

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS, IMENTI NORTH  
CONSTITUENCY, MERU COUNTY COUNCIL HALL**

**ON**

**22<sup>ND</sup> MAY 2002**

**CONSTITUENCY PUBLIC HEARINGS, IMENTI NORTH HELD ON  
22<sup>ND</sup> MAY 2002, AT MERU COUNTY COUNCIL HALL.**

**Present:**

Com. Githu Muigai  
Com. Ibrahim Lethome

**Secretariat Staff in Attendance:**

Solomon Mukenion - Program Officer  
Vincent Wataku - Asst.Program Officer  
Grace Gitu - Verbatim Recorder  
Muriuki Ruthiru - District Co-ordinator – Meru

**Meeting started at 9.00 a.m. with Com. Githu Muigai in the Chair .**

**Com. Githu Muigai:** It's a fruitful day, it is now 9 O'clock, we shall sit until 5 O'clock and in a very short while I will be telling you the ground rules of how we shall operate for the rest of the day. We will take a short break at lunch time, 30 minutes, to allow our Muslim brothers and sisters to go to the mosque and to allow the rest of us to have a little bite.

My name is Githu Muigai, I am a Commissioner, on my left is my colleague Ibrahim Lethome who is also a Commissioner. Out there are two of our officers who are recording verbatim, everything that you are saying, so please when we send the

mike out there to you, speak slowly and clearly into the microphone. We are recording everything that we say. Out there are our other colleagues who are registering your presence here, and taking your particulars coz at the end of this session, and at the end of our recording, we shall go back to Nairobi, transcribe the report and send it back to you so that you can check that we have taken everything down that you have said, because everything you say is important and meaningful. To start us off, because Kenya is a God fearing nation, I will ask two individuals to lead us in prayer, Sheikh Ramadhan.

**Sheikh Ramadhan:** (Arabic Dialect). Tunakuhimidi Mwenyezi Mungu, mwingi wa rehema, mwenye uwezo mwenye nguvu mwenye kila kitu. Tumekusanyika hapa leo kwa maslaba ya taifa letu hili la Kenya. Inshala Mwenyezi Mtukufu, utufungulie nyoyo zetu na fikira zetu kwa yote yale tutakayozungumza wakati huu wa mchana wa leo, yawe ni ya manufa kwa taifa letu ambalo kwamba Tumetarajia liwe ni taifa lenye mwongozo wa haki. Utuonyeshe penye haki na utuwezeshe kuipata haki hiyo na utuonyeshe pale penye akili kuifuata haki hiyo (Arabic Dialect) AMINA.

**Com. Githu Muigai:** Asante Sheikh Bishop Wilfred Kaburu.

**Bishop Wilfred Kaburu:** Tuendeleo na maombi. Mungu Baba, Mungu Mwana, Mungu Roho Mtakatifu, tunakusifu wakati huu kwa kutupatia nafasi ya kuwa pamoja, tunakushukuru kwa kutupatia safari njema kutoka manyumbani kwetu, tunakushukuru kwa kutupatia usingizi mnono, tunakushukuru kwa hii nafasi ambayo tunayo wakati huu kwa kuzugumza juu ya Katiba ambayo tunataka ya kutuongoza katika taifa letu la Kenya. Tunakushukuru kwa kuwa pamoja nasi kwa miaka ambayo imepita tukiwa katika uongozi wako tukitumia Katiba ambayo imetuongoza vyema wakati huo wote na sasa wakati wa kuangalia hiyo Katiba, tunaomba Bwana uendele kutupatia maoni ambayo yata saidia nchi yetu. Tunaomba ukawe mmoja wetu katika hiki kikao ili Bwana utuongoze utusaidie kusikilizana, tusaidia kuheshimiana, tupe kuvumilia wakati huu. Tunaomba hayo yote katika jina safi la Yesu Kristo Bwana wetu, Amen.

**Com. Githu Muigai:** Asante sana, sasa nitamuuliza Mwenyekiti wa County Council yetu, Bwana Stanley, na pia Mwenyekiti wa constituency committee Bwana Stanley Kura azungumze kidogo.

**Bwana Stanley:** Thank you very much. On behalf of the residents of Imenti North Constituency, I want to welcome the Commission here to this Constituency and on behalf of the Constituency committee I want to welcome the participants who are here to present their views to the Commission. I would request the participants to be articulate, brief so that everybody has an opportunity to present their views. I would also want to introduce members of the Constituency Committee who are here. Can they please stand up. We are only three of us and the Secretary; we have Murigi who is the District Co-ordinator, on my right here we have Florence Murugu and on my left Fredrik Rimiri. Others will be joining us within the course of the day. Thank you.

**Com. Githu Muigai:** Thank you very much, I will now invite Paramount Chief Nathan Mwirichia to say something before we

start.

**Chief Nathan Mwirichia:** Commissioners, mimi ni Naman M’Mwirichia, Chairman wa Njuri Ncheke katika region hii ya Meru. Nawatolea shukrani Commissioners, nyinyi mumefika hapa kwa ajili ya Katiba yaani kutusikiza, yaani msikie maoni yetu na tunafurahia kabisa kwa ajili ya kufika hapa. Tumeona maneno mengi kwa wale walikuwa wameshikilia mambo haya ya kutuendesha na mambo mengi ya kutufundisha mambo na siku hii ya leo tuna furahi sana kwa kuwaona, maana katika mahali pengine wale wengine wanapoingia tunafurahi. Tunajua wako katika North, na katika East, na katika South na nyinyi katika sehemu hii sasa siku ya leo tunafurahi sana kwa kuwaona. Yaani tunafurahi sana kwa kuja kutusikiza katika maoni yetu siku hii ya leo. Asante sana.

**Com: Githu Muigai:** Asante sana Paramount Chief Naman Mwirichia, I would want Ladies and Gentlemen, for us to agree before we start now, what language would you like us to use?

English or Swahili or both?

**(Audience)** Both.

Both okay. Feel free to speak in whatever language you want, if you are better in English or better in Swahili or better in Kimeru, there will be an interpreter. Let me very quickly go through the rules that I would like us to observe. First of all, this is a democratic forum. There will be many people here present whose views you will not agree with; you must respect the views of others. Don’t boo, don’t shout, don’t in any way interfere with the right of another person to say whatever they want, no matter how much you disagree with that. Please, we must observe that, remember every person is entitled to hold his or her views.

Two; we have a long day and we have limited time, please, please, please remain with your recommendations; we want your recommendations. Kenyans know their problems. If you want to say that you would like Government to provide free education, don’t tell us the problem of not having school education, we know it, just tell us what the solution should be. Please. That is one. Two you can present a memorandum to the officer who is by the door if you do so, you should not read the entire memorandum to us because we shall have an opportunity to do so. So if you have no memorandum, you have five minutes, if you have a memorandum you have three minutes to highlight the main parts of your memorandum and then we shall read it.

Number three, this is a forum that is free. All of you must feel completely free to say anything that you want, anything, relating to the Constitution of Kenya. We have no policemen here; we have no special branch here; we have no people who are here to listen secretly to what you are saying and punish you for it at any time. So you must say anything you want about anybody, including the Commission. If you think the Commission is a useless body, you must say so, if you think the

Presidency is a useless institution and should be abolished, you must say so fearlessly and honestly.

We are trying to record everything that you say, that is why we have the machinery you can see. Please try and keep noise levels in the room to a minimum because any noises that we receive interfere with the recording instruments. My colleagues have a microphone, so please don't rise from where you are seated, the microphone will be delivered to you, so that you can talk from where you are seated. Of course you may want to stand up and we have no problem with that, but don't move from the location that you have. Let me check whether my colleague has something to add, we have nothing to add.

The final thing is that you have registered in a sequence. We will call you in accordance with the sequence of registration. So please be patient. We however, understand that there are many people within our community who are very busy and have other things to do. We have teachers who must go out and teach our children, we have doctors, nurses and people around here, the Sheikhs who have to go back to the Mosque and give classes and so on. So we will try as much as we can to accommodate people who must leave. Otherwise please, let us follow the sequence.

On that happy note, Ladies and Gentlemen, after you have made your presentation Ladies and Gentlemen, you please remain seated because our officer will come to where you are, so that we may get your full name, your address, occupation and other important facts because you must appear in the final document that we prepare. My friend, my colleague and I must protect ourselves when we go to Nairobi, we don't want them to say did you manufacture these views? We must tell them these are the views of the people of Meru. We will now start off with Meru School for the Mentally Handicapped at Kaaga. Is the representative here? Please show your hand so that we may bring the mike to you. They are not yet here, Mburugu Kathurima are you there? Mburugu Kathurima is there; you have your four minutes Mr.Kathurima.

**Mburugu Kathurima:** The entire group Constitution of Kenya Review Commission and my fellow Justice Mwaga, good morning. It is with great concern that I feel honored to be here to at least contribute to the making of a new set of laws and principles that will help Kenyans, to not only maximize their duties fully but also champion their rights. The following are my opinions in the new Constitution.

First, the election process should be simplified in such a way that the votes should be counted where they were cast. This will help reduce the vote rigging and also it will minimize the cost and make work easier for the counting officials.

Secondly, is that the Constitution should safeguard and define the destiny of school leavers especially form four where we have a serious problem. This is where we see that if you are not able to join the university, then you don't have a chance unless you have somebody else at the top who can for e.g. intervene your case. So, it is my hope that for e.g. if you don't meet the university requirements and you attained for e.g. a grade between B- to C+, you have a chance of joining for e.g. the middle level colleges offering Diplomas and Certificate downwards. This will save parents from poor families who don't

have money or godfather's to intervene their case and also help to minimize corruption in our learning institutions.

Thirdly, my dear Kenyans, I will beg for institutions to cater for lower disabled and innocent people to make sure they are not deprived of their rights and to assist them to have the best life possible as any other Kenyan.

Fourth, is the Constitution to get rid of nominated MPs. The positions should be taken by less fortunate members of the community for e.g the disabled or the labour organizations for e.g. COTU, KNUT and so forth.

Fifth, is the Constitution to provide, both secondary and college students the right to form student union to champion their rights, and be sitting in the BOG and SENATE meetings respectively. It will be incomplete if the Constitution fails to guarantee the security of officials in their respective institutions.

Six, the Constitution to set the maximum age for presidency if it is allowed, 65 years and minimum 18 years, because as you all know leadership is a matter of wisdom and not age. Anybody may be beyond 65 years suffers from senility and this is the mental disorder suffering from old age. So if a person can marry at age of 18 years and become an MP or even a VP, what is so special with 35 years that you can't get laid off.

Seven, it is the creation of special courts to deal with domestic quarrels to make sure that our families live the best lives possible and the jury should comprise of people who are not gender biased. Otherwise, it is my hope that the so called people-driven Constitution will reflect the hopes for Kenyans which will in turn help them stop living in world of illusion and start living in a world of logic. Thank you.

**Com: Githu Muigai:** Thank you very much Mr.Kathurima, Zipporah Mbaya.

**Zipporah Mbaya:** Thank you very much I am Mrs. Zipporah Mbaya, National Vice-Chairlady of Kenya YWCA. We the YWCA of Kenya believe and recognize that Kenya is a religious state that allows freedom of worship. The YWCA of Kenya recommends to the Constitution Review Commission of Kenya that works on the removal of those conditions which deny some people especially women access to resources they could utilize for their economic development.

Develop clear legislation on land ownership, and particulaly limit the number of acres one should own to facilitate equal distribution of resources. Leadership by women in policy and decision-making levels, be encouraged and supported through Affirmative Action. Women be considered as individuals on their own right, while applying for passport, visas and credit from financial institutions. Women capability, at whatever level, in performing jobs that have always traditionally been considered male-oriented be recognized and opportunities available to women to hold such jobs. Mechanisms be put in place to reduce discrimination based on sex when it comes to issues of inheritance of property. Such will insure that both boys and girls, men

and women inherit property especially in case of death of parents.

There should be clear legislation to protect children from any form of exploitative practices and to ensure that they enjoy all rights due to them. Children are not denied their basic rights to health care, shelter, education and security. All Kenyan children have the right to a name, a nationality from birth, automatic citizenship, whether born to a Kenyan female or male parents, in Kenya or abroad. Care and support by both mother and father especially if born out of wedlock. And finally, the state ensures and guarantees that the girl child has access to basic education. They should be made compulsory. Laws are passed against pollution so that industrial companies and others are not allowed to use or damage natural resources. The Government and the other private concern ensure that industrial and technological development initiatives take place without harmful side effects to the environment. Thank you very much.

**Com: Githu Muigai.** Thank you very much Mrs. Mbaya, Margaret Mukami.

**Intervention:** She is deaf.

**Translator:** Good morning everybody, she is deaf. What I would like to say is the public transport. All people must service vehicles and they should have a driving lights. There shall be reserved seats of PWS with clear labels single and in the following manner. Buses must have more seats and shall be more in the business and help the disable see their seats. PSV should be given to travel bus and transport vouchers. The people in those public transport to treat PWS with dignity and respect, failure of which strong penalty should be imposed. The cost should be affordable, it's important to note that a normal bodied person gets a salary of Ksh.2000.00 and a wheelchair cost Ksh.50,000.00. The Government should offer hearing aid to the deaf and visual aid to blind people and wheelchairs to people with disability as welfare services. The drugs should be made available in all dispensaries and health facilities. Communication; Sign language should be the third language after Kiswahili and English and should be taught at all levels of learning. The Kenyan currency should have special mark to help the blind people.

Telecommunication services for the deaf should be introduced in this country. The Government should put in place identification cards to people particularly those with disability for provision of some of the essential services. The media should create job opportunities to all persons with disability because it does not involve much movement. The deaf should have an interpreter in TV. The media should be considered as in all coverage as to create public awareness. Newspapers should be in braille for blind people. People with disability should have programmes in radio and television and sponsored by the Government. Job opportunity should be given to the disabled people and paid the same as the other people. Thank you very much.

**Com: Githu Muigai:** Thank you very much Margaret Mukami, Stanley Kura? You are there Sir, okay go right ahead. Where is the microphone, thank you please say within the time limit.

**Stanley Kura:** Okay thank you very much. I am Stanley Kura from the Catholic Church. The new Constitution should have a preamble, which gives the Kenyan people the mandate and the strength to run the country. In the preamble, we should start with we Kenyans and then follows. The Constitution should be the supreme law of the country and to change it would require 75% of MPs. The status and systems of governance. In the Constitution there should be provision for the impeachment of the President upon misconduct and abuse of office. There should also be provision in the Constitution to pass a vote of no confidence to the serving MP and serving Councillor that is the Constitution should have a way of recording them if they don't perform. The Parliamentary Commission should be mandated to determine salaries and benefits of MPs and not MPs themselves. There should be in the Constitution, a provision for a coalition Government. And the new Constitution should also give us room for two chambers bi-cameral Parliament were the first one will have to be a constituency representation and the other one could be either ethnic communities or political party representation.

In the executive, there should be specific qualifications for a Presidential candidate possibly a University degree. The President to be declared a President, he should garner 25% in 5 provinces and 51% of the total vote cast. In cases where none of the candidates garners that then the two top candidates should go for a run-off within 14 days. The winner will be determined by simple majority. The Constitution also should limit the powers of the President such that Commissions would vet appointments made by the President. During the elections the President should have a running mate who would be the Vice-President.

In the judiciary, all judges should be appointed by the President after they have been recommended by the judicial Commission and the Law society of Kenya. In the local Government, the Mayors and the Chairmen of the County Councils should be directly elected by the electorate and also should have a minimum of education possibly form four education.

The electoral system and process; all Electoral Commissioners should have a minimum qualification of education possibly University degree and the current Commission which is 22 should be expanded to 28 members to cater for the increased demand by the Kenyans.

Basic needs should be included in the Constitution as the basic rights for Kenyans. In other words people should have shelter, food, health taken care of as rights within the Constitution. Rights of the vulnerable groups; the vulnerable groups, the disabled, the youth and the women should be taken care off in the new Constitution.

Land and property rights; individuals should have ultimate land ownership but this should be limited such that a few don't own too much when others have very little.

Management and use of natural resources; the management and the use of natural resources should benefit communities where those resources are, such that if it's a game reserve, then the communities around the game reserve should benefit from the proceeds from the game reserve. Parliament should vet the appointment of the Controller and Auditor General, and the Auditor General should have tenure of office so that he can be effective. To ensure transparency and accountability public officers must



declare their wealth and assets, all public officers, such that we shall be able to have transparency.

Environment and natural resources; in the Constitution environment and natural resources should be protected and more so endangered species especially the trees e.t.c.

Participation of the governance; in the new Constitution it should be entrenched that the organizations and persons with disability are able to participate in the governance of this country. Women organizations should also be entrenched in the new Constitution for lobbying for their participation in the governance.

Constitutional Commissions and offices; all Commissions and offices should be created through the Constitution, through the Parliament. Succession and transfer of power; either the Speaker of the National Assembly or the Chief Justice or the Chief of General Staff should be in charge of the executive powers during Presidential elections. The law should also stipulate when the outgoing President hands over office, the in-coming President should assume office immediately after being sworn in. The Chief Justice should retain the powers of swearing in the in-coming President. Thank you.

**Com. Githu Muigai:** Thank you very much, I am advised now that the Meru School for the Mentally Handicapped is here, are they? Okay then can we have Pastor Jacob Kioko.

**Pastor Jacob Kioko:** My names are Pastor Jacob Kioko of the Seventh Day Adventist Church here in Meru. To the Constitution of Kenya Review Commissioners, we the Seventh Day Adventist Church of North Imenti constituency believe that the Bible constantly affirms the role of Government as an instrument in the hand of God, for the establishment of law and order within the civil setting. We also believe the role of citizens of the Government as the bible comments that all citizens should be loyal and obedient to the civil authorities. The inhabitants of every state should respect and honor the leadership of the Government; that citizens should pay their taxes and other Government revenues faithfully; that citizens should be patriotic concerning their country and are always ready to defend, protect, guard and maintain the welfare of their nation through peaceful means. We do believe that we need to pray for the nation and the leaders of the land, and that they should warn and rebuke leaders when they go astray and more so contrary to the will of God as revealed in the scriptures.

Problems that the Seventh Day Adventist Church experiences in this country. Religious persecution towards students in schools, colleges and institutions of higher learning where they are denied permission to worship on Saturday and are actually forced to do the following things against their religious beliefs.

**Com. Lethome:** (Interrupts,) We know the problems that exist and we don't what people to give their problems. We want them to recommend the way forward. Tuambie, hayo matatizo yanajulikana, sasa ungependekeza kitu gani wanafunzi wa SDA watatuliwe matatizo hayo, tafadhali Pastor.

**Pastor Jacob Kioko:** Thank you, so that our church recommends that we have the right to profess or not to profess religion, to receive or not to receive religious instructions, to participate, or not to participate in any form of worship, to refuse to take oath contrary to personal convictions, to express openly personal religious beliefs or to maintain silence about such beliefs. To observe a day of worship of one's choice and not to be compelled to do any work on that day. Therefore, we Seventh Day Adventists, appeal for the new law to safeguard and guarantee our God-given rights to worship on the seventh day Saturday, as commanded by the Bible. Thank you very much.

**Com.Githu Muigai :** Thank you very much Pastor. Clement Kagundu. Please identify yourself to the person with the microphone.

**Clement Kagundu:** Mimi ni Clement Kagundu kutoka Rware location katika Meru District. Mimi ile kitu nigeonelea ni mambo ya DC. DC katika Constitution awe akichaguliwa na wananchi wa sehemu hiyo. Mamlaka ya PC iwe si ambavyo kama ilivyo sasa, na pia katika county councils ziwe zikiandika tuseme kwa nafasi ya Clerk, iwe ikiandika na yaweza kufuta. Kwenye mambo ya mashamba, Serikali ikifanya settlement yoyote, kwanza ifanye settlement ambayo iko na maji, iko na hospitali, na iko na shule kabla ya watu kupewa mashamba katika settlement yoyote. Asante sana Bwana Commissioner.

**Com. Githu Muigai :** Asante sana Clement Kagundu. Agnes Makena.

**Agnes Makena:** My name is Agnes Makena from Meru. The Commission of the Constitution of Kenya and my fellow spectators, I have a memorandum, although it is a repetition of the vulnerable groups, this gives even the Commissioners themselves how important this group is happening to be. I will talk on the main vulnerable groups, which are children, women and the disabled. Once back in 1977, a UN expert had made a research and found out that out of the world's population the disabled carry 20% of the world population, and out of this 20%,  $\frac{3}{4}$  comes from the third world countries, Kenya being one of them. And it is now feared that today, this population has gone up to 25%. Mind you this is a  $\frac{1}{4}$  of the world population, therefore the disabled is now a group that has to be reckoned with.

A person that has been disabled before was seen as a punishment from God for certain sins, which could not be mentioned. The Constitution should give the rights and regulations and protect the basic rights of the disabled. In South Africa where a Federal Constitution has been legalized the children and the disabled are being taken of. Legislative measures have been taken so that these people are given their priority. I feel that the disabled should be given special privileges so that this person can live alone with or without being married or without any job. The disabled in Australia have been kept in a way that they can live independently, in which case they have made feeding programmes and established rehabilitation centers and the Government has given special priorities so that these people are not left the responsibility of church charity organizations or personal pity.

And to crown it all, having considered that this group of people carries 20% of the population, representation in Parliament should be looked upon. It is my opinion that out of the MPs in Parliament, these three groups should at least take 40% which is supposed to be sub-divided further as follows: 20% goes to other women, 5% old men with disabilities and 5% goes to young men with disabilities and 10% goes to the youth. And out of this fair representation in Parliament then these three groups will not be left outside again. At least we should have disabled women representative in every province for better governance. The Government should be able to set up organizations like UNICEF or funding organizations, which can be able to give these people a better welfare. Somebody mentioned that a wheelchair is costing over 20,0000/= . So it is left at the mercy of the parent and the person who is directly related to this person, and therefore, one feels that he or she cannot be able to raise this amount.

Another issue that I will be able to look upon is education. We see that in South Africa primary school education has been made compulsory. This will minimize the street children and will also upgrade illiteracy in our country. The Government should be able to do this by putting up legislative measures to those people either a man or a mother who parent children and leave them in the street to suffer alone. Every child should be able to have the three basic needs of a person this is, food, shelter and clothing.

Economy: having seen that our economy can't be prepared at an earlier date, it is the duty of us Kenyans to be able to manipulate where you are. Some of the Government corporations or parastatals should be done away with. A unit like the Kenya School Equipment Scheme, you will all agree with me that this unit was established in 1976 and its aim was to produce basic scientific equipment for sale in schools and colleges at a fair price. But this unit is no more since primary schools now run the whole management by themselves. If the Government can dispose or sale or restructure this organization or transfer their duties to the Kenya Institute of Education.

Other organizations or corporations that either should be given private enterprises like KFA.

KFA has many people who even got shares from them but there is not even one year when we have even heard of farmers being given dividends from KFA. Other corporations with the same problem are Kenya Meat Commission, National Bank which can be incorporated to the members of Kenya or the AFC, because some of the corporations have the same duties and you find some people idle and the country is not strong enough economically to be able to work for somebody who is idle or someone who is doing nothing at least to earn any income or manipulate something for consumption. Therefore, this would also minimize the high rate of value added tax, because if there is a corporation that is always pumped money by the Government and that corporation is not generating any money then it means out of the 18% of the tax we charge from individuals or organizations then this money is quite enough that there is (interruption from

**Com: Lethome:** Please Agnes avoid the explanation, that is conceded. Go to the recommendation please, because we have

87 people we must listen to. Please go to your specific recommendation.

**Agnes Makena:** Investment, it is my opinion that Kenyans should be allowed to invest in their country alone since our economy is dying. This will also minimize people grabbing or defrauding public funds and then go to hide in other countries. I also feel that Kenya should have a Federal Government where the President should remain a ceremonial President and appoint a Prime Minister to run the affairs of the country. Also the powers of the President should be minimized in such a way that the three arms of the Government will work independently. Let not even one half of the Government try to overlap each other, let not the President have the power above the law, the Parliament at least this would minimize public funds (inaudible). Thank you.

**Com: Githu Muigai:** Thank you very much. Next we have Samson Kiamiri. Then Doris Gacheri, then Geoffrey Rukaria. Ngoja ushike microphone ndio tukunakili vizuri hapa kwa tape.

**Geoffrey Rukaria:** Jina langu ni Geoffrey Rukaria kutoka Ruwiiri Meru district. Mimi ni mkulima na mambo yale nitasema ni mambo ya mashamba. Mashamba yanatupa shida sana na nigepele mambo ya mashamba yawe dealt with au maneno ya mashamba yafanyiwe kwa district level hapana mpaka Nairobi. Kitu kingine ni (inaudible). Hiyo nayo nigepele ifanyiwe kwa district level na isipeleleke mbali. Maneno ya corruption ndio nayo nitasema, wale watu corrupt ndio wanapewa kazi ya kufuata corruption. Nigepelelele kama body ya corruption iwe hapana wale watu wanafanya kazi hiyo ya corruption. Kwa sababu corruption iko kwa upande ya watu wa Serikali na ndio wanaambiwa wa-deal na corruption na hiyo haiwezekani. Kuandikana watu wana pata shida sana kwa sababu body za kuandikana ziko nyingi sana kwa hivyo ni vizuri kama body ya kuandikana iwe moja. Retire iwe ikipewa kwa haki bila kupendelele. Mtu akiwa mgonjwa apewe medical retire na mtu mwingine aandikwe kufanya kazi yake. Na Commission wale wanaendelele na kazi hii ya Katiba wapewe uhuru wao hapana kusumbuliwa kwa sababu watu wa Kenya wanapenda kusumbua watu na bado kazi inafanywa. Kwa hivyo wapewe uhuru. Hata watu wengine wale wanakaa kwa Serikali wapewe uhuru wa kufanya kazi pamoja na wananchi ndiyo kitu kizuri kipatikane. Kuna watu ya serikali ningepelele wawe wakikaa kwa office zao kwa sababu ukihitaji kusaidiwa hawako kwa office zao.

Na kitu kingine ningepelele ni maneno ya security; security hapana iko sawasawa na ningepelele watu wa Kenya waangalie mambo hayo sawasawa kwa sababu watu wanasema security iko sawasawa lakini tunashindwa na watoto wa mtaa na kule Nairobi kuna sehemu moja ambayo watoto wa mtaa ndio wanatawala. Kwa hivyo wafanye bidii sana.

Kitu kingine ningepelele education board iwe ile yakufanya maneno ya kusimamia education. Iwe ni ya wale wenye watoto kwa shule fulani ndio wawe kwa mstari wa mbele katika hiyo shule kwa sababu watu wengine hawashughuliki na maneno ya watoto. Maneno ya dawa za kulevya, ningepelele wale waalimu ambao wamefuzu katika chuo ki-kuu wapewe nafasi ya kuenda kwa mafunzo ya CID kwa miezi mitatu waelezwe kuhusu kuinga madawa ya kulevya kwa shule zao. Na watu wale

wana wasichana ambao wame-qualify kwenda katika chuo kikuu singependa wakae nyumbani kwa mwaka moja, ningependa waende masomoni haraka sana kwa sababu wakikaa sana wanafanya mambo ambayo si mazuri. Maneno yangu ni hayo.

**Com. Githu Muigai :** Asante sana, sasa tutarudia Meru School for the Mentally Handicapped.

Wamefika sasa? Please pass the microphone to them.

**Representative Meru School for the Mentally Handicapped:** Hawa ni watoto kutoka shule ya Meru school for the Mentally Handicapped Children na wana kitu kile wanataka kuwambia Commissioners wakiwa wote. Halafu wakimaliza mimi nitasoma points zile wameandika.

**Watoto:** Sisi watoto walikuwa na akili punguani, tungependa kusomeshwa na Serikali bure, kwa sababu miaka yetu haina mwisho.

**Representative:** Sasa nitasoma ile tungependa Serikali itufanyie hawa watoto.

**Com. Githu Muigai :** Tafadhali ufanye hivyo kwa muhtasari.

**Representative Meru School for the Mentally Handicapped:** Yes, it's in point form.

1. Law that all the mentally retarded person in the country should be taken to school.
2. Schools dealing with mentally retarded persons, be equipped with workshop.
3. They need to be given free medical care.
4. Jobs fit for their abilities.
5. Be considered when the national cake is being shared.
6. Free education where cost sharing is not involved. Thank you.

**Com. Githu Muigai:** Thank you very much Meru school for the Mentally Handicapped for your very brief and concise presentation. I will now ask the Hon. MP for this area to make a presentation. We welcome Hon. Mwiraria.

**Hon Mwiraria:** Mr. Chairman, first let me welcome you to North Imenti and say that you have an extremely important task of getting for our country a Constitution that we hope will last forever. I am a Member of Parliament on a Democratic Party ticket and therefore am a member of the National Alliance for Change. As a group we have already submitted to you our recommendations in writing, so what I will do today is very briefly to highlight some of our recommendations.

First of all, let me say that I want to start with areas which have caused concern in the recent past. One of them is on citizenship. It is my view that our section of the present Constitution on citizenship is not fair to all. Nataka kusema ya kwamba

katika Katiba yetu tuliyo nayo leo, mwananchi, citizenship unawabagua akina mama. Tungependa Katiba mpya ihakikishe kwamba Mkenya, akiwa mwanamume au mwanamke, akiolewa na mtu kutoka nje huyo mtu ana haki ya kuwa Mkenya. Siku hizi mimi nikitoka niende nchi nyingine nioe mzungu, nikimleta atakuwa Mkenya. Lakini mtoto wangu akienda aolewe na mzungu na akirudi nyumbani huyo mzungu hana haki ya kuwa Mkenya. Kwa hivyo tungeomba wanawake and wanaume wawe kitu kimoja.

Katika haki za binadamu, Bill of rights, kuna mambo kadha ambayo hayako ndani yake, moja ni haki ya Mwanakenya kuwa na mila zake na tungependa Katiba mpya impe Mwanakenya haki ya kufuata mila zake, kufunza mila zake, bila kupingwa au interference kutoka kwa Serikali. Nikichukua mfano mmoja, na nafikiri hii inatokea kila mahali Kenya, zamani Wameru walikuwa na mila zao, na watoto Wameru walikuwa na nidhamu, walikuwa wakiheshimu mama na baba, mtu akiwa mkubwa anafundishwa vile atakavyotunza nyumba yake, bibi yake, watoto wake na mambo mengine. Kulikuwa na Serikali ambayo ilikuwa inaongozwa na wazee wa Njuri Ncheke. Hawa wazee walikuwa watu wanajulikana kuwa na hekima, watu wa integrity kwa Kizungu, na watu ambao wakikata shauri inakubaliwa wamekata kwa ukweli. Ombi langu ni kwamba Katiba yetu iwape Wameru nafasi ya kuendelea na mila zao, iwape Wajaluo nafasi ya kuendelea na mila zao, ili Kenya tunayokuza kutoka leo iwe ni Kenya ambayo ina mila.

Tukiongeza kidogo, lugha zetu zinaanza kuwa ngumu siku hizi kwa sababu sote zimeenda kwa kingereza. Ningependa lugha ya mama iwe ni lazima ifunzuwe kwa shule. Kama ni mtoto wa Kimeru, awe lazima ajue kusoma na kuandika Kimeru na kuzungumza vizuri kwa sababu siku hizi, Bwana Mwenyekiti, unasikia hata mimi napata taabu kidogo kuongea Kiswahili sanifu, kwa sababu hatutumii sana, lakini kama tunataka kuwa taifa linaloheshimiwa duniani, lazima tuwe na lugha ya taifa kama vile Kiswahili. Lakini Kiswahili hakitakuwa na nguvu kama sisi hatutaanza kujifundisha lugha ya mama.

Jambo langu lingine ambalo ningependa kusema, ni kwamba siku hizi kuna watu kwa sababu ya umasikini, wanatumia watu wetu vibaya. Mtu anakuja na anaenda mahali anachukua mtu anamwambia naenda kukupeleka kazini, na akimpeleka kwake, anamfungia kama vile mtumwa. Hatutaki utumwa wa aina yoyote hapa Kenya, hatutaki mtu kufanya kazi bila kwa kupenda kwake. Ningependa pia katika haki za kibinadamu, Bill of Rights, Wakenya wapewe haki zao za privacy. Hatutaki mtu akikutwa na polisi njiani anateswa kwa sababu hajui haki zake. Kama mtu anachukuliwa ni mwizi, basi polisi wawe na kibali cha kukagua nyumba yake lakini haki ya kuwa na siri zako, nyumba yako isipekuliwe bure, mali yako yasipekuliwe bure na vitu vyako kama vile simu yote haya yawe pia kwa Katiba. Ningependa kuongeza kidogo pia niseme, tungependa mwananchi Mkenya, asifichwe chochote na Serikali yake, awe na haki ya kupata information ile itamusaidia kujua haki zake za kibinadamu. Information ambayo nchi yake inaweka siku hizi kuna vitu vingi sana confidential, top secret na haya mambo yote ni mambo ambayo Serikali yetu inafanya kwa niaba yetu. Tunataka tujue ili kama kuna mtumishi wa Serikali anafanya mambo ambayo sisi mazuri, tunajua na tunazuia mapema.

Bwana Mwenyekiti, niendeleo kidogo nizugumze sasa juu ya Serikali za mikoa. Mimi na vyama vetu tungependa Serikali zetu

za mikoa zipewe nguvu za kukusanya pesa ili waweze kuhudumia wananchi wanaokaa katika sehemu zao. Tungependa, na hapa tunaachana kabisa na mtindo wa leo, tungependa Provincial Administration iondolewa kabisa, kuwe na Serikali ya wilaya ambayo imechaguliwa, ma-Councillor ambao wamechaguliwa na wananchi na chini ya hiyo Serikali kuwe na wafanyi kazi, civil servants, wanaohudumia wilaya. Kwa hivyo baada ya kuwa na Bwana DC tuwe na executive officer wa county council, baadala ya kuwa na medical officer wa health tuwe na mkuu wa afya wa district na awe ndiye anachunga mambo ya afya kote katika wilaya. Ningependa hiyo itokee kama kwa elimu, kwa afya, hata kuchimba barabara, zile kubwa ziachiwe Serikali kubwa, lakini lazima Serikali ikubali kuwapa local Government mali na hali ya kufanya hiyo kazi.

Bwana Chairman, tungependa tuwe na Serikali ambayo ina vifungu vitatu, hiyo iko kwa memorandum yetu ambayo ina watu ambao wanatawala, bunge ambayo inatengeneza sheria na korti ambazo zinasikiliza kesi za wananchi. Tungependa kuhimiza ya kwamba lazima hivi vifungu viwe mbali mbali na atakayetawala akiwa ni Rais na watu wake, mawaziri wake, wawe hawawezi kuingilia Bunge, na Bunge haiwezi kuingilia judiciary, na judiciary haiwezi kuingilia mtu yeyote, kuwe na independence kabisa. Kwa sababu taabu moja tuliyo nayo hapa Meru hakuna shaka iko kwa wingi, tafauti zetu zina taabu kubwa, mtu akienda kwa korti, kama ana pesa anapata judgment kwa upande wake. Na kwa sababu magistrate wetu wanakula hongo, tungependa kuwe na independence kabisa, kuwe na Commission ambayo itachagua majudge ambao itakuwa inawakuza, lakini hata kama Rais atahusika awe tu ni baada ya kupewa habari ni nani mzuri and ni nani atakayechaguliwa na hiyo Commission ya Judiciary. Hivi leo tuna Parliamentary Service Commission ambayo imeanza kufanya kazi na hapo hakuna taabu kubwa, na tuna public service Commission na Commission zingine za kuchagua wale watawala. Lakini Judicial Commission tungependa iwe na madaraka na iwe ndiyo itakuwa inachagua majudge wetu na kuwapa muda wao.

Kitu kingine ninaomba Bwana Chairman, vyama vya siasa vinahudumia wananchi, lakini taabu tuliyo nayo kubwa hapa Kenya leo, ni kwamba vyama vya siasa ni masikini, hawana pesa ndiyo unaona wabunge wananunuliwa na siyo wame-defect, ni kwa sababu wanapewa pesa kidogo. Kitu ambacho tungeomba ni Serikali iwe inatoa pesa ya kusaidia vyama vya siasa. Hii inafanyika kwingineko ulimwenguni, Wajerumani wanapewa pesa kulingana na kura ambazo chama kimepata katika uchaguzi uliopita na ningependa hiyo ifanyike hapa Kenya; na tungependa kuzuia watu wawache kuruka ruka kwenda vyama vingine kama vile malaya. Tungependa mtu akihama chama chake asiruhusiwe kusimama tena.

Jambo lingine muhimu kabisa ni ardhi yetu. Nafikiri Bwana Chairman, hakuna kitu kingine kinawasumbua wananchi kama ardhi hapa Kenya. Inaleta taabu nyingi na kwa sababu hakuna ardhi ya kutosha kila mtu apate kipande ndiyo sababu unaona kama sasa unapata misitu inakatuwa bila kujali, watu wanaingia huko, na hata tukifanya nini hatutapata ardhi ya kutosha. Lazima tuwe na Katiba ambayo inachunga ardhi yetu, ambayo inachunga misitu haswa, kwa sababu kama hatutaki kuwa jangwa lazima tuchunge misitu na tuendelea kuiongeza. Kama sasa nafikiri ni mbili kwa mia tu, 2% ya ardhi ya Kenya ndiyo iko na misitu. Na kitu kingine hapa kwetu wazee wakipeleka mambo ya ardhi yao kortini hawapati haki. Tungeomba kesi zote za ardhi za wananchi zipelekwe kwa wazee wa Njuri Ncheke, kuna land tribunal, kwa sababu wazee hao wakiwa wamechaguliwa vizuri, ndiyo wanasaidia wananchi. Tungependa, kwa sababu ardhi ni muhimu kabisa, tungependa wazee wachunge hiyo. Yangu ya



mwisho kuambatana na ardhi, hapa Kenya kuna ardhi nyingi imenyakuliwa kwa mabavu, imekuwa grabbed without any proper allocation. Kwa sababu kuna mambo mengi yataharibika, ningependa kuwe na Commission ya ardhi. Na hiyo Commission iwe ndiyo itaamuwa kama ardhi imechaguliwa, itauziwa wananchi au la. Kwa maoni yangu ni kwamba ardhi ambayo imechukuliwa na mtu, amechukuwa ardhi ambayo ilikuwa ya shule, hospitali na kitu kingine, kuwe na Commission ya kushughulikia haya mambo yote ikiona kuna makosa inarudishia wananchi ardhi yao.

Jambo langu lingine ni juu ya pesa za uma. Hapa Kenya tuna Katiba ambayo inawapa Serikali yetu nguvu za kutosha kodi na inasema hizo pesa zitatumia namna gani. Miaka iliopita hapa tuseme kama katibu mkuu wa fedha, Nairobi, anaenda anavunja Katiba, anachukua pesa bilioni kadha anatumia kwa njia ambayo haijaruhusiwa na Parliament. Akifanya hivyo tukiwa Public Accounts Committee and I happen to be there, tunaambiwa hatuwezi kutumia chochote kwa sababu alitumia hiyo pesa kwa kazi zake binafsi. Lakini kama Katiba ina mapendekezo lazima yatimizwe. Ombi letu ni kwamba ikifikia public finance, mtu wa Serikali ambaye atavunja Katiba atumie pesa bila idhini ya bunge, pesa aliyotumia ichukuliwe na yeye afikishwe kortini na ahukumiwe.

Kitu kingine Bwana Chairman, wakenya tunaulizana je, tunaelekea wapi? Nani atakuwa President wetu? Katiba yetu iliyoko sasa haitoi mapendekezo ya kitu gani kitatokea tuseme kama President anaaga dunia. Tungependa Katiba mpya iwe ina pendekezo la kusema President akiwa anaendelea na kazi yake, akiaga ieleze ni nani atakuwa Rais; kama ni Vice-President, atachukua kwa muda gani. Sisi tungependa kama President ameanza kipindi cha miaka mitano, na ametumikia miaka miwili ile iliyo baki mitatu Vice-President wake amalize na nafikiri hiyo ni mzuri iwe kwa Katiba, siyo kitu cha kufikiriwa na cabinet na watu wengine, hatutaki period of uncertainty.

Kitu kingine Bwana Chairman, Katiba yetu tuliyo nayo tumegeuza huko Bunge mara nyingi sana, na kwa muda wa saa moja tunageuza kitu muhimu. Ombi langu ni kwamba hii Katiba munayotayarisha iwe na pendekezo ya kuzuia Bunge isiwe na uwezo wa kubadilisha Katiba bila ya kufikiria vizuri kabla ya kuleta mabadiliko. Tungeomba kama Bunge inataka kugeuza Katiba, wananchi waulizwe, kuwe na national referendum: munapenda tugeuze hivi au vipi? Hatutaki kuwa na Katiba ambayo itakuwa nzuri mwanzo na baada ya miaka miwili, tumbadilisha zile nguvu kulikuwa tumeondoa kwa President na kumrudishia zote. Tunataka kuwe na national referendum as a requirement before we can amend the Constitution.

Kitu kingine ambacho tunaomba kiwe kwa Katiba na kiwe hatuwezi tukageuza na hata Serikali haiwezi kugeuza, ni kwamba constituency ziwe zinategemea wingi wa watu. Kama mbunge mmoja anatakikana awakilishe watu elfu mia moja au elfu mia moja hamsini, kuwe hiyo ndiyo nambari itakayowakilishwa na kila mbunge bungeni Kenya. Hatutaki wabunge wengine wawakilishe watu million moja na wengine elfu saba. Tunataka kuwe na haki. Hiyo ndio maana ya kuwa na one man one vote. Katika uchaguzi wa President na wabunge na ma-Councillor, tunaomba Electoral Commission yetu, iwe independent, isiwe inaingiliwa na mtu yeyote. Hatutaki kisa kama kile cha 1997 ambacho kilitokea Tumepiga kura mchana kutwa, saa kumi na mbili imefika halafu office ya Rais inasema tuongeze uchaguzi na siku moja. Nataka iwe ni kazi ya Electoral Commission, kama



Commission itafanya hivyo iwe huru, isiwe chini ya office ya Rais au office ya mtu mwingine yoyote.

Kuna mambo mengi kwa elections lakini mengi ya hayo yako kwa memorandum yetu. Ombi langu ni moja tu, kwa sababu kuna wizi wa kura zikibebwa kutoka polling station kwenda mahali zinahesabiwa, tungeomba kura ziwe zikihesabiwa kituoni zinapopigiwa, zinahesabiwa halafu watu wanatoka hapo na agents wanajua fulani alipata kura halafu zile results ndizo zinaenda counting hall kujumuishwa. Hatutaki kura ziwe zinabebwa kama vile zilikuwa zinabebwa mbeleni.

Katika uchaguzi, jambo langu la mwisho litakuwa hili Bwana Chairman, ni vigumu sana kwa sababu ya mila zetu kama Wakenya, kuchagua kina mama wengi, kuchagua watu ambao hawajiwezi wengi kwa bunge. Kwa hivyo tungeomba bunge liwe na wale watu ambao wanachaguliwa kwa kura ya wananchi na wale ambao wanachaguliwa na vyama kulingana na kura vyama hivyo vinapata kwa uchaguzi. Hawa watu ndio tutahimiza lazima wawe akina mama, lazima wawe watu ambao hawajiwezi, lazima wawe watu ambao wanatoka vikundi vidogo vidogo. Kwa sababu kwetu tupende tusipende kuna ukabila na mtu anaweza kuja hapa Meru awe kabila lingine itakuwa vigumu sana kwake kushindana na Mumeru lakini anaweza kuwa ni mtu Mkenya ambaye anahudumia wananchi na ambaye angependa mtu wake aende Bunge ya Kenya. Kwa hivyo tungeomba hao watu wanaochaguliwa kwa proportional representation wawe ndio wanatumikia minority, akina mama, watu ambao hawajewezi. Tungependekeza kuwe kama sasa tuko wabunge mia mbili na kumi waliochaguliwa, tuongeze wengine mia moja na tano 50% of that number iwe imechaguliwa through proportional representation.

Jambo lingine ambalo tungependa liwekwe kwa Katiba ni kwamba kwa sababu kila Mkenya ana haki ya kupiga kura, Mkenya yeyote akifika miaka kumi na nane anapewa kitambulisho chake na wakati ule ule anapopata kitambulisho chake, anapata kura yake, ili kusije kukawa na haja ya kusongamana kwa watu wakitafuta kura na wengi wao hawapati. Ningependa kuhimiza kabisa na iwe ndani ya Katiba, ni haki ya kila Mkenya kupiga kura na wakati anapopata kitambulisho chake awe akipata pia kura yake. Taabu ingine ambayo tunayo kwa uchaguzi ni kwamba siku hizi, tunaruhusu watu walio ndani ya Serikali kupiga campaign na mali ya Serikali. Tungeomba ya kwamba Katiba iamuru ya kwamba hata President mwenyewe hawezi akatumia magari, ndege za uma akienda tutafuta kura. Kura, mtu kama anataka, atumie pesa yake, mali ya uma isitumiwe kabisa kwa kutafuta kura. Sijui kama wananchi wanakubaliana nasi lakini hatuoni vizuri.

Nafikiri nitaendelea, ombi langu lingine ni kwamba uchaguzi wa wabunge na President na wengineo lazima iwekwe ndani ya Katiba ya kwamba uchaguzi utafanyika mwezi fulani baada ya miaka mitano. Kama sisi hapa Meru, tunakumbuka sana 1992 na 1997, kura zetu zinaletwa wakati wa mvua ile kali kabisa, zile long rains, na hata kutembea kwa watu ni vigumu sana. Tungeomba wakichagua mwezi, wachague mwezi ambao weather nchini Kenya mzima, na iwe ni lazima baada ya miaka mitano, chochote kikitokea, lazima uchaguzi uweko, hatutaki President awe ndiye atakuwa akiamua ni lini anataka uchaguzi, tunataka uchaguzi uwekwe ndani ya Katiba ili wananchi wawe wanajua, baada ya miaka mitano tutachagua mtu mwingine.

**Com. Githu Muigai:** Mheshimiwa kwa muhtasari tafadhali, muda unaenda sana.

**Hon. Mwiraria:** Kwa muhtasari naweza kumalizia hapo nikihimiza ya kwamba, katika Katiba mpya lazima nguvu tunazompa President wetu, zipuguzwe. Hatutaki mtu awe juu ya sheria yoyote. Tunataka hata kama ni President, akikosea Wakenya, wabunge wapewe haki ya kumuuliza je Mzee unafanya kitu gani? Hata kama wanataka kumuondoa kwa kiti, wamuondoe, tunataka hiyo iwe ndani ya Katiba. Nafikiri kusema ukweli sisi hatutaki kuwa na President mwingine aliye na nguvu alizo na President wetu wa sasa.

Na nikimalizia kabisa, niombe tena kwa hisani yenu, muhakikishe Katiba ya Kenya huko siku za usoni haitageuzwa na Bunge bila kujali. Wakitaka kugeuza Katiba yetu na wanataka kugeuza kitu ambacho ni muhimu, lazima warudi kwa wananchi kama hawa waliokaa hapa na wafanye referendum, wananchi wapige kura wanataka au hawataki kugeuza Katiba. Maana zile Tumegeuza miaki 35 zimetuumiza sana.

Kwa hayo machache ningewashukuru tena niseme kwamba sisi tungependa kwenda kwa uchaguzi ujao tukitumia Katiba mpya. Kwa hivyo muna kazi ngumu na nigewaomba mujitahidi mumalize mtupe Katiba mpya kwa sababu tunafikiri hii Katiba mpya itakuwa imeletea nchi yetu mambo mengi, na kwa sababu ya taabu zetu zilizo hapa ni usalama. Hakuna kitu kingine kinasumbua watu wa Meru kama ukosefu wa usalama na tunajua Katiba yetu iliyoko leo, ina kifungu ambacho kinasema kila mtu ana haki ya kulindwa na Serikali ili mali yake, vitu vyake, afya yake isiharibiwe na mtu mwingine hata akiwa na nguvu. Tungependa kuhimiza kabisa hiki nikitambacho tukikikosa hakuna nchi. Asante sana.

**Com. Githu Muigai:** Asante sana Mweshimwa kwa maoni yako, wananchi tumempatia Mweshimwa muda kushinda wengine kwa sababu ni mbunge wetu sasa nitawasihi turudi kwa kila mtu dakika tatu tatu kwa sababu tuna watu mia moja hamsini ambao wanataka kuzungumza, tafadhali. Sasa kwa haraka sana tungetaka kusikiliza Geoffrey Rukaria yuko, ashamaliza, Ali Hamisi Mugambi, Bwana Hamisi tafadhali, kwa haraka haraka.

**Ali Hamisi Mugambi:** Asante Bwana Mwenyekiti, mimi jina langu naitwa Ali Hamisi Mugambi natoka Bore division, Ruware location. Pendekezo langu pia ningependa lipendekezwe katika Katiba ni Katiba isimamie upeanaji wa busary za wanafunzi wanaoingia kwenye kidato cha kwanza hadi cha nne. Kwa sababu kuna watoto wengi ambao kwamba wazazi wao hali yao ni dhaifu na wale watoto ni werevu na hawana namna ya kwendelea na elimu.

Jambo jingine Bwana Mwenyekiti, ningependekeza sisi watoto wetu wapewe elimu ya bure kutoka darasa la kwanza mpaka la nane, kwa hivyo tunaweza kupiga hatua ya kutosha.

Jambo jingine Bwana Mwenyekiti, ni kuwa hali yetu ya mashamba ya viongozi wanaoshughulikia hali ya mashamba wanatuendesha taratibu sana. Ukitizama kwa mfano, kuna watu walipewa mashamba leo ni zaidi ya miaka 30 lakini hawana title deed. Je, title deed kurekebisha inachukua muda gani, na sisi huambiwa ya kwamba ni makaratasi hujazwa, na watu

wakahakikishiwa hayo mashamba ni yao na ikawa hilo shamba mtu amepewa title na anaweza kufanya maendeleo katika lile shamba. Kwani mtu akiwa hana title ya shamba hawezi kufanya maendeleo katika lile shamba.

Jambo langu la mwisho, Bwana Mwenyekiti, ni wale wafanyakazi wa Serikali wanaostaafu. Unaweza kukuta amestaafu mtu mwaka huu akachukua miaka mitano kabla hajalipwa ridha yake ile anafaa kulipwa. Kwa hivyo, Bwana Mwenyekiti, huyo mtu kama hajalipwa ridhaa, mimi ningependekeza jambo hili liwe huyo mtu alipwe mshahara kama vile alikuwa akilipwa kazini baadala kama yeye ni mustaafu hajalipwa ridha yake na hapati mshahara anadhalilika. Kwa sababu ya muda ulivyo mchache sitaendelea zaidi ili tuweze kusikiza wengine. Asante.

**Com. Githu Muigai:** Asante sana Mzee. Geoffrey Ringera, yuko Bwana Ringera, ufanye kwa muhtasari tu tafadhali.

**Geoffrey Ringera :** My name is Geoffrey Ringera, I am representing Wendi Runji Water Project and my contributions are as follows. Number one is on representatives, the Councillors and the Members of Parliament. Our proposal is that any of these people who don't perform, we need a mechanism of recalling them back so as we can have those who are more effective to continue representing us.

Number two is on those people who are disadvantaged. We feel that those people who are disadvantaged should be given jobs even like the police so that they can also serve in the registry and the other places where they do not need to run after suspects or criminals.

Then next is the devolution of power; we suggest here that the President should not be given all the authority to appoint the civil servants, Permanent Secretaries and so on. So we suggest that those who are civil servants should be appointed by the Public Service Commission, all of them from the Permanent Secretary downwards, and those in the judiciary should be appointed by the Judicial Service Commission. This will be able to have control over the positions.

On natural resources; we suggest that the local people be allowed to care for their own environmental resources like forests because they know the advantages of having forests within them. On afforestation we suggest that all the hill tops be planted with trees so that those people who are today farming on hilltops can have their portions of land taken away by the Government and they then can be given some pieces on the Government land maybe some portion of the forest should be demarcated and then the forest be replenished.

On security; the police should be allowed to go hire houses, they rent them like anybody else so that they can know the problem we are facing. Because whenever we have thieves around our places they don't respond to our request fast enough and we also think that they are participants in the thuggery, so we request them to be allowed to rent houses. On the same issue the police should not be allowed to investigate themselves when they have committed a crime, because anytime the police are

investigating themselves they cover their colleagues and nothing of good comes from that.

On land matters; we suggest that the survey fees be reduced. On land Boards, we suggest that the land Boards and tribunals have 1/3 of their members women. On taxation cases, we have found that they are becoming very hard for anybody to get land from taxation cases so we are suggesting that the fee which is already too much should be reduced or completely be waived.

On medical services, we suggest that hospitals provide medicine free of charge; and on recruitment, we suggest that when there are jobs available, let those who finished school first get the employment and the rest follow suit according to job availability.

On energy provision; we suggest that the Kenya Power and Lighting be liberalized and we have competition. We should do away with monopoly so that at least we can get power because today we are having a lot of problems, nobody is getting power when they need it.

On cash crops; we suggest that the market be liberalized, we abolish the middlemen. Then on agricultural input they should be subsidized and at the same time, loans be given from the District Loans Boards so that the farmers can at least have the ability to supply Kenya with the crops that are required.

On schools; we suggest that education should be free right from nursery school to the university level so that we can reduce the poverty and illiteracy that we are having currently. On those people who are economic saboteurs, we suggest that anybody who is found sabotaging or stealing Government money should be made to repay and be taken to court for proper justice. Thanks, that is what I wanted to say.

**Com. Githu Muigai:** Thank you very much. Bishop Wifred Kaburu, is he here? Bishop please try, I notice you have a written memorandum, please try and summarize.

**Bishop Kaburu:** As you have heard my name is Kaburu, a Bishop in this locality. Constitution amendment; in case of 75% majority votes to amend the Constitution by Parliament. Parliament should be allowed to amend the Constitution with an exception to clauses that require national referendum in case from 66% to 75%. Parliament 80% majority vote to hold our national referendum should be encouraged.

Electoral Commission of Kenya; the Electoral Commission of Kenya shall be established as an independent organ of the state, 17 Commissioners who shall be holders of University degree from recognized Universities and addition be professionals in their own fields. They shall be men and women whose single gender shall not exceed 60% of the composition. They should be in this category: political parties to nominate 5 people; religious organizations to appoint 2; legal fraternity 1; COTU/KNUT 1; Federation of Kenya Employers 1; women fraternity 2; NGOs 1; executive arm of the Government 1; Attorney General and

High Court 1; disability person 1.

Coalition Government; the Constitution should allow provision for either coalition Government or Government of national unity as long as the Parliamentary parties are willing to co-operate with the political party with majority of elected members which forms the Government. The Constitution must protect multi-party democracy.

The executive; the Constitution age limit for the President should be 35 years and not exceeding 75 years when contesting for the seat, must be a graduate with a university degree, must have held a senior and executive public office within Kenya, must pass the prescribed moral and ethical qualifications that MPs candidates have been subjected to, must declare his wealth, which must be published in the Kenya gazette for screening by a Parliamentary committee. What about the Presidential elections? For the President candidate to be declared the winner in a Presidential election, he must get more than 50% of the cast votes. If none of the candidates scores 50% of the votes, then there should be an electoral run off for the top two candidates. If the President dies or leaves the office by resigning, being incapable or is impeached, the Deputy President should finish the remaining term of life of the office before the next Presidential elections.

Parliament must have its own calendar namely: first session must start from January to March, then the second session May-July, third session September to November, hence Parliamentary work should be a full-time job. Age limit for MPs, one should qualify to be elected MP between ages 21 and 75 years. Education qualification for an MP, he should be a holder of university degree from a recognized institution of learning, and this automatically eliminates need for language test. I am winding up.

Rights of women; these are not fully guaranteed in the Constitution. Right of inheritance of property or estates from fathers to their daughters, right of share by married women of their husband's property in case of separation and divorce.

Finally, succession and transfer of power; the Constitution should spell out actual dates that the Presidential elections are held, the date the President takes the whole post of office and the last day in office. The term of office to last exactly five years. Since the elections will be held before the Presidential term expires the leaving President should continue to hold executive powers. The Presidential election should be declared at every polling station by each returning officer after the results have checked and verified by all the representatives of the candidates for Presidential elections. The Chief Justice to conduct the swearing in ceremony with prayers conducted by religious organizations.

Registration of voters; the registration of persons and issuing of national identification cards of those who have reached the maturity age of 18 years must be a continuous exercise at the district level. At the same time, the person should be simultaneously be registered as a voter. Majimbo; our Constitution should not cater for majimbo. Political parties; political parties must look for their own funding. That is the end.

**Com. Githu Muigai:** Thank you very much. Ali Suleiman, Ali Suleiman followed by Bishop Lawi Imathiu. Is Bishop Imathiu here, no, that will then be followed by Said Mohamed and Majid Mohamed you are ready? Okay.

**Ali Suleiman:** Mimi ni mgonjwa kidogo lakini nitajaribu. Mimi natoka katika around hapa town Mahondo. Mimi ni District Chairman wa SUPKEM, kwa hivyo ningependa kuzungumzia katika hii Commission, ningependa kuzugumzia watu saba. Na nikianza katika watu saba nilikuwa nikitaka kuzungumzia kutoka juu ambao kutoka juu President, PC, DC, DO, Chief, Sub-Chief, na sub-area. Watu hawa ni watu saba tukitoka chini hapa tunamuhesabu na sub-area, tunamuhesabu sub-chief, tunamuhesabu Chief, tunamuhesabu DO, tunamuhesabu DC, tunamuhesabu PC, tunamuhesabu President wetu. Kwa hivyo kuna mtu yuko chini hapa sana anakanyagwa bila ya kujulikana na watu hawa sita ambao kama tunamwita sub-area ambaye yeye ndiye mwenye kujua kila kitu katika kijiji usiku au mchana. Mtu huyu hatambuliki, mtu huyu yuko chini na jina lake ni kubwa, kiti kikitendeka usiku au mchana ndiye anajua. Na yeye ndiye hujua zaidi kabla hata police hajajua, chief hajajua, DO hajajua, mtu yeyote yeye ndiye anajua katika kijiji. Ningependa watu hawa wafikiriwe sana na wapatiwe chochote katika Serikali. Namaliza yangu. Asante sana.

**Com. Githu Muigai:** Asante sana Bwana Suleiman. Umechukua muda vilivyofaa. Said Mohammed.

**Said Mohammed Iqbal:** Thank you Mr. Chairman. Good morning everybody. These are the views of Meru Muslim-Asian Business Community channeled through the Muslim Association of Meru of which I am the Chairman, my name is Said Mohammed Iqbal. We propose that our Constitution should definitely have a Preamble and it can be worded in the following lines:

Thank you Almighty God for enabling us the people of this beautiful country Kenya to gather together to participate in this Constitutional process bearing in our minds that it is been a cause worth the effort, and by your love and guidance we the citizens of this country do hereby humbly adopt for the betterment of our society and to lead us far into the new millennium our beloved Constitution.

Secondly, the directive principles of state policy; we are of the opinion that state power should be clearly defined in the Constitution. Issues of freedom as far as they relate to religion democracy should be addressed adequately. Kenyans have diverse values which we might not be able to outline but the general principle should be to uphold these values in order to promote unity and maintain our integrity. These principles definitely need to be enforceable in law so as to check performance be it moral, economical or cultural.

Constitution supremacy, more often than not powers to amend the Constitution have been misused in the past and to safeguard against the same, we propose that a national referendum should be done to enact the same. Issues relating to lands, religion and citizenship should not be amended at all without first of all appointing a Commission in order to protect the most important

aspects.

Citizenship; any person who is a citizen of any country subscribing to the EAC can apply for registration to be a citizen in Kenya. This also means that a Kenyan citizen should be allowed to hold not only dual but multiple citizenships so long as the Constitutions of other countries concerned permit that. All citizens of this country must have equal rights irrespective of race, religion or gender. They must uphold the integrity of this country and the Constitution should allow freedom of opinion and worship. Kenya should not be obliged to get any form of identification but a new system may be initiated whereby the state shall maintain a database of all citizens and the citizen only needs to quote his number, which may be verified at the local police station.

Defence and national security; we also propose that the police and intelligence to be clearly defined and the roles of the officers be outlined. The Constitution should give a citizen the right to object against police torture and right to (inaudible) representation. The doctrine of innocent until proven guilty should be upheld and thus we propose a separate body comprising of citizens at local level to be set up to monitor police behavior and also to fight for the basic rights.

Structures and system of Government; we propose that the Presidential system should be maintained but the powers of the President be reduced. The legislature, Parliament should vet the following: the AG, the Cabinet Ministers, Chief Justice, Commissioners of areas, institutions and departments, Speakers and his Deputy, Permanent Secretaries. Parliament should have unlimited powers to control its own standing orders. An MP job should be fulltime considered they are paid heavy salaries. The concept of nominated MPs should be abolished. Instead we propose that the number of seats to be allocated to religious institutions and the minority including the disabled and the Asian community.

The judiciary; the current judiciary system has failed the people due to injustice and delay in solving disputes. We propose that a jury system should be introduced and the role of Judges and Magistrate reduced to just delivering the sentences. We further propose that Kadhis be appointed to seat in each and every court but with specific dates so as not to interfere with other cases.

They should have similar qualifications as the regular Magistrates and most importantly, cases decided in the law courts, Kadhi courts can only be appealed to a higher court with senior Kadhi seating. The Chief Kadhi should only decide appeals from the high as far as related to Muslim cases. All Kadhis and Chief Kadhis should be appointed by Muslims through reputable NGOs and societies. The Kadhi's court should handle all matters relating to Muslim and not restricted only to marriage, divorce and succession. The Holy Koran of the Muslims should only be kept when the Kadhi's court is sitting but in case the other courts may wish to use the same only the witness should handle the Koran and not a non-Muslim.

Basic rights; the following basic rights should be included: right to education, right to proper health care, right to own property, right to worship without interfering with the peace of the society. The rights of vulnerable groups, the Constitution should provide benefits for the disabled for example free traveling for the blind, special school for the disabled, weekly benefits for the



upkeep if they are not capable of fending for themselves. The Constitution should also forbid child abuse and should impose great consequences for defilers like death sentence. Muslim students should not be compelled to attend mass at Christian schools and should be allowed to wear hijab and to wear uniform in accordance with the Islamic law.

Land and property rights; the individual should have the ultimate ownership. The Government can have the right to a private land but in very extreme situations, and the party involved must be fully compensated. The registered owner of a parcel should be free to apply for a transfer or to use or to dispose the said parcel without any restrictions and should not be compelled to present his family at the land boards. Infact we propose that the land board be abolished and the powers be transferred to the land registrar. Stamp duty should be abolished to land given as a gift or sold to family members and also for land acquired for the purpose of Muslim cemetery and mosques.

Cultural, ethnic and regional diversity and communal rights; Muslims all over the world have been condemned and portrayed as terrorists which in itself is a violation of our fundamental rights. We propose that severe penalties be imposed on the perpetrators, Muslims should not be subjected to special scrutiny so as to give our negative image.

Management and use of natural resources; public officers should be met to declare first of all their wealth. The Government should reduce its spending so as to reduce the burden of taxation instead of looking for ways to increase their revenue, they should first reduce it's spending on its citizen. Put in measures to stop corruption. Security, infrastructure should be also be improved to restore the investors' confidence.

Succession and transfer of power; before dissolution of Parliament we propose that an interim cabinet should be formed which shall be responsible for the transition. The Electoral Commission should declare the President on live television. The President should assume office immediately so as to put in place a new Government. The President should be sworn in by the head of his religion denomination. The instruments of power should be transferred immediately after swearing in at State House. The Constitution should provide for the past President for security, welfare, monthly allowance, housing, pension and entertainment allowances and also be immune from legal process as far it relates to his term in office. The above points are not exhaustive but relate to the opinions of the Asian Muslim community in Meru. Thank you very much.

**Com.Githu Muigai:** Asante sana, I take it that is a joint statement. Jason Imathius not here, Susan Gitobu, Jason uko hapa? Pole basi patia mike, wewe ndiwe Johnson Gitobu. Okay will call you later when you are ready. Susan Gitobu, the same with Susan, James Muthuri Mungania okay.

**James Muthuri Mungania:** My name is James Muthuri Mungania and I recommend the new Constitution must come up with the two types of Government. It must come with a central Government and local authorities. In the local authorities, we have these types of local authorities: we have the city councils, municipal councils, county councils and division councils. Election to



those authorities must be separated from the present system of parliamentary representation. We have a single date for the local authorities. Mr. Chairman, the qualification for Councillors, I recommend it to be form four. Independent candidates, Mr. Chairman must be allowed in the new Constitution to stand, if you don't belong to any party so long as you are registered and you are Kenyan, you stand. Electoral areas, Mr. Chairman, must represent the people, the population and not in the present system in the town where you have a ward and electoral area without people. Resignation of a Councillor, a Councillor must be allowed to resign at any time and by-election held. Elected period in the local authority, Mr. Chairman, must be five years. Election of Mayors, Deputy Mayors, Chairman and Vice-Chairman of local authorities, those must be elected by the residents of the area of that county council of the city, that is, they must be elected by the residents and they should not represent any ward or an area. Mr. Chairman, vote of no confidence must be allowed in the new Constitution that a Mayor can be voted out at any time, Mayor and Deputy Chairman or Vice-Chairman. But in the new Constitution it must provide that if that is done by the Councillors, that council must be dissolved immediately and elections be held for that area. Nominated Councillor Mr. Chairman; a nominated Councillor must be allowed to serve five years, should not be kicked out at any time by the party or whoever has nominated him, he must serve a complete five years, like an elected Councillor. The local authorities must provide the audit for the finances being collected, that is, there must be a local authority auditor who will be able to audit the finances and the report be made available to the residents of the particular area. Employees, Mr. Chairman, local authority Commission must be brought in the new Constitution and be directly controlled by the local authorities.

Land, Mr. Chairman, public land; there must be a central lands board which will take possession of all public land in the country, that is plots, beach plots, forests and everything. They take possession of those and they will be answerable, they will be allocating them and this should not be vested to any particular person.

Mr. Chairman, pension for Councillors; there must be a pension and the Councillors be provided with pension, those who are there and those who have been there in the past. That is the present system, we have the executive President, we have an Upper House the Senate and we have a Parliament. Executive President must have the powers to appoint a cabinet or Government executives, Judges, all Army Commanders, but all of them, Mr. Chairman, they must go through the Parliament. Once you make an appointment, any appointment, it should be approved by the Lower House and the Upper House, and the Upper House we must have the powers Mr. Chairman to reject any appointment by the President.

Election of the President; Mr. Chairman, the President must be allowed to serve a term of five or ten years, maximum ten years, period ten years. The election for the President must be fixed by the Constitution, the Constitution must give us the date and the election should be held for two days. But Mr. Chairman, let elections not come on the wet seasons, let them provide the election during the dry season so that people can turn up. Mr. Chairman, the election of President and Vice-President must come together, that we have a President and Vice-President being elected directly by the voters. In case the President dies while in the office, or any reason, then the Vice-President will take over the remaining period, that is if the President is sworn and dies after one year the Vice-President be allowed to serve those remaining four years. Mr. Chairman, if the Vice-President

serves four years and we come to the election Mr. Chairman, let the Constitution provide that the Vice-President who has served be allowed to stand as a President for ten years.

Upper House Mr. Chairman; we have an Upper House with a number of 70 elected senators and out of it we have 16 women, and there should not be at all a nominated senator, the senator should be the wish of the people. Election of the senator Mr. Chairman let it come after five years, and the Senate election can be combined with the Lower House. The Lower House Mr. Chairman, let be for five years but it should be based on population. Any Member of Parliament be allowed to represent an area with a population of hundred thousand people and with the present population we will come up with two hundred and ninety elected members, out of which 32 seats will be reserved for women, and 20 be nominated and the total membership cleared is 52 for the Lower House.

Mr. Chairman, pension; let the pension be provided by the Constitution, the Constitution must provide how much the Members of Parliament should be paid after retirement. They should not go into Parliament and vote for them a million shillings, Mr. Chairman, let the Constitution say how much they should be paid.

Judiciary, Mr. Chairman; we have these four types of Judiciary system: we have a Supreme Court, Court of Appeal, High Court and Magistrate Court. The appointment of Judges and all those people, let it be approved by Parliament and approved by the Senate. The President can make appointments but let them be confirmed by Parliament. Mr. Chairman, we have the two types of army. The Constitution must provide three types of army: military, air force and navy. The appointment of those commanders must be done by the President, but all of them must be approved by the Senate and the Lower House. Mr. Chairman, in case an army is required or a special army is required let the Parliament approve it. Mr. Chairman, the present police and administration police must be one police force.

Education, Mr. Chairman; let the Constitution provide free education up to Standard Eight for everybody, for any child. Health, Mr. Chairman, let the Constitution provide medical health care for all Kenyans. Mr. Chairman, let the pension board let the pension be applicable Mr. Chairman we have a scheme -----.

**Com. Githu Muigai:** We have heard you Sir, on the pension please summarize. We have heard you on MPs' pension and councils.

**James Muthuri Mungania:** Land ownership; finally, land ownership Mr. Chairman, let individuals be allowed to own land as much as they can so long as it is taxable. Tax must be levied on it. Foreigners Mr. Chairman, let the foreigners own land but let them Mr. Chairman, not be allowed to borrow money internally and buy the land, and the Constitution must provide what type of land, that is coffee estates, large estates, they buy beach plots with the money.

Mr. Chairman, the law; let there be nobody above the law. Let the President be prosecuted Mr. Chairman. Let the Constitution allow the prosecution of the President at any time if he is in the office or outside. Mr. Chairman, individual rights, let us be allowed the freedom of speech, freedom of demonstration without a license at all. If people want to demonstrate, let them be allowed by the Constitution. Mr. Chairman, finally I am very brief, the state, Mr. Chairman, let the Constitution provide the ownership of the state corporations but a minimum of 40% shares, that is Kenya Airways, railways, and power generating companies, atomic reactor and telecommunication. The minimum the Constitution provide 40% shares. Mr. Chairman, finally let the Constitution provide that the Government will be responsible for setting up the following institutions: agricultural laboratory, national health laboratory, national livestock laboratory, public training institutions, public universities.

**Com. Githu Muigai:** Thank you very much Sir, please hand over your memorandum, is Bishop Lawi Imathiu here now, thank you very much Mr. Kioga, Mr. Kennedy Kinoti, is Mr. Kinoti here please?

**Kenneth Kinoti:** Kwa jina naitwa Kenneth Kinoti, mimi ni Chairman wa Wazee walio retire. Wazee kuna wengine mshahara wao ule wanakuja kuchukua kutoka kwa locations zao kuja kuchukua hapa ni shilingi mia tatu. Na shilingi tatu inaishia kwa gharama ya transport peke yake. Mtu mwingine anatoka Egoji anachuku shilingi mia moja, kwenda na kurudi ni shilingi mia mbili na anakuja kuchukua shilingi mia tatu, hiyo mia moja inabaki hata dawa haitoshi. Kwa hivyo naomba Serikali iangalie mishahara ya hawa wazee wanapata kitu kidogo sana. Tena wa angaliwe habari ya madawa hosipitali, hiyo shilingi mia moja au mia mbili haiwezi kutosha hata kununua dawa kwa hawa wazee. Wazee wamechukuliwa kama wale makatabila kufanya siku nyingi na wanavujwa wanatupwa, waangaliwe. Kila review ikifanywa hawa wazee hawaangaliwi.

Ya pili ni mambo ya Prosecutor katika court, Prosecutor hawa ndio wanashika police na ndio wanarudi ku-prosecute katika court. Hiyo inatakiwa iwe kama High Court, iwe na watu wa kuprosecute kama State Counsel.

Mambo ya colleges; college tuko na watoto na wengine baba zao ni masikini hawana pesa ya kupeleka watoto college, mtoto amefanya vizuri amemaliza shule lakini college fee, hawezi ku-afford. Kwa hivyo nao wapewe busary wasome, halafu wakimaliza college, warudi wakatwe kwa mshahara kitu kidogo kidogo halafu anamaliza, kwa hivyo (inaudible). Ni hayo tu. Asante.

**Com. Githu Muigai:** Asante sana umeweka maoni yako yakawa mafupi vizuri zaidi. Godfrey Kimathi, Bwana Kimathi tufuate hivyo hivyo Tumeonyeshwa na Mzee Kinothi.

**Godfrey Kimathi:** Asante Commissioner, jina langu nini Godfrey Kimathi na natoka Nthimbiri. Maoni vile ningependa Katiba iwe kwa mambo ya uchaguzi, ningependa Rais kuchaguliwa na kura 51% na Rais asiwe mbunge. Kwa wabunge, ningependa wabunge wasichaguliwe kuwa mawaziri. Mbunge awe ni mbunge na hakuna kazi ingine anafanya, na mbunge awe akiwakilisha watu kutoka elfu tano mpaka elfu hamsini. Kwa county council ningependa Mayor awe akichaguliwa na watu na chairman wa

county council wawe wakichaguliwa directly na watu, washichaguliwe na ma-councillors. Tukija kwa elimu, ningependa shule ziwe za bure, watoto wakisoma kutoka darasa la kwanza mpaka university, halafu shule iwe iko na ule mtindo wa zamani uliokuwa form five na form six, ndiyo tupate watu wakienda university wawe hapo ndiyo wanachujwa. Wakisoma class one mpaka form four, uwe mtihani wa kwanza halafu wanakwenda form five, wakimaliza form five wanachujwa kwenda university, na hiyo yote iwe ni bure.

Kwa vyombo vya kutawala nchi, Bunge liwe ni Bunge na lina uwezo wa kupiga kura ya kutokuwa na imani na Rais. Rais asiwe ana mamlaka kubwa kuliko Bunge.

Utawala; Rais, office iwe ndiyo inatawala na ndiyo inasimamia wizara zote zile ziko kwa Serikali. Mahakama, ningependelea mahakama iwe ni huru haiingiliwi na mtu yeyote na iwe inaongozwa na mkuu kama Judge mkuu na kuwe na Waziri wa Sheria, halafu Attorney General atakuwa ni mtu wa kumpa Serikali mawaidha. Halafu ningependelea kuwe na tunaita kama ni Commission ya kwandika wafanyi kazi wa Serikali, kusiwe mtu kama anataka anachaguliwa kuwa Permanent Secretary awe amethibitishwa na Commission halafu Rais anamuchaguwa na Bunge pia ithibitishwe.

Kwa mambo ya umri wa Rais na wabunge; ningependelea mbunge awe na umri wa miaka ishirini na tano na awe mwisho wa kuchaguliwa kama mbunge au Rais ni miaka sabini na tano. Elimu ya wabunge na Rais, hawa watu lazima wawe wana degree, wana shahada fulani na ujuzi wa ile kazi atakuwa amechaguliwa. Kama ni mawaziri wawe wakichaguliwa na Rais, lakini wasichaguliwe kutoka kwa wabunge, wachaguliwe kutoka kwa watu mashuhuri, yaani wale wana madegree kama ni ya ukulima huyo ni mtu wa ukulima, achaguliwe kama waziri kama ni daktari achaguliwe ni daktari wa kusimamia health, na mambo kama hayo. Yaani kila mtu akichaguliwa minister awe ana utaaluma wa ministry yake.

Habari ya kuunganisha taifa; mimi ningependelea taifa liunganishwe na lugha moja ikiwa ni Kiswahili iwe hiyo ndiyo lugha ya taifa na Katiba iandikwe kwamba mtu kutaja jina ukabila ni kuvunja sheria, mtu ukiulizwa wewe ni kabila gani huyo amekuuliza amevunja sheria. Na vitambulisho, vitaabu na kila mahali kusiwe kuna jina ukabila, yaani jina ukabila, hakuna mahali popote litakuwa liki-appear katika taifa la Kenya. Kwa hawa madiwani, madiwani ningependelea madiwani wachaguliwe kutoka form four. Na akichaguliwa kutoka form four awe amepita mtihani wa Kiswahili na Kingereza. Nafikiri sababu yangu nimeandika kama memorandum, Bw. Chairman nitawapatia halafu, itaingizwa.

**Com. Githu Muigai:** Asante sana, asante sana Zakia Mohammed yuko, hayuko Caroline Kathure, Faith Mworia,

**Faith Mworia:** Thank you, thank you Mr. Chairman. I will present my memorandum but the few points that I have to say are on education. As an educator, these are some of the recommendations that I would like make. First of all, the Government should provide free education for its Kenyan citizens or actually specify up to what level it can afford to fund the education. Secondly, the ministry of education should give refresher courses to teachers and inspectors as a means of raising education

standards in our public schools. Also, we recommend that the Government should make education universal, which would reduce the cumbersome bridging courses being done by students going abroad for further studies. Also the Government should assist in funding expenses like special courses like medicine. We also recommend that basic subjects for professional careers e.g. agriculture, music, art and craft, business etc be taught and examined at all levels. We suggest that some primary schools, secondary schools and tertiary institutions offer these subjects to cater for those students wishing to study them, subjects can be placed into class that allowing flexibility in educational system.

We also recommend that in teacher training colleges specialization should be introduced to enable different teachers to train in areas of interest and ability, and above all we also recommend that civic education be a continuous process and it should also be a subject to be taught, to be introduced in the educational curriculum where topics like the Constitution of Kenya, be taught as a subject. This will enable our students to understand the Constitution that is governing them and prevent the kind of situation that we have. Thank you very much.

**Com. Githu Muigai:** Thank you very much for a very brief and succinct presentation. Zakia Mohamed.

**Zakia Mohamed:** I am Zakia Mohamed, am from Meru. Okay on Preamble; we the people of Kenya united in our diversity recalling the struggle for independence, the social economic and political injustices experienced in the past committed to the establishment of a society based on democratic values, social justice and fundamental human rights, determined to have a society in which the Government is based on the will of the people where every citizen is equally protected, having fully participated in a people-driven Constitutional process, hereby solemnly adopt enough and give to ourselves and our posterity this reviewed Constitution this day.

Direct principles of state policy; we are of the view that we should have the direct principles of state policy clearly stated, we propose the following principles:

Principle of democracy be set out; e.g. our Government is based on democratic values that we shall devolve power, that we shall work towards establishing unity, peace and stability, that we in shall set up institutions of conflict resolutions and attend to achieve consensus in matters of state importance, that we shall defend and uphold the dignity and integrity of our state, that we shall uphold shared values be they religious or cultural (inaudible), these I'll just point out some points other than give out the memorandum.

On the issue of citizenship; we propose that any of the following be automatic citizens: any child born in Kenya or born to Kenyan parent, adopted by a Kenyan parent. We also propose that visitors with a valid entrance visa and any investors residing in Kenya for at least five years be awarded citizenship upon application. That all Kenyans regardless of their gender be accorded similar citizenship rights. Both genders should have the right to pass citizenship to their spouses and children. We

propose an amendment that will allow dual citizenship. The rights and obligations of citizens be stipulated and all citizens regardless of how they acquire their citizenship should enjoy equal status. After the amendments above proof of citizenship should be national ID cards, passports and birth certificates.

On defence and national security; the Constitution should set out the governing of defence and national security. Defence and national security should be subject to the authority of Parliament, where Parliament will regulate the object power and functions of any disciplinary force established under the direction of Parliament. We propose that disciplinary force that we have only one defence force which must be structured and managed as a disciplinary military force and whose primary object will be to defend and protect the country, its territorial integrity and its people in accordance with the Constitution and the principles of international law. Regulating the use of force; we propose that a cabinet member of Parliament e.g. a Minister incharge of defense to be made responsible for this force.

On police; the police structured to function in national, provincial and local authorities. The Police Act should state the powers and functions of the police so that they may be able to function effectively. The main objects to be: to prevent combat and investigate crime, to maintain public order, protect and secure all people and properties within the boundaries of Kenya. To uphold and enforce the law, a cabinet member in charge of the internal affairs to be responsible.

On political parties; we are of the view that political parties are important in any democracy and that they ought to play a much bigger role as they do now. They should work towards the realization of their manifestos; they should practice democracies within their structures and operations. They should assist in poverty eradication, creation of job opportunities, education in economic improvements, strategies and empowerment of people e.t.c. We are also of the view that the Constitution should regulate the formation, management and conduct of political parties. Political parties should not be limited as these will interfere with the Constitutional rights. Three major Parliamentary parties should be funded with the Government revenue. These major parties should only qualify if they have national outlook and have the interest of the country in their operations.

On the Judiciary; we propose various changes in the Judiciary, as the current system has not served us well. Head of Supreme Court we feel that we should have a regional court for East Africa that will otherwise deal with functions of a Supreme Court. As we want to have a Constitutional culture we propose the establishment of a Constitutional Court. We propose that other than Judges, other judicial officers be appointed by the Judicial Service Commissioner. Those being appointed should inter alia have the following: first degree for Magistrates, others to have proper professional qualifications, be of high moral standing, maximum age 60 years. We propose a tribunal to discipline Judges and other Judicial officers made up of Chief, Judges and other persons of high moral standing. Kadhis and Chief Kadhis should have an LLB degree in Islamic Sheria and graduates of Kenya School of law. Kadhi's and Chief Kadhi's to be appointed by the Judicial Service Commission or recommendation by three Muslim institutions to be identified by the said Commission. We propose that the Kadhi's Court to deal with also matters of children, matrimonial properties, administration of the estate of a deceased Muslim, work properties. For Muslims to fully

enjoy the freedom to worship and effective implementation of the Sheria, it would be imperative that the Kadhi's Court be up to the appellate level. The judicial powers of the state should be vested in an independent judiciary. The Constitution should ensure that all people have access to the court by simplifying the court procedures and providing legal aid to all deserving citizens, irrespective of the type of case. We propose that we should continue to have judicial review of laws made by the legislature. Thank you.

**Com. Githu Muigai:** Thank you very much, we will now go to Joyce Muriuki, is she here? Joyce Muriuki you are here, please it is your turn now.

**Joyce Muriuki:** Thank you very much, my names are Joyce Kagendo Muriuki. I am a women's leader and I hereby represent mostly women views because the current Constitution doesn't care for women. So let me start with land and property rights. Every Kenya both men and women must have equal access to ownership and control of land and other productive resources. Recognize and protect inheritance rights of widows, widowers and orphans and all categories of women. Land Commission should be institutionized 50/50 representation of women and men, mandatory 1/3 membership for both sexes should be represented on committees dealing with land issues such as tribunal adjudication and registration. Remove impediments that have kept women accessing and controlling property both in the private and public sectors, cultural, social, traditional and legal and political issues e.t.c. Take measures to provide similar access to land and property to all women, especially women with disabilities. Limit should be set and spelt out in how much land individuals should own and also a limit on individual, which individual should remain with on selling land.

Basic rights and basic needs; the Constitution should protect basic rights which include health care, water, food, education, shelter, security and employment. Gender parity in decision- making should become a basic right e.g. both genders must have a right to equitable representation in decision-making at all levels. The right to own land and own property for all Kenyans irrespective of gender or marital status should be up-held by this Constitution. Psychological and social-economic security of Kenyan woman should be guaranteed. That is the Kenyan woman should suffer no form of oppression that reduce her dignity and esteem as a Kenyan. Domestication the convention of the elimination of all forms of discrimination against women, that is freedom and that should be contained in our Constitution and ensure domestication of the same.

Management and use of natural resources; all bodies charged by the Constitution or statute to manage the natural resources must have at least 1/3 representation of women. Issues like the degazetting of forest and disposal of the natural resources should be controlled by the Constitution and vetted by Parliament. The Government should enforce registration of the protection of natural resources and the environment. The drafting and enactment of a Waste Management Act to prevent the pollution of environment. Constitution should clearly provide and the Government must protect forests and all natural resources as well of all trust and Government land.



The Affirmative Action policy; the Constitution should make provision for Affirmative Action in favor of women and the vulnerable groups. It is a legal (inaudible) the historical marginalization of women. The Affirmative Action in the content can be viewed as a matter of justice and equity and human rights. There should be Constitution provision of the minimum of at least 1/3 representation of women in Parliament, local authorities and other public offices. Women and men should have equal rights and acquire identification documents such as ID cards and passports. The right to obtain national identity should not be premised on the existence of a or the physical presence of a husband. Also there should be an Ombudsman office where women can take their views if they are raped or if there is any domestic violence they don't want to say it in public, they could go to that office and tell the officers their views.

Culture and national issues. The Constitution should do away with bad culture and cultural practices like FGM, wife inheritance and early marriages. Succession and inheritance law should support women in the new Constitution because culturally women did not inherit from their fathers and more so married women. There should be equal representation of both men and women in decision making at all levels of national development. Equality before the law for all citizens irrespective of gender or social positions. Citizenship, that one I will leave with my memorandum then I go to executive.

Executive; the minimum education requirement for a candidate so that he may be liable for being a President should be at least a university degree. Presidential tenure should be limited to two five-year terms. The mandate to appoint political officials should be handled on merit by a Commission and with a vetting power of Parliament. Further, this Commission should have one 1/3 representation of women as to ensure that women's rights are catered for. The power to appoint Judges of the High Court and the Court of Appeal should be transferred to a Commission but not by the President which must be composed of at least 1/3 of women representation. The President should not be above the law. The President should be separate from Parliament as the President in his political capacity may influence the voting to his advantage. He still retains the assenting right, as he is the head of Parliament. The President should be ex-officio Member of Parliament and not an MP and if the President is a man, let the Vice-President be a woman, or if the President is there let the Prime Minister be a woman.

Then we have political parties; for political parties to be registered as such, it should have a national outlook with representation from various provinces and at least 1/3 should be women. The Constitution should regulate the formation on management and conduct of political parties. The Constitution must ensure that Affirmative Action policy is employed with the composition of political party structure; at least 1/3 of all the officials of political parties must be women. The Constitution must ensure that party nominations to electoral seats follow the principle of Affirmative Action. Independent candidates should be accepted to contest in any seat, either in local or Parliamentary seat. Political parties should be funded by public funds to prevent any individual from dominating a political party on the footing that he has made large contributions.



Women with disability, women with disability should be given equal opportunities.

**Com Lethome (Interjection):** Excuse me please, be brief.

**Joyce Kagendo Muriuki:** Okay, women with disability should have equal opportunities as other persons. When we come to civic rights voting for all persons with disabilities shall be entitled as per request to be assisted by a person of their choice during voting. Also adaptation of sign of languages to people with disabilities, braille to blind and also those who can't hear, there must be a way of them understanding what is going on with the Constitution. Thank you very much.

**Com. Lethome:** Thank you. Can I have now Elizabeth Karuirwa is she here? Elizabeth Karuirwa. Okay, if she is not here I will go back now to the list again and call Tinaine Kubaison, are you here? Okay.

**Tinaine Kubaison:** Asante Bw. Mwenyekiti, mimi naitwa Tinaine Simon Kubaison na mimi ni mwalimu. Ah ningependa kutoa maoni yangu na wenzangu ambao tulijadhiliana nao kutoka Nabune. Kwanza ningependa kusema kwamba sisi tu napendekeza Rais wa nchi hii achaguliwe kama kawaida na wananchi wa Kenya kupitia, kwa kura ya siri. Lakini huyu Rias asiwe juu ya sheria, yaani awe chini ya sheria. Vile vile tungependa wakati wa kupigia Rais kura, Speaker wa Bunge ashikilie Serikali hii tunayoita executive Government. Halafu vyama vya kisiasa tungependekza vipunguzwe kuwa vitatu peke yake na viwe na nguvu. Tunataka viwe vitatu kwa sababu vyama hivi vyaweza kufidhiwa au kuwa financed na Serikali kutoka kwa pesa za uma. Serikali iundwe na vyama hivi vitatu, na tunapendekeza kwamba katika Serikali hii Makamu wa Rais ateuliwe na Rais lakini awe wa chama cha pili kwa wingi wa kura bungeni. Yaani au pengine idadi ya Wabunge, ikiwa yeye ako katika chama ambacho kilikuwa na Wabunge waliofwatia kile chama kilichoshinda ushindi katika kura. Na Rais lazima awe wa chama ambacho kilikuwa na wingi wa Wabunge pale bungeni au wingi wa kura. Vile vile tungependekeza Mawaziri wateuliwe kutoka vyama hivi vyote vitatu na vile vile maswala ya ukabila, uana au jinsia vipewe umuhimu katika kuunda Serikali hii mpya. Kama mpigania urais hatakuwa amepata kura zaidi ya asilimia hamsini na zaidi, tunapendekeza kwamba pawe na mkondo wa pili ambapo yeye pamoja na yule anayemfuata kwa wingi wa kura watawania kiti hicho kwa mara ya pili. Vile vile katika Katiba yetu tungependa lazima ifafanue tarehe au kutaja tarehe ya kupiga kura zijazo, yaani isiwe siri ya Rais pekee kama ilivyo kwa sasa.

Elimu ya msingi; tunapendekeza kwamba iwe ni ya lazima kwa kila mtoto Mkenya na iwe ni bila malipo, yaani igharamiwe na uma. Na hapa tunapendekeza kwa nguvu kwamba watoto wote ambao wanaishi mitaani wanafaa wapelekwe shule na wapewe hii elimu ya bure. Mawaziri wanapoteuliwa katika nyanja mbali mbali, tunapendekeza kwamba waziri ateuliwe kulingana na taaluma yake, yaani awe amesomea ile taaluma ambayo amepewa kusimamia. Na vile vile huyu waziri awe ana kiwango cha kutoka degree ya kwanza kuendelea. Wafanyi kazi wote wakubaliwe kuunda na kujiunga na vyama vya kutetea haki zao yaani Trade Union. Watoto na wanawake walindwe na Serikali zaidi kwa kuwahukumu vikali zaidi wanao wadulumu na kuwatesa na hasa hapa tunajua kwamba hata vilema hudhulumiwa, na njia mojawapo ya kudhulumu watu hawa ni kupitia kwangono, mara

ingine ni kunajishi. Tunapendekeza kwamba ikiwa mtu atashitakiwa mahakamani na awe apatikane na hatia hii afungwe zaidi ya miaka kumi kuendelea.

Mishahara ya wabunge; tunapendekeza iamuliwe na Tume ya Bunge au Parliamentary Service Commission, baada ya kujadiliana na wizara ya fedha yaani tunasema upande ya kujadhiliana na treasury. Vile vile tunapendekeza kuundwe Tume ya kuangalia na kuianisha au ku-harmonize mishahara ya wafanyikazi wote wa Serikali katika sector zote za uajiri hapa nchini. Kuwa mbunge tunapendekeza kwamba ubunge iwe ni kazi ya kila wakati na wala si part-time, na iwe ni kwa kipindi cha miaka mitano na wawe wanahuduria majadiliano kutoka siku ya Jumatatu mpaka Ijumaa. Vile vile tunapendekeza kwamba ili kuchaguliwa mtu kuwa mbunge awe ni mtu ambaye hajawahi kufungwa jela kama mhalifu, au kuwa mwizi wa pesa za uma. Pia awe na elimu ya kutoka kidato cha nne na awe mtu anaweza kuongea Kingereza na Kiswahili vizuri. Vile vile tunapendekeza kwamba wananchi wapewe haki na kumuondoa mbunge wao ikiwa hawafaidi kwa chochote. Wanaweza kufanya hivyo kwa kupiga kura ya maoni na ikiwa 2/3 watakubaliana kwamba huyu mbunge wao hawafaidhi, wanaweza kumuondoa na kuitisha kura. Hii ni kazi ambayo inaweza kufanywa na makanisa au vikundi vingine kama vile Civil Society. Halafu wabunge wanaoteuliwa ndiyo yaani wanakuwa nominated katika Bunge, wawe ni wale ambao pengine katika kura za ku-elect wameachwa nje vikundi mbali mbali kama vile vilema, au akina mama. Ikiwa representation yao ni kidogo kule Bunge tunapendekeza kwamba wakati wa kuteuwa vyama hivyo vya kisiasa vikiteuwa vizingatie haya mambo. Vile vile ili kuchaguliwa kuwa diwani tunapendekeza kwamba mtu awe na elimu ya kidato cha nne na kuendelea.

Kila Mkenya aweze kuwa na (inaudible) au kumiliki ardhi na kuishi mahali popote pale nchini Kenya. Na vile vile tunapendekeza kwamba kwa sababu kwa sasa kuna masikini wengi ambao hawana mashamba au ardhi tunapendekeza kwamba kila Mkenya ana haki ya kuwa na ardhi. Kwa hivyo masikini ambao hawana mashamba wagawiwe mashamba ya Serikali au ya uma. Mfumo wa kubadilisha hati ya kumiliki ardhi urahishiswe na tunapendekeza kwamba wazee wahushiswe katika kuamuwa kesi za mashamba. Na vile vile tunapendekeza kwamba mabinti wawe na haki sawa na wanaume katika urithi hasa wa ardhi. Vile vile tunapendekeza kwamba lugha ya Kiswahili iendelea kutuunganisha sisi Wakenya lakini tungependa vile vile ifanywe lugha official, yaani lugha rasmi bali na kuwa lugha ya taifa. Hayo ndiyo maoni yetu, asanteni sana.

**Com Lethome:** Asante sana mwalimu kwa maoni yako mazuri, sasa tumpe nafasi hii Paramount Chief Naman Mwirichia. Ah Paramount Chief are you the Paramount Chief. He doesn't want to speak? Okay. Tungependa kunasa sauti yake kwa sababu this is historical, I would like to record his voice and keep it with us.

**Paramount Chief Mwirichia:** Mimi ni Chairman wa Njuri Ncheke katika Meru region. Sasa nitampa huyu secretary wa Njuri Ncheke asome maoni ya Njuri Ncheke.

**Secretary wa Njuri Ncheke:** Thank you very much. The first point is that we consider that there are three fundamental rights, which should be included in the Constitution:-

- The first one is right to culture and enjoyment of culture.
- Secondly, we propose that the Constitution provides for universal and accessible free education up to secondary level.
- And thirdly, there be accessible, free health care for every Kenyan.

Then we consider that the majimbo system of Government should not be adopted in the Constitution, it will be too late and too dangerous for Kenyans to experiment with this system. Instead, recommendation is that there be a Government of national unity comprised of all the political parties represented in Parliament and headed by the leader of the party with the majority votes and a Presidential system such that, there will be no need for Prime Minister system. This will not be appropriate for the growing democracy in Kenya.

The other point to be considered is on Provincial Administration; our view is that it should be retained because to abolish Provincial Administration at this stage will leave a big gap or vacuum with nothing to take its place. However, we suggested that the number of provinces be increased from the present eight, and at the same time the boundaries be reviewed. Then we suggested that there be a legal regime to govern the conduct and operations of the Provincial Administration. Then on local Government, our view was that the local Government should be enshrined in the Constitution as a system of Government in the same way the central Government is provided for in the Constitution. We thought that the local authorities the Constitution should provide that they serve as primary vehicles for mobilizing social and economic development and control of resources in any particular area. We also were of the view that holders of offices of Mayors and Chairmen and their deputies be elected directly by the people. There be a Local Government Service Commission to look into the appointment and discipline of employees of local authorities.

On the Judiciary we recommended that there be a provision to give the Judiciary independence from the executive and other organs of the state. We suggested that justice be taken closer to the people in the sense that there be established divisional courts to hear cases related to either disputes of land, family disputes, marriages and so on. Then at the level at top level there will be district appeal courts to which appeals would be taken from the divisional level. The legal system as a whole be modified leaning heavily in favor of traditional methods of dispute resolution. And finally on the judiciary, we thought that its independence should be protected so that it would be the instrument suitable to defend the new Constitutional order to be created.

Then on land, we are of the view that public land and public amenities should belong to the people of the particular area controlled by divisional land commissions or land boards, which will determine as to who should be allocated what. No land should be owned by the Government because it's not the business of the any Government to own land, and foreigners or companies owned by foreigners should never own land in Kenya. On the question of trusteeship, we felt that the concept of trustee in relation to land should be abolished, it is one of the biggest contributors to land grabbing in the country. On the issue

of compulsory acquisition, we thought that once land has been compulsory acquired and the purpose of which was acquired is no longer there it should automatically revert back to the original owner.

On the forests and water catchment areas, we felt that this should be governed and managed by commissions or panels from the area in question e.g. if it's a forest the people living around the forest should be involved, traditionally they have been the best conservators and managers of forests. Finally we thought that there are certain disputes which are not covered by our present legal system e.g. disputes between districts or between clans as relates to the position of boundaries, sometimes disputes emanating from land adjudication. We felt that a panel be established manned by the local elders to arbitrate and resolve such disputes. Briefly that is the recommendation.

**Com. Lethome:** Thank you very much for that presentation from Njuri Ncheke, Salim Mohamed.

**Salim Mohammed:** Thank you very much Chairman, my name is Mohammed Salim, I am representing the Muslim community in Meru. We had a meeting and we collected views and we have already made a memorandum which I will present. But I have two memoranda to present, one for Muslim community direct, and Muslim leaders. In summary, our new Constitution should have a Preamble and consider the following net.

One, the Constitution is by the people of Kenya, thus it should start with the statement "We, the people of the Republic of Kenya." To consider seriously our religion faith, custom, culture and values. To consider our national unity in diversity every community has to own cultural identity according to the religious tradition and custom values, which must be respected. Our Constitution should be supreme over any other institution including Parliament. The Parliament is created by the Constitution. It should not have any powers to change or amend our country's Constitution. We propose that, the people of the Republic of Kenya and only the people to have powers to amend and/or change every provisions of the Constitution through referenda and the National Constitution Conference to make our country Constitution. But for an issue involving a certain community, it should only be that particular community being involved in the referendum. Accordingly, Parliament should only have powers to make acts of Parliament from the Constitution. The Parliament should not be involved in passing the Constitution.

Citizenship; Muslims have complaints of the treatment they get on their claim to our country citizen. They are subject to more stringent, verification measures compared to their non-Muslim counterparts, sighting e.g. the Kenya Somali, the Arabs, the Asians and Coast Swahili are being discriminated upon. We propose that a citizen of Kenya shall be one, a child born to Kenya parent, a person married to a Kenyan, a person who is native born Kenya, also a citizen of Kenya may hold a dual citizenship, a Kenyan birth certificate, identification card or passport should be evidence of citizenship. Application of Islamic law to Muslims, the new Constitution should have provision for application Islamic law since the Muslim rightly vote Islamic law as divine, contending to injustice and inequalities according to Muslim all laws are applicable to them and they must be (inaudible) with the teaching of Islam.

Education: there be free compulsory education at pre-primary and primary schools levels. Islam religion education and Arabic language must be taught in our schools to Muslim people or students. On Fridays, Muslim students be released at 11.00a.m. to prepare for Friday prayers and during the Holy Ramadhan, they should be given time to say their prayers.

Number four, we are proposing to have a Muslim conservative assembly which will call Masjid Suara. In the past we have experienced change of laws affecting Muslims without them being consulted. This has created a lot of problems to Muslims of this country for e.g. the change of law and succession. As to avoid such occurrences, our Constitution should establish Masjid Suara, Muslim consultive assembly, which will be consulted and approve any issue pertaining to Muslims. This assembly should be consulted and whatever position or consent given by this body the Government should implement. The consultive assembly will consist of Ulma or Muslim scholars and Muslim learned men directly elected or nominated by Muslims.

The Judiciary: the Judiciary should have the following system of court: the common law court consisting of the Supreme Court, the Court of Appeal, the High Court, and the Magistrate Court. This Magistrate court should start at the Residence Magistrate cadre (b), we should have a Kadhi Court consisting of Kadhi Court of Appeal, Kadhi High Court, and Kadhi Court first instance. The Kadhi Court for instance, be presided over by the Kadhi, the Kadhi High Court be presided over by the Kadhi Judge, the Kadhi Court of Appeal be presided over by the Chief Kadhi or Deputy Chief Kadhi as Judge of Kadhi Court of Appeal. We propose that qualification for Judges and Magistrates should be common law, should have LLB and diploma. For one to be Judge of the Court of Appeal must have been a Judge of High Court for at least five years. For Kadhi, the Judge and the Kadhi age bracket be considered not less than 30 years, should have a degree or diploma or certificate of Islamic law, influence in Koran consultation, Arabic language, English and Kiswahili, be a male Muslim adult and married also person of integrity. We are proposing that Judge could retire at the age of 73 years in case of a Supreme Court, and 70 years for Judge of High Court and 65 years at the Magistrate and Kadhi Court.

The jurisdiction of Kadhi Court be extended to handle any question of Muslim law in a matrimonial manner, succession for work endowment, and administration letter of grant of an estate of a deceased Muslim. Any civic matter pertaining to Muslim parties, Mosque, Madrassa, Muslim institution or association, organization and others should be registered. Another thing that we are proposing to have a BITNAL which is Muslim public trustee. Their will be a BITNAL and the world which we call Muslim Public Trustee Endowment Commission established in the Constitution to administer all Muslim communal properties and institutions. This will ensure that a Muslim estates devolution is done in accordance to the Muslim law and that the Muslim community property is administered in accordance to the Muslim law and Muslims themselves.

Marriage and divorce; we are proposing that all Muslim customary marriages and registration allowing other marriages be considered into a statutory and on the fifth to be recognized the Muslim under customary marriage should be abolished. Infact no Muslim should be allowed to marry except under Muslim law of marriage and should obtain a marriage certificate. Precisely Muslims have been quoted in requiring loans for any development due to the interest issue. Muslim are not supposed to take

interest and we are proposing we should have an institution which can have free interest loans. We propose that we have a Constitution provision for interest-free banks and monetary institutions to conduct business in accordance with the Muslim law.

Moral obligations, our new Constitution should uphold moral obligations to bring up citizens of high integrity, have immoral acts such as prostitution be discarded. Brothels should not be permitted at all; bars and disco halls operating in towns or areas predominantly populated by Muslims or other citizens should not be allowed. Tourists should respect our religions and local cultures; they should not be allowed to walk either naked or half-naked. The drug epidemic should be fought seriously in our Constitution. Muslim order of dress, we strongly propose Muslim should have their code of dress according to the Koran. Our Constitution should recognize as part of Muslim worship, Muslim girls and women should dress in accordance with Muslim law, either in hijab or buibuis, in our learning institutions and work place. As for Muslim men and male students should put on long trousers, it is important this religion right of Muslim dress be in accordance. Muslim Wakil, as a conclusion, we propose we should have an institution of Muslim Wakil to be established. Wakil is a person learned in Muslim law who can represent all Muslim problems in the Kadhi Court. Ordinary Advocate should not appear in Kadhi Court except for a Muslim Wakil. We thank you very much Mr. Chairman, for allowing us to have this memorandum, I will not go through the other one I will present it. Thank you very much.

**Com. Githu Muigai:** Thank you, thank you very much. Samson Mungania, please be brief.

**Samson Mungania:** Mimi naitwa Samson Murungi Mungania, Paralegal voluntary worker at Meru Central. Yangu napeana memorandum hapa lakini nitataja kidogo mambo machache. Ya kwanza, nitaomba Katiba hii inayotengenezwa ya kwamba iendeshe elimu ya uraia iwe continuous na isisimame kwa vyovyote.

Ya pili naomba Katiba hii inaundwa ya kwamba itambue Mau Mau au freedom fighters wale walipigania Uhuru, ndiyo Serikali iwatambue na wapatiwe compensation hao familia zao zile zimebaki.

Ya tatu baadala ya kuwa katika Katiba hii, baadala ya kuwa sisi tunapata vipande tulikuwa tunapigania na mkoloni nigependekeza ya kwamba sisi wananchi wa Kenya wawe wakipatiwa direct passport, kuliko kipande halafu wakati unatafuta passport inakuwa ni vigumu kuipata.

Ya nne ni ya kwamba, katika pesa zetu au hela zetu za Kenya zisiwe zikibadilishwa portrait hizo, yaani katika picture yaani Rais baada ya Rais, iwe na Rais wetu founding father of this nation peke yake, hili ni pendekezo langu. Inginge ni ya kwamba katika Kenya Broadcasting Corporation au Ministry ya Information and Broadcasting, isiwe iki-limit airwaves zetu za Kenya, yaani kwa mfano kama ni radio inapewa inapewa ati mikoa au inapewa wilaya mbili au tatu. Kuwe na broadcasting yoyote ikipewa jukumu la kutangazia wananchi iwe national isiwe kupewa na vidonge vidonge.

Ya tano, political parties za Kenya zisije kuwa kama vile zimekuwa kama wakati huu zimekuwa ni biashara. Ningependekeza ya kwamba Katiba ile tunaunda wakati huu i-limit parties kwa vyama vitano peke yake na hivyo vyama vitano peke yake, vipate fedha kwa (inaudible) fund. Katika siku zetu za taifa au national holidays, ningependekeza ya kwamba tunatakiwa tuwe na holiday kama tano peke yake zisipite hizo kwa maana zingine hazina maana,

**Interjection: Com Lethome:** Eleza ni zipi hazina maana.

**Samson Murungi Mungania:** Vile vyama havitakuwa na national outlook, oh, sorry.

**Interjection: Com. Lethome:** Public holidays zile ambazo hazina maana.

**Samson Murungi Mungania:** Kwa mfano, tuseme kitu kama Moi day, hatujui maana yake kwa hivyo hiyo tungependekeza ya kwamba itolewe na Katiba, tubakishe kitu kama siku yetu ya Uhuru, Madaraka day, Christmas, Boxing,

**Interjection: Com.Lethome:** Madaraka day? Kenyatta day?

**Samson Murungi Mungania:** Na Madaraka day, na Kenyatta day. Na Kenyatta day napendekeza ya kwamba hiyo siku iwe siku ya Mau Mau au freedom fighters wawe wakitambuliwa wakati huo. Na ili ingine ya mwisho ni ya kwamba kwa maana sisi wakati tulinyakua uhuru tukaunda Katiba ile tuko nayo tuko na kikosi ambacho kinaitwa police force. Ningependekeza ya kwamba iwe ikiitwa police service na kuwe na Police Service Commission ile itakuwa inachagua Commissioner of Police. Asante sana, Mungu abariki Commission ya Ghai, Mungu abariki Constitution yetu na abariki Kenya.

**Com. Githu Muigai:** Thank you very much, asante sana Ramadhan Mwaniki, please be brief.

**Ramadhan Mwaniki :** Insha Allah, yangu yatakuwa mafupi sana kama ulivyosema Mwenyekiti kwa kuwa Tumewasilisha memoranda nyingi na hivyo nafikiri yangu kuzungumza ni kidogo sana ambayo kwamba pengine hatukupitia kwenye memoranda zetu.

Jambo la kwanza ni hilo tulivyosema habari ya ubaguzi katika citizenships. Sisi kama Waisilamu, kama mimi tuseme nina bahati nzuri nina jina ninaitwa Ramadhan Hamisi Mwaniki. Ni jina ambalo kwamba linamaliza na Mwaniki lakini ikiwa ni kama Ramadhan Hamisi Salim au Omari tunapokwenda kwa vitambulisho kule inakuwa ni shida. Mimi kama ni Imamu nina authority kuwapa vijana au watu wengine Waisilamu ku-recommend hao wanafaa kupewa vyeti kwa kuwa ni wananchi. Nimejaribu kuandika na tunapomuandika zikienda kwa office ya vipande wengine wanarejeshwa kwa kuwa jina lake ni Ramadhan Hamisi Omari Salim, halina jina halisi la Kimeru kwa hivyo wanabaguliwa. Pengine tunasema wanaobaguliwa katika mambo ya vipande ni Waarabu, Wasomali na Waeshia, no. Hata sisi Waisilamu ambao kwamba tunakuwa na majina yasiyokuwa na jina lingine la



kimeru ndani yake tunabaguliwa, na nina ushahidi kwa kuwa nimeandikia watoto ambao wako tayari kupewa vipande,

**Interjection: Com. Lethome:** Pendekeza, Imamu pendekeza

**Ramadhan Mwaniki:** Napendekeza vile vile kama hiyo, mapendekezo ya imani kama mtu kupewa kipande ikubaliwe kikatiba akienda kule mwenye kupewa kipande asirudishwe. Mengine ni kama hivi, katika mambo ya election, wakati wa election sisi kama Waisilamu hapa Meru au pahali popote waisilamu si majority. Ningependekeza vile vile tukawa tunapewa mjumbe ambaye kwamba ni maalum ikiwa ni katika County Council au katika Municipal Council akawa anawakilisha masilahi ya Waisilamu vile vile. Au wakati wa sherehe zingine za Kiserikali au institutions zingine kukawa kuna mwakilishi wa Waisilamu.

Nafikiri kwa haya machache au lingine la mwisho ni, sisi makaazi yetu kama yanavyojulikana ni majengo mijini ambazo kwamba nafasi zinakuwa kidogo sana. Tuna plot ambayo kwamba ni (inaudible) tuliyomiliki kutoka kwa baba yangu. Tukiwa vijana watatu wanne, tushakuwa na family na kila mmoja ana watoto wengine watatu au wanne, kila ploti inakuwa ndogo na mpaka leo hatujazimiliki. Tufanyiwe na Serikali na ipitishwe tupewe hizo plot, zipitishwe tupewe bila taabu bila inapotokea habari ya kuhamisha hamisha watu au zinapatika nafasi zingine, tupewe na sisi tufikiriwe kupewa mahali ambapo kwamba tuta extend baadala ya kuishi pahali pamoja tunakwa crowded hatuna nafasi na ni nafasi zetu hizi. Kwa haya machache asanteni sana.

**Com. Githu Muigai:** Asante Imamu asante sana, sasa tutaenda kwa Bishop Imathiu ambaye atafuatwa na Doctor Baikiao ambaye atafuatwa na wanafunzi wa Meru school, Jackson, Jefferson na Kimathi.

**Bishop Imathi Lawi:** Tutasamehewa sana Bw. Chairman na Commission kwa vile Tumechelewa, utatusamehe. We are going to read it together with Mr. Mburugu because he is a we shall try to sum it up, Sir. Our introduction is that, the purpose adopted of the Kenya Constitution Review is to enable the citizens of Kenya to attain and enjoy democratic governance.

Two; it is to enable the diverse communities of Kenya to achieve unity and build a united and cohesive society within the country.

Three; it is to enable the people of this country to attain a rapid economic development and equitable distribution of resources among diverse communities and regions of this country.

And fourth; is to attain individual freedom, peace and tranquility of all the citizens of this country. This is the purpose of our Constitution proposal we have. And in order to achieve the above objects, we hereby present our proposals on how the structure of our Government should be established by this Constitution. So we are even thinking Sir, of how we can do more even for e.g. we have started by decentralization of Government administration in accordance with boundaries Commission of



1962, the people of Kenya selected their district and provincial boundaries. The provincial boundaries should be retained as regional or state Government, to certain extent we are thinking it is good for us to think of a regional although we don't like sharing the word Majimbo but actually to say regional Government. The regional Government as they were in 1963 should be revived and revisited and be strengthened.

All the ministries should devolve into the regions headed by state or regional Ministers or Commissioners, except a few supra-state departments like foreign affairs, immigration and citizenship that should be kept with by the Central Government. Then we have said, Central Government should maintain a selection staff for each ministry for co-ordination and standardization of public within the regions. The positions of Permanent Secretaries should be renamed National Departmental Co-ordinators but actually what we say that it can continue but it should be actually be known what they are there for. Regional Permanent Secretaries to be Regional Departmental Secretaries.

Then the decentralization of economic activities and developments; Industrial allocations, Nairobi only should be administered and developed as a Cosmopolitan city. The city should be developed so that it could provide a service to all other regional centers. All the industries now concentrated in Nairobi should be decentralized, and be shared between all the seven regional centers depending on which region has more proximity to the source of raw materials need for that industry, for e.g. if it's sugar industry, it should be situated in a region where sugarcane is grown or available, if it's cotton industry it should go to the areas where cotton is readily available.

Then we say that composition city administration like that one of Nairobi, we propose therefore, the regional assembly of the city should consist of elected representatives of the city residents and should also include 2/3 or three representatives of each regional assembly Parliament who should comprise of 1/3 of all the members of that assembly. This is because, these representatives will cater for the interest of their representative regions in the cosmopolitan city assembly. This is because the people living in Nairobi are not all permanent residents of the city but are people drawn from various communities from the whole country, so Nairobi should belong to others as well.

Public service should also be in two service boards: national service board and regional service board. Regional assemblies to appoint at least 13 qualified persons to be members of the regional service board. Their qualifications should be set out in this Constitution. They should be person experts in any one of the discipline as follows:- Labor laws of administration. Two, trade union administration and but also theologians and sociologists should be part of that one. Professional societies for e.g. engineers, agriculture economics and industries be there; the members of these boards should retire nationally after every 3 or 4 years. National Service Board to be appointed by national Parliament, they should be about 21 to 27 persons. These to include, the chairman or vice-chairman of each Regional Service Board. These also be appointed on a rational basis of 3,4,5 per each for each 3/3 of the members.

Appointment of the Civil Servants, we have also explained how we can do that one. Then we come to the section of the executive the President and the Vice-President

**Interjection: Com Lethome:** Excuse me Sir, you know people are already complaining that we are limiting others whereas we are not limiting others. Time is very limited Bishop so if you could please just give us the highlights. Then we will go into the details ourselves when we read the memorandum please. We have over 200 people waiting outside.

**Bishop Imathiu Lawi:** Sorry if we do then we do as short as we can

**Interjection: Com.Lethome:** Yes please

**Bishop Imathiu Lawi:** We have come to the executive and we propose that the President and Vice-President be elected nationally. We don't want the Vice-President to be appointed by the President, we want him to be also elected nationally. Then we said that we are opposed to the idea of a Prime Minister. President to be head of state and Minister of foreign affairs and citizenship, Vice-President will have their own ministry later on.

Sir, we have also come to the point of establishment of ministry. We would like the ministries to be limited to 12 ministries only and one Minister and one Asst.Minister, no more than those two. Ministries which should either totally be abolished or their functions be taken away are those which are not functioning properly. We then come to Judiciary which we thought is very sensitive, and also we have come to the ministry about financial issues we try to concentrate these ministries together and if we have regional, we decentralize how are we to get the money? The procedure we said on financing provision chapter 8 of 1963 Constitution should be adopted with necessary modifications for the financial arrangement between Central Government and Regional Government like these: proceeds from imports of petrol and oil, each region should be allocated 60% of the taxes from the petrol and oil consumed within that region for them to get the taxation, then 40% Central Government keep for running the Central Government. Brought proceeds of imports of other commodities, each region should be able to get taxes equal to 65% of the taxes for inputs of their commodities or commodities consumed in that region, and to Central Government 35%. Then we said proceeds from export goods produced within Kenya, goods produced from each region should be ascertained and all the proceeds from exports of these commodities should be shared between the producing region and the Government at the rate of 70% to region and 30% to Government. This is the proposal which actually was there and this will be able to run when we decentralize, but we came to the problem of Judicial. Judicial as we see is the real thing that will be able to separate and help us and this is where we are having a problem and as I am losing abit of my voice can you please give one sentence.

**Mr. Kioga:** Okay thank you. Bw.Chairman I wish to talk a little about the judicial system. Judicial system in Kenya has been--

**Interjection: Com Githu Muigai:** Please Mr. Kioga no preamble, no history, no explanation. What is your recommendation now so that we move forward.

**Mr. Kioga:** Our recommendation Mr.Chairman, is that the Judiciary should be completely at rearranged in order to give it independence. The lack of independence of the Judiciary is the cause of every problem that we find in the Judiciary today. We have proposed that Judiciary should be completely separated from the executive and in that way the executive should have nothing to do with the appointment of the Judiciary or any member of Judiciary. We have proposed that a new institution should be created which will be called judicial Commissariat. Judicial commissariats are people who should be elected by both regional Parliament and central Parliament together. We are proposing about three national Commissariats and two regional Commissioners from each region. Those will form a commissariat and they will also be Members of Parliament who will act as members of Judicial Commission. They are going to appoint Judges, they are going to appoint Magistrates, they are going to appoint all the staff. They can create other bodies to appoint lower staff but the Commissariat should be responsible to appoint the judicial officers. Mr. Chairman, we replicate the present system where the President appoints a Chief Justice. A Chief Justice if the President appoints him then automatically-----

**Interjection: Com Lethome:** Just recommend who do you want to be there for appointment authority.

**Mr. Kioga:** The appointing authority should be that Commissariat and that Commissariat I have proposed how it should be elected, I have proposed that it should be elected by the Parliament and the law of Government that is judicial Parliament should act as an electoral body to elect those members.

We also propose the Judicial structures of the Government, should have a High Court, Court of Appeal and also a Supreme Court. But a Supreme Court could, if the East African region can agree to form one Supreme Court which can take appeals from various states, then Supreme Court should be merged to the East Africa Court, but as per now the East Africa Court it has been limited to only interstate problems. If they can agree like the old East African Court of Appeal, then the Supreme Court should merge with that otherwise we should have a Supreme

Court, which should have a jurisdiction to hear appeals from Court of Appeal and also to act as Constitutional Court.

**Interjection: Com Githu Muigai:** I will request you Mr. Kiogo to summarize please. You see we have given you more time than most people because you represent that important body called Njuri Ncheke. Sorry a Meru leader. You have two more minutes so that we can go on to others.

**Mr. Imathiu:** With our two minutes, we are saying as you read it, it will be difficult for us to continue with the situation of the courts as they are as our House is hanged or it's being supported by three stones; judicial, executive is also one and also parliament is the other one. So we don't want it to be involved or to be under one of these and be thrown the way they want

that is what we are trying to say. Not judicial to be moved by anybody other than giving the justice to the citizens that is what we are trying to say.

No Parliament should change our Constitution because it has been changed so much without us Kenyans wanting it. So we want it Sir, to be if they want any change let it be done by a vote through a referendum but not Parliament to be changing us as if it's their property alone. It's our property and we don't want a Parliament to change it without actually Kenyans giving okay. I think because we are going to give you this entire one that is the summary and sorry Sir.

**Com. Githu Muigai:** Thank you very much Bishop and Mr. Kioga. Doctor Baikiao.

**Doctor Baikiao:** Thank you very much Mr. Chairman for this opportunity to present some of the opinions of the people. Nitazungumza kwa Kiswahili kwa sababu labdha kuna mtu mwingine hasasikia Kingereza na nilikuwa katika team ya ile ilikuwa ya Njuri Ncheke ambayo tulikuwa tunafanya civic education kutoka hii area yote mpaka chini mpaka upande huo. Na hiyo ni mambo yanatoka kwa wananchi na hata wazee wa Njuri Ncheke ambao Tumekutana kuongeza na kuzungumza mambo hayo. Mimi ni Mugwe Wa Njuri Ncheke Gaita Baikiao II na hii ni maoni ambayo nitazungumza hapa.

Jambo la kwanza, point ile nitatoa hapa, point ya kwanza katika Kenya kuna corruption. Corruption iko katika level zote na Tumejua ya kwamba mataifa yale mengine hayana corruption au wanatia mambo magumu sana ili watu wakifanya corruption, au mambo ya magendo magendo wanashikwa hata akiwa ni mkubwa namna gani. Kwa hivyo Tumejitisha Tumeona katika civic education na watu wakitoa maoni yao, kuwe na chama ambacho Tumejua kinaendelea hapa kinaitwa Futa Magendo. Kiwe ni chama ambacho kitakuwa hata kule grassroots so that if there is magendo because mwananchi ndiye mkubwa katika mambo ya uongozi hapa Kenya, kukiwa na magendo ana njia ya kujitetea na kuondoa hiyo magendo.

Tukasema kuwe na ofisi ya Futa Magendo katika mahali pote kutoka hapa chini hadi Nairobi hata mahali pote. Mtu akishuhudia magendo katika hospitali, katika kuandikwa, katika mambo mengine awe ana mahali pa kupeleka hayo mambo na yashughulikiwe na yafuatwe. Ikitakikana hata yafanywe yawe yanatoka nje hata kwa gazeti mpaka yule mtu wa magendo anashikwa na wao watu wote.

Number two, judicial matters. Kuna magendo hata katika hii mambo ya korti na mimi mwenyewe nimejua mambo ambayo kesi moja nilikuwa nafuata na watu wakatoa pesa na hiyo kesi nikafuata mpaka ikafanyiwa magendo ikamaliziwa vibaya. Sasa jambo lingine Parliament Tumesema, can you allow me to go very quickly now.

**Com. Lethome:** Yes, please.

**Doctor Baikiao:** Parliament tukasema mambo ya ma-ministers na watu kama hao wawe wanafanya appointment kutoka kwa

mbunge. Tukatoa mambo mengine ambayo tulitolewa na wananchi ambayo ni ngumu sana, kwamba mjumbe kama vile wetu tulikuwa naye hapa na wale wengine kule mahali pengine hawana ofisi. Katika utamaduni wa Njuri Ncheke mzee lazima awe na mahali anafanya kazi na ako na ofisi yake, hakuna mjumbe sijui kama upande ule mwingine sijui Mombasa pana ofisi lakini mjumbe au wajumbe wetu hawana ofisi ambapo wana-co-ordinate mambo ya wananchi na wanaendesha mbele na kufuatwa hapo hapo mpaka kumalizika.

Number four, security of individuals. Tumeona katika Kenya mimi nimekuwa katika mataifa mengine kutoka katika Kenya watu wale wakubwa wakubwa wanafanya biashara mzuri ndio wanakuwa na ma-thugs hawa wanaitwa mikora. Mikora wanafuata hao wanaona wanafanya kazi mzuri wanaleta pesa wanauwawa, wanavunja nyumba kama hii wanaingia wanamuuua na kuleta hasara sana katika Kenya. Watu ambao wanafanya kazi zao waruhusiwe kuwa na silaha ya kujikinga nyumbani kwao, sasa wengine wana vipanga na shoka lakini huyu mu-thug huyu mwizi anakuja akiwa na gun na risasi na yule mtu mzuri hana, katika mahali pengine ile nchi yengine hakuna

**Interjection: Com.Githu Muigai:** Pendekeza. Daktari pendekeza.

**Doctor Baikiao:** Kuvunja nyumba na hakuna kuiba kwa sababu mtu ndani yuko na silaha.

Mambo ya health, I will present my

**Interjection: Com. Githu Muigai:** Memorandum

**Doctor Baikiao:** I will present my memorandum later because you know I can't give all that I want to give. Health, kuna mambo mengine, tuna magendo kule hospitali hayo yashughulikiwe, na tukasema hivi hata katika vijiji vyetu kuna watu ambao walikuwa mad, wanakuwa mentally disturbed na wanawake namna hiyo wanakaa kwa aibu hapo barabarani hapa na pale na hawashughulikiwe na serikali na hata na nani. Kwa hivyo hao watu wapelekwe kwa heshima ya ubinadamu wapelekwe mahali pao pazuri na washughulikiwe, memorandum inasema vizuri.

Education, education hata ishughulikiwe na hiyo, mambo ya agriculture katika katikati hii ya Mlima Kenya na Nyambene hakuna mazao yetu ya kahawa yameharibika kabisa na watu wamekuwa hawana income yaani foreign exchange here. Kahawa imeharibika na hakuna mtu anafuata mambo hayo kwa hivyo ukulima ufikiriwe vizuri. Na tukiangalia upande huu upande wa Tharaka hapa kuna mito mingi sana inapita lakini ukienda kule hauta pata hata mboga katika market yao na mito inapita kule. Irrigation tunasema ifanywe ili watu wapate chakula na hii land ya Taraka, upande wa Tharaka unaweza hata kulisha hata Kenya yote.

Sasa mambo ya marriages; tunasema katika Kenya imekuwa kama kule uzunguni, kuna mtu ambaye ana family labda ana wanawake wawili, bibi wawili lakini mmoja anakubaliwa awe na cheti certificate lakini wale wengine wanakataliwa. Lakini

katika Njiri Ncheke na history ya Wameru na Kenya hiyo mambo irekebishwe, mtu akiwa na familia yake ikubaliwe vile ilivyo kuligana na utamaduni.

Sasa mambo ya mwisho kuna development. Mambo ambayo nitasema, mambo ya prisoners. Prisoners na wao wanakaa kule wanalishwa labda na nyama na kitu kingine wanakaa kule katika prison. Lakini katika miaka ishirini na thelatini hivi, mimi niliona watu kutoka prison wanakwenda kusaidia kurekebisha barabara mambo ya hospitali, kaburi kama kaburi yetu inakuwa mbaya kabisa. hapa, ukienda kule inaitwa 'birira' imeachwa kabisa hakuna kutengenezwa kabisa. Mtu anatupwa kule. Lakini watu hao wa prison wafungwa wanakaa kule wanakula, napendekeza kuwe na programme kama ile ilikuwapo watu ambao wamefungwa wawe wanatoka wanafanya huduma kwa wananchi kama vile Nairobi, na hata wanafundishwa trade ingine ambayo itawasaidia wakati wamemaliza siku zao kwa prison.

Katika serikali, mambo ya serikali Tumeona majimbo, federalism, ndiyo mzuri, kwa sababu mambo yetu yanafanywa administration kutoka Nairobi. Lakini kukiwa na majimbo kutaka kuwa na kajimbo kengine, ka-parliament kengine upande huu au Mombasa, Kisumu na watu watakuwa na maendeleo wakifikiria kule ambapo wana jimbo lao. Lakini mambo ya pesa, mambo ya kupata pesa na ulinzi, security, na foreign policy yawe katika serikali ya msingi kule. Lakini majimbo-ism Tumefikiria ni mzuri kwa nchi hii yetu. Asante sana Bw. Chairman.

**Com. Githu Muigai:** Okay asante Daktari. The students Jackson Muriuki, Jefferson Ruwambe, Kimathi Kigunga wako wapi? okay.

**Students from Kenya Methodist University:** We are students from Kenya Methodist University

**Interjection: Com. Githu Muigai:** Kenya Methodist University sorry to associate you with Meru School, which is a good school as well.

**Students from Kenya Methodist University:** Here are our views for the Constitution. There should be equitable distribution of natural resources this is to facilitate equitable growth and development of all parts of this country. Primary education should be made free and potential pupils or students should be compelled to attend the same. It will also reinforce or foster higher level of illiteracy.

On political parties; political parties should act to promote democracy in this country; they should also try to create awareness through advocating for and providing civic education. They should also be seen as role models in the society not like personal property of some individuals. Those on opposition side should advice the ruling party on some sensitive issues like economic, education, health and related matters. The number of political parties should be reduced to a maximum of 10 political parties to reap maximum benefit of democracy; this will strengthen the process of democracy and avoid briefcase parties and dividing

Kenyans along the tribal line. Every political party should have an office in every district in Kenya and at least 75% of constituency in the country. Each political party should be seen to practice issues highlighted in one above whether represented in Parliament or not. All political parties should be financed through public funds based on their parliamentary strength; they should be audited, and they should reveal other sources of their finances to ensure accountability and transparency in their operations. The state should not interfere with activities of the political parties as long as they are not threatening the peace of the country, that is political rallies, civic education and campaign. All political parties should be protected by the state in event of holding meetings and other related matters. Failure of political parties to reveal their sources of funds should lead to those parties to be restricted from participating in the election.

Parliament; requirements to be a Member of Parliament. Should be a Kenyan citizen, minimum of 24 years of age, should be ready to declare his wealth and the above should also apply in case of a nominated MP. The Parliament should preserve seats special for the society groups for e.g. civil society, the business community, religious groups and any other lawfully recognized organization. Duties of Parliament; it shall be an autonomous body, it shall consist of committee with the necessary and appropriate powers to execute their duties effectively. All the public appointment, commission appointment and commission formation, ambassadars appointments and other appointment as are required for the interest of the whole Republic, should be done by the Public Service Commission under the umbrella and blessings of the relevant parliamentary committee. The above appointment should be made according to the procedure including competence. Credential, fitness and any other consideration that the committee may think fit or necessary for just appointment should be considered.

Local government; Mayoral seat should be a Kenyan citizen, minimum age of 24 years, should declare wealth before appointment or election, should be appointed directly by the electorrate, should serve a maximum of two terms and each term should be two and a half years, he should first be appointed or elected as a Councillor for a certain ward. Councillors; should be a Kenyan citizen, should have a professional qualification, can seek re-election only for a maximum of two terms.

Electoral system and process, election date should be specified in the Constitution to ensure fairness and projective preparation of fair and free elections. Qualification of Commissioners should be at least degree level of education; such Commissioners should have experience and trained in administration, law and public relations. Every member of commission should be above 30 years of age. Appointment, should be done by the political parties, the position should be advertised, the Parliament must approve the appointment, the Commission to appoint their Chairman and secretary, the Commission should have a tenure of office and retire at mandatory age. Commissioners should be removed from office as a result of gross misconduct and a tribunal must be appointed to investigate into his conduct.

The Executive, the Constitution should specify clearly the qualifications of a Presidential candidate. We feel that these qualifications should include the following: should be a Kenyan citizen as provided in the state constitution, minimum age of 35 years, the Presidential term should be five years and can seek re-election only once. Should first be an elected MP in any of the



constituency in Kenya, he should command support of at least 30% from the six provinces in Kenya, should attain at least 51% of total votes, should declare his or her wealth before seeking for nomination as a candidate, and he or she should be subject for scrutiny in terms of wealth even after election. In case where a Presidential candidate is a businessman or businesslady, or has any business interest directly or indirectly, the business should be subject to evaluation for convenience of clarity from time to time. The President should be under the law of the country and should be subject to impeachment by Parliament and execute his duties according to the law of the land.

Judiciary; judiciary should be autonomous from the state or the executive, the Judicial Commission should be set and empowered to deal with the activities of the entire judiciary. Appointment; the judicial position should be advertised by or through the Judicial Commission. The election should be done by the Parliament. Supreme Court should be established, and Chief Justice must be appointed through 2/3 approval of Parliament.

Controller and auditor general; the office should be constitutional office, it should have the power to prosecute and recover all stolen state property. It should prohibit those who are engaged in corruption to serve in public offices, it should have the power to oversee proper utilization of the public fund and should also be funded from the consolidated funds.

Cultural and ethnic regional diversity and communal rights; positive cultural aspects should be recognized by the Constitution. Cultural practice should be in line with the Constitution, national languages Kiswahili and English, cultural centers be established to promote culture, encourage use of local languages. National culture be established, some cultural values and norms should be maintained and preserved that is, customary law should be recognized and empowered by the new Constitution. Quota system of education should be re-evaluated or abolished completely. Education should be one of the most important tools in promoting national unity and because of this reason, students should be allowed to receive education anywhere in Kenya. The Constitution must ensure equality in providing education everywhere in Kenya. All schools at the same level for e.g. national schools wherever they are situated should be provided with the necessary facilities equally for equal development of the whole country.

General issues, need to protect the forest and those which have been destroyed, a campaign to replant new seedlings should be initiated to reverse the current situation.

Land ownership and transfer; there should be clear guideline and policies on how to own land and how to transfer into ownership in case of sale. To overcome the current problem with land grabbing and other related scandals, there should be a separate body to execute all the land issues for e.g. Land Commission. Firm competition in case where the citizens have been displaced by national development project like road construction, dam construction, mineral excavation or extraction. The affected persons in those zones where those activities have taken place should be compensated wholesomely. The Parliament ought to determine how much the country needs to borrow from IMF, World Bank. The Parliament should determine how

much the country should borrow from those bodies and this money should be utilized for projects the money is supposed to support. This should be made public and gazetted even before the Government sends its delegation to go and borrow the loans. The money should be used at seal level that is from the lender directory to the project. It's high time all employees follow to the letter the aspects of employment law. All the employees regardless of their employer, his or her position in the company or organization, nature of the duty she performs should be protected by the law, whether a cleaner or messenger, they should be treated and respected by the virtue of their work.

Health; health facilities must be made free so that people can access medical services. Ministries should be created by the Parliament or through Parliament. Appointment of Permanent Secretaries must be based on qualifications. Thank you very much.

**Com. Githu Muigai:** Thank you very much indeed. Fredrick Mugambi yuko Fredrick Mugambi? Hayuko. Tuendeleo mbele, tuko na Mwirichia Ngari, uko mzee, tafadhali.

**Mwirichia Ngari:** Thank you Bw. Chairman, mimi nitazungumza kwa lugha ya Kimeru kwa sababu sielewi sana sijui Kimombo na lugha ya Kiswahili sikielewi sana, naweza tafadhali kuzungumza na Kimeru?

**Interjection: Com. Githu Muigai:** Unaweza kuzungumza na Kimeru.

**Mwirichia Ngari:** Thank you very much. Thank you Bw. Chairman. Uuni ri untu bwaka bwa mbere ndiuga aana baa betawa chokora matangi. Chokora matangi ni babaingi mono ndene ee Country na bakwenda kung'anana na baria bari nja bakumathirwa ni baithe na bang'ina. Ndithithia mapendekezo jakwa atiri aana bau nthirikari ijukie murigo jwa ubakira antu a kubamenyera na a kubathomithiria ndene ee country.

**Translator:** That the Government should cater for them and set up an orphanage and take care of them.

**Mwirichia Ngari:** Bwa jairi ni atiri, batwi nthiguru ii murungu aumbire ni nthiguru aumbire itineneaga. Ikari oo uria aumbire. Kuri na plot, kuri na iwanja, jaa kurari na iwanja bia local government, nyumba iria irakiri aantu ba ngugi ba local government na ba central government. Kangupendekeza plot iu cionthe iria irajukirue icokue niuntu guti kithaka kia gwita gwakiria antu bau nyomba cia kwija kuritaira ngugi.

**Translator:** He is saying that the world does not increase the world is small. Then he is bringing in this point there have been houses for the central government and local authority that they have been grabbed. So he is proposing that those houses and plots that have been grabbed to be returned and that allocation to be nullified with immediate effect.

**Mwirichia Ngari:** Mapendekezo jakwa jaangi ni atiri, Kenya tukwingia mono na kuri antu bati kinya gachunchi kanini ka gwaka, mapendekezo jakwa ni atiri kuri aantu bena ika (acre) ngiri ikumi, ngiri fifteen ndithithia mapendekezo jakwa ndene republic thirikari yetu itikiririe kana Kenya itikiririe gwikira katiba ya munto wonthe uria akethirwa ee na ika inyingi ciithirwe ni five hundred ika.

**Translator:** He is bringing this point that the government should set up a ceiling on land acreage one should own, and he is proposing that the ceiling should be at 500 acre per person.

**Mwirichia Ngari:** Pendekezo riakwa ringi ni atiri, ajumbe ja ungi tukari nwe aja, MPs, councillors, mtu aiya araia, into bia mwingi arabungwa muntu uu atibwiri kuthurwa ndene ya MPs atibwiri kuthurwa ndene ya kiama kia local government councillors mtu uu nabwiri gutwikwa atibwiri kuthurwa, gutongeria any, abungi nuntu bwa kwiya. Ti untu bwa kurwa niuntu bwa kwiya.

**Translator:** He is proposing that for leadership, may it be parliamentary or civic that one should not be holder of any seat or vie if he has been implicated in debt, specifically if he has gone to prison on a theft charge, and he has underlined that theft only, not fighting but theft, such a person should not be elected.

**Mwirichia Ngari:** Pendekezo riakwa ringi ni atiri, antu baria, tuge ja majanji (judge), janji akeja kugwata agukumi niuntu ni muntu witikitue, janji uu abungwe na licence yawe ikaswe (cancel).

**Translator:** He is proposing that if a Judge or any member of the judiciary may be a Magistrate, Judge of the High Court that if he is found out to be receiving bribes that he should be imprisoned and he is proposing that or he is implying that he should not be holder of any office of the Judiciary again.

**Mwirichia Ngari:** Pendekezo riakwa ringi ni atiri, antu baria ba kurita ngugi kethira ni kwa department iriku kana iriku, uria ukagwatwa akukumi aikukumagwa muntu kaabwiri kweegwa dismissal akaana ti transfer. Aaritwa aja eethirwa nagukukumiri aja aikua Nyiri ari ni aane.

**Translator:** That if any person any public officer is found out to be involved in receiving bribes, he is recommending that instead of transfers, he should be dismissed immediately from the service.

**Mwirichia Ngari:** Pendekezo riakwa ringi ni atiri ngugi, twi babaingi ndene ya Kenya twi antu babaingi mono. Muntu umwe akarita ngugi imwe, muntu umwe ngugi imwe ti ngugi ijiri.

**Translator:** He is proposing that we are so many people in the country that one-man one job or one job one woman.

**Mwirichia Ngari:** Kinya cia board nuntu wombwa kuona Mr. Lawi kana Bishop Lawi ari kwa boardne (board) na ari boardine na ari boardine na indi kuri na baangi bari na uwezo buu bwa board iu boomba kwithirwa bari ku. Nandi ni muntu umwe, turi babaingi twendaa utethio.

**Translator:** He is even insisting in boards not we have one person in so many boards because other people should be given that opportunity.

**Mwirichia Ngari:** Pendekezo ringi. Baatwi ri, Kenya, ndi mukenya. Kenya tuti dhahabu na tuti maguta ja beteruri, into beitu biria turi ni into bia kurimwa. Kaua (Coffee), majani we twinto tu turimawa. Ngugi gwetu Kenya, ariti betu ba ngugi baritaa ngugi, kiumi ni gia ntuku mugwanja ya mugwanja nia kunogoka, baitaa ntuku ithatu, junaine jumatano alamisi. Jumaa head of Department bagachiitira. Jumatatu batijaa ngugine, ii jumaine bejaa. Kuga mapendekezo jakwa turitae ngugi six days.

**Translator:** He is saying that Kenya is not richly endowed in mineral resources like gold and oil, and then he is bringing this point that heads of departments and civil servants they just work three days in a week, that is Tuesday, Wednesday and Thursday. Friday they are not in offices, Monday they are also not in offices so he said that civil servants should work for six days.

**Mwirichia Ngari:** Pendekezo ringi riakwa ni atiri, ngugi, ja Meru kana Kenya turi gintu gitawa kaua, majani, iria, muntu uria ukethirwa aandiki, aandiki ari manager kana any muriti oo ngugi wa ikundi biria bia mwingi airia muntu uu abungwe na arie rubeca rwa muthia kinya atarirwe intumire kiri mwana kana mwekuru kana kiri uu bithingatanwe nabio mwanka arie rubeca rwa muthia na niko giatuma biama biria bia co-operative bikaomba gukura bwega na nthiguru ee Kenya icokerwe ni utonga bwawe, itige kuriwa ii muntu eeta akauga ndijukia one million, two million, three million, thirty million, nkabungwa mieri itantatu ngacoka nani nkanyara, abungwe na athingatanwe nwa mwanka arie rubeca rwa muthia.

**Translator:** He is recommending stiff penalties for officers who are managing co-operative societies and other agricultural based organizations that in the event of stealing that they should repay and of course stiff court penalties.

**Mwirichia Ngari:** Okay, ibwega. Katuge mantu ya Porisi. Porisi, antu ba betwawa porisi nibo batukaragia rii tweta kumama niuntu nwe witikitue, nwee akandangira maami. Nandi niuntu ibatuikire ni aamba kangupendekeza atiri, muporisi nuntu aandiki nuntu bwa gukaria ? cietu, aiya agambe ? niuntu new ukaritie bau bautwija.

**Translator:** He is proposing that since the policemen are entrusted for our security, if they are implicated in robbery that they should be charged with capital offence, murder.

**Mwirichia Ngari:** Niuntu nwee aandiki. Bungi Polisi nandi kankuthithia mapendekezo jakwa kinya jo. Mbica iji ya polisi ee Kenya kurungama njirene, tukaumania nawe oaa bwana commissioner, bwana chairman tugeta aaria rugongo ruria muundene jwa MP uu ukari aa, wethira polisi bari aaria bakiambairagia mbeba, siringi igana ngari igakuruka kinya ngari iti na brake, nandi kuu niutukaria. Kankuria, ntikumenya kinya uria ngapendekeza untu buu niuntu nuntu buumi mono. Kinya ntimenya uria gukombika. Mbiji Porisi ibagukumawa lakini babwi bwi commission kana bwi chairman ba kuthuranira mantu jaa ja kinthiguru ibagwikira country ee Kenya aibu ibatige.

**Translator:** He is bringing this point about traffic police officers, he is saying that all over the roadside along Meru they are there receiving bribes 20 shillings, 50 shillings even if the vehicle has no brakes. So he is recommending in the strongest language that this should be done away with.

**Mwirichia Ngari:** Bungi ni atiri, kinya councils, local government kinya bo antu baa baandiki ku bagwita bakaria mbia, kinya bu thirikari, ingupendekeza mapendekezo jau ? etagia naria natige kuringawa transfer nengwe. Natige kuringawa transfer eeta Meru, eeta Nairobi, nengwe. Aaria mbia Thika naria eeta nengwe akaretwa Meru. Kuthithue uu Kenya nzima niuntu niu thirikari ikuthithia na ni aibu. Thank you Bw. Chairman. Jaa jangi jakathomwa, jariaa jamaingi ma jakathomwa. Thank you Bw. Chairman.

**Com. Githu Muigai:** Asantee sana Mzee. Newton Githinji, Ibrahim Mohamed, Joshua Kimaita, Murithi Gitonga, Nicholas Mutuma, Alex Mwenda where are you? Only one of you is going to speak on your behalf, is that correct? Can you choose one person to speak on your behalf because we are giving you priority so that you can go back to school. Is that acceptable Gentlemen? Thank you very much.

**Speaker:** Okay Mr. Chairman and the Constitution Review Commission members, it is my pleasure that

**Interjection: Com. Githu Muigai:** Give us your name and the institution you are representing or the group you are representing.

**Newton Kithinji Kitonga:** I am Newton Kithinji Kitonga, representing the human rights movement of Meru School and these are our views. First, we are saying that there should be a parliamentary system of Government in which a Prime Minister is appointed from majority party of Parliament and the President remains less ceremonial. To distinguish them the Prime Minister should be ceremonial dealing with the national and international policies whereas the President should only be a symbol of unity as being of the Republic.

Men should offer less dowry for marriage so that instead of offering all the wealth to the bride's relatives it should be used to set up a healthy family instead. The Parliament should have a department to discuss and curb corruption and the misusing of

powers by governmental officials. An Ombudsman should be elected for the MPs to deal with the grievances of opinion of citizens against governmental officials only if he has enough evidence to prove it, he or she should be independent. President should not have powers to convene, suspend and dissolve Parliament because this gives him or her an opportunity to manipulate Legislature. The President should have no powers to undermine independence of civil servants and constitutional offices. The powers to appoint the Electoral Commission, High Court diplomatic corps and armed service should be handled by Parliament.

The Vice-President is appointed by the President, and should not have power after the President has maybe died or resigned, only neutral authority.

With no interest of office like Speaker and Chief Justice should have this power. During election period all the security forces should command over the transition authority. A provision of human rights should be gathered into a Bill of Rights and placed at first position of the Constitution. All appointments of High Courts of Appeal and constitutional courts should require consultation with interest of several societies, public hearing, vetting by committee of national assembly chaired by the opposition. Constitution should include strong protection against harassment of MPs; those threatening that should be on the ground of impeachment.

We propose that the youth should have a representative and that representative should be a youth in Parliament, to have the youths opinion or statements be considered at high levels instead of leaving it to the stone age leaders who find it cumbersome to cope mainly with this dot-com generation. One wishing to stand as President should at least have a University degree but not set in academic dwarfs who are not resolute enough. First reform, I would say that in our Constitution the reform is that the Constitution should be written in Kiswahili and then translated to all local languages that are found in Kenya, instead of just writing them in other technical legal jargon. And then the Constitution should be found in all public libraries, schools and other public institutions. There should be free primary education and no cost sharing in secondary schools. They should provide personnel facilities for the secondary education. The main grade for entering University should be minimized from B to at least C+ because majority find it cumbersome to go in line with this task since it's very demanding. Most of the poor students in district and harambee schools get much impact on this.

Freedom of religion should be maximized in all technical and tertiary institutions, including all private schools that are owned by certain church or churches where one is forced to change his or her religion to suit the place. Provision of qualified government clinical personnel to all public schools despite their ranks. The mass media should be fully controlled in the Constitution in the sense that all programmes and advertisements should be moral, that is they should have healthy message and not deceive the youth. About employment, government should ensure that one resigns at least at the exact time to offer a vacancy for another citizen with a similar qualification also the government should not rush in hiring experts from abroad who scoop millions of money just for a job that a citizen in Kenya could come in place. The ministry of education should not choose Chairman of the BOG in public schools, that should be left for the parents and teachers. The government should improve market for cash crops especially coffee, tea and miraa that is most locally grown. This is because many of the parents rely on this for the school fees.

**Interjection: Com. Githu Muigai:** Summarize please, summarize please and stay with the recommendation itself.

**Newton Kithinji Kitonga:** Okay, the places of settlement; the government should ensure that they are reliable, they have a reliable topography not just hearing of land slides or any other experiences that are not healthy. A child born of Kenyan parents regardless of gender should be entitled to automatic citizenship. The carrying of IDs to the persons over 18 years should be reinforced by ensuring citizens get their ID cards in time. Those in secondary schools can be given during the completing year if one is of age. Being an MP should remain part-time so that citizens will remain much of servants and hence will be active. Thanks.

**Com. Githu Muigai:** Thank you very much Gentlemen from Meru School. We will now go to Leonard Murito, is Lenard Murito here? Oh Muriithi, sorry, it is the way it's written here Leonard Muriithi. I notice Sir that you have a written memorandum please highlight and be as brief as you can.

**Leonard Muriithi:** I'm Leonard Muriithi, I represent Ex-MauMau freedom fighters na ningetaka kuuliza Commission kwa sababu tuko na Chairman na alikuwa amechelewa wakati wa kuja azungumze kidogo halafu niendeleo na yangu nisome tu. Bw. Chairman.

**Com. Githu Muigai:** Okay tutasikiza mmoja wenu kwa sababu nyinyi Tumeandika mtu mmoja kwa hivyo tumsikilize Chairman au wewe, mtu mmoja

**Interjection: Leonard Muriithi:** Mtasikiliza mimi.

**Interjection: Com.Githu Muigai:** Kuna watu mia tatu na kumi ambao wanangojea kuzungumza.

**Leonard Muriithi:** Hii memo ni ya watu wa Mau Mau wale walipigania uhuru na nitasoma na Kingereza. Political parties; Kenya should be multi-party state and mostly with three parties.

State finance should be shared among the parties in a certain percentage. Centralized state of government that there is no majimbo. District level to be more empowered, that is devolution of power from Nairobi to District level.

Legislative: Constitutional appointments should be vetted by Parliament. MPs should operate as full time occupation that is three days in Parliament, two days to serve their various constituencies. Presidential leaders should be 45 years. Every elected parliamentary member should be confirmed by a tribunal council. Half of the nominated members should be women and the disabled. There is room for coalition if the government lacks 2/3 of the supporters. In normal voting, Parliament members should consult the public that is referendum. The President should not veto the Bill of Parliament but should only sign. This



should be set and known when Parliament should be dissolved. If an MP moves to another party, he should lose his seat.

Executive: President's tenure should acquire a  $\frac{1}{4}$  votes from all provinces. Where this is not the case, number one and two should have a runoff. On misconduct, the President should be taken before the Parliament tribunal council for counseling. President should attend Parliament every time there is a meeting but can ask permission from the Speaker. MP should be a full-time worker. Provincial Administration is necessary but the office of DO should be eliminated.

Judiciary: everybody should have access to legal aid if need be. An Ombudsman to represent the common man. Constitution seat should be under constituency headquarters. Parliament should appoint high office that is Chief Justice. Official gazette should be made available to everyone, that is, a copy to be sent to Chief to ease the accessibility, that is gazette of land issue. Every constituency should have access to a Magistrate Court.

Land tribunal; old men of over 50 years should be elected by the people to form the tribunal. (inaudible) should stop being taxed. Local government; Mayor and Chairman of the local authority should be voted for by public.

Nomination seat for women and other weak groups; government should set aside some amount of money for the council to carry out development. Local authority, if a certain area have more than 40,000 people should be allocated an MP. Every town with a municipality should have an MP. All elections should be done the same day and the counting should be done immediately at the polling station.

Basic rights; rights to grow and security, deliberate, killing due to insecurity should be compensated by the government. Right to employment from the government: a village can put up for the aged to be catered for, the old can also be catered for while still in their original homes. Every child should have a father and mother. Rights to educate her from Standard One to Form Four level.

Rights of the vulnerable groups. Hapa nikienda kidogo nitaongea na Kiswahili kwa sababu hii ndiyo interest yetu sana. Ningelitaka kusema Constitution ile ilipita ilikuwa ya mzungu na mzungu hakuweka mambo ya Mau Mau hapo kwa sababu alikuwa anawachukia kwa sababu walimpiga. Kwa hivyo nitazungumzia kidogo niambie Commission mambo ya rights za Mau Mau, walijaribu sana kwa sababu hata economy ya hapa ndiyo wamesaidia wakati walikuwa detained. Walitupa mashamba yao wakati walikuwa huko na sana sana watoto wao hawakusoma na hawa watu

**Interjection: Com. Githu Muigai:** Pendekeza tafadhali ungependa tufanye nini:

**Leonard Muriithi:** Ningependa kwa sababu wamefanya economy ya hapa ningeli-just mention just two to three hiyo kitu nilikuwa ninataka kuzungumzia halafu nipendekeze. Na hiyo ni about construction of Embakasi Airport na Mwea Irrigation

Scheme, Hola Irrigation Scheme. Hiyo ilitengezwa na hao watu. Kwa hivyo tungelitaka hao watu wapewe, au wawe compenstated na hata ikiwa mtu alikufa na kuna register zile zilikuwa huko kama kwa irrigation, zile zilikuwa kwa Embakasi wale watu walikuwa detained wabeberu walikuwa na register nadhani wanajulikana, kwa hivyo ningelitaka walipwe. Serikali iwapatia kiinua mgongo kwa sababu walifanya kazi mzuri na sisi tukawa tunafurahi namna hii kwa sababu ya hawa wazee na watu wao.

Rights of the vulnerable groups: the number of women should be increased in Parliament. Father of the suffering children should be traced and punished. The two families to solve the problem. The Government should take care of the disabled people and street children.

**Interjection: Com. Githu Muigai:** una dakika mbili tafadhali.

**Leonard Muriithi:** Nitamaliza na dakika hizo mbili.

Compensation; disabled and deceased that is those who were left as widows and widowers. There were bombs that were set by white men and they do strike people even today. Therefore, those who are being affected should be compensated by the Government. State awards medals to the Mau Mau heroes. Mau Mau should have free access to land. The aged of 60 years and above should be catered for by the government. A camp village for the homeless Mau Mau heroes should be constructed. Heroes' Day or Mau Mau day should be set, that is the day we talk about is Kenyatta Day, we want this Kenyatta Day to be Mau Mau Day. Mau Mau education should be included in civic education syllabus curriculum and to be released that Mau Mau fought for war and therefore deserve respect.

Land and property rights: everybody has a right of land ownership or type of ownership. Any land grabbed or illegal land acquired should be returned to the government so that land less people can be given something. An individual, that is Commission should not be allowed to grant land to Commissioner.

Management and use of natural resources; natural resources should be controlled by the Government and should benefit the locals. Right to use one surrounding reserves. Thank you.

**Com. Githu Muigai:** Thank you very much. Can we have Sheikh Ibrahim, is he here, not here? Jackson Muriuki, is not here. Paul Gikundi, not here. Joseph Rugara, not here. Elizabeth Karwire, hayuko. Festus Kiriinya, Amos Karithi. Okay asante sana, thank you, please try and summarize, we have several hundred people who want to give their views.

**Amos Kireri Kaithi:** Okay, thank you very much. Since I have some written material here I will try very much to just give you the highlights of our proposals. I am here to present my personal views and the view of a colleague who could not avail himself

here. And I think I will go straight to the sections of the Constitution which I think we can improve. I will go to part one, chapter two which talks about the President and the Vice-President and in this chapter in this section, it says that the Presidential candidate should be an MP and then he or she should garner around 25% of votes in at least 5 provinces and as well as garnering the most votes. In this section we face the danger of being ruled by a President who is elected by minority. So to rectify this, I will suggest that apart from those three provisions of that section there should also be a provision whereby if none among the candidates garner over 50% of the votes then we should have a re-run. This then will eliminate that danger of someone who has been given votes by less than half of the people being their leader. In this section also, I would also suggest the President to have a running mate and automatically this running mate becomes the Vice-President. This will rectify a situation where the Vice-President who is an appointee of the President doesn't have confidence and security of discharging his very important duty.

In this section also I would like to suggest separation of Presidential from parliamentary and the civic elections. We all know the danger that one brings, it gives us a lot of confusion especially among the illiterate and semi-illiterate voters. That will help the voters to identify the candidates and not as they are told currently to vote for symbols because most of them just go to the polling station with a symbol in mind, they don't know the candidate they are voting for, they are just voting for the party and a symbol.

Then I will go to section fourteen which gives immunity to the President against criminal or civil proceedings when he is in office.

I think the President, being a human being, it is very unfair both to us as the citizens and to the person, if we give him total immunity to criminal or civil proceedings. I think the President should be accountable to the people in a way, and this is the way I propose it should be done. If a President goes against the Constitution or mis-behaves then I think a parliamentary committee should be selected and this committee should be empowered to call the President for questioning. This committee should present any evidence that they have been able to collect to Parliament for debate. And if 2/3 of the Parliament feels that there is enough evidence, then the President should be impeached. In this section also the Constitution should clearly state the situations or the kinds of misbehavior of which the President can be impeached, that one should be clearly stated that if a President does this if he does this then he should be impeached.

I will go to chapter three which talks about the Electoral Commission, and again here it is good to notice that a President in this country is an interested party in the elections and therefore he should not be given the sole role of appointing members of the Electoral Commission because here will have a conflict over interest. The President is an interested party, he is a player and again he is the appointing authority which means he is the referee, so that one should be done away with in the new Constitution.

The criteria for electing Commissioners should be also be set in the Constitution and I would also suggest that these members should be forwarded by the various parties in the proportion of their representation in Parliament. Then the Commissioners should have security of tenure, because if they don't, they will be very easily manipulated by the executive. I would also suggest here that the voter registration process should be continuous unlike currently where some time is set and normally when we are

nearing a general election, the use of state resources in political campaigns, I think public funds have no business being applied in political campaigns and therefore people who want to vie for any posts either as MPs or even the President, should fund their own campaigns.

I will go to section fifty-nine which gives the President the power to prorogue or dissolve Parliament. As I said earlier I think the President also is an interested party in an election. Therefore, if the Constitution gives the President the power to prorogue or dissolve Parliament then he or she is likely to abuse that power by using this to ambush other parties and this is actually that amount to rigging an election. I propose the Parliament should have its calendar and we know that it is provided in the Constitution to go on for 5 years and therefore it should be automatic, the next election should be automatic that on the dot when the 5 years elapse then we should have an election.

The general issues I would like also to comment on and one of them is corruption. The Constitution should provide for the creation of an anti-corruption agency to tackle the menace. The members of the agency should have security of tenure. How this it should be done I think I will leave to the subject matter experts, but the Constitution should establish that agency. I will talk about gazetted forest. I think we all know the agony Kenyans have gone through in the protection of their forest which is a natural heritage which we just hold in trust for ourselves and the future generations. I think the new Constitution should make it extremely difficult for any degazettment of gazetted forest. I am tempted to propose this to be done by the subject matter experts but at least I have a suggestion of how this can be done. I propose that before any gazetted forest is degazetted, an appropriate parliamentary committee on environment should hire experts who should carry out what is called an environmental impact assessment. In this environmental impact assessment this group of experts should contact all the stake holders in that forest and then a report should be submitted to Parliament and simultaneously the same report should be released to the people through the mass media. So as the report is being debated in Parliament it is also being debated by the people which has been released to them through the mass media. This will help the people to lobby through their MP and for any gazetted forest to be de-gazetted a simple majority vote should be taken in Parliament.

I will talk about public land where I also think either the Central Government or Local government, has no business actually holding any land. Any land that they are holding currently, be it the Central Government or the Local government, should get a title deed. If it's a hospital the same, if it's a women group so that those people can take care of the land because the Local and the Central Government have done a very poor job in actually taking care of this land. So various community groups should take care of their own land. Thank you very much, those were my views.

**Com. Githu Muigai:** Thank you very much Kimathi Steven, no Kimathi has submitted. Martin, it is a very difficult name to read Maritia from Kibirichia. Sorry are you Bauni?

**Ayub Kubania Bauni:** Thank you Bw. Chairman, my name is Ayub Kubania Bauni I represent Kenya National Chamber of

Commerce, Meru branch.

**Interjection: Com. Githu Muigai:** I know you have a written memorandum so please try Ayub, to highlight only the principle points.

**Ayub Kubania Bauni:** Thank you. Well there are some points that we have come with from business community within Meru. And we found that several things don't go right due to the current situation that we have in the Government, and we feel some of these things should be rectified in this manner.

Government should encourage foreign investors and they should reduce the tariff barriers that have already been imposed on investors, in this case we shall have investors frequenting the country and we shall have employment.

Second point, the factor of land of which has been talked about so much, we found that we Kenyans we are sitting on a time bomb of which things might change to be like Mugabe's country. It went to young people because we found that young people live at the mercy of the old people, as old people never relinquish land until they die. And we find we young people can never be given a chance, to develop or even to have loans with those title deeds because we are given when we are very old. So we thought the Government should set an age limit where old people should be compelled to give young people chance at least to develop. Because once you are given a land when at 60 years, you can never be able maybe to borrow from banks or other lending areas, so in that case we find young people live at the mercy of the old people.

The next thing is that many have talked about, about some people having no land to live on or even a grave to be buried yet we find that we have some people having more than 5000 acres and some are just bushes. We thought and found out it is good if the Government can set a limit for the acreage of land that one should possess and the ones that are not utilized they should be submitted or given to other people who should utilize them for economic gains of the country.

Another factor, we go to qualifications of a President. We find that the current constitution emphasizes on qualifications of a President, there are no qualities that are emphasized on it. Those are two different terms, technical terms, qualification and quality. We find that qualities are not emphasized and in Kenya we should have quality leaders; leaders who are God fearing, leaders who are good fathers and good mothers because we believe that if we have someone who is a good father or a good mother, you will definitely find that the children have gone to school; the infrastructures are okay, the employment is alright. In that case leaders should be looked up to their background when being elected to the big posts.

The other thing is that we found that the Constitution stipulates about the age limit of when one should be elected, but there is no age margin as to where he should go. We found that the age limit should be around 50 years, otherwise after that one becomes somehow retrogressive.

Presidential elections; we found that the 25% in 5 provinces is quite minimal in that case the person is not popular at all. We suggested that for a President to be elected there should be around 50% from around 8 provinces and there will be no President by then, there should be a run-off. The essence of the President having powers to appoint or dismiss, we found it quite abusive because even an angel given all these mandates definitely will have to abuse them. So the fact of President having powers to elect Cabinet Ministers, Attorney-General and the rest, should be left unto the Parliament. We find that Parliament is the one that debates when debates are presented to the Parliament, they are debated but the President is not there and he is the last person to put a consent to whether it becomes a bill or not. We think he should not be the person to put a consent or not for something that has been debated by around 200 MPs. So he should be in Parliament to debate it or reject it rather than be given the chance to either accept or not at the last moment.

Electoral Commission, Electoral Commission should be selected or appointed by the Parliament. In that case, we will minimize the essence of being partial because they will be safeguarding their friend in that case if selected by the President they will definitely be on the side of the President. The other point is that we found that a President being a national figure should not be elected as an MP of a certain area. This is because either he will be favoring his constituency, or he might neglect it because he will never be in Parliament to debate anything. The next point is that Kenyans should be told the date of elections no sooner than the elections has ended.

Another point is that we have been having this gender issue where we find that women tend to seek sympathy. They should find out their positions rather than expecting sympathy from people. About police force, there should be another parallel body that can prosecute and investigate police department when they have corrupt deals. Another point is that there should be cancellation of all illegally allocated plots if they are known. Another point is that an elected member should only serve for two terms of 5 years each then gives a chance to the others. Thank you Mr. Chairman.

**Com. Githu Muigai:** Thank you very much. Some kind of discrepancy has been brought to my attention. For those of you who have registered as having written memorandum only, I have not called your name because my assumption was you did not wish to be heard, you did not wish to make an oral presentation. So if you are here and your name appears as having a written memorandum only, but you still wish to make an oral presentation, please identify yourselves. Our programme officer will come round and will confirm that in a short list. I am sorry about that confusion. Can we have Mr. Francis Kiruja, you are one of those who I thought did not wish to be heard. Could you very briefly summarize your memorandum?

**Francis Kiruja:** Yes I will. Thank you very much Mr. Chairman. I started with the local government, I wanted to say something about the election of the Mayor. And I wanted to say that if the Mayor has to be elected this one must be public that the Councillors should not be elected and then go indoors to elect the Mayor because it is a terrible discrepancy. They don't get us the right type of Mayor that would wish to serve us in the capacity of that office. Power of Councillors to hire and fire

employees should be taken into consideration because Councillors now look like just window dressing and in most instances, they have no powers that they should have in the local authority. Mayor should prove tenable education to handle public offices and people, because if a Mayor doesn't have that education or education that he feels he can do what is required of him, he becomes a coward Mayor and he doesn't get anywhere. Proven knowledge of English and at least English language should be enforced by the new Constitution, that these Mayors should be tested properly because a Mayor is quite an office that requires somebody who understands what he is doing with the office. He should be above the politics of the ward so that he can treat people without fear or favor. We should enact a law to this discipline corrupt Councillors, those who mis-appropriate public funds and those who don't do the right thing when they are required to do the right thing in the councils.

Each ward to operate on a budget and I stress each ward should be made to operate on a budget according to the population on the ground. By the population on the ground, I mean people who are in that ward are the people to determine the amount of money to be used by that ward, so the budget should be made to that effect. Loop-holes for land grabbing should be checked and measures should be put in place so that land is not just put in the hands of the Councillors and wasted just like that or is taken for sale. The municipality should behave as a public office for wananchi and offices must be close to the ground to interpretate to the wananchi what affect them. This is what I was trying to say, there is the office of education, there is the office of the public health, there is the office of social services and these offices should actually come right back to the ground so that they can tell wananchi what affects them in the municipality. Sometimes there comes an outbreak of cholera and fellows are just down there dying without seeing the public health officer to come and tell them what is happening to them. Therefore the act should elaborate clearly what kind of duties these offices should do.

Councils with forestland should be accountable and maintenance of the forest, reforestation and the eco-system to boost tourism and increase the revenue earning, and that one I won't elaborate. Local authorities should have real feel over Government power and authority to deal with its affairs without the meddling of the Central Government because the local authority should give us that we need without first of all telling us we can't repair this road until we go to the Central Government to get the money, when they get to the Central Government to get the money we know the red tape and these things don't happen the way we want. So I am trying to say the Constitution must be put in place so that the local authority is given the ample powers to handle its affairs without the meddling of the Central Government.

I had something small to say about the cooperative movement and I think I should say it. We should abolish the office of the cooperative office; this office of the department of cooperative should be merged with the department of agriculture to handle the matters of the farmers from one end, not the department of agriculture handling matters that relate to the coffee farming and when that coffee is sold the money comes to the cooperative movement. And what we see is the cooperative officer now trying to poke his nose into the money to keep the accounts without knowing how this money came in! You know it is a long, long way which has been taken for the farmer to earn that money and he should be taken care of. There is quite unnecessary duplication of work and if care is taken in the new Constitution I am trying to say Government will reduce the budget and this is



what we should take care of.

Co-operative societies should have the autonomy to organize in a business-like manner, that is aimed at profit. They are not or the cooperative movement is not allowed time to manage their affairs. Instead we have myriad of middlemen all of them poking their noises into the affairs of cooperative movement and this is not what we actually need. I am trying to say, there are cooperative unions which are enriching themselves from the proceeds of the farmers because the present Cooperative Act recognizes a union which as far as I am concerned, and as far as I observe, it looks like a person with a syringe and a needle, trying to prick into the body of an emaciated and an anaemic person to draw the last blood so that that person dies fastest. This is what the union is doing to the farmers at grassroots level. So I am trying to say the union is not a necessity and it should not be inexistence. Cooperatives should man their own affairs by Sacco movements and the Cooperative movement farmers trading in a business like manner, so that they have the profits. I am trying to say committee members of every cooperative society should be give ample education so that they can handle cooperative affairs without much problem and they should serve for 5 years and within those 5 years they should be seen to be doing the things that the members need, by following to the letter what is said in the general meetings of cooperative societies. Therefore the organ of the general meeting must be given the powers that it should so that whatever is passed in the general meeting is followed to the letter.

The Constitution must seriously address agricultural policies for the benefit of this country, this is an agricultural country and being an agricultural country, the policies that pertain to agriculture should be addressed much more seriously in the present Constitution.

I had something to say about the police. Of late we have known police as a very corrupt body and everybody has been talking about the police and the kitu kidogo. These days hata kimekuwa kitu kikubwa and we are putting up with that one because we don't know what we can do, but I am saying it should be the duty of the Constitution that is being put in place to see that corruption in police is eradicated. I was trying to observe this point in time when we had a very powerful office in police stations known as the Base Commander. This Base Commander, he commands vehicles in the street, he doesn't command vehicles in the base, meaning if you are caught up in a mess with the police then you to the Base Commander, that gari seems like it's his and you have to obey to rule of the day. And one of those is digging deep into your pocket to give out the money so that you can talk to the Base commander. He has the language of money. This is corruption on the highest degree.

I am saying if anything if the police have to keep law and order on matatus in the streets, let us put a point or a let us put a chapter in the Constitution which will say that things must go not the way they are going but in a better way than that. All the policemen should be involved in patrolling roads to see unroad-worthy vehicles not a selected few from the department who go and pitch up a tent on the side of the road and every day they are there, today, Saturday, Sunday they are there every day so they are known to those people who operate through that route and they keep on giving out the money simply because they are there. Let us see that if it's a police operation it should not be set to the few who are known as the traffic police. There is no

traffic police they are all trained in Kiganjo to take up offices the way they are given them. If anything then our Constitution Review Board Mr. Chairman borrow a leaf from Uganda police, those who have been to Uganda they keep on telling good things about Uganda roads and the way the police behave.

Land arbitration and control boards; am trying to feel that the arbitration board these fellows are not as qualified as they should and in most cases they keep on encouraging people to go into conflicts so that they can have cases to arbitrate. I am saying they should be looked into; some say they should be there, I say they should be scrapped. These boards encourage land disputes so that they can have cases and hence be able to solicit bribes. They are ever messing the poor, favoring the well-to-do who can afford to give heavy bribes. Kenya should think of establishing independent law courts to deal specifically with lands matters to root out this corrupt gazetted body.

Creation of Commissions. No Commission should be left to continue for more than 4 months, after this period the Commission should be disbanded and the report made public. A law to this effect will save unnecessary expenditure of the public funds. Most Commissions stay on too long and keep wallowing in self pity for lack of funds, we cannot do this because we don't have the money. And if this is what is going to happen I am suggesting 4 months should be the longest period a Commission should be in office. And this country has observed and seen that we have been ran by Commissions for far too long, instead of having a Government that can put things in place. Every time there have been commissions, we have been addressing Commissions here, Commissions there and most of them never give us the results of what we were trying to tell them. So am saying if a Commission exceeds, the longest term should be 6 months. If it keeps on there normally the budget runs short and disagreements come that there is no money we can't operate. Mr. Chairman, I think yours has been also an example to the kind of thing I am trying to say.

Law relating to inheritance, this law is left

**Interjection: Com. Githu Muigai:** Now that you are on inheritance and not on the Commission, I will request you to summarize. I didn't want you to feel I was gagging you.

**Francis Kiruja:** On the Commission I was trying to say that,

**Interjection: Com. Githu Muigai:** On inheritance

**Francis Kiruja:** On inheritance, then I will summarize. The law relating to inheritance, am trying to say that if we really would wish to follow keenly, we can get the law of inheritance from book we respect, the Bible. And that is in the book of *Numbers chapter 27 verse 6*; this one doesn't discriminate on the women, so if it doesn't and we have Christians and most of us who are not Christians are God fearing, we should follow that one to the letter and as you make your Constitution please also rely on

the Bible, it is giving you that one.

Equitable land distribution in this era nobody should be complaining about having no land, because we know from 1963 people have been allocated land here and there. The law that should be put in place Mr. Chairman, is to see that what is given out as schemes and other pieces of land, should not be sold because once it is sold, fellows will just go back to the streets again and start claiming that they are landless when they have sold what they were given and this is the wrong approach to the whole affair. I was also trying to say that independent courts should be set to handle these court matters because the Ministers Appeals Committee or Ministers Appeals Commission has been a toothless bull-dog. It has done nothing, what it actually did is it got into the matters itself, the matters of grabbing not the matters of saving the public. So if anything that Commission should also be disbanded, that committee of Ministers Appeals Commission.

The next election am trying to say this one we should go with a new Constitution because I believe what we have told you, the kind of civic education we have received up to date we are able now to go. You people sit down 18 hours instead of 12 hours and give us a new Constitution as we enter into the elections in December. Please don't talk about having not completed your Constitution, you have had a long time. Voter registration should be a continuous exercise and I also had something to say about the Electoral Commission, the Electoral Commission seems to be that it will live for quite some time, it must be a Government department instead of being a Commission. And all the people who are working for that Commission must be absorbed in the Attorney General's Chambers, they go there and work from the office of the Attorney General. The people who will be working for the Electoral Commission should be under 45 years, not the elderly guys who will keep on bragging on matters of 1963 when they are talking about year 2002. Thank you Mr. Chairman.

**Com. Githu Muigai:** Thank you very much. Miriam Gatwiri is she here? No, Sarah Munyange you are here Sarah, thank you very much. Miriam is here okay, we will listen to Miriam, is Sarah here? She is not here, Makishi Maison, is he here? Okay, we will start with you Miriam.

**Miriam Gatwiri:** I am Miriam Gatwiri from Nkabune Technical Institute, I'm representing the school and these are the views. These are the views. Okay I am sorry. I am Miriam Gatwiri from Nkabune Institute I am presenting the Kabune Institute Trainees and these are the views they found that they could be handed to Review. Allow equal number of women nominees in the Parliament as men and even have them be elected in Parliament, let them be heard also. The new Constitution should guarantee employment to all qualified citizens. The Electoral Commission should not be allowed to enjoy security of tenure because this could lead to unfair elections. The HIV positive people should be protected by the Government as in offer them jobs until they can't be able to work any more. This will reduce dependency and reducing poverty and protect them from depression from too much stress.

The three organs of the Government should have independent powers, that is separate powers; I mean Executive it's own,

Judiciary alone and Legislature alone. Being a Member of Parliament should be a full-time job so as to be more concerned about the constituency they represent. Abolish death penalties and replace with life sentence because given a chance, some people can amend their lives. We should advocate for compulsory education for primary education and children's rights should be enforced. Restriction should be placed in land ownership to stop misplacing some tribes e.g. Maasai so that we can stop tribal clashes. The Government should own natural resources not individual or private sectors. Thank you.

**Com. Githu Muigai:** Thank you very much, that was very good. Humprey Mtukaiti, hayuko hapa, Wilson Gichuki hayuko hapa, Jonathan Odelwa.

**Jonathan Mwiragua Mugambi:** I am presenting for Rwiri group in Meru. Jina ni Jonathan Mwiragua Mugambi. We came here with the recommendation that the amendment of the Constitution be given to the party faithfuls into a committee to collect the views from the Kenyans and colleagues. These Commissioners should be independent from the Government control. The proposals gathered or collected by the Commissioners are then taken to Parliament for discussions. Some party constitution should be beyond the amending power of the people or of the Parliament e.g. changing of the constitutional boundaries. Public should be informed through referendum to amend the Constitution on part of economy when the elite groups feel that the economy has been grossly mismanaged or plundered, and the people are not supportive of the Government of the day, referendum should be conducted by incumbent Government.

**Interjection: Com. Githu Muigai:** Ngoja kidogo hii ni kukumbusha wananchi kwamba si lazima uzungumze Kizungu au Kiswahili. Ukitaka kuzungumza na Kimeru tuna mtu ambaye atatafsiri kwa hivyo usiondoke ukiwa unafikiri hakuna mtu wa kutafsiri na Kimeru, endelea.

**Jonathan Mwiragua Mugambi:** On the political parties, should play roles other than political mobilization they should secure continuous accountability of the Government and proper exercise of power to keep the Government of the day on its toes. Opposition party should not oppose the Government for the sake of it. Opposition should draw clear battle lines to review the Government policies or proposals to vet the wishes of the Electorate. Political parties should be limited to at least three. All political parties be financed by public accounts but it should be financed according to their numbers in Parliament. All parties should be faithful and loyal to the state, strive to be responsible, disciplined, democratic and respect wishes of the majority. Parties should not sponsor or promote defection or encourage destruction of others. Parties or opposition should have a duty to know how the system works and ensure that there is good governance of the day.

I will come to the other point, that is the Provincial Administration. We need to have Provincial Administration up to the district level, DC, DO, Chiefs and Asst.Chiefs. The Chiefs and Asst.Chiefs be given power to search private premises when there is complaint about illegal brews, bhangis e.t.c. Chief barazas should be attended by all the people and Chief should not solicit for money for personal use.

Local Government; the Mayor and the Chairman should not be elected by the people directly because if it happens then, they cannot be sanctioned by the Councillors, they will be permanent they will be doing what they want. The current 2-year term for the Mayor and Council Chairman is enough. No defection of sitting MPs and in case an MP wishes to defect, he should be barred from contesting in the following elections because he or she has offended the people who elected him. The President should be a graduate of a reputable University that a lot of students are being recruited.

About the Electoral system; we should not retain the current geographical constituency system but include population and at least each MP or ward should have a certain population of at least 40,000 thousand voters. It's unfair to see an MP representing 110,000 voters and another MP representing only 12,000 voters. The Electoral Commission should control the spending on the campaign. Ministry should come in when Councillors complain of the chief officers either to advise or scrutinize. The minimum education for Councillors should be KSCE or equivalent. Councillors should be morally upright with no previous criminal convictions. The remunerations of Councillors should be proposed by Councillors but determined by the Parliamentary Remuneration Committee according to the Councillors revenue. This means Councillors should be according to the welfare of the councils because some councils in the country are very poor and others are very rich.

**Interjection: Com. Githu Muigai:** Summarize Sir, please.

**Jonathan Mwiragua Mugambi:** I am winding up. The process for transfers and inheritance of land should be shortened and free and a direct form for transfer and transferee. There should be a ceiling on land ownership, nobody should have more than 100 acres. Male and women should have equal access to land as per Bill of Rights. I think these are some few points that I wanted to present.

**Com. Githu Muigai:** Thank you very much Sir, please let us have your memorandum for safe-keeping. Mr. Alfred Mugambi, is he here? Albert Mugambi, I am sorry Sir.

**Albert Mugambi:** Thank you very much Commissioner. My name is Albert Ndobi Mugambi. I am from the Meru Paralegal Community Project, I am also from the Ma division Mass Civic Education facilitator in Meru district. My constituency is North Imenti and my location is Municipality. I want very quickly to tell you this, the Kenyan Constitution should have a preamble, talking about the people of Kenya and that the Republic of Kenya and that the people own that Constitution. The next recommendation I want to make Sir, is dealing with public offices that are set up by the Constitution.

First of all I want to talk about the Parliament. The MPs should have the age of between 25yrs to 75 yrs and parliament should be an independent body and also be able to control its own calendar, not controlled by the executive. Also the MPs should be full time. I also want to state that they should be active, also they should not be restricted in mode of dress. At the moment Sir,

we understand or we learn with shame that if you go to Parliament without a tie you are turned away. So we want, because the culture of the people of Kenya doesn't necessary entrench having a tie, we want that be put into Constitution so that members both men and women are able to go in and out of Parliament without restriction in terms of the attire that they wear.

The other thing is that membership of Parliament should be by contest to go into Parliament and also nomination by stakeholders for e.g., minority groups should take part in nominating members to the Parliament. The other thing Sir, is that MPs should be able to serve only two terms of 5 years, so that they give other Kenyans opportunity to be able to participate in the democracy of the country.

And also we want nominated MPs to belong to marginalized groups; those who may not be able because of the numbers, may not be able to elect their own people to represent them. Also coming to Local Government, we want the Mayor and the Chairman of the County Council to be elected directly by the people to be able to perform that duty. We want also the Municipal Council, the County Council Sir, to include people like Njuri Ncheke but one thing I want to say about Njuri Ncheke at the moment it's very dictatorial, it never performs any elections until if it's allowed to re-organize itself and to be able admit members freely, then it should be given a number of seats at the Municipal level and at the County Council level. The other group which should be given an opportunity for nomination is in a town such as this one we have got a number important significant groups such as Muslims, they too should be given a a nominated seat or two depending on the numbers. The other people is the people called Mau Mau groups. They should be given a nominated Councillor because they are the people who brought independence to this nation. There are other people within urban areas in Kenya Sir, trying to broaden and to democratize Kenya is also to have the Hindu community also represented as nominated Councillors, so that they are able to participate more freely.

Now I want to move to the Judiciary Sir, that members of the judiciary, Judges, I am suggesting that there should be a Supreme Court and the Court of Appeal, High Court, Magistrate's Court and Kadhi's Court where there is a significance number of Muslims in each of the urban centers. These personnel in these institutions should be appointed by the Judicial Service Commission. Now, to be able to control the people in the judiciary Sir, I propose that there be an independent and external kind of arrangement to be able to look into or evaluate the work of the judiciary so that the members of the public who have claims and complaints, and don't actually obtain any justice within that hierarchy, will be able to use even the media to be able to be heard, so that they can tame the judicial officers. The other thing

**Interjection: Com.Githu Muigai:** Please try and summarize Sir, please.

**Albert Mugambi:** Yes, that is trying to strengthen the Constitution is to have offices of Ombudsman or Parliamentary Commissioner for Administration. Independent Electoral Commission which is able to be free to register voters right from when they are of age 18 and continue that way and update all the offices.

Separation of powers; I heard a suggestion that Commissioners as they were called to appoint the Judges should name the MPs. I want to warn the Commission not to agree to that idea because it's limiting powers rather than separating. The other thing that I want to talk about is free primary and secondary education and reforms, continuing with reforms, and sanctions only by the people through referendum. Lastly, I will talk a little bit about land. Land is killing people quite a lot so when it comes to issuing title deeds, we want that one to be provided for free of charge. In settlement schemes as someone has pointed out here, it's better not to allow people to own land there and then sell, and come out on the streets again, because people who are given are bound to have families and those families should be allowed to inherit that land. Talk about public holidays in Kenya, they will be like this, eight of them:

- January one,
- Good Friday,
- Easter Monday,
- Madaraka day,
- And then in October we want no Kenyatta day and no Moi day both them should be put together to read Heroes of Kenya amba wamejitolea for one way or another, Heroes day.
- And then Jamuhuri day,
- And then Christmas day, Boxing day.

So the year should have about eight public holidays, the rest should be working days. Now political parties, reduce political parties in the country throughout to four only so that each individual in Kenya has got an option of four political parties which should be able to guard this

country either as a single party, or as a Coalition Government, that also should be allowed to be able to fasten the development the in the country. The other thing is, Commissions of Enquiry for political assassinations or other crimes should be independent and be allowed to do their work first and report it and debate it by Parliament. Thank you very much, Sir.

**Com. Githu Muigai:** Thank you very much, can we have the representative of NCK. Is the representative of NCK here? Yes please am aware you have a memorandum, please try as much as you can to merely highlight the important points. We assure you we shall read the memorandum.

**Paul Murungi Mwirigi:** Thank you Chairman, my name is Paul Murungi Mwirigi, representing the National Council of Churches of Kenya ( NCK), Upper Eastern region that is Isiolo, Moyale and Marsabit, Meru, South Meru, Central, Meru North and Tharaka.

In security; it's a primary duty of Government and any country to provide security to its citizens and we note that the frequency



of violence and insecurity that persists in a large part Kenya related with just Constitution reform of the very existence of this country. Peace will not be all but a society knows that without peace a country will have nothing. We therefore recommend that the Constitution must ensure security of all citizens.

The economy; the recent admission by Government that corruption is a primary cause of wide spread poverty in the country is a positive gesture. However, corruption is itself a symptom of a deeper malice affecting the nation. A Government based on a policy and intent on perpetuating itself in office, even at the cost of destroying national institutions, this situation can't last longer. We therefore recommend that the Government will have to implement remedial measures which in the end are disciplined management of economy and involvement of the public in planning, implementations and monitoring of economic policies. The Constitution has to ensure that.

We move to ethical and moral foundation; we are saying that the Constitution of Kenya opens with statement that Kenya is a Sovereign Republic. It has no preamble or preliminary ethical and moral statement. We therefore suggest that this Constitution has to have a respect of God and the people in general. Clarity over sovereignty; though the first clause of the Kenyan Constitution declares Kenya sovereign republic, it doesn't identify where that sovereignty lies. We therefore suggest that the new Constitution has to be very clear and to indicate that the power and sovereignty lies on the people. The poor in constitutional design, institutionally the Constitution of Kenya is designed to fail. It attempts an unsuccessful and tragic marriage of the Westminster parliamentary system and the American Presidential model. We therefore suggest the following: we have lamented the deep contradictions in the Constitution of Kenya system of Government. The choice before us is as follows;

Either a Presidential system or a parliamentary one but not a mixture of both. The Presidential legislation we suggest the following, that the President should be directly elected by the people he should be an MP. Members of cabinet should not be drawn from Parliament and if they are then they should be obliged to quit their seats in the House. The President should have power to veto registration and a special parliamentary majority, say 65%, should be required to overcome that veto. If Parliament overcomes the veto the President should be required to sign 'intro' the proposed legislation. The President should address Parliament,

- Once every year to inform the country of the state of the nation,
- Upon declaration of war,
- Upon declaration of state of emergency and
- If called upon to do so by the House on a bill of impeachment of the President.

The President should serve a maximum of two 5-year terms. Over appointments by President should be ratified by a relevant parliamentary committee. All executive powers should be vested in the President. This power may be shared by executive agencies except that the executive agencies shall have no power to enact subsidiary legislation except in terms and standard

and guidelines set by act of Parliament. Parliament should have power to impeach the President for committing a felony, breaching the Constitution or conduct known at common law as high crimes and misdemeanors. Impeachment proceedings should not be judicial proceedings and courts should have no jurisdiction over them. The vote required to impeach the President should be 65% of the Lower House and 75% of the Upper House. In election of the President we propose that an Electoral committee be set in order to ensure that the President is genuinely a representative of the country. In this regard we propose that the current province-base 25% rule be scrapped in favor of 50% plus national vote rule.

The Vice-President should be running mate to the President, he should not have a geographical constituency. The Vice-President should be a MP and Leader of Government Business in Parliament. In case of the office of the President falls vacant through death, resignation or any incapacity, the Vice-President should serve the remainder of the term until the next general election. Two Chamber House to protect minorities. In order to allay minority fears a second chamber, which is not elected on a popularly based franchise, should be constitutionally created. In a well-structured system, elections to the first chamber or the House of Representatives should be based on constituencies determined on a population principle. Representation in the second chamber by contrast would not be elected from geographical constituencies such as Provinces subject to a set majority. This would balance out the majoritarian tendencies of the house representative. This recommendation pre-supposes redesigning of administrative and electoral boundaries so that they advance the cause of democracy.

Express authorization of Coalition Government, we propose the following: the Constitution should expressly provide for Coalition Government where no single party has won a majority sufficient to form a Government. An imperial presidency; we suggest that the President need to be national, should not represent any group, and we are saying that the executive controls government finances and land. When parliamentary committees complete their investigations, their resolutions and recommendations cannot be implemented unless the executive takes action. In view of the foregoing, we propose that Kenya adopts a Presidential system with devolved powers.

Weak institutions for monitoring and implementing the Constitution; as a result of its own internal weaknesses, the judiciary is a very weak institution for monitoring and enforcing constitutional practice. Judges have been criticized for being more executive minded than the executive is, for e.g. Judges have ruled that Civil Servants hold offices during the place of the President. In addition Kenya lacks other mechanisms for ensuring constitutional enforcement such as Supreme Courts, Constitution-created office, Human rights commission, Gender commission and so forth. We therefore indicate the following, that the current ambiguities of a Constitutional jurisdiction have vent into a situation where judiciary has little faith in the Constitution. This needs to change in the current Constitution.

Succession mechanism: one of the most serious rates to constitutional stability worldwide is fake or inadequate mechanism for the transfer or hand over of power upon elections. The Kenyan Constitution has two such weaknesses; first, though the Constitution explains when a new President takes over, that is, after subscribing to oath of office, there is no law that tells on

how and when this is to be done. This pre-empts succession crisis. The Constitution must therefore specify the process through which power passes from one President to the other, especially after an election. The present Constitution only says that an incoming President takes an oath of office such a section should be supplemented by a Presidential succession and hand-over provision act. Both the proposed law and the new succession sections in the Constitution should replace the present potentially messy cabinet process. It should be provided that after the President there should be the Vice-President then Speaker of the National Assembly and finally perhaps the Chief Justice in the line of succession.

Judiciary, Kenya needs secure property rights, efficient dispute resolution and predictable and certain laws. The judiciary is crucial for this. To ensure that it can be the anchor of rule of law in Kenya, judicial reforms must be urgently implemented. These reforms should relate to an identifiable weakness in the judiciary. Vesting all judicial powers in a Supreme Court; the Constitution must be amended to clearly and unambiguously vest all the judicial power in Kenya in the Supreme Court. This means that neither Parliament nor other executive would have legislative or administrative authority to host the jurisdiction of the court from any issues without amendment to the Constitution.

I am going to highlight. The Attorney General and administration of justice; in addition to the outlined weaknesses relating to administration of justice, a further problem has to do with the role of the office of the Attorney General. The office of the Attorney General in Kenya is an anomaly. It's the only office that cuts across the three ways, of separation of powers central to the scheme of the Government established by the Constitution. The Attorney General is a legislature entitled to sit and contribute though not to vote in Parliament. He is part of the executive and in that capacity sits in the Cabinet equivalent to a Minister of Justice and drives the Government legislation programme not just as principal legal advisor but also the initiator of the Government legislation in Parliament. He is the pre-eminent public prosecutor and so on and so forth.

We therefore propose the following: there is need for a more clearly refined political appointment to serve as Minister of Justice.

Second, there ought to be an autonomous office of the parliamentary draftsman to draft the legislation for the Government and opposition alike. Three, for the purposes of following up on parliamentary recommendation especially as they relate to economic crimes in corruption, there ought to be created the office of the special prosecutor, and four, on public interest litigation, there is need for a public interest litigation act.

**Interjection: Com. Lethome:** Kindly wind up now please, just wind up now please.

**Paul Murungi Mwingi:** Let me wind up. Lack of research and secretariat support in parliamentary process; we recommend that there is need to establish a parliamentary support and research service. There is need for a parliamentary calendar and parliamentary standing orders require MPs to disclose their interest in any matter, this includes companies and wherever they have interests. And to do this therefore, we recommend that there is need to create an ethics committee of the House to ensure that everything is known. And summarily, mechanisms for checking the excesses of the executive; we are recommending that

there is need for an estimate committee which need to be set up to scrutinize annual budgets and proposals before they are incorporated into actual budgets. Bill of rights, we are saying that the language of the rights should be made accessible and the exceptions should be removed. The process of creating exceptions to a right should be left to the courts to be determined only when several rights come into conflict.

The issue of economic, social and cultural rights; we recommend that in addition to the traditional, civil and political rights, rights in the Kenyan Constitution should be amplified to include economic, social, cultural, communal rights such as contained in South African Constitution.

Access to justice; we are saying that to make justice more accessible to the bulk of the population of Kenya, various reforms are needed in the way in which our legal services are organized and the judiciary administered. We recommend creating a small claim court division, legal aid scheme and administrative of justice also needs to be taken care of.

In the Electoral and voter process, we suggest that there should be continuous voter registration process. In the amendment of the Constitution; we recommend that to amend the Constitution it only takes 65% of all MPs. There are no mechanisms for consulting and therefore we are suggesting that Kenyans should be consulted if there should be amendment in the Constitution.

In the discrimination; we are saying that the current Constitution needs to make people equal.

**Interjection: Com. Lethome:** Your time is up now, thank you very much.

**Paul Murungi Mwingi:** Thank you very much Chairman, there are several other aspects but I will hand them over to your office.

**Com. Letome:** Thank you very much. Kuna akina mama hapa wazee wangependa kuzungumza kwa Kimeru, nitawapa nafasi hii sasa. Veronica Kabuku? Yuko hapo, ni wewe? Nilikuwa nafikiri ni hao wamama wazee. Huyu mama mzee anaitwa nani unaitwa nani? Veronica Gathanyi ni nani? Haya wacha Veronica azungumze, she could be the oldest Kenyan giving her views today.

**Veronica Gatanyi:** Nkaria nainya mono, ibukwigua. Uuni mbitawa veronica Gatanyi. Kandauga ibwega mono kiri bwi bukumbitikiria mbaria. Ti narua rionka mbijite aja na guti kairi ndaria. Ibwega baba na aana bakwa na bayuyu. Kabwaria na Kithwairi na Kithungu ndarigwa na inya aana benu ibakwaria ookio ukibathomithagia oouria ndaakuthomithagia. Ibwega baba niuntu bwa umbitikiria Ngai abutharime na abwike bwega. Indi thina iria turite, kankwenda kwona DC itu baaba aigua mathina jetu. Tweekuru tutu tugakua tukiriraa. Itu atukinyie kwa Moi aandike jau buru atwikie, tutige kwirawa mucemano itwitiri na jutikubua. Itu DC twigue baba igwe utugwatirite na igwe ugwatirite baba na Murungu agwiike bwega. Ibubwega.

**Translator:** She says her name is Veronica and she is so happy that she has been given an opportunity to speak to the

Commission but she is airing views that are directed to the office of the President. But however she says she is grateful that she has had an opportunity to speak to the Commission. She said that when she came over communication was in English, and now she is happy she has been given an opportunity to speak in the local dialect.

**Veronica Gatanyi:** Nandi kankwenda cukuru ciakwa cionthe. Secondary na Primary nitige gutewa itu. Yuyu iciakwe buru, baba iciakwe, aana bonae a kuthoma. Naibubwega bukuthithia, itu tika bukuthithia bubui nika bugwitithia nthi yetu na mbere indi bukareka turira. Maumau jathira twikieni tujukie into bietu nabwi burie mambura jau iria tukwenda butongeria buria tutirakua. Nandi kankwenda kubwira ibubwega bwitithie nthi yetu na mbere na twana twetu bukithomithagia bwega, guti thina bukuthithia ii mantu jamega bukuthithia itu baba.

**Translator:** She has brought in a point about education that schools, primary schools and secondary schools, should be constructed and the construction to continue. She has also brought this point about the Mau Mau that they are sort of neglected, that they should be recognized and they should get what they think they were supposed to get.

**Veronica Gatanyi:** Kankubwira jangi, bukarekeni tutangatanga, twiringanireni twinthe turi gintu kimwe na tuthure muntu umwe uria bugwiritue nwe na uria ugakaria nthiguru ii yetu bubwega na uria ugatutongeeria bubwega na athomithie twana twetu bubwega. Kankubwira kwiganua niku gantu. Mau mau ijo yaciere KANU. Itu KANU imwana okwa na ini muciere na maumau najo kajarire thina jarakua jarathira tukibungawa. Guti nao tutaikua kinya Langata gutu tutathithua baba twigirueni maromba jau bututhithirie bwega tukue tukibutharimaa. Baabwi ibwi bwina uume, tutinabu butwonie njira. Twi kinya Moi akeja guku tutirekwa tukinya kiri gwe tumwona na tutiji naa ejaira. Kankubwira mathina jonthe. Baaba ibubwega.

**Translator:** She says that the country should be united and people to elect people they are pleased with. And she is bringing again this point of the Mau Mau that they are neglected and that Mau Mau has given birth to KANU. I think basically is that she is saying that the Mau Mau people have not had any audience with the Head of state so I think it's still the point of being neglected.

**Maritha Mugwika:** Iubwega nthaka. Mugeni bwinthe nkethi ee kimiru. Mbitawa Maritha wa Ntomugwika kuuma sub-location, Kibirichia Mashaka.

**Translator:** She is Maritha Mugwika from Kibirichia Mashaka. Mashaka is a slum.

**Maritha Mugwika:** Na nii ni uju baba. Indigari momo. Ntura ndigari mono niuntu mwanaokwa ndambiririe untu bwa wingi ndii mucii. Mwanaokwa uuni ndambata nkumbato ya mwingi, ya maumau na KANU. KANU nio iciari ni maumau. Baba ndaegwa logo ii mwana okwa akamenya ii ndaari o njuri. Ndauma au irathira. Ndaringa kiatho pa Mutaita ndagwata ndamenya nio ii. Ndagwata number mirongo mugwanja na ithatu. Mwanaokwa nadi tu aja, ndacokere gikaro kiria ndari. Ndikurera aana, ndiina ba yuyu. Nandi turi aa bakuthiria cukuru mwanaokwa. Omwana akuthiria o number one. Akomborete nyumba ewe ee mwana okwa na jakwa. Onyomba magana jathatu. Thithia maida antu banana, beca iu naantindaa na kabanga aa mashambene jaa mwanka ntionaga kaguo. Ntiona mwana okwa, kuria ntiona nonga ngatinda uu geekawa kaguchii.

**Translator:** She says that since she was a young lady she has been doing public work and that what I gather is that she has traveled all over in public work. Now, she says, she has children who have finished their education, they are jobless, they live in rented houses and that they have no land. That is what I gathered.

**Maritha Mugwika:** Kwi bungi, thikiira bweega, iko masikio. Masikio ulipwa na mwenyezi mungu kutoka ? Sasa mimi nitasema na Kiswahili ili usikie. Nandi, atiri mwana okwa twaugire woombana ii Murungu wombana.

**Translator:** They say if they win its God who has won.

**Maritha Mugwika:** Twerirwe miaka mugwanja tuthomithue free. Tukumbatae nkubato kii marehemu Kenyatta.

**Translator:** At independence under the leadership of His Excellency Jomo Kenyatta, they were told that primary education would be free.

**Maritha Mugwika:** Turiambiria Std. One iko mbeba. Std. Three iko mbeba, Std. Four iko mbeba na sasa itakuwa aje? Nitasama baba. Mimi nimezunguka Kenya hii mpaka nikarudi hapa kwani uhuru ikitengenezwa mini nilikuwa hapa.

**Translator:** Now it's no longer free.

**Maritha Mugwika:** Sasa mimi nauliza mtu anaolewa na serikali mwanamke. Unapata mwanamke anakwenda ndani ya nyumba, analala leo na kesho mwanamke anaondoka na iko masikini ya serikali. Unasikia? Na sasa vile nimeyangaywa nauliza hiyo scheme nilipewa na serikali. (inaudible). Mimi nataka tuangaliwe sawa sawa na Mtukufu Rais anayejua maneno ya watu, angalia nyuma na mbele. Sisi tunataka maneno ya ukweli.(inaudible). Sisi ni masikini na tunataka Mtukufu Rais atuangalie. Sasa iko maneno hapa watu wanagongana shauri ya watoto. Shamba nilinyang'anywa. Sasa nifanye nini? Hakuna mahali pa kukaa. Uambie Rais sisi ni maskini.

**Interjection: Com. Lethome:** Asante mama.

**Maritha Mugwika:** (inaudible).

**Com. Lethome:** Kuna representative wa Catholic Diocese of Meru? Very quickly just the highlights I know you have a memorandum, highlights please.

**Martin Koome Catholic Diocese of Meru:** Memorandum is here, but I will just give highlights. I want to say something small about the preamble, which the current Constitution doesn't have, someone mentioned it. So I was saying that the preamble should say that the people of Kenya are sovereign and should come before anything else in the country. Two, the people of Kenya make the Constitution. No law or authority including even the Constitution itself, is above the people and that Kenyans are committed to democratic values of constitutionalism, equality and the rule of law. The country's vision should

include commitment to growth and development in all aspects of life for e.g. economic, political, social and cultural. Lastly, I should say that Kenyans are committed to the future of Kenya as a united and indivisible country, composed of people of diverse cultures whose rights are inviolable. The preamble, lastly, should also state our common history as people who were colonized for many years and who joined hands to struggle for their freedom, that it is this hard-earned freedom that we are out to safeguard our new Constitution.

There are other aspects that our memorandum here discusses but I will just highlight a few of them. On democratic principles; the Constitution should say, that the people reserve to themselves all power and authority, which they don't expressly delegate to the state, and its organs. Two, without compromising quality, the composition of state organs and Government shall be reflected of the country's national diversity. On Constitutional supremacy, we are recommending that the constitutional change, the Constitution must indicate that in the event of over-hauling the Constitution, all Kenyans shall be involved. In the event of amendment, this shall be subjected to a referendum before they are enacted by Parliament. We are saying this will keep Kenyans abreast with any new developments in their Constitution.

On citizenship, this is also a contentious issue to us, those who should be regarded as automatic citizens of this country are: all people born in Kenya of parents who are both Kenyan citizens. Two, all children born outside Kenya of parents who are both Kenyan citizens. Three, all children born of one Kenyan parent regardless of the parents gender. Four, spouses of Kenyan citizens regardless of gender must be entitled to automatic citizenship even when they are citizens of their own country and that the Constitution should open room for dual citizenship.

About the structure and the system of Government that we should adopt, Kenya should adopt a parliamentary system of Government, which a Prime Minister is appointed from the majority party in Parliament. A Prime Minister should be in charge of daily running of Government affairs and should be directly accountable to Parliament. Kenya should have a ceremonial President who should be above party politics. Should be elected by all Kenyans with majority votes. Besides the rule that he or she should get 25% of the votes in at least five of the eight provinces, the person to elected President should also garner at least 51% of the total votes cast.

On the legislature I will mention one point that it should also be given power to impeach the President in the event of grave misconduct. On the executive I will mention two points only. The President should be above party politics and should not belong to any political party and thus should not be an MP. Second, for the good governance at the village level the Constitution should recognize grass-root autonomous organizations like the village elders to deal with some administrative issues in the villages, for e.g. in the case of Meru the Njuri Ncheke council of elders in Meru should be recognized especially in settling of community disputes.

On the judiciary I will also mention two. The new Constitution should establish a constitutional court. Secondly, the



Constitution should ensure that citizens have the right to legal aid in the event that the citizens are not able to engage private legal service. Local Government I will mention one, the Constitution should empower the Electorate to recall their Councillors. This should be done through collection of a number of signatures, say 500 of Electorate, who register the dissatisfaction of the performance of the Councillors.

**Interjection Com. Lethome:** Martin please we will really appreciate if you would leave out the details because we still have so many people who have not spoken and by 5.0'clock we have to leave because we have to be in another constituency. Kindly, please sum up, we will read that memorandum, we can promise you that. Every word in that memorandum will be read.

**Martin Koome Catholic Diocese of Meru:** Okay, I will sum up by giving a few recommendations on the Electoral System. On the election of national President, that I have mentioned the Constitution should retain the current geographical constituency system but recommend the current boundaries should be looked into or rather reviewed on the basis of geographical area and population diversity. Then we are also saying, we recommend this strongly that every polling station becomes a counting station and announcement on the out- come is done there and then at the polling station.

The last point I want to say is on constitutionalism, if the Constitution is made by the Kenyans and belongs to them then they should know it and understand it. The Constitution must be written in clear straightforward language as opposed to the legal language that is used in the current Constitution. It should also be translated into local languages like Kimeru so that people can read and understand it. The Constitution should state that it must become part of school curriculum so that Kenyans grow with their Constitution so that when the students are through with the education then they already know how their Constitution looks like and are able to live as per the Constitution. Thank you very much.

**Com. Lethome:** Thank you Veronica Kabuku very quickly please 3 minutes now I will be very strict now with time because every body wants to speak. So kindly be conscious of time. Anza ku recommend, Veronica, anza haraka.

**Veronica Kabuku:** Ibubwega niuntu bwa gumpa kanya ga kwaria. Uuni ndienda kwaririria kira kiri na umaskini guku na kiria giutuma wona chokora ciujurite mutindwa ni antu baria bakwaga a kurima nuntu kethira ija shauri yako, antu abakomborete nyomba bationaga a kurima, cukuru batimba kuthomithia aana nuntu nabio ita iria iriku iria nyingi, rukiri aana ibengi ugoro ibengi mbeca. Kwou uuni nkauga cukuru yae ya utheri yumbe gutethia maskini nuntu batwi naa nja tuti a kurima.

**Translator:** She is saying that the reason why there are so many street children is because of poverty. She says that they can't afford school fees so they can't possibly educate their children. So there is a lot of poverty so consequently, students go to the streets she comes from an area called Shauri Yako, it is a slum area.

**Veronica Kabuku:** Nandi iko kwendaa thirikari itwona kana mtukufu oona aria akoomba gwika antu bau.

**Translator:** She wants the Government especially the President to see how he can address the slum people's problems.

**Veronica Kabuku:** Nuntu ukethira antu bena aa kurima aana batingiia mutidwa uu ba chakora.

**Translator:** Because if they at least have land to farm they will be able to educate their children so the menace of street children will be done away with.

**Veronica Kabuku:** Nuntu kairi ja naa gwetu reserve aana babaingi mono bati cukuru nuntu antu ibathiinire mono nuntu bwa rita ira cia rukiri cukuru. Std. One ii rita rukiri aana ibengi, thaa mugwanja aana ibengi, kwou turienda weta wire mtukufu aariririe nkia iu na aariririe batwi tumbe kwona aana bonthe ibathomete nuntu ni aana babaingi mono baria batithomete baria bari mareserve nau. Nuntu twi tuti kinya miunda ee kurima.

**Translator:** So even in the rural areas people can't educate their children because education has become so expensive, there is a lot of funds required even from class one, two, three onwards. So she is saying you go tell the President about that.

**Veronica Kabuku:** Nandi ni nti na mantu jamaingi, ndienda mtukufu eeta erwe maukea jaria jee Meri ijamanene mono ja aana ba cukuru.

**Translator:** Tell the President about the poverty in Meru and especially education problem.

**Com. Lethome:** Jonathan Mwiregua alizungunza huyo Ezra Kirima 3 minutes.

**Ezra Kirima:** Thank you Bw. Chairman, I am Zakia Ezra Kirima, secretary to Kaigwa self help group of Mrathankali location in Miriga Mieru in this constituency. I will give our views. The preamble, we the Kenyan citizens shall have the power over this land. This Constitution shall be dear to all of us as a people and our democratically elected leaders in the democratic state of Kenya. Our representation should be per number of persons and not the landmass in any given area. We shall elect a ceremonial head of state and a Prime Minister as the head of Government in a parliamentary system in every 5 years. There shall be local authorities in reasonably populated areas to avoid wastage of human resources when distributing services to the citizens for e.g. those of a doctor. We are paying so many taxes, so we would like the taxes to be reduced and all the personnel in the provincial administration we are discarding this one Bw. Chairman to be deployed in the local authority and this will strengthen the local authorities wherever they are performing.

Kenya shall stay a united cultural society, multi-party, multi-racial, multi-religious and multi- ethnic group and written

Constitutions or customs. Some nations in this state are their own Government like the Njuri Ncheke of Meru the act of Government then were Chiam which was the executive arm of the Government, Keruka and Nteba they were alternately

**Interjection: Com. Lethome:** Ezra, you will help us if you just recommend.

**Ezra Kirima:** Right, Mugo was the head of religion so all the above ritual members were equal in their groups so Njuri Ncheke should be part of this Constitution. Boards, that is infrastructural land tribunal etc, we recommend that these be elected by the consumers. Arms of the Government, the three arms of Government should work independently for the good of the citizens. We need an Ombudsman.

Fundamental rights and freedoms; all human rights that is classic, civil and political rights, economical, social and cultural rights and development rights to be people's constitutional human rights. Handicapped pupils to be integrated in mainstreams. Right now they are segregated in small schools known as schools for special education, and don't live there permanently. So we would like them to go in schools in their own villages and the services be distributed to them wherever they are.

Land and natural resources; all Kenyans have a right to a fair share of natural resources. Constitutional offices; Commissions to be teachers of this Constitution to give them free hand in their services to the citizens and for the citizens, for e.g. as Commander-in-Chief of the armed forces, Constitutional Commission and non-constitutional boards, Judiciary Commission, Electoral Commission, State Parastatals Commission,

**Interjection: Com. Lethome:** Thank you for the examples you could add something else please.

**Ezra Kirima:** Right. Economy; Kenyans will save in Kenya and money outside this country to come back. Thank you Bw. Chairman.

**Com. Lethome:** Thank you for keeping within the 3 minutes this is the way we want to proceed like the Njuri Ncheke. Tarasila Mbabu, yuko Tarasila? Okay I know you will keep within 2 minutes yourself.

**Tarasila Mbabu:** Thank you Mr. Chairman, I am representing the Catholic Women Association of Meru Diocese and this view on the new Constitution of Kenya. First of all the gender sensitivity both in leadership, both in Government and also private sectors where we have got many women being represented. The judgment on the rape cases, it happens that anybody caught up in such cases the way they are judged and sentenced in court seems not to really to be

**Interjection: Com. Lethome:** Recommend, what punishment are you recommending?

**Tarasila Mbabu:** So we recommend that it should be tightened and even given a longer period to service in jail.

Women on possession in case of divorce; many women have been neglected and most of their property taken up. So we recommend that really this should be taken up seriously and the women who are concerned, the deceased, should take over everything that has been there for the dead spouse. No inheritance of women, this one seems also for the relatives who seem to take up everything that the women had, and so we recommend that both the widow and the children should take up everything.

Security and education on girl child should be emphasized by the Government. That means in the University intakes and other places, the girls should be looked into to accommodate more girls both in public and private Universities. The donor-assisted projects should be targeted towards the women groups since the women are the animators of the national developments in many fields. The women harassment, sexually, in the places of work should be looked into and we recommend that in case of such a case where the boss seems to harass the secretary or any female worker in the office should really be taken up by the court. In election, we recommend also especially where we have the President, family status must be considered seriously where the President is married, a committed Christian and God fearing man. And with these few remarks I wish also to mention on an alcoholism whereby alcoholism has taken our country really back-----

**Interjection: Com. Lethome:** Recommend what do you recommend?

**Tarasila Mbabu:** And we recommend that the locally brewed alcohol should be stamped out and also in the places where we have the bars and other places, a time limit should be set for close down, about 10.00 pm, so that it does not run the whole night. Thank you so much.

**Interjection. Com. Lethome:** Point taken one question.

**Com. Githu Muigai:** Madam, are you saying that Kenyans should not elect an atheist to be President or a Muslim or a Hindu or a traditionalist?

**Tarasila Mbabu:** Now am not talking of that because I know there are some who might be on that issue but am saying at least somebody who is married you know at least not somebody who has dropped out the family and entirely leaving on his own.

**Interjection: Com. Lethome:** What will happen to a Catholic Priest who wants to vie for the presidency?

**Tarasila Mbabu:** I think that one is a religious matter so I will not talk on that.

**Com. Lethome:** Thank you very much, thank you for keeping within the 3 minutes. Salome Muthimbua is she here? She is not here, we go on to Rev. Maina Mwangi Gospel Outreach Church, is he here? Okay 2 minutes, Reverend.

**Rev. Maina Mwangi:** Thank you very much. Let me start with the President, he should be a person of not less than 30 years, he should be a University graduate, he must not be partisan and may I say that my name is Pastor Maina Mwangi. He must not be partisan, he must not be sponsored by any political party during his election. On his election he should be elected directly by the Electorate having sponsored himself as an individual. His powers, having been elected and sworn in, he should appoint Prime Minister and his powers to include sacking the Prime Minister, if he feels that the Prime Minister is not delivering. However, he should first seek the approval of Parliament before he sacks the Prime Minister. He should not just be a ceremonial President but should be able to oversee the daily running of the economy, political and also social affairs. His term of office should be for 5 years within which a general election must be called. He should not serve for more than two terms and should not be an MP. On occasions where a President has failed to deliver services due to mental illness, terminal diseases e.t.c. the Speaker of the national assembly should call for a Presidential election to fill the vacuum.

The Prime Minister should be the head of Government having been appointed by the President. However his appointment should be pegged on that the party with the majority MPs should take the position of Prime Minister. He must be an MP and the parliamentary leader of his party. He should appoint his deputy who may take charge of the Prime Minister's office in case the Prime Minister is out of office due to any given reason, and he should name his Cabinet Ministers. The Cabinet Ministers should not be MPs but people with specific qualifications to head the ministry they have been appointed to head. They may come from the public or the private sector. However the ministries should not be more than sixteen in number, each with only one Assistant Minister and one Permanent Secretary. Every ministry must have only one Minister.

The Local Government, this is the Government in-charge of Municipal councils and other councils. It should be first be composed of Councillors to be headed by a Mayor. The Councillors must be holders of O'level certificate with at least D aggregate qualification. Their election should be done during the general election that is within 5 year and must be directly by the electorate. The office of the Mayor, he should be a holder of at least a diploma certificate from a well recognized institute and he should be elected directly to the office of Mayor by the Electorate. He should have executive powers and all other officers in the council must report to him. His deputy should also hold a diploma certificate and should be elected by the Councillors. However the election of a Mayor should not be after 5 years like the others mentioned but after 3 years. The Provincial Government, which is headed by the Provincial Commissioner down to the DC, DO, Chief e.t.c, should be maintained. Concerning the Majimbo system; this is a Government that can't work in Kenya because our country is a multi-tribal country and therefore it has room in this country.

Concerning rape cases, these cases should be heard in private. The system of court whereby the victim is required to prove that he or she was raped should be changed to be that the culprit or defendant instead should prove his innocence. This will

protect the privacy of the victim and avoid further psychological torture. In the current system the victim is required to narrate the whole ordeal and this causes psychological torture and even other humiliation. When the law requires the victim to narrate the ordeal to a very attentive court that is taking notes for a future use, one is left with the conclusion that the victim is undergoing a second rape, this time being raped by the law itself.

**Interjection: Com. Lethome:** one minute, just recommend, one more minute please.

**Rev. Mwangi Maina:** Therefore these cases should be heard in private. Now let me rush abit, concerning our schools which have become harvest of all crimes leading from drug peddling, thuggery to rape, every institute of learning from primary level to college or University must have a Chaplain or local Priest who is affiliated to it. Every manager or head teacher or principal must have managerial skills and training from a well-recognized institute. And about alcohol; illicit brews like kumi kumi, chang'aa and other brews must be out-lawed and time for selling bar in our local bars should be from 5.00 p.m. to 11.00 p.m. and any body who is found selling beyond that time or before that time should be prosecuted.

**Interjection: Com. Lethome:** Thank you Rev.

**Rev. Mwangi Maina:** Let me finish with the children rights, let me leave that one for the memorandum. Concerning the registration of voters, this should be continuous as the getting of ID cards is continuous. On water, any Municipal Council or any other supplier of untreated water should be punished by the law. Freedom of worship should be guaranteed but it must be well understood in the law that there should be no worship of evil that is if any one is found worshipping the devil or any other form of evil he should not be protected by the law but actually should be severely punished. Thank you very much.

**Com. Lethome:** Thank you Rev. Can we have now Francis David Anampio, thank you.

**Francis David Anampio:** Mr. Chairman my names are Francis David Anampio I came from Bongo village in Ndibi location Miramba Wiro West Meru central district. I would like to recommend about children abuse. The Government should take responsibility of caring for the children in Kenya before birth and should give mothers advice so that we can have a strong nation in future. And also the health officer should visit them in their environment to give advice so that we don't have problems. And also the clinic should be free, where they visit these clinics before even ante-natal clinics. All children should be able to get education from pre-primary to form four and even in the Universities where the parents can't afford should be free.

Women should be empowered economically through soft loans, because women are the ones who take care of families. They should also have as many positions as possible in our Government, even in Parastatals and others and in even in Parliament since they are the majority they should be represented reasonably. Also I considered Mr. Chairman, retired people, they should be getting their pension increment annually to cater for inflation since they have been serving our Government. They

should also be getting free medical care and those who have no relatives should be taken to homes or care centers where they can get medical care, where they can get medical personnel and nurses to assist them to live comfortably since they have been Government officers. This also includes old people who have not even been employed, they should be catered for by our Constitution where they live reasonable lives instead of dying just like dogs. Foreigners should be addressed and should never dictate anything to Kenyans, Kenyans should make decisions and their decisions should be paramount not matter what, on their economic, social and any thing implemented should be implemented by Kenyans although we could borrow a leaf from foreigners.

Land and environment, land should be used by all Kenyans not some people and the environment should be taken care of especially forests and rivers and so on.

President and Prime Minister; they should have two terms only and when I mean by two terms we have so many other leaders who can lead not one person leading for many years.

Handicapped and disabled people; they should be given special priority in education, medical and job opportunities. Ways and means should be found how these groups of people can be self-employed with their available skills.

Street children Mr. Chairman, ways and means of rehabilitating them should be found. They should be settled and made to work for their living instead of being allowed to sniff glue, begging, sitting just like that and we should know Mr. Chairman that we are sitting on a time bomb concerning these children in all our towns in Kenya. The children can destroy all towns in Kenya in one day if they are not taken care of. The Review Commission should address their future in the Constitution. Furthermore, surely they have parents and something must be done urgently to find their parents and take care of them. These people were not born in the streets, they are not born by streets, they are born men and women, they are fathered by men and delivered by women.

Taxes, Kenyans pay taxes Mr. Chairman, therefore taxes should be used properly to develop Kenya in all villages of Kenya without discrimination. Electricity Mr. Chairman, Kenya has many rivers, lakes, water falls and many man-made dams. Therefore electricity should installed in all villages and houses in Kenya for domestic use and commercial use in light and heavy industries to eradicate poverty. Otherwise Mr. Chairman, if it is properly used we cannot be in the poor position that we are in.

Economic empowerment, Kenyans are hard-working people, they only require to be shown the right direction. Agriculture for e.g. is our backbone, therefore water should be taken to all arid and semi-arid areas in Kenya. People can grow food crops and cash crops for use and also for export. Technology of storage and preservation of all grains should be sought and found to curb famine. Mr. Chairman, we grow a lot of crops but they don't drain



**Interjection: Com. Lethome:** Just recommend, please just recommend.

**Francis David Anampio:** I am recommending therefore we should preserve and store food in the right way Mr. Chairman. We should also have good storage for rain water so that we can use it for future use, I also recommend the water to be stored in our homes.

Rainwater can also be used for irrigation if the dams are made I recommend dams to be made available. Also Mr. Chairman, we can get roof water to be stored instead of being wasted we can use it. All weather roads Mr. Chairman, I recommend to be made for transporting the food we have produced easily and comfortably by the water I mentioned, irrigation water. Also people can maintain their vehicles if roads are good which is possible Mr. Chairman, so I recommend the roads to be made.

Health facilities; Mr. Chairman, I recommend to be available to all people in the villages and I recommend we have preventive approach instead of curative approach to all diseases for e.g. malaria, water-borne diseases and so on and so forth, can we go for preventive instead of curative Mr. Chairman. And people should be taught to live in a conducive and good environment right from their houses and compounds not only in towns. And insecticides should be used skillfully not destroy our environment. Research Mr. Chairman, I recommend, research, should be made so that we can get and dig minerals and precious stones, crude oil, petrol, paraffin and so on we can get it so that-----

**Interjection: Com. Lethome:** Francis, one more minute remaining.

**Francis David Anampio:** Yes so that Mr. Chairman, we get economically developing country instead of petrol being got from outside, we can do a lot of other work. Therefore Mr. Chairman, I recommend that by doing this the three arms of Government should be separated, separation of powers then should be there so that each deals with its own, executive knows what to do and only that, judiciary only is judiciary and legislature only legislature.

**Interjection: Com. Lethome:** Point made.

**Francis David Anampio:** And Mr. Chairman by concluding, I pray to God to help Kenyans to use wisdom and not knowledge only. And God help Kenyans and guide them always. Asante thank you very much Mr. Chairman.

**Com. Lethome:** Thank you, Joseph Mutuma yuko tafadhali nikuambia usimame, usimame. Watu ni wengi, we have a list now going up to four hundred and ten people and every body wants to speak. 3 minutes strictly for everyone.

**Joseph Mutuma:** Thank you very much indeed; my name is Joseph Mutuma as you have heard. Now I am presenting my suggestions from M S Kirwai, Chugu location, Meru East. One, when the President is nominated or selected, the President

should be the Commander-in-Chief of the Armed Forces because that will help him to work diligently and work with confidence. Secondly Parliament should effect the emergency powers wherever necessary if there is anything which is threatening to ruin the country.

Political parties; political parties should be financed by public funds. Still political parties should be only few like four, in order to avoid inconveniences to the people in the Republic.

The legislature; the Government should provide an office to be used by the MPs in their respective constituencies because it seems to be very difficult to find them when they are needed. The parliamentary MPs who are chosen, most of them don't present them in the House, and wananchi are told that the session is not moving forward because there is no quorum. That one should be looked upon. The President should have the power to dissolve Parliament if need be. The Chief Justice should be appointed by Parliament, not one person.

The Electoral system; the current Electoral system should be retained and the candidates who fail to seek nomination in one party, should be allowed to switch to another party without difficulty. Some seats should be reserved for specific interest groups like Njuri Ncheke, who are the lawmakers of Meru. The President's election should be conducted directly and the death penalty should be abolished and replaced with life imprisonment for the guilty. The Constitution should allow individuals of sound mind to buy ammunitions for their security purposes without any problem. The Constitution should provide compulsory education up to form four. The Constitution should find a way of feeding its people rather than begging food from the other countries, which is not very good.

Cultural, ethnic and regional developments and communal rights, Constitution should provide protection from discriminatory aspects of culture.

Management and use of natural resources, the Government should retain the power to authorize the raising and provision of public finances. Anybody to be involved in illegal or misappropriation should be taken to court without delay.

Other methods besides taxation which can be used to raise funds for the finances to the Republic is imposing roadblock fees, selling natural resources, wildlife and tourism. This can bring money to help the country. Government should appoint Controller and Auditor General. The Government also should appoint members of the Public Service Commission not one person to do that.

Environmental and natural resources; the Government should own natural resources. The natural resources which should be protected is forest-----

**Interjection Com. Lethome:** You have another minute please.

**Joseph Mutuma:** water catchments and minerals. The other thing is that the interests of the women should be fully guaranteed in the Constitution. The Constitution should guarantee and protect the rights of children, providing free education, providing training like metal work and agriculture.

Land property; the State Government or Local Authority have the power to control the use of the land by owners.

**Interjection: Com. Lethome:** Thank you now Mr. Mutuma, hand over the memorandum please. That was who? Can we have Kanyamo Mwiti, very quickly 3 minutes halafu afuatwe haraka haraka na Elizabeth Peter, okay.

**Kanyamo Mwiti:** Thank you Chairman, I will go straight to the points. First, the character and content of the new Constitution that we want. That the new Constitution should uphold the principle of separation of powers among the various arms of the Government and effectively limit and check the powers the President. That the Constitution should be written in simple language and translated into various languages of the ethnic communities in Kenya. That nobody should be above the law. That the Constitution must be firmly protected from arbitrary amendments, that in case of any amendments, any fundamental alterations of its basic structure and principles should be done through a national referendum. That the Constitution must facilitate national harmony and sustainable sustainability based on the principles of social justice and respect for individual rights of every Kenyan irrespective of race, ethnicity, economic and social standing, age or gender.

That the Constitution should be readily available to citizens through all possible outlets e.g. book stores e.t.c. That the protection of the fundamental human rights of the citizenry be the cornerstone of the new Constitution. The protection of these rights should be unqualified and enshrined in a strong Bill of Rights within the Constitution. That the new Constitution should retain the unitary system of Government in Kenya. In this regard the majimbo system of Government should not be permitted. That the new Constitution should review the land laws and tenure system inherited from the colonial Government. Further to this, all illegally acquired land should be repossessed and restored to the people. That the new Constitution should limit the maximum amount of land any individual and or company can own. That education should be free and universal for every Kenyan. That the new Constitution should prohibit nomination of any person rejected by the Electorate as an MP or a Councillor. That the function and provision of the local services be devolved from the Central Government to the Local authorities. That the new Constitution should ensure that every Kenyan is guaranteed ownership of a piece of land in the country. That the appointments to civil service be based on merit and not on basis of political whims.

That the new Constitution must prohibit the engraving of the Presidential portrait on the currencies, and in this regard future currencies should have only the face of the founding father of the nation. That the creation of new districts on tribal bases should be prohibited in the new Constitution. That the colonial kipande system of identification should be abolished and

replaced with a respectable system that should endeavor to enhance the respect and dignity of Kenyans rather than undermine their self esteem.

Further that the present system that discriminate against some especially those from the so-called Northern Frontier district, Arabs e.t.c. be done away with. That the new Constitution should up hold and promote gender equality in the public service appointments, political leadership and provision of economic opportunities and social progress. That the new Constitution should up- hold and promote Affirmative Action to the citizens with disabilities, marginalized groups and special interest groups of our society.

**Interjection: Com. Lethome:** One minute please.

**Kanyamo Mwiti:** Governance and leadership; the President should be subject to the law and have the Vice-President as the running mate not somebody to appoint and of course do whatever he likes with him. And a code of conduct should be enacted to govern the conduct of orders of political and public offices. That the powers of the Attorney General to terminate prosecution should be done away with; a Supreme Court should be established as the ultimate organ in the judiciary.

Alternative leadership derived from cultural leadership and governance institutions should be mainstreamed as a measure to contend with its leadership currently offered by the existing political parties. On education we want the 8-4-4 education to be scrapped and the Koech Education Commission report be implemented immediately. That health care should be free and that we had proposed that the community manages about 60% of all the health affairs or facilities. We also propose that a proper food policy be developed. On security, I propose that the community is represented in security committees that the Constitution should guarantee security to all Kenyans.

**Interjection: Com. Lethome:** Hand over please.

**Kanyamo Mwiti:** Thank you.

**Com. Lethome:** Thank you, Francis Muguna, yuko hapa? Haya, after him Mzee utazungumza Njuri Ncheke.

**Francis Muguna:** Mimi nitazungumza Kimeru. Asante Chairman. Ndieda ntento inkai tu, mistari ithatu. Tauria Kenya ikari nthi. Nandi iji turi ongugi yonthe, uti iti na broker, ngugi kaikubrokwa. Nuntu ngugi igeta ikithukaga nintu bwa kubroker ni ingi mbere.

**Translator:** He says he wants to say very briefly that in Kenya today everywhere there are brokers whatever one does there is

somebody coming in as a broker.

**Francis Muguna:** Ndienda kuuga atiri, ndene ya Kenya, Kenya itionekete oouu ni tharike yitikite kinya bendera nikwonania, Kenya itionekete utheri ni tharike itikite, indi ndienda kugweta atiri, niuntu ii tharike uuni ndiumwe uria wiji uria irwiri kuuma kiambiriria kinya kia mubango jwa kurwa ndiku, tika ndi umunini kinya nandi ndina miaka imingi mono.

**Translator:** He says that he is one of the freedom fighters of this country and the freedom of this country should not be taken for granted.

**Francis Muguna:** Nandi ndienda atiri, gutumana uju uria kwona kubui kuthithua nikenda aana ba Kenya bonthe bakamenya uria Kenya yonere uhuru, niuntu bonaga ya muchetho jurio indi bendera nikuga na antu no muchetho bakuthithia. Kwina iuku tuthithie rigwitwa 'The Last Maumau'. Rugono rwa maumau. Ritawa the last maumau na twathithia iiritite kwa thirikaru erita through yona isawasawa na yetikiiria irumwe, na nandi ri ndene ya ulimwengu, ti Kenya na ti Afrika, ni ulimwengu utio rititite. Ritikiirue aana bathome kinya baria baatumire uhuru buu bwa Kenya bwoneka kinya bo nyama ciariwa baewe kinya muguta beendie.

**Translator:** He says that as Mau Mau they have written a book and they want this book to be made available for children to read because it elaborates through the history of Mau Mau and it is every where so they want the children to be allowed to read.

**Francis Muguna:** Nuntu gutiu Mau Mau jaathithirua kinya atia ni baabrokirwe mbere naja nuntu jaa batigi nabio baakuthithia ibetikiirue kinya bo beendie muguta nyama chiariwa.

**Translator:** So he says by so doing Mau Mau people who fought for the independence of this country will be recognized and he is arguing let them be recognized, the Mau Mau fighters.

**Francis Muguna:** Nuntu weta naja no maumau weta naja no maumau lakini kwina last maumau ja kwambiiria na kuriikia. Baaria baarikanirie na thirikari ee Kenya bareeka into nthiguru dwaa yathira rungu rwa bendera iria bitithirie na bagiika into biu nthiguru ikwari na register iria baandikawa keetwere niuntu bwa gutewa metho ni maumau ja urongo keeterwe batigwitwa nayo yongwa.

**Translator:** So he says there is register for the land of the Mau Mau and the old, he is wandering where that register went that the fake Mau Maus are being considered.

**Francis Muguna:** Nuntu kinya twi no tutwire kurwira maumau maumau na kwina kitambulisho. Nandi kethira kwina kitambulisho uti bata ee kuthithia broker naja na naja na naja. History ibwiri kuthithua ni mwene wengwa rii turio tutirathira.

**Translator:** So he says they are the real Mau Mau and they should be allowed to live peacefully.

**Francis Muguna:** Buu niu nkwendaa gutumana nuntu nukwigua kinya mwekuru akiuga aa tukuthira na nandi kinya twi katutigeerie oouu tontu ja uuni tukithithia mantu jaa riria ndaari kajaana ti kijana, ndaari kajana, nikiu ukwona nkari uu.

**Translator:** So he says that is the message he wanted to give because by the time they were doing that he was just a young man.

**Francis Muguna:** Kwou niu nkweendaa katiba ikithithua buriikane.

**Com. Lethome:** I would like to make an announcement if anybody feels that you have a memorandum and you feel that time is running out you can just hand it over to the Programme Officer and then maybe sit down and listen because I don't think we shall listen to everybody because we have so many people. Kwa hivyo unaweza kupeana memorandum yako hapa, na uandikishe pale halafu unaweza kuendelea kusikiza. Mzee tafadhali dakika tatu tufanye haraka haraka tafadhali, Solomon please quickly. The mike, name please.

**Micheal M'Torenyiru:** My name is Micheal M' Torenyiru Chairman Njuri Ncheke Meru East division and also cultural Chairman in constituency. In presenting this memorandum of Njuri Ncheke I will give highlights only, only when I will summarize, I will come to number 1 B. We have judicial matters and you have assured us that you will read all the memoranda. Security of individuals, succession and inheritance of properties, those are highlights in the memorandum which has got many highlights. Health, education, agriculture, marriages in Kenya, Njuri Ncheke cultural traditions, democracy, development and government and federalism those are highlights. I will come to point number 1 B.

Office of Justice; there must be an office in all parts of the country where a person can complain about mistreatment or injustice by Civil Servants. These complaints are mainly refusal or delay of service, a method used to solicit for corruption funds, demand for bribes, harassment or abuse, negligence of duties by officers those are the ones used to solicit the bribes.

As you know Mr. Chairman, since we are lay people as far as the Constitution is concerned, I hope you, as the expert of the Constitution will put our views in the proper sections of the law. This Njuri Ncheke memorandum is self explanatory, it has got six pages

**Interjection: Com. Lethome:** Then just hand it over we will read it.

**Micheal M'Torenyiru:** Yes I am handing it over. The point I would like to explain here, point number one to avoid examples, if assaulted say by a police officer he is advised to go and report the matter to the police, which is not workable at all. How can a policeman charge the other?

**Interjection: Com. Lethome:** Okay what do you recommend now.

**Micheal M'Torenyiru:** I recommend now this office of justice must be manned or headed by a person who is competent, transparent and of high integrity, appointed by the Parliament and answerable to the Parliament which will be manned by a person who is morally upright like Justice Gicheru or Ibrahim Lethome. So thank you very much for this memorandum, as you through it you will find what we are recommending.

**Com. Lethome:** Thank you very much for keeping within time. Lucy Ngito very quickly, haraka haraka umalize twende.

**Lucy Ngitori:** Ibwega mono ni untu bwa gwitikirua. Riitwa ndiitwa Lucy Ngitori kuuma Gachanga sub-location.

**Interjection: Com. Lethome:** Zakia, can you translate?

**Lucy Ngitori:** Riitwa ndiitwa Lucy Ngitori wa Giora kuuma Gachanga sub-location.

**Translator:** She is Lucy Ngitori from Gachanga sub-location.

**Lucy Ngitori:** Nandi nkiritaa ngugi ya TBA.

**Translator:** She is TBA worker.

**Lucy Ngitori:** Na ndungamiriite ngui iuu ya sub-location.

**Translator:** She is a leader of the sub-location.

**Lucy Ngitori:** Uria nkwarairia ndene ya rwaria ruru....

**Translator:** She wanted to talk about,

**Lucy Ngitori:** Ni mantu ya kimuunda.

**Translator:** About land,

**Lucy Ngitori:** Niuntu bwa kwithirwa akuru babaingi bariendia miuunda bagatiga aana ukiene na kwendia kwao akenderia mbere nau uu kinya eekuru na aana bao batiji.

**Translator:** Because husbands are selling land without the knowledge of their wives and leaving the children behind to suffer.

**Lucy Ngitori:** Mwanka igakuruka na kinya bagicwaaga uria barigiiria bakaremwa.

**Translator:** They have tried means and ways to stop this but it is not possible.

**Lucy Ngitori:** Beenderea kuria bakerwa mantu jau ijakurukire mda ii jwa mukuru mukuru indi tukoria niatia indi jwi jwa mukuru wenka na ii mwekuru na aana bawe na mukuru oo uu.



**Translator:** So she is requesting if there will be any security to cater for land cases.

**Lucy Ngitori:** Ka kwendaa tukarua untu bwa kwithira kinya tworia twarega twainga tugetikirua niuntu bwa kwithirwa ka ikuthira tugakua tukari bu.

**Translator:** She is requesting for security to cater for these cases.

**Lucy Ngitori:** Na kinya twageria gwita courtini twakinya naria baria bakugura ibanene bagetithia mbere mwanka tugatigwa tukari uu courtini.

**Translator:** And in court they are not being heard because of corruption.

**Lucy Ngitori:** Niuntu bwa kwithirwa tuti na mbeca.

**Translator:** Because they don't have money.

**Lucy Ngitori:** Turienda aantu baria bati na inya bekagirwe yaani judge oo kuthikagiira antu baria bati na inya nikenda bakoombaa kuthikirua.

**Translator:** They want a separate judge who will be act on their behalf.

**Lucy Ngitori:** Na ruterene rwa board.

**Translator:** And on board cases,

**Lucy Ngitori:** Tukuromba kinya eekuru bekairwe ku.

**Translator:** women should be involved in the board of review.

**Lucy Ngitori:** niuntu bwa kwithirwa indiria eekuru bagwita batikuthikiirua kinya rio bwega.

**Translator:** Because even when women go to court they are not listened to well.

**Lucy Ngitori:** Uu niu nkorombaa tutegeerwe nuntu babaingi bariria thina bageeta naau gugwitwa chakula matangi ya aana bamwe baaga into.

**Translator:** That's what she was requesting and on street children.

**Com. Githu Muigai:** Asante sana mama.

**Com. Lethome:** Humprey M Ngoiti yuko hapa? Wilson Gicheru, Purity Kanana, yuko? Ndiye wewe? Francis Muguna washazungumza hawa, Kenneth Mugambi, Mercy Mbigiwe sasa nafikiri tutabadilisha, unajua hapa niko na list. I have here 41

pieces of paper with over 200 people. We are less than a hundred here. How many people are sitting here and they have not spoken, let's see and they would like to speak? I will give you numbers, okay 1,2,3,4,5,6,7 wakili, 8, 9, 10,11,12,13,14, 15 na Pastor. Lakini wacha tuanze na mama then we start with you, dakika mbili mbili kila mtu aweze kuzugumza. Mama anza wewe sasa, tafadhali in that order. Sema jina na haraka haraka uzungumze.

**Peris Nahashon:** I bubwega niuntu bwa kumbitikiiria. Nani kankugaa oaa kwarirua ibubwega itutegerwe ii therikari. Turi eekuru itwi tukumia, itwi tukumia niuntu miunda nikwendua na magamba jagaikua Embu. Mukuru na mwekuru baatunywa nuda ni mtu oo mbeba, na thirikari a tukuga aatiri, nitutegeere. Eekuru oo baa bukwona ibo batumite bukara oo au. Nuntu uhuru bubu itwi twaririre batwi ukwona na guti gintu twaruma. Akuru barakua na eekuru barakua na miunda iiria twachwaga ngugi tutoona. Thirikari nitutegeere niuntu eekuru baakuthira. Itu itutegerwe ii thirikari. Nituchwiire kinya kiriku.

**Translator:** She is asking for the Government to set aside land especially for women.

**Peris Nahashon:** Na twaana twetu natu tuthome mono mono niuntu tuti na mwene.

**Translator:** Especially the children to be educated.

**Peris Nahashon:** Thirikari aangi nitege, kwina thiina mono mono antu abakara kurairwa kinya nyomba. Ndienda tutegeerwe securicor iikwe inene.

**Translator:** She wants they be given security in reserves mostly because there is no security, people are being killed now and then.

**Peris Nahashon:** Thirikari ititutethia ni untu tuti na mbeba.

**Translator:** She is saying it is not helping them because they don't have money.

**Peris Nahashon:** Ka antu baguitwa nyomba.

**Translator:** People are being removed from their houses.

**Peris Nahashon:** Niu tukuga kinya kethira ii Moi neerwe buu.

**Com. Lethome:** Asante mama.

**Peris Nahashon:** Iii ibubwega.

**Com. Githu Muigai:** Number 1.

**Kirema Meeme:** My names are Kirema Meeme, I am from Kithoka sub-location of Chugu location and we have made a presentation which is to be handed over to the Commission but I have some few areas to mention that might be handed over

tomorrow by part of our group which is known as Mali Agencies at Timau. One area or some few areas we wanted or I wanted the Commission to have in the Constitution is the provincial offices. We have a number of provincial offices from the Provincial Commissioner to the Provincial Agriculture Officer, the Provincial Education Officer all these offices have no meaning within the province and we would like those offices should be scrapped and these offices to be looked into the district level.

Then we go down to the Chiefs or the local administration where we have the local Chiefs. The local Chiefs should be people who are voted for or we should be voting for our Chiefs and the assistants and should be people with good educational background. Another area which I would like to be put in our Constitution is the role of our prisons. Our prisons do not help the convicts so much and worst of all, are people in remand. Since they have not been proved guilty they should be looked after until proven guilty like any other citizen despite the fact that they are just in remand.

Then we have another area on local leaves for people who are working. Also husbands should be entitled to paternity just like mothers who are getting maternity leaves. Their spouse or the husband should be getting at least some part of leave to be with their wives at that time.

The other issue or the last issue is on succession land issues, which are taking too long a time and several families currently have lost either fathers and transfers of such land to whoever takes over or the children is taking too long. We would like these matters to take shorter periods to be resolved and we recommend that these matters should take less than 3 or 2 months and should be done at the district and the local level. Thank you.

**Com. Lethome:** Thank you very much. Number 2 as brief as number 1 was.

**Henry Muthuku:** Gintu kimwe ndene ya Kenya twaarikia gutegeera rutereene rwa corruption. Corruption ii gintu kimwe gikithuku. Corruption niithukitie nthiguru niuntu bwa kwithirwa uuni ndathithiria muntu buuthuku aja ni untu muntu ni gitonga aringwata akambikiria aja uju nkagwatwa ni askari ngekirwa mpengu niuntu muntu uu nanankaniire mbeca ngeera nkiuragwa mono. Kwou uuni ndi mwanaKenya kankuga at ongwata ntibwiri kwithirwa ngichunua lakini ubati umbitithia ndene ya courti janji eeta angitire. Bwa jairi, ndienda bwikira sheria niuntu niturithitie ng'ombe cietu nja nkauga ntomurume akeja kugwatwa ari kii ng'ombe nabati kuthithua mantu amathuku gisheria nuntu murungu wengwa oombire muntu wengwa ari muntu ng'ombe iri ng'ombe nkwegia uri ntomurume imbi yutuma wita kii mburi. Gintu kingi, nditegeera rutere rwa nchoobi. Thirikari niethiririe nchoobi ndene ya Kenya lakini mwananchi reka bwire.

**Translator:** Serikali imemaliza pombe Kenya. Corruption has destroyed our country. This is because when a poor person makes a mistake, the rich will pay bribes so that he is imprisoned without justice.

**Henry Muthuku:** Uuni ngwitikia thirikari niethiririe nchoobi ndeene ya Kenya lakini kinya kethira niethiririe kankwenda kuuga uuni mtu uria augire nchoobi ikuthira Kenya kaugire nchoobi niirugwe.

**Translator:** Yule alisema pombe imalizike Kenya alisema pombe iongezeke.

**Henry Muthuku:** Gintu kimwe nchoobi ikwirwa ikuthirua baria tweekire inya ni askari na machief yetu.

**Translator:** Wakati tulisema pombe imemalizika au hatutauza hii pombe ya kienyeji tena ni polisi tuliweka nguvu.

**Henry Muthuku:** Uni kankwenda kubwira mwanka au nandi chief agwataa mishara iiri kimwe uuni ndi mwananchi nkumuria mushara na nakuria juria aakweewa ii thirikari.

**Translator:** Sasa siku hizi Chief anapata mishahara miwili ile anapewa na muuzaji wa ile pombe haramu na ile anapewa na serikali.

**Henry Muthuku:** Kankuburia ukethirwa kwi na antu bathatu, muntu umwe anywite kanya uungi anywite Tusker, uungi anywite marwa, kiri antu bau bobathatu womba kumbira nuuriku uti muleve.

**Translator:** Kukiwa na watu watatu mmoja amekunywa changaa, mmoja amekunywa ile pombe ya kienyeji ya Kimeru na mwengine amekunywa Tusker, ni nani mlevi katika hawa watatu?

**Henry Muthuku:** Uuni ndi enda kuuga ukethirwa corruption ii ikoomba kuthithua nyomwerea ikethira itithira niuntu turiuga ithire, ikethira itithira ibarugure nchoobi ii cia kienyeji kenda thirikari yeeta yarugurwa riu nchoobi ii ciikue townine na ciethirwe ciikiri mathaa jaria ikendagua kethira ii mwanka thaa kumi wee mwendia o choobi gwe utibati kurugura aantu au nuntu nand turitegeera ruterene rwa maendeleo nchoobi erugurwa rukiiri maendeleo jatiithirwa jagiita buubwega. Nandi mbeba iria cieta citethie.....

**Translator:** Serikali iweke masaa ya kunywa pombe, kama ni asubuhi iseme watu wakunywe asubuhi and kama ni jioni watu wakunywe jioni.

**Henry Muthuku:** Mbeba iria cieta itethie ciite kii thirikari. Uuuni niuntu ntinyunyaa nchobi ndi mwonoki ndeta naria cibitari ndeeta nkundue dawa cia utheri na mbigue ngwiritue mono.

**Translator:** Ile pesa za uuzaji wa pombe au ule ushuru wa uuzaji wa pombe ipelekwe kwa hospitali. Kama mimi ni mwokovu niweze kutibiwa na hiyo pesa huko hospitali.

**Henry Muthuku:** Aantu a mbeba iu ciitaa gi cibi kana ciita kii askari imutethia ari muntu individual..

**Translator:** Hapana hiyo pesa kwenda kwa Chief au kusaidia an individual person.

**Interjection: Com. Lethome:** One minute remaining.

**Henry Muthuku:** Point iria ingi ndindikwenda kwariria.

**Translator:** (minute imwe uga buu bungi mumwe) The next thing I want to talk about,

**Henry Muthuku:** Ndirienda kuuga antu baa tukuthura ma MP aantu beeta naaria uria, ibeethairwe beena offici cietu ndene ya location

**Translator:** They should be coming for votes within their locations.

**Henry Muthuku:** Nunntu muntu uria riria aathurirwe eeta naaria uria.

**Translator:** Immediately we elect that person,

**Henry Muthuku:** Uuni ntumba gwita kwawe.

**Translator:** I will not be able to go his home,

**Henry Muthuku:** Na kwou ntumba gwita kwawe kinya ngeetwa mwamba nuntu eena askari uria umukaritie.

**Translator:** I may go to his home and be called a thief, because he is protected by police.

**Henry Muthuku:** Chairman ndi na yamaingi lakini ngwitikiriria inkwigagua ijariritue ii wananchi.

**Translator:** I have more but people have talked about it.

**Com. Lethome:** Okay, number 3.

**Robert Onderi:** Naitwa Robert Onderi kutoka sehemu ya Meru hapa, nilikuwa na maoni mengi ya kuweza kusema kwanza ni sheria kwa sheria. Kila mtu aheshimu sheria awe mkubwa au mdogo wote waheshimu sheria. Tena tukiwa katika sheria hakuna mtu anaruhusiwa kumuadhibu mwengine akiwa katika shere. Hakuna askari au mtu yeyote anaweza kumuadhibu kwa sababu sheria haijamhukumu. Kwa hivyo mara nyingi unakuta mtu anapigwa, anaumizwa anapopelekwa kwa mahakama tayari yeye amepoteza sehemu ya viungo vyake vya mwili.

Prison, prison iweze kuwa na malazi mazuri kama kitanda na mattress kwa sababu zile prison tuko nazo sasa ni za kikoloni na sisi hatuko chini ya koloni, tuko katika serikali huru. Hivyo prison iweze kuwa na vitanda vizuri na mattress kwa sababu huyo ni mwananchi wa Kenya anapaswa kukaa pale akiwa analindwa akiwa anapewa kila kitu kinachompasa. Si mahali pa kuuliwa, prisons za Kenya sasa ni mahali pa kuuwa watu.

Kanisa; mimi kama mshiriki wa Seventh Day Adventist, kanisa letu la Seventh Day Adventist hatujapata uhuru wa kuabudu kwa sababu wengi wetu wafanyi kazi kutoka maserikali na makampuni wanayimwa ruhusa ya kuabudu katika makanisani mwao. Wanakuwa hawana ruhusa kabisa, wengi wamepoteza kazi kwa sababu hawana ruhusa. Hivyo tunaomba serikali iweze kufikiria sana kuhusu kanisa la Seventh Day Adventist.

Tatu, wazee hata Mwenyekiti wewe utakuwa mzee, wazee wote waweze kuheshimiwa, wazee waweze kuangaliwa na kupewa benefits zao zote hata wakiwa wameenda retirement. Tuweze kuwa na inspectors wanaenda mayumbani kuangalia wazee

mayumbani vile wanaishi kwa sababu vijana wao wako Nairobi, wako Mombasa, wako ng'ambo na hao wazee wako nyumbani na wazee hawa wanashikwa na magongwa kama, pneumonia, wanashikwa na magonjwa wanakufa haraka. Hivyo serikali iweze kutenga kiasi cha pesa kuweka wazee katika manyumba ya kuwalinda.

Watoto; ukienda mitaani nchini mwetu Kenya watoto chokora wamesahuliwa na hii ni kabila ingine inaita chokora ya arobaini na tatu. Na hii kabila haina muwakilishi kule Parliament, kwa serikali kila mahali, na kama haina muwakilishi, hitambuliki. Hawa watoto waondolewe kule mitaani waweze kutunzwa na kupewa sheria kama kule ng'ambo. Munaona hawa wanajeshi wanakaa hapa Nanyuki hao ni chokora wa Uingereza.

Vijana wote; vijana wote wanaosoma na wamemaliza masomo na hawakusoma serikali iweze kutenga kipato au iweze kuwalipa mshahara kila mwezi, wanenda Uchumi Supermarket wanachukua kile wanataka kwa sababu kuna pesa mingi Kenya. Unaona Minister anakula million moja kwa mwezi na vijana wanendelea kusumbuka, wamemaliza masomo na wako nyumbani. Hao vijana wapewe mshahara hata kama ni shilingi elfu mbili kwa mwezi wawe wanaenda kuchukua mshara kutoka kwa mabenki.

Hiyo ndiyo maoni nilikuwa nataka tena, mali. Mali yote ilindwe kwa sababu kama mlima Mt. Kenya na milima mingine ni mali yetu na tena kama jangwa, maji ya River Katita yaweze kupelekwa jangwa kama Isiolo yaweze kuwa na irrigation ili vizazi vijavyo vipate kuwa na mali ya kutosha. Mishahara; hakuna sheria inayoruhusu Wabunge kujiongezea mishahara wenyewe au kampuni au sehemu yoyote. Mishahara iwe inaogezwa na wale wanachama wameteuliwa wa kuangalia mishahara ya kila mtu.

**Interjection: Com. Lethome:** Robert asante sana.

**Robert Onderi:** Asante sana

**Interjection: Com. Lethome:** Nipatie hiyo memorandum sasa.

**Robert Onderi:** Asante, nikimalizia sehemu kidogo Mwenyekiti, hakuna mtu anaitwa squatter, sisi sote ni Wanakenya.

**Com. Lethome:** Haraka haraka, mwalimu utangoja kidogo.

**Gibert Kirima:** My name is Gilbert Kirima from Chuju location Meru East of North Imenti constituency. Mr. Chairman having followed the events concerning this much talked about, the Constitution of Kenya Review and further recognizing that the present Kenyan Constitution has been amended 36 times within a short period since 1963, and that much has been distorted and consecrated all powers to the presidency, and believing that us Kenyans would strive to come out with a new Constitution through the people-driven process. I hereby present the following views to the Commissioners here.

One, Presidential elections should be held separately from parliamentary and council elections. Each Presidential candidate should name his or her running mate who would become Vice-President to secure the office of the Vice-President and their point in fighting among the cabinet members craving to be appointed VP by the President as it's the case today in Kenya.

Voters are sometimes misled to vote for people they don't prefer because the system can easily be manipulated. The date of general election should be announced in advance to give equal chance to all political parties to complete or to compete fairly. Future President should be compelled by the Constitution or the law of the land to make public the findings of any Commission of Inquiry.

Electoral Commissioners should be appointed by an independent body and have security of tenure of office and their loyalty should be to the people and not to the President and his cronies. 1/3 of the parliamentary seats in this country should be set aside or reserved for women and the Constitution should state that women have a right to inherit property.

Ministers appointed to health, education and other ministries that deal with technical and professional issues should be experts in those lines. Members of the Provincial Administration should be elected directly by the people and that they should be non-partisan. Police powers be reduced and controlled by the Constitution of Kenya. Parliament should have powers to impeach the President and cause to remove of Cabinet Ministers who is adversely mentioned with mismanagement and corrupt practices. No money should be withdrawn from the consolidated funds without the approval of Parliament, therefore the executive or in this case the President should be restrained from deciding to implement unbudgeted for projects for e.g. Eldoret Airport.

The issue of land is very sensitive in Kenya. During the clamour for independence, the Africans were bitter because the land had been alienated by the colonialists, hence MauMau rebellion. Therefore, land laws in this country should be reviewed. Nobody should be allowed to own more than 200 acres of land. The present system has created landlessness and feudalism where one person owns two or three farms very large ones in different regions of this country and on them there are people termed as squatters and there should be no squatters in the country. All Kenyan citizens should own land or a home, no street people should be seen, they should be settled somewhere. Constituencies should be increased from the present number to about 340 elected members. Public Service Commissioners should be appointed by Parliament and not by the executive, they should be independent, their security of tenure of office be assured. Retirees should be guaranteed receipt of retirement dues on retirement and this should be provided in the Constitution of Kenya.

Pensioners, monthly benefits should be reviewed from time to time depending on the country's economic changes so that those who retire should not continue earning as little as Kshs.300.00 per month. Nobody should be given authority to refuse to pay pension benefits to any retired civil servant. In this country we have heard people being taken to court in the name of maybe Director of pensions refusing or having money to refuse to pay somebody retirement benefits.

**Interjection: Com. Lethome:** One more minute, please.

**Gilbert Kirima:** The Constitution should restrain the executive to interfere or from interfering with the other functions of the other arms of the Government. The judiciary should be left to function independently. The Judges of the High Court and the Court of Appeal should be appointed by the Commission and on merit. Free primary education be provided for in our



Constitution. Thank you.

**Com. Lethome:** Thank you very much, those are wonderful recommendations. Can you hand over that one to us please, number 5.

**Geoffrey Imathiu:** Thank you Mr. Chairman, my name is Geoffrey Imathiu I am the Chairman of Commission Review in Naari Location and I am very thankful to give our recommendations.

First we would like agricultural activities to be financed by the Government to assist us, as you know it is the income of the country. Constitutional amendments, Parliament should amend the Constitution with 75% not 65% as they do. The public should be involved in amending the Constitution when it's amending the whole Constitution. An independent Commission to discipline Government forces should be set up because like when the police are involved in crimes and are the ones who are looking for themselves then we should have a Commission.

The political parties should be limited to three and financed by the public funds. Constitution should define strict laws to separate state functions and political parties functions. All appointments should be vetted by the Parliament. Being an MP should be full-time occupation in Parliament; they should not have any other job, and an MP should be an O' level holder. The Constitution should permit coalition Government where all political parties are involved. The President should have no powers to dissolve the Parliament and the Parliament should have a calendar. The qualification for a Presidential candidate should be a graduate and a family man. All Presidential appointees should be done by Parliament for e.g. PS, Ambassadors, High Commissioners and Judges.

Prices of commodities should be increased by Parliament not the Ministers as they do. The Presidential power to dismiss civil servants should be scrapped and left to the Public Service Commission.

Local Government; the Mayors and Council Chairmen should be elected directly. They should be elected after 5 years not 2 years as they do now. Councils should be empowered to run the local authorities, Chief officers should take advisory roles.

Electoral system: President should be elected by 51% and in case of failing to attain the 51%, the first two candidates should go for a run off. One should seek nomination from only one party. If you join one and nomination is done, you should not change to the other party. There should be no defection or crossing the floor until the end of the life of the current Parliament. Dates of election should be certified in the Constitution. During the 2002 election we recommend that there should be a Prime Minister. Succession and transfer of power, nobody should be above the law. President should be ceremonial, votes should be counted at the polling station.

Basic rights should guarantee security, health care, water, food and education to all Kenyans.

**Interjection: Com. Lethome:** Thank you very much, the 3 minutes are over.

**Geoffrey Imathiu:** Let me say about land only then, okay?

**Com. Lethome:** Okay.

**Geoffrey Imathiu:** The Land Control Board should be composed of elders from the given area and should be chaired by the senior and the respected elder from that area. No land transaction should be undertaken without full participation and the consent of biological members of the family. Land Control Board should not be chaired by the Government officers, should be chaired by the elder of that place. The land transfer should be simplified and made cheaper. Thank you very much.

**Com. Lethome:** Thank you very much, number 6.

**Geoffrey Imathiu:** I will hand over these they are so many.

**Com. Lethome:** Number 6.

**Silas Guantai:** Asante sana Bw. Chairman, nitaingia moja kwa moja. Ninasema-----

**Interjection: Com. Lethome:** Jina?

**Silas Guantai:** Jina ni Silas Guantai kutoka Kangiyo sub-location. Ninasema yeyote atakayeteuliwa au kuchaguliwa na wananchi akiwa Councillor au akiwa mbunge wananchi wawe na haki ya kuwatoa katika Bunge na katika County Councils watakapochaguliwa kwa 1/3 ya kura zote zile watajaza kura zao kwa memorandum na waTume kwa Electoral Commission. Na Electoral Commission wawe na power ya kuwaondoa baada ya kuchukua hiyo memorandum ikiwa imejazwa 1/3 majority ya kura zote zitakazopigiwa Councillor huyo na kuingia katika either kwa Council au Mbunge yeyote atakayeingia katika Bunge.

Number mbili, Vice-President awe akichaguliwa moja kwa moja na wananchi.

Tatu, judicial au Majaji na Magistrates wawe wakichaguliwa na Bunge.

Number ya nne, Chairmen wa ma-parastatals katika Kenya vile vile wasichaguliwe na mtu yeyote bali wawe wakichaguliwa na Parliament. Iunde kamati itakayoshughulikia jinsi ya kuwachagua ma-chairman kutoka sehemu mbali mbali za nchi sio kutoka kwa kabila moja au kabila mbili.

Tano, ninasema ya kwamba hakuna mwanamke yeyote au mwanamume yeyote wakishaoana wasikubali kuachana. Maana walipokubali kuoana waliapa wakasema kwa makanisa yao, kwa taabu, kwa huzuni, kwa kilio, kwa kicheko, kwa msiba, kwa njaa wataishi pamoja. Hivyo ninasema hakuna korti yoyote inaweza kuruhusiwa katika Katiba tutakayokuwa nayo mpya kuwachana kwa mwanamume au kwa mwanamke waliooana. Wacha niachie hapo kwa maana waendelea.

Number sita, Mayor na wenye viti wa mabaraza nasema katika Katiba mpya wawe wakichaguliwa moja kwa moja na

wananchi sio watu ishirini na sita au kumi peke yake.

Number saba, Electoral Commission ipewe nguvu katika Katiba mpya iwe ikiondoa Council yoyote, i-dissolve Council yoyote ambayo itapatikana ikiiba public resources.

Number nane, kusiwe na nominated Councillors mahali popote katika Kenya maana hawa nominated Councillors ni watu wa kulinda tu vyama vyao na hatujaona faida yoyote.

Number tisa, Katiba ilinde haki ya wananchi kupata elimu ya bure na ya lazima nchini Kenya. Na vile vile ione ya kwamba madawa yanapewa wananchi bila malipo yoyote kama vile sasa kunasemekana ni ya bure lakini ingali inaendelea kulipwa.

Number kumi, Katiba iseme mwananchi yeyote ambaye alipata shamba na hakununua na shamba hilo ni kubwa linakaa bila kulimuwa lipewe wananchi wengine waendelea kulima shamba hilo baadala ya kukaa nalo na halifanyiwi kazi yoyote.

Ikiwa mwanamke au msichana atakaa kwao zaidi ya miaka arobaini na tano anastahili kugawiwa shamba baba yake maana miaka hiyo yake mahali imefikia hana nafasi nzuri ya kuolewa. Katiba ilinde wagonjwa wakiwa ni wa pesa nyingi kama vile tunasikia wagonjwa wa figo na roho wanalipishwa pesa nyingi sana, wengine wanapelekwa ng'ambo. Vile vile serikali iwe ikisimamia Katiba iwe ina nafasi ya kusema serikali isimamie kulipa magonjwa hayo kwa watu watakaokuwa wagonjwa.

Number kumi na mbili, all millionaires, trillionaires and billionaires wote kamati iundwe katika Bunge ya kuwachunguza jinsi walivyopata pesa hizo. Mtu yeyote atakayeshindwa kuhesabu mahali alizitoa zirudishiwe serikali.

**Interjection: Com. Lethome:** Asante, maliza sasa ndugu yangu tupate mtu mwingine.

**Silas Guantai:** Asante sana. Ya mwisho nasema mtu yeyote atakayesimama kuchaguliwa awe ni mcha Mungu awe ni wa dini ya Kiisilamu au ni dini yoyote ile na awe na certificate ya kuonyesha ya kwamba yeye ni mcha Mungu mahali atokapo. Na la mwisho ni mito ambayo inapeleka maji sehemu mbali mbali za nchi iwe ikifanywa kama ma-dam na dam hizo ziwe zikitumiwa katika irrigation kusipokuwa na mvua watu waendele kulima na hayo maji ili tuendelee kuweka uchumi wetu juu. Asante Bw. Mwenyekiti.

**Com. Lethome:** Asante sana number 7, please wale wamenipatia majina yao hapa kwa sababu hawakuzungumza asubuhi njoga tumalize numbers halafu you will speak, I know there are people who were not ready. Just be patient, you will be called.

**Councillor Derrick Muriuki:** Thank you my names are Councillor Derrick Muriuki, Meru County Council from Egoki location South Imenti.

First of all I will first give views on the Constitution Review as this. In the next Constitution, our Republic should be called the Second Republic of Kenya since we have gone through some transition. Again on the President, the President should be executive and the kind of Government we have to have is hybrid where we have to be mixed between parliamentary and

Presidential because we have seen that if it's not a violation of some functions in fact that one for an African state is better to have a mixed Presidential and parliamentary because it works very well rather than one kind of Government.

On provinces, it will be better to have 12 provinces so that we can have Upper Eastern and Lower Eastern, the Rift-valley and North Rift and South Rift, then we have the South Nyanza and North Nyanza so that we can have those representations, those are big provinces we have 12 provinces. Like Eastern we can have the Upper Eastern people having eco-cultural similarities of those people. Again the Parliament, the nominated MP should be conducted by the parliamentarians. They select and nominate their MPs for the areas that they feel that they lack some professional or some expertise in the House. The same case with even the councils, when the council convene they have to sit down and then think of whoever they feel that is lacking in their congregation. The term for President should be 6 years and the term for the MP should be 6 years so that the elections of the MPs will be done before the Presidential election because that time will be able to see some Presidential candidates. Because if your party has 5 MPs you won't go to contest for the parliamentary because now even somebody without an MP is contesting because you don't know the out come of the number of MPs. The MPs will dictate whether you can be a candidate or not before having these mergers and the rest. At the first time you know that you won't get elected.

On the Ministers, the Ministers should not be MPs. They should be called the state secretaries of the state like US so that a Cabinet Minister because he is representing a constituency, he will take all the resources to his constituency so those people should be professional to serve Kenyans because they are in the executive. And those MPs will just be legislators and not to be in the executive.

On the local authorities the Chairman should be selected not directly but through Electoral college because it will be very cumbersome for the whole district and again that direct elections might not reflect the wishes of people because like for instance in Meru we have three districts, three divisions and having those three divisions it will not be able to elect the Chairman directly.

**Interjection: Com. Lethome:** Bw. Councillor.

**Councillor Derrick Muriuki:** Yes.

**Interjection: Com. Lethome:** Tafadhali.

**Councillor Derrick Muriuki:** Yes may I finish with that one. Again on amendments the amendment of the Constitution should be done directly through referendum and not directly by the MPs. Again on the courts all divisions of a district instead of the DO let's have a Magistrate there so that he can serve in the judiciary in that district. Thank you.

**Com. Lethome:** Thank you very much, number 8.

**Philip Kiambati Muguongo:** Thank you Mr. Chairman, most of the things have been said by my colleagues. What I would like to emphasize, my name is Philip Kiambati Muguongo, I am a farmer in Miriga Meru East of North Imenti constituency. I

would recommend that no boundary of the district changes should be made without a Commission of Inquiry and therefore Isiolo 6000 acres of Isiolo is part of the Meru district. It was leased to Isiolo County Council and it should remain part of Meru district and the Constitution should be very clear on this.

And for the land Mr. Chairman, abolish the tribunal, The Land Registration Act is sufficient to cater for that. The newly created tribunal is causing considerable confusion in those areas. Mr. Chairman the Public Service Commission should be strengthened by the Constitution so that Civil Servants can be hired and fired by only one person and that is Public Service Commission to avoid the embarrassment of sacking people through the radio, that one is very unfair. The Commissioner of Police should be a constitutional office and be appointed by qualification through the Police Service Commission. The one which used to be there should be reinstated by the new Constitution. The current Constitution which gives power to the executive to withdraw money during an emergency should be removed because that power can easily be misused, the power where they are told you can withdraw money from consolidated funds and then later report to Parliament. This should not be the case, Parliament should be summoned immediately if there is an emergency to vouch new funds for the executive but things like drought or floods, Parliament can be called to session immediately to sanction those things.

Mr. Chairman, as for the forest I would recommend that the forest should revert in local areas to the County Councils. Originally we thought Central Government would be able to protect but the experience has shown us the contrary is the case. So we would suggest that forests and other resources like rivers should revert back to the local authority. Mr. Chairman, I will present my memorandum later it's not yet ready but in the course of the day I will return it.

**Com. Lethome:** Thank you very much. We would also like to remind you that even if you don't present today, you still have an opportunity through our District Coordinator's office to present your memorandum. Number 9 please.

**Julius Muthamia:** Thank you Mr. Chairman, without repeating what has been said I just want to mention a few that they have omitted. I would recommend, my name is Julius Muthamia from Rimbiri location. At one given term we shall have a President from one province then the next from another province, that way. To protect public utilities we should have a competent body to manage or employ people who go to run those institutions for e.g. we have seen KCC broke, we have seen cotton go down, we have seen cashew nuts go down, sisal go down, we would like to have a body that will be responsible for those industries so that the real protection of Constitution will have a meaning. Because we don't what to hear at one time at one level whatever the farmers are doing is frustrated by somebody somewhere because of mismanagement, and that would help to alleviate poverty.

Then the protection of forests has been mentioned. We would like the Parliament to if there is any excision of the forest or any interference of forest and water-catchment areas, should go through the Parliament. Then we have a problem with provincial offices. We would like those ones to have elected people, these people they are the same people who can be hired. And also the DDCs they seem to have no meaning because we have seen the people who come ni wageni and whatever we recommend or whatever is supposed to be done has never taken off. We don't know why, we would like also that one to be taken by an

elected person so that the real meaning of a DDC in development can take place. I also like the Constitution to recommend at least for 5 years, anybody able to invest in this country, investment that will generate employment because we have got problems with employment is exempted from taxation for at least 5 years. With those few remarks I will hand over my memorandum. Thank you.

**Com. Lethome:** Thank you Julius, thank you very much. Number 10.

**Fredrick Mugambi:** Thank you Mr. Chairman, my names are Fredrick Mugambi former Chairman Meru County Council. I would like to present my views to the Constitution Commission by proposing that taxes like VAT should revert back to the Councils, to the local authorities, so that within their areas of region they can give services.

Number two, Chairman and Mayors should be elected by public.

Number three, unemployment should be minimized by setting aside a provision allowance for every Kenyan citizen to earn a living. Because we have seen there is a disease of unemployment in this country, so a provision for every citizen in this country should be earning something. I propose that one Mr. Chairman, a provision should be set aside to provide allowances to every citizen.

Another one Mr. Chairman, is health and education is paramount and should be given free of charge.

Number four, security of all citizens must be provided by at least providing an armed police reserve in every village because in every village if there is an armed police reserve thugs will not enter into that village. So I propose every village should have a police reserve.

Number five, street children should also be safeguarded by being pooled together and put in the children's homes so that they can be educated from there, they can be taken care of instead of them living in the streets. They should live in children's homes.

Number six, Mr. Chairman, powers of running the Councils should revert back to the Council itself and not the Minister for Local Government.

Number seven, cash crops Mr. Chairman, should be financed by the Government to uplift the standards of our citizens.

Number eight, Mr. Chairman, retiring President must have full protection by the Government and should earn allowances until he dies.

Number nine, Mr. Chairman, University education must be free and financed by the Government.

Number ten, dry land should be irrigated by the Government to produce food to feed our nation. I mean dry land is like Isiolo, Akiwarere those are the dry lands which the Government should take care and irrigate those areas they produce a lot of food so that we can be able to feed our nation and also even export.

Number eleven, Mr. Chairman, I propose MPs to serve Parliament only two terms for 5 years and then they retire. I also propose Mr. Chairman that the Councillors should qualify for pension after serving two terms. After serving only 10 years they all qualify like MPs for pension. For those few remarks, Mr. Chairman, I beg to sit down. Thank you.

**Com. Lethome:** Thank you very much, I am trying to look around for your portrait, is it around here?

**Frederick Mugambi:** Yes it is around here, the bearded one.

**Com. Lethome:** The bearded one? Okay, thank you very much. Number 11. Mzee ni number ngapi? Hebu mpatie Bishop John Mureithi sasa, halafu number 12 akae tayari.

**Bishop John Mureithi:** Asante sana kwa Chairman na Mwenyekiti wa Tume hii. Mimi nilikuja hapa usubuhi sana na tukaandikwa na nikaja hapa nikaketi mpaka wakati huu wa sasa. Kwa hivyo nilikuwa nasema siwezi kwenda bila kuzungumza haya mambo. Yale mambo yalikuwa yanarifanya ni fanye kwa Tume hiyo ni mambo ya Tume. Watu wanaanza kuzuia ati Tume isiendelee mbele na Tume ndiyo inafanya kazi kuliko mambo mengine yoyote maana Tume ni kama inaongoza serikali. Tume ndiyo yenye kuongoza na kufundisha watu mambo yale watakayoona au yale watakayosema kutoka kwa serikali ili wakichagua serikali, wawe wamejua. Lakini watu wengine wanasema Tume imalize mwezi wa nane au saba halafu kuwe na uchaguzi maana wanataka tumbo zao waende huko wachaguliwe ili waingie, hawaulizi Tume inafundisha watu kwa ulimwengu yote hiyo ni kitu kimoja. Mimi nataka Tume iendelee kufundisha watu hata kukiwa ni mwaka ule mwingine unakuja bila kufanywa uchaguzi mpaka Tume izunguke kwa watu na ifundisha watu kama vile mwenyezi Mungu anasema kwa kitaabu, anasema watu wafundishwe kwanza wajue vile Mungu alivyo ili wawe wakimuomba, hiyo ni kitu kimoja. Tume isifiwe kabisa mpaka wakati inamaliza inasema Tumekwishamaliza sasa wakati huo ndiyo kunafanywa uchaguzi utakuwa lini hata kama Rais alisema ni tarehe moja 2003 hapana, mpaka Tume imalize halafu warudi. Haya hiyo ni kitu kimoja.

Tena kitu kingine kinasumbua watu sana, mashamba. Mashamba kutoka hapa tunasema hapa karibu hapa kwenda mpaka Nanyuki, ni wazungu walinunua mashamba wakati ule waliingia hapa na wakati waliingia wakanunua hayo mashamba na kwa kununua hayo mashamba walinunua na pesa kidogo. Lakini sasa kutoka hapa mpaka kwenda huko Nanyuki ni kama wazungu wanne au watano. Kwa hivyo tunataka ile serikali itakuja iambiwe na Tume namna hii: yale mashamba ya wazungu yakiwa ni kubwa namna ile wapunguziwe kabisa mpaka ibakie yao ile inawatosha, pamoja na hata yule Muafrika ana shamba kubwa na halimi yote, hayo mashamba yapunguzwe halafu yapewe watu kama hekari tano tano, na serikali inunue iwape watu hekari tano tano na wale watu warudi wawape serikali pesa. Hicho ni kitu cha pili, ndiyo watu watatoka kwa utumwa. Hakuna kitu kingine kinaweza kuwatoa isipokuwa sasa kama huko Rhodesia huko unaona vile wazungu wananyang'anywa mashamba? Sisi hatutaki kunyang'anywa namna ile maana tukiyanganya namna ile itakuwa vita vibaya. Tunataka wanunuliwe hayo mashamba na wapewe watu. Hiyo ni kitu kingine.



Tena tunataka kitu kingine namna hii. Nchi hii imekuwa mbaya sana sasa kwa ajili ya nini? Kwa ajili ya mambo ya vyama vingi sana. Kwa ajili ya dini nyingi sana, sasa dini zinaanza kupigana na serikali ikisema serikali ifanye kama vile dini inataka. Je, serikali itafanya namna gani na hiyo ndio inayoongoza dini?.

**Interjection: Com. Lethome:** Sasa Bishop tunajua uko na memorandum na kwa sababu ya wakati tungeomba tu hayo maneno yako mimi najua yote umeandika. Tupatie kwa maandishi tupatie watu wengine nafasi. Tunatakiwa twende Timau saa kumi na moja.

**Bishop John Mureithi:** Basi mimi nawapatia kidogo tu ile mimi nitasema, nitasema namna hii Tume hii ipeleke mambo haya watu karibu wote sasa wafae wanamalizika kwa ajili ya nini, kwa ajili ya ukimwi. Na hii ukimwi nayo inakuja kwa ajili ya kutoka kwa Mungu mwenyewe ndiye analeta. Na ukienda kusoma katika Koran au katika kitaabu cha Bibilia, Mungu anasema wakati watu watakuwa wameerevuka sana watakuwa wenye kupenda fedha, watakuwa wenye kupenda kudanganya, watakuwa kama watu wa Mungu wakivaa nguo unaona kama watu wa Mungu. Lakini ni wale wanakataa vizuri wenye kuua wengine, na wakati huo nitatuma magonjwa maana kutakuwa na uzinzi mwingi sana. Kwa hivyo sasa serikali ni lazima ichukue hatua pamoja na watu wa dini, hawa kutoka juu Bishop na hadi mpaka chini wote waende wakifunza watu. Ni namna gani wanaweza kukaa kwa ajili ya nini, kwa ajili ya huu ukimwi, maana sasa Mungu anasema dhiki mbaya itakuja. Kama mimi mzee sasa nataka ile mdogo mdogo hao ndio ninataka, kwa hivyo nawapelekea ukimwi nikiwa nao na yule mdogo mdogo akiwa na ukimwi kutoka mahali pengine naye ananipa. Wale watoto wadogo wanachukuliwe na mama zetu nao wanakuwa bwana ya mama zetu. Kwa hivyo ukiita mtu mama sasa njiani anakuuliza nilikuzaa siku gani, na hivi sasa ile kitu inakuwa ni pesa wanataka. Kwa hivyo serikali pamaja na watu wa dini wawe pamoja na serikali nayo isiwe na vyama vingi sana, hakuna democracy hapo.

**Interjection: Com. Lethome:** asante Bishop.

**Bishop John Mureithi:** Maana kule ulaya ni vyama viwili tu, Conservative Party na Labour Party. Namna gani hapa Kenya tuko na vyama karibu sabini?

**Interjection: Com. Lethome:** Unataka ngapi?

**Bishop John Mureithi:** Tunataka viwili au vitatu-----

**Interjection: Com. Lethome:** Okay asante.

**Bishop John Mureithi:** Hivyo peke yake. Asante sana.

**Com. Lethome:** Asante, Mungu akubariki Bishop. Can we have number tuliwachia number gani, 12? Halafu kuna mwalimu hapa Bururi Ruteru. Haya tutamaliza msijali 5.30 tutakuwa Tumemaliza.

**Stephen Kirima:** I am Stephen Kirima Apolo, from Meru Central Miriga Meru West, P.O. Box 295 Meru. I am one among

the retired officers and I am a committee member. Most of the retired people have no annual increment and most of those who retired a long time ago they have Kshs. 300.00 minimum. Therefore I would like to ask this Commission to put in their record that they should have an increase in their month pay to Kshs. 4000.00 if possible. Another thing also they should be given badges to show that they are senior citizens because they have worked a lot for this Kenyan Government. When they go to public offices with the badges, they should be recognized that they are senior citizens.

Another point, on succession of property, when they die most of them are those who have not written a will, and you find cases being filed by their children. These cases are very expensive, they should be free so that they may achieve their titles.

Another thing land survey, when land survey is taking place, it should be registration but not adjudication. Cap 283 should be abolished therefore remains Cap 284 for registration so that the working system will be quick to attain their titles. Thank you, Sir.

**Com. Lethome:** Thank you very much, mwalimu haraka. Mama ulikuwa umepewa number nilikuwa nimekupatia number, mama? Haya hizo number nilipeana hapa, hapa watu waliinua mikono, don't worry you will speak, don't worry just relax.

**J.K Rutere:** Thank you Mr. Chairman, I have some recommendations to make and I think I am going to be very fast and brief they are as follows:-

On leadership, I recommend that the country should have a Prime Minister and then should have a ceremonial President aged between 35 to 60 years, with two terms only. He should not have a constituency and then election should be by majority vote. Then we should have electable and autonomous Vice-President. Another thing is that we should scrutinize the past records of these people and bar those who might have engaged in unlawfully activities in the past. The President should at least be a holder of a degree with some basic administrative course.

On employment, if someone is past age, that is 55 years, he should not be given a public office unless the younger are unqualified or unavailable. On salaries, salaries should be based on quality and work done rather than number of employees in a given ministry as it is the case with the teachers now. Because they are not being considered because the argument is that they are too many.

Then I will go to education and say that we should be proud of our own culture, and language being of one them, Kiswahili should be given priority as English is given priority in Britain. English is not our language but we should be proud of Kiswahili. Then important documents should be translated into Kiswahili and also some national histories should be written in Kiswahili for the common man to understand it better. We can see our neighboring country here Tanzania is proud of Kiswahili and it's doing very well. Now another thing is that public schools should be given more attention as it is in Britain to discourage the mushrooming of private schools, which are unaffordable to most Kenyans.

Another thing is that politics should cease to influence educational matters; instead the Government should use professionals

who should carry out research before decisions are made. I want to say something on agriculture, and you know that agriculture is the backbone of our country's economy and this is an agricultural country. The farmer should be highly placed and supported by the Government. Then about something called power, here let's have an independent judiciary. The Judiciary should be given more power and it should not be at the mercy of the President or politicians. To wind up, I want to suggest that we discourage the current job application trend which is coming up whereby the applicants are supposed to apply directly and pay non-refundable fee with no interviews. The poor people or people coming from poor homes are disadvantaged because they are not able to follow up their applications. So if I did not give my name, my names are Kute J.K. Rutere, I come from Gachanga sub-location, Miriga Meru West.

**Com. Lethome:** Thank you very much. Mama, mama, Mzee ulikuwa number ngapi wewe? Hujui number? Hakuna shida baada ya mama ni wewe halafu tuje hapa, tunamaliza na wewe Mzee unajua uliitwa asubuhi ukasema memorandum haijakuwa tayari. Haya sema shosho.

**Rose Kathambi:** Muugeni

**Interjection:** Com. Lethome. Muga muga mono muga sana.

**Rose Kathambi:** uria nkuuuga maono jakwa nkuuuga thiina iiria twiinajo, twina thiina iinene mono ki thirikari yetu. Mono polisi ameru. Meru twina thiina sana sana. Maoni jaria kwoona kii thirikari yeetu ya Meru batiutethia nkia.

**Interjection:** (inaudible).

**Translator:** She says we have a problem with the police but she has not specified the problem.

**Rose Kathambi:** Riitwa riakwa mbiitawa Rose Kathambi.

**Translator:** Her name is Rose Kathambi.

**Rose Kathambi:** Maoni jakwa jaria ndi najo na jaria nthugaanitie na jari mboonete kankwira katiba ijukie maoni jakwa. Thiina iria twinio inene, twi na thiina inene mono mono kii polisi yetu ya Meru.

**Translator:** She says that here in Meru there is a problem with the police,

**Rose Kathambi:** Nuntu wauma aja wauga uthangi wi muraria mbuga pengine wii ntigwa uuti na mukuru kana uti na gintu gia kuuga, gantu kidogo uti nako utiona wa ugutethia.

**Translator:** because it hard for you to be served by the police especially widows and other people who don't have any money or any property without the ability to corrupt.

**Rose Kathambi:** Nuntu jaa uuni nkabwaa mufano na uuni. Mweri jwa ina tariki mirongo iri.

*Translator:* Last March 20<sup>th</sup>,

**Rose Kathambi:** Kwi muntu wii neighbour, akomborete aaria tukomborete lakini ti mutaa jumwe.

*Translator:* She has a neighbour they don't share the same plot but they are just adjacent, their plots are adjacent.

**Rose Kathambi:** Muntu uju eena muthaka o ngugi.

*Translator:* The neighbor has a worker, that is servant,

**Rose Kathambi:** Muthaka uu ii muthaka ethairwa eena thanga sana na uuria akauga nja iu niu agetikua batitindaa kuthingata nuntu muntu eethira muthaka uu aathangana kana aarithia munda jwaku uuwe aantu wita gutumana uuga nakanue etaa kwa polisi eeta akajukia polisi ngari ndo uwe urithiritue muunda weja ukagwatwa.

*Translator:* the manservant is very arrogant, he usually trespasses through other people's property and would even destroy crops and such things through grazing, and if you question that then the rich neighbor runs to the police to seek undeserved protection.

**Rose Kathumbi:** Na ntuku iu tariki mirongo iri ndiina kaana gakwa kari form one...

*Translator:* The same day her daughter in Form One,

**Rose Kathumbi:** amuthimaira ndeeta ngugine nuntu mbendagia ngazeti eja aamukurukiira nyomba eeja amwira uria aamwira aarega aamuura. Ndeja mwana aambira ndeja ndoria muthaka akambira karumirwe.

*Translator:* The man servant gets to her place and demands some things, be particular and ask what it is, can I say rape, okay let me say favors of which if denied then he says has been insulted and harasses the child.

**Rose Kathumbi:** Nuntu muntu uu wiji uria aathithagia ntiendaa umuria inkiraa angwatithia ngakira nkera mwana we kira tu ntuku iria akanoga ri murungu aamuringithia arekana nagwe.

*Translator:* She can do nothing about it because she is aware that if she tries to ask anything about it then the neighbor will rush to the police.

**Rose Kathumbi:** Ntuku imwe baria bakomborete mutaa juu ibajukirie baicwaa laini cia ii uria tumba uteta nabo. Ibajukirie bareeja ndikunkuuma ngugiine beeja baambira mwaana okwa akugera maiga kwao twathirania na mwekuru uria augite akugera. Landlord owe eeja baambiria kundima ugoro mwekuru o muntu uu oogia kii mwene amwira nkumuruma. Mwene akwija ugoro ejire na kimindo akiendaa kumburaga na.....? ntikumba kwaria ikurawa kuria aamburaire.

*Translator:* Mama turirwa I chairman uugie ugatinda kuuga mantu jaria jathithikite ja uria ukwenda kuthithura...

**Rose Kathumbi:** Uria kwendaa thirikari ithithia ni ithingatae nkia na itonga nuntu kimiru kiugaga guti mwana o mugongo na kiu twinthe turi aana ba mwekuru umwe.

**Translator:** She recommends a law that will look into the issues of both the rich and the poor equitably.

**Rose Kathumbi:** na ndigwita ndaripoti polisi niejire na guti hatua baajukirie. Muntu uria aabera iteei ruju tukonana. Tukeja ruju kwaria tugwita kwariria bagarurire mantu jamaingi kwaa uuni mpingirwe.

**Translator:** Still about police brutality and corruption.

**Rose Kathumbi:** Nandi kuuma au uu kinya P3 ntoririe nderirwe mbite aria nkenda.

**Com. Lethome:** Mzee dakika moja tu tafadhali, we have half an hour, zungumza tafadhali. Ibaregerembujuria P3.

**Joshua Ringera:** Uuni mbitawa Joshua Ntoringeera.

**Translator:** He is Joshua Ringera.

**Joshua Ringera:** Gwetu ii Naari.

**Translator:** Comes from Nari.

**Joshua Ringera:** (inaudible)

**Translator:** Says he will be dealing with national issues.

**Joshua Ringera:** Mbere ma (inaudible).

**Translator:** He is a former freedom fighter.

**Joshua Ringera:** (inaudible).

**Translator:** Because of the blood oath they used to take as the Mau Mau.

**Joshua Ringera:** oo au tukija ki kimeru ka Njuei Ncheke (inaudible).

**Interjection: Com. Lethome:** Tell him to recommend.

**Translator:** Uga uri ukenda tuthithia.

**Joshua Ringera:** Ukeja gwita kwa polisi nonga wikire ngari maguta na ugukume muntu uria.

**Translator:** Unless you give a bribe to the police they won't react to your charges or,

**Joshua Ringera:** Thirikari imenye mantu ja antu bau.

**Translator:** a law that would be against bribery.

**Joshua Ringera:** (inaudible)

**Translator:** That they should elect the Chief.

**Joshua Ringera:** (inaudible)

**Translator:** He recommends free medical services.

**Joshua Ringera:** (inaudible).

**Translator:** twite ki bungi.

**Joshua Ringera:** Mantu ja ngukumo. Muntu akeja ukugukuma

**Translator:** All laws restricting bribery and corruption.

**Joshua Ringera:** Ukagukuma muntu.

**Translator:** He is recommending strict laws against bribers.

**Joshua Ringera:** (inaudible).

**Translator:** He says that Parliament should have more power than the President.

**Com. Lethome:** Mzee K.M. Imathiu, okay you will be among the last persons.

**Jason K.M. Imathiw:** Honourable Commissioners, I have two memoranda to present to you. One is by a lady who sent me to come and present it and I did book a name very early in the morning unfortunately, the copy-typist was doing it as from yesterday and did not complete. It has some typographical errors but since you will be going I wish to present as it is. Her name is Susan Gatobu of Kerua location, Bure division P.O. Box 138, Meru. I have also my own petition as an individual which I will present after giving this petition. She has this to say. The harambee of our national should be our national philosophy

**Interjection: Com. Lethome:** Excuse me, are you planning to read the whole of that memorandum?

**Jason K.M.Imathiu:** It's only one point here.

**Interjection: Com. Lethome:** Just read that point and hand it over, we will read it every word of it including the errors.

**Jason K.M.Imathiu:** Okay, then I hand over this petition or memorandum to you the Commission and if you have anything to ask or her to elaborate she will come and do it.

**Interjection: Com. Lethome:** Okay fine, thank you very much, but you will have to sign the register for us.

**Jason K. M. Imathiu:** I have signed for her if it's not an offence for me to do so.

**Interjection: Com. Lethome:** No it is okay but I mean our register, we have a register, just sign.

**Jason K. M. Imathiu:** Now coming to my own petition, my own memorandum I will not go through it, I present it as it is but I wish to make few comments thereof. The preamble of our Constitution should be as follows: This Constitution of Kenya is made for the people to the benefit of the people of the Republic of Kenya of African origin and shall cover all people of the Republic of Kenya regardless of their colour, race or creed. That should be the preamble I am suggesting for our Constitution.

Directive principle of the state policy, our Constitution must envisage a philosophy guiding principle, harambee should not be abolished to remain in use come what may because it is leading us to unity, provided that in Meru in all districts the associations of Njuri Ncheke and Kiama must be reflected in Kenya Constitution. It shall be mandatory for all leaders in those districts to be members of those two associations or both for the benefit and good governance of residents of those districts.

Constitutional supremacy; no amendment should be done without 90% because we seem to be messing about, fiddling about with our Constitution, unless 90% of all the elected members are present in the chambers not those present in chambers. I will go to Kenya citizenship, the definition of Kenya citizenship should be as it is laid down in the present Constitution provided that when granting citizenship, residency of a person from another country should be considered as we don't what spies in our state.

Spouses, regardless of their gender, must be entitled to automatic citizenship as subject to reason being scrutinized. All citizens shall have the right and obligation to up-hold national unity and integrity of the state of Kenya and any abuse thereof that person should not be granted citizenship in Kenya. Another thing, provided that all persons shall carry their ID cards as evidence of the citizenship and provided further that all male children in Kenya in respect to our African culture should be circumcised when they get to the age of getting ID cards. This female genital mutilation should not be done on female, that should be abolished in Kenya. Females should not be circumcised but should be given ID cards but male must be circumcised.

**Interjection: Com. Lethome:** Thank you very much, let's read the details, allow us to read the details please.

**Jason K. M. Imathiu:** I will come to, there is another one. Political parties, this is where we go wrong. There is no need to have the Presidential election that should be abolished, it should be parliamentary election where the political parties are electing their candidates to the Parliament because at the political party level, they elected a wise man who should in turn be elected in Parliament and be elected head of state. There is no need to have the Presidential election. I think this is an American system,



this is Kenya and we are not here to be compelled to follow the American system of voting the Presidential election and at the same time hold parliamentary elections and civic elections. We should hold parliamentary elections, civic elections simultaneously and the leader of each political party automatically becomes the head of state. We are not mad when we are electing him to be Chairman of that political party.

**Interjection: Com. Lethome:** Thank you.

**Jason K. M. Imathiu:** I am coming to the last one now. Judiciary, I am an old member of the judiciary department but I would like to mention one thing. Kadhi should qualify as a district Magistrate not necessarily to sit down and hear Islamic matters only, he should be made a District Magistrate to handle criminal cases, civil cases of other nature but when it comes to Islamic matters he should sit to hear those things. Customary law should be left to the District Magistrate I am suggesting that a pass in law examination for administrative officers should be mandatory for Kadhis and District Magistrates.

**Interjection: Com. Lethome:** Thank you very much, sorry now I have now to exercise ----

**Jason K.M. Imathiu:** I am coming to the last one although you will have to go through and read it. Now, there is a disease here in Kenya Mr. Chairman. Everything went to multi-party in the Republic of Kenya but the Law Society of Kenya remains a monopoly and they do anything they want to pass and even court fees. They go to the Attorney General, Chief Justice they make exorbitant court fees which poor people can't afford. So in this case, I am suggesting that we have another association of legal body known as Solicitors Association of Kenya because in 1964, in Britain we had 50,000 barristers, 50,000 solicitors and all used to earn a living. There is no need why in Kenya we have very few advocates who claim there is a lot of work, they do anything they want. You can go to a court find an advocate has gone to another court he has taken clients' money, he goes to another court he has eaten clients' money, he gets money from insurance company, he doesn't pay, he is charging 25% of that money. But if there is a correcting body, the Solicitors of Kenya, that mistake will not happen they will be correcting that.

**Interjection: Com. Lethome:** Thank you very much.

**Jason K.M. Imathiu.** Religion and churches, all religions should be censored properly because some of the religions here seem to be terrorizing people by their faith. I am not going to elaborate that, you will use your own intelligence to know which type of religions are those.

**Interjection: Com. Lethome:** Thank you very much. Now I will have to use my powers as the Chair, please can you hand over the mike to somebody else.

**Jason K.M. Imathiu:** This is the last one, only one sentence Mr. Chairman.

**Interjection: Com. Lethome:** No no thank you, no please.

**Jason K. M. Imathiu:** Only one sentence here Mr. Chairman.

**Interjection: Com. Lethome:** Please just hand over. You remember we called you this morning to speak you were not ready,

**Jason K. M. Imathiu:** Yes, it's only one sentence.

**Interjection: Com. Lethome:** Hand over to somebody else please

**Jason K.M. Imathiu:** Okay then.

**Interjection: Com. Lethome:** Sorry.

**Mutuma Dawi Ikiugu:** Mine is a humble request and also an observation. I am Mutuma Dawi Ikiugu, I am a monitor with Center for Human Rights and Development. It seems that not everybody knows what is going on, not all Kenyans know what is going on and I am requesting the Commission before they do the collecting of views and correct them, there is a need for extensive and intensive civic education so that the process can be a people-driven process. Before we do anything let us conduct enough civic education because I am on the ground and I know what is going on on the ground. I know there is no civic education which has been conducted. I am also conducting civic education through a national NGO with theatre group. So that it can qualify to be a people driven process, let there be extensive civic education. Thank you.

**Thuranira Mugambi:** Thank you Mr. Chairman, I am Thuranira Mugambi. Thuranira Mugambi. Yes, I would recommend that the Constitution should provide for representation of special groups in the National Assembly. These include the youth, the blind, the deaf and the other groups that consider themselves as special, even religious groupings. Then I would also want to recommend on a law to regulate or to fight against electoral jury murdering. That is, the constituents themselves should have the power to either approve or disapprove the sub-division of any electoral unit. Then I would also want to suggest an independent Electoral Commission and also Judicial Service Commission that is elected by the National Assembly.

I would also recommend that there should be some adjustment of the law that regulates inheritance to allow all children of the deceased to inherit at least a portion of the property that is left behind. I would also want to recommend that there should be a law to regulate land ownership, that is, there should be a limit as to the largest portion of land that one individual can own. I would also want to recommend, number six, that there should be an outlawing of the harambee movement, which has been abused for political gain and power through money.

Seven, I would recommend public approval of any and all amendments on the Constitution of this country.

Eight, I would also recommend that Presidential decrees should not be implemented as laws in this country. Then or there should be unrestrained communication of thoughts and opinions, that is the law should assure citizens of equal participation, equal allowance in airing their views and passing on their thoughts in every broadcasting station. There should also be no muzzling of the press or restriction against the area that any station should broadcast. And I think the rest I will forward as part

of the memorandum later. Thank you Mr. Chairman.

**Com. Lethome:** Thank you very much.

**Rima’Ntugi Faith:** Thank you Mr. Chairman, I am Rima’Ntugi and I present the following.

First of all, I suggest that there should be an Ombudsman at every divisional level in the whole country so that people can clearly express and freely be able to express their ideas and opinions as far as maybe criticizing the Government where it is going wrong.

Second, the new Constitution should strike a balance in the allocation of salaries so that we don’t have some very fat pay slips for the Senior Civil Servants while others who are equally or highly educated earn peanuts. For instance a University Professor should earn as much as a Permanent Secretary or a Minister can earn, because these are great thinkers and they produce a lot and even contribute a lot to the development of the country.

Three, ex-officio members be elected by MPs, that is Attorney General and the Speaker. These are the members of the National Assembly, so they should not be directly appointed by the President but rather it should be the MPs to come to a consensus. Then all principles of democracy in the country should be strengthened and looked at in the new Constitution so that at least every bit of democracy is not abused for instance all human rights must be respected.

Another one, the nominated members of the National Assembly should be directly elected by the MPs other than appointed. Then the impartiality and the independence of the judiciary must also be strengthened or entrenched in the new Constitution.

Another one the civil societies and other lobby groups should not only be respected but also protected by the new Constitution so that the Government does not look at the civil societies as a hindrance to the law and order of the country, but rather as a means of developing the country because we they do a lot in supplementing Government efforts. Then the Ministers must be elected by the National Assembly rather than appointed, and then each Minister should be well specialized in the area so that he or she can serve the nation with professionalism and expertise. For instance the Minister for Energy should previously have been a mechanical or a chemical engineer. Then the Constitution should protect journalists and artists, for instance the musicians and actors. And this can be well done by the new Constitution entrenching the freedom of expression so that we don’t need a license to stage a play. Then all human rights must be protected by the new Constitution. Thank you.

**Com. Lethome:** Thank you very much, now we want to listen to the last person, the gentleman in the leather jacket.

**Henry Thurairira:** Thank you Mr. Chairman, I am Henry Thurairira from Giaki location. I will be brief, my recommendations are as follows:

The police department should be placed in the office of the judiciary, kwa sababu hao wote ni law enforcers. Na nitapeana mfano kwa nini nimesema hivyo, ukiangalia hapa Meru law courts utakuja kuona kunajengwa saa hii, there is construction which

