

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

IMENTI CENTRAL CONSTITUENCY,

HELD AT GATIMBI CATHOLIC CHURCH

21ST MAY 2002

**CONSTITUENCY PUBLIC HEARINGS, IMENTI CENTRAL CONSTITUENCY, HELD AT GATIMBI
CATHOLIC CHURCH ON 21ST MAY 2002**

Present

Com. Isaac Lenaola
Com. Abdirizak Nunow

Secretariat in Attendance:

Solomon Anampiu - Programme Officer
Mary Kanyiha - Asst. Programme Officer
Patricia Mwangi - Verbatim Recorder

The meeting started at 9.30a.m. with Com. Isaac Lenaola chairing.

Com. Lenaola: Kabla hatujaanza, ningependa Father utuombea.

Father: Kwa jina la Baba na la Mwana na la Roho Mtakatifu. Mungu Baba Mwenyezi tunakushukuru kwa hii siku ya leo ambayo umetupa, tunakushukuru hasa kwa kutuamsha tukiwa na afya ya mwili na ya moyo, na kutukusanyisha hapa. Tuna kushukuru kwa safari njema ambayo umepatia watu ambao wamesanyika hapa kutoka sehemu mbali mbali. Tunaomba baraka zako. Tunavyoanza Kikao hiki, uwe pamoja nasi, utuongoze katika mambo ambayo tutakayo ongea, kuhusu Katiba yetu. Iwe

ni mambo ambayo itatufaa, katika maisha yetu kama wananchi wa Kenya. Tunaomba hayo kwa jina la Yesu Kristo Bwana na Mwokozi wetu.

Response: Amen.

Kwa jina la Baba na la Mwana na la Roho Mtakatifu.

Response: Amen

Com. Lenaola: Asante sana baba. Niko na furaha kurudi Gatimbi. Nikuanza mapendekezo yangu kwa sababu nilikuwa hapa mara ya mwisho, sikufikiria nitakubiliwa kuja lakini kwa bahati nimerudi tena Gatimbi na Katiba, asante sana. Ningetaka kumjulisheni mwenzangu, ambaye nimekuja naye, Commissioner mwenzangu, Dr. Abdirizak Arale Nunow.

Com. Abdirizak Nunow: Hamjambo nyote

Response: Hatujambo.

Com. Abdirizak Nunow: Asante.

Com. Lenaola: Nami naitwa Isaac Lenaola. Ningetaka kuwajulisha pia wafanyikazi wa tume ambao wamekuja nasi. Kwa upande huu, tuko na Bwana Solomon Anampiu ambaye ni Programme Officer. Karibu naye ni mama Mary Kanyiha ambaye atakuwa mwandishi wa kikao hiki. Hapa ni Mrs. Patricia Mwangi ambaye atakuwa verbatim recorder au mwenye kunasa sauti na kuchukua rekodi ya leo pia.

Patricia Mwangi: Hamjambo?

Response: Hatujambo.

Com. Lenaola: Nitamwita Madam atujulisha Committee yake, na pia Coordinator wetu Bwana Murigi ambaye mnamjua.

Madam: Commissioners, Coordinator, na wananchi, hamjamboni?

Response: Hatumbo.

Madam: Kwanza natoa shukrani Kwa niaba ya wenyeji wa Imenti Central kwa wa commissioners kutujia, na

ninawakaribisha, karibuni. Mjisikie mko nyambani. Hapa, hata wananchi nawashukuru na ninawakaribisha kwa kikao hiki. Hapa tuna wanakamati ambao wameweza kufika. Tuna Elisha Kamani.

Elisha Kamani: Hamjamboni nyote.

Response: Hatujambo

Madam: Na Mrs. Mburugu Florence.

Mburugu Florence: Hamjambo.

Response: Hatujambo

Madam: Pia Councilor, anakuja. Huyu naye ni Councilor Solomon, kutoka Kibirishia. Hao ndio wanakamati, ambao wameweza kufika. Coordinator naye ako hapa, Mr. Muri. Okay, asanteni. Mjisikie mko nyumbani, na mtoe maoni yenu bila kuogopa, kwa sababu hii ni kazi yetu zote tunafanya. Asanteni.

Com. Lenaola: Asante sana Madam. Nitaanza na hapo. Kikao hiki ni Kikao huru. Hakuna kuogopa kutoa maoni, na hakuna kuogopa kwamba baada ya mkutano utafuatwa ulizwe umesema nini. Kwa hivyo ukiwa hapa, zungumza yaliyo moyoni mwako bila kuogopa kwamba kuna mtu atakuuliza baadaye. Kwa hivyo usiwe na wasi wasi kwamba ukiongea mambo ya Chief, mambo ya Councilor, mambo ya Mjumbe, mambo ya President utaulizwa kwanini. Hamna sababu mtu kuuliza swali lo lote. Kwa hivyo isiwe na wasi wasi kwamba pengine, mambo yako utaulizwa baadaye kwa nini umesema haya. Kwa hivyo, uwe huru kabisa kutoa maoni yako.

Jambo la pili, uko na uhuru kuongea lugha yoyote. Ukitaka kuzungumza Kimeru, Kiswahili, Kiingereza, ile lugha ambayo unasikia ni rahisi kwako, njoo ukazungumze kwa hiyo lugha.

Jambo la tatu, tutawapa wale ambao wako na barua, kama mmeandika memorandum, utapewa dakika tano, uangaze tu. Usije ukasome page kumi ya memorandum, kwa maana yote itasomwa baadaye. Kwa hivyo, njoo tu useme mambo kumi ambayo ni muhimu kwa hiyo memorandum, halafu uketi, kwa maana uko na dakika ngapi, tano.

Kama huna memorandum, na ungependa kuzungumza, nitakupa dakika kumi. Useme yako ambayo uko nayo, moja kwa moja. Tafadhali tusije tukatoa shida tu, kusema kwamba tuko na shida ya maji, tuko na shida ya barabara, tuko na shida ya elimu, tuko na shida ya afya, na husemi ungependelea jambo gani lifanyike. Kwa hivyo, njoo na mapendekezo. Ukitoa shida, toa pendekezo. Tumeelewana? Ukija, utakuja kuketi hapa, na ukazungumza. Ukisha maliza kuzungumza, utaenda pale kwa

Bwana Nampiu ukajiandikishe kwamba umetoa maoni kwa Tume. Kwa hivyo utatoa maoni pale, ukisha maliza, utaenda pale ujiandikishe. Kabla ya kutoka pale, kama sisi tuko na maswali ya kukuuliza, tutakuuliza mambo tu ya kufafanua, mambo ambayo utakwa umeyasema. Kwa hivyo kabla ya kwenda, tutakuuliza kama swali moja au mawili, halafu uende ukaketi pale. Tumeelewana mpaka hapo?

Response: Ndiyo,

Com. Lenaola: Okay. Jambo la mwisho, tuheshimiane. Kama kuna maoni ambayo mtu ametoa hapa ambayo huyapendi, usimpigie kelele. Maoni ni ya mtu, vile angependa yeye mwenyewe. Ungoje wakati wako. Kama hutaki mambo yenye mtu amesema hapa, njoo ukasema yako. Na wewe ukisema yako, hutapigiwa kelele. Kila mtu ako na haki ya kutoa maoni yake bila mtu kumsumbua. Kwa hivyo tuheshimiane kwa maoni, ili kila mtu atoe maoni yake bila wasiwasi. Asanteni. Nitaanza.

Nitamwita sasa Bwana Ayub Karemu, aje atoe maoni yake. Baada ya Ayub Karemu, Wilson Marete Mkenda awe tayari. Karibu Mzee.

Ayub Karemu: My name is Ayub Karemu. I will present my Constitution Policy Views in English.

1. Peace, Unity, Love, Liberty and Justice is not followed.
2. Poverty, disease, literacy, illiteracy and unemployment is not followed.

In business, trading, farming, livestock, training colleges and Government Institutions.

Com. Lenaola: Ngoja kidogo Bwana Karemu. Nilikuwa nimesema hivi, ukija ukasema kwamba mambo mabaya yanafanyika, Niambie (tuambie), ungependa nini ifanyike? Toa mapendekezo. Maana, kama umesema shida ya kwanza, no peace and unity. Hamna, kwa hivyo ungependa nini? Toa mapendekezo.

Ayub Karemu: Peace and Unity: My suggestion is for the administration to take steps, and Government to follow those steps.

Poverty and Disease: We have cash crops and we are not paid properly, we the wananchi. Diseases are increasing, failing especially these dangerous diseases. Medical services are not offered.

Illiteracy and Literacy: Schools are not doing well, people are passing examinations, but they are not getting employment.

Environment: Roads are not repaired. Why? The Ministry of Transport is not well budgeted for in relation to public toilets, the Ministry of Health is not performing its duties. In towns, dustpans and waste papers are never collected. Markets are not

swept: Why? People are paid to do the job, and they don't do it.

Soko huru: Things are sold everywhere in towns, and this hinders shopkeepers from progressing, why? This is because the Government is licensing people without thinking of the future.

Mismanagement: There is corruption. When people you go to every house, people do take tokens from wananchi. They don't serve wananchi well. There is nepotism and neglect of job. People are employing their relatives, and promotions are not done well.

Theft: Goods are misused and sold. This is because the management is not doing its job well.

Insecurity: There is robbery of banks, people are killed, vehicles are stolen, and there are accidents on the roads. This is because there is no good administration.

Dishonesty: Traffic Policemen, always speak of tokens. Everywhere you go where the public is served, you are asked for a token. These are criminals.

Parliament: Every time, we hear of no quorum, many parties, service charges are very high, traveling and visits everywhere, wrongly budgeted bills, voting on bills is delayed, is(inaudible), ignored, and famine food relief is not given. Due to this, we should elect political people who can deal with parliament well.

Judiciary: This Ministry is dealing with crimes and traffic cases: Many times, Judges do favor. They join with advocates and some false (inaudible) and those prisoners are rescued without any permission. Consent from the President is sometimes ignored.

Treasury: in Treasury, there is high tax that is flat. Budgets are granted wrongly.

Com. Lenaola: Bwana Karimu make your last two points.

Central Bank: We have fixed currencies. Coins are too heavy to carry. Interest is very high.

East African Community and Foreign Countries: Things are misused, and(inaudible) are not paid (inaudible) do not deal with those people well. Thank you.

Com. Lenaola: Thank you Mr. Karemu. Please come and register there. Let me say this again. In English and Kiswahili now. We have very many problems, that is why we are sitting here to take your views. However, there is a difference in this process. We are asking for recommendations from you.

Tungependa mapendekezo kutoka kwenu, kwa hivyo ukija, halafu unatupatia shida kumi na mbili, na hautupatii mapendekezo, we shall not have any column for mapendekezo. Kwa hivyo, tafadhali ukitoa shida, toa nini? Pendekezo. Kwa hivyo kama ungesema kwamba ungependa mambo ya fedha iwe namna gani, sema ungependa fedha iwe njia fulani. Kama ni mambo ya elimu, ungesema ningependa elimu iwe namna gani, kama ni ya bure, kama ni watoto wapatiwe bursary, wapatiwe loans, mambo kama hayo. Nafikiri itakuwa imeeleweka. Ninafikiri tumeelewana siyo? Okay. Wilson Marete Mkenda. Tabitha Kiambi? - will you want to give later? Baadaye uko tayari? Baadaye jioni – okay. Samuel Karimi N’toitire, - okay utamfuata.

Wilson Marete: Pendekezo langu la kwanza, – Majina yangu, naitwa Wilson Marete Makenda, kutoka Kariero Location, Sub-Location, Kirigara. Pendekezo langu la kwanza, ni juu ya vitu vile mwananchi wa kawaida hulima. Vitu vile anavyolima, tuseme mahindi, kahawa, sukari, au ngano, kwa hiyo, tunaona tunaumizwa na hawa watu wa kununua. Zaidi kahawa; Mkulima wa kahawa ndiye huumizwa zaidi. Kama kahawa inanunuliwa tuseme kwa mfano, kilo moja, tuseme kwa hii pesa ya kigeni, inayoitwa dola (Tuseme kilo moja inanunuliwa dola mia tatu). Kwa hivyo mkulima wa kawaida, hapatiwi hata shilingi ishirini. Anafikiwa na shilingi mbili au tatu kwa hivyo mali yake huwa haichungwi ‘na Serikali’.

Mimi naomba Serikali ichunge hiyo mali ya watu. Zaidi, wanaibwa na watu wanaoiba na kalamu. Mtu akipatikana anaiba hiyo mali ya uma, anafaa ashtakiwe na alipe, na akiwa na mali yake ichukuliwe ilipe hiyo pesa ya wakulima. Katika ukulima, - pia fertilizer – inauzwa bei ya juu, ya zaidi ya vitu vile mkulima hulima. Hii ndiyo sababu uchumi inanguka, kwa sababu hatuwezi kwenda kununua fertilizer, kwa sababu bei iko juu zaidi. Ikiwa ni fertilizer inanunuliwa elfu moja mia nne, ngano, au mahindi, inanunuliwa shilingi arobaini, kwa hivyo ukiuza gunia sijui ni ngapi inaweza kupata – tuseme ni gunia nne au tatu, kwa hivyo hakuna kitu tunaweza kusaidiwa nayo, kwa watu hao wanaotunyonya. Serikali inafaa ichukue hatua, mtu kama huyo akipatikana. Wengine wakipatwa, huenda kuhongana huko. Yule anayehongana, anafaa ashikwe na ashtakiwe, na muhongwa pia ashtakiwe.

Ya pili ni juu ya watoto shule: Mimi naonelea kwamba inafaa, shule isomwe kutoka Standard one mpaka Form four, kwa sababu watoto wa maskini humalizia hapo kwa Standard eight. Hawezi kupata pesa ya kupeleka huko Form Four. Kwa hivyo watoto wasome bure kwa shule, kutoka standard one mpaka Form Four. Hiyo ingine kwenda huko juu kwa university, anafaa apewe loan ya kusoma. Akimaliza, anafaa aandikwe ili alipe hiyo mali ya Serikali.

Ya tatu, hapa katika risafu, tuko na taabu mingi ya watoto wale hawana baba wala mama. Unapata vijana au mtu sawa na mimi, naenda kuchukua msichana wa mtu, tukakae naye, halafu wakati anapata watoto, mimi namwambia ah, mimi nitakuacha.

Namwacha na watoto hao. Mama hana shamba, na watoto hawana elimu, kwa hivyo umaskini unaongezeka. Huyu bwana aliyetunga huyo mwanamke mimba anafaa achukuliwe na ashtakiwe. Akishtakiwa, huyo mtoto naye anafaa asomeshwe na Serikali, ikiwa huyo ameshtakiwa.

Kwa andikwa: – Mimi naonelea , iwe kama vile ilikuwa zamani, ili watu waandikwe, kwa sababu hawa watoto maskini wanaosoma, hawawezi kuandikwa kazi, Kwa vile ukiitwa, unaitishwa pesa. Unaambiwa, ah, lete kitu kidogo, ili mtoto andikwe. Sasa mimi nikiitishwa elfu hamsini, nitatoa wapi? Huyu mtoto hawezi kusoma. Serikali pia, haisemi uitishe mtu pesa. Mtu kama huyo akipatikana anafaa afutwe kazi, na ashtakiwe kwa kuharibu kazi yake. Hayo ndiyo maoni yangu.

Com. Lenaola: Asante sana.

Wilson Marete: Mimi bado sija maliza . Hawa wanawake nao, wanaotaka ukubwa kwa mabwana, ai, kweli, wanataka ukweli. Lakini zamani hata ukiangalia kwa maumbile hata kutoka kwa Mungu, kitabu cha Mungu hakikubali mwanamke awe juu ya mwanamme. Watu ni wawili hata ukiangalia, iko Mungu, iko Yesu, na iko Malaika. Yesu hawezi kupanda juu ya Mungu, na malaika hawezi kupanda juu ya Yesu. Kwa hivyo, watu wanafaa watumie mila yao. Kwa sababu, wale wanaoharibu hivi ni kitu tunawekelewa sisi. Mwanamke yule aliyeshindwa na bwana yake, ni jina anaye ile ya kuolewa, lakini alitupa bwana na akatupa watoto. Ndiyo anakwenda kujigamba kwenda Beijing, sijui wapi. Haija umiza bwana. Sasa nikikasirika, si nitamwacha na watoto. Watoto hao, hawana shamba, mama hana shamba na hiyo shamba watatuma niuuze. Wakati nitakapouza, mwanamke na mtoto wanaangamia, na umaskini unangia hapo, na wezi wanakuwa wengi. Kwa hivyo, huyo mtu, anafaa achukuliwe na afanyiwe vile inavyowezakana, ili iwe adhabu kali kwake. Kuna mtu mwingine pia, anayeweza kuenda kuuwa kijana kama huyu. Kumuuu tu; akienda kotini, kesho unamuona hapa, na anakuambia, nilimuuu na ulinipeleka kotini, kwa hivyo hata wewe nitakuuwa.

Kitabu cha Mungu kinasema hivi, ukiuwa na panga, hata wewe utauwawa na panga ukiuwa na kamba, hata wewe unyongwe na kamba. Kwa hii naye, maskini ananyakuliwa hata mali yake na mawakili. Mimi naweza kuwa sina mali, lakini tajiri anayekujua, (akiona hii shamba yako) anasema, ah hii shamba si yako. Court injunction – naondolewe na shamba ni yangu. Sina mtu wa kunisaidia. Sina pesa ya kufuata. Hapo inakuwa ni mahangaiko. Hiyo Serikali inafaa ichukue hatua, mtu kama ni mwizi, awe kama huyo, mwingine anaiba mtu na panga. Ikiwa ni kunyongwa anyongwe kwa sababu hakuna mwizi wa panga na wa kukunyanganya hivyo – mwizi ni mwizi.

Mashamba: – Kuna watu wanaambiwa kuwa Serikali inawapa mashamba; huko mashambani eka mbili, eka tatu, eka tano, au eka kumi, lakini baadaye Serikali ililipa hayo mashamba, na baadaye, wanakuja kuitishwa pesa, ukaambiwa lete pesa ya shamba ulilopewa. Sasa nilipewa nikiwa maskini, nitatoa pesa wapi bwana. Kwa hivyo, huyo mtu anafaa awachiwe shamba kwa sababu alipewa free, afanye kazi yake free, kwa sababu huyo ni maskini ndiye aliyesaidiwa. Hii mashamba makubwa ya wengine, tuseme wazungu wako na mashamba makubwa sana, jamaa anashikilia shamba kutoka hapa mpaka huko Tigania

huko, na ni mzungu mmoja, na ni Mkenya. Huyu hata yeye ni Mkenya afanyiwe nini, kama ni eka tano au kumi inapeanwa, apewe. Serikali naye itafute yake, kama ni shamba ile ya Serikali iko nchi pia ya Serikali(inaudible), Nayo iwe hapo ya kusaidia kutoa mavuno ya kusaidia Serikali, ili wasije kuumiza sisi sana, kwa sababu huyo mzungu anatumia pesa, na atapeleka kwao, lakini hapa sisi tunawachwa na umaskini.

Wabunge: - Iko mbunge hapa? Hawa ndio wanyonyaji wanaotunyonya sisi zaidi kwanza, hao wabunge. Kwani wanaenda kujiongezea mshahara na ni mimi nimemwandika? Mimi ndiyo naweza kumwongeza mshahara. Anasimama anasema niongeze msahara. Nasema mimi bosi, elfu mia nane naweza kuandika watu wangapi? Na hawezi andika hata mtu shamba boy. Pesa yake ni kukaa town kula na - tuseme ni malaya, pengine si bibi yake, ako na mwingine anaweka huko. Bibi yake anahangaika huko, watoto wanahangaika huko, naye anakula tu anasema fees hakuna saa hiyo. Wanafaa wachukuliwe hatua hata hao. Waandikwe vile wengine wa Serikali wanaandikwa.

Com. Lenaola: Haya maliza sasa.

Wilson Marete: Sasa kwa kumaliza, nisema hivi ili nimalize; kwa hivyo hawa Serikali, wa wabunge nao, wawe wakati wanakuja kwa watu, waje wazungumze na watu wao, wakikataa na iko pesa wanapewa ya kuja kutembelea huko kwa watu wake. Hawapatii watu – wanaweka kwa mfuko wake wa nyuma. Na Serikali ilitoa pesa, lakini wanaenda na Serikali inakula pesa na ni yeye anakula pesa. Kwa hivyo, hawa wabunge wasiongeze mishahara yao tena. Wakae hiyo waliongezwe kwa sababu, wanatumia billion mingi sana, na hakuna mtu ana andika. Hiyo pesa ikatwe iandike watu kwa barabara vile ilikuwa zamani. Wawe wanajenga hii barabara. Pia kama mtu anaandikwa, tuseme mimi mzee natoka retire, naona iko kazi hapa ya kuandikisha kipande, na ya kuangalia kura, inaandikwa mzee ambaye ana retire, na huyo kijana alisoma ataenda wapi? Na yule anakula mshahara wake. Hao wasiwekwe tena; wawekwe hawa vijana wasiokuwa na kazi wapate sabuni, ili wasisumbue baba yao ama mama yao.

Com. Lenaola: Asante sana Bwana Marete. Njoo ujiandikishe hapa. Okay Bwana N'toitiri halafu Moses Thurima yuko? Utamfuata.

Karemu Samuel N'toitiri: Asante sana. Haya ndiyo maoni yangu. Kwa majina naitwa Karemu Samuel N'toitiri kutoka Roiga. Haya ndiyo maoni yangu.

Mimi ni mmoja kati ya wale ambao wana amini ati Kenya ni nchi ambayo ina utajiri mwingi sana. Kwa hivyo, sababu nchi yetu ni tajiri, mimi naamini, kile ambacho tunakosa ni watu wa ku-manage huu utajiri. Hivyo basi ningependekeza, kwanza baraza wa mawaziri, wale ambao wanapatiwa kazi ya uwaziri, wawe wakipatiwa kazi kulingana na ile kazi ambayo mtu anajua. Kwa mfano ikiwa ni kazi ya kusimamia mambo ya elimu, kwa mfano, yule mtu ambaye anapaswa au yule mtu ambaye anatakiwa kupatiwa hiyo kazi, iwe inapatiwa

yule mtu ambaye amesomea mambo ya walimu na kuhitimu. Jambo kama hilo likifanyika, mambo ya elimu yataendelea vizuri. Ama kama ni mambo ya, tuseme ni matibabu, hiyo kazi ikipatiwa mtu ambaye anajua mambo ya udaktari, vile vile itaendelea vizuri. Haya, hilo ni pendekezo langu moja.

Kuhusu, ofisi ya Rais, vile vile, yule mtu ambaye anapatiwa kazi ya urais, kazi ya urais iwe inapatiwa mtu ambaye ana ujuzi, na hasa mtu ambaye anajua mambo ya uchumi,

kwa sababu, ikiwa mtu ataokotwa kutoka huko mashambani, mtu ambaye hana ujuzi kuhusu uchumi, halafu apatiwe hayo mamlaka ya kuendeleza nchi, huyo mtu anaweza kutufanya tutaabike, kwa sababu atakuwa anatumia mali ya nchi bila mpango.

Vile vile, huyo mtu akipatiwa hiyo kazi, kama ni hii hali ya kufanya ziara, yaani, kuenda nje ya nchi, anafaa awe anaenda wakati kuna sababu muhimu, yaani kwa upande mwingine, hizo ziara ziwe siyo nyingi. Jambo kama hilo likifanyika, hautakuwa na taabu kama vile mambo yanaonekana sasa, sababu pale ambapo tumefikia wakati huu, Wakenya wengi sana wanaishi katika hali ya umaskini mwingi sana.

Jambo lingine, ni kuwa kuna ukosefu wa kazi: Kuhusu ukosefu wa kazi, vile vile hili ni jambo ambalo linaweza kutatuliwa na kuna njia mbili au tatu ambazo naona zikizingatiwa, hiyo shida inaweza kutatuliwa kwa sababu watu ni wengi. Haya, siku hizi, unaweza kupata mtu mmoja na awe amepatiwa kazi nyingi za kufanya. Kwa hivyo badala ya jambo kama hilo kuwa linaendelea, hapa tunaweza kusema, one man one job, ama ikiwa hilo jambo halita tatua hilo tatizo, vile vile tunaweza kupatiana kazi on - contract basis. Yaani, mtu anapatiwa kazi tuseme kama ni miaka mitano, halafu anaenda retire. Hapo atakuwa amepata pesa ambazo atazitumia katika kuendesha maisha yake. Kuna kitu kingine ambacho hatuna budi kukifanya hapa Kenya, ni kuhusu elimu. Bila elimu, hatuwezi tukapata maendeleo. Hivyo basi, ili kila Mkenya awe na uwezo wa kuelimisha watoto, elimu inatakiwa kuwa ya bure haswa hii elimu ya msingi, mpaka elimu ya kidato cha nne, halafu kutoka hapo, huko juu, tunaweza kuwa na cost-sharing.

Vile vile ili taifa lolote liweze kustawi ni lazima watu wawe na afya. Kwa hivyo kuhusu afya, Serikali inapaswa kusimamia mambo ya afya kwa kila mtu, yaani kwa upande mwingine, madawa yawe yanapatikana. Yaani kila mwananchi awe na uwezo wa kupata dawa akiwa mgonjwa kwa sababu pale ambapo tumefikia wakati huu, watu wanakufa, sio ati wanapatwa na magonjwa ambayo hayawezi yakatibika, bali wanakufa kwa sababu wameingiliwa na umaskini kiasi cha kuwa ati mtu hawezi kununua dawa ya malaria- Fansider – 60 shillings ni pesa nyingi sana kwa wananchi wengi wa Kenya, walio wengi.

Com. Lenaola: Last pont.

Karemu Samuel N'toinyirii: Last point, ni kuhusu utawala wa mikao. Kwangu hauna maana, kwa hivyo ufutiliwe mbali ama kama utakuwepo, wale ambao wanafanya hiyo kazi wawe wanapigwa transfer, kama vile ambavyo mtu kama mwalimu anapigwa transfer na hawa wengine.

Kuhusu koti, koti zetu ziwe, kama ni case ikipelekwa kotini, hayo mambo yawe yanaharakishwa, yaani kwa upande mwingine, pasiwe na delays za makesi. Okay asante.

Com. Lenaola: Jaza majina hapa. Moses Thurima, Geoffrey Mutua, utamfuata. Sema majina.

Moses Thurima: Okay. Asante sana. My names are Moses Thurima. Leo mimi ni Wanjiku ambaye anataka kutoa maoni kuhusu Katiba, ambaye ningependa Kenya ya sasa iwe nayo. Nitatumia kiingereza kwa sababu mimi si mzuri sana kwa Kiswahili.

First, I want to look at the preamble of our Constitution. The current Constitution doesn't have a preamble that really reflects the Kenyan people. It just says that Kenya is a sovereign nation. It has no reference to the people of Kenya, so I would like the preamble to read 'We the people of Kenya', and from there, I would like the Constitution to stipulate the aims and objectives of Kenya as a nation.

- That we need to build a nation of patriots through national character building.
- That we need to achieve national development through mobilization of human and other natural resources.
- That Kenya is truly an agricultural country and the Government should strive to protect farmers as the Ministry of National Development.
- That the nation will strive to achieve free and universal education. The nation will strive to achieve free medication for all.

The next thing that I would like the Constitution to address is the Police. We have a wing called National Security Intelligence. This is a political police. I would like this one to be transferred from the Office of the President to the Police Force, so that it is under the Police Commissioner, to avoid manipulation by a single individual. This organ has done a lot of deservice to Kenyans, by sniffing those who are serving the country instead of following those who are ruining our economy. The President should not be the Commander in Chief of the Armed Forces. This role should be given to the Parliament, Parliamentary Committee in collaboration with the Defence Counsel.

The President should not be empowered to declare a state of emergency; that one is in section 85 of our Constitution. It is a colonial legislation. It should not be in Kenya, and if it has to be, then it should be given to the Parliament because if a single individual is given that opportunity, he is going to use that one at his individual whim. I would therefore like the amendment of that section.

The Contitution should provide for a Parliamentary System, with executive powers shared between the President and the Prime Minister. The Prime Minister will have powers to appoint the members of the Cabinet in consultation with the Parliament as

well as the senior appointments. The role of the President will be ceremonial.

There should be provision for a coalition Government. – This will go along way to improve transparency and accountability. We shall avoid a scenario where people are saying that it is our party that is ruling, now we are eating and hiding so many things. The Parliament should control its own calendar, that is prorogation, and dissolution of Parliament. This would go a long way in promoting Parliamentary Independence. We shall not have a situation where the President says that Direction Deeds is a secret weapon. MPs should be full time employees of the public, to avoid instances of lack of quorum. Virtually the majority of MPs in Kenya today do not go to Parliament because they are allocated only 15 hours per week, and so, they are busy eating the loot that they call their salaries; they don't serve the public. I would like to say that MPs should only run for a three-year term, after which, they would be barred by the Constitution.

The Constitution should provide for the powers of recall over members of Parliament. When we elect MPs we have no powers to control them until five years, so we want this time to form a Committee, a Constituency Committee, that will mobilize the Constituents to discuss the MP, and consequently pass a vote of no confidence over that person who is not performing. That one will help us to have a performing Parliament. The current Parliament is not performing at all. MPs should act with instructions from the Constituents. They should seek peoples' mandate before important registration or division. For example, the list of shame. I don't know whom they consulted when some of them walked out without voting. There are so many things that we are disappointed about. They should consult us.

There should be one Commission to review salaries for members of Parliament and all civil servants. This would avoid a situation where a bunch of people are sitting down to increase their salaries without regard to other workers. They think they are the only workers who require good salaries. We want one Commission for the civil servants, for the soldiers, and for the MPs, because we are all public servants and we cannot be treated specially.

Com. Lenaola: I am adding you two more minutes.

Moses Thurima: Two more minutes. Okay. The President should be impeached while in office. Section 14 of our Constitution says that the President cannot be taken to court when he is in office. This time, we want him to be taken to court. He should not be treated like God once he assumes the office. The President should not appoint High Court Judges. This should be done by the Common Wealth Bench of distinguished Judicial Officers.

The public should be protected from the Lawyers, that means the Government should provide a Lawyer. The Lawyers are using law to impoverish the Kenyans, so we need a Lawyer at least for every person, whenever there is a case. Legal education should be introduced in schools. They should be put in curriculums, so that there will be no situation where we are being taught law by the Police, by the courts, by the chiefs and so on. We need to own the constitution and the laws of Kenya.

The court should not have powers over legislation passed by the Parliament to avoid crisis such the Donda Bill. Once the Parliament passes a legislation, let it not seek interpretation from court, because there is about to be a conflict. I would then like to say that any person who wants to rule Kenya now should provide free medication. We want our hospitals to have drugs because we are paying tax. We want free education, free medication, etc. For now, that is the much I can say. Thank you.

Com. Lenaola: Thank you Moses. Ngoja kidogo – clarification. You are saying that NSI should be transferred to the Police Department.

Moses: Yes.

Com. Lenaola: But the Police themselves are now under Office of the President. If you put NSI to the Police, you are still taking them to the same Office of the President. Are you helping anybody?

Moses: Sorry, I would like to say that even the Police should move from the Office of the President and there should be a provision for an independent Police Commissioner, because the current situation now favors the rich and the privileged. The majority of Kenyans have no security. Thank you.

Com. Lenaola: Thank you very much, that is clear. Please come and register. I had called Geoffrey Mutua. Stephen Kirima, John Mwithimbu , utakaribia hapa Mzee. Endelea.

Geoffrey Mutua: Ministries hazitakiwi kuwa Nairobi zote. Ministries zitaweza kuwa kama kwa districts ama ziingie kwa provincial level tuwe na Minister na Assistant Minister na PS yule anayesimamia hiyo Ministry kwa hiyo area ili development ipatikane vizuri. Kwa sababu tukiangalia kama ni Ministry of Energy, inapaswa kuwa karibu na pale hiyo power inatoka, ili kazi iwe rahisi kwao, na hao watu walioko kwa hiyo area, nao wapate usaidizi. Kwa upande mwingine, iko quarter system ambayo ilianzishwa na ikawezekana kuwa unapaswa kupata elimu kuwa area yako ama wakati unataka kazi, ni lazima uwe kwa district yako, hiyo kwangu naona inaleta ukabila, juu ni lazima upate kazi kwenu, na sisi ni Wanakenya, na tuko Kenya, kwa hivyo tunapaswa kuwa unasomea mbali, ikiwa ni kazi unaipata hata headquarters pale iko, na pahali popote nchini Kenya.

Kitu kingine, cha tatu, wananchi hawa wa kawaida wanapaswa watolewe kwa system ya development, juu sio hao wanachukua loan ya kufanya development Kenya na wanachunguliwa na hawana kitu. Kwa hivyo development inapaswa iwe kwa Serikali peke yake. Lakini iko minor developments zile zinatakikana kwa mtu wa kawaida, shule na kadhalika. Kwa

upande mwingine, Kenya huwezi ukatofautisha Serikali na chama. Unaona wakati chama fulani kiko na mkutano, unaona gari ya Serikali huko na watu wa Serikali wako huko. Kwa hivyo, mtu wa kawaida hawezi akatofautisha ikiwa hiyo ni chama inafanya kazi hapo, ama ni Serikali juu wanatumia mali ya wananchi. Asante sana.

Com. Lenaola: Asante sana Bwana Thurima. Karibu ujiandikishe pale, Mzee karibu. John Mwithimbu, Julius Moria, ungetaka kuzungumza saa hii, baada yake.

John Mwithimbu: Uni kanda shangaa mono niuntu bwinthe buri ameru bukuringa Kimeru nthi. Uni karia na kimeru niuntu turiameru, ndiaria na kimeru bwinthe bwaraia na kiswahili ndikuon ameru bonthe ni aswahili.

Translator: He wants to speak in Kimeru because he is a Merian.

John Mwithimbu: Mantu jakwa ja namba one niuntu bwa munda jwa baba

Translator: The first thing is about his inheritance. The land inherited from his father.

John Mwithimbu: Baba agakua kambita kuthitanga muda na mbeca inyingi mono,

Translator: If his father dies, he goes to the court to seek a transfer and he uses a lot of money.

John Mwithimbu: Wakithitanga baaba waku atia nu tukagamba nau na baaba atio.

Translator: He is asking, if his father is dead, who will attend the case and the father is not there.

John Mwithimbu: Magamba ja miunda ijachokue kiri akuru ba mwiriga.

Translator: He is saying that the Constitution should read that land cases should be returned to the clan.

John Mwithimbu: Bwa namba tu, ari baba bagwikirwa aana ni nthaka, nthaka ikabarega atibwiri ikumurega kimira gia kimiru, mumeru mwari akugia mwana aciaraira kwethe.

Translator: He is saying that those girls who are getting children at home while they are not married, those who have children with them, particularly the men, should be forced to marry them.

John Mwithimbu: anenkagirwa akuru banjuri ncheke bakamwikia kwa muthaka kaerwa mwan nao.

Translator: It was a Kimeru tradition, once a lady is pregnant, she would be taken to the person responsible, so that she bears the child there.

John Mwithimbu: Bungi ni ndawa cia sibilitari, niki nontu sibitaari ikuaga ndawa baria bekite sibitaari ciao bakona ndawa?

Translator: He is wondering why the private hospitals are getting medicine, while the public hospitals have no drugs.

John Mwithimbu: Muntu uria uandiki ni thirikari ari ndagitari atibwiri kuewa ngugi ya kwendia ndawa atirita atirita antu na ngugi yawe.

Translator: Those doctors who are working in public hospitals should not be allowed to own private clinics.

John Mwithimbu: Kiuria, niki ndene ya Kenya guti obichi ya mararamiko niuntu tukuea munda, twaaerwe obichi ya mararamiko muntu aikaia mararamiko riria atirathithua bwega.

Translator: He is saying that the Constitution should establish an office where people can take complaints because in the past, there was an office of complaints for the lands, and so he is proposing that we have an office where people could go to complain when civil servants wrong them.

John Mwithimbu: Kwau obishi ya mararamiko nibwirite kuithirwa irio mwananci wa kawainda ageta kuraagia biirua biawe ainywa.

Translator: There must be that office so that the common man will be going there to ask questions, to seek information.

John Mwithimbu: Muntu urina ngugi ijiri atibwiri kuewa ngugi ijiri nakare na ngugi iria ari nayo yonka, kethirwa ni mwalimu nathingatane na kuthomithia aana natige kuthuthuia ngugi ingi.

Translator: He is proposing that there should be 'one man one job'.

John Mwithimbu: Gantonye antu a county council, county council ibwiriti kuritira wannchi ngugi uria babwiritwe kuritirwa nintontu njira ni cia urire na mbesha bakijukagia cia wanainchi.

Translator: The local councils should improve roads. We have no roads in the rural areas right now.

John Mwithimbu: Ndikuthiria.

Translator: He has finished.

Com. Lenaola: Asante sana Bwana Mwithimbu kwa maoni yako; Njoo ujiandikishe. Karibu Bwana Moria. Solomon Mukindia yuko? Karibia mzee, endelea Bwana Moria.

Sioni wakina mama wakitaka kuzungumza. Wakina mama, sioni hata mmoja akitaka kuzungumza. None wants to speak. So I am going to pick out the ladies who are in the house and force them to speak.

Julius Mworio: Thank you very much Commissioners. I represent Njuri Ncheke of Abothoguthi Constituent. My name is Julius Mworio, representing Njuri Ncheke of Abothoguthi Constituency. We have a memorandum here, a long one which I will hand over to you. I cannot go over it, because it will take about an hour, and that is waste of time because all the details of what Njuri feels are in this memorandum. To highlight a few points which are very important, I want to tell you that this, that Njuri Ncheke is a government of Meru, an indigenous government which has existed since time immemorial, and the

Government which has been in Kenya, have been working with it. They could not do anything in Meru, without consulting Njuri Ncheke. Our views as of now, are as follows about the ongoing Constitution.

Our Constitution should have a preamble, so that we know the direction we are taking. About the Constitution itself, it must be flexible, that means, there are some legislature which cannot be passed by a Parliament. Some should be passed by Parliament and others must be so rigid that if they want to change it, they will have to go back to wananchi to ask them for a change. Kenya citizens should be a person whose both parents are Kenyanh citizens, and an I.D. alone is enough.

Defence should be in the hands of the President, but in consultation with the Parliament and the Executive. If the President wants to declare any state of emergency or anything, he has to consult Parliament and they decide on what to do.

Political parties should be funded or should be given aid by public funds, but that money should not be for campaigning, but to run their offices. Political parties should have airtime, good airtime all of them, because now we hear only of one party and others we do not hear any of the others on the public media.

Structure of the Government: – We should have a Government where power is shared by other organs, like say, the County Council, if we elevate it and give it good people to run it. There is no need of having one man at the top, controlling or directing every action in the country. That one, you will know how to say it, but we do not want a government of one man telling all of us what to do, appointing any person he wants to appoint, and dismissing any person he wants to dismiss.

The following offices should have a security of tenure so that one is not dismissed any time he has got friction with “the big man”:-

Judges, Chairman of the Public Service Commission, Permanent Secretaries, Chairman of Anti-Corruption, Director of Public Prosecution, the Controller and Auditor General, Governor of Central Bank, Commissioner of Lands, Chairman, - Electoral Commision, Commissioner of Police, Commissioner of Prisons and somebody you have initiated to call ombudsman. I think one Mzee talked about it here. We don’t know where to take our problems and we thought ombudsman, if things go wrong we can consult him. Those people should be appointed by Parliament or sanctioned by Parliament, and to dismiss them, the Parliament must approve their dismissal. The reasons should be given to Parliament saying that this man is not fit.

About political MPs, I think for the MPs, our view is that he should vote according to his conviction, not what he is instructed by his Party to do. He must be convinced that what he is doing is the right thing.

Com Lenaola: You give your last point.

Julius Mworria: Last point?

Com Lenaola: Last point.

Julius Mworia: I see. The Constitution must specify the qualification of the President, and the President should be over 50 years but not more than 80 years.

Judiciary: There is a lot on it, which needs to be streamlined. However, to reduce the matter, there are some groups like Njuri Ncheke who can give better judgment on local matters than the court, because they consider national justice and customary laws.

Electoral System: – I suggest to represent it with the electoral system. To win elections, one must have at least 50% of the votes cast. Land should be inherited according to the tribal customs. Environment is a business of people concerned; you will find that on the memorandum.

Employment – Public service is so immotive, so when the Public Service Commission wants to employ people, or any Ministry which wants to employ people, must have that man screened by the Public Service Commission. We do not need to have people sneaked into public service who have no knowledge of what is happening. Prisons are meant to reform prisoners. These people should be utilized for useful purposes as they did in Jomo Kenyatta Airport or Mwea Scheme. Those are the major points.

Com. Lenaola: Thank you very much Bwana Mworia, we shall read every single sentence of it, so please come and sign the register. Thank you very much. Solomon Mukindia. Lawrence Kiambi, utamfuata.

Solomon Mukindia: Pendekizo ciakwa ndinacio oiria kauga indi ni nkaria

Translator: I am Solomon Mukindia, and I am now presetting my views.

Solomon Mukindia: Uni nkaria na Kimeru

Translator: I will talk in Kimeru.

Solomon Mukindia: Na kuri mantu jaria jarirue ni mukuru ura ugukari aja ukwaragia kimeru ngachokera jo kana jakare ouu aririe.

Translator: Can I repeat those things that have been said by the man who was here or I talk those things that he has not been said?

Solomon Mukindia: Gankwaaria mantu ja pendekezo ciakwa, kuri na akuru baa bakuraga muntu agakinyia miaka mirongo

intantatu kana mirongo mugwanja na akethirwa ni ari na antu bawe indi batiguku bakaragaguntu kungi ngugine, indi we at na mumenyeri wakumumenyera, gankuria thirikari imenyagire antu ba muthemba juu.

Translator: I want the Government to take care of the aged.

Solomon Mukindia: Mantu ta jau thirikari imenyere.

Translator: He wants the Government to introduce homes for the aged.

Solomon Mukindia: Njaa cietu iri na aana ba ari,

Translator: Our homes have children from daughters.

Solomon Mukindia: Na bari na aana baao, na nitukwenda thirikari, mwari uria kethirwa aari na mwana, na imbiji mwaana huu ni wao, na mbirite mwana huunabwiritwe kuthomithiwa ni muthaka mwene mwana huu.

Translator: The fathers of the children who are at their grand fathers' homes should be educated by the fathers. The Government should assist in trying to force those people to educate those children.

Solomon Mukindia: Nikio janandi thirikari twathitanga twauga aana bau bajukue ni muthaka mwene, court itikigumba magamba jau bwega.

Translator: When the grand parents take such cases to court, the court is not handling such cases well.

Solomon Mukindia: Na kurina mantu jangi pendekezo yakwa, ituitaga kotini igamba rigakara mwaka jumwe kana ikumi, janandi ndina magamba jari na miaka ikumi na kajatiragua na jatigambawa imbi itu maga gukara ou.

Translator: The courts are delaying cases for so many years until those who took them there dies. There should be specified time when the cases should be heard in court.

Solomon Mukindia: Ka thirikari itina inya ya kumenyere mantu jau? Kethira itinajo nandi ni gatiba tukugarura magamba nijagambagwe weta igambene ukagamba ontuku iria wetire kuruki ya gutiria.

Translator: The court should try and determine the cases within the same day that the case is taken to court.

Solomon Mukindia: Na nthi iji nitukwenda muntu wonthe ethirwe akithomaga kithomo kia utheri.

Translator: We want free education in Kenya.

Solomon Mukindia: Pendekezo yakwa ingi, ni mantu ja kahawa nuintu niturathuranire kana kahuwa nandi thirikali nilekeritie yauma kiritwi itu kwenda kuragwa nyuma ya mweli jumwe twathiria kuendia kahawa.

Translator: We want the coffee money to be released to the farmers, one month after the sales.

Solomon Mukindia: Iu nicio pendekezo ciakwa nandi kangutigira au.

Translator: Thank you very much, those are my views.

Com. Lenaola: Ngoja kidogo. Ugependa masomo ya bure mpaka kiwango gani.

Jotham M'rukaria: Solomon Mukindia: Translator: Up to the University level.

Com. Lenaola: Asante sana, njoo ujiandikishe hapa. Lawrence.

Lawrence Kiambi: My name is Lawrence Kiambi from Mariani Sub-Location, Marina Location. Ningependa kutoa pendekezo hizi zangu hizi. First of all, is concerning Presidential powers. Some of the Presidential powers are very serious for common persons in Kenya. For example, there are many of them but some are okay to me. For example: He is above the law. That is very serious, because if he has done something which is not convenient to the citizens or convenient to the Government, there is no action that will be taken I suggest that everybody should be under the law, even the President. The law should be above everybody.

Another power of the President I know is that he can detain any person without trial. May be I think that one can be okay if the President will be under the law. He should not be above the law and should not detain anybody without trial. Ni lazima sheria izingatiwe, huyu mtu akipatikana na makosa, sawa. Asipo patikana na makoso, sawa, hata ikiwa Rais amesema, ama kitu kama hiyo. Kwa hivyo ningependa sheria iwe above everybody, instead of the President being above the law.

Pendekezo yangu ya pili ni- Formulated laws concerning corruption. We are fighting against corruption, lakini hatujaweza kufikia kiwango. I would suggest that there must be a formulated law to fight against corruption. This must involve two parties; the one who is being corrupted and the one who is corrupting, so a formulated law for both parties should be there. For example, if I am being bribed, there must be a formulated law for me and to the one who is bribing me. Both parties must have a law, which they should follow.

Third point, Constitutional Conferences: – You realize that even here we do not have many people although they have come; hakuna watu wengi sana, kwa sababu gani? Watu wengi hawajui Constitution ni nini. I suggest that the Government should have Constitutional conferences, to teach people what the Constitution is. Some politicians come and convince people of some things they don't know, because they don't know the Constitution. Some might be having good views, but because people don't know what the Constitution is, they agree or they reject. They can reject what is good or agree on what is not right, because they don't know what Constitution is, so I suggest that the Government should cater for these conferences. Constitutional conferences to teach people to understand what the is Constitution is.

Another point, is on loans. Hii Serikali yetu ya Kenya, inapendelea sana kuleta mikopo. Mikopo ya chakula, wakati wa shida tuseme, ningependa Serikali ichukue hatua ya kuwa, ikichukua mikopo, there must be something which is being established. Instead of kulete mikopo, tuseme kama ni ukosefu wa chakula, tupewe chakula na labda mwananchi wa kawaida hatapata kitu, na shida haitaisha. Kwa hivyo, ningependekeza hivi, irrigation schemes, because najua in Kenya, our land is capable. Yaani mashamba ya nchi ya Kenya iko na rotuba, kwa hivyo ningependekeza nyikani, pande za Isiolo, Marsabit na kuendelea, si mchanga ambao ni shida, lakini it is because there is no water there, or lack of reliable rainfall. Kwa hivyo, ningependekeza mikopi hii inakuja in the name of food, iwe inaombwa, ama if the Parliament will sign for that or whoever will sign for that (a mwenye ata – sign- for hiyo mkopo ikuje), awe aweanzingatia kile kinaweza saidia miaka na miaka, for example, Huko nyikani kuna rotuba lakini hakuna maji. Hiyo misaada inakuja inafaaitengeneze some schemes, irrigation schemes huko, watu wanapata maji ya kunyunyuzia huko.

My last point is that the period of being in remand should be reduced. Unaona watu wanakaa rumande wiki mbili. Labda when my case will be final, labda nitawachiliwa kwenda nyumbani, lakini nimekaa rumande tuseme miezi miwili. Narudishwa huko, na kukaa wiki mbili, nakuja kotini, nakataa kuitikia, narudishwa huko. Baadaye labda sitapatikana na makosa. I have wasted a lot of time. Tuseme nilikuwa na kazi nafanya, ama tuseme there was an opportunity, may be nilikwa nafanya kazi fulani, hiyo kazi nitaiacha na niende nikae rumande mwezi mmoja na sifanyi kitu huko. Nikija itanibidi nirudie ile shughuli nilikuwa nayo, so I would suggest that the period ya kukaa rumande should be reduced from two weeks. Asante.

Com. Lenaola: Kuna swali, ngoja kidogo.

Com. Nunow: Lawrence, I would like you to clarify the last statement that you made, regarding the remand period. You said it should be reduced from two weeks, to what? What would you consider to be the maximum period somebody should remain in remand, if he has been convicted or released?

Lawrence: I would can suggest this, either three days or bond, awe na bond awe ana attend case akiwa huko.

Com Lenaola: Asante sana, Lawrence. Eliud Mbugwa Mburugu, Stephen Mburugu. Halafu Muthoni Muriithi ukiwa tayari.

Stephen Mburugu: My names are Stephen K. Mburugu. These are the points from Nduruma Location, Boshosi East Division, Central Imenti Constituency in Meru Central District.

The points are many, but I will read afew. Coffee like any other crop, for example Tobacco, cotton etc should have their prices controlled, according to their classes and grades. To allow the farmers get good money, some coffee reduction should be minimized for example, county council sales, milling charges, coffee board sales deductions etc. National Coffee Leaders should be elected from the societies to the national levels. Any coffee donations, like the ones which came from the European

Union, the money should be sent to the societies, to be given out like any other pay out, not just to be given as loans, and paid as loan interests.

Officers from Cooperative and Agricultural offices should help the farmers by giving seminars and visiting their shambas for advice, not just staying in their offices and leaving the farmers just to work as they want, yet they have very little experience.

The Government should stop taxing farm inputs and have the chemical prices controlled, to enable the farmers to afford buying them. Farm loan interests should be stopped when there is a crop failure, due to rain shortages. Loan maintenance money which is directed from the coffee, should be sent direct to the societies concerned, so that the society will organize how to maintain its loans. The coffee, cotton and cereal boards should be abolished. For example, for coffee, we should have coffee charges instead of boards. The Government should control crop prices, to ensure that they are the same in all parts of Kenya.

Loans offered by AFC should never charge the interest evenly. It should lower the interest according to the amount paid to reduce the capital given to the farmer.

Animals: Artificial insemination payments should be reduced, to enable and encourage the farmers to have good graded cattle for better milk production. Animal skins taxes should be deducted, and the said tax be eradicated or removed. Prices for the milk products should be raised, so that the farmer will get enough money to care for his animals to enable him to buy the necessities or the required materials, for example food, chemicals etc. Certain officers should visit farmers to give them some advice, and to assist them in any way possible.

Com. Lenaola: Last point.

Stephen Mburugu: Fruits: Farmers should be helped to transport their fruits anywhere, even outside the country, so that they will get enough money.

Roads: Roads should be well maintained so that they can help the farmers to transport their crops from their homes to the places where they want to sell.

Com. Lenaola: Thank you very much.

Stephen Mburugu: Water

Com. Lenaola: Okay make that your last point.

Stephen Mburugu: Water: The Government should assist the wananchi to pipe the water, or to put water in their shambas and

their homes. Concerning electricity, the Government should try and see that Rural electrification is reaching every person, so as to enable them to have lights and operate their machinery.

Com. Lenaola: Thank you very much, we shall read every single word so don't rush through it. Any question? Okay. Please come and register yourself.

Question: I have only one question.

Stephen Mburugu: In relation to beer. It was suggested that there should be control. That is, for example, bars should be opened from 5 p.m. to 10 p.m. and the local breweries should be controlled and stopped.

Com. Lenaola: Next. Please come and register. Thank you very much Bwana Mburugu, we shall read every single word, so don't worry. Muthoni, Edward Mbaya, Edward Mbaya, M'mutungu Lisoroi, ngoja Mzee, ngoja kidogo tu, ngoja, ngoja. Okay endelea Muthoni.

Muthoni Jennifer Muriithi: My names are Muthoni Jennifer Muriithi from Mariane Location, and my points are especially in relation to the girl-child. Okay.

Education: Education should be free, from Standard one to Form four. As related to pregnancy for the girl-child in case a mature man is caught having impregnated a girl from the age of 18 and below, he should be taken to court because that is spoiling.

Child Abuse: People are employing children under 10, or under 15 years. That is child labor. They should not be employed by anyone, and should not be over burdened, so anyone caught employing children should be taken to court. There are also vulnerable children like street children, and orphans. These should be taken care of. They should be educated, and should be given basic needs.

In relation to the youth, there is this issue of I.D. cards. There is a very long process, so as to get the I.D. For example, if you go with your birth certificate, you are told to go back and get your mother's I.D. card. I don't see why we have that long process. Birth certificates or baptism cards should be enough for you to get your I.D.

There is also this case where the Police suspect people, and they are killed. For example, here, someone was suspected, then he was shot dead. There should be no suspects. Instead, courts should take action. Such people should be taken to court before they are killed. The potential of many youths is not utilized; that is why you see many youths idle, and they engage in drug abuse. The Government is not employing the youth, but instead, it is the retired people, retired teachers, e.t.c, who are

getting employment, and yet we are just idle. The Government should utilise us because we have talents, and we are educated. For example, you may go home and you find university students lying idle at home, so they should be employed. Thank you very much.

Com. Lenaola: Thank you very much, please come and register. Mzee karibu. Florence Mburugu utamfuata. Mrs. Mburugu, utamfuata Mzee.

M'mutungu Lisoroi: Maritwa jakwa ni M'mutungu Lisoroi

Translator: My names are M'mutungu Lisoroi.

M'mutungu Lisoroi: Ni bubwega ni nandi kuri kiugo kimwe kwenda kwaria aja kiarua indi nchokere mbarie manu jakwa.

Translator: These are my views.

M'mutungu Lisoroi: Najo ni aja kiri mukuuru umwe wagweta mantu ja gukuu na kinya ni ningukari na untu buu, ikuu bii bia antu barea baakujaga na antu bari kuraja, nandi ni bwaka buria nkwenda kuria ninkwona kuri na makosa jaithagirwa jario nandi kiritwi ntiji kethirwa thirikari nionaga untu buu ni bubui kurekebishwa. Thiguru iji ya Kenya, kuma Masaai kana Borona kana baraiku antu bonthe nibethagirwa bari na kimira kiao na akururu bao na bethirwaa bariku, naarua ira turi Kenya nigarukite ika ta kieni kia mubira, nuintu muntu arita etite guntu kuria etire we kethirwa aria ngugine, nandi au nikugarukite nintontu bwa Kimeru nandi ndatega naja nikigarukite.

Translator: Things have changed in Kenya. It has become a playing field.

M'Mutungu Lisoroi: Niuntu muntu arija ngugine aumite guntu kuraja kethirwa aumite ta bwa Tanganyika kana guntu kungi kana Karenjini kana Masaai, eja naja we akeja gutaa mbeca.

Translator: People have been moving from other societies, to come and steal money from the Meru Community.

M'mutungu Lisoroi: Mumeru eta kwao nawe niu. Nandi antu bakarite kwinyangia nthiguri na mbeca.

Translator: People have spoilt this country with money.

M'mutungu Lisoroi: Nandi ka o nthiguru nthiguru, division cionce ka ibwir ni kuewa kaanya thirikari ikaa antu ba ntuura iu uwezo bwa kumba kurita ngugi yao uria baritagaa tene kinya ketherwaa thirikari irio indi bakite mugambo jumwe jaria jakaraema jagaukirua thiriikari.

Translator: The Government should protect the customs, so that we can go back to what we used to do in the past.

M'mutungu Lisoroi: Niuntu antu bakuthina mono niuntu bwa kuinyangirua mbeca muntu aririta ngugi kethirwa ni igamba iakugambaaga, mbeca icietire indetire ndajukia mbeca ndeetanacio ndatiga muntu uria akirunguraga.

Translator: Corruption has ruined this country. We should go back to our cultures, every society to go back to its culture.

Mtumutungi Lisoroi: Nandi antu baa bagatwika bakuthina kabisa niuntu wonje buu ngatiga ndekera uria ndaritaga ngugi ni ndetire gutaa mbia indi ngatyiga ndaaitia ntuura iu.

Translator: These people who are coming from other societies or other communities are ruining the communities that they are working for, so I am suggesting that we should go back to our cultures and we should organize people from their locations, so that they be do things from the community point of view.

M'mutungi Lisoroi: Ageni beeta guntu nibatige gutiga bathukia nthiguru iu, iria betire.

Translator: Those people who come from other societies should not ruin the economies of the places where they are.

M'mutungi Lisoroi: Ni ndikuthiriria au.

Translator: Thank you very much.

M'mutungi Lisoroi: Angi ni, ndienda kuariria mantu jaa Mau Mau.

Translator: I want to talk about Mau Mau.

M'mutungi Lisoroi: Nthomera.

Translator: This is a memorandum to the Kenya Constitutional Review Commission. We, the members of the Mau Mau Original Trust being registered trustees, wish to present our views to the Constitution of Kenya Review Commission. The Trust is nationwide, and we are a branch in Tuge Central, Meru District. We wish to give our views as follows:

In the first place, we thank the Moi Government for the stability it has maintained in the country. We being the freedom fighters who enabled Kenya to achieve its independence, found ourselves in back water after we gained independence, in that, we compare like road graders, who after toiling to build a road, are prohibited from using the road they helped to build.

Our complaint now is this, that the Mau Mau having been relegated to the back seat, they have not been given a share of the cake after independence. They and their children are languishing in abject poverty. We have been very calm for a very long time, expecting that someone somewhere in authority, will remember our sacrifice, and reward us for our labour, but to date nothing has been done.

We have concrete evidence that the children of the Mau Mau who happened to get educated are not offered jobs in the Government or Parastatals on merit, but they are forced to pay bribes in order to secure jobs. In that case, we don't expect such a person to perform his/her duties properly, taking into account that he bought the job.

We have witnessed, since President Kenyatta's era, that the Mau Mau cause has not been properly represented and hence their relegation to the present status of abject poverty. In such circumstances, children of the Mau Mau have been reduced to beggars in the streets, hence the deteriorating state of lawlessness prevailing in the country. The children of those who are opposed to Mau Mau objectives are now the ones who own property in the country. Kanu is the Mau Mau Party. The People we elected are the ones who fight for the name Kanu to disappear.

Due to all injustices meted on the Mau Mau in the past two regimes, we ask the Constitution Commission of Kenya to grant the Mau Mau at least two seats in Parliament, to champion their grievances in Parliament and these should be put in the Constitution. We sincerely hope that the Constitution Review Commission will consider our request sympathetically.

For and on behalf of the Mau Mau Original Trust

Signed: M'mutungu Lisoroi

Chairman – Mau Mau Original Trust

Meru Central District.

Com. Lenaola: Thank you very much. Asante sana.

M'mutungu Lisoroi: Nibubwega akuru bari bonthe baria batukaritie na baria banini nibubwega.

Translator: Okay, thank you very much.

Com. Lenaola: Asante Mzee, njoo ujiandikishe hapa; tumeshukuru.

Paul Riungu M'Mtungu, utamfuata Mrs. Mburugu. You are next. Baada ya Mrs. Mburugu Bwana Irungu utamfuata.

Florence Mburugu: Thank you Commissioners. I am Mrs. Florence Mburugu, I have the following to present on behalf of women, and in particular widowed women from Abodhoguchi Division. The women identified the following as the issues affecting them.

- Land and Property issues.
- Unacceptable traditional issues
- Provision of security for them, their children and their property.
- Land and Property rights.
- Negligence of women by the public.
- Denial of control of, and assessed property.
- Violence against women, political participation and representation for women.

Now, in the preamble, we realized that the preamble reads 'we the people of Kenya', where we seems to mean men, and

women termed as property. We desire that women be captured and particularly their role in the development of this nation.

We want women to be confirmed as citizenry. When we are talking about citizenship, we are looking at a woman, particularly a married woman, whereby a woman gets married, and after the husband dies, the woman seems to move from one end, from her parents' side to the marital home. She doesn't seem to be a Kenyan citizen. There is nobody who comes to her defense. We are seeking that the Government put into the system, a situation where women will feel that they are citizens, and they are given the citizenship rights.

As far as security is concerned, the security of women is not there right from the home. We are seeking that we establish a situation where we erase all unhelpful cultural practices, for example, wife battering. There should be a court where husbands who batter their wives are presented, and are answerable. We suggested that such a man should be given six months imprisonment, after which, the wife should be given security to see to it that he takes up his husbandry roles in the home, without thinking that he can chase away the wife after that.

As far as the security in the country is concerned, women felt that it should be ensured that women are secure socially and even nationally. Women are not able to participate in public affairs because there is this name, 'prostitution'. Any woman who comes up to talk or to present views is seen as a prostitute. They felt that this word, once addressed to a woman should be termed as a crime, and unless a man, who was prostituting with this woman comes forth then, the man or the one who was uttering that word should be brought to court, so that the women are empowered to say what they feel about themselves and about this nation, so that together we can build a Kenya.

As far as the Government is concerned, the women felt that a system should be established where power is shared between the President and the Prime Minister, one of whom must be a woman. If the President is a man, the Prime Minister should be a woman, and vice versa. They also felt that a unitary system should be adapted. This will help all the societies, all the ethnic groups in Kenya, to be equally represented.

Looking into Parliament, the women felt that the Parliament should be empowered, since they are the representatives of the citizens, to resolve all national issues.

They also felt that in Parliament, at least a third of the members should be women. Here we mean, in a group of ten, three should be women, one of whom should be disabled, or a widow. They also felt that citizens should be empowered to recall MPs that do not perform, and they should not necessarily wait for five years. The first two years are enough to assess the performance of a person. They be allowed only two years, and if and by the third year he is not performing, then the public or the electorate should recall him).

Com. Lenaola: Last two points.

Florence Mburugu: Yes On education, women felt that there should be free and compulsory education upto Form four. They said that the taxes that Kenyans pay should be able to educate Kenyan children on a compulsory basis, upto Form four. Civic education should also be taught at all levels of education. Legal education too, should be taught in schools.

In relation to economy, women produce over 50% of this country's economy, and nothing seem to go to them. We therefore suggested that half of the economy's produce should help to elevate women economically.

Title Deeds and Properties should be registered in the names of both husbands and wives, and in the case of a deceased husband, the wife should directly take up the property of her husband without involving a third party.

In relation to health, women thought that there should be free and compulsory anti natal and post-natal services. That is the greatest task that women have, to bring forth people in this country. The term 'cost sharing' should be erased from the Kenyan Dictionary as far as health is concerned. This is keeping people off from, getting the services that they require, and where NHIF cards are available, our youth are going on to as far as 25 years without employment. The NHIF card should be able to cater for our youth, until they get employment. Thank you very much.

Com. Lenaola: Thank you. Please come and register. Thank you for your views. Paul Riungu M'Mtungi. Titus Bundi Kiogora, utamfuata huyu Mzee.

Paul Riungu M'mtungi: Thank you Commissioners. My name is Paul Riungu M'mtungi from Tugi Location. I have picked my views or opinions, from a hand book, named "The Constitutional Review Process in Kenya, of March 2002". Please read and take the necessary action, in this respect.

This is my memorandum. An Upper house and Lower house should be formed. The Function of Parliament should be expanded by spending more time in Parliament, even working during the night, because in the present procedure MPs are not in Parliament for voting. Parliament should have unlimited powers to control its own procedure through standing orders. A member of Parliament should act as in full time occupation, unless by permission not to be in house for one day or so. Changes should be made to age requirements for voting, and contesting Parliament seats or for the Presidency.

Voting should be done over 18 years. Parliamentarian should be over 35 years, and Presidents should be over 65 years. The language is not sufficient. Tribal language should be an added advantage to every Parliamentary candidate in his tribe.

Morale and ethical qualifications for the Parliamentary candidates should be introduced. People should have a right to recall

their MP, if he is not beneficial to them when he is in Parliament. People will report to the Speaker that they are not satisfied with their MP, giving the reasons. Thereafter, he, the Speaker, will report to the Chairman of the Electoral Commission. When he is satisfied with the peoples' allegation then, the MP will be removed from the Parliament with a letter served to him by the Chairman of Electoral Commission. The chairman of the Electoral Commission will then call for elections.

Introduction from their Constituencies: Separately Appointed Commissions, should determine the salaries and benefits of the MPs. These should not be appointed by the MPs themselves. They should not be paid pensions for only the five years they have stayed in Parliament. The concept of nominated MPs should be retained. The Head of State should appoint them, with approval by the Parliament. No special measures will be put in place to increase women's participation in Parliament. Let them come out in good numbers, and thereafter, request the people concerned to give them Parliament votes. Parliamentarians should always adhere to the rules of the Parliament, which is in place, that govern the conduct of the Parliamentarians in a multiparty state.

Page 14 – Election System and Process: The present election session should be continued. We should not retain simple majority rule. Other opposition parties should be included. They should be increased by requesting voters to vote them in to Parliament, but when they fail, there should be no other way to allow them to enter in to the Parliament or Local Authority. This will depend on the voters registered. Therefore a minimum percentage can be found. Candidates who fails to seek nomination in one party, should not be allowed to switch over, and seek nomination from another party. He should sit and wait for five years. After recession, the Party he joined, and should not to be given any post until he completes a probation service of three years, should check one. We should retain the rule of 25% presentation in at least five provinces for the Presidential election.

Com. Lenaola: Last two points.

Paul Riungu M'Mtungi: We should have seats reserved for specific interest groups; e.g freedom fighters, and churches. We should retain the current geographical constitutional system. We are not satisfied with the demarcation of constituencies like Timau which is running over West Abuthuuguchi from North Imenti. This demacation should be reviewed again. Thank you.

Com. Lenaola: Thank you Mr. Riungu. Just a minute. Any question? I have one question for you. You are asking that we have specific seats in Parliament for the two special interest groups, Freedom Fighters and Churches – are you saying just churches, or religious organizations.

Paul Riungu M'Mtungi: Religious Organisations.

Com. Lenaola: Okay. Secondly, how many seats for the two interest groups?

Paul Riungu M'Mtungu: One each.

Com. Lenaola: Thank you very much. Please come and register. Titus Bundi Kiogora, John Muturi – Is Moses Gitonga here? Ngoja kidogo – James Kinoti, utamfuata, endelea.

Titus Bundi Kiogora: Thank you Commissioners. I am Titus Bundi Kiogora. I would like to present my presentation. To start with, I want to talk about democracy, these parties should be limited by having few political parties; not many for prestige and for nonsense. The Government should fund those democratic parties.

Secondly, I want to talk about the state of magistrates, that it's a power given to the President in any case that before appointing Magistrates, it should be discussed in the Parliament and decided on, whether it is good to do such a thing.

Thirdly, I want to talk about education in Kenya today. It should be handled more seriously than it is, by making it free. Our Government should sponsor the excellent students. This can impart some motivation to students, in order to have that free education given or offered to them.

In relation to employment sectors, the Government should be careful not to decline from employing, but to offer jobs. However, importation of goods should be strictly regulated to avoid damping the upcoming industries.

The President should not be above the law, like in section 14, which says that he should not be questioned while in office. That should be noted, and sometimes, he should be questioned, if something is not good, which can be bad to the Parliament or has not been discussed in the Parliament.

The President should not appoint Ministers, Permanent Secretaries, Vice Presidents, Judges and others, but Parliament should have power to elect them, and the common man should even contribute on those elections. In relation to the opening and closing of Parliament should not be determined by the President, such that, he can do anything he wants. It should be conducted through a calendar that at a certain period, they will go home for rest.

The Auditor of Government should analyse the list of shame specifically, without any fear at all.

Strong powers should be given to the members of Parliament, but the various members should agree with their constituency that at a certain term, they will recall their MPs to come to their constituencies, to ask them various questions on what he had said he would represent them on, in the parliament.

Executive, Judiciary, and Legislature should have their own powers and self-independence.

Members of Parliament should have strong powers to pass financial crisis and uses and not to neglect some of the ministries. The ministry of finance should not remove money without the consent of Members of Parliament.

Section 27, which talks about mercy to those sentenced for murder that they should be released. This should be cautioned appropriately because the President can have favor on some of them, and not on others.

The last point is that the President should be present all the time at Parliament. He should not send the Vice President to the Parliament.

Those are some of my points I have others but time will not allow.

Com. Lenaola: Thank you very much Titus, you have taken exactly five minutes. Thanking you for keeping time. Any question?

Com. Nunow: Titus, you talked about Political Parties, you said they should be reduced. How many would you consider to be appropriate?

Titus: For example, like the U.S.A, they have two parties, Conservative and Labour. They should be at least three, because the third cannot win for the President.

Com. Lenaola: Thank you very much Please come and register. John Muturi Mwithima, sorry James Kinoti. David Muriungi, utamfuata huyu Mzee, asante

James Kinoti: Majina yangu ni James Kinoti N'tatwarandu, kutoka Mtumbori Location, na katika memorandum yangu, mengi yashasemwa lakini nitagusia machache yale ambayo haija zungumziwa. Kuhusu mashamba ni ya kwamba, surely tumesha sikia kama yule mzee alikuwa anaongea hapa, akiongea akiwa very bitter, na kwa hivyo hata mimi napendekeza ya kwamba my third neighbour ni Mzungu yule kila siku unaona anaruka na aeroplane. Na pendekeza ikiwezekana, kuchunguzwe watu wa aina hiyo, badala ya kuwa na wazungu na wa Africa wazungu, waliokuwa na eka kama mia tano.

Kutoka hapo, ningeingiza habari ya land adjudication committee. Hawa wazee, in Meru Central it is nice, ya kwamba hakuna mahali kuna baki kukiunganishwa mashamba, lakini we have a place known as Kiamori hapa chini, na hawa wazee hawalipwi chochote. Hawa wanaitwa Land Adjudication Committee, na surely, hawawezi wakafanya kazi kwa roho safi, bila kuingiza corruption. Ningependekeza ya kwamba hawa wawe wanalipwa sitting allowances, kama application bond or any other bond constituted by the Land Adjudication Act.

Tuko na kitu kama misitu, water catchment or any other areas. I would say that there should not be any shamba system within the forest and any plot which might have been grabbed by anybody, should be repossessed, na irudi intact vile ilivyokuwa. Acquisition of the plots by the Government, should be on a willing buyer, willing seller basis, not Serikali kuingia tu na kuvamia shamba ya Kinoti na kusema under compulsory acquisition hiyo shamba imeshakwenda.

Nikirudi kwa upande wa pension, juu ya retired officers, juu ya hiyo pension, ningesema iwe inatayarishwa within three months after somebody has retired, akute kitu chake kikiwa intact, badala ya kurudi nyumbani unakaa mpaka saa ingine unafariki, hata bila kuchukuwa haki yako. Still in relation to the pension issue, ningependekeza ikiwezekana, pensioner akifariki, bibi yake aendelee kupata pension mpaka hata yeye afariki, badala ya kupatiwa kwa miaka mitano, halafu hiyo inamalizikia hapo. Ningependekeza hata yeye ikiwezekana apate pension mpaka hata yeye afariki.

Hebu nije kwa kiti cha President, na hiyo ni maoni yangu. Ninaonelea president awe mtu wa kutoka 35 years upto 60 years, kwa sababu, saa ingine tukisema mtu ya 80 years, atakwenda kulala hapo.

Recall of the President, MPs and Councillors. For the President, MPs can vote, a vote of no confidence, na atoke hapo. Ninapendekeza MPs na Councillors wawe wanafanyiwa recalling by their voters kutoka kwao na 10% ikisema ya kwamba huyu mwamini MP hafanyi kazi yake vizuri au Councillor hafanyi kazi yake vizuri, atoke hapo kabisa, na aje tulime huko. Kwa sababu mengine tayari yalikuwa yamesesha semwa, I don't see the reason why I should waste a lot of time talking. I will hand over the memorandum to you, and you will get details from that.

Com. Lenaola: Thank you Mr. Kinoti. Thank you very much, we shall read every single word of it. Any question? Please come and register, and thank you very much. David Muriungi, karibu. Muriuki T.M. – hayuko? Haya Muriuki J.M. ni wewe? Okay sorry endelea.

David Muriungi: My name is David Muriungi. The people of Kariene and Karia Locations had a meeting 12th March 2002 to discuss how the Kenyan Constitution should be reviewed. The meeting was attended by 146 people. The meeting discussed that, we, the people of Kenya would like to live in unity. We should be guaranteed free education, be freed from hunger and have good health. The people of Kenya should be guaranteed security, because some Kenyans die and nobody follows up on the cause of their death. Kenyans need Identity Cards, Passports and Voting Cards at 18 years with low fees or without. We people of Kenya need the Kenyan Constitution to lay down a Programme for a ready market for the farm produce. The Government needs to set a board for the purchase of farm produce. Farm produce should sell better than farm inputs.

We people of Kenya should have the right to privacy at homes, because the police have broken that barrier. Kenyans should

not be arrested or be harassed without an official warrant. The people of Kenya wish that they inherit land from parents, with low costs charged for land and survey fees. Death succession should be a free service in the course of inheritance. We the people of Kenya find that the Provincial Administration is a very long chain, which is not productive but corrupt. We Kenyans utterly hate the Police and the Judges' method of corruption. Magistrates and Judges should know how many cases should fit in a day rather than postponing cases for months and years.

Kenyans severely complain about the Kenyan cash crops, which do not pay properly, and at the right time, e.g coffee as an example. The Cooperative Act should be reviewed, for the farmer to have a guarantee for marketing. Kenyans do bitterly complain about the Kenyan income from a tax, which is poorly distributed through discrimination. Few Kenyans are able to use the Kenyan wealth, while millions of Kenyans live from hand to mouth. We Kenyans claim that Secondary School Board of Governors should be real parents, and not a collection of puppets from any political corner.

We Kenyans have seen that employment in Kenya today is through corrupt means and the Government is still a witness. We Kenyans would like prostitution to be licenced, so that a law similar to affiliation can be created to take care of children outside marriage. Kenyans demand that the national cake be shared without tribal discrimination; thus no political party should be responsible for sharing relief food as a campaign tool.

Kenyans demand that freedom fighters need to be recognized and rewarded.

The game reserves are too large and land can be given to them and to the landless. Kenyans demand that employees who steal or misappropriate public property should be prosecuted. Kenyans of today find it logical for the Kenyan currency to have a symbol which is memorial rather than one this another the other year according to the Presidents. E.g. Mount Kenya can serve as an example in the Kenyan currency.

Kenyans ask for a 'one man one job policy, as a strategy to create job opportunities. Kenyans demand that retirees of Kenya should be given their pension benefits in the shortest time possible, to avoid sudden inflation at the family level. Kenyans demand that the Presidential powers should be reduced.

The President should not be the Chancellor of all universities. He should not be responsible for appointing the Attorney General, Chief Judges, Permanent Secretaries, PCs, and Ambassadors. The President should not behave like an employer in senior posts e.g. Kenya Magistrates and Judges need to elect the Attorney General Thank you.

Com. Lenaola: Wait - Ngoja kidogo. Tungetaka ufafanue kidogo, kuna mambo hatukuelewa sana. Thank you Mr. Murungi kwa maoni yako, na maoni ya watu wa location yenu. Sikuelewa sana mambo ya prostitution, ulisema iwe licenced kwa sababu gani?

David Muriungi: I was saying, prostitution should be licenced, because if it is licenced, prostitutes will be known, so that the girls who get pregnant from other men can be taken care of, to avoid prostitutes coming in to get money.

Com. Lenaola: Thank you Mr. Muriungi. Okay please go there, okay thank you very much. Hayo ni maoni yake na ako na haki; Muriuki? Asante sana. Kabla Muriuki hajazungumza, kwa wale wamechelewa, wale wamekuja late, nilisema kwamba ukiwa na memorandum yako, tafadhali kuja uongeze tu, mambo kwa dakika tano vile mzee amefanya kwamba amesema mambo yake straight, kwa five minutes amemaliza, na ameamdikisha memorandum. Kwa hivyo usije ukasoma yote. Don't read word by word, because the Commission will have time to read it. Thank you very much. Muriuki please you are welcome, for one minute. Mrs. Dorcas Mwamba, Dorcas mwamba yuko? utamfuata Muriuki.

Muriuki Joshua Murungi: Thank you very much Commissioners and members who have attended this session. I did not carry a memorandum with me, but I have something to say orally. My names are Muriuki Joshua Murungi. I will first of all look at the agricultural Sector, and infact, this is the major resource that we have in Kenya. The constitution that we have today does not stipulate clearly the laws of the farmers, it does not clearing stipulate the laws of the Cooperative Societies, it does not clearly clearly stipulate the laws of the Boards formed may be to market the produce. This is the reason why you realize that the Kenyans who mostly major in farming, don't get money after they sell their produce because there are so many bottlenecks, these are the people who are, may be, appointed by individuals and what they actually do is that they take the produce and assume that it belongs to them.

In the new Constitution, I am proposing that it should clearly stipulate the role of the marketing board, if it has to be there. The farmers should also clearly know what they are supposed to get from their produce; that is before they sell their produce, or before they go ahead and prepare their lands to plant, they should clearly know what they are going to gain, so that we can eradicate poverty. I am also proposing that the Ministry of Agriculture, because this is the major(interruption)

I am also proposing that the Constitution should allow for the Ministry of Water Resources to be combined with the Ministry of Agriculture. The problem with Kenya is that, those politicians that we elect, know clearly that we are very poor and we cannot be able to manage. What they do is that, they encourage us to be more poor, so that they can look for loop holes and in the long run, we can give them votes. If the Ministry of Agriculture is combined with the Ministry of Water Resources, the same Ministry will be able to provide water for irrigation and our people will never depend on relief food. Instead this money can be channelled to other areas like in education for our children, in the Ministry of Health whereby we can get free medical services.

Another point that I would like to emphasize on is in relation to security. I think the Constitution clearly states that may be, it is the Kenya Police that is able to take care of the security of the local Mwananchi, but today you realize that the Kenya Police, which is under the office of the President, does not take care of the local Mwananchi. What happens is that there is a cocoon of

may be, very senior business men who have money, or it is the cocoon of those people with power that is taken care of. I am proposing that the Office of the President should not take care of the security of the country. The security of the country should have autonomy, whereby the head, or the Commissioner of the Police would have all the powers to safeguard the rights, and to safe guard the security of the local Mwananchi. In the Constitution, people are allowed to own firearms under some circumstances. However, you realize that those who own firearms own them illegally. If the Constitution can clear away the bottlenecks, and ensure that for those who can afford the firearms, there is clear licencing and clear scrutiny, whereby people with good integrity can have one or two firearms when they are walking, so that they are not scared by the chokoras and thugs around, and they can feel abit safe, or may be if they can afford, then the Government can give them maximum security.

Another point that I would like to look at is on the Electoral Commission. You realize that in this case, some of our legislators who are MPs, whom we have given all the powers to make laws for this society, some of them just joke around with the electorate. The reason is that, that the Constitution does not clearly state where somebody should go, when he has defected. It does not clearly state, where somebody should be when he has given an opinion that he has neglected his Party, and he has some interest in another Party. I am saying that the current Constitution should stipulate clearly and categorically what should happen to you if you neglect your own Party that took you to Parliament and you have some interest in another Party. I suppose for example, that for some of our MPs who are just there, we don't know where they are then, the Constitution should clearly tell us where they should go, and I am supposing that those ones should be recalled.

Another point that I would like us to look at is on the tenure system. In the land tenure system that we have in Kenya, it is clear that we can inherit our pieces of land i.e. we can inherit the ancestral land, we can hire or lease land, and at the same time, there is provision that we can buy pieces of land. I don't know what is wrong with the Constitution, because you realize that it is letting land grabbers go scot free. I am proposing that the current Constitution, should categorically state how land should be inherited, and who clearly should inherit, if it is to be inherited. It should also categorically state who should be the custodian of public land, because you realize that somebody comes, and because he has money or he is somebody that has power, or he is the son of a god father somewhere, then he can buy a piece of land that belongs to the public, maybe for the construction of a dispensary or an institution. The law should categorically state who should be the custodian of those pieces of land, and who should authorize development, and how it can be repossessed by the Government, because the current Constitution states that may be you have a lease of about 33 years or 99 years (I am not very sure). How should it be repossessed, in case there is gold below your piece of land, and how should you be compensated without wasting a lot of time, because this is creating a lot of peoples'----- (*interruption*)

Let me finish.

I want to talk about the preamble of this country. In fact unlike other preambles, you realize that the preamble of our country does not speak about the people of Kenya. It is from the preamble that we build patriotism. Our preamble talks of sovereignty, and I don't believe that it is the sovereignty of the local mwananchi, because we should be patriotic to our country.

I am saying that the new Constitution should stipulate the law of the people of Kenya, the local mwananchi. It should also stipulate the aims and objectives of the Government that will be in place. Thank you very much.

Com. Lenaola: Thank you very much Bwana Muriuki. Njoo pale ujiandikishe. Mrs. Mwamba. Kimathi Manene Njogu, utamngoja mama kwanza. Baada ya mama. Ukue tayari? Karibu Dorcas Mwamba.

Dorcas Mwamba: I am Dorcas Mwamba, Ikweta Methodist Women Fellowship. I will give these views of the women of Ikweta:

- The Constitution should guarantee free medical care.
 - The State should give free and fair medical care. Citizens should have the rights and freedom of expression, to use their language where necessary.
 - There should also be effective safeguard against corruption and management.
 - The bill of rights should speak against capital punishment, torture, corporal punishment, or any other inhuman practices while in Police cells. The prisoners should be treated as human beings. They should be given good facilities, clothes, health care and food. The Constitution should also guarantee free education to a certain level, e.g. from Standard one to Form four. The Constitution should also recognize the right of a widow to inherit land. The widows should not be exploited by the inlaws, when their husbands are dead.
 - The Constitution should ensure that Kenyan women are never discriminated against in terms of citizenship. The Constitution should guarantee childrens rights to free basic education. There should be protection against child abuse, or child labour. The Constitution should also recognize women, children, youth and as sectors of the society that need special protection.
 - There should be no discrimination against women in education, employment, business or governance. There should be a provision that protects women from sexual exploitation, and any other cruel inhuman treatment, based on their gender. The Constitution should also guarantee women equal property rights within the family. The Constitution should ensure the rights of women to safe motherhood, by providing free productive health care. The children should be protected from any form of mistreatment, child labor, sexual exploitation, physical or emotion abuse, whether by parents or others.
 - The lawyers and auctioneers are colluding and exploiting the citizens. The Constitution should control the lawyer's fees and the auctioneer's fees. The Agricultural Sector should also be taken care of, by the Government not allowing anybody to open a chemical outlet that brings about sub standard chemicals being used by farmers, and the farmers not benefiting.
- Thank you.

Com. Lenaola: Thank you Mrs. Mwamba. Please come and register yourself. Kimathi Manene Njogu. Jediel Kaaria Kiara, after him.

Kimathi Manene Njogu: My names are Kimathi Manene Njogu. We have at least 42 or 43 different communities. These different communities should be entrenched in the Constitution. The Constitution should protect their boundaries, the Constitution should protect their customs, and the Constitution should protect everything that that particular community has.

We then come to inheritance; in every community, it is clearly explained how one inherits, so, the Constitution of Kenya should have those particular views from different communities put in the Constitution, so that in case of any complications, then one can refer to the Constitution.

In the olden days in our customs, for young people who used to have children, those small girls who got a child and there was no father for that particular child, then, that particular girl was forced to abort. The Constitution of Kenya should therefore allow for abortion, so that we can stop having the idea of unfathered children. Abortion should therefore be legalized.

The labor system: We have people employed at different classes. All employments should be controlled by one body, so that somebody who is picking coffee should be paid something slightly, almost equal to somebody who is typing, because somebody who is typing is doing a relatively small job.

In every Constituency there should be a Magistrate. This Magistrate should be able to understand the language of that particular community. He should be handling cases like the ones related to marriage, because this is an every day affair. He should be handling the cases related to land, small fights between boys and girls, which these days it is being called rape, and it has been there since God created human beings.

Local brews should not be taken as an offence. There should be an alternative because if one works very hard and he is required to quench his thirst, then there should be something that satisfies him. We have very small cases like chicken thieves, which are being punished very highly. These should be handled by this particular Magistrate, and for this particular Constituency Magistrate, I have said that there should be no Advocate, because the Advocate will complicate the whole matter.

We have the Police and the paramilitary. These people are very idle. These people should be involved in the construction of roads, bridges, building, and irrigation projects in dry areas, because they are very idle, and the Government is paying them.

The President should have an age limit. A President should be between the age of 35 years and 60 years. Beyond that, that person will not be able to serve people properly.

Com. Lenaola: Last two points please.

Kimathi Manene Njogu: Loans: We have a very big problem. This country cannot become an industrial country, unless the

Government gives and tries to identify industries. If there is an industry that a person wants to put up, he should be given a loan freely without discrimination. Thank you.

Com. Lenaola: Thank you very much Mr. Manene. Just a minute. Any question? – No. Thank you very much. Please come and register. We shall read every single word in your memorandum. I think I had called Jediel. Francis Kiugu. Proceed.

Jediel Kaaria Kiara: Thank you Mr. Chairman. I am Jediel Kaaria Kiara and I am giving personal views.

I begin by stating that this country should have a political philosophy. We should try to create a socialist state, on the principles of African socialism. I am stating that there should be no Majimbo in this country. We should enhance the centralization that is there currently and try to do away with those administrative units called provinces. The bases of our development should be the districts, so that the district headquarters can act as growth poles. I am also stating that this country should not allow room for any Party to secede or move away from the rest, and that should be put in the Constitution, that none of us, a province or any part should be given room to move away from the rest.

I am also stating that this country should have room for further unity of probably neighbouring states, because the trend in the world is that many countries are ganging up to form some kinds of federation. I am stating the same for the growing East African Community or the Community that is currently there.

On political parties, Mr. Chairman, Kenya should remain a multi-party state and there should be no room for any part of state as happened in 1969 to 1991. There should always be multipartism in this country and if room arises, that should not be allowed at all by the Constitution. There should be provision for a coalition government, probably one, where a party with majority seats can gang up with another one and form a political party, I mean a Government.

Defections should not be allowed in this country, either through pronouncement or otherwise, Mr. Chairman. A defecting MP should clearly and automatically lose his Parliamentary seat.

The Parliamentary duration of course should be five years, same with that of the civic elections, but a Member of Parliament should be subject to his citizens. i.e. Can be recalled when need be, particularly when he is not delivering. I am proposing here that a Constituency Committee should assess the performance of Members of Parliament, and recall him when need be. I am proposing that half of the nominated members of Parliament be the so called vulnerable groups. That is, women, the handicapped and the other disadvantaged members of our community.

I am also stating here that there should be that tribunal that I recommended in the constituency, that should clear a Member of Parliament in terms of character and other things. The Member of Parliament should be allowed enough, apart from being

cleared by his party and probably the Electoral Commission. There should be that committee in the constituency that should clearly state that this is a character you can depend on particularly in relation to his character. A public servant who intends to contest an election Mr. Chairman, should be allowed just a leave and should not resign but leave so that he has the option to return to his career if he is unsuccessful. The three months of Parliament, Mr. Chairman should be maintained, and this thing should be a full time job. Those members should not be subject to anybody. Whatever they pass in Parliament should not be vetted by anybody. That a law passed in parliament should automatically be given a loyal assent by the existing President. The President, Mr. Chairman should be obliged to sign that assent.

Parliament should retain the law of amending the Constitution of Kenya, after consulting the people, and should not do it eratically. The reports of Public Accounts Committee and the Public Investment Committee should be acted upon immediately, and a report be given back by the concerned Ministry within the stipulated time. That is in order to avert that delay in prosecution and so on Mr. Chairman.

On the Executive, Kenya should have an executive President, who should of course get the necessary powers, but Parliament should have more powers. It should be assisted to vet, particularly in relation to the Constitutional appointments that the President may make, should be subject to vetting by the Parliament.

Com. Lenaola: Last two points please.

Jediel: The last two will be made on education and farming, if you allow me time.

Education: There should be free and compulsory education at all levels and we should integrate the normal and the abnormal students, i.e the handicapped children should be integrated. More University Education should be opened to everybody and tertiary education and those in public universities should get access to loans. Those doing the so-called mode 2 or the parallel degree should also have access to education. I have also talked to a few students, and they have stated that the fees structure should also allow them some pocket money. Let them get the pocket money. Boards of Governors should be made up of PTAs, and the nominated members by the Ministers, and half of the members should be real PTA members and they should also give what they call their Chairman. The Board members should not be allowed to tender for anything. Last, but not least on education, the District Education Boards should be representative of education in the district. The known people in pre-education, pre-primary, tertiary, secondary and University. Those should make up the board members.

Farming: I just want to point out something on coffee and the marketing aspect of coffee, in relation to the current Act. The current Act on marketing allows a miller who owns a farm to be an agent of a grower. I tend to think that, that allows that agent or the small grower, that room that would make him probably vulnerable to that agent. What I am stating here is that, an agent who is a grower and a miller at the same time should not be allowed to market somebody's coffee. In the same Act, that is

section 27 of 2001 Act, section 28 also allows an auctioneer, a marketing agent, to get coffee from elsewhere and to auction it in our market. That is also opening our grower to that kind of cartel and allowing room for competition when actually we should be able to protect our small-scale grower. I think that one is flawed and should be dealt away with because it is all currently being implemented. Thank you.

Com. Lenaola: Thank you, Jediel. I think you are very clear. Please give your memorandum to Mr. Nampiu for registration. We shall read every word of it. I think I had called Francis Kiugu. Karibu. Halafu ajitayarishe, Grace Mtungi, I believe Margaret Mutuma, baada yake.

Paul Rintari Ngaruthi: Thank you very much. Now, I am sorry the one who is reading is not Francis Kiugu but Paul Rintari Ngaruthi. I will tell you exactly what it was. He is my colleague partner in presenting civic education within the same area.

Com. Lenaola: You know this is democracy.

Paul Rintari Ngaruthi: Yes.

Com. Lenaola: Nimkubali azungumuze kwa niaba ya partner wake ama angoje nafasi yake.

Paul Rintari Ngaruthi: I am reading ----

Com. Lenaola: No, no, no, siulizi wewe, nauliza hawa. Nimkubali azungumze kwa niaba ya partner wake ama angoje mpaka nimuite yeye mwenyewe?

Response: Azungumze.

Com. Lenaola: Azungumze, aendeleo? Sio mimi napatiana nafasi, ni hawa. Haya endelea. Let him proceed. Okay thank you very much.

Paul Rintari Ngaruthi: I will answer that question just now. My name is Paul Rintari Ngaruthi from Tugi Location. These views are from the Location where we went round with Francis Kiugu, in the area that we were assigned by this Review Commission.

First, I shall start with the local government. Locational councils, which used to be there at independence, should be re-established within the existing administrative locations. These ones will help in running of nursery schools in the location, feeder roads in the same area, water projects, and health centers, some which are locally run, as I said, and soil conservation

projects. There are some things like cattle dips and artificial insemination in such centers. Development of agriculture in the location, coordinate rural electrification programmes in the location, establish new market centers, and manage existing ones in the location.

We recommend farmers for development loans from various funding bodies, and some other minor projects. Now, what are the sources revenue for the locational council? The locational council should be financed by the mother Council. Auditing should be made every year, and the results made public. Auditing in the councils should be done by expert accountants from the council, and independent auditors. The sources of revenue should be from the parent Councils as I had said, from market fees from the market in the area, and development levy from the every adult in the location, from Forest products in their area that means some natural resources, which they have within that area, and some miscellaneous incomes.

Constitution of the councils: The location councils should be legally constituted and should have elected councilors, of which a third of them should be women. Councilors should be elected by votes, by the residents of the location. Their remuneration will be made by the councils. Their duties will be to formulate the day-to-day running of the council affairs, and to initiate development strategies and their implementation. The Chairman of the location council should be elected through popular votes by the wananchi in the location. Wananchi should be empowered by the Constitution to remove their councilors who do not work to their expectation, before his term of office expires, and to hold a by-election. Two-thirds of the electorate in the sub-unit will be enough to call a by-election of a councilor.

County Councils: County Councils should be established in the constitution as it is. District County Councils will deal with the running of development matters within the District. Some of them should be the management of primary schools and district secondary schools in the country, management of district hospitals, management of trunk and secondary roads, etc.

Sources of revenue for the county council: A secondary grass root establishment in the district and one that is closer to the wananchi, than the Central Government. The County Council should share tax revenue with the Central Government, at a ratio to be determined by Parliament. The ratio of tax revenue should be much higher than that of the Government because they will take over almost three quarters of the Government financial functions in the given Districts.

The accountability of the funds and revenue received and spent should be managed by the Council. It should be made mandatory that Councils employ qualified and competent staff to run their finances.

Com. Lenaola: Give your last two points.

Paul Rintari Ngaruthi: No Let me just-----

Interjection Com. Lenaola: Two. I said you don't read every word and you have read every single word.

Paul Rintari Ngaruthi: Oh I am sorry.

Com. Lenaola: Last two points.

Paul Rintari Ngaruthi: Regional Assemblies: We recommend no establishment of regional assemblies.

The Executive: Central Government – Kenya as a nation should have a strong national Government. The wananchi of this country are the most highly taxed in the world, so the Central Government should be all that strong.

The Presidency: The Presidential candidate should be aged between 45 and 75 years and not above that.

Com. Lenaola: Thank you Mr. Rintari, we shall read every single word in the memorandum, so don't worry that you have not read through it now. We shall read it, I promise you. Please come and register. Mrs. Mutuma, Stephen Kiambi Kamakia, utamfuata Mrs. Mutuma.

Mrs. Margaret Mutuma: Thank you Commissioners here, and ladies and gentlemen. I have two memoranda here that I would want to present, but since most of the points have been said especially on specific women issues. I will just leave this information in this memorandum. I feel I need to talk about my own personal views, because that is what is lacking here. I would want to start with-----

I am Mrs. Margaret Mutuma: The first point I would like to talk about is the new Constitution, whereby I feel it is important to have it written in a simple and clear language whereby everybody or a majority of Kenyan citizens will be able to understand it, because like in the current Constitution that we have, we see that the language that is there is not easily understood by the common man. I also feel that the new Constitution should be made available to all Kenyans because majority of the Kenyans really do not even know how the Constitution looks like.

My second opinion concerns vote registration and civic education. I tend to believe that this is a continuous process, and like this time when we are trying to educate people on civic education, we had a problem where people did not actually know what civic education is. Sometimes you find one has been left out having no vote, because of time factor. I would therefore suggest that since voter registration and civic education is a continuous process, should be done throughout.

My third point is on the three arms of Government. I am sure Kenyans are actually experiencing problems because of the way the status quo is, where they have some of these arms of Government having taken so much power from the other one. I would therefore suggest that each of these three arms of the Government, the Legislature, the Judiciary and the Executive should

recognize their role and respect each other's independence and supremacy.

On the same note, I would say that it would be very good if the President is not above the law and when we come to the duties and responsibilities of the MPs, they should know them very clearly, whereby you should find MPs even going to an extent of having offices in their own constituencies, because for some of us, we only see them during the voting period, and after that, we see them back coming for votes from us. We would therefore want to meet them regularly, having offices in our own constituencies. I would also want to say that when they look into their salaries, that is MPs, there should be a set Committee to look into those salaries because sometime we don't actually understand how they come to hike that kind of money they get at the expense of the rest of the civil servants in the country.

The other point that I would like to emphasize is on education, whereby I feel that it should be free and compulsory for all, whereby you find that it is part of the basic rights of a human being. I also think in that line, teachers should be paid very well, so that they will really be happy, and they will try their level best in that area.

Health: I tend to think that it is the obligation of the Government to provide free medical services in the area of giving the officers in charge, that is the doctors and the nurses the drugs and the like, and it should not be an issue whereby a few people cannot really get access to medicine, because it is expensive. I also wanted to say that on employment, I feel it is the obligation of the Government to train its manpower, and to employ them. I have heard several youths complain that they have the education and they have training, but they are forced to move out of this country, to look for greener pastures, to look for employment elsewhere in other countries. This is wrong. The Government should be able to make use of its own human resource.

I also feel that on farming, farmers must be recognized and assisted in the area of production and marketing, because other than tourism, I tend to believe that farming or agriculture, the Ministry of Agriculture forms the backbone of the economy of this country, and therefore that sector should not be taken lightly. Where we have VAT imposed on farm inputs like fertilizers, farming tools and the like, those things should be done away with to make the farmer be able to produce, and produce properly.

My last point is on the street children, the orphans and the aged, the widows and the widowers. I think, it is also the obligation of the Government to take care of these people. Sometimes we really suffer at the expense of the duties that are not actually ours. You see now, we have the harambees, and we have the fund raising to take care of these orphans, the aged and those from areas, of which that really we feel that it should be the work of the Government. Otherwise those are among the few that I felt I should add on to what there is here. Thank you.

Com. Lenaola: Thank you Mrs. Mutuma. You were very clear. Please come and register. Please register both memoranda

as separate presentations to the Commission. Stephen Kiambi Kamakia. Peter Kiambi Inoti, utamfuata Mzee.

Stephen Kiambi Kamakia: I am very sorry I did not carry with me my programme but I am sure I am going to produce what I wrote down there.

Ya kwanza, mimi nina mshangao mkubwa sana, kwa sababu ya hii Serikali yetu. Jina ni Stephen Kiambi Kamakia as you have said. Nina mshangao mkubwa sana kwa sababu kwa hii Serikali yetu, wengi hawajui sheria ni nini. Hawajaelewa kabisa kwa sababu, tukiingilia mambo mengi sana sana huletwa, sio sisi hupeleka. Yaani, mwananchi wa kawaida, hapeleki yale yatakwenda kuzungumzwa huko. Yanaletewa yakiwa yaimeisha. Kwa hivyo, maoni yangu mimi ni kuona ya kwamba, mambo yakienda kutendeka kule, ni lazima tuwe tumeshajadiliana hapa, halafu yaende kule Parliament, sio Parliament iwe ikituletea, kwa sababu Parliament inatuletea mambo mengine mangumu sana. Kwa mfano.

Kwa upande wa maji, tukielekea upande huu, wale wamewahi kuelekea upande wa Timau, kuna Mzungu mmoja hapo ana mto mzima. Ananyunyizia maji ni kama mvua inanyesha huko. Watu wa kawaida wakiungana kwa project, wakisema tunataka maji kutoka mto fulani, wanapingwa. Wanaambiwa maji yaliisha mtoni. Sasa ikiwa wale wengi ndio wanapaswa kusikizwa, ni kwa nini hawa watu hawasilizwi, kwa sababu yule ni mtu mmoja? Vile vile, sisi wenyewe si elewi ya kwamba kama County Council inapatiwa kitu chochote kutoka kwa haya mashamba makubwa makubwa, ili mwananchi wa kawaida afikiwe, kwa sababu County Council ndiyo iko karibu na sisi. Ndiyo iko karibu na mwananchi huyo wa kawaida. Kama sio hivyo basi, ni kwanini Serikali yenyewe haiulizi ni kwa nini huyo mtu amepatiwa hiyo? Ni kwa sababu hiyo, kuna maana ile kubwa sana, ya ku-change hii Constitution.

Ikifanyika hivyo, kila mwananchi akiwa anaangaliwa vizuri, yule mzungu ni mwananchi wa Kenya, sisi ni wananchi wa Kenya. Hata mimi nikienda kufanya kazi yangu kama kule, utasikia watu wanaanza kulalamika, ati Kiambi amefanya hivi, na vile na vile. Wale wanahusika, hawa wajumbe wetu tunapeleka kule, wanaona hayo yote yanatendeka, na watu wake wanataabika mpakani hapo.

Maoni yangu ni haya, kwa kazi aina hiyo. Ikiwa haki itatendeka, ni lazima ikiwa ni maji, vile mwa-Africa anapatiwa kiasi cha maji, hata mzungu, hata akiwa ni nani, hata akiwa ni hawa watu wakubwa, iwe ni sawa sawa. Maana yake ni hii, ukiandika application yako sasa ya kuuliza maji, utaenda pale uambiwe mto huo, hauna nafasi ya kutolewa maji, kwa sababu tayari umekwisha. Hapo nikushangaa, kwa sababu tunaendelea kuzaana, na mahitaji yamekuwa makubwa, na mengi tena.

Kwa upande huu mwingine mimi nashangaa, kwa sababu ukiangalia wakati kama huu sasa, tuseme kwa mfano, kahawa. Wakulima kahawa anaambiwa kahawa haina pesa wakati huu, ati pesa za kahawa, hazipatikani wakati huu, na tunasikia huko ati kahawa imeuzwa kidola fulani na fulani hivi. Mwananchi akianza kulalamika aseme ati “mimi ninataka kujua ni kwa nini kahawa haina pesa” anaambiwa hayo yanatoka juu, Kama tuseme ni upande wa kahawa.

Upande wa mambo haya mengine vile vile, ukiuliza swali lolote, unaambiwa yanatoka juu. Sasa, Bwana Commissioner, tunataka mambo yawe yakitoka chini, kama vile tukichagua wale watu kuenda juu. Tuwe tukielewa ni kitu gani kinaendelea, mpaka huko juu. Yaani tukiuliza swali, tujue tunauliza swali la aina gani. Hii ni kwa sababu tunaambiwa, ni kama mtoto. Sasa wakati huu, wananchi wa kawaida ni kama watoto wale wamezaliwa, wale wachanga kabisa. Ni kuambiwa tunaambiwa. Yaani, sisi hatusemi. Ni nikuambiwa tunaambiwa tu. Kwa hivyo sasa, kuanzia hii Katiba tunatengeneza sasa mwananchi wa kawaida anapaswa kuwa akijua kila kitu kilicho, au kila kitu kinachoendelea. Hawa Wajumbe tuliwachagua kuenda Parliament, wakatuongoze kwa mambo yale, kwa sababu ndio wako huko juu, watugawie kile kinatakikana. Ni ajabu sasa, kuona wale tulipeleka Parliament, ndio wenye kila kitu. Mahindi, kahawa, mandizi haya tunalima huku, ni kama ndio wenyewe. Ukiwauliza maswali wakija huku, wanasema Serikali imesema. Tukiendelea kuuliza maswali tunaambiwa Serikali ni sisi. Je Serikali ni sisi na tuna taabika?

Kwa upande ule mwingine, nchi yetu ya Kenya iko na area kubwa sana, ile haifanyiwi kazi. Serikali yetu ya wakati huu inajua, na inaona. Tunashangaa ni kwa nini, kama wanatembea kama tuseme President Wetu ameshawahi kwenda mahali pengi sana. Mahali kule kulikuwa dry kama upande huu wa Isiolo huko, upande wa Garissa, ameshawahi kwenda huko. Huko sasa wakati huu, wale watu wanalima, na wanalima na maji. Bahati yetu sisi tuna milima miwili hapa karibu sana na ina maji. Tuna Mount Kenya hapa, tuna Nyambene hapa, mahali pengi sana. Pale maji yanaweza kufikiriwa, ikafikia wale watu wakaanza kulima. Sasa msaada, ni huu msaada tunaona unapita na ma-lorry kuteremka chini, na kesho yake tunaona unapanda juu na lorry zile zile? That means, wale wanapelekewa wanagonga kidole. Wanaweka kidole, kesho yake mahindi yanabebwa tena tunakuja kuuziwa huku, na ni ya msaada. Sasa ningependelea hivi, maoni yangu, huo msaada, uwe ukijulikana kutoka mahali kule unatoka huko store, ma-store yao huko Nairobi, iwe ikujulikana inakwenda Garissa, au Marsabit, na iwe announced katika radio. Watu wa Marsabit wawe wanangojea malorry matano ya mahindi. Wajue itafika kama kweli, ama constitution yangu ndiyo inasema hivyo. Kila kitu kikipatikana kwa msaada kiwe kina pelekwa mahali pale kinatakikana na wananchi wakule wakiwa wanajua, kuna kitu kinakuja, na wangojee. Hii ni kwa sababu sasa, tunasikia tu msaada. Watu wanapatiwa msaada, lakini hatuwezi kujua ni msaada wa aina gani.

Ni mshangao mkuu, kwa sababu wengi wetu kama hapa, wengi wetu wameelimika, ama, watoto wetu wameelimika kiasi kikuu. Upande wa kazi, mtoto akiandika application, mara moja tu, barua ina-regret, hatuna kazi. Mimi ningependelea, mbeleni hapo, mtoto akiwa amehitimu mtihani fulani, ilikuwa tu ni application kusomwa na kuonekana huyu mtoto amepita kiwango fulani, na hii kazi kweli inapaswa ipatiwe mtoto huyu, Sio kuwachunguza kabila hii au kabla ile, hapana. Sio kusema ati, tuje na hii, inaitwa back doors, hapana direct namna hivyo. Ikifanyikana hivyo, Serikali yetu itaendelea, na tutakuwa tukijua Serikali ni gani, na tutakuwa tukisema ina tufanyia kazi. Asanteni sana.

Com. Lenaola: Mr. Kimakia, njoo ujiandikishe pale. Peter Kiambi, Erastus M'torukuma, utamfuata.

Peter Kiambi: Asante. Mimi naitwa Peter Kiambi Inoti, kutoka Mariani Location. Hapa nina maoni yangu, ambayo ningependa kuyaelezea kwa hii tume ya kurekebisha Katiba.

Jambo la kwanza ambalo ningependa kulizungumzia ni juu ya uraia. Ni mengi ambayo yamezungumziwa, lakini nitajaribu kuzumzia yale ambayo hayajatajwa. Hapa kwa upande ya uraia, kuwa raia kwa mwananchi, ni lazima kwanza wazazi wake wawili wawe ni wanaKenya, au wametoka katika makabila yote yale ambayo ni ya Kenya. Wazazi wote wawili, au baba lakini ikiwa ni mama hiyo naonelea kwamba haitakiwi.

Ya pili, raia wa Kenya anaweza pia kuwa kwa njia ya kuandikishwa – registration. Huyu sasa ambaye ameandikishwa kama mgeni kutoka nchi nyingine, naonelea kwamba haruhusiwi kugombea viti, kama kiti cha ubunge ama councilor kwa maana yeye ni mgeni na hajui taabu ya nchi.

Jambo la tatu ni ya kwamba, uraia unapaswa kuwa na kitambulisho, ama mwananchi anapaswa kuwa na kitambulisho cha uraia, ambacho kinaelezea aina ya urahia wake. Nafikiri hapo nimemaliza.

Sehemu nyingine ni ya political parties, ama vyama vya kisiasa. Hapa, naonelea ya kwamba vyama ya kisiasa view vichache, na ikiwezekana, viwe sio zaidi ya vitatu. Maana yake hii ni kwa sababu sasa vyama wakati mwingine vinaruhusiwa vinakuwa vingi, hata vinawachanganya wananchi, na wanashindwa kuelewa kuna umuhimu wa viama. Sasa, wengine wanajitoa, ili waweze kutambulika kwa njia hiyo ya vyama, sasa kama mimi najitokeza, na kuandikisha changu, na hiyo sasa inakuwa kama mchezo, kwa hivyo, naonelea viwe ni viama vitatu vya kisiasa vikubwa, ambavyo vitaruhusiwa kuweko katika nchi.

Jambo lingine ni juu ya, system of governance, ama aina ya uongozi. Mimi ningenelea ya kwamba, ingekuwa vizuri kama tungekuwa na hii aina ya Parliamentary system of governance na isiwe ile ya Rais ama Presidential, kwa maana, hiyo ya Parliamentary ndiyo itakuwa na uwezo zaidi ya kumlinda mwananchi, na itakuwa sasa hiyo inaamua kila jambo ambalo linatendeka nchini, na tuwe na Prime Minister au Waziri Mkuu.

Jambo lingine ni juu ya Legislature: Uwakilishi; Hapa naonelea ya kwamba mbunge anapaswa kuwa hiyo kazi iko a full time occupation, ili wabunge wawe na nafasi ya kutosha ya kwamba sasa, wawe wanatuwakilisha vilivyo, wasiwe wanakosekana katika bunge, kwa sababu wakati mwingine tunasikia ya kwamba katika bunge quorum haitoshi, na jambo hilo lina kuwa sio nzuri kwa maana mijandala mingine inashindwa kupitishwa katika Bunge.

Jambo lingine ni juu ya miaka au umri. Yule ambaye anayetakiwa awe sasa anapiga kura ama anapigiwa, kwanza, awe ni wa miaka kuanzia 18 hadi 70, hawa ni wale wana vote. Lakini wale ambao wanapigiwa kura kama ni MP kwa mfano, huyo anapaswa kuwa na miaka 35, hadi 70 years. Lugha zile ambazo zinapaswa kutumiwa kama lugha za taifa ni Kiswahili na Kiingereza, na hata hizo lugha zingine za kijamii, hata hizo zinafaa ziwe promoted ama zishugulikiwe, iwe sasa hata hizo

zinatambulikana.

Jambo lingine, naonelea ya kwamba hakupaswi kuwa na nominated MPs kwa maana kama nominated MPs watakuweko, watakuwa wanashugulikia maslahi ya yule ambaye amem-nominate, au chama, kwa hivyo hatakuwa anashugulikia nchi nzima; kwa hivyo yanafaa awe elected MP sio nominated. Hiyo nafasi naonelea ya kwamba isiweko.

Com. Lenaola: Last two points.

Peter Kiambi: Hapa ni upande wa vijana. Ningeonelea ni vizuri kama Constitution ama Katiba itakuwa na mpango ule ambao Serikali itakuwa na mpango wa kuwaajiri vijana wale ambao wanaacha shule – school leavers. Tunafaa tuwe na organization ile ambayo itakuwa funded by the Government, ambayo niya kuwasaidia vijana kama wanaji-organize, wana form self help groups, wanafaidika, ili waweze kuanzisha miradi ya kujisaidia wenyewe.

Ya mwisho ni juu ya death, hii inaitwa basic rights. Hukumu ya kifo naonelea sio Nzuri kwa maana mwananchi anahaki ya kuishi. Wakati mwananchi anapohukumiwa kifo, inakuwa sasa hakuna faida kwa Serikali na, hakuna faida kwa nchi. Kwa hivyo kama watafungwa maisha, naonelewa atakuwa anasaidia, kwa maana atakuwa anatumika jela na atakuwa anasaidia Serikali.

Hii ingine ni ya Security –Naonelea kuundwe chama ama kuwe na a body ile ambayo itakuwa inachunguza hawa polisi kwa maana, wanahongwa na sasa inakuwa service ile wanafanyia wananchi sio ya kulipisha kwa maana nikiwa sina pesa pengine mwananchi maskini anaenda ku-report case yake, pengine amepigwa, itakuwa haichukuliwi, na atakuwa anakaa tu, na sasa mambo yake yataishia hapo.

Com. Lenaola: Thank you Kiambi.

Peter Kiambi: Sawa hayo mengine ni juu -----

Interjection Com. Lenaola: Utaandikisha tu, tutasoma don't worry. Asante. Any question? Njoo ujiandikishe hapa. Wapi Mzee Mrukunga, Councilor Solomon Mtungi, utamfuata.

Erastus Mrukunga: The Commissioners na wananchi. I am here to present my views to you Kenyans. I am Erastus Mrukunga, Mzee of 70 years, former Councilor, Meru County Council – 1963. Mengi yamenipitia, kama wale wazee wengine, au pia vijana. I pray God, sijui kama mliomba, lakini ikiwa hamukuomba, nitaomba.

Response: Tuliomba.

Erastus Mrukunga: Mliomba. I still pray to God for the Constitution you are making now to be a Constituion and Laws in action, not a Constituton and Laws without action, as it is now. We have been ruling ourselves for 30 years, since we Kenyans obtained our uhuru. I am a preacher and also a converted person, and I know when I say conversion, I know what I am saying.

It is according to my views, or past experience, that there must be compulsory, free education. This has been said by many. This is because we Kenyans are paying taxes, and if the Government is in position of proper management, then really we can get free education, as well as medical treatment. It is surpring that when we pay taxes for buying medicine, these medicines are given to individuals by way of corruption. In case, as somebody said here, if you go to chemists, you get medicine. An individual person. It is very surprising. That is the reason why the people of Kenya say that the economy of Kenya is poor, cheating God who cannot be cheated, but people cheat each other, because people are easily cheated and we believe that the economy is poor. The economy is very proper. However, our management is very poor. I refer to PC Koech; He said that corruption in Kenya, is for everybody to reverse our minds. You Commissioners, us wananchi, and the Police as well. We should have pity on ourselves. This refers me back to the year 1900 when an English person came here in Africa and went back to the United Kingdom. When he was asked by his son, “father where have you come from?” he told him, “I have come from Africa”. The son asked, “Who lives in Africa?” – “Africans”. “Who are Africans?” “Africans are black things who can talk but cannot think”. Are we still in that darkness? - No, we are not, yet we are not able to manage ourselves.

I will just continue with a few more because I only have five minutes.

In relation to coffee, tea and milk, we are cheated, and we are easily cheated. Here, may I propose that when those who are buyers, (the buyers of coffee), if they are from America, or Asia, they come through to contact a farmer. A farmer should be able to know the income and expenditure of his duties, so that he can compare the prices. Instead, they come to the farmer, and they take the coffee to be tested at the factory by the buyer. As Mr. Kiambi said, the mwananchi should know the price before they sell, or after testing the coffee, then, the prices should be set, and cash should be paid to the mwananchi, before the coffee is collected. This would be like two converted people, a man and a lady, who went to a house in Nairobi, and they said that “since we are converted, we cannot hire two houses, so, we should sleep in one room”. When they went to sleep, I don’t know who turned to the other, and they did what they were saying they can’t do.

Coffee should therefore not be taken without any payment, since those people know how to count money for themselves.

In continuation, I have talked about farmers, and I have also talked about free education, and free medical services, as in the KANU manifesto of 1963.

Circumcision of girls: I have been a nurse for some time. When God created a man, he created him in full capacity of living. To circumcise a girl, is just being fooled, and that is not proper. Let it be put in the law, since customs are not the same. There are those people who want to be circumcised, and those who don't. Let the Law provide for both sides. For those who are educated, they know circumcision is not good, and so if any of them circumcises a girl, then, he should be prosecuted. For those who are not educated, they should be educated, in order to avoid the practice.

Com. Lenaola: Last point.

Erastus Mrukunga: Yes. In relation to the law of forests, let the Government officers protect the specific forests and not for individuals as in our shambas here, because in case you want to cut a tree, you are asked for a permit, and this permit has no receipt. Let the Government protect the forest in specific areas like Mount Kenya or Nyambene, and not the rural areas.

Lastly to complete, Mr. Commissioner, we have been independent now, for 38 years. If there was proper management, mwananchi could get a salary of Kshs.600 without working, because he has worked through the taxes he has been paying for living. God bless you.

Com. Lenaola: Thank you very much Mzee Mrukunga. Councilor Solomon Mutungi.

Coun. Solomon Mutungi: Asante sana Commissioners. Majina yangu ni Councilor Solomon Mutungi, Meru County Council.

Nitaanza kwa kusema ya kwamba, ninashukuru kwa maana mmekuja hapa kuchukua maoni yetu. Ya kwanza, street children, au chokoraa; Ningefikiria kuwa Serikali ingejenga institutions ambazo hawa watoto wangepelikwa, ili wasomeshwe na wawe wa manufaa kwa wananchi wa Kenya.

Political Parties: – Ningefikiria kuwe na Political Parties ambazo sio zaidi ya tano, katika Kenya.

Education: – Ningefikiria kuwe na free education kwa kila Mkenya, kutoka Standard one mpaka Form four. Kwa hiyo ingine, kunafaa kuwe na ma-loans.

Judges: – Ningefikiria ma-judges wote na Magistrates wawe wana -declare wealth yao, au waseme vile vitu wako navyo, kabla hawajaanza kufanya kazi, ili wakifanya kazi, tujue huu utajiri wamepata namna gani, kwa ule muda mfupi ambao wamefanya kazi.

Succession: – Watu wakifa, kwa mfano Mzee kama mimi nikifa, relatives wangu, – bibi yangu na watoto wangu wanafaa

wapatiwe nafasi ya kuchukua utajiri wangu, bila kuhushishwa kwa gharama nyingi kama vile inavyofanyika kwa wakati huu, kwa maana wanalipa tax nyingi, na kama ni shamba wanapatiwa ile shamba nilikuwa nayo, wanalipa pesa nyingi sana, kabla ya kufikia kuchukua hiyo shamba. Councilors pamoja na MPs ni watu ambao wanafanyia watu kazi, kwa hivyo, inatakiwa kuwa, kama Councilor hafanyi kazi yake, ama Mjumbe hafanyi kazi yake, naunga mkono wale wanaoseme aitwe na ile party ambayo ilimpeleka huko, na akalishwe chini na kufanyiwa mastaka yale ambayo, ni ya ile kazi anayoonekana hafanyi, na akipatikana na hatia ya kuonekana hapatiani kazi kwa wananchi, awe recalled, na election ifanyiwe haraka.

Kuna mambo ya hii chakula ambayo tunatumia katika farm inputs. Tungetaka Serikali ichukue nafasi ya kusimamia fertilizer na vitu vingine, kama madawa yale ambayo tunatumia kwa mashamba, kwa maana wakati huu, mwananchi amefinyiliwa sana, na wakati anauza chakula yake, hakuna mtu anauliza aliua shilingi ngapi. Kwa hivyo, tuwe na control ya farm inputs.

Mambo ya petroli imefanya gharama ya Kenya kuja juu sana, kwa hivyo, petroli pia na diesel and kwa vitu vingine, Serikali inafaa ichukue nafasi ya ku-control hizo products. Kuna Ports Authority, ambayo inaumiza kila mtu katika Kenya. Ukinunua gari kutoka nje ulete Mombasa, utakuta hiyo gari haina radio, haina spare wheel, na haina nini; Tunauliza sheria iwepo ili gari yangu ikija Mombasa ikikosa kitu kimoja ambacho kilikuwa kwa record, Serikali ilipe mara moja, huyu mtu asije akaumie, kwa vile wengi wameumia.

Kuna mambo ya overloading: Matatu zetu zimekuwa zinabeba watu kupita kiasi. Ningeuliza kuwe na sheria ya kushtaki mwenye gari, conductor, driver na yule passenger ambaye alikuwa amebewa washitakiwe, kwa maana, nikijua niko na gari yangu na itabeba passengers extra nitaambia driver asibebe passengers kwa maana nitashtakiwa ni ikiwa nyumbani. Kwa sababu hiyo, sheria iingize kila mtu ili tuweze kumaliza hiyo.

Kuna mambo ya mashamba. Ngingefikiria sheria iwekwe katika Kenya, ya kusema hakuna mtu katika Kenya anatakiwa kuwa na zaidi ya 500 acres. Yule atakuwa na shamba kubwa kabisa, iwe ni 500 na kuja chini, kwa maana kuna maskini wengi katika Kenya ambao hawana mashamba wakati huu. Kwa hivyo, Serikali inafaa ione haya mashamba mengine yote yamenunuliwa, na igawie maskini wale ambao hawana mashamba. Kuna pia watu wengine, (emergency – tutaita nini?) mitaa – ile ambayo ilikuwa villages za wakati wa emergency, kama kwetu Kibirishia kuna mitaa kama hiyo. Tungeuliza Serikali ione hiyo mitaa na kwingine katika Kenya imemalizwa haraka iwezekanavyo.

Mambo ya retiring age: Ngingefikiria iwe kutoka 45 mpaka 50, ili vijana nao wale wanaozaliwa na wanasoma, wapate nafasi ya kuandikwa kazi.

(interruption)

Coun. Solomon Mutungi: Okay. Ya mwisho, ningesema hivi. Kuna hawa watu ambao hawajiwezi. Ngingefikiria Serikali ione kuwa kuna free education, na pia telephone services – ziwe free kwa wale viwete. Pia wale ambao hawawezi kutembea,

Serikali inafaa ione imewapatia wheel chairs. Nashukuru kwa maana saa imekwisha. Niko na memorandum yangu hapa ambaye nimepatiana, – ambaye ni ya 17 pages na nafikiri mtachukua na muisome.

Com. Lenaola: Asante sana, tutaisoma page by page and letter by letter. Asante sana. Njoo ujiandikishe. Nilikuwa nimemuita nani? – Fredrick Mbutura. Karibu Mzee. Halafu Joyce Muriuki yuko? Utamfuata.

Fredrick Mbutura: Asante bwana Chairman kwa kunipa nafasi hii ili nitoe maoni yangu. Maoni yangu ambayo natoa ni yangu binafsi,

Com. Lenaola: Sema jina.

Fredrick Mbutura: Majina yangu ni Fredrick Mbutura. Maoni yangu ya kwanza ni kuhusu uchaguzi au election. Uchaguzi ambayo nataja ni kuwa, – katika Kenya, tunachagua Rais, Mbunge, na hata Councilors kwa siku moja. Naonelea, kwa maoni yangu, kuwe na siku tofauti. Rais awe anachaguliwa peke yake, na ma-councilors na MPs wawe na siku yao peke yao. Hii ni kwa vile tunaona kuna mchanganyiko ambayo wengine hawaelewi. Wakati unachagua Rais, mwingine anaweka kura kwa Mjumbe, au kwa MP au kwa Councilor, kwa hivyo, Rais anafaa awe anachaguliwa peke yake kwa siku yake, tofauti.

Naunga mkono, mambo ya urais. Rais hafai kuwa anapatiwa mamlaka makubwa yote, awe ndiye yuko juu ya sheria, kwa sababu tunajua Mungu tu pekee yake, ndiye ako juu ya sheria. Kwa hivyo uwezo wa Rais ipunguzwe. Ukipunguzwa, mambo mengine ambayo tunasema yanakaa hivi yanakaa vile, hayatakuweko kwa sababu hatakuwa na nguvu kama vile anateua ma-Katibu, anateua ma-Justice, anateua ma-director wakubwa, managing Directors, na anachagua ma-Councilors, ambao wote ni juu yake. Hatutaki hivi, katika Katiba ambaye itakayo kuja baadaye.

Kuhusu mambo ya kahawa, hata mimi nitagusia. Kwa sababu mimi ni mkulima wa kahawa. Ningali nalima kahawa, na hata kuna wengine wanalima miwa. Katika kilimo ambacho ni cash crop, tunataka iwe mikononi ya wananchi wakulima wenyewe, Sio iwe Serikali inaingia, iwe ni katika shirika la Serikali. Serikali vile tunavyofikiria, inaweza kuwa, itakuwa macho, kwa sababu hata wananchi wanaweza kupatiwa, wakapata wanyama wengine wa kula huko, Kwa hivyo, Serikali iwe ni macho.

Kuhusu mashamba; mashamba ambayo tunayo ni haba, ni kidogo. Na kuna wengine hawana hata kitu kidogo hata mahali pa kuzikwa wakati watakufa. Wengi wanakwenda hata Nairobi, wanaona wengine wanalala huko kwa varanda ya maduka. Vile nasema, kuna watu wengine nao ma-settlers, ambao walichukua shamba kama ma-settler ambao walikuweko wakati wa u-colony wanachukua yote. Mashamba hayo nataka yagawiwe wananchi ambao hawana mahali pa kukaa. Inaonekana kuwa hata sasa, hata kama tuko na uhuru, ukoloni bada uko, kwa sababu mtu mmoja anaweza kuwa na maelfu ya ma-acre na mwingine hana chochote.

Point ingine ni kuhusu mambo ya urithi. Nitaunga mkono wakina mama, sababu nasikia wanajitetea zaidi. Kweli katika urithi,

mtoto ni mtoto kama mwengine. Kama vile tunavyojua urithi katika, hasa kama Meru, mtoto wa kiume ndiye mwenye uridhi wote, lakini hata wa kike ni mtoto kama yule mwingine. Vile naweza kusema kufafanua kidogo hapo, ni kuwa mtoto wa kike anafaa awe anapata urithi kutoka kwa baba yake, lakini, kutakuwa na kitu hapo mbeleni. Akiwa hajaolewa, na hana bwana, na ako nyumbani kwa baba yake, sio vizuri awe hana mahali, au afukuzwe na ndugu zake. Ni lazima apatiwe nafasi, katika uridhi wa baba yake. Hata yule ambaye ameolewa naye, ni lazima kuwe na condition fulani, Kwa Sababu mwingine anaolewa, na hana mtoto, na ameshaenda kanisani, na anapata certificate. Sasa, hana mtoto, na anataka kuja kuchukua urithi wa bwanake, na hata baba yake hawezi kupata nafasi. Kwa hii, akiwa hana watoto wawili au watatu au hana mtoto, hana haki ya kurithi mali ya mumewe, Kwa sababu wengine wanarithi, na wanakwenda wanauza mashamba hayo na wanakwenda.

Com. Lenaona: Jambo la mwisho.

Fredrick Mbutura: Ya mwisho? Ingingine, ni juu ya Serikali yetu: Ma-chairman wa Council na Ma-mayor wawe wanachaguliwa na watu. Ingingine ni Serikali yetu, tunataka iwe ya vyama vyote, iwe Serikali ya mseto. Ingingine ni juu ya ufisadi: Katiba ambayo tunaye inafaa iweke mkazo mambo ya ufisadi, sababu inaharibu nchi yetu. Asante

Com. Lenaola: Asante kwa maoni yake. Njoo ujiandikishe. Joyce Muriuki, halafu mwenzangu Nahashon Majogo. You have his memorandum – and what is your name?

Response: Murimi

Com. Lenaola: Which Murimi – Salama – You are next to present.

Joyce Muriuki: Thank you bwana Commissioner and the participants. Mimi naitwa Joyce Muriuki and I am representing National Commission on women status in Meru. Mengi yamesemwa lakini, I have tried to pick the points, which have not been said. Firstly, my organization, has made a presentation paper, and I am going to read it in few points.

Firstly, the marital status for the Presidential candidate should be considered. You don't expect somebody who is not married to advise people, or who has divorced the wife to tell people to be together, while he is not together with the wife or the family.

Secondly, Presidents should be elected by the people, including the post of the Vice President, right from the ground.

Thirdly, one-third of Parliamentarians should be women, including local authorities. They should either be elected or nominated, and we should also practice affirmative action, whereby in case we have the President as a man, we should have the Vice President as a woman, and not otherwise.

Women battering: – This has been practiced like normal actions by people, but we, as the Commission, have said that it should be banned completely and should not be practiced, or a jail term of not less than five years in prison should be given.

Inheritance: – Inheritance of property by women should also be mandatory, including those of their daughters, in case they are not married.

Disabled people in Kenya should be protected by the law or given exemptions in case of licensing, in case they have their own businesses, either by the local authorities or by the Central Government.

Kenya should have only two parties and not more than two to avoid the interests of individual people.

National resources and water catchment areas should be protected by village elders and the Government, and when I mean village elders, it should not mean only men. We also have elderly women who also have got minds to lead as well as men. They should also be included.

In case of administration, we should have from sub-area to the district level, and this should also include a woman sub-area, and there are many reasons behind that one, because women, as I have seen, have experienced a lot of difficulties. Once she is surrounded by men, nobody has got sympathy over a woman, but in case there is a woman she can raise a point, and at least be supported by others.

Corruption in Kenya should be barred completely, or it should warrant dismissal from the career in case one is employed, and not otherwise, because it has been a disease in Kenya.

Free education to Kenyans up to Form four including that of the disabled people, should also be mandatory.

Local Authorities should be managed by local officers and not outsiders. The Central Government, should also not interfere with local authorities, so that they can serve the wananchi who elected them sufficiently.

Com. Lenaola: Last two points madam.

Joyce Muriuki: Thank you. I am almost completing. In the case of white highlands, these lands should be distributed to the people in Kenya who are landless, and you have been given an example of Kibirishia Masaka people, where there is a small piece of land with thousands of people living there. This is impossible in Kenya, because we have got freedom. – Where is this freedom? I don't see it myself. Thank you very much Bwana Commissioner.

Com. Lenaola : Thank you very much Mrs. Muriuki. Murimi Salama and Zaberu Onyaga, oh Mzee uko hapa – okay. Give your names and then present your views.

Murimi Salama: I am Murimi Salama, from Kiago Location. First, I will start with the preamble. The Constitution should have a preamble to show its purpose and legitimacy. The Kenyan population should be able to acknowledge that the Constitution is theirs in making.

Constitutional Supremacy: – The current procedure of a 65% majority should be raised to 75%, to reflect a real majority. Failure to reach this 75%, then a national referendum should be called and conducted by Constitutional Review Commission, with representation from all the stake holders.

The structure and of the system of the Government: – The people proposed that we adopt a Parliamentary system, with the President, the Vice President and Prime Minister, but with a unitary Government which has with decentralized functions at the district levels.

The legislature: – The Parliament should have powers to appoint all the senior civil servants. Minimum qualifications for MPs as regards their education, moral and ethics is paramount. People should have the ability to recall their MP, incase he or she becomes a dead hood. Salaries of the MPs should be determined by the people who have elected them to Parliament, and not themselves. Special measures should be put forward to enhance increased women participation in parliament. That is, for example, they can specify the number of seats reserved for women, and if these women are not elected in Parliament, then they can be nominated to fill those special seats. This one can be used to replace the current concept of nominated MPs.

The Executive: – The Constitution should clearly specify qualifications for the Presidential candidates as regards to the age, academic qualifications and their criminal records. The current two tenure system for the President is quite okay. However, Presidential powers and privileges should be trimmed, for instance, as in their immunity from all civil or criminal prosecutions while in office. Presidential powers of public offices should be vested to Parliament, or to bodies set up by Parliament. The Constitution should provide for the Westminster Parliamentary system, rather than choosing the former with the American Presidential model. This will enable MPs to impeach the President through the vote of no confidence, without fearing to vote for their own resolution.

The Judiciary: – The current structure of the judiciary should provide for a Constitutional Court. The dependence of the judiciary is paramount for fair and just hearing, and thus the executive should not have any power over the judiciary. The judges should be appointed by the Parliament, in collaboration with the LSK.

Basic rights: – The current Constitution has a weak bill of rights. It lacks adequate provisions for civil and political rights. The

Columbus policies, or the Columbus clauses should be abolished, and thus eliminate the abrogation of civil rights and freedoms. The bill also lacks the provisions for economic, social and cultural rights. The current Constitution does not recognize the fact that the people are the source of the nation's sovereignty. The civil society should be given rights of political participation in governance of the nation, beyond mere participation in voting for politicians, and hence, provide checks and balances to the executive and judicial powers through referendums.

Com. Lenaola: Last two points.

Murimi Salama: Yes. Participatory decision making: – Since the Kenyan youth consist the 60% of the total population, they should therefore be included in the political and policy processes, hence, they should be given the front seat in formulation and decision making processes in matters that directly affect them; such as Constitution, Education, Employment, Leadership and Economic Empowerment. Thank you.

Com. Lenaola: Thank you very much – I have got just two questions. How many women in Parliament if they are to be nominated or elected specially?

Murimi Salama: A third.

Com. Lenaola: Thank you very much. Then qualification for the President and the Members of Parliament, have you thought out what qualifications in terms of education? not really moral, just education.

Murimi Salama: Education?

Com. Lenaola: Yes.

Murimi Salama: At least a degree holder.

Com Lenaola: For the President.

Murimi Salama: Yes.

Com. Lenaola: And for the MP?

Murimi Salama: Form four leaver.

Com. Lenaola: Form four leaver. Thank you very much, please come and register. Saverio Nyaga, Andrew Kinu, utamfuata Mzee.

Saverio Nyaga: Asante Bwana Cmmissioners na listeners. Kwa majina naitwa Saverio Nyaga Ngoroki, kutoka Kiria Location. Niko na memorandum ambayo nitapeana, lakini nitasema machache. Mengi yamesemwa, lakini nagusia tu kidogo.

We need a preamble in ethnic clashes in the Rift Valley and Mau Mau dictatorship as we experience in the present kingdom, which have been created since independence. Corruption, which directly supported the ruling and the ones being ruled . Kanuni za kuongoza sherehe ya ndoa. We need a statement in our Constitution, in Meru particularly. They have their customary law, which has been used for years through Njuri Ncheke. Its philosophy and principles were clear. We should have clear democratic principles. For example, in marriage. This is the reason why we have many street children and women bills. These are foreign ideas. They will never help us if we have to control the society.

For land laws inheritance of property, - it should be done how it was being done customarily. We are wasting too much time in courts making cases. Most of the custom principles should be put into the law, because they are the ones people understand in a particular area. Boundaries were fixed as it is being done today. People were mobile and free to marry from where they wanted. There were some protected areas by Njuri Ncheke, particularly in Meru, nobody was allowed to farm near swamps or small rivers. It was not allowed for trees to be cut. We call it in Kimeru, 'mitikiama',. These were never allowed to be cut by anybody. Therefore, if we enforce the customary law, particularly in Meru, then we think the destruction of forests will reduce and planting of more forests will be enforced.

Kutoka hapo, nitagusia tu ukuu wa Katiba. Mengi yamesemwa. We need a Parliamentary system Government, where there will be a President, Prime Minister and power divided to groups as directed by the Parliament, not to vest power to one individual, but to be shared according to the suggestion from the Parliament. President anafaa awe akichaguliwa kama ako na age 45 to 80, - and is a capable person while in the office.

Com. Lenaola: Last two points Bwana Murimu

Murimu Salama: Kutoka hapo, nitagusia Local Authority. County Councils na Mayors, hata ingawa imesemwa, and Chairmen must be elected directly by people. Councilors' should have primary education certificates. Kwa upande wa uchaguzi, naonelea iwe kwa Katiba, ya kwamba iongezwe viti vya bunge, particularly mahali kuna large constituencies geographically, iongezwe na kukatwa iwe mbili, for example, kama Central Imenti. Huwezi kutoka mwisho moja kwenda kufika mwisho mwingine isipokuwa uwe na helicopter. Kwa hivyo, napendekeza iwe ikifanywa geographically, na pia iwe considered ni watu wangapi ambao wako katika areas, na iwe ni balanced. All constituencies iwe ni balanced, yaani, ni watu wangapi wanatakiwa wasimamiwe na Mjumbe mmoja katika constituency? Hii ni kwa sababu kuna wengine wanasimamia watu ishirini,

na wengine ni elfu kumi na tano, wengine elfu mia moja. Kwa hivyo iwe ni balanced. Asante Bwana Commissioner. Thank you.

Com. Lenaola: Asante, njoo ajiandikishe. Halafu Andrew. Francis Murithii, utamfuata Andrew Kinuu.

Andrew Kinuu: Asante sana bwana Commissioner. Kwa jina mimi naitwa Andrew Kinuu, natoka -----

Interjection Com. Lenaola: Dakika moja tu Andrew, – mwenzangu ameenda kusali ni muislamu, ameenda kusali ndiyo sababu mmemwona akitoka, siyo kutoroka. Asante.

Andrew Kinuu: Natoka Mariana Location. Langu la kwanza ni elimu katika nchi yetu ya Kenya. Kwangu, I propose that education should be compulsory and also the parents should not be asked about any payment starting from nursery school, upto Form Four. Therefore, education should be free.

Kuhusu idara ya afya, kwangu ningependekeza kuwe na idara ya afya kulingana na wakati tulipokuwa tunapewa uhuru. Hilo ndilo lilikuwa pendekezo la pili, ati kila mwananchi wa Kenya apewe huduma bili kulipishwa chochote.

Ya tatu ni kuhusu hali ya umiliki wa mashamba. Kwa upande wa umiliki mashamba, wakati mababu zetu walikuwa wanapigania uhuru, hilo ndilo lilikuwa wazo lao. Sasa, sisi wana Kenya tunashangaa sana, kwa nini kila mwana Kenya hajapewa haki ya kuwa akifikisha miaka 18 apatiwe mahala pa kuishi. Ningejipendekeza kuwa, kwa vile Serikali iko na sehemu nyingi ambazo ingelipea hao wananchi, tusiwe tunasikia ati Kenya iko na ma-squatter.

Lingine ni kuhusu uchaguzi, ambao nimesikia watu wengi wakitaja hapa. Uchaguzi katika nchi ya Kenya, ningalipenda uwe kwa siku moja kwa-life wa-Parliament na wa-Local Authority, kwa nini? Tungekuwa watu ambao hawana mawazo mazuri kwa sababu tungepoteza either siku tatu au mbili, na ni wakati hatulipiwi chochote wakati tunapiga kura. Kwa hivyo, napendekeza kura iwe inapigwa kwa siku moja.

Sehemu ingine, ningelitaka kuitaja ni kuhusu umiliki wa mashamba pande ya wanaume na wanawake. Ningelitaka ile area ya kushtaki baba yangu iondolewe, na ibakie, kama babu yangu atakuwa, ama mimi nitakwa nimepatiwa death certificate inayo onyesha that I am supposed to hold that land. Kwa wanawake, tungelitaka wapatiwe mashamba, lakini wakiwa hawajaolewa. Akiwa ameolewa, kile kimemfanya tumkataze kuchukua shamba kwa baba yake ni kuwa huyo atakuwa anarithi mali pande mbili – kwa yule amemuoa, na kwa baba yake, kwa hivyo, nyakati zingine tutakuta ndugu zao hawana mashamba. Kwa hivyo, ningelipendekeza ni yule tu hajaolewa, na ako kwa mzazi wake.

Lingine, ni kuhusu amendment of Constitution. Ningelitaka kuisoma.

“In the past, it has not been too easy to effect amendment to the Constitution, to increase powers of Executive. Kenyan people have been ignorant about their Constitution. The Kenyan people have not been consulted on amendments when they have been done. As a result, the Constitution is viewed as an instrument by those in power, employed to defeat political opponents, and not as the fundamental law of the land, on which the entire nation is founded. To avoid a repeat of this regular parts, we propose that the Constitution be made part of the School Curriculum, constitutional education be carried out by the state using public media, and for a civic education, the Constitution be translated into local languages, and it should also be recorded into audiovisual forms. For any amendment to be valid, the same should receive the support of 65% of all members of the Parliament, and be approved by the majority of voters participating in the referendum for the purpose.”

I would also like to mention as my last point, the succession of the office of the President. The climate of the uncertainty granted by unimpending succession of the Presidency is a result of three factors. First, the incumbant President has the power to hire and fire. Moreover, the law does not create a mechanism that may compel the President to appoint the Vice President, whenever a vacancy arises.

Secondly only one person, – the Vice President is categorically named in the line of succession. Should the Vice President be unable to assume the vacant office of the President, then the cabinet is mandated to appoint the acting President from one of their number.

Thirdly, the physical handover of the instrumental power to the new President is not articulated in the law. It is uncertain. Therefore practical steps a newly elected President should take so as to begin performing the enormous duty of the President should also be articulated. At present, the Presidential scenario is a potential source of power crisis, while it may also lead to embarrassment or indignity. We also propose that the line of succession to the President be established. The line should be in order of priority. The Vice President should be elected as a running mate to the President, during the Presidential election, one who cannot be dismissed unless for good causes.

The Prime Minister nominated by the cabinet and approved by the -----

Interjection Com. Lenaola: Thank you bwana Kinuu. I told you not to read the entire memorandum. Just highlight the most important parts, I assure you, we shall read every single word. Don't rush through to it because you have to keep your time. You have taken eight minutes, which is longer than I have given you.

Andrew Kinuu: Sorry.

Com. Lenaola: Please come and register.

Andrew Kinuu: Thank you.

Com. Lenaola: I think nilikuwa nimemwita sasa, Joseph Mwereria – sorry – Bwana Francis Muriithi. Fabian Kaburu na Daniel Kirai bado mko chini, karibu mfikiwe, kwa hivyo msifikiri mmewachwa. Baada ya hawa ni nyinyi. Nafuata list, situmii njia nyingine, msifikiri nimewaacha, niko kwa hii karatasi ambayo mumejiandikisha – sijawacha. Endelea.

Francis Kinoti Muriithi: Asante sana bwana Commissioner. Kwa majina naitwa Francis Kinoti, kutoka Mariana Location. Niko tayari kupeana maoni, kuhusu Katiba yetu ya Kenya. Hata ingawa mengi yamesemwa, siwezi kosa mbili, tatu ya kuongeza.

Com. Lenaola: Haya ongeza.

Francis Kinoti Muriithi: Langu la kwanza, ni kuhusu land limitation. Katika Kenya, tunataka wale wako na mashamba makubwa yawe limited, ili wasio na mashamba wapate kugawiwa, wapate angalao mahali pa kuzikwa, kwa sababu wengi wetu hatuna mashamba.

La pili – Nilikuwa naonelewa kuhusu kurithi wazazi. Juuzi tulisikia kuna sheria katika Katiba yetu ya Kenya, ati hata wasichana wako na right ya kuridhi baba zao. Hiyo kulingana na mila ya kikwetu hapa, msichana kuridhi baba yake lazima awe – haikuwa neno la kawaida hapo mbeleni, – lakini sasa kulingana na vile bunge amesema, tunaona hii italeta mvurugano ama mapigano kati ya wavulana na wasichana. Wote ni wa mzee moja, lakini ikiwa msichana bado hajaolewa ako kwa baba yake, hapo naonelea kwa upande wangu, anaweza kuridhi baba yake. Akiwa ako kwa mume wake, ako na right ya kukaa huko, - sio kurudi hapa tena, kuja kupigana na ndugu zake. Niko na neno lingine, kuhusu hii Katiba. Mpaka sasa, hapa tuko wachache sana, lakini kama hii elimu ya Katiba ilikwa inaelimishwa, wengi wetu hawajui hata Katiba ni nini. Hata mimi nazungumza, sijawahi kuiona. Hii Katiba, ilikwa maoni yangu, niulize ikiwezekana, iwe inafundishwa kutoka hata shule ya msingi hadi university, huko juu kabisa. Watu wawe wanafundishwa Katiba, ili vizazi vijao, wasije wakisikia Katiba kama ndoto.

Kuna kitu kingine; Tunapo sikia kuna hata uhuru wa kuabudu katika sheria ya Kenya, huo uhuru wa kuabudu umenishangaza sana, kwa sababu, wakati kuna watu wanaoabudu shetani, – devil worshippers – wako na sheria, kwa sababu nchi yetu ya Kenya tuko no uhuru wa kuabudu. Hiyo nayo naonelea kwa upande wangu hiyo iwe inafikiriwa itaendelea vipi, kwa sababu sasa hata devil worshippers wako, kwa sababu wanalindwa na Katiba yetu ya Kenya.

Neno lingine, nilikuwa nataka kusema kuhusu, political parties ambayo imegusiwa. Kuna kitu kingine sitaki kusahau kuhusu kahawa. Hii kilimo tunapoishi hapa Kenya, tunasikia upande mwingine, kuna crop failure. Ikiwa watu walikuwa wanapewa loan kwa mfano kama loan ya AFC, – hiyo ikaitwa crop failure, na hiyo sasa ikafutiliwa mbali hiyo loan. Upande wetu wa kahawa, since time immemorial tulipopanda kahawa hapa, hatujawahi kusikia kuna crop failure, – na kuna crop failure kila wakati, Mimi naonelea hii Katiba iwe inafikiria wakulima kwa usawa, sio mkulima kwa upande mmoja, kwa sababu hiyo crop

failure ina favor wale wanapanda tuseme ngano, ama mimea mingine. Kwa hivyo maoni yangu, nilikwa na fikiria tukifikiriwa hivyo, hata wakuuzaji wa kahawa watakuwa wanafaidika.

Kuna kitu kingine sijawahi kusikia kikiguswa, kuhusu quarter system ya hii education. Kulingana na vile sheria iko, tunaambiwa mtu fulani, – hiyo system iliwekwa kwa watu fulani. Kiwango fulani kinatakikana cha wale wamehitimu, waende mahali fulani, ama wachukue job fulani. Hiyo inawekwa ku-favor watu wa kabila fulani, tuseme kwa mfano. Hiyo kwa maoni yangu, naonelea kuwa hiyo system ikiondolewa, yule atakapokuwa na nafasi ya kuajiriwa katika Kenya, ni yule ako na ability, kulingana na qualification yake. Kuna kingine ningetaka kugusa hapo mwisho

Com. Lenaola: Last two minutes.

Francis Kinoti Muriithi: Asante sana. Nataka kusema, sisi watu wa Kenya, tunataka tuwe catered for, kwa sababu tunatoa tax. Kwa sababu ya tax zile tunazotoa, ama kodi, ni lazima tuwe catered for. Hii imesemwa sana sana, lakini wacha niongeze pia mimi. Kuhusu taxation, hiyo pesa inayolipishwa watu ili wachukue mashamba, wakiwa wanataka nataka kuchukua shamba, tuseme la baba yangu, lazima nilazimishwe ati nitoe pesa nyingi, ili nigawiwe hii shamba, ama ndugu yangu, na yule mwingine. Hiyo pesa inakuwa gharama kali sana, nataka hii mambo izungumzwe na wazee wa kijiji huko ama the clan, kwa sababu wanajua mimi ni mtoto wa fulani wa fulani, na hii shamba inajulikana ni ya baba yangu. Thank you sir.

Com. Lenaola: Ngoja kidogo niko na swali. Ulisema kwamba tuwe na average, ambayo mtu moja akuwe nayo, kama acre ngapi?

Francis Kinoti Muriithi: Hiyo, maximum, ningependa awe na acre mia moja.

Com. Lenaola: Swali la pili, mambo ya devil worshippers. Tunajuaje kwamba hawa wanaabudu Mungu na hawa wanaabudu shetani – kuna sign gani?

Francis Kinoti Muriithi: Kulingana na vile tunasikia, tunasikia kuna Free mason church huko Nairobi – sijawai kwenda huko, inaitwa Freemason, na huko watu tunasikia wanaomba shetani. Sasa ikiwa kuna hiyo ndiyo mimi nilikuwa nasema kuwe na a body ya kuangalia kama hicho kitu kinaendelea au hakiendelei. Tuwe na body ya Kristo, kwa sababu sasa hii ni mchanganyiko wa devil worshippers, na wale wanaoomba Mungu.

Com. Lenaola: Okay asante sana. Njoo ujiandikishe. Joseph Mwiraria, njoo – karibu. Lawrence Munene amerudi? – Hakuja, okay. Isaiah Nkirinya, utamfuata huyo mzee.

Joseph Mwereria: Jina langu naitwa Joseph Mwereria. Na mimi nitasema kwa Kimeru.

Translator: My names are Joseph Mwereria.

Joseph Mwereria: Uria nkwnda kuga,

Translator: What I want to say----

Joseph Mwereria: Bumwe itukurigara mono,

Translator: One thing we are wondering----

Joseph Mwereria: Riria tukuona batwi turi aciari itukuthomithia ana,

Translator: When we see that we parents are educating our children-----

Joseph Mwereria: Natwathomithia aana, thikidari iakarega gutegeera arimu, muciaru akethagirwa ari na thiina niuntu bumwe riria aarimu bagomere aana batiumba gwita na mbere niuntu bwa kwithirwa thirikari itikumba kuria aarimu mbecha ciao na njira injega.

Translator: The Government is not paying the teachers well, and when the teachers go on strike, the sufferers are the parents and the children.

Joseph Mwereria: Natwategera tukona uria ugwita hasara ni muciaru niuntu atuimba gwita na mbere agiitaga ngugi itigwita na mbere iumba kubwa bwega niuntu kiria kiri na gitumi ni mwaana ethirwe athomete kenda riria bagakara kuewa ngugi ni thirikari akajagwa na kithomo kiawe.

Translator: Parents get a lot of loss because they are the ones who are paying for the children and sometimes when the children are educated they don't pass well to get jobs.

Joseph Mwereria: Jau nijo maoni jakwa jaria ndona.

Translator: Those are my views.

Joseph Mwereria: Bwa jairi, kaanya ka riria kura iringagwa,

Translator: The second one is about elections.

Joseph Mwereria: Antu a kura citwa aja ciikua naria na ciita naria, nitaragirwe gituone kiria ikiringagirwa.

Translator: Instead of votes being transported to the counting hall, they should be counted at the polling stations.

Joseph Mwereria: Na ciatarirwa au waamba butionora.

Translator: That will go along way in reducing rigging.

Joseph Mwereria: Bungi bwa jathatu, ndienda kuuga riria President ariungaga,

Translator: The third one, I want to say that when the President is visiting the people.

Joseph Mwereria: Ariungaga na mwaziri jawe jonthe.

Translator: He visits with all the ministers.

Joseph Mwereria: Na nabatere kwithirwa akiriungaga ari wenka ti kuringaga na mawazri jawe jonthe,

Translator: He is supposed to meet the people alone, not with the Ministers.

Joseph Mwereria: niuntu kuu nikuthinia nthiguru

Translator: That is misusing public resources.

Joseph Mwereria: Na kinya tukathithia atia, ushumi butiumba kubwa guku gugitagwa gukari ou.

Translator: If the President is carrying all the Ministers and all the dignitaries, it requires divine intervention for us to improve the economy.

Joseph Mwereria: Kwou nandi ndiunga yaweni inyiwe.

Translator: We must reduce the trips of the President to the people.

Joseph Mwereria: Ndikuthiria.

Interjection Com. Lenaola: Kwa sababu tuna record haya mambo, tukipiga makofi sana basi ni makofi itasikika sio maneno ya mzee, kwa hivyo mpe nafasi aseme yake kwa sababu recording yake itaharibika, kwa sababu haya mambo tuna record na kuyaandika tena baada ya ku-record. Kwa hivyo kama kuna makelele, tutasikia makelele tu si maneno ambayo amesema. Kwa hivyo tumpe nafasi, aseme bila kumsumbua – asante.

Joseph Mwereria: Bwa jathatu,

Translator: Kenyans should be protected from the land grabbers.

Joseph Mwereria: Mukenya aria agurite muunda na batere kumenywera nden ya munda juu jwawe atigatunywe.

Translator: If the land is grabbed, those who own that land will have nowhere to go.

Joseph Mwereria: Niuntu atunywa ationa gito nuintu ka araithegia.

Translator: The law must protect Kenyans from the land grabbers.

Joseph Mwereria: Kwou sheria ya Kenya nibatere eria tukwenda kuthithia nandi imukarie.

Translator: There is a lot of insecurity. The thieves now own very sophisticated guns, and they are killing people.

Joseph Mwereria: Na aja angi kurio tukwona rimwe kugichumbukanirwa mono niuntu bwa riria aamb bakuija, aamba barikia kwija, barija na mishinka bagatiga boraga kinya muntu.

Translator: Since the robbers have guns, even if an alarm is raised, people cannot go to help because they fear the guns.

Joseph Mwereria: Nandi boraga muntu kugatwika kuri na thiina kiri batwi niuntu kinya tukaigua mbuu ikiugwa, gutiwe wenda kumagara.

Translator: We would like the police to be prompt. When the matters are reported, they should try and make sure that the whole situation is salvaged very fast.

Joseph Mwereria: Kwou nandi itetegagirwe bubwega twaring ripoti ikenganwa nayou bwega ni kenda mwanci omba tetheka niuntu nandi kugakara ou gutithirwa kuri na ulinsi bubui.

Translator: When you go to the station, we are told that we must pay some money so that we can be given services.

Joseph Mwereria: Niuntu riria kaingi mono guitagwa kuringwa ripoti muntu eragwa na rite kangarama ka gwita gucheka.

Translator: We are asked for money for petrol by the station commanders, and you see, we have no money.

Joseph Mwereria: Nandi indi kethirwa gankuraagwa nina ngaita mbeba cia gwikira ngari beterori na ntiona.

Translator: The Constitution must therefore state clearly that we need security.

Joseph Mwereria: Kwou nandi, aantu ndetua mbeba ntiona, irio tukuga katiba nithithiwe injega nikenda mwananchi akara bwega. Ndikuthiria jakwa nandi.

Translator: I have finished my views.

Com. Lenaola: Asante sana bwana Mwereria, you were very clear – Njoo ujiandikishe – thank you. Isaiah N’kirinya, halafu ndugu yangu Fabian Kaburu. Uko – after him.

Isaiah Kirinya: Uni mbitagwaa Isiah Kiriinya, nampumite ruteere ruria rwa sub-location ya Ntakira.

Translator: My names are Isiah Kirinya from Takira Sub-Location.

Isaiah Kirinya: Uni ndienda kuuga atiri,

Translator: I want to say this.

Isaiah Kirinya: Kuri mantu jamwe ja turigaragia buru, niuntu ndienda guchoka mantune ja muunda anuunu indi nchoke mbuga

buria nkwendaga mono.

Translator: We are surprised by land issues.

Isiah Kirinya: Niuntu rii, miunda iji, baatwi gatuge baaaba arakuire igoro, na akua igoro, uuni ndimwana wawe ndeeta kumuthitanga. Nandi rii, nkathitanga nandi muntu utio?

Translator: He is surprised that when the father is dead, for him to inherit the land, he is supposed to take the case to court.

Isiah Kirinya: Twauma au, mbeca igetua inyingi mono ni mwawakiri.

Translator: Lawyers are charging a lot of money to forward these cases to court.

Isiah Kirinya: Ja uuni nandi ndiuga ou niuntu niuma nkuuga niuntu ni ndiretitue mweri muthiru na nicindemeereite mwanka au turi nandi tayari.

Translator: I was there last month with a similar case, I was asked for a lot of money, and up to now, I have not gotten that money

Isiah Kirinya: Nandii, kethirwa thirikari nayo niuntu nitukuigwa uria mantu jonthe jakurekebishwa ija tegerwe jonthe ouu jakurekebishwa mwanka twithirwe turi aantu bari sawa sawa niuntu tutikaigagirue ruuone nau twerwa uju, twerwa uju, tugatega uju, tugatega uju, kiinya ja ng`ombe itina eene.

Translator: We want the laws to be changed so that we can be assisted.

Isiah Kirinya: Nandi nitontu bwa untu buubu, menya riria twerirwe tukuewa uhuru bwa Kenya,

Translator: When we attained independence,

Isiah Kirinya: Nandi tukuirwa ou batwi, ituonaga jamwe gutijo ja gia mwanya

Translator: We cannot differentiate between the colonial times and now because things seem the same.

Isiah Kirinya: Niuntu, urichoka werwa, ugichoka kuigua ruuju ijamagaruku nkuruki.

Translator: What we are told today is not what happens. You are told this today, and tomorrow something else happens.

Isiah Kirinya: Nandi iirio tukuga atitiri nwokui, batwi niuntu nadi ni tukuigua uria mantu ja garuki jagaruki, na ningi turi aantu ba Kenya itutegeerwe kabisa niuntu ningi uuntu buria buri na maana baria urithitie ni aantu.

Translator: We should be taken care of by the Government, because the Government is supposed to take care of the citizens.

Isiah Kirinya: Nandi uuni uria nkwenda gukara kaana maoni jakwa, ndienda kuithirwe kuri na mubango mwana inchi auga uuntu buka thingatwa na bukoneka niima kweli ou indi ndeeja ta aja kethirwa imbijire jau ubicine mbirwa iita naaraia kau.

Translator: We want to be listened to by the Government officers. When we say something, the Government should take it seriously.

Isiah Kirinya: Nandii, ngishoka au aangi, niuntu ntinkweda gukaraa mono niuntu kuri bangi baikaria, okira ndingithie kangu kanuunu.

Translator: I want to say something else,

Isiah Kirinya: Nako nikaari, nika njiira,

Translator: About the roads.

Isiah Kirinya: Barabara, niuntu matatu iji irichoka igakamata nai matatu, abiria, igachoka ikajukia aantu 30 kana 35, nandii, yachokaa niuntu ndereba we aja yawe ni mbeba.

Translator: The matatus are carrying so many people, more than the capacity because the conductors want money.

Isiah Kirinya: Nandii yakamata kethirwa nikamatire aantu mirongo ithatu na batano, niuntu mutokaa juti ndereba igachoka ikagwaa.

Translator: It is because of overloading that matatus are causing accidents.

Isiah Kirinya: Nandii iguire ou nimbiitigaarire oo.

Translator: Now if there is an accident it is the people who are dying.

Isiah Kirinya: Nandii nintontu bwa uuntu bubu thirikari nibwiri guteegra ijukugie kiwango kiria kibatie kia uurito bwayo kana mung`ana jwayo.

Translator: The Government must make sure that the matatus carry their capacities to avoid accidents.

Isiah Kirinya: Indii buu butibujaga niuntu nandii kiinya kethirwa nitukuaria buu butibujaga niuntu muntu ari na aja na mbeba ariuga atirii, ha! kambikire murigo juu mbikire ujuri kabisa kenda stock ngataara injega ugooro.

Translator: We should not go after money, we should also take care of the travelers

Isiah Kirinya: Bwa mwisho nandii.

Interjection Com. Lenaola: Jambo la mwisho.

Isiah Kirinya: Indii stock ya aantu ya ugoroo atitara, nimbeba agaataru, nandii aantu au thirikari nitutegeere tukathira aantu betu.

Translator: The Government should take care of this situation, because the drivers and conductors are interested in money.

Isiah Kirinya: Nanii ndikuthiria ni bwega bwan obisa.

Translator: I have finished, thank you.

Com. Lenaola: Bwana Kirinya, njoo ujiandikishe hapa. Tumekushukuru kwa maoni yako. Nilikwa nimemwita Fabian, halafu Evelyne Makena yuko – hayuko. Okay asante endelea mzee.

Fabian Kaburu: Thank you Commissioners. My names are Fabian Kaburu. I am bringing views from Kaongo Thao. We are taxed in agriculture, mainly in coffee. We think that our coffee should be graded at the factory stores, after the first process when the farmers deliver from farms. To go straight, prices should be put by farmers. If coffee is to be transported from the factory for sale, a deposit of not less than 35% of the purchase price should be paid to the farmers. We also mentioned about sales, of the county council – we said this should be remitted to the society management or to any other body constituted by farmers, to be used to improve all the feeder roads within coffee growing areas. We also talked of other crops, and said that cereal boards should buy the farm produce from every part of Kenya. The Government should buy at a reasonable price, the subsistence food crops from peasants to up lift their standard of living.

Farm inputs, tools and other farms equipment: Prices of these should be minimized by the Government meeting some cost for the poor Kenyans to afford. That is through the eradication of taxes. Fertilizers and other chemicals should be also be supplemented by the government, for the poor farmers to afford.

We also looked at the dairy industry, and said that extension officers should be working close to farmers, to assist them to improve their produce. The Government has to provide cattle dips, artificial insemination services and treatment of their animals.

Milk companies should be licenced to buy farmers' produce from livestock such as milk, meat etc, to improve the prices for the farmers. Importation of farm produce should be stopped, unless to supplement Kenya's produce.

We also talked about education and said, the Government should provide free education from nursery school to university level, without cost sharing. Teachers should be paid well to promote quality teaching. Teachers should also be evenly distributed all over the country. Education facilities should be provided by the Government to all public schools, that is learning and teaching aims. The Government should provide employment opportunities to school leavers and trainees after completion or graduation.

About health, we said that treatment and medication should be provided by the Government free of charge. Cost sharing should be abolished, to avoid many debts as a result of this. Medical staff should be well paid, to improve the quality services. There should be free ante-natal and post-natal services. Medical services should be practiced only by professional personnel. This includes pharmacy. We also said that Government should maintain and safeguard human rights.

We looked at the structure of Government. We Kenyans should have rights to recall an MP who does not perform his duties. If MP commits a crime, he should lose his job. Every constituency should have its vote of funds from budget to develop the area projects. Every constituency should have an office and full time workers to serve wananchi.

Com. Lenaola: Last two points.

Fabian Kaburu: The last two points – okay. I am talking about the President. The President should not control the Parliament in terms of when to break or leave. A Parliamentary Commission should be established to run the Parliamentary affairs. Ministers should be appointed by Parliament according to their profession or ability. Appointments and sackings should be done by the Parliament Committee established. The President should not appoint or sack Judges. This should be done by an established Commission or a Tribunal of Judges. Administration officers should be reduced, that is, should have only the following: Chief and DC.

Com. Lenaola: Thank you very much Mr. Kaburu, please come and register. Stephen Munene. Halafu Daniel Kirai, utamfuata huyu mzee.

Stephen Munene: Thank you very much. I will present a memorandum written by Kibirishia Location, and I will read on their behalf. I think I will read only those, which have not been read by the people.

Political parties to be limited to at least to five parties.

The Parliament should be full time and not part time.

A Member of Parliament should not be below 35 years of age.

Nomination of MPs should be mostly considered to disabled, religious sectors and women. No special measures for women in Parliament.

The Government should be coalition.

All parties in Parliament should be represented at all levels of Government.

Wananchi should have a right to recall their MPs.

A Presidential candidate should not be below a degree level. The age should not be below 45 years.

Mayors and Chairmen should have direct elections, and should have two-year terms in office.

Demarcation of electoral boundaries should involve wananchi. Education should be compulsory upto Form Four level and should be free.

Land should be owned by individuals, not Government. The Government should acquire private land but should compensate the owners.

Non-citizens should not be entitled to any land. Inheritance and succession of land and property should be to all not to men only.

A Land Commission, Corruption Commission and Human Rights Commission should be established.

There should be a Ministry of Justice and Constitutional affairs. There should also be a Constitutional court, whereby the complaints would be presented.

The President should not be a Member of Parliament or represent any Constituency. He should not be the head of Armed Forces, Universities or any other public sector.

Judges should be appointed by a Judicial Service Commission.

There should be a simplification of legal language so that wananchi can understand it.

There should be a provision for the Judiciary to review laws made by Parliament.

Chief Justice should not be below 50 years.

I think that those were all the important things.

Com. Lenaola: Thank you very much Mr. Munene for your brief but clear summary. Kirai – halafu ngoja kidogo, Jeremiah M’rinchuru, okay sawa endelea.

Daniel Karai: Thank you. My name is Daniel Karai. I am presenting the views of the people of Raitis Location and Kweni Sub-Location.

Farming: –Agriculture is the backbone of the economy in this country, so these are the recommendations they made:-

Cotton Board to be abolished, then to elect a Cotton Committee to manage the marketing for the cotton. Farmers to be informed the prices before planting and they should be given an opportunity to determine the prices of the crops. Farmers should be given farm inputs, e.g. insecticides, fertilizers, etc at free, and at affordable prices. This applies to all cash crops, including tea, pyrethrum and any other cash crops we grow here. We would like Gaito Ginnery to be reopened for farmers. Coffee and Tobacco also go in the same process. Farmers should be given an advance on for farm produce, to assist them.

VAT to be removed from all the farm inputs, so that it will help the farmer. During budgeting, the Government should consider the welfare of the farmers because it seems as if they are not considered when the budget is going on.

Subsistence Crops: – The Government to build enough food stores to store surplus and cereal board to resume again to assist farmers to buy their cereals, because it is only from a few areas, which the cereal board is buying, but should be established in many other parts of the country. The Government to resume Agricultural Extension Officers, so that they can advise the farmers. The Government to provide farmers with farm inputs and farming goods like seeds and fertilizers.

Education: – Education must be free and compulsory to all, from nursery school to University level. Since other people had no opportunity to go to class, adult education should also be offered to the illiterate. 8-4-4 system of education to be replaced by

the system of 7-4-2-3. All those who are educated and trained should be offered employment by the Government. The Government should resume education facility schemes for teachers to be paid well.

Health: – Free medical services to be provided for all in Government Hospitals. The Government to ensure that trained Doctors and Clinic Officers attend patients in local government dispensaries and health centers. All Medical Officers to be paid well to avoid them from opening private clinics. NHIF monthly contribution to be reduced by half, so that many people can be able to join the NHIF. More health centers and dispensaries to be constructed so that the services can reach people.

Parliament – MPs should not decide their own salaries. There should a Committee or Commission to do that. There should be a room to recall an MP before completion of his tenure of office if he is not delivering the goods well to the people who elected him.

Executive: – The President should not elect the Executives, e.g the PS, the Police Commissioners and the Ambassadors. There should be a Commission or a Committee to do that. The last one is that the President should not be above the law. He can also be taken to court, if he found guilty of anything.

Finally, political parties should be limited to four. Thank you.

Com. Lenaola: Thank you very much Mr. Karai, please come and register. I had called Jeremiah M’rinchuri – karibu. Gideon M’ringera, utamfuata.

Jeremiah Mrichiri: Asante sana. Jina langu ni Jeremiah M’rinchuri kutoka Loigala Location. Lile ambalo nataka kusema ni kuzungumuzia kuhusu mambo ya kahawa. Wakulima wa kahawa, tumechoka sana miaka mingi. Tunalima bila kupata chochote. Wakulima wa kahawa, watoto wetu wamelala nyumbani wote, kwa kukosa karo. Kwa hivyo tunataka wakati huu wa Katiba, kahawa tunasikia siku hizi inanunuliwa kwa dollar, na kama inanunuliwa kwa dollar, hatutaki kulipwa na pesa zetu za Kenya. Ni pesa ambazo zinatoka huko. Ikiwa ni dollar, tulipwe na dollar ile ile. Ikiwa ni kwacha tulipwe na ile kwanza, hata ikiwa ni pound kutoka Uingereza, tulipwe nazo. Hizo pesa ndizo tunapendekeza. Ile pesa inatoka kwa kahawa ile imeuzwa Ngambo, tulipwe na pesa ile, hata kama ni nusu dollar, tulipwe na hiyo. Hatutaki kudanganywa, badala ya kulipwa na pesa ile, tunaambiwa hii shilingi tano – hiyo ni hata robo dollar – hatukulipwa, tunataka tulipwe na dollar yenyewe hata kama ni nusu itatufikia, ndiyo tutachukua. Hiyo ni moja.

Ya pili, ni kuhusu mambo ya division kugawanywa. Ikigawanywa hivyo, hata kama mimi niko hapa, nilikuwa upande huu ama huu, siruhusiwi kwenda pande ile nataka. Kwa hivyo nikuona hata kilometer saba, mimi naweza enda uko kwa sababu nimeambiwa hapa ni kwangu. Nataka kila mtu awe huru. Ajiandikishe ni pande gani anataka. Nikitaka chifu yule yuko pale, na ule mwingine, nijandikishe pale ninafaa kukaa. Nisiambiwe na nguvu, wewe kwako ni kule, na wewe mwingine kwako ni

kule, nijandikishe pale ninaone imefaa – nika pale pale, sio kulazimishwa kulazimishwa.

Kule kunatokea mapigano. Siku chache Unasikia mapigano, mapigano. Kwa vile watu wanalazimizwa kwa hivyo napendekeza mtu aamue mwenyewe upande gani atakaa, na akiamua, hakutakuwa na matata.

Ya tatu, kuna hii pombe inawekwa kwa ma-bar yote. Hiyo pombe haikuitwa haramu. Lakini yangu, yangu, yangu mimi mwenyewe ya kienyeji, ni haramu. Kwani yangu iwe ni haramu na ile ingine ni pombe kama ya chang'aa? Mimi napendekeza hivi, pombe ni pombe, mnyuaji kama mtu mwa-Africa, ile yake ya baba yake na babu yake, hiyo ndiyo yake apewe licence, anywe hiyo. Hiyo ingine, kuna wenyewe wanywe hiyo. Kwa hivyo nasema hivi, ikiwa nitaruhusiwa kufanya hivyo, nitakwa na uhuru. Wakati huo ndio nina huru ya kufanya chochote. Si nisindikishwe na siku pata pesa ya kununua chupa ya Tusker au ya Guinness. Mimi nataka nipewe licence ni kule mahindi yangu au mawele yangu. Kwa hivyo sitaki ile ya juu juu, nataka hii ya class yangu, tuwe tumefanana.

Com. Lenaosa: Jambo la mwisho.

Jeremiah Mrichiri: Ya nne, ni masomo. Zamani, watoto walikuwa wakisoma bure Kenya yote. Watu walikuwa wakisomeshwa kwa broadcasting. Kila shule yote ilikwa na radio. Ule mwalimu akawa ako Nairobi, watoto wote akiwa shuleni wanasoma wote, lesson ikiisha inaishia hapo – inaisha wakati mmoja. Examination ikifika, watu wanakuja wanafanya wote wakiwa wanasomeshwa na mwalimu mmoja na lesson moja. Hii ingine inaletwa hapa, kila mwalimu ana ofisi yake, ana coaching yake, kila kitu yake, hiyo si wizi unaonekana na Serikali na haiulizi chochote. Pendekezo langu nikusema hivi, watoto kwa mtihani, ndiyo sababu watu wanaenda kuiba kwa vile wanafundishwa wawe namna hii na yule mwingine namna hii. Wawe wakifundishwa kama zamani, ili wasije wakaiba mtihani, uwe moja na kila mtoto awe amefundishwa kama yule mwingine. Mimi sina mengi. Asante.

Com. Lenaosa: Asante Mzee Jeremiah, asante. Njoo ujiandikishe hapa. Gideon M'ringera, Festus Turanira, Gideon Nderi, endelea Mzee.

Gideon M'ringera: Asante kwa Commissioner. Yangu ni machache. Mimi naitwa Gideon M'ringera. Yangu ni machache. Kwanza ni zile shule za maskini zilizo kuwa, kama vile ilikwa ile shule ilikwa inaitwa Starehe Boys. Hiyo ilikuwa ya maskini wale walikuwa wanaokotwa huko. Na sasa hakuna shule kama hizo. Zilienda wapi? Kulikuwa na shule ingine ya kurekebisha wale watoto waliokuwa watoro, ile tuliita Kabete, ilikuwa wanafundisha masomo mengine hii ya kazi, kama ya fundi, stima nayo sasa hakuna kama hiyo. Wale wanakwenda shule kama hiyo, sasa ni watoto ya wale matajiri. Hawa watoto wangekwenda huko, hakuna shule. Sasa tunataka hizo shule zirudishwe, na watoto wawe wakachukuliwa kwa vile walivyo.

Ya pili, tuna watoto hawa tunaita chokoraa, na sasa kila town iko na chokoraa. Na huku mjini tuko na chokoraa kwa sababu watoto hawa wote hawana pahali pa kulala, hawana shamba, hawana vyakula, na sasa mnasema ati majangiri yanakwa mingi.

Kama hawa watoto hawachukiliwi na Serikali na kupatiwa pahali pa kukaa na kusoma, majangiri yangeweza potea namna gani? Kwa hivyo, mimi pendekezo langu, ni hawa wawe wakichukuliwa.

Ingingine, hakuna mtoto wa mama pake yake, kwa vile kama mwana mali anakuwa na mtoto, anaambiwa anatupiiwa huko na mwenzake yule alimwekea huyu mtoto. Kwa sababu zamani alikwa kunachunguzwa sawa sawa na ile mwenye mtoto akaambiwa atunze huyu mtoto, asomeshe mpaka class saba, zamani ilikwa namna hiyo. Na sasa kwa sababu hiyo ilitupwa, sasa ndiyo naona mambo mengi tunataka yarudishwe, ili tuwe hakuna mtoto asiye na baba.

Ingingine, wakati tulikuwa tunachukua uhuru, tulizungumza mambo matatu; elimu, umaskini na magonjwa. Sasa magonjwa yanaangaliwa kwa watu wale walio na mali au watu wakubwa au watu wale wako na vitu yao, lakini wale maskini, wanakufia hapo hapo tu. Hawezi kupata dawa hospitali, hawezi pata pahali pa kwenda, kwa sababu nasikia wale wakubwa wanaenda hata London. Lakini hawa wengine maskini hata hapa Nairobi hawawazi kufika Kenyatta. Sasa unaone wengine wanakuja kufanya harambee, ya kulipia hata aliyekufa huko Nairobi. Zamani mtu alikuwa anachukuliwa hapa na Ambulance kutoka hapa Meru anapelekwa Nairobi kama anapona, anachukuliwa tena, analetwa hapa Meru, halafu anarudi nyumbani kwake. Kwa hivyo, tunataka yale mambo yarudiwe tena, watu yawe Serikali ikiwafanyia mambo yote yale mazuri wawe wakipona.

Watu wengi watakuwa hawana masomo, Kwa hivyo mimi napendekeza tuwe na elimu ya bure kutoka Standard one mpaka kule university. Hata huko wakiwa wanapewa pesa za kusoma, wapewe wote bila kuangalia wale wa matajiri na wale wa wabunge, kwa sababu hawa wengine sisi nchi nakufia huku.

Yale mengine ni mambo ya shamba. Mtu kama ako na shamba, baba yake akifa, anaambiwa kuwa aende aandikishe kifo, aende kotini mpaka uki hesabu pesa inapatikana shilingi 30,000. Na 30,000 yeye hatapata elfu 10,000, hii atapata wapi? Hiyo unaona yale mashamba wengine wanajua kona la kwenda ya chini mpaka wanaenda kwa Commissioner huko Nairobi wanachukua hata mashamba ya watu. Na hiyo sijui inakwenda wapi. Kwa hivyo hiyo mambo yatazamiwe sawa sawa kwa sababu kama ni shamba, iwe Sub Chief – Wazee wa Muhiriga au clan, wanajua mwenye shamba, na wakidhibitishwe huyu ndiye mwenye shamba, awe akifanyiwa mambo yote ya shamba. Hii kazi ya survey, imekuwa pesa mingi. Mtu akitaka kugawia watoto wake shamba, inakuwa ghali sana. Wengine wanakufa bila kugawa shamba.

Com. Lenaola: Jambo la mwisho.

Gideon M'ringera: Yale mengine yamekwisha semwa, kwa hivyo hata watoto wale nao wametupwa huko ndiyo nina rudia tena, hata hawa jua kuna wao waliyo na wazazi walizaa ile msichana, hiyo wazee wale hawawazi kusaidia hawa wengine, hawawazi hawa wengine, na huyu ni mtu, itakuwa vingumu huyu mzee au wazazi wale kusomesha hawa watoto, na kuwafanyia mambo mingine na kuwapa shamba.

Com. Lenaola: Mzee Mringera, njoo ujiandikishe hapa. Gideon Nderi hayuko. Francis Kangoro, Elijah Ndonganata, Ntoanamki Ntomirui, karibu mzee. Halafu Con. Cornelius Mawira – utamfuata huyo. Karibu Mzee.

Daniel Mtuanamdiu: Jina langu mimi naitwa Mtuanampiu Muiruri, Location ni hii ya Gatimbi. Yale nataka kuzungumzia ni machache tu kwa ajili mengine imezungumuzwa, na hata hiyo imezungumuzwa, lakini nitakerebisha kidogo tu.

Kile nataka kurudia ni maneno ya ukulima wa kahawa na ushirika wake. Wale viongozi wanaongoza, mambo haya ya ukulima ya kahawa na majani chai, na benco, wale wakuu wanasimamia wamekuwa wakiponda mali ya wananchi. Na hakuna hatua wamechukuliwa, heri wastakiwe, warudishe hiyo mali ya wananchi. Tume taabika miaka mingi, Serikali ichukue hatua, ya kuangalia yule mtu ataangamiza wananchi kwa vitu vyao ama kwa mali yao wachulie hatua. Hivyo ndiyo nataka kurudia tena kwa ajili ilikwa imezungumuzwa. Kwa vile sisi wakulima wa kahawa, tuko miaka mingi na tumezeeka tukilima, mtu anawacha kazi huko, kuja kuingilia kwa kahawa kwa hivyo akuje aponde halafu aende akajenge naye kwake. Mtu amesoma mpaka kwa degree, akapata degree, lakini anakuja kwa mshahara mdogo, kwa ajili ya kuingia kwa mali ya wananchi achukue yote aende nayo akanunue magari na kujenga plot, na kuenda, hakuna mtu anamuliza, tunataka Serikali achukue hatua hiyo kama iwezekanavyo.

Ya pili ile nataka kuzungumza hapa, nataka sheria hii tumetunga leo iwe hakuna mkuu wa sheria wowote isipokuwa sheria iwe inaongoza Kenya hii yetu. Ukivunja sheria hata ukiwa nani, uadhibiwe naye kwa ajili sheria naye iwe inaongoza Kenya. Tuwe wananchi, tumelindwa na Serikali yetu, ikiwa sheria haitatumiwa, sisi wananchi wadogo, tutahangaika.

Inginge, kile mimi nataka kuzungumza, kuna watu matajiri na wengine wakubwa wakubwa, wamedanganya watu mashamba, wamedanganya watu ngombe, wamedanganya watu mbuzi kwa ajili wako na pesa. Wale mawakiri, wanakwenda wakapewa pesa. Heri mimi sina pesa nikaje niangahishwe niambiwe shamba ni ya ule, ngombe ni ya ule, kile ingine ni ya ule nakufukuzwa nikafukuzwa kwa koti nikaenda, na mali yangu nikadanganywa na yule mtajiri, na yule mtu mkubwa akaenda na hiyo mali yangu. Nataka sheria iangalie sawa sawa. Sheria iko na ushairi wa kutosha wa wazee ama wamama wakiwa wanatoa ushairi hiyo kitu ni ya huyu na hii si ya huyu na wakaitiwa kwa kesi ati hawa wameamuru hiyo vitu ni ya yule mtu, sio kudanganywa hivyo na pesa nakufukuzwa hivyo. Hayo ndiyo nilikuwa naongeza hapo kwa ajili ilizungumzwa na mwenzangu, ndiyo nilitaka kuongeza nakumalizia hapo.

Com. Lenaola: Asante sana bwana Mtuanampiu, njoo ujiandikishe pale. Nilikwa nililmwita sasa Councilor, halafu Julius Muthomu yuko – utamfuata Councilor.

Councilor Cornelius Mawira: My name is Councilor Cornelius Mawira. I am here presenting the recommendations of Njuri Ncheke ya Meru to this Commission. Although it is about -----

Interjection Com. Lenaola: We have heard the memorandum before.

Councilor Cornelius Mawira: This is for the entire Meru District not a -----

Com. Lenaola: We now have three copies of that entire memorandum from Njuri Ncheke, from other places so we have the original and now we are having yours as a third copy. Just pick out the most important issues in five minutes. We already have it, we have three copies already.

Councilor Cornelius Mawira: We have some from locations.

Com. Lenaola: We have already received one, but pick out issues in five minutes, we already have that memorandum.

Councilor Cornelius Mawira: Okay.

Com. Lenaola: Thank you.

Councilor Cornelius Mawira: The introduction of legal status of Njuri Ncheke is already catered for. The institution for Njuri Ncheke is as old as the history of Meru. Traditionally, the institution of the type and immediate merger together with the three arms of Government.

Culture and Identity: – Our constitution has never concerned itself with cultural issues. We may produce a very new Constitution, but this will be of no use while the citizens are bankrupt of enjoyment of culture and the sufficient of cultural identify.

Basic Rights: Rights to education – basic learning. Proposal for university and access for free secondary education, to be financed through system of taxation realizing the education benefits. The individual student mainly, the immediate family members. The national economy and democracy tries to help to certain unprivileged groups.

Poverty: Majority are poor, and not by design, may be an accident of the past. No one should die because he cannot afford medical treatment. Due to growing population existing public health inadequate should increase.

Propose free access to primary health; build more public hospitals in the District. There is no public concern for this.

Old Age: The tendency for society is to forget those who get aged. We Propose accessible free health care to the very poor and for the aged to be financed through taxation.

Majimbo and Unitary Government: Ours has been a unitary Government for the last four decades. Since most success of this since the Government has been the moulding of Kenya as single nation, there are those who will call for experimentation with Majimbosm, some of it regionalist, and others top of Federalism. To us, each of this means different things depending on who the speaker is.

Provincial Administration: PCs, DCs, DOs, Chiefs, and Assistant Chiefs, are crucial instruments of public administration, even prior to independence since 100 years; Delegation of executive authority through this things authority from which the daily lives of citizens upto the village level. They do not enjoy constitutional entrenchment, hence there are dictatorial and Provincial administration to be retained and contitutionalized.

Local Government: The structure of system of Government would be Municipal County, Urban Council or Area Council closes the proximity to the people system of the revolution of power from the center. Control large of public finances, the relationship with central Government need to be entrenched in the Constitution. Uganda has done it. Electoral process to be divorced from ministerial interfrance or direction.

The Local Government Act to be amended, to a tune with constitutional provision, as well as bring about meaningful revolution. More autonomy can improve extension services such as roads, health, education and other services.

Com. Lenaola: The last two points.

Councilor Cornelius Mawira: The last two. Qualification for Councilors to be Form four. Mayors and Chairmen to be elected by the people.

Nomination of Councilors presently political parties nominate their supporters. They then become answerable to the whom the of MP of the area, which is not good. Special Interest to be clearly defined. Limit Term – not more than two terms of office to avoid laxity.

Com. Lenaola: Make that your last point.

Councilor Cornelius Mawira: Recalling: MPs can be recalled if they mess within their term of office.

Com. Lenaola: Councilor thank you very much. We have it that memorandum. We have already actually, with this panel so we thank you very much. Please come and register. Julius Muthomi. David Mbaabu – ako nnje – Benson Kairigo, utamfuata Mzee.

Endelea.

Julius Muthomi: Uni mbitagwa Julius Muthome kuuma Kariene Location, Kirigara Sub-locataion.

Translator: My names are Julius Muthomi, from Kariene Location, Kirigara Sub-Location.

Julius Muthomi: Unii maouni jakwa, imbonaa rimwe kuri na kuthangika gukunene riria mushiari akwithirwa arii na aana agakua, munda jwawe kana iinto biawe akerwa niakie kotini.

Translator: I find it unfair, when somebody dies and the children are told to take the matter to court so that they can inherit him

Julius Muthomi: Naaria akitie kotini muntu uria akethirwa kuu oomba kuithirwa aumite bwa Kusumu, bwa Mombasa na jaaraia akaugaa atithirwa akiiji na no uria koti ika mugitira.

Translator: Sometimes those people who are presiding over cases in court are foreigners. Sometimes those who are taking cases to court do not know what the outcome will be.

Julius Muthomi: Unii gakanwenda kuuga au ngugi iu ibui guchokua kiriri eene, aantu baraia bari na kimira kiao na bari na aturi baao.

Translator: Matters of inheritance should be taken back to the elders who know the culture of the complainants.

Julius Muthomi: Au aangi, ya ijiri, unii kurio mbonaa thirikari rimwe kiri nyomoo cia kithaka nkoona thirikari niyendete nyomoo cia kithathaka nkuruki ya raiya iria irio.

Translator: In my view, sometimes I see the Government protecting wild animals more than the human beings.

Julius Muthomi: Example, twatega area iria nyomoo cia kithaka itengeri na kuri na raiya igikaraga ouu itana gwa gukara, baraima miunda iria bakurima, nyomoo cia kithaka cieja ciaria muraiya aarionwa ouu ja nyomoo aarimirite.

Translator: Those people, who live around Game Parks, sometimes cultivate their crops and then animals eat them and the Government does not take any step.

Julius Muthomi: Ankuga area iu nyomoo iu itengeri niibui kugairwa aantu niunntu jariria kuri na mpara gutirio twaigua nyomoo cia kithaka chikwendua kenda iretera aantu bia kuria, area iu ibui kuithirwa itengi aantu bakanenkerwa na ikathithirua irrigation aantu bageta kurima antu a nyomoo cia kithaka.

Translator: The areas protected for animals should be sub-divided to the people who are landless because there is a time when the Government has sold wild animals to buy food for the citizens

Julius Muthomi: Ya ithatu, kuri aangi mboona raiya ikithangukua mono. Waandi bwa miti, muntu akirwa nieta agiire permit

niuntu bwa kuriika miita iria atemete, thirikari ika murigiiria na thirikari ibui kuithirwa ikaritie mwitu, niuntu rii muntu ari na munda jwawe abui kuithirwa agitaga ngugi yawe akimenyaga niatia akuthithia. Nandi riria muntu akuritie miti yawe,

Translator: It is unfair when somebody plants a tree and when you want to construct, a house, he is forced to go and seek for a permit from the Chief. The Government is supposed to protect the animals and not trees planted in individual farms.

Julius Muthomi: Au nio nkuona nikubati nigutegerwa niuntu muntu na kuthangikua riu na ari na iinto biawe muntu atibui kuthangikua riria aari na gintu kiawe abui guita nakio ngugi uria akwenda.

Translator: That one, should go down into the Constitution that we should not go for permits from the Provincial Administration, because there is a right of ownership and trees are part of the property if somebody has planted it.

Julius Muthomi: Aunio nkugaga muntu abui kurekerua, muntu oomba kuthirwa ari na fees akiendaga kuriira mwana, na muti taa juu, juu jukuria. Womba kwithirwa ukiendaga guita ngugi muti ta juu jukaria, nandi gankuga muntu nabati kuithirwa ari free jauria muntu lari na ng`ombe yawe njaa akwa free kana iinto biu bingi.

Translator: People should be free to cut the trees that they have planted just as they they are selling their cows or goats or chicken to cater for their needs.

Julius Muthomi: Au nio muthia jwakwa jwakiinyira na ni nkuga ni bwega.

Translator: That is the end, thank you very much.

Com. Lenaola: Ngoja kidogo – hii mambo ya permit ya miti, unapewa permit, ama... permit ni ya Serikali, ama imeandikwa na Chief na mkono tu?

Julius Muthomi: Ni chibu bagakuthangikia nau bagikuiraga wite kwa DO.

Translator: It is the Chief. Whenever they realize that you are just about to cut a tree or you have cut, they give you a lot of problems that you go to the DO, you go to the DC, and sometimes they arrest you.

Com. Lenaola: And when you pay for the permit, do you get a receipt?

Julius Muthomi: Wathingata jau ja risiti niukuithirwa uthangikitue mono.

Translator: If you follow the case, you can get a receipt, but it is a real struggle.

Com. Lenaola: Asante sana. Benson Kairigu – karibu. Andrew Ndarama, Martin Mwitii, Simon Mwitii – endelea.

Benson Kairigu : Thank you Commissioner. I am Benson Kairigu from Gatimbi Location. I am representing the Location as a Secretary for the meeting that was chaired by the Chairman Andrew Ntochogo on 13/3/2002. Some of the things that were

mentioned in my meeting have already been said, therefore commissioners you will allow me to be very brief. I am going to some of the points that have not been mentioned.

One of the points that has not been clearly stated is about wild animals, swampy places, and forests. They said that they are completely damaged and they should be very much conserved for the future generation of this country. They also said, the republic should be a multi-party system, that is not exceeding more than three parties, but they did not name the parties. They said there is Land Control Board, that is always with the Division and they said that most enough because the representatives of that Board is chaired by the local elders who know much more about the case of the owner. Then they further continued by saying, that some of these people who are not satisfied with wazee go to Land Tribunal Board that sometimes favor them, and they say that is corruption. If the land Control Board is unable to settle the case, then it should go back to the wazee again at the villages, or directly to court.

They said about Majimbo, Kenya should be a free state without Majimbo because some of them were there during emergency, and they fought for this country to be independent, and infact, they considered very much about Majimbo in the early stage. They said that if there could be Majimbo in the country, the Coast region will go with Arabs, and then the North Eastern Region would also go with the Somalis, so it is the other parts of the country like Western, that could go with the Sudan. Therefore they did not recommend any Majimbo in the country.

Quarter system in education they said should be abolished. They also said, that the President must be with only one branch and that is executive. He should be a legislator and in judiciary.

The Parliament should be controlled by the members so as to have their own calendar, holidays etc. They also said, according to them they said judiciary, that is concerning with the court, police are very corrupt. They elaborated, but it is very clearly known that Police is very corrupt.

Another point is about Cooperatives: These should be autonomous. Hawataki iingiliwe, so that they can increase the productivity of everything they produce, be it be milk, be it be crops be it be whatever. They also said the Government and the Parliament should make the laws that will govern it and if there is anybody who meddles with those laws, should be taken to court and get imprisoned or pay whatever he has taken. They went further to talk about sub areas, those are the orders of the villages, Sub Chiefs, and Chiefs, should be selected from the people. The people should select them, and should select the people with know-how of leadership and someone with education. They told me to note that DOs have no work with the local man. One DO could have a very big area, that means when the Chief is defeated they can go to a DO, whereby they are not very many in one area. They said from the Chief, things can go to the DC straight, then to the PC then to the President.

Com. Lenaola: Last two points.

Benson Kairigu: Thank you. Most of the points are already said. They said farm inputs are very expensive. The Government should subsidize the prices. The Government should also offer inducement and incentives to farmers. Thank you Commissioner.

Com. Lenaola: Thank you very much, please come and register. Thomas Nkabo – karibu – yuko – hayuko. Father Lawrence karibu. Douglas Mwiti - endelea Father.

Father Lawrence Munene: Thank you very much. I am going to present my views in English. First, the issue which I want the Constitution to look into-----

Interjection Com. Lenaola: Introduce yourself first.

Father Lawrence Munene: Okay – I am Father Lawrence Munene, from the Catholic Diocese of Meru. First, of all I will talk on the issue of education. Our education system does not favor the poor, because if we are to bridge the gap between the rich and the poor, we need to have education accessible by all, both the poor and the rich. Especially knowing that we have very bright children who come from poor families and their issues are not addressed. Some of them drop out of school because of lack of school fees. My proposal is that the Government should see to it that every child has a right to education upto the highest level possible and then after employment, the person can be made..., a system should be drawn whereby that person can pay the Government the money that the Government used to educate him/her. I would also want to emphasize the need for us entrenching the legal affairs in our education system right from the primary schools and then to secondary schools so that at least everybody has a basic knowledge of what the Constitution means.

The other part I would also want to emphasize is the cooperation between the Government and the Church. Sometimes you get problems when you go to the Schools, despite the fact that the Education Act stipulates very clearly the rights of the sponsor in a school. Sometimes we find the Principals there are not cooperative especially in the so-called protestant schools. There should be a clearly defined rule that when a school is public, it is public and every Pastor of any group which enrolls in that school has a right to attend to the children or people in that school.

The other issue, and especially the street children, you will agree with me that they are becoming a menace to us these days in Meru Town, not even far, packing a vehicle like that one there is very dangerous without somebody watching on it. They are coming and they can even open, the boot and steal the batteries. So we need to elevate this by the Government taking responsibility of these street children. A law must be enforced to clear the town streets of all these street children. They be taken to court and be verified whether their parents are alive or not. Where the parents area alive, they must be made to take care of these children and where the parents are not alive, then these children must be taken care of by the Government by

starting homes for the rehabilitation of these children.

Also we have the orphans, currently much of the orphanages we have in the country are run by the Church. The Church is also getting a lot of problems in taking care of these orphanages simply because the donors who were funding these organizations are pulling out slowly, and the attention is being focused to the European countries like the Soviet Union, – so the Church is no longer getting a lot of donors from outside to cater for these orphanages and sometimes you might go and you may not like the situation that you see. Also the local support is not very encouraging, so we encourage the Government to take, – that new Constitution should come up with something clearly written that although these things are run by the Church, the Government must have a certain percentage of contribution towards the running of these orphanages.

The other one is about empowering people through promotion of their economic activities. What we are seeing is very discouraging, because once a certain economic activity is seen to give a lot of profit – for example the matatu business – you find the Government comes in full swing actually to benefit from it, because we did not have things like the TLB. These days even a Church pick-up which is a non profit making, you are forced to have the road licence, to have insurance cover which we call third party. On top of that you ensure you are licenced and you pay for it also yearly. They have also added another thing, which they are calling the TLB. They are actually killing our economic activities. We need to consider which are the profit making vehicles, and to differentiate them. We are supposed to differentiate commercial vehicles and non-commercial vehicles, At the same time, we also have a cartel in the matatu business. For example, I understand that in a place like Nairobi, you might buy a new matatu today, may be a mini bus, it is not easy for you to put it on a certain route because you find there is a cartel on that route which will charge you even more money for you to be allowed to operate on that route. May be almost more money than you bought the vehicle, or even half of the money that you bought the vehicle. We need only the Government to control and to allocate the routes where these vehicle are supposed to operate.

The Government should also streamline the control of the venue collection, for example, when we go to the shops of the Wahindis, you are told if you want this pen, I can sell you for five shillings if you don't want the receipt, but if you want the receipt, I will sell it for 10/-. That shows that much of the Government revenue is being stolen in broad daylight, so let them have the control of revenue collection.

We then come to arid and semi-arid areas. There are some areas which do not have proper patterns of rainfall, but which are potentially very fertile, – the soil. What lacks is only water. We would also want to say in the new Constitution something about the Government taking it seriously in promoting economic activities by introducing irrigation schemes in these areas.

We then come to the issue of the banks. The issue of the banks is becoming a very affecting issue in our country at the moment.

I remember before I went to college, after secondary school, I was able to operate an account in the Barclays Bank. But now as a Priest, I cannot be able to operate an account with the Barclays Bank, I have to look for cheaper banks like the Post

Bank. This is a very sorry situation because our banks are beyond the reach of the common wananchi. Even those who are in those banks are the ones who are being forced by circumstances because the salaries have to pass through a bank account. So let us have a bank that can address our needs and not the international need at the expense of the people here. Thank you very much.

Com. Lenaola: Thank you Father. Please come and register – and thank you for your views. Geoffrey Muthui, M’nkoro M’ muna – karibu Mzee, Abel Mwenda, Isiah Muturi, Simiyu Nyammo – endelea Mzee.

M’nkoro M’ muna: Ni bubwega niuntu bwa guitikirua, mariitwa mbitagwa M’nkoro M’Munyua.

Translator: My names are M’nkoro M’ muna.

M’nkoro M’ muna: Bwakwa bwambere, mantu ja maingi ja kwarua mono indi ntiaga bwa kuga.

Translator: So many things have been said, but I would not miss something to say.

M’nkoro M’ muna: Twi turi ananchi ba kawainda tutiumba kinya kunyua ndawa niuntu bwa goro ya cio, nitukuga kwethirwa gukombika, thirikari ya nandii itubungusire ngarama niuntu kinya mwekuru wetu naaria tukaraga twi, akewa mwan tutiumba gukia maternity niuntu igaikia merternity nonga wendetie kithaka.

Translator: We common people, we want the Government to reduce the cost of medication because we are not even able to take our wives to maternity. If you take her to a maternity, you have to sell the land.

M’nkoro M’ muna: Namba ya ijiri, inya kwajua kuingwa imariria naja gwetu ni noo jakaraga nkuruki rutheere rwa gaiti naaria tutiumbaga kunyua ndawa niuntu bwandawa goro tunyunyaga miti ya kithaka tugakua niuntu mwanaichi wa kawainda atuimba kunyua ndawa.

Translator: We live in a place heavily infested by mosquitos, and since we cannot afford malaria drugs, we use herbs to cure malaria.

M’nkoro M’ muna: Namba ya ithatu, natwi nituriaga ugoti indiria tukugura iinto, kugura chumbi, tukagura mbi kiinya desibensary iria irinaja nthiguru nariauria, tuitaga muntu ajua ageetua kaniini. Nandii indi nguitite kunyua ndawa ndi na kaniini.

Translator: We want medication to be free because we pay taxes. We are not supposed to be asked for cost-sharing.

M’nkoro M’ muna: Namba iu ingii, mantu ja sabuchief na chief, ukejakwithirwa kwomba kumbika ethirwa thirikari irina bata mono na chibu, thirikari ya Kenya iri na bata na chibu, na sabu chibu, nibabui gwikirwa miaka kana baka ringagwa transfer.

Translator: If our Government really is interested with retaining the Chiefs and Assistant Chiefs, they should have the number of years to serve and they are also supposed to be transferred like other Government officials.

M’nkoroï M’muna: Niuntu indiria chibu ouu ariakui nani tukeja kwithirwa turi na gisasi nawe kana ukethirwa nitwathomaga nawe twari na giuntu, uuni agatuura na kirigiria miaka iu yonthe agakara au gutiu tukathithia mwirigene jwetu.

Translator: If we come from the same village with the Chief, and we live in the same village, it means that if we are enemies, I will never go forward, I will never progress.

M’nkoroï M’muna: Kwou, niuntu gitemanduni kia Ameru ni kimwe, kiinya agaitwa naja gwetu agakua Timau ja uju arimu baaringagwa transfer niuntu uria ukauma Timau eeja naja gwetu gaiti, akeja guita ngugi aitire anainchi ba kawainda. Indi uuni, riria chibu wetu akiura aragira akui nani auou gutigintu nthithagia au uni niuntu bwa kumikira niuntu ndeeja nkerwa aari.

Translator: There is always enmity if the Chiefs are not transferred to other places.

M’nkoroï M’muna: Nkithiria, murigo jumunene juria jutugwete juria tubui ni gutegererwa ni gatiba iria ikeja nandi, ni bwa aana baa aari baa turinabo ja unii muku. Aana baau baguciarirwa njaa auou babui kujukagua ni uraria buria bwa muthaka uria uthithirie ou. Na nikiu gigutuma woona aana babaingi bakingea naja njaa turi, muchiari agachokua nersary agaturaga kurera aanaau niuntu nadi batijukagua.

Translator: We grandparents, there so many illegitimate children at our homes, we want the fathers to be forced by the law to take care of those children.

M’nkoroï M’muna: Nandii kairi nkithiria buruu, kinya abunge baa tuguchagura abune maarumu, kana makamu ya Raisi atibui guchaguragwa ni kiama kiria gichindite, abiu kana ministers babui guchaguragwa ba biana bionthe kenda Kenya ithirwa ibui bubwega niuntu nandi tiguchagurwa kiama kiria kinenei gichagura minister kana gichagura makamu wa Raisi.

Translator: A Minister should be appointed from all the parties not the party that owns the Government or the party that forms the Government.

M’unkoroï M’muna: Ka irii, mantune ja ithaka najo nchokere kairi ningwa nkathiirie mono. Uuni ndina nthaka, na kithaka ni acre ijiri, indi uuni, ndeeta kuuga mbaturire aana nditua ngiri mirongo ithatu kana ngiri mirongo inaa (30 or 40 thousand) nandii kwou kinya nkendia kithaka kimwe, acre imwe ntumba kubagaira kithaka. Nikiu tontu tugukua tugatiga bakiuraganaga aau. Mbeca iu nipunguswe buru chiumaume oo.

Translator: The land issue – transferring of land is so expensive, that if you have a very small piece of land, it becomes impossible to transfer it to your sons, so it means you will die before transferring and the impossibilities now continue.

M’nkoroï M’muna: Magamba jaa jagambagwa ja kinjaa, ja kimiriiga, ja giukoo, nijabui kugambagwa ni akuru ti nthaka weene niandikirwe kana ni thomete. Etite kuira ng`ina kana uuni mbitite kumwira atia na ndii iithe twarwaa na mwekuru wakwa.

Translator: These family cases, they are supposed to be presided over by elders and not the educated young people, because they have nothing to tell the elders.

M’nkoroi M’muna: Ni bubwega

Translator: Thank you.

Com. Lenaola: Asante sana Mzee kwa maoni yako, njoo ijiandikishe. Johnson Mobobia, Jerald Ngiera, Jeremy Gikunda, Solomon Manyara, Mariko Kithinji, Ntoanyoni Mtoameki, Karibu Mzee, Samson Mtomurigania, George Kijogi – endelea Mzee.

Daniel M’anyoni Mutuemeru: Chairman, nikiendelea kuzungumza hali ya wazee kama mimi namna hii – Daniel Manyoni. Ningependa kuongea juu ya wazee kama mimi. Mtu akishakuwa na umri mkubwa, anahangaika huko nyumbani, watoto wake hawajiwezi, mzee anaangaika, hakuna tendo lolote ametendewa na hii watu wake maana yake hawatosheki na kile kitu wanapata. Huwa Hawashibi, wala hawana nguo, na baba yao pia anahangaika. Ningependa kusema, Serikali ichukue hatua ya kujengea wazee kama hao, ili wasikose kile tunaita huduma. Awe Mzee amechungwa na Serikali yenyewe akiwa yeye ni Mzee, kwa sababu hata huyu mzee alifanya kazi ya Serikali wakati ule alikwa hai, kwa sababu alikuwa na nguvu.

Ya pili, ningependa kusema ya kwamba hawa walimu, wanashindwa kuelimisha watoto, kwa sababu mishahara yao ni midogo. Matumizi ya walimu ni madogo sana. Tuna sikia majaji wanakamata shilingi milioni moja kwa mwezi, kwa sababu anaogopwa asije akapata rushwa huko ahangaishe watu. Lakini, mwalimu hashughulikiwi, lakini inafaa apewe mshahara mkubwa kabisa. Serikali pia inafaa iangalie watoto wake, apewe msahara wa kumuwezesha yeye kuishi bila wasi wasi, asije akafikiri kuweka duka yake, au biashara, nao watoto hawasomi.

Ya tatu, ningependa kusema hata juu ya madawa. Hawa madaktari wetu, pia, waangaliwe vizuri, wawache kuweka clinic yao. Mara kwa mara, Serikali inasema madawa yanapotea – hakuna madawa huko, lakini Chemist iko na dawa inayotosha, Chemist iko na madawa mengi sana. Lakini, mwananchi wa kawaida hapati hizo dawa. Juzi juzi nilienda huko Mtindwa kupata huduma kwa daktari moja, akaniambia hapa hakuna dawa hata kidogo, kwa hivyokwenda Chemist. Nilienda nikanunua dawa za shilingi 320/-. Nisingekuwa nayo, ningekufa, kwa sababu nilikuwa na ugonjwa ambao sijui ni wa nini, nilikuwa naanguka. Kwa hivyo, Serikali inafaa ichunguze mahospitali ya watu, maanake wananchi wanakufa kwa wingi sana. Tulipata uhuru, lakini watu wengi sana wanakufa tu kwa sababu ya kukosa pesa ya kwenda hospitali. Nataka kusema madaktari nao waangaliwe vizuri, na wapewe mishahara mizuri, kwa sababu hiyo ndiyo kazi yake Serikali.

Ya nne ningetaka kusema juu ya madawa. Kila mtu mwenye biashara anakuja na dawa zake kuuzia wananchi hawa, na wengine hawajui kusoma kama mimi. Mtu anaambiwa kwenda uweke hii ndani ya shamba lako, na kwenda ufanye namna hii, hali yake sijui, huyu mtu sijui anatoka wapi. Serikali inafaa iangalie madawa kwa wananchi, hii Katiba ya sasa iangalie vizuri sana. Hali hii ya watu kuhaangaika, tungependelea, ikiwa Serikali itashindwa kuchunga watu wasije wakauwawa na wakora, au wezi, kila mwananchi apatiwe bunduki yake. Kwa sababu mwanaume akikuingilia, hata wewe umemenyane na yeye. kwa

sababu uko na yako, hata ile ndogo ndogo namna hii. Sisi tunauawa, mtu akiwa ana kitu chake huwezi kula nyumbani, na huwezi kuishi kwa nyumba yako. Ukiingia kwa nyumba yako unauwoga, unaogopa. Watoto wanahangaika, na bibi anaangaika. Serikali ikiwa inashindwa kuchunga bunduki isiingie hapa kwetu, ni mambo mbaya sana.

Ya tano, nitamaliza na hiyo. Serikali iangalie sana sana, kwa sababu hii nchi inaingia bunduki, sijui bunduki inatoka wapi. Kwani hakuna Serikali kwa hii nchi? Bunduki inatoka Amerika na inakuja hapa; Serikali inafanya kazi gani? Hiyo mambo inaumiza sisi raia sana. Asante.

Com. Lenaola: Asante sana Mzee M’anyoni, njoo hapa ujiandikishe. Councilor Peter Kiruki, Moses Marete – karibu mzee. Halafu Muiruri Kirimi, utamfuata Mzee.

Moses Marete: Asante sana Bwana Commissioner. Kwa Majina yangu, naitwa Moses Marete kutoka Mariana Location. Mambo yangu yale yamenileta hapa ili ni jaribu tutengeneza habari ya Katiba, ni kuhusu mkalimani. Huko kotini, kila mara wakati tunaenda, uwe, wewe ni judge Mmeru, au Mkikuyu, au Mkisii, lakini tunawekewa mkalimani hapa, ili atafsiri kizungu. Mimi ningependelea Serikali yetu igeuze, badala ya mkalimani, yule judge awe akitumia lugha ya taifa. Hiyo ni ya kwanza.

Ya pili, ni kuhusu mashamba. Kila mara, mzee ana shamba lake. Akiwa na shamba lake, kwa bahati mbaya, yeye anafariki. Akifariki, badala ya watoto wake na bibi yake, kuridhi mali hayo, wanaambiwa watoe pesa ili wakashitaki kifo cha baba yao. Mimi naonelea, badala ya kutupa pesa nyingi kotini, wazee wa muhiriga pamoja na Chief na Assistant Chief, kwa sababu wanajua huyu mzee ndiyo mwenye boma hii, watengeneze mambo, waende waseme shamba hili ni la mzee huyu, na bibi yake naye, ndiyo huyu na hawa ni watoto wake. Bibi yake ndiye awagawie watoto wake shamba, badala ya kutopa pesa huko kotini, na hajui hii mambo ya kushtaki kifo kinakawia miezi sita. Wengine wanaweza kusahau asiende kusikiliza, halafu akachukua muda mrefu. Hiyo ni ya pili.

Ya tatu ni kuhusu wale wana maduka. Kuna barua inapeanwa, inaitwa lease. Serikali yetu ya wilaya irekebishe, kwa sababu watu wanahangaika. Wakitaka kuchukua hii lease ili wapewe nayo loan, hawapati. Wanaenda kila saa wanaambiwa ngojo, ngoja, nayo Serikali ya mitaa irekebishe. Hiyo lease ikitakikana, ipeanwe kama vile wanapeana lisensi.

Jambo la nne ni kuhusu watoto. Mimi ninaona kuna shida sana kwa watoto wale wanatupiliwa huko mbali, wanaoitwa machokoraa; Tunaona wakiwa wengi sana. Haya mambo yanatokona na wingi wa watoto wasichana. Mimi ningenelea hivi, kwa sababu haiwezi kuzuiliwawatoto vile wanapenda, ili watoto wale wachukuliwe na Serikali na wajengewe shule, na wafanyiwe malezi ili watunzwe na wawe wana Kenya wazuri. Wasitupiliwe ovyo ovyo, kama wasio na wazazi.

Jambo langu la tano, niliweka hii kifo ya baba mwenye family. Bibi na watoto wake, wapatiwe mali ya baba yake bila kusumbuliwa, kuambiwa uende kotini, au uandike succession ili wagawiwe shamba. Serikali ifanye mpango wapate mali yao

bila kusumbuliwa. Hayo ndiyo nilikuwa nimepanga, na niko na memorandum hapa nitapeana. Asante sana.

Com. Lenaola: Asante sana bwana Marete kwa ku-keep time, dakika zako tano. Peana memorandum yako na kuji-register pale. Tutangoja kidogo hawa waketi. Ngoja kidogo watulie. Wanafunzi karibuni kwa hiki Kikao – Kirimi endelea.

Murori Kirimi: My names are Murori Kirimi from Karieni Location, and also Kariene Sub-Location. First of all, let me register my sincere gratitude for the Commissioners who are with us today. Let me also extend my compliments for the people who have come to contribute. Much has been said, but I shall not miss one or two things to mention.

First of all, I shall start with the Constitution itself. Many have said that the language which has been used to draft our Constitution is not understandable by local people. I would request that the one we are going to have this time to be in a very understandable language, even in our mother tongue, or even if it is in sheng, which shall be understood even by the generation we do call dotcom generation.

Another thing is about education. At first, we had education whereby, lets' say at secondary level, one was to select his or her favourite subjects, which he or she could pass very well in. However, this time we see that it is compulsory to take subjects which you cannot excel well with. I would therefore request for that system to be back again, where one is free to select subjects which one is better in, or in which one can perform well

Another thing is about counselling – you see, groups have been set, known as guidance and counseling. However, they are not playing a role, or even if it is being played, they are playing, let us say even at a district level. I would request that these groups to be set at our places, even in the villages where they are going to take this role fully to educate our youth, maybe on the areas of how to behave or how to conduct ourselves. This is because we can see these times, many of us are not with their grandmothers or their parents to be educated on very many things.

On this disease known as AIDS, many are suffering because they are ignorant; If these groups are at our local places or villages, we can be shown the direction, so that we can be free from these diseases or other calamities.

Another thing which was mentioned, but which I will mention with another perspective, is on freedom of worship. Our country is said to be free, or we can worship in whatever manner you like. However this has gone to an extent that some people set up some churches whereby they don't believe in medicine. When one is sick, they don't take he or she to the hospital. In the process, he or she dies. What I would like to request is that the Government, although there is freedom of worship or a right to worship, a certain Committee or Commission to be set regulate, or to go deep to see these churches which have been set how they control or how they do their things.

Another thing is about fake prices on transport and goods and services. You know the budgets we have heard read, whereby certain items have specific price but you may happen to go a shop where you get a certain shop is selling a certain item at 10/-, and in another shop is selling the same item at 15/-. I would like to request a certain commission to be set, to follow up about these prices where they are being implemented.

On the side of transport, you see, you might get into a certain matatu, and find that you are charged, from maybe Nkubu to Meru 20/- and in another matatu 30/-. You then fail to understand why that difference is occurring, I would therefore like a certain committee to be set to regulate these things.

Another thing is about the local brews. – I would like to have total eradication to be there for these local brews. This is because you can see, like the one we call kumu kumi, many people lost their sight, and some of them died. If there is total eradication of the local brews we can have our people living.

Com. Lenaola: Last two points.

Murori Kirimi: Another point is about employment of retired people. You see, I was in a certain company, then when I can get retired, I go ahead to be employed in another company, or if I am working in a certain Government Sector and I get retirement, then I can go ahead to be employed in another Government Sector. I would like it to be that if you get retirement, you give other people who haven't gone to the extent of securing a job to get that opportunity.

The last point is about land inheritance. – Many have said that both men and women or sons and daughters should inherit their fathers' land. I would say that I go against inheritance of land by the daughters. You see, if the father happens to have a very small land, he is going to apportion that land to his daughters and sons. If he happens to have many sons and daughters, in the process, you will see that this son is going to get very small land and is going also to get his children. In the process, his children are going to lack somewhere to build or to cultivate, because the land is very small. Thank you.

Com. Lenaola: Thank you very much, – Any question? – Wait – Kirimi come.

Com. Nunow: Kirimi on your last point on land and inheritance, you don't want the daughters to inherit their father's? Where to do you expect them to live?

Kirimi: Yes; I have raised this point because if you get married, you will get land at your husband's place, but I will support that if you are not married with certain substantial reasons, you have a right to inherit your father's land.

Com. Nunow: Okay, so they can inherit if they are not married.

Kirimi: Yes.

Com. Nunow: Okay.

Com. Lenaola: Thank you very much bwana Kirimi. Francis Mwiti, Japheth Mwiti, Stephen Mworio – Karibu. Murigi Murioki, utamfuata.

Stephen Mworio Gitonga: Asante Commissioners. I am here presenting the memorandum of the Coffee Industry. My name is Stephen Mworio Gitonga kutoka Gaito Sub-Location. I am presenting this memorandum of the Coffee Industry on behalf of the Joy Farmers Cooperative Society. I have got few comments to make though there is a good memorandum that can be given on behalf of the Commission.

Com Lenaola: What we said is that, for the memorandum, you pick out a few issues. We shall read the rest.

Stephen Mworio Gitonga: Thank you. Let me start with farm inputs. The Government is really bitter involving the coffee production in the country, and farmers have the right to to economy and grade. Monetary, we said it should waive the taxes, in in terms of farms inputs. Farmers can improve their produce with more supply of the fertilizers and spraying chemicals.

In the coffee payments, the delay of the coffee payment has been affected by the farmers in small scale very badly, and as such, they have feelings that:-

Once the sales have been done, money should be released to the farmer, within seven days. As resolved by the Coffee Board has been terminating for the farmers to delay the payments for the presenting of the payments this should go directly to the society account to, avoid various commissions

Marketing: – We weigh the coffee marketing agency to freely let the societies, to collect the coffee samples for the one classification, and later to come for the result of discussions in the other formalities of the marketing.

The society should also monitor the marketing and they should work together with the agent, to avoid any kind of cheating by the agent.

Once the marketing, selling has been done, the agent, or the buyer should immediately clear the store for the sold coffee. This is to avoid any chance when the agent may retain the coffee and sell it at a higher price.

Incase the agent goes to appoint a miller, then the miller should be appointed when the same society is present.

Let me talk about advice for the farmers. – The Ministry of Agriculture, being the mother of the ministry, should not charge interest rate, when they advice the farmers. If possible the interest rate should at a minimum of 2% or 3%. This will help the farmers, even in the goods to use it.

Loans or the repayments: – Once the loans are given to the farmers, must not be charged interest, because they are not commercial loans. However due of failure of the crop, this should be written off. This will encourage the farmer to seriously revenge or to ask the coffee farming with 75% for the farmers that have been from the industry because the other loan will become difficult for other crops like wheat and rice, farmers should have their loans written off, due to the crop failure; this is also irrelevant to the coffee crops. Members can also be given soft loans to improve on their production.

Lastly, I will talk about the local dealers: – They are the people who qualify or have a licence to start their own private coffee factories; Most of these have no coffee, so they have resulted to buying coffee from the farmers. The Government must investigate and withdraw their licences.

Com. Lenaola: Thank you bwana mworia. We have no questions so please submit your memorandum.

Mworia: Let me say the last one. The last one is about the appointments and their commissions. The secretariat of the regulatory body must have been brought in and have been with dissolved coffee loans. This must be seen to help the farmers to earn more and limited deductions.

We also propose 0.1 deductions from the farmer, or 0.2 that was taken by the Cooperative, loan should be retained. Thank you.

Com. Lenaola: Thank you very much, please register and give in your memorandum. Murigi you are next. Samson N' toringera. Utamfuata Murigi.

Mwirigi Muriuki: My names are Mwirigi Muriuki. My presentation will be based on the separation of the power between the President and the Parliament.

The current Constitution in Chapter 2 part 5a makes it a must that the President must be a member of the National Assembly. Then the following parts makes Ministers to be part of the National Assembly. From the historical point of view out there, we have left politicians to manage the dear lives of Kenyans. That is why we are seeing banks, farmers organizations, teachers, and people being cheated, due to corruption; Why? This is because we are lacking leaders. What I am proposing as the solution

for us to get the leaders is that a President, and a Minister should not be a member of National Assembly. This will enable us to separate between leaders and the politicians. We shall leave the Parliament for the politicians. On the Executive part of the Government, we shall have Leaders.

Secondly, the part of the Parliament: In Parliament, we should have a biparallel Parliament. This also will go with Central Government. This will then be followed by a regional assembly, and this will assist us to hold a government of people by people for the people, hence enhancing the democracy; This is because it is from these areas that we we will be able to draw leaders, nationalists, and patriots who have the problems of Kenyans at heart, and we shall be able to elect a President who is a leader.

In relation to agriculture, the Government should step in. How? The Ministry of Agriculture should play only one role, regulating only. The other part of leadership should be left to the farmers. That means that farmers will have a say, on the organization of their produce. I also call for the next Constitution to put in place a Public Watchdog. This office will enable the citizens who are not served well by the Government officials to report cases, and also the corruption cases will fall there.

On the part of the Electoral Commission of Kenya, for this one currently, we have an Electoral Commission which is appointed by somebody. What do we see? Those people who are being appointed they are those who will cater for its interest. That is why we hear of people going secretly to State House. What I am calling for is an autonomous organization to manage the elections.

Com. Lenaola: Last two points Mwirigi.

Mwirigi Muriuki: Okay. The Electoral Commission should also be given powers to prosecute cases.

Lastly, as we are reviewing the Constitution, let us also define in the next document, how the Constitution will be reviewed in future. If the people see that it is not serving their interest. I propose that after every 20 years, we should look back to that document which was drawn, and see if it is really reflecting our wishes. Thank you.

Com. Lenaola: Thank you Mr. Mwirigi, for your views, please register. Samson Ringera, Benjamin Mugambi – utamfuata.

Samson Ringera: Ni bubwega mono,

Translator: Thank you very much.

Samson Ringera: Mbitagwa Samson M Ringera kuuma kibirichia.

Translator: My names are Samson Ringera, from Kibirichia.

Samson Ringera: Mantu jakwa ni jathatu akii nkauga.

Translator: I have got three issues to address in this session.

Samson Ringera: Bumwe ni obichine jji ya land, kiinya uketherwa urii na ngiiri ciaku ing`ana utiumba kuritira uthithia munda jwaku ugitanga ugaira aana baku niuntu bwa kuithirwa utiuimba mbeba iu kurita.

Translator: On the land issues, even if you have a lot of money, it becomes impossible for you to sub-divide your land to your children.

Samson Ringera: Bwa jathatu, ni aantu baraiia bathiritie miaka mirongo inaa na itano, aantu bau ibabwiritwe igutegwa ni thirikari mono, nikio gigutuma mantu jamaingi jaingia bakaewa ikaa thano ithano naaaria mbiti ikuria bakomba kurita ngugi mbaara ikathira naja niuntu bwa thiina.

Translator: Those people who are landless should be given land in the Game Parks, so as to at least alleviate poverty in the society.

Samson Ringera: Bwa jathatu, kuri antu baraiaja bautheri kabasa baritaga ngugi ya thirikari na iinya mono, baguitwa ba manager area. Baritaga ngugi na iinya mono utuku na muthenya na bationagwa nithirikari noo bagurirwa nguo. Kaa thirikari yoo itumba gutega aantu baau bao bagurirwa no nguo bonwa niantu baraitaga ngugi ya thirikari.

Translator: He is saying that in the current Constitution, it should be stipulated that the sub- areas, those who are appointed by the Chiefs and Assistant Chiefs should be paid also, because they are the people who are serving the society better than those who are employed.

Samson Ringera: Nikio nkuuga aantu bau nibabwiritwe gutegwa nuintu baraitaga ngugi ya utheri, kethira thirikari ikomba ibatege. Na ndiuga mantu jau jojathatu na mbuga ni bwega kiri babwi bwinthe.

Translator: I have finished, thank you very much.

Com. Lenaola: Wait a minute – Ngoja kidogo. He said that people should be given land at National Parks, and I think he said how many acres they should get. How many acres should they get in the Parks?

Samson Ringera: Ithano ithano.

Translator: He is saying that the landless should be given five acres.

Com. Lenaola: Thank you very much. Asante sana. Benjamin Mugambi, Edward Karithi kaaria – utamfuata Bwana Mugambi. Baada yake Henry Mbugwa. – Ametoka? Basi utamfuata.

Benjamin Mugambi: Thank you Commissioners. My name is Benjamin Mugambi Mutunga, from Kwana Sub-Location,

Gatimbi Location, Abuthuguthi Central Division, Meru District. I am presenting my views and the views of the family, and the views of the Sub-Location I come from. The Constitution of Kenya Review Commission, I have written a memorandum, and with your permission Mr. Chairman, I only will only pick two things, then I will present the Memorandum.

Com Lenaola: Thank you very much.

Benjamin Mugamba: Well I accept that there should be an introduction of the Constitution. – Point number 6 of it should be, all the citizens, young, old, the able, disabled, the rich, the poor, and religious etc should be reflected by the democratic principles in the Constitution. Kenyans have important values of cultural customs, social economic rights, welfare, water sources, forests, wild life, education, health, shelter, peace, democratic rights, and rights of ownership, children, men, women and international, regional and local relationship etc that should be reflected in the Constitution. All the principles in the Constitution should be enforceable in law. The Constitution of Kenya should not be amended by Parliament but the people themselves, through a national referendum. The Constitution of Kenya Review Commission should be permanent to be conducting national referendums if the Parliament find it necessary.

Citizenship – I will just point out one. Automatic citizenship of Kenyans should be the natives of the 42 tribes, born and have lived in Kenya as far back as the 15th century to date. Kenyan citizenship can also be acquired through marriage, registration or documentation after migration. The rights and obligations of a citizen should be enforceable in law. This is in education, health, shelter, food, social economic, peace and protecting the state or nation. Dual citizenship should not be allowed, unless through application.

Defence and national security: – We say here, That the Constitution of Kenya should establish the military, parliamentary, police, prisons and so on, and constantly checked by the state Parliament. The President having been elected by voting, should not be the Commander in Chief of the Armed Forces, but the Constitution through Parliament should formulate this. Declaration of war should be debated by Parliament and not the executive.

Political Parties: – I will just pick two. – Political Parties should play political mobilization development, and provide civic education. Political parties should be limited to at least eight, if not twelve. Political parties should be financed by Public funds.

Another area that we looked at was the Structure or the Systems of the Government –the Presidential system of the Government, should be retained, but with a Prime Minister appointed by the majority party in Parliament.

In relation to the legislature we considered this: – Parliamentary elections should involve KCSE, that is from Form Four and above level of education. People should have a right to recall their MP, if he or she fails to attend Parliament for two sessions

without the Speaker's permission, and fails to attend the Constituency offices twice a month. MPs should act on instructions from the Constituents and Parties, but not on their own consciences and convictions, as we have recently seen. An independent Commission should be established to look into salaries of civil servants including MPs. Nominated MPs should be people who are not contesting the elections. Women should contest freely with men, for Parliamentary Elections. In a Multiparty state, Parliamentarians should stick to their party policies and principles and not merging like in the recent cases.

A referendum is required to remove the executive through a vote of no confidence. The President should not have powers to dissolve Parliament but the Constitution law should provide.

The Executive Arm of the Government: – The relationship between the President and the Parliament should decide the Supreme authority, on how the President should relate with the public. The President should be a Member of Parliament to be answerable to it, and not before he becomes one, that is for the President. We also need Provincial Administration to coordinate development projects at all levels, and work with the Police as informers, but transferable.

The Judiciary: – At present, the judiciary is not adequate. We need a court at the Divisional level. There should be a provision for judiciary review of laws made by the Legislature.

Local Government: – Here, we have said that people should recall their Councillors, in case of misconduct or failure to attend meetings, for two seatings unless with permission from the Chairman.

Com. Lenaola: Two last points.

Benjamin Mugambi: This is the Electoral System and Process – Candidates who fail to seek nomination in one Party should not be allowed to switch over and seek nomination from another Party.

Com. Lenaola: Last point.

Benjamin Mugambi: I have just omitted one: – Basic Rights. We have said here, that Parliament should be empowered to ensure that all Kenyans, enjoy basic rights such as security, health care, water, education, shelter, food, light, that is hydroelectricity, and employment. This is the availability, that is, these things should be available to Kenyans.

Finally Mr. Chairman, I will talk about the environment and natural resources, with your permission. – The Constitution should include such issues like water bodies, forests, swamps, vigilants, minerals, wild life, hills, mountains etc, as environmental protection. Parliament should have powers to enforce laws on the protection of the environment. Natural resources should be owned by the local authority councils, under the sponsorship of Parliament, protected by the Constitution. Our natural

resources can be managed and protected by caring for them, and presenting them by an enacted Law of Parliament. Thank you Mr. Chairman for that bit.

Com. Lenaola: Thank you Mr. Mugambi, please come and register, and give in your memorandum to the Commission. Edward Rukaria.

Edward Rukaria: Yangu ni machache tu. Jina langu ni Edward Kariithi Rukaria, kutoka Sub-Location ya Mariana, Mugamboni village. Yangu ni machache tu. Ni juu ya kule, kushikwa kwa mtu kutoka nyumbani, kwenda police. Hapo, hakuna mtu nilisikia akisema hiyo. Hicho ni kitu kinasukuma wananchi sana, kwa sababu mtoto ni mtoto, mzee ni mzee, na mama ni mama, na anaweza kuchukuliwa kama mtu, hata kama ana makosa. Makosa, ni Judge atajua, sio Polisi, au mtu huyu mwingine, kumpiga awe kiwete. Hapo ndipo mimi nasema, Electoral Commission, hapo waangalie, mtu akishikiwa nyumbani, Polisi ile power wako nayo ya kupiga mtu huko, halafu wakampeleka, rumande halafu wakamrudisha tena hapa kumpiga, halafu wakampeleke rumande, mtu akawa rock au hardcore. Akawa mtu wakuja sasa na kufikiria hata kuua mimi au mzee mwingine. Juu ya Hiyo, kuangaliwe mtu akitoka hapa nyumbani, akapelekwe akaandikiwa na Polisi kama kawaida, na akawapelekewa Magistrate haraka iwezekanavyo, na akakatiwa badala ya kuwekwa hapa awe rock, au awe akifikiria wiki tatu, nne, tano, miezi mbili, au miezi saba, akiwa anaambiwa anangojea kuwa investigated. Hayo maneno ndiyo sikusikia wakisema hapa.

Juu ya Powers za Polisi, hatusemi ziwe ndogo namna hiyo tunasema, kwa sababu Polisi ndio watu wa kuchunga mwananchi wa kawaida. Lakini wao pia wako na mambo mengine ndani hapa. Bunduki sio kitu cha kubebwa na mwananchi. Wale ma – ex, wawe wakiangaliwa hata wao, kwa sababu wanaweza kutoka huko wanakuja hapa kuelimisha watoto mambo ya kuua matajiri, nini nini. Electoral Commission, wawe wakiangalia huyu mtu akinamna gani. Sub area awe wakisema report yake; mimi nasema hiyo, sub-area, au sub-chief awe akisema report yake, kama huyu mtu ni mzuri, narudi kulima, au namna gani.

Ya tatu; Kuna maneno ilisemwa ya watu hawa matajiri, au watu hawa wako na mali yao. Mimi naweka nguvu kama inawezekana, kwa sababu mimi naweza ku investigate nikaona wewe umeweka elfu tano kwa mfuko wako, na unatoka nayo bank, na wewe uko na mali sawa sawa. Hii bunduki inatoka wapi? Yakuua mzee kama huyu? Awe nyumbani akiwa anafikiria, mimi siko free. Sasa, mimi naweka nguvu kama vile mzee mwingine alisema, watu wanaweza kufikiriwa na Serikali kama hao, trustees, wakapatiwa kitu chao cha kujilinda. Serikali ikaangalia vizuri huyu mtu ni trustee, na mtu huyu hawezi kwenda kuua wananchi namna hiyo, awe na kitu mtu akija usiku, na yeye anatoka na yake. Sababu anachunga mali yake, ni mtu trustee na hata Serikali inamjua.

Finally, ile mimi naweza kusema ya mwisho, ni hapa, vile wazee wamesema mambo ya shamba na hii ingine. Mzee anaweza kuelimisha watoto, na anakuwa na shamba eka mbili tu. Mwishowe, hao watoto wanakosa kazi huko mbele, kwa vile hakuna kitu, na mwingine ako na degree, na mwingine diploma. Serikali nayo inasema sheria ikiweza kurekebisha watoto kama hao

wameelimishwa na eka mbili na wako nyumbani wengi, badala ya kurudi kulima hii intaitwa misili, wakachukuliwa juu juu, badala ya hii hongo, wakapatiwa kazi. Wakawa wakihudumia watu hawa wa nyumbani, au akaelimisha hata mtoto wao, kwa sababu mzee amesha zeeka, au amesha kufa. Hao watu waangaliwe namna hiyo, sababu mzee amesha elimisha, ameshazeeka, na akafa; Mtu naye anaanza kulima misili hapa, anakanyaga kanyaga wengine na hayo maeka yote anawezachukwa na akauza, Kwa sababu ni mtu bright, na hana kazi, anakaa hapa tu, ni kama vile mimi nakaa. Na anaangalia, na ni mtu bright. Hiyo, Serikali iangalie na iwe ikiona maskini wale hawaja elimishwa, kama vile mzee mwingine alisema. Thank you very much.

Com. Lenaola: Asante bwana Rukaria kwa maoni yako, njoo ijiandikishe. Kuna mama angependa kuzungumuza, kabla ya huyu mzee, njoo uzungumuze – utangoja mzee kidogo tafadhali. Wewe ndiyo utakuwa karibu na vijana.

Rael Jepkoech Nkubitu: Asante sana. Jina langu kamili ni Rael Jepkoech Nkubitu. Kutoka Ruita Sub-Location, Gatimbi Location, Central Imenti Division. Maoni yangu bwana Commissioner, ni kuhusu akina mama. Nitaongea kwa niaba ya akina mama, kuhusu jamii, mama na watoto. Sisi wamama na watoto, - tunaumia sana siku hizi. Tunataka Serikali iangalie kuhusu wamama na watoto vile wanaangamizwa. Mama akifukuzwa kama ameolewa kama miaka tano hivi ama kumi, yeye anapigwa marukufu na mwingine anaolewa, mama anatoroka na anawacha watoto, wanaumia na wanaenda kutafuta huko njiani, kutembeatemba. Kwa hivyo, nataka Serikali iangalie hiyo maneno. Watoto wasije wakawa chokoraa huko, kwa sababu mama ameenda, na amesumbuliwa huko nyumbani. Sasa kazi yao ni kwenda kuomba omba na huko si kwa maskini.

La pili, ni kuhusu urithi wa mali ya bwana. Wakina mama siku hizi, mama anaolewa na wanafanya kila kitu. Wanaishi na wanatafuta mali, kama miaka thelathini, forty, na nyuma yake anafukuzwa, sijui anaenda wapi, na amezaa amemaliza. Huyu mama ataenda wapi? Nataka Serikali iangalie hiyo maneno vizuri, kwa sababu hata mama akiwa hana pesa ya kwenda kufanya divorce huko kotini ama separation, anaumia sana kwa sababu huyo bwana alibaki na ile mali. Kwa hivyo, Serikali iangalie hapo sana.

Com. Lenaola: Ugependa nini?

Rael Jepkoech: Ningependa Serikali iangalie kama mama amekaa na aiko na watoto, akatiwe pahali pake pa kukaa na watoto. Asisumbuliwe, akatiwe kwa haraka sana, asije akaumie na watoto waumie, kwa sababu ni hao ni viongozi wa kesho.

Ya pili, ni juu ya urithi wa mali. Kama bwana ameenda, amefariki, ama mama, kwa mfano sana, ni mama. Mama akibaki, wale mandugu wanasumbua wakina mama sana. Mandugu zake, wanaenda kuangamiza ile mali ya ndugu yake. Wewe mama, hujulikani. Sasa, huyu mama anayanganywa hiyo mali. Kwani alikuwa anafanya nini kwa huyo mji? Kwa Hiyo, Serikali angalie hiyo sana. Kama mama aliwachiwa mali na bwana anatakiwa hiyo mali ichungie na mama na watoto yake. Hiyo, nataka serikali iangalie hiyo sana.

Ya tatu, ni kuhusu makesi. Ukiwa na kesi, kama mimi ama kama mama ndugu yangu akiwa na kesi na hana pesa, anakaa na hiyo kesi inafanywa baada ya miaka kumi na ni kesi inaonekana kweli ni wazi. Nataka Kuwa, kama Serikali hiyo kesi inaonekana ni wasi, mtu anatakiwa hiyo kesi imalizwe haraka sana. Ya nini ikawie, na inaonekana njia iko nzuri ya kumaliza hiyo kesi. Wakili wanapoteza tu wakati, kwa sababu ni pesa wanataka. Serikali iangalie hiyo maneno sana. Ikiwa kesi iko namna hiyo, ma-judge wakate hiyo kesi mara moja, badala ya kuumiza yule mwingine.

Ingingine, ni kuhusu Serikali. Kama mama amefukuzwa, anaenda kwa Sub Chief, na unazunguzwa hivi. Ukienda kwa Chief, hakuna pahali pa kwenda. Nataka juu ya hiyo, Serikali ipatie machief uwezo, kama mama amepeleka kesi kwake, akutane na wazee ya jamii, nakurudisha huyo mama kwake nyumbani, badala ya kuzunguka. Ni hayo tu.

Com. Lenaola: Asante mama Rael, njoo hapa ujiandikishe kwamba umetoa maoni yako kwa tume. Haya karibu mzee. Halafu, Charles Muthui yuko? Utamfuata mzee.

Jotham M'rukaria: Mbitawa Jotham M'rukaria kuma location ya Rwigia.

Translator: My names are Jotham M'rukaria from Ruiga Sub-Location.

Jotham M'rukaria: Biria bundigaritie, guti mushunku uri Kenya uri nthi ya acre ngiri inyaa.

Translator: There isn't a white man in Kenya who has less than four thousand acres of land and above.

Jotham M'rukaria: Kurigaria, twaugaga uiathi na ithaka tukijukia uhuru.

Translator: We were fighting for independence so that we can get land.

Jotham M'rukaria: Uathi na ithaka, lakini ni a shunku bari na bio.

Translator: Independence and land.

Jotham M'rukaria: Niki nontu nii mwene nthii ndina iika imwe mushunku ari na iika ngiri ikumi?

Translator: I want to know the reason why the white man has over ten thousand acres, when I have just a single acre.

Com. Lenaola: Angependa nini?

Jotham M'rukaria: Mpenda mushunku ouu urina kithaka atikumba kurima agaire nkeya hii ikuria ukea naja chika amba.

Translator: I would like that white man who has a lot of land that is not in use to be sub-divided to the poor.

Jotham M'rukaria: Exampe, Ruiga location ni acre ngiri inyanya.

Translator: I want to give an example of Ruiga Location which is eight thousand acres.

Jotham M'rukaria: Lakini Voice aja ari na ngiri twelve.

Translator: Voice at Kisima, has got about twelve thousand acres.

Jotham M'rukaria: Kang`weri ari na acre ngiri inya.

Translator: Kangweri who is also a white man, has about four thousand acres.

Jotham M'rukaria: Bobairi bari na ngiri sixteen.

Translator: The two of them combined have got sixteen thousand acres of land

Jotham M'rukaria: Lakini Ruiga na Mariene ni ngiri ikumi.

Translator: Ruiga and Mariene is about ten thousand acres.

Jotham M'rukaria: Naturikuu nkuruki ya ngiri eighty.

Translator: We are more than eighty thousand in that ten thousand acres.

Jotham M'rukaria: Ni uhuru nandii buu?

Translator: Is that the independence that we were fighting for?

Jotham M'rukaria: Buu ni uhuru?

Translator: Is that independence?

Jotham M'rukaria: Ikira kiuria jathatu.

Translator: Is that independence that we are fighting for? Is that the independence that we were fighting for?

Jotham M'rukaria: Uria ukathoma ni kenda aigua kurina urito antu au.

Translator: Yes, those who are going to read, will know that there is a problem there.

Jotham M'rukaria: Namba ya ijiri,

Translator: Second

Jotham M'rukaria: Nkariite Mutindwa miaka thirty,

Translator: I have lived in Meru town for thirty years.

Jotham M'rukaria: Lakini riria ndiraringire sabii ndiraonere aamba 75% ni chokora.

Translator: When I carried out my survey, 75% of thieves and robbers in Meru town come from the community of chokoraa.

Jotham M'rukaria: Nuintu ciakara ciakura, irita kuia niuntu itina ngugi.

Translator: This is because when chokoraas become off age, they become thieves and robbers.

Jotham M'rukaria: Baakirwa shukuru barithama bakeja kunyua bangi na ndawa cia kurebia na thirikari itegegete na jaa.

Translator: When a school is constructed for them, they run a way and come to town to sniff glue.

Jotham M'rukaria: Batuimba kuandika asikali wa guikagia twana tuu shukuru aantu abaandika asikali wa kubarathaga Nairobi?

Translator: Can't they employ Police Officers to take care of these children, instead of employing Police Officers for shooting these children.

Com. Lenaola: Mzee ngoja kidogo. Unajua unatuambia shida kubwa sana, na ungetoa mapendekezo.

Jotham M'rukaria: Si mapendekezo nitakuambia saa hii.

Com. Lenaola: Sema basi.

Translator: Anasema instead of employing a Police Officer for shooting thieves, he wants the Police Officer to be employed to take care of those children.

Jotham M'rukaria: Au nandi nionkwenda kuuga atiri, bakaandikithua shukuru bonthe na asikali wa musubariti akaandikwa wakubaikagia shukuru batikarekwe kuungana aja bakuungana aja bararaga barandene. Bathoma bakaandikwa tracker, jeshi, bagatiga gushumbura thirikari na mishinka.

Translator: Police Officers should be employed to force them to be in school, and when they are educated they should be given employment.

Jotham M'rukaria: Niuntu bau nibo thiina ya thirikari baringanirwa na retired officer baa bangi bakubaa mishinka.

Translator: That is the problem of the society. When they join those police officers who are retiring, they become a danger to the society.

Jotham M'rukaria: Nandi au thirikari ikagia mpio. Namba ya ithatu.

Translator: The third issue.

Jotham M'rukaria: Title ndaerwe ithatu tiriite. Title cia muunda.

Translator: I was given three title deeds without having paid.

Jotham M'rukaria: Lakini nandii title imwe ni ngiri iinya.

Translator: Right now, one title deed is four thousand shillings.

Jotham M'rukaria: Nabaraugire gwikinya June ikaa ngiri ithanthatu.

Translator: And they have said before June, the payment of one Title Deed will be six thousand.

Jotham M'rukaria: Ndina biiji bitanao, nkibigaira ti ngiri thirty?

Translator: I have got about five sons, if I have to sub-divide for them, it will be thirty thousand.

Jotham M'rukaria: Ndaaga nkue batigairi.

Translator: If I don't have that money, then it means that I will die before I sub-divide the land for them.

Jotham M'rukaria: Uhuru gani hiyo?

Translator: Is that independence?

Com. Lenaola: Mapendekezo juu ya titles.

Jotham M'rukaria: Nandii uria nkwenda itujukie free uria twajukagia.

Translator: I want the acquisition of title deeds to be free, as before.

Jotham M'rukaria: Kiinya mushunku aario twajukagia utheri.

Translator: Even the white man gave the title deeds free.

Jotham M'rukaria: Office ya land iete ntimenya kiria, itikari ja ya Kenya, ietee thiina mono.

Translator: The Lands Office has become just like a foreign office, because it is an office of oppressors.

Jotham M'rukaria: Nandii bukomba kuthithia bou mushunku agatigwa na acre magana ja tano, aaremwa anogaa aane kani ntina imwe na ndii Kenya.

Translator: I want the white man to be left with only five hundred acres.

Jotham M'rukaria: Ni ndii na imwe na ndio kuu.

Translator: I have got one, I am still living.

Jotham M'rukaria: Uhuru naithaka,

Translator: Independence and Lands.

Com. Lenaola: Thank you Mr. Rukaria. Njoo ujiandikishe pale. Charles Muthuri. Wapi Joshua Mungatia? Baada ya Muthuri ni wewe. Halafu wanafunzi wale wawili walikwa wakizungumza ni nani na nani? Nicholas na ?– wapi mwengine? – Wapi mwenzako? Oky basi baada ya hawa wazee, Halafu tutafunga kikao – endelea.

Charles Muthuri: Thank you Commissioners. My names are Charles Muthuri Mwirichia. I have my own views; I know a lot has been said and I don't know whether I am going to repeat myself, but I hope you are going to hear my own views. First – general views. I will start by Presidential powers. In my view, the new Constitution should at least reduce the President Powers. In fact, the President should not be above the law, even when he is the President.

Ministers should be appointed by fellow members of the Parliament. i.e. when they are elected in the Parliament; By this I mean, let us say now, in the Government we have got about 10 Ministries. We might actually have more than 10 Ministers with relevant qualifications, according to that Ministry. If they are more than 10, they should be picked, and then voted for by other Parliamentarians. That is what I mean. They should not be appointed by the President. This is because if they are appointed by the President, they are the puppets of the President.

Permanent Secretaries should be employed by the Public Service Commission. This is because actually they are serving the public, they are not serving the President. They should also account for all expenses in their respective Ministries, those Permanent Secretaries.

Once any Ministry is awarded budgetary allocation, no funds should be availed before the next budget year at all.

NSSF benefits should be released to beneficiaries, once they are retrenched or retired before their retirement date. i.e. they should not actually be necessarily fifty years of age. They should be released immediately somebody is retired or retrenched.

Ombudsmen should be appointed, to inquire into grievances of citizens against the authorities and even proper action to be taken. Actually in our system, we do not have these kind of people, and they are very necessary in Community.

The Government should care for farmers and for the common man, because they are the majority electorate, as the Government belongs to them. Currently, the Constitution looks like the common man and the farmers belong to the Government. That is wrong. In fact, the Government is theirs, so they should be taken care of by the Government, more than the others. Right now

they are really suffering.

MPs should be appraised. We should have appraisals after every two years. I think you get what I mean; – So that if the MP is not performing well, we could actually even call a by-election within two years, because some of them go there just to earn their allowances and big money that they are getting now, without doing anything at all for the common man.

Kenyans are very very highly taxed. In this, Constitution it should actually look into double or even tripple taxation, – that is there. We are very very highly taxed these days. That one should be looked into.

Last but not least, it is actually about this succession. I heard somebody mention about, but I had written it here. If somebody dies and you want a son or a daughter to inherit that piece of land, you have to go to the court and pay a lot of money, to register the death of that particular person. That one actually wastes a lot of time. When we have clansmen or elders who know more about that particular family. That one should be left to the clan, not the Government or the Judiciary because the Judiciary, does not know anything about that family at all. That is all.

Com. Lenaola: Thank you Mr. Muthuri, just a minute. Is there any question? Okay please, come and register. Joshua Mungatia. Halafu Nicholas Kirimi ukuwe tayari.

Joshua Mwirigi Mungatia: Thank you Commissioners. Mtaniruhusu, nitatumia lugha zote mbili. Niko na bahati kwa sababu nafiri yale nitakayosema hapa mengine imesemwa. Kwa hivyo nitatilia mkazo tu.

Naitwa Joshua Mwirigi Mungatia. Ningetaka kuongea juu ya licencing for owning of arms. Kwa vile ilivyo sasa hapa Kenya, sheria zile zilizoko kuhusu possessing of arms, or licencing for one to own a gun ni vigumu sana. Hivi kwamba, mtu anapitia through rigorous means na njia nyingi, mpaka inakuwa watu wengine wananyimwa. Mimi naona kulingana na vile mambo yamefika sasa, we realize that there is serious insecurity kwa nchi yetu, sina nafikiri ni kwa sababu ya mlipuko wa population, na hardship in living, and so, the insecurity is so high. Therefore somethings that we were holding back, kusema labda watu wakiwa na bunduki labda wataanza kuuwana, ningetaka kusema kama ni hivyo, hata visu ni silaha na watu wangukuwa wanauaana nazo. Kwa hivyo, kama sheria zinazo ruhusu umiliki wa silaha, or owning of guns ungeruhusiwa kidogo, ili, yule anaweza kulipa na kujiandikisha na kupata licence unayofaa, aruhusiwe kupata. Hii ni kwa sababu tunaona the way robbery ziko na kuuwana, kama wananchi wamekuwa wamekubaliwa, na kama ni hao wezi wakijua labda kwa gari fulani hao watu wanaweza kuwa na bunduku, hawawezi kuthubutu kuja kuattack, kwa vile kama unavyojua, Meru hapa sasa tumekwa na shida nyingi sana of late. People being killed, shooting and all that. If a certain area, they were suspecting labda kunaweza kuwa na watu wana bunduki hapa, wangeogopa. Lakini, kwa sasa wanajua, you may have to go to even six locations or even the whole District without seeing a civilian with a gun, and therefore nafikiri zingelegeshwa, ziangaliwe and I think this will assist to improve the security. Ili watu wajiamini, because we are seeing in the advanced countries or in the civilized countries, unakuta

people freely own guns, and we don't see them shooting one another anyhowly. Therefore it will be very hard for anybody coming to shoot you at your home, because they know you are also armed. Therefore, nataka kupendekeza haya mambo yaangaliwe.

Pia kuna jambo lingine limetajwa, kuhusu ex-policemen. Kumegundulika kwamba zile kesi nyingi zinazo husika na mambo ya wizi, zimetajwa mtu fulani alikuwa ex-policeman akafutwa kwa sababu labda alikuwa criminal, and these are the same people who try now to utilize that technology, or the technicque that they learned, kuja kuhangaisha wananchi. Kwa hivyo, watu kama hawa ningependekeza kama zamani nilisikia walipokuwa wanafutwa, walikuwa wanafuatuliwa sana kujua wanafanya nini kila siku. Nafikiri kuna Mzee mmoja ametaja hapa nafikiri such people wanafaa kuaangaliwa vizuri sana, kwa sababu inaonekana ndio wanakuja na huko wanaunda guns.

The other thing ni kuhusu security mechanism. Police station zetu zile nyingi, unakuta they are not well empowered, kwa magari and other equipments. Hii ni kwa sababu saa ingine utasikia mtu anapiga simu, unambiwa hakuna gari, labda utukujie; Sasa, utapitia wapi ndio uje uchukue Polisi, kama wewe mwenyewe unapigwa na wezi? Kwa hivyo, naona hilo ni jambo moja pia nataka kutilia mkazo, if our country is going to be secure, na security elefu ya kudumishwa kuhusu wananchi na security hawa. Kwa hivyo, kutiliwe mkazo mambo ya security men na equipment na magari, na mambo kama hayo.

Jambo lingine ningetaka kutaja ni kuhusu vile mtu mwingine ametaja hapa, excessive land. Sio wazungu pekee, kuna watu wengine hata wa-Africa, ambao wako na land ambao hawatumii. Inakuwa pia kuna wananchi wengine ambao hawana hata square foot ya kulima, lakini yule mtu mwingine ako na shamba kubwa, maelfu na maelfu, lakini hatumii. Hatuna shida na yule labda ako na land ambayo anumia, tuseme wengine wanalima ngano; Hao ndiyo, kwa sababu wanajari watu huko, na hizo ngano zinaletea nchi yetu fedha. Lakini, wale wako na land which is not in use, kuna kuwa tu na gazelles na wanyama wengine ambao wanalala huko, Serikali should repossess such land, na wapatie wale watu wako na shida ya kutumia ardhi kama hiyo, ili kusiwe, kwa sababu wengine walipata ardhi kama hiyo, nao sio kwa kununua, sababu najua ukinunua ardhi, huwezi kununua ati ukuje utupe hivi. Kwa hivyo, such a person might have acquired that land by virtue of being in an office, or may be having been born earlier than the others; That does not give you the right to be more of a Kenyan than the others. Kwa hivyo, such people ni grabbers, na hiyo land inafaa kuchukuliwa na Serikali igawie wale wako na shida.

Jambo lingine ningetaka kutaja kwa haraka, ni kuhusu education. Ningetaka kusema kwa nchi yetu, sheria za elimu ziko na shida kidogo. That tunasukumia watoto kusoma mambo ambayo hata haingii. Kwa nchi zingine, they try to tap talents quite early, kwamba kama wewe unaonekana you excel in mathematics, sio uanze kusukumwa mambo mengine. May be naona kutoka Primary Level kwenda Secondary, hapo tuwe na a deliberate move, kuangalia hawa watoto wana-excel vizuri kwa subjects gani, kama ni hesabu, science, physics and chemisty – so that they drill these children in such areas deliberately, na ndipo sasa kutakuw na uvumbizi, because one cannot be a jack of all trades. Kwa hivyo, naonelea in our system of education, tujaribu kuangalia hapo, that watoto waangaliwe wanajiweza kwa njia gani na ndipo tutaweza kuwa na hata njia nzuri za

uvumbuzi, (discoveries) because you have all the time to deal with your chemistry, na kwa hivyo, kusukumiwa yote uende ukachangulie badala ya huko juu, a lot of time will have been wasted. Thank you Commissioners. That is all.

Com. Lenaola: Thank you Bwana Mungatia, njoo ujiandikishe hapa tafadhali. Nicholas Kirimi na Frankline uwe tayari kumfuata. Halafu baadaye Samuel M'rintaria – uko hapa – baada ya vijana.

Nicholas Kirimi: Okay. – Thank you Commissioners. I am representing Abuthuguchi entire community.

Interjection Com. Leonola: Please tell us your names

Nicholas Kirimi: My names are Nicholas Kirimi, and my colleague here is Antony Gitonga. We start off with Constitution Supremacy: – The current Constitution allows Parliament to amend any part of the Constitution, by 65% of majority vote. We recommend that the procedure be changed and allow Parliament to amend any part of the Constitution by 80% majority vote. Before Presidential assent to any Constitutional Amendment, there should be a national referendum. The referendum should be conducted by independent bodies, that is religious institutions and non-governmental organization locally oriented.

Citizenship : The current Constitution should be amended as follows:-

- All persons born of parents who are citizens of Kenya should be regarded as automatic citizens. Citizenship of all other persons other than roman(i) about the considered for citizenship upon application.
- Spouses of Kenya citizenship regardless of gender, be considered for citizenship upon application. A child born of one Kenyan parent. should become automatically citizen, only if the father of such child is a Kenyan citizen. A child whose mother is a Kenyan citizen but the father is not, should be considered for citizenship upon application. The right of the obligation of citizenship should depend on the manner in which the citizenship is acquired. The Constitution should not allow dual citizenship.
- A Kenyan should carry any of the following documents as evidence of the citizenship:
 - A Kenyan Passport
 - Driving Licence
 - Kenyan Identity Card.
- Defence and National Security: These should be amended as follows:
 - Situations such as war, national disasters, incirculation, and breakdown of public order. Parliament should have the authority to involve these emergency powers.
 - Parliament should also play a role of affecting the emergency powers.

Com. Lenaola: You can highlight, don't go through the entire memorandum because that will take too much time. Okay.

Nicholas Kirimi. Political Parties: – The Political Parties should play roles other than political mobilization, such as: Public Investment, Public Accounts, appointment of some members of the Executive and Judiciary such as Chief Justice, Attorney General, and the Central Bank Governor. Discipline the executive officers answerable to them as members of a Committee of Parliament. The Constitution should regulate the committee sure of management and conduct the political parties. The number of political parties should be limited to less than ten. The political parties should be financed by public finances. Minimum number of people subscribing to a political party should be fixed and any party with less members should be financed.

The Registrar: – The following appointments should be voted by Parliament. Attorney General, Chief Justice, Permanent Secretary, Parastatals, Provincial Administration, Vice Chancellors of Public Universities, and Governor of Central Bank. Parliament should have unlimited powers to control its own procedures through standing orders. Being a member of Parliament should be a full time occupation. Age requirement for voting should remain 18, whereas that of Consultive Parliamentary seats and President should be between 22 and 60 years respectively. A Parliament seat contesteer should have at least a University degree. Moral and ethical qualification for Parliamentary candidates should be introduced. People should not have rights to recall their MP. MPs should act on the basis of concerns and conviction not on basis of interaction from their Constitution or Parties.

Interjection: (inaudible)

Nicholas Kirimi: The concept of nominated MPs should be retained. Not less than half of the nominated MPs or more should be women. The Constitution should not permit coalition Government. The Present system where the dominant political party forms the Government should be retained. There should be more than one chamber of Parliament. The President should not have powers to veto the registration passed by the Parliament. The President should not have powers to dissolve Parliament.

Executive: – A Presidential candidate must have at least a University degree. The Presidential tenure should be fixed to a maximum of two terms of five years term-age. The functions of the President should be defined in the Constitution. Limits of the Presidential powers should be set by the Constitution powers such as power to rule by decrees and orders. Power to appoint and sack senior civil servants, Judges, Parastatal Heads, Public Universities Chancellors, etc should be taken away. The Constitution should provide for the removal of the President for misconduct while in office. For example, in cases of the gross misconduct and misuse of power provided in the Constitution. The President should be a member of the Parliament. The Provincial Administration upto the local level should be abolished.

Judiciary: – The Judicial officers appointed, especially those that joined security of the annual should be invented by Parliamentary. There should be Provincial of the Judicial Review of laws made by the legislature.

Local Government: – Mayors and Councillors. Chairman should be elected directly by the people. The current two-year term of the Mayors and Council Chairmen should be extended to five years term. Councils should operate autonomously. The minimum education qualification of the Councillors should be at least a University degree, therefore no language test. There should be moral and ethical qualification of the local authority seats. The Councillors should determine the remuneration of the Councilors. Nominated Councilor seats should be abolished.

Lives of vulnerable groups: – The Interests of women and people with disabilities needs to be given more attention. People with disabilities should be provided with upkeep. Military groups such as Ndorobo, Okiek, Oromo should be considered as vulnerable groups.

Land and Property Rights: – The Individual should be given legitimate ownership of land. The government should have powers to compulsorily acquire private land for any purpose but upon compensating the owner.

The State: Local Authority should have the power to control the use of land by the owners trusts. There should be selling of land owned by individuals. There should discretion on ownership of land by noncitizens. Men and women should have equal access to land, equal rights to inherit, and own title deeds. Kenyans should own land anywhere in the country. The Constitution should not guarantee excess to land for every Kenyan.

Com. Lenaola: Just pick out one more, since we shall read your memorandum.

Nicholas Kirimi: The Constitution Commissioners Institution and Offices – The following Constitution Commissioners should be established. Human Right Commission, Anti Corruption Commission, Land Commission, Public Services remuneration Commission, Senior Government, Parastatal Offices appointed by the Commission. The powers and function of the above Commission should be outlined in the Constitution. Thank you.

Management and use of natural resources: The executive should retain the powers to raise, manage and distribute finance and management of human resource. Besides taxation, the public finances can be raised by exporting manpower and involving the military in road and other constructions, instead of using the multi national, to do the work. To ensure equitable distribution of national resources, industries should be decentralized. The National cake should be shared on quarter basis. Competent Kenya should be properly remunerated to attract them. Public Service Commission members should be appointed by Parliamentary Commission. There should be a code of ethics for holders of public office. Public officers must be required to declare thier assets.

Com. Lenaola: Thank you very much students for participation and for your views, I assure you that the Commission will read every single word, so don't feel like I have rushed you through the presentation. Please come and register, and thank you very

much for the other students. Mr. Samuel M'rintari – Mzee ako wapi? Ameenda tena? Hatuwezi kumngoja – kama hayuko basi hatutamngojea. Kufika hapo – amekuja – atakuwa mzee wa mwisho kutupatia maoni halafu tutafunga na maombi kikao cha leo. Mzee Samuel, endelea na maoni yako – Sema jina, na kutoa maoni.

Samuel Mrintari: Mbitagwa Samuel M'rintari kuuma Mariene Location.

Translator: My names are Samuel M'rintari from Mariene Location.

Samuel Mrintari: Maoni jakwa jaria ndinajo ni jaaja.

Translator: These are my views.

Samuel Mrintari: Nikuringana na uria na uria Raisi aari na power ya kuthuura mjumbe urombete kuura kiri aantu agatwa indii akamuthuura akamuethia kinyaa minister.

Translator: It is wrong for the President to nominate a Member of Parliament who has been rejected by electorate and to appoint him into a cabinet post.

Samuel Mrintari: Nandii nkonaa nii gutibwiriti niuntu aantu lbaa muntu uju etite ni gutongeeria, nibaria bamwatire kuura bakionaga aatibwiriti kubatongeeria.

Translator: That is very bad, because this person is going to lead people who rejected him during the elections.

Samuel Mrintari: Ouu waati kuura ni aantu akathuurwa.

Translator: A person who has been rejected by the electorate should not be nominated into Parliament.

Samuel Mrintari: Nandii jau jangi ni kuringana kirii thirikaari iji yetuu ya Kenya. Naaria muntu agiitite share, baita iria iuthuranitue ni ikundi biu, thirikari iramba kugita tax. Na divided iria muntu akwona thirikari ikamuthingata kairi ikamutunya kiinya turia akwonete.

Translator: The Government should not over tax, for example in the organization where we are getting dividends. The Government is taxing the dividends and when it is taken to the bank, the Government again taxes it. This should be reduced.

Samuel Mrintari: Nankoona bubati kujukia tax iria bajukagia kabere indi batithingatane na mumemba naaja kumutunya tax kairi.

Translator: They should only tax once. They should not follow that money again to tax.

Samuel Mrintari: Nandii, ndiuga ni bubwega guti bungi ndinabu noo buu.

Translator: Okay, he is saying that he does not have much. Thank you very much.

Com. Lenaola: Asante Mzee M'rintari, njoo ujiandikishe hapa. Sema Mzee. Okay njoo. Wewe ndiyo ya mwisho, siwezi kubali mwingine kwa sababu nimeita kila mtu. Sema jina na utoe maoni. Halafu bwana Kiruki utasema baada ya huyu. Karibu mzee.

Japhet Rwito: Mbitagwa Japhet Rwito,

Translator: My names are Japhet Rwito.

Japhet Rwito: Buria ngukari naabu bwakwenda kuuga,

Translator: These are my views.

Japhet Rwito: Mbere, ministers na baa bangi betaga gwika mbeba rwongo na batigite nthiguru iri na thiina. Nandi ninkuga mbeba iu cionthe barite rwongo cieje naja.

Translator: Cabinet Ministers and senior people in the Government are swindling Kenyan money into the foreign banks. They should bring that money back, so that that money will assist in developing Kenya.

Japhet Rwito: Buria bungi, inkwenda kuuga kethira Rais bariringirwa kuura aantu bathatu kana baana, umwe akuruke, namba two wawe ibabui guchoka kuurene kairi bobairi na namba one.

Translator: If we have three Presidential contenders, number one and two should come back again to the Electorate so that they can be voted. That is one and two will come back again for the next round.

Japhet Rwito: Buria bungi, Rais kiiri mandaraka ja a Rais kaana uwezo bwawe, atibatere kwithirwa niwe ukuthura Permanent Secretary, na DC, na PC, na kiinya ajumbe. Nibabaterere kwithirwa kurina committee ingii iria ikuthura mono mono ba ministers.

Translator: The President should not have powers to appoint Permanent Secretaries, District Commissioners and other senior Government officials. There should be another Committee to do that work.

Japhet Rwito: Bungii riiria aana ba university bakuewa loan, lakini batikuewa loan rung'anene. Muntu omba kuewa loan umwe aka ewa shilingi ngiri mirongo irii, ungi akaewa mirongo inaa, uungi akaewa mirongo ithatu na mono mono baria bakuona mbeba inkai ni aana ba nkia. Gankugaa nibabaterere kuejagwa loan bang'anene bonthe nikenda kithomo kiria kia university kiumbika.

Translator: Both students from the poor and the rich should be given equal amount of loans.

Japhet Rwito: Nibubwega nii ntina mantu jaangi.

Translator: Thank you very much.

Com. Lenaola: Asante sana mzee, kwa maoni yako. Njoo ujiandikishe kwa Kitabu yetu. Mzee Kiruki.

Stephen Munene: Thank you very much the Commissioners and the audience au wananchi wote wale waliohudhuria leo. Nataka nichukue nafasi hii, kwamba narudishia asante sana commissioners wetu, kwa vile wameketi hapa kutoka saa tatu mpaka wa leo na wamekuwa makini sana kusikiza vile sisi tunasema. Ni hakika, kwa vile wameona ile initiative au vile tulikuwa na mambo mengi ya kusema, na hasa hawa wazee ambao ni wazee kabisa, ambao hawangeweza hata kuzungumuza kwa lugha ya kiingereza au ya kiswahili. Walikuwa wanatafasiriwa vile walikuwa wakisema, na hakika mmeona watu wa hapa wako na interest ya Constitution. Maoni yetu mumezasikia, na nina hakika mtayapeleka pale yanatakikana. Kuna kitu kimoja ambacho kime-dorminate this seating.

Succession, umesikia, kila mtu akisema, anasema mambo ya succession. Ingingine ni ya land, vile watu wetu hawana mashamba. Nafikiri mkienda Timau mtakuwa na wingi wa mashamba, kwa sababu huko ndiko wazungu wana mashamba. Moja ana 29 thousand acres. Huko kwa barabara, wananchi ndiko wanalima. Wananchi wanalima kwa barabara – road reserve, lakini mzungu analima hiyo shamba ingine yote. Kwa hivyo nafikiri kwa Meru yote mtasikia mambo ya kahawa, naya succession kwa sababu hiyo ni shida.

Ingingine ile inatuuma sana na mmesikia, ni hiyo ya land, kwa sababu watu wengi wale maskini hawawezi kufanya succession in our courts, because it is too expensive. Kwa hivyo nimesema ni asante, kwa vile mumetusikiza. Kesho tutakuwa nanyi huko Juu Gitonga, na mtasikia mengi. Wakati mtatoka Central Imenti, mtakuwa na maoni yetu, na mtayapeleka mbele. Tuna hakika, ile Constitution tutapata, itaweza kuendesha mwananchi wa Kenya akiwa na furaha, kwa sababu, ile Commission ili teuliwa, ni Commission ambayo ina ujuzi. Hata isipokuwa ni mjue maoni yetu, kama hiyo ya succession, nafikiri ikiwa mngetengeneza huko Nairobi, hamngesikia mambo ya succession, vile inafinya watu hapa – mngeitengeneza hiyo Consitution. Nafikiri ingekuwa kama ile ya Lancaster House, na haingetusaidia sana. Kwa hayo machache, nasema asante sana. Tutakutana kesho, na tutaendelea. Kufikia hapo, nitauliza mzee moja wa wale walikwa wanakuja hapa kutoa maoni yao atuendeshe kwa maombi ya kufunga.

Mzee (maombi)

Tuombe – Asante Mungu kwa vile umetuweka hapa kutoka saa tatu mpaka saa hii, na sasa tumefika mwisho wetu. Ile maneno yote tumesema uyaweke kule inatakikana hata ukiona na macho yako. Tunakuomba Mungu ikifika pale inahitajika kufika iangaliwe vile tunasema, tunakutuma mbele ya wale viongozi. Tunatuma roho wako. Tunatuma hata malaika juu yetu atuchunge, na hawa viongozi wetu wamekusanya maneno yetu, tunawaweka mbele yako. Hata gari ile wataenda nayo, tunaiweka mbele yako; Steering itashikwa na malaika wako, na miguu yote ya gari itachungwa mpaka wafike pale wametoka. Wakipeleka maneno yetu Mungu, tunakuomba isikizwe kwa isikishwe na makini, na ipitishwe vile tunavyotaka. Sisi watoto

