

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, MATHIOYA CONSTITUENCY,
HELD AT NJUMBI HIGH SCHOOL.**

ON

APRIL 20, 2002

**CONSTITUENCY PUBLIC HEARINGS, MATHIOYA CONSTITUENCY, HELD AT NJUMBI HIGH SCHOOL
ON 20TH APRIL, 2002**

PRESENT:

Dr. Mohamed Swazuri - Commissioner

Secretariat Staff in Attendance:

Irungu Ndirangu - Programme Officer
Charity - Rapporteur
Jacqueline Nyumoo - Verbatim Recorder
Rose Samba - Sign Language Interpreter

Meeting was called to order at 10.00 a.m

District Coordinator: Wale watakuja watafuata yale mambo tunafanya. Bila sisi kusema cho chote ningeliza pastor utuongoze na maombi ili tuanza kwa leo. Asante

Pastor: Tuombe. Ewe Mwenyezi Mungu baba wetu wa mbinguni, tunakushukuru zaidi ya mno kwa sababu ya upendo wako ulio mkuu kutufikisha sisi katika kikao hiki ambacho tunakuja baba, kwa jukumu kubwa na moja, kwamba katiba yetu ewe Mwenyezi Mungu, ipate kutengenezwa kwa hiari. Tunakuomba ewe Mwenyezi Mungu tunapoanza uzidi kuwaleta ndugu zetu kutoka mbali wanapotoka pande nyingi watakapofika wote, pamoja nasi, kwa jukumu hili muhimu. Ewe Mwenyezi Mungu, tutakapoanza hadi kumaliza tutalishukuru, tutakushukuru na kuliinua jina lako. Tunakupenda ewe Bwana kwa sababu wewe ni Mungu wa haki; utekeleze haki yako katika juhudi zetu na hata uzidi Bwana kutuongoza katika mambo haya yote. Wale wanaotusikiza na wala wanaozungumza na kutoa hotuba zao, ewe Bwana ukawafikishie upendo wako ili zote katika umoja huu tupate Bwana kuifaidi nchi yetu; tuanze na tumalize nawe, katika jina lako Yesu mkombozi wetu twaomba . Amen

District Coordinator:Asante sana. Baada ya maombi tutaendelea na mambo yetu. Kwanza nataka kuwajulisha wale wako hapa. Hawa wageni wetu ni wakutoka Nairobi, wanafanya kazi kwa Commission na Commissioner Swazuri yako pale,

anachukua maoni ya katiba hapo. Asante sana Bwana Swazuri. Tutaanza mambo yetu na inaonekana Mheshimiwa ndiye ataanza atufungulie na ile views zake, asante sana.

Com. Mohamed Swazuri: Asante sana, Bwana Coordinator. Hamjambo wananchi?. Sisi tunashukuru kufika hapa na sheria yetu inasema hata mtu mmoja maoni yake ni muhimu kwa katiba- kwa hivyo hatuhuzuniki kwamba mko wachache kidogo kwa sababu sheria imesema tusikilize kila mwananchi. Jina langu naitwa Mohammed Swazuri; kuna wale ma-Commissioner wengine watatu-join baadaye lakini wakati umeenda na ni lazima tuanza.

Pili ninasema unaruhusiwa kusungumza kwa lugha ile unataka kama ni Kiswahili, kama ni Kingereza kama ni Kikuyu ama ni lugha yeyote- kama hutuelewi tuta- translate. Halafu wale wanaongea bila kutoa written - memorandum tutawapatia dakika kumi, na wale wako na memorandum tutawapatia dakika tano lakini wa- summarize zile - recommendations peke yake. Wasisome hiyo memorandum yote- word to word- sisi kazi yetu ni kwenda kusoma baada ya hapa. Kwa hivyo kwa sababu Mheshimiwa yuko na appointment Nairobi saa tano nataka kumu-release mapema na kwa hivyo tunamuruhusu atupatie maoni yake na yeye pia ndiye mtu wa kwanza ku-register. Kwa hivyo tunafuata vile- list imeandikwa hapa, yule anataka kutao maoni yake, tafadhali aandike jina lake wakati anaingia na sisi tutafuata hii list hapa . Tunamshukuru sana Mheshimiwa kwa sababu ya kuwa na yeye kutoka jana na hiyo inatutia nguvu sana. Karibu sana.

Hon. Maina Njakwe: I will speak in English. I have got a written memorandum so I will go quickly into a kind of summary. The function and powers of the three arms of the Government, that is the Legislature, Executive and Judiciary should be properly defined, separated and respected because that is where we have gone wrong. The Executive has taken powers of the other organs of the Government causing inefficiency and making itself dictatorial and autocratic. These powers must be reduced. Presidency is the feeler of either a failed state or a successful one.

Election of the President: The President should be elected by 50% of the electorate should be a re-run if non governors this majority a simple majority should apply if non governors 50% in are-run.

Qualification: He should be a Kenyan citizen above 35 years, a degree holder, and before he is qualified to stand for presidency an ethic committee whose members will include four leaders of biggest churches should vet the aspirant to verify how they acquired their wealth, and whether they are of good character. The President should be impeachable. The election of President, MPs, Councilors and Mayors should be held concurrently to minimize cost. Presidential aspirant should not aspire for parliamentary seats. All aspirant for presidency who acquire 50% of the resources required to effectively mount a campaign should be allowed 50% equivalent by the state.

Government structure: We should have an effective President and a Vice President as a running mate. We should also have a Prime Minister elected by two thirds of members of Parliament. The Prime ministers will have limited executive powers.

Provincial Administration: This should be scrapped and places with with elected leaders because I think they don't perform any effective purpose. Chairmen of Councils and Mayors should be elected by the people. The post of sub-chief should be replaced by a village elder who should be elected by the people. The qualification of Chairman and Mayors and Councilors should be minimum form four education. Mayors of cities, that is Nairobi, Mombasa and Kisumu should be minimum degree holders.

Parliament: A member of parliament should be a minimum degree holder. Parliament should vet all appointments especially constitutional offices. It should also vet Ministers and Ministries. Ministries should be part of, constitutional offices. No District should be formed without parliament's approval. Lastly parliament should be planning its own calendar and budget.

Harambee: First of all the Government should provide constituency offices at divisional level for MPs and location offices for Councilors. 10% of budgetary provisions, should be given to constituencies and be shared equal among the Constituencies. The funds committee should be chaired by the MP so that the Electorate may see and define whether he is an effective MP, or whether he is a corrupt MP. By chairing the funds committee, the MP is in a position to also get funds back to the Constituency. If I may give an example. Ten percent of our money is about 20 billion. So, this by Constituency, will be about 100 million by Constituency and with this kind of money, we will be able to do a lot. An ethics committee should determine the wealth before, and after the MPs turn. Constituencies should be determined 80% by population, and 20% by geographical consideration.

Judiciary: It should be clearly independent, all judges should be vetted by parliament, and the wealth of judges should also be subjected to ethics committees before appointment.

Agriculture: A provision of guaranteed minimum return for major crops i.e Tea, Coffee, sugar, maize e.t.c should be established.

Education: Education should be free and compulsory up to form four. Discrimination in form of quotas should be disallowed.

Electoral Commission: Electoral Commission should be persons of high integrity and vetted by parliament. Votes should be counted as before, - I disagree that the vote should be counted at the level of polling station because the aspirants won't be able to supervise how its done because they cannot be there- so there is most likely to be a rigging the agents may be overpowered and they can not be effective. We are talking because we have got experience in this place. It is a very bitter experience. Power of the President should be vested with electoral Commission during election time- because that is the time the President mis-uses the power to rig in his own people.

Land: Land for speculative reasons should be heavily taxed. Land ownership should not be limited. For example, if we are

talking of 50 acres, and you are building something like a big school you cannot limit your land to 50 acres. It can be about a hundred or so acres; or may be you want to build a golf club like the Windsor which is about three hundred or five hundred acres, it will be difficult to limit the land to say exactly 20, 30 or 50 acres. It all depends on the purpose of the land. Elected Chief and elders should have powers to solve land dispute. Thank you.

Com. Swazuri: Thank you very much Mheshimiwa, I think you can sign for your memorandum over there and we really thank you for being here with us, and thank you for keeping your time.

Com. Swazuri: I have one question for our member of parliament. When people say that they want people to own 50 acres of land, do we intend to go to other people who have bought land in excess of 50 acres and say we are snatching the same from them?

Hon. Maina Njakwe: I don't get you exactly because what I have said is that the 50 acres limit which I have seen mostly in papers well, at times it depends with what you are doing with that land. If you are doing a particular project, I gave you an example of something like a fair golf club, a golf club like the one we have our Members of Parliament neighboring is about 200 acres and a hotel requires about 20 acres. So if you limit land to 20 acres it means we can not do any development on that land. So limiting of the land, I think it is not workable.

Com. Swazuri: Any other question?

(question from un-identified person): There is a question, and it is not exactly what you have said.

Answer: I think he is talking about those people who are saying, we should re-distribute land in excess of a certain minimum which we have set. You are saying, there is no need to do that; He is saying there are those who said let's limit to say a maximum of 50 acres. now what happens to the person who has 150 acres? Do we take away the one hundred from him, and distribute to others, or what do we do? I think that was the question he wanted to ask- but it was mis-directed because, your opinion is that we should not limit, -what you have said is that we should only tax land which is lying idle for speculative purposes. Thank you very much.

Com. Swazuri: Bwana Stanley Waweru, Stanley Waweru. Next is Peter Mwangi.

Stanley Waweru: Talking in Kikuyu

Translation: He is speaking in Kikuyu. No political parties- we should have party- less State. He says that he believes a State should be party- less. If we have political parties then the President should not belong to any political party: he should be

party- less. The President should serve for only two terms each of five years. Presidential powers should be reduced drastically.

The president should be impeachable – we the citizens should be able to take the president to court should he abuse his officers. The President should not have a constituency of his own. The President should not have power to elect or appoint Parastatal Head or any other Departmental Heads. These people should be appointed by the Ministries and Parastatals and Department concerned. It is them that should know what experience they need and what credentials they need for their leaders. The President should not have power to make Ministries this should be constituted by Parliament. There should be a committee, or body to look at the wealth of the President in power. The President and his family should not engage in business of whatever kind. The President should not be above the law, and should live at State House and not in a private residence. The 25% requirement in five provinces should be removed, so that the President is elected by majority.

Provincial Administration: He wants the position of the Chief, Assistant Chief and DO scrapped. We should only have the DC and the P.C. The old provincial boundaries should come back. The councilor should lead the sub-location and location who will work with a council of elders which he has appointed. The MP will lead the division; the District Commissioner should be the Chairman of all the District Head at the District level. And similarly, the Provincial Commissioner should be the Chairman of the Provincial Head at the Provincial level. The Permanent Secretaries, should be essentially for policy making purposes. Councilors, MPs., DCs, PCs and PSs should get their position by virtue of their education and the technical know how.

A councilor should have gone to school up to form four, and the MP should have gone up to form four and higher. The District Commissioner should be a graduate of a University, and similarly the Provincial Commissioner and Permanent Secretary. Only Parliament should change, or alter the District boundary. Public servant should retire at 45 years of age.

Education: I am recommending the scrapping of 8.4.4 system. We should have eight years of primary school, four years of secondary and three years of University - and also the nursery school. Primary school education should start from standard one to standard four where the child will be examined, and specialize in the subjects he is good in -between standard five to standard eight.

Secondary education should be limited to four years and three years for University - which should actually be some kind of technical training. I am suggesting that the classification of secondary schools National, District and Provincial to be scrapped. The children who do seem to do well in standard eight, should be able to access education in National schools, because in good coaching they can be turned out to be anything. The brilliant student can even go to less endowed schools like the former District schools because they are brilliant and can do well anyway. I am recommending free primary education, and also low school fees and bursary scheme for secondary school children. The government should assist in the funding of secondary school education to reduce the pressure on parents. He recommends that President should not be the University Chancellor,

and the quota system should be scrapped. We need free medical service for all Kenyans, I am recommending that the people who have retired and they are on pension, should have their pension emolument be reviewed after months, five years. The parliament should pass all laws. All expenditure should be passed by parliament and we should scrap the District Development committee. An MP should serve for 5 years only, five years of two terms two times. Asante sana.

Com. Swazuri: Peter Mwangi Gachera. Five minutes if you have memorandum please just briefly give us your highlight.

Peter Mwangi: (Talking in kikuyu)

Translation: I am going to speak in Kikuyu and I have no memorandum; my contribution will be verbal. I want to speak about the free market. We need to have to have a new look at our free market because this is where we are suffering as producers. In a free market people sell their goods at whatever prizes they want. An ordinary farmer has great problems and because of this the income is very low. I am recommending the scrapping of free market system to be replaced with the old prize control, so that farmers income is safeguarded.

I want to talk about the farmer; - The small scale farmer. The small-scale farmer is in great problem because nobody cares about his welfare today. Today, the small scale farmers working position is like the donkey; at least the donkey is given water and given some green grass after its work in the evening. Nobody thinks about how the small scale farmer survives. Coffee farming sector is particularly the hardest hit sector today. All income that accrue from coffee sales never reach the farmer, -somehow all the money is lost between the farmer and whoever else markets his coffee. The farmer,- is left with zero income after the coffee board, which is in charge of marketing coffee, sells the coffee, - and all the agencies in between the farmer and coffee board take their cup; - The farmer is left with zero income The small-scale farmer is left in permanent debts; a debt which is forever in book and which whose hope of clearing is next to nothing.

He is saying that all the laws relating to the coffee sector should be reviewed so that we have only two agents. The local Coffee factory, where the farmer takes his coffee cherries for cleaning, and the Miller in Nairobi or wherever, who milled the coffee and ferry it so that we have only two agents the Millar and the Coffee factory.

I am appealing for a new system, and the government to seek a way of settling the debts,- the debts now are unmanageable, and the government should pay the debts and clear this debts for the farmers. It is bad management that has brought the industry to where its now,- with such heavy debts which the small scale farmer cannot clear. For that reason, we need to start a fresh with those that debts cleared by the government for the small scale farmers to start making money for the coffee industry.

I want to talk about poverty; This country is now in great poverty brought about largely by matters relating to land. A lot of Kenyans are landless and have nowhere even to put a simple structure to live in yet there are other Kenyans who own large

tracks of land which they do not use. I believe all land in Kenya is owned by all citizen of this country. I am recommending that all land in Kenya should be owned by the state and each Kenyan should be given a section; an equal amount which he can use- So that each Kenyan can have 20acres or 50 acres and, if somebody one individual wants more land than that, then the government lease land to him elsewhere for the project he wants to put up- and this will reduce crime by at least 50% as people compete to produce for the market and for their sustenance. And I believe poverty will be reduced by up to 70%.

I want to talk about inheritance; I am recommending that both boys and girls should inherit their parent estate equally- particularly if the girl is not married yet. Because if she is married then she should be able to inherit the estate of the family where she is gotten married. The one who did not get married should she be able the fathers estate or the parents estate equally with the sons. Asante sana .

Com. Swazuri: Maina Mwangi

Maina Mwangi: (Talking in kikuyu)

Translation: I am going to speak in Kikuyu; I will start with presidential recommendation.

The President after election, should regularly visit all Districts without seeming to be biased against some and favoring some.

Provincial Administration: I am recommending the scrapping of the position of Assistant Chiefs and Chiefs and in their place there should be a Council of elders who meet ones or twice a week, or when there is a need for their meeting

The local market: I am recommending that if somebody takes a good, or a bunch of bananas to the local market and pays the local tax, and the item is not bought and he brings the same goods again the following day for sale he should not be charged for entry into the market for that he would be like paying for the same items twice.

All people should retire from their position at the age of 50

I am recommending that Government should give free medical service to all Kenyans because all Kenyans pay tax for the maintenance and stocking of these hospitals.

Coffee: I am recommending that coffee proceeds should reach the farmer within two weeks of the sale.

Unemployment - I am recommending that because we have people who earn up to four hundred thousand shillings, or three hundred thousand shillings per months while others who are highly educated are unemployed and has no income, government should intervene so that people work by the number of hours. One should work for a few hours and is paid and the other one works for similar hours and he is paid- this will spread the income better other than current situation` where some have a lot and others have very little or nothing. Thank you.

Com. Swazuri: Rev. James Muthomia

Rev. James Muthamia: My name is Rev. James Patrick Muthomia with the Anglican Church of Kenya. I start with the Constitution of Kenya Review Commission. We need a preamble, equity and justice for all. The set of poverty and corruption this is caused by bad Government for the last thirty years of Uhuru. We think the directive principles of this state policy should look at Kenya like any other Nation. It must give its citizenship the philosophy and guiding principles of its Constitution;- That is to advocate for the true Democratic Governance, and to root out every element of corruption;- We have corruption especially in our traffic section of police whereby if you drive without money, you cannot reach the end of journey in this district.

We also want promotion and protection of human rights where Civil political, economical and cultural, should be well guarded. The respect of all human kind and equality in health care, education and employment should be also looked after.

We also talk about promotion of social economic factors and to guarantee social justice equitable distribution of resources, poverty alleviation and self-sustenance.

We also need to have permanent solution on tribal boundaries and concrete resolution which must promote reconciliation and people - to co-existence between Kenyan communities. We also need to have public relation and internal security to be transparent and secure. I don't know whether I am running too fast? thank you. I don't have the memorandum for you I had just put the points. ----okay.

The Constitution of Kenya must defend this Nation from demonic institution and cults by carefully registering religious faiths and doctrines.

I also think the judiciary- which is the courts- of law, must maintain the rule of law. It must be independent of executive and impartial.

Election: Election must be free and fair; and the parliament must be the voice and the conscience of the people of Kenya. It must enact laws which regulate the affair of our country. It should also serve as the people's watchdog on all the affairs of Government.

The president must not be the jack of all trade. The President should not be allowed to be above the law. The President as any other person, must be given a limited focus of his duties. He should not be the one who will be appointing everybody to every department; There should be a reason for every Kenyan to have his work well formulated. The parliament should not be used as a rubber stamp of the Government of this country and the Executive -Presidency and Cabinet, a Civil Service must operate

subject to the people's will as expressed through our representative in parliament- the people we elect It should be non-dictatorial but true democratic.

Newspapers , Magazines , Radios and Televisions: They must be given full freedom to inform the public and the world about the daily happenings of the entire Nation. There must therefore be trustworthiness, transparency and accountability in Government. It must be free and independent and it must be fearless and objective and answerable.

The Constitution: It must be strong in this country to guard and govern even what is in the parliament.

Citizens of this country should be the true Kenyans born of both parents as Kenyans. We should not have automatic citizens from some other people of the world. We should not be carrying identity cards only for the fun of it it must have some meaning in our daily life.

Education: We must have a free education for our children and Medical services as guaranteed by the constitution. We must also depend on the government for the University loans and scholarships.

Land issue: No monopoly of the land, with large scale farmers in this country, while some people are suffering without even a homestead.

Industries: We must have back our industries functioning. The industries like Upland Pig factory at Limuru, the Kenya Meat Commission, the Kenya Creameries and other factories to generate the employment of young people.

Alcoholic drinks: We are very sorry that our people are dying like dogs because of illicit beer making and we ask the Constitution to defend our people. If Tusker beer and others like wine and spirits receive licenses and serving the same purpose- because they are alcoholic then I don't see the reason why the kikuyu tradition beer which was called 'Muratina' not be given another trial for the people for their ceremonial reasons like marriage;- because we must have something to drink with the elders when we sent our daughters etc.

Com. Swazuri: I thought Rev. you will want them banned.

Rev James Muthamia: I don't want to ban everything we also take wine and I should not think that only European wines are the one which can be called holy, it is not so at all.

The Legislature: The function of the Parliament must not be expanded as the President wants, he should not prolong it at his

own pleasure. And only those who qualify to be eighteen years of age to sixty five years ought to stand for election in any constituency.

When MPs misbehave I think its just to for the people of his constituency to hold Baraza and pluck him back from the parliament.

The genital mutilation of women should be banned in this country. The children must be taken care of by the constitution of this country.

The sick and the disabled should be given their place in the Government of this country and I would rather that we start to think on how we can start educating our children even to the University level because many of our children are very well educated, - especially in this Province but, they do not go for further studies. We have children, I can see, as I have visited many schools who are very well educated -better than some other places. We have a doubt also how the Examination of this country are looked at.

Com. Swazuri: Time, you can summarize now.

Rev. James Muthamia : Thank you. I will now talk on just one issue. The Defense of this country. The President should not be given the right to be the Commander- in- Chief,. Because, even today I am afraid if we have the Commander- in – Chief, next time we will want him out hewill declare emergency state in this country. Thank you very much

Com. wazuri: Just one question Rev. You have suggested that people should be able to recall their non- performing MPs, don't you think we should also do the same for any non-performing elected leaders be it the Chief , be it the President, be it the Councilor?

Rev. James: Yes I think its very good for us as a Nation to think how deal with this people when they become a nuisance to our country.

Com. Swazuri: Okey, Thank you very much. James Kamiru

James Kamau: Thank you. My colleague citizens, and Kenyans, my names are James Kamiru Kamau and I am going to take a very short time because I have a written memorandum.

First of all , in my memorandum, I will single out one paragraph that I have made on general election. Our constitution should provide funding for all political parties, , such funding which should be proportionally allocated according to the number of

political party participating and such available funds should be accounted for a later through the returns handed over to the Auditor and Controller General, who in turn will be able to keep this record safely for the by the parliamentary Audit committee later.

Members of every political party must be given equal privileges as well as right to use the mass media right from the radio to the newspaper during their campaign. Political Parties should have equal air wave coverage.

The constitution should also provide penalties to people involved in thuggery while doing campaign: Such penalties, I have suggested should include complete banning of the candidate of such magnitude from participating in election for a period of ten years and for the Political Parties involved in such thuggery, an Attorney Generals Commission can be set to decide on the registration of such a political party from the registrar of society.

Agricultural and Economic activities: On this particular paragraph I have suggested that the constitution must provide for the liberalization of decision to issue. We should also be able to provide such liberalization to miners and manufacturers.

National Finance: Our Constitution must provide security for the consolidated fund, which should be a creation of the citizens taxes and levy charged on imports and other. The Controller Auditor General must be provided with sanity of tenure by the Constitution to enable him have an ample control on arbitrary spending by the powers that be. The sole trustees of the people of Kenya on the consolidated fund, beside the Constitution and Auditor General, must be individuals or person of proven honesty, who should show a degree of total neutrality and sense of national Unity. During the spending of the National development fund this one we could apply an office of an ombudsman so that he can control such spindly. And may I beg to stop there because my five minutes are over.

Thank you.

Rev. Erastus Gikonyo: I am Rev. Erastus Gikonyo and I come from ACK church at Kituri Parish in Matinya Central Diocese I have got some opinion to give to the Constitutional Review Commission which I has set here at Njumbi High school .

It is my opinion that the constituencies be divided according to the population.

Arid and Semi arid should be abolished. We also don't want the regional government. Again we don't want nomination of MPs and Councilors- we want all of them to be elected.

Appointment of Chiefs and Sub-chiefs: Must be by the people through votes.

Mayors and Deputies: Must elected by people- Chairmen and their deputies must be elected by people.

President must not be above the law . We need to have a ceremonial President with the Prime Minister as the leader of the

Government. Any elected President should have over 51% of the total votes casts. The President must have a minimum of 35 years and 65 years at retirement, and he must serve for two terms of five years consecutively in office.

Councilors: Must be educated up to form four level which is ordinary level and President should not belong to any party .
Judges must be appointed by a panel of government leaders.

All election should be done through secret ballot: Spouses must have citizenship of where they are married.

Any one individual should not have more than 100 acres, and landless people must be settled somewhere in Kenya.

Provision of fee: Free education up to University level, first degree, should be the law of the Government .

Tribunal for land should be conducted by church elders.

There must be a Salary Review Commission for all Government, Government workers.

The Parliament or MPs must not decide their salaries; this should be done by the Salary Review Commission mentioned above.

Kenya must have at most four political parties ,

Members of B.O.G. and P.T.A must be educated up to form four level.

The sharing of Government revenue should be based on population density.

When Commissioners are appointed their review must announced to the members of public.

Prison and cells must not be overcrowded . And prisoners should be trained technical skills.

Every University should have its own Chancellors.

All title deed must be issued promptly without delay.

The Government must give free medical service to everyone at any time in Kenya.

The forest should be guarded by our Constitution, and especially this time when we need a lot of forest to safeguard our country; If there is any forest taken or grabbed, it should be returned, and trees be planted in river the sources so that we may not run a dry season in Kenya.

Alteration to the Constitution must be done by 85% of MPs.

Provincial Administration should be abolished.

We should have a natural vision to set in the preamble.

-There should be a panel to advice the President on the principles and values that govern on how the state power is exercised and he should be impeached when he commits a crime.

-We should have a Constitutional law which should be a Supreme Court of the country anyone who misappropriates public

funds must be taken to court and be sentenced if found guilty.

-An MP must be a full time worker employee: He must be a man of one man one job and productive.

-A foreigner must be issued with a certificate of registration and a Kenyan must have an ID of the country Kenya.

-Only parliament must declare the state of emergency in the country.

-The Government must finance the two major political parties according to their strength in parliament.

We should have a coalition Government.

All commissioned panels must be taken to parliament for approval e.g Judges, or High commissions.

-An MP who fails to deliver can be recalled by the constituents who elected him.

-A parliamentarian or a Councilor must have good moral and ethical qualifications.

-If the dominant party fails to get enough members of parliament, it must have other members of the party to help it in the Government.

-Executives may be removed by vote of no confidence if they fail in their work.

Com. Swazuri: Time is over please, can you wind up as we shall read the memorandum

Com. Swazuri: We will read them. But I have two clarification; you said we shall fund two political parties, are you saying the ones with majority or we need only two political parties in Kenya?

Rev. Erastus: The one with majority and the second one.

Com. Swazuri: The second one. Okay. And then you said that Councilors should be form four, do we need four passes or anybody who has a certificate of form four?

Rev. Erastus: At least a D+

Com. Swazuri: Okay: Thank you. Thank you very much Rev. Erastus, now we have Mr. John Victor Mwangi.

John Mwangi: Thank you very much our Commissioners I am John Mwangi from Githuri location . I am among those people who uphold transparency; - so I begin by being transparent and with due respect Mr. Commissioner, I was among those people who were at Kiriani and I gave some views but I felt that there are some areas I did not mention so I am asking you permission to continue. Thank you very much.

The area that I did not cover yesterday something related with women Rights in Kenya and especially in the question of land registration.

In Kenya today the little knowledge I have, is that women do not own land unless they have bought this piece of land with their own money. For example, I am married with children and wife, but according to the Constitution today, my wife does not own that piece of land it belong to me, incase I pass a way my wife will struggle to inherit that piece of land;- and yet that piece of land belongs to the husband and when we got married, I had said “I give you all my property” and she also gave all her property to me and so this piece of land belongs to us. It is my proposal here, that in the registration of land, women should also be the co-owners of the pieces of land - that means title deeds should bear a passport size photo of the husband and wife,- Just as it is with bank accounts where a wife has her picture and a man also has got his picture.

InterjectionN: (inaudible).

John Mwangi: On the question of the title deeds that are signed by the registrar, I propose that since we go to the District the registrar of land in the District should be accompanied by a District land Board and the chairman of that District land Board will see to it that the title deeds signed by the registrar are not false.

On the question of divorce, maybe you stayed for twenty to thirty years and one becomes dissatisfied with the other, one and you decide to divorce, I propose that because the property you have owned you have worked for it tirelessly with your wife, when it comes to divorce, let that property be divided equally.- And where a husband decides to have as many wives as possible, then that piece of land should be divided according to the number of wives one has but not according to the children one has. That is why the legal heir of the husband should not be the children but should be the wife.

On the broken marriages, I ask the Commission to enforce within the Constitution that the question of divorce be given an effect of some kind-There comes a time when one may want to divorce-but if one has stayed with one for 20 to 50 years, and he decides to part I think that one is wasting a lot of time.

I do propose that there should be a legalized age of divorce- It could be from 20 to 40 years if they decide, and the Government sees that those people cannot live together, it's the best time for them to part subject to the equal division of the properties that they have attained together.

Interjection: Inaudible

John Mwangi: We should not divorce, yaah, that is where I want the government to come in and enforce----- I think that was the part I left yesterday Bwana Commissioners and I thank you very much for giving me extra time.

Com. Swazuri: Thank you very much. It means you have really been thinking about these things. Thank you very much.
Stephen Wamuga.

Stephen Wamuga: (Speaks in Kikuyu through Translator):

Translation: My name is Stephen aspire acquire to have. We should reduce the number of Members of Parliament that we have today to below the number we had in 1988 . In 1988 we had one hundred and forty Members of Parliament. If you reduce by seventy Members of Parliament from the current figure of two hundred and ten to one forty we will save 3.5 billion shillings for the country.

We should have one Provincial Member of Parliament whom we may call Senate MP senate so that we should have eight members of parliament from the eight provinces. These eight MPs will be joined by the President and his Vice whom both of whom must be elected directly and this will form a group of ten whom we should call Government. Then we shall have removed the single man government who sack people even when he is over flying the country. It is this ten people who will decide a number of Ministries because we know that today's Ministers have no power in the Ministry they are serving. For instance in the Ministry of education, the experience is that the Minister for education cannot increase teachers salaries and this has forced has created a situation where the Kenyan National Union of Teacher Secretary General has demanded the intervention of the president because he knows that the Minister of Education is powerless.

These people , these ten people, will remove the single man rule. For instance, if you are appointed Chairman of Kenya power, and you ruin that company, you are taken to Telekom which you will ruin again, and you are taken to other places and all this time the single power keep saying that you are doing a good job while the experience at the ground is contrary .

Our President should be ceremonial , while the Vice President should be the “defects”ruler.

Education: Basic education should be automatic and compulsory to every child and it also should be accessible to all children . The experience we have is that we are told in theory that we have free education but in practice we know this is not the case as we have to pay to access this education.

The Government should be honest with parents and make it clear that it has no money to run schools and the parents should pay. The current situation that is Headmasters are told not to expel children because education is free, yet they cannot run the same schools because they have no money .

Other than books, the schools have other expenditures -water, light , watchmen and others and all these costs are made by

parents we should be honest and own up that indeed education is not free .

Hospitals: All Government Hospitals should be free , Medical Services should be free in public hospitals. We all pay taxes and if you look at, I am a farmer, today I have on today is my best. I am reduced to this because although I have paid heavy taxes and yet I have to pay when I go for Medical Service I have to pay. We should not be paying a single cent to all public health facilities.

Retirees: The experience we have is that the people who have retired particularly Senior Teachers, have found their way into new jobs, e.g Board of Governors , Commissions like this and others where they continue to earn income. Retirees should be in retirement and go home and not change for jobs - Sometimes better jobs.

Land and cultivation: Parents sub-divide their land as per the number of children and not the number of wives he has. In a family where a man has five wives, one woman may have one child, another may have five, another may have seven, another may have ten. As for the current constitution if you look at your Identity card you are referred to as a son or daughter of your father so you are not referred to as a son or daughter of your mother so the father should sub-divide the land among his children and not as per the number of his wives. Mr. Commissioner I think all what I have said will be taken forward. Thank you.

Com. Swazuri: Gerald Irungu

Gerald Irungu: The Commissioners, my fellow constituents, I take this opportunity to go through the issues and questions in this guide in highlighting my views.

Com. Swazuri: Just highlight few of them-if you want to go through all of it you will spend the whole day here.

Gerald Irungu: Thank you.

One, I support the idea of having a preamble in our Constitution, and that the public should be involved in the constitution's supremacy through referendum.

Defense and National security: I do not support the idea of the president being the Commander in Chief of the Armed Forces.

Political Parties: It is my believe that we should not have many political parties, at least we should have less than ten. It is my belief that each and every person, has his or her views represented in one or two of the political parties. I do not see a reason as to why we should have so many political parties and yet we want the Government to fund all these political parties. It is like

everybody will come up with his or her own political parties. It is just to be funded by the Government; so we need at most ten.

Still I support the idea of this political parties being funded by the Government.

Structure and system of Government: I suggest that we have a government involving or having a President and even a Prime Minister where the president is ceremonial. And again I suggest that we have a federal system of Government in which the Executive and Legislative authority is spread between the Central Government and distinct regional or other unit set by the Constitution.

The Legislature: An MP should be a full time employee and if he or she must have another job, the number should be limited to at most one. I believe that the language test required for parliamentary elections is not sufficient. Somebody who claims to be a leader should have a clean record of what he has done. So we need a clear record of him or her leadership if somebody has failed in one point or another we should not have such person.

Something else I suggest here is that we should not have this idea of giving out money during the campaign. If an MP is found giving out money, I think he should be disqualified because MPs are taking advantage of ignorant people, - people who have not gone to school or people with little education and so if they are given a hundred or two hundred, they will vote for this MP, and the MP will continue doing things on his own way. So I suggest that MPs should not give out money whenever they are carrying out their campaigns, - if anything they

should give a record or a history of their achievement and prove that they can really lead the people with or without money. Again I support the idea of re-calling MPs if they are found not performing and again they should act on the basis of instructions from their Constituency of Party.

The Executive: The Constitution should specify the qualification for the presidential candidates and that the maximum age of somebody acting as a president should not exceed 70years, minimum around 40 years. And again the presidential tenure should be fixed to two terms. The function of the President should be defined in the Constitution and again the Constitution should limit the presidential powers. The Constitution should provide for the removal of a President for misconduct while in office. And the President should not have a constituency.

Provincial Administration: I think we don't need some of the officers like the PCs. I suggest that we have people to govern regions.

Local Government: Mayors and Council Chairmen should be elected directly by the people and the Council should not continue to operate under the central Government. should be a minimum education qualification for councilors and this should be at least form four level.

The language test for the Councilors is not enough -again we need to know the record of their performances in other fields.

People should have the right to recall their Councilors just incase they are found to non-performing. I don't think we need nominated Councilors because sometimes they are only placed there by people in the higher offices just --- They should be nominated by the people.

The Minister in charge of the Local Government should not have the power to dissolve the councils.

Basic Rights: We should have free security, health care, water and education for all. if you have a security problem and you report it to the authority, you are requested to pay some money to fuel the vehicle of something like that , we should not have things like that, we should not be told that they don't have fuel for the vehicles that should be their work.

We should have free health care for all in the Government institutions and the employees, that is the nurses and Doctors in government institutions should not run their own clinics, because there is a tendency of drugs meant for the public use into their clinics for selling to make profit.

Education: We should have free education from primary school to the secondary school with the parent paying for bills such as electricity and other small things.

On the University education the Government should go back to the former system of funding the University in such away that every eligible candidate, every candidate admitted to the University should qualify automatically for the loan . You see these days if you come from a particular region journey you are not likely to get 40 or 42 thousand you get the minimum 20 thousand- and yet the Chiefs, the D.O whoever that is supposed to sign has indicated clearly and shown that you require assistance yet you are not given the assistance that you need. So this loan should be automatic..

Environment and Natural Resources: I think the Constitution should define this clearly because you have the land, you have the water, and people still do not know exactly what this is at the back of our mind we know that naturals resource are things like minerals, such as gold and such like. So this has to be defined clearly. I suggest that we have an office of an ombudsman where complains are taken to, we should also have the Minister of justice. I think for now that is all I have. Thank you.

Com. Swazuri: Thank you very much Bwana Irungu. Can you register your name there. Now we have Macharia Nyambao. Karibu Mzee.

Macharia Nyambao: (Speaks in Kikuyu through Translator).

Translation: I want to ask a question, I hear people talking about Chiefs and Councilors, I want to know whether that is the Principal purpose for which you came here. We came here to talk about the Constitution. How does Constitution making bring in the Chiefs and the Councilors? When trouble comes shall we go to the Chief and Headman? When I am invaded or attacked, I run to the Chief and Headman- that is Assistant Chief and explain my problem to him before I go to the police.

I am recommending that the “courts” in the police system should be scrapped. I want bribery outlawed I should be served without being asked to give bribes.

The title deeds should be issued at the Local District Officers office because, from this place we are sitting to Muranga it is 70 shillings one way and 70 shillings back- and most times we have to spend a night there and I don't know anybody there,- I have no place to sleep. So we should access our land deeds at the D.Os office.

We should get them from near our homes. That is all I have Commissioners.

Com. Swazuri: Asante sana , Asante sana Mzee, uende pale uandike jina lako . Thank you very much. Muthaiga Hezron. Karibu Mzee.

Muthaiga Hezron: Thank you very much Commissioners, most of my points have been said I will just give a few which probably have not been said properly.

Bwana Commissioners, I will start with parliamentary election: For one to qualify to contest for the parliamentary seat must be a University Degree Holder not just University education but somebody who has a degree. This has much to do especially when they are given the Ministerial posts.

-The other one is about the Local Authorities: Sometimes is a bit shameful to see that there is a Councilor who does not even know how to read or cannot even lead the Ministry. So I recommend Bwana Commissioner, that the qualification for one to contest for a Local Authority or Municipality, should be a form four pass, D+ or equivalent.

Provincial Administration: I suggest here Commissioners that we should abolish this post of Assistant Chiefs and the Sub-location and instead we have a location which this location has a minimum of five thousand people to be headed by, not a Chief or sub-chief but by a Location Officer, that is the name Chief be changed to Location Officer. Now if two locations are bordering and probably one location has about eight thousand and the other one has got about six thousand, they can create another location in between there so that they can have a location of about five thousand people . Now this Location Officer should directly be answerable to the D.O instead of the Assistant Chief going to the Chief, and then the Chief going to the D.O we have a straight forward connection between the D.O, and the Location Officer.

-The other one is, there should be at least not more than four political parties including the ruling party- because the more political parties we are having they dilute the other political parties and if they are few then they will have many members and at least it will be easier for them to argue with the ruling party.

I think we should get the four according to the population or the number of members the four best.

-Then there should be one-man one job. We have very Senior Officers who are having very very many posts. You hear this is a Commissioner in a certain commission, the other one is a Chairman of a certain firm. Because we have got very many people who are not employed, we should have one man one job.

-Now the other thing is about the pension: Those people are under pension, should pension reviewed as the salaries are being reviewed-once the salary is reviewed their pension should also be reviewed because they are partly employees of that Ministry. And also when calculating the pension has been ridiculous because the most important part, which is house allowance, is left out- so the house allowance of a pensioner should be included while determining the pension. Now with those few points Commissioners, Thank you very much.

Com. Swazuri: Thank you very much Mzee Hezron . Now let us have Dedan Kariuki.

Dedan Kariuki Maina: (talking in Kikuyu through Translator)

Translation: I want to start with Medical services. For the Presidents of this country to be able to work and live long all public Medical services should be free and the Doctors and other people who work in this hospitals working in these hospitals should be banned from operating private clinics.

Inheritance: All inheritance matters should be concluded at the Chiefs office including the accusation of the title after all the document, documentation should be brought to the Chiefs office so that after title deeds is sign by the registrar is finally brought to the Chief from where we can collect it.

-The Local Market: All action for produce produced in a region, should be located in the area where that produce comes from. For instance, Coffee comes from Central Province so the marketing of Coffee and its market should be within Central Province.

Taxation of farmers allied the co-operative system should be reduced. Our government should increase the number of industry and also run them.

-I recommend the abolishing of nominated Councilors.

Traffic Officer who allow un road worthy vehicles and then these vehicles have accidents and people loose their lives or are injured should be punished by being sacked.

-I recommend free education.

-I recommend that we should have one-man one job. This should start with the President, the President should not be the Commander in Chief, and the councilor should also not be a member of the land Board. The President to be elected directly.

-And lastly the Government be responsible for the management of the natural resources. Thank you.

Com. Swazuri: Thank you very much Bwana Dedan, now we have Kimani Ngoshi.

Kimani Ngoshi Stephen: Thank you very much the Commissioners. Most of my recommendations have been spoken about and I want to redeem time. The only thing I would like to repeat is on the armed forces.

The Armed forces must be free with the Minister of defence as a separate body . Currently they are idle in the camps.

Com. Swazuri: There is no war, you want them to start shooting us?

Kimani Ngoshi: No I will tell you what to do

Com . Swazuri: You know when you let them loose, there will be trouble here.

Kimani Ngoshi: They should be engaged in, development like bridge construction and road construction because most of them are engineers and crafts men.

And drivers too this is it;

-As for education in the University, the Universities should have free Chancellors individually. --The president should be elected by the wananchi and he should be a legislature in the parliament not a tourist in the country.

-As for the executive: It should be a free body headed by a Prime Minister.

-As for Judiciary: It should be an independent body headed by the Attorney General chosen by a panel of lawyers.

-Provincial Administration should be scrapped. We should remain with the D.C and the D.O and the Chief.

Com. Swazuri: You want it removed in what part?

Kimani Ngoshi: The sub-chief and the P.C.

Taxation in Kenya should be reviewed to benefit the Kenyans. That is all I have. Thank you.

Com. Swazuri: Thank you very much, can we have your memorandum registered. John Mwangi. P.O Box 6 Gacharakwe.

John Wamwangi hayuko. Paul Muna Gathuri;

task for the improvement of our Republic.

Head of State: The Head of state should not be above the law. His minimum age should be 40 and maximum should be 65 years. His rule should not exceed two, five years term. The elected MPs should be empowered to vote the weak President out through the vote of no - confidence.

He should be above the politics. The Constitution should provide for the information of coalition Government for National Unity because the opposition has tried to fight the ruling party and they have been unable since 1992- the saying "if you cannot beat them, then join them.

The Constitution should be allowed to re-elect or replace their weak MPs even before their five years term is over.

The Executive body should include members of the main political party.

The Judiciary should be independent. The Legislature should debate most of the matters that concerns the people's interest.

Implementation of Democracy: People -powered Constitution should be exercised through the elected MPs and through the accountable institutions of governance.

The rule of law should be strictly adhered to without favourism.

Citizens should be free to associate and live anywhere in the republic of Kenya. The government in force should run the state according to the democratic principles and human rights.

Local Government: The current trend of the commission of Local government should be changed in order to empower the Local Councils for the major developments, as they are the basic government near to people. And on that, people should elect Mayor after five years not by councilors after two years.

Councilors education should not be below form four . Councilors who reflect dissatisfaction to his or her electorate should be

fired through the confirmation at least by four hundred signatories.

Electoral System: Population should determine the geographical Constituency. Politician should not be allowed to give hand-outs of any kind in order to induce the voters. Election timetable should be scheduled to avoid “secret weapon” tactics by the ruling party.

Every polling station should be counting station for the results in the spot. The winning candidate should get at least over 50% of the fourteen populations.

Land and property rights: All the idle land should be shared among the landless for the sake of the development. Those people with big shambas should share their fast sambas with the landless and nobody should be allowed to own more than 300 acres in Kenya even those rich people.

Kenyans should have a Constitutional right to own land, and live anywhere in our republic of Kenya. Citizen should be given their property’s protection as they pay tax for them for that purpose.

Basic rights: The new Constitution should protect health care, water, education, shelter, food and employment of all the Kenyans.

Disabled persons should be given facilities like any other citizen regardless of their disabilities.

All the citizens must have a right to minimum level of education that is free and compulsory education for all the children including the street children they are forgotten and people here bring them.

Natural resources: The Constitution should address environmental issues which are ruining our country. For example the Constitution should prohibit forest destruction, protect all the water catchments areas, ensure proper management of highlands, and National parks, all the available National resources should be all the Kenya’s assets, Local communities should be involved in managing of Natural resources of their areas.

Agriculture activity: In order to assist farmers get good returns to enable them enjoy their sale, all the current Acts on agriculture sector should be reviewed or overhauled in order to recover the economy and to ensure the Act are farmers oriented. I am Paul Muna I am very happy to contribute towards this task.

Com. Swazuri: Thank you very much we are also very happy to receive your contribution, can you please have your memorandum signed. Now we have Mr Jackson Kanyweri.

Jackson Kanyweri: I thank you the Commissioners and the fellow members who have come to represent their views. I will

still start with my written proposals. I am Jackson Kanyweri, from this Mathioya division.

Preamble: Kenya Constitution should have a preamble, in the preamble the National vision should be a united, developed and reverent - that is God fearing Nation. The common experiences of Kenyans in the preamble should be Dependence on God, Love, Unity, Sincerity and Justice

-Directing principles of state policy.

Our Constitution should include principles, such as transparency and accountability.

Mutual responsibility and interdependence: Kenyans have important values in common which need to be revived and this is interdependence. Self-centeredness is foreign to the African and our achievement should be measured in terms of what is done for the sake of the society- and not personal interest. These three principles should be enforced in law.

Constitutional Supremacy: The new Constitution must be rigid and the parliament must not amend any part of the Constitution. However before the Constitution begins to be implemented the public must vote for, or against it. If the public votes for it then it should continue. Any amendment should involve the public through referendum conducted by a neutral Commission with its Commissioners selected and mandated by all political party represented in the parliament.

Defence and National Security: The responsibility of the president in Defense and National security should be limited thus the President should not be the Commander- in- Chief of the Armed forces. The parliament should be the one to consider what to do in event of emergency situation.

Political parties: No political Party should be registered unless it is qualified by its national outlook that is by the nature of its origin motivation and vision. No political party should be funded by public funds unless its represented by more than ten percent in parliament. Resourceful people should not be thrown out just because they belong to certain parties, thus parties should relate that fund should grade well such that the leading party should open opportunities for other members of other parties to be incorporated as Ministers or Assistant Ministers.

Structure and System of Government: The President should be ceremonial and should come from the majority Party. The Prime Minister should be appointed from the second party.

State affairs should be controlled by Central Government.

The Legislature: Members of Parliament should be full time and having an office within the Constituency where people can forward their names. Any person contesting for Presidency or Parliamentary seat should be one with University degree, good family and morally upright. – He should be between 40 and 60 years.

The people should have a right to recall their MP through referendum.

The MP represents people of his constituency as well as the Nation. Then he or she must act as per the needs of people, and not his personal convictions. We should have most party representative at both Legislature and the Executive. The President should not have powers to dissolve parliament.

We should not retain the concept of nominated MPs. I propose coalition Government where other parties have a part in the Government with 50% from the dominant party and the other 50% from other parties.

The Executive: Qualification for Presidential candidates?

- a) University degree- not honorary degree.
- b) Stable family,
- c) Age should be 40 to 60 years.
- d) Should have experience in parliament for at least one term.
- e) Presidential tenure should be fixed to two terms and each term should take five years.

The function should be both ceremonial and supervision of the state affairs. The powers of the president should be limited such that he should not appoint any person to power. In case of mis-conduct of the president removal is necessary but proper procedure must be put in place with legal procedures followed to prove him guilty of the offence. The house can pass a vote of no confidence if he is proved to have any misconduct.

We don't want the Provincial Administration. However there should be a local executive officer elected by location whose work should be to bridge the gap between the individuals and Police Headquarters.

Judiciary: There should be no presidential appointment in the Judiciary.

Local Government: Mayors and Council Chairmen be elected directly by the people. Councils should continue to operate under the Central Government.

Councilors should have minimum qualification of at least Ordinary level education but fluent in English and Kiswahili.

Moral and ethical qualification are paramount for local Authorities seats. There should not be nominated Councilors.

Electoral system and Process: The date of the election -----

Com. Swazuri: Summarize please your time is almost over.

Jackson Kanyweri: The date of election should be specified in the Constitution, the Presidential election should be conducted directly. Election for 2002 must not be done before the Constitutional Review findings are over, - so that elections will be part of its implementations.

The Commissioners of Electoral Commission should be neutral -so they should be appointed and mandated by members of different parties in parliament.

Education: Education should be free and employees in government and compulsory from Primary to Secondary school.

Medical services : Medical services should be free , the staff employees in government medical services should not be allowed to own private clinics. That is all I have. Thank you.

Com. Swazuri: Thank you very much, can you please have it registered there we are going to study read it once more time. Thank you very much. Now we have Elijah Shiro

Elijah Shiro: (talking in Kikuyu through Translator)

Translation: My name is Elijah Shiro and this is my home.

First and foremost I want to talk about medical services. I know I am repeating, but I have just come in to stress on how important this is. We should be assisted in the medical service so that we are able to work because sick people can not work.

Our children have nowhere to stay or live in. I have ten children and my piece of land is a mere one-acre. My recommendation is that when we produce our produce like Coffee and Tea go to the market if for a reason they do not fetch good market, they should not be disposed off at those low prices. We should be able to wait until we have better prizes for them and then sell them that time. My recommendation is anybody who does a poor job where he is employed should be fired but not transferred to another station.

The retired people should go into retirement-genuine retirement;- currently they are given other jobs, they just change jobs.

My other recommendation is that we should ban the Circumcision of girls.

My other recommendation is that we should ban devil worship.

My recommendation is that the Council of elders, or the elders with whom the Assistant Chief works, should be elected by the local population-not by the Assistant Chief as it is done currently.

-Those who are elected into parliament and do not do their job well, should go into retirement.

-Wholesalers should be banned from engaging inherit trade because they will be keeping away businesses from us and from children..

My other recommendation is that the council should be banned from charging taxes on very small businesses like tomatoes and vegetables sold by the market. It should continue collecting taxes from shops and other big businesses. Thank you very much Commissioners.

Com.Swazuri: Thank you very much Mzee. Now we have Simon Kigai Ndwiga.

Simon Kigai Ndwiga: (talking in Kikuyu through Translator)

Translation: The views we have brought here today are going to change the way this country is governed. We have been told that it's us the ordinary people to change this law so that we improve the way we are governed. My fear is that the old Constitution would be changed by cabinet Ministers who would identify the section they don't like and would change it.- so I want to ask the Commission, is this what they will be doing in this new Constitution?

Com. Swazuri: It's for him to tell us what to do if that was not good.

Translation: My recommendation is should there be the need for constitutional amendment, the whole country again should be asked like is being asked now, to make an input in the way they want that amendment done.

I am a Kenyan citizen by birth, and I am 60 years old my father blessed me with only one acre of land and I have six children. Should I decide to sub-divide this land among my children they will only get a scratch of land on which to build a live in; where will they be farming?

But I also that there are people who own five thousand or even ten thousand acres of land and they are Kenyans like me , how did this come about -that some Kenyans can own so much land yet we are the same and we are supposed to be equal Kenyans?

Nobody should own more than a hundred acres, so that when a child graduates to get an Identity card, he gets two things. He get an Identity card and a piece of land.

Then I want to talk about primary school education. They tell us that children have free primary education but the moment you take your child to standard one even before the child is accepted the teacher wants two thousand five hundred from you and they continue telling us that this education is free.

The Government should make primary schools education genuinely free so that by the time the child graduates to form one or to high school, I will have put a side enough resources to send him primary school education. By the time he gets to secondary school I may be in such a weak position I am unable to take him through high school.

When my child gets sick and is admitted in hospital, the bill may accumulate up to 50 thousand shillings. The child will be retained in the hospital and will be told to go and do Harambee to clear this bill- while it is known I can not do such Harambee- the Harambees have been left for the rich.

The biggest problem we have in this country is the concentration of power in one individual; He rules over judges and everybody who works in offices. People can not make a decision without his input so it is my prayer that the new Constitution should allow us to give the country a chance to be governed the way wananchi want and not the way an individual would like it to be governed.

- Another issue is that even Policemen want to be paid before they give service even though they are supposed to be - utimishi kwa wote. Even as they demand this money they have already tortured one to the point of being made infertile: I cannot understand how I am a genuine or good citizen of a country where *I have* been tortured, crippled and looted through corruption and my property, my goods and my produce are also been mismanaged I can't understand how I am supposed to be a good citizen of a country like that.

Com. Swazuri: What should we do to the police?

Translation: I recommend that those policemen who demand bribes should be sacked immediately.

I hear that in this country there is one individual who is above the law. My recommendation is that nobody should be above the law. That should be removed because this the new law we are doing it should govern everybody.

Com. Swazuri: Let him summarize on the final point

Translation: We are only told what our coffee produce fetches at the market. My recommendation is farmers should be free to sell their coffee, and if they can do it directly, there should open transparent election where genuine coffee farmers are one ones in-charge of sales of coffee and then will report to their fellow farmers what their coffee fetches.

Finally it is about specialization. One should be a personnel in an area he is trained. If one is trained in health he should be in health if he is trained in forestry, he should be in charge of forests. Thank you very much.

Com. Swazuri: Hakuna mtu anatwambia kuhusu mambo ya detention- na Katika katiba tumeambiwa ni lazima twangalie hili swala, kwa hivyo wale wengine ambao bado kuzungumza hebu wafikirie mambo ya detention..

(Translated in kikuyu)-----

Com. Swazuri: Peter Irungu Maina:

Peter Maina: (talking in Kikuyu through Translator)

Translation: Thank you very much Commissioner, I am peter Irungu Maina Most of the things I wanted to talk on have been spoken on but I am going to mention a few of them. I want to talk about farming. The Government has always told us that it moved out of the agricultural sector. Unfortunately this is not the case. If the government moved out of the agricultural sector, it has to genuinely move out.

When they are taxing farm produce they should engage farmers first. They should not just get into the farmers produce, and tax it at the level they determine without consulting the farmer.

The co-operatives sector and the rules and regulation governing it should be looked at because this is one area where the farmers have oppressed for too long. We have seen situations where the farmers decide they do not want an individual to manage, or to be involved in the management of their factory, but the hierarchy in the co-cooperative system, supports that unpopular man and there is a protected struggle between the farmers and this man on one hand, and the co-operative system on the other over the removal of a man they did not want.

Next I want to recommend free education for all.

The administration or the anti-corruption people should visit land offices because that is where the den of corruption is.

Public hospitals and facilities should be free.

President should not be above the law, he should not have the power to dissolve parliament.

Sub-chiefs and Assistant chiefs, should be elected by the public.

People with large tracts of land with over a hundred acres some of it should have some of it given to landless people. Thank you very much that all I have to say.

Com. Swazuri: Laban Maina

Laban Maina: Thank you Commissioner for giving me this opportunity to present my views.

The first point I have is concerning the involvement of professional in decision making . We have problems in Kenya when it comes to making decisions on issues like medical services or education; We find that everybody, especially the politician is involved in this decision making. This eventually ends up in making wrong decision. Therefore, my suggestion is that we should involve the relevant professionals in the final decisions. In this case, I suggest that Ministers should be Professional in their respective ministries- not just having ministers picked from anywhere to lead ministries. The Ministers should be appointed by

the Parliament.

Another thing which is disturbing us is corruption. There is a lot of corruption in Kenya and that is something we should all be involved and see should we can avoid it. Corruption in Kenya is made worse because most of those people involved are the senior people-It starts from above and comes downwards-so the junior people don't fear also as the senior are also involved in this corruption. I therefore suggest that those involved in corruption should not be given offices and if they are in office they should be removed.

The other point is concerning the candidates, for both Presidential and Parliamentary These candidates should have a minimum of at least 40% of the vote of the voters registered. This is the minimum , a candidate must attain in order to be declared a winner.

The other thing is concerning the Constituencies and geographical boundaries. I think it is not fair to have a constituency within two divisions for example in Mathioya constituency, we have one part in Kangema division and another part is in Mathioya division. This makes it difficult for these parts to be developed as they are in different divisions. I therefore suggest that the constituency should be within one division.

Concerning the government, I suggest that we should have a coalition government.

The last point you have requested us to say something concerning detention my suggestion on detention is that it should be removed, should not be there, let people be taken to court. That is all..

Com. Swazuri: Julius Irungu: If he is not there, we go to John Kiriba. John Maingi Kiriba.

Joel Maingi Kiriba: Education in Kenya should be free for all that is basic education.

Farmers in agriculture should be supported and be given incentives. For instance when there is a surplus the government should buy the surplus from the farmers and sell them at market price so that we don't have a lot of waste.

Water should be free for all, it should not be sold since this is natural.

The President's power should be curtailed and parliament made to appoint Judges, Permanent Secretaries and Chief-officers.

Health: Health should be free for all in Government hospitals. This will eliminate incidents such as mother being detained in hospitals offer delivery for failing to pay a small fee of say five thousand shillings.

The system whereby the president is elected by 25 % in the provinces should be scrapped and have a majority win situation..

We should scrap the Provincial Administration and have elected leaders right from the Councilors the Council Chairmen.

Any person seeking election should have a minimum of form four certificate and at least a D+. There should be at least three political parties funded by the treasury and their duties should be to educate the wananchi on their basic Rights like conducting civic education.

Taxes is on farm input and sales of produce should be scrapped.

Ministers should have at least a University degree.

The document which Kenyans should carry for the purposes of identification should be Identification card and a passport. Since getting a passport is a tedious job, it should be every one's right to get a passport on attaining eighteen years.

The president should not be the Commander- in- chief of the armed force. We are hoping that whatever we are presenting here will not have place in the Kenya National archives as other Commissions whose results we have not seen.

Any constitutional change should be done by the owners- that is the citizen; not by the parliament We will be called again to amend any part of the Constitution. There should be no detention without trial and no person should be detained in custody or in the police cells for more than 48hours before arraigned in a court of law.

Once the parliament is constituted the date of its abolition should be known I propose a period of five years. and the month when the parliament ends should be known to all citizen. Any motion in parliament should have at least 85% majority before the Bill is passed. Thank you very much.

Com. Swazuri: Thank you very much Bwana Maingi. Now we have Geoffrey Karenju.

Geoffrey Karegio: Thank you very much Commissioners,- and wenzangu ambao wamekuja kusikia. Mimi niko na mambo matatu ambayo nataka sana kusungumza juu yake.

Government: The system of Government (talking in Kikuyu)

Translation: I want to say that its not the system of Government that we have had that has been bad it is those rulers who rule over us that corrupted the system and messed it upIt is not the system that was essentially bad.

The President should be aged between 30 years and 60 years only and he should have only one job. There should be a Minster for Constitutional affairs, whose job is to see how the country is being administered.

Anybody going to parliament should have at least a form four level of education and should not be a retired person. What is

happening now is that people who have retired in other places and they have want to go into politics. They come and use their money and we elect- them that is very bad.

If the President will serve a two five years term , so should a Minister so he doesn't live in parliament like a stone.

Provincial Administration: The Chief and the D.O should be elected from the local population, we should not get Chiefs and District Officers from other part of the country. So, my view is the Chief and sub- Chief should come from our local area.

Business: My view is that anybody- who is working, employed somewhere should not own a business. Anybody who is earning a salary should be barred from starting a business somewhere because business climate is bad this time. If a man is a manufacture, he should not distribute. If he is a distributor he should not retail the same product.

Detention without trial: I was around in or there about 1964 when Martin Shikuku was detained because he said something in Parliament or somewhere. It's wrong, it is immoral to detain somebody merely because he talked with his mouth without doing anything. He should sent to court and made to stand for trial.

I want to talk about land: Some of us are owning over a hundred acres of land and a lot of us don't have any land at all; If one farmer, he should be engaged in the business of farming this telephone farming; is the one that has ruined this country; Somebody is working somewhere and he is not engaged in farming he just make telephone calls. Therefore he does not do job efficiently..

Coffee: I want to recommend that coffee produced in Central province should have it's market in central province so that the exporters and the buyers come to Central province and we see them as they buy our produce and we can talk to them and negotiate with them.

Title deed: The Land Registry the one that issue title deeds is the most corrupt office currently- This document should be issued either at the Chief's office and the process should start with the family.

Com. Swazuri: Thank you very much. Next is Francis Mwangi.

Francis Mwangi: My names are Francis Mwangi ; The first thing that I want to say is, there must be body in Kenya whose duty is to look into the issue of salaries for all people employed by the Government. This is because there are several bodies looking into salaries of various groups of people- such as the teachers. But we should not have only one department in the government that has to look into the issue of salaries of all the people employed by the government.

The other one is we should have at least four parties in Kenya including KANU itself.

The other point is that the Judiciary must be independent without interference from any quarter. As it is now, there is somebody who is above the law and there is nothing that can be done for as long as we don't have a free judiciary.

The other point is that is the President's powers must be reduced because the president seem to have every thing under his own mercy- and that should be reduced and he should not be above the law.

- The other one is that Provincial Administration must be abolished and instead in its place we have elected leaders within our District.

-The President must not have a party of his own because the President people in the country and so I think he should not have his own party.

-The Government must finance political parties.

-We should have a Constitutional courts where all people, that is those people who are elected including the MPs and the President, must be taken to if they have done some wrongs in their running of government –we should have a court where they can be dealt with because at present there is nothing that can be done to them because they are above the law..

-Judges must be appointed by the Law Society of Kenya but not an individual person.

The quota system in Secondary schools and University intakes must be abolished, so that people or students are taken to Secondary or Universities according to their education.

-All Constituencies must be equal in the number of voters because presently some with Constituencies have got so many voters while others have got very few voters. Thank you for listening to me.

Com. Swazuri: Just one clarification; You are saying the Judges should be appointed by the Law Societies of Kenya, alone or do we need approval from parliament?

Francis Mwangi: With approval from parliament

Com. Swazuri: Because the Law Society of Kenya itself may not be that transparent..

Thank you very much. Now we have Mr. Charles Thiongo. Charles Thiongo.

Charles Thiong'o: Thank you Commissioners. Now I got a few points to make concerning this Constitution. Our country has been ruined because our civil servants are being manipulated by some high authorities- The civil servants should be appointed by the Public service Commission according one's merit.

The president should serve only five years of two terms, the first five years and the second and then whether he is good or bad should retire and give chance to others.

The other point is especially on the (side of farmers. Farmers have lost their produce through low quality goods being imported from other countries; we have a very good example at present. There has been a lot of maize in this country, the farmers have put a lot of effort and a lot of input but to the surprise of many people, this maize has not been bought because these big people have brought maize from other countries which has been sold at low prices and our farmers are crying up to this time. So the farmers should be paid with money and not inputs because inputs will not help them to pay their school fees, buy clothes and do other things.

-The other point is this; We are told that we no longer belong to KTDA- we have our own companies- every factory has its own company. But what the KTDA used to do, was to get fertilizer for the farmers without the farmer knowing how much hw is going to be charged. So these companies should order fertilizers from the respective farmers with whom thy should negotiate the price and not getting if from just one place and there the farmer is asked to pay for a price it was not involved in the first place. At the same time this tea should be sold by the company itself without having somebody from outside running it as has been the case.

Therefore we should manage our Tea, get buyers from Europe, America, they come to our Tea factory, we negotiate and they pay us.

The sitting MPs at present have accumulated a lot of money, a lot of wealthy and therefore, when they retire in the next elections, they should not have pensions. They are impoverishing our country- they have accumulated a lot of wealth and when they retire they take large sums again.

The other point is on the education system. I think our education system has been changed from time to time. We used to have the British system, we came to KAPE, now we have 8.4.4 which has made the education standard of the country very poor. Whenever a teacher either goes for maternity leave or is sick should be replaced immediately so as to retain that standard. But at present when a teacher is transferred no replacement made. If we want to retain our standard we should stick to one kind of system not to keep shifting after two every two years. We should stick to the system which is going to be approved by the Government.

Com. Swazuri: Which one do you suggest , you suggest to go on with the 8.4.4 , do we suggest KAPE , do we suggest the A' Level which one?

Charles Thiong'o: I would therefore suggest that the system we had from British government was the most adequate. I think

even the British people have not changed. But we have changed from American, we have gone Canadian, now we have the 8.4.4, and therefore all we have a very poor quality of education..

- The other point is on the tendering Committees: Wherever there comes a certain project like tarmac king the road or even something to be done within the locality, most of the people who get these tenders are the ones who are in authority. They collaborate with people above and some of them are never transparent. After doing a very poor, job they claim that the work is perfect and the money which was supposed to be spent is only spent halfway and the rest is shared by these people. In case of a location, there should be a tendering committee which will have to follow and see that the work is done- The work should be supervised. If the work is poor, it should not be paid for until that work is satisfactorily done..

So we should have someone to follow and scrutinize if (inaudible) and poor work should be reported and the money should not be paid until that work is that (inaudible) or should reveal whereby there is control should be repeated because this people in a way, which does not help us, is using public money.

Com. Swazuri: The time is almost up.

Charles Thiong'o: Thank you very much.

Com. Swazuri: Okay. Thank you very much, register your presence there, and then let us have Mr Stanely Kaguna. Mimi sioni wakina mama wakiandika majina yao hapa , kina mama tunataka hata nyinyi msembe; Hii Katiba ni ya wa Kenya wote Katiba sio ya wa Kenya wanaumme.

Stanely Njogo: (talking in Kikuyu through Translator)

Translation: I want to say that a Member of Parliament should be elected at a minimum age of 35 years and he should be representing forty thousand people. Parliament should control his calendar so that it determines when it is sitting and when it is not sitting. Members of Parliament should elect the Speaker of the National Assembly.

Education: I want to recommend that merit should be used in accessing High school education. Currently 85 % of the children in Central Province have to stay in Central Province I think this is wrong.

We should not have the Administration Police: I recommend that they should be scrapped. That cadre of policemen should be scrapped. Street children should be arrested and removed from the street together with their parents. The street child children have got parents somewhere; Those who arrest street children should also go for the parents.

Water should be made free of charges to all Kenyans.

Education should be made freely available at primary level.

Assistant Chiefs should be at least 35 years old. Detention without trial should be outlawed; Somebody arrested should be taken to court and be tried and be convicted of his offense. Thank you very much Commissioner..

Com. Swazuri: Thank you very much Mzee Stanely; Now we have Bwana Daniel Muruli:

Daniel Muriithia: (talking in Kikuyu through Translator)

Translation: Daniel Muruli Muriithia is the Chairman Kenya Veterans Council here in Gasarageini Mathioya Division. He has a one page document and he is asking me to read one paragraph. The title of the document is “Ex-freedom fighters “

On behalf of the ex-freedom fighters, we congratulate the Kenya Government for appointing the Constitution of Kenya Review Commission we also congratulate the Constitution of Kenya Review Commission for coming to Mathioya to collect and listen to our views on Kenya Constitution.

The Freedom fighter would be most grateful if it entranced in the Constitution that Kenya community and the Kenya Government recognizes that Kenya is independent today as a result of bravery and sacrifices of those who fought for our freedom- many of whom died or were wounded in battle; The freedom fighters would wish therefore, that their role in the struggle for independence should formerly be recognized”

-He is just explaining the first paragraph I read, that the freedom fighters are bitter that they were never recognized and they were just left loose and they are languishing out there in the bush and nobody cares;

-Individual properties should be protected under all circumstances.

The Government should protect private property.

During elections all votes should be counted at the pooling station to avoid corruption in the course of transportation..

-The government should take full responsibility and cost of free primary education. To bring equity among all children of Kenya there should be free primary education so that all parents just feed and clothe their children without having to struggle with education for them.

-University education is extremely important, though far too costly for most parents. It should be entranced in the Constitution that the Government should give loans to all University students until they complete their education . This demand of payment for

University education is frustrating a lot of young people -some of whom would have

become very important people in the society. We want loans made available to all University students.

-All civil cases should be dealt with by local leaders in society Civil matters should be determined in the local area first before they are taken anywhere else because when they are taken away from the local area they are determined by the people who don't know enough about the circumstances around them.

-All public property should be protected and if stolen should be recovered.

Public properties like land stolen and taken grabbed by people should be repossessed.

-All forests should be maintained, forest workers employed to enhance aforestation. There should be reforestation of areas that have been deforested. What used to happen is that people would be given shambas and they plant and they cut down the forest and they are forced to reforest. This is not happening now, and if this continues the country will end up as a desert.

Thank you and God bless you. "He says he has two more points."

Circumcision of girls or women: For many years we have not seen this phenomena and our position is, we reject that phenomena. The country should take stand point on this matter or be isolated.

Detention without Trial: This should be outlawed; Nobody should be thrown into detention without trial. He should be tried and convicted of his offense. And those who torture others before they appear in court should be charged with that offence.

He is saying that traditional liquor and ceremonies around it should be allowed by Chiefs office and for a certain period, and as soon as this ceremony is over, both the license and the operation are closed down so that it does not become a commercial operation.

There is a new type of beer that has been brought and tends to affect people's ability to think. It is taken by the young mainly -if also take it,-but I think it should be banned.

Com. Swazuri: Why don't you take it and you know it affect the ability to think.

Speaker: talking in kikuyu

Translation: I would not have known that it kills a man's ability to think until I drunk it. When I knew I stopped drinking.

Com. Swazuri: What is the name of the drink

Translation: They have many names Vienna Chairman- They keep changing names and giving them fun names

Com. Swazuri: Who brews these things are they people in the locality whom you can identify or does it come from abroad?

Translation: It comes here in vehicles. It is brought in, it is transported here in vehicle from Naivasha.

Com. Swazuri: Thank you very much Mzee. Asante sana. You register your memorandum there, and with that I think we shall take a short break to stretch our legs, tutapumzika kidogo ili kupatia nafasi ya kupata chakula kwa wale ambao tumekuja and then we shall be back here at 2.30pm.

Com. Swazuri: Tutaanza na wakina mama , Emily Wanja, Emily Wanja yuko, halafu kuna Judy Kaari.. Haya Judy Kaari.

Judy Kaari: Asante sana (talking in kikuyu)

Translation: My name is Judith Kaari, I live here in Kathunguru so I am a resident of this place, I want to thank the Commission for allowing us to contribute to the Constitution Review process. I want to ask a question. The provision of water has been a very big problem for the women folk in this area, we were asked to produce some money to put a water project here, then when the project was working they started charging us why? So the new Constitution should look for a way where such things don't happen particularly in the provision of water. Women are suffering because of that problem of water.

The other issue is Education: We have a feeling that Tea which is the main cash crop in this area, is going the direction of Coffee; They are now paying as four shillings for a kilo of green Tea; How much money can you make from that kind of price? Can you send the children to High school, to University when they buy your Tea at four shillings a Kilo? I don't see how our children will get higher education, diplomas and degrees and like if the parents cannot feed himself or herself and send her children to school, I don't see how they will get those diplomas or degrees we are talking about here.

My proposal is that Members of Parliament and Councilors those in and elected positions should be appointed to positions for which they are trained. If one has a degree in agriculture, he should work in agriculture he should work in agriculture, if he has in a degree education he should do work in education. Work should go according to the training one has.

There is something else we talked about Suggestions were made that people should start, should be elected as President at 35 years, I don't think a 35 years old person is mature enough for that job; A 35 years old person is still fairly young. We should recommend that this people should start at 40 years.

There were many recommendation that Councilors should have a degree, I think this is not right because there are many educated people who are only after money and have no leadership quality and there is a great many people without much education but they are very good leaders, she calls them "educated fools"- people who are just after their money and no more. A councilor should be a man who understands the society he lives in and is able to present the views of that community to the

authority where he goes to work, so we should not demand that a Councilor should have a degree.

My recommendation is that the Commission should not take some of these views that Councilors should be of form four level, an MP must have a degree, some of those things are really not very necessary because they will not be able to help this country, leadership may not have very much to do with the level of education one has.

Now, there used to be an MP here, very early on, called Mwangi Thayo. Mwangi Thayo did not know how to write or read or how to write his name, but he is the one who brought the Tea industry to this place. He did not know how to read and write, but he was such a good representative, without him we would not be having what we have today.

The Commission should reject this recommendation on education and the insistence on education.

Those people are not taking us forward; They are digging holes for us. Thank you very much Commissioner.

Com. Swazuri: Okay, Thank you very much. So Councilors can have a sigh of relieve. Haya, Lucy Gathioni Maina

Lucy Gathoni Maina: Thank you the Commissioners for allowing me to have this chance at least to give my views to the Commission.

I will first of all talk on education: In my view I recommend the SI system for it was good.

I also want to talk on the quota system. The quota system is not good because it is not allowing the pupils who were able to meet their goal. For example you find there are children who are educated but they don't get a chance to go to the University and yet they passed; But you will find that there are others, from other Districts, simply because of this quota system, who will get a chance to go to the University, and close the chance of the brighter ones..

-Second point is circumcision : I find it in unhealthy-so circumcision for girls especially condemned in the country..

Worshipping: Worship should be free – but one should worship only God and not the devil.

Health services: They should be free for all, and especially for the women, who go to maternity and are mistreated because they don't get fees to pay for maternity services and other services they are supposed to get.

Inheritance: For parents I am one of them, I feel that as a woman all children are equal. So both sons and daughters should be given equal rights of inheritance.

I come to taxes: Bribery should stop. If you are to be given services and it is right, no bribery should be there.

I come to point no five: In our country, one man should have one wife- no polygamy. Powers should not be concentrated one person especially the President.

Multiparty: If we are to have a good government I feel --- we should have a maximum of four or five parties. Thank you.

Com. Swazuri: Thank you very much Mama , I hope no man will challenge her suggestion especially those who want five wives. Lucy,--- now Eunice Njeri. Denis, Mama Eunice haya.

Eunice Njeri: (talking in Kikuyu through Translator)

Translation : My names are Eunice Njeri, I am here because of things that concern women.

Now we have been going to seminars and we have been taught that the Katiba the Constitution we are using today, was written first time 1963- that time many of us here were small children or were not born at all. And that Constitution seems to say that women have no right to the property they work on in their homes despite working on it for so long, and for this reason we think that Constitution was oppressing to women.

We were taught that in inheritance I cannot inherit my husband's property like land or vehicle but I can only inherit useless things like things made of timber. And that my own children have a right to inherit their father's property but I as their mother cannot inherit that property despite it being my own labour this I can only go to my own father to inherit there.

We were also taught something new that my husband or any other man can have up to five wives or more out there and that in the case of his death, those wives and the number of children he has there, whom we have not met or known can come to our home and they have a right to share or claim the property owned by my own husband. That is oppressive that strangers can come from wherever they come merely because they are supposed to have been the children of my own husband, and they come and claim these property and I have no right to stop them whether they do it corruptly or through the law;- which is an oppressive law, I find this offensive I don't like it at all. So the Commission should study that section of the law that allows people to come from wherever they come and claim property regardless of my own position as a wife .

Medical services: Up to 1975 we were going to hospitals and the service were was genuinely free- but today people are dealing in their own houses because they cannot afford twenty shillings to pay at the hospital. Something should be done, the Commission should that this medical service is brought back genuinely free. That will be of great assistance to many Kenyans.

Education: The cost, educating a child today is far too high for many parents I know education is important, big people come from it like Doctors, Engineers-they come from education. But children are passing with good marks to go to the next stage of higher education. But they don't go because their parents cannot afford it, something should be done in this respect.

I recommend free Primary education for all and much lower fees for High schools and loans for University education. This is the only way we may help children access higher education in this country; Too many children are at home because their parents cant afford it. Thank you very much commissioner.

Com. Swazuri: Thank you very much mama Eunice now we go back to mama Emily . Emily Wanja.

Emily Wanja:(talking in kikuyu)

Translation: My names are Emily Wanja and I come from this location. We make every effort to elect the kind of leaders we want but for various reasons we are not able to get these people in office- we even spent nights out in on effort to see them but we are not able to see them.

We pray that rigging of election will end, we know rigging is done through either stuffing of ballot boxes, or exchanging them or destroying votes. If these things were to be eradicated we would get a better out come. In the last general election, they tried to mislead me so I have a personal experienced in this matter. So when I talk like this I know what I am talking about. This matter should be looked at carefully by this Commission.

In this area there is a big problem of land. Most of the land here is on small holding and most people have tried to buy land in other places of the country through companies. Unfortunately however, the companies that claim to buy land for us come back after many years and tell us that there is no land available for sale- that the administration on that part of the country, does not allow the sell of land. We do not get the land neither do we get our money back. So we are asking that there be a solution to this problem so that people do not lose land and their money as well.

The people who wanted to buy land this way, number between four and eighty thousand. So this is a lot of money paid- But neither the land nor the money is made available ; If we had a working system, it could be possible for us to get a piece of land in one part of the country if we don't get it in the other part.- But as it is now it is us who lose both the money and the land.

We would be happy if this Constitution Review can give us a better Government than the current one. We are oppressed from every direction;- in farming, in agriculture, and trade business,-. we are oppressed in every direction and we are not too sure which way we are going. Thank you very much.

Com. Swazuri: Thank you very much -mum, uende uko uandikwe jina. Francis Wanjohi,. Peter Kadhira, Douglas Mwangi.

Douglas Mwangi: (talking in kikuyu)

Translation: My names are Douglas Mwangi and I come from Mathioya Division; Most of the things I would have said have been said already. I will say something about employment of people. I want to ask a question; Is there a law that assists Members of Parliament and Councilors in terms of salaries and emoluments- which law can not be used to assist other workers in the country? Councilors and Members of Parliament have been working and their salaries are increased by their employer – a thing that never happens to the other workers. In a lot of cases we hear people are going on strike, others are being fired, others are being sacked, we want to know what is this situation?

Com. Swazuri: Tell him at the moment Members of Parliament, and Councilors discuss their salaries and approve themselves. Does he want that to continue or should it be taken to some other authority?

Translation: He is saying that currently the teachers, doctors and nurses and the air traffic controllers are struggling to get paid. Why cant that same law be extended to them? He says that that law should be extended to everybody- including us here.

The Constitution we are writing should outlaw detention without trial. Something should be done about the police and the way they do their work. They arrest a lot of innocent people, sometimes because of just being drunk and one has not committed any crime. People suffer because of this and this should be corrected. People who are going about their business peacefully should not have this done to them.

I have been a worker for over twenty-eight years and I know that when you are employed you can be promised a new salary but that salary will never be paid in spite of the promise. I have seen this and experienced it. Thank you very much Commissioner.

Com. Swazuri: Baada ya Mzee Douglas, sasa tuko na Mzee Samuel Gishure. Samuel Gishure hayuko? Charles Thiongo Waru? Gikahu Kariuki?, karibu Mzee wangu.

Kaho Kariuki: (talking in kikuyu)

Translation: My names are Gikahu wa Kariuki, and I come from next to the Tea factory. I am very very happy and thankful that the people who are saying they will talk for us, are going to hold the bull by the horns and not by the skin or its fur. I have been in the public life for a long time- even during Kenyatta's life even when we got independence; I have suffered, I have been beaten; I want to ask a simple question; I and others did another one at Kangema- all these we did during the emergency and yet nobody;- not one single soul in parliament or anywhere remembers the people who did all that and went through all that- , are some people more important than others?

I want to express my sadness that we had only three educated people and perhaps that is why we went wrong. We had Mbiyu Koinange, Jomo Kenyatta and Doctor Julius Gikonyo Kiano.- These were the only educated people we had those days. He

is saying that he will speak in idioms and that he has talked about the Somalis and some Arabs in Mombasa and he is wondering whether some of them are your Kenyans. He says further that the Kikuyus have been divided and perhaps that is where they went wrong; Kenyatta spoke about it.

Com. Swazuri: What does he want this constitution to do in order to correct all those things? because we are not living in the past, we want to see how he is going to benefit for the rest of his life.

Translation: What we should look forward to in this Constitution is unanimity- to unity the whole country. We should forget the past like Kenyatta said, and build a new country, which is more just and unified.

He is saying that whatever little knowledge he has in writing he acquired it through adult education and that he can write simple letters.- This is because of adult education. Yet he knows that the country has many people who have been educated of a great cost and he is wondering why they allow these wrongs to happen when they have been educated of such a big cost. He finishes with an idiom that “That killed an elephant but it was eaten by other people” Thank you.

Com. Swazuri: Now let us have Mr. Julius Irungu..

Julius Irungu: Okay, Good afternoon everybody? Just before I go to length, allow me to register my appreciation to the Constitution of Kenya Review Commission for making this process a people driven. My names are Julius Irungu Mwangi and I come from the local area and a member of a Local church here. On behalf of A.C.K Parish allow me to present their views today.

Preamble: We need, a preamble on the constitution and a court- of- arms bearing Kenya’s Motto of “Harambee”

The preamble should state a nation vision of unity and emphasize on national rather than tribe of the citizen of the nation. For example we should talk of a Kenyan national from Nyanza not of a Luo from Nyanza.

On the executive, the presidential qualification should be; Age should be 35 and maximum 65 years.. The President should be a registered voter in a constituency, the education level of the president should be O’Level - C+ and above because at as you may recall these days even if you sit for an exam and you manage to get an ‘E’ you will still get a certificate.

The other one is that Presidential candidate should be backed by one thousand supporters and that he should not be a member of a Constituency because he is representing the country as a whole.

The presidential powers should be reduced and he or she should not be above the law.

The presidential terms should be fixed to two terms of five year each.

On executive, all presidential appointments should be vetted by parliament apart from Cabinet, Ambassadors , Diplomatic officers and Commissioner of police. On the legislature, the people should elect the Vice President.

On political parties, parties should not exceed four so as to avoid parties being formed on tribal lines.

Defection: Defection from one party to another should be discouraged.

On land and property Right: Every Kenyan has a right to own land but the ceiling on land owned should be fifty acres- because in this country we have the experience of people owning more than a thousand of acres at the expense of a common man.

The other one is that about land and property Right: Kenyans should own land anywhere in the country.

Both men and women should have a right to own land. Not like it is these days where women seem not to have a right to own land. This one is gender imbalance. But we have to emphasize that for a woman to own land she should not be married-a married woman can not inherit her father's land.

On management and use of natural resources, we are advocating for a code of conduct for all public civil servants.

We are advocating also for a corruption Bill to be introduced to curb corruption in all public office.

Farmers should be empowered to sell their produce e.g Coffee and Tea without involving middle men.

And then finally about the basic Rights, the constitution should protect security, health care, water , education , shelter, food and employment as a basic Right. Thank you.

Com. Swazuri: Thank you very much, but I just want to ask you one small question. Why are we allowing the President to nominate Councilors, Ambassadors, Commissioner of Police, Cabinet Ministers- yet we are saying we should reduce his powers?,

Julius Irungu: Okay, allow me to emphasize on that point. We should not reduce all the powers of the President. There are some areas where the President does not need to have his appointee by Parliament. This is because some of the MPs will be having some personal interests of a kind. That is why we should leave the President to appoint those people without giving to Parliament to argue on why a particular person is able to handle a job he is appointed to.

Com. Swazuri: What of Attorney General and Chief Justice?

Julius Irungu : About the Chief Justice, or a member of the Public Service Commission should have their names brought to Parliament so that Parliament can vet them. Thank you

Com. Swazuri: Okay , Thank you very much present your memorandum there; let us have Mr Julius Mwangi Watoro.

Julius Mwangi Watoro.

Translation: My names are Julius Mwangi , and I am very happy that we have been given this opportunity to change or to review the country 's Constitution -but I have a feeling that it is not us who are going to review the Constitution. The reason to why I am saying that, is that the people with whom we are reviewing this Constitution have come in a vehicle outside here called 'G.K'.

Yesterday I was in Nairobi and I saw a truck- a lorry going along the streets arresting people- even non hawkers and throwing them in that truck that vehicle, that truck arresting people in Nairobi, is also a G.K. This Constitution people , don't they see that this G.K they have here and the G.K in Nairobi are the same?

I come from a trading center in town here called Gitugi and just last year, this same government arrested somebody I know because of an allegation , that man was beaten up and crippled and he may never work again. I would like to know whether how this Constitution is going to help people like these.

Com. Swazuri: Thank you. Tell him the reason why we are here is exactly to know from him what we should do so that such things do not happen. What should we do to avoid somebody being arrested and crippled like that? What should we do to avoid people being pushed to a truck when they have not done anything, what should we do to make the life of a Kenyan a bit more free and enjoyable that is why we are here.

Julius Mwangi: (talking in kikuyu)

Translation: My prayer is that the Commissioners have seen this evil and that whatever Constitution they are going to write for us, we hope that, they have seen these things and that they have seen the evil being done in the police station, people are arrested and held for four or five days before they are taken to court and that they are crippled before they are even taken there. My prayer is the Commission will take these things into consideration when the Constitution is being reviewed.

Com. Swazuri: And also tell him that this Commission is using Government vehicle because the Commission is a creation of the parliament of this country and government is a custodian of all of us, so we are using the fund of the government , we could not have been using private means.

Julius Mwangi: (talking in Kikuyu)

Translation: He is asking whether the Commissioners have seen these things happening to wananchi ..

Com. Swazuri: We have seen them happening, we know some of the solutions, but we want you to participate because, if you told us to write it as consultants we would have done it; But we want you to tell us so that you own the Constitution.

Julius Mwangi: (talking in kikuyu through Translator)

Translation: He is saying that he is worried about the teacher's threat to go on strike because of low salary. Yet he knows that Judges, MPs, and senior Government officers are earning much high salaries. What has happened is, even the teachers now have become a problem for the parents because they are making more and more demands on these parents. If the government was able to pay these teachers well, then the teachers will not turn on the parents . So this whole problem finally falls on the parents.

He wants a new Constitution before the next election because he believes that if we have a new group of leaders under a new constitution we are likely to have people who are more interested in the welfare of wananchi. He wants to know whether that is possible.

Com. Swazuri: That is something that we are working on, we will let you know, but we want as many Kenyans as possible to tell us about this new constitution before we finalize it for the election .

Julius Mwangi: (talking in Kikuyu through Translator)

Translation: He thinks there is a conspiracy against those who have not gone to school, because the people who are demanding bribes from the poor and from the uneducated, are the educated;- Yet people are asking that the educated should be the ones elected as leaders. How can this be yet it is these educated people who have brought us to where we are? It is the educated who will demand bribes from the poor and the uneducated, and it is they who have corrupted the system.

Com. Swazuri: So we don't need academic qualification for leaders?

Translation: He thinks the uneducated are getting a low deal here,

Julius Mwangi: (talking in Kikuyu through Translator)

Translation:. He says that Radio Citizens is broadcasting all the evils being done against wananchi and everybody is listening and hearing. He is wondering what more evidence you need to write the Constitution, yet you listen to the same station; He is

saying there was a broadcasting in Radio Citizen and other stations as well, about people coming to buy coffee at better prices, but some coffee has already been taken by whoever is taking ,at the lower prices the price we do not want. He is wondering, can the Commission do anything to stop the sell of the coffee that has already been taken to wait for the new better prices that are coming?

Com. Swazuri: I think using the current Constitution, it is only the Minister for Agriculture who can do that ; This Commission is only dealing with changes to come in future.

Julius Mwangi: (talking in Kiswahili)

Julius Mwangi: Kuna machine, - Computer ambazo sinaweza kuzuia yale mambo mabaya ambayo tunabadilisha leo katika, yasiweze kutendeka tena. Hayo mabaya yawe tu kwa boma.

Translation: He is saying that there is some computer which is recording the things that are being done and that these evil things should not be done again. They should only belong to history.

Com. Swazuri: Okay. Thank you very much. Haya Mwangi Gashuru. Mwangi Gashuru. Can you go and register. Mwangi Gashuru hayuko? Stephen m.Chege, Stephen M.Chege? Maina Magaju?

Maina Magaju: (talking in Kikuyu through Translator)

Translation: My names are Maina Wamaganju and I come from Karunge village. The fear that I have and I have always had is that nobody works without a salary. I was one of the people who fought for independence, and it is painful for you to go out hunting and you get a huge waterback, you bring it down, and you are not the one eating it- it is shared out and you are not given even a small piece. I have the the energy to feed myself and clothe myself I should not be begging anybody.

But whatever I produce on my shamba and sells, gives me nothing. I am in great pain, how do I live in this world? I am working hard everyday and I get very tired but there is not one day when I go to bed with my stomach full. I fought for this independence and I can tell you here and now I have got nothing out of it. My plea is that it is wrong for you to work and when the produce is on the table, other people come and pick it and you are left empty handed. I fought for this independence as I said but today I am like a slave;. I have nothing else to say.

Com. Swazuri: Pole sana Mzee, Uandike hapo tutaangalia mambo yako . Tutaangalia mambo ya wale waliopigania uhuru, kila mtu ametuambia tuangalie wazee ambao walipagania uhuru kwa hivyo usisikie uchungu sana. Hata sisi tunajua wale zile familia ambazo zimepoteza watu wao wakati wa vita tunajua ni kitu cha uchungu , hata mimi niko na babu yangu sijamuona nilisikia tualipotea 1950,nasikia tu alikuweko- lakini I have never seen him. Hajarudi mpaka leo. So you can imagine the pain I

am feeling, I understand what he is feeling. James Mwangi- Na vijana wa hapa mnawachia wazee pekee yao wanataka kulia na nyinyi vijana mko wapi? Hii hii katiba itawanufaisha nyinyi kuliko mzee Maganjo hapa, lakini nyinyi hamuonekani sasa , mnataka hawa wazee waseme nini?

James Mwangi: My names are James Mwangi from around here, I am one of the Civic Education providers and thank you for giving me this time to present my views.

Our constitution should open with a preamble stating and defining the vision of the Kenyan future and the positive destiny regarding the supremacy of the people.

Government structure: The Legislature, Judiciary- and Executive should have separation of powers.

Presidential powers: These should be trimmed, Presidential impeachment should be possible incase the President abuses his power while in office.

Official appointment: Members of the Judicial Service Commission, Electoral Commission, Public Service Commission and other important nation offices should be vetted by Parliament. Members of Parliament must be provided with constituency offices.

Properties right: the Constitution must provide for rural inheritance of properties without gender bias.

Registration of societies office: This should be given with all power to decide the reduction of political parties is registered. In this case political parties should not be allowed to be so many because when they are many they cause hatred and fighting. They should be at least three to four at most.

Parastatals: Members or holders of these offices should never be Civil servants there should be distribution of jobs.

Ministrial Appointments: While this should be done by parliament, strict educational qualification must be adhered to. It should be gender distributive,e and well learned person must hold portfolios equivalent to the kind of knowledge the individual have learn from their past institutions. Form four or equivalent cadre should be the minimum qualification for MPs or President.

Agriculture: Farmers should be protected by the Constitution form being exploited – For example in Coffee and Tea.

Recalling an MP or councilor: Elected representatives, should be recalled by the electorate if they prove unworthy during their tenure.

Com. Swazuri: You don't have to read the entire memorandum you can give us only the recommendation.

Retired of Government officers: Their benefits must be regularly revised. When they reach the age of 60 years and are not able to work, they should be given medical allowance and should have their "salaries" doubled to make them live longer.

Com. Swazuri: You want the salary to be doubled after they have retired?

Julius Mwangi: I mean when they have attained the age of 60 years you know this is where they should be looked after because they are weak.

Com. Swazuri: They are weak in age.

Education and Medical: The Constitution must, or should provide for free education and medical services.

Funding of Political Parties:: All political parties must be funded from the consolidated fund.

In the new constitution, I propose that there should be at least one-eighth of MP's seats preserved for women.

Com. Swazuri: Okay fine. Can you finalize now, we want to give others a chance we will read the memorandum.

Julius Mwangi; Just one more; They should be Commissioners appointed by the government to be setting salaries for all Civil Servants MPs included MPs should not allocate salaries for themselves.

The last point: If an MP resigns, he or she should not seek to be re-elected on another party. He or she, should go home peacefully.

Com. Swazuri: If he resign or defects?

Julius Mwangi : If he defects he should resign and go home. This will avoid fighting for or buying of MPs by power seekers. Thank you.

Com. Swazuri: Did you mean that this person who was defected should never seek re-election again or for that subsequent by- election?

Julius Mwangi: I meant that he should go home and seek to be re-elected in another Parliament.

Com. Swazuri: Okay .Thank you. Now we will need to listen to Mr Peter Kamau . Peter Kamau .

Peter Kamau . Thank you. Before I present my proposal allow me to make on observation regarding CKRC As the saying goes, “ charity begins at home” and I don’t know who should be blamed, because you men on the ground are not getting their remuneration. I am talking about the Civic Education Providers-. They think they are not getting their fair share of the C.K.R.C cake-if I may call it.

Com. Swazuri: Are you one of them?

Peter Kariuki: I think I don’t need to answer that. Should I?

Com. Swazuri: No, we want to know from the “Horses mouth”

Peter Kariuki: Yes I am one of them.

Com. Swazuri: How long have you worked?

Peter Kariuki: Since Feb.26th-----

Com. Swazuri: How much were you supposed to be paid?

Peter Kariuki: I don’t know.

Com. Swazuri: How much were you paid?

Peter Kariuki: We have been paid as per the report we present.

Com. Swazuri: Is there a report you presented and you were not paid?

Peter Kariuki: I am not claiming of anything that has not been paid but I am saying the allowances are small.

Peter Kariuki: We can pick that bone later with those who are concerned.

Peter Kariuki: Now I am presenting my personal views, and as many have mentioned the executive, allow me to start with it.

The powers of the president are so emernseand they should be reduced-especially the powers to appoint Ministers, forces chiefs, Judges, extra. This is because the nominee just work as strong as to please those who have appointed them I would propose that there should be a parliamentary committee which will look into appointment of the same.

Presidential function should also be delegated to the relevant authorities to avoid a one-man shows state. There are more things, which have been said pertaining the same so let me talk about the Judiciary.

First of all I would like to talk about the court fines which are imposed on those who have been convicted of crime I think the fine are not fair because they will only favour the rich .If a poor person is fined some amount of money which he can not raise he committed to a jail, I think something else should be done to correct this and also the jail condition as we have said are pathetic and I would propose that they be improved to meet the international standards so as to meet the jailing objectives which is to rehabilitate the criminal but not hardening him.

Let me go to education: Education should be free. Students who qualify to join secondary schools or even colleges and are

proved to be financially handicapped should be supported by the government to be able to further their education.

Government college graduates colleges whom the government can not employ should be given some allowance because its not their fault to be unemployed .

Election: The current Constitution states that for Kenya to be declare a President he or she should gather 25% of votes in at least five provinces. I will propose that there should be scrapped and instead have a requirement that the President should gather 50% of the total votes cast nationally. If nobody is able to gather the 50% then numbers one and two should go for a run -off. And of course when they go for a run off one of them must get 50% and he should be declared President and the runners- up should be declared the Vice President irrespective of the party. So I would propose a coalition government where we can have Members of Parliament from different parties holding ministerial posts.

MPs and Councilors should have offices at the constituency level as has been said to at least help the electorate have access to them and perhaps be able to air their views about the governors.

And the populace should have the powers to call back their un delivering MPs or Councilors .

I would also propose that a third of elected Members of Parliament should be women, or a third of seats be reserved for women.

Let me come to public offices: I would suggest that people who are appointed to run public offices that is including people who run co-operatives and are seen to rise very fast financially should account for their wealth- Because I have witnessed people who form scratch and own high storeyed building and vehicles in only five years time.

(interjection from the audience): They have taken loans:

Peter Kariuki: Why cant you take a loan yourself?

When we come to salaries of government employees, I propose that they should be reviewed and harmonized or alternatively, there should be different commodity prices to cater for the low paid and the highly paid- whichever is easier-because its unfair for us here to buy packet of Unga at the same price with a person who is getting 1.5 million a month and someone else who is getting five thousand in a month. The person who is getting five thousand should buy the packet of Unga at may be quarter price, and a person who is earning 1.5 million, should buy the packet of Unga even at about five thousand shillings

There is someone who has talked about the retiree's pension. salary. Their pension should be reviewed regularly. I would also propose that this should include their house allowances and medical allowances because it doesn't mean that when you cease being active in Government, employment you don't get sick or such like you still continue living in a house. So I would propose

the government to continue giving them house allowance.

In agriculture, to a void exploitation by the middlemen especially when it comes to marketing of farm products, I would propose that the constitution which is going to be made, should set prices or minimum prices for cash crops, like Coffee or Tea depending on the prevailing international market rates.

On land, I think nobody should claim to own Kenya. Land should be shared with some equality not individuals owning tracts of land while others are landless. There should be a regulation on land ownership. That is there should be a maximum acres one can own and the government should buy the extra acres from some individuals and they settle the landless.

On inheritance, those on property inheritance should be gender sensitive to ease the widow's pain fighting for property after their husband's dead. There should also be equal rights of inheritance to un married daughters- the rights which are accorded the sons.

And in my conclusion, I would propose that there should be regular study by a parliamentary commission mixed with graduates to study the living standard of the citizen and they should make their recommendation to the Government and this study should on the feeding habit of the citizen , the clothing , healthy , education extra -because when these people were traveling in posh vehicles and dining in magnificent hotels, they don't know the real pain at the ground where citizens cannot afford one meal in a day Thank you very much.

Com.Swazuri: Thank you very much please give your memorandum. Our next person is Kingeo Mwangi. Kingeo Mwangi not around. We have John Thiongo Maina , Not more than five minutes please.

John Maina: (talking in Kikuyu through Translator)

Translation: M names are John Thiongo Maina: I come from this place; I want to say that the milk sector be looked into. If you without getting benefits or fruits, will never make you happy. All I want to say is that an environment should be created where a farmer makes a profit from his effort. That is all I want to say.

Com. Swazuri: Okay. you very much straight to the point Andika ina lako pale . John Mwangi Maina , John Mwangi Maina, five minutes please.

John Mwangi Maina: I am John Mwangi Maina . I would like to talk on political parties; Political parties should be reduced to at least five. The party should have 25% representation in the whole country for it to be registered

.Ruling party should not use government machinery for campaigning.

Elected MPs should not defect from any party without permission from the citizens who elected him. If however, he defects he should resign as an MP and by-election called.

The Electoral system: Electoral Commissioners should be elected by parliament but not the president. Electoral commission should deal with any person flouting election rules and take the person to court. The date of elections should be stated and established by the parliament. Election for Civil, parliamentary and Presidential should not be held on the same date, it should be conducted with Civil coming first followed by the Parliamentary and then the Presidential coming last.

Every polling station should be the counting stadium and announcements be made there to minimize the chances of rigging. Any legally elected person should get at least 51% percent of the vote casts.

Legislature: People should recall their MPs if they don't get satisfied with their work in parliament by taking signatures from people of different locations in the constituency. Ruling party should join hands with the other Parties and form all regions of the country should be provided equally with learning institutions, roads, hospitals extra.

Executive: Powers of President be limited, Attorney General should not be chosen by President rather, he should be chosen by parliament. Judicial Commission to be set should choose Judges. Ministers to be chosen by parliament The President should be a married man with children who has to be voted in by the citizens..

President should be a married man with children and all citizens should vote for president.

Com. Swazuri: Is it a married man or woman

John Mwangi Maina: Married person, let me say.

Judiciary: All Judges should be chosen by the Judicial Commission or its Law Society of Kenya. There must be a constitution court. Everybody should be prosecuted- even the president, no one should be above the law, Judges should be prosecuted if they make a mistake. message. Parliament should deal with Judges in case of misconduct. The Constitution should be changed by the citizen and should be rigid.

Local government: Money collected by Council or local government should be used within the collecting area, or at least half of it should be used within that area. Councilors should declare their wealth.

Human right, all human Rights should be protected as by the law.

Finance : Money should be protected , Controller and Auditor General should be protected by security of tenure and he should

be independent..

Parliament should appoint the Central Bank Governor.

Money: Printed money should bear the portrait of the founding father of the nation- Mzee Jomo Kenyatta only.

Succession and transfer of powers. During election, Attorney General should act as the President or alternatively the Speaker of National Assembly.

Ministries should be run by Permanent secretaries.

Chief Commander of Armed forces should act as a Ministry of defense.

(inaudible)

Com. Swazuri: Thank you very much for keeping to your time. Now we have John Kirize. Five minutes please.

John Kirieth: Okay , Thank you very much the CKRC, here are short recommendations. One: I will talk on the education. I would suggest that the Constitution provides a policy of the ECE- that is Early Childhood Education. We know that over one million children are joining schools every year in Kenya . Therefore, the Constitution should provide for a policy whereby facilities should be provided.

Improvement of ratio of teachers to pupils: Currently in primary schools, we have one teacher for forty pupils; In secondary one to twenty five; This is very high. Therefore, the government should employ teacher automatically, after graduation.

The government should also improve terms of service for teachers; This is through automatic promotion after a period of ten years, from one grade to another, review teacher's salaries after every five years, promotion to be on merit and track record not on political or social affiliations.'

Basic Rights: I would like to take into task the current Constitution; The current constitution has provided for a Right of life. I would suggest that to give these rights of life , we should abolish death sentence as no one has the right to a human life except God himself. I will say that that the convict should be sentenced to serve life imprisonment incorporating community work or service.

I think there should be an additional right of protection by law- whereby, there should absolutely no torture while in custody , no detention without trial , no detention in custody for more than 48 hours without trial , abolish remand prison- instead establish rehabilitation unit for people waiting for trial. The poor people should have access to free Government lawyers when handling cases . A lot of them loose property to the rich which was rightly theirs.

Protect all citizens against hostility e.g tribal clashes. And incase of such cases of proven Government negligence it should compensate the victims automatically.

Right of vulnerable groups. I want to suggest that women be allowed to inherit property

Equal consideration between able and disabled people e.g in job opportunity.

Guarantee children rights, through enhancing girls child education at all level by abolishing FGM (Female Genital Mutilation) abolish child labour that's by setting a minimum working age of 16 years, abolish child abuse in family circles, abolish early marriages by setting a minimum marriage age of 18 years.

The government should also make a provision for affirmative action in favour of women and other disadvantaged groups. For example in the cabinet we should have at least 33% women Ministers.

Disadvantaged groups like women and people with disability should be given a chance to lead or to hold posts in the Government and other institution.

Management of Natural resources: Resources should benefit the areas of origin first then the rest of the country.

Good management of natural resources should be done by entrusting different resources to special management bodies- not the executive as its in the current Constitution. There should be distinct code of ethics for public officers. Any public officer not adhering to these should be displaced .

All public officers should declare their assets and how they obtained those assets. National resources should be used only to develop national properties like provision of the basic needs to the people of Kenya . For example, infrastructure, Agriculture and Tourism . And that's all , thank you very much.

Com. Swazuri: Thank you very much. We have taken time and we have heard those very interesting views, can you please register your memorandum there and leave it there. We need Mr. Geoffrey Githaiga. Geoffrey Githaiga karibu Mzee.

Geoffrey Githaiga: My names are Geoffrey Kanoa Githaiga, I come from (inaudible).

I am going to start on leaders in this country. We have got three types of leaders; We have got President, MPs, Local Government and even those who are in the Board of schools as well as in

Co-operative societies and any other elected leaders. So all these people should know their work properly, for in any organization there must be finance, and somebody without proper education can not study, or follow up the finance of that organization. So, to be able to do it, somebody must have a school certificate.

When we come to the President, a President must be somebody aged 35 years and not more than 65 years. He has also to

have a family because, in Kenya we have got people with families- and infact they are the majority, and young people; And so if a President a stable family, will not be able to consider the problems of people with families.

Some other things which a bad President can do is like interfering with the resources of the country. If he dies this the parliament has got the right to dismiss him without following that clause of 65% in the parliament. All that they I need is the public to have a general election to replace him because the election of the President is not tied to that of Parliament. So all that is required is for the parliament to pass a resolution that re-election of the President should be held .

Like wise, MPs should be 35 up to 65 years, they should have a stable family, as well a as educated. The President he should be ceremonial P but all the powers of running the country should be in the parliament where the representatives public one. The President is not a representative of the public for he usually meets very few;

Now we come to the land: Some people own so many acres and the land in Kenya is for us all. So there should be a maximum of the land somebody should own like 10 acres. Now in places like here where somebody whose very fortunate has got only 5 acres less than 5 acres should not be subdivide. But those people who are supposed to inherit that land should be issued with shares but not subdividing it, because when you subdivide it, that land is not economically viable.

Where it is necessary to subdivide the land that has to be done by the local Land Board who know that particular family very well. It is this board that should sincerely advice the registrar of land on how the land should be subdivided. This has to be done to avoid enriching some people who sit at land boards and demand for money which they divide among themselves. So the subdividing of land should be done on the advice of the local land board who know the area well.

Agriculture : Here in Kenya we have got a number of cash crops like Coffee , Tea , Sugar , Pretherum and so many others. But when we come to selling, the ordinary former who toils does not get anything. He is not allowed to sell his own produce , there are so many companies which are formed as selling agencies like in Coffee and Tea there are some marketing agencies that are going to be formed. It is my view that these agencies should be made from farmers, or from co-cooperative societies. We should have these agencies made from the co-operative societies not these agencies like Coffee Board, K.F.C and such like . The farmer himself has got the right to sell his own produce and this has to be done through agencies whom he has elected.

Com. Swazuri: Please finalize , time is almost up

Education quote system: It should be removed, and we should have free education up to standard eight . Loans should be provided in University and enough money should be given in research. Employment : Employment should be according to one's education and not ethnic background.

Also there are some professions like Doctors where somebody has to toil day and night doing chemistry and physics while somebody here is a lawyer he is just reciting. I was in Government chemist I know -I know how its very paining when you are doing forensic examination for somebody who is dead. You have to touch all the stomach contents and the rest, so somebody is scientific feel these people should be rewarded more than the “acting” men

All posts in ministries should have equal salaries regardless of which ministry are in working- provided they are of the same grade. Also Judges should have the same equal background starting of their salaries regardless of any family relations.

Security: The poor security we have really comes from our security forces.. Their training is very shallow –it should be extended to a maximum of three years. and not less. I have finished .

Com. Swazuri: Thank you very much Mzee, toa memoranda hapo. Now we have Francis Irungu, Francis Irungu five minutes please we have a number of people who would like to talk.

Francis Irungu: Thank you. Without repeating what has been said, I will go to the point directly.

I am with the opinion that this should have been more of a national Conference than Review through the Commission; However this was not possible and I don't see it being possible given the contemporary political situation of this country.

Com. Swazuri: We are still going to have a Nationl conference after collecting all people's views. The draft report will be brought back to the people, which they will study to see if their wishes are reflected and then they bring it back to us and then we call a National Conference .

Francis Irungu: Okay. So not a referendum but a National Conference?

Com. Swazuri: But because a referendum will come if people don't agree at the National Conference then we shall come back to the people.

first very briefly. I have nothing new to offer which you have not heard or which maybe you wont hear.

I think that unfair to let the president to be appointing people who run this government, solely. The following positions should be vetted by the parliament for a approval once the C.E.O of the country appoints them. Attorney General, Deputy Chairman, the Chief Justice , Police Commissioner , Secretary to the Cabinet, Central Bank Governor and Commander of the Armed forces that is chief of staff.

Supremacy of the Parliament: The parliament shall not be at the whims of the President. It shall have its term . It shall not be answerable to the C.E.O. alone .

When it comes to electing our parliamentarian we should have learned people that has been said before I will emphasize- Form four and above that has been said.

The Electoral Process: The electoral law shall be in such a way that it discourages or eliminates demonetisations especially of the campaigning process. This should be enforced in the constitution very strictly so that leaders are people who have the approval of the majority of Kenya. Where a candidate is found using money, the candidate should be disqualified. Before the election begin, the Government through its chief legal advisor, maybe the Attorney General, shall constitute an elections petitions court which will deal with all election petitions and all that. People who win in elections should not be sworn in if there are petitions against them until those petitions are determine Judges elected to these courts should be popular people not answerable to some other force.

The Succession Law: the succession law shall provide that if in a family a man has been married and a wife have stayed for the better part of their life, when it comes to inheritance, that family is entitled to that property and if he decides to marry he will have to give something else but not that property which they have looked for together with the first wife and the children. I have seen people marrying and giving all the property to the sugar daddies or the Mistress as and family being left with no property.

People are sub-dividing land up to 0.5acres- very small that when you grow Coffee, you grow only a hundred plants it doesn't yield anything . When it comes un economically viable to sub-divide the land further, that land should be held through shares and people contributing for any input shall get the out-put.

Election of Mayors should be direct and not in the councils.

Introduction of the Social Aspect in our Capitalism: You know about the micro-economic aspects of the ACC, the micro-economic aspects like in the flower industry- somebody dies due to work related injuries or maybe a bank wishes to be left with very lean staff, pays them very highly and chases away the rest. Let us have a situation whereby the profit made a company benefits the workers also..

There should be a taxation system or maybe a declaration whereby all the profit doesn't go to one person and if somebody gets injured at work, the company shall make good his health and if he dies shall compensate the person's family. .

Com. Swazuri: Please wind up

Mr. Francis Irungu: Yes I will wind up. Now let me talk about things affecting a whole community. We would like to have a situation whereby if people grow Tea here and they don't reap maximum benefit as per a policy prepared by the experts due to Government's in-efficiency in implementation of that policy, then the Government shall compensate those people.

I will talk about our Police force in this area-----

Com. Swazuri: We don't have time for that, we will read them memoranda.

Mr. Francis Irungu: No, I have no memorandum and if you don't hear me-----

Com. Swazuri: An't you giving us that paper because we want to go read thoroughly.

Mr. Irungu: So let me talk about our police force

Com. Swazuri: Then you have very little to time , two minutes

Mr. Irungu: Our police force should be overhauled so that we have a resident Police Chief who lives in a community maybe at locational level and is in-charge of the location and if he doesn't perform is not transferred – In effect transefering personified inefficiency,- but is sacked. He should be of model of the conscious of the community. Recruitment should long that is the training of the police should be one year with the policy government the police being renewed every five years..

Finally scrap the provincial administration system. Thank you.

Com. Swazuri: Thank you very much. Let us have Mr . Samuel Macharia. Samuel Macharia. Can you please Mr Francil Irungu please register your details there? Njenga Njoroge. Njenga Njoroge, Kevin Maina Kevin Maina five minutes.

David Maina: First I would like to congratulate the Constitution Review Commission for giving me the chance to express my views.

Executive: The president should have no party in order to eliminate nepotism and tribalism

The President should not have the power to appoint.

The President should not be the Commander in Chief of the Armed forces.

Qualification for a presidential candidate age: 40 to 65 years.by birth,

Education: An holder of University degree I don't know how he feels graduating students where as he is not a holder of University degree.

The right vulnerable groups: There is a time when women were protesting for equality Bill I fail to understand why they were doing this. Even the bible has stated that a woman was got from a man's rib -so I may ask them to protest against Female Genital Mutilation instead of unaffordable things.

Com. Swazuri: Are you saying their rights are the rights of men?

Mr. Kevin Maina : No. the Right of women . Even the bible has stated-"A woman was got from a man's rib" .

Com: Swazuri: That does not give her Right over a man?

Occupation: Since they were not elected or any other business, and if they are going to be part time then I wish their salary also be reduced.

Structure and system of government: Prime Ministers should be appointed by members parliament.

Defence and National Security: The mechanism that can be used to to discipline the Armed forces are to transfer them to the rustlers land so that they can be discipline by then.

Com. Swazuri: Are you going to kill them? Aren't you sending them to die?

David Maina: No; No;

Agriculture: We have a colonial rule that was based on Coffee that it should not be uprooted then my question is this , why don't we uproot Coffee which is not beneficial to our country and plant other crops that are beneficial?

Com. Swazuri: The climate here allows coffee very well?

David Maina :No, no, no no;

Com. Swazuri: Not in arid, not in Northeastern its supposed to grow-----

David Maina: Even maize grows very well,

Com. Swazuri: But Coffee is our cash crop?

David Maina: No, no.

Com. Swazuri: And which isn't it better for us to look for means of making it more profitable rather uprooting it?

David Maina: Yes:

Com. Swazuri: That is more progressive

Electoral process: During election I think we should have computerized boxes to avoid theft. Thank you.

Com. Swazuri: Thank you but you realize that we don't have the capacity to have computers in every polling station in this country. There is no power, there is no transportation, don't you think it's better to suggest transparent boxes?

David Maina: If it can afford it.

Com. Swazuri: It can afford computers all over?

David Maina: Yes.

Com. Swazuri: That was David Maina, Thank you very much, we now go to Grace Kariuki:

Grace Kariuki: Mine will be very brief my first point is on wealth distribution in this country. I am of the idea that the Government should put mechanism in place to ensure an equitable distribution of wealth- For example there are some officers who earn millions while the others earn very little. I suggest that there should be a minimum wage of one dollar per day for the lowly paid persons.

My next point is on basic human Rights. The Government should ensure basic human Rights for example in education which should be free and compulsory up to primary level- that is standard eight, and for those who join secondary schools, fees should be harmonize and the maximum amount which is changeable so that we don't have some institution charging a lot on parents.

On the other basic human Right like health - provision of health services should be free in all government hospitals and the medical doctors who are employed by the government should also be limited in the licensing regarding private practice.

This medical doctors usually go to private practice and thus brings a lot of inefficiency in government hospitals. So they should be limited on how they should operate their private clinics.

Now security is a basic human Right should also be guaranteed by the government especially during a time like the one we are approaching which is the electioneering period.

Also on security, we should not have detention without trial for suspects and we should also be protected from vices as others which threaten our security. The Government should put measures in place to ensure that every citizen is guaranteed or her own security.

My third point is on remuneration of Government employees; The government should be, the government should harmonize the remuneration for its employees so that if the employee is a degree holder regardless of the field, whether he is on education, or health, or whichever field it should be in approximately the same income package so that we don't have some degrees being found to be superior in relation to others. So they should be approximately in the same income bracket as long as they have the same academic qualification. If they are diploma holders they should be approximately in the same bracket, same for certificate holders and other academic qualification.

My fourth point is on the Commission of enquiries which are always appointed by the government to look into the complaints of the employees. For example whenever we have strikes you will always find a commission of enquiries being put in place to discuss this complaint I suggest that such should be abolished and the complaints should be discussed either at the parliament level because the parliamentarians or by the trade union and the employers themselves so that these commission which always use a lot of money should be abolished.

My fifth point is on the Higher Education Loans Board, I suggest that so long as an applicant has qualified to join the local University, this person should be given an automatic loan and all the loan should be of the same amount so that we don't get some people getting forty thousand, others getting fifteen. Now the loans given if it's thirty thousand or whatever amount should be sufficient to cater for all their needs without considering the social background where the applicant is coming from.

Now my sixth point is in relation to the political field, I will talk about the presidential powers which are very immense and should be trimmed and also regarding the President being the chancellor of the public Universities I feel that this is not because those academic institutions can get people who are qualified enough to be the Chancellors. So the President should not be the Chancellor of the Universities, the Universities should appoint their own Chancellors. And he should also not be above the law in any other field and that may come. Now I have to suggest that the president should be a family man that is a person with a wife, and a family which is known to the general public.

On the same point, I suggest that all politicians including the president himself and others the MPs should declare their wealth periodically for example every two years. They should declare the wealth that they have and how they have acquired it.

My next point is on the country's resources. This country has got a lot of economic resources. We have minerals, we have cash crop and so on. I suggest that such resources should be distributed or shared out in the country according to the population densities of the region involved. For example a District with a population density of about one million, and another with a density of a hundred thousand persons should get different shares of their resources.

My eighth point is on the Local Government: The taxes which are collected by the Local Government should be returned to those who contributed them and to ensure that the region develops - what I am saying to and provide services in those

regions from where its collected.

My ninth point is on the family.

Com. Swazuri: Please summarize.

Grace Kariuki: I am just about to summarize on the family I highlight a few issues. The government should ensure that early marriages are abolished and that the minimum age for a girl to get married should be at least eighteen years. There should also be protection of children against child labour and those laws should be put in place to protect our children.

On divorce: I suggest that men who divorce their wives should be made to support the children from the previous marriages and feel until such children acquire the age of 21 years or until they complete the formal education - whether it's at the age of 25 or 24 years. I also suggest that children be got of men within or outside wedlock- that's those who father children outside the marriage which this man is in, should be a responsibility of such men. These men should be made to be responsible of those children, have those children until they acquire 21 years. The Government should also ensure that whenever possible the government employees should stay with their families. My point is, for example if we will take the case of teachers, the teachers transfer should be acceptable to ensure that such teachers or such officers stay with their family.

And my final point on the family is that on polygamous men, a rule should be put in place to ensure that property acquired in a given marriage, does not benefit any subsequent family acquired with other wife or children. Thank you very much.

Com. Swazuri: Thank you very much. Register your name and give us your memorandum I understand Judy Kaari wants to have a second chance .What is it that you forgot which you want to say? O.K we shall give you a chance .

Judith Kaari : (talking in Kikuyu through Translator).

Translation: She says the Government seemed to respect the people with ties but the poor have no where to turn to. The reason is all the children of the poor fall out drop out of the school in standard eight and standard seven . The income we should get from Coffee and Tea or other farm produce is too low to send them to high school.

The children of the poor have the capacity to lead the country more than the children of the rich who go through high school and higher because they are used to tragedies, to the poverty -they have been through the poverty and that should give them such experience and wisdom for leading a country like this.

The society seems to place higher standard of behavior on women so that if a woman and a man committed some sins- a adultery for instance, and the public came to know , the public expect higher morality from the woman than from the man, the woman would not get elected because of that action while the man will said through easily. The new society we are trying to build, should make sure that the same level of behavior is expected of both parties. For instance the Aids we see here now, is killing everybody

Man, woman and child but more often than not it's the woman who will be blamed for it than the men though the man will be equally or even more to blame. My appeal is more women should be nominated because apparently the few of them get elected. More should be nominated into elective position. - Because women have a natural ability to look after affairs- they have got homes, they manage most homes that we know more and better than men. So the society should use this natural talent women of managing affairs and taking care and protecting the affairs of a country and a home like they do at home.

Children with disability should have free access to the education because they are thoroughly disadvantaged. If their parents are poor, they are known to be as good as normal children or even better in some cases but unfortunately, unless a parent has got money, their talents tend to get wasted. This issue of placing higher and higher levels of education as a qualification for election for higher offices will mislead this country if it is taken further. I beg the Commission to ensure that this matter of placing higher education as a major qualification for any elective position be played down- because the experience on the ground is that the educated, are not any better. I can tell you that I have not seen a formula which is brought especially by the so called educated. The poor-the children of the poor have as much skills in running affairs if given a chance as those of the rich; If nothing is done the poor will continue to get poor because most likely the children of the poor would not go any further in the education than their parent went. Thank you.

Com. Swazuri: Thank you very much. Just hold on; But will the person who has not gone to school be able to read the large volumes of law materials in parliament?

Judith Kaari: (talking in Kikuyu)

Translation: If they are available in local languages like Kiswahili (inaudible)

Com. Swazuri: Okay, so indirectly what she is saying, is that we should have both those in English and Kiswahili or even vernacular languages?

Judith Kaari: (talking in kikuyu)

Translation: She is saying that should be the National language Kiswahili that is used because these old men who are sitting here, especially the Mau Mau group had come to listen;- unfortunately they went home with zero. Because the language of communication here was English and when there was no translation they had nothing. They just got nothing and they just walked out.

Com. Swazuri: Okay, Thank you. Another question; Do you know that most society scorn at the woman more when she makes these social mistakes, because they believe that if a man is at fault, if the worst, comes to the worst he can take home the other women he has been got in adultery. But would the woman be able to get married to all those men and she is already

married to one?

Judith Kaari: (talking in kikuyu)

Translation: What she is saying that the society acorns women who seem to be in loose their ways than they do on men but she is saying that we should start working at new morals so that the same standards placed on women are placed on man also.

Com. Swazuri: I think our last person for today is Peter .J. muya. Five minutes Mzee.

Peter J. Muya: Asante sana kwa kunikaribisha kwa kutoa maoni yangu. (talking in Kikuyu)

Translation: I want to talk on the death penalty, this law should be scrapped from the books. That is my view because that's what the bible says.. On the Constitution I would like us to withhold elections until we do a new Constitution because the current Constitution has oppressed wananch for a very, very long time and it could be good that it is ended before we get the next election. If we hold election with old Constitutions the public will continue to suffer.

My third view is that I want to talk about leadership in Sub-location and Location Assistant and Chiefs. I want them to be elected by the public the way we elect Councilors .

My fourth view, concerns the way we look after the disabled person; people with disabilities and the street children and families. The law that allows people to destroy other people's business like breaking up Kiosks and yet the owners of the Kiosks - the traders have large family to look after. Breaking up these Kiosks will not reduce in anyway the street families and children that roam our city. Instead their numbers increase. The law that allows the authorities to break to destroy Kiosks and another small businesses should be scrapped.

Members of parliament: All members of parliament should earn the same scale of salary, without getting the kind of money they are getting now. Because we have too many poor people, if the MP's salaries were reduced some of that money could be used to improve the condition of the poor. So hat law should also be scrapped.

My sixth view is on joblessness or employment.: Both the educated and non-educated need jobs because all of them are Kenyans and they all belong to this country and they have equal needs. Those who don't get jobs even if they are educated are likely to enter into crime. So if we have a law that states that an un-educated person should not get a job that law should be scrapped. I hear there is a law that prohibits the uprooting of Coffee and Tea. That law was brought by the colonial system and it cannot be of any assistance to us.

For instance, if a tree you have planted in your garden is not useful to you, you should have the mandate to uproot it and plant

