannot lead or be a vice, deputy President or deputy Prime Minister.

Also I want to suggest that the mayors be elected for a period of five years, and the powers be given to them by the Government to run the local Government Thank you.

Com. Prof. Okoth Ogendo: Thank you very much. Florence Njogu. Please write your name in the book there. John Mondo, Michael Nganga, George Nga'nga is not there? Kabiru Ndimama, you have one minute.

Kabiru Ndimama: Dear Commissioners, I am happy that I have this opportunity to air my ideas on a fair Constitution of the Republic. On the Constitution I have seen that the Judiciary should not be tampered with by the executive body of the Government. That means that the Judiciary should be independent to work freely.

On the Presidential seat, I have seen that we should have a President who is not a bachelor, a President who is over 45 years of age and one who should have a university degree.

On the way that we should be run, I have seen that, our Constitution should have a coalition Government. That means that I agree with multiparty and a Government, which should be run concurrently.

The President should not dissolve the Parliament rather the Parliament should be dissolved by a Parliamentary committee, which should be elected by the Parliament. The President should be taken to court in case he does or he commits an election offence.

Provincial Administration should be elected from the grass roots. That means we should elect a provincial commissioner from the grass roots and the chiefs as well.

The Electoral committee should be independent, and the Cabinet should be allowed to cross over from one party to the other if they don't like it, whereby few might not be nominated by the party he had recently moved to.

The electoral commissioners should be independent.

Com. Prof. Okoth Ogendo: Please summarise

Kabiru Ndimama: Thank you commissioner. On the basic rights: I see that all over everybody in the republic should be given a place to live and provide for the street boys who should have a source of living. The Government should improve the Constitution terms to enable us to live properly.

On land: - For individuals who have large pieces of land, this land should be subdivided and be given to the public.

On agriculture: I have seen that the co-operation of agriculture should be left alone and the provincial administration should not interfere with the way of its running.

Com. Prof. Okoth Ogendo: Thank you very much please register your names there. George Mbugwa, Michael Kanjiri, Peter Njoroge, Michael Kanjiri. Please take a minute

Michael Kanjiri: I would like to present the views of a group of people from Mwea Catholic Church. I have a summarised form here and on three categories, first on matters pertaining to the economy, the first point is:

We feel that the Government should liberalize the marketing of agricultural products, eg. Milk, coffee, maize and etc. on that point we noted that in our opinion, the local Government should not allow the exploitation of farmers. Alternatively, the

Government should raise the import duty for any agricultural products, which are similar to ours so that the local farmers will be protected.

On the local Government, we felt that the local Government should account for the revenue they have collected, that is, the local business people should be made to see what has been done with the revenue they have been made to pay by the local Government.

On social issues, we felt that the Government should provide free education and medical service to all. In that respect we also found that teachers and medical staff should be motivated enough and the remuneration should be reviewed so that they do not operate private school and clinics spoiling their employment.

Another point was locals should be given first priority to exploit the available natural resources for example, in our constituency the locals should use the Nyendo water before the water reaches Nairobi.

Another point was, the President should cease being the Chancellor of the public universities and leave that role to respective Vice Chancellors.

Another point on that category of social matters, I also find it being proper for national teams, to be privatized.e.g. The soccer national team should be privitised. On the political part of it, we found that the districts which do not sustain themselves economically should be scrapped. Also the Parliament should censor the local Government expenditure. And the President should not be above the law.

Another point is that the treaties on international agreements which were signed by the British Government on behalf of Kenya Government should be reviewed e.g. the use of Nile water and or lake Victoria water.

Another point was the mayors and chairmen of County Councils should be directly elected. The rest as been said, thank you.

Com. Prof. Okoth Ogendo: Thank you very much, Mr. Kanjiri, Peter Njoroge, Peter Njoroge Kanagaru is not there, Francis Kamau Njoronge, Tetanny Ngugi, Albert Kinyua, Dominic Kiarie, Joseph Njuguna, Joseph Kimani, Gabriel Ngogi, you are Gabriel? Come on, go a head.

Gabriel Kimani: Thank you Commissioner for giving me this chance, I am more understood when using my local language the Kikuyu, so here. Ndirenda kwaria mbere uhoro ukonie kuhoya Ngai.

Com. Prof. Okoth Ogendo: Just have somebody to translate it. Can we get somebody to translate, for the sake of the Commissioners.

Gabriel Kimani: Ndirenda kwaria uhoro ukonie kuhoya Ngai. Thiini wa Katiba iria ikuo gutuikaga ati ni kuri na wiyathi wa kuhoya Ngai na wiyathi ucio ukerwo ati ni Freedom of Worship na hatiiragwo ni wiyathi wa muthemba uriku ukuhoywo na nikio ugite na mweke.

Translator: In our current Constitution we have been given the freedom to worship but it does not clearly state which God we should worship.

Gabriel Kimani: Na riu tondu woguo, nikio kugite na mweke wa kuhoya kindu gitagwo ati macaitani guku.

Translator: That is the reason as to why we have devil worshipping in the country.

Gabriel Kimani: Na riu niundu wa kueheria uhoro ucio wa kuhoya caitani urathinia andu othe Kenya, nigukiagiire andu athe aria metagwo atongoria a dini ciothe maikare thi makierethe ni Ngai uriku urihoyagwo.

Translator: Now to restrain the country from devil worshipping there should be a meeting for all the representatives of church to see and pave the way forward to make sure that devil worshipping ends.

Gabriel Kimani: Merethe ni ngai uriku urihoyagwo nigetha erethwo thiini wa Katiba.

Translator: It should be clarified in the Constitution, which God should be worshipped.

Gabriel Kimani: Ucio ni uhoro ukonie uhoro ucio wa kuhoya. Uhoro uria ungi ndinaguo ni uhoro wa kiundu ndireta employment bureau.

Translator: The other issue I have to raise is about the employment bureau as he calls it.

Gabriel Kimani: Ino ndireta employment bureau ni kiundu giakwo ni thirikari gia kurumbuyagia andu aria othe matari wira yaani igathondeka mawira, ika-advetise iga-supervise, ika-advertise, iga- supervise, ika-direct na ku-register andu aria othe matari mawira.

Translator: A commission should be set up to look into the needs of those people who are not be employed. They should be taken care of well and they should make sure that everybody who is not employed gets employed. They should manage, they should supervise, and they should administrate this Commission.

Gabriel Kimani: Nigetha riu headquarter ya kiundu ta kiu ikorwo I Nairobi na mawabici mau mangi mothe marehwo thiini wa district level na guku kianda kuria andu aria angi.

Translator: The headquarters of these office of the Commission should be situated in Nairobi and then some other offices be set up in the local areas.

Gabriel Kimani: Ni wega. Uhoro ucio ungi ni wa uhoro wa gukorwo ati ni wagia na mugunda kana kindu giaku. Land ownership na property ownership

Translator: The other issue is about land and property ownership.

Gabriel Kimani: Kuhana ati Katiba iria iho yugaga ati muthuri angikua, mugunda uria watigwo kana kindu kiria giatigwo ti kia mutumia ati mutumia ni trustee. Ati kindu kiu ni gia ciana. Ciana ciarutire ku kindu kiu na githukumitwo ni muthuri ucio na mutumia wake.

Translator: in the current Constitution after a man dies, the children should inherit whatever he leaves behind. But it is not the children who worked for it but the wife and the husband who did work for that.

Gabriel Kimani: Riu ningi nguka uhoro wa title deed. He iratathi riheagwo mundu ati niagia mugunda ritagwo title deed ni athungu. Iratathi riu nirakinyire handu riraruika ati ni iratathi ria toilet paper noritewe.

Translator: Nowadays it seems like the title deeds do not hold the waters that they used to hold. They do not seem to be so

meaningful as they used to be.

Gabriel Kimani: Na riu title deed iyo, yagiriirwo ni gukorwo iri Legal document Kenya iyothe. Mombasa, Central, Western, guothe title deed yoima ya mugunda igakorwo ni title deed legal no ndigakorwo ni title deed illegal in some parts of Kenya and other parts illegal.

Translator: A Title deed should be a legal document everywhere in Kenya. In Mombasa, In Central or Western. It should not be legal in some parts of the country, and illegal in other parts.

Gabriel Kimani: Ini, na katiba igititkirie andu a Kenya kugiaga na kindu kiao haria hothe mangienda. O kuria guothe ungithii wende kugura kindu kuu, gigakorwo ni giaku na ugaikara nakio na ndugatunywo nuu kana uu. Katiba igitire uguo.

Translator: Any Kenyan citizen should be allowed to hold property or land anywhere in this country.

Gabriel Kimani: Riu uhoro ucio ungi ngwaria ni wa murimi na indo ciake. The farmer and his projects. Andu acio marimaga metagwo farmers marimaga kahuwa makarima macani makarima magendo na magakuria nguku na ngombe cia iria. Iundu icio ciothe. Angikorwo no mahote kumanage indo icio cia kurima na ngombe na kii giothei, ona kuendia no mahote. Ni kunina ndiranina. I am finishing. Ndiroiga atiriri, indo icio cia murimi ciothe angikorwo no ahote kuirima indo icio na kuiramata, ona kwendia no ahote. No to kurima , no ningi gukagia na andu angi matoi kahawa ni ndu matoe ngombe ni ndu. Ati nio marathiee gusupervise kuendia. Niki gikugiria murimi ahuthire indo icio ciothe kinya rugongo uhoro uciio wothe ukorwo wi wake. Gukurehwo andu matoe uhoro ucio niki marumbuiye na nikio mbecha cia mundu uyu ciathire ku.

Translator: Farmers should be let not only to take care of the hard jobs like ploughing, weeding and sowing, they should also be allowed to take part in marketing and make sure that all the products are handled by them and them only.

Gabriel Kimani: Ni thengiu Commissioners ni guthikiriria.

Comm. Okoth Ogendo: Thank you please give your memorandum to the secretariat. Can I now ask Kuiru Kirati. Please take one minute, Endelea

Kuiru Kiratu: Mbere ni ndamugieithia inyui mwihaha mbere yakwa. Muriega. Riu nii hakwa mbere ningwenda kuuga ni thengiu muno nigutuikiria tuarieGikuyu. Gitumi ni tondu andu aya othe me guku matiui githungu ona matiraigwo uria githungu kira thii na mbere uguo ni thengiu ni gutuikiria. Wa mbere, nii ngwaria uhoro wa kanitha.

Translator: The first issue is about the Church.

Kuiru Kiratu: Kanitha yambirie guthomwo kuuma thenashara kinya thaa ithano. Githomo giothe gigathiraa. Gitumi kiria giatuma njuge uguo ni tondu kuria tukomete tutionaga toro ni ndarama na inegene riingi. Ona ciana ciitu ciithomaga wega.

Translator: Okay, he is saying that when we come to the religious issues, we should only have mass or services as from 6 a.m. in the morning to 1 a.m. almost to noon because it is like this people have become a nuisance. You can hear drums any time of the day and any time of the night.

Kuiru: Undu ucio ungi ni twittikirio tariu itaraigwo githungu, ciana ciitu thirikari irute watho cigathoma kuma kirathi kia imwe kinya kia inyanya matekurihio kindu.

Translator: Education from Class 1- class 8 should be free. Because it seems like they will be going a long way inheriting their parents who have not been educated.

Kiuru Kiratu: Undu uria ungi ngwenda kugueta ni ugoro wa mahaki.

Translator: The other thing is about bribery.

Kiuru kiratu: Ta riu kwa muhiano njiguaga andu aingi makiuga uhakwo na muhakani eri mena mahitia.

Translator Kiratu: We understand that whoever gives a bribe and receives, both people have made a mistake.

Kiuru Kiaratu: No tiuguo.

Translator: But it is not so.

Kiuru Kiratu: Ngwenda kueheria muhakani mahitia.

Translator: He wants to exonerate the bribe giver

Kiuru Kiratu: Gitumi ni tondu ndagiriirwo ni guthii Mombasa kugira indo ciakwa.

Translator: He wants to say that the one who bribes does not make a mistake because, (he is giving an example) that he goes to Mombasa to collect his goods.

Kiuru Kiratu: Thutha ucio ngacirehe na thina muno makiria ya muno.

Translator: Thereafter he finds a lot of problem in bringing goods to this place.

Kiuru Kiratu: O hakuhi gukua.

Translator: Almost to the extent of dying.

Kiuru Kiratu: Twacoka andu akwa moigire. Gitumi ni tondu ndoka ngihakanaga njiraini.

Translator: In the final end he is able to deliver his goods because they are of stable price.

Kiuru Kiratu: Riu ni undu ucio muhakwo ni we wina mahitia.

Translator: So in that case it is the one who gets the bribe who is got a mistake.

Kiuru: Gitumi ni tondu we ni we kiongo. Niwe kiongo.

Translator: This is because the neck has never gone over the head.

Kiuru Kiratu: Riu kuogwo uria muhakwo ena hinya wa kuga ati ndekwenda kuhakwo.

Translator: So in that case, it is very possible that whoever is receiving a bribe can say that I don't want to receive any bribe.

Kiuru Kiratu: Na no gutuike uguo.

Translator: It can be so.

Kiuru Kiratu: Uguo mundu uria urahakana ndari na mahitia no uria urahakana ena mahitia.

Translator Kiratu: So the one who is receiving the bribe is the one who is on the wrong.

Kiuru Kiratu: Na riu nginyie hau mutongoria

Translator: That is all.

Comm Okoth Ogendo: Aah, mzee weka kidole kule. Weka kidole kule. Stephen Kirika, Anthony Wamunya is not there? Kariuki Kitheu, sorry what is your name? Kariuki? Anthony Wamunyu, please summarise.

Anthony Wamunyu: Briefly I wanted to talk of the President. The President shall be elected by the people she/he must be reporting to the Speaker of the National Assembly. The speaker should be appointed by a select committee in Parliament. For example when someone goes to work there is somebody whom you report to, so a President should also be reporting to someone. 50% of the ministers in coalition Government, and 30 % of the ministers shall be appointed by the Parliamentary committee. The President should only be allowed to appoint the governor of the Central Government and the chief of general staff of the armed forces. Other appointments shall be made by the respective institution.

The new Constitution should ensure that there is proper distribution of resources to the poor and the disabled. Basic human needs like food, shelter and clothing and education must be provided for all. These can be achieved through the cost sharing money and tax.

The national assembly can also acquire for the underprivileged. The gap between the poor and the rich is widening by the day, and the Government must help to bridge these gap through its funds.

Businesses owned by those who get less than five thousand Kenya shillings should not be taxed. These include the people who do not get income through any other outlets. Those who earn more than these must pay taxes depending on their earning. The higher the earning the higher the taxes.

The appointee of the Parliament should not be allowed to be amending the Constitution at their own will. It should be amended by the Judiciary through a vote from the people. These amendments are enabling the MPs to choose and their own packages of salary increase. Thank you

Com. Prof. Okoth Ogendo: Thank you very much. Sign the register. Can we have Raphael Kamau, Joseph Njoroge, Jonathan Mburu. Present your views you have one minute.

Jonathan Mburu: My views are as follows. The President should have two terms. All the political parties should be funded by the Government so that they can have the time to go and campaign. We should have other Constitutional commissions, like human rights and anti-corruption.

The President should have a least 50% of the votes from all the provinces of Kenya.

The chiefs and assistant chiefs should be elected by people not the municipal council and the mayor. I think I have finished

Com. Prof. Okoth Ogendo: Thank you very much Mr. Mburu, Joseph Wainaina, please present your views.

Joseph Wainaina: Dear Commissioners, my names are Joseph Wainaina Ngugi, and these are my views. First is about the

MPs. I propose that MPs should be reduced from the current 21 years to 18 years. This is because as long as you are 18 years old, you are considered as an adult and you can adequately represent your people.

The second thing is that the Constitution should recognize them and impose them in the country's affairs for the equality of the majority. And in this connection, I propose that we should have at least five children in Parliament ageing between the ages of 18 and 30 years and should be elected by youth to represent youth from the country.

I also propose that for a person to be declared as the President he has to have gathered at least 50% of the total votes and also his powers should be reduced. He should not have powers to appoint senior civil servants, e.g the Police Commissioner, Chief Justice or the Electoral Commission chairman.

He should also not have the power to dissolve the Parliament. The Electoral Commission and the Judiciary should be independent. The Parliament should be the one to appoint senior civil servants. Also the Government in power should include at least five people of the opposition to create unitary Governments. Those willing to join Parliament should have at least O level education, with at least a C in the two national languages of our country.

I also propose that primary education should be funded by the Government to give every child basic education. Death penalty should be abolished because it is only God who gives life and He is the one who is supposed to take a way life.

The Parliament should take the responsibility of ensuring that all Kenyans enjoy basic rights. For that I propose that, foreigners should not be allowed to own more than five acres of land. Thank you.

Com. Prof. Okoth Ogendo: Write your name there. Can we have Francis Kiarie. If not there, Paul Ngike, Joseph Munene, Alex Njuguna, Nicholas Mbithi, Kariuki Kichehe, Raphael Kamau, can we have Mr Gabreil Musau, Edward Kinyua, George Kaburu, okay thank you.

George Kaburu: Okay. Commissioners, I would like to air four proposals.

1. Concerning Citizenship: The new Constitution should allow for dual citizenship for those born in Kenya.
2. Structures and Systems of Government: We should do away with Presidential system of Government and adopt a federal system in which the President is in charge of state affairs and the Prime Minister be in charge of all Government affairs.
3. The President should not be a member of Parliament and must be a university graduate. The Constitution should allow for impeachment of a President for misconduct while in office.
4. Finally the electoral process: The funding of political parties should be established to avoid incidents of illegal funding. Parties found soliciting illegal funding should be stopped from participating in the elections.

Com. Prof. Okoth Ogendo: Thank you very much, Teresia Mwithihi, if she is not there, Joseph Ndungu, if he is not there, Gabriel Mwiruri, are you Gabriel? put on the microphone .

Gabriel Mwiruri: Mine are just a few points. I would like a preamble in the Constitution. That is one problem, but let me go to the other sector.

Reduce taxation on fuel and road taxes as I can see motorists are highly taxed. Retiring age for civil servant should be sixty years and for the family having (served) after 25 years.

Free and mandatory education for all for twelve years. Separate power, center and lay the communication sector. Chiefs and sub chief should be elected by the people every five years and should serve for ten years.

Every officer should be enumerated and be paid a monthly allowance.

Citizenship, for Kenyans who don't have a birth certificate, these should be granted. That is all the commissioners.

Com. Prof. Okoth Ogendo: Thank you very much. George Mungoru, Fredrick Munene, Fredrick munene is not there, can we have Francis Kinuthia, John Njoku, John Njoku is not there, Samweli Chege, Michael Senuinji, John Mukundi, if he not there, Emily Njoroge, Emily Njoroge is not there, Mr. Peter Munene, okay present your views. Please take a minute to present your views.

Mr. Peter Munene: Ngwenda kwaria uhoro wa thina uria tukoragwo naguo thiini wa Gatundu North. Gatundu North tutiri thibitari no ni turi thibitari ihaha rugongo itagwo Igegania.

Translator: He wants to talk about the social amenities in this Constituency. Possibly about the hospitals. They only have one hospital, Igegania.

Peter Munene: Thibitari iyo ndiri dawa. Raia a kawaida aria mangithondekerwo kuo nikuga makuaga ku tondu matingiona mbecha cia guthii thibitari iria nene.

Translator: There are no medicines in that hospital. So even those with small small diseases die, when they try to get the funds to take them to the more expensive hospitals in vain.

Peter Munene: - Na thibitari iria iteithagia ni Gatundu South.

Translator: The only other nearby hospital is Gatundu South.

Peter Munene: Ngakiuria atiriri, Gatundu inoya North ikuitwo ni iria mother.

Translator: So the bone of contention here is, will they remain as part of the larger Gatundu or will they have their own amenities in their Constituency.

Peter Munene: Ngakiuga atiri thirikari ituite ati ithui tutiri kindu tuhuthagira thiini wa Gatundu North tondu tutiri na thibitari. Guku kwi maii maria mathiite Nairobi na moimite gwitu.

Translator: So he requests that those amenities be made available and reachable to all the people in this place.

Peter Munene: Mai ithui tutinyuagwo manyuagwo Nairobi na githima ni gitu.

Translator: The other issue is about water supply in this place. They have a water treatment plant around this place. But they do not use the water. The water is taken to Nairobi.

Peter Munene: Twakiuga atiriri, kai thirikari itari bata na ithui andu a guku Gatundu.

Translator: The question is, are they not important?

Peter Munene: Undu uria ungi ningi nguongerera ni ithui twaruire wiyathi na tutionekaga ta twi kiene ni thirikari.

Translator: The other issue is about freedom fighters. He happens to be one of the freedom fighters and feels that they do not have any say when it comes to the issue of freedom fighters in the Government.

Peter Munene: Ngakiuga atiri ni ki kingi kiari bata ta wira ucio twarutire wa mbaara. Na mutituririrkanaga inyui thirikari.

Translator: They did a very important job of fighting for our independence but the Government does not remember them.

Peter Munene: Na tukuga ithui andu acio twaruagira tiri.

Translator: In addition to that, they were fighting for our land.

Peter Munene: Tiri ucio twaruagira. Tutionire ona kindu na ona hatiri mundu angithiikwo kaburi na niguu watumire tukue tukinyamarika.

Translator: The same same soil that they fought for, they don't even have a small portion where their graves could be dug.

Peter Munene: Wacoka wagura kamugunda na maundu mangi. Ukerwo kuu ti kwanyu.

Translator: When you work hard and buy a piece of land elsewhere you are told you do not belong there.

Peter Munene: Na muhindi angigura mugunda ucio kundu kuu nieguikara. Na nii ndiingiikara.

Translator: If an Asian came and bought the same piece of land, he will be allowed to stay there but Kenyans won't be allowed to use that piece of land.

Peter Munene: Ngakiuria atiriri. Wira ucio turarutire utuikie wari wa kinyararo guteithia bururi kunyakua uhuru na ni thii twaruire miaka miingi.

Translator: So, he is asking, now that they fought for that independence, was it not for their own good?

Peter Munene: Ngirikia nguga atiri, thirikari nio maturehagira majimbo tondu ithui tutimenanite. No o nio macoka kuga andu aria me thirikariini tutiguikarwo kuu. Tucokeei gwitu na tutikagie kindu kuu.

Translator: The Government knows that they are the ones who cause majimbo, because they tell people like the Government officers, that the people won't live there. I won't stay there or you are not supposed to live there. or you are not supposed to own property there and this country is our country.

Peter Munene: Minister angigura mugunda kana mundu uria wi thirikariini ndari kundu angiiirwo ndeguikara tiga ithui raia a kawaida.

Translator: If a high ranked official or a minister acquires a piece of land anywhere, he can go and live there comfortably.

Peter Munene: Ngukinyia hau.

Translator: Thank you very much.

Com. Okoth Okendo: Thank you very much. Thank you Alex chege. Is he there now? Alex Chege, Peter Mwangi Kiarie, Wilfred Munene, Solomon Kilu Kimani, thank you.

Solomon Kilu Kimani: Thank you Commissioners. My name is Solomon Kilu Kimani. I would wish that my following points be incorporated in our Constitution.

1. The Electoral Commission should comprise of at least one member elected from each of our constituencies.
2. All Councillors and MPs should at least be elected. Nobody should be nominated.
3. All our ministers should be highly qualified professionals in there respective areas.
4. The President of Kenya should not be above the law.
5. Our MPs and Ministers should not be allowed to be directors of more than two public institutions or public companies.
6. The quota system in our education system should be abolished.
7. All church sponsoring schools should have headmasters and headmistress who are active followers of the sponsoring church.
8. The President should not be the Chancellor of our public universities.
9. The Constitution should ensure total independence of the three arms of the Government.
10. Councillors and MPs should be barred from seeking election votes for at least five years, after defecting from one party to another.
11. Parliamentarians and Councillors should not be allowed by the Constitution to decide what their salaries will be. I think that is all, thank you very much.

Com. Prof. Okoth Ogendo: George Kamondo, Benard Karanja, George Kamodo, Okay.

George Kamondo:

1. The new Constitution should have the introduction, of a preamble, that is the Constitution that is generated from this country and the historical perspective of the country should be indicated.
2. Any offspring from a Kenyan Citizen by birth should automatically be a Kenyan citizen, unless he or she denounces such rights. We should not allow dual citizenship. All Kenyans that are in Kenya should have IDs and issuance of passports, should not be restricted.
3. Currently we seem to be operating a Presidential Government, where the President has all the powers. That is why we have all the problems we are facing. We should change to a Parliamentary Government where the Parliament interprets our Constitution. If we had that type of a President, in 1992 and 1997, we would not have had the clashes, which

occurred, and even if they occurred, the Parliament would have impeached the President, or would have resolved the current Government. Currently we have a centralized Government or unitary Government. It may be very dangerous to Kenya to have a regional or federal Government because the current districts and regions are based on tribal enclaves and therefore will only sustain ethnic animosity.

4. In terms of appointing of permanent secretaries, directors and ambassadors, we need to have a public service committee that will appoint these people and have the same be elected by the people, before they are finally appointed by the President.
5. County councils: Currently they have a third mandate over land, which is community land, but communities are no longer asked how the same land will be used. So, land should not be disposed, unless the community is consulted on the same.

Presidential Candidate: The current age limit is 35 years. That age is too youthful. It should be from 40 years and it should also have an upper limit of probably 70 or 75 years, to avoid youthfulness and senility. The candidate should also have other qualifications like public management, and should be capable of running the state.

Com. Prof. Okoth Ogendo: Please summarise

George Kamondo: Provincial administration currently should be maintained but should become Provincial headquarters. Finally constituencies should be based on population so that we don't have one with ninety thousand voters, and others with five thousand.

Finally whoever becomes and is elected as a President should have majority votes of over 51% and should have also 25% of the votes originating from everybody.

Com. Prof. Okoth Ogendo: Thank you very much. Please enter your name there. Bernard Karanja. Not there, Joseph Kiburu, Michael Njuguna, Joseph Kiburu, please take a microphone.

Joseph Kiburu: Nii uria nguga. Nguga watho uria wari guku, wari kuu 1949 ni colony ucokio uria wari wa nyumba ikumi.

Translator: He wants the former laws that were there before the Constitution to be enacted back today.

Joseph Kiburu: Tondu ta riu thirikari nirenda guteithia andu. Na riu korwo watho ucio niguu wikuo wa nyumba ikumi ri ingiroka igakora o mundu ucio munene wa nyumba icio ikumi, ikamwira uria irenda. No riu ri watho wa headmen. Machief mathurirwo ni mu-colony niundu wa kurigita andu makahande kahawa guku. Na wagiirwo ni kweherio.

Translator : Then it was so easy to reach the people wherever they were because the leaders of the community were the ones the Government used. Nowadays, the headmen and the chiefs are not very effective.

Joseph Kiburu: Watho ucio wa nyumba ikumi, umuthi ni guo wathanaga Tanzania.

Translator: Urerwo atiri ugerie gutaja nyumba ikumi nikuga atia.

Joseph Kiburu: Nyumba icio ikumi ri. Guataragwa. Ta sub-location itu yari na andu mugwanja aria marugamiriire. Tondu

nyumba icio ciari ikumi. Na watho ucio wandikirwo 1949. Tondu 1949 niguu ma-headmen mathurirwo. Na niguu urathana Tanganyika umuthi. Watho ucio wa ri kuu hindi io. Na watho ucio niguu mweka.

Translator: He would rather go back to that kind of Constitution used during colonial period

Joseph Kiburu: Undu uria ungi.

Translator: Inyui mwina kuu thutha murerwo mureke aria mararia haha magie na kahinda keega niguu mahote kuiguu.

Josph Kiburu: Handu ha ihaki. Thirikari yenda gutuiria uhoro wa ihaki. Yuke igeke micemano guku nigetha ithui ni ithui turathii mawabici tugetio mbecha, na raia angi magetio mahaki. Ni ngugitia ino uria ungi agathii ino. Ihaki riuke ritiirio guku. Andu metio.

Translator: Investigations about corruption should be made and all the people should be involved.

Joseph Kiburu: Riu nii ndiri undu ungi nguuga.

Translator: I got no more

Com Okoth Oendo: Please register. Thank you very much. Now I want us to close these meeting at 1.00 pm. People who are coming in please summarise your views and speak as quickly as possible. I would like us to finish early before the rains come. Okay can we have Michael Njuguna, Martha Kigavu, Martha is not there? Let's have Samuel Ngige, Samuel Ngige is not there, Paul Mbote, please take one minute so that we can hear more people.

Paul Mbote: I am called Mbote. I would like to make some contributions, as pertains to the MP's. Let me say they must be graduates. They should not be engage in any other business.

Com. Prof. Okoth Oendo: Can we please hear Mr. Mbote please.

Paul Mbote: As long as the MP has been elected, he should not be allowed to engage in personal business or his personal business should be managed by the Government.

As pertains to his salary, this should be decided by the Public Service Commission. They should not be entitled to pension. If by chance an MP is elected and he becomes non-functional, the constituency or the individuals who have elected the person, can complain and the elections be called.

And as pertains to education, we should have universal primary education and also the Masters and degrees should be provided free of charge. We should retain the 8-4-4 system of education. The Vice Chancellors should be elected by the Senate.

As pertains to Political parties, the Constitution should regulate the management and the conduct of political parties. We should have at least three political parties. The Government should finance the political parties, and auditing should be done regularly. Political parties should be given equal time to broadcast, or equal coverage.

The Executive, Legislature and the Judiciary should have equal powers.

On the President we should have a high breed of the President and Prime Minister. The President should be a monument. His

work should be to the ministry. He must also be a graduate. The Prime Minister should form the Government. He should choose the Cabinet from the Senate, not from the MPs. Both of them (the President and the Prime Minister) should be liable to Prosecution.

Provincial Administration should be abolished. As pertains to the local Government, mayors should be elected by the people directly. We should no have nominated Councillors.

As pertains to farming, the Government should have a ready source of finance incase of disaster to compensate farmers.

The Electoral process: The concerned office should be given--. We should use transparent boxes, and the registration process should continue to take place throughout. The MPs should have compulsory voluntary counseling on the infection of HIV.

Thank you.

Com. Prof. Okoth Ogendo: Thank you very much. Please enter your name in the book. Thank you very much Mr. Mbote, there is another Mbote, Jeremiah Mbote.

Jeremiah Mbote: Thank you Commissioners. I have several proposals and clarifications to make on the size of the Provinces. I propose that there should be current equal constituency boundaries, which should be drawn according to the location size and each province should have an equal number of constituencies.

I also propose that there should be provision of transparent ballot boxes during elections and the counting should be done in the polling centers the same day. I also propose that voter registration should be made continuous, and that political parties should be allowed to carry out their campaign throughout without any harassment or any problem from the ruling party.

And on the Citizenship: Citizens should only be those born in Kenya. As pertains to the legislature, there should be no nominated MPs. Members of Parliament should declare their wealth once elected and it should be approved, since it is not a personal matter at all.

And on the political parties: They should be limited to five and should be financed by the Government.

And on health: I propose, that there should be equal access to health services for all Kenyans and that the method of cost sharing should be charged to the provision of health services. Thank you so much Commissioners.

Com. Prof. Okoth Ogendo: Thank you very much. Please enter your name in the book there. Solomon Ndungu, Teresia Wambui, Teresia Weambui is not there. Can we have Steven Ndungu, Steven Ndugu is nost there, Josephant Njoroge, Mary Gathoni, are you Mary? What is your name?

Josephat Njoroge: Mine is just very brief, I will just comment on the issue of the land, there should be given a provision for permanent ownership of land. The Government should set up certain amounts or portions of land that should be owned by an individual, and if not so, those people who own large farms of land and don't fully utilize them, I think (the land) should be repossessed and given to those who can use it maximumly.

Secondly, the issue about the appointment of the Judges: About the judges, I think they should be recommended by the Chief Justice of Kenya, to the Parliament who approves them. The President should only be given an access to their recommendation.

Next is about information of the state: Enough Information should be accessible to all people so that they can know about their country, such as information related to the Kenya Anti-corruption Authority. It was set up yet the Kenyans never know or have information about it in the rural areas. So the Government should set up something literally so that the information can be accessed easily and clearly.

About the issue of demarcation of constituencies, I think this should be based on the population rather than the area. Sometimes you find a small constituency represented by a Member of Parliament who can handle the problems of his own people.

Also about the Constitutional rights, I think they are literally provided for in the Constitution of Kenya, yet we are not educated about them. For example the freedom of assembly where the Government uses legislation to prevent the contribution of the needy.

Also the President should not be a Member of Parliament. We are talking this way because he cannot meet the people in his constituency and hear about their normal problem.

And lastly, about the impeachment of the President, the people of Kenya should decide whether the President should be removed from his seat due to any misconduct that will be splitting the people of Kenya. That is all, thank you.

Com. Prof. Okoth Ogendo: Thank you very much, let us go back to Mary Gathoni if she is there? She is not there, Anthony Kamau, John Muturi, Edward Chege, Michael Mwangi, Josephat Githu, Joseph Karanja, Michael Ngaju Njore, please summarise your presentation.

Michael Ngaju Njore: My names are Michael Ngaju Njore, we are civic education providers of Gadundu North. We have a memorandum. The first thing we have is that the new Constitution should have a Preamble. On Presidency, we all said that, we should have a President with limited powers. We should have a President who should be impeached and we should have a President who is a graduate.

We also think that we should have a committee to verify, the health, wealth, knowledge and the field experience of the President. The President should be popular, and one who should be able gain 50% of votes from all the provinces.

We should have the post of a Prime Minister who shall be the head of the Government. We are saying that the Prime Minister must belong to the party with the majority votes in the elections and the Prime Minister should be complete. I am also saying that the vacancy of the Presidency, I am mean the vacancy that should be at the end of his term of office, should be filled after ninety days and only the Presidential elections should be undertaken.

If the post of the Prime Minister falls vacant, the party can debate on it with the majority in the Parliament. We are saying that the President, the Vice President, and the Prime Minister should have a period of two terms of office of five years. On the President facing legal proceedings during the office, we are saying that there should be a Presidential tribunal appointed by the Parliament, with representation from the Judiciary, the religious sector and other economic sectors. The terms for the Presidential tribunal should be two years with substitution and should be given a pure stand. We are saying that the Prime Minister should elect the minister, and they should also be vetted by the Parliament.

In the current Constitution, there is a section saying that the Attorney General can dismiss a case when it is going on. I think that should be removed completely. That should be considered as interference. We all say that the Attorney General should be appointed by the Prime Minister followed by an approval by the Parliament.

We also said that the Anti-corruption Authority should be entrenched to the current Constitution and all the powers allocated to the Attorney general to be given to it. We are saying that there should be a provision for the public to complain, that is through the ombudsman.

On the nominated Members of the Parliament, we say that they should be nominated by their political parties, that is, according to the state. Nominations should also be left for special groups, especially the disabled or the underprivileged.

On the operation of the Constitution, we are saying that, there shall be a referendum for the amendment of the Constitution and that the Parliament should constitute 80% of the nine people required.

On the Children Act we are saying that we should also entrench it in the Constitution and we should use what we call Elizabethan law. We should also have a private system where by street children will be taken care of. This will reduce the number of street children.

On citizenship, we are saying that, dual citizenship should be allowed in Kenya and birth certificates should be given to children seven days after birth. On the national ID, we should not be writing the tribe of a person because; they use it to discriminate somebody for employment. If you are you are a Kikuyu and it is another big tribe, which is employing you, they discriminate on that.

On the election of the electoral members, we are saying that voting in Kenya should be mandatory and those people who don't vote should be taken to jail.

On party issues we are saying that the minority tribes should be uplifted and we are also saying that HIV AIDS treatment should be free and the medicine should be given to everybody.

We are also saying on the land rights, that the Land Act should be entrenched in the Constitution and at the same time, land issues in Kenya should be discussed by the citizens. I am also saying that the national cake should be shared equally.

On devolution of power, we are saying that the Local Authority Act should be defined, and should be implemented in the Constitution and the mayors should be elected by the people themselves.

The Provincial Administration should be scrapped completely and instead

The Local Authority should appoint competent professionals and responsible people as they do in Tanzania. The Local Authority should be made autonomous. All revenue should be collected when goods reach at the port and we are saying if Nairobi collects 50% of the revenue...

Com. Prof. Okoth Ogendo: Please summarise

Michael Ngaju Njore: Collects 50% of the revenue, it should also be distributed equally with other areas. We are saying that we should improve on the infrastructure. On agriculture we are saying that the Coffee Act should allow farmers to sell coffee

directly without involving brokers. On K.C.C we are saying that it should be revived. And rich people should also declare their wealth. Thank you Commissioner.

Prof. Okoth Ogendo: Thank you very much, please register your memorandum, Patrick Kamau, chukua dakika moja.

Patrick Kamau: Ritwa riakwa ni Patrick Kamau. Nii ndirenda kwaria uhoro wa governance na muno uhoro wa Provincial Administration.

Translator: He wants to start to talk about the governance and mostly he is talking about the Provincial Administration

Patrick Kamu: Ngoni okorwo ni D.O agiriirwo ni gukorwo agiathana division iria aciariirwo kuria aturaga.

Translator: The person who is supposed to be a D.O of a certain division should only be a person that was born in that place, so there should be no cases where a D.O comes from another different division

Patrick Kamau: Gitumi ni tondu, athii guathana kuria gutari kwao akoragwo ahana tari guthii athiite gutaha Division iyo.

Translator: It is so because, when he wants to be elected where he was not born, it is like he is going there to grab.

Patrick Kamu: Utonga ucio agacoka agatwara kwao. Agatiga Division iyo eguathaga ina thina muingi.

Translator: Whatever he gets from there he takes it back to his division and decreases the wealth of that division where he was working.

Patrick Kamau: Kwa muhiano ukienda guatura migunda, ahota gwitia mundu ta chiringi ngiri ikumi kana ona makiria.

Translator: And examples is where by you want to separate a piece of land, he might ask for an amount of about ten thousand or more

Patrick Kamau: Ni undu ucio akorwo ni eguathana, agatumwo itura riria ri riake kuria egutura kuo.

Translator: With this ten thousand he should act so that you can have the transfer of the land documents. Therefore he should come from the very division where he is administrating.

Patrick Kamau: Tondu kuu ni kuo kuri andu ao, na athoni ake na andu ao. Kuuguo akorwo ni guthinia e guthinia andu ao.

Translator: This is because he can't get land where his people are, since he might be making them poorer.

Patrick Kamu: Nake DC notagu. Onake athanage kuria District iria aciariirwo.

Translator: The same case with the D.C. We should also have a D.C to administrate in districts where they come from or where they were born.

Patrick Kamau: Ona PC, orouguo.

Translator: The same case with the PC.

Patrick Kamau: Nindarikia.

Translator: That is all

Com. Prof. Okoth Ogendo: Asante sana Mzee andikisha jina kule. Kinyua Kariuki is not there, Benard Kimani. Okay. Endelea Benard.

Benard Kimani: Thank you dear Commissioners for this opportunity.

First I want to speak about the separation of the powers.

I want the President to be a ceremonial leader of state, and a Prime Minister to form the Government, and to have the autonomy of all the executive running of day-to-day governance.

The Cabinet to be appointed by the Prime Minister. The Judiciary to be dispatched from the Executive, completely independent, and to be the supreme authority in the Judication of justice. The rule of law to be entrenched in the Constitution of the Republic and no one should be above the law. This is the situation in our current Constitution. It seems to be a mockery of the whole issue.

The office of the Chief Justice to be vetted by the Parliament, seating as a committee of wise men. This means that they should be given three names and should vote for the best out of the three. The Parliament should be the forum of the people of the Republic, for updating the rules and proposing governance to the Executive.

Major sections of the Constitution should be changed by the means of referendums of the entire Republic. Parliament should vote for the following positions: the Chief Justice, the Auditor General, the head of the Civil Service, the Commissioners of Income Tax, and the Commissioner of Land and Settlements. Tax collected should be made to cover the biggest sector possible, so that there is heavy revenue. Tax evasion should be criminalized and should be penalized heavily, and a tax board should be seen as a privilege re-instituted for this exercise.

Corruption: The Hanging of criminals for high-level corruption, and life sentences for medium level corruption and heavy fines for low-level corruption, should be introduced. These levels should be classified by the office of the Chief Justice.

Land tenure: The Present system should prevail, but for the large tracts of unused land should be marginalized for re-distribution. Land in the hands of the Commissioner of Lands and Settlement should be used only for public utilities.

Food policies: A Food policy should be given permanently in the Republic for planning. This to be in central position in the distributing of resources. We should plan for health sustenance strengthening for a period of up to five years of continued drought.

Ethnic groups should be enabled to get equitable distribution of resources on the basis of public utilities. Education should be made free and compulsory at all levels.

Health should be made free and compulsory. I am saying compulsory here because there are some religions that don't want to go to hospitals and we as humans, we should care for our brothers in trouble.

Reports of the Auditor General should be given on a half yearly basis to the Parliament and proposals of restrictive measures should be adopted. Thank you Commissioners.

Com. Prof. Okoth Ogendo: Thank you very much Please enter your name over there. Can I have Jane, Jane Nyambura.

Followed by Josephine Choki.

Jane Naymbura: Yangu ni kusema Kwamba mimi kwa jina langu ni ane Nanyambura, kutoka upande wa Makor nikiwa natetea akina mama, ndio wawe wakipata fursa yao ya kuwa, wanaume wakiwa yaani, ni kama Rais, naye mwanamke awe nimakamu wake.

Sababu nyingine ni kuwa, sisi wakina mama tunanyanyaswa sana, maanake hatuoni nafasi ya kuzungumza mbele ya wanaume. Tukiwa kama hapa sasa, wanaume ndio wengi, lakini wakina mama hakuna.

Pale pengine ni kwamba, kutoka grassroots watu ambao wanatetea au wale wamechaguliwa, hawapatiwi mishahara. Kwa hivyo ningependa wawe wanapatiwa mishahara, kwa sababu wanafanya kazi ngumu, na wakiona hawawezi, wanapeleke mpaka kwa wabunge, na unyata kuwa wao ndio wanapata mishahara mikubwa. Baadala ya wale ambao ni masikini kupata ile pesa mnaambiwa ni ya hospitali, pesa hizo huenda kwa wabunge, ambao wako na jukumu ya kuzirudisha hizo pesa kwa wale hawajiwezi. Kwa hivyo mimi nitaachia hapo na mengine hayo nitazungumza baadaye.

Com. Prof. Okoth Ogendo: Register your name there. Can I have Josephine Njoki .

Josephine Njoki: Majina yangu ni Josephine Njoki Njoroge, kutoka Manguu Location. Yale mambo nilitaka kuongea ni mambo ya akina mama ya domestic violence. Sisi akina mama tukiwa nyumbani, tunakaa na shida nyingi sana. Kama mama akiwa na msichana nyumbani, msichana apate mimba, hapati pahali pa kukaa nyumbani. Mzee huwa anasema huyu mama hachungi huyo msichana, lakini wanasahau, huyo msichana amezaliwa na mama na baba, na mama hawezi kutoa yule msichana yake apeleke kijana. Kwa hivyo ningesema, hata wazee waangalie hiyo mambo sana.

Hili nyingine ni kama mtoto amesoma vizuri, huyo mtoto atakuwa ni wa baba, na yule atasoma vibaya huyo ni mtoto wa mama. Sasa ningetaka kuongea hiyo mambo sana kuhusu watoto nyumbani. Ikiwa mtoto amesoma vizuri awe wa mama na baba, akiwa hajasoma vizuri, awe pia ni wa mama na baba.

Ile nyingine ningetaka kuongea ni mambo ya raping. Raping imekuwa zaidi vijijini. Kama sasa watoto wetu, wale watu wamekua na ugonjwa wa ukimwi. Mtu akijua ameshikwa na hii ugonjwa, huwa anatafuta watoto wetu anawashika kwa nguvu anawaambukiza ile ugonjwa. Ile mambo inafaa kuangaliwa sana.

Ile nyingine ni kuwa vijana wakinywa pombe ile haramu, wanajaribu kushika wakina mama wale wazee, ambao hawana nguvu. Kama area hii yetu ya Manguu, tuko na hiyo matatizo sana. Wale wazee wakinywa chache, pia wanakutana na watoto wetu wanawakamata, wanaanza kuwapapasa. Hiyo mambo hatuoni Kama ni mzuri. Sina mambo mengine ya kuongea isipokuwa hiyo tu.

Com. Prof. Okoth Ogendo: Thank you very much, Joseph Kamau, Kamau please summarise your memo.

Joseph Kamau: Thank you Commissioners. My name is Joseph Kamau, retired teacher, and I have the following points as a retired teacher to present to you.

Retired Civil Servants should be given a monthly salary or the monthly the pension should be increased, because these people are not for the community alone, it is for development of this country. They do not have to suffer.

The Government system should include a medical cover from the contributions that are readily paid to the National Hospital Insurance Fund when one young. This should be made available when it is needed most.

We request our honorable MP to help us, to present the bill of rights for teachers in Parliament, so that the society can benefit. The Government knows that there is no money, yet the Members of Parliament can still seat in the Parliament and increase their salaries. The Government should not pay them more money, but instead, it should be to given to the retired civil servants. They should not be left to suffer when a few corrupt people in the Government have filled their pockets with public money.

The other things or the other point to be made is about the President. The President should be the Head of state and somebody else should be appointed to be the head of Government. The duty of the armed forces should be given to the minister in charge of internal security. Chiefs and assistant chiefs should not be appointed by the Government, they should be appointed by the people in their areas, because they know them better than the Government.

Lastly, advocates should not be allowed to settle land disputes. All land disputes should be left to the area elders. Thank you.

Com. Prof. Okoth Ogendo: Thank you very much, can we have, Michael Ndung'u, Raphael Kinyanjui is not there, Jamarie Kasau.

Jamarie Kisau Kashia: I have got a few pointst to contribute to the Constitution as we said, and some are still not given.

On the Government: I start with the President:- Our President must not be above the law. I have talked about the President, because I would like the state to have a Deputy President. I don't entertain the Prime Ministers, provided that the President is not above the law, he is impeachable and he can resign once he doesn't want to remain in office. Again the President must have a stable family. We want a President who is in a position to set an example. Where he doesn't have a stable family, then, he is not in a position to set a good example. Where he does not have a stable family I think he should resign honourably.

The President must also be a graduate, and in this case, I am considering that he must be an economist. If he is not a graduate, at least he must attend a very special course on economy, because, how can he manage the wealth of a country if he is not an economist? So that one Commissioner, I am giving it a lot of weight.

On the three arms of the Government: - The Legislature, the Executive and the Judiciary I have once again said, that they must be divided, so that they can be independent. The Executive must not be supreme, since all of them have equal powers.

On Vice President, he must be elected directly by the people, and he must also be.

Com. Prof. Okoth Ogendo: Please address the Commissioners.

Jamarie Kisau Kashia: Yes my Commissioner. On all the people offering essential services to the public, Bwana Commissioner, like teachers doctors, nurses and police, I am saying they need to be well remunerated so as to increase their morale, and they will be able to serve the public with undivided loyalty.

On Provincial Administration Sir and Madam, I call or would like these to be scrapped but to be left within sub-chiefs who will be directly reporting to the President and they should be well remunerated, because we don't need the chiefs, we need he DC, we don't need the PC, the assistant chiefs are enough.

On the Electoral Commission Sir. This should be independent, but there is a point. I would like the electoral Commissioners to delegate some of their roles to the Speaker of the National Assembly to control them but not to take them.

On the Local Authority, we are reckoning that they should be autonomous. They have the chairmen of county councils who should also be elected directly by the people.

And on the resources from the local authority, the local people should benefit first before the Local Government takes the rest directly out of the field. For all the people who were born in Nairobi, the street children and the unemployed, I would recommend the Government to set a special fund that will cater for these people because some of them contributed a lot when they were young, especially the old. So there should be what we call Social Funds, like what happens in countries like America and Britain, where the unemployed people, and old people can go for some money at the end of the month. And this will relieve even us who are requesting about the young people and will also relieve loneliness and this will increase the mortality rate of the old people and even the young.

On the members of Parliament fund, I would like you to be recuperative, that the number of the elected MPs, I would like them reduced, from 210 to 180, and these will reduce the tax payers money. I also want the nominated MPs to be reduced from twelve to six, which will reduce the expenditure of the Cabinet from the taxpayers' money.

On nationality, there have been treaties from other countries and super countries. I want the Constitution to incorporate a big penalty for those people who come in the country illegally where each should be jailed for a period of not less than three years.

On robbery with violence, I am highlighting a point why those people should not be hanged, but should be imprisoned for life. There should be nobody to take the life of person, only God. I therefore encourage life imprisonment for those people who rob with violence. And finally, I encourage our Government to be empowered to encourage sound economic policies. Economic policies that are going to make our country economically productive, that is also to promote per capita income so that poverty can be eradicated in our country. Thank you very much for that time.

Com. Prof. Okoth Ogendo: Mr. Jamarie, Commissioner Yano would like some clarification from you.

Com. Alice Yano: Yes you have mentioned that the President must have a stable family, can you kindly give better details on the same, and take into account that we have African traditional families, where making children are more important than even the wife, as I can say, and that we have the English sets of families, where we have Christian family, which one would you want our President to have?

Mr. Jamarie Kisau Kishia: For in this case you know the most important unit in any society is the family, and that is why I am saying a family is very important. First of all I think the President must have a nuclear family because if you have first of all, a wife, then the President can get a child with the wife of course they will be a nuclear family. If probably he married and they are not lucky to have a child, in that case, there is no problem if he can legally adopt a child. If he can adopt a child, there is no problem with that. But I would like them to be practicing family members and especially on morals and he must be satisfying his wife. That is he may not also be a sugar daddy, he should be satisfied with the wife he has. And if he has married in the church, the wife must be the same.

Com. Prof. Okoth Ogendo: You said that a woman should not be satisfied by the husband, Thank you very.

Mr. Jamarei Kisau Kishia: Thank you very much for according me be that chance bwana Commissioner.

Com. Prof. Okoth Ogendo: Thank you, can we have Salome Wanjiru? Thank you Salome please.

Solome Wanjiru: Njitagwo Salome Wanjiru.

Translator: She is Salome Wanjiru.

Salome Wanjiru: Na ndi wa Gatukuyu location

Translator: From Gatukuyu location.

Salome Wanjiru: Nii na andu aria mandumite, tukuria Katiba ino ikigarurwo ma-chief tucoke kumathura ithui enyewe.

Translator: She has been sent by a group and they say that they would like chiefs to be elected by the people.

Salome Wanjiru: Ona chief unghithii kumuchariamonanagiva plot-ini kana kuria guothe urimakora ona korwo ni barabara.

Translator: Whenever you want to go and talk to a chief, usually you won't go and get them in the offices you will get them out in the social places.

Salome Wanjiru: Wa keru nguria Katiba ikigarurwo, mundu wothe utakinyitie miaka ya kuandikwo, tondu mundu angandikwo andikagwo akaretire mundu ena miaka 55 na kinyirie 44 riria ndari mwandike. Maraheo retire mundu atehariirie.

Translator: The age of retirement should be considered because some people are being retrenched when their time is not yet ripe for them to retire.

Salome Wanjiru: Na ngacoka ngoria angikorwo mundu o wothe niagiriire ni ku-retire miaka yake yathira, kinya Mp miaka yao ya ku-retire yakinya maka-retire. Nigetha ciana irio nacio irathoma ikona mawira.

Translator: The age of retirement should be compulsory to all the people and even the MPs, so that the other people who are aspiring to get the positions can go and also get their time to serve the public.

Salome Wanjiru: Na guo wa gatatu, nguga ati athuri maheo watho kugutha mutumia.

Translator: The third issue is battering of women. The Constitution should have a clause that says whoever batters a wife has done an offence.

Salome Wanjiru: Na ngoria tutigatunywo machiefs tondu tutingiona mundu ungi uguthii kureport kuu. Tukorwo twi nao no tumathurage. Tondu mandikwo wira matuaga muico wa mweri nimakaheo mucara.

Translator: Chiefs should be maintained because it becomes very difficult to see the other Provincial Administration officers. It is good because chiefs are near the people and you can be able to get them so easily.

Com. Prof. Okoth Ogendo: Thank you very much Salome, Boniface Ndungu, Francis Mbugua, Thuku, okay.

Boniface Thuku: My names are Bonface Thuku. I am representing the views of my fellow youth. I will start with the citizenship.

We should have strict citizenship laws to prevent for example the Somalians, who are not Kenyans, they are being issued with IDs as Kenyan citizens. Foreigners are getting Kenyan Citizenship, and their citizenship should be dissolved and the foreigners should be deported if their conduct is not in accordance with Kenya laws.

Political parties should be financed from public funds. The number of political parties should be limited, for example we should have three political parties and right now we literally have forty something parties. Parties also should have freedom to hold public meetings, and right now this is where political parties can gather especially from opposition parties, which are disrupted by the Executive using the armed forces.

Armed forces should be independent and the Executive should not have any say over it. I am trying to say the President should not be the Commander in Chief of the Armed forces.

We should adopt a federal system of the Government, so that essential services can reach the common mwananchi, unlike nowadays where the majority of local people in our villages don't know any existence of any Government. This is due to the incompetence of the Provincial Administration, hence that provincial administration should be done away with.

Being a member of Parliament should be a full time occupation in order to have effective presentation of Constituents. Constituents should have a right to recall their MP if he is not effective. The Commission should be set to determine MPs salaries and benefits. MPs should act on instructions of the constituency he is coming from. The position of nominated MPs should be done away with.

The President should not be above the law while in office and even after his retirement. He should not have immunity from the legal process. The Commission should provide for the removal of the President for misconduct while in office.

All Civil Servants who have been implicated for misuse of public funds should face the law and deserve suspension. The Kenyan Constitution should be available to all Kenyans in the language they can understand. No reshuffles should be done in the Cabinet without the interim Parliament to enhance accountability of public funds in districts.

Electoral Commissioners should be university graduates. They should be appointed by the Parliament, and they should serve for only one term of Parliament. They should be elected after every five years.

Com. Prof. Okoth Ogendo: Thank you very much Boniface, Francis Mbugwa. Please take one minute.

Francis Mbugwa: My name is Francis Mbugwa and I want to present my views. The next Constitution should adopt customary laws.

About the land, I am going to talk about the land tenure law through Parliamentary law. Land tenure law should be made through Parliament, to avoid For example, the recent scandal about forest land and allocation of forests to prominent ministers who are supposed to be politically correct or Kanu members only. The opposition have a right also of owning land or even any other Kenyan citizen, according to the laws. We must make sure the Government gives every Kenyan Citizen about five acres of land minimum with a title deed and not just their families. The crown land or the public land including national parks and forests should be protected.

As far as administrative laws are concerned, Provincial Administration officers of the President and administrative law should ensure that there is administration of the Government alone, and when there are grievances, the Government should provide through the courts, redress of those guilty.

The Presidential candidate, (that is number three in my issues) should only serve two terms of five years only. The powers of the President should not be absolute but should be regulated by the Legislature, and the National Assembly, and the people should have fair and legal democratic elections, according to the constituencies and provinces. Notwithstanding either federal system or majimbo or the national Government, there should be no rigging or corruption.

Number four: The Commissioner of Electorate and the Commissioner of Police should be appointed by both the ruling party and the opposition parties through the Parliamentarians or through the national representative assembly. For other high posts, the Parliament should play a role in recommending parties to the President and the Minister of Finance and Economic Planning especially electing or appointing the Commissioner of the Electorate and the Commissioner of Police.

Under the right voting act number five of Kenya, that is, the Act dealing with of the Law Society of Kenya, which was incorporated in 1949, The law Society of Kenya should put the principles of the procedure of administration of advocates, that is the administration of justice, and should recall Mr. Koech for manipulation by independent powers of the judiciary or otherwise.

Parliament should never buy operations of any state by the President, because it is using Parliamentary powers to play the role of the Government. Thank you very much.

Com. Prof. Okoth Ogendo: Thank you Mr. Mbugua, Michael Njoroge, Peter Nyosha. He is not there? Can we have Regina Kariuki, she is not there? Lucy Njoroge, Anthony Njuguna is not there? Bosco Omanga, okay Bosco take the microphone.

Bosco Omanga: Thank you very much. The following are my views.

1. The Parliament should explain well and quite openly, the duration of time it takes
2. They should be in charge of some of the salaries for the people at the Government offices.
3. The President and the ministers should not be elected from any constituency. This is to facilitate proper representation of the public by their representatives and also to enhance proper management of the district.
4. The President and the ministers should not vote for any bill in Parliament, so that we have proper representation of public in the Parliament.
5. The President should not have the power to reject the bill if it has been passed by the Parliament.
6. The President should be the one to appoint the chairmen of the Electoral Commission.
7. Chiefs, assistant-chiefs, chairmen and mayors of the local Government should be elected by the people.
8. The President should not be the one to announce the election dates. The Constitution should explain well the month the

elections should be held.

9. The Ministry of Education should clear up the grades to join the university, that is, they should choose in order of the levels of the candidates. Thank you.

Com. Prof. Okoth Ogendo: Can I have Joseph Wambachi. Do you have a memorandum? Chukua dakika moja.

Joseph wambachi: Nii njitagwo Joseph wambachi na ndi na point ithatu iria ngwenda kwira Commission. Wa mbere thiini wa Kenya itagwo agricultural country na hatiri kindu kingi tukuragia, otiga kahuwa, majani na indo ciothe. Niingiuria Commission yandike ati murimi ndoinagwo guoko. Murimi ndoinagwo guoko. No riu thirikari itu niyoinire murimi wa majani na kahawa guoko.

Translator: Kenya is an agricultural country. He is saying that if the Government wants us to develop we should not break the hands of the farmers. The current system has broken the hands of the farmers.

Joseph Wambachi: Riu arimi matuikire makuria indo caio ciothe cia kwendia, makoragwo makiheo mbecha matigari maria matigara. Na murimi agiiriirwo ni gukonicidwo mbere ya maundu maria mangi mothe nigetha ahote kurima.

Translator: It has now turned out to be, after the marketing of the crops, the farmers get the least amount and the smaller portion of the cake, after the other part of the cake has gone to some other people's pockets.

Joseph Wambachi: Undu wa keri, kwi hindi kureritwo ati githomo ni kia buvi. Na githomo kiu kia buvi, secretary niararihuo na mabuku nomaragurwo. Kwoguo handu hau hatiari githomo kia bure.

Translator: There was some time there was a problem about free education, but as per what we believe, we have secretaries in schools. We have to pay for activities and all other expenses, so it is not possible and it was not possible to provide free education.

Joseph Wambachi: Undu wa gatatu, eeh ona kaba thirikari itinagie igoti nene na thibitari ituike ya tuhu tondu thibitari, murimu nduri huti. Na niukuona aruaru guku magikua muno niundu wa kuaga dawa na kuaga kuriha mbecha cia thibitari.

Translator: He would rather the taxes to be relieved and the medical services be provided free because the tax rates are so high because of the expensive medical services.

Joseph Wambachi: Undu wa muico. Thiini wa Members of Parliament, nimaheagwo mishara minene muno ukaigua minister areheo millions ngima. Mbecha icio kai matangitikira please marihe majagitari tondu andu acio nio mena mishara minene na thibitari niirahinyiririka na raia ya Kenya niirahinyiririka.

Translator: The members of Parliament are paid very large salaries. He is giving an example of a minister who can receive up to an amount of a million. Can this money be divided to some other places like medical services so that the ordinary mwananchi can get the services.

Joseph Wambachi: Undu wa muico. Niukuona andu acio mena mugunda wa 100 acres iria ikomaga nguku na nyau kuu iria cia kiria na kiria kingi giothe. Na niukuona o mundu wa Kenya agike wako. Kwoguo no nguria thirikari nayo, at least mundu wothe wi Kenya agakoragwo na ka acre kanini angihota guthikwo kana guaka.

Translator: There are so many Kenyans who have got very big pieces of land which they do not utilize, because when we go there we see wild animals and then there are some other Kenyans still who do not even have a place where they could put up a shelter. So we request that if it is possible each and every Kenyan should have at least a small portion of land.

Joseph Wambach: Thank you.

Com. Prof. Okoth Ogendo: As we wind up, and it looks like it is going to rain. I don't want to pro-long this meeting much longer. If there is anybody with a memorandum, please hand it in to the Secretariat so that we can register it, and we can ensure that we will make use of the memorandum. I want to bring this meeting to a close and would like to have any members of the church, either the pastor, to lead us in a short prayer, so that we can close it as we started, with prayer. Can we have a volunteer? Thank you sir.

Translator: Muthuri uyu aroiga nia renda tuhinge mucemanio tondu nikurenda kura. Na mundu wina kindu andikite no anengere makarani haha na nimeku-make sure timeguthoma wega. Na undu ucio wandikitwo ni ukuigwo haria hagiriire. Mundu wina kindu andikite anfikorwo hari. No aroria no tuhinge mucemanio ndagika ino. Aroria mundu wa kuhoya. Kwoguo aria mena kindu mandikite, moke haha.

Com. Prof. Okoth Ogendo: We know that you want to present your views. There is still an opportunity for people of Gatundu to do that. You can still write your memorandum and give it to the District Coordinator, who will forward the information to us. So, with your permission, I would like to give the last chance to Father Mambo to say the last word. You present your views Father Mambo, and then lead us in prayer. Thank you.

Father Mambo: Maundu maria ndinamo angikorwo ni tukwenda guthii na mbere, maroiga nimekuhinga. Mundu andike ona ungiaga kunengerana haha, unengerane kuvi wa District Co-ordinator. He mundu wi thiini wa district ungitutwarira views ciitu tuciandikite. Atutwarire.

I was just interpreting what you have said. Most of them do not understand English. For me I have got the following points.

First point: The office of registration should be open daily throughout the year for young people to have ID cards. It should not be something to be done when we need elections at once. This is because every day so many thousands of young people are reaching the age of eighteen and it is their right and not a privilege to have ID card. So the Government should do something about it.

The second thing: No nomination should be done in Kenya if we have got democratic rights. We have got the experience that some people rejected by the people, are nominated by the President and they are given a big office or public office and they are the rich people who are using our public funds. They are political rejects. They were not elected by the people and yet they become so powerful, (super powers in our country) and therefore that is not a democratic plan. Let there be no nomination in our country. Let every person to be elected to the post suitable to him, and to be chosen by the people, and especially considering the code of good moral conduct. Those ones who are nominated there, are the political rejects and they are the people who are destroying this country, because everything they are doing is in favour of the person who nominated them but they are not interested in the people. They go to get favours from the person who nominated them. The rest is in the

