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CONSTITUTION OF KENYA REVIEW COMMISSION

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VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

MARAGWA CONSTITUENCY,

HELD AT SABASABA EDUCATIONAL OFFICES

ON

24TH APRIL, 2002

**CONSTITUENCY PUBLIC HEARINGS, MARAGWA CONSTITUENCY,
HELD AT SABA SABA EDUCATIONAL OFFICES ON 24TH APRIL, 2002**

Present:

Mr. Riunga Raiji	-	Commissioner
Dr. Mohammed Swazuri	-	Commissioner

Secretariat Staff in Attendance:

Irungu Ndirangu	-	Program Officer
Lillian Cherotich	-	Asst. P/Officer
Jacquiline Nyamoo	-	Verbatim Recorder
Rose Samba	-	Sign Language Interpreter

Meeting was called to order at 10.30 a.m. with Commissioner Riunga Raiji in the Chair.

Com. Raiji: Karibuni katika kikao cha kutoa maoni, katika Tume ya Kurekebisha Katiba ya Kenya. Kama kawaida yetu tutaanza na maombi na tungeuliza kama kuna mtu ye yeto angejitolea kutuongoza kwa maombi kabla hatujaanza shughuli zetu

za leo. Nimeona Reverend hapa au mtu mwengine, kama kuna mtu wa kujitolea.

Reverend: “Our heavenly Father we thank you and we ask you to guide us in all our deliberations this day. Help those who have not arrived by this time so that they may arrive and give their views. We shall stay longing that we come to the conclusion of this crucial matter of the Constitution. Lord guide us, help us in giving all our views and we ask this in Jesus” name. Amen.

Com. Raiji: Asante sana kwa wale ambao wamefika. Tungetaka kuanza kwa kuwajulisha Ma-commissioners ambao muko nao kwenye kikao cha leo. Kama mnavyojua tuna vikao vingi vinavyoendelea sasa katika sehemu bali bali na wakati huu tuko Central Province. Tutakuwa tukitembelea mikoa bali bali. Pamoja na mimi tuko na Commissioner Dr. Mohammed Swazuri. Jina langu ni Commissioner Riunga Raiji. Pia tuko na Program Officer, Mr. Irungu, kutoka makao makuu ya Tume na tuko na wasaidizi wengine. Tuko na Lillian hapa, tuko na Jacqueline na Rose ambao watatuzaidia kwa kurekodi proceedings zetu. Ule utaratibu tutafuata ni kwamba wale wanataka kuzungumza tutafuata list ambayo tumetengeneza “on the first come first speaker” basis. Kwa hivyo wale wangetaka kutoa maoni ni lazima wajandikishe. Wale ambao wako na memorandum watapatiwa dakika tano kutupatia summary tu ya yale mambo wameandika kwa memorandum. Hatutaki usome memorandum yeote kwa sababu tungetaka kupatia wengine nafazi. Wale ambao hawana memorandum, na wanataka kutoa maoni tutawapatia nafazi; tutawapatia muda kama dakika tano, sita, saba hivi ili tuweze kupatia wengine nafazi. Na wale wengine ambao wangetaka kukaa na kuzikiliza they are welcome. Kwa hivyo kwa sasa tutamkaribisha Mary Waithera Njoroge kutoka Mambo Bado Organisation atupatie kwa sahihi tu maneno ambayo yako kwa memorandum yao. Mary Waithera Njoroge. Yuko? Karibu.

Mary Waithera Njoroge: Maya ni mawuoni mandikitwo ni group itagwo Mambo Bado Women Group.

Translator: This is a memorandum for a women group called Mambo Bado Women Group.

Mary Waithera: Undu umwe tukwenda kugweta ni uraia.

Translator: We want to talk on citizenship among other things.

Mary Waithera: Tukwenda kuga uria atumia magiriire kuheo their rights.

Translator: We want to say how women should get their rights.

Mary Waithera: Tukwenda ciana iria ciothe iciariirwo Kenya

Translator: We want the children born in Kenya

Mary Waithera: na iria itacariirwo Kenya

Translator: and those not born in Kenya

Mary Waihera: ikorwo na uhuru wa guikara Kenya.

Translator: to have the freedom to live in Kenya.

Mary Waihera: Tukwenda mathibitari makorwo mari ma tuhu

Translator: We want hospitals, medical facilities to be free and also

Mary Waihera: o hamwe na irio na mai.

Translator: food and water.

Mary Waihera: Githomo gituike gia tuhu kuma primary kinya high school.

Translator: Education should be free from Primary school through high school.

Mary Waihera: No aciari to marihe mbecha nyinyi high school na university.

Translator: We are ready to cost share in University and High school.

Mary Waihera: Tukwenda ugutiri mwega kuri ciana ciitu na makiria atumia tondu nio mathinagio muno riria kuri na haro.

Translator: We want security for our children and particularly the women folk, because the same has suffered when there is insecurity.

Mary Waihera: Atumia maheo mawira ota arume na makiria thiini was Constitution Review Commission tondu nitui hari Commissioners 27, mugwanja noo atumia.

Translator: We want affirmative action to start in the Constitution Review Commission since we know that there are only seven women Commissioners out of twenty-seven Commissioners.

Mary Waihera: Tukwenda andu othe maiganane, arume na atumia.

Translator: We want gender equality in the country.

Mary Waihera: Na ciana cia airitu iteithagio muno guthoma nigetha onao mahote kuruta wira uria ubataire kurutwo bururi-ini.

Translator: We want greater emphasis on the girl education so that when the country is in need of manpower, the women folk and ladies can fill those gaps.

Mary Waihera: One third ya ma-judge ikorwo iri atumia.

Translator: We want the Judiciary to be made up of 1/3 of women folk.

Mary Waithera: 60% ya andu aria manyitiriire iti thiini wa political parties ikorwo iri atumia.

Translator: We want political parties to have 60% of their officials made of women.

Mary Waithera: Uthurani:

Translator: Electoral system;

Mary Waithera: Andu mathomithio iguru wa uthurani na makiria atumia mahote kuingira uthurani-ini.

Translator: We want civic education on the electoral system particularly on how women can be put in that system.

Mary Waithera: Mbeca cia campaign itumirwo maunduini mangi me bata.

Translator: I want campaign money used on useful things and not the way it is used now.

Mary Waithera: Andu aria other marahuranira iti cia Bunge makorwo na githomo kia iguru; Abunge makorwo na 'O' Level kana makiria.

Translator: We want the people who sit in the Legislature to have a good education. Members of parliament should have a minimum qualification of 'O' level.

Mary Waithera: Migunda na indo;

Translator: Land and property;

Mary Waithera: Atumia nimahinyagirio muno tondu matiri utonga wao.

Translator: Women suffer because they don't own property.

Mary Waithera: Migunda ikoragwo yandikitwo athuri na riria meciria kwendia migunda io matitwiraga.

Translator: Land is registered under our husbands or under the names of men and when they decide to sell this property, they do not consult their women folk.

Mary Waithera: Utonga wa bururi:

Translator: Management of local resources:

Mary Waithera: Tukwenda utonga wa bururi uroragwo ni andu a itura mathuritwo ni andu a area io.

Translator: We want local resources to be managed at the local level and the committee managing those resources to be elected by local people.

Mary Waithera: Ugitiri wa bururi:

Translator: Defence and national security:

Mary Waihera: Katiba yagiriirwo gwitikiria extraordinary powers o mahinda-ini ma mbara kana national disasters.

Translator: The Constitution should allow the use of extraordinary powers only in situations such as war, national disaster etc

Com. Raiji: You can summarize.

Translator: Thank you very much Commissioners

Com. Raiji: Okay asante sana mama wa pili ni Rosemary Muthoni Karigedi kutoka Visual

Rosemary Muthoni Karigedi: My names are Rosemary Muthoni Karegedi and am presenting a memorandum for Sabasaba Visual Women. Sababasa Visual Women recommendations to the Constitution of Kenya Review Commission. If you would allow I would prefer to go through this memorandum very fast. So with your permission I will read. The introduction: “At last people driven Constitution has taken off. Heko to the appointed women Commissioner having seven out of twenty-seven Commissioners is an achievement to be remembered by Kenyan women. This is a commendable milestone at least in development of our nation to inspire women to address their specific critical Constitution”. In this memorandum we would wish to have a Constitution in which everyone has rights to: (1) Equal protection free from discrimination (2) Freedom of expression and associations (3) The directive principles of equitable representation of both gender (4) Equality before the law of all citizens regardless of gender or status

Citizenship – Persons born in Kenya after the year 1963, a person who has stayed in Kenya for a period of more than five years are automatic Kenyan citizens. Any child born of Kenyan citizens whether in Kenya or outside Kenya is an automatic Kenyan citizen. Any person married to a Kenyan citizen whether that person is a man or a woman should be entitled to automatic Kenyan citizenship unless they choose otherwise. A child of less than eighteen years whose parents are not Kenyans but opts to be a citizen of Kenya should be registered as a Kenyan citizen, that’s an obligation of the citizens. The Kenyan Constitution should provide that all citizens are equally entitled to the right dignity and benefit of citizenship regardless of gender and that they are equally subject to the duties and responsibilities of a citizen irrespective of gender. The following documents should be given to Kenyan citizens (1) Birth certificate (2) Kenyan passport (3) National identity card.

Basic rights and basic needs – The Constitution should guarantee basic rights which include; free health care, water, food, free education up to Secondary schools and cost sharing in higher education and public universities. Shelter, security and employment for all Kenyan citizens. Taking part in decision making should be a basic right to citizens. They should take part in decision making at all levels. The right to own property for all Kenyans irrespective of gender or marital status should be spelled out by the Constitution. The Kenyan woman should suffer no form of discrimination or oppression that reduces her dignity and esteem as a Kenyan. The Affiliation Act that was repealed in 1967 should be entrenched in the new Constitution.

Affirmative action policy – Current Constitution is silent on the rights of women and person with disability. One out of ten Kenyans have some sort of disability, therefore it is critical that their needs such as those related to visual impairment experiencing extreme difficulties and those with physical impairment should be addressed. Rights of equality of all citizens irrespective of gender should be enshrined in the Constitution. The Constitution should make provision for affirmative action adequately, it is the requirement of those pushed by the society and are left to suffer discrimination and exclusion due to gender, age or disability. Affirmative action is a matter of equity.

Education opportunity – It is not enough to state problems for employment if we do not have enough trained and qualified persone to meet those works. The girl child education, the lame and disabled need to be facilitated. Bursery should be provided especially especially for girls, the disabled or any other marginalized community or persons. There should be a provision for the access to basic needs by the marginalized groups in the Constitution.

Political parties, Legislative and Judiciary – Recommendations; The Constitution must ensure that affirmative action policy is employed in the composition of political parties. For example, at least one third of the officials in this organs must be of opposite gender. The Constitution should regulate the Commission, management and contact of political parties. All national political parties should have national output with membership drawn from at least 66% of the Kenyans forty-two tribes and ethnic groups. All national political parties should be funded by public funds to avoid the individual domination of political parties. But, should not be run as private enterprises, from which only the most economically able benefit.

Com. Raiji: One minute to wind-up please.

Rosemary Muthoni Karigedi: Electoral system – Commission of Electoral system should ensure women participation in political liberty by developing strategic intervening ways of educating society. The appointment of women to positions of political responsibility via affirmative action for example 33% of total seats in Parliament and Local Authority should be held by women. There should be a limit of funding due to campaign to make access to every candidate and to enhance women participation and to prevent corruption during campaign. Ballot boxes should be made transparent to clear doubts as every voter will see through the box. Specified ballot method of voting should be enshrined in the Constitution for all public voting including political parties. The law should provide the provision of security for all candidates during nomination to protect them from physically being prevented for presenting their nomination papers.

Com. Raiji: I think your time is up madam.

Rosemary Muthoni Karigedi: Give me two minutes I will finish up.

Com. Raiji: No we will not allow here the reading of memorandum because we need to keep time, if you have a memorandum summarize the contents in five minutes I can assure you that we are collecting the memorandum, we will read the memorandum all the memorandum will read so don't worry about it you can even give it to our staff.

Rosemary Muthoni Karigedi: So on the issue of Constitution Commission – National gender should be considered on that issue at least 50% and then one third of the Commission should be women. Local Authority Service Commission should be established inside the Constitution.

Land and property – Women should be given equal rights for example women don't have the right of ownership. So on this issue we would recommend that, once title-deeds are being issued the two should be included in the title-deed, for example the man I give an example the title could read as “Joseph Kinuthia” and Jane Wambui”. That title deed “Mr. & Mrs” should not be there when it comes to the sale of this property the male gender should not have

Com. Raiji: Be quiet, Rose your time is up. If you can register your memorandum in that book we will read it, Now we shall have Micheal Kamande with the memorandum from Maragwa Community survey. You have five minutes please.

Micheal Kamande: Thank you very much Mr. Commissioners, what am going to read in this memorandum that am representing is what is written. First is Preamble, second one is direct principles of State policy. The other one is National philosophy and of principles. The other one is democracy, democratic principles on children, property, citizenship, the welfare and system of Government. Legislature the other one is the Executive, the Judiciary – we feel the Constitution should provide for a Constitutional Court.

The local Government - The Local Authorities are the most basic level of Government which makes them closer to the people. With this in mind, we recommend that Mayors be elected directly by the people.

Basic rights and right of vulnerable group - Human rights are inherited, inviolable and God given they are not granted by set of laws.

Land and property right – The Government should have the power to compulsorily acquire private land for the purpose of development of the social amenities like roads, hospitals, schools or for extraction of minerals for the purpose of the country is development. Once this is done the land owners must be compensated adequately and promptly.

Management and use of national resources – The role of Controller and Auditor General in checking the Government handling of finance, should be completely independent and have the security of tenure. He or she should have the power to prosecute all those who misuse public funds.

Environment and natural resources – The new Constitution must address the environmental protection issue such as: Prohibit any further clearing of the natural forests. Then we come to participatory Government – non governmental organizations and other organized groups should have a role in governance. This would include appointment in Commissions constituted to address national issues, representation by nomination in Parliament, appointing in Electoral commission.

Constitutional Review – If the Constitution is made by the Kenyan and belongs to them, then they should know it and understand it. There is another issue here for the agricultural sector - Kenya is an agricultural sector country and therefore farm inputs should be zero taxed. That is all Mr. Commissioner.

Com. Raiji: Thank you very much for sticking to the time. Please register your memorandum Kagiri Mburu.

Kagiri Mburu: The Chairman of the session, Commissioner Ladies and Gentlemen my name is Kagiri Mburu I am representing the views of Kirimeri Sub-location, Kaguthu division in Thika district of Maragwa constituency. Now I will start with the nation of Kenya State and Government. “It is the wishes of the people of Kirimeri that Kenya should remain one State with one Government. Kenya should never be divided into regions or majimbo along geographical boundaries, ethnic consideration or otherwise. Kenyans of all races, creed, religion, political conviction or otherwise have the right to co-exist in harmony as from independence”.

The Constitution – The Constitution of Kenya should be interpreted or written in various languages to the benefit of the citizens of our republic. The Constitution should be made affordable and available across the country, so that every mwananchi is able to know and understand the Constitution his rights and obligation.

The President – It is the wishes of the people of Kirimeri that the President should not and never be above the law. He should be liable to prosecution for both criminal and civil offences. Parliament should have the mandate to impeach a sitting President if he fails to deliver the goods even in his mid-term. The President should not represent any constituency in the republic while he is the Chief Executive. The President’s Executive Powers should be reduced to avoid tendency to dictatorship.

Parliament – Parliament should have full mandate to make the laws. The Bills should not be subjected to presidential assent as long as they have gone through the normal steps and passed by two thirds majority of Parliament. Presidential assent in this case should be only ceremonial.

The Cabinet – The number of Ministries, Ministers and Assistant Ministers should be reduced. Ministers should be appointed to office with due consideration to their education, training and experience and not a question of the “politically correct”. Cabinet posts should not be apportioned on tribal basis.

General elections – The Constitution should clearly specify or set aside a date for General Election of the President, Members of Parliament and Councillors. Presidential candidate should be allowed to campaign freely, given security and if possible funded for their campaign.

Political parties – It is the wishes of the people of Kirimeri that Kenya should have two to three political parties and not forty or a hundred parties that are not delivering the goods.

Corruption – The Constitution should address the issue of corruption more adequately, it should provide for stiffer penalty for those found guilty of squandering public funds, embezzlement and mis-management. Officers, Managers and public servants including high Government officers who have misused office should be liable to prosecution and should be made to return all the goods they have looted and the money they embezzled while they are in office. Grabbing of public land should be stopped immediately by the new Constitution.

Vote of no confidence – The Constitution establish a people’s court or a referendum. It is the wishes of the people of Kirimeri, that if their Member of Parliament is only seen twice between the time he is elected and the time he comes back to beg votes, in the mid-term the people can gather at Kirimeri market or some convenient place Bwana Chairman, and pass a vote of confidence in their leader.

Finances of our country – Kenya should be able to finance its budget from internal resources by curtailling unnecessary expenditure, both from the office of the President and the Ministries. Relying on foreign aid, donation and grants should be highly discouraged. After all a few Kenyans have stashed money in foreign banks that is in excess of the annual foreign aid that our country receives every year.

Finally Bwana Chairman, I wish to talk about agriculture – It is the wishes of the people of Kirimeri that the Government should enact proper laws protecting the Coffee industry, the Tea industry, the Dairy industry, the Cotton industry and Sugar industry. As of now we are all aware that the Textile industry is nearly dead, because it appears like it is part of Government policy to fight this industry. Local manufacturing as I finish, a new Constitution according to the wishes of the people of Kirimeri should have laws protecting local manufacturer from cheap imports. Our roads are filled with cars from Dubai, South Africa and elsewhere including “Umqomboti” from South Africa and other assorted goods from all over the country. Kenya appears to be a dumping ground for cheap goods.

Finally a good Constitution alone Bwana Chairman is not enough without having good leaders who are responsible, accountable and transparent. Leaders who are going to protect this Constitution. Thank you very much.

Com. Raiji: Okay thank you please register the memorandum there and can we have now Mr. Geoffrey Kamande from the Agriculture Society welcome.

Geoffrey Kamande: Chairman of this sitting, ladies and gentlemen my views read:- The Preamble for our Constitution should be fully owned by Kenyans, that is it should address the people indeed the people of Kenya. So that any change that should be made people should be consulted.

The three arms of the Government should be separated and no arm should be superior to the other as far as powers are concerned. The powers of the President should be trimmed and he should not be the above the law. Judges should be appointed by a legal body established by Parliament. Appointment of Provincial Administration, Ambassadors, Parastatal bodies should be done by a Commission established by Parliament and finally endorsed by Parliament. The President should at least have a minimum education of degree level in economics, should be forty-five years and above, and should at least be a family man. He should first declare his wealth before taking over the office.

Our Government should empower the Local Councils and strengthen them financially. In this regard we should have competent Mayors, Town Clerk and Treasurer directly appointed by the people. I support the unitary Government and not Majimbo.

All acts of Coffee, Tea, etc should be fully functional to avoid interference by greedy men in the Government. Our environment should be well preserved by the Government.

Our education system has become unmanageable due to the current system and should revert to the old system of 7.4.3.2. system of education. Our education has increased greatly and we have so many taxes.

Our population has increased so much and we have so many landless people, as such no one in Kenya should own a land over 50 acres. Since the economy wholly depends on agriculture it should be given full support and the farmers given all support for a maximum production. Tourism is another area, which should be supported to revive the economy of our country.

Political parties should be functional by being funded by the Government as their members are also tax-payers. It should not only be the ruling party that is funded. The President should not belong to any party, he should be non-partisan and should hold the office for two terms of five years. If the MPs, Councillors fail, they should be recalled by their electors and new ones elected. The President should not be the Commander-in-Chief of Armed Forces, or Chancellor of all universities. Chiefs and Sub-chiefs should be elected directly by the people. One third of the seats in the Parliament should be women and they should be nominated to the Parliament. And at least one eighth of seats in the Parliament should be reserved for disabled people. Thank you very much.

Com. Raiji: Thank very much for sticking to our method please register your memorandum as we have the next person. Florence Wambui.

Florence Wambui: Thank you very much, mine are basically on the basic Rights. I will start with the Rights of the child: "It is my view that the Government should give access to free education to all the children, even if it means up to primary level. The education system should be reverted to the old system. Fees in Secondary education should be affordable. The Government should take care of the girl-child against well to do men introducing sexual affairs to the children still in schools. Stern measures should be taken against such men who force the children out of school.

Child defilement – The current punishment given to men who have defiled children seems to be too lenient that they seem not to learn. It should be made harsher to discourage men from defiling children seven years imprisonment is very little time of punishment for such men who defile a child who is one year old. Incident's where the children are left to suffer due to incest by their fathers should be reported. At times these cases are settled locally but this should be discouraged.

Health care – The mortality rate of the children seems to be too high due to women not being given access to basic facilities like maternity facilities. Poverty should not be taken as a way of punishing women who have been left as the beasts of burden. Women are suffering in the villages just because they cannot afford to go to the health facilities for maternity needs and they are left to deliver at home thus exposing the newborns to danger.

Rights of women – Inheritance; The Government should do something for the women after the death of their husbands. The process seems to be too long for the widows to get their inheritance that should have being theirs, after the death of their husbands, such that they get them after so many years after suffering and most of the time the children have left even school because the father was the bread winner.

The disabled – The disabled should be given their rights, they should not be sidelined. It is unfortunate that most of the handicapped children mostly come from those families that financially are not well to do, so they are left languishing and in the villages.

Human rights - Due to police harassment, it seems these days that when families have scores, they use the police. Something should be done to prevent people being harassed in police cells.

Compensation – Compensation for accident victims or those who have been killed by wild animals takes too long that it creates a lot of loopholes where corruption is encouraged. Because one is forced to corrupt in order to get what is his. It is so bad that one's husband may die in a road accident and it may take even five years before the wife is compensated leaving the family to suffer unnecessarily. Thank you.

Com. Raiji: Thank you very much. Hand over your Memorandum Stanley Mwangi is next to be followed by Lucy Wanjiru.

Stanely Mwangi: Thank you Chairman, my name is Stanley Mwangi secretary to the Muranga Transporters Group. Here are our views: We recommend in the new Constitution a Government of national unity where the Ministers, Assistant Ministers are appointed from all political parties which participate and win at least one seat in Parliament. This Government will be headed by an Executive President, a Vice President, Prime Minister and two Deputy Prime Ministers each with a comprehensive job description. This Government should have a minimum of fifteen Ministers with a maximum of thirty Assistant Ministers. The Government should have a Public Service Commission, which should appoint the Permanent Secretary and Deputy Permanent Secretaries who should be vetted by Parliament, before they are confirmed. A Permanent Secretary should serve at least three years before transfer from one Ministry to another.

The following offices should be created by Parliament as Constitutional office: - Office of the Attorney General, the Attorney General to be appointed by the Public Service Commission and vetted by Parliament and the President. The Chief Justice to be appointed from among the serving Judges of the High Court by the Public Service Commission and also vetted by Parliament. The Controller and Auditor General to be appointed by the Public Service Commission and vetted by Parliament. The Commissioner of Police and the Prisons to be appointed by the Public Service Commission and vetted by the Parliament. The Directorate of Personal Management with the Director being appointed by the Public Service Commission and vetted by the Parliament.

The appointment of policemen and the prison warders. The police and the prison warders are the officers immediate next to the public in matters of security and maintenance of human dignity. It is our view that the police and prison officers be trained for at least one year and undergo another training after serving for three years. This will prepare them adequately to handle human beings.

The President: The President should be a university graduate and be forty-five years old and above. He should be married with a very stable family. He should not have a bad criminal record or default in payment of debts and public bills. He should be a clean man in the eyes of the public. He should be limited to two five year term and should not be above the law.

The Electoral Commission: The Electoral Commission should be a Constitutional office and independent. The Commissioners should be appointed by the sitting Parliament and the names present to the Public Service Commission. The Chairman should be appointed by the President and vetted by the Parliament.

Local Authority: The mayors of City Council, Municipal Council, Chairmen of County Council and the Town Council should be elected directly by the voters. They should not present themselves as Councillors of any ward. They should have accessible

credentials and a minimum of two certificates or any equivalent and acceptable standard. The councilors should have a minimum of 'O' level standard. Since they draw salary from public funds, they should prepare and forward returns of their performance to the Permanent Secretary, Ministry of Local Government. If the taxpayer who elected them feel and express dissatisfaction with the Councillor after two years, the seat should be declared vacant and another one elected for the remainder three years. The Clerk of the County Council, Municipal Council and Town Council should be Lawyers, registered with the Law Society of Kenya. He should be responsible to the Law Society of Kenya for professional conduct. If the public or any Kenyan citizen complains of gross misconduct, the Law Society of Kenya should investigate and if found guilty should be dismissed from the service.

Com. Raiji: You have one minute.

Stanely Mwangi: The Deputy Clerk should be a lands officer, in order to deal with all land matters in the country. The Clerk should be responsible for the Deputy Clerk. The post of Treasurer should be abolished and replaced with an Accountant. The Accountant should hold CPA III and duly registered with Certified Public Accountants of Kenya, and may be dismissed if found not doing his work. All Local Authority by-laws should not be in conflict with any written law. Instead of being consented by the Minister for Local Government they should be scrutinized by the AG, amended and returned to the Council. The final draft should be given consent by the Parliament. The Attorney General should ensure that by-laws are not misused to harass the public. The position of the enforcement officer and Council Askari should be abolished and replaced with a Chief Social Worker who is in a better position to handle the general public, who are now very poor with a big percentage living below poverty line. A poor man or woman does not require a Council Askari but a Social Worker. We also believe properly trained Social Worker will transform the general public into obeying the laws and by-laws other than the askari. The Local Authority should be allowed to collect taxes and revenue, all revenue should be collected by the Ministry of Finance and Kenya Revenue Authority. The Local Authority should be allocated with all required funds from the Treasury like any other Government department and account for them in the same way. The general public are already heavily taxed

Com. Raiji: Am sorry your time is up please.

Stanely Mwangi: One minute Sir

Com. Raiji: No, you see I have already said that we don't have the time to read all the memorandum, we give you five minutes to highlight the main points and then so that we have many people presenting. Just summarize in thirty seconds so that we can go to the next speaker.

Stanely Mwangi: The general public are already heavily taxed through VAT and various other forms, in fact the Councils are contributing heavily to the current poverty level, the daily increase of street children and family, the decline in subsistence and

agricultural production. The councils are currently a burden to the public. Thank you Mr. Chairman

Com. Raiji: Lucy Wanjiru, and will be followed by Fredrick Wainaina. Lucy Wanjiru is she here? No, then there is Fredrick Wainaina, from Fredrick Wainaina we will have Asmin Barabara.

Fredrick Wainaina: Mr. Chairman, Commissioners and my fellow wananchi my name is Fredrick Wainaina. I am feeling honored, recognized and alleviated to be given this golden opportunity to present my views in this hall today. I am presenting views as an individual and they are revolving around just three points. One is about service delivery, the other one is about tribalism and the third one is about elections.

Service delivery – My dear Commissioner, a servant is employed in order to deliver good service to the master. And if the servant fails to do that, it becomes the height of absurdity for a master to continue paying the servant in question. If a Government which is the servant of the people fails to deliver good services to the people who are the master, it has no business wanting to continue receiving money in form of tax from the people. Therefore it is my view that, in the new Constitution, people should be empowered to sue any prevailing Government if it fail to deliver good and quality service to all the people of the republic. Upon conviction, such a Government should stop getting any more taxes from the people, because going on to collect taxes from the people is like a case of a servant who wants to continue being paid without working for the money.

Tribalism - Tribalism and tribal mentality is a thing that heeds very quick arrests. It is my feeling that it is high time now that tribalism should be criminalized. Kenyan from the lowest to the highest who are found to practice, preach and perpetuate tribalism should in the new Constitution be sued, made to lose Government offices and if need be, be jailed. Tribalism in my view has made Kenya as a nation to lack the good, national cohesion it so badly needs. This vice has planted tribal mentality into the minds of Kenyans who generally think in tribal way, instead of national way. This is a blow because nearly every national issue in the Kenya is approached in a tribal way. The worst group of perpetrators of tribalism are the politicians and other Kenyans just who engage them. It is a negative role “modelism” on the part of politicians as leaders to perpetrate this dangerous vice for selfish things. They are ones who keep on preaching such tribal jargons and it is time to get rid of this culture. This vice has also robbed Kenya of quality service delivery because people entrusted to hold Government offices are there on tribal qualifications instead of competence and merit.

Elections - Electoral Commission should be appointed and “disappointed” by the people and not the President in the new Constitution. So Electoral Commission should be answerable and accountable to the people. It should be non-partisan and shielded from any negative external forces and vested with power to take effective measure against all election offences.

During election period, Mr. Chairman it is my feeling that the sitting President should transfer power to a council appointed by the people. This council should exercise that power within that period and hand it over to the person who wins the Presidency.

This situation can guarantee a level playing ground for all presidential aspirants and prevent a sitting President from abusing his powers for self gain instead of national gain during election period. It is my hope Mr. Chairman that the new Constitution should endeavor to return the power to the master that is the people. Thank you very much.

Com. Raiji: Thank you very much Fredick, now can we have Haslim after Haslim. We have the children.

Haslim Mbarara: Nawakilisha Maragwa District Muslim. Agenda ya kwanza inagusia habari ya Kadhi. Kadhi achaguliwe na Waislam na awe na elimu ya Kislam yaani zinaitwa sharia. Ni sheria ya nchi ndio inaitwa law degree. Ya pili apewe uwezo wa kufanya kesi ingine kama mawakili wengine. Ya tatu awe na mwakilishi katika kila idara.

Elimu – Walimu wale ambao wametoka vyio vikuu vya Waislam ambao ni waislam wapelekwe katika shule za msingi na zenye watoto wa Kislam wapate kufunza “IRE”. Watoto wakike Waislam wakubaliwe nguo za msikiti katika shule za msingi na upili yaani secondary na mavanzi yenyewe ni matatio na leshe hizo zinafaamika kwa kislam. Ya tatu shule ya msingi ziwe bure kwa umma wote wa Kenya na hata shule za upili.

Health - Matibabu yawe ya bure kwa kila Mkenya. Uraia ndio citizenship awe muzaliwa wa Kenya ambaye ana haki ya Kenya. Waislam wapewe certificate bila vikwanzo maana kuna matatizo ambayo inatokana na hiyo.

Ya tatu mtoto ambaye amezaliwa na mzazi mkenya ama mtoto ambaye amezaliwa katika Kenya awe na haki ya raia. Sasa ninataka kuguzia habari ya watoto katika kutambua watoto na haki zao na kuzilinda. Nikiguzii habari ya usawa equity katika uchumi, Wakenya wote binafsi na makundi yawe na usawa katika mali ya umma na kuwa ratiba ya kuinua masilahi ya Wakenya wote. Sasa nikiendelea nitaguzia habari ya ubaguzi discrimination. Katika kupewa birth certificate ama passport kwa hakika waisilamu wanapata shida kwa njia nyingi. Chukua mfano kama Hassan mimi nilikuwa jina langu ninaitwa Hassan Kamau Ndegwa. Ukilinganisha na ndugu yangu ambaye ni mkristo vile vile yeye tukiwa pamoja ambao sote ni citizen, tukienda kuchukua vitambulisho mimi ambaye naitwa Hassan Kamau ambaye vile vile ni mtu wa Kenya nitaambiwe nilete birth certificate ya babu yangu.

Ailete nyingine ya baba yangu na nyingine ya nyanya yangu. Haya ikiwa ni huyu ambaye ni mkristo, huyo mambo yake itakuwa ni mepesi hatakuwa na shida vile ati alete hayo yote na sisi wote ni wazaliwa, katika nchi hii. Sasa tukiongea habari ya dini, katika dini sisi tukubaliwa kutoa vyeti yaani baptizing card kama ndugu zetu wakristo. Maana mtoto akizaliwa ikiwa ni mtu ambaye anataka kufukua hii hati hata kama ni hati ya kuoa anaenda kwa ndugu zetu hawa wakristo anaenda huku katika makanisa na anapewa

Lakini jaribu kwa sisi. Kwa sisi utaambiwa uende Nyeri uende wapi kwa hivyo sisi tunataka kuwe na haki. Vile ndugu yetu anatendewa mkristo na mimi muisilamu nitendewe. Haya sasa hikishafika habari ya Rais. Rais achaguliwe na watu moja kwa

moja ikiwa Rais ni mkristo basi makamu awe muisilamu hiyo ndio sawa hiyo. Rais asiwe juu ya sheria above law pamoja na Makamu na Bunge liwe na uwezo wa kukosoa.....

Com. Raiji: Can we have silence please.

Haslim Mbarara: Nikiguzia habari ya Bunge liwe na uwezo wa kukosoa Makamu wa Rais. Nikiongea habari ya Mahakama, Judiciary, Mahakama iwe huru kabisa ikiongozwa na Tume ya Judicial Commission. Mahakimu wakuu wachaguliwe na Judicial Commission. Kuwe na Mahakama ya Katiba na wasiojiweza wapewa usaidizi wa kisheria. Kuundwe wizara kamili ya Katiba na sheria. Uhuru wa kuabudu ulindwe kwa uthabati. Ofisi ya mkuu wa sheria iwe ni ya utawala mkuu.

Wabunge wawe na kiwango cha elimu Kenya School of Certificate. Wabunge maalum wawe watalamu na watu wa ndini.

Tume ya uchaguzi Electoral system – uchaguzi wa Rais uwe baada ya miaka tano, na uchaguzi wa bunge baada ya miaka mitatu pamoja na za serekali ya mitaa.

Uaminifu – Kiongozi wa nchi angaliwe ama apimwe uaminifu wake yaani awe na uaminifu sio kuhusiana na elimu. Ni hayo tu Bwana chairman.

Com. Raiji: Asante sana na sasa tafadhali uandikishe memorandum hapo sasa kuna watoto wangependa kutoa maoni yao tafadhali walete. Twambie jina lako

Speaker: Commissioners these are children from PCEA Sabasaba they want to represent a written memorandum and they will present another one in form of a song.

Beth Wangui: Jina langu ni Beth Wangui nimetoka kanisa la PCEA Sabasaba nitasoma maoni kuhusu Constitution. Nitaanza utangulizi – “Katiba ni kitu cha muhimu kwa sasa, ni shukurani nyingi kwetu sisi watoto. Ombi letu sisi Katiba iwe mpya. Msingi wa Kenya ni kuwa na Katiba mpya.

Ombi la watoto; – tupeana maoni tafadhali Kenya yetu tunataka Katiba mpya. Elimu; Yetu sisi watoto ni juu ya elimu – elimu ya msingi ewe ni ya bure, Serikali igaramie elimu ya msingi ndio tupunguze watoto mitahani.

Ajira ya watoto – Ajira ya watoto twataka iangaliwe watoto kunyanyazwa na kudhulumiwa, mambo haya yote hatuyataki tena, wenye kudhulumu wote waadhibiwe.

Afya ya jamii – Afya ya jamii twataka iangaliwe, Serikali ipeana madawa na matibabu, madawa ya kulevya yote yaangamizwe,

wenye kuyauza wote waadhibiwe.

Kilimo – Kilimo ya Kenya iwe na soko huru, wakulima wapewe mbegu na mbolea. Utalii wa hewa pia ungaliwe ndio tupunguze umasikini Kenya. Imetayarishwa na PCEA Sabasaba Church, boys and girls. Asenteni.

(Song by children)

Com. Rajji: Asante sana watoto kwa sababu mnajua hii Katiba itakuwa yenu kama hawa wazee wataenda nyinyi ndio mtawachiwa Katiba. Asante sana watoto na kanisa ya PCEA, sasa tutaita Bwana John Mwangi Mbugua, ambaye atafuatwa na Grace Nduta. John Mwangi Mbugua yuko, Mrs Grace Nduta huko okay karibu John Mwangi Mbugua karibu

John Mwangi Mbugua: I thank the Chairman and other members mine is just a memorandum and first I will talk on Power and Authority. Those who are in power may use it rightly and wrongly. You may that a person who is the boss may sack someone out of either domestic grudges or other affairs not related to the job. You find there is no genuine reason for sacking such a person and subjecting him to unnecessary poverty.

The Police also harass people particularly if they get you at night. They are only interested in getting bribes – T.K.K. (Toa Kitu Kidogo) because they know most people fear them and they therefore intimidate the people into giving bribes. In some cases they even rape frightened women. This is an issue of power and authority in conflict to human rights.

Looking at the state of the country financially you find that some of the people are very rich others are very poor. One reason for this is that some people own two or three jobs while others having the same know how have none. Today you find a Manager requiring no driver, because he knows how to drive, while drivers are many. So I request one man, one area of work to create jobs for others.

On the side of corruption – you find that some behaviors are prohibited morally and socially, but they are still in operation just because you do something, you are not taken to court, because you bribe and then you are released. And the same case applies to illegal businesses like drug trafficking. One is arrested he gives a “big ugali” you are released and then he continues trafficking or selling the drugs.

When we come to the Government I would request the Members of Parliament to organize how to be appointing the Ministers, Assistant Ministers and the Permanent Secretary for respective Ministries. And also the judges should be appointed by the Legislature not the President.

On the side of education – here I will talk of teachers you find that some teachers in Primary and Secondary schools are not

trained while in Kenya we have a lot of teachers who are trained and they are not employed. So I would request fully trained teachers to be employed either in private or public schools, and with that thank you very much.

Com. Raiji: Okay. Asante sana Bwana Mwangi peleka hiyo memorandum yako huko Mrs. Grace Nduta atafautwa na Joseph Kagehe.

Mrs. Grace Nduta: Thank you very much Bwana chairman, mine is very little because I had presented last time so I have few points which I will not read I will just give it to be additional. Thank you

Com. Raiji: Thank you very much to hear you were here last time and priority goes to those who never had an opportunity last time so next is Joseph Kagehe. Ako ni wewe? karibu

Joseph Kagehe: Majina yangu ni Joseph Kagehe niko na maoni. Kuna watu, wafulana hawana kazi na kuna watu wengi wana kazi, mtu mmoja anafanya kazi mawili, yeye ni Manager tena yeye ni Secretary na ni mtu mmoja tu. Nauliza na kuna wengi hawana kazi kwa nini hawa watu wanapatiwa kazi nyingi na kuna watu hawana kazi?

Ya pili ni Polisi wewe kama unaenda matanga, wanakuja wanakushika, wanaanza kusema wewe unatumia bhang. Na kama “wakichanganya” wewe mkono wanaona wewe hauna kitu wananza kusema utoe kitu kidogo ndio kuachilie. Barikiweni na Mungu.

Com. Raiji: Asante sana. Mwingine ni Wilson Ngugi

Wilson Ngugi: Bwana Chairman ladies and gentlemen I wish to present my personal points to the commission and first I will start with the Government. I would like to retain the Presidential system of the Government, then the Legislature this should be independent from the Executive. I would also recommend that Members of Parliament should have only two terms of five years each and there should be a mechanism for citizens of recalling their inactive MPs. We should avoid these nominated MPs. And on the Legislature once a Bill has been passed, the President should be made to sign it immediately possibly after two days. MPs should work for five full working days and no Member of the Parliament should be declared a winner unless he has more than fifty percent of the registered votes in any Constituency or a Councillor in his ward. When it comes to the Executive, I would recommend that the President should be of forty-five years and not more than sixty-five years of age. I would also recommend that he should have a two terms of five years each as an MP, he should not be above the law, he should be impeached for criminal cases against the State. Now all his appointees e.g. Commissioners and such should be vetted by Parliament. Ministers should also be vetted by Parliament, he should be a family man or a woman.

Now on the judiciary - I would recommend that citizens be given a Constitutional right for legal representation when they have

their cases. And I would also recommend that we should have a Constitutional court for economical crimes and judges should be appointed by a credible Commission having being vetted by the Parliament. Also the Chief Justice should be appointed by the President, but be vetted by the Parliament.

On Electoral Commission - we should have a credible Electoral Commission and each member should be vetted by Parliament. He should have a term of six years each and no re-appointment of these members.

On Local Government - Mayors and Council Chairmen should be elected by citizens and Councillors should be of form four, the minimum should of form four level of education. The inactive Councillors should be recalled by the citizens and all the land grabbed should be returned to the citizen.

When it comes to election, we should have a fixed date for election as it is done in the USA. and, we should have transparent voting boxes. Now on counting of votes, this where the votes are lost or stolen, and I would recommend that they be counted at polling stations, only the results will be taken to the central area. The winning President or a party should acquire more than 50% of the registered votes in any Constituency, because we have experience in the counting, where we have got people who don't represent even a quarter of the registered voters, and we should avoid this, because that is wrong.

I would also recommend about the retired citizens. We have people who have being for the Government for many years and these people are not remembered by the State. Well I would recommend that a Constitutional requirement be made that, whenever the increment of the salaries for the Civil Servants is made, the retired people should also be considered also.

On land of the State - the maximum one should have in the country should be not more than fifty acres of land, and in the agricultural produce, farmers should be protected because we have being having cheap imports. For example when we eggs from other countries and they are cheap, we are losing a lot, we are killing our backbone which is agriculture in the country. And I would recommend that whoever contravenes this aspect should be jailed, for economic crimes.

Com. Raiji: One minute to wind-up.

Wilson Ngugi: Okay the taxes people pay is not properly used. The Government be accused in a court of law and be forced to use this money properly. For example matatu people the money they pay for the tax because of the road, if the road is not properly repaired, the Government should be forced to repair that road. Now on education, I would recommend that we have free education for our children from standard one to eight, and even if possible up to form four. I would recommend that we reverse to the old system of 7.4.2.3. system. That's all what I had for today and thank you very much Commissioners.

Com. Raiji: Thank you please register your memorandum. Could we have Ruth Wanyoike?

Speaker: Thank you Mr. Chairman mine is a personal view, that I feel I should present to this Constitution Review Commission. First and for most mine is on the security of the Kenyan citizen. Currently there is no security in our country, because we have thugs and robbers are raiding us now and then, and we need the Government now to look into that.

Economy – Our economy currently is almost dying away, because most of our people are very poor, they are facing so many problems, some people are even failing to get something to eat. Therefore the economy should be looked at, and economy has being ruined by corruption. All those people who been mentioned to have ruined the economy should be punished, and those who are still holding public offices should be dismissed. Because the more we keep them, the more harm they are doing to do to our economy.

The other issue is on medical services - The Government should provide free medical services to all our citizens. The poor people who are the majority in our country are facing a hard time ahead, because when you go to public hospitals, dispensaries and health centers, there is no medicine, therefore the Government should look at that area.

The other one is about education for our children, free primary and secondary education should be provided by the Government, because the parents are taxpayers and the only way the Government can reciprocate is by providing free education to their children. When we come to infrastructure they are all rotten, we would like the Government to do something, at least to improve our infrastructure.

When we come to our Government, especially the cabinet at least we need a coalition kind of cabinet because we are all Kenyans and this our country, and we would the Government to be considering every region, because sometimes you hear of KANU zones. They benefit from the Government, areas that are opposition strongholds, they are generally neglected, therefore we would like a coalition kind of Government whereby all areas of our country will be represented whether on the Government or on the opposition side.

Something about Provincial Administration, the Chiefs and their assistants they are the local administrators who intermingle with the citizens, we would like these people to be elected by members, because there are most corrupt people around us now. And if a Chief or an assistant chief is corrupt, it is obvious that if he has to be elected, we shall not return him to that post. Therefore Chiefs and the assistant they should be elected, so that they give good services to those who elect them. Those were my personal views and thank you.

Com. Raiji: Thank you very much once you have given your views you can record. The next one is Beth Wagui PCEA Sunday School Church Sabasaba Beth Wagui yuko? haya Mary Mwangi karibu.

Mary Mwangi: Asante sana Mr. Chairman majina yangu ni Mary Mwangi kutoka Nyaragindi Women Group. Niko hapa kutoa maoni yangu nimetumwa na hicho kikundi siyo mengi sana. Lakini kwanza ningetaka kuongea juu ya “affirmative action” ambapo ningetaka wanawake wawe 60% in every department or section, hii ni kwa sababu tukiangalia sana kwa hii nchi yetu wanaweke hata ni wengi kuliko wanaume. Kwa hivyo sijui kwa nini wakuwe na percentage kidogo kuliko wanaume. Tena mwanamke aweze ku-own property hii ni upande wa ki-nyumbani, mashamba na hata vitu vya Bwana wake. Tukiangalia sana kama wewe ni mwanamke ama mimi ni mwanamke nimeolewa na Bwana yangu amefariki ama amepatwa na majiraha, unakuta ya kwamba wale brothers zake wanakuja na kuingilia, hawataki mimi nipate hizo vitu, wanaanza kusema “zilikuwa za Kamau wetu, wewe umekuja”, wanaanza kukuambia wewe siyo mmoja wao, wanataka kujinyakulia kila kitu hata shamba na saa hizo uko na watoto. Hujui uwapeleke wapi, hujui uwasomeshe na nini. Hii kesi ukipeleka kama ni kwa Chief anaenda anapewa pesa, anakwambia “hii ni mambo ya kinyumbani enda ukatatulie huko”.

Tena tuko ni hii dhuruma dhidi ya wanaweka violence against women - Unakuta ya kwamba mwanaume kazi yake ni kuenda nje na kulewa. Wakati anakuja nyumbani kitu kilicho around him, the only world around him is the wife and the children. You find that kama ameenda huko akakashirizwa ama amefanya kibarua na hajapewa pesa he is frustrated anaenda anakunua “kumi kumi” anakuja nyumbani kile kitu kiko karibu ni mwanamke na watoto. Kazi yake ni kuwapiga na kuwafukuza ovyo ovyo. Unakuta ya kwamba huyo mwanamke ndiye ana enda kwa shamba analima ana tafutia watoto chakula. Mwanamume kwa sababu alipeleka dowry mwanamke hafai kuongea. Hiyo tukaona ni vibaya sana, kwa hivyo hawa wanaume tungetaka wachukuliwe hatua kwa sababu hii kitu kiko katika kijiji.

Tukiingia kama ni kwa mashamba ya kahawa kama kwa part hii yetu, mwanamke ndie anaenda kwa kahawa analima, anachuna kahawa na watoto wanapeleka kwenye factory. Hata hajawai kuona kitabu cha Benki hajui kinakaa namna gani. Wakati imefika pesa zinaenda kuchukuliwa factory ama pahali wanapeleka wanaume ndiye anaenda kivyake, nyinyi mtasikia pesa zilikwa zinapeanwa anaenda anaishi huko mwanamke haoni hata shilling moja. Anarudi nyumbani kama zimeisha, akija nyumbani akiulizwa ni vita. Sasa ningetaka kama ni hii Constitution mpya ningetaka waweke kuwa kama ni mwanamke na mwanaume vitu ni vyao na watoto, hata siyo zao ni za watoto. Lakini watoto juu hawajafikisha huo wakati mwanamke na mwanaume wawe na jina katika certificate na everything.

Asante Mr. Chairman nataka kusema niko na Memorandum mbili one is for the Mens Fellowship PCEA Kandani, the one is for PCEA Kandani Parish. I want to talk a little on the PCEA Kandani Parish Memorandum

Com. Raiji: You have five minutes.

Speaker: Okay I am going to be very fast and will stop where my time ends.

Com. Raiji: unataka nikuzaidie unaweza kuzaidia, kwa kusoma anaweza agalia kama unaweza

Speaker: The Vision wishes and aspiration of the people of Kenya should be included in the preamble, the supremacy of the people should be emphasized. It should not also be ignored that the nation is dependent and accountable to God. It should be said that all powers of the Government are made from the sovereign will of the people. The most efficient part of the current Constitution is the fact that God do not appear any where in the Constitution.

The Bill of Rights - Other than the fact that the Bill of Rights in the Kenya Constitution does not reflect universal conventions of Human Rights, existing Rights are limited through many exceptions. These two factors have led to a strong and right altitude both in the Judiciary and in the Executive.

Economic, Social, Cultural and Communal Rights - Many economic, social, cultural and communal rights are now routinely incomplete in the Constitution. As in the case of 1996 South African Constitution. Such rights include the right to equal education, a safe working place, safe and informed health care, as well as a right guaranteeing group integrity. These are absent in the Kenya Constitution.

Citizenship - Those who should be regarded as the automatic citizens for Kenya are: All people born in Kenya of parents who are both Kenyan citizens. All children born outside Kenya, of parents who are both Kenyan citizens. All children borne of one Kenyan parent regardless of parent gender. Spouses of Kenya citizens regardless of gender must be entitled to automatic citizenship even when they are citizens of their own country.

Lands and property right - The Government should have the power to compulsorily acquire private land for purpose of development of social amenities like roads, hospitals and schools or for extracting of mineral for the purpose of the country development. Where this to be done the land owners must be compensated adequately and promptly.

Political parties – Kenyans should be discouraged from being fragmented by many political parties founded on ethnic basis. Political parties which have a national outlook should be funded from the consolidated funds. Political parties should participate in civic development and adult education. They should be in the front line in sensitizing the citizen on pertinent issues e.g. HIV/AIDS, poverty alleviation, revival of the Kenyan economy, voter education responsible citizenship. They should solicit for funding from their membership and other interested state holders.

Form of Government – Kenya should adopt a unitary centralized form of Government comprising the three arms of Government i.e. Executive, Judiciary and Legislature. However mechanism should be put in place to ensure separation of power reinforced by the operational checks and balances. The Local Authority act should be amended to devolve power to the Local Authority.

Structure of Government – Parliamentary Government should be adopted where real power of the Government lies with the

Parliament where the Legislature has got real authority

Com. Raiji: You have one minute to wind-up.

Speaker: Quality of Presidency and Prime Minister – He or she must be a Kenyan by birth, he or she must have at least a university degree or its equivalent, he or she must be of sound mind. he or she must have his/her medical history investigated by competent experts. For those few points I would say thank you very much for listening.

Com. Raiji: Thank you if you have your memorandum registered. I can see we have a long list of those who want to contribute. I was here last time so may be those people who contributed last time and perhaps your group gave contribution last time you could priority to those who didn't have an opportunity. That is why we have come here for the second time. So the next person is Alison Karangi Kitene.

Alison Karangi Kitene: Thank you very much Bwana Chairman. I am Alison Karangi Kitene from Gakuigo. My personal views are very short and it is in-connection with inheritance – uridhi. A man is married with two wives, the elder wife has four well educated sons, the younger wife has only one daughter but regrettably uneducated. The old man passes away and so is his elder wife. The old man had divided his shamba and property into two, so each wife had equal share in property.

Problem crop up when the sons of the elder wife want to take over the property and the shamba belonging to the young wife. The young wife goes to court requesting protection of the State against these educated young men. The young wife not knowing what the law requires loses her case against the sons as she did not serve the sons with sermons to appear in court, one month or so as required by the law. How can the new Constitution cover such illiterate women against such educated sons of others? Thank you very much.

Com. Riungu: Thank you very much. Jacob Nganga yuko? Jacob Ngugi Nganga kama hayuko Robert Mungai, Mungai atafuatwa na Marion Wanjiku? Karibu Robert.

Robert Mungai: The Chairman, Commissioner and the hall at large I am Robert Mungai a student. I want to represent my memorandum and the first one will be transition. In Kenya we have been having a lot of quagmire or conflict on the issue of succession. In order to end these conflicts I propose that the President be choosing or appointing his running mate immediately after his elections in the office, like in the case in USA. If the running mate is there Kenyans will be assured and guaranteed on who will vie for the Presidency when the President retires.

Second one will be on the arms of the Government. There are three arms of the Government in Kenya that is Executive, Judiciary and Legislature. There has been a lot of interference between these arms of Government especially between the

Executive and the Judiciary, where the President appoints the Chairman of the Judicial Service Commission and who is also the Chief Justice. When the Chief Justice or the Chairman of the Judicial Service Commission is appointed by the President, there is a possibility of him to be manipulated by his or her boss. Thus the Chief Justice and the other Judges have no power over the President and therefore they can not pass a judgment against him. I propose that the Chief Justice and the other judges should be appointed by the Parliament, or by a legal body which is made by an Act of Parliament. The Parliament will appoint the Chairman of the Judicial Service Commission and also the chief Justice and through them appoint other members of judicial and will look over their Constitution and if they have the experience in the job.

Powers of the President – The current Constitution gives the President very many powers and seems to be above the law. Among the powers which should be trimmed include: power to appoint the member of the judiciary, the Chief Justice should be appoint by an Act of Parliament and he will be given the mandate to appoint the other judicial officers. There is interference between the Legislature and the Executive where the President has the power to dissolve the Parliament. I propose that the Parliament be guaranteed a total autonomy in order to decide its affair without any interference. The Speaker should be given powers to dissolve the Parliament, and ask the Chairman of the Electoral Commission to name the election dates like what happens during the Parliamentary by-elections.

Security – In order for security to be maintained in Kenya, I propose that the new Constitution provide for posts of Ministry of Defence. The defence Minister will be responsible for the Police and the Armed Forces and will even appoint the Commissioner of Police and Chief of general staff. He will make sure that there is also security and maintenance of law and order. Secondly the police and security officers from the Provincial Administration are too dormant and the issue of security is still deteriorating. In order to end this I propose that the police officer be going back to the training for refresher courses not exceeding two months in order to end laxity among them. When these officers become so used to the public they remain dormant and therefore measures should be taken in order to eradicate laxity within the police.

Com. Raiji: you have one minute.

Robert Mungai: Child abuse – Our children are subjected to many abuses e.g. child labour, education, early marriages and female genital mutilation. I propose that strong measures should be taken to against one found guilty of raping the children. Right to education be implemented in the Constitution in order to help school dropouts among the children. Labour laws should be studied and strong penalties inflicted to those found using the children as labourers. Government should build children homes and centers to train children in various skills. Poverty eradication program should be implemented because poverty is the root to all the abuses. Because when children lack school fees and food they end up going for jobs

Com. Raiji: Thank you very much Marion Wanjiku atafuatwa na Stephen Mwangi.

Marion Wanjiku: Thank you chairman, jina langu ni Marion Wanjiku maoni yangu ningesema wanawake (Kikuyu)

Com. Raiji: Ngoja kidogo.

Marion Wanjiku: Thank you Chairman. Jina langu ni Marion Wanjiku. Maoni yangu ningesema wanawake yaani “atumia ithui niithui tuhuthitio muno. Mwena wa family”.

Translator: Ngoja ngoja.

Marion Wanjiku: Ritwa riakwa ni Marion Wanjiku.

Translator: My names are Marion Wanjiku and I want to speak on women and their children.

Marion Wanjiku: Nituhuthiriirio muno turi atumia ungorwo wi thiini wa family. Kwa mfaano, ina andu ikumi family yanyu.

Translator: Women are in a very weak position in regard to a family set-up. For instance if a family has 10 members.

Marion Wanjiku: Na othe brothers nawe nduhikite.

Translator: And they are brothers and you are not married yet.

Marion Wanjiku: Mahuthagira ati oo nio mena right. Na ona ungorwo watho niuhitukitio tondu ndurumagirirwo gutiri undu wikikaga, wee uturaga na thina.

Translator: The brothers believe that they have all the rights in that family and even though there is a law that seem to equalize all the family members, this law is never used or never put into practice.

Marion Wanjiku: Tondu unghithii gwa chief akwiraga uthii mukaririe mucii.

Translator: Trying to seek the assistance of the Chief, he tells you to go back to the same family.

Marion Wanjiku: Ukamuonanie elders we elders wona mathii maria makaheo mbecha riu we waku ukorira.

Translator: You are told to re-use the elders in the family around the home but these elders are not straight they are corrupt and they are corrupted they are given money and your case is lost.

Marion Wanjiku: Riu ciana cia airitu acio matigwo mena thina igakorwo cii chokora thiini wa ma town.

Translator: The result is that the children of mothers who are not married live in great poverty and become street children in urban areas.

Marion Wanjiku: Mukingo, kaingi kwi ciana ta icio iria ciikaga uguo tondu atumia acio matiri na gwa gutwara ciana icio.

Translator: A lot of these children are getting infected with the AIDS/HIV virus and diseases because of the nature of the life they lead in urban areas.

Marion Wanjiku: Maoni ingienda ati uhoro ta ucio wahitukio ukarumirirwo immediately.

Translator: My appeal to you is that this law should be enforced. There is no use of passing a rule or regulation that will not be enforced.

Marion Wanjiku: Thibitari.

Translator: Hospitals.

Marion Wanjiku: Atumia twathii thibitari tukienda kuheo twana.

Translator: When we go to maternity facilities

Marion Wanjiku: Niturumagwo muno na tutihotaga kuona mundu wa gutwariria.

Translator: We are mistreated and abused verbally and we have nobody to appeal to.

Marion Wanjiku: Tungiaga indo iria mendaga cia moko na nduu no kurumwo turumagwo na rimwi ukerwo ona nduku admit.

Translator: If you don't have the things that they want you to bring, for instance gloves and other things you are abused and mistreated by the midwives. Sometimes they will refuse to admit you.

Marion Wanjiku: Ikuo nyingi ironeka ati wee ona clinic ndurahota guthii tondu nikiretio mbecha na maundu ta macio nimarendwo na irai na ndurahota ku afford kugura.

Translator: Many women now don't go to this maternity facilities and a lot of them die because of the many demands placed on mothers, pregnant expectant mothers by these maternity hospitals; There is karai that is washing basins and similar things that we are unable to buy.

Marion Wanjiku: Ciana ciitu iria cii cukuru tungienda ithomage bure, tondu aingi tutirahota gucithomithia ona primary schools.

Translator: I appeal to you that primary school education should be made genuinely free because we are unable to pay – to educate them pay fees for them.

Marion Wanjiku: Maoni makwa ingiahoya nari kuma class 1 kinya 8 magathomaga free.

Translator: My plea is free education should be at least from standard 1 to 8.

Marion Wanjiku: Thank you.

Translator: Thank you Commissioner.

Com. Raiji: Asante. Stephen Mwangi okay. then nitakwita baadaye no problem Daniel M. Waithaka ACK karibu utafuatwa na Marion Wanjiru kidogo tutamwita Daniel M. Waithaka.

Daniel M. Waithaka: Thank you Bwana Chairman, ladies and gentlemen. Mine are my personal views.

Com. Raiji: You are welcome.

Daniel M. Waithaka: Okay. The main theme of my points is national cake sharing. It was thought by our fore fathers that once we get uhuru we could be sharing the resources. Number one is land sharing – nobody should be allowed to get a land of a hundred of acres where as there are so many people without land. So those with over hundred, the land should be snatched from them and be given to the landless people.

Two - Three quarter of our country is semi-arid and we know very well if the aid that we get from other countries is put in proper use we can irrigate the three quarter of our country and definitely no jobs will be needed because the education we get, we can utilize it in farming and be like Israel.

Number three Education for all - In fact we have resources, if it is well utilized our Government can manage to educate our

children from class one to university as it was before without the cost sharing. That will narrow the gap between poor and rich. Otherwise if it continues that way definitely the poor people will never never raise.

Number four – How to cut the birth rate. To this I would say to those who are not married. In fact we can have a law to cater for three children where those three children catered for by the Government in education, medical services, every thing to be free for three children. More than three an individual to cater for all the services. That will minimize the birth rate.

Pension – In fact so as make our country stable in resources, no pension should be given to those people earning over fifty thousand shillings. Because we hear some people are getting even a hundred thousand and yet when they retire they will be getting pension that should not be. Fifty thousand shillings is enough for one to prepare himself after retirement. So I propose pension be given to those earning below fifty thousand.

Wealth distribution – The Government should arrest and accuse all those named in stealing the Government money, so that, that money can be returned to the Government and if it is returned, the wealth that we have in Kenya can be shared by all.

Chief powers – chief powers have being abused in fact they are the most corrupt people and if only these people are elected and be given a service of ten years only, they can try to be good people.

Salary gaps – Salary gaps should be narrowed, there is no need of somebody getting a hundred thousand shillings whereas somebody is getting two thousand, that is not humane. The situation where a person earns ten times more than another person, and they are working in the same sector should be done away with.

Private schools – if the Government continues with these method of “privatizing” schools in some years to come Kenya will be left for the rich. The poor people will never go to national schools and will never see the door of entering university. So the Government should come with the idea they had once an examination like KSCE is done, there is selection for private schools and public schools, so that every group is given a chance to enter national schools.

Illegal brew – This one can be stopped if the Government is willing and work hand in hand with Chiefs and Assistant chiefs. Because why do we always talk of “kumi kumi” it is being sold every time and again and yet the Government is lamenting that it is banned, it is killing people and no action is being taken. This is because there is laxity.

Almost lastly now, the colonial laws should be scrapped off . It is very bitter to hear somebody being sentenced to seven years because of stealing a goat or a hen, where else somebody stealing millions of money is set free or sentenced to three years. I would say this was a colonial law, to prevent Africans stealing their goats so it should be reversed.

The last one is Judiciary, when I come to the three laws of the Government, Judicial, Executive, the Legislature they should be completely independent from one another, and the President to be should not have any powers over Judiciary or Executive, he should be left to have power over the Legislature where he belongs. Thank you.

Com. Riungu: Peleka memorandum hapo tafadhali sasa kutoka Daniel tuko na James Mwangi Thou karibu

James Mwangi Thuo: Thank you Bwana Chairman and fellow Commissioners I have very few points here starting on electoral procedures: (1) I would suggest that the presidential elections should be separated from the Parliamentary elections. (2) We should have a fixed timetable for elections that is after five years, we should have a particular time in a year where elections should be held all through and the date for, voting date in order should be kept (3) The civil servant should be allowed to vie for Parliamentary posts. They should be granted a leave to participate in this. If one sails through, he should be given time to resign and if he doesn't he should be a chance to go back to his work.

The other point is on the qualification of the MP. The members of Parliament should have a minimum education of at least KSCE C+ or for the former Division II, so that they can participate fully in Parliamentary states.

The other point is on the office of the Vice President. This is second most important office in the land. I would therefore suggest that the Vice President should be elected directly by the voters of the electorate instead of being appointed by the President. Because we have seen in some cases or sometimes where our country actually stays without a Vice President which is very risky and dangerous. Because the Constitution state if the President is incapable of performing his duty it should be taken over by the Vice President. So, I would suggest the Vice President should be elected by the people of Kenya, so that he have loyalty to them.

The other point on election is that, the voting age should be lowered from eighteen to sixteen. This would give our population which largely is below eighteen years or sixteen a chance to participate in the country development. Again we will have commit ourselves in saying yes for the children.

The last point is on capital punishment. This should be done away with, instead it should be replaced with life-long imprisonment. The other point is on police office we have already witnessed a lot mistreatment from policemen instead of fearing thugs Kenya citizens are fearing policemen. In this case, I would suggest that the qualification of getting employed in policemen should be taken into consideration. The minimum should be a C in KSCE , I don't talk of the training program for police should be expanded, it should include in the syllabus something like sociology, human relation, sociology and even counselling. These would make these people to respect human life. Again I would suggest some of the police units should be disbanded because they are serving no purpose like the GSU.

The last point that I would make is that after the Constitution is completed, this document should be made available to the local people or to the citizen. I also propose that at every Chief camp this document should be kept there so we should have this written in Kiswahili language. Thank you.

Com. Raiji: Okay asante kuna mama anaitwa Marion Wanjiru karibu mama atafuatwa na Wanjiru Muiruri.

Marion Wanjiru: Ninii ndetwo Marion Wanjiru.

Translator: My names are Marion Wanjiru.

Marion Wanjiru: Ndi haha niundu wa Katiba njeru ya Kenya.

Translator: I am here to make my views known about the new Constitution.

Marion Wanjiru: Tuthondekerwo bururi witu niundu ma biashara magathondekwo wega magatiga kuhorwo.

Translator: I am concerned by the treatment our young people are getting when they open small businesses.

Marion Wanjiru: Airitu aitu magia mahu, muiiritu aciara niarererwo mwana ni mwanake ucio umuhirite ihu.

Translator: My other concern is when our daughters get in family line, they get pregnant, the man responsible should be made to look after the baby, until the child is thorough with school.

Marion Wanjiru: (inaudible) uraia magurarwo tene na gitio utige gutuika wa aibu. Tukwenda gitio.

Translator: We want weddings that bring honor to the family, the way it was traditionally.

Marion Wanjiru: (inaudible).

Translator: These days there are no weddings, it is only!!

Marion Wanjiru: Anake marikia guthii cukuru marikia nimaheo mawira ni matige kuhurirwo iguru nigetha tugie na wiyathi mweka murumu na wina kihoto.

Translator: Once our young people finish schools they should be given jobs or assisted to get jobs instead of just having them

unemployed and walking about.

Marion Wanjiru: Nigetha tukinye ikinya riria riariho mbere tiga riri. Thirikari iitu yagire na ithondeke bururi.

Translator: That is the only way our Government can acquire good name and we have a better country to live in.

Marion Wanjiru: Thank you.

Translator: Thank you very much Commissioners.

Com. Raiji: Asante mama Wanjiru Muirure yuko? ni wewe Wanjiru Muiruri karibu fanya haraka kidogo tuko na watu wanataka kuongea.

Wanjiru Muiruri: Niwega muno Chairman witu.

Translator: Thank you very much Commissioners.

Wanjiru Muiruri: Njitagwo Wanjiru wa Muiruri.

Translator: My names are Wanjiru Muiruri.

Wanjiru Muiruri: Kuma Makuyu Location.

Translator: From Makuyu Location.

Wanjiru Muiruri: Kana chairlady of the location.

Translator: I am the chairlady of the Gatoromera Locational Women Group.

Wanjiru Muiruri: Niturutaga wira thiini wa ikundi. Wa guteithania nituguranagira mburi na mundu arwara nituhotaga kumuteithia. Akoma ward nituthiaga kumuona na mundu ciringi ngiri. Turutaga ngiri tugathi kumuona thibitari.

Translator: Each of us in that Women Group contribute a 1,000/= to assist one another. For instance, we would buy one a goat or if one is admitted in hospital we go and see her in hospital with this money.

Wanjiru Muiruri: Mundu witu angitwo mu member witu kana mwana wake nitumuheaga ngiri ithatu.

Translator: If one of our members loses her life or her child, we give the family 3,000/=.

Com. Raiji: Tafadhali kimia kidogo tusikize. Kama umechoka kidogo unaweza kwenda break halafu urudi lakini kama uko ndani hapa tafadhali tuheshimu wale wanazugumuza asante.

Wanjiru Muiruri: Maoni mangi nima thibitari kuringana na uria kuhana.

Translator: I want to talk about the hospitals, public hospitals and the way they are.

Wanjiru Muiruri: Niurathii thibitari wi muruaru na ndungihota guteithika tondu urakora gutiri dawa ona imwe. Na muromo-ini niuretio ciringi mirongo iri ukiingira.

Translator: Our public hospitals have no drugs at all and yet at the admission point they demand twenty shillings from you.

Wanjiru Muiruri: Na wacoka kuingira kuo ona panadol ndungiona na ciringi mirongo iri niurutire.

Translator: And in there, there is not a tablet even a panadol and yet you have paid your own twenty shillings to the institution.

Wanjiru Muiruri: Tugacoka tukona uu thiini wa aciari twina thiina mwingi tondu wona wathii thibitari kuheo kana, utari na indo cia guguteithia moko kana thabuni kila kitu muciaru waku ndangiteithika na ringi no eguciarira nja kana akuire hau nja.

Translator: Women, pregnant mothers have a lot of problems. If you go to these maternity hospitals and you don't have the gloves, soap, karai that is washing basins, the mother can even die at the gate.

Wanjiru Muiruri: Waigua nduri na indo icio cia gutungata muruaru waku cia kugura tondu nduma na mbecha na ndukwihariirie ukaingatwo nja na muruaru waku.

Translator: If you say you don't have these facilities, you are thrown out of the medical facility .

Wanjiru Muiruri: Riu ugathinika nake nginya akaya guciarira kuu nja na ruo rwa atumia ta gitene na rwahithagwo. Urathi ukaingatwo mwina muciaru waku atangatire kuu nja akarekia mwana kuria nja oo uguo tambarari. Ucio ni uhoro tuonete ti mweka ona kwagiriirwo thiini wa githurano tugithurana tugathura mutumia witu uria uramenya tondu athuri nimuriganiirwo niithui.

Translator: What is happening is tragic because these mothers are thrown out of the medical facilities, and they are forced to give birth in the compound, in full view of the public. This is anti-social because even traditionally these things were not allowed. Women should elect their own fellow women into positions because we think men have forgotten or do not care any more about the way women feel about some of these things.

Wanjiru Muiruri: Mwena wa athuri niithui tumuthuraga muno ma M.P. na mutithiaga thibitari kumenya mathina maria atumia anyu menamo thiini wa kuheo ciana. Turaciarira kuria nja oo uguo hovyoo hovyoo. Na ruo rwa atumia ona kuma tena nirwahithagwo na riu urathii guthinika na mucuari waku kuria nja kuu akaga kuhewo mwana nja riria urahewo nja niguu urona mateng'ereke moka kuoyera mwana kuria nja na nimakuigatire. Tugakiona thiini wa atumia twina uhinyiririku.

Translator: Members of Parliament and other elected officials never visit these public hospitals to see how they are and see how pregnant mothers are suffering. Even the medical personnel themselves, once they have evicted you and you have given birth at the public that is when they run to take you in, but it is at the end of it all. So women are really suffering and this matter should be looked at.

Wanjiru Muiruri: Nii nonyende maoni makwa thiini wa thibitari kugie indo ta tene dawa ciothe indo cia moko cia guteithia mucuari wothe akinyire tondu mucuari niarwaraga utehariire ona utari kii kana kii.

Translator: My proposal is our public hospitals should be re-equipped like they used to be, because many people are poor, they don't have money, and once they need to go to go hospitals they must. So my proposal is something should be done to ensure that our public hospitals have drugs and gloves and such other things like they used to be, because they used to have them.

Wanjiru Muiruri: Maoni makwa maria nyuma namo nimau tondu ona nguonete mwena-ini wa athuri tondu niinyui tutwaraga bunge muno tukamuthura ma M.P. nii nguonete maoni makwa ithui ta atumia tucaria mutumia witu tutware bunge niundu mutiratwikithia ta muri athuri tondu mutirahota guthii mathibatari-ini kumenya mathina maitu.

Translator: I will urge by women folk to elect more of their women, because perhaps they may understand this problem more.

Wanjiru Muiruri: Ndiama na maundu maingi. Niwega.

Translator: Thank you very much Commissioners.

Com. Ruingu: Amaria Wangu, kuna mtu anaitwa Amaria Wangu ni wewe karibu

Lucy Wanjiru Murigi (Kikuyu dialect)

Lucy Wanjiru Murigi: Ha maritwa njitagwo Lucy Wanjiru Murigi.

Translator: My names are Lucy Wanjiru Murigi.

Com. Raiji: No no I had called Amaria Wangu.

Translator: Yeah she is going to speak on her behalf they were together.

Com. Raiji: Okay unawakilisha something?

Lucy Wanjiru Murigi: Maya nimo mawoni ma Thaara Catholic Church CWA.

Translator: These are the views of Thaara Catholic Church CWA.

Lucy Wanjiru Murigi: Wambere ni atumia nimareganite na ..

Comm. Raiji: Interjection. Endelea.

Lucy Wanjiru Murigi: Atumia nimareganite na kuhurwo kana kuhuthirwo uuru ni athuri ao.

Translator: Woman have rejected being beaten up by their husbands or even being misused by their husbands.

Lucy Wanjiru Murigi: Nimacokete makoiga ati nimagiriirwo nigukorwo mari agai aa mbere aa athuri ao.

Translator: They should be the first beneficiaries in the division of the estate of their husbands.

Lucy Wanjiru Murigi: Macokete makoiga ati muiiritu angihirwo nda ni mwanake amurege agiriirwo noie mwana ucio amurere na amuthomithiea nginya arikie cukuru.

Translator: Men who make girls pregnant should be forced to look after those children,until they are through with school.

Lucy Wanjiru Murigi: Nao athuri aria

Translator: Men who put girls in the family way should be prosecuted with a criminal offence and jailed for five years.

Lucy Wanjiru Murigi: Wa ithano wihia wa kunyita kana ku rape twana tunini mundu wa gwika uguo agiriirwo ni kuohwo miaka ikumi na ina bila fine.

Translator: Rapist, particularly on those of young children should be jailed for a minimum fourteen years without an option of a fine.

Lucy Wanjiru Murigi: Atumia nimareganite na wendia wa njohi cia guthukia andu ta chang'aa, kumi kumi na ingi ta icio.

Translator: Women are determined to fight the sells of illegal brews like “kumi kumi”, “chang'aa” and the rest.

Lucy Wanjiru Murigi: Tukwenda tukoragwo na nuthu ya iti cia bunge nigukorwo turi aingi na kura ciitu no nyingi.

Translator: Half of the Parliamentary seats should be given to women, because, we are about half of the population, and our votes are equally big.

Lucy Wanjiru Murigi: Mutongoria wa bururi agiriirwo nigukorwo ari rungu rwa watho ati onake ehia no athitangwo na ohwo ni watho ucio.

Translator: The country's President should be under law, so that should he abuse his office, he should be punished by the same law that he uses to punish others.

Lucy Wanjiru Murigi: Mutongoria wa bururi ndagiriirwo niguthurira mwingi andu ta aya Jaji munene, munene wa githurano.

Translator: The President should not have the power to appoint the Judges, the Director of elections or Chairman of the Electoral Commission, or the Attorney General.

Lucy Wanjiru Muiruri: Mkuu wa sheria

Translator: The Attorney General

Lucy Wanjiru Muiruri: Nitonde mari na uhoti tondu kuri na a bunge aria mari na uhoti ucio.

Translator: This power should be handed over to Parliament.

Lucy Wanjiru Muiruri: Mutongoria wothe aiya indo kana ithaka cia muingi agiriirwo nikunyitwo makohwo na makariha indo icio.

Translator: Those who abuse their offices particularly grabbing public property should be jailed and forced to return the property that they stole.

Lucy Wanjiru Muiruri: Thirikari nayo yagiriirwo nigucariria arimi thoko ya kwendia indo ciao hatari kugira indo oo iria arimi mararima kuma na nja ya bururi nacio nita ici:-

Translator: The Government should not allow the imports of agricultural produce and should look for the market for the produce the country produces. These are the following:-

Lucy Wanjiru Muiruri: Mbembe, mucere, cukari, iria, nyanya, mboga, matunda na indo ingi ta icio.

Translator: Maize, Rice, Sugar, Milk, Tomatoes, Vegetables, Fruits etc.

Lucy Wanjiru Muiruri: Ni iguru ria thirikari kuona ati ciana ciitu iria twathomithia na mathina maingi niciona mawira ma kwandikwo niguo ciiteithie na ikurie Kenya iitu.

Translator: It should be the Government priority to create jobs for our young people as they come out of school.

Lucy Wanjiru Muiruri: Mundu wothe ukurutira muingi wira ari wa siasa kana oo wothe agiriirwo nigutiga akinyia miaka 55 niguo tugatigira ciana ciitu nacio.

Translator: Public servants including politicians should retire at fifty-five.

Lucy Wanjiru Muiruri: Niundu wa uria economy ithiaga ithukiire mundu wother micara ya aruti wira yagiriirwo nikuongagirirwo thutha wa miaka iri.

Translator: Because of the way the economy is deteriorating, salaries and other emoluments should be reviewed every two years.

Lucy Wanjiru Muiruri: Mahaki nitwaregana namo kundu guothe nitondu nituhinyiriio muno.

Translator: This church regrets or condemns corruption and bribe taking.

Lucy Wanjiru Muiruri: Wathii office ndungiteithika utarutite kindu kidogo.

Translator: We know that you will not be served in a public office before you have paid some bribes.

Lucy Wanjiru Muiruri: Nitureganite na thirikari ya majimbo.

Translator: This church is opposed to a majimbo system of Government.

Lucy Wanjiru Muiruri: Nitonde nitugukorwo tuimitwo wiyathi waguthii kundu guothe bururi-ini witu.

Translator: The reason being that this majimbo system of Government denies citizens the freedom to move about and trade and do business in all parts of the country.

Lucy Wanjiru Muiruri: Family Life Training Centres.

Translator: Family Life Training Centers

Lucy Wanjiru Muiruri: Micii iria yatwaragwo ciana iria iri na malnutrition nitukwenda icokio na irugamirirwo ni thirikari.

Translator: It is my recommendation that family training centers, which used to admit children with Kwashiokor should be reopened and be managed by the state.

Lucy Wanjiru Muiruri: Nitonde nikuo aciari aa ciana icio matwaragwo magathomithio kurugira ciana wega.

Translator: Because they used to be centers for education of parents, on how to prepare food, good nutritious food for their children.

Lucy Wanjiru Muiruri: Thirikari nikubataru kurubuiya na guthomithia

Interjector (Com. Raiji) one minute, one minute you wind-up please.

Lucy Wanjiru Muiruri: Thirikari nikubataru kurubuiya na guthomithia ciana cia mitaa tondu onacio iri na bata wa muturo

mwega.

Translator: The Government should look after and educate street children, because they need a healthy lifestyle.

Lucy Wanjiru Muiruri: Utonga wa bururi. Andu mekubatara mamenyithagio uria uigana tondu nio aruti aa igoti.

Translator: The Government should continually up-date the country citizens on how the economy is performing, because they are the taxpayers.

Lucy Wanjiru Muiruri: Kamiti yathurwo ya gutuiria undu muna ibataire kuheo wiyathi wa gwika uguo hatari kugiririo.

Translator: Public Commissions enquiries once appointed should be free to prove whatever their assignment is, without interference.

Lucy Wanjiru Muiruri: Ethnic clashes kwagia na undu ta uyu thirikari ibataire kunina bara icio na ihenya hatari kwirorera andu makiuragana.

Translator: In case of ethnic clashes the Government should step in first and stop them.

Lucy Wanjiru Muiruri: Hatiri undu ungi.

Com. Raiji I will give half a minute to wind up. We have the list we will read the memorandum.

Translator: Thank you Commissioners.

Com. Raiji: So the next one is Kamande Kinyanjui. I am sorry I have to be strict on time because we have a long list of people, so let's give everybody a chance. Karibu mzee.

Kamande Kinyanjui: (Speaker Kiluyu)

Kamande Kinyanjui: Niwega muno mutongoria wa igongona riri.

Translator: Thank you very much Commissioners.

Kamande Kinyanjui: Kiuria kiria giakwa kia mbere andu aria maruire mbara maruagira wiyathi.

Translator: I want to ask the question the people, the freedom fighters who fought for this country.

Kamande Kinyanjui: Hindi iyo twaruagira wiyathi twaruagira nigetha tuheo wiyathi witu nigether turiage matunda.

Translator: We fought because we expected to get some fruits from this independence.

Kamande Kinyanjui: Na nginya Kenyatta riria akuire tutiri tuona wiyathi uria twaheirwo tondu nitwagatite migunda nigetha tuone wiyathi na yoothe niyariirwo ni andu aria matongoretie aa KANU.

Translator: But since Kenyatta died we have never seen what we fought for, we had bought shares in land buying companies a lot of them led by KANU people, KANU leaders and all that has been swindled, we have not seen those fruits.

Kamande Kinyanjui: Na mbecha icio twagatirie kuma umuthi niciorire na tutiaheirwo mbecha iria twagataga.

Translator: We lost that money and the land as well.

Kamande Kinyanjui: Tukwenda turirio indo icio tondu tutiarutaga wira wa tuhu twaimirwo niki wiyathi witu uria twaruagira tukiaga kuheo kiheo?

Translator: We want to know why this happened to us.

Kamande Kinyanjui: Kiuria kiria kingi ni baba niagurire atumia eri.

Translator: My next question, is my own father had two wives.

Kamande Kinyanjui: Mutumia umwe agiciara kairitu kamwe na nii ngiciarwo ndi kahii.

Translator: One wife got one girl and the other wife one boy.

Kamande Kinyanjui: Ndarikia guciarwo mwana ucio niagurirwo wa muiritu agithii kwi murume.

Translator: That girl got married somewhere.

Kamande Kinyanjui: Arikia kugurwo ahika kuria nyina akua okoga kunjitia mugunda na mugunda ucio tiguu twakorire

gugikwo.

Translator: After she got married and the the parents, died that girl has being coming back to demand for a share of this shamba, and yet this not the Kikuyu tradition.

Kamande Kinyanjui: Nimutugo witu Agikuyu mundu endia muiritu ahota gugikinyira mugunda.

Translator: The Kikuyu tradition does not allow married women to come back and demand a share of their parent's estate.

Kamande Kinyanjui: Mugunda ucio wi wakwa nanii ningwenda kumenya ndagaire baba na nginya umuthi nii ndakua ningi mwana wakwa agae na baba ti muhiriga ni muhiriga wa gayaga mugunda ti thirikari tondu

Translator: Traditionally it is the clan that settled land matters, it is not the Government not the State.

Kamande Kinyanjui: Haria hangi. Machief na headmen magiriirwo mathuragwo ni raia matigathurwo ni thirikari nigetha tukamenyaga wega wa mundu.

Translator: I propose that Chiefs, Assistant Chiefs and Headmen be elected by the public and not to be appointed by the State.

Kamande Kinyanjui: Guku nikwagairwo migunda kuma 1969 na nginya hindi iyo nimarutire ciea plot. Ciega icio ciitu plot twarutagwo mugunda ciothe niirikitie kwendio na tugatunywo.

Translator: I want to tell the Commission that we people; residents in this area contributed to the plots for public use, from our own lands, from our own holding, but unfortunately those plots have now being sold

Kamande Kinyanjui: Ni atongoria guku aa kanju.

Translator: by the County Council and others, and we consider this theft of public property.

Kamande Kinyanjui: Ngwiciria ndiguthii naingi ngwendera icio nicio ngwendaga kugweta.

Translator: That is all I wanted to say Commissioners.

Com. Raiji: Asante sana mzee, Stephen Mwangi are you ready now? okay the next one is Stephen Mburu ako? Karibu.

Philip Mburu: The Chairman thank you for giving me this chance my names are Philip Mburu am representing six churches of Makuyu Don-Bosco Parish.

Com. Raiji: Bwana Mburu Njoroge please try to summarize and you give us the memorandum thank you.

Philip Mburu: That is what I will exactly do. I am the interim secretary so they sent me.

On the preamble, there are many items but mainly what we stressed is that, the Constitution is made by the people of Kenya and it should also indicate the forty two tribes. Also another item is that, we the people of Kenya share the Constitution and that we share a common problem, we were colonized and we joined hands to fight for freedom which shall be safeguarded in all areas.

The main area the memorandum touches on is the area of Basic rights. That the Constitution should put provisions for social, economic and cultural development Rights. Also on the family unit, being the smallest unit that make a nation, a country and all that it should be protected by the society or State. On Human Rights, we feel that Human Rights is sacred and should be protected , from its beginning till end. And the Constitution should out law all forces against it such as shooting at will, contraceptives and abortion.

Freedom of worship - The Constitution should guarantee that the worship should be through God, who is the creator and sustainer of the universe, not satan.

The other crucial area they wanted me to include is that the Constitution should accord the citizen the right for civic education. Like now we are contributing to this forum, with that bit of ignorance. The Constitution should give provision for civic education. When it comes to the education of the schools much has been mentioned by other contributors, but the group felt that also the type of education to be given to the young of the nation have some morals and value.

About unity in the country, they felt Kiswahili should be promoted as a national language. The culture should also safeguard the cultures and other activities that are done by various tribes in the country. There could be a lot to be mentioned on the memorandum, but due to time I will opt to stop there. Thank you very much.

Com. Raiji: Thank you very much, asante sana Gabriel Mwaura SDA Makuyu after Gabriel Mwaura tutakuwa na George Ndungu Mburu

Gabriel Mwaura: Maoni yangu kuhusu Katiba ningetaka kutoa maoni kidogo tu kwa upande ya wanawake. Wanaweka

ninasikia wanajitetea sana. Na kutoka 1963 mimi nilikuwako na niliona wakati tulipewa uhuru wanaweka walikuwa wanaheshimu wanaume sana. Lakini siku hizi wanawake wako juu zaidi na ningetaka tutumie ile Katiba ya bibilia. Bibilia iko na sheria nyingi sana inayohusu wanawake, hiyo ndio tungetaka ifuatwe sana kwa maana wanawake hakuna mahali wanaweza ongoza. Sisi wanaume tuko na wanawake.

Com. Raiji: Tumupatie nafasi aongee, hayo ni maoni yake.

Gabriel Mwaure: Tuko na watoto, hao wote sheria ningetaka iwe inatoka nyumbani kwa Bwana mwenyewe. Sasa nikitoka kwa hayo maoni ya wanaweke, hii ingine ni upande wa Administration, ningetaka hawa watu ya Administration tuwe tunawachagua. Ninataka kutaja taja kidogo kidogo tu upande ya Council, kazi ningetaka mtu kama Clerk tunamuchagua sisi wenyewe kama ma-councilors.

Na ningetaka Mkuu wa Polisi awe akichaguliwa na Bunge. bunge. Upande ya law, huyu mkuu wa sheria awe anachaguliwa na Bunge. Na sheria juu ya Rais iwe inatatuliwa na Bunge. Hatutaki mtu awe juu ya sheria. Sitaki kutaja mengi sana kwa maana watu wengi wameyataja. Asante

Com. Raiji: Asante sana kwa maoni yako bila shaka inaonekana wakina mama hawajafurahishwa sana na hayo maoni lakini tutamwita Bwana George Ndungu Mburu, karibu atafuatwa na John Nyoike.

George Ndungu Mburu: Thank you our dear Commissioners and the members of your panel and my fellow wananchi all together. My views here regarding our Constitution are views from a certain self help group known as Karimigumo self help group. I would like to continue; The three arms of Government namely Executive, Legislature and Judiciary should be separated and empowered to work independently.

Presidential powers should be reduced and defined so that they are not misused by the Senior Civil Servants and Security personnel. No one should be above the law thus enabling the judiciary to impeach any one including the President. High level corruption should be checked by every means so that Ministers, Senior Civil Servants, directors and all public servants do not divert public funds to their investments.

Electoral commission should be appointed by the Parliament, so that it does not favour any single political party. Bribery should be checked and any one found to be receiving bribes should be prosecuted and penalized accordingly.

Land reform issue needs to be addressed so as to enable all adults with farming ability to have a land tenure with a lease of a given period, so that most of arable land do not stay idle while so many young men and women are roaming in our cities with nothing to do. Small scale farmers produce should be protected from middle-men dealers, because farmers have suffered a lot

and they have now become very poor.

Ballot counting should be done at the polling station to avoid tempering with it and the results communicated by telephone call to the returning station.

The freedom fighters issue should be addressed, because we are in an independent country, and we have seen other countries where after any war, there has always been a war crimes council, which caters for the freedom fighters plights and at least do something like a reparation. Un-ban the Mau Mau organization, and rebury Kimathi somewhere with dignity as a hero, and not as a villain. We can set a square where we can bury our heroes.

All the proscribed books should be set free for our people to read and understand our country better in the spirit of free flow of information. Teachers, Doctors, Police should be paid good salaries and increase police training period so as to teach them Human Rights lessons and make them behave humanly. A law should be enacted that protects all local intellectual property rights. Local inventors, writers, composers should be protected from pirates and foreign interventions. Natural resources such as Forests, Lakes, Parks, Minerals should be liberalized so as to benefit the local people and reduce poverty.

Com. Raiji: one minute.

George Ndungu Mburu: Provincial administration should be scrapped because the present system looks very colonial and instead empower the local authority setup where by civil servants like DC, DO, Chiefs should be elected by their local residents, who can also replace them when they do not deliver proper services.

Our people have witnessed a lot of very ugly political violence whereby people have lost life. Security personnel have also been misused during electoral campaign, this also must be checked so as to get a peaceful transition and good conduct in our campaign period. All religions are Godly, there is nobody white, yellow or black with a free hand over the other. So if there is freedom of worship, let all religions pray God freely, Traditional or Christian or Muslim all should be protected by law. Make our own economical blue-prints with a national outlook and not with IMF and World-bank strings and donor dependent. Thank you

Com. Raiji: Thank you John Nyoike is next ni wewe? Okay

John Nyoike: Asante sana kwa kupata wakati huu wa kuongea machache. Yangu ya kwanza ni kwamba katikanchi hii yetu kuna watu million ishrini na nane kama walivyo hesabiwa. ndani. Kitu ambao mimi ningetaka Katiba iangalie ni mambo ya wale wanaofanya kazi ambao ni wachache na wazito fanya kazi ni wengi zaidi. Sasa hapo kile kitu ninataka ni kuwa wakati hao watu wanapata mshahara hata hao wengine wawe wanangaliwa mwisho wa mwezi pesa yao. Kwa vile hata nawao wana shida na

wengine hata hawana shamba na hawana chochote.

Kitu kingine ni mambo ya cost sharing, cost sharing ilileta ufizadi mwingi kwa maana, hosipitali kama wengi wamesama ni kurudia tu narudia, ukienda unalipa na hata Panadol unaenda unakosa. Hiyo imeletwa na hiyo mambo ya kufanya ma committee ma committee nyingi. Ningeuliza wakati tumepata mshahara kila mtu analipa kitu kidogo kwa Ministry concerned halafu Ministry concerned iwe inapanga vile watu watakuwa wakitibiwa, dawa iwe inatosha kwa hosipitali.

Mambo ya shule ni hiyo hiyo tu tena! Shule kuna Mokamati na hiyo nayo tena inaleta ufizadi. Kama ile tu ilikuwa inakuwa zamani mimi ningeomba iwe enaendelea namna hiyo tu. Wakati watu wanapata mshahara ina kidogo wanaenda wanaweka kwa Ministry concerned. Halafu kila kitu inatoka in one source bila kutoka upande huu na upande huu maana mambo ya ufizadi imeletwa na watu wasiojali na tena mambo ya raia imekataa kuzikilizwa kwa muda mrefu. Nafikiri Katiba ya wakati huu ningeomba hiyo mambo izikilizwe kwa maana kama ni hiyo police force ambayo inaongewa kila wakati mambo yake. Imeongewa kwa sasa over ten years na hakuna chochote kinabadilika, wananchi wameachiliwa waendelea kupiga mdomo, kupiga mdomo hata wamepiga hata wamechoka kwa maana hata polisi wanazidi kuchekelea wananchi.

Kwa maana kama ni overhaul polisi yote nikufanywa overhaul na ibadiliswa. Hata inawezekana hata pengine Majeshi yatolewe huko iwe ndio Commissioners kama inawezekana. Na inawezekana maana Katiba yetu tunaweza kutengeneza. Raia ninaona Katiba wakati huu iandikwe iwe inazikilizwa mahali wanaendelea ku-complain. Na iwe mtu asiwe anakuwa na complaints kwa muda zaidi ya mwezi mmoja kabla hajasaidiwa. Asante sana.

Com. Raiji: Okay asante sana tunamwita sasa Teresea Nyambura Muiruri karibu mama.

Teresia Nyambura Muiruri: (Kikuyu dialect)

Teresia Nyambura Muiruri: Chairman, athuri na atumia nindamugeithia aria mwi giikaro giki.

Translator: I greet you all.

Teresia Nyambura Muiruri: Woni wakwa uria ndinaguo mbere niwa ciana cia ndigwa.

Translator: I want to talk about orphans.

Teresia Nyambura Muiruri: Na ciana cia mumwe.

Translator: And those children yeah.

Teresia Nyambura Muiruri: Kiria ingihoya ihinda riri turathondeka Katiba iitu nigetha bururi witu wagirire nitugie na mundu ugututera ithui ciana cia ndigwa nitondu nituherire mienaine igie uturu.

Translator: Orphans are suffering and we need special assistance directed to children without parents or children with one parent.

Teresia Nyambura Muiruri: Tonde akorwo ni mugunda niurathia ukarehe githina na hindi iria twarika kwariria gukagia na mawakiri no ukaga muhiriga. Niingihoya ihinda riri turathondeka Katiba uhoro wa migunda uthondekagwo ni muhiriga ni tondu niguu ui mihaka miega no ti thirikari.

Translator: My proposal is land matters should be done by the clan and not the state, because it is the clan that understands the local issues concerning land.

Teresia Nyambura Muiruri: Ni tondu niturahinyiririo muno ni mawakiri na tutiri na mbecha cia mawakiri ithuio ciana cia ndigwa.

Translator: Because lawyers do not know enough and we do not have money for them anyway.

Teresia Nyambura Muiruri: Uria undu ungi gwenda kugweta ni mwenaini wigii ciana iria tuciarite aingi nimagite mawira na gutiri na mundu utari na nda yake.

Translator: I want to talk about children, un-employment among the youth.

Teresia Nyambura Muiruri: Na riu riria oimagarire akeyethere agathii agacemania na thirikari akanyitirwo ihitia riri njiguaga rigiitwo “*suspect*”. Nariu mwana anyitirwo ihitia riu eguturio rumande mwaka na mwisho mwisho akoimania na kurekio ati ihitia niriaga na mwaka nianinire rumande.

Translator: I want to talk about a new crime called “*suspect*”. Our young people when going about their business are arrested and put in custody for even up to one year, and finally they are released or discharged because no offence was found or even had been committed, this new crime called “*suspect*” needs to be looked at.

Teresia Nyambura Muiruri: Nii kiria ingihoya kuri thirikari iitu nitukibanga tubangirwo uhoro-ini ucio wa ciana nitondu niherire muno ona kuragwo – ringi arathirwo na ndoima muici na okorwo ni undu ucio wa kunyitwo na tondu ndeikara nyumba niatwarwo igotini athii atuirwo uria egutuirwo no ti aigagwo mwaka mugima jera na ndari kindu akoherwo ni agacoka arekio, akarihwo nuu mwaka ucio?

Translator: Many young people have even lost their lives, they have been shot dead and sometimes they are completely innocent, and labeled criminals. The other matter I want to talk about is this issue of keeping a suspect in custody for even up to one year, without compensation after discharge. These matters need to be attended to in the new Constitution.

Teresia Nyambura Muiruri: Undu uria ungi ingienda tubangire Katiba ka ihinda riri turathondeka thirikari iitu maundu maria mari maitu ona gutuika ndiri mukuru muno no ndikiri ona miaka yakwa. Hindi ya guthii kwa muthuri wakwa undu ucio wambagiriria na kii mucii. Baba akera muhiriga muiritu wakwa niarendwo kwa ng'ania nake muthuri ucio akoiga mwanake wakwa niarendana kwa ng'ania.

Translator: I would like marriages and ceremonies of that nature to involve the clan more like they used to. For instance when I was young, my parents would for instance be involved in the preparation for my marriage. They would tell the clan that “this is my daughter I intend to marry the son of so and so”. Similarly the other side would do the same.

Teresia Nyambura Muiruri: Hindi iyo nigwakihuragwo njohi ya uthoni ya kumenyithania muhiriga mugurani na mugurwa. Umuthi turi uhoro ucio niwathirire riu tumenyithanagio ni makanitha. Ihoya riria ingihoya ni ingihoya thirikari iitu ya Kenya ithui atumia nituonire thiini ni guteo ni athuri. Tondumuthuri arathii Nairobi athii guthukumira agathii akona gacungwa karia kohete nyondo ikarugama ciakwa niciaguire, magathii gwika uhiki kwa D.C. ni ningihoya uhiki wa kwa D.C. uthire. Akorwo niekwenda twike uhiki tutwarwo kanitha-ini ona turi akuru.

Translator: Today marriage ceremonies are contacted by the church, the trouble is our men go to Nairobi and other places of work where they meet other young ladies, and get married through the administration through the D.C. I want the marriage through the D.C. abolished, people should not be allowed to marry through the District Commissioner's office. If there should be a marriage, a man should go back to his church and marry his wife there, with the knowledge of the local people.

Teresia Nyambura Muiruri: Undu uria ungi naguo ndinaguo niwa ciana iici ciitu cia airitu. Ni aria marandikwo mawira ma manyumba ma maid. Nao acio nimarahinyiririo niingienda onao hagio na mundu ukumatetera. Ni tondu akorwo ni mwana ucio niaheirwo wira wa guthambia nyumba gwika maria mangi mothe na araheo 1,200/=.

Translator: I want to talk about housemaids. These people need their conditions to be looked at, because they do a lot of work, house work at a very small salary of a thousand and two hundred.

Teresia Nyambura Muiruri: Angi matiramariha angi mareterera mieri itatu wona mwana ucio aruta wira akamuera kigenyo ati niamuiya akamuohithia.

Translator: Others don't even pay, they use the police they claim that the maid has stolen something and they use the police and the judicial system to have them jailed.

Teresia Nyambura Muiruri: Onaho hau niingienda airitu acio aitu marandikwo hagio na mumateteri makimenyagwo ati ihinda riri namo maundu nimeukiririe maheo mbeba iria ciagiriire na matige gutonywo.

Translator: My appeal is somebody should intervene for them so that they get the right salary, the right emolument and that they get full payment for their labour.

Teresia Nyambura Muiruri: Niwega.

Translator: Thank you commissioners.

Com. Raiji: Asante sana mama, the next one is Simon Ngure Mwangi yuku karibu?

Simon Ngure Mwangi: Chairman, our dear Commissioners. I am very grateful for giving me this chance to express my points. Mine is just simple although it has been repeated severally even during the time you were here the last time.

Mine is on education – I wish to talk about free and compulsory education. I hope you will take it seriously because this point is very vital and it has been said discussed during the time you were here the last time. Now that the Government spends a lot of money, in its financial year, I would suggest that education should be made free and compulsory to everybody. By this we can eradicate the increasing number of illiteracy in our society and ignorance, which has been the main draw back in our civilization.

Our dear Commissioners most parents are very poor due to economic problems which are prevailing here in Kenya. We lose many hundreds of talented children who become school dropouts even when they have passed their examinations, due to lack of fees and most of them do not join the secondary education. By this I mean, we lose so many talented children, who in turn would have become different professionals like Doctors, Lawyers and other types of careers they would to become after completing their education. Many of the children who drop out are forced to take some other careers which they are not supposed to take. By having free and compulsory education, it will enhance the real talented children an access to the public universities. At least I would suggest, this free and compulsory education should be up to the O level that is form four. Mine is not much because I think much has been said about the free and compulsory education, and I hope you take it seriously thank you.

Com. Raiji: Asante sana the next one is Mark Gitau, Mark Gitau ni nani? I want to request those who are here, if you feel you want to leave and you have a memorandum, you can have it registered and we will look at it even without necessarily having to come forward and make a presentation thank you.

Mark Gitau: Thank you Bwana commissioner and the others who are listening, mine is a memorandum from my views and those of my residents where I come from.

On preamble - This one should be the guideline and the objective to every citizen in the land of Kenya. Everyone regardless of status should be committed to the preamble, adhere to it and abide with this people driven Constitution. First and foremost the Rights of the citizens should come first, for we know no Nation or State can be formed without its people.

About citizenship there should be a provision of people born outside Kenya to be Kenyan citizens. Also Kenyans living abroad should hold more than one citizenship.

About the presidency - The powers of the President should be defined in the Constitution through an act of Parliament. He should not be above the law. He should have a relevant degree. On Presidential elections, this should be done after every four years and the President should be elected by a majority of 51% of the votes cast. The running mate should become the Vice President who should garner over 35% of the votes. The President and the Vice President should not belong to any political party. They should serve four terms of four years each and be of ages of thirty-five to sixty-five years. In case of death or attainment of age sixty-five or incompetence or impeachment the VP should hold office as President for ninety days as an election is prepared.

The National Assembly - This should be the supreme body of the country. The constituencies represented should be grouped as follows (1) For arid and semi-arid areas – the electoral voters should be thirty thousand to fifty thousand (2) Populated areas like Central Province, some parts of Rift Valley, Nyanza and Western voters of a constituency should be fifty-one thousand to one hundred thousand. (3) Group three of constituencies should have one hundred and one to one hundred and fifty thousand voters, this should include cities and big towns. Elections should be held after every five years, these are for Parliamentarian and the Local Government.

The Members of Parliament should elect a Prime Minister from the political party which wins or which has the majority of MP. Two deputies should also be elected, one should come from the party that has won and another one from the running party, that is the second party.

The House Speaker should also be chosen by every party through MPs. The Prime Minister should be the head of the Government and his powers should therefore be defined by the Parliament. The Prime Minister and his two deputies plus the President and Vice President should select Cabinet Ministers and they should not exceed fifteen. Assistant Ministers also should come from interested Members of Parliament who qualify. Each Ministry should be headed by a qualified Minister in

that field.

Any sitting member of Parliament who (1) is guilty of his misconduct and corruption. (2) is proved immoral and satanic by the electorate (3) defect from the party which sponsored him can be removed by a fifty-five percentage of no confidence votes and a by-election held in that constituency. That MP or the sitting MP should not be allowed to contest.

The National Assembly should be allowed to change parts of Constitution with a sixty-five percentage majority. Other parts or major parts of the Constitution should be checked by the stake holders through a memorandum with an eighty percent of the parties concerned. The Parliament should have a calendar of its event, and unless otherwise it should dissolve and reconvene itself as stipulated in its calendar of events. One-third of the sitting Parliamentarian should be fifty percent women that is half of the one-third and the other half should come from the less privileged through nomination.

The structure of the Government - The President should have limited powers. As a symbol of Unity and Head of State he should be in-charge of defence and internal security. The Prime Minister should be the Head of the Government all the Ministers and Civil Service.

Since Majimbo type of Government increases the level of tribalism, I advocate the Central Government which should be modified and the Local Government strengthened. The revenue collected by the Government should be seen to help the citizens at the local level. A free corrupted Government or State should be formed by enacting a law in the Constitution to remove any Government which involves itself in scandals for example like that one of the Goldenburg. The Judiciary – This one should be free

Com. Raiji: one minute please you have one minute to wind-up.

Mark Gitau: Okay thank you there is a part that am going to skip, let me come to the last part of education. On education since this is the key to life and eradicate poverty, the former system of 7.4.2.3. should be revived. Standard one to four should be free and compulsory for every child, while those in standard five to seven paying fees and those in form one to form four alos. Those in form five and six should be exempted from paying school fees while those in University should pay an affordable fees. Any child at any level attaining grade 'A' should be educated free by the Government.

To eradicate poverty and disease, the Government of the day should be seen to help the Chokora, the less privileged, the orphans and those people in the villages. On rapists, a rapist should be imprisoned from the time of his act until he attains seventy years.

Com. Raiji: Am sorry your time is up. Can you have the memorandum registered. We will look at it thank you. Joyce

Wambui, Joyce Wambui yuko? Kama hayuko tuko na Stanely Muchoki karibu

Stanely Muchoki: Yangu ni maoni kidogo tu. Moja ningetaka kutoa maoni yangu kidogo yanayohusu Katiba mpya ambayo inatengenezwa. Kwanza ningeanza na mambo yanayohusiana na mashamba ya umma ambayo yamenyakuliwa siku za karibuni kwa njia zizofaa ikiwemo ni pamoja na makaburi, misitu na sehemu zinginezo. Ningetaka katika Katiba mpya kuwe na kifungo kinacho wezesha Serikali a kutua hayo mashamba na kurudishwa wananchi kwa matumizi ya siku za baadaye.

Ya pili ni kuhusu haki za binadamu ambazo zimekua zikifunjiwa mara kwa mara na sana sana na kwa upande waserikali. Ya kwanza ikiwa ni kuhusu Watoro wa kisiasa ama Exiles, ya pili ikiwa ni wafungwa wa kisiasa, au “Political Prisoners”, ya tatu ikiwa ni watu walioachizwa kazi kwa mizingi ya kisiasa au ya kikabila, na ya nne ikiwa ni watu waliofukuzwa kutoka sehemu fulani fulani za Jamuhuri ya Kenya na mashamba yao kutualiwa kwa njia sisizofaa, hao wote ningepuliza katika Katiba mpya ipatie serekali itakayo fuata uwezo wa kufidia hao watu. Sina mengi ni hayo tu.

Com. Raiji: Okay Asante sana Stanely Kimani Irungu. Ni wewe Joyce Wambui? That is very good lakini kwa kawaida tukipita utangoja mpaka tumalize karibu

Joyce Wambui: Nimesema asante sana na karibu sana kuja hapa kwetu Saba-saba yangu ni machache tu. Nilikua naonelea hii Katiba mpya ipitizwe “No discrimination of gender” ningetaka hiyo. Women should be given the first priority as in leadership matters, women are better than men.

The other thing the Local Government – The Local Authority Chairman should be elected by public and the Clerk and Treasurer to the Council or Municipality should be transferable. Ni hayo tu.

Com. Raiji: Okay asante sana mama patiana memorandum huko Stanely Kimani Irungu

Stanely Kimani Irungu: Thank you Mr. Chairman, mine is a written representative which I had already presented but I may not lack something to comment about as far as Kenyan workers are concerned. I feel the Kenyan worker has being misused, he has been under paid and he has gone through a lot of problems because we lack a Minister who is working towards protecting the Kenyan worker. The situation we have today is such that when workers complain, the Minister is the first person to suppress them. I feel that the Minister for Labour should be nominated by Parliament to having someone who will be working for the Government to oppress the worker. Thank you

Com. Raiji: Okay asante Daneil K. Mwangi, Daniel yuko? Bwana S. W. N. Mbote

S. W. N. Mbote: I thank you Mr. Chairman ladies and gentlemen I would like to make a short contribution in this exercise, mainly following the items you have enumerated in your printout.

In respect to preamble, I think we should have a preamble in our Constitution, and that preamble should highlight our vision as a State, our responsibilities as a State both towards ourselves the local citizens and to all the international community. And I think we should in that statement also reflect our national philosophy which has been aired here and there by our leaders. As far as the issue of referendum is concerned I think the new Constitution should be subjected to the public referendum in order to ensure that all of us Kenyans are at one with the Constitution that is coming.

With respect to citizenship, I think children born by either father or mother who is a Kenyan should automatically become Kenyan citizens. I do not think it is wise to confer automatic citizenship on somebody simply because she or he has being married to a Kenyan. He or she should be subjected to some other considerations, in order to avoid a criminal from Zaire coming here and marrying a Kenyan girl and becomes a Kenyan and then he starts committing crimes.

As far as documents to be carried by Kenyans are concerned, I think we should try in our Constitution to reduce these myriad of documents we have, we have identity cards, there is passports, there is driving licence and all that. A way should be found to have one document so that we are subjected to carrying so many of these documents. Sometimes you caught without one and you end up by being harassed

Com. Raiji: supposing one gets lost?

S. W. N. Mbote: If it gets lost you go and get a copy. What I am saying is that it is not absolutely necessary for one to carry an ID, passport, driving licence and all those. We need to look at that.

On matters of security, I think the Head of State, or the President of the country should continue to be Commander in Chief as it is at the moment, and that goes without saying, who ever we want to be President should be a President with Executive powers. Because I don't see how a President, is President without those powers. With respect to political parties, I object strongly to political parties being funded from public funds. Because you know anybody who funds you will also demand other controls over you. Therefore it is going to be contradictory to have a Government funding political parties and at the same time being told "you can not control us we are independent", so it is either one or the other. If we want the Government to fund political parties, then political parties should subject themselves to the control of the Government. I think the State should be independent of political parties, in other words whoever is becoming the President, should be a President associated with no political party.

I think we should retain the Presidential system of Government, and we should completely forget this idea of a Federal system of Government. Kenya is a relatively small country and to bring in federalism like we have Nigeria is going to be extremely expensive and unnecessary.

As far as the issue of appointment - either by Parliament or by the Executive or by who, let me first of all say that, in my view appointment to senior public offices like Permanent Secretaries, Chief Executives and so on should not be left in the whims of one individual. Yes, I think the Head of State should have powers, but I think the names should be forwarded to Parliament for vetting particularly on top posts like the Permanent Secretaries and Chief Executives of Parastatals. If we put it this in our Constitution we will eliminate this thing of “God fathers” – a concept that has encouraged corruption.

Members of Parliament I think should be considered as full time employees of the public not part time. In many cases we hear there is no quorum in Parliament, because we have allowed this people to feel that they are on part-time duties, therefore he can go to his business. Let it be put clearly that they are expected to work full time, if it is twenty-four hours a day throughout the week, that to me is better. As far as the languages requirement that are put there before one stands for Parliament, or Council I would suggest that we put a minimum educational qualification of both members of Parliament and Councilors. And I suggest minimum of form our level of education. The salary of members of Parliament should be determined by an independent commission, we already have few commissions, public service Commission and so on, should be an independent Commission, and not to allow Members of Parliament to determine their own salaries. That is where we have gone wrong, because they have given themselves whatever they want at the expense of the public. It should be an independent body to do that.

Com. Raiji: one more minute.

S. W. N. Mbote: I think all Parliamentarians should be ordered to respect the Head of State, hata akiwa anatoka kwa party ili ingine it is their duty to show respect.

Veto powers - the President should have veto powers on laws and regulations passed by the Parliament. As far as dissolving of the Parliament is concerned, I think the Parliament should have its own regular programme. They should determine how long they are going to go on and when they end. And I think when we come to Presidential, Parliamentary, Local Government elections I would strongly suggest the Presidential elections be given a separate day and the others another day. It is extremely cumbersome and difficult to have three elections in one day. The Presidential elections in particular should be given its separate treatment.

Kenya has become poor because of the mismanagement, misuse of our natural resources. We are endowed with a lot of natural resources, if we manage them properly, we should be able to live a more comfortable life. Take a case like Maragwa here we have actually everything rain, water, rivers and so on and yet people still go without water and they go hungry. Look at our land it is being misused, conservation is not there so I would suggest the Central Government should be empowered to manage or to control the use of our natural resources, to make sure that they are used to the best interest of all the Kenyans.

As far as elections are concerned, we think there is a major disparity you see a member of Parliament being elected by two thousand people another one being elected by a hundred thousand people. I think this Constitution should look into that and ensure that there is parity when we create Constitutional boundaries etc. I thank you very much and am sorry if I took a bit longer than necessary, I wish you could give me the whole afternoon.

Com. Raiji: The next one is Josphat Ngegi Gitau, Gitau hayuko? Josphat Ngegi Gitau hakuna, Samuel Murongo

Samuel Murongo: Thank you Chairman, fellow Commissioner, ladies and gentlemen. I will go through my points very quickly so that I use my five minutes.

My first point is that we adopt a system where we shall have an Executive President, a Deputy President, and a Prime Minister. While the Prime Minister would be given clearly defined duties, the post of the Deputy President would be a “perfunctory” office, and the occupant would for instance sit in for a President when the latter was out on official duties. Such a post would be suitably given to the leader of opposition. The creation of the two posts would ensure some division of power and divert attention from one person.

The President be elected by at least a fifty percent majority of the total votes cast, and if any winner of a presidential race fails to meet that condition, then the two closest contestants be subjected to a run-off, where the electorate will decide the winner.

There should be a provision for a plebiscite or referendum so that the electorate would have a direct say on matters of important public questions. This will counteract instances when the Parliament has ambushed the general public by passing unpopular Bills.

The age when a person would be convicted be lowered to fifteen, this will ensure that the so called under age are accountable for their crimes. I am sure we are all aware of the heinous crimes that youngsters have perpetrated against their counterparts.

It should be enshrined in the Constitution that the Government do provide free primary school education, and the same be made compulsory for all school going children.

All children male and female be treated equally in matters of inheritance of their parents property. Consequently parents will be obliged to distribute family property to all their children fairly. The rights of private property and ownership be held sacred, especially widows be protected against the encroachment over their rightful property.

The dignity of all Kenyans be highly guarded against all forms of abuse and harassment, this include both physical and verbal abuse especially the one meted on women in public transport. Such offences should be treated as criminal with penalties clearly

spelled out. Rape and child defilement should be treated as capital crimes, at par with robbery with violence and murder. This will act as a major deterrent especially in view of the AIDS surge.

And my last point is that it be enacted in our Constitution that the Government will be compelled to bring to completion any public project that is embarked on this include roads, hospitals and other related projects. This will not only ensure proper accountability of public funds, but it will also nurture the public confidence in their Government, at the same time, it will make the Government to be better focused and avoid instances where the public has merely taken in projects that were never meant to be. Thank you Chairman, Commission

Com. Raiji: Thank you very much, the next one is Dacan Ndegwa hayuko? Evason Mburu? Inaonekana wengine wametoka kidogo, Kamande Mwangi karibu dakika tano.

Kamande Mwangi: Habari yenu? Maoni yangu ya kwanza ni kuwa watu wawe wamechaguliwa wakiwa village elders wanafanya kazi kwa bure hapa vijijini na wanatakiwa wafanye kazi ya wananchi. Mimi kwa maoni yangu hawa wazee walipiwe kitu kidogo kama mshahara, kwa sababu anaetoka nymbani kwaka na anaenda kufanya kazi ya wananchi, na amechaguliwa na wananchi tu kama councilors. Wawe wanalipwa allowances kama Wabunge.

Ya pili wakati pesa zikitoka huko Bunge ikiletwa kama ya bara bara ama ya daraja, hiyo pesa hata kama bado haijafika watu wanaambiwa waende wakafanye kazi kama ile ya kikoloni I ile ya zamani. Hivyo mimi naona watu wasiwe wananyanyazwa na Administration waende wakafanye kazi ya bure na bado wako na mambo mengine ya kufanya.

Jambo lingine ni kuhusu yale mashamba makubwa ambayo yalichukuliwa na Wazungu. Mashamba haya yamechukuliwa na Wazungu ili hali wananchi hawana mashamba. Pia Ma-councillors waliochaguliwa wamechukuwa ma-plot na hawapatii wananchi. Ni hayo machache.

Bednarda Wanjiku Ng'ang'a: Na ha ritwa njitagwo Bednarda Wanjiku Ng'ang'a.

Translator: My names are Bednarda Wanjiku Nganga.

Bednarda Wanjiku Ng'ang'a: Githomo gicoke ta tena. Mabuku maguthoma na makwandika na turamu tuheanagwo.

Translator: We should go back to the old system of education when children received exercise books, reading books, pens and pencils and rubbers.

Bednarda Wanjiku Ng'ang'a: Thibitari tucokerio dawa tutigage kugurithio.

Translator: Our hospitals should be equipped again with medicines and other equipments so that we stop buying them.

Bednarda Wanjiku Ng'ang'a: Mwanake ahirana ihu na arege muiritu akarera mwana ucio nginya miaka ikumi na inana.

Translator: A man who makes a girl pregnant and does not marry her should be forced to look after that child until it is eighteen years old.

Bednarda Wanjiku Ng'ang'a: Mwana wa muiritu kana mutumia agerwo ngero na hinya ni mundu murume ucio ohwo miaka ikumi.

Translator: A rapist should be jailed for a minimum ten years.

Bednarda Wanjiku Ng'ang'a: Magendo tuninirwo handu-ini hoothe makiria mawira-ini andu makiandikwo.

Translator: There should be merit in the employment and recruitment of staff.

Bednarda Wanjiku Ng'an'ga: Munene wa bururi niwe President anyihirwo hinya wa gwathana e.g. kana kwa muhiano guthura na kubuta atongoria.

Translator: The President powers should be drastically reduced particularly in his appointment or sacking of senior officers of Government.

Bednarda Wanjiku Ng'ang'a: Title Deeds cia mugunda ciandikagwo muthuri na mutumia niundu wa kugiriria guthinika kwa mutumia riria muthuriwe akua.

Translator: Land titles should have the names of both the man and his wife to stop or to reduce the problems that the family goes through once one spouse dies, or the husband.

Bednarda Wanjiku Ng'ang'a: Ciana cia University ciathurwo aria meguthii University acio angi matigara na nimahitukite magetwo mawira-ini kana magatumwo ma colleges ta tene.

Translator: My plea is those children that don't go to the university should be offered employment or other such places in tertiary colleges.

Bednarda Wanjiku Ng'ang'a: Munene uria wacagurwo guatha bururi agakorwo nowe Chairman wa kiama giake nigethe munene uria urariho kabere akaga hinya tondu aheo giti kiu nowe ugakorwo agiathana na njira ingi ya mwanya.

Translator: I am proposing that a retiring Head of State should not continue to be chairman of his own party. Also the incoming Head of State should also be the head of his party, because if this does not happen, the retiring Head of State will continue to manipulate the political system of his party from the sideline.

Bednarda Wanjiku Ng'ang'a: Thengio.

Translator: Thank you Commissioner.

Com. Raiji: Asante sana mama. Pauline Wamami? Pauline hayuko? Bernard Maina Gichera.

Bernard Gishehe: Asante sana mwenye kiti wa Commission ya mageuzi. Mimi naitwa Bernard Maina Gisheha nina wakilisha Kundi la NCA katika Maragwa District. Na kwanza kabla zijaenda mbele Commissioners, nyinyi tunaona ni watu mashuhuri sana kwetu wakati mnakuja kuchukua maoni yetu na tuna shaka sana kwa vile tumeona kwenye vyombo vya magazeti ya kwamba kuna vurugu kati yenu. Nyinyi ndio tumeweka haya mageuzi mikononi mwenu. Ikiwa hakuna lolete litakalotokea hapa, Kenya tutakuwa tumefanya kazi ya bure. Kenya na wananchi wa Kenya wote wako mikononi mwenu. Kwa hivyo mtu akiwa ndiye mwamuzi nyinyi ndio tunategemea. Asante. Nitaendelea na memorandum yangu.

President power to be trimmed. Judiciary, Executive and Legislature to be independent from President's interference. Those who rip-off the economy to be prosecuted regardless of their office. Grabbers of public utilities to be prosecuted regardless of their status whether they are in the office or not. Administrators of this country from Sub-Chief to Provincial Commissioners to be elected by the citizen and their terms be eligible for renewal after a special five term.

Priorities to be given to citizen by birth of their country as regardless to employment work permit and import and export permit, in order to revive the economy and avoid immigrant strangling the country by banking money aboard. Those with large acreage of over five thousand acres should have it repossessed by the Government, and be given to the landless unconditionally as it is quite improper to settle one person in thousands of acres while other are landless in their country of origin.

Com. Raiji: Micheal Muiruri? Watu walitoroka? Micheal Muiruri, Joseph Muchiri? okay karibu

Joseph Muchiri: Thank you Bwana Chairman and the public at large. First of all I would like to congratulate you Commissioners for going round the country gathering views of the public about the Constitutional Review. First of all I would to

mention on our Constitution and say that it is good what you are doing, but you may feel like me that most of Kenyans 75% if I am not wrong are not aware of the Constitution and what it talks about.

So, my proposal is this - That about our Constitution I would like this to be taught in our Primary schools and Secondary schools as a special topic so that all Kenyans would be aware of their rights and the Constitution. And I think if this is done from the grassroots starting from the Primary level up to Secondary level and even University level I think this will teach Kenyans their rights and they would be able to contribute much in the Constitution Review. I am afraid because most of the ordinary Kenyans are finding it difficult to educate their children in Primary level – leave alone Secondary.

It is also my view that subjects taught in our Primary schools e.g. G.H.C. Geography and History and Civics do not contain a lot about the Constitution. Even in our Secondary schools subjects such as History and Government do not highlight much on our Constitution so I propose that the Constitution should be taught as a compulsory subject so that our young people could be equipped well. This may be achieved by use of Radio or Television and also Public Barazas, so that as time goes by they may contribute towards the Constitution. Thank you

History and Government it doesn't highlight very much about our Constitution. So I propose this should be taught as a subject and it should be compulsory so that we equip our young with the Constitution and how they can contribute much to the review.

I would also propose the country or our nation to use the public media in educating the Kenyans about the Constitution **Com.**

Raiji: Thank you very much, can we now have James Mwangi, James Mwangi yuko Joan Gitau, Joan Gitau, Eluid Gikonyo, John Kamau Nganga

John Kamua Nganga: I thank the chairman and all the rest for giving us this chance to present our views. My first suggestion is that in order to have cohesive nation we need to have a President who is not of any party, he should be party-less and should be elected by the whole country after every six years. The President should be assisted by a group of experts or professionals whom we may call Senators. These Senators should have a Chairman and the Chairman should be assisting the President. In case of death of the President the Chairman of the Senate will take over.

We should have a Prime Minister who is the head of the party, which will be having the ruling majority. The Prime Minister should be the one to select the Cabinet, and the President will have the power to veto anybody whom he will think is not worthy to become a Minister.

The selection to high posts like the judiciary, or the Head of the Police and others, should be selected by the Senate, but they should be taken to Parliament for vetting, and if somebody is not fit, he should not be elected. The President will be the Head of State, and also he will be the Commander-in-chief of the Armed Forces.

Another thing which will make our country cohesive is integration of ethnic groups. Ethnicism or tribalism is what will kill this country one day, so to avoid that all Provinces should be re-set or re-organized in such a way that one Province should include various ethnic groups together, and these ethnic groups should be allowed or encouraged to inter-marry, so that the inter-marriage will make people feel they belong to Kenya.

Swahili should be promoted and be spoken by every family, everywhere so that nobody should be left not to know Swahili at all. So, after inter-marriage, the family of inter-marriage should be the true Kenyans who will be allowed to learn Swahili and to talk Swahili at home. Just as it is in such places as Nairobi where most children do not know their mother tongue. This is the only way Kenya could be one cohesive region. Like now in Europe, if you go to Germany, you go to Italy, there is no problem of tribalism there, everybody speaks one language.

Another thing which will make this country, which will make this country cohesive, is use of talent. Every member who has talent should be promoted. If a child excels in class, and the country finds that, that particular child is talented, the Government should have a way of promoting that child, growing up and even training him privately or in a way that his talent can help the country. So there should be selection of people with brains irrespective of where we come from, because these people are the ones who can uplift this country further.

We should do away with genders, no saying this the woman this is the man, and women should not say that should be favoured because they are women. No they should also prove that they have talent. So the question of saying that women should be given some proportion in Parliament or elsewhere is in my view, nonsense, because they should also show themselves that they really deserve it. Because we find here, even if a woman comes here to be elected Councilor or an MP, you find that even women themselves do not elect her, they elect the man why? So the best method here with regard either to men or women or what, we stick to the talent. If that person has the talent which can help it is fine.

Com. Raiji: one minute to wind-up.

John Kamua Nganga: So that is what I wanted to say in short and may be if some of these are adopted the country can be a bit better.

Com. Raiji: Francis Karuga, Francis Karuga? George Njoroge, Reverend Simon Kabiru?

George Njoroge

George Njoroge: I have only four points. One is about education - and I tend to think that the Constitution should out-line some Acts such that the Chancellor of the public University should not be the Head of the State, but should be a prominent scholar such that he may be aware of the problems pertaining to students. Then the aspect of cost sharing is so much pressing

to the parents and to whoever is sponsoring those students. So in my view I feel that the Constitution be set in a way that the education should be free and most probably Primary to the Higher levels. Then appertaining to higher levels, especially the masters degree and also the PHD pursuants, I think they should also be awarded loan just like the first degree pursuants. The aspect of multiple choices in primary school, I think makes the children not to go back to their minds; Just giving a situation whereby you scratch one or the other. This kind of system allows students to be laxy for they know that at the end of it all they may guess for an answer. So I feel that this system of multiple choice should be scrapped.

Another issue is on the quota system. We are in a dynamic time where everyone is thinking about euality. So I think this system of quota selection particulary in Secondary schools should be done away with, so that each and everyone is given an equal playing ground. Also or condering admission marks both boys and girls should be given the same consideration when selecting for form one entry.

Then as appertaining to the Constitution itself now, I think: The Constitution was written in a very hard language; I think the language is only suitable and understandable to the Lawyers and high profile people. So I think it should be in a language whereby even the common Mwananchi is supposed to read not only to read but also to interpret for him or herself.

Then appertaining to work – We are living in a situation whereby even the Westerns are complaining about job opportunities. But a situation appears where somebody is holding ten jobs. So I think the Constitution should be in a way such that it should be a policy of “one man one job”, so that we can minimize unemployment. There is also the issue of foreign expatriats who are given some considerations that are denied Kenyans. For instance there is a situation like one where the Group manager of Kakuzi Ltd who is White is receiving Kshs 80,000/=, while an African managing the same is receiving only Kshs 60,000/= without allowances. I think these kind of consideration based on colour of such like should not be there.

On Administration, I think the Provincial Administration should be done away with and we come with a comprehensive and flexible one whereby everything should be centralized.in to District level., including the DDC and all. As pertains to Chiefs and their Assistants , I think they should be elected by the people so that those who are not going to deliver should be done away with. Thank you a lot.

Com. Raiji: Thank you very much give your memorandum Reverend Simon Kabiru

Speaker: amepeana yake.

Com. Raiji: Okay George Nguti, George Nguti? Joseph Karugu, Joseph Karugu? Martin Mwangi? Njoroge Jeremiah? Francis Mbathi? Kagia Njoroge? we ndiye Njoroge? Okay. karibu

Kagia Njoroge: Commissioners from the Constitution Review of Kenya here are proposals I wish to make in this important exercise.

There should be a Preamble in the Constitution that says, “we the people of Kenya”, I propose there should be a national vision that should enshrine all the right of the people in the Constitution, to bringing improvement of our lives through democracy and equitable access without discrimination or exclusion of any sector of the population.

I further wish to make proposals on land and property rights – Land is the basis of our country’s economic development. Kenyans took a long struggle to fight the colonialism, to re-claim the land which had being grabbed from them. Therefore the ownership of land by individual and state should be retained and be well stipulated in the Constitution. According to emerging phenomenon in our society today, the right of women to access and own land need to be enhanced in the Constitution. We are experiencing a new phenomenon of single parenthood, which normally falls on women. The Constitution should give women more rights where sons and daughters should have equal access in inheriting their parents land. Widows and children should be the direct heirs to the land that belongs to their deceased father.

On culture and diversity and communal rights – The diverse and ethnic cultural values need to be promoted, preserved and added value. The Government should therefore create an institution to enable all ethnic cultural backgrounds to be researched, documented and preserved in their original identity. Culture offers the llenses through which we recall our past, perceive the present, and reason the future. Therefore, it needs to be given expression to create, develop and interact with other cultures. In order to renew our cultural heritage and retain our identity as a people, in the globalizing world today, without being excluded from the global arena, we need to get back to the root of our ethnic identity. In the same breath, community cultural museums therefore, and cultural heritage centers should also be opened at localities in the country to act as supermarkets for our cultural exhibitions. So as to preserve the same our ethnic history, music, our literature, languages, indigenou technology, medicine, religion and others should also be preserved in documentation, in books, videos, tapes for preservation.

On environment, and natural resources - today our environment and natural resources are at great risk caused by the growth of science and technology. This is coupled by the globalization phenomenon, and global industrial revolution which is taking place all over. This poses fundamental issues which need to be addressed Constitutionally. We are at the threshold of scientific and technological advancement, the rapid growth in the information, biological and biotechnological science, though they hold greater promises for economic growth, they also risk to compromise our environment and natural resources.

In recent times, the emerging and successful science has revolutionized the agriculture. This therefore poses another danger where our natural environment particularly the plants are being scientifically manipulated through biotechnology which has come with some crops which are becoming more expensive to us. This tends to make agriculture more expensive. Therefore the Kenya Agricultural Research Institute and other related scientific organizations should ensure all our natural plants are not taken

for biotechnological manipulations without our country claiming the exclusive ownership and patent right of such plant and material not from our own natural resources. So I propose an institution should be created to compile a scientific register of all our plants including those on land and marine, so as to be given the necessary Constitutional protection. No plant or animal should be used for foreign scientific research without Kenya holding hundred percent right of ownership

Com. Raiji: One minute.

Kagia Njoroge: Am just finishing up, the highly potential and first growth of technology driven industries should be managed responsibly not to allow capitalistic or co-operation to commercialize on our natural resources without us benefiting. Thank you.

Com. Raiji: I think you have a very specialist contribution. Thank you very much. The next one is Teresia Nduta, Julius Kagiri, Francis Muturi, Alison Muiruri, Alex Nyambura, Robert Mburu, Lous Muhuro, Lous Muhuru, Agnes Nyambura, Samuel Ndegwa, Samuel Ndegwa, Nganga Kimani, John Muchoya karibu

John Mshoya: Thank you very much Chairman to the Commission my names are John Mshoya and want am presenting now is my personal views. I start with the presidency – The Presidential elections should be detached from other elections, that is the one for the MPs and for Councillors. Presidential election should be on its own time and the President should not belong to any party so that he remains on-partisan with no party to favour.

Constituency boundaries should be based on population. The Constitution should give a guideline on the number of people that should a Constituency.. Because as it is now, constituencies are hurried off out in such a way that they favour a certain party. During elections, the counting should be done in the polling stations, not in a central position because the votes might be tampered with as they are being transported from the polling station to the central counting station.

Administrative boundaries – administrative boundaries should be reviewed such that they should not be based on ethnicity as we see them today. They should be curved out in such a way that they include several communities, this is one way of trying to homogenize Kenyans. Allocation of national resources such as forests and public utility land to individuals should be stopped. There should be a provision in the Constitution such that anybody who is allocated this kind of land, which was meant for the public or water catchments should surrender it back whether he sold it, whoever has it at the time, should surrender it to the State, because this is for the State. This include forests land and research land which is known to have been allocated to individuals.

The other point is about hawkers and parking boys. These are part and parcel of our society, they should be catered for in the Constitution. As it is today, it appears that becoming a hawker is a crime in our land. They are chased every now and then.

Something should be done to streamline their businesses. Parking boys are also a time bomb in our nation. The latest records indicate that we have hundreds of thousands of these boys and something has to be done to take care of their interest.

The other point is on recruitment of the Civil Servants – The recruitment of Civil Servants should be done on merit, this one should be in the Constitution, such that there is no certain ethnic group which should be seen to dominate the Civil Service. There should actually be equitable distribution of the national cake. Thank you.

Com. Raiji: Asante John. Jane Wanjiku Kariuki, Jane Wanjiku Kariuki karibu

Jane Wanjiku Kariuki: Ninacho kikundi nimewachiwa na nina yangu.

Com. Raiji: Nitakupatia dakika tano u-summarise halafu utatupatia sote huko

Jane Wanjiku Kariuki: The Chairman and my fellow colleagues good afternoon?. This is Jane Wanjiku Kariuki from Box 7275 Sabasaba. Personal representation to the Constitution review. About the President – President term of ruling to be a five years term only. President should not win through the 25% of provincial voters, but with a majority of votes. President should not have the authority in laws making.

Members of Parliament – Members of Parliament/Councillors if they defect from their seats or parties, citizens should call elections. Elections rejects i.e. Members of the Parliament should not be appointed or nominated to serve any civil post. Members of Parliament to be given powers in the Parliament.

Elections – The Government to give election date or calendar. Chiefs and sub-chiefs to be elected directly by citizens. One month should be given for voters to get registered and make sure that their names have being included and that the information is correct. Electoral Commission should not be presidential appointees, this should take only two or three years. In our democratic Kenya, we should vote for any candidate not the party, we should vote for any candidate even the disabled, they can have a say as a citizen.

As a state, KBC belongs to the people of Kenya not the ruling party, in democratic system this should not happen, it is expected to give fair and equal treatment to all parties. A request – every district to appoint at least one woman to be a MP. Others – in district formation the population should be considered and not politically formed. All Kenyans should be served by officers of the civil service. Land board process to removed from the Sub-Chief and Chief office for the land board has a representative from every location.

Parents Act to be considered as well as the child abuse Act, widows to inherit their husbands property, women to be recognized in the Kenyan Government i.e. Ministries, Court of Appeal and extra.

The commission formed to investigate a certain thing should have powers of their duties. Thank you very much. There is another one Oramati Women Group Kamahuha on behalf of the Chairlady, there are fifty members (Kikuyu)

Jane Wanjiku Kariuki: Maoni ma guteithia Katiba. President ndagakoragwo na watho oo wothe.

Translator: President should not have powers of any type.

Jane Wanjiku Kariuki: Members of Parliament acenjia kياما kiria mamurutire members aria mamutumite makamenyithio nigetha mathure ungi.

Translator: A defecting Member of Parliament should loss his Parliamentarian seat and there should be a by –election.

Jane Wanjiku Kariuki: Ma chief mathuragwo ni raia.

Translator: Chiefs should be elected by the public.

Com. Raiji: Because you have read your own memorandum just highlight.

Jane Wanjiku Kariuki: Njohi cia ibango kana dawa cia kurevia iciheagwo faini nene ona kioho kiega ta miaka ikumi na itano niguo mahere.

Translator: Illegal brews, bhang and drug peddlers should be jailed up to fifteen years and be given stiffer sentences so that they can reform.

Jane Wanjiku Kariuki: A Member a Parliament nimehete micara minene muno uguo ugoro ucio ubaragwo ona allowances ciao.

Translator: Members of Parliament have over paid themselves in salaries and other emoluments. So somebody else should look at their remuneration other than themselves. Thank you

Com. Raiji: Asante sana mama Jedida Wanjiku, Jedida Wanjiku?

Bednarda Wanjiku Ng'ang'a: (Kikuyu dialect)

Bednarda Wanjiku Ng'ang'a: Niwega Chairman niundu wa kahinda gaka kega ka muthenya wa umuthi ga guka kwaria kana guthondeka Katiba.

Translator: Thank you very much Chairman for allowing me to come and address the Commission.

Bednarda Wanjiku Ng'ang'a: Niundu wa ihinda riguka. Ndarehe ndumiriri ya atumia aa Karugia CWA.

Translator: I am a delegate of Karuguiah CWA group.

Bednarda Wanjiku Ng'ang'a: Na ha ritwa njitagwo Bednarda Wanjiku Ng'ang'a.

Translator: Such as surplus land should be given to many squatters in order to settle them at least for a shelter. The President should be subject to the law of land and not above the law as the current laws implies. The Vice President of the country should be elected by the people to avoid manipulation by the President.

Equality of Gender in all fields should be given by qualifications regardless of tribe or where one comes from so long as one is fit for the job. Be it Political, Civil Service or Armed Forces, or Provincial it should be given to male or female by merit. The current Electoral Commission of this country should be abolished and replaced by one neutral elected by all political parties and answerable to the Parliamentary Select Committee.

Com. Raiji: one minute.

Translator: I have finished thank you.

Com. Raiji: Okay asante sana lakini tunataka kukuhakishia kwamba Commissioners wanaendelea na kufanya kazi na ndio sababu imetuleta na wengine wako katika mahali pengine. Kwa hivyo uziwe na wasiwasi hata ukisoma maeeno mengine. We are very much working, we will be in Mombasa next week kutoka hapo tunaenda Eastern, kwa hivyo we will take your views. Peter Kiare, John Ngigi, Fredrick Mchoki Ndungu, Jirus Kithunua, Evason Muhoro Wainaina, Faith Wachuka, Faith Wachuka, Margret Muthoni karibu.

Margret Muthoni: (Kikuyu dialect)

Margaret Muthoni: Asante Bwana Chairman. Woni uria ingiheana ni iguru ri kindu ngurite ari kamugunda, ari muti, gugacoka gugatuika ati thirikari niyabatara ni mugunda ucio na ni hindi ndirakira na ndirekire maundu maria mangi mothe.

Translator: I want to talk about acquisition of land by the State. Even after one has just bought that property , put up a nice house on it.

Margaret Muthoni: Riu igatuika nikungurira mbeba iria indihaga ni mbeba itaigana iria ndirarutiti.

Translator: But the money the State is paying is less than what one paid for.

Margaret Muthoni: Riu ngona undu ucio niuratumhinyiririra mwi thirikari mutumenyere undu ucio uria ungiikara. Ni tondu undu ucio wa kugura kindu gigacoka nikiagurwo ni thirikari gikandigithia uria kiuma hena thina munene muno ngicoka guthama kana gwika maundu maria mangi.

Translator: It is very inconveniencing, when the State acquires your property and you have to move out, it doesn't even pay you the kind of money that you paid for when you are buying that property.

Margaret Muthoni: Undu uria ungi namba ya keru wina thina muno ni undu wigie ciana cia anake. Mahinda maria mwana ucio anyitwo atwarwo korokoro-ini niaraheo mbara nene muno agacoka agaikara rumande ta mwaka mugima. Agicoka kungora ni kionje na cira ndunonekana uria wagiriire.

Translator: I want to talk about torture in police cells particularly among young men. They come back after even one year in remand, because the case has been withdrawn, because there was no case in the first place, and they are crippled in there.

Margaret Muthoni: Mwana ucio hindi iria ario korokoro-ini iyo egutura etagwo ni Jaji kuria igotini na gari yaturwa Kamiti kana kuria kungi aga ciringi igana akaga kuingirio agatigwo oo rumande. Agatura oo rumande na Jaji nake aturaga amwitaga igotini tondu ndagiona ciringi igana.

Translator: I want to say that for a remand prisoner to appear in court, as is directed, he has to produce at least a hundred shillings, every time he is put in that truck to appear in court, he pays a hundred bob. If he doesn't have a hundred bob he is left in the cells, and out there in the courtroom, the judge is calling out his name.

Margaret Muthoni: Riu mwana ucio tondu egugitura igotini aheraga kana rumande ri egutura rumande aheraga ndaroka igotini nanii ndi muciaru ndigimenya riria anyitirwo tondu akinyiritwo nakuu Nairobi. Ihera riu riothe kana mahinda macio mothe makarihwo nuu kana undu ucio unghithii atia iguru ya kuhoya igoti kana kuhoya thirikari?

Translator: I am asking the Commission to look at this situation and see how these people can be compensated.

Com. Raiji: Is the Magistrate aware of that or is it the prison warders who do it?

Translator: Urorio atiriri wira ucio urutagwo nuu ni warders aya aa jela kana ni thigari cia jela.

Margaret Muthoni: Ii ni thigari cia jela. Hindi iria mundu araingirio nigetha athii agacire.

Translator: Ni mbeca cia ihaki ti mbeca cia

Margaret Muthoni: Ii nigetha aingire ngari.

Translator: This thing is done in the prisons by the warders

Com. Raiji: The magistrate knows that the case is on that day?

Translator: Yes, and the man did not appear.

Margaret Muthoni: Mwana akanini miaka iri rumande na Jaji nake aturaga kuria igotini etanaga oo gari yoka wee kumurora ukerwo gari niyurire na ni mbeca arutire nawe nawe ndukumenyaga kwina mbeca kuria ibataranitie. Riu ni ihoya ingihoya rina thina muno na rina ihera kuri igoti kana kuri Katiba iria turagarura.

Translator: To make matters worse, a young man can be arrested out there in Nairobi and the parents are here in Muranga or in Thika or somewhere, so the parents do not know, and this boy is in the remand cells all this time. So this hundred shillings is never paid and the boy is locked in prison cells.

Margaret Muthoni: Riu undu icio wina thina haria aciari na hari munyitwo. Riu igoti no hoe mugitugarurire Katiba iguru ri ihera ria ciana icio ni tondu niherire muno. Wa gatatu ni ciana icio iguru ria bangi ino irendio, irendio ni athuri aria mena mbui na muthuri ucio ario itura na uhoro ucio wakinya kwa Headman kana kuria kungi ukaga kunyitwo uria wagiriire mundu agacoka mucii ningi akambiriria kwenderia mwana uria waku bangi uria wi Secondary.

Translator: The other matter is on the selling of drugs particularly bhang. These drugs, and bhang is being sold by elderly men, people with gray hair on their heads and this is known by the Assistant Chiefs and Chiefs. If this matter is reported to the Assistant Chief, nothing is done. So this man continues to sell the drugs to your other children who are not in prison, who are in High school.

Margaret Muthoni: Riu ihoya riria ingihoya ni athuri nimateire micii niundu wa njohi cia ibango. Oka emuriu we wira wake

niwa T.V. na kana karia kihinga nda ona gutuika undu ucio ndiui ungi share atia kana ungiikara atia tondu nianyuire kumi kumi na kiria kingi ndari undu amenya kwa mucii kana kii. Riu mwi Katiba mutingitugarurira hau andu aya magicokio micii tondu nimatigiire atumia mucii. Wira wake niwa T.V. na kumi kumi na kana karia kahinga nda. We kuu mucii uhana mundu wa wira. Mutigituthaithanire hau mukimenye uria mungitugarurira andu aitu. Asanteni.

Translator: The other matter has to do with the illegal brews, a lot of men are lost in illegal brews, they come home drunk, and all they do when they get home is to play with the last born and watch television.

Margaret Muthoni: Yes!

Translator: That's all and the wife has become a virtual slave in that place.

Margaret Muthoni: Ndamenyaga muhaka wa irigu, ndamenyaga ninaku. Tondu we wa muria kiuria niundu wa kumi kumi ici na bangi – ndikwenda inegene. Riu no ihoya ingikihoya mukimenye uria hau mugutwariria iguru riao.

Translator: Their lives have actually been ruined by this drug and the illegal brews. Thank you Commissioners.

Com. Raiji: Asante sana, the next one is Stanely Karanja karibu.

Stanely Karanja (Kikuyu dialect)

Stanley Karanja: Nii ndoka haha njitagwo Karanja na riu ringi njitagwo Stanley.

Translator: My names are Stanely Karanja.

Stanley Karanja: Undu uria ndirenda kuuga ni uhoro wa mahinda maria mukristiano akorwo kuria igotini.

Translator: I want to talk about a situation where a Christian is taken to the courts.

Stanley Karanja: Mundu akinya igotini nigukinyaga ihinda akerwo oe bibilia ehite no ambaga kurio ni wa kanitha uriku.

Translator: In the courts you have to swear by the Bible but before you swear, they ask you what church you come from.

Stanley Karanja: Wona oiga niwa kanitha uriku akerwo undu wa mbere akiamba kwaria ambe oe bibilia na iguru ehite.

Translator: So you are sworn in first.

Stanley Karanja: Riu ngakihoya mahinda maya Katiba iracenjjo undu ucio wa kwihita ri nikubatii uthengio igotini tondu kwina na akristiano marahinyiririka muno.

Translator: My prayer is this swearing with the bible should be banned from the court, because many Christians are suffering.

Stanley Karanja: Tondo mahinda maria mundu aga kwihita Jaji akoiga mundu ucio atwarwo thiku mugwanja thiini.

Translator: If you don't swear, the magistrate or judge puts you back in the remand cells for seven days.

Stanley Karanja: Arikia kuuma riu ningi aga kwihita aigwo ingi 14.

Translator: You come out and then you refuse to swear with the Bible, the magistrate puts you back in the cells for another fourteen days.

Stanley Karanja: Niundu mundu witikio wake ri. Nikuri maandiko moigite mundu ndakanehite na bibilia na mee thiini wa Mathayo 5 hau 33.

Translator: There is section of the Bible Mathew 5 version 33 which bars Christians from swearing with the bible.

Stanley Karanja: Jakubu ithano muhari wa ikumi na igiri.

Translator: It is also to be found on James 5 on line 12.

Stanley Karanja: Niundu wa witikio wa mundu ucio na uria Ngai ariitie ri maandiko macio nimo matumaga mundu ndakehite.

Translator: It is this sections of the bible that stop a Christian from swearing with the bible.

Stanley Karanja: Na ringi Jaji nioi uhoro ucio wi bibiliani na ni Ngai ugiritie.

Translator: And the Magistrate knows that indeed this matters are in the bible.

Stanley Karanja: Ngakihoya thiini wa mahinda maya ya Katiba korwo uhoro ucio no witikio-ri mundu agie na wiyathi wa witikio wake ri, akristiano no mage kuhinyiririka maita maria mathi igotini.

Translator: So my prayer is this swearing with the bible should be removed so that people just appear in courts and you give your evidence as you know it.

Stanley Karanja: Na thiini wa mukristiano agakorwo ena wiyathi.

Translator: And the Christian will be free of that commitment.

Stanley Karanja: Ngukinyia hau.

Translator: Thank you very much Commissioners

Com. Raiji: Ngoja kidogo. Unajua vile sheria inasema ni kwamba kama hutaki kuapa kwa bibilia unaweza kuinua mkono na uape hiyo umetosheka au uko na shida na hiyo?

Translator: No he can't, he is saying that the bible bars him from swearing in any way.

Com. Raiji: Okay tumesikia maoni yako Stanely asante Micheal Ngeshea, Micheal Ngeshea, Julius Karanga, Julius Karanga, John Wayoike, Josphat Kamande, Daniel Kinuthia, Julius Muchoki, Samuel Muiruri, Samuel Muiruri, Peter Mwangi, George Wanyoike, Rosemary Wachera, Rosemary, David Mburu, Samson K. Mwangi, John Tana, Parpetcua Wanjiru, Peter Kamau, Francis Ciruni, Samuel Wanyoike there is another Samson K. Mwangi, Makuyu Kanja ni wewe okay Samuel Wanyoike, Joshep Okocho, Richard Muiruru, Antony Mwangi, Kevin Waweru, David Mwangi, Cecilea Wambui, Wambui, Francis Njoroge, Moses Mwangi Gachoiu Karibu.

Moses Mwangi Gachiu: (Kikuyu dialect)

Moses Mwangi Gachohi: Niwega Chairman niundu wa kahinda gaka ndakinya haha.

Translator: Thank you very much Commissioners.

Moses Mwangi Gachohi: Nii ngwenda kuuga uhoro wa thibitari.

Translator: I want to talk about medical service.

Moses Mwangi Gachohi: Thibitari wahota guthii ici cia thirikari na warikia guthii wambe urute mbeba warikia kuruta mbeba ugicoka gukinya kwi daktari agakwandikira dawa uthii ukagure.

Translator: I want to say once you go a public hospital before you go in to see the Doctor, they ask you to pay some money, and then you go and see the Doctor and he prescribes some drugs and you are asked to go and buy them somewhere.

Moses Mwangi Gachohi: Na riu tondu mbeba niwitirio na ucoke wirwo ukagure dawa ri, ukagia na thini muingi muno ni tondu mbeba niukiambire gwitio.

Translator: I want to say that this becomes a big problems for us because first of all they ask for the money and then they tell us to go and buy drugs, after they have taken our money.

Moses Mwangi Gachohi: Na riu ugigacoka guthii gucaria mbeba ingi ugakorwo uhinyiriirio muno ni murimu.

Translator: By the time you get more money to buy the drugs, your problem would have become even worse.

Moses Mwangi Gachohi: Kuogwo nii nguga uhoro ucio urorwo muno ni tondu niuhinyiriirie andu aingi muno makiria ona aingi magakua mitarataro-ini oo iyo niundu wa wagi wa mbeba.

Translator: I want to say that this problem in the hospitals, public hospitals should be looked into, many people have lost their lives simply because they have no money to buy medicine.

Moses Mwangi Gachohi: Undu uria ungi ni uhoro ukonii wathanire wa askari sibu ni tondu ungia kaundu uthii kuri we no muhaka ambe agwitie mbeba. Ta riu okorwo utari na mbeba undu ucio waku ukamba gukoma.

Translator: I want to complain about the Assistant Chiefs. When you have a problem and you go to the Assistant Chief, he asks you for money, and if you don't have money your problem is sidelined and you are stalled.

Moses Mwangi Gachohi: Na woima kwa Headman wathii gwa Chief no taguo.

Translator: The same with the Chief.

Moses Mwangi Gachohi: Kuu ona nikuo kuru muno makiria. Tondu unene wa kuu no munenanene niugwitio kindu kingi kinenanene kiria utangihota kuona. Maundu macio magathii makomete oo gukoma.

Translator: It's even worse in the Chief's office because the office is higher so the demand for cash is even higher, so your problem is compounded.

Moses Mwangi Gachohi: Undu uria ungi laini ini oro iyo. Wagia thina kana wahurwo ni mundu no muhaka ukorwo ni mundu akuhure kana aiye indo ciaku wathii kwa polithi ukwirwo urute ciringi magana matano gari iyo ikirwo petrol niguu mundu ucio athii akanyitwo.

Translator: If you have a problem and you report to the police perhaps it was an assault or it may be a theft of your property by somebody, you report to the police station they tell you their car has fuel and the minimum they ask for is five hundred shillings for fuel.

Moses Mwangi Gachohi: Na ungiaga mbecha ucio maragwitia makwiraga uthii ukarehe mundu ucio.

Translator: If you don't have money they tell you go to and arrest that man and bring him to the station.

Moses Mwangi Gachohi: Na riu ri ni tondu kuu nikuo gukiri uteithio na nio maigitwo ni thirikari-ri ingihota atia guthii kurepota kuu angikorwo no ngihote kurehe mundu ucio?

Translator: This is a very big problem for us, because how do I go and arrest the man who has assaulted or stolen my goods and bring him to the station?

Moses Mwangi Gachohi: Kaundu karia kangi ingiuga ni kaundu gakonii uhoro wa mugunda. Uhoro wa mugunda nimuguthii mukagia na mundu akorwo mundu ucio muhaka ni muhingicanu. Na ungikorwo ni wathii guthitanga mundu ucio niguu muthondeke mugunda ucio thirikari yoka ho, survey uria uguka ni niwa thirikari. We waaga kuruta mbecha iria egugwitia na ni mugirire kuria na mbecha niekwenda mbecha ingi umuhe waga mbecha ucio mugunda ucio ugaturwo no mwena waku niukurumwo gicuji kiria we utarihotaga gukinyira.

Translator: The other problem has to do with land boundaries and the survey, Government surveyors. If you have problem with your neighbor and you go and pick a surveyor, Government surveyor from wherever he is, when he comes at the site he will demand money, and if you don't cough up that money he will survey the land yes, but he will make sure that you pay with part of your land to the man you have a case with; and once it is surveyed like that the problem becomes even worse you cannot follow it thereafter.

Moses Mwangi Gachohi: Kuogwo riu kwagiriirwo ni kugia na Katiba ikurugamirira gitonga oo hamwe na muthini.

Translator: We should have a Constitution that promotes justice among the rich and the poor.

Moses Mwangi Gachohi: Niwega.

Translator: Thank you very much Commissioners.

Com. Raiji: Thank you. Duncan Wachira, John Wairia, John Mchumba, Samuel Ndungu, Samuel Ngugi, Alison Kimani, Stanely Njuaa, Stanely Njuaa, Eward Kamande, Hassan Abdullah, George Irungu, George Irungu, Jesite Wambui, Jeste Wambui, Peter Kamau, Justine Njiru, Justine Njiru, Francis Mbui, Joan Mwaura, Ben Mburu, Esther Wambui, John Muchoki, Benson Karenga, Ann Wanjiru Muchiri, Maritena Wairimu, Esther, Maritina karibu mama.

Martina Wairimu: (Kikuyu dialect)

Maritina Wairimu: Ningumenya kwaria na ino.

Translator: Kuhiriria haha.

Maritina Wairimu: Undu uria watuma nguke haha. Nii njitagwo Maritina Wairimu ndirenda kuria uhoro wa atumia aria matari na athuri nitondu ihinda riri turaigirwo ma wokiri na tutiui guthoma ithui, ithui tukurite uguo. Wokiri uyu agacoka kuhingicithania na karamu njikire sign.

Translator: I want to talk about widows, old widows and their court cases, I do not know how to read or write but when I have a court case I have to face or have a lawyer, and I don't know how to read or write.

Maritina Wairimu: Ngoria atiriri mahinda maya turagarura Katiba ri no kuhote gucokio kuria athuri aria matuheaga migunda. Atumia ari matari na athuri ona ciana iria ihikio ni manyina mao na maithe mao.

Translator: So my question is, now as we make this Constitution is it possible to bring back land matters to the elders so that these matters are settled there or are heard there, so that the poor widows and their children can work in an environment that they know.

Maritina Wairimu: Ngoria atiriri mahinda maria giathitagagwo tena giathitagagwo ni athuri aa muhiriga na andu aria maragaya.

Translator: In the old days, inheritance matters relating to inheritance were handled by the clan elders.

Maritina Wambui: Umuthi Kirathitangwo ni mawokiri.

Translator: Today these matters are handled in court by lawyers.

Maritina Wambui: Mutumia utari na muthuri ndari na mbecha cia wokiri.

Translator: So a poor widow has no money to hire a lawyer.

Maritina Wambui: No tugakorwo na thina muingi muno.

Translator: So this has compounded this problem. It is our plea that a solution be found, That is all I have.

Maritina Wambui: Uguo noguo gwendaga kumwira.

Translator: That is all I have.

Com. Raiji: Asante mama Hellen Tombo

Hellen Tombo: Thank you so much, I will give a scenerio that has just happened when we are in this room. This woman just stated that when a woman stands up to be elected non of them can be elected, what is the reason for that? This is because our cultural barries have made women not be trusted in these powers and it is all over, it is not only in Kikuyu region it is everywhere, and that is why women are asking for affirmative action, because they know their men will not elect them. And that is why you heard a man here say it is nonsense, how many of such men are we having in Kenya? And how many of these women are intimidated by being told what they want is nonsense? And that is why even you are having a woman touch by a woman crying out to the child, for a woman crying out for the family and for woman crying out for the husband. That is why we need women in our leadership and we need women in decision making.

The other thing is on land - Can we have a right to own and inherit land, and movable and immovable properties by women? This is where most women in most cultures are not allowed to own land, and are also inherited by the brother to the husband.

Dual citizenship - If I get a child, can that child be a Kenyan when I am away in America? and also if I bear child in America, that child is not allowed to be a Kenyan, so can he or she hold a dual citizenship?

My really big point was about the affirmative action whereby the women even in our churchs themselves, are not allowed to be in leadership position. Please can we fight on that, because the men, we have actually heard the men refusing it, there is a man who was sitted next to me and was actually laughing when a woman was presenting. You can actually see the mentality of the

men here, so without the affirmative action the woman will not be elected. Thank you.

Com. Raiji: Thank you very much for your views and the next one will be Esther Wanja Mwaura? Esther, S. K. Njoroge? S. K. Njoroge. Lucy Waithera? Joseph Murithi? Jacob Maina? Francis Muiruri? Nicholas Mweich, Susan Wanjiru, Wilson Kariuki, Paul Mugo, John Mwachira, Lucy Njeri, hawa watu wote wamenda wapi? Simon Gigio karibu

Simon Kigia (Kikuyu dialect)

Simon Kigia: Niwega Chairman.

Translator: Thank you very much Commissioners.

Simon Kigia: Ritwa riakwa njitagwo Simon Kigia.

Translator: My names are Simon Kigia.

Simon Kigia: Na nyumite mwena wa Maragwa Town.

Translator: From Maragwa town.

Simon Kigia: Riu ciuria ciakwa ti nyingi nguria oo ciuria inya tu.

Translator: I want to ask only four questions.

Simon Kigia: Tondu ciuria icio nguria tondu imwe ni cia tene. Niundu ona mundu niakaga nyumba agacoka agatharia agaka ingi njeru.

Translator: I want to ask this questions because some may look old but they may help us build a new house.

Simon Kigia: Kia mbere ngwenda kuria uhoro wa ugima wa mwiri wa thibitari tondu thibitari nigukoragwo na thina muno tutionaga ta Minister uria wetagwo Magugu hindi iyo aroraga wira wa thibitari – kwari kwega muno.

Translator: I want to recall when Honourable Magugu was Minister for health, during his stay at the Ministry the hospitals were in very good conditions, he inspected them and they were in good condition.

Simon Kigia: Tonde niathiaga thibitari na muikarite ona mathaa meri mathingithira kana ithaa rimwe mutathondeketwo mukananinwo.

Translator: That time when you went to a hospital within an hour or two your had been attended to and were going home.

Simon Kigia: No riu mahinda maya wahota guthii thibitari kiroko thaa imwe kana thinasara na nuthu no ucoke wage guthondekwo kinya oo thinacara na nuthu ya hwai-ini!

Translator: But today you can arrive at the hospital gate at seven or six in the morning, and by seven or six in the evening you have not seen a Doctor!

Simon Kigia: Riu niundu wa andu aria mandikitwo ni thirikari ri nio marutaga wira ucio kana ni atia niundu mundu ahota gutonya kwi dagitari anine mathaa meri kuu thiini.

Translator: I would like to know what has gone wrong? Is it the Government workers that are not working? I have seen situations where somebody goes to see a Doctor and he stays in that room for two hours.

Simon Kigia: Ni tondu ninyonaga ni thiea marutaga na nikwandikwo mandikitwo ni thirikari. Angikorwo Katiba no icenjio ucio ni wambere njurie kiuria kiu.

Translator: There is laxity among Government workers, and as we change this Constitution we should devise ways of dealing with the lethargy among Government employees.

Simon Kigia: Nigetha makarutaga ta hindi iyo ya Magugu.

Translator: So that they can work like they used when the honorable Magugu was the Minister for Health.

Simon Kigia: Ucio ni wa mbere, wa keru ri nguria thirikari na ngikiuria uguo tondu inyui niinyui thirikari, tondu ni inyui Chairman aa thirikari kana aa gutuiria Katiba. Katiba kaingi andu aingi matiguokagirwo ni Katiba yugite atia. No ngwenda kuria atiriri angikorwo Katiba no iteithie maundu ri, maundu maria ma tene nitugucenjerio tondu nii ndari muthamia na nindaiguaga na ngumo ya andu kwi mbea ciaheanagwo ni athungu aria mari guku tutanaheo wiyathi. Mbea icio ciagithire ku.

Translator: I want to recall about the detention , I was in detention and I used hear that money was given to pay detainees by the British Government. I would want to know where that money went to or can the new Constitution enable us to find out what could have happened to that money, if there was any?

Simon Kigia: Undu ucio Katiba ingiuka umuthu yurio ni thirikari ona uhoro ucio to ukibarwo niundu wa andu aria mathamatio aria matakuite tondu mari oho. Ona to magiteithio ni thirikari.

Translator: My appeal to you is if anything can be done about that money, this is the opportunity to do it.

Simon Kigia: Wa gatatu ninjugire ndiri na maundu maingi riu gwenda atiriri angikorwo nitugwitikirio tuthured a bunge kana andu aa kwaririria kuu gwi thirikari ri, tungimenya atia mundu uria mwega kana mundu uria uriaragia ma nigetha akahota gutirira bururi wake ukagira tondu riu mubunge uria ugwitwo Magugu ri atiragirira bururi wi wothe tondu niokaga Murang'a na dagitari hindi iyo ehite na kwihika tondu mundu ucio ni mundu wana ?

Translator: The new Constitution should establish a criteria which can guide citizens in electing their leaders, we don't know who will tell the truth when we elect him and who will not. Magugu used to come around and he would inspect hospitals and we get treatment.

Simon Kigia: No riu mahinda maya ucio niwathirire tondu aria tugucagura ri arenda guthii gwiteithia hake na koruo no gutuike akristiano matuike andu oothe agwitikia Ngai andu oothe onao no magikena kana magie na indo. No nimeguteithania nikwendana.

Translator: We are disillusioned today with the kind of people we elect, once they go out there, it is like they go for personal gains rather than commitment to public service.

Simon Kigia: Hagie na wendo no riri tondu tutingimenya ni Ngai tukuhoya na ... undu ucio mugagacugara andu aria mukuona mari tha nigetha mahote guteithia bururi.

Translator: My prayer is when leaders are elected or appointed to high positions, they should be people who care about wananchi.

Simon Kigia: Riu ngirikia ningwaria koroho kanini ga Title ya migunda. Tondu migunda iria twaigiirwo mundu niathiaga kugata title ya mugunda wake. Na arikia kugata agathii nayo, no riu matuku maya wahota guthii wirwo handu ha kugata title shiringi magana matatu kana magana meri ma mirongo itano. Uguthii wirwo ngiri ithatu na nicio utangiona.

Translator: I want to talk about land title, titles used to cost two hundred, three hundred shillings. Today the same title has gone up to three thousand shillings, money which many people can't get.

Simon Kigia: Riu icio nitairia turakiigwa na radio kana magathiti ati “*ngunda kanyamu kanini*”. Riu ri niwaki wiyathi twakiheirwo kana ni atia na niithui agikuyu niithui tugugikura bururi witu.

Translator: I wonder whether we are free at all, did we get independence or what did we get?

Simon Kigia: Ndiuma na maingi.

Translator: Thank you very much Commissioners.

Com. Raiji: Francis Ndungu, Jesinta Wangare karibu.

Jesinta Wangare: Good afternoon everybody? Mine is just a few notes which I have taken, my name is Jesinta Wangare from Maendeleo ya Wanawake Sabasaba. First and for most is about education - The primary school education should be free, and by free I mean, we should not be told to pay the school funds or they call it the development fee. Also the issue of exam fees is very woring. In the old days, teachers used to give exams on the borad but these days we are charged so much money so that our children can do exams. This leaves one wondering if Primary school education is free. The Government should have people going round schools to see that this kind of money is not paid .

On the side of teachers, the teachers are asking for a salary which is very high and yet they are doing nothing in school. Sometimes they go to school and assign children some work where one of the students acts as the teacher for the other children. I think this should be taken into consideration and the Government should at least be visiting these schools and give salary according to the performance of that school. We can see in private sectors, where we have private schools, the children are learning better than the public schools, because the teachers there are paid higher salaries, because of the work they do. But in these local schools the teachers are not doing their work, they are just waiting for salaries.

On farmers I will say farmers have got a lot problems especially in the reserve, fertilizers are very high and even the crops they are growing do not fetch much in the market. We also have these people from the agricultural department, we never see them in the farms as they used to do before. It can take even upto a year without seeing them. I think the Government should look unto these people because they are just paid for nothing.

Security – The Government should look at the security we have, because as one mzee said here if you go to report an incident you are told to give a bribe or “toa kitu kidogo”, so that action can be taken. This should be stopped.

On the health care – The health centers we have ask us to pay something for the cost sharing, yet we don’t get any free medicine not even an Asprin, you are never given free you have to pay for it.

On the side of land – I think Kenyans should own land in any part of Kenya, because we are Kenyans. We can buy land in any place of the republic without any consideration to tribal origin. That is all I had.

Com. Raiji: Thank you John Ngige Mugai, Steve Mbugua, Henry Mugai, Mheshimiwa P. K. Mwangi she did want to say anything James Macharia, Robert Ndungu, Stephen Mwangi karibu

Stephen Mwangi: Mr. Chairman thank you very much and I am representing views of the pastoral team from sabasaba catholic parish. First of all is a Preamble - Our new Constitution must have an introduction and this introduction should state that :- “The Constitution is made by the people of Kenya, the people of Kenya are sovereign and no law authority including even the Constitution is above the people. Kenyans are committed to the future of Kenya as a united and indivisible country and composed of people of diverse cultures, whose rights are inviolabl.

On national philosophy and guiding principals - Gender equality and protection of the rights of the minority are element of a just society. All geographical regions of the country are entitled to equal development. All power and authority is delivered from the people of Kenya, and the people shall be governed through their will and consent.

Democratic principles - Power belongs to the people and is exercised on their behalf through representative, sensitive and accountable institution of governance. All human beings are equally entitled to civil, political, economic and social cultural development rights. The natural environment must be protected.

In the event of overhauling the Constitution, all Kenyans shall be involved. In the event of amendment this shall be subjected to a referendum before they are enacted by Parliament and this will keep Kenyans abreast with any new developments in their Constitution.

Citizenship – Those who should be regarded as automatic citizens of Kenya are: All people born in Kenya of parents who are born Kenyan citizens. All children born outside Kenya of parents who are both Kenyan citizens. All children born of one Kenyan parent regardless of parent gender. Spouses of Kenyan citizens regardless of gender must be entitled to automatic citizenship even when they are citizens of their own country.

Structure and systems of governance - Kenya should adopt the Parliamentary system of Government in which a Prime Minister is appointed from the majority party in Parliament. The Prime Minister should be in-charge of the daily running of the Government affairs, and should be directly 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.

About Legislature, Parliament should vet the appointment of ; Ministers and Assistant Ministers to make the Ministries more professional and accountable. Public Service Commission officers should be there. The powers of Parliament should be expanded to: Debate and approve Government expenditures. Being a member of Parliament should be subjected to two terms of five years each.

President's age - We propose that the minimum age should be forty five years and the upper limit to be seventy years of age. Constituents must be empowered by the Constitution to recall their MPs in the event that, they are not satisfied with his or her performance. This should be done through collection of one thousand signatures across the constituency.

Com. Raiji: You have one minute to wind-up.

Stephen Mwangi: I go to the electoral system and process. Kenya should continue practicing the present electoral process and the Constitution should retain the current geographical constituency system, but we recommend the current boundaries be regrouped into the basic geographical and particularly on populations.

Governmental organization and other organization groups should have a role in governance. This will include appointment in Commissions to address national issues, representation by nomination in Parliament appointed in the electoral commission.

And finally if, the Constitution is made by Kenyans and belongs to them, then they should know it and understand it. And therefore the Constitution must be written in clear, clean and straight forward language as opposed to the legal language. It should be translated in the local languages. The Constitution should become part of the school curriculum so that Kenyans grow with their Constitution. And therefore the Constitution must commit any Government in power to continuously offer civil education to its citizenry, and the State should ensure that the new document of the Constitution is easily accessible to the Kenyans of all ages. And thank you very much Mr. Chairman.

Com. Raiji: Thank you very much register your memorandum. We shall now have Charles Mwangi Kithinji kama hayuko James Ngugi Kariuki, Francis Njuguna, Grace Njoroge karibu

Grace Njoroge: Thank you very much for giving me this chance I am here to present a memorandum of the Kenya National Chamber of Commerce and Industry Maragwa Branch which is already presented, and having being a civic education teacher I have a few points from the people we were dealing with. I have two points from the ladies about customary marriages. I am told that women are concerned that they are married for all practical purposes, but their husbands do not wish to legalize their marriages, they are concerned that some of the husbands do not want to own them, by even giving their name on their Identity Cards. The women argue that some have married for over ten years, and yet their husbands have refused to change their Identity Card. It is their view that the Constitution should provide for them being "owned", so that they can continue being

economically productive for their families without fear that, they might lose what they have accumulated over the years of their lives.

Service to the public by the police and the local health institutions should not be charged. Some of these charges or levy are illegal, like the case that was expressed here this afternoon. That one has paid five hundred shillings to be attended by the police.

The local health centers provide the prescription, they diagnose cases and they give prescription, but people can not afford the drugs, so it is the view of the public that they would want a Constitution that can provide drugs in the hospitals.

The trading community wish to discuss the Bank interest rates. In the years after 1991 Kenyans experienced an era of very high bank interest, loans that were borrowed at lower interest of between 16 to 19% as stipulated by the laws of Kenya by then, accrued interest that were unmanageable, because they were going to as high as 35 to 60%. This has lead to high default rates culminating in prolonged legal tussels between banks and individual borrowers. Kenyans have become impoverished closed down business and even lost their properties which they had charged as collateral. The question is who is to be responsible when Banks disregard the law, and the Government of the day keeps quite on such matters? The new Constitution should provide for the protection of the borrowers, when such case scenarios arise. Depositors also accrue very little on their deposits and this is discouraging savings. Bank charges should also be lowered so that people can be encouraged to save and to deposit their money in the Banks. Most Banks have breached contracts between them and the borrowers and the argument is that, they are raising their interest rates to suit market rates. The other day we read in the big issue of the Standard Newspaper, “The mortgage nightmares”, and many Kenyans have lost homes and they are continuing to lose homes. I don’t think many Kenyans can plan not to pay bank loans, surely there is something wrong somewhere. It is the opinion of the business community and Kenyans that interest rates should be controlled so that Kenyans do not continue to loss their homes. Thank you very much.

Com. Raiji: Thank you very much. We now have David Gitau kama hayuko Samuel Gitau, Elijah Chege, Samuel Murithi Gitau, Samson Ndwati, Ismail Nganga, Joyce Nyambura, Peter Kamande, James Mbaye, Barnard Ndungu, John Ngigi Kamau, Joseph Kimani, Peter Mwangi, Samson Kamau Mwangi, Kamau Njoroge karibu.

Kamau Njoroge: Mimi nimetoka Migaragwe na mimi nitaongea Kiswahili kwa sababu mambo ya kingereza yalinipita wakati nilikua nataka Kenya iwe na watu wanaitwa Commissioners kama nyinyi.

Com. Raiji: Endelea Bwana Njoroge.

Kamau Njoroge: Hii karatsi tuliandika tukiwa watu watatu, Ngugu Munyoike yuko hapa, Kamau Njoroge ndio mimi,

Samson Kamau Mwangi ametoka nje kidogo. Kwa hivyo nafikiri tumeweka maneno magumu katika memorandum yetu, na kitu mimi ningeomba ni kwamba nyinyi Commissioner ambao hatujakwaona muangalie maneno kutoka ofisi ya Attorney General ambayo watu wa nchi hii waliteta wengine wakahamishwa, wengine wakafa hii itawaongoza.

Na neno langu la mwisho ni kwamba tunangoja tunashindwa ni nani atasimamia hii Constitution ambayo munaendelea kuitengeza. Mimi nasema tunashindwa ni nani atakayesimamia hii kazi. Kwa sababu mtu akiambiwa simama hapa, simamia hii kazi anabadilisha maoni, anaweka maoni yake mwenyewe. Hicho ni kitu kibaya sana, kwa hivyo mimi nafikiri nyinyi mtaangalia na msikubali yeyeto awasukume.

Haya maneno ambayo yanasumbua watu hasa Vijana na Wazee. Mimi nilikuwa Seminar ya KANU June 29 Mwaka wa 1962, na yale yote tulitengeneza wakati huyalileta uhuru. Lakini watu tuliowapa Madaraka walibadilisha maneno, hiki ndichoo kitu kigumu sana ambao kinasumbua watu. Mtu anapewa kazi, but hiyo kazi anaiona hiyo ndio kazi yake.

Nikigeuka upande wa raia ambao munaita ndio wanakuja kukata kauri kuchagua, kama sasa mnatuita hapa ili tuseme maneno ya haki. Watu wengine hawataki kusema ukweli, na hii kazi inakuwa ngumu sana, kwa sababu watu wanakataa kusema ukweli, kwa hivyo ndio mimi nasema hakuna kitu ambacho kinawasumbua isipokuwa kitu kimoja tu, kubadilishwa mafikiri na watu wengine kwa sababu wana pesa, kwa sababu wana cheo kubwa. Hii cheo sisi tu ndio tulijenga na kama tulikupatia hiyo cheo tena wewe unaenda kubadilisha watu wako wanalia miaka na miaka na miaka hii ni makosa!

Na hii Katiba ya mwaka huu, ninaposoma Katiba hii inaonekana ni the same one, lakini ni nani anasimamia hiyo? Yangu nimemaliza sitaki kuongea mambo mengine.

Com. Raiji: Peana memoranda Bernard Mambo, Muchoki Gachere, Elijah Muroki, Ngugi Muyoike

Ngugi Munyoike: (Kikuyu dialect)

Ngugi Munyoike: Njitagwo Ngugi Munyoike.

Translator: My name is Ngugi Munyoike.

Ngugi Munyoike: Kutoka Isharagi katika Maragwa constituency.

Translator: Kutoka Isharagi katika Maragwa Constituency.

Ngugi Munyoike: Mimi ni mmoja wa wapiginioji Uhuru.

Translator: I am one of the people who fought for the independence of this country.

Ngugi Munyoike: Na maundu maingi niturikitie kumaandika haha.

Translator: I have given my views in this memorandum as follows.

Ngugi Munyoike: Na nimukwenda muthomere andu aya nigetha matigaturagie atiriri.

Translator: And this what I want the interpreter to read for the members of the public to hear:

- (1) Respect of God – Public holidays in Kenya should be renamed “Prayer day” because these are the days God released this country from colonial rule
- (2) Denominations – Many of the denominations we have are violent and divisive. If God is one and the Bible is one and the Quran is one why do we have so many of these denominations? Registration of these denominations need to be controlled
- (3) Politics – Uncontrolled number of political parties is a source of violence. Therefore there is need for control of these parties. We should have about two or three Political Parties in Kenya.
- (4) Regional Government – This type of Government is violent discriminative and tribalistic and may lead to a country’s downfall. Kenya does not need this type of Government so that we avoid tribalism
- (5) Review of Kenya Constitution: As we review the Constitution let us adapt it to the East African Countries and the other parts of the world for the better results as it is in other countries.
- (6) Graft – The present Anti-corruption Committee should be permanent and should investigate such departments as the department of Health where public hospitals have been converted into illegal business due to the cost sharing imposed by the Government.
Maintaining a body in the mortuary and collecting the same is very high, one has to pay a lot for this. Also licencing of personal dispensaries and pharmacies to officials in Government hospitals should be checked because it is impossible for one to serve two masters. The Auditor General should have his tenure of office reinstated. A Parliamentary Committee should be formed to control issues of licences in Kenya. In agriculture, farmers are not benefiting because there is a lot of corruption by Government officials. The prices are too low and there is also misappropriation of funds. Thank you.

Ngugi Munyoike: Ni yarika?

Translator: ii thaa niciathira. No niiguthomwo. Hari undu ukuga.

Ngugi Munyoike: Nanii nindoiga niwega niundu wanyu na ringi riria turigiitwo nitwihariria.

Translator: I also want to thank you.

Com. Raiji: Jane Njogu Kinuthia, Rosemary Wanjiku, Kariuki John, Steven Kamau, Mathew John N.

Mathew John N: Thank you Mr. Chairman for allowing me this opportunity to present views and as well as a few of my friends who can not be here today, and therefore they asked me to come and air a few of their points. One is about the Constitution Review that we are having today. We have a problem right now because majority of us don't know what it constitutes, I was of the opinion that this one should be taught in schools, however basic it is. Because right now, you can have the issue in schools as we are teaching AIDS, we hear that there are other subjects coming up and being taught, surly we can squeeze time so that our Kenyans are well educated on the issue.

The other issue is the legal presentation in courts. I was of the opinion that if the Government can afford to employ permanently a prosecutor surely the same Government can be able to employ permanently someone to represent those who can't afford the high legal fees charges by the lawyers. I was also of the opinion that we have a problem with the fining or the court fines by our Government. This one comes as a result of either some court fines being so high, that they are encouraging corruption. I was of the opinion that whichever court fine, the Constitution stipulates should be based on the per capital income of Kenyans. My opinion was to someone who is well to do, fixing a court fine of ten thousand may mean a lifetime earning of another one. So I was of the opinion that we look at the earnings of general Kenyan before we fix the court fines.

I was also of the opinion about our transport industry, there is a problem with licensing of the transport industry in our republic. One we have so many licences littering the windscreen of the public motor vehicles. You are also aware that we have things like PSV, TLB, road licences, inspection stickers, insurance covers, council tickets, surely you can count until all your fingers are exhausted. I was of the opinion that we introduce a single license to cater for all those. The other issue was Kenyans are unable, when there is a disagreement between Kenyans and when Kenyans borrow loans and there is a disagreement, we are having a problem when it goes to court, for example we have issues of civil jails, are they not being formed, but am not aware of civil jails in Kenya. What we have for someone going in for a civil jail for being unable to pay a certain loan is the same as going to the criminal jail. Am also aware that you are only supposed to pay around a fine sixty shillings to keep someone in jail. And going by the conditions and the situation in our Kenyan jails, surly that is signing a death warrant for a certain Kenyan simply

because he can not afford to pay a certain amount of money. I was of the opinion, if that one has to cease then let have a different jail other than the normal criminal jail.

I was also of the opinion that we protect our local farmer. Mr. Chairman I would also want to draw to your attention one very simple aspect, the price of milk you have read in papers recently the dumping of powdered milk in our republic, killing the local daily industry. Despite all that a liter of milk goes for fifteen shillings. Let us compare that one simply with a liter of soda which has no nutritional value to our citizen going for forty-five shillings. Surely it seems our Government is not doing much to protect the local farmer. Going by the fact that farming is the backbone of our republic, why then do we allow something which is being produced on mass production going for three times the price something which is much higher value and yet much more difficult to produce.

Last one but not least, I was of the opinion that Kenyans are having a row deal when it comes to insurance matters. We are having problems in our courts between the affected party and the insurance. Here we have someone who has an insurance claim, and the judge is a third party in the issue, the judge is not the injured person, neither is the judge the person paying the money. That legal title leaves Kenyans at a loss, why am saying that is because it is placed upon him to judge how much I am worth. If a judge says that am worth thirty shillings today, that is what would come with me, if a judge says am worth a million shillings that is what will come by me.

I was of the opinion that Kenyans be left to decide what each one of us is worth. For example, in case of death during an accident, then let be known that a Kenyan is worth this much, other than being left roaming to go round in courts lopping to have my assessment be made fair. If that can not work, then let be that every Kenyan have a standardized personal accident, because surely accidents don't always happen on roads, they do happen anywhere, and therefore let's have Kenyans be covered by their Government against personal accidents. Thank's commissioners.

Com. Raiji: Thank you Fredrick Mwaura, Micheal Waweru, Micheal Waweru, Alice Nyagothi, Peter Mwaniki, Gideon Maina, Issac Mburu, Faith Kimani, Charles, Issac Ngegi Kimani, Reverent Mburu, Florence Nduta, we ni Mburu

Reverend Mburu: Asante sana Ma-Commissioner kwa kunipatia hii fursa ya kuleta maoni juu ya kutengeneza Katiba yetu. Nimetumwa na watu kutoka Kamahoha.

President awe akichaguliwa na wanakenya na awe na miaka arubaini mpaka stitni.

Ya pili ni security – Security tungetaka iangaliwe sana hasa kwa upande wa polisi. Ukienda kwa polisi kwa mfano umeanda kushtaki mtu polisi wanakwambia uende ushike huyo mtu mliye kosana naye. Pia tunataka hata polisi wenyewe waweze kushakiwa na kwa hivyo tungetaka kuwe na idara maalum ya kuweza kushtaki polisi, kwa maana ukimshtaki kwa polisi

mwenzake hawezi kumshika.

Jambo lingine ni kuwa voter registration iwe inaendelea kwa wakati wote na mtu awa akipewa card ya “Voters Card” pale anapochukua ID. Hii itawawezesha wale ambao wanahitimu miaka kumi na minane wakati uchaguzi unafika.

Jambo lingine ni juu ya akina mama. Zamani wamama hawakuwa wanajulikana katika Kenya. Hata wakati huu ni hivyo – kwa mfano kwa wakati huu mama akifanya harusi ya Kikuyu hatambuliki. Kwa hivyo tunataka wanawake watambuliwe katika Katiba hii mpya. Pia ni muhimu kuwa wananchi watundishwe juu ya Katiba na haki zao. Kama sasa ni vigimu kwetu kushngunza juu ya Katiba na hatuielewi.

County Councils pia zinatakiwa siwe na sheria za kufanya kazi. Isiwe kuwa kuna rules tufauti. Kwa mfano sisi hapa tulipo lazima upate boma ya kufanya kazi lakini ukienda mahali kwingine kama Sagana huwa hawalipi. Hili ni jambo ambalo hii Katiba mpya inatakiwa iangaliwe sana, kwa sababu inatufinya sana. Kwa hayo machache asante.

Com. Raiji: Okay asante Florence Nduta, Evan Mungai, Wambui Ndungu, Wanyoike Leona, Kathuo Muiruri, Hellen Wairimu, Wanyoike Muiruri, John Gatimu, Stephen Njogu, Mr. Gitu & Mrs. Gitu if you have a memorandum I give you five minutes to highlight and then you give us the memorandum

Gitu: Thank you Commission Chairman. My name is Gitu from Muhibi Location, Githumu constituency. Just a few observations on the Constitution.

Constitutional supremacy – Parliament power to amend the Constitution should be limited by conducting survey through referendum. After the referendum that’s when the Parliament should endorse the people decision. This would end up with a more refined kind of amendment instead of having the Parliament to decide on amending the Constitution on their own.

Political Parties - the number of political parties should be limited to only two, which should be controlled by registration and as needed in the Constitution, this will ensure normalcy and some degree of consistency. Financing of political parties, funding of activities of political parties should be done by the state, fairness and equality in distribution of funds should be observed. The current scenario why the ruling party allocates state funds to itself and leaves out other parties is a discrimination. The Constitution should certify how much should be allocated for what activity to each party, to ensure that no party is disadvantaged.

System of Government – The current system of Government where the President wields unlimited powers should be replaced with the system where we have an Executive Prime Minister and a President who will be ceremonial, holding some kind of advisory role. This will ensure that power is shared and moderated. We should retain a Central Government, but economic

resources should be shared equally by all regions. In the current system, there is no equity in sharing resources, distribution of the country's wealth seems to favour some areas leaving out others.

The Legislature - Being a member of Parliament should be a full time occupation, and voting age should remain eighteen years while anybody who contests for a Parliamentary seat should be between thirty five and sixty five years. A Presidential candidate should be between forty five and seventy years, this is to ensure that the person is experienced, mature and stable. Members of Parliament should be at least holders of KCSE and should be morally upright. (5) The Constitution should lay down moral and ethical qualifications for Parliamentary candidates.

While MP should have their own convictions, they should try as much as possible to promote the wishes and ideal of the people they represent. To achieve participatory Government, while we should not encourage nomination perse the presentative of marginalized minority groups like person with disability, the youth should be nominated to represent those minority groups. Thank you very much Mr. Chairman.

Com. Raiji: Okay asante sana. You can leave your memorandum Gitu you wanted to say something thank you, Wairimu Kimani, Kariuki George, Wilfred Nganga, Antony Njuguna, Ndungu James, Francis chomba, Kazai J. M., John Wainaina karibu

John Wainaina: Thank you Bwana Chairman, I would wish to say a few things concerning our Constitutional Review.

Freedom of worship - It appears that our Government does not know what really is meant by this because we see some war like activities being conducted by people who claim to be bringing people to God. It is only when they have gone to some extreme that the Government will rise up and start going against them. This comes too late when these organizations have already established themselves, yet the security apparatus sensed that same early enough.

Our Constitution should put it clear on what activities should be conducted in our churches and worship groups.

Com. Can you make a proposal?

John Wainaina: I would like that some bodies be banned and be done away with because they are promoting some war like activities in our country. Such things like Mungiki and others like the Taliban Vigilante group.

Our Government should not adopt Majimbo because from recent years we have seen when people talk of the pride of their region, we see people being displaced and they are Kenyans while it should not be that way. Kenyans should be Kenyans and live freely in any part of the country, but if we adopt Majimbo from the things we have seen since 1992, we can see that our

country will not continue to be stable.

Land ownership – In our country we can see that there are some people who are landless while others own big pieces of land even as much as one thousand acres onwards. Our Governments should curb such kind of ownership and anybody having more than a thousand acres should be made to surrender some or sale to the people who are less privileged and those who can be called landless because it is clear some people don't have anything that they can claim to be theirs, they have nowhere to call a home they have got nowhere to call their original place.

Again there is something in our police force. We see that instead of our police being an apparatus or a force to safe guard our lives it is becoming a force to destabilize the people and a force to make our people poorer, because corruption is being promoted by the police force. For instance if a person is killed and the suspect happens to be a police officer another police officer will go to investigate that case, there is no investigation that we can await in such cases. If a police officer is suspected to have raped a certain lady, we won't expect proper investigation because there is no police officer who will go to investigate his colleague. So there should be a body set to investigate the police and to prosecute them in a court of law.

Again the transport business - We see that the people who are going to transport business are required to give a lot of money in the road-blocks that we have around our country, and it seems that there is immunity in the police force because there is nobody who can deal with them. So the police force should be checked. The traffic police are doing nothing and it should be done away with because it is not helping the Kenyans. Because even after there has been an accident even a horror one, you will see the buses and matatus overloading and even if your morals would not permit you to carry excess capacity. You will eventually be tempted to do so in order to get money to pay to the police. They pick fifty shillings at every road-block or even one hundred shillings which money is too much for the Kenyan Citizens.

Also vehicle licencing should be made in such away that the annual licences could be paid in half while the vehicle is still on the road. Thank you

because even if there is a certain accident there is a very horror then for a few weeks may be one or two we see that on the routes the matatus and buses are carrying their normal capacity, but after that we see that the police are receiving a lot of money and if you are somebody a Kenyan of moral standards and you don't want to carry excess capacity you will be forced because these people are asking a lot of money from you. You move from a road-block to a road-block giving fifty giving fifty or a hundred shillings which is too much for the Kenyan. Again vehicle licensing it should be introduced that those that can not afford to pay this big licenses for one year then they can pay half and then pay the other half when their vehicles are operating on the road. Thank you.

Com. Raiji: Asante sana Ben Mwangi, John Muturi, yeye ni Ben Mwangi

Ben Mwangi: Thank you very much Chairman and everybody else, I am here to air my oral views.

I am going to talk about unemployment – It is increasingly becoming difficult day after day for school leavers to get able and guaranteed job opportunity. The Government is giving various reasons as to why graduates University graduates, college graduates, form four leavers can get the job opportunity:- We are told that the economy is not conducive to offer such opportunities, but my view is that there are reasons which the Government is not ready to expose, some being poor planning by the various Government department. Corruption in which you have to bribe get a job, tribalism in which members of one community are benefiting when job vacancies arise, nepotism just to mention but a few.

Now my questions are why should the Government use a lot of taxpayers' money to trade and yet not offer employment? And why should the Government retain unproductive people, people who are not working properly whereas else there are so many who are educated and they are still “tarmacking”. My proposals are that the Government should train the number which it can be able to employ, and I am also proposing that their should be one man one job and in this case, most people will have opportunities to serve in the Government.

Also Civil Servants shouldn't engage in private businesses. If you are a health staff you should not have a private clinic, education officers should not have private institutions, just to mention but a few proposals. The other thing is I am requesting is whether the Government could put up a mechanism whereby people who are employed by private institutions or individuals should have their own workers union, which will look into their affairs. And this one should not have very tight regulatory so that even the shambaboy and other casual labourers may have a chance to direct their grievances. Thank you very much.

Com. Raiji: Thank you very much. John Kiatha, Marion Kariuki, Amos Mbugua, Simon Gikonyo, Teresei Mbugua, Charles Kamau, Eluid K. Njoroge, Mary Nyambura, Paul Maina, Joseph Ndungu, Jacob Muchoki, Njoroge Irungu, Josphat, Lucy Wachira, Benson Maingi, Catherine Kamande

Yeyeto ambaye anataka kutoa maoni yake aandikishe majina yake hapa. Haya kuja hapa na utwambie jina lako.

Mbugua Ndung'u (Kikuyu dialect)

Mbugua Ndung'u: Nii ngwaria na Gikuyu. Nii gwenda guka mwenaini wa thibitari. He maundu mahinyagiriria andu muno thibitari-ini.

Translator: I want to talk about hospitals and the problems they are facing in regard to medical service.

Mbugua Ndung'u: Hindi iria muruaru akoma thibitari akahuthira mbeba nyingi na ringi agacoka agetwo.

Translator: When you have a patient in hospital and the patients takes in a lot of money and then die.

Mbugua Ndung'u: Ugicoka guthii kugira kiimba kiu thibitari, nitukoborete gari tugacoka tukariha mochari, ugicoka guthii ugakora andu aria me kuo maragwitia mbia tukahana tari biashara turahura.

Translator: When you go to collect the body after hiring a vehicle and paying for the mortuary services, the mortuary attendants demand money from us, it is like a business they have opened there demanding money from the grieved family.

Mbugua Ndung'u: Hau nindarikia iyo ni namba imwe. Namba iria ingi niuhoro wa urimi uria turimaga.

Translator: I want to talk about farming.

Mbugua Ndung'u: Girigacha ndangihota kumenya uhoro wa migunda ee ofisi. Niagiriirwo nigukorwo agithii mugunda nigetha akona mugunda uria ugaragarite kana uria uhana nigetha akahota gutariria murimi uria uhana. No akoragwo ofisi.

Translator: Agricultural officers never visit us in the farms, they sit in their offices and never visit the farms where they are supposed to be. They can not work, or do agriculture work from their offices.

Mbugua Ndung'u: Uhoro uria ungi ni uhoro wa title cia migunda. Nii nindagiire title miaka iri Murang'a.

Translator: I want to talk about, land title. It took me two years to get my title from Maragwa lands office.

Mbugua Ndung'u: Angikorwo thiina uguthii uguo ona nikipio andu aingi makoragwo micii ini matagirite title.

Translator: Because of this protracted process most people do not go for their title-deeds in that office.

Mbugua Ndung'u: Undu uria ungi ni uyu. Andu aria mandikitwo thibitari amwe nimahitagia na mahitia magacoka kuhonoka na mundu ucio ndabutagwo nikuhurwo ahuragwo transfer na mahitia ta macio matingithira megutura mathiite na mbere.

Translator: When mistakes are done in the hospital the culprits, or the medical staff are never punished or sacked, they are merely transferred. This leaves no need for the President if people are merely transferred from their station to another after they have made mistakes, or professional errors.

Mbugua Ndung'u: Undu uria ungi niwa makanitha maria tuthomaga. Makanitha maria tuthomaga nimetagia athini mbecha

