

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, OL KALAU
CONSTITUENCY, HELD AT ACK OL KALAU CHURCH**

19TH APRIL 2002

CONSTITUENCY PUBLIC HEARINGS, OL KALAU CONSTITUENCY, HELD ACK OL KALAU CHURCH

ON 19TH APRIL 2002

Present:

Prof. A.I. Salim - Commissioner
Madam Kavesta Adagala - Commissioner

Secretariat staff in attendance

Mr. George Naholi - Programme Officer
Hellen Kanyora - Verbatim Recorder
Lucy Flora Atieno - Sign Language Interpreter

Com. Kavesta Adagala: Habari ya asubuhi? Karibuni. Ijapokuwa sisi ndiyo wageni wenu, lakini karibuni kwa kikao cha Tume cha kurekebisha Katiba, tuko na furaha kuwa hapa, we are very very happy to be here in Ol Kalau, kile tungependa

kufanya, tungependa tuanze, lakini tutafanya official opening kama watu wako wengi, lakini kazi yetu ni nyingi sana na tukipoteza kila dakika tano tunapoteza, we are losing a presentation. So we can't just sit by, kama muko hapa, tunaweza kuanza na nyinyi, halafu when they are more people, we will do the official opening. Mutuhurumie kwa sababu kazi yetu inaenda kwa madakika. If we miss five minutes, we have missed a presentation, or ten minutes we've missed an oral presentation. So if you will bear with us, we will start, and then we will explain the modalities when they are more people. Tunaweza kuendelea?

Ndiyo.

Yah, kwa sababu views, views are to the Commission and as long as we are here, we will take your views, they will be recorded, audio recording, there is someone there, a young lady there Charity, to write it down, and we will also write it down.

Kama tunaweza kupata mtu wa kuomba, halafu tunaweza kuanza. Mimi ni Kavesta Adagala, Commissioner, na mwenzangu ni Prof. Idda Salim, he is one of the three vice chairmen of the Commission. kuna mtu ana weza kutuomba? Asante. Tunafaa tuanze saa mbili, hadi saa kumi na mbili na unaona sasa ni saa ngapi, hatuwezi kukaa na kungojea, we have already lost about 10 presentations. Asante mzee.

Prayer. Basi tuombe. Mungu wetu asubuhi hii njema tunakushukuru, umetulinda kuwa mahali hapa kwa sababu ya vile unavyotupenda. Tuko mahali hapa kwa sababu ya mpango maalum unavyoweza kusaidia nchi yetu, na sisi kama wananchi pia. Tunaomba uongozi wa roho wako mtakatifu, yote yatakayonenwa mahali hapa, yawe na msingi na mpango wa kuwafariji wananchi wa Kenya, na hata washiriki wa nchi yetu. Waongoze viongozi wetu, na sisi wananchi wa sehemu hii, pia tuongoze. Mwanzo mwema tumeomba na hata katikati wa mkutano wetu, na mwisho mwema, na yote tumeomba tukijua utafanya mapenzi yako, katika jina la Yesu aliye Bwana, na Muokozi wetu. Amen.

Com. Kavesta Adagala: Asante kwa kutuomba Mungu atuongoze kwa mambo haya. Tutafuata utaratibu wa registration. We will follow the registration list, and we will, for instance if you have an oral presentation, it is ten minutes, and we shall keep time, maximum ten minutes. Siyo utumie hiyo ten minutes lakini maximum ten minutes. Ukiwa na written presentation, memorandum, ni five minutes, na unatoa tu highlights, summary ya hiyo presentation kwa sababu itaenda kule Tume, na tuna watu huko wa data analysts na pia sisi wenyewe, tutasoma, na tumewashukuru mume kujamapema, mutatusaidia kuanza kazi yetu mapema. Kuna Mwai Kibiri? Very good, we respect that. Wapili ni Joshua Gichiri? Joshua Gichiri ako? Ndiyo, haya. Karibu, yes, so memorandum, five minutes, oral presentation maximum 10 minutes.

Joshua Gichiri: Asante sana, asante sana Commissioner wetu, to the chairman, the Constitutional of Kenya Review Commissioners. Maoni yetu kuhusu Katiba ni kwamba Ol Kalau town iwe makao makuu ya wilaya ya Nyandarua kama ilivyo wekwa mwaka wa 1962, asante kwa kupokea na kusikiliza maoni yetu hapa Ol Kalau Constituency. Karibuni sana, wenyu mwaminifu, wakaaji na wenyeji wa Ol Kalau, Nyandarua, Mkoa wa Kati, Jamuhuri ya Kenya. Jina langu, Joshua Mbichu Gichiri, kwa niaba ya wakaaji wote wa Ol Kalau Constituency, leo ni tarehe 19-04-02, mumekaribishwa sana hapa, asante sana. Kama sijampa memorandum ambao, maoni yangu ambayo nimetumia kwa maandishi, kwanza ninge kuonyesha

geographia ya hapa hapa kwetu. Nyinyi ni wageni, na kila mara wageni wakiwa wakienda safari bila compass, niliyo nayo hapa ni compass ya Kenya, ambayo inaongozwa na wananchi wetu, hasa kitu muhimu ni elimu, yaani kwa Kiswahili ni masomo, kitu muhimu katika Kenya yetu hii, ambayo ndiyo inafaa kuongoza kila mmoja akiwa kiongozi, akiwa village, akiwa Nairobi, akiwa pahali popote, ni compass ambayo ndiyo hiyo.

Ndani ya compass hiyo, ina sentences tatu. We have physical education, mental education, spiritual education, hiyo ikiunganishwa pamoja, inategemea kitu tunayoita academic success. Siku ya leo, tulipokea barua yenu tangu ni kama mwaka moja ulio pita, tutoe maoni yetu siku ya leo. Tunayo orodha ndefu, orodha ndefu, imeanza kuanzia moja, preamble, directive, Constitutional Supremacy, citizenship, defence and national security, political parties, construction and system of government, the Legislature, Executive, Judicials, all these local government, electoral system an process, basic rights, basic rights of governments and groups, land and property rights, cultural, ethnic and regional diversity and communal rights, management and use of natural resources, environment, national resources, yaani matumizi ya kiserikali.

International relationship; Number 21, Constitutional Commissions, institutions and offices. Ya mwisho, waheshimiwa Commissioner wetu, succession and transfer of power. All these your questionnaire guidelines, ambayo mulitutumia, Tumejaribu kwenda through wakati tunatembea hapa na pale katika Constituency yetu, na ni lesson kubwa, hii inafaa either mawakili, ma-professor wa university, wengine wetu ambao ni wataalamu wa mambo haya. Kwa hivyo sisi hapa katika grassroots, ni sehemu ndogo tu, tunaweza kuchukuwa nafasi hii, kueleza tu, akili yetu kidogo, kwa sababu hapa ni chini, hapa ni mbali sana na town kubwa kubwa, ni juzi tu, tulikuwa settled hapa, wengi wetu ni wakulima wadogo, wengi wetu ni wanafanyi biashara, wengi wetu ni vijana wa matatu ambao wanafanya hivi hivi hapa, ukiwaona hapa town yetu, ukitembea hapa na pale, utaona hata kutembea hapa tulipo, unaona hata kufika ni shida, kwa sababu ya jambo hili na hili. Kwa hivi, mimi nikiwa mzee, mimi ni ordinary lay leader wa Kanisa. Bishop wetu yuko hapa Nyahururu, Archdeacon yuko hapa hapa, ni Nyandarua parish yetu ya kanisa, hii ni social hall ya kina mama wetu ambao ni wa kanisa. Mimi tu nachukuwa nafasi hii, kueleza tu maneno matatu.

Katika ile orodha ya mambo ishirini na mawili, ambao mulitupa muongozo, nimetumia tu matatu. Ya kwanza, preamble. Preamble, ni neno geni ambayo kibibilia, ingekuwa ndiyo mwanzo, ambayo, ndiyo inge kuwa ni muongozo, kwa sababu wakati wa Musa, alipewa hii maagano kumi, na imeandikwa kwa lugha sote tatu, nyinyi muko hapa, munaweza kusikia tukiongea kikuyu, ndiyo hii bibilia. Hata ukiwa na bibilia yako ya Kiswahili sasa, unaweza kuandamana nami, na utaelewa yote ninayosema. In the same way, Katiba yetu ya Kenya, kama ingeandikwa namna hivyo, ingekuwa kila moja mtoto wa Sunday school, youth, akina mama, wahubiri wote, wange kuwa tu wakiwa katika nchi yao, wanafuata tu. Akienda kule Mombasa, anatomia hii bibilia hiyo hiyo, ikiwa ndiyo Katiba, ingekuwa Katiba ni hivyo hivyo, anaongea kwa lugha hiyo ya Kiswahili sanifu, akiwa Kisumu ni hivyo, hivyo, akiwa Mararal kule upande wa juu ni hivyo hivyo. Preamble inge kuwa rahisi sana, internationally, ukiwa Nairobi, ukienda wapi, ukienda Cairo, ukienda South Africa, ukienda London, ukienda America, unasomea wananchi wote wa dunia nzima, maoni yetu ya Kenya, Katiba yetu, utaratibu wetu, vile tunaendesha kwa kingereza. Kwa hivyo ukiangalia bibilia, huwezi kuwa dormant, huwezi kuwa dull wakati muhubiri anahubiri kwa Kingereza kwa sababu

utatumia kwa lugha yako. Ikiwa uko katika sehemu za reserve, itaandikwa kwa lugha kwa Kikalenjin, itaandikwa kwa lugha ya Dholuo, itaandikwa kwa lugha ya Kisomali, itaandika kwa kila lugha. Katiba hivyo hivyo itakuwa so simple, so simple, and haitasumbua wananchi wetu. This is all what we are talking about preamble, ambao ni muongozo mzuri, ukifungua ile ni paragraph ya kwanza, unahubiri na watu wawili, watatu wanaokoka na tunapata jawabu kutoka kwa Mungu.

Part two; Constitutional Commissions, institutions and officials. Happy Constitutional making! Hapa ndiyo swali ina simama, inakuwa na exclamation mark, inakuwa ni question mark. Inashinda kama ni 'X', lakini ili tupate jawabu, let us get a very simple thing. Lazima hii iangaliwe sawa sawa. Historia inatuonyesha mwaka wa 1976, kwa sababu hakukuwa na mtu wa kulinda Katiba, isipokuwa moja tu aliyokuwa wakati huo Attorney General, Charles Njonjo, alisimamia office hiyo ya Katiba. Sisi mwanzo karibu tupotee njia. mwishowe kuna mwingine wanaoelekea upande huu wa succession. Hapo kama hakungekuwa na mtu mmoja aliyesimama imara, na sheria ya Katiba, kusoma kuonyesha watu Tume toka wapi, Tumesimama wapi, tunaelekea wapi, kungekuwa na shida sana katika nchi yetu. Kwa hivyo Bwana Commissioner, Madam Commissioner and sir Commissioner, hiyo idara yako tunaishukuru sana, hivyo ndiyo idara ambayo inatakiwa sasa hivi Kenya, ndiyo imechezewa sana na ndiyo ilisaidia Kenya, na ndiyo ilitufanya tukae na amani hapa kabisa, na upande wa pili sababu naenda clockwise, nimeanzia upande hii ninaenda clockwise, kumalizia malizia, succession and transfer of power. This is very important. It is the last paragraph. Whoever is in this world, must know that he is a steward, steward. Katika bibilia tunafundishwa, hii dunia ni ya Mungu, in the same way, kama tunaongea habari ya Katiba, nchi hii ya Kenya, ni nchi ya Mungu, sisi ni watu wa Mungu, yeyote ambaye anashika madaraka, kama ni Muhubiri, kama ni mwalimu, ajue yeye tu ni mchungaji. Kwa hivyo, wakati anapoanza hiyo kazi upande huu, anaenda clockwise, akiona jua linaelekea upande wa chini, ajue sasa hii kazi aiwache vile aliwacha na ikiwezekana aiwache na baraka, arudishie mwenyewe mali hiyo, kama alikuwa ni Mchungaji arudishe kondoo nyumbani, kama alikuwa analima apelekee mwenyewe mazao, nchi hii, ukiwa Nairobi, ukiwa President, ukiwa minister, ukiwa kama nyinyi ma-Commissioner, mujue hii ni dunia Tumepewa tutunze, unanza vizuri, unamaliza vizuri. Ukiwa kama mchungaji, mtumishi wa Mungu. Kwa nini watu wetu wasifuate mfano mzuri ambao Mungu ametuonyesha? Kwa hayo machache Mheshimiwa Commissioner, nimeguzia tu, point one, two, three, kati ya point ishirini na mbili. With your permission and finally, when I am handing over to you this my suggestion here, I put that aside, I hold that one, sasa nimemaliza sir.

Com. Kavesta Adagala: You talk very nicely, unazungumuza vizuri sana, lakini...wakati.

Joshua Gichiri: Wakati, wakati. Asante sana, mimi nikiwa mwenyeji wa Ol Kalau, nalete tu maoni nilisema hapa, kungekuwa ndiyo makao makuu, mungekuta maendeleo. Sasa mukiangalia mutaona the area, watu hata hawajui hapa ni wapi, wanajua tu Nyahururu, wanajua Nakuru, wana jua Naivasha, Ol Kalau ambayo 1962 ingekuwa imekuwa ingekuwa na starehe mambo kubwa, ndiyo nimeona maoni yangu nikiwa tu mtumishi mdogo, nitapeana wapi? Nipeane wapi? Asante sana, with your permission, thank you very much.

Com. Kavesta Adagala: Mengine umeandika, tumefurahi. Tumefurahi wewe ume kuwa wa kwanza kwa sababu ume... you

have given us some history, wait, wait mzee, wait, wait! You have given us a good overview of this area, some history, we are glad, and you have given us, three points. There were very clear, and I think probably your memorandum is also very clear, isn't it? Yes, (interjection). Yes, we will go through all the memoranda, and they will be put in the archives for posterity, for many years to come. Do you have any comment? Yah, thank you very much for what you gave us, in your second point, were you talking about safeguarding the constitution, kulinda Katiba?

Joshua Gichiri: Yes madam, yes!

Com. Kavesta Adagala: And the example of 1976?

Joshua Gichiri: Thank you!

Com. Kavesta Adagala: Yes, thank you, we just need to know how to extract it. And on succession, you said leaders should be God fearing, isn't? Whoever is chosen is chosen by God? (interjection). So, all these things we are doing, are done by God. O.K. Thank you very much for leading us.

Joshua Gichiri: God Bless you.

Com. Kavesta Adagala: Yea, God bless you to. Sasa, we have Kagara? Kagara yuko? O.K. anafuatiwa na Kamau, Stanley Kamau, na huyu ni Daniel Kariuki Kagara.

Daniel Kariuki Kagara: Majina yangu ni kama vile munavyosikia, Daniel Kariuki Kagara, kutoka Ruriye Parish, Kanisa wa ACK Katitu. Yangu tu ni machache, niseme ni asante sana kwa Commission kufika hapa, ili wachukuwe maoni ya wananchi. Mimi sina mengi kwa sababu nimeandika ama tumeandika memorandum. Yangu ni machache tu, asante sana.

Com. Kavesta: Mzee, unaweza kutumia dakika zako tano, na kusema tu juu, juu, yah, kwa sababu, pia tunaweka kwa tape. It is being recorded, so if you stand - - usisome memorandum, lakini useme tu, juu juu

Daniel Kagara: Ooh, kidogo, kidogo? Ah, katika memorandum, nimeandika vile Katiba inapaswa kufuatwa. Na tena, nime - - Tumeandika, katika Katiba hii ya Kenya, ni lazima igeuzwe, ili mtu moja asiwe katika juu ya sheria. Ni lazima sheria iwe juu kuliko mtu awe juu ya Katiba ya Kenya. Kwa hivyo, yangu ni hayo tu, kusema Katiba ilindwe na ijulikane Katiba si ya mtu ni ya Kenya nzima. Asante sana.

Com. Kavesta: Asante Mzee, umetupa jambo moja nzito, na ni nzuri sana. Haya, ambaye anafuata wa tatu ni Kamau Stanley.

Kamau Stanley: Asante sana kwa vile mumefika mapema asubuhi ya leo ili tuweze kutoa maoni yetu kuhusu Katiba.

Com. Kavesta: Address the Commission. Is it written or oral? It is written? And you will submit it? You will submit it, eh?
Thank you.

Kamau Stanley: I will submit it. Kwanza, sijui kazi ile ambaye tunafanya siku ya leo, ni kazi ambaye itadumu, kwa sababu kumeshakuwa na Commissioners wengi ambao wamekuwa wame chaguliwa siku hizo ambazo zimepita, Commission inazunguka katika hii nchi yetu, na mwishowe, kazi yote inakuwa ya bure. Juzi juzi tulikuwa na ile ya education, na sasa, hiyo education imeonekana kwamba kazi ile ambayo imefanya ni ya bure kwa sababu vile watu walitoa maoni yao, haikutekelezwa na serikali. Sasa, kwa hii ya leo nafikiria kwa sababu inaonekana watu wote wamejitolea kutoa hii maoni, na serikali vile vile imekubali, nafikiria even the President will agree hili jambo liendeleo vyema.

Kwanza nita ongea juu ya (interjection)

Com. Adagala: (laughing). Tunachanga views kutoka nchi nzima, halafu tutaweka pamoja. Tutaandika report, ita enda kwa Parliament, Parliament itapitisha. Ikipitisha itakuwa Constitution. Ile itakuweco ni new Constitution and the old one will go away, please don't put us ... everybody keeps putting us in someone else's history. Kama 8-4-4 walifanya kazi yao, walifanya. Hiyo ilikuwa Presidential Commission, hii hapa ni Parliamentary Commission. Hii ni tofauti. Lakini hata hivyo, nimeona subject zimebadilishwa kwa shule, na nini - - una jua ni vizuri hata - - give the devil his dues, eh?

Kamau Stanley: O.K. sasa, kwanza nitaongea juu ya President. Ningelitaka....

Com. Kavesta: Address the Commission, and don't make it a public address, yea, just give your proposals to the Commission.

Kamau Stanley: O.K. Ningelitaka President powers, ziwe cut. Ziwe kidogo kwa sababu kama ingekuwa ni kidogo, mambo yale ambayo yamekuwa yakitendeka hayangukuwa ikitendeka. Age ya President ningetakaitoke 30 years, to 70 years and he or she must be a graduate. Nikiendelea niende kwa council, ninge taka councilors wawe ni watu ambae wamesoma, wamehitimu darasa la form four, na councils ziwe autonomous. Kwa sababu hapo mbeleni kumekuwa na shida sana kutoka kwa officers na councilors, na councilor hawajakuwa na nguvu ya kufanya chochote katika councils. Hakujakuwa na handing over, taking over from the councilors, kwa sababu hapo sasa ningetaka kuwe na hiyo jambo.

Ningetaka businesses in the country, ile vitu ambayo ni muhimu sana kwa nchi, iwe controlled. Shida ile ambaye tuko naye, tunaona town mzima inakwisha kwa sababu ya watu wawili. Watu wawili wanachukuwa business yote, na wengine

wanaachwa bila kazi. Sasa ningelitaka serikali ichukuwe jukumu ya manufacture wasije wakiwa wanauzia retailers mali yao. Wawe waki - - iwe ikipitia kwa distributor ili wapee retailers.

Nikienda kwa Parliament, Parliament inakaa siku moja ambayo inapitisha mshahara yao. Ningelitaka Commission iwe ndiyo inatoa habari ya salaries ya watu wote. Nikienda kwa shule, Commission, Commission ichaguliwe ili iwe ikitoa - - ikitengeneza habari ya mshahara. Nikienda kwa mashule, ningelitaka primary, au secondary schools, BOG wawe ambao ni watu ambao wamesoma, na BOG au wenye shule wawe ndiyo wenye shule kabisa kabisa. Wawe wakijua headmaster yule ambaye atakuwa kwa hiyo shule (interjection).. primary school, watu wale ambao ni committee members, wawe ndio wenye shule. Wakiwa wenye shule, wawe ndiyo watakuwa wakijua headmaster ni nani. Kwa sababu kume shaa kuwa na shida kubwa sana. Headmaster akienda pale pahali pengine, anakuja ndiye anapewa mamlaka ya kuwa headmaster, na ukiangalia, hata qualifications ya yeye kuwa headmaster - - kwa hivyo ningetaka, headmaster awe akijulikana, na wazazi wawe ndio wanachagua, waseme huyu ndiye mzuri kwa kuwa headmaster wa hii shule.

Iko hii pombe ambayo watu wana kunywa all over. Brew, illicit brew... (interjection)

Com. Kavesta Adagala: Wacha tumalize elimu. Unasemaje kuhusu elimu ulikuwa na point ya kwanza. Ilikuwa nini?

Kamau Stanley: Ilikuwa shule kwa headmaster - - - (interjection)

Com. Kavesta Adagala: O.K. hiyo ndiyo ilikuwa ya kwanza? Hiyo Tume elewa basi.

Kamau Stanley: Ya pili, ili kuwa ni lazima watu wale ambao watakuwa wakisimamia hiyo shule, wawe ni watu ambao wamesoma. Educated people. Niendeleo? O.K. Kwa brew, ningelitaka serikali ifunge hii pombe kabisa, kwa sababu serikali ikitaka jambo lolote lisije likitendeka katika nchi, haiwezi ikatendeka, na ikiwa watu wamekufa, iwe - - serikali iwe ikisema ni mkasa ambaye imeingia katika nchi, ili waweze kusaidia hawa watu. Kama juzi watu wale wote ambao walikufa kwa sababu wakunywa, walikufa hivyo, na watu - - na familia yao waliachwa hivyo. Kwa hivyo ningelitaka iwe a disaster. Jambo lingine, naenda haraka ili nisije nika fanya nini. Kwa shamba, ningelitaka mashamba yote, kila mtu akipata shamba, iwe not less than five acres and the maximum of land owning in this country iwe 500 acres. Na yule mtu ambaye anaweza kuwa amepata shamba, kwa njia isiyo ya haki, hiyo shamba aitishwe na irudi kwa serikali ili watu wengine wapewe.

Nitaenda sasa kwa transport. Kwa transport ninasema mafuta yawe controlled by the government, na yakiwa controlled, ndipo hata barabara zinaweza kuwa nzuri kwa sababu watu wale ambao wangekuwa wakisafiri na haya magari, also the price can be controlled following the kilometers kwa sababu sasa kutoka hapa kwenda Nairobi inaweza kuwa too much - - ikilinganishwa na kutoka Nairobi kwenda Mombasa. Kwa hivyo ningelitaka serikali iangalie hiyo maneno, kuhusiana na passengers fee, na mtu akipitishwa kwa gari, ningelitaka awe fined ili asiwe akipanda gari kama hiyo gari imejaa.

Kwa elections, ningelitaka kwa elections mtu akichaguliwa(interjection)

Com. Kavesta Adagala: Tafadhali, tafadhali, watu ambao wanazungumuza, kuna mkutano mmoja tu.

Kamau Stanley: Ningelitaka pahali polls zinafanyiwa, zihesabiwe hapo hapo, isije ikabebwa eti kupelekwa pahali pengine. Ile ingine ambayo ningesema ni kuhusiana na hospitali. Hospitali inaonekana tuko na shida kubwa sana, kwa sababu the board ile ambaye inachaguliwa kwa hospitali, sijui ni watu wemetoka wapi. Tungelitaka, watu wale ambao ni qualified doctors, wawe ndiyo board, yaani watu wale ambae wako na huo ujuzi wa kusimamia pahali, watu wale ambao wako na hiyo elimu, wawe ndio wanasimamia mahala hapa na hatuwezi kuwa na shida. At least in every sector, ningeomba iwe ikisimamiwa na watu ambao wako na hiyo elimu.

Com. Kavesta Adagala: Asante sana. Ningependa kusema, tuelewe mambo ambayo tuna - - maoni ambayo tunatoa, ni ya leo, ni ya kesho kutwa, na ni ya miaka hamsini, na miaka mia moja. Tuelewe hiyo, ili tusiwe tu kwa lile jambo. Tena ukiangalia Kenya, tafadhali angalia hata wakati wa-colony walikuwa hawajakuja, na wakati wa ucolony na pia kutoka 1963 ili tusione taabu zote zinatokea leo. Kwa sababu tukiona taabu zote zinatokea leo, maoni yako ita kuwa ya leo, leo, kama. Tofuati pengine na Tume ile ya - - na Tume zingine, hii inazungumzia mambo ya kudumu, sasa pengine tufikirie hapo, usibadilishe maoni yako, lakini weka tu ili uone kile ninasema, kitaweza kudumu pia. Haya, kuna sasa hapa, kuna mtu hapa ana jina - - tunaweza kusikia Kiugu, Reverend? David R.W. Kiugu, na huyu ni Zablon, au Zachariah? Ni nani huyu? (interjection). Jina la kwanza. ACK Nani ana jina lina anza na Z, la kwanza? Haya, tutasema hayuko hapa. Kiugu? Halafu Karuga, halafu Njenga. Kiugu ako? Hayuko? O.K. Watu wakitoka, watapoteza wakati wao kwa sababu - - halafu Karuga, O.K. Njenga? Musiandike majina na kuenda kwa sababu tuko hapa kwa kikao na ni siku moja tu.

David Njenga: My name is David Njenga. Honourable Commissioners, I would like to present here today, my views to this Commission. In my view, I will start by the election of the President, because ours is a Parliamentary government, and we need to have a government that has been elected into place in a fair elections. I mean every aspiring candidate for the presidency should be given a proper security detail to transverse every corner of the country and without any hinderance and he who is going to be the President must have attained the age of 45 years and above and we should also have a Prime Minister who differs in age with the President and they should be aged from 35 years and above.

We should also empower the district councils and elevating local government whereby they will be in a postion to run the local schools, hospitals, all the roads in the respective districts except the main roads, most of these feeder roads. As we can remember in earlier times, these schools and roads were being maintained by the councils, but the council I am seeing should be in a greater power and the current councils. The government should give the subsidies to the local authorities, the subsidies should be determined by the taxes the council is able to contribute to the Central Government and all the population therein.

The Constituencies - - and the Constituencies should be curved according to the population of a given area because in Kenya you find in some areas we know of some constituencies with only about less than 10,000 voters, with their MP and with others with over 40,000 having the same one Mjumbwe and on land, we have in this country witnessed a great scramble for land ownership since independence and I suggest that we should have a limit to the ownership of land in this country. Commissioners, I suggest that all the land above 50 acres should be taxed. Owner should be taxed and taxed well so that they can be made to make their land productive. As we can see today, there are big tracks of lands that are lying idle and in total disuse. To avoid that, we should form a permanent Commission on land that would be empowered among other persons to re-demarcate this land and where possible, give out or dish out or settle the landless wananchi to those parcels of land.

Plot allocation in urban centers; I would suggest that individuals given plots in towns should be made to understand that this land cannot be issued for purpose of speculation, so therefore, plots in town should not be more than quarter of an acre to an individual and anything above quarter of an acre, should only be allocated to institutions and these lands, possessions should not be refundable by way of what we call change of user. That should not be allowed whatsoever, because as it is today, people get land in the urban areas, and then they apply for change of user and they subdivide the land and then share the plots, commercial plots or residential plots so that is another kind of grabbing public land.

Economy saboteurs; We have seen and we have witnessed people in the rural sting having very poor seeds, poor fertilizers, sub-standard goods all over the place and it should be made mandatory, that whoever is caught selling sub-standard goods like fertilizer and milk and things like that, should be punished by hanging! By hanging yes, economic saboteurs, those who sabotage the economy I mean.

Autonomous regions; We should have a unitary government as opposed to what mostly nowadays referred to as Majimbo because if we are going to fight ethnicity or tribalism in this country, we must have a unitary government in this country and moreover, it should be a criminal offence for anybody or any person or group who advocates political boundaries based on zones. So that - - because when we say the political parties are tribal, it is we who prevent the spread of those parties because at present no political parties are allowed to hold meetings anywhere they like in the republic, so, any group that advocates the zoning, political zones should be dealt with and face the full force of the law and I think honourable Commissioners I will stop there and I am in a position to hand this over to you honourable Commissioners and thank you very much indeed.

Com. Kavesta: Thank you very much for your very clear views and your memorandum. I wanted to know, if you can come for clarification. these plots, let's leave even the land but the plots in towns, many of them have been allocated irregularly or corruptly, do you have any views on that?

David Njenga: Yes please, thank you for reminding me....

Com. Kavesta: I didn't think you could talk about plots in town.

David Njenga:.. Yes, plots in town. As it is at present, there are three or four authorities that issue plots in the urban centres. Firstly, from the Commissioner of Land, who is supposed to own land in the republic. All others issue plots or allocate plots on his behalf, or rather they are his agents and when need arises, you can go to Commissioner of Lands office, ask for a plot in Ol Kalou town, get allocation letter, all you have got to do is to come to the council and present that letter and they will immediately avail that plot for you. Secondly, we have the district plot allocation committee, under the district Commissioner chairman. They too recommend allocation of plots. Also the local councils, even the local councils can give out plots now. Who is really responsible for plot allocation in urban centres? I would suggest that they are public trustees in every given area and they are the planning authority in their respective councils. Thank you very much.

Com. A.I. Salim: You talk in terms of President has to be aged 45 and above, what about, is there a maximum age? Can one probably be a President from the age of 80, 70.

David Njenga: From 45 and he is overtaken by events when he is above 75, he cannot vie for presidency.

Com. A.I. Salim: So maximum is 75? And the Prime Minister?

David Njenga: 45.

Com. A.I. Salim: 45? 35 to 45, between 35 to 45?

David Njenga: 45 to 70

Com. A.I. Salim: 35 to 75?

David Njenga: 35 to 70.

Com. A.I. Salim: And the Prime Minister?

David Njenga: 35 to 70.

Com. Kavesta Adagala: Thank you very much for your clear views. Naye sasa ni Maina, halafu Faith Nyambura. Maina yuko? Faith Nyambura? Asante Mama, Tumefurahi mama amekuja mapema hivi. We hope there will be many more women presenting.

Faith Nyambura: Commissioner, I am going - - I have written my views - -my name is Faith Nyambura and I have written my views in English, but I am going to try to speak in Kiswahili. (interjection) O.K. The civil servants, should be given their rights when they have got their problems to the government. The service charge should be - - the service charge should be removed from the council because the money which is - - the people are taking to the council, they are doing nothing with it. That one, should be removed to the civil servant charges because the council is doing nothing with it. (interjection inaudible) . Yes, O.K. Ile ingine, nilikuwa nataka - - niko na point nyingi lakini nitachukuwa moja moja tu (interjection) O.K. The Judiciary should be given their rights to do their work without interference by anybody in the country.

The forests in our country should not be given to the people because if they start cutting our forest, hii nchi yetu ita kuwa jangwa, kwa hivyo isikuwe ikipeanwa watu walime kwa sababu nyumae, hii nchi yetu ita kuwa jangwa (interjection –inaudible) Ah Ah, watu wa Kenya, watu wote wa Kenya. Ile ingine, mtu akishikwa, apelekwe police, asikuwe aki pigwa, akuwe akipelekwa kotini. Ile ingine, the mayor or the chairman of the council, awe akichaguliwa na raiya, siyo councilors. Ile ingine, Elections or the Electoral Commission, tunasikia kunakuwa na watu wanachaguliwa waangalie jambo fulani, lakini hakuna results tunapata kutoka kwa hawa watu. Wanakula pesa ya nchi hii yetu, lakini hakuna results tunapata kutoka kwa hawa. Nyumae tuna sikia hiyo Commission ime malizika na hakuna kitu wanatufanyia. Kwa hivyo ni kukula pesa ya nchi yetu ya Kenya, na ndiyo poverty ikaongezeka hapa nchi yetu.

Ile ingine, watu (interjection – inaudible). Nimesema, hiyo ikuwe imetupiliwa mbali. (interjection – inaudible). Ziko tofauti. (interjection – inaudible). Presidential Commission. kwa sababu zingine tunasikia kama mtu amekufa, tunasikia kumechaguliwa watu, waende wakaangalie habari ya hiyo kifo, na hakuna results wana leta. Kwa hivyo hakuna haja ya kuchaguliwa hiyo kamati. (interjection-inaudible). Tuondolewe hizo, si zote, hizo zina chaguliwa na President. (interjection-inaudible). Never be appointed again. Hiyo kazi(interjection-inaudible).

Yes. Ile ingine, (interjection-inaudible). O.K.Ile ingine, mtu akipelekwa rumande, ama akipelekwa jela, mtu huyo akipigwa tusikie amekufa, huyo commander wa hiyo prison awekwe kotini, aseme ni kwa nini huyo mtu amekufia huku kwa sababu ya kupigwa.

Ile ingine, ni hii kazi ya walimu. Tunasikia wasichana wetu kwa mashule, walimu saa zingine wana waweka mimba na huyo mwalimu angali anaendelea na kazi. Kwa hivyo ningetaka, mwalimu yeyote, akishika msichana yule ana soma, na kumuweka mimba, akuwe amefutwa kazi tayari. Ile ingine, ni ya hii seeds zetu. Wakati zingine, upande wa agriculture, tunaendea, tunaenziwa mbegu mbaya, na huyo mtu angali anaendelea na kuuza hiyo mbegu. Kwa hivyo mtu akishikwa akiwa anauza mbegu mbaya ya kupanda, ananyaganywa license yake na hiyo duka yake inafungwa kwa sababu anarudisha ukulima nyuma.

Ile ingine, ni kazi ya mabarabara. Tunasikia barabara Fulani, serikali imetoa pesa ya kujenga hiyo barabara. Lakini tunasikia

hiyo barabara, nyumae, hakuna kujengwa na pesa ilitolewa na serikali. Ikiwa hiyo pesa ilipatiwa mtu, aende akafanye hiyo kazi, na hakuna kazi amefanya, awekwe kotini, na afungwe na hiyo barabara ijengwe.

Ile ingine, ni upande ya ma-councilors na MP wetu. Upande ya ma-councilors, tunataka ma-councilors wale wanachaguliwa wakuwe wamefikisha kiwango cha masomo form four, na MP wetu wakuwe wameenda mpaka chuo kikuu katika nchi hii yetu ya Kenya hata nje. Ile ingine, ni magari yetu ile iko kwa barabara. Tumeona kunakuwa na accident nyingi sana kwa mabarabara, na ukiangalia saa zingine, unakuta gari hiyo inatakiwa ibebe watu kumi na wanane, na ukiangalia hiyo gari, unakuta iko na watu kama ishirini na tano. Kila kiti watu wanakaa kama watano, na saa hiyo, hiyo gari inapitia kwa police, kwa hivyo, tunataka hiyo isikuwe imepitisha watu, inashikwa na huyo mtu anapelekwa kotini, ili tujaribu kumaliza accidents nyingi kwa mabarabara. Nafikiri nitafikisha hapo kwa sababu nimeandika point nyingi, na nitawapatia hizi muende msomo ili tujaribu kusaidia hii nchi yetu ya Kenya. Asanteni.

Com. Kavesta Adagala: Asante mama Nyambura. Unaona ukipeana points vile amefanya, unaweza kupeana points zako zote. You can actually give all your proposals because that's why we are here today, for proposals. Mama Nyambura, ni vizuri ume zungumuzia mambo mengi, lakini unajambo lolote ungependa kutoa maoni yeyote kuhusu akina mama?

Faith Nyambura: Ile maoni moja niko naye ya akina mama, ni upande wa raping. Kina mama wakifanywa raping, huyo mtu anapelekwa kotini na ana fungwa. Ingingine, kwa upande ya kina mama, ikiwa mama ame wachilia watoto wake waende wakuwe chokora, huyo mama akuwe akipelekwa kotini, ndiyo aseme kwa nini, anaachilia huyo mtoto yake. Ile ingine, we want our rights.

Com. Kavesta Adagala: Excuse me, huyo mama afanywe nini? Huyo wa street children?

Faith Nyambura: Apelekwe kotini aseme ni kwa nini anaachilia watoto waende barabarani.

Com. Kavesta Adagala: O.. Kwa maoni yako, kabla hujaendelea, unasema apelekwe kotini?

Faith Nyambura: Apelekwe kotini,

Com. Kavesta Adagala: Unajua, unaweza kupelekwa courtini na useme.

Faith Nyambura: Akisema, anafungwa, akikuwa ni kuachilia watoto, kuwanyima chakula, kuwanyima education, anafungwa.

Com. Kavesta Adagala: ... O.K. Itasaidia, O.K. endelea.

Faith Nyambura: Ile ingine, kwa upande wa kina mama

Com. Kavesta Adagala: Mama peke yake mama anazaa watoto peke yake?

Faith Nyambura: Una jua wengi sana ni single mothers kwa sababu watoto wale wako na wakina baba wengi, wengi sana hawaendi kwa barabara. Ile ingine, wale mama wanapigwa na baba zao, hao mabwana, wana pelekwa kotini kwa sababu tunataka our rights. ile ingine, akina mama wakuwe wakiridhi mali ya mababa zao, kwa sababu ukiangalia kwa kina wazee, unaona saa zingine akikata mashamba, anapatia wavulana ananyima akina mama, na hata huyo msichana ni wake ni yeye alizaa. Nafikiri nitafikisha hapo.

Com. Kavesta Adagala: O.K. Asante. Nimemuuliza mama kwa sababu kuna wamama wachache sana. Sijui - - Wamama wamekuwa wachache Kenya au imekuwaje? Au tumewafungia nyumbani, au vipi? Lakini nilitaka ataje kitu kuhusu wakina mama. Kuna - - Sawa. Asante sana, umetupa very clear proposals. Kuna - - O.K. Kulikuwa na mzee, hatutafanya hivyo tena sana, Kibiru, ambaye alikuwa anajitayarisha, uko tayari?

MWAI KIBIRU: So, honourable Commissioners, welcome to Ol Kalou Constituency, and may you now kindly allow me to make a short address of three to four minutes, other than the five you have provided. I am Mwai Kibiru, the coordintor of Mabadiliko Clan Nyahuru. Mabadiliko Clan, Clan stands for Civic Local Affairs Network Nyahururu and Dear CKRC, we salute in the name of Kenya Mabadiliko Clan Nyahuru Acts for the common good. We believe that all the loyal citizens appearing before this Commission do so in good faith, having taken seriously your repeated pledge of independence, willingness, ability and courage to make history of turning the tide of decay, in Kenya by midwifing a true peoples' Constitution emanating from we the people of the Republic of Kenya. Indeed the review of the Kenya Constitution cannot be more justified. Great men make history even bibilically; a good Constitution is a gift from God. God has provided enough for each of our needs in Kenya, but not enough for one man's greed. Kenyans have great hope that there is good will across the board at least for the prosterity of our motherland Kenya. Kenya is greater than any individual, any political party, and equal only to the nation that is Kenya. In modern time, the Constitution is always the property of the people, the process of the Constitution making is a peoples process. Modern democracy, views written Constitution, not so much as to govern, but to control the power of those who do govern.

A good Constitution establishes the character and structure of government, and the principles which determine the governments powers and duties, as well as guaranteeing the rights of individuals citizens. These is essentially why the Constitution is a very important document, that every citizen should be familiar with, as it affects all our daily lives, and whose strength lies entirely in the determination of each citizen to defend it. Once again, Mabadiliko Clan Nyahururu, joins other loyal citizens in hoping against all odds that at the end of the day, this your collection of views and all submissions on the new Kenyan Constitution will not be wasted time, energy, resources and attention and above all, hopeless hope. We propose that our Katiba mpya, should

have the following. Now, I will go through.....

Com. Kavesta Adagala: Why are you in a frame of mind of hopelessness?

Mwai Kibiru: We - - - I mean, there has been history in this country, and I do not want to repeat what one presenter said here that Commissions have been created, other Commissions have been created to investigate the earlier Commission, and other subsequent Commissions have been created.

Com. Kavesta Adagala: But there has never been a constitutional review Commission?

Mwai Kibiru: There has never been one, just like

Com. Kavesta Adagala: So, we have a clean plate isn't it?

Mwai Kibiru: Just like there were never one before they were created so, we are only hoping - -

Com. Kavesta Adagala: But we as a Commission to review the Constitution, are the first one>?

Mwai Kibiru: Yeah, you are the first one

Com. Kavesta Adagala: So, we have a clean plate? Thank you.

Mwai Kibiru: Thank you very much, so we hope that something is going - - this will not be wasted time and resources. Now one, we propose that our Constitution should have a preamble, a preamble showing or indicating who Kenyans are, who owns Kenya and the destiny of Kenya, and who should actually chart the destiny of Kenyans. We support Parliamentary system with strong independent Judiciary Legislature. Sorry?

Com. Kavesta Adagala: If we sat in Nairobi, we could write a preamble and put who chart. Why we have come to you, is we want you to tell us who should chart, who should direct the destiny, and who Kenyans are and who owns Kenya. You cannot pose those questions to us. It's like telling us, that the Commission is going to make the constitution, but it is not so.

Mwai Kibiru: Actually I have elaborated that in the document that I will hand in, I only highlighted here because I wanted to consider the period that I should be on the floor, but we have indicated that the preamble in our new Constitution should indicate that all Kenyans should chart their own destiny through independently elected representatives, and that is why we have consequently said that we support a Parliamentary system with a strong and independent Judiciary as well as a Legislature.

Now, demonopolize our politics, by demonopolize here, we mean that there is a clause requiring all civil servants to resign in case they ought to seek or they should seek for elective seats. That should be removed, because for example, if we were to take the situation, the example of a school, the school does not close, just because there is a teacher on maternity leave, or just because there is a teacher who has been hospitalized even for a whole year, so we propose that it is time to release, it is time to level the playing ground for our politics. Release those who have been locked up, release civil servants, let them take unpaid leave, even if for one month and should they succeed, they definitely create a vacancy where they were working if they do not succeed, this is an era of employment, let them go back to their jobs and politics is not criminal, such that civil servants should not be involved. Politics is actually a way of life, everybody should be involved in politics it is a way of life.

Three criminalize bribery to influence elections. Criminalize bribery to influence elections. That is detaching money from our political elections. Provide people with basic needs of food, shelter, education and health care. Indeed, nobody should die of starvation in independent Kenya. Establish universal primary education. Free primary education, Uganda has been at war for most of its life after independence, yet today Uganda has been able to establish universal primary education. One wonders why not Kenya, a citadel of peace. Effectively remove zoning of the country on tribal basis. Let Kenyans live and invest in any place of their choice, and be protected by the law. Let us not have the country zoned into this is a zone for this tribe, that is a zone for that other tribe, protect every Kenyan by law within the confines of the country. Train the police for at least three years with ingredients such as sociology, psychology and public relations. That way they will be able to know what they are supposed to do in the field as policemen. Don't just train them to shoot and to shoot innocent people. I have said train the police for at least three years. For at least three years, with ingredients such as sociology, psychology and public relation.

Pay all civil servants on the principle of equal pay for equal work. Enforce the principle of equal pay for equal work. Establish an impartial and independent Judiciary and Legislature. Establish an impartial and independent Judiciary and legislature. Yah, I continue, O.K., O.K, thank you. Thank you for the correction. Establish, I mean reduce the President's powers by removing his or her sole power to appoint principle government officers and representatives. Let all his or her appointment be approved by a peoples' Parliament. Provide security of tenure to the Attorney General, Controller and Auditor General. The police Commissioner, the Chief Justice, the high court and Appeal Judges, Public Service Commissioners, the Electoral Commission, I mean, the Electoral Commission of Kenya Commissioners. Let all these offices have security of tenure. Integrate the Kenya Constitution into the school syllabus and interpret it into major dialect of the country. Let us follow the example of the Bible. The bible today is interpreted in all the major dialects of this country. Let it be also intergreted into the Kenya schools syllabus.

Hand over state power, hand over state power to an independent Constitutional office during transitional elections. Because today, even when we go to elections, the President still remains the President, ministers still remain ministers and they are going to the people to be re-elected. That means misuing of state resources and finances. Let them hand over state power to an independent Constitutional office, say that of the Attorney General, say that of the Speaker, or even that of the Chief Justice. Dettach political parties activities and resources from state activities and resources from state activities and resources. Today

we do not have a clear difference between political party, even the ruling party and the state. Let them be detached. Let every Kenyan know this belongs to the political party, whether it is the ruling party or not and this belongs to the state. Make President impeachable. Nobody indeed should be above the law in this country. Let the President be impeachable. Let people elect their own Vice President. Give people a chance to elect own Vice President, on the principle of a running mate. Every Presidential candidate should nominate a running mate and when people elect these two, then they effectively elect their Vice President. That is why today's Vice President's office is smoked. Sorry to say so.

Raise Parliamentary quorum from only 30 members to atleast two thirds of the whole membership. That is a major weakness of our Parliament today. Where only 30 MPs form a quorum to conduct Parliamentary business. Some of them will even read what happened in Parliament in the newspapers like we do. Let that quorum be raised to at least two thirds.

Establish constituency development fund. Let it be managed by constituents own electees and only supervised by the respective MPs. Establish Constituency offices run by the Parliamentary Service Commission. let us have those newly opened offices at the Continental House, let us have them at the Constituency level. Abolish provincial administration and only retain local government and elected by the people. Let Parliament create ministries and approve ministerial appointments. Let Parliament create ministries and approve ministerial appointments. Let people and voters here have power to recall lazy and absent MPs and councilors. You cannot have power to employ and at the same time you do not have power to dismiss or to sack. Let us have a way of recalling our lazy MPs, our absent MPs our part time MPs as well as councilors. The cabinet should be answerable to Parliament and not to any individual. Parliament should prepare own calander and business programme. Parliament should prepare own calendar and business programme. Give hawkers and the unemployed, strategic plots in urban centres. Let them be identified. These plots in every urban centre are free, or should be used or they should be given to the unemployed hawkers. Do not criminalize their activities.

Com. Kavesta Adagala: Are you near the end?

Mwai Kibiru: Sorry?

Com. Kavesta Adagala: Are you near the end?

Mwai Kibiru: Yes, I am near the end, actually I am running through what I have written. Pay school heads and deputies compensatory money to stop theft. Set minimum performance standard for local authority. Criminalize mismanagment of all public institutions. Provide people with means of production to justify taxation. That is land, water, roads and electricity. Protect state resources from grabbing and pollution, namely land, forests, water. Criminalize domestic violence. set up courts for that purpose. Abolish capital punishment and instead comit to life imprisonment.

Treat prisoners with human dignity in prisons and also criminalize torture. Control land laws and force to meet appropriate standards that is, commensurate with what they charge their tenants.

Com. Kavesta Adagala: I hope you have finished.

Mwai Kiburu: I have only about five more to go. Protect farmers from exploitation by middlemen. Separate the powers of the arms of government. Let Judiciary and Parliament supercede the Executive. Funds from the treasury or Parliamentary parties. Establish the office of an ombudsman with a security of tenure. Appointed, and approved by Parliament and with teeth to bite. Liberalize airwaves but control gutter press at the same time. Promote a national moral public by formulating a public code of conduct. Declare all government, coalition government with party representation on party strength in Parliament. Reduce taxation on Kenyans. Empower the physically and mentally challenged and I have finished with that point, of empowering the physically and mentally challenged in society. We at Mabadiliko fully support the Constitutional proposal of the National Convention Assembly NCA movement of the fifth plenary session, that was held in Nairobi and convened between 18th to 20th January the year 2001, document number five, thank you very much for giving me that time. Thank you.

Com. Kavesta Adagala: O.K. Asante sana, it is not that we want to hurry you, but we have allocation of time so that everybody can get time. O.K. let's move on to Ben Munyiri, followed by Samuel Mwaura. Are they here? Ben Munyiri is here? Munyeki? Yes, and Samuel Mwaura. Is there Charles Kamau? O.K. then Munyeki go ahead and Mwaura.

Ben Munyeki: Kwanza ningetaka kuwashukuru kwa kufika leo hapa, ...Ben Munyeki, si Muiyiri, ni Munyeki. Kwanza ni kuwashukuru sana, kwa kufika hapa kusikiliza maoni yetu juu ya Katiba yetu ya Kenya ambayo itatengenezwa. Hapo mbeleni hatukuwa nafasi kama hii, tuna tawaliwa wakati huu, na Katiba ambayo hatukuchangia hata kidogo.

Com. Kavesta Adagala: Ni oral au, - -ume andika au ni ya mdomo?

Ben Munyeki: Ni oral. Nitazungumuza haraka haraka.

Com. Kavesta Adagala: O.K. You have maximum ten minutes.

Ben Munyeki: Ten minutes, nitamaliza hata kabla ya hizo kwisha. Kwanza ningetaka kusema ya kwamba, Constitution yetu iwe na preamble. Yaani introduction kusema serikali yetu ime undwa na wananchi, na iko chini ya wananchi na inatoa nguvu yake from its citizens or citizens of the country. Na tena ningetaka kusema ya kwamba, serikali yetu, baada ya kuundwa, ifanye kazi vizuri, ikiwa imeunda Commission kama hii yenu, iwe ni Commission ambayo itaangaliwa na Parliament kuonekana imefanya kazi, na hasa Commissions zingine pia, ambazo zimeundwa hapo mbeleni, ziwe zina report back kusema wamefanya kazi gani, na haswa ningetaka Election Commission iangaliwe sana na iwe under the Parliament.

Ningetaka kusema ya kwamba, Constitution yetu iwe na nguvu sana, na iwe ya kwamba, mambo mengi, ambayo inaangalia mambo ya wananchi wa Kenya hii, iwe ikipitishwa na Parliament, na Parliament inagalie mambo kama, mambo ya health, hospitali, human rights, mambo ya masomo na mengine kama hayo, lakini, ikifika wakati wa mambo inahusu uchumi, economic issues, iwe hiyo wananchi wanaulizwa. Kwa mfano ikiwa ni lazima misitu iuzwe, au ipeanwe, wananchi waulizwe kama ni vizuri kufanywa hivi, na mambo mengine ambayo inahusu uchumi. Hiyo nimeweka nguvu kidogo. Kufwatanisha na hiyo, tungetaka Constitution yetu, impe Parliament, authority ya kuona ya kwamba, Parliament inaona ya kwamba, serikali au department, au ministries za serikali zinafanya kazi, na mimi naona ya kwamba, kila department au kila ministry iwe na watch dog katika Parliament kuona ati inafanya kazi kwa sababu wakati huu, tunaona kuna zingine haziangalii hata kidogo, na wametumia pesa ya wananchi.

Mambo ya defence. National defence. Hii naona ya kwamba iweko katika Constitution yetu, na hii ni police, prisons, na wengine kama wale armed forces, na pia wao wawe na disciplinary committees zao, ambao wanaangalia kuona ya kwamba, mambo inaendelea vizuri, na President awe Commander in Chief wa Armed Forces, lakini wakati mwingine ikiwa ni lazima kuangaliwe masilahi ya wale wafanyi kazi, wao kuwe na Commission ya wao, ya kwamba President atatumia hiyo Commission, au Commander in Chief atatumia hiyo Commission kuona ya kwamba mambo inaendelea vizuri lakini si mambo yake mwenyewe. Na naona ya kwamba, President wa nchi yetu awe ana nguvu akitumia armed forces kutangaza hali ya vita. Ikionekana kuna watu wanacheza na mambo yetu ya Kenya, yeye awe na nguvu hiyo, lakini akifanya hivyo, mara hiyo hiyo aite mkutano ya, au consultation with ministers, ili wawe pia wanasaidiana.

Ningetaka kuongeza juu ya political parties. Political parties zetu, zikiangaliwa sana, zifanywe postmortum, utaona kuna ukabila ndani yake. Kwa hivyo, mimi ningeonelea ya kwamba, kwa sababu zina represent - -political parties zote zina represent makabila fulani, fulani, fulani, hata ingawa mengine inaingizwa, wawe wameingizwa kwa serikali kuu, yaani coalition government. Hata ikiwa si wao wameshinda elections. Wakati huu, political parties inayoshinda ndiyo inachukuwa wakubwa wakubwa na kuna wengine ambao wanaongoza political parties pengine ambao ni watu wamesoma, wana akili sana, ya kuongoza nchi hii, kwa hivyo ningependa wao waingizwe katika uwongozi wa nchi, na hasa katika wakati wa kuzungumuza na kupanga mambo.

Hebu niingilie juu ya uchaguzi wa President. Ningetaka tuwe na President, na kwa sababu ya hali yetu ya siasa, singetaka awe na Prime Minister, kuta kuwa na mfurugano sana, ninge taka awe ni President amechaguliwa na watu direct. Na tena, ile sheria inasema 25% kwa kila province, hiyo iondolewe kabisa, awe amechaguliwa na over 50% na, yaani atakayeshinda, simple majority, 51% awe ndiye ameshinda, na atakuwa President, na pia, a Vice President pia achaguliwe na wananchi. Yaani a running mate. Nafikiri kuna rafiki yetu alinisaidia hapo kwa hiyo. Ningetaka pia kuongeza ya kwamba, mambo ya - - sorry, ebu ni rudi kidogo. President pia atachaguwa ma-minister wake na watachaguliwa kutoka kwa parties, si party yake tu peke yake. Ningetaka kuongeza ya kwamba, tuwe na unitary government, yaani, government moja. Mambo ya Majimbo, sitaki, lakini vile nitasema ikiwa ni Majimbo ni vizuri. Tukiwa na Central Government, tuwe na very strong county councils, local

authorities, local government. Iwe ni very strong lakini si ya province, ya provincial, ni ya district level, ili pesa tutakazopata tutazitumia katika district hiyo, na ingine itakwenda kuendesha serikali kubwa, na kuna kazi ambayo itakuwa ikifanywa na local authorities. Watakuwa na masomo, mambo ya education, mambo ya health, mambo ya barabara kidogo, lakini international roads, hizo ziwe ni za serikali kuu, kwa sababu pia watakuwa wakipewa pesa kutoka kwa local authority au kotoka kwa districts.

Nikizungumu juu ya local authorities...

Com. Kavesta Adagala: Uko karibu kumaliza?

Ben Munyeiki: Eh, karibu sana, karibu sana. Nikiingia katika mambo ya local authorities, ningetaka district development committees, zipewe nguvu ya kutosha na zisaidiwe sana ili (inaudible) ndiyo wanajua mambo ya district, ndiyo wataendesha maendeleo. Ningetaka kuondoa mambo ya province. Tusiwe na provincial -tusiwe na province, tuwe na ma-districts. Sababu ya hiyo, ni kwamba tusema Nyanza province, au Central Province, tunazungumuza mambo ya Wajaluo, central province, tuna zungumuza mambo ya Wakikuyu. Lakini tukisema za ma-districts, watu watasahau mambo ya ukabila na tutakuwa tukienda straight kwa headquarters, kuwa ni lazima tuwe na mambo ya national government. Lakini hii ingine, kwa sababu tulisema ma-districts, ma DCs wawe wako juu yao. Ili nimalize, ningetaka kusema ya kwamba, mambo ya utumizi wa mashamba, au natural resources, zingine ziwe zikiangaliwa

Com. Kavesta Adagala: Yes, unajua, una enda pole pole sana, ndiyo shida, utasimamia hapo.

Ben Munyeiki: Nikimbie?

Com. Kavesta Adagala: No! Umemaliza mda yako, umetumia kama 15 minutes, na uliniambia utatumia chache. Mda imekwisha.

Ben Munyeiki: Asante sana kwa hayo ambayo

Com. Kavesta Adagala: Asante. Inginge itasomwa? Haya, tukifuata, alikuwa ni nani anafuata? Mwaura Kamau? Halafu Charles Ngecha. Charles Ngecha yuko? Chalres Ngecha yuko? Arusain Joel? Arusain Joel yuko? Itika kama uko. O.K. Mwaura Samuel? O.K. John Mburu? Yuko? Jitayarisheni kwa hiyo order.

Samuel Mwaura: Asante, maoni ambayo ninayo hapa...

Com. Kavesta Adagala: Mtu akiwa na memorandum, usisome, utatupa highlights, summary. Five minutes. Professor Salim is

time keeping. Yes.

Samuel Mwaura: Maoni niliyo hapa, ni ya Kanisa ya Kiadventisa, Seventh Day Adventist Church ...

Com. Kavesta Adagala: Your name, use the microphone.

Samuel Mwaura: Ah, kanisa hili silo geni hapa.

Com. Kavesta Adagala: Jina lako ndungu?

Samuel Mwaura: Samuel Kamande Mwaura. Maoni niliyo nayo kama nilivyotangulia ni ya Kanisa ya Kiadventisa, yaani Seventh Day Adventist. Kanisa hii silo geni hapa Kenya, kwani lilikuja hapa Kenya mwaka wa 1906. Tunao members wapatao million mbili, katika Kenya, na katika Constituency hii, tunao members elfu nne, mia tano na sitini. Mapendekezo ya kamati ya kanisa hili juu ya Katiba yetu ni ya kwamba, katika preamble ya Katiba yetu, iwekwe, ama pawekwe kifungu kinachosema ya kwamba no state church in Kenya, tusiwe na state church in Kenya. State church, yea. Ndiyo maombi yetu ya kwamba iwe adapted katika preamble. Na kuna uhuru wa kuabudu, huu uhuru wa kuabudu ingawa Katiba yetu ya leo inayo, lakini Tume ona ume tukanwa. Ume kuwa misused ya kwamba tumegundua, yale makanisa machache ama yale makanisa ambayo yana watu wachache, yamedhulumiwa kiasi ya kwamba, watoto wao, wanapoenda shule, wanafanywa kufanya mambo ambayo ni kinyume na imani yao. Kwa hivyo, ni recommendation ya kanisa ya Kiadventisa, ya kwamba, uhuru wa kuabudu, mtoto yeyote yule, aendapo mahali popote pale, asibaguliwe sababu ya dini, asibaguliwe kwa sababu ya dini, asibaguliwe kwa sababu ya rangi yake, na asibaguliwe kwa sababu ya kabila lake.

Pia, tulionelea ama kanisa lilionelea ya kwamba kuwe na five working days, ambazo ni za masaa manane, hivi ikiwa ni masaa arobaine. Kama inavyotambuliwa na ILO, International Labour Organization. Five working days. Pia, kanisa lingeomba Commissioners muweke katika Katiba yetu ya leo, equal distribution of the state property. Tumegundua ya kwamba, inapokuja, ni kuomba vitu, unakuta kuna watu ambao wanabaguliwa kwa sababu ya numerical strength, kwa hiyo kuwe na equal distribution of political parties katika Kenya. Jambo lile lingine ni la kwamba, Tumegundua kama niliposema hapo awali, watoto wetu, watoto wa makanisa tofauti, tofauti, unakuta ya kwamba wanapoenda shule, ya kwamba inakuwa ni shida kwao, hawakubaliwi kumuabudu Mungu jinsi wanavyopaswa, hivi, hata wengine wanafukuzwa. Hata university, na nikipeana mfano, tulikuwa na Pangani girls ambapo kulitokea jambo kama hilo, na pia tulikuwa na Kapsabet Boys ambapo kulitokea jambo kama hilo.

Jambo lile lingine ni ya kwamba,

Com. Kavesta Adagala: Kelele huko nyuma, excuse me, kelele huko nyuma, hatujawai kuwa na mkutano ambao watu

wanazungumuza. Kama meza ya registration iko inje, tafadhali Mr. George - - Programme Officer iweke nje. Weka meza ya registration nje. Kuna nafasi huku mbele, watu waje wakae mbele. Hili ni jumba lenu si letu. Tafadhali, nani anazungumuza? Nani anazungumuza? Hiyo mazungumuzo yote itaenda kwa recording na miaka mia moja ita kuweko. You will put the registration table outside!

Samuel Mwaura: Asante. Na kama nilivyokuwa nasema hapo, ya kwamba tumegundua kuna huo ubaguzi wa watoto kwa sababu wanapoenda mashule ambayo si ya makanisa yao, wanabaguliwa, kwa hivyo tungeomba kuwe na huo uhuru wa kuabudu, na watoto wasinyimwe haki yao ya kwenda shule anafikiria yeye ni qualified ku-join hiyo shule.

Pia tumependekeza kwamba kunalo hili jambo la muda wa serikali. Na tulipo - - muda wa serikali, tukaona ya kwamba ni nia ya kanisa ya kwamba kuwe na unitary government, na President awe ni Executive President. Hivyo ndiyo tulipendelea. Na tukaona ya kwamba ili mtu achaguliwe kuwa President, ni lazima awe si mlevi. Non-alcohol consumer, na nilazima awe ni mtu mcha Mungu, not just - - kutoka huko nje anaingizwa. Ni lazima awe non-alcoholic consumer na ni lazima awe mcha Mungu, ndivyo tunaona.

Jambo lile lingine ambalo tuliona ni juu ya recruitment of the law enforcers. Wale kwa sababu tumekuwa na corruption of very high standard, na ile corruption ambayo tulichukuwa moja tuliona ya kwamba ni wale law enforcers, wakati mwingine,...

Com Kavesta Adagala: Peana pendekezo, tunajua hawa law informers very well, peana pendekezo lako.

Samuel Mwaura: Tukaona ya kwamba ni lazima wawe ni watu makanisa yao yawahidhinishe, kwa sababu tumegundua ya kwamba wengine ni wakora. Kwa mfano, recruitment of police officers. Hakuna uchaguzi unaofanywa vizuri. Ni kila mtu aki-qualify anaingia huko eventually ana-turn kuwa most corrupt person. Kwa hivyo tunaona ya kwamba, aidhimishwe kwamba kutoka kanisa la kwao, ili akitoka huko atakuwa mtu mzuri, and in this way, litakuwa ni jambo nzuri ambalo litakuwa linamaliza hiyo corruption. Jambo lile lingine ambalo tulipendekeza, ni wakati watoto wanapoenda mashule. Tumegundua ma headmasters, wanawafanya wafanye mambo ambao si yale yanalingana na mapenzi yao. Kwa hivyo tunge uliza Commission hii, iweke mkazo zaidi, katika jambo hili, ili watoto wakubaliwe kuwa na uhuru wa kuabudu Mungu wao jinsi makanisa yao yanavyowafunza.

Com. Kavesta Adagala: Umesema hiyo mara tatu.

Samuel Mwaura: Ndiyo tunataka kuweka mkazo hiyo kwa sababu hiyo ndiyo imekuwa shida.

Com. Kavesta Adagala: Time is up. Unarudia mambo hii ndiyo mda wako umekwisha. Lakini kama ni written memorandum, tutaisoma, na tuta iweka kwa website ndio wote waisome.

Samuel Mwaura: Memorandum yetu ni written, na ningemuomba chairman wangu aje aendelee.

Com. Kavesta Adagala: Ngoja kidogo. Ngoja, usiharakisha. Huwezi kumuomba chairman wako kufanya lolote. Hakuna lolote unaweza kuomba chairman wako, wewe si Tume. La kwanza, unasema kuwe na uhuru wa kuabudu. Tunakubali. Hapa Kenya kuna dini nne, tano kubwa. Tatu yenyewe, Waisilamu wanaabudu Ijumaa. SDA Jumamosi, Wakristo wengine, Jumapili. Kawa nini siku tano ya kufanya kazi?

Samuel Mwaura: Ili watu wetu wapate nafasi ya kwenda kuabudu kulingana na jinsi Bibilia inawafundisha. Ni siku gani ya kuabudu.

Com. Kavesta Adagala: Na Waisilamu?

Samuel Mwaura: Ikiwa ni Friday, pia watakuwa na haki.

Com. Kavesta Adagala: Sasa tutakuwa na four working days?

Samuel Mwaura: I don't think so, I don't think so, I don't think so. One is agreed hata wakati tunazungumza we have six working days, na still hatujakubaliana na hiyo. Kwa hivyo, iko moja ambaye ina kubaliwa na kila mtu. So, ukisema ni five working days, Waisilamu wata hesabu zao zina anzia wapi, mpaka ajue - - mpaka ifike Friday.

Com. Kavesta Adagala: So we shall have seven working days?

Samuel Mwaura: No!

Com. Kavesta Adagala: Yes! (laughing). It is seven working days. Haya, endelea, ni maoni yako. Yah, huwezi kumukaribisha chairman wako, isipo kuwa ame sajiliwa hapa. Eh, haya, asante sana. Ume maliza mda wako kwa kueleza vitu vingi, nani alikuwa anafuata? Samuel Mwaura? Charles Kamau? Charles Igecha? Joel Arusei? Where are they? Hawako hapa? Itika! Uko? Yea, itika, tutajua - - nitajuaje? Samuel Mwaura. Na utembe haraka. Nawaambia ili muwe tayari. Kujeni mketi hapa mbele, hatutaki tupoteze mda kwa kujinyeyekeza. Munaona tunalaumiwa tunafanya kazi pole pole? Haya.

Samuel Mwaura: My name is Samuel K. Mwaura, and I take this opportunity to address this Constitutional Review Commission, this morning. I will start with Presidential powers. Anybody to be elected as a President of this country, my opinion is, he or she should be vetted character wise. Second. He must be a God fearing person. He should not be a leader of every Parastatal.

Com. Kavesta Adagala: Can it be also a she?

Samuel Mwaura: I don't understand.

Com. Kavesta Adagala: Can it also be a she? Can the President also be a she?

Samuel Mwaura: Yea, he or she! He or she should be a degree holder. Judiciary. There is need to have an independent Judiciary Commission, which should be monitoring judges. The tenure of Chief Justice should be changed or elaborated. Attorney General should be impartial. President should not be allowed to be selecting judges, Chief Justice, Attorney Generals, due to selfish motives. Registrar of societies should be elected by the Judicial Commission.

Land: Every Kenyan should be entitled to be allocated a residential plot of at least one acre. There should not be anyone who is landless. Land grabbers should face the law. If any leader influences land grabbing he should be sacked and penalized by the law, and the person should be declared void.

Economy: (interjection) . A maximum of ? At least from one acre to five hundred. Economy of this country should be run by Kenyans not by foreigners.

Com. Kavesta Adagala: Haya ni maoni yake, ukiwa na maoni yako, utatoa. Tafadhali.

Samuel Mwaura: The government should create employment for its citizens.

Com. Kavesta Adagala: I am going to request the room to be silent! Nataka mtu asiongee kama ... ngoja kidogo kijana! Sitaki mtu aongee kama mtu ana toa maoni. Ukiwa maoni yako, utasimama na kusema. Lakini kuharibu maoni ya mwingine, ili isisikike kwa recording, ni vibaya sana.

Samuel Mwaura: In case the government fails to create employment, it should provide daily basic needs to the affected citizens. Our country should not be a dumping ground. Second hand vehicles when imported, government should tax them heavily. The Governor of Central Bank should be elected by Parliamentary committee or any other independent body other than the President. Economic saboteurs or looters should be prosecuted. Anybody caught printing fake money should be prosecuted.

Constitution; Whenever we need to write the Constitution, there must be an interim government to conduct this exercise for a period of two years. I have finished my views.

Com. Kavesta Adagala: Thank you very much for your very good presentation. Any clarification? No. O.K. next person is?

Who was next? Charles Kamau? Igecha? Arusei? Who is that?

Charles Igecha: Thank you the Commissioners and your team and the house as a whole. My name is Charles Igecha. Mine is a written presentation but I just wanted to touch a bit on the various issues I have raised. To start with is agricultural sector....

Com. Kavesta Adagala: You have five minutes.

Charles Igecha: As you all know, agriculture is the backbone of our economy, I am calling for the re-introduction of KCC, (Kenya Cooperative Creameries) to cater for the milk produced by the farmers. The second one is the re-introduction of Kenya Cereals and Produce Board for the cereals. The other one is the Coffee Board of Kenya and the KTDA. We also go to the police. I thought police should be given enough salaries, to avoid bribery, and when it comes to bribery, those who bribe the police should be sued and prosecuted. I also talked about the teachers. They should also be given enough salary as they do a lot of work for our nation. Those were the few issues I just wanted to touch about and thank you.

Com. Kavesta Adagala: KCC, Kenya Cereals Produce Board, KTDA, those are the ones you want re-established? O.K. Igecha, that was Igecha. Arusei? Is it Arusei? Joel? Who is Joel? Samuel Mwaura? Samuel K.Mwaura? is he here? John Mburu? O.k come up please. I want these people to move forward because the room is congested. Ndegwa, Wahome, Jeremiah Ndegwa and Charles Njoroge. Are they here? Move forward please. Be on the forward line. O.K. Endelea. State your name and give your proposals.

Cllr. Mburu Matheri: Jina langu ni Councillor Mburu Matheri kutoka Gathanje Ward. First, yangu ni kurudisha shukurani zaidi. Ma-Commissioners wale waliokuja hapa, wachukuwe maoni yetu kwa sababu kweli tulikuwa na jambo la kusema na kushangilia habari ya Katiba hii mpya. Basi yangu nataka kwenda kwa haraka, nitaanza habari ya madaraka iliyo na Rais wa jamuhuri hii. Mimi ningetaka madaraka hiyo, iweze kupunguzwa kwa sababu hiyo madaraka inafinya watu wengi zaidi kwa kuwa kunasemekana yeye yuko juu ya sheria. Kwa hivyo hata kama akitenda jambo lo lote mbaya, hakuna mtu yeyote ataweza mpeleka kotini au aulizwe swali, kwa sababu yeye ako juu ya sheria. Hiyo tungetaka, iwe kama ni madaraka ya Rais ya jamuhuri hii, awe ako chini ya sheria ya jamuhuri hii. Kwa sababu kama ni jambo lolote litaweza tendeka, kama ni kwa shamba kwako, aseme shamba yako saa ingine iko watu wa fulani wanakuja kufanya nini au lifanyiwe jambo fulani, ingetakiwa na wewe uwe na mahali ya kwenda kuuliza swali.

Com. Kavesta Adagala: O.K. Address the Commission. Give your proposals direct.

Cllr. John Mburu: Basi, hiyo nayo ningetaka habari ya kuchaguliwa kwake, iwe hii habari ya kusema 25% kwa mikoa tano, hiyo iondolewe. Iwe tutasema ni habari ya 50% kuelekea juu, na iwe sasa, kama hiyo hatafikisha hamsini kwa mia, wale watakaye kuwa na yeye number mbili yake, warudi kwa kiwanja, ndiyo yule Rais atachaguliwa kwa Jamuhuri hii, iwe ndiyo

mapenzi ya watu ya jamuhuri hii.

Ningetaka naye hapo niseme habari ya makamu wake. Makamu wake ningetaka awe akichaguliwa na wananchi. Wakati anachaguliwa na wananchi, ni kwa sababu aweze kupewa nguvu, naye wakati President ako nje, yeye ataweza kushikilia office, bila kuogopa kwa sababu kweli anaongoza wale watu waliyomchaguwa na kukiendelea namna hiyo, inaonekekana hata wakati yeye ako kwa office atakuwa akiwa na nguvu lakini kama ni mtu wakuchaguliwa na mtu Fulani, ana kaa akiwa na wasi wasi, hawezi sema jambo....

Com. Kavesta Adagala: Excuse me, give your proposals, these are Kenyans, they know what the problem is. Just give your proposals.

Clr. John Mburu: O.K. Hiyo ndiyo maoni yangu nilikuwa naona. Kutoka hapo ninge taka kusema habari ya koti zetu za Kenya. Ningetaka kusema habari ya koti zetu za Kenya, ninge taka kusema habari ya courti zetu za Kenya, kama ni Mkuu wa Sheria wa Kenya. Ningetaka kusema kama akichaguliwa na President, awe akipelekwa katika Bunge, ndiyo wa Bunge wanaweza kuona kama yeye ni qualified kuwa katika koti hiyo, kwa sababu wanaweza kuongea na kuona vile yeye mwenye maisha yake ime kuwa namna gani, ndiyo sasa ionekane ni mtu anayefaa katika office hiyo. Habari ya ma-judge, naye kama ana teywa ma-judge, inatakiwa ma-judge hawa wapelekwe katika Bunge ndiyo Bunge waweze kuona hao watu wana elimu ya kutosha kuendesha koti hiyo. Kama ni kwa jambo yoyote wanaweza kufanya jambo lolote kama ni judge moja kwa court Fulani, ningetaka naye aweze kupelekwa courtini kama amefanya kosa lolote au kukataa kukata case kwa vile inavyo takiwa.

Nikitoka hapo nitaingia upande ya ma-councilors na habari ya chairman na mayor. Nikienda habari ya chairman na mayor, ninge taka kusema mayor awe ndiye yeye mwenyewe atakuwa ndiyo ana run council hiyo au municipality ule, kwa sababu mayor hatakuwa ndiye ako juu, ita one kana hata weza kutumisha wananchi kwa njia mzuri kwa sababu huduma yake ita kuwa haifai kwa sababu ana ogopa watu Fulani. Ninge taka kusema kama ni mayor, akichaguliwa, awe yeye ndiye ako na nguvu. Kama ni basary, inayo kuja katika district, au tow hiyo, municipality Fulani, ina takiwa hiyo bursary iweze kukaa chini, na ma-mayor wakae chini na waweza kuona ni kina nani wata weza pewa kwa sababu ma-mayor ndiyo wako na councilors, lakini bursary ya siku hizi, ina kuja office ya DC, na ikija office ya DC, ina onekana

Com. Kavesta Adagala: Punguza maelezo. Peana proposal.

Clr. John Mburu: O.K. Ningetaka kusema ni basary, iwe ina kuja kwa council, au kwa municipality, bursary yeyote....

Com. Kavesta Adagala: That is precisely what I am telling, please leave a lot of the explanation out, we have all these people who want to speak, and I don't know how I have to tell you, just give the proposals.

Cllr. John Mburu: Basi ninge taka kusema hapo councilor wawe wakichagua, yaani chairman achaguliwe na wananchi. Hapo mimi natoka. Mayor achaguliwe na wananchi, na awe yeye ndiye ako na jukumu la kuweza kuendesha municipality au county council iendeshe na chairman. Hapo mimi natoka. Basi nikitoka hapo, nitaenda habari ya hospitali. Mahospitali yetu yako na shida. Tungetaka tuone mtu yeyote, yeye kama ni daktari, ako katika, anaandikwa na serikali, asiwe na clinic yake nje, ndiyo sasa kama yeye ni mtumishi wa hospitali, aweze kutumikia wananchi. Kama ni daktari wowete, ningetaka apewe mshahara wa kutosha, ndio asiwe ile pesa haimtoshi, ndiyo anaenda kufungua clinic ingine, na ndio hata madawa ya hospitali, isiwe ikipotea.

Habari ya nchi hii yetu, ninaona kama upande ya forestry, ningetaka kusema kama ni forest yeyote inataka kupeanwa, ipelekwe katika DDC, ndiyo wananchi wa area hiyo wapitishie hiyo forest inataka kupeanwa, lakini forest isiwe ikipeanwa kabla haijapita katika DDC kwa sababu mambo ingine, inaonekana, watu hawawezi kuijua. Basi kwa maoni yangu, na fikiri kwa sababu siyo mzuri kueleza kama vile Commissioner anasema, nitasema nitafikisha hapo. Asante.

Com. Kavesta Adagala: Asante, najua wewe ni mwanasiasa, na ukiona umati fulani - -(laughing), ni kama - - sasa siyo kusema wasieleze, sote tunaweza kueleza, lakini pia sote tunajua, sivyo? Mambo mengi tunayajua, lakini tupeane proposals ili watu wengi watoe proposals, mda ni mfupi. Nani ako next? Come forward Ndegwa.

Wahome Ndegwa: Thank you Commissioners, my names are Wahome Ndegwa, and maybe before Commissioners I can proceed, as you have seen people raising fears before you that we have had Commissions there before, which have turned out not delivering to the Kenyans. So we are hoping that whatever we are going to say here, that the final document for this country, is going to reflect faithfully the desires and aspirations of the people of Kenya. So, we wanted maybe from Commissioners that there is that commitment and that it is not the government playing political games with the people of Kenya as it has done from independence. So,

Com. Kavesta Adagala: Excuse me, there has never been a Constitutional Review Commission. This is a Parliamentary Commission, therefore we don't have the reputation of the other Commission, nor do we have the character, of the other Commissions. Yes, and this document which comes out, when it will come out, it will be a new Constitution, and the old one will die. So, ours, there is no way around it, you have to implement it.

Wahome Ndegwa: O.K. with that kind of assurance, we are a bit happy because we have seen Parliamentary Commissions which have died natural deaths without us knowing what happens.

Com. Kavesta Adagala: Parliamentary Commissions have not died a natural death, Presidential Commissions have died a natural death.

Wahome Ndegwa: The Kiliku Commission madam was a Parliamentary Commission on ethnic clashes in this country and it

died a natural death, we don't know the outcome of the Kiliku Commission today. O.K. so Commissioners what I would like to say is that the problem in this country is Presidential - - the powers that have been vested on the President and on the outset I would propose that we have a system of government that is mixed, that is, Presidential Parliamentary system of government like the one that we have today in Kenya, and for that Commissioners, I am saying that we don't need a Prime Minister in this country. The issue of the Prime Minister is being propagated by people who want to create offices for themselves. It will not serve the purpose for this country.

Secondly Commissioners I am saying that this country, and our Constitution, the present constitution that we have, I would say it is a beautiful document, what we don't have is the instrument to effect and implement the Constitution. Like now today you hear that the President cannot create ministries, he is creating, and he is disregarding the Constitution. He is creating districts, disregarding the Constitution. So we are saying that we have masterpiece of a Constitution, and without the manner or way to implement and effect the thing, it will be an exercise in futility. Secondly, I would go Commissioners the issue of qualifications of a President. The present Constitution that we have, requires the President to have only three qualifications. Only three; to be a registered voter, to be 35 years and to be a citizen of this country.

Your honour, when we are taking our children to secondary schools, they have to be medically tested, to see that they are available to stand up to the challenge to go to secondary school. Why should our President not be subjected to medical examination? So that we don't have a mad man at the top. Secondly, Commissioners, we ask that a President do have a stable family, in this we are saying, if the President cannot organize his Constituency at the home, at the family, how can he organize the Kenyan Constituency for 37 million? So he should have a stable family. Thirdly, we are proposing that the President should not have had a conviction. Criminal conviction. From the time he was born, to the time that he is contesting for the presidency, he should not have suffered a conviction, criminal or otherwise. We want a clean man at the top. Secondly, we are saying that the President - - we don't - -the issue of years, we are saying that if a person is qualified to vote, that person can be qualified to be the President of this country. We have seen 70 year olds who cannot be able to run their families, but a 21 year old who is running his family effectively. So we are saying, if you are qualified to vote as a Kenyan, you are qualified to stand for the presidency.

On the Presidential powers also, I would say that the appointments of by the President of senior civil servants...

Com. Kavesta Adagala: Give us age range.

Wahome Ndegwa: We are saying - -I would wish to see a President who is at least 25 years old. 25 years old. (interjection by Com. Adagala) Maximum, for a person to go for elections, he has to be at least less than 65 years, the sealing, so that when he serves the first term and he is 70, he goes home, because that is the age that is required in the bible. That is three scores and one (maximum is 70). You go to the elections when you are 65, so that when you are finishing your term, you are 70 and you

go home. Because senility is starting to set in.

Commissioners we are saying that the appointments by the President of senior civil servants and the people in the government should be vetted by Parliament, and a single majority of Parliament if it vets and you don't find that person upright morally then that appointment can be confirmed, and with this we are talking about ministers, PS's, Ambassadors and heads of Parastatals. Further, I am proposing that the Constituency of the President be a national Constituency. We should not assign a particular Constituency to a President. By this, we shall have some areas getting more development, and others are left lagging behind. For this we are saying let the President have a national Constituency and the other issue is that the President, when he is going to the people to seek for votes, he must have appointed his running mate, so that the public can have an occasion to assess the credibility, the integrity, moral standing of the running mate so that if he is elected, we know that this is our Vice President for the next five years. Further, we don't want road side decrees. We are saying an Executive decision, if it is delivered by the President, it should be in writing and it should be signed, Commissioners South Africa and Uganda they are doing that and you can see they are running properly, so that we have an Executive decision that is written, and it is signed, so that this road side decrees will be a thing of the past. Further on the Presidential power and the land, we know that the President is the custody of public land, that is government land in this country. We are saying that this is an area that has been abused. I am proposing that we have a permanent land Commission, on land in this country. If you want a piece of land you go to the Commission, it will get you, it will look at you and it will decide this person is desirable to get five acres of land. This should not be left to the President, he does not do anything he is just given documents to sign and this country is left without any land that can be given to the future generation.

Now I am saying that firstly if you are going to get land, you must show that you are a Kenyan citizen, secondly that you don't have land, thirdly that you want to do something with that land. If you cannot show the Commission that you want to do something with the land, then you should not get the land, and on the issue of land, I am saying that we should have a sealing, we know that this is a liberal market, a person should benefit from the sweat or from the work of his hands. So we are saying that at least there should be a sealing. Let someone get ten acres, and the maximum, the least he gets, 10 acres, for farming, for the other properties and for investment 50 by 100 plot will do, but for farming purposes, let a person get 10 acres and the sealing should be 500 acres, and in this country - . 500 acres, yes. They are people who will do this large scale farming, and they should allow them to do so. Further, I am proposing that the police force be divorced from the Office of the President. This was there in our independent Constitution, but when suppression set in, the same was put in the office of the President so that they could work at the behest of the President. We are saying like in Britain, the metropolitan police, it should be independent, it should have its own independent source of funds so that we can have an independent police force, not chasing opposition leaders up and down the country, and not confronting criminals.

Also the AG's office, we are saying the same should be impartial. The AG should be given particular work to do. In Kenya today, the AG is the Attorney General, he is a member of the cabinet, he is a Member of Parliament, and he is the chief

prosecutor. That is talking about monkeys deciding on matters of forest. We don't expect any justice in such a situation, and we are saying that all those portfolios, that that general holds as a single person, should be given to different arms who are independent and the holders of those offices be vetted by Parliament. On Parliament, we are saying that our Parliament - - first of all the constituency boundaries, should be changed, so that a Constituency, reflects the population. At least we know that there are some geographical difficulties in constituencies, and economical problems and social problems, but at least, the boundaries of constituencies, should try as much as possible, to see that the population are equal or almost equal. When you look at a Constituency like Ijara with 5,000 voters, and Molo here with 160 voters, and when they go to Parliament, the person from Ijara cannot allow the person from Molo to talk, so that is not democracy. (Interjection)

Com. Kavetsa Adagala: Your time is up... It's the explanation which are taking away your time. Maybe if you just gave proposals, proposals,

Wahome Ndegwa: O.K. on Parliament it is just about five points. Now, further we are saying that we don't require

Com. Kavesta Adagala: I wanted points, not explanation.

Wahome Ndegwa: Yes, we are proposing that the life of this Parliament should not be extended, and the constitutional review should not be extended and the Constitutional review should not be attached to the general elections that is coming. Further like in South Africa and in Tanzania we are saying that the people should have the power to recall their MPs so that like now when they are saying they are going to extend their life we would call them before they do that.

Further we are saying that Constitutional amendment should be supported at least 3/4 of the parliament and if there is a statement, then instruments of national consensus should come to place, a national conference or a referendum. Thank you.....

Com. Kavesta Adagala: You ate your own time by the explanations. If you would just do what we are requesting you to do you will find that you will need maximum 5 minutes. Okay? Now when we started we were about ten people so we said let everybody finish milking and other activities and come and also we know you come from the farms and the town and you have things to do some of you have to pass through the office, so we did not start the way we usually do. I would like to give my colleague Prof Salim to do our formal opening of the sitting of the Constitution of Kenya Review Commission. Thank you.

Com Pro. Salim: Thank you very much Com Adagala. Really there is not much to say we are practicing what I am going to tell you so most of you have seen what is happening. Basically we are here to collect views. Views from Mwananchi on the reviewing of the Constitution and what we want each and everyone of us to do is to come forward and give us his views in either of two ways either orally or in writing. If you want to present his views orally we are giving him ten minutes only to do so. If he has a memorandum then we give him only five minutes not to read, to highlight what is in his memorandum. As you can see

the place is full and the time at our disposal is very limited. we want to be sure that each and everyone who is here has a chance to give his views so we have to limit in terms of time. Then what we ought also to remember is that very often you will hear same views coming up from different Wananchi. For example on the issue of the presidency, people were saying that the President powers should be trimmed or reduced whatever it is. Once someone else has already said that in your presence all you need to do is say that I support the one who said that the presidency powers should be trimmed but there is no use or no health in giving us the background to that because that is really waste of time.

Thirdly we want to have a diversity of views. Looking at those present in this room I notice there is hardly any women, very few women. So in order to make sure that women views also come to the fore, I would like you to give us the licence or the permission to make sure that if a good lady, a sister or a mother comes, even if she comes late to give her the chance to give her views before men. Is that acceptable?

Secondly I don't know whether there is any handicapped, physically challenged Kenyan in this hall, we would like to hear views from the disabled. So again if a disabled come late and he may not given the time at our disposal have a chance to speak can we also agree that we give him or her the chance to give his or her views before other people. So that by the end of the day we have a cross section of views covering all the major issues we are supposed to get views on so that we go and write the Constitution that is really people driven and also taking care of. The diversity of our population and minorities also. We would like to hear from those who feel they are marginalized and for them to tell us why they are marginalized and what can be done to help them. Again as my colleague has said please in order to save time avoid the background to your proposals. We are all Kenyans we know what our problems are so just say on these problem of say bribery or corruption my views are these. You need not define to us what corruption is or where it is taking place. Just go straight on the problem of corruption and how we can deal with it. I think I will stop here and we proceed and continue from where we stopped.

Com Kavesta Adagala: Come and sit near here. Where is Charles Njoroge.

Jeremiah Ndegwa: Thank you Commissioners and my fellow kenyans. My name is Jeremiah Ndegwa. Yangu ni kuguzia elections. President must be aged 35-65 years.

Com Kavesta Adagala: Before you continue is there anybody here who... I am saying the wrong thing, Atieno could you signal. We have under the Act we must travel with a person who can do sign language so I want her to signal so that we can see if there is anybody who needs it.

Jeremiah Ndegwa: So my proposals is elections. President of Kenya must be 35-65 years. He must be elected directly from Wananchi. He/she must name his running mate as the Vice President.

Second, the powers of the President must be reduced and that is why we are having in the current Constitution is a good document but the problem is because it is a one man decision.

Judiciary: should be independent. They should be vetted by Parliamentarians when they are elected to hold big offices. They should not be answerable to the President of the country.

Health: Should be free to every Kenyan citizen.

Education: Must be free at the primary level at all costs.

Every Kenyan should be entitled for a Kenyan passport.

Land: Every Kenyan should be allocated at least even half an acre. I think kwa sasa maoni yangu naweza kupeana tu hayo machache.

Com Kavesta Adagala: Maximum Land?

Jeremiah Ndegwa: Maximum land at least a half an acre to 500 acres.

Com Prof Salim: Bwana Ndegwa, you said Judiciary must be independent and not answerable to the President. But whom should they be answerable to. There must be a committee set by the Attorney General vetted by Parliament to the Attorney General.

Com. Kavesta Adagala: Samuel Mburu we have got your name. Which language would you like to present your views in?.

Samuel Mburu: Views on Constitutional reforms from Ol Kalou Disabled Children's Home. What the government should do for the disabled children. Create more homes to cater for their needs and enough schools. Should have their own rights according to their capability. For example free education, free medical treatment especially in disease related in their disability. Not be discriminated in schools during secondary admission and in other social activities. Disabled need more time during exams. Parents should be helped and understand their disabled children through counseling. The government should support church organizations or issues that cater for the disabled. Integration in schools for both disabled and normal children. Disabled should be represented in the Parliament. Facilities used by the disabled should be made cheaper. For example shoes crutches etc. common man or citizen should feel dutybound to support the disabled morally and materially. The government should build more schools, more teachers training colleges for special education to help the teachers deal with the disabled more effectively. Thank you.

Com. Kavesta Adagala: Thank you very much Samuel. Who came with you?

Samuel Mburu: Sister.

Com. Kavesta Adagala: Your Sister or Sister of the school.

Samuel Mburu: Sister of the School.

Com. Kavesta Adagala: Hand her the microphone for a moment, pass the microphone to her. Sister is there anything you want to add to these.

Sister: No, I think that is enough.

Com. Kavesta Adagala: Okay. What variety of people with disabilities do you have?

Sister: The Physically handicapped children.

Com. Kavesta Adagala: Okay thank you very much for bringing Samuel.

Com Prof Salim: These could be addressed to either the sister or the Father. I just wondered, do you have any idea as to the acute shortage in the country of schools for the handicapped. How serious is the shortage? And could we have a proposal as to how many more we reacquire for example. How acute is the need? No idea or shall we leave that to may be the ministry one day to let us know. Any comments on that, Sister.

Sister: As concerns for the homes and I say specifically for the disabled you find in the country they are quite good so we find ourselves being brought so many children of which we are not able to accommodate so may be if they should get more homes and schools for them.

Com Prof Salim: Thank you.

Com. Kavesta Adagala: The teacher student ratio is high.

Sister: Yaeh. The pupils are more than the teachers.

Com. Kavesta Adagala: Thank you for your submissions we shall put them together with others.

At the beginning of this month there was a seminar at the headquarters of the Commission for people with disabilities. Maybe you can find out for your school both of you what took place there. Are you members of any the associations? Is your school a member of any of the associations with people with disability?

Sister: So far no.

Com. Kavesta Adagala: I think you better find out on the Commission we have Commissioners also with disabilities and it is good to find out. You just need to call the Commission or come to the Commission because there should be now be a document from that seminar. It is very important that you tell people with disabilities to link up with others in associations. That empowers them.

Sister: Thank you.

Com. Kavesta Adagala: If we may go on. Joseph Muchedu. Hayupo? Mwangi Joel. Mwangi ako wapi. You come up take the microphone it is your turn.

Mwangi Joel: Majina yangu ni Joel Mwangi. Maoni yangu ambayo ningetaka kutoa ni ku-support yule alisema ya kwamba President asiwe na power. Yaani he should not be above the law. Kwa hivyo kama ni Vice President asiwe akichaguliwa na President. Awe akichaguliwa katika Bunge na waBunge wenzake. Kama ni judge Mkuu awe akichaguliwa Bungeni. Hayo mengine ni kama hii munasikia wanatoa licence za hizi industries za pombe. Kunao kama hii pombe inayotengenezwa ambayo ni illegal na serikali inaikataza. Inakataza huku lakini industry yenyewe hawajafunga kwa hivyo hiyo inatakiwa kwa wale ambao wanatoa licence kwa hizo industries kwanza wafunge industry inayotengeneza pombe kama hiyo ndio pombe kama hiyo iishe. Nafikiri hayo ndio nilikuwa na hayo machache.

Com. Kavesta Adagala: Nani ako next ? Nduhiu. Haya endelea.

Joseph Wanjohi Nduhia: Haya asante. The honorable Commissioners, my name is Joseph Wanjohi Nduhiu. I am a farmer at Ol Kalou Central Scheme within Nyandarua district. Yangu because I can see some of us are not very much acquainted with English, I would like to highlight a few points in Swahili.

Yangu ya kwanza is about the Commissioners. The Commission itself. I would suggest Katiba yetu iandikwe na lugha ambayo itaeleweka na Wananchi na ikiwezekana Katiba yenyewe iwe included in the schools curriculum yaani ifundishwe watoto wetu wa shule kuanzia primary mpaka secondary school. Maanake ni aibu mtoto kutuhadithia mambo ya ulaya na hajui ya kwake nyumbani. Hiyo ni moja. Ya pili Commissioners ninakubaliana na wale wanasema tuwe na national unity system of government

na kuwa na raisi na makamu wake ambayo wanachaguliwa na Wananchi. Lakini hata ikiwa ni hivyo ninaonelea ya kwamba Presidential powers especially detention without trial. Declaration of state of emergency without the approval by the Parliament, declaration of the Presidential decrees which do not conform with the laws of Kenya. Appointment of cabinet ministers, senior civil servants, judges, heads of parastatals without approval by the Parliament. Implementation of the international treaties without a Parliament approval should be removed from the Presidential powers.

Ya tatu, eh Commissioners ninaona ya kwamba kwa wakati huu tuna vyama vya siasa tunaelezwa ni arubaini na nane I don't know how true it is na proposal yangu ni kwamba baada ya uchaguzi, tukifanya uchaguzi, chama chochote ambao hakitakuwa na member of Parliament. Any party that fails to secure a Parliamentary seat should be disbanded or deregistered henceforth. These would avoid the political rumbling from un popular parties.

Ya nne, imezungumziwa ni mambo ya councils. Nimekubaliana na wale wamesema ma mayor na ma chairmen wachaguliwe na Wananchi na pia ningeongezea lazima wawe ni watu wamesoma kama mimi nimeandika Kiingereza from form four and above. Lakini chief officers ambao wanaandikwa na council, they must be responsible under the councils regulation. By so I mean council cap 265 iwe scrapped in total maanake inapatia minister uwezo mkubwa kuliko councilors wale ambao wako katika local authority. The council should have powers to hire and fire their chief officers so that discipline can be seen to be implemented in the local authorities.

La tano na hilo linatuhusu sana Commissioners ni mambo ya agricultural produce. Kwa wakati huu ukisikiza katika kwenya tunauza mahindi yetu shilingii mia nne per bag 90 Kg. This is very discouraging. Kwa hivyo my proposal is serikali au Katiba iamurishe serikali ya kwamba ikiwa bei ya mazao yetu iko chini, fertilizers na mbegu ziwe chini at least by 30 %. Tukiwa tunauza mahindi shilingi mia nne, tununue fertilizer Shilingi mia moja hamsini au shilingi mia moja. Wakati inanunuliwa elfu moja tununue fertilizer au seed shilingi mia tatu au shilingii mia nne. Hapo serikali itufanyie hivyo. Na mambo ya kuleta mahindi kutoka nje, sukari vitu ambao sisi wenyewe tunakuza katika Kenya na maziwa tunaletewa kutoka South Africa or elsewhere this one should be stopped so that we can promote the economy and eradicate the poverty as one of the government policy.

La sita ni mambo ya provincial administration. Hapa ninaona Commissioners, na imekuwa hivyo katika nchi nyingi, mambo ya usimamizi wa utawala iwe from the elected leaders. By so I suggest we abolish the provincial administration. Tuwe tukiwa na governors kama nchi zingine. Mtu ambaye ana haki ya kuulizwa na mwananchi wewe unafanya nini kwa maana kama ni chifu kama, ni DO he is responsible to an individual or say the office of the President ambao hawezi kuona kama Mwananchi ako na faida.

Inginge Commissioners ni mambo ya... ninakubaliana na wale walisema ya kwamba Wananchi especially in the rural areas should be provided with free education, medical services na mambo kama hayo. And at the same time the national cake should be shared equally without discrimination or favour.

La saba, ni ... madam Commissioner amezungunzia mambo ya kina mama. Hata sisi Wanaume kusema kweli tunawafikiria pia. Mimi nimeonelea kwamba Constitution I-provide ya kwamba wasichana wetu ambao wale hawajaolewa they should inherit from their parents as equal as their counter boys. Hiyo ni moja. Jambo lingine ambalo linatatisha sana it is letters of administration from the court. Yaani kama bwana akifariki na bibi anabaki there is a long process, watu wanaenda kotini. This is the law of succession; this is what I am referring to. Ya kwamba kama mama ameolewa kikamilifu, legally married she should immediately inherit the property and other things from the husband immediately after the death of the husband badala ya kuanzia kukimbia makotini na nini inachukua muda na inaharibu hata fedha kutoka kwa familia ambayo inaombeza. Hapo madam unasikia tunawatetea pia kama wanaume.

Jambo lingine ambalo ningeonelea ni kwamba hakuna haja to nominate an MP or a councilor who has already been rejected by the electorate. There is no point, and instead the nominations, wale watu ambao wanakuwa nominated katika Bunge, mimi ningefikiria they should be selected from interested institutions like churches. Tukienda kwa catholic tunachukua mjumbe mmoja, tukienda kwa protesants or other churches tunachukua mjumbe mwingine, disabled mjumbe mwingine lakini sio yule ati kwa maana tu ati huyu ni supporter pengine ya minister fulani kesho unanikuta na mimi ni mjumbe. Hiyo sitaki.

Lingine honorable Commissioners ni mambo yanayohusu majeshi. I would suggest and I have proposed that we have a quota system in recruitment of Kenya Army Personnel. Because there is no way that we can actually have a national defence without having equality in the armed forces. Kwa hivyo ninafikiria tupate quota system. Coming to the Kenya Police and administration police ningefikiria pia watolewe katika office ya raisi na wawe na Commission yao wenyewe and especially they should have similar training, they should have a similar system of promotions kwa maana as for now administration police anaangalia yule DC tu ambaye anaandikia recommendation. He is not trained, he has not done anything anategemea individual.

La mwisho ni wale watu ambao wanasahaulika sana and I am one of them the pensioners. Watu wanafanya kazi kwa miaka mingi but finally hawaonekani kama wako. I would suggest for one wakati mtu anaenda retire, alipwe malipo yake kabla hajaondoka kwa ofisi. There is no point of chasing your benefits when you have worked for it. Ya pili kwa maana civil servants wanaongezwa mishahara on annual basis. This I mean the salary increment, pia the pensioners should enjoy the same facility like their counterparts who are already in work.

Ya tatu ni mambo ya National Hospital Insurance Fund. Wakati mtu anajiandikisha kwa life insurance yake, wakati muda unafika anarudishiwa, kwa hivyo hata huyu pensioner ambayo pengine ali-contribute National Hospital Fund for a longer period, 20,30 years and maybe alitumia hizo pesa kwa safari mbili tu, I don't see why he cannot be refunded the contributions that he already made after retiring. Hii nikuonyesha sasa mumewachana na mwajili wako.

La mwisho honorable Commissioners nikusema ya kwamba hata watoto, wazee wengine pengine wanawacha kazi kama kina

mama yao ni wachanga, watoto wapate masomo ya bure na medical services. Na kwa hayo mengi thank you very much.

Com. Kavesta Adagala: Asante sana. You have given a good clear presentation. Asante kwa maoni kuhusu kina mama lakini unajua the most immediate inheritance is joint ownership. Mkiwa na majina yenu kwa property hakuna shida.

I want people to come near here so you don't take time another three minutes walking. Take the microphone. Joseph Njuguna. Njoo mbele. Itika kama uko, I cannot know if you are just moving. Come to these front bench. Endelea.

Joseph Njuguna: My names are Josph Njuguna. I am going to represent Catholic Men Association- Ol Kalou. I am going to start with basic rights on religion and our presentation says that there shall be freedom of worship and not the devil worship. Special groups be represented in Parliament through vetting by members of Parliament and this groups to have there representatives which should be vetted. We have the churches, the disabled private sector workers, public sector workers, farmers, business community, Jua Kali industries to nominate one member of Parliament to the Parliament. The Constitution should deal with security by subjecting the Commissioner of the Armed Forces solely responsible for not disciplining his juniors. Here we meant that when we talk of the Commissioners of the Armed Forces, where we have solders taking the law into their hands and may be killing a suspect and later placing what the Commission should do. Okay the Commissioners should discipline the juniors and a fine be set and for the juniors to be disciplined for the rest of their work plan.

Health Care: The government should provide free medical services.

Water: The government should provide clean water to every citizen.

Education: Free primary school education.

Shelter: The government should create a healthy economy and access to land to all citizens and over concessions laws to it's citizens

Food: The government should have food reserves for his people that will take up to five years.

Employment: The government should emphasize and execute one man one job policy.

Education: Mismanagement, corrupt managers be fired once proved guilty. The school parents be given more powers over their school. The parents complaints should be heard. People be should be admitted to hire institutions of learning on merit of one's marks or performance and quota system be abolished.

On the Executive: Eligibility of the President, we found that the age limit should be 30 years to 75 years. He should be a registered voter in his Constituency, be of sound mind, not insane. Has never in his life served as a President or governor of this nation. Should be nominated by his or her party through secret ballot.

Presidential Elections be delinked from civic and Parliamentary elections. Civic and Parliamentary polls to start followed by he Presidential immediately after. Set an election timetable swearing in date for President, members of Parliament and councilors.

Land and property: Under public interests e.g. school, hospital, private land, land may be acquired compulsorily by the government on special Commission or Commissioner of land to do the vetting of the same. Land under utilization that is it has no any commercial use, the government I mean if any such land has no any commercial gain to the government and the people of this nation, the government should retrieve all land in Kenya and reconstruct it or demarcate it to five acres each and any Kenyan wishing to utilize land over five acres to a maximum of even 1,000 acres such piece of land should be linked to from the Commissioner of land and close supervision to ascertain beyond reasonable doubt that these lease of land is used to give maximum production for commercial benefit of this nations. Therefore lease should be reviewed by board of Commissioners after every five years. If no reasonable profit has been realized such a lease is terminated. Transfer and inheritance of land should be left to the Commissioner of Land.

Any Kenyan citizen above 21 years with proper evidence.....

Com Kavesta Adagala: No you are reading your memorandum and you should just use five minutes. If it is a memorandum you wrote it you can highlight it. Your time is out.

Joseph Wanjohi Nduhia: Very quickly I am going to sum up. On the land, still on land, transfer of land be simple from government to individual, transfer from one place to the other and every Kenyan citizen should be allowed to own land anywhere in Kenya. The Constitution should guarantee free five acres for every Kenyan citizen above 21 years.

All Kenyan citizen should be allowed to talk either Kiswahili or English as our national language.

Com. Kavesta Adagala: Okay thank you very much. You said that a person who is standing for presidency should never have been President before. So you can say you can only be President once.

Joseph Wanjohi Nduhia: You can only be the President of this nation once in your lifetime for two terms.

Com. Kavesta Adagala: And you are saying he should never have been governor.?

Joseph Wanjohi Nduhia: During the colonial or before independence we had a governor in this country and he should not come back may be by buying the citizenship of this country and claiming that he would like to be a President.

Com. Kavesta Adagala: Okay because for me people are suggesting regional governance. So I thought maybe you were talking about them but if you are talking about the top, that is quite okay.

Joseph Wanjohi Nduhia: As far as the regional governor is concerned.

Com. Kavesta Adagala: No, no, I don't want you to give us views prompted by me, I do that for only my students. Now you have just clarified it is the national governor. Thank you very much.

Joseph Wanjohi Nduhia: Thank you very much.

Com. Kavesta Adagala: Peter Muchiri come forward.

Peter Muchiri: Commissioners, yangu ni machache tu hapa ingawa mimi ni mmoja wa disabled kama kijana alikuwa hapa, ulemavu wangu kusema kweli nimeupata nikiwa mzee na jambo moja ningetaka kuzungumzia ni habari ya awards form the courts. Hii ilikuwa ni kama ajali kupoteza huu mkono. Lakini ingawaje ni kitendo cha mtu binafisi tukiwa kotini kuna kitu kimoja niliona ni mbaya. The court should recognize somebody ambaye alikuwa ameandikwa kuonyesha ulikuwa unapata mshahara kiasi fulani, kampuni iliyokuwa imekuandika hivi hivi. Kwa mfano sasa kama award yangu unaona inakuja chini sana kwa kuwa unaambiwa ati age yangu is too extended actually. Lakini tena sikuwa nimeajiliwa, mimi I am a licensed driver, sasa siwezi kuendesha gari. Ingawaje hata hakuna haja nikaandikwa lakini mimi ninaweza kununua gari langu ambalo itanibidi sasa niandike driver. Hawaku-consider hiyo. Nilikuwa nikilima kama nikiwa mlimaji sasa siwezi kuchukua jembe. Sasa koti inataka tu kuona barua ya mwajiri. Hapo sasa naona katika koti hii, law irekebishe and again awards ile wanatoa ni ile ambayo hata miaka kumi mbeleni ilikuwa hiyo hiyo tu. They don't consider hali ilivyo wakati huu. Vile gharama imeongezeka koti haionelei.

Kitu kingine nilikuwa nataka kuzungumzia ni corruption; hii corruption katika kenya imekuwa ni ugonjwa mmoja mbaya sana na kila wakati unasikia kuna kesi ya corruption kotini. Kama ni mtu mkubwa unasikia tu ametajwa wamefanya hivi billions and billions lakini mwisho hatasikii wakiambiwa warudishe hiyo pesa kwa hivyo hata akienda kotini afungwe jela miaka miwili lakini ana one billion hiyo sio hasara. Hata mimi ukinipatia million mbili unifunge mwezi moja sio hasara. Kwa hivyo corruption kwanza tukitaka kumaliza corruption lazima tuanzie kwa mizizi, grass roots. Now grassroots sana sana hii corruption iko kwa wale watu wakubwa na zaidi ni members of Parliament and even ministers. Na sasa ninashangaa sana askari kusimamisha minister pale hawezi akimukuta amebeba bangi hawezi, uwezo wa minister umemshinda kwa hivyo tukitaka kumaliza hii corruption tuanzie shinani huko chini. Hivi karibuni tutakwenda kwa elections. Unaona utakuta mtu mwingine anaonekana tajiri sana lakini njia aliyopata huo utajiri hujui na anakuja na anakununulia chupa kidogo na chai kidogo umupatie vote. Ukishampatia hii sasa unampatia licence kama alikuwa mwizi kuiba zaidi.

Kwa hivyo mimi ningetaka katika Constituency ya Ol Kalou, yule mtu mgeni anaingia wale walikuwako sasa wamekwisha kula sasa hatuwezi sasa kugundua ya wizi au ile yake. Lakini mgeni ale mali yake na njia ile amepate hiyo mali au she is now earning or what he does for his living day to day kama ni biashara na hiyo list yote ya mambo anayofanya iwe imeandikwa kwa makaratasi kuonyesha Constituency wale anaotaka kura zao wajue huyu mtu ana duka pahali fulani, ana ngombe kiasi fulani ana shamba ili kesho yake tukimuona na ndege tunajua amepata pesa yake kutoka kwa ile duka.

Now ya tatu ni land ownership. Hii kusema kweli imezungumziwa na inasikitisha sana kusema sasa mimi ni Mkenya lakini sina pahali ila sasa uniajiri na unipatie kanyumba kidogo ukunifukuza nitalala kwa mtaro kwa hivyo watu wengi wamesema na mimi ningewaunga mkono kila mtu at least awe na eka zake tano na kuwe na limit ya tajiri ni how much. Mtu yule yuko juu sana kwa shamba angetakiwa awe na ngapi. Iwe an individual should not own more than 500 acres ile shamba ambayo ni ya ukulima unless it is semi arid. Kama ni ya uchungaji iwe juu sana ni elfu moja.

Uhuru wa kuabudu ni sawa kabisa. Lakini hata yenyewe huo uhuru uwe na limits. Sasa imeonekana sex imekuwa kama biashara tena kila wakati tunafundishwa vile kenya inaweza kuendelea mbele. Unakuta mwingine anakuja kuhubiri na kusema hakuna haja ya masomo na huku wengine tunataka watoto wasomo. Je sasa mtoto akiambiwa hakuna haja ya masomo wewe amini Mungu, wewe utakufa kesho uende kwa Mungu. Sasa hii itamaliza watoto wetu kwa hivyo kama ni a new religion ifuatwe pahali imetoka au yule mtu anataka ku-introduce kama yeye ni development minded kama sivyo isikubaliwe na tena kanisa zile ziko ni nyingi asana kwa hivyo kuna zingine ambazo haziendi mbele zinarudi tu nyuma nyuma they can be deregistered. Kwa mfano zamani wakati wa ukoloni ilikuwa, mashule yalikuwa yanasimamiwa na makanisa na wakati huo discipline ilikuwa nzuri sana. Sasa shule inatakiwa madhehebu yote yanaingia huko, wengine wanaambiwa wavae uniform kwa mfano na wengine wanataka kuvaa ile how do you call it, hii kilemba. Kwa hivyo unakuta watoto wengine hawana kitambaa kwa kichwa wengine wanayo sasa unaona sasa huwezi kutambua yule wa shule na asiye wa shule. Kwa hivyo hii discipline iwe maintained na zaidi zaidi shule ningeliza ziwe sponsored by churches.

Employment: Hapa mmoja ametaja mtu mmoja kazi moja. Sasa yangu ni hivi kuna wale watu wana retire kutoka kwa serikali. Ni mtu alikuwa mkubwa ana-retire then there after unasikia sasa ni chairman wa Maize Marketing Board na bado kuna wale watoto wanatoka kwa shule tunasema nafasi za kazi hakuna. Why not give to yule mtu ambaye hajaandikwa na ni kijana ndio apate mapato. Sasa kama ni employment mtu akisha retire ni kuonyesha amefanya kazi miaka yake imekwisha kwa hivyo amepatiwa kazi ingine. Ninafikiri kwa wakati huu yangu ni mpaka hapo.

Com. Kavesta Adagala: Asante sana. Umejitayarisha vizuri kwa kutoa maoni haya na asante sana. Ndio unaona mtu ambaye anahusika na jambo ndio analielewa kama hiyo mambo ya koti award. Ukileta hapa judge atazungumza tofauti. Ukileta insurance company watazungumza tofauti lakini huyu muhusika mwenyewe ndio anaweza kutoa sawa.

Okay ningependa kuita mama aje forward. Kuna mama wawili sijui kama wako hapa. Mary ako hapa. Mary Kamau. Itika

kama uko hapa. Halafu kuna mama mwingine Grace Gichuki. Okay ningependa kutoa lalamiko la Tume , inaonekana kamati ya hapa haiku-mobilize wanawake na pia wanawake ambao wako kwa kamati wako hapa? Chairman wa kamati ako hapa? Where are the women, sasa hii tuseme inaonekana kama sura ya Bunge kwa sababu Bunge hukaa hivyi. Na Wanaume wanatoka wapi. Unajua inafaa inafaa tusimamishe hii hearing kwa sababu tunafunja sheria. That is why they were to be mobilized. There is no excuse, mkiendelea hivi tutasimamisha halafu committee member utaeleza. Niulize Mheshimiwa wa hapa kama anatawala Wanaume peke yake. So if there is no problem with women, women must participate, there are Kenyans and they are to be mobilized. Kamati haikufanya kazi tutapeleka hiyo report. Kamati ililegea.

Margaret Mwaaura: Okay. Commissioners I am going to represent Ol Kalaou Division Maendeleo ya Wanawake Organization recommendation to the Constitution of Kenya Review Commission heko to the appointed women Commissioners having been seven of them out of 27 Commissioners.

Com. Kavesta Adagala: If you are reading your memorandum, you read it and present it. Just present it in the language you understand the way you see it.

Margaret Mwaaura: Asateni. Nitaongea kwa lugha ya Kiswahili kwa sababu mimi nilikuwa nimesoma lakini nimeambiwa ni represent main points. Ninataka kusema nimeandika na Kingereza na nitaongea na Kiswahili.

Ninayo point ya equal protection. Sisi watu wa kenya ama Maendeleo ya Wanawake tunataka tuwe na equal protection kwa sababu kina mama wakienda mahali they don't consider them.

Kuna ingine free from discrimination. Sisi kina mama tukisimama kama ni kiti cha Bunge unasikia kuna echo watu wanaanza kuongea hali mama ni malaya, mama ako amewacha mji wake sasa sisi wenyewe tunataka tulindwe visawa na wazee na nyinyi akina mama sana muongeze bidii kwa sababu hata mkiangalia sisi ndio wenyewe tunajipiga kwa sababu kura zinakua na kina mama wenyewe kwa hivyo tunataka sisi tuwe tunalinda hali ya discrimination.

Equality before the law of all citizens regardless of gender or status. Tunataka sisi wote tuwe sawa kama ni viti za Bunge, kama ni mahali tunawakilisha kama sisi Maendeleo ya Wanawake. Sisi tunapata taabu sana kwa sababu hiyo chama hatuna usaidizi kutoka serikarini kwa hivyo tunataka Bunge ikikaa chini ikianza kugawa pesa za kusaidia miradi nasi tuwe pamoja na hawa kwa sababu tunataabika sana hata vile tunaenda kusomesha hali ya civic education, tunakuwa na taabu sana hata miguu inauma. Na sana sana tungetaka katika Bunge viti vya nomination vipatiwe kina mama sasa kwa sababu hao ndio wengi sana hata ikiwa ni katika chama chochote tuwe represented na nomination.

Hiyo ingine naweza kusema mtu akishikwa na hatia na awe ametumia. Pesa za serikali vibaya kunatakiwa yeye mwenyewe akihukumiwa na afungwe akitoka jela tena zaidi alipe hizo pesa kwa sababu hizo pesa zinaweza kusaidia hata kwa miradi na Asanteni kwa sababu mimi nimeandika memorandum yangu kwa karatasi. Nita-present na itasomwa baadaye. Asanteni.

Com. Kavesta Adagala: Okay asante mama. Kuna kitu hapo kuhusu girl child. It is okay just present it. Kulikuwa na huyu Mary hayupo? Mtu Mlemavu? Peter Muchiri Ikubu.

Peter Muchiri : Commissioners nawasalimu nyote; hamjambo. Yangu ni kuhusu walemavu na nimeandika memorandum ijapokuwa sijachapisha nimeandika kwa mkono wangu mimi mwenyewe na nitasoma introduction yenyewe vile nimetangulia kusema.

Disabled persons have since independence been fully discriminated in every way of living in Kenya. To change this Kenyans should be educated on how to treat people with disabilities. They are to be educated on all causes of disabilities in Kenya, this would help Kenyans to understand more of people with disabilities to avoid those causes if possible so as to reduce disabilities in Kenya. Nimeulizwa what is my opinion to the Constitution. It is my suggestion that disabled persons be fully be represented in Parliament and in local authority. These should be since disabled persons sasa mimi nikisema nisimame pamoja na Mheshimiwa wetu tupingane mimi mwenyewe na yeye ataniweza kwa sababu mimi sina uwezo wa kupingana na Mheshimiwa kwa hivyo nikitaka kuwa MBunge wa area hii siwezi kupingana na huyu MBunge wetu. Kwa hivyo kile mimi ninaonelea ni kwamba disabled persons should be nominated. Fully nominated in Parliament and local authority. Hii inamaanisha hivi, kuwe na Wabunge wanne. Four representatives of disabled persons. Mimi sitaki kuingilia wale kumi na wawili wanaochaguliwa au wanakuwa nominated, kwa hivyo mimi nataka wawe excluded from those twelve. Hiyo ni jambo la kwanza. Hiyo nadhani imeeleweka vizuri. Mimi sitaki kuwaingilia kwa hivyo tuwe excluded from those twelve. Kwa hivyo maoni yangu ni kwamba wawe 226 members of Parliament. Kutoka hapo mimi najua hakuna pesa ndio tutaambiwa lakini for the benefits of disabled persons in Kenya, there should be four nominees.

Jambo la pili ni the biggest problem affecting Kenyans with disabilities being exclusions. We have to be part of any decision making organs being considered in development initiative in their needs.

Com. Kavesta Adagala: Put your proposals positively, sio exclusion, ni inclusion. Problem ni exclusion, proposal ni inclusion. Isn't it.

Peter Muchiri: Okay. Persons with disabilities in Kenya should have equal permission to take over their parent's farms or properties although local customs and traditions may not permit them to inherit such property.

Most people with disabilities are condemned alive of dependent's of others while others see them as objects of charity. The government should take full respond of people with disabilities these will

(Cut short)

Before they are entirely abolished. The salary reviews should not be haphazard the way they are now for certain sectors in the

public service. Our forests are diminishing they should not be allocated without the approval of the national assembly.

On our environment we should have enforceable legislation against the government local authorities or individuals because right now we have a lot of institutions destroying the environment and we should have a special institution dealing with environment.

On agriculture; the government should support farmers by way of subsidies. We should not talk of liberalization because in developed countries right now they are using about 350 billion dollars in subsidizing to the agricultural activities. We should also not have dumping of commodities in these country. The government should invigorate marketing bodies and improve road network in the rural areas.

On education we should...

Com. Kavesta Adagala: I think you have to wind up.

Peter Muchiri: I am winding up. On education we should not have frequent changes in the curriculum. The government should also train our young people for industrialization. There should be no discrimination in education. The government should increase powers of stakeholders.

On our culture, we should stem erosion of our cultural values.

On radio frequencies they should be liberalized so that as many Kenyans as possible may be able to have views from different radio stations. The government should also create conducive environment for development so that most of the development particularly industrialization is not concentrated in Nairobi and a few other major towns.

On our relations with IMF, World Bank and the other bodies, our local interests should supercede those of outsiders through careful liberalization and the government finally should not allow, they should have in place bank interest which are regulated like what is happening in the other countries like US based on that one.....

Com. Kavesta Adagala: You ate up your time by explanation.

Peter Muchiri: I have finished actually.

Com. Kavesta Adagala: You have finished? Thanks.

Com Prof Salim: Now I would like to request that we allow the Father who brought the disabled school boy here to give his views, a chance to give his views that is the father so that he can take him back for lunch. I think that is acceptable. But please

be brief, surely be brief. Is it a memorandum or is? Then just highlight main points only.

Com. Kavesta Adagala: We did ask the sister and she said there was nothing to add.

Father: This now is another one different.

Com. Kavesta Adagala: Okay five minutes.

Fr. Simon Kamau: I am father Simon Kamau, I am presenting on behalf of Ol Kalou catholic church. Our new Constitution must have and effect the following ideas in the preamble.

1. Must recognize God as the Supreme law giver and commend the entire Constitution to God.
2. People of Kenya are a family hence Constitution shall protect family values.

Com. Kavesta Adagala: Please do not read your memorandum highlight, because you have written it highlight it.

Fr. Simon Kamau: Constitution to state that Kenya is one united indivisible democratic state and we should all aim at promoting homogeneity and unity in the diversity, recognizing that Kenya is a more ethnical country.

Proposals on directive principles on state policy. Life is a God given, then sacred and should be treated like it is holy and it is inherited and inviolable right to every human being hence we should have no capital punishment.

Justice will be at all times our shield and defender as enshrined in our national anthem. State should have special regards for the disadvantaged groups and communities in the Kenya society like disabled elderly orphans, women and youth.

Structures and systems of the government: The three arms of the government, that is the Executive, Judicial and Legislature should be independent and free from any interference. The local authority act should be amended to devolve power to the local authorities. The Constitution must empower the electorate to recall their MPs and, councilors if they do not deliver. This should be done through collection of at least 500 signatures of the electorate who register their dissatisfaction of the performance of their MPs or councilors.

The power of Parliament should be expanded to power to impeach the President in the event of grave misconduct. There should be debates and approval of governmental expenditure. Debate and approval on accession of external and internal loans by the government which should be passed through that majority vote in the Parliament. Parliament must have power to create and dissolve ministries where possible.

On Judiciary, the new Constitution should guarantee the independent and impartiality in Judiciary, which is Constitutionally protected. The appointment of Chief Justice, Judges of appeal and other judges should be through an established Judicial Service Commission and be approved by the Parliament and they should have security of tenure. There should be a Judicial review made by the Legislature, this is to make sure that before any law is put in practice it is well thought out and it will not contradict the supreme law of the land.

On electoral system and processes: Civic and Parliament Presidential election should be held on different dates. Constitutional court should be given jurisdiction to declare the validity or otherwise of an election for it is important to retain central government. Local government should be given a lee way to implement development projects in their regions with a percentage of the taxes collected in that region.

Land and property rights: The government....

Com. Kavesta Adagala: Your time is running out.

Fr. Simon Kamau: Yes I am finishing up. The government should have the power to compulsory acquire land for purposes of development of social amenities like schools and hospitals in search of minerals for the purposes of country development. Kenyans fought for independence to acquire back their land so every Kenya should own a piece of land at least five acres to put up a shelter where they should... and we should have no squatters or refugees in our country.

Management of natural resources: The new Constitution to state that natural resources in Kenya belong to the Kenyans and not the government of Kenya hence all natural resources should be guided by a Commission that should be established and ensure that this little resources benefit the nation and some percentage go to the local people. The government is only steward of Kenya's natural resources and every successful government will be a trustee and a custodian of national resources on behalf of the public. Any person convicted of corruption related offence must be banned from holding any public office. Thank you.

Com. Kavesta Adagala: Thank you very much Father. Those are clear. I just wanted to ask generally people are saying leaders should declare their wealth, should other people declare their wealth because leaders, we are expecting leaders who are not like us, they are many things we say about leaders but does that apply to the general population. Actually here the general view is those people who we are electing are the people we want to know their authenticity so when we choose them we know that they are the right people and then we reduce the problem of having more corrupt people who are leading us. I think that is the view of the people.

Com. Kavesta Adagala: My problem is it is difficulty to have values in leadership which are not in the citizens like God fearing, is it only the leaders who should be like declaration of wealth. There are many other things we have said, do they apply

to Wananchi also?

Fr. Simon Kamau: Yeah they apply, they are all applied to us.

Com. Kavesta Adagala: But we need to put this in the Constitution because we are only saying of the values of the leaders.

Fr. Simon Kamau: Actually there are values that we should all hold but especially to the leaders but we are all subject to that.

Com. Kavesta Adagala: But nobody says it, so we cannot put it in the Constitution if it is not said.

Fr. Simon Kamau: I think we should put both, we put to all people and more to the leaders.

Com. Kavesta Adagala: You know in the Bible it is easier to take out, to point out someone else's with specs and leave the log in your eye that is all I want to know.

Fr. Simon Kamau: I get you right that the Constitution should say for us all but more especially to our leaders.

Com. Kavesta Adagala: But someone needs to say it formally not in a... people need to say things so that they can be put because we will not be able to make them up, we cannot to make them up.

I will like to call... it is nearly lunch time we need a break ourselves but I would like to call on the Member of Parliament, your member of Parliament and our boss these are our bosses in Parliament to make a presentation. He needs no introduction, isn't?

Hon Karue Muriuki: Honourable Commissioners, viongozi ambao wamefika siku ya leo na wale wote tuko hapa na Wananchi kila mtu Hamjambo. Siku ya leo mimi ninaona ni muhimu sana sababu hii ndio Tume kuwa tuingojewa miaka hii yote tunasema Katiba ibadilishwe sasa ndio siku imefika hapa Ol Kalou, asante sana kufika kwetu na welcome. We are here for the next two days I could be here. Leo sio siku ya kuhutubu kwa hivyo mimi kama mjumbe wa area hii na mimi nipeane maoni yangu. Nimesikia vile watu wamepeana maoni yao tangu asubuhi, nilikuwa nikitaka niwe hapa tangu mwanzo lakini wajua kama hii kazi ya Bunge inakua ngumu sana. Kuna mahali tulikuwa tunangania kasita ka ingie ka town ingine hapa miaka mingi sana. Sasa wakati ninakuja kutoka nyumba yangu ninakuta wameleta kigingi wamkianza si ningeangalia hiyo kwanza na hiyo ni maendeleo. Hapo nikachelewa kidogo, sorry.

Sasa mimi nimeangalia hii Katiba na nimeangalia clause zote na zote ni 122 na zote hakuna hata moja ambayo sijaangalia na ninapeana maoni yangu na nimeandika yote kwa hii kitabu. Kwa hivyo siwezi kumchokesha kusoma yote. Ile nitafanya ni highlight tu kidogo ile ninaona kwa sababu the way I have written, nimeandika hata kuna pahali inaonyesha clause hii inasema hii yaani ile mimi hapana kubali nayo ninaona iko na maoni tofauti nimeandika yote from number 1-122. lakini a few highlights

ambayo nitafanya ili sasa niseme tu kidogo.

Ya kwanza ni kubaliana tu na wale wamesema President akichaguliwa awe na absolute majority. Hiyo ni kusema tuondoe hii ya kusema apate 25% kwa mikoa tano, tuseme awe na 50% and above hiyo ni kusema wale wanataka kiti cha raisi waingie kiwanjani. Ikiwa hakuna ametimiza 50% or above wale two top warudi ndio tuone ni nani na kwa vile mwingine Tume sema hii term mbili nayo tukitaka tuseme kikamilifu ni kusema nini, Bunge ikichaguliwa na kwa bahati mbaya ama nzuri iwe dissolved before five years hiyo term imekwisha.

Ingingine hii ministries zetu ukiangalia huku mwanzo tulikuwa na ministry of education. Unakaa kaa unaambiwa ni Ministry of Education na Manpower. Unakaa kaa unaambiwa ni Ministry of Education na Human Resource. Ingingine unasikia ilikuwa ya Ministry of Agriculture sasa bni agriculture na msitu. Yaani hata hujui ni gani. Tungetaka Bunge ikichaguliwa business yake ya kwanza iwe yule President amechaguliwa atuambie, aambie wana Bunge ministries zangu kwa hii miaka tano itakuwa these and that and that. Hii mambo ya kusikia news saa saba ndio ujue kama ministry yako bado iko hiyo nayo ikwishe.

Na kiti ingine ile inahusika na hiyo kidogo ya departments zake. Tuseme kama education tunaanza mtihani inaitwa KCPE, unakaaka unaambiwa 8-4-4, unakaa tena unaambiwa 8-4-4 ni marks 700, tena unaambiwa hata ile marks 700 sasa ni 500. Itafika kiwango hata mtoto akitoa certificate yake ya standard eight lazima akuambie alifanya mwaka gani ndio ujue kama amejaribu sababu nimejaribu. Bunge ipatiwe hiyo, yule President awe na hiyo nafasi lakini Bunge itimize na kurekebisha hiyo ama kufanya iwe different from you arudi kule ndio aeleze wana Bunge why do you want to change. Kuna mambo mingi sana hiyo nitawacha niende ile ninaona ni muhimu kidogo kidogo.

Ingingine ni hii mambo ya Constituency, kama sasa hapa mimi ninawakilisha watu 170,000 estimate. Kuna wengine wanawakilisha watu 10,000 hiyo ni haki kweli? Lazima tutafute formula ambayo tutakuwa hii Constituency ikuwe karibu sawa. Najua kuna kwingine ambapo it is sparsely populated sana lakini tuwe na uniform formlar pengine tuseme population na kidogo tuseme area of the land something like that so that the wakilishi Bunge iwe karibu sawa.

Kuna kitu kingine ambacho kimesumbua Wananchi sana. Serikali inaenda World Bank ama mahali pengine ngambo wanaenda wanakopa pesa. Hiyo pesa hatujui inaenda wapi na hapana fika kwako. Mimi ninasema ikiwa serikali inataka kukopa pesa pahali popote walete Bunge kwa sababu kwa wakati huu hawaletangi ndio nijue kama tukipitisha ningapi inakuja Ol Kalou, si ndio?

Kuna kitu ingine ya sheria yetu inaruhusu police kushika watu ovyo ovyo. Wanakushika ati wataeleza kesho nimakosa gani umefanya. Tunataka ikiwa mtu anashikwa iwe inajulikana na inaandikwa kikamilifu so that ikiwa ni makosa hakuwa halali, yule police pengine muling'ang'ania huko kwa bar na unakuja anakushika hiyo irekebishwe kabisa so that detention or arrest of many people bila evidence or good reason iwachwe.

Kuna kitu ingine imetajwa hapa na pale kuhusu President na Prime Minister na mimi ningetaka kupeana maoni yangu. Ninaona kama tungebadilisha hii Katiba tuwe na President vile tuko naye lakini tuwe na Executive Prime Minister hiyo ni maoni yangu. Ndio sasa yule President awe anafanya mambo ya siasa siasa na hiyo ni mzuri, hiyo ni ugonjwa wa siasa lakini ile kazi ya kufanya day to day government running tipatie mtu ambaye ndie anafanya hiyo kazi.

Ingingine nilisema hii ministries zikue, zile ziko zikuwe for the five years un less Parliament changes. Iwe ni vile iliingia kutoka mwanzo. Nao wale watu wamepatiwa kazi wakiwa minister, wakiwa head of parastatals wawe wanapatiwa time fulani. Yaani ukipatiwa miaka tatu unajua sasa wewe ndio minister for lands for three years. Kwa wakati huu mtu hawezi, he is not free kwa sababu hujui radio kesho itasema nini. Ukipatiwa kazi upatiwe miaka mitatu ama ile Katiba tunasema ndio tuwe tukijua.

La mwisho kwa sababu ni mambo mingi sana, ni budget ile tunasomewa katika Bunge iwe people driven hiyo nikusema mimi niulizwe nisema pande yangu ya Ol Kalou. Watu wa Ol Kalou wanasema wanataka nini kwa sababu yale mahitaji muko nayo ni tofauti na watu wa Embu, ni tofauti na zwatu wa Samburu. Juzi juzi tulileta hiyo motion Bunge sijui ikaenda hivi na hivi. Lakini mimi ningeuliza Katiba iseme before the budget is read in the Parliament, kila MP apatiwe nafasi ya kupeana maoni yake kwa minister for finance na huyo mjumbe naye aambiwe lazima ajadiliane na viongozi kutoka area yake ndio nijue ni nini mnataka sababu sasa ukiangalia tunafanya budget unasikia budget inasomwa ya Ministry of Health. Yes every year mnatoa pesa mkijaribu kuunda kujenga hospitali kidogo miaka kumi dispensary. Si mngejenga hii tuambiwe miaka yote tutajengewa hii, mwaka huu tutajengewa hii hata tukungojea miaka kumi lakini tunajua I am on the line I am not worried. So we want watu wa kila sehemu ya kuakilisha Bunge wawe wanapewa hiyo nafasi waseme ni nini wanataka Maendeleo area yao.

And last, the very last, we should not link Constitutional review with Parliament. Hii mambo tumeingojea hii mataabu ingine ambao tunataja hapa Tume kuwa nayo miaka mingi sana miaka ishirini, miaka thelathini pengine tangu independence kwa hivyo what does it matter if is pass one year. Tunaweza kungojea ikiwa mkimaliza sawa lakini mkiona hamwezi kumaliza mnataka miaka ingine mbili mfanye lakini uchaguzi uendelee. Si ndio? Asante sana. Na kwa hayo machache I don't know whether I will give the Commissioner my views please receive asante sana I have written everything I think about the Constitution asante sana. Thank you very much, I will hang on until you close I am interested in hearing the views of our members. Thank you.

Com. Kavesta Adagala: Thank you very much. Ninaona kama vile member of Parliament wenu anateta. Now, tungependa ku-break kidogo even for a half an hour just for us to get some fresh air and walk around a bit and see Ol Kalou. Sijui kwa nini mtu akisema Ol Kalou haijulikani. Mimi nimejua Ol Kalou maisha yangu yote sasa sijui kwa nini na si mbali kutoka kwa barabara Tume enda mahali ingine unaenda 200 kilometers kama huko North Eastern ndio unapata watu. Sasa tungependa tufanye hivi, we have some materials, which we would like to give to you, we would like you mtulie let's do it the new way not the usual way of rush rushing and our officers will distribute these materials to you so you can go home with them. There is a book on questions and issues and there is another one a pumphlet, which we would give you. Sasa tukifanya hivyo sisi tutaenda

lunch officers watampa au tutaenda nje na officers watampa hiyo na tukirudi tutaanza pale pale tumemaliza. We have more than 100 people registered so the afternoon has to go very fast. We... Tume zoea sasa tutakuwa tukitoa tu maoni hata heri tupunguze muda ile watu wengi watoe. If you have views which have been presented please just present them we know what lack of independence in a Judiciary does. Let see if we can present more views so that other new ones can come through. So just taja tu you know if it is a separation of power just say separation of powers na tunaendelea. Okay. Au mngependa wengine wabaki. We are only until 6 o'clock and would not go beyond six o'clock. So Chairman ungetaka kufanyaje? They will give you these materials and then you nini.. Please if you feel you cannot stay and you have a written memorandum just hand it in. we are going to sit down and read all this memorandum and if you din't finish giving your memorandum don't feel bad we will read them all. We look forward to seeing you we are very happy it is a full hall. We are very happy with Ol Kalou only the side of women. Are there any minorities in Ol Kalou? Are there any minority communities? You have a category socially so let's be civil don't rush around there is enough material for every one. Thank you.

Com. Kavesta Adagala: Msamehe kwa sababu nilifikiri the materials have arrived here so he has gone to check in his office, we thought they had arrived already. Endelea tu, I think you can put it in your maoni.

Speaker: How are we going to be assured that whatever we are going to propose it may be different from what the others are going to propose so that if we have five proposals three of them may be similar but two of them are not and it happens that this two are very important to the people of Kenya. So my question is what are you going to do so that you include these two proposal in the final Constitution. Otherwise I am fearing, I am afraid that whatever we are going to propose in many different Constituency what is going to appear in the final end may not be what is generally agreed by the people of Kenya. So my question is how after we have proposed so many things from different constituencies, may there is going to be a referendum, what is the final end, how are we going to know, that my proposal that I am going to give now is going to be included in the Constitution.

Com. Kavesta Adagala: Okay you tell us how you want it to be ensured.

Speaker: It depends on who have made up that programme, I don't know. I would like that whatever we are going to say it happens such that we are going to agree on the majority but there is a problem because whatever we are going to take in here I will not be at Kakamega so that I know what I did here is what goes out there so how do I know. You are the ones who know.

Com. Kavesta Adagala: You know you are acting to be God and you cannot be God. You are saying you are not going to be here, I will be in Kakamega that who can be that is God, everywhere at the same time.

Speaker: So there is no assurance on that one.

Com. Kavesta Adagala: There is something called democracy which we have been clamouring for. Isn't it? Have we been clamouring for democracy? That is what is taking place now.

Speaker: But how are we going to ensure that whatever is going to be there is democracy?

Audience: You are wasting time sit down.

Speaker: I am sorry I was only asking a question.

Com. Kavesta Adagala: James Mwangi come forward please quickly. we are going to take direct proposals. If you have five minutes try to use 2 or 3 because we have many people, you have turned out in great numbers isipokuwa ni Wanaume pekee I don't know who did that in Ol Kalou. Geoffrey Thuo, Peter Nyoike, come forward.

James Mwangi: Thank you Madam Commissioner. Yangu nikuzungumza tu juu ya kitu moja. Mimi ningependa kama serikali yetu inge.....James Mwangi Kariuki. Yangu nikupendelea kuuliza serikali yetu wakati tulipopata uhuru wetu mwaka hamsini na tatu tulipigania mambo matatu na hayo yalikuwa ni mambo ya elimu, Ujinga na magonjwa. Kwa vile mimi ninaonelea Kenya yetu vile ilivyo ningependa serikali iwarudishe pale wale watachaguliwa wafikirie mambo ya deni, wafikirie mambo ya magonjwa kwa sababu hiyo shida ndio inayotukabili sisi kama Wananchi wa kawaida. For example kama nikipata ugonjwa siku kama ya leo, mgonjwa alazwe katika hospitali inatubidi kulipa shilingii zaidi ya elfu mia moja. Hii nitauliza serikali ifikirie hiyo sana.

Ya pili ni hali ya waalimu. Serikali ifikirie hali ya walimu wetu kwa sababu kutoka kama wewe Commissioner aliye kulea ni mwalimu na hii serikali ifikirie sana hali ya walimu kwa mshahara yao. Watu kama waBunge, nafikiria waBunge wanapata mshahara mkubwa sana zaidi ya shilingi mia saba na wanatuambia uchumu wetu umekwisha. Je, kama uchumi umekwisha na hawa ndio wamepitisha hiyo sheria, shilingi mia saba elfu hiyo pesa nyingi zaidi. ningeliza hawa wakirudi wagawe hii mshahara yao kulingana na vile uchumi wetu ulivyo. Zingine zipelekwe kama kwa waalimu na kwa hospitali. Ya tano, Kenya yetu sasa imechukua shida, hata nikizungumzia hii hali ya AIDS. Serikali ifikirie kutenga kama kiasi fulani ya pesa kwa haya mayatima wamewachwa na wazazi. Watoto wengi wamewachwa bila wazazi na kama serikali wangepikiria hawa wazazi wapatiwe tu chakula lakini serikali iwafikirie hawa watoto.

Ninafikiria tena viongozi wakisimama wachaguliwe wawe na viti kama mia tano, wawe na heshima, waheshimiane wenyewe bila kufikiria hali yao peke yao. Hii itafanya Kenya yetu kuwa na nidhamu nzuri.

Defence: Mara kwa mara tunasikia watu wameuwawa kwa bunduki kila siku ninasikia kwa radio mahali fulani watu waliuliwa. Serikali ikiwa wamekuwa wamelemewa na hii mambo waongezewe kama ni department ya CID ili hii mambo ikiwa katika Kenya yetu vifo viwe vimekwisha. Afadhali hata kama wale wako kama camp ya majeshi watolewe. Hii mambo ya kuuwana

ovyo ovyo na mabuduki imalizike katika Kenya yetu ili tukifikia Katiba kama hii tuwe na usalama katika Kenya yetu. Yangu ni kurudishia serikali yetu shukurani wawe wakijaribu ikiwa ni idara ya polisi. Iongezwe pesa ili kupekua hawa wezi mahali wanakaa. Mimi nitakoma hapa na ninafikiria serikali watafanya hivyo.

Com. Kavesta Adagala: Tolerance, kuvumiliana kila mtu ana maoni yake na akisema hivyo sisi wenyewe tunajua kama Tume wakili wako tele kwa Tume , tunajua vipi kugeuza ili iwe mambo ya Katiba. Sio mtu azungumze hiyo lugha ngumu ya Katiba. Unazungumza pia kutoka kwa maisha vile umeona na kwa moyo wako vile unafikiri vile umekuwa unafikiri ukiketi jioni, unaona kile ni kizuri au ni kibaya. Hiyo tunakubali.

Zachary Okwara.

Zachary Okwara: Hamjambo nyote, mine is oral kwa hivyo my name is Zachary Okware. First and foremost I say that the Constitution of Kenya should have a preamble for example having an introduction” We the people of Kenya hereby declare this”.

We should also have the separation of powers in the Executive, the Parliament and the Judiciary, the Constitution of Kenya should also guarantee equal access to natural resources. We should also have the provincial administration should be abolished and otherwise empower the local authorities because the latter is a colonial way of divide and rule and these has created Kangaroo Courts and our people have suffered a lot.

I would also support a coalition government, a government of national unity.

I would also talk about the percentages for one to become a President, one should have at least 51% of the total votes casted during elections. If the leading one does not score 51% of the total votes, they should go back with the runners up, that is number two and we should vote and see who wins.

Also the issue of price control, the issue of price control; the issue of price control should be in the hands of the Parliament but not the citizens. Civic education should be for all of us that is the citizens.

The other one is on the President, while the President is in office, kama raisi akiwa kwa ofisi akifanya makosa anasitahili kushitakiwa.

Elections should be on calendar not in the minds of one person. During elections all candidates who should give handouts should be disqualified from contesting the seat. After elections the people of Kenya that is the Constituency should be empowered by the Constitution to recall their civic leaders, Parliamentary leaders and also the President with at least 500 votes.

The police who have been caught in harassment, torture or caught with in corruption or crimes should be arrested and taken to

a court of law otherwise if they are caught with a mistake they should be terminated not to be transferred as it is now. No land should be allocated in catchments areas.

On the issue of amendments in Parliament; the amendments in Parliament I would say that there should be a drafted bill on a such amendment that is supposed to be amended and then it is brought into the Constituency to be discussed and then votes for the amendments whether they are for it or not. Yeah, kura ya maoni.

Acts of memorandum: All Acts of memorandum, for example of the Kenya Cooperative Creamery, forestry, education, sugar, KTDA they should be made available to the citizen so that they can know how such organizations are governed because that one of the Kenya cooperative Creameries is as old as 1925 the other one that is the forestry, 1927 and it was discussed by the citizens but it has never been enacted in Parliament.

Last but not the least I would also talk about education, education should be used as a measure of the standard achievement. All certificates, diplomas, degrees, course should be enumerated equally. The 15 % rule in secondary in take should be abolished. Secondary school selection should be done on merit. The state should insure teachers, head teachers in case of harassments by the parents. Promotion of teachers and education administration should be on academic and not on merit because most of them have been there on merit but they have been doing nothing on the ground. The Kenya School Equipment Scheme should be re introduced. Pre-school teachers that is nursery school teachers should also have their package and be paid by TSC. School feeding programmes should be enforced in all schools in he republic but not a few schools. Marginalized communities should be assisted by the government e.g. those in the arid and semi arid areas. To end or to sum up the university admission should be done on geographical location or ethnical inclination. Thank you very much for that time.

Com. Kavesta Adagala: Okay that last one say it again.

Zachary Okwara: That is the university admission should not be done on geographical locations or ethnic inclination.

Com. Kavesta Adagala: Okay and the second last one.

Zachary Okwara: Second to the last one is on marginalized communities they should be assisted by the government e.g. those in arid and semi arid areas.

Com. Kavesta Adagala: How should they be assisted?

Zachary Okwara: For example they should be assisted in starting irrigation schemes. And even other groups that even can harmonize them to build up the community so that we can attain a better standard in that.

Com. Kavesta Adagala: In education?

Zachary Okwara: Yeah in education, in farming...

Com. Kavesta Adagala: We are just on schools. Part of the affirmative action is the 15 % rule in order that those places should come up also but you are saying they should not be there so there is a kind of a contradiction. But it is okay you don't have to correct it is your view. The only other thing I wanted to ask because everybody has been saying people have been saying it, 51% of cast votes for a President even if it is a runoff and then you say he should form, a coalition government. It is very difficult to convince someone who has warned 51% that they should form a coalition government.

Zachary Okwara: I think for this one I did come up with it because of the issue of the *win it all takes all*. So I was thinking that in that way that before the elections any candidate who aspires for Presidency should know that when you win, you will not form the government with your party members. You will even include other political parties within those who maybe were second, third and maybe fourth.

Com. Kavesta Adagala: Ni maoni yako. Okay wacha tuendele. Nani ako next? Wahome Kariuki come up please. Thank you. Napenda hiyo kama mwalimu napenda hiyo. Thank you for saying teachers should get more pay because we are both teachers here. Okay haraka haraka..

Wahome Kariuki Mucheru: Asante sana Tume yetu. Ninafurahia sana kwa kufika hapa Ol Kalou Nyandarwa. Tuna kiu mingi sana na mnafanya vizuri kwa kufika hapa Ol Kalou. Jina langu Wahome Kariuki Mucheru, umri wa miaka themanini. Nimekwishaishi na serikali ya Mwingereza, miaka arubaini nikiwa ninafanya kazi na serikali na Wahindi na walikuwa kabila yote hapa Kenya.

Com. Kavesta Adagala: Una dakika chache.

Wahome Kariuki Mucheru: Asante sana kwa sababu nimesikitika kwa kuona sisi wakati tuligombana na bwana Mwingereza, alikuwa mwalimu wetu na tulikuwa tunaishi na utaratibu na uaminifu na madaraka, kuheshimu madaraka. Kwa hivyo tangu 1991, Kenya iliharibika kabisa na Mwingereza ako hapa au Mu-Asia anajua Kenya inakufa. Anajua inakufa kwa sababu inakufa kwa ajili hakuna mtu mkubwa kushinda mwingine. Mtoto wa standard one ni mkubwa kabisa kwa hivyo mimi sitazungumza mengi. Kesho nitahimiza Mungu abariki hii Tume na hii Tume ijue inaaminiwa na watu wasio na nguvu na watu viwete. Iangalie kwa makini kwa sababu Jomo Kenyatta hakuwa na watu wengi kama hawa, hakukua na elimu ya ma professor na sasa Tume yetu ya Kenya inafanya kazi usiku na mchana na hapana aminiwa. Huyu ni mjuaji, je ukiweka chakula hapa kwa drum, upike na ukiweka kuni na moto inawaka, mtu anakuja anaweka maji, moto inapoa, hiyo ugali itaifa? Kwa hivyo mimi

ninawambia nyinyi muandike nyinyi Tume mambo hiyo ninasema. Sitasema shauri ya kucheza cheza wala nipewe pesa wala nyumba kama hii, nitasema mambo ya mwananchi.

Kama hatukatai Moi aondoke kwa kiti, lakini maana hatakaa mpaka milele lakini watu wa Kenya watakuwa wanakumbuka Moi wanalia machozi kwa sababu Moi roho yake ni ya pekee.

Com. Kavesta Adagala: Mzee, pendekezo lako. Mzee slow down. Nataka useme maoni yako.

Wahome Kariuki Mucheru: Kama ni raisi apewe mamlaka ya kutosha. Kama anapewa mamlaka ya kutawala na sisi raia tutamtoa tu kama mtoto. Apewe mamlaka ya kutosha.

Com. Kavesta Adagala: Mzee, mambo tunayozungumzia... listen please we are on track, mambo tunayozungumzia ni ya sasa pia ni ya miaka ijayo hamsini.

Wahome Kariuki Mucheru: Ni ya watoto wetu, na watoto wa watoto wetu. Na kwa hivyo Jomo Kenyatta aliunda serikali thabiti inafikia watoto hawa wengine ni watoto.

Com. Kavesta Adagala: Okay mzee sikiza, unataka kila raisi awe na full powers sio Moi pekee yake.

Wahome Kariuki Mucheru: Full powers, sio Moi pekee yake. Raisi wowote ule atakuwa hata akiwa ni kabila gani, hata akiwa ni Mhindi awe na mamlaka ya kutosha kwa sababu Kenya ina watu majeuuri na watu magaidi.

Com. Kavesta Adagala: Haya Tume chukua hilo lingine.

Wahome Kariuki Mucheru: Ninataka ingilia hali ya wajumbe wale sisi tunachagua kupeleka ndani ya parliamnt. Tunawachagua tukiamini hawa watakwenda kuamua mambo na kuendelea na maisha ya sisi raia. Basi MBunge anakwenda anakaa miaka tano nje, atarudi hapa wakasti anapenda kura. Je? Eh... MBunge huo anajua tunalalaje? Eh.. akija atakuja na magari Mercedes na anakuja na suit tukija kuona gari Mercedes na suit... (in Kikuyu) asahau. Bunge ile tunaendelea tunataka kuchagua mtu anapenda nchi hii, si ya kupenda pesa. Hiyo ni neno moja.

Neno la pili, raisi Moi..

Com. Kavesta Adagala: Ulikuwa kwa wa Bunge? Umemaliza hiyo.

Wahome Kariuki Mucheru: Wasahau, wasahau na hiyo kukwenda huko miaka kumi watarudi hapa kama miaka inakwisha.

Wewe ukienda kazi baba yako si anaongoja mshahara. Asante sana.

Sasa mimi nitakuja kwa raisi Moi ndio niwache. Hakuna mtu anafanyanga kazi mzuri anakosa ingine. Iko makosa ndani yake. Raisi wetu wa Kenya makosa ni moja tu... Ah... na atarekebisha hiyo. Anapenda watu kushida moyo yake. Anasamehea watu umoja, upendo na amani. Ukichukua choroni unapiga hapa kwa miguu yake pa anasema umoja, unachukua ingine choroni unapiga hapa anasema amani. Sasa hata kama tunataka amani, ah.. afaa kuheshimiwa. Kama ni baba taifa Jomo Kenyatta hangekuwa namna hii kama ni Amin hangekuwa namna hii kwa sababu watu wa Kenya wanataka kutawalwa na nguvu

Com. Kavesta Adagala: Mzee....

Wahome Kariuki Mucheru: Iko watu hapa masikini wanasikia Moi tu anapeana pesa.. wanasikia Moi tu anasaidia watu wako hapa katika Nyandarua wako hapa katika Nyandarua. Unajua Moi anajaribu kufika kwa watu na yeye hawezi pata. Watu wanafanywa namna hii hapa hakuna KANU. KANU ilikwisha hapa kutoka 1991, hapa hakuna MBunge wa Parliament ya kutetea watu wa KANU, haya ndani ya Councilor hakuna mtu ya councilor ya chama hiyo kinachotawala. Watu hao wanaumia kabisa kama kama watu wamepelekwa kwa Moi kama hawa wanapelekwa wale hapana wanapenda serikali. Moi anakwenda na kusema haya karibu karibu.wanapewa mapesa watu wale wa KANU wanaitwa KANU group lakini ni chairman wa KANU.

Com. Kavesta Adagala: Mzee....sikiza

Wahome Kariuki Mucheru: Mimi nitamaliza, tungeomba Mungu muende mumwambie raisi Moi wavumilivu KANU group Ol Kalou Nyandarua wanaumia hawana mwenyewe, wanasumbua sisi wanasumbua kila kitu. Kwa hivyo mumwambie Moi makosa ile anafanya niyakupenda watu sana na ile ingine inabakia nitamuambia nikiwa nyumbani kwake na tutakwenda na wavumilivu KANU group.

Com. Kavesta Adagala: Kunaweza kuwa hakuna KANU hapa na huyu mzee sijui amesema ni wa KANU na anasema hivyo lakini kile tunaona anasema a President should be patriotic. It doesn't matter the example he is using the MP should be patriotic. He may be saying it in a certain way but abstracted for long term is a different thing. So Mzee lakini na tungependa ungesema mambo mawili kuhusu watu makamu kama wewe.

Wahome Kariuki Mucheru: Mnasikia mimi ninatukana wakati mimi ninasema maneno ya kutoboa. Mimi nitazidi na kutoboa kabisa umri yangu inakwisha nishakujua mengi. Haya mambo ya makamu wa raisi.

Com. Kavesta Adagala: No, Makamu ya watu wazee kama wewe. Ya wazee kama wewe.

Wahome Kariuki Mucheru: Oh wazee, wazee wanalia kwa sababu wazee wanalia pamoja na wa kina mama yao.

Wanazeeke kwa serikali tatu, serikali ya Mwingereza, serikali ya Jomo Kenyatta serikali ya Moi. Na sasa maisha yao inakwisha wanalia tutasaidiwa na nani? Muambie raisi akumbuke hao watu. Wanakula hawatakufa kama bado kula hata mimi sitakufa.

Ninarudishia shukurani police, Commissioner wa police, Commissioner wa police na PC na ma DO wameshaumia kutoka 1991 mpaka sasa kabisa. Waongezwe mishahara hata tafadhali harambee ile inafanyangwa tafadhali ingekuwa kwa police na ma DC.

Com. Kavesta Adagala: asante Mzee Tume andika yote. Mungu akubariki. Aliyefuata ni Maina. Hayupo.

Francis Ndegwa: Fellow Commissioners, ladies and gentlemen my name is Francis Ndegwa. My points are few.

Thomas Mwangi: About the national flag bearer. Any person that shall represent the nation as the flag bearer as the same in an international event of athletics academic or rather shall be paid for fully of all expenses he shall be determining the period of representing the nation in that event. About this laws stating that if any person shall engage in an intimate sex with a woman who is not lawfully wedded to him or believed to be married to him he is guilty of felony I think this should be reformed to included both the parties, man and woman it is should be nullified or be deleted completely. This laws that says about a man being guilty of felony a man only when he engages with sex with a woman who is not lawfully wedded to him.i think it should be both man and woman because the act is a two way traffic. It punishes only the man.

About the copyright act, I think if a person shall produce more than a given period of time in audio or audio visual material that is copy righted without the written concept of the copy right owner the person of business enterprise shall be guilty of felony and should be given a maximum of life imprisonment.

The new Constitution should plan to turn national universities into agencies with greater administrative independence provided that they are allowed to continue to give priority to education research. The performance should be in targets and appointments of the Vice Chancellors and the chancellor should be reflect the opinion of the universities and their students and the university staff and retain civil service status and the universities should be given more freedom and autonomy to enhance their level of education and research. Thank you.

James Irungu Mwakaba: Thank you madam and professor my name is James Irungu Wakaba and for those who are interested to know I am the next MP for Ol Kalou Constituency. My views are as follows.

The Constitution should have a preamble that state the aspiration of Kenyans as a nation namely to live in piece and harmony within ourselves and our neighbours. To have a decent livelihood for all Kenyans to define the fundamental rights and freedom of

all Kenyans and to recognize the Constitution Supremacy as a guiding force for all Kenyans that report should be in the preamble. My views on specific issues in the Constitution. The Constitution should provide for the winning candidates to have at least 50% of all valid votes cast otherwise they should be a runoff between the top two candidates within two months, yes this is the winning candidate in the Presidential elections. The President should not serve more than two terms and the word term should be clearly be defined in the Constitution so that somebody doesn't have three and a half years or four and half years and then say that is not a complete term and then ask for another election so that he sneaks back into the presidency, so the term should be clearly be defined in the Constitution.

Criminal proceedings against the sitting President: if somebody commits a crime before he is President then criminal proceedings should continue even after he becomes President. This will avoid a situation where I commit a crime and then to avoid justice I ask for President and get elected. The President should be Constitutionally obliged to declare a running mate who must also be eligible to become President as defined in the relevant section of the Constitution. That is somebody who is 35, a citizen of Kenya and a registered voter.

The concept of collective responsibility which is enshrined in the Constitution for cabinet ministers. My suggestion is that this should be confined to action by cabinet ministers which are done with the full knowledge and approval of the whole cabinet and the reason why I say is if a cabinet minister goes and rapes a 13 year old girl then it should not be that the whole cabinet is collectively responsible for that action unless they had approved.

Section 20 of the Kenyan Constitution which restricts the freedom of movement for cabinet ministers and assistant ministers should be removed as it is inconsistent with the freedom of movement which is enshrined in another section of the Constitution. If those ministers have to restricted from moving that has to be done as an internal rule within the civil service but not enshrined in the Constitution. Appointments of PS, Judges, parastatals heads, head of government organ should be with the approval of the majority of members of Parliament.

Section 25 which says that all offices are held at the pleasure of the President should be removed. People should hold office based on competence not based on what the President thinks.

Section 26 (3 B) which gives Attorney General power to take over private prosecution should be removed and private prosecution should be allowed to take place to their logical conclusion so that justice can prevail. Section 33 (3) should define what is a Parliamentary party. At the moment it does not and the practice of law borrows from Parliament for the definition of a Parliamentary party. The Constitution should define that itself. The same section 33 (3) should require that at least a third of nominated members of Parliament be women. Section 59 (5) which says that Parliament can be extended in times of war does not define what is war and that should be done and what majority of Parliament is required to extend Parliament, I suggest it should be three quarters and that has to be defined in the Constitution.

Some general points madam Commissioner and professor, the current Constitution has too many loopholes and we need to have precision in the making of this Constitution. Every word has to be defined to avoid ambiguity which has been taken advantage of by the Attorney General and to the detriment of Kenyans.

The other point is the Constitution should allow for the introduction, it should oblige the introduction of electronic voting in Parliament so that a member of Parliament has a “yes” button and a “no” button and he votes and the vote he has cast it is seen in a big bill board and Kenyans should know the opinion of their members of Parliament instantly. There should be no secret ballot in voting for public law.

Parliament must be made by the Constitution to work harder. Since it has proved ineffective in making it’s own rules. The Constitution must do it. Each MP must work 260 days a year, eight hours continuously a day not technical appearances for him to earn his salary. Failure to that the MP should be summoned by his Constituency by a signature of 1000 members of his Constituency members and grilled by a speakers committee and if he is found to have been laxed, then a by election should be declared in that Constituency.

Parliament must set it’s own timetable which should be well known at least ten years into the future. I should know whether I will contest on the 29th of December in the year 2012 so that even the small boys can prepare for leadership. At the moment it is a secret weapon for somebody that has to be removed.

Reduce the Parliamentary and Presidential term to four years because five years has proved too long for us to live with a mistake.

Other issues, the last two points; do not extend the review period. Where I work you are given a target, if you don’t meet that target you get sacked. The Commissioners have to work harder. I have not heard any of them complaining of exhaustion. You are earning good salaries Kenyans don’t have too much money to give you. Please finish your work in time. If you want a job completed in time give it to a busy man the other guy will never have time.

Last point madam, the very last point delink your work from the live of the current Parliament. Parliament is a creation of this Constitution and therefore cannot be mandated to overhaul it especially the section defining it’s own term. We as Kenyans suspect a conspiracy by the 222 members of Parliament against 30 million Kenyans to extend their own term because they are earning good salaries and they are afraid of facing the electorates. Thank you very much.

Com. Kavesta Adagala: Thank you very much. You are saying there should be a run off in two months, what happens to the government in those two months.

James Irungu Mwakaba: The part of the Constitution that says that the President the current President continues until another election is held should still say that the new President should hand over to the old President. So the old President should continue serving until the new President is sworn in.

Com. Kavesta Adagala: You would not complain that he is using instruments of the state.

James Irungu Mwakaba: Well he has been known to do that but we are ready for that.

Com. Kavesta Adagala: I am saying any President.

James Irungu Mwakaba: Yes, exactly, we are ready for that.

Com. Kavesta Adagala: Thank you very much Irungu. Okay let us move on G.N. Njoroge.

Geoffrey Njuguna Njoroge: Thank you for this chance our Commissioners and the listeners. I am Geoffrey Njuguna Njoroge. I have come to represent my church, Bozea Seventh Day Church of God, I am also a teacher and a Kenyan citizen. I will just highlight the few things I have here. One is swearing in court, we have a bible nitasema hata kwa Kiswahili ambayo inasema usiape. Lakini ukienda kotini unaambiwa uchukue bibilia na uinue useme nimeapa ya kwamba. Na ile bibilia katika Matthew 5: 33-36 says do not swear at all and then Christians have a problem in court when they are told to raise a bible and swear that one I wish that is removed in the court procedure according to Mathew 5: 33-36.

The other thing is in the bible the new testament we also believe that no one has the right to remove a right another persons life. Be it a lawyer it is only God who can remove somebody else life so in our new Constitution we should remove that section of capital punishment. Instead it should be life imprisonment because who am I, why should I remove somebody's life whether I am educated in law or whatever we should not have capital punishment because in other countries it has been used and you find later that you have killed the wrong person.

The other one was said by my colleague here about making Saturday a public holiday I got your sentiments and I believe just like we have Muslim communities where they have Friday as their day of worship if it is possible you can also think of making Saturday just like we have in Britain a five day week. We have Saturday and Sunday being left as public holiday just when we vote for the majority of the Kenyans.

the other one is gender equality, if you look at our Constitution you will see that it is in favour of women mostly where if a lady comes to stay with me and I have a wife, she takes me to jail that I cohabitated with her and I am jailed for 12 years and she

goes free without punishment and she consented I never forced her. So our new Constitution should be gender sensitive for both male and female to avoid male discrimination in the law. Where a lady was not forced or where a man was not forced. These day it is happening like that. Our Constitution should be gender sensitive for both of us.

Agriculture: we have a lot of anomalies, farmers are buying one bag of seed maize 1,000 ten Kg

Com. Kavesta Adagala: Give us your proposals.

Geoffrey Njuguna Njoroge: Okay I just wanted

Com. Kavesta Adagala: Give your proposals we have many people who are going to give views and we know the agricultural situation.

Geoffrey Njuguna Njoroge: Then the government should subsidize all agricultural inputs to improve the agriculture in Kenya. Subsidies should be there for all agricultural inputs. Then we should introduce GMR (Guaranteed Minimum Return) to the farmers. And the other thing about farming we should make sure that we don't import any products that is processed in Kenya. Any agricultural product processed in Kenya should not be imported from another country like in the case of Milk from South Africa and our milk is now to waste.

Now I come to Parliament, my view is that the persons who want to be elected as President, councilors and Parliamentarians should be wealthy the people not people going there to look for salaries. These people should be wealthy and I have the idea of how much wealth each one should have. If it is a President he should be having a capital of about hundred million. His Vice President 50 million to avoid people who are bribed by other countries, they are bribed and then at our cost of justice so we should have Parliamentarians worth of 10 million. Councilors worth of 5 million so that these people...anyway I am saying we should have wealth and educated people to be in the position of leadership.

Education degree for President and Parliament, form four education but all have to be wealthy at least so that they go to present us not going for salary.

The government should honour its own enumeration committee for its workers. When the government says that it is bankrupt then it should sack all of them or pay them well like we have in other companies. So the government should honour its salary enumeration committees.

Then we should also have in schools Constitution and other government other Parliamentary Act should be taught in school and colleges. I am a secondary school teacher and it is yesterday that I saw this thing called Constitution. Through my own education up to university there was nothing like that. So we should have that so that our Kenyans are exposed to what we

mean by Constitution.

25% like many colleagues have said of a Presidential votes should be removed. I would rather we go for the majority votes not 25% vote.

The other one is portraits, in our monies the last time we had Kenyatta's portrait in our monies today we have President Moi tomorrow we are going to have another Kenyan. We should have the first President in Kenya like we have in USA we should have one portrait for all our monies thought generations not having portraits of everybody coming. I think you understand me by portraits ile picha iko katika pesa iwe ya mtu mmoja miaka yote sio kubadilisha kila mwaka kwa yule anakuja. Na kwa hayo machache Commissioners nimefurahi kwa kunipatia wakati huu.

Com. Kavesta Adagala: Yes thank you very much. Any comments? Okay now Shem Gechia.

Shem Gechia Ngigi: I am Shem Gechia Ngigi. Mine is going to be the shortest. One I support those people who say that the powers of the President especially appointment be cut. They should be totally be removed. They should not appoint anybody, that should be the work of Parliament.

The academic qualifications of a President, minimum should be a degree holder.

Com. Kavesta Adagala: You have said the powers of the President should be.....removed do you mean ceremonial President.

Shem Gechia Ngigi: Yeah. The other point is about teachers and the civil servants. This people should be well remunerated. They should be paid well. The other point the new Constitution which we are going to make plus law books these should be availed to all the current Kenyans. they should also be taught right from the primary to university so that we know what is happening. In fact most of us do not know what is a Constitution, watu wanasema Katiba wengine wanafikiria Matiba. It should be availed to all Kenyans.

The other thing I support that person who said that the government should be a coalition, ndio iwe serikali ya mseto.

Last but not the least, serikali iwe inawashugulikia wale watu wazee. Ukifikisha miaka 75, wewe umefanyia serikali mambo mengi, umetoa taxes nyingi sana serikali nayo ikuangalie.

Com. Kavesta Adagala: Say how.

Shem Gechia Ngigi: For example it can built homes for the aged where the young ones can be taking care of them.

Com. Kavesta Adagala: Asante sana. Thomas Uko hapo?

Thomas Ndambuki: Honourable Commissioners my fellow Kenyans, my names are Thomas Ndambuki I am an original youth not duplicating like nowadays wenye wanaambiwa that they are young Turks and they are over 50 years.

Com. Kavesta Adagala: Do not make the mistake of speaking despicably fully of anyone in front of the Commission.

Thomas Ndambuki: First of all I will talk about Judiciary, I support all the people who said that the Judicial system should be free, it should not be manipulated by the President.

Second point, it is not proper for the President to appoint the magistrate and the judges. That should be the work of the national assembly.

The tenure of the Judicial officers. The officers should have at least two terms of ten years when a new government is formed.

Local government: The mayors and the chairman of the councils should not be appointed by the councilors but instead they should be elected by the people. Terms of office of the mayors. After two years the mayors should resign and elected once again.

The qualifications for the councilors; they should have at least attained at least a certificate in secondary school and have attained at least grade C and above. Be of 20 years of age. For the local government, for the councilors and also for the MPs. If the councilors and the MPs misconduct the electorate have the power to recall their councilors and their Parliamentarians to answer for the misconduct. For the Parliament I suppose that the Parliament should be a full time job. That means that there is no point of having a member of Parliament who is also an engineer or a lawyer or any other profession so she should be at all time in the Parliament and I think I don't have much. Thank you.

Com. Kavesta Adagala: Asante sana Thomas you were very clear. Okay tuendelee na Paul Mwangi.

Paul Mwangi: Thank you very much Commissioner. Mine is just an orally presentation. My names are Paul Mwangi from Ol Kalou. My presentation is just oral which I will highlight in very brief language. Type of governance. I want a government of national unity in which various tribes of this nation will feel content with. With this sort of governance a Kenyan of any government will be at ease ...

Com. Kavesta Adagala: You are reading, you said it is oral.

Paul Mwangi: Okay I support the type of governance I would like to support is that of national unity. You see a government of national unity everybody will feel free in this nation irrespective of wherever he is. Yes I am a Kikuyu and I happen to go to Kisii I would feel at home there because I am a Kenyan and this is Kenya, that is what I mean by my argument.

The issue of tribalism; you see with our nation ...

Com. Kavesta Adagala: There is no one you are teaching here, give your views.

Paul Mwangi: Okay. Tribalism: Our nation cannot move forward because of tribalism. I wish to highlight some of the remedies which can go a long way to the treatment of this vice. There is an abstract saying that goes ‘if you want a straight stick or rather a tree it is good that you start straightening it when it is still tender as such’. I go straight to the point, I wish to highlight the need of mixing students from tribes of our nation in secondary schools and tertiary institutions. This will facilitate acceptance, exchange of culture and many other issues. We will go a long way...

Com. Kavesta Adagala: I want you to at least make a point.

Paul Mwangi: In this note I propose that the quota system of education be abolished in any case I wish that the national schools be increased so that students from various parts of our nation get to mix and then by this will tend to cohesiveness and our nation will be moving forward.

On the issue of our universities I would wish that they be given autonomy so that they have this power to elect their own Chancellor. I would wish that the President not be the Chancellor of all the universities.

On this note of tribalism still I would wish that the factors that do promote the intermingling of various types of our nation be encouraged and this they may include trade, they may include those people who are traversing our nation doing various business they should be encouraged provided they are doing it legally. Such threatening words like “utaenda kwenu” just because I am a Kikuyu I happen to go to Kisumu *utarudi kwenu* and I am busy doing business there such threats should be punishable.

I go to the issue of the presidency. I support those people who came up with the views that our incoming President to garner over 50%, by these he would be ruling by the mandate of the majority. In addition he/she should attain at least 25% of the total votes cast in at least 5 provinces of our nation. By these he would have passed the test of not being a tribal leader.

I propose that the roles of our President be categorically and be clearly defined so that we would not have a President who would be trespassing or rather be conflicting with the roles of the Judiciary, with the roles of the Legislature and other various institutions. I propose that some of these powers should be stripped from him and be given to our Parliament with a lot of care

so that we would not have, end up having a toothless President. Such powers should be those of appointees like those colleagues of mine who talked before they talked of appointments of ambassadors, appointments of ministerial post, appointments of parastatals heads and such they should be vetted by Parliament.

Another issue I would like to highlight is the issue of proportional representation. It has been talked of and I would only wish to highlight it. Equality of votes should be observed, you find that there is no justice for a person to represent five people. Our security and voters should be given the necessary morale, training and discipline. If there is any subject by the name humanity they should be very thoroughly. Kenyans along the border in urban centers and in rural areas are scared like animals yet they are being taxed for their protection. So I would wish that this law enforcers be given proper training, they be given proper morale salary wise and if there is any subject by the name humanity I propose that very few with a lot of vigour so that when they come to us they look after us properly and then they get what they deserve in terms of salaries.

Land issue: I would like at least every Kenyan to own a land of at least one acre and maximum 500 acres. Empowerment of local authorities and their leaders I support those who were before me that it should be practiced. And the mayors and the council chairmen be appointed by the people directly.

Tribal clashes:.....

Com. Kavesta Adagala: Time is up. Since you are reading put your memorandum there because it is not oral you have got twice the time and you are reading. You have got the time for oral presentation. I know you are younger than me and you are more agile on your mind. Okay. Thank you very much Paul. Samuel Kinyeru Come forward.

Samuel Kinyeru Muguta: Honourable Commissioners. Name is Samuel Moguta. I am going just to touch a few issues instead of reading my memorandum.

I have started with citizenship and I have considered a child to be the first... (**end of part a**) and on reaching the age of 18 years that child or that youthful person shall not waste even a day before such a youthful person is registered. Anybody failing to register that person shall be curbed by the government. Register first as a voter at the age of 18. not even one week shall be wasted.

Right to vote: every youthful person, the assistance chief shall take the responsibility of registering voters in his sub location where such registration shall be expected to tally with the number of adults living in that particular sub location to avoid cheating of the politicians.

Com. Kavesta Adagala: Excuse me. Is this then now compulsory registration.

Samuel Kinyeru Muguta: I make it compulsory that is mandatory. Every citizen of Kenya adult should have a voters card and a registration and that should be issued by an assistant chief who knows the birth of children.

On political parties I am proposing that there shall be in the republic of Kenya three political parties which shall form a coalition government in sovereignty of the Republic of Kenya. No politician serving at a given term in the Republic Kenya Parliament on the local authority or in any home serving the nation shall not at any time...

Com. Kavesta Adagala: Just give us the highlights and also move your microphone so that you can be audible.

Samuel Kinyeru Muguta: The political parties there shall be in the republic of Kenya there shall be three political parties which shall form a coalition government where no politician serving a given term in the republic of Kenya Parliament local authority or any of the body serving the nation shall not at any time of the service to the nation defect from his or her political party to any other party. In this case I am cancelling defections which will waste public money.

Com. Kavesta Adagala: Excuse me, that does away with freedom of association.

Samuel Kinyeru Muguta: This association is a good thing but it is wasteful because it wastes public money. No defection from one party to another. Taxation, the collection of money from the members of public for cooperation institution or any business people for the purpose of taxation shall be carried out by agreed upon Executive arm of government which shall show all records of taxation. In this case I am proposing that a particular body be created to look into the matter of taxation. I suggest a responsible person from every registered political party.

The sovereignty: The President, the Prime Minister, the principle minister for finance, assistant ministers and all those in the Executive arm of the government shall not act in such a way as to suppress the supremacy of the people which is entrusted in their representatives. Proposals arising from the talks of the Executive shall not be implemented unless Parliament gives consent through votes. The Executive shall not be held responsible for any act detrimental to the good governance. The Executive shall be held responsible for any act detrimental to the good governance.

The Republic Kenya government no new Constituencies shall be created. No new constituencies shall be created in the republic of Kenya without the approval of the Kenyan Parliament.

The Electoral Commission shall not be independent of Parliament.

I go to another issue political elections.

I come to the President, immediately after the dissolution of the Parliament the President shall vacate the office and hand over

Presidential office and duty to the Chief Justice. All duties of the President shall be in the mean time be carried out by the Chief Justice until such a time the national President shall be elected. The Attorney General shall be proposed by the Law Society of Kenya. He shall be the man or woman of the highest legal knowledge and experience.

The national resources shall be shared according to the number of people in every sub location so that cheating may not exist in the midst of the politicians.

Last because I am a pensioner. All farmers, both agricultural farmers and pastoralists should be taken number one as citizen of Kenya since they are the mothers and the fathers of the nation, they should be assisted in loans. No outside traders should oppress the traders of Kenya.

People working in Matatu.....

All pensioners should be paid on time and they should not be expected to collect money from far distances because this aged people waste a lot of energy, they have burned out so I would like to recommend that they be paid at the local chiefs office. Thank you.

Com. Kavesta Adagala: I am interested in this because soon I am going to be a pensioner myself and he is already a pensioner and he has no land. Okay wacha tuendele. Can we have Mary Kamau.?

Nancy Kamau: My names are Nancy Kamau. I propose the minimum age for a person to be a President should be 21 years of age and also the professional qualification for a President should be at diploma level reason being it has been proven time and time again that age and a high professional qualification is not a prerequisite for a good leader. I recommend amendments and additions to the current Constitution which I must add it is a continuous process through Parliament that protect the human rights of every Kenyan citizen including youth, women and children. These reforms in addition to the current Constitution should be ... should aim at providing at a minimum the basic human needs to every individual. Such amendments and addition have already been proposed to the Commission by various groups and individuals.

Finally I propose that the Executive powers under the current Constitution not be trimmed because they are needed when given to the right individual.

Com. Kavesta Adagala: Thank you very much Nancy Kamau, we give you affirmative action but also we want you to be responsible when you register you stay, you don't take off. Hiyo ilikuwa dot com.

Com Prof Salim: Charles Mwangi New Lions club karibu. Fine carry on.

Charles Mwangi: My name is Charles Mwangi Gatendi. My proposals are:- suspects should not be detained or tortured unless proved guilty. His parents or family...

Com. Kavesta Adagala: You are saying something very drastic. That someone can be tortured if they are proved guilty. You have put two things together you need to separate them

Charles Mwangi: A person should not be detained because Unless proved guilty. On torture, some suspects are being taken to police station and they start to be tortured for something she/he doesn't know. His parents and family member should not be tortured because of the suspect. Prisoners should be allowed to be visited by the family members also in order to avoid sodomy in prison, prisoners should be visited by their wives or girlfriends for private affairs. Also AIDS victims should be separated with others in prison.

Another issue is over crowding in our prison. The government should expand prisons for law breakers. The government should supply prison with beddings and healthy diet. Also there must be a full time doctor to visit the prisoners to avoid high death rates in our prisons.

Accidents: in our country there has been a high rate of accidents so in order to minimize them there must be laws to govern them such as the driver should go for a refresher course in every five years. There must be road blocks to check up alcoholic drivers in our roads. Other mistakes in the vehicle the driver should be duty in our road by putting road signs. The driver should be given There must be, the government should put road signs and speed limit in each part of the road. That is my proposal.

Com. Kavesta Adagala: Thank you very much for a good brief proposal. Let's have Mwangi Gachiri Henry. Okay endelea.

Mwangi Henry: My names are Mwangi Gachiri Henry. I will try to be very brief and I am looking at the Constitution itself. I think and I propose that our new Constitution should have what I would call the introductory part. I feel this should include all those events that lead in the struggle for our dependent. This part should also include all those events that led to the deviation from the original aims and objectives of our nation. The same part should also include the effect of what I am calling forced Constitution that is the 1963 Constitution that was not made by the Kenyans. This part should also include all the effects of dictatorship by one party rule in this country. And lastly on that part I feel should also include our national anthem.

My second proposal is what I am calling aims and objectives. Without aims and objectives we are heading nowhere so our Constitution should include the objectives and aims of our nation. This I feel should be peace unity nationhood, cultural, social, economic and political development for the whole nation.

The third proposal I am talking Kenya as a nation or as a country. I feel and propose that our Constitution should define the position, the size and the boundaries of our country.

The other proposal is on national flag. I also feel and propose that our Constitution should define our national flag and here I would suggest that no political party or any other body should be allowed to use colours, symbols on anything similar to our national flag.

The other proposal is on what I am calling national tribes. Each one I would say is praying about national unity. I also feel that the Constitution should also define a national tribes so that Kenyans can have something to be proud of. The other proposal is on our Court of Arm. The Constitution should also describe or define Court of Arms for this country I feel here no political party or any other party should be allowed to use symbols that are found on our court of arms. For example we have the Jogoo it is a KANU symbol.

Com. Kavesta Adagala: Mwangi you are reading and I am also wondering if you are following the red book and writing on every aspect because it will take a half an hour to present. You have about two more minutes.

Mwangi Henry: The other proposal is about loyalty pledges. I feel in our new Constitution we should not have anything to do with loyalty pledges at all.

Com. Kavesta Adagala: Are you talking of pledge of a regency?

Mwangi Henry: Where children are even told to pledge loyal to the President and all these so if you are pledging loyalty to an individual rather than the nation.

Com. Kavesta Adagala: Are you proposing? You know sometime you have to think you may be throwing out the baby with the bath water. Are you proposing that we pledge to the nation? You have to be careful because you can say no loyal to pledges and then you mean not to individual.

Mwangi Henry: About oaths I also feel that oaths should be, no oath should be taken no people should be allowed to swear, be loyal to an individual. They should be loyal to these nation. On religion I would propose that we have what we have today, freedom of worship but rule out devil worshippers and I feel they should be prosecuted.

Lastly I am looking at national holidays. It is my feeling and proposal that we should limit national holidays only to two and not three or four that means we are reducing working hours. The days I have in mind are Kenyatta day and Jamuhuri day whereby I would propose Kenyatta day be renamed as Heroes day but not at one person.

Com. Kavesta Adagala: No Christmas, no Easter, no Idd Fitri. Eh I am asking you. I am trying to ask the presenter so that you are aware of what you have said. Do you know what you have said?

Mwangi Henry: I am talking on these holidays like Madaraka day, Jamuhuri Day, Kenyatta day, Moi day.

Com. Kavesta Adagala: Okay let us go on. Now we have Wahome wa Kamoche.

Wahome Wa Kamoche: I think mambo mengi ambayo nilikuwa niseme yamesemwa. Jina langu ni Wahome wa Kamoche I come from Ruri. Mambo ningesema yamesemwa lakini niko na mawili matatu. Three proposals ambayo watu wamesahau. Kitu ya kwanza ningetaa kutoa mainly on cooperative societies ambayo ndio kiuongo cha haki kwa Wananchi wa nchi hii. I would propose kuwe na sheria ambayo watu wale ambao wako katika cooperative societies kuwe na sheria kuwa na dividends in the co-operative societies. Kwa sababu tanaweza kuwa na pesa kukosa kuona vile tutafanya.

Ya pili, the co-operative society the same iwe answerable to mwananchi but not to the ministry. Iwe answerable to the members of the cooperative. Yaani member wawe ndio wana uwezo wa ku-take decision but not the co-operatives.

Kuwe na proper procedure ya kuanzisha ma benki kama hizi posta na nini ziwe zinaanzishwa direct from the Central Bank and the procedure of starting a bank not kuwa ati kuna posta kuna sacco kuna nini ambao it is not in the line of the Central Bank where kama mambo ikiharibika mambo inakwishia pale pale to solve the problem. So I am proposing we have direct bank kutoka kwa Central Bank hata kama ni union, ni sacco ni what iwe ni answerable to the Central Bank of Kenya.

Mimi ningependelea kuwe na separation of powers I support it, but we have an ombudsman's office where we can impeach the President from the Constituency level. Ombudsman's office where the President can be impeached.

In the Judicial section I would propose a Commission, Judicial service Commission ambayo itakuwa ikiwaandika majudge na ikiwafuta na wawe na time limit kwamba wewe ni judge for five years or ten years ndio unaweza kufanya kazi yako kuwa na uhuru kidogo. Not tomorrow you are judged the day after tomorrow you are not. Another proposal is in the local authority; issue of land. Kwamba we have the land and we have a free hold title, that we don't want to pay, we are being taxed and we have a title and we have a freehold land so my proposal is when someone have a title and you have cleared the loan you don't need to be taxed anymore by another person somewhere and yet you have the title of the land.

Ya cultural; I would propose kuwe na freedom of marriage but defined that in our Constitution especially in our country, ambao tuwe na proposal kwamba hakuna mwanaume anaweza kuoza mwanaume mwingine vile kunafanyika. I know this is something that is happening in the Western countries na hapa Muranga tulisoma gazeti juzi ati John ata-marry Kamau. That is against the

respect of our culture. I am against that.’. ninasema mwanaume kuo mwanaume mwingine because that is against our African culture.

The other one is about horticulture. We would like to work independently and to have an independent market. Where we don't have brokers. There are middlemen in between especially in the horticultural section. You can't now carry flowers from here and take direct to London, you must have a broker at the airport and you must pay something. So it is the middleman I am talking off so that we can go a bit fast. Kwa hayo machache asante.

Com. Kavesta Adagala: You would have to give your views and not ask question we are in for hearing. You will put your question in the context of a view which is a much better style. Boniface come up here.

Boniface Mwangi: I am Boniface Mwangi my views are like this. I would propose that we are..

Com. Kavesta Adagala: Excuse me tolerance is a very big part of a Constitutionalism let's try to practice it and also be considerate when we are talking. You go to the point so that there would be enough time for everybody. That is also democracy. There is little and you share it equally. No I want Christopher Mukira.

Christopher Mukira: Thank you very much Honourable Commissioners and my fellow contributors. My name is Mukira Christopher. I am very much in support of the contributors who have given the views as to the remedy of trimming of the Presidential powers because we are saying that ...

Com. Kavesta Adagala: You are saying Presidential powers to be limited.

Christopher Mukira: Be limited because the election of the Chairmen and mayors of local authorities to go to the wananchi and not just the fellow councilors. I will be very brief. I feel that I should give these proposal that we Kenyans we are very heavily taxed and it is a high time that we had tax reduction.

The other one is, as a result of this taxation even after saving you are again taxed. Because of probably..

Com. Kavesta Adagala: Next Point.

Christopher Mukira: I will go to health. Just as we had it immediately after independence when we didn't have so much resource we had free medical services. it is as high time that the government catered against for free medical services.

On farming farmers should be given loans and it is a high time that the re introduction of the GMR that is the.. where farmers

are compensated for crop loss was brought back to us.

On education it should be free and compulsory at primary level and we do realize many are not making it to university even to secondary, the education should be free. On the side of education we have our fellow sisters and brother who are doing a recommendable job at pre schools that is what most of us call the nursery school teachers. It is a high time that they joined the government payroll rather than being employed by the local community.

Land that has been grabbed by a few of the fish, the idle land should be repossessed by the state and to be given to the landless. Right from independence, somebody mentioned something on the loyalty pledge it is in most of our GHCR book where we pledge the loyalty to the President and the like, I feel there was a time when this loyalty pledge went up to the motto of harambee. It should end up there because when tomorrow we get another President which will have a different loyalty pledge so where we say perpetuated in the Nyayo philosophy of peace, love and unity, that should be scrapped and we just head with harambee. Harambee we have had it right from independence it is my feeling that we still have it but end up at harambee and we remove the Nyayo and the peace love because another one will bring something different.

Com. Kavesta Adagala: You know when we will sit down and we will be putting together all the views they ask me, we are seeing what they would be asking us to defend in the views we got. Okay? Go on.

Christopher Mukira: As the Commissioners have already said I would like to give other fellow contributors a chance. So thank you very much for giving me that chance.

Com. Kavesta Adagala: Thank you very much. Ngotho come forward please.

Ngotho Waweru: I will start with the issue of gender equality. Inheritance should be by law either boy or girl. Education goal should be revised because this education system doesn't seem to be giving us the kind of Kenyans that are patriotic enough so the goals of education should be spelt out anew. Street children, married parents and un married when they inherit land they would have settlement so create settlement from the fathers to their children regardless of gender.

Scrap provincial administration and let us have people voted in for accountability. School B.O.Gs and committees should be manned by institutions and they should have the right to fire and hire except for heads. The education should be decentralized and administration. Separation of power that one has been talked.

AIDS scourge and other STDs,; legalized and licensed prostitution men are more prostitutes. Enhance family planning. I didn't say my name I am Ngotho Waweru. Wages and salaries board should be formed so that it doesn't all the powers are not enhanced on a Parliament that passes their money within three minutes while the teachers have been crying for the so many

years and nobody hears them so it should be decentralized. Scrap quota system.

Pensions; even if one is sacked in the middle of his profession there is the money that he had earned and that money together with NHIF should be paid to him.

Freedom of movement and association should be a guarantee. Overloading in vehicles is causing a lot of accidents in this land. Parastatals we should have laws to convict. Caining of pupils in schools should be made private but not public that means that a pupil should be caned in an office. Future Commission...

Com. Kavesta Adagala: You know we are in this century, I think the Canning has been outlawed.

Ngotho Waweru: Drug trafficking should be curbed so that our children can grow well. Majimbo system should be scrapped. Registration of birth and IDs should be automatic.

Com. Kavesta Adagala: Majimbo system was scrapped in 1964, but it is an idea.

Ngotho Waweru: But is an idea. That is all I have.

Com. Kavesta Adagala: So what do you want to say about?

Ngotho Waweru: About Majimbo? That Kenyans should have the freedom of association and movement to any part of the country. One can own properties, can run for Parliamentary elections anywhere or rather Kenyans should have the freedom of movement.

Com. Kavesta Adagala: Thank you very much. Next?

Major Andrew Njuguna: Thank you Commissioners. Mine are only a few points and one of them is... *my name is major Andrew Njuguna Chebe*. One of them is the inclusion of security of the government properties in the Constitution. Right now it seems as we don't have because anybody working in the government can grab whatever he wants from the offices, buildings even government houses make their own meaning, because there is no security within the law. There should also be protection of the public and the national wealth and where necessary trust whoever have taken them and repatriate them whether they are broad or they are round, there is no question of saying somebody going in for 2 or 3 months and then he is free to the national wealth.

The other one is that there should be a protection of the marginalized and particularly women, disabled, elderly people, poor

people and children particularly those who are neglected and they are in the streets.

The other one is that the citizens wherever they are they should be allowed to participate in policy and decision making whether locally and nationally. They should not be one person making the policies or decisions say for Nyandarua while seated in the office. All the people should be given time to participate. Also according to me there should be no person at all in Kenya who should be above the law since we are citizens of Kenya we should be all be treated as equal.

The other one is that the state should be in the provision of citizens basic needs mainly the social welfare programme.

And I think finally the farmers should be supported by the government by being given loans and experts not only enough with loans if we don't have the experts as we used to have previously before so that the farmers can maximize the production and that we shall have enough food security within our country. And to assist the farmers, all the productive areas where they are producing things that probably are taken or are exported abroad and other places or feeding the towns, all the urban areas working that way should have better roads served by the government to facilitate the transportation of the products of their farms. I think that is all I have.

Com. Kavesta Adagala: Thank you very much. I just wanted to know if you have protection of public and national wealth and you have security for government property. Starting now, starting with the new Constitution because then there will be ...

Ngotho Waweru: I think it should start now because it was no there previously. Anybody could just say this building is mine while in the government there is nobody to follow. If it is identified definitely it should be repossessed by the government. Well we can go back, yes we can go back definitely for whatever we know that was government property and it has been taken by an individual

Com. Kavesta Adagala: Thank you very much major. Let's us have next Francis Ndegwa.

Francis Ndegwa: Honourable Commissioners, fellow Kenyans I have just a few recommendations to make. Mine will be brief. My names are Francis Ndegwa. My first recommendation or proposal is on Parliamentary and civic terms. I propose that Presidential, Parliamentary be two five year term. Also on the civic councilors period should be two five year term and not more than that such that because when they go to regular employment, they forget the common Mwananchi who is suffering and they try to stay there longer to preserve themselves and then they forget that the general public, or the general welfare of the country should be improved. I also propose that councilors two five years terms. I also propose if it is this Judicial Commissions, preservation of forests, conservation of maybe soil erosion all this Presidential appointments or Commissions should also be limited to two five year term. And even nominated members of Parliament, we have nominated members of Parliament, there term should nor exceed two five year terms. These are my proposals on those aspects.

The other proposal is I mimi ninaunga mkono wale ambao wamesema Presidential powers should be trimmed such that the President should appoint his cabinet and maybe the Attorney General but other appointment powers should be vested on the ministers, the Judicial Commission and maybe the Attorney General and as I propose, all appointments should reflect the 42 Kenyan tribes not where by a sitting maybe candidate or whatever a sitting person appoints members from his own ethnic group. We are 42 tribes in Kenya and appointments should reflect the same .

The other proposal is that this country has suffered a lot of loss on the aspect of malfunction of our projects. I propose in our new Constitution that accounting officers and AIE holders should be legally bound that whenever we have money coming from the treasury or from the NGO that project should start 15 days from the date of the release of funding. The project should also finish not more than 60 days from the time the project was supposed to be completed because this country and Wananchi have served a lot of job loses due to lack of implementation of projects and that is why our country has failed in jump starting our economy. The other proposal I would like to make.

I would propose we have a provision in the Constitution that our current government makes a crash programme to improve the purchasing power of all Kenyans. we believe that our purchasing power is at its lowest and crash programme of improving the purchasing power of all Kenyans purchasing power that is by mending ways with IMF and World Bank, jump starting the stalled factories and all aspects of economic growth because this is the one that has hurt us most in this country.

The other proposal I am putting forward, the last but not the least, the last recommendation I am putting across, I propose that in our current Constitution all Kenyans should have a regular employment that is either someone should be solely employed or have a regular employment. And in case someone is not self-employed and does not have a regular employment, they should be on a regular monthly wage so that Kenyans can be able to meet their basic need. We are people who are very poor and have no means of livelihood. And that one will legalize that.

Last one but not least madam chairlady, I am proposing that for those appointments where there is a regular salary, someone should not be up for more than one appointment. One-person one job with a regular monthly payment not maybe allowances.

And finally I would propose that the Commission, the Constitutional review Commission should continue with it's work and let's have election on schedule. The two should not be mixed up or should not be confused. Thank you.

Com. Kavesta Adagala: Thank you very much for your clear proposals there. Patrick Thogo come forward.

Patrick Thogo: Yes, I am Patrick Thogo and here are my proposals. Now about the President I support those people who have said that the powers of the President should be reduced and to add to that I should say that the President should only be

accompanied when travelling or whenever he is going to a usual function with those minister, permanent secretaries and any other civil servants who are related to the function. We should not have all the ministers and assistant ministers going to those offices leaving their offices behind. It is a waste of Kenyans money. I also support that the ministers should be appointed with the approval of the Parliament.

I should also say that the current Constitution should have these provisions that the ministers should not be reshuffled before they have actually been in office for five years. At least five years. The current reshuffles are a bad thing to the Kenyan.

Policies regarding the various ministries should be made in consultation with all the stake holders in case of for example with education we should consult all the people in the grassroots including the teachers to avoid some problems like we have with the 8-4-4 systems and other policies made before. Until the economy of Kenya improves the Constitution should reduce the seminars, workshops and the few should be held in inexpensive hotels since the government does not have money.

Com. Kavesta Adagala: Are you saying the Commission should reduce the seminars or anybody.

Patrick Thogo: I am talking of until the economy improves we should have seminars and workshops reduced and the few held in cheap hotels.

Com. Kavesta Adagala: You are talking about the ones which are supported by the government?

Patrick Thogo: Yes, the ones supported by the government. Any expatriates required in Kenya should be agreed upon or approved by the Parliament.

Coming to land we should not have an individual at a stroke of a pen giving huge tracks of land. It is therefore that a committee or Commission should give out land but not an individual.

We should have a clause in the Constitution whereby the government should be impeached in case of not honouring its promises for example the current problem with the teachers salaries and their promotions.

Promotion of culture; for identity, the Constitution should have a clause whereby we should have a traditional regalia. The Constitution should also have a clause whereby a traditional religion should be registered, encouraged and protected except where they violate violence. Our local languages should be preserved and the major ones studied in our local universities.

Kiswahili should be made the national and official language to create pride in Kenyans. to promote culture also, we should not conceal the facts all the freedom fighters and any other future heroes should be honored and in that case the remains of Dedan

Kimathi Wachuru should be reburied in honour and a place set for burying such heroes. Thank you.

Com. Kavesta Adagala: Okay thank you very much. Let's go on and have Joseph Gaikia.

Joseph Gaikia: Jina langu ni Joseph Gaikia. Asante sana Commission kwa kunipatia nafasi hii. Pendekezo langu lile ningetaka kutoa ni kwa ajili ya mashamba. Ningetaka serikali iweke sheria ya mashamba. Kuna mtu ako na shamba kama heka mia moja na hiyo shamba hafanyii kazi inakaa tu. Ningependelea serikali iwe na sheria, kama una shamba na hufanyii kazi serikali ichukue hiyo shamba ikulipe pesa iuzie yule mtu ambaye ataifanyia kazi. maanake katika Kenya yetu tunaimba tu umasikini, economy ni mbaya na watu wa Kenya ni wenye ni bidii sana. Serikali yenyewe ndio inaletea watu wake umasikini. Maanake kama ingesimamia mashamba.... Proposal yangu ni hiyo sheria iwekwe. Kama hutaweza hiyo shamba ichukuliwe maanake watu wananyakuwa tu mashamba na kuweka bure bila kufanyia kazi.

Ya pili ningetaka kuwe na serikali kuu na kuwe na serikali ya majimbo. Ningetaka kila jimbo liwe na mkuu wake. Zile pesa zinatoka kutoka jimbo fulani kama hii ya Central Province, kama hizo pesa zinatoka central province, kama zitaenda jimbo ingine kama Nyanza Province huyo mkuu awe anajua na anakubali maanake kama Central Province ndio inatoa kodi kubwa katika Kenya na haifanyiwi kazi barabara. Ninaona maziwa hainunuliwi, viazi hazinunuliwi, mahaindi hainunuliwi. Ningependa kuwe na serikali ya majimbo lakini ningetaka ukabila. Kuna majimbo na kuna ukabila. Ukijiandikisha jimbo hili la Central hakuna mtu atakuondoa wewe ni mtu wa central. Ukijiandikisha katika jimbo la Nyanza hakuna mtu atakuondoa kule kwa hivyo sisemi ukabila ninasema majimbo.

Com. Kavesta Adagala: Hiyo inaitwa economic federalism.

Joseph Gaikia: Hiyo ni maoni yangu. Tena la tatu ninaunga mkono wale wanasema President awe akienda kwa period ya miaka kumi tu na tena apunguziwe hizo nguvu zake asiwe na nguvu ati juu ya sheria lakini awe akiendelea tu period ya... akienda period tano tukiona sio mzuri tunamuondoa hata akiwa mzuri namna gani asipitishie miaka kumi, awe akifikisha kumi inatoshia. Hilo ndio pendekezo langu. Asante sana.

Com. Kavesta Adagala: Asante sana kwa sababu umeeleza mambo vizuri. The next one is Mita Mita.

Mita Mita Martin: Honourable Commissioners my name is Mita Mita Martin Edward. I have very few points because so much has been said but mine is one or two. One is under co-operative Act. Our nation needs a proper Constitutional regarding cooperative acts within the farming cooperation that a farmer should not sell anything out as farm produce outside that act. that would make our co-operative views or co-operatives being active.

Another point is on children and women. I have a point in one particular proposal that I have in mine it is about empowerment

of our ladies. Women are being said we have very good papers in the country but nobody takes active concern on empowerment of our ladies. In my proposal we should at least give a good governance to empowerment of our women. This regards the office of the Attorney General because we have papers there and nobody is asking for those papers. The children though we have been acting through a guide some sorts through the UN under the UNICEF safeguard children. Though it has been passed in our honorable Parliament, we need at least a good management on such policies because in the end it comes up with a book we call blue books. Blue books is a heap in Kenya government but no one as an individual as wananchi's takes action of it because they don't know what the meaning of these blue book. So we need those blue book which will guard our systems of governance to be with the wananchi so that it could just modify our civic education moderately.

Finally Judiciary as it has been said by many should be independent and it should remain under the office of the Attorney General as a manager under the Judiciary Service Commission. We should not have at least somebody in custody not for ready to be taken in court for ten years and he is a citizen. At the end the case is not there for him/her or answerable.

Finally we have these children, street children our government should have somewhere within there policy regarding the street children because at the moment I have one who happens to be a thief and these street children they don't seem to be having anybody looking at them or taking care about their issues regardless of our human rights in the country where we have got proper representation and these children just behave like that. Don't think in our government like the previous old ages where people were having what we call African generosity. When my brother passes away I take over the family and I look after the children. These days it is unlike wise because there are some areas some people don't have even a piece of land and the children are left with him. What can he do? So our government within our Constitution the new one today should enforce some areas to take care of these street boys. I can recall I am not very old but I can recall Mr. Geoffrey during the emergency decided to hijack these children from the streets and they were put down at the Starehe Boys Center and it became a very good institution in the country today. So in my proposals I feel our government should take something to do about the street boys because they are also human beings. Thank you very much.

Com. Kavesta Adagala: I would like you if it were possible on that particular issue. Ikiwa unaweza kuandika halafu uTume kwa Tume .

Mita Mita Martin: I have promised one of my Commissioners I am going to write and then send.

Com. Kavesta Adagala: Because if you have thought about something very deeply you should write and you know it should not be said that our traditional way because if you are proposing everybody to have five acres then probably you should think of a changed situation so it is possible also to have cultural ways incorporated in the Constitution. Only ways and means must be found.

Jeremiah Maina: My name is Jeremiah Maina representing Manyatta producers and marketing association. We have written a number of things in the book but we have just one or two highlight. The government should look into ways whereby the research institutes and information centers like Kenya Agricultural Commodities Exchange and KARI to come nearer to the people in other words to be at least at a district level. We have the research stations to assist the farmers at the district level. Importation of agricultural products should be at least debated by the Parliament. The government should formulate a policy whereby the cost of production, any cost above the cost of production should be subsidized in other words the farmers be settled for anything on top.

The government should formulate some effective methods on the marketing of agricultural commodities. I think those are the only few I wanted to highlight.

Com. Kavesta Adagala: Thank you very much Mr. Maina. Next we have Rugeo, come forward.

Rugeo Isaack: So thank you Commissioners and my fellow Kenyans. I am just going to highlight a few points otherwise most of them have been mentioned. My name is Issack Gathesha. I agree that the President must be elected by 25% of 5 provinces and must garner 51% of the total votes cast throughout the nation. We must maintain the 25% of 5 provinces and then in total the President must garner more than 50% of the total votes cast in the nation and the duties of the President should be specific and they should be known to the citizen.

When we come to Parliament; Parliament should be in charge of it's own affairs other than salaries in terms of service. Any defector should lose his candidature powers for five years even during party nominations when you are not nominated by these party if you defect then you lose your candidature opportunity for five years.

Whenever something very serious is to be discussed in Parliament for example the Constitution review, MPs should come for Constituency consultations otherwise right now we feel they have done very little in our areas. Salaries and other terms of MPs should be reviewed by an independent body which also have powers to review salaries of other civil servants otherwise you are getting the facts from the same point.

Money should not have a portrait of a living person.

We should have a Judiciary service Commission, which should employ and deploy and also recruit and discipline all Judicial officials. We should also have the office of ombudsman.

When we come to the economy of our country we know agriculture is the backbone of our country's economy. We should have priorities well set in the Constitution about agriculture. For example farm inputs and machinery should be available and affordable. Fertilizers and seeds should be genuine. Right now we are hearing cases where fake seeds and fertilizers are being

sold to farmers.

Paraffin and diesel should be very cheap. Pickups that is the motor vehicle taxation should be lowered. Cars with high power engine, owners to pay more taxes. The government should avoid big cars like the one the Commissioners are using right now outside there, in future the government should avoid that.

Commodities that we can produce locally should not be imported from abroad otherwise a high taxation should be fixed to discourage this. Price of our agricultural produce should be gazetted before planting and other planning periods for example we are going to plant maize. Farmers should be safeguarded from middlemen. Mitumba should be phased out gradually. Salary gaps should be very minimal otherwise a friend of mine says that it takes 29 years for the lowest paid teacher to earn a month salary of a CJ.

Public projects should be audited regularly by EMU (Emergency Monetary Unity). Cooperatives and trade unions to be audited regularly by EMU. Over taxation and double taxation of cooperatives should be stopped or rather be abolished.

Harambee and cost sharing should come to an end. Any long term economic policy should have short term evaluation measure to support the wananchi. Manufacturers, distributors, wholesalers and retailers should not be one person we should have them independently. People should not have foreign...

Com. Kavesta Adagala: You have a memorandum and I am going to stop you now because if I tell you not read it you will continue reading it.

Rugeo Isaack: I am sorry I am not going to highlight it, I am only going to the highlights now.

When it come to education we should have free education. Private school should be inspected by the government inspectors. Those children of our who are being employed by those people who want private schools....

Com. Kavesta Adagala: Please give your points.

Rugeo Isaack: Madam aren't you contradicting me? When I read you say ...

Com. Kavesta Adagala: But you are going into explanation you are taking other people's time not mine. You have

Rugeo Isaack: I am only saying these to the Commission but not....

Com. Kavesta Adagala: You have overused your time, control yourself.

Rugeo Isaack: Thank you madam. Those people to be employed by private schools they should be employed through the Teachers Service Commission so that they are not underpaid and so that they can earn a pension at the end of the day.

The police should be retrained and we should have a Police Service Commission.

Basic rights; all Kenyans should have a right to food, shelter, land, clothes, health, education, employment and security.

The Electoral Commission should conduct civic education it should also be in charge of registering births and deaths, it should also issue IDs which should act as voters cards, it should also register political parties, it should also supervise election of unions and cooperatives and party elections. Any party that has 10 % representation in Parliament should be funded by the government. Parties should have clear manifestos and they should hold free and fair and regular elections not the Kasarani type.

Local government; the local government should provide access roads, they should finance pre primary, provide piped water so that the Commissioners should not have the vehicles we have seen here with them. They should also be controlled by elected leaders. Councilors should be of form four and above. Teachers should also be elected as councilors without losing their jobs. We should also have three teachers constituencies in the republic so that they can take of education matters. Dear Commissioners thank you.

Com. Kavesta Adagala: We have so many teachers in Parliament by the way. Muritu come forward please.

Muriki wa Githu: My names are Muritu wa Githu. I am going to talk of three issue only because the rest have been talked about. One is citizenship. Anybody born a Kenyan in Kenya should be automatically be regarded a citizen in Kenya. Anybody else who is not a Kenya citizen and wants to be a citizen should fulfill the following conditions since we can have a British citizens who wants to be a Kenyan citizen he must fulfill the following conditions:

1. Have an asylum status in case he or she is a political refugee
2. If a woman or a man is married to a Kenyan and wants to be a Kenyan citizen.
3. If any person has lived and worked in Kenya as a tax payer for a period of five years and as a tax payer he should be a Kenyan citizen if he wants to be
4. If a person has any business investment in Kenya worth one million Us Dollars or maybe nine hundred thousand British Pounds and wants to be a Kenyan citizen dual citizenship should be allowed.

The next point that I want to discuss is sexual relationship. We find that in Kenya there are so many girls under 18 years who have been abused sexually by men who may be are rich so I am going to talk about this. Any sexual relationship with a girl of less than 18 years should be termed as sex abuse and any person who commits such an offence is guilty of an offence punishable by a jail term of two years or more. This will control sexual immorality in our nation.

In case of a pregnancy the father should have a 90% custody of the child born and pay the mother of the child born 20% of his earnings. So I know it is very heavy and these would give a very good morality. Then there shall never be born in Kenya a child without a father therefore we should not be having street children in Kenya. Why should have single mothers if the father is not dead is still living. What do we do? In case of death of the father then we may say that the child is having single mother. Every woman should notify the registration officer the name of her child's father. In case the father refuse the facts he should sign a refusal document and a refundable bail of 10,000 Kenya Shilingis. The government should set up a DNA test to prove the allegations. If the child belongs to the father then he should pay the 10,000 and given the 90% custody of the child. If the child doesn't belong to the father the mother should pay the ten thousand bail and have the 100% custody of the child. These will give our nation a better standard of morality.

Land in Kenya should be rationalised for us to solve these land grabbing we should rationalise the land.

Kenya should abolish the capitalistic system and instead establish the social system of government. We have proved the capitalistic system, it has failed, we have seen that it breeds selfish leaders and therefore we need a socialistic system of government.

The last point, the government should train and employ social assistant for the mentally and physically disabled. These will help cater for them and their development and this will minimize the costs of their live and give them ample help through government. So every mentally disabled person in Kenya should have a social assistant, any physically disabled child should have a social assistant who is capable to look into their problems.

Campaign money should not exceed 2 million for the President and 200 thousand for a member of Parliament and 50 thousand for councilors. This money should be monitored so that anybody arrested bribing the voter should be disqualified. The rest I am going to present.

Mimi ninaendelea hivi, kitu cha kwanza ambacho ningependa kiwe mbele kabisa ni kwamba in God we trust and not just any God. Iandikwe kikamilifu ya kwamba the creator. Freedom of worship ningepeda iweko but I have an exception wakati tukisema tuna freedom of worship utaweza ku-worship hata donkey, utaweza ku-worship shetani and this is why freedom imekua nyingi sana watu wanaabudu shetani na sheria zetu hakuna kitu zinafanya. This is why I would it put down that wa Kenya wanabudu creator. Christians ningependa maoni yangu iwe hivi. Christians wote wanaabudu Jesus Christ na Mungu

muumba. Lakini kuna madhehebu ambayo utakuta ya kwamba kuna mathehebu mengi na utakuta kama Ol Kalou tuna nyingi, unaleta Full Gospel na ni Christian, unaleta Catholic na Christian halafu unashidwa hizi ni Christians au wanatuletea cultures zao. Ningependa iwe hivi, Wakenya tuwe na Christian Church of Kenya lakini iwe na branches kama zilivyo tu lakini yote iwe ni Christain. Na hapa ningependa kuwashukuru Waislamu ndugu zetu kwani wao ni very strong kwa sababu Muislamu wa Ol Kalou kwenda Mecaa Muislamu, ukienda pahali pengine Muislamu so we have ended up kuletewa cultures za watu wengine badala ya Christianity.

Constituencies zetu ningependa ziwe based on population ili wote zikiwa population inasemekana ya kwamba ni watu kumi ndio watakuwa presented by one Parliamentarian iwe hivyo tofauti kidogo tu lakini sio 100 na wengine ni 10.

President awe na powers zote lakini asiwe above the law. All civil servants ningependa wawe vetted na Parliament ili wawe answerable to wananchi lakini sio kwa yule mtu aliyemuandikia those things au appointment letter yake.

Army; our army ningependa iwe answerable kwa Parliament vile vile. Generals wetu kila mtu. Kama kuna kitu kinafanyika awe akieleza kwa Parliament lakini sio kwa mtu fulani.

Farmers; Kenya ni agricultural country hiyo zote tunakubali. Ningependa farmers wawe wakubwa wa marketing institutions. Wawe ndio directors lakini sio watu wengine kukaa huko na kujadili maneno ya farmers badala ya farmers wao wenyewe.

Imports; mimi ningesema kuwe na import lakini kama ni mahindi inakuwa imported iwe imported ikuje ku supplement yenu ambayo haikutosha. For example kama tuna mahindi sasa, inunuliwe yetu kwanza ikwishe ile ambayo sisi tunaona ni balance hatuwezi kutosheleza hiyo ikuje. Sukari na maziwa vile vile.

During elections kuna hii mambo ya kama ni President yuko, election imefika yeye bado kuondoka madarakani atamuambia DO piga hii, ondoa hii, mkutano pande ile hapana taka namna hii. I suggest iwe hivi, kama period yake ikikwisha aondoke yeye mwenyewe madaraka ya ku-run this country in that short period ipewe Chief Justice mtu ambaye hakuchaguliwa, mtu ambaye ni professional.

Administration; singependa kutupilia mbali administration yote lakini ningependa iwe trimmed, iwe assistant chief halafu ndio wataangalia mambo ya kupika changaa huko na nini vile vitu hatutaki aletee chief na mambo mengine yote ifike hapo ile mambo chief hawezi kuamua ikiwa ni criminal peleka police. Ikiwa ni ingine kwenda kotini lakini hapana kuta iko DO, iko DC, iko nini. Hayo ndio maoni yangu kwa leo Asanteni sana.

Com. Kavesta Adagala: Councilor yuko? Come forward please.

Cllr. Peter Ndirangu: I am Councilor Peter Ndirangu. I have the following summary proposals. On media we should not have a monopoly especially on the existing government. When we have retired people they should not be given other jobs they should only be given advisory work. We should not have private and public schools because that is why the government cannot be able to give the facilities to their people and further more it should be noted that the government has issued public land to private people to do the business on private schools. We should abolish the provincial administration. We have realized the government has given individuals land to build private schools so they are bringing private business on public thing. It should be noted that in farming the produces are not weighed and we realize the industrial capacity is weighed on kilograms therefore they have realized that most of things are sold on extended bags. So I would wish everything to go under kilograms measuring,.

The Parliamentary system that is what I would like to have an Executive Prime Minister. We should have limited parties not that everybody should begin a party we should have at least five parties and or less to three parties. The President as the other members have said should garner the 51% of the casted votes and he should be a graduate and also should have a stable marital status and the age should be 35-70 years and the organs of the government should be independent. President and mayor to be representatives of a particular Constituency and work the mayor. We shouldn't have nominated people in any way because they serve the minorities. The mayors to go only for two years and a half then they take another mandate to be the mayors. Local authorities to be autonomous and the act to be amended. Funding of local authorities to be from consolidated fund. There shouldn't be a double taxation for the citizen that the central government is taxing, the local government is taxing the same people.

The MPs and councilor to be at least an O level certificate. The budget to emanate from the MPs. Money the portraits to be universal not a person, the picture in the money. President not to have power to visit any country as if he is a tourist. Unemployed should have enumerations. Hardship areas does not only imply to dry whether but it also applies lots of facilities like roads, poor education facilities, water etc. the governmnhet to see that because most of the areas where there is much rain there are much resources to see that these facilities are put. Death penalty should be abolished. MPs should not own guns because they are the legislators and yet they secure themselves so we are no secured. Defection of crossing the floor, these people who defect should seek another mandate but the incumbent who have closed the for or they have defected should be disqualifies.

On culture and social aspects bride price....

There should be an election but not the defector, not those people who have defected themselves, they should be disqualified because they have done against the will of their electorate.

Bride price should not be given because we realize that when there was a genital mutilation these was abolished so also bride price should not be given. The policies when they are introduced like the way we have seen the Parliament is doing there should

be a referendum for the people to know what exactly is happening rather than the Parliament pass and they put forward.

The Executive there shouldn't be in business because we have realized they are in shoddy business and if one is convicted he should be sacked.

Also the Electoral Commission should be free and we should have religious representatives and ID card should be given even to the age of 15 years while the voting time should be 18 years and we should have nine members of Electoral Commission.

Basic right to be upheld as it is in the former Constitution.

And finally I would request that the current Commission of Katiba should finish it's work before elections because we shouldn't go on with election with the old Constitution and if they don't finish surely they ought to be sacked. Thank you very much.

Com. Kavesta Adagala: Get ready to come into the kitchen because if we are sacked you can come and stand where we are. We have three more pages to go, we want to divide these time among those who are here.

Com Prof Salim: Let's just find out who is here among all those who have registered and then we divide the time remaining of 45 minutes between them all in the order they have registered. Is that acceptable? Very good. (*Calling out names*) fourteen people and we have 45 minutes. We would make it four minutes each and let us all stick to that timing. Once time is over we would just stop you. So the next person is Bernard Kamau.

Bernard Kamau: I am Bernard Kamau. The Universities they should be given autonomy in whatever they are doing and then once the graduates are out of colleges, whichever level of college that they are out they should be funded in maybe securing the tools they need money to start some small business and such things. The local authorities should be empowered and given more power and autonomy to finance whatever they are doing. You find that schools should be run by them. Then one man one job, every person should do one job for which he more qualified and which he can be able to do perfectly. And then now that the population is too much the government should adopt labour intensive strategy in making it economic sound. Taxes should be used properly. We do not have advocates for lessening of the taxes but they should be used properly once they have been gotten. Then population control methods should be implemented so that people will stop having so many children which they cannot be able to take care of the government cannot be able to look after properly. The religious leaders should also be taxed whatever they get from the sadaka 10% should be taxed. Then the ID card should be free once a person is 18 years he should be given that card on application and passports also should be made free.

The funding of political parties: the first four political parties should be funded by the exchequer and then all the other parties should be banned.

Then the MPs should be paid by the electorate that is depending on the number of people they represent that is how their salaries should be determined. Thank you.

Boniface Mwangi Kamau: My names are Boniface Mwangi Kamau. I would propose that we have a unitary form of government but there should be decentralization of powers in district levels so that we can have district Jimbos.

Executive; there should be a President the President should be the head of government and also he should be the head of state. He should avoid a complex where there is power struggle between the President and the Prime Minister.

Judiciary; the appointment of Judiciary should be streamlined such that the Parliament should be given powers to appoint a committee of five members who shall on the basis of competence propose the present two members who are capable and competent to the President. The President then shall select one from the two.

Courts; the Justice should be moved close to the people such that we have mobile courts in district levels so the litigants have been having a lot of problems with the traveling all the way to the district headquarters.

Parliament; the Parliament supremacy should be maintained and sustained such that we should have implementation committee. All bills that are passed in the Parliament should be implemented. So the committee should be charged with the responsibility of implementing those bills. The MPs so elected should make at least two contributions in the house; failure to which he is supposed his seat should be declared vacant so that we avoid cases where we have MPs who warm the seats. Parliamentary elections. If the Parliamentary candidate fail to garner 40% of the cast votes there should be a run-off between the runners up and the winner.

Presidential candidates; those aspiring for Presidential candidacy should not vie for Parliamentary seats. In order to ensure that there is no crowded field those who fail to get elected but manage to get 50 % of the cast vote should become automatic natural MP. those who fail to get elected but manage to get ten percent of Presidential votes should become automatic national MPs. Further to this the Presidential candidate should be required to deposit non refundable one million to the Electoral Commission during the day of nomination. These are measure to curb the crowded field. The loser who fails to get a percent should be banned from contesting, from holding public office for a period of not less than ten years and should also be banned from contesting Parliamentary and Presidential seat in future. The other one is the President should have 50 % of the votes cast apart from 25% in every province.

Provincial administration should be done away with, we should have instead Jimbos based on these districts where we have district chief Executive officer he should be in charge of the management of the district.

Anti-corruption authority; there should be independent anti corruption authority that is composed of Commissioners who have been proposed by the churches that is catholic, NCC and Evangelical churches.

Agriculture; the trading block the importation of things that are produced in a country should be done away with or they should be subjected to restrictive heavy duties or if these is going to encounter to the trading block so far formed there should be, the government should subsidise those that are around.

Land act is vague and it should be looked into.

Unemployment; form four leavers should be given an opportunity to serve in the army. They should be given a contract of two years after which they should be done away with then in the event of war they should be recalled.

Power; the Act that make Kenya Power and Lighting, the only provider of electricity should be abolished. Other competitors should be left to get into it.

Education; there should be a school that is fully sponsored by the government in every district for bright but poor students.

Finally, water; there should be drills to bore holes which should be provided to the local government authority in every district so that they can drill holes and provide water to the district which can be used for irrigation. Thank you very much.

Mwangi Nyaga: My names are Mwangi Nyaga Elias. I have one or two things to say. About the presidency I want to say section five sub section (f) of our Constitution is faulty in it is faulty in writing an in context because it says any other candidate that is the President who is elected should have more votes than any other candidate that is the President who is elected should have more votes than any other candidates. I feel it is faulty and it should be scrapped and it should be replaced by any or he should have more votes than all other candidates, also I want to say that the 25% should be scrapped and be replaced by 50% that is 51% because 25% represents the minority even if in one province 25% presents a quarter so on issue of the type of the government I will propose that we have a government of National Unity .On the issue of the qualifications to be a President I want to say that the Constitution is silent in section 5 sub section (2) because it doesn't state the minimum qualification. I propose that the minimum qualification should be a degree level for a President also I want to state that the Electoral Commission should be given independence so that it can present with impartiality. As for the citizens, I want to say that citizens or electorates should be allowed to impeach inactive MPs and councilors. On part of agricultural or disaster, the government should come in as a buffer or to cater for the loss if in case there is agricultural products like if the maize price is less than the cost of production. So the government should come in and cater for the lose.

On the government department I want to say that the, ministers should be awarded or appointed to the ministries that they have relevant education background.

On education free primary education should be offered. On university loans I would like to say that loans should not be charged to any graduate who has not been secured for jobs by the government. The loans should be charged after the government offers the job. On Judiciary it should be delinked or it should be given its independence on loans which are politically connected secured loans I would like to propose that no loan which is politically connected should be declared as a burden, they should be followed and be paid. On quota system, they should be scrapped and be replaced by merit that is on the education.

On local authorities mayors and chairmen should be elected by the people that is the electorate and on councilors, moral and ethical considerations should be considered and councilors should have a minimum education level of form four. Salary for councilors should be paid by the Central Government because the taxation it is double taxation from the government that is towards the Central Government and when we come to the level of the relevant councils we are taxed so the central government should offer the salaries to the councilors.

And all political parties which go for a run off should be funded from the Central Government. Thank you.

Aaron Mbugua: We should have a mass action in the present Constitution whereby maybe the masses should demonstrate against where the government maybe fails to deliver according to the people's expectations. There should be a stipulation of the terms and conditions of services now for all the workers allowing the workers to attain a certain level before retirement then they should be reduced so that all the people now can have a place so the retirement age should be reduced to about 45 years so that all people can have a room in the services. Mobile court as earlier mentioned should be established so that cases can be dealt with in time.

It should be a criminal offence for anybody to give handouts. So anybody caught giving bribes should be tried in the court of law. Given the trend of the role of taxation in the present system these notorious harambee movements should be banned we should not have provision in the new Constitution because already much has been collected in taxation. Those who aspire for public officers should declare their wealth

Voter registration should be a continuous process. It should be a profession in the new Constitution where by civic education should be conducted so that the citizens would know their rights as opposed to whatever is happening currently. Repossession of the grabbed land, public land forests. This has almost been the order. The government should repossess the grabbed the land in forests with a view to maintain the environment. Thank you ladies and gentlemen.

Stanley Gachuru: I am Gachuru Stanley. On matters related to defection, I should think that there should be by elections

because this election are consuming as tax payers money so a particular party should nominate someone in case a member defects.

The civil servants should be allowed to contest...

Com. Kavesta Adagala: Excuse me, you said there should be no by elections?

Stanley Gachuru: No by elections but the parties can nominate. One person has defected. The other members in that party instead of the government using a lot of tax payers money with these elections, they are consuming a lot of tax payers money so a party can simply nominate a member from that party.

Com. Kavesta Adagala: What happens to such under...

Stanley Gachuru: This one will discourage, to discourage defection so that we don't use a lot taxpayer's money with these types of elections all the time.

Civil servants should be allowed to contest when they are doing that they can have leave without pay minimum 6 months.

President should have gratuity and security but I should think he should not have legal immunity after retirement.

There should be permanent Commission, which are clear and should be governed and should be protected by the law and not answerable to an individual. When we come to matters related to school the PTA and BOGs should be given more powers in matters related to school development because I feel the PTA owns the school not the appointee or the BOG.

Communal rights; there should be no ethnic group that take advantage over the others under the cover of cultural rights meaning no such ethnic group should be given power to carry certain things like guns or rungas at the expense of the other.

On matters related to Legislature the Parliament, the MP s should not decide their salaries. Let the MPs not decide their salaries. The salaries of the MP should be decided by the Commission set so that they don't give themselves the money that they wish to give themselves at any given time. When we come to nominations, nominations should not only be done within the political parties it should be done following other criteria's and other things can be considered criteria such as women can be nominated, disabled can be nominated. Members of the union like now the KNUT can have a representative in the Parliament other than being based on political parties who have been given a chance to vie for those posts.

The other area is on matters concerning the Judiciary. It should be independent, there should be an independent Judiciary and

the Attorney General and the judges should not be an appointee of the President. He should not be appointed by the President he should be appointed by a Parliamentary Select Committee.

Lastly, armed forces should have other duties other than staying in the barracks when there are no wars. They should be involved in other matters related to the development of the nation other than staying in the barrack even when there are no wars. Thank you very much.

There are many Madam, we have hospitals, we have roads that they can help to build, we have schools where they can be given other duties. They are many madam.

David Mwangi: Asante sana kwa machache. Ninataka kutoa maoni yangu. Kwanza ninashukuru Mungu wetu kwa sababu tuna uhai. Ya kwanza ninasema jina langu ni David Mwangi wa Muchiru .

Sasa maoni yangu ni kama hii, ninasema mfalme yeyote atakuwa anatii sheria. Kwa sababu sheria ndio funguo ya uongozi wowote.

Com. Kavesta Adagala: Sasa unasema mambo ya mfalme na sisi..... kwa nini unasema mfalme.

David Mwangi: Yaani ni kiongozi. Kiongozi yoyote hakubaliwi kwa moani yangu kukaa kama viti vyote ni vyake. Yaani ni kukaa na vitu vingine vinakuwa kwa viongozi wengine wale wamekubaliwa imekubaliwa na Wananchi kwa sababu iko wengine wanakaa kwa viti vyote kama u-President jamadali kila kitu.

Ya tatu kama ni uchaguzi maoni yangu ni kuangaliwa na isiwe na mapendeleo na pande hii ingine na kama uchaguzi unaendelea kufanywa yaani tunataka kutangazwe masaa ile watu wanasikilizana.

Ya nne, kiongozi yoyote kutoka yule mdogo na kwa mpaka yule mkubwa hatuoni mzuri kama mtu anahongwa au kuiba kitu yoyote kwa hivyo ni ile mtu anachukua kama bible.

Mtu aape kwa bibilia kutumukia wananchi.

Watu wale wanafanya kazi ya serikali wakati wana- retire kwa maana walifanya kazi mzuri ya kukumbukwa. Wale walipigania nchi hii wakumbukwe na wapewe heshima.

David Karuiki Nderitu: My names are David Kariuki Nderitu, I am representing travellers organization it's name is 4NT. I will go very briefly and very fast because most of the things have been represented. Matatu industry should be recognized by the government as a legitimate industry just like any other industry which provides jobs to citizens and revenue to exchequer.

Matatu industries are highly....

Com. Kavesta Adagala: Do not read we are not going to tolerate that. You have written that you know what it is, present it in summary.

David Karuiki Nderitu: TLB Act should not apply to Matatu industries. All Nissan Matatus should have a legalized capacity of 18 passengers instead of the present 16. Commuters should care for their insurance covers while boarding Matatus. The authorities charged with building, maintenance and repairs of roads should always be held responsible in case of accidents. In order to avoid desertification all existing forests since 80s should be repossessed by the government and their forests started. All catchments areas should be protected by law. Councilors in all local authorities should have a minimum of O level standard of education and mayors and chairmen should be directly elected to avoid crooks in councils.

Civil servants and armed forces should be non partisan in countries politics. Prisoners, detainees, patients in hospitals, citizens living outside the country should have access to voting. There should be an independent ministry catering for cooperative societies instead of being a department in the ministry of agriculture. Preferable those that are at Saccos they can fit better in ministry of finance than in agriculture.

Finally the President should be impeached while in office, he should not be above the law. He or she should be married. Thank you.

Com. Kavesta Adagala: What if the President spouse are when he is in office?

David Karuiki Nderitu: He or she was married when being elected. That is an Act of God.

Richard Gicharu Njoroge: Asante kwa ma Commissioners. Yangu sio mengi ingawa imwesemwa hapo mbele. Maoni yangu nilikuwa nasema nataka tuundiwa Katiba kama mtu ame defect awe aki defect akimaliza miaka mitano. Aki-defect mbele ya hiyo yeye anakua out.

Com. Kavesta Adagala: Richard Ngoja kidogo, hamtaundiwa Katiba nyinyi mtaunda Katiba, Wananchi wataunda Katiba. Hakuna mtu atatengeneza Katiba isipokuwa wananchi.

Richard Gicharu Njoroge: Ndio hiyo nimeelewa. Siku hizi huko kotini tunasumbuliwa sana na ningeliza kwa naoni yangu tuwekewe hata kama ni tape recorder kwa sababu huko kotini leo majudge wameshakuwa corrupt.

Leo watu wanaua watu wale wengine wakiwaita wezi, na ikichunguzwa sana wanakuwa mara ingine wamegombana huko

nyumbani, sasa kwa leo ile kitu ningeliza ningetaka hii Katiba ifunge hawa watu wanauwa wengine wakisema ni wa halifu ni nini. Kama ni mtu ashikwe apelekwe kotini kuliko kuuliwa.

Raisi ambaye anatawala asiwe juu ya sheria. Awe chini yake.

Hii soko huru ambayo tuko nayo hapa leo inatajirisha watu wengine na wengine wanaendelea kuumia. Hata kwa leo nduka na mabiashara mengi yamefungwa na kwa maoni yangu ningesema hiyo soko uhuru iondolewe.

Kuwe na wholesale kama zamani. Mtu wa wholesale awe akiuza wholesale, mtu wa retail awe akiuza retail maanake leo hawa watu wametuumiza sana. Hawa watu wa wholesale ukienda kwa retail yeye ndio retail. Kama ni vitu vinauzwa huko dukani akikuuza kwa wholesale hapa kwa shilingi kumi mwenye kununua kwa retail anamuuzia shilingi tano kwa hivyo ile unachukua kwake haina faida hata kamwe inakuletea.

Ya mwisho, vyama vyote viwe viana vitatu na vikubaliwe kuitwa viana kwa kuwa chama kitakuwa kimefikisha waBunge kama ishirini hivi. Asanteni.

Com. Kavesta Adagala: I am saying Francis Mbugwa and Nancy.

Marion Wairimu Kahi: My names are Marion Wairimu Kahi. In my opinion today I recommend that the electorate, the secretariate for the review Commission to remain after the Commission has done all the review.

It is my opinion that there should be a limit of NGOs in this country. Salary increament should be made to all workers at the same time. By these I mean the doctors and the nurses salaries should be increased at the same rate and at the same time. The Electoral Commission has been dominated by the Ministry of Education. It is my proposal there should be other people informed and mostly the women.

Com. Kavesta Adagala: What do you mean by the Electoral Commission.

Marion Wairimu Kahi: We have seen that like in Nyandarwa most of the people involved are teachers, the chief personnel and also the other officials.

Com. Kavesta Adagala: You need to be informed. If you have such facts you should find out if they applied who else applied. As a citizen you have to be active. So will you find out?

Marion Wairimu Kahi: I have done research and I have confirmed that most of the people that have been employed here whenever there is anything in the electoral, the teachers dominate.

Com. Kavesta Adagala: All I want to find out is what happened before that.

Marion Wairimu Kahi: Okay I will do that. It is also my proposal that all the government officers whom misappropriate the government funds be jailed and then after they are jailed they pay back the money. The ministry be granted by the level of education but not in favourism. All Kenyans should own a piece of land at least two acres maximum five.

All women should also own property in this country. Every woman who has ever been to school should be made a working person not a housewife. Women should be nominated in Parliament more than men. We mean that women are there but they have feared to be elected or to the public because of the language that has been used during elections so I propose that more women to be nominated.

The provincial administration should remain and women be present to be in the administration from the sub location. Women should also be recommended. I recommend that women should also be employed as ambassadors or you Commissioners to be ambassadors.

I also thought that women should not be given just to be in the Ministry of Culture and Social Services, they should be given other ministries to man like the Ministry of Agriculture or Foreign Affairs or any other.

Inheritance; women should also inherit as men do. In the land control board, women should also be more because at the moment a few, in most of the boards they are just named one or two but I propose that there be three or half as many as men.

There is a freedom of worship in this country but I would propose that there be a limit in the worship because people have gone to the extent or worshipping the devil so I am saying there should be a limit of worshipping.

I also recommend that in the local authority, we have the town clerk and the mayors, I was proposing that these people should not be made to come anywhere in the country but they should belong from the same district for better running of the council. For better running, I recommend that the commercial and residential plots should be decided by an elected committee.

The matters of women to be manned by the Ministry of Culture and Social Services. I also thought that the Maendeleo ya wanawake should have a limit of the office, they should consider the education. The Maendeleo ya wanawake election, the other one they don't consider the education they just elect anybody that they have on the line. I propose that they consider education. One should have one office

The last and not the least, the beer taking in this country should be limited. Men are taking beer through out the day so I think it

is good if we limit the time of taking beer. There are some places they take throughout the day.

Com. Kavesta Adagala: What limit to them?

Marion Wairimu Kahiu: They should be given time limit.

Com. Kavesta Adagala: Thank you very much for a clear presentation Monica.

Edward Mbugwa: I was here throughout. Dear Commissioners ladies and gentlemen, my names are Edward Mbugwa. I have very few points to present this evening. I will start with election. I think we should have two terms of five years in both civic and Parliamentary elections. And also we must hold civic and Parliamentary elections on one day on a separate day. Presidential election should be held on a different day. Not the way we do it. The spacing should be after maybe three to four months. When we hold the civic and Parliamentary in January, we hold the Presidential election in April. Also the President after being elected, he is an MP yes but after elections he should relinquish the post and become the President of the republic but not as an MP of a certain area.

I will also move to job opportunities in Kenya. There is a disparity as regards to salaried people in Kenya or people who are earning. Somebody has said there are some people who are getting a lot of money, others were getting very few shilingis, we must have an independent Commission to look at peoples price and have an equitable distribution of Kenya as well. When it comes to increasing money, there are some people who are getting a lot of money at the expense of the poor wananchi. It must go hand in hand, it must at par and it must be at a given time even if it is once a year we must know all people are expecting something but not one group. The nurses getting this the teachers are fighting for this I think we are going to... yeah point taken.

Also in education we must revert to the quota system that was the best system ever because the good minds went to very good schools. That one must be reverted. Also we must also move to the former...

Com. Kavesta Adagala: Say that again

Edward Mbugwa: I am saying the quota system must be reverted. The quarters system of education. We must reverse to the old system whereby the quarter system must be abolished, sorry for the mix up. The quota system in Kenya must be abolished and we revert to the old system of the bright people getting to schools at that level. If you have 500 marks, 499, we follow that order not the quotar system.

On the education in Kenya I said we must revert to the old system of 7-4-2-3 that was the best system which I know of. The by-elections are very expensive venture, somebody said we should do away with those by elections. If an MP dies or if

somebody defects I think the runners up should take the position and we forget about the by- election that is my view. Also when it comes to the teaching fraternity, we have so many colleges here but we are getting people who are not well equipped to handle our institutions. For example when we have the head teachers, the head teachers in Kenya just like the other officers they must be given courses which are relevant to what they are going to do. In financial management I think you know there is a crisis when we appoint the head teacher who does not have any managerial skills or anything to do with accounts. Unless we assist those people our system is going to collapse, there must be a way of getting people who are good managers, they have the accounts, the capability. If we don't do that then we employ the accounts clerks in our primary schools.

On population, I think we cannot move ahead with the current trend of population census being done after ten years. I think we should try to revert to get away of knowing our people year in year out because when it comes to ten years it is difficult. We have the assistant chiefs, they can be assisting the Kenyan government in enumerating it's people at a given time within the censuses must be year but not the one which we do for two nights. These one must be a continuous process if somebody is staying in a certain place for about six or so months. Thank you so much Commissioners.

Com. Kavesta Adagala: You know what of the things about salaries is that there are not commensurate with the education that has been the biggest problem. So would you want these salaries Commission?

Edward Mbugwa: Yes we must have an independent Commission to look into people' pays that is what I meant because we have very few people getting millions....

Com. Kavesta Adagala: I am not disagreeing I am just wondering if you want to put in the education aspect.

Edward Mbugwa: The impression aspect is there but still we have people getting a lot of money.

Com. Kavesta Adagala: That one I agree, another one you have talked about a runoff after defection of the runner-up. The runner – up may be from a different party.

Edward Mbugwa: I think because since he was elected by the majority in that constituency then that one is clear. Thank you so much.

Com. Kavesta Adagala: Lastly?

Mwangi Munywa: Most of the views I had prepared to present have already been presented. I am Mwangi Munywa. First of all we must have a preamble in our Constitution which must state the aspirations of the people, the function of the Constitutions and their achievements which we expect to get from that Constitution.

The second point is that syllabus on the Constitution of Kenya must be introduced in at least the secondary education so that the students have knowledge about their Constitution. That is about the registration as a Kenyan citizen. I propose that someone who has completed high school automatically becomes a citizen of Kenya because it happens that most of us who are finishing high school below the age of 18 have to wait until you attain the age of 18 so as to get a national ID. So I suggest that because now education is compulsory, anybody who has gone through high school automatically becomes a citizen.

The next is the nomination of MPs. I want to propose that MPs must not be nominated by political parties but we should have a case where people who have in the Presidential elections attained at least 500,000 votes but have not been elected MPs those automatically become national MPs. We should also have needy groups, specific groups presented by MPs like the disabled people, the women and youth and an MP to represent the children's case. We should have the parties which do not attain at least one MP in Parliament should be dissolved after the elections until the next elections have been declared.

The next is on the answerability of the Head of State. The Head of State must be answerable to Parliament. The Parliament should have authority to question his decisions and to question his policies. It must also have the authority to impeach him if he is found guilty to have committed crimes in office. The next is on the appointment of ministers. Ministers must have qualified to serve in their respective fields. We can't have a finance minister who has never handled a financial position in any organization. We cannot also have a health minister who has no any experience in health matters. It also should be included that for someone to be appointed a minister he must not be necessarily be an MP because we have very many qualified personnel who are not politicians and so someone can be appointed a minister without necessarily being an MP.

The next is on the Presidential and mayoral elections. I propose that the President must not necessarily be a member of Parliament. He should be elected directly by the people and should not be an MP. mayors also should not be councilors. They must contest their seats as mayors and not be elected by councilors. This is so that they may be answerable directly to the people. Mayoral elections should not be held at the same time with those of civic leaders so that where the civic elections are being conducted then the mayor is in charge of running the affairs of the council. And when the mayoral elections are being done then the councilors are there to go on with the running of the council.

The next is that ministers and senior public officers who have been implicated by the Parliamentary Investment Committee, Parliamentary Accounts Committee and Auditor General reports should be banned from running public offices.

The next one is on the electoral period. Once an election date has been declared then the 90 day period then the country should be in the hands of an independent Commission which takes over government structures in offices so as to avoid the ruling party using the government structures in it campaign.

The next is on congestion in prisons. The point is not to build more prisons but we should look into alternative means of punishing law breakers and reforming them these should include community service, counseling services and maybe parole for the offenders.

Com. Kavesta Adagala: You have been going on endlessly.

Mwangi Munywa: then finally I would like to say that we should have a comprehensive document which should be made available to all Kenyans and if possible translated to languages which the Kenyans can understand.

Com. Kavesta Adagala: I wanted to ask you, this thing of ID card; it has a dimension to it particularly for young girls. Unfortunately particularly in areas, in those areas where there is early marriage. What happens to a young girl with a child and the police harass her but she doesn't have an ID and she is sixteen or seventeen. But even in areas like these we have young mothers and they have not finished either.

Mwangi Munywa: That why I am saying, if someone has not finished high school then she should be considered a junior. But somebody who has gone through high school has done his final examination in high school then that one should be considered an adult.

Com. Kavesta Adagala: I am trying to argue what you are saying so that you could think about it a little bit more. There are young women who are already mothers and they are not in school and they have not finished high school and they will never finish high school.

Mwangi Munywa: For those who have not gone through high school then they must wait until they attain the age of 18.

Com. Kavesta Adagala: There is actually that situation of young girls who are in that situation. Thank you very much we have remained as we were in the morning very few.

I would allow you only if you talk about something which has not been talked about at all. It has to be totally unique otherwise we would erase it. And it is a lot of madharau to leave other people sitting here the whole day then you come at your own convenience. We want to leave those bad manners behind.

David Kiugo: My name is David Kiugo I am the Vice Chairman Kenya National Chamber of Commerce and Industry. So I have a few things to touch on. I wish to give my view that dealers in the consumer industry are facing problems even to the point of closing shops. The point here is that a man with a distributorship and a wholesalership and a retailer ship under the same roof can decide to undercut the retailer by selling his products at wholesale price.

