

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS**

**GATANGA CONSTITUENCY AT**

**CATHOLIC CHURCH**

**ON**

**MONDAY 4<sup>TH</sup> MARCH, 2002**

**Present:**

1. Salome Muigai - Commissioner Chairperson
2. Isaac Lenaola - Commissioner
3. Dr. Abdrizak Arale Nunow - ”
4. Ahmed I. Hassan - ”
5. Dr. Charles Maranga - ”

**Secretariat Staff in Attendance:**

1. Ismael Yusuf - Programme Officer
2. Dan Juma - Rapportuer
3. Regina Obara - Verbatim Recorder
4. Lucy F. Atieno - Sign Language Interpreter

**Com. Salome Muigai:** Tungetaka kuomba msamaha. Tumechelewa kwa ajili ya mvua ilipokuwa mingi Nairobi na watu... mvua kuliko gari, kwa hivyo kulikua na msongamano mkubwa wa magari na imetuchukua muda mrefu kufika kuliko vile tulivyotarajia. Lakini kabla hata hatujaendelea ningetaka kuomba Father atuanzie kwa maombi.

**Father:** Kwa jina la Baba na la Mwana na Roho Mtakatifu. Mungu Baba Mwenyezi tunakushukuru siku ya leo tunapofika hapa Wananchi wa Kenya tunataka kutoa maoni yetu ya uongozi wa nchi hii, hasa tunakapotaka kugeuza Katiba, tunakuomba utupe hekima ili tunapotoa maoni yetu tunapata pia wewe una njia. Tunakushukuru kwa makomishona wetu ambao wamefika hapa, tunakuomba uwe na sisi siku yote mpaka jioni. Tunakuomba Yesu Kristu Bwana wetu. Kwa jina la baba na la Mwana na Roho Mtakatifu Amina.

**Com. Salome Muigai:** Asante sana Father. Sasa kabla hatujaanza ningetaka kuwajulisha kwa mezani ni akina nani, wanatume wenye wako hapo asubuhi ya leo. Mimi jina langu ni Salome Wairimu Muigai, mimi ndio mwenyekiti wa kikao cha leo. Kwa upande wangu wa kulia ni Commissioner Issack Hassan, Commissioner Isaac Lenaola, Commissioner Abdirizak Arale na Commissioner Dr Charles Maranga. Pia pamoja nasi leo tumekuja na wafanyi kazi wa kutoka office zetu; tunaye Ismael aliye kwa upande wangu wa kulia, yeye ni Programme officer, pia tuna Regina upande wangu wa kushoto, mwenye atakuwa akifanya taping na pia pale tunawenzetu wengine wawili mmoja kazi yake ni ya kutafsiria watu wasiosikia. Kwa hivyo kukiwa kuna watu ambao hawasikii leo kuna mmoja wa watu ambao atakuwa anatafisiri. Na wewe mwenye umeketi karibu na yule hasikii tafadhali mjulishe kuwa kuna mtu ambaye atamtafisiria. Na pia tuna mwingine ambaye ni mwandikishaji. Pia tuna committee yetu ya hapa Gatanga yenye tutaijulisha kwenu baadaye.

Sasa kwa kikao cha leo hatuna mambo mengi ya ziada isipokuwa kuwaeleza mambo mawili. Kwa nza tutajaribu iwezekanavyo

kutumia Kiswahili lakini pia tutatumia Kingereza. Ikiwa kuna mtu mwenye angetaka kutoa maoni kwa kugha ingine yeyote, tafadhali nijulishe mapema ndio nitafute mtu ambaye anaweza kutafisiri. Ikiwa ni Kikuyu ninaweza kutafisiri mimi mwenyewe. Lakini ikiwa ni Kisomali naye wenzangu hapa watatafisiri pia ikiwa ni Kimaasai, na ikiwa ni Kikisii. Ikiwa sio hizo lugha zenye tunazo hapa tutatafuta mtu mwingine wa kukutafisiria. Kwa hivyo tunataka usikize kuwa wewe umehusika pamoja nasi.

Ile kitu ingine yenye ningetaka tukubaliane ni wakati. Kila mzungumzaji mwenye ana, ukiwa umekuja na mazungumzo yako na umeyaandika, nitakupa dakika tano ama sita hivi ili utuangazie maneno gani yenye ni ya muhimu kwa hiyo maandiko yako. Lakini pia tutachukua hiyo maandiko na tutayasoma tukifika ofisi yetu. Tafadhali usitusomee neno kwa neno kwani itachukua muda mrefu. Ukiwa huna maandiko, tutakupatia dakika kumi ili utueleze maneno yako na tutayashika moja kwa moja kwa tape ndio tutaiweka na tutaisikiza wakati mwingine.

Jambo la tatu na la mwisho ni kuwa, mtu akija hapa aeleze maneno yenye hukubaliani nayo, kamwe tafadhali usimpigie makelele, usipige kelele zozote, mpe nafasi yake na heshima zake yeye aseme maoni yake. Si ni leo kila mtu anatoa maoni yake? Amalize halafu nawe wakati wako utakapofika wakati wako na wewe utakuja utueleze maoni yako bila kelele na bila kukoseana kupeana heshima zetu.

Na sasa bila kupoteza wakati mwingine, ningetaka kumuita mtu wa kwanza ambaye ni Samuel Kariuki Mwaura.

**Samuel Kariuki:** My name is Samuel Kariuki Mwaura of P.O. Box number 408, Thika. My group is, Ecumenical Civic Education Programme (ECEP). For this review we have said we would like to see review of the amendments undertaken since independence with aim of restoring the separation of powers between the Executive, the Legislature and the Judiciary.

We want a Constitution that guarantees social and economic security to all Kenyans. Each of the three arms of government should be independent when performing Constitutional duties. The civil servants should work for the people and not for the political party. Likewise, their appointments should be done by an independent body free from political influence. There must also be a guarantee for free and fair elections without intimidation and harassment from those in power.

The national administration must not be concentrated in any sector of the population of a political party. The state security, which is not negotiable, should therefore, be the interest of all and not only to secure the power of a few.

The education system should be reviewed and the quarter system should be scrapped nationwide to make room for tribal interaction.

The farming sector should be given all the necessary requirements so as to revive it and to create jobs and earn foreign exchange for our country. The manufacturing industries should be given security and be revived to give more job opportunities.

Our natural resources ought to be safeguarded for our future generation and whatever is used should be used for the interest Kenyans. And that is all.

**Com. Salome Muigai:** Asante sana Bwana Mwaura. Ningetaka kuwauliza kama wanatume wana swali lolote kwako.

**Com. Maranga:** Bwana Mwaura, ningetaka kuliza vile ungehakikisha kuwa kuna free and fair election.

**Samuel Mwaura:** Free and fair election is when we don't have intimidation or harassment especially when we come to where the election is done without intimidation. When we go to the polls, we get some youth who come round and start harassing people to force them to vote for whomever they want or sometimes to be told that there is no time for you because you are known that you are from a different party.

**Com Salome:** Thank you Mwaura. I have one more question. You have also said that the civil service is headed by an independent body----- (inaudible)

**Samuel Mwaura:** The Public Service Commission should be given a free hand to do their job the way they are supposed to do and not to be given instructions of what to do, but to work on their own.

**Com Salome:** Thank you Mr. Mwaura. Tafadhali hakikisha umeweka sahihi kwenye register yetu ili tujue kwamba ulikuwa msungumjzaji wetu siku ya leo. Ningetaka sasa kumuita David Mburu.

**Joseph Mureithi:** Jina langu ni Joseph Mureithi kutoka hapa Gatanga. Ile kitu ningesema, ikiwa tumekuja kusikia habari ya katiba yetu ya Kenya, ningetaka mjue kwa njia mzuri. Sisi sote tuko hapa hatuelewi Kiingereza. Nataka mpungumze Kiingereza kwa maana kuna mtu hasikii hata neno moja ya Kiingereza. Kwa hivyo mkizungumza hiyo lugha kuna mwingine naye anataka kujua kitu gani mnafanya. Neno langu ni hilo.

**Com Salome:** Asante sana Mr. Ndungu. Kwa hivyo mtu akizungumza kama vile Mwaura alikuwa akizungumza Kiingereza, mngetaka mtusafiriwe? Nakushukuru sana kwa maoni yako lakini mimi kama mwenyekiti siwezi kumlazimsha mtu asungumze lugha yoyote, kwa ajili mtu anazungumza ile lugha yenye anajisikia anaweza. Na mara nyingi watu ambao wanafanya civic education pengine wamefanya kwa Kiingereza. Kwa hivyo ile ningetaka pengine tukubaliane, ni kuwa mtu akimaliza nitafanya summary kidogo kuwaeleza ile kitu chenye amesema. Lakini pia hatuwezi kutafisiri neno kwa neno siku nzima, tutazungumza watu wachache na siku ya Gatanga itaisha.

Now, ningetaka kumuita David Mburu Muigai. Yuko hapa nasi? Kama hayuko ningetaka kumuita David Kinuthia. Karibu bwana Kinuthia.

**David Kinuthia:** Asante sana Commissioners kwa kuniruhusu tuongee machache kuhusu katiba yetu ya Kenya. I am going to express my proposal in English.

My first proposal: I wish to propose in that the new Constitution we have, a united Kenya without regards to any tribe, race, sex or religion. People should co-exist with one another and should own any property within the Republic. The issues of locals and natives should not arise in the new Constitution.

We should strengthen human rights by incorporating the following in the new Constitution. The Geneva charter on Human rights, United Conventions on women, children, and the disabled alike. The Universal Declaration of Human Rights of 1948 and the Geneva International Covenant in Civil, Political, Social and Cultural and Economic Rights.

The new Constitution should make provision for comprehensive and integrated:

- (1) Health policy and ensure availability of health care to all under privileged people in the society.
- (2) Free education for which should be compulsory from primary to secondary level and free from university for the under privileged people in society.
- (3) Housing and employment for children or 'chokoras'. These chokoras should enjoy their basic human rights like any other Kenyan.

The new Constitution should have a way of enhancing an atmosphere where these people should be incorporated into the society where they can exercise their Constitutional rights.

Another area I want to stress is for the reduction of Presidential powers by introducing checks and balances to prevent abuse of office.

The new Constitution should create an office of the Prime minister who will be Chief of the Executive and the Head of Government.

The new Constitution should provide for a figurehead President, who will be a symbol of national unity.

Presidential elections should be held at different times from the parliamentary and civic elections.

The new Constitution should define the functions of all works of the government that is the Executive, the Legislature and Judiciary.

The present provincial administration, which is somehow colonial and dictatorial, should be abolished and replaced with a new administrative structure elected by local residents.

The new Constitution should stipulate that a person eligible for election as an MP should have university education, while a person eligible, as a civic leader must have at least Form four level of education.

The new Constitution should reduce government ministries to at least 14, for example, one Prime Minister's office, Finance and Planning, External Affairs, Home Affairs, Commerce and Industry, Education, Defense, Transport and Communication, Justice, Labour, Legal and Constitutional Affairs, Health, Natural Resources and Energy and Agriculture to minimise government expenditure.

The new Constitution should guarantee public officers holding Constitutional offices security of tenure in order to promote professionalism and impartiality.

The Electoral Commission should be appointed by Parliament.

Any registered voter should be allowed to cast his/ or her vote in any province/ or city within the Republic.

The new Constitution should provide for land reforms. A land ownership ceiling should be put in place. Nobody should be allowed to hold over 100 acres as we have got so many people in the towns who do not own any piece land.

There should be protection of public land from land grabbers.

Currently we have got the scourge of AIDS, which has been encouraged by dressing of our ladies today. You might see a lady wearing a miniskirt and this is promoting prostitution. We should promote African cultures so that we have a society where by our people live in a cordial and respectful manner.

The new Constitution should structure and limit the government's participation in the economy and it should also limit its interference in commerce and industry e.g., the liberalization of the coffee and tea industry which, the government is interfering with. We now want an atmosphere where the industries are not interfered with so that, we can create employment in rural areas.

The new Constitution should limit the central government's powers in controlling taxes, natural resources and wealth in districts. Taxes and natural resources should be managed by the local residents or the local people within the districts so that, financing some other districts likes and necessities e.g. education as well as water. We need water.

And lastly, Commissioners, I would like to air my last sentiments on the elections. We want all people irrespective of race and gender to be allowed to hold any office within the Republic of Kenya. Thank you, Commissioners.

**Com. Salome Muigai:** Thank you very much. Nakushukuru kwa ajili ya maoni yako. Ningetaka kuwauliza wanatume kama wana maswali.

**Com. Maranga:** You have said that anybody should be allowed to cast his/ or her own vote anywhere in the Republic of Kenya. Don't you think people can cheat? You can vote in Nyandarua, vote in Thika.

**Com. Salome Muigai:** Na mimi pia nina swali moja kwako, sijui kama unanisikia? Maoni haya ni kuhusu mavasi ya kina mama. Mavazi ya Kiafrika kama ile ya kwanza ni matawi, yenye ni kuficha chini na kule juu hakuna mavazi yoyote. Mavazi yetu ya Kikuyu ilikuwa na slit kubwa kuliko yenye unaweza kutengeneza wakati wa leo. Kwa hivyo ningetaka kukuliza habari ya hii nguo ya kina mama yenye umetutajia kama umefikiria mavazi ya kiafrika yenyewe. Mavazi yenye haikukuwa na hizi ikiwa inakuwacha pahali pengine uchi ni vile fikira zetu hazikuwa katika maoni mabaya.

**David Kinuthia:** Asante sana Commissioner. Vile ninaonelea hii ndio swali yako. Mavazi ya kiafrika, haikuwa inaonyesha mtu anajifaa. The way Africans used to dress, walikuwa wanavaa mavazi ambayo hayaonyeshi mili zao. Siku hizi unaweza kukuta mwanamke ako na miniskirt ile imelenga huko kiuno ama ukute mwanamke ako na mkato ambo umefikia huko kiuno. Waafrika walikuwa wanaficha sana mili yao.

The other question you asked is whether I think people should cast votes there and then go to vote in Muranga. You asked, a person can vote here and then go to vote in another polling station within the locality. I think that question the way I put it, is that now we are highly developed in technology and computers and what have you. Don't you think there is any thing that we can try to limit through computerization on how people can vote?

Okay ninakuuliza, now tuko na technology na computers and I think in some countries like America and these developed countries, they use these technology and people do vote from anywhere they feel like according to some people who have gone to these developed countries.

**Com. Maranga:** Yeah, what I was asking is very simple. If somebody wants to vote in Gatanga constituency and you are using a voter's card, it is very possible even if you are using computers. In fact it will even be easy to rig elections given that we don't have a watertight system of elections. So this is what I was asking, somebody can easily vote in Gatanga, vote in Thika vote in Nairobi because you are supposed to vote anywhere. How do you communicate to the central point? Because in some parts of the country like in the North Eastern and Kisii we do not have electricity.

**David Kinuthia:** Someone is a voter in Gatanga, then when it comes to time for elections to go to Western he spends over a thousand shillings, which you may not have, and we have mobile phones. Why can't you communicate with this locality and say that we have got so and so who wants to vote in this locality?



**Com. Maranga:** (inaudible)..... if that is what you were saying that anybody can vote anywhere that is okay, but I have no problem with that. What I was asking is where you have got a voter's card then you can vote anywhere not necessarily attached to any particular constituency. That is what I wanted you to clarify but now I have understood.

**David Kinuthia:** Okay you have understood? Thank you.

**Com. Salome Muigai:** One more question.

**Com. Lenaola:** Bwana Kinuthia on the Presidential powers you said they must be checked to reduce abuse of office. You didn't tell me for example what specific powers you think we should reduce. Tied to that, what is a figurehead President? What are his roles in terms of your presentations? Are we taking note?

Thirdly, you are saying we should replace the provincial administration and have elected posts. Are you saying we should have PCs elected, Chiefs elected or do we transfer their power to another body, which should be elected now? I didn't quite get what you meant by that.

Lastly, taxation at the district level. You said we must be managed at the local level. Who then should manage taxation at the district level? Is it the County Council or is it the new body you are talking about? Who should manage taxation at the district?

**Com. Nunow:** Before you answer Kinuthia, maybe you should add this question to the series of questions asked by my colleague. In your opening remarks, you talked about your vision for a united Kenya, in which anybody can live and own property anywhere. Would you tell us what is in your mind, as to how that dream can be realized knowing the country as divided as it is now, with all the problems we have had. How do you envisage Kenya attaining that level of unity where we can rejoice in harmony and live and own property anywhere in the country?

**David Kinuthia:** Can you repeat that question please?

**Com. Nunow:** I said in your opening remarks you talked about your vision for a united Kenya in which any Kenyan can live and own property anywhere freely without intimidations and threats. But we know that our country is divided both politically, economically and socially. How do you envisage that your dream and vision for Kenya can be realised? What do you think Kenyans should do to attain that kind of aspiration?

**Com. Salome Muigai:** Ningataka pia kuhakikisha kuwa, umekubalishwa usilijibu swali lolote ambalo unajisikia hutaki kujibu. Wakati mwingine unakuwa huna habari, lakini hujafikiria mpaka pale penye wanatume wanakupeleka. Kwa hivyo ungefikia pale ningetaka kukujulisha ikiwa hutaki kujibu mpaka mwisho, mwenyekiti amekusimamia kutolijibu.

Pili, ni kuwa maswali tunauliza ambao ni maswali ya ufafanuzi. Tunauliza maswali hiyo ili tuweze kuelewe lile wazo ambao umesema. Sio maswali ya kukuweka on the dock. Hii sio koti kwa hivyo hatukuambii u-defend. We are not asking you to defend your side. We are just asking you to clarify the points that you have shared with us so that we may understand what you mean. That is all. Ninaona mkono juu lakini kwanza nitamsikiza bwana Kinuthia akijibu hayo maswali halafu nitakusikiza wewe.

Hii technology ikikosa kutusaidia tutaiweka kando na tutaelewana. Mimi mwenyewe ni mwalimu kwa hivyo naweza kuzungumza mpaka kule nyuma. Ile jambo ambao nimemuambia Mr. Kinuthia ni kuwa maswali yetu ni ya ufafanuzi tu. Tunataka tu kuelewa vile mwenye kuzungumza anataka kusema. Kwa hivyo tukikuuliza swali lingine usikie kama unajisikia tumekuweka kotini, basi hilo usijibu. Mimi kama mwenyekiti nitakusimamia usijibu, ujibu tu ile maswali ya ufafanuzi na ile maswali yenye tayari umefikiria. Sio usimame pale usikie lazima sasa nianze kufikiria zaidi ya vile nilikuwa nimefikiri tafadhali Mr Kinuthia.

**David Kinuthia:** Commissioners niko na jawabu ya kujibu hio maswali yenu.

Swali la kwanza ilikuwa inaulizwa kuhusu powers of the President. Commissioners, vile nilikuwa nina sema kwa powers of the President nilikuwa nataka, let me express in English kwa maana Kiswahili inaenda mara ingine inasumbua kidogo.

What I meant by we reduce the powers of the President, is that the powers should be minimized so that he should not always be at will when he wants to appoint Commissioners like the Electoral Commission. The President should have his duties, which should be minimized in these ways:

1. The President should only be the Head of State. He should not appoint bodies of Judges the Commissioners like you. This should be left to Parliament. That was what I meant. His powers should be limited.

The second question where I quoted the word the 'figurehead president' what I meant by this, is that we should have a Prime Minister who shall be the Executive Head of Government.

The third question concerns taxes collected within the local community through the Ministry of Local Government. What I meant by they should be managed by the people within the locality is that; they should not be controlled by the Ministry of Local Government. That is why you always see counter books and books in Municipal Councils because of these taxes. Now what I meant was that these taxes should be left in the hands of the elected people within the Municipalities and Country Councils.

The fourth question was whether people should co-exist with one another in the Republic of Kenya. This Mr. Commissioner there were some instances where you hear our elected leaders saying that we are the locals of this area or we are the natives of this area. What I meant by we should co-exist with one another, is that whether you are a Maasai or Kikuyu or Luyia you can own property within the country and nobody should intimidate or harass you because you don't come from that area.

The last question about the Provincial Administration my Commissioners, we in fact derive from the laws, which we inherited from our colonial masters. The British colonial rules. These administrators act as dictators. The people should elect them because when people are fed up with someone he can be told to vacate his office. But now he has got his godfather somewhere you cannot even ask him any question.

**Com. Salome Muigai:** Asante sana Kinuthia. Inaonekana una written submission tafadhali. Ungetaka kutufanyia typing halafu umpatie Mr. Wanyoike our District coordinator atatupatia.

Na sasa ningetaka kumpa hii nafasi... oh kulikuwa na swali. Swali lenye lilikuwako ni lenye kutumia hii mic kwa hivyo tumesuluhisha hilo. Basi sasa ningetaka kumuita Reverend Joseph Mbogo Kaigwa. Karibu Reverend. Lakini hata kabla Reverend hajaanza, ningetaka kuwazungumzia akina mama. Nyote mumejiandikisha ? (*speaks kikuyu*) Kina mama mumejiandikisha kusikiliza peke yake. Tungetaka pia kina mama kutuzungumzia, tungetaka kusikia maoni yenu kwa hivyo ukisikiliza (*speaks kikuyu*) . Okay... saa hii nitapatia nafasi kwa wale wenye hatuelewi Kikuyu wanatume ninaajaribu kuwahusisha kina mama wote wamejiandikisha na kusema hawataki kuzungumza. Wanataka kusikiza na ninawambia wakina mama wa pahali pengine watatuliza vile mama wa Gatanga walisema na nilazima wanipe ujumbe wao pia ndio niwapelekee. Sasa Bwana Reverend una nafasi ya kusungumza.

**Rev. Joseph Kaigwa:** Thank you Madam Chairperson for allowing me to view my point. My name is Reverend Joseph Mbogo Kaigwa. These are my points:

The President should not be above the law.

Government arms should be autonomous i.e. the Judiciary, the Legislature and the Executive. They should not be manned or to be headed by one person.

Election cards should be counted at the polling station. They should not be carried and counted somewhere else. The election boxes should be transparent for everyone to see what is inside. The issued voting cards should be cancelled and new ones to be issued and be made in a different country but not England where they are usually made to avoid rigging. The President should be voted in by more than 60% of the voters.

The monitors should be the church and they should preside over the counting system or the counting though the government officers who may be present in any voting area.

Once the parliament is dissolved, the incumbent President should no longer be in power. That means that, when we are about to vote, have new MPs or to elect new people in Parliament the President should not be in power. We can either have the

Attorney General or anybody else in the office at that time.

Civic education to be taught to all, from primary school to university so that people can understand whom are in their country. The colonial system of government should be abolished. That means PC, DC, DO, Chief and the likes should be employed by PSC (Public Service Commission) but not be elected or be appointed by one person.

Human life should be respected even in jails, cells and custody.

The term of office for MPs should be looked into but it should not exceed two terms, that means it should not exceed ten years. Youth wingers should not be arrogant in any voting station and if found to be arrogant the executive should deal with them or with that.

Finally I wish to thank all the Commissioners and audience for listening to me and I hope that after Constitutional Review or the work is done away you come back that means referendum. You come back to us so that we can see what you have said is what you have taken. Thank you.

**Com. Salome Muigai:** Thank you very much Reverend. Are there any questions from the Commissioners? Any points of clarification? Thank you very much and please sign our book. I would now like to call upon John Wainaina. Any person with any disability who has already registered I would like to know who you are, because I would like to give you a chance. Utaenda pale pahali umejiandikisha uwaeleze kuwa wewe una ulemavu.

**John Wainana:** Nitaongea kwa lugha ya Kiswahili. Kwa jina ninaitwa John Wainaina kutoka upande wa Kajara huko Box ni 287, Thika. Mimi nitaongea kama Mkulima mdogo na vile vile nitaguzia yale ninayo. Ikiwa tunajiandaa kurekebisha au kutengeneza, katiba mpya ya nchi yetu hii. Ni kwa kweli Mkenya haishi kama ako uhuru vile tunambiwa tuko uhuru. Na heri sharti wa-Kenya sasa wajiandae kusema yale walionayo ambayo inawasumbua kirohoni.

Jambo la kwamba mimi nikiwa Mkenya sina haki ya nchi yangu. Nikiwa mkulima nalima, napeana mazao yangu katika factory ambao ikitoka factory, yaenda ngambo ambao ikirudia mimi hukaa bila. Kwa hivi imefika kiwango ya kusema hata haina haja ya kulima.

Pili, nikirudia mazao yangu hiyo sina haki ya kuuza hata ingawaje ninajua njia ya kuuza au kuna mtu mwingine ananinulia kwa bei ya juu kwa sababu unalipa nijifaidi, sina haki ya kuuza hilo zao langu. Ninaongea hivyo nikiwa mkulima wa majani chai na kahawa kwani majani chai na kahawa tuko jirani. Sisi hivi tunavuna majani chai tunapeleka kigwandani na ikiuzwa ngambo hela zinapotelea katikati. Kwa hivyo katiba ikiunda ladba iagalie jambo hilo.

Ninakuja kwa upande wa..ingawaje imeguzwa kwa Kizungu lakini kuna wengine hawajasikia. Kwa upande wa polisi au

administration. Nikisoma bendera ya polisi ninaona inaandikwa *Utumishi kwa wote*. Kwa hivyo ni mimi na ule mwingine, lakini imekuwa sasa hiyo utumishi ni utumwa maana ukija kushikwa unashikwa kama kitu kisiofaa na angalia picha ya kushikwa na ya mkombozi wa nchi hii hayati aloposhikwa ninaona ni sawa. Kwa hivyo tunatumia kikoloni.

Upande wa elimu: elimu nayo tuna ambiwa kwamba elimu ni ya bure, mijengo tumejenga shule zingine zilijengwa nikiwa mtoto mpaka sasa. Tumefikisha watoto kama elfu nne, elfu tatu katika shule hiyo hiyo na vile vile tuna macho tunatazama tunaona majengo hakuna nafasi ziko tu lakini tunazidi kujenga.

Nikiangalia nchi kama Tanzania ikiwa wewe ni Mwananchi wa Tanzania ukija kushikwa, unaletewa kibarua unahitajika station. Siku hizi ukishafikishwa station utafungiwa kama mtu asiyofaa.

Majimbo: Majimbo sijui, nasikia ikiguzwaguzwa na sijui wenye kuitaka majimbo wanaitaka kivi kwa sababu sisi Wanakenya ningependelea kusema, ikiwa mimi natoka hapa naenda pwani na ni Mkenya na nina mahali ya kuishi, haina maana tena ya kushikwa na kuwekwa gari na kurudishwa hapa kwa maana niko nchi yangu.

Ya mwisho nitaguzia tu upande wa ukubwa. Kutokea mkubwa mpaka mdopgo, mwananchi wa kawaida anafaa kupewa nafasi ya kumuona mkubwa wake. Hapana kufika pale ofisini na kuambiwa unataka kusema nini; kutoka kwa President mpaka kwa Chifu nikienda kule niruhusiwe na nichukuliwe na heshima. Sijue ni kwa nini naweza kuchagua President ambaye awe mimi nimempeleka pale awe ni adui yangu hatutaonana nimpe shida yangu. Nafikiria yangu ningefikia hapo na niseme ni shukurani kwa kamati iliyokuja ili kupokea maoni.

**Com. Salome Muigai:** Asante sana Wainaina. Kuna swali?

**Com. Lenaola:** Bwana Wainaina sikuelewa sana mapendekezo yako kwa mambo ya elimu. Sikuelewa sana ulikuwa unasema nini juu ya masomo.

**John Wainaina:** Elimu tunaambiwa ni ya bure na huku twalipa. Kwa hivyo mapendekezo yangu ni tuambiwe tulipe au tusilipe. Tufafanuliwe hapa.

**Com. Maranga:** Mzee Wainaina, wakati ulianza kuongea kwanza kabisa ulisema sisi wana Kenya tunaishi kama sisi bado uhuru kabisa. Na ni sababu gani unaongea hivi.

**John Wainaina:** Ninaongea namna hiyo kwa sababu wakati mkoloni alikuwa nchi hii tulikuwa t6unafanya kazi ya bure kama kulima. Tunalima kwa kilazima, kama ni kazi ya kuvyeka tunavyeka kilazima. Lakini sasa tumepewa njia tuna mashamba, tunafanya kazi lakini ile kazi inakuwa ni bure kwa sababu hatupati mapato ya kazi yetu.

**Com. Salome Muigai:** Kuna swali lingine? Basi mimi sina la ziada na kuomba kuweka sahihi kwenye kitabu chetu na asante sana. Atakaye tuzungumzia sasa ni Mkarara Youth Group. Ni wewe Alice?

Alice: They had their representation and they couldn't wait, they came here early in the morning.

**Com. Salome Muigai:** Alice you can just give us the memorandum because the whole idea ya kufanya presentation ndio tumuulize maswali. Sasa wewe hatuwezi kukuliza maswali kwa hivyo tutachukua hiyo memorandum na tutaweka kwa kitabu kuwa tumeshaipata.

Na sasa nitamUomba David Kinyajui aje atupatie presentation ya GDG. Maana yake ni. Gatanga Disabled Group. Haya basi ni wakati wenu.

**David Kinyajui:** My names are David Kinyajui Maura. I am here to represent the memorandum for Gatanga Disabled. Since the present Constitution has no provision to cater for the needs of the disabled persons, we propose the following issues to you:

Disabled persons should be recognized by all and especially the government of the day part of that issue, our children should be given free education in recognized schools.

We should not be left to line up in banks, hospitals, when voting, when taking our children for interviews in schools plus the bus terminae.

A disabled person should be considered for employment if he or she has qualified for one and should not be given conditions that the toilets are upstairs or the offices are at the top floor of the building.

The national fund for the disabled and other institutions for the disabled should be taken care for by the disabled themselves and also the employees who work in this institutions should comprise of 75% of disabled persons.

A disabled person from the age of 25 years should be given a salary whether he/she is working or not. This is because most of the disabled persons are not employed and when they get to that age they become frustrated in life and desperate because they have needs, which nobody is willing to take care of. There are also not entitled to the N.S.S.F.

When building public houses the architect should be advised by the disabled person on how to build a house where a disabled person with a wheel chair or crutch can use without much problems.

The disabled person should be exempted from paying licenses to the council. They should be allocated a special place where

the can run their businesses with no interference from the askaris.

A disabled person should be given a chance to vie for a seat in civic and parliamentary elections without conditions so that he/she can be able to fight for the rights of the disabled. We should all have a minister in charge for the welfare of the disabled because the current ministry of social aspects does not take care of the needs for the disabled but for women groups.

Registered groups of disabled persons should be given access to import their items duty free e.g. spear parts for their wheel chairs, calipers, crutches, canes and hearing items for the deaf to provide them with adequate services. It is therefore the responsibility of the government to ensure that the rights and services of the disabled are meant taking into account that disability is not inability. That is all.

**Com. Salome Muigai:** Thank you very much Maura. I have one point of clarification. Kinyanjui you and your group as you were thinking this and especially on employment and parliamentary seats. What methods did you have in mind that can be used?

**David Kinyanjui:** The government should provide a number of seats either in Parliament or in the civic wards and it should nominate the disabled to those seats.

**Com. Salome Muigai:** Thank you very much. Sign our register. Please may I have the papers from the door? The next person is Joseph Njau. Yuko hapa nasi na James Kinuthia.

**James Kinuthia:** Majina yangu ni James Kinuthia Mburu na mimi ndiye katibu wa chama cha TIBA ambao wanahusika sana na ugonjwa wa ukimwi. Ningetaka kutoa oni langu la kwanza. Wakenya hawana amatumaini na serikali inawaongoza kwa sababu mambo yanayofanywa kama sasa inafanywa kabla ya wale ambao wanastahili kuhusika kuonyeshwa ya kwamba hii mambo inaanza na imefika hapa na wakati wake uko wapi kutoka sasa mpaka wapi. So Wakenya hawahusiki katika yale mambo wanasitahili kufanya lakini wanaonyeshwa washiriki lakini si wahusika.

Jambo la pili, vile haya mambo yanatolewa na magazeti, radio na hata uninga. Inatolewa inaonyesha ya kwamba ni kama hii kamati ya kurekebisha katiba ni kama tayari kuna Katiba ambayo imetengenezwa na imewekwa mahali. Sasa Wakenya wanapotezewa wakati, wakati ukifika Katiba inatolewa na inaanza kazi. Kwa hivyo hii mambo inaletwa kwa gazeti halipatiwi mwana.nchi kwa njia inayostahili. Haimpatii tumaini mbali inampoteza kwa muelekeo.

Jambo la tatu ningetaka kuongea juu yake ni kwamba sasa tuko hapa na ni ukweli ya kwamba tarafa ya Gatanga ama constituency ya Gatanga ina watu zaidi ya elfu sabini. Lakini hapa katika hii hall, ni watu wangapi wako? Very few. Ni wachache kabisa. Kwa hivyo hii process haitakuwa imechukua maoni ya Wakenya wanaostahili, itakuwa imechukua maoni yale ambao hayalingani na watu wale wanaishi katika Kenya yote. Kwa hivyo civic education haijafanywa hapa Gatanga. Sijasikia hata siku moja ikifanywa lakini sasa watu wanaambiwa watoe maoni. Watu waweza kutoa maoni kwa kile ambacho

hawajui. Kwa hivyo kama review commission inachukua maoni ya Wakenya wa hapa Gatanga watu wapewe civic education kwanza na wapewe kwa kirefu ili waelewe ni nini wanatoa maoni juu yake.

Jambo hiyo ingine ni kwamba hii kamati inakimbia sana sijui inaelekea wapi. Sasa siku ya leo wako hapa, siku ingine wako pale sasa hata hakuna ile time, wakati ule wakutosha. Kama watu wa Gatanga ni wengi sana, wanasitahili siku moja mbili tatu, ili waweze kutoa maoni yao kwa utaratibu. Sasa mtu akitoa maoni kwa dakika tano anaondoka. Yale mambo ambao angetaka kuongea kwa kirefu hawezi kwa sababu ya wakati. Kwa hivyo inastahili hii kamati ikiwa ina nia ya kutengeneza Katiba yetu iwe mzuri sana na iwe ya kuongoza watu wale wanaishi katika Kenya na Kenya iwe mzuri, hii kamati iende kwa muelekeo sio kukimbia sana kama farasi. Hapana, iende kwa utaratibu. Utaratibu unaofaa kwa kila mtu katika Kenya.

La mwisho ningetaka hii kamati ielewe ni ya kwamba, watu wa Kenya ndio mwamba wa hii Katiba. Wakikosa kuhusika hiyo Katiba itakuwa imetengenezewa huko hewani na hawatakuwa wameilewa na hawataijua hawataifwata. Kile watakuwa ni kuumia mwishowe kufanya waifuata lakini hawaielewi. Tujue ya kwamba hii Katiba itakuwa ya Wakenya; Wakenya wakitoa maoni yao kutoka kwa yale maisha wanayoishi ili waweze kufaidika na kusaidia kufanya hii Katiba iwe mwongozo na kielelezo njema katika nchi yetu ya Kenya.

Mwishowe kabisa ningetaka kusema bila ya kujali maisha yajayo, maisha ya sasa ni bure kwa hivyo hii kamati ichunguze na ione ya kwamba haya maoni ambayo ninatoa si maoni tu ya leo ni maoni yajayo. Maoni ambayo yatatengeneza Katiba ile Katiba ambayo itasaidia watu wale ambao kama ni watoto wanalelewa sasa na watakuwa watu wazima. Kwa hivyo tujue hii si Katiba ya kutengeza ili hii commission iishe na ile pesa inatumika itumike, hapana. Ni kazi ya muhimu sana kwa sababu ya maisha ya baadaye ya nchi yetu ya baadate. Lakini asante kwa ile kazi mnafanye sasa.

**Com. Salome Muigai:** Asante sana Bwana Kinuthia kutueleza vile tume inavyioendelea. Kwanza ningetaka kukuhakikishia kuwa tume haina katiba yeyote yenye imejiwekea yenye itakuja kuwaleta Wakenya. Kama tungetaka kufanya hivyo ingekuwa jambo raisi sana kukaa Kencom House tukaandika katiba. Lakini tunakuja Gatanga kwani tunataka kusikia maoni ya watu wa Gatanga. Ninakubaliana na wewe kuwa hatutaweza hata wakati mwingine hata wakati wowote kumuona kila mkaaji wa Gatanga. Lakini pia tunatumaini kwamba wale wakaaji wa Gatanga wenye wamekuja kuzungumza, ikiwa ni mkulima wa kahawa mwenye anasema shida ya kahawa, yeye azungumzi kwa ajili ya taabu yake ya binafsi peke yake. Anawazungumzia wakulima wengine elfu tatu Gatanga wenye hatukuwaona. Kwa hivyo sasa Kinuthia nami ningetaka kukupa challenge hiyo yenye umenipa. Ningetaka sasa kwani wewe ni mmoja wa watu wenye mumepata furusa ya kuja kuzungumzia shida ya watu wa Gatanga kukupa dakika zingine mbili ile utueleze proposals zako kwa Katiba kwani kueleza vile hatujafanya hiyo ni kazi nzuri lakini tukikaa tu hapa tuzungumzie yenya hatujafanya. Waswahili wanasema yaliopita si ndwele. Si ndivyo basi tupe step moja mbele. Wewe waona watu wa Gatanga shida zao ni nini kwani wewe umekuja leo na wengine hawakuja tueleze mawili ama Matatu yenye itasaidia hii katiba. Ama ni vipi watu wa Gatanga?



**James Kinuthia:** Kwa upande wa kutoa maoni kabisa ni kusema ya kwa Katiba ichukue nafasi ama iunde area ambayo itakuwa ikitoa nguvu. Ugonjwa wowote ukitokea katika nchi usije ukaangaliwa na macho. Kitendo kichukuliwe mara moja, kama vile Ukimwi uligunduliwa 1981 na sasa serikali inakuja kuchua uwadhifa wake 1992. Sasa miaka mingi watu wengi wanaumia. Ugonjwakama Chorela, TB, Typhoid, yakitokea mahali ni kusemekana imetokea serikali inaangalia hiyo na hiyo iwe ni Constitutional right ya kila Mkenya awe akipata.

Ya pili, kuna magonjwa yale ambayo hayaeleweki, inasemekana huo ugonjwa haueleweki na hospitali zile ziko karibu. Serikali inachukua huo wakati na kuchunguza ama kuchukua nafasi hiyo kwenda nje mahali watapata usaidizi ili haya magonjwa ya kija yataua mwanadamu kama mnyama.

Ya tatu, vijana wetu wanawachiliwa na serikali na wanaharibika kwa madawa ya kulevyia, hii pombe ya kienyeji huko nyumbani na hata ufutaji wa bangi na mambo mengine kama hayo. Vijana wapewe nafasi katika uongozi, waweze kushirikishwa katika mambo yote yale ambayo yanaendelea. Wasije ni viongozi ni viongozi wa kesho kesho ambayo haifikii, wawe ni viongozi wa siku hiyo wako.

Ingingine ni kwamba, ikiwa vijana wako shuleni wakisoma, serikali ilinde huyo mwanafunzi yule ambaye yuko shuleni. Asije akaingiziwa madawa ya kulevyia na mambo mengine maovu yale ambayo yataharibu mwelekeo wake katika masomo.

Na ya mwisho, tuchukue hii gender quality. Wasichana wakiingia secondary wengi wao wanatoka shuleni kwa sababu pengine amepata mimba, wakati mwingine kwa sababu ya ile inaitwa cultural problems. Traditional problems kutoka manyumbani, hatutaki wasichana wasome sana watakuwa nini mambo kama hayo. Wawe watu wote wanahaki, vijana kwa wasichana wana haki ya kuendelea na masomo ili waweze kufikia mahali mtu anaweza.

Domestic problems; hii inakuwa ni kwamaba unakuta wazazi wengine mwanamke haongei anakaa kimia hata hapa ukiangalia wanawake ni wachache tu, hawaingii kwa public kwa sababu gani? Kwa sababu ya hayo mambo ya kutoka huko kwa domestic. Anawachwa nyumbani na mambo yake ya nyumbani bwana atawale. Akiendelea kutawala sasa naye mama na ndiye mwenye nchi ndiye anazaa watoto na anawalea atajua vipi mambo vile inabadilika katika nchi.

**Com. Salome Muigai:** Asante sana Bwana Kinuthia. Sasa umewakilisha watu wa Gatanga. Je wanatume wenzangu mna maswali kwa bwana Kinuthia? Commissioner Maranga ana swali moja.

**Com. Maranga:** Bwana Kinuthia, nafikiri umesema kweli elimu ya kiraia haijafanyika upande wa Gatanga. Mimi ningekuuliza kama mwanatume, ungetaka wakati gani na unafikiri ni wakati gani watu watakuwa tayari kutoa maoni?

**James Kinuthia:** Kusema kweli wakati inaofaa ili watu wa Gatanga waweze kujua waweze kufahamu juu ya kutoa maoni yao

kuhusu urekebishaji wa katiba, kutoka sasa mwezi huu wa tatu wasitahili kupewa miezi mitatu ili waweze kutengenezwa vitu kama nyimbo, mchezo ya kuigiza ili wakutwe katika mahali wanaenda kama soko kama hapa Kirwara, Gatula mahali pengine kama huko watolewe nyimbo ili wakionekana kwa makanisa na mahali mengine na hata kwa mikutano wataweza kutoa maoni yao. Wataweza kuelewa hii katiba ni nini kwa sababu wengi wao nimezungumza na wao hawajui Katiba ni nini. Wengi wao wanasema eti katiba ukishika na polisi ukipelekwa kotini sasa utakutana na katiba. Sasa unaona the image they have is very awkward. Kwa hivyo wastahili miezi ili waweze kutoka June waweza kuwa wakitoa maoni yao very free and very participatory in a very comprehensive manner.

**Com. Salome Muigai:** Asante sana Kinuthia kwa maoni yako. Wewe natarajia pia ni mwenye kufundisha Civic Education nakusikia unailewa kabisa. Tumesikia pia wana ECP wenye wako hapa. Kumekuwa kukifanyika elimu ya kiraia na ECP. ECP have you been doing civic education here in Gatanga?

**ECP Group:** We tried but the time was short.

**Com. Salome Muigai:** The time was short. Kwa hivyo inaonekana kuwa pengine nyinyi mungetaka proposals kuwa turudi tena. Haya basi tutasikiza leo na wakati huo mwingine mkiwa tayari basi mtatujulisha kuwa mko tayari na tutakuja tena. Lakini kwa wakati huu pia tungetaka kusikia maoni. Jambo hilo lingine lenye ningetaka kuelezea kidogo ni kuwa tume ya Katiba ya Bwana Ghai na wanatume wenzake ishirini na tisa ni wafundi wa Katiba. Kwa hivyo si lazima Mwananchi aelewe ule ufundi wa kutengeneza katiba ndio aeleze shida zake. Wewe unaeleza maoni yako vile unavyiyoona na wale wakienda kukaa kule kwao waitengeneze hao maoni yako iwe lugha ya kiukatiba. Hiyo kuhusisha hiyo lugha ikawa nyinyi mwatueleza katiba yenye tutaenda kuitengeneza vile mulivyo tuambia. Hiyo ingechukuwa muda mkubwa sana kuwafanya kila Mkenya kuwa wakili mwenye kujua habari ya katiba. Lakini sikia uko huru kutueleza shida zako ama maoni yako vile yalivyo nasi tukienda kupeleka kwenye tume, tume yenyewe itajihusisha na kutengeneza hayo maombi yakawa report katika lugha ya kikatiba. Tunaelewana. Kwa hivyo hata mama akituambia habari ya vile anataka kuuza ndizi yake, na vile baba alituambia vile anataka kuuza kahawa yake, vile itakapogeuzwa kuwa Katiba hiyo ni kazi ya tume tafadhali. Kwa hivyo isiogope kutueleza. Sasa ningetaka kushukuru sana bwan Kinutjia na kukuomba uweke sahihi kwenye kitabu. Asante sana. Sasa nataka kumita James Njoroge:

**James Njoroge:** Thank you commissioners. I am James Ndirangu Njoroge mwenyeji Gatanga. Ningeomba nizungumze na Kiswahili Kizungu. I will only touch on those issues that I think have not been veto on. Kwanza ni uraia wa Kenya, sasa the Katiba or the new Constitution we want should define who is a Kenyan citizen. Now how does one become a citizen? Mtu anakuwa raia, ni kwa kuzaliwa, ni kwa kununua whatever process. Pia tungetaka kujua kama mtu anaruhusiwa na Katiba kuwa citizen wa Kenya na nchi ingine.

Pia Katiba hii lazima ituambie the rights of a Kenyan citizen. Rights zako ni zipi? Na responsibilities zako ni zipi?

**Com. Salome Muigai:** Mr. Njoroge ningetaka wewe mwenyewe utambie maoni yako. Kama umeanza kutuuliza itakuwaje. Huu ni wakati wetu wa kukuliza wewe maswali.

**James Njoroge:** Maoni yangu ni kwamba kuzaliwa ndio uraia ule wa haki kabisa na kama kuna wengine watakuwa raia kuwe na process ambayo imekamilika kwa sababu kama ni kipande ID card anybody can get an ID card in Kenya. You don't need to go very far to get one hata ukitoka kwa shetani utapata kipande Kenya . So that cannot be the only identification to be a citizen of this country.

Kuna ingine ningetaka ... narukaruka naona zile ambazo hazijaguzwa. Tumezungumza juu ya haki ya wale tunasema minorities kama walemavu, wageni na wengine. Lakini Kenya vile imekuwa ni kwamba kuwa wale majority hawana rights. Nobody is going to tell us that women in Kenya are the minority, they are the majority but they have no rights. Hata tumesikia wengine wakisema Affirmative Bill should not be there. Mimi ninaona kama Katiba yetu ingekuwa na haki na rights za hata wale wengi kwa sababu it has been assumed. Wengine wamwesema disabled people. Ni afadhali wangewekewa kiwango kama ni kwa uongozi, katika County Council, katika Parliament and so forth. Kwa sababu tukiwaweka na wale wengine wako wazima bila shaka chances are very few for them to win any elective post.

Nitaguza Executive Office. Katiba nzuri lazima iseme nani anaweza kuwa raisi wa Kenya. Qualities na ningeonelea kwamba kama tutakuwa na Katiba nzuri na nchi nzuri, huu tunamuita raisi asiwe wa chama chochote kwa sababu ata he will mix politics and the executive powers and given the portfolio he has. For example, we don't know when our President His Excellency President Moi, goes to Nyanza for 'merger' whether he is doing a government business or a political business. That should not be there. So I think he should be above politics. Asiwe wa chama chochote.

The Executive Office should... this Katiba we want should define in very certain terms the succession roles. Our problem now and I don't think we are coming out of it is the succession problem we have now. The Constitution should be clear black and white as to what happens when one leaves that office. This Executive head we should not have him everywhere. For example he is our president, he is the head of state, he is also head of the government, the Vice Chancellor of all our universities, he is the Commander in Chief of the armed forces and he is everything else. Now I think this devolution of power should be spread to other people otherwise he may have no time for the very pressing issues at hand.

Nitaingilia Legislature, Bunge yetu. The way it is na kama vile Katiba yetu iko ni kwamba we have no clear out on what I call presentation. Tunasema majority rule fine, lakini you will wonder what majority here means. For example I am asking for proportional representation in the Parliament. Kenyans have been going through the census all this time we know how many Kenyans there are, we know how many Kenyans live in a particular area but then again do we have a proportional representation. I have no correct statistics but we would think that Nairobi has over three million people and how many MPs have they been allocated? Is it eight? You go to Central Province, may be it has no more people than Nairobi and then again it

has over 20 MPs. Now is this proportional? Is this what we call democratic representation? I am proposing that the Katiba should say how many, a criteria should be found how many people or Kenyans, should one MP represent in Parliament. For example, Gatanga is quite big from the Aberderes to Ukambani. I don't know how many people these are and then we have only one MP. If the Katiba says an MP equals to 100,000 Kenyans fine. We would be entitled to two or three and the Katiba should say that. I have said I am going on those that have not been dwelt on.

Nitaingilia elimu. We say we have free education, fine. But then again we are still paying levies we are still even paying. The Katiba should say in all and certain times the free education is really free and there should be nothing else. It is also my proposal that when we have free education it should be made compulsory because when it is not compulsory, how does it reach every Kenyan? It is unrealistic actually when we talk of free education and then it is not compulsory. If our economy cannot allow, I think we should have up to a certain stage, say primary education is free and compulsory. Next time you go to Form four it is free and compulsory and we will have it maybe as our economic improvements allows.

Elections; the Constitution should provide for independent candidature. I don't have to belong to DP or KANU to vie for.. to be a Councilor. The Constitution should allow and protect me and give me the chance even when I have no affiliation to any of these political parties.

I then move to what people call the Kenya Gazette. I have found it to be a very ineffective way of communicating decisions or intentions of the government. How many Kenyans have the access to this thing we call the Kenya Gazette. I have been a public officer for 31 years and I don't think I came across it any one time and yet when our forests are given out the notices are contained in this Kenyan Gazette. How many people know of the intentions? So like a way it is like Kenyans, somebody doesn't want Kenyans to know what the government intends to do. So I am proposing that these serious and sensitive intentions of our Government should be through the free media and we have free media. Either it is electronical or in the printed media and we have it in Kenya. The Kenyan Gazette should not be the only avenue to communicate these intentions.

On voting and registration, we find it awkward that it is only the ID card that should be used for this purpose whereas we have so many other identification documents. I thought the birth certificate was mightier and tells me I am a Kenyan better than an ID card does. Why can't the Electoral Commission be allowed? The Constitution should state clearer, one can use any of these identification documents. The ID, birth certificate, driver's license and passports etc. This should be... Kenyans have been for example.... I also thought that a head teacher's letter from a given school will even give more information than an ID and I should be allowed even to use for registration and of course I don't need to say that it should not be continuous. The process should be continuous. We don't have to wait until an election years to register people. We having youth attaining 18 years everyday that should be automatically registered voters.

Finally voting should be made mandatory. Once you have registered, you must be made to vote and it should be an offense not

to vote. The Constitution should give this provision.

**Com. Salome Muigai:** Thank you very much for your contributions. I would like to invite any points of clarification. Dr. Nunow then Lenaola... Mr. Njoroge all commissioners have a question for you.

**Com. Nunow:**.. so that we know your direction of thoughts. And the other one is on devolution of powers. You mentioned that the Presidential powers need to be reduced, that he is the head of many things and that maybe disturbs him from the day-to-day duty of running the State. Is it possible for you to shed some light on what powers you envisage that the President should have? How many of his responsibilities should be devolved and to what levels and what other institutions and what other personalities or offices should share this responsibilities. Should the President remain with as the chief executive or whatever? Thank you.

**Com. Lenaola:** Mine regards transition and succession. You said we should have clear laws defining succession and transition of power. Do you have any thoughts yourself that we should put in place during succession and transition.

Number two, you spoke of people to form a constituency to have an MP. Do you have any thoughts how many people we should have in the constituency for that one MP. 1,000, 5,000, 20,000, 100,000. Do you have any figure, which you can indicate to us?

**Com. Hassan:** I think you have made a very important contribution. We want to get more clarification from you. Mine is one basic education, you said it should be free and compulsory. What form of education do you have in mind? Is it the only secular education because we also have religious education both the Islamic and Christian?

On the Kenyan Gazette it is true that it is the only form of communication to the public of all the laws, government policies and as for now, that is the law. But when you say that we should also use the print and electronic media, have considered the cost implications for the government in terms of advertising everything in the print and the electronic media so that ...don't you think it is better to try and publicize or circulate widely the Kenya gazette in every constituency or every district rather than costing the government or the public more money in pay for .....(inaudible) and in issue of advert?

Lastly on the voting, you said voting should be made compulsory. Don't you think that could also be violating some people rights because you may have only two candidates who are contesting for elections in Gatanga and you don't want either of them? Don't you think that by telling somebody that you must go and vote today in that election you are in a way violating his right or should we have a system where somebody can have a third column where he says I want to abstain from voting for these two people or none of the above, you want to say so. I mean what is your source of that, are you not forcing to do things they don't want to do.

**Com. Maranga:** Most of my questions have been asked but I have only one that is Mr. Njoroge. I want to ask you, if we go proportional representation do we need to have a constituencies and if we are going also that kind of representation of proportional representation. Do you think we are also going to have a problem of independent candidates because proportional representation for example, in South Africa works in a way that a political party has a list of the various people they want to use or, they are going to put as MPs. So where will the independent candidate candidates come in for example.

**Com. Salome Muigai:** I also have one or two questions for you Mr. Njoroge. My first question is on citizenship. At present the Constitution says that if a Kenyan man marries a foreigner within the year or some period of time the wife can become a Kenyan citizen. The women, if a Kenyan woman marries a foreigner that right does not exist, she cannot bequeath her citizenship to her husband. I want your thoughts on that.

If a Kenyan man marries a foreign wife then all their children become Kenyans if they so choose, but if a Kenyan man marries a foreigner her children are not Kenyans. Therefore... especially if they are living in another country say they are living in Uganda. She can come with her family and she is allowed in and be told yes you are a Kenyan come in but your children cannot come in they are not Kenyans. What are your thoughts on that?

My other question is on representation, something that Dr. Maranga touched on. But I am also thinking of the geographical region. For example it may be very well be that I am the MP for Gatanga and I represent 300,000 people but they are nearby. The case of some other places like North Eastern, where somebody maybe representing half those people but to get to them, he has to travel three days to get from one place to the other. So in your thoughts if you have any, how do we balance these, so that we have the people of Gatanga who are close together where represented, but also that person whom the MP has to travel for three days to even get to where there are. What are your thoughts on these?

Do you have another presentation to make now that we have asked so many questions?

**James Njoroge:** I will do what I can but I also think that I have my rights not to answer if I think I don't have to. So some I will skip.

**Com. Salome Muigai:** Including not answering the Chair's.

**James Njoroge:** Thank you very much. Any person... On dual citizenship, I thought it could be allowed on special circumstances but what I say is that it must be limited and there must be a clear way of acquiring these. Why should one have dual citizenship? So, yes but then it must be limited.

Devolution of powers on the head of state I will not answer that one.

Transition, I thought what we have in the present set up is that we have a Vice President who is toothless. I am seeing a Deputy President who deputizes all the portfolios and who can take over in case of any eventuality, resignation death etc. and for this to happen an aspiring President should name their running mates so that their running mates so that they are acceptable and we have no problem as I say in any case or in any eventuality. Those are my thoughts.

Proportional representation. Now as I talk of these quite a number of circumstances and factors must be brought into play. For example, the geographical area, the communication, cultural attachment, etc I want as much as this other would be put in play I would want to see this representation based on the residents not on the voters. The residents of a given area, Kenya is divided up into provinces, we have districts, we have division it should not be very difficult to know how many people live in one given area.

Basic education; what kind of education I would mean will be the formal kind of education, the secular, cultural, civic, name it. All these a curriculum should provide for all these and it should be made free and compulsory up to an acceptable and affordable level. Say for example, standard eight that is my vision of a Constitution I would like on this one.

On the Kenyan gazette, I sometimes wonder what is very costly for a government like the one we have in Kenya. It cannot be an impediment on the cost and it should not be. We are the taxpayers and I don't think we are going to waste a lot on our rights. But also the Kenya broadcasting Corporation is a public utility. We have paid more than enough for it, why can't it be used other than an effective product like the Kenyan gazette. I don't know how much it would cost to put it in the 'Nation' or the 'People' or the 'Kenya Times'. But any democratic practice is worthy trying in Kenya. That shall not be impending or be put as a handle for the majority not to get into the picture. Any sacrifice I think it is more than welcomed. So I don't put into consideration the cost or whatever else.

Making voting compulsory, well it could seem undemocratic but how much else in Kenya is democratic. That is my question, so it is worth trying. If I have no money and I will be charged for bankruptcy. Is it a lesser evil anyway not to choose the right President? What is it? I think we should come up and be real Kenyans. Let us not hide behind the scenes; let's not hide the bad economy in any case it is our own making. Do I have anymore to answer? I have also a right not to answer. So I think that is enough. Thank you very much.

I have this observation and that will go on proportion representation. How many Kenyans know that the Government in power only had 38% of the votes in the last general elections, while the opposition had 68% of the votes and this 38% translates to 100 seats in Parliament while the 68% translated to only 80. Is it democratic? I am posing a question so the majority here doesn't rule and that is why I said, as much as we consider the minority, we should also consider the majority. The drama today may be the minority groups and whatever else but the majority has been misused and not considered.



**Com. Salome Muigai:** You briefly mentioned Affirmative action but you didn't tell us what you thought about it.

**James Njoroge:** We desired it. It is a check and balance anywhere. It will help actually as for the situation now.

**Com. Salome Muigai:** Thank you very much Mr. Njoroge

**James Njoroge:** Not at all.

**Com. Salome Muigai:** Bado ningetaka kuwahimiza kina mama nimetafuta majina yenu na ninayaona kwenye ratiba lakini kila mmoja wenu asema hataki kuzungumza. Hii katiba hatutaitengeneza tena kwa miaka hamsini ama zaidi tukiitengeneza vizuri. Nyinyi kina mama mtaulizwa na wajukuu wenu, wewe mama ulikuwako na ulisema nini. Kwa hivyo ni wakati muhimu wa kihistoria na ningetaka sana sana kuwahimiza kina mama kujiandikisha mzungumze. Lakini hatutaki kutoka Gatanga, tukiulizwa tukienda Kajiado kina mama wa Kimaasai wakuituliza kina mama wa Gatanga walisema nini tutawambia nini. Na tukienda Karachuonyo kina mama wa Kijaluo wakituulize kina mama wa Kikuyuni walisema nini tutawambia nini? Kina mama wa Gatanga mnunanisikia, mnanielewa? Kwa hivyo nataka mrudi pale mwenye hakusemaanataka kuzungumza. Naona mnajiandikisha jina ukiulizwa ni kikundi gani unasema hauna kikundi, ukiulizwa kama unataka kuzungumza ama unataka kutupatia maandiko unasema huna chochote kwa hivyo unawekewa dash dash. Mswahili anasema 'asiyekuwapo na lake halipo'. Kwa hivyo mkiwa mko hapa lenu lipo, twataka kusikia. Mnaweza kurudi huko mjiandikishe na msemi mnataka kuzungumza. Na yule mwenye anatuandikishia watu, tafadhali unanisikia. Can you here me. Please can you explain to the people that they have to tell you whether they want to talk/ orally or they have a written submission. Explain that when they put a dash under oral or under written it means they will not get a chance to speak. Is that clear? So explain to them that they have either to talk orally or give us a written submission or both but not neither.

Kina mama tafadhali mngerudi kule mjiandikisha kuwa mnataka kuzuingumza. Asante. Meanwhile, kama bado tunaongoja kina mama unajua sisi kina mama tunachukua muda, ningetaka kumuomba Reverend una jambo unataka kuseme?

**Reverend:** Ningeuliza kwa maana ladba hakuwa wakielewa, walikuwa wanafikiria wanakuja hapa wasikilize yale yataongewa, tungewapa nafasi waende pahali waseme yao wampatie mmoja wao asimamie kwa maana ikikosa hawa kusema chochote itasemekana Katiba ilitengenezwa na wanaume peke yao na hiyo ni mbaya.

**Com. Salome Muigai:** (*Kikuyu*)

**Com. Maranga:** They have a right also to keep quite.

**Com. Salome Muigai:** They do but also maybe, they don't understand. Sometimes it is also understanding. I won't assume.



**Com. Maranga:** I am saying they have also a right to keep quiet.

**Com. Salome Muigai:** I agree.

**Com. Hassan:** You see these are women we have to encourage them.

**Com. Salome Muigai:** That is what Affirmative is all about. Tafadhali tungenyamaza kwanza halafu kabla sijamuita mama nitamuita, ningetaka kumpa hii nafasi Kennedy Wanyoike. Hayupo. James Nganga. Karibu James halafu baadaye nitawapa mama nafasi.

**James Nganga: (Kikuyu)**

**Interpreter:** As small-scale farmers they have no freedom or choice of whatever happens to their produce. Immediately he takes his coffee to the factory that is the end of his business in the coffee. Come the payment, the statements of accounts are doctored and not true. Come elections to this co-operative and going by the by-laws of the co-operative, they should elect their representatives during the Annual General Meetings (AGMs). But when these AGMs are held the minority win.

He wants to propose that the wish of the majority should carry the day not the wish of the minorities. They will also want to be involved in the pricing of the output their agricultural produce and marketing. Generally, they should be involved in all round activities of the cooperatives. It will also be very good if the farmers dealt directly with the buyers and not the middlemen. The main problem of the farmers is that their leaders have made them powerless. And they would want the Constitution to address this problem. Infrastructure is in bad shape and yet they pay for taxes. As taxpayers we would expect security, good roads and other kinds of infrastructure.

He is on security now; you visit a police station when you have a problem the first thing will be the Toa Kitu Kodogo (TKK) before they serve you. When the offender comes and he has money that is the end of it you will never see him again. They would wish for a Constitution that guarantees security, safety and the rights of a citizen.

The Constitution that he will want would be that, that guarantees that the bosses are not the elected people, but those who elected. He will wish for a Constitution that guarantees his rights as a citizen of this noble country. Thank you.

**Com Salome:** Asante sana Mzee. Sijui kama kuna maswali kwake.

**Com Hassan:** Mr. Njoroge if you could just ask him, I heard him say that the leaders should be actually the servants of the people, that the people must be the bosses. I have heard Honourable Njeru Gatangu calling himself the *mtumishi*. I think he is

the only Member of Parliament who calls himself *utumishi*. Ask him whether he feels that this is an appropriate way of expressing his principle.

**James Nganga:** (In Kikuyu)

Interpreter: First is that he will wish for leaders who listen to those who choose them, who take their suggestions, which is not the case now. They don't consult them once they are elected and they never come back for consultations.

**Com Maranga:** Mr. James Nganga, you have said the Police demand bribes. How does he suggest as to curtail that kind of activity?

**James Nganga:** (Kikuyu)

Interpreter: Now if bribery and whatever is as a result of poor pay, he should suggest that they should be well paid so that this does not happen again.

**Com Salome:** Umesema ya kwamba ungetaka mkulima mdogo apate mamlaka ya kuweza kufanya mambo yake kutoka kwa ukulima mpaka pale pahali penye ataenda soko ana kwa ana na huyu mwenye kumnunulia mazao yake. Ni jambo gani lenye ungetaka liweke kwenye katiba lenye litakuwezesha kufanya hivi?

**James Nganga:** (In Kikuyu)

Interpreter: He suggests that the buyer and the seller must come in face to face. Wasiwe na any middle. He wants the buyers to come and buy from here and not some people taking it to them.

**Com Salome:** Asante sana Bwana Nganga, tafadhali tuwekee sahihi kwa kitabu chetu. Sasa ningeta Joyce Nyagothie aje naye atueleze maoni yake na hongera sana kwa kuwa mama wa kwanza kuzungumza leo asubuhi.

**Joyce Nyagothie:** Na sema asante sana kwa kupatiwa nafasi hii kwa sababu hata sikuwa ninajua hata ni kitu gani inaendelea hapa. Nimejulia tu hapa kwa barabara na nikienda nyumbani nikaambiwa nije hapa nizungumze na nikasema nitakuja kuzungumza. Mimi ninaitwa Joyce Nyagothie. Nitakuja kuzungumza kwa ajili ya N.S.S.F kwa sababu hiyo ndio nimeona shida kwake na mtu husema anacholima nacho mkononi mwake ndio uwa shida kwake. Hata kama ikiwa ni kisu ikiwa sio kali anachukua anaipoleka kwa fundi ili achukuwe aende akalime nayo kwa sababu nimeona hiyo N.S.S.F kwa ajili yangu mimi mwenyewe na nitazungumza kwa ajili ya kina mama wezangu wale wengine wana shida kama hiyo. Hata kama ni mzee aliye na bibi yake aliyekufa na anashida ya hiyo N.S.S.F kwa sababu kama ni mama, bwana yake alifariki na akishafariki ana shinda huko N.S.S.F. Wakati wa kuchukua hizo pesa.

Ukienda kuzichukua unaambiwa ngonja. Kama mimi mama mzee, ni swali ninauliza hawa watu wa N.S.S.F ili mutupelekee

huko kwao. Ninaambiwa rudi kesho, kesho kutwa na ukirudi unakuta hakuna hiyo pesa. Mimi ninauliza kama hii Katiba ingerekebishwa hiyo hasara ya kuchukua pesa kama mimi mzee nachukua umma naenda nalima kwa mtu nachukua hiyo pesa nachukua hiyo pesa naenda Nairobi naambiwa ngoja ngoja. Nasema kama hii Katiba ingerekebishwa hii maneno tusiwe tukienda huko kuchukua hizo pesa kwa siku nyingi. Kwanza niseme kwa ajili yangu mimi mwenyewe. Bwana yangu aliofariki mwaka wa 1994 mwezi wa tano. Na 1994 mwezi wa tisa tarehe tisa ndio nililetewa barua nikambiwa nikachukue cheki huko Thika. Nikienda huko ninambiwa niende kwa N.S.S.F. Basi nikaanza mkondo wa kuchukua na kujaza fomu kufanya nini ili niende nikachukua pesa. Hata wa leo sijazipata. Sasa nasema kwa wa mama wale wengine wenzangu wale wana shida kama hiyo, hii Katiba ichukue hatua kwa sababu mimi nimezeeka sasa na bwana yangu amekufa miaka saba, nane iliyopita. Na watoto wale aliwacha kwa shule ili niwasaidie na hizo pesa bado hata sijazipata . mimi ninasema hii Katiba kwa sababu ilikuja kwetu karibu kwenye miguuni yetu, ituchukulie hiyo hatua itupelekee huko kwa wale wakubwa yaani kama sisi hatuwezi kwenda Nairobi ama Thika ama wapi, tupate hiyo pesa.

Kuna wazee wengine mabibi zao walikuwa kwenye kazi, akiambiwa aende achukue hizo pesa anachukua mkopo mkubwa sana wengine hata hawajapata. Mwingine anachukua ile hatua kubwa kwenda kuchukua hiyo pesa anakaa siku nyingi bila kuzipata, hata yeye anakufa. Sasa kama mimi nina miaka sitini nimebakisha ngapi? Siwezi hata kutoka hapa niende Nairobi bila pesa. Sasa nasema hawa watu muwapelekee habari kwa sababu nyinyi mulikuja karibu kwetu na mulituletea maoni. Mimi nasikianga kwa radio na ninasema kama wangukuwa hapa karibu ningeuliza hilo swali la N.S.S.F. Kwa sababu niko mbali singefanya nini sasa ninasema ni asante kwa sababu mume kuja karibu.

Na wale wamama wenzangu mimi ninawaulizia wote hata wazee wale kama mtu amekufa na hata kama sasa ningeuliza nitoe hiyo nini ninayo hapa. Hiyo namba ya hiyo fomu ninayo hapa. Ningetoa hata ihakikishwe ionekane hiyo ni kweli. Sisemi uongo nasema ukweli kwa sababu nimeokoka, siwezi kusema uongo. Kwa hivyo nasema kwa wale wamama wengine mabwana zao wamekufa na mabwana wale wengine mabibi zao wamekufa na wana shida hivyo na nyinyi mnao kuja hapa karibu kwetu mtusaide hiyo kazi. Hiyo ndio mimi ninasema na ni asante.

**Com. Salome Muigai:** Asante sana Joyce. Sisi hatuwezi kukuomba utuonyeshe hiyo makaratasi tunakuamini na tuna haki vile unavyio tuambia ni kweli lakini hiyo tutaifikiria kwenye Katiba. Hiyo habari itafika.

Mzungumzaji mwingine ni Mathew Nduati.

**Mathew Nduati:** Kwa majina ni Mathew Mburu Nduati. Mimi jambo langu la kwanza ningetaka kuzungumzia ni kuhusu hili swala la separation of powers among the Executive, the Legislature and the Judiciary. Sasa unakuta kama Katiba tunayo kwa sasa hizo zote ni kama ziko chini ya Executive na ningetaka kuzungumzia kuhusu appointments of civil servants. Hii appointment mimi ningeonelea ikuwe under independent Civil Servant Commission na kwa muundo wa hiyo Civil Servant Commission ningeonelea iwe inafanywa through Parliament. Wabunge wawe na binu ya kuwachagugua hao ma Commissioners then those Commissioners wakae chini wamchague Chairman. Hiyo Commission iwe ina-appoint watu kama Provincial Administrators,

Police Commissioner and the rest ndio tukuwe hata kama mtu kama Chief Justice pia yeye akuwe appointed through that Commission. Maanake unaona kwa sababu hatuna hiyo separation of powers, unakuta kuna effect katika ufanyikazi, unakuta Mwananchi hapati haki yake.

Ya pili ningetaka kuzungumzia kuhusu Constitutional boundaries. Hatuna ile kitu inaitwa equal representation in the Parliament. kwa sababu unakuta kuna Mbunge amechaguliwa na watu zaidi ya elfu mia moja then kuna Mbunge mwingine amechaguliwa na watu elfu mbili, sasa unakuta tusema huyo Mbunge amechaguliwa na wale Wananchi kuwakilisha na vile vile hawa Wananchi ndio watakuwa wakimgaramia mshahara wake kwa sababu wale Wananchi ndio wamewaandika. Sioni vile inawezekana watu elfu mbili waweze kulipa yule Mbunge hiyo salary yake na zile allowances zingine. Kwahivyo, kwa maoni yangu ningenelea hiyo Constitution boundary iwe inaangaliwa hiyo mambo ya watu ni wanagapi wako within that constituency and national resources zile zinaleta income ziwe zinaangaliwa.

Then kuna hii issue tena ya ukulima na hii ni kitu ya taxation. Mimi ningenelea kama ni hizi taxes kubwa kama income duties, custom duties and the rest ziwe zinashugulikiwa na serikali kuu. Lakini hizi zingine taxation kama hizi za sokoni na vitu kama road licence, ziwe zina shugulikiwa na local authorities ndio tupate kwa sababu kama ni mabarara iwe inashugulikiwa na local authorities ndio council... kwa sababu hata unapata council inafinyilia ule Mwananchi wa kawaida yule yuko chini kabisa kwa sababu, kama ukipeleka kuku yako sokoni unaenda kuuza kuku unakuta unaitishwa shilingi hamsini na ile kuku unauza mia moja na unakuta kwa hiyo kuku unataka lunch, umeshinda huko sokoni sasa jioni unaelekea nyumbani mkono mtupu. Kwa hivyo kama local authorities wangeruhusiwa wakuwe wanachukua kama hizi taxes za chini kwa mfano kama road license, trade license and the rest, wawe ndio wanashugulikia hizo ndio wapate pesa ndio waweze kupunguza hizi pesa zingine kwa hawa wafanyi biashara hawa watu wanauza mazao yao sokoni kitu kidogo.

Tena kuna hili swala la ..... natumaini nitoe hiyo tu kwa sasa.

**Com. Salome Muigai:** Asante sana kwa maoni yako. Kuna maswali? La, hamna maswali. Mzungumuzaji wetu mwingine atakuwa John Iraki.. pia kungekuwa mwenzetu ambaye angetaka kuzungumzia maslahi ya vijana au watoto tafadhali unijulishe.

**John Kiare Iraki:** (In Kikuyu)

Interpreter: He is John Kiare Iraki. He will like to say something on hospitals. He suggests that the private hospitals should be abolished completely from our country. Private hospitals to be abolished, as they are oppressive to the community. They are expensive and the people of the community have no money to pay for these services. You go to these hospitals you are charged

so highly while they keep you going back but they don't tell you exactly what is your problem. Sometimes, people go to these hospitals and they die there. But if at all they were going to the government hospitals maybe the Government would be a bit concern and not let them die there in the hospitals.

**Com. Salome Muigai:** Thank you John Iraki. Kuna swali kwa Bwana John Iraki?

**Com. Maranga:** Nauliza ya kuwa hii private hospitals vile vile hospitali za kimisheni ama za makanisa ziko chini ya private hospitals?

**John Kiare:** (In Kikuyu)

Interpreter: He says it is only the individually owned private hospitals. These are the ones, which are more oppressive, but the church and the other ones are not oppressive.

**Com. Salome Muigai:** Thank you so much. Ningetaka kumuomba David Chege kwani ameniambia kwamba anataka kuzungumzia habari ya watoto.

**James Chege:** Asante sana Chairlady na kamati ya Constitution. Kwa jina ninaitwa James Chege Philip. Kwetu ni hapa Gatanga, maonin yangu kwa Katiba kwa urekebishaji wa Katiba ni kwa juu ya watoto. Tunatizo ya watoto tunawaona wakirandaranda wale watoto chokora. Na serikali yetu inaweza kuamua kiwango cha pesa na iamue kiwango cha shule ili watoto hawa wanarandaranda ovyio wawe wakiingishwa huko kwa ile mashule. Watoto wakiendelea kuwa wakubwa watakuwa wezi na Kenya yetu itakuwa inaharibika hata tukiwa tunaleta ulinzi wa askari kutoka wapi wala wapi kwa vile chokora ni wengi na wanalala nje wanaukamilifu wa kujua wema na maovu tutakuwa tunatatizwa na hao. Hata mtu akitoka kwa gari hata kama yeye ni nani na huyo mtoto alilala njaa sasa tunaona kuna shida iliyo mbele na ijapokuwa ifungwe yaani ubaya usiingie zaidi, hapa tunaona kuna matatizo tutaingia. Halafu hiyo ni mambo ya chokora. Mimi ningeona ikiwa kuna mashule machokora wachukuliwe wapelekwe shule ili wasizidi kuenea kule town.

La pili, ni watoto wale wasio na wazazi, serikali, watoto wengi sana siku hizi wanawachwa bila wazazi na serikali hapo ingeona hii mtu ndiye atakuwa mtu mzima kesho na ndio atakuwa nchi yetu kama askari ama jeshi ama officer. Kwa hivyo hawa watoto serikali ingeamua ile kiwango cha pesa ili watoto hawa nao wahuthumiwe ili waendeleo kuwa watu wakubwa na wawe na nguvu wasioneele kama waliwacha bila pahali pasio na wazazi ili wasione matatizo.

Hapa kuna matatizomengine mimi ninaona mbele. Kuna ili chama ya wanawake inayoitwa FIDA. Kinalinda watoto wasichana nao mtoto wa kiume ana tatizo hapo hana mtu wa kumsimamia kwa vile akishikwa hakuna chama ya kumsimamia. Akishikwa hakuna chama ya kumasimamia na yeye huyu msichana akiolewa na mzee walal akipata tatizo la aina yoyote, serikali inamuchukua kama mtu zaidi kuliko kijana. Naye kijana anaweza kuwa ni mchanga na anatumiwa vibaya na kina mama wazee. Hapo nao mimi ninaonelea hapo kuwe na kamati au Katiba irekebishwe ili mtoto awe na mtoto, ikiwa huyu anakosewa hapa pia huyo anakosewa hapo tuendeleo kwani, mtoto ni mtoto. Kusiwe na kutofautishano ya kutafautishana msichana na mwanaume. Haya, hiyo ni mambo ya watoto.

Kuhusu mambo ya maisha ya Mwakenya ni kuhusu mtu anawezaishi pahali kama ni Mombasa, Kisumu yeye haishi kila pahali ikiwa ni Mkenya na ana kitambulisho ya Mkenya. Haya, hiyo ni mambo ya maisha.

Mambo ya biashara, biashara naye mtu mwenye biashara ndogo ndogo anantatizwa kwa vile hata akiwa na mandizi yake anauza hiyo inapigwa pigwa mateke sasa tunasikia mlio ya watu wengi inalia kwa vile taabu inaingishwa na wale walio mamlakana. Yule analala njaa anaenda kutafutilia mtoto wake school fees ama pesa ya nyumba inakosa kwa vile aliangaishwa na askari tawala na serikali yetu. Kwa hivyo, tunataka marekebisho iwe inatumikia kila mtu ijapokuwa ni mkubwa wala ni maskini, maskini aone pia anahudimiwa na serikali yetu. Hapo mimi ninafikisha hapo madam Chairlady.

**Com. Salome Muigai:** Asante sana. Kuna maswali yoyote? Basi sasa ningetaka kumkaribisha Councilor J.N. Legwe.

**Julius Njuguna:** Asante. My name are Julius Njuguna na ningetaka nichanganye Kiswahili na Kiingereza kidogo. Nitaanzia kulingana na vile sasa hivi tulivyio. Mapendekezo yangu ni kwa vile tuna.... We have three bodies or organs, which form the Government, the Executive the Legislature and the Judiciary. We would like the Executive isiwe inaingilia kazi ya Legislature na Judiciary. Kama vile tunaona President ndio ana-appoint kama ni Attorney General, Judges and whatever. Because the problem which lies with the Executive, it uplifts the other two organs. Furthermore, because we were talking of devolution of power, there is no way we can devolve power to a Body, which is not there Constitutionally. So I am proposing we have the Local Authority as another organ of the Government so that we can have the Executive, the Legislature the Judiciary and local authority. And local authorities from that point they should be autonomous. They should be around to manage the resources without the interference of the Ministers or any other person from the Central Government. The President at the same time, on the side of the Executive he should not be appointing persons for any head of the department in the Government kama vile ndio anateugwa maPS maPC. That work should be done by the Legislature so that they can vet lakini ni vile tu akiamuka nimetugwa fulani fulani.

Tukija upande mwingine wa provincial administration kuna sehemu zingine zinaweza kutolewa kama rank ya PC, ya DC, iwachwe ya DO na chiefs kuja chini kwa maana sioni kazi ya PC na DC lakini ukiangalia kazi ya DO sana sana anafanya kazi kama kule eneo la mjumbe fulani anafanya na hapa ndio unakuta maPC wanakuja ku-abuse power, ku-command tu.

Upande ya sisi Wanakenya, upande wa majimbo sisi tungetaka kuishi na tubaki taifa moja kwa hivyo mambo ya majimbo mimi nikiwa Mkikuyu nikienda Western nina uhuru wa kununua shamba huko na niishi huko bila kuambiwa ati wewe umetoka eneo fulani.

Upande wa vile police force, na upande ya mfanyi kazi yeyote, lazima serikali ingalie walipwe sawa sawa. Because there is no way we can be talking of corruption while the people in the system they are not paid in the right way. Their wages and salaries

are below the lengths of survival. So my proposal is the Government should consider hiking their salaries and their allowances but you see right now it just considers the big fish. The PS and what note, but this person who is here at the bottom line is never considered; hard labour and no money that is the housing system.

Upande ya kilimo, kuna wengi wamesema na mimi ningependekeza namna hii; kama ni kahawa na majani chai ikuzwa there must be that guarantee ati tumeuza hiki lazima tutauza hiki, gurantee minimum return before the farmers do sell their crops. Kuna office ingine iwe inaangalia mambo ya ufasadi na nini. Office ya Auditor General should be autonomous ikae peke yake ndio ikichunguza ikiamua kuchunguza pahali fulani fulani isiwe na influence kutoka kwa mtu fulani. Na isiwe inateuliwa na mtu, ana-appoint mtu. Iwe inateuliwa kuna vyama yia uratibu, iwe inakaa chini inaona ni nani anafaa kuongoza upande huo na hiyo ni kazi ya Bunge. Kwa vile shida zimezidi hapa upande ya afya, ningependekeza bill ya hospitali hata ukilala kule kwa muda fulani isizidi elfu mia mbili hamsini. Lakini iwe ikiwa repealed after a term of five years.

Upande wa watoto, masomo iwe ni mandatory, ukizaa mtoto lazima apate masomo kwa kila Mkenya kwa vile shida ni nyingi hapa na tunaona tunapoowana leo kama vile Mzee alikuwa hapa anaona ningeaona kwa vile shida ni nyingi sana munaweza kuchukuwa msichana munaenda munakaa na yeye, kusiwe kule kwenye ile Marriage Act. Iwe na clause you go into contact with anybody be it a man or a lady but at a certain time muna separate mtu anaenda kwake. Ninasema hivi, kule kwenye Marriage Act, there must be a clause of contract but sio vile ati nikienda nikimuoja kama huyu tuko naye hapa ni lazima tukae na yeye na labda yeye anataka kuni-harass because it is not only men who harass women, even women harass men na kwa vile pale mulienda mukaowana na kuna ile nini na anajua hata aki-divorce ile mali ya ule mzee ni mara mbili kwa hivyo tunataka na sisi tuwe catered by the law. Sio ati iangaliwe upande moja wa akina mama, hata sisi wanaume pia.

Kwa hivyo nafikiria mimi yangu pale mimi nitamalizia ni kuhusu wazee ningependekeza mtu yoyote awe ni mwanaume ni mwanamke akifikisha umri wa miaka sitini awe pension able kwa maana amezeeka akifanyia serikali yake kazi na asiwe ni yule amewachiliwa ati alikuwa kwa payroll ya serikali. Anybody whether he was pruning coffee or doing any other thing or alikuwa analisha ngombe huko Eastern. Akifikisha miaka sitini awe pensionable and to that point I think I don't have any more.

**Com. Salome Muigai:** Asante sana Bwana Njuguna. Ningetaka kuwaomba wanatume wenzangu kama wana maswali kwako. Any question.

**Com. Maranga:** Umesema ya kuwa unataka tuwe na sehemu ya mne ya serikali yaani local authorities umesema ziwe autonomous. Sijui kama hizi zingine ziko independent, I think they should also become independent I don't know why you said autonomous rather than being an independent arm of government like that. I want you to think about it and you will give me an answer. The other one is umesema police walipwe vizuri but you have not said about the other civil servants. I think I will stop there.



**Com. Salome Muigai:** Bwana Diwani mimi nina swali, je hii contract ya marriage kati ya bwana na bibi wakiachana, jukumu ya kulea watoto ni ya nani?

**Julius Njuguna:** Mkienda kwa hii contract labda muwe na yale makubaliano mumekubalia mukipata kama watoto wanne, contract ikukuja kuisha wewe unabeba wawili na mimi ninabaki na wawili.

**Com. Salome Muigai:** Kuna Mtu alisema lazima tuangalie mbele, na je mkipata mmoja? Ama watatu kwani wane ni namba nzuri sana unapata wawili na huyo anapata wawili. Ikiwa ni mmoja ama wakiwa watatu je. Commissioner hapa ananijibu ati mmoja na nusu wakiwa watatu.

**Julius Njuguna:** Okay nitaanzia ya Commissioner Maranga kuhusu local authority. Right now the local authorities are not there Constitutionally and we would like the local authorities to be there Constitutionally because it is the body, which is more closer to the people so that it can render services to the people.

Kuhusu ati police, nimeongea kuhusu all the civil servants, they should be well paid including even we Councilors we don't have salaries. What we have is only a fixed allowance.

Hiyo ingine ya Madam Salome hii ya contract it will depend na zile conditions mutakuwa mumezikizana kwa maana, vile hapa kuna mzee alikuwa anaongea kuhusu vita. Inatetea tu kina mama lakini upande yetu sisi wanaume hatuna chama yetu ya kututetea so, hatuwezi kuunda sheri upande moja ipendekeze lingine. Binadamu huyu, lakini huyu hashuguliwi, tunaangalia kila binadamu atakuwa ana shuguliwa na ataona na ataona mimi ni mwenyeji wa Kenya na nina haki ya kuwa hapa Kenya.

**Com. Salome Muigai:** Mimi swali langu ni yule mwenye mumeleta bila kumuhusisha kwenye hiyo contract yenu wawili. Kwa hivyo swali langu ni la watoto.

**Julius Njuguna:** Unajua wakati tunaenda na wewe kwa contract there must be that agreement either because after all the only relationship between a man and a woman is only to have kids, that is one to me na kwa vile wewe unalilia ati ile product itapatikana lazima iwe kwa ile agreement tuta-make, tutakubaliana na wewe. Anyway it may sound as if but it is very bad, but it is very good because you see each and every day if I happen to divorce my wife, kwa maana mimi ninaona hii vita tukiwachana na bibi yangu anamakimbilia kule kwa Federation of Kenya Women Lawyers (FIDA) wanapesa wanajitolea. Sisi wanaume hatuna chama chetu, tutakuwa tunaenda wapi? Na sio lazima binadamu ni binadamu, mimi ninaweza kuwa mbaya bibi anaweza kuwa mbaya. Kwa hivyo hata tukija tufanye ile harusi tuwe na marriage certificate, aone marriage certificate imeingia anaweza kuamua kuninyanyasa. Ndivyo mimi ninasema lazima pia mimi nipatiwe haki yangu ya kuishi duniani. Tusije tukafanya harusi, ile certificate ikishatoka ameona ngao, amejua hawezi kupelekwa popote, lazima ake pale. Hiyo ndio kilio changu na kwa vile tunaunda kitu amabayo inaenda miaka hamsini mbele, hatutaki ati baada ya miaka mitano tusema hapa tuliwacha. Yenyewe



sasa hivi inaweza kuonekana kama ni kitu kiovu lakini siku zijazo dunia yetu inaendelea kubadilika na hatuwezi kukaa ati baada ya miak mitano tuseme let us repeal the Constitution. We want to do every thing right now.

**Com. Salome Muigai:** Asante sana Bwana Njuguna. Tafadhali tuwekee sahihi kwenye kitabu chetu na tunakushukuru sana kwa maoni yako. Na sasa ninataka kumpa nafasi hii Joyce Wanjiku.

**Joyce Wanjiku:** (In Kikuyu)

**Interpreter:** My names are Joyce Wanjiku from Chomo and I am a widow. I will talk about widows. We as widows, we are oppressed very much when we are left behind by our husbands because the people that we are left behind with, don't care for us and for sure they are always oppressing us. Some of us have been chased from our homes and we had been left behind with some shambas with coffee, or with tea leaves and we have school going children and we want them to have an education.

When we take the children to school they have so many problems, even if we go to school to talk about the problems nobody will listen to us. They are considered to have both of the parents so we would like to ask a step to be taken, to take care of our needs so that we can go back to our original homes and get the title deeds for our shambas and what can be done to help our children on the side of schools. Myself I have three kids in secondary school and I have to labour as a peasant. That is why today I couldn't go to work so that I could come and speak on behalf of the widows. Even where I was waiting for the vehicle to bring me here the three kids found me waiting there from the school. I have been able to pay what I can, but the rest I am not able to pay. That is why I am here so that, you will think about us the widows and that the Government can know how to take care of us and our children and how we can get hold of our title deeds because we have been told by our relatives, that we cannot have the title deeds they are withholding them. Like me I have been to the High Court for the last 13 years going after my assets and justice has not been done up to this time and that is why we have all these problems. Thank you so much.

**Com. Salome Muigai:** Asante sana mama. Ngoja kidogo uenda kukawa na swali ama mbili kwako. Kuna mwanatume mwenye swali kwa mama?

**Com. Maranga:** Mama amesema ati ameenda kotini for the last 13 years na hajapata title deeds na alichukua documents zake zote kweli? Did she take all her documents especially the ones relating to succession?

**Joyce Wanjiko:** (In Kikuyu)

**Interpreter:** All the documents are there and she has a lawyer.

**Com. Salome Muigai:** Ungetaka Katiba ifanye nini ama ifanye nini ili wakati mzee anapofariki wa mama wengine wale wajane wakose kuwa kwenye taabu yenye umejikuta wewe mwenyewe uko ndani yake?

**Joyce Wanjiko:** (In Kikuyu)

**Interpreter:** She says that she would like the new Constitution to take care of widows and how they can immediately inherit all the property to avoid all these problems in the registry.

**Com. Salome Muigai:** Ninauliza mama kama kungekuwa na Katiba yenye inamlinda kungekuwa na nini imemulinda ili asiwe pahali alipo sasa.

**Joyce Wanjiko:** (In Kikuyu)

**Interpreter:** She would have liked within the Constitution to be made clear such that immediately the husband dies all the properties belonging to the husband are immediately written in her name.

**Com. Salome Muigai:** Ningetaka kuchukua hii nafasi kumpatia Stanley Nganga.

**Stanley Nganga:** Thank you very much for giving me this chance to speak. I will speak on behalf of the disabled and partly on behalf of the children. First, because of the children, I have been around maybe for some time and I see that many of the parents have are not been very keen on the education of their children. So I am proposing that there be something in the Constitution that requires all the parents to take their children to school. It becomes mandatory for the parent whether or not they are able to take their children maybe up to standard eight, now that the Government is offering free education.

I am also proposing that there be a clause in the Constitution requiring the parent to have maybe very few children because when they have so many they are not able to educate them so I propose that a clause should be there to require them maybe to go through family planning, if not family planning, to have very few children in whatever method or way they are going to use.

On the welfare of children, the Government should require not only the parent but also the educational institutions to make a follow up of the children even at home not only when they require money but also to go home and find out what is going on with the children at home. What is the relationship of the children and the parents at home? What is the relationship of the children and the authorities? I see when a policeman comes to the children and they are instilling discipline in them, it is as if like they are taking them to be grown ups. Unawaona na rungu wanagonga watoto na hawajali kama ni mtoto au ni mtu mzima. So I propose that have the children affairs should be catered for.

The other thing is about children of the street mothers and street parents. Many are the questions, where do those children come from? Do they have fathers? Do they have people that take care of them? I find especially in Nairobi where at night unakuta hao wa mama wanabebwa na magari, maposh cars, wanabebwa na hizo magari hatujui wanapelekwa wapi tena after that Oh! huyo mama ana mtoto. Mimi nina propose in the Constitution iwe those mamas are taken care of so that hawa wenye magari wachunguzwe and then they are made accountable and responsible for those children.

Lastly, about the children, I am wondering about the children's homes that are cropping up everyday in the name of yes kuna AIDS orphans, there are those who are orphans by diseases and all that but when I look around I find that the children's home are began by people and scuttlers people who wants to get money from wherever they get it and when they get rich and when the donors find out the truth and they pull out, the children's homes become useless and worthless so the children suffer. So I am proposing that the Government may restrict, I mean the Constitution and not the Government, the Constitution may restrict the cropping up of children's homes so that we may have fewer and those that we are able to cater for even for a longer time than they are doing it these days.

On the side of the disabled, I am sorry to say the disabled persons are not being catered for and if they are only a few number are being catered for. I am proposing that the Constitution may handle the affairs of the disabled persons. Such that from the on set or from when the person is discovered of his disability, that the parent may:

Firstly, be made responsible to take the children to school.

Secondly to help those disabled people to accept themselves and also to be given opportunity in life and also in the public affairs. I know these days we have an MP who is disabled; but yes only one out of the so many. So I am praying that the Constitution may cater for the affairs of the disabled. No matter..... I know we have so many areas of disability but they may be catered for in all those areas.

I also insist that the affairs of the disabled be made accounted for in other things that they are doing. By this I mean there are so many of them that are very rough, so many of them that are very rude and so many of them that are careless. I am proposing that the Constitution may have a clause that says:

You people yes you are disabled and you are insisting that we call you "person" not just disabled people, but we also require that we also become accountable and responsible people for yourselves and also for the families that you are having.

Lastly, I will also touch on the Church because I am a pastor. There are so many groups that are coming up these days. People want to begin their sects. I don't know whether to call them groups. Somebody wakes up in the morning and he decides now I am going to begin my own group and then after one or two years he is looking for a cover. What I am proposing is that now there so many groups coming up, and then the mainstream churches or the churches that are registered are giving cover, I am praying that a clause may be put in the Constitution requiring that, if there is going to be a cover, if it is there, my proposal is that it should be scrapped because it is doing no good. You come to a town like Kirwara or Gatonyo, you find that, in Gatonyo itself there are 8 or 9 sects or churches that are coming up and yet these people are splitting from the main churches and beginning their own. They get covers from wherever they are getting in the name of may be ministry. That is all I have.

**Com. Salome Muigai:** Thank you very much. Any points of clarification? Dr. Maranga and Dr. Nunow, I also have one more

question.

**Com. Maranga:** Pastor Nganga, you say no new denominations and you know that one of the fundamental rights is freedom of worship. Now are you not taking the freedom of worship using the other hand by allowing it and at the same time you yourself you are saying we should not have freedom of worship. Maybe... what are the reasons new denominations are coming up? I think maybe I would want to hear more thought about it. Are there problems in the original churches? What is going on? I think you need to give us a way forward. We cannot just put a clause in the Constitution limiting the freedom of worship by saying no new denominations. You should give us reasons, why you should not have new denominations and maybe you should give us some form of history to show us when the others started existing and when they stopped having sects.

**Com. Nunow:** Pastor, you mentioned that you like parents to be directed to have fewer children. We would like to know how many you have in mind, that you consider to be appropriate for an average family or whatever. Give us some indication.

**Com. Salome Muigai:** My question is that you would like to see opportunities for participation of people with disabilities in governance, what kind of method do you have in mind? What methodology?

**Stanley Nganga:** Okay. Responding to the freedom of worship.

Number one, we see that it has been abused such that people are doing what we call manipulation of others without their knowledge.

Number two, according to how I find it is this, I am not saying that freedom of worship should be minimized or should be done away with, all I am talking about is this, okay there is freedom of worship. Freedom of worship should be there and it is supposed to be there, but it should conform to what it is accepted by many and not what is accepted by the few, what is accepted by the majority and not what is individualistic.

Dealing with children, maybe three or four is a good number according to me. Then about disability...come again with your question again Madam.

**Com. Salome Muigai:** I asked what methodology you will like to see put in the Constitution to allow greater participation of people with disabilities in the governance. If you don't have any thoughts on that you don't have to answer.

**Stanely Nganga:** I will not answer that one. Thank you very much.

**Com. Salome Muigai:** The next person that I would like to give a chance to is Willie Kamau.

**Willie Kamau:** Thank you chairperson. I have only a few points to raise, which I think should be incorporated into the Constitution. My name is Willie Kamau from Gatanga. Point one is recruitment into the armed forces. There should be national

board appointed by parliament charged with the responsibility of recruiting and appointing members of the armed forces that is the police, the army, the air force, prisons and the navy personnel. The recruitment should be proportional through out the country.

## **REPORT**

The Government has ignored the plight of these street children. They must be rehabilitated by all and not to be allowed to breed all over without any measures being put in place. These children are the poor of the poorest. Majority of these children live below poverty levels.

## **TAPE 4**

**Com. Salome Muigai:** Tulisema tutakutana saa tisa kasoro dakika ishirini na tano na sasa ni saa tisa kasoro dakika kumi kwa hivyo tayari tumechukua nafasi ya wakati wetu. Ningetaka sasa kumuita bwana Jeremia Ndungu. Ingawa wanatume wangu hawajakuja hiki ni continuation ya kikao cha asubuhi na tunafanya live taping kwa hivyo watakuja kutu-join wakati watakuja.

**Jeremiah Ndung'u:** Thank you Madam Commissioner Chairperson. My names are Jeremiah Ndung'u. The memorandum that we have here is on behalf of the religious community under the umbrella of Kenya Epesical Conference that is, (KEC) and National Christian Council of Kenya (NCCCK) from Gatanga constituency. We wish to present to you our memorandum on the Constitutional Review as stated below.

Preamble: We would like a Constitution that has a preamble that shows the origin of our country and our struggle for independence. The will of the people being supreme must be enshrined in the Constitution. Our country, the Republic of Kenya although it is sovereign and a multiparty State, it must be founded on some values. Being a multiparty system of our democratic government it should ensure accountability; it's passiveness and openness to the citizens. The kind of government that rules the citizens should clearly be defined in the Constitution whether coalition or the party that wins during elections. The new Constitution should have a vision and aspirations of its citizens.

**Com. Salome Muigai:** Mabibi na Mabwana tafadhali tushaanza kikao cha alasiri. Tafadhali tungetaka kuomba mje kama hampigi makelele ndio tuweze kuelewa anaye zungunmza vile anavyio sema. Karibuni.

**Jeremiah Ndung'u:** Thank you. Any amendments in the Constitution should be for the benefit of the governed. 75% of the total number in parliament should vote in favour of their amendments and be ratified by the citizens through a referendum. The arms of the Government, the Executive, the Constitution should define the role of the President as the Head of State and those

of the Prime Minister as the Head of the Government. The President should be nominated by the political parties and the Prime Minister by the party that forms the Government. The Prime Minister appoints the ministers in Constitutional offices and all these are subject to scrutiny and approval of the Parliament. Both the President and the Prime Minister should be subject to impeachment while in office. Presidential decrees should be pirated by the Constitution. The Prime Minister must attend the proceedings of the Parliament. The term of office should be two terms of 5 years only. The executive should be removable from the office on grounds of incapacity by the parliament. The Cabinet should be answerable to the Parliament.

Qualifications of a president:

- (a) He must be a Kenyan citizen by birth.
- (b) Must hold a university degree or its equivalent.
- (c) Must be of sound mind.
- (d) Must be economically stable.
- (e) Must at least be 40 years and not more than 70 years.
- (f) Must declare his wealth.
- (g) Must be legally married.
- (h) Must have no criminal record.
- (i) Must be a person of integrity and impassable character.
- (j) Must declare his faith.

Qualifications of a Prime Minister:

- (a) He must be a Kenyan citizen by birth.
- (b) Must hold a university degree or its equivalent .
- (c) Must be of sound mind.
- (d) Must at least be 35 years and not more than 70 years.
- (e) Must have no criminal record.
- (f) Must be of good health.
- (g) Must declare his wealth.
- (h) Must be legally married.
- (i) Must have a proven record in experience in public administration, financial management, international affairs or an established history and record for the struggle for democracy in Kenya.
- (j) Must be a person of integrity and impassable character

Parliament: It is there to enact laws to have checks and balances in the Executive and the Judiciary, to vet and approve executive public appointments. To summon and censor the ministries and the public officers. In case of a national importance

summon and ensure the chief officers in the private sector. To set up commissions and discuss matters of national importance. Presidential commission be made public a month after presentation to the Government. Parliament must have power to impeach the President and the Prime Minister. To have power to create and dissolve ministries. It must approve all government expenditure. It must determine its own calendar. Have vote of no confidence to Prime Minister, President a Minister or a Member of Parliament with a criminal record. Accept a vote of no confidence from the constituency where voters have no confidence in their Members of Parliament. It should have independent members free from political parties. All Members of Parliament of political parties must be elected. Nominated Members of Parliament should be professionals, religious and disadvantaged groups and here we mean that only those elected by parliament from the people but the parliament must get people because, remember in the past, the 12 nominated members of Parliament, they used to be nominated because of their experience and specialization and therefore here we say instead of nominating those people there should be these professionals, religious and disadvantaged groups.

Judiciary: Appointment of the Chief Justice, Judges of Appeal, Union Judges and other Judges must be approved by the parliament. There should be a Parliamentary Judicial Committee to vet the appointments and return in terms of service. All Judges should have a security of tenure. All Judges should be independent of the Executive in terms of the provision of the facilities provided to them. Here we mean that we know there are those people in the judicial department, they get their provision of drivers, vehicles, security from the Executive. So at times the Executive might have an upper hand on them. There should be an established Constitutional court and a Supreme court. An independent Judicial Service Commission should appoint magistrates. The Muslim community before appointment should nominate Khadis.

All suspects in the police cells, when writing their statements, there must be either a witness, a Lawyer, or another witness of the suspect's choice.

Free and fair elections: There must be an independent restorative Electoral Commission. This Electoral Commission should be empowered to prosecute offenders within its jurisdiction. Gerrymurdering must be pirated by the Constitution. The Constitution must embody the principals of proportional representation in parliament and local authorities.

Voter education must be a duty on the part of the Electoral Commission and the right on the part of the voters. Every Kenyan should be entitled to vote wherever he/ or she may be. Vote counting should be done at the polling station. Registration of voters should be a continuous process. Birth certificates, baptismal cards should be allowed for the voters registration exercise.

Rights of the individual: The Constitution should provide for the basic rights enshrined in the Covenant on Economic, Social and Cultural Rights, in addition to the civil and political rights as enshrined in the United Nations Declaration of Human Rights and the African Charter on Human Rights.

Rights of a Child: The Constitution should give effect to the UN Convention on the Rights of the Child.

Rights of women: The Kenyan Society should be based on the principles of equality, including inequality of sexes. All sexes are equal in dignity and rights. No government institution or persons shall pursue a policy or engage in practice that of against their principles.

Successive governments shall promote Affirmative action policies aimed at re-dressing the pattern qualities with regards to women. Every husband should have one wife.

Data management of public finances. Parliament should approve all expenditure. State borrowing either internal or external must be approved by the parliament and not by the government ministries. The Control and Auditor General should be dependent and have security of tenure. The Control and Auditor General should have powers to prosecute all those who have misappropriated public finances. All corrupt offenders are made to pay the money.

On prosecution: The Attorney General should not interfere with the court proceedings of the control and auditor general through non prosecue. There must be an established and independent anti corruption unity.

Report by PAC and PIC that is, the Public Accounts Committee and the Public Invest Committee which disclose offenses to be automatically be prosecuted by the Anti Corruption Authority or Controller and the Auditor General. Public finances must be used for the intended purposes. The Government must make public, quarterly reports of all revenue collected. Any person convicted of a corrupt related offence to be barred from holding public office.

Past corruption related offences to be prosecuted. An independent, efficient and competent Civil Service. Appointments to the Civil Service to should be on merit. There should be the creation of the office of the Ombudsman to check on... (inaudible) administration. An independent Public Service Commission to be established. Civil servants to should be non-partisan and not to engage in any private, profit making business. Civil servants to be delinked from the ruling party. Chiefs and Assistant Chiefs should to be elected by the people. An independent efficient and competent local authority.

There must be a principle of devolution of power. The power of the Chief Officers, Mayors, Chairmen and the Council Committees should be all delinked in the Constitution. The Local Government should be delinked from the Central Government. All Councillors must be elected. Funds collected in a local authority should be used within that local authority. Councillors should have a minimum of 'O' level education. Mayors and Chairmen of Cities and County Council should be elected directly by the people. A Councilor must also declare his or her wealth. Voters, in case of inefficiency and corrupt practices, may remove a Councillor through a vote of no confidence.



Management of natural resources: All natural resources should be entrusted in the people and not the Government. Natural Resources Commission should be established under the Constitution. Parliament to formulate the policies with regard to the management of the natural resources in the Republic. Local authorities should be mandated to manage the resources within the area of operation where there is a proven competence. Certain percentage of income from natural resources should be set-aside for local communities of that area. Public land should be privatized, only in the public interest and has to be made public through electronic and print media. Irregular allocation of public land be traced and recovered. The principle for a health environment should be embodied in the Constitution.

Health service: The Government should provide free medical services to the citizens, as they are taxpayers. Cost sharing in government hospitals be abolished. Mission hospitals should be assisted to provide quality services. Medical services should be brought closer to the people.

Good education: There must be free education for all institutions. The quarter system should be abolished in secondary schools. Sponsors and parents should be involved in the decision making by the Government. Sponsors should be given an upper hand in the management of the schools in order to keep discipline, Christian and Muslim values and high standards of education. The Government should consider the plight of school leavers by guarantee of jobs of vocational training.

Foreign Policy: Foreign policy should be defined in our Constitution. Regular and International Treaties should be approved by the parliament before they are implemented.

Defence and National Security: The Constitution should define the policy. Agreement of security and defence should be ratified by the parliament. Chief officers in the defence and security must be approved by the parliament.

Political Parties: - The number of political parties:

There are many political parties in the country and they do not serve any meaningful purpose. They should be reduced to a maximum of four and the mergers and alliances are a good indication that the fewer the parties, the better.

Defection: The Constitution should prohibit defection because by-elections are very costly in terms of, finance and administration. Secondly, the defector has breached the contract between him/her and the political party that made him/her to go to parliament. Defection does not promote the quality of representation.

Nominated members be pirated by the Constitution. Majority are those rejected through election. They do not have any special representation in parliament or local authority.

Transition: The Constitution should clearly state the manner in which, power should be transferred from the incumbent to the

directed Executive, and here I propose 30 days period should be provided in the Constitution being a smooth period of handing over power and the clearing all the issues either through the courts, or other means. No court petitions once a new leader takes over the leadership of the country should be entertained.

Conclusion: We conclude by saying that we have confidence with you Commissioners and trust in you, that the Constitution that you will produce, will be totally home grown and it will be beneficial to the current and the future generation. With God's blessings, you will overcome the problems that are facing you when discharging these noble duty of our beloved country. Thank.

**Com. Salome Muigai:** Thank you very much. We have points of clarifications to raise. Can we start with yours Isaac?

**Com. Lenaola:** Thank you Mr. Ndungu, just two questions. One you said we should have 4 political parties, we now have about 42, 44. What is the basis of saying 4 and not 6 or 8? Is there any particular reason why you think we should have four? Secondly from your presentation a lot of power is being given to parliament. So we are transferring power from the Executive and parliament must vet, parliament must do that, how do you control parliament itself so that it does not become as autocratic as the executive? How do we handle that issue?

**Com. Salome Muigai:** My own question is a follow up to that about parliament. You have said that parliament should determine it's own calendar. As we go round a lot of people tell us that we must make sure that parliament is not extended by even one day. So again when we put all these powers into the hands of parliament who controls the Parliament itself to ensure that the powers that are given within it's own hands are used for the good of the people and not for there own good? That is one of my questions.

My other question is, you have said that Muslims should choose Khadis. Did you have any criteria to be used or did any ideas go into these because you say you are a religious group. Were there Muslims amongst you? Were there representatives from Islam? Okay then don't answer that one if you don't have any thoughts on it.

The last one is the counting of votes. You said they should be counted at the polling stations, is that enough? Just that they are counted at the polling station. Is that enough to ensure that they are properly counted?

**Jeremiah Ndung'u:** About the political parties, I think there are currently either 44 or 46 and that is why we said they need to be minimized because for one we have in parliament that the political parties should be funded by the parliament. Now just imagine every day in our country a political country emerges. Will be the taxpayers be in a position to fund these political parties. As we have got all these political parties how many are in parliament to represent those people? In my opinion on behalf of the Christian community through what we need and through the experience that we are having, go to places like America they have got few political parties. Go to the United Kingdom, they have got two or three so we note that once these people are in

parliament the few political parties they are in a better position to argue and make points really known and admitted and for sure we know that when people are fewer they normally understand each other and agree but when there is a multitude, to get an answer for a proposals it becomes difficult.

About the calendars of the parliament all what we are saying when these powers are reduced from the Executive, there could be another body to add or to handle these powers. In another issue you find that in our current system of government the issue of the parliament when it comes to general elections, we have got what we call a secret weapon so somebody decides when to do and when not to do.

About the count of votes in the polling stations, in my opinion we thought that this will make the work easier because, the people in the polling station when they count and they agree upon the results to us probably there was no dispute. So once the figures are taken and the papers are also there, from all the polling station within a given area to give an answer it is easier because through the first experience we have noted that once these *debes* are taken, it is said that some may get lost on transit. Again when we get there, it is said that there are some other *debes, which* are coming, while the process of counting is in progress.

When counting all the *debes* or the ballot boxes are brought there, some arguments arise, whether this *debes* first to count or these came earlier all these and in confusion some up practices might arise. Thank you.

**Com. Salome Muigai:** Thank you very much Mr. Jeremiah. Our next speaker is...(interjected)

**Jeremiah Ndung'u:** I had a question, this is on Commissioners you are here before us and what we have heard is that as Commissioners you are to be education and civic education providers if I am not wrong. But now we have not seen people from your head coming to give Civic Education to the people.

**Com. Salome Muigai:** I am glad that two of the Commissioners here are members of the Civic Education Committee at the Commission. The Act asks the Commission to promote, facilitate and carry out Civic Education. Being 29 Commissioners, we were very aware that we would not be able to go to 210 constituencies to do the Civic Education. So we had several options open to us and we chose a few, one was in coming into partnership with Civic Educators who are already in the field and we came to Thika and met Civic Educators from Gatanga as well as other constituencies, and agreed that they were coming here to do Civic Education on behalf of the Commission.

Two, we have been carrying out Civic Education through the media ourselves. Some of the Commissioners have been writing books and articles in the newspapers. Wengine tumeenda kwa radio na kuzungumzia habari ya hii process ya mageuzi ya Katiba kwenye kituo cha radio cha kiingereza na Kiswahili. Tunafanya hivi kila Jumapili. Pia mimi mwenyewe na wengine tumekuwa kwa Shoro FM tukijaribu kuwajulisha watu wenye kuzungumza lugha ya Kikikuyu habari ya Civic Education. Kwa

hivyo kabisa sisi kama tume hamjatuona Gatanga tukifundisha Civic Education lakini ni kweli kwa sabbau tulitafuta partners wenye walitumia wako hapa Gatanga na tukakubaliana nao kuwa watafundisha Civic Education kwa niamba ya tume. Lakini bwana Maranga ambaye tuko kwa committee moja anaweza pengine kuongezea.

**Com. Maranga:** May be Mzee Ndungu ningeliza ungetakaje ndio Commission iwe itafikia watu weng?. Ungetaka tufanye namna gani? Ungetaka tufanye vipi? Vile Commissioner mwenzangu ameongea kuna watu ambao wanaitwa Civic Education providers ama wale wanatoa elimu ya kiraia kwa niaba ya Commission na hapa tuko na district coordinator. Tunajua ya kuwa kweli pengine muda ujakuwa wa kutosha ule wa kupeana elimu ya kiraia lakini pengine ungetupa tu kwa ufupi watu wa Gatanga mngetakaje hii elimu ya kiraia iendeshwe namna gani? Asanteni.

**Com. Salome Muigai:** Bwana Ndungu nitakupa dakika moja tu ili ujibu hiyo swali tafadhali.

**Jeremiah Ndung'u:** My opinion any way is that we would like you to come again here because there are some people who are outside. Now, whatever news they will get from here, I am sure they will be excited and would like to know more and contribute more. As you have noted today, you have some people who just came. They were not aware of what they came for and you could see some people going out trying to get something, so that they can come and present. So I request you if possible you come. And again, I am saying this because I saw it, was it in Embakasi when we noted those Civic Education people from your place or whichever they were saying that they were not properly equipped and you need to come again? Since that we have seen you now, we know what you are after and now we know exactly what we are supposed to deliver to you. Thank you.

**Com. Salome Muigai:** Asante sana Bwana Ndung'u kwa kuleta hilo jambo nafikiria wakati huu ningetaka kuwajulisha, nilikuwa nafikiria kufikia wakati huu bwana mheshimiwa atakuwa amekuja lakini kwa ajili bado hajakuja sijui kama tuko na Chairman? Ningetaka mimi kumjulisha Mr. Wanyoike mwenye ni district coordinator wa tume ya mageuzi ya Katiba. Bwana Wanyoike tafadhali simama uonekane na Wananchi. Halafu kwa kujaribu pia kuwahusisha Wananchi na hii process ya Katiba na ya mageuzi pia tuna constituency committee yenye iko hapa, yenye ni ya watu wakitoka hapa Gatanga na watu wenye mnaelewana nao wenye committee imeundwa ili kujaribu ku-mobilise na kuona kuwa Civic Education imefundishwa na leo tuko na Father ndio Chairman. Father nitakupa mke ujulishwe wewe mwenyewe na ujulishwe committee yako, very briefly.

**Father Charles:** Asante sana Madam Commissioner. Ningetaka kujijulisha kama Chairman wa Gatanga Constituency Committee I am father Charles, father in-charge Gatura. On my right is the secretary of the committee (inaudible)

**Com. Salome Muigai:** Asante sana Bwana mwenyekiti ambaye pia ni father wetu kwa kutujulisha kwa committee yako. Sasa ningetaka kupean nafasi ingine na sasa nataka kumpa Lucy Wangoi. Tuelewane kuwa leo tulikuja kuwasikiza, mkisikia tunajibu maswali kwa kifupi ndio tuwape nafasi nyinyi kwani ni siku yenu.

**Lucy Wangoi:** Jina langu ni Lucy Wangoi Gichura na nimetoka Chomo, nataka kuongea kwa niaba ya kina mama na wangependa kusema kama vile mimi nitasema.

Kitu cha kwanza ni kwamba wangependa kuwe na sheria ambayo itawahusisha wanaume; mwanaume mmoja awe na bibi mmoja kwa sababu katika hii sheria ya family law, kuna ile ilisema ati mwanaume akishikiliwa hivi na mwanamke ati huyo ni bibi yake. Sasa wanawake wanaona ikiendelea hivyo kutakuwa na shida mingi kwa hivyo wanataka, one man one woman. Kuwe na sheria kama hiyo. Kitu cha pili, mwanaume kuwekwe sheria ile ambayo itamkataza ku-divorce kila wakati kwa sababu unaona anaoa bibi leo, kesho tena mwingine kesho kutwa mwingine, wale wazuri wote ni wake. Kuwe na sheria ikiwa ata-divorce a-divorce tu officially lakini si ku-divorce kila siku kwa sababu hata ukiangalia hii ugonjwa ya ukimwi imeendelea kwa sababu ya mwanaume sababu yeye hakuna sheria inamkataza hizi mambo lakini unaona mama ako nyumbani na bwana akitembea tembea anarudi tena nyumbani kwa hivyo tunaona ni lazima hata kina mama wawe na right yao ile inawasimamia lakini sio ati kila saa, ku-threaten-iwa nitakutupa wewe nitachukua mwingine. Hiyo kina mama wanaona iwekwe kama sheria ati ikiwa ata-divorce he should divorce officially and finally lakini sio ku-divorce kila siku.

Ingingine, kumeonekana ya kwamba siku hizi kina baba wanatoroka nyumbani sana. Mzee anaweza kutoroka na kuwacha mama na watoto, mama anaendelea kulea watoto even for 5 months na mwanaume akirudi nyumbani anakuta mama maekaisha nyumba amekaisha watoto, bado anasomesha na akija yeye ana right ile yake. Kwa hivyo unaona mwanamke hana right hata akifanya kazi gani. Tunataka mwanaume akitoroka miezi tano ama sita apewe sheria ya kushitakiwa ama hata yeye atoke kwake aende kabisa.

Sheria ile ingine kina mama wanataka inagaliwe ni wanaume siku hizi ni kunywa pombe kunywa hii kumi kumi, wamekunywa kabisa, hakuna ile sheria inawakataza kunywa pombe. Unaona leo anakunywa, kesho anakunywa hivyo hivyo inaendelea hivyo na hakuna ile sheria inamkataza. Sasa unaona sababu hakuna ile sheria inamkataza hajui nyumba yake ni nini, hajui wale watoto alizaa ni nini. Kwa hivyo unaona hata ameshindwa na zile rights zake zinatakikana kwa bibi yake hata hajui bibi nini. Kwa hivyo tunataka sheria ile itapima kiwango ya pombe, awache kunywa pombe mvululizo ati ni kama hata hatujui tutasema nini lakini kuwe na sheria ile inamkataza hiyo pombe ambayo imezidi sana.

Sheria ingine, wanawake wanataka hawa wazee sugar daddies wawache mambo ya kuchukua wasichana wetu. Unakuta wazee ni wazazi, wako na magari, wanachukua wasichana wa shule wana wa-exploit and they are not marrying them and they are taking them no where. Kwa hivyo tunataka sheria ile itashitaki ma- sugar daddies. Hata ikiwa kuna wa mama watachukua wavulana like sugar mummies kuwe na sheria ile inakataza hiyo mambo ili hata in our country we should have a good disipline to parents sababu sasa inaonekana wazazi tu ni kama wakora hata hao. Kwa hivyo tunataka ile sheria ile itashitaki sugur mummy and a sugar daddy.

Tena tuna sheria ingine tumeona ya kwamba the Family Planning Association of Kenya they have exploited their work, sorry to say this, walitoa hawa field workers wakawapatia madawa, wakawapatia condoms and what. Wanatembea nazo, wanapatia hata wasichana kwa hivyo unakuta hata wasichana wale ambao hawajazaa wanatumia contraceptives. Tunataka sheria ile itasimamia wasichana wetu kutotumia ma-contraceptives. Hata hizi condoms, ziwache kutumiwa ovyio ovyio kwa sababu hata wasichana wengine hawajazaa na hizi contraceptives si ni za family planning. What are our daughters planning? There is nothing they are planning for, hawajazaa. Kwa hivyo wawache kupewa hizi madawa, wawache kuonyeshwa hizi ma-condoms and they are everywhere. Tunataka sheria ambayo itasimamia hiyo mambo ndio unaona hata hii ugonjwa umeenda sana hata tukijaribu ku-control, it is uncontrollable because condoms are every where even to small children, young girls are getting them even from the chemists. Kuwe na sheria ile ina-control contraceptive na hizo vitu.

Ile kitu ingine na ni very sensitive, tunataka wanawake wa respect-iwe. (*in kikuyu*) kwa maana wanawake wanajaribu sana na hakuna mtu anaona mwanamke kama ni kitu. Kuanzia nyumbani bwana haoni mwanamke ni kitu na unajua ..... unakuta ya kwamba hata wanawake wakiingia ndani ya Bunge kama huyu Martha Karua, akienda kuongea ana shout-iwa si kama yeye ana rights zake. Kwa hivyo tunataka sheria ambayo wanawake watapewa respect wakiwa ni leaders hata leaders wa kanisa kama wanawake wapewe heshima. Lakini unakuta hata katika Matatu, hebu tuseme tunaenda na Matatu, unasikia kwa sababu mwanamke haja pewa heshima unakuta anapewa majina yoyote. Mathe, Aunty, nini tunataka sheria ile itaonyesha ya kwamba women are respected. Tena utakuta ya kwamba hata wanawake wakisoma tunaenda universities na wanaume, tuna attain the same degree na tuna attain the same everything. Unakuta hiyo masomo ya wanawake hai-respect-iwi, unaona wakiandikwa kama ma-advocates tuna ma-advocates wanawake, watu wengi hawataki kuweka advocate mwanamke kwa sababu wako tu na ile –mentality ah! “*Mtumia goshira goke*” sasa unakuta nilisoma na sababu sipewi hiyo respect, even if I am an advocate I am not given that respect. Na baba yangu alinimesha vizuri kama vile yule kijana alisomesha. Kwa hivyo tunataka hiyo respect. Sheria ambayo itatusimamia vizuri tu-respect-iwe. Kwa hivyo tunataka in spite of our marital status, we be respected.

Kitu ingine ni wanawake hata single mothers, even if women are single mothers they should be respected. Si kusema ati ya kwamba wamama wakiwa ni single mothers ati watumiwe tu vile inatakikana kwa hivyo unakuta wanaume wengine wanazalia hawa single mothers watoto na kwa sababu hakuna ile right ina simamia huyu mama unakuta amewachiwa watoto wengi. Kwa hivyo hata hawa single mothers kuwe na sheria ambayo itawasimamia, mtoto akizaliwa na mtu watoto wengi, asaidie hawa watoto.

Kitu kingine, watu wengine...

**Com. Salome Muigai:** Just a minute. Inaonekana kama hii huyu mama anasema wazi anasema kwamba apatiwe heshima zake aeleze maneno yake, tafadhali tumpe heshima zake.

**Lucy Wangoi:** Asante. Tena tunataka sheria ambayo itasimamia kina mama wakiandikwa secretaries na bosses. Kwa sababu

utakuta nikiandikwa secretary, boss wangu anadhania mimi ni bibi yake. Tunataka ile sheria itaonyesha mimi nimeandikwa kazi lakini hajanioa na nikimkataa asinifute kazi, nikae tu kwa kazi lakini mimi si bibi yake, ajue I am his secretary. Kuwe na sheria ile ita-govern hiyo sababu men have exploited secretaries. Ukikataa mambo ya huyo boss anakufuta kazi. Tuko na right ya kufanya kazi kwa hivyo hii sheria iwekwe ati ya kwamba ma secretaries si mabibi wa hao bosses not unless there is the marriage certificate to prove that I am the wife to that boss.

Sheria ingine ambayo tunataka kuweka mkazo ni a girl child to have an equal rights like a boy child. Mtoto msichana ahesabiwe hata yeye ni mtoto na saa ya kugawa vitu kwao hata yeye agawiwe kama mtoto kwa sababu alizaliwa. Saa ingine utakuta hataolewa sa ingine utakuta aliolewa akarudi kwao na saa ya kukata kata mashamba huyu msichana hakatiwi shamba. Yeye ni wa nani? Serikali inamkataa haiongei kwa yeye, haiongoi on behalf of her, wazazi wanakataa, familia zinakataa kwa hivyo huyu mtoto ni wa nani, huyu mtoto msichana apewe rights zake tunataka hiyo sheria na kuonyeshwe hata yeye anatakikana agawe kitu cha baba yake.

Ile sheri ingine ni wakati wa succession, bwana akifa kuna ile sheria ambaye ina sema ati mama hana kitu, hata ikiwa walikuwa wamekaa na mzee miaka thelathini anaambiwa yeye hana kitu. Ati vitu ni za huyo bwana na watoto wake kwa hivyo unakuta mzee akiondoka, akifa watoto vijana wanatusi huyu mama wanamwambia “ *we ndore kendo indoneshi nishiafafa weto nigo watotigeire*” na bado huyo mama ndio anakaisha hizo vitu. Kwa hivyo tunataka sheria mpya succession iseme ati hata mama ako na kitu chake huko kwa sababu she has wasted all her years there, lakini unakuta anaambiwa hana kazi, nguvu zinaisha za kufanya kazi hata siku hizi unakuta wanawake wanasema “*Tondonieko tikere kendo gokoore ndingekera keo mno*” kwa hivyo tunataka kuwe na sheria ambao inasema hata kina mama wana vitu huko kwa sababu ukikalia vitu za bwana yako, hizo vitu hata wewe ziwe zako lakini ukiambiwa si zako watoto watakuchapa. Wanakuambia enda hauna kitu, kwa hivyo kuwe na sheria ambayo itasimamia kina mama.

Kitu kingine ni wale wanawake ambao hawafanyi kazi wale hawajaandikwa na mtu wamejiandika mashambani. Wengine ni wakulima kama mimi ni mkulima, wapewe the same rights with the employed women. Lakini unakuta wale wa mama wako mashambani wanaonekana hawa si wanawake hata ndio inafanya mabwana watoroke nyumbani wanaenda kwa wale wanawake wanafanya kazi. Tungependa sheria ambayo itawatoshanisha wanawake wote. Waonekane wale wanawake wako mashambani wanafanya kazi the same na wale wako kwa ofisi kwa sababu, there is only a difference ya ati hawafanyi the same but all are working. Tunavuna majani na wewe unaandikwa kwa ofisi lakini unaona ile kazi ya ofisi inaleta pesa na ile ya majani inaleta pesa. Kwa hivyo tunataka sheria ambayo itaonyesha wanawake wako na the same rights for the unemployed and employed women.

Kitu kingine ni hiki, kwa nchi yetu we don't have a national dress or we don't have national dressing. Yaani hatuna nguo moja ambayo tunafaa sisi wote. Unakuta leo unaona mwanamke ako na trouser ako na miniskirt, mwingine ako na maxi, nguo refu wengine wako na nini. Tunataka sheria iseme: wanawake wawache kupasuliwa nguo njiani kwa sababu hatuna nguo moja,



hatuna ati ile nguo maoja serikali yetu imesema ati wanawake wavae hii nguo, lakini kama tungekuwa na nguo moja hiyo ni sawa, but now we don't have a common dressing. Kwa hivyo unakuta Nairobi wasichana wetu wanapasuliwa nguo, if she was wearing a miniskirt, inapasuliwa, anawachwa uchi lakini anakosa mtu wa kumsimamia ama kumuulizia sasa unakuta anatembea tu uchi. Tunataka kuwe na sheria hata akionwa na miniskirts asipasuliwe akatazwe lakini asipasuliwe ama kutangazwe msimamo moja ni gani ya wanawake wa Kenya, a national dressing.

Kitu kingine wanawake wangependa saa ile watu watakuwa wazee wanawake na wanaume, women and men, seriklali iwe na mahali pamoja i-organize vile inaweza kuwasaidia watu wazee wa hii nchi. Kwani watu wakiwa wazee serikali hata haijui maneno ya hawa wazee. Inaongea tu lakini hakuna rights za hawa wazee kwa hivyo, tungependa sisi kina mama kuwe na rights za wazee wanaume tu ama wanawake serikali ione inawasaidia aje.

**Com. Salome Muigai:** Ungependa kufanya summary

**Lucy Wangoi:** Yea, hata nimemaliza mum, niko ya mwisho. Kitu kingine ni kwa mashule na kilikuwa kimesemwa, we don't want the quarter system. Kwa sababu sisi watu wa Thika District, quarter system inatusumbua. Watoto wetu wanapita sana mitihani na unakuta hawaendi kwa mashule nzuri kwa sababu in Thika District hatuna mashule nyinyi za provincial especially for boys, kwa hivyo unakuta wanaenda shule zile ziko low na wamesoma sana. Kwa hivyo quarter system iishe. Mtoto akitaka kuitwa Mombassa akitoka Gatanga akasomee huko, akitaka kiutwa Nyanza sawa. Na kwa hayo ninaona nimemaliza kwa kina mama. Lakini niko na swali Madam Chairperson ili nikakae nchini. Nataka kuuliza hivi. Je, hizi maoni tunatoa leo, zimekubalika kabisa in your Commission? Are they to work or we are just talking and it won't work. Ile imefanya niulize hivi ni kwa sababu tulianza kusikia kutoka zamani, yaani si zamani sana. From last year ati Katiba inaguzwa na Civic Education ikaanza. Tunashindwa kwa sababu sasa, we are nearing to the elections na hamjamaliza tunasikia tu inatangazwa mnaendelea kama hivi mumekuja Gatanga leo. Zitachukuliwa into consideration na ziandikwe before the elections? Tena mtaandika hizi vitu kabla hatujaingiza watu katika Bunge ama kutakuwa tu na zile za zamani halafu wale wataingia wafuate hizo na kuna shida sana. Nimemaliza.

**Com. Salome Muigai:** Asante sana Bi Wangoi, umejieleza vizuri sana. Kwanza nitawauliza wenzangu kama wana maswali ya kuuliza wewe kutokea kwa vile kwa maoni yako halafu tutajaribu kukujibu maswali yako. Any questions Isaac? Would you like to ask Wangoi some points of clarifications? Hassan do you have questions for her?

**Com. Hassan:** Yeah, I want to ask one.

**Com. Salome Muigai:** Hassan ana swali moja kwako.

**Com. Hassan:** Sasa Lucy Wangoi ulisema ya kwamba ati tuwe na sheria inasema one man one wife. Sijui kama umefikiria



population wide in Kenya, population ya wanawake na ile ya wanaume kama tukifanya hiyo sheria, si kutabakia wanawake wengi sana hawatakuwa na wanaume? Hiyo ni moja.

Ya pili, nilikuuliza, ukiangalia population wide Kenya, majority of the population ya Kenya ni wanawake 52% na 48% ni men na hawa 48% ya wanaume karibu nusu ni watoto kwa hivyo ukisema one man one wife kutabaki wanawake wengi sana ambao hawatakuwa wakiolewa na hiyo iko na shida yake ingine. Sijui kama umefikiria hiyo mambo.

Ingingine kuna zile communities ambazo zimekubaliwa kuoia wanawake wengi kuliko moja, culture ama religion. Kama ni wa Islamu wanakubaliwa mpaka wanne. Kama ni African customary marriages wanakubali wawili au watatu. Sasa sijui kama unaona pia waambiwe wakuwe na mmoja mmoja, na kama ni hivyo je wale washaoa watatu watafukuza hao. Asante.

**Lucy Wangoi:** Asante. Kuanzia mwanzo, hebu niseme kuna wale wanaume walioa bibi mmoja and there is the Marriage Act. Hao walioa mmoja, sheria ilisema waoe mmoja, wakae na huyo mmoja and if their culture is allowing that they should stay with one wife. Kwa mfano, mimi njiko na marriage certificate yangu, na hakuna mahali inaonyesha mwanamke mwingine ata-sign kwa hivyo ni mimi tu. In our customs the same. Sasa tukiongea hapa Gatanga, ikiwa utaoa bibi wawili, zamani kwa tamaduni yetu wanaume walikubalishwa kuoia wanawake wawili. Wale walioa wawili, walichukua hawa wawili nyumbani, na wali-share the duties at home but today kuna hii system ya come we stay. Unaona mtu ako na bibi nyumbani na ako na mwingine wana stay mahali. Kwa hivyo tukiendelea kusema ati bwana achukue wale mabibi anataka hata tukijaribu ku-fight with this ukimwi na HIV, we won't be able, kwa sababu kila siku mwanaume anaona mwanaume mzuri, mzuri hata hawaishi kwa hivyo, wale walioa mmoja hiyo ni sawa wakae na mmoja. Culture yao ikiwa inasema aoe tano, aoe tano na akae na hawa tano. Hawa watano wapimwe ikiwa ni kupimwa HIV ajue anakaa na hawa watano. Lakini unakuta hakuna hiyo kuna huu usherati inaendelea, kwa hivyo kuwe na sheria ile ina-govern what is the type of our nation. Unakuta huko mwarabu hakuna ... wake watu wanaenda Dubai leo wana-book wanakaa kwa mkahawa lakini hakuna mwanamke wanakaa na yeye. Unafanya your business and you go back home, lakini unakuta hapa kwetu sio hivyo. Hata ukitaka leo kulala Mombasa na bibi yule ule unawacha hapo, umepora HIV, unakuja Nairobi tena mwingine unapora vile unapora. Sasa kuwe na sheria ile inasema in our country we allow this and this. We have to have a style. Kwa hivyo wachana na hawa wanawake wengi. Kuna wanawake ambao hawakuumbiwa mwanaume, hata Mungu hakubalishi hata hiyo nyingi.

Hiyo ingine I think I have combined, if your culture is allowing you to have two wives, well and good have the two wives at home and have a zero grazing for the two wives.

**Com. Salome Muigai:** Nina maswali mawili kwako. Kwanza umesema habari ya utumishi wa condom kuwa unaeneza ugonjwa wa HIV/ AIDS tena umesema ati wasichana ndio wanatumia condoms. Kwa hivyo ninaswali la ufafanuzi hapo kuwa kama ni wasichana wanatumia condoms, na pia hii inaenezaje ugonjwa wa AIDS na imeangaliwa kama ndio mmoja ya hali ya kupigana na AIDS bila kueneza?

Pili, umesema kuwa baba waliozaa watoto wenye hawako kwenye ndoa ama hawakuzaliwa kwenye ndoa wahuzishwe kwenye uleaji wa hawa watoto. Umesema akizaa watoto wengi, ni akizaa wanagapi. Kumi na wawili ama akizaa mmoja asihuzishwe na pia ungetaka wahusishweje ili kuhakikisha kuwa wanasaidia kwa ulezi wa watoto wao.

**Lucy Wangoi:** Asante. Nimeongea kuhusu condoms. Tunajua condoms zinazuia ugonjwa lakini zimmenda sana, zinatumika vibaya kwa hivyo inatakikana hizi condoms masomo yale iende vizuri. Kabla vitu hazijatumiwa hapa katika nchi yetu, kuwe na masomo, watu wafunzwe lakini si kitu tu ikianza inianza kwa watu wazima inaendelea kwa watoto sa zingine hata ile utumizi yake nzuri inaaribiwa, it is abused. Kwa hivyo ni afadhali tungekuwa na sheria ile inaonyesha, ikiwa kumezuka ugonjwa na kumeonekana watu watazitemia condoms, who are the people to use the condoms. Ikiwa kumeonekana watu wafanye kupanga uzazi, who are the people to use the contraceptives. Si ati kitu ikija inaenda tu pwa pwa pwa inajaa kama ukija kwa village yetu utakuta hata madukani msichana anapata contraceptives, unaona hata condoms atapata tu. Zikuwe tu na ile sheria mzuri, hata wauzaji katika chemist, katika maduka ikiwa ni the Family Planning Association of Kenya. Wajue zinatakikana kutumika upto this level. Lakini zisitumike mpaka zinakuwa abused. I think I have answered that.

Hiyo ingine ati how will men be involved kwa wale watoto ambao wanazaa. Unaona Madam Chairperson, kama kuna sheria ile inasema ati bwana akizaa na let's say ameweka mwanamke mahali, azae watoto wane, kuwe na ile sheria itamshitaki alee hawa watoto. Kwa sababu akipewa sheria ya kulea wale watoto na kwake pia ako na watoto wane, si sasa ako na watoto wanane, we are talking of this falling of the economy in our country. Sasa ajue kule atatoa matumizi ya watoto wanane. Kwa hivyo pawe na sheria ile ina-govern ati akizaa mtoto lazima amlee na saa hiyo hatuna hawa chokora wengi. Hawa chokora unaona, ni wazee walizaa hawa watoto mama anashindwa ana wachilia watoto wanaenda. Kwa hivyo kuwe na sheria, alee watoto wake ama awache kuzaa zaa kule nje, afanye family planning.

**Com. Salome Muigai:** Asante sana Bi Wangoi tumefurahia sana kusikia kutoka kwako asante. Ulikuwa na swali lako wewe mwenyewe, nitamuomba mwanatume Isaac Lenaola akujibu.

**Com. Lenaola:** Asante Bi Wangoi. Nafikiri swala la Civic Education tumeongea mambo yake asubuhi, tumeongea sasa hivi saa nane nafikiri sita rudia hilo. Lakini umeuliza haya maneno ambayo umetuambia leo, yatatiliwa maanani kweli, yatafika, hilo ndilo lilikuwa swali la kwanza. Swali la pili, je haya mambo hii kazi tunafanya sasa hivi mchana mzima wengine wako Mombasa, wengine wako Nyeri wengine wako Kajiado kweli itashikana na mambo ya elections ya mwaka huu.

Ni kujibu hivi; haya maneno ambayo mnasema leo yamefika tume, kazi yetu kisheria nikuyasikiza vile tunafanya sasa hivi na kuyaandika katika lugha ya kisheria vile umesema mara mingi sheria iandikwe iseme hivi. Kazi yetu ni kusikiza vile umesema tuandika haya mambo kisheria. Lakini kabla ya kutoa Katiba mpya tutarudi tena hapa hapa na ku-circulate ile report yetu kwenu tena mtaangalia kwamba Wangoi alisema hivi Gatanga mbona hamkuandika. Kwa hivyo si kwamba tunasikiza halafu

tukitoka hapa tunapotea kabisa mpaka miaka nenda miaka rudi, haya mambo yatarudi hapa muyaangalie, msembe mbona tulisema haya mambo hamkuandika. Kwa hivyo jukumu letu si kwamba kuandika peke yake inakaa Nairobi, lazima tena report irudi tena kwenu kwa miezi mitatu. Muangalie hiyo report, muichambue, mtote maoni yenu tene kwa report kasha ije kwetu, kwa hivyo si kwamba tutapotea, mko na nafasi ya kuangalia tena kama tumefanya kazi mzuri ama kazi mbaya, tumeelewana hivyo.

Jambo la pili, kazi ya kuunda Katiba, ni kweli lazima kisheria kazi iishe mwezi wa tisa mwaka huu. Sheria imesema hivyo na bahati nzuri bahati mbaya pia elections lazima zifanyike either mwaka huu ama early mwaka ujao sio? Kwa hivyo, kuna hiyo time connection. Lakini kazi sisi kama tume, hatuna uhsiano wowote kikazi na elections. Ikifika mwezi wa kumi na kazi haijaisha yetu kuwe na elections ama kusikuwe na elections, kazi hii itaendelea. Kwa hivyo, we are not working towards the time table for elections. We have no connection to it, elections can be held next week, next month, na hii kazi lazima iendelee. Kwa hivyo we have no connections. Lakini ikifika mwezi wa kumi na tuone kwamba sisi kama tume hatutamaliza kazi kisawa sawa tuko na haki kisheria kuuliza Bunge, itupe muda wa kuongezea hii kazi, without linkage to the elections. Kwa hivyo sisi kama tume hatuna hiyo connection ya elections na mwezi wa tatu, mwisho wa mwezi huu, tutawapa jawabu kuhusu kama tutaweza kumaliza kazi mwezi wa kumi. Kama tutaweza tutawambia tuna timetable mzuri tutamaliza, lakini kama hatuwezi, tutawaeleza hatuwezi kwa sababu fulani na fulani. Kwa hivyo sisi hatuna connection kabisa na elections. Msiwe na wasi wasi lakini. Asanteni.

**Com. Salome Muigai:** Asante sana Bwana Lenaola kwa kutufanulia hilo jambo. Sasa ningetaka kumpa nafasi bwana Simon Kinuthia. Hiyo ni kusema Simon hayupo? Basi nitampa nafasi Simon Ngaruyia. Hayupo. Francis Muhuni, karibu.

**Francis Muhuni:** Asante sana Madam Chair. Kwanza nimeshukuru kwa kuja Gatanga kwa vile hatujakaa tangu tuanze yaani tupewe uhuru hatujakaa namna hii na Commission. Na vile mumeendelea tumeona ni safi sana kwa maan Katiba ni yeti na Katiba ikiwa yetu ni lazima tuwe tumejandiliana ikawa Katiba ni ya Wananchi si Katiba ya serikali iliyoundwa na mtu binafisi iwe Katiba ni sisi na tumeshukuru kwa hivyo. Yangu ya kwanza nitaanza na upande ya President.

Maoni yangu ningetoa President asiwe na uwezo wowote katika nchi. Ikiwezekana, asiwe na uwezo wowote wa kikatiba kama vile tulivyo hivyo mimi nataka kusema msicheke. Awe akiwa ceremonial President kwa maana yeye ni mtu binafisi.

Ya pili, kuwe na Prime Minister ambaye atachaguliwa na Bunge yenyewe. Mawaziri atakaye chukua wawe mawaziri wake wawe wamepitishwa na Bunge yani Prime Minister akichagua ama minister, wasiwe wametoshleka kama wa leo. Iwe ni lazima Bunge ikae chini na ijandiliane yale majina ya watu hawa maana nasema hivyo kuna wengine watapomoa Kenya na watakuwa mawaziri na wameipomoa kabisa. Tungependelea yale majina yao ipelekwe Bunge, waonekane huyu ni Mr. Francis alikula sana anatupiliwa mbali anaambiwa chagua jina lingine la minister kwa maana yule nimuhalifu kidogo.

Ingingine makatibu wakuu wote wawe wakichaguliwa na Prime Minister na pia majina kupeleka Bunge. Bunge lithinishe hawa makatibu makuu badala ya kuchaguliwa na Prime Minister na kutosheka ya kwamba wao ndio makatibi makuu na majina yao hayachunguzwa ionekana imelenga lenga imeenda safi hao ni makatibu wakuu. Tukija upande wa ma-ambassador pia ningependelea hata nao wakiwa ma-ambassador wachaguliwe na prime minister na majina yao ipelekwe kwa Bunge ijandiliwe ionekane huyu ni mzuri atasimamia India, atasimamia London, huyu si mzuri, hiyo inakadhiliwa analeta ingine.

Wafanyi kazi wote ambao wame ajiliwa na serikali, majina kama haya ya wakubwa wote, kina Commissioner wa Polisi akina Commissioner wa Jela, Commissioner wowote ambaye ni mkubwa anasimamia department Fulani awe anachaguliwa through Bunge, ikiwa imependekezwa majina na mtawala waziri mkuu.

Ningependelea kwa maoni yangu kwa maana nikisema hivi, ningependelea kuwe na picha moja kwa pesa. Ninaseme kwa mfano, kama America tangu waanze kutawala, wako saidi ya miaka karibu mia mbili sasa na jina la kwanza haijabadiliswa kwa vile walimpatia heshima huyo kwa maana ndio mwakilishi. Kwa mfano, kitu kama kutengeneza pesa hizi zinatengenezwa, unaona sasa ikiwa raisi huyu amaeondoka ile ingine ulikuwa naye, ingine hata leo nina ya raisi katika nyumbani inatumika lakini niliwekwa kwa kuonanga. Tuseme kwa mfano, ziwe heshima ipatiwe wa kwanza ama sivyo, watafute kiti ingine ambaye itawekwa kwa hiyo picha iwe noti ya Kenya kabisa ambaye haitabadilika mara ingine. Kwa maana hizi tunazo hata zingine zinatoka rangi, ukiweka kwa mfuko na ninoti za Kenya kwa maana zimetengenezwa na njia isiyo kawaida. Kwa hivyo tungependelea noti ambaye inadumu kama ile tulikuwa nayo ya kibeberu hata ikiishi mfuko miaka ngapi haiharibiki.

Hiyo nitoke hapo niende kwa local government. County Council ilikuwapo wakati wa ukoloni, ulikuwa wakati wa Kenyatta na umekuwa wakati huu wa Moi, kwa maoni naona iko mbaya sana upande wa County Council ambaye tuseme kwa mfano, County council ya Nyeri ikuwe inatengeneza, inajaribu kuweka pesa zao na njia ya ma-license na nini wanaweka pamoja wanaanza kutengeneza barabara wakati wa zamani na hizo pesa, bila kuuliza Ministry lakini wanatuma report lakini Minister hahusiani nazo. Lakini ya leo ni lazima mpeleke pesa yote. Tunaambiwa Nairobi ni sharp na pesa imeenda kwa Minister of Authority au Local Government. Kwa hivyo kwa maoni yangu, ningependelea hii County Council ipewe idhini ya kulinda mali yao, kutumia mali yao na njia zao na usafi wao, na barabara zao, hata kutengeneza manyumba yao yawe safi, badala ya kwenda kule kuchukua kwa Authority. Wakati mimi nasema namna hiyo, nasema na Muranga yenyewe wakati wa Kenyatta ilikuwa billionaire na ilikuwa imetengeneza barabara hapa zote, ikawekwa marum lakini baadaye utaona mwingine amekuja hata hakuna kitu tukiuliza sasa, tuko Thika na tuko matajiri. Tuna viwanda na hakuna chochote tunasaidiwa na Council, isipokuwa kuja kupora mali hapa kwa ma-license ya juu juu kuweka 4,500 a year license yake hata ikiwa ni ya kiosk. Hii ni kunyamazisha hata yule ambaye ameweka hiyo kazi. Hawezi kufanya kazi mzuri kwa maana, kila saa ni askari na license yao. Kwa hivyo, ningependelea pesa ya County Council ziwe zinapelekwa kule mbele ziwe County Council inapewa authority inatumia, na inapeleka return kwa Ministry of Local Government kuonyesha vile wamefanya. Ikiwa hakuna wanapewa pesa na minister kwa njia ya serikali lakini sioni kama County Council itakosa pesa.

Ingingine ni ile ya Mayor and Chairmen. Hii ndio imeleta tabu hata kumekuwa Mayor atakuwa na degree lakini ma-Councilor ni kama mimi pia nazungumza Kiswahili lakini Mayor awe –different awe na degree si ndio hiyo inataka kupitishwa. Hiyo ningependa Chairman ikiwa Mbunge tunachagua Gatanga, hata Thika ina haki ya kuchagua Mayor na County Council wake na iwe rahisi sana na tumpendeele huyu mtu ako na elimu atoke lakini sio ma-degree. Ni mtu ambaye anaona mbele kwa maana hata sisi tunamchagua tuona huyu anaona mbele unaona mbele wewe. Kwa hivyo mimi maoni yangu ningependelea Mayor na Chairman wawe tukiwachagua. Kama vile tunachagua Councilors kwa maana, hata hakuna haja ya Mayor kwenda kujiweka kule juu badala ya Mayor achaguliwe na sisi ndiye County Council.

Ningependelea pia mpitishie Katiba mzuri na muandika vizuri kwa maana, mmesema mtaandika. Kenya tumeporwa pesa nyingi sana na iko na watu matajiri na wako katika serekali pia ni wakubwa sana na pesa zote wamenyonya sisi hata ndio sababu Gatanga imekosa pesa, hata kahawa ikakosa kwa maana, ni nyonyosho uko, kunyonya watu tu. Ningependelea hawa watu, ikiwa kweli tunatengeza Katiba mpya, wanajulikana pesa zetu waturudishie.

Kuna department ya misitu (forest), ambaye ukiteremka hii mto utaona umekwisha maji kabisa na kiini ama sababu ya kukosa maji ni kwa aljili ya msitu kuporwa na wakubwa wote. Wameupora mpaka umekwisha na hakuna mtu anauliza swali serikalini, ‘msitu umeenda wapi’ na ulikuwa kama hii tulikuwa tunapigania wakati wa Mau Mau hungeonekana. Ndege haingekuona hata ukiwa juu na leo ni bangi unakuzwa huko na wakubwa. Kwa hivyo hakuna haja. Tuna haki ya misitu usimamiwe, kusiwe kunakuzwa bangi ambaye hata sisi hatujui iko namna gani lakini inakuzwa. Forest ilimalizwa sasa ni bangi iko juu inalea na nikisema hivyo mnaona hata mageti imeandika. Hapao ningependelea msitu usimamiwe na upewe vizuri watu ambao hawana tamaa, na wako, na wanajulikana wale ambao hawana tamaa. Isipewe, yule anasimamia anaitwa forester yupo lakini ukienda huko unashindwa huyu mtu anafanya nini msituni? Utakuta hata makaa inachomwa huko hata waleo. Kwa hivyo tungeomba Katiba ikiwa kabisa kutakuwa mabadiliko hii mti utakuja kwisha maji kabisa ikiwa hii Katiba haitabadilisha.

Kikosi ya polisi, mimi ningependelea polisi Katiba ingebadilishwa kwa maana mkubwa akisema itaingia. Polisi imekuwa sisi hatuna security katika Gatanga, katika Thika maana yake ukienda polisi yenyewe ukiwa huna pesa ni vigumu upatiwe msaada hata kidogo, utakuwa umeenda kufanya kazi bure kuingia polisi. Kwanza unaambiwa unataka tufike kwako, gari ni elfu moja elfu mbili hivi ikiwa ni mbali kule karibu ni elfu moja. Ukileta huyo mtu katika polisi hasuru umetoa, ukileta mtu katika polisi ameshikwa kesho mtakutana barabara akienda Thika na wewe ukirudi kutoka Thika na hakufikishwa kotini. Kwa hivyo hii mambo ya polisi na Katiba iwekwe vizuri sana kwa maana tukiishi namna hii Kenya itakuwa haina pahali inaelekea. Kwa hivyo ningependelea upande huu wa polisi, muandike vizuri iwe inaangaliwa kinaganaga na mtume ma-CID wenu waone kama ni hivyo inafanyika.

Hapa tuko Gatanga constituency sisi ni wakulima wa kahawa. Na kusema kweli tulikuwa tunapata mapato hata tukawa

tunapata mapata, tukawa tunapima suit hii wakati huo wa mbeleni. Kahawa wale walikuwa wanakunywa, walikunywa tu. Kahawa tunauza hakuna kahawa tunapeleka kwa mto tukatupe. Tunakausha ina ingia ma-lorry inayo enda Nairobi. Lakini kupata hizi pesa ikifika hapa ni sumuni. Tungependelea kama sisi wakulima tuonewe huruma ndipo tupate pesa ya kusomesha watoto, iwekwe katika Katiba kabisa kwamba, mkulima hana nafasi katika Kenya, ni mtu anaisha na mbeleni tulikuwa tumewasomesha kama wewe unakaa hapo umesomesha na pesa ya kahawa. Lakini waleo hata mzee apende asipende hawezi kusomesha. Ikiwa ni sumuni inafika ingine inakuisha kama leo tuna miaka tata na tuna kahawa na hatujapata returns. Hii ni maana gani, hatujui ilikwisha, ilinunuliwa, haikununuliwa hatuna mtu wa kutueleza na katiba tunahakikisha ya kwamba tutaelezwa. Tungependelea pia kama hii ipelekwe ndipo tujue ikiwa mumemaliza mwaka kahawa yenu hakuna ilienda hivi. Lakini bila maelezo itakuwaje? Tutaishi ulimwengu mwingine tafadhali hiyo muandike vizuri na iwe inachunguzwa kama vile mumesema tutaiona.

Wacha tuingie majimbo. Kweli majimbo ya Kenya iko different na majimbo, iko mavuno, kuna majimbo ingine haina mavuno na hii yote kuna watu wanasema tuwe majimbo. Kwa maoni yangu ningependelea majimbo isiwe kitu ya kutangazwa ati finya hiyo majimbo. Kenya ni nchi dogo sana na kuweka majimbo ni kuharibu hata kuharibia *wale wananchi wa Somali*, wananchi wa pahali pengine wakose hata kile walikuwa wanapata kutoka Gatanga. Kwa hivyo majimbo mimi siipendi na ni marufuku kwa ... iandikwe hivo katika Katiba yangu.

Ningependelea kuongea kuhusu elimu: elimu imewaweka hapo mupo mkawa Makomishona lakini elimu imerudi nyuma katika Kenya kwa ajili ya kitu kimoja. Wabunge wetu tuliwachagua mwaka huu wanaenda kumaliza ni wa tano na tulipo wachaguana, jambo lao la kwanza ni kuenda huko Bunge na kupitisha sheria kuwa wanakula elfu mia tano kutoka 70,000 up to 500,000. Mwalimu ambaye anasomesha analia hapa kuna pesa waliagana watapatiwa na hawajapatiwa na wabunge ndio hao wanaongeza pesa yao badala ya, kuangalia mwalimu wanajiongeza. Mwalimu kweli akiwa darasani atasomesha na amesoma ‘ Nation’ ya leo Mbunge wa Gatanga earns 500,000 na yake haijapitishwa, ilipitishwa lakini hajapatiwa. Hii ni kitu moja tumeona kimerudisha elimu yetu nyuma sana sana hapa Kenya. Kwa maana, walimu walichukua neno lingine wakaliweka kama viwete, ikiwa si Mbunge anaongezwa wacha wasomeshe. Ndio sababu hata serikali ikigamba shule imeanguka ni kwa ajili ya kutoheshimu waalimu.

Hata mapolisi wangu hapo nitawasimamia kidigo, ningeomba Commission muandike vizuri. Mimi niko na askari kama wawili kwangu na ni watu ovyo katika ulimwengu huu hata mimi ndio ninasomesha watoto wao kusema kweli. Kwa maana, mishahara le wanapata hakuna kitu wanapata. Wako nyuma katika Kenya. Hata afadhali kuandikwa mashambani ambao unapata pesa. Unaambiwa ni elfu nne au tano lakini zinakatwa unachukuwa tatu. Hata anashindwa ni nini atanunua ama ni nini. Kwa hivyo ninawaomba nyinyi upande huu wa ma-polisi hata kuangaika kwao kuitisha pesa ni kukosa mshahara.

Inginge ni hii, katika serikali ya Kenya badala ya kushugulika na sisi inashugulika na wale imewaajiri. Njia moja ya kusema hivi ni hii, kwanza nitashitaki Commission yenyewe, hiyo ndio moja ya kuona kuwa hamshuguliki na sisi. Njia moja ni hii ya

Commission hii yetu tunayo sasa. Maana ya kusema hivi ni hivi, ukiangalia gari ile inaenda na Commission ambaye alichaguliwa na akaiwacha iko million sita na hapa barabara ya Gatanga yenyewe inataka rami na Commissioners hawa wako karibi 24. Ukihesabu hizi ma-million itaweka pesa ... kwanza ninaingilia nyinyi kwa maana tuko na nyinyi, imetumia pesa ngapi gari yenu? Karibu ma million ya mapesa. Hiyo nimesema iangaliwe sana kwa vile nimesema. Nataka inagaliwe namna hii, wale wamechaguliwa afadhali hata wapatiwe gari ambaye kama kule kwa Nyerere haitumii chochote lakini, sio pesa inagarimu pesa ya Kenya ambayo ingeweka lami, ambaye wangeweka nini, hapo muandike vizuri mimi nitakuja ku-read badaye ingeweka hii kitu itengeneze lami, itengeneze shule. Tumekosa dawa, why not dealing with your self? Ukienda kwa Election Commission wanaenda na zingine kubwa hata kuliko zenu. Tunaona pesa sisi hatuna faida badala itumike kwa dawa ya hospitali tunaambiwa sharing lakini sharing hii hakuna kitu, dawa haingii ni tulipe twende tukanunue dawa. Ningemuomba upande huo wa hospitali mkubali ati kama Kenyatta kuwekwa ati ni pesa amabaye iliwachwa na hayati ikiwa haina pesa ni ya watu wale wagonjwa. Ningewaomba nyinyi muandike vizuri muone mambo imeingia na imerudia mwananchi.

Ninamaliza na hii Chairlady. Kipande, kama mimi wakati nilikuwa nachukua kipande hii yangu hakuna kitu nilikuwa nalipa nilikuwa 18 na kupatiwa kipande. Na hakuna ndururu nilikuwa natoa, sasa kimeingia pesa. Tafadhali mchunguze hali ya wananchi kwa maana wengine ni watoto wa shule, asipopewa na baba yake kipande haitapatikana. Kwa hivyo ningemuomba kipande kirudishwe bure pia passport ilikuwa bure, sasa imekuwa ni elfu moja na fifty. Tafadhali tungeomba mpeleke hata hiyo jina ya passport irudishiwe wananchi kwa maana ni kitambulisho ya kukujulisha wewe ni Mkenya na unaenda mahali fulani, isiwe ati ni kuuzwa hii ni kama sisi hatuna baba na mama.

Mwisho ni kunyonywa na mwisho nikimaliza kabisa .....

**Com. Salome Muigai:** Hiyo ndio ya kumaliza kumaliza...

**Francis Muhuni:** Wacha nimalize sasa niseme ninashukuru pia kwa kunisikiza.

**Com. Salome Muigai:** Unaweza kusema hiyo moja ya kumaliza

**Francis Muhuni:** Nimewacha maana itakuwa mingi na nitaendelea na sio vizuri kukaa watu hawa wakinigonjea nimalize. Kwa hivyo nimeshukuru pia kwa kunisikiliza.

**Com. Salome Muigai:** Ningetaka kukushukuru sana Mzee Francis na kuwaomba wanatume wenzangu kama wana maswali kwako.

**Com. Maranga:** Nimekuelewa vizuri, lakini tu ningejaribu kukujibu kumwambia mzee wangu haya magari tunatumia makubwa ni kwa sababu sehemu zingine za nchi ya Kenya hazipitiki. Mimi ni mtu natoka upande ya Kisii na mabarabara yetu ni mashimo.



Nyinyi mko na bahati mko na hii lami ya kuja Gatanga. Hii barabara ikienda pande zingine za nchi, ukienda upande ya North Eastern, huwezi ukapita na gari ndogo, utakwama. Huyu Bwana Ahmed ametoka huko anaweza kukuelezea. Gari yake ilienda huko ilikaribikia huko, kwa hivyo saa ingine ukiona hayo magari ni kwa sababu sisi tulijua nchi ya Kenya iko nyuma sana sehemu nyinyi za nchi hii yetu ya Kenya. Pengine mahali unaweza ukaona hiyo gari imetumika uone hakuna haja ni Nairobi na mahali iko tarmacked. Lakini nchi zingine za Kenya hata mahali pa kuogea hakuna. Tunaogea nyuma ya nyumba kwa hivyo nchi hii watu wa Gatanga mko na bahati vile mko namna hii, kuna sehemu za nchi hii ya Kenya hamwezi hata mkafika na gari yoyote ila tu gari four wheel drive na kubwa ambayo iwezi ikaharibika sana. Pengine hiyo ndio sababu ilikuwako.

Kitu ingine ya pili ningekuelezea mzee wangu ni kuwa maoni umetoa ni mazuri kabisa pengine nchi yetu ya Kenya ikiendelea kama Japan pengine mtu unaweza kutumia gari yoyote hata ile kidogo. Lakini kwa barabara tunazo haiwezekani. Asante.

**Com. Salome Muigai:** Hatutaki kujitetea sana kwani mwenye kujitetea anaonekana kama ni muoga. Lakini hata sisi hatuna magari ya kutosha na tulienda Tharaka na tulienda na gari kidogo kufika Embu tukakosa kwenda Tharaka. Madam PC ndio mwenye alitupatia gari za kuenda na watu wa Tharaka nao wametungoja vile mlikuwa mmetungoja hapa. Kwa hivyo hatutaki kujitetea sana lakini, kuna kazi yenye ukimpa mtu lazima umpe jembe. Sivyoy? Na barabara zetu zikiwa ndizo hizo wakati mwingine mkitupiga msitupige sana, mjue hizo barabara ndio pahali mnataka tuje na hamtaki kusikia ati tunataka tukutane na nyinyi Thika kwani hatuwezi kufika Gatanga. Ama mnataka hivyo, ama tuwaite Nyeri tuseme mje kwa province. Sasa sisi twajaribu kuwafikia pahali mko na ndio wakati mwingine naona hizo barabara ni mbaya lakini ni kweli kabisa mzee kuwa ni lazima Kenya ianze kufikiria priorities zetu ni zipi? Ni gari ama ni dawa za kuokoa maisha ama ni chakula za kuliwa na wananchi hiyo ni kweli kabisa mzee. Asante sana.

Nilikuwa nata.ka kumuita sasa Sarah Muchiri, je Sarah Muchiri ndio Wangare Muchiri? Ni watu tofauti? Basi sasa nataka kumuita Sarah Muchiri.

**Sarah Muchiri:** Mine I have been sent by Catholic Women Association. My name is Sarah Muchiri from Gatanga and I am here on behalf of the Catholic Women Association. So together with women, on behalf of the women we have discussed on human rights and we felt that for the women, we have been oppressed a lot and on inheritance that is we feel that when our husbands leave us probably through death, we should become the automatic heirs of what we had together with our husbands. Also we should be the administrators of our husbands' wealth probably after their death without going through all these hassles, being asked to go to court to prove whether you are married or not. Yet, you possess the marriage certificate and to have all the in-laws coming after you, they want this; they want that we would like to have a law to defend the women on this. Mainly our rights are taken or whatever rights we have are grabbed from us probably, because there isn't that law that I have to be the automatic administrator of whatever we had owned with my husband when he was alive. So we would like this to be looked into.



Also on the opportunities for education. Probably education should be free from the nursery level to the university level. Mainly, there are so many of our children roaming about the streets because they have to face a lot of levies, money for the watchmen, building funds, this and that and some of our girls or boys do not go beyond standard one, or even beyond the nursery level. They are even told to attend the nursery because you have to contribute this before your child is enrolled in the nursery. So we would like to have maybe free education because we have enough sources or resources for that matter to take care of our children to have free education.

**Com. Salome Muigai:** Ningetaka kuwaomba mkuwe na mkutano mmoja. Nitaanza kuwandika noisemakers watu wakienda nyumbani watabaki hapa mpaka saa kimi na mbili na nusu kwani mimi ni mwalimu.

**Sarah Wachiri:** Thank you. On jobs and promotion opportunities, mainly the women and our girls are denied these especially if they don't give in to the favours of the men and since most of the bosses are men as my colleague has stated here, we would like to have something or we would like to have a law defending the women on these favours. Our bodies are not for sale or for promotion; we should be taken care of and given the opportunities. When the men come applying for the jobs, nobody asks them to sleep with them or to have these favours with them. Why should women and girls be subjected to these things? We want this to be checked on.

Also on economy, we feel that many of the women of this Country are the ones who contribute mainly on the economy that is, on the coffee or the tea and also on the vegetables and on the other goods, the cattle, the milk and the whatever. But much as they do this, they don't get as much as they give out. Their coffee and tea is probably not paid on time and when it is paid, it is deducted this and that. The other day we had somebody coming all the way to give prizes in Nyeri that they have the best coffee not even in the country but in the world and he told us what one bag cost, he revealed to us how our coffee is sold and from the papers they said that a bag of 50 kilograms of coffee is sold at 11,000 then I wondered if that is the much our coffee is sold, why are we so poor really? Our roads are so poor; our children do not go to school yet we have acres and acres of coffee. Where did this money go and mainly the women they are the ones who will work on these coffee plantations with their children on the backs, with the rain on them and all these and yet the money is taken and they don't benefit from this. So we want this to be looked into. We should benefit as much. Thank you.

## **Tape 5**

**Thomas Mwangi:** Kwa hivyo squatter na kupeana kwa nchi kwa mashamba yafanywe ili watu wetu they be removed from these very densely populated areas and go into areas that are not very densely populated.

Inginge ambao ningelitaka kuongea ni juu ya environment. Forests zina haribika, rivers are being spoiled by polythene papers and haya mambo inachukua vitu ambazo zinatoka mbali hata katika if you go into the furthest town in Kenya utakuta polythene

papers. I wonder whether there could be a law that could be put in place to make sure that we have materials for wrapping and ways of throwing them away. Even condoms, are found littered on the roads today and it is in the rural areas right here you find condoms and there are a thousand rims, you find them everywhere, katika mabarabara. Sasa hii ni shida ambayo inatokea ya environment na labda hiyo tungelatazama.

Katika tena katika hii I don't know, the local government. The powers of the minister have been made too strong, they should be lessened and the Mayors and Chairmen be empowered so that they can fire and hire the employees under them. Sasa hawana nguvu, huyu treasurer akisema sina pesa anaenda kwa minister anarudishwa pale hupo. Kwa hivyo, there is a lot of frustration in the Municipalities and the Local Government in general. Ingine ambaye ningeliongeza hapo ni katika ili tuwe na nguvu katika nchi yetu hii position ya headman na chief iondolewe katika Office of the President. Tuwachague sisi wenyewe na hiyo ingelikuwa afadhali kidogo kwa sababu, ya kwanza, sisi ndio tunajua shida ya mahali tunatoka. Kama kuna watu wa baiskeli ambao wanaenda usiku bila taa tunajua, we pass our own laws that will govern our small areas. Where that Commissioner comes from is in the arid zone. It is very different from Kiruingine where I come from and therefore, I need the by-laws that are going to govern my area. Kwa hayo machache ningesema asante sana na nilikuwa nataka kupeana hayo tu lakini hata education ningelisema kidogo tu Madam Chairman ili niondoke hapa.

Education yetu katika nchi hii mara nyingi ni Commissions ambazo wanatoka ulaya wanakuja wanapeana mwawaidha yao juu ya vile mwelekeo wa elimu utaendelea. Kwa nini tusiwe na sisi wenyewe tuwe na Commission zetu ambazo tutaelezea juu ya education ambayo tutakuwa nayo? Kwa hivyo ningependa kwamba sas historia ni very important. People without history are empty and I find that history has been relegated mbali sana. Watoto wanajua historia ndogo tu kwa hivyo historia hawajui, tena C.R.E ambayo inatengeneza utu wa mtu inaonekana vile vile haipo na kwa hivyo, katika elimu ni kuelezea tu kama nyinyi Commissioners ungalikuwa na .....we put it in our Constitution that it is the people who are going to decide the curriculum that they are going to have for their country because it is they who know what sort of people they want to build for the future. Thank you Madam Chairman.

**Com. Salome Muigai:** Kuna maswali? Hakuna sasa nitamuita mwingine.

**Sammy Kagai:** My name is Sammy Kagai. Sasa tunataka mabadiliko ya hii Katiba kwa sababu tunataka mpangilio mzuri wa uongozi na tuna uhuru wa kufanya namna hiyo lakini jambio mmoja ya kwanza ambao ningeguzia ni mashujaa ya uhuru. Kuna watu ambao walikuwa patriotic ambao walipigania uhuru na pengine wakawekwa kizuizini, detention na mahali yao wakati waliwekwa detention ikaporwa wengine walikufa wakipigania uhuru. Sasa mimi ningeaona ni mzuri kama tungeweka sheria ambayo ingeshugulikia hao watu. Kwa sababu walipokufa watoto wao, wa mama mnajua waliteswa sana waliteseka na watoto wao hawakusoma kwa hivyo kungekuwa na sheria ambayo ingefanya wapewe compensation kwa mahali ambayo ilipotea na pia kwa wale ambao walipoteza maisha yao.

Human rights, wakati mwingine ukiingia wa magereza ambao tunayo hapa Kenya unaona mzee kama yule alikuwa hapa na kijana kama yule. Wakiingia tu kwa mlango wanaambiwa vua nguo, unatoa koti, toa shati, toa suruali toa ingine na huyu mtoto wake pengine walishikwa na kitu kidogo tu wakakosa bond. Katika kimila yetu hiyo ni mbaya sana. Kwa hivyo ningependa hii Commission iangalie kama kuna marekebisho ambao inawezekana.

Ingingine ni, hata ingawa iliguzwa na dada moja ambaye alikuwa hapa ni kama natural resources ambayo inaweza kupatikana hapa, aliguzia juu ya maji. Maji inapombiwa mpaka Nairobi for commercial purposes, inauzwa. Ikifika Nairobi, wale watu wanaitumia wananunua. Kwa hivi sisi ambao hii maji imetoka pahali yetu, at least tungependa kupata percentage ya hi natural resources na pia itufaidi hata kama ni kuitumia.

Pointi ingine ni shule. School fees imeenda juu sana na mapato iko chini kwa hivyo, hata tukipenda watoto wetu waweze kupata... hatuwezi kupata school fees wengine. Kwa hivyo hiyo ningependa kama inawezekana iwekwe katika sheria ama irekebishwe.

Pointi ingine ni hii kitu inaitwa vagrancy, kuranda randa unless kuwe kuna curfew yaani curfew iwe declared mtu apewe ruhusa ya kutembea kila pahali na hata saa yoyote ambayo anataka kutembea.

Ingingine ni wanyama wa msituni ambao wanaharibu nafaka zetu hapa mashambani. Na pia tulipwe na serikali kuwe sheria aina hiyo ama maji ambayo inaelekezwa kwa mashamba ya wakulima ambao inaharibu mali ya wakulima. Pia tulipwe, tupewe compensation ya hasara ambayo tunapata.

Ya mwisho, hapa Kenya unaona kuna mtu mmoja ambaye ni director wa company fulani na pahali pengine anafanya kazi yaani mtu anakuwa na kazi zaidi ya mbili. Mimi ningependa kuwe na sheria ambayo ina-limit kila mtu ama kila Mwanakenya awe na kazi moja.

Ingingine ningependa kama hii marekebisho ya Katiba ikiwa tayari kuwe na documentation. na mtuandikie in very simple language ambayo watu wa hapa reserve tunaweza ku-understand, ndio tuwe tunaelewa sheria ni sheria gani ambayo imetengenezwa asante.

**Com. Salome Muigai:** Asante sana. Kuna maswali? Haya basi, ningependa kuuita Wanjiko Wamanje.

**Cecilia Wanjiko:** Jina yangu ni Cecilia Wanjiko. I would like Parliament to have the powers to appoint or give jobs to Permanent Secretaries, Judges and not the President. To add there, if the President is allowed to give jobs that will encourage nepotism.

The Government should not in any way interfere with the education system in this country. Education should be left to professionals because they understand better what kind of education they want Kenya to have. *Also they will like what they should do to improve the education in Kenya.*

Agricultural products like coffee, tea, flowers or fruits should be sold directly from the farmers to the buyers. Brokers or middlemen should not be allowed to come in. There should be a law restricting the brokers to come in.

Just as we say that the youth are the leaders of tomorrow, it should be the responsibility of the Government to organize youth groups after a completion of Form four or after 18 years. It should organize the youth to form youth groups which will have projects to prepare them to be leaders of tomorrow.

There should be enforcement of law on parents who neglect to take care of their families and because this will be very hard for a spouse to report the other one, this one should be the responsibility of an area Sub-chief or Chief to handle the cases in their areas. Property in a home should bear the names of the two parties that is, the husband and the wife. If it is a farm or a shamba, the title deed should bear the name of the woman or the man. Likewise other assets.

May I now request the Constitution of Kenya to allow or it should be a law to allow Civic Education to be an exercise which should continue and should be added to the curriculum. That is, it should be thought in our schools since we who are here today do not really understand what the Constitution is, because we don't know what it says. It should be now be thought in schools and it should be made compulsory to be taught in schools that should be part of the curriculum so that our children can understand well what Constitution making is all about. And that is all I had.

**Com. Salome Muigai:** Bi Cecilia Asante sana. Kuna swali kwa Cecelia? Hakuna. Sasa ningependa kumuita Kariuki Maina.

**Kariuki Maina:** I am going to start on my views and I am going to start with education. So I would request for the retention of the 8-4-4 system of education and its entrenchment into the Constitution. This is to make sure that successive placed presidents or governments do not change it at their will. Students who complete Form four should be admitted to universities and middle level colleges like the Kenya Science Teachers Colleges, Kagumo Teachers College, Mombasa Polytechnic, etc. according to how they performed in their KSCE. The best should be admitted as it happens today to the universities and the others should be admitted to those colleges accordingly, that is according to how they performed. So all of them should be admitted by the Joint Admissions board and should get or should be given maximum loan by the Higher Education Loans Board to complete their studies. Those who complete their studies from these colleges or universities should be contracted by the Government to work for five years and then released to work in the private sector. This would give everyone an equal opportunity to serve our country instead of the current system where anybody gets a job from the Government and does that

job up to retirement so I would like a situation where everybody is given an opportunity to work for the country.

Then I want to look at parliamentary and civic elections. I start with civic, those who want to be Councilors should have minimum 'O' level education. In addition they should have any kind of post-secondary school training. It is not a must they have degrees. Those who want to be Chairmen or Chairladies of County Councils should have a degree from a recognized university as a minimum qualification. Those ones who want to be Mayors or Deputy Mayors should also have a university degree.

Parliamentary elections: One should have a minimum of a Bachelor's degree from a recognized university. In addition he should be a minimum of 64 years old thus we should not have any MP who is above 70 years of age.

Presidential elections: Those who are above 65 years of age should be disqualified so in that case, we should not have a President who is above 70 years old. All aspirants should have a minimum university degree. One should only vie for Presidential elections and should be disqualified from vying for a parliamentary seat. In that case, one who enters the Presidential race will not be a Member of Parliament if he fails to win the Presidential race. In that case I may want a different system where the current people who fail in the Presidential race do not become Members of Parliament. One should only try the Presidential race twice. In other words if you try the first time, try the second time and you fail, you should not be allowed to fill the ballot papers with your name for the third time. I propose that the President should stay for a maximum of two terms.

Members of Parliament and Civic Leaders should hold their seats for a maximum of four terms that is equivalent to 20 years. We may want a system where Members of Parliament do not go for more than 20 years holding those parliamentary seats. This should reflect change in generation.

Appointment of Cabinet Ministers: The President should retain powers to appoint ministers. However he should appoint his ministers from the whole Parliament but not just his party. He should appoint the most qualified Member of Parliament in any docket as far as that is concerned.

Firing of cabinet ministers; Ministers should be given security of tenure of their offices for 5 years. Only two-thirds majority of parliamentarians should pass a vote of no confidence in a certain minister.

Permanent ministers and other parastatals jobs: They should be appointed by the President and certified by Parliament. They should have a security of tenure of 15 years or up to age 55 whichever comes first. They should be extended to public universities Vice-Chancellors, CBK governors and other parastatals. The President should only fill vacancies of those who complete the 15 years or those who attain age 55 during his time. So my opinion here is that once a (*keratin*) president appoints a person, either be it a PS or a Governor of the Central Bank, that person should only be fired by the next President if he attains the age of 55, or if he completes a mandatory 15 years in that office.

Finally, senior government jobs should not be held by two members of the same family. This is to make every person or family feel as part of our country rather than the current system where a few families are eating the national cake alone. In other words, it is unfortunate that some people who become ministers, have their brothers become Permanent Secretaries or other seats in our government yet, we may want a holistic system where not just two families are leading us, or are sharing or are eating the national cake but everybody.

And just before I finish, I will request the Constitution of Kenya Review Commission when they finish the job to translate the Constitution into all the languages in Kenya and we should have more than two official languages. In South Africa we have 14, so it is not good that even in such a forum we are only using English and most people here understand other languages but not English and Kiswahili. So, in that case, it should also be entrenched in the Constitution that if that mzee has gone to a certain office he should be served if he speaks that other language. Thank you.

**Com. Salome Muigai:** Any Question?

**Com. Hassan:** I don't have any question but we can see a written submission, why can't you give it to us?

**Com Salome:** Alright the next one.

**Kimani Ngari:** Madam Chairperson, Honourable Commissioners I am Kimani Ngari. What I would like to say is that there are a lot of changes that need to be done in this country otherwise as the situation now is, given that we have an independent government that is elected, it is very unfortunate that we have been faced with similar situations with those that faced France in 1729, that lead to the devolution. First and foremost, as we draw the Constitution, one may not know really where to start because as that has been said, we have not been prepared so we are just coming to the Commission on a try and error basis. What I would like to say is that I would like the Constitution to empower people and to recognize Kenyans as the owners and rather absolute owners of the Constitution. The Constitution should not be a property of the Government but of the people. It should empower people themselves to fire any government if it doesn't serve it's purpose.

On the question of the President, I would like the Constitution to have it that the President is above party politics. Well I beg to differ with most of the people who have given their views concerning the terms which we want the President to run. I will say I like unlimited number of terms. Because we may talk about changes and then we have at the end of the day elected a President to replace the one we want to retire who is not as good as the first one. To ensure that a problem doesn't arise, it would have been better for us to try to have democratic institutions that would not allow or that would not be manipulated to allow rigging. So such Commissions as the Electoral Commission should be strengthened and be made independent so that they can supervise election on their own.

The other issue I would like to point on is electoral dates; we should have dates that are specific so that we are not taken by surprise. We don't want a situation where the President or anybody for that matter decides a date of the election when we are not aware. We should know exactly when elections will come.

The other point is on the economy; we are very much aware that due to unemployment, landlessness and many other vices, people are in really big problems. I would want a Constitution where people are not left to the care of fate, that is, they are being economic limits below which nobody should be allowed to fall. Obviously, there are needs that must be met; whether one is able to do it or not. One must feed, one must have clothing and one must have shelter besides other services like health and education. So it is important that the Constitution put in place a situation where no body is left to suffer just like that.

The other thing is the question of land; land has been a very sensitive issue in this country and perhaps it is what lead to the struggle for independence. It was one aspect. We want a Constitution that will make land a right and not a privileged. We will want a situation where a Kenyan, when he matures, he becomes of age, he is apportioned at least a piece of land with which he will identify himself as a Kenyan. It is a betrayal of the noble cause to see today that we have landless Kenyans. It is a very bad kind of affair, land should not be held in absolute. That is to say I do not like a situation where somebody holds absolute rights of a piece of land, I would want him to hold that piece of land in trust for the Government and in such a manner that he is apportioned the plot of land that is according to his needs. Not one where one has trucks of land and he doesn't use them and the only time when he using it as collateral to get loans while there are other people who are landless.

Education: Education as we know it is an investment in human capital, we want a situation that guarantees education for all children. We want the Constitution of education to put in place an education policy which will not be substituted to change as someone wishes. That is a static system rather.

When it come to separation of powers; today we have three arms of government. I will suggest we have an addition of two. That is we have the Executive, the Legislature, the Judiciary, Spiritual and Cultural. You may perhaps agree that when somebody loses his traditions or culture he sort of loses direction. I will want these changed so that we have five arms.

We have yet another serious problem here in Kenya about taxation. Our Constitution or the Government itself is based rather on the British style. But you find that unlike in Britain we have situations where things are done in the opposite. In the Britain, it is the rich people who are taxed to help the poor but here it is vice versa. It is the poor who are taxed. We find we have very senior government officials like lecturers, Judges and these Honourable MPs, in most cases they are exempted from tax.

**Com. Salome Muigai:** Would like to summarize. You have got two more minutes.



**Kimani Ngari:** You find that we need to have a situation where the tax is levied on ability. Those who are able to pay should pay more.

Lastly, I would suggest a form of government, majimboism and not unitary. Most of us due to ignorance we may think Majimbo is people living in their own province but I would understand it differently. If Majimboism was put in place we would have such bodies like local authorities which would replace the provincial administration which I would like paced in the next government. I think that is all I have.

**Godfrey Kihonge:** I will start presenting by touching on the three arms of the government and the issue of separation of powers. It has been said here but I will add more weight to it. The President should not be the Vice Chancellor, he should not be the one to appoint the Judges, the Chief Justice, the Attorney General, Parastatal heads and all these guys. This one they should be vetted by Parliamentary Select Committees.

Another issue concerning the powers of the President is that we the citizens particularly represented by our Member of Parliament, we should have a clause of impeaching the President on matters concerning maybe morality, corruption, abuse of power and such issues. We should be given a clause to impeach even the Judges. You hear about corruption of Judges and such big people there is no way they can be removed. Another issue concerning still the Presidential powers, we have a government that is too of monarcial government and doesn't support multipartism in a manner. Number one, because of the currency we have, has a portrait of a sitting President giving him an unequal powers compared to opposition members. We can borrow a leave even in the United States where a President appears in the currency or the coin, 50 years after he has died. You can imagine Clinton will only appear after 50 years of his death on the currency of United States.

Another issue, these unnecessary national holidays, Kenyatta Day and even Moi Day and whatever. We should have. By the way if we should be celebrating they should be renamed, we don't need them as such. Those are some of the powers of the President that has not been touched.

The Bankruptcy Act should be amended. It has outlived, it has been misused by the way. There is this act of the Civil Procedure Act, which empowers that the debtor can be jailed. It contravenes the Constitutional rights. If somebody can be jailed because he is poor or because he has been unable to pay his debt, I will treat it against the Constitutional right, it should be amended. By the way, Britain has already amended that Act. We borrowed from them but they have been amended. Even Shakespeare, I can quote him, in his play the '*Merchant of Venice*' he said if you deny me my rights, you deny me my life. If you deny somebody's right to live and to pay his debt maybe for a long time, you deny him a right to live.

Another issue, we are all religious. The death penalty and capital offences should be abolished. Only God has the right to do away with life even to bring life so I will not elaborate on that. It should be a big problem. If we are not advocating for



abortion, then the Government should not be given the licence to kill people just because they are criminals. It doesn't have the right, it can't be God by the way.

We should be given a chance to vote out sitting MPs. We should be given a kind of mid term referendum between the five years. If we think that our MP is not performing at par, as we had wished, we should be given a chance, mid-term referendum, where we can be able to vote out our Member of Parliament if he is not performing. Likewise to Councilors, in this case Chairmen of the County Council should have degrees or something equivalent. They should financially manage some organization for a period of ten years. There is no problem with that.

Another issue is that election time table should be separated. We should elect the President at one time and the parliamentary and civic elections should be set at another date. This will eliminate the policy that was brought up by some politician in 1992. The three-piece kind of policy, electing from Councilor, MP, and even President. The last parliament we had a bit of a poor parliament. Some poor guys intellectually because we were told by this guy from Kiharu that we need a three-piece kind of election. Now we don't need to; we need to separate this election. President kando, parliamentary and civic this time.

**Com. Salome Muigai:** Summarize please, we are short of time.

**Godfrey Kihonge:** Provincial administration we don't need it. Unaweza ona mtu kama Councilor anaweza ku-mobilize kama Chief.

Halafu, prisoners they have a right to live also. Some prisoners are jailed and they have wives some of whom are married and thus they are denied their cogugal rights. Otherwise, they should be day prisoners, some prisoners are graduating from sodomy and they went there without them.

Another issue, the President should be chosen by majority votes, at least 50% and above of votes cast.

The other issue is we need independent candidates. This will mean proportional representation. For example, in Thika the current Members of Parliament are 210 we can add 100 of them. 100 will be brought in by proportional representation. Thika district has a 600,000 population, another district has already around 100,000 people. We can propose names and those who will win the largest votes can be our proportional representative, independent candidate in this case. The other issue of majimbo is that we need to go back to those outdated things. We can go to Majimbo but not today or tomorrow, maybe the other day. Because there are some reasons, we are the 17<sup>th</sup> poorest country in the world. By the way it is about corruption and tribalism which too rampant. The education system is not working, majority of the provinces currently which maybe will advise on drawing up regions at basic stage of development. We can be able to sustain regional parliament.

We need powers to be devolved to local authorities, which should collect taxes, manage their own things, remit only about 20% of their taxes or revenue to the Central Government. Most of the areas that would be Jimbos have no sound basic or sound tax base, that means some regions will be very poor and will need us to go there to assist them. That is okay, thank you very much Madam Chairperson. Lets meet next time.

**Michael Morete:** (in Kikuyu)

**Interpreter:** I would like to speak on the rights of women. Why does our current Constitution deny women their rights? It shows that our current Constitution shows that it is not in the side of women. If at all even me I want to go to the other side of the Constitution then they should be jailed. Our current Constitution is somehow tight and so to review it we have to untie it. We have two different types of beliefs.

**Com Salome:** .....(inaudible Interpreting)

**Michael Morete:** (In kikuyu)

**Interpreter:** These four types of portraits what we believe likewise in our currencies we have portraits of those who are governing us. So it shows like even like in our churches we have the flock as a pastor or as a leader and if at all one of the member of the flock is taken it should be known that it has been taken.

So Wanjiko should be given a chance to say the kind of direction that she would like to be lead or to be governed. It should be free and to have that freedom to express herself. That is all I had and now if anybody had a question I am ready to answer the question. So this Wanjiko he is talking about is his wife and so she has her nobody should interfere with Wanjiko, even with her feelings, or even the kind of treatment.

**Com. Salome Muigai:** Asante sana tumeshukuru umetueleza maoni yako. Tafadhali weak sahihi kwa kirtabu chetu. Hao ndio watu tutasikiza kwani tumeshafikia sasa ni saa thenashara na dakika kumi, tulitakiwa kufunga huu mkutano saa thenashara bado twenda Nairobi kwa hivyo najua barabara zetu ndizo hizo na huo ndio mzungumzaji wetu wa mwisho.

Unajua sitaki kufungua discussion yenye itatukalisha hapa mpaka 6.30p.m. Wewe ulipata nafasi ya kuzungumza basi nitasikiza huyu dakika moja.

**Speaker:** I would like to ask a question. Are you coming back again to Gatanga because most of the people have not aired their views? The next point is that you take the Civic Education very seriously because in our location, Kihoro Location, nobody has come to teach the people about such things.

**Com. Salome Muigai:** The answer to the first question are we coming back it will depend on you. If you feel that you will want us to come back we will get your message through our coordinator and the committee under Father's chairmanship and

we will come back when we are called back. And the question of Civic Education the committee has noted it.

**Speaker:** On Civic Education, as I have heard many of us who are here are not differentiating law making and Constitutional making. Because it is the Constitution Kenyans and others are think that it is law making as though we are making the law. So we will ones again appeal to you Madam and the Commission we do have Civic Education and if it is possible it can be delegated to either priests or those people who are literate in the Katiba business. Those who know what the Constitution is because most of us here have even never seen the Constitution. So if you can delegate that please give it due respect. Thank you.

**Com. Salome Muigai:** Point taken thank you very much. By the way a copy of the Constitution is in your documentation center now at the district headquarters. Please make sure that you have a look at it and that is my last point. No we are coming back.

**Speaker:**..... (inaudible)

**Com. Salome Muigai:** Please we end there. On behalf of the Constitution Review of Kenya, the Chairman Yash pal Ghai and with our fellow Commissioners I would like to thank you very much Gatanga residents for the very able way that you have conducted this meeting, your patience, your having taken good care of us especially giving us this hall. Father we thank you very much and we do hope that one time we will be able to come back. My one concern is that you mobilize very well for people with disabilities, I didn't see women with disabilities. Is disability discriminative in Gatanga? Okay so next time let us have both men and women. Can we please stand up and say a prayer before we leave. Father please say a prayer for us.

**Father:** So finally on behalf of the people of Gatanga and in my capacity as Chairman of the Constituency Constitutional Committee, I would like to thank Commissioners for coming, for their patience and for bearing with us. I also thank the members of the public for turning out well and for giving out their views. So may God bless you all and as you have promised that the people of Gatanga are still asking for more time, so we are requesting you to give us more time and very soon and also give us enough time with ourselves because as you have heard from a number of people the time was not really enough to prepare ourselves. So thank you very much and I will like to request the committee members to meet after the meeting.

Let us pray, in the name of the Father, the Son and the Holy Spirit. Baba mwenyezi tunakushukuru kwa yote tumefanya siku ya leo na tunashukuru makomishona wetu ambao waliingia hapa asubui, na wamekuwa nasi tangu wakati huu mpaka sasa na kuomba uwabariki wakati huo pia, tunakuomba uwabariki wananchi wa Gatanga ambao wamejitokeza kuleta maoni yao, nakuomba kila mmoja wetu akirudi nyumbani uwe nasi. Utupatie safari njema na pia, tunakuomba ubariki nchi yetu ya Kenya, ili kila mtu siku moja auone tuna nchi nzuri na hata mambo yote ya Katiba ya mielekeo yetu yote ilingane na mielekeo yako. Tunakuomba kwa jina ya yesu Kristo Bwana wetu. Kwa jina la baba na la Roho na la Mwana Mtakatifu amini.

