

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

**KINANGOP CONSTITUENCY, HELD AT NJABINI CHIEF'S CAMP,
KINANGOP**

ON

APRIL 17, 2002

**CONSTITUENCY PUBLIC HEARINGS, KINANGOP CONSTITUENCY AT NJAMBINI CHIEF'S CAMP ON
WEDNESDAY, 17 APRIL, 2002.**

Present:

Bishop Bernard Njoroge Kariuki - Commissioner
Prof. Wanjiku Kabira - "
Mr. Paul Musili Wambua - "

District Officer

Secretariat staff in attendance:

Roselyne Nyamato	-	Program Officer
Jacklyne Obiero	-	Assistant Program Officer.
Regina Mwachi	-	Verbatim Recorder.
John Njuguna Gikonyo	-	District Co-ordinator.
Aggrey Akaranga	-	Sign Language Translator

The meeting was called to order at 10:00 a.m.

The District Coordinator welcomed the Commissioners and gave the opening remarks of the meeting for the day.

Commissioner Bishop Bernard Njoroge spoke briefly, and then he handed over to Commissioner Wanjiku Kabira. She gave the formality of how the hearings will be conducted, and then handed over to Commissioner Wambua to greet the people and to run the rest of the meeting.

D.O: ...Mkutano wa siku ya Leo, on time tena, najua wametoka mbali, barabara zetu ni mbovu, tena nao wamekuja na, sijui ni baraka au ni namna gani? Naona tangu asubuhi mvua imekuwa ni nyingi sana, kwa hivyo tunajua ni baraka wametuletea. Ni kuwakaribisha tu katika eneo hili la South Kinangop, na kwa niaba ya watu wa Kinangop, ninawauliza mjisikie huru pamoja nasi. Pamoja na hayo tunawahakikishia kuwa wakati tunaendelea, ni mvua tu ndio inatuzuia lakini watu wa Kinangop wako na hamu sana kutoa maoni yao kuhusu Katiba na mabadiliko ya Katiba. Sasa ningependa kuwashukuru wananchi kwa kujitokeza kwa wingi ili mtoe maoni yenu. Nadhani sitasema mengi kwa sababu kuna wataalamu hapa.

Lakini kile nitasema tu, mkutano wa leo madhumuni yake ni ya maana sana, kwa siku zijazo kwa nchi yetu. Kwa hivyo, kile nitaomba wakati ambapo mnapochangia, muwe mnaweka tu maanani zaidi kuwa ni Kenya ya aina gani ambayo tunataka vizazi vyetu virithi kwa siku za usoni. Kwa sababu, Katiba ni sheria kubwa katika nchi, na ndio kama mwongozo wa nchi itaenda namna gani na itatawaliwa vipi. Kwa hivyo, yale maoni yote ambayo mnatoa yatachangia katika mwelekeo ambao nchi yetu itachukua.

Sitakuwa na mengi sana kwa sababu Commissioners wako na programme yao, na kuna utaratibu ambao watafuata, nikuwakaribisha tu pande zote katika kikao hiki. Kwa hayo machache nadhani nitarudishia bwana Bishop na kuwauliza muwe huru kutoa maoni yenu. Nikidhani leo Commission iko hapa, hawajapanga safari nyingi, kwa hivyo mtoe, hata ile ingine, - unajua wazee wengine wanakuwa wataalamu wakiwa kule nje, pengine wakiingia hapa, huo utalamu, ama sijui pengine wakiona au kusikia Commissioners wako hapa wataingwiwa na uoga sana, waseme yale mapendekezo yao hayatatiliwa maanani sana, - toa yote, hata kama unaona pengine hauna uhakika nao, kuna wataalamu wataenda kuchambua na pengine wataandika vizuri kidogo kushinda yale maoni ulikuwa nayo. Kwa hayo machache, karibuni Commissioners, katika South Kinangop division, na mtatuongoza katika sehemu iliyosalia, bwana Bishop karibu.

(Clapping).

Com. Bishop Njoroge: Ahsante sana bwana D.O. kwa kutukaribisha, na tunawahakikishia mtoe maoni yenu bila uoga wowote. Hayo ni mawazo mazuri kutoka kwa bwana D.O. na kwa hivyo hakuna mtu yeyote ambaye anaweza kuogopa kuongea na tuko tayari kabisa. Ningetaka kuwafahamisha kwamba siku ya leo tumekuja kwa ajili, - ama Commissioners wamekuja kwa ajili ya kupokea maoni kwa sababu ya Katiba -. Ni vizuri tuelewe hivyo kwa sababu mara nyingi tumekuwa tukizunguka hapa Kinangop Constituency, kwa sababu ya civic education, kufunza watu, ili wajiandae kwa ajili ya kutoa maoni. Watu wamekuwa wakitoa maoni wakati ambao haukuwa wa kutoa maoni, lakini leo ni siku ya kutoa maoni, ni vizuri tujifafanue vizuri, leo sio siku ya kusomesha watu, ni siku ya kutoa maoni, kwa hivyo msidhani kwamba ni ile mikutano mingine tumekuwa nayo ya kufunza watu.

Tuko tayari kupokea maoni kutoka- kama vile nimeona wengine wameandika kwa makaratasi- the Commissioners wako tayari kupokea, - wengine wako tayari kuongea- mtu mmoja ameniambia “mimi nataka kuongea sitaki kutoa makaratasi,”- ndio, mtu ako huru kuongea ama kutoa karatasi, ama kama bado kuna wale wamefika kile kiwango cha juu cha technology ya computer pia views zenu zitapokelewa. Hali ile yeyote ambayo maoni yako yako, uko huru kutoa maoni yako. Kunaweza kuwa na wengine kati yetu ambao wako na shida, wanaweza kuwa na shida ya kuongea Kiswahili ama Kiingereza. Ongea lugha yoyote ile, ambayo unaweza kujieleza vizuri. Kuna watu ambao watakalimani lugha ile utatumia. Kama wewe unajua Kikuyu ndio unaweza kutumia, basi ongea Kikuyu, tutatafsiri.

Nafikiri kwa hayo, sasa tutataka kuwakabidhi Commissioners watueleze. Okay, ahsante. Nimekumbushwa ya kwamba hatuna haraka. Kama vile bwana D.O. amesema, ni siku ya kutoa maoni, hatuna haraka. Tumepanga kumaliza mkutano wetu saa kumi na moja, lakini sisi ni watu ambao tunaweza kuangalia tuone watu watakuwa wamefika wapi, tuone kama tunaweza kuongeza muda mwingine. Lakini pia tumebarikiwa sana hapa kwetu Kinangop, kwa sababu hata kama hatutaweza kuwasilisha maoni yetu hapa leo, kesho tuko Engineer, na ni karibu tu, kwa hivyo tumebarikiwa sana, tuko na nafasi mbili ya kutoa maoni yetu, unaweza tolea hapa leo, ama kule Engineer kesho. Kama una rafiki yeyote ambaye ulisikia akisema, alitaka kutoa maoni na akachelewa, basi mwambie ana nafasi nyingine kesho kule Engineer mchana wote, lakini leo tuko hapa mpaka saa kumi na moja na kama kutakuwa na haja ama sababu tutaongea tuone vile tunaweza kuongeza huo muda. Kwa hivyo, karibu.

Com. Kabira: Habari za asubuhi! (Speaks in kikuyu), translation: nitamuuliza Commissioner Wambua awasalimie, halafu tutaanza. Vile tutafanya Com. Wambua akisha wasalimia, yule atazungumza atakuja hapa na atapatiwa microphone, awaangalie na atuangalie, halafu kuna mtu mwingine hapo, huyu madam mnaona ana machine, tuta record na mwingine hapa ataandika. Kwa hivyo maoni ikiwa mmezungumza itawekwa kwa cassette, na mkiwa na maandishi, mtapeleka huko ukimaliza, halafu utaandika jina lako na u-sign kuwa umetupatia hayo maoni. Ahsante! Nitampatia Com. Wambua.

Com. Wambua: Hamjambo! (Answer: hatujambo). Hamjambo tena,(answer: hatujambo)-

(Interjection)

Kwa hivyo tungelipenda kuanza sasa, na kama mlivyoelezwa, mnaweza kuzungumza tu ama unaweza kupatiana maoni yako kama yameandikwa, na kawaida vile tutafanya kama unatupatia memorandum ama maandishi, tutakupatia muda tu utueleze kwa kifupi maneno ambayo uliandika hapo. Kama unataka kutoa maoni bila kuwa na ouncilor ama maandishi, basi tutakupatia muda zaidi. Kawaida huwa tunapatia kama dakika kumi. Kwa hivyo, tungelipenda kuanza na yule aliyefika kwanza, na tutafuata taratibu hizo tu. Yule alifika kwanza tutaanza naye. Kwa hivyo tuanze na –first come first heard-aliyefika kwanza tutamsikiza kwanza, halafu tufuate hiyo list.

Kwa hivyo naweza kumwita aje hapa mbele, na ukifika hapa tafadhali utatueleza jina lako ni nani, unafanya kazi gani, halafu unatoa maoni, maanake tunataka ku-

(Interjection)

tunaanza na John Kihoro... utatuambia jina kwa kurecord halafu utatuambia... kazi gani unafanya, halafu utoe maoni. Na tafadhali kama ni oral presentation ama kuzungumza bila memorandum tutakupatia muda wa dakika kumi, utueleze kwa kifupi, usipanue sana, halafu mtu yule anaye fuata, unaweza kuanza bwana Kihoro.

John Kihoro: Ahsante sana Commissioners na watu ambao tuko hapa. Mimi ni John Kihoro na ni Chairman wa chama cha Ford- People katika sehemu hii yetu ya Nyandarua kusini. Mimi ningetaka – jambo la kwanza, tumekuwa katika nchi hii kwa muda mrefu, wa vyama. Na vyama vimekuwa vikinyanyasa watu, kwa sababu, lazima ukitaka kusimama kiti kama ni cha Bunge, ama cha udiwani unaambiwa ni lazima uwe wa chama fulani.

Na ukiaangalia hivi vyama, vyama vinaonekana ya kwamba vingine vinanyanyasa watu sana. Vinakuwa ni kama vyama vya watu, kama kampuni za watu, na hiyo mimi ningependa kuwe na indepent candidates. Iwe katika sheria ya Kenya. Hata kama kutakuwa na vyama vingapi ama vingapi lakini pia kuwe na independent candidates, ambao kama wanajijua wanaweza kusimama katika sehemu yao, kwa sababu wakubwa wengine wanasema “huyu asikubaliwe na asipewe clearance ya kusimama na chama fulani.” Hilo ndilo jambo langu la kwanza ambalo ningependa nchi yetu sasa iweke katika Katiba, lazima tuwe na independent candidates.

Jambo la pili ambalo ningetaka hii nchi yetu iwe, - tunasema ni nchi ya watu. –na hii ni masikizano ya wanaotawaliwa na wanaotawala. Kama ni hivyo, sioni ni kwa nini sheria zinatengenezwa na zikifanya kazi raia au watu wenyewe hawana nafasi ya kusema mwisho. Na ndio ningetaka katika sheria ambazo zitakuja kuwe na referendum. ‘Maoni yetu’, -hata kama hatujasoma, ikiwa pamoja na ya wale wamesoma, wataalamu wanaweza kuwa na mjadala ambao, tunaona wale wabunge ama wale watu wakubwa katika nchi, wanafanya jambo ambalo si la haki, likiletwa kwetu tuambiwe tuseme “yes/no, yes/ no,” sisi raia. Sisi tunaolewa ya kwamba hilo jambo ni letu, si la wakubwa wenyewe, na wakitaka kugeuza jambo hata sisi raia tuwe na nafasi ya

kusema.

Jambo la tatu ambalo ningetaka Katiba iweke, ni ya kwamba, tumefanya kazi, -kuna departments za serikali- na departments zingine ukienda kupeleka jambo, husikizwi. Na kwa sababu husikizwi, nilikuwa nikitarajia tuwe na ofisi ambayo, hata kama wewe ni wa department hiyo uwe ukipeleka malalamiko yako. Ile ofisi nasema ni ya 'ombudsman,' mahali ambapo, hata kama sijasoma, hata kama sisikizwi na department fulani naenda huko, huyo mtu anajibu na kusema ya kwamba hii ni complaint.

Na jambo la nne ni hii habari ya Local Authorities. Tumekuwa na local authorities katika nchi yetu, ambazo zinaokota pesa, na vile hizi pesa zinaokotwa, vile zinatumiwa, huwezi kujua wale walitoa kama ni watu wa maduka, kama ni wa nini, unaona huko hakuna kitu. Kwa mfano zamani tulikuwa tukiona local authorities inaleta pipa ya takataka, na hiyo takataka ikijazwa hapo inakuja inachukuliwa. Lakini siku hizi unaona Local Authorities ziko ambazo huelewi zinafanya nini. Kwa hivyo kama ni Local Authority katika sehemu fulani, lazima zipewe uwezo fulani. Kwa mfano, zamani local authorities zilikuwa zikiangalia elimu, zilikuwa zikiangalia hospitali katika sehemu zao. Lakini siku hizi inasemekana ni mambo ya serikali kuu.

Na hii serikali kuu inasemekana ni serikali kuu, unaona mahali pengine kama ni hospitali hakuna madawa, kama ni shule, hakuna waalimu wa kutosha, unaweza kuona darasa moja lina wanafunzi sitini au thamanini na mwalimu ni mmoja, na inasemekana ni shule ya serikali. Kwa hivyo, hiyo ningependelea kama ni Local Authority, katika mahali wanakaa, wapewe uwezo juu ya hiyo elimu na pia health services.

Na jambo langu la tano, nataka kusema ya kwamba, watu hawa wakubwa, (Pause) – okay-, nataka kusema, National leaders kama President ama yule ambaye anapatiwa mamlaka, asiwe,- ikisemekana kama vile tumekuwa tukiambiwa kwa miaka hii yote imekwisha, tunaambiwa ati mtu ni above the law. Huyu mtu ambaye anakuwa above the law, -hata unaona kwa mfano, mimi nimekuwa Chief- unaskia unaambiwa ati kuna sheria imetoka juu, huwezi kujua kama ni ya D.O. huwezi kujua kama ni ya D.C. huwezi kujua ni ya nani, unaambiwa lazima uongee hiyo sheria kutoka juu. Basi kama kuna viongozi wa nchi, ambao wanasemekana ya kwamba ati wako above the law, hiyo isikubaliwe. Katiba ambayo mnataka kutengeneza hii, kusiwe kuna mtu ambaye ako juu ya sheria. Kila mmoja akifanya makosa, kama ni President, kama ni Councilor, kama ni Chief, kama ni nani, ashitakiwe na kusiwe na mapendeleo. Kwa hivyo 'above the law' hiyo mkatae kabisa.

Jambo langu la sita: ni hii habari ya pesa ya nchi. Naona, kwa mfano hii pesa ya nchi yetu, wakati wa kwanza ilikuwa na kichwa ya President Kenyatta, sasa ina kichwa ya Moi, je, Moi ataondoka, sasa, tena itakuwa na kichwa ya President mwingine? Kwa hivyo inakuwa kila wakati pesa ikija inakuwa ni ya mtu, badala ya kuwa ya nchi. Na ningependelea kama ikiwezekana, pesa ziwe zinaonyesha nchi yetu.

Kwa mfano sisi tuna mlima hapa ambao unaitwa Aberdare, kule maji ya Nairobi inatoka, si basi pesa zetu zingine ziwe na Aberdare? Zingine ziwe na Giraffes, zingine ziwe na (Inaudible), badala kila wakati ukiongea zinaonekana hizi pesa ni za Mtu ukiongea unasema hii pesa ni ya Moi, hii pesa ni ya Kenyatta, na Kenyatta sio nchi, Moi sio nchi, pesa ni ya Kenya. Basi kuwe na pesa ambazo zinaonyesha alama ya nchi na sio alama ya mtu.

Yangu ya mwisho ni hii habari ya brutality ya polisi. Inaonekana- mimi nimekuwa mwana siasa – juzi tulipokuwa tukifanya mikutano ya 97, ilisemekana kuna I.P.P.G. ambayo ilisemekana ati watu wakiwa wanataka kufanya mikutano, inasemekana waende police. Juzi naenda police, tukija hapa tunafukuzwa na watu wa K.A.N.U. hawafukuzwi, unaona Chief anafukuza sisi watu wa Opposition, anafukuza watu wa vyama vingine na yet, hawa watu wengine hawaulizwi.

Nasema hii brutality, hata hawa watu wanasema ati wanafanya kesi, wanasaidia chama, kuwe na sheria ambayo, hata kama kunakuwa na President, hata kama ni nani, watu wa administration wasiwe kama youth wingers wa President. Wakubaliwe wawe ma-officer, ni watu qualified, wameenda course, wasiwe youth wingers wa serikali. Wawe watu wa kusema kama ni orders, watolewe orders za watu wote. Kwa sababu kuna wakristo, kuna makafiri, kuna waislamu, lakini inaonekana tu kama ni hiyo habari ya kufanya mikutano, inaonekana kama mkutano ni wa K.A.N.U. tu, ama chama kinachotawala, hao wengine si kama watu. Wanafukuzwa, tunawekwa cell, tunalala huko, hayo mambo yafupishwe kabisa na yasikubaliwe. Kwa hayo ningesema nimefikisha ile ambayo nilikuwa nimetayarisha, na nasema ni shukurani nafikiria nimeweka sawasawa.

Com. Wambua: Ahsante sana bwana Kihoro. Wale ambao watakaomfuata wafuate mfano huo huo, kwani amechukua dakika kumi kamili. Kwa hivyo, swali moja tu Bwana Kihoro; haya maswala ambayo unataka yapelekwe kwa referendum, ni maswala yote au kuna maswala fulani?

John Kihoro: Kuna maswala, kwa mfano, wabunge wanaenda bunge, kuna mahali wanasema wanataka 75%, na unasikia vilevile wanashindana, inasemekana hata hawakubaliani, inakuwa ni Presidential, anatoa kitu kama decree, badala ya hiyo, kama wamekosana huko, badala ya kung'ang'ana na wanang'ang'ana kwa sababu ya sheria yetu, hiyo maneno iletwe kwetu, sisi tujiamulie. Tubebe msalaba wetu. Lakini watu mia mbili wanatukatia jambo watu milioni thelethini au milioni kumi, tunaumia kwa sababu ya selfishness ya watu mia mbili.

Com. Wambua: Ahsante sana bwana kihoro. Mtu atakayefuata ni Father Kiarie.

(Interjection).

Com. Wambua: Kuna – nafikiria kuna memorandum ambayo itatolewa hapo na... sijui jina lake, lakini kwa niaba ya Father Kiarie, kwa hivyo unaweza kuja hapa mbele tafadhali halafu utueleze memorandum iko na nini. Uko na nafasi tu ya Highlights pekee yake, kwa sababu huwezi kusoma hiyo memorandum yote. Una dakika tano pekee yake.

Paul Munyuiru: Jina langu ni Paul Munyuiru kutoka shule ya parokia ya Njabini Catholic church, ambayo ina watu elfu tano mia sita. Mambo ambayo tumeyategemea au tumeangalia – I think I should use English, it's faster-okay we have the preambles and this is: that the constitution be made by the people of Kenya, the people of Kenya are sovereign, no law or authorities above the people, Kenyans are committed to democratic values of constitutionalism, equality and the rule of law. Kenyans are committed

to the future of Kenya, as a united and indivisible country and composed of people of diverse culture, whose rights are easily inviolable, the language of the constitution should be simple to be understood by the Kenyan people.

Exceptions to rights should only be coming by where 'several rights conflict,' then we need the direct principles of the state policy.

One: On National philosophy and guiding principles, Gender equality and protection of rights, of the minority are elements of a just society, all the political regions of the country are entitled to equal development. Children, young people, the elderly, and other vulnerable groups should be protected. Traditional customs should be guide lights in the society, provided they do not harm any sector of the society. Of particular importance would be the formation of village councils of elders.

Democratic principles: All belong to the people and are exercised on behalf through representatives, sensitive and accountable institutions of governance. Constituency and the rule of law must be adhered to. All human beings are equally entitled to civil, political, economical, social, cultural and developmental rights. Natural resources belong to all citizens. The natural environment must be protected. Citizens have the right to associate without any hindrance.

Constitutional Supremacy: On constitutional change the constitution must indicate that in the event of overhauling the constitution, all Kenyans shall be involved. In the event of the amendments, these shall be subject to a referendum before they are enacted by Parliament. This will keep Kenyans abreast with hitherto development in their constitution.

Human Rights: Every Kenyan shall be guaranteed food, shelter, clean water security health care education and employment. Every Kenyan shall be entitled to social, economic, political and cultural development. Primary school education should be made compulsory and free for all Kenyans. Secondary and University education should be accessible to the poor, the bright, young people. All workers should be guaranteed the rights to Trade Unions representation. Capital punishment and torture should be outlawed. Kenyans should be guaranteed the freedom of movement association and expression. An independent Human Rights Commission should be established. The Director of this Commission must be accorded security of tenure. Minority and underprivileged handicapped and aged, rights must be guaranteed.

Citizenship: All people born in Kenya of parents who are both Kenyans, all children born outside Kenya, of parents who are both Kenyan citizens, all children born of one Kenyan parent, regardless of gender, spouses of Kenyan citizens, regardless of gender must be entitled to automatic citizenship even when they are citizens of their own countries. The constitution should allow dual citizenship. Missionaries should be exempted from any form of taxation.

Land and Property ownership: The government should have power to compulsorily acquire private land for purpose of development of social amenities e.g. roads, hospitals schools, extraction of minerals, for the purpose of the country's development. The owners must be fairly compensated and promptly. The Ministry of Local Authority should have power to

control the use of land. The government should reclaim big chunks of land that are not put into proper use for economic development. There should be a ceiling of acreage of land owned by individuals, and the issue of squatters be addressed.

Men and women should have equal access to land and property ownership. Kenyans should have constitutional rights to own land and property entitled in any part of the country.

Government: Parliamentary government should be adopted. Real power of the government should lie in the Parliament. The Legislature has Supreme Authority. Parliament should appoint a prime minister from majority party to be in charge of the daily running of the government and directly accountable to parliament. There should be, independent three arms of government, there should be absolute separation of power reinforced by operational checks and balances.

The Executive: Qualities of a President: - must be born in Kenya, Have a degree of prevalence, education, sound mind and good conduct, integrity, economically stable, and should declare wealth. Age should be 35 to 60 years, no criminal record and of course must be married and with a stable family.

Powers: Appoint Ministers and constitutional officers, after being vetted and approved by the Parliament, run government affairs as approved by the Parliament, two years term of office-five years each. Cabinet Ministers must not be drawn from members of Parliament, - that is separation of power-, cabinet should be answerable to parliament, Prime Ministers must attend Parliament and answer questions, the Chief Executive can be removed from power by Parliament- the Legislature-, be above 30 years of age, have at least a Diploma, no gender discrimination or handicaps, no criminal record, be a resident of the constituency. The constituents must be empowered by the constitution to recall their M.P.s in the event that they are not satisfied with his or her representation or performance. This should be done through collection of 1,000 signatures across the constituency, registering people's disqualifications.

Powers: Parliament should vet the appointment of Ministers, assistant Ministers to make the ministries more professional and accountable, court judges through parliamentary judicial Commission.

Public service Commission officers:

Interjection (In the background: 'time is running out.').

Okay, since time is running out, we have also taken into consideration the use of natural resources to all through out the country, the electoral process must also be fair and free, all political parties should be registered and be guaranteed operation and be funded from the ex-chequer, Commissions of inquiry should be formed by Parliament and clear findings be given to the Kenyans, Civil and public education should be given to all Kenyans.

We also have concerns where we have conflicting views, they should be carried out to a National referendum, and this memorandum was compiled by twenty two participants after collection of their views, the parish priest was in charge, we had the seminarians, we had two sisters, people from catholic justice and peace Commission, C.W.A. that is catholic women association, catholic men association were there, we had choir representatives, we had youth, we had people who are disabled, we also had single parents.

Thank you.

Com. Wambua: Register the memorandum there, and it will be accepted.

(Com. Prof. Wanjiku speaking from the background, not clear.)

Com. Wambua: Kuna mtu ambaye hawezi kuelewa Kiingereza hapa?

(Answer: wengi.)

Com. Wambua: Wengi. Hamukusikia mambo ambayo yalizungumzwa hapa?

(Hatukusikia).

Com. Wambua: Basi wale ambao watazungumza kwa Kiingereza, na wale ambao wataleta maandishi hapa ikiwa na maoni yao, tutajaribu kwa kifupi tu, kutafsiri yale ambayo watakayo sema. Kwa hivyo msiwe na shaka ati hamuelewi kitu gani kinasungumzwa hapa, tutapanga huo mpango. Lakini tutaendelea. Tumwite bwana Joseph Mbatia. Joseph Mbatia yuko wapi?

Interjection.

From the background: Mbatia alikuwa hapa mbeleni, lakini ameniwachia memorandum yake.

Question: Imeandikwa kwa Kiswahili?

Answer: Imeandikwa kwa Kiingereza.

Question: Na alikwambia ufanye nini?

Answer: Aliniambia nikupatie.

Question: Kwa hivyo hataki kuzungumzia mambo yake?

Answer: Eee, aliniambia tu niwapatie. Lakini ni mimi namba mbili nafuata yeye, nitasoma yangu.

Question: Hii ni gani?

Answer: Hii ni ya Mbatia.

Question: Na wewe ni nani?

Answer: Mimi ni Gachomba.

Com. Wanjiku: What you do, just put it there. Read yours bwana Gachomba.

Gachomba: Ahsante sana bwana Commissioners, na watu wale tuko nao hapa, wote nawasalimu. Yangu nitagusia sana mambo ya Human Rights. Na zile niko nazo hapa kidogo ni guarantee...

Interjection

Com. Wambua: Mnaelewa hio lugha?

(Kidogo)

Gachomba: Guarantee the citizens Human Rights. Nitaweza ongea kidogo juu yake kwa Kiingereza vile nimeandika hapa. In the new constitution the government should recognize the role of Human Rights in the maintenance of self respecting and Nation capable of charting out her own course of development, convinced that the pursuit of basic Human Rights is a responsibility of all democratic forces and aware that such rights have in the past been abused.

Interjection.

Com. Wambua: Which language do you want to use?

Gachomba: Ile nimeandika tu hapa.

Com. Wambua: umeandika kwa Kiingereza?

Okay what I was saying is that we have to observe, in observance we get the policies of Human Rights that the government should at least uphold at all costs. Sasa nitaanzia namba moja:

- ◆ Right to life and security of person.
- ◆ Right to food, clothing, shelter and medical Equipment.

Interjection.

- ◆ Treatment

(Interruption from behind)

- ◆ Treatment, education, culture, social security, must all people have.
- ◆ Right to privacy of ones home, property and possessions.
- ◆ Right of academic freedom, of schools and universities.
- ◆ Right to enter, remain and leave the country.
- ◆ Right to passport and general respect of our citizenship.

Right to opposition, demonstration and petition for redress of grievances

- ◆ Rights to freedom of movement and residence in any part of Kenya.
- ◆ Right to freedom of assembly and meetings
- ◆ Right to freedom of trade and occupation.
- ◆ Right to a healthy environment
- ◆ Right to have and own property in any part of Kenya.
- ◆ Right to have proper fair and good behavior of government officials, and
- ◆ Right to fair and free, right review process of the Law.

That should be the government's common pledge to all Kenyans.

Hapo nitawachia hapo kidogo, niongee mambo sasa ya vile Commissioners sasa mmeingia kwetu tunatoa views ambazo ni Katiba ambayo tunaweza tengeneza ya watu wetu ya miaka kama mia mbili inayokuja, sivyo? Mimi ningependa kuuliza, sababu tumekusanyika hapa sisi wote, Wakenya, will there be anybody who will tamper with this constitution because after that mnaenda kupeleka hii makaratasi pahali pengine, will they be interfered with? Now lazima mtuambie kwa sababu hata wa leo ...

Interjection. (From the Commissioners): Just a minute, are you asking us questions or giving your views? Kwa hiyo maswali ambayo umetuuliza, tupatie maoni yako, just give us your views stop asking questions.

Gachomba: Okay, haya maoni natoa ndio nasema iwe respected, na kwa vile nimeyatoa, isiwe nikusema tu na mdomo. Kwa sababu hata ile Katiba tuko nayo inatuonyesha ukweli, wazi wazi kama vile nilivyo soma hapa, - ‘You can own property anywhere in this country’.- Lakini tukiangalia sanasana kama wale watu wakutoka huko Molo walipigwa juzi na tuko na sheria ambayo tayari imesema “we have to own that property.” It is in the constitution. Ndio maana nina sema kwamba in future if this constitution shall not be tampered with, we shall be very happy. And if it is tampered with, then there is no constitution making here.

Thank you sir.

Com. Wambua: We have noted that. Only one clarification to be made here. Are you talking about the new constitution or the old one?

Gachomba: In the new constitution. In the past the constitutions have been tampered with.

Com. Wambua: Okay register ile ya bwana mbatia, akija, akipenda kuzungumza machache juu ya memorandum yake, tutamruhusu. Okay, we proceed, tutaita Peter...

Interjection: *Aria mataiguaga Githungu, maundu maria mamwe ahutia ni wiyani wa muoyo wa munddu na uwitir. Ahutia uhoro wa kugiana na maunde maria matuthiururikiirie marokorwa mari mega akorwo ni ta mai, akorwo maundu macio mari mega maikaire uria kwigiriire matikahutio. Akorwo ni ta ithaka mundu ni agie githaka o haria Kenya yaruma. Macio ni maundu ma mamwe maria agweta maria andika thiini wa memorandu.*

Com. Wambua: Thank you very much...thank you very much... Peter Kibe Kang’ethe.

Peter Kibe Kang’ethe: Okay, ahsante. Nina furaha kufika mahali hapa, na nitazungumza kwa Kiswahili kwa sababu nimeandika kwa Kiswahili, ingawaje mimi ni mkikuyu, lakini nitazungumza kwa Kiswahili, ndio tuweze kuelewana sote. Ninataka kuzungumzia – inaonekana watu wengi wa- Shida imekuwa sana katika serikali kuu, ama wale wamechukua nyadhifa za kiserikali, ndio maana tunagusia sana mambo ya kutoka Rais kuja chini, kwa maana ndio imekuwa ngumu kwetu, ingawaje tumekuwa na Katiba ambayo ni nzuri, lakini imekuwa imeshikwa vibaya. Sasa nataka kusema ya kwamba, nchi hii kama ilivyo, ni nchi ya kidemokrasia, na ni nchi ya wananchi, ni yetu. Sio nchi ya mtu binafsi ama kundi la watu. Hiyo ikae namna hiyo. Isiwe inakuwa captured na watu binafsi. Rais asiwe na uwakilisho wowote wa bunge. Hii ni kwa sababu sisi wafrika tuko na tegemeo ya kuwa mimi nikiwa Rais basi sisi watu wa Njabini stima zitakuja na hazikuweko, barabara zitatengenezwa na kulikuwa hakuna, yaani utajiri wote utarudi Njabini kwa sababu mimi natoka Njabini. Lingine, Rais anapaswa kuchaguliwa na wananchi kwa kura ya siri, na iwe ni asilimia 51%.

Kenya mzima awe na 51%, lakini sio awe amechaguliwa na kura 45% anaandikiwa President. Hata afadhali twende kwa duru ya pili. Akisha apishwa, Rais achague baraza la mawaziri wasio zidi kumi na watano. Na wizara zisizo zidi kumi na tano, na manaibu wasio zidi kumi na watano. Tumeona katika siku za usoni ama za nyumani, Rais anatuambia, oh, nimechagua mawaziri kumi na watano, wizara kumi na tano, mawaziri thelathini ama arobaini. Hii si mzuri, kama wizara ni kumi na tano, na nchi yetu ni nchi ndogo nchi masikini hakuna haja ya wizara nyingi. Wizara kumi na tano mawaziri kumi na watano manaibu kumi na watano. Okay, tena kuwe na parmanent secretary mmoja katika wizara, na huyo parmanent –hata kizungu na Kiswahili kinasema vizuri- parmanent secretary, huyo ni katibu wa kudumu. Sasa utakuta waziri anabadilishwa na P.S. anabadilishwa, hiyo ofisi inabaki nill. Inabaki empty handed, sasa kutakuja waziri mwingine na kuje P.S. mwingine, sasa wataanzia wapi? Hakuna mtu wa kumwambia mahali ataanzia mambo.

Okay, Rais kupendekeza baraza lake la mawaziri kwa bunge kwa muda wa siku saba baada ya Rais kuapishwa. Wabunge kuchagua makamu wa Rais kutoka kwa baraza la mawaziri. Hii ifanywe bila kuangalia chama, au makamu wa Rais apendekezwe na chama ambacho kina wabunge wengi bungeni, kwa sababu nchi yetu ni ya vyama vingi, kwa hivyo kuwe na uhuru wa watu wote wawe wanachangia katika serikali.

Wabunge kuwajaribu mawaziri kwa muda wa wiki tatu na kuwafanyia marekebisho. Marekebisho hayo, ni kwa sababu Rais anaweza kuchagua waziri ambaye hajasomea wizara ambayo anapewa, na wabunge wataenda wamjaribu- Mr Kibe, umepewa wizara ya elimu, je, umesoma? Je una elimu ya kutosha katika wizara hiyo? Utakuta mtu amepewa wizara ya afya, na yeye hata hajui madawa ni nini. Hata akipewa madawa anauza, kwa sababu hajui madawa ni nini, au ni ya nini. Kwa hivyo, Bunge iwe iko na uwezo wa kumjadili huyo mtu kama anaweza kazi hiyo ama hawezi. Kama hawezi, Rais anaambiwa kwamba ondoa huyu tulettee mtu mwingine.

Okay, Rais awe mwajibikaji. Kuajibika kazini. Akiwa kazini awe huyo mtu-, ni kumuajiri tumemuajiri, sio yeye ametuajiri. – Kwa hivyo awe mwajibikaji kazini, akiwa katika ofisi hiyo afanye kazi kama mwajiriwa sio kama ofisi ni yake. Awe anafanya kazi yetu – mwajibikaji-.Kitu kama akiharibu jambo fulani, Rais awe akishtakiwa, kama atapatikana na makosa; na asiwe juu ya sheria- above the law-.Kwa sababu hiyo ndio kitu inatusumbua, hata Rais hawezi kuwa mwajibikaji katika Kenya. Kwanza hiyo tukikataa kubadilisha, katika siku za usoni, Kenya haitakuwa na Rais ambaye ni mwajibikaji.

Kwa sababu yeye yuko above the law atakuwa *ana-violate* kila kitu. Mambo mnayompa afanye yeye anafanya vile anataka, sio vile nyinyi mnataka. Mkimpeleka kotini, hiyo inatupiliwa mbali. Sasa nakuja kwa mambo juu ya mkuu wa sheria. Na hii ndiyo ya mahakama na ndio imeleta shida katika hii nchi yetu. Achaguliwe na Bunge na awe mwana sheria, asiwe rafiki wa mtu yeyote aliyefikishwa mahakamani. Kisheria, mhalifu atangazwe kuwa huyo mtu ni mhalifu. Sijui kama ndivyo ilivyo ama ni kuharibu wanaharibu katika sheria ya sasa, utakuta mkuu wa sheria anaenda kotini anasema “huyo mtu wachana naye.”

Umempeleka kotini, anatolewa polepole, polepole. Haya, ni makosa saa hii kuwa na waziri anayeitwa Kipng’eno arap Ng’eny.

Ni makosa makubwa sana. Kwa sababu huyu mtu ako na mashitaka kotini, na hakuna – ameshikiliwa tu na Rais – kwa sababu Rais yuko above the law, na huyo mtu yuko na mashtaka ya kuiba mamilioni ya pesa na bado huyo mtu ni waziri. Kama mtu ameshikwa na makosa, inafaa aondolewe. Kuna watu wengi wamesoma na hakuna kazi. Sasa nchi yetu inafaa iwe na sheria ambayo itasimamia kila kitu cha mwananchi. Mtu kama amefanya makosa anatolewa na anashtikiwa kotini. Na huyu mkuu wa sheria naye ahakikishe sheria zote zimetetelezwa na zimefuatwa. Na akifanya makosa – yeye mkuu wa sheria- yeye pia aondolewe. Kuwe iko body ya kumuondoa, sio tu mtu amewekwa hapo. Na ndio maana mambo yetu inaharibika kwa sababu kila kitu ni Rais, kumchagua- Rais, kumuondoa- Rais. Kama Rais hataki kumuondoa, hawezi kumuondoa.

Haya, awe mwajibikaji katika kuishauri serikali. Tumekuwa na wakuu wa sheria wengi katika nchi yetu ya Kenya. Na wamekuwa – kazi yao ni kupotosha serikali, - hawawezi kuambia serikali mambo ya ukweli kisheria. Akiwa kama mshauri wa serikali, anafaa awe mtu ambaye anaambia serikali-“hapa unaanguka,” “hapa unaenda vibaya, hapa unaenda vibaya”-, namna hiyo. Kule ambako serikali inaenda vizuri, anasema sasa tunaenda vizuri. Lakini tumekuwa na wakuu wa sheria wengi ambao ni wa kubandikwa, kubandikwa, kubandikwa. Awe akishtakiwa kama ako na makosa. Iwe iko body, akifanya kosa hata yeye aweze kushtakiwa. Haya nimekuja sasa makamu wa Rais na mawaziri na manaibu wa mawaziri. Wawe watu wasio na hatia ya ufiada ama uhalifu wowote. Siku hizi tumekuwa na mawaziri, manaibu ambao wako na record ya uhalifu lakini bado wako kazini. Watu ambao wanalingana na wizara wanazopewa – hiyo nilikuwa nimetaja-. Watu ambao ni waajibikaji kazini. Kazi ambayo wamepewa ikiharibika wawe wanashtakiwa kotini, na afungwe maisha.

Interjection

Makatibu na wafanyikazi wote wa serikali na mashirika ya serikali, hizo zote zisimamiwe na watu ambao ni waajibikaji kazini, na watu ambao wanalingana na wizara ambazo wanapewa. Kama vile nilikuwa nimesema, sio mtu kuokotwa tu huko anakuja anapewa kazi. Nayo upande wa utawala, from P.C. kuja hivi mpaka chief. Hiyo turudishiwe sisi wenyewe. Tunaletewa watu bogus! Watu wabaya. Hata huwezi kuenda kumuuliza swali. Turudishiwe sisi wenyewe, tuwe na uhuru wa kuwachagua. Nitamalizia hapo na jina langu ni Peter Kibe.

Com. Wambua Okay, tuendelee, na tutaita bwana Joseph Macharia.

Joseph Macharia: *Nii nigwaria na Gikuyu. Ritwa riakwa ni riu ndetwo Joseph Macharia, na ndoiga ngwaria na Gikuyu nitondu ona mahinda maria ndathiite murim, nithiite kinya Holland na ndariire na Gikuyu. Nekio riu gwaria na Gikuyu. Wa mbere ngwenda kugweta uhoro was kuma mwena wa na iguru. Kuma naigoro kuma kwari lights. Kyama kya mutogoria Rais amberirwe ni kuma thine wa bunge, na are thine wa bunge, thine wa Kenya ni kwaririwe ni kugea na kyama kigi. Dauga kukagia kyama igire kyama kya buge kana kyama gia kuma okodo profess modu omwe omwe nigetha Rais agiitokyo odo akaba rieta kyama kiu. Polytechnic hio ni ketha aitekeryo kana ni waothire thikari kana ni waothire da gorori. Todu odo dukaga niodo wa President atweka overall yaani dwigatweke President ni above*

the law. Toke mwena ene wa kutore coujoooni ni mwaka fulani itogoragia areo kuaka manyuba kushoka kuree planning thaine, todu nidarikana urya ndare murimo nidonire orya maigagia na guku thii na igerete madukaini ni tinyuba syabere gwako ni farafara yaberirwe kwejwa nyuba shyabirerwe kuakwa kwa ogwo ni plan ya birirwi.

Mwagana tudo ni uhoro wa migoda, kuri migoda megii ikaraga toho na gutiwira iritugarirwo na ado maikarite gishagi maitereri kou matere odu maikaga, kyogu migoda hiyo yatweke ya thirekari. Nigetha migoda ikarimwo tugatoma irio ulaya economy itige kuthoka. Ndwoke mweno wa agriculture, griculture matishoke kuikara mishye kwao maoke mogodaine makona wera huyu wararutwa nigetha makabuditya mudu wera ushyo tudo murimi aremaga rii na arimo atwari irimo shyake igatweka rimwe tijega todudare mudo amwonirie todumugriculture aikaraga gwake hata ginya ya ritwo. Ndike horo wa mwishi waiya ido shya modo na kumutunya, naonekane aika ogwo na igoti rine naika ogwo, mwishi wa kuiya ido shya ado kuiya na karamu, haiya ido shya thirikari tudo shyake ni shya ado dagashoke kuchejwa atwarwe ministry ige athie akaiye kwoo, mwishi ni mwishi atwarwe gotine ona akorwa ni President. Jike horo wa mikanya ya mwoshie, thine ya mikanya ya mwoshie maida matene anake matithakaga na hairetu hogu mathakaga nao na kumanyita na hinya. Kyogu agikorwa mudu murume ni awanyite mutumia na hinya hushyo ni arigwe ni kuitwo. Amenyekana fyo fyo hogwo digwo aigete. Ni maodo makwa mare kweda muno kueda kumaria kumakinya hau.

Translator:

Com. Wambua: Okay ahsante sana bwana Macharia, anayefuata ni bwana Zacharia Kimani.

(A question from the background- not clear).

Answer: Hapana tulieleza hapo tulipoanza, tunafuata taratibu ya majina ambayo imeandikwa hapa. Kama uliandikishwa kwanza wewe utakuja kwanza, kwa hivyo hakuna yule ambaye atafanya shortcut. Hii ni sheria ambayo tumeweka na tujue tutafuata hii hapa. Kwa hivyo msiseme kuna mtu alikuja na akapita. Na wale ambao bado wanataka kutoa maoni yao, register bado iko hapo kwa hivyo andikisheni majina yenu huko halafu tutaendelea kufuata majina vile yalivyoandikwa. Endelea bwana Zacharia Kimani.

Zacharia Kimani: Okay, ile mimi nataka kusema, the President should not be above the law, and the winning President should garner 51% of the popular votes on top of the 25% percent votes in five provinces. In case of no outright winner in the first round, a run off between the top two candidates should be held within twenty-one days. The President should not appoint top government officials e.g. Ambassadors, Heads of parastatals, so named. But should confer with parliament for the updating, which should have two-thirds majority.

The three arms of government should be (Inaudible) independent of each other. I support the abolishment of the provincial

administration, for it has proved to support the 'status quo'. I want devolving of power, but we should not adopt the Majimbo government. Rather, I prefer prime ministerial government, where we have a ceremonial President, with the Prime minister being the Executive, running the government affairs. I support the creation of an office of an ombudsman.

Eight, I want to support the calls for amendments, but it should be only after a redecision. In case of those who have stolen from public coffers, they should be made to pay, with interest at the current market rates.

I want to support the over hauling of the electoral Commission and appointment of non-partisan professionals e.g. lawyers, credit editing, and for... funding has been a problem to the electoral Commission. I suppose it should be independent of the ex-checkers. It should not be begging for money from the President or any other person.

The fundamental Human Rights as per the Bill of rights should be totally adhered to and severe punishment should be meted to any law offenders. Proper working conditions and remuneration to security forces in Kenya should be beefed up so as to beef up security. I am calling for the trial of those who committed crimes against (inaudible) of democracy in this country.

I support the funding of political parties from the ex-chequer, declaration of wealth by top government officials, land redistribution, and lastly, I want to support the division of national wealth.

You see there is this problem that if you do not support the current government, your infra-structure will be eroded and the rest. I am calling for-because; every Kenyan should pay taxes the national wealth should be shared equally. Okay, and the last, I want to – if the Commission can't be able to finish its work on time for the general election,- I'm calling for minimum reforms. Although there has been a problem on how these minimum reforms should be, but these minimum reforms should come from the people. The people should tell you the Commission how minimum the minimum reforms should be.

I have also said that we should go to the next general election with a new constitution, but the Parliament life should not be extended.

Thank you.

(Question from com. Wambua, not so clear)

Zacharia Kimani: I support the 'creation of a truth' and the model of that South-African truth and...

(Backed from behind)...

Yes.

Francis Maina: *Agweta maodo maya maria materaigwa gikuyu agweta ati Raisi ndagereru ni gukoro ari iguru wa watho, na gariro ni guthuro gicigo kia mlang tano na mwi hari igana kia miti uothe itketio hado ha githerino na ariga*

gukinyia kura ici na kugie na githurani gai kari masindine aria ari marakhanreri uria ukohoto atweke Raisi, naaria uhoro wa guthuro kwa anene a thirikali ambassadeurs, aria makearaga ma-office maria manene matigerero ni guthuro na Raisi we mwene. Na gwita huru wa kuneno kwa wa thani wa provinci kana kuna kweheria ate so Pc, DO, Chief ciothe cieherio, kugie na prime minister hado ha kugie na Raisi toguo tuwenake na kague na president wa guthiaga akoro ni university kwi na graduation gathi kouo, akoroa na bara bara arahikoro agithe kuo. president tucio na kugiye na office ya kurora mateta mandu. Agithikereria na koa ikinya. Na gwita uhoro wa aci uona maya indu cia mwingi kana therikali makreha indu icio na makareha na macioro. Gite gia kuhuia pesa kiogamirero budget agithomwo gikarutero mbeca gekanekero mbeca cia kuruta wira. Ogitere, kugie ni ogitere wa kugana niguo andu makoro magikara wega minathiyo.

Ciama cia siyaisa handu hakirugamerere kana agacariya jira ike cia gucaria mbeca hinde ya githurano budget agithomo ciama ciothe igakoro ifaikero ikaheo mbeca. Naya gwita uhoro wa kugaiono kwa utoka wa burori gutikagie na andu atoko na aria ake ni athini. Tondu githerino kihakuhe gekuhereriye na kitaba ino oriyo maoni aki kuru ni gukoro arikite githurano gegioka guthondikio Katiba ekihota guto twara githurano gike gigoko kwa ugo kogie na reform kana maundu maigana ona mekuguwanero nema magutotokoria thinia wa gethurana na giko ni reform iyo. Kana giko na Katiba njeru. Thank you.

Translator:

Florence: Hamjambo? Naitwa Florence, mimi ni mwanafunzi. First, it's about land. I think land should be fairly distributed, because there so many people who are landless, who even do not have anywhere to sleep and yet we have so much land in our country that is not used and so many people who own very large portions of land, which they do not even use.

Second, it's about security. We do not have security in our country today. For example, you cannot walk at night- you do not feel secure to walk at night and yet this is our country, and we should be secure in our own country. I think the government should provide enough security for everyone, and we should have freedom, because, in this country we have freedom and I think every citizen or every member of this country should have freedom to even walk at night, without being asked where you are going and where you are coming from. Because this is an independent country, I think people should have freedom to be at any place at any time, and there should be enough security for that person to be at that place at that particular time.

This being an agricultural country, I think that farmers should be protected from exploitation. Today, the farmers are doing a lot of work and things like fertilizers are very expensive, farm machineries are very expensive, and yet our products are being sold at very low prices. We, the farmers, are the ones who are suffering, and someone else somewhere is selling those products at very high prices. So I think the farmers should protected the government.

Third, it's about the people who govern us. For example the P.C., the D.C., and the D.O. We rely on these people, they rule us. So I think we should elect these people and not by someone else. Because these people are coming to deal with us, and it is us people who should elect them.

About the Vice President. I think that the Vice President is a very important person in our community today. He is a leader, and I think that he should be elected and not just appointed by one person, may be by the people, or the Parliament. Because he is a very important person in our community today, and it is us whom he leads. He is the next from the President and I think that we should elect him.

Lastly, there is so much harassment from the police today. You cannot walk maybe at night. Sometimes, may be you have done nothing wrong but you are being harassed. I think that the police should protect us people and not harass us, they should protect us and give us security and not harass us. That's all I had.

Thank you.

(Question from com. Wambua- not clear)

Florence: I think that everybody in our country should own land. May be it should be redistributed once more. And some land that is owned by the government should be distributed to the people.

Interjection. Com. Wambua asks questions and she answers.

(Translation for Florence in Kikuyu is done).

Com. Wambua Ahsante sana, tutamwita George Nga'nga. George Ng'ang'a.

George Ng'ang'a: My names are George Ng'ang'a, I will read my presentation. Our government – all public and government hospitals should be equipped with drugs and qualified doctors. Treatment should be made free to everybody. Doctors in government hospitals should be given a right to issue a person with P3 forms, instantly without consulting the police. And the forms should be kept in hospitals but not in police stations.

The other issue is about the councils. Councils should be made to account for the money they collect from the public. They take a lot and the public gains very little. They should erect public toilets, and...(inaudible) which should be in good shape.

The whole of the administration should be elected by the President, and they should serve at least for four or five years. The Kenyan currency should carry the picture of the current President.

The other issue is about security. Police patrols should be intensified, but harassment should come to an end. And then the regional policemen should be transferred to another station after serving for one year or two at most, to avoid being biased with overhauling cases. This is not an issue where the policeman stays for ten years at one station. His gunfires at...(inaudible) otherwise if he gets to know you, even your grandparents, you seem like friends.

Primary education should be made free and compulsory. The government should provide a way to take care of HIV/positive children unconditionally. That's my presentation.

Thank you.

Com. Wambua: Thank you very much. Translation please...

(Translation is done in Kikuyu)

Com. Wambua Thank you. Can we have Paul Ndumia?

Paul Ndumia: My name is Paul Ndumia Kariuki.

Interjection

Com. Wambua: Hiyo Dumia imetoka wapi?

Paul: Ndumia. (He then spells his name).

Laughter.

Paul: Okay, President should not be above the law. The Parliament but not the President should appoint the Vice President. The government has to give free hospitals and free education, because we are giving taxes to the government.

All the toll stations in Kenya have to be banned because toll stations are benefiting some people but not the government. The government has to take care of the forests, because people who are benefiting alone are stealing forests. The people who are benefiting from the forests are the foresters and the forest guards, because they are selling trees at low prices and the money is not for the government.

Number six: The police under the Kenyan government who will take bribes should be sacked. That is the presentation I have.

(Translation is done in Kikuyu).

Com. Wambua: We shall call the next, atakayefuata ni Jeremiah Muira. Jeremiah Muira Gatua.

Jeremiah Muira: Kwa majina yangu naitwa Jeremiah Muira Gatua, na nitasoma views zangu kwa kizungu lakini nitaenda nikichanganya lugha kwa sababu tuko mchanganyiko. The law should benefit even the least one in the community. And his voice should reach the top offices in time. When electing Commissioners, they must include even those in the villages. They are very much involved with their own problems. Kwa hivyo wakati tunatengeneza hii sheria mpya, lazima iwe ina fit watu wote; hata yule ako mashambani. Na wakati tunachaguliwa maCommissioners mahali fulani, inatakiwa kuwe hata na mtu wa 'geshagi', the least of a villager.

Haya, jambo lingine ninataka kuzungumzia ni juu ya police custody. The police custody – this is for the poor-. And we need to amend the custody laws; free bails for smaller cases and money bails should be offered to fit everyone. Yaani ni lazima kuwe bail ambazo kila mtu anaweza kulipa, kama inatakiwa kwa police. And torture in the cell should stop to protect innocent people who undergo torture then proved innocent. Yaani mtu anashikwa na labda jambo ambalo ameshikiwa ni kuwekelewa ama kusengenywa-yaani ni *kuigerewa kigenyo*- na akifika kule anateswa halafu nyumaye ndio kunaonekana kwamba hana hatia. Kwa hivyo ni lazima hiyo irekebishwe.

Following whether the statement which is written in the O.Bs or the occurrence book is correct, yaani, ile statement mtu anaandikishwa kwa police, lazima iwe ikifuatwa kuwa kama ndio inapelekwa kotini. Kwa sababu kumekuwa na cases whereby ile – yaani ukishikiwa jambo fulani, ikifika kotini inabadilishwa, kwa hivyo hapo lazima irekebishwe.

Jambo lingine ambalo ningependa kuzungumzia ni, bribery in the courts. Many go scot-free when they have done great messes, and we should therefore have a supreme law for everyone. In case of fines, everyone should afford that fine. And for a jail term, everyone to serve the jail term that the magistrate has ruled. Yaani hiyo ni kumaanisha, watu wengine wanashikwa na makosa mengine, halafu wakifika kotini wanahongana kule. Halafu wanawachiliwa tunawona hapa na walikuwa wamefanya makosa. Na tunaona hiyo haiendi vizuri. Kama ni jail term, mtu akiwa na pesa hafungwi kwa jela. Lakini wewe ukikosa pesa unaserve jail term, kama ni ya miaka tano inamalizika. Lakini ukiwa na pesa unaenda unalipa na hiyo unaenda.

Kwa hivyo vile ningetaka Katiba iangalie ni hivi, kila mtu kama ni wa kufungwa afungwe, na kama ni fine, iwe fine ambayo ni fair ambayo itserve kila mtu- mtu anaweza kulipa hata kama ni mtu ambaye anapata pesa kidogo sana.

Haya, lingine jambo ambalo ningetaka kulizungumzia ni juu ya prisons ama gereza. Prisons should be renovated. The rules governing the prisons are colonial. No humanity. The prisoners should enjoy good health services and proper feeding. Many deaths have occurred because of poor feeding and health conditions in the prisons, noting the contagious diseases and AIDS

threats. Yaani, vile maisha yanakuwa kule katika gereza, inatakiwa ibadilishwe, kwa sababu watu ambao walitunga sheria za gereza au prisons, hawakuwa na utu. Unaona watu wakishikwa na kuwekwa gereza, ni kama kumuua polepole. Kwa sababu maisha ya kule gereza ni poor kabisa. Yaani kuna magonjwa ile contagious kama ile Kikuyu tunaita 'muhale', ama mengine na Aids ama Ukimwi. Mambo haya yote lazima yarekebishwe.

Ingingine ni, prisoners should enjoy TV services and Radio services, ili wawe informed na vile kunaendelea nje. Good sleeping facilities, noting that even an innocent man can be jailed. Na ile ingine nataka kuzungumzia ni, personal confession should be regarded and scanned by law professionals for consideration. Hii nataka kumaanisha kwamba, mtu anaweza kufungwa jela, halafu kufike mahali aseme sasa atafanya yaani (*speaks in kikuyu*), aseme atakiri. Mtu kama huyo akionekana wale professionals wa law wamusikilize, waangalie mambo yake na wamfanyie kesi vile anaweza kuwachiliwa.

Haya, upande mwingine ni upande wa biashara. Law governing businesses should be viewed as follows: Noting Kenya is a poor and growing country, everyone must be allowed to have easy access to businesses without much restriction, because he is profiting the country. Thus, simple small-scale businesses must not be charged e.g. a roadside seller, hawkers, or may be a simple charcoal dealer, who is trying to earn his daily bread, and many others of the sort.

Businesses should not be highly taxed to attract many in the field. Anyone should be allowed to use his useful knowledge to build the nation. For example, we have traditional doctors, and if proved fit by the ministry of health, they should be given a go ahead without much restriction. Traditional blacksmith industries should be encouraged to create job opportunities.

Ile jambo lingine ambalo ningetaka kuzungumzia ni, mambo ya kigeni ambayo tumewekelea maanani sana na tunasahau na yetu. Na hapo *nita-ellaborate* nikisoma. We buy drinks such as whiskies, vodkas, from outside which have the same value with our local brews, and we deny our local brewers rights to produce their brews while it has the same value. Yaani hii ni kumaanisha ya kwamba, vinywaji kama whiskies, vodka, ziko class moja na chang'aa na mambo mengine ambayo yanatuharibu hapa. Yaani na vinywaji vingine ambavyo vinatengenezwa katika Kenya. Sasa tuna-promote wale watu wa nchi zingine, badala ya ku-promote watu wa hapa kwetu. Sasa yetu tunaiita yaani kinywaji cha kienyeji. Yaani vile ningetaka ifanywe ni hivi: wale watu tungewafunza good hygienic methods of brewing their drinks. Yaani tuwaonyeshe vile wangepanya hiyo pombe yao iwe ni mzuri na inatengenezwa kiafya. Kwa hivyo, hapo lazima constitution ijue mambo ya importing such brews and promote the local ones.

By out-lawing these drinks, the government kills job opportunities and even it leads to jailing of important breadwinners of the families. And it also leads to losing money to foreign investors. Also it is a brain washing and denying the locals their rights. Instead these brewers should be shown high hygienic methods and the toxic state of their brews.

Interjection.

Haya, ile jambo lingine nilikuwa nataka kuzungumzia ni free education, Masomo tupate bure na serikali. Na ile ingine, jambo ambalo ni muhimu naona hapa, ni secondary education or higher education. Kuna unrest nyingi katika shule za sekondari. Kwa hivyo ningependa kuwe na koti ya wanafunzi wale ambao wanatenda makosa katika shule. Na wasifanyiwe expulsion yaani kuambiwa waende nyumbani lakini wapelekwe katika jela hizo.

Na katika uombaji, or freedom of worship, serikali lazima iangalie ili sects kama devil worshipping isionekane katika Kenya. Haya na freedom of expression, na new land allocation. Yaani, shamba zilipeanwa hapa 1963, na hazijapeanwa zingine. Kwa hivyo, maoni yangu ni, kuwe kukipeanwa shamba baada ya kizazi, 30 years of age.

Haya ahsante sana.

Speaker: Wale ambao wamekuja hapa kutoa maoni, mpatie yule afisa wa Commission hapo a-record maanake tukimaliza lazima tuchukue hiyo karatasi twende tukaisome. Hata kama huna memorandum, ukimaliza jilandikishe tu kwamba umezungumza na umesikizwa. Na sasa ningependa kumkaribisha Mheshimiwa Bwana Mwangi Waithaka, tutakupatia muda tu wa kuwasalimia wananchi, halafu tutakupatia muda baadaye –kwa sasa unaweza kuwasalamia wananchi tu-, halafu tuendele.

Mwangi Waithaka: Hamjambo?

(Hatujambo)!

Speaker: Haya sasa tutamwita Joseph Njogu Ngure. Joseph Njogu Ngure, please welcome...Eee? Jina niko nalo hapa ni Joseph Njogu Ngure, ni wewe? Umesema wewe ni Ngure? Haya endelea.

Joseph Njogu Ngure: *(Speaks in Kikuyu)*

Translation: When I think about the people of Kinangop, I see that they have various problems. One of the things I would like the constitution to address is, that the young people should not be treated or be equal with the adults. As our country is, a person should be treated the way she or he is. Point number one:

Policeman should be given a salary that is sufficient for his work. He should not be the person who is to rob a person on the way.

- ◆ The second issue that is important is, that a farmer should not be asked, ‘where are you going’, any time.
- ◆ Third, I will speak this on my own behalf; this is how I feel. If a policeman can cause an obstruction or can stop us to know the way so that you don’t go to work tomorrow- the country is large- there should not be a person who is beyond 28 years old and is dependant on the parents. If there is land, and that land is idle, being inhabited by wild

animals, this person should be given that portion and work on it. Is it an animal that will make use of the land or is it a person? So, a human being can be able to help the animal, but the animal cannot help a person.

An elephant is good, and is a treasure to the country, but that person who is landless, this young man who is landless and has no place to go and work, he has no land to go and till, now what is the use of that land? Or what benefit is the animal getting from that land, whereas this person is being denied that portion of land?

I would like this to be put in the constitution, every young man who is 28 years old, should have a portion of land. This portion of land could help even a wild animal. Everybody supports the government and therefore the government is there to protect that person.

Thank you.

Com.Wanjiku Asks a question in Kikuyu)

Translation: She has asked, what about the ladies who are 28 years and over?

Interjection.

Joseph Njogu Ngure: (*Answers in Kikuyu*).

Translation: He has spoken about the young man and because he is the security to the women.

Joseph Njogu: (*Speaking in Kikuyu*), translation: Okay, if I speak about a lady who, we divorced and already has my children, now, she takes the children to her parents who are rich; now, she has refused to get married to me because the parents are rich, now who's problem is it? The population that we have in Kenya...

Interjection. (*Applause from the audience interrupts*),

we have many women than men.

Com. Wambua kama nilivyowaeleza, tunarecord views zenu hapa, kwa hivyo mkitoa sauti hatutasikia. Hata mkicheka, cheka kidogo tu lakini sio sana.

Joseph Njogu: I have talked about the man because the man is the owner of the country.

Interjection

Com. Wambua: Okay, twendelee sasa. Tutamwita bwana Peter W. Maina, businessman. Peter W. Maina...

Interjection. (*Noise from behind that's unclear*)

Com. Wambua: Peter W. Maina... Five minutes, dakika tano tu msome yale ambayo mmeandika hapa.

Maina: Memorandum of expression for the new constitutional review, by the Kinangop forum on constitutional review.

Minutes:

Com. Wambua Wale wengine nikina nani?

Maina: Iko Stanley M. Wainaina, na iko mwingine anaitwa David Nyanjeri, na huyo Maina... Okay sawa, sawa.

Memorandum of expression on the new constitution review Commission, by the Kinangop forum for the new constitution review.

Minutes: The members have always put forward the need for a new constitution, and have been willing to take an active role in this effect. Therefore they have agreed that as a matter of agency, the present constitution should be comprehensively amended in the following areas, by December 2002.

Education, Health, Shelter, Land, Economy, Administration and Environment.

Education: There should be a free basic primary education for all. There should be loans from the government for all the students in public universities. That is, the government should provide or give loans to all students in the universities.

The constitution of Kenya should be taught in all primary schools, and should be translated to all languages in Kenya, for ease of understanding.

There should be tough rules on minor delinquent provinces in order to curb strikes and general lawlessness in our schools. School administration should be strengthened in order to ensure good learning standard. This will curb teachers engaging in business and other activities. That is because they have been employed by the government. Refer to the old system of education, i.e. the old system of government immediately. Private schools should be licensed to operate in strict guidance of the ministry of education in order to ensure that they meet the standards laid down in the education act. The quota system of education should be scrapped in order to give way for students in primary schools to be selected to the National schools on merit...

Afya. (Health): There should be a free medical scheme in our government Hospitals to public health workers should not

operate, or be affiliated to any private health facility. The health personnel should be paid properly in order to deter them doing other business apart from which they have been employed to do. The health officers should abide and follow proper health edicts according to the hypocritical oath they have taken upon graduation. Herbal medicine should be allowed to be administered by licensed traditional health workers as an alternative medicine.

Cost sharing in our government hospitals should be abolished. Public health rules should be strengthened and enforced in order to eradicate many communicable diseases. That is, public health rules should be enforced.

First aid should be taught in schools, as a curriculum subject and also in our health institutions, free of charge, including volunteers. First aid kits should always be available in public offices, public transport systems and in all motor vehicles. In order to control the Aids/ HIV menace, an Aids.. (Inaudible), drug should be imported, given free by the government, to all HIV patients, in our medical institutions.

Shelter: In shelter we also include drug issues in our country. Every Kenyan has a right to own or inherit anywhere in Kenya. Landlords should be deliberated in order to have a balanced ownership of land. A person with more than 300 acres of land not properly utilized, should automatically lose the right of ownership.

Interjection.

Com. Wambua: Bwana Maina, tulisema uzungumzie mambo ambayo yako katika hiyo memorandum, na tukasema usiyakamilishe sana na muda hautaturuhusu. Kwa hivyo, ongea maneno ambayo umeandika kwa kifupi halafu, memorandum tutaichukua, tutaisoma sisi wenyewe, halafu tutasikia ni maneno gani ambayo umezungumzia hapo. Kwa hivyo, highlights pekee yake tafadhali.

Maina: A person with more than 100 acres not properly utilized, should automatically lose right of ownership to the government, which should then be subdivided the land to landless squatters in the country.

There should be a right of inheritance of land or property by either spouse, siblings, parents or any other person desirable, by the owner of the said piece of land or property according to the customary wishes of the said owner of the property.

Kwa upande wa uchumi,-Economy: Kenya being an agricultural economy, there should be a need for the cause of produce of agricultural crops, to be subsidized by the government e.g. fertilizers, seeds, insecticides, fungicides and others.

The road systems, particularly the feeder roads should be properly maintained in order to aid the flow of the produce to the market.

Taxes should also be minimized at an affordable rate. This one. ...(Not clear) taxes should be abolished. Local resources should also be controlled and should benefit local residents.

Administration:

(Com. Wambua interjects).

Com. Wambua: Naona utatupatia hiyo memorandum, halafu tutaenda kuisoma.. basi malizia ile ya mwisho halafu ukomee hapo.

Maina: Wacha nimalize hii halafu niwapatie.

Administration: The presidential candidate should garner 50% of popular votes in order to be declared president, upon which, if there is non-who garners the said percentage, there should be a run-off, between the first two candidates with more votes. Minimum qualifications of Presidential aspirants should be 35 years, and not above 64 years of age. The defeated president in a poll, should hand over power upon swearing of the President.

Com. Wambua: Sasa tutakoma hapo bwana Maina, tafadhali patiana hiyo maandishi hapo, halafu tutasoma sisi wenyewe, maanake muda sasa –hata umepitsha hiyo dakika kumi- tafadhali.

We will read the memorandums. We will read them very carefully in English, lakini Kwa kifupi tu, yule ambaye alikuwa anatafsiri, hebu yapitie yale ambayo amesoma kwa Kikuyu, halafu yeye ataweka kule, tutaenda kuisoma. Peleka huko tafadhali.

Translator: *(does the translation in Kikuyu).*

Com. Wambua: Tumwite Angelo K. Muchiri. Angelo K. Muchiri... Haya, Angelo K. Muchiri hayuko. Basi tumwite John Karanja. Ndung’u Jesse Kamutu....

Jesse: (speaks in kikuyu)

Translation: I’ m Ndung’u Jesse Kamutu, a farmer and salesman by profession, I am representing farmers as a leader as well as a women’s group leader. As a farmer, I would like to see the following:

- ◆ We would like to have basic infrastructure, that is, the provision of all feeder, all-weather roads.
- ◆ Protection, i.e. the local farmers to be protected against grabbing. *(He then translates into Kikuyu).*
- ◆ Research finding. That is to research on crop production to be revealed directly to the farmers. For example, *(speaks in Kikuyu)*, so we would like that as soon as their research findings are out, we would like those seeds to be directly taken to the farmers, at a subsidized price.
- ◆ Marketing channels: Creation of marketing channels such as farmers marketing groups. *(He then speaks in Kikuyu)* so

marketing channels.

- ◆ Protection of water catchments areas: (*Speaks in Kikuyu- no translation*), so catchments areas should be protected.
- ◆ Irrigation projects: As farmers,- all farming areas to be provided for with water for irrigation purposes. (*He speaks in Kikuyu*)
- ◆ Subsidize for farm in-puts. For example, fertilizers, seeds, herbicides to be at the reach of a farmer. (*Speaks in Kikuyu*).

And finally, as a women's leader, we would like to have free education for all girl child. This should be made compulsory. (*He speaks in Kikuyu again*).

Aids vaccination: The government should look for ways to curb this menace. For example, we could have free checks and issuing of certificates.

And finally, compulsory medical insurance schemes, for example, National Hospital Insurance Fund. I think that is all.

Com. Wambua Tutulie, tutulie tafadhalini mpeni muda analize yale ambayo alikuwa anataka kusema. Kwa hivyo msije mkapiga kelele halafu tukose yale ataongea.

Jesse: Translates what he had just said earlier and then ends there.

Com. Wambua: Okay, tutamwita Gichuki Patrick Njiru, okay hayuko. Hezron Ndumia, Hezron W. Numia.

Hezron W. Ndumia: Ahsante. Yangu – I think I will use English, so that I may be quicker. I want to start from the very top job, and I want to say this, people should elect the president, and people should also elect the Vice President. The president should not appoint him. When the term expires for the president, the very major day,- my suggestion is, we have any member of parliament to be the interim president,- who shall not vie for the sit or the Arttony General to run the government. The other one is, the powers of the president should be reduced in-fact our current president is overworked. When we hear of – for example, we hear of offering degrees, he is the one to go and give out the degrees and open roads and all that. I would rather say this: for example if it's a chancellor, we have the chancellor but not the president to be the chancellor and then the others to be the vice-chancellor. We have- within the universities for example- we have the main chancellor to be offering the degrees so that we can experience the work they are doing. If it is the ministry of roads and transport or whatever, we have the minister in charge opening the roads and the buildings and all those. Not one person to be 'Jack of all trades.'

Then we have this one like the MPs, the Member of Parliament we would like is MPs who are learned, not a matter of having MPs who are –yaani an MP to be elected because he is rich, so that when they go to Parliament, they can reason together and

come up with conclusive ideas. For example, you are – we learned of another person, -although that person is dead-, saying that the body of the late Mzee Jomo Kenyatta be taken to court because of things he did when he was alive. So we need some – we need people who are a bit learned.

Then I come to the office of the Attorney General. The Attorney General's office these days is not respected. Now and then we hear that Amos Wako is being sued and sometimes back we were not hearing the office of the Attorney General when Mr. Charles Njonjo was there. It was very much honored. So we want the office to be honored. Because the office is not honored, that is why we are hearing files missing, files are missing.

And then we come to today. When a person is caught and is taken to court –may be he has committed a bit serious crime, we keep on hearing that the ruling is not being made because the committal documents have not come from the office of the Attorney General. It seems that he is a bit reluctant or the people concerned are not serious with their jobs, and in the long run we hear the person has, –yaani the evidence is not there or the file has missed- then you see the person being set free.

I would rather say this, or I would rather add this, we at least try to use the Islamic law. In fact somebody had mentioned it here, –if you steal your hand is cut, the next time you steal, the other hand is cut -. I would also support that because, a person steals here or a person kills somebody is taken to court and is put in remand, and then in a very short time you just see the person here and the person will still go on with committing other offences, because may be somebody big there is- is having a shade .So I'd rather say if a person commits a crime the trial should not stay long, he should be sentenced either to death and people witness that the person has died.

We come to education: I support the old system of 7:2:4:3 because it was a bit concentrated, and the people we had during that time were a bit serious with studies. And then the minister for education, or any minister who is given the job, the person should be qualified. I don't want to emphasize on that because it has been said here.

We come to boundaries: Boundaries, this one has affected our constituencies so much and we hear of boundaries when we come to election. This one is done so that it can favor the person to be elected in that area. The 'gerry mandering,' – it is so called, 'them who do lose'. For example, the Maragua district that was cut from Thika. Currently they are – they do not know where the headquarters are, and if they know there is a dispute. They want the headquarter to come at Kenol. You know Kenol, at the junction. And it was only done that so that the constituency can suit somebody, so that he can enter or he can go to parliament. Not forgetting districts like Laikipia. It is a very big district and the administration there is very much poor. The headquarter is at the border of Laikipia district and Nyeri district, so they can –them who are curving the boundaries, don't think of the services to give to the people, but the population- because the people there love you – they belong to such and such a party; then you hear of a boundary or a district being curved.

Then I come to elections –elections.

Interjection.

On my side I'd like all parties to be given money for the campaign otherwise when the money is not given to the various parties, this is where we get money being minted, and we have got a lot of money in circulation and I would rather urge Mr. Nyaga, the governor, this time to be a bit harsh or very strict so that we don't get any money which is minted or printed because we are approaching the campaign time.

Then we come to the constitution. The current constitution which is being reviewed –on my side, I'm saying that it is a long term thing- so that... I mean this, it is helping us now, and it shall help our children and their children who shall come after 20 years. So I support the Ghai Commission, and his team. Kanu chiefs or the Kanu hawks, who want to influence the constitution in their favor, should not influence him. I don't support the extension of parliament, but we give Prof. Ghai enough time, so that he can make the constitution to favor us now and 100 years to come. I would like to suggest that the President should stay in the office only for two terms. And my terms are four years not five years this time so that he can stay in office for eight years only and no more, I end my opinions there.

Com Wambua: You said that you prefer *(inaudible)* of links as a function for criminal offenders to be *(Inaudible)* to be *(inaudible)* clothes, and even you were saying that you want big tactics, are you suggesting that we should not have a procedure whereby people are tried and convicted? Are you suggesting that we should abandon that?

Jesse: I'm not saying that we should abandon, but in other cases it staying too long, and you are –we hear of people being set free after three years – that the documents are missing or there is no enough evidence to accuse the person, because it has taken too long. So we would like, - if a person has been caught, - then the person should not be kept so much in remand. It should at least be quickened. Otherwise, people are dying in remand or they are being set free.

And the people, in fact are the ones who have made the mistake, if a person has killed, and we members of the society know that the person has killed, the person goes to remand, he stays, we hear that the committal documents have not come from the Arttoney General's office. In the long run we just see the person being set free, and he will come back to continue doing mistakes, because maybe they have shelter or somebody to defend them. So I would rather say that we respect the office of the Arttoney General, and then, the Arttoney General should not keep the files in his office; he should just let them be released on time.

Mine was just that.

(Translation is done in Kikuyu).

Com. Wanjiku: Thank you very much, Hezron Ndumia please...hayuko...

Eliud Githiri: (*Speaks in Kikuyu*).

Com. Wanjiku: Thank you so much Mr. Eliud. Thank you mno Mr... Can we get somebody to do the translation? Like... You talked about employment just (inaudible). Okay, he referred to employment...

Interjection

Com. Wanjiku (translates Eliud's views): Hold on, now I am translating for Eliud. Okay, he talked about employment, ministry, free education, access to health facilities, formation of the village committees to assist the councilors, the election of Vice President from an opposition party, issues related to coalition government, police officers and corruption, and those were the major issues.

Com. Wanjiku: Peter Kamau. *Na dhudha wa Peter Kamau tugokoro na Justo:*

Peter Kamau (*Speaks in Kikuyu*)

Translator: He has highlighted on security, National bodies, about the forests, - security of the forests-, and he has also touched on Provincial administration that should be elected by the people.

Com. Wanjiku: Okay, thank you very much. Thank you. ... Justo...

Justo Mung'ondi: Ninawashukuru nyote ambao mmefika kwa hii mkusanyiko wa leo, lakini la kwanza nitatangulia kuwakosoa nyinyi watu wa constitution review Commission. Kukosoa kwangu ni kwamba, constitution ile ya zamani, hamjatuletea tusome ili tujue tunabadilisha nini. Isipokuwa, watu wanafikiria kutoka kwa akili zao tu, halafu wanaandika maneno wanakuja nayo hapa. Ndipo mnaona watu wengi wanachanganyikiwa, tunashindwa cha kusema.

Basi tutaenda katika mjadala wa leo, mimi nitaanza na cheo cha Rais. Ningependekeza kwamba Rais awe akichaguliwa na kura zile za majority. Kura zile zimepigwa zote nchini, zihesabiwe. Yule ambaye anashinda- zake zikiwa nyingi-, huyo ndio awe Rais, lakini mambo ya 65%, 51%, hiyo iondolewe. Na huyu Rais akisha chaguliwa, awe akihudhuria vikao vyote vya bunge, kama vile maRais wa nchi zingine wanavyofanya. MaRais wanahudhuria vikao vya bunge, ili kama kuna swali ambalo linahusu ofisi ya Rais aweze kulijibu. Muda wa Rais kukaa ndani ya bunge, ama muda wa Rais kutawala iwe ni miaka miwili,- ni term mbili ya miaka mitano mitano.

La pili, ni kuhusu umaskini: Ningependekeza kwamba, tuwe na sheria kwamba, watu ambao ni maskini watengewe angalau hata kama ni mshahara kwa kila mwezi, wawe wakipewa pesa kila mwezi ya kuweza kuendeleza mahitaji yao ya mara kwa mara. Kama nchi nyingi tunazo ambazo zinagharimia watu ambao hawajiwezi, ambao sisi hapa tunaita masikini. Wanaangalia masilahi yao kwa kuwapa at least kila mwezi, kiwango fulani cha pesa ambazo zinaweza kufanya huyu mtu ajiendeleze katika maisha yake ya kawaida.

Jambo la tatu ni kuhusu mashamba. Watu wengi wameongea kuhusu mashamba hapa, na ni jambo ambalo linagusia kila Mkenya. Kuna mashamba mengi sana ambayo yanakaa bure; watu wamesema kwamba kuna wanyama ambao wakaa hapo. Ndio, sio vibaya. Wanyama wanatuletea pesa kupitia kwa watalii, lakini kuna wengine ambao wana mashamba makubwa na ni mtu mmoja pekee yake. Mimi ningependekeza kwamba, Commission hii irecord chini kwamba, Mkenya yeyote ambaye hana shamba, ama wale ambao wanaitwa squatters, angalau serikali iangalie na iwape kila mtu acre mbili mbili, ili tusije tukawa na squatters. Miaka arobaini tukijitawala, ni vibaya sana kuwa bado na jambo la squatters.

La nne ni kuhusu trespass. Hili neno trespass lilikuwa wakati wa ukoloni, na mkoloni alileta neno trespass kwa sababu hakutaka uingie mahali pake wewe mtu mweusi. Lakini sasa saa hii sisi watu weusi wenyewe ndio tunajitawala, neno 'trespass' liondolewe kabisa katika Katiba ya Kenya. Mkenya awe huru, anaweza kuingia mahali popote na ahudumiwe. Ukienda mahali pengine, kama vile reli, kule ukienda pale ndani ya reli, utaambiwa kwamba umekanyaga reli. Na hata ukikanyaga hiyo reli ni chuma, haiumii lakini utaenda kushtakiwa. Kwa hivyo hiyo maneno ya trespass iondolewe, kila Mkenya awe huru kutembea mahali popote.

La tano ni kuhusu elimu- education: Ni hivi tu mwaka huu tulitangaziwa na Rais wetu ya kwamba Primary education iwe free, lakini sisi wazazi bado tunalipa. Ingekuwa bora iwe kwa Katiba kwamba,- na itiliwe maanani- kwamba elimu ya kutokea standard one mpaka standard eight iwe ni free, na iwe ni free. Sio eti kwamba tunaambiwa ni bure, na hali sisi wazazi huku tunaambiwa tutoe shilingi mia tano. Hiyo sio bure. Kwa hivyo iwe ni elimu ya bure, vile tulikuwa tukisoma tu zamani. Zamani sisi tuliposoma, hakuna siku tuliambiwa kwamba utanunua ruler, utanunua vitabu, hivyo vitu ulikuwa ukivipata darasani, mpaka rubber unapata. Lakini siku hizi tunaambiwa elimu ni ya bure, lakini mtoto kesho anakuja anakwambia kwamba baba, nimefukuzwa school fees, unashindwa hii school fees mnasema ni ya bure, inatokea wapi. Tafadhali elimu kama ni ya bure, iwe ndani ya Katiba ni ya bure.

Jambo la sita,- na nitamalizia hapo-, ni kuhusu vyama vya upinzani. Mimi ninapendekeza kwamba tuwe na vyama vya upinzani vitatu vyenye nguvu. Vitatu pekee yake vyenye nguvu. Hivi vyama vingine vyote vifagiliwe viwekwe kando. Na hivi vyama vitatu, serikali iwe ikivigharimia tukienda kwa uchaguzi. Na hiyo pia, tukiwa na vyama vichache kama hivyo, tutapoteza ile neno ambalo kila wakati tunaimbiwa: "ukabila". Kwa sababu tukiwa na vyama vitatu, tutajumuisha makabila arobaini na mbili yote ya Kenya na ambapo neno 'ukabila' litapotea. Ukabila unatokea kwa sababu, vyama ni vingi na kila kabila kitakuwa na chama

chake. Nafikiria nitafikia hapo, na nimeshukuru sana. Ahsante.

Com. Wanjiku: Ahsante sana justo. Henry Mokambo... na Henry Mokambo akimaliza, tutakuwa na Johnson Waruingi Njogu.

Henry Kambo: ahsante sana. Lile jambo nilikuwa nataka kusema ni,- mwanzo kabisa- mimi ni mwalimu na nimeweza kufundisha miaka kadha wa kadha. Lakini, licha ya kwamba mimi ni mwalimu, ile nakala ya constitution ya zamani, ambayo naambiwa leo nije nitoe maoni kuhusu vile tutakavyo ibadilisha, sijawahi kuiona hiyo constitution. Kwa hivyo, mimi ningependa iandikwe katika Katiba mpya, kwamba Katiba ni swala muhimu sana ambalo linatikiwa kufundishwa kutoka mashinani. Hivi ni kusema kwamba, mtoto akifika darasa la tano, ambapo mawazo yake huwa yamekomaa, aanze kufundishwa pale pale. Kwa sababu ikiwa watu wazima kama sisi hatujui constitution, ambayo tunatakiwa tubadilishe, iko namna gani, mbona leo tuambiwe tuje tubadilishe? Na kitu ambacho hujui, utabadilisha namna gani?

Kwa hivyo, civic education ni muhimu sana, na mimi naona, hapa Njabini pale hatukufaulu. Lakini kuna mambo mengine ambayo ningeweza kusema yabadilishwe. Kwa mfano, mimi nataka kwanza, uwezo wa Rais upunguzwe. Katika Katiba ya sasa, ofisi ya Rais ina departments zaidi ya thelathini, na mtu anaweza kushindwa, Rais , mtu mmoja tu anaweza kufanya kazi hizo zote namna gani. Yeye ndiye mwenye mamalaka ya registration ya births na deaths, kutoa vitambulisho, uhamiaji, utawala wa mikoa, nini, mambo hayo yote utashindwa Rais ataweza kuyakabidhi namna gani?

Kwa hivyo mimi nataka uwezo wa Rais upunguzwe ili department hizo ziweze kuenda kwa zile wizara ambazo zinasimamia kazi hizo. Mbali na uwezo wa Rais kupunguzwa, pia ningependa swala hili la mashamba lishugulikiwe kwa ustadi mkubwa sana. Hapo mwaka wa sitini na tano kulikuwa na Africanisation programme, ambapo uchumi ulitakiwa utwaliwe na sisi wakenya. Lakini kwa sasa ukichunguza vizuri utaona kwamba, mashamba ambayo ni makubwa na yale mazuri, hayamilikiwi na wakenya asilia. Mashamba hayo yako mikononi mwa wazungu, mikononi mwa watu wengine ambao si wakenya. Na kama watu walivyo kuja hapa nakusema, wengine wetu sisi wakenya asilia tuna mashamba makubwa ambayo wengi hatuyatumii.

Mimi ningependekeza Katiba ya Kenya mpya iandikwe, ili kwamba wakenya wenyewe waweze kutawala uchumi wao. Kwa nini benki kubwa kubwa, kampuni zote, -tuseme uchumi wote sasa uko mikononi mwa wageni, mbona sisi wakenya tumenyimwa ule uhuru wa kujitawalia uchumi wetu sisi wenyewe? Kwa nini iwe hivyo? Nataka waafrika wenyewe wakubaliwe kumiliki mashamba yao, kwa sababu nyinyi mababu zetu na nyanya zetu ndio mlipigania uhuru. Ardhi ni yetu. Kwa nini iwe wazungu kuja kujitawalia mashamba makubwa makubwa sana- na hata wale watu waliowaajiri pale, mshahara hauwezi kuwatosha. Mimi naonelea, uchumi urudishwe mikononi mwa wakenya.

Jambo lingine limesungumziwa lakini nitalielezea tu, ni kuhusu adili. Katiba ya Kenya sasa inatoa huru wa kuabudu. Lakini uhuru huu unatumiwa vibaya, hivi kwamba kumezuka makundi mengine ambayo yamekuja kwa jina la dini, lakini makundi yale

tunaona kweli mengine siyo ya dini, bali ni walaghai wavumi. Kwa hivyo, katika Katiba mpya, ule uhuru wa kuabudu uweko lakini uchunguzwe kama kweli ile ni dini nzuri, - hapo patakuwa na shida kwa sababu dini ni mambo ya kiroho, na unaweza kuamini utakavyo.- Lakini ule uhuru usitumiwe vibaya, kwa sababu eti ya jina la dini. Sitataja makundi hayo, kwa sababu mnayafahamu nyinyi. Kwa hivyo, serikali iangalie dini zinazo kuja ni namna gani.

Jambo lingine ambalo ni muhimu kuandikwa katika Katiba mpya, nikuhusu hawa watu wanaoitwa 'Provincial administration'. Mimi ninaunga mkono wale watu wanaosema, tuwachague sisi wenyewe. Kwa sababu ikiwa ni Rais anayewachagua watu hawa, ikiwa Rais atapewa uhuru wa kuwachagua watu hawa, wao watawajibika kwake na wala sio kwa raia. Ukimfanyia mtu kitu kizuri, atakulipa kwa uzuri na wala sio kwa ubaya. Kwa hivyo watu wanao chaguliwa na Rais, hawawatumikii wananchi, bali wanamtumikia yule mtu ambaye aliwachagua. Kwa mfano, tume ya uchaguzi. Wale ma Commissioner wanaohudumu katika hii tume ya uchaguzi,- kwasababu wameteuliwa na Rais, - watapeleka mambo yake vile anavyotaka kwa sababu wanamwogopa Rais. Kwa hivyo tunataka bunge irudishiwe mamlaka yake. Kwa sababu hapo zamani, kwenye Katiba ya zamani, bunge ndilo lenye uwezo wa kuwachagua watu hawa. Na ikiwa bunge litarudishiwa hayo mamlaka, basi hao ma Commissioners hawatokuwa na uoga wa kufanya kazi katika njia huru. Lakini katika hali ya sasa, wale ma Commissioners wanafanya kazi kulingana na vile Rais anavyotaka. Kwa sababu amewachagua yeye anaweza kuwafuta kazi jioni au kesho au kesho kutwa. Ukifanya kazi kwa uoga, hutawatumikia wananchi, lakini utamtumikia yule mtu aliyekuajiri. Na kwa sababu mengi niliyotaka kusema yamesemwa, sitarudia. Bye-bye.

Com. Wanjiku: Jina lako?

Kambo: Mimi naitwa Kambo Henry.

Com. Wanjiku: Ahsante sana bwana Kambo, lakini I want to make one clarification, the Commissioners are not elected by the president, they are elected by the parliament, so don't make assumptions. The president is the ceremonial role.

Kambo: I'm talking about the electoral Commission.

Com. Wanjiku: The electoral Commission, they are. Okay, maybe one more clarification, on the issue of the current constitution. Sorry. *Nderaria ohoro wa kwandika Katiba njeru bio ona akegoro ndoye uria Katiba iyo anr ugete. Maoni maria maraheyaono rio tariyu oria andu marauga uhoro wa borithi, kana uhoro wa president, kana huru wa administration maundu macio mothi ne magucoka matransulatwo into Constitution proposals kuogua kwiciria and matigi kuria ati uria muriga nda'uga uguo tondu na andu are magite uguo, nengi ni getha matigeceriye ne mathaa turate akore we nduthomete Constitution nduramenya uria uraga. Maundu maria andu marauga oria and marinda gwatho maundu macio mothii there are part of the revesion of the Constitution kuoguo and matiagerero ni gutigra ona hanini. I agree ati munda akithoma iyo. Andu ni magerero nikwiguo maganere maheyano maundu maria mothe*

Thank you very much Mr. Kambo. Johnson Munene....

Johnson: Good afternoon all of you, Commissioners and listeners. This is Ruanyambo sub-location memorandum.

Preamble: It should have the following:

- ◆ It belongs to Kenyans, common history, vision, aspiration, and wages e.t.c.
- ◆ Directive or principal of state policies. Equality in everything, justice, fairness, pre-(inaudible) of government activities.
- ◆ Constitution superemacy. It should not be changed to suit an individual. It should be changed by public, - this one, we call it national referendum.- And this must be about 51%.
- ◆ Notice to change the constitution, should not be less than six months. There should be 90% of all Mps to vote for any amendment.
- ◆ Citizenship: Kenyans by birth, registration or spouses.
- ◆ Bill of rights.
- ◆ Protection of Human Rights.
- ◆ Food for all
- ◆ Slavery and forced labour
- ◆ Inhuman treatment
- ◆ Liberalization of property
- ◆ Abiteration
- ◆ Protection of laws.
- ◆ Freedom of conscience
- ◆ Freedom of expression
- ◆ Freedom of assembly and association
- ◆ Freedom of movement
- ◆ Clean water for all.
- ◆ Protection against discrimination.
- ◆ Fundamental rights and freedom.
- ◆ Public security
- ◆ Rights of children's education from primary to university. It should be compulsory and free education.
- ◆ We should have free medical care.
- ◆ Right to settlement at the age of 25
- ◆ International Human Rights should be put in our new constitution.
- ◆ Rights of our own markets

- ◆ Land and property rights. The scaling of land owned by an individual should be 100 acres. Idle land, which is private, should be repossessed for re-allocation to landless people, or, owners be highly taxed. Idle land must be re-possessed to trustees under the central government.
- ◆ Notification of public land allocation should be done in daylight.
- ◆ The enactment of the electronic media, description of the actual location and number of the land included.
- ◆ Registration of land should start from locational level.
- ◆ Women should inherit land from both parents.

Political parties: There should be free political parties; there should be free association, assembly and expression, fully guaranteed. There should be access to national electronic and print media and freedom to operate the same within unlimited frequency.

Freedom of movement to all regions of Kenya.

The Parliaments work: It should have fixed calendar, Parliamentarians should attend full sessions, and during voting all must attend. The parliament should approve all Executive appointment, and dis-appointment. Parliament to impeach the president. The parliament should decide the number of ministries, Power to prosecute directly, Parliament to approve all intergovernment treaties, Power to know whether the President signs or not, provided they get 2/3 majority, they should not have the power to decide on their salaries.

An MP should have a minimum of O- Level with a pass. He should be 21 to 65 years of age, and a citizen by birth. Parliament should run for five days a week, from 9.30 a.m to 4.00 p.m. And should be attended by all. An MP can lose a sit after missing eight sessions per month.

The electorate should recall their MP if they see that he is not competent with a signatory of about one thousand.

Parliament to approve war declaration on other countries and ...

Executives. The Executive, - here I mean the president, Vice President, P.S, Ministers, Assistant Ministers (he is interrupted by the Commissioner, -told to wind up). Let me summarize the work of the Executive. The President's qualifications: a university degree, and he should be of age 40 to 70 years. He should be a Kenyan by birth, no criminal or scandalous records, he should have a stable family, should be a God fearing person, and have good morals. He should have two five-year terms in parliament.

Duties and powers of the president:

Should not appoint chief justices, judges and high court judges.

- ◆ Should appoint Auditor general
- ◆ He should not be the chancellor of public universities.
- ◆ He should not appoint Commissioners; it should be done by parliamentarians.

Then we come to Judiciary:

- ◆ Judicial service Commission to be approved by the parliament, although it is appointed by the president.
- ◆ The parliament should create principles to control the Judiciary.

Elections:

- ◆ Equalize the constituencies based on population.
- ◆ Votes to be counted at polling stations and a common certificate be issued to each candidate or agent.
- ◆ Electoral Commission should have a specific date of election after the five years term.
- ◆ Electoral Commission should be approved or disapproved by the parliament.
- ◆ Electoral Commission should be appointed by the parliament.

Management of Natural resources:

- ◆ Our natural resources should be protected under all costs, e.g. water which, as the main source of life for humans and animals should be preserved. Water catchments areas should be preserved.

(Interjection).

Com. Wanjiku: You are not summarizing, you are reading the whole report. Can you just say, 'you have also talked about the following areas', because we have the memorandum, otherwise we shall be here until eleven o'clock at night.

Johnson: Okay, about the local government: Local government should be abolished

Civil service: the parliament and not public service Commission should approve Civil servants salaries.

Retirement of civil servants, - they should be given a two years notice.

Defence and national security: There should be police cells and two police posts in every sub-location.

Foreign affairs, and international relations: Kenya should be independent and should not borrow advices, which are known in constitutions from other countries.

Then come to constitutional Commissions and offices: It should be under control of the parliament.

Taxation and transfer of power: in case of death of the head of state, the Vice President should take the leadership for 90 days, and then the public elects a president of their own after the 90 days. There should not be a... (Inaudible) for government.

My name is Johnson Munene, and I'm going to end there. That was our proposal from Ruanyambo sub-location people.

Com. Wanjiku: Thank you very much, but, before you go, (speaks in Kikuyu).

Johnson: Yes! That one, Local government should be abolished because it has allocated all our market places, public toilets to individual people therefore it should be replaced by ministry of housing and development, which will be dealing with urban and rural areas.

Com. Wanjiku: Thank you very much Munene, from Ruanyambo sub- location.

(The people ask questions in Kikuyu and he answers in Kikuyu).

Speaker: *Atumia magiagero andu ati miana iri, aciare a miana iri ka kuoria atri ni kinya na akuria a'mute na kuria ahikete? Ange koro ndi tueriti totheri na ndere kahii ona kamwe munaine wakwa indo ciakwa atigeriro ni kugaio na muramati anakora aritu akwa ni ahiko ni magerere ni kogaia indu icio. Ti kwenda gwake guu koro ateri na ciana ciahe.*

Com. Wanjiku: Muritu ocio agaiya gethaka kia ethi agekoro githeka kia ithe kana kia muthuriwe? Now we have John Gachoki.

Ara'uga oria otari ni muthuri no ena kahi mwenyewe

Interjection: Noise/ argument

Com. Wanjiku: Thank you. John Gacoki

John Gacoki.

Simon: Hamjambo nyote. Kwa majina naitwa Simon. Ningetaka kuongea jambo la busara sana ambalo Kenya nzima hawajawai kuongea. Kenya nzima, hata wazazi wetu, isipokuwa mwenye amenizaa amejaribu kunilea. Na nyinyi muko hapo mbele, hamna –hata hamjihisi kimawazo kufikiria watu. Kuna walemavu humu nchini, Sheria ya serikali haidumu- haidumu vile tunataka.

Tunataka kufanya hivi, Kenya, mwanzo, sisi walemavu hatuonekani kama binadamu kisheria. Ukienda katika sheria hizi za Kenya, hatusaidiki sisi wenyewe, husaidia wenye wako mamlakani. Katitka orodha la taifa hili, lastahili kuangalia vipofu, viziwi na walemavu. Kama hamuangalii hayo sasa, na nyinyi ni wazazi wetu, na serikali ni yetu. Kenya sasa inastahili tubadilisha

kulingana na vile tunataka,- zetu, (inaudible) ambazo tunaandika ziwe za mwanzo katika sheria...

Mr. Muchugu: Tulikaa chini sisi Ndorobo, tukasema tutajikinga na njia yoyote. Kwa hivyo ulituona kule tukizungumza na leo tuko hapa, kwa sababu, kutawanyika katika –hapa Njabini na Ngairethia-Ngane na Kambaa. Vilevile, mwaka huu huu, tulisikia Enusupukia tunaanza kufukuzwa kama swara, lakini, tunashukuru mbunge wa Juja kwa sababu alituzungumzia katika bunge.

Nitasema machache kidogo. Kitu cha kwanza ni hii National levy. National levy, kuanzia mtu ambaye anapata shilingi elfu mbili kwenda juu, iwe ikitolewa. Kwa sababu hii, schools – primary schools, High schools na universities ziwe free education. La pili, school leavers, wawe wakipewa allowance. Old people wapewe allowance pamoja na disabled Hapo free education, kule ng' ambo, watu wanalipwa namna hivyo kwa sababu ya hiyo free tax. Mtu akisha pata kazi, basi akatwe hiyo bond.

Hiyo ingine, ni President uchaguzi wake uwe pekee pamoja na wa Vice. Na parliament na councilors wachaguliwe siku moja. Iwe- isiunganishwe kama ulivyokuwa mwaka wa 1997.

Provincial administration: During our independence, wakati tulipata, tulikuwa na province nane, Na tulikuwa milioni sita. Sasa tuko milioni 35, na sasa tuko –province nane. Sasa tunapendekeza sisi tuwe na province kumi na tatu. Rift valley iwe imekatwa province tatu, Nyanza province mbili, Nairobi province mbili. Vile vile tuwe na prime minister ambaye atachaguliwa na wabunge wenyewe, na mdogo wake. Vile vile huyo prime minister awe ndio waziri wa local government.

Three arms of the government iwe independent kabisa. Judiciary, Executive, Legislature. Kama hiyo chama inapita na haikufikisha 2/3, basi hiyo serikali iwe coalition government.

Civic education: Tuwe tukiendelea kufundishwa mambo ya uchaguzi, isiwe tu wakati wa kuchaguana. Identity card pamoja na voting card, - mwanafunzi akifika miaka kumi na nane apewe. Siku hiyo anaenda kuchukua kipande, ndio siku hiyo apewe voting card.

Freedom of worship: Hii freedom of worship, tunaonelea ni vizuri kuwe na Commission ambayo inakugua ni worship ya aina gani. Kwa sababu, ulaya, tunaona kuna ile dini inaitwa 'Alqaida' ya Osama, na tunaona vile dunia iko sasa. Je, - tunaona mawingu hapa kwetu Kenya vile inakuja? Kwa hivyo, we recommend hiyo ifikiriwe, kuwe na Commission ya kujua kuwa hii dini ni ya Kikristo au Islamic. Ikiwa ni traditional, iwe ni traditional inayo husiana na vile kabila ilikuwa ikiomba.

Hapa ndio mahali muhimu sana, Area council. Ndugu zangu, kulikuwa na Area Council wakati tulikuwa tunapata uhuru, wakati wa 1963, 64, 65. Tulikuwa na county council, tulikuwa na parliament tulikuwa na senator, hiyo turidishiwe.

Kutoka hapo, hebu tuingie mambo ya **Cash crops**. Cash crop, kama chai, pyrethrum, livestock industry, hiyo ndiyo nguzo ya mkulima, na ndiyo tunaweza kuandika watu wengi. Hiyo tunataka iwe ikisimamiwa na mkulima mwenyewe. Hii dairy bond

iondolewe. Badala ya hiyo dairy bond, iwe inasimamiwa na mkulima na ndiye anachaguliwa.

Agricultural In-puts: hiyo – fertilizer na kila kitu kinahusikana na mkulima- hiyo iondolewe ile kodi inaitwa custom duty. Hiyo iondolewe kabisa.

Kutoka hapo, kama vile tulivyosema, sisi Ndorobo – tafadhali, tusiharakishwe tena, kuamishwa kuamishwa. Kwa hayo machache, naachia hapo, lakini mjue, tunaungana na watu wa Ngairethie mgare, hapa Njabini na Kaambaa tukawa kitu kimoja ili tusiwe tunafukuzwa kama swara.

Ahsante sana.

Com. Wanjiku: Ahsante sana Mr. Muchugi. (Then she asks a question in Kikuyu). –He answers in Kikuyu.-

Com. Wanjiku: It's a group memorandum? (He answers-yes). Swali lingine moja, hii mambo ya dini, umesema kusiwe na freedom of worship ya waislamu au?

Mr. Muchugi: No, nasema, tunajua kuna freedom ya waislamu, kuna freedom ya wakristo, sasa kuna kuja zingine katikati, zinaandikishwa nyingi nyingi, vitu vingi, hiyo tunataka kuwe na Commission inachunguza hii dini ni ya aina gani? Inaomba vile Mungu anaombwa, au ni kama ile iko ng'ambo ya wataliban na Osama, namna hiyo? Kwa hivyo tunaona vile inaanza kuingiaingia.

Com. Wanjiku: Okay, ahsante sana. George Ng'ang'a, and then Ngugi J. K. Hawako? We go to Joseph Kariuki... Samwel Kinyanjui...Karanja Wainaina...then Mary Wanjiku... Mary Wanjiku...*Niuroka?*

Mary: (*Speaks in Kikuyu*).

Com. Wanjiku: *Ni thank you muno.* Now we have David Macharia.

David Macharia: (He speaks in Kikuyu). I will speak in English, I had earlier spoken in Kikuyu, so that we get proper communication with my elders here, for the (inaudible) review.

Com. Wambua: (Asks a question, but not so clear). This proposal to – which has been (inaudible) are qualified in that field, if they are elected and they don't have people qualified in that, what happens? So are you suggesting that the Ministers or those who head the ministries should not be appointed from the elected members of parliament? Because we can't predict those who are going to be elected. They could be from one field; maybe most of them would be farmers or maybe they would be anything. So what happens in that situation?

David Macharia: I think what they can do there according to me,- this is my opinion anyway,- because I thought that if someone else made a minister for –lets say Local Government or administration or whatever,- if he has graduated in administration, he can do better, rather than going to seek advices and comments from his juniors. That is what I had in mind. Am I, am I, am I- have we communicated anyway?

(He's answered, but it's inaudible)

David Macharia: But in case, in case – in the first place- you know all those who are given the assignment of being a minister or whatever, they are already elected members of parliament according to the old constitution, they are already elected. Therefore if there's no one, then the parliament can consider who is better than the other one. I think we are together now.

Com. Wambua: So you are proposing that when we are forming the cabinet, we can go outside parliament.

David Macharia: Not outside parliament. But somebody who can, somehow better – they are all not equal- there is maybe one or two who is better than the other one. Where possible, yes. But if there are a lot of impossibilities, then there should be an alternative. Thank you.

Translator: Okay, let me just highlight in summary what he's spoken. He has spoken about the revival of industries like Milk, Kenya meat Commission, cotton tannery, that these should be revived. He has spoken about price legislation of consumer goods. He has spoken about protection of human life, and the courts, he's spoken about the judiciary, the courts are being ruled by bribers. He's spoken about employment,- that one man should get one job- Title deeds should be made an important legal document.

The farm implements: that they should be genuine, that any suspected thief should not be tortured while being in police custody.

An M.P. should be 35 years and above, to acquire experience. He has spoken about the economy, that there should be equitable distribution of the economy, including that of land. He's spoken about the abuse of law, that is building of (inaudible) files, and therefore law should be impartial. He has spoken about employment, that those who get employment should be competent upon their education and they should be trustworthy. He has spoken about poverty eradication,- that technical subject should be taught in our schools. About the appointment of Ministers,- that they should be according to the level of educational qualifications and finally, he wound up with the street children,- that they should be taken to school.

Thank you.

Com. Wanjiku: Thank you very much. (She then speaks in Kikuyu)

(Interjection)

Speaker from the crowd: Mulizungumza kwamba first come first served, and I've not talked. Nasema hiyo ni constitution of Kenya review (Interjection). Hatujafuata sheria ile tulizungumza mbeleni.

Com. Wanjiku: (Speaks in Kikuyu)

Speaker: Patrick Lumumba

Com. Wanjiku: Patrick Lumumba, (she speaks in Kikuyu) just be patient. Because we are actually going according to the list. There was only one person we gave preference,- the young man who was sitting here- The one who was disabled. Otherwise the rest of the list (she speaks in kikuyu). Okay, Owen Murima, John Kungu, Amos Wainaina,-he's not here. John Gathoro, John Machege,- you are there- no. Mukungi Joseph, Patrick Mwagu, Patrick Mwangi, David (not clear),-no.

Peter guchio, Karagwe Paul, Joseph Njogu, Simon Gatheiya,-you are there- Okay, Simon Njuguna, Isaac Njoroge, Gacheru Paul, Muharu Njoroge, Kimani Gitau, Maina Ng'ang'a, Lilian Karanja,- you are there- Okay Essau Esther Muraga, Joseph Kahugu, Mary Wamaitha, George Wainaina, sorry, George Mwangi, George Maina Kihara, George Thiong'o, Josiah Mwangi, John Maina Mwetha, Patrick Ngugi, Nyokabi Wanyeki, Githu (not clear), Samwel Njoroge, James Mburu, Stanley Wainaina, David Mungai, Loise Gakure, Paul (Unclear) Njoroge, Benson Wangegi, Uruni Ng'ang'a-(she speaks in Kikuyu), Mary Mumbi, Elizabeth Wangari, Michael wa Macharia.

Okay, Geoffrey Njoki, Mary Wanjiru, Ngunjiri Paul, Reverend Father Gerry,- I think they gave you an opportunity- sorry Lumumba there were two people. Susan Jane, Doctor Gerry Mathengi, Doctor Raphael Mathenge, Peter Kiguthia, Peter Njoroge, Peter Kamau, Patrick Njoroge, Joseph Njoroge, Eva Njoroge, Dominic Njuguna, Paul muiruri, John Ngugi, Margaret Muthoni,- Umeandika mara mbili?- John Maina Njoroge,-you are there- Lucia Jane Ng'ang'a,

(Interjection).

Com. Wanjiku: No. Maybe what they mean is that they are not going to speak

Speaker: They are no going to speak? (speaks in Kikuyu)

Com. Wanjiku: (Speaks in Kikuyu). Then you should be on the list. There is somebody called Lorodo, Lorodo, are you there? (Speaks in Kikuyu). Okay, Samwel Ngethe, Allan Wachira, - you are there-Samwel Gethani Kigia, - you are

there-Thomano Kiaire, Martha Nyakio, uwe hau? Eha? Neroka? Okay. Doctor Kuria Methu, George Kariuki, Kamau Kimani, Beatrice Wambura, ee hau? Okay thank you. James Ngethe, George Kimani, Peter K. Mwangi, Paul Kamau, Reverend Samwel Gethainya, Samwel Wambura, David Mwihia, Ben Wangari, Lydia Nduta, Charles Maina, and Gabriel Kiarie.

Now we can continue, so we name...(speaks in kikuyu). Okay, Peter Kihio, Kimuyu...ooh! Nowe...(speaks in Kikuyu), thank you very much. Simon Njabiru? Gathai Okay.

Simon: MaCommissioner wetu...(interjection)

Com. Wanjiku: By the way, where is Lumumba? ... Did you put your name down?

(Interjection)

Com. Wanjiku: Excuse me, if you were the first team, (Speaks in Kikuyu). Okay excuse me (speaks again in Kikuyu).

Com. Wambua Kiongo Mwangi, where is Wilson Mburu Njuguna? He is there. Paul Kamau Gichina, then follow that order please. Tuanze na Kiongo Mwangi, Paul Njuguna, halafu afuatiwe na Paul kamau Muchina.

Kiongo Mwangi: I am Kiongo Mwangi by name, a Kenyan citizen, very simple and patriotic, and I'm a talker and joker by profession. I am going to be very quick indeed; and specifically I'll talk along these areas:

Education

- ◆ Separation of powers
- ◆ Presidency
- ◆ Political parties
- ◆ Legislature
- ◆ The process that should be followed while changing the constitution.

Education: the 8-4-4 system does not work. For example, after the first 8years and then the second 4 years of secondary education, - you see that is where we get all the people, to go to the universities, to join the police force, agriculture colleges and what have you.- So, instead of having that 8-4-4, it should be scrapped and then be replaced with the older system, which was 7-4-2-3. So that, once the scholars have finished after the seven years of primary school course, we can have the second lot going to the form four. Some to be admitted there to join some sectors, others to go for the A-Levels, and there after, the final ones to go for the three years university education.

Two: Education, right from the primary level to the university level should be made free and compulsory. As it is made free and compulsory, then both boys and girls should have an access to this particular free and compulsory education.

Still on education, of late there was this Davy Koech educational Commission. And up to now we have not yet seen its findings. So, I propose that, any other Commission in Kenya, whether it is on devil worship, educational, tribal clashes, e.t.c. Those Commissions be made public, and we should have an access to them so that we know exactly what has been going on in this country of ours.

Then under education, personally I don't see the need of having some post graduates, graduating from our universities every year, - whereas - once you come to the job sector there are no jobs.- If Kenya is only able to employ five graduates every year, lets have the five thousand graduates joining the public universities so that they get employed. So we should give as much -you know- of- the university - places or vacancies with the number of jobs there are in this country.

Still at education; If the government has entered into any contract with its citizens, - the workers particularly,- it might have been teachers, and it went to an extend of gazeting it, it means that this is something which is legal, something which is a law. Once they start coming,- to tell the teachers that there is no money in this particular country,- that is something which is very very illegal. So if the government has entered into a contract with its citizens, then it should at least fulfill that, without breaching it whatsoever.

Separation of power: We know that we have three main organs of the government. The Executive, Legislature and the Judiciary. But most unfortunately there are no clear cut lines between this particular three organs. To be specific, the Executive is the one who influences all of them. Take for example; our parliament does not have its calender. The calender of the parliament as per the current constitution is, - you know, - made or decided by the president. Anasema ni wakati gani wa uchaguzi, wakati gani wabunge waende sijui likizo and what have you. The parliament should be independent to come up with its own calender.

Incase of the Executive, we see that when it comes to the appoitment of judges of the high court, the Attormery General, Chief justice that is done by the chief Executive, that is, the president. And this should not be the case. Such a very important people should be appointed by parliament and be vetted, so that we can get the correct personalities, maning those Executive offices. That the Executive should be detached separated from completely from the legislature as well as from the judiciary.

Presidency – Its unfortunate that the people who drafted the very original indepent constitution messed. They gave very many powers to the president. So many powers such that he is for example, above the law. There should be nobody in Kenya who is above the law.

Interjection from Com. Wanjiku: Mr. Kiongo, (she speaks in Kikuyu). Then the – In the recommendation that the president should not be above the law, then we move on to the next one. (She speaks in Kikuyu)

Kiongo: See other presidency, this idea of having some Dot com leading us, I personally do not welcome it. So the age of the president should be from 30 years minimum, to about 60 years. And once he is over 60 years, he should retire and go. Two terms of five years each, so that once the term is over he goes. He should be a person of – at least, a graduate- as far as education is concerned. Somebody who is of good, - I mean somebody who is morally upright.

Then political parties: as per today if I am not wrong, we have about forty two registered political parties. According to me that's a waste of resources, time and even manpower. I would recommend that it be stated that we should only have five maximum political parties in Kenya. And they be funded from the state coffers, yes,- and then, other- these political parties. I don't know how to put it, but there should be no defections. Unaona ya kwamba nimechaguliwa sawa sawa katika chama fulani, and in the middle of the parliamentary term, unaona ya kwamba nimetoka chama changu nimenenda chama kingine. There should be no defection whatsoever. Incase of such defections, it should be even a crime. Kwa sababu nilichaguliwa katika chama fulani na ounc ninatoroka kwa sababu ya pesa. Incase somebody defects that should be now a criminal case, well according to me.

Incise of changing any constitution, the current Constitution will just say that we should have just two thirds of the parliamentarian. I personally see that this number is a bit too low. It should be three quarters of the total number of the MPs instead of the two thirds. As far as the legislature is concerned, it should be so much empowered such that some of powers invested on the office of the president should now go to parliament so that it be made very powerful and very indepent.

Maximum number of Ministers: 15 Ministers, 15 assistant Ministers, 15 P.S and not a matter of having 15 ministries and over 30 Ministers that is very irrelevant indeed. So this is my summary madam.

Com. Wanjiku: Thank you very much Mr. Kiongo. (Inaudible) speaks in Kikuyu. Thank you very much, now Mr. Njuguna.

Mr. Njuguna: (Speaks in Kikuyu).

Com. Wanjiku: Thank you very much. Now, Mr. Nathan...eeh? Is it Nathan Njuguna? Or Wilson Njuguna? Your name I can 't read. And then Paul Kamau, *Paul Kamau areko?*

Wilson Njuguna: (Speaks in Kikuyu).

Com. Wanjiku: Okay, thank you very much. Now, sorry, (Speaks in Kikuyu). ...Paul umekuja?

Patrick Lumumba: Nitawasalimu wazee na wamama, hamjambo? Hamjambo tena? Commission ya review, yangu ni machache. Mimi ni kijana, nilikuwa nimekasirika, -huwa wanasema kwamba anayekuja kwanza ndiye huwa anayehudumiwa, -Hawa wazee mnaowaona hapa wamekasirika na Kenya kwa jumla, wananchi wameshakasirika, na maoni yale tunatoa, na hayatiliwi mkazo kwa jumla.

Mimi ninapozungumza mara nyingi huwa natokwa na machozi, sababu ya kuona vile wananchi wanavyo hangaika na kuteswa. Sitazungumza mengi, nitazungumza machache tu. Commissioners wale wametumwa hapa, nitawaomba tafadhali, yule mtu ambaye aliwatuma kuja kutuhoji sisi hapa Njabini, tafadhali, kwa niaba yangu mimi mwenyewe nitasema hivi, Muende mumwambie, kulikuwa na mtawala wa nchi hii – mzee Jomo Kenyatta. Zile sheria zilikuwa zimewekwa mbeleni, watuandikie kama Bibilia. Musa aliandika sheria zake, mwana wa Mungu alipokuja akazitengeza. Mtuletee hizo sheria, muandike vizuri kama Bibilia, kila mtu vijijini apate. Ndiposa mje baadaye mtuhoji, tuzungumzie juu ya hizo sheria. Kwa sababu wakizungumza shamba, kuna kesi juu ya shamba; wakizungumzia polisi, kuna kesi ya polisi. Mimi sijawahi kuziona hizo sheria. Tukizona vizuri hizo sheria, tutang’ang’ana na nyinyi vizuri. Tuna wabunge wetu, tutawatuma baadaye kama sisi tushapata zile sheria. Tutawauliza, - tuna mbunge wetu hapa, - tumuulize mzee, wanasema nikiwanyaga reli, nina shikwa, tutengeneze hiyo sheria namna gani tukiwa kwa mkutano wetu sisi wananchi wa Njabini. Mimi sitaki kuongea mengi, mpaka wakati tutakapopata zile sheria, ndio tuzitengeneze vizuri, tutume wabunge wetu kule kwa bunge, - wako, wabunge wetu wako, sio nyinyi, - halafu turudi baadaye ndio tutazungumzia hizo sheria kitaratibu.

Thank you.

Com. Wanjiku: Ahsante sana bwana...- hiyo ni maoni ya Lumumba, sindio?- Tutachukua maoni ya kila mtu yule anataka kusema, kwa hivyo ni sawa. Na tutaenda kwa Paul Kamau.

Paul Kamau: Ahsante sana Commissioner na wale mko nao pamoja, na wale ambao wamekuja, kutoa maoni yao. Yangu, kwanza ni kuwashukuru kwa wale walifikiria stake holders, ama wale ambao wanahusika na hii mambo, ndio watakuwa wakiongozwa na hii sheria, kuhusika kwa kutengeneza Katiba yao. Kwanza hilo ni jambo la kwanza la shukurani kubwa sana wamefikiria.

La pili, ni kuomba ningeomba nyinyi, maanake mengi yamezungumzwa mimi nitaenda haraka sana, sitakawia. Nyinyi Commissioners ambao mmechaguliwa, nikiangalia, - wale watu mmechaguliwa ni watu ambao mmesoma, wengi wenu ni advocates ama niseme lawyers, na itakuwa jambo kubwa sana,-na ndio nataka kuweka hii mkazo,- tutoe maoni yetu sisi watu wadogo katika mashambani, na nyinyi watu mumeelimika, - na tunajua ya kwamba hata kama hatujaulizwa, tungenesema kuna watu na wanaweza kutengeneza hii Katiba,- kulingana na vile mnataka watoto wenu,- sio nyinyi,- watoto wenu wawe wakilindwa na sheria ambayo itawekwa katika njia hii bila ubaguzi wowote na kila rangi.

Nitawatuma mkienda huko muambie wengine, points tumetoa nyingi, na ingine inalingana tu, lakini ni kurudia tunarudia mimi

naona. Lakini nyinyi wenyewe mfikirie, siku moja itafika, wewe mama wewe baba, watoto wako watakuuliza swali, tulitengeneza tukatoa maoni yetu, kwa nini nchi yetu imetupitishia kwa ule moto tu, na zile shida zilikuwa hapo mbeleni. Hiyo nimewatuma, mjaribu muone vile mambo yanayotolewa, ni ya kutawala nchi hii yetu bila ubaguzi na bila chochote cha mapendeleo. Basi wacha niende kwa mambo yangu.

Jambo la kwanza ni mambo ya shida ya kuajiriwa kazi, ama lack of employment. Na ningesema kwa kifupi hivi, niseme kwa kifupi badala ya tafsiri, itakuwa muda mrefu. (*Speaks in Kikuyu*),..... Ukabila na undugu, na nyinyi ndio mko katika pale top. Wale watoto wa masikini hawapati kazi, si ni kweli? Wale watoto wa matajiri wanachukuliwa mbele, hata kama hawajahitimu mihani sawa, sawa, anaendesha hiyo ofisi kubwa, kwa sababu baba yake ama mama yake ana uwezo. Ama ndugu zake ama dada zake wana uwezo. Tunaomba sasa kwa Katiba mpya, muone kwamba hiyo imeondolewa, kusiwe na ubaguzi kwa mtu yeyote, kazi ziajiriwe watu kulingana na vile wamepita. Wale hawajapita sawasawa watafutwi mambo mengine na serikali. Iwekwe katika Katiba.

Shida ya wale ambao wamesoma na wameacha masomo,- yaani school leavers.- Mapendekezo yangu ni hivi: wawe registered na serikali, kama tu wangukuwa wameandikwa, kutoka standard seven ama eight, form four na university. Na wapewe kazi, ama training kulingana na vile wamepita. Wale wamepita vizuri hata kama ni mtoto wa masikini, ama kama ni mtu kiwete, apewe ile ofisi inalingana na yeye. Hiyo ndiyo maombi yangu. Yule anayebaki, kuna kazi ya polisi, kazi ya askari, kazi ya labour, apatiwe huko, na uwe ni mzigo wa serikali maanake tumesema tumeomba masomo ya bure, kwa nini tupoteze wale watoto wengine? Na zaidi wale wa masikini? Tunajua kweli, tukiulizwa maswali mengi, watoto wa masikini ni werevu, na wengine wana akili sana na wanatupiliwa mbali, kwa sababu hawajulikani popote, tunaomba hiyo.

Wakiwa wanachukuliwa kwa register, tuondoe mzigo kutoka kwa wazazi wa watoto. Wakiwa wamemaliza masomo, ni wa serikali. Mnaelewa vile ninasema? Huu mzigo wa mzazi mwingine ambaye hana elimu, asije akashughulike, nilitaka kumuuliza nani; – M.P. wetu ni nani nishikilie atanisaidia ama ni ndugu yangu, - awe ni mtoto wa serikali. Apatiwe kazi kulingana na vile alivyo. Kazi ni nyingi ya kupatia. Na asipotosheka kwenda university aende training, na asipotosheka training, aende kwa kazi nyingine yeyote ambayo haihitaji watu wa masomo. Lakini kwa wakati huu tunajua, kuna ubaguzi.

Sitaendelea kujifafanua sana. Wacha nimalize hapo.

Mambo ingine, nimesema awe mzigo wa serikali. Ningependa muandike, mmeandika?

Interjection – laughter from the crowd.

Jambo lingine langu ni hili, nimezipeleka haraka sana. Ni mambo ya electon: Imezungumzwa sana. Ili tumalize mambo haya ya wizi wa kura, Ningewaomba nyinyi Commissioners,- mimi huona ya kwamba, kutoka,- from now onwards, kwa ile election inakuja karibu, tunafanya polling station hapa kama Njabini kwa hii ofisi. Zihesabiwe hapo, na agent wa yule mtu wa parliament,

watu wa council, waweke sahihi na mwenye kura awe karibu, na isiwe movement ya kutoka hapa, sababu hapo ndio kura zinaibiwa. Zinatolewa hapa ati zipelekwe kwa D.O. akiwa Engineer. Hapa njiani ndio zinapitishwa kando na kando. I'm talking in general, without pointing anybody. Hiyo mambo isimamishwe twende mbele, hatutarudi nyuma tena. Kwa hivyo tangu vile ilifanyika, tunajua ilifanyika na mambo mengi ni mabaya sana.

Wakati wa kura, kusiwe na mapendeleo ya watu, eti ni watu wa chama fulani. Chama,- vyama vyote viwe vinaheshimiwa kwa sababu vinawakilisha wananchi, si ni kweli? Kulingana na maoni yetu kama vile tulivyo hapa. Basi hiyo nimemaliza.

Ile nyingine ni habari ya ma chief. Nimezungumza lakini nitataja kwasababu nilikuwa nimeandika. Pendekezo langu ni ndogo tu. Ma chief kama vile wenzangu wamesema, na assistants,- kama D.O. na D.C. hiyo iende kama vile mnaona nyinyi mmesoma sana. Mambo ya chief na assistant chief, iwe ni ya elected, - to be elected – Wachaguliwe na watu ambao wanawaongoza, si ni kweli? Ili watu wataheshimiana na maendeleo itakuweco. Lakini ukiandika chief, -atoke mbali na unamlete hapa, hajui area hii na environment ya hapa, ana madharau kwa sababu anajua 'nikiharibu nitapewa transfer nitaenda.' Hakuna jinsi tutaendelea na maendeleo. Na ndio mnaona maendeleo mengi katika sub-locations, - katika locations imekosa. Tunataka yule atachaguliwa, ni mtu ana anapendekezwa. – Kama sisi tunachagua M.P. sababu tunamjua. Asipoleta maendeleo tutamuondoa. Chief asipofanya kazi yake vizuri, au hata assistant chief tutamuondoa. Tuajiri mwingine. Basi, hiyo nimemaliza. Nilisema sitaenda kwa details.

Mambo mengine ni hii ya civic cases, imetajwa sana. Na ningeomba hii Commission inasema na nyinyi watoto wenu wana – wanafanywa nini? Wana... Kiswahili karibu kunishinda,- wana... Okay, Watoto wenu na wasichana wenu na wale wazee ambao wanaelimu, kuna mabo mengine ningeomba, mambo kama mtu anashikwa pale, baisikeli pengine haina taa, -ndio nasema ni mambo ya civic cases-, na anashikwa na ni mtu wa local hapa; na ngependa, -hata polisi wako hapa-, washugulikie hayo maneno. Hata mtu wa polisi ako hapa,- hata kama hajawekwa kwa hii, atusaidie,- hapa kwanza ndio tunataka namna hiyo. Mtu, ni taa ya baisikeli tu ndiyo imekosa, ama ya motokaa imezimika; badala ya kuchukua mtu na ni local man, umpeleke polisi kumfungia, - ama vile watu wametaja mambo mengine kati ya polisi na wao njiani, - na hawa wote ni askari wako hapa, - tusaidieni please. Ni watu wetu wanateseka.

Basi, badala ya kufunga huyo mtu kwa cell, na ameshikwa na askari – hata labda ni mtu wanamjua,- Akubali. He should write what we call 'Pitch Duty.' Akubali kwamba amefanya makosa ile kwa taa, lakini sio ati aende akashitakiwe. Hapana. Apelekwe kotini na apewe bond aende kotini. Basi, mambo yaishe badala ya kulalisha yeye kwa cell pale bure. Lakini criminalcases, hiyo tumekubali. Kwa sababu mtu anaweza kufanya mambo mengine mabaya. Si ni kweli? Huyo awekwe ndani. Nafikiria wale ambao wako hapa watasaidia kutengeneza hii sheria.

Mambo mengine ni, - hii imesemwa na mwenzangu mmoja, lakini nitaitaja kwa njia nyingine. Ni mambo ya kufanya masomo yawe muhimu katika nchi za Afrika.

Interjection.

Com. Wanjiku: tafadhali jaribu umalize.

Paul Kamau: Okay, ni kumaliza sasa. Mambo ya masomo, - mnaona vile tunasema experts,- tunasikia kuna professors, Doctors, lakini wakijaribu kufanya kitu, kugundua kitu kwa ule iujuzi wanao, hawapatiwi support na serikali. Tungeomba serikali iwape support, - Tukisikia mtu ni professor,- tunataka kusikia ni proffesor kama yule ‘Marsey Furgerson,’ amegundua kitu. Ndio tunataka kusikia kuko watu namna hiyo. Sio kusema kwamba ni professor na kesho yake tunamkuta anafanya kazi ya ofisi. Sasa masomo yake inakuwa bure. Anapelekwa ng’ambo anarudi hapa, apatiwe nafasi agundue bunduki,- weapons, - nilikuwa nimesema weapons, - mambo kama ya dawa.

Na ningependa tu kusikia, for example, Doctor Obel, - nimeandika hapa nitapeana kule, -wakati alisema amegundua dawa ya AIDS, - wengi tulishangaa kusikia amegundua dawa, na ni mtu amesoma sana, - ati mpaka mzungu ndio anaweza kupatiwa dawa yake. Kama ingepigwa marufuku, tungefanya aende, tungefanya (inaudible) serikali? Enda utibu wale kwa hospitali, wasipopona tutasema hujui kazi. Zikiwaponya, basi apewe madaraka aendele. Kwa hivyo tunataka masomo yatiliwe maanani, mtu kama huyo afanye discovery.

Kama wale wazungu walikuja hapa wakasema Thompson Falls, - *ali-discover* nini na ni mtu alikuja huku akapata mvua inanyesha kila wakati? Nina sema hivi kwa sababu mnajua kile kitu mimi ninasema, wacha nifupishe.

Jambo la mwisho na ndio nitamaliza, ni freedom of expression. Hii tumeharibu kabisa nchi zetu za Africa. Nikizungumza juu ya M.P. juu ya mkubwa wetu serikalini, juu ya – kama ni inspector wa polisi, kama ni juu ya P.C. kama amefanya vibaya, na ninathibitisha kwamba amefanya hivyo, inachukuliwa tu kama mtu ambaye hana wakumsaidia, anapelekwa katika cell, na hata naweza kufungwa, nipigwe, na niwe tortured bila mtu wa kunisaidia. Tunataka mambo kama hayo, bila akishika yeyote, athibitishile vile alikuwa akisema. Na hiyo inahitaji zaidi. Nikisema juu ya mtu fulani amefanya hivi na hivi, nithibitishile. Ikiwa ni kweli, nitwe nithibitishile, kwani una... - why are you punishing me? – Okay, nimemaliza hiyo.

Mambo ya ukulima, mnaona wengi wanatoka kwa ukulima. – Ninamaliza sasa madam nikubalie hiyo. – Mambo ya ukulima imeharibika hapa. Kwa sababu, mkifanya kazi ya ukulima, hakuna usaidizi. Nina panda mboga, hakuna market, nakamua ng’ombe, hakuna mahali ya kupeleka maziwa. Tuangaliwe sana, kazi tunayofanya kama wakulima iwe ni ya muhimu. Hata nchi zingine ambazo zimeendelea nyingi, unaona wakulima wanatiliwa maanani sana. Kama wanaproduce, wanachoka wana...(not clear) na wanaproduce mambo mengi. Na mtaona watoto wetu,- tukifanya hivyo, watoto wetu watapenda kulima, wale hawana kazi ya kuenda mbali. Watoto wetu watapenda kukaa nyumbani. Lakini sasa mnasema ukulima ni wa nini? Mboga yote nikitoa, ingine inaharibika, maziwa nikikamua, hakuna soko. Mtuangalie mambo ya masoko, na mambo ya inputs mkubali.

Na point yangu ile nimecomplain ni, ati mpaka fertilizer itoke ng’ambo. Na mimi nilienda kwa secondary school mahali moja,

kunaonyeshwa kuna science inafanywa huko, so muniuhusu kidogo. Nasikia watu wa health science, university kuna science, what are they discovering? Why should it be fertilizers from abroad? Kitu ambacho tunafanyiwa tunataka kitumike hapa na tupatie watu wetu, kw abei rahisi. Mambo kama haya mtuungalilie, - marketing, prices, na mambo kama hayo. Na tuone wale watu wanafanya hii kazi ni watu wetu.

Sorry kwa kuchukua muda mrefu. My name is Paul Kamau.

Com. Wanjiku: Ahsante sana. Thank you Kamau. Eeh- *ifuku ishio gokorwo ni ifuku ya kithogo, muthuri na mtutumia makerehe fata shyia. Ni mara-recommend ithaka keu kiri muda yao itarirwe shiana shio shitho by the way.*

(Interjection).

The crowd: Aje nyuma, aje nyuma kabisa. Mheshimiwa aongee...

Noise from the crowd.

Com. Wanjiku: Tunaona watu wanasema ati tupatie ...

Interjection.

M.P: Ahsante sana Commissioners, na washiriki wenzangu. Mimi nimekaa hapa wakati nimekuja, na nimesikiliza yale maoni yametolewa na hawa watu, na kama vile mmesikia kwa makini, mengi yao hasa yanahusu uongozi,-bad governance. Na sio lazima mtu awe anajua Katiba, ndio aweze kutoa maoni ya kubadilisha Katiba. Kwa sababu Katiba, ni vile tunasema tunataka tuongozwe. Nimesikia wengi wakisema ati, hawapati kazi watu wakisoma,- actually, hatuandiki kwa Katiba eti kila mtu kazi ipatikane, - lakini tunataka kusema tuwe na uongozi ambao utakuwa wa haki na ukweli. So it is the governance we are talking about. It is about power, how do you use those powers and authority as enshrined in the constitution? Hiyo ndio tunasema.

Lakini ningetaka tusikilizane,-na mimi nina washukuru kwasababu yote ambayo mmesema ni ya ukweli-. Hawa watu mmesikia wakisema juu ya provincial administration, P.C., D.C. na nini. Hata wale watu wamechafua, kuchafua kabisa nchi hii ya Kenya, kuichafua kabisa kwa sababu ya kukosa imani na serikali, ni hawa watu mnasikia- provincial administration. Na kama Katiba haita address the issue of provincial administration, either iondolewe kabisa na tupatie local authorities,- wale wamechaguliwa na watu- nguvu, kwa sababu hakuna wakati ambao tutakuwa na Katiba ambayo watu watai-respect. Kwa sababu hawa watu, - we borrowed the concept of a provincial administrator, from our colonial masters-.

Mzungu, ndiye alikuwa mzungu, kuja kumkalia mwafrika na kumunyanyasa, na kumfanya atii la mzungu kwa nguvu. Wale

walichaguliwa ma- D.O na ma-Chief wafrika, hawakujua hawa sio wazungu, ni wa-Afrika. Wakaendelea na mtindo ule ule tu wa mzungu. Ndio tuko na shida, tungetaka sasa, kwa sababu sisi tunajitawala, hatutaki kutawaliwa na mtu ako na 'crown'. Hii ndio inaleta shida, kwa sababu wanatusumbua sana.

For example, tangu nchi hii 1985, twende kwa kitu inaitwa 'District Focus For Rural Development,' my fellow constitutional Commissioners, what is the work of a provincial Commissioner? Kazi ya P.C. ni gani? Na maneno yote ya maendeleo inapitishwa katika District, inaenda kwa headquarter, you find the work of a provincial Commissioner has been rendered to 'supercilious.' Lakini ile kazi anafanya ni ya kufitini na kufuata wanasiasa na kupeana mambo ya uongo kwa serikali, lakini hakuna kazi ingine wanafanya. Provincial Commissioners. Hiyo sitaki. As a (not clear). Even if – all what I'm saying is that, we should not have in this country what is called Provinces. Let Kenya be divided into District, which could be called something else, like counties. So that wakati wanasiasa wanataka ku-attack watu wa central province,- Wakikuyu,- waseme sisi hatutaki mambo ya wakikuyu. Lakini sio kusema hatutaki maneno ya watu wa central province.

Kwa sababu, wakikuyu are not only in central. Tukitaka kupigana na wajaluo, we don't talk about Nyanza, we talk about wajaluo. Tukitaka watu wa coast, - tunasema wale wagiriana,- Provincial boundaries should be done away with. Ndio tuweze kuleta the administration closer to the people.

I'll give a practical example of this area. Sisi tukitoka hapa Njabini, mtu anapanda gari anaenda 'Fly –over.' Anaingia fly over anaenda Naivasha. Anaingia ingine anaenda Nyahururu, ndio aende kuona District Commissioner. Amapitia mkoa Rift Valley. Kama hakuna province, na Naivasha is made a district – headquarter, It can cater for Kinangop, Maera, Longonot, Maimahu and Gilgil, without saying we are – either in central province or in the Rift valley. Si ni kweli? Lakini sasa mtu akisema Naivasha iko,- It has all the infrastructure,- angalia watu wa Maela, wanatoka Maela wanapita Naivasha, ndio waende Nakuru; because of something called 'Provincial Administration.' Kwa hivyo hii maneno ya provincial administrators should be taken serious note of.

Kuna wazee wengi wameongea hapa juu ya separation of powers, - The Executive, Judiciary and Legislature. Ningetaka watu waangalie ile imenenwa na watu kuhusu calender ya Bunge. Kwa sababu, bunge ikivunjwa na Rais, - kwa sababu ya vile Katiba iko,- When parliament is dissolved by the president, it means ther is no president. It means we have an incomplete government. Because if an organ, if a body is made of three organs and you remove one organ, can you call that a body? (Answer: no). We may have what we call 'lacuna' in the law, where we at one time do not have a government.

Just imagine, if immediately the parliament is dissolved, - like it will be dissolved sometime this year,- and then we are attacked by Uganda, and we need to avail the government to withdraw some money from the consolidated fund, and there is no parliament, how is the government going to spend money? That is what encourages dictators to come in.

We need parliament to have its own calendar, which will continue until the next parliament is elected. For example, many of you do not know, the current parliament is supposed to expire on the 10th of February, year 2003, as we were sworn in on 10th February year 1998. So we need complete separation of power. In this also we need you to address proper separation of power. Mzee mmoja aliulizwa swali hapa na akakosa kujibu, wakati aliulizwa kama angetaka mawaziri wawe wakichaguliwa kutoka nje ya bunge. Me, I would support that scenario. Bunge iwe ni watu wamechaguliwa bunge kuenda kutengeneza sheria, hakuna waziri atatoka bunge. Serikali iwe inashinda inaangalia experts who can handle the ministries. And parliament prepare for deliberating issues without fear or favor. Today you find Ministers voting with their stomachs. Even they oppose very important views. Even though, the Executive does not support those views.

Today we have a parliament, which, almost half of it is either minister or assistant minister. That means we do not have a parliament but an extension of the Executive. So we need parliament to be totally delinked from the Executive. Wewe ukitaka kuwa waziri, wewe usipigania kiti. Kaa nje vile serikali itafaulu, itakuteuwa waziri. Wewe ukitaka kiti ni kuenda kutetea watu wa Kinangop, final. Hii maneno ingine ya wewe unaenda hapa unaenda hapo unafanya nini, it does not really help our country. Because these days, you will find that we are missing or we are defeating very good views, which can assist this country, simply because parliament is composed of the... - like this morning, why I came late, - we had a motion by Aringo, on the issue of opening a budgetary office in parliament. So that, we are able to research and be well versed on what will come in the budget. So that when we are defending the budget, we understand it.

If you look at the budget, - usually the estimates are brought to us three days to the budget day. Na hii kitabu iko namna hii, na watu wengine hata hawajui kusoma.

Laughter/commotion.

So you find that when you are passing this budget, you are passing something you do not do what? Understand. You do not even know, whether there are provisions. Let me tell you, - and I'm not uncivil to anybody. - There are people who have been members of parliament, - including members of parliament in this constituency, who did not even know whether there were allocations for their constituency, in the budget. Kwa sababu they could not understand it. Na mimi ninge support watu wakichaguliwa bunge, mtu anweza elewa hiyo Kiingereza. You find there were allocations for road 67 from (Inaudible) to Naivasha, but that road was not done. Not because the money was not there, but he couldn't follow because he did not even know that the money was there.

Laughter.

And what happened this morning, when we were voting on this one, all the ministries were in parliament. All of them. And assistant Ministers. And the motion was actually defeated. Meaning, the Ministers do not even want to understand the budget.

But they were not, - it was not defeated because they don't want to understand it, but simply because they were instructed by the Executive to come and oppose that motion, - simply because it is an attempt to empower parliament and to make parliament understand what they are doing. So this is very important. So, - because I want you to give your contributions, - I may have another opportunity else where to do so, that is why I've not given because I was given this opportunity, I decided to mention those few. I'll stop there, and urge you not to listen carefully about what is in the current constitution, but the spirit!

Yours is to give the spirit as to what you want to be governed. As to the 'nitty gritty' of the matter. What should be in the constitution. That is why you have Commissioners who are experts and they will bring it down. It will be subjected to the district forums,- you know them,- and then it will go to a constitutional conference. And then we will see whether it is a good document, before it is passed and it becomes law. And you Commissioners, we will also urge you, - there is a bad signal. - When we come here, we are getting bad signals as if you are not agreeing on the timing, - when you are going to finish the constitution.

It is important you now give Kenyans a timetable, as to when you are going to complete the constitution, because they want to think about the election. Is that not so? This is an election year, but if you say we are going to complete in December, others in February, others in year 2003. We don't understand, who do we listen to? You saw the cartoon in the newspaper, where the three Commissioners were talking about different things. I'm sure you should give these people a date, so that they do not bother us. - I went to a 'mazishi here in Gatura in Murang'a, and somebody told me if I come to present my views to the Commission, I tell you to include a provision in the constitution that, there should never, never, never be, - even if it is an election for a cattle dip or a church, - election by accreditation as it happened in Kasarani.

Laughter and clapping.

And I will be ready,-in my duties as a member of parliament,- to tell you to include a provision in the constitution, that we do not want those elections. The Katiba should out-law such kind of elections.

Thank you very much.

Clapping.

Com. Wanjiku: Thank you very much bwana mheshimiwa.

Com. Wambua: Mheshimiwa, there is something I must clarify. Most of the societies, give procedures of election. Suppose the society, -by the agreement of members says that they will use the accreditation, what do we do with that? Do we say no to that?

Mheshimiwa: That's my constitution. (Inaudible).

Laughter.

Com. Wanjiku: Okay, thank you very much. Now, James...James Mwaura..

James Mwaura: I am James Mwaura...(inaudible). I want to talk about the constitution of Kenya review. And I have a view in regard to the Commission set here. Just like what we have heard about what the mheshimiwa was saying, we can see here that there is over riding councilor. We all are very much interested with the constitution being reviewed. The politicians are very much interested with being voted back into parliament. Now, hapa, tuko na sababu moja ya kuuliza kama hawa Commissioners wakichukua maoni, kwanza wafanye 'halt'. You let the politicians go politic, they be voted back in parliament we have a new bunge. That bunge may even be credible in the eyes of the funders, and they will have money even to fund the system, – this system of the constitution. And they will not start complaining saying there is no money, we need more money. Such kinds of things. Because if you listened to the mheshimiwa, he was so much after the votes. I'm not saying, - I'm saying it was a kind of a view as regards to the next bunge.

So, let the Commissioners collect their views, after they have collected the views, they have a halt. – We hear there is a technicality where this system will be taken into parliament. When it is taken to parliament, you don't imagine the parliamentarians being sober, to look at the inside, the indepth the views brought there. So you don't expect them to be totally sober. Let them be given time to go into the field without divided views. Okay that is about that.

After that, - after another bunge comes, maybe there should be a limit. This constitution will go for six months. It will be deleted after six months, we will be comfortable. That is about that.

Now, when we come to the Executive, - that is another area just like what it has been said here. – Hatutaki kuwa na president ambaye ni kama twiga. We want a system where we can trim that office. And this is where we bring the view of impeachment. And we can have a parliament that can impeach a president. And we can have another house, maybe comprising of a chief, -who should be voted by the people who live in the area he governs, and councilors in that location, should vote a chief direct. Then the Chief and Councilors can form a committee that will comprise a house. For instance, in a district, they will elect a house that will have all the elected persons within the country. And that could be the lower house.

The views of the lower house and the upper house could be standardized to impeach a president, so that he can be trimmed. He may not act like he is a 'Twiga.' Now, coming to the system of the provincial administration and the District Commissioner, I tend to feel that it is better if, there could be a committee that could be formed through the parliament, which could select this person. – A committee formed by the parliament that could vet on who is to be the P.C. who is to be the D.C. people who are

credible, people with good integrity, they should have their house without any criminal records so that they could get good people. I don't feel that the legislators should be left alone to work out everything for the country. There should be another arm, that is, the Executive and the area of the P.C. the area of the D.C. should equalize with what the legislators do, so they bring what comes out of the constitution for the sake of the citizens.

Again, there is also the view of having the re-written constitution, not the old one. The one that will be written should be made mandatory, to be taught in schools. Ifundishwe shule zote. Ili hata mtoto akikua, awe anajua vile constitution inaeleza. So that we may not have the thing like ile tuko nayo sasa, kujua – sijui constitution iko namna gani, ikienda namna gani, inakaa namna gani, kutoka wakati mtoto akiingia kwa shule, ipangwe sawa sawa ati constitution inafundishwa kila mahali. Those are my views.

Thank you.

Com. Wanjiku: Thank you very much. *Nimukuigwa rehu?*

Com. Wambua: James, ... something very small. You said that M.I should be elected and councilors should be elected. Don't you see an overlap, because what will be the function of the chief and the function of the councilors if all of them are to be elected?

James: They are in the local government, and this is the Executive. The Executive somehow guides the P.C. and the D.C. That is how they should execute what the Executive tabulates. The chief is to liaise with the D.C. up like that. I was imagining abolishing the office of the D.O. we only have a chief who will be answerable to the D.C. That arm of the Executive. And then we have the local government, where we have the councilor and the parliamentarians...**(Interjection).**

Com. Wambua: so they continue doing the same job, except they should be elected?

James: Yes they are elected.

Com. Wanjiku: Gathogo, *ndakuhe ndagika imwe* Okay, thank you *na hoe ndira confirm maciogo na imwe Wainaina, ndina John mbogu, na John Gatogo ndira confirm ndirakorwo nikumedete na dirashoka maiganetwe (inaudible) John please make arrangement cio ciaku tene twakue dagika ijiri.*

Gathogo: (Speaks in Kikuyu). *Hakwa nie kwaria ohoro wa migonda, uhoro wa megonda ni uhoro utraga andu mono tondu tuckerora uhoro wa megonda kuri mina migenda manene na aria ake marito squatters neye ni kioria Commission to abolish that name squatter, tondu you cannot be a squanter in your country you were born here, grown here and you are a squantter ne ikioria ritwa reuo retegacoke gotomiro tondu ha mundu umentu murima ana muganda munene goko*

na muganda ocio ndararutera wira na mandu uria wekaraga kuo agituo squanter na mugando ocio wagerero gokoruo ori wa mundu ucio. Mundu ucio we murima ndaratotethia tondu muganda ucio ndara huthira. Muna uria uke ne muna wa district. Niye nikiorua Provincial Administration that is. Handu hakugiye na PCs let have only a districts gutare na boundary cia provinces.

Vice President na President. Ge separato githurano kia president na vice magathurago hide imwe na local governemen naMp magathura hinda riao.

Office ya AG. Ag ahio powers no akoro nake ti president uro mppoint ara appointo ni parliament.

Political Parties. Nekegerero ni khutokio law aria ekihoto only 2-3 political parties so that we can be united kenya tuteguthutokania kabira. Parties ithondikitwa o kabira na party yao so if we want to be an united kenya we should have 3 political parties. Uria unge okiena koroura gite kio akoro a independent candidate.

That is all my views.

Com. Wanjiku: *Thank you mno Gathongo so reu tukutaria Macharia, Mukudi Joseph Patrick Mwago, Joseph Nyederi, Peter Muduo, Karaja Mugo, na Joseph John uria uge tukumuitaniria aimuku ni Simon Gathege, Kabairo akwo, Simon Kabairo atekwo, Samuel Njuguna onake darekwo na Issac Njoroge. Guku tukuthie kure, ureko gashereku darekwo. Muharu Njoroge. Okay sign in, Simon kangaga, ni Simon, Kimani Kitaru dauma kwo, Maina Ngaga dauma kwo William Karaja. William Karibu.*

William: *Ahsante sana. Mimi nitatoa maoni yangu kwa Kikuyu. Ondu wa mbeere ni tuagerero kuhia handu hagukira, kuhio ugima wa mere na kuhio security. Ria ni yagerero gokoro in hinya mno gukira mundu umwe yani maundu mother maciokio kuri ria. Ria nio ereoragio mbecha eria tura kuba ni cigana maguko makorio kana mbecha icio ni ciagerere. Ondu wa gatatu Constitution ni yagerero gukoro na objectives teria eho nderi na objectives ona imwe na nikiyo etatutethagia. Watho weho. Mundu anyito ak'iya akaga kuho tondu uria urugamerere wathu nimowane.*

Natural Resources should be shared by the people who are close. So that the people may unite to protect those natural resources. Ta mutitu ouo we haha, mundu ni arathi agatima miti na aria miho matramuria tondu matitethekaga.

President. President ku electo ehinda riake muthenya wake mwanya mina VP. Na ndagerero ni gukoro ari igoro wa watho. Powers ciake ciothe cieheriuo icokio kuri parliament. Na parliament nao gukekoro kuri no ondo munene okoria ria. Minister na Assistant's minister, AG, acio othe magerero nao guthuro na parliament na niguo egakoro in hinya mno.

Corruption nio niyagerero kunino kuma kuri high wards to the low wards. Kenya eria turi erutagia from low wards, muthigari akehako ni oru na minister kana president hatri mahitia.

Political Parties, should be finished because they are tribal. The parties are dividing people according to their tribes.

Mundu uothe ak hold public office agerero ne ko declare wealth yake.

Land Issue. There is a lot of grabbing in Kenya so the lands should be taken back to the govt. Some people in Kenya have big lands more than 500 acres; Taxes should be taken back to the public. But in Kenya today tax is being pocketed may be by some big people. Agriculture is our backbone

Put an emphasize on agricultural products, not to be taxed. Foreigners come to Kenya and they are told the way to live, but we Kenyans are not told.

Education. Should be given a big share, and should be made by merit, one job one man. The retirees are the ones who are in turn given jobs. Our youth is unemployed because of these.

Mbeeca iria erakobo kuma other countries citizen should be asked their opinions. No ti mundu umwi, kana parliament magathi magacerera na tio makaraha.

Separation of powers. Executive, legislature, and judiciary etiga kunyitana as if there is a godfather that you can be elected as judge and you are efficient.

Nobody in the public office should be given any tender either for school, roads,

Elections should be done separately and we should remove D.Os and Chiefs because they finish the public. The president should be elected by 75% of the total votes of Kenya. He should be married and God fearing. He should be of no political party. Development should be done to areas, which are productive. Farmers should be supported by the govt. and be paid well. Like lawyers, farmers are the taxpayers.

Govt. should also limit the church in Kenya. There are a lot of cults in Kenya they have been give room, even devil worship.

Public looters should be prosecuted and be removed from the office and be forced to pay the maone they have looted.

Com Wanjiku: Thank you very much, William. Can I ask you a question? *Waga ciama ciother ivunjo tucoko kiama kimwe?*

William: *Ndinauaga tucoke kiama kimwe, tuthoranage Kenya independent candidate tunene okabira the mind of people they should remove this all political parties na twete all Kenyans ta rehu twaona wathie if you go to many places you should remain without any party. Independent candidate nigwo twareria mick ya guekera adu ati huyo ni mugikuyu, huyo ni mujaluo na tugishiria tugeka ugwo ni tuhote kunina horo hoyo wa ukabila toduni niurekwo na jira nene muno.*

Com. Wanjiku: Joseph kamutu. *John Mwangi*

John: *Andu atu ne ndamogethia enyuothe, mureaga. Ondu wa mbeere nie na ni ndendito joseph. Ndimokoro ma ugo nyita iye wega ona Commissioners munyete wega.*

Kwaria ohoro wa orime na orime arie we bururi oyo witu wa kenya. Ithuwe ni ithuwe turimaga indo cia kenya ni muririkane arimi mahana maari tondu arima nemo makuete bururi wothe ona thirikari. Getume ni tondu arime makiaga kurima gutire ondo mukuhoto. Tondu mundu ahotia ndari ondu akihoto.

Thutha wa kurima murime agayagiwo gacunje kanene muno na gecunje keria kenene gigatonya thinye wa thirikiri na rio tondu giatonya thinye wa thirikiri ge gecoka kuri arimi kimwi gekagaro njira. Murime arecoka arimo ni korima. Arime maheio gecunji keria kenene mno.

Njoke njuge aterere wanaanke angi mno tond marikeriye thukuro makiaga mawera. Thirikari ne yagerero kumaceragio. Na nekio murona mauro ni makehete ni githa ahote konena mawagano.

Wa ndikani. Omonyerero tondu haria honoka wira, gogacario aanke mathi magike interview andu mandakiro tene, tondu atukoria matwarere andu auo tene. Thirikari ihe andu wira kulingana ni athima eria mathumete.

Com. Wanjiku: Thank you mno muthee okay ni wega muno, tu confirm aria matekwo John Maina Kiara, Josiah Mwangi, Joseph Wainaina, nani Josiah Mwangi. Okay Josiah Mwangi Karibu.

Josiah Mwangi: Jioni ya leo, - mimi mmesikia ninaitwa Josiah Mwangi, - na nitatoa maoni yangu kwa uchache tu. Kwanza, ni hiyo powers za President. Inafaa President apokonywe powers kama hiyo ku-nominate Ministers, P.S. na cheo zingine kubwa kubwa za serikali.

La pili, ni resources. Katika Kenya yetu, kuna...- sidhani kuna nchi ambayo haina resources zake. Na resources zile zinatoka huko, - mimi kulingana na vile ninaona, inafaa itumiwe. Na itumiwe vizuri kusaidia wale watu wenye wanakaa katika area hiyo.

Kwa kuhesabu, (inaudible) hapa niseme, hata maji yenye inatoka hapa na inaenda Nairobi, yule raia anakaa katika area hii, - kweli, ni wengi sana wamechimba mashimo, wengine wanaenda hata kwa mito, kilomita nyingi sana. Na huyo mtu, hata tone moja la maji hana. Na yule huko Nairobi, anafaidika, anastarehe na maji ambayo yametoka hapa.

Tena, ningepomba serikali iangalie hii maneno ya settlement. Sioni vile ninaweza kuwa ati sote ni wakenya, na kuna wengine hawafai ku-settle kama ni coast province, ama ni North Eastern, -ati nikienda huko mimi ninachukuliwa kuwa ni Mkikuyu kwa hivyo lazima nikae central province.

Lile swala lingine ningezungumzia, ni kuhusu elimu. Wale watu tumesoma, hata kama ni kidogo, inafaa tupatiwe priority wakati kumepatikana kazi, ama wakati kumepatikana hata kama ni kazi kwenye nchi za nje, - sidhani kuna mtu atatoka kwa nchi yake, halafu wakati ameenda nchi ya mbali, akose kukumbuka wale watu, ama kule alitoka...wanataka. Hata wale watu wako mbali wanasaidia serikali yetu. Na sioni ni kwa nini serikali yetu inafaa iweke kikwazo kwa watu na hata hapa wanakaa wanahangaika, na kazi ingine ingekuweko wangepanya.

Ni hayo tu.

Com. Wanjiku: Thank you very much Josiah Mwangi. James Wainaina is not here. Francis Ngugi is not here, Sammy Wanyeki is not here. James Rukwaro.. he's not here..

(Interjection)

James Rukwaro: I'm here madam. Some of them are here.

Com. Wanjiku: But they are not speaking so they are not here. Who is here?

(Interjection) *they speak in Kikuyu.*

Francis Mucheru: *Nikwaria horo wa president na kweda kuuga president akwora ni wa miaka 35years – 60 years niarikia kuthura plot hino ya makena. President that is kuuga kyama gyake akathie ta mudu aratogoria bori, makathie kuiga kyama kyao, Kweda kuuga president athurwa Kure kyama kina, agaita gokorwo ni wa kyama kiu akworo arugamiririe plot ona maida megii atwika president akorwe ni wa kyama gyake na akaiganwa na adu aratogoria.*

Odo omwe kweda kuuga about president ona maida megii maria ma president mashonagwo na makaigwa thoni na mudu oshwo na rerya president atikwo na vice-president na maita megii ni maria maekagwa thoni na makatewa na maita mage makashonerwa mathaiko. Udo uria uge kwedaga kuuga ni ati ni oria weketwe minister magathuragwo ona gukorwo ni mai tukunywa nimakaraga buge ati niudu ocio ni abiririe kuuria the opposition iria arathurirwo na

nigetha akorwo ona kure parliament kwogo parliament ina hinya. Ofishi ya Arttone General ndigakorwo irogamirirwo ni office of the president na Arttone General makathuragwo ni parliament nikeda mudo osho aikirafu kwe parliament na akorwo maodo maria mare buge ni maruta wera na ashoke kuhera directions ya ofichsi ya Attorney General after 5 or 10 years nigeda maodo maria maitukirwo matigashokerwo na matirashoka na kuruo ni mudu kwa ugwo nyakweigo law parliament yakworo yatazeme wera uge wa evaluation.

Udo uria uwege nikweda kuuga ni ati ado age magweta parliament na judiciary ikwo cii independent kuma koria ofishi ya president na nikwo dauga Arttone General ofishi ya Attorney General na judiciary irathuragwo na parliament makaona wera waigererie na mudu ocio ni chief thini wa ofishio eo na getha akinya ado akoneka mashira maria aratua nimarashokwo still maida megii na adishiria uria kwagerire pariliament ena rona rwa kumuhereria na cira oria ogcirago ne waciro otona kwagerere. Gokioneka gutiri na kihoto kira huthirwo na hari cira utigetwa na uciritu hinda enene. Law Society of Kenya ni ya majudje ahiyo watho aromerere watho na hiyo power ati Judiciary akiaga kuona macere ni mathi wega (LSK) athii egorti ni yone macero ne macero kana ni wa president kana ni wa minister kina ni macera ma megonda maria matumete ona ikuo nyingi sionekene.

(A translation of the presentation in English): *Human Rights: We remove all discriminations of whichever nature people to see that their rights are being taken care of as well as possible. If people gather together there is no need of harassing them, they have a reason as to why they should gather. Expression and movement should be free.*

Justice. *If it is the Electoral Commission should be elected by the parliament. Parliament before it breaks makes sure that things are in order in that Commission.*

NSSF. The NSSF money should not be touched in anyway. It should be preserved for the owner.

The government should try hard to create job opportunities. The industries should be checked well and betaken care off well. Church projects are sometime sabotaged they end up not being completed. There should be an organization to take care of jobs. It should be composed of the govt. NGOs.

Strike. Strikes are there because the rights of the workers are not looked at. Employers tend to think they have the right over their employees.

Development. Each and every location to take care of its development. Whatever comes out of that location should I that area.

Provincial Administration. Pcs, Dcs, to be removed. The county council should replace them. Mayors, Council

Chairman to be elected by the majority and they should be answerable of the development and other cases. They should take control of issuance of title deeds and should not take more than six months.

Com. Wanjiku: Okay thank you very much. So *Stanely, Njoroge daumakwo, Stanely daumakwo Harun Nga'nga' aikwo.*

Harun Ng'ang'a: *I will talk few things because time is short and there are so many people. One, Presidential election should not be at the same time with the parliamentarians. His powers should be reduced. The parliamentarians should elect Ministers.*

Majimbo. This is tribalism it should be discouraged; we want one strong and united govt. People can work anywhere or live anywhere. We elect a leader because of his qualities and not because of the party. We change from arguments to agreements

We should have senate.

Com. Wanjiku: *Ni thank you mno.* (Dr. Methu wants to be given sometime to talk because he want to leave.

Democratic Party Representative Dr. Methu: He said that he will only highlight some of the issues that they have compiled with the member of his party.

Freedom is a natural condition of the human race in which the almighty intended men to live. Those who fight the purpose of the Almighty will not succeed. They always have been failures.

Some of our issues are subject to debate. I would wish to talk more about Civic Education. Some of those who have been undertaking Civic Education or opinion have not been paid. In future this job should be given to teachers, preachers, and opinion leaders at the grass root level. The Constitution should be put in school curriculum and be taught. We don not want any party removed and Multi-party democray to remain. National Intillgence should not be misused. Pure Citizenship should be accepted in our country even for those who are outside Kenya and yet they are Kenyans. Bill of Rights, This should be more so to children.

Children should be protected because they are defenseless and they cannot do anything. Women should not be discriminated in any way. They be given their rights more so in their working place. Formative action should be followed accordingly. Devolution of powers. Councilors should be educated and be given job descriptions some councilors even do not know of their duties. Mayor should also be elected directly.

Provincial Administrations should be removed. The powers of the president should be shared. His functions should be outlined correctly. There should be a Prime Minister, The prime minister to run the government and be answering questions at the Parliament. President goes to the Parliament ones in a year and cannot be questioned.

Parliament should not be misused. There should be development fund to develop Constituencies. MPs and their wives should be telling us where they are getting their money and these will finish corruption. Judiciary, and Courts should be free of any interference from any Executives. Parties' registration should be Constitution rights. Those parties should also be given state funding. Defectors should be stopped to participate in by-elections. Land. Title should be taken care off. We don't want squatters or land less people.

Campaign Fund: There should be a limit of the money a campaigner is supposed to use. The money should be established to see whether it comes from the council. We want a Commission known as Permanent Land Commission to oversee the problems of those who don't have land and a place to live. We are recommending that in every Constituency there should be Peoples complaints Commission. The Commission should be composed of opinion leaders religious leaders, those people should listen at the complains of the electorate against their leaders e.g. members of parliament, and Civic leaders. In turn there should be a Constituency referendum to justify the issues Raised by the constituents.

The votes cast be counted in the polling station. Rights of voters should be respected anybody above 18 years is supposed to have an I.D, or passport. The two should be allowed to be used in the voting. Election should be scrapped as it consumes a lot of money. We are proposing the removal of those terminologies such as opposition. Because in our cultural norms, - mtu akitwa ni mpinzani, watu hawatakusikiliza. Wataona kama wewe, -(proverb) Kwa hivyo, there are some parties that are taking advantage because of our cultural norms, and using the title opposition. So we are proposing, the leader of the party that has won majority votes, or majority seats of parliament, be recognized as the leader of the majority party.

And the leader of the party or parties that have the minority be considered as the leader of the minority party or parties. Whatever they want to call it or the leader of the Government in waiting, our drafts people will want it to be. But the word opposition be removed forthwith, if that is possible.

Ahsanteni.

Com. Wanjiku: Thank you very much Dr. Methu. ... Mary (inaudible). She is not there. ... Elizabeth Wangare...

Elizabeth Wangare: Commissioners na washiriki hamjambo? These are views of the entire

Children should be taken to school without any charges. Some of them are becoming chokora because there parents cannot afford there school fee.

Another speaker: *(repetition. It is the same Dr. Mathu)*

Mr Maina: Our currency, we should avoid to have so many currencies.

Resources. The resources should be taken care off to help the people within the area.

President. A president should be elected and he should not be an MP.

The Constitution should be written in a simple language.

Education. Let us go back to the old system of education of 7.4.2. and it should be a must. The public should take care of education not somebody. Taxes should be payed for and go to education. We remove harambees.

Political parties. They should remain three parties.

The government should ensure that everybody is doing something, if not studying he/she is Working.

Com. Wanjiku: Thank you very much bwana Maina

Githinji: There are so many institutions in Kenya they are consuming a lot of money may be 400,000,000 and at the end of the day there is no development in this country.

There are so many county councils; there is municipality, county councils. County councils collect so much money and in turn they do not deliver. Nyandarua had collected 40 millions and they were given only 26 million, in turn Nyandarua took 16 millions and gave us 10 millions only. This means we don't see how our money is used.

We want to have an area council so that our money should be accounted for here.

Constituency. We should have committee in constituency level not in district level. The money that the government wants to give the people should come through constituency and not through the district.

20% of government's money should be taken back to the grass root for the development there.

Kipiripiri, before 1997 amendements was done to comply with the election, which was done during that time. Do not connect

this review with elections.

(Interjection). *Com. Wanjiku interrupts.*

Githinji: Continues with what he was saying.

Com. Wanjiku: Thank you very much Mr. Githinji. (She speaks in Kikuyu,- calls names). George Kimani, Peter Mwangi, Paul Kamau, The Reverend Samwel Ngaithie, Stanley Wambura, David Mwehia, Beth Wangari, Lilian (Inaudible), Charles (inaudible), and Bethwel Kiarie.

George Kimani: I will talk more about farming. The reason as to why farmers have gone down is because they are not getting funds. They are unable to purchase even fertilizer.

Working tools are also very expensive. A farmer in Kenyas has no insurance. After working hard and may be fail to sell his products there is no compensation.

Farmers should have an uncilior market, some that are here in Kenya, like the Pyretherum Board, Meat Commission, and others, are not working well. The profit should go back to the farmers and share among themselves.

Importing products, which are produced here, should be abolished. A farmer should be protected.

Education. Books should last for four years to ten years. Not for books to be published in each and every year.

Com. Wanjiku: Thank you very much. (Speaks in Kikuyu)

George Kimani: Mimi ninaonelea, kwanza wakati wa uchaguzi, tunaona, kama ni makamu wa Rais, anachaguliwa na Rais. Ningependa Rais awe akichaguliwa na raia, na pia makamu wake awe akichaguliwa na raia, na awe – makamu wa Rais awe na uwezo, - awe na madaraka ya pili kutoka kwa Rais. Asiwe mtu wa kusimamishwa kazi na Rais, awe ni wa kusimamishwa kazi na raia, wale wenye kumchagua.

Tena, ningependa Katiba ya Kenya, kama munachagua wabunge wanaenda bunge, wawe wakichagua mawaziri wenyewe. Hii iwe kulingana na masomo ya mtu. Kama ni waziri wa kilimo, achaguliwe kulingana na masomo yake, au, wabunge wawe wamemwangalia, wakaona kwamba anaweza kazi hiyo. Kwa maana Kenya ni nchi inayotegemea kilimo. Sio nchi inayotegemea mafuta kama vile tunasema kwa Waarabu. Tunategemea kilimo. Na huu uchumi unazorota juu ya mambo ya kilimo. Kwa maana wizara ya kilimo inapatiwa waziri yule ni mtu wa kuchunga, na hawezi kuendesha mambo ya kilimo na njia mzuri vizuri.

Kama anasaidiwa nanjia mzuri...

(Com.Wanjiku interrupts): Dakika moja imeisha.

George Kimani: Okay mawaziri wawe wakichaguliwa na wabunge. Na tena ningependa...- na kama ni P.S. awe akichaguliwa kulingana na masomo yake, na idara ile anasimamia Waziri na yeye awe akichaguliwa kulingana na kitu amesomea, na achaguliwe na bunge sio Rais.

Haya, kutoka hapo, tena ningependa, - kama vile mnaona chokora wanajaa mitaani, - watengenezewe shule yao kama vile Wamumo, wasome, na wakitoka huko, wapewe vipande isiyolingana na zingine, iwekwe ka muhuri kidogo, ionekane ni mtu anafundishwa, na apewe kazi kulingana na masomo yake, kama vile ni course awe akijulikana mahali anafanyia.

Kutoka hapo, ningependa wafanyi kazi wa serikali wawe wakilingana na mikoa. Kama ni askari wa D.C. wanaandikwa, wawe wakiandikwa kulingana na mikoa ya Kenya vile iko. Wawe wakilingana. Kama mikoa hii inatolewa watu kumi, na ingine watu kumi, ndio rasilimali ya Kenya iwe ikitumika kulingana na ... nini...- Tena ningependa waziri... kila mkoa uwe na waziri hata ikiwa imechaguliwa na wabunge wa upinzani, iwe na waziri, tuone bendera kila mahali inatembea. Lakini sio kusema kwamba mawaziri ni wa upande mmoja,- kama ni wa Coast, ati ni wa Coast wote thelathini, na kama Nyandarua hakuna waziri, na sisi ni wananchi wa Kenya kama wengine. Na huyo waziri awe akichaguliwa na bunge sio na mtu mmoja tu.

Upande wa uchaguzi tunasumbuka sana kwa sababu, tunasikia kuwa kura zinaibiwa. Tungependa sanduku ikuje kama inaonekana wazi ndani. Na tena watu wa kusimami hiyo masanduku, tungependa hiyo masanduku, - kama wakati wa uchaguzi zisimamiwe na wana jeshi, pamoja na askari, vile wao huwa. Lakini wawe wakichanganyishwa, kuwe na wanajeshi ndani na askari ndani, ndio ionekane kuwa inaangaliwa, haiwezi kuibiwa kwa maana kura huibwa.

Com. Wanjiku: Umemaliza?

George Kimani: Sijamaliza, bado kidogo.

Tena, ningependa sana kuwe na...- kwa maana- ningependa wanawake wawe wakijitokeza kupigania viti, kama ni ya wabunge, ama ma councilors, wawe wakijitokeza kuwa mstari wa mbele kupigania kiti chochote kile anasikia anapenda. Kwa maana wanasoma kama wengine, - mnasikia mwanamke ako na degree, na sijaona mwanamke akisimama, kama area hii kuchaguliwa mbunge ama councilor na wanasoma kama wengine. Kitu kingine nataka kiangaliwe sana kama ni kwa bunge...

(Interjecton)

Com. Wanjiku: Asks a question in Kiswahili concerning women (inaudible)

George Kimani: Ningependa, kama vile mimi huona picha ya Queen Elizabeth, nikaona kama hiyo picha ya Queen Elizabeth, yuko pale, na bwana yake yuko pale. Kwa hivyo mwanamke akiwa M.P. na bwana yake pia atafutiwe kazi na serikali inalingana na cheo cha yule mwanamke. Kwa maana wanawake wengine...

(Interjection)

Com. Wanjiku: Na mwanamme akiwa president?

George Kimani: Hata...- si ameitwa jina la juu, hata yeye atapatiwa. Kwa maana... ngoja niseme...

(Interjection)

Com. Wanjiku: Aa aa. Usiende kwa maana, tuambie ile next point.

George Kimani: Ndio, atafutiwe kazi. Hata yeye atafutiwe kazi ya kupea yeye heshima kama yule bwana yake. Na bibi akiwa M.P. ama Waziri, bwana yake, - kwa maana huyo bibi ako na elimu ya kuokoa ile mwili...

(Interjection)

Com. Wanjiku: Hiyo tumesikia. Hebu umalize.

George Kimani: Bwana, bwana, bibi ya huyo M.P. atafutiwe kazi na serikali kulingana na hiyo cheo.

(Interjection)

Com. Wanjiku: Mju leo...

(Interjection –na mheshimiwa aongee),

Com. Wanjiku: kwa sababu tulisema dakika moja na umetumia dakika nyingi na tunataka kuondoka.

George Kimani: Ningependa kuwe na wizara ya kuzungumza, kama wafanyi kazi wa serikali inalingana kila mkoa, kama mkoa huu ni wa tumia, na ingine na ingine tena, yote mikoa nane, kuwe na idara ya kuchunguza kama wafanyi kazi wafanya

wanalingana na serikali. Sio ati kuandika mkoa wa nini- kabila moja na ingine hakuna kwa kazi ya serikali. Mpaka kuwe na watu wa kuchunguza kama ni kweli inatumika.

Com. Wanjiku: Ahsante sana mzee. Ahsante rehu *ni tukuharakisha nodu nikuratukata* thank you very much. *Rehu ni tukahoria Office general* please (inaudible)

Speaker: *Ate nie kuthiria.*

Com. Wanjiku: Thank you very much (inaudible). Now we have Stanley Njoroge...

Stanley Njoroge: *Nitokorania oun wa umaskini na ufisadi. Mudu horia ageriwe guo cia muthaigea nudu horia umaonithiri administration na judiciary tudu wathie Commission niwarewa besha, makwedia niwariu bere ukona ona gotiri bao. Utige gutunya mudu haki yake thikia bere. Tudu niukinyite adu, adu (inaudible)*

Com. Wanjiku: Thank you *mno.* Mr. Njoroge

Speaker: Nie gweta ukanini na gweta kwa jira kuhe. Na kwaja na ikudi cia kithwali no kwaria . wa bere sheria cithuragwe na ciu tukukari na cio tena ya kitida reria adu maabererie na Commission wa bere.

Nitwone sheria bega mono ni sheria cio cio ciothe cithokirio nudu wa gokorwo are na pemit ya kuia idu icio marutere besha, ushwo re tuge na Commission, Commission cio kyama. Kiria akorwa kishagoretwe thini ya ciama tudu ciama ina mishiria wega muno okyama nikiri manfsto yakyo kutinerio adu atano atano.

Thini wa adu aria atano mathie matweke kyama kiria gikutora thini wa (inaudible) gitotugoragia na wera wa kyama kiu ree ni kwora maudu maria maita na kwa president gukurwa igoro wa kwaagereria kana certificate ciakworwo ni title deed cigorwo cie ithatu yaani kiu ni kya kurugama udu na gutara rurigana na kuria kuhana na kyama kiu ni kio kyadeketwe bere na kyama kiu atigane na wera ucio.

Kitui: Yangu ni machache. Serikali ifanye hivi, badala ya kuajiri watu kutoka nje, iwe ina waajiri –iwaajiri Kenyans wawe wanafanya kazi hapa. Wale ambao wanaweka pesa nje, serikali iweke tax ya 50% ili hawa watu wasiweke pesa nje.

Haya, wale ambao wanamaliza shule, - serikali ifanye hivi, mtu akimaliza shule, impatie kazi kwa miaka tatu hivi, awe na experience. Ili akiwacha, ako na experience. Kwa sababu ukienda mahali popote unasikia tunataka watu ambao wako na experience, huyu mtu atapata wapi experience? Serikali ndiyo inapeana experience.

Kuhusu mambo ya sheria, serikali inatakiwa ifanye hivi, kila district ijenge shule ya kufundisha sheria. Ili kila mwana Kenya ajue sheria zake. Kwa sababu wakati unashikwa, unaambiwa umeshtakiwa kwa kosa hili na lile na wewe hujui.

Haya, kumalizia, mishahara ya wale ambao wanapata, wale ambao serikali imewaajiri, wale ambao wanapata mishahara ya juu na wale ambao wanapata ya chini. Serikali ijaribu vile iwezavyo, hii tabu iwe kidogo. Ili, yule ambaye anapata mishahara mwingi na yule ambaye anapata kidogo, difference iwe ni kidogo. Ni hayo tu yangu. Nimemaliza.

Com. Wanjiku: Thank you very much...

(Clapping)

Com. Wanjiku: Thank you very much, bwana Kitui. Councilor (inaudible)... sorry, that was Wyckliffe. *Tukumeka atya at last.*

Speaker: Thank you very much. Bwana Commissioner, Madam Commissioner, *nie nikweda gokworwo dee free mno dena maodu maigi nuu digomagweta motho tudu mathaa materaitekeria nuu toduni wa Katiba, Katiba ni yoka (inaudible) horo wanyu. Hoyu niodu wa korwa tudu niwona korothe wothe winawera. Ahsante.*

(Interjection)

Com. Wambua: Ongea Kiswahili.

Councillor: Mimi nilikuwa nasema hii kitu ya Katiba ni kitu ambacho kinastahili kuwekwa maanani sana. Maanake hata ule wakati president yeyote ana apa, kutawala nchi, anachukua kitabu cha biblia hivi, anasema ana apa ya kwamba atatetea, ahifadhi na alinde Katiba, pamoja na mali ya watu. Kwa hivyo, hii ni kitu ambacho kinastahili kutiwa maanani sana. Bwana Commissioner, mimi sina mengi ya kusema. Ya kwanza ile ningetaka kusema ni kwamba kuwe na equal representation of civic seats. Why do I say this? Iko mambo mengi. Unaenda mahali pengine unakuta ya kwamba, councilor, - kama hapa, -I'm representing about, 35... a population of about 35,000 people. Na ukienda mahali kwingine unakuta ya kwamba councilor mwingine, - na tuko katika wilaya moja, - anarepresent watu, - a population of 50,000. Hata wakati napewa crater, ije ku-create barabara hapa, kwake ikienda siku mbili inamaliza. Na hapa nikipewa hata kwa mwezi mmoja siwezi maliza. Kwa hivyo, hilo ni jambo ambalo linapaswa kuwekwa maanani sana. Na hiyo nilikuwa nimeambia hata E.C.K. 'Electoral Commission Of Kenya,' wakati walikuwa wakuja huko Nyahururu, na wakaandika wakasema watapeleka ndio watoke ndani. *Udu ushwo ti mwege ni ukweda umuo mno*

(Interjection)

Com. Wanjiku: Councilor umemaliza?

Councilor: Karibu sana... karibu sana... I'll be very free madam. Lakini mimi sitaki ati kusema ati wanasiasa ni wabaya. Why? You should realize that if it were not for the politicians, you would not have been what you are, madam Commissioner. Kwa hivyo, sitaki kuwadharau sana, iko, - inastahili kuwe na mipaka ambako wanasiasa hawapiti. Kama jambo la elimu, ni jambo delicate sana. Wanasiasa wanastahili kuwachaliwa alitekeleze.

Jambo la tano, there is this... 'Poverty eradication.' Madam Commissioner, poverty cannot be eradicated, lakini kuna njia tunaweza pitia na tuwe kama tumemaliza poverty. Nilikuwa nasema hivi madam Commissioner, kama education, tukienda enzi za mbele, (speaks in Kikuyu)... from standard one up to form four, compulsory.

(Clapping).

Councilor: Liko jambo lingine, imekuwa jambo la aibu sana kuona ati mtu hawezi kusoma kwa sababu ya umasikini. Sasa siku hizi, watu ambao hawajui kusoma au hawataki kusoma, wanaletwa tu kusoma ikiwa baba yake ni tajiri. Lakini iko mwingine, - juzi nilishangaa sana kuona mama analia ati mtoto wake ameshinda, amepata kuenda (inaudible). Tungefanya harambee nyingi sana na hiyo siku ambayo unaona pale, juu ya hilo. Hapo nimetoka. Hospitali...

(Interjection)

Com. Wanjiku: What is your recommendation?

Councilor: Mimi nasema vile nimesema, iwe free upto form four. Jambo lingine, la mwisho, ni hali ya mahospitali. Hospitali, inaonekana watu watakufa, - wale ambao wanakufa kwa hospitali ni wale ambao hawana pesa. Hiyo iwe free kama ule wakati wa Kenyatta.

Na jela, hata wakati unaenda huko kwa jela, unaona mtu anfungwa kwa sababu ya kukosa fine ya shilingi elfu mbili, anafungwa kwa sababu ya umasikini, hiyo iangaliwe sana.

Nikimalizia kabisa, there is (inaudible)... *ni horia reke umuthe turie tudu ni (inaudible) there is nothing wrong reke twarie tuu (inaudible)*. Watu ni lazima watakuwa wakikutana, na hiyo huwezi kuzuia. Kuwe na dawa, serikali ichukuwe company. Thank you. Na labda kwa hayo machache, (inaudible), madam Commissioner, I beg you. Thank you.

(Clapping).

Com. Wanjiku: No, don't beg. Thank you very much I don't want to have (inaudible) I am sure (kikuyu inaudible)

Thuku: Thank you very much. Ni wega mno Commissioners, *makwa ni manini muno ndiwe kana nirakiugika kuria*

Commissioner kuishiria nie nikuria na kithogo tudu ni point form ni analysis ta point ithano ta naithathatu na reu nege diraona haria adeketwu Constitution of Kenya Review Commission, constitution ya adu aige tuterui nikiabatio na the document itself maree points na hienya constituion ya Kenya ikorwo every Kenyan ikorwo eyana ta reported document mudu othe akoragwo yana ya mufuko na ishoke itranslatuo into different laugauge kuligana na uria kabira cia Kenya cigana.

Kuragwo dina confusion mhuko gakoragwo gemenya gioka haha dariretie review kana dirauiga ni section ama sub-section iriko gitumi ni tudu nie nyadikete points nyakwa hugwo nuo nikogwika na nigeida Commissioner uabe ujire kana constitution Kenya igekorwo ninkoru available. Shoke thome points ciakwa niukujira thuthaene darekia kuthoma points ciakwa.

Point number one: As a Kenyan, I feel that the document of the Kenyan constitution should

be made available to all Kenyans, free of charge. Since majority of them do not understand the document, that is , the laws of the land – sections and sub-sections of the document.

Point number two: Economic and corruption reforms. Economic and corruption crimes should be given deterrent sentences. Every truth should be put in place, both crimes, (Inaudible) sentences and to hand over the property to the government, plus declaring of wealth. – all Kenyans should declare their wealth.

Point number three: Land rights and reforms: Settlement schemes, or – that is land provided by the government. In this process of settlement, no body should own more than 20 acres of land, nobody who has got land directly from these settlement schemes should give back the land. Also in this section, everybody should declare his wealth. Land grabbers should give back the land to the government. All squatters should be settled equally with others. That is settlement schemes.

Point number four: the presidency; the president should be subject to law like every other Kenyan. Wananchi should elect Executive, legislature, judiciary, provincial administration and others.

Number five: Theft. General that is. There should be norm of justice. The crime should be paid with the right sentence. Total isolation from the public if one is caught with that offense. Judgement should only be given by a court of law.

The police: Anybody tortured in the hands of police, should be compensated heavily, and the police officer concerned be jailed for life.

Point number six and the last one: Education Act. The government should provide education free. Discipline in schools, - primary and secondary; - every child should be caned or punished if an offence is committed. Also, in communities, they should

be disciplined because of bad behaviour. They should be made to respect the old and others by parents through law. If a parent is ignorant of disciplining the child, the law should take its course. And that is all. Thank you very much Commissioners.

Com. Wanjiku: Mr. Thuku thank you very much, I hope you have been recorded. Okay, (Speaks in Kikuyu)...

Thuku: But I would like an answer to the question I asked.

Com. Wanjiku: The question you had asked? Okay...

Thuku: The answer to the question I had asked on the Kenya constitution.

Com. Wambua: *Mureega inywe othe, nikomweta district coodinator aigwe horo ou (inaudible)*

Thuku: Okay, ahsante, thank you very much Commissioners.

(Interjection)

Com. Wanjiku: *Niwega mono.*

Stanley: Ahsante sana. Mimi nataka kuongea kwa kifupi sana na kwa dakika chache. La kwanza mimi ningeegea juu ya kazi ambayo inahusika na usalama...

(Interjection)

Com. Wanjiku: Tafadhali jitambulishe kwa sababu wanataka kuandika jina lako kwa register.

Stanley: Ooh! Mimi naitwa Stanley Mbage wa Wanyeki. Ambaye ni assistant Chief wa huko Nduraga, na nimekuwa nikitumika hapa kwa muda mrefu lakini sasa tumepatiwa chief mwingine, Na mwaka huu mimi nina retire. Haya, mimi nitaongea habari village elders. Kuna wazee ambao hufanya kazi huko mashambani na wanahusika sana na wananchi, hata sisi tunahusika sana. Mimi ningependa hawa wazee, - katika Katiba mpya, wapatiwe mshahara kama watu wengine. Hata ikiwa nusu mshahara iitwe 'honourarium'. Kwa sababu hawa ndio wanaitwa na wananchi usiku, wanaitwa asubuhi, wanaitwa wakati wowote, na ndio ambao wanafika mbele kwa wananchi hata kabla sisi, au serikali haijafika. Hawa watu wanafanya kazi kubwa sana na tungependa wawekwe kwa pay role ya wafanyi kazi wa serikali.

Ya pili ni, mimi ningetaka, au ninge...ee..- Mnaita nini? Ningependekeza. Inaitwa kupendekeza, ahsante sana, mimi nimesahau

hiyo. Ningependekeza, hawa wazee wapatiwe kaputi na serikali, na wapatiwe kofia.

Wakati mwingine, mzee anapiga bibi yake usiku, na huyu mzee anaitwa. Anaenda na baridi, saa zingine anaenda na mvua, na anaamua hiyo kesi, na hiyo kesi inakuwa safi sana, asubuhi tunapewa ma report, tunaambiwa huyu mzee alienda nyumba fulani na alisuluhisha tatizo fulani na hilo tatizo sasa limekwisha. Mimi ningesema, wale watu wanasema Provincial administration iondoke, labda hawaoni vile tumekaa. Katika nchi za ulaya, hao watu wameweka kila nyumba kuandika wakili. Kila nyumba ina advocate wake. Hapa umasikini hautuwezeshi kila mtu kuwa na wakili wake. Na ndio mnaona serikali imetia assistant chief, imetia chief, imetia D.O. ili wawe wakisaidia watu kule mashambani. Ningependa, provincial administration, - na sio kusema kwa sababu mimi ni chief, mimi ninaondoka,- lakini kwa maoni yangu naona provincial administration inafanya kazi kubwa sana kwa sababu Kenya yetu ina umasikini mwingi, na hatuwezi kujiandikia mawakili wa kututetea huko makotini. Kesi zingine ni kesi ndogo sana na kuandika mawakili ni kupoteza wakati.

Kile kingine ningesema ni umasikini. Mtu asiende jela kwa sababu yeye ni masikini. Katika sheri zetu za Kenya, -huko kotini, - unakuta jaji anakuambia utoe shilingi elfu moja, unafainiwa shilingi elfu moja, na ukikosa utafungwa miezi mitatu? Tajiri anatoa elfu moja, masikini anakosa elfu moja, kwa hivyo, masikini atafungwa kwa kukosa shilingi elfu moja. Na amefungwa kwa sababu ya makosa au kwa sababu ya umasikini?

Answer from the audience: umasikini

Stanley wa Wanyeki: Mtu asifungwe kwa sababu ya umasikini, afungwe kwa sababu amefanya jambo. Tunataka, ikiwa ni kufungwa, tajiri afungwe na masikini afungwe. Ikiwa ni pesa tajiri apigwe fine na masikini apigwe fine. Masikini akikosa fine, arudi...

(Interjection – by Com. Wanjiku). Inaudible.

Stanley wa Wanyeki: Aa hiyo nimewacha. Ile ingine ningesema, zile kesi ambazo zinaenda kotini, ningesema mimi isizidi miezi mitatu. Ikizidi miezi mitatu, iondolewe kotini halafu itupiliwe mbali. Kwa sababu watu wanasema “Justice delayed is justice denied.” Kesi ifanywe haraka iwezekanavyo. Hapa unaweza kuona kuna makesi ya miaka miwili, mitatu hata miaka kumi. Na vile kesi inakaa ndio inakula pesa za wananchi. Ma judge wafanye kesi haraka iwezekanavyo, na kama si hivyo hiyo kesi itupiliwe mbali. Kwa sababu ikikaa sana, inasumbua watu.

La mwisho, mimi nasema juu ya elimu. Mtoto, - kama vile wengine wamesema, - mtoto asikose elimu kwa sababu ni masikini. Ikiwa wa tajiri ataenda shule, hata wa masikini ijulikane ataenda namna gani. Ikiwa ni magonjwa, mtu asife kwa sababu ni masikini. Free medical treatment kwa wote.

Ya mwisho, mimi ningependa barabarani. Kuna vifo vingi barabarani. Na vifo hivi vinasababishwa na madereva ambao pengine ni wanyuaji wa madawa za kulevya, na mimi, ningependa, in every three months, madereva wawe wakifanyiwa kitu kinaitwa medical examination. Mabarabara yetu (inaudible). Watu wamekufa kwa mabarabara zetu hata kuliko reli. Kwa hivyo ningependa madereva wetu wa P.S.V. wale wako na P.S.V. barua ya kubeba watu, ambao wana barua ya kubeba watu, - in every three months – wengine wanakuwa vichaa, wengine wanakunywa dawa za kulevya na nini... wawe wakifanyiwa medical examination.

Mimi la mwisho ningesema, hatuwezi kubadilisha Katiba sisi watu wa Kenya ikiwa sisi hatujabadilisha sisi wenyewe. Katiba ni namna hiyo.

(Clapping)

Tabia zetu lazima tuzibadilishe. Mimi nimesema na nimeuliza, kila mtu awe mtu wa kulinda Katiba. Unaona kwa magari wananchi wamebebwa na matatu na wamejaa. Na badala ya kusema hii ni makosa, wanamwambia turn boy, kwenda pelekea huyo polisi pesa sisi tuendeleo na safari yetu. Ni lazima tujibadilishe kabla hatujabadilisha Katiba yetu. Ahsante sana.

Com. Wanjiku: Okay, ahsante sana bwana chief, thank you very much. Now this gentleman just has a message, *todo...* memorandum ya *kwogu urida urecommendate as the person who presented it niukothoma uuge ritwa riaku ushoke uuge point imwe iria (inaudible)*

Speaker: Ahsante sana madam Commissioner na wanaomsaidia...

(Interjection)

Com. Wanjiku: Tafadhali sema jina lako.

Speaker: My name is Geoffrey Kahotho. Tulikuwa na swali na tukatoka, lakini kuna swali moja ama mbili na sitaweka. Na hiyo tunafikiria wakati tunaandika Katiba, hilo swala ni muhimu sana, kwa sababu hiyo Katiba ndio tunataka iwekwe itekeleze ile mambo ambayo tunataka sisi wananchi kutoka pale tuliko.

Geoffrey: Sasa lile swala ningezungumzia sana ni ile ya environment ama mazingira. Ingekuwa vizuri sana wale watu wako kwa mtaa fulani wapatiwe nguvu ya kulinda mazingira na kufaidika zaidi na hii mazingira, kwa sababu uchumi ndio ngumu sana. Na hii Katiba na hata ile itaendelea, haistahili kuchagua kwa sababu ya kuendeleza uchumi ama economy. Sasa sisi tumeonelea ya kwamba, kama watu wa hapa Kinangop, tuko na shida moja. Yale mapato tunapata hapa, yote yanaenda kwa serikali kuu from the local government. Tunalipa ushuru, levy, (inaudible), na hii mambo yote inaenda kwa central government. Ndiposa

unaona kama barabara za feeder roads zinapitia kwa mashamba, chakula chetu kinaoza. Kwa sababu – huwezi kuuliza – kwa sababu unaambiwa hicho chakula chote kinaenda kwa central government. Na ndiposa tunasema, lazima tuwe na Katiba mpya itupatie uwezo from the, - ile serikali kuu mpaka serikali ya local government. Ndio nasema local government iwe na nguvu zaidi. Ahsante.

Com. Wanjiku: Ahsante. (Speaks in Kikuyu) but Geoffrey insists on talking.

Geoffrey: Tunakimaliza tunasema...(Speaks in Kikuyu) tulikuwa tumeweka main point on provincial administration, hiyo ikwishe, na badala yake tuwe na counties. Iwe kwa ile (inaudible) area, iwe na an elected person kama ni (inaudible). Kwa hivyo, katika hiyo county, mambo yote ya local governments, - hili jina la local government – ile mambo ya government iwe kwa hiyo county. Kama ni ile mambo ya chief, kuwe na mtu wa kusimamia mambo ya chief. Mtu atoke kwa party ile profession anajua irudi kwa county. Halafu ile tender yote tumepata kwa dairy bonds hapa, 30% iende kwa central government.

(Interjection)

Com. Wanjiku: That is now; -that was the second point that you finished. And that was on provincial administration, thank you very much *nikushiria confusion nithiria kwe adu marauga mate memorandum nti muthenya nikyo niranekiwo na akworo niakwenda (inaudible) Nikweda kumushokiria gatho tudu ni twatida (inaudible).*

Com. Wanjiku continues in Kikuyu...They are being taken very seriously and you can be assured...(Speaks in kikuyu) ... part of the report. And you can be able to check the... later on ...(speaks in kikuyu).

District co-ordinator: Thank you very much Commissioner. *Ugwo ti muthenya wa mwisho mudu akweda niakuadika ni niakwadeka na tukuthie na bere kukinya kuria mudu ahota kuadika. Karamu keha. Na reu tudu (inaudible) muno hee reke dikare na bere we munene.* Thank you very much Commissioners.

Reverend: *Mwathani tukushokiria gatho niudu wa kushokia maoro maitu nikuitikia na kushukiria tudu wa kuturathima niwega kuturathima ni wega kuturathima riu twarekie na madu maria motho, turakushokeria gatho ni thayo thini yake uturathime na una igita ria ni getha thini wa yesu kristo nitwaoya. Amen*

Com. Wambua: Thank you mno...(Speaks in Kikuyu).

