

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, KIENI CONSTITUENCY,
HELD AT NARO MORO TOWN**

ON

25.04.02

CONSTITUENCY PUBLIC HEARINGS – KIENI CONSTITUENCY
HELD AT NARO MORU TOWN ON 25th APRIL, 2002

Present:

Com. Bishop Bernard Njoroge

Secretariat staff in attendance:

Solomon Anampiu	-	Programme Officer
Gilbert	-	Assistant Programme Officer
Grace Gitu	-	Verbatim Reporter
David Nanye	-	Sign Language Interpreter

The Lords Prayer.

Mr. Mugo (Chairman, CCC): Mungu Baba tuko hapa asubuhii ya leo kwa sababu ya shughuli muhimu sana ya nchi yetu, twakuomba juu ya wale ambao wamekuja kusikiliza ambao wananchi, tunajua ni kazi ngumu wamepewa na tunaomba ewe mwenyezi Mungu uwape hekima na uwape ujuzi mwingi na uwape mapenzi kwa sababu ya sisi tulio hapa, sisi tuko katika nchi hii, wale ambao hawajazaliwa na hata vizazi vijavyo. Tunaomba mwenyezi Mungu ushikanishe nchi yetu iwe kitu kimoja kwa sababu umoja ndio utakao tuwezesha sisi kupambana na maovu yote ya shetani. Tunajua mwenyezi Mungu kama tuna soma katika Bibilia ya kwamba usipoongoza nchi, usipo iaklisha, hata wale ambao wanaiakalisha wanafanya kazi ya bure. Kwa hivyo tunaweka nchi yetu katika mikononi mwako, hata sisi wenyewe tunajiweka katika mikononi mwako ili tufanye yale ambayo yatafanya wewe, jina lako litukuzuwe na tunaomba hayo kwa jina la Yesu Kristu Mkombozi wetu. Amen.

Mr. Mugo: Commissioner wetu wa leo Bishop Bernard Njoroge, wale waliotoka Nairobi kutoka Secretariat ya CKRC, wanakamati wetu wa Kieni na wananchi wote kwa jumla, nawasalimu, hamjambo? Leo ni siku muhimu ambayo ni siku ya wananchi na kila mtu ana nafasi ya kusema ambalo huwa analo, ambalo angependa kuchangia katika Katiba yetu. Kwa hivyo, leo si siku yangu. Leo ni siku yenu na tuko na Commissioner hapa ambaye tutamwanchia jukumu la kusikiliza maoni yenu. Nitawaeleza ya kwamba unaweza kua na memorandum, irea ugikoro wadikite nio kurehe nio guthikirireo na no okorwo we na cassette utapete nayo no urehe na nekwoywo, lakini kwa jumla, ujue leo ni siki ya maoni yako. Kwa hivyo mimi namukaribisha Com. Bishop Bernard Njoroge kwa kikao hiki ndio aweze kusikiza maoni yetu. Asanteni sana.

Com. Bishop Bernard Njoroge: Habari ya usubuhi? Mimi naitwa Com. Bishop Bernard Njoroge, mimi ni Commissioner na mimi ndiye nitakua pamoja nanyi lakini tuna Programme Officer ambaye kazi yake ni kutusaidia sisi Commissioners tunapofanya kazi hii na ndiye kawaida huwa in charge ya kikao hiki katika mambo ya administration. Na nitamuuliza bwana Anampiu awasalimie na kutujulisha wale aliokuja nao.

Solomon Anampiu: Habari yenu wote? Kama mumesikia mimi naitwa Solomon Anampiu na mimi ni Program Officer kule upande wa CKRC, Constitutional Review Commission. Na kazi yangu hasa ni kuwasidia Commissioners na kuhakikisha kila kitu ya upande wa Administration kinakwenda sawa sawa.

Pamoja nami tumekuja na Grace Gitu. Yeye kazi yake itakua n ikuhakikisha ya kwamba ame record kila kitu ambacho yeyote ambaye anatoa maoni anasema ili baadaye turudi nayo Nairobi iende ipigwe chapa na iweze kuzungumziwa wakati Ma-Commissioner watakaa chini. Thank you Grace. Na Gilbert, naye pia ni Assistant Programme Officer na kazi yake ni kuandika kwa urefu kile ambacho unasema na yeye tukirudi kule atengeneze report yake mara moja ambayo pia itapeanwa kwa Commissioners na ni yakusaidia kwa njia ya haraka kukumbuka ni mambo gani tulisikia hapa Naro Moru. David Nanye, anakuja kusaidia wale ambao hawawezi kusikia mtu anafanya nini, kama mtu masikio yake si sawa sawa na anajua kusoma sign language, sasa David ndiye atakua akitafsiri hayo mambo.

Tumefurahi sisi sote kufika hapa na kuaanza kazi ya kutengeneza Katiba. Asanteni Sana.

Com. Bishop Bernard Njoroge: Bwana Programme Officer, asante. Sasa ningetaka kusema vile tutakavyioendelea. Tutaanza sasa na natumaini hatutaenda lunch. Badala ya kuchukua saa moja na nusu kuenda lunch tutaendelea kuchukuwa maoni ile ikifika saa kumi, tutamaliza na tuwe na nafasi ya kurudi Nairobi kabla hajjakuwa usiku.

Nawaletea salamu kutoka kwa Commission, hamjambo? Nime kuja peke yangu kwa sababu tunajitayarisha wote kuanza kusikia maoni huko upande wa pwani ambao wengi wetu wanaondoka leo, wengine wataondoka kesho na wengine wataondoka Jumapili. Kwa hivyo wote wamenituma na salamu.

Mwenendo wetu utakuwa hivi, ikiwa una memorandum utuguzia tu points zile ambazo ungependa ziende katika Katiba. Ningekuomba usisome memorandum yote kwa sababu baadaye tutakwenda kuchukuwa hiyo memorandum na kusoma, na kuziweka mahaili inavyohitajika sawa sawa? Hapo tumekubaliana? Kwa sababu ukisoma memorandum haitakua na haja kuichukua nik weli? Kwa hivyo ikiwa ni mambo ya President, taja yale ambayo ungetaka yaingie nini? Katika Katiba.

Jambo la pili, tafadhalini usitwambie kwamba tunahitaji kuwa uwezo wa President kuletwa chini kwa sababu tumekuwa na haya na haya, na haya. Hakuna mtu hajui, si ni kweli? Kitu tunataka ni mapendekezo. Nimuraigua oreo dirauga? Ya kwamba haina haja utuambia kuna shida nyingi, kuna nini, kwa sababu sisi sote ni wakenya na hiyo haitaingia kwa Katiba, lakini ukitaka nguvu za Rais zipunguzwe useme ni wapi unataka ifanye nini? Haya, habari ya ma-judge. Kuna rushwa na nini na nini, usituambie kuna rushwa na nini na nini. Tuambie ni nini unataka ifanye nini? Itendeke. Tukifanya hivyo tutachukua muda mfupi na tuweze kuingiza yale maneno ambayo yatatengeneza Katiba.

Kwa hivyo ninawaomba wale watatuambia hadithi juu ya kitu fulani nitawakatisha ili kwamba tuweze kuchukua yale tu ambayo ni muhimu, ambayo yanaweza kuenda katika Katiba. Kama mahali pengine tumeenda wengine wanasema hatujui tutafanya nini na ma-judge hawa. Badala ya kusema hivyo, sema tunataka Supreme Court ili tuchague ma-judge wengine. Si hilo ni pendekezo? Lakini ukisema ati majudge ni corrupt, hiyo haitaenda mahali kwa sababu sio pendekezo, au hiyo inaweza kuingia kwa Katiba? Hapana tafadhalini.

Na jambo la mwisho ni kwamba tafadhali wakati watu wanatengeneza Katiba, tujizuie kuzungumuza mabaya ya mtu yoyote. Sawa sawa? Kwa sababu haina maana, sisi tunataka kutengeneza Katiba ya Kenya. Kwa hivyo tusitaje majina ya watu kwa njia ambayo haifai. Na mtu akianza kuzungumuza, hata ukisikia hupendezwi na vile anasema, usimukatishe kwa sababu hiyo ni haki yake, si ni kweli? Hata kama hajui kuzungumuza ni people driven, ni haki yake kusema vile atasema. Asikizwe, (*kikuyu dialect. Translation*) even if somebody is presenting views you do not agree with, he should not be asked, he should be allowed to present his views until the end, until he finishes. Sawa sawa. Tutanza na Gabriel Kinyua. Gabriel, ukishamaliza utalete memorandum yako hapa halafu utakwenda pale na jina lako litaandikwa. Kama hakuna memorandum keti chini na uzungumuze. Kuna mtu ambaye hasikii? Mtu deaf akija tuambiwe. Okay sawa.

Gabriel Kinyua: (*Kikuyu dialect. Translation*) My name is Gabriel Kinyua and the things I would want to be changed in the Katiba, the first is the Katiba to have a preamble to show that we are people who fear God.

Com. Bishop Bernard Njoroge: Unaweza kuzungumuza kwa kiswahili, wacheni ni wambie sababu gani. Haya maneno, wale watakwenda kufanyia kazi si kwamba ni wakikuyu na hutaki maneno yako yasitoke vile ulisema, si ni kweli? Tena yale unasema pia yatakwenda kusikizwa na wengine Kwale, Busia kila mahali. Sasa ukizungumuza kwa Kikuyu, kweli watafahamu? Ikiwa hujui kuzungumuza na Kiswahili, tutatafuta mtu a interpret.

Gabriel Kinyua: Haya. Ningependa katika Katiba pasiwe na nafasi ya uombaji wa shetani. Kwa hivyo iwe ni Katiba ya kila mtu katika utangulizi.

Jambo la pili, ningetaka wale walio na ardhi kubwa sana, kwa sababu wengine wanakaa katika vijiji, kuwe na kipimo cha ardhi ambacho kila mtu angetaka.

Kwa hivyo kusiwe na watu wengine wakikaa katika vijiji na wengine wanakaa katika ekari nyingi.

Ya tatu, kuwe na hospitali za bure si za kulipishwa.

Tena ningetaka uchaguzi uwe katika siku mbili, yani President awe akichaguliwa pekee yake. Presidents kama ni ishirini,

walindwe pamoja, siku moja na Parliament na councillors wachaguliwe siku ingine. Katika siku ya uchaguzi wote walindwe pamoja.

Jambo lingine, mtu akiwa anasimama kuchaguliwa akiwa alikuwa mkubwa wa chama chochote cha siasa, wakati huo akiwa anasimama asimame bila kuwa kiongozi wa chama chochote.

Lingine ni wabunge wawe na kiwango kilichowekwa cha mshahara, kuwe na kamati ambayo itakua ikiwasimamia badala ya wao wenyewe kujitengenezea mshahara yao.

Hilo lingine ni kwamba watu wawe ndio wakubwa. Binadamu wawe wanawekwa juu ya pesa. Kwa mfano sasa ndovu wako kiwango cha juu kuliko binadamu kwa sababu binadamu akimuuu ndovu, atauuawa akikutwa huko katika parks. Lakini ndovu akiuwa mtu, mtu atalipwa shilingi elfu thelathini. Kwa hivyo hapa tupendekeze ya kwamba wale watu ambao wanawalinda wanyama wafunze wanyama hao kuishi na binadamu kama vile ilivyo inje.

Ingine, mabenki au tuseme mali ya hapa nchi igawanywe sawa kwa sababu mabenki, ukiweka pesa, sasa wako na uwezo wa kukata pesa zako kama wanavyopenda. Kuwe na kiwango katika Katiba ambacho kinawafanya wawe chini ya Katiba. Kwa hivyo kila mtu awe chini ya Katiba, Katiba iwe juu kama vile amri kumi za Mungu ziko juu ya kila mtu. Kwa hivyo kila mtu awe amelindwa kwa ulinzi. Kila mtu awe analindwa na watu, analindwa na tuseme askari wawe wanalinda kila mmoja. President asiwe Commander in Chief, Chief General awe ndiye ana uwezo na kuwe na Minister wa Defence. Kwa hivyo kwa vyama wa utetezi, yaani vya siasa visiwe tu vinagojea wakati wa uchaguzi. Wawe wanafanya mambo ya maendeleo. Kwa hivyo ni kusema ya kwamba vinaweza kufanya kazi zingine na vipewe pesa na serekali za kuendeleza mambo hayo yote.

Kwa viwanja ambavyo vinasemwa ni vya serekali, hivyo vyote kama ni shule, igawiwe pale inavyokaa, sehemu hiyo. Iwe inapewa title na serekali ipange mpango bila kuwauliza wao wazee au hiyo kamati iende hapo au iende kwa land. Kuwe na mpango iwe kila shule itembelewe na pale hospitali igawiwe sehemu hiyo kuwe na mpango huu badala ya ule wa kupoteza wakati.

Com. Bishop Bernard Njoroge: Point ya mwisho.

Gabriel Kinyua: Point ya mwisho. Kanisa ziwe zinapuunguzwa. Yaani makanisa ni kama, ni mengi sana. Kwa hivyo tubakishe kama makanisa mia mbiliau mia moja na vile vile, political parties tatu badala ya hivi arubaine na nane.

Com. Bishop Bernard Njoroge: Asante. Kabla hujatoka, wacha nikulize. Ceiling ya mashamba, ungetaka iwe ngapi? Umesema watu wasiwe na mashamba kubwa ili wale hawana wagawiwe. Kwa hivyo ungependa mtu akiwa na shamba kubwa

iwe ni acre ngapi?

Gabriel Kinyua: Sasa sijui mtu ambaya ako na acre mingi ni ngapi lakini tuseme ya kwamba mia tatu inatosha.

Com. Bishop Bernard Njoroge: Thank you very much. Kama watu wote wakifanya kama vile amefanya nafikiri tungeweza kuendelea vizuri kwa sababu yake amesema ni mambo ya muhimu na ya kuingia Katiba bila kuenda kando kando. Asante sana.

Can we have Joseph Githinji?

Joseph Githinji: My name is Joseph Githinji Gathungu and I am here to present my views towards the new Constitution.

First, I would like to say according to the present Constitution we do not have an introduction and therefore I should like, or the Kenyans would like to have a Constitution with an introduction whereby the introduction should state what the Constitution is and from whom the Constitution has been prepared and to whom the Constitution should be maintained. It should also state what type of country Kenya is. Kenyans too, within the Constitution, should have their democratic values so as to be shown as far as equality and rule of the law should be within the introduction.

Kenya as a free state since we obtained independence in 1963 we should have priorities going to the Kenyans not to our minority. The facts within my memorandum are:

Firstly; the principles of state; The principles should be directive as it should be shown within the Constitution as guidelines for good leadership and governance. All people should be equal in the eyes of the law and should not be divided due to color, race, religion, sex, position in society or tribal lines. The family being the smallest basic unit in the society should be protected by the state. The rights of the children, young people and the elderly and the disabled or disadvantaged groups should be looked at. Tradition customs of each society should be adhered to as part of our Kenyan society. Justice should be given as it appears in our National Anthem, that is, 'justice is our shield and defender'.

The democratic principles as far as it should be given in the Constitution....

Interjection:

Com. Bishop Bernard Njoroge: Can you please do not read everything because we are going to get that memorandum because your time will be over without you really telling us other things. Do not read, point the most important things and we will read the memorandum.

Joseph Githinji: Okay, thank you. I should like to give the points on the election or electoral process hereby during the time of election we should have an independent Electoral Commission whereby the Chairman should be an independent person.

The Commissioners should be well informed people, qualified and people of high integrity so as to do the service to the people correctly. During the time of voting the ballot boxes should be transparent so as to see whether there has been something placed inside before the ballot boxes appear in the polling station. I should also like the counting of the votes to take place at the polling station so as to lessen the irregularities which take place during the time of the transportation of the ballot boxes go to the main counting stations.

During the election, the Presidential election should be given a different date from the civic and the parliamentary. The parliamentary and the civic elections should be on their own day. The Constitution should also state the boundaries making clear that if the population diversity is beyond, the boundaries can be renewed from time to time. The candidates who score 60% of the votes cast should be taken into account since sometimes if the ballot boxes do not get into the main counting stations properly, new or a few ballot boxes can be put together with those and then thereafter certain candidates can be said to have won whereas they had the minority.

Com. Bishop Bernard Njoroge: You have one more minute.

Joseph Githinji: Thank you. As far as the human rights are concerned, I should state that rights are God given and therefore the law is also God given as it is stated in the ten commandments. The Constitution must offer social, economic, cultural and developmental rights to all Kenyans regardless of their origins. The right of the disabled should be recognized in the new Constitution and the lesser disadvantaged groups. Differences which may lead to misunderstandings of groups and which might be brought up by a certain person should be wiped out and the person concerned should be put under punishment because of disintegrating the Kenyans. The Constitution must promote amongst Kenyans love, peace and unity. To make the Constitution to be understood clearly, it should be written in Kiswahili, English and other languages so as to make all Kenyans be ready to know it. It should also be put in the teaching curriculum so as to make the young Kenyan citizens understand it from the time when they are young. Thank you.

Com. Bishop Bernard Njoroge: Thank you very much. Is that your memorandum? Okay, can you give it there. Tupate Gabriel Kinyua. Uliandikwa mara mbili. John K. Gichuki? Gichuki kaa chini utuambie points.

John K. Gichuki: I am John Gichuki. I am here to present my views to the Constitution Review Commission.

First, the Electoral Commission of Kenya should be disbanded and political parties should nominate Commissioners on the basis of the votes they acquired. The Members of Parliament should serve for only two terms. The head of Civil Service should not serve under the Office of the President. The Electoral Commission again, should be independent such that it should control the electoral process and the Parliament. My last point, the fund raisers fund raising should be prohibited during the election year.

Thank you.

Com. Bishop Bernard Njoroge: Thank you very much, those are good points. What you are saying is that harambees should not be allowed during election time. Very good, short, precise and good points. Can we have Gatimu Thiboi?

Gatimu Thiboi: Naitwa Gatimu Thiboi, nimekuja hapa kutoa mapendekezo yangu. La kwanza ni upande wa Electoral Commission.

Maoni yangu ni ya kwamba wawe wako uhuru, sio ati wamechaguliwa na ile serekali iko kwa wakati huo. Ya pili ni upande wa security. Kama mtu anapiga report, hakuna haja ya kuitishwa pesa wakati mtu anenda kupiga report ama kuandikisha halifa yoyote. Point yangu ya tatu ni ya kwamba mtu kama amechaguliwa kama MP awe ni mtu wa kuonekana na wale wamemchagua. Nimemaliza.

Com. Bishop Bernard Njoroge: Asante sana. Hebu nikuulize hivi, kama MP haonekani, ungetaka Katiba ifanye nini?

Gatimu Thumbui: Iwe kama hapatikani, iwe iko committee ya Constitutency ambayo itaenda kama haonekani, hapatikani na watu wale wamemchagua ikue kuna committee ya Constitutency ambayo itaenda kumuuliza na kama hapatikani, wawe wanaweza rudi kwa raia ndio wamuondoe.

Com. Bishop Bernard Njoroge: Asante sana. Kwa hivyo unasema anaweza kuwa recalled hata kama kipindi chake hakijaisha. Asante sana Bwana Thimboi, tupate Nicholas Mathenge.

Nicholas Mathenge: My names are Nicholas Mathenge Muhindi and I am presenting this memorandum from Rongai Catholic Church.

Com. Bishop Bernard Njoroge: Rongai Catholic Church? So they have given you permission to do it on their behalf?

Nicholas Mathenge: I am the Secretary of the Church. The arms of the Government: We suggest that the three arms of the Government, that is Executive, Parliament and Judiciary should have equal powers and be independent of each other. Their powers should be clearly defined and limited in the Constitution.

People's will; We recommend that the new Constitution must ensure that the will of the people of Kenya is supreme and that the words in our National Anthem should be honored and internalized.

The Head of State should be a Kenyan by birth, should have a degree from a credited University not Honoris Hausa. He must be married, must be a person of integrity and impeccable character, he must be at least 45 years old and not more than 75 years old. He should be elected by at least 51% of all votes cast.

Limitation of Executive Powers; The new Constitution must define limit and distribute the powers of the Executive. The Constitution must provide the approval by Parliament of major executive appointees like Ministers, Permanent Secretaries, Public Service Commission, Teachers Service Commission and Constitutional Officers. The new Constitution must limit the term of office to two terms of five years to all Chief Executives. Cabinet should be answerable to Parliament. The Head of Government must attend Parliament, the offices of the Attorney General and Director of Public Prosecutions should be separated and be independent from each other and the Attorney General should be elected by the Parliament.

Powers of Parliament; The Parliament must vet and approve executive public appointments. It should have powers to summon and censor ministers and other public officers. It should have powers to impeach the President and it must approve all government expenditure. It should determine its own calendar, it should enact laws and it should set up Commissions to discuss matters of national importance.

Judiciary; Appointment of Chief Justice, Judges of Appeal, and any other Judges must be approved by Parliament. All Judges should have security of tenure. There should be a Supreme Court and a Constitutional Court. Magistrates should be appointed by an independent Judicial Service Commission and Khadis should be nominated by the Muslim community before appointment.

Free and fair elections; The Electoral Commission must be independent and representative. Gerrymandering must be prohibited by the Constitution. Voter education must be a duty on the part of Commission and a right on the part of the voter. Every Kenyan above 18 years of age must be entitled to vote wherever he may be.

Human Rights; The Constitution must observe Human Rights as enshrined in the United Nations Declaration. In Kenya there should be no street children, it is a responsibility of the Government to rehabilitate and make them responsible citizens. All sexes, male and female, should be treated equally in dignity and rights.

Management of Public Finances; Public finances must be used for intended purposes and approved by Parliament. The Constitution must establish an independent anti-corruption unit. All corruption offenders must be made to pay up the money. All the officers enforcing law must be retrained or retrenched, they are lax in eradication of corruption. Any person convicted of corruption related offence to be barred from holding public office. Past corruption oriented offences to be prosecuted. Members of Parliament should not draw their pension from public money but from their salary savings.

Natural Resources: The Constitution should entrust all natural resources in the people and not the Government of Kenya. A natural resources Commission should be established. Public land should be privatized only in public interest. Irregularly allocated public land should be traced and recovered. In Kenya, we should not have people building along the roads or in places below human dignity. Let there be equity in land distribution. Healthy environment should be embodied in the Constitution.

The Civil Service; Appointment to the Civil Service should be on merit only. Let there be office of the Ombudsman. An independent public service Commission should be established. Civil servants should be non partisan, civil servants should be de-linked from the ruling party.

Local Authorities: The new Constitution should de-link the local government from central government. Local authority should be empowered to hire and fire employees. All councillors must be elected, prospective councillors should have a minimum qualification of KSCE, that is grade C. Mayors, chairmen of county councils should be elected by people and should have a University degree or its equivalent. Funds collected in a local authority should be used within the local authority.

Form of Suitable Government: Unitary form of Government is best suited for Kenya, it should be a democratic Government, Government of the people, by the people and for the people.

Remuneration's: Parliament should appoint a Commission to harmonize salaries in all Government sectors. This may save brain drain to other countries. Parliament should enact laws that will safe guard the Kenyan farmer, the peasants since Kenya is an agricultural country, from the unfair competition and exploitation. All the killed and dead state industries should be revived.

Air Time: The Constitution should provide for freedom to have airwaves. All parties should be given equal airtime, KBC is financed from the taxpayers money, KBC should be made a parastatal body. Thank you very much.

Com. Bishop Bernard Njoroge: Thank you very much, those are very good comments and I can assure you they will form part of the document billed. Can we have Robert Kabugi? Uta ambie point, usisome memorandum yote.

Robert Kabugi: I am Robert Kabugi, I am presenting the memorandum to the Constitution of Kenya Review Commission on behalf of Kaburaini Catholic Church.

First point. The Constitution should have a preamble. That is, it should state that we attained our independence through bloody struggle and our vision is to have a Kenya which is fully developed and a country free of illiteracy, disease and poverty. The sovereignty is in the Kenyans. The Kenya citizens have the ultimate power. The Kenyans should have Constitutional protection

to safe guard the rights of independent citizens, groups or civil society, to organize the people and put pressure on the government. Citizen groups should act as democracy watchdogs.

Supremacy of the Constitution. The people have supreme powers and their will is expressed in the Constitution so it should be supreme to other rules. Arising customs and conventions should be given legal recognition provided they do not contradict the Constitution. If they do, the Constitution shall stand.

On enforcing the Constitution. The Constitution should be available to the people and the language used should not be so technical for simple understanding. The citizens should have the right to sue anyone who violates the Constitution and the locus standi should be removed. The Constitution should start being implemented immediately after its completion.

Directive Principles; Power belongs to the people and is exercised on their behalf through representative and accountable institutions. Constitutionalism and rule of law must be adhere to. All human beings are equal and entitled to civil rights, political, economic, social and cultural and developmental rights. Gender equality and protection for minorities are key elements of a just society. Children, youth and elderly and other vulnerable groups must be protected. Traditional customs may guide life in society provided they do not cause harm to the society. National resources belong to all citizens. National resources must be protected and citizens have the right to associate without hindrance.

On citizenship. All children born to Kenya citizens should be citizens automatically, also those born outside Kenya but their parents are Kenyans and those that one of their parents is a citizen should automatically be a Kenya citizen. There should be a citizen board which should decode who should be made a Kenya citizen.

Fundamental rights and freedom; The first generation rights that are provided in our current Constitution must be adhered to. The second generation which are economic, social and cultural rights to employment, rights to land and business must be followed. On third generation rights, peace, environmental protection, freedom from unfair debts and trade. Freedom of worship should be limited and the registrar of societies should be advised by a Commission comprised of mainstream church leaders and from traditional religions. HIV and Aids patients should be well protected by the Constitution. Also, youth, children, family, should be Constitutionally protected to avoid abuse and negligence. There should be no detention without trial.

Once arrested the suspect should be taken to court within 24 hrs. Rights to information should be adhered to. The freedom of the press should be stated. The citizens have a right to a passport. All civic groups should register and give their objectives with the registrar of society.

The structure of the Government; We should have three independent arms of the Government, Executive, Legislature and the Judiciary. There should be proper checks and balances to avoid one dominating the other. We should have a unitary Government. The provincial administration should be replaced by elected bodies so that they can be answerable to the people.

On Executive; the President should not be a member of Parliament and should go to Parliament on invitation. Presidential elections should be separate from the Parliamentary and local government elections. Ministers and Attorney General should be appointed by the Prime Minister and elected by the Parliament. There should be a separate public prosecutor from the Attorney General, answerable to the Judiciary.

On the disciplined forces; qualification should be on merit. All disciplined forces should be under the Ministry of Defence.

On economy; the office of the Auditor and Controller General should be retained and should be given tenure of office and should have the power to act on financial irregularities rather than just reporting them.

The final point. The Constitution should give clear guidance on corruption, mismanagement and waste of resources, control of Government borrowing, independence of Central Bank.

Com. Bishop Bernard Njoroge: Thank you very much. We will be able to get that memorandum and be able to go through it. Those are very important points, you can be assured everything will be able to be looked at. Can we have Duncan Kinyua Weru? Duncan, what we want is points to go to the Constitution please. We have many people and we want all of them to talk.

Duncan Kinyua Weru: My name is Duncan Kinyua Weru and I am one of the civic education providers covering Nyeri District and Kieni in particular.

Honorable Commissioner, we have a report on the work we have been doing but this one I do not intend to read it but I intend to forward it to the Commission. The points I am giving today are personal issues not as a group. One is on Armed Forces. The Armed Forces should be involved in social and public work other than military and combat exercises. They should be involved in road construction, agriculture and medical activities especially in times of epidemics. The economic activities undertaken should go to the areas where it is prone to insecurity and the personnel should be increased to about a million people, a million men and women considering our population of about 28 million, and they should be able to generate income to avoid depressing our economy.

Two; We should have a national family day because the current Constitution is silent on the word family and this is the very foundation of our society.

Com. Bishop Bernard Njoroge: Fine, wait, we have taken that. Do not explain just say what we need to have.

Duncan Kinyua Weru: I propose that January first be made the national family day.

Three; The state should be able to identify the state enemies and be embedded in our Constitution. That is, those who do land grabbing, corrupt officers, economic criminals, thieves and all these who reflect tribalism or nepotism in places of work, employment, in public offices etc. Once identified, the offences should be treated as treasonable and therefore harsh penalties should be awarded including long term prison terms without an option for fines and a probation of five years be awarded after the completion of that jail term. The names of these offenders should be gazetted and distributed to all the government offices for record.

Lastly, the marginalized groups must be taken care of and in this, I have in mind Kieni Constituency, which covers about 52% of Nyeri District with a population of 150,000 people covering an area of 1321 square kilometers and having 2 divisions. The problems we have here is about squatters. We have about 17,000 squatters in Dave, Maston, Moyo, Kabret, Watuka, Belevue, Kiwala, Kirigi, and without cash crops this area looks marginalized. So, we should be taken care of as those who are in marginal areas so that we can have more government resources catering for the people of Kieni. Thank you very much.

Com. Bishop Bernard Njoroge: Before you leave, when you say you have 17,000 squatters, what do you want the Constitution to do for them? They are squatters because they have no land. So what do you want us to put in the Constitution?

Duncan Weru: Thank you very much Commissioner. I would like the Government to fairly distribute the land. We have big land here owned by one individual, 10,000 sq. hectares. I would like the Government to take one third of this along Naro Moru Kobiet Road and settle the 17,000 there, so that Kieni becomes a continuous sub-district from where we should not rely on high potential areas in Nyeri, like Mathira, Othaya, Mukureini.

Com. Bishop Bernard Njoroge: So, in other words you are saying we should have land ceiling? So, how many acres?

Duncan Weru: Not really land ceiling, I do not want to dwell on that issue.

Com. Bishop Bernard Njoroge: Okay thanks. Thank you very much Mr. Weru. Can we have John Gichuhi. Na mtu si lazima azungumuze kwa kingereza anaweza kuzungumuza kwa Kiswahili pia. Na yule hajui Kiswahili anaweza kuzungumuza kwa Kikuyu na itatafsiriwa.

John Gichuhi: *:(Translation).* My name is John Gichuhi from Naro Moru. My first point is regarding teachers. At one point teachers negotiated for a salary increment through Parliament. The teachers and the Government agreed on salary increment which were not honored, why did this not happen? This proves that the President has a lot of power, even power over Parliament because if that was not the case, these increments would have been honored.

Com. Bishop Bernard Njoroge: What are you proposing?

John Gichuhi: (*translation*). I would propose that in the new Constitution, we should have a President who does not have power over Parliament. The other issue I would like to talk about is land. For instance, in Kieni they have got expansive land like Solio Ranch which only animals are living there whereas we have so many squatters and people who have no land who should be considered.

Com. Bishop Bernard Njoroge: What are you proposing?

John Gichuhi: (*translation*). I am proposing that this expansive land should be redistributed and their owners be left with a maximum of 50 acres. The other issue I would like to talk about is about the Europeans who left this place after we got independence. Those Europeans should not have been allowed to own land, to come back and own land. They should have only been engaged in commercial activities. In our new Constitution it should be made clear that these people, foreigners, particularly Europeans should not be allowed to own land, they should only engage themselves in commercial activity.

I would like to comment about the allocation of plots in Kenya and we find that presently it is nepotism that is used in the allocation of plots. People should not be allowed to own more than 2 plots. I would like to propose that our youth should be employed. You find that due to unemployment, our youth are getting into vices and this is causing a lot of problems because only the sons of the rich can get jobs. We would like there to be a policy where every young person can be able to access jobs without discrimination.

Thank you very much for the Commissioner and the tourists that came from Nairobi. I would like to reiterate that the next President should be stopped by the Constitution from being selfish. Thank You.

Com. Bishop Bernard Njoroge: Thank you Mr. Gichuhi. Dominic K. Mwambia? Tungetaka useme yale maneno, point bila kuenda zaidi..

Dominic K. Mwambia: Honorable Commissioner Bishop, Commission officials, fellow Kenyans. This is a memorandum to the Constitution of Kenya Review Commission that has been recommended by St. Charles Lwanga Catholic Church here in town and where you are seated and you are all welcome.

Much has been said about the preamble but I should only add that it was our recommendation that every Kenyan be obliged to protect and safeguard our hard won uhuru in the Constitution and also the supremacy of the Constitution should be indicated. Again, in the present Constitution many words are not defined so we recommend that there should be interpretation of all

technical words used in the Constitution. We talked about citizenship and I am not going to dwell very much on citizenship because I am going to present the memorandum and the Commissioners will go through it. But they are saying they would like that if open citizenship is allowed or if dual citizenship is allowed, the Constitution should spell out how a person should cease to be a Kenyan citizen in the Constitution.

The Christians also talked about the structure and systems of Government and recommended that Kenya should adopt a parliamentary form of Government comprising of three arms of the Government. That is the Legislature, Executive and Judiciary. They recommended that the three arms of the Government should be independent of each other with real powers lying with the Parliament as the Supreme authority being the organ with the representatives of the people. They went ahead and described how the Parliament should work although I will not narrate all what they talked. They asked that the Legislature be a supreme role making body with unlimited powers to control its own procedures through standing orders but should be inferior to the Constitution. In addition to powers and functions that were recommended, they felt that the Parliament should vet and approve Executive public appointments.

Other functions have been laid down in their memorandum but, they insisted that the Constitution should permit formation of a coalition Government in the event of the winning party failing to secure majority members in the Parliament. They also requested that the Constitution provide a provision so as to empower the Constituents to recall their MP's who fail to perform their duties satisfactorily subject to petition by two thirds of the constituents through a Constitution court.

They also talked about the Executive but this might possibly be different from other recommendations from our fellow Kenyans.

It was recommended that there be a President as the Head of State and a Prime Minister as the Head of the Government. The latter should be nominated by the political party that wins majority seats in Parliament in a General Election, while the former should be by all eligible voters in Kenya and one who obtains not less than 51% of votes cast in the election. They however left the powers to define limit and distribute the duties, powers and functions of the Executive to the Kenya Review Commission. We trust that the Commission is in a position to guide us on functions of the Executive provided that the cabinet shall be answerable to Parliament.

They also talked about the Judiciary, functions of the Judiciary, and I think the Commission will go through the memorandum.

Com. Bishop Bernard Njoroge: Can we have the final point now?

Dominic K. Mwambia: Before I go to the final point, they talked about the electoral procedures and they found that the present Constitution does not actually provide or guarantee free and fair elections. They talked about human rights, addition of human rights which are included in the memorandum. They also talked about the land and national resources which I hope the Commission will read.

One point that was raised by a lady, an old woman whom I did not find here, we thought of including it here because possibly she might not turn up, is that of late, we have witnessed ceremonies of soldiers on war memorials on the first and second world war, to remember those who were recognized by then and the lady who was amongst the congregation requested that the new Constitution address the issue of past, present and future national heroes. That is, for example freedom fighters, recognized service and monuments etc. The whole Christian fraternity congratulated the Government of Kenya for according a chance to ordinary mwananchi to contribute in making the Constitution for the first time and praying that God's spirit guides the Review Commission to come up with a document that will lead a God fearing nation of Kenyans, Blessed be God for this noble task. Thank you.

Com. Bishop Bernard Njoroge: Thank you very much. I can assure you that, that document we are going to work on it in Nairobi. We have more than 10 people whose work is to look at those document, take the recommendations, put them in themes and then store them in our computers and then take those Constitutional issues. So, I can assure you that that document will get the necessary work on it. Can we have John B. Bore?

Speaker: Commissioner, there is a person who sent me with the memorandum, he could not make it today.

Com. Bishop Bernard Njoroge: Okay, can I have it. He is called John B. Bore? Thank you very much, we are going to work on it. Also anybody who does not want to talk but to present a memorandum, they can also do that. Paul Gathogo?

Paul Gathogo: My name is Paul Gathogo, I am here on behalf of Igithaki Catholic Church and here are the points which we want to present to this Commission.

First of all, the type of Government supported is unitary type of Government headed by President, Cabinet and Parliament whose life should not exceed five years. The President should always be exercising power as given to him by Parliament without using presidential decrees whatsoever. The President must be a degree holder aged between 40 to 70 years.

About local government, the Christians of Igithaki recommended that councilors must literate and not below KCPE, they must be fluent in English and Kiswahili and they cited a place in the current Constitution where local authorities are dissolved when they mismanage the local authorities. They said that instead of dissolving the local authorities and appoint a Commission, the Constitution should be made to give room for a by-election for a certain local authority when it mismanages such local authority just as it happens when an MP is moved, dies or resigns.

About the Children's rights, they said that a clause should be put in place not in disregard of the entrenched United Nations Convention on the Children Rights, but to put a clause where it says that a child should not be beaten. We say that that is

written in the bible that 'spare the rod, spoil the child', we say that a good caning for a naughty child is not bad.

On land use and landlessness, we say that people who own land in this country are at the fraction or bracket of 45 years and above and not all who own that land. You can get somebody with...

Com. Bishop Bernard Njoroge: *interjection:* Can you recommend what you want, we know people have a lot of land, we are Kenyans, what we need are recommendations. What do we do with them?

Paul Gathogo: We say that people owning land must utilize it to the maximum under supervision by the relevant ministries or ministry and this be done thoroughly. If one is not able to utilize the land, he or she can rent or lease the land to any other person at a fee. If that is not possible, if the two options are not possible, he can give it to somebody on agreeable terms or land lease basis provided the one given shall be able to utilize the land to the maximum. If the three options are not possible then the land owner should sell on willing seller willing buyer basis and the buyer should understand that one is buying the land to utilize to the maximum. No more land for prestige or exploitation.

About food policy, we suggested that the new Constitution should guarantee farmers from undue competition from outside produce like it happens that we have got a lot of sugar coming from outside, very cheap milk powder, maize, eggs and so on. We suggested that whether the Government is entering into treaties like COMESA, East African Community or any other it is to not to come to threaten Kenyan farmers. Measures should be taken to make sure that people do not migrate from rural to urban areas and this can only be done by making proper use of land.

On tourism, we suggested that tourist attractions should be protected. Most of the areas that attract tourists are also very vital for our survival as a nation. Places like mountains, even before, were being protected by our ancestors through taboos and superstitions so the only method which should be used now is to gazette such places like National Parks especially mountains. As we all know that big rivers which produce electricity in this country come from the mountains and some of these mountains have already been encroached to the extent of threatening these rivers. That is why we are having the problem of electricity.

Com. Bishop Bernard Njoroge: *interjection:* You know, let me explain this. We know we are Kenyans, we know people are taking forests, destroying rivers, don't we know that? What we want is what do you recommend to be put in the Constitution to stop that. Do not tell us what we know. Si ni kweli? Usituambia kile tunajua. Sisi tunaishi hapa, tuambie tutafanya nini ile isije ikafanyika tena. Tutaandika nini kwa Katiba?

Paul Gathogo: All the mountains should be made National Parks.

Com. Bishop Bernard Njoroge: Yes, okay. Last point.

Paul Gathogo: We suggested that a quorum of Parliament should not be 30 MPS. It should be one third of the Members of Parliament. I had another memorandum which I am not going to read but will present, which was for the whole parish, but since most of the churches are presenting theirs, I will just hand it over.

Com. Bishop Bernard Njoroge: Thank you very much for those very good ideas. I can assure you that we will take the necessary actions. Joseph Kinyua. Please give us points so that we can hear others, do not give us a story. Give us the points that you want to be put in the Constitution.

Joseph Kinyua: My name is Joseph Maina Kinyua and I am representing the views of St. Theresa Catholic Church. Most of the items which we had written down have been mentioned by the previous speakers who have been here. However, I will just mention a few starting with introduction.

It was recommended by the St. Theresa people that the Constitution should have an introduction which should include *inter alia* ' . The Constitution is made by the people of Kenya, the people of Kenya are sovereign, the law of authority including even Constitution should not be above people; This is part of the introduction.

Then I would thereafter go to the Legislature. Parliament should be set by appointee of Ministers and Assistant Minister to make the ministries more professional and accountable. On age of the President, it was proposed that...

Com. Bishop Bernard Njoroge: *interjection:* Just one minute. We are taping these proceedings and when a mobile phone is on what it does, it interferes with the tapings so that when we go to read the tapings inatoka kama haisikiki vizuri. Kwa hivyo ningewaomba wale wana mobile phone wafanye nini? Wafunge. Hata mimi nimefunga yangu ili maneno yenu yaewze kusikia huko tukienda kuyapeleka Nairobi tafadhalini.

Joseph Kinyua: On the age of the person who may be a President, it was proposed that the minimum should be 50 years and the upper limit be 70 years. The constituents must be empowered by the Constitution to recall or remove their MP in the event that they are not satisfied with his performance. This should be done through collection of 1000 signatures across the constituency registering peoples dissatisfaction. The new Constitution should require that MPS should spend at least half of their time consulting the constituents and parties so as to promote the democratic idea of representation.

Our Constitution should permit by law, the formation of coalition government as opposed to the present system. To further strengthen the principle of checks and balances we propose that we should adopt the system of two chamber Parliament. This will avoid a single chamber system of law making. The Parliamentarians will sit in the lower house while the upper house will be composed of district representatives, special interest groups' representatives and civil society representatives.

It was also proposed that the President should have the power to veto legislation passed by Parliament when such a decision is not in the interest of the Kenyans as a society.

Com. Bishop Bernard Njoroge: Okay. Final point.

Joseph Kinyua: Environment and natural resources. The new Constitution must address very fundamental environmental protection practices such as prohibit any further clearing of the remaining natural forests, strict protection of water catchment areas, proper management of range lands, proper environmental study on environmental effects should be done before implementation of any development project. The following natural resources should be protected by the Constitution, forests, water resources and catchment areas, minerals, wildlife, air and land.

Form of Government; The best form of Government for the Kenyan people was proposed to be unitary Government, the reasons were that it would unite all the people of Kenya.

Com. Bishop Bernard Njoroge: *interjection:* Do not give us reasons, we will read. Do you have any other point?

Joseph Kinyua: I had to rush because you told me.

Com. Bishop Bernard Njoroge: Okay, because we have the memorandum we will be able to read it so you do not need to read it, we will be able to work on it. So unitary Government is your last point?

Joseph Kinyua: The proposal was what was fundamental, unitary government.

Com. Bishop Bernard Njoroge: Thank you very much. Can you give your memorandum to the clerk. Can we have Esther Gichuki? Thank you very much, I am very happy to have a lady talking.

Esther Gichuki: Thank you. I am Esther Gichuki and I have come here to talk about one point that I have thought should be added in our Constitution.

I think nobody thinks very much about the poor widows and the case of succession and I am speaking on land, succession on land. The widows should be let to take over their late husbands land without interruption by the land registrars either from the district level or national level that is Nairobi. The settlement schemes should be as they are indicated in the map provided by the surveyors and should not be altered because most of them are trying to alter the maps which were surveyed during the time of demarcations. The ones which are used by everybody and one can understand simply. There are many maps which were

drawn during the time of demarcation and they are the ones which are provided now and they are the ones which should be used, that everybody can understand on looking at that map.

The land registrars should not be given powers to change land owners after the death of their spouses if they are not the deceased or the late husband's children or wife. Even if they are alone, these people should not pay those loans and acquire the land instead of the deceased's children. The matters of land succession should be done by the district officers of the land in that concerned area and not the registrars from Nairobi, for the district land registrars know their areas in the district more than any other land registrar from any other parts. The Nairobi land registrars at the national level should take what the district land registrars find to be true evidence and should not interfere with the district land registrars.

This is the reason why in our offices, the land offices, they are full of poor widows, poor women, poor people, men and women because their land is being acquired by other people. The corrupt land registrars should be taken out of the offices for good. They should not be taken anywhere else because they will just go to corrupt the land offices wherever they will go.

My point was very short because I have not seen or I have not heard anywhere where the poor widows are thought of; The succession of their land or their property. Thank you.

Com. Bishop Bernard Njoroge: Mama you have talked of the most important aspect of this Constitution. Thank you very much. Can we have Charles Mutero? Charles you highlight only the points.

Charles Mutero: My name is Charles Mutero, I am an evangelist with Anglican Church, I am here to present a memorandum to the Constitution of Kenya Review Commission from ACK Gatuamba Church.

First point presenting.

- a. We feel the current two term period of five years each is best for this country.
- b. All public servants appointed by the President must be subject to approval of Parliament.
- c. The President should not be above the law, he should be answerable for all his actions to the people through Parliament.
- d. We feel the unitary system of Government is best for this Country.
- e. We prefer the present post of provincial administration from Assistant Chief to the President. We would propose the creation of the office of Prime Minister....

Com. Bishop Bernard Njoroge: Are you saying you prefer the present provincial administration?

Charles Mutero: I am saying that we prefer the present one. f. The cabinet should be answerable to the Parliament.

2 2. Parliamentary.

3 The Parliament should have its own work programme from the whole term, that is to say the Members of Parliament must decide when to go on leave, adjourn Parliament etc. without the current position where the President decides their work schedule.

4 A special day of election.

3. The Judiciary. It should remain as it is if it is implemented.

4. Local Government.

a) The Mayor and his Deputy and Chairman and his Vice Chairman should be directly elected by the public.

b) All the councillors should be answerable to the electorate and should be dismissed any time when they fail to deliver or are guilty of corruption.

c) All revenue collected by the particular local authority must remain in that local authority.

5. Agriculture; Importation of agricultural produce which threatens our local production should be banned unless there is a crop failure.

6. Elections; An independent and representative Electoral Commission should be put in place. b) Every Kenyan should be able to vote wherever he may be. c) The voting must be by secret ballot.

7. Human rights; Human rights education shall be a right of every Kenyan.

b) There should be established by the Constitution of an independent human rights Commission.

c) The right of minorities to be protected by the Constitution.

8. Management of Public Finance. The Controller and Auditor General to have power to prosecute all those who misappropriate public finance. b) All corrupted officers must be made to pay up the money. c) On prosecution, the Attorney General should not interfere with the proceeding of the Controller and Auditor General through nolle prosequere. Any person convicted of corruption related offence should be banned from holding public office. Past corruption related offences should be prosecuted.

I have just another point and it is the last.

9. National Resources. The locals should be given the chance to protect and conserve the resources and should be direct beneficiaries of the benefit accrued from the resources. b) Irregular allocated public land should be traced and recovered.

That is all.

Com. Bishop Bernard Njoroge: It is a very good memorandum. Thank you very much. Can we have William Wagura?

William Wagura: My name is William Gateru Wangura, I came to represent DP locational committee.

Honorable Commissioner, my committee was only able to highlight a few points. First is the appointment of the national office like Army Commanders, Air Force and Auditor General, Ambassadors, all Judges and all Permanent Secretaries and Parastatal Heads. All should be vetted by Parliament. Nominated MPS should be retained but should not be tribal biased or people who are used by those who are in power. They should represent the special citizens interests.

The Constitution should permit a coalition Government. The President should not have power to dissolve Parliament. The tenure of the President should be two terms of five years and he should not interfere with Parliamentary business. Provincial administration be abolished and replaced with local elected authority by the public. Parliamentary constituencies and wards should be demarcated in accordance with the population in all areas. The population should decide a constituency and not geographical area.

Civic, Parliamentary and Presidential elections should be held separately. The President should be elected on one day and Parliament and civic wards should be done in another day. Voters should be counted in polling stations. Date of elections should be specified in the Constitution. The President should win by over 50% of the direct votes. The Electoral Commission should be people of integrity vetted by Parliament, enjoy security of tenure and retire at the age of 70 years.

The death sentence should be abolished and replaced with the life sentence. Thank you.

Com. Bishop Bernard Njoroge: Thank you very much for those great ideas. Tupate Joseph Maina. Where is Mugo? Is there anyone who can translate? Can we look for him? Okay you come, tell him to come and stay here we do not want him to go. He has come? Okay. Mugo tunataka ukae karibu lakini tumepata volunteer.

Joseph Maina: (*translation*). My name is Joseph na ile atanena, ananena kutokana na roho wa Mungu. Ya kwanza,

wanajeshi wote wapatiwe mshahara mkubwa ndio ufisadi ukwishe. Ya pili, wale tumechagua wote wakiwa wemeshindwa kutimiza kazi ile walichaguliwa, warudishwe au wafutwe watu ishirini na tano wakisha weka sahihi. Ya tatu, roho amesama President yule yuko sasa aondelewe kabisa ndio roho imesema. Mwingine anaitwa Kijana Wamalwa achukue ushukani. Mambo yake yamemalizika.

Com. Bishop Bernard Njoroge: Kaa hapo nina swali. I want to ask you and I have no argument. You said God has told you who will lead? So there is no use for elections? Okay. Peter Mwai. And Mzee, do not go home, I want to talk to you when we finish.

Peter Mwai: My name is Peter Mwai. Honorable Commissioner Bishop, my prayer is that the findings of this Commission will not be put under lock nor will it be buried by somebody.

Com. Bishop Bernard Njoroge: Before you go on that is a good comment. Wacha niwambie, mambo ambayo mnayozungumza hapa, ikiandikwa report na draft bill, yataletwa tena kwa constituency hii ili muone yale muliyosema ndio yameandikwa katika report. Pia tutakua na kitu kinaitwa National Constitutional Conference ambacho kitakua na watu karibu mia saba. MaMPS wote watakuwako watu watatu kutoka districts, kila district, watu wa makanisa, mtu moja kutoka political parties na watakutana Nairobi wapitisha hiyo report ya Katiba. Kwa hivyo sioni mahali kitu kitapotelea. Sawa sawa? Kitu kinapotea kikifanywa kwa giza. Pia nimalizia kwa kusema Commission hi haikuchaguliwa na Act ya inquiry. President anapewa authority na Katiba anaweza kuchagua Commission ijaribu kuinvestigate something na kama hana haja nayo Ataiondoa. Lakini hii imefanywa na Act ya Parliament. Haiwezi kuondolewa bila kurudishwa wapi? Lakini pia nikukumbushe hii kubadilisha Katiba ililetwa n wananchi. They agitated for it. Hakuna politician anao uwezo kuliko raia ambaye anaweza kujaribu kucheza na Katiba hii. Sawa sawa?

Peter Mwai: First Commissioner I would like to say my point one is, the President should not be above the law. So if he commits an offence he should be indicted.

Secondly, the President should be elected by over 51% of all the voters who have cast their votes. Also the incumbent President should not be allowed to use the Government machinery or resources to campaign for himself or for anybody else. The electoral Commission members should be members of integrity who should be proposed by the church, the civil society and the law society and vetted by parliament.

One. The Parliament should be supreme. On election dates, it should be a specific date and also the swearing in date should be a specific date.

Public Service Commission members should be vetted by Parliament and any public servant or minister if found or taken to

court, should first of all resign immediately. On the issue of borrowing money from donors or domestic borrowing, should be first debated by Parliament and passed. On tenders, any tender worth over one hundred million should first be debated by Parliament and passed to avoid corruption. Corruption should also be made to have a capital punishment.

MP's and Councillors; Councillors allowances should be paid from the consolidated funds as very few local authorities can afford to pay the councillors. National Parks and any tourist attractions which are under the jurisdiction of any council should submit about 10% of the earnings to these councils. Ministries should be created by Parliament and their functions given by Parliament. Thank you.

Com. Bishop Bernard Njoroge: Thank you very much those are good points. Tupate Joseph Wachira.

Joseph Wachira: Majina ni Joseph Wachira na ile nita present hapa, yale ningependa kusemani mambo ya Judiciary. Kwa upande wa Judiciary mimi nakuwa na shida sana. Tuseme sasa kama ni upande wa wanasheria. Uko na case hatakama ni ya shamba, ni ya nini. Unawekwa zaidi ya miaka tano. Unasikia mtu ako na miaka sita akiwa anaenda tu kuwakilisha case yake na tunakuja tunaambiwa mambo ya economy. Na huyu Judge, wakati unaenda kupeleka case yako, unaenda miaka tisa na ile fine ulikuwa unawakewa ati ni fine yake huko, zaidi umetumia kama elfu kumi.

Com. Bishop Bernard Njoroge: Ungetaka case iwe ikisikizwa kwa mwaka moja au nusu mwaka? Hiyo itatusaidia.

Joseph Wachira: Case nataka isikiziwe kutoka miezi saba hadi mwaka moja. Kukuja upande wa administration, upande wa administration mimi nakasirika sana, pengine unaona chief. Tuseme ukipanda miti kwako. Wakati unapanda miti hutamuona hakukwambia panda miti. Lakini ukienda kukata, unamuona. Ikiwa unakata mti wako na ni wewe ulipanda, utamuona, Ukipanda humuoni. Leo mimi nakasirika sana. Tuseme upande wa Chief, inatakiwa achaguliwe na watu na sio serikali ndio mawazo yake isiwe ni kidogo, iwe tunaheshimiana sana. Akienda sana iwe miaka yake ya chief sio kama ya councilor miaka tano, awe kama mayor. Miaka mitatu akijihisha miatatu tunachagua mwengine. Tunaenda sana tunakosa heshima na chief. Huyu ni mtu jirani na tumekua kukosana hata juu ya kitu kidogo tu. Mimi naona mambo yangu ni chief awe anachaguliwa na watu na asiende zaidi ya miaka tatu.

Com. Bishop Bernard Njoroge: Asante sana. Hayo ni mambo muhimu ya court na ya Ma-chief, ni mambo muhimu kweli. Reverend David Muthuyi.

Rev. David Muthuyi: Honorable Commissioner. My name is David Muthuyi, I represent PCEA in Naro Moru Parish where we are. I will just highlight some of the things because I will give you the memorandum. Kenya needs an Executive ceremonial President free from day to day running of the government and above party politics. The President should be head of state and symbol of unity in the country.

Qualifications; As a Head of State the President should be a person of sound education minimum of diploma from recognized institutions taken after credit pass in high school, proven leadership experience, high morality, integrity, mature person in the age bracket between 35 and 75 who is patriotic and has the necessary national and international exposure.

Elections; The President should be elected by the people directly to ensure that the office is answerable to the people of Kenya. Presidential elections should be held separately from the General Election two years after the General Election. The President will have a Vice President elected as a running mate. The term of the President should be limited to two terms of five years.

Impeachment; Provision should be made for impeachment of the President when he engages in acts which are arbitrary, criminal and dishonorable while in office.

Impartiality; The President should serve all Kenyans with distinction and without discrimination. He should not be a patron in any institution, community or group.

Currency: Currency portraits and monuments; In order to honor and remember the Presidents after their deaths, the new Constitution should provide that the portraits of the Presidents will appear only on national currency only after they are dead.

About head of the service. Head of the civil service, secretary to cabinet. This position should be occupied by a distinguished professional in the civil service appointed by the Prime Minister and approved by the Parliament. He must be a person of high integrity.

Other public servants, University Vice Chancellors. Those should be appointed by the university councils on competitive basis considering the academic achievement and leadership qualities. Those positions should be advertised so that suitable candidates may apply. The President should not be the Chancellor of public universities. Chancellors should be Kenyans of academic distinction for each university.

Parastatals; Those should be appointed by Board of Directors on competitive basis. Jobs should be advertised to enable qualified Kenyans to apply. Chairman and members of parastatal board. Those should be appointed by the ministers under whom they fall and must be knowledgeable men and women of integrity.

Electoral system; The person occupying the post of the Vice President. The person occupying the post of Vice President must be very carefully chosen as he or she is likely to fill the vacancy that may be created should the President suddenly cease to hold office for one reason or another before the prescribed term expires pending Presidential elections as may be stipulated by the

Constitution.

Criteria for creating constituencies; Representative members represent people and not just geographical areas. The creation of constituencies should therefore be based on population density. This will correct the current anomaly where for instance two constituencies, one with say 10,000 people and the other 250 people are represented by one person. The Constitution of the Electoral Commission of Kenya should be constituted by Kenyan citizens of good standing, People of high integrity and character and high moral standards should be the ones to take these posts.

Leaders are supposed to set visions or to organize and motivate people. They must therefore be persons who are capable or reliable, trustworthy, honest and men and women who fear God. The people occupying the position of leadership today without qualifications should be people who are God fearing personalities.

Finally, on worship. Freedom of worship; The new Constitution should allow freedom of worship apart from the worship of the devil. That, I will present the memorandum, there are many other things which you are going to read.

Com. Bishop Bernard Njoroge: Thank you very much Reverend, thank you. Let me say I am very happy, I have gone to many places in Central Province na sijaona mahali watu wametoa memorandum nyingi kama hizi. Kwa hivyo mimi nataka kuwashukuru. Charles Wachira.

Charles Wachira: My name is Charles Wachira from Gichui Catholic Church. I am presenting this memorandum on behalf of the Christians in that Church.

In the first place, they are recommending about the citizenship or the people in Kenya. One; to be an indigenous in the country. Two; by registration and three by nationalisation.

The next one, One should be free to move within Kenya if one is not a criminal. One should own legal property anywhere in Kenya.

On environmental resources, they recommended that they should be protected. One; acquisition of forests; Local community agreeing first and be subject to the approval. The afforestation should be intensified, water catchment areas should be defined and protected. Wetland should be defined, developed and protected. Wildlife should be managed and made man friendly. Man should be well compensated immediately. Rivers should be protected from pollution and measures to conserve water should be taken. Equitable distribution of environment resource.

On land ownership, one should legally own land anywhere in Kenya. In the event of mineral or petroleum exploitation,

registered owner should be given 40% shares of the mining interest and well compensated. Land owners; above 1000 acres should be taxed depending on agricultural potentiality of i.e. 500 acres for high yield and 1000 acres for semi arid areas.

Kenya should have a maximum of three political parties. Political parties should be funded by the Government according to elected member of parliamentary representation.. All Presidential candidates should be provided with maximum security and transport by the state. A Presidential candidate should be free to campaign throughout the country and there should be no zoning.

The incumbent President should hand over office within 14 days. A President should be in office for two five year terms. Another point is, a Presidential candidate should have experience of 15 years as an elected member of Parliament and be at least 45 years of age and above.

Another point is on the councillors. Councillors should be holding O'level passes and above. And because this seems to be a long memorandum from those people, I wish the Honorable Commission to allow me to present it having made only those few points.

Com. Bishop Bernard Njoroge: Thank you very much. We will go through it. In fact when we go to Nairobi I think one thing they will find is that we have gone with so many memorandums which is good. Can we have Philip Gikungu.

Philip Gikungu: I am Philip Gikungu. I wish to present this memorandum to the Constitution Review Commission of Kenya.

Elections: I think that religious organizations like the NCCCK and the Council of Imans should be given the mandate to come up with an Electoral Commission. The present arrangement of an Executive President and a Vice President is suitable for Kenya. I am against the creation of the office of the Prime Minister.

The President should not appoint the Vice President. It is the voters who should elect him directly. The Constitution should stipulate the number of ministries, preferable 15 and each ministry should be headed by one Cabinet Minister and one Assistant Minister.

Parliament should have its own long term timetable. In case of a President's death, the Vice President should assume the Presidency automatically for the remaining period of his predecessor's term.

Agriculture; Farm inputs should not be taxed. Importation of commodities which are locally produced should be highly taxed or be banned altogether. Farmers should be assisted and advised on how to market their produce abroad.

Corruption; The Auditor General should be given the power to prosecute corruption cases without going through the Attorney General. Corruption cases should attract very harsh penalties like life sentences or maybe 50 years in jail without the option of a fine to discourage the vice. Besides going to jail, those found guilty of corruption should be made to pay back what they may have obtained with interest.

Judiciary; The Attorney General's Office should employ advocates who will be representing the poor in court at an affordable rate or even without fee. Thank you.

Com. Bishop Bernard Njoroge: Thank you very much. Very good points. Can we have Paul Kigutha?

Paul Kigutha: Mimi naitwa Paul Kigutha. Nataka kutoa maoni yangu. Ningeuliza kama Wakenya wawe free kujua yale mambo yanaendelea na kama ni mambo ya radio, iwe serekali si kusikia wakati radio inaelimisha wakenya hiyo serikali inafunga hiyo radio.

Na kama ni madawa ya kulevia, ile serikali tuko nayo ndio inataka vijana wetu wakunywe hayo madawa kwasababu tunasikia madawa yanapandwa hapa mlima Kenya na hiyo area iko na chief, iko na watu wa serikali. Naona kama serikali ndiyo inataka hicho kitu kiendele ili vijana wetu wawe vichwa vyao vinaharibika.

Kama ni mishahara ya watumishi wa serikali, serikali isiongojee watu waende strike ili wapatiwe mshahara. Kama ni mshahara kuongezwa, inaongezwa mara moja kwa watumishi wote wa serekali lakini si kuongeza ministry moja. Na Rais akikosa anashtakiwa mara moja kwa kotini.

Na mambo ya mashamba. Wakenya, kila mtu asiwe na zaidi ya acre mia moja. Ma-squatters wapatiwe mashamba kwa sababu ile serekali tuko nayo inapenda wanyama kuliko watu.

Na hii kama tunasikia kila wakati Rais anachagua Commission. Kila wakati anachagua Commission, hiyo Commission zingine tunaona ni kuharibu pesa ya wakenya kwa sababu hakuna kitu tunasikia kama zinaleta.

Kama ni upande ya misitu, serikali ilifukuza watu kwa misitu, wale walikuwa wanapanda miti. Kwa hivyo misitu yetu imeharibika kwa sababu ya serekali kufukuza watu huko kwa misito.

Com. Bishop Bernard Njoroge: Kwa hivyo ungetaka nini?

Paul Kigutha: Tungetaka watu wapewe mashamba kwa misitu.

Com. Bishop Bernard Njoroge: Asante sana. Tumpate Mary Wamwitha. Karibu Mary. Hutaki kuzungumuza? Thank you very much Mary, asante sana. Chukua hiyo memorandum. Asante. Wilson Njogu?

Wilson Njogu: Kwa jina ni Wilson Njogu Wanjohi. Mimi natoka pahali ya Kieni ya chini, kulete hii memorandum yangu hapa na kwamaana mengi yameshasemwa hapa, nitagusia tuu kitu kidogo.

Mimi nataka kusema, kama mukenya anayetumikia Katiba ya Kenya, iliyo na vifungu kumi na moja, niko tayari kugusia visehemu kadhaa zilizoko katika katiba ya hizo zilizoko. Hata ndiko ningetaka kusema usahifu katika Katiba yetu.

Com. Bishop Bernard Njoroge: Sema, sema, sitaki useme vile unataka kusema, nataka useme hiyo. Si ni kweli? Ya nini utuambie vile unataka kusema na husemi?

Wilson Njogu: Kwa kwanza, hii Katiba yetu iliyoko haijulikani na wakenya na wengi wao hawajui kilicho...

Com. Bishop Bernard Njoroge: *interjection:* Kwa hivyo unasema ile Katiba inatengenezwa ni lazima ijulikane na wakenya.

Wilson Njogu: Hata hawajui kilichoko na ilitoka wapi. Kwa hivyo ningetaka kusema ya kwanza, kwenye hiyo Katiba lugha iliyoko ningetaka kusema si lugha nzuri. Kwa hivyo nitaanza na kusema kwamba lugha yenyewe iliyoandikwa Katiba yetu si yetu na ni ngumu kutafsiiwa na wengi. Hapo ningetaka Katiba yetu iandikwa kwa lugha inastahili tuelewe.

Com. Bishop Bernard Njoroge: *interjection:* Sawa, hiyo ndio nzuri, hiyo nyingine usisome, soma ile unataka ifanyike.

Wilson Njogu: Okay. Lile lingine ningetaka kusema hii Katiba yetu ieleze sisi watu wa Kenya ni watu gani kwa kinaga ubaga. Ile ingine ningetaka tu kusema kitu kidogo ni katika serikali tekelezi ama Executive. Ningetaka kusema watu watakaochaguliwa wawe ni watu wa area hiyo. Kama ni wa PC ama ni machief, wawe ni watu wa area hiyo. Kwa mfano wale watu wa juu zaidi kama PC ndio wanaelewa shida mingi sana kwenye area hii.

Ile ingine ningetaka kuzungumzia kidogo ni katika bunge. Ya kwanza ni kusema bunge anastahili kuwa ni mtu wa area hiyo na awe amekaa hapo zaidi ya miaka kumi. Tena ningetaka kusema bunge iwe huru kwa vyovyote vile maana ndio utiwa mgongo ya nchi hii yetu. Katika bunge kusiwe na vijadala vidogo isiyo stahili wabunge wa idadi kidogo na ingine inastahili idadi kubwa, kama tunavyosikia kwa wakati huu. Ile nyingine ningetaka kusema kila mjadala ukiendelea katika bunge ama sheria ikipitishwa, ipitishwe na wabunge zaidi ya sabini na tano kwa mia hadi tisaini kwa mia. Tena ningetaka kusema bunge iwe ikichagua Speaker wa bunge, makatibu wa wizara, karani wa bunge na hata waweze kusema kipindi cha bunge kwa mwaka. Ningetaka kusema hata yale majina ya mawaziri, bunge inastahili kutoa majina ya wale watu.

Kamati kama hizi zinazochaguliwa na Rais ziwe zote zinatoka bunge na kuchaguliwa na wabunge wenyewe. Na ya mwisho ningetaka kusema ya ujumla ama general. Mtu akiwa ame fanya kazi hadi ku jiuzulu ama retire, awe hana nguvu zingine za kurudishwa kazini na mtu au watu fulani. Maanake hakuna wakati, ningetaka kupatiana hii memorandum yangu kwa Commission ya leo.

Com. Bishop Bernard Njoroge: Asante sana, tutaisoma. Nimeona ina maneno mengi. Asante. Tupate Christine Wanjiru.

Christine Wanjiru: Majina yangu ni Christine Wanjiru Wambogo. Na memorandum yangu ni ya kina mama wa Keini.

Ningeomba Commissioner sababu yangu ni mrefu,

Com. Bishop Bernard Njoroge: *interjection:* Hatuwezi kukubali kwa sababu baadaye memorandum hizi zitakwenda kufanyiwa kazi. Kwa hivyo hauna haja kuzungumza yote kwa sababu sio watu hawa unaambia, si ni sisi tunakwenda kutengeneza? Si ni kweli? Sisi ndio tunahitaji kujua munasema nini. Kwahiyo you say point kwa sababu tuna watu wengi. Tafadhali.

Christine Wanjiru: Nilikua nafikiria wazee wameongea sana kwa hivyo hii ya akina mama....

Com. Bishop Bernard Njoroge: Mama ni lazima ufuata sheria na sheria inasema hivyo ninavyo sema. Sasa tunapoteza wakati. Tafadhali zungumuza point.

Christine Wanjiru: Haya. Introduction. As the people driven Constitution has taken off heko to the appointed women Commissioners having seven of you out of 27 Commissioners. It is a history to be remembered by Kenyan women. This is a commendable milestone achievement in development of our nation and the struggle for women to address their basic critical issues continuously.

In the memorandum, we would wish to have a Constitution that everyone has a right to equal protection, free from discrimination, freedom of expression and association. The directive principles of equitable representation of both genders. Equality before the law for all citizens regardless of gender or status.

Basic life and basic needs; The Constitution should guarantee basic life and basic needs. The Constitution should guarantee basic life which include health care, free health care, water, food, education, free education up to Secondary School and cost sharing in high education and public universities. Shelter, security and employment for all Kenyan citizens.

Gender parities in decision making should be basic right to equitable representation in decision making at all levels. The right

to own and hold property for all Kenyans irrespective of gender or marital status should be upheld by the Constitution. The Kenyan women should suffer no form of discrimination, oppression that reduces her dignity and esteem as a Kenyan. The Affiliation Act that was repealed in 1967 should be entrenched in the new Constitution.

Affirmative Action Policy; Current Constitution is silent on the rights of women and persons with disabilities. One out of ten Kenyans have some form of disability therefore it is critical that their needs such as those related to visual impairment, hearing and speech difficulties, physical impairment should be addressed. Right of equality of all citizens irrespective of gender should be entrenched in the Constitution. The Constitution should make provision for Affirmative Action Policy. It is a legal requirement for those pushed by the society.

Com. Bishop Bernard Njoroge: *interjection:* Mama, mama, tafadhali, hatutaki kusikia hayo yote. Ikiwa unataka Affirmative Action, nilikuonesha njia rahisi. Affirmative Action ni, kama bunge, tunataka one third, kama kazini tunataka hii. Sasa ukituambia yale yote, tunajua wakina mama wameumizwa, tuambie unataka tuwafanye nini kwa Katiba.

Christine Wanjiru: Tunataka wawekwe kwa wingi kwa vikundi vyote vile vinatengenezwa.

Com. Bishop Bernard Njoroge: Kama Parliament munge penda wangapi?

Christine Wanjiru: Kwa sasa tumepewe 1/3, ikiwezekana 50/50.

Land and property rights; Women and children have in the past suffered most as victims of calamities, disasters, land conflict, clashes and other land related insecurity. It is on this basis that we recommended the following:

Female offsprings regardless of marital status should be entitled to inherit family property including land without discrimination. The land registry should be decentralized countrywide and transactions be carried out at the district level. There should be equal access to land ownership and control of all the resources among men and women. Kenyans living in communal and group owned land such as pastoralists, hunters and gatherers should be Constitutionally guaranteed protection, security and ownership of the land that they occupy.

The Constitution should be supreme to the customary law and issues concerning land and property inheritance.

Defence and National Security; Parliament should be given responsibilities of national security and entrenched in the new Constitution. The Constitution should permit the use of extra ordinary powers in emergency situations such as war, national disaster, insurrection and breakdown of public order. One third of the Parliamentarians should have a role in effecting emergency powers. Kenyans who became victims of emergency wars should be properly compensated by the state within a

period of two years after the emergency. A local conflict dissolution committee with at least 50% representation of women should be established in security prone areas.

Na ni hayo tuu.

Com. Bishop Bernard Njoroge: Thank you very much. Hata nilifikiria ungesema ikiwa mwanamme ni President mama awe Vice President. Hiyo ndiyo Affirmative Action, sasa umewacha ile kubwa. Oh, imeandikwa hapo. Sawa, lete hapa, asante mama. Can we have Absalom Mwangi? Absalom nigetaka uzungumze point.

Absolom Mwangi: Mimi ni mtumishi wa Mungu katika Naro Moru Sub-location, kwa jina ninaitwa Absolom Moses Mwangi Migwi, kwa Chief Elijah na Assistant Chief Bwana Paul Kang'ong'a. Ninawakaribisha nyote watumishi wa Katiba ambao mumefika katika sub-location yangu siku ya leo, nawashukuru wakubwa wote wa serekali walioko katika kikao hiki, nawashukuru wanainchi wa Naro Moru na ninaweza kupenda kuwasalimu asubuhi ya leo. Hamjambo wananchi wa Naro Moru? Kama hamjambo pia mimi sijambo.

Nimefika hapa asubuhi ya leo kuwashukuru Commissioner wa Katiba na mimi naona katika division yangu kunakuwa na watu wengi lakini wale wamefika hapa ni watu wachache. Mimi ni mtumishi wa Mungu na kama vile mimi ni mtumishi wa Mungu, Bwana Commissioner lile jambo mimi ningependa kutoa maoni juu yake hasa ni kwa upande wa shule. Kwa upande wa shule, watoto wetu wasiwe wakifukuzwa na mwalimu kwenda nyumbani kila wakati. Kama mwalimu anahitaji mzazi kufika shuleni, mwalimu anafaa kupatia mtoto karatasi badala ya kufukuza huyu mtoto huenda akapata ajali wakati wa kuvuka barabara.

Lingine nalo ni jambo la hospitali. Ningependa serikali yetu katika nchi hii tukufu ya Kenya iwe kwa upande wa matibabu, iwe kama vile zamani ilivyokua wakati wa President hayati Mzee Jomo Kenyatta. Matibabu yalikuwa ya bure na siku hizi kama huna pesa, huwezi kupata matibabu kwa haraka na wananchi wanajua maneno ninayongea ashubhui ya leo, ninaongea maneno ya ukweli.

Com. Bishop Bernard Njoroge: Absolom, sisi ni watu wa Kenya, tunajua tunashida ya madawa, tuambie ungetaka free medical care na hiyo inatosha, uende nyingine.

Absolom Mwangi: Ndiyo. Haya, kutoka hapo ni hali ya sisi wananchi wenyewe kama vile tuko katika upande wa mashambani. Jambo mbaya likitokea kama ugonjwa, kama mkasa mwingine ukitokea, tujaribu kusaidiana haraka badala ya kungojea watumishi wa serekali waje watusaidie na ambao hawaonekani.

Com. Bishop Bernard Njoroge: Sasa hiyo utazungumuza kwa baraza, sio ya hapa.

Absolom Mwangi: Haya. Lingine nalo, ningependa wakubwa wakome kudanganya watu kila wakati ati kuna mashamba

yatakuwa yakipeanwa.

Com. Bishop Bernard Njoroge: Hata hiyo ni ya baraza.

Absolom Mwangi: Lingine nalo ni hali ya unyakuzi wa mashamba. Katika town kama hii, hatuwezi kuona pahali paku jenga hall kama hii. Sasa sisi tumekuja kuazima kwa kanisa la Catholic Mission badala ya sisi wenyewe tuwe na pahali pa kujenga social hall pahali ambapo public facilities zinaweza kuwa zikifanyiwa.

Com. Bishop Bernard Njoroge: Land grabbing, hiyo tumesikia.

Absolom Mwangi: Haya, lingine nalo ni hii ya wakubwa wa serikali. Sis sote mbele ya Mungu tuko kitu kimoja. Hata kama mtu ni mkubwa namna gani na unajua siku ile ya kifo itafika itafaika kama vile yangu itafika. Kwa hivyo, wakati hawa wabunge wako katika serekalini, wawe wakitukumbuka na wasiwe wakitudanganya. Kama sasa mkubwa wa area hii Bwana ChrisMurungaro, hata mimi mwenyewe simujui. Na ni mbunge wa area hii. Afadhali kusema mchana kuliko kusema usiku ama kusema kando kando huko kwa njia. Ndio nikaamua na nikaomba Mwenyezi Mungu anisaidie na akanisaidia kufika katika kikao cha Katiba ya siku ya leo na kwa hayo machache nimeshukuru.

Com. Bishop Bernard Njoroge: Asante sana, haya kwenda pale. Si tulisema kila maoni ya mtu ni sawa. Tusifanye kelele. Hiyo ndiyo ilimutoa nyumbani Hayo amezumgumuza. (*Translation*). You know that is what brought him from home. Haya, lakini ningekuomba ujaribu kutafuta MP wa hapa, najua ukimtafuta utampata heri umuambie mimi sikujui tangu ulipo chaguliwa. Sawa sawa? Haya, D.G. Mukoma. Usisome hayo yote, utuambie point.

D.G. Mukoma: I am D.G. Mukoma by name and I will try to highlight my views as follows.

During the elections, the President should be elected simultaneously with the Vice President. With that I mean that the Presidential candidate should have his or her running mate. Also, those candidates who seek Presidential positions should not stand for Parliamentary seats. In this I mean that the President's constituency will be the whole Republic. Still on the Presidential elections, the winning candidate should garner 51% of the total votes cast. In case there is no outright winner, the first two candidates should go for a run off.

The number of political parties should be reduced to 2. To determine which ones to be left the last General Election should be used whereas all the other parties should be dissolved and its members join either of the remaining two.

The office of the Controller and Auditor General should be empowered by giving it a mandate to prosecute those people who misuse public funds. Further, the Board of Accountants, that is Institute of Certified Public Accountants of Kenya, ICPAK

should be included in the preparation of the country's budget. The education system should be reverted back to the old system of 7-4-2-3 with scrapping of quota system in admitting students either in Secondary School or the University.

Appointment of diplomats and parastatal chiefs should be done by Parliament. In this case the positions should be advertised and selection done by the head of the civil service then forwarded to the Speaker of the National Assembly for the appointment by the Honorable Members of Parliament.

The Government should protect farmers by prohibiting importation of agricultural products that we produce locally. Also the Government should implement a method where farmers can be given free farm input. In this way many people will do farming thus creating self employment as well as reducing cases of hunger in our country. Thank you.

Com. Bishop Bernard Njoroge: Thank you very much, that is great. Kama hivyo, anaguzwa maneno makubwa lakini kwa muda mchache. Haya, John Kirima.

John Kirima: Mimi ni Councillor John Kirima wa hapa Naro Moru na haya ni maoni yangu kwa niaba ya watu wa Naro Moru.

Com. Bishop Bernard Njoroge: Na Councillor ukiwa wewe na MP mutaonana, umwambie kuna watu wake ambao wanasema hawamjui.

John Kirima: Sawa sawa. Kwanza ningependa Katiba itakayo andikwa iwe na sehemu ambayo inasema ni yetu sisi watu Kenya. Pia, ningependa Katiba iandikwe kwa lugha rahisi itakayoeleweka na kila mtu wa Kenya. Ningependa pia, nakili 39 ile Katiba ziwe rahisi kupatikana na kila mukenya. Ziwekewe mahali ambapo watu wote wanaweza kuzipata na wapate free of charge.

Amendment ya Katiba, ningependa iwe ikifanywa na watu wa Kenya, isiwe ikifanywa na bunge kama vile hiyo Katiba imepita. Ningependa pia kuwe na system ya local government organization in the Constitution of Kenya kwa sababu hii ya wakati huu haiko kwenye Katiba, it is just an Act of Parliament. Pia ningependa kuwe na ile calendar ya elections, tuwe tunajua mambo ya uchaguzi, siku zake zikifika kama vile tunajua siku hizi zingine, national days.

Ningependa ile Katiba itaundwa ieleze kuhusu kazi ambazo sisi kama wananchi wa Kenya tunapaswa kufanya kama ku-participate katika serikali. Mambo ya land ni kama vile watu wengi wamesema, tuwe na ceiling ya 50 acres na mtu asiwe na mashamba mingi ndio wale wengine waweze kupata. I would also like to propose that we have a parliamentary system of Government. Ile ambayo itakua na Prime Minister and a ceremonial President. Ningependa pia kuwe na muda wa wajumbe na madiwani. Uwe ni kama muda wa Rais, asiende zaidi ya kipindi cha miaka kumi, vipindi mbili vya miaka mitano. That is ten

years.

Financing of political parties, ningependa Katiba ieleza kwamba vyama viwe vinasaidiwa kifedha lakini iwe ni vile vyama ambavyo viko na watu kwa bunge. Mishahara ya wajumbe na madiwani iwe ni kama ya wale civil servants wengine. Isiwe kwamba ni wao wanaenda kufikiria. Mambo ya defections, watu kuhama vyama, kama mjumbe akihama chama chake ama diwani, asichaguliwe tena kama kutaitishwa uchaguzi na pia aitishwe ule mushara wote amepata muda ule amekaa kwa bunge, na ikiwezekana Bwana Commissioner, hata ile pesa zitatumika kwa by-election atoe. Alipe hizo pesa.

Ningependa mambo ya kuhesabu kura ifanyiwe katika polling centres na matokeo yake kujulikana hapo hapo. Pia ningependa kuwe na ile proportional representation katika Parliament na pia katika local authorities kwa sababu watu wengine wako na watu zaidi na wengine wanimamia watu wachache. Ningependa mambo ya nomination ile ya councillors na wajumbe iwe ni ya watu ambao ni wale tunaita vulnerable groups na wale ambao wako na special interests kwa sababu ya wakati huu haiendi namna hiyo. Parliamentary quorum, ile quorum iko kwa Katiba kwa wakati huu ni outdated. Tungetaka 51% of the MPS and even the councillors to attend kikao chochote kile cha mkutano wa bunge ama ya council.

Jambo la mwisho, tungependa Vice President awe anachaguliwa na watu na tungependa mambo ya case isipite zaidi ya miezi tatu na serekali ipatiane wakili wakutetea maskini na lugha ya case iwe rahisi ya kueleweka na kila mtu. Na mwisho kabisa tungetaka free and medical care for all Kenyans. Asante sana.

Com. Bishop Bernard Njoroge: Thank you very much. Asante sana Bwana Councillor kwa maneno hayo mazuri. Michael Ngatia. Karibu, useme point.

Michael Ngatia: My name is Michael Ngatia and I would like to present the recommendations from St. Monica Catholic Church, Kileleshwa to the Constitutional Review Commission of Kenya. The following proposals were given by Christians;

Number one, The Constitution of Kenya should have an introduction that recognizes the rights of the Kenyan people to shape their own destiny. The Constitution should enforce and protect human rights and dignity of all Kenyans irrespective of race, color or creed. Kenyans should own land anywhere in Kenya.

On Management and use of natural resources, this should be vested in the local communities to conserve and protect and the local communities should be beneficiaries of the revenue accrued from the resources. The Constitution should have principles for better management of public finances and Parliament should approve all Government expenditures. All public finances should be used for intended projected projects and be approved by Parliament. An independent anti-corruption body should be established by an Act of Parliament to deal with all corruption related offences. Past corruption cases should be prosecuted by the anti-corruption body. Any person convicted of corruption related offences should not hold any public office.

The President should be impeached and be sued when in office. This should be done by the offended persons or parties. All presidential candidates should be given security by the state and should be allowed to campaign in all parts of Kenya unlike the case as it is today. An independent electoral Commission should oversee all elections, Presidential elections, Parliamentary and Civic elections. The Electoral Commission should have an election calendar for all elections. It should also guarantee fair and free elections. It should also ensure that Kenyans vote wherever they may be.

Voter registration exercise should be continuous and all political parties should be funded from the exchequer. The President should be ceremonial and should obtain not less than 51% of the total votes cast in elections. Parliament should vet all major executive appointees to avoid nepotism by the head of state. Professionalism should be the criteria for such appointments.

The airwaves should be liberalised and the press should be recognized. A unitary form of Government is best suited for Kenya as it will unite all peoples of Kenya irrespective of tribe, race or creed. All Kenyan peoples should co-exist amicably, the Government should have a Prime Minister appointed from the party that has the majority in Parliament and the Prime Minister should be accountable to Parliament.

The Government should ban cheap imports and start cottage industries to alleviate poverty. Thank you.

Com. Bishop Bernard Njoroge: Thank you very much, that is a very good memorandum. Asante sana Michael kwa hiyo memorandum. James Mugambi?

James Mugambi: Asante sana Commissioner. My name is James Mugambi. I will present my memorandum.

The President should be elected after every five years and he should not exceed two terms. The Kenyan President should be ceremonial, we should have a Prime Minister and Vice President.

The Constitution should streamline ministerial and assistant ministerial posts. There should be no Kenyan being called a squatter since Kenyans are independent and instead, all Kenyans who are above 18 years should occupy all land which is lying idle in order to improve our economy. All those landless people evacuated from the forest should be taken back and improve our forests because our leaders have so many thousands of acres which they claim is theirs yet none of them can offer it to the poor fellow Kenyans.

Police officers should completely stop torturing suspects and instead they should find other ways of investigating. If one is caught doing so he should be sent to jail and sacked from his or her duties.

Kenyans should not import or export their crops without first consulting their Member of Parliament. All illegal brews should be completely abolished for they are destroying our young generation and bringing a lot of immorality like HIV Aids and other venereal diseases. There should be a law which will make sure or ensure that, all street boys are taken back to school and their mothers are arrested and taken to hospital in order to minimize the current number of children who are in the streets. So, police should completely stop harassing innocent Kenyans and implicating them as criminals. If one is caught doing so, serious action should be taken against him or her.

Every young person who is jobless and he or she is educated, should be allowed to work as a hawker without being harassed by the city council askaris in any way whatsoever. Kenya should be having at least three parties but not many political parties which now start being tribal parties. All Mayors and council chairmen should be elected by the public but not councillors. Constitution should be made a subject in our primary and secondary schools in order to enlighten our young children and make them know their rights. Constitution should be translated to local language that is Kiswahili. May God bless the good work of our Commissioners.

Com. Bishop Bernard Njoroge: Thank you very much. Rev. Linus Mwangi.

Rev. Linus Mwangi: My names are Linus Mwangi. I want to present a personal memorandum to the Commission but I am aware that there are many people who would want to make their opinions. I want to just highlight what I have written in the memorandum.

All registered political parties which intend to field candidates for elections should participate in the printing, custody and transportation of ballot papers and boxes under the supervision of the Electoral Commission of Kenya. Ballot papers should be counted at the polling station and the results should then be taken together with the ballot boxes to the returning officer at the counting hall or centers.

Freedom of assembly and association; Section 70 of the Constitution of Kenya guarantees freedom of assembly and association. The Government therefore, should stop harassment of innocent members of political parties or civil society by law enforcement agents. No law or regulation should therefore be applied in a manner that undermines this fundamental freedoms. At present these rights have been abused. The Kenya Police Force should demonstrate their 'Utumishi kwa wote' policy by not harassing people and causing injuries. They cannot claim to be enforcing the law by breaking it.

Freedom of Worship; The Constitution of Kenya should be revised to state clearly who is to be worshipped. It should not leave loopholes for people to worship other gods. I suggest that the Constitution be amended to state there shall be freedom of worship for all Kenyans but only God, Creator, Son, Redeemer and Holy Spirit, Sanctifier, shall be worshipped. There shall never be idol worship or worship of devil in Kenya. I am glad that the bible

Com. Bishop Bernard Njoroge: *interjection:* Linus, please we do not have time, we will have time to go through the memorandum. Can you just highlight points.

Rev. Linus Mwangi: Okay thanks. The 25% 5 province rule in Presidential election, this should be amended to provide a provision that candidates must receive a minimum of 50% of all valid votes cast in any election. In the event of a re-run of Presidential elections as anticipated by Section 5, 3 of the Constitution, I recommend that the winner be determined by simple majority only. The functions of the Office of the President should be performed by Chief Justice during the intervening period.

Mayors and Provincial Administrators; Mayors and Provincial Administrators should be elected directly by the people in their localities. This will make them pledge loyalty to the people but not individuals.

Land Rights: Land is the basic resource available for food production and economic development in Kenya. The Government should promote equitable distribution of land by giving the landless people a share of the Government land that lies idle, unutilised land.

The state should endeavour to ensure that land is used for the benefit of the people of Kenya and shall not be used as a commodity of economic speculation. Grabbed public land should be reclaimed and gazetted as public property. Landlords are losing a lot of money from clients who refuse to pay house rent. A law should be formed to provide a way of recovering the money from the rent.

Insurance Policy; The insurance law is colonial and does not serve the interest of Kenyan citizens. Insurance agents are just out to make financial gains at the expense of the populace. The law is misused by people to get money from other people. It should be amended to serve the interests of Kenyans.

Voter Registration; This should be a continuous process and the Electoral Commission of Kenya should accept use of passports, driving licences and birth certificates during the registration of voters and during the General Election. It is not a requirement of the law to use identity cards for voter registration. For this process to be effective, all Kenyans who have attained 18 years of age should be issued with ID cards.

Finally, may I state that the life of the current Parliament should not be extended. The Constitutional Review Commission of Kenya should be left to work independently and at their convenience. What Kenyans want is not just a Constitution to take them through the forthcoming General Election but to take them beyond the years ahead. I am equally convinced that the Constitutional Review of Kenya will do its best. Thank you.

Com. Bishop Bernard Njoroge: Thank you Rev. Linus. Can we have Sospeter Ng'ang'a.

Sospeter Ng'ang'a: Mimi kwa majina naitwa Sospeter Ng'ang'a na nimekuja kuwasilisha kwa Tume hii yale ambayo mimi ningetaka yafanyike.

Kitu cha kwanza ni kwa upande wa uchaguzi. Haya madebe ya kuweka kura yawe transparent, yawe yakionekana kile kitu kimewekwa pale ndani. Kwa upande mwingine, naye huyu mbunge wakati anafanya campaign ikiwa yeye atakua akihonga kwa sukari au awe wakati ule ndio anafanya harambee, huyu mtu awe disqualified.

Kitu kile kingine, hawa watu wenye kusafirisha pesa nchi za inje, zile pesa zitwaliwe na serikali na ndiyo ziwe zikija kusaidia hawa street boys wetu. Kitu kingine kwa upande wa mashamba, mtu aliye na zaidi ya acre mia moja, zile zilizoko juu ziwe zikitozwa ushuru wa hali ya juu ndio zile pesa ziwe zikitusaidia.

Kitu cha mwisho, serikali yetu iwe ikiongozwa na Waziri Mkuu naye Rais awe ceremonial sababu Rais anaweza kuwa mtu wa miaka thamanini ndio munaona makosa inaingia sababu mtu akisha pitisha umri wa miaka sitini hata hawezi kuendesha nchi ka njia nzuri. Kwa hivyo naye Waziri Mkuu awe na kisomo cha chuo kikuu. Nafikiria nitawachia hapo.

Com. Bishop Bernard Njoroge: Asante. Umetoa maoni mazuri sana lakini ujiangalie kwa wazee walio hapa ambao wako zaidi ya miaka thamanini. Kana tiguu. Thank you, that is very nice. David Kagomo? Na umezungumza haraka na maneno muhimu.

David Kagomo: Kwa maana watu wanalalamika hapa ndani, kwa maana tunaongea kwa kizungu mimi nitazungumuza kwa Kikuyu. Yangu ni machache tuu. Jjina langu ni David Kagomo, kwetu ni Marathima. Nitazungumuza kwa Kikuyu.

Com. Bishop Bernard Njoroge: Hapana, zungumza kwa Kiswahili, kila mtu anasikia Kiswahili.

David Kagomo: Kuna wakina mama hawasikii.

Com. Bishop Bernard Njoroge: Sababu ya kusema Kiswahili ni kwamba maneno haya, wacheni niwambie, **Translation:** If we speak in Kikuyu it can be translated by somebody else and the person to translate, we do not know if they will translate what is being said. So it is important those who can speak in Kiswahili speak in Kiswahili, but those who cannot speak in Kiswahili, we will find a translator because the important thing is not you who are here but where the views will be taken.

David Kagomo: Yangu ya kwanza ni wale watu ambayo walikuwa kwa mashamba ya misitu warudishwe huko. Kwa maana ndio tunaona mvua imekosekana. Ya pili, hawa police, wawe wanatumikia wakenya, wasiwe wanatumikia mtu hata akiwa

kiongozi wa aina yoyote. Ya tatu ningeliza hii Tume, haya maneno ambayo tunatoa hapa iwe itasaidia wakenya isiwe Tume kama zile Tume ambazo tunapatiwa kila siku na Rais na hatuoni chochote wanafanya.

Ya nne, nikiuliza Tume hii ambayo tunasikia maneno yake, tunaletewa hapa na makanisa na hii Tume ambayo ni ya uchaguzi, tukimuuliza hivi tukiwa wakenya, haya mambo ambayo yapitishwa na bunge yatufinya raia wa kawaida. Tukiuliza kama ni mambo ya Tume hii, yapitishwe na raia kwa maana hii Tume, yaani ile Katiba tunatengeneza itaongoza wakenya lakini sio wabunge. Kwa hivyo nikiuliza tuite mkutano wa watu wa Kenya, tukutane kwa uwanja tupitishwe yale ambayo tunataka kupitisha ambaye ya yanaandikwa kwa karatasi hii ambayo inachukuliwa na tape recorder ili yale....

Com. Bishop Bernard Njoroge: interjection: Tafadhali sema tu point ili tusipoteze wakati. Na ngwenda kwaria na Gikuyu. Njugire atiriri korwo uma haha, twarikia report ino-ri, nikarehwo kuri inyui hamwe na Bill iria igatwarwo Parliament kana iria ika-discusswo nigethat ituike constitution. Ni ikarehwo kuri inyui thiku mirongo itatu kana mirongo itandatu nigetha muone maundu maria mwaririe nimo mekite atia? Mandikitwo. Yoima hau-ri, kuri kiama kiria githure kiretwo national constitutional conference. Tutiri twagia na kiama ta kiu. Gigakorwo na Bunge magana meri ma mirongo iiri, gikorwo na andu atatu, atatu kuma district, na umwe agakorwo ari mutumia na ucio ungi councillor; atatu, atatu kuma district ni ta andu magana meri ma mirongo itatu. Tucoke tugie na andu mirongo ina, o mundu o mundu kuma political party iria ciandikithitio mwaka wa ngiri igiri October, anud mirongo ina, maki-represent parties ciao. Tucoke tugie na andu igana rimwe ria mirongo itatu na kenda aria maka-represent makanitha: ta NCCK nimahetwo andu kenda, Catholic makaheo andu anana, Muslim makaheo andu maigana una, ciama cia atumia ikaheo atumia maigana una, ciama cia disabled ikaheo andu maigana una. Kamiti io yothe-ri igukorwo na andu hakuhi magana mugwanja; niyo igoka kuhitukia Katiba handu ha raia. Githi ucio ti mubango mwega? Yacoka itwarwo Parliament tondu no muhaka igere Parliament-ri, a-Bunge matigathii kumiaririria, no kurumirira mubango uria mubange ni Katiba io turathengia, tondu to muhaka urumirire mubango uriku. Githi ona tutigituanaga maritwa ma aciari aria matuciarire? Kana tiguu? Parliament ndigathii kwariria document io, no kuhitukia ikahitukia. Riu-ri, no muhaka tugie na riri-- Kiria ndirona twagite muno-ri ni undu wa kunyaririka kuria tunyaririkite-ri, ni kugia na kirigiriro na kugia na wihoko, trust, ati uria kurekwo nigukarigiriria wega. Na twaga trust, tuguthii tugithiraga kahora, kahora, tondu ngogo ciitu niciaga kirigiriro. Kwoguo rekei ringi tugetikagia. Na he muthuri umwe wetagwo Bishop Magua, anjiraga atiriri, ungikenda riria maundu marituhite, ukonyagwo ona akorwo njira niraruma miruthi, turiugaga nikwega mbere. Tondu waga kuuga uguo niukuhituka haha? Kwoguo rekei twihe muoyo na tutikonage hingo ciothe maunde mothe no moru na maundu maria marekwo magathie makinye undu muuru. Tondu riri, rekei ndimwire, ona mutumia angiciara mwana akue-ri, nimoigaga tutiguciara mwana ungi tondu niakua? I mangiciara eri, i mangiciara atatu makue, i maciara kaana ga kana gakue? Nginya akagia kii? Uguo niguo twagiriirwo ni kuhana nigetha tugakinyira haria twagiriirwo ni gukinyira.

David Kagomo: Okay. Ya mwisho, ningetaka uchaguzi uwe wa kawaida. Vile tunachaguana, tuchaguane wakati huo huo, na hii Katiba ambayo sasa tunaandikisha iwe ndiyo itakuweko. Hiyo ndiyo ya mwisho.

Com. Bishop Bernard Njoroge: Asante sana. Tupate Moses Gakuya.

Moses Gakuya: Kwa jina I am called Moses Gakuya. I would like to present my views to this Commission as to how I would like the Constitution of Kenya to be.

First. I would like to begin with citizenship. Everybody, man or woman born and in Kenya should be given a chance to be a citizen of this land with no question. A child born by either one parent who is a Kenyan, should also be given that chance to be a citizen.

The President should not be a Commander in Chief, protective machinery should be made by the Constitution. The President should be given exemption power by the Constitution during national calamities to spend the public money.

I propose a coalition Government of which the President shall share power with the Prime Minister. The Prime Minister should be the one to answer questions in the Parliament whereas the President shall be the existing power broker of the land.

Com. Bishop Bernard Njoroge: Power broker? Nyinyi munapenda brokers? Sasa President akiwa power broker, tutaishi namna gani? Endelea.

Moses Gakuya: Parliament should have power to vet the officials appointed by the President, they can reject the person if he is not a person of integrity. The citizens should have the power, or the constituents should have the power to eject their MP if he or she is not steering them according to their wish.

The Parliament should have power to impeach the President if he or she is not fulfilling his duties according to the Constitution.

Com. Bishop Bernard Njoroge: Thank you very much, those are very important points. Asante sana. Tupate Mary Maina.

Mary Maina: Jina langu ni Mary Gathoni Maina kutoka Thego Parish na nakuwa kwa amani na upendo. Maneno yangu nitaomba serekali ikubali kupea maskini mashamba na kina mama waliofiwa. Na tena wapewe mashamba na wawekewe maji na kuwe na shule ambavyo ni ya walemavu. Ya tatu, kuwe na wale ambao wanashugulikia mambo ya wanyama ya pori kwa vile wanasumbua watu na kupiga watu. Serikali iwalipe wale ambao wamepigwa.

Serikali ifuatilie mambo ya njaa na ikitoa chakula ihakikishe imefikia wanaohitaji. Kule office ya mashamba, tunanyanyaswa sana kwa sababu ya yale maswa yanaulizwa kuhusu mashamba. Tunakaa siku nyingi hapo bila kusaidiwa. Watoto na uridhi wa babu zao, serikali ifuatilie kuhakikisha imefikia waliofiwa bila kunyanyaswa na wazazi.

Katika court zetu serekali ishughulikie kazi ya maskini kama vile inavyoshughulikia matajiri. Na kwa hospitali, serikali isaidie kufuatilia mambo ya wale wagonjwa bila kuangalia hali yake ya kifedha ama kijamii. Na katika upande wa kuweka maji, wale watu ambayo wanaweka maji wawache kunyanyasa watu katika ile kazi ya kufanyia kwa mikono, ‘gitati’, kwa sababu umekosa kuenda katika kibarua ukienda ati ni kazi ya maji, serikali ifuatilie hawa watu vizuri wawache uongo. Mambo yangu iyamefikia hapo na niko na karatasi hapa ambayo nimetoa maoni kwa Kikuyu kwa sababu sielewi Kiswahili vizuri. Si kusoma vizuri kwa sababu ya kusumbuliwa wakati wa vita. Mambo yangu yamefika hapo.

Com. Bishop Bernard Njoroge: Thank you very much. Esther Wanjugu. Ee kai atumia mathire kuu.

Esther Wanjugu: Jina langu ni Esther Wanjugu, kwetu ni hapa hapa, hapa mission. Tumekuja kwa sababu ya kuleta maoni yetu kwa Commission. Kwa sababu mtu anapokaa ako na tabu zake akiwa mahali kwake shambani na hana maji anajisikia ana taabu nyingi na hana msaidizi. Kwa hivyo, lazima aende mahali ambapo anafikiri anaweza kufaidika. Nimiesikia kuna mahali watu wanaweza kufaidika lakini mimi nikasema lazima niende hata ingawaje mimi ni mzee ndio nipate kufaidika. Na kuligana na vile nimekaa na nina miaka mingi sana kabla sijaingia katika kikao kama hiki na sasa nina furahi kuwa hapa kwa sababu niko mbele ya watu na wengine ni watoto wangu na wanaweza kunisaidia. Siwezi kuanguka nikiwa hapa, nasikia nimeshikiliwa na ninawaomba kwa sababu naona wanaweza kunisaidia na nina imani siwezi kuanguka. Na nime furahi sana na ninaomba sana kwa serekali ndio itusaidie na upande wa maji ndio tufaidike tuone kweli hatuko kwa upweke ndio sababu nimekuja.

Com. Bishop Bernard Njoroge: Joseph Kinyua.

Joseph Kinyua Murekio: Kwa jina ni Joseph Kinyua Murekio na mimi namuamini Mungu. Ya kwanza ningeliza serikali ama hii Katiba wakati inatengenezwa kwa niaba ya wale watu wanakaa kwa kijiji kwa sababu kama hapa Naro Moru tuna vijiji vyingi sana na wakati unapofika wa uchaguzi ndio tunaahidiwa mashamba.

Ya pili, kwa sababu ya wale tuliopigania uhuru na mimi nikiwa mmoja wao, na tuliambiwa tukishinda mkoloni tutapewa mashamba. Na hadi wa leo hatujapatiwa. Nikauliza wazungu wanapatiwa mashamba namna gani na sisi tumekosa? Ile lingine, ni mashamba yanapimwa na serikali kama forest, kama hii ya Gathiuru na ingine iko Kabaruru na watu wanaahidiwa mashamba wale ambao wanakaa hapa kijijini Naro Moru na hawajapatiwa. Na uchaguzi ufikapo tunaahidiwa mashamba. Mambo yangu yamefika hapo.

Com. Bishop Bernard Njoroge: Justus Maina. You are Justus Maina? Okay, you come.

Justus Maina: Jina langu ni Justus Maina kutoka Nyeri. Yale maoni nataka kutoa ni mbunge akichaguliwa na raia, akihama chama chake kile kilimchagua basi anakuaa raia. Ya pili, chief waondolewe manaeno ya mashamba kwa sababu wakipewa

pesa wanaenda upande wamasikini wakawanyanganya mashamba. Ya tatu, ni kile kilimo ambacho kimkuwa kikendeshwa. Mkulima anakuwa akila pesa nyingi kuliko serekali.

Com. Bishop Bernard Njoroge: Interjection:

Justus Maina: Ya nne, serikali ichague mawakili ambao watawakilisha masikini. Ya tano, mambo ikuhusu misitu, kila idara iko na watu ambao itachagua. Mtu ambaye kama chief kuingilia mambo ya misitu na hajui. Watu ambao wanaitwa watu wa game reserve, wawe wanachunga wanyama wa porini lakini si kushika watu na makaa. Serikali ikitangaza, itangaze mambo ya ukweli kwa sababu watu wanadanganywa ati masomo ni ya bure na hakuna ya bure. Kwa hivyo serekali inakosea. Na kwa hayo machache tumemaliza.

Com. Bishop Bernard Njoroge: (Translation)

Paul Maina: My name is Paul Mwangi Maina from Kimathara Location. I want to comment on the preamble of the Constitution. It should have a vision to be stated in the preamble and it should be: This is the Constitution of all members of the human family called people of Kenya. We the people of Kenya....

Com. Bishop Bernard Njoroge: Do not read that because we will get it. Tutachukua hiyo. We are going to get it.

Paul Maina: Our Constitution should have principles and values that govern how state power is exercised. On human development, to be a free person in a free state free of police harassment, domination or oppression by the Government.

Judicial, Legislature and Executive, free from corrupt practices and each man or woman will have the opportunity to develop. Education to be based to promote achievement of our national goals, the right to life for each man or woman, for the provision of accessibility to basic needs, that is food, shelter, clothing and clean environment. Everyone to be involved in promoting social justice and to seek fulfilment through his or her contribution to the common good. Improvement in the level of nutrition and health, every step to be taken to promote moral, cultural, social, political and economic standards of the family unit and the family unit to be recognized as the fundamental base of our society. The later to take place primarily through the use of Kenyan forms of social, economic and political organizations. All citizens to have an equal opportunity to participate and benefit from the development of our country.

Decentralization of all forms of Government activities at divisional levels to enable effective, meaningful participation by people in various parts of the country. Equitable distribution of incomes and provision of services in all parts of the country and for every citizen to have equal access to land, legal process and all services; health services, education and good environment. Natural resources and the environment to be conserved and used for the collective benefits of us all and be reclaimed for the

benefit of future generations, whether on land, under land and in air. All the necessary steps to be taken to protect our valued birds, animals, fish, insects, plants and trees.

Citizenship; Relationship between the state and its citizen is two way traffic. The citizen has duties to have rights over the state and the state has its certain duties to rights of a citizen. A person should become a citizen of Kenya automatically by birth inside or outside Kenya if both parents were Kenyan citizens. By Parliament approval for registration if a man or woman is married to a Kenyan citizen. There should not be an automatic citizenship for a foreigner.

Defence and National Security; The Constitution should establish a way in which military and paramilitary police, prison and other state security and law enforcement officers should be disciplined. Mechanisms to be used, discipline the armed forces is to create an optimum supervision of Government, to expand the court martial to all forces. To promote and enforce the strict adherence to the rules and law and principles of national justice, to eliminate and enforce elimination of corruption, abuse of authority of public office, to refer the guilty officers to the court martial for further action even the Commander in Chief of the Armed Forces may be charged.

On the structure of the Government, we should retain the Presidential system of Government and a Parliamentary system of Government, that is a mixed system. We should create a second chamber in the Parliament, that is a Lower house to accommodate the Prime Minister. On legislative, the parliament should appoint the Auditor General, Judges of the high court, police officers of a rank of assistant inspectors, graded public officers, staff of the National Assembly and the administrators, Electoral Commissioner, Controller and Auditor General and the Attorney General.

Com. Bishop Bernard Njoroge: I think now you have finished. We have so many people, we are going to read your memorandum, you do not have to read the whole of it.

Paul Maina: Let me comment something on the Judiciary. The Judiciary is expected to play a fundamental role in the upholding of, Constitutionalism and legality. The Judicial authority of the Republic should be vested in the courts. The courts should be independent and subject only to the Constitution and the law which must apply judicially and without fear, favour or prejudice. No person or organ of state may interfere with the functioning of court. Organs of the state through legislative and other measures must assist and protect the courts to ensure that the independence impartiality, dignity, accessibility and effectiveness of the court. An order or a decision issued by the court binds all persons to which it applies. The judiciary must have the powers to review the Constitutionality of the legislature and its policies. The Judiciary must be independent of the Executive and the legislature. The present system of the judiciary is not adequate. The court martial should not be a temporary court, it should be there full time. It should be made strong and independent. Legal, professional appointment to man it. An effective and independent system of prosecution which should oversee the law, as the enforcement law.

Com. Bishop Bernard Njoroge: Mr. Maina, please we are going to read all those. Natusome pole pole natutengeneze pole pole kwa hivyo tafadhali kwenda upeane memorandum pale.

Paul Maina: I am saying it is my hope that the Constitution Review Commission will not maybe be part of a problem but a solution to the Kenyans....

Com. Bishop Bernard Njoroge: What do you mean by that?

Paul Maina: What I mean by that, we have a lot of problems in Kenya from the colonial era up to the point where we were given independence. Due to bad governance, we have been experiencing a lot of problems but now as Kenyans we are hoping that those problems will be gotten rid of by having a good Constitution. And therefore it is my humble request to you on our behalf to accept our memorandums, our view and at the end of the day you come up with a Constitution which will serve all the Kenyans.

Com. Bishop Bernard Njoroge: I will tell the Commissioners that when I go to Nairobi. Lawrence Murage. Dogathome nyamo ayo yothe Murage. Nigweda guhe dakikia igere tu. Ee nimwagiua, muhe dagika igere tu todo watho dugetekeria modo oge oye views shyanu kogwo mugehe dagika igere me wega. Nimwa he?

Charles Kinyua: Hakuna haja ya kulipa yeye gratuity ati aki-retire, hapana. Yeye ni mtu anafanya kazi part time, yaani ni kazi ya contract na tunataka akichaguliwa apewe term mbili, term moja iwe na miaka tano na hiyo nyingine tano.

Political parties; tunataka political parties ziwe chache, yaani ziwe kidogo. Sio ma-political parties nyingi. Hapana, tano tu. Hizi tano au ma-political parties tano, tatu ziwe zikitoa President, ruling party mtu moja na ile nyingine ya opposition watu wawili. Na wakitaka mtu mmoja, awe mmoja hawa opposition. Kwa hiyo nyingine ya pili, hakuna haja ya kutoa President apigania kiti kwa maana hapa chini tunataka ikiwa ni President watatu wanatoka au wamejitokeza lazima wapewe pesa na Government.

Hiyo nyingine, ikiwa MP amedefect, ysani amepiga chama kile kilimpatia karatasi ya kuchaguliwa, huyo MP lazima awache hicho kiti cha MP na kiti hicho kitangazwe vacant, yaani hakina MP.

Mashamba; Ikiwa mtu ako na shamba acre mia moja up to one thousand, ile one thousand lazima aliipe kodi. Akiwa na shamba kubwa kushinda hiyo tunataka igawiwe squatters. Ikiwa MP amekataa kukuja kwa constituency, yaani kwa ile area

anachaguliwa, voters wanaweza andika wakiwa 1000, wamuite kwa hiyo constituency through yaani hiyo barua itapelekewa Chairman wa party hiyo au wa chama hicho alichaguliwa nacho. Tena, hatutaki nominated MP, tunataka wachaguliwe wote wale wanakutana kwa Parliament moja.

President akiwa anachaguliwa lazima awe kutoka University, ame soma mpaka kisomo cha University au education in University na awe of good character.

Com. Bishop Bernard Njoroge: I am giving you one more minute.

Charles Kinyua: One more minute? Kwa wanawake wakiwa wanataka kwenda bunge lazima wajipigania kama wanaume, yaani ajitolee hadii na ajiandikishe tumchague na votes. Hiyo nyingine na ni ya mwisho, President akiwa amechaguliwa lazima awe President, si ati awe ana kiti kingine cha MP, hatutaki hiyo kwa new Constitution. Nafikiri nimemaliza.

Com. Bishop Bernard Njoroge: Hivyo ni kusema unasema akichaguliwa President asiwe mkubwa wa party?

Charles Kinyua: Awe mkubwa wa party yake lakini asiwe MP wa constituency yake.

Com. Bishop Bernard Njoroge: Thank you very much. Hannah Kiarutha.

Hannah Gathoni Kiarutha: Kwa majina naitwa Hannah Gathoni Kiarutha kutoka Naro Moru. Nimekuja hapa kusema mambo ya freedom ya worship kwa kanisa. Kusiwe na freedom ya worship kwa makanisa kama vile Kenya kuna freedom ya worship, kuna madevil worship na others wana-worship God. Kwa hivyo mimi nataka muangalie juu ya worship. Asanteni.

Com. Bishop Bernard Njoroge: Asante sana. Kwa hivyo hutaki devil worship? Okay thank you Hannah. Johnstone Mathenge?

Johnstone Mathenge wa Nyaguthi: Kwa jina mimi naitwa Johnstone Mathenge wa Nyaguthi. Yangu ni machache. One, nataka Katiba isomwe katika shule kama subject. Ya pili, ningetaka sehemu za wakilishi katika bunge ziwe na idadi sawa ya wananchi. Kwa hivyo wale watu wamejiandikisha kupiga kura wawe ni sawa. Ya tatu, wilaya zote ziwe sawa kwa idadi ya wananchi.

Wananchi wawe wame hesibiwa sawa sawa, wawe wangawanywa na serikali sawa sawa. Sio kuwa na wilaya kubwa ziko na wananchi kama elfu thelathini na ingine ni ndogo na iko na wananchi kama elfu mia nane. Zote ziwe sawa sawa.

Rais awe akichaguliwa na 51% sio 25% kwa province, awe akichaguliwa na 51%. Kwa chief, DC na PC wachaguliwe moja

kwa moja na raia. Diwani achaguliwe moja kwa moja na raia. Mayor na mwenyekiti wawe municipality wawe wakichaguliwa na wanainchi ili wawe wakiwatumikia sawa sawa kwasababu....

Com. Bishop Bernard Njoroge: Usituambia sababu. Twendelee. Tunawajua.

Johnstone Mathenge: Rais ahudumu kwa vipindi viwili vya miaka mitano mitano. Kwa kazi, tuwe na Commission ya Service. Mtu aki-appoint-iwa na President anapitia kwa service Commission inamuchuguza asiwe ameiba vitu vya watu au amewahi kufungwa, awe mtu sawa sawa.

Mambo ya uchaguzi; Masanduku yote ya uchaguzi yawe transparent, yawe yanaonekana ndani.

Com. Bishop Bernard Njoroge: Asante sana, kweli ulikua umefikiria habari ya Katiba. Thank you very much. S.K. Wainaina.

Stephen Kariuki Wainaina: My name is Stephen Kariuki Wainaina, I am a resident of this area and nilikuja tu kutoa maoni yangu.

One. We thought Bwana Commissioner that we will have an election with the new Constitution but our hopes were dashed yesterday when we heard that your term will go up to mid next year. Now, our questions are, will you make it or we will go to elections being hopeless?

Com. Bishop Bernard Njoroge: Can I answer that? Wacha niwaeleze vile ilivyo. Act ambayo inatuongoza imeweka mambo mengi sana ambayo tunahitaji kufanya na tusipofanya mambo hayo, tukimalizia mtu anaweza kwenda court naseme tuli-jump one stage. Kwa hivyo tumeambia Parliament hatua moja ni kwamba tukiandika hiyo report tutawapelekea nyinyi muizungumze siku sitini. Sasa tunasema hiyo sitini ikipunguzwa iwe mwezi mmoja hapo tutapata mwezi moja. Hlafu inasema mukiisoma mwezi moja lazima tutumie siku nyingine kumi tena kwenda kwa provinces. Tunasema hao watu kwa sababu pia watakuja National Conference. Hiyo siku ikiondolewa, sasa tuna weeks sita na weeks sita zikiondelewa tutamaliza Katiba hii week ya kwanza ya January. Parliament hii muda wake wa kuisha ni tarehe nne mwezi wa pili na Katiba inasema Parliament ikiisha tuna miezi mitatu ya kufanya nini? Uchaguzi. Kwa hizo hiyo siku zikiondelewa tutamaliza Katiba week ya kwanza ya January na tutakwenda kwa uchaguzi hata kama ni mwezi wa tatu na kumalizia na Katiba mpya. Kwa hivyo do not think they are dashed, they are still there.

Stephen Kariuki Wainaina: Thank you. Bwana Commissioner I am happy you have commented because we were very much worried of the events that are unfolding. My comments are that one, we should have sign language as a national language, actually to take care of those who can not hear. We should have a multi party with two political parties but not more than four.

Supremacy of the Constitution; This can not be amended by Parliament alone. There should be a Referendum and if the opinion is taken two thirds of the Members of the Parliament must support that to be amended.

The rest of them I will go highlighting those areas that were not actually touched by the presenter's who were here before. First, we should have a President who declares his or her wealth and those of the immediate family. Three, Constitution should actually entail the pension allowance, housing and security of the President upon ceasation. This is so that he can be able to know what is fit after leaving the office.

The President should not be active in politics after retiring. The powers to constitute and to establish the law offices and ministry must be done by the Parliament. There should be a Minister for justice to remove the duplication of Attorney General prosecuting a member of the Cabinet. And below him there should be director of prosecution.

Parliament: I will touch on nomination. It should be strictly for women and disadvantaged groups, e.g. youth, disabled and not rewards to friends. The Member of the Parliament must be qualified and morally upright and be able to declare his or her wealth.

Now we come to the Electoral Commission which is a part of our problem in this Republic of Kenya. The Commissioners should be appointed by the President and confirmed by Parliament. The numbers should be reduced from 21 to 15 just to not make a crowd. The Secretary of the Commission should be director of election and chief executive appointed by public service.

For the purpose of comparison Commissioner, I would like actually to highlight two provinces. Nairobi has 8 Members of Parliament, Cental Province has 29 and I stand to be corrected. The total adds to 37 whereas in Rift Valley we have 49 seats and Eastern we have 36. When you add all of them they come to 85 and when we go to elections it becomes ambiguous because there is no fair representation. We want our constituencies to be guided by inhabitants not geographical areas.

Commissions should be charged with duties of contacting not promoting. In the present Constitution it says promoting and promoting can be anything. Age of citizens to be registered in a constituency should be 14.

Counting of votes should be at polling stations and transparent boxes should be used. Voting if possible, be computerized so as to allow even those in foreign countries, those in prison and those in hospitals to freely vote because they are Kenyan citizens.

Judicature; Judiciary is not independent and for that matter it is because of the way it is constituted. All judges should be appointed by Judicial Service Commission but confirmed by the Parliament. The composition of the Commission should not be

shared by Chief Justice who is actually the person heading that judiciary. It should have a Chairman, a renowned legal practitioner, a member of law society, a trade unionist, a federation of employers member and a member from Ministry of Justice.

Bwana Commissioner, I would like you to allow me just one extra minute because I am coming to finance which has not been touched by anybody who was here before.

First, all our revenues, whether it is appropriation in aid, petroleum levies, fines and surcharges should be paid to consolidated funds and withdrawn with the law of the land to avoid selective application. Any foreign loan or grant should be approved by the Parliament to allow critical analysis of intent and purpose of the loan because as at first December 2001 the public, domestic and foreign loan stood at 606 billion shillings and with Kenya having 30 million people you find that each...(interjection)

Com. Bishop Bernard Njoroge: You are explaining. We do not want that because of time there are so many people.

Stephen Kariuki Wainaina: Okay. So that we have the intents known. The Controller and Auditor General should have three deputies, one in charge of corporations, one in charge of Central Government, one in local authority.

Public Service and Teachers Service Commission should be merged and have one Chairman but many Commissioners.

Trust land, which has not been touched by any other person, I feel that the municipals and County Councils should be responsible for that trust land and not Commissioner of Lands. And if there should be any public interest on that land, that motion should be taken to the Parliament for authority and not for the President to decide.

Land Ownership. Please allow me, Land Ownership, maximum should be 1000 acres and any above that, land tax should be levied at 1.05% based on market value. You understand what I mean. We should have Constitution that touches on water because it is a basic factor of production and being a scarce commodity it should be addressed too by either zero rating our implements or anything related to irrigation.

Com. Bishop Bernard Njoroge: Okay, we will get to that memorandum so you do not have to read everything. We have so many people, you have very good points, those will go there. It is not for them, it is for us.

Stephen Kariuki Wainaina: Identity cards should be reduced to 14 years those who want to be registered.

Com. Bishop Bernard Njoroge: Peter Thiga? Those are very good points. I will be very happy to go with that

memorandum.

Peter Thiga: Kwa jina naitwa Peter Thiga kutoka sub-location ya Kaburaine. Ningetaka kwanza kueleza Commission itutengenezee council ya wazee wenye watakua wakishughulikia hali ya mashamba. Kwa sababu katika court, yanakaa sana. Kabla hayajafika huko yawe kwa wazee. Hiyo Commission itoke kwa sub location ifike kwa DC, kuwe hakuna Provincial Administration. Iachwe.

Halafu badala ya DC, kuwe na chairman wa district ambaye atakua amechaguliwa na raia ili asije akatoka kwa kabila fulani au awe anatumikia mtu fulani. Jambo lingine na linafaa sana ni hawa wenye wanakuwa wakitumikia sub-location wawe ni watu wamesoma ili wawe wakishughulikia mambo ya familia kwa sababu siku hizi kuna uvunjikaji mwingi wa familia. Halafu iwe ni watu wamesoma jambo au kitu kinaitwa social education. Halafu sababu ya kuenea kwa ugonjwa wa ukimwi, certificate za marriage ziwe zinakua na muda wake wa kuisha ndio familia nyingi zenye zinavunjika, mtu mwenye ameachwa bila mke anaweza kuoia kwa haraka kwa sababu ya sasa inakaa zaidi ya miaka tano.

Halafu ya mwisho, ni kushughulikia wafanyakazi wenye wanaitwa casual labourers. Wengine wao hufanya kazi halafu hizo pesa zinakaa zaidi ya miezi wakifanya hizi duties. Ziwe zinakaa kwa muda wa week moja kama kunawezekana. Na hiyo iwe ni katika sheria za Kenya. Wale wengine ambao saa hizi hawajazungumziwa ni wale wanaitwa domestic workers. Hao watu hunyanyaswa sana kwa sababu hawana Commission wala hawana pa kupeleka taabu zao. Kwa hivyo iwe malipo yao yatakua katika budget ili wawe wanalipwa vile inahitajika.

Halafu katika hiyo Commission, iwe itakua ikishughulikia hayo mambo. Halafu wawe watakuwa wakipata siku ya kuwatembelea jamii zao ili wajiskie ni kama watu. Kitu lingine ni hali ya wafungwa. Wafungwa kutoka sub location hii au kutoka hii division huwa zaidi wanafungwa huko Nyeri ikiwa si division yao. Waweze kutengeneza jela katika division hii ili wawe wakifungwa karibu na familia zao na familia zao ziwe zikiwatembelea. Na hiyo itafaa sana sababu wengine wao huenda wakawa wakora zaidi kuliko vile walivyo. Halafu katika hiyo division kuwe kuna tengarushiwacells za wafungwa wa criminal offence wale wanafanya hatia kubwa sana kama robbery na wengine ni wezi wa kuku. Wawe wanatengamishwa.

Halafu habari ya elimu. Elimu ya msingi iwe ni free and compulsory halafu iwe itashughulikiwa na hawa Commissioners sababu watu wengi hawana elimu. Halafu tena kwa hiyo masomo ya msingi itengezwe kwa walimu watakao wasomesha watu wazima ili tu-eradicate illiteracy. Ya mwisho, mtu yoyote akiwa muajiiwa, awe ni domestic au awe ni nani ni lazima awe na kitambulisho sababu wengine huajii watoto halafu wana abuse rights zao. Kwa hivyo, hiyo kuwaandika watoto au kuwajii watoto hiyo ifutuliwe mbali, kusiwe na watoto wanaajiiwa. Asante sana.

Com. Bishop Bernard Njoroge: Hebu nikuulize swali. Unasema kila division iwe na jela, si hii nchi itakuwa nchi ya jela?

Peter Thiga: Haitakuwa nchi ya jela sababu tunaona...

Com. Bishop Bernard Njoroge: Unajua kuna division ngapi katika Kenya?

Peter Thiga: Najua ni mingi.

Com. Bishop Bernard Njoroge: Kama hapa kwenu kuna gapi? Mbili. Kwa hivyo unasema division hii iwe na jela mbili?

Peter Thiga: Ikiwezekana.

Com. Bishop Bernard Njoroge: Kweli watu wa division hii wote ni wezi?

Peter Thiga: Si wote wezi, lakini kwa sababu watu wengine huchanganywa. Akitolewa katika hii area anapelekwa area zingine watu wao hawawezi kuenda kuwatembelea. Hata ikiwa ni watu wachache, lazima wawe wakijulikana kwa familia zao wanaenda vipi.

Com. Bishop Bernard Njoroge: Sawa nime fahamu. Mwangi Mwafrika?

Mwangi Mwafrika: Honorable Commissioner, I am Mwangi Mwafrika and these are my views. Democratic country must have three arms, Parliamentary, Judiciary, Electoral Commission and this should be far from President.

President's function should be defined in the Constitution. Rais pesa ambazo anagharamia kwa ziara zinapasa kutumiwa kuanzisha rasilmani za kuwanufaisha raia wa nchi hii, hasa wasiojiweza. Rais awe anaomba kibali bungeni kabla ya kufanya ziara yoyote ya kigeni.

Election should be separated into two, for MPS and councillors. MP's and councillors elections come first followed by Presidential. Constituencies should be created in accordance to the population of people. Any national election should be in the electoral calendar. Voters registration exercise should always be continuous and political parties should be limited to four.

Political parties to be financed by public funds. Counting of votes to be done at polling stations. The salaries and benefits of MPS should be permitted by Public Service Commission according to the national economy. Importation of farm produce available in the country should be outlawed by the new Constitution to avoid farmers living in poverty. For any importation Parliament should vote. Anyone importing without approval should be hanged.

Doctors, teachers and police be paid good salary to ensure they are committed to their work. Public servants especially

doctors and clinical officers should be banned from running private clinics. Let the Constitution bar individuals from owning more than 100 acres. The President should be married and living with a stable family. Na hayo ndio yangu. Asanteni.

Com. Bishop Bernard Njoroge: Ngoja kidogo. Sasa kuna nchi nyingine Catholic priest wanakua President. Sasa, na dini haikubali wao kuoa, sasa unasema kama yeye ni Catholic priest hawezi kua President kwa sababu hasi?

Mwangi Mwafrika: Ndio naona akiwa Catholic priest hiyo ni afadhali kwa sababu yeye atakuwa kulingana na Biblia.

Com. Bishop Bernard Njoroge: Kwa hivyo anaweza kuwa President?

Mwangi Mwafrika: Anaweza kuwa President lakini hao wengine wanafaa wawe na stable family.

Com. Bishop Bernard Njoroge: Thank you very much, those were very good points. Beatrice Kariuki? Na sasa tutaenda haraka kidogo kwa sababu watu ni wengi. Sasa mtu atataja only points ambazo hazijatajwa. Sawa Sawa?

Beatrice Kariuki: Kwa jina naitwa Beatrice Wambui na kwetu ni hapa Naro Moru. Niko na furaha kwa sababu Commission imekubali kutusikiliza sisi. Kwa hivyo kwa hayo nime shukuru sana na maoni yangu ni kama yafuatayo;

Kuna watu ambao wanaitwa freedom fighters na ni wale ambayo walipigana na mzungu uso kwa uso na baada ya kufanya hayo yote, huyo shujaa hakukumbukwa na Katiba ya kwanza. Karibu na Tuzo district ya Muranga kulikuwa na hall moja inaitwa Karori Memorial Hall na huko ndiko Dedan Kimathi shujaa wa vita ya Mau Mau alipeana rank ya kwanza hapa. Kwa hivyo maombi yangu ni kama yafuatavyo; Wakati serikali inapofikiria wakati wa kutujengea sisi hall kwa sababu ya history, na ndio wawe na mambo ya kukumbuka kwa sababu watu wengi wame poteza uhai wao, wakapigwa na bomb, wengine wamekufia hapo hawajaoneka, wengine wamepotea, wengine wamevunjwa vunjwa na kulemezwa. Sasa ni wasijioweza.

Ile nyingine ni kwamba wakanyang'anywa mashamba yao kwa sababu walikuwa msituni na serekali haikurudisha. Kwa hivyo kuna wale ambao wao walilemazwa na wao hawajafikiriwa. Kwa hivyo kutoka hapo walipelekwa jela Kamiti ama mahali kwingeneko. Kwa hivyo ombi langu kubwa, Dedan Kimathi, hakuna mtu ambaye anamkumbuka,

Com. Bishop Bernard Njoroge: Nuwatwera ukweda wabere makerwo memorial, wakere watwera nyokweda miguda iria matunyirwo mashokiro kana mahwo ege, wagatatu nioreko negetha turikie?

Beatrice Wambui Kariuki: Ya tatu watu hawa ni wazee sana wakiwekwa pamoja kwa sababu ni watu wasiojiweza. Hawakuenda shule kwa sababu walichukuliwa wakiwa vijana au watu wadogo kwa hivyo hawakukua na uwezo wa kujiwezesha.

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Com. Bishop Bernard Njoroge: Niwega mno, maodo mashio nitukurora wega nido gotire vururi utoraga ukiriganirwo ni ado aria matobi vururi ushio utweke vururi na gweshiria kio niko gitomi kimwe gitomite tukorwo tugithenika nido ado aria twagirirwo nikumenyera nitwariganiro neo na maroho mao marakaraga niithwe kana tigwo? Gutire hede tugiona wega no nigweda tuweririkanie udo omwe, twerire Gai todo rerai.....waheaniro kuria mahatia twekire nido ado magithie mutito. John Gakuru?

John Gakau: Ni asante. Jina naitwa John Gakau kutoka hapa tu Naro Moru na yangu nimeandika katika memorandum hapa lakini nitataja yale ambayo bado hayajatajwa.

Ya kwanza ningetaka kama tunabadilisha Katiba iaedilishwe hata jina la nchi ndio iwe na uzito kwamba tulibadilisha Katiba na pia tuko katika uongozi mpya ambao utatuwezesha kua. Hiyo iundwe na bunge, wabunge watafute jina liende pamoja na Katiba.

Lile lingine ni kuabudu. Wale ambao tunaabudu tuwe tukiabudu Mungu wa Bibilia na yule wa Koran. Na pia, wahubiri wawe wana certificate, wawe registered na serikali na certificate ya masomo ambayo hutoka kwa zile shule ambazo zinajulikana hapa nchini na pia za ng'ambo. Na pia wahubiri ambao watakaopatikana wakihubiri mambo kinyume na Bibilia pia wanyimwe ile certificate, wanyimwe kufanya ile kazi. Tuseme kama kuhubiri watu wasipeleke watoto kwa hospitali.

Com. Bishop Bernard Njoroge: Sawa hiyo tumefahamu. Kwenda kw nyingine.

John Gakau: Na pia ningetaka Katiba yetu isiende kinyume na vile Bibilia na Koran husema ndio iweze kuwa Katiba ambayo iko chini ya divine laws ama sheria za Mungu. Sit sema mengi sana shauri nimeandika hapa mambo ishirini na moja. Ningepatiana hii memorandum ndio iweze kusomwa zaidi.

Com. Bishop Bernard Njoroge: Asante sana. Tumeshukuru na maneno hayo ni mazuri na tena tutasoma memorandum. Josephat Mwangi?

Josephat Mwangi: Jina langu ni Josephat Mwangi, mwenyeji wa area hii Naro Moru. Yangu ni maoni manne tu peke yake ningetaka wakati Katiba inabadilishwa iwe kama sheria.

Ya kwanza, ni ulinzi wa watoto wale tuko nao. Wengi wao katika hii nchi yetu ni street children na sana sana sisi wazazi ndio tunachangia hiyo. Ningetaka iwe sheria. Tukikuja upande wa uridhi tusigawanye watoto. Mtoto mwanaume, mtoto msichana wote ni watoto na ni kipao kutoka kwa Mungu.

Ya pili, sisi wazazi tuwe tukichunguzwa kwa ajili tuna neglect watoto wetu wengine kwa ajili mimi niko na msichana na pengine bwana yake amekufa na wakati anarudi kwangu nikiwa mzazi mimi ninamumistreat na wale watoto amezaa wale ambayo mimi ni babu yao wanarudi. Kwa hivyo iwe sheria, sisi wazazi, iwe sheria, mimi mzazi...

Com. Bishop Bernard Njoroge: Hiyo nimepata.

Josephat Mwangi: Haya. Ya tatu, ni sheria, judiciary department. Kuna watu wale hawana uwezo wa kuenda kortini lakini wale matajiri au wale wako na uwezo wana-take advantage ya yule mtu. Ninamnyang'anya lakini kwa ajili mimi najua hawezi kufanya hivyo, hiyo inakua namna hiyo.

Com. Bishop Bernard Njoroge: Kwa hivyo unataka free legal aid.

Josephat Mwangi: Yes. Ya mwisho ni upande wa President. Ningetaka President awe, yaani wakati amechaguliwa kutoka kwa constituency yake akiingia kwa Parliament asiwe ako above the law. Hayo ni yangu tu.

Com. Bishop Bernard Njoroge: Thank you very much, those are very good points. Tupate Herman Irungu. Herman please tell us only those points ambazo hazijatajwa kwa sababu tutachukua memorandum yako.

Herman Irungu: I am Herman Irungu representing Gatoba Catholic Church. We would like the new Constitution to ensure that the will of people of Kenya be supreme and expressed in the preamble. The preamble should also involve Kenya's history and clearly stipulate the fundamental principles to which all Kenyans must endlessly remain committed; democracy, liberty, equality, economic prosperity etc.

The three arms of the Government should be independent of each other. The three arms should have equal powers such that one is not stronger than the other. The Head of State should have the following qualities; must be a Kenyan citizen by birth, must hold a University degree, be of sound mind, economically stable, be at least 50 to 70 years old, be above party politics, must declare his wealth, be married, must have no criminal record and must be a person of integrity and impeachable character. We should also have a Prime Minister.

The Executive powers be limited by the new Constitution as follows; the new Constitution to define, limit and distribute the powers of the Executive. The Constitution must provide...

Com. Bishop Bernard Njoroge: Can you continue to a new point because we can read those when we take the memorandum.

Herman Irungu: Okay. The Constitution must provide for the approval by Parliament of major executive nominees, that is Ministers and Constitutional officers.

Under the new Constitution the Parliament should vet and approve executive public appointments.

Com. Bishop Bernard Njoroge: Excuse me. Please do not repeat what we have said. Tunataka utaje yale ambayo hayaja semwa kwa sababu tutapata hiyo memorandum. We want to give everybody an opportunity.

Herman Irungu: We would like the appointment of the Chief Justice, Judges of Appeal, and other Judges to be approved by Parliament. Kadhis should be nominated by the Muslim community before appointment. The new Constitution must guarantee free and fair elections. It should also provide and protect rights of individuals. The Constitution should better secure and protect the rights of the child. The Constitution should secure the rights of women.

The Controller and Auditor General should be independent and have security of tenure. The Controller and Auditor General should have powers to prosecute all those who misappropriate public finances. The guiding principles that should be written in the new Constitution for the management of national resources is that national resources benefit the people of that particular area and not the Government. National Resources Commission also be established.

The new Constitution should guarantee an independent, efficient and competent Civil Service. The new Constitution should guarantee the establishment of independent, efficient and competent Local Authorities and lastly, we recommend a coalition Government. Thank you.

Com. Bishop Bernard Njoroge: Thank you very much. We will be able also to read your memorandum. Charles Gikandi? Tunataka utaje mambo ambayo hayajatajwa kwa sababu tutapata memorandum yako.

Charles Gikandi: Mimi naitwa Charles Gikandi Maina kutoka Naro Moru. Kwanza nitaongea juu ya President.

President lazima awe God fearing. Ya pili, President should hold office for two terms ya miaka tano, akimaliza period hiyo hawezi kuwa President wa Kenya tena hata kama akiwa ana post kubwa katika party yake. Number three. Sheria zote ambazo zina tengenezwa zisiwe zinapitia kwa President, ziwe ni direct, ikipitishwa kwa bunge isiende kwa mtu mwingine ati ndiye ata-sign. Iwe ni bunge. Number nne. Commissioner to be elected by Members of Parliament. Number five, all directors, Permanent Secretaries, Attorney General, Judges, Auditor General should be professionals and must go through Parliament.

Elections: Elections should be held twice. One, Parliament and Civic. Two, Presidential and Mayors plus chairmen of County

Councils.

Revenue Control; 60% of any collected revenue should be returned to the producer, watu ambayo wameitoa. 40% of the revenue collected should be controlled by Central Government Boundaries; I recommend Majimbo as follows:

We should have three regions in Kenya. One, Eastern Region ambayo itatoka kutoka juu mpaka kwa bahari, Indian Ocean. Ya pili iwe ni Central Region. Itatoka kutoka juu mpaka Indian Ocean. Ya tatu iwe Western ambayo itatoka kutoka juu mpaka Indian Ocean. Hizo zitakua regions tatu.

Com. Bishop Bernard Njoroge: Sasa tofauti ni nini? Zote zinatoka juu zinaishia Indian Ocean, tofauti ni nini?

Charles Gikandi: Tofauti ni ya kwamba kama Central haifiki huko juu itachukua tribe karibu za kutoka juu mpaka chini. Hapa itakua controlled na tribe iwe mtu asiwe akisema anatoka Eastern.

Com. Bishop Bernard Njoroge: Haya tupatie point ya mwisho.

Charles Gikandi: Ya mwisho. Nataka kuongea juu ya land. Kila mukenya ana haki ya kumiliki shamba katika region yoyote. Ya pili, title deed isiwe security ya kuchukua ma-loans.

Local Authority; Local Authority should have its own control of revenue without consulting Ministers. Two. Voters should have rights to eliminate councillors or Members of Parliament if he or she does not prove active to his ward or constituency.

Com. Bishop Bernard Njoroge: Basi hiyo imetoshwa. Tupatie hiyo memorandum uandike jina lako katika memorandum. Gerald Theuri? Karibu Gerald, sema tu yale ambayo hayajasemwa kwa sababu tutachukua memorandum yako.

Gerald Theuri: Mimi naitwa Gerald Theuri na nitasema kwa Kingereza.

Forests and catchment areas be protected by the Government. Irrigation areas to be advised to plant cash crops or horticultural crops for export to get foreign exchange money. Education to be free from Standard 1 to Form 4. Medical treatment to be free especially to those who are suffering incurable diseases.

Corruption to be eradicated. Employment of government officers to be as per population ratio. To eradicate poverty, cottage industries should be started all over the country. The land that was grabbed for churches or building schools many years ago should be compensated. These are especially in Central Province. Landless people be given settlement. Homes for children

who have no parents to be started by the Government. Homes for disabled also to be started by Government.

Civil Servants not to serve as members of political parties. Boreholes for areas which are without water to be built by Government. Cash crop areas' roads to be well maintained by local authorities. Nobody should be above the law. Thank you.

Com. Bishop Bernard Njoroge: Thank you very much. Wale wana memorandum tungetaka waje waziandikishe hapa na tutasikiza zaidi wale ambao hawana memorandum. Kwa hivyo ninataka Wilfred Munyiri. Una memorandum? Memorandum zote zije ziandikishwe hapa.

Wilfred Munyiri: Naitwa Wilfred Munyiri. Yangu ya kwanza, yangu ni machache tu, ni mbili tu peke yake.

Ya kwanza, President, bunge ikivunjwa hata yeye aondoke. Hiyo ni ya kwanza. Ya pili, pesa za Kenya ziwe hazina picture ya President hata moja. Iwe tu ya founding father President Jomo Kenyatta. Ni hayo tu yangu.

Com. Bishop Bernard Njoroge: Hebu, bunge ikivunjwa ungetaka nani awe akisimamia?

Wilfred Munyiri: Attorney General.

Com. Bishop Bernard Njoroge: Okay fine. Asante sana. Hivyo ndivyo tunataka mtu kuzungumuza kitu ambacho haikuzungumzwa mbeleni. Tupate Wachira Munene. Please can you mention only those areas that have not been mentioned.

Wachira Munene: Asante sana Bwana Commissioner, jina langu ni Wachira Munene. Sana sana nitaongea kuhusu chama. Mimi ndiye Chairman wa Democratic Party hapa location lakini point yangu ya kwanza ni Kenya iwe non party state, iwe partyless state. Hayo mambo ya vyama iondelewe. Tukitaka kupigania viti tunapigania tukiwa wakenya lakini sio wa DP, wa Kanu, wa nini.

Ya pili ni one man, one job, one property. Hatutaki watu wawe na mali mingi. Ikiwa ni shamba uwe na moja na iwe gazetted na uandikwe uko na hiyo moja, usikue na tano ama kumi.

Ya tatu, Kenya tuko na watu wengi sana hawana mali, hawana pesa. Tungetaka serikali yetu iwe na National Social Security Card badala ya kitambulisho ili watu wale hawana kazi wanajulikana kwa serikali na mwisho wa mwezi wanapatiwa pesa zile za National Security.

Bwana Commissioner, kwa sababu sina memorandum ningetaka uchukue hii.

Ya tano, mamlaka ya President iondolewe, iwe kidogo kama bunge itaona ile anahitaji. National days na national monuments na national heros wazingatiwe na Parliament na watu wawekwe kwa gazeti ili Kenya yetu tujue who served where and who did what. Ya mwisho, serikali ipatie wananchi wakili wa kuwatetea sana sana. Asante sana.

Com. Bishop Bernard Njoroge: Thank you very much Councillor, hayo ni maneno mazuri. Mary Othaya? Mary tafadhali njo haraka kama ndiwe Mary Othaya. Niwe wetaguo Mary, nukwaritie? Ni thena uriko wenaguo? Akae chini tutafafuta mtu.

Mary Othaya: Jina langu naitwa Mary Othaya wa Gatiki. Nimekuja mbele yenu kwa sababu ya maumivu na nimefurahi sana kwa sababu ya kuja. Kwa sababu nikiwa barabarani nikikuja nilisema kama ni wakati wa kuenda bunge hata mimi naweza kwenda nikatetea watoto na boma zetu kwa sababu nyumba zetu zimeporomoka.

Hapo mbeleni kanisa ilikua muhimu, ilikua inaweka watu pamoja lakini sasa nikupoteza inapoteza watu. Tunaomba serekali itusaidie kwa sababu ya watoto wetu na wazee wetu kwa sababu wazee wetu wanatupiga viboko kwa sababu wanataka kuuza mashamba ndio watafute mabibi wengine hapo. Hebu muniangalie mahali nimepigwa, mama na watoto wafukuzwe ndio wachukuwe hayo mashamba wauze na walete mabibi wengine. Ndio munaona vifo vimezidi na mimi ninasema afadhali nikufie hapo. Nikipigania uhuru wangu wa nchi yangu huyo munasikia anaitwa Kimathi ni wetu nikasema nitashika yeye kama buda yangu kwa sababu siwezi kukataa.

Tunapiga nduru hata kwa machief, machief nao ni marafiki wa wazee wetu. Tunapiga nduru sana tumelia machozi sana. Tunauliza serikali itusaidie zaidi na tunahujumiwa na watu wa ma -kanisa kwa sababu kwa makanisa wanatujalia, hana haja na roho za watu. Wacha niwa dondolee hayo. Sasa nimesema kamisa hayo sasa nime ndio inafanya mzee auze hiyo shamba. Muniangalie vizuri ndio alete gachungwa watoto wangu wamekata kupatiwa gold mine na hawakusomeshwa na pesa ziko.

Com. Bishop Bernard Njoroge: Niwega hau nidagiwa. Point ya muthia.

Mary Othaya: Tunaomba serikali itusaidie na ituwekee security nyumbani mwetu kwa sababu imeharibika. Watoto wamekua machokora na wako na vitu. Serikali isaidie watoto na wamama tuwe na amani kwam vile ilivyokuwa mbeleni. Na mtu akimuweka mimba msichana awe anapewa mali kama vile ilikuwa hapo mbeleni. Mambo yawe vizuri kama hapo mbeleni. Asante.

Com. Bishop Bernard Njoroge: Niwega. John Munuhe? John, I want you to only talk on those things that have not been presented. Do you have a memorandum? Okay fine.

John Munuhe: I am John Baptista Munuhe, I am a resident of Kieni Constituency, Kieni East Division. I will start with our

citizens that we have people found in almost all our urban areas who do not have anywhere to sit, they loiter and sleep in the streets. We would like our Government to take care of these people and especially removing them from the streets and find them a proper home.

Com. Bishop Bernard Njoroge: Yes, that is taken.

John Munuhe: The next item I have here is that our primary schools, I mean we should revert to the old system that is 7-4-2-3 and again we should have preparatory classes integrated into primary school curriculum. That is by having properly trained teachers to take care of ages 4 and 5 and these ones should be employed by Teachers Service Commission.

There should be land ceiling and this one should go in accordance to the potentiality of a certain region. That means in high potential regions acreage should not exceed 50 acres. In less potential areas acreage should be 75. In the least potential areas the acreage should not exceed 100 acres.

The next one. All the land that is above the limit that I have stated here should be taxed and the tax accrued from this land should help buying first inputs so that we alleviate the burden on our farmers. After that, all the people displaced during the infamous tribal clashes in the years 1990 up to 1998, these people should be resettled and if possible the instigators should be put to trial because that was a very bad thing in our country and especially those who took part in the meetings of Kabsabet, Kaptet and Narok, they should be known.

There should be education standards for councillors.

Com. Bishop Bernard Njoroge: What is the standard?

John Munuhe: It should be Form four at least, Form four education.

Com. Bishop Bernard Njoroge: Fine. Go to the next point.

John Munuhe: Thank you very much. Retirees who were civil servants are suffering a lot because the Government is not taking care of these people. They are spending even four to five years before they get their benefits. It should be put in place that after only three months, that is after the date of retirement, one should enjoy his or her benefits.

KBC should treat all political parties equally. Note that KBC will always report positive things on the Government party.

Com. Bishop Bernard Njoroge: That is alright we have taken that. One more.

John Munuhe: The last one. The Government should free airwaves so that our people are reached in all the parts of our country. Thank you Mr. Commissioner.

Com. Bishop Bernard Njoroge: John, unajua mambo wewe. Sawa. Joseph N'gang'a.

Joseph Nganga: Jina langu ni Joseph N'gang'a na ningependa ku comment juu ya elimu. Elimu inapaswa iwe free kutokea Standard One mpaka University.

Jambo la pili. Tuwe na Economic Council ambayo itashughulika na mambo ya kufanya taratibu na maswala ya uchumi ambao itakaliwa na wale watu ambao wana elimu ya chuo kikuu na watu wenye akili za juu. Pia upande wa agriculture tuwe wa usimamizi ya bei kama vile zamani kuwe na minimum ili iweze kushughulikia mambo ya ku-offset expenses ambazo wakulima wametumia katika kukuza zao lao. Thank you very much.

Com. Bishop Bernard Njoroge: Thank you very much, you have tackled the most important aspect. Thank you Joseph. Simon Wachira. Una memorandum?

Simon Wachira: Hapana, just points. Straight to the point. I am Simon Wachira, deeply concerned by the retrogressive brain drain, the dual citizenship should be recognized. There should be reached a rigid Consitution that recognizes the existence of a powerful President, a Prime Minister and two Deputy Presidents and should there be a change, then a National Referendum should be sought.

No. three. Deeply alarmed by excessive use of force the Provincial Administration should be abolished but instead strengthen the local Government.

No. four. There should be an efficient monitoring unit composed by members of the Public Investment Committee, Public Accounts Committee, Judges, Attorney General and the Office of the Ombudsman. This Committee should have power to prosecute those who misuse public offices and public funds.

No. five. Deeply disturbed by unemployment, there should be a Constitution that recognizes expatriates in subordinate roles only not just the Chief Executive officers because we have got a pool of qualified graduates who are more patriotic and loyal. The President should get 50% of the votes and finally there should be a supreme Constitution that is not selectively applied. We should not get some tribes carrying weapons in towns and go scot free while others are taken as culprits when they do so.

Leaders proved guilty beyond reasonable doubt by Public Investment Committee and Public Accounts Committee should be

forced to resign and should be prosecuted and hold no public office in the future. Thank you.

Com. Bishop Bernard Njoroge: Thank you very much, very important points and well said. Thank you very much Simon. Nderitu Muema?

Nderitu Muema: I am Nderitu Muema. Myself, I am having a bill which is a bit different from what we are speaking because I know and we have heard that we are at liberty. Next elections should be supervised by United Nations.

Secondly we should use voting machines. Another thing is that the President should not be above the law and he should hold a University degree and be the age of 50 years. Abolition of Provincial Administration. Cooperative Act should be abolished and nomination of MP and councillors should be abolished.

Going to Parliament, before they quit they should elect a new Electoral Commission in order to cope with what is coming. For a party to nominate a candidate, he/she should be in that party for two years and the party then should be more than two years old.

Com. Bishop Bernard Njoroge: Thank you very much those are very important points you have given us. Can we have Peris Muthoni Watata? Where is the interpreter?

Peris Watata: Jina langu ni Peris Muthoni Watata au Mrs. Watata. Mimi ni mkazi hapa Naro Moru katika sub location ya Kaburaini. Ni furaha yangu kubwa sana kwa vile serikali imefanya kukuja hapa tuwape maoni ya mambo tunavyona. Mimi wakati bendera ilipepea mlimani nililala hapa Naro Moru na Bwana Munyao. Kwa hivyo uhuru ulipiganiwa na Mau Mau na watoto wetu waliuwawa na walikwisha na wengine tulisikia walienda Ethiopia. Mtu ambaye anaitwa Mathenge Mirugi na hatujasikia hali yao tena. Nauliza serikali haikufurahia Mau Mau kufukuza mzungu hapa na kupata mashamba yetu sisi wenyewe? Kwa hivyo napenda kuuliza serikali, serikali si mbaya kwa sababu tunaongozwa na kijana mdogo anaitwa Nyayo na ni wa rika langu. Alizaliwa 1924 kama vile nasikia na mimi nilizaliwa 1924. Tunafurahi sana.

Kwa hivyo mtu akikimbia mbio ashinde anapewa zawadi? Kwa hivyo mimi nilikua mmoja walipikia Mau Mau lakini sikuenda msituni lakini hawangeweza kupigana vita bila kuona mtu wakuwapikia na kwa hivyo ningeliza serikali yetu, hiyo mbio yote tulikimbia na watoto wetu wakamalizika na wakawacha vizazi vyao hapa hatujasikia mshara kwa watu hao wa pewe bonus.

Kwa hivyo nimefurahi sana kwa yule mama amezungumuza hapa kwa sababu tulipigania mashamba katika hii nchi yetu kama hii Naro Moru vijiji vinatoka wapi na tulifukuza wazungu? Kwa hivyo mashamba, tunaona watoto wakitaaibika. Ya pili ningeliza serikali yetu hivi tumezaa watoto na tumewasomesha sana na sasa wamekua crooks wakizurura town hapa ni wezi kwa sababu ya kukosa kazi. Hiyo kazi yote ya kusomesha tunafanya ya nini na hawatapata kazi. Kwa hivyo mimi nauliza serikali haina

makosa lakini ningetaka irekebishe.

Tena, watu katika bunge kwa sababu sasa tumeelekea mwaka wa uchaguzi, Mzee Kenyatta tangu afariki sijui ni miaka ngapi sasa, aliwacha Mzee Moi kijana wa rika langu hapa amemaliza miaka hiyo yote akiwa bunge pamoja na watu wake. Watoto hawa wote ambao tumewashomesha kwa nini hawaendi bunge? Wengine wanamaliza 20-30 years, nataka wamalize miaka mitano wanatoka na hao watoto wetu ambayo tunasomesha wanaingia wanakula matunda. Anavuna matunda anakula miaka hiyo mitano. Kwa hivyo mimi sitaki kukaa muda murefu kwa sababu hakuna masaa. Mimi ni mwanasiasa wa hapa Kenya na ningefurahi sana nikisika Mau Mau wamekumbukwa kwa sababu hakuna mtu ambaye hana shukrani. Sina mengi ni hayo tu.

Com. Bishop Bernard Njoroge: Wale wana memorandum tafadhali wapeane. Francis Mwangi?

Francis Mwangi: Thank you Mr. Commissioner Sir, I will be very brief. I am Francis Mwangi and to my points. First I think that the Vice President's office should be empowered because the Vice President in Kenya currently acts as an Assistant Minister. Second to my point, I think that the President should be elected and should not be a Member of Parliament and he should be elected through the 50% majority from five provinces.

The number of ministries should be limited to 13-15 minutes. My fourth point, I think the Members of Parliament and civic members, councillors should be accessible to the electorate. For example myself ,I do not even know my Member of Parliament and my councillor. I do not know them, so Mr. Commissioner, I think you are going to take that, that the parliamentary and civic members should be accessible to their electorate.

Com. Bishop Bernard Njoroge: Thank you very much. That is why we are saying if an MP is not available to his own people to work with them, kuna haja yake kuwa bunge kweli? Ndio watu wengi wanasema tuwe na haki ya kuwaita hata kabla yao term ya kuisha. Tupate Mathenge Wanderi. Please, only those points that have not been discussed. Mr. Wanderi?

Mathenge Wanderi: My name is Mathenge Wanderi.

Com. Bishop Bernard Njoroge: You have a memorandum? I just want you to highlight because memorandums should be given there.

Mathenge Wanderi: I understand that. Na mimi ndiye Chairman wa Democratic Party hapa Kieni.

Kwanza ningependa kusema ile memorandum ilipeanwa na National Alliance for Change na ile ya Democratic Party from headquarters, tuliung mkono kama sub branch ya Kieni.

Com. Bishop Bernard Njoroge: Just before you speak, Daniel Dothia unaweza kupeana memorandum yako? Huna memorandum. Richard Gatia? Huna memorandum. Peter Mathenge? You do not have a memorandum. Okay, fine.

Mathenge Wanderi: Thank you Commissioner. Kwa hivyo ningependa kusema ya kwanza, first and foremost the Constitution we have in Kenya today it is not bad. The problem we have is its implementation. Kwa hivyo hata hii tukitengeneza ikiwa haiwezi kufanyiwa kazi, itakua ya bure. Kwa hivyo lazima this Constitution that we are proposing must have a way of enforcing it in Parliament and when the Constitution forums meet they should come with the way through which the Government must be forced to enforce the Constitution.

The other point I would like to say is our Constitution should have a preamble which must....

Com. Bishop Bernard Njoroge: Have you written it here, is it contained in your memorandum?

Mathenge Wanderi: I am highlighting what is not there. It must involve the integrity of the people of this nation. The preamble must look at the way through which we can integrate the people of this nation.

The other important point I think I should highlight is that after the election, currently we have 210 constituencies in this country, we feel that we are not properly represented overall, to take care of these imbalances whereby kuna pahali peingine kuna watu wengi sana lakini they are not properly represented....

Com. Bishop Bernard Njoroge: Can you make suggestions.

Mathenge Wanderi: Yes. I am suggesting that during the next election we have another 100 nominated MP's all over the country and they be distributed according to the votes cast for each political party, proportionately.

The other one I would like to highlight is defence and national security. Kuna watu wengine kama mumesikia hapa vile walipigwa huko Rift Valley na pali peingine. We should have a national security advisory committee ambayo itakutana wakati wowote kuna shida kuhusu mambo ya hapa nchini kama ile tribal clashes au invasion from outside and the President being the Commander in Chief should follow the instructions of that committee.

Com. Bishop Bernard Njoroge: Okay. Another point.

Mathenge Wanderi: The other one I think has been said about the Office of the Ombudsman. About political parties, any political party should have at least 100,000 registered members before it is registered so that nobody wakes up one morning and goes and registers a party and says it is a party that goes for elections. At least 100,000 registered members who must be

known and distributed countrywide.

The other one on the elections, I think it has been said about the Government, 50% of votes. The other point I would like to say is that after the election, we should have constituency kama wakina mama wote wanachagua representatives wao Parliament after the election has been done through the constituencies. We have other interest groups, women, disabled and the youth, they have specific numbers of seats allocated to them to elect representatives in Parliament.

Com. Bishop Bernard Njoroge: The last point.

Mathemge Wanderi: Not the last one.

Com. Bishop Bernard Njoroge: Excuse me, I am telling you to say your last point because you have a memorandum and I have given you time to talk.

Mathenge Wanderi: Ministries should be abolished or created by Parliament not the Head of State.

Com. Bishop Bernard Njoroge: How many ministries?

Mathenge Wanderi: A maximum of 18. My last point would be any Head of State who retires from the office should be given benefits and security only if he does not continue to be active in politics. Kama the present President akitoka na anataka kuendelea kuwa Chairman wa party, he should not be given any security, any benefits and he should cease, they should be curtailed.

Com. Bishop Bernard Njoroge: Thank you very much that is very well said. Can we have your memorandum please. I see it is very well written and I cannot wait to read it. Can we have Peter Ndaiga? Karibu, karibu haraka.

Peter Ndaiga: Kwa jina naitwa Peter Ndaiga na Mr. Commissioner ningeshukuru na ninasema asante sana kwa nafasi hiyo. Sasa mimi ni mkaaji wa Naro Moru, tunakaa hapa Naro Moru katika town hapa tuko na...

Com. Bishop Bernard Njoroge: Mimi nataka useme maoni sitaki uniambie mahali unakaa.

Peter Ndaiga: Sasa kwa hivyo nilikua naona ni vizuri sana kukuwa hapa kwa kubadilisha Katiba kwa vile tumeonelea taabu nyingi sana tangu tupate Uhuru. Tunakaa na sheria moja ama tumekaa na sheria mbili zile ambazo hatuwezi kupindua. Sasa nimeona maoni yangu ni mazuri sana kama Katiba inaweza ikabadilishwa tukawa na nguvu ya kuongea na wakubwa wetu yaani na wale watu tumewachagua hapa katika mbunge akiwa ni President ama ni bunge ama ni councillor, tukuwe na nguvu ya

kuongea na hawa viongozi wetu.

Kwa hivyo sasa ningependa sana na nime shukuru sana na nimekuja hapa kwa kuwapa nguvu wale watu wote wanakuja tujaribu kuona Katiba imebadilishwa. Asante sana sina mengi.

Com. Bishop Bernard Njoroge: Asante sana. Bila shaka Mungu atasaidia na maombi yako yatafikia. Thank you very much. Margaret Wanjira? Nimefurahi kwa kina mama kungojea.

Margaret Wanjira Gathogo: Jina langu ni Margaret Wanjira Gathogo. Asante sana Bwana Commissioner kwa sababu ya kutulete hapa Naro Moru.

Mimi kwanza maoni yangu ni mambo haya ya widows, wakina mama wale mabwana wao wamefariki. Wanapata taabu sana ya pesa kwa mfano bwana yake alikuwa ameajitiwa. Kama alikuwa mwalimu ama ameandikwa na Posta. Kama sasa cheque inapelekwa kwa DC ati inagawanywa kwa watoto. Hizo pesa zinakaa sana haisaidii watoto. Na tena hata kama zitakuja kusaidia watoto, zinagawanywa watoto zikisomesha watoto, zingine mtoto akipita aende University unasikia sasa huyo mtoto haendelei.

Kama kuna pesa zingine zilikuwa zimebaki hawakupatii ati usomeshe watoto. Kwa hivyo wakina mama wame taabika sana. Hayo mambo tunataka yabadilishwe sasa. Ati kama ni mama bwana yake amefariki, kama ni cheque pahali alikuwa ameandikwa achukuwe, cheque hiyo mama apatiwe aende akasomeshe watoto wake kama ni ya kazi afungue pahali anataka.

Tena yako mambo mengine yanasumbua wakina mama sana. Kama bwana yake amefariki wako wengine ndugu zake wanaenda kama pale ameajiriwa Nairobi kwa Head Office kama ni mwalimu ati huyo bibi ya ndugu yangu hatumjui. Tunafikiria ni rafiki yake, ati sasa hiyo pesa, question inaandikwa hapo. Huyo mama hata akienda kufuata hizo pesa, pengine mama hana pesa ya kuajii wakii ama mtu ya ku defend yeye akitafuta hizo pesa. Akienda tena ati aseme anaenda Nairobi, watu wa nymbani tena wanaanza kumdharau. Unaona sasa huyu mama anaanza kuzurura na anaenda tu kutafuta pesa za bwana yake. Hayo ni mambo mabaya sana.

Tena hilo jambo tunataka libadilishwe kabisa, hati ata kama ni baba ya bwana, akifariki kijana wake, asiende ati kuitisaha pesa ati ni ya bibi. Aseme huyu mtoto alikuwa wangu na anataka cheque ya pesa. Sijui walicana namna gani ama nini na pengine hata wako na watoto watatu ama wanne. Ati baba anaenda Nairobi head office ati anasema anaenda kusema huyo mama asipatiwe cheque ya pesa ya bwana yake ati kwa sababu huyo mtoto ni wangu.

Sasa, tunashindwa haya mambo yanatoka tena mambo ya bibi yanaenda kwa mtoto namna gani.

Com. Bishop Bernard Njoroge: Mama, hiyo nimepata.

Margaret Wanjira Gathogo: Asante, hiyo nimemaliza. Ile ingine ni mambo ya pombe. Tuna onelea sisi kama wazazi sasa, watoto wameharibika sana na pombe na serikali mbeleni ilikuwa imeweka masaa za pombe. Siku hizi hakuna. Tungependelea kama sisi wazazi na sana sana wakina mama kwa sababu hata wale wameandikwa wana taabika sana. Pombe huwachwa kuanzia ashubhi mpaka asubhui ile nyingine ati hakuna mtu anauliza. Wacha watu wakunywe pombe kuanzia saa nane mpaka saa tisa ya usiku ndio watu waende wakalale hata wale wanafanya kazi huko.

Hiyo nyingine ya tatu ni habari ya government workers. Watu wanandikwa na serikali wakiwa retired hata cheque zao, kwanza cheque zao wapatiwe saa hizo vile hanaanza kuandika retirement letter hata cheque zao waende nazo hakuna mambo ya kungojea ati miezi tatu, ya nini na barua ulinipatia ati retire? Apatiwe benefits zake zote aende akapumzike na mambo yake yote. Hakuna ati kurudi kuenda Nairobi kutafuta mtu ati amsaidie apatiane elfu tano. Hakuna, hatutaki hiyo.

Ya nne nayo ni ya watoto chokora. Watoto hawa chokora tunataka hii Katiba ibadilishe ifanye hii kazi ziwe ya serikali. Watoto wasomeshwe wote. Wanaweza kuwa madaktari, wanaweza kuwa hata army ama police. Wawe watu wa kutumikia raia wengine ama serikali. Vile mtoto anaweza kusoma pia iwe responsibility ya serikali lakini si ya mtu ama nani ama tuseme ni hawa wamefanya vibaya. Hatutaki, serikali iwachukuwe watoto wote iwajengee mashule.

Com. Bishop Bernard Njoroge: Margaret ya mwisho.

Margaret Wanjira Gathogo: Hii ya mwisho nayo ni Chiefs na Assistant Chief. Wawe wakichaguliwa na raia ili kama watu wamekaa kama miaka kumi, ishirini, na wengine hawawasaidii raia vizuri na kwa sababu si raia waliwachaguwa, wanafanya kazi mbaya sana. Tungetaka sasa tuwachaguwe ili wakikaa kama ni miaka tatu ama nne, tuwatoe tuweke wengine. Hata councillors, hata MP namna hiyo kwa sababu wanakaa hapo miaka mitano. Lakini tukiona ni mbaya kwa miaka miwili, ya tatu tunachagua tupatiwe ruhusa ya kuchagua mwengine aendelea na kazi badala ya kulala hapo miaka kumi, miaka ishirini. Kwanza wakina mama wanateseka sana. Asante sana.

Com. Bishop Bernard Njoroge: Thank you mama. Margaret, those are very good suggestions. Nikiona wakina mama wakizungumuza hivyo nasikia furaha. Peter Mathenge Gitonga. You are Peter Gitonga? Please Peter, we would like you to mention only those points that have not been discussed. Do you have a memorandum?

Peter Mathenge Gitonga: I do not have a memorandum.

Com. Bishop Bernard Njoroge: Is that well written?

Peter Mathenge Gitonga: It is not well written it is just points that I will just highlight.

Com. Bishop Bernard Njoroge: Because we would like to take it don't mind because we can read it.

Peter Mathenge Gitonga: These are just like my notes. Kwa jina mimi naitwa Mathenge Gitonga. Mimi ni mkaazi wa Kieni Constituency na niko na haya ya kusema kuhusu marekebisho ya Katiba.

Ningependelea kama ile Katiba tutaiunda itakuwa iko na maneno fulani kuhusu transition. Moja ni tarehe ya uchaguzi iko certain.

It is not the President who is going to fix the date of the General Elections. Ningependelea bunge iwe na calendar yake na Rais asiwe na power ya ku-dissolve Parliament.

Pia uchaguzi ukifanywa ningependelea kuwe kuna ile tarehe ambayo Rais mpya ataopishwa kama vile huko America, a specific date and a specific place so that we are certain. Hatutaki kusikia mtu aliapishwa asubhui kama ameiba uchaguzi kwake nyumbani.

Tena ningependelea kabla ya uchaguzi ambao pengine tunaweza kufanya ama ile itafanywa, constituencies ziwe reviewed kwa sababu wale wako bunge, wako bunge kuwakilisha wananchi, hawako huko kuakilisha land mass. Wale wako, wengine wamepelekwa huko na wananchi wachache. Hizo constituencies ziwe merged na zile kubwa sana ambazo haziwezi kuwa effectively represented na mbunge mmoja zigawanywe kabla ya uchaguzi.

Com. Bishop Bernard Njoroge: What population would you prefer for constituencies?

Peter Mathenge Gitonga: What population in a constituency? A constituency should not have more than 40,000 registered voters. We now have some constituencies with about 7 or 8 thousand people.

Pia ningependelea katika political parties, kama chama kiko na asili mia kumi ya wabunge ikuwe funded na serikali. Vyama vingine ambavyo vimekuwa registered na havina members visi- qualify kuingia kwa ballot paper kwa sababu wakati vinaingia kwa ballot paper vinaifanya ikuwe complicated sana na inakuwa shida hata wakati wa uchaguzi.

Pia ningependelea vikosi vyote vya wanajeshi au all Armed Forces wawe wamewekwa kwa Katiba na kazi yao imekuwa set out properly. Tusikuwe na watu waki-form vikosi vingine ambavyo ni vya halali wakisema ni Mungiki, ni Kamjesh na vingine ambavyo vinahatarisha wananchi.

Pia ningependelea kama vikosi vya Police na especially kama ni za Special Branch kuwe na sheria haviwezi kutumiwa vibaya

kuhujumu nchi. Vitumiwe vizuri kuhusu intelligence gathering methods za economic social issues ambazo zinaweza kusaidia wananchi lakini sio siasa tu ya ku-protect wale wenye wamekalia viti wakati huu.

Com. Bishop Bernard Njoroge: Can we have the last point?

Peter Mathenge Gitonga: The last point I think has been said before, that is ningependelea wale ma-officers wamechaguliwa na serikali kwa viti vya juu kama ma-Judge, kama Permanent Secretaries, Managing Directors wa public corporations wakuwe vetted na Parliament na wasichaguliwe na mtu moja tu ambaye anaweza kuwachagua wale ambao hawahitaji, hawastahili kupata hivyo viti.

Com. Bishop Bernard Njoroge: Thank you very much. You have given us very good ideas but I do not mind taking that with me, it is okay.

Peter Mathenge Gitonga: I promise to deliver a memorandum in your offices.

Com. Bishop Bernard Njoroge: In Kencom House? Fine, ask for Com. Bishop Bernard Njoroge, I will be happy. Eliud Kanubi? Unitwa Kanubi Gatiki? Uko na jina ngapi? Jackson Muchemi?

Jackson Muchemi: Asante sana. Majina yangu naitwa Jackson Muchemi na ni machache tuu ambayo yale mimi naweza kuongea kwa sababu mengine yameshaongewa na wenzangu wale walikuwa hapa mbeleni.

Kwa hivyo yale mimi nataka kuongea ni machache tu, mawili tu yafuatayo. Ya kwanza ni habari ya wafanyakazi wa serikali kama Chiefs na manaibu wao. Hawa Cheifs na manaibu wao, hawa ndio watu wale ambao wanajua masilahi ya wananchi huko nyumbani na ndio wanakaa na wananchi sana na ndio wanzjua taabu.

Com. Bishop Bernard Njoroge: Ungetaka nini juu yao?

Jackson Muchemi: Ningetaka, sababu kuna sheria ilikuweco hapo kitambo ya Chiefs na ya manaibu wao na ikaondolewa, ningetaka irudishwe. Ya pili ni habari ya misitu. Habari ya misitu naye imeshakuwa mbaya sana kwa sababu wale watu walikuwa wakifanya kazi kwa misitu waliondolewa sasa kazi ikapewa watu wa KWS kama kwa Mt. Kenya. Na sasa huko hakuna maendeleo inaonekana ya kupanda miti ya kutumia au kufanya nini kwa sababu hawa watu wa KWS hawajui habari ya miti wanajuwa tu habari ya wanyama. Ningependelea warudishwe hao watu walikuwa wanafanya kazi kwa misitu ndio wafanye kazi ndio tupate kuwa na misitu.

Com. Bishop Bernard Njoroge: Haya, nyingine.

Jackson Muchemi: Ya tatu ni habari ya mazao ya wananchi kwa sababu serikali haishughuliki na yale mazao wananchi wanafanya, wanalima huko mashambani. Ningependelea hii serikali iweke habari ya mazao ya wananchi kujua itauzwa namna gani na wananchi watagawiwa namna gani kama vile wanaweka habari ya majani au kahawa kwa sababu hata wakulima hawa wengine wana taabu kwa hiyo mimea yao, kwa chakula chao ambacho wanalima. Serikali ishughulikie hawa watu. Asante sana.

Com. Bishop Bernard Njoroge: Asante. Thank you umesema maneno makubwa ya maana na tutaangalia. John Maina? Usirudie yale yamesemwa.

John Maina: My name is John Maina, I am from Naro Moru and I am a student. My first point is the freedom of worship. This Act should be amended or should be rescinded to avoid the confusion or the up-coming problems such as the rising of devil worship and some cults which breed problems and commotion in the society.

Second point; Free and compulsory education. Primary education should be provided freely, this can be enhanced by; one, by reducing the MP's and the President's allowances.

Com. Bishop Bernard Njoroge: Now, if you say free and compulsory education that will be taken care of. They can find other ways to get money.

John Maina: Okay. The third is strengthening of our national language. Kiswahili language should be enhanced and should be encouraged to enhance national unity amongst people in the society.

The fourth point is awarding of freedom fighters. Five, currency; if the current President comes out of power the currency should retain his photo, the photo should remain. The sixth point is the enforcement of the Constitution as per what is stated. Seventh point is the creation of national security advisory council to enhance security in the nation to avoid commotion and problems in the society. The eighth point is the implementation of Chief's Act. Since Chief and Assistant Chief know people's problems and are much acquainted with the problems they are able to help people and to listen to their grievances.

Com. Bishop Bernard Njoroge: Thank you very much you have said very important things. Rachael Muthoni?

Rachael Muthoni: Mimi naitwa Rachel Muthoni Murage. Maoni yangu, nasema Kiswahili kitumike katika mahakama. Mambo ya kupewa hati ya mashamba irahisishwe bila rushwa. Pia Polisi wafanye kazi bila rushwa. Atakaye patikana akipewa rushwa ashtakiwe na aondolewa kazini. Katiba iangalie wajane. Watu ambayo hawawezi kuajii mawakili wasaidiwe na serikali.

Com. Bishop Bernard Njoroge: Thank you very much. Unajua mtu anaweza kusema maneno makubwa sana na yawe ni machache. Thank you very much Rachel. Priscilla Wanjiru? Wakina mama mumejaribu mumekaa mpaka mwisho. Karibu hapa Priscilla. I am very proud of you.

Priscilla Wanjiru: Jina langu ni Priscilla Wanjiru. Kile nataka kusema ni kwamba tulipigania uhuru na tulipigana kwa sababu tulikuwa tunataka watoto wetu wapate matunda ya uhuru na wakati watoto wetu walisoma na kumaliza hawapati ajia ama kazi.

Ya pili yenye nataka kusema ni kwamba mama maskini ananyang'anywa shamba na matajiri na wakati huo akinyang'anywa, case yake ikipelekwa kotini inachukuliwa kama ya mtu maskini sio kama ya tajiri. Maneno haya tungetaka yashughulikiwe na court kama inavyostahili. Na watoto wetu nao wapatiwe ajia.

Com. Bishop Bernard Njoroge: Thank you muno Priscilla niodo wa shiugo ishio wauga nigo kinya. Niwega mno todo ni kama tumemaliza wale watu wote waliotaka kuzungumuza leo na ikiwa kuna mmoja ambaye haja sikia jina lake aje hapa mbele. Kwanza tuanze na wewe na uniambie jina lako.

Eliud Gatiki: Kwa jina mimi ni Eliud Gatiki kutoka hapa Kaburaini sub location.

Com. Bishop Bernard Njoroge: Eliud who? Gatiki.

Eliud Gatiki: Ya kwanza free education kutoka Standard 1 mpaka Form 4. Kama mtu akipita Form 4, irudiwe vile ilikuwa ya zamani, Form 6 unafanya mtihani halafu unaingia University. Hiyo education ikuwe namna hiyo.

Ile ingine, free medical attention. Kila mtu asaidiwe kwa sababu sisi watu wale tunakaa hapa rural hatuna pesa tunapata. Tunateseka sana kwa ugonjwa wana kufa bure na hatuna usaidizi. Ya tatu sasa tunakuja hapa kama kulete maoni yetu. Sasa uko ugonjwa unamaliza watu na kama iko Commission na watu hawajasomeshwa kuhusu hii ugonjwa, hii itakua ya bure. Watu watakwisha na munataka mambo yote yageuzwe. Maoni yangu ni serikali kwanza ifanye hii, ili watu waokoke au wasikufe wote.

Ile ingine ni mashamba yale yako na wazungu na watu weusi. Wako na ma shamba kubwa na watu wanakaa kwa vijiji. Mimi naonelea ile shamba ceiling ipatiwe ya acre mia moja au elfu moja. Ile mengine yauziwe wananchi waone mahali pa kufanya kazi kwa sababu watu wengi wanakaa kwa vijiji na hakuna pa kulima.

Ile ingine, tunataka hao watu, vijana, kuwe na viwanda vingi vy kufanyia kazi kwa sababu watoto wetu wote wanasoma tunakaa nao, wanakua kama refugees. Tuko nao nyumbani, hakuna mahali pa kwenda. Wanatusumbua, na kama kukiwa na

viwanda vingi, hao watoto watakwenda kufanya kazi, kila mtu atapata riziki yake. Tungetaka hayo.

Ile ingine ya mwisho. Tungetaka serikali ile itakuja baadaye ione kwamba kila kitu wanafanya huko bunge na ile bunge isiwe bunge ya ukabila iwe bunge ya watu wote kwa sababu wakati wa kuchagua, hakuna ukabila. Na kama wanaingina huko, ukabila unaingia. Tunataka bunge isio na ukabila ili nchi yetu iendelee. Asante sana Bwana Commissioner.

Com. Bishop Bernard Njoroge: Thank you very much. Haiya mzee, na wewe njoo na utuambie jina lako.

Erastus Nderitu: Jina langu ni Erastus Nderitu.

Com. Bishop Bernard Njoroge: Okay, Erastus who?

Erastus Nderitu: Nderitu Gathioni. I would like to bring my contribution to this Commission. One, the Government should have the responsibility to care for all Kenyans and let them enjoy their rights. Kenya should have access to information in possession of the State. Wives and all children should have a right to inherit land from their families. We should have a congress to control the executives, the finances and human resources and it should remain with the Parliament. Sales tax should be abolished and poll tax introduced where every adult will have to pay every month. This will be controlled by the County Council or Local Authority.

The Public Service Commission should be free and impartial. Members of the Commission should be vetted by Parliament and enjoy security of tenure. It should retain power to where required including all other indisiplined cases are in the Civil Service.

Code of regulation should be reintroduced and every civil servant made to read it and understand on appointment and those still in service provided. They should declare their assets. All natural resources should be protected by the Government and even authorised by the Local Authority. This will give the people who are near the various forests and the like, to have the cake of what is being produced from those forests.

The senior citizens, most elderly people who have retired from Government services, should be taken care of by the Government. Their purchasing powers should be used or increased by their pension package and whenever civil servants salaries are increased, should be increased as well. Thank you Mr. Commissioner.

Com. Bishop Bernard Njoroge: Thank you very much. Pension package should be increased with the increase of salary. Okay, kuna mtu mwingine yeyote? Haya, wewe njoo hapa na ndio wa mwisho, utuambie jina lako.

Stephen Munga: Kwa majina mimi ni Stephen Munga. Yangu ya kwanza ninaonelea ni kuhusu kazi. Kila mtu anatakikana

afanye kazi ndio aweze kuishi lakini unakuta mtu mmoja ako na kazi zaidi ya ishirini. Unakuta mtu ako ni yale magari kuu kuu kwa barabara tena ndiye huyo mtu anakujaa kuweka kinyozi kwa center kidogo kama hapa Naro Moru. Tena ako na shamba analima, ako na kazi nyingine ya kuchunga mbuzi. Sasa inakuwa wananchi wanaishi kwa ukahaba kwa kuwa kazi zote ziko na wale watu wako na pesa. Wanachukua kazi nyingi, alafu wanaajii hawa watu wadogo wadogo kwa mshahara kidogo.

Ile ingine ni kuhusu hizi case zinachukuliwa na mawakili. Mtu wako akigongwa na gari anakuonyesha vile atakwenda na atakusimamia. Wakati wa malipo hizo pesa zikifikia kwake, inakuwa ni ngumu kuzipata kutoka kwake. Sasa mimi nilikuwa naonelea ni heri hizo pesa zipatiwe mwenye ajali au mtu claimant wa hiyo ajali kuliko wakili kwa sababu wakili anajua vile atakuitisha hizo pesa achukuwe zake. Kuliko yeye mwenyewe achukuwe hizo pesa tena inakuwa ni ngumu kumfuata. Hayo ndio maoni yangu.

Com. Bishop Bernard Njoroge: Thank you very much. Tunakushukuru sana kwa hayo maoni. Bila shaka yatafika mahali yanahitaji. Ningetaka kushukuru nyinyi nyote ambao mumekuja leo. Nafikiri tumekuwa na zaidi ya watu mia moja ambayo ni watu wengi sana kusikiza.

Pili ningetaka kushukuru kwa sababu maoni yenu yalikuwa na mwelekeo. Mumetoa maneno mengine ambayo sikuwa nimeisikia. Nilikuwa huko Karatina, nilikuwa Kirinyaga, nimekua Gatundu, nimekua kila mahali lakini nimependezwa sana na maoni yenu. Na zaidi nimependezwa na akina mama. Wametoa maneno mazuri, wamekaa mpaka mwisho kwa hivyo ninashukuru Mungu kwaajili yenu nyinyi wakina mama.

Ningetaka kumalizia kwa kusema tusife moyo. Kweli tumekuwa na taabu lakini pia Mungu naye ametusikia. Labda kwa njia hii Kenya itakuwa nchi mpya na haya mambo tunazungumza ya kukosa kazi, ya wazee kukosa mtu wa kuwatunza, shida kujaa kila mahali, mimi nina tumaini kwamba katika Katiba hii na wale watakao kuja kutawala chini ya Katiba hii mpya, mambo yatakuwa tafauti. Pia tunahitaji tukumbuke Mungu na tuishi maisha inalingana na yale tunasema katika dini hii. Naturudie mambo yetu ya kale yale yalituweka ili ituweke kama watu, si ni kweli? Na tujali kila mtu na jaama yake na tukiwa na watu walio na taabu wanaoishi karibu na sisi, tunajaribu kuwatunza.

Mungu ametusahau kwa sababu kitu tumefanya hivi, siku hizi ni kujipenda sana. Kila mtu anapenda mambo yake na huwezi kumfikiria jirani yako hata kama ni disabled, huna haja na yeye na hayo tunazidi kujiua sisi wenyewe. Kwa hivyo tuwe na matumaini. Watu wasio na matumaini hawana maisha, maisha yanaletwa na matumaini. Tuseme kesho mambo yanaweza kubadilika na katika Katiba mpya, tutakuwa watu wapya na nchi mpya. Hii ni nchi nzuri. Tuntumaini siku moja hakuna mtu atakaa bila shamba na tuna tumaini siku moja katika Katiba hii itaeleza kwamba huwezi kupata zaidi ya kiwango hiki cha shamba na hakuna mtu ambaye atakaa katika barabara tukiwa tuko nchi moja.

Na mwisho, mambo haya yote mwishowe tutayaacha si ni kweli? Lakini tukienda kutengeneza Katiba muwe na ushuhuda huu

kwamba munaweza kuamini Commission hii ya kwamba mwishoe itakuja na Katiba ambayo itachukua masilahi yenu. Ningaetaka kujua kama civic education providers wako hapa. We want to recognize them mukisimama. Thank you very much for the work you have done. I want to recognize that work, na kazi yenu haijaisha, nina tumaini Katiba hii ikimalizika, tutakuwa na zaidi ya miaka mitatu ya kuwafundisha watu. Na hata ingawa ni kujitoka, hakuna pesa, lakini hakuna kazi nzuri mtu anayofanya ambayo haitalipwa. I believe that. Sawa Sawa.

Now, 3 C's wako wapi? 3 C's pia wasimame. Okay. I just want to thank you na muambie wale wengine tumeshukuru tumeona kwamba mulikuwa mumeifanya kazi na kazi yenu imeonekana na maoni ambayo yametolewa. Kwa hivyo Mungu awabariki pia nitasema hata nyinyi, bilashaka mtalipwa. Sijui kama Programme Officer analolote alafu kama hana tunaweza kuomba na tumalize hiki kikao. Kuna kitu ungetaka kusema? You do not see them. Is that so, maybe they have been somewhere else. Mugo, what we want is civic educators wa hapa. Huyu anasema haja waona. Muulize anakaa wapi.

Speaker: Most of the times we go to the churches, we go to where people have assembled but many times we ask people to wait for civic education and they do not wait. Tumesha enda kwa PCEA, tumeenda kwa CPK na nafurahi kwa sababu watu wa CPK wametoa maoni kama vile tuliongoza hawa na watu ya PCEA. Lakini watu wengine wakisikia iko civic education hawajali. Kwa hivyo sote tujali kwa sababu kutengeneza Kenya ni jukumu letu sote. Mtu akisikia kuna civic education pahali popote tafadhali karibia halafu utaelemishwa vile pengine unaweza kuendesha nchi yako. Asanteni.

Com. Bishop Bernard Njoroge: Asante sana. Ningetaka kumuuliza, kuna Muislamu hapa? Okay, ningetaka kuuliza huyu mukorino aje aombe. Wewe ulinaambia ni Chief?

Absolom Mwangi: Mimi ni mtumishi wa Mungu na mimi ni area chairman wa Naro Moru sub location na nimewakaribisha nyinyi sana katika kikao hiki.

Com. Bishop Bernard Njoroge: Ngoja kuna mtu ana mkono pale. Okay.

Speaker: Ninaona tumefanya kazi kubwa sana ya kufanya Katiba mpya. Katiba ilioko sasa ni lazima President aweke sahihi ndio iwe sheria. Nauliza, mukimaliza kazi yenu, ni lazima itaenda huko ndio iwe sheria au muna right, yaani vile tumesema ikiwa sheria ni nyinyi mutapitisha bila kuenda mahali pengine?

Com. Bishop Bernard Njoroge: Sijui kama ulikuwa hapa wakati nilieleza vile itapitishwa. Lakini unajua tukitaka kuwa na transition nzuri ni lazima tufuate sheria. Ile Katiba ilioko inasema kwamba ni lazima Katiba hii mwishowe ipelekwe bunge. Hatutaki kuharibu sheria, si ni kweli? Kwa sababu tukiharibu hii iko na ile nyingine itaharibiwa. Lakini kupelekwa bunge haitazungumzwa na wabunge kwas ababu tayari watakwua wameizungumzia katika National Conference. Si ndivyo niliwambia? Yao tu nikupiga nini? Muhuri, ionekane kwamba imepitia wapi? Parliament. Naye President, hii ikipitishwa na

National Conference, yake tu nkuweka nini? Kidole. Hana jukumu lingine na hawezi kukata kuweka nini? Kidole. Kwa sababu hiyo ni sheria. Akikataa sheria nayo itamshika unasikia? Na kuna sheria nyingine ambaye ni ngumu hata kuliko ya karatasi. Sheria hii, kwamba hii Katiba imetengenezwa na watu wote wa Kenya, nani anaweza kuchezea uzito wa watu? Kuna mtu anaweza? Hii itakua ni ngumu sana na ndiyo unaona hata wale wanaotawala wanaogopa kwas ababu si ni watu walisema wanataka Katiba? Si ni kweli? Wakaenda kwa streets wakasema wanataka iwe people driven. Si ndio tuko hapa? Hii haikutokana na wanasiasa, imetokana na nini? Wanainchi?

Unawajua watu ni kama mvua, mvua ikinyesha kwa siku mbili unaweza kutembea kwa huyo maji? Yatakupeleka. Na katika Katiba, watu ni kama mvua na mtu yeyote akisimama katika hiyo Katiba atafanya nini? Sawa sawa, ume sikia hivyo. Haya, njoo hapa mchuganji utuombe.

Absolom Mwangi: Nigeomba wale watu ambao wako na kofia na wakiwa katika jumba hili waweke kofia chini ili tumheshimu Mwenyezi Mungu. Ningependa kushukuru hawa wazee na makarani wale ambao wamefika katika sub location yangu ya Naro Moro\u siku hii ya leo kwa ajili ya siku hii ya Katiba. Na hsukuru mazee wetu wa Commission na watu wake wote na tunawaomba safari njema wakirudi kwao mutukumbuke Naro Moru siku nyingine na tunawakaribisha katika kikao hiki. Kikao hiki kina Chief wake ambaye ni Elijah Waititu na Assistant Chief wake Bwana Paul Kangora na mimi nigeconda kama mchungaji wa Mungu Absolom Mwangi Migiwe nataka kushukuru Bwana Kinyua ambaye hii ushubhi ya leo alinikaribisha katika kikao hiki.

Mimi nilikuwa naenda kutafuta mboga kwa ajili ya watoto wangu lakini Bwana Kinyua akanihimiza kabisa akaniambia ewe rudi tumekuja kwako siku ya leo, Kwa hivyo mimi nikakuja hapa na ndio mimi nimekuwa hapa. Sasa nataka twende kwa maombi kwa Mwenyezi Mungu katika siku hii ya leo. Tujiweke tayari katika siku hii ya leo. Sio kujiwake tuu tayari kwa Katiba, hata kwa roho zetu sisi tuziweke tayari tukijua kwamba sisi ni wasafiri hapa duniani na siku moja Bwana Yesu Kristu anatuambia katika maandiko yake John kumi na nne, alienda kutuandalia dhalla mahali na sisi siku moja tutakuwa katika kikao hicho. Mimi na wewe, tu jiweke tayari katika safari ya kutoka hapa duniani kuenda mbinguni. Naanza maombi.

Baba yetu uliye mbinguni, jina lako litukuzwe ufalme wako uje, mapenzi yako yatendeke humu duniani kama ambavyo yanatendeka mbinguni. Utupe hicho chakula chetu cha kututosha, utu samehe makosa yetu kama sisi tunavyo samehe wale ambao wanatukosea, usitupeleke majaribuni bali utuokoe katika yale maovu na tunaomba hayo machache kwa jina lako na la Yesu Kristu mwanao. Tunomba na kuamini sote tunasema Amen.

Wale ambao wanakwenda nendeni safari njema na Mungu awaongoze tukutane tena.

Com. Bishop Bernard Njoroge: Ningetaka kumubariki na kufurahia Father wa Catholic hii, wa Parish hii kwa ajili ya kuturuhusu kutumia mahali hapa. Tunashukuru sana na mzee wa kanisa mwambie tumefurahia na Mungu amubariki. Asante.

