

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, IMENTI CENTRAL
CONSTITUENCY, HELD AT GITHONGO METHODIST CHURCH**

22ND MAY 2002

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METHODIST CHURCH
ON 22ND MAY 2002.**

Present:

Com. Abdirizak Nunow
Com. Isaac Lenaola

Secretariat staff in attendance:

Solomon anampiu - Programme Officer
Mary Kanyiha - Assistant Programme Officer
Patricia Mwangi - Verbatim Reporter

The meeting started at 9:25 a.m.

Tabitha Kyambi: Hamjambo. Jina langu ni Tabitha Kyambi kutoka Githongo, Imenti Central Constituency. Nachukua nafasi hii kuwakaribisha Commissioners na team yao na ni asante kwa kutufikia na kufika kwenu mapema. Nanyi wananchi nawashukuru kwa sababu mmejitokeza na mmekuja mapema na kila mtu ana nafasi yake ya kutoa maoni yake. Hata kama haujayaandika, utayatoa, utasikizwa na yataandikwa. Kwa hivyo sasa kabla hatujaanza tutapata maombi, tumshukuru mungu kwa sababu ametutendea mema. Nitamuuliza Rev. Daniel Mutia, kasisi wa hapa, atuongoze kwa maombi. Bwana Mutia.

Rev. Mutia: Asante Madam. Nawakaribisha nyote katika kikao hiki na katika Methodist church mahali tuko. Na tuombe.

Baba mwenyezi, tuko mbele zako Bwana tukikutolea shukrani nyingi kwa vile Bwana umetuwezesha kufika mahali hapa, kwa vile Bwana tumeanza vyema ukawaleta wapendwa wetu Commissioners na wengine wale waliokuja ili tuungane pamoja katika

jukumu lililo mbele yetu. Kenya yote bwana tunaendelea na agenda hii ya kutoa maoni li tukaandike katiba yetu mpya ambayo tunataka iwe nzuri na ya kutuongoza kwa vizazi vijavyo. Bwana tunaomba ili roho wako mtakatifu akatuongoze . Tunaomba hekima yako, tunaomba uongozi wako, ili Bwana maoni yote tutakayotoa na Bwana yake yatatolewa na watu wengine, yawe ya kufaa, yawe maoni Bwana ambayo yatatengeneza katiba itakayokuwa ya kufaa katika nchi yetu. Bwana ninakushukuru kwa vile ukaona ni vyema wakati huu ukapeane viongozi ya serikali. Bwana endelea kuwalinda na kukaa nasi hata wakati huu tunangojea elections, hata wakati huu Bwana tuna maoni mengi ili Bwana shetani naye asipate pa kuingilia. Bwana tunataka ukatuongoze ukikaa na kila mmoja anayetuongoza. Bwana tunamuomba hata President wetu Daniel arap Moi ili kwa wakati huu Bwana akatuongoze vyema na akipeana mamlaka kwa yule atakayecaguliwa, Bwana tuuone mkono wako wa uongozi. Bwana tunaomba ili siku hii yote iwe siku nzuri, iwe siku ambayo Bwana tutaona maoni mbali mbali. Bwana tunaomba hata nguvu za mwili. Tunaomba Bwana tukimaliza kikao chaetu na wale wengine wakimaliza kikao chao Bwana tutakushukuru tukiona nayo maoni hao yametiliw maanani na wale Bwana watakaoyachukua kuyaandika na kuyafahamu vizuri. Tunaomba hayo tukijua uko pamoja nasi na ni katika jina la bwana wetu yesu kristo. Amina.

Mungu akawabariki nyote.

Tabitha Kyambi: Asante bwana Mutia. Hebu nichukue nafasi hii kabla sijawapa Commissioners, niwajulishe wana kamati ambao tunao hapa. Wengine wametoka ----? na wengine huko mwisho na tulikuwa nao Katebe kwa hivyo hawatakuja hapa leo. Hapa tuko watatu; tuna Marsela Kiogora, Marsela wasalimu watu.

Marsela Kiogora: Hamjambo.

Tabitha: Tuna Mr. David Keruke.

David Keruke: (speaks but inaudible)

Tabitha: Asante. Na mimi ni Tabitha Kyambi kama nilivyo waambia, natoka Githongo. Sasa nitawapa Commissioners mkutano, wajijulishe kwetu na waendele. Haiya karibu.

Com: Nunow: Asante sana mama Tabitha. Katika mkutano huu ningependa kuwakaribisha nyote kwa kikao hiki ambacho ni kikao cha pili katika constituency hii. Kama mnavyojua, kila constituency tunakaa vikao viwili na hiki ni kikao cha pili kati ya hizo mbili.

Ningependa mwanzo niwajulishe wenzangu ambao wametoka kwenye Tume, kisha niwaeleze utaratibu wa kutoa maoni. Nami hapa tuna Mr. Isaac Lenaola ambaye ni Commissioner. Kwenye mkono wa kulia ni bwana Anampiu Solomon, ambaye ni Programme officer wa Tume, karibu naye ni bi Mary Kanyiha ambaye ni naibu wa Programme officer na pia anachukua

records ya yale yanayozungumziwa yote. Upande wa mkono wangu wa kulia, tuna bi Patricia Mwangi ambaye ni Mnasa sauti na pia yeye anaandika yote yanayozungumziwa kwa short-hand ili ipatane na yale yanayoandikwa na Mary.

Patricia Mwangi: Hamjambo.

Com. Nunow: Na huyu ni yule anayehusika na utaratibu wa sauti. Nami ninaitwa Abdirizak Nunow, pia mimi ni Commissioner. Ningependa kuwaeleza utaratibu inayohitajika tufuate ili tutoe maoni inavyotakikana.

Ya kwanza ni muda. Kwa sababu kila mtu ana haki ya kutoa maoni yake na muda tuliyo nayo si muda isiyo na mwisho, ni muhimu tumpe kila mtu muda kidogo. Dakika tano kama unayo maandishi; hizi dakika utatumia kuangaza. Utakuwa tu unafafanua chochote ambacho unafikiria inafaa kufafanuliwa katika hiyo memorandum yako. Hizo ni dakika tano. Kama haujaandika chochote na unataka kuzungumzia yaliyo moyoni mwako tu, tutakupa dakika kumi. Yanaweza pungua lakini hayatazidi kumi kwa hivyo ukiweza kuzungumza chini ya dakika ni sawa lakini baada ya dakika kumi, nitalazimika kukuzuia.

Ya pili ni Lugha: Unaweza kutumia lugha yoyote ile. Lugha ambayo unajua kwayo unaweza kujieleza vizuri, utaitumia na kama si Kiswahili ama Kiingereza, itatafsiriwa.

Ya tatu ni heshima ama jinsi tunatakana tujiendeshe tukiwa hapa. Mtu akiwa anazungumza, tafadhali, hata kama haukubaliani na yale anayosema, umsikise lakini hamna yeyote aliye na haki ya kumpigia mwingine kelele ama kumzuia kusema yale anataka kuzungumzia. Kila mtu hapa ana haki na uhuru wa kuzungumza yoyote yale anayotaka kuzungumzia.

La mwisho: Ukiitwa kuzungumza unaketi pale kwa hicho kiti. Utazungumza, na ukimaliza kuzungumza, usiondoke mara moja, usubiri uambiwe uende pale kwani sisi wana Tume tunaweza uwa na maswali ya ufafanusi. Pengine kuna jambo umezungumzia na hatukuelewa na kama kuna kitu hatukuelewa, kuiweka kwa record itakuwa ni kitu isiyo-clear kwa hivyo tutauliza ufafanuzi kama kama kuna kitu haijafahamika vizuri, lakini kama imefahamika vizuri, tutakuambia uje huku kwa bwana Anampiu, kama una memorandum unapeana pale na kuandika register na kama hauna memorandum pia unaenda pale na kuandikisha kuwa umetoa maoni mbele ya Tume. Tumeelewana? Kuna mtu yeyote aliye na swali kuhusu niliyoyasema? Okay. Kwa hayo, tutaanza. Na tutaanza na.....

Asante. Nimekumbushwa nimesema mtu akizungumza apewe heshima zake, tumnyamazie. Lakini akishamaliza, pengine umefurahia sana yale ameyasema na unashangilia, kwa sababu sauti ina naswa, hiyo kushangilia inaharibu sauti itakayo patika. Mnaweza cheka nyote mkiwa mmefugua midomo lakini msitoe sauti. Tafadhathi tusishangilie sababu hii si baraza wala si mkutano wa siasa. Sawa sawa? Kama mtu alizungumza vizuri, mpongeze baadaye. Hiyo record itaharibika na ikiharibika watu wa Githongo watakuwa wameharibu yale maoni yaliyotoka kwao. Unaweza kufurahia sana, umpongeze baadaye lakini msipige makofi wala msitoe sauti ambayo ita interfere hiyo recording. Asanteni. Imekuwa desturi yetu tangu tuanze kuketi kwamba

mtu akitaka kuvuta sigara, asivute kwenye kikao hiki. Hata kama ni open, kwa field, hatumruhusu mtu avute sigara, kwa kanisa ni zaidi hata kwani ni matusi kwa Mungu. Hiyo imekuwa sheria yetu na ninafikiri tutaendelea nayo. Kama unataka kuvuta sigara, utafute nafasi ingine lakini usivunje heshima. Nitamwita mtu wa kwanza ambaye ni Barnabas Nkandau.

Com. Lenaola: Sema majina.

Barnabas Ngandu: Majina ya ni Barnabas Ngandu kutoka Katheri East. Wana Tume ya katiba, ningefurahi na kupendeswa kama katika katiba ya nchi yangu itakayo nilinda na kuwalinda wazalendo wenzangu itawekwa vipengele kama;

Wataalamu wawe wakiteuliwa kama mawaziri wa wizara mbali mbali na si lazima wawe wanasiasa waliochaguliwa kwa kura. Rais awe na tume ya wataalamu wa kuteuwa.

Pili: Katika katiba, serikali za kikwetu kama vile Njuri- Njeke zirudishwe.

Tatu: Rais awe akienda likizo za lazima na anayeshikilia wakati huo awe na mamlaka kamili ya Rais.

Nne: Picha ya Rais iondolewe kwenye noti na sarafu za nchi na isiwe ni lazima picha hiyo itundikwe kwa maofisi na nyumba za biashara au maskani mwa watu.

Tano: Katiba ipeane mamlaka ya kuteuwa Tume ya wataalamu wa kiuchumi ili wawe wakichunguza watu kama Rais, Mawaziri, Makatibu na viongozi wengine vile wanavyo dhuru uchumi wa nchi yetu.

Sita: Katiba impe mpiga kura nguvu ya kumfugua mbunge kabla ya miaka mitano kama hawamtumikii vilivyo.

Saba: Rais asiwe mwakilishi au MP wa sehemu fulani ya nchi lakini achaguliwe na wananchi wote kama mwakilishi wa nchi, mbunge wa taifa au state MP.

Nane: Wale wote wote waliofikisha umri wa miaka kimi na nane na hawajaajiriwa kazi wawe wakilipwa na serikali ili wajimudu kimaisha na kupunguza ualifu nchini.

Tisa: Wale wanaostaafu wawe wakipatiwa maruburubu yao siku chache kabla ya kustaafu na kwenda zao.

Kumi na ya mwisho: Barabara zinazozaidia kuinua uchumi wa chini kama vile barabara ya Meru town kupitia Katheri, Githongo, Kithirune, Kinoro, Chogoria hadi Nairobi, ziwe zinatiwa lami na ziwe zinapewa huduma na serikali wakati wote ili kupunguza ajali. Asante.

Com. Nunow: Asante bwana Ngandu. Umesema President akiwa kwa leave ama baada ya kumaliza kazi, mtu mwingine ashike hatamu za President. Nani Huyo?

Barnabas Ngandu: Makamu wake.

Com. Nunow: Asante. Tafadhali njoo huku na ujiandikishe pale. Asante sana kwa maoni yako ambayo yamekuwa focus points. Siyo story na nini. Na tafadhali ukifika pale, anza na majina yako kwa record kwa sababu hiyo record itaonyesha ni nani anayezungumza. Ukianza kuzugumza tu bila kutaja jina lako, haitajulikana ni nani amesema. Ndio sababu usipoanza na jina, unakumbushwa. Stephen Kituma? Inaonekana Stephen amejiandikisha na akatoka. Naftali Mugambi?

Naftali Mugambi: My name is Naftali Mugambi from Katheri Central Location.

I will start with defense and national security: Kenya Army: The Kenya Army being therefore external defense should have a properly trained officers, well equipped to defend our country. They should be trained for eighteen months or less and after their training, a quarter of them should remain in the barracks and the remaining three quarters should go to their homes in case of any outbreak of war, they should be called to the barracks and start earning a salary and other benefits. There is no point keeping a large number of Army men in the barracks earning fat salaries, house allowances, car allowances, medical benefits and later they get pensions while in the barracks doing nothing.

Kenya Police: The Kenya police recruitment should be carefully looked into. The Kenya police force must have the most qualified and educated people because when a doctor operates on a patient and a patient dies within the course of the operation, it is the police who will be called upon to investigate the case. When a plane crashes and kills people, it is the police who will be called to investigate. When an accountant in the central bank of Kenya steals money, it is the police who will carry out the investigation and many others.

In this case the police force should be better housed, should have proper and up to date equipment and should be paid good salaries and allowances.

Registration: To be elected a member of parliament, a candidate should be an upright man in every respect. He/she should be academically qualified, a graduate or from the university and should be over forty years of age, married. His/her records should be checked through from primary school to university and where he has worked to avoid---? and ----? in the high in high institution of parliament.

The constituents should have all the rights to call their MP who is ----? , if he becomes sick for a period of more than six months and if the constituents are not satisfied with his work, if he does not visit his people for let us say six months. As for

most our MPs, as we see the eclipse of the moon, after a long time. He should be removed from parliament by thirty seven percent referendum of registered voters in the area.

Parliament should have limited powers when they are discussing their own benefits because recently they gave themselves fat salaries and allowances. This should be a referendum. The parliament should never have power to remove the president from office through the vote of no confidence. The president is elected by wananchi and it is only the wananchi who can remove him from office.

Executive: The president should have the following qualifications: Over forty years of age, married, handsome/beautiful, a graduate, professor, Masters in administration, economics and law. He should apply for the job three years prior to elections so that his records from primary, secondary school can be traced whether in his records he has ever been stealing a mango or a sugar cane or a pencil in school.

The President should be a member of parliament because his duties are related to parliament and he will work together with the ministers and members of parliament.

The tenure of office should be three five-year terms.

Provincial Administration: Provincial Administration should continue as it is in because we have inherited it since the white man introduced it about a hundred years ago. If it is changed abruptly it will bring problems.

The provincial and district commissioners should be over forty years of age and married. The posts of PC and DC should be advertised by the public service commission and those who meet the qualifications should be employed. They should have wide experience in administration, starting from divisional DO.

The posting of a DC and PC should be taken into account. It is not practicable when a woman DC is posted to a DC like a council of Njuri-Njeke whose culture does not allow them to speak when a woman is around or a Turkana DO is posted a district where boys are circumcised traditionally. The DO cannot decide such cases because he does not know anything and he will not be told anything about that issue.

Chiefs and Assistant Chiefs: The chiefs authority should be revived because we have witnessed you people smoking bhang in front of their chiefs because chiefs have no authority to arrest them, has nowhere to lock them and he has not transport to take them to court.

Wananchi don't attend chiefs' barazas to hear the government important messages. For example when there is an outbreak of

cattle and there is a vaccination of measles and more important case when there is a war, he cannot order young people to join the army and even if the forest catches fire, he cannot mobilize the people to go and put it off.

Judiciary: A supreme court made up of nine judges representing seven provinces, with Nairobi having an extra district being represented by two, should be established. They should be appointed by the president subject to confirmation by parliament. It should have powers no other council law in Kenya. It should overrule the president, strike down laws passed by parliament and decide disputes between provinces, district and division boundaries.

Com. Lenaola: One more minute Mr. Mugambi.

Mugambi: One More Minute?

Succession: This is the most difficult and slippery sensitive. The constitution should state clearly the terms of office; who should take over in case the president dies of illness, accident or assassination. The president's on retirement should be shown. The president should vacate the office three months prior to elections and hand over his duties to the three people who will take care and manage the government until a new president. The three people are: Chief Justice, Head of civil Service and Speaker of the national assembly because when the president is in office, people will fear him, expecting benefits in case he is voted in.

Caretaker officials and not the commission should announce the election results of the president.

The powers of the president should be increased.

Com. Nunow: Thank you very much Mr. Mugambi for those views. Let us have your memorandum and you sign the register. Simon Kimathi. After Simon we will have David Kiruki.

Simon Kimathi: I am Simon Kimathi Aburia from Katheri East location.

The chairman, Constitution Review of Kenya, I would like the following to be reviewed;

Presidential retirements benefits Bill by Prof. Peter Anyang' Nyong'o should be abolished. It was in the Daily Nation of 28th January 2002 where the retirement benefits of the president estimated at 24 million was suggested.

The retirement benefits of all elected MPs/councilors must be abolished because politics is casual employment for a term of five years.

Increment of MPs salaries, allowances should be discussed by the Public service commission because recently our MPs increased their salaries by four hundred per cent.

The Minister for agriculture must come from the agricultural areas of Kenya, i.e Eastern, Central and Rift Valley Provinces.

The powers of the president to have prisoners released on national days should continue but the prisoners who are jailed four years and below should be working in public institutions instead of staying in the prisons doing nothing. I think they should be working in school, hospitals, rural roads under the supervision of prison warders and chiefs of the location.

Number seven: The high court should make sure that all appeals are completed before six months after the date of registration.

The electoral commission of Kenya should be elected by all parties in parliament.

Number nine: The Attorney General of Kenya must be voted in by secret ballot by all members of parliament. This will make him fear and he will have court matters dealt with perfectly. The Chief Justice too.

In Kenya we have so many MPs. The nomination of MPs and Councilors should be abolished.

If the president declares anything to be free, it should be. If not, the person responsible should be taken to a court of law.

Any civil servant who is mentally ill should be protected by the government and his salary and benefit given to the next of kin until he dies.

Number thirteen: The land board control board members should be elected by the member of the public served and not by the MP or the office of the president.

Lastly, Kenya must remain a multi party country.

Com. Nunow: Thank you very much Mr. Kimathi. Just a moment for clarification. Okay, you are clear. Register yourself there and let us have your memorandum too.

David Kiruki: My names are David Kiruki Thaara. I wish to present my views to the Commission.

One: This country has experienced a lot of commissions appointed by the president or by the ministers and the findings of most these commissions are never given to the public. I am therefore suggesting in future or in the constitution that we are writing now, the President and the minister should be barred from appointing any commission. If there is anything that is required in the nation, the parliament should appoint the commission through an act of parliament. I am saying this because we normally don't get the findings the commissions. For instance the Mwangale commission on JM, the Robert Ouko commission, I don't

remember whether it was a parliamentary commission or by the president but that one was killed before it gave its views.

Directives: We have had numerous directives since Kenya became independent and many of these directives were given by the president and these directives were too many that the citizens ignored most of these. I will quote an example; whenever there is an election around the corner, the schools are affected by the directives because parents are told not to pay building funds; your children should not do evaluation or mock examinations. These directives are never obeyed because Kenyans are too keen. If they were calling it mock, tomorrow they will call it evaluation test and you find the pupils doing the tests because parents and teachers think these tests are very important for preparing their students for exams.

Therefore, our constitution should scrap all directives that might be given either by the president or any person in authority. If there is anything that is important, the parliamentarians should put it in law and that can govern us.

Defections: This country has experienced a lot of defections. When MPs are elected, some are induced by being given some amount of money to make them change their parties and go to another party and through this the government has lost a lot of money in by-elections. I therefore think if the MP wants to change sides, they should be given a chance either to cross the floor and go to the party he wants or use the method recently used by Raila Odinga of dissolving his party and joining the party of his choice or the method used by Shakombo of shirikisho and if that is done it will avoid the government having to spend a lot of money in conducting by-elections which are induced through the money that the MPs are given to defect or by any other means.

Let MPs use other ways of defecting. Alternatively, this clause that was put that when one defects from the party that took him to parliament and joins another party, be removed from the constitution and give the MP a right to join a party of their choice until the elections are called, then the voters can decide their fate.

Education: We have what we call the 8-4-4 system of education now. This type of education has frustrated a lot of Kenya children because they are supposed to know every subject so that at the end of the day they get a mean grade of A, B or whatever grade so that they can join either university or any other institution. I would recommend that this system be scrapped by the constitution and the education system be reversed to the old system of 7-4-2-3. This will enable our children to excel in the subject they like best in their forms five and six and then we produce the best caliber of people through specialization. If that one is done, a lot of brains that are lying idle in our country will be used in the development of this country.

Land distribution: From the time of Independence, land was distributed to Kenyans through the settlement schemes but some people took big pieces of land. Some settlers who were given land in this country we left with big pieces of land and to date there are Kenyan who hardly have a small piece to cultivate.

If you go to Timau and along that way, you will find a lot of people are cultivating along road reserves and a settler today has

twenty-nine thousand acres of land whereby he own that land alone. My suggestion is that the government should acquire this land from the settlers and leave every settler with on thousand acres. The rest of the land should be bought by the government through loans that it can get from donors and compensate the farmer for the development of the land and the remaining land can be divided to the landless and the landless can repay the government the loan once they are settled in that land.

This should apply not only to white settlers but to our own people who own large sizes of land.

Provision of services: In the past, and I will start with our own area, our road was very bad and was impassable. The matatu men decided to repair the sections of the road that were bad. They contributed their little money to do the job. When the area MP heard that, he started wondering what those small men were doing and he started chasing them.

He got the D.C and they started chasing those people, other people----? the same and they were all chased.

They did not repair the road and the people had to walk long distances because the vehicles could not ply the route.

In Timau, in Kisima farm, the settler their wanted to repair a small road during the El-nino rains but the DC stopped him from repairing the road because the government was supposed to repair the road. To date, that small section has never been tarmacked so when you drive along that road, you come to that section.

It is for this reason that am saying that where the government is unable to provide the services, and the citizens are able to, they should do it without any one preventing them.

Number eight: Restricted areas: In nineteen ninety-two, at the start of the multi-party politics, some citizens of this country were prevented from visiting some North Eastern areas. I remember Oginga Odinga went to Garissa and on landing there he found himself surrounded by askaris because he was in the restricted area and he could not address the people.

I am therefore suggesting that there should not be any restricted area in Kenya where a citizen should not go. Whether to do his business, to propagate his political ideas or to do anything else. The citizens should be free to go to any part of Kenya.

I remember at the same time, Kenneth Matiba was prevented from going to Embu, at ----? River, and there was a big queue of vehicles which were unable to pass that area. He was also prevented from entering Meru at Timau.

I am therefore saying that our constitution should state clearly that no citizen should be prevented from visiting any part of this country, in other word, there should be no restricted areas.

Com. Nunow: The last two points.

David Kiruki: This one is very important; bankruptcy: The bankruptcy law has been used in this country to frustrate MPs. Whenever an MP differs with the power that be, the MP, and particularly the opposition MP, are always threatened with bankruptcy. Am therefore requesting that in our constitution, the MPs should be exempted from the bankruptcy law when they are sitting MP. When the parliament period ends, these people can then be prosecuted on the bankruptcy counts.

I will touch of the PSs' and Chiefs: Permanent Secretaries are people who do not know their fate because they can be sacked any hour over the radio. At one o'clock you listen to the names of the Permanent Secretaries being read out and when you hear someone's name has been omitted, you know that that one has been sacked.

It is my recommendation that the president should not appoint these people; the Public service Commission should appoint them and that Commission should be responsible for sacking and hiring them.

We have these very important people who live here; chiefs: Chief are people who solve a lot of domestic problems and I will quote from our constituency. So many chiefs have been sacked because they do not agree with the MPs. Once the chief does not agree with the MP, that one is sacked; we have so many who have been sacked but I don't want to mention names.

In other words, it appears as if the MPs are the employers of the Chiefs. I am therefore recommending that if our system is going to maintain the chiefs, let them be employed through the channels through which they are employed and immediately they get employed, they should not be sacked the way they are being sacked today. If there is any case, let them be interdicted like any civil servant and let us have a body that will listen to their case and once the case is determined, then the chief can be sacked.

Today a chief is like a permanent secretary; when he does not agree with an MP, the following day, that man is sacked and so many have been sacked in this constituency through the influence of MPs.

I have got a few other points but allow me just to mention something on the presidency because I did not use your guidelines; I mentioned the things that affect us here most.

Our constitution should stipulate the age of the president and how the president should govern this country. If the constitution is to be changed, we should have eighty-five per cent majority and this will do away with manipulation because MPs are at times bought but it is impossible to buy eighty-five percent of MPs.

Thank you very much; I got only one point left.

Com. Nunow: Thank you bwana Kiruki. In the last statement on the President you mentioned that the age of the president should be stipulated. What age bracket do you have in mind?

David Kiruki: The president should retire at the age of eighty and should be elected from any age group of the people who are eligible to vote. I am saying this because being elected is not a simple thing. First of all you must convince Kenyans to elect you their president and even if you are eighteen and you are able to convince them to elect you as president, let you be their president.

But as you know, this clause was changed where someone said during Kenyatta's period that for one to become a president they must be thirty-five years because Kenyatta was threatened by Mboya and JM so they they brought that so fast in

parliament, the constitution was changed, and then those people were locked out.

It is for this reason that I am saying because part of the constitution was changed to serve someone's interests, we should revert back now and have anybody who is illegible to vote, a registered voter, should be able to be elected as president so long as he convinces Kenyans to elect him.

Com. Nunow: Thank you very much for those views. Please register yourself. Kimaita Jeremiah? Then we will have Reuben Ndubi. Are you there?

Jeremiah Kimaita: ---- (speaks in Kimeru)

Translator: I am Jeremiah Kimaita.

Kimaita Jeremiah: ----

Translator: What I want to say is as follows.

Kimaita Jeremiah: ----

Translator: I am recommending to the commission that if a woman was to be a member of parliament, she should be married and whenever she is presenting anything it should be written by the husband or somebody else so that it can be presented.

Kimaita: ----

Translator: He is recommending that the woman should be married and whenever she is talking she should be accompanied by the husband.

Kimaita: ----

Translator: I am recommending to the commission that no man should wear a woman's dress and the ladies should not dress in men's clothes.

Kimaita: ----

Translator: If one is caught dressed improperly, they should be arrested and prosecuted.

Kimaita: ----

Translator: Thanks. That is what I wanted to tell the commission.

Com. Nunow: Okay. Thank you very much bwana Kimaita, tafadhali njoo ujiandikishe pale. Ndubi Reuben. After Reuben we will have Kinoti.

Ndubi Reuben: Thank you. My names are Reuben Ndubi, I am representing Kairune Water Project.

One: Roads and feeder Road's drainage; at present our roads are damaged by rain water because it runs on them for miles and kilometers without being checked up causing serious soil erosion.

A law should be passed by parliament whereby roads drainage should be made on peoples' shambas as it was in the past years.

Two: Quota system of education; the quota system of education has existed in Kenya for some years and am suggesting that, because students in Kenya pursue the same level, they should be admitted in our universities following academic performance.

Three: Free education to university level; as per now Kenyans are overtaxed. I am suggesting that the government should increase indirect taxation so that our pupils can pursue education to university level freely.

Four: Free medical care; at present Kenyan people are almost unable to pay for the cost of education and medical care because they have become too expensive. The government should try to provide free medical care at all levels.

Five: Land ownership limitation; in Kenya we have many landless people and many others with hundreds of acres that are lying undeveloped. We are suggesting that the maximum land one should have in Kenya should be twenty acres.

Six: Local authorities and their services; local authorities get their dues from the small markets started in Kenya but funny enough they give no services to those small markets.

Therefore we are suggesting that if they give no service, they should not collect any levies from those markets.

Seven: Fountains of water: All the fountains of water should be taken care of because when we reach the month of July in our constituency, all the streams dry off, the small creature die yet they all are Gods creatures; this is because of blue gum trees which have been planted near the fountains of water, along the streams and the swampy areas.

Eight: Freedom of Worship; the children should not be forced to go to school on Saturday because Saturday is the seventh day of God according to the bible in the book of Exodus 20:8-11. Those in secondary schools must be permitted to worship on that day, within or without the school compound.

Nine: The president; the president should be at least forty to forty-five years of age and should be a graduate from any university because our present president did not even reach the university.

He should be in office for two terms each having five years hence a total of ten because a forty-five year old man is a mature person and can be able to rule any country.

The president should be a member of parliament and should be attending the sessions at least twice a week. I am saying this because our current president does not appear in parliament. He only appears during the opening session or on special occasions.

I beg the commission that I move. Thank you.

Com. Nunow: Okay bwana Ndubi, you have been understood. Please register yourself there, hand in the memorandum and when one hands in a memorandum, we will read every word in it. They are put in the computer, printed out and given to all the commissioners in a sitting so you should not struggle to go through it. That is why you need to mention the points, so that you highlight them but the details will be read by all the twenty seven commissioners, not only the two of us.

Obed Kinoti? Then we will have Gerald Mwirigi after him.

Obed Kinoti: Thank you. I am Obed Kinoti Mutia, a committee member from Katheri West.

It is my wish to mention a few things that I think the constitution of Kenya is supposed to have to have.

A Preamble: I feel it should have a preamble for it is the introduction that needs to reflect or rather to mirror the interests of the society and of course its fears so it is important for our constitution to have the introductory part of it.

It also needs to have the vision that tells us that this country, the geographical expression we know as Kenya has the originality and more so is futuristic so it must repeat in itself the vision and in that the common experience of the ordinary citizen needs also to be mentioned in the constitution.

There are also some of the important values, which are known worldwide, and it has to show that really it restores the respect of those principles. That is, the liberty of thought and expression; when I say the liberty of thought and expression, I mean that people need to think freely without being governed and they need to express themselves freely without being curtailed from doing so.

The People should also have opportunities of either refusing or accepting, that is deserting, be they a minority or an individual, he needs to air his views freely and have the opportunity to know things freely.

Another thing is when there are political conflicts occurring. A way needs to be found where those conflicts are solved once and for all; either through voting and those who are defeated accept that they have been so that there is a rationality of those things, i.e. through the accepted means. In doing so there will be a widespread confidence in and loyalty to the constitution

I would also want to mention a few things, which I feel, are important in the local government because it is the local government, which is so close to the common mwananchi.

The Mayor and Chairman need to be elected directly by the people because they are the representatives of the people through the council. Then the council should operate under the authority of the councilors and the chief officer.

There is the question of the minimum requirement for education for a councilor. In the world today education is very important and I feel that a councilor needs to be an educated literate person capable to communicate effectively and more so to understand geopolitics hence an ordinary person with form four level of education is acceptable and it should be seen that he has qualified in that level.

When it comes to the language test, I am not convinced that when they are tested they are proved ---? A written language test needs to be there for a councilor, written in either Kiswahili or English or both.

The moral qualification for a local authority seat, if a councilor is known to be a fellow who is a good fighter, who is not respected by the community out there, then he is not supposed to be elected.

The people should have a right to recall their councilor. A way has to be there where if a councilor is proved not worth the salt, the people can recall him or her.

There are areas where the minister in charge of the local government dissolves the local government. Unless the local government seems to be unviable, that it is not able to run itself, then the minister can dissolve the local government.

Another issue I will mention about is the system of education. Presently our system of education, the 8-4-4 system, has a lot of shortcomings; it shows a lot of things where students are not able to grasp and in the long run, we have half-baked graduates, half-baked form four graduands.

The new system needs to be somehow mixed up so that we have the two systems and may be if there is another system out there, which has not been brought to Kenya, it should be tested so that we have two or three things running parallel. I don't mean that the new system is not a good system however with the present situation and may be the new things coming, the 8-4-4 system is expensive, our country cannot afford it; few schools can, others cannot, so it is important for our country to have the so called old system.

Com. Nunow: Your last point Mr. Kinoti.

Kinoti: I will touch on the land issue; land is a very sensitive issue in this country. It is my own idea that somebody owning a thousand acres of land has too much. It should be reduced by half and the government should take the rest and pay that gentleman or lady and the willing buyer-willing seller should be taken to the squatters, those with money.

When it comes to ownership/inheritance, the land board, where the MPs do influence, men of respect from the ordinary citizenry, say for instance the Njuri-Njeke, need not to be pushed around by the MP. We need trusted men to be in the board.

Thank you, those are my views.

Com. Nunow: Thank you Mr. Kinoti. We do not have any question, so register yourself there. Mwirigi Gerald. Then after him we will have Mwirigi N'to Nkanatha.

Gerald Mwirigi: Commissioners of the Constitution review commission, I would like to present the following. I am Gerald Mwirigi from Katheri central location, I am a commissioner of the commission of justice and peace in Kenya, I am also the coordinator for CJPC ---? Parish, I am also a civic education provider.

Preamble: We need a preamble in our constitution; the national vision which may set out the Preamble that the Kenya constitution belongs to all Kenyans, Kenyan citizens, and the same citizens should be conducted if there is any need to make any constitutional amendments.

That if anybody tries to change the constitution without consulting the Kenya citizens, they should be punished by law set out in the constitution. All Kenyan citizens should protect the constitution by all means possible.

The common experiences to be reflected in the preamble are:

The constitution be written in simple language that all Kenyan can understand;

The constitution to be made available to all Kenyans; those who would wish to buy copies for their use should be able to find it affordable;

That all matters pertaining to the struggle for independence and thereafter be reflected in our constitution;

Directive principle of state policy; yes we should have statements capturing the national philosophy and the guiding principles.

The democratic principles, which should be included in the constitution, are:

Individual sovereignty, separation of powers between the executive, parliament and the judiciary, fundamental human rights including information for all, free fair and frequent election and respect for electoral institutions, rights of access and respect of property, right to land and natural resources, public welfare e.g. education, health and transport and environment in provision for social justice and equity, equal distribution of goods, finances and services to influence decision making and policy.

In international affairs...

Com. Nunow: Mr. Muriigi, just a moment. You are going very fast so that we can finish. We will read that memorandum in every detail, so pick out the points, know that you are being recorded by the tape and by hand so you don't have to try to... you now, because you have limited time to read through very fast. Highlight the key points and then we will have the memorandum.

Mwirigi: In the financial affairs, to be free to choose our friends, partners and collaborators and defining our enemies.

The type of defense we should have: Kenyans have important values that should be defended in the constitution. They are socio-cultural values, local languages, protection of children, women and ---?, succession, procedures, nationality, political philosophy like harambee, these principles should be enforced in law.

Constitution supremacy: Parliament should continue to make constitutional amendments but with seventy-five per cent majority rule and citizens should be informed about the intended amendments for their comment.

Parliament power to amend the constitution should be limited by first contacting the public for comment. All constitutional amendments should be done by parliament in consultation with the public.

All constitutional amendments are vital hence should be conducted through a referendum. The constitution review commission should conduct the referendum.

Citizenship: All Kenyans by birth should be regarded as automatic citizens. Kenyan citizenship can also be acquired by registration if the authority is satisfied with the applicant's reasons. Kenyan citizens' spouses should be entitled to automatic citizenship regardless of gender.

Children of one Kenyan parent should not be entitled to automatic citizenship, each case should be considered on its own merits regardless of parent's gender.

Size of citizens should be considered equated in distribution of goods and services, they should enjoy all fundamental human rights as per the universal declaration of human rights of the united nations of 1948, protection of life and property, protection of life and property, should have access to land policies, full participation in elections, socio-economic welfare e.t.c, to join any political of his choice, free to contest any political seat regardless of gender, be properly educated.

Obligation of citizens: citizens should not engage in in corruption, should be loyal to their country, should protect the constitution, and should be ready to protect his or her country against aggression, should protect the Kenyan boundaries, should not advocate for nepotism and tribalism etc.

Rights and obligations of citizens should depend on the manner in which citizenship was acquired.

The constitution should not allow dual citizenship. Kenyan citizens should carry national identity cards as evidence of citizenship.

Defense and national security: Disciplined forces and paramilitary should be established by the constitution. A code of conduct should be enacted to discipline the armed forces.

The president should remain the commander in chief of the armed forces for security reasons of the country and to counter check the forces' generals.

The executive should contact parliament, if he wants to declare war, for mandate.

The constitution should permit use of extra-ordinary powers in emergency situations such as in national disasters, ---? and breakdown of public order but parliament should discuss this before action is taken.

Com. Nunow: One more minute please.

Mwirigi: Political parties should mobilize the public on political issues but should also help in the development of the state, distribution of the country's resources, protection of the constitution, check on tribalism, on job opportunities, check on expenditure of public finances and inform the public accordingly.

The constitution should regulate the formation, management and conduct of political parties.

Political parties should be limited. We should have a minimum of two and a maximum of three political parties to avoid political brokers.

Political parties should be financed by their members; they should not be financed from public funds. They should strictly be financed by their members' contributions.

All political parties should be loyal to the state and equal.

Structures and systems of government: We should not retain the presidential system of government in Kenya. We should adopt the parliamentary system of government, which gives room to the post of Prime Minister and more or less a ceremonial president.

The present powers of the president should be shared should be shared with the prime minister on their own merit. The executive authority should be within the president and the prime minister on their own merit.

Com. Nunow: Thank you Mr. Mwirigi. That is what brings us to the end of your eight minutes instead of five, am afraid I cannot give you more than that. Please register, we will read the details in the paper.

Mr. Mwirigi: Thank you.

Com. Nunow: N'to Nkanatha.

N'Nkanatha: I am Mwirigi N'to Nkanatha, a retired lecturer and member of Society for International Development, Kenya section. My presentation is as follows;

On land: Land has always been close to the hearts of many Kenyans. Land disputes are very common and an official research indicates that close to forty per cent of the civil and criminal cases in court are related to land.

My recommendations: A permanent land commission should be set up as it is in South Africa and it should be included in the new constitution.

An independent land court should be set up to hear to hear land disputes, it should be included in the constitution. Judges and magistrates of this court should be acceptable to the judicial commission and to the Kenyans who know the members' integrity.

The members of the land control boards should be men or women of integrity and approved by the members of their community.

The transfer and the inheritance of land rights in the constitution should be eased and made affordable to the poor to the poor Kenyans. The transfer fee should not be more than one per cent of the value of the land.

All the members of the family must be informed and should sign the official forms to agree on the sale of their land or the land parcel. The buyer should consult the members of the family owning the land before the final payment is made. If no proper control transactions were followed, or the land control board without the approval of the family, the buyer should loose the land as well as payment if proved there was corruption involved.

The constitution should guarantee access to land for every Kenyan. A referendum should be held on the maximum and the minimum on individual ownership of land.

My second issue is on water: All should get access to clean water. Individual water problems should be encouraged and should not be taxed or taken over by the government. Dams should be filled to collect water during the rainy season.

I am thinking of the arid areas whereby water can be conserved if dams are there to collect water during the rainy season.

Three: Food security; our country needs food security. It is only South Africa that has got food security. There should be a permanent food commission as it is in South Africa. The members of the commission should be men and women of integrity.

On pensions: I am recommending that the pensioners' welfare be improved and their increments be made as per salary rise until one dies. This should be reviewed from time to time. The dependants should get benefits for a reasonable specified time after the death of a pensioner.

N.S.S.F: On early retirement or retrenchment, the contributors should get their benefits but should not wait until they reach the age of fifty.

On culture: Culture and ethnic values profitable to Kenyans should be included in the new constitution. The Meru of Kenya have a very rich culture and the njuri-njeke should be consulted on Meru culture to be included in the constitution.

On language: The constitution should recognize and promote indigenous Kenyan languages. No language should be left to die. The UNESCO encourages the preservation of all languages in the world. Kenyan languages should also be studied in our universities.

Ombudsman: Kenya should establish and include the office of an ombudsman in the constitution.

On human rights and other conventions: Kenya should include conventions and human rights in their constitution.

Salaries and benefits of MPs: A salary commission, composed of Kenyans of integrity and some MPs, should be set up to look into this. The MPs should not increase their salaries. Their salaries should be in line with the salaries of other Kenyans. Other Kenyans should hold a referendum on the salaries and benefits in view of the MPs.

On the succession and inheritance Act: The succession act should be simplified and explained to Kenyans. The law should make it easier for the poor Kenyan who cannot afford court to file a succession.

On legal aid: Kenyans should have constitutional right to legal aid. Legal advisory centers should be established to help the needy Kenyans who cannot afford lawyers.

Finally I say the constitution, when it will be made, should be respected and should not be changed without the knowledge of the people.

I am also recommending that Kenyan should be taught in continuous civic education about their constitution so that they can know what is wrong with their constitution and when you come, they can be able to present their views. Thank you

Com. Nunow: Thank you very much Mr. Mwirigi for your precise focused presentation. You could clear, please let us have your memorandum, and you could also sign the register. Students of Katheri high school, do you have spokespersons? Who is going to speak on your behalf? You be ready, you will soon be called upon to present. Tabitha? After Tabitha Kyambi, we will have the first representative of the students speaking.

Tabitha Kyambi: Thank you. My names are Tabitha Kyambi and these are my views concerning the constitution:

Constitution supremacy: Parliament? should not be amended by a majority of sixty-five per cent, instead, let it be eighty per cent.

A constitution review commission consisting of all stakeholders should be established.

Parliament powers should be limited; they should be taken by the commission.

The public should be involved in the amendment of the constitution through a referendum. The constitution review commission should conduct the referendum.

Legislature: Parliament should have two chambers. The functions of parliament should be expanded to include selecting ministers, -----? , and to develop a timetable for the affairs of the house.

Parliament should have unlimited powers to control their own procedures. Being a member of parliament should be a full time occupation.

Voting age should be eighteen. To be elected to parliament, one should be twenty-five, and for the presidency, one should be forty to seventy-five years.

Language tests are not sufficient so the candidate should have passed in those languages in the K.C.S.E examination.

People should have a right to recall their MP. A constituency parliamentary committee to look at the matters of recalling should be established. It should consist of the following; all MPs, all religious leaders, NGO's and opinion leaders. Those will make a committee to into the recalling of the MP.

An MP should not act on the conscience of the party but of the electorate.

We should retain the concept of nominated MPs. These nominations should be for some groups that have no representation in parliament. The groups include people with disability, women, religious groups, professionals and the minority groups.

The constitution should allow for a coalition government. We should have the multi party government in all levels.

Electoral system: We should practice the representative system system. The electoral process should be designed in such a way as to increase the participation of all groups.

The minimum percentage for votes for the presidency should be fifty-one per cent. A candidate who fails to get nomination in one party should not be allowed to seek nomination in another party.

Structure of the government: We should not retain the presidential system; we should adopt the parliamentary one.

In the matter of defense and security, we should have disciplined forces and there should be way to curb corruption in those forces.

The executive should have power to declare war; the parliament should powers invoke wars.

Basic rights: Our constitution should provide for fundamental requirements. There should be other ways where it should look into this.

Rights to inherit land: A woman should have a right to inherit property incase of the death of her husband.

Economic and social rights should be for all citizens.

Peace and security, and especially to people with disability, mostly the mentally disabled should be taken care of.

The constitution should take particular attention in some issues like health. There should be free treatment for all Kenyans. There should be a national hospital fund where every citizen should be included to contribute something, even those who are in self-employment so they can have health services when they need them

There should be adequate public health personnel including doctors because in our country today, one doctor can serve up to five hundred patients. That makes it impossible to give adequate attention for health.

Water: There should be a policy where all areas are supplied with water with minimum costs. Irrigation should be extended even to the arid areas. Rural areas should get water free and the urban areas should have water at cheaper rates.

Education: Education should be free for all pupils and when we come to university they should get loans; there should be loans and they repaid it after they get employed.

Employment: Every person should be employed whether in public, private or personal employment. This will be possible if the government will loan the people to start either industries or businesses so that everybody can have something to do but without loans it is very impossible for people to continue.

Those who retire should have their pensions reviewed just as other salaries are being reviewed and increased according to their grades.

Therefore there should be a scheme where the government or private developers built houses both in the urban areas or in the rural areas where the people will be paying for those houses slowly. By that, every body will be able to have a house.

Com. Nunow: The last on e point Madam.

Tabitha Kyambi: About street People: These street people are there because men do not care when they bear children they just leave them there. Every child has a father and the father should take the responsibility. For those who are din the street today, the government should have a policy where they built schools and institutions to take these children.

There are also street families; these street families should be given land or should be counted as landless and be settled alongside the other landless people. Thank you.

Com. Nunow: Thank you madam Tabitha Kyambi for those views. The first representative of the student?

Robert Muriuki: I am Robert Muriuki from Katheri High school presenting our views. My first view is that the government should not consist of only the ruling party ministers but also the opposition ministers. When you look in our parliament, many ministers are from the ruling party KANU; the opposition too should be involved.

My second view is that the secondary education fees be reduced. Although the government tried to reduce the amount, the thing was not good. They need to reduce it again because you see that at the moment, the economic situation in our country is not good.

Rapists: Any rapist caught must be arrested and be prosecuted and be jailed for many years and not only for many years but should be ---? Because it is a serious thing which mostly occur to students.

Free education in primary schools: Of course the government is trying to solve this thing, the facilities are not being provided. If the government really intends to make primary education free, all facilities needed in schools should be provided to the students.

Another thing is the establishment of government children homes; many children's homes are owned by individuals or are private. The government should try and establish children homes.

Another view is that anybody found practicing female circumcision should be arrested and be prosecuted. Of course this is going on in our district; Meru District and this thing should be taken seriously by the government and anybody found practicing it should be jailed.

Another thing is that any parent found engaging his/her child in marriage affairs when the child has not reached the stage of being married, or he/she has not completed school, then the parent should be arrested and be prosecuted. We students, and especially girls, are forced by their parents to be married whereas they have not completed their education and urge the constitution review commission that this view be indicated in the constitution that any parent who will be found be arrested and prosecuted.

Those are the views I had from my fellow students.

Com. Nunow: Thank you very much Robert for those views, please register yourself there, and you can leave the paper with the point behind. Next?

Linnet Mukiri: I am Linnet Mukiri from Katheri High school. I am going to present my views.

The first one: Children should have their rights e.g. education. Some parents think that girls should not go to school because they do not have importance in life; that they are going to be married and leave the family and educate the family but in my view girls should go to school because they have the right to do all that men can do.

Now days we see that girls can do most of the jobs that men can do.

The next one is gender equality in parliament: We can see in our parliament, there are few women than men. Most of the parliamentarians are men.

The next one is inheritance: Inheritance should be shared equally among the girl child and the boy child. We can see that parents think that the girl child should not have any inheritance in the family but she should because she has a right in the family.

That is all.

Com. Nunow: Thank you very much Linet. Just a clarification, if you don't mind just remain there.

Com. Lenaola: Thank you Linet for your views regarding parliament. You said that women must also have representation. Would you like a percentage of women in parliament or what is your thought about how we should get women to parliament?

Linet: They should be equal.

Com. Lenaola: Fifty-fifty?

Linet: Yes.

Com. Lenaola: Thank you.

Com. Nunow: Thank you very much. Now I will call somebody else and there after I will come back to Katheri again. Zipporah Gikunda?

Zipporah Gikunda: I am Zipporah Gikunda from Katheri east location and my views are:

The disciplined forces should be established by the constitution.

Two: The parliament should have exclusive powers to declare war.

The president should not be the commander in chief of the Armed forces but instead their should be a defense minister to handle that office.

Four: The MP should be full time employed with specific dates set for parliament and those that serve the community should have offices established by the government at the constituency level.

Five: The MPs should serve on the basics and instruction of the constituents.

The terms and conditions of service for the MPs should be set by the public service commission to avoid the MPs awarding themselves salaries and allowances.

There should be no special measures to increase women in parliament.

There should be no nominated MPs and councilors since political leaders should be those people who are popular.

The constituents should have the power to recall their members of parliament or councilors by writing a memorandum to ECK, which should have signatures, ID numbers and electors card numbers for their voters.

As much as possible, the ministerial and permanent secretary's posts should be given to people with relevant qualification regarding the nature of their post.

The MPs work is on a five year term contracts so there should be no pension for the same term.

The appointment for the Attorney General, Chief Justice and all kinds of judges should be made by the judicial service commission in consultation with parliament.

All chiefs and Assistant chiefs should undergo an administrative training after which they can be posted anywhere in the republic like any other civil servant who can be transferred anywhere at any time.

All medical services should be offered free of charge to all.

There should be compulsory and free education for all at all levels of government learning institutions.

All family land disputes, succession inclusive, should be handled by the elders after which their decision should be forwarded to the land board to avoid court charges. During the sharing of family land, it should be stated by the law that a certain part of the land, to be determined by the size of the land, should be set aside and the rest be shared among the sons. The part set aside should be left for the daughters in case they are not married or in case of divorce.

Incase a father dies and has left no will specifying how his property should be shared, his property should be shared equally to his sons with apart being left for the unmarried daughters in case.

Incase of any divorce, all the property, which was acquired by the couple during their stay together, should be shared equally between the two.

The laws governing marriage and divorce should be clearly stated that the wife is the official next of kin to the husband and is the rightful owner of all the property in case of the death of the husband and vice-versa.

To avoid the registration of tribal political parties, every political party wishing to be registered should have at least twenty-five per cent of voters from every province.

In case there is any need for investigation to be done through a commission of enquiry, the commissioners should be appointed by parliament and their findings to be made public.

The land in Kenya should be shared equally and the biggest land portion should be fifty acres per household.

Health centers should be established in every location.

The village polytechnic should be in every location and should be free.

The constitution should be written in all languages in Kenya e.g. Ki-Meru for every body.

When voting, secret ballot should be used.

All the coffee payments should be made after every three months delivery.

All the handicapped should be taken care of by the government.

The civil service commission should employ all civil servants by merit and competence in the field.

Agricultural areas, which provide much, produce e.g. coffee, tea, wheat and maize should have tarmac roads.

The judicial service commission should appoint electoral commissioners. Their qualification should be competent lawyers.

The electoral commission should enjoy the security of tenure and should serve for ten years.

The minimum qualification for Mps should be a university degree and fluency in English and Kiswahili languages.

The minimum qualification for a councilor should be a form four grade, at least of division three and fluency in English and Kiswahili.

Nobody has the power to dissolve local government councils.

Presidential functions should be defined. The constitution should set limits on presidential powers.

The president is not above the law and should be prosecuted like any other wrong doer.

Com. Nunow: Thank you very much Zipporah for those views, please hand in your memorandum and sign the register. Katheri? Katheri School? Is there somebody else in Katheri who wants to speak other than presenting his or her memorandum? Okay, thank you.

Jacinta Maingi: Thank you very much. I am Jacinta Maingi from Katheri high school and specifically from Katheri west location. These are my views:

There should be a reduction on the powers of the president, for example, he should not be above the law; Secondly, he should not have powers to dissolve parliament at his own pleasure; Thirdly, he should not have the power to fire and hire civil servants at leisure.

I feel that the president should be educated up to a certain level and he should acquire certain qualifications. For example, in the old educational system, he should have attained at least a division two, and in the 8-4-4 system he should have a minimum of a grade B.

My second view is on land laws: There should be fair distribution of land and in Kenya we should not be talking about quotas. Every one owns this land and we should have a fair share.

Secondly, idle land should be utilized; we have a lot of idle land lying without being used. For instance, we should reclaim marginal areas by irrigation.

Lastly on land, public land should be protected from grabbing. Of late we have heard school, church, hospital, street land and so on being grabbed. Such land should be very very protected.

My third view is on the separation of three arms of government; the executive, the legislature and the judiciary. We have had a situation where the executive seems to be controlling all the others and the judiciary at the present seems not be independent at all.

My fourth one is that cabinet ministers should be allocated with ministries where they have skills. We have had, for example, a teacher being a minister of health and other such issues. We should have ministers who have the skills and the knowledge in the ministries that they are given.

All Kenyans should be given opportunities in many areas e.g. there is a lot of gender disparity in the cabinet and in the senior government posts. It is my feeling that men and women should be given equal opportunities based on their qualification and not

on sex.

The other area is on tribal inclinations where we find that at the moment, some senior government officer, DCs, Dos, PCs, seem to be coming from particular tribes. I think all Kenyans who are qualified should be given an opportunity to serve and not all important posts being reserved for certain tribes.

Six: All the commissions that are appointed should be approved by parliament.

Seventh: Citizenship; there has been some discrimination, where we find that if a Kenyan woman marries a foreigner, that foreigner, that foreigner does not qualify to be a Kenyan citizen, but if a Kenyan man marries a foreign woman, that woman becomes a Kenyan citizen automatically. I feel that both men and women should be given equal rights as far as that one is concerned.

Eight: The laws enforcing human rights should be more strengthened to protect the rights of all citizens e.g. on rape, violence, the rights of prisoners, (we all read about the case in King'ong'o and it was not very pleasant), rights of the handicapped, and rights of the children. I feel that the laws of Kenya should do something to protect various parties.

My ninth point is on environmental laws. They should be more forceful. There has been a wave of destroying forests, the Karura, the Mount Kenya forest, and this has done a lot of damage in destroying the catchment areas.

The laws regarding dumping of waste should too be looked into very carefully. Those of us who have crossed the Nairobi River know how it looks like. That river is dead; it looks green and I believe all the animals living there are all dead. We should have strong rules monitoring the disposal of waste.

The environmental conventions that we have should be made to work.

The other point is that there should be strict laws governing the use of firearms by policeman. It is only yesterday when we heard of a matatu driver who was shot by a policeman who was in a vehicle because he was blocking his way. He just removed his gun and shot at the driver.

Most of our policemen are misusing those arms; the laws regarding that should be looked into very carefully.

The other point is on agriculture: We all know that agriculture is the back-bone of this nation and the Kenya farmer at the moment is going through a lot of hardships. For example, there is a lot of unfair competition from imported agricultural produce, e.g. importation of eggs from South Africa, powdered milk, sugar yet Kenyans are producing and theirs are going to waste.

We all know that some sugar factories have been closed, they have the ability to produce, yet we are importing sugar from outside, we are importing rice from outside.

The Kenyan farmer should be given an opportunity and we should not have factories closing down and workers being sent home and the farm produce going to waste.

The marketing of farm produce should also be streamlined. The Kenyan farmer is crying. We know what has happened to the coffee, milk, and sugar industries. The marketing of our produce should be looked into more carefully. There should be laws protecting the farmer.

Lastly on the farmer, taxes on farm inputs should be lowered to enable the small-scale farmers to afford them. Those from this area know that, because we are farmers, and the fertilizers are very expensive. The government should subsidize those prices.

My last point is on food policy: There was a food policy that was put in action in 1980 but it is no longer operational. We know we have been fed with yellow maize yet we are a very productive country. The law should have the food policy being practical, where there is assurance of food for all and reserve food that should be used even if we had famine for ten years, because this is a country that is very very productive. Thank you.

Com. Nunow: Thank you very much Mwalimu. Just hold for clarification questions.

Com. Lenaola: Thank you Madam. You said that Kenya should not have any squatters and you also said each person must be allowed access to land but you did not tell us what minimum a person should own and what maximum a Kenya should own. Would you please do that?

Jacinta Maingi: Okay, thank you. Because we find the situation at the moment is that we have some people who have thousands and thousands of acres and others having none, the minimum I feel should be five acres for each Kenyan and a maximum of may be thirty or twenty but every one should have at least five acres of land.

Com. Nunow: Thank you very much, please if you could register, sign the register and let us have you memorandum. Zakayo Karantimi? After Zakayo we will have Reuben Kaimenyi.

Zakayo M'Murungi: Majina yangu ni Zakayo Karantimi M'Murungi, na ninataka kutoa maoni yangu kwa hii Tume ya marekebicho ya katiba na kwanza nataka kusema ya kwambani lazima katika katiba yetu kuwe na huduma kwa kila mwananchi.

Ninafurahi nikitoa zile huduma muhimu kwa wananchi, hata ingawa tuna mengi, ni lazima mwananchi wa Kenya apate elimu ya bure, afya bora, na hata barabara mzuri ikikumbukwa ya kwamba ukulima ndio uti wa mkongo wa nchi yetu. Kwa hivyo watu

wengi ni wakulima na mazao yao hayafiki mahali inatakikana ifike kwa soko.

Ya pili ni siasa: Katika mikutano ya siasa, unaona mingi inafurugwa ama inasemekana ya kwamba kuna ukosefu wa usalama halafu mikutano inafurugwa na polisi na tukiangalia kwa upande mwingine, tunaona ni vya vyama vingine vinafurugwa lakini hatujawahi kusikia mikutano ya chama kinacho tawala vikifurugwa kwa sababu ya usalama

Kwa siasa, ninaonelea vyama vyote vilindwe na polisi, sio kuyatawanya.

Tatu ningetaka kusema kwa wananchi wa Kenya, mwananchi mmoja awe na kazi moja. Kwa sababu tunaonelea watu wengi wakishikilia kazi mbili, tatu na hali wengine hawana pa kutoa chakula na inasemekana Kenya hakuna kazi. Watu wamesoma, wanarudi nyumbani hali tunaona wengi wanashikilia kazi mbili au tatu.

Ningetaka hata kupendekeza ya kwamba wale wafanyi kazi wa umma wasiruhusiwe kufanya biashara kwa sababu inatatiza huduma ya serikali kwa wananchi sababu wanakataa kwenda transfer. Kwa sababu hauwezi kumtoa mfanyi kazi hapa, umpeleke mbali na biashara yake. Kwa hivyo ifikiriwe ya kwamba mfanyi kazi ya umma asiruhusiwe kufanya biashara.

Ya nne nataka kupendekeza ya kwamba Rais apite kwa kura zaidi ya asili mia hamsini, apate kura zaidi ya asilimia hamsini na kubuniwe kiti cha waziri mkuu.

Ya tano: Madaktari wetu waangaliwe na walipwe vizuri lakini wasiruhusiwe kuweka clinics au chemists. Wawe wanalipwa vizuri halafu wale wamesomea kazi ya pharmacy wapewe nafasi hiyo ya kuweka chemists, lakini sio madakrari.

Namba sita: Ningetaka kugusia mambo ya mashamba. Mashamba hayo ya kuridhi yashughulikiwe na chiefs na wazee wa hiyo jamii lakini siyo kuingizwa kwa courts na kusimamiwa na mawakili kama wanavyofanya sasa. Tunaona wakati mwingine wakati mashamba yanapeanwa, kwa sababu kuna mashamba yanasemekana yanapeanwa na serikali, unaona mtu mmoja anapewa elfu moja, mwingine anapewa acre mia moja na kuna wale wanapewa acre tatu.

Ningetaka kusema ya kwamba kama ni mashamba yanapeanwa na serikali, ione kila mwananchi ni sawa na mwingine. Kama ni kupeana, wapewe kiwango kimoja kama acre tano. Si zaidi ya acre tano na kama kuna ambao tayari wameshanyakua yale mashamba, wawe na maximum ya acre ishirini na minimum ya acre tano.

Ya saba ningetaka kusema ya kwamba, kuweko na uhuru wa kuandika, yaani watu wa magazeti wasiingiliwe na hata wakati wa utangazaji, wale wanagombea kiti cha urais wawe na nafasi sawa kwa vyombo vya habari. Wapatiwe nafasi mzuri, waambie wananchi watakavyo, na policies zao.

Ya nane ningetaka kuguzia taarifa ya mkaguzi mkuu wa serikali; taarifa za mkaguzi mkuu wa serikali hazifuatiliwi. Anatoa taarifa

yake lakini hakuna kinachotendeka. Ni kama kusema ufasidi unafuatiliwa lakini wananchi hawajui utafuatiliwa mpaka wapi.

Ya tisa ningetaka kusema ya kwamba katika katiba yetu, kusiruhusiwe uhuru wa kuabudu kwa sababu hapo ndipo tunaona kuna watu wanaoabudu sanamu na wengine wamuabuduo shetani. Hapo ningetaka katika katiba yetu kusiwe na uhuru wa kuabudu au kuabudu shetani au sanamu kupikwe marufuku, kusiruhusiwe katika katiba.

Ya mwisho, ningependekeza ya kwa DOs, DCs na PCs waondolewe kwa sababu hakuna kazi wanafanya. Ni cheo tu imewekwa pale ya watu. Kama mimi ninatoka pahali fulani na ninalindwa na power fulani, ninakuwa appointed. Si kwa sababu wanajua ile kazi, au kwa sababu kuna kazi iliyoko ya kufanywa, ni kwa sababu ile nafasi imekuwa created, watu wanawekwa pale tu.

Nimemaliza, asante.

Com. Nunow: Asante sana Zakayo. Zubiri kidogo.

Com. Lenaola: Asante bwana Karantimi. Sijui kama nilikuelewa vizuri, ulisema kusiwe na uhuru wa kuabudu.

Mr.Karantimi: Ndiyo.

Com. Lenaola: Unajua ukisema hivyo ni kusema kwamba hakuna mtu ataabudu Kenya. Kwa hivyo makanisa, waislamu, kila mtu aende nyumbani, hakuna kuabudu.

Zakayo: Sikuwa nikimaanisha hivyo.

Com. Lenaola: Unamaanisha nini?

Mr.Karantimi: Nilikuwa nikimaanisha ya kwamba , katika mila na desturi zetu, tunajua kuna Mungu mmoja, katika madhehebu yetu Kenya tunajua kuna Mungu mmoja Tumwabuduo zote, tukiwa waislamu au wakristo. Lakini nilikuwa nikifikiria kusiwe na kuabudu zamu (vitu za kuchongwa). Ya pili ni kuabudu shetani. Kwa sababu hata Tume ya kuchunguza hayo mambo imetolewa, lakini wazazi hatujajua ilikuwaje. Asante.

Com. Nunow: Asante sana, njoo ujiandikishe. Reuben Kaimenyi? Lucas Mugambi?

Reuben Kaimenyi: Thank you very much. I Am Reuben Kaimenyi from Githongo.

The constitution document: The present constitution does not clearly define whether the constitution was made for the people

or for those in leadership. The new constitution should fully look into this.

Language: the language used in the present constitution is very complicated, full of jargon, which can only be interpreted by those who have studied law. The new constitution should not be for lawyers, the language should be simplified so that at least seventy-five percent for literate Kenyans can understand and interpret it. And in future, it should be interpreted in all languages that are spoken in Kenya.

Copies of the new constitution should be made available to all book centers, school libraries and public libraries free of charge, not for sale.

Executive: There should be two offices ----(gap)

Twenty five percent of the cast votes and twenty- five percent in every five provinces, failure to achieve the above, a run off should done between the number one and number two within a period of two weeks. He/she should be declared the president by a single majority after run off.

The head of government should be elected by the members of the national assembly from the members of the party or parties forming the government. The head of government, I do propose, should be the prime minister, who will be in charge of government revenue and will head the civil service.

The vice president should be elected directly by the voters as a running mate of the president. He should only gunner fifty-one per cent of the cast votes. He should be responsible for the head of government business in the house and should be the minister of internal security or foreign affairs.

Provincial administration should be abolished and replaced by members chosen from the respective province, each province, may be a senate.

Legislature: To qualify as a candidate to contest a parliamentary seat, one should have the following above the present provisions in the present constitution:

He should be medically Okay; should posses the latest medical certificate giving the following details: The time the test was conducted, should be HIV negative, mental health should be examined by a government doctor, that is regularly, should declare his full wealth, should not be an atheist (those people who do not believe in God).

There should also be a condition for an independent candidate because it comes a time that a candidate will be locked for one political party and there is no time to jump to another party, that is to say, there should be a provision in our new constitution

that says there should be an independent candidate.

The National Assembly: There should be a government and an opposition side and so the independent candidate should be free to sit and vote in any side.

Independent candidate should not be entitled to any committee position in the house because they do not represent any party. Since there will be provision for independent candidate, there should be no provision for nominated members of parliament to the national assembly.

There should be the lower and the upper national assembly. The lower should comprise of all elected MPs, the backbenchers, the ministers and the assistant ministers. The upper should be comprised of the long serving MPs, who have served for more than four terms and who have experience in legislative duties.

There should be a maximum of thirteen members of the upper and every province should be represented by one member who should be chosen or elected from three leading political parties, depending on numerical grounds or numerical strength in the parliament but I think here they should be elected directly by the voters that is -----?

They should be elected directly by the voters along side the presidential candidate.

The local authorities: The chairman and mayor should not belong to any political party. They should be elected directly by voters. They should possess a pass in 'O' level certificate. They should have medical certificate to certify their health on mental, ability, they should be HIV negative, they should garner at least fifty-one percent of the cast votes. The Vice- chairmen as vice mayors and chairmen of committees should be elected by the members of the county council or the municipal council.

The management of the local authorities: The local authorities should be de-linked from the central government.

The city or town clerk or county clerk should be chosen on merit as per his or her qualification. He/she should possess a degree certificate or Administration or a diploma certificate in management or in administration.

Com: Nunow: One more minute.

Kaimenyi: HIV and Prostitution: There should be a provision in the new constitution for the abolishment and stiff penalty for prostitution. Prostitution has led to escalating of high level of HIV Positive, school dropouts and increase in street children.

Penalty: Since prostitution does not generate any revenue to the government, it should be discouraged by all means. Anybody caught practicing prostitution, both male and female, I do propose that they should be jailed for ten years or pay a fine fifty thousand.

The constitution commission: It has been in the habit of parliament to twist and amend the constitution in a way it will favor

them; increasing their salaries at will, hence causing distortion of a good constitution.

There should be a constitution commission made or set up by an act of parliament. They should have the security of tenure; they should be representative by all groups. They do this for the constitution commission.

Before amendment of any law in the parliament, they should be notified of the intended amendment hence advising the Attorney General or the Speaker of the national assembly. They see that laws are not ---? by they politically correct hence advising and informing the chief justice of the Act or notice to see the Bills are properly drafted before tabling in parliament.

Finally, to see that the law is in good form before it is given assent by the president.

The freedom of worship: The present constitution should state clearly that there is freedom of worshipping only God but not the devil or idols, and stop the mushrooming of a lot of church sects.

Com. Nunow: Thank you very much Mr. Kaimenyi. Please sign the register. Lucas Mugambi? Then Jacob Kimathi. Jacob?

Lucas Mugambi: Ninaitwa Lucas Mugambi kutoka upande wa Githongo. Ningetaka kutoa maoni yangu kuhusu ukabila: Ukabila huu ndio unaweza kuleta shida na ndio unaleta shida katika nchi yetu kwa maana mtu atajaribu vile awezavyo aone ya kwamba amechaguliwa kuwa Rais ili akapate kusaidia au kuangalia kabila yake.

Ninaonelea ya kwamba au kubadilishwa kwa katiba yetu kuangaliwe kabisa kwa maana unaweza kusikia ya kwamba mtu akichaguliwa awe Rais, katika kazi zote, ikiwa ni balozi, utasikia kama ni Mmeru amechaguliwa, utasikia Mmeru ndiye balozi wa India, Mmeru ndiye balozi wa America, Mmeru ndiye... pande zote utasikia.

Na nimeonelea ya kwamba Rais yule atakayechaguliwa awe ni mtu ambaye watu wote wanamwangalia vizuri au katiba inaagalia vizuri asije akawa tu wa aina hiyo.

Na akichaguliwa, katika hiyo muda wa miaka mitano, aonekane ya kwamba yeye anafuata ukabila, katiba inaweza kubadilishwa na aondolewe mwingine achaguliwe.

Neno lingine ninaonelea ni vizuri sana ni nidhamu: Kama kabila la wameru walikuwa watu walikuwa wakifuatilia nidhamu sana sana, kwa maana wale viongozi wa vijiji waliokuwa wamechaguliwa, kwa mfano kama chief, alikuwa akiungana na watu wa community, na kukaa pamoja na kuongea juu ya vile area hiyo au kijiji hicho kinaweza kuongoswa vizuri. Lakini ukiangalia siku za leo au sheria za leo, unaweza kuona ya kwamba chief hana mamlaka yoyote; wana community wenyewe hawana mamlaka yoyote ya kuketi chini na kuona ya kwamba area yao inaweza kuongozwa kwa njia fulani kwa maana hana uwezo katika sheria, mamlaka yake yote imeodolewa pale kwa hivyo kwangu ninaona kwamba katika katiba yetu, chief awachiliwe mahali ambapo anaweza ku- impose sheria ile ambayo pamoja na community wawe wanalinda mahali pao au kijiji chao kwa

njia ile wana community wanaona ni vizuri.

Kitu kingine ni uhuru wa kuabudu: Tuna uhuru wa kuabudu lakini kama nchi yetu ambaye tunamchua Mungu na tunajua ni Mungu anayetutendea mambo mengi, watu wawe wanamwabudu Mungu mwenyewe lakini si shetani. Kwa hayo machache ninasema asante.

Com: Nunow: Subiri kidogo.

Com. Lenaola: Asante bwana Mugambi. Hili jambo la haki ya kuabudu, umesema tungependa watu ambao wanaabudu mungu. Tutawajuaje wale wanaabudu shetani? Kuna sign gani kwamba wanamwabudu shetani na si mungu.

Mr. Mugambi: Katika kitabu, kwa maana mimi ni mkristo, katika kitabu kinaone yas kwamba ukiona mtu akiomba sanamu, hiyo ni mfano ya shetani. Akiabudu akiwa uchi, akiwapatia watu vitu wanywe, ya kwamba Mungu amesema, hiyo straightaway ni shetani.

Com. Nunow: Asante sana bwana Mugambi, tafadhali jilandikishe pale, kuna mtu yeyote mlemavu? Anybody disabled? Kunao? Is there any disabled person? Kuna mtu yeyote kiwete, ama kipovu? Hakena ee? Okay. Rev. Daniel Mutia?

Rev. Daniel Mutia Kinoti: Kwa maoni yangu naonelea all economical (he was cut short and reminded to start with his name) Jina ni Daniel Mutia Kinoti, mimi ni msimamizi wa Methodist upande hii wa Gethongochi.

Naonelea all economic sectors should be headed by experts in that field rather than the political appointees. This will help to improve our economy.

Lingine ni: Our constitution should define freedom of worship and who to be worshipped. Kama wakristo au watu tunaomjua Mungu, tunasema ni the living God, yule ambaye ako katika biblia au kulingana na dini ya watu.

Presidential and parliamentary elections should have a definite timetable with a set date. It should not be left in the hands of one man, the president, as a secret weapon.

Separation of power and duties of the legislature, judiciary and the executive must be defined in our constitution.

All parastatal heads, for instance Armed forces, Judiciary heads, National institutions like universities should have a central body to scrutinize who should head them e.g. a parliamentary committee or a group with that power.

Rape and Robbery crimes should carry a life or a death penalty.

Low-income classes should be exempted from all taxation.

Freedom of rest, race? Should be enshrined in our constitution.

A clear policy of free education should be spelt out and enforced.

All qualified students should be accorded equal rights in the learning institutions in Kenya without considering the so-called quota system, which is in existence.

Employment should be restricted on ones qualification, not on gender or tribal considerations.

The chief act should be revisited in order to give them power to curb the country insecurity and family problems in our society today. Thank you very much.

Com. Nunow: Hold on please, there may be a question of clarification. Just a moment.

Com. Lenaola: Thank you very much Mutia. On taxation, you are saying that low-income earners should be exempted. Do you have any figures, any amount that you are looking at as low income?

Mr. Mutia: I am just saying that they should be totally exempted from taxes, that is, their goods that they sell like milk, like coffee, like tea, anything, the low income classes should...

Com. Lenaola (interjects): I am looking for a figure, am looking for an amount, is it five thousand, five thousand, how much?

Mr. Kinoti: Okay, Okay. Ten thousand and under.

Com. Lenaola: Thank you.

Com. Nunow: Jacob Kimanathi? Then we will have Joshua Kimatia. No, you first. Joshua Kimatia?

Joshua Kimatia: I am the one.

Com. Nunow: Jacob Kimathi? You are Jacob? You can reverse the positions. Okay. You will be after him. Continue.

Joshua Kimathi: I am Joshua Kimathi from Katheri central location. I want to forward these views.

In the local government representative, councilors should have 'O' level of education, qualified in language, should be presentable and knowledgeable.

The chairman and mayor of local authorities should be elected by the general society.

The president should be above eighteen years and qualified from a good university.

Human rights: This should be acceptable that fundamental rights are enshrined in the constitution. That is to say like freedom of worship, race, education, arbitrary search?, freedom of -----? and other rights.

Prisoners: To be taken care of and given good food, good toilets, and to be allowed to be visited by relatives, wives and be allowed to pay a visit home twice a year.

Land: Every Kenya citizen should have land of five acres and the citizens who are capable of buying should be allowed a maximum of two hundred acres.

Okay. That is all.

Com. Nunow: Thank you Joshua, please sign the register. Tafadhali ambao mko kwa hall, haturuhusu watu waanze kujizungumzia wenyewe na kufanya vikundi. Mkiona kuna jambo mnataka kuzungumzia, mtoke tu pale, mmalize, kisha mwingie ndani kwa sababu wakati kikao kinaendelea, hatutaki kikine kiendeleo pamoja na hiyo. Jacob? Then we will have Joseph Muriuki.

Jacob Kimathi: Thank you so much. I am Jacob Kimathi. What I would like to say is this: In our country Kenya especially in a time like now whereby there is an economical breakdown, we have so many people that are living below the poverty line; people that cannot even get at least ten to twenty thousand Kenya shillings per year.

They cannot support themselves in any way or the other.

I am pleading to the constitution review to at least to write or discuss something concerning those who are living below the poverty line especially the generation of today. And as a result of people who have nowhere to get something or bread for a day, we have a lot of robbers in our country and the government would not minimize robberies and violence because people are living without bread. I am pleading to the government either to have a policy of those who are living below the poverty line.

At least every Kenyan to have something that will support him/her.

The reason is this: Our country is a democratic country and being a democratic country, every citizen has to have something from the government to be supported.

Secondly I want to say this: There are people who are redtired officers; for instance, somebody is above fifty-five years and he or she has retired from the government or government institution, there is something they call... ile maruburu ya uzeeni, wale wanalipwa and we have somebody also who is being left in the government and he has the same qualification with somebody who has already left and the salary of the person left in the government walking increases, am also asking whether maruburu ile wazee wanalipwa baada ya uzeeni yanaongezeka kama vile ya yule ambaye ameachwa.

And that is what I have.

Com. Lenaola: Kimathi you are not very clear. You are saying those below the poverty line must be given something by the government. What are you saying? Do you want them given food, shelter, education, money? Be specific.

Mr. Kimathi: I am saying that those living below the poverty line had rather be given a certain figure of Kenyan shillings to support themselves.

Com. Lenaola: Give us that figure.

Mr. Kimathi: Not less than five thousand shillings a month.

Com. Nunow: Thank you so much Jacob for those views. Please sign the register over there. Joseph Muriuki? Joseph Muriuki. Jackson Gitonga? After Jackson Gitonga we will have Josphat Marangu.

Jackson Gitonga: Thank you very much. My name is Jackson Gitonga from Katheri east location.

What I would like to say is a matter concerning education: Every time we hear the president giving a directive that primary education should be free. All I know is that the government is itself is unable to supply schools with school equipment, the primary school teachers are not being paid by the government, watchmen are not paid by the government and I wonder whether primary school children can get free education where the government is unable to cater for those people who are working in those schools.

Another thing concerning education: Some subjects compulsory, what I would like to say is that every subject that a child feels is interesting he/she should be able to take it, not an issue of this is compulsory. Subject choice should be for the children.

Another thing is that it becomes a problem to the parents when the syllabus is changed all the time. This changing is becoming a

burden for the parents because if you go to schools and bookshops you will get books packed with nothing to be done with them.

About agriculture: Our government relies on agriculture. If we consider things like farm inputs, their prices are very high for the farmers. I would request the government to reduce prices of farm inputs so that farmers can be able to do agriculture well.

In the part of agriculture still, the government, if possible should set aside money to improve the method of farming by irrigation.

I already know there are many water projects and it would be good if the government can set aside money to fund those projects to enable the member to do well in agriculture.

About chiefs: They are important in Kenya, especially to the common man. If Chiefs and Assistant chiefs do not act as per the wish of the MP who is not in that area at that period, he can sack them at any time the way he likes. It would be good if the chiefs and assistant chiefs are elected by the area members.

With that view I say thank you to the commission.

Com. Nunow: Thank you Jackson, please sign the register over there. Let us have Marangu. Do we have Paul Thurania? Okay. Baada ya huyu Mzee.

Josphat Marangu: Thank you very much. My names are Josphat Marangu Rintari.

My first view is: In the new constitution, political parties should be reduced to a maximum of five. This can be done according to the number of MPs in parliament and the members of that political party who should be genuine members.

Two: Political parties should be financed by the government because they are all in Kenya and they are helping us, not for the ruling party to control the finance and use it alone.

Three: Financing of political parties should be done according to the number of representatives in parliament.

Four: The government of Kenya should be a central and not a regional one where it would control all the things which are required in the country, for example common education, commerce and other areas.

Five: The constitution should allow for a coalition government where MPs in different political parties form the government and then we have ministers from those different political parties, not for one party to have ministers and assistant ministers.

Six: Kenyan citizens should be free to move to any part or anywhere in Kenya and own business there, without being restricted

or being pushed out of those areas.

Seven: The constitution should emphasize on cash crop farming or production in Kenya because Kenya is an agricultural country and the government should finance those sectors like coffee, tea, milk production, and bee farming industries or all those.

The government should also start financing artificial insemination service, which was there some years back so that livestock farming can improve and reduce cost of production to farmers because now and then it is very expensive.

On cooperative societies: They should be well managed so that the farmers can reap maximum benefits from their crops sold. The management committees of those cooperative societies should have a minimum education of form four leavers; any grade in form four because those will be able to read and write.

Eleven: Courts of law should not be interfered with, by the politicians or the executive, to influence their decision because this is what is going on these days.

Twelve: There should be a board for appointing Judges and Magistrates, not being appointed by political leaders.

The minimum qualification for judges or magistrates should be a degree in law.

Fourteen: The local authority's finances should be controlled by the central government and not only those local authorities themselves. Only a certain share should be left to those local authorities; either municipality or county council.

Fifteen: Education qualification for councilors should be ordinary level or form four and they should be well remunerated. They should be given money properly, not like at present where they go for months without salaries.

Sixteen: MPs should not be defecting from one party to another and if they do so, the constitution should show that, or tell them, they should seek re-election from their electorate.

Seventeen: Salaries for public workers should be controlled by a commission made up of well-qualified Professionals selected from all sectors. At the moment some people in Kenya are lowly paid while others are highly paid yet they are doing the same work. For example teachers, some teachers are lowly paid, others are highly paid but they are doing the same work of teaching one child.

Eighteen: The president should be elected for two periods of five years each and not more.

Nineteen: Parliament should retain authority of raising and allocating of public funds but it should be seen to it that what has

been passed by parliament is implemented and not only to say and it is left there.

Twenty: In Kenya there are many religions, religious organization and they are being registered everyday. This registration should be restricted and guidelines should be looked for so that some of the bocus religions can be left out from registration.

Twenty-one: The new constitution should recommend the old system of education; 7-4-2-3 instead of the present 8-4-4 system because the old one was actually educating people and there was no backlog at any level.

Twenty-two: All children should have free primary education and the government should also finance partly secondary, tertiary colleges and universities. They should be given money so that they can reduce the cost of learning to the parents.

Com. Nunow: Your last point. Make one last point.

Mr. Marangu: Okay, thank you.

I would like the constitution of Kenya like this one to be written in a simplified language and copies taken to secondary, primary or all sections of education so that people can have access to them.

Thank you.

Com. Nunow: Thank you very much bwana Marangu, please sign the register. Thurania Paul? Joseph Gikunda? Baada ya huyu mzee.

Paul Thurania: Thank you. I am Paul Thurania from Katheri central location.

About Pensioners: The pensioners' benefit should be raised as the salaries are increased. E.g. of teachers. There should not be age limit; above sixty-five years should be considered for national health fund and should continue getting the benefits till death.

They should also get medical benefits and housing allowance.

The wife should continue getting the benefits till death and the same should happen to the husband if the wife dies. Thank you.

Com. Nunow: Thank you very much mzee Thurania, tafadhali njoo ujiandikishe kwa register. Joseph?

Joseph Gikunda: Majina yangu ni Joseph Gikunda Gichugu, ninashiriki na kanisa la Seventh-Day Adventist.

Ningetaka kuongea juu ya uhuru wa kaubudu.

Com. Nunow: Karibia microphone kidogo.

Mr. Gikunda: Uhuru wa kuabudu ni ya kwamba Mungu, kulingana na kitabu cha biblia, ambaye ni muumba mbingu na nchi

ndiye anayestahili kuabudiwa, kwa hivyo katika katiba yetu ningenelea ya kwamba Mungu apewe nafasi ya kwanza sababu yeye ndiye muumba wetu na yeye ndiye anatulinda kwa vyote.

Kwa hivyo kile ningependelea ni ya kwamba uhuru wa kuabudu, kila mtu anajua Mungu ambaye anastahili kuabudiwa, tuseme mtu akisema anaabudu Mlima Kenya, Mlima Kenya si mungu aliyeumba mbingu na nchi kwa hivyo kuna general God ama Mungu aliyeumba vyote.

Na katika uhuru wa kuabudu, mtu akiwa na ushuhuda ya kwamba ana msingi kama ni wa biblia, ama kama ni wa Quran, ambaye inadhibitisha anamwabudu mungu aliye hai, inatakikana apewe nafasi katika katiba yetu.

Kama ni kupumzika siku ile anataka kupumzika kulingana na utaratibu au ushahidi unayoonyesha ya kwamba kama ni siku ya ijumaa, kama ni jumamosi au jumapili, apewe nafasi hiyo.

Na kama ni kazini, asiwekewe vikwazo ati afanye kazi wakati ambao anaamini ni wakati wa kupumzika au kutumikia mungu muumba. Tukiangalia katika kitabu cha Kutoka 20:8-11, Mungu anasema yeye ni Mungu muumba na anahitaji kila mtu apumzike siku moja kwa wiki ili aweze kufanya kazi ya Mungu.

Kwa hivyo katika katiba yetu, kama mtu ni mfanyi kazi, awe na nafasi ya kumtumikia Mungu.

Kama ni katika shule, watoto wawe na nafasi ya kumtumikia Mungu. Kusiwe na jambo kama ni mtihani uwekwe siku ambao mtoto anaamini ni wa kumtumikia Mungu.

Jambo lingine tuseme kama ni mtihani, kuwoko na nafasi ambao kila mtu kulingana na vile ameamini, anakuwa free kumtumikia Mungu wake.

Kingine ambacho ningenelea ni upande wa watoto wanaorandaranda: Wale watoto wanaorandaranda mitaani au kwa miji, tukilinganisha na serikali ya Kenya ni watoto wachache sana na serikali ikiwachukua wale watoto, kwa mfano wanaorandaranda Meru, ichukue kama shamba moja, tuseme kama acre ishirini au hamsini, wapande kitu kama Pareto au kitu kingine, watoto wale wanafanya labour kidogo halafu wanalipiwa karo na serikali, wanaweza kuwa wakisoma na wanawekwa vizuri.

Upande mwingine ningetaka kuzungumzia ni upande wa urithi; tuseme urithi wa mashamba. Tuseme hapa kwetu, unaweza kuta mzee aliye na miaka themanini ambaye ako na mtoto anayelitwa babu na watoto wake na huyu mtoto anayelitwa babu hana umilikaji wa shamba yoyote. Mzee yule wa miaka themanini ndiye anayemiliki ile shamba.

Ningenelea ya kwamba mtu akifika umri wa kuo, awe ni mzee ako na nyumba yake, awe na shamba lake sababu hilo shamba ni la kumiliki. Kama ni la kununua, hiyo ni tofauti, lakini kama mzee alimiliki naye mtoto amekuwa mzee sasa ako na familia yake, naye awe na nafasi ya kulimiliki hilo shamba.

Hayo ndiyo maoni yangu.

Com. Nunow: Thank you Joseph, tafadhali jiandikishe pale. Martin Mwenda?

Martin Mwenda: Haiya, asante: My names are Martin Mwenda from Githirune.

I would like to present my views to this commission.

My first view is about elections: If possible I would like we Kenyans to be having what we call in Kiswahili, kura ya maoni so that the majority of MPs in parliament will not be blocking the minority ones when passing Bills in parliament. Kwa mfano, mimi huwa naona sana, sehemu za dunia kama vile western countries, mara mingi mambo yao huenda vizuri sababu wanayo hiyo kura ya maoni. Tuseme kama vile America, wakati ule Bill Clinton alipokuwa na yale maneno ya yule mwanamke, naona wale watu ndio walifanya ile kura ya maoni, wakaona kama alikuwa na kosa ama hakuwa na kosa kwa hivyo if possible in Kenya we should be having that kura ya maoni.

My second view: I would like the ministry or the body concerned with licencing foreign investors to be very very careful. Even though we want those foreign investors in boosting our origin, a majority, especially those of Asian origin misuse or rather dehumanize Africans. For example, you will see some Asians employing Africans whom they see are unable to afford something which can support them, and they misuse them very much, where as they make a lot of profit in their industries.

If possible, the ministry concerned, i.e. the ministry of labour should be assessing those things and courts too should be assessing those things sababu hao wamewatumia waafrica vibaya sana.

La tatu: I would like the TKK issue in our community to cease completely if possible, mostly in our policemen. In my view concerning the police, severe punishment for those who are caught practicing that vice. Most of them who are caught also indulging in robbery should be given severe punishment sababu hapo unaona polisi wengi, wale wametoka kwa serikali ama wamevutwa kazi ndio wanakuja kuwahangaisha wananchi huku.

Kwa hivyo ningetaka pia serikali ichunguze hayo mambo sana.

Tena wamefanya hiyo TKK kama legalized completely sababu unaona polisi anakuja anakuitisha hongo, na imekuwa wazi kabisa kwa kila mtu, mtu anajua akikutana na polisi ni lazima atatoa kitu kidogo ndio akuhudumie ama asikupeleke mbele ufungwe.

Hayo ndiyo maoni yangu kwa Tume, asante.

Com. Nunow: Thank You Martin, please sign the register. Stephen Munene? Kama Stephen hayuko...Stephen? Okay. M' Mutungi. Baada ya huyu mzee. Karibia ee. Karibia, baada ya huyu mzee ndiyo utatoa maoni.

Stephen Munene: Mimi ninaitwa Stephen Munene Ringera na ningependa kuzungumzia juu ya Motto wa nchi yetu.

The national motto of the republic of Kenya should be liberty, equality and fraternity.

The government should be a government of the people, by the people and for the people.

We should have two chambers of parliament to avoid the rush of passing Bills in parliament, to serve individual interests and we have seen this case whereby MPs pass Bills very fast to increase their salaries.

We should have a national official language especially Kiswahili which will unite all ethninc groups in the country and foster national unity.

The minimum qualification of an MP or a Councillor: He should have a Kenya Certificate of Secondary Education grade C+ or Division two.

The police force should not be allowed to investigate a crime that they have committed; we should have another body to look into those affairs, so they should be investigated by an independent body, established in the country for that purpose.

The judges should be appointed by the Judicial commission and they should be vetted by parliament and those judges should be of the highest integrity, should be people who Kenyans can see that they can render them service properly and here I have to say that the judges should be criticized.

The constitution of Kenya should give Kenyans room to critisize judgement that they see are wrongly delivered.

All the three organs of Government i.e. Parliament, Judiciary and Executive should have checks and balances. There are certain times that you find them extreme so they should have checks and balances to avoid excessive use of their power.

We should have one commission on salaries of all Kenyans, as we have theJudicial commission, the Teacher commission, they should have a common umbrella to look at the salaries of all Kenyans.

There should be a moderation of salaries of all the public servants in Kenya.

All the public workers contribute to the national development equally, depending on their level of qualification. There should not be a class of privileged public workers, earning well over two hundred thousand or even going to the extend of having a million when others are earning a mere five thousand shillings. We are all Kenyans and we should be accorded salary according to ability.

The human capital resource is the major aspect that can make Kenya move ahead so for the nation to develop, it needs to have human resources, human capital, and we should have skilled workers and an educated population that will be able to start industries everywhere in the country.

The government should set aside a huge sum of money to educate the street children because these street children are a time bomb which can be diffused easily by trying to educate them before we have a large population of them loitering every where in the country; even if you go to Nairobi or any other other town at night, you find that you are in danger. We can eliminate this by educating these children.

All Kenyans contribute to the economic development: Nobody should be allowed to enjoy priviledges like those of importing cars duty-free. The poor ones pay the custom duty but the priviledged like the MP don't pay any custom duty. All the Kenyans, whatever their status, should pay custom duty to the country. The more they earn they should contribute more to the country or to the economy of the country.

Land ownership should be distributed fairly: Nobody should be allowed to own more than fifty acres when others don't have any piece of land or when they are sleeping in the streets.

Kenya is an African country and I am of the view that a president or a prime minister of Kenya should be an African, not a European or an Asian; he will not have any interest of Kenya.

If he is an Indian, he can link with India and all money in Kenya is siphoned outside so we must protect our interest having an African as president.

So, those are the few points, which I thought I should present.

Com. Nunow: Thank you Stephen. Please come over and sign the register and hand in your memorandum as well. M'tu Mutungi. Baada ya huyo mzee nitamwita Naftali Mwenda Meru. Yuko? Okay.

M'Mutungi M'Kirimania: ---- (Speaks in Kimeru)

Com. Nunow: What you will do is that utatafsiri yale anayozungumzia na karatasi itapeanwa ikiwa hivyo, hamna haja ya kusoma karatasi bali tu azungumze. Kama anazungumza kutoka maoni yake na moyo wake au kutoka kwa karatasi ni sawa, hiyo itafsiriwe kisha karatasi ipeanwe.

Translator: ---- (speaks in Kimeru)

Mr. M'Mutungi: ----

Translator: Asante sana kwa mambo yote yale yatazungumzwa.

Mr. M'Mutungi: ----

Translator: Tumekuja hapa kwa Tume hii yetu ya katiba ili tuweze kuzungumza maoni yale yanaweza kusaidia kutengeneza katiba Mzuri.

Mr. M'Mutungi: ----

Translator: Sasa mambo yale atazungumza angetaka yaingizwe katika katiba ya Kenya.

Mr. M'Mutungi: ----

Translator: Nayo ni kama hivi.

M'Mutungi: ----

Translator: Tunajua taabu ile iko Kenya yetu kwa sababu ya mashamba na tungependelea katiba ipitishe ya kwamba mashamba yale makubwa makubwa, yaliyokuwa white highlands, yagawiwe wananchi bila ubaguzi.

M'Mutungi: ----

Translator: Kwa upande wa chiefs, wajaribu kupewa nguvu pamoja na wananchi ili waweze kuwafanyia wananchi kazi katika kata ndogo ndogo, katika tarafa na katika wilaya zetu.

M' Mutungi: Watu waliopigania uhuru wa nchi hii wapewe heshima sawa sawa na serikali ya Kenya.

Com. Nunow: Endelea

M'Mutungi: Haiya. Ya pili: Huyu president awe amepewa chama kinaitwa War Council ya kutazama ----? wa Kenya vile utakuwa ukiendelea.

Com: Nunow: Endelea.

M'Mutungi: Haiya. Hiyo ndiyo nimeona ni sawa hapo

Lingine: Watoto wako na taabu sana katika nchi hii sababu ya baba na mama zao kukosa pesa. Ndiyo maana unaona wanahangaika huko kwa maduka wakiokota yale mikate yametupwa tupwa huko. Serikali ya Kenya ifikirie mambo hayo kwa kuwa watoto hawa ndio watakaokuwa serikali ya kutunza nchi hii baadaye.

Ya pili: Sasa tuko hapa katika nchi hii yetu, mashamba niliyotaja si hii ya hapa. Mashamba ya hapa, wakina baba walinunua na ngo'mbe na sisi tukaja tukanunua na pesa. Hii haiitajiki, kwa kuwa ni ya zamani hapa hapa.

Sasa nitafikisha hapo kidogo halafu hii barua ndiyo itasomwa na Tume.

Com Nunow: Okay. Asante mzee.

Geoffrey Rurua M’Kioga: Asante sana. Barua hii inasema, ni memorandum ambayo inasema mambo hayo ambayo mambo yale wangetaka iingie kwa katiba.

Jina langu ni Geoffrey Rurua M’kioga, tunafanya kazi na huyu mzee kikundi cha Maunchaita (continues briefly in Kimeru) itamaduni na cinema katika wilaya yetu ya Meru na ndiyo mzee huyu akiwa chairman wetu, hiyo kikundi wamesema wangependelea haya mambo yaingie katika katiba.

Kwanza: Katiba ya Kenya itengeneswe iwe na democracy kamili ya vyama vingi ambavyo vitaendeleza hali ya kujali utengaji madaraka, ugawaji wa madaraka, usambazaji wa madaraka na kuheshimu haki za binadamu.

Ya pili: Mashamba makubwa makubwa katika former white highlands yaliyokaliwa na wazungu, na trust lands ikawiwe wananchi wote wa Kenya bila ubaguzi.

Ya tatu: Katiba iwe imezuia ugawaji wa nchi katika majimbo yazioweza kujimudu kiuchumi na yasiyoweza kujimudu kiuchumi na yenye misingi ya kikabila yanayoweza kusababisha mafarakano katika Kenya.

Ya nne: Rais wa Kenya awe na chama cha War Council chenye uwezo wa kuchunguza hali ya hatari au kizuizi chochote dhidi ya haki ya kimsingi katika nchi ya Kenya.

Tano: Watu wa kawaida wawe wakiruhusiwa kuwakilisha mashtaka yao binafsi bila kuingiliwa kutoka upande wowote na pia kufanya mashtaka ya kitabaka.

Sita: Mabaraza ya serikali za mitaa yachukue nafasi za watumishi wa serikali katika kata ndogo ndogo, tarafa, wilaya na mikoa baadhi ya kazi zao.

Saba: Mashujaa waliopigania uhuru wa Kenya wakumbukwe na wapewe heshima na serikali.

Hayo ndiyo maoni ya kikundi hiki cha Maunchaita. Asante bwana commissioner.

Com. Nunow: Asante sana. Tafadhali rudia jina lako tena?

Mr. Rurua: Jina langu ni Geofry Rurua M’Kioga.

Com. Nunow: Asanteni sana. Tafadhali njooni mjiandikishe nyote wawili wote. Naftali Mwenda Meru?

Naftali Mwenda Meru: Asante sana. Nitatoa maoni kidogo kuhusu urekebishaji wa katiba na kwangu binafsi na hata kwa makanisa ya Methodist yaliyoko hapa, kwa sababu tuliketi chini tukapendekeza mambo kidogo kuhusu hii katiba.

I want to highlight a few of these points. Mimi naitwa Naftali Mwenda Meru, kiongozi wa kanisa hapa na ni retired teacher.

Ya kwanza ni freedom of worship: Wenngine wamezungumzia lakini tunasema the constitution of Kenya should stipulate the right of worship without restriction vile tunayo sasa. What we want is that there should be a body to vet when we are registering a worshipping body so that it cannot register those people who might be worshipping other things other than the real God.

Two: Land and property rights; the land act should be included in the constitution because the current one is not very clear on land ownership. In doing so, the following should be highlighted:

One; member of the land board should be elected by the local community and not by an individual as it is the case today. In the present system, there is what they call special land boards; these ones should be scrapped it is the loop of grabbing land because a few are ---? and then they pass whatever they want to pass.

Three: We are aware that land fees are very exorbitant and the poor people cannot afford so the land cases should be referred to the wazees and the area chief so that they can solve them to avoid undue costs.

Four: There should be a sealing on land ownership by an individual. We know that some people have big farms; nobody should have more than a hundred acres.

The government should have an ultimate ownership of land and in view of this, this is because currently most of the land has been grabbed and there will be no area for public utilities so the government should have a right to displace those people and then they create public utilities there.

The power should have the power to compulsorily acquire private land for public development but they should compensate and resettle the person whose land has been taken.

Five: The land procedure of transfer should be a family responsibility. All members of the family should be involved.

In the present constitution, the wife is not empowered to inherit the husband's property, so we propose that the spouse and the children of the deceased have the right to inherit his property.

There should be a restriction to non-citizens on land ownership. As it is the case, we see that in Kenya for example, we have

got many tracks of land, which are owned by foreign people whereas the indigenous people have no land. If those people are to own land, they should own it for a specified period of time.

Women and men should have the right to own land. It is only recently in 1975 that women started to acquire land so it should be properly stipulated in the constitution that they should own land.

We had pre-independent land that were there which safeguarded the Europeans and the settlers. Land treaties should be done away with because they have no purpose.

Kenyans should own land anywhere in Kenya. One should have the right to own land anywhere in Kenya.

Six: Agriculture: Kenya being an agricultural country, the government should be obliged to look for the market for the produce locally and internationally to boost the farmers.

The Kenya government should regulate the importation of farm produce that are locally available here.

The government should set up a tribunal to settle agricultural disputes because there are many agricultural disputes, for example, societies with the farmers, so they should have a court to deal with that matter.

Com. Nunow: One more minute sir. I am giving you an extra minute after you exhausted your five minutes.

Mr. Mwenda Meru: Okay.

The government should revive the industries because by so doing, many people will be employed.

Privatization of government property should be stopped because only a few individuals end up with those properties.

Retirements: One should not move from his office until he is given his retirement benefits or if he has to move, he should continue earning his salary until such a time that he is given his dues.

Bankruptcy: Many people are evading to pay their debts as they say they are bankrupt, so if one is to be declared bankrupt, his property should be valued even if he has transferred the same to his children or others so that this one can be repossessed and then the debt paid.

Appointments: Appointments to the judiciary and others should be done by a commission so that there is no loophole for people to appoint people who can help them alone.

Nomination of MPs and Councilors: Nobody who has failed to capture whatever seat he wanted to contest for should be nominated because it defeats the whole purpose of elections.

If one steals from an individual, because you find these days if you still from an individual you are only given one month yet the individual forfeits his property, and is imprisoned by the government, the complainant should be compensated by the government and if one steals from the government, one must be forced to repay what he had stolen even after serving the prison term.

The court fees are very exorbitant that the common mwananchi cannot afford and therefore I propose that the government should provide a lawyer or judge for poor people.

Thank you.

Com. Nunow: Thank you very much, we shall read that memorandum. Please surrender it and sign the register as well. Michael Mbabu Maingi? and then Johnson Muriithi? Utakuwa baada ya huyu bwana.

Michael Mbabu Maingi: Thank you commissioners and my fellow citizens for giving me a chance to present my views.

I am Michael Mbabu Maingi from Katheri west location, a civic educator from the Catholic church commission and a commissioner with the same.

First I will highlight on chapter one of the current constitution where it reads the republic of Kenya. To my views, I would like it to read the people's republic of Kenya.

There should be a preamble stating very clearly that this constitution is for the people of Kenya. It should state how we achieved our independence, i.e. through the patriotism and the bloodshed of our old wazee and also declare that we would not like to repeat this bloodshed in our country later.

For the political system, it should limit the multiparty system where there should be only five parties instead of forming many parties, which are tribally based.

The type of government, which I would like to lead us, is the multi-party coalition where the ministerial portfolios are shared by the parties.

On the executive: The powers of the office of the president and the president should be minimized by the removal of the police force and the Armed forces from the office of the president and forming of the independent entities of the same.

The roles of the commander in chief, the chancellor of our universities, appointing civil servants should not be done by the

president but should be done from the national assembly.

On the election of the president: We should have a popular president who should garner at least fifty percent of the valid cast votes.

His age limit from thirty-five years to the age of the retirement of other civil, that is, fifty-five years.

The president should at least have a minimum education of 'A' level or be a graduate from our universities.

He should be religious and morally upright, i.e. God fearing, trust worthy, incorruptible and capable.

In case of abuse of office, the constitution should allow legal proceedings during the president's term of office.

In appointing the permanent secretaries, it should be done by the members of parliament and their term be fixed to five years to avoid being sacked whenever one feels like sacking them.

The Attorney General should be appointed by the Judicial service commission but not the president.

The powers of the executive, the judicature and the judiciary should be separated from each other and every arm to stand on its own.

Parliament: We should have elected popular MPs who should garner fifty per cent of the cast votes in their constituencies and at least have 'O' level of education.

They should also be morally upright.

About the nominated MPs: We should have them and they should be experts from various carriers representing the disadvantage i.e. women, the disabled and the youth too. Each group should get at least three.

The speaker and the deputy speaker should be elected by the members of the national assembly.

All Members of parliament including the president should be available when the house is sitting since they only sit for three days in a week and I cannot understand where they should be to be absent in the proceedings.

The Electoral Commission of Kenya: This group should be appointed by the stakeholders of Kenya i.e. the religious groups, parties, civil servants, NGOs and women organizations but not the president.

This commission is supposed to elect its own chairman and vice chairman so as to enhance an independent electoral commission.

It should be based in gender with a ratio of one to one.

In the formation of constituencies, we should have equal population of voters in every constituency, not to have some constituencies having eighty thousand voters while others have ten thousand or less and this will enable and enhance an even representation in the house.

We should not have constituencies flying over one another. For example in Meru here, North Imenti flies over Central Imenti to get to Timau.

Com. Nunow: Make your last point please.

Mr. Maingi: My last point will be on land: All the citizens who are citizens by birth should be allowed at least twenty acres of land by the government since there is a lot of land lying around when some people don't have even an acre while some people through grabbing and colonial issues have thousands of acres therefore I would like a country where every citizen is given and one be allowed to buy upto a hundred acres.

I will also make a comment on our local...

Com. Nunow: Thank you very much, please submit the memorandum, we will every word in that memorandum.

Mr. Maingi: I have a few more points to make

Com. Nunow: No, am sorry you have taken eight minutes. If we do that all these people will not present their views today.

Mr. Maingi: Thanks.

Com. Nunow: And I would like to ask all the speakers if you have a memorandum, restrict yourself to the five minutes to avoid the embarrassment of being stopped.

Johnson Muriithi Kyambi: (gap)... sub-location of Githongo.

Constitution supremacy: We should have the procedure where parliament is allowed to amend any part of the of the constitution by sixty-five per cent majority votes.

Parliament's powers to amend the constitution should be limited; this is by having a constitution commission set up by parliament to collect the views from the public.

Parliament should have the power to amend any part of the constitution.

The public should be involved in amending the constitution through a referendum. This can be done through proper guidance and civic education by well involved personnel i.e. trained constitution lawyers.

The referendum should be conducted by the set up commission to oversee the constitution process.

Citizenship: Every body born in Kenya should be regarded as an automatic Kenyan citizen i.e. Kenyan by birth.

Kenyan citizenship may also be acquired through registration.

Spouses of Kenyan citizens should be entitled to Kenya citizenship should they wish and they should register accordingly.

Children born of one Kenyan parent regardless of gender and they are born in Kenya, should be regarded as automatic Kenyan citizens.

The rights and obligation of citizens should not depend on the manner in which the citizenship is acquired. All should be the same or equal.

The state should allow dual citizenship i.e. a person can register as a citizen in another country and continue being a Kenyan citizen.

Kenyan citizens should carry national identity card as evidence of citizenship.

Structures and systems of the government: The executive: The constitution should specify the qualification for the presidential candidate. He should be learned with at least a degree and above.

He should declare his wealth and that of his immediate relatives.

He should be above forty years of age.

He should garner at least fifty-one per cent of the total cast votes.

He should be clean of any criminal record.

The presidential tenure should be limited to two terms of five years each.

The presidential functions should be defined in the constitution i.e. powers to hire and fire should be removed.

Parliament should be supreme.

Constitutional appointments should be executed by parliament. These include the AG, the CJ, the Central Bank governor, Auditor and Controller General and etcetera.

The constitution should provide for the removal of the president for misconduct while in office.

Parliament should have powers to impeach the president.

The president should not have powers to dissolve or prorogue parliament at will. He should attend parliament on the strength of his constituency representative.

The provincial administration should be there up to the chief's level. Other jobs at the District level should be done by departmental heads.

There should be a district coordinator of all government affairs.

Village elders should be employed by the government.

The provincial boss should be elected directly by the people.

Village elders should be employed to govern at the locational level i.e. tribunal elders and local clan elders should be recognized; for example the njuri-njeke of Meru.

The chief's office should have direct prosecution powers other than depending on the police force.

The legislature: Ministers should be appointed on qualification basis to relevant ministries.

Parliament should be involved in the preparation of the budget. It should not have unlimited powers over its own procedures through standing orders.

They should have a parliamentary commission, which should be autonomous.

Being a member of parliament should be a full time job. All members should attend parliament at all times.

Any body above eighteen years of age should be eligible to become an MP.

Moral and ethical qualifications should be introduced to parliamentary candidate.

People should have a right to recall their MP. A constituency electoral council should be formed to oversee these and also to clear candidates for elections.

MPs should act from the basis of instructions from their constituents.

Nominated MPs should be retained on the strength of need e.g. professionals, the disabled, religious leaders and gender.

The losing candidate should not be nominated.

There should be a special measure to increase women participation in parliament e.g. reserving nomination posts and encouragement.

Rules that should govern the conduct of parliamentarians in a multi-party state: No walking out in protest in parliament, no booing and shouting down, no fighting in the house.

The constitution should permit a coalition government. We should have a system that demands multi-party representation at both levels of government.

We should have one chamber of parliament.

Parliament's power to remove the executive through a motion of no confidence is adequate.

The president should have the power to have a veto in legislation passed by parliament if it is scrutinized by the parliament committee on legislation and found wanting.

The legislature should have the power to override the president's veto if he is found to be unnecessarily adamant with unfavourable decisions.

Elections should be carried out at special times set by parliament.

The local government: Mayors and council chairmen should be elected directly by the people. They should have two five year terms.

Councils should not operate under the central government. They should employ their own chief officers who will answerable to the particular local authorities.

Councillors should have a minimum education of all level. The requirement of language test is not sufficient. They should academic certificates to prove their education.

There should be moral and ethical qualifications for local authorities; a councilor should be hard working and a morally upright person.

The people should have a right to recall their councilor i.e. a local electoral committee should be set up to monitor the affairs of the councilors.

The committee should include church leaders, NGOs and provincial administration i.e. the chief.

The public service commission should determine the remuneration of the councilors. The various local authorities should determine allowances to the councilors.

Nominated councilors should be there and they should include church leaders, NGOs, representative and special groups like women and the disabled.

Com. Nunow: Your last two points please.

Mr. Kyambi: Okay.

Basic rights: May I touch on basic rights before I finish.

There are adequate provisions for fundamental rights in the constitution. These the public recommends that they be enforced.

The government should enforce the implementation of these rights, which are taken lightly.

The constitution should protect all basic rights of all Kenyans e.g. security, health, education, food and employment.

And with those few remarks, I thank the commissioners. Thank you.

Com. Nunow: Thank you very much Johnson Muriithi, please let us have your memorandum as you sign the register. Justus Mwiricha? After Justus we will have Murugu M'Rituala, yuko? Okay.

Justus Mwirichia: The names are Justus Mwirichia, I am presenting the views from Githongo civic society.

Preamble: It should state why it is being enacted.

Should state national philosophies and guiding principles, reflections,

The mischievous and retrogressive amendments of nineteen sixty four to nineteen eightys should not reoccur in the new constitution.

Democratic principles: Multi-partysm, public pressure, discussions of issues affecting our lives.

Values to be respected: Harambee spirit, hospitality towards the weak, the respect and encouragement of conservative

marriages and ethnic culture and customs which promote peace, honesty, hard work and human dignity.

Law enforcement: The values that are found in all communities, the rest to be enforced within the biological regions.

Constitution Supremacy: Parliament's power in amending the constitution should be limited. First beyond amending by parliament, the public should be involved. For example in:

Multi-partysm

Dissolving biological reasons if created

Reducing powers of the three arms of government

Tenure of office to the officers created to safeguard the state and the public

Citizenship: Indegenous communities in Kenya should have automatic citizenship. The rest of the races who have come to our country should go through the requirements through the existing laws.

Political parties: They should mobilize and establish educational, technical institutions, industries and business enterprises to set examples than verbal politics which should only occur during campaigning for elections.

Two: The constitution should regulate formation, management and politicadl conduct

Three: They should be limited with ideologies and at least, we have so many political parties, only seven.

Four: The state and political parties should create a relationship of consensus as members of a family, politics being only for the electioneering time.

Structures and systems of government: We need a federal system of government which the executive and legislative authority is split between the following: Central government, legislature, biological regions of which if created should be twenty-one, county councils.

Devolution of power: The president or the executive shoul not be above the law, with the definition and limitation of his functions.

The prime minister should be from the party with a majority of MPs so that he can be able to work.

Legislature to make laws to approve presidential appointments, taxation and exdpnditure.

Biological regional assemblies, county councils, the citizens should be supreme above government ----?

Legislature: Our country is a begging country and very poor. We need a reduction in the number of MPs in parliament. They should be reduced to a hundred and fifty-six representing the following areas:

One: From each of the twenty-one biological regions, if created, each to have six, a total of one hundred and twenty six.

Two: Political parties can now share by ----? of their representation, fifteen MPs.

Marginalized communities and our people, trade unions, gender (concerning ladies), religions, lawyers and co-operatives should share fifteen nominated MPs. This will make a total of one hundred and fifty six.

Age of voting: It should be reduced to fifteen years because at present our children, biologically, those who are nine years are attaining the age of eighteen years. So inside they are eighteen years but existence is only nine because there is a change of biological set-up in the countries population, it should be fifteen years of age and an MP and a councilor should be voted in when they are twenty-one years, for president, thirty five years and above.

The national assembly should be a full time job of five contract years starting from Monday to Friday from 8 a.m.

Education: At least the education of MPs and the President, form form four, standard of education; pass in English and Kiswahili integrated.

Introduction in the costitution of moral, physical qualification. MPs can act on their conscience and conviction and can also take instructions from their constituents and their own parties, they should not be limited to only one side.

The executive: Age we have said thirty-five years, education form four. Tenure of office should be for the electorate, it should not be limited by any other group, and only the electorate can limit his tenure.

The functions should be defined with definions and limitation.

Can be removed by parliament for misconduct, criminal act, senility, immorality and can be impeached.

The president should be an MP.

Provincial administration: The chiefs should be replaced by the locational clerk and what he should be dealing with is only

development matters because the IPPG removed his duties so we are giving him work to be dealing with development.

The D.Os should be abolished; the D.Cs should be replaced by District secretaries who should be doing the same work that a chief does.

In the regions, one among the district secretaries should be senior district secretary.

Local government: Councillor's age should be twenty-one years, education is standard eight and they should be reduced to a minimum number.

The federal government: The ministers should have powers to dissolve councils and the government when the council has been proven to be corrupt, it misuses its revenue, it is unable to provide services, the councilors have grabbed public lands and other utilities, by that time the council should be dissolved.

Com. Nunow: The last two points.

Mr. Mwirichia: Two points. They are many but I will only point the two.

A commission to be established in the constitution on salaries, benefits, allowances, pensions and economical survival. This commission should be constituted of the distinguished Kenyans of all works of life numbering only thirteen.

This commission will stop all types of strikes in our country because it will look over burdening and unnecessary taxation to a taxpayer,

It will award the right payment to all types of workers according to their contribution to GDP

It will also pay according to each worker's sweat and the state of her economical affordability

Any treated group and unfair taxpayer or the work even the taxpayer should find redress in established court for the purpose of redress.

Marriage property rights: All Kenyan marriages should be given equal rights and certification. Whether in the Kadhi's, the DCs or in the church or customary marriages.

Two: In case of separation, the law should differ if marriage went all the customs first then came to church or elsewhere; it should go back to the roots before the court.

Three: Those in towns and were given wives as gifts and are employed, the judges should be different for those wives whom dowry was paid for and customary systems.

Property rights should be judged by the family, clan elders and by regional tribunals before the court for the present judgement looks more American type. Thank you.

Com. Nunow: Thank you very much Mr. Muricha.

Mr. Mwiricha: I am sorry there is one thing I did not mention. This memorandum is of Githongo civil society and it is signed by fifty-two members.

Com. Nunow: Thank you please surrender it. Murugu M'Rintuala. I think I have a long list of people who want to speak and I would like everybody's voice to be heard. I am going to be extremely strict. If you have five minutes, you have those five, use them, and mention what is very pressing, because most of the points are overlapping. It is better to start with new areas, if you still have time then you go to the other areas but I am going to be strict in terms of time to give opportunity to every body because we cannot extend the day, we only have the day. Thank you.

Murugu Rintuala: Kwa majina naitwa murugu Rintuala.

Kwa republic yetu ya Kenya wale watu wanateseka ni wale watu viwete, viziwi ni kama serikali imewasahau. Unakuta wengine wanakaa kwa street wakiombaomba , hawana mahali pa kulala. Wewe ukitembea Kenya mzima, kwa kila town, hawa watu wamejaa. Kwa hivyo commission iwafikirie hawa watu kama wengine.

Kwa hivyo sina mengi.

Com. Nunow: Asante sana bwana Murugu, please njoo ujiandikishe hapo. Mburugu Kireru? Felix Kiugu? Unataka kuzungmza?

Felix Kiugu: Ni asante kwa Tume ambayo imetutembelea na kwa wale wote wanaoudhuria. Nina rudisha shukurani kwa wote.

Jina langu ni Felix Kiugu kutoka kifaranyaki hapa Githongo.

Masikitiko yangu ni kwa vile mimi mwenyewe ninajua uhuru tulinyakua kutoka kwa mbeberu na hatukupatiwa kama chai, ni kitu ambayo damu ilimwagika ili tupate. Baada ya kupata na tukaishi nayo tukiitumikia, imekuwa kama ya mtu binafsi katika ulimwengu huu ya kwamba inakuwa ya ofisi moja.

Kwa yale mambo ambayo inasikitisha ulimwengu wote na Kenya inaambiwa uchumi inasorota lakini si uchumi inasorota, ni kitu inakuwa ya mtu binafsi. Kwa nini? Mukopo ile imetoka ng'ambo ama kwingine imekuja hapa, ikisha ingia hapa, ikiwa ni ya

barabara ingie katika barabara, inaingia kwa mtu binafsi, anaweka kwa bank yake, na wakenya wanaona.

Na ikikuja ikiwa ya viwete, mtu anachukua anaweka kwa mfuko yake na wakenya wanaona. Kiwete ni yeye na yeye ndiye barabara.

Uchumi itaweza kuwa namna gani serikali yetu ya Kenya? Uchumi haiwezi ikawa nzuri na mimi nakataa kusema kwa nini inaharibika. Mbona nikisema inaharibika ninafuatwa moja kwa moja mpake ninatolewa shingo, ninakatwa shingo. Tunaogopa kifo.

Serikali yetu ya Kenya iangalie, mbona kuna wakati itaingia tuseme kifo iingie, watu wakufe wote, mchanga iwachwe pekee yake.

Com: Lenaola: Ngoja kidogo bwana Kiugu. Katika hii mambo ya Tume uko na haki kusema lolote kuhusu mtu yeyote, kuhusu jambo lolote bila kuogopa kwamba baada ya hapa utafuatwa na kuulizwa umesema nini. Kwa hivyo usiwe na wasiwasi. Kama unataka kutoboa, toboa.

Kama ungetaka kutoa mapendekezo yako, toa bila ya kuogopa. Tumeelewana? Kifo chako hakitakuja kwa sababu ya hii, pengine majaliwa ya mungu lakini hii kazi. Tumeelewana?

Mr. Kiugu: Asante. Ninarudisha asante na mimi nitasema. Nina miaka sabini na mbili katika ulimwengu. Wakati emergency ilikuwa na hata wakati huu niko, sasa ninasema serikali itusaidie kwa kuwa kama ni katiba imewekwa ifanye kazi, hiyo katiba inabomolewa na watu watatu katika ofisi moja kama ni ofisi ya Rais.

Wanakaa chini wanakaa chini wanabomoa hiyo katiba. Wana-change katiba ile ilikuwa inasimamia mahindi inaisha. Hiyo inatuharibu.

Ningesema kama kuna mahali ya kupindua katiba, ipelekwe Legco, katiba ipinduliwe kwa umati wa watu, siyo katiba ibinduliwe Meru pekee yake, si katiba ipinduliwe Kikuyu pekee yake na ni kitu ya Kenya.

Wacha nitoke hapo. Niseme, masomo ile ambayo tunasomesha watoto, tunawasomesha wanapata elimu. Mtoto anaenda, yeye yuko na degree, anaingia katika ofisi anapeleka barua hiyo. Barua hiyo haina mtu wa kuangalia, ni kwa nini?

Yule mtu ako na form four na form six wanaandikwa kazi ya kufagia na mnasoma Kenya itakuwa nzuri?

Wa form four anaingia ofisi, anakuwa ndiye mkubwa, wa form six anakuja anapatiwa kifagio, anakuwa yeye ndiye wa kufagia na wa kutumwa, hii itakuwa serikali ya aina gani? Kama mtoto mdogo ndiye atakayemsimamia yule mtoto mkubwa? Haiwezekani.

Serikali iende iangalie hapo.

Kama ni upande wa polisi wanaandikwa, wale wakubwa wote wanakuwa ni waMeru Pekee yake na hiyo si haki maana

serikali ni yetu wote. Serikali haiwezi ikawa ya waMaasai pekee yake kama ndiyo mfalme, haiwezi ikawa ya waMeru pekee yake kama ndiyo mfalme. Mbona tunaambiwa ni mchanganyiko maalum?

Serikali iambiwe, na mimi nawaambia, wageuze hiyo katiba maana binadamu wa Kenya ni wa Kenya. Hata masomo ile inasomeshwa watoto, hakuna kitu tunafanya. Mbona mtoto yako anafanya kazi na hana degree na yule aliye na degree yuko ndani ya nyumba. Yule siye na degree ndiye anapata kazi. Ukikataa hivyo unaambiwa ununue kazi. Utoe shilingi elfu thelathini ama ishirini na mtoto ulisomesha?

Yule hana degree anaambiwa weka mkuki chini na uje kazi. Anatoka kuchunga, anakuja kazi.

Kwenda kwa GSU ni hivyo. Wale wakubwa ni kabila moja.

Com. Nunow: Hiyo umesema mzee wangu, endelea. Ya kazi, ya elimu, ya polisi ulisema, endelea na mapendekezo zingine.

Mzee Kiugu: Wacha nitoke hapo nikuje upande wa uchumi wetu. Tuna misitu hapa, chemchemi imekosa, hatuna mvua, kwa nini? Misitu yote ilipeanwa kwa wageni wakasimamia na sisi tuna na watu wamesoma, wakenya wamesoma, lakini ni mzungu anapatiwa.

Bora ako na kibali, karatasi; anakuja na karatasi anasema mimi ni mkenya, anakubaliwa ati yeye ni mkenya, anapatiwa pesa yetu, anachukua yote, akinyakuwa akipeleka kwao, tunawachwa uchi. Hatuna mvua, hatuna miti, tunawachwa hivi, haiwezekani.

Hapo serikali iangalie. Tuwache kudanganywa ati huyu mtu ni wetu na tunaona huyu mtu ni mweupe na sisi ni weusi.

(laughter)

Com. Nunow: Asante sana Mzee.

Mzee Kiugu: Wacha nitoke hapo nije ingine. Kuna wanyama na hawa wanyama ni wetu, tulipatiwa na Mungu katika Kenya. Na tulipopewa na mungu, tulipewa watu wakasoma. Wanyama wanapatiwa wageni, hata hapa kwetu Meru, Isiolo ndiyo wanaweka butchery ya kuchinja kila wanyama si ngombe na wanauzia sisi. Kwa nini? Na wewe ukiwa mwafrika, ukipatikana na ile inaitwa nungunungu, ukikula namna hii uonje, unawekwa dawa kwa mdomo ili meno iishe, usile nyama tena lakini yeye anaweka butchery pale ya kutuuzia. Ni Kwa nini? Na serikali yetu inaangalia, na serikali yetu inajua, Masomo tulisoma ya nini? Degree tunapewa ya nini? Rais kila wakati anapeana degrees, ni ya kufanya nini ndiyo mzungu asimamie mali yetu? Haiwezekani.

Com. Nunow: Asante mzee, tumechukua muda na tumesikia yote na tutatilia maanani. Tafadhali njoo ujiandikishe pale.

Mzee Kiugu: Asante sana, nimeshukuru.

Com: Nunow: Moses Mwiti? Douglas Wantai? Julius Githinji?

Julius Githinji: I am Julius Githinji representing Katheri central. We are ten of us here and these are the views of Gathari central. I will highlight the issues we have here.

Our constitution should have a preamble to show who we are, the Kenyans and what we want to do and our heritage.

On the directives, we have principles of letting the people participate in making the constitution of Kenya to be governed as we want and the people should have the right of choosing their leaders freely without intimidation, as it has happened elsewhere, where people are told not to speak or are stopped from addressing the wananchi.

The constitution of Kenya should be supreme; above the laws of this country and to change any part of the constitution, the parliament should require sixty-five per cent of the voting members of parliament.

The public should have a space in our constitution; where we have a referendum, this where the people will be asked their views, which we don't have in our present constitution. These should be enshrined in the new constitution that people can give their views to say what they want done.

On these issues we think of the citizenship: The Kenya citizens should be people born of indigenous people of Kenya, they can also be Kenyans by registration and fulfilling all the required articles.

It should not be automatic for spouses to become Kenya citizens, they should follow the laws of this country.

The law should not allow dual citizenship. Nobody should have two passports in Kenya.

On the defence of this nation, we should have the president as the commander-in-chief of the Armed forces of Kenya and he should have the executive powers but they should be exclusive.

He can declare war if need be, in consultation with the war council or any commission constituted by our constitution.

The parliament should also have power to evoke, in the case of an emergency, if need be.

On political powers, the constitution should limit the number of political parties here in Kenya; they should not be more than four, there are so many, they should be limited to four only.

The political parties should be financed by the government, upto the secretarial level, not everything, but this will depend on the strength of any political party.

The media should be free for all. Radio, television and other should be free for all political parties.

On the financing of the political parties, each party is to be represented in the parliament and should prove its popularity in the parliament.

In the structures and systems of the government, we should adopt the system, which is presidential type of government where the president is ceremonial and we have an executive prime minister. These powers should be defined.

On the legislature, there should be two houses; the house of senate, as it were, we would have lower house and the upper house, the upper house to control the lower house and there should be no laws being passed within a few minutes.

A parliamentarians must be a full time employee. He should have an office in parliament and another office in his/her constituency where they will be meeting the wananchi.

The age of the parliamentarians should be limited.

After school certificate , they should be about twenty-five years of age, you can be a parliamentarian.

Forty to sixty-five years for the President.

MPs should have a minimum formal education of school certificate, through that there will not be a need for a language test.

There should be a commission to regulate the salaries and allowances of the MPs, the judiciary and the executive, not MPs setting salaries for themselves, as it has been in the past.

Com: Nunow: One more minute, please.

Mr. Kithinji: The houses should be staggered. The lower house should have three years, the upper house five years.

The executive, president should have limited powers and he should not have the power to appoint the vice-president.

We do not need PCs; that post should be scrapped and that of the D.O too.

Judiciary: They should be appointed by the judicial commission with a minimum of a degree from a recognized university.

Judges too should be more than forty years of aged.

Local government: Mayors and chairmen to be elected directy with minimum qualification of a school certificate.

Electoral system: We should retain the simple majority rule of the government and there should be seats reserved for differently abled people including women and the disabled.

We also need to have the commissioners being appointed by parliament, not them being appointed by the president.

Com. Nunow: That is the last point.

Basic rights: Death penalty should be retained for all that matters.

Succession of the president: Transfer of powers should be done openly, say in uhuru park, where the going president will hand over power and the instrument to the new president and the new president to drive to the state house, the other one to his house.

Thank you.

Com Nunow: Thank you very much for those views, please come over and sign the register as you hand in the memorandum. Martin Mwenda? Muthamia M'Irungu? Samwel Mukiri? Daniel Mbaabu? Jeniffer Koru? Baada ya huyu bwana ee.

Daniel Mbaabu: Thank you commissioners. My name is Daniel Mbaabu from Kithirune West location.

I would like to contribute about the electoral commission: As we can see, the electoral chairman is appointed by the president; I would like him to be appointed by parliament or non-government organization.

When we go to voting, we should use the driving licence, ID, passport, anything which is recognized instead of the ID only.

Voting stations if possible should also be the counting place instead of the debes being carried off to the DCs shamba because on the way the vehicle can be broken into or anything can happen.

Those boxes should be transparent so that once someone has voted; you can see what is inside.

The other point is that there should be a power limit to the president. The current constitution allows the president to be above the law or to have all the powers. The three arms of government; Judiciary, the executive and the legislature, he is the one who appoints or the power confirmed to him.

The one to do that should be parliament. Parliament should be having power to appoint vice presidents, and the judicial side and the executive

Ministers should be directly appointed by the members of parliament because these members are from where all majority people are from i.e. the masses.

There is this thing whereby if someone is bankrupt, he is supposed to be followed because someone is declared bankrupt and

he has been the head of a certain institution and what he has stolen there he has given to his children or his wife.

Then, for example, if I have a case with a lawyer and he is supposed to defend me, he gets all the money and when you go to follow him he says he has no money but he has taken the money, he has bought everything, he has eaten with his child and his wife. This one should change, if that person has taken somebody's money and has taken to his wife or children, he should be followed and those things should be sold so that the client should recover the money.

There is this thing of becoming the president; anybody with thirty-five upto seventy years can be a president and having that position he should not be having any power to appoint any parastatal body e.g. head of parastatals.

If he is a president, he can only be the head of state and be commander in chief, limited power not to be appointing the Permanent secretaries and whatever because if he has all those powers, he has also power to sack them and they will do the work fearing because he has been appointed by him.

That is all I have. Thank you.

Com. Lenaola: Thank you very much. On the bankruptcy, is that a common occurrence in this area or you are just speaking about Kenya generally?

Mr. Mbaabu: I am talking about Kenya in general.

Com. Lenaola: Secondly on the vice presidency, you said who appoints the vice president, is it parliament or the president, who appoints the vice president?

Mr. Mbaabu: The vice can be appointed by the president lakini the minsters can be appointed by the parliament.

Com. Lenaola: Thank you.

Mr. Mbaabu: There is another point I have remembered; it is about tribes. I would like to say to the commissioners that anybody who is a Kenyan citizen should be allowed to settle anywhere in Kenya. If you go to Kitale or western and you are a Kenyan citizen and you can be able to get a piece of land because of your money, you can buy and settle there and be free to stay there. Thank you.

Com. Nunow: Thank you very much bwana Mbaabu, please come and register over there. Jeniffer, it is your turn and she will be followed by Stephen Minoti. Stephen Minoti Mbui. Okay, she wil be followed by Erastus Minoti. Baada ya madam.

Jeniffer Koru: Thank you. My name is Jeniffer Koru from kibaranyaki sub-location and my suggestions are as follows:

The law on rape and defilement of minors should be stricter. On rape, anybody accused of it should be jailed for twenty years with hard labour, for defilement should be thirty-five years with hard labour and both of these people should not be allowed to marry legally.

There should be no allowance for a fine for both of these people.

The death sentence should not be abolished on accusation on murder and robbery with violence.

My second point is on admission of students into public institutions, especially the medical training colleges, the teachers colleges and the technical institutes; this should be strictly on merit. There should be a law enforced such that there will be no corruption, there should be a joint admission board like the one for public so that people will be admitted to these institutions according to their qualification and not according to whom they know or through corrupt methods.

The Principals of these public institutions who are found violating these conditions should be prosecuted and should lose their jobs immediately.

There should be a government body to look into the qualification of employees both in private and public organizations. It should be investigated annually because we find that in most institutions people are having high ranks yet they are not qualified and others who are qualified are not allowed to have such ranks. This body should investigate the qualification of all the employees annually.

Law on corruption: There should be prosecution for both the one bribing and the one being bribed i.e. for the one bribing, there should be a fine and then the one being bribed should lose their jobs to minimize corruption in the country.

Then there is tax on agricultural produce for example cess that is judged on agricultural produce. This should be used for the development of the particular area where the crop is produced like district wise, there should be a pool where all the tax from all the crops is put together and used for e.g. rural electrification and improvement of the roads

The next point is about our members of parliament; they should not set their own salaries. We realize that right now they set their own salaries and they are very high, more than four hundred thousand shillings and other public servants are not getting even a quarter of that.

There should be a commission that is allowed to set the salaries of members of parliament. Those members should be more qualified; more than the K.C.S.E i.e. a Diploma or at least a Degree or higher education.

The president should not be above the law; he should be liable to prosecution for both criminal and civil acts just like any other citizen of this country.

With those few remarks, thank you.

Com. Nunow: Thank you Jeniffer. There are no questions, please come and sign the register. Erastus Minoti. Baada ya huyu bwana nitamwita Samwel Kiugu.

Erastus Tuinoti: ----(speaks in kiMeru)

Translator: I thank the commission for coming to collecty views from us. My name is Erastus Tuinoti from Githongo.

Erastus Tuinoti: ----

Translator: I will touch on two issues only.

Erastus: ----

Translator: I want to talk on salary increases when we say we have got economic hardships.

Erastus: ----

Translator: The MPs and others in high positions, when they get those positions they increase their salaries.

Mr. Tuinoti: -----

Translator: That corruption is from the top upto the lower levels here in our shambas.

Mr. Tuinoti: ----

Translator: I understand the MPs have fat salaries while we the farmers have nothing in our shambas here; we get nothing from our produce.

Mr. Tuinoti: ----

Translator: I am recommending that the salaries should be uniform for the MPs and even the farmers here, it should be set to benefit all.

Mr. Tuinoti: ----

Translator: What I hear is that the Kenyan MPs is getting more money than any other MP in the world.

Mr. Tuinoti: ----

Translator: Tea directors and others, we understand that they have fat salaries while the grower has nothing. The low paid people are being finished.

Mr. Tuinoti: ----

Translator: My second issue is on the white highlands, which were bought when we got independence. The squatters were there; at present when we go and buy those farms, the squatters are there, they don't get anything and whoever buys that shamba will have the problem of those squatters.

Mr. Tuinoti: ----

Translator: Those squatters were promised that they could get something but when those farms were bought, the squatters are there, they have got their children, even the grand children, they have nothing. The government should do something to see that they get something.

Com. What is this something that you want the government to do? Let him give specific proposals. Mapendekezo. Angependa nini?

Mr. Tuinoti: ----

Translator: My recommendation is that the squatters should get five acres each.

Com. Nunow: Continue.

Mr. Tuinoti: ----

Translator: Those were the only issues I wanted to raise, I thank the Commission.

Com. Nunow: Asante sana bwana Erastus kwa hayo maoni. Tafadhali njoo hapo jiandikishe na u-sign register. Samwel Kiugu? Baada ya Samwel, Mrs. Jane Kinyua.

Samwel Kiugu: ---- (speaks in kiMeru)

Translator: My name is Samwel Kiugu from Githongo sub-location.

Samwel Kiugu: ----

Translator: My recommendation is that ----? here in Meru should be paid. From what I know, they do more work than the chiefs.

Mr. Kiugu: ----

Translator: That is all that I wanted to tell the commission.

Com. Nunow: Thank you very Much, tafadhali njoo pale ujiandikishe. Mrs. Jane Kinyua it is your turn and after you we will

have Joseph Maingi. Upo? Basi tutakuwa na M'kanatha M' mbui baada ya huyu mama.

Jane Kinyua: Thank you very much. My names are Jane Kinyua from Kaugu primary school.

I would like to talk about the rights of children: The constitution should guarantee of children; they should be looked after by both parents whether self-employed or formally employed.

In the event of divorce or separation of the parents, children suffer very much. They are mostly left with their mothers and there is no impact so that the children can be catered for by both parents and the constitution should put this impact in case both parents are able and they are physically fit, therefore children should be looked after so that they can get education, shelter i.e. the upkeep of the children from both parents.

I would also like to say something on women interests or rights: Women rights should be addressed fully by:

One: Sharing property equally in case of divorce

Gender sensitivity should be looked into especially in leadership; there should be a certain percentage set apart for women leaders in our country because if you look in our country, majority of the leaders are men and not women. So am asking the constitution to look into this and then set a certain percentage of women leaders especially in offices that deal with children.

If you go to those offices, you will find men there and not women so please, this one should be balanced so that women, in plenty, can get to these offices.

When the time comes for nomination of MPs, women too should be nominated, not only men. There are very few women nominated to parliament and even to councils. Women councilors are very few therefore I would like women to be considered.

Let there be gender sensitivity in all areas, in all offices, even permanent secretaries in our government in Kenya.

That is all I had.

Com. Nunow: Just a minute. You may want to clarify a few things. You mentioned that in leadership women be reserved for a specific percentage. What percentage do you have in mind in that regard and secondly in the nomination of women to parliament and councils, how much percentage would you like reserved for women.

Mrs. Kinyua: Fifty Per cent.

Com. Nunow: In both cases?

Mrs. Kinyua: Yes.

Com. Nunow: Thank you. M'Mbui?

M’Kanatha M’Mbui: Asante sana kwa Commission ile inakuja kuchukua mambo ya katiba. Jina langu ni M’Kanatha M’Mbui, kutoka Katheri Mwirong’ombe.

Nitaongea juu ya mambo ya barabara. Barabara zetu zimeingiliwa na kuwa nyembamba sana na barabara ndiyo inatuhudumia kwa hivyo ningependa ile serikali itafanywa iwe ikilinda hiyo barabara isiingiliwe na serikali kuwa nyembamba. Kwa maana kama barabara ikiwa nyembamba, gari ikikutana inaweza kugongana ama kama ni mgonjwa anakimbiliwa nyumbani na barabara ni nyembamba, yule mgonjwa anaweza kufa kwa kukaa muda mrefu.

Nitaingia mambo ya sub-area: Sub-area wetu wa Kenya hawana kitambulisho wala uniform kwa hivyo ukiwakuta huwezijua ni wale wazee wa kijiji. Ningetaka wapewe uniform na ile serikali itaingia ili watu wakiwaona waweze kuwatambua kujua ni watu wa kuhudumia watu.

Nitaingia mambo ya watoto: Kuna watoto wengine wanakaa na babu zao. Hawa babu wakipatia hawa watoto zawadi, tuseme ni mashamba, hata baba akiowa bibi wa pili ama wa tatu, wasije wakaingilia ile zawadi ya mtoto aliopewa na babu yake. Baba wakome kuingilia hiyo zawadi ya watoto wale walikuta.

Nitaingia mambo ya masomo: Kuna wale watoto wanaosoma, tuseme watoto wa wale watu wasiojiweza ama watu wasio na pesa, wakisoma wakifika kama ni form four, wanakosa pesa ya kuwapeleka college. Ningependa serikali iwe ikiwapeleka college ama iwe ikiwapatia mkopo wa kwenda college ili wakiajiriwa, waweze kurudisha huo mkopo.

Ninaigia mambo ya urithi: Mimi ningetaka bibi wa mtu mwenyewe awe mrithi wa kwanza na mtoto wake wa kiume au wa kike awe mrithi wa pili. Basi ikiwa mtu hana mtoto, anaweza kuridhiwa na ndugu zake.

Nitaingia mambo ya kina mama: Wakina mama wanasumbuka sana na habari ya hii kuni na hii kuni mnajua inaanguka ovyo msituni na inaoza inakuwa mbolea huko na wanalipishwa kodi. Ningependa hiyo kuni wapewe bure, waache kusumbuliwa na kulipishwa kodi, lakini miti iwe ikipandwa mingi kwa kila msimu, mahali hakuna miti.

Nitaingilia mambo ya wizi: Ningetaka mtu akipatikana na sheria kuwa ni mwizi, hafai kuachiliwa kwa pesa ama kupewa fine. Anapaswa kupewa adhabu kulingana na ile kosa alifanya.

Ninaingia mambo ingine ya watu wazimu: Wale wenda wazimu ningependa wasilipishwe pesa katika hospitali. Wapewe yale madawa ya wazimu bure.

Nitaingia jambo lingine la chiefs: NiNgependa kila chief katika Kenya awe na mahali pa wageni kulala.

Com. Nunow: Endelea.

Mr. M'Mbui: Asante sana, sina mengine.

Com. Nunow: Jambo la mwisho umesema chief awe na mahali pa wageni.

Mr. M'Mbui: Ndiyo. Kote katika Kenya kila chief, kama kuna kambi, awe na pahali pa wageni kulala.

Com. Nunow: Kwa nini?

Mr. Mbui: Wagemi wengine wanakuja kuwasumbua hata ma sub-chief huko nyumbani badala ya kuwa kwa kambi. Asante.

Com. Nunow: Asante sana, tafadhali jiandikishe pale. Charles Marete? Then Hellen Naitore? Baada ya huyu bwana, wewe ndiwe utakuja.

Charles Marete: Asante sana. Majina yangu ninaitwa Charles Marete kutoka Katheri East.

Maoni yangu, tukiangalia kwa upande wa calender yetu, tunaona president ako na siku yake, inaandikwa Moi day ama Kenyatta day. Kwa hivyo kama ni president, kila mmoja akiweka siku yake, calender yetu itajaa.

Kwa hivyo katiba yetu iwe ikiangalia njia ingine, kama ni hiyo siku inawekwa kwa njia ingine ya kuwakumbuka. President awe akijikumbuka na njia ingine.

Lingine ni salaries: Ukiangalia upande wa civil servants, wengine wanapata mshahara, tuseme kama ni wiki mbili, mwezi ukifika wiki mbili, wengine wanapata mshahara late. Kwa hivyo napendekeza kama katiba, iwe ikiangalia mshahara wa watumishi wa serikali.

Misuse of funds: Kama mtu amechaguliwa mahali na anatomia pesa vibaya, inatakikana awe akilipa. Kuwe na katiba ambayo mtu akitumia pesa vibaya, awe analipa.

Lingine ni chiefs: Chiefs wawe wanachaguliwa na watu wa location hiyo. Watu ndio wanajua ndiye mwananchi anayewalinda vizuri.

Lingine ni constitution: Constitution iwe imeandikwa na lugha ambayo kila mkenya anaelewa. Kama ni Kiswahili, Kiingereza ama ni Kimeru, kikikuyu au maasai ili wakenya wote wawe wakielewa.

Ingingine ni saberias: Saberias wanafanya kazi mzuri sana. Ndio wanaosaidia assistant chiefs na chiefs. Kwa hivyo inatakikana katiba yetu iwaangalie, wawe wanaachiriwa na wanapewa mshahara.

Hayo ndiyo maoni yangu. Asante sana.

Com. Nunow: Thank you Charles, please njoo uandikishe hapa. Baada ya Hellen, Andrew Kinuu? Yuko?

Hellen Naitore Mwirichi: Kwa majina naitwa Hellen Naitore Mwirichi, natoka sub-location ya Marathi, Githongo location.

Ninatoa shukrani kwa hii Tume kwa kuja kuchukua haya maoni.

Sasa nianze na kutoa maoni, miseme juu ya uraia: Kila mtu ambaye amezaliwa kutoka kabila moja au nyingine ya Kenya ni mkenya bila shaka.

Raia wa Kenya awe na haki ya kulindwa na sheria na haki ya kujitetea mahakamani akiwa mkubwa ama mdogo.

Raia awe na vitambulisho kama vile vilivyoko sasa.

Vyombo vya usalama, kama majeshi, polisi, askari jela, GSU yaundwe kutokana na sheria ya katiba.

Rais awe amiri jeshi mkuu wa majeshi.

Vyama vya Kisiasa: Uundaji, uongozi na tabia za vyama ielekeshwe na tabia ili kusiwe na vyama vingi kupita kiasi na viweko kwa maslahi ya wakenya.

Shughuli za vyama vya kisiasa zigharamiwe na chenyewe wala si pesa za umma kwa sababu zikigharamiwa na pesa za umma, kila mtu atataka kuunda chama akijua gharama si yake na kwa hivyo vyama vitakuwa vingi mno.

Aina ya serikali: Tuwe na serikali ya ubunge ikiongoswa na waziri mkuu.

Mitihani ya lugha katika uchaguzi wa ubunge haitoshi. Nidhamu na tabia za mpigiwa kura zijunguswe zaidi.

Mfumo wa wabunge wa kuteuliwa usikuwepo, badala yake wabunge wote wapigiwa kura na wananchi.

Chama chenye nguvu zaidi kiiunde serikali.

Rais achaguliwe kupitia kupigiwa kura na wananchi na awe na kura nyingi zaidi ya wote wenngine.

Rais aongoze kwa kipindi cha miaka mitano na aongoze kwa vipindi viwili ili atoe nafasi kwa wengine.

Utaratibu wa uchaguzi: Utaratibu ufaao ni wenye kura nyingi zaidi ndiye mshindi.

Uhamaji kutoka chama kimoja hadi kingine uendelee kuwoko.

Commissioners wa uchaguzi wote wawe na sifa kama zifuatazo:

Wazalendo,

Waaminifu,

Raia wa Kenya,

Wapenda haki.

Kama hawana sifa hizo, waodolewe kazini.

Wananchi wote wa Kenya walindwe na katiba kwa huduma hizi: Usalama, afya, elimu, makaazi na chakula. Hizi ziwe haki za kimsingi.

Katiba ilinde haki ya elimu ya wakenya wote hadi kufikia daraza la nane, elimu ya msingi.

Katiba ilinde haki ya wafanyi kazi wote kupitia vyama vya wafanyi kazi.

Kilimo: Wakulima wanapaswa kulindwa na katiba kama hivi:

Wakulima wa majani chai wananyanyaswa sana kwa sababu wakifunga mwaka wa majani, ambao unafungwa tarehe theladhini mwezi wa sita, na badala ya mkulima alipwe bonus, yaani malipo ya pili, mara moja, pesa zake zinawekwa mpaka mwaka na nusu.

Hivi ni kusema wanalipwa mwezi wa November.

Kwa hivyo mkulima anataabika ilhali pesa zake zinawekwa.

Elimu iliyoko sasa ya 8-4-4 naitoa makosa kama ifuatavyo:

Elimu hii in subjects nyingi sana haza kwa primary schools.

Kwa elimu ya msingi, wanafunzi wa nursery mpaka daraza la tatu, wanapaswa kuwa shuleni kipindi cha nusu mchana ili wapate kwenda nyumbani ili mzazi apate kumfunza mtoto mambo ya kimsingi kama kuchota, kuoga, kuteka maji na mambo mengine kama hayo.

Daraza la nne mpaka la nane waendele mchana wote mpaka saa kumi lakini wasikae zaidi ya hiyo.

Juu ya coaching: Wanafunzi wasifanyiwe coaching nyingi kama vile ilivyo sasa. Watoto wanaachwa hata baada ya saa kumi, wanaendelea mpaka saa kumi na mbili na hivi ni kuwachosha sana.

Natoa shukrani kwa kunisikiliza. Hayo ni maoni yangu.

Com. Nunow: Asante sana bi Hellen kwa hayo. Tafadhali jilandikishe hapo. Andrew Kinuu? John Ndereka? Ndereva?

Andrew Kinuu: Asante sana Commissioners. Kwa jina ni Andrew kutoka ---? Constituency.

Jambo langu la kwanza nigelisema ya kwamba serikali ya Kenya itiliye umuhimu barabara. Kwa nini? Tusipokuwa na barabara, wawasiliano tutakosa. Kwa hivyo upewe umuhimu wa kwanza ili tuweze kufika town moja hadi nyingine.

Jambo la pili ni kuhusu madeva wanaoendesha matatu: Wao wanajulisha serikali ya kwamba kuna barua ambazo wamepatiwa na hiyo barua haionekani kama imakubalika na serikali ya KANU kama licence.

Wao wameuliza serikali ya Kenya wachukuliwe umuhimu kama wengine wanapewa certificate kwa hivyo hiyo licence ni certificate ya kuwakubalia wawe wanaendesha gari. They proposed that they should not be judged anything yearly, so the licence should be considered as any other certificate.

Jambo lingine ni kuhusu kitu kingine wanaitishwa kama PSV. Wameuliza hiyo kitu iondolewe kwa sababu hiyo licence inajulisha serikali kuwa wao wamekubaliwa.

Kuhusu conductors: Conductors pia wamajulisha serikali kwamba hata wao ni watu walio na uwezod wa kuishi Kenya na wao ni watoto ambao wamehitimu kwa mitihani na kwa sasa kwa serikali hawapati kazi. Kwa hivyo wanauliza serikali kama hii kitu wanauliswa, good conduct, hawana uwezo wa kuipata. Kwa hivyo wameuliza serikali kama ingeondoa hiyo kitu wawe hiyo kazi yao wanaendesha kwa vile wana uwezo kwa Kenya hata wao waweze kula, kuvaa na kupata malazi.

Jambo lingine ni kuhusu wenye gari, matatu: Hii ndiyo memorandum yao na nitaisoma. Isikiswe na Commission.

Com. Nunow: Taja Points tafadhali. Usilisome neno kwa neno kwa sababu utaipeana hapa na itasomwa.

Mr. Kinuu: Jambo lile wamezungumzia hapa ni kuhusu magari. Wao wameonelea ya kwamba serikali imewawekea mzigo mkubwa sana ambayo ni fuel levy, road licence, application of ---? Revenue process, PSV, insurance, TLB and municipal parking fee. Kwa hivyo wameona huo ni mzigo kwa matatu.

Pia wangetaka serikali ijue ni kwa nini hizi matatu zinabeba watu kupita kipimo. Isingalikuwa ni hayo mambo, wangefanya hiyo kazi kuwa rahisi na kukubali kuwabeba watu kama vile wamekubalika kubeba.

Kwa hivyo sasa wanaombi wanaloomba kama hizo vitu vingondolewa na kubakia vichache.

Insurance: Wao wameona insurance imekuwa mzigo kwao kwa vile wamelipishwa ghali sana na wao wakati wanaendesha hiyo matatu, there is no remote control for vehicles to identify that hiyo gari zao zimechungwa. Kwa hivyo wamejulisha serikali kama hiyo kitu kingeondolewa, wangeweza kuchunga gari zao vizuri.

Kile wamependekeza, wangelitaka hizo gari zao ziwe na third party. Kwa nini? Imejulikana barabara eti kazi ambazo zinaendeshwa zikiwa na third party, wenye hizo gari wanazichunga vizuri sana.

Kitu kingine wangelitaka police blinds ziondolewe. Hiyo ikiondolewa, wao hawangepepa watu kupita kipimo.

Kwa hivyo wanauliza hii Tume ipeleke hii memorandum yao isomwe na ipatiwe umuhimu ndivyo hiyo sector waifanye iwe ya huduma na iwe inaeleweka kabisa kwa serikali. Asante.

Com. Nunow: Asante sana. Utawaambia tumepokea na tutaisoma. Tafadhali njoo uipeleke hapa. Madam Julia Muthuri? Kuna mtu yeyote aliye hapa angependa kuzungumza na hajaitwa? Pengine mwanzo uliandika kwamba haukutaka kuzungumza unataka kusikiliza na ukabadilisha maoni yako? Wewe. Kwa hivyo huyu mzee ndiye atakayekuwa mtu wa mwisho kuzungumza ila tu pengine wengine wawasili kisha tutafunga kikao. Endelea mama.

Julia Muthuri: Thank you. My name is Julia Muthuri from Githongo.

I have just one point to make. I am suggesting that when we have a president being a man, I am talking of the right of the women that we should be allowed to have the vice president being a woman.

If the vice president is a man, then the president should be a woman being the president of Kenya.

I think this is the way of shairing things equally. The women will feel great when they have a president or a vice president in our country.

The men should not lead the people of Kenya because I think the majority in this country are women. So if the women were allowed to have one chair, if it is the vice president or the president, so that we feel that we are doing something in this country.

The women have done a lot for the country of Kenya and I think, although they do the leadership quietly, they are the ones who do the leading in Kenya.

That is the main point I wanted to say because the women will feel that they are really not neglected in our country because they always look very small. If the president goes to other countries, another man is left and I think, and I should be supported by other women when I say that let those two seats be shared by a man and a woman. It doesn't matter whether it is the presidency or the vice.

If the men take one seat, let the women take the other and the women will be very happy

That is my suggestion, thank you.

Com. Nunow: Thank you very much bi Muthuri. Tafadhali njoo utu-signie register. Mzee, utasema majina yako kisha uendelee.

Silas Kiogora: My names are Silas Kiogora from Katheri east location. I have only two points.

One: About inheritance: Let us say that I, for example, have got land, and I die, my children will have a lot of problem if I never sub-divided that land because there is I don't know whether it is called last will but here in Kimeru language we say ----? (spoken in Kimeru) that is, you sue the death.

You go to the court today with a case about inheriting that land, then the name of the deceased is read and the judge has got all the documents there, the burial certificate, the death certificate, everything is there, everything is there, they read the name of the deceased, he is not in the court today, they adjourn and say we are meeting again in June the twentieth.

The court seats again in June 20th, the name of the deceased is read. This could have been very easy if all the matter was left to the clan elders plus the chief, the assistant chief and the village elder. The poor children who are left cannot afford all those court proceedings to due the death of their father so that the land can be sub-divided.

The other one is about employment: All the government employees, all the civil servants should never ever be appointed by anybody in the world, I should think. These people, the country for example our Kenya, should have a civil service commission. Wherever there is a vacancy, an interview is called. The civil service board will call that interview and appoint, they will employ the correct person, not that because I am the boss, I employ a friend of mine, my relative, no.

Let us have all civil servants being employed by the civil service commission and they should be employed on merit.

We come to the ministers in the parliament: You find the minister for education is a doctor of medicine; he does not know what happens in schools. Why should he be the minister for education? We should have, there are very many teachers who are professors and they are in the parliament, a teacher, somebody who is concerned with education should go to the ministry of education.

All the staff in that ministry should be people who are competent in education matters.

Let us go to the ministry of health; you find a road engineer is the minister for health; he does not know even what an Aspirin is, instead of a roads engineer going to the ministry of roads and transport.

Let us in the whole thing have people who are competent in their different fields and we shall have the best Kenya, the Kenya we want.

Thank you very much.

Com. Nunow: Thank you very much. I am advised that that is our last speaker and I think we thank you all for your intelligence, for your patience, and for your contributions. I would ask the chair of the 3Cs to organize the closing prayers.

Tabitha Kyambi: Asante sana. Sasa tumefika mwisho na nimefurahia vile wananchi wamekuja, wametoa maoni na

