

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, KABETE CONSTITUENCY
HELD AT KABETE P.C.E.A CHURCH**

ON

19th APRIL, 2002

CONSTITUENCY PUBLIC HEARINGS, KABETE CONSTITUENCY HELD AT KABETE P.C.E.A CHURCH
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Present

1. Com. Prof. Wanjiku Kabira
2. Com. Paul M. Wambua
3. Com. Abubakar Zein Abubakar

Secretariat Staff In Attendance

- | | | |
|---------------------|---|---------------------------|
| 1. Roselyne Nyamato | - | Programme Officer |
| 2. Jackie Obiero | - | Asst. Programme Officer |
| 3. Aggrey Akaragga | - | Sign Language Interpreter |
| 4. Regina Mwachi | - | Verbatim Recorder |

The meeting was called to order at 9:30 am.

Com. Kabira: Kwanza nitauliza mchungaji mmoja afungue mkutano huu kwa maombi.

Mchungaji: Tuombe.

Mwenyezi Mungu tunakushukuru asubuhi hii kwa kutuwezesha kukutana katika jumba hili la mkutano. Tumetoka katika maeneo mbali mbali ya hapa Kabete na wewe uliweza kutukumbusha ya kwamba siku hii ya leo ndiyo tukakutana na Commissioners ndiyo tutoe maoni yetu kuhusu uundaji na urekebishaji wa Katiba.

Tunakushukuru kwa sababu makundi yote yameweza kufika wale wanaosikiliza maoni na wale wanaotoa na hata watu ambao wanaofanya kazi. Tunakushukuru kwa sababu ya wale ambao wameandaa mkutano huu, kamati ambayo ilikuwa inaendesha shughuli hii katika tarafa hii ya Kabete. Tunakushukuru kwa wale ambao wako njiani ambao watakuja ndipo tuweze kushirikiana. Tunakuomba mwenyezi Mungu utuwezeshe ili kuwe na mafikiano wakati tunapo jadiliana. Pande zote mbili tupate kuwa na maafikiano tupate kuelewana ndipo tutapokuwa tukitoka hapa Mwenyezi Mungu tuwe tumesema yote mambo ambayo yatafaa wananchi wa eneo hili na wakenya wote.

Yale mambo tutakayosema hapa yasiwe yakujinufaisha kila mtu kwa njia ya kibinafsi, bali yawe yakisemwa kwa sababu ya siku hii na ya siku zijazo. Tungetaka kuunda taifa ambalo litanufaisha wale watakao kuja baadaye, ambao watakuwa na majivuno kwamba wale walikuwa mbele yao walikuwa wanawafikiria. Kwa hivyo mwenyezi Mungu ondoa ubinafsi miongoni mwetu. Tufanye kazi ambayo itadumu, tufanye kazi ambayo sisi tutapata baraka na wale wajao watafurahi. Tungetaka Mwenyezi Mungu haya maoni yatakayo kusanywa hapa yafike kama tulivyosema. Tunaombea taifa letu hasa wakati huu mgumu, wakati huu wa kutengeneza Katiba. Tungetaka Mwenyezi Mungu usimame nasi na kwa sababu umesimama nasi katika siku zilizopita kwa sababu uwezo wetu hauwezi kutufikisha popote, ndiyo tunakuabudu Mwenyezi Mungu wakati huu wa asubuhi. Hatungetaka yale maoni tutakayoyatoa hapa yapotelee katika files, yapotee kati ya hapa na pahali yatakayo pelekwa, tungetaka maoni yetu na ya wengine wote yafanye kazi ndiyo Katiba itakayo andikwa mwishoni iwe ni Katiba ya watu wa Kenya. Isiwe ni Katiba ya kabila fulani isiwe ni Katiba ya mtu fulani, bali iwe ni Katiba ya watu wa Kenya. Ndiyo tumekuja hapa tukatoka, kwetu tukaacha kazi kwa sababu tunaamini kwamba Katiba tutakayoanza kuandika hapa itakuwa Katiba ya watu wote. Mwenyezi Mungu tungetaka usimame nasi na kule kwengine ambapo Commissioners wanaenda kazi hii yote wewe ndiye utakayofanya ipate ufanisi. Na tunaomba katika jina la Yesu Kristo mwokozi wetu.

Audience: Amina

Reverend: Amina

Com. Kabira: Asante sana mchungaji.

Mr. Kiro: Watu wa Kabete hamjamboni?

Audience: Hatujambo

Mr. Kiro: Hata sisi hatujambo. Tuwazuri. Kwanza, ningependa kuwaalika na kusema asante sana kwa nyinyi nyote niundu waguka rucini ruru, niundu wa wira uria twetiruo wa bita muno, wa maundu makonii gatiba ya bururi uyu witu twendete muno. Ni gwenda kumwonia kamiti iria ikoretwo igithagathaga maundu nigetha tukinye muthenya wa umuthe.

Interjection: Ongea Kiswahili

Mr. Kiri: uh?

Interjection: Uongee Kiswahili....

Mr. Karuri: Asante, nilikuwa nataka kusikia hivyo.

Interjection: Lugha ya taifa.

Mr. Kiri: Nizungumze lugha ya taifa? Haya, nataka kusema asante sana kwa nyinyi nyote kwa kufika ili mutoe maoni yenu kuhusu Katiba ya Kenya munayoitaka. Na hapa Kabete tumekuwa tukifanya kazi ili kujitayarisha kwa siku hii muhimu ya leo na kesho pia kule Wangige. Na ile kamati ilikuwa inatayarisha mambo haya wanakamati wako hapa. Huyu ni mwanakamati, simama. Mwalimu huyu anaitwa mwalimu Kenneth Njoroge. Mpigie makofi. Hamufurahii? Huyu ni mama mshupavu ambaye anaitwa mama Lilian Wanjiru Wanjehu. Mpigie makofi. Huyu mwingine anaitwa Mwalimu ametoka Kinoo, Mama Lilian ametoka Muguga. Paul Wanyaga ametoka Kabete (makofi). Huyu mzee mwenzangu anaitwa Joseph Nga'nga' ametoka Kikuyu location. (Clapping). Na yule ni councillor wetu wa hapa Kikuyu.

Simunamjua?

Audience: Umh Chairman

Mr. Kiri: The Chairman

Interjection: Wa Kanu

Mr. Kiri: Chairman wa kwanza mbele ya kuwa chairman, anakuwa councillor si ndiyo.

Interjection: Umh

Mr. Kiri: Na tena akapata promotion akawa chairman, wa Kikuyu town council (clapping). Na mimi naitwa Amos Kirirotoka Ngagura. Hao ndio watu wamekuwa wakitayarisha mambo kuambia watu wote wajitayarisha ili Commissioners waje leo.

Kwa hivyo kwa niaba yenu, nataka kusema asante sana kwa kamati kwa kazi nzuri wamefanya.

Ya pili sasa ninafurahia sana kwa kuwaalika Commissioners wa Katiba ambao wako na sisi. Huyu, wale ambao walikuwa hapa juzi juzi walikutana naye ni Professor ati ni nini? Professor, Wanjiku Kabira makofi (Clapping). Alikuwa na sisi juzi juzi na tunafurahia sana.

Natunashukuru sana kwa mambo mazuri tuliofanya na wewe. Yule ni Commissioner Paul Musila Wambua. Musila Wambua tunafurahia sana kuwa na wewe. (clapping).

Yule kijana mzee ndiye co-ordinator wa kamati yangu na ni mwanakamati wa constituency zote katika Kiambu. Ndiye anayefanya co-ordination ya mambo haya yote. Nikitaka hiki, namwita. Tukitaka hivi, tutamwita, pia watu wa Lari, wa Githunguri na wa Kiambaa, wa wapi ndiye wanamtegemea, afisi yake iko Kiambu na nafikiri watu wengi tushafika kwake afisini. Hata tukimaliza mkutano huu, ukitaka kujua mambo ya Katiba katika district ya Kiambu yeye, anaitwa Bwana Kariuki. Makofi (Clapping). Wale wengine tunawajua na tunawaita the Secretariat ambao kazi yao ni kuyaandika na ku process mambo yale ambayo tutakuwa tukisema. Na nyinyi pia tunawaalika (clapping).

Desturi yetu ni ati mzee wa mji anasema mwishowe maana watu wote ni wake. Na sasa nataka kumualika mheshimiwa wetu, our Member of Parliament honourable Paul Muite atualike constituency yake. Namuona amekaa pale. He obeys me (laughing). I always tell him, 'if you want to eat you must obey first.' And he is a good person to obey. He obeys Mr. Chairman, and now he has my permission to greet you and to welcome us all to his constituency. (clapping)

Honourable Muite: Asante sana mwenyekiti Mr. Amos Kiriro. Yangu ni kuwaalika sana Commissioner Dr. Wanjiku Kabira, Commissioner Musila Wambua, nanyi nyote ambao muliwahi kufika leo asubuhi nadhani wengine watakuja kabla ya saa sita hivi. Commissioner Dr. Wanjiku, Commissioner Musila tulikutana hapa mwanzoni kwa leaders meeting.

Tulikuwa na leaders meeting hapa nafikiri wengi watakumbuka na tukajadiliana. Na mimi nikawajulisha wanakamati kwamba nawashukuru sana, wamefanya kazi muhimu sana. Hata hii kamati ilikuwa kubwa sana kushinda watu tunaona leo pengine wengine wakachoka lakini hawa wapo na wamejitolea. Na ningetaka kuwashukuru kwa kazi muhimu wanayofanya na pia nawashukuru kanisa na vikundi mbalimbali kwa kujitolea kueleemisha watu wa Kikuyu juu ya Katiba. Tuliona kutoka mwanzoni pengine tungefurahia muda mrefu zaidi kidogo mipango muhimu kwa jambo ya Civic education lakini kwa mila yetu...

Kwa hivyo hata ingawa muda hautoshi mipango ya Civic education ilikuwa na hitilafu hapa na pale. Tumeamua tukiwa watu wa Kabete kuwa maoni tutafanya nini? Tutatoa sivyo?

Audience: Ndiyo

Hon. Muite: Na mutasikiliza maoni ya watu wa Kabete. Ningetaka niwajulishe the Commissioner Dr. Wanjiku na Commissioner Wambua, tulipokuwa na mkutano wa viongozi wa Kabete na ulikuwa hapa hapa, mimi niliwajulisha watu wa Kabete na wa kamati ya Amos Kiburu. Hii ni kazi ya wananchi watoe maoni yao. Hii si kazi yangu, ni wakati wa wananchi, watoe maoni yao. Natutakubaliana kutoka mwanzoni mimi nitakaa kando elimu ya civic education iendelee. Mim nitakaa kando wananchi wenyewe watoe maoni yao. Kwa hivyo, maoni yatatolewa hapa na nyinyi peke yenu muyasikie maoni ya watu, wananchi wa Kabete, si maoni yangu. Sijawahi kuketi na watu wa Kabete kutengeneza memorandum, wao wenyewe wamejitengeneza memorandum zao. Ni ukweli?

Audience: Ndiyo

Hon. Muite: Mimi maoni yangu ni tofauti. Pengine nina maoni yangu kama wanavyojua, kutoka 1990 tumekuwa tukifuatilia kitu gani? Katiba. Tena vijana wa kutoka Kikuyu constituency na wengine tuliwapoteza tukiwa kule Kamukunji tukipigania Katiba. Lakini kwa wakati huu, leo na kesho, maoni mutakayosikia ni ya wananchi wa Kikuyu wenyewe. Mimi kama mbunge wa hapa, nina memorandum hapa, nitawapatia pia mujipeleke katika kamati. Nikiwa mbunge wa hapa, nikiwa kiongozi wa Safina, tuna maoni yetu, niko na memorandum yangu hapa, wakati ukifika mim nitawapatia. Musikilize memorandum kutoka kwa watu wa Kabete na nyinyi ndio mtantuambia. Na nimeongea, nimeeleza maoni yangu kwa memorandum, sitatoa leo. Musikie ya wananchi kwanza. Shukrani sana.

Mr. Kiriro: Thank you (clapping)

Sasa nataka ku hand over the programme for today to the Commissioner. Over to you (Clapping).

Com. Musila: Kwanza tungependa kuwasalimia hamujambo?

Vijana: Hatujambo

Com. Musila: Hamjambo tena?

Vijana: Hatujambo

Com. Musila: Kwanza ningependa kuwaeleza kwa kifupi tu ile ratibu ambayo tutatumia hapa kwa maoni yenu. Na kwanza mujue ya kwamba tutaanza saa hizi. Tulitakiwa tuanze saa mbili lakini tukachelewa kidogo kwa hivyo tutaketi mpaka saa kumi na mbili.

Pili, unaweza kutoa maoni yako binafsi ama unaweza kutoa maoni ya kikundi fulani ambacho kimekutuma hapa kutoa maoni yake. Kwa hivyo ikiwa utatoa maoni yako kibinafsi tutakuruhusu utumie dakika kama tano ikiwa uko na memorandum ama maandishi ambayo utatupatia tukayosome. Ikiwa hakuna maandishi ama memorandum umeleta, tutakupatia kama dakika kumi. Na tutafuata register ambayo nyinyi wenyewe muliweka sahihi na tutafuata jina ambalo liko la kwanza ndilo tutasikiliza kwanza. Kwa hivyo, itakuwa first come first served. Lugha ambayo tunaweza kutumia ni Kiswahili, kimombo na ikiwa pengine huelewi lugha ya kimombo ama ya kiswahili, pengine unaweza kuzungumza na lugha ya Kikuyu ambayo ndiyo formula hapa halafu tutatafsiri, hiyo tunaruhusiwa pia. Na pia ukija hapa mbele kabla hujatoa maoni tafadhali utueleze jina lako kwa sababu tunataka ku record proceedings vile tunatakiwa. Huu ndio utaratibu, unatakiwa wa Commission, useme kazi unafanya halafu utoe maoni.

Na nimeulizwa nitaje machache, pengine hayo yalizungumziwa wakati Professor Kabira alikuwa hapa na ni vizuri mkumbuke ya kwamba sisi kama Tume, tukichukua maoni yenu, kuna viungo vingine ambavyo vinahusishwa katika huu mpango wa kurekebisha Katiba, ijapokuwa Tume ndiyo inajulikana sana.

Com. Musila: Lakini kuna viungo vingine kama vile constituency forum na kikao cha kitaifa ama National Constitutional Conference na pia bunge ambavyo hivi vyote vinahusika katika huu mpango wa kurekebisha Katiba ama kuibadilisha Katiba. Tume yenyewe ni ma Commissioners ishirini na saba na wao ndio wanapokea maoni. Kwa sasa tuna vikundi tisa ambavyo vinazuru kila eneo la bunge kuchukua maoni ya wananchi. Lakini pengine tunaweza kugeuza hiyo taratibu halafu tuwe tunachukua maoni tukiwa wawili badala ya watatu. Kwa hivyo si lazima Tume ije yote ama iwe ya Commissioner ishirini na saba ndiyo ipokee maoni. Taratibu zinaturuhusu tukiwa hata ma Commissioners wawili, hata mmoja anaweza kupokea maoni ya wananchi. Na tukichukua maoni yenu tunatakiwa kisheria kuyasawazisha, tuyapelekee wananchi tena wayajadili halafu yakiishajadiliwa, tutaita kikao kinachoitwa National Constitutional Conference na hapo tunafikiria ndiyo Katiba itaundwa. Maanake kila wilaya inatakiwa itume delegates watatu, mmoja akiwa mwanamke na pia makundi yasiyo ya serekali yanatakiwa pia watume delegates huko, vyama vya kisiasa pia vitatuma delegates kila chama kimoja kitatuma delegate mmoja. Halafu hiyo ripoti ambayo tutatengeneza itajadiliwa huko tena na wakisha kubali itapelekwa bunge halafu ndiyo itakuwa Katiba mpya ya kenya.

Kuna kikao kingine ambacho tunaita Constituency Forum na hiki ni kikao cha wananchi wote ambao wanaishi katika eneo la bunge. Lakini kama mlivyoielezwa, kuna kamati ambayo inahusika kwa kukusanya wananchi kukuja kwenye mikutano ama kuandaa mikutano na hiyo kamati ndiyo inasimamiwa na Kiriro. Hiyo ndiyo tunaita constituency committee na munawajua maanake pengine hao ndio mulikuwa mnafanya kazi nao kujitayarisha kwa huu mkutano. Kwa hivyo, kwa kifupi tu hizo ndizo hatua tutakazo zifuata kuhakikisha kwamba tuko na Katiba mpya na tutaanza kwa kuchukua maoni yenu. Na kwa kulingana na ile list ambayo tumepewa hapa, yule wa kwanza kujiandikisha alikuwa ni Nelly N. Mwaura. Kwa hivyo anaweza kukuja hapa mbele halafu tuanze na yeye. Nelly N Mwaura tafadhali, mama (clapping). Tutakupa dakika kumi mama.

Nelly N. Mwaura: Okey

Com.Musila: Halafu uzungumze

Nelly N. Mwaura: Jina langu ni Nelly Ngonyi Mwaura. Mimi nampenda Yesu kama mwokozi wa maisha yangu. Nimetoka upande ya Ruko, mimi nimekuja juu ya group ya akina mama. Mimi ni chairlady wa group ya mama huko upande wa Ruko. Na vile tumekuwa tumekaa na mama tukifikiria mambo haya ya Katiba, tunaona kama kuna mambo mazuri yatakuja kwetu sisi. Namujue sisi hatujui kiswahili vizuri, kwa hivyo mukisikia nikikosa munisamehe. Sisi akina mama tunaona hii ikibadilishwa, itakuwa vizuri kwetu. Kwa sababu kuna mambo mengi tunayaangalia tunaona kama hii ikibadilishwa itakuwa vizuri kwetu sisi. Kwa sababu upande wa kwetu.(laughing).

Okey, asante sana. Tunaona kuna mambo mengine yatakuwa mazuri. Sasa upande ya huko Ruko, sisi ni wakulima. Mimi sifanyi kazi. Sisi ni watu wa nyumbani, tunalima na saa zile tunalima, vitu vile tunalima kwa shamba vinakosa market. Hakuna mahali pa kuuza. Sasa juzi yale maziwa tunakamua tunapeleka kwa barabara tunaambiwa ya kuwa maziwa ni mengi.

Tukashindwa maziwa ni mengi, tukashindwa maziwa yatoka wapi? Sasa hawa wakulima watafanya kazi gani? Kwa hivyo tunaona kama mambo haya yatabadilishwa tunaweza kuwa tunapata mahali pa kuuza hata mboga na hata barabara zetu zinaweza kutengenezwa. Sisi ni watu wa huko Ruko. Na kwa hivyo sasa nilikuwa nimetumwa na wamama nikuje nizungumze tu kidogo pia nimeambiwa ya kuwa hakuna masaa mengi ya kuzungumza. Sijui kama dakika zangu kumi zimekwisha ama niendele. (laughing)

Aha nilikuwa nimeenda huko upande wa Kisumu. Nilikuwa nimeenda mkutano wa hawa wanaitwa ICRAF. Tulikuwa tumeenda kama Agro forestry group. Nilifika huko na nilikuta hiyo town ni safi sana, nikakuta huko hata barabara ni nzuri sana, nikajiuliza mimi mwenyewe kuwa hapa kwetu, na sisi tuko hapa karibu na Nairobi, barabara zetu zimefanya nini? Sasa ndiyo tunaona ikiwa hii itarekebishwa, itakuwa vizuri kwa sisi kwa sababu kila mtu atakua anasema shida yake na itasikilizwa na itaanagaliwa vizuri na itatengenezwa. Lakini sasa, ikiwa ni hii serekali moja tu inaongoza sasa ingine tukimtuma huyu Paul Muite akisungumza huko, wananyamaza tu basi ndiyo tunataka irekebishwe ifanywe vile tutataka (clapping and laughter)

Com.Musila: Kuawelezeni kidogo tu, ukiitwa jina lako, utakuja, utasimama hapa maanake unaongea na Commissioners. Unatoa maoni yako kwa Commissioners sio pande nyingine. Ukisha maliza kutoa maoni yako, utasimama hapa ndio ujiandike jina. Lazima u register kwamba umeongea na uwache memorandum yako pale. Asante. Sasa atakayefuata ni Johnson N Mbugua. Tafadhali.

Johnson N. Mbugua: Thank you. My name is Johnson Mbugua. For those who do not know what I do, my profession is a chartered accountant and chartered secretary. I was at one time the town clerk of Nairobi. I was at one time the council member of Moi University, Eldoret. And I was interviewed as a Commissioner with Mr Wambua here. I almost became a Commissioner but finally am a serious contender for Kabete Constituency parliamentary seat for the forthcoming general election. (clapping and laughing). Yes the following are my views I will be brief because they are quite many. Rights of vulnerable groups: The interests of women are not fully guaranteed in our Constitution in view of the fact that 52% of our population are women, I therefore recommend that 50% nominations, I want to clarify that one, not elections I mean nominations to parliament and to all local authorities should be women. The same percentage of representation of women is proposed in all public bodies e.g. the electoral commission and in all decision making forums. The disabled and marginalised groups should also be nominated to parliament. I propose at least two representatives from each group; one male, one female. The national fund for the disabled is established to cater for the needs of the disabled and therefore, the board that manages this fund should have at least 50% representation by competent persons with disabilities. It currently has few persons which in fact is lamentable.

Land and Property Rights: There should be no restriction on land ownership anywhere in the country as long as one is a bonafide citizen of Kenya. Idle tracts of land should be taxed heavily to avoid uneconomic use of land in Kenya. All the sons and unmarried daughters should be entitled to inherit land or property from their parents in equal shares which around here, the Kikuyus do encourage an acre to unmarried daughters.

Executive: The Presidential appointment of the AG, Ministers, Permanent Secretaries, Diplomats, Parastatal heads, Members of Commission et cetera should be vetted by parliament. The President should serve for a maximum of two terms of five years each. Should he wish to serve again, then he should be out of office for at least one term after initial two terms. The President should not be a member of parliament to avoid a scenario where he neglects the welfare of all Kenyans and concentrates only on the interests of his constituency. There should be no age limit for President and Vice President but both should be over 40 years and holders of at least 'O' level education.

The Constitution should provide for impeachment of the President for his conduct while in office. There should be a maximum of ten ministries established by the Constitution, all public officers should adhere to a code of ethics and those found guilty of breaching this code should be dismissed from office with immediate effect. The office of ombudsman found in Scandinavian countries e.g. Norway should be established such that the ombudsman serves as a complaints officer receiving complaints from members of the public and the conduct of holders of public offices and taking disciplinary action against such officials.

Structures and Systems of Government: I am opposed to a parliamentary system of government with a Prime Minister and a ceremonial President. The Presidential system should be retained. The V.P., however, should be given more powers and the President given less powers than he currently has. The unitary system of government should be retained since implementation of federalism commonly known as majimbo in Kenya at this point would be premature given the propensity of Kenya politicians to relate majimbo to elimination of tribes as well as the unequal distribution of resources in the country due to topographical and geographical differences and the different demographic patterns in the various regions.

Local Government: There should be devolution of power into local authorities, given a little more autonomy from the ministry of local government in the running of their affairs. Now, what I am going to say is rather a controversial and I want you to take it in the light of the way it is presented.

Funds to run the local authorities are obtained by them from levies such as land rates, charges to farmers, trade licenses etc. Those charged levies expect services such as improvement and maintenance of basic infrastructure by the local authorities. It therefore sounds logical that those who formulate policies of local authorities and hence manage such funds should be elected and hence held accountable to those who pay such levies. Other persons living within the local authority and who do not contribute to the local authority funds should not have any say in who runs the authority. It is the central government that obtains levies from all sundry and hence should look after everyone living in the country and everybody or citizen should elect those who run the central government. I therefore suggest that mayors and chairmen of local authorities and councillors in general should be elected not by the entire electorate as would be done for parliamentary and Presidential candidates but by electoral college composed of all stakeholders, that is by those who contribute to the local authority funds within the jurisdiction of the local authority concerned, so as to ensure that taxes and rates collected are properly utilized and managed by competent persons and then we will ensure that we get proper mayors and councillors who are accountable to those who contribute these

funds. Any services provided by a local authority to the residents of that local authority who do not contribute financially to such local authority should be subsidised by the central government for example helping the slum dwellers, the old, education of destitute childrens, beggars and such persons who do not contribute to the coffers of the local authority. Chief officers, for example the town clerk, should continue being appointed by the Public Service Commission. Now, just give me two more minutes.

Nomination of Political Candidates: The nomination process which is a pre-requisite to elections of civic and parliamentary candidates and currently done at political local party level should be monitored and supervised by the electoral commission which should be provided with funds for this purpose. Party nominations therefore, should be given as much importance as the main elections so as to prevent the elimination of political contenders through the operation of a bias and therefore faulty nomination process. All registered members, not just office bearers should participate in such nominations. There should not be any board room nominations to any through the public office. It should be noted that it makes no sense of the whole electoral process if nominations are not conducted properly because if nominations are not proper, then we end up by having the wrong candidates enacted in all forums of our society. Should this amendment not be possible, then independent candidates should be allowed who, on winning political seats should be allowed to team up with members of any political party to form the government or to join the opposition.

Other Concerns: Once parliament is dissolved, there should be a caretaker government established headed by Chief Justice until the electoral process is over and the new President is in place.

Fixing of boundaries for voting to give unfair advantage to some people should be eliminated by vesting the power of creation of such boundaries, e.g. creation of constituencies to parliament rather than an individual. Chief's and Assistant Chiefs should be elected should be elected directly by the area residents.

Legal Fees: I am sure the Commissioner here and Mr. Muite they don't like it very much

Interjection:(inaudible).....

Mr. Johnson N. Mbugua: I am saying about the legal profession not you as a person don't get me wrong. The advocates' fees/scales in regard to their legal fees are too high at present and only affordable by corporations and wealthy individuals. Such fees should be drastically reduced, revised and defined to set future scales vested to an independent body and ultimately vetted by parliament before implementation of such fresh fees. This will reduce the financial burden on the ordinary Kenya citizens who often times do without legal representation because they cannot afford such high fees. Finally, advocates fees should be, like fees changed by other professions be based on time spent on each case and not based on the amount involved.

Finally, tribalism :It should be made treasonable for anyone to publicly preach tribalism.

Thank you (clapping).

Com. Musila: Wale wamejiandikisha kutoa maoni ni mia moja na kumi. Na tunaonolea ya kwamba tukifuata ule muda ambao nilikuwa nimetaja hapo awali wa dakika kumi hatutasikiliza watu wote. Kwa hivyo kwakuwa tunataka kila mtu apewe nafasi tumekubaliana tutapunguza huo muda. Ikiwa uko na memorandum, tutakupatia dakika tatu tu. Ukiwa unataka kuzungumza bila memorandum ama maandishi, tukupatie dakika tano na tukifanya hivyo, tunafikiria hao watu mia moja ambao wamejiandikisha, kila mtu atasikizwa leo. Kwa hivyo tutafuata. Kuna maswali kuhusu hayo maneno, ama?

Interjection:(inaudible).....

Com. Musila: Kweli, okay. Basi kwa hivyo tuendeleo sasa, hatutaki kuipoteza muda. Kwa hivyo, Chairman hapa ndiye atakuwa anawaita and yeye ndiye atakuwa anakusimamisha. Ukisikia hiyo kengele anapiga, unasimamia tu. Maneno yako yatakuwa yamesikizwa vya kutosha. Kwa hiyo tuendeleo basi. Atakaye fuata sasa wa tatu ni George G. Moroko.

George G. Moroko: Majina yangu ni Gitau Moroko na nimeokoka. Mimi ni mfanyi biashara. I will talk of the Executive. Kenya Constitution should set a limit on Presidential powers that is removing the presidential endorsement or assent to the parliamentary bills. Or if that cannot happen, put time limit when President is forced by the Constitution to assent the bills which are not in his/her favour. That is, the cheque became stale after six months. So the President can be told, if you don't sign this for this time, then you can be sued. That is what I am talking about.

Basic Rights: Passport is a vital document which should be used by all Kenyan citizens and even issued freely together with identity cards for identification. Every Kenyan citizen has a right of movement whether locally or abroad. Getting a passport for a common Kenyan citizen is a nightmare due to uncalled for questions in the application form for example which country do you want to visit, purpose of visit, show financial status, provide security bonds or persons so that you may get the passport and many more which the common man cannot provide. In my view, such questions should be applied in visa issuing offices when you have already acquired the passport. Passport, in my view, should be a right but not a privilege to all classes of citizens and this will eliminate the rampant corruption in the department of immigration.

Thank you very much. (clapping)

Mr. Kiriro: Asante sana Bwana Moroko. Atakayefuata ni Kinyanjui. How do you read this Kinyanjui? I can't read the first one but Ng'ethe Kinyanjui. Asante sana.

Ng'ethe Kinyanjui: My name is Ng'ethe Kinyanjui. I am a businessman in Nairobi Industrial area. I am here on behalf of Catholic Justice and Peace Commission, Riruta Parish which covers Kinoo and Uthiru. We have been going as Catholic Justice and Peace Commission having our own civic education and we have identified some areas which we think the Constitution should be amended on. The most important factor they have discovered is that, the present Constitution is bad simply because we have vested too much powers in the presidency. That the President has got so much powers infact he has become a semi-god. To rectify the situation we have proposed the following remedies:

The President should not be above the law. The President should not be the custodian of public land, but rather power over the land should be vested in an independent trust land board answerable to parliament. At the present day, the President owns all the land. He can dish it the way he wants. We also say that the President has the power to make all the appointments irrespective of the merit of the qualification of the people he appoints. We are saying, the new Constitution should provide that all Presidential appointments should be subject to approval by parliament. In this case, even if the President wants to appoint me as a Commissioner, I should be subjected to an interview by parliament and see whether am fit so that a President does not give any appointment to his/her own friends. (clapping).

The other thing is that the President should not have powers to dissolve parliament, prolong it but rather the parliament should determine its own calendar. At the moment, the President can dissolve parliament even today when the people who are like Mr. Mbugua who want to contest he is not ready, but when the President is ready, he can do it at his own time (clapping). We want our members of parliament to have the capacity to have the mandate to dissolve themselves when they are ready and when they are prepared. The size of the cabinet should be determined by parliament. The President under the present Constitution, but note that it is not his fault, he is using the Constitution which we gave him. So, it is faulty in the sense that it has been misused. We want the parliament to have the mandate to determine that we shall leave the twenty ministers, because more ministries mean more expenses thus burdening the taxpayers and also entertains vice to corruption.

The Constituency Sizes; We think they should be roughly of the same size. We have got some constituencies which have got 8,000 voters and others have to 120,000 voters. This is unfair and it holds against the principle of one man one vote. We propose to have a constituency of 10,000 people and not more than 50,000 people. Voting should be done in transported. And another thing, for the Presidential candidate be declared the winner, he should have at least 50% of the votes cast and not like at the moment we get a President who is a minority President having gone in with 36% of the votes and where 64% said no to his Presidency. And one last thing I have been speaking like a Kenyan, let me now speak Mr Commissioner as a Kikuyu. There is a word we use for calling somebody a squatter. Kikuyus fought for land and freedom.

There are some today who are called squatters. They are being called squatters by Asians and Europeans who are foreigners in this country. Those are the squatters, we are not squatters. The Constitution should stipulate that a Kikuyu should never be called a squatter in this country.

Thank you very much.

Com. Wambua: Kuja u sign hapa. Asante sana Bwana Ng'ethe Kinyanjui. Tutulie tafadhali. Tunataka kumuita Francis Gatoto.

Francis Gatoto: Mimi nitaongea kwa Swahili. Maneno yangu si mengi sana. Kitu cha kwanza, mimi maoni yangu ambayo yananisumbua akili yangu, nimepambana na mkoloni mpaka kichwa changu kimeamka, na mimi nimeshangaa nikashindwa ya kwamba nilikuwa naenda 'detention' kufanya nini? Watu wengine hawaelewi kwa nini tulienda detention. Hatuko hapa tukisema tuko huru. Tuko huru namna gani na watoto wetu wanasumbuliwa usiku na mchana! Mimi mwenyewe saa hii...

Com. Wambua: Kidogo bwana Gatoto, tafadhali wale wako na simu za mikono, mobile phones zimeni, maanake zina interfere na recording hapa, hiyo sauti munaosikia ni ya simu kwa hivyo hakikisheni mumezima simu kabisa ndio tuelewane kabisa.

Gatoto: Kwa hivyo sasa pointi yangu hii moja. Mimi ningetaka kila mwananchi katika Kenya aelewe ya kwamba si adui wa polisi, polisi na yeye asifikirie ya kwamba yeye ni adui wa mwananchi. Lazima watu hao wawili waelewane vizuri sana. Hakuna haja ya kuchukua polisi, kama hakuna polisi hatuwezi kuishi na kama hakuna watu, polisi nao hawezi kufanya kazi na ni lazima Commissioners please, muweke maanani ya kwamba wananchi sio kusema kwamba hawataki polisi au nini. Kazi ya Commission ichukue jembe sasa ihakikishe ya kwamba polisi wao wenyewe, sababu ni watu wanafundishwa vizuri sana wawe wakielewa kazi yao, hapana kushika mtu na kusema kwamba amefanya hii na hii, na wewe mwananchi lazima uelewe haki yako ni nini, si kukubali mara moja na kusema, “wacha niende hata nitoe kitu kidogo ndio nijaliwe”, hapana, kaa ndani na uwe na haki. Huyu mtu atakuwa analipa damage. Kwa nini anaweka mtu ndani na mtu kama mimi sivuti sigara, si mimi peke yangu, kuna watu wengi hawavuti bhangi wala sigara, lakini huwezi kujua. Lakini ukikutwa ukikunya soda kwa bar unaambiwa kwamba wewe ulikuwa kwa bar na lazima upigwe faini au ni lazima usukumwe ndani. Lazima haki ya kila mtu iangaliwe bila watu kubabaika.

Kwani tulikuwa tunapigania nini? Saa hizi, kila mtu saa hizi, nafikiri watu wetu wamesoma sana. Wako na akili na kizungu ya juu kabisa. Na mimi nimefurahi nikiona mama kama huyu, wakati ule nilikuwa kijana sikufikiri kama siku moja nitasimama mbele ya watu kama Commissioner huyu wetu, kijana kama yuko pale. Mimi sikufikiri hata kama meno yametoka, I don't mind about that. (clapping). Lakini sisi wenyewe tujaribu kujiheshimu na ndio wale ambao wamewekwa mbele yetu nao wajiheshimu. Mimi nikiuliza kama ingewezekana hii Katiba tunatengeneza kutoka sasa mtu na polisi, mtu yeyote pahali ako, mimi nilipewa dakika tano hapana tatu mzee tafadhali. Thank you very much, lakini sasa nimemaliza nikisema ya kwamba, sisi wenyewe tujaribu kwenda na uwoga. Ukishikwa bure, simama wima mpaka haki yako ipatikane. (clapping)

Com. Wambua: Asante sana Bwana Gatoto. Sasa tunataka kumwita bwana Stephen Ng'ethe.

Stephen Ng'ethe: Haya asante sana. Mimi naitwa Stephen Ng'ethe kama vile hilo jina limetajwa hapa, hiyo ni kweli. Nimetumwa na kikundi kimoja cha ACK kule Kabete, na kwa vile Ng'ethe mwingine alikuwa hapa amesema mambo mengi ambayo tumeandika hapa nitataja tu yale ambayo hakutaja. Nimeona kwamba Ng'ethe wanaelewa mambo mengi ya Katiba. Kwa hivi sasa hapa, nataka kusema kitu kimoja. Mimi nilikuwa nafanya kazi, nilikuwa nimeandikwa kazi na kampuni moja kubwa hapa Kenya lakini ikafilisika vile mnaona wanataka kumaliza Kenya yote ikafilisika lakini sasa mimi ninalima. Lakini bado niko hai hata kama bado ninalima. Kwa hivyo, mimi naomba tuwe na Katiba ambayo italinda mambo yote ya corruption iishe, kuwe na Katiba moja ambayo itakuwa inalinda corruption. Corruption imalizwe kabisa sababu corruption ndio inafanya tulime. Na sasa mimi sikufika umri wa kuwa retrenched, lakini sasa mimi ninalima, lakini bado niko hai.

Haya sasa tuendelee. Kitu cha kwanza, Constitution, Katiba iwe ya wakenya. Constitution iwe ya wakenya. Death penalty to

stay according to law. Community should prosecute or sue government if it fails to deliver, for instance in the provision of water, health, security, education, communication and electricity where necessary.

Judiciary should be totally independent and without interference of the President of the nation. There should be compulsory education upto form four. Kenyans must be clearly informed with relevant and beneficial information. Farmers should be protected from importation of farm products. All retirement benefits should be tax free. Non employed persons to be given allowance of only genuine un-employed people. Hiyo ni kusema wale watu ambao hawajaandikwa kazi wawe wakipewa allowance fulani sababu mnajua tunatoa kodi nyingi sana. We are very much taxed. Kwa hivyo hiyo tax yote tunayotowa Kenya kama inatumiwa vizuri inatakiwa kulipa hata wale watu ambao hawafanyi kazi. Hiyo yote inatosha kitu kingine muhimu sana, Old age allowance to citizens of above 70 years. Mtu akifikisha miaka sabini kama hawa wazee wako hapa kama bwana Gatoto unaona wako karibu kufikisha hiyo, ama pengine wamefikisha, wawe wakipewa pesa kiwango fulani kwa hiyo tax bado. Kwa hivyo si kusema mtu akifikisha miaka kama hiyo anatafutiwa pahali pa kuenda kuwekwa ati 'Old age, sijui nini.' Hakuna kitu kama hicho! Serikali ipatie watu hawa pesa kama umefikisha miaka sabini. Kwa hivyo muendeleo kuomba mfikishe miaka sabini ndio mpewe kitu. (laughter)

Hiyo nyingine, sasa namaliza sitaki kumaliza dakika ya wengine. Hiyo nyingine inasema government appointments to be vetted by parliament. Ng'ethe alisema hiyo. Hiyo nyingine, chiefs and assistant chiefs to be elected by the community. Hii ni kusema mambo ya ukora wote, hawa watu wawe wakichaguliwa na wananchi ambao wametoka area hiyo sio kuleta mtu tu namna hiyo, namna hiyo halafu unaenda kuona DC na unaona mwingine. Dakika zangu zimeisha. Asante sana hii Katiba itengenezwe vizuri. (clapping)

Com. Wambua: Asante sana bwana Ng'ethe. Ikiwa kuna swala fulani ambalo limeguziwa na mtu ambaye amezungumza mbele yako, usiharibu wakati. Taja tu useme naongezea nguvu maanake tayari tume record hiyo ndiyo tuende haraka maanake tunaona watu wanaendelea kuwa wengi. Sasa tumefika 150, kwa hivyo tujaribu tufupishe wakati wa kuzungumza. Tumuite bwana Waiyaki Muigai.

Waiyaki Muigai: Good morning. My name is Waiyaki Muigai, I am single not married, I am a teacher by profession. In the recent past, I have taught in Aga Khan schools, Nairobi Academy, right now I am teaching at Banda school, Brookhouse schools and Peponi school. Also, I am a member of Mwangaza wa Kijiji which is a self-help group based at Thogoto and they also sent me to send their recommendations. Without wasting time, Mwangaza sent me because recently we went to the C.D.A 's office, there at the D.'O's office na tulikuwa tunataka usaidizi kutoka kwa C.D.A. and instead of helping us, she was refusing to even talk to us and we found it very bad beause the CDA is a young girl who is refusing to talk to an old man with white hair, you know. And I found that to be very bad behaviour on the part of a civil servant behaving like that!

And so what they requested me is that the public administration at the district office, because what we are focussing on is grassroot leadership, it is that the public administration ikiwa ni D.C., ikiwa ni O.C.S, ikiwa ni veterinary officer, they should

work under the guidance of a committee of elders because you see, tunaokaa hapa Kikuyu, tunajua shida zetu vizuri. Kwa hivyo, DO and OCS, wakati mwingine watu wengine wametoka Kakamega, Mombasa, pahali pengine, they cannot be bale to solve our problems without our help kwa sababu hata daktari hawezi akakutibu bila usaidizi wako, akuuliza unajisikiaje. Usipojibu hilo swali, hawezi akakutibu. We need a committee of elders at a local level, tunataka ipatiwe nguvu and to be officially recognised by the government and the Constitution of Kenya so that when the D.O. is doing things and even appointing the chief, hatutaki ati chief anapeleka ngo'mbe au kuku hapo, anapatiwa hiyo appointment. We want it to be done in a genuine and transparent manner. And if possible, election of the chief kutoka hapo. We would like the chief or assistant chiefs to be people of vision na councillors as well, to be people of vision na to be appointed also with the help of these committees so that we don't get people who have been bad civil servants also taking up the positions.

Finally, we would like direct election for the chairperson of the county councils and the chief officers, the town clerks et cetera. Tunataka wawe under the chairman of the council, to be accountable for the finances, hiyo pesa, unajua nyinyi kuna wewe uko na kiosk, uko na nini, unalipa hiyo shilingi kumi, unalipa hiyo license and we want the councillors and the chairmen of the council to be fully accountable for that money ili ikiwa hatuna maji hapa tunawauliza pesa zetu zinaenda wapi.

And finally, tunataka kuuliza swali moja. We want all trust land in Kenya which is under the councils and the central government to be processed for 30 years so the councillors don't take our stadiums. Like for me, I like playing football. Kids cannot play football in Kikuyu, we don't have a stadium in Kikuyu, why? Yaani where is that land for playing soccer? (clapping).

Thank you.

Com. Wambua: Asante sana bwana Muigai. Kitu kimoja tu tafadhali, hii kamati ya elders ambao unataja unataka ichaguliwe ama iwekwe namna gani?

Muigai: Thank you, we would like the committee of elders to be selected through schools, because they are good in schools, churches, hospitals, because that is a good way of accountability. So, the schools, churches and hospitals can facilitate this election of elders and not only elders, we also have young people, because young people need also to learn from them. Yaani hawa watu wadogo kama sisi tunataka kujua kama vile wazee wanafanya hizo kamati, kwa hivyo tungetaka hata young people to be in those committees so that they can learn from the old people ili hawa watu wazee wakiondoka, watu wa young wanakalia hivyo viti.

Com. Wambua: Asante sana. Thank you very much for that clarification, tunamwita Joseph Waweru.

Joseph Waweru: Hamjambo nyote? Mimi naitwa Joseph Waweru na nimeokoka na ninafanya kazi ya uinjilisti, I am a literature evangelist in Nairobi na hii memorandum ambayo nimeleta hapa mbele yenu ni ya kanisa la Seventh Day Adventist katika Kabete constituency. Hii memorandum ni ya makanisa kumi ambayo yako katika constituency hii ambayo yako katika

Eastern African Union ambayo iko Harare, Zimbabwe na makao yake makuu, yako United States of America.

Katika siku hii ya kuabudu, Sabato, tunaona ya kwamba inatoka kwa Mungu na tunaona ya kwamba katika yale mambo tunaomba ili Katiba yetu iwe nzuri, tunaona ya kwamba uhuru wa kuabudu uwepo katika Kenya yetu. Lakini uhuru wa kuabudu uwe na tumuabudu Mungu ambaye aliyeziumba mbingu and nchi. Kwa hivyo, ikiwa kuna uhuru wa kuabudu watu wasipewe uhuru wa kuabudu watu, sanamu na hata shetani. Tunaomba ya kwamba tuabudu Mungu ambaye aliumba mbingu na nchi. Sisi tukiwa watu wa Kenya ambao tunalipa hata tax tunataka tuweze ku benefit na vile vitu tunatoa kwa serikali yetu. Mambo muhimu ambayo tunataka nisyapitie kwa sababu mengine yamepitiwa tukiwa sisi ni wa Sabato, kuna religious persecution kwa SDA, katika mashule yetu, katika ma colleges na university. Kwa sababu watu, watoto wetu wanaambiwa ni mpaka waende shuleni siku ya Jumamosi ambayo ni Sabato. Wengine wanaambiwa waweze kufanya mitihani siku hiyo ya Sabato, wengine wanaambiwa waweze kuenda katika michezo tena tunaona ya kwamba prize giving, parents days zinakuwa katika hizo siku za Jumamosi tunaona ya kwamba sisi tukiwa SDA, tunatakiwa hata sisi tuwe tunashirikishwa katika mambo kama hayo. Kwa hivyo, tunaona ya kwamba zisiweze kuwekwa katika hizi siku zingine kwa sababu ikiwa kuna uhuru wa kuabudu, sisi tukiwa wa Adventista tunatakiwa hata tuingie katika mambo kama hayo.

Jambo lingine tunaona by-election, election zitakuja nazitafanyiwa siku ya Jumamosi na sisi tutakuwa tunaabudu siku ya Jumamosi, hatutakuwa na uhuru wa kwenda kupiga kura. Kwa hivyo, tuweze kuwa na siku hiyo mzuri lakini mambo haya mengine yatakapokuwa yakifanywa, yaweze kufanywa katika siku zile zingine. Ni mengi kwa sababu sitasoma yote na mengine yamezara kupitiwa nitafikisha. Mungu awabariki. (clapping)

Com. Wambua: Thank you very much bwana Waweru, tunamwita Bwana Philip Murigi.

Philip Murigi: Okay shukrani. My name is Philip Murigi and am a hawker. Okay, my views are that Kenyan boundaries with its neighbours must be clearly marked and recognised internationally. Okay, our Kenyan flag is our identity, our Constitution is supereme and must reign in any local or international principles. All changes and amendments to the Constitution must be approved by Kenyans through a referendum conducted by the electoral Commission. 70% of the registered voters must participate, 55% of them must support the amendments. The President to be ceremonial, that is to have limited powers and to perform official state duties e.g. opening of parliament, welcoming state guests, dignitaries, signing official documents and others. Okay, a President must be 40 years and above, he/she must be a university graduate from a recognised institution. He/she must be legally married and if he divorces or is divorced, he/she must vacate office immediately (clapping). One can be a President for two terms only of 5 years each. If he does not serve a full term it will be assumed to be complete. One cannot serve more than two terms in a lifetime.

The government to be headed by a Prime Minister who must be legally married. A Prime Minister will be the head of the political party which must win 60% of parliamentary seats to form a government. Failure to this, the party with majority of MPs

will produce the Prime Minister to form a coalition government from all represented political parties in parliament proportionally. For an MP, he must be of 35 years of age. Parliament to set a default for ministers by a 2/3 majority. Okay, we come to the Attorney General, three names to be proposed by judicial service commission to the parliament which would vet and vote for one of them by a 2/3 majority. AG's office and the judiciary to be independent of each other. Chief justice to be appointed by parliament and passed by a 2/3 majority. Auditor general's office should have powers to prosecute on behalf of the public.

AG, Chief Justice, and judges to have a security of tenure of four years. They should not participate or support activities of any political party or any political parties.

Elections must be held after every five years. They must be held during the 8th month, that is August of the fifth year. Electoral Commission to be appointed by parliament, it should have fifteen members who must be University graduates, they will be proposed by political parties and passed by 2/3 majority in parliament. The Commission will elect its Chairman and Vice-Chairman. Winning President must garner a 55% of votes. Civic and parliamentary elections will be held simultaneously with Presidential elections. Nobody should switch parties and seek nominations six months before elections.

Interjection.....(inaudible)

Philip Murigi: I want to come to security. Discipline offices, paramilitary police and prison must be established by the Constitution. No single person group or organization should have own security agents who have not gone through recognised training. All street security agents must be approved by the government. They should not have council askaris and those other askaris who harass hawkers. Parliament to have to declare. Direct marketing of our Agricultural products; importation of Agricultural products must be authorised by Parliament. Our exports must be of finished goods and not in raw material form. List of foreigners and expatriates working in Kenya private and public sector must be tabled in Parliament after every few months for checks and approval. Let me stop there.

Com. Wambua: Bwana Murigi, you said that the President should vacate office if they are divorced. What about if they remarried, is there time to be given to them to remarry or they should just leave?

Murigi: What about what?

Com Wambua: What about when they remarry? Are you...

No are you saying that they should be given time to re-marry after which if they do not re-marry, they should leave office immediately they divorce?

Murigi: If they divorce or are divorced, they should leave office completely and forget about that office (laughing)

Com. Musila: Okey, thank you very much Bwana Murigi. Tunamwita Duncan J. Gatonye.

Interjection: Gatonye.

Com. Musila: Gatonye Yuko?

Interjection: Wapi Bwana Gatonye, Is he present? Hajui kuongea Kiswahili? Okey

Mr. Kiriro: Namusalimu nyote koo yangu haiko sawa....

Chairman: Koo yake haiko sawa. Lakini ataendelea na maoni yake. Nataka kusema ya kwamba nilikuwa nimesema pale sitaongea. Na jina ni Duncan Gathoni Gatonye. Na yeye ni Mwokovu. Nataka kusema kwamba, polisi iwekwe taratibu maana hakuna pahala ambapo watu wanaweza kuishi bila polisi ama Councillor hata council itengenezwe vizuri ili pia iwe kutawala vizuri na hata wa mpango mzuri. Kwa hivyo yale mambo yote Mungu asaidie yaende taratibu tukae vizuri.

Chairman: Asante (clapping)

Intejction: Asante sana bwana Gatonye

Com. Musila: Asante sana bwana Gatonyi kwa maoni yako. Kuna nafasi tumeulizwa na bwana George Kamau Kang'ethe ambaye ni mlemavu na tungependa tumpatie nafasi kwanza kabla hatujaendelea kwa sababu angependa kuondoka baada ya kutoa maoni yake. Kwa hivyo tumpe nafasi bwana George Kamau Kang'ethe.

George Kamau: Hamjambo nyote?

Audience: Hatujambo

George Kamau: Hamjambo tena?

Audience: Hatujambo

George Kamau: Kwa majina ni George Kang'ethe, naye Yesu Kristo ni bwana na mwokozi wa maisha yangu. Mimi sioni. I am blind lakini mimi ndiye chairman wa Kikuyu Division Disabled Group. Na kwa hivyo, yale maoni ambayo nitatoa hapa sio yangu binafsi tulikaa chini sisi sote walemavu, wale watu ambao hawasikii hawaongei, ambao ni crippled na kadhalika na hata wale akili zao hazikuwa vizuri. Kwa hivyo yale maoni nitatoa hapa ni ya kusimamia hao watu.

Kile kitu ningetaka kusema cha kwanza nikutoa shukrani kwa nyinyi watu wote wa Kenya kwa sababu tukienda pahali popote mnatusaidia. Heko kwenu. Lakini ningeliza tupatiwe due recognition from our government, tupatiwe haki inayofaa kwa

sababu ukiulizia serikali ni wangapi hawaoni katika nchi ya Kenya, hatuwezi kupata, tukiuliza ni wangapi wako lame, hatujui. Kwa hivyo, kitu cha kwanza tungeuliza ni kifanywe census ya kujua disabled wako wangapi na jinsi gani wanaweza kusaidiwa na pia tupatiwe vitambulisho kwa sababu kutakuwa na wengine waongo iliyo nikingia kwa basi, watajua huyu mtu haoni.

Pia baadhi ya maoni ambayo tumeandika hapa ni ya kuwa sisi ni watu ambao tuna depend na community na tukiweka pesa zetu katika bank, bank nayo inatoa bank charges halafu tukifika mwisho wa mwaka, tunakuta pesa zote zimekwisha. Kwa hivyo kitu cha kwanza ningepuliza hizo benki, disabled wakiweka pesa na institution ambazo zinasimamia disabled, tafadhali isikatwe kitu chochote. (clapping)

Jambo la pili, mtu akiwa na wheelchair akienda kuingia katika nyumba ya gorofa hawezi. Hata si nyumba ya gorofa peke yake, hata unaona nyumba ambayo iko juu kidogo hakuna nafasi imetengenezwa pahali mtu wa wheelchair ama yule ako na crutches anaweza kupitia. Kwa hivyo, ningepuliza hata kama ni parliament ina amend hiyo ndiyo nyumba zote katika nchi zitengenezwe namba ya kidisabled wale wako na wheelchairs and crutches wanaweza kuenda juu.

Jambo lile lingine ambalo ningependa kuguzia ni wakati tukiingia kwa matatu watu wengine hatufanyi kazi, tunalipa kama vile vile mtu anafanya kazi. Ningepuliza serikali yetu hata kama tu niwangapi, hata hao itengenezwe disabled akionyesha identity card yake alipishwe nusu hata kama ni ndege hata kama ni gari. (clapping).

Jambo lingine, unaona hata disabled wanafukuzwa kwa shule. Watoto kama wangu hawa wasichana unaona hapa hawawezi kusoma, kwa sababu ni lazima nilipe school fees na saa zingine sikupata kwa kazi. Kwa hivyo ningepuliza education to the disabled children and their children to be free.

Audience: Yes (clapping)

George Kamau: Another thing, when it comes for example to electricity, water, telephone, and other charges. We are charged like the ordinary people, therefore I would request the Constitution to make it even if it is half, at least that will be beneficial to the disabled person. Hata kama tungelipishwa nusu ya installation bill ikija ya maji, ama ya stima, ama ya telephone, tafadhali tuwe tukilipishwa nusu (clapping).

Jambo lile lingine tunaona haya matatizo yanakuweco kwa sababu ya kuwa na poor representation kwa hivyo ningepuliza kamati ya Constitution iseme ama ihakikishe from each and every province we get a disabled representative into the parliament (Clapping).

Also from the local county councils, we would request also to be given a chance that one disabled person can represent the other disabled people in that particular area in the local county councils. Hiyo tunauliza sana. (clapping).

Halafu lile jambo lingine, nimetaja machache tu kwa sababu nasikia ni dakika tatu nasitaki kuendelea zaidi. Kwa hivyo, asante sana na shukrani nafikiri yale maoni mengine yatachukuliwa hapa kwa hii text na yatawekwa katika Katiba yetu.

Com. Wambua: Thank you very much. Asante sana bwana Kang'ethe. Tunaendelea na yule anayefuata. Tunarudi sasa kwa ile list yetu ya kawaida. Kwa hivyo tunamwita bwana Patrick Mata Gitagia. Handwriting iko na shida kidogo mzee.

Gitagia Patrick: Commissioner na wananchi wote, mimi sitazungumza kitu kwa sababu sisi tulikuwa tumekaa chini na tuna group. Na sasa nikizungumza nitaharibu kila kitu yote tuliandika. Niko katika kikundi ambacho yule atazungumza atayatoa maoni yangu pia. Asante sana.

Com. Wambua: Asante sana bwana Gitagia. Tumwite bwana James K. Ndegwa. Yuko? Oh good, ongea.

Ndegwa: Okay, thank you

Interjection: Hana maoni.

Com. Musila: Okay asante sana bwana Ndegwa. Tunamuita bwana Antony K. Ngugi. Tafadhali ukuje hapa utupatie maoni yako.

Antony Ngugi: Yes, my name is Antony Ngugi. I am from Karai location Gikambura Sub-location. I am saved and just like my friend Mbugua here, I am also very serious contender for civic ward in Karai. I am giving or presenting views by people in Karai location. There are groups here that have gone round organising seminars and workshops and these groups, we have Karai CBO, we have GCI, we have OGE, we have Karai Revival Adult Literacy, we have Renaro self-help group, Kendia self-help group, we have Karai location civic education providers and working team. And all these are on behalf of Karai community.

Preamble one, we have the preamble where we feel it must state whom the Constitution belongs to and we feel that it should be stated that the Constitution belongs to the people of Kenya. The preamble must also recognise the Kenyan heroes or those who fought for freedom. Constitutional supremacy, the current Constitution allows parliament to amend the Constitution by a 65% majority vote. This procedure should not be retained. Instead the public should be involved through referendums in amending the Constitution. A Commission appointed by an Act of Parliament must conduct the referendums.

Dual citizenship should be allowed. Kenyans should not carry, and this is underlined, IDs but should prove to be Kenyans by producing those IDs if need be.

Defence and National security: The disciplined forces should be established by the Constitution. The President should not be the Commander-in-Chief of the armed forces. The President should not have extreme power to declare war. Instead, we think or

we felt this power should be evoked by parliament. The parliament should have a great role in effecting these emergency powers.

Political parties: The Constitution should regulate the formation management and conduct of political parties. Political parties should be limited to three parties. We should also have political parties financed by state through public funds. Good conduct of political parties and development must be a condition in financing of political parties. The relationship between the state and political parties must be very cordial indeed.

Structures and systems of government: We should retain the Presidential system of government as it is at the moment. We should also retain the unitary system of government where central government controls the state. Power could be devolved to lower levels of government by having strong local governments.

The legislature: All senior government appointments should be vetted by parliament and functions of government should be expanded to include voting of people heading government parastatals. Being a member of parliament should be a part time occupation of course to allow MPs to visit their constituencies. Age requirement for voting must be 18 years and contesting for parliamentary seats should be 21 years and of course above. People intending to vie for presidency must be between 40 years and 70 years. Language test as a requirement for parliamentary elections should also include education with a minimum qualification of ‘‘O’’ level. Moral and ethical qualifications should also be introduced. I think I have more than that but I will leave it at that.

Com. Musila: Asante sana bwana Ngugi. (clapping). Tunamwita Godfrey Mburu.

Interjection: Godfrey

Godfrey Mburu: Thank you Mr. Commissioner. My name is Godfrey Mburu. I am a retired civil servant. At the moment am a farmer, I would like to present my views on political parties. Political parties should be regulated. The registration of political parties should be regulated because at the moment we have so many parties which are for sale. We should have a minimum of three political parties. On structure and system of government, we should retain the present system of Presidential system of government and we should have a President with executive powers. We should have a Vice President who is a running mate of the President. We should not have a Vice President who is serving at the mercy of the President. We should also have the position of a Prime minister who shall be the leader of government in the national assembly. We should not have this majimbo government, we should have unitary system of government.

All appointments of key positions in offices of interest should be vetted by parliament and it should not be the sole responsibility of one person. Membership of parliament should be a full time occupation like civil servants. There should be no member of parliament who is a lawyer at the same time is a member of parliament. So it should be one person with only one occupation. On the said system of government, we should have a Constitution on who should permit a coalition government. So we have

two types of houses. One house to be lower house and the other upper house. The upper house should be the one to vet all bills passed by the lower house. That responsibility should be taken away from the President. The President should not have powers to vet matters passed by parliament.

On executive, the Constitution should specify qualifications for Presidential candidates with minimum qualifications of 'O' level. He should also be medically fit and of good conduct. The Presidential term should be fixed for two terms of five years each. The Constitution should provide for the removal of President for misconduct in office. A motion should be passed by parliament which should call for a national referendum to discuss the conduct or misconduct of the President.

Provincial administration should be scrapped completely. We should do away with chiefs and DC's and PC's, they are of no use today but were created during the time of emergency. So we should do away with those appointments of provincial administration rather. I am about to finish.

Constitution should make a provision that every citizen should have a right to access the court so as to obtain legal rights and justice.

On basic rights Mr. Chairman, I am proposing that senior citizens of Kenya from 65 years old and above should be catered for in the Constitution by providing them with subsistence allowance for their upkeep. Only those who are not able should enjoy this right (clapping).

I am also proposing Mr. Chairman, that on land and property rights, that consent of land control board in transfer of land matter should be abolished and all children irrespective of their gender should have the right to inherit land from their parents.

Thank you (clapping).

Com. Wambua: Bwana Mburu, just a small clarification, I don't think I got you right. Were you saying the minimum political parties be three or maximum because you used the word minimum. Because if you say minimum, it can be any number.

Godfrey Mburu: Maximum

Com. Wambua: Thank you. Tumwite Joseph M. Kiburu. Yuko? Is that name here? Yeah.

Interjection: Kiburu

Joseph Kiburu: According to that paper I was not supposed to speak.

Com. Wambua: Asante sana bwana Kiburu, kwa hivyo tumwite bwana Stephen K. Njoroge. Yuko?

Interjection: He is not the one.

Com. Wambua: Stephen K. not you, yuko? Okay hayuko. James Wangaruru. Asante

James Wangaruru: I am from the University of Nairobi. I have the following;

The President should not be above the law. There should be a law in such a way that all Kenyan citizens should practice family planning. All Kenyan citizens should not exceed three children (laughing). Our administrators should be elected by the public, chiefs and their assistants. Under all circumstances both men and women should have a right of ownership of their fathers' property equally.

Students in public universities should have a right to go to court as the current Constitution at the university does not allow students in public university to sue the administration.

Presidential and parliamentary election should be held separately and the Presidential election should come first. Members of parliament should also serve a maximum of two terms. Every President should have at least a first degree from a recognised university. The judiciary should be independent. All Kenyan citizens should have a limit ownership of 1,000 acres of land. A vote of no confidence to be passed by a referendum where the registered voters should be notified and a 1/3 can vote for the no confidence. A law should be passed which will protect local industries against free trade market, like COMESA such that when we have a surplus of commodities, there should be no imports, and unless we have scarcity we should not have imports. 1/3 of voters can recall a councillor or a member of parliament from office. The President should be above 35 years and a minimum of 70 years. Amending of the Constitution should be by referendum and should be vetted by 50% of the registered voters.

Com. Wambua: Thank you very much. Where are we? It was mixed up. Okay tumwite Benjamin K.Kamau.

Benjamin K. Kamau: This is our memorandum. The Kenyan Constitution which was made in early sixties was called the Lancaster House Constitution was the best for our country. But up to date, it has been amended 38 times since independence. And we have spoilt the whole Constitution of Kenya. My memorandum here is already written and am presenting it to you Commissioners and before I do that, I want you to declare this place an August house whereby nobody will be followed after he has spoken or presented what was seen to be as malicious damage or defamation. So, declare this place an August house (clapping). What I just want to say the 38 amendments have led this country astray.

The original Constitution had said the President has only one term. The elections are done every five years. A President may be vetted within these five years. Now, they have increased to be life members, life Presidents which is not allowed in the Constitution. Even the political parties, even the registrar of societies does not allow any member to be a life member of the society. And elections are done every year. I don't know where Kanu got this life membership registration. That is an abuse of

the law.

Another thing is police are supposed to be ‘watumishi kwa wote’ but now they are killers, they are the robbers, they are the people who are terrible. (clapping and laughing).

Because I have written all these things here, I will not even repeat but the President should not be above the law, should be a married person not a bachelor nor a divorcee and all these. And members of parliament, they should not serve more than two terms, 10 years. Thank you. (clapping)

Com. Wambua: Thank you very much bwana Kamau. Sasa tutamwita Chris Katiara Kahara. Oh hii handwriting inasumbua kidogo. Chris Kahara yuko hapa?

Interjection: Nataka kuuliza swali.

Com. Wambua: Hebu uliza tusikie?

Interjection: Sisi ni watu wa kwanza wale walikuja mwanzo na sisi hatujasoma kitu tafadhali. Kulikuwa karatasi A and B sijue ilipewa namba namna gani.

Com. Wambua: Ngojeni mtaeleza kidogo maanake nafikiria kuna mpango uliowekwa. Msikilize kwanza mtaelezwa na Professor Kabira.

Com. Kabira: That is a good question. You know there were two registration forms. I don’t know where the District Co-ordinator is. One of the registration forms was for those who are going to speak. The other one was for those ones who were not going to speak. But they registered....

Interjection: No... (inaudible)...

Com. Kabira: Okay, can I say...

Interjection:(inaudible).....

Com. Kabira: Okay, that is what was supposed to happen. Excuse me, I think it is possible that there is a mix up because so far we have registered 220 people and we have just been wondering if they are all speakers. Unless we stay here and sleep here and continue tomorrow. It is a very long list. So what we have, I think there must be a mix up. But also the way we are

getting the list, it is listed from page 1 up to page 21, so, actually we have been following the list as it is coming from the back there.

Interjection:(Inaudible)..... I think hata kama kunakuhongana, si wote.....

Com. Kabira: Sawa, why don't we...

Interjection: (inaudible).....

Com. Kabira: Okay give me a minute because I thought the co-ordinator was around. The people at the back do not understand that? Can you explain it again?

Mr. Kiriro: Now what we did, what we had done, so far, tume record majina yenu yote natumeandika mtu kama unataka presentation yake iwe written au ni kuzungumza. Umeandikwa kwa hii karatasi. Sasa ukiwa unataka kuzungumza utaitwa. Ukiwa umeandika kupeana hiyo kitu, nikupeana ile kitu umeandika.

Interjection:(inaudible)....

Com. Kabira: Okay, excuse me. Sorry, can we say they have made a mistake. Let me suggest how we are going to deal with it. Can I call out the names and we know who are going to speak in that order so that Mr. Wambua will tick those ones speaking so that you now know where you are because of the mix up. Okay thank you. So should I continue or this one is through. So I can just leave. Okay George Dira is it Dira? Chris Kahara, so you just cancel. James Gatogota, okay. James? Please Mr. Gatogota can you wait for a minute? You will be the next one, let me sort out this. James Dura, what's this?

Intejction: George K. Ndegwa.

Com. Kabira: Okay, he is not here. If I don't hear your answer immediately I will assume you are not going to speak. Godfrey Gitau yuko? Okay Geoffrey Mburu, no Stephen Wairago, okay Reginald Kyare, Evans Kimani, Fred Nicholas Kimani, although by the way Reginald Kayare you had said nothing, you don't have any views and so you are not speaking. Okay somebody else Evans Kimani you have Fred Nicholas Karioki, you have here John Kimwi Njoroge. Okay you are going to speak? James Hinga Njenga you are going to speak, Eliud Karanja you are not speaking there is nothing. So at least you will know where you are. Now Njoroge Waweru.

Interjection: Huyo alikuwa sheet number two.

Com. Kabira: Ilikuwa sheet number?

Interjection: Two

Com. Kabira: On my list it is written number four. So that is why.

Interjection:(inaudible)

Com. Kabira: So, Njoroge Waweru are you speaking. Okay Njoroge Mbugua, Naomi, Okay Geoffrey Gathiaka, you are speaking, okay. Yes. Thombo Kamau, you are going to speak. Waigi Karanja to speak. Okay Harun Karanja, Thank you James Kimani Ndegwa you are not there. Councillor John Wamagatha you are going to speak. David Kinuthia, Joseph Nenzeka, okay shall we handle those ones first.

Interjection:(inaudible).....

Com. Musila: What we are going to do now? Wacha tukubaliane. What we are going to do, it appears this list was the next so we move to this list. But before we do that tunamwita bwana Chris Kahara, yuko?

Interjection:(inaudible).....

Com. Wambua: Where is Chris Kahara?

Interjection: He is not here.

Com. Wambua: Okay tumwite James K.Katuguta and then we proceed with this list.

James Katuguta: Mr. Chairman, the Commissioners am going to speak on behalf of Kikuyu location Constitutional review committee. My name is J. K. Gatuguta, I am a lawyer and I was the first member of parliament for this constituency when it was called Kikuyu constituency, now it is called Kabete. Now am speaking on behalf of that group. And the following recommendations are based on the guidelines from the booklet.

The Constitution review process committee; Preamble: our Constitution has no preamble. My committee has suggested that the new Constitution should have a preamble and the preamble should provide like this, “We the people of the Republic of Kenya, believing in parliamentary democracy and the protection of human rights and their property, do hereby agree to the following provisions of our Constitution exercise.” We must have a provision to that effect.

Now principles of the state policy. We need to include statements capturing our national philosophy such as harambee.

The Kenyans should have important values reflected in the Constitution and enforceable in law. These are freedom of movement, assembly, conscience, religion and living standards.

Constitutional supremacy; Parliament may continue to amend parts of the Constitution but its power should be limited by creating an upper house or a senate for the purposes of checks and balances. All parts of the Constitution should be amended by parliament. The electoral commission may execute a referendum to involve the public in the amending of the Constitution such as elections and powers of the President.

Citizenship; Anybody born of Kenyan citizen automatically becomes a Kenyan citizen. Any other may apply for registration and may become a citizen by naturalization. Spouses of Kenyan citizens shall become Kenyan citizens by registration. A child born of Kenyan citizens, regardless of parents', gender should be entitled to automatic citizenship. The rights of citizenship be; rights to life, freedom of speech, freedom of movement, freedom of assembly, freedom of worship and right to possess property anywhere in Kenya. The obligation of a citizen should be to obey the laws of the country and in particular the Constitution of the land. The rights and obligations of citizens should not depend on the manner in which citizenship should be acquired. Our Constitution should not allow dual citizenship. We should introduce Kenyan passports as documentation of evidence of citizenship and do away with identity cards. The passport should have no limitation, that means we should not have a passport which should be renewed after sometime. It is permanent.

Political parties; We have also spoken about political parties. Other than political mobilization, political parties should be watchdogs for the government of the day. The Constitution should regulate the formation, management and conduct of political parties. The number of political parties should be limited to three to avoid numerous political parties involved in the country and dividing the people. They should be financed through the exchequer. Terms and conditions of political parties should be enforced. These are memberships, stability, discipline, representation in parliament and local authority. They should in no way be related to states.

Structure and system of government; Time is over, but we have written all this in our memorandum.

Judiciary; But we want to talk about the judiciary. Please, one minute. The present system of structure of judiciary should be retained. However, there is a need to establish a judicial court to discipline judges and other judicial officers. The present tenure of judicial officers should be retained and judicial tribunal should also be established. Judicial power I would say should be vested in court. Mr. Chairman, all these is included in the constitution, they are twenty of them. And I will submit this recommendation for perusal because I have not finished.

Interjection:(inaudible).....(clapping)

Com. Wambua: Thank you very much Mr. Katuguta. So we are going to the list four which we are treating as list three. Tumwite Njoroge Waweru.

Njoroge Waweru: My name is Njoroge Waweru. Preamble: my concept of the hitherto Constitution is that the law grinds the poor and the rich rule the law. To bring this to an end we would like a preamble that would expound the aspirations of the Constitution in much as far as the just society, the just government of man and the welfare of the society are concerned. The preamble should also encapsulate from whose mind its conceived from and whom does it exist for. From there I do submit my views as follows;

Executive; There should be the committant qualities and characteristics that pertain any moral government to be in power should be stipulated in the Constitution such should be that any government should be fair and caring to its people. Any government that breaches those qualities should be Constitutionally presumed to be distinct to extinction. Then we go, we would like the President, any person who should qualify to be the President of Kenya to garner at least 50% of the total votes cast. We would also like a President who is below the law not one who is above the law. Then, we would like all senior posts in the civil service like permanent secretaries, directors of national institutions to be advertised in the press and be won by the most competent person on merit (clapping). Then, we would like the absolute scrapping of the provincial administration. It is too rigid, high handed and it ill-conforms with the process of nurturing a democratic culture (clapping).

Legislature; we would like the Attorney General to be elected by parliament by at least 2/3 of all members of parliament. Then, we would like members of parliament not to allocate themselves the power to increase their salaries. We would like that power to be removed from them and may be vested upon by a national salary commission. Then we would like citizens be given rights to recall their MP as he goes to slumber (clapping).

Judiciary; We would like the hitherto powers of the President appointing the judge and the Chief Justice to be removed. We would like the Chief Justice be elected by the fellow judges at the Court of Appeal. We would like judges, the position of judges be advertised and be won by the most competent and scrupulous lawyers. Then we would like a lot of changes that may be will remove the security of tenure for judges so that we can deal with corrupt and 'thug' judges.

Poverty eradication; I would call for a provision of an egalitarian society.

Corruption; On fight against corruption, I propose the following changes, that the Auditor General be given powers to prosecute and also, all those people blacklisted by the Public Accounts Committee as corrupt be barred Constitutionally to hold any public office. (clapping)

And that is the end of my submission. (clapping)

Com. Wambua: Thank you very much bwana Waweru. Tumesikia maoni yako yote na tumeyasikia. Kwa hivyo tunakushukuru. Thank you. Just sign the register please. What do you do?

Waweru: What I do?

Com. Wambua: Yeah

Waweru: I am unemployed.

Interjection: ...where....(inaudible)

Com. Wambua: Well, I am told that Njoroge Waweru is unemployed but he is a graduate. Okay tumwite Mbugua Naomi.

Mbugua Naomi: Thank you very much, my name is Mrs Mbugua. I am a lecturer in one of the Universities in Kenya. Now, actually I came very early but I am thankful that we are using that list now. My first reaction is about the affirmative action which considers the vulnerable groups which are the disabled, children and also the women. Some women don't like being included with children. Now, especially where there are appointments, anytime there are appointments like Commissions, any appointment, these people should be considered equally. For example, appointments like in Commission, any committees, the disabled, especially like the visually handicapped, they are very brainy, they have a lot of potential and it is a high time we considered woman and man as partners in development. Many times we have ignored their talents in development. So they should be included in the Constitution.

The other thing, the children's rights. The children's rights seem to be there in theory. There are many abuses which are prevailing today in our country, on children, defining rape and name it I think there should be included in the Constitution and heavy punishment should be considered against anybody who violates the right of children in the country. They are treated very lightly at present. Even when they are caught.

Rural Development; Someone talked of the local authorities. I think rural development, you know we depend on rural development for all the production and as I have realised they're neglected. The local authority should be empowered. They should be empowered to develop the rural areas by allocating them funds and also as the earlier speaker said, by giving them powers to collect the revenue from the people there and make use of it.

Here, many women actually suffer in the rural areas because they have to deliver many things to the market and sometimes things get rotten because the roads are very poor. You know the local authorities, it looks like they are now impotent. It's like they are powerless, they cannot develop any rural roads and people are really suffering in the rural areas.

Judiciary; The judiciary, all the accused persons should be entitled to legal representation. Procuring such representation through use of public funds is necessary. We should amend the Constitution section 77 sub-section 14 of the Constitution which provides 'nothing contained in sub-section 2 paragraph(d) shall be construed as entitling a person to legal representation as public funds.' There are many people who cannot afford and I think they deserve that. The other thing I want to mention is that parliament, the legislature, I know my time is up, but on the non-performing members of parliament. I think the electorate should

be given a room opportunity to pass a vote of no confidence in their MP if he is not performing. (clapping)

The salaries, I agree there should be an independent body to decide the salaries of the MPs. As far as elections are concerned, the electoral commission should be appointed by parliament. And also the Vice president, both Vice President and President should be elected nationally and they should not be MPs of their areas. They should not because their interest is nationwide. The counting of votes should be done in the polling stations. Transparent boxes should be used, the electoral commission should have the power to set the election date. Not the President. This should be done one year in advance.

The voters registration should be continuous. Don't give two months, three months. It should be continuous. What happens to those people who become 18 years or adults two months before elections. What are we going to do about it? Adequate security should be provided for political contenders. Thank you very much (clapping)

Com. Zein: Register here.

Com. Wambua: Thank you very much Naomi, tutamwita Geoffrey Gathiaka.

Geoffrey Gathiaka: Thank you very much. Majina yangu ni kama vile mmesikia. Mimi naitwa Geoffrey Gathiaka na mimi naenda speed sana kwa sababu dakika zangu nataka nitumie kulingana na vile my memorandum is. Nimekuja kusimamia kikundi cha Muguga Sub-location.

Proposal of a modern constitution, 'The Kenya We Want'. The President should have power to do anything above the law i.e. to dissolve the parliament before the given fixed term of five years. To abolish or establish public offices and his power to appoint his own people to public office. This can be done only in parliament by the members of parliament.

President and Vice President to be elected by the public and not President to appoint the Vice President. All judges and judiciary power to be discussed by a judicial body before the appointment from the President and confirmed by parliament and to be in the appointed positions.

Accountability of taxes, donations, income and expenditure to be publicized. All public services. What is going on?

Interjection: Endelea

G. Gathiaka: All public servants to be given jobs with the..

Com. Wambua: Tafadhilini tutulie sasa tuendelee na proceedings hapa sasa nyinyi msijali na kinachoendelea huko nje, kwa hivyo let us proceed. Please, endelea.

G. Gathiaka: All public servants to be given jobs on merit. Consideration of marketing of all products and industries in the country with that, no importation and exportation of other properties. The ministry, parastatal body or any private firm which misuses the public utility has to be prosecuted for it, also made to pay compensation of whatever they have done. All administration from DCs to assistant chiefs to be elected by the public.

All public offices shall be held in trust for the people or for the public. All leaders are answerable to the people in their daily works, and shall at all times, place the interests and welfare of the people above their own.

Equality; Equality to be in level playing grounds i.e. schools, salaries, jobs in all races and freedom of peace for all. Every person has the right to equality before the law and shall be free from the discrimination arising from, but not limited to the sex, race, tribe, colour, ethnic origin, political or ideological opinion, religion, civil status, physical, mental or any other disability. Parents' wealth/property to be shared to both male and unmarried female. Limit of individual and land ownership maximum of 1,000 acres and should be developed and all provided to those who have something to cultivate on them.

Every Kenyan should be free from any force, torture, cruelty level, or other inhuman practices. Every Kenyan should be protected through security in time of peace or war and capital punishment is outlawed. (clapping)

Com. Kabira: Maybe as we move to the next one, we realize there is some kind of demonstration. Something to do with civic education and we have agreed Wambua can talk to them and we continue. I think we realise Constitution making is a political process and therefore we deal with politics as it comes. So for now we continue on this side unless Paul Wambua explains to them what they are asking for. Okay. Thank you very much. So, please let us just, those who are inside, give due attention to whoever is presenting. The next presenter is Mr. Gachiria. Was that Geoffrey?

Interjection: Yaah that was Geoffrey.

Com. Kabira: Okay, so can we please listen a little. Can we please listen? I want to call the next person who is Reverend Kamau. Okay, thank you.

Rev. Kamau: Yale nitaongea tu ni yale hayajaguzwaguzwa. Kwa hivyo nawaomba wale waendeleo na sisi tuendeleo. Tuko sawa?

Interjection: Sawa.

Rev. Kamau: I am here on behalf of the Grace Presbyterian church and we have started with writing the objectives of our recommendation to the CKRC.

Multiparty democracy; One of the objectives is to establish genuine multiparty democracy, that promotes accountability, good

use of offices and respect for human life. To provide Constitutional forums in addition to parliament and government. To provide a Constitution free from selfish interference.

Supremacy of the Constitution; The Kenyan Constitution must be supreme over all other party manifestos. It shall prevail over all other laws. It must be secured from interference for selfish gain. This Constitution should only be changed or amended after the people vote for a Yes or No answer. National Assembly can then vote for the statement they want to be changed.

Citizenship; I will jump a bit and go to citizenship. I will only touch one point because other points have been touched.

National Identification; The following documents should be evident that one is a Kenyan citizen. The National ID, the Kenyan Passport, the Voter's card and Kenyan Driving licence. This one I mean, that when you meet a policeman and he wants to know whether you are a Kenyan, a driving license should be enough to show that you are a Kenyan. Rights and Obligations of Citizens; Every citizen should have the right to health care, water, food, education, to move and own property anywhere in the country, should have shelter, security, employment and access to information. It should be an obligation to every Kenyan citizen to make Kenya in any area a better place to preserve our national shrines for posterity. Every citizen must have an obligation to create an environment for the other person to develop him or herself.

Defence and National security; There is something I would like to touch on Defence and National security. All our armed forces, that is the police, paramilitary, prison and APs should be established in the Constitution so as to protect the citizens from abuses and the executive from coups.

The Armed Forces; No government or leader should ever be legally accepted if he/she came to power through a military coup. A military court should be formed to look into the cases about the armed forces. Thank you Mr. Chairman, lakini ngoja Kidogo nimalize hizi zingine.

Chairman: Tumengoja sana. So you have to wait also.

Rev. Kamau: Nita jump hapa, niingie pahali pa police na prisons.

Police and Prisons; This is a new recommendation which nobody else has recommended. The church recommends that the Commissioner of police should be appointed on merit and his appointment must be ratified by majority in parliament. He should be an automatic member of parliament so as to directly answer the questions if his boys misuse power (clapping). The Police Commissioner should have the security of tenure but majority of parliamentarians can vote him out if he is unable to control his boys in blue, the police (clapping).

Political parties; I will just touch one thing. That all political parties should be financed by the government but only when they manage 10% of all parliamentary seats. And they should make their accounts public annually. No MP or party can cross over

to another unless one forfeits all their elective posts.

Religious organisations; On religious organisations I have said that freedom of worship must be guaranteed and all churches should be registered under the Societies Act and given equal opportunities to serve. Another thing is to avoid religious catastrophes. A church to qualify for registration must have at least one trained Theologian from a recognised Theological Seminary (clapping).

International Relations; I think I will go to the last point/part concerning International Relations. The Minister for Foreign Affairs should have some autonomy from the executive. He should have the security of tenure and should be answerable to parliament and any written convention made outside the country must be approved by parliament before enactment.

Succession or Transfer of Power; During election and campaign period, the speaker of national assembly should be in charge of executive powers. This is to curtail any misuse of office during election. That is, if it is the current President for example, he cannot use the Presidential plane during election period (clapping).

The election results of the President should be announced immediately after the counting is over. The incoming President should assume office within 30 days after being declared the winner by the chairman of the electoral commission. The outgoing President should hand over during the swearing in ceremony presided over by the Chief Justice. The state must make sure the former President is entitled to security and welfare but there should be no immunity from prosecution when one leaves office. One must account for his/her failure, past, present and the future (clapping).

Economy; The last point is on economy and we have written that importation or exportation of basic commodities that is sugar, maize, milk, and eggs should not be done without the ratification of parliament. So, before the executive has anything to do with importation of eggs, the parliament must say, “Yes, import.” Thank you (clapping).

Com. Wambua: Okay asante sana Right Reverend Kamau. Tutamwita Wahiki Karanja.

Mr. Wahiki (Speaks in Kikuyu) Gwedaga kwaria na gikuyu aterere, tokete haha kwaria ohoro wa gatiba, na todū omondu akiri oria oere, toakiugi oria oee, Nie gugaga atirere rirea bururi oyu wobiruo ne ngai re ne wa hiruo gikuyu na mumbi, makiruo oguo da mwira, ni de murumagirira nyone kana neguo kana tiguu, riu re todū bururi uyu wakihio gikuyu gikuyu nia thodekiri, riu tudu niyue murikuo, mwagirire ni guthudika mukimenyaga bururi oyu ni wa Ngai ti wanyu. Na mwathodika oguo, ngai nia gukena, na akenae nia kumuogerera maodu maria mage mothe mureda. No oria okiregete na hinya rie akiri na hinya kwe Ngai, nie dikweda gukiria hau.

Chairman: Nataka kuongea kwa Kikuyu nikisema tumekuja hapa kuongea habari ya Katiba kwa sababu kila mtu anajua vile anajua. Si aseme kile anajua. Nilikuwa nasema Wakati Mungu aliumba hii nchi mlipatiwa Gikuyu na Mumbi na wakitengenezwa

na Mungu, wakaambiwa hivyo nimewambia. Nitakuwa nikifuata nione kama ni hivyo ama si hivyo? Sasa wakati Kikuyu alipatiwa hii nchi aliitengeneza. Na nyinyi sasa ndio mko munafaa kutengeneza mkijua hii nchi ni ya Mungu si yenu (clapping). Na mkitengeneza vile, Mungu atafurahi na akifurahi, atamuongezea yale yote mnayotaka. Na yule anakataa kwa sababu ya nguvu zake ana nguvu kuliko Mungu? Atafikisha pale. (clapping and laughing)

Com. Wambua: Okay, asante sana bwana Wahiki Karanja. Weka kidole chako huko maoni yako yamepokelewa. Weka sahihi hapo. Tutamwita councillor John Wamagata. Councillor yuko? Thank you very much councillor. It is good to see you.

John Wamagata: My names are councillor John Wamagata, chairman Kikuyu Town Council. Ladies and gentlemen, Kikuyu Town Council in its corporate capacity proposes that the following changes be included in the new Constitution;

Land;

The control, management, development and disposal of all public land, whether government or trust land be placed under local authority solely. Consequently, the district plot allocation committee should be abolished since it only creates a parallel and contradictory authority to the councils functions under the trust land Act and the physical planning Act.

All councillors in the local authority should be members of the land control board.

All public utilities land allocated to individuals be repossessed for intended public use (clapping).

All land being used for public utility be registered in the name of the institution or organisation using the land.

All landless people be resettled under the group ranch land boaring to ensure they don't sell the land allocated to them.

Council finances and management;

Councillor to be paid from consolidated fund.

Central government functions and services to the public be decentralised to local authorities.

Central government employees to be employed and deployed by local authorities including the police, branch officers, engineers, agricultural officers e.t.c.

Eliminate need for council to seek budget approval from the ministry.

All types of produce cess be collected and managed by local authorities for improvement of agriculture in the area.

Councils be allocated some portions of the fuel levy for use in their areas of jurisdiction.

General elections;

President not to be a member of parliament for any constituency.

President attains 50% of votes in the election, failure to which there should be run off elections between the 1st and 2nd candidate.

Election date for all posts Presidential, parliamentary and civic to be determined by an independent electoral commission.

The Presidential and mayoral and chairperson elections be held on a separate day from those of civic and parliamentary seats.

Presidential candidates be not more than 75 years old of age.

General convention;

Government to provide free primary education

Government to provide free medical services to all

All past economic crimes be tried and penalised

All crimes against humanity be tried and penalised.

Nikataka kuongeza machache kidogo vile tumesema kama hii area ya Kikuyu, iko under Commissioner of lands. And council ndiyo inajua maneno yake sana, lakini Commissioner akiwa Nairobi, unaona kama sasa tuko kwa kanisa hapa, iko mjengo hapa inaweza kuwa Bar na hapa ni kanisa. Kwa hivyo, maneno ya Commissioner of lands ikome.

Tuko na natural resources zinatoka hapa katika Kikuyu for example tuko na Kikuyu Springs hapa ambayo maji ya Nairobi inatoka hapa. They don't pay anything to the council or it doesn't benefit the people of this area. Kwa hivyo, hayo maji, na ukienda Nairobi council ya Nairobi ni kwanza wanauza. Kwa hivyo tungetaka i benefit individuals of this area. We should also get taxes from them and the people also should benefit from that water.

Tuko na vichinjio kama hapa Dagoreti Slaughter House ambavyo ni kubwa sana kata hii nchi, wakati KMC ilianguka. Lakini ukienda hapo, utakuta serikali inachukua for every cow, inachukua Kshs. 100. Hizo Kshs. 100 ukichukuwa kwa ngo'mbe mia nne wanaonchinjwa kila siku, that is about shs.40,000. Hiyo shilingi 40,000 ukiangalia, hakuna kitu serikali inafanya return hapo isipokuwa kuleta daktari kumi tu. Lakini hawatengenezi ile mitaro ama nini, lakini sisi ile council tunaokata shilingi tatu ya mawe ni ya kila kitu (clapping). Hiyo pesa tunataka iwe under local authority ndiyo isiyo sis ndiyo tunafanyia services hata kama ni percentage ndogo itaenda kwa serikali, 20%, iende, lakini hiyo nyingine iwachwe kwa watu wa Kikuyu because hiyo ni natural resources yao na ni kazi wanaona. Ingingine, bado katika 40 years katika hapa Kikuyu tuko na shauri yako. Miaka forty tumepata uhuru na bado watu wamekaa kwa shauri yako and yet tuko na land kubwa sana katika hii nchi. Those people should be resettled na ndio tunasema serikali ijue vile itawa combine ndiyo title ikuwe ya hao watu wanashika ndio pia tusikawapitia hata wakiwa maskini na wauze. Kwa hivyo hiyo ni ingine.

Ingingine ambayo nilitaka kusema council ikipata donors kama nje na wanataka kusaidia council, serikali ikubali hizo pesa zikuje directly kwa council. Juu nikipatiana mfano wa 1994, I was a councilor in 1994. Tulikuwa na Swedish Local Authority Organisatioin ambao walikuja hapa walikuwa hapa, walikuwa wanataka kutengeneza barabara hapa lakini wakati walisikia na tukaenda tukazungumza hapa tukipima kila njia hapa, lakini waliposikia hiyo pesa lazima iende kwa Central government treasury ndio ikuje kwa council, they refused because walijua itakua misused. So tunauliza pesa zikipatika na donors tukitafuta, zikuje direct to the councils.

Ya mwisho ni ile ardhi ambayo ilikuwa imetengwa ikiwa ya hospitali, iko wengine ilikuwa imitengwa ya mashule na kila kitu na imenyakuliwa, hata mtu amejenga kwa ardhi, akijua ni kuiba ameiba. Hata kama amejenga, yote irudishwe (clapping) for the

intended purpose. Thank you very much (clapping)

Com. Wambua: Asante sana bwana councillor Wamagata. Tutaita bwana David K. Kinuthia.

David Kinuthia: David Kinuthia is the name and I will proceed.

Executive Powers; Our current Constitution gives the presidency absolute power so much that all other public institutions, cannot function independently. Let the three arms of the government; Executive, Judiciary, and Legislature operate independently. They should have checks and balances. Appointment to public offices like ministers, judges, heads of parastals be made by President subject to 2/3 majority parliamentary vote. Summoning, prolongation and dissolution of parliament; the new Constitution should empower parliament to regulate its own sessions.

Computation for elections; Entry to parliament should be Raised to a bachelor's degree education. There can be no development, no good leadership without an educated parliament. A member should be vigilant and have a clean record. Fluent kiswahili and English as the qualification for the councillors in the local government, preferably a good high school certificate. Constituencies should be determined by the population to give equal representation.

Waste management; Local government should have a system of collecting polythene papers and garbage from all shopping centres in the division. After all, people have paid for the service.

Com. Wambua: Tafadhali tulikubaliana simu za mkono zizimwe sijui kwa nini bado tunazitumia hapa. Those who have mobile phones, please switch them off because they are interfering with the recording of these proceedings.

D. Kinuthia: Air pollution by factory smoke. Factories should not be erected in densely populated areas. The smoke from such factories has been causing a lot of pollution to the buildings in the area. It is feared that the smoke is detrimental to the health of the people in the area. Provincial administration should be scrapped and the local government be given more powers because they are people's elected representatives.

Marketing of produce; Kenya being an agricultural country should not import what is already grown here. Instead, the government should find better market for its eggs, milk and vegetables from all farms. Ready market for the produces would improve life of many people and create jobs for a good number of unemployed people in this sector.

Land; Kenyans have a right to own property and live in any part of Kenya. The state should buy idle land and settle squatters. There should not be a limit to the size of land owned by an individual but a heavy tax should be imposed on an individual owning undeveloped land.

Education; Primary education should be free and compulsory. Management of state universities should be independent from the government to ensure academic freedom. The universities could choose their chancellors.

About senior citizens – yes, senior citizens of 65 years and above be accorded special treatment, free medical attention and since their travelling is minimal, state should issue them with free bus concession tickets. Also, enable them to buy commodities at half price. Thank you very much (clapping)

Com. Wambua: Asante sana bwana Kinuthia. Tutamwita, sasa, tutarudi kwa ile list number four. Tutamwita Godfrey M. Gitau.

Godfrey M. Gitau: (speaks in Kikuyu) Nie guaria na gikuyu, tudu maodu maria marietiu haha, ni marie nia thuri aria maritime, oria igieda kuga guga chiugo nini , guku gwitu kwe madu mamwe tura tiga na thutha todumia maturaga guku na mathige, tudu ado andu othe ni morire michie nodu wa kunyua chagaa. Athuri aige ni murite michie nodu wa chagaa, guku michie miige andu matirahuta gutithia michie yao nodu wa chagaa, no nyide thirikari oria guaturaga tene muratina oria warugaguo nia thuri metikirie. Echokio todumia tene gutiari orivi, odu manyuaga gachohi ka muratina kuoguo oria athuri agi mikugiti kamiti ichario ya athuri, muratina witikirio athuri achio makaruraga johi iyo irugaguo na wega. Adu manyue muratina matakonyitwu ni thigari. Riu wira wa thigari riu ni gutigerania na alivi guku. Kwu guo ni hakwa ni guria thirikari ichokie gachohi kau ka utamaduni athuri manyuaga. Ndikwarie uhuru wa president tudu ni tagutema mugumo na kayoi. Hatiri ondu ogi nyuma naguo di gate wakati tu kuri andu aigi. Ni kuhuya commissioners ma forward maondu machio, ondu ni maratete guku, ta riu andu aige magiri guku no mari irabu makinyua chagaa. Thank you very much.

Chairman: Nitaongea kwa kifupi maana mengi yameongewa hapa. Wazee waliokuwa hapa wameongea. Yangu ni machache. Hapa kwetu tuna mambo tunayaacha nyuma maana wamama wanakuwa hapa na mipango yao. Wazee wengi wamepotea nyumbani kwa sababu ya chang'aa. Hapa kwa nyumba nyingi wengi hawasaidii nyumba zao kwa sababu ya pombe. Ningetaka hiyo pombe ya kienyeji ya muratina irudi (laughing), irudishwe maana zamani kulikuwa na ulevi watu walikuwa wanakunywa muratina kama wengine wakisema kamatii ya wazee iangaliwe. Muratina pia irudishwe kama vile ilikuwa zamani, watu wakunywe muratina bila kushikwa na polisi. Kazi ya polisi nikukimbizana na walevi hapa na pale. Kwa hivyo ningepuliza serikali irudishe ile pombe ya zamani kama ya kienyeji muratina.

Sitaongea habari ya President maana ni jambo ambalo ni gumu. Ningepuliza kamati iangalie sana, wengi hawangukuwa hapa lakini kwa vilabu wanakunywa chang'aa.

Thank you very much (clapping)

Com. Wambua: Thank you very much. Tuendelee tafadhali.

Interjection: No power

Com. Musila: Bila stima, kwa hivyo kuna shida ya kipaza sauti hapa lakini tukisikilizana, mkitulia pengine tutasikilizana lakini

mkipiga kelele, hatutasikilizana. Tutamwita Stephen Wairagu. Yuko?

Stephen Wairagu: Ndiyo

Com. Musila: Kuja hapa mbele tafadhali

Stephen: Bwana Commissioner jina langu ni Stephen Wairagu na nitaongea hata kama hakuna stima. Sijui kama ni sabotage, sijui. Anyway nitaongea tu hivyo. Ninataka kuongea mambo machache. Very few points of which you will record down. Ya kwanza tuingie upande wa uchaguzi, elections. And I will mix with Kikuyu because this is Kikuyu area and I think both of you will understand.

(Translator) Twakinya hidi ya ithuranu, president aseteruo muthenya wake tugathura president muthenya wake tugachoka tugaikara at least one month kama Uganda tugathura. President arikia tamu chiake uguru

Interjection: Ongea kwa kiswahili

Stephen: Hapana everybody can understand. Wacha niongee tu hivyo

Interjection: Naona kuna wengine hawatasikia

Stephen: No, they can hear I am talking English.

Interjection:(inaudible).....mwachie for the recording matter

Stephen: Okay

Interjection: Ngoja

Com. Wambua: Kuna mtu ambaye haelewi hiyo, haya

Interjection: Kuna ambao haelewi Kikuyu, ngoja kuna mtu ambaye haelewi hiyo lugha anasema .

Interjection: Ndiyo, yuko yule ambaye anaandika. Hakuna haelewi.

Translator: Endelea

Com. Kabira: Sorry, they give the summary to the girl behind here.

Com. Wambua: What you do, just write the summary and give it to her, endelea. Just write and give it to her.

Stephen: Okay tuendeleo. Sasa President achaguliwe siku yake, hawa wengine MPs na Councillors wachaguliwe siku yao.

Point ya pili, asiende awe mshawishi wa chama chochote akisha retire kama vile mimi nilifukuzwa, ninatakataa kuongea kizungu kwa maana nilikuwa nikifanya kazi nikitumia kizungu. Sasa nikiongea kizungu, bwana Commissioner, I get nothing. Kwa hivyo, akishatoka, atoke maanake hata mimi siwezirudi kazini nikawapatie mawaidha. Mtu aki retire, President aki retire, atoke kabisa (clapping).

Hiyo tunaendelea. Mambo ya kuuwa, killing by the police. The police should stop killing the suspects. Hata wakati wa Kenyatta polisi walikuwa wamefundishwa kule Kiganjo ashike mwizi hata wanaua ati ni suspect halafu wanachukua pesa baadaye wanasema, "We could not trace one suspect. W Ati huyo alienda na pesa na wamechukua (clapping). So killing must be stopped.

Haya ya nne, inabakia moja, school leavers especially, 'O' level, form fours, they are many of them. Na serikali, you cannot implement system kama hiyo ya 8-4-4 halafu wale wanapata C- na D wanaachiwa tu sasa ndio makanga. Hao watu wafikiriwe hata kama ni mjengo ujengwe.

Hata ya mwisho. A D.O. should be selected from the same division. D.O. achaguliwe kutoka division hiyo. Huyo ndiye anaelewa ploti yangu iko wapi. Haya ya mwisho sasa, an MP should also serve two terms hata member wa parliament a serve two terms.

Com. Wambua: Thank you. Asante sana bwana Wairagu. Piga hiyo kengele kwa meza. Tutulie tafadhali. Tumupatie nafasi Reginald Kayere. Yuko? Ama ametoka? Basi kama hayuko tutaendelea. Tumuite John Kinyiri Njoroge.

Interjection: Kinyiri wa Njoroge

John Kinyiri wa Njoroge: My name is John Kinyiri Njoroge, unemployed and a squatter. And these are my views to the Constitution of Kenya Review Commission.

I will start with the preamble. Our Constitution should have a preamble. It should state that the people of Kenya have collectively drafted the highest law. Any law that contradicts it shall be declared null and void. The will of the people shall not be changed unless people themselves are involved through national referendums.

Respect for human rights should be reflected in the Constitution and all parts of the Constitution should be beyond the amending power of parliament. Kenyan people should be fully involved.

Automatic citizens of Kenya should be children of legitimate Kenyan parents. Kenyan citizenship should also be acquired through application or marriage, i.e. if a Kenyan male marries a foreign female, the female becomes an automatic citizen of Kenya. Foreign male should not be granted citizenship through marriage.

The Armed Forces should be established through the constitution. The President should not be the Commander-In-Chief of the Armed Forces. The head of this institution should be vetted by parliament and based on merit, honesty, trustworthy, academic qualifications and experience.

The Constitution should permit the use of extraordinary powers in emergency situations and parliament is the one which should be involved in effecting these emergency powers.

The state and political parties should relate to one another through the formation of the coalition government. We should retain the Presidential systems of government but the President should not be above the law. Parliament should automatically appoint the judiciary and the head of parastatals. The president should not sign the bill to become law, parliament through the Speaker of national assembly should be given the power of signing the bill. The appointment of public service officers, permanent secretaries, judiciary, and intelligent committees should be vetted by parliament.

Government must control the salary, wage of its citizens whether in the government or mere labourers, permanent or casual. Therefore the government should set up the minimum wage a labourer can get from an employer. Parliament should have its calendar which must be adhered to. Public Service Commission should determine the salaries and benefits of the MPs. The President should be elected by a majority of not less than 50% of the total votes. The issue of provinces governing who wins must be disregarded. The other point is we do not need provincial administration. Local government to be strengthened.

Com. Wambua: Alright (clapping). Sasa tutamwita James Njenga.

James: Yangu sitasema mengi kwa ajili mengi yamesemwa. Mimi tu nita present . I will only present.

Interjection: Ngoja kidogo tunataka.....(inaudible).

Com. Kabira: We have got to confirm again. So do we have Reverend Peter Gatho?

Interjection: Gachie

Com. Kabira: Sorry, Gachie. Okay you are there and then, Richard Kiwanya Gachuri,

Richard K. G: Present

Com. Kabira: Please ndugu Kabira, sorry. I have just been confirming for now. Mpembe Githunguri? Okay. Antony Ng'ang'a? No Ambrose Njuguna? You are there, Samwel? What is this?

Interjection: Kang'au

Com. Kabira: Samwel Kang'au. Kang'au? Okay, Samwel Kang'au, you don't know who this is? Then Simon, what is this? Ndirangu.

Interjection: Ndirangu, Simon Ndirangu

Com. Kabira: Simon Ndirangu? Joseph Gakuu Moroko? You are not there. Okay and then Lawrence Njane? Okay, so can we follow that list? So, can we call Reverend Peter Gachie?

Reverend Peter Gachie: A very big thank you. What I will do is to only say that in our document which is the proposed model of constitution of the Republic of Kenya by the Peace and Justice Committee that is Mt. Kenya South, based in Kiambu. This document has more of what was said here by so many people.

We have the preamble, the citizenship criteria and type of the President we want. Many people have said all what we have to say but I would touch on the government structure.

We want the judiciary to be independent headed by the Chief Justice. In this case, appointment by the Chief Justice, three people to be nominated by the parliament and forwarded to the Senate. Senate to vet and approve one who will be appointed. The President to sign the appointment contract. The Judicial Commission also to be vetted by parliament and to be answerable to parliament and senate. The high court judge, and magistrate be appointed by the Commission headed by the Chief Justice as the chairman.

Executive: To be held by a Prime Minister, also to have deputy Prime Minister, chief permanent secretary. He is to be incharge of all ministries, which are 15ministries. 15 cabinet ministers, 15 deputy ministers, 15 based on a population of 30,000/two million , 15 permanent secretaries. Senate; 16 Senators. We recall something different from the other people. We have eight regions based on a current province, provision of two from each region, that's Senate.

Legislature; MPs to be distributed according to the population of 80,000 populated areas and 100,000 densely populated areas.

Election to be held every five years. Sponsorship; each MP to be sponsored by a party. MPs to be people with families. Age limit 25-70 years old.

Education: University degree; The party with majority will form the government within 30 days. The chairman of the winning

party becomes the Prime Minister and appoints ministers and Deputy ministers through parliamentary vetting.

Terms of office as specified; President and Vice President 5 years, Senators 8 years, legislature 5 years, Regional Assembly 5 years, local authority 4 years.

Type of government – That one has been said although we have the administrative structure which is the central government. The top function of the central government to be responsible for airports, railways, ports, national and natural resources. All that has been said by so many people. And that is in our document. (clapping)

Interjection: What about regional assembly, is it referring to the central system of government... (inaudible)

Rev. P. Gachui: We are referring to regions as different from provinces, we have in Kenya. We have boundaries called regions.

Interjection: Are you suggesting a federal system?

Rev. P. Gachui: No (laughing)

Com. Wambua: Okay sasa tutamwita Richard Kianja Gachuki.

Interjection: Kihanya

Com. Wambua: Richard Kihanya Gachuhi.

Richard Kihanya Gachuhi: Bwana Commissioner wananchi watukufu hamjambo nyote?

Audience: Hatujambo

Richard: Mimi nina furaha leo sababu tumekuja hapa tutengeneze nchi yetu tukufu. Sio kweli?

Interjection: Ndiyo

Richard: Na kwa vile yale maoni tutayatoa yatatufanya kuwa nchi inakuwa si nchi inakufa. Mimi binafsi na watoto wangu kwa kutoka kile kidole kubwa mpaka nywele ile mrefu sana hapa, mimi ni mwanakenya. Na kama nikikosa mtu wa kuniwakilisha mahali, nitajiakilisha. Because I have got the right to do that. Nakumbuka siku moja nilishikwa huko city of Nairobi, ilikuwa tarehe sita. Nilihangaishwa sana na hawa watu. Wakati niliwaambia waje kwa Court tufanye case, hawakuja High Court.

Walikataa ndiyo nikawachiliwa after six months. Je, kama ingelikuwa ni masikini angeweza kuweka lawyer? Kuna wengine walikuwa fined kwa maana walitetemeka wakisema ati walifanya makosa. Kwa hivyo, the law, watu lazima waelimishwe kuhusu their rights. Haki za binadamu.(clapping). Lazima watu wafundishwe. Huko Nairobi kuna chokora wengi sana. Wengi sana ni watoto wetu, kwani hii nchi tunatengeneza ni ya chokora ama ni nchi ya aina gani? Tunatengeneza nchi kweli? Si hapa Kikuyu si wako? Si tunawaona na watu wanasema tuna tengeneza nchi, iko watu wengine wako wa very high level huko juu, wamesoma sana. Wengine ni matajiri sana, lakini watu huko, watoto wanaenda wanakuwa ni machokora. Hiyo si nchi hata kidogo. Na siwezi kukubali nchi yetu iwe namna hiyo. Nakumbuka siku moja mimi nilishika ile bibilia juu nikasema, ilikuwa 1965 Novemba 29th ,nikasema mimi naweza kupigania nchi yangu nife kabisa nikiipigania hata sasa nitaipigania. I want to say some things that I would like

Interjection: Endelea

Richard: I would like a Constitution which would take measures which will encourage and stimulate economise growth in both public and private sector.I want a Constitution which will initiate employment opportunities to areas of greater need and especially the youth of this Nation. Because from 1972, I got books, I read history. From 1972, employment in this country has been very bad and every ten years, there is a Commission to discuss about employment in this Nation. I want a Constitution which will take measures, which will reduce the growth of labor force and its migration to the urban centers. Ndio tunapata chokora kwa maana kazi imekosekana, wote wanaenda Nairobi, wanakuja hapa, kwa maana kazi huko imekwisha kabisa. Lakini barabara ni mbaya na tunasema hakuna kazi. I want a Constitution which will take measures which will improve the relevance in training and education and assist in the alleviation of the school leavers' problems. Kwa maana hawapati kazi, wanasoma. Tunatoa pesa, wanasoma, wanaenda University na kazi hakuna. Wanaenda kunywa kumi kumi. Are we making the nation?

Interjection: No

Richard: I want a Constitution which will take measures which will initiate and expand programmes with high employment contents.

Com. Wambua: One more second.

Richard: To take measures and initiate programmes to give special education and training.

Com. Wambua: Thank you.

Richard: To young boys and girls who are especially gifted in various fields and talents, some of whom are from poor families.

Com. Wambua: Thank you.

Richard: Take measures to enhance moral and spiritual growth to the youth and take measures to revive the Agricultural sector. Mimi nasema mimi ni mwanachi wa Kenya, nchi yetu, hata nikifanya nini ni yangu. Naweza kupigania kabisa. Naweza kupigana siyo eti hiyo ni mbaya. I also have the rights (clapping). Wacha niseme kitu kimoja kuhusu military.

Interjection: Tafadhalini

Richard: I want to talk about the military, tutakaa hapa. Kama sitaongea, nitakaa hapa.

Interjection: ...(inaudible)....

Richard: Endeni na mimi nikae hapa.

Interjection: Honour the Chairman

Richard: I cannot honour the President who cannot do what I want.

Interjection: Nyamaza tafadhali

Richard: Wacha kidogo (clapping)

Interjection: Wachaneni, wacha kelele.

Com. Wambua: Kwanza ngoja. Mzee tumekupatia ruhusa uzungumze na hauwezi kusema utakaa hapa kwa nguvu. Uombe nafasi maanake wewe unatumia kama sasa kwa kuzungumza maneno ambayo hayafai. Yale ambayo yanafaa unaacha. Kwa hivyo nimekupatia half a second umalize na uondoke.

Richard: Haya, kuhusu military, ningetaka serikali wakati hakuna vita tunapigana, wawe wanatengeneza barabara. It's a part of practice kutengeneza barabara. Kufanya agricultural research is a part of practice kwa maana kutakuwa vita watakuwa wanapata mahali ya kupata chakula lakini sasa wanalala huko. I was in the military at one time.

Com. Musila: Haya hebu ngoja kidogo.

Interjection: Kiprop?

Com. Musila: Where is the boy? I think there must have been some arrangement to...

Pius Ndung'u Kabira? Okay endelea.

Pius Ndungu: Tafadhali tusikilizane. Thank you. Much of what I could have said has been said here. I am Pius Ndung'u. I come from Kikuyu location. I will emphasize a bit on our basic rights. The fundamental rights in the present Constitution are adequate. They should be followed. The death penalty should be abolished and substituted with life imprisonment. And the prisoner should be made to work for the state. For it is everybody's right to own your own life. The constitution, the new one now, should protect and provide and take full responsibility and ensure that all Kenyans enjoy basic rights such as security, shelter, health, education, water, food and employment. For security, the government should provide security for life and property. It should also provide free medical services and every Kenyan should have access to water. The government should provide free education for all and the education should be compulsory. The government also should provide shelter and food to Kenyans who are unable to make provisions for themselves. The government should ensure that every Kenyan is employed by creating jobs for the jobless. I need to say that there are so many people who are non-entities in our country. Nchi hii haitujui. Mtu kama mimi nilimaliza shule 20 years ago. I have never been employed. I don't even think the government knows that I exist (clapping and laughing). The government thinks I am a liability. Nafikiria hata nikifa serikali haijui because files always disappear. Haijui nitazikwa wapi sababu makaburi yamechukuliwa yote. Na kwa hivyo tunaomba Constitution ile iko I take care of our basic rights that all born of Kenyan citizens be entities as state numbers in our country. We should be known, tujulikane tuko, watoto wajulikane wako na tupewe nafasi za kuishi. Asante sana. (clapping)

Com. Wambua: Sasa tutaliita jina hapa, ni kama limeandikwa Mpembe Githugui. Yuko?

Interjection: Eeh Mpambe wa Githugui....(Inaudible)....

Mpembe: Sasa, mimi jina langu ni kama tu mnasikia naitwa Mpembe Githugui nasema machache tuu juu ya Katiba yetu kwa sababu mengi watu wameshaongea.

Ya kwanza nataka kusema katika Katiba yetu, tunaweza kuendeleza eti mtu mkubwa sana kama President akiwacha kazi, anawacha kabisa. Sababu hata mtu akifika umri kama huo, kawaida huyo mzee kuliko mimi hata akili yake imepunguka kidogo (clapping). Kwa hivyo, hawezi kuonyesha mtu mwingine vile atafanya. Na yule atakaa kwa hicho kiti hana akili, atamfunga akili. Kwa hivyo akipumzika, apumzike asiwe chairman wa chama au chochote, akae chini awe na raha kweli.

Haya, ya pili, mimi naona pahali barabara inatengenezwa, inatengenezwa na watu wa serikali, wanapewa pesa na hiyo barabara inatengenezwa vibaya, inanza kuuu watu kama hapa na serikali haifuatili ile kazi ilifanywa iko namna gani. Kwa sababu alipewa pesa, ameshaenda, amegawa. Sasa watu wanaachwa wakiuwawa kwa barabara. Hiyo ni mbaya, kwa kona na kona.

Isitoshe, hii serikali ukiingia upande wa hospitali, watu wanakufa wale wasio na pesa sana. Madaktari hata wakiwa wako hapa ana clinic yake huko. Mtu akienda huko kutibiwa anaambiwa huwezi kupata hii dawa hapa nenda pahali fulani. Akilala, pesa ni nyingi hatapata. Watu wasio na pesa wanazidi kufariki. Ikiwa ni deposit, hana deposit. Alipigwa na motokaa hapa akaumia, hakuna pesa hiko nyumbani kwake au wapi. Na kabla ya kuchukuliwa, atoe deposit. Itatoka wapi na huyo mtu hana pesa na hiyo ni accident amepata. Kwa hivyo, serikali iangalie hapo. Hayo mahospitali waangalie zina charge watu pesa nyingi wanakosa kuingia hospitali fulani. Wawe wanachunguza hiyo.

Ya pili, polisi ukiwaita kama kuna mambo fulani, hawakuji saa hiyo ya usiku. Wanakuja asubuhi kusema ilikuwa nini. Na hiyo sasa mwizi ameshaenda. Akienda huko husikii mtu ameshauwawa, hakuna mtu anavunjwa mguu, au ameshikwa, ni kuua. Kwani hawa hakuwa na shabaa ya kupiga mtu mguu au kushika ndiyo aeleze mambo? Kuua tu kuua. Hiyo inaonyesha wanauwa watu, wasitoboe siri. (clapping).

Kwa sababu nikikosa kumpiga risasi, atakwenda kunitambua ati mimi nilimtuma, nilikuwa naye. Kwa hivyo ni jambo moja mbaya sana. Serikali yetu iangalie iseme hakuna kuua. Kuvunja vunja mguu aeleze mambo au ushike.

Haya, pili, mtu anaandikwa pahali kama director fulani, anachukua pesa, anafanya hii kazi inafilisika. Baadala ya demotion, promotion inapewa hapo, anapelekwa kampuni nyingine tena.

Interjection: Taabu inazidi.

Mpembe Githugui: Taabu inazidi hata huko anakoenda, anachukuwa mali, anatangaziwa imefilisika, anachukuliwa tena anapelekwa pahali. Kwa nini serikali haioni huyu mtu anapewa promotion baadala ya demotion, kwa nini? Haya isitoshe, hawa watu, pesa zao ukiangalia, mimi nasema ya kwamba ule mfanyakazi namba moja ni mimi sababu silali. Hawa pesa nyingi, ukiangalia MP huko parliament, mishahara mingi ya watu arubaini inapewa mtu mmoja. Watu wanaachana gap namna hii. Watu wa karibu karibu kwa kazi.

Kwa hivyo, kwa hayo machache nasema, hapa kwa kijiji kuna chief, kuna D.O., kuna Assistant Chiefs. Bado watu wanakunywa pombe na wanajua. Na wanakufa na kuna assistant chief. Sasa wanafanya kazi gani? Na watu wanazidi kukufa. Gari inapita huko imejaa wakienda kuanguka unasikia kulikuwa na watu thelathini na polisi wako hapa, kwa nini? Serikali iangalie hapo ni polisi gani walikuwa huko. Wawache kuchukuwa kitu ndiyo tupate nafasi ya kwenda safari zetu. (clapping)

Sio akija haangalii ni kupita namna hii tu, namna hii tu, na mimi nasema namna hii kwa sababu niko kwa barabara. Kwa hivyo, kwa hayo machache asante sana (clapping).

Com. Wambua: Asante sana Mpembe Githunguri. Namwita Ambrose Njuguna.

Interjection: Ambrose Njuguna

Com. Wambua: Ambrose Njuguna yuko? Hayuko. I thought he was marked as present and he has left. Ni wewe?

Interjection: Si mimi

Interjection: He had registered already

Com. Wambua: You are Njuguna?

Stephen Gitoku: No I wanted to speak on his behalf, because naenda kazi saa nane kwa shift.

Com. Wambua: Nani?

Stephen Gitoku: Kwa shift.

Com. Wambua: On behalf of

Stephen Njuguna: Because am going on duty at 2.00pm.

Com. Wambua: Na, how are you related?

Stephen: No, mimi Stephen

Com. Wambua: Haya tutakupatia nafasi kwenda.

Stephen: Okay thank you

Com. Kabira: Unaitwa nani?

Stephen: Stephen Gitoku

Com. Wambua: Okay, Stephen Gitoku

Stephen Gitoku: Thank you very much bwana Commissioner na watu wa Kikuyu. Tafadhali sikilizeni hapa kuna maneno. Tafadhali lend me your ears. This one is very important. Kuna hii Katiba mpya inakuwa introduced na they are creating new positions; Prime Minister, Vice President, na Katiba mzee ime bar some of the people. Kwa hivyo, tungetaka Commissioners

hawa waweke conditions because the old might sneak in through the names of Prime Minister, through the names of Vice President na hii Katiba ya zamani imewa bar. You might find the current President coming in as Prime Minister (clapping). Because the old Constitution is silent on that. Kwa hivyo, if you create Prime Minister's post, he can come back as Prime Minister. So, tungeuliza Commissioners, they should bar these people who have been barred by the provisions in the Constitution. Wale wamefanya two terms ya five years wasiingie through other names. That is one (clapping).

Ya pili, tuna watu wazuri sana. All these people seated here wangekuwa ministers, parliamentary candidates, lakini mumewanyima nafasi because unaambiwa you must resign as a headmaster, as a locomotive driver, u resign ndio uka vie for that parliamentary seat. If you fail there, you loose your job. Tunataka Commissioner waandike hicho kitu kiondolowe kabisa. Mtu anachukua leave without pay, anaenda ana study, aki pass, anaenda ana resign. We have crooks in parliament who should not be there because we have been denied that position. (clapping). Tumesikizana hivyo?

Hii nyingine, when you want to be a leader and it is Biblical, you must be upright, a man with a family, mtu anajua kuangalia watoto wake. We should not have a leader who is not married and with children. You marry and you must have children (clapping). At the same time....

Interjection: Haya tutulie

Stephen: You must be married with children and staying with them and the wife. Unless they have married and they have gone away. Also, it should be related with education. Minimum 'O' level, hakuna kiongozi anaweza kuwa anaongea na hajasoma sana. It is unfortunate for those who have not gone to school. Lakini wavumilie tu. Yule anaongoza awe ni mtu amesoma. Si watoto wamesoma. Ikiwa mzee huyu hajasoma mtoto wake ni graduate. Pengine baba ya Professor Kabira, pengine hajaenda shule, na ako na mtoto. Kwa hivyo, education must be a must.

Interjection: Ni kweli.

Stephen: Hiyo nyingine ni private army. Tumesikia mambo mengi sana ya private army hapa Kenya. Anybody who mentions private army, ana private army, it is treasonable. Huyu mtu afungwe na hiyo army iwe dismissed.

Ya pili, creation of constituencies; Hiyo ilisemwa lakini nitaongezea nguvu kidogo. It must go by population not by size. Wacha nimalize kwa sababu hii ni ya muhimu sana hii. MP wale tunao kama Muite wetu hapa asiwe ametajirika akiwa ni MP because they are getting point five million monthly anamove to Karen. Aki move Karen, we have by election. He should be a resident.

Ya mwisho gentlemen, ya mwisho sababu kengele imelia, there should be no pension for anybody who is a politician earning point five million. That is enough, he can save for his life. That is enough, no pension. After all ni kazi gani unafanya five years na unapewa pension? Na mimi nimefanya 30 years, hata pengine sitapata, 5 years and you are given pension. So no pension to Presidential candidate, no pension for MPs. Thank you very much (clapping).

Com. Wambua: Nataka kumuuliza swali kidogo tu. Amesema hawa watu ambao pengine mtu alikiwa Rais anasema tuweke

kwa Katiba asingilie ama asiingie tena kwa position ama nafasi nyingine. Unasema unataka tuwazuie kabisa wasi hold any public office ama nini? Let us be clear.

Interjection: Yes

Stephen: Let me clarify. What I meant is, let me say I have been the President of this country for the two periods. Two times five years. Hata kukikuja Constitution nyingine inaita President by other names ,am not supposed to go there. By other names, no way until you go to the grave. Thank you.

Com. Wambua: Okay tutamwita Simon Ndirangu?

Interjection: Nilitaka kuuliza hivi because the presenter has said that...

Com. Wambua: Tafadhali, tafadhali.

Interjection: I just wanted him to clarify because he has said that anybody who aspiring to be in the high office, to be a President, must have a wife and children. If you are very unlucky say you are impotent and your wife is barren, can you adapt children to qualify to be a father of children?

Stephen: Yes

Interjection: How is he going to do that because you might be a President and you are unfortunate you don't have children due to natural reasons.

Com. Wambua: Stephen Gitogo Gituko, kuna swali hapa tafadhali.

Stephen: Uliza sasa.

Com. Wambua: Ah, it will be through the chair, not direct. Swali linasema hivi. Ikiwa mtu ameo kama ni Rais, na akose watoto kutokana na hitilafu fulani kimwili, si kupenda kwake. Unasema pia aachishwe kazi kama Rais kwa sababu hana watoto?

Stephen: Okay in the first place, he is not a leader. Huwezi kuwa President na hujaoa. Actually that is where.....

Com. Wambua: Ameoa na hana watoto kutokana na hitilafu fulani. You are impotent.

Stephen: That one can be disqualified, of course he is disqualifying himself.

Interjection: Kwa nini?

Stephen: One, Bible inatuambia kiongozi lazima awe na mji, awe na bibi na watoto. In the first place, he must be a leader from the beginning. A lead nyumba yake ndiyo akuje tumukubali atu lead sisi.

Com. Wambua: I think we accept that.

Stephen: Yes

Com. Wambua: Namuita Simon Ndirangu.

Interjection: Simon Ndirangu

Com. Wambua: Simon Ndirangu, hayuko?

Interjection: Ndiye yule

Com. Wambua: Ako wapi? Ndirangu?

Interjection: Ndirangu

Com. Wambua: Haya kuja hapa halafu utoe maoni yako.

Simon Ndirangu: Mimi ni Ndirangu. Mimi maoni yangu sio mengi sana lakini maoni yamesemwa zaidi na watu.

Com. Wambua: Haya tusikize Ndirangu tafadhalini.

Ndirangu: Na vile watu wamesema maoni sana, mimi yangu ni kama vile nilikuwa nataka kutaja yametajwa na watu zaidi. Kama upande wa Rais umetajwa na nilikuwa nataka kutaja. Upande wa chief nilikuwa nataka kutaja na umetajwa yote. Lakini sasa kile kitu nitasema Commissioners waweke hayo maneno na tena wasikize watu. Na nyingine, iko swali lingine lilikuwa linaulizwa na watu kama hii Katiba tunageuza. Watu wengine walikuwa wanasema ati Rais atatupilia mbali lakini sasa kama wako, najua itaendelea vizuri okay.

Com. Wambua: Tafadhali kidogo, ulisema mambo ya chief yalitajwa. Ni yapi unakubaliana nayo, wawe elected ama unasema nini? Unakubaliana na nani kuhusu nini, hayo mambo ya chief?

Ndirangu: Ninakubaliana naye.

Com Wambua: Okey Mzee. Thank you very much tutamwita Lawrence Njani.

Interjection: Njani(laughing)

Lawrence J. Njani: Asante sana kwa kuja kwa wingi.Mimi naitwa Lawrence Njani, naakilisha wakulima Kahuho.Wangekuja kwa wingi hata wangejaza hii hall lakini waliniambia nilete hii memorandum ili niwakilishe kwa Commission.

Future government should recognise farming as an industry, with an employment ranging from 80 to 90 and the one the government uses to ensure foreign etc.Therefore in future, government should be more keen in the farmers' welfare.

These; are farmers market of produce,farmers given insurance funds to help ease loss of their produce brought by either bad weather forecasting, bad,seed fertilizer etc. Funds which farmers would depend on when they get old or due to failure of their health. Access to farming inputs,good seeds,fertilizers,farming machines etc, affordable prices, water available at all times. The government should pay farmers promptly due to their loss of their produce, brought by government failure to protect their market. Future government should know farmers by their names or by their numbers. Government should make sure that all farming organisations are led by farmers themselves. Examples, KPCU, KCC, KMC, KFA etc. Taxation should be very proportional to the size of farmers produce and not like for coffee farmers, the government receiving Kshs. 300 per kg and the farmer getting Kshs. 50 per kg. Farmers suggest a farmers' market research centre led by all types of farmers. These are horticultural, cereals, dairy farmers and etc. Also, farmers should be allowed to own all open market places, no taxation and no interference. In future, the government should address the complication which will wipe all farming industry in the country. This is urbanization and housing occuring in cultivatable lands. Banks for farmers is good investment for farmers. Only farmers should be owning shares in these banks.

Haya, katika Katiba wanasema any major or crucial Constitutional change should be well planned and well thought of. Call a referendum implemented or workable after a period of not less than five years.

Kenyans should make sure there is enough good to eat and for future times. Fifty years reserves, taxations should go parallel with services rendered. Failure, the government or local authority should cease from taxation. Taxing the public on such as rent, water, roads, or markets.

Incase there is need of change of title deeds of public land, the public should be informed. Ya mwisho, Kenyans should not rely on second hand goods like clothes and vehicles etc (clapping).

Com. Kabira: So can we listen to Stephen Gituku Munoo.

Interjection: Ameshaenda. He has already presented.

Com. Kabira: Oh, he has already been there. Okay, I want to confirm these people are not speaking because they have written, “not applicable.” Lawrence? Zachaeus? Grace? Francis Njagi Njoroge? Joseph Nganga Tuhia? Irene Mungai? She has spoken. George Karanja and Florence Njoroge? That is fine. Can we have Githaiga?

Interjection: Githaiga

Com. Kabira: Okay, do we have Githaiga Waweru. Okay, let me confirm the next list of people. Councillor Mungai?

Interjection: Councillor Mungai

Com. Kabira: Okay, Benjamin Njenga? James Kiongo? Hannah Warukwa? Margaret Kiongo? Evanson Mutiri? Benjamin Kariuki? Peter Kiongo? Okay, Maina Kariuki?

Com. Kabira: Okay, then after Margaret Kiongo, Maina Kariuki

Interjection: (inaudible)

Com. Kabira: I was just following the list. It is okay

Margaret Kiongo: (Speaks in Kikuyu) Njetaguo Margaret Wanjiru Kiogu, tiguu ndituo na ndemuhonoku, gueda kuruta maoni makua , ndire na madike, na nomo manyinyi, ni tugioria kurigana noria timenyeti twena haki itu, ni tugieda ciana citu kugie na watho mwiga urarugamirira ciana citu thiinie wa gatiba itu ya Kenja jeru nigitha ciana citu citige guthukio nia ria maracithikia na dawa na maundu gage, na tukhoya andu aciao marathukia ciana citu na ndawa thirikari ikiri gatiba ina watho mwiganu ati mundu uchi aginyitwo nie kuhirithio wiga na dekurikeririo ouguo agcoka agathie na mbere na kugura ndawa akiedagiria ciana citu igithukaga. Uchio ni ondu onwe tugieda ta atumia tundu ni otuthinitie muno niondu wakuhuraguo ni ciana cianyua ndawa na ikagaga mwchiria mega magweka mawira magweka mawira maria magika. Urigo ugi ni uhoro wa atumia ithue ene ne tugieda kabiba onayo ithudekwo wega uhuro ukunie atumia, ni tureti tukuna ta atumia tutigitwo na thee muno na ni tumenyeti twena haki itu riu ati ona riria gwathuranua ciama ciothe cia mitheba yothe, ukoruo arume ni mirugu itano hagathuruo mutumia omwe. Ni tugieda naba njega ya kurugamirira atumia akurua ni mirugo etano ni hagio atumia mirugu irie ni githe tuhoti gothie wiga thiinie wa bururi uyu. Oudumwe na bunge, twarura buge iria tuwe nayo omuthe aria marugamiri atumia, atumia nia nini muno ati ona matiri na mugabo, onkogia ondu ukweda kuhitukio wa atumia ukurua ni ondu ogioka wega wa atumia niodu nia nini muno

maknyitwo mbaru nia andu anyiny na watho ochio ogatio. Ni tugikioria ona buge tu rugamirirwo kwaja magana miree ma mirugo atumia nimakoruo marikuo ta mirugu enana nigitha bunge itu ikuruo ijega na makuraguo makihitukia maondu miga, nigitha atumia marugamiriruo wega, ne githa maikare mari akenu. Orioge igikihuya ni urimi, urimi ni ututhinitie monu, turarimi ithue turi atumia, muguga mena thugura wao wakwedia bebe, kuria nyumite karie mena thugora wao wakwedia bebe, area iria ige ina thugura wao wakwedia bebe, naido citu turiedia tukaga hadu tuginyitithaniu wega ati murimi one vaida ya kiria ararema, amwe medagia tari gute, niondu matiri na haria magituara. Tukoiga urimi witu ururuwo wega nigethi tuona haria tugitwara indu citu. Haria tugiedia na thugura omwe haria tugitithia ona tugihuta gutithia bururu. Iria tutige guitaga tundu ni turaita iria amwe makedagia ou reria rege tugaita niondu tutimenerirwo uhoru wo rimi wega. Urimi ni uminyereruo Katibaini itu ni githa tuhuti kugia na thuko cia kwedia iria wega ona bebe citu wega nigitha tuikari wega. Thank you.

Interjection: Mnaelewa, hata nyinyi mnaelewa?

Com. Kabira: Okay, fine

Interjection: Lakini iandikwe

Com. Kabira: No, it is okay. You know she is recording verbatim. So the record is there. It is just for the summary, for the person who is report writing.

Margaret Kiongo: I will then present my memorandum. Thank you (clapping)

Com. Kabira: Thank you very much

Margaret Maina Kariuki: (Speaks in Kikuyu)

Translator:

Com. Kabira: Thank you very much Margaret. Maina?

Stephen Nganga: (speaks in Kikuyu) Ritwa riakwa njetaguo Stephen Nganga, na ndena memorandum gu present on behalf of the Kiambu people forum. Ni gikudi kiria kiauma na protest hari nja, tundu ni turaigua kieha muno, nitukuritwo na kieha kiige ni kuona andu aitu uria mena wendo moige wa bururu wao no twarura tukona andu aria marugamireire matire, yani nimaratuhi ondu wagutuma tugie na gaja kana mina utithie magituhe. Tukaruta memoraundum ino iroiga atiriri, agikuruo ni hari ondu wagutuma andu magie hinya ondu wa mbere ni gutuma mamenye right ciao. Na andu matamenyete right ciao ona matire na power. Ni gumithoma haha

Translation: Thank you. I represent Kiambu People's Forum. On behalf of Kiambu People's Forum, we the undersigned officials of the forum would like to state that we have been mandated by the central committee of the forum sitting in Nairobi on 15th April 2002, to present this memorandum to the said office stated herein to the Constitution Review Commission meeting at Kikuyu today 19th April, 2002. Before we submit our statement of strong decent, we would like to introduce Kiambu People's Forum to this meeting. It is a civil society initiative specially formed to do the following; to provide and support civic education initiative in the district geared towards empowering the people in their quest for a comprehensive Constitutional reform, to initiate community based projects within the area geared towards poverty alleviation and to promote public awareness on the dangers of HIV Aids pandemic and drug abuse, to address itself to the ills afflicting the society such as corruption, land grabbing, police administration harrassment. To achieve the following objectives, Kiambu People's Forum in the last one year or so, has conducted workshops in the whole district. The workshop has been attracting so many people. We are therefore well positioned to submit this memorandum and have the unanimous mandate of all those who are not able to attend this meeting. Our biggest concern is that our beloved country has been embedded in such quagmire of immobilising mouth problems that it would require not only a genuine comprehensive reform of our Constitution but also the will and commitment to do so. Unfortunately, the Constitution Review Commission of Kenya has not been structured and geared towards realizing a comprehensive constitutional reform. The process has been so clearly coached to hoodwink the people that this is a genuinely people-driven process whereas indeed it is not. We wish to state the reason for our strongest quest for decent as follows;

Civic education: The people of Kabete and elsewhere today have been ambushed to give their views while civic education has not been done at all. In the real sense, Constitution reform process must and should be rooted in the people. Civic education is the only process of empowering people and involving them effectively in the process. Why then does the Commission rush the people to give their views even before they are empowered? The fact of the matter is that we fear the Constitution Review Commission does not need the views of the people. It will write the Constitution in any way and brand it people's covenant.

The Constitution Review Commission, the law creating the review commission has some serious flaws and indeed I would like to highlight only a few areas. The Constitution Review Act gave the commission the power to determine the structure, the composition and the appointment of the constituency constitutional committee. The correct position is that the Commission and the organs of the review are created by an Act of Parliament and should therefore at all times respect the popular sovereignty of the people of Kenya. This is not the case as far as Ghai Commission is concerned. The people of Kenya do not matter anyway. The Ghai commission has been given power in an Act to determine the need and content of minimum reform. The extension of parliament and Presidency and the extension of its life. Our submission is that the CKRC has been given roles not compatible to their job profile. Its functions are of political nature and have been inbuilt in the Act to safeguard and protect some political interest. There is one point, its okay. I am going read the last two sections of our recommendations.

Our recommendation to the Ghai commission is to stop hoodwinking Kenyans that the commission is making a people-driven Constitution because we know for sure it is not. Because let last civic education take six months before you start collecting

people's views. To stop linking the new Constitution with the election and the 2002 elections should be conducted with the minimum reform. We recommend that a government be formed after the general election and should be a government of national unity with the Constitutional reform as its main agenda.

Com. Kabira: Thank you very much...

Kinungi: To wind up, this is the sixth one. Minimum reforms we reject any minimum reforms particularly which will move the limit tenure of the President, extend the life of parliament and the presidency, create the post of Prime Minister and deputies, create majimbos or federal government or give any type of amnesty.

Com. Kabira: Okay.....(inaudible).....

Kinungi: We object to that

Com. Kabira: You are objecting or you are recommending?

Maina: We are objecting to that strongly. We reject any minimum reforms particularly those...

Com. Kabira: Okay

Kinungi: ...which will create any type of amnesty.

Com. Kabira: Thank you very much Mr. Kinungi (clapping). Somebody wants you to clarify one point. Mr. Kinungi, sorry you are giving us a copy of the memorandum. It is there. He wanted you to clarify something. It is okay, but you ask him through me.

Interjection: How can he explain to us, are those the views that we have expressed?

Com. Kabira: Can I suggest that those were his views and we continue with our programme (clapping). And we accepted his views. Okay thank you very much Mr. Kinungi. Can I ask Desmond Githinji?

Interjection: Desmond Githinji?

Com. Kabira: Githinji or he is not there? Mwaura?

Interjection: Mwaura

Com. Kabira: Yes, that young man there.

Gilbert Mwaura: Thank you very much. My name is Gilbert Mwaura. I am saved. I would like to point out something that has not been mentioned. I would like to speak on voters registration. I cannot understand why I have to be registered as a voter over eighteen years and I have registered as a Kenyan citizen over 18 years. I think Kenyans should be allowed to vote using their own identity cards and not the voters cards. (clapping) because hapa ndio rigging inapatikana.

The other thing is that we renew licences, like for example ya madereva and the driving licence is my certificate of competence, and a doctor or a teacher does not renew his certificate of competence. I cannot understand why I have to renew my licence. (clapping).

Business licences, Radio and TV licences should not be renewed annually. This is because hapa ndio corruption inapatikana. You find that in the colonial days, renewing of business licences was being done to the Banians and the Kenya's black natives so that they can be governable by the white man, wasije wakatajirika sana. You tax what I am selling and what I have bought already has been taxed somewhere else. Local authorities should not be given powers kulazimisha watu ku renew their licences because hizi pesa zinapotea tu. Ukiangalia parking kama hii iko hapa, ilianza 2000. Mpaka saa hii haijamalizika. So renewing licences should be done away with completely.

National security – The DOD should not be a department but should be a Ministry of Defence. The Police Commissioner, the NYS Director, the Chief of General Staff, hawa watu, the forces commanders, should be elected in parliamnet kulingana na competence yao sio kutoka kwa mtu binafsi, that the President can say that kutoka leo so and so is the Commissioner of police. It should be done in parliament. That is what I had to say. Thank you. (clapping).

Com. Kabira: Thank you very much. Let me go through this list now for the next set of presenters. Arthur Karai Wahuria, he is there? is Arthur there? Okay, you are there. Arthur ngojea kidogo. Racheal? Hayuko, Margaret Kanagia? Margaret are you there? Okay, Paul Kaguthi? He is not there. Megati Ngungi. Is is Mefati or what is it? Nephath Ngungi. You are not presenting. Gabriel Njoroge? No, Gabriel Njoroge you are there? No Racheal Gituku?

Interjection: Racheal

Com. Kabira: Racheal? Thank you. Grace Mugure? Okay Lewis Gitaru Kigathi?

Interjection: Lewis Gitaru?

Com. Kabira: Lewis Gitaru? Okay somebody called, what is this? MacDonald Gisemba?

Interjection: MacDonald Gisemba?

Com. Kabira: Ako, okay halafu Samuel Ng'ang'a Mbugua? So can we go to Arthur Karai Wahima?

Interjection: Arthur Karai?

Arthur: Habari zenu?

Audience: Mzuri

Arthur: Mimi sina mengi ya kusema kwa sababu haya maneno mmepatiwa hapa, hii Katiba tunajaribu kutengeneza, ikifuata haya mambo yote, itakuwa vizuri. Mimi sina mengi ya kusema. Asanteni (clapping)

Com. Kabira: Thank you very much Arthur, Margaret Kanyagia?

Interjection: Margaret Kanyagia?

Margaret Kanyagia: Habari zenu?

Audience: Mzuri

Kanyagia: Jina langu ni Margaret Kanyagia, ni mwokovu na Yesu ni mwokozi wa roho yangu. Sasa wakati nimefika hapa nimekuja ku represent women at grassroot level. I am the chairlady this side, upande huu wa Kikuyu ndio tumeanza ku recruit wanawake ndio wajue haki zao. Sasa na kwa hivyo, nyinyi Commisioners tuko pamoja na nyinyi wakati wa kutengeneza haya mambo ya Katiba. Sasa kwa grassroot level, mimi ningeonlea tuzungumze, yaani wakati tunatengeneza Katiba, tuangalie sana sana haki za mwananchi. Mwananchi, kama sisi unasikia kuna wakati tunasikia mtu amekuwa retrenched na wakati huu mtu amekuwa retrenched, amerudi nyumbani amekaa bila kupata zile pesa angetakiwa kwenda nayo nyumbani. Hiyo tukaonelea inaumiza jamii. Inaumiza mama na inaumiza baba na inaumiza mtoto. Tukaona tena wakati wa retirement, unaona mwanaume ameshakuwa retired au mwanamke, ameambia sasa you are not going to work anymore. Wakati wewe umeshafukuzwa, tuseme ni kama kufukuzwa sababu nobody will care about you anymore. So, we are asking nyinyi macommissioners wakati mnaenda kutengeneza hii Katiba, muweke maanani hali ya senior citizens. Huyu senior citizen ni mtu retired, hawa ni watu tunasikia ati ni wakongwe. Sasa huyu mtu akienda nyumbani amegonjeka, amekuwa na ugonjwa, hana kitu zile pesa alikuwa amepatiwa na serikali na ni wa hapa Kenya, hawezi kuila, yaani kuitumia mpaka wakati ule yeye amezeeka sana. Kwa hivyo tukaweke maanani tukiwa wanawake nyinyi mkitengeneza Katiba mtengeneze yetu sisi senior citizens. Mtu akifikisha 65 years, serikali iwe na jukumu la kumtolea kila kitu yeye anataka, medical, hata kama hana shelter, serikali inampatia shelter. Na sasa

akifanyiwa hivyo, anaona ile serikali alikuwa anatumikia na ile taxation imekuwa ikiendelea hapa Kenya, sasa inatumikia baadaye. Si ndio?

Audience: Eeh

Margaret: Aha (clapping) Sasa kile kitu kingine ni huyu senior citizen. Sasa, tuko na hii ukimwi. I am a community AIDS educator. Sasa hawa watu wamekuwa na watoto wao wamepata hiki kitu kinaitwa ukimwi na huu ukimwi, sasa huyu mkongwe anawachiwa watoto na hawa pia wanakuwa orphans. Sasa tungetaka hii serikali, kwa sababu ndio inapatiwa pesa za kutunza orphans, watengeneze free education for orphans. Sawasawa hiyo? (clapping). Sasa, nao wapate rights zao na huyu mama, awe hajikwai sana kwa vile yeye sasa hana uwezo na hana nguvu za kwenda kufanya kazi.

Sasa lile lingine ni security. Hatuna security tukiwa wanawake ama watoto wetu. Sasa kama mtoto amekuwa raped outside na anakuja anaambia mama, “mama nimefanyiwa mambo mabaya na mtu fulani.” Sasa mnaenda mnachukua huyu mtu. Huyu mtu mnaenda kwa polisi mnaambiwa peleka kwa hospitali ndio mtoto apimwe mambo yale mambo mnajua yaliendelea. Baada ya huyu mtu kushikwa kupelekwa kwa polisi, unasikia huyo mtu amekuwa released, hakuna evidence imeonekana kwa mtoto na mwenye kufanya haya mambo ya rape. Sasa ikawa hivi, kuwe na law inasimamia rape cases. Na rape cases mnajua sana sana, kama wakati huu wa ukimwi imeendelea zaidi. We don’t know where we are going. Kwa hivyo, tungeonelea rape cases yaani girls kuwa sexually abused, iwekwe maanani sana na serikali yetu mkiweka hiyo Katiba.

Tuna wanawake ambao ni disabled na wana watoto. Tungetaka serikali iwafikirie wakati wa ya kutengeneza Katiba. Itengeneze law ambayo inashikilia huyu mtu sababu anaweza kuwa hana miguu lakini ana mikono na anaweza kutengeneza kitu kama ameketi kwa kiti. Sasa hiyo tungetaka waweke maanani sana. Katiba ile inaweza kusimamia mtu ambaye ni kiwete. Lile lingine ni police harassment. Police harassment imekuwa too much. Mtu, tuseme kama mwanamke ama mtoto amenajisiwa nje. Akipelekwa kule ati sasa anaenda kuripoti, hasa anaenda kuripoti ati mimi nimefanywa bla bla..., anaambiwa, “Oh umefanyiwa? Ulifanywa aje? Twende hapa ndani, kuja ukaniambie.” Naye anafanyiwa mambo gani?

Audience: Hayo hayo

Margaret: The same thing, so it is too bitter. We are not having a law that is guarding the woman, so we need that to be done. Harrassment by the police has always been seen sababu kama hawa watu walikuwa wana demonstrate pale kama wangetembea pale mbele, pale nje wachukuwe vile vitu vyao namna hii, unaona wanashikwa.

Kile kitu kingine niko nacho ni poverty alleviation. Hiki kitu ati poverty alleviation me, I don’t understand sababu tuko na wale watu maskini, wanalala njaa hawana chakula na yet we are hearing of the donation to the country. Who is using this donation? Who is being given this donation? Kwa hivyo, kuwe na miradi ambayo inaendelea na hivyo vitu vizuri.

Ile nyingine nayo ni Presidential motorcade. Kuna wakati nilikuwa napita ile njia ya Naivasha road, all of a sudden nikasikia gari

inafanya ui..ui..ui..ui...” sasa nikafanya kushtuka gari yangu ikaingia kwa mtaro. Sasa mniambie. This is not done in Tanzania. I have been there. It is not done in Zanzibar. I have been there. The mwananchi anakuwa harrased sababu kuna mtu anapita. I have been to Tanzania. There, the President can even walk even here. Why don't we think of having a law that is going to guard even the people who are just passing by the road? Why then waste the taxation? Kutumia hiyo tax ile imetolwaa na mtu ambaye yuko chini sana yule anafagia halafu hivyo tax nayo (clapping) inatumika kwa kuweka mafuta na kukimbia kwa barabara kufanya watu wanaenda kwa mtaro. Kama mimi nilienda kwa mtaro. Sasa, hiyo should be done away with.

Interjection: Endelea

Margaret: Mnataka niendeleee?

Interjection: Endelea (clapping)

Margaret: Sasa, hiyo ni vile sisi kama wanawake wengine tumeonolea, kila kito kiko kwa maandishi yangu. Kitu kingine ni hiki kitu kinaitwa passport. Passport ati unasikia ati mtu ametumia elfu ngapi, sijui mia ngapi kupata passport. Ni kwa sababu ya hii kitu kinaenda chini chini kinaitwa corruption. No. We should have the right of having this passport wherever we are. When we reach the age of eighteen, wakati unafika miaka kumi na nane ukipata ID yako, unapata passport. (clapping). Sasa hiyo ni kitu kingine. Kuna vitu vingi sana ningesema lakini sitaki kusema sana ningeacha sasa nikisema hivi na kitu moja. Wanaume wetu wale tuko nao wengi wao ni walevi mpaka saa hii. Sababu ni gani? Kama kuna kumi kumi hapa nyuma, si tuna kumi kumi?

Audience: Eeh

Margaret: Na wale wanakunywa ni gani? Ni kumi kumi na drug abuse. Na wale wanatengeneza ni nani? Hatuna serikali, hatuna polisi? Tuna polisi?

Audience: Eeh

Margaret: Zamani wakati nilikuwa mdogo nilikuwa naona kama ni mtu anapika pombe, anaenda anashikwa. Siku hizi, why is it just within the police reach, just few yards from the police station na inaendelea na ni kitu ya kuuwa, kumi kumi.

Com. Kabira: Asante sana.

Margaret: Sasa hiyo ningetaka tufanye maanani, muweke law ya ku guard that kumi kumi. Ni kitu kinafanya impotence, ni kitu inafanya mtu analala hata akiingia kwa nyumba yake hajui kile kitu kinaendelea. Wale wanapika (clapping and laughing) hiyo kumi kumi, serikali na polisi iende iambiwe, nyinyi lazima mwende huko mtoe kumi kumi out. Sina mengi sana ya kusema

(clapping and laughing)

Com. Kabira: Thank you very much. That was Margaret. Can we go to Racheal?

Interjection: Racheal, Racheal karibu.

Racheal Gituku: Majina yangu ni Racheal Gituku na niko na maoni yangu machache. Mimi ningetaka hii Constitution iseme yule mtu anatakiwa awe mwananchi wa Kenya awe ambaye amezaliwa Kenya au ameolewa na mtu wa Kenya, hiyo ni ya kwanza.

Ya pili ni kama mtu ameandikwa kazi, anatakiwa apewe retire na miaka kutoka 55 kuenda juu. Kwa hivyo hii mambo ya retrenchment ikomeshwe kabisa. Ya tatu, Kenya yatakiwa iwe na vyama vitatu vya kisiasa. Ya nne mwanakenya yeyote anaweza nunua shamba katika sehemu yoyote ya Kenya. Ya tano, Katiba mpya yatakiwa iangalie kila mwanakenya ako na shamba kwa sababu watu wengine ni squatters na iko mashamba mengi, hata sehemu nyingi zimeachwa bila kutumiwa. Kwa hivyo squatters wanaweza kugawanywa hizo sehemu zote.

Elimu iwe ya bure, hospitali za serikali ziwe za bure kwa sababu watu wenig hawana kazi na wanakufa sana kwa kukosa pesa.

Ya mwisho, mambo ya kutahiri wasichana iangaliwe na ikomeshwe kabisa. Wasichana wetu wanaharibiwa sana na hayo mambo (clapping).

Na tena ningetaka kuongea kidogo juu ya mavazi. Constitution inaweza kuangalia mavazi ya wanawake na wasichna pia. Wanavaa nguo zingine zinawafanya kama wako uchi kabisa na wanaharibu akili za wanaume. Kwa hivyo, hiyo (clapping) kitu imefanya raping in Kenya iwe nyingi sana. Kwa hivyo, hizo miniskirt na nguo zingine zinashika mwili kabisa, hiyo Constitution iangalie sana na ikomeshe kabisa. Asanteni (clapping)

Com. Musila: Kuja u sign hapa, kuja usign. Order.

Com. Kabira: Hata hiyo ni maoni yake. So thank you very much, Racheal and Grace Nguere?

Com. Musila: Tusikizani

Grace Nguere: Asante sana kwa kupatiwa nafasi. Tafadhalini wanaume mtusikilize sisi wakina mama. Mkiongea tunanyamaza na tunangojea. Asante kwa kupatiwa nafasi ya kuongea leo. Commissioners wetu, madam, chairperson, wananchi wanaume na akina mama hamjambo?

Audience: Hatujambo

Grace Ngure: Hamjambo tena? Jina langu ni Grace Ngure Njoroge. Chairlady wa maendeleo, Kiambu District. Kwa hivyo, tafadhali nyinyi wanaume mtupatie heshima vile tunampatia. Sitaongea mengi, yangu ni machache lakini niko na makaratasi ya district ya Kiambu ya kina mama. Na nitaongea kwa Kikuyu.

(Continues in Kikuyu)

Audience: Sawa

Translation: Sawa. Asanteni

Grace Ngure: Asanteni

Interjection: Ngoja.

Grace Ngure: (Kikuyu dialect) Guaria na gikuyu

Translation: Nitaongea kwa Kikuyu

Grace Ngure: (Kikuyu dialect) Na hi mwanake ukuraia na githueri

Translation: Kuna kijana ataongea kwa kiswahili.

Grace Ngure: (Kikuyu dialect) Dikwaria maundu maigi tundu mathaa ni manini

Translation: Sineni mengi maana ni machache.

Grace Ngure: (Kikuyu dialect) Gwaria ona nyadikite maratathi

Translation: Nitaongea kama vile nimeandika kwa karatasi.

Grace Ngure: (Kikuyu dialect) wabere

Translation: Kwanza

Grace Ngure: (Kikuyu dialect) ni kugja na andu mikuhi aria age giteyo

Translation: Ni kuwa watu wanapatia wengine heshima

Grace Nguni: (Kikuyu dialect) Kugigia uru

Translation: Kukiwa na ubaya

Grace Nguni: (Kikuyu dialect) Kugia uru wa ndoriri miena na miena

Translation: kuwe na ugomvi au ubaya wa makabila

Grace Nguni: (Kikuyu dialect) gucario athuri

Translation: tutafute wazee

Grace Nguni: (Kikuyu dialect) akuaria

Translation: wakuongea

Grace Nguni: (Kikuyu dialect) gutanagia mbara

Translation: kabla hakujatokea vita

Grace Nguni: (Kikuyu dialect) mbere kugie kunyihaniria

Translation: kuwe na kunyenyekeana na

Grace Nguni: (Kikuyu dialect) na gutiyana na

Translation: kuheshimiana,

Grace Nguni: (Kikuyu dialect) nakuiguanira thaa

Translation: pia kujiania hali na

Grace Nguni: (Kikuyu dialect) na gutua mundu oriogi ni muruanyukwa

Translation: kufanya mwingine kama ndugu

Grace Nguni: (Kikuyu dialect) na Kenya Itu ni guthie wega

Translation: na Kenya yetu itaendelea mbele.

Grace Nguni: (Kikuyu dialect) Wakiree ni okiheo retire,

Translation: Pili ukipatiwa retirement,

Grace Nguni: (Kikuyu dialect) ukiheo muda, nigithe muda

Translation: unapatiwa wakati

Grace Nguni: (Kikuyu dialect) ni githa mundu oria ogocoka wavichi iyo

Translation: ili mwingine atakayerudi nyuma yako

Grace Nguni: (Kikuyu dialect) omuonie kuiga vairo.

Translation: ufanye handing over.

Grace Nguni: (Kikuyu dialect) omwonie koiga besha

Translation: Hata pesa vile

Grace Nguni: (Kikuyu dialect) ni getha ogatiga ruchini inoka

Translation: ili usiambiwe asubuhi hakuna kazi,

Grace Nguni: (Kikuyu dialect) wavichi igathuka

Translation: ofisi inaharibika

Grace Nguni: (Kikuyu dialect) nao okainuka otihariiria

Translation: nawe unaenda bila kuwa tayari

Grace Nguni: (Kikuyu dialect) omenye wainuka oگو na besha duthodikerio

Translation: ukienda mikono mitupu

Grace Nguni: (Kikuyu dialect) na besha ndothodekirio ira uguthie kuhuthira

Translation: na pesa hujatekelezewa zile utatumia.

Grace Nguni: (Kikuyu dialect) thina ukaigeha Kenya.

Translation: Shida inakuwa mingi nchini

Grace Nguni: (Kikuyu dialect) nawe ukihio retire

Translation: nawe ukipatiwa retire.

Grace Nguni: (Kikuyu dialect) ni tukwera commissioner adike

Translation: Na pia Commissioner aandike

Grace Nguni: (Kikuyu dialect) thirikari ikuruo igeti mbesha ciaku tayari

Translation: serikali iwe imetayarisha pesa zako tayari.

Grace Nguni: (Kikuyu dialect) na matige ku retayarithia anake anini

Translation: Na waache kuwafanyia retirement vijana wadogo

Grace Nguni: (Kikuyu dialect) commissioner mwadike oگو

Translation: Commissioner waandike vile

Grace Nguni: (Kikuyu dialect) tu nikiyo waganu ugihite Kenya.

Translation: maana ndio ukatili umejaa Kenya.

Grace Nguni: (Kikuyu dialect) ni kuinoka reria urarera

Translation: Na wakati unaacha kazi ukiwa mdogo na una watoto.

Grace Nguni: (Kikuyu dialect) miaka itari miige

Translation: Miaka ikiwa kidogo

Grace Nguni: (Kikuyu dialect) na wainoka ukahuthira besha icio uru

Translation: na ukienda unatumia zile pesa vibaya.

Grace Nguni: (Kikuyu dialect) ni tukweda thirikari irure ugoro wa johi

Translation: Nataka serikali iangalie habari ya pombe.

Grace Nguni: (Kikuyu dialect) andu anyiyi manyua johi iyo ya kumi kumi

Translation: Watu wadogo wakikunywa hiyo kumi kumi

Grace Nguni: (Kikuyu dialect) anyitwo

Translation: akishikwa,

Grace Nguni: (Kikuyu dialect) miaka mirugu iree

Translation: anawekwa miaka ishirini kwa jela

Grace Nguni: (Kikuyu dialect) na murugi thate

Translation: na hata yule mwenye kupika, thelathini

Grace Ngure: (Kikuyu dialect) yage mwedia na munyui

Translation: ikose mwenye kuuza na mwenye kupika

Grace Ngure: (Kikuyu dialect) kugie thirikari ya rucio

Translation: Kuwe na serikali ya kesho

Grace Ngure: (Kikuyu dialect) iria ikurugamirira Kenya

Translation: ile itasimamia Kenya

Grace Ngure: (Kikuyu dialect) athuri aya ni mekwehera

Translation: wazee hawa wataondoka

Grace Ngure: (Kikuyu dialect) kugotiguo ooo

Translation: kutabaki nani?

Grace Ngure: (Kikuyu dialect) tu murathii mukiinainaga maguru

Translation: Maana mnatangazika hata miguu

Grace Ngure: (Kikuyu dialect) ni tukweda andu arumu Kenya

Translation: tunataka watu wenye ushujaa

Grace Ngure: (Kikuyu dialect) ni gucokia ngatho

Translation: nashukuru.

Grace Ngure: (Kikuyu dialect) na hau mutikadike ni kuga gwira andu aya

Translation: Musiandike pale, mimi nikisema.

Grace Nguni: (Kikuyu dialect) kamiti ino ni ithomithitie

Translation: Hii kamati imesomesha sana.

Grace Nguni: (Kikuyu dialect) andu aria moima haha

Translation: Wale waliokuwa hapa wakifanya heshima

Grace Nguni: (Kikuyu dialect) tundu ni tuthomithetie,

Translation: maana tumesomesha.

Grace Nguni: (Kikuyu dialect) ugikuroo guaku kwa mukaguo nyuba rie

Translation: Kama haukukutwa hapa kwa bibi yako

Grace Nguni: (Kikuyu dialect) wamena nyumba ikihia

Translation: unaweza kujua nyumba zikiungua eh?

Grace Nguni: (Kikuyu dialect) kuoguo aria muthometi ni inyue muhaha

Translation: kwa hivyo nyinyi mmesoma na nyinyi mko hapa.

Grace Nguni: (Kikuyu dialect) na niaria mukire

Translation: Na nyinyi mliokuja.

Grace Nguni: (Kikuyu dialect) kuguo kamiti ino icokirio gatho thainie wa thirikari

Translation: Kwa hivyo hii kamati irudishie shukrani kwa serikali

Grace Nguni: (Kikuyu dialect) ni kuruta wira

Translation: kwa kufanya kazi.

Grace Nguni: (Kikuyu dialect) kuoguo ni gugwita uhuru wa ciana cia ndigwa

Translation: Nitaongea habari ya wajane, watoto mayatima.

Grace Nguni: (Kikuyu dialect) iria itigwitwo ni ondu wa aidi

Translation: Kwa sababu ya ugonjwa wa ukimwi

Grace Nguni: (Kikuyu dialect) guoka indu cia thirikari

Translation: ikikuja misaada ya serikali.

Grace Nguni: (Kikuyu dialect) ikamenyuo uria cianegiranuo

Translation: Inaangiliwa inapatiwa na pande gani

Grace Nguni: (Kikuyu dialect) na wananchi makiruo

Translation: na hata wananchi wanaambiwa.

Grace Nguni: (Kikuyu dialect) na citumiruo makamenyithio na magacokirio ithavu

Translation: Na hata zikitumiwa wanaambiwa na wanarudishiwa hesabu

Grace Nguni: (Kikuyu dialect) commissioner mwadike oguo

Translation: Commissioner mwandike vile

Grace Nguni: (Kikuyu) ni tukweda

Translation: Tungetaka

Grace Nguni: (Kikuyu dialect) bururi witu wa Kenya

Translation: nchi hii yetu ya Kenya

Grace Nguni: (Kikuyu dialect) kugie na gitiyo, thinie wa ma wavichi

Translation: kuwe na heshima katika maofisini.

Grace Nguni: (Kikuyu dialect) mundu agaiga gutida agithoma gathiti

Translation: Mtu asije na kusoma gazeti kila wakati

Grace Nguni: (Kikuyu dialect) commissioner oguo muadiki tundu nigu othokitie Kenya.

Translation: Commissioner mwandike kwa maana inaharibu nchi

Grace Nguni: (Kikuyu dialect) gakinya wavichi rucini

Translation: nafika asubuhi ofisini

Grace Nguni: (Kikuyu dialect) na munene arathuma ogatheti

Translation: na mkubwa anasoma gazeti.

Grace Nguni: (Kikuyu dialect) agacoka akarura kana ndimundu uhana atia

Translation: Halafu ananiangalia wageni kwa mapendeleo

Grace Nguni: (Kikuyu dialect) agetana na kipendelea

Translation: Anaitana kwa kujuana

Grace Nguni: (Kikuyu dialect) mieri itatu itari damuona

Translation: miezi tatu sijamwona,

Grace Nguni: (Kikuyu dialect) gaku ni thina

Translation: nakufa na shida

Grace Nguni: (Kikuyu dialect) na thina oria nyuma naguo

Translation: hiyo shida nilikuwa nayo,

Grace Nguni: (Kikuyu dialect) gainuka naguo

Translation: naenda nayo.

Grace Nguni: (Kikuyu dialect) wavici itonyaguo na naba

Translation: Ofisi iwe ikiingiwa na namba,

Grace Nguni: (Kikuyu dialect) na andu othe ma heshimwo

Translation: na watu wote waheshimiwe

Grace Nguni: (Kikuyu dialect) kana ndemuthini

Translation: kama wewe ni masikini

Grace Nguni: (Kikuyu dialect) kana ndigitoga

Translation: kama wewe tajiri.

Grace Nguni: (Kikuyu dialect) tuiguo tuiganaine

Translation: Tuwekwe hali moja

Grace Nguni: (Kikuyu dialect) na thirikari ituruboire

Translation: na serikali ituangilie

Grace Nguni: (Kikuyu dialect) na thiinie wa indu ciauma bururi

Translation: na kama mali imetoka kwa nchi jirani.

Grace Nguni: (Kikuyu dialect) thirikari ya gwitira rieraini

Translation: Serikali ikitaja kwa radio

Grace Nguni: (Kikuyu dialect) na gathiti

Translation: na hata gazeti

Grace Nguni: (Kikuyu dialect) na tukona ni cia kinya

Translation: na tuone kwamba zimefika

Grace Nguni: (Kikuyu dialect) wananchi makamenyithio

Translation: hata wananchi wanajulishwa

Grace Nguni: (Kikuyu dialect) na makona uria irekuo

Translation: na wanaona vile inaendelea

Grace Nguni: (Kikuyu dialect) na githumo

Translation: na hata masomo

Grace Nguni: (Kikuyu dialect) ciana cia ndigwa iruraguo

Translation: watoto yatima waangaliwe.

Grace Nguni: (Kikuyu dialect) ina naba jega

Translation: Wako na marks mzuri na hawana pesa

Grace Nguni: (Kikuyu dialect) na yake ithumaguo na ya gitoga

Translation: na wanakuwa compared na tajiri.

Grace Nguni: (Kikuyu dialect) na cira ndogacoke kuhakaniruo

Translation: Na hata hongo ziondolewe kwa kesi ya maskini imepotea

Grace Nguni: (Kikuyu dialect) wa muthini ukora

Translation: kama ni mashamba,

Grace Nguni: (Kikuyu dialect) koge kuruo ni miguda atumia maruruo muno tundu indo cio ni maratunyo

Translation: wamama wangaliwe sana, mali yao wananyang'anywa

Grace Nguni: (Kikuyu dialect) ta ikudi

Translation: kama vikundi

Grace Nguni: (Kikuyu dialect) mahiyo ni kaju iria irikuo

Translation: akipatiwa na council ile iliyoko,

Grace Nguni: (Kikuyu dialect) na mwadike oguo commissioner

Translation: na mwandike hiyo Commissioner,

Grace Nguni: (Kikuyu dialect) irie guka ikamatunya

Translation: ile council itakayokuja inawanyang'anya.

Grace Nguni: (Kikuyu dialect) tugigitura tuhiyaguo tugitunyo

Translation: Tutakuwa tukipatiwa na kunyang'anywa?

Grace Nguni: (Kikuyu dialect) mundu ahio na akahio phio

Translation: Mtu apatiwe and apatiwe kabisa

Grace Nguni: (Kikuyu dialect) kana ni mundu rume, kana ni mutumia, kana ni mwana

Translation: kama ni mwanaume, kama ni mwanamke, kama ni mtoto

Grace Ngunjiri: (Kikuyu dialect) ni wandu a Kenya.

Translation: ni wanakenya.

Grace Ngunjiri: (Kikuyu dialect) direnamaige gugwita macio

Translation: Sina mengi, nishataja yale.

Grace Ngunjiri: (Kikuyu dialect) na dinairatathi haha no riu ni ria secret, mutikorie ni ria kee, maya nimo ma thirikari.

Translation: Hii ndiyo makaratasi ya serikali. Asante (clapping)

Com. Kabira: Samuel Ng'ang'a?

Interjection: Samuel Ng'ang'a

Samuel Ng'ang'a: Asante sana. Habari zenu?

Audience: Mzuri

Samuel Ng'ang'a: Mimi nataka kusema hivi. Nataka kuongea mambo ya labour laws. Tumeona shida nyingi ile inapatikana hapa ni kwa ajili ya hii mambo ya labour. Unasikia mambo ya walimu, mambo ya daktari, mambo ya wakulima kwa ajili zile sheria ziko za labour sio mzuri. Zamani kulikuwa na koti ilikuwa inaitwa labour courts. Siku hizi sisikii mambo yake, sijui kule ilienda. Tafadhali muweke kwa hiyo memorandum yenu, we would like the labour courts to be given powers to perform their jobs. Right now there is this problem we have at the airport. We are just hearing statements from one side. I thought that there should be representations from the other side to also give us the other side of the story. So, this labour court should be given the mandate to do their jobs. We should not hear statements from ministers or anybody who thinks they can say what they want. Most of those people are not talking the truth.

My second point is about these councils. As we say here in Kikuyu, our councillor was here and he said a lot of money is collected here in Kikuyu from the (**Kikuyu dialect**). So the councils should not come under the minister of local government. They should be independent so that they can perform their duties autonomously. Thank you very much.

Before I finish, there is somebody who mentioned that MPs, as we elect our MPs, we should have a law such that MPs should at least have some home in their constituency. They should live there so that if their roads are bad, they build. If the management of the police is bad, they are also with us. But we should not just be hearing of them like now I have just seen my MP today. I have not seen him for a long time as much as we respect him (clapping). Somebody said for four years, we should have these people near us. They should have homes wherever they are elected.

Thank you very much.

Com. Kabira: Okay, thank you very much Mr. Mbugua.

Interjection: Sign

Com. Kabira: That was Mr. Mbugua (translator) so there are some students from University.

(**Kikuyu dialect**). Sorry, I understand there are some students here who are going to do an exam and they have requested that we give them an opportunity, one of them to represent on behalf of the group. Is that okay? Can we do that? Now, where is Kyalo Patrick? Okay

Patrick Kyalo: Thank you very much to the Commissioners and all the people. We are students from the University of Nairobi, Kikuyu campus and we found that we should come and say something about this Constitutional Review Commission because Kikuyu campus is just within the vicinity here and we could not just sit there when something important is going on here. So, I hope that the Commissioners are listening to me. Okay the university students would so much wish to request the Kenya Constitution Review Commission to create free atmosphere for hearing our views on the going on Constitution review process. We do not know whether the Constitution Review Commission has got a programme for the University students of this nation to present their views about the constitution review process. We do not know whether you have the university students in your mind and in your calendars. That is a question. About the universities, we have this to say.

All public universities should be delinked from the government and should henceforth have an autonomy in decision making. For instance, the chancellor of the universities in Kenya happens to be the President. He is a politician and all the Vice chancellors in the Kenyan universities are all political appointees. That means that the universities in this nation are run as pertains the wishes of the political powers that be (clapping). So, we want a situation whereby the Vice chancellors of the universities in Kenya are not appointed by the President. They should be appointed or elected by the University council, the senate and such bodies, but we do not want to see a situation where it is the President who appoints them.

Secondly, the principles of academic freedom and university autonomy have been compromised. We want these things to be seen again and the chancellor of all public universities as we know today, unfortunately happens to be the President. This is

quite ironical. Why am I saying that? Because we see that chancellor giving university degrees to so many students, Phd's but what about the academic qualification of this political leader? (clapping). We want a situation whereby the chancellor of the public universities is an educationist. Someone of good academic prowess. We want the universities to be separated completely from politics.

Thirdly, there is a controversy in public university admission. You know for sure that there is this issue of parallel degree programmes. Wananchi wenzangu sijui kama mnajua kile kinaendelea katika vyuo vikuu vya Kenya. Today, it is for the rich man and the rich man to educate his children not the poor man.

Interjection: Sawa

Peter Kyalo: So, if you are rich and you have money you can take your child to the university hata kama amepata 'C' but the kid from the poor family hata kama amepata 'A' hata kama amepata 'B', you will find that there are ways to curtail his entrance to the university. We want a situation whereby the Constitution provides for the Joint Admission Board to monitor the admission of students to the universities. They should set up a grade hata kama wewe ni student kutoka a poor family, you should have at least some level. Sio kuja kufanya law ile mimi nilikatazwa na nilikuwa nimepita na 'B+' na mtu mwingine amepata 'C' na kwa sababu the parents have money anakuja kufanya law ile mimi sikufanya. It is unfair. So, all students admitted to the public universities should have achieved the university set standards of academic qualification and any other stipulated requirement.

Now, the next point is about student expulsion and suspension. The Constitution should provide a kind of control by regulating the powers of the respective public universities, Vice chancellors, university councils and the senate. The issue has previously been political hence we should have a provision in the Constitution that clearly defines the offences that may lead to students' expulsion and suspension plus any other disciplinary measures. As the situation is now, ukikosana na one of the lecturers or any one of the administrators then chances are that the next day you are gone. There are no provided stipulation of what the offense that can have one suspended you and infact the university statutes have been ignored. So the Constitution should look into that.

And again, students should be represented in disciplinary committees. Students can have lawyers in their disciplinary committees. Today, it is the students to be condemned by the powers that be (clapping)

Interjection: Endelea

Patrick Kyalo: Now another controvesial issue, students' sexual harrassment by lecturers. It has happened. Sexual harrassment, lecturers teaching, irregularities in examinations and tribal victimisation. These things happen in our public universitis. There is sexual harassment, threats of sexual harassment, yaani lecturer anakuambia fanya hivi na usipofanya utaanguka. We have seen this happening in our teaching practices. We have seen these things happening. Now, the

Constitution should try to curtail this. How? These issues have often been highlighted through the media but so little has been done about the same. We thus appeal to the Constitution of Kenya Review Commission to elaborately redefine the code of conduct for lecturers in both public and private universities.

Again, lastly, the already constituted freedom of speech and expression has adversely been breached in our public institution of higher learning by the incumbent government of Kenya through the employment of direct physical force of the brutal Kenyan police. Further, the government has deployed a thorough network of security personnel to shut down the upcoming voices of democracy. The Constitution should protect the freedom of speech of students because university students cannot be compromised in this nation. It should be heard because they are leaders.

And lastly, we the university students are perturbed by the kind of disagreements that are going on within the Kenya Constitution Review Commission. Every now and then we are hearing about disagreements and we are taking this as a symbolism of what is going to happen about this Constitution review process in Kenya. If there is initial conflict, sincerely what is the message that is sent to the people outside? We feel that if there are individual differences they should be solved internally. It should not be exposed because that one actually compromises the kind of confidence we Kenyans have for this Constitution Review Commission. I think that is food for thought and lastly the Commission should continue to agitate for the Constitution of Kenya Amendment Act to be entrenched into the present Constitution. This will ensure that there is security and the Constitution review process will not be affected by political powers or powers of any kind. Thank you very much.

Com. Kabira: Thank you very much Mr. Kyalo. We wish you good luck in your exams this afternoon. And I wanted to say that there is a question he raised that the discussion as to whether we should have private hearings at the universities. That discussions have been going on and I know the commissioners have been to different universities. I know Commissioner Wambua and myself have been to Methodist University, others have gone to Nairobi University and Moi University and so on. But that issue is being discussed. But I think much more importantly is that the Kikuyu campus has recognised and seen itself members of this constituency and this is the main forum for the collection of the views. We are encouraging the students to present their views at the constituency level because they are in a constituency. Thank you very much Kyalo. Now there is a lady from the deaf community, so I give her priority for now. Josephine Kagima

Josephine Kagima's Interpreter: Thank you very much, the Commission for giving me this time to come and talk to you and present my views. I will talk about deaf women. So many deaf people from here don't know sign language and you know I have to talk through a sign language interpreter. So the Commissioners please, I can't use three minutes because I am talking through an interpreter. So you will add me some time, is it okay? (clapping)

Okay. Now, I want to talk about the Constitution, the area of defending the disabled people in general. All the disabled people in Kenya, am from UDPK, we suffer discrimination we people with disabilities. Some cultures don't give disabled people their rights. For example, some cultures bar disabled men from marrying in the families. This is not good because a disabled man,

may be the body is functioning well and why is he being prevented from (clapping) getting married?

Secondly, employment: The government has never employed disabled people and they should put there maybe two or three people to work for the government. Maybe they are taken to the industrial areas but they are hardworking and they get less pay and sometimes they go to buy things at the same price with the people who are able bodied. For instance, Asians oppress these people so much and they are paid very little.

Another point is transport and accessibility to buildings. Like in Kenya buses, let us say Kenya bus. A disabled person can't go into it, if he is physically disabled. He can't get into the buses. He has to wait for people to go out then get in and maybe he might fall down when being interrupted by the rest who are rushing to go into that bus to board it.

Then sign language. We have to agree that sign language be a national language because am talking to you and you are understanding me through my interpreter. So, we want it to be put in parliament also. So a person who goes to parliament can speak well but now the deaf people some are educated well but can't go to parliament because they can't speak.

I will now give you a good example of Uganda. We have a deaf MP in Uganda, so we are waiting for Kenya to follow that and may be develop well. The deaf people can be represented in parliament, they can talk sign language. And now in courts and hospitals also, they have to employ sign language interpreters to make it easy for them to communicate with the patients. For instance, the court should also accept to employ their own interpreter and an interpreter whom the deaf have chosen. So, when they choose these interpreters, because we feel good with that interpreter we have chosen, we can now talk well.

Now, when it comes to voting. Sometimes they say that we have to thumbprint. We have to come and thumbprint and yet we know that there are some disabled people who don't have thumbs and fingers. How can this person put his finger/thumbprint? So it is not good for that and you know. Voting is a process for all, and some people don't have thumbs.

Secondly, in TV's they should employ sign language interpreters because many deaf people have TV's and they pay taxes but they watch TV's and only see the movements but don't understand. So maybe they are announcing something (clapping) or making an announcement and maybe there is a problem in town. For instance, they are saying, "There is a problem in town, and we don't go there", but we are just seeing the movements we do not understand that. Then when we go to town we might be caught up in the problem because we didn't have the information.

Also, the police officers, sometimes they beat deaf people without mistakes. And they talk ill about the deaf because they can't hear. So they are beaten and arrested without doing any mistakes. I know of deaf people and they have their own rights they are also Kenyans. Then sometimes we also go to hospitals and we have communication breakdown. So, we need interpreters who can talk about the medicine, the prescriptions that we are supposed to be given. We are sometimes given wrong prescriptions because of the information the doctors get. So, they should employ sign language interpreters in different areas. Now, we have also seen some many disabled people especially women who are very poor. Sometimes they meet men the men,

will lie to them how they will live together and marry them and then get children. Then this man feels this is somebody who is disabled and he goes away with the children. So, he is adding poverty to this disabled person. So the Constitution should try and look for a way to arrest such people. A man who does something like this should be given some capital punishment on this (clapping).

Finally, we have seen in Kenya, there is no civic education for deaf people. Because there are no sign language interpreters in TV's, radios. We have never heard of that and sometimes we don't know about our own rights. Please the Commission, you should think about this. Deaf people want to know everything that is happening in Kenya because we are born in Kenya and we are Kenyans. We are not imported to Kenya, we are born citizens of Kenya. (clapping). Thank you very much (clapping).

Com. Musila: Is she satisfied that the disabled have been sufficiently involved in this process? And personally, I would want to know, how did she get to know about his meeting and the preparation for the meeting in this constituency?

Josephine's Interpreter: I knew through Kenya National Association of the Deaf (KNAD). No the deaf people didn't get enough civic education because there is no sign language used in different forums that you go. So, we have had a bit that there is some civic education going on but we have never come across this. Nobody talks in sign language so that we can understand. (clapping and laughing)

Com. Kabira: Thank you very much. Can she sign the register and present her memorandum. And let her also know that I think the Commission has worked with the (UDPK) for quite some time. There was a big national conference sponsored by the Constitution Review Commission. In fact I think it is a week ago where the guests were even invited from the U.S and also from Uganda, to try to share the experiences in Constitution making and how the people with disability the general people with disability, those who are blind, deaf, the physically disabled and I know it was at Mbagathi KCCT College. We have also had some special hearings for people with disabilities, actually organised by a number of organisations. I think more can still be done to make sure that the views are taken on board. Thank you very much. Can we listen to...

Josephine's Interpreter: I was there in Mbagathi but my point is that the deaf people miss/lack civic education.

Com. Kabira: Thank you

Josephine's Interpreter: We have so many disabled people, the blind, the physically disabled, the mentally handicapped, the hear about that and they understand but now the UDPK gave civic education to Kiambu district and there are only few deaf people in Kiambu district. But now, all Kenyans or maybe all deaf people, most of them don't have access to civic education and especially in this constituency. So, thank you so much.

Com. Kabira: Okay, thank you very much (clapping). Can we listen to Anthony Karanja? Is he there? Okay, he is not there.

Samuel Mbugua, is he there? But you presented, I am sorry. Martin Nyamwere? Please just hold on for a minute. So you will be the next one. Is Joseph Waiyaki there? Joseph Waiyaki is not there. Hannington Kiira? Are you there? Okay Hannington is there. Anne Kariuki? Is Anne Kariuki there? She not there, she is left. Okay, Marie Kimani? She is not there. Edward Ngumba?

Edward Ngumba: Yes

Com. Kabira: Okay, Edward Ngumba. Wilson Waiyaki? Is not there. Samuel Kigathi? Okay, can we talk to, sorry can we listen to Samuel Mbugua? Sorry, Martin Wamwere.

Martin Wamwere: Okay, mine will be very brief. The first one is about the executive. My point is, incase the President vacates office for one reason or the other, the Speaker to the National Assembly should assume or take office. That is, the Vice President should not take assume office directly because of sure pending elections because he might be an interested partner. So, we should have a non-partisan person to take over the office of the President incase he vacates. The other area is about the protection of basic rights and this is about tribal and ethnic cleansing and very inflamatory statements made by leaders.

What would I like to suggest is that we should have the election framework. That is, people should not be caught unawares or it should not be a hidden secret. We should be having our election in August, in April at least after a period of five years. So that one should not be a secret weapon.

The other area I would like us to stress on is about the over expenditure of ministries. If some monies are allocated to the ministry by the parliament in case of any overexpenditure, there should be an auditing board which will allow the government to release any money for that particular ministry.

The other area, this is an area which has been said by so many people, about the appointment of PS, PC, DC and AGs. This one should also be done by the parliament. The other area is, in case of any catastrophe in the country and there is a need for a Commission of enquiry, the report must be presented to the parliament and then made public to the wananchi because it is our property. That is exactly our property.

So, we should not have the results being sat on by somebody. You know, it should be made open. We have so many commissions which have been sitting, misusing, I mean spending a lot of taxpayers money but upto now we are still in the darkness.

The other area I would like to talk about is on some religious sects which are almost anti-government. We have religions which do not allow their members to attend medical clinics or sometimes they are against blood transfusion. If we have such people, then the government should look at it.

The other area is about cheap imports. Any group or company willing to import say rice, majani, milk and what have you this, one must also be vetted by the parliament, because these are some of the reasons why we have so many retrenchees in our country. If these things are vetted by parliament, then our country is a rich country and full of wealth. So thank you very much

Commissioners and thank you.

Com. Kabira: Thank you very much Mr. Wamwere. Anne Kariuki, by can we give her a chance?

Anne Kariuki: Thank you very much. Mine are just a few points very important. I am going to talk on behalf of the Kenyan musicians because I am one of them. I just want to say that the Kenyan music is not really recognised in our country and so many musicians are just but very miserable people. Whereas you find in the other countries, musicians are very well off people, they are very much recognised and the government really takes care of the musicians. So like now, there is this problem of piracy. People pirating our music and the industry is almost collapsing or it is already collapsed and yet when we take this problem to the people concerned, there is nothing that is happening. The government is less concerned about it and we have really taken our views, our complaints, our problems to them, there is nothing happening. For example when we get the culprit, or those people who have been pirating our music, they are arrested. They are taken to the police station but before you get back to River road, you find them there laughing at the top of their voices (clapping) as if there is nothing that has happened.

We went, we had gone to the police station, we have come case with police, we have arrested these people but because of corruption they go there, bribe those people, they are released and our music is still there and it is really, really painful to us people. We are striving to produce our music but other people are benefiting from our music. So, we are asking the Commission, please the Constitution that is going to be made it should consider the Kenyan musician because for example, we see them dying very miserable people very poor people. Take for example a musician like Rugweta, Kabaka and others ; they have died very miserable people because the Kenyan government does not consider musicians as people and so am requesting or am asking the Constitution to consider the Kenyan musician and whenever we take our problems to the people who are concerned they should be looked into. I say thank you.

Com. Kabira: Thank you very much Anne, thank you very much and now we have, sorry, we will go back to the list and ask Wilson Waiyaki. He is not there and Edward Ngumba is not there?

Interjection: He is there

Com. Kabira: Okay

Edward Ngumba: Thank you very much. My name is Ngumba and am from Karai location. I work for G.F.I and am also the secretary to the CBO Karai Community Based Organisation based in Karai. These are my views to the commissioners. In order to attract competent Kenyans to work in the public sector, the Constitution should guarantee them

- Job security

a) Reasonable package and other benefits

b) Appointment and eventual promotions should be done purely on merit.

- Finances

In order to enhance the role of the comptroller and the auditor general, that office should be given powers to prosecute those involved in corrupt deals.

- Electoral Commission

The Constitution should provide for an independent Electoral Commission. The appointment to the Commission, those appointed to the Commission should be reputable Kenyans mainly lawyers. The appointment should be vetted by parliament.

- Systems of government

The Constitution should provide for a government of national unity. The nominated members seats should go to the civil society not to the politicians.

- National Security

The security of the nation should be in the hands of national security council which should be provided in the Constitution. Sending our armed forces to overseas for peace-keeping should be vetted by parliament.

- Political Parties

We should have a maximum of five political parties in the country.

- Education system

The current system of education is only training job seekers. It should be changed to meet our needs. The government should provide free education upto 'O'Level.

- Agriculture

The Constitution should provide enabling environment for the farmers growing and marketing of their produce.

- Retirement/retrenchment

This has caused or it is causing high rate of death. In order to reduce the rate of death among the retrenched, I suggest proper planning by the ministry of labour. All those who are retrenched, all those who are in employment today and those who will be reterenched, benefits should be paid promptly.

- Legislature

The parliament should have its own calender

- Local government

I am moving very fast. Local government mayors and council chairman to be elected directly and should not represent any wards.

- Poverty eradication

There is no poverty in Kenya. What there is, is mismanagement of resources both human and natural. Let us revive KFA, KCC, KMC Uplands and poverty will go.

- Judiciary

Law should apply to all equally.

- Legal Tender

Our money should have a national symbol instead of a portrait of an individual.
can suggest a head of a lion or an egg or something close to that.

(clapping). And finally we

Com. Kabira: Thank you very much. Hannington Kirai?

Hannington Kirai: Thank you chairman and other Commissioners, yangu ni machache sana.

Com. Kabira: Where is the lady who is recording? Who is doing the audio recording?

Interjection: She is there.

Com.Kabira: Okay, fine. Please move here so that we can see you.

Hannington: Mimi nimesikia ati tena tuangalie hivi

Com. Kabira: No, hapa tukuone na wakuone si ndio? Oh hapo.

Hannington: Yangu ni machache. Na inahusu hii Katiba tunafanya hapa. Hii Katiba mwishowe itakuwa ni sheria. Naitwa Hannington Gatonye Kirai. Mwishowe itakuwa sheria ama sivyo? Itakuwa ni sheria. Kwa hivyo wakati unasema kitu tujue tunapitisha kile kitu kitatu affect sisi baadaye. Na vile tunasema, iwe ni haki. Sasa yako mambo mengine hapa kidogo yale niko nayo, nataka kusema kuhusu sheria ile imepitishwa. Na mimi nitasema na kimombo.

If the Constitution is passed, it must be enforced in the whole country and not to a particular province, district and such. Why do I say this? I say this because if you go to Nairobi, you see many people who have been drunk and they drink all types of liquor and all these. Why are they allowed and other areas are not allowed? If you go to Mombasa, you get mnazi, Machakos muratina. I understand that someone there said that he planted so many sugarcane and that he has nowhere to take them so he was allowed to make this muratina. Why is he allowed? So what I can say here is if this Constitution is amended, it must be amended and not enforced in the whole country, not one particular place. The whole country must abolish making of breweries and not a particular person to be allowed to make these beer. So, and this is the thing that when someone like the PC or DC has come to attend this meeting, he just amends all these things, himself and people just clap hands, "yes we have passed." We don't want these things to be passed by PC or DC in the baraza because they want to impose these things start from there and that is all. I want to say something else about electricity. We want electricity to be supplied by the Kenya Power and Lighting because when the electricity passes through here and your house is there, you are charged cables, posts and these cables are for Kenya Power and Lightning and not yours. Why don't we have free installation? Only what we can pay for are the only metres. That is all what I can say.

Com. Kabira: Thank you very much Mr. Kirai. Can we listen to Njuguna?

Interjection: Hallo, register here

Com. Kabira: Njuguna Samuel, a person with disability. He has gone? Njuguna Samuel?

Interjection: Njuguna

Com. Kabira: Okay then let me go through the next list and we see who is here. Wilfred Thiho? Desmus Githinji? He has gone. Gilbert Mwaura? Peter Thairu? Edward Ngugi Kafa? Michael Nyoro Baiku? Is that Nyoro?

Interjection: Inaudible

Com. Kabira: Nyoro? Okay Nyoro, just give me one minute. Masika David, he has presented? Masika ameenda? Okay Benjamin Nzomo? You are the one? Okay, Benjamin Nzomo? He is not there. Peter Kiongo? Johnson Kibe? So we listen to those two first. That is Michael Nyoro and Masika. So, Michael where are you?

Michael Nyoro: Kwa majina, naitwa Michael Nyoro. Natoka upande wa Karai Kunachu. Nafurahia kuwapata nyinyi nyote hapa. Mswada ule nataka kutoa siku hii ya leo ni kuhusu electoral system and process. Nataka kuguzia nominations. A candidate who fails nomination from his party should not seek nomination immediately from another party because of the parties different manifestos. Interested groups concerned with the disabled should have nominated posts reserved for them.

- Civic, Parliamentary and Presidential elections

Civic, parliamentary and presidential elections should be done on different dates. That is wakati wa uchaguzi, tunataka wabunge wachaguliwe siku tofauti na President achaguliwe siku yake tofauti, because Presidential candidates should not seek votes to be a parliamentary representative in any constituency. Hatutaki awakilishe ubunge katika eneo lolote. Tunataka tu asimame kama President. Na ningesema yule atakayefuata akiwa namba ya pili awe party President. Wa pili kutoka President, ikiwa ni wanne wamesimama President yule atachukuliwa kama President asimame kama President. Na yule atakuwa wa pili atachuguliwa kama Vice President, shauri atakuwa ametaoka kwa chama kingine.

- Election process

To simplify the electoral system we need to involve lawyers through parliament

- Citizenship

Wale ambao wamezaliwa hapa nchini Kenya, wanahitaji kuwa automatic citizens. Kuomba kuwa mwananchi hapa kwetu Kenya, ni wale wamezaliwa na mama ama baba kutoka Kenya, hiyo tunahitaji sana. Matakwa ambayo kila mwananchi anahitaji kutoka kwa serikali yetu tukufu ni protection of individuals and their properties, education, health, political freedom, power sharing, equity and justice plus shelter.

- Land and property rights

Kila mwananchi yuko huru kuwa na shamba lake. Na isiwe inazidi acre kumi. Ikizidi acre kumi, awe analipa serikali mapato ya juu.

- Taxes

To be taxed by the government shauri kuna wale wako na mashamba zaidi ya acre kumi na mengine hayafanyiwi kazi. Mengine yanalala tu bure. Kwa hivyo hata mapato kwa serikali haipatikani.

Wacha tu niende kwa judiciary. Being a sovereign country, having our own Constitution I suggest that we incorporate a law to prosecute judges who are jailing people without proper evidence. The process must not stay three months for a case to be finalised. Sourcing information and evidence by police have a jail term for abusing his/her work without proper follow up. Corruption within courts must end either on prosecution side of police force, traffic and kitu kidogo to be abolished to avoid accidents. Thank you very much. (clapping)

Com. Kabira: Mr. Nyoro can I ask you a question? So you are saying we abolish traffic police.

Mr. Nyoro: With kitu kidogo to avoid accidents. Shauri nikimkuta kwa barabara, ananiitisha kitu kidogo ili niende kufanya accident mbele.

Com. Kabira: So unataka tu abolish corruption among the traffic police. Okay, thank you very much. Masika?

David Masika: Thank you very much. I am David Masika from Kikuyu Campus. The following are the suggestions that I would like to present so that they be incorporated in the new Constitution because the current Constitution is silent over this.

First, I would begin with the banking. I would like to suggest that the Constitution to restrict Kenyans from keeping money outside this nation. Because if they are patriotic enough, how can you keep dollars, billion of dollars in Australia when our children are suffering on the streets? (clapping). On the other hand, if this is found, then these people should be barred from holding public offices because you can't lead a nation that you don't like.

The other thing is dumping of unnecessary goods here. The Constitution should restrict the importation of unnecessary goods because we don't need them here and as we restrict that, we should also restrict unnecessary personnel. These cheap labour we are importing from India are very young guys from a secondary school. That is a cheap engineer and should not be there.

Thirdly, the Constitution should be taught in primary and secondary schools. This will assist us to curb the problem that we had here, people demonstrating against civic education.

The other thing is the Constitution should also provide that we have a ministry which handles the youth. We have found that the youths are the brain of the nation and yet there is no ministry representing them. You will find them roaming from one ministry to the another and they don't get any assistance.

The other thing is that, the Constitution should also provide that the police Commissioner be appointed by the President but

approved by the parliamentarians in that, if any unnecessary things are done by his boys in blue, then he summoned to parliament to answer questions directly from the floor (clapping). Political parties should also be reduced to three. This will increase competitive democracy not competitive tribalism, the way we have right now (clapping)

The other thing is that, the Constitution should provide a situation whereby Kenyans should have a say to the world market. We don't see a need why we have Brooke Bond owning the whole Kericho district, when a Kenyan has no benefit over that. All the money goes to the former colonial power. I think the Constitution should provide that all the goods produced from Kenya when they are marketed outside there whether they are owned by multinational companies, the Kenyan government must have a say on that (clapping).

The other thing is that, the Constitution should provide a restriction which should state that a young person under age of 21 should not buy alcohol or cigarettes.(clapping). We find that our shops are quite open, our young people are buying glue and everything. We know very well that we are damaging these young people and yet we are selling it to them. I will give a good example of the U.S., of which in conjunction with the British, they own the British American Tobacco company and yet in the United States itself, they don't allow young people below the age of 21 to buy alcohol or cigarettes. Why should they allow them to damage our own young brains here? I think the Constitution should restrict that.

And also the Constitution should be very strict on the issue of grabbing public land. We have come to realise that a lot of public land has been grabbed even the reasearch stations and yet we are crying that we don't have enough food and we are grabbing what is supposed to research. How can we go on with the research when we don't have the research station? I think the Constitution should restrict that. Thank you very much. (Clapping)

Com Kabira: Thank you very much Mr. Masika. Can I call the names again? Peter Kimani Njoroge? If you are not here we go ahead. Makome? Councillor Gichiri? Kariuki Njoroge, you are there? Okay, thank you. Anne, what is this?

Interjection: Anne Mwingalia

Com. Kabira: So you are not there? Grace Wanjiru, is she there? Okay, Thomas Gathiku? Peter Gatukuta, I think he presented, didn't he?

Interjection:(inaudible).....

Com. Kabira: Sorry Peter Gatukuta? Okay, you are there, Okay, Simon, now what is this? Simon from Sigona? Because we can't read the second name.

Interjection: Simon from Sigona

Com. Kabira: Is Kariuki there? Simon, no? Its okay, Stanley Mwaura? Is Stanley Mwaura there?

Interjection: Stanley Mwaura

Com. Kabira: No, okay. We will have Stephen Njoroge who was skipped before Peter Githingiri? Is Stephen Mwaura here, sorry Stephen Njoroge? Sorry, no just wait then we are going to call you. Peter Kitagia and Florence Wamboi Njoroge? Okay so Kariuki Njoroge?

Kariuki Njoroge: Thank you very much. My names are Kariuki wa Njoroge and these are my short views I'll be brief and to avoid repetition, I will just tackle the areas which I feel have not been tackled.

On security first, my observations/proposal is that the administration police and the regular police should be retrained and constant refresher courses offered so that they are reminded of their obligations to the citizens. Suspects, according to the current Constitution the police have a right to hold a suspect for fourteen days. I feel this is unfair and the days should be limited to about seven days. If a suspect, in my view, is held for more than 7 days there at the police station and later on found to have been innocent, I propose that the state should compensate such a person. I also think that the prisoners although they have been convicted, they too should have their rights respected even if they are jailed, there should be a way through which prisoners in jail should also be respected. We hear of horror tales from our jails and these are tales which make our hearts weep. So I propose that though they are convicts, they should also should be respected and their rights as human beings be safeguarded. Torture should also be a thing of the past.

On Executive – I think my proposal is that the President, though we should have an executive President the power should be devolved within the three arms of the government. The prudent in my opinion should have some basic characteristics which includes of course as has been mentioned legal marriage and staying with the wife and also he should be morally upright. Any person aspiring to be President of this country should have a certificate of good conduct issued by the CID (laughing). He should also be a healthy person. I am not talking about disabilities but healthwise. You know what I mean, we don't want to have a President who cannot fly to Mombasa or Kisumu when there is an important meeting to be held. I need not say that he should be of course a Kenyan by birth and he should also, any Presidential candidate, should also declare his or her wealth before they get elected.

MP's and civic leaders, the constituents should be given in my view, powers to recall sitting members of parliament. This is because we don't want a situation where we last saw our MP on the voting day, we would not want such situations. We want to keep them on their toes. We want them to be recalled by at least 65% through signature collection of the people who had

registered as voters during the last elections. On elections I think the Electoral Commission its Commissioners should have the security tenure. We do not want a situation where they fear to act lest they be sacked. There should be a level playing ground particular during the campaigning period. The national state broadcasting corporation should not be biased in any way particularly during the election period. We want them to be seen as national in reporting even on those points which are not correct according to the powers that be.

During campaign period, the outgoing President should not retain the title of the head of state lest he uses his powers to intimidate other contenstants. We have seen,they move around in motorcades and this may intimidate voters into voting for them. I propose that such powers be vested on the Chief Justice at least during that period. My proposal also is that the electoral commission should not be changing names of constituencies without involving those constituents.

We have a case in point here, we were called Kikuyu constituency sometime ago, but somebody somewhere thought that Kikuyu was not a good name to be called and they changed it to Kabete which has no historical backgroun (clapping). I suggest that the electoral commission does not go about tampering with people's history because whether they like it or not, we are in Kikuyu division, Kikuyu constituency and we are Kikuyus and we are proud of that (clapping).

I also suggest on land, I suggest that elected leaders i.e. the councillors, and the MPs should also be sitting in the land board and the land tribunal because we have incidents where the members of the provincial administration whom I strongly recommend they be eradicated, they have been using such to deny people their rightful shares in land matters. I also think, just a minute, I also think that among those elders, they should also include at least one young man. We are also interested in land and it is not Wazees business only. So to complete, I am also against the affirmative action. I think women should contest on a level playing ground. We don't want women coming and saying they want some seats reserved for them because they are women. We want those seats given to them because they are competent enough and they can face their men. (clapping) on an equal playing ground.

I propose that Mr. Chairman, I propose on education, that free education for at least the first three children in a family be offered. This will also serve to control the birth rate, won't it? I also think the present education, pre-primary should be included in the Constitution. The Constitution should respect and recognise that there is pre-primary education, the nursery. We always hear about 8-4-4 lakini wengine wetu tunasomesha nursery, we wonder if this is not really also education. Thank you.

Com. Kabira: Thank you very much Mr. Kariuki. Can we listen to Peter Gatukuta.

Peter Gatukuta: Asante sana Chariman wa Commission na wananchi watukufu. Mimi majina yangu ni kama mlivyosikia na Bwana Yesu ni mwokozi wa moyo wangu. Nampenda Yesu. Mimi nitaongea kwa kiswahili na nikianguka kidogo basi hapo mnisamehe sababu sijui sana, siwezi kusema hivyo. Mima kuna maneno mengi sana nimesikia hapa sababu nilikuja hapa asubuhi na nimesikiliza maneno mengi sana yametajwa, yamezungumuzwa lakini mengi yao nimeonelea hakuna mtu amewahi kuangalia

na kuona ya kwamba ilikuwa inafaa namna hiyo. Lakini nimekuja kusema ya kwamba tunapaswa kushukuru watu waliotuletea Katiba ya kwanza kwa sababu hawa watu walituletea Katiba hiyo ya kwanza ni wale walienda Lancaster. Kama sio hao, hatungefika hapa sasa. Hata kama kumekuwa na makosa fulani katika Katiba hiyo, kwa kweli ni kama vile sasa tunaona Commissioners wetu wamekuja kuchukua mawaidha kutoka kwa sisi na ni wachache tu, sio Kenya yote. Lakini ni wachache, hata wale wazee waliotoka hapa kwenda Lancaster walikuwa kama hawa. Walishindana mpaka tukawa na Constitution ya kutufanya sisi tupate uhuru. Kwa hivyo, hatuna haja ya kuzungumza kama tuna chuki na wale watu waliotuletea Katiba hiyo. Tunaweza kuangalia kwa upande mwingine tuone ya kwamba wale wazee walifanya kazi vizuri wananchi wetu watukufu. Wamefanyi kazi kwa bidii. Kina Mzee Kenyatta na wengine. Kwa hivyo tuna haja ya kuwashukuru.

Com. Kabira: Excuse me. Can we please listen to him.

Gatukuta: Ngoja, ngoja. Mimi ninapoint yangu nataka kusema ya kwamba...

Com. Kabira: Okay let him give his views

Gatukuta: Nataka kusema ya kwamba Katiba imeharibika ile ilikuwako mbeleni na ndiyo sababu tumekuja hapa kutengeneza

Interjection:(inaudible).....

Gatukuta: Sasa tunataka kusema hivi. Sikilizeni. Kama ni President wetu wa Kenya, mimi ningeonolea ya kwamba tukimchagua, awe kuanzia miaka thelathini na tano mpaka sabini.

Interjection: Okay

Gatukuta: Hapo, naona tuendeleo sasa. Na tena, nikirudi upande wa security, mimi naona tunakaa vibaya sana kwa sababu katika security ile tunayo, serikali yetu imewaachilia sana. Watu ambao wanaweza kulinda sisi, wanawaachilia mavazi yao inaonekana kila mahali na kila mtu yeyote. Kwa hivyo, hata securicor wenyewe wamekubaliwa zile security firms wanakubaliwa kuwa na mavazi hata ukimwangalia unafikiri kuwa ni policeman. Akikupigia mlango kesho akisema alikuwa policeman unakubali, alikuwa policemen lakini alikuwa ni mtu amevalia mavazi kama haya. Kwa hivyo mimi naona serikali itilie mkazo kabisa mavazi ya jeshi letu iwe tofauti na majeshi ya polisi. Nayo uniform ya polisi iwe tofauti na askari wa kulinda makampuni, yale yanalinda kila pahali na isije ikaonekana yako katika maduka mengine lolote ili mtu akifanya makosa inafuatiwa katika sehemu hizo za serikali.

Interjection: Kaa chini.

Gatukuta: Wacha niende pahali pengine. Mimi ningependa kusema ya kwamba watoto wengi sana wameumia kwa kusoma, kwa kukosa elimu. Na tungependa serikali yetu iwe ikisema kitu inasema kitu. Kwa sababu juzi tulisikia watoto watakuwa wakisoma bure na tena kurudi huko tunasikia, “leteni pesa.” Kwa hivyo, ikisemekana ni bure, tupeleke watoto bure kwa sababu watu hawana kitu.

Mimi sitaki kusema sana na lakini ningesema maneno ya drugs. Drugs, watu wanasema kuna drugs na hizo drugs ambazo tunaambiwa ziko, hata zimekubaliwa sana kwa sababu sasa gum yenyewe ni drugs. Watoto hawa wanafuta hizo gum wanalewa na sisi wananchi tunapatana nao kwa barabara akiweka chupa hapo na hatuoni kama ni drug. Hata hivyo ni drug. Hata hospitali, kupewa madawa iliyokwisha muda inakuwa tena ni drug. Kwa hivyo tulindwe sasa kwa madawa inayokaa sana kuzidi kiasi katika mahospitali zetu na watoto walio kwa barabara.

Com. Kabira: Okay, thank you. Asante sana. Excuse me, nitauliza tu tuheshimiane so that we don't waste a lot of time trying to tell each other to keep quiet. But I also agree that we should just be brief and give points so that we can finish and give everybody a chance. Okay, can I quickly go through the next list which we have? Reverend Godfrey Kaja, is he there? Godfrey Kaja, is Reverend here? Godfrey, am sorry. Godfrey I will get back to you. Its okay. And Njoroge Mwado? Okay, Samuel Kinyanjui? Joseph Njuguna? Joshua Kihara? Julius Mburu? Okay Mwangi Kariuki? Geoffrey Kago? Francis Sande? Mbuli, what is this? Somebody from KIM, we can't read the name. Now Stephen Njoroge?

Stephen Njoroge: Stephen Njoroge is my name. Born again Christian. We are from Kanyariri, Muguga location. Because I will respect your bell, give me just a few minutes. One we want to talk about the President and say that we want a ceremonial President. I am going to say what was not featured here. Another one is that, the President...

Com. Kabira: Can I correct you? Sorry, Mr. Njoroge

S. Njoroge: Yes

Com. Kabira: You know the number of people that make a certain recommendation make a difference so you cannot say you have agreed with other things that were said. What you can do is mention the item but not explain.

S. Njoroge: We have written down our proposals.

Com. Kabira: They are written? Okay, so if you have a memorandum, then you don't have to...

S. Njoroge: We suggest, we propose that we have a ceremonial President. That President be between 50 and 70 years. And another thing we want to say is that, that the President be allowed to serve for 2 terms only of five years. Let me say what has

not featured again is that, in case that President has some misconduct somewhere, the voters should be empowered to vote him out.

From there, we went to the MPs. We said only one thing because the other things have been said. That he should be between 35 and 70 years, that member of parliament. Another thing we said is about Prime Minister, to follow that ceremonial President that Prime minister be a Kenyan by birth.

From there we went to somebody else called Auditor General. We said or we are proposing that the Auditor General be independent and be elected by the parliament.

The next one is about education. We had about four points here; basic education a must for all. The education from pre-primary to form four. We want the old system to come back that of two years in pre-primary, nursery, seven years in primary, 4 years in secondary and 2 in university.

In agriculture, we want the farmers to be allowed to decide their prices and to remove the middlemen who stand there between us and the government so that if the KCC wants to buy our milk, it will make stations all over the country and come for that milk instead of having these co-operatives who are taking our money away. Is there anything I have left, no only in economy Mr. Chairman. In economy, we want to say that the retirees, those people who have retired, the poor people, old people be allowed to buy things at half price. And with that Mr. Chairman I think I have finished. But before I go, on Natural resources we want all the land to be utilised in Kenya. Thank you very much.

Com. Kabira: Okay thank you very much Peter Gitagia

Interjection: Peter Gatagia

Com. Kabira: You are not there? Okay, Florence Wambui Njoroge?

Florence Wambui: (Kikuyu dialect)

We should retain the current electoral system and process. Half of the nominated members in parliament and local authorities should be women.

Basic Rights: The fundamental rights in the present Constitution are adequate. The Constitution should provide security, health care, water, education, food, shelter and employment as basic rights for all Kenyans. The government should have the responsibility of ensuring that all Kenyans enjoy basic rights such as security, health care, water, education, shelter, food and employment. The following should be provided in the Constitution as specific uses. Such as security, life and property, health, free medical services, water, every Kenyan should have access to water. Education; free education for all. Shelter; government should provide shelter and food to Kenyans who are unable to make provisions for themselves (clapping).

Com. Kabira: Thank you very much Florence. Is Chris Kabora here? Kahara, okay sorry

Chris Kahara: Thank you very much Commissioners. I apologise because I was called earlier but I was not here but I had left my apologies with a young man whom I discovered is an 8-4-4 that I will be away when I am called because he did not see the importance of giving an apology for me. So, my apologies.

Now, I will also try to be very very brief because I know a number of people have spoken. We should do away with the provincial administration. I was once in charge of the provincial administration and I know how badly it can be used so it should be scrapped and the local authorities be strengthened. Mayors, chairmen of committees should be elected directly by the people. The chief executives of councils should be employees of the council and not seconded from the central government (clapping).

Money which has been collected by the local authorities should go into the 'Kiginas' of local authorities and those local authorities should have the authority to plan on how to use that money. When I come to pay rent here, I am being sent to the D. 'O's office to pay money there. For the council to get that money back, it is very very difficult.

We should retain the system of a, President with strong powers. When you come and make recommendations here, don't keep in mind the person who is occupying that seat at the moment. We should do it generally. One day you will have a good man who can exercise those powers properly and in any, case if you have a very strong Prime Minister, our President at the moment is not barred from vying for Vice President or Prime Minister. He can vie and you will be seeing him around here. But if you keep the Presidential system, he is barred from vying for another term. So keep that in mind. Otherwise, you will have a very strong Kanu chairman and also Prime Minister. I think I should limit my comments there because I am sure a lot of people have spoken and have made some good points. Thank you very much for giving me a second chance. (clapping).

Com. Musila: Bw. Kahara, please you seem to be very strongly in favour of scrapping of the provincial administration and you say you were a member. My question which is directed to you out of your personal experience, as a member of that provincial administration, are you saying that this department cannot be reformed, it must be done away with completely? And do you have proposals of the what can come in to replace that kind of organisation? Do you have any proposals? I am talking to you, having served in that department.

Chris Kihara: Bwana Commissioner, I am not a member of provincial administration at the moment. But I used to be in charge of it some years back in the 70s and I know how badly it can be used. In fact, it is an extension of the colonial rule. That is how the colonialists used to rule us by having the chiefs exercise the powers, very very vast powers over the citizens. I think what we should do is to strengthen our local authorities, that is the local councils, so that the mayor of a town and his councillors are fully responsible for whatever happens in their own areas. You remember when there was this disaster in America, we heard more of the mayor of New York city rather than President Bush. Because the mayor of New York city was the one responsible for

seeing that everything was being done in the proper manner. We should do the same here (clapping)

Com. Kabira: Thank you very much Bwana Kahara. Is J.J. Gachoi here?

Interjection: Gachoi?

Com. Kabira: He is not here. W.N. Ndegwa? You are the one. Okay, and David Chege Ndung'u is not here? John Chege, is not here? So can we listen to Ndegwa? Walter Ndegwa Mbuthia.

Walter Ndegwa Mbuthia: Bwana Commissioner, my names are Walter Ndegwa Mbuthia from Kabete and I am here to contribute about the Constitution. Mimi nitaongea kwa kiswahili ili tuelewane. Kitu cha kwanza ningesema ni amri, sheria, yaani laws to be for all lakini si ya wadogo na wakubwa ndio hawafuati e.g. Katiba ndio inatengeneza sheria. Kwa hivyo Katiba iko juu ya sheria nayo bendera iko juu ya court. Juzi nilikuwa nikiona minister mzima ameshitakiwa na criminal offence moja ama mbili, lakini anaenda kortini akiwa na bendera. Sasa nani atakuwa mkubwa? Ni yeye ama ni judge? Mimi ningetaka sheria iwe ya watu wote. Na kile kitu kimeharibu Kenya ni kusema ati sheria haifuatwi. Nothing else. Haya yote tunafanya hapa ni sababu ya kutokufuata sheria. Ningetaka sheria ifuatwe kikamilifu. Mtu akifanya makosa, aadhibiwe na akishafanya vizuri, ambiwe amefanya vizuri. Na sio mtu fulani, ati ni huyu mwalimu, huyu ni minister, watu wote wawe chini ya sheria.

La pili, ningetaka ministers wawe elected na watu wote ili President akose nguvu juu ya minister. Sababu sasa wakati huu minister hawezi sema kitu kwa sababu anaogopa ataondolewa kwa hicho kiti. Sasa, kwa sababu tunaweza kukosa njia ya kuondoa nguvu za President, iondolewe kwa njia ya ku avoid na ku select ministers from the grassroot. Haya hiyo ni ya pili. Ie ingine mimi mara ingine huona vibaya sana wakati wa Jumamosi jioni, nikiona mgonjwa ambaye ameshinda watu wao akiletwa kwa TV asaidiwe. Huyu mtu ni wa Kenya, baadala ya serikali kuchukuwa huyu mtu imutengeneze, analetwa kwa TV, anaonyeshwa vile ana shida na serikali iko. Mtu kama huyu achukuliwe apelekwe hospitali ya serikali.

Ya tatu, kwa sababu mnaniharakisha ndiyo itakuwa pengine ya mwisho. Mimi bado nina shaka na Commission ya Constitution sababu wakati ilitengenezwa, ilianza na vita ya Kanu watachaguliwa wangapi, upinzani wangapi, wanawake wangapi, wanafunzi wangapi, kanisa wangapi, yet mimi naogopa ati hii amri itakuwa ni kama ya groups sio kama ya Kenya. Sababu kama ni ya Kenya, ningelisema ati ni Kamau na Njoroge na Atieno waende watengeneze nini? Constitution. Lakini sasa kila group inaenda kujitetea. Inaonekana kama sio ya Kenya inatengenezwa, inatengenezwa ya groupings ati hii ni Kanu na hii ni ya nini. Ya mwisho, wacha kwanza nimalize. Lile lingine ni hivi, ningetaka Kenya, watu wa Kenya, Commissioners watufundishe njia ya kutumia sheria. Kwa sababu kile kitu kimeharibu Kenya ni kutotumia sheria. Sababu ile Constitution ya kwanza haikuwa mbaya lakini kitu kimeharibika ni kutoitumia. Sasa mtueleze tutafanya nini kwa sababu hiyo ya zamani ni mbaya hii nzuri itafuatwa? Mtafanya namna gani ili ifuatwe? Hilo ni lingine.

Interjection: Kaa chini

W. N. Ndegwa: Nikae chini kwa nini? Mwenyekiti yuko hapa sio nyinyi. Na lile lingine ni Kenya Bureau of Standards. Tunaletewa vitu ambavyo sio vizuri yet KBS wako, wanafanya nini? Unaenda kununua mabati, within three days unaona imekuwa na nini. Hiyo, Kenya Bureau of Standards itengenezwe na iwe kitu kizuri. Lile lingine, ngoja ngoja kidogo. Nitamaliza hivi vitu. Nitaje hii kidogo tafadhali. Just a second. Yes, lile lingine ningelitaka korti ipewe muda wa mshukiwa kukaa katika rumande. Kwa sababu mtu anaweza kuenda kortini haukumiwi, hafanyi nini, anakaa miaka mingi kama yule mtu wa Njeri alikaa miaka kumi na nane. Alikuta shamba lao liliuzwa na sio kufungiwa ati ni rumande alikuwa (clapping). Ipangiwe ni muda gani anaweza kaa na kama muda ukiisha, hata kama alikuwa ameua afunguliwe. Kwa hayo machache, asante sana.

Com. Musila: Ulisema kwamba unataka ministers wawe elected kutoka grassroot. Unaweza kufafanua kidogo watachaguliwa namna gani na watukuwa wangapi?

W. N. Ndegwa: Kamiti tuko na electoral commission ndiyo itapanga, sio mimi.

Com. Musila: Na wawe wangapi.

W. N. Ndegwa: Watapanga kama vile MP wa hapa asimamie hii ministry na fulani ile. Tumwekee mita ndio achaguliwe kutoka hapa.

Com. Kabira: Thank you very much bwana Ndegwa. I will go through the next list again. James Gitau? Samuel Mwigie? Stephen Njoroge? You have spoken, thank you. Sarah Wanjiru?

Interjection: Sarah

Com. Kabira: Maybe she has left. Okay, Jane Wambui?

Interjection: Wambui

Com. Kabira: Evanson Muhoro?

Interjection: Muhoro

Com. Kabira: Stephen Thuku?

Interjection: Thuku

Com. Kabira: Mithani Njuge Ngunge? Councillor Simon Njane?

Interjection: Councillor Njane

Com. Kabira: Okay Geoffrey Ng'ang'a? Okay Edwin Ndichu?

Interjection: Edwin Ndichu

Com. Kabira: Naftali Wairiku Gama?

Interjection: Naftali Gama

Com. Kabira: Naftali Wairiku Gama? John Mwangi? Okay Edward Munene?

Interjection: Edward Munene

Com. Kabira: Peter Gathenyi?

Interjection: Peter Gathenyi

Com. Kabira: Gathenyi?

Interjection: Gatheri

Com. Kabira: Okay, Francis Mbugua?

Interjection: Francis Mbugua

Com. Kabira: Cyrus Gitau?

Interjection: Cyrus Gitau

Com. Kabira: Okay, Rita Njenga?

Interjection: Rita Njenga

Com. Kabira: Stephen Gitau? Okay Francis Mwaura Mugure?

Interjection: Muguwe Mwaura

Com. Kabira: Julius Maina?

Interjection: Julius Maina

Com. Kabira: Edward Gichini?

Interjection: Edward Gichini

Com. Kabira: James Mburu?

Interjection: James Mburu

Com. Kabira: Eric Mureithi?

Interjection: Eric Mureithi

Com. Kabira: L. N. Ndegwa? Okay Allan Njoroge?

Interjection: Allan Njoroge

Com. Kabira: Clement Njari? Muigai S. W. Muigai?

Interjection: Muigai S. W.

Com. Kabira: Mukoma?

Interjection: Mukoma

Com. Kabira: Okay, Allan Njenga Gichuhi?

Interjection: Njenga wa Gichuhi

Com. Kabira: Evans Mbugua?

Interjection: Evans Mbugua

Com. Kabira: Simon Ndungu?

Interjection: Simon Ndungu

Com. Kabira: Evanson Murirai? Okay Evanson N.Mwiruri?

Interjection: Evanson N. Mwiruri

Com. Kabira: And then John Gachingo?

Interjection: Gachingo

Com. Kabira: Humphrey Mbugali?

Interjection: Humphrey Mbugali

Com. Kabira: Henry Ng'ang'a?

Interjection: Henry Ng'ang'a

Com. Kabira: Henry Mungai?

Interjection: Henry Mungai

Com. Kabira: Simon?

Simon: Niko hapa

Com. Kabira: Uko hapo? Henry Mungai okay

Interjection: Henry Mungai, yuko hapa?

Com. Kabira: The other two shouldn't(inaudible)....Okay Henry Mungai

Henry Mungai: Mimi jina langu ni Henry Mungai kutoka Kikuyu. Area ni ya Kikuyu. Pamoja na vile tunatengeza Katiba kuna sheria zingine zinatufinya kabisa. Sheria kama hizi; Umenunua shamba kwa squatter. Ukinunua hiyo shamba wakati wa mbele, lease fee ilikuwa Shs.240. Na hiyo ilikuwa 999 years. Halafu ikarudi kwetu inakuwa 99 years. Hii sio memorandum. Hii ni ushaidi vile tulilipa. Tunalipa acre moja Shs.950. Ikiwa ni acre tatu Shs.2,850. Hiyo sheria ikirekebishwa itakuwa mzuri maana yake hata yule mwingine atanunua, anafuata hiyo sheria. Sheria itakuwa ile ile tu. Na sio ati ni kwangu, haya mashamba yako hapa mahali tunaishi. Mrekebishe hiyo sheria. Ni hayo tu.

Com. Kabira: Thank you very much Mr. Mungai. Daniel Mburu? Waweru? Mburu, Okay George Wachira?

George Wachira: (Kikuyu dialect) Uhuro uria guaria ni uhuro wa miguda

Translation: Nitaongea habari ya mashamba

George Wachira: (Kikuyu dialect) Point iria cia rutiruo nia andu cia common land

Translation: Yale maoni yalitolewa ya common land

George Wachira: (Kikuyu dialect) iria cia kaguo chukuru, na ido ige ta thibitari na maodu mamothba icio

Translation: yanayojengwa hospitali na shule na mambo mengine kama yale

George Wachira: (Kikuyu dialect) guria tudu riu ikuraguo irugamiriruo ne kajo nio trustee

Translation: kwa sababu council ndiyo trustee yake

George Wachira: (Kikuyu dialect) ichokagirio ria itura riu agikuruo ni ikweda kugaruruo udu ugi tiga uria wari wa muige.

Translation: naona irudishiwe wenye vijiji kama yatakuwa yakifanya mambo mengine.

George Wachira: (Kikuyu dialect) na guku gwitu ta Kikuyu kana muguga nikuo cieketwo grabing kana ikaio

Translation: Hapa kwetu Kikuyu ama Muguga ndiyo imefanyiwa kuibwa sana ama kunyakuliwa.

George Wachira: (Kikuyu dialect) idu iria ciakuo ta ithima, na ndonyo na iharu cia chukuru

Translation: Chemichemi, soko na viwanja vya shule

George Wachira: (Kikuyu dialect) ni chietwu na imwe twenachi twi magutini tugichira

Translation: vinanyakuliwa na tuko kazini ama kortini tukiketi.

George Wachira: (Kikuyu dialect) riu gakiuga idu ta icio ni ciagirire ikuroo irugamiriruo ni adu a itura makahitukia kihianio turia kiriruo nikuhianuo no ni kwedio

Translation: Maoni yangu ni watu wa vijiji wahusishwe, waitwe ili wajulishwe maana

George Wachira: (Kikuyu dialect)

Translation: wanaambiwa na ni kuuzwa.

George Wachira: (Kikuyu dialect) no do ocio indu ici cia rutiruo ni ithue ni ithue tukiruta tukihiana nodu wa ciana ira nyinyi na iria iagaciaruo

Translation: hiyo mali tulitoa kwa sababu ya watoto wachanga wale watazaliwa na wale watakuwa

George Wachira: (Kikuyu dialect) ni riu ni kwedio iridio ni andu ta makajora

Translation: na watu kama councillors wanauza vile vitu.

George Wachira: (Kikuyu dialect) na dire na mbara na makajora, nie nojuge mahio besha jegega

Translation: Bali sina vita, ningesema wapatiwe mishahara mizuri

George Wachira: (Kikuyu dialect) ni githa wichi wa ithak uthire.

Translation: ili wizi wa vichaka ukome.

George Wachira: (Kikuyu dialect) na uria gweda kumwera na ma, nia ati ina miaka ta miruguu inne na itadatu

Translation: Nikisema haki ni kwamba iko na miaka zaidi ya arubaini na sita,

George Wachira: (Kikuyu dialect) na irabiruo kuio ne kajo iria irathuriruo 1992

Translation: na ilianza kunyakuliwa na ile council ilichaguliwa wakati wa tisaini na mbili (1992).

George Wachira: (Kikuyu dialect) kiria kige igihutia nia ati ithaka tairia chi ria reserve ta iria chie kuria mwena wa Limuru,

Translation: Nikitaja vichaka vingine kama huko Limuru

George Wachira: (Kikuyu dialect) agikuruo ni iguthie ikiyaguo noguo tuguthie tukihutaga, tudu nicio cia cikuragia waru na idu ira ige.

Translation: kama hivyo vichaka vitachukuliwa na kunyakuliwa kutakuwa na njaa maana ndiyo inakuza vyakula

George Wachira: (Kikuyu dialect) guria hihi kugitikirio ithaka ta ichio niciagirire gukuruo ire cia thirikari ituri irutagiruo wera uchio wagukuria bururi.

Translation: ikiwezekana, inawezakuwa ya serikali, iwe vinakuzwa, ama vifanywe kuwa wa faida kwa serikali.

George Wachira: (Kikuyu dialect) na onataichi igoku kabete tudu ne turunaga igiaturaguo

Translation: Hata hiii ya Kabete maana nimeona imekatwakatwa

George Wachira: (Kikuyu dialect) nige kiria gueda kumwira niate ithaka icho itiyaguo ikaneo andu, ineyaguo andu aria itoga, todu nie ne joe andu , igeruo demaguete riu, nogwete andu mena indo, mena ithaka inge,na nio machihadite ta haha muguga.

Translation: vikinyakuliwa vinapatiwa matajari, najua wengine naweza kuwataja. Hata wengine wamepatiwa hapa Muguga.

George Wachira: (Kikuyu dialect) kwoguo kagiuga indu ichio cimenyererwo ne watho.

Translation: Nasema sheria ichunge hiyo mali, isiende ikinyakuliwa vile vile.

George Wachira: (Kikuyu dialect) kweshiria guga oguo.

Translation: Mimi nafikia hapo. (clapping)

Com. Kabira: Asante sana Bwana Wachira. Okay James Mburu? Stanley Kimani? James Gatheo? Okay, James ni wewe? Stanley Kimani ako? Hayuko, okay Mwangi Gamato?

Interjection: Mwangi Gamate

Com Kabira: Okay, Mwabite Jakire? Muguti N. J? Francis Kimani? Sorry, James Mburu kwanza halafu Gamate?

Interjection: Mburu?

James Mburu: My name is James Mburu and I will read just the way I have written and it is very brief. Your honourable Commissioner should review the following:

- The President of the Republic of Kenya should not receive any donation from Asians or an individual to use on a project of his own choice. This promotes corruption and bribery indirectly.
- The President should not be everything for example, he should not be a headman, should not be a chief, should not be a policeman and a judge etc. his duties are above that.
- The Constitution should review or limit the amount of money to be deposited in an overseas bank by either the head of state or a minister.
- All the money already deposited in an overseas bank should be brought back to the country (clapping).

Com. Kabira: Thank you very much Mr. Mburu. Now Gloria Ndeku Wanjiku? Okay, Achiba, no what is this? Nyabaro? No Achiba are you there? Okay, now Rev. Benson Mwangi or he has gone? Okay, Peter Gitagia Ng'ang'a? Not there. Rev, Mahimbo? William Ng'ang'a? George Kamau? Rose Wanjiru Wachira? You are there, okay. So, Rose Wanjiru, just give me a minute, is she here? Nyakwemba Ronald? Patrick Kyalo? I think those are the students we gave an opportunity and George Martha, is he there? Oh George Matta? Okay, James Samuel Kinyanjui? So, we will go to Rose Wanjiru followed by George Matta and then James Kinyanjui.

Rose Wanjiru: Good afternoon everyone?

Audience: Good afternoon

Rose Wanjiru: My name is Rose Wanjiru Wachira from Karai location. I represent Karai location in Kabete constituency committee. So, on the side of the church I represent the Peace and Justice in the church, of Catholic of Pegasarani Parish and I have the views. In my views, the ones we have discussed with the members of that Peace and Justice of that Parish council they are like this.

- The National Vision

- We have to be united in our diversities
- Equal treatment for all before the law
- We have to have guaranteed individual freedom
- And we have to have a guarantee on basic rights for all.

- On Children's Rights

By ensuring equal opportunity in education for both boys and girls

- Advocate for basic human rights
- Protect and manage the national resources
- Registered parties. They should have gender equality. You know when the bell rings I start to tetemeka ring like that. I have important issues here I can't leave behind.
- I have to say that education on constitutionalism should be included in the curriculum and the civic educators have to be issued with certificates, funds and stationary to complete the work of educating our community.
- On land- local community to have power to control the use of land by the owners or the occupants. To abolish special land boards, abolish them. To abolish established leasehold system and then replace them with freehold. So Constitution should create special land board to deal with the land issues. Equal access to land by both men and women. The title deed of the family land should bear the names of both husband and wife.
- The Kenyan women should suffer no form of discrimination, oppression that reduces her dignity and fullness of life as a Kenyan. That is all (clapping)

Com. Kabira: Thank you very much Rose and we will hear George Matta and Rose Wanjiru. George Matta.

George Matta: Yes, hamjamboni?

Audience: Hatujambo

Matta: Yangu ni chache sana. Kitu cha kwanza kile ningetaka kusema ni councillors wawe saa mbili wamefika kazini. (laughing) Councillors, sababu pahali hawa wanafanya kazi, wanafanyia watu wale waliwachagua. Na MP naye awe amefika kwenye ofisi hata yeye. That is all.

Ya pili, ni jambo muhimu sana na msikize. Wakati wewe uko kwenye laini pahali popote wewe upo, lazima uwangalie

mwenzako si vile yeye mwenyewe anafanya kama ni mabaya, kama ni mazuri. Wewe kuwa pamoja na wale wengine. Usikubali sababu kuna intention ya watu wengine, wewe uko na ukimwi yule mwingine hana lakini wewe unataka wewe mwenyewe kumdunga hiyo shindano. Hivyo tu peke yake.

Com. Kabira: Thank you very much Bwana Matta and we now have Kioko

Interjection: Kioko

Com. Kabira: Kioko are you there? He is not there. Charles Wainaina?

Interjection: Wainaina

Com. Kabira: Onesmus Gichuru?

Interjection: Charles

Com. Kabira: You are Charles Wainaina?

Charles Karanja: Charles Karanja

Com. Kabira: Charles Karanja. No, Karanja we have not called you. Sorry you are Charles Karanja Wainaina.

Charles K. W: Yeah

Com. Kabira: Okay and then do we have Onesmus Gichuru? Okay Onesmus Gichuru? And we have Allan Gacheru Kingoro. Allan are you there?

Allan: No

Com. Kabira: Okay let us listen to Charles Karanja and then Onesmus.

Charles Karanja: Nazungumza juu ya wale vijana hawana kazi. Jobless people. The young jobless people who try to sell things like clothing and fruits along the streets corners in the cities. They are repeatedly chased by police. Of course they have no licence and do not pay tax but their trade allows them to survive from day to day. They have managed to maintain their families. They feel dignified of going to work every morning instead of staying at home idle. Where is their dignity if they

constantly live in fear with one eye on the customers and the other eye on police who can take away their wares without compensation? With whom can they discuss their situation and find a way of surviving within the law when no employment is open to them. Hiyo inaisha.

Ya pili ni mambo ya district Commissioners. Kwa madawa unaona daktari anaandika madawa, anapeleka kwa district Commissioner. District Commissioner anakaa na hiyo madawa na kule watu wanakufa na magonjwa. Hayo mambo ni mabaya na tunataka yiishe.

Ya tatu kuna hii board ya mashamba. Hii, kuwa special board, hizi boards zinawekwa na D.O. na watu wachache na zinauza mashamba ya watu bila kujua. Yafaa hizo mashamba boards ziondolewe.

Ya nne, kuna masafari nyingi zinafanywa na President. Kama President wetu akiwekewa limit ya safari, tutaokoa pesa nyingi sana.

Na ya tano, yafaa tuwe na checks and balances ya corruption.

Na ya sita tuseme haya maneno ya civic yaendelee kusomeshwa watu wote kwa shule na pahali kadhalika. Asante sana

Com. Kabira: Okay thank you very much Bwana Charles Karanja. Onesmas Gichuri?

Onesmas Gichuru: I have the following to say. I will start with the police. The tenure of the police should be included in the form four KCSE career choices. Not the way they are done nowadays, kienyeji, recruited in a stadium. Let it be a career like any other, like the teachers regulations. Then they should enter a two year diploma course including the way the agreement says, signed so that they know what is expected of them. The university should start degree course for the policemen so that they become hard workers. The degree, they have one in Egerton, then the police join to get them. The other one is the police officers live in cages. They are congested in cubicle and far from anybody else. They should be allowed to rent homes like all of us. The doctors are outside, the teachers the same, why the policemen? What is special about them? Let them be mugged like us when we are going home. Because there is no thief who is going to waylay a policemen on his way home because he knows this is the way to the police station. If he lives far from the station and is mugged late, atashika tu huyo mwizi.

The other one goes to education. Let our education system never be changed again on political platform. Let us have the 2/3 of total Kenyan population vote for it through the ballot system and before we vote, we should be educated where it should be changed and for what reasons then we discuss it, then we vote. Never again should we have the 8-4-4 system, the one we have now which has no fruit, no head, no nothing. The other one is that in schools, the children should be taught democracy. They do not know what is multipartism, ask them they don't know and it should be taught in schools. The other thing to be taught is human rights, hatujui. That is why you find a policeman can slap you. He doesn't know, he was never taught. He goes for six months to Kiganjo, he matches, he shoots, kwenda. Then the other thing is that, this one only involves the children and all students in colleges. You find that they go to represent Kenya in international games and when they finish, they come back and

all they get is lunch in State House. What am saying is, these are heroes. They should be given free education. If they win, wacha wasome kule kwao. At least we are creating role models whom we do not have. All we have are grabbers. Then each school should tackle ignorance which is killing us. Corruption should be tackled in schools, tribalism should be tackled in schools. Illiteracy should be eradicated as well as diseases.

Ya mwisho, any officer should not be in one station for more than ten years. If he has to extend it is the stakeholders of the office he is serving that will say so. So, extend his tenure and that should be not be for more than five years. And they should include any public office. Nilikuwa nimesema mwisho, the government should provide all MPs with offices in their constituencies. You see what they do, they are supposed to use their money to rent offices within the shops. We have the PC's, D.'O's DC's they are actually inferior as far as the MP is concerned. He is our representative. We need our taxes so what we should have is an office for an MP and the manpower should be paid for by the government. So, when we vote they keep us out. The incumbent who comes, the way the young man is saying, it has to be at eight. So where will he be at eight if he has no office? When comes in, he has an office where he will be sitting for us to go and find him. Thank you (clapping)

Com. Kabira: Thank you very much Onesmus. I wanted to know, you said something like corruption should be taught in schools. What did you mean by this? What should be taught in schools? No, you said corruption

Onesmus: What I mean is anti-corruption. What children should be taught, what is involved in corruption because they don't know.

Com. Kabira: Okay thank you

Interjection: Yes please. I heard you say that policemen should stay in their homes like teachers, doctors. What are you suggesting about the arms they have. Are you saying they stay with them in their homes and when they are wanted for duties, how will they be assembled.

Onesmus: For the arms, he doesn't need to go with the arms in his house. He leaves it at the station because he is off-duty. He is joining his family and his friends. For communication, they should be bought radio calls that is a very simple gadget. The government can afford it. We Kenyans can afford a radio call whereby it is called every officer all over the country can know.

Com. Kabira: Okay, thank you very much. David Mburu Muchuku? You are not here and John Kimani Mbugua? You are there? Okay there is somebody else Geoffrey Mbugua. You look like you wanted to speak wherever you are but it is cancelled and then written again so am not sure. But are you there? Geoffrey Mbugua you are not there so we listen to John Kimani Wamwenge. You are there. Okay and Peter N. Mbugua. You are there, where is Peter N. Mbugua?

Peter N. Mbugua: Niko hapa

Com. Kabira: Okay, Henry Wangoko? He is not there then Paul Muchiri? Okay Paul. So we will listen to, now who is this speaking now? James Njuguna Wamwenge. Are you the one? You are who? Sorry, John Kimani. Okay

John K. Mbugua: Habari zenu? Jina langu ni vile mmesikia naitwa John Kimani Mbugua kutoka Wangige. Maoni yangu ni turekebishe kuhusu hawa watu wa biashara ndogo nikiwa mmoja wao. Mimi ni dereva wa taxi. Naendesha taxi mimi, na kwa upande wa taxi, nachukulia yote ikiwa kwa small business. Wale watu wa biashara ndogo ndogo ambao tumefinywa sana na kodi za licence. Ningetaka kuomba tusiwe tukilipishwa licence kwa sababu biashara zetu ni ndogo. Kama nchi zingine mimi naona wengine hawalipi. Sasa upande wa watu wa biashara ndogo, wasamehewe kwa maoni yangu.

La pili ni hii kuchagua chief. Tusiwe tuki dictate iwa ati huyu ndiye chief wetu na hatujui mahali alitoka ama alichaguliwa. Ya tatu ni mayors, direct tuwe tukichaguwa tukiwa raia.

Na nne ni hii mashamba mnasikia mtu ako na shamba ekari elfu mia moja mwingine ako na ekari mia moja. Kama yaani tuseme I am a Kenyan. Nikiwa hapa Commissioner, mimi nimezaliwa mahali, yaani nimetoka familia haina shamba na huku niko katika tuseme, I am just like a squatter in my country. Hiyo ningetoa maoni yaani serikali inaweza patia sisi kitu kama ni kaploti 100x100 ama 50 sababu wengine wengi wako na ekari elfu moja na sisi hatuna kwa upande wa squatters.

Hiyo nyingine ni tuseme nilikuwa nimeandika na nilikuwa nataka kutoa maoni ya haya mambo ya majimbo. Majimbo mimi sioni haja. Tukiwa Kenya huru ukiwa na shamba Nakuru ama ukiwa nayo Mombasa kwani unaweza kutoka Mombasa ukuje hapa na huko ndio unajua mahali ulizaliwa ni huko Mombasa hakuna mahali pengine.

Lingine la sita ni kuchagua President kando na MPs na councillors. President tumchague siku yake kando na MPs na councillors siku yao.

Lingine ni security. Ningetaka kuomba Commissioners ya security ikiwezekana, kila shopping centre tuwekewe police post in the whole country. Hiyo nyingine tuseme ni kama community basing kama Parklands. Parklands ni ya wahindi, sioni mweusi huko ama mwingine kwa vile community basing hiyo ni kusema yaani hata kama ni muskiti unakuta wahindi ndio wako huko barabara. Kuolewa, yaani kuo, huwezi kuo mtu mwingine akioa mhindi. Inaweza kuwa hata kanisa hiyo huwezi kuingia huko. Kwa hivyo kanisa na haujui wanaongea nini. Hiyo community basing sioni ikiwa nzuri. Yangu ni hayo tu, ningesema asante.

Com. Kabira: Thank you very much for your views. James Njuguna?

James Njuguna: Commissioners and all other listeners, hamjambo? Okay, I want to talk about our police station cells. Okay, I would recommend that there be set a Commission, that is human rights Commission and all its officials, it should have officials forwarded to every police station in Kenya. These officials will take care of people who have been taken there because we know that when they are there, they have not yet been proved guilty. I want to give the example of cases whereby exhibits, the remains of exhibits used in courts, they are returned to the court so that police don't interfere. Saa hizi nikikutana na polisi pale anidharau kwa sura ama tukiongea anidharau atanitolea nini? Tukienda huko cell atatoa bangi, atatoa chang'aa, everything in the

cells. So, we should have those people inspecting the cells occasionally to ensure that exhibits used on other people are not returned in the cells. Hii ita protect washukiwa. Pia tunajua the lighting system in the cells is very poor. Unakuta mtu anakuja usiku, anasukumwa kwa cell. Akisukumwa kwa cell hajui anakuta nani because the place is so dark. So what happens, huyu jamaa anafanyiwa kila kitu. Nakwambia ukiingia hiyo cell ama just talk to your friend or a relative mwenye ametoka hiyo cell. Kuna mengi sana hatakwambia sababu hayaelezeki. What am I talking about? I am talking about homosexuality. It is there. These people, they are abused because some of the people they live with in the cells ni watu wenye wametolewa rumande, wakija hapa kortini hakuna nini, unakuta hawakufanya nini; Saa zinaisha kabla kesi yao haijakatwa. So, instead of these people being returned to industrial area remand unakuta wanarudishwa huko. This one is a hardcore criminal so that is why you hear cases of, vile tulisikia Thika. Kuna watu wengi sana walikufa kwa cell, so naomba Commission iangalie hayo mambo.

And then, also I would like to see a situation whereby the results and the recommendations for Commissions of inquiry and task forces, they should be made public. That is, the Constitution should provide for that. They should be made public as soon as they are ready regardless of what the establishment thinks about the results. Right now, we have so many Commissions of inquiry reports lying idle in some of these people's offices. Now we don't know, remember that the funding of those Commissions is your money, so you have the right to know what the results were. So I would recommend that once the results are out, it should be automatic that the public should know the results and what the recommendations of the Commissions are.

Please let me also talk about the eviction of squatters and hawkers, should only happen if there is an alternative for them. Hatutaki kuona vile tuliona Mombasa ama hapa Nairobi kila wakati vijana wanafukuzwa because they are hawkers and they are not offered any alternative. Huyu mtu ataenda wapi? Akija akugonge fimbo jioni utamwuliza? Huwezi kumwuliza kwa maana riziki yake ameimaliza.

Now, let me also talk about the presidency. Okay, juzi niliona kuwa the Kanu government or rather kanu party ikiunda Constitution that made the chairman so powerful. Actually, the aim of this was to make sure that next of course they are hoping to come up with the next President. So they want to manipulate the President that is going to come. Wakahakikisha ya kwamba their interests are done what? They are protected. So, I should recommend that the Constitution should make sure that once a President is elected on a given party, I think it should be made compulsory that, that person should cease to be a member of whatever party that brought him into power, isn't it?. So that huyu jamaa awe free ku discharge the duties that go with what? With the presidency. So, we shall protect this President from the party manipulation and also we should make sure incase this President also wants to run for a second term, we should protect him from being denied the chance by the party. So, there should be that provision.

Now, this problem that is affecting the youths a lot especially once they are through with college. The Constitution should provide for the abolition of probation period for the employee by the employers, because at that moment, because of the fact that we are so many outside looking for jobs, what they are doing, when you go looking for a job, what the person will tell you is that, "I will take you but you will be under probation for six months and I will not be paying you. Now when I am satisfied

that you are okay, I will employ you.” So what guarantee is there that this person will employ you? Umetumia wakati wako, six months, umemfanyia kazi lakini hakuna kitu anakupa mwishowe.

So, and also I would like to see a Constitution whereby a person is allowed to vote where you are. Kama kwa mfano ulikuwa na safari na ulikuwa unaenda, the safari was urgent, hungeweza ku vote, wewe tu uchukue kura yako ukubaliwe ku vote anywhere and that is why we should use our ID’s instead of voters cards which specify where you are going to vote.

Thank you.

Com. Kabira: Okay, thank you very much Mr. James and can we listen to Paul Muchiri?

Paul Nduria Muchiri: Okay, my name is Paul Nduria Muchiri, born again Christian. I would like to stress the point that gentleman said we that vet the MPs. Members of Parliament should be vetted before they vie for their seats. That is, we should have a body which could be made up of some group of people who will be of good moral conducts. So that we have MPs who are of good moral conduct for most of especially, also the President included.

The other issue is landlessness. No Kenyan should be termed landless yet he is a born Kenyan and he is a child of Kenya. The other thing is when it comes to us being given our what? Services the government gives us services, we should have the laws which stipulate the time. They should be all time defined. That is if I fill a card/form and may be am applying for an ID card for a young man, if I fill a certain form that I will get an ID card, it should stipulate what time I will have that ID card. That means I feel time is a very important part of efficiency. If we don’t stipulate what time, they will always tell me, “come tomorrow, come tomorrow your ID is not yet ready, your ID is not yet ready.” This will give in to corruption. Corruption comes in that way. But if it has a time frame, let the ID people sit down and tell us, “one month after you fill this form, your ID will be ready.” Or even if it is one year, we don’t care but let us have a time frame when we can assume they have refused and now we can take steps. Because as for now, if I fill a form, even if I stay ten years, if I sue them, they will defeat me. They will say, “We are still in the process of making the ID because the time is not predefined.” Let us have all the services even if it is a title deed or whatever or whenever you go to a government office to fill a form or you go, let us have time. Even for instance, even if you go in the morning, let us not leave loopholes, because if we leave these loopholes this is where corruption is creeping in.

The other thing is, the police force should also, especially the traffic police, they should be given the right to fine people instead. Because people don’t like corrupting but the problem is now the long time you will take to go to court and all these, the next day if you are a matatu man, you will waste your day. These things encourage corruption. Let them have, in fact now we are in a computer era. If people are paying for electricity here and it is updated in every office, let us have a situation whereby they tell you, “You have worn out tyres, the fine is this, it is Kshs.200 and this fine is payable within 48hrs” and you can pay immediately in any office in Kenya within that time so that when you go, you will just pay, then the computer will show. Now, they will then be looking for defaulters so that we reduce corruption. Time is an important element of efficiency. Thank you.

Com. Kabira: Thank you very much. Peter Gatonya, are you there? Peter Gatonya, you are not there. Erastus Nyoike Kinuthia, is he there? Nyoike Kinuthia, he is? Okay, Lawrence Wainaina? Okay, so Lawrence will be next. Julius Mbutia Kariuki? No, councillor what is this? Kugirati, J.M.

Interjection: Not there.

Com. Kabira: Okay he is not there, so we listen to David Michuki, I am sorry Lawrence Wainaina.

Lawrence Wainaina: My name is Lawrence Wainaina, born again Christian from Karai loaction in Kikuyu. I would like to have a President or the President should not be above the law because this is the worst thing we have in Kenya. That is the reason why these people do not get out of the seat because they have protection.

Com. Kabira: Lawrence, can you stand here so they can see you. It would be easier for them to hear you. Okay thank you.

Lawrence: I would like to have a President who is not above the law so that when it is time for leaving the office, he should be able to leave because if he could not be taken to court when he was in the office then he knows he is still safe and this is the major problem which we have in Kenya.

Electoral commission should be answerable to the parliament. And the chairman should be answerable also to the parliament but not to the President. Vice President should be elected by voters as a running mate of the President of that time. Nominated MPs should be nominated from the disabled people who cannot get votes. Like the blind, deaf and lame. They should be given the nominations.

Private communication media which should be open to the whole country rather than to some areas like Nairobi and the rest. Incumbent President should not tell Kenyans who to elect. He should be silent when he is leaving the office and leave the Kenyans to decide who to elect. President should be elected by 55% of the registered voters throughout the country so that he/she be declared the President, winning President.

Voter cards should be issued at the same time with ID and passport because they are a right to anybody, to every Kenyans, all the three documents.

Chairmen and mayors should be elected by the voters and should be in the office for 5 years rather than to be staying for 2 years and then we hear of the election of mayors or chairmen. Councillors should have minimum education of Kenya Secondary Examination Council (KSCE) and they should be having a pass in that. Education should be free for all upto form four and that is all. Thank you (clapping)

Com. Kabira: Thank you very much Mr. Lawrence. Do we have James Ngugi? We don't James Ngugi, you are the one? Okay.

James Ngugi: Good evening. My concern is about security. It is my concern how much you should pay for the police to be granted security services and why. Hivi ni kama kwamba kama nataka kufanya kitu kama harambe nikitaka security juu unajua nikifanya harambee nataka shilingi kama milioni moja, si wezi watakuja kuzichukua? Ninafaa kulipa pesa ngapi kwa D.O. ndio nipewe polisi nani kwa nini ninafaa kulipa hizo? Number two education tuition. The syllabus should be taught to every child whether he/she attended the unaffordable tuition levies. Hivi ni kwamba, mwanafunzi kwa njia zake kama hizi, labda yeye ni mshiriki wa kanisa kama la Seventh Day Adventist. Mnajua tuition huwa watu wanaenda on Saturdays. Sasa huyu mwanafunzi kulingana na imani yake, hawezi kuenda kwa shule on Saturday. Sasa, anaenda anaomba headmaster ruhusa mimi mwalimu siwezi kuja for tuition on Saturdays kwa hivyo anapewa ruhusa ya kuendelea kwenda kanisani. On Monday, kile walisoma on Saturday, teachers should be forced to teach the child on the same because it is not the fault of that child.

Okay, cabinet ministers should be workers but not policy makers and they should also be professionals. You hear the health minister is Major retired so and so. What does the ministry of health have to do with guns and whatever? (clapping). Not only cabinet ministers, but am also talking of every office bearer should be a professional in that line. Because we have got so many. Like now may be I am a qualified Kenyan accountant technician certificate, I have that. Maybe I can do a better job than a retired minister, a Major retired minister who is leading the ministry of finance. I have little knowledge on that (clapping).

The other thing is about drivers. The driving fraternity is a very important field just like the other fields. Like now, kama mimi I am an accountant, can I perform an operation to somebody? Sio huyo mtu atakufa? Operation ni ya daktari, si ndio? Because this life is very important, hata kama ni ya mwendawazimu, it must be a qualified surgeon to operate a person. But now you find a nissan carrying 17 passengers plus the driver and the hanging conductor. You find a 17 year old guy who has completed form four because at their home, baba yake alikuwa na gari na anajua kuendesha gari, anaweza kulipa elfu tatu apate licence. Unakuta huyu mtu anabeba 18 precious lives accident inatokea inaua kila mtu. In our country we loose billions of shillings through road accidents and other tragedies. Therefore, drivers should go for a driving course even if it will go for four years. Because this is very very important, are noting what I am saying?

Okay, police post. Human rights activist should be in police posts. Kwa nini? Askari akinibeba akinishika kuwa na bangi, who is there to tell that I am not having bangi? So like in Kikuyu police post, we should have at least two human rights activist and if possible, one clergy man. Mtu ambaye ako na nini? Raia ako na imani na yeye. Because we have lost confidence in our police. Even if we have a new Constitution, we will not have confidence in our police. Okay, the other point was, the police should be allowed to stay away from the police station. Why? I want to support that guy. Alikuwa anataka kusema kama vile mimi ningetaka kusema. A policeman, if he is off duty, kwa nini asikae huko? Aende nyumbani kama vile naenda nyumbani. Aende aulizwe, "Unabeba nini, unaenda wapi, nyang'au nini," Saa hiyo zote akibebwa huko, atasikia iko uchungu na ataweza kubebwa. May God bless you, am a born again Christian. (clapping)

Com. Kabira: Thank you very much James. Do we have Naftali Waiuruko Kamau?

Naftali: Namsalimu katika jina la Yesu. Thanks for all those who have tolerated and may God bless you. Briefly I have the following:

- Health: Cost sharing. No, the health service must be provided by the government. Education; primary education should be free as in the former system. At even secondary school and higher learning institution fees must be lowered to minimal to enable even the less fortunate parent to afford.
- Legislature: Presidential powers; President should not be above the law to ensure respect of the law by all and avoid corruption.
- Exchequer: Certain taxes should be terminated, those which can be harmful should be done away with. For the remaining should be lowered for fair distribution of resources.
- Mob justice: It should be banned and whoever practises it or inciting it should be fully executed. There should be no unreasonable arrest, torture, or interrogation. Offenders of the city council rules should be sent to their personal restricted places or custodies. They should not be mixed in cells which partake of thugs and robbers, because they have not done such a serious offense.
- Government funds should be distributed fairly and not just to be concentrated in one area. Also, the government should lessen importation of labour while having local graduates for the same, or people who can be trained to partake it. Also, the entries should be restricted for the importation of goods to our country.
- No parliamentary member should have power to dissolve the parliament without notice and agreement from votes of members of parliament.
- There should be no nepotism or racism while taking people for jobs. Thanks (clapping)

Com. Kabira: Thank you very much Naftali. Amos Muguku it's your chance now.

Amos Muguku: Majina yangu ni Amos Njuguna Muguku natoka sehemu za Kabete. Na mimi sina karatasi ambayo nimeandika kwa maana kila kitu kiko hapa kwa kichwa. Kwa maana mtu akitaabika sana yale matatizo yote ako nayo yanajiandika kwa kichwa.

One, kile kitu ningetaka kusema kwa President, President hastahili kutoka katika chama chochote. That is one, he should be partyless.

Secondly, hii Constitution ambayo tunaifanya siku ya leo na siku ambazo zimepita, ni vizuri ya kwamba ifundishwe kutoka primary school na secondary school na hata university kwa sababu wakati uliopita, tulikuwa tukikaa katika Kenya hii kama sisi ni wageni kwa sababu hatujui chochote kuhusu Constitution yetu ya Kenya. Wakati nilikuwa primary school ama secondary school, nilisoma historia ya Christopher Columbus na hao wengine, akina David Livingstone na nikajua sheria yote kwa hivyo.

Lakini ya nchi yangu, sikujua sheria yote. Kwa hivyo, ningependekeza ya kwamba hii sheria iandikwe na ifundishwe. Na ile lugha ambayo itatumika iwe ni lugha ambayo itaeleweka na kila mtu. Kwa sababu inaweza wekwa sheria nyingine ambayo hata ukisoma huelewi chochote na wewe unasema ati wewe ni mwananchi.

Kitu kile kingine ningependa kusema ya kwamba, sasa tunakimbia uchaguzi na tukiingia kwa uchaguzi, candidates wanatumia pesa nyingi sana kwa sababu hakuna sheria ambayo inahusu pesa zake nyingi ile kubuni watu na kufanya nini na kufanya nini ili achaguliwe. Hata unaona wengine wananunulia watu pombe ya chang'aa ili wachaguliwe. Kwa hivyo, mimi ningependekeza ya kwamba candidate akipatikana akiwanunulia watu hiyo pombe ama chang'aa ama kumi kumi ama bangi, ili wamu praise. Huyu mtu aondolewe kabisa kwa sababu anaharibu nchi.

Kile kitu kingine ambacho ningetaka kusema ni kuhusu hii biashara ndogo ndogo, hawkers. Niliangalia siku moja huko Mombasa nikatokwa na machozi. Nikiwa kwangu mezani nikaona ya kwamba serikali iko na mpango ambao unaitwa kwa kimombo Poverty Eradication Programme. That is nonsense. Kama mtu anapigiwa riziki yake yote, nyumba yake inabomolewa halafu mtu anasimama anasema, "We are eradicating illiteracy." That is nonsense. Kitu ile ningesema ni ya kwamba, kama mtu amepata mahali pa kuweka biashara yake na amekubaliana na council, huyo mtu aachwe na hata afadhali serikali impatie kitu kidogo ili aendele na hiyo biashara. Kile kitu kingine ambacho ningetaka kusema ni ya kwamba, akina mama, na ni vizuri tuko na mama mmoja hapa, hata wato wapewe equal opportunity kwa sababu mtu kama mimi nimejaliwa na Mungu kuwa na wasichana watatu. Na nimetumia pesa nyingi sana kuwasomesha. Sasa kuwasomesha halafu nione ati wakiingia kwa kazi ndio wanapewa pesa kidogo ama wanakuwa degraded, mimi naona ni vibaya sana. Kwa hivyo, kama ni mwanamke na ako na elimu sawasawa, apatiwe kazi sawasawa. Na tukiingia kwa parliament, kama ministers ni ishirini mimi ningependekeza nusu yao wawe wanawake, hata wao ni watu. Lakini sio kusema ati huyu ni mwanaume ama nini, ama nini. Hiyo iwe namna hiyo.

Hicho kitu ingine ambacho ningetaka kuongeza ni kwamba, wale watu ambao wameingia kwa jela, tafadhali ukiingia huko uangaliwe vizuri. Nilienda huko industrial area kuangalia mtu mwingine. Huyu mtu ukimwangalia, sio kama vile binadamu amewekwa. Ningetaka kupendekeza ya kwamba, hata mtu akienda jela, awe na rights zake hata ikiwa hataenda kwake nyumbani lakini awe treated kama binadamu. Sio ati kama ni mnyama ama nini. Kwa sababu binadamu ni binadamu na alipelekwa huko ile arekebishe. Kwa hivyo, ningesema ya kwamba tuendelee namna hiyo na ningetaka kusema ya kwamba, ministers wote wawe treated equally kwa sababu wako minister wengine wakubwa kushinda wengine. Ukisikia mtu amepatiwa portfolio ya minister of finance na yule mwingine ya minister ya Resources, unaona yule wa resources kama mtu mdogo sana, lakini huyo mwingine ni mkubwa. Kwa sababu, kama wanapewa mshahara mmoja, wote wawe sawasawa. Asante sana (Clapping)

Com Kabira: Thank you Mr Muguku, can we listen to Robert Njoroge?

Robert Njoroge: Asante sana Commissioners. Yangu ni machache sana sio mingi. Ningependa kuanza na constituencies. Boundaries za constituencies ziwe created kulingana na population vile iko. Tumeona ya kwamba kuna shida ya population.

Pahali kuna watu wengi unakuta MP ni mmoja na sehemu zingine area ni kubwa sana, pia unakuta MP wengi. Kwa hivyo, kuna makosa hapo.

Jambo lingine, ningependa kusema katika serikali ambazo tumekuwa nazo, serikali ya hayati mzee Jomo Kenyatta, na serikali ya Moi, wamejaribu katika mambo matatu. Kwanza ni Education na Health. Lakini upande wa ignorance, naona kuna shida kubwa sana ambayo imekabili nchi hii. Mpaka sasa watu wanashida ya ignorance. Unakuta watu wakiitwa kwa jambo kama kuchukua kura, unakuta hawataki na kusema kweli, kurekebisha nchi unatakiwa kupiga kura ili kurekebisha makosa yaliyoko katika nchi. Kwa hivyo, ignorance nafikiri itiliwe mkazo sana kupitia civic education and so forth.

Jambo lingine ni katika presidency. There is a serious misuse of power na hiyo ndiyo shida ambayo tuko nayo katika nchi hii. Serikali ya mwanzo na serikali ya pili wame misuse power kweli kweli. Na wametumia tactics ya zamani ya colonial, ile ya divide and rule. Ukijua una jambo unataka lipitishwe unachukuwa watu ishirini kutoka Kikuyu, unachukua watu hamsini kutoka Murang'a, unachukuwa watu mia moja kutoka Kisumu, unawaambia, "Mimi nataka hii, nataka hii." Unawapatia pesa, wanakwenda, wanasema, "Ndio tumekubali." Hayo tumeona ni mambo ambayo yamekuwa yakiendelea ni mambo yalianzishwa na mzungu ya divide and rule. Marais wetu wawili wametumia divide and rule na ndiyo shida ambayo tuliyo nayo na mpaka sasa tuko na shida hiyo. Tumesikia juzi ati party President, Rais wa jamhuri amepatiwa nguvu sana na chama cha Kanu. Na tunaona ya kwamba utakuja kutokea wakati hizo nguvu zitakuja kutumiwa kwa jambo lingine na tunaogopa bwana Commissioner. Sababu tumeona juzi, unakuta ministers wawili, watatu katika ministry moja. Hawa watu wanakula pesa zetu bure. We are the Tax payers. Ama si kweli raia?

Audience: Eeh

Robert Njoroge: Unakuta cabinet minister ana meza kubwa kama hii na secretary wawili lakini hana kalamu na karatasi ya kuandikia. Ataandika nini na hana kazi? Unakuta katika ministry moja kuna ministers watatu, kuna assistant ministers wanne. What is their business? Wanakula pesa zetu, wanapewa magari, wanapewa ma driver, wanapewa cooks, wanapewa askari, it is misuse of public money. Kwa hivyo, kama kutakuwa na ministries, ministries ziwe designed na parliament. Iesemekane tunataka ministries kumi au kumi na tano, ministers kumi au kumi na tano. Wengine wote wawe MPs. Si lazima kila mtu awe minister.

Jambo la mwisho ningetaka kusema ni power irudishwe kwa parliament. President asikubaliwe hata siku moja katika wakati wake akichaguliwa, asipewe nafasi katika muda wake wa utawala, ku change Constitution. You do not call a few people, mnakaa chini nao, sababu una haya fulani, unawaita, mna change Constitution because of your own interests. If you are there for five years, the law should be made such that he is not allowed to change the Constitution at the time of his rule. Iwe hiyo namna hiyo, kwa vile hatakuwa na haja ya ku change Constitution yeyote maanake he is there to govern. Sheria iko hapo iendelee. Akimaliza, aende nyumbani mwingine achukue.

8-4-4, hii 8-4-4 imetufanyia madhambi kubwa sana. We are producing graduates ambao hawana pahali pa kwenda. There are too many at home. I would suggest that we revert back the old system where at least we have pupils or students having more time in schools so that we can avoid that big number of dropouts Asante, Thank you. (clapping)

Com. Kabira: Thank you very much Mr Njoroge and the last person according to our list is L.N. Mwaura.

Leornard N Mwaura: Kama vile mumesikia jina langu Leornard Njoroge Mwaura. Kwa mwananchi wa kawaida, hata kama ni mkopo tunauliza, kunakuwa na shida kwa wengi wetu. Hakuna kwa Constitution mahali tumesimamiwa kama mwananchi wa Kenya ama mahali ambapo anaweza kuenda na achukue loan kulingana na mambo ambayo inamhusu, ingawaje kuna microfinance ambazo zimeletwa Kenya lakini they are still controlled by the central bank. Kwa hivyo, hakuna relationship kulingana na size ya biashara ambayo unafanya. Hakuna sheria ambayo inakusimamia unafanya biashara kiwango gani ndiyo uitishwe interest rate ya kiwango fulani. Hayo mambo yametufanya hata kwa wengine tukiangalia unajaribu kujiinua hata kwa kiuchumi lakini unashindwa kwa sababu yule ambaye yuko na kazi kubwa sana na yule yuko na kazi ya chini sana wakichukuwa pesa kama loan, rate ya interest ni moja. Upande mwingine ningepangalia ni kuhusu case ambazo ziko kortini. Kama ni case ya shamba, labda you want to utilise the land with some other things like mortgage na nyingine yote. Lakini mambo ya shamba ikipelekwa kesi huko, inamaliza miaka kumi, miaka ishirini. Kama mimi nilikuwa kijana na labda kesi imepelekwa huko miaka na ndugu yangu, tunamaliza huko miaka kumi. Nilikuwa nataka labda kufanya kazi, it should be given a limit of time for the case, maybe 3 to 5 months in order to give me a chance as a young person to perform my duties. Mambo mengine ni kuhusu mambo ya criminals. Kama kesi ipewe limit of time, kama ni miezi mbili ama tatu ndio this case should be finalised na huyo mtu afungwe ama aachiliwe. Yangu ni hayo tu machache na ningeshukuru sana Commissioners na watu wengine wa Kikuyu.

Com. Kabira: Thank you very much Leornard. We are moving towards the end, we are very close to the end. Can we listen to Florence Waringa.

Florence Waringa: Nimekuwa hapa kutoka asubuhi, na sikusikia jina langu. Sijui kama it was missing but nataka kuongeza tu kitu kidogo. Sikusikia watu wakisema hii succession and transfer of power.

- Yangu, tungetaka the speaker of the national assembly should be incharge of executive powers during the Presidential election.
- The results of the Presidential election should be declared immediately after counting the votes.
- The incoming President should assume office within 24 hours after the results have been announced.
- The swearing in of the incoming President should be done by the Chief Justice and the current procedure should be followed.
- Instruments of power should be transferred to the incoming President by the outgoing President during the

swearing in ceremony.

- Mode of transfer of instruments of power should be the one in our present Constitution.
- Cultural, ethnic and regional diversity and communal rights; we would like to have two national languages namely: swahili and english. Yangu yameisha hapo. Asante.

Com. Kabira: Thank you very much Florence Waringa. Pole for missing your name. Okay thank you. Simon Gichure.

Simon Gichure: Okay asante sana. Nimeshukuru ingawa nimekaa kwa muda mrefu na nimevumilia mpaka wakati huu ili nipate tu nafasi kidogo. Lakini nataka kushukuru sana kamati. Hata ingawa nimechelewa, nimepata jambo lingine kwa maana limekuwa fundisho kwangu. Nimejua watu wengine hapa ambao walikuwa na maoni kama yangu. Hivyo, yangu mengi sitayataja kwa kirefu lakini ni kwa kifupi sana.

Maoni yangu ya kwanza ni ya uraisi. Nilikuwa naonelea ingelikuwa ni vizuri mtu ambaye amejitolea kuwa Rais wa nchi yetu awe ni mtu ambaye anajali taifa nzima lakini sio sehemu moja kidogo. Kwa hivyo, nilikuwa naonelea huyo Rais achaguliwe kwanza na awe tayari kuondoka kwa chama chake cha kisiasa ili aweze kuongoza nchi bila ubaguzi wa vyama kama vile tumeona. Jambo lingine la pili ni maneno wakati wake ukishaisha, kuwekwa mkazo jambo ambalo hataweza kukatalia ili kutoa nafasi kwa Rais mwingine. Jambo la tatu, nitaruka mambo mengine kwa maana yamesemwa. Lingine kwa maoni yangu ilikuwa ni maneno ya ulinzi, ya security. Katika wakati uliopota, tumekuwa na upungufu wa security na tumekuwa na shida nyingi lakini kwa maoni yangu nimeona kilichosababisha jambo hilo kuweko si ati kama hakukuwa na sheria. Sheria zilikuweco lakini watu walizipuza. Hivyo, kuna shida. Unapata mtu wakati huu amekutendea maovu, amekuumiza ama amefanya jambo ambalo ni la kushangaza katika area ya kwenu. Na akienda tu mahakamani, punde si punde unamuona huyo mtu yu pamoja na wewe akizunguka. Hivyo inaonekana kuna jambo alifanya ambalo lilimwezesha yeye kutoka. Kwa vile inaonekana sheria ilikuweco lakini haikutumika vilivyo. Hivyo, nataka wakati ambao uko mbele yetu, sheria ambazo zitakapotayarishwa wakati huu tunahangaika, kama vile tulikuja hapa tangu asubuhi, wengine walikuwa na la kufanya lakini walikosa, zitiliwe mkazo na zionekane zitasaidia mtu yeyote aliye na nguvu na asiye na nguvu.

Jambo lingine ni maneno ya hazina za kitaifa. Tunazo zingine kama NSSF, NHIF na zinginezo. Kwa maoni yangu, naonelea kumekuwa na maneno mengine wakati uliopita, hizo hazina za kitaifa zinatumiwa na watu binafsi ama watu kwa ajili ya uwezo wao. Kwa mfano, hiyo hazina ya NSSF, tunatoa pesa katika mishahara yetu na waajiri wetu wanatuongezea zingine. Ningeshukuru aliyefikiria hivyo, walakini unaona mzee wakati atakapokuwa mzee na ni wakati wa kwenda retire, tena inakuwa ni shida chungu nzima. Wakati wa kwenda kupokea malipo yake, wakati wa kwenda kuhangaikia malipo, ningelitaka kusema hizo pesa, zile zinatolewa na wafanyikazi ziende sambamba. Ukikatwa mishahara wako, hizo pesa zinaenda kwa hazina na wakati utakapofikia wakati wa kwenda retirement unapata pesa zako si ati kuenda ku claim. Hakuna mtu ambaye hajui una pesa huko. Na hakuna mtu ambaye hajui wewe ni mwanachama wa hiyo hazina. Na haswa kwa wakati huu, tuna bahati tuna computer. Inaonekana inaweza kwenda sambamba. Tungelitaka mambo kama hayo yafikiriwe sana wakati tunapokuwa tukitengeneza hiyo sheria. Namaliza, kuna hazina nyingine ya kitaifa ambayo tunaita National Hospital Insurance Fund. Imekuwa

ni kama tu watu wengine wanajichukulia hiyo pesa kwa maana unapata hiyo hazina, mtu ambaye anapata mapato kidogo sana, mtu wa mshahara wa chini, msinichukulie siasa, ni vile ilivyo, huyo mtu wa mapato ya chini, unapata yeye hiyo malipo humsaidia tu wakati amelala hospitali. Unapata mwingine na ndiyo ako na mshahara kubwa hiyo malipo inamsaidia hata wakati anahudumiwa outpatient. Jambo kama hilo linatajikana lifikiwi kwa maana huyu mtu wa kiwango cha chini ndio anahitaji msaada zaidi na aweze kusaidiwa. Hivyo tungeomba watu wachukuliwe kwa usawa. Ikiwa hiyo hazina itaweza kusaidia wale ambao wamekuwa outpatient, hata huyu mtu wa pato la chini naye asaidiwe pia. Ikiwa haiwezekani iwe haiwezekani kwa wote. Nashukuru sana kwa wakati huo lakini vile zikuweza kufafanua, nafikiria mna ujuzi.

Jambo lingine ambalo ningetaka kuongeza nguvu na nilikuwa nalo ni maneno ya uteuzi. Maneno ya uteuzi, wakati uliopita, watu walikuwa wakitafutiwa ni nani, mtoto gani amesoma, ni mzee gani ako na mtoto amesoma? Lakini wakati huu, tuko na watoto ambao wamesoma na wameelimika. Katika bunge letu, tuko na watu viwango vya aina fulani, kuna madaktari na makazi tofauti, tofauti. Hivyo, mtu akiteuliwa kwa kazi, ateuliwe kwa ile kazi yake. Sio kutafuta ati ni nani, ni nani ninayempenda. Lakini ateuliwe katika kazi yake ile anajua. Hivyo, itasaidia nchi yetu kutokuwa na udanganyifu. Lakini kwa maana sasa, kama mimi nikiwa ni fundi, nilipata tu nafasi nikaenda nikawa mbunge. Sijui nikielezwa maneno ya madawa nitasemaje.

Nashukuru sana, nimewashukuru kwa kunikaribisha na kwa kunipa nafasi. Asanteni sana. Jina ni hivyo mmesikia Simon Kururu Gichure, nimeokoka, nampenda Bwana Yesu kama mwokozi wangu. Asante sana.

Com. Kabira: Thank you very much Mr. Gichure. Njogu Kanyaga?

Njogu Kanyaga: Asante sana Commissioners. Yangu ni machache tu kutaja ili raia msikie. Mimi ninge recommend, kama mjuavyo, kuna pesa local authority wanapewa, hizi ziwewe kwa Constitution ziwe part of the the consolidated fund services ili President yeyote akikuja, azitumie hizo as a political power ku misuse, hiyo ni ngerecommend. Halafu Electoral Commission members wawe wakichaguliwa na raia. Party ile ina forward majina, nikutaja majina tu lakini sisi tupewe uwezo wa kuwachagua. Halafu President, iwekwe kwa Constitution awe na jukumu la kuaddress the parliament twice kwa mwaka ili anatueleza yale mambo ametufanyia kwa kila mwaka lakini sio siasa. Na lakini mambo ya kila siku ya bunge, iwe under the Prime Minister. Na huyu Prime Minister achaguliwe na President. Huyo ni kujibu parliamentary questions na zingine.

Halafu, kwa sababu tungetaka councils ziwe na nguvu, chairmen na mayors tupewe jukumu la kuwachagua na iwe na two years halafu kama hatumtaki mtu tunamtupa. Na kwa sababu vile mnajua our MPs hawaendi bunge, kazi zao ni kufuata President, ningetaka hiyo mishahara yao wanapata iwe pegged to the sitting of the parliament. Kama mtu haendi bunge, hapati mshahara. Kwa sababu hata wewe ukiajiriwa na hufanyi kazi, hutalipwa (clapping). Hiyo iwekwe kwa Constitution. Kama mtu haudhuri bunge, asilipwe mshahara. Ni hayo tu kwa sababu mengine nilikuwa nayo yamezungumzwa. Asante sana.

Com. Kabira: Thank you very much Bwana Kanyaga. Frederick Ndung'u, are you there? Peter Kimana and if those two are not in. I think Kanyaga was the last person. Yes.

David Muchiki: Majina naitwa David Muchiki, nafikiri nilikuwa nimeitwa lakini nilikuwa nje. Sasa mimi ningetaka kusema about security. Unaeza enda town, ukiwa kwa booth ukipiga simu unambiwa wewe ni hawker. Ukitoa receipt, unaambiwa mambo mengine ati kila kitu kiko na receipt. Kwa hivyo, wewe ni hawker na unapandishwa kwa lorry. Ukienda huko kwa court yao, you are just fined Ksh. 1,000 for nothing. Hiyo ningependa tuangalie.

Education: Sio kila mtu anaweza afford education. Tungependa asiye na education na yule ako na education to earn a living na ningependa kusema mambo ya mishahara, kila ministry iwe equalized sio kama doctors wako na mishahara mikubwa kuliko walimu. Ni hayo tu ningetaka kusema.

Com. Kabira: Thank you very much. That is the last person but before we hand over to the committee, maybe to get somebody to pray for us before we leave this kituo. I want to take this opportunity to thank all of you. I know people who have been sitting here since morning, we are very grateful that you have been able to stay. You have been able to give us your views na tumefurahi kabisa lakini nitamuuliza bwana Wambua kama ana kitu aweze kusema.

Com.Wambua: Sina la kusema ijapokuwa kusema sisi kama Commissioners tumefurahi kuja hapa Kikuyu. Kulikuwa na utulivu wa kutosha kutupasa sisi tuchukuwe maoni na wananchi wanaonekana wanajua shida zao na wamezisema vizuri. Kwa hivyo, tumefurahi kuwa nanyi leo na tunawashukuru kwa hivyo kukiwa na haja tena, ijapokuwa sisi hatuoini, tutarudi. Thank you very much.

Com. Kabira: Now, there is a gentleman who says he had one point he forgot and since he is the only one, we will give him the opportunity.

Paul Muchiri: The only point I had forgotten is uchumi. We could say we are here to grow as a nation economically. If it was possible we register, we put it in the Constitution that the country registers a negative economic growth and in the absence of good reasons may be natural catastrophe or war or anything, all things being normal, a country registers a negative growth, that President should automatically resign (clapping) Paul Muchiri.

Com. Kabira: Okay, sorry ,that was Paul Muchiri.

Co-ordinator: Asante sana Commissioners wetu, asanteni sana wanakamati wa Kabete Constituency Constitutional Committee. Yangu ni kusema tu nimefurahia sana siku ya leo kwa sababu ya vile watu wa Kabete wamekuja kwa wingi.

Hii yaonyesha ya kwamba mumetilia maanani sana Katiba kwa sababu ikitengenezwa vizuri hiyo ndiyo ngao yetu ya siku zijazo. I would only want to remind you ya kwamba Commissioners watakuwa nasi tena hapa Kabete lakini tutakuwa katika Bishop

Kariuki AC center hapo Wangige na munaalikwa. Pia mkiweza kuja na muwakumbushe wengine ambao hawakuweza kuja leo, wanaweza kuja kesho na watatoa maoni yao. Lakini sasa ningependa kumwachia yule ambaye alipewa ushukani na chairman ambaye alikuwa na mkutano mwingine ili atumalize. Asanteni sana mwende vyema, Mungu awabariki.

Deputy Chairman, Constitutional Committee: Asante sana Bwana co-ordinator. Chairman had to leave a little earlier na akaniuliza wakati ukifika, nitoe shukrani kwa Commissioners kwa the patience with which they have undertaken the exercise here today. Mutakubaliana na sisi wana committee ya kwamba they were not hurrying us. Kutoka asubuhi wakati tulipoanza jambo hili mpaka sasa, wamekuwa patient, wameketi hapa na ni shukrani sana sana. Na chairman aliniambia wakati huu ukifika hata nyinyi nimuridishie shukrani kwa vile mumeliendesha vizuri sana na mumefanya yale yote ambayo tulikuwa tumesikizana ya kutayarisha memoranda zenu na kuwapatia. Commissioners na pamoja kuelezea hapa na pale kuhusiana na memoranda hizo. Kwa vile hata kesho tunaendelea na mambo haya kama co-ordinator amesema, sitaki kuendelea sana. Najua hata nyinyi numechoka, Commissioners vile vile wamechoka na tumefikia wakati wa kufunga na tutafunga kwa maombi na tutakutana huko Bishop Kariuki huko Kiambu na Wangige kesho, wale wenu ambao mngetaka kuja kushuhudia yale mapendekezo yale ambayo yatatolewa upande huo. Kwa hivyo, ningeliza mzee Kamau hapa atumalize kwa maombi. Mkisimama tutaendelea.

Mzee Kamau: Natusimame ili kushukuru Mungu. Natufunge macho na wale wako na kofia tafadhali mutoe, tuko mbele za Bwana na sasa ni wakati tunafunga hii August House hakuna mtu atapelekwa mbele kwa vile amezungumza. Katika nyumba hii imekuwa ni uhuru na hakuna atayekufuata wewe ama mambo umeandika hapa hautafuatwa wewe hata kidogo. Kwa hivyo sasa tuko mbele za Mungu tuombe kwa ajili tulianza na Mungu na sasa tumalize na Mungu, kwa maana yeye ndiye Mungu muumba wetu.

Natuombe. Baba yetu uliye mbinguni, muumba mbingu na nchi, tunakutolea shukrani nyingi sana kwa vile Mungu tangu asubuhi umekuwa pamoja nasi, umetuongoza. Roho wako mtakatifu amekuwa hapa na tumesikia na tumekusihi kwa maneno yote ambayo yamezungumzwa katika kikao hiki Bwana, wewe umeongoza. Na watu hawa wote wamezungumza kitu kimoja ambacho Bwana umesema ya kwamba, ili watu waweze kuendelea vyema, lazima wafuate sheria zako Bwana. Amri zako ni kumi na hizo Bwana uliziweka tangu mwanzo wa dunia hii. Ulimpatia Musa hizo amri ili aweze kuendesha Waisraeli wote. Nasi katika Kenya yetu nzima tuko na sheria Bwana na tumeona kwamba hawa wananchi wanafuata sheria zako na tunaona ya kwamba wale viongozi ambao tumewachaguwa ndio hawafuati sheria zako. Sasa wewe Bwana ndiye utaamua ni nani Bwana utakae muadhibu, ni nani atapata punishment kwa maana hukumu zote zinatoka kwako. Basi tunajua ya kwamba parliament hii ya nane ndio mwisho wa miaka arobaini na sasa kutakuwa na mageuzi na utaleta uongozi mpya na utaleta mfalme mpya. Basi Mungu, mchague umulete bwana ili aweze kuongoza Kenya hii. Mengine, tukiwa na amani, upendo na umoja.

Basi Bwana tunazidi kukushukuru kwa maana umetupatia uhuru wa kuongea, uhuru wa kukuabudu. Ni asante. Hata serikali inayokuja Bwana, iendelee namna hiyo, kuwe na uhuru wa kuabudu. Watu wakuabudu wewe Mungu wa Ibrahim, Isaac na Jacob kusikuwe na miungu wengine ama mifano mingine ila ni wewe Baba wetu wa mbinguni (kikuyu dialect) uongoze nchi hii

