

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**CKRC**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS, IMENTI  
SOUTH CONSTITUENCY HELD AT EGOJI  
CATHOLIC PARISH HALL**

**ON**

**20<sup>TH</sup> MAY 2002**

**CONSTITUENCY PUBLIC HEARINGS, IMENTI SOUTH CONSTITUENCY, HELD AT EGOJI CATHOLIC  
PARISH HALL.**

**Commissioners Present:**

Prof. Yash Pal Ghai  
Abdirizak Nunow Arale  
Isaac Lenaola

**Secretariat In attendance**

Solomon Anampiu	- Programme Officer
Mary Kamau Kanyia	- Ass. Programme Officer
Patricia Mwangi	- Verbatim Record

**Speaker:** Tutaendelea na wale wameshafika tayari. Bwana si utuombea ---.

**Speaker:** Tuombe: Ee Mungu Baba mwenyezi katika jina la mwanawe yesu Kristo , tuaja mbele na kiti chako cha nje wakati huu Baba, tukikushukuru Ee mwenyezi mungu kwa vile umetupatia safari njema hadi kikao hiki. Tunakushukuru Baba kwa nafasi njema tumepewa kuzungumzia hali ya Katiba yetu ya Kenya Ee Mungu Baba, twakabithi wote ambao watukuja hapa wale wako njiani na wale wako hapo twakabithi katika kazi ambayo ni kazi mhimu ambayo iko mbele yetu siku ya leo Ee baba ukatuongoze ukaongoze Commission yetu Ee Mwenyezi mungu. Katika siku ya leo na katika kutayarisha na kupanga mambo ya Katiba hii ya nchi yetu ili Baba kuajili ya utawala mwema katika nchi hii yetu jina lako likatukuzwe wengi wakakujue Ee mwenyezi mungu na ukazidi kufanya mapenzi yako na ni katika jina la yesu Kristo mwokozi wetu tunaomba Amen.

**Com. Nunow:** Sasa kabla hatujaanza ningependa kuwajulisha sisi ambao tumetoka kwa Tume kisha tuweze kueleza pia utaratibu wa kuchukua maoni na badaye tuanze kikao hiki. Kwanza nitanza na wanatume, wanatume ambao wametoka kutoka Tume ni sisi ambao tumekaa hapa mbele na wasaidizi kutoka ---- ya Tume ambao pia wako na vifaa zaidi ambavyo munaona hapa mbele. Kikao hiki leo, kiko kimebarikiwa kwa sababu mwenye kiti wa Tume amewahi kufika kwani yeye ni mmoja tu, kwa hivyo anaweza kuwa tu katika kikao kimoja wakati wowote kwa hivyo anaenda kikao fulani kisha siku nyingine kikao kingine, na leo tuna furaha muweze kujiunga nasi. Kwa hivyo nitaanza kuwajulisha wanatume na mwanzo ni mwenye kiti wa Tume Professor Yash Pal Ghai, ambaye yuko mkonono wa kushoto wangu na mwana Tume Isaac Lenaola, ambaye yuko katika mkono wangu wa kulia, na mimi naitwa Abdirizak Nunow. Ambao pia wametoka kutoka Tume ni programme officer wetu Bwana Solomon Anampiu ambaye yuko huko, kuna mnaibu wake Mary Kenyia ambaye atakuwa anandika, kisha tuna yule wa kutoa sauti and maandishi pia Patricia Mwangi ambaye yuko hapo juu. Pia tuna District Coordinator wetu hapa Bwana Murithi ambaye mnamuelewa yuko hapa mbele. Kabla Bwana Muriuki hajatumajulisha wana kamati wa Constituency hii ya Imenti South, pia yule mama mnamuona nyuma ni mke wa mwenye kiti Professor Ghai, sasa nitamuliza Bwana Muriuki atumajulishe wana kamati kisha tuweze kuanza kikao. Bwana Murithi tafadhali.

**Muriki:** Asante sana Mwenye kiti wa kikao hiki, kwanza nieleze furaha yangu kwa kuwa tuku na Chairman wetu hapa leo nina furaha tumebarikiwa. Sitaki kusema mengi nataka ku-introduce Chairlady wa Constituency Constitution Committee na yeye ata-introduce wana kamati wengine wake anaitwa Mrs Sarah Muriti. Kama kuna kamati wengine wa-introduce halafu tutaendelea.

**Sarah Muriti:** (inaudible) nasema ningewauliza waji-introduce themselves --- (inaudible) this is the day that we have been looking forward to and they are here and to represent the other people so tafadhali just say your names

**John:---** majina yangu naitwa John –

**Sarah Nderitu:** Ni hao tu wale wengine they are polishing their memorandum because they came abit late after (inaudible) --. Else you are all welcome in Egoji Division South Imenti Constituency to hear what the people will have to give you what they have been complaining about hoping that we will have a good Constitution that will govern their children and the children of their children. Asante.

**Com. Nunow:** Asante sana Miriti na sasa nitaeleza utaratibu wa kutoa maoni. Mwanzo kama umetayarisha maandishi kama umeandika memorandum tutakupatia dakika tano ya kuangaza hiyo memorandum, na kupeleka zile highlight ya hiyo memorandum kwa dakika tano kwa sababu maandishi yote ambayo yamo katika memorandum hiyo yatasomwa na Tume nzima. Kwa hivyo usijaribu kusoma memorandum ambayo umekuja nayo una-highlight points tu umezichukuwa kwa mda dakika tano, kama hauna maandishi ujtayarisha memorandum yeyote ambayo unataka kuongea kutoka moyoni mwako tu, kwa mdomo, tutakupatia dakika kumi muda isiyozidi dakika kumi kwa sababu tunataka kuzikiza watu wengi sana.

Ya pili, unaweza kutumia lugha yeyote kuzungumza, unaweza kutumia Kiswahili, unaweza kutumia ya Kingereza, unaweza kutumia Kimeru, unaweza kutumia lugha ingine yeyote ile, una uhuru kama ni lugha ambayo si Kiswahili ama Kingereza, hiyo ndiyo tutatafuta mtu wa kutafsiri kwa hivyo usishughulike na utafsiri wewe, wewe uzungumze lugha ambayo unaweza kujieleza vizuri sana, tumeelewana? Na ya mwisho tungependa kama mtu anatoa maoni, mzikizeni huyo mtu kama hupendi ile maoni anasema, hayo maoni ni yake wewe ukija wakati wako useme unataka kuzungumzia nini, lakini yeye muache azungumze vile anataka. Hatutaki mtu kupigiwa kelele ama kuzungumziwa, ama, kunung'uniwa unamsikiza mpaka amalize kisha wewe pia utakuja na utasikizwa. Kwa hivyo tunahitaji hiyo heshima na utaratibu ili watu wote waweze kuelewana, tumekubaliana siyo?) Na ukiitwa ambao utakuta unataka kutoa amoni yako utakuja katika hiyo kiti, kwa hiyo kona, utaketi pale utazungumza ukimaliza usiondoke, uketi kidogo tujue kama kuna maswali ya ufafanuzi. Kama kuna kitu umezungumza na hatuelewi vizuri, tutakuliza ufafanuzi, clarification issues. Baada ya hiyo unaondoka unakuja kwenye Bwana Anampiu yu pale uandikishe kwa register na kama una memorandum unapeana tumeelewana hiyo utaratibu? Kisha ndiyo unarudi kwa kiti chako. Na hiyo bila kupotesha mda zaidi ningependa kumuita mtu wa kwanza--- kuwa hatuchukuwi maswali kawaida lakini uliza tu.

(interjection) Nina swali moja, jambo tu moja --- tunaweza kuhakikishia ya kwamba yale tutakayozungumza hapa hayatakuwamambo ya kufuatiliwakesho, na kuulizwa alisema nini... (inaudible)

**Com. Nunow:** Tumeshachukuwa maoni hii ni Mkoa watatu sasa tumechukua Central kwanza tukaenda Coast hii ni ya tatu na hakuna mtu mpaka wakati huu amelalamika ati aliulizwa. Kwa hivyo unaweza kuzungumza kuhusu chochote you are free to speak your mind anything that you will want to see in the new Constitution you are free to say it and we can assure you there is enough protection in the act that this Commission works under. Nobody has so far complained or they have anything we have been to Central, we have been to Coast and we have been to this place for the first week now, so everyone should feel free, kila mtu ajisikie uhuru azungumze yale anataka kuzungumzia, sawa sawa, bila uoga bila upendeleo, bila hofu, yeyote nafikiri hiyo tumeelewana. S.K. Munyua, S.K. Munyua? Okay, William Muriungu? Utasema jina lako halafu uendelea.

**William Muriungu:** Mimi naitwa William Muriangi. Maoni makwa

**Translator:** William Muriangi is my name.

**William Muriangi:** Maoni jakwa ni jaja.

**Translator:** These are my views

**William Muriangi:** Uuni nindigarite ni mukarire juria turi naju kenya niuntu ni jumuthuuku jukabuunja record.

**Translator:** I am very surprised because, the way we are living here in Kenya is very bad and has broken the record.

**William Muriangi:** Na ni tontu baatwi tutikari ta antu beetagwa ithe, tukari ta atumwa uria twatwire kiri akoloni.

**Translator:** We are not like people who are free we are like we are under the colonial rule.

**William Muriangi:** Gitumi ni giki,

**Translator:** This is the reason.

**William Muriangi:** Muntu eetagwa ithe, atitawaragwa ni muntu umwe, mbuga thirikari itawaragwa ni maita jathatu.

**Translator:** When a country is independent, is not governed by one person but there are three pillars of governance.

**William Muriangi:** Iji yetu niindigaritie ni tontu maugo mayo ni ma muntu umwe, niwe uujuragia kiria kingi kionthe.

**Translator:** In our country its one person who controls everything.

**William Muriangi:** Muntu akeeja kuhitia kana akeeja kwaria rwaria ta ruu tukwaria aja, muntu uu akaruta sauti yaae akauga ng'ania niabeewe ationa muntu wa kumubinga.

**Translator:** If the rule has said that so and so has done this or that and he should be corrected or arrested there is nobody to oppose anything.

**William Muriangi:** Kinya Katiba kwatuika nitukugarura, nibugarure Katiba iria igakenia mugongo jwa kenya ti kujwithira ukolonini ta buria twatuire nabo ni mungereha.

**Translator:** If the Constitution is going to be changed must be changed it in a way that brings Kenyans to a different sphere not like it was under the colonial rule.

**William Muriangi:** waziri mkuu number one na rais nibo beethagirwa bari itini jia mbere tontu bwa kenya na o riu, kenya iti waziri mkuu.

**Translator:** There normally should be a Prime Minister and a President to look after the affairs of the country, but now we have no Prime Minister

**William Muriangi:** Mbuga raisi niwe ugwete iti biu bio biiri, acooka agwata kia chief commander wa Jeshi.

**Translator:** The President owes those two posts and he is also the Commander of the Armed Force.

**William Muriangi:** Muntu uu akeenda kuuga, guku ni gukare una, ona mundu ungi wa kumugarura akauga tiu kugaakara.

**Translator:** If you want to say what is happening there is nobody to oppose... That is all I have to say.

**Com. Nunow:** Asante sana Bwana Muriangi, kwa hayo maoni kuna maswali ya ufafanuzi.

**Muriangi:** Nimbuurwe kinya bithatu.

**Translator:** we want to ask you questions just now.

**Com. Lenaola:** Amesema kwamba President is the Commander of Armed forces and the Commander in Chief, angependa

awe the Commander in Chief ama asikuwe Commander in Chief?

**Translator:** wauga atiri, president niwe commander in chief, nukweenda enderee gutwika niwe commander in chief kana urienda atia?

**William Muriangi:** Ndienda atuunywe giti kiu kinenkeerwe chief commander wa Jeshi, na atuunywe giti kia waziri mkuu, eethirwe ari raisi.

**Translator:** He wants that position to be removed from him so that the Armed forces are under the Command of an Army or Military President and he should also be relieved ---- acting like a Prime Minister.

**Com. Nunow:** Asante sana Bwana Muriungi sawa sawa tafadhali jilandikishe pale. Gerald Miriti.

**Gerald Miriti:** Mr. Chairman, the Commissioners and members of the public, I am very thankful that you have spared your time to come here and hear the views of most of the us who have something to say. For me I am sorry because I have not introduced myself, my name is Gerald Miriti Kanampiu, I come from Egoji location Lukoyi sub-location.

I have some points that have been disturbing my mind all the time because one thing we do not appear to have a way in which, a citizen can himself feel that he is well protected, the environment is well protected, but it appears as if some of the rules which are made by our government, especially on the side of the environment there is very much touch on the life and property of the individual. That is when an individual plant the tree to cut it she has to have admission we would like that is my view, that proper laws be made and this rules, some of them which I think they are important, should be entrenched in the Constitution so that no one interferes with the property of others. Right now we have rules that one cannot cut his tree without having a permit and that tree he has planted himself, at the same time I would like rules to be made so that, the residents themselves or the owners of land, should take part in keeping the rules that are supposed to be kept so that we can protect environment. For instance this feeder-roads they should be the responsibility of the residents to protect the feeder-roads by planting grass in their land, we should also protect the soil from erosion, the forests also should be protected by the community also, that is by helping the government, we should not leave everything to the government. (The mwananchi should be able to know that the forest is there for him, the water catchments areas are for the mwananchi so that in future no one will die after lack of water so my emphasize is that when the Constitution is being made rules, that are essential to the protection of the environment by the government and by the individuals, should be clearly written in the Constitution). I do not want to dwell very much on the other issues because most of them we have put in this memorandum and as the incident of Egoji location there is a Chairman who chaired this committee here we are waiting for him so we will hand over this memorandum to you I have only said my views the chairman has his own views the residents have their own views and at that point I would leave the rest to those who will come and air their views. Thank you very much Mr. Chairman.

**Com. Nunow:** Asante sana Bwana Miriti, ngoja tujue kama kuna maswali. Asante sana umeleweka vizuri tafadhali ujiandikishe pale tutamsubiri mwenye kiti wenu baadaye atapewa nafasi kuzungumza. Margret Mukami.

**Margret Mukami:** (Deaf)

**Translator:** Hamjamboni nyote. My name is Margret Mukami from the Deaf association. Yeye ni chairlady for the Deaf Association in Meru District. Now she has given her memorandum and she can continue giving its views. The --- persons of Kenya, the UDP as an umbrella Organization of persons with disability, has followed keenly in the fate of the Constitution reform which we express our most sincere gratitude accorded the coordinator to represent our views.

Designation of disability: The form disability summarize as a number of body functions imitations which --- at individual ability to perform as activity in a manner of consideration normal.

Disability maybe physically in ratio as sensory medical or mental this may have been the sort of genera tic compensation of ant-ethic --- suffered at any of the mental stages of growth of injuries closed, which affects normal lives.

The category of disability include the physical impaired, the visually impaured, the hearing impaired, the mental and behaviors The mentally retarded, the communication impaired, the deaf, the multiple handicapped and those with specific planning and disability.

Point yetu ni human rights: A law which states that all these must be preserved and protected should be vetted disabled should not be denied right to life, law of abortion (inaudible)

Right to protect love and care: Disabled women have doubled (inaudible) claim – disable and being a woman. No human life should be violated, enacted by the government of the day.

For children who are basically challenged, love and care should be provided by greeting them with love, local facility should be given to disabled children wheel chairs free of charge.

Protection of the disabled persons in jailed for mentally handicapped, they should be given a person to direct them. That is a very important support, in hospitals and jails.

In all public places and government offices there must be sign language interpreters.

Right for health: Mobile clinics be provided alongside government health centers.

-Polio immunization

-Right to education

-Sign language be incorporated in circulation.

-Three compulsory quality appropriation education to the disabled children.

-(inaudible) communication programme

-All disabled graduates should be recognized in the creation of jobs and employment.

-More integrated schools should be created.

-Bursaries must be provided to disabled children.

-Adult education to the disabled person to be provided.

-Special education teachers should be given a high package salary, they have double work compared to the teachers of normal children

-Right to social security: There should be some income which the government should provide to those who can (inaudible) due to disability.

-Free medical cares to those who do not work due to disability.

-Right to succession: Disabled person should not be isolated in the poverty.

-Right to property:

Right to information: (inaudible) sign language in addition to the other national languages, should be provided free of charge in the school curriculum.

3<sup>rd</sup> December be the day of physical challenges be magnified .

Accessibility: Any access to circulation be barrier free to the disabled, every road should have a pavement and gap and every building a lift

Sport recreation and leisure: Let disabled be double involved in the normal game sport and be recognized in the activities at national level. Let them have creation activity that place the various type of disability.

There should be guide training for the various sports which the disabled participate in there.

There must be provision for these right among the physical and mentally challenged.

Right identity: There is a need for the disabled person to be recognized as a part of the population and therefore they must be included in the centers.

Right to the Voting: There should be brailled voting paper. Provision of sign language interpreters in every polling station should be compulsory. A day for the disabled to vote should be assigned.

Right to representation: At least one seat in the Province should be reserved for the disabled person to enable them to be represented.

Right to employment: Working people with disability should be recognized and appreciated in their field of their work. 10% of the job opportunity both in public and private sector should be reserved for the physically challenged.

Disability package should be provided for the employed disabled person.

Right to family: Disability councils should be set where issues pertaining to family implemented exploitation and culture are reported.

Right to discrimination: Affirmative action in policy discrimination should be put in place with the people with disability.

Religious education: There should have ordained in the places of worship with discrimination so long as there are free (inaudible) for the blind ,alarm for their wheel chair as well as wide doors for their wheel chair should be put in place.

All places of worships should have sign language for the deaf and interpreters. The LAw should protect people with disability



from preachers screaming to heal from abroad and locally.

(inaudible).

Parents of PWS found hiding or preventing disabled—children from going to place of worship should be punished severely.

Mentally handicapped should not be taken as a mad people.

Wheel chairs and bags should be put for those with disability.

Hospital should be granted.

All persons with disability should be allowed to marry and have families therefore the new Constitution should not (inaudible) for all persons with disability in all areas in their potential and in all their field of their endeavour. Thank you.

**Com. Nunow:** Asante sana Margret. Thank you Margret for your views. We thank you we have been understood well we will read your memorandum in detail and everything you have mention will be taken to account. Please go down and register yourself and hand in the memorandum. Charles Muthuri Kirinji? If Muthuri is not there Paul Kimathi Mwenda.

**Paul Kimathi Mwenda:** Kwa majina naitwa Paul Nicholas Kimathi Mwenda. Maoni yangu ni haya.

Presidential powers should be minimized to give Parliament powers to nominate themselves MP, appoint the Attorney General, Judges, appoint DC and D.O and we don't require, we don't find it necessary for the PC post.

Tours for the President should be limited kwa vile pesa zinatumiwa kwa wingi sana za serikali bure, kwa maneno kidogo kidogo ambayo yanigarimu serikali pesa nyingi kuliko zile zinazoweza kuzaidia sehemu fulani au taabu inayofaa kusaidiwa.

There should be no PC post hiyo nimesema.

There should be no Harambees instead, another formular should be introduced because unapoingia kwa D.O au kwa Chief na taabu zako za pesa kwanza unaitishwa shilling mia moja sijui za Harambee card, ya DC huwa hapo kila wakati na sijui hayo, lazima iangaliwe.

So that each tribe may feel well represented, there should be a ceremonial President, Vice President, Prime Minister and two Deputy Prime Ministers.

There should be coalition government kama ile ya South Africa.

Primary education should be free.

We don't want to leave food instead, serikali iangalie njia zingine ambazo zinaweza kuzaidia wananchi kutumia maji water resources ili wapate kujisaidia hao wenyewe na kuongeza nafasi za kazi kwa wananchi wetu.

I personally sipendelei Majimbo, hiyo inaonyesha ni kama vile tu mnaweza kushirikiana na mtu kwanza mfanye kazi kwake kama ni mwezi moja mwezi ujao pengine uje upande wangu unisaidie sasa unapofika wakati wangu wewe unajifanya hutaki tuendeleo na hiyo kazi sasa hapo mmoja anaishia tu, hiyo majimbo hiyo hatutaki.

We don't want monopolization of business, instead we need many companies for competition. Kama ile ya Kenya power and

lighting company ina-monopolize kila mahali na hivyo inafinyilia wananchi zaidi.

D.O and D.C should be employed as per the population of the certain tribe. Kwa mfano sielewi D.C huwa anajiriwa namna gani kulingani na makabila yalioko nchini. Unakuta kabila moja liko na ma-D.C wengi kuliko wengine inafaa kuwe na ratio ndiyo hata kabila liwe ni ndogo namna gani ipate kuwakilishwa vifaavyo. Kama vile tuku 30 million population ya Kenya igawanye mara kama ni hamzini tuwe na 50 D.C or 52 namna ile tuangalie kama ni tribe fulani. Kama iko na 600,000 people iwe represented na D.C mmoja, kama iko na zaidi namna ile ilinganishwe namna ile kama vile tunasikia wakikuyu wako five millions, sielewi kama tuko na eight D.Cs, kama ni chini ya eight DC basi hiyo ni favourism na hiyo hatutaki. Namna hiyo hiyo ata kugawanywa kwa Constituency iwe namna hiyo. Kama vile kuna sehemu ziko na five thousand registered voters, mwingine anawakilisha sixty thousand voters, wakati wa kufika kule, unaweza kuta wakati mwingine, anapingwa na wale wabunge ambao wamewakilisha watu wachache, wachache zaidi. Hapo naonelea ni vizuri kama serikali haitaweza kubadilisha namna hiyo kubadilisha kama ni watu elfu tano nikionelea ni vizuri watu elfu tano wawe represented na MP mmoja basi huyu naye ako na sixty thousand voters, naye apewe mamlaka, apewe mamlaka ya kupiga vote. Kama huyu ako na five thousand voters apige kura moja kwa Parliament, halafu huyu ako na sixty thousand voters apige mara kumi na mbili, kwenye Parliament kupitisha mswada hiyo tunaonelea itakuwa fair.

Upande wa haramu hizi ziko reserve mashambani, hapo mbeleni watu wa clan members wawe wakishugulika wakishugulikia jambo hilo badala ya police au Chiefs. Kwa sababu ma-Chiefs, Police wanajipatia pesa nyingi kutokana na wananchi wenye kutengeneza hizi pombe haramu, kwa sababu ya hongo na mambo mengine kama hayo. Kwa hivyo hili jukumu lipewe wenyeji wenyewe kumaliza pombe ya haramu.

**Com.Nunow:** two minutes

Opposition and the ruling party should be given equal time in the T.V screen. We want to hear Parliament live both in Radios and T.Vs not interpretation by press people.

Quarter of the taxes collected in Districts should be contributed to the central government, the rest should be used in the District Development projects.

We want the old system of education.

Each of the three main organs of the nation should be extremely independent, we don't want to hear of President heading every section of unit.

Wakulima wa cash crops should be paid 75% of their crops.

**Com. Nunow:** Asante sana Bwana Paul Kimathi. Hatuchukui maswali kutoka members of the public. Members of the public wanatoa maoni na wanasikiza maswali ya ufafanuzi ni Tume peke yake inauliza tumelewana? Kwa hivyo kama mtu amezungumza na hujaelewa utamuuliza baadaye nje kivyenu, lakini kwa kuchukuwa maoni utasikiza tu, upende usipende ujaelewa hiyo itakuwa ni vitu vyako utaenda kuelezana ama utasubiri tu uulize wale wameelewa.

**Prof. Ghai:** I will be grateful if you could clarify what you mean by coalition government, you mention South Africa as an example. Now South Africa there was requirement just for two year period when any political parties with 20% of the seats in Parliament had a right to be in the government also. That rule has been abolished now, but it is of course possible for the ruling party to invite other parties to join (inaudible) government there is no such requirement where there is coalition government depends on the willingness of political parties to cooperate so when you used the word coalition government what did you have in mind.

**Com. Nunow:** Please right down because you will now answer the questions together.

I also like to ask a clarification question, you mention proportional representation, that each MP should have votes according to the number of people voting for him. Does that mean to you irrespective of the area you find people---five thousand voters could be spread over five hundred Kilometres and the sixty thousand voters could be within twenty Kilometres. So does that determine or is the number of the people that should count.

**Paul Kimathi:** The number of people is only what is required, not the distance for the vast of the area.

Coalition government ni kama kutakuweko na bahati mbaya kuwe tutafanya uchaguzi kabila ya hii Tume ya kurekebisha Katiba ikamilishe kazi yake. Yaani tunaona hapo kutakuwa na mapendeleo ikiwa haitakuwa imekamilisha kazi, basi kuwe na coalition government ya lazima kwa sababu tunapochagua kama KANU for example halafu wapite upinzani unaendelea kufinyiliwa zaidi ili hali sisi wenyewe tunatozwa ushuru wakati wakununua vitu kwenye maduka. Kwa sababu hiyo serikali wakati mwingine haizaidii kwa misaada au Harambees hizi zinazofanywa

**Com. Nunow:** Okey Bwana Kimathi tunashukuru tafadhali teremka pale ujiandikishe na kama una maandishe upeane. Sebastian Munyua.

**Sebastian Munyua:** I am Sebastian K. Munyua the Chairman of Chairman elect from Kihunji location.

Mr. Chairman, Commissioners and members of the public, may I take this opportunity to thank you all, on behalf of Egoji populace for sparing your time to come and hear our views on how we would like to see the Constitution reviewed.

The task that was given to us as the committee from Egoji location comprises of ten members has not been easy but due to the urgency and the important of the exercise, we are able to collect the views represented in this memorandum.

We have had several meetings where we collected these views from the resident of Egoji location. After collecting we compiled them in the form which I am going to present to you after this session. May on behalf of the resident and the committee hand it to you after I have gone through what is written.

Preamble: Mr. Chairman that one she said-----

**Com.Nunow:** Please give us the highlight just main highlight in five minutes we will read the paper.

**Sebastian Munyua:** In the preamble Mr. Chairman, we would like to say the as the government is such will be the man.

Democratic pieces to be included in the Constitution of Kenya are:

The equality for the law, the law should treat us equally.

Freedom of speech, freedom of movement, freedom of assembly, freedom of space, independent of the Courts and Judges, Right of the accused, as it appears in the (inaudible) these ensures that no person shall be detain for more than a specified period of time without being brought to court as (inaudible) which should be a great dis-regard of personal in the party.

Right of a say to legal Aid and freedom of worship. In (inaudible) Mr Chairman a person in Kenya that is a citizen by naturalization either by marrying spouses of Kenya citizens regardless of gender should be made should be entitled to automatic citizenship but should not be allowed to have dual citizenship. But a child should born of a single parent should be entitled to demand citizenship provided that the other parent does not have legal claim over him.

In this highlight Mr. Chairman I want to jump the political parties and go to the structures of the government.

The President should be ceremonial as head of state. He should have powers to appoint -caretaker incase of resignation or death of Prime Minister. He should be responsible an any session of Parliament and Prime Ministers should have powers to prorogate Parliament with MPs approval.

Resolution Parliament with MPs approval then the work of the Prime Minister.

Appoint Chancellors of public university appoint of basic government officers with approval the National Assembly.

Appoint or dismissal of his cabinet Ministers from among the elect and nominated MPs.

Appointment of nomination of MPs as per parties allocation.

Appointment of Ambassadors, and High Commissioners with approval of national assembly.

In the registration Mr. Chairman, the following appointment should be vetted by the Parliament.

All statutory boards whose members are appointed by the executive or the Minister concern judges of the high court and the supreme court of the appeal, Chancellors of public universities, Public Service Commission, Electoral Commission, Ambassadors and High Commissioners, Attorney General and Chief Justice.

Functions of Parliament should be expanded to include Scrutiny and approval of annual budget.

Impeachment of the criminal or economical offences committed while in office.

Law making, prorogation of Parliament, approval appointments of High Commissioners and Ambassadors, Judges and Attorney General extra.

In the highlight Mr. Chairman, I will jump there and go down to local government.

Mayors and Councillors, Chairman should be elected directly by the people. They should serve for two terms of five years each, to avoid unnecessary expenditure on the elections

In Judiciary, the present catch up the Judiciary system should be reviewed to include the following.

A supreme court of appeal, the peoples court should be manned by the third Justice, Magistrate on voluntary basis and payment of seating allowances for volunteers.

A Constitutional board to be president over by at least three Judges of the High Court wherever need arises.

A tribunal Judicial court for trying Judges who commit offences.

From there Mr. Chairman I will jump to basic right.

Our Constitutional provision for fundamental rights are not adequate, other rights should include entrenched in the Constitution, free education for every Kenyans up to secondary level.

Free medical care for every Kenyan.

Freedom for every Kenyan to participate in the Constitutional review process, when due and necessary.

Shelter for all Kenyans.

Food: No Kenyans should starve due to lack of shortage of food in the country, clean water for every Kenyan.

Employment of all Kenyans, security for every Kenyans and his property in and outside Kenya.

Right to life, death penalty should be abolished.

Rights of vulnerable groups. Women rights should be entrenched in the Constitution because all human being are equal. They should have the right to own property, they should have the right to inheritance from parents and spouses.

Land Property Rights: Land is the backbone of the economy of Kenya, it should be therefore be well manager by two bodies.

These two bodies are government should own trust land the individual should own free land.

Excuse I am highlighting just few points Mr. Chairman I will jump again to environment and natural resources.

Environmental protection issues which should be included in the Constitution are:

Poaching of wild animals and birds, interfering with water catchments in the private or public land, forest degradation, exportation of flora and fauna.

Central government should have the powers to enforce laws passed by the Parliament on the protection of the environment.

The state should own natural resources and local communities should play their part in the management and control, of the environment in the following ways.

Planting trees in the private land, digging trenches to prevent soil erosion, avoiding overgrazing, building gabions, taking care of feeder roads and foot paths to control enough water.

Mr. Chairman since I am going to present this thing should give the memorandum to you, I will only to go jumping to every other thing except that I had this one now the views from public of Egoji location. Thank you.

**Com. Nunow:** Thank you very much Mr. Sebastian Munyua for those views we will take the memorandum but you have been understood well and we will give you pre-word and comma in that memorandum. Thank you very much you could go down to Bwana Anampiu hand in the memorandum and sign the register that you did that. Thank you.

Keneth Kirui from Egoji Teachers College.

**Keneth Kirui:** So my name is Keneth Kirui from Egoji Teachers College. So I am going to through the highlight of the college students memorandum.

We said that a preamble should be inserted in the Constitution to show that it belongs to Kenyans and financed by Kenyans.

The President should report to Parliament and the Nation at least once a year steps taken to ensure realization of government policy objectives and principles.

The government should encourage local investors by reducing tax and provide subsidy to farmers.

The referendum should be inserted in the Constitution.

Birth certificate should be used instead of the ID.

A jury should be set should be set to listen to people grievance concerning mistreatment by the police and the forces.

Professional of Political Parties should be trimmed to three.

A code of conduct and ethics should be established to regulate them.

All parties should Co-operate and to be guided by National interest.

Parliament should have no powers to enact the law and establishing one party state.

All parties contesting for Presidency to prepare the budget and submit to Parliament for approval.

Constitution should be amended to a law formation of coalition government with Prime Minister from the majority as to head the government and the President to head the state.

Federal state headed by governors should replace Provincial Commissioners.

All the current Presidential appointees should be vetted by Parliament.

The President should have no power to dismiss civil servant at will without consulting the public service Commission.

A code of moral conduct and ethics should be established to regulate Parliamentarians.

Offices of the Parliamentarians should be established in the Constituency.

A clause impeaching the President should be inserted in our Constitution.

MPs should report to the Electoral at least twice a year on their objectives and principles.

The President must approve all laws passed by Parliament.

A Commission to review MPs salary should be set by Public Service Commission to review their salary in accordance with the country's economic.

The Speaker should prepare the Parliament calender.

Any person vying for Presidency, should meet a code of moral conduct and ethics.

Functions of the President should be outlined in the Constitution.

Powers of the President should be trimmed and be subject to law.

Political Parties should nominate Presidential candidate without necessarily being MPs.

A Constitutional Court should be established to solve election petitions each member should be vetted by the Law Society of Kenya.

The Chief Justice, Attorney General, Judges and all Judicial Officers should be selected by an independent Law Society of

Kenya and be approved by Parliament.

There should be the office of the Prosecutor. Public Prosecutor with security of tenure and be accountable to Parliament.

Mayors and Councillors and council Chairmen should be elected by the people through a secret ballot.

Local Authorities purchase should be audited by Officers from the controller and Auditor General.

Nomination of Councillors should come from the disabled and the minority groups.

Representative system should be retained.

A winning President should garner more than 51% of all the votes counted.

All contestants should contest in equal grounds.

The Youth, disabled, women and minority groups should be reserved seats in Parliament.

Constitutional boundaries should be drawn for equal representation.

Governors should be incharge of the eight Provinces and be elected democratically.

Voter registration should be computerized and be a continuous process.

--- counting of votes should in polling station and announced progressively.

All freedom outlined in the Constitution should be strengthen and respected.

Security and health care, water, shelter, employment should entrenched in the Constitution.

Primary education should be free and compulsory also education for the disabled should be free and compulsory.

Government should provide special services to children of circumstances.

Land should belong to all Kenyans.

Constitution should protect and promote cultures with regard to human rights.

A clause should be inserted in the Constitution to guarantee unity in diversity.

All natural resources should be owned by state.

Social amenity should be equally distributed.

Code of conduct should regulate all public officers.

All public officers should declare their wealth.

Student should have access to retain to recreational sights free of charge.

The media should regulate itself and be responsible for Parliamentary Court.

All Commissions reports should be provided to the public land Commission should establish to solve land disputes, a transitional government should be set to assume power during presidential elections.

The President should not be sworn in, if there is a court petition bill found guilty by a Constitutional court.

And finally the President should be provided security and benefits set by the Parliament after his or her term, resignation or retirement, but will forfeit it if, in Kenya he engages in active politics or (inaudible). Thank you.

**Com. Nunow:** Thank you very much Bwana Kirui for those views. There are no questions we can understood well please let us have the memorandum and register yourself. Kimathi Rimberia also from Egoji.

**Kimathi Rimberia:** My name is Kimathi Rimberia from Egoji Teachers College.

I would like to air my views by speaking on behalf of employees and the Board of government especially in government institution.

For any employee going for further studies and having worked for ten years should not be dismissed from his employment, but instead the institution should cater for his further education.

An employee who has only completed ten years, should be taken care of but should not be dismissed and should be allowed to go back to his employment station after completion of his studies.

The time when he is enforced in the course of the studies that period should be counted as part of the service.

I think these very exploited employees should also be regulated on their working ground, they should be station in one place and they should be granted with all the requirement necessary for an employee institutions. Those are the views that I have about employees. Thank you.

**Com. Nunow:** Thank you very much Bwana Rimberia please get down and register yourself. Jefferson Maingi.

**Jefferson Maingi:** Okay my name is is Jefferson Maingi from Egoji Teachers College.

First of all we feel privileged that we have with us with the Commissioners and especially the Chairman. Thank you.

So mine, or I will say that much of what we have written a memorandum that is a few of us from the college and I think that one has already been given to you by Mr. Kilunya.

Otherwise, personally I would like to mention something about the distribution of maybe resources for example we have got Tea growing zones, Coffee growing zones, mining well mining take place these things that earn Kenya some money.

Those areas that produce let's Tea the revenue collected from Tea or a tax or any form of funds, should be used to develop that area, in the sense of infrastructure, development, setting of factories for example if we produce fish in Kisumu we should not have the factory that processes fish in Nairobi, we should have the settlement of factories and distribution of infrastructure to those targeted areas, they should be developed have good infrastructure so that the production will go high, and if the production go high the other places that don't have anything to give will also benefit.

Also the Constituencies we have currently, for example we have got Constituencies that are two in one. That is we have a Constituency that in between if you were moving from you have a Constituency here then you meet another different Constituency and the same Constituency you meet it later, in Meru here we have got a case of that Constituency so the people should give their views on how they want to be governed on the boundaries of their Constituency.

Another thing is the on the training those people who are going on training they should be guaranteed by the Constitution. You cannot train a policeman and tell him to go home until we have got funds he will come and ask.

Same to Teachers, Doctors, Nurses and all those people who work for the government.

Also we should have a policy, in the Constitution on how we want to be governed we don't want to see Political Parties having



their own manifesto that don't go with our Constitution we need a Political Party saying that we shall eradicate this post where as we are members of the public we had said this is what we want so we want them to agree, their manifestoes to be approved by our Constitution. If their manifestoes does not go with our Constitution, that party should not be allowed to participate in the elections and I think those are the few things that I wanted to highlight on.

**Com. Nunow:** Asante Bwana Maingi. Okay you could please go down and register yourself that you presented your views to the Commission. Auma Atieno Jacinta? After Jacinta let us have Dorothy Wanja be read.

**Jacinta Auma:** Thank you very much for this opportunity I think the memorandum I come from Egoji TTC and the memorandum we had prepared is already submitted to the table I only have some parts to highlight as an individual.

**Com. Nunow:** State your name for record.

**Jacinta Ouma:** I am Jacinta Ouma Atieno.

I will start by basic rights: The Constitution should protect security, water, health care, education, shelter, food and employment as a basic rights for all Kenyans.

The common man should be enlightened through civic education over their rights.

The common man, through their MPs should ensure that all Kenyans enjoy the basic rights such education, danger that is security and all the basic.

By equal distribution of resources to every part of the country.

Offering free services on the health care, security, piped water, shelter, food and employment and free compulsory education for primary level up to secondary that is up to form four.

Constitution should guarantee all workers the right to trade union representation.

All the other basic needs that should be taken into account is clothing that should not be forgotten.

The rights of vulnerable groups: The interest of women should be fully guaranteed.

Civic education to be given to all Kenyan women at the lowest level to enlighten and to help abandon ignorance among the women of Kenya.

A body should be formed to ensure that all the women have access to the authority concern to advocate for their right.

All the women right should be made clear and therefore should not be violated by anybody regardless of their relation.

Land Property: Kenyans should own land anywhere in the country. Transfer of inheritance of land right should check on the equality on right defied of their fates.

The culture and ethnicity regional: Some outdated cultures such as women circumcision that interferes with human rights should be abandoned or made punishable.

We should have two national language to cater for every class of the country to enhance communication. Thank you.

**Com. Nunow:** Thank you Jacinta please register yourself in that register down. Dorothy. After Dorothy will have Lucy

Mureta. Lucy are you there. Get ready after Dorothy.

**Dorothy Wanja:** I am Dorothy Wanja from Egoji TCC. My point was on corruption.

The Constitution of Kenya seems to be corrupt, for example when it comes to the issue of teachers I come to understand that there was a certain share of money which was meant for the teachers, up to date they have not yet received the share, why is it so? does mean there is violation of human rights? If yes, is the government concerned about the student who are in school right now? If yes why should it allow this bad act of teachers strike which is in rumours right now to take place. The student have a right of education and we need these teachers to train them. The youth need this education since they are the one to lead in future. On the same point of corruption, there is this serious tragedy of bomb blast at Nairobi why should we Kenyans set our blood without awareness. Does mean this tragedy without plans? What action was taken to minimize these problems?

**Com. Nunow:** Thank you very much Dorothy, please let us have your memo please sign that register. Lucy? Lucy Marete? Sorry, whose that person? Is she there or is he there Okay. Please give us your names then you could go ahead with your presentation.

**Godfrey Mutembei Nyaga:** Thank you very much. My names is Godfrey Mutembei Nyaga from St. Lucy school for the blind.

In view of the on going Constitutional review process, St. Lucy school for the blind a school for the visually impaired pupils has the following issues to present.

**Education:** Education provision for the blind has been left solely to the non government organization. When this non-governmental organization pull out they are left out neglected.

The government should pass a law that state clearly, the ways and means to provide education to the blind person, and let it be total free to enable this disadvantaged person in the society to get education for a better life in future.

**On my second point is braille material and equipment:** The majority of the material and equipment are too expensive for the blind person to afford, therefore the government should come is and subsidize the cost to enable the blind person to afford or supply them freely to all blind persons. For instance a braille is going for 70 thousand Kenyan shillings which is completely an impossible for a blind person to afford. And along this we should also have the modern technology equipment, such computers that could enable the blind person communicate or be able to work with the rest of the members of the community comfortably.

**Currency:** The only way that a blind person can identify money is by touch. Currency is every changing in Kenya and this abrupt change has not given the blind person enough time to study the currency design, this has led to cheating by the

unscrupulous people, there is a need to devise a way to identify money. Even if it means using braille dots on those notes so that a blind person is able to identify his money comfortably and not to depend on the people who are around him.

**Job opportunities:** There are limited job opportunities available for the blind person. Now most of the jobs that are available, that most of the blind people are engaged are teaching, law, telephone operation, which are also very limited in our country. Therefore blind people can do many other jobs in government sector, and in other private sector, therefore the government should enforce the law to leave open chances for the blind people in all working sector, so that they can be able to help themselves or can be able to support themselves in life.

**Transport and communication:** Many sectors of transport and communication for instance, use of vehicles roads and when it comes to the stair cases in the building that we have currently, it has become very difficult for the blind people to be able to cope up with the situation. The blind person, there is a need for the government to ensure that the blind persons are catered for in some of this sector, for instance when you have the mobile phone it make very easy for the blind to operate because his havenot been taken in to consideration. There should be kind of a voice to be able to direct you on what key you are pressing, and also when it comes to the public booth this one should also apply.

**On the other point is on the social issues:** The majority are not aware of the plight of the blind person. The government has to look for ways of sensitizing the plight of the blind in all institutions and sector through the mass media, seminars and employing special education specialist to this sectors. Blind persons do not have link or they have no way that they are able to read the current news, through the written media. Therefore it is important that the media of the news printing is also adapted so that the blind people are able also to read the newspapers in braille. If it is not possible to produce this daily copies or daily newspaper then let the government provide current news in papers in brail or prepare them as a weekly review so that they can be able to know whatever other people are reading. It is difficulty also to parents with blind children to cater for them adequately, due to the high cost in provision of the education for this disabled persons. Therefore the government should take full responsibility of blind person by providing parents with necessary amenities to cater for their needs.

**Teachers of the blind learners** work under hardship conditions in pursuit of providing the best education services to the blind person. The government should then consider them for hardship allowance and not the current ten percent a ward which does not commensurate with their work for motivation in order to cater for a better performance in this institution.

**Political issues:** There are clauses in the current Constitution that bar blind person to be a member of the Parliament through the voting system. The government should erase this clauses immediately and allow the capable person to participate in politics in national building. The blind person should also be given a chance to elect their own representatives to Parliament on regional basis. Regional basis this means here for example we have the eight Provinces in Kenya, therefore we could have a representative for Eastern Province or for all those disabled to be in that region and if this one is not possible, if the voting system or regional business is not workable then all the political parties should nominate a blind person or a disabled person to represent the plight of his fellow handicapped people in the National Assembly. This is because as we know one shoe wearer knows where it pinches most. Thank you.

**Com. Nunow:** Thank you very much Bwana Matembe just a moment, you have understood if you can have your memorandum and your registration on the table down there. Thank you very much. John K. Njuru.

**John Kithinji Ntiba:** My names are John Kithinji Ntiba I am a citizen of this area I will represent my views and views of the people from Mweru location. First Mr. Chairman I just want to give a highlight on a few issues and then the other one are written.

The details of the Legislature and those duties of the executive. Mr. Chairman no one person in this government I feel or we feel should hold the two position the Legislature and the Executive because in the event doing the jobs there have been a conflict of interest in doing the same. So Mr. Chairman it should be clearly stated if one is a Legislature he should do that job, if one is Executing then should be left as an Executor. The people should not be in the hands of the government but vice versa.

By that I want to say Mr. Chairman people should not be told that the government or by the Executors what to do the government should be taking the views of the people on the way they want to be governed.

Any Legislature or Executive who violate the new Constitution or the Constitution should be made to vacate the office in the event of one being, when they are trying to investigate or do something that particular time one should not be in the office, you have seen cases in this country where one being an Executive is taken to court and the same person that takes care of himself and that is when there is a conflict of interest.

Mr Chairman we would also want to say that there should be seen to be done equality in the event of the utilization of public funds. This I am saying in reference to issues that you have seen some people probably those who are in not here but those who are Wheat growing areas and Maize growing areas, where terms show that they have been forgiven their loans through the AFC which is public funds but when we come to the public sector Mr. Chairman, you may find loans backdating 1960s that are still multiplying and you will never hear an amnesty – forgiving them their loans. So things should be seen to be done Mr. Chairman.

I want to go to the preamble Mr. Chairman and say that our Constitution needs a preamble not only a preamble and also we need a vision to be inserted in the Constitution with clear ambition probably of how to get there. This one I am saying Mr. Chairman the mission shall be geared to take of the freedom of the Kenyans citizens.

Mr. Chairman and this should be free from the habitation of the animal farm by this Mr. Chairman if I may explain I want to say that we should not have the animal farm where some animals are more equal than the others in this country, if a citizen you are a citizen irrespective.

Mr.Chairman please I want to say yes, we need a national philosophy guiding principles stated we should avoid a situation where the mighty powerful are always right. Well the weak and the disadvantaged are ignored ,Mr. Chairman this one should be taken care of.

I want also to state that the state must be accountable to the Kenyans citizens equality of Kenyans, privacy, life which is actually

Mr. Chairman and security and justice should be provided to all Kenyans.

Constitution yes: Parliament can change the Constitution, but we feel that the three quarters seating MPs should be doing that job. This is to curtail any mode to meet the demand of a few.

Parliament should not change the mode of the type of governors. But this time we are in the multiparty governors Mr. Chairman this one should not be left to the government to change but a referendum could only be the people on the situation where the type of government we should be changed.

Citizens Mr. Chairman: All indigenous citizens should be automatic citizens of this country and the children born by Kenyans should be citizens I feel that one Mr. Chairman.

The foreigners who apply for citizenship Mr. Chairman yes they should be granted, but not criminals or epidemic refugees who are run here because of the following from the country and if they revoke and I feel they should also revoke to their former citizenship if you want to be Kenyan citizen so that you will be total and accountable Kenyans.

And also the spouses of Kenyans who probably may go out there and get married to foreigners in the event of them coming down this way on applying there should be no question of one being given the citizenship.

Defense and National security: Mr Chairman yes, the forces and prisons they should be enacted in our Constitution.

Mr. Chairman forces should also be discipline through their rule they should have their own rules of disciplining them yes and the president should be the I feel they should be the Commander in Chief.

Mr. Chairman on the political parties Mr. Chairman should be in the matters of activities should enhance welfare of the citizens. This includes governors, social economic well being, human rights and Parliament Executive and Judiciary.

Constitution should provide for establishment and exit of political parties. No limiting of political parties should be there because this should be free for people to do that.

Parliamentary and political parties should be financed by public funds, for overhead cost and office provision.

Mr. Chairman I will say thank you I will have this paper to present for the other details.

**Com. Nunow:** Thank you very much Bwana Ntiba. Maybe I would ask you a brief clarification of the very last point you mention that political parties be funded by the government. Do you suggest that in the line of the current political parties that have 52 or so or do you have suggestion as to what kind of political parties should be funded.

**John Ntiba:** I said political parties that are participating in the Parliament those who have representatives in the Parliament.

**Com. Nunow:** Thank you very much please let us have your memorandum. Stella Kathomi of Egoji. Then should follow by sister Anjelica, David Kunuthi Mswarini. David Yuko? Okay kwa hivyo endelea.

**Stella Kathomi Ireri:** Thank you Chairman my names are Stella Kathomi Ireri. My points are these.

**Deny of right that is corruption:** The Constitution of Kenya seemed to be corrupt that is I would like you to explain to us as why the government of Kenya promises to give teachers their share on a certain amount of money in a certain month of the year, and when the month comes the President denies their rights. Is it possible that that government should take positive act to give them their share. Is the government concerned about the student who are in school? Then if yes, why don't they submit the money which was agreed to be there? Again the government should understand that it is through this primary teachers we get professors, Doctors name them so something should be done.

**The payment of taxes, road construction:** We as Kenya citizens we are ever taxed some amount of money no matter how little you earn where is the money taken, since that we have tarmacked roads doing very bad and they are never repaired which can cause accident for example as the driver tries to change his van to move from the bad area of the road we can have the two vehicles colliding and making a very bad accident, we have been told that the Nithi bridge will be changed, why is the government refusing to change it, whereas most of the people in Kenya have lost their lives in this bridge because of accidents.

**Prostitution:** It is said that there are some condoms which have HIV viruses which are brought from America and then the Americans are told not to use them when is asked why should the Americans not use them they say that it depends on the size, what can the government see about it. We continue dying or not. Why does the price go up for other items but for this rubber sheets they remain constant. Those are my points.

**Com.Nunow:** Thank you very much Stella. You asked more questions than recommendation. Could we have your recommendation on some of the things you mention. For instance you mentioned the high population and that you don't see there sweet of that money what will you like to see in the Constitution.

You mentioned prostitution and condoms that are cheap and available and not being used elsewhere but here what are your recommendations, would like to hear recommendations the problem is there but if you mention the problem mention what you would like to see as the solution.

**Stella:** My recommendation for the taxes is this when the taxes are being taken to the government the government should take issue on repairing the roads there is this tarmacked roads using the money which we give out.

And then prostitution this act of giving this rubber sheets should be banned completely because it is bringing more about prostitution than the way it was even before.

**Com. Nunow:** Thank you very much Stella you clarified some of the things would like to hear recommendation because those are the ones the issues that they are going to go in. The problem they are money they are known say what you would like to

see in the new Constitution that is under preparation. I would like to call Concillor Titus Meru.

**Titus Meru:** My name is Councillor Titus meru and I come from Egoji location. Bwana Chairman I will talk about basic rights and I will start by saying that the current Constitution guarantees some of the rights which really put us into problems for example the current Constitution allows any Kenyans to worship God in his own style anywhere, anytime, of the day or night and anyhow. My suggestion which should you know what I wanted to say Bwana Chairman is the current Constitution on that issue of guarantees of worship, allows devil worshipping to be carried on in Kenya.

This is why when the commission on that matter was instituted there was no answer to this, so in my basic rights when I want to remove that devil worshipping in Kenya, I want to say in my suggestion that, there should be complete freedom of concerns and religion up to the extent where life is threatened. What I want to mean is because sometimes this devil worshippers must take human blood and when I suggest that religion is guaranteed up to the extent where life is threaten when these people were caught at night taking this blood, when we remove that section or when we include this section devil worshipping will be wiped out.

Other things Bwana Chairman I would like to state that all Kenya citizens should be equal before the law and there will be no discrimination on the grounds of birth, sex, status, class, religion, race, language and culture. All Kenyans citizens must enjoy the right to be elected to all public offices. Personal liberty should be guaranteed .

Arrest should be only possible on the strength of a warrant speaking specific reasons as to why you are being arrested.

My suggestion Constitution on this also should safeguard the complete movement of the property, within the state boundaries as well as the right to migrate, to go anywhere you like in Kenya. No Kenyan should be deprived of his lawful judge. Freedom of association should be guaranteed. Everyone should have a right within the limits of the law to express his opinions by the word of mouth in writing or print or in pictorial presentation.

**Professor Ghai Pal:** I don't fully understand what is devil worship now under the freedom of the conscious or worship it is difficulty to prohibit one group from worship in the way they wants to because that does not prevent the law from restricting certain kinds times of activities which are harmful to human being. I think the way the freedom of expression is put in the Constitution will allow restriction if particular activities harm human being, but apart from that, there will be not very good reason to stop people worshipping in any way they wish but I am now fully aware of what devil worship is and how one should stop it.

**Titus Meru:** What I meant by devil worshipping is some sects in Kenya are taking human blood this is what I mean by devil worshipping because the Kenyan government or the Kenyan Constitution should guard the lives of people and if the people are butchered for the purpose of worship, then this is what I call devil worshipping. Therefore I should suggest that this Constitution should try as much as possible to remove that clause or to add any word that should remove, or should guard the

lives of people.

**Com. Nunow:** Thank you Bwana Diwani there are too many things which are outside devil worship and I think that is why devil worship has been --- it is said by Kenyans everywhere but nobody tells you that these are devil worshipers and this how they behave, we only hear they take human blood there has not been any report of somebody whose blood has been taken or a dead person who has been alleged killed by the worship, we understand your concern and should it be there, then the Constitution should be able to protect the lives of people.

**Com. Nunow:** So thank you very much so you can register yourself. Patrick Gitonga.

**Patrick Gitonga:** Thank you very much my names are Patrick Gitonga.

I would like to start by saying that Civic Education should be a free and it should be continuous process starting from primary level. Then I would like to say that this Civic Education should not only target elections or Constitution.

I would like to say that the citizens should be given permission to vote out their MPs if they lose confidence with them or they go to doze in the Parliament.

The Political Parties should be allowed equal opportunities for campaigns.

They should have free access to the media.

Our Political leaders should be given adequate security.

The Electoral Commission should be independent of any Party and it should involve all parties in representing.

This Electoral Commission should ensure that all Kenyans vote even those who are outside the country they should organize on how vote.

Then I would like to appeal the following to this Commission that at the end of this Constitution Review we Kenyans we need to own it, we need it to be published and put into bookshops at affordable prices then it should be translated into a number of languages not only English or Kiswahili even the native languages.

It should have authentic interpretations otherwise people are going to joke a round with terms or interpret it according to their own inspirations. Thank you.

**Com. Nunow:** Thank you Patrick for your views please register yourself. Mokaya Walter of Igoji.

**Mukoya Walter:** I am Mokaya Walter from Igoji Teachers Training College I come from Kisii.

So already most of the things have been discussed from our College we wanted only to highlight some small items, which should be amended, one under the section of the office of the President.

In the sections of Chiefs, I may suggest that there must be amendments which should be carried there in order this Chiefs to be elected by the people within that locality and if that is not the case let them be nominated by Civil service then from there let them work in various districts. For example if I come from Kisii and a Chief in Kisii let me go to Meru and work there



because I am Civil Servant like any Civil Servant.

Like now teachers for example teachers can work in all parts of Kenya because they trained to work in those areas that is their part of their Provisional area.

Another section it is under employment: I think that one, one of our student talked about it, it is just a repetition.

Employment should be properly stipulated to all citizens not only one section for example we hear when we are in College watching the T.V, we see that some areas are employing while the teachers are not employing what kind of an act which states clearly that only one section to employed while others do not employ. Let this Constitution be made in order all people to be employed in various areas not only one section like now Police section, NYS section even Nurses let them be employed, even teachers let them be employed because they are part and parcel of this Nation.

Powers of the President: Already that area has been talked about that is where also we wanted to talk that it must be limited, limited in which way. Let him be given a certain area to take care of it not to carry all body in one basket.

**Com. Nunow:** Please let us be attentive if you want to say anything you have the right to but please get out after discussions you come back so you don't interrupt the proceedings. Thank you.

**Mokaya Walter:** Thank you very much, under the section of Parliament already one of our colleagues talked about it. We said that let Parliament be given power to nominate the 12 members of Parliament not only one section.

Another thing is about coalition government that one also has been discussed. Let in for example there are three or four Political Parties in Kenya once one of the Party wins, let this winning Party give out the opportunity to these other members to represent or take part in government areas, for example if it is in the section of Ministries let the Ministers work irrespective from where they come from, which the Political Party they come from.

Another section is about primary education. You know for example ourselves we are carrying out this profession which means we are catering for our young one meaning that let be there a Constitution to govern this young one to have free education, so that they can be leaders in the of future.

Another section is about semi arid areas, let the government take that responsibility of allowing this semi arid areas to be made to produce some other things, like now in North Eastern, you get that those areas are seriously neglected meaning that I think they are part and parcel of this Nation let them be given a certain industry certain things which can make them to be motivated in those areas because those are our brothers and sisters.

Another thing is about the section of industries. Under the section of industries you know if we want our Nation to continue, it

must have enough industries to support these young ones coming up, therefore let it be there a Constitution to govern that if an industry is stipulated in a certain area, not only one area, let them be equally localized not localized but delocalized not centralizing industries in one area let them be decentralized.

Another section is about MPs salary that is one of the major area I want to talk about let it be there a Constitution to say or to state clearly that members of Parliament their salaries should be uniformed.

Certain percentage to be flashed off, so as to cater for these electors because these are the people to elect us they have given them opportunity they have employed them therefore let now be a section of Constitution which states clearly that a section of these salaries should be catering these people who are coming up because they are their electors.

Another sections finally teachers that one already I have talked about concerning employment of teachers let there be proper distribution of employment to every sector. Thank you very much for listening to me.

**Com. Nunow:** Thank you very much Walter, please register yourself down there. Aroni Mtamburi. Okay please give us your name and then proceed.

**Tirus Muriti:** I am Tirus Muriti Bwana Chairman and I will read views from - Kianjogu location. I will not read the preamble of the memorandum.

There should be established a by-cemara Parliament like the united of America, with the senate as the upper house and the house of representatives as the lower house. The senate should serve as a boardguard on Parliamentary views or the lower house should have powers to initiate bills.

The Senator should be elected from elders of men and women who have extensive experience on public affairs, coupled with distinguished undebted public service. The boundary for the Electoral areas for the both houses should be reviewed all members should represent nearly equal population with a provision five percent less or above the recommended standard population. The number of the population for Electoral areas should be ascertained by reference to a latest population census for 1999.

Kenya should remain as a unitary state with one strong central government with structured strong local authorities which can deliver services to a local resident.

The country should remain multiparty new political parties should be registered without unnecessary restrictions. Political parties should have the freedom to own public meeting when they wish to do so.

The Constitution should be rigid, it should be only be amended after 2/3 majority approval has been obtain from the voters in

the referendum conducted for that purpose.

The referendum should be supported by two thirds Parliamentary majority in the National Assembly.

Calendar for summoning prorogation and dissolution of Parliament should be provided in the Constitution, so as to avoid arbitrary misuse of power, inaugural date for President, his Deputy and Prime Minister and his Deputy should also be provided in the Constitution. The Prime Minister should have constitutional one month freedom to form his government after election.

The Attorney General should not be a member of Parliament, instead there should be the Minister of Justice and Constitutional affairs, where the Minister for Justice and Constitutional affairs will present all the legal matters in Parliament. Judiciary should be under this Ministry the Attorney General should vacate the office when the incumbent government quits and the new Attorney General appointed. There should be a provision on how he could be removed from the office in the event of any occurrence of inconsistency in his office.

There should be no patronage on recruitment of public servants. All their appointments should be made through open competition based on the education, professional qualification and relevant experience.

Those who have been given position of prominence, for greater than their qualifications and their ability to justify, should have the same reduced. Those who have been involved in scandals should not be given public positions.

The President of the republic of Kenya should be a figure head President and not an executive President he should be the head of state only and not head of government he should not be a member of Parliament but he should have powers to open session of Parliament. He should not be allied to any political Party. Distinguished men and women in other careers who have not been previously involved in politics can stand for elections.

A person to be elected by the by the President should be a person who has a good public record, a person of high integrity and who of course should be over 35 years of age. He should be have at least have a first degree in any discipline.

He should own office for two terms of five years each together with Vice President. The President should have no powers to appoint or dismiss a Vice President. The Vice President should his running mate during his election. There should be a provision on how he could be removed incase he fails to perform his duties.

The Constitution should protect the Vice President from harassment by the President. He should be empowered to take over the President incase, the President vacates the office incase of any reason whether of temporary or permanent nature.

The post of the Prime Minister should be established, the Prime Minister should be the head of government and head of Political Party with majority members in Parliament.

He should have at least a first degree in any discipline

The Constitution should allow the Prime Minister to form government of National Unity. In the government of National unity, the Deputy Prime Minister should be the head of Political Party with the second majority in Parliament. Ministers for foreign affairs, Finance and Defence should be allocated to other smaller Parties to present the Parliament in order of their majority in Parliament and the seniority of the ministry concerned.

There should be a provision on the how the Ministers could be removed incase they fail in their duties the Prime Ministers should not be allowed to embarrass Ministers. The government of the National Unity should have collective responsibility of the National government.

There should be strict application of the rule of law. Nobody should be above the law. The number of Ministries the country should head should be provided in the Constitution to avoid creation of duplicate ministries on political grounds. Cabinet Ministers should be vetted and confirmed by the National Assembly. Every Ministry should be headed by strictly one Minister. No expenditure should incurred by the government exercise expenditure is not provided for in the budget mini the budget should be approved by Parliament. There should strict separation of government powers.

The office of ombudsman should be established for investigating complaints by ordinary people against the administration. The creation of new Provincial, administration unit should be controlled by Parliament. All Constitutional offices should be approved or vetted by Parliament or by competent bodies to be created by the Constitution.

There should be rigid procedures based on merit for appointment of Judges and Magistrates. Judges should be appointed by Judicial Service Commission and vetted by Parliament.

**Com. Nunow:** (inaudible)

**Tirus Muriti:** Well I don't know how I can summarize because they are in points form.

Okey. A subordinate court should be established for justice for trying petty cases and those arising out of customary laws and Islamic matters.

Appointment of Ambassadors, Permanent Secretary, Provincial Commissioners and Head of Institution and Parastatals should be vetted by Parliament.

The Parliament should set its own calendar where days Parliament election should provided and known in advance by the citizens.

There should be a provision for impeachment of the President, his Deputy and Prime Minister and his Deputy by Parliament for malpractices or misuse of their offices.

The Parliament when carrying out the impeachment should check for that purpose and on an oath. The Chief Justice should preside on the trial if found guilty, Parliament should have powers to remove them from the office.

If the President elect dies before his term of office begins the Vice President elect shall become the President, the Parliament should have powers to choose a new Vice President whenever the incumbent President takes over as President. In case the President has been removed from the office the Vice President shall become the President. Parliament shall appoint new Vice President who shall take office upon confirmation by the majority of members of Parliament and remain in the office until subsequent elections.

The life of Parliament should be extended to six years, the election for members of Parliament should therefore be staggered so that after every two years there should be election for one third of the members.

The Constitution of Kenya should have a preamble, the effecting for the emergency powers should be approved by Parliament.

**Com. Nunow:** Thank you very much Bwana Tirus Muriti for your detail memorandum we shall read every word in that memorandum and take those views into account from other Kenyans. Just a moment to clarification questions.

**Professor Pal Ghai:** My first point is a general point which I should have asked other groups too represented joint information. You said that you are representing this on behalf of the residents of Kianjogu location. I would like to know how what procedure you follow on preparing resident meetings many meeting with resident, did the resident read and approve what you've written that is my first point one more question.

This is the your sample fifteen on page four you said the creation of the Provincial Administrative unit should be controlled by the Parliament I am not quite what you mean by Administration unit.

**Tirus Miriti:** This should be the first question, the first question is that we were elected in by the resident of that location to prepare memorandum for them, infact we were ten, but we did not call meetings because we had no time so we wrote a memorandum on their behalf assuming that is what they could have said.

The other question if you find when the new Districts are created or Divisions sometimes there is no budget to cater for the new District, that is why we suggest that the Parliament should control the creation of the Provincial Administration unit so that money could set a side to run the new unit.

**Prof. Pal Ghai:** (inaudible)

**Titus Miriti:** Yes,

**Com. Nunow:** Bwana Miriti another also very brief question you mentioned the number of Ministries should be controlled, how many do you have in mind wouldl be appropriate for Kenya.

**Tirus Muriti:** At least it could be about fifteen.

**Com. Nunow:** Thank you please register yourself--- Igoji Teachers College students do you – do I assume that all of you who have registered would like to speak or you want to go by the person who represented your memorandum. Okay I will call you according to the list and if you feel your views those you would have said have already been said by your colleagues, then you say so if you have something to add you come forward okay. Joseph Lolomahen.

**Joseph Lolomahen:** Thank you very much, besides what we have presented as a community that is Igoji Teachers College community I also have some few points to represent to the Kenyan Constitution Review Committee. In addition to that I have one about very few points all of them being concerning all tribes in Kenya or communities that is all communities in Kenya should be represented in the Kenyan Parliament at least by a nominated MP if not anything more and this one should be regardless to their population or their power or political power in the area they sited in.

The second point is a bout opposition leaders. Opposition leaders should have freedom of movement even if in the songs of the ruling party.

Every tribe or community in Kenya should have a right to choose a party to vote for regardless to the majority tribe circumscribing them also regardless to their population in that area.

Constitutional reform centres should be if possible sited in the District level or in the Divisional here to their services effectively in time. should involves some virtues and other things like genital mutilation still practiced in some parts of the country, marriage affairs are not according to choice some parts, children or female are forced unto marriage cases in some areas.

Finally land demarcations and divisions among the members and the various tribes in a given Province or District, should be based on the colonial boundary marks this is simply to avoid oppression by the tribes which have gain political found or power compared to their opponents. Thank you so much.

**Com. Nunow:** Thank you very much Joseph, register yourself. I would like to appeal to you to avoid minimize movement when somebody is presenting his views or her views. You have to move during the time we are calling the next person so that you don't interfere with the recording and the proceedings. Tafadhali msitembeetembe ama mutoke kutoka hall kukiwa na mtu hapa juu ambaye anatoa maoni yake. Kama unataka kutoka kidogo ama kujiruhusu kidogo ufanye hivyo wakati kama huu ambao mtu ameondoka na mwingine baado yuko njiani kuja juu. Douglas Kinoti.

**Douglas Kinoti:** My names are Douglas Kinoti, we have already presented our memorandum but I have got a few views here. I feel that the Provincial Administration should be dealt away with, in place their role shall taken by the local authorities who are directly elected by the People and in local authorities, the mayors should be elected by the people. I also feel that the Commission should established Commissions children commissions, and the disabled commissions to cater for their views.

I also feel that there should be a date set in the Constitution stating when the President elect will assume powers.

I feel that also the NSSF should be restructured incorporate all Kenyans employed or not, that is the government should be remitting some money from the taxes collecting so that at a certain age everybody will get benefits for old age.

I also feel that Kenyans should be allowed to vote using birth certificates and passports.

About the issue of land I feel that no land should lie unfilled yet is held by one person. This right those who have tracks and tracks of land should be made to make use of it or else the land should be denied them and be given to squatters.

I want to also say that land ownership should be limited. Say that the person should have one hundred acres or fifty acres, that kind of limit.

I also feel that the powers of the president should be limited, that he has got no he cannot manipulate the powers of the Parliament.

I also feel that we should have the Minister for justice and Constitutional affairs to represent the government in Parliament and we should have a public Prosecutor to represent the government in the law courts. Those are the few views they have had and I feel they should be in the Constitution.

**Com. Nunow:** Thank you very much Douglas please register yourself. James Nduku, I have all that names James, Muava, okay then George Mutembei, James Muthuri, after James we will have Joseph Kirere.

**James Muthuri:** Thank you. My name is James Muthiri a resident of the Egoji.

I want to in the new Constitution a place whereby the Ministers who are responsible for various activities, come up clearly on what they tend to do and what they are doing. For example the Minister for education should for example when there is recruitment for teachers colleges at the end of the exercise, we should see even the papers or what those who have been taken for example what was the criteria, same case with the Ministry of health for all institution how are the nurses they need how are they picked what was the criteria, if somebody had a “ C “ the Constitution should come clearly and say this person should not continue being trained because he has not followed the Constitution.

Our country for those who do care is dying, because for example we have these roads that are around why are they neglected, it because nobody has taken care to know that we produce a lot of Tea we produce a lot of Coffee where does that money go, it does not assist that particular area so the taxes that are taxed from these people around should be used to develop that particular area. Why should tea it not be delivered to Kinoro just because the roads are bad and yet the produces are those ones we want to see that being enacted and seriously enacted in the Constitution and it comes clearly that in the particular region let the roads be good and how is it be good because the policies are there everything is coming from that particular region.

Let me come to the Presidency. You are the Chairman of the ruling party, you are the President, you are the Chancellor of the public university you the you cannot perform your duties have one duty let him not be a Vice chancellor let us have a Chancellor in the university who is not necessarily the President. Let us have another individual in that particular institution as the Chancellor but not the President. Let us have the Commander in Chief of the armed forces not necessarily the President, even for example I think the PS in the Ministry of Finance, he is Chairman of so many Boards you know I don't know Sony sugar he cannot perform, simply he cant perform. Let us just have one person one job you cannot be the Headmistress of secondary school then you are the secretary of the Board of the governors you are Deputy administrator, the same time you cannot, let us have one person one job.

The disabled have been talked a lot about, let them be given free time, let them be given freedom because for example I know we cannot have a prime Minister why not let them be given even if you are lame or even you are cripple, let the Constitution say every person is free to be what you require to be not necessary as such a person become a begger is not the position that he should become a begger he can become anything in this country he can become anybody even the President even if he is devil or what let him be given that particular freedom.

My last point is on the issue of the Kenyan government itself, literally we don't what happened we don't who for now actually you cannot know whose the DC of Meru I don't who he is because today if you are here tomorrow you there tomorrow you are not there we know we don't know who is who let us be in the position that the security of tenure you are the DC of Meru you are there like for example for four years you there but today you are the DC of Meru North as I remember there is a case whereby somebody was Chairman of I don't know Sony Sugar Authority somewhere. He went to the office he was sucked he didn't know now he was moved along to Kenya Port Authority if he went out there he again he was moved to Kenya Post again let it be there that somebody stays for a certain period so that they can perform they cannot perform within three months let it be in the Constitution that you are the Chairman of particular organization you are there for a particular period of time not at the will of anybody not at the will of the President or Vice President no you are there because its decided in the Constitution.

Lastly kabisa we have this issue of DCs and the Chiefs actually we don't who s who I am very sure even the President does not know the Chiefs that we have, can it be in the Constitution that there will interviews those people who will be elected, let them come up interviews are done sent there selected not just somebody comes and say that Muthuri is the Chief of the Igoji today, I mean we don't really the criteria used. Thank you.

**Com. Nunow:** Thank you very much Bwana Muthuru. Thank you, you have been clear please register yourself. Joseph Kirere.



**Joseph Kirere:** My name is Joseph Kirere from Igoji. Thank you very much Mr. Chairman for giving me this chance to air my views.

My first point is about the family in this country, it is a very sensitive issue and it really affects they have said the most of the people when it occurs. The country has got a lot of fortune land fortune, Rivers, Lakes and what we have. Whenever there is drought people start panicking because of lack of food. The Constitution should be made so that all rivers most of the rivers flowing into Indian Ocean could be practiced for irrigation purpose and that will reduce the effect of crop failure especially during the dry season. Most of the water ends up in the Indian Ocean but it doesn't benefit the population satisfactorily.

My second point is regarding the old age in this country old people. Old people especially from poor families live very miserable lives I feel that the government should come up and include in the Constitution that old people especially from poor families should be assisted as much as possible and they should be provided with food, shelter and free medical care.

The other point is about those people who have served in the Civil Service satisfactorily and they have retired with good reputation the monthly emoluments which they get after retirement does not tally with the economy, because the cost of living is rising but the retired senior civil servant who has retired has a very hard life and he feels as if he was ignored having served the employers satisfactorily for long. So something should be done about these people.

The other thing is about the workers unions. We should provide or workers should be provided with the unions of their choice and these unions should be fair and act as a link between the workers and the employers and by so doing we could be able to reduce labour unnecessary unrests as much as possible.

The other thing is about child labour. We talk so much of child labour. Most of the children who indulge themselves into child labour, they are children from poor families who cannot afford to offer them the education. So they have nothing to do apart from looking for a simple employment and they can accept any payment simply because they are poor, and they end up by being misused by the employers giving them very little money, giving them a lot of work some of the work is above their energies. So if we can provide free and compulsory education for all the Kenyans children up to the age of 18 because, by the age of 18 somebody would have been a grown up. I think it can assist in reducing if not eradicating child labour.

The other thing we would like to have proper education, that is the quality of education we want to have an education system, whereas when somebody Mr. Or Miss D has got a certificate like Bachelor of Science which in civic Engineering it can be recognized all over the country, and all over the world. Let us have quality education which is recognizable by the most of the countries in the world and this person with that certificate can have a chance of securing a job elsewhere if he cannot manage to get one here.

The other thing we have witnessed is dying of the Parastatals these institutions are dying every year every now and then, here we have certain Parastatals is running bankrupt and when it runs bankrupt it means loss of jobs for many many families, and that create a bad feeling from the workers because they are sent away without proper notice, they don't get proper compensation, because the place you were working, they do not have much to offer them after collapsing or after being declared bankrupt. So let these issue be incorporated to either reinstate the falling Parastatals or if it has failed, proper investigation unto why they failed and if there is any criminal record, whoever was responsible should refund whatever made this corporation fail.

The last point is the proper management of the national economy. This should be taken care of because it is the backbone of the welfare of the citizens it should be looked into and run by qualified personnel to ensure. That, the economy runs smoothly as per the wish of the people or the government.

The last point, sorry I said that one. I said workers should be allowed to form their unions except the armed forces, Police and Prisons, I had forgotten that clause. Thank you very much.

**Com. Nunow:** Thank you Bwana Kirere. Thank you please register yourself in that register. Nkirote Evelyne.

**Evelyn Nkirote Kaimenyi:** Thank you. My names are Evelyne Nkirote Kaimenyi. Okay my views and the main points that I had is all about the Youth, our right and about voting.

Now as the youth when we are coming to give out our views, we are saying that these powers they need to be given to these people these they need to be done such organization, but we are forgetting about our rights. Like our right to vote, now supposing I get to 18 this October this year, I have the right to vote in December 2002 and my right to vote is that I should have an Identity card and a voter's card. Now the process that we undertake before we get our ID card is very long and now if I happen to get my ID card maybe in November maybe the process of getting the voters card will not be continuing, so I think the exercise should be continuous so, that we the youth those who are getting to 18 this year may have their right to vote at the end of the year. Thank you.

**Com. Nunow:** Thank you Nkirote please register yourself there. Timothy Githugu then Wilson Githinji, Nkoke Phebian. Cyrus Giriti. Okay, Mutembei Stephen.

**Mutembei Stephen:** My name is Stephen Mutembei I am really wondering what we are doing. The country is in a chaotic situation because we should try to ask ourselves, the process that is going we might be doing a lot of nothing and this is because the Constitution that we are supposed to review is something that we are understanding now there is nobody who is even aware of the Constitution that we are talking about. The points that we are putting across here might have been in the current Constitution or not, so now it would be my recommendation that whenever the Constitution that we are putting across, it should it should be made available to every Kenyan this is because so that we maybe aware of exactly what we are doing. The

Constitution that will be made, should be made in braille so that all the blind persons maybe aware of the Constitution itself you may ask me where it will be put because the blind persons are the minority in our country but we got several learning institutions and assessment centers where this Constitution in braille could be kept. There is this controversy of people holding offices senior people in offices respect of those senior officers, today goes with the class you have in the society the kind of education that you have and moreso it is clipped to the amount of money you have. Now I could ask would it possible for us to have a law in the Constitution catering for minority, so that if you have something disturbing you and you want to an office in a senior office and you are neglected what should you do. So I would recommend that we have a law catering for that.

Secondly I would like to us to have a law catering for the MPs when MPs are elected and they do not represent us as we would have wished, should we want for five years while suffering, should we wait until the next term comes and so that they may what to do so we should have an office if you elect an MP and one year is over, and he does not represent us, as we would wish should be scrapped off completely.

Then I would wish that we have a law in the Constitution that caters for employment. When the committees or commissions that are selected to look into the remuneration of different employees from different employers they do not look into the basic needs of these people. For instance why should one person earn a hundred thousand and another one earning three thousand and we all buy bread at 20 shillings, we all buy sugar a kilogram of sugar at 50 shillings all of us and we have all the same biological functions. So I should wish that if the law should cater for that so that at least when they are setting a specific amount of money that one should be paid they should ask themselves will this money really enough for him to eat, cloth himself and enjoy life so that you can have children to take to school, otherwise that is why the Kenya we have a lot of chokoras we have a lot of unlearned persons.

Secondly another point is that there is the billing system in hospitals this things has really disturbed me. There is no specific system that hospitals use to make the billing for patients. For instance you might find that you have been admitted for let us say two weeks and then you are charged 26 thousand shillings and you earn only three thousand you wonder what could you use to pay this 26 thousand shillings? Now if means that you go back there in the shamba in your reserve area and sell let us say a portion so that you may get some money to pay the bill system and if you continue staying in the hospital it means that some money is being added. There should be a law catering for the billing system in such a way that it is uniform and if we would be given a right to question where you have been charged this amount of money in a hospital because there sometimes although it is liberalized all the businesses have been liberalized in our country but all the same, they are taking advantage of this situation and exploiting people. For instance you might go and found that in your card that is telling you what you have been charged they charge you perhaps three hundred shillings and maybe in the shop it is one hundred shillings, now there should be a law enacted so that it is not explained to properly why you have been charged this amount of money you should take them in the court of law and explain or they refuse to pay that money because they are exploiting you.

Then go back to the disabled persons more so the blind persons due to the African stigma of blindness and disability as a whole there is a lot of competition in that even with the education you might not be able to compete effectively with other world. I would recommend that since we have some welfare funds in our country, every adult blind person who reaches the age of 18 and has not been employed it would be very nice if there would be something in the Constitution catering for his welfare, at least to get the basic clothing, eating and shelter, effectively not necessary other ones but actually they should cater for that, because we have a lot of beggars in the streets and it is not their wish. If you know, as person grows and reaches 18 his need increases, parents may not be able to cater for those needs. Would there be some welfare funds established to cater for this, if somebody is not employed please and then don't know if this last point is a question or not, don't know if the commission will answer me. Which criterion will we use to make sure that the views that we are presenting here you have taken them in consideration or not, because sometimes you may see we might present a lot of views and then you might say all is enough and when we come to listen later there is no view that we have presented here and has been presented. Thank you.

**Com. Nunow:** Thank you Mr. Stephen Mutembei the last question you asked, has been asked in a number of places, because I think Kenyans are used to under hand billings and there is always that fear of that under hand billings but this time is seriously a different kind of scenerio I will ask our Chairman, we are priviledged to have had him today, to elaborate and to ensure that you will have an opportunity to counter check your views and ensure that they have been taken care of.

**Professor Ghai:** Thank you very much. You noticed that several times during the day our Chairman today has said we should read every word in your memorandum, you can be sure of that is indeed the truth we will read every memorandum that we receive, we make transcriptions of all the oral presentations you can see they are recording it we have shorthand typist with us and what happens us after we have collected the memorandum. and prepared the transcripts, they are sent to a division with the Commission, which we call data analyses division. We have developed a computer programme, which has identified the key Constitution issues and as soon the is memoranda reach like headquarters, they are read by these people of senior researchers and then the tabulate the results, with recommendation onto a computer programme at the end of the process we can printer out which shows how many have you recommended free education or presidential system, reducing the powers of the President, whatever we have a large number of these questions many have you have touched on those issues that are in our programme. So then we start writing our report we will have all these information available to us. The Review act says one of the important functions of the Commission is to listen to the people and to make recommendation to reflect the views that we have heard. When we issue our report, we will also include an appendix the results of this computer analysis, so that if our own recommendations are in consistent with the views the people have expressed, you will be able to find that out and to complain.

I should mention of cause that the Review act and itself sets out, what is called the object of review, it says that the new Constitution must include good governance, democracy rights of women, rights of children, basic needs, so we also bound by those provisions. I can assure that all the Commissioners take your views very seriously, we are spending three or four months going round the country as we have come here today, listening to people and we would not be doing that unless we had a really

commitment to the views of the people. There will be once our report is out there will be a further opportunity for Kenyans to give views to discuss the report that we shall publish, which I hope will be at least in English and Kiswahili, some perhaps in other languages and before the decision is made on the Constitution which would be made by the National Constitution Conference people will have several opportunities this time based on our concrete recommendation, to say whether they are happy or not with what we have recommended. I should also say that our report will be issued to the public of Kenya at the same time as it is given to the President of the country. So the President will not get the report any earlier than you will. There will be no possibility of not publishing the report, and when the Constitution is finally approved by the National Constitution Conference, we as a Commission will send the draft bill directly to Parliament and not to government. So you can see, it's a very open process and it is not possible for any individual to interfere with this process. So we can assure you that we will listen to your views, we will keep them in mind when we do our report and we want to thank you very much for your participation in the process. I think this Constitution will be successful only if people participate and I am delighted that so many of you have come and I am very impressed by the information that you have given to us. Thank you very much.

**Com. Nunow:** Thank you Professor, Stephen maybe clarification questions from Com Lenaola. Then we thank you very much that is the detail analysis that this process will go through so you may rest assured that your views were very important and will be treated as such. Please you will register yourself you will be directed where to register and that you indeed did appear before the Commission and represented your views. Eliphias Micheni. Are you Eliphias Micheni okay. I have been asked to make some announcements for those who are not familiar with the place, there are toilets behind the church and I am told behind the church, suppose it to be this side because of the front of the church. I have also been informed that Mheshimiwa Murungi called and sent his apologies, that he was held up in the Nairobi on National commitment, Chairing a committee of Parliament that he cannot come so he sent his greetings and his apologies. Mr. Micheni continue.

**Eliphias Micheni:** I am Eliphias Micheni. I don't know which language I am going to use here, any of the choice because I can see akina mama huko nyuma I don't see as if they are really ready to state their points because I can see we are talking English, they are just talking Kiswahili and we know that even wakina mama have their points.

**Com. Nunow:** Bwana Micheni wewe ukizungumza unazungumzia Tume ni sisi tuelewe si wao waelewe, unanielewa so unazungumzia sisi si wao, si baraza. kwa hivyo wao wamekuja kusikiza yule wanayeo muelewa yule hawamuelewi watukuwa wanahudhuria. Kwa hivyo zungumza ile lugha yoyote ambayo sisi tutaifahamu ama ita-interpretiwa na tuelewe.

**Eliphias Micheni:** Wacha nitumie lugha ya Kiswahili. There is something called like National resources. National resources ningetaka kuzungumzia land in front of rivers. For example river, lakes and sea. Yaani kuna watu ambao yaani tuseme wanalima kando kando ya maji sasa sijui kama we are aware that people used to leave some part in the bank of the river so I don't think if our government is taking care of banks of the rivers for example like Mutonga. If at all our children wants to learn something we know that land survey, have just surveyed from top up to the bottom so I don't think the government is taking

care of those people to leave thirty metre or a hundred metres in the bank of rivers so that our children when learning they should take care of those rivers.

**Com. Nunow:Michen** excuse me please make a recommendation to the commission you are telling us you don't know, and you are the one who knows the rivers of the lakes you should commend something to us.

**Eliphas Michen:** Wacha ningie sasa voting system. Sanduku la kuweka kura, lazima ama liangaliwe vizuri wakati wa kupiga kura lazima liwe transparent whereby you can if there is anything inside.

Government hospital billing, yaani ile bills ya hospital tuseme kama ni government hospitals tunambiwa tunaenda kwa treatment free, lakini ukiangalia zile hospital bill zile ziko ni kame tu hakuna free iko hapo. Kwa hivyo nauliza watu wa Commission wangalie pande hiyo. Malipo ya wafanyi kazi wale ambao wamestaafu wakati wanafuata peza zao yaani wakati wame- staff wanataabika sana, wako na taabu nyingi sana wakati wanaenda kutafutua zile pesa sababu wanaambiwa makaratasi yao, file yao haiko huko. Serikali ichukuwe hatua ya watu hao wawe wanalipwa sababu ni wafanyi kazi, ambao wamestaafu ni lazima wachukuliwe hatua iliyofaa kulipwa pesa zao.

Primary education should be free from nursery school to university hiyo ni point ingine.

Point ingine public land e.g Nyayo Tea Zone, tuseme hii ni public land na imetumiwa na mtu mmoja, sababu yeye ni mtu mkubwa katika nchi hii serikali ni lazima iwe ni public land, iwe haitumiwi na mtu mmoja bali ipatiwe watu wale maskini, ama ipatiwe tuseme kama kujenga factory ama kujenga kitu kile kitawafaidi watu wengi kwa jumula siyo kufaidi mtu mmoja.

Uchumi in Kenya this is just lead by our MPs, big salary in Parliament while they are singing about uchumi ni mbaya. Hiyo inatakikana katika Commission iangaliwe vizuri kama ni mimi ningejipandishia mshahara na bali ni mimi nasema ati uchumi ni mbaya Kenya sasa itakuwa namna gani na mimi nafanya ile sheria. Hiyo iangaliwe vizuri. Sina mengi ya kusema nimefika kikomo.

**Com. Nunow:** Asante sana Bwana Michen. Bwana Michen tafadhali jandikishe pale. Dominic Gitonga. Linas Irungu, Watoto wa st. Mary's Girls. Please let us have your names and then proceed.

**Ndenli Ngie:** Thank you I am Ndanili Ngia. I would like to take this opportunity to thank you for giving me this time to present my views. Okay my first point is on legalizing the parents Teachers Association. You find that the PTA are not legalized and us as students we are very close to our parents we are very close to them we can tell them our problem they understand us better than the Board of Governor and we also find that the Board of governor most of them don't have children in the school of the BOG. So it is good that the PTA be legalized so that they can represent us and we can be free to share with them to share with a parent a problem and we also find that the head of teachers are closer to the parents than to the Board of Governor.

Another point on the same is that the parents are the one to fund the school and they should be given a chance to control the schools.

My other point is on the women rights. You find that women in Kenya okay they don't enjoy their rights maximum. For instance when it comes to marriage you marry a man then you generate your own property and okay after you generate your own property when it comes to divorce you are sent away you are not given even a portion of the property you generated in that family. So it is good that the Constitution should look at that and at least women should be given those who divorced should be given, at least half of the property.

Another point on the same, is that women should be given rights to inherit the property. You find that these rights are given to men only and women it is assumed that women will married somewhere else so they don't have the it is only that some are inheriting property from their parents, but I may decide not to get marriage and I stay at my fathers home. So what will happen of me will I be relying on my parents for anything. I think we should be given the right to inherit property.

And also in politics they should be given the rights that they you find that like the there are very few MPs who are ladies they are very few of them who are in high offices. So they should be given the right to vote maybe if I am determined and if I want to become an MP, let be given that right to become what I want and then the government should also encourage women to attain high career like for instance there are few women who are lawyers, Doctors and find that these career most of them were occupied by men because women are viewed and look as the weaker sex and they feel that because they are not encouraged they feel that you cannot achieve, we cannot become even that, so that government should encourage them. Thank you.

**Com. Nunow:** Thank you very much for your views please you could go down and register, you register yourself. Anybody else from st. mary.

**Jacqueline Karimi:** My names are Jacqueline Karimi I am here to represent st. Mary school community our view on the Constitution.

First I would like to talk about the education. We feel that scholarship should be there such that for example the top five student are the ones who get scholarships to progress with education maybe to international level but maybe here is a student who has passed has 'A-' minus 'B'+ plus a 'B' but they are not financial able to advance their education so scholarship should be there then technical subjects as students we are not only academically equipped we have talents some of us can be actresses and artists we can dance we would like such that education enables us to start or to begin this talent at lower educational level such as secondary of primary then we should have equal job opportunities especially women such that if I go to an office and there is another male maybe with low qualifications and higher qualifications I will get a job because of the qualification and in most cases there is a lot of gender you know you favour men because they are men and you don't take me because I am a woman. Then the school bursary since the girls school are more in our country since we are more we are the majority than the boys I

feel that the bursaries should be emphasize mostly on girls schools which will help them to increase their schools.

Then on drugs, we the youth are affected mostly by drugs I would like to ask you that for instance we are the youth we go somewhere let us say out and I am below 18 and we go out and ask for something that is not acceptable maybe alcohol the bar attendants should refuse, they should say you are not supposed to drink this one not of age that that most of us will be future Kenyans with good qualities and good leadership powers. Thank you.

**Com. Nunow:** Thank you very much Jacqueline please register yourself in that register. I will give one more to st. Mary's there is somebody else, okay.

**Nina Mgongge:** I am Nina Ngongge and I am representing the St. Mary's community.

First the Constitution should provide enough vacancies for entry to the universities. For example if one has the qualification, he or she should be given a chance by this one I mean if they state the entry to the universities is maybe a 'B-' everybody who has a 'B' minus should be given that chance to go to the universities, and I believe it is not fair for a person who has 'C' minus let us a 'C' to be in the university while a person with a higher qualification is there back at home. Then I am aware that we have various rights and freedom which protects the everybody, all the citizens in Kenya. My view is this freedom and rights should be limited for example the freedom of worship should be limited to curb explosion of cults and backward rituals. Then there is this Commission for the children Parliament and to say that most of the representative are from Nairobi and those kids from rich families if at all this commission is to be a successful we should have the representatives coming from various parts of the country so that they can represent something which they are experiencing because obviously somebody who has not experienced something he or she can't express or give what something elaborate. That is all we have and thank you.

**Com. Nunow:** Thank you very much Nina there are no questions please register yourself, as we know you presented your views. Are the children from St. Joseph here? Or they have left, anyone of them, none. Anybody from St. Lucy who will add to the joint memorandum. Anyone from St. Lucy. Okay.

**Clement Kaaria:** I am Clement Karia. As a Christian I feel that Jesus taught us something very important, anybody who cannot perform should be recall just as they did recalled Judas Iscariots. The MPs, are able to give a vote of no confidence to the President who cannot perform, the Vice President who cannot perform. So in the next Constitution I would like to have it spelt out how the electorate can recall an MP who is not able to deliver.

I feel that the Electorate is spending a lot of money in paying Councilors and the MPs, so its my feeling that these Councilors and the MPs should be full time employees of the Electorate.

Another point I feel that there should be an age limit to having MPs, I feel that anybody whose over 75 years cannot be able to perform properly because we have very young people who can be able to do the job certain things should be done by MP I



feel somebody who is over 75 years cannot be able to carry out these jobs properly as expected by the Electorate. I also feel that when we elect a person, and we cannot be able to see him and we continue paying for these services, which are not available that is why we are getting some of our roads they are impassible we cannot get places where we get a lot of maize because there is nobody to present our views to these people, because they are found after five years they can come back to us and feel because they know somehow most of our electors are illiterate and they spend very little money to convince them that he should still go back to Parliament so I feel they are answerable to the Electorate and the Electorate should be able to call them back if they cannot perform and then they are given another chance to get another person. Thank you very much.

**Com. Nunow:** Just hold on Mr. Kaaria clarification this is ---

**Com. Lenaola:** Thank you Mr. Kaaria you are saying that the MPs must not be over 75 year but what is the entry age is it eighteen is it 20s---

**Clement Kaaria:** Entry age of 18 years is okay. There is another point I have forgotten. I feel that the citizen should be allowed to register as many parties as possible but the funding should only be given to three parties which manage to sponsor the highest number of Parliamentarian and Councillors, otherwise this burden of sponsoring all the parties with public funds I see that it will be a big burden to the citizens.

**Com. Nunow:** Thank you very much Bwana Kaaria you could please register yourself there. Shall I assume that there is no one else from St. Lucy's wants to add on to the memorandum. Okay, St. Mary's Babu Samson.

**Samson Babu:** Thank you. My main concern one of the things. I am Babu Samson. Is to do with corruption in this country. I think that corruption should be severely punished if for example it is found out that somebody has gained his wealth through corruption there should be a law stating that that wealth should be surrendered to the state, because the small people in the country are suffering a lot because of corruption take the case of those people who are corruptly taking away farmers money. Coffee money, Tea money these ones should be severely punished severely by the law.

The second thing has got to do with the law there should be a law stating how the government should spend tax payers money. It is very bad to find that people are unable to afford education, to pay for education to pay for drugs in hospitals, yet the government we find is very extravagant in using money. For example we find that there are very good roads built in very unproductive areas yet areas which are very productive and contribute to the economy of this country, very well are not be catered for.

The other point for example on the same issue of corruption, for example the government I believe has got the Engineers who oversee the building of roads, but we find that some roads are built and soon after they are in a very poor condition, so such people should be punished by the law.

The other thing has got to do with the Presidency and powers of the President this one should be trimmed down so that the President does not seem to be above the law, does not become just too powerful, as we know that power corrupts and absolute power corrupt absolutely.

The President too should have some basic education qualifications, we could say for example he should have a first degree at least.

The importation of beauty chemicals, creams, lotions and so on. There at least there should be a law to regulate this one ,because some of them are very adverse effect on the users that is the women generally.

The other point that I have, has got to do with catering for unusual diseases like the ones we see on the TV, and there are people on the TV asking for donations to help them and be hospitalized I think there should be a tax to cater for these people, who have very unusual diseases the swelling like the lady who was taken to Moi Referall Hospital, there should be a tax to cater for these things.

The other thing has got to do with advertising. There should be a law regulating the advertising of dangerous products like cigarettes and other drugs and the advertising of beer and cigarette these ones should not be publicly advertised at all.

Then the other point has got to do with the number of Ministries and Ministers. These ones should be limited to about twenty only and their appointment should be vetted by Parliament.

Another thing has got to do with, the so many Commissions appointed by the government or by the President. The find of these Commissions never come to the public knowledge, yet it is tax payers money which has been squandered on these Commissions and their findings are never made public, or we people never know what happened or what the Commission was found out.

The other thing has got to do with legal education. I believe and I think the law should provide for legal education in schools in other words legal education should be included in the curriculum in schools so that every citizen is a ware of their rights and so on.

The other point has got to do with jobs. You find that presently so many people who do not merit certain jobs at all, are given those jobs through dubious means through because maybe they have powerful or relatives and so on. Jobs in Kenya should be given on merit and qualification and not on connection that one has with powerful people.

Then there is the question of the Physically challenged.

**Comm Nunow:** one more minute

**Samson Babu:** Yes, the physically disabled, we find these people who are our brothers and sisters who are fellow citizens, are not well catered for in this country. I think there should be Institution in every Constituency, actually there should be institution to cater for the physically disabled. I think that is all I have and thank you very much.

**Com. Nunow:** Thank you Mr. Babu and please register yourself there. Felix Ogutu of Egoji you will be followed by Edwin Odhiambo of Egoji also. You sit through the lunch hour until we have need have no one else remaining or we get to six o'clock in the evening.

**Felix Ogutu:** Thank you very much my name is Felix Ogutu Otieno from Egoji Teachers.

First of all I would like to address the issue of education. In my view the government should offer us free education, I think they should offer free education from primary to secondary. I also believe that the disabled should be provided for and have free education, compulsory free education.

Civic Education should also be provided for from standard one. This includes legal education also I think the language in the Civic Education area, the Constitution should be translated in various languages so that every child knows what the Constitution is.

Every child also should have a chance and opportunity of growing to be what he wants to be. We have artist, we have scientist we have every section to be provided for if our child wants to be a musician, an actor this technical subjects they should be provided for.

Children's Commission should also be formed such that we have children of circumstances, rapes children begotten outside wedlock be educated for.

I also think the issue of street children should be addressed such that we take care of this want and for all and they should also be provided by the government.

Education: Adoption process of children who are abused and whatever should be simplified. As far as the election is concern I think that the Presidential election should come first before the MPs and the Councilors receiving their seats.

The campaign should also cater for those with adequate finance and this time the finance should not be misuse such that you find that MPs promising things and then they buy you packed of maize meal, maize flour, a packet of sugar and then in the end there is nothing done I think this is any candidate who misuses funds this way should be prosecuted.

We also have the platform issue. Those presidential candidates those MPs they should stand on a platform in any area they go, if they come to Meru they stand on a platform all of them so that we don't have cases where by somebody abuses another person from another area they stand on a platform we hear their issues we hear their policies so that they are able to know who will govern us better.

Recalling of MPs I would also be in favour of that if they don't deliver. We also have the area now of the governance personally I was in favour of the federal system of government, where in the Provinces that we have we have regional the Provinces now for example represent states and those to govern them, are governor who are elected by the people and they should take a term of two they should have two terms. They should not be reliable for election after the two terms are over.

Then for the eight Provinces now the resources in that area they should using to develop that area but it does not restrict somebody from another Province to come and stay here. When you from come to another Province then you are governed by the rules in that Province.

We also have the issue of referenda I think referenda should be overseen by the churches, the Law Society of Kenya or Parliamentary representative even Teachers from institutions.

We also have land ownership and use. Personally I believe everyone should own land ability but the land that you have should be made to maximum use and the government should have clear policies on agriculture especially on cash crop marketing.

We also have the issue of the bills of rights. I think we should have a free press, I think we should have freedom of movement, freedom of association and freedom of speech. The powers of the President should be trimmed and the President should not be above the law. Everybody has to be governed by the rule of law. We should also have an independent Judiciary which is not incumbent by any other arm of government.

I also think that we should in the area of health everybody should be given that right to have health services. For example not everyone, we don't have equal opportunities. For example somebody might earn higher highly paid services than the other what about these people who get a salary of maybe three thousand, or ten thousand shouldn't they be catered for as free health is concern and that includes security.

I also wanted to talk about the powers of the President I have already talked about that freedom.

Provincial Administration I would say they should be abolished we should replace them by governors.

The powers of the Police, the Constitution should provide for how the Police, the Prisons should be run. It is high time to stop this issues of tortured in the Prisons, the Police departments they should have uniforms they should not carry guns whereby they just shoot people because nowadays the street of Nairobi and other areas are becoming a dangerous placeto be is and I think without hoping that I have not forgotten anything I will stop there.

**Com. Nunow:** Thank you Ogotu there was something you mention which I thought you could probably elaborate. You mentioned that all those aspiring to be MPs, to come on a platform so they don't attack each other from different venues. Is that joint campaigns are you suggesting that they should conduct campaign jointly ,so they move from one area to the other and

they address the public the same time.

**Felix Ogutu:** Yes, that is what I am proposing and there is another thing I forgot for example I feel that we have three Parties. These three parties should be guided by the what the Kenyans want as provided in the Constitution.

**Com. Nunow:** Okay, thank you very much Felix please register yourself. Edwin Odhiambo.

**Edwin Odhiambo:** Thanks to the Chairman, Electoral Commission and to the audience enlarge. So here are my views.

**Com. Nunow:** Say your name for record.

**Edwin Odhiambo Akello.** So here are my views so first and foremost I would like to see a Constitution which will govern all the Kenyans equally regardless of their geographical region so that if incase I go to Eastern I am not seen as a Kisii but I am seen as a Kenyan.

Second to that, regarding the jobs the as far the jobs are concerned under the Ministries. So I would like to have appoint whereby the Minister for education is must have been someone in the educational line maybe a teacher, that is under the Minister for health is professionally who was once a doctor that is, under the Ministries for the efficiency of the work.

Under the education I would like to see education as free as from, primary to the forth form both secondary education to be free.

There there is another area under education the adult education, under the adult education we find that the government wastes a lot of money paying some officials for example we have the Provincial adult officers but adult education has not been given proper care so it is my view that there should be some institution set a side for the adult education so that the government can provide Civic education under those institutions and moreso still under education the Constitution should also be taught under such institutions and it is also is my view that the Constitution should be simplified in a way that can be taught from all the institutions to sensitizes all the general public over their rights.

Under the rights and freedom, so under the freedom of worship it is my view that we find that for example there are those who fail to get employed because of the exploitation whereby employer feels that the employee should be working even during the sabath day, and the employee fails to get the job because he defends his sabath and for that matter there should be part of the Constitution that state that each and every person rights should be respected in such a manner so that we have a proper employee relationship as far as that is concerned.

So under taxation this is what I have so to bring the gap between the poor and the rich it is my view that, those who are earning

salary below ten thousand shillings, should not be taxed they should get free salary, free from tax, but those that exceed ten thousand shillings onward they should be exposed to taxation.

Another case the issue of ID, it is my view that you find that the ID was a colonial way of restricting the movement of the Kenyans but we are Kenyans, and it is my view that the ID be replaced by passports so in this case, I mean the passport that can enable someone to go outside to travel outside that is what I mean so that we find there some case urgent cases that we find that someone would like to go to America and he is not having the passport ,but the way the passport takes time to be processed, it is my view that the ID be replaced by the passports, and that is all I have.

**Com. Nunow:** Thank you Edwin for the presentation please register yourself. Aliengeline Ndege. Michael Miriti.

**Michael Miriti:** Thank you Mr. Chairman my names are Michael miriti I am presenting the views for Kanyakini location, they were compiled by ten members committee.

**Com Nunow:** Mr. Miriti give us the highlights the main points, because we will read that paper in a lot of detail. Thank you.

**Michael Miriti:** I have recommended areas of change. The Constitution should have a preamble.

A bill should become a law by a vote of 65%

People should be included in the review of the Constitution.

Citizenship should be as per the current Constitution.

State security: Constitutionally, the President should not be the the Chief of the armed forces the Parliament should exert control.

Political Parties: The Political Parties should not exceed ten and all the ten parties should be financed by the public account by will of ratio with a big ratio going to the winning party.

The type of government: The coalition government should be formed with the President coming from the winning party.

Parliament: The Constitution should empower Parliament to appoint offices of various post such as ambassadors, educational attaches, Directors, Permanent secretaries, Chairmen of various Parastatals and all the (inaudible) of senior civil servant.

Parliamentary powers should be broadened but with limit according to the range regulations or guidelines.

Parliament must have a full days proceedings.

Voting and age of candidates should remain as per the current Constitution.

The MPs should be able to understand and speaking both English and Kiswahili, he should be a holder of division 2 or 'B' minus and above in the KCSE.

The MP should be of good moral conduct and mentally upright. An errant MP maybe voted out by the vote of no confidence by the electorate.

An MP should always have the public in mind, whenever he is doing anything.

Nomination of both Parliamentarians and Civic seats is an appreciable factor however this should be done by a body.

Each Province should set woman Constituency whereby there is legibility of a woman contestant.

The MP is in the coalition should be guided by the Reviewed Constitution. The Reviewed Constitution should give the provision to the coalition Parliament to form the government.

Multiparty system should continue.

We should have only one National Assembly.

The Present vote of no confidence should prevail.

The President vettal power should be abolished.

The Parliament should have power to dis-continue President vettal power.

The Parliament should be supreme body to determine when to go or recess and not the President.

The Parliament should be the most powerful organ in the country.

The Constitution should set the duration or guideline of electing the President.

Kenya should have a President and a Prime Minister. A president should have two terms of five years of leadership. After the period of ten years, another President must be elected.

Powers of the President should be slashed as follows:

- 1) Remove power of appointing all civil servants.
- 2) He shouldn't be the Chief of the armed forces
- 3) Public universities should have their own Chancellors and not the President.
- 4) Powers of appointing Chief Justice should be removed
- 5) Appointment of Chairmen of Parastatals should be removed from the Present acts.
- 6) He should appoint Ministers according to the Ministries recommended by the Parliament.
- 7) The President should not interfere with the Judiciary or Political violent and murders and if seen interfering he should be removed.
- 8) The Parliament should be set free and he shouldn't be immobilized by the President.
- 9) The President should be an MP of a certain constituency.

Provincial Administration should remain and their roles to be define.

A panel should have the duty of appointing a Chief and the Chief should be transferred from time to time.

Judicial court: The present Judicial system is good, if allowed to exert his duties freely.

We need the high court we also need the Constitutional court, Judicial office should be appointed by a Judicial body.

Judges and Magistrate should be university graduates.

Judges should serve for two terms of four years each.

Errant Judges should be sucked and prosecuted.

The institution of ombudsman should be set with laid down regulations, to assist in leading with national issues.

There should be a state counsel to assess the poor and ensure everybody is represented in the courts.

The state should serve all citizens without discrimination. An individual is innocent until proved guilty.

There should be laid down procedure to prosecute, to ensure Parliament rules are adhered to.

A person caught on public embezzlement should be arrested, prosecuted and made to recover.

Local government: The Council Chairman and the Mayor should be elected by the public.

The period of two year for the Council Chairman and the mayor is not enough to serve the term.

Both seats should be allocated a period of five years service.

The county council and municipal councils should remain under the central government.

Of the revenue collected by the council and the county council and municipal council one third should be submitted to municipal council and two third should be retained.

The minimum location for the councilor should be the KSCE division two or c+. Written test should be included in determining who should contest for the Councilor ship seat. There should be such conditions for contestants.

**Com. Nunow:** One more minute.

**Michael Mirit:** A contestant should not have been convicted in a court of law and he should be above 18 years.

The public should pass a vote of no confidence to their Councillors.

The Councilor is taken to court of any offence if proved guilty should stand a vote of no confidence by the electorate.

An independent Commission should be set to review salaries and fringe benefits for Councilors.

A councilor who defects from the party should leave his council seat seek fresh mandate from the public. Neither the President nor the Minister should have power to dissolve the council.

System of election: Election should be by secret ballot whereby a candidate represent a certain constituency.

The winning candidates should be the one who has majority votes.

Systems should be set to allow more women in the presentation.

**Com.Nunow:** Please summarize.

**Michael Miriti:** Rights of disadvantaged groups, for example the disabled should enjoy this rights. Education rights, security rights, medical rights, employment rights, political representation, food security and shelter.

Children's rights include education, criminalize children labour, corporal punishment should be executed by the Headmaster, all children should have fathers and those without fathers should be cared for by the government.



Street children should be made an illegal phenomena.

Children under 18 years should not be allowed to beer premises. Children under 18 years should not be forced to join a denomination.

Children under 18 years should not be engaged in drug abuse and children homes must be set up children must be given equal rights without discrimination. .

**Com. Nunow:** Thank you Mr. Miriti if you can stop I have given you twice what you should have we will read that memorandum thoroughly yours is just to highlight some of those things that you felt were you know should be heard now be the rest are going to be heard by the commission. So please hand it in to Mr. Anampio and sign register for us as well. Luke Kigundu, Nyaga Mugambi, Murugi Michen, you want to say something to add on memorandum or it is okay,George Mbaya. Okay karibu..

**George Mbaya:** Bwana Chairman I have four points which I just want to talk about.

The President terms should be only two terms, those are ten years and other electoral seats like the Chairman of the schools, Chairman of a large institution should also take two terms in those seats.

The other is on appointment of Judiciary. When appointing the senior officers, this is done by only one person in Kenya and this is not good it should be done by all the Provinces, we should have a body representing the all Provinces in the country whereby at least the representative of these Provinces are able to look into some of these problems and balance them. There is a place whereby the President has become the only deciding factor he has already surprised all the Kenyans, by that mean where there is any senior post he just directs (inaudible) to only one side of the country which is not good so can the commission please try to look into that matter.

When you come to number three, the employment. Employment in government Ministries and other private sectors, as one of our person said earlier, this is done by either the area where we have the KANU majority or the KANU area, instead of being done in the whole country. Like now we have heard that teachers are not being employed ,but when you come to the reality some Districts have already done that and we are sure of that that is not good at all even infront of God's eyes. Let us try to balance all Kenyans equally.

When you come to the formation of the local authority, it is also my opinion that the Chairman of the Council and the Mayor, let them be elected by the residents or the voters. There is a place whereby when the Councillors meet and they are voted for by one of the Councilors as it has already been shown lastly year in some of the areas the Councilors some of the Councilors vote for the other Councilors and they voted the others vote of no confidence. That is not wisdom so can the majority decide on that can vote for the Chairman and the mayor directly.

There is another area the treasurer should not be an employee of the Council the treasurer should be one of the Councillors

like what the co-operate societies use. The co-operate societies have the best performed areas of their elections, because the treasurer is one of their committee member not an employee.

There is another area whereby may be this was done during the colonial time when a society has a liquidation hand of the liquidators has all the powers to utilize all the finances of a certain society, can the government also look or the Commission look into this, because there is area whereby the liquidator is above the law and it was stated before I think there is no where somebody should above the law if the liquidator is above the law then who will present the farmers money from being utilized badly. Those few remarks Bwana Chairman, thank you very much.

**Com. Nunow:** Thank you Mr. Mbaya we will also be glad to have your memorandum in addition to the other one and you register for you sign another register please. Ashford Kinyua.

**Ashford Kinyua:** I am Ashford Kinyua. I would like to send or to say something, something concerning Constitutional reform on land. And I am going to mention them in points form.

A balance between land tenure and land use equally, this means the maximum acreage to be 50 acres.

Rights of ownership through the willing seller, willing buyer principles.

Protection of public land which could only be privatized in public interest, but not individual interest.

Repossession of oral irregularly acquired public land. This means that land taken by corrupt individuals must be recovered back.

Right of every Kenyan to shelter and land based income generating work.

Resettlement: Resettlement compensation and rehabilitation of all individual and families who were displaced from their land during the political inspired ethnic clashes.

Explore the the option of introducing ceiling on land ownership in order to achieve equaling in land distribution.

Public finance: The sources of public finance e.g taxes paid by all Kenyans to the government e.g sometimes government gets loans or grants income or therefore Kenyans have a right to services which the government is supposed to pay for using this fund, that it is the Parliament that is supposed to authorize all expenditure from this funds.

The institution which are in the public finance management should be identified and their roles discussed.

The Parliament needed in the preparation of the budget and make to sure that the money is intended for the budgeted projects but not for unbudgeted projects.

Preparation of budget: Collection of proposals through the District Development Committee DDC, ministries, and private sectors. This is because these are the people who are near to the common man and these people know the problems that are affecting this common man.

Preparation of the budget by the budget office in the treasury.

Presentation of budget in Parliament by the ministries for finance carried in June every year this will give the Parliament time to discuss the budget and find some issues where the common man maybe helped by that budget because sometimes you will see

that the budget is being read and that budget does not have any point to help the common sometimes you will find that the budget being read and after two days you will see another budget being read which is known as the mini budget. Therefore the first budget, you may find that the first budget is not doing the work then the second is doing what is not being understood by common man or a Kenyan citizens.

**Taxation:** Taxes must be limited. Kenyans are highly taxed and not getting services in return. You will find that this case of taxes is so disturbing to Kenyans because you will see that, let us say the sugar is being imported from USA it is imported to Kenya from USA and it is this year you find the price of that commodity is higher than what we manufacture here in Kenya, that means a Kenyan are paying so much tax that they are trying to survive or have life, we cannot enjoy the life like other people in world.

**Com.Nunow:** One more minute. Kinyua one more minutes.

**Ashford Kinyua:** Yes, one more minute

**Com. Nunow:** Find out two three four issues.

**Ashford Kinyua:** Okay thank you. Right of labour. All factory workers farmers, farm laborers service workers, rural workers and government workers have the right to express their grievances including the strike.

All workers in Kenya either women or men have the right to equal pay for equal worker without any threat of sacking by the employers or the government.

All employees must be provided with the health travelling allowances by either employers and their families catered for medical treatment free of charge.

All casual workers must be employed permanently after one serves the employer for the period of two months.

An employees must be paid either salaries and wages through the bank in order to benefits from loans is the bank. Thank you Mr, Chairman.

**Com. Nunow:** Thank you Bwana Ashford Kinyua please let us have your memorandum and sign the register as you present your memorandum. Benard Bwanchete from Egoji, then we shall have Nicholas Odhiambo from Egoji are there, Bildad Kaburia, Bildad you are the next.

**Benard Bwanchete:** Thank you Mr. Chairman for this chance and I have a few things to comment on our Constitution Review which I think that it should be included in our Constitution.

On the side of the President I feel that our Constitution should provide a Constitution which does not allow a President to form a government, which looks more of a tribal government other than a universal government By this I mean that you find in situations that we have maybe the President filling top seats with people from his tribes men and this one looks embarrassing to

the entire tribes since Kenya is a multi-racial country and not formed by one tribe.

Also I feel that the President should own only one office and not so many offices. Today, we have so many jobs occupied by one person who is the president in that case I think my colleagues have mentioned a few offices which are owned by the President that one should be abolished. On governing the country it is my feel that the government formed should be of the three major parties, who participate in a particular election. The three top parties should be allowed to participate in that government like if I may refer the election of 1992 I think we had more than three parties which managed to get over one million vote and in that case they should have been included in the government, but it was not the case. Then it is my feeling that three parties should be included in formation of the government.

Also ministries should be headed by strictly one Minister and two assistant Ministers and in that case they should be limited to a number of twelve. Also the Constitution should contain the criterion in which the Minister should be nominated, in that we have a Minister who has got relevant qualification for that ministry he is being elected to or nominated to.

In previous we have been having some embarrassing this is you might find that a retired police boss who engage himself in politics after retiring is elected to be the Minister of finance and that one usually does not comply with the kind of knowledge he has.

On the side of the law and our court, there should be freedom on Judges so that they maybe able to give fair judgment to the people. Also harassment of the suspects by the police and Chiefs should not be allowed at all. Previously we have been having or currently we are having maybe Chiefs roaming at night with the police maybe doing all sorts of inspection and now have are found that they are mistreating people, maybe it is because the Constitution does not contain or provide full security to people.

On education, it is my feeling that we should have free education, up to secondary level and also pre-schools teachers should be employed by the TSC, because they do a vital work as we have come to realize.

Also it is my view that the quota system which is there in electing or selecting pupils to secondary schools, should be abolished, because you realized that some quality educational facilities are not equally distributed in tha, we have National schools maybe centralized in one place so this one usually affects people who are coming from areas where we don't have such facilities. Hence that criterion should be abolished from being in use.

Also on employment of teachers it has come to my concern that maybe after college or when they are employing again they are setting some committee which interview teachers I don't think that one should be included there instead the KIE should just employ teachers directly from above and not to send people to come and interview teachers after role they are trained.

Also it has come to my suggestion that we have so many private schools ,but I feel that the Constitution should contain that if anybody is willing to start a private school then at least three quarters of the teachers should be trained in that school.

On land issue I feel the Constitution should contain every Kenyan should have a write to own land anywhere within the country and be provided security in that area and also there should be a really of there are size of land one should own in this case you find that we have most people having thousands of acres whereas we have so many people who are suffering maybe depending

on something more less than a half an acre.

On the currency issue I feel that the currency of this Nation should not bear a picture of a person and instead different things should be designed to appear on our currency and not the head of somebody, okay something of that sort.

Also I feel that the issue enquiry commissions we have been set to inquiry commission which have been set to inquire serious matters but after finding, doing their work and presenting their findings, then those finding just declared as mediocre and they are thrown away even the public does not know to quote a few, we have the land clash commission which was set in 1992 then led by Kenneth Kiliku it never reached the people we have even the Ouko commission where results never reached the people. It is my feeling that the Constitution should be contain that any inquiry which is elected should given the chance to present its finding and hence publish such findings for the public to know. Thanks.

**Com. Nunow:** Thank you Benard for those views I would like to ask you one clarification question. On land you said there should be a limit as to how large a piece of land somebody could own have given a thought how much could be now for a person or how much the Constitution should allow the person to keep.

**Benard Kinyua:** On that issue I said that we should have a limit maybe the highest amount the size of land one should have should be fifty acres, because I have come to realized that we have so many people, we have a few people, individuals who are owning thousands of acres and if you happen to go to some areas rural areas you will find that we have congested people even we have some people who do not have land even when it becomes the issue of allocating the landless people it is this people, who have big land again, you find that they are scrambling for that land and taking it.

**Com. Nunow:** Thank you very much please register yourself down there. Kaburia. After Kaburia we will have Julius Kivinjji Musahuri are there Julius Kivinjji Musahuri.

**Bildad Kaburia:** Thank you Mr. Chairman this are some of the points of which I thought I should give it to you one of them is about the --- my name is Bildad Kaburia.

My first point is when the disaster strikes in this country, in the past and up to now the disaster control has been very weak in this country .Let the disaster control department be always ready and well equipped with operations appropriate apparatus to deal with the National disasters and let them have branches in every District so that if anything like fire break out they are able to contain it before it causes excessive damage.

The public days: In this country the public days should be taken in consideration, according to their meaning eg. Jamuhuri day should be a day to remember people who fought for our independence instead the day does not cater for them it caters for

other people.

The other points is about the MPs. A law should be put to ensure that MPs serve their people by taking their grievances to the Parliament and bringing back the feedback.

The other point is about the trained professionals in our country: Trained professionals in this country should be given job opportunities this is to prevent them from seeking jobs in other countries, this will ensure that Kenyans own professionals developing their country.

My last but not the least point is about the land policies: Clear land policies to ensure that everyone land is secured this is to ensure that land grabbing is reduced. Thank you.

**Com. Nunow:** Thank you very much. Thank you Bwana Kaburia kindly register yourself. BilliaMarete, Madam Bilia. Charles Mutarachi, Jagero Okoth of Egoji, ameondoka, Joseph Omachi, Juliaamekuja haya mama njoo hapa njoo nafasi yako. Oshoro Afegi, Mwangemi.

**BilliaMarete:** Mimi naitwa BilliaMarete Waihoche.

**Com. Nunow:** Utazungumza kilugha au Kiswahili

**BilliaMarete:** Kilugha.

**Com. Nunow:** Kimeru----

**BilliaMarete:** Talking in Kimeru.

**Com. Nunow:** Bwana Muriki Co-ordinator. Mr. Muriki

**BilliaMarete:** Mbitagwa Billia Marete.

**Translator:** BilliaMarete is my name.

**BilliaMarete:** Kuuma Egoji.

**Translator:** From Egoji

**BilliaMarete:** Ndienda kwariiria mauntu ma ntigwa.

**Translator:** I want to speak about widows.

**BilliaMarete:** Bantu barina thiina muno indiria into biao biatigwa niuntu batina inya ya kuumba kuthi kuthitanga ikuu, niuntu batina mbeeca.

**Translator:** Thank you a lot of problems when they are behaved they are unable to go to pursue the matter in court for the registration of the death and transfer of the property.

**BilliaMarete:** Mbeeca nyingi niciuririte bank niuntu bwa kuremwa ni kuruta niuntu bwa kuremwa kuthitanga ikuu na ithaka

ma-title meejurite kwa thirikari ndo niuntu bwa kuremwa kuthi kuruta title iu ku.

**Translator:** A lot of money is held up in the banks because they cannot access it land is also there which they cannot utilize because they cannot register and pursue the death procedures.

**BilliaMarete:** Title iu itumba guteethia no thibitari ndi kucuuria ndaajua niuntu ntina bwa kuthithia na kutibu ikurutha ku. Twina right ya kunenkerwa title iu tutithitangite niuntu into bii tucuite na mukuru wakwa kana mukuru wakwe tucuite na mwekuru wawe beena right ya kunyiithia mauntu mau batige kuthithirua process iinene nene na tutikuumba.

**Translator:** The titles for instance are held up at the banks without being transferred to the widows they cannot use them as security for medical treatment and so on, and they would like the process to be made easier.

**BilliaMarete:** point number two, ni mauntu ma biashara, biashara niuntu wa ma-licence kwithirwa ni manene muno, rimwe niuriite loan na county council I licence jiao ni nyingi muno na yaagirirwe kwithirwa iri imwe na ya thirikari imwe nikenda tuumba kuringa biashara na njira iria yaagiririte

**Translator:** Licenses are also very expensive, the procedures are too lengthy, there should be for instance one license for government and there should be one for the county council so within the procedures then they are able to do business.

**BilliaMarete:** Licence jia Nairobi na jia Meru na jia reserve ikagaanagua niuntu licence ya reserve na ya town itikari umwe untu biashara naa itikuthi weega.

**Translator:** There should be a difference in the charges for licenses for the big city licenses for the county council, town properties and also for the villages there should be a difference on the charges.

**BilliaMarete:** Chiefs, sub-chiefs, sub-areas batiina Ngugi niuntu ibatuunyirwe wiira ni polisi Ngugi iria ba cibi baarutaga na sub-areas na sub-chief jiajukiirue ni polisi kwogu bau bati Ngugi.

**Translator:** The Sub Chiefs and the sub areas their jobs have been taken over by the police they don't have any free jobs.

**BilliaMarete:** Niuntu Ngugi iria sub-area arutaga kana iria sub-chief arutaga niyo irutagwa ni polisi, polisi nibaariganirwe ni Ngugi iria baathomere, barutaga Ngugi cia reserve naa.

**Translator:** The policemen don't seem to do the job they were trained for, other than following the sub-chiefs and sub areas jobs.

**BilliaMarete:** Maacokire nchobini cia ikombe na Ngugi itina gitumi ukaringwa gweu, kugiira nini, itagwa atia, P3. mwanka riria ukaaringwa nirio ukaagira P3 oo riria ukaora nirio ukaritwa kotini. I ugakua mbere ri, utethua nuu?

**Translator:** Then in pursuing the P3 forms until somebody has recovered from injuries is not taken to court but he could die in the mean time before even going to court.

**BilliaMarete:** Tukauga mauntu ma P3 mateewe kethira immediately, muntu akuringwa kana akuthithirua buuthuku, muntu uu agwatwe worio bukagaambage kinya wiina ironda biaku.

**Translator:** Then we should do a way with P3 forms. When somebody has been injured the matter should be pursued straight away without having to follow the P3 form procedures.

**BilliaMarete:** Ta riu ta ta naarua ndagweeta mauntu mau ndaumba kurarua ku niuntu nkuumbura siri.

**Translator:** Even today now that I have spoken those things I maybe locked up because I have revealed the secrets.

**BilliaMarete:** Au angi ni licence jia antu ta ba mworoga niuntu kuti customer jii nao jياجirirwe kwithirwa iri niini nkuruki ya gwitaitia iguru naa uu. Ndiuga atiri, licence jiao, kethira ni muntu arienda mugate umwe ntuku jiiri eethirwa ni hoteri, akaariyua ngiri ithatu, na mugate juu jutiumba kwona ngiri ithatu. Kethira arajukitie loani rukaariwa ni licence.

**Translator:** There are places like Muoroga which she has mentioned where a trader or traders may not be able to sell more than a few loaves in a day, and whatever he or she makes will be used up in paying for the license. So they should be as said earlier discrimination or rather differences in charges for those trading licensing.

**BilliaMarete:** Nyoomba nyingi niingitwe niuntu bwa ma-rent kwithirwa mari iguru muno na kugatuika nyoomba iu irugaragwa antu bagakuthuka atuikire uu muthemba wa nyamu, niuntu boona thirikari ijite ni kuinga na gukuthuka kana gutiga into naau bagakuthuka, niuntu bwa licence iu buria iri nene.

**Translator:** A number of small businesses have closed down; because people cannot afford the licenses and therefore when they see the authorities is coming they just close the shops and run away.

**BilliaMarete:** Kwogu, ti ta nduka nyingi ta aa igoji iruguragwa, ta riu bukumenyewa GK jii guku guti muntu ukarugura nyoomba nibaurire.

**Translator:** For instance like now with all this GK vehicles around, some people have closed their shops and run away because of the licenses problems.

**Comm. Nuow:** Unapendekeza nini?

**BilliaMarete:** Licence iu igerie kunyiwa nikenda tuumba kugita licence na rent inyihue mbece.

**Translator:** The charges for the license should be reduced and the rent should be reduced so that they can afford and run the business like it should be done.

**BilliaMarete:** Mbeeca iu turutaga kwa county council ni nyingi muno na barabara ino jia gwetu guku nijia uurire na tutiiji mbeeca iu ithijaga ku, niuntu itithondekaga bara bara.

**Translator:** We pay a lot of taxes; the roads are not being repaired, so we wonder where the money has gone, which should have gone to the roads.

**BilliaMarete:** Ntirari na maangi, thank you.

**Translator:** I don't have anything more thank you very much.

**Com. Nunow:** Thank you Juliatafadhali andikisha pale. Do we have Charles Mutarachi Chairman wa Mau Mau hayuko. Robert Mwiti. Stanley Kinyua, Stanley utamfuata Robert subiri Robert akimaliza ni wewe.



**Robert Mwiti:** I am Robert Mwiti from Egoji. Thank you Mr. Chairman I have a few points to mention, that have not been mentioned. First I would like to give my views on the church.

There are so many churches that I have come across today and many of these churches are cults and when you read the Bible in the book of Leviticus chapter twenty and verse seventeen says that all cults, all churches that do not teach the truth should be closed. So my point here is that every with church and every unregistered church in our country today must be closed so that we can end this deception of fortune tellers and the medium.

The second point is about the family. Now many women are talking about their rights and it is good to have rights but I want to talk about one thing concerning the family. Let us have give every husband a right to be a husband in his house, every man who has a family to have the right to be the husband in the house even if you are going to have other things involved in the family let us have the husband having the right to control his family.

The last point is about prizes. Now if you go to a shop you may find that sugar is sold at 25 shillings a half a kilo, you to another shop sugar is sold at 45 shillings now let us have a stable prize on our commodities, that we may be able to buy and boost our economy.

Also on transport let us not pay 200 shillings from here to Meru town, whereas it is just only 30 kilometers, let us not pay 800 hundred shillings from here to Nairobi only two hundred and 70 kilometers. So we should have a fixed price for transport, a fixed thing that can be looked upon and that we can pay that price. So just mentioned those but a few thank you Mr. Chairman.

**Com. Nunow:** Thank you Robert for those views please sign the register. Stanley Kinyua. After Stanley we have Grevasio Babu. Kinyua endelea.

**Stanley Kinyua:** My name is Stanley Kinyua thank you Mr. Chairman. I have some few beautiful points to give.

The president of the party should be also the president of the state not where a President is in a certain party and yet he is not the Chairman of that party.

Cabinet Ministers should be elected by Parliament, not be elected by single person. I think those are my views. Thank you.

**Com. Nunow:** Thank you Stanley you could sign the register. Let us come to Egoji again. Is Ali Mark Odongo there? Michael Dorias, Benson Mutia, Paul Gitau, Peter Jamba, Joseph Njagi, okay I would rather say any Egoji, shall I give you members who would like to talk the two of you three of you. Joseph from Egoji I already given the first chance, then you the two of you will be after I give two chances to other people. Tell us your names then you proceed.

**Reuben Sikole Wehomba:** I am Reuben Sikole Wehomba. I want just to highlight a few Constitutional Review points.

The first one is that the Vice President should be elected by members of the Parliament not to be appointed by the President.

Second point is about the local government whereby the word or Civic Seats should be further be subdivided to cater for

increasing populations but not to put them together as they are doing right now.

Okay on the sides of agriculture crops especially maize whereby the Kenya seed Company is selling maize seeds at around one thousand three hundred, per ten KGs, and yet ten kilogrammes of maize from farmers is only around Kenya shillings a hundred, so the seed should be sold fairly.

Okay the other point is that the Constituencies should be increased in Kenya to cater and have a representation of minor communities.

The other point is that nominated members of Parliament should come from minority communities which have no representation in the Parliament.

The other point is that money for registration in civic seats should be reduced so that ordinary wananchi can choose a person who can understand their problems without straining.

Kenyans should be fully informed over the criteria on which workers are being retrenched.

The other one is that all workers in Kenya should retire at the stated ages, to avoiding contracts so that other young active Kenyans can take over.

The other one the Kenyans government should set salary minimum for home workers e.g maids.

Increased National schools for all poor Kenyans who excel highly so that the government can cater for them and provide for them so that they may enjoy the privileges of excelling.

The other one is incase of any child labour force then the government to set the minimum salary paid for these group of people because they are being employed while they are young and they are being overworked not to receive the paying worthy their effort.

The court fines and (inudible) should be used to develop the source in which the money is being gotten from.

Men should not marry more than three women, because we see that men sometimes go to an extent of having wives as slaves in their homes. I had only these views. Thank you.

**Com. Nunow:** Thank you Bwana Wehomba if you have prepared some material you could leave with us either way you sign the register for us. Then after you we shall have David Kinuthia. Okay.

**Geoffrey Onyego:** I am Geoffrey Onyego from Egoji Teachers college and before I say anything I would like to congratulate professor Ghai for being appointed to head this Commission. Actually we have been hearing about you and reading about you on Newspapers but today we are privileged that you have come to this place so congratulation. We also wish that you could remain in that post until the end of this exercise because Commissions have been set up in this country and even before we get or we see the fruit of such commissions the Chairmen disappear what I mean is that they get sacked .

And now down to business, a teacher trainee in primary teachers training colleges should be paid as before while in teaching

practice. Now you find that we go for teaching practice for a bout six to eight weeks and during this exercise we need money to buy what we call teaching aids and some of us infact comes from very poor families, in that even, transport means from this college we only gets such means through God's grace. I don't see any reason why people from some other colleges are paid for example now Kagumo Teachers Training College, Kenya Science they are paid when they are in teaching practice they are paid forty two ninety per month and we are not given even a single cent. Infact teaching practice has become more expensive to the teacher trainees even than to the government.

The government should re-check it decision to abolish some subjects, for example business education and agriculture. Now agriculture being the backbone of our economy should be given first priority, because I don't see how we can get vetinary officers even accountants in future if they don't have that background knowledge in business education. The Constitution also should check on the Presidential tours. Such tours are expensive and the expenses are met by the tax there so that in future we have a national leader and not an international tourists. Also the President should hold one office, for example now our current President is holding so many offices is the commander in chief of the armed forces is the Chancellor of the four public universities and such big title means much money. The salaries could be used to employ for example the salary of the Commander in Chief of the armed forces can be used to employ fifteen to twenty teachers. Also the President should not be above the law. All of us should be equal before the law because if we continue with this things that the President is above the law then in future we shall have President who are more corrupt than corruption itself because they will be protected by the law. Also the President should sign all bills that are passed by the National Assemble because such bills pass through many stages there is the first reading the second reading then we have the committee stage the third reading then the Presidential asset then I don't see any reason as to why the President could wish to refuse to sign such a bill to become an act of Parliament if it has gone through all the stages . It has gone through four stages the Attorney General has gone through the papers the house has gone through the bill, and now when it reaches to the President I don't see why he should refuse it.

Also the Directors and Chairman of sensitive posts in Kenya should be appointed by Parliament. For example the Director of the Kenya Anti-corruption Authority he should be elected by Parliament so that we don't give the President much power to appoint and disappoint people at his own convenient times. Also such appointments should made from the office not somebody's home.

Now, NSSF i.e National Social Security Fund, we have seen in the past people who are sacked even before they attain the age of 50 and if somebody is sacked at the age of may be 30 or 40 years, he is being forced to wait until he attains the age of 50 before he is given his due by the NSSF. Therefore, the Constitution should check on that, if somebody has been sacked, let him go direct to the NSSF and receive his money.

Also something on bursary funds. Some of this money go to the children of prominent people. They don't get to the poor members of the society. Only children of chiefs, headmasters even education officers, benefit from these funds.

Prisoners should be allowed to vote, because our national leaders including the President are leading even those prisoners. So they should be allowed to vote because the current Constitution bars them from voting. Jobs should be equally distributed among the Kenyan communities. If I may give an example the Ministry of Education where we have the minister, the Permanent Secretary and the Teachers Service Commission boss because they come from the same community. So the Constitution should check on that. Otherwise, thank you very much.

**Com. Nunow:** Thank you, thank you Geoffrey. Please register yourself. Egoji. Which school is that in yellow? Okay St. Lucy's okay. Julius Kiriji Mutamburi? Nilikua nimekuita, so you had gone out isn't it and came back? I called severally. Okay after her yeah, okay.

**Dorcas Mayeko:** I was here but I went out so my name was called before. I am Mayeko n. Dorcas from Egoji TTC.

**Com. Nunow:** Ma?

**Dorcas: Mayeko.** Okay I will give out my views on how this Constitution should be. The power should be given to the legislature that is the parliament because when you look at the Constitution these days, most of the powers has been given to the President. Giving power to do anything if you can feel at any time, you can wake up in the morning and say I want to dissolve the cabinet, ministers, something like that. So that the power, most of the powers should be removed from the president and given to the parliament.

Then about the political parties. The number of political parties be reduced up to three because of the following reasons. You know every community is almost having its own political party and this is dividing the Kenyans. We have to leave in Kenya as a family not that we have different communities. So we should have three political parties and every political party should have popularity. Will be given finance by the government with the conditions that is popular and it is following the underlined rules. And also the head of these political parties should have a code of good conduct and they should have to see if they qualify to be the heads.

There about security in Kenya, we have a problem there. For example there was Nairobi bomb, it was August that year because we don't have security in Kenya and you know the people who are suffering are the common people. We are the ones suffering. So I would suggest that all those in security and defense should be accountable to the parliament. So in case of anything, how did these people pass the boarder? These people should come to parliament and if they are found guilty, they should be thrown out of power. How can they risk lives of all Kenyans. So that one should be checked.

Something else about the appointment of the top people like the Permanent Secretary. You know we have this problem because if someone is in Meru, he qualifies to be a Permanent Secretary, he qualifies to be a PC, he qualifies to be a DC, yet he

is not known by the president. Definitely he will be suppressed from the grassroots and we will never know that we have such people in our community. So we should have an application. If they want a PC, if they want a DC, if they want a Permanent Secretary, we make applications. This application should be looked into by the Commission, which should include some of the MPs in parliament, a Commission of five. Then after they have gone through the application, interview the people, then they can be taken back to parliament. That equalizes all Kenyans. Everyone should have access because this is our country, it is not one man's country. We should distribute, if we have the bread we have to equally distribute it.

Something else about, I suggest that money should not be used during campaigns. We are wasting a lot of money during campaigns. That money should be given even to the disabled and help other people because that is one way of corruption if you buy my vote by giving me a kilo of sugar definitely that is corruption so and also use of money make some people not able to participate because they fear that maybe they don't have money to give people so that they can be able to be voted for. So we should be disqualify the use of money during campaign we want good people we don't want money.

All amendments of the Constitution should be made by the people this is our country and everyone knows where the shoe pinches most. I thank God because there is another money who is here he talked most where his shoe pinches. So any kind of amendment be it minor be it major, should be made by the people through National Referendum like this. In this referendum should be made by the church leaders because this Commission is a waiting a lot of people we have Commission of inquiry which I don't know they don't come out the report that it should or valid so this referendum should be hold by the church leaders and the report should be followed to make sure that it is valid.

Okay something else, we have problems of justice in Kenya, I was suggesting that we have one public lawyer because someone like me if I have a problem or maybe I have been not prone to the justice we should have this public lawyer I am saying a public, lawyer so that he is paid by the public to represent the people who are not able in their cases.

Also Ministers should be appointed on qualification, like now you see someone is today in Tourism tomorrow is I don't know education the day I don't know these people don't qualify because if I have not don't business and I go in that department that includes that business they bring those what are they trial balances, trade and profit account I don't know how to balance, it is very easy for these people to con me so they should be appointed for qualification and there should not be reshuffles which are meaningless.

About street children these are problem because in Nairobi they can easily rob you or do anything to you. They should find a way of rehabilitating these children and taking them to school there yes, they should be taken to school so that we should reduce that problem.

Something else about AIDs. Uganda had done something good to reduce the spread of AIDs I think in Kenya also have to do

that. People should be, it is my suggestion the people should be examined so that I know that I am positive when you come to me I show you certificate and this will reduce make people fear, because living in ignorance is something very bad, we have to know who has it and who doesn't so that you may be able to know.

And another thing is application of vacancies in college like nursing is still hectic to the youth. Because you are told you are applying with five hundred shillings to the Director I don't who then after you have applied you are not chosen you have wasted your five hundred shillings you come from a very poor family your father has struggled to get that five hundred shillings yet you are not taken in that college it is very painful. So application has to be free and nursing has a lot of corruption so vacancies should be distributed the vacancies should be distributed according to the District. If they are taking a certain number from this District let it be so and not let us not have corruption in the distribution of the vacancies.

Another thing is getting a passport or the visa to go abroad, is really a problem because even booking all appointments to say what you want is a problem so we should have a clear a channel so that every Kenyan should be able to access, so that you might get all the rights that you deserve. Thank you very much.

**Com. Nunow:** Thank you Dorcas, I think you have presented yourself very well please sign the register. And or David I called you before David you Kirinji.

**David Kinot:** These are the my colleague presented earlier but there are some views that I want to make clear. I want to say---- My name is David Kinot M'arimi.

My first recommendation is that, government ministers should not be reshuffled from one ministry to another. I mean that, if a Minister is appointed and he happens to fail in his duty he must be sucked there and there through the Parliament because taking somebody who has failed to another ministry will cripple that ministry there must there should be no reshuffle.

Democracy cannot thrive where the media is not independent, because I usually get views through the media and therefore I want to say that media should be independent and they should be allowed to regulate themselves for that reason I want to suggest that even the private radios and T.V stations they should be allowed to report to every part of the country, should not be restricted to any certain area. So government should not be allowed to interfere with the media.

I want to talk of employment opportunity I want to say that every Kenyan who has been trained in a public institution should be entitled to the right to employment. If the government refuse to employ them then they should be given at least fifty percent of their salaries, that fifty percent should be equaled to what they would have as fifty percent of their basic that they would have, had they been employed.

Because the people who are in Kenya the citizens are the people who have power the Constitution should make sure, that in

order to possess that power the Constitution of Kenya should allow for a referendum.

Although we want the MPs to be given more powers, I want to make – I have noted that since they are given excessive one they can misuse it, because everybody can turn to be a dictator if it is not checked. For that reason the salaries for MPs should be decided by an independent body and they not be allowed to decide their own salaries.

I want also to talk about the Constitution of Kenya that is number six. The Constitution should be written in both English and Kiswahili so that every Kenyan can be able to read and understand it.

The appointment of Ambassador, Permanent Secretary, Provision Commissioners and Head of institutions and Parastatals should be vetted by Parliament.

Another point is the Head of state should not be the Chancellor of state universities. There should be rigid rules of appointing the Chancellor and Vice Chancellor of state universities and I want to suggest that the procedure used by private universities could be applied if found to be appropriate.

I want to say that there should be a provision for the impeachment of the President, his Deputy the Prime Minister and his Deputy for malpractices or misuse of their offices.

The Parliament when carrying out the impeachment should seek for that purpose and be on oath. Chief Justice should preside on the trial if found guilty Parliament should have the power to remove them from the office.

The duration of the office of the President, Vice President, Prime Minister and Deputy Prime Minister should be provided in the Constitution, when it until end and when the terms of the successors will begin.

If the President elect dies before his terms of office begins the Vice President elect shall become the President. The Parliament should have power to choose a new Vice President whenever incumbent Vice President takes over as President. For example in case of President has been removed from the office then the Vice President shall become the President. Parliament shall appoint a new Vice President who shall take office upon confirmation by majority of members of Parliament and remains in the office until subsequent elections..

The governments spending should be controlled the extravagant and luxury on public funds should be stopped, entering on state visit whether within the country or outside should be based on those concern with the matter of the visit only. Government facilities should not be used for political campaign for candidate.

I want to say that Presidential candidates who receives over 50% of the cast vote in the whole country should be declared the winner. In case no candidates receives 50% of the total vote cast a run off should be held of two candidates with the toughest

vote and the candidate who obtain the highest in the run off should be the winner.

The current 25% representation in at least five Provinces should be discarded.

I want also to say that the votes for Presidential candidates, members of Parliament and Councilors, should be counted at the polling stations, the results should be verified and certified by the presiding officers and candidates appointed agents. Agents should be supplied with the copies of the result on behalf of their principles. Let me say that those were the views I know I have decided to repeat some of the things which were not directed by the Chairman of Kianjogu when he was presenting let me say that in conclusion we hope the Constitution Review Commission will be fair in his recommendation and not allow the views of wananchi to be ground. Thank you.

**Com. Nunow:** Thank you Mr. Mutaribi. Kindly sign the register and let us have the copy of the memorandum. Yes Bwana Julius Kivinja.

**Julius Kivinja:** The Chairman of the Commission. Majina yangu ni former Councillors Julius Kivenji M'aburi nilikuwa Councilor wa the current Egoji division miaka mingi iliyopita. Nataka kushukuru sana. I want to thank the Commission for giving us this opportunity. Mine actually I have put in the summary form and I have put it in twelve I mean in sub sections which are more less comparing with the former Constitution or our current Constitution which I think I read 20 years ago.

Actually I under observation. When the Commission started Bwana Chairman it would have been very fair to Kenyans if you took the cost of producing the former Constitution to be showed to the wananchi before they give their views. I am basing my views from what I read twenty years ago in that particular booklet because I had the chance of seeing it depending on the job I was doing there before.

My points are based on twelve sections. I am going to talk on land, Local government, Central government, Districts, Education, Employment, Provincial Administration, Government services, Health services, Judiciary, Hero's monuments, future heroes, taxation in Kenya, twelve points and allowed I have put them very shortly in a very short form and I think the Commission will get my point.

Land: Idle land be taxed heavily, idle land in Kenya should be taxed very heavily.

State land: State land given to individual be reclaimed as if fully developed be leased for specific period and rates paid accordingly.

State land: Freehold leasehold state land etc be planned a fresh so that we can have settlement farming and grazing areas properly defined.

Subdivision of land: Subdivision of land in the Kenya should be discouraged to the minimum because they are coming out not to be economical.



Section two, Local councils: First I am saying Local government should be strengthened in the country to be the bases of administration of Kenya local councils should be strengthened.

Chairman and Mayor be elected by electorate.

Central government: President should be head of state for two five year terms.

A prime Minister, head of government elected by MPs every five years.

Vice President be elected directly by Kenyans, for a term of five years.

Districts: Kenya should revert to 42 Districts as we are 42 tribes. I don't need to elaborate that is the sense I can see because time immemorial we have lived in harmony when things were set in that manner, let us forget this political Districts let us have our 42 Districts back as per the 42 tribes.

Education: I am proposing free education to Kenyan children to the highest level a student will ever go that is the inherit age you can leave to our children. So education should be free and a student should be allowed free education to the highest level one is able to achieve.

Employment: Employment, either way should be by merit not others by merit it means by your qualification. let you be interviewed and be employed by merit. Lower cadre of our people should now join the community duties supervised by government. By that I mean I am trying to lower cadre whoever has not been able to perform beyond form four or whatever, should now go to this other communal duties which should be supervised by government, so that we can have fairness distribution of our children to good jobs without discrimination, that higher achieving students let them be employed by their merit.

Provincial Administration must be scrapped in Kenya be replaced by strong council.

Government services: Government should be equivalent to revenue raised in that particular area crush programme by central government for marginal area like irrigation of our very beautiful land, which are lying idle it can be arable, but we don't have water and we have water in the excess in Kenya so those will be crush programmes by the government, to see that those marginal areas are irrigated so that it can be arable.

Health: Every Kenya contribute to a National Hospital Insurance Fund, for their treatment by that I mean it would be ratio, every Kenyan who contribute that fund but by ratio surely an MP whose blowing five hundred thousand shillings should not pay the same with the person at Egoji who earns less than a dollar a day. So we shall pay by ratio, but when it comes to treatment we shall be treated equally sickness doesn't have boundaries right. A person who is managing to go to Nairobi hospital to get

the scan is because he can afford, but surely from Egoji at has a similar ailment but he doesn't have the money should go to Nairobi Hospital through a fund in the Central government and National Hospital Insurance fund although he contributed only a hundred shillings when his other comrade earning a half a million a month contributed a hundred thousand shillings. That is what I have in mind on health.

Judiciary: The Judiciary should be independent I am saying it should be independent because it is already described in our current Constitution. All it needs is to be enforced so Judiciary should be independent.

No Kenyan should be above the law. No Kenyan should be above the law by that I think you understand what I mean I think if it goes in the Constitution, it will clear some fears we have been having to not seeing the bad which have been in the country.

Hero's Monuments: Kenya as a country was fought for from the colonizer and we with all due respect it is very unfair indeed if one does the good thing and is never recognized and remembering --- you remember Washington in America why not Kenya. By that I mean Hero's, monument should be set a side at uhuru park next to Parliament at the freedom corner to remember Heros, like Kimath, Mathenge, Mwariama, Kagia, Ngei , Oneko, Kuvai, Jomo Kenyatta is already remembered next to Parliament but he is among the Hero's Karumba, Oginga Odinga, Gichuru, Oya, Pinton, Muliro, Oleko and our first detainee Mr. Harry Thuku he was the first detainee in Kenya back 1922, he should be remembered. By the I am proposing we as Kenyans recommends whenever they are buried,because we know their sites be moved to uhuru park. Those who are still a life when they die please it would be in our Constitution that they join the other in the Hero monuments and extra by extra I mean I am requesting of Parliament to check on other names which I have not mention in my proposal so that they can be included. Future Hero's should be also be notices all over the country by Parliament and be put in our monuments for future generation.

Last point I had was on taxation: Kenyans are heavily taxed but we don't get the results of those taxes. I am proposing that future taxes be passed on to production not on finished goods. What I am sensing here is that, if Kenya can make use of their land because it is our backbone, surely we shall produce more, for consumption and export. Those products, our Parliament should sit down and base taxation on those production and finished goods reach will the common mwananchi sold at the one shilling is aware about, rather than getting salt to pay at one shilling tomorrow, the very poor peasant is getting at two shillings. Thank you very much those are the views I had for the Commission. Thank you very much.

Com. Nunow: Okay thank you Mtamburi for those views please if you sign the register for us. Hellen Murungi:

Hellen Murungi: My names are Hellen .K. Murungi. Thank you Bwana Chairman are most of them has been said and so I went to counseling those points I had in mind. Now the few points that I have are I am suggesting that in the Constitution you are making we should see all the students to the highest education if not free education as most of my colleague have said they should be given loans for the highest level even if they are going for their masters or any other degrees.

The Judiciary in the country has a lot of law in it if we can change the Judiciary cannot exploit the common mwananchi as the present one has done. This one I mean, when we have cases in our courts the lawyers two lawyers the complainant and the defendant, their lawyers will go and collaborate they have been doing they collaborate they charge their clients, they charge and charge and they share that kind. I think it is a root and they keep the cases pending and eventually they will dismiss the case and favour the candidate who will produce more.

The other point is the land issue: We have heard before that land grabbed in corrupt manners, should be reclaimed if any case the government can own that land and in future share it to landless.

The one is the children bill: If the children's in the streets are to be catered for, I think this bill also should be made into a law, where our children will have fathers all the children have fathers and the children of prominent men are just loitering in the street, because the mothers of this children cannot be defended by the present law. The future law should defend them they can have a lawyer for them whom they can go and confide to my child is a ministered child is so and so and this minister can be compelled to care for this child whether in the home or even outside the home.

The President should not be above the law in the next Constitution we should have a President who can also be carpeted and be dealt with if need be.

The other one is retirement benefits: When our people retire they don't get their benefits as easily as it is published in the papers now and then. The people suffer a lot and looking at the system in this country most of the retirees are the people who went to the schools during the colonial times and they were not young when they started working so they ended up by having children even in the retirement and the children needed to be cared for and when they retired they stayed for three five years their children just don't acquire and also the people themselves don't benefit. Most of them die before they get their pension because of frustrations and this money when even they follow it one speaker earlier said the papers are not in file the papers you have not paid your tax since you were employed at thirty five years ago ----- and eventual three years later they claim you paid your tax but their government has no money, so people end up waiting for some more years for the government to get money to pay them.

The job opportunity is another point: The job opportunity should be on merit. Most of us are parents we have seen qualified kids who are at home without job and very many other and qualified kids, because they belong to a certain community or they are what we are calling God father parents, they are enjoying this jobs they are enjoying training they are enjoying even the --- see it as the bursaries while brilliant kids from poor families from people who are not known in this community, just withion and not at home.

The private sector that is another point, the private sector should exploit the employees.

In the present government, we noticed that when the uchumi iko mbaya even the companies that are doing very well they tell

their employees uchumi imekwenda mbaya no increment in salaries and the working hours have been increased, the means of transport is not there, in our country we also know there is a lot of robbery and theft you may see people who work until nine or even midnight, and they expected to go to their premises especially from the big towns they are expected to go to their premises after any time after eight on their own.

The services earlier were that the companies were even supplying the means of transport to the resident to their workers resident, this days they go by the mercies of God so we end up by having a lot of our people being killed and locked and the others loosing their jobs because of security.

The Constitution should give us the cover, where the private sector or the government sector should take care of the employees. And with this few remarks I say thank you very much.

**Com. Nunow:** Thank you Hellen Murungi for those views please sign the register and then I will call Salome Karimi Nziga, okay then Joseph Omachi is he there, now I think I will have to go systematically and if you are not there when I call you, you will probably you will have to wait until I reach --- Joseph is not there, Oshona Sidi, Mutembei Phelix, Mark Odongo, Benson Mutie, Benson you want to speak, okay, Paul Gitau, Peter Jamba, Joseph Njagi. Okay continue.

**Benson Mutie:** Thank you officials. My name is Benson Mutie. So I had several points but many of them have been phased out by my colleague but I have one here to relying on .

It is about sharing and distribution of the ---- foreign aidso the available facilities or the aid that you we given should be shared in affair manner to all citizen regardless of their political status either the people at home the aid should be given are the opposition or are to the ruling party because they are all Kenyans and have the right to enjoy the available facilities and ----

**Com. Nunow:** Okay thank you please sign the register. Julius Maina , after Julius you have Jacob Munga. Are you the Jacob. Julius Kezia, Muita Samuel okay after you.

**Julius Maina:** So I am Julius Maina and I first take this opportunity to say thank you to the Commission for having availed themselves to meet us this day. Upon my personal views I find that a Commission should be formed to keep an eye on the Parliamentarian so that if they prove dormant in their own areas of jurisdiction, or their constituencies, the members can recall them and appoint others.

Every citizen should have a chance or exercise his freedom of speech and movement in trying to see personally some of the government officials incase of need regardless of the official status or place of resident so long as the individual alerts them in

advance.

The government leaders should make good use of official languages, that is Kiswahili while they are addressing public and that they should avoid use of colloquial language that in turn causes indifference amongst people. Those whom solicit for favour will always try to speak in favour of themselves abusing and using some other languages that are not well tamed.

Salary scheme should be advanced effectively as per the inflation of the Kenyan currency. That is to mean the salary should be directly proportional to the changing Kenyan currency for one to meet his necessities with the relevant ease, because you find that as the currency rises they fail also to raise the salaries that one was entitled to have, and therefore forcing a very big problem in the Kenyan citizens.

There should be rules stipulated by the parliament governing the qualification of certain areas of administration, to be formed, for instance we have the emergency of various Districts, Divisions and even cities but with all these we don't have the rules that guarantee them to becoming one. You find that an area can be termed as a new District formed having not met given the necessities of a District.

The government should be very vigilant as it gives its terms or as it gives its consent on various requests given by citizens for instance the civil servant give their request giving an example of teachers who had been promised their salaries rise and with that the government failed to keep their terms, that promising some issue that are not fruitful at all.

The retirement of civil servant should be based on the career one is entitled to carry out and that giving varying retirement ages. You find that there are some careers that one can undertake regardless over a quiet number of age and he retires at an age of about 55 years, while he is potential enough to carry on with his work.

Another one is that anyone who vie for Presidential seat, have been attained the age of 70 to me he should not be allowed because in future he might end up having what we call mental dormancy whereby he can fail to recall what he has talked the term he has given out and that causing a lot of mis-conveniences to the rest of the Kenyans.

And then the recruitment of trainees of various sectors should be guaranteed to a job or else the government should be free to recruiting them.

There shouldn't be death penalty. Thank you that is all what I had.

**Com. Nunow:** Thank you Main just hold on for clarification.

**Com. Lenaola:** Thank you Julius you are saying the President must not be over 70 year and must not be below how many

years?

**Julius Maina:** 35years.

**Com. Nunow:** Thank you please sign the register. That is Muite Samuel okay, Daniel Kioko? Daniel Kioko.

**Muita Samuel:** Shukrani Bwana mwenye kiti ingawa mengi yametajwa langu ingekuwa ni kuzizitisa iliongelewa kwa majina ni Muita Samuel. Kwa mfano nguvu za Rais zinatakikana zipunguzwe na kazi nyingi alizonazo maana, yake kuna wengi ambao wanahitaji kazi na huku hawana.

La pili katika vyuo vya kufundisha ma-officer wa serikali, nafikiri pale kulipwa au kununuliwa vitu mbali mbali kama, vile labda rangi ya viatu dawa ya meno na kadhalika lakini na huko walipi hela yeyote wakati wanapojuunga na vyuo hivyo, na ili hali hiyo vingine kama vya walimu vya kufundisha madakitari hulipa hela ndefu, ile hawawezi wakalipwa nao ama kupewa kitu ama kuzaidiwa kama hao ma-officer wa serikali wanavyosaidiwa ama police wa utawala.

Pia katika ili jambo ya ukabila ingekuwa ni vizuri mfanyi kazi yeyote yule wa serikali aweza akafanya kazi upande ule wote wa nchi siyo kwamba lazima afanye nyumbani nafikiri kitambu ilikuwa mwalimu unaweza labda hukumaliza masomo yako kama daktari ukapelekwa katika wilaya ambayo iko mbali na kwenu ili uweze kuhudumia pale lakini siku hizi naona unapomaliza unaambiwa uende kufanya kazi nyumbani na hii ndiyo inayoleta hii shida ya ukabila ama idhara ya ukabila.

La tatu ni kwamba nafikiri hapa Kenya kuna makabila karibu ama zaidi ya makabila arobaine na mbili lakini unakuta kwamba katika serikali unaweza ukakutwa kwamba Raisi ameweza kuteua ama kuchagua mawaziri wake katika kabila moja labda mawaziri wanne ama watatu kutoka kwa kabila moja. Kwa nini asichukuwe waziri katika kila kabila halafu ambao makabila watakuwa wamebaki wapatiwe waziri ambaye anaweza kuwa anamuzaidia ili kila kabila ijisikie kama kwaba ni wakenya.

Halafu kuna hii hoja pia ulikuja kuongelewa wenzangu kuhusiana utawala wa serikali kutoka kwa mkuu wa mkoa hadi kwenye kata. Inatakikana hakika watawala wanaotawaliwa watawaliwe na mtu wanao mpenda inatakikana wachaguliwe siyo kufanya ama kuchukuliwa na serikali kutoka juu hii inatakikana watu wenyewe wapendekeze kwamba wao ndio watawala. Hapo katika kuna hii dhana ya kuchukuwa kila wakati labda kukiwa na jambo gumu unakuta labda Raisi anasema kwamba ataenda kuwakikisha kwamba anapendekeza Tume itakayoangalia jambo fulani, na hilo jambo unakuta ni ndogo sana labda ingekuwa ni katika wizara namwita katibu katika hiyo wizara wanamaliza lakini utakuta kwamba anachaguwa Tume kama ya watu kumi na tano na hii ni uharibivu wa rasilimali kitu kama hicho kinatakikana kiangaliwe sana.

Halafu wa-kenya wemeshindwa kuelewe umri hasa wa kufanya kazi mara wengine wanasema mwendo wa 55 mtu akifikisha miaka 55 ameenda amekaa nyumbani, mda asio mrefu unasikia wanasema aliyekuwa ama ---- amechaguliwa tena kuongoza sehemu fulani na hali kuna watu wanao kaa nyumbani na hawana kazi sasa inamanisha hakukuwa amestaafu vile alienda akafika nje tena akarudi kuja kwa serikali. Sasa Bwana hayo ndiyo niliyokuwa nayo kwa ya leo nashukuru.

**Com. Nunow:** Asante sana Muite Samuel umesema every type should be given a ministerial post those will be very many ministers.

**Samuel Muite:** I have said that if there are twenty Ministers we can give twenty tribes then twenty assistance Ministers for the incoming election then you can interchange.

**Com. Nunow:** How ----

**Samuel Muite :** Should be 55 years but not after retiring then he come again that is there to stand for another ---

**Com. Nunow:** So onces they retired they should not be employed again.

**Samuel Muite:** Yes, not just to come as if there is nobody who can stand is that post.

**Com. Nunow:** Okay thank you. Lucy Marete you will speak. Lucy Marete from st. Lucy's, Mary Kanatha? Alex Mutungwa Wa Egoji, Timothy Rugendo okay.

**Tomothy Rugendo:** Mimi jina yangu ni Timothy Rugendo. Maoni yangu ni mengi lakini nitazungumza kwa machache. Kitu ya kwanza ile mimi naona ni njia Kenya ya kesho ni biashara ya usherati nchini Kenya inaendeshwa kwa kimagendo, si biashara iko na license si biashara ina---- na hiyo magendo hiyo biashara ndiyo inachangia watoto tunaita chokora, hawa chokora juzi kulikuwa na kipindi kwa radio wanasumbua watu lakini hakuna mtu anauliza hawa chokora wanatoka wapi.

Chokora wanatoka kwa hii biashara ya black market ya usherati. Usharati si biashara ya mwafrika wafrika ----wale wako na miaka hamsini wanajua kwamba hapa Kenya hatukukuwa na mambo ya usherati imeletwa na wegini kwa hivyo Kenya ya kesho na sasa hiyo biashara ipigwe marufuku na ukipatikana na mwanamke kwa nyumba yako na si bibi yako unafainiwa kutoka shillingi mia mbili mpaka elfu tano hii biashara si inaendeshwa na watu maskini wengi ni matajiri ukiwa tajiri unalipa elfu tano hiyo peza inaenda kulipia chokora chakula na shule.

Ile ingine ni Kenya yetu hatuna watu wenye na nguvu watoto wetu ni goigoi wasichana wanaume sababu hawakunywi maziwa ya mama yao ya kutosha. Wanawake walienda kwa wote walingia kwa kazi, kutoka sa mbili mpaka sasaba ya usiku mtoto anyonyi anawachwa na maid analia mpaka ana konda, hiyo kazi ya overtime kwa wanawake Kenya upigwe marufuku kwa Kenya ya kesho.

Ingingine ni kutenganisha bibi na bwana Serikali haipasi kuingilia bibi na bwana jambo la bibi na bwana lipewe hii watu tunaitwa Muerega ama clans sababu hata kitabu ya mungu inasema bibi na bwana ni kitu kimoja na huwezi tenganisha. Ukitenganisha bibi na bwana huyu aende hivi na yule aende vile hapo mwishowe kutakuwa hii ni mradi tu sasa wa kuongeza wale chokora bibi atakuwa upande wake anapata watoto wale watoto hawana baba nyumba ni masiba ya msumbari sababu hawezi kukaa nao bwana anaenda kutafuta wake wale watoto atapata kule watakuwa wanawekwa kwa mapipa ya msumbari na hiyo ile mlango ya chokora wale tulikuwa tunasema wanaongezeka sasa ninaonelea jambo la bibi na bwana iwachiwe Muerega ama clan.

Ingingine ni biashara. Biashara inatakiwa kila mkenya wa kesho ukiwa na nguvu ya kutosha kama ni Chai peleka yako ng'ambo upate pesa ya kigeni uletee watu wako kama ni Kahawa, peleka mbali kama America, Lybia nchi za kiarabu unaletea watu wako pesa ya kigeni kuliko kungoja Kahawa iuze na serikali na hautapata kitu Kawawa iuze na shirika na hautapata kitu.

Ingingine ni jambo la wana-jeshi ama walindaji, walinda nchi. Police, A.Ps jeshi la wana hewa, jeshi la nchi kavu hawa watu wasifutwe kazi, wajengewe cell zao wajengewe magereza yao akifanya makosa afungwe huko akimaliza arudi kwa kazi, sababu akirudi kwa raia ndiyo anakuja kuangaiisha watu atakuwa mkora ile ujuzi alipata kwa jeshi ndiyo atakuja atumie kwa raia atatumia kwa banki apate chakula, atumie kuwapora wananchi pesa ndio apate chakula kwa hivyo Kenya ya kasho kuzuia hii mwana jeshi, police hawa watu akifanya makosa afungwe huko akimaliza arudi kwa kazi.

Lingini ni jambo la hii watu wanaitwa chokora wale wadogo wakuzaliwa kutoka 1990 wapelekwe shule na kuundwe kikosi maalumu ya kuchunga hawa watoto au hii kikosi kitakuwa inapata mshahara yako kutokana na wale watapatikana na hatia ya kuendesha umalaya. Ukipatikana na umalaya, hiyo faini utalipa ndiyo itakuwa ina peleka wale watoto shule.

**Mshahara:** Kenya kulingana na economy yake hakuna mwananchi ana uwezo wa kupata mshahara shilling elfu mia moja. Mtu wa mwisho hapa kwetu ni shilling hamsini na chakula ya ishirini hizo ni sabini. Sasa huyu anapata elfu mia moja mshahara kwa mwezi yeye ni Mungu? Tunataka kuwekwe mshahara chini ya elfu mia moja kulingana na economy, si watu wengine wanapata mshahara hata unashindwa yeye kama hutembea dunia hii. Na kwa haya kidogo, mimi nimemaliza yangu na asante.

**Com. Nunow:** Asante Timothy Rugendo. Geoffery, after Geoffrey we will have Kirima Meshak--.

Geoffrey Joseph: Thank you, much have been said my names are Geoffrey Keli Joseph. Much has been said but I have got some few recommendations.

First according to my views I do think that the Constitutional Review should take into account the following.

Job specialization: Most of this goes to all Civil Servant these are the people who are working for the government. We can see that most of them especially the Doctors are working in the government hospitals as long as they are still working for their



own hospitals. So I do think that these people have to specialize either to work in government or to go and do their own jobs.

Secondly is about corruption and mine specifically goes to the traffic police. The law should be passed governing bribery received by the traffic police. We have had the cases either witnessed where the police himself checking the right number of accommodation for a certain vehicle they hold you receive money and they say and they said it is money for the President we do wonder whether these people are the one set to control the road accident, or what is not happening so I do think government should take note of that.

The other thing is that I do think that the law should be passed by the public service commission governing salaries of the MPs. If only after the replacement we heard that in the Parliament the MPs they passed a motion for the increment of their salaries, and it was passed and even the President had no obligation. Really does the government retrenchment people to increase the salaries of the MPs or what is going on?

There should be a law governing MPs who are just but mere sit warmers in the Parliament. There are these MPs who does not participate in discussion in the Parliament. They do just go there they sit there they wait for the next Parliamentary election that is when they will be seen by their own people. I do think these MPs should be chased from the house and by-election be held for that same Constitution.

I do propose that there should be a law protecting the girl child. We have had a boy is impregnating a girl then he neglects to marry her we do wonder even people who are in the government very big people they do mistreat these young girls, I do think that there should be a law when a boy or anybody in pregnant a girl he has the mandate to take care of he baby and even the mother. Thank you.

**Com. Nunow:** Thank you Keli for those views please sign the register. Meshack Kirema. Do we have Joseph of Egoji is he there? Orondo John after you.

**Meshack Kirema:** Thank you Mr. Chairman I am Meshack Kirema. My first recommendation is on the powers of the President .

I hereby recommending that the powers of the President should be reduced because in the current Constitution what we see is that the President has much powers similar to what the UN called the veto powers he has the power to discard any decision that has been made. For example if the bill has been passed in the Parliament as a law, he is the last person to put accent to that bill to become a law or to be gazetted but in some instances you find that the President if he refuses to sign that bill, it cannot become a law and we know that the Legislators or the MPs are the representative of the people in the republic and what they pass is what should apply to the Kenyans and it should be passed as a law.

The second point is that to reduce the powers of the President, a post of prime Minister should be created and the Prime Minister should come from the opposition parties.

On the side of job opportunities or holding post in various government sectors or in Parastatals, nobody should own more than one post in the working sections. For example you find somebody is holding more than posts or he is working in different sectors and he is earning salaries from all those sectors whereas we have many people who are jobless. So to reduce the instance of unemployment people should be restricted to work on only one sector .

When we come to justice in Court, I do recommend that justice should be exercised in court because what we find in most cases is that the minority or the poor people are being victimized you find that somebody who is very poor after committing a very minute offence he is oppressed he has sentenced for so many years, whereas there is somebody who has embezzled the public fund or somebody who has made a certain company to collapse or somebody who has committed murder because he has that power or because he is of the affluent class he is set free without any charges. So I do recommend that in court justice should prevail and someone should be sentenced per the magnitude of the crime.

When we come to the government, in the appointment of Ministers. I do recommend that Ministers should be responsible and respectful people in the public without any bad record, because in most cases what we find that the Ministers that we have, most of them in most cases they are blamed somebody, has embezzled funds from the ministry and he continued to be the Minister, somebody has bad records from the grass root level and he is appointed as the Minister. So I do recommend that after the appointment of the Minister then the Parliament should be given powers or the Constitution should provide a section where the Parliament has the powers to pass a vote of no confidence to a Minister that they feel is not fit to hold that office.

The Minister should not be nominated MP, because if you have been rejected by the people from the grassroot level, there is no way that you can man a ministry or relate with the people in the public.

When we come to the Provincial Administration we find that they are very important people without whom the machinery of Provincial and Administration is not complete.

The elders the Chiefs and the Sub-chiefs: You find that the powers of the Chiefs and the Sub-chiefs have been reduced in most cases we find that the role that the sub-chief do plans- is that role of providing the permit to convert your tree to timber or providing the burial permit. All the powers that they had in the past of leading people has been given to the police, so the powers of the administration or the Chiefs and Sub-chiefs should be restored.

Then the headmen we find that they are very important people in the village they do know that the needs of the people in the grassroot level. They are the ones who know what can be done to minimize crimes in the village, so I do recommend also they should be paid like other public servant.

**Com. Nunow:** One more minute remaining.

**Meshack Kirema:** We find that there are very many problems concerning our economy and yet we find that the MPs are being paid very high salaries, to minimize the problems of our economy their salaries should be reduced.

Lastly the teachers should be revised and be increased. That is all what I had.

**Com. Nunow:** Thank you Kirema for those views please sign the register and your memorandum you can leave it behind as well. Orondo John, do we have James Mundwa, if James is not there Robert Maina, Ismael Mohamud, Moses Ngigi. Okay.

John Orondo: Thank you very the Chairman of the Constitution Review Commission. My nama is John Orondo fro Egoji Teachers College I have some few recommendation to put a cross for the Commission.

First I will start by pointing out the veto powers. It is my recommendation that in the Nation Democratic Nation like Kenya, veto powers shouldn't be there.

Political divisions: Political divisios should be done after it has been passed by the Parliament not somebody somewhere coming up and saying today you have been granted District another one Province any and the rest. Therefore they should be conducted or divided after they have been passed by the Parliament.

About the National Hospital Insurance Fund. This money should be paid by all the employees regardless of where they work, be it public sector or private sector, so that in response every Kenyan citizen should have a free health services in all the hospitals.

Punishment: When a person has not yet been proved quilty and he is a suspect he should be handled with respect in accordance to human right, until proved guilty he should be given good food, taken to a place where there is no dirt and the rest.

Something about the aid from other countries or international bodies.

This aids have been coming to our countries and it is to my recommendation that they should first of all discussed in the Parliament then, the equal distribution would be done as passed by the Parliament.

Another is about the influx of the Expartriate: In Kenya we have qualified personnel those who can do various things but we still

find that the Expatriate are coming from other countries therefore our people who are qualified lack somewhere to lay their heads in terms of jobs.

**Extension of Army Barracks:** The centralization of the army barracks in some individual areas should be discourage because Kenya as a nation everybody anywhere wants to be protected and if the Army barracks and the Army men are to protect people therefore Army barracks should be build at least two in each Province. And then the Army men we are blessed that since maybe I was born I have not seen war in Kenya, therefore there should be a law that the army men if there nothing they can do they should be deployed in various works that can generate to development of the country like they can be given if the garden to dig as other places so that the economy maybe increased.

The nomination of the Ambassadors should be done by the Parliament and the conditions should be, the people who are linguistically upright according to the different Nations they are going to work or to represent Kenya.

Then maximum respect to the worshipping day and mode of worship: People should be given freedom to worship in any day they have chosen.

Therefore the last should be about the those have been recruited by the government be trained, like Teachers, Doctors and even the sevice men like the Army these people should start getting their salaries immediately they receive a letter to join these colleges therefore. When they are treated equally like you may get that police man section they start getting their salaries immediately they are taken to the barracks, but other sections like Teachers and Doctors they don't get them immediately, I think they should be treated equally because it is the responsibility of the government that they are being trained in those colleges and that was the last, thank you for the opportunity.

**Com. Nunow:** Thank you very much Orondo John sign the register. Ningependa kuwajulisha ya kwamba mwenye kiti wetu Professor Ghai atatuacha kuwa wakati, vile nimesema asubuhi kwa sababu tana vikao nyingi sana katika mkoa huu ambaye inaendelea yote pamoja ataenda kupitia mahali ingine kabla usiku kucha kwa hivyo atawaaga na baada ya hiyo tutaendelea na shuguli ambayo tunafanya leo. Professor Ghai is going to leave as I told you in the morning, we are seated in this Province and even in Meru in a number of places and is going to check other venues before the end of the day and engage in other commitments so we have been privileged to have him since morning up to this time and I am going now to give him opportunity to tell you kwaheri.

**Professor Ghai:** I am happy to have been with today and listen to your recommendations unfortunately I have to go to another meeting and I just say kwaherini and I hope to see you again in future. Goodbye. (clapping)

**(interjection)** The committee member----

**The District Cordinator:** Okey thank you very much the Chairman, Professor Ghai for taking time to be with us today. We know you are busy we feel priviledged because we have been seeing you on T.V, our people are not believing what they have

been hearing but today as I said again they can see everything in the reality. Most of our members have gone, others we divided ourselves because of the Constituency how large we are and some had to stay at Nkubu, others here so our paramount Chief Moses Marete is one of our senior people our senior man with Njure cheke and he arrived in this late and I have pleasure to introduce him to you so that maybe even the age itself allows people to share and know one another.

Okay the other one is our staff member Mr. Muregi who happened also to be our committee member, our honourable Kiraitu has not joined us today we know he is also busy and maybe he is also in the meeting as you are but he is present here with us because his prayers and his wishes are with us.

Okay thank you very much, safe journey and greet the others and tell them South Imenti we are moving fast and we want to have our views properly recorded and have a proper Constitution. Thank you very much.

**Com. Nunow:** Okay asanteni wote tuendelee. Ismael Mohamud:

**Ismael Mohamoud:** Okay my name is Ismael Mohamoud and may I take this opportunity to say that I have something to highlight here.

First, equal chances in distribution of resources to all Kenyans they should be in the Constitution.

Creation of employment for all Kenyans as such fair salaries to the few who are employed by the government.

Chief Kadhi to run a recognized National court.

Islamic law to be implemented and followed as per the Constitution.

Equal chances to all the students in the Nation, for example public universities to invite all students regardless of race, tribe and religion.

Social amenities to be available all over the Nation: To elaborate that some of these social amenities like hospitals are not available in some other parts of the Nation.

Transport and communication network to be effective all over the Nation. The government to set aside some money for the street boys and girls for their living, every finance year.

The Constitution of Kenya should be generally one that can protect each and every Kenyan regardless of tribe, religion and the colour.

Islamic law should be taught in public schools where the students belong to that concerned denomination.

The President should only be in office not more than a decade that is ten years.

Finally, provision of the Identity cards to all Kenyans, because I see that some of the Kenyans are not provided with this. Thank you very much.

**Com. Nunow:** Thank you Ismael please sign the register for us. Moses Ngigi? St Lucy is the one who speak, David Mwangi St. Lucy, Joseph Mugo, George Wangai, Ezekiel Murungu, Keneth Irungu, Kirinji James, Stephen Mwangi, Abrian Biriti, Nyaga Mugambi, Gedeon Muriki, Jerry Museliki is not there. Okay do we have irangu.D.K, Morice Kirimi? Sarafini Mugambi, Festus Murithi, okay after Festus we have Francis Mbai Miriki. Kivinji Marete baada ya yeye ni wewe. Michel William wa tatu.wewe.

**Festus Murithi:** Thank you Commissioner my name is Festus Murithi I will start with the point on preamble.

I would say that the Kenyan Constitution need to have a preamble and in the preamble we should have it declare the Constitution as being owned by the People of Kenya and the people of Kenya having made the Constitution for their own, they should make the Constitution be the supreme law of the land. The preamble should also express the will of Kenya to live as a community irrespective of he tribe boundaries and ranges the differences and denominational differences. It should also the same time impress the philosophy of Love, Peace and unity which the Kenyans have lived with quite a long time.

I would say that the preamble also needs to look at the needs for Kenyans to live in justice and as stated in the National Anthem.

The next thing that I would like to address is the question of the appointment to public offices I would say that this is a very important and delicate thing and that all appointments to public offices should be vetted by Parliament and the tenure of such offices should be well defined so that their offices are not misused that is the person is not taken out office before his tenure is over, so that the abuse of office could not be found but such offices should be also be found, workwithin the rule of law.

I would also like that they be a devolution of power, whereby the local government are empowered to do more over the practices and implementation of the policies as well as planning to them.

I would like also like that the local CBOs and Civil society be made part and parcel of highlighting of the needs the problems and have defining ways in which they would like them be addressed. I think this is the only way in which the Constitution would enable the people feel that they own the Constitution uplift and their feeling of their self esteem and their concern for the protection of the projects that have already been emplemented and brought forward.

I would come to the provision of the fundamental human rights: I would like that apart from the current rights that are provided in our Constitution that is the basic right I would like that the bills provided economic, political and cultural rights. When I talk of this I am talking of perhaps the rights to own property rights, to employment rights, perhaps political demonstrations incase one feel that something is not going in the right way, and this would influence of perhaps involve the people in building their opinions

and actually playing a crucial role into influencing projects.

Then I would like to go a head to the creation of institutions in the Constitution and first and foremost I would like to talk of maybe the creation of anti-corruption institution, that will check the malpractice of corruption in the country. I would like such institutions to be empowered with the powers of the investigation, the powers of prosecution and I would like it to comprise of people who are qualified in investigation and people who are qualified into the matters of law who would be able to follow the law to the letter and be able to do things as required.

I would like such an office to be independent, independent of any organ, so that can also be able to check the operation of other organs in the government.

Then I would also like there be an office of ombudsman, that should be able to check the malpractices of the public officers and the misuse of the public office and I would like such an office to be empowered with the ability to appoint assistants in various locals, perhaps from the divisional level and who would in this particular case then be empowered with ability to investigate the malpractices and abuse office, and at the same time be able to propose and explain the need for prosecution. At the same time they will also be empowered to even check and see to it that the office is not abused anymore.

Then another office that I would like to recommend, I recommend that be put in the Constitution is an institution or office of disaster management which should be empowered with a management of disasters in the country and which of course would be empowered to draw money from the ex-cheque which would be independent.

I would like also to have human rights institution being built in the Constitution which will protect the citizens of abuse of their rights as stipulated in the Constitution.

I would like also that such offices like the office of the Controller General and the office of the Attorney General be set independent of other institutions so that it is not subject to misuse and such that it would be subject to independent it can operate with independence.

Another thing that I would like perhaps addressed is the question of separation of powers between the organs of government that is Parliament, the Judiciary and the Executive, but in a situation whereby they are able to check each other. I would like them to have a situation of independent and actually as far as the Judiciary is concerned it is needs to be absolutely independent of all other manipulation from other sectors.

**Comm. Nunow:** one more minute please.

When it comes to the forms of government, I would recommend a Federal government and a situation whereby we have two parties or maximum of three parties in operation in a country I would like that we have a coalition government of all these parties and the head of state I would recommend that be above the party politics.

Then I would also like that we have a transition kind of government that would operate during the period of elections I would recommend that such a transition be made up over Permanent secretaries and members of senior officers the armed forces as well as religion leaders so that they can look into the needs of Kenyans for the time when we are in elections.

I would like that the National Hospital Insurance fund and National Social Security Fund be obliged the Constitution to develop schemes and programmes that could cater for the needs of all Kenyans especially for the National Social Security Fund, I would recommend that they be obliged by the Constitution to develop programmes that will enable all Kenyans of age get some basic allowances that could enable them meet some basic needs and I think these are some of the things that I have more, but I think my time is over.

**Com. Nunow:** Thank you very much Festus Murithi please sign the register I said Kirinji Marete and the third one is Michen are you, Michen come nearer.

**Leonard Kithinji Marete:** Thank you Bwana Chairman my name is Leonard Kivinji Marete I have a few commentments and I wish only to highlight them.

As we Review the Constitution I would wish that we have a preamble which should mention the people of Kenya.

Then there should be also somewhere in it stating that we shall have uphold the rule of law, justice to all then peace Love, Unity and brotherhood for all Kenyans.

Mr Chairman on the point of the Parliament it is my view that the Parliament should dissolve or extend itself. And incase there is a dissolution of the Parliament, the Speakers to be undertaking the running of the government.

The election date should be Constitutional. The President should be denied the power of creating and abolishing offices and that power should rest on in the Constitution.

The (inaudible) of the President be abolished and such decisions to rest on impartial and decided Judiciary. We should have a clear procedure of impeaching the President.

The Head of the state should be above the party politics. We should have a clear separation of power between the three arms of the government.

We should have a minimum of 18 Ministers and Ministries and one assistant Minister in each of the ministries.

And where possible the professional Ministries should be run by the professionals themselves.



As we consider the environment, we must protect our forest trust land and other reserved areas.

The land that has been public and then allocated to individuals should be reclaimed.

In my view we should have Civic Education for all Kenyans, and it should be in our institution to create a strong and effective civil society.

Mr. Chairman, our Constitution only people the will of the people should be above the Constitution.

Constitution should be made available to all Kenyans. It should be in all our mother tongue to enable all people have a choice to it and to avoid mistification.

As results economy, I feel that we should have proportional distribution of the revenues to ensure even development throughout the country.

I feel these offices should be made Constitutional, public service Commission, Police Commission, Electoral Commission, Controller and Auditor General and Corruption Authority.

When it comes to the representation in the Parliament, I feel there should be equal representation. We realized that some of the Constituencies have a lot of people whereas others have very few, so the number should be determined by on the number of the Constituencies we should have.

I feel that land should be redistributed so that we shall not have squotas at least each one of Kenyans should have an acre.

On the education system I feel that we should have a stable education system, preferably the former 7-6-3 system.

**Com. Nunow:** One more minute Bwana Marete.

**Marete:** I feel then we should have free education system in the primary schools.

Final I feel that we should have a minimum or a maximum of three political parties which should be funded from the consolidated fund. Thank you Bwana Chairman.

**Com. Nunow:** Thank you very much Bwana Marete please hand in the memorandum for us and sign the registration. The next is Michen William.

**Michen William:** Thank sir for allowing me to appear before this seating, to present my views.

My names are William Michen: First point is the control price in businesses. Many business dealers trying to take control of their prices whereas poor people continue suffering because they cannot meet the said prices set by the sellers.

Therefore there should be fixed prices for certain items, where the government should be knowing from the grassroots so by this I mean proper follow ups should be done so that those sellers may not take advantage to undermine the poor. It is upon the

government to set the categories of taxation on these businesses.

Accounts in banks and other liabilities: It is my opinion that those who have accounts abroad and they are Kenyans citizens, to bring back their accounts and liabilities in Kenya so that the government can be able on how to control the economy. This is because the deficiency in of economy is brought by this people and the government is not able to control it.

Free education in primary schools: We can see the primary schools have failed to bring out bright children because kids of poor status cannot afford to meet primary school fee expenses.

Ministries: There should be a proper follow up on ministry development. If a certain ministry goes a stray the Minister concern should be answerable, and if that Minister fails he should be given two charges of which a third charge to mean the Ministry to step down and the Minister given a capable Minister.

And after stepping down he should be sued for losses.

Bursary fund: Bursary funds should be provided to those children from poor families up to the highest level and these files to be controlled by the District officers and by the a Minister from the Constituency area.

Whereby this fund is assured to help the child affected, therefore if the fund doesn't help the child concern the Minister and the District Officer are answerable. These are my points.

**Com. Nunow:** Thank you very much Michen being precise and brief and please come and sign the register now I will be more strict on time on the remaining people I am going to call this session at five o'clock so is got about an hour I hope will have covered most of the people by then but please when you get the chance be brief facts only and move to a point directly. Mrs. Miriti the chance is yours then after Mrs Miriti we will have Gilbert Kinyua if Gilbert is not shall I have the M.G Mwanza.

**Sarah Karimi Miriti:** Okay thank you very much for the time given to present my views. My names are Sarah Karimi Miriti Chairperson 3Cs of Imenti and also working as a mother, teacher and social worker and most of the issues have been mentioned though very little has been said on women and I will very briefly touch on the issues that I have not been raised. As a woman, mother and teacher social worker I wish to enlighten the Commission on the following issues which have so far affected us all way long.

We are in particular inspired by the provision of the international bill of right we are also inspired by the convention on the elimination of all forms of discrimination against women the convention against torture and convention on the rights of the child.

In the Constitution we should enhance in the preamble. The new Constitution should highlight the passed injustices suffered as the hands of colonial masters and acknowledge the contribution of both women and men in the fight for independent. It should highlight the subsequent marginalized. vulnerable groups such as women, children, minority and persons with disabilities, in the post independent Kenya and therefore the need for a Constitution that caters for the need of the Kenyans. By this I mean

women played a very vital role during the independent time most women suffered most were killed the yield to supply maybe, food and helped the freedom fighters. So in the preamble that is why we are saying such names it is you now to make a research and see which women were these who suffered and they should be in the preamble so that they can be remembered.

Principles of state policies: This should have or include supremacy of the will of the people, power and authority of the government to be based on the Constitution, a system of devolution of power, this is where citizens participate in governance at all levels. All people should be involved in governance that is including women.

The principles of the based interest of the child should be incorporated, openness accountability, and accessibility of the government should be captured in the new Constitution.

Values should be included in the Constitution e.g human dignity and equality, respect of human rights, respect for the rule of law, affirmative action to achieve equality and equity that is a number of women, this time we are saying at least 33% of women should be represented in all sectors starting from grassroot level. The societies whereby farmers are involved women are the main bread winner they are the ones who labour and toil in the shambas but they don't get anything, so they should be considered there.

Citizenship women have felt discriminated in respect of citizenship we are rendered second class citizen since we don't have a ability to confer citizenship to children born abroad of non Kenyan father or confer citizenship to our spouses. We recommend automatic citizenship to be accorded to any child born within or out Kenya, so long as one of the parent is Kenyan. This we are saying because, we have children who are getting abroad others are getting married other countries and you find them suffering because they don't have freedom to go the countries as they would require.

Dual citizenship should be allowed in recognition of the increasing number of children of mixed marriages or heritage.

Kenyan women should be able to confer citizenship to foreign husband and passports should be issued as a right.

We also to consider some rights, there should be greater protection rights. The protection right have been diluted by some parts of the Constitution being removed, like the Constitution should capture discrimination against women and any harmful cultural practices.

Removing certain provisions of the Constitution have weaken the protection of fundamental right as above.

Basic right, social and economic and cultural rights should be protected in the Constitution. For example, knowingly affecting other people with HIV aids should be construed as an abuse of the right to life.

The right to free and compulsory primary education should be protected. Early or forced marriages should be construed as a denial or the right to education and freedom of choice.

Sexual harassment should be construed as a denial of the right to employment. That is why ladies get a problem when they look for employment and they have to meet certain conditions so that they get employment that should be captured in the Constitution.

The right to know or right information should be protected. Most of people are ignorance because there is always of giving information in certain areas, which could help the people.

Pregnant women should be protected and employed. Here you find pregnancy women might loose employment because of getting pregnant. We are not talking about maternity leave now, some areas some companies whereby you go for an interview and you happen to be pregnant you won't get employment.

Also once employed then, you should not be sacked you retain your employment, getting pregnant that is why we are having so many single families because that one has hindered from getting married because they will not get employed.

Rights of vulnerable groups: Rights to vulnerable groups should be protected this applies to women children, orphans and destitutes and also retirees.

33% seats in all sectors, should be reserved for women the Constitution should allow a facility for rehabilitation for orphans and destitutes accessible to all basic rights.

Street children: We find that most of this work has been left to non-governmental organizations whereby the government has no party to play here. You find the NGOs now will go to the government to look for assistant instead of the government looking for assistant from the NGOs.

Provision for homes for retirees, accessible to all basic rights directly from their benefits of government facilities. This will prolong life for pensioners who have nobody to care for at old. Age you find a pensioner who has been living maybe a very bad life due to lack of maybe next of kin after retirement he is not able he has nobody to take care though he has got the money and the facilities, he cant utilize that money but if the government has got a home whereby such can be placed, then this persons life can be prolonged.

The Constitutional history of Kenya (this now land and property right), was influenced by issues of ownership of land. Women have suffered greatly on the basis of gender, hence the right to own or inherit land and other moveable and immoveable properties by women should be added as a right to the Constitution. The Constitution should regulate land tenure and ensure gender equity in land distribution so both girls and boys should be considered.

A spouse's approval regarding any land transactions should be mandatory and included in the Constitution, this is where now the above does not succeed.

Satisfactory governance: Kenyan women are the main substance subsistence food produce keepers up of our families, peace makers care givers of the sick, development agents and have contributed and conditioned services if it is to be paid for the services that the women contribute cannot be paid. They continue to work where the democracy, we now request a system of government that incorporate principals of equal (inaudible) and the meaningful participation of women in governance and development. A society that respect the dignity and the human rights of the women, and seeks to protect women against violence by public and private sector. You find women are violated, they are battered, they have no where to be heard and would like our Constitution to capture all these. Ensure success by women to productive resources, they get equally what they have toiled in the land in working in what they have done. That values womens work as family care providers and national builders, through the formal and informal sectors. There should be established a gender Commission to deal with especially women cases which do not receive genuine hearing in the courts. This is where women after going to court they are thrown back to the clan and the clan is comprise of men who have been socialized maybe against women, and so the women cries and has no right, nobody to listen to her. So court should be provided whereby such women can be heard and justice be done.

There should be the provision of the court hearing incases of marginalized groups who are financially handicapped. These are the same things that I have mentioned but in addition also, children who have been left about loitering in the streets, they have been neglected by the parents, so court should be set whereby such children should be heard free, because they don't have money and their right can be seen and protected. It is my hope that the few views I have given above will receive maximum attention. Thank you very much..

**Com. Nunow:** Thank you Mrs. Miriti for those views please let us have your memorandum and you sign the register for us. This is Mwanza from Kanyakine is Joyce --- there also okay thank you, you will follow Mr. Mwanza.

**M.G Mwanza :** My names are M.G Mwanaza from Kanyakine representing the teaching parternity of the schools and I would like to dwell on educational issues simply, because I am just coming to represent the interest of the teachers. First and foremost we the teachers from Kanyakine feel that, the issues of the ministry of education, the issues that pertain to education in Kenya should be completely be removed from all aspects of politics noting that, education is the spring old to all aspects of development in the country; in which case then the decision are made politically in as far the education is concerned we shall not have my sober development in all aspects in as far as Kenya as a country is concerned.

We feel strongly that the education system, if it must ever change at any one given time, a referendum should be given to the people, to decide the kind of education system they should have other an individual coming and imporsing it on the people like we had the change from the 7-6-3 to 8-4-4 without the stake holders being consulted without the educationists being consulted, without the teachers being consulted, and now we feel in future if we must change the education system, then let the majority of people be consulted particularly the educationists.

Secondly we have a big problem especially in education institutions in as far as the sponsors are concerned. We are thankful for all those that contributed in the involvement of the education institutions that we have in the name of the churches, but we feel in the next Constitution we should have a boundary drawn between the private schools which are led by the sponsors from the public schools, because we have a lot of problems especially in public when it comes to the sponsorship. At times we have very qualified personnes through now simply because they did not agree with the policies of the so called sponsors, the sponsors should be left to develop their own schools, privatly and the public schools should be left for the government to run without the interference of the so called sponsors in the name of the church.

Another point is on what does the ministry has brought in name of the Parent Teachers Association and the B.O.G. In most cases the B.O.G are appointees who have no interest of the school at heart. Most of them are political appointees they have no children in the schools they have nothing to loose whether the school develops or does not. We feel the ministry should just appoint the few individual in the name of the Board of Governors and the rest of the mandate should go to the parents who have their children their, plus the teachers who run the schools to know how best to organize their affairs of the school, without having to be pushed into the management people who are bogus simply because they have political affiliations and political God fathers.

The other thing that concerns the teacher is the examinations. The examinations council should take over the burdens of managing the exams right from setting to supervision to invigilation to marking and all that without necessarily having to come to the teacher to coerse them into invigilating the exam and where there are loopholes on teaching, the teacher is a necessarily penalized would be as seeing as teachers infact the examination council ought to have its own personel independent from the teachers, but if they must train the teachers they must pay them well, they must train them, they must have the terms and conditions of that kind recruitment that calls those individuals to serve as the examination councils e.g otherwise teachers have been terrorized unduly teachers have been punished unduly where they have been some instances of cheating collution even beyond their control as meer supervisors or invigilators.

The other point is on the appointment of personnel in the ministry of education. The teachers feel strongly that has been an underpromotion of those teachers. At times you have personnel picked because of the political support that they have. They are appointed to become heads of the institutions when they are completly incapable. They are appointed become education officers when they are completing capable. Their appointed to become the District education officer, ranking officers when they are completing incapable simply because a political hand has been played and God a father is somewhere. We feel there should be a proper programme of promotion of teachers where there is openness where there is all the fairness and everybody concern would not be left questioning how everything has been done.

The other point is the teachers are not provided with an oppportunity to develop themselves in their line of duty such that we find some places workers are given an opportunity to develop themselves and in their skills and their position of work. Whereas a

teacher starts at a given grade no in services courses are provided for the teachers, they just retire, they become a resident at his place of work he might not be that very good teacher that he is expected to be, simply because he lacks that.

The final point is this one of the schools being asked to choose 85% the local students, we have ended up killing the national feelings that we belong to one Kenya, because at the end of the day we have tribal schools you tell a student from meru community he can live in harmony with another student maybe from North Eastern Kenya, a Turkana he cant believe because he has never met him. We feel very strongly that this idea of taking students from the local District should be abolished let the boys and girls be called to live and intermingle freely and nationally. Otherwise those are our statement thanks a lot for being given that chance to air.

**Com. Nunow:** Thank you Mr. Mwanza we will be pleased to have your memorandum as you had prepared and before I call maybe you will excuse me just for a few minutes Joyce Nyoroka.

**Joyce Nyoroka:** Mbitagwa Joyce Nyoroka,

**Translator:** My name is Joyce Nyoroka

**Joyce Nyoroka:** Kuuma gichichi,

**Translator:** From Kichichi

**Joyce Nyoroka:** na ndi guku, ninkeneete muno niuntu kinya thirikari ni mbega niuntu kinya bwa uria yaumbire kundita naaria yaanditire yaandeta, no baantethagiiria.

**Tranlator:** We are extremely happy because of what the government has done for me they took me from wherever I was and brought me here at now.

**Joyce Nyoroka:** Ndari Meru,

**Translator:** I was living in Meru.

**Joyce Nyoroka:** ndaretirwe ni thirikari ya Nkubu,

**Translator:** I was brought here by the government from Nkubu

**Joyce Nyoroka:** Na ndakena muno na ndabeera ni bubwega.

**Translator:** I say thank you very much to them

**Joyce Nyoroka:** na ndauga ni bwega na Ngai abeekire inya na nikiyo ndauga kambije aa uu mbarie. Ndibwire ni oo na mwathani.

**Translator:** I am very happy with what they did and that is why I have decided to come and say to you that I am grateful

**Joyce Nyoroka:** Lakini ona riu ninteethagirua ni baingi ba baatiri, nibampeejaga biothe, nimbijaga ntionaga thiina, mbijaga aa kiumia kwa baatiri ntindite aa nkamathirwa nkamenyerwa, kuti thiina amwe na thirikari iri o na nimpendaga kinya kwigaigagua tu-seminar, nkaigaigagua uria tukwaria tukambirairaga uria nkweenda gukara.

**Translator:** I am extremely happy because I am also helped by the pastors here and as I like to go to seminars and I am very

happy.

**Com. Nunow:** Pendekezo,

**Joyce Nyoroka:** Riu ri ndienda kuruthirwa antu a gukara aa eega ntina a gukara aa eega.

**Translator:** I want a place to be built for me to live in, because where I am living is not good enough.

**Joyce Nyoroka:** Na kunywa ndawa, ndawa nyunyaga kwa sister, sister akaandika karatasi gaakwa, akaiga aria obisine.

**Translator:** I get medicine through the sister incharge here, she writes up the prescription and keeps it at her office.

**Joyce Nyoroka:** mbeejagwa ndawa rionthe, ntiina mbeca.

**Translator:** And I always get medicine free.

**Joyce Nyoroka:** ni uu.

**Translator:** Thank you that is all I had to say.

**Com.Nunow:** Thank you very much Joyce sign the register, is that James, Nicholas Mwenda, so you speaking on behalf of the students , okay.

**Nicholas Mwenda:** My name is Nicholas Mwenda.

If a foreigner wants to become a Kenyan he or she should show a good proof of partrotism from his or her former country and the government should confirm this.

Movement should be given equality concerning citizenship.

Kenyan born illegitiment children should be taken as pure Kenyans provided they don't have any other citizenship.

Political parties should be as many as possible to express democracy this is so so as people will be having to choose their own parties so that nobody will be having to rush others because they don't have parties.

Death penalty should be allowed but under seek consideration and on very serious offences.

The Constitution should protect all health care, security, water, education, shelter , food and employment to all Kenyans.

The Kenyan Constitution should improve some basic rights of the Kenyan like media, speech and movement, provided that they dont tamper with anybody's right.

Environment protections issues which should be included in the Constitution are imposing strict punishment on poachers and environment pollutants.

Minerals, wild animals, water catchment areas tourists attractions should be some of the environmental reserves that should be protected by the government. The government should improve the environmental ministry so as to make sure that the government responds in abit speedy manner so as to improve the ministry. Thank you.



**Com. Nunow:** Thank you Nicholas please sign the register. Kamwara Maturimbia, Musa Mutindwa baada ya Musa, Anita Machau baada ya yeye. Karibu mzee.

**Musa Mutindwa:** Mbitagwa Musa Mutindwa.

**Translator:** My name is Musa Mutindwa.

**Musa:** Na gwetu ni ntuura iria iitagwa Geeto.

**Translator:** My village is Geto.

**Musa:** Na kiria nkweendaga kumenya muno kana motto juria ndirari naju ni jumwe juunka uju, wa kuona ati thirikari ya kenya ni kuturekeria iturekeretie.

**Translator:** One thing I want to say is that the Kenyan government seems to have let us lose.

**Musa:** Niuntu bwa kuringana na mabuku jaria bwaumbaga gutua igita riria aana baathomaga tugateethagua na mabuku jamwe ni thirikari gutijo tuneenkagirwa tutiji ni ku jeetire.

**Translator:** The government does not give us any books for the education of our children and we don't know where those books have gone to.

**Musa:** baracoka baraturuithania na aarimu twi turi aciari. Na bo bagaturuithania na njira je iji. Bakeeja bagatwira ati mbeeca iria turaugaga tuewe tugeetua mbeeca igana ona, tukeerwa tutirita bwi bugatangaca na radio bukauga tutirita mbeeca iu. Na riria bwauga butirita mbeeca iu guti kio bukaretera aarimu nikenda nabo bwatigwa gutuandama niuntu bwa coka kana /.

**Translator:** The government is making us fight with the teachers one time they said that we shall not going to pay any fees then nothing has happened and the fees is supposed to be paid.

**Musa:** Kugacoka o rii ningwa mwene ni ndaari na wirigiro kana igita riria ngwita kithakene nkirutua wiiathi bubu ndacuaga nikeenda mbuba gutetheka amwe na mwana okwa, amwe na uuni. Riu ndaategera ndoona aba ni kuura nkuura niuntu wa gitumi kuringana na mwana uria ndathomithirie arathooma mwanka form four kana arathoma mwanka na degree, uu ationa Ngugi ari njaa indi uria utina mbeeca akoona Ngugi.

**Translator:** The government is confusing us, we educate our children the children don't get any jobs yet those who have money, their children get jobs.

**Comm. Nunow:** Sasa angependa tufanye nini.

**Translator:** Naandi urienda twi tuthiithie atia twi tukiandika Katiba?

**Musa:** Ndienda buuthithie atiri bukiandika Katiba bukamenya aana baa bakuurira nja, muciar niathomitie mwana uria agatigwa ari empty ati kaburi kana ng'ombe niuntu bwa kuthomithia mwana uria akirikia Sukuru akoonerwa Ngugi.

**Translator:** The Constitution should provide that after education of the children and training they should get jobs.

**Musa:** Kugacooka, kuri na natu amwe twithagirwa tukiinyagwa, ni ruteere rwa county council. Ruteere rwa county council kabakwija bagatwira tueni antu aja tubwakire thoko oo, tukabankenker kithaka kiu free, bagikinya au bageeta bakaandika muntu twaasema tugwaka nyoomba na niukumorani atwire ampiinyiritie, akija antu ampiinyura ambira tiga kurunga fence iji, agatuika kagumpinyiria na kurunga renti na kithaka kii no kiria giakwa.

**Translator:** The other problem is with county council, they come and say give us piece of land and we will built a market for you when the market is build we are being charged rent they are doing exactly like the colonialist state.

**Comm. Nunow:** What is your proposal?

**Musa:** Ndienda bathiithie atiri, guti untu renti, nituruunge renti indi barekane na.. nituruunge licence, indi tutigwitua renti.

**Translator:** we suggest that we should buy the licences but the rents should not be charged.

**Musa:** Ngacooka aangi nkooria aangi, nkooria atiri, ka thirikari yetu ya kenya iremetwe ni gutuatha, igatwona ati ni mbeeca ibati itwathe.

**Translator:** It looks like the serikali has failed to rule us, or guide us and it is money now that it is paramount in the whole matter.

**Musa:** Ndienda bathiithie atiri, niukwona ciringi iu ciandiki ati mbeeca ni cia iguru, thirikari nio iri thiguru. Riu nibagutwatha kana ni mbeeca igutwatha.

**Translator:** Naandi irio ukuurua atiri, tuthiithie atia?

**Musa:** I tucokue twathwe ni thirikari nkuruki ya twathwa ni mbeeca keenda wanenkanira mbeeca waunkumana mwana akaurira nja.

**Translator:** The money should not be ruling us, we should not be asked to bribe people so that our children can get jobs looks that the serikali is more is saying that money is more important than proper governance.

**Musa:** Nitucooke twathwe ni thirikari nikeenda mbeeca igatuika itikuunkumana mwana niwe ugeeta Sukuru.

**Translator:** We do not want corruption, bribery so that children can go to school we don't want to bribe before children can go to school or get employment.

**Musa:** Nibwega niuntu kuringana na ruteto ruu nkwigua rwangwiria ukeeja kwithirwa rukathiingata mutaratara juu tukeethirwa tugikena nibu.

**Translator:** I am happy because if you do what I have suggested things will be much happier.

**Com. Nunow:** I had called Anita. Now just kabla Anita ajanza ningependa kujua wangapi wako kati ya hawa watu na list hapa nilinganishe na ile mda niko nayo. Domiano Mugegi, Sarafini Mugambi, Sarafini kuja hapa mbele. Isaiah Muriuki, Timothy Githuku, Timothy nilikuwa nimekuita asubuhi mara kadha okay. Councillor Mbayi, Arasion, Peter Michen, come come, Lunga, you have a memorandum, una maandishi, you may right ---- Rev, Joseph Gvinji, Okay Rev, kama unaweza kuja mbele. Joyce Machao, Joyce. Beth Mugambi, Benson Muria, Okay --- na nitawapa kila mmoja wenu Sarafina Mugambi siyo? Kila mmoja baada ya kusimama nitawapa madakika mawilimawili, kwani yule ana maandishi, maandishi yatasomwa kabisa. (inaudible) kama unaweza kwandika pia --- endelea.

**Anita Machau:** Okay thank you very much for this chance much has been said since the time I came but I would just say some of my recommendations. My name is Anita Machau.

Primary education, it is my recommendation the government should consider free and compulsory primary schools, education, actually we cannot say that type of education we have is free, since the parents are still paying some levies and if they fail to do so, you find the children dropping out. So if a free and compulsory education is provided, it is going to minimize the number of street children that are loitering around.

The other one is on disabled children. The government should have a defined policy on disabled children especially on their education.

The other one is that the government should consider all Districts equal as far as government's aid is concerned. This will bring about fairness as far distribution is concerned. For instance when giving this relieve food, you may find some Districts benefiting more than others then we start wondering whether we are in the same Kenya or not, so there should be fair distribution.

The other one is about the teachers, the government should infact consider the amount of worker the teachers do and therefore they should consider and revise their salaries without being so hard on them it is through the hands of these teachers, that we have the lawyers, we have the Presidents we have others, so the teacher should really be considered by our government.

The other point is that since abolition of the cain in our schools there have been many cases of indiscipline and especially in the secondary section. Therefore I think the government should find a way of disciplining these children, the students in order to keep discipline at bary in our schools without victimizing the head teacher, or give the head teacher freedom of choosing their own methods of imposing discipline.

My other point is on the transfer of lady employees. I feel that the government should protect the lady employee as far as transfer is concerned. For example incase of teachers you find that female teacher maybe transferred to a very far place from

home and when that happen, it disrupts the family relationship because this lady worker or teacher is the soul care taker of the family she is the wife and the same time she is the mother of the children, so if she is transferred to a very far place then things will start running on the wrong end, and this might also cause the husband to become polygamous because a man cannot stay without a wife therefore they should be considered.

My other point is on the way the police behave, after arresting someone sometimes they become they start harassing the victim, causing even physical torture so the police should stop this.

**Com. Nunow:** Last point.

**Anita Machau:** The government should also stop retrenchment of their employees because at the time one is retrenched this is a very crucial time it is a time when the children are maybe pursuing their courses it is a time they are in middle secondary so you find a lot of problems coming in the family.

My last point is that the government should established a straight forward policy on farming, especially on cash crop's since the economy of our country is based on agriculture. So there should be a policy or now the produce is going to be sold and without oppressing the farmer who actually does a greater part in production.

**Com. Nunow:** Thank you Anita, thank you for your views please register yourself. Sarafina Mugambi. Timothy Gitobu here you follow.

**Sarafina Mugambi:** Thank you Bwana Chairman my names are Sarafina Mugambi Stanley, I am just coming to give one or two views which are bitter to me.

The first one is on the side of education: I would rather request the government to look upon better ways of education, so as the parents may not be disturbed in educating their children not for the rich to educate their children only, because the government is cheating us, that in primary education we have a free education but no chalks, no building funds, no everything, so the parent is disturbed, plus the government ---- I want the government or if it is that the government or the Parliament to look for a better way for a common man to educate his children.

Mis-behavior of police: Another point is stating on the chiefs should be removed.

Presidential powers, we are tired of this person saying he is the one to say, this one should be looked upon.

The cabinet Ministers must be elected by the Parliament.

Local authorities: After electing of the Councilors the Mayors plus the Chairman should be elected by the Cabinet. Thank you.

**Com. Nunow:** Thank you Sarafina for being brief. Timothy Gitobu please highlight two minutes--- maybe you can highlight not more than four five points so that others can also highlight some of the issues that is burning them.

**Timothy Gitobu:** Thank you very much Mr. Chairman, my names are Timothy .M.Gitobu fro Egoji.

I will talk on Judiciary that importance in the field of Kenya Jurisdiction is the fact that the administration of Justice should be completely independent. The new Kenyan

Constitution should state specifically that Judges are independent in their exercise of their Judicial functions. Only the Judicial Commission should play and intergral part of the Executive where the Minister for Justice is a member.

The institution of the Lay Assessors, that is the Njire cheke for instance in Meru, is hereby to mean that the people take part directly in the administration of justice. The Lay Assessors, that is the Njuri cheke or even the crimes (inaudible) should adhere penalty.

A Judges consider cases under the guidance of a professional judge.

A series of a successful appeal going is necessary as far as the supreme court provides adequate assurance against the possibility of any legal error.

So I have proposed that there be a system of Constitutional and administrative guarantee, this should be provided in the forms of three types of courts as suggested here. There must be an administrative court, Constitutional court and a Central Auditing Authority. The latter is not infact a court, but it can be of considerable help to the legislative bodies.

The administrative court ensures the legality of all acts of public administration.

The Constitutional court examine registration to make sure that there is no violation of the Constition. Any Kenyan citizen who feels that he is right have been violated by the administrative of that of the basic rights has guaranteed by the Constitution have been encroached may appeal to the administrative and Constitutional court.

The Central Auditing Authority should be the check on public accounts and the administration of nationalized concern, that is maybe schools, Coffee factories, Parastatals bodies etc, so their accounts maybe checked and this cases maybe taken to the Central Auditing Authority.

**Com. Nunow:** Timothy mention one last point, very last.

**Timothy:** The last point is that the resident margistrate to administer the three types of courts to the best at every Divisional level where a District Officer is placed today.

**Com. Nunow:** Thank you very much. We will be happy to have whatever you have written. Because we are constraint by time I hope you will bear with me. Councillor. Councillor Mriankiki. Taracicio Simba. Councillor amekuja njoo, Taracicio unamfuata akimaliza. Councilor nakupa dakika mbili sema points tatu mne nataka kila mtu asikike sauti yake aone amesikika.

**Councillor Gabriel:** Yangu ya kwanza sina mengi ya kusema. Mimi naitwa Councillor Gabriel Mriankiki. Councillor of Mwalo location, Egoji Division Meru Central District.

Kile kitu nilitaka kusema ambayo ningeona ni tatizo sana na ni tatizo kwa wananchi hapa wakati mimi nilichaguliwa mwaka wa 1992 na Chama cha Upinzani. Ikiwa nilichaguliwa na chama cha DP serikali imearibu pesa kwa sababu ya kubadilisha nyama, ati uende uwe chama fulani ati uwende kwa chama cha KANU ili ulipwe pese nyingi sana na hiyo pesa ni uchumi wa Kenya ambao unaharibika. Kwa hivyo kama serikali itaacha hiyo mutindo uchumi wa taifa utabadilika.

Kuna maneno ingine ambayo inaendelea nchi hii. Moja ni kama mtu kuwa wakipiga kelele na bibi yake kupeleka hiyo manene kwa Chief na Manaibu wa ma-Chief hiyo ambayo wewe utafungiwa Chief alale na bibi. Yako na hata kama bibi huyo atarudi nyumbani hautakuwa na imani na huyu bibi kwa hivyo hapo ningetaka kama mimi mwenyewe nikifikiria kusema, kama tafadhali uwachia wazee wa Njuri cheke` ama kuchaguliwa wazee wa kijiji ili wa kutatuwa hiyo shida isiwe ya Chief. Sababu ikiwa itaendelea namna hiyo majamii nyingi itaharibika manyumba nyingi itaharibika ya watu na ndiyo watu wanaendelea kuona chokora wameongezeka sababu kama mnakosana na bibi yako Chief aingilie ama D.O aingilie sababu Chief atamwambia ataenda kwa D.O na hiyo ndiyo itaendelea kufanya manyumba nyingi iaribike ndoa kwa hivyo ningeomba tukiendelea hiyo maneno itupiliwe wazee wa vijiji wachaguliwe ili wawe wakitatuwa kesi kidogo kidogo kama hiyo.

Ingingine ni office corruption: Mwanzo wa corruption inanza kutoka kwa office ya serikali. Nikitaka kuwa na imani na D.O sana lazima niwe ninaleta kitu kidogo kutoka kwa raia, ile tuwe na imani na D.O sana, ama tuwe na imani na office ya police ama office yeyote ya serikali, ndiyo inafanya sub-chief and Chiefs wakienda kwa D.O siku ambayo wanaenda, lazima mtu awe atosha watu ushuru ili Jumatatu alete hata katika tarafa hii ya Egoji Division.

**Com. Nunow:** Sema point moja ingine ya mwisho kwa sababu ya mda.

**Councillor Gabriel:** Ingingine ile ningeomba ni Chairman wa Council awe na uwezo ama mtu ambaye yeyote anachaguliwa awe na uwezo, kushinda ama kama ni Chief awe anachaguliwa kuliko, mtu kuwa ambaye anachaguliwa kupitia hongo awe na uwezo sababu ikiwa alipitia katika hongo alishinda mtu ambaye alikuwa wa standard two, ama standard one na anashinda mtu wa university sasa yeye ako na uwezo, sasa ni afadhali mtu akiwa anachaguliwa awe na uwezo wa utawala katika area hiyo ndiyo corruption itakwisha na ndio wakenya watakuwa mzuri na naomba hiyo kwa wakenya wote mzima.

**Com. Nunow:** Asante sana Diwani ambaye Mriankiki kwa maoni yako tafadhali andikisha pale. Taracicio Simba anayemfuata Taracicio ni Peter Michen.

**Taracicio Simba Muthuri:** Thank you Bwana Chairman, my names are Taracicio simba Muthuri and I am going to present this views.

First of all Chiefs awe anachaguliwa na watu.

The government official commits a serious crime or a national scandal he should resign immediately automatically from the government.

The Parliament should have the majority of 90% of the vote in order to amend the Constitution.

Defence and National security should be the responsibility of the Parliament.

State of the Emergency should be declared by the Parliament.

Political parties should be financed by the state.

Political Parties should be limited to at least five.

I would like to have the Federal government or the Majimbo system of government.

We should have President as the head of state and the Prime Minister as the head of the government.

Being an MP, it should be a full time occupation but the Constituency should have the vote power to vet their MP and vote the vote of no confidence incase is incapable before the length of his ends.

The Constitution should provide for a President whose not a member of the Parliament and the member of any party once you are elected you will cease to be a member of a particular party.

The future President should have a stable family.

Chiefs and assistant Chiefs should be transferred within the Division or within the Districts.

We should have Ombudsman office in every area.

Education should be free from nursery to secondary school and also compulsory.

People should not be remanded for petty crimes such as drunkness.

The government or the Constitution should provide basic human needs to its citizens.

The Constitution should provide for equality in sharing the natural resources e.g land and the others.

The Constitution should provide for free medical and health care.

Civil servant to be paid their retirement benefits on the day of retirement and if it takes long it should not take him more than three months after retirement date.

Land transfer and procedure should be simplified as follows. All document related to land transfer should be centralized to the divisional level, in order to help the poor.

**Com. Nunow:** Last one point

**Taracicio:** There should be no lining up or mass mobilization to go and wait and cheer the president as he passed along the road.

Public land should be certified in every area and title deeds should be kept by the land control boards.

Then the retirement age at the moment for teachers is 55, but then this is a profession like a Doctors or a Judge, his retirement age should be extended to about 75 years.

**Com. Nunow:** Thank you Bwana Taracicio tafadhali utupatie hiyo memorandum na utusainie register kwamba tumeipokea. Peter Michen. After Peter I will have Rev. Joseph Kivini. Is Benson Mulia there, Okay Rev. utatubakia utatufungia mkutano. Endelea.

**Peter Michen:** Thank you Mr. Chairman. The Constitution of Kenya.

My name is Peter Michen Meru central. The Constitution should clearly state the root parts of Kenya and recognized the divergent cultures as its basis of strength.

The government should be accountable to the people of Kenya and create opportunities to Kenyans and act as a general facilitator and protector of its citizens.

Devolution of powers: We should have the three arms of government truly balanced with counter balances to root out complacency and intimidation.

Civic authority should be given more powers to govern regional area with a percentage of resources generated ploughed back to specific regions, then the rest sent to the National government.

Parliament should have its own time table unless breaks to tuck in important matters.

Election dates should be clear to all Kenyans.

Corruption should be outlawed and specific provision put in the Constitution to fight it.

We should have a lean government no patronage in the appointment of Ministers and public servant.

Government should have a clear structure for institution contributing to the National economy, for example agriculture and tourism.

Incentives can be given to spur economic goals in this area.

Security should be the priority of the government.

Voters registration should be continuous with documents such IDs and driving licences allowed in the voting process.

Education and health should be fully refunded from the National budget, with provision for credit for those who wish to further



their education.

The government should take responsibility to answer various disasters using the national kitty to find the affected person

The President should always run the government and be accountable to the people of Kenya. He should be banned by the Constitution from advocating populist politics.

The President should not be a member of Parliament and should desist from practicing party campaigns soon after swearing in. Those are my views. Thank you.

**Com. Nunow:** Thank you Michen please hand them in and sign the register. Rev. Joseph.

**Rev Joseph Githinji:** Thank you very much Mr. Chairman. My name is Joseph Githinji I am a teacher at Nderuleru secondary school.

Now I want to highlight the few areas which I think the Constitution Review will consider.

The first one I want to talk about is the member of Parliament or Councillor.

One must be a Kenyan citizen whose conduct is beyond reproach, that is he should not be a drunkard or criminal or immoral or a corrupt man.

If one is married should have a well organized and disciplined family and a divorcee should not qualify for election as an MP or Councillor. If one is polygamous or polyandrous

One should not keep on changing husbands and wives in order to gratify his or her desire.

Civil servant or government employees should be allowed to contest for Parliamentary or Civic before they resign from their jobs. This Mr. Chairma, will encourage able and young leaders to take leadership when still strong for quality leadership in our country.

If one intends to contest Parliamentary or Civic post the registration fee should not be very high, that one is used by the government of Kenya to discourage those people without sufficient ability and I was to the elite or those people(inaudible)

Salaries Mr. Chairman, here I am proposing that we should have a supreme national salaries committee which should be charged with responsibility of harmonizing.

All salaries for all the employees who are paid from the government kitty Mr Chairman.

I am recommending here that the politician should not be allowed to retire with benefits most of them have already retired from other occupations.

The formation of the Cabinet Mr. Chairman I am proposing that we don't need the federal government, but we need a government the government of national unit where any employee any MP should qualify to be a Minister and should be appointed on their professional qualification such, that say a Minister for health should be somebody who has some qualification in medicine, so that we can have quality leaders giving quality services to the citizens.

Now Mr. Chairman any person who is convicted of theft from mis-appropriation or defraught any kind of having stolen any money from either the public or the private that person when is taken to court and is proved to have done. So the first thing I am recommending is he stole and then after that if he has to be sentenced for imprisonment that can follow, so that we can discourage the current occupation where people have actually engaged themselves on these occupation of stealing, because they know that ones you steal you will be put in maybe for two or three months or years and then after you can come out a rich man. We want to discourage that kind of occupation.

There should be free medical education that has been mention that free education Mr. Chairman should go up to form four not standard eight, that is my recommendation.

The President: The President must have a minimum education of at least a Diploma. He should be morally upright and of good health, must have been elected as an MP for at least five years Mr. Chairman.

He must be of not more than 70 years of age he should not be beyond 70 years and must name his/her vice President during his or her campaign.

The point Mr. Chairman is lying or abusive President, or Cabinet Minister or MP or Councilor or any government officer, that one should be forced to resign on public interest. This will enable us to create intergrity.

**Comm. Nunow:** you have one more point to make

**Rev:** Promotion of government employees Mr. Chairman : I am proposing that people who are promoted should be based on multidimensional approach. If the teacher is promoted then he should have a people like the D.E.O, Provincial Administration, B.O.G even students and teachers including the sponsors to give their recommendation if that teacher has been promoted. Farmers Mr. Chairman, the government should set the private stabilization fund which will be used to pay the farmers when the prices for their produce are low Mr Chairman thank you.

**Com. Nunow:** Thank you Rev. we will give you I hope you give us we will read every memorandum we receive put it in the computer and the whole of it is printed and the entire Commission will read. But as you register you go ahead to register but you will close the meeting for us you will pray after that there is Charles Gitau, please finish up.

**Charles Gitau:** Thank you Mr. Chairman as a teacher in a teacher trainee I will dwell in this area—I am Charles Gitau.

One of the recommendation I am making is that the quarter system should be abolished because it encourages shallowness of Kenyans citizens and at the same time it boosts tribalism.

The other thing Mr.Chairman the current teacher recruitment system into the job market should also be abolished and we revert back to the previous system. This is because some of people from their area in urban area and developed is places would be disadvantaged since the vacancies there will be filled up during transfer.

The abolition of P1 and P2 certificates. Now that the maximum or the grade has raised to 'C' I feel that the teacher primary schools should offer Diplomas and Degrees, not P1 and P2 certificate.

The promotion of teachers: I am recommending that there should be a laid out system of promoting teachers and this is to avoid teachers being at one grade for too long, which make them to be degenerated and demotivated.

Posting of teachers: To encourage teachers to go and work in the arid areas . A system should be define and I am recommending maybe when one is posted to the so called arid and semi-arid areas, for maybe five years then after that he can be transferred to somewhere else that one we encourage teachers to go and teach in those places.

The one is religious education should be compulsory, we should not remove it from the curriculum.

The other one is the population in TTC should be reduced. The policy of posting demoted heads to TTC should cease also. That is where some of the heads of secondary several who have been posted to the TTC as teachers should be abolished or cease.

The training period should be extended from two to three years to help adequate coverage of the syllabus.

The recruitment to TTC should be decentralized where the interviews are done in a specific college under a panel of qualified people

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The other one is the population in TTC should be reduced, the policy of posting demoted heads to TTC should cease also, that is where some of the heads of secondary school who have failed are posted to TTC as teachers, should be abolished or cease. The training period should be extended from two to three years, to help adequate coverage of the syllabus.

The other one is the recruitment to TTC should be decentralized where the interview are done in a specific college under a panel of qualified people.

**Comm. Nunow:** Last two points mwalimu

The last two points, I am recommending a government of national unity and that is where by the President is one who have the majority votes and the vice President then who was second, that is the run up.

Finally the recruitment of the civil servants especially those at the key areas I am talking of people like Permanent secretary, Deputy secretaries that-one should not be left to the President alone, but I feel a panel should be involved whereby they go for interviewed and they are interviewed and they are recruited. And the President should be married and a person of upright morals, there is much more thank you so much Mr. Chairman.

**Com. Nunow:** Thank very much Bwana Gitau we will have your memorandum and take it into account so what you have said will highlight some of the things in the memorandum. Thank you very much, ladies and gentlemen I would like to close this session here, and I would like to ask revered Joseph to say a word of prayer for us.

For those who did not either have their memorandum ready, if you have a memorandum with you now and you did not get time to speak please surrender it and sign the register that will be taken as well as if you have spoken and if you do not have it ready now and you want to prepare it,between now and the time we finish collecting views from the entire country, we are moving a province after another, let me finish we can not have two things parallel so we are in the third province now we have done Central, we have done Coast, we are doing Eastern now the entire commission is in Eastern, and the last province we will do we are following provinces in perfect order We will do Western as the last province and when we finish the last province that is 8<sup>th</sup> of August. What that means is between now and 8<sup>th</sup> of August your views can be received in writing or in a tape, you can put even a tape if you do not know how to write and that is and write your details on the sticker lable of the cassette and give it to the co-rdinator. If it is a memorandum you also give it to the co-rdinator if you prefer it typed unless your handwriting is very very legible. The co-rdinator is Mr. Murigi, Mr Murigi please stand up. His office is in Meru town. He has committee, the constituency committee members that work with him, Mrs. Miriti the chairperson of that committee, Paul Marete is a member, so you can give your memorandum to any of these members, and it will come to the headquarters directly without any problem. Have I answered you? What is your question? You had a question you said?

**Response:** yeah

