

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

GICHUGU CONSTITUENCY, HELD AT

KIBURIA SECONDARY SCHOOL

ON

20TH APRIL 2002

CONSTITUENCY PUBLIC HEARINGS
GICHUGU CONSTITUENCY HELD AT KIBURIA SECONDARY SCHOOL
ON SATURDAY, 20TH APRIL 2002.

Present:

Com. Nancy Baraza
Com. Dr. Charles Maranga

Secretariat In Attendance:

Maimuna Mwidao - Programme Officer
Vivian Muli - Verbatim recorder
Eunice Kavisi - Sign language Interpreter

The meeting was called to order at 9.30 a.m.

MAOMBI

Rev. Joyce: Tuombe. Baba Mwenyezi na mwenye rehema nyingi twakushukuru kwa vile umetuwezesha kuona siku ya leo na kwa vile umetuleta pamoja jinsi tulivyo katika kikao hiki. Tunakushukuru hata kwa nafasi ya kuwa tunafikiria na tunaendelea kuangalia jinsi tunaweza kurekebisha Katiba yetu ya nchi hii. Twaomba sasa ili uwe pamoja nasi. Twakumbuka hata wale watakuja baadaye. Ili wakija wakitoa maoni yao na wale ambao umewapa jukumu kwa sasa ili waweze kuyasikiza ili waweze kuyaandikisha. Twaomba ili Baba mwenye rehema nyingi uweze kuwapa hekima yako, uweze kuwaongoza katika jambo hili. Ningependa kukushukuru kwa vile wale ambao wanatuongoza kwa sasa. Pia wamechukua jukumu hii kuona ya kwamba kila kitu kinaendelea vizuri ili mwishowe tuweze kupata Katiba ambayo itakuwa ni ya kufurahiwa na kila mtu na ambayo inaweza kuwa inajali mambo mengi ambayo yamekuwa ni shida. Na pia iwe jawabu kwa mambo yale yote yamekuwa yakiendelea katika nchi yetu. Tunakushukuru kwa wale wote ambao wako mahali mbalimbali wanaendelea na hii kazi. Twawaomba nguvu zako. Twawaomba hekima itokako kwako ili haya maoni ambayo yalionekana kama kwamba yanaweza kuwa msaada kwa wale wote tunaishi katika nchi hii yetu ya Kenya yaweze kutimika. Na sasa twajikabili mikononi mwako Baba Mwenyezi. Tukiomba ili uwezo wako uwe pamoja nasi tukianza hii mkutano na tukimaliza. Na ni katika jina la Yesu Kristu tumeomba na

kuamini. Amina.

Com. Nancy Baraza: Good morning. Morning everybody. I wish to welcome you to this session and before I do that, I would like the chairman to introduce his team.

Mrs. Muchiri: Thank you. I would like to introduce all the people who have been working for these constituencies. Those are the CC's and the CEP's (Civic Education Providers) that are here with us this morning. To just say their names. You could just come to the front and do that. One of the CC's is our Honourable Member of Parliament. Honourable Karua. There at the front. I am Mrs. Muchiri. I am the Vice-chairman of this committee. Father Elias is absent with apology. He had to attend to some issues so he will not be able to attend.

Cosmos Kinjugu de Machai: My names are Cosmos Kinjugu de Machai. I am a CEP member.

Jane Mureithi: My names are Jane Mureithi kutoka Karumandi location, Gichugu Constituency. I am a civic education provider.

Ruth Muthoni Njagi: My name is Ruth Muthoni Njagi, a Committee member and the Secretary of the Committee.

Titus Ngotho Njuno: I am Venerable Titus Ngotho Njuno. I am a CEP member. Gichugu Constituency.

Rev. Joyce: I am Reverend Joyce Sembi. I am a committee member.

Mrs. Muchiri: Thank you Commissioners. That is the team that has been working. Thank you.

Commissioner Nancy Baraza: Thank you very much. I wish to take this opportunity to declare this as duly constituted sitting of the Constitution of Kenya Review Commission in accordance with the provision of the Constitution of Kenya Review Act and the regulations there under. I will tell you how we are going to run our hearing today. Whoever wants to present views must register with the Secretariat out there. Each person is going to be given ten minutes but if you have a written memorandum, then we are going to give you five minutes. You will give us your views on that memorandum as contained in that memorandum. You highlight the memorandum and then sign up with us there and hand over the memorandum. But if you are giving oral submissions, we will give you ten minutes. Before I call the first presenter, I wish to introduce to you my team from Nairobi. We have Vivian Muli. Vivian where are you? Vivian is this lady. She is coming from the Secretariat and Eunice Kavisi. Eunice where are you? Eunice is a sign language Translator, so for the Kenyan who would be here that need the services of a sign Translator, we have Eunice to do that. I also wish to welcome your Honourable Member of Parliament who is a member of your 3 C's Honourable Martha Karua. You are welcome to this session. Where is the first list? Kile ambacho ningetaka

kuwaeleza wananchi ni kwamba hiki kikao hata mkiniona mimi peke yangu, wenzangu wako njiani wanakuja lakini sheria yetu 'The Constitution Review Act' na regulations ambazo tulitengeneza kutusaidia kufanya hii kazi inaruhusu hata Commissioner mmoja awe na kikao ambacho sheria itasema ni sawa. Sasa hatutawangoja, wakija tutaendelea na kazi. Na vile tutaendesha hii kazi ni hivi. Tutakuwa na list. Tutafuata majina vile watu wanaingia.

First come first served. Na kila mtu atapewa ten minutes, dakika kumi. Lakini kama uko na kikaratasi ambacho umeandika maoni yako. Basi tutakuruhusu utupatie pointi muhimu kwa hiyo memorandum na utapewa dakika tano. Na kama utasimama tu na kutuambia maoni yako bila memorandum, basi utapewa dakika kumi. Na ukimaliza, Ma-Commissioners wanaweza kukuuliza swali ya ku-clear kusikizana kwa jambo lolote ambalo labda halijakuwa clear kwa hiyo maoni yako. Sasa, kwa hayo machache, nataka kuita Kianyaga Catholic Church. Ndiyo ya kuanza kukuja kutupatia maoni yao. State your name because we want to record clearly and state whether you are presenting on behalf of an organization or as an individual.

Henry Mbugua Njuguna: I am Henry Mbugua Njuguna and I am presenting on behalf of Kianyaga Catholic Parish. This is the memorandum which we have. It is quite long but I will just highlight. Our new Constitution must have a preamble. The preamble should state that the Constitution is made by the people of Kenya. The people of Kenya are sovereign. No law or authority including even the Constitution should be above the people. Kenyans are committed to democratic values and Constitutionalization, equality and rule of law. Kenyans are committed to the future of Kenyans as a united and indivisible country and composed of people of diverse culture and gender whose rights are infallible. There are principles and I would start on policy. We recommend that the following principles should be included in our Constitution. One, on national philosophy and guiding principle. Second, we have the democratic principles. Third, we have the Constitutional Supremacy. We have talked about citizenship and the structure and the system of the government. Then we have got the three arms: the Legislature whereby we say that Parliament should make the appointments of the Ministers and Assistant Ministers to make the Ministry and professionals accountable. The court judges must be appointed through the Parliamentary Judicial Committee. Public Service Commission officers should be appointed through the Parliament. The powers of the Parliament should be extended in order to impeach the President in the event of grave misconduct, to debate and approve government and so many things which are contained in this memorandum.

We have the other arm of the government, the Executive. The Constitution should specify qualifications that the Presidential candidate such as: Man or a person who is an automatic Kenyan citizen, aged between 45-55 years. One who is able to declare his wealth at the time of elections and from time to time while in office. A person who is of good moral conduct. One who has not been convicted for a criminal offence. Must be at least a graduate. The Presidential tenure should be two terms of five years. Our Constitution should empower the citizens to elect the Provincial Administration and local government.

Judiciary: We say that the new Constitution should establish a Constitutional Court. The Judicial offices should be appointed through the established Judicial Service Commission. On the tenure of the Judicial officers, these should be employees of the

Public Service Commission and should retire at the age of 70. The Constitution should ensure that secretaries have a right to legal aid. This is in the event that some secretaries are not able to engage in private partnerships.

On local government: We said that local authorities are the most basic level of the government. Make them closer to the people. With this in mind, we recommend that mayors be elected directly by the people. The term of office for the mayor should be increased from the current two year term to a five year term.

In the current botto-top approach in country development, councils play a very crucial role in designing and prioritising development projects. This calls for a minimum educational qualifications of O-level and above, and at least people with a vision. Like Presidential, Parliamentary positions and local authority seats should also have moral and ethical qualifications.

On the electoral system and process: Kenyans should continue practising a representative electoral process. The simple majority rule has been used in Kenya and has made some people get to power even when they are elected by the minority to uphold this democratic principles of representation in all its strength. The Constitution should state that any leader elected to Parliament should garner at least 51% of votes cast. On the election of National President and Constitution. The Constitution must state that he or she must be elected by the majority. The Constitution also should retain the current geographical constituency system but recommend the current boundaries be re-looked into on the basis of geographical and particularly on population diversity. We also recommend that every polling station becomes a counting station and announcement of the outcome is done there.

The election date should be specified by the Constitution to avoid it being a secret weapon of the ruling party. On free and fair and complete elections, the Constitution must provide for a self-independent Electoral Commission. To do this, we propose that the Electoral Commission must be constituted by the political parties according to their strength. The new Constitution must give room for independent candidates. On basic rights. We say that Kenyans must be given freedom of worship but not devil worship. The Constitution must make provisions for social, economic cultural and environmental rights. It should protect security, healthcare, water, education, shelter, employment and so on. It should establish an independent Human Rights Commission. Whose term of reference should be established by the Commission.

Capital punishment should be outlawed by our new Constitution. The Constitutions should provide for a free and compulsory primary school education. It should guarantee citizens the right to access information in the possession of state or any other agency or organ of state. The education system should revert to our old 7-4-2-3 system. The Constitution should guarantee all members and workers the right to trade union representation. The PSV's should be roadworthy and carry the insured passengers. Minister of Communication should determine how it is achieved.

On land and property rights: The government should be given the powers to compulsorily acquire private land for purposes of development of social amenities like roads, hospitals and so on. The government and local authorities should have the powers

to control the use of land by owners. The big chunks of land which are owned and not used should be reclaimed by the government and put into proper use for economic development. Where the former is not possible, the Constitution should put a ceiling on land owned by individuals. It should respond to the fact that the population is ever increasing while land remains scarce. No taxes should be charged for land income. Men and women should have equal access to land.

Family landownership. The title deed should bear the names of the two spouses. That should never be sold without the consent of the entire members of the family. Kenyans should have Constitutional rights to own land and settle in any parts of the country. The special Land board should be abolished. The Land Board members should be appointed by the chairmen of the political parties. Management and use of national resources: We have said that the Attorney General should not interfere with the courts and cases which are filed by the Controller and the Auditor General should be left free. On environment and natural resources, we said that the Constitution must prohibit any further clearing of the main natural forests. It must be protected and proper environmental study on environmental effects should be done before implementation of any development project.

Participatory governance: non-governmental organizations and other organized groups should have a role in governance. The new Constitution should also protect the rights of civil society and they be Constitutionally allowed and lawfully organized so that it can stand up against the government that oversteps the rights of the people.

On Constitutionalism: If the Constitution is led by the people of Kenya and belongs to them, then they know it and they can understand it. The Constitution must be written in legal language and translated in all Kenyan languages. The Constitution must commit any government having power to continuously offer civic education to its citizens. Thank you.

Com. Nancy Baraza: Thank you very much Mr. Mbugua. Please sign your name there and hand over your memorandum. Let it be numbered. I will now call upon the second presenter, Patrick Njiru and I wish to remind you also that you are free to give your views in any language you feel most comfortable with. Unaweza kupeana maoni yako kwa Kikuyu, Kiswahili, Kiluhya au Kizungu. Be comfortable please. Give us your views in your most natural and comfortable way. Mr. Patrick Njiru. Uko na Memorandum? Umeandika kitu? Kitu kidogo? You highlight. Tupatie hizo points kubwa kubwa harafu nitakupatia five minutes.

Patrick Njiru: Mimi naitwa Patrick Njiru kutoka Kabare station, Sub-location ya Ngaika na niko na maoni kidogo ambayo naonelea ingefaa iwe kwa Constitution ya Kenya. Ya kwanza, iko board ambayo inashughulikia mashamba. First point is that the control board should be elected by people but not the government. Second point is that people should elect a mayor or a county council chairman directly. Three, the Mayor or a County Council chairman should serve for three years. Four, every Assistant Chief should be elected by people of his sub-location. Five, free education of our children at our Primary schools should be implemented. Those are my five points.

Com. Nancy Baraza: Thank you Mr. Njiru. You said, stand there I want to clarify something. Ulisema you want free education to our children up to what level?

Mr. Njiru: Up to Primary level. Up to Standard eight.

Com. Nancy Baraza: Thank you very much. Register here and leave your memorandum. Make sure you have signed your name that you have given views. The next presenter is Rev. Alexander Shembi. Reverend, if you have a memorandum I will ask you to give highlights.

Reverend Alexander: I have a written memorandum.

Com. Nancy Baraza: But don't read everything.

Reverend Alexander: I am Reverend Alexander Muchiri Shembi. I am representing this on behalf of ACK Kabare archdeaconry. That is diocese of Kirinyaga. In our memoranda we said that our new Constitution should have a preamble and some of the other things that we want to see on the preamble is the issue of the ownership of the Constitution, that it belongs to all Kenyans. All Kenyans are above the Constitution and neither rule nor amendments have to be made without their consent. Kenya is a sovereign God-fearing state. Kenyans are committed to united nationhood in a spirit of unity and diversity.

On issue of directive of principles of State policy, one; we have the national philosophy and guiding principles. I will just say that the archdeaconry said that the national resources, the national cake must be shared fairly to all Kenyan communities irrespective of their geographical set up, party affiliation etc.

On democratic principles, there are quite a number of things on this. One of the points I want to emphasize on is on the freedom of expression and association. Freedom of worship should be guaranteed but any religious group that does not promote human value should be de-registered. Of course, we said devil worship and other dangerous cults and sects should be abolished altogether. On Constitutional supremacy, the Parliament should use a referendum in case of an amendment but if it is overhauling it, all Kenyans must be consulted. Some of the issues that may require a referendum are issues to do with the right to live.

Right to personal liberty. Right not to be tortured and right not to be enslaved. On citizenship:

The automatic citizenship is granted to any Kenyan born by a Kenyan parent, born by Kenyan outside Kenya. Of course, we said dual citizenship should be allowed. Defence and national security: military and paramilitary and all security forces should be under the Parliament. We insisted that there should be an appointment of a Director General in charge of the Armed Forces who is to be answerable to the Parliament.

On Political parties: only one emphasis, there are others that we should have a limit of only three political parties in Kenya instead of so many. There are other roles that they have, as may be providing of civic education, giving of HIV (AIDS) education and participate in activities of poverty alleviation. On structure system of government, we should have the office of the Prime Minister who will come from the ruling party and of course not a retiring President. Ministers ought to be professionals appointed by the Prime Minister and vetted by the Parliament.

On Legislature, all the Constitutional offices should be vetted by the Parliament. Mp's should be morally upright. An Mp must be single or married but with a stable family. Now, there is an emphasis that the people can recall their Mp if he or she is not delivering his duties by collecting a 2/3 signatures from the voters and forwarding them to the Constitutional Court. On President and the Prime Minister, they should have a stable family and of course be married. The Parliament can be dissolved by the Parliament but as advised by the speaker of the National Assembly.

The Executive: Presidential powers should be reduced. He should not have the powers to detain without trial, power above the law, the prerogative of mercy, also should not appoint Permanent Secretaries e.t.c. The President can be impeached from power by Parliament in case of immorality, misuse of national funds or drunkenness. The procedure to impeach him would be through the Parliament, then a Supreme Court and may be a referendum. Judiciary; The Constitution should establish a Supreme court. We also need an office of an ombudsman. Local government. Mayors should be elected by the people not by the fellow councillors. Also we had a bit of affirmative action here, where we said that nominated councillors should be sorted from the qualified honourable group.

Com. Nancy Baraza: Are you about to finish?

Reverend Alexander: I am about to finish. The electoral system. We said that we should increase the participation of women by making the electoral system free and fair from corruption and intimidation. There should be reserved seats for interest groups. e.g. Churches, disabled, or the Civil Society. Of course there is the current debate on the extension of the Constitutional Review Commission. We said that it should not go beyond the election time.

On the bit of vulnerable groups: We said that women should receive equal rights of opportunity. e.g. Access to owning property, land, employment and education. On property rights, title deed should bear the names of both spouses. i.e. Property ownership should be joint. If the government is in need of an individual land, it should compensate immediately and adequately. Kenyans should have a right to own land anywhere in the country. Now on the bit of cultural, ethnic and regional diversity. The new Constitution should eradicate ethnic differences, such as tribalism, which is harmful. On management and use of national resources. As far as national resources, the office of the Auditor General should be established and empowered to prosecute anyone who misuses the public fund. The Parliament should retain the power to authorize the raising and

appropriation of public funds.

Environment and natural resources: The Constitution should include the following environment protection measures. I.e. On catchment areas. The catchment areas should not be interfered with. Indigenous natural forests should not be cleared e.t.c. On political governance. I can see my time is running up. The Constitution should regulate the conduct of the civil service society organization including the media and may be the rest on Constitutionalism. I will just hand it over.

Com. Nancy Baraza: Thank you very much Reverend Alexander Shembi. Please sign your name there and leave your memorandum with us. I now call on the fourth presenter, Mr. Albert Njogu. Mr Njogu unaweza kuongea lugha yeyote ungetaka kuongea. Do you have a written something? Yes, I will give you ten minutes.

Albert Njogu: Majina yangu ni Albert Njogu. I am from Kianyaga. Kama unavyojua katika policy za Kenya. They are saying that Kenya will be an industrial country by the year 2020. Kufikia hayo malengo, the government has identified the informal sector, ama the Jua-kali sector, as an engine to drive the country to industrialization. The current Constitution haina provision za Jua- Kali sector. In fact katika sheria zilizokuwepo za mkoloni, they consider the Jua-kali sector as a nuisance. So, ningetarajia, Katiba ambayo itaweza kutengenezwa, ipe the Jua-Kali sector an enabling environment. Na hapa ningetaka kusema, katika every constituency in the Republic iwe na Jua-Kali shed ambayo the artisans wale wako katika hiyo constituency watakuwa wakifanyia kazi na kuuza products zao nyumbani.

Lile lingine katika Katiba kuwe na provisions ya serikali kuanzisha finance programmes ambayo itatumiwa na those small operators ambao hawana collaterals ambazo zinaweza kupelekwa kwa bank to get finances. Na programme hizo kwa mfano tuko nazo in other countries like Korea. Tuko na programme kama ya graphing bank of back bench ambayo imefaulu sana kuwa industrialization. Ile ingine, ni ya Presidential powers. Kwa sasa the President has got so much power ambayo inaumiza nchi yetu. Kwa mfano, the appointment of Cabinet ministers. They should be appointed on professional lines. Na nikipeana example hapa, tuko na Professor Sam Ongeri, who is a medical doctor ambaye anafaa kwa hiyo ministry.

Lile lingine ningetaka kuguzia kidogo in gender issues. Kama mnavyojua, for the development of the country, inataka all stakeholders na Katiba ya sasa iko na mambo mingi imetenga akina mama, kwa hivyo tungetaka kwa Katiba ambayo itakuja kutengenezwa, ihusishe akina mama kama kwa property loan na mambo mengine ili nchi yetu iweze kuendelea. Asanteni.

Com. Nancy Baraza: Thank you very much Mr. Njogu. Ministers do you have in mind the number of ministries that the Constitution should deal with?

Albert Njogu: The number of Ministries should be minimum, about fifteen or so to avoid economic burden of the country.

Com. Nancy Baraza: Thank you very much. Uta-sign hapo. Unajua hii ni historia you are making. You are making history, so sign your name there. Thank you very much. I wish to welcome Commissioner Dr. Charles Maranga. He is coming late but it is because he had two tyre punctures on the road. I suffered the same same two days ago. So, I know what he must have gone through. He is normally very very early but we are happy he is arrived. Huyu ndiye Commisioner Charles Maranga ambaye ameingia sasa. Dr. Maranga, we had done four presentations. We are going on the fifth one. Salome Ndwiga, Salome are you ready? You come to present your views. Unatoka shule? Eeh you have closed? You have finished form four, Okey, umeandika kitu. Uta-highlight, nikupatie five minutes? Au hiyo ni kidogo sana. Five minutes Salome. Ten? Fine fine.

Salome Ndwiga: I honour the members and the crowd in general. My names are Salome Ndwiga, mine are just a few points to talk about our rights. I am talking about Children's right. The first is education. We have the right to be educated. So, children have to be given free primary education, secondary education and free university education for those who have qualified. I am saying this because, we are finding that children of poor parents are not being educated because the ministers or our leaders are valuing money more than what is needed. E.g. If it is for bursary children whose parents are known, their parents are rich are the ones who are given bursary. But the children of poor parents are not given bursary. So, I would like to argue that for us to be educated, children should be given free education for primary, Secondary and University qualifiers.

Then we are finding that money is more valued than education no matter how intelligent a person is. You find that a person has completed his academic course, he or she has got a very good grade, but you find that he or she is not being admitted for higher education. This is because for those who have for example D's and E's, their parents have money, they just go through a backdoor, they go wanapeana hongo harafu watoto wao wanachukuliwa. We find that the one who has passed, for example has A, he or she has to tarmac for his education to be completed. So, I would like education to be given freely for it is our right as children to be educated for we are leaders of tomorrow. Then for the parents they are forcing their children to early marriages. That is one case of why we are not educated. You find your parent is telling you to be married but your aim is to be educated.

So, we have to be given the chance to learn and for the ministers who are above should consider the intelligence more than money or they should not value the richness of the parents. They should value the intelligence of the child who is learned. Secondly, it is about health services. Health services are to be provided freely in both urban and rural areas. For example, we see that when you are sick you go to the hospitals, you don't have money. It is because 'Ajali haina kinga'. Umekutwa tu na maradhi haukuwa ready kama maradhi yatakuungia. Ukienda hospitali, madaktari wanakuambia, first you have to pay money.

If you do not have money, you are just left there. You do not have somebody to comfort you. So, health services should be provided freely in both urban and rural areas. Because for example, the expectant mothers, when they go to the hospitals, they have a lot of labour. But the doctors they are not considering the labour she has, so wanamwangalia tu wanamwambia "If you don't have money get outside and you will be treated when you have enough money".

About basic needs. Basic needs are food, shelter and clothing. I am sure that you cannot live without food, you cannot live without shelter and you cannot live without clothes. So I am arguing that those basic needs should be provided equally. For example, and I am sorry to say this. You have seen what our Honourable President did. In 1997, wakati alikuwa anapeana misaada, ukambani alipeana flour just because ukambani wanampea a lot of votes. But here in our area he gave yellow maize. That is the maize that is called *kathirikari*. So I would like to say that if it is assisting, even though he is our leader, he should assist equally. He is not supposed to discriminate or favour who gave him a lot of votes; I should give them the best food. So, hata ikiwa Waswahili walisema *Jungu kuu haikosi ukoka*, I would have to say that lazima aulize the necessary. He has to consult when giving out the assistances. So, if it is yellow maize, he should give it everywhere. If it is flour he should give flour everywhere. This is because everybody is a human and no one is having different digestive system than the other. So, I would like to say that if the leaders are to be respected, they should practice gender equality. That we cannot believe. So I would like to say that free education, free health services and free basic needs has to be provided irrespective of where or whom he is giving. Thank you.

Com. Nancy Baraza: Thank you very much Salome. Don't walk away so fast. Come back. We want to ask you a few questions, probably. You have made a good representation. Dr. Maranga, you have something for Salome?

Com. Dr. Maranga: Salome you are saying that you want free education up to university level. Where do you think we are going to get money to educate all the Kenyan children?

Salome Ndwiga: If not free education, they are supposed to give loans or bursaries to the ones who are supposed to be given but they are not supposed to consider the kind of parent, whether he is rich or he is known everywhere but the intelligence of a child.

Com. Nancy Baraza: Okey Salome. You are making history. Don't walk away with history. Write your name there and sign. Thank you for your presentation. Okey. We now call Cosmos Kigomo de Machai.

Cosmos: My names are Cosmos Kinjugu de Machai of Catholic Association of Retired Teachers Chairman. I am here to bring you the memo for Catholic Association of Retired Teachers. We found that the Constitution of Kenya has no preamble. So, we made some points for the preamble. I will just only highlight on two. The Constitution of Kenya shall be made and amended by the people of Kenya. The people of Kenya shall be sovereign. Liberty shall lie in the hearts of men and women. When it dies, there is no Constitution. No law, no court can save it. Therefore no law or authority including even the Constitution shall be above the people. The other area is Constitutional principles. The fundamental principles of our Constitution should be resolved into three distinct propositions. Namely:

1. No man is punishable or can be lawfully made to suffer in body or mind, except for undisciplined breach of the law is established in an orderly legal manner before the ordinary courts of land.

2. No man should be above the law but every man whatever his rank, or position is subjected to the ordinary law of the land and amenable to the jurisdiction of the ordinary tribunal.
3. The other point is on political liberty. The freedom of the individual must be restrained only under the authority of the law. Justice must be regarded as a net in itself. The other one is on basic rights. There shall be a Bill of Rights and strength in our Constitution. There are some other points. Those ones I will read later on.

Constitutional Supremacy. On Constitutional change, the Constitution must indicate that in the event of overhaul in the Constitution. All Kenyans shall be involved. In the event of an amendment, this shall be subjected to a referendum before they are enacted by Parliament. This will keep Kenyans abreast with any new developments in their Constitution. The Legislature. There shall be two chambers of Parliament. The Congress and the ordinary Parliament. The Congress shall be made by five people from each province. The Congress shall be the advisory house to the President and shall be charged with the duties of impeaching the President.

The other topic is Citizenship. Those who should be regarded as automatic Citizens of Kenya are: People who are born in Kenya of parents who are both Kenyan citizens, spouses of Kenyan citizen, regardless of gender must be entitled to automatic citizenship even when they are citizens of their own country.

The Constitution should open room for dual citizenship. The other point is on structure and systems of government. Kenya should adopt a Parliamentary system of government in which a Prime Minister is appointed from the majority party in Parliament. The Prime Minister should be in charge of the daily running of government affairs and should be accountable to Parliament. Kenya should have a ceremonial President who should be above party politics, should be elected by all Kenyans with a majority vote. The electoral system and process. There shall be a redistribution Act to facilitate the rearrangement of the constituencies as to establish the principle that each voter shall have an equal voice in sending a representative of Parliament, and to ensure that the constituencies are established as per equal numbers in the voters register. i.e. There shall be equal representation per constituency. Members should represent 20,000 voters.

Electoral Commission shall be set up after every five years to reshape the electoral area so as to ensure equal distribution of operations as per constituencies. There shall be a period in law fixed during which scrutiny and petition can be made against an elected Member of Parliament or President before he or she is sworn in. The period should be 30 days after announcement of election. There shall be an election petition court to examine charges of corruption. It shall be composed of judges of the High court, who will hear and determine the cases within a period of thirty days. All candidates for election shall be party nominees of well-organized parties. The other one is on the amendment. I will jump up to the amendment of by-laws because it is a sensitive area. Amendment of by-laws. The Constitution shall be amended when need arises through the Constitution of Kenya Review Commission. The Parliament will notify the Constitution of Kenya Review Commission using a Gazette about the area, which requires the amendment.

The Constitution of Kenya Review Commission shall notify the citizenry through the local media about the areas, which require the amendment. The amendment will be undertaken through a referendum from the constituency level to the national level. The National level, the amendment cum the Constitution shall be read to the delegates by the secretary of Constitution Kenya Review Commission.

The delegates will propose the Constitution and second it and be carried upon by the majority of the delegates through voting where need arises. The chairman of the Constitution of Kenya Review Commission will pass it over to the Speaker of the National Assembly to be passed in the National assembly without amendment. The President of the Republic of Kenya shall sponsor the Constitution cum the amendment. I will also touch through your permission on the delegates who are supposed to make the referendum. The delegates of the referendum will be made from the constituencies to the national level by: In the constituency level four persons from major political parties. Four judge leaders. One in CPK, one Catholic, one Muslim, one customary leader. You will see the others. That is our proposal. The last one. The seal of the Constitution. We found that the Constitution of Kenya has no seal, official seal. There shall be an official seal of the Constitution. The seal shall read: This is the seal of the Constitution of Kenya.

After the Constitution has been amended or reformed. It might be summed with the seal of the Constitution and signed by the President and witnessed by the Chief Justice and five leaders of the major churches of Kenya. I.e. one in CPK, one Catholic, one Muslim, one Customary church leader and then the Constitution seal shall be kept by the Chief Justice. Those are the views for my group.

Com. Nancy Baraza: Thank you very much Cosmos. Probably Commissioner Dr. Maranga you want to ask Cosmos a question?

Com. Dr. Maranga: May be I wanted to ask you about dual citizenship which you discussed about. You may have proposed that Kenyans can be citizens of other countries. How about citizens of other countries. Not necessarily Kenyans.

Com. Nancy Baraza: I also want to add one point.

Cosmos: On dual?

Com. Nancy Baraza: No, no that is one. You keep that one. Mine is on the supremacy of the Constitution. You suggest that any amendment that to our new Constitution should be done through the Constitution of Kenya Review Commission. Are you suggesting that we are going to have a permanent Constitution of Kenya Review Commission to be there? Because once we finish this process, ours terminate. So are you suggesting that it should be a Constitutional creation for our future

Constitutionalism?

Cosmos: Thank you Commissioner. That is what I am seriously suggesting. I am suggesting that the Constitution of Kenya Review should be entrenched in the Constitution as a body. Then the other question is on dual citizenship. This one we have our daughters or relatives married e.g. In Great Britain or America. They have children there. When those children come to Kenya, at the International Airport, they are first of all to get cleared or they might get refused to enter to Kenya. We would like them to have citizenship. Kenyan citizenship because they are coming to their people and they are our own blood.

Com. Nancy Baraza: Thank you very much Cosmos. Sign your name there and hand over your memorandum to us. The next presenter is Mary Nyawira. Mary, you are ready? If you have your memorandum madam, I will give you five minutes. You highlight your memorandum.

Mary Nyawira: My names are Mary Nyawira. My first point is about girl child education. Girl child should be given equal opportunity to education just as boys. Discrimination on inheritance. That daughters ought to access equal rights to inheriting their parents just as their sons. Children cabinet inclusiveness: It should be more inclusive by comprising the children from the rural setting not only the ones from the urban setting. Child abuse. The child abuse propagated at home, schools and communities should be abolished. Free education. Primary education should be made free and mandatory for both girls and boys.

Forced marriages: Girls should not be married by force and an age limit of 18 years should be stipulated below which a girl cannot get married. Female Genital Mutilation. It should be banned or alternatively a girl below the age of 18 years should be protected by law against the vice. Child rights. The rights of children and people with disabilities should be stipulated in the Constitution and children should be consulted whenever any amendment of the law affecting them is being made. Thank you.

Com. Nancy Baraza: Thank you very much Nyawira. Dr. Maranga do you have any clarification you will seek from Nyawira? Thank you very much for your submission. Please sign your name there and leave your memorandum with us. Next presenter is Rev. Ephantus Muriuki. You presented yesterday, you want to present again Sir?

Rev. Ephantus Muriuki: I am Ephantus Muriuki. The rural dean of Kariru deanary. Before I continue, allow me to thank the Review Commission for publishing very good booklets, which are guiding our members on how to write their memos. Now there is a question before I continue please. They are asking now that they are more enlightened, will they continue writing and if they do so, to whom will they present their memos to? I hope you will answer me that one.

Com. Dr. Maranga: What we are suggesting is that those members who have now become more enlightened and they feel there are some issues they want to present to the Commission, they can send them in form of memoranda to our headquarters and we will acknowledge them. Thank you.

Rev. Ephantus Muriuki: I am going to highlight the memo of Kariru deanary. The first one is preamble. Of course we agreed to have a preamble in our Constitution. I don't think I will read everything. It is well written. We agreed to have National philosophy as it appears in our memo. Democratic principles. We agreed to have Constitutional and rule of law must be adhered to. All human beings are equal and entitled to Civil, Political, Economic, Social and Culture development rights. We have written quite a number. I am sure you will look at it.

Constitutional Supremacy. On Constitutional changes, the Constitution must indicate that in the event of overhaul in the Constitution all Kenyans shall be involved and we are proposing to retain the review Commission in our new Constitution. On Citizenship, we said all people born in Kenya, children born outside Kenya by parents who are both Kenyan citizens. Structure and system of government. Of course I am leaving some for the Commissioners to look at. Kenyans should adopt Parliamentary System of government with a Prime Minister appointed by the majority party in Parliament. Prime Minister should be in charge of running the government affairs. Parliament should vet the appointment of Ministers, Assistant Ministers, more professional and accountable, court judges through Parliamentary Judicial committees, public Service Commission and all Parastatals. Indeed, I mean Parastatal heads. Parliament should have powers to impeach the President in the event of grave misconduct.

Parliament should debate and approve government expenditure. Power to constitute Commission to look into matters of public interests. The President should not do the appointment and gazettment of the names of Commissioners after they have been vetted by the Parliament. Parliament should have unlimited power to control its procedures through standing orders. Constituents must be empowered to constitute by the Constitution to recall the Mps in the event of not being satisfied with his or her performing. It should be done through a collection of a thousand signatures across the constituency registering peoples dissatisfaction. To further strengthen the principle of checks and balances, we should adapt the system of two chambers Parliament to avoid quick cut caste system of law making.

The Parliament will sit in the Lower house while Upper house will be composed of representatives from provinces as should be specified. Interest groups represented in civil societies also. The President shall have the power to veto in the new Constitution. First by Parliament bills such as which have no interest of the Kenyan as a nation. The President shall not have the power to dissolve the Parliament. Instead the Parliament should have a clear planned calendar of events, which should be fixed. We have talked a lot of Executive. We have talked about Judiciary. We have talked of local governments. In Judiciary, in brief we said the new Constitution should establish a Constitutional Court. The Judicial Officers should be appointed through established Judicial Service Commission.

Local Government. We said mayors and chairmen of county councils should be elected directly by the people. I have written quite a lot to be read there. Electoral system of process. Kenyans should continue to practise representative electoral process.

The Constitution should retain the current geographical constituency system but recommend the current boundaries to be looked at into the basic geographical and particularly on population diversity. The election date should be specified by the new Constitution to avoid being a secret weapon for whatever ruling party. We have talked of basic rights, land and property rights.

We have talked of management and use of natural resources. We have environment and natural resources. We have talked of participatory governance and finally as I conclude. We say that if the Constitution is made by the Kenyan and belong to them, then they should know it and understand it. The Constitution must be written in a clear, plain, straightforward language as opposed to the legal language. The Constitution should state that it belongs or it must become part of the school curriculum so that Kenyans can grow with their own Constitution,. The Constitution must commit any governing power to continually offer civic education to the Kenyan citizens.

Finally, Madam Chairman I want to say if the Review Commission is to be extended as we can be sure it will, it should not go beyond the election time. Kenyans should go to the general election with a new Constitution. The fear is that at currently the media seem to scare us whether you are capable indeed to do the job. We would want to hear you assuring us that our memos presented to you will be of great importance to this nation. We are saying this because you remember the Saitoti Commission. We presented very good documents and indeed were sorted and as a result they came up with a different document. Thank you very much.

Com. Nancy Baraza: There is a place where they want to catch the churchman. I know. You want to catch him? Which issue did you submit on? There is something you skipped somewhere.

Rev. Ephantus Muriuki: Yes, environmental and national resources, management and national resources. We said, prohibit any further clearance of the national forests in the new Constitution. Sixth, protection of water catchment areas, proper management of rich lands. Proper environmental study on environmental effects should be done before any implementation of any development project in our given particular area. Ensuring continuous campaign by the government and the civil society. Environment protection and seeing the dangers on environmental pollution and degradation. The national resources should be owned by all Kenyans. Management on the use of national resources. The Attorney General should not interfere with court cases filed by the Controller and Auditor General. The Controller and Auditor General should be enabled by the new Constitution to give to the public a symbol and a clear term of quarterly report on money collected and expenditure. Any public officer accused of corruption should relinquish his office immediately. The Controller and Auditor General should be appointed by Ceremonial President after being vetted by the Parliament.

Com. Nancy Baraza: Dr. Maranga you have a point that you want to clarify?

Dr. Maranga: I want to ask you one question. The one about recalling of Mps. You have suggested that the respective constituency that means members who belong to certain constituency. If they are a thousand of them, they can actually recall their Mp. But don't you think that that will be very dangerous because the number you are saying of one thousand, actually, the loser to that Mp can actually mobilize one thousand people and collect the signatures.?

Rev. Ephantus Muriuki: To ascertain with the old Constitution if not the new one, if one has to qualify to stand as a President only requires a thousand signatures. If that is the case, why not a thousand to recall a member of Parliament?

Comm. Nancy Baraza: Thank you very much Reverend. I think I just want to assure Kenyans that we as a Commission, we are working very hard. We want to give Kenyans what they want to get out of this entire review process. I wish to take this opportunity once more to appeal to Kenyans to be alert and be the critics of this process. It is your process. We want it to remain yours. Where we are going wrong, you have the right to critique us and keep us in the straight and narrow path because we want the process to remain yours and the Constitution that comes out of it to be a reflection of the aspirations of the people of Kenya. So, don't be afraid of criticizing us. We want to do the work you gave us as diligently as we can and I think that is my assurance to you. But keep criticizing us, but fairly. We will take fair criticism. But where it is meant to divert the Commission from discharging its function, then, that will be unfair and it will just take our time to go back on course without really a good reason. But keep criticizing and write the process in your hearts.

Write the Review Process on your hearts so that nobody can have the opportunity to take it away from you. Because you are expressing what you need, you want a Constitution that will reflect your desires as a Kenyan, as the people of Kenya and therefore make it your business for nobody to take it away from you. Thank you very much. Reverend thank you for your submission. Please sign there and give us your memorandum. I want to call upon Mr. Bernard Muchiri. Mr. Muchiri you are welcome to give your views. If you have a written memoranda. If you don't I am going to give you five minutes or six. We shall negotiate. You know Constitution making is about negotiation. If I see you are not trying to take too much of my time, we shall negotiate.

Mr. Bernard Muchiri: Thank you Commissioner and audience. I don't have a memorandum but I have a few points to contribute towards the Constitution. One, I would like the Constitution to address itself on wiping out illiteracy. Illiteracy i.e. education. At the moment, Commissioners, we have got so many illiterate people, the dropouts. Because of this money. People are paying levy and even the government is saying, cost-sharing. Let our children be educated freely. Right from standard one and if possible from nursery up to university level. Where are we going to get money? Of course, taxpayers will do. The tax we get, everything let us wipe illiteracy because at the moment they are so many.

The second point is; Let us all the diseases, people be catered for. At the moment, people are actually dying too much because they do not have money. You find hospitals are charging a lot of money. To the tune of a million and people are unable to pay.

Let the Constitution address. Let everybody be treated. Regardless of who is who in Kenya by the government? Let everybody not contribute anything, anywhere and let the money be from taxpayers. Then the other part Commissioners is that we have got corruption. How are we going to wipe corruption? Let there be a man appointed by the government. I think in English he is known as all ombudsman. A person appointed by the government to receive and report on complaints made by ordinary against the government or the public servants. Let this ombudsman be answerable to Parliamentarians. Let him be sacked by not an individual but the members of Parliament when they are seated in their house. How? Because he can also be corrupt. If he is corrupt, let him be wipe out by Parliamentarians when they sit in their sessions. Then the other part is about powers of the President. I mean the President must have some powers to rule the country but should be limited because if he is above the law, he can do anything.

Let everybody in this Kenya who is a leader or President not be above the law, because he can misuse power. He can say anything and this will be very bad to we citizens. Those are my views. Especially above the law, he should not be above the law. Because he is a man like any other person and he can mess. Then the other part is the majimboism. I would not like this majimbo. That is personally. Because we are Kenyans and we are brothers and anyone can live anywhere. In fact if I get a shamba in Coast. Let me go and live there comfortably. Let the Constitution allow every Kenyan to live anywhere, to walk anywhere, to eat anything in Kenya. Because we are Kenyans and we are brothers. Let the Constitution be that way. There should be no majimboism. Then the other part is about the trade. Let those people who are given chance of enabling to see the market of our things i.e. crops. Let the Constitution allow those people to have market and let the benefits come to common man. If we sell coffee, if they sell coffee. Let us benefit. If they sell tea let us benefit and let the Constitution allow that.

Then the other part that I would like to address very much is about the extension of Review Commission. I would like, if the time given, is not enough for this thing. To be extended but i.e. the Review Commission that is Commission of Ghai, should be extended so that we may contribute the views of this Constitution nicely. But let it be completed before the elections. We know the election is by the end of this year. If it will be extended, let it be extended very little to complete. Unless the whole work to be completed because there is no need of going to general elections if the Review Commission is not complete. I am not saying, we extend the general election because if for example I retired when I was 55, if am 56 I am told you must go. Similarly if someone has stayed five years. Should go and allow other people to go and campaign and then go there.

So there should not be any extension of general elections whatsoever. Let it be that and that is democracy. If the duration is there let it not be extended. I have finished. I am very brief. The Constitution should allow our young people who are educated to be employed. Commissioners at the moment we know there are so many graduates here. They are loitering and they are actually trained by the government. The Constitution should allow those who are graduates and have certificates to be employed and this sacking is not good. Yes, thank you.

Com. Nancy Baraza: Thank you very much. Sign your name there and hand over your little paper if you want to hand it

over.

Mr. Bernard Muchiri: No.

Com. Nancy Baraza: All right. Now we will call upon Celestine Nyaga. Nyaga. Nowhere.

L.N. Naman. Do you have a memorandum Sir. You do. That is a memorandum all the same. It is Okey. That is a memorandum all the same. What I will do I will give five minutes and you highlight the big issues of your memorandum.

Mr. L.N. Naman: I read this.

Com. Nancy Baraza: No, no. You highlight. I can see it is not big but I will give you five minutes.

Mr. L.N. Naman: Yes, Habari zenu. Mimi sina mengi ya kusema lakini mimi nasema, the Constitutional Commission. Okey. Jina langu ni Luca Njiru Naman from Karumandi location. My point is very little but very important. I would like to say that the Constitutional Commission should ensure that we go to the general elections with the new Constitution. We want this thing to be done before elections.

The Parliament should not be extended at all. Mp's salaries. They have very big salaries. They are withdrawing a lot of money while they are doing very little for us. At the same time, they are getting this money and when the teachers ask for their salaries, they say there is no salary. They will get big money but they do not have money to pay the teachers. Which is more important? An Mp was educated by a teacher. He learned from a teacher. As you start from standard one until you finish your school. At the same time an Mp who normally go to the house for two hours and goes, gets a lot of money than a teacher. So MP's salaries should be reduced and that money can be payable to teachers when necessary.

Second, the President powers should be reduced. Corruption should be controlled from the courts of law where it starts. Because when somebody is rich, if taken to the court, he cannot be jailed, he cannot be put to the court. But a poor man when he is still a pauper, he will be jailed for seven years while somebody with a lot of money, millions of money, which he has taken from the public, he cannot be taken to court.

Third, Coffee. The government should see that coffee is run by the government because we are very poor to date especially in Kirinyaga. We are harvesting coffee. We never get paid. People go without shoes. People cannot even afford to buy even panadol. He is unable to do it and we are farmers. Why? Where do this money go? We would like to know. So, I have nothing to say and I end there.

Com. Nancy Baraza: Thank you very much Naman. Stay back. Stay back for a little while. Please sign there to be in book

that you made this presentation to us today. The next presenter is James Njoroge. James Njoroge, I will give you five minutes.

James Njoroge: My names are James Njoroge Ngaku. My views are kuhusu mashamba. Nataka kuongea mambo ya mashamba. Inaonekana katika Katiba ya leo kuna makosa kidogo. Lakini sio kidogo. Kama wanawake. Unakuta mwanamke anagawa mashamba mara mbili. Mahali anaolewa anagawa shamba na huko kwao anapewa shamba. Kwa hivyo ningetaka Katiba ijayo, ifafanue vizuri. Kama mwanamke ameolewa, agawe shamba huko na kama hajaolewa agawe shamba huko kwao. Lakini kama baba yake atataka kumpatia shamba, sawa. Lakini sio Katiba iwe inamruhusu awe ana mashamba mawili. Ya pili ni kwamba hii mambo ya kutahiri kwa wanawake ipigwe marufuku kabisa na Katiba. Katiba ijayo isiruhusu mwanamke kutahiriwa. Kwa sababu hapa sijui kama ni traditional laws, zinatimiza Katiba kutahiri wanawake ama ni Katiba iko juu ya traditional laws.

Kwa hivyo ningetaka kwa Katiba ijayo ipige hiyo marufuku kabisa. Thirdly ni separation of powers. Sisi wananchi wa Kenya hatujui tuko wapi kwa sababu hatujui ni President yuko juu ama ni Parliament iko juu ama ni Judiciary iko juu. Kwa hivyo tunataka Katiba ijayo ifafanue Parliament iwe juu badala ya State. Na Judiciary iwe independent. Kama 'The Chief Justice'. President aki-appoint Chief Justice apelekwe Parliament apigiwe vote na 65%. Na kama ni mambo ya kuchagua ma PS na Director of Parastatals, ifanywe na Bunge.

Com. Nancy Baraza: Mr. Gathuru? Peter Gathuru, Mr Gathuru, Mr or Miss, are you the one? Are you the one? And what is your name mum, is it Theodora? Theodora, Virginia Wambui. Na Theodora yuko wapi? Ako wapi? Na hataki ku-present , wewe ndio uta-present, Theodora, is she the one presenting? Okey go ahead.

Virginia Wambui: Majina yangu ni Virginia Wambui Weru, I am presenting Kariru Mothers' Union. ACK Kariru Mothers Union. Mothers' union is a consecrated organization in the Anglican faith. It has elected officials at all levels of church administration from the diocese to the local church level. It has an international co-ordination mechanism. Preamble. We recommended that there should be a preamble.

Gender and elections: There should be specialized roles between men and women. The elections principles of state policy: There should be a clear state vision to prevent any discrimination based on gender. Religion and Academic achievement, the Constitution should safeguard religious and educational rights. Freedom of expression by the individuals. There should be fairness in application of law. Example are cases involving assaults, rape, wife beating e.t.c

Com. Nancy Baraza: I can see you have a long memo. What you do just highlight the main points only.

Virginia Wambui: Political parties. There should be guidelines outlining how parties may be formed including a minimum financial base. Provincial administration. Administration units should be realizing the aim of reducing them and making them

economically convenient to run. Mine is that.

Com. Nancy Baraza: Thank you very much. Sign your name there and give us your memorandum. Let it be numbered. Just sign your name and leave your memorandum there. Thank you very much. I now wish to call upon Honourable Martha Karua to make her presentation. Your Mp, Honourable Martha Karua. Because she is Mheshimiwa, I will give her ten minutes. Tumekubaliana? Tupatie Mheshimiwa wenu, wetu ten minutes.

Honourable Martha Karua: Thank you. My name is Martha Karua. Member of Parliament for Gichugu Constituency. I would like to begin by agreeing with those who have already said that the Constitution should have a preamble stating clearly the vision and mission of our country. They should include the guiding principles, which should be democracy, equality respect for human rights and the rule of law. Also committing ourselves as a state to create an enabling environment where all the Citizens can exploit their full potential. On Citizenship, the Constitution should provide for equal rights for both men and women who are citizens of Kenya. To confer citizenships on their spouses if they are foreign and their children.

All children born on Kenyan soil should have an automatic right to citizenship. Dual citizenship should be allowed. That will help Kenyans leaving abroad who wish to enjoy the rights of citizenship in their own country. Also to be able to return home when they choose to do so. The Constitution should also provide for equality for all Kenyans under the law irrespective of gender or different endowments like different abilities. It should also recognize explicitly that to achieve equality under the law, special accommodation has to be made for special categories of citizenship. e.g. To achieve equality for people living with disabilities, certain special accommodations have to be made by the state. So, we are saying the Constitution should actually recognize the principle of Affirmative Action.

The Constitution must also provide for equal distribution or equitable distribution of resources so that all Kenyans are able to enjoy the services that are provided by the government equally. To this extent, it should provide for Affirmative Action in budgetary provision to enable all parts of Kenya to enjoy equitable distribution of resources and equitable access to services, be it health or otherwise. The Constitution should also contain a clause guaranteeing freedom of information. There is no other way we can curb corruption. Unless if the government is compelled to let the citizens access information on conduct of public affairs. There should of course be a provision for security information that cannot be released to the public but which should be capable of being released to a Parliamentary committee dealing with the subject.

We should also have the office of the ombudsman. That should be able to hear complaints against public officers. This office should have offices in all the provinces to enable Kenyans to access it. There are a lot of complaints currently against the Judiciary, the Administration, the Land office, the Police and these all the issues that the ombudsman should handle. In my view, the Provincial Administration should be abolished. Instead we should strengthen local authorities to serve as a link between the Central Government and the people living within their jurisdiction. We should also let the Local authorities to provide the basic

services and budgetary allocation to them should be made. We should have a ceremonial President who is above party politics and who is a unifying factor for our country and we should have Prime Minister answerable to Parliament. The election date should be fixed possibly in the Constitution and my suggestion is that Parliament should automatically fix it on 31st October on the fifth year of the election.

That election should be held in every year before 31st December and there should be a fixed date for swearing in the new President and Parliament. Possibly towards the end of January the following year or early February. So that there is a period to prepare the handover and for the incoming President or Prime Minister to actually choose members of their government. Ministers should be vetted by a committee of Parliament and indeed all-senior public appointments. The Electoral Commission should be trimmed. We don't need an electoral Commission of 22 Commissioners like we are having currently. In my view, it should have no more than three members who should not be elected under the same process that we are having today.

There should be a wide consultation by stakeholders, which should include religious groups, association of professional society, the association for workers which is COTU, the federation of employers and eventually, the people they nominate should go through a second vetting by a Parliamentary committee and that Commission should be charged with ensuring that the elections are free and fair. The budget should be approved by a committee of the Parliament in consultation with Treasury. They should not be answerable to anybody but Parliament and there should be an obligation that they have to enforce the laws.

If they fail to do their duties according to the Constitution, there should be personal penal sanctions so that we ensure there are free and fair elections. The Judicial appointments should be made by the Judicial Service Commission which should consist of the Attorney General, the Chief Justice and representatives of the Law Society of Kenya. Their nominees should be further vetted by a Parliamentary Committee, after which the President can make the appointment. The resources of Kenya should benefit Kenyans. If it is the minerals, if it is proceeds from tourism and the way to ensure that is to have a Constitutional provision that provides in any joint venture for the exploration of the minerals between the government of Kenya and a company or individuals. The majority shares probably 60% should be for the benefit and welfare of Kenyans. Currently we have individuals exploiting our natural resources together with foreigners to our disadvantage. So, we need to reign in this by a Constitutional provision. Every Kenyan should have a right to challenge the state, if they feel that the natural resources are being exploited to the exclusion of Kenyans. The government should have a duty in the Constitution to protect the environment and failure to do so, any citizen should have a right to challenge this inner Constitutional Court. On the issue of land, all Kenyans should have equal rights to access, use and ownership of land irrespective of gender. Equal rights in inheritance and equal rights in acquisition of land.

The government should have a duty in the Constitution to re-distribute land in Kenya. Currently we have a lot of idle land owned by rich people and used for speculation, which is what is raising land prices in Kenya. The government should compulsorily acquire all idle land and we should have a ceiling on how much one Kenyan can own. This will help to

re-distribute the land we have to the landless Kenyans. The policy of compulsory acquisition should also help in restoring public land grabbed from municipalities, urban centers and cities by grabbers. The government should provide all the basic needs to Kenyans i.e. Education. So I am for free education. Health. The basic health services must be free, the right to shelter and food security. In other words, for those who are not working, there must be a stipend provided by the state. I am calling for welfare measures so that we stop having street children and homeless people.

On the issue of human rights, we should create a Human Rights and Gender Equality Commission. We can broaden it and call it a Human Rights and Equality Commission so that it looks as equality across the board. Not just on basis of gender, but also on basis of disability e.t.c. We should also have a procedure to impeach the President and also the Prime Minister through a Parliamentary process or a tribunal. Mp's also should be recalled by their constituents in the case of gross of misconduct. But the procedure for recalling should be the establishment of a tribunal made of members of Parliament and independent people from outside Parliament because I believe nobody can be a Judge in their own faults. I do not subscribe to the idea that the procedure for recalling

Com. Nancy Baraza: Are you about to finish?

Honourable Martha Karua: Yes, I am just winding up. That the procedure for recalling a Member of Parliament or impeaching a President should be by collection of signatures. The law must state clearly which are the gross misconducts that can cause impeachment or recall. It is after the violation of those stipulated specific instances that the tribunal can be activated either by a petition by constituents or by Parliament itself or indeed by any Kenyan citizen. Because Parliamentarians are national leaders. I agree we should have a provision for independent candidates. We should also have a transition clause in the new Constitution that the current President who has served his two terms under the current Constitution is not eligible to vie when the new Constitution comes into course. This will forestall the debate whether; when there is a new Constitution the term begins to be limited by that Constitution. It will forestall the mischief that can be created.

Now, I want also to suggest that we introduce across the board personal penal sanctions for all Constitution office holders for failure to uphold the Constitution. Finally, I want to make a comment on the Commission reviewing our Constitution. We appreciate your work. It is hard work, I have sat with you, I have sat while you have been taking the views for two days and I know it is hard work. But it has also re-affirmed my belief that this work can be finished by December. The views Kenyans are providing which have been given by the people of Gichugu are very similar. They are similar to those given by Kenyans elsewhere. I believe this exercise can be completed by December, there will be no need to extend the life the Parliament and we can go to elections with a new Constitution.

So, I am asking the Commissioners to ban their mid-night oil and we are also as Kenyans calling on the Commissioners to observe their code of conduct. For those who have waged war publicly, we are saying in-house matters should not be in the

public knowledge. Please utilize the time doing your work like we have observed you doing the last two days and give us a new Constitution by December. Thank you.

Com. Nancy Baraza: Thank you very much. We would want to clarify a few things. Dr. Maranga?

Comm.Dr. Maranga: The first question. I want to ask Mheshimiwa about equitable distribution of resources. You know there have been very gross imbalance of this distribution of resources, what methods are you going to use for example to redistribute like for example; If there are some tarmac roads in a given area, how are we going to transfer the same to North Eastern and may be other places?

Honourable Martha Karua: In re-distribution of resources, I call for Affirmative Action in budgetary allocation. The way to achieve an equality in enjoying the services we get from the government, we will look at the areas that have been marginalized, especially the arid and semi-arid areas in terms of health, schools and infrastructure. Every year we should be able to make a budgetary allocation over and above the budgetary allocation given to other areas to help them catch up with the level of development. If we don't do this, we will never have one cohesive nation.

Com. Dr. Maranga: Similarly I want you to explain how we are going to re-distribute land.

Honourable Martha Karua: Now the feelings, I want to say that.. to begin by saying, the land that must be acquired immediately is all idle land. Then the government can re-distribute to those who do not have land. There is no reason why for instance in Nairobi we are having people crowded in Korogocho, Mathare valley and Kibera while some individuals have received free allocation of over 200 acres within the boundaries of Nairobi from the government. It means there are more citizens who are more equal than others. If we also develop all our areas, urban migration will be fenced. If we had industries right here in Kianyaga, our people who have left schools may not wish to go to Nairobi. So, we will not be creating the urban-poor.

Com. Dr. Maranga: My last question is on this issue of Presidential tenure. You know that is y very well conceived. The current President must not vie for the Presidency, how do you want us to do that?

Honourable Martha Karua: I do not begin to think that it is a controversial clause. Our Constitution as it stands today bans Moi from vying for elections again, because he has already served two terms. But because we have become dishonest as educated people in our interpretation, there are those who might argue, like they argued in 1992, that now this is a new Constitution we begin counting the terms here. So we need a transition clause saying that the current office holder,...the current President having served the two terms under the old Constitution, the current Constitution, is not eligible to serve under the new Constitution.

It is not any personal war against him. It is just acknowledging that you have had your time. It is time to rest and give others a chance and to avoid the psychopants around him from coming up with an argument that that Constitution is done with, we are beginning afresh. We still back to date in 1992 and part of last year when some people were arguing that if Parliament was to be dissolved before the five years, Moi would still run because the five year term would not be over. Although we know, a sum of the office under the Constitution is either the whole term or a part of that term. So, to avoid that dishonest argument, let us have it in black and white.

Com. Nancy Baraza: When does the current Parliament term expire? Some are saying, Okey you were sworn in on the 9th of February and you started work on the 31st of March so it expires on any of those dates. I don't know. Just clarify.

Honourable Martha Karua: The term starts from the date you were sworn in whether we work on that day or we don't. So from the date we were sworn in, which you will permit me it is not very clear in my mind but I know it was early February 1993. We can confirm the dates from the records; the current term of Parliament can Constitutionally go on until that day. That is why we are saying that we need not extend the life of Parliament and we are pleading with you to burn your mid-night oil, give us a Constitution and let Kenyans be able to pass the transition with a new document.

Com. Nancy Baraza: Let's wait and let's not lose faith. We used to be fast.

Honourable Martha Karua: Madam Commissioner could be I will answer a question, a very first question which was asked to a young schoolgirl. Where the resources for a welfare state will come from?

Com. Nancy Baraza: You will answer the question for her?

Honourable Martha Karua: Yes, yes, I just wanted to say that we are a very rich country but we are misusing our resources. I said about the exploitation of our minerals. We have the titanium, which we are about now to give to the Canadian who may later give us foreign aid. We need to exploit that to the benefit of the people of Kenya. The people of Kenya are not one individual or a company owned by a Kenyan. I am talking of the government on behalf of the people of Kenya having a 60% stake and giving the foreigners who are coming with the expertise 40% of the stake earning, I am taking of tourism where people are coming from the developed world, building hotels, the only contribution is building and running hotels. The natural beauty God gave us and the animals are our birth rights, but who is benefiting from tourism. Over 80% is money being repatriated abroad. We want to say come with your money, built with it your hotel, but 60% of all the earning belongs to us, you take away 40 %.

We have many many other areas one could enumerate and of course the perennial misuse of money by public officer. Where

every year we are misusing close two hundred million and then we are telling the teachers we cannot increase their pay with 21 billion. We are telling the nurses and the doctors we cannot pay them, may I also with your permission just add one note. The rights of workers must be protected in the Constitution. We have seen brutality by the government sacking of the workers, taking them to court, abusing the legal process to intimidate them. We want the rights of collective industrial action to be entrenched in the Constitution and for us who have industrial not industrial, Constitutional Court that can solve these disputes. The government is made of individuals they are not always right I have a very firm believe that the government is mistreating the works. Thank you.

Com. Dr. Maranga: There is one more question. If you say something about distributing of the land. How much does Kenyan hold?

Honourable Martha Karua: For those in large-scale farming, I didn't want to give a ceiling because I am not an agriculturalist, but I think about a thousand acres should be the ceiling. I know of people with thirteen thousand acres, twenty thousand which they never bought. They were issued with title deeds by the Government, are they more equal as Kenyans and those who do not have?

Com. Nancy Baraza: On that same issue of land, don't you think there is a problem in the multiple ownership structure that we have now. Some land is belonging to the state, some to government, some to community, some to individuals. It is being argued and we can all see that we are not managing land for the benefit of every Kenyan. So, do you think if we centralize ownership and probably and streamlined the management, I don't know what your views are on these one.

Honourable Martha Karua: Thank you for that very good question I think we should simplify the ownership procedure and also centralize ownership. All land should belong to the people of Kenyan and that states if it was a state, so Kenyans should have a right to challenge the government where it gives a out their land unfairly. I think in that regard, we will end speculation and escalating prices on land. These is the case in Zambia, it is the case in Tanzania, they do not know about high land prices. So it is time we rethink our land Kenya system.

Com. Dr. Maranga: How many ministries do you propose in the new Constitution and Districts?

Honourable Martha Karua.: No more than fifteen and districts should be according to the laws. We have forty three legal districts today and almost an equal of illegal districts, but I do not think creation of districts can be limited by the Constitution, it has to be limited by law, the administrative and resource should not be distributed on the basis of district.

For equitable distribution of resources, it must be a question of the population. On the issue of roads, you can not say it is population, but if it is money to buy medicine you , you must actually talk of population in that district. If it is money for

education for buying books, paying teachers, it must be worked on the population. Now that you have reminded me on population, there should be proportional representation. We can retain geographical constituencies but have a second system on proportional representation. That would have meant that my party with 1.9 million votes for its Presidential candidate would have been able to get many more members of Parliament, not just thirty. While our competitor with 2.4 Million had over a hundred members of Parliament.

Com. Dr. Maranga: On that point, which votes are we supposed to use for proportional representation? Are they for Presidential or for the Members of Parliament.

Honourable Martha Karua: I would say for Members of Parliament, because sometimes they are higher than the Presidential. So we should take the total number of votes each person each party has received. The highest number of votes received, either by the Presidential candidate or the members of Parliament, whichever is higher. It ought to be the one for proportional representation. Whichever is higher is the one that can be used in law. That either the Presidential vote or the vote for the Members of Parliament cumulative, whichever is higher.

Com. Nancy Baraza: Thank you very much Mheshimiwa and I can assure you that we are going to call you as we design the Constitution on these very important issue of basic rights. We want to be convinced that there is actually money. You better do your home work on where money is being wasted in which ministry, and give us those figures because we will need that.. Thank you very much, that was your Honourable member of Parliament Martha Karua. I go to the next presenter and we will be very very fast. We don't want to be caught in this rain. I will call upon Dan Ndumbiri, Dan Ndumbiri, are you there? Dan is not there. Virginia Wambui, are you the one who presented. Councillor Loise Muchira, please come. I will give you exactly five minutes, if you have a memorandum, just highlight please.

Loise Muchira: My name is Councillor Loise Wanjira Muchira from Gichugu and I came to represent the league Kenya Women Voters of Gichugu. I can start with some rights which we have seen before I present my memorandum. Women must be protected by law. The government must ensure they enjoy human rights equally. That means women must be given priority in every section. Decision making must be protected. Inheritance; a girl must inherit her father's property. We said that because some girls are not given the rights as a child of that home. They are treated just like an outsider person, but now we want her to be put inside there. The family property must be jointly registered.

Political parties must have equality of gender from the grass root. Also Parliament. If there is, we have our chairman in the council or Parliament we must have also vice chairman being a woman, so that equality must be seen there. Political parties must be one to three political parties. That means we can have one or three parties which we can also, (I am sorry) I wanted to say that if there is liberty we can just we should know which party we can have. For instance, Kanu, DP, Ford Asili or Ford Kenya. We can say that those are enough for us so as to know the party which will lead and rule and we know that if we have

this party, that party must have there people who can lead..... I have a memorandum.

Com Nancy Baraza: Dr Maranga, do you have anything? Please sign here and give us your memorandum. J. S Murage Kagunga. I can see you have a memorandum. I will give you exactly five minutes please come over.

John Stanley Murage Kagunga: My names are John Stanley Murage Kagunga from A.C.K Christ Church Kariru, which is a congregation part of the Kariru parish, Kariru deaconry, and Kathangu deaconry and of course the diocese of Kirinyaga. Our congregation felt that the preamble in the Constitution is a very important section, and the current one does not have it. So in the new one we should have a preamble. In the preamble, another missing factor in the current Constitution.

The people of Kenya who make the contract with the government are not defined and therefore we should have geographical limits of our country put down in black and white. People's ethnicity is very very important for identity. It should be also accepted by the Constitution as the basis of definition of our people. So, we have people in the country. The variety of cultural backgrounds again should not be an obstacle. In fact it should be able to enrich our national pride as we have in the tourists.

Development of music and dances should be encouraged in schools but not really made part of the exploitative practices among our semi-illiterate communities. Of course, by cultural practices, we know that there are some, which can be harmful like the Female Genital Mutilation, the wife battering e.t.c and wife inheritance. These since they are formed by custom they cannot be obliterated by punitive law. People need to be educated to discard them. Directive principles of state policy: We felt that definitely people of Kenya should be free to express themselves without intimidation. The application of law should be fair in the courts so that people are not discriminated on the basis of social status, economic status, academic and political considerations.

We have duplicated Acts of Parliament especially those concerning land and those need to be streamlined so that we know what is happening with land which is a very important resource in the country. We also know that Kenyans have got values. They value life, they value property. But the way demagogy has been practiced in politics has made people lose hope and subsequently we look like we don't have values. This word should be spelt out in a good Constitution. Of course I know am addressing experts. Members of the Review Commission are experts and once they hear my basic views no matter how primitive, they will be able to give them shape in a new Constitution.

The question of Constitutional Supremacy is definitely not to be doubted. But then if the people are not defined and the other party in other words, the government or the state who is reaching the agreement with the people are not devised then the contract will not be easy to come to term. Any major Constitutional amendments should not be left to Parliament. If people make a contract say with the State, then the amendment of Constitution should be after a referendum so that people will give their ideas. Those referendums should be referred to a Parliamentary committee that possibly should be able to give them the

necessarily legal language.

Any Commissions which are set in this country should actually be set by Parliament as an independent body. Then they will not be mere aesthetic established so that whatever what they decide can have a follow up. The question of citizenship, if we know the people that we have in Kenya, some will be aliens, others will be citizens. Automatic citizenships should go to children who are parents who are both bona fide citizens of Kenya. The offsprings ought to be Kenyan citizens whether born here or abroad. There is no question of gender. When we come to the question of acquired citizenship, if a child is born of a mixed parentage i.e. Where the mother is a citizen and the father an alien, then that child should by the fact that one of the parents is a citizen, apply and possibly stand better chances for qualification. But they must apply for citizenship.

Dual citizenship: Things being the way they are in Kenya, dual citizenship should be discouraged by law. Because it is possible for someone with a dual citizenship to commit a crime in one nation and then use his or her dual citizenship to jump law. Defence and Nationalism. Defence and security is a very specialized area and establishment of the disciplined and armed forces should be worked out by experts but indicated in the Constitution. The President as the Head of State should actually be the Commander in Chief of the Armed Forces. But there must be a joint staff command, which can advise the President on matters of how to discipline and deploy the Armed Forces.

Political parties. The Political parties in Kenya should be formed freely. People should be free to form parties. But the conditions upon which these parties are to be formed should decide whether a party is going to be viable or not. One of them would be a financial base. They should also indicate the method by which they are going to raise funds for their functions and those should be approved by a set committee or Commission by the authorities that be.

Com. Nancy Baraza: Mr. Murage we are winding up your time.

John Stanley Murage: Thank you.

Com. Nancy Baraza: Summarize your last points. Just give us the highlights as you wind up.

John Stanley Murage: Outgoing Presidents actually should retire honourably and they should enjoy basic security thereafter. To be able to do that and to be free from prosecution. A retiring President should be cleared by Chief Justice and then after that he should be an honourable member of the society. When we come to Provincial Administration, which is a touchy question, we felt that the current Provincial administration is already politicized in practice.

Therefore we should actually politicize these things without hypocrisy. Therefore, Provinces should be abolished and then we

strengthen the districts which can be divided into units forming the constituencies and then we do not need to call them divisions. Therefore, the DC's and D.E.O's ought to be elected directly by the people. They like the Mayors and chairmen of councils should be elected for a five-year period after which their contract would end. But they should be renewable. They can re-apply by vying for these things through their parties. The salary question in Kenya has become a very big bone of contention and there should be a national salaries division Commission. A standing national salaries division Commission. Then we can have branches in various departments. So that when there is a query, it should be done by the branch, which shall then be sent to the national level for approval. This may help us to unify the salary scales in Kenya. Thank you Mum.

Com. Nancy Baraza: Thank you Mr. Murage. Please submit your memorandum and sign.

John Stanley Murage: Everything is in the memorandum possibly the only vital thing, which am now able to mention is about the vulnerable groups. I believe the question of women, children and possibly cripples, the disabled people are the products of traditional bias. Because somebody without one leg is a human being and somebody who is by gender a woman or a man is a human being and instead of emphasis on these differences, we should be able to respectively assign rights to human beings irrespective of the state.

Com. Nancy Baraza: Those are very good views, we shall put them in expert language. But we value every view given by every Kenyan. Thank you very much. Thank you very much for coming. Sign there and give your memorandum I will be very very strict on time. The next person is Lazarus Makawa. Lazarus? Joan Mureithi? John Muriuki? Joseph Ndambiri? Joseph Muriuki I will give you exactly five minutes.

Joseph Ndambiri: Thank you Constitutional Review Commissioners. My names are Joseph Ndambiri Wambugu. I am a retired officer with Ministry of Agriculture. My views, which am presenting are mainly personal according to the problems which are being faced. Particularly on the side of the land.

Land issues: When it comes to the management of the land, particularly, it seems as if most of the nutrients which are very important for the production of crops, are not very much being taken care of as used to be before and as such production is declining and when it comes to poverty eradication, this one won't help but it will facilitate. So all what I would like to say is the reinforcement of the Agricultural Act which controls or which encourages the farmers to protect soil erosion.

On the other side, I come on the side of the democratic principles. Mainly when it comes to the democratic principles, the way they ought to be applied, mainly they should be based on basic needs, which are very necessary for the development of the citizens. Particularly when I mean the basic needs, each and every human being within the nation needs clothes, food and shelter. When we come to the standards of these basic needs, you find that there is some discrimination concerning these basic needs.

On the other hand, I come on the side of the, particularly, on the side of education. Education of young ones. You find that if someone had been brought up in this world, naturally he or she has got a parent. But is it really surprising to find that when you go to the towns you will find children who are not attending schools. They are loitering about within the town and these young ones ought to have free education, which will enable them to improve their standards of living through the skills they will attain from the education they will get, whether it concerns a training dependent on the talent one has.

Reinforcement of the health to be given to these young ones who are loitering within the towns and particularly in Swahili they are known as 'chokora'. They should be very much taken care of through providing free education, which will enable them to grow to a status of being able to lead the country through the knowledge they will attain. But if they are neglected definitely there will be a lot of danger because they will try to compete with other people who have attained the knowledge which enable them to support their standards of life. So it is necessary to have the equality both on the side of it, management of the human beings, as well as the resources, this natural resource of soil, which enable them to lead a successful life.

Com. Nancy Baraza: Your time is up. I don't know if you have another point. What I would advise you is, if you want to talk about education. Just tell us what you want. Then you go there directly but if you go explaining, we may not get the expression. Just highlight your issues, tell us what you want without going to detail. So don't go giving ways of explaining. Just state we want free education and health or what we don't have and so on. That way. Because I think we communicate what you want to tell us.

Joseph Ndambiri: Okey. Thank you on the side of thieves. Protection of environment from thieves. It is necessary that environment ought to be protected.

Com. Nancy Baraza: Next point.

Joseph Ndambiri: The other point is on the customary laws. Particularly concerning customary laws, the way they ought to be followed. These ones particularly when it comes to the vice, we have the traditional rites which ought to be very much encouraged so as to teach the generation on these values which are very helpful to the development of the following generation.

Com. Nancy Baraza: I think your time is up. You could sit somewhere there and write those that you did not finish and hand over the memorandum there. You are free to do that. Thank you very much. Sign your name there. Charles Karani? John Gicheru? Jamrick Kiura? Rose Njagi? And don't go into explanation. Just tell us. Bullet points. That way you will consume your time more profitably because we know what explanation there is.

Rose Njagi: My names are Rose Njagi from Kabare. Basic rights: The right of employment: Employment should be on merit

but not experience. If there has to be retrenchment, firstly all those with low grades and were employed through bribery, then the aged and those nearing to retire should be first retrenched. To create job opportunities, retired officers should not re-apply for public jobs and the motto should be 'one man one job'.

Right to vote: The registration of voters should be continuous for those attaining the age of 18 years so as to participate fully in elections and by-elections. The rights of passengers. The P.S.V. vehicle should be roadworthy, carry the insured passengers and the passengers should board and alight at will. The Ministry of Transport and Communications should determine the fares.

The rights of vulnerable groups. The Constitution should address several concerns of people with disabilities.

1. Education: Better education systems in all levels, primary, secondary and institutions of higher learning. Participation in government. All persons with disabilities should be represented in Parliament to feel considered, loved and valued either by nomination of members. Employment. Persons with disabilities should not be assumed and neglected for their motto is 'disability is not inability'. Those with disabilities possess skills and talents to go a long way in developing this country and they only need a chance to prove what they can do.
2. Environmental and Natural resources. The natural resources should be owned by the Kenyans and the new Constitution should ensure that the local communities are involved in the management of natural resources and provide community related natural resources utilization and conservation related information. To minimize human-wildlife conflict, there should be an electric fence all around the wildlife habitat and the offices of the forest officers and wildlife officers should be near the natural resources areas like the forests for immediate attention i.e. to guarantee security before animals coming to the people. Constitutional Review. If the Constitution is made by the people and really belong to them, they should know it and understand it. Therefore, it should be made readily and available in all bookshops at affordable prices. Thank you. Any questions?

Com. Nancy Baraza: Any question Dr. Maranga?

Com. Dr. Maranga: No, I have no question except to say thank you very much.

Rose Njagi: Welcome.

Com. Nancy Baraza: Joseph Wambugu? Thank you Rose. Joseph Wambugu, are you there? No. Njau Njogu. No. Saraficio Ndambiri. Are you there? No. Josephat Munene? No. John Kinyua? John Kimotho? John Mburu? Bernard Mureithi?

Com. Dr. Maranga: Sorry, Eeh ningetaka kuwakumbusha kuwa wale ambao wako na memorandum na pengine hawataki kuisoma mnaweza mka-register na yule mwanadada ambaye anatoka kwa national secretariat. Kwa hivyo unaweza kwenda kwa yule madam. Reverend Sembi unaweza kwenda huko ukajiandikisha ukaacha memorandum yako kama hutaki kuongea.

Asante.

Com. Nancy Baraza; Thank you Dr. Maranga. Francis Gachoki? Francis Gachoki probably he is not here. Who is that? Milka Njamiyu? Yes, Milka you can come. Helen Wanjiru. Did you want to present? Milka Njamiyu? Or you want to present from there? Or you come. You come. Try and reach here.

Com. Dr. Maranga: If you want, you can sit there and we will still give you the microphone. You can present from that bench.

Com. Nancy Baraza: You want to present there. From there. Yah, they can bring you the microphone. You make us feel how unfair the society is. If it is difficult for you we can get someone to tell you how now you know what we are talking about. Can you give her the microphone?

Milka Njamiyu: Thank you the Commissioners and all the members who are here. My names are Milka Njamiyu from Kianyaga Physically Disabled Women and Men. Our views are these ones. The DDC. (District Development Committee) should include persons with disabilities in their curriculum. There should be organized activities for daily disabled people. Persons with disabilities should be encouraged to take leadership challenges in their own communities. Organized counseling services for the people with disabilities and especially women with disabilities because they have got many problems. Reproductive health. This covers areas for example: family life, family planning, the aged e.t.c, because in some areas we do not have anybody to educate people about those things. Examine the legal social evils, economy and political challenges facing us and discuss how this problem can be overcome.

Re-evaluate the place of women with disabilities and even people with disabilities in policy formation and decision-making in matters concerning them. Especially on that point, we need two representatives who will be elected in the Parliament who can be taking our views there. In this, we should have equality especially in the allocation of funds. The government should be giving the funds especially in education and in some areas, for example, provision of walking aids, and even help them to start some business.

Consider how to involve and highlight the people with disabilities during celebration days as women mark women's day on March 8th and UN day 3rd December every year. That one we would like the government to know about it because we do not see people celebrating the women and the UN day. Most of us have different skills. So, we would like to have the government give us a good site for our businesses because of transport and accommodation. Also, the buildings should be built in a way that we can get in and out.e.g. hospitals, offices, schools, hotels etc. Our children should be considered for their education. Therefore, we need free education services at all levels and free medical services. Both persons with disabilities and mostly to women with disabilities. Provide facilities that will favour our disabilities e.g. public toilets facilities in town and elsewhere.

Also the government should cater for the walking aids for deaf, for hearing aids and for the blind for reading. Since we have the right to vote. We usually get a lot of problems in movement to where the elections are. We request to be provided with means of transport to where the elections are and to be considered first so as not to be too tired. Especially on that point, I am happy with our Mp because she has arranged for us. She got us from the homes. We should be represented in the government. That one I said for two members with physical disability from every constituency, should have a place in the government. Even Councillors and other leaders. We request for free licenses and places in order to proceed with our business without being harassed by the council. Thank you.

Com. Nancy Baraza: Thank you very much Milka. Dr. Maranga you have any clarification you want to seek?

Com. Dr. Maranga: No.

Com. Nancy Baraza: Thank you Milka. You have demonstrated how unfair we are, we are taking your views seriously. They will bring you the register to sign or you want to go there yourself and sign? It will be brought to you to sign. Alfred Murage? Alfred, you have a memorandum I will give you exactly five minutes. Don't read through. Just highlight.

Alfred Murage: Honourable Commissioners and members at large, my names are Alfred Michael Murage. Box 29 Kianyaga. This is the people's Constitution that we want. The Constitution Review process in Kenya. I start with the Legislature. MP's should act on the basis of concern and conviction or instructions from their constituents. The Constitution should permit coalition government in which all parties are represented. We should continue with the current multiparty system in the Legislature and multiparty in their duties. The President should not have powers to dissolve Parliament. Parliament to have independent bodies and to dissolve itself.

The Executive: The President should be qualified in education at least a bachelor degree level. The tenure of the President should be fixed to at most two term of five years each. The Provincial Administration should be elected by the people. President should not nominate ministers who are not elected by their own people.

Local government: Mayors and council chairmen be elected directly by the people to avoid camping of Councillors. The Mayors and Council Chairmen should have two terms of five years each. The minimum education level of Councillor should be Form Four level. Nomination of Councillors should be done away with. The electoral system and process: Elections be done through secret ballot. The minimum vote or number of votes that constituency and Presidential candidates must attain should be atleast 50%. Defection from the parties should be ruled out and if a member defects, he should not sit at Parliament. This is to avoid corruption where a member is being bought. The constituency and ward should balance with equal number of voters. President should be elected directly by the people.

Basic rights. The Constitution should provide for compulsory and free education where the government sets aside money for each child in primary and secondary. It should also set aside money for the less privileged children. The Constitution should guarantee all workers the right to have trade unions representations for employer and workers to have dialogue in terms of conditions of work. The criteria of paying salaries and promotions of workers, especially in seeking promotion be on experience basis.i.e after ten years one is promoted to the next grade.

Land and property rights: There should be availing of land ownership by an individual where one member can hold utmost let's say fifty acres. The procedure for the transfer of land be simplified. It should be finalized at the district level and start form the Assistant Chief. Kenyans should own land anywhere in Kenya. The individual should have the right to land. Management and use of national resources. The appointment of the Controller and Auditor General be done by all political parties. The Public Service Commission be appointed by Parliament. There should be a code of ethics for holders of a public office. Public officers should be required to declare their assets. With those ones, honourable Commissioners I think I will terminate there. Those are my views and I request you let us this work we are doing, let it not be a waste. Like you told us this is a people's Constitution so we hope by the end of December you are going to make us have the Constitution we want. Thank you.

Com. Nancy Baraza: Thank you Mr. Murage. Dr. Maranga you have anything?

Com.Dr. Maranga: No.

Com. Nancy Baraza: Thank you very much. Sign your name there. Nancy Wangechi? Michael Gachoki? Lydia Njoki? Is that gentleman wanting to present? Later? Okey fine. Lydia Njoki? Councillor Kiaka? Catherine Wangithi? Regina Kimotho? Robert Kabeta? Fred Mwendia? Henry Kinyua? Five minutes.

Henry Kinyua: My names are Henry Kinyua Gitara of Box 7 Kianyaga. Madam, Sir, there are some issues I would like to contribute to this Commission.

The land issues Your Honour. The land issue in Kenya or the Act in Kenya does not clarify or does not categorically state who is supposed to be a peasant or who is supposed to own the land. Demarcation of the land when it was partly done by the colonialism it was demarcated through small groups known as the clan. The clan had to select one person to be registered in the same land. The same person disowns his own people.ie. The issue is so especially here, where we are based on. Can the land Act now be reversed by this Commission now to read as: The land in question, anybody who belongs to that particular system or that clan or that particular home should be accounted to hold a share in the same. Regardless of the title deed which was used previously.

The court case, the D.E.O or the Provincial Administration should be left in this issue and a separate judge to be introduced to

deal with cases of land. In this case I would suggest like we have in the final court if it is like such land cases, peasants should also be represented. Simply because most of those people currently now in problem are the peasants who cannot have money to hire an advocate. So, if a case of land is there in the court of law, the oppressed or the person who cannot represent himself should be accorded an independent advocate so that he or she will be properly represented by the person now who is currently talking of the land. Otherwise, he has used a lot of money on that land to an extent that the peasant, that layman there, cannot afford even transport to Nyeri. We have a Judiciary. If it is here in Kirinyaga, let the judge come here in Kirinyaga and try to sit down and arbitrate those cases of land. Instead of transferring land cases from here to Nyeri, Nairobi, whereby the poor man cannot reach. This is where a poor man will never be represented Commissioner.

Then the other issue is; the Police force should remain an independent body. President should not deal with appointing the Commissioner of Police. The Commissioner or the Commander-in-Chief should be always appointed by the Public Service Commission in this case if this person commits any crime, then the public service can also discipline the person but when he is appointed by the President himself, then this person base his argument on politics. In this case, without the protection of the common man, justice will never be seen as far as common man's right is to be seen Madam. Thank you very much.

Com. Nancy Baraza: Thank you very much Mr. Kinyua. Come and sign your name. Harrison Njanja. Joseph Munyua. Joseph. Walk fast. If that is you Joseph Munyua.

Joseph Munyua: Commissioners and all those who are here, my names are Joseph Munyua from Kabuti. Now I will be a bit fast because some of my views have been presented by those who were here before me. The first one was free primary education. The second one was that the system of education should be modified to suit the interests of citizens or people. This other one is that the Constitution books should be presented to the wananchi. It was also my view that this one should also be taught in schools to create that awareness to each and everyone in the country.

The Constitution should be taught in schools. The other one was that election of chiefs and assistant chiefs should be directly made by the people in the areas they are ruling. To draw them near this people. This is because nowadays they seem to be a bit far from those whom they are ruling.

It was also my view that among those who are nominated to the Parliament, at least if not many one should be a disabled person. To represent the problems of those who are disabled in the Parliament. It was also my view that election date should be set by all political parties who are to get involved in the election exercise during that time or that year. This date it was also my view that should be announced to wananchi at least eight months before election time. It was also my view that the Vice President being somehow another President in the absence of the President should be elected directly by the wananchi. Instead just being an instrument of the President because when the Vice President is elected by the President, he will be used by him in any manner that he wants. Thank you.

Com. Nancy Baraza: Thank you very much Mr. Munyua. Sign your name there. Can we have John Wachira. John Wachira please hurry.

John Wachira: Thank you for inviting me here. Nimekuja hapa kwa kitu tu kidogo. Naitwa John Wachira na nikaa hapa Kianyaga. Na wale wanajua zaidi mimi huchukua tu picha. Kazi yangu ni hiyo. Lakini kuna matatizo ambayo ninaweza ongea hapa habari yake sababu ni kitu kinasumbua watu sana sana. Nafikiri kila mtu anajua habari ya mahospitali tuko nayo hapa.

Haya mahospitali tuko nayo haitusaidii hata kidogo. Na kusema kweli, kama leo nimeona mtu amejikata mkono zaidi karibu kukatika. Tuko na hospitali ya serikali hapa na badala ya hii hospitali yetu itusaidie unaona huyu mtu anatumwa kwa private. Private mtu anaenda kuchukuliwa kwa mashamba huko nenda ukashone mtu mkono amejikata. Mtu anasumbuka sana na tuko na hospitali yetu hapa. Sasa nikaona iko shida sana. Huyu mtu anaenda kwa hiyo private dispensary, anaenda huko anatibiwa kwa sijui elfu mzima. Kushonwa mkono na nini huko. Nikaona hapo serikali sijui haina macho haina nini haitusaidii kwa njia hiyo. Nikaona saa ingine ni kama tu iko mchezo watu wanachezewa kusumbuliwa ama kupata taabu kukiwa kuna watu wameajiriwa kazi ya kusaidia watu. Sasa na serikali ni yao. Na hakuna haja ya mtu huu mfano ulikuwa mfano mzuri sana kwa kuleta hapa yaani kujulikane kwa nini serikali yetu haina watu wanafanya kazi ama ni kitu gani imekosa kwa serikali yetu.

Kwa sababu huyu mtu sasa alienda kushonwa na kutibiwa kwa private, mtu ambaye yuko na pesa nyingi ni serikali ama ni mtu wa private. Sasa hapo ndipo nilijiuliza kidogo. Ni kaona tuko taabuni sana na ndio sababu watu wengi wanakufa. Saa ingine unaona unaenda kwa hospitali unakuta hakuna dawa. Saa ingine nakwambia nenda tu kwa private. Sijui mahali alipeleka dawa ama nini. Unaenda huko kwa private. Unaitishwa pesa nyingi hata kushinda zile ambazo ulifikiria unaweza kuitishwa.

Com. Nancy Baraza: Mr. Wachira. If you could just highlight without explaining. Just tell us give us the point. That way you will cover more ground. You are talking of hospitals, what is the problem? What do you want us to do? Tell us what you want us to do.

Joseph Wachira: Ningependa ikiwezekana, mtu ambaye alikuwa anafanya kazi kwa serikali tuseme mimi nilikuwa doctor. Nisikubaliwe hata kidogo niwe na private. Sababu niko na ujuzi wa kutafuta madawa kwa mahospitali, niko na ujuzi wa kila aina wa kuumiza watu. Sasa ningependa serikali wale ambao walikuwa ma-doctor, wale ambao wanahusika na kazi ya serikali ya hospitali wasiwe na private hospitals kwa sababu wao ndio wanasumbua watu sana. Ndio sababu tunakosa hata madawa kwa hospitali. Asante sana.

Com. Nancy Baraza: Sign there. Sign. Helen Muthoni. Please come. I will give you five minutes and observe your time.

Helen Muthoni: My name is Helen Muthoni. I am representing Gichugu Women Development. Therefore we would like the

following views to be put in the Constitution. Protection of all people. Freedom of expression and association. Guarantee basic rights for all. Get rid of all discrimination. Equality for all before the law regardless of gender. Then dual citizenship. Citizenship should be automatic for all. A person married to a Kenyan citizen should have automatic citizenship. All children born outside Kenya by a Kenyan citizen, adopted foreigners, children by Kenyan citizens. People born after Uhuru in 1963 and have lived for five years should be automatic citizens. Children below eighteen years adopted by Kenyan Citizens should be registered as Kenyan Citizens.

Other ways of acquiring citizenship should be marriage, application. Then we have basic rights. Basic needs. Food, shelter, water, free health care, free education. Affirmative Action policy. A girl-child and disabled beings should be supplied especially with bursaries and also pastoralists communities. The Constitution should provide justice equally. Women rights for those discriminated by society due to gender, age or disability.

Then we have land and property. People who suffer more in families are women and children. Therefore, we recommend the following points. There should be a control board registry office in the country to facilitate, follow-up the disputes in place in one document. There should be equal land ownership and control and other resources between men and women. The title deed of the family land should bear the names of both husbands and wives. Then we have national resources. Local communities should be helped to manage water, forests, mineral and wildlife within their area. Having being elected by the community. The local community should benefit from the national resources and get job opportunities.

Defence and national security. Extraordinary powers in emergency situations just as were national disasters should be included in the Constitution. One third of the Parliament should have law affecting emergency power. Systems and governance. The President should get seventy-five per cent of voters from all the registered voters. He or she should be 45 to 60 years. Minimum education must be a degree. Any member of a government involved in a scandal should resign within fourteen days. If one fails, the government should decide for his failure.

Com. Nancy Baraza: Thank you very much Helen. Please submit your memorandum there and sign your name. A question, a clarification. Just remain there for Dr. Maranga.

Com. Dr. Maranga: You said that the title deed should be in the names of the husband and wife. Family land. How do you define family land? Like for example if your husband bought land outside Kirinyaga for example or Gichugu. Is that family land? Or you want to talk of ancestral land. What is family land? Ancestral land?

Helen Muthoni: Yes.

Com. Nancy Baraza: Thank you. Beatrice Gikunju. Are you Beatrice? And the gentleman?

What is your name? Unaitwa nani? Kaa hapo kidogo, huyu mama ndiye nilikuwa nimeita. Beatrice you have five minutes. Just highlight.

Beatrice Gikunju: My names are Beatrice Gikunju. I am presenting a memorandum for Maendeleo ya Wanawake organization in Gichugu Constituency. In the present Constitution, people were not involved. We are happy now that we have been given a mandate to write our Constitution. We also thank the appointees of women Commissioners among other Commissioners. This indeed will be in Kenya's history. This is commendable achievement in development of a nation and struggle for women to address specific issues affecting them. The present Constitution does not have a preamble. We would like our Constitution to have a preamble. It will be designed towards national vision.e.g equal treatment for all before all. Guarantee basic rights for all.

Freedom of expression and association: We have said something about the Constitutional Supremacy. Since the Constitution is the mother of all laws of the land any amendment must be subject to citizens' consultation and involvement. The citizens must be involved in all parts of the amendment through referendum process conducted by the Electoral Commission.

Citizenship: We have said something about the citizenship and we came out with the following points. Automatic citizenships. All children born in Kenya and outside Kenya by a spouse of Kenyan citizens. Foreigners and their children who have lived in Kenya for twenty years. All children adopted by Kenyan Citizens. Rights and obligations of a citizen. All citizens to be entitled to the rights and privileges and benefits regardless of gender and social status. Then the proof of Kenya citizenship, we came out with these ones: birth certificate, identity card. Birth certificates should be issued of people born in Kenya. Children born presenting of either mother's or father's identity card. Then we came out with another one passport. Basic rights and basic needs. We have written so many. You will read them but I would like to say something about the healthcare. Free health care should be provided without cost sharing. Gender disparity in decision-making. Basic right in equitable presentation in decision making at all levels.

The right to own and hold property for all Kenyans irrespective of gender or marital status should be set up by the Constitution e.g the land. We also said that in the co-operative societies, women are not included in the membership and we thought it is better for them to be included there together with their husbands so that they have a right to vote and a right to do anything. The Kenya woman should not suffer any form of discrimination or oppression that reduces her dignity and esteem as a Kenyan.

Then we said something about defence and I won't read all that. But I would like to say something about the President. The Presidential system of government should be retained with checks and balances. Separation of power between the three arms of government. The President should not be an MP but should be in a certain party. To be elected by 75% of voters. If the President is a woman, the Vice President should be a man and vice versa. The President's age must be 40-70 years. The President should be married with a stable family and upright character and good morals. The minimum education qualification,

he must be university degree holder. A maximum of two terms continuous from the current Constitution of five years. His duties are: Oversee the process and implementation of bills and laws, government policies, representing Kenya in international forums. The President should not be above the law. Kenya should be a sovereign state which is democratic with power residing with the people of Kenya.

Com. Nancy Baraza: You have one minute.

Beatrice Gishugu: Okey. Disciplinary action. If the President misuses the power, the country's public resources, promotion of ethnic clashes, corruption and other bad things in the country he should face the law. The disciplinary measures will be a vote of no confidence. Basic rights. We looked at basic rights and came up with these specific issues on basic rights. Security, mob killing, police shooting, firearms, prisoner's treatment, discipline of security forces, health care, free medical care, medical insurance companies, hospital charges control, checks and balances. Medical care should be brought closer to the people.

Water: Protection of water catchments sources. Control of irrigation and cultivation. Initiate projects to provide clean water for all by the year 2005. Education. Free and compulsory education, basic education. Adapt the Koech report on education. Civic education with emphasis on Constitution should be included in the Students' curriculum. We came up with this ratio. One teacher should be handling thirty children.

Com. Nancy Baraza: Your minute is over.

Beatrice Gishugu: Okey. We have written everything that we thought was the best in our Constitution and we hope it will be considered. With those few remarks, thanks.

Com. Nancy Baraza: Thank you Beatrice. We assure you that we will consider all your views and please sign your name there and hand over the memorandum. Stanley Gitahi. Stephen Githinji Mzee. Uko wapi? Yule mzee ambaye alikuwa amekuja. Come. Stanley you are not there. After Mr. Stephen Githinji we shall have Richard Mureithi. Richard, where are you? Harrison njenga. Jane Wangechi Mwangi.

Stephen Githinji: Tafadhali kwa maoni yangu. Maoni yangu nilikuwa namwambia karani wangu aniandikie. Maana mimi sielewi lugha hiyo ya kiingereza. Lakini sijui ningetaka kuelezwa kama nikija siku ingine niandike kwa Kiswahili ama niandike kwa Kikuyu ili niwe nimeelewa vile ninasema.

Com. Nancy Baraza: What I would want to ask you is, if at all you can use Kikuyu, don't shy away. Even you can present your views in Kikuyu language. Don't shy away. We can get a translator. If you want to read Kiswahili, read Kiswahili don't try to adopt one speaking language if you want a translator then speak Kikuyu we shall get a translator.

Stephen Githinji: Okey niseme Kikuyu.

Com. Nancy Baraza: Ongea Kikuyu. There is no need of shying away. Don't shy away. Your presentations are very important, we shall listen to them. They are very important presented in any language.

Stephen Githinji: Ni wega Madam. Nii ngwendaga kuuga atiriri, ithui turi aturi a bururi uyu nitwendaga

Translator: I wanted to say that we, residents of this area,

Stephen Githinji: Nitwendaga muno gukorwo tukiona bururi ugithii uria wagiriire ni gukorwo ugitwarithio. Ritwa riakwa nii ndi Former Councillor Stephen Kibindi. Na nii ngwendaga kuuga bururi uyu tukoretwo tukienda ukorwo ugithii toria thirikari ikoretwo ikienda. Na twarora tukona gutitthiaga uguo.

Translator: I wanted to say that the government in our country has not been going the way we would have wanted it to go.

Stephen Githinji: Na wambere uria tungienda, nitwendaga kuona angorwo ni aruti a wira a thirikari.

Translator: We would want to see if it is the civil servants,

Stephen Githinji: Nimagiriirwo ni gukorwo magithurwo ni muingi.

Translator: They ought to be elected by the public they are serving.

Stephen Githinji: Niundu nao ringi na ringi mathurwo matiikaga ta me undu umwe na andu aria mamathurite.

Translator: For some time they look like they do not know whom they are serving or representing.

Stephen Githinji: Na kwa mfano notwende, sub-chief mathurwo ni muingi. Chief agathie agathiaga transfer ota D.O.

Translator: For example we want to see, chiefs and assistant chiefs elected by the local representatives and also transferable.

Stephen Githinji: Na niundu ucio no twende eeh nake sub-chief akoragwo agithii onake transfer thiini wa Division kana thiini wa District.

Translator: The Chief should be transferable within the districts and the assistant chiefs should be transferred within the Division.

Stephen Githinji: Na niundu ucio. Ucio ni uhoro wa andu aria nguguetaga megie chief. Uria ungi ngwendaga kuuga ni ati: No twende kahua gaitu, twithuragire andu aria maritwendagiria na kuria nja.

Translator: We would want to be allowed in the new Constitution to be choosing our coffee buyers. Not to be told who will be buying our coffee. But to be choosing our own coffee buyers.

Stephen Githinji: Na notukene muno angikorwo no tukorwo na andu meguthurira aria marithiaga kwendia kahuwa niundu nituraigua hiinya riria twerwo kahuwa gatiri na mbecha.

Translator: We would want to select people to go and sell our coffee rather than hearing that our coffee was sold and there is no money.

Stephen Githinji: Uria ungi notwende, angorwo ari migunda. Migunda mundu angigura mugunda agure mugunda njaa ya kwayo. Mundu ucio ndagetagwo mugeni toria andu aria magurite migunda mwena wa Rift valley kana kuria gugutwo kana kuria andu maraingatagwo makiiragwo ati mundu agura mugunda thiini wa Kenya agatuikaga kuu ni kwao.

Translator: The other issue is about land. If one has bought land anywhere in the country. If it is not his original place of birth. He or she should be regarded as a Kenyan who is living legitimately in that place not to be considered or regarded as a foreigner as it has happened in the past.

Stephen Githinji: Iria ingi notweende andu aria makorwogowo thiini wa Land board. Kwina ikundi igiri na iria ingi igwitwo;

Translator: In the Land control board, there are two groups,

Stephen Githinji: Na njira nguhi nikuga ngugaga angikorwo kuu kwa land board andu angi ni mutumia mukuuru na athiite kuo ni undu wa gutonyererwa ringi ni muthuri mukuuru na athiite kuu niundu ndari na mbecha. Nimetagio mbecha nyingi muno. Na mbecha icio metagio ringi niukuona ndari na mbecha na agatigania maundu macio.

Translator: In the land control board, people are asked to pay a lot of money and sometimes if it is an old man or an old woman and has no money to pay to the Land Control Board fee, then one gives up and then the land is given up to other people.

Stephen Githinji: Uria ungi nguendaga kugweta ni ngwendaga kuuga. Tondu guku thiini wa Kenya nikugite na mahaki muno, ngwendaga kuuga, akorwo no kuhoteke Katiba ikithondekwo Chief angikanyitwo na ihaki ona muruti wira wa thirikari orio na abutwe.

Translator: The other thing is about corruption or bribery. It is my view that if a civil servant is accused of having been bribed and it is investigated to be true. He or she should be imprisoned and dismissed of his or her duties.

Com. Nancy Baraza: Tell him his time is up.

Translator: Thaa ciaku niciathira.

Stephen Githinji: Niwega niundu wa gwitikirio.

Com. Nancy Baraza: Asante sana. Tupe maoni yako. Peana hapo na uandike jina lako hapo.

Stanley Gitahi. You can come and speak in Kikuyu. Are you there? Richard Mureithi. Are you there? Harrison Njaga are you there? Jane Wangechi Mwangi? Are you the one? Speak in the language you are most comfortable in. I can see you have a memorandum; I will give you exactly five minutes.

Jane Wangechi: Ni wega niundu wa gwitikirio. Utheri wa maritwa ni Jane Wangechi Mwangi.

Translator: My names are Jane Wangechi Mwangi.

Jane Wangechi Mwangi: Kuuma oguku Kianyaga.

Translator: From here Kianyaga.

Jane Wangechi Mwangi: Na numagiriire gikundi kia Catholic Charismatic Review.

Translator: And I am representing the Catholic Charismatic Review.

Jane Wangechi Mwangi: Twi gikundi kia Catholic Charismatic Review, nituonete kwina wagiriru wa Katiba ya Kenya icenjio ni tondu Katiba itu ya Kenya na kuu mbere itirakoretwe ina kionereria kana introduction ya kuonania ati Katiba itu ya Kenya ni

ya muthuri na mutumia.

Translator: We the women of Catholic Charismatic Review have seen it very necessary for reviewing our Constitution because in our Constitution to begin with it has no preamble.

Jane Wangechi Mwangi: Ni tukwenda mutumia wa Kenya, atuo ta mundu mugima. Aheo title ya kugia na indo ciake bururiini ona mucii gwake.

Translator: We would want to see a woman in Kenya regarded as a human being and a grown up who can own property on behalf and even have title deeds for her land.

Jane Wangechi Mwangi: Tukwenda athamaki a bururi witu wa Kenya, tawithuragire no ti tuthiragirwo ni andu mangi.

Translator: We want our public leaders or political leaders to be all elected not to be appointed by anybody else.

Jane Wangechi Mwangi: Tukwenda Kenya itu ikorwo ya kياما ithatu no timakiria.

We would prefer to have three parties in our country only.

Jane Wangechi Mwangi: Twarikia kuthurana, tukwenda kura igataragirwo o kuu twathuranira. Muingi ukamenya nuu maingiria.

Translator: After elections, the polling stations should also be the counting stations so that people leave the polling stations knowing whom they have elected in that particular polling station.

Jane Wangechi Mwangi: Muthamaki uria ukuthurwo akorwo e rungu rwa watho no ti iguru ria watho.

Translator: Whoever is being elected, even the President should not be above the law but under the law.

Jane Wangechi Mwangi: Na nigetha ahitia, agatuika wa gutuirwo ni watho.

Translator: So that everybody can be impeached by the law.

Jane Wangechi Mwangi: President ndagakorwo akirugamirira Constituencies kana ona kيامa kiriku.

Translator: The President should be non-partisan. Should not be a member of any party. Neither should he be a member of any constituency, representative of any constituency.

Jane Wangechi Mwangi: Uguo ariki kuthurwo. Kuria oimite gugathurwo mbunge ungi na nigetha mbunge ucio akorwo niwe ukurugamirira kuria oimite.

Translator: So that if the President comes from a constituency and he is elected the President, that constituency should look for another person to be its member of Parliament.

Jane Wangechi Mwangi: A resign kinya kيامa giake.

Translator: The President should resign from his party or her party.

Jane Wangechi Mwangi: Thiini wa Katiba ya Kenya Muraia aheo gitio na njira mwanya. Ni tondu niwe mwene wira wothe uria urutagwo thiini wa Kenya.

Translator: In the new Constitution, the citizens should be given special privilege, rights and responsibilities because he or she bears the burden of the country.

Jane Wangechi Mwangi: Thiini wa Katiba ya Kenya President athurwo ari muthuri, Vice nake akorwo e mutumia.

Translator: In our new Constitution if the President is a man, then the Vice President should be a woman and vice versa.

Jane Wangechi Mwangi: Mundu wa guthurwo, ukuru wake agiriiruo akorwo e gatagati wa miaka 35-60.

Translator: The person to be elected, as the President should be between 35 and 60 years.

Jane Wangechi Mwangi: President athanage o miaka ikumi tu.

Translator: The President should only go for at most ten years.

Jane Wangechi Mwangi: Kithuranwo gigokoragwo gia secret ballot.

Translator: All elections should be through secret ballot.

Jane Wangechi Mwangi: Tukwenda kuthuraga President muthenya wake mwanya. Mps na Councillor nao tukamathura muthenya wao mwanya.

Translator: We want to be electing the President on his own day and other party leaders should be elected on their own special day.

Jane Wangechi Mwangi: Mutongoria wothe angihitiiria raia akarugamio wiraini.

Translator: Every public leader who corrupts or disappoints the public he is serving should be suspended.

Jane Wangechi Mwangi: Thiini wa Kenya tutikwenda Private clinics cia mathibitari.

Translator: In Kenya we do not want the private clinics.

Jane Wangechi Mwangi: Thiini wa Kenya tukwenda githomo kia buri

Translator: We want free education.

Jane Wangechi Mwangi: Na uhoro wa bururi uthomithanagio githomo ini ta uhoro wa watho wa bururi.

Translator: And even civic education should continue to be taught as part of the curriculum.

Jane Wangechi Mwangi: Uhoro wa migunda, tite tukwenda cikandikagwo maritwa meri ria muthuri na ria mutumia. O undu umwe muiiritu uria wi kwao mucii no ukahota kugaya indo cia ithe wake.

Translator: On the issue of land, the land title deed should bear the name of the husband and wife and on the issue of inheritance, both boys and girls should inherit their fathers equally.

Com. Nancy Baraza: Please wind up.

Jane Wangechi Mwangi: Give me one minute. Andu aria matarehota. Mena wonje wa miiri kana wa hakiri . No twende mathondekerwo kundu gwa guikara na mateithiririo ni thirikari kuringana na uteithio uria mundu arabatara.

Translator: The disabled people either mentally or otherwise should be catered for by the government and it should look for places where they can live in such a way they get the services they need.

Jane Wangechi Mwangi: Urimi witu wa cash crop ta wa kahawa tukwenda arimi meyandigirie indo ciao.

Translator: We want farmers to be selling their own produce like coffee and tea and not otherwise.

Jane Wangechi Mwangi: Tutikwenda uhoro wa kubrokagwo.

Translator: We do not want brokers for the farmers.

Jane Wangechi Mwangi: Uhoro wa mahaki maundu ini mothe.

Translator: Corruption in all ways.

Jane Wangechi Mwangi: Nitwarega

Translator: We reject it.

Jane Wangechi Mwangi: Ni tondu uguo ni kuriha wira maita meri.

Translator: Because that is double penalty or double charge of the same labour.

Jane Wangechi Mwangi: Magoti ma kanju tukuuria manyihio na nigetha andu mahote kuruta wira wao wa biashara.

Translator: Council Revenue collection is too high and should be reduced so that the citizens can be able to do his or her business properly.

Jane Wangechi Mwangi: Tutwikirio kuruta biashara, kuria mundu ekwenda na iria ekuhota.

Translator: We should be allowed to do our business where we can and which we can afford.

Jane Wangechi Mwangi: Indo iria turimaga thiini wa Kenya kana indo iria twina mafactory macio thiini wa Kenya. No turie thirikari iniyahanyihie thogora ni tondu mathogora makoretwo mari iguru muno na ti ta kwina transport ikoragwo igitarwo.

Translator: All those things produced within the country are either from the land as crops or factory which are manufactured here within the country should not be sold at an exorbitant price.

Com. Nancy Baraza: Your time is up now.

Jane Wangechi Mwangi: No memorandum yakwa itiguthirite riu no anga murithoma.

Translator: Her memorandum is not finished and it will be read.

Com. Nancy Baraza: Unaulizwa swali na Commissioner Maranga. Hiyo ni memorandum, tutaisoma vizuri. Hatuta-skip hata neno moja lakini unaulizwa swali na Commissioner Maranga.

Dr. Maranga: Eeh, mama. Mwambie asikize. Jane Wangechi Mwangi. Niko na swali. Unataka nani awe anachaguliwa Rais wa Kenya.? Yule mtu ambaye amezaliwa na wazazi wote ambao ni wa Kenya ama yule ambaye pengine amezaliwa na mzazi mmoja? Kwa mfano, kijana wako akiolewa, mjukuu wako pengine ameolewa ujeremani, ungetaka kama mjukuu wake ambaye yuko na damu ya ujeremani na Mkenya awe anakimbilia uraisi katika nchi yetu ya Kenya.

Jane Wangechi: Mundu o wotho uria uciarirwo thiini wa bururi wa Kenya na ni Mkenya, ucio niwe tungienda athurwo no ti mundu uria waciirirwo ni mundu athiite akahika na kuu kana oimite mabururi mangi. Turenda mundu uria uciaritwo ni mutumia mukenya na muthuri mukenya ni tondu niwe uwi mathina ma Kenya.

Translator: They want anybody vying for Presidency to be a Kenyan citizen born of two Kenyan parents. Not from a single Kenyan parent.

Com. Nancy Baraza: Ni wega muno Wangechi. Thengiu muno. Sign your name there. Sign. Na tutasoma hiyo memorandum yako. Yote tutasoma. Mary Kagendo. Is she there? Patrick Gichubi. Do you have a memorandum? Umeandika. Five minutes. Zitatosha. Unataka Translator au utaongea Kimombo au Kiswahili au Kiluhya.? Okey sawa.

Patrick Gichobi: Kwa vile yangu imeshasemwa sana, majina yangu ni Patrick Gichobi presenting Kirima location. Kwa vile wale wamekua hapa mbele yangu wamesema maoni yangu, kwa Katiba ijao ningetaka isiwe na death setence, katika rules of Kenya. Death Sentence ni kwenda kinyume ya sheria ya Mungu, kwa hivyo kwa Katiba ijayo, ningetaka kusiwe na death setence.

Ya pili, tungetaka kwa Katiba ijayo serikali isiwe double dealer. Inakuwa double dealer kwa watu wanaokunywa pombe ya kienyenji, wanachukua koti kwa wale watu wanatengeneza hizo vitu. Raw materials, wanachukua kwa wale wanausa wakiwa wholesalers, alafu hizo vitu zikifika kwa consumer, wanafwata wanakula huyo consumer na wamekula wale wanaotengeneza vile vitu, kwa hivyo hiyo inaonyesha serikali siku hizi imekuwa double dealer.

Ya tatatu, tungetaka Katiba ijao, ipatie wazazi wa primary schools uwezo wa kutosha, wakijakua wanakamati, wawe ni wale watu wanaheshima, lakina wale watu wanaojiita DC, wanachukua mtu, akikataliwa, wazazi wakimkata, wanaambiwa kuna above laws, so hiyo office ya administration inaaribu mashule ya primary. Kusema kuna above laws, hata wazazi wakikata yule mtu hawezi kuondolewa, hiyo ni kunyima wazazi rights zao. Asante sina mengi.

Com. Nancy Baraza: Thank you very much Patrick, please sign your name there. You sign there, you are making history don't go without signing there. Paul Kimani, James Mbundi, uka na uongee kwa Kikikuyu ukitaka, James, don't shy way, tutaelewa. Francis Kashibi, Frank Mureithi. You want an Translator, which language? I will give you five minutes.

Francis Mureithi: Majina yangu ni Francis Mureithi, kutoka Kimunye, Kirima Location. Nigependa Katiba hii ikipitishwa tuwe na Rais na asiwe na uwezo hata kidogo wa kusema yeye ndiye anaweza kutoa amri zozote kwa wananchi, no powers to the President, akifanya makosa anaweza kushitakiwa.

Tunataka kama ni MP, anachaguliwa na watu kama hapa Gichugu, akikosa hata huko Bunge, tunatoa yeye, tunamtoa na tunachukua mwingine, kuwa na uwezo kama huo. Tungependa masoma ya primary iwe ya bure. Watu wa Gichugu wangependa hata hospitali tupewe dawa bure kama zamani. Mabarabara yetu itengeneswe na serikali. Misitu yetu ya hapa mlima Kenya ndiyo inabeba maji nyingi kwenda mpaka Indian Ocean, mti ile iko hapa isikatwe, kwa mlima ile imekatwa miti turudishe mti ya kienyenji ile ilikuwako zamani. Watu kama viwete waangaliwe, wasiojiweza, wangaliwe sana kwa sababu hawa watu wana watoto na watoto wao hawajiwezi na tena nao hawana masomo, ndivyo tunasema masomo iwe ya bure. Na tunasema ikiwa mtu amechakuliwa kama MP ama achaguliwe bunge na President awe minister, akiwa ni mwizi huko watu wanasikia mwizi huko wapi, ashitakiwe.

Siku ya kura, tupige kura ya Rais siku yake na MP siku yake. President akichaguliwa, tunataka kura zake awe ameapishwa kabla ya ma MPs. Ndivyo MPs wakienda wajue watakuta President gani. Na mahali pengine ni kuhusu mashamba. Kuna watu nimesikia wako na mashamba ya ekali elfu kumi na nane. Mashamba haya ni ya watu wa Kenya, watu wale hawana mashamba wagawiwe hayo mashamba, kwa sababu hata wengine, watu wengine wana mashamba makubwa na hawaitumii, kuliko kuangalia tu mlima Kenya eti igawe. Ni hiyo tu.

Com. Nancy Baraza: Asante sana Frank , sign hapo, andika hapo jina lako ya na sign. Jamleck Njoka. Do you have a memorandum, I will give you five minutes.

Jamleck Njoka: Jina ni Jamleck Njoka. Ninatoka Kirima location na nataka kusema juu ya mashamba. Mashamba. Ile kamati imechaguliwa hapa kwa DO tribunal, tunataka ikiwa ni chama cha kudumu, tunataka ichaguliwe na raia nyumbani, ipatiwe ma-chief. Kwa sababu, hiyo kamati inachaguliwa na chief na mimi nilikuwa mbeleni, nimerudishwa hapa, hiyo tukaona iwe ni kamati na ijulikane na serikali. Ichaguliwe na watu wote wa location.

Pale pengine ninasema juu ya wasichana wamezaliwa nyumbani. Ikiwa nimepatiwa wasichana na Mungu na sio ati nimekosa mvulana, nikipatia hawa wasichana wangu, ninaona ni vizuri sana nikiwapatia watoto wangu. Kwa sababu nikiwaacha wanafukuzwa. Kama wako wengine wameenda wameolewa, na nimeacha kijana mmoja, wakirudi kumpokonya huyo kijana achukue mali yangu. Ikiwa ni pesa wagaiwe wao wasichana. Hiyo ninaona ni mzuri sana, kwa sababu iko mambo mabaya imekuja kama kupokonya wewe ukienda umepata mali kwa mama yako. Saa ile umekuja ukaona mimi nimekupa basi umekuja kuchukua mali isio na mwenyewe. Nikaona hiyo ipewe mali na mwenye shamba yule anataka.

Pale pengine ni Universities tumeshindwa. Tumeshindwa na Universities sababu nyinyi, kama wewe umepewa loan na serikali kwa vile umekuwa ukisoma. Na sasa hawa tunasomesha leo, wamefika Form four na kupita, kwenda University pesa ikakosa, tunataka loan wapatiwe. Sina mengi ni hayo.

Com. Nancy Baraza: Sign your name there. Samwel Mwaniki. Five minutes. Then Beatrice Gikunju. Beatrice you had presented? Okey Samwel. After that, we shall have a brief break of five minutes.

Samwel Mwaniki: Yangu nazungumza habari ya viongozi wale ambao watachaguliwa. Jina langu ni Samwel Mwaniki kutoka Karumandi. Yangu nazungumza juu ya viongozi wale ambao watachaguliwa. Mimi ningetaka kusema President asiwe na powers kubwa. Awe kama raia wale wengine. President asikubaliwe ati yeye peke yake awe ndiye anasema wakati ule uchaguzi utafanywa. Hiyo iwe ikijulishwa wabunge wote na hata raia wawe wakijua ni siku gani. Watu wale wanasimamia uchaguzi, wasichaguliwe na President, wachaguliwe na Parliament, au Electoral Commission. Elimu hapa Kenya iwe ya bure. Na hospitali madawa, maskini hata wao wawe wakipata ya bure. Sina mengine ni hayo tu.

Com. Nancy Baraza: Asante sana Bwana Mwaniki. Please sign your name there. I am afraid we have to break for thirty minutes. We shall be here at twenty-five minutes past two. Do not go away with your views; they are very very valuable so you come back.

Pauline Muthoni: Nii ndaheana karatathi na gwitu ni Karumandu location na nindaheana karatathi gakwa.

Com. Nancy Baraza: Please come in we reconvene. I call everybody who is out there please come in so we start our afternoon session. Welcome to our afternoon session. I now call Councillor Jeremiah Gateri Njoka the Chairman of Kirinyaga County Council. I will give you five minutes.

Councillor Jeremiah G. Njoka: I wish to give my views. My name is Jeremiah Gateri, the chairman of Kirinyaga County Council. I wish to give my views as I gave elsewhere but I intend to register my views in my constituency. Now one thing that I would like to see is that county council, local authorities, are entrenched in the Constitution of Kenya. For now they are run through an Act of Parliament which is not really giving them powers to execute and deliver services properly. That one I have also said. When the Commissioner came at Kerugoya and we have also said as Algal. The big organization of local authority. So I want to say that I support and concur with views that at present we need the Constitution to stipulate fully about the running of the country by the President. The President should not be above the law. He should be impeached if he is messing up in his office. I would also like to say that I am of the opinion that there should be checks and balances.

We recently witnessed a case whereby they passed motions which they passed without consultation and it was to the detriment of the public. Because, for instance when they passed their pay nobody was questioned. That is giving undeserved payrise when the economy is strained. I think the country should not have afforded such a high hike of money. I think there should be something or another organ like a Senate to vet what the Lower House or the House of Representatives has passed. That is my opinion because if we leave it as one body, they can tomorrow pass something which is against everything else. It will be very difficult to reverse.

On sharing of national cake. I think there is a lot to be desired. Those Executives they have been given leeway and they are employers and yet they are still employing and they are employers. They should at least be given to undertake one role. Because now at present that is why Kenya's economy is out of hand. Because they are the ones with interest. If he is the one who is importing, he is exporting. He is now giving all those letters of administration. Then the selfishness is there. Because human beings are born selfish they are going to make everything to their own. So, it is better either to rule or to say that the civil service should desist from doing trade. So that they can concentrate in their execution of service.

Now on land policy I should say that we need to have a very concrete land policy. For now at present we don't have land policy because we are sedimenting the ones we are having to the digit that is not going to be economically viable. I should say

also we have a lot of people with vast acres of land and they have not utilized that land when there are so many people without land. Therefore, we should have a ceiling. Those with big vast land should really have appropriated. We should have at least have a ceiling of certain acres. Other acres should be divided to the landless.

On criminals, I do say that we have seen so many people being tortured when they have not been proved guilty. These ones should be very well entrenched in our Katiba. Somebody should not suffer because he has been suspect. Let him be proved. That is the time he should suffer. But not to be tortured. That one I say the Katiba should strictly say something over that. There is another thing that we need also to streamline. If it is job... (one minute)... Nobody should have five jobs when the rest do not have. I think it is important to stipulate in Katiba. Unless you are specialist, you should have one job and leave the rest for others. With those few remarks, I say thank you very much for giving me a chance.

Com. Nancy Baraza. Mr. Chairman may be you have a question to ask, Dr. Maranga? Mr. Chairman you have to sign there that you gave your views. Sign there. Jason Kanuku. You can come and give your views in Kikuyu whichever language you fancy. David Muchira, Patrick Gichimu, Jane Mwangi, Stephen Githinji. He has spoken. Paul Mbuchi. Danson Ngari. Nancy Mwaniki. You gave? Yes come. Are you Danson? Please five minutes. Which language are you comfortable with Mr. Ngari? English, Okey go ahead I will give you five minutes. Highlight your memorandum.

Danson Ngari: Thank you Commissioners. My names are Danson Ngari. A teacher. I will start by saying that it has been my feeling that the three arms of the government; the Judiciary, Legislature and the Executive should be separated and should be independent. Two, the President powers should be reduced to an extent of listening to the heads of these other three arms of the government.

Three, all the Kenyans should be allowed to enjoy equally their natural right of birth and indeed guaranteed equal opportunity in education. Regardless where one was born or from which family he or she was born. All Kenyans be assured of proper security on their lives and property regardless of seniority. There should be free education to all Kenyan children regardless of whether one was born from a poor family or a rich family. In the end the achievement be gauged according to one's achievement. There should be free medical attention to all Kenyans on equal basis regardless of riches or status.

The government should ensure the Kenyans proper governance on all Kenyan products and the wealth be equally distributed. It is also my feeling that the Kenyan workers be allowed to form their individual workers union such that they can be talking through them to the government. There should also be no restrictions on those who have political ambitions and especially the civil servants and other workers who feel that they have got a cake they can offer to the public. On crops like coffee, tea, milk and other cash crops, should be produced to benefit the individual producers and not any individual group or company brokers.

All Kenyans must be educated on national patriotism to combat tribalism and this one should be done in schools. The Administration police powers be reduced to the protection of Kenyans and not harassment. The armed forces should be for the protection of the nation, whereas the police force should be curbing out all sorts of crimes in the nation. The President and the Vice President should be elected by the people.

The term of any reigning President should be strictly two terms of five years. The nomination of MPs and local Councillors should be done by the Parliament and the local authority depending on the individual's ability and learning experience. The legislation of voters should be a continuous process and the Electoral Commission be appointed by the Parliament and it should be independent. The Constitution should include a right to honour all those who have contributed excellently to the nation in any one field or in the basis of their performance. Within a certain period of either five or ten years. With that, thank you very much.

Com. Nancy Baraza: Thank you very much for your views, Nancy Mwaniki, I believe you have a memorandum, please just highlight your points. Nancy you can....

Nancy Mwaniki: My name is Nancy Mwaniki, I come from Gichugu but I co-ordinate national council of women of Kenya in Kirinyaga. We appreciate our Commissioners that there are about seven women who are Commissioners among the other, so the women being the backbone of the country we present the following view to the new Constitution. One, the Constitution should provide security for all people, freedom of expression and association. But I insist on equal treatment for all basic rights, basic rights for all, like education, and there should be supremacy of the Constitution.

The Citizenship should be automatic for all, a child born in or outside Kenya by a Kenyan Citizen or a person married to Kenya citizen, adopted foreign children by a Kenyan citizen and people who were born after 63 should be automatically citizens, after living for five years. Children below 18 years adopted by Kenyan Citizen should be registered as Kenyan citizens. There are also other ways like marriage application or adoption. A prove of a citizenship should be birth certificate, national identity or Kenyan passport.

Basic rights and needs: Every Kenyan needs food, shelter, water, free health care, free education at all levels and employment for all Kenyan citizens. Basic rights in the decision making bodies.

The Constitution should provide ownership of property regardless of gender or marital status. A Kenyan woman should not be discriminated or oppressed to reduce her dignity. The affiliation act should be included in the new Constitution.

The Affirmative Action policy: Some marginalizing groups like the girl child, disabled need to be specifically addressed, especially when we come to schools like giving them bursaries or employment opportunities. The Constitution should provide justice, equity and human rights for the misplaced groups by the society due to age, gender or disability.

Political parties: The Constitution should make sure they have a national outlook with members, from all ethnic groups. The composition of the political structure from the grassroots should have a third of the official from the opposite gender. The number of political parties should be minimized to between three and five. Parties should not be run privately, they should be funded from public funds and they should be accountable to party members to the relevant audit bodies. The party should enhance gender equity at all levels from the sub-location to the national level.

Parties should have rules and regulations to safeguard stability of the parties and they should be involved in areas of development. Land and property. In the family, women and children suffer more, so we recommend the following: There should be a control land registry to facilitate follow-up from the district. Family inheritance should be for all people regardless of gender or marital status. The Constitution should provide equal land ownership and control of other resources for both men and women. Kenyan citizens can acquire land anywhere in Kenya. The land for public utility should be protected by the law. Grabbed one should be repossessed for the initial purpose. The district land board should have equal representation of men and women. We recommend the abolition of special land board. There should be a special court for land issues. A Constitutional land Commission with 50% of women is important. Non-citizens should not be allowed to own any land. Natural resources like water, forests, minerals and wildlife. The community should elect local committees to manage them. The local community should be beneficiary from the processing industries by creating job opportunities.

Defence and natural security. Every citizen needs security and the Constitution should commit the Parliament on that responsibility. The Constitution should include extra powers for emergency situations like war and national disasters. About 1/3 of the Parliament should have a role in effecting emergency powers. Victims of emergency disasters like wars be compensated within a year or less. Security local committee should have a 50% women representation. Systems of governance. We should have a President elected by people having gained 75% votes from the total registered voters. Age. He or she should be 45-60 years. Education should attain a degree and morally upright. If the President is a woman the Vice President should be a man and the vice versa.

The Vice President should be elected by people. Also the cabinet, chief justice, should be appointed by the President sending approval by the Parliament. Any member of the government involved in a scandal like the Goldenberg should resign within fourteen days. If one fails to do so, then the government should resign within two months for failing their duty. The President should not be above the law. He should appoint Ministers subject to approval by the Parliament. So that their duties can be carried on well. Voter registration should be continuous. ID should be continuous when people reach the age of eighteen.

The Judiciary should be independent. The Constitution should allow enough time for seminars so that people can understand their Constitution or what is needed for them. The Constitution should protect every citizen on cultural issues like the practice of FGM in some families and communities. Girls should not be forced to premature marriages and the Constitution should

discourage widow inheritance. People should be set free; the young people to choose their life partners. Dowry should not be a hindrance in marriage.

Com. Nancy Baraza: Thank you very much. Com. Dr. Maranga you have a question? Thank you very much Nancy. Sign there. Boniface Muriuki. Mr. Muriuki, has he presented? He has done. Beatrice Wawira, you presented? Susan Wanjiku. Waweru Njoka. Benjamin Mureithi. Francis Gichuhi, William Njagi. William, *Uka. Ndagika ithano.*

William Njagi: You want to speak in Kikuyu or Kiswahili or English. Unataka kuongea kikuyu, kiswahili au English. Lugha gani unataka kutumia? Unataka kutumia lugha gani?

William Njagi: Kikuyu.

Com. Nancy Baraza: Can we have a translator? Ngonja watupatie translator. Mr. Solomon.

William Njagi: Kiria gigutuma nyende kwaria iguru ria Katiba. Ritwa riakwa njitagwo William Njagi.

Translator: I am William Njagi

William Njagi: Ndirakienda kuuga uhoro wa Katiba.

Translator: I want to talk on the Kenya Constitution.

William Njagi Thibitari, makiria nituonaga tugithina muno ni thibitari. Makiria no nyende mbecha cia thibitari inyihio.

Translator I am concerned about the hospitals. We are being overcharged. I would wish that we have some fair deal in the hospitals.

William Njagi Haria hangi ngwenda kugweta uhoro wa mugunda. Migunda utiagirirwo ni kugatirwo mundu mwana munini muno akagatirwo mugunda ni mundu ungi ateri mutume ni ithe kana nyina.

Translator The other issue is on the land title deed. A minor should not have a trustee who is not either the father or mother.

William Njagi Ngoja, ngoja, njikire maitho niguu ndimone wega. Hau hangi ngaakiona uhoro wa thiini wa Katiba wa mwalimu. Mwalimu guku nitukuona kwi na mashukuru maingi na kwina arutani na arutani aya, mundu akahotaga kurutagwo guku kwao ona gwatuika ni wa Kenya agatwarwo kinya Meru. Ngonja hau hatiagiririe ni mwalimu akirutwa guku akithii kuthomithia kinya meru kana mbeere. Uguo abataire nigukorwo agithomithia gukuhi na gwake.

Translator My other issue is on the teachers. We have teachers here and they are being taken to schools in Meru, Mbeere, to teach while they come from this place. I would prefer that they teach within their own locality.

William Njagi Hau hangi. Ni aria maciraga guku kwa headmen. Chief. Yaani ta location. Aria maciraga guku tuwabicini tuu. Andu acio tondu wa uria twitagio mbecha, uria ugucirithio na mbecha icio ndakoragwo ena cio. Ngonja nii wagiriru waho. No maheagwo mbecha kuma na aria mamwandikite.

Translator In the case of conflicts within the families, we go to the chiefs and the elders within his council. They charge us a lot of money. I feel that the government should pay the chiefs but not us who are going there for arbitration.

William Njagi Niundu wa chukuru ino ya 8-4-4. Niyagiriirwo ni ininwe kabisa tondu gucokwa kuria gwakoretwo gi tene. Uria guakuragwo gutarie tondu ino nirahinyiriria, aciari muno makiria.

Translator The 8-4-4 system of education is oppressive and very expensive. My view is that it should be plucked off.

William Njagi Niundu wa hau hangi naho. Guthitanga mugunda wa mundu arikitie gukua. Mugunda wa mundu arikitie gukua, mugunda uyu wa mundu ucio arikitie gukua, woni wakwa nii nguona mundu uyu ndabatiire guthitanga mugunda ucio na mbia nyingi muno. Na hau naho tugakienda ona gutuika no kinya gukiume kanyamu kanini tukenda mbecha icio itikarutagwo I nyingi muno makiria. Tondu mbecha icio ni cia kunyihiriria mwananchi wa Kenya.

Translator Succession issues have become very expensive. We would want us to be charged a bit less.

William Njagi Nindarikia.

Translator That is all.

Com. Nancy Baraza: Thank you very much Sir. Com. Dr. Maranga, any clarification? Bwana Njagi usign hapo. Asante sana. Kaara Wambugu. Is he the one? Mr. Wambugu? Five minutes.

Kahara Wambugu: Jina langu ni Kahara Wambugu. Maoni yangu,

Com. Nancy Baraza: Unataka uongee gani? Kikuyu?

Kahara Wambugu: Kiswahili ninaweza. Ningetaka Rais akichaguliwa. Ikifika wakati wa Rais kuchaguliwa, Bunge ikivunjwa awe hata yeye ametoka kwa kiti na kikaliwe na Mkuu wa Sheria. Kuabudu. Ningesema hapo. Kuabudu. Serikali ile itakayoingia, iangalie kwa makini wale wanaabudu shetani. Ya tatu ningetaka serikali ile itakayoingia, iangalie sana kwa wale watoto wanazurura kama chokora. Hata huku kwetu wako. Waangalie kwa makini. Ya nne ningetaka serikali ile itakayoingia iangalie kwa makini ama judge akiwa anachaguliwa, awe anachaguliwa na wenzake wale wanahitimu. Na ni hayo tu.

Com. Nancy Baraza: Asante sana. Dr. Maranga? Sign there. Chianda Njue. Mr. Njue? Joyce Wanjiku. Has presented? General Kassam? General uko wapi? Muthoni mugo. That's General?

General Kassam. Muthoni Mugo you prepare yourself. Unajua kuongea kwa lugha gani?

General Kassam: Gikuyu.

Com. Nancy Baraza: Can we have an Translator?

General Kassam: Njitagwo General Kassam

Translator My name is General Kassam.

General Kassam Ex-mau mau.

Translator I am an ex-mau mau.

General Kassam Uria ngwenda kuga.

Translator What I want to say.

General Kassam Ndiroiga thirikari ya Kenya ikoragwo iri imwe. No ti Majimbo.

Translator I want to say that the government of Kenya should not be a Majimbo type of a government.

General Kassam Ni undu ni kuri andu amwe anyinyi bururiini na magakorwo matari na thirikari ya kumarora. Angi mahota kuhatiriria aria angi.

Translator There are some of our people who are too few and if they are not thought of they will be taken over by the bigger tribes.

General Kassam Thiini wa Kenya cionje kana andu aria matari na maundu mao ma mwiri.....

Translator In Kenya people with disabilities...

General Kassam Na matiri na ngoma.

Translator And they are not insane or crazy.

General Kassam Ni magiriire guthuragwo ciamo ini ciothe ona Parliament kana thiini wa kanju tondu gutiikagwo uguo.

Translator They should be elected in the local government and also in our government.

General Kassam Thiini wa Kenya, kuuma haria wiyathi wambiririe

Translator In Kenya since Independence.....

General Kassam Ninguria andu a gatiba...

Translator I am requesting the Constitutional Commissioners....

General Kassam Metiikire gwikira undu ungi tuma kumenyekage ethi a wiyathi wa bururi uyu.

Translator I would wish them to think and recognize the freedom fighters.

General Kassam Thiini wa ruriri ruru rwitu rwa gikuyu.....

Translator In our kikuyu tribe...

General Kassam Ni tukoretwo tukiendia airitu..

Translator We have been having our girls married away.

General Kassam Na tutigayagira airitu ithaka.

Translator And we have not been giving our daughters land.

General Kassam No tondu matuku ini maya nikuroneka ni magiriirwo kugairwo ri..

Translator But because today they are supposed to have some pieces of land,

General Kassam Ni ho woni wakwa uronania ati, angikorwo muiritu niagurwo mucii wina migunda kana wino uhoti ri..

Translator If a girl is married in a home where there is land or where those people are able.

General Kassam Ndagiriirwo ni gucoka guthinia aciari ake kana a muru wa nyina.

Translator Then she should not get a part of farm at her own home.

General Kassam Thiini wa thirikari itu ri..

Translator In our government,

General Kassam Ni nguria kaamiti ino ya Katiba..

Translator I would request the Constitution Commission,

General Kassam Thirikari yoombwo,

Translator When the government to been constituted,

General Kassam Na guthurwo Minister,

Translator And when a Minister will be appointed,

General Kassam Guthuragwo Minister kulingana na wira uria athomeirwe.

Translator The Minister should be a professional .

General Kassam No tiguthuragwo ta Dr.Koinange wathurirwe athii akarorage mbecha na athomeire wira wa daktari.

Translator We should not have people like Dr. Koinange, who went to the finance department while their profession was in the medicine.

General Kassam Undu wigie mititu na njuu, na ithima, na indo iria ithiini wa bururiini .

Translator As far as our natural resources are concerned,

General Kassam Nindiroria kamiti ino ya Katiba,

Translator I am requesting the Commissioners here,

General Kassam Kungihoteka indo icio icokerio ene bururi,

Translator If possible those things should go back to the owners,

General Kassam Mathurage andu aria mangihota kurugamiiria indo ciao tondu andu aria mararugamirira indo ino angu ni ageni na nimaraithukia muno mititu na mai.

Translator They should appoint the local people to be in charge of those natural resources but not outsiders.

General Kassam Hau hangi ninguria mundu uria muthure thiini wa bururi ta Presidetu,

Translator I would request the President of our nation,

General Kassam Ndagakoragwo ari iguru ria watho,

Translator Should not be above the law,

General Kassam Akoragwo e thutha wa watho

Translator He should be below the law,

General Kassam Undu watho uria wu thiini wa bururi witu wa Kenya niguu utumite bururi witu uthii na thi niundu ugite, President akorwo e thiini wa watho.Uguo ona a kahitia ndangiurio.

Translator In our current Constituion the President is above the law and that is why our country has become so corrupt.

General Kassam Uria ungi ninguria andiki a watho,

Translator I`am asking the people that are making the Constituon,

General Kassam Korwo no kuhoteke,

Translator If possible,

General Kassam Member a Parliament,

Translator Members of Parliament,

General Kassam Ni matige kwiyongerera michara ari yo,

Translator They should not increase their own salaries,

General Kassam Nikugie kamiti, kana Commission,

Translator There should be a committee or a Commission,

General Kassam Iria ingihota gutuaga uria mishara yao ikuongererwa,

Translator That will deliberate on their salaries.

General Kassam Ni undu o meyongagirira,

Translator Because if they think about their own salaries. They would just increase their salaries.

General Kassam Na matingitikira kanju iyoengerere.

Translator And they don't allow the councillors to do the same,

General Kassam Na ta riu bururi wina thina uguo wina thina,

Translator And now our country is financially handicapped,

General Kassam Mishara iria menayo ni minene makiria na bururi wina thina na matirateithio bururi nayo.

Translator The Mp's salary is exorbitant while the council is suffering financially and they are not also helping the country.

General Kassam Undu uria ungi ingigweta,

Translator The other thing I wish to say,

General Kassam Ni undu wa migunda,

Translator As concerns the land,

General Kassam Andu amwe aria matari na mbia thiini wa kamiti ino iciragira migunda,

Translator People without money in the land council,

General Kassam Macira mao matiroragwo wega. He kamiti ingi ikoragwo thiini wa land itagwo atia?

Translator He is talking about the Land tribunal.

General Kassam Ngakiuga kamiti iyo yagiriirwo kuheo mbecha ni thirikari

Translator The tribunal should be given money by the government,

General Kassam Ni guo itige guthumbura andu aria akuru angi matari na mbia,

Translator So as not to ask for money from the old people which they don't have.

General Kassam Tondu nikuroneka riu andu aria matari na mbia, macira mao matirathii wega,

Translator It is now seems that people without money are not being given a good identification

General Kassam Uria ungi ingiuria kamiti ino ya guthondeka Katiba,

Translator The other thing I would request the Commissioners here,

General Kassam Aruti wira a thirikari,

Translator The government workers..

General Kassam Ni maheo mishara iria yagiriire..

Translator They should be paid good salaries,

General Kassam Niguo utige waganu wi bururiini.

Translator So that there will be no mis-conduct in the country,

General Kassam Wa mahaki.

Translator So that there will be no corruption. They should be given salaries that is going to enable them to do their own things.

General Kassam Ngwicira maundu makwa makinya hau uguo.

Translator That is about all I had.

Com. Nancy Baraza: Asante sana. Ni wega muno General Kassam. Tutatumia hayo maoni yako. Asante sana, sign jina yako hapo. Muthoni Mugo. Are you there? Muthoni. Wiho?

Monicah wamuyu. Jack Muriuki. Esther Muchiri. Esther. Yes, please come.

Esther Muchiri: My name is Esther Muchiri. I just wish to highlight a few points and I am concerned with the structures and system of government. I feel that the President system of government should be retained with checks and balances. Separation of powers between the three arms of government. The President should not be a Parliamentary candidate. He should be elected by 25% of the voters. The President should not belong to any political party. If the President is a woman, the Vice President then should be a man. The President's age should be between thirty five years and fifty five years. The President should be married and have a stable family.

He must be a university graduate and must be morally upright. All Provincial administrators should be directly elected and would be relieved of their duties within a period of two years. I want to talk about Legislature, being a member of Parliament, should be a full time occupation. Special measures should be taken to increase women participation. There should be a moral code of ethics for aspiring Parliamentary candidates.

Affirmative Action: For example at least a third of the nominated members of each Parliamentary should be a woman. Coalition government should be allowed so that we have multi-party representation in the Executive. The President should be impeachable. The President should not have powers to dissolve Parliament but should have a calendar of events. Rights of the vulnerable groups: In the current Constitution, the interests of women have not been fully guaranteed. Relevant women rights that should be addressed in the new Constitution are:

1. Property rights i.e. inheritance and ownership.
2. Sexual abuse for example, the FGM, rape e.t.c
3. Domestic violence.
4. Equal opportunity in development.

In the current Constitution, the interests of people with disabilities have not been fully guaranteed. Matters to be addressed are; special facilities for them; free education in all levels; rehabilitation i.e. Counseling opportunities to learn skills and free health care. That is all.

Com. Nancy Baraza: Thank you. Dr. Maranga. Now I have one clarification I am seeking from you. You said special measures should be taken to increase women participation in Parliament. What do you have in mind?

Esther Muchiri: For instance during the campaign season women are not given a fair chance of trying to get themselves through due to verbal violence. They are insulted, they are beaten and all that. If that is allowed if they are given a leeway, I think they will be able to get themselves there.

Com. Nancy Baraza: The next presenter is Julius Ndirangu. Mr. Ndirangu. You have a memorandum. Please highlight I give you five minutes.

Julius Ndirangu: My names are Julius Ndirangu Mboi. Senior Project Manager PAI. My views are on defence and national security and I will read my memo. All district forces must be established by the Constitution and a committee be set up to look into the activities of each district force. The Commission must include the following as members: The President, all cabinet ministers, all service commanders, Commissioner of police, Commissioner of police, Commission of prisons and commander of NYS. It should also include; all retired service commanders, retired Commissioners of police, retired Commissioners of prisons, retired commander of NYS, six high ranking women service cops, one woman from police and one woman from prisons. All members of Parliamentary select committee on security matters and eight members of the public to be appointed, one from each province, three high court Judges, director of security intelligence and director of medical services.

The committee must sit for at least six times a year and review matters pertaining to national security when the country is not at war. The Commission shall also oversee the appointment and promotion of service commanders including police, prisons and NYS. NYS to be promoted to be part and parcel of Kenyan military and put on payroll by the Commission. The Commission must also have powers, to hire and fire any officer if he fails to perform his duties properly. They may also discipline any officer by interdicting or suspending for a disciplinary cause.

The Commission have powers to vet any officer. The Commission shall make sure that two top posts in the discipline forces are held by women commanders or Commissioners. The Commission shall make sure that the officer to be appointed or promoted has qualified in education, discipline, marital status, merits and demerits, experience, age and acceptance by the general public. The Commission shall be led by the chairman, secretary and deputy Secretary. However, it is not a must that the President who is a member to be the Chairman of the Commission.

The Commission shall have powers to appoint the Commander-in-Chief of the armed forces. The Commission shall have exclusive powers to declare war. The Commission shall also have powers in emergency situations such as war, national disasters and break down of public order. Only the Commission shall have powers to invoke these emergency powers after

serious consultations and collection of intelligence. The Parliament should not have powers to effect powers but may discuss these matters as matters of national security and interests and pass a budget for the purpose. Only the secretary of the Commission shall have powers to publicize the matters of the Commission or its chairman.

The Commission shall have powers to review some powers and regulations as contained in the Police Act where the police have five justifiable circumstances under which to use a gun. These powers have been abused and guns misused by killing innocent people in the country. The matter is subject to national interest. Mr. Commissioner or Madam Commissioner, this document is presented to your Commission for and on behalf of Kirinyaga community. The Commission may be called; Defence and national security Commission presented by Julius Ndirangu Mboi senior project manager Parkers Agriculture Investment. Thank you.

Com. Nancy Baraza: Thank you very much. Dr. Maranga you have a clarification? Please submit your memorandum there and sign your name. Meshack Muthike? Do you have a memorandum? I will give you five minutes. Sir, try to highlight your issues. Which language?

Meshack Mureithi: Kiswahili. Kwa majina naitwa Meshack Muthike kutoka Rwabiti. Yangu ya kusema. Sina maneno mengi sana. Isipokuwa yangu ni kidogo. Nataka kuuliza Commission wale wanasimamia katika hii Constitution, tunataka Chief's Act iwe abolished. Hatutaki hiyo Act maanake anatunyanya. Secondly, hatutaki kusikia kama anaandikia mtu barua ndiyo atengeneze chai ya kufundisha watoto yaani ya kufanya harambee ya watoto. Maanake tunasumbuka sana. Akisikia kama umefanya chai kidogo, yeye anakuja anashika wewe. Sasa tunataka hiyo iondolewe. Kwa hivyo ningependa kuuliza Commission wawe waangalifu kwa hiyo maneno sana maanake hiyo tunasumbuliwa na yeye. Sina mengi sana isipokuwa ni hiyo kidogo tu nilikuwa nataka kusema. Thank you very much.

Com. Nancy Baraza: Sign your name there and leave the memorandum. Our next presenter will be James Gachoki. James Gachoki please do you have a memorandum? I can see you have a memorandum Please highlight.

James Gachoki: My name is James Gachoki from Mbaragwi thimu sub-location. My views are as follows: The President should be elected by all people directly and should have a term of five years for two terms. The other one there should have a coalition government, which should be formed by all the parties. The President should not be above the law. The government should give free education and set aside money for the poor to help them and to avoid many harambees. It also has to set aside money for secondary schools for the poor because very many people get lost after completing primary education. The issue of land. Every Kenyan should have about fifty acres, not millions of acres. The chief should look at the cases of the family land to avoid many cases and be helped by the clan elders bila mapendeleo. A Kenyan should have a land anywhere in Kenya. The Legislature General should be appointed by all parties to look for our money.

Com. Nancy Baraza: Legislator General or Legislation?

James Gachoki: Legislator General. The mayor and the chairman of the council should also be elected by the public as a whole and have two terms like the Parliament of five years each. We should elect educated councillors who can speak English and write. The votes should be counted at the same place where we are voting. The nomination of councillors or Mps should be for everybody when electing our people. Any elected person, if at all he defects from his party, should be kicked off. The system of election should be of secret ballot. The candidate of the area should win 50% of the votes of his constituency. The salary of Mps and the President should be limited so that they do not get more money while we need money to help our schools and other things. The population to elect MPs should be of about ten thousand people. The last one, Kenya should not be a majimbo country. That is all.

Com. Nancy Baraza: Thank you very much Mr. Gachoki. The next one is Gachuhi Jackson, Stephen Mwai, Stephen? Yes. Do you have a memorandum? Iko karatasi umeandika? Yah. DCC yatta. Unataka ku-present? No, enda u-register hapo. Uwapatie hapo. You registered there. Yes I will give you five minutes.

Stephen Mwai: I am Stephen Mwai, and I would like to present my views to the Commission in English. The President should not be above the laws. The powers of the President should be reduced. e.g. He should not be as well the Chairman of all Universities. He should also not have any other duties apart from being the President. We should at least have one job one man.

Salaries to MPs: This one should be reviewed because the MP, one single man is carrying a package of more than half a million while a common man is only being employed for as little as two thousand shillings per month. The difference is so high that it looks as if there is slavery in the country. Indirect slavery. The Mps also should not have a retirement money as they retire because this one will lead to poverty in our country. Kenyans should be protected and also allowed to buy land in every part in the country and not to be harassed like the one we had in Molo and other places in our country. We would like protection of such Kenyans. One person should not hold more than fifty acres of land while others are holding a quarter acre. This one also is showing as if there is no democracy in our country.

Two; security to all Kenyans. Security has actually not been so good. E.g. I would request all registered security firms in our country to be allowed to have at least simple arms like pistols, may be three to four pistols to every registered security firm which must be vetted enough. This is because I personally as one of the directors of security, one of the registered security in the country, we have suffered a lot when we have been confronting armed gangs or armed robbers in the country. So we would request that to be looked upon. Also, lastly, we would like this or the work of the Commission actually to be completed before the elections take place.

Com. Nancy Baraza: Dr. Maranga? Anything? Thank you very much Mr. Mwai. Ndegwa Ndungi. Unataka kuongea Kikuyu au Kizungu au Kiswahili.

Jadiel Ndegwa: Ningetaka kuongea kwa Kingereza. My name is Jadiel Ndegwa Ndungi. I would like the government to be separated. The three divisions. The Executive, Judiciary and Legislature should be separated and each should supplement each other. In case of stalemates like the ones we had in the Parliament, people should be asked through the referendum. The polling stations should be the final to count the votes in order to avoid rigging.

An Mp who does not avail in himself or herself in the constituency should be called back by at least one thousand voters. All the Provincial administration should be abolished and we should look forward to having elected people. Like in Tanzania, we are actually...those people who have been working have been betrayed by our government. When you go to offices, you have nothing to show.

Like General Kassam was saying, all the retirees should be given a card where they will be showing that they have been working for this country in order to avoid frustration. There should be a land policy in order to avoid segmentation again. All the senior Executives appointed by the President should be approved by the Parliament. Including Judiciary, even ministers. In case one has questionable morals, he should be dispensed with. The Mps should not be increasing their salaries without any notice. In fact they try to overlook the salaries of teachers who are getting just a fifth.

The police force should be locally employed. I mean here, if it is in Kirinyaga district, they should have their own police force. If one makes a mistake, he is sacked and not transferred. Farmers should be subsidized for their crops to avoid frustrations. Constituencies should be curved according to the population, so as not to have one constituency with one hundred and fifty voters and another one six voters. That should be discarded. All members of public should be listened to through the government machinery. That is the end of my presentation.

Com. Nancy Baraza: Thank you very much Mr. Ndegwa. Please sign your name. Commissioner Maranga do you want a clarification? Mr. Ndegwa I had a question for you. You say we should have a land policy to stop further fragmentation of land. What do you have in mind, who should own land and there are some people who are saying nobody should touch our ancestral land. Should we all say all land belongs to the state?

Mr. Ndegwa: Madam, I am looking forward to having Kenya like what went on in Britain. Because in Britain, there was a segmentary system but there came a time when the land was consolidated again. In fact, here we are making our land uneconomical through segmentation.

Com. Nancy Baraza: We are having people everywhere and we are planting people on every piece of land. So in Britain what

happened? Did they centralize the title deeds or what happened?

Mr. Ndegwa: It was decentralized and given to more capable farmers for the production of the country. In fact in Britain, it is not an individual but a country.

Com. Dr. Maranga: Thank you very much. I appreciate that. Jackie Gachanja. John Kimotho. Where are you? Mr. Kimotho. He is an old man who came here. What is your name Sir? Jina lako nani? Munene. John Munene. Kimotho?

John Munene: Wakwa wa mbere njitagwo John Kimotho kuma sub location

Translator: My name is John Munene Kimotho.

John Munene: Kutoka sub-location Rimo.

Translator: From Rimo sublocation.

John Munene: Wa kwa wa mbere ni dagitari uria mwandike ni thirikari ndagakorwo ena dawa yake thibitari.

Translator: My first issue is that if a doctor is employed by the government, he should not carry his own medicine to the dispensary he is working in.

John Munene: Wa keru ni kuuma, ciana iria ithomaga kuuma eight ikorwo ikithoma free.

Translator: The second view is that primary education from class one to eight should be free.

John Munene: Wa gatatu, mundu niararuara agakwira thibitari, akwira thibitari agatiga mundu wake a gatiga mundu wake e muthini na agatuika aracajwo mbia nyingi muno muno. Mundu agiriirwo ni gwitirwo mundu wake akathika Atari na mbia egucajwo ciaguthii kugiira kiimba Kerugoya.

Translator: My third view is that when one has a patient who dies in the hospital then one should not be asked to pay for that corpse. The body should be given free of charge for burial.

John Munene: Kanju mundu akiandikwo kanjura akorwo akinyitie githomo gia kuuma eight. Standard eight.

Translator: For our councillors one should have education level of class eight, not below.

John Munene: Rais wa Kenya agakorwo ena degree.

Translator: Our councillors should have education of at least standard eight and our President should have a degree, a university degree.

John Munene: Chief akithuragwo ni andu.

Translator: Our chief should be elected by the people of the sub-location.

John Munene: Ona ma-headmen.

Translator: Even the assistant chiefs should be elected by the people of the area.

John Munene: Ngukinyia o hau.

Translator: That is all I have.

Com. Nancy Baraza: Com. Dr. Maranga, anything for Mr. Kimotho? Thank you very much Mr. Kimotho. Jackie Gachanja.

Are you there? Karechi Kanini? Maina Mugo? Allan Nguru? You are there, please come.

Allan Nguru: My name is Allan Nguru from Mbaragui location. I would like to start with the Parliament. The Parliament should have more powers than the President, so that they may have a part in controlling the President. By this I want to mean, the President should be answerable to the Parliament itself. The President of the country, no matter which party he comes from, should not have the powers as he has today. Any Chief Justice should be appointed by the Parliament according to the qualifications. Appointment of any major job in the country, should be approved by the Parliament but not a single person as it is today.

Any human being regardless of their sex should be treated equally in all fields of justice and inheritance and in job appointments. Our national resources, should be guided so that we may not lose our God given inheritance. By this, I mean our forests have been mismanaged by some individuals who seem to be above the law. Every child in our country should be given free education. If necessary upto form four level. University level should also be looked into to see who deserves to be given the loan and who does not deserve to be given the loan. Because today I am a witness of a child of a very senior person being given a loan of more than thirty thousand while a poor person from northern Kenya is being given fifteen thousand. That is not a help to him, to that child.

Next is, we should have free medical attention regardless of who we are and anybody who is going to campaign for the councillorship should have education up to form four and above. He should have at least a B-(minus) and above. Anybody vying for the Presidency should have a degree and above. Anybody who is vying for an MP: a degree and above. Any enquiry set up e.g like the one which was set up to inquire about land, should be answerable to the Parliament but not to an individual. The results should be given to the Parliament and not to an individual. Because it is public property.

Our Mps. There should be a force to countercheck their balances e.g. It is only the other day they gave themselves a very high salary while we have a very low economy. I would also like to add that anybody, I mean, after the election all the ministers should be shared according to the parties in Parliament in the way they are represented. This means that they should be appointed according to their education or professions. Not like the other day we had a minister who was a General in the army then he became the Minister for Health. What does he know in health? So anybody elected, anybody appointed as a minister should have the qualification.

Com. Nancy Baraza: Are you about to finish?

Allan Nguru: Yes, I am about to finish. I would also like to ask the Commission to finish this work before the election so that the election can be fair to all parties for every Kenyan. Asante.

Com. Nancy Baraza: Thank you very much. Mr. Nguru, please sign your name there. These ones have just come. Mr. David Kabuai Kanugu. Because you came late, I will give you three minutes each.

David Kabuai Karuku: Mimi nitazungumza kwa Kiswahili. Kwa majina ni David Kabuai Karuku. Mimi ni Organizing Secretary Saba Saba Asili hapa. Na ningetaka kupeana maoni yafuatayo. Mimi natetea wafungwa. Hakika tukiangalia kwa upande wa wafungwa ama wale wamekwenda jela, tuseme mtu amefungwa miaka mitano, kutoka miaka mitatu mpaka miako mitano. Utakuta huyu mtu alikuwa na mwanamke, ama alikuwa ameo, ni vizuri katika Katiba yetu tukiweka wale ambao wamefungwa na wameoa, wawe wanatembelewa na wake wao huko at least once per month. Kwa sababu hiyo ni njia moja yakumaliza homosexuality huko kwa prison na pia itazuia wanawake wale ambao wameachwa wakitangatanga. Na fikiriri hiyo itakuwa mzuri kwa sababu kama atakuwa anatembelewa na bibi yake once in a month, ita reduce nini kule kutangatanga kule. Pia on the Presidential powers should be trimmed.

Maanake ukiona ati President ndiye Chairman wa Vice Chancellors wa ma-universities, yeye ndiye mkulima namba moja. Yeye ndiye mpiga kandanda namba moja. Yeye ndiye nani namba moja. Sasa hii mambo yote ya kuwa ati yeye ndiye namba one namba one kwa kila kitu, those powers should be trimmed because kama President, kazi yake iwe ni kuongoza raia. Lakini sio ati akiekeleye kazi mingi mingi, kama ni kwenda kupeana degree, ni yeye yeye. Hiyo kazi iachiwe mtu mwingine.

Pia on the side of hospitali, tungetaka free medical attention maanake kila kitu kimekuwa ni cost-sharing. Kama ni ofisi ya chief pale unaone ukienda kwake, hawezi akakupea huduma nzuri kabla haujatoa chai. Ndio tunasema chief hata kama ni sub-chief awe akichaguliwa na raia. Maanake raia ndio watachagua yule mtu ambaye ni qualified. Nafikiriri ni hayo tu.

Com. Nancy Baraza: Nataka kukuuliza swali. The rights of prisoners. Haki ya wafungwa. Umeona wapi, umesoma wapi ambako wanafanya hivi? People visiting their spouses in prison.

David Karuku: In Britain and America. Okey. Fine. Thanks. Why are we so brutal as a country?

Com. Nancy Baraza: They do this.

David Karuku: Yah.

Com. Nancy Baraza: Okey fine. Evantus Ngari? Munene Mureithi? Are you Munene Mureithi. Please come over.

Munene Mureithi: My names are Munene Mureithi and I want to contribute towards the family institution. Currently we find that an irresponsible man cheat a woman possibly gets a kid and that man does not share the responsibilities in bringing up the kid. So, I would like us to put an institution or a law whereby a man shall be held responsible to whatever kids he brings in this

earth. Because I have seen very many girls, our sisters suffering. The kids are not able to go to schools and they are not well fed.

The other thing goes to education, I would urge if possible for the government to help poor schools put up technical workshops and science labs and also computer laboratories. This is to ensure that we shall be able to have reached an industrialized state by the year 2020. Currently we find that very few schools are able to put up well-equipped laboratories. On the same note, I would urge the government if possible to ensure that, there is free primary education so that at least our citizens are well enlightened.

On the issue of the Constitution itself, your Commission should avail copies of Constitution such that the commoners are able to read and understand our laws. On Judiciary. I would request if possible we should have strong legal institutions with enough personnel. Currently, we have cases whereby you find a case is delayed for two or four years. As we all know that if you delay the case too much, it is tantamount to deny justice. So we should have an efficient and effective Judicial system. On the issue of health I would like us to have a case whereby free medical attention is given to, if possible kids especially those ones who come from poor families. Even expectant mothers. We have seen cases whereby, like Pumwani recently, where a woman delivered somewhere in a very shoddy place. So we should have a case whereby such cases or such issues are looked into. With reference to, Okey you have a question madam?

Com. Nancy Baraza: I give you one minute. Okey. On security issues, I would like the retraining of the police officers be done because the current police officers are very harsh. So, they should have a curriculum which is friendly to the masses or to the citizens. They should be trained in such that they understand that they are dealing with their fellow Kenyans. This idea of putting somebody in cells, when there is no enough evidence should be avoided. On the issue of corruption, I would request that any corrupt government officer should be sacked forthwith. There should not be the issue of transferring one officer from one department to the other. Thank you very much.

Com. Nancy Baraza: Thank you very much Mr. Munene Mureithi. Any question? Okey. Reinhard Gichobi. Albert Ileri Kabiru. Albert you had a written memorandum. Those with memorandum who don't want to waste their time, you can just come and sign here and put it in. James Njeru. Uko na memorandum. Okey. Nikupe dakika mbili.

James Njeru: Mimi naitwa James Njeru Wilson. Mzee wa miaka sabini na nne. Nimefanya kazi ya serikali miaka arobaini. Mimi ninataka kusema, kwanza nipongeze Commissioners na mpatie Ghai respect. Respect kubwa kwa sababu kazi anayofanya ni muhimu. Hakuna utetezi, he is not biased. Kwa hivyo mpatie yeye heshima ili tumalize mpango huu kwa wakati wake.

Mimi nasema, hii si Constitution ya kwanza. Imeandikwa kila mahali, everywhere. You are only copying. Ni kama kitabu

kiliandikwa zamani you are trying to copy. You should not take long. It should take a very short time. You draft it and correct. It is going to be corrected within another two years. I don't know. Because we have people who are more educated. I am just lowly educated but my children will go to UK and so on. They will change. They will change this thing. Mimi nasema mfanye kwa haraka. Wazee wa location fulani waketi, you present yourself tunakujua. Si kutoka Nairobi kwa pesa. We want to elect somebody we know na mtu aliye na nyumba hapa. Na tunamjua, nikienda nikitaka kwenda kwake ninamkuta. Si mtu anakaa Nairobi, Mombasa and so on. At the end of the time he comes with money. We don't want leaders like that. Mimi nilichugaliwa na wazee council 1958. Walinikuta nikisomesha wakaniambia tumekuchagua. Kwa nini? Kwa sababu tumejua history yako kutoka utoto.

Farming mimi ninasema, turudishe ile ukulima wa zamani. Cash crops kama chai na kahawa isimamiwe tena na serikali. Hapana kuachia watu kusema watasimamia. Mimi ni mkuuzaji wa kahawa, mkuuzaji wa chai. Nimekuwa Manager wa chai. Na chai inaendelea vizuri kwa sababu inasimamiwa kidogo na serikali. Na hii mahindi tunasikia yanaoza huko North Eastern, tuna stores kubwa karibu sijui ni ngapi hapa Sagana. Hakuna mahindi hata ngunia moja. Hii selfishness ya kupeleka mahindi yote Rift Valley, twambie tutoe pesa tununue. Sagana tunataka mahindi, hapa Gichugu hatuna mahindi, tutatoa wapi. Kuna source tulikuwa tunachukua. Unakwenda Sagana unachukua chakula. Sasa hakuna mahali unaweza kuchukua chakula. Ilichukuliwa na magari ya military, tunakuuza mchele hapa inachukuliwa usiku yote. Inasongezwa, inapelekwa sijui wapi. Hatutaki wivu.

Watu wa Central Province wanafanya kazi kwa haraka. Sisi hatutaki pombe nyingi. Imeletwa pombe green, red, nini hapa. Intentionally kuharibu watoto wetu. Watoto wangu wawili labda wameharibika. Wako ameharibika, kwa sababu wanakunywa pombe rahisi na ni chang'aa inatoka Naivasha. We want control of illicit brews. Tena nasema Provincial Administration hatutaki. Hatutaki Provincial Administration. Viongozi wa district au division wachaguliwe na watu. Wazee wa zamani wasimamie nchi yao.

District ina chairman wa council, wawe na wazee wao wakusimamia district huko. Hakuna DC, DC ati sasa ni mkamba. Hajui taabu zetu. Hatutaki watu namna hiyo. Wanakuja kunyanyasa watu bure. Tunataka mtu anayechaguliwa na watu. Atasimamilia masilahi ya watu wengine. Divisions tunataka kiongozi anachaguliwa na watu. Kwa hivyo mimi nasema, nimeandika mambo mengi. Nimekuja kwenu Nairobi mara mingi sana. Kwa hivyo mimi nasema mumalize hii mambo. Hakuna mambo ya kungoja. Mtamaliza. Mnaweza kumaliza....I can finish this one in one month. Sijui mnasema miaka mingapi kwa nini.

Com. Nancy Baraza: We are experts.

James Njeru: You are experts.

Com. Nancy Baraza: We are experts so we know why.....

James Njeru: You want to finish early. Yah. Okey.

Com. Nancy Baraza: So we are experts and that is why we are saying we want a little bit more time.

James Njeru: We don't want a Bible. Hatutaki ile Bible ambayo haibadirishwi.

Com. Dr. Maranga: Kwa hivyo ungependa kusema ya kwamba zile Provinces zingine wasipewe muda kutoa maoni. Ni hivyo unasema? Yah that is what you are saying. Kwa sababu leo wewe umetoa maoni tumalize mwezi mmoja.

James Njeru: You are experts. You can draft things and tell us. Hakuna haja ya kuniambia mimi natoka shambani sijui. Isipokuwa nimesikia sikia, sijui mambo mengi.

Com. Dr. Maranga: Mzee James Njeru. Tunakwambia hivi, sisi, tunafuata sheria ile tuliambiwa na wananchi wa Kenya.

James Njeru: Mnataka miaka mingapi?

Com. Dr. Maranga: Hatutaki miaka mingapi? Sisi tutakwelezea.

James Njeru: Mmalize.

Com. Dr. Maranga: Tutamaliza vile unavyotaka.

James Njeru: Vile ilivyokuwa zamani. Hatutaki nchi yetu kuwa mbaya tena.

Com. Nancy Baraza: Now for the Kenyans who are here. The exercise we are going through. Hii njia tunapitia kutafuta kila Mkenya, hii ndio Constitution making nzuri. Hatukaki Mkenya akae kwa ujinga. Mumeelewa. Kama hujui mambo ya Katiba. Saa hii kama tunaenda kuandika hii Katiba mtu atakudanganya tena kweli. Si utajua iko Katiba. Na si utajua ni maneno gani umesema. Hii ya 1963 nani amesoma. Nani. Nyinyi mmekaa hapo. Nani anajua hiyo Katiba? Ndiyo tunakuja kila mahali. Tunaenda kuuliza, Wambui, Wanjiku, Muriuki. Sasa msifikirie ni kupoteza wakati. Iko sababu. Okey. Virginia Wambui. Ameenda? Samuel Gituru. John Muriuki. Samwel? Wewe ni Samuel. Come. Do you have a memorandum? Yah I will give you five minutes you highlight your issues.

Samuel Gituru: My name is Samwel Gituru. Our Constitution should begin as other Constitutions. This way. "We people of Kenya make Constitution of our country for own benefit." i.e Every Kenyan citizen the President should be elected directly by the people. He should not be a member of Parliament. Presidential term should be of five years. Presidential terms should two terms if re-elected. He should be impeached if he misuses public funds or breaches Constitution or commits any serious crime.

Presidential appointments: All appointments made by the President be rectified or confirmed by the Parliament. This includes cabinet, top Judicial appointments, police chiefs, civil service heads, members of Electoral Commission, Central Bank governor e.t.c. Presidential succession: Any case filed in supreme court against a President for rigging should be charged within five months after election, after which the victorious President is sworn in an oath of office by mainstream church heads. The head of Catholic church, head of ACK, head of PCEA and head of NCCCK. Then he becomes the President. Presidential powers. He should not break the laws or breach the Constitution. He can be impeached by Parliament for breach of Constitution. Parliamentary systems. The leader of the party that wins most votes becomes the Prime Minister. In order to protect minority interests, Parliament be in two chambers.

Upper chamber representing constituencies of equal population sizes. The lower chamber for members representing administrative regions and special interest groups. Parliamentary appointments. We give Parliament the role of appointments of senior officials in institutions dealing with relevant fields. Parliamentary and Judicial committee with power to scrutinize and confirm appointment of judges. Public service Parliamentary committee with authority to scrutinize and confirm top appointments in the public service.

An estimate committee to scrutinize, handle budget proposals before they find their way into the actual budget. Parliamentary intelligence committee to scrutinize and confirm senior appointments in the intelligence bodies and oversee their budget. Parliamentary foreign affairs committee to scrutinize and confirm conduct of foreign affairs and treaties. We give Parliament control of government more powers. Parliament be involved in policy decisions regarding war and international affairs. Especially if the matter involves financial or military commitments or sovereignty of nation. We give Parliament the role of scrutinizing and controlling of security forces. The difference in number of voters in least and greatest constituencies should not exceed 25%.

Com. Nancy Baraza: I told you to highlight. Don't read through the memorandum. Just highlight the issues.

Samuel Gituru: Okey. Succession of President. Court. Electoral Commission. Human rights. Political human rights. Economic rights. Social human rights. Human Rights Commission. Supreme Court. That is the end.

Com. Nancy Baraza: Okey. Thank you very much. Submit your memorandum and sign. We shall read it and take your views on board. John Muriuki. Then the last person we shall have. That is John Muriuki. Do you have a memorandum?

John Muriuki: My name is John Muriuki. Nilikuwa nataka kusema kuna mambo inatusumbua sana huku. Mtu akiwa na ngombe anakamua maziwa. Akitaka kuuza mahali anataka kuuza. Anazuiwa na askari ati lazima mtu auzie kwa KCC. Hiyo tunaona ni shida sana.

Com. Nancy Baraza: Mnalipa ushuru:

John Muriuki: Ushuru wa mtu akiuza maziwa.

Com. Nancy Baraza Unasema shida ni nini?

John Muriuki: Sasa niko na ng'ombe na ninakamua maziwa. Nikitaka kuuza maziwa mahali ninataka kuuza kwa sababu nipate bei ile nzuri, nazuiwa na askari. Nashikwa. Napelekwa kortini na ninahukumiwa. Tunaambiwa ati kuna Act ilikuwa imesema lazima mtu auuze maziwa yake kwa KCC. Na tukiuzia kwa KCC hatuoni pesa mzuri, hatulipwi vizuri. Sasa nilikuwa nikionelea hiyo Act iondolewe ya zamani. Ya kusema kila mtu auze maziwa yake kwa KCC. Kwa sababu bei ile tunapata huko si mzuri. Sasa tuwe mtu anauza mahali anataka kuuza. ili apate pesa mzuri. Akitaka kuuza kwa hoteli, akitaka kuuza mahali popote anataka kuuza. Hiyo ndiyo nilikuwa nikitaka kufikisha. Asante.

Com. Nancy Baraza: Asante sana Bwana Muriuki. Kama hakuna mtu mwingine ambaye....Stephen Gachungi. Kama hakuna...You are there. You will be the last presenter. Totally the last one. Please come. You are Stephen. Yes, you will be the last presenter.

Stephen Gachungi: I am Stephen Gachungi Murimi. Who is now representing Rwabiti Catholic church giving their views.

1. Church organizations to have powers to elect councillors and administrators such as; chiefs and the assistant chiefs. If an MP does not deliver, he or she should be re-called. There should be direct election of chiefs and assistant chiefs by the community. Education and health should be free to all. A land sale should through the family members, clan elders and district officers. Judiciary should be free without corruption. One should not be elected as a councillor, an Mp or a President if he or she has retired from the ministry or from the government. Thank you.

Com. Nancy Baraza: Thank you very much. Please sign there. This brings us to the end of our collection of the views. Tumefikia mwisho, tumechukua maoni ya kila mtu ambaye alitaka kupeana maoni yake. Nadhani hakuna mmoja hapa ambaye tume-skip. Yuko mtu ambaye anataka kutoa views? You presented your views? Didn't you? Have you presented? Did you want to present? What is your name? But you handed the memorandum? You have? That is okey. Then we shall read it. Did you want to talk?

Julius Chege: No, I don't want to talk, I only want to commend the Commissioners and to tell them not be intimidated by the politicians. You do your work.

Com. Nancy Baraza: Do you have to say anything on your memorandum?

Julius Chege: That is the Constitution. My address, my name is there.

Com. Nancy Baraza: And you have signed there?

Julius Chege: No, I have not.

Com. Nancy Baraza: Please go and sign there and leave your memorandum there. Please go and sign and give it there. We shall read it. But if you want to present orally, we can give you a few minutes. Say your name in the microphone. Mzee say in that microphone your name and say you have presented your written memorandum.

Julius Chege: My name is Julius Chege. I have presented my memorandum and I have commended the Commissioners for the hard work they are doing. I have asked them not to be intimidated by the politicians.

Com. Nancy Baraza: Thank you very much. I think that brings us to the end. Tumefikia mwisho na asante sana. Na kama watu wa Gichugu tumefurahia kazi yenu. Mmetia maanani sana mkakuja mkapeana maoni yenu na msikae tu msahau. Msisahau mnatengeneza Katiba. Mmeelewa? Keep following towards where we have reached and where your document is. We shall bring it back to you. Tukichukua maoni kutoka kila mahali, pembe ya nchi hii, tutaandika report. Na hiyo report, tutawarudishia wananchi wenyewe. Itarudi hapa hapa, nyinyi wenyewe musome muone kama mambo yenu imeingizwa hapo. Mumelewa. Na hiyo mambo sasa tunapelekea experts. Kama unaona pointi yako haijaandikwa vile ume-present, labda tumeweka kwa Constitution language. Lakini tutawaletea, nyinyi wenyewe msome, muone kama ni maoni yenu ndio muturudishie ndio tupeleke kwa national conference. Mumelewa? And don't live in ignorance again.

It is ignorance which has oppressed Kenyans. Mumelewa? That is why we are taking the trouble of going round the country. Tukae na wananchi, tuwaelimishe ndio msikae kwa ujinga. Ujinga ndio umeua wanakenya. Sasa hii Katiba iwe yenu, mfuatilie imefika wapi? Inasema nini? Na kama tukimaliza kila mtu awe na copy yake. Mumelewa? Ndiyo mfuata serikali. Ni nini hiki kina, what is happening to us? what is happening? You must know your rights and never again should you allow yourselves to be ignorant. Mumelewa? That is the only way you will help yourself. If you know what to challenge. That is how the Constituion will be useful to you. Thank you very much. I want somebody to pray for us. Volunteer to pray for us. A pastor.

Beatrice Kinjugu: Tuombe. Mwenyezi Mungu Baba wa neema, tunataka kukutolea shukurani zetu sana kwa vile ambavyo umetulinda kutoka jana mpaka wakati huu ambao tumekaa, tumepeana maoni. Na tunakushukuru kwa sababu ya Commisioners ambao wamefanya kazi sana katika Constituency yetu ya Gichugu. Tunakuomba Bwana uwabariki. Hata watakapokuwa wakienda mahali pengine pale pa Kenya, uwe ukiwalinda na ukilinda jamii zao. Tunataka kukumbuka wale wote ambao umewawezesha kutoa maoni. Umewawezesha kuyaandika. Umewawezesha kusema kwa lugha yo yote ile walipenda. Tunakushukuru Bwana kwa hayo yote. Tunakushukuru Bwana kwa vile kila mmoja wetu tumefanya kazi ambayo

