



CKRC

VERBATIM REPORT OF

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**CONSTITUENCY PUBLIC HEARINGS, IMENTI SOUTH
CONSTITUENCY, NKUBU YOUTH POLYTECHNIC**

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**CONSTITUENCY PUBLIC HEARINGS, SOUTH IMENTI CONSTITUENCY, HELD AT NKUBU YOUTH
POLYTECHNIC ON 17TH MAY 2002.**

Present

1. Com. Isaac Lenaola
2. Com. Abdirizak Nunow

Secretariat Staff In Attendance

- | | | | |
|----|-----------------|---|-------------------------|
| 1. | Solomon Anampiu | - | Programme Officer |
| 2. | Mary Kanyiha | - | Asst. Programme Officer |
| 3. | Patricia Mwangi | - | Verbatim Recorder |

The meeting was called to start at 9:40 am.

Prayer: Our heavenly Father, we thank you this morning for bringing us together here, for waking us up and giving us a bright day. We dedicate the day ahead to you, Lord, so that whatever we discuss here today, whatever views we get from our people today, will be of use and will be blessed by you. Guide us Lord so that the event that is ahead of us, the review of the constitution is a blessing to us, so that we have a nation that we are comfortable in and that we all feel is ours. Guide us Lord , give us wisdom, give us good mind so that we can deliberate on the issues that affect us. We ask that through Christ, our Lord

Audience: Amen

Com. Isaac Lenaola: Kabla sijawajulisha ma-commissioner na watu kutoka tume, tumeombwa tumkubalie chairman wa Njuri Ncheke aseme neno moja kabla sijasema mengine mengi. Na kawaida hatukubali watu kuzungumza kabla ya maoni, lakini kwa vile tulipata special request,nitaomba chairman wa Njuri Ncheke aseme neno moja tu, kwa kifupi, halafu tuendelee. Karibu chairman.

Interjection: Ongea tu.

Mr. M'Mrichia: Mimi ni chairman, mimi ni paramount chief Norman M'Mrichia, na chairman wa Njuri Ncheke katika Meru region. Nawakaribisha commissioners wote katika siku hii ya leo yaani kuingia hapa katika Nkubu na kutupa mawaidha ya commission. Lakini mimi ni chairman kama vile nawaambia wa Njuri Ncheke. Njuri Ncheke ni chama cha Wameru kutoka zamani na kilikuwa na mawaidha ya utawala katika nchi hii kabla mzungu hajaingia katika Kenya. Na ni chama kilikuwa kikiendelea na mawaidha ya misitu na mambo mengineo isiyo ya kuharibu uguzaji wa miti na mambo mengineo ya usalama katika nchi ya Meru na mpaka hata wakati mbele mzungu kuingia katika nchi hii. Na alipoingia tuliendelea tu, Njuri Ncheke iliendelea katika mambo mengi kabisa katika nchi hii. Na hata wakati tuliponyakua uhuru, Njuri Ncheke ilipatiwa nafasi ya kundelea (Speaking in Meru dialect).....kutawala na hata tulipewa nafasi na wale walikuwa wanatawala katika nchi hii hasa katika mzee hata wakati walipokwenda huko katika Lancaster House, tukaingizia katika katiba na hata sasa tuliendelea katika mambo kama hayo kutawala katika mambo mengi kwa maana Njuri Ncheke si ya kuharibu, ni ya kuweka utawala nzuri na si mambo ya kuharibu katika utunzaji mzuri katika wanawake, katika watoto, katika serikali kuweka watu sawa sawa katika miaka kama kumi na tano wakati mwanzishi wa nchi hii wakati alipokuwa hapo na hata wakati huu. Asanteni sana mwakaribishwa nikiwa mzee wa Njuri Ncheke kutoka mda mrefu kwa miaka mingi mpaka wakati huu. Asanteni sana.

Com. Lenaola: Asante chairman, nashukuru. Asante sana kwa mawaidha yako. Ningependa kuwajulisheni watu kutoka tume ambao wamekuja kuchukua maoni yenu leo. Ningeanza na mwenzangu upande wa kulia, Com. Dr. Abdirizak Alare Nunow.

Com. Abdirizak: Hamjambo?

Audience: Hatujambo

Com. Lenaola: Kisha tuko na Bwana Solom Awamju ambaye ni Programme Officer kutoka tume.

Solomon Awamju:(inaudible).....

Com. Lenaola: Tuko na Mrs. Patricia Mwangi ambaye atachukua kunasa sauti, kuchukua hiki chombo cha kunasa sauti. Tuko na Mrs. Mary Kanyiha ambaye ni mwandishi wa kikao hichi. Nami naitwa Isaac Lenaola, nami pia ni commissioner. Ningependa sasa kumuomba Mrs. Mireti ambaye ni mwenyekiti wa committee ya katiba katika area hii, atujulishe committee yake halafu tupate kuendelea. Karibu chairlady.

Mrs. Mireti: Asante sana. Nitaanza na Rose...(inaudible)...kwa njia ya Primary Civic Education wa area hii na mimi ni chairman wake, lakini yeye ni kama vice, kwa sababu wakati nakuja hapa pia sasa ananisaidia kuendeleza mambo na...(inaudible)...pengine(inaudible)....Sio ku-resgin tunashikana kwa mkutano na kila...(inaudible)...na councillor. Lakini kwa sasa tuko sisi wawili, wale wengine wamekuwa wa-join later.

Com. Lenaola: Asante Mrs. Mireti. Kabla sijaanza ningependa kuwaelezeni taratibu ya kutoa maoni katika hiki kikao. Jambo

la kwanza uko na haki kutumia lugha yoyote. Si lazima uongee Kiswahili ama Kingereza. Ukipendelea kuongea Kimeru una haki, ukipenda kuongea lugha nyingine yeyote uko na haki. Jambo la kwanza hilo.

Jambo la pili, utapewa dakika zako tano uzungumze maoni yako vile ungependa katiba yetu iwe na tafadhali ukipata dakika tano, toa mapendekezo. Mara nyingi watu huja na kutoa mashida tu, unatoa shida kutoka moyo, na hautuelezi ungependa mambo yawe namba gani. Tunawaomba mtoe mapendekezo, si mashida tu, toa shida halafu toa jawabu lako ama pendekezo kuhusu hilo shida.

Jambo la tatu, ukishakuja, njoo utaketi pale ili upate kunasiwa na hiki chombo, ukishamaliza kutoa maoni njoo hapa ujiandikishe kama umetoa maoni mbele ya tume. Ukiwa na maandishi memorandum, usije ukaisoma kutoka page one mpaka page thirty. Njoo uangaze mambo kama kumi ambayo umeona ni maana kuangazia, maana tume itasoma kila memorandum kutoka Kenya. Kwa hivyo si lazima usome paraa ndio umalize tume isikie. Tume itasoma haya mambo yote neno kwa neno, kwa hivyo usije ukasoma neno kwa neno, angaza tu mambo yako kwa dakika tano halafu njoo pia hapa ujiandikishe.

Jambo lingine tuheshimiane kwa maoni. Kuna maoni ambayo pengine wewe mwenyewe hautayapendelea lakini mpe kila mtu nafasi ya kutoa maoni yake maana hii kazi ni haki ya kila mtu akiwa binafsi ama akiwa kikundi kutoa maoni bila kutusiwa. Kwa hivyo kama hupendi venye mtu anasema, ngoja aseme yake, yale huyapendi ukija sema yako ambayo unayapenda. Lakini tusipigane makele ili mtu apate nafasi ya kutoa maoni bila shida.

Jambo la mwisho tutaketi mpaka saa saba, tuchukue break kidogo mpaka saa nane, halafu tutaketi mpaka saa kumi na mbili kutoka saa nane. Kwa hivyo tuna muda kutoka sasa mpaka saa kumi na mbili ila tu tungependa pia kupumua saa saba mpaka saa nane. Kwa hivyo ikifika saa saba nitafunga kikao na pia mwenzangu ni Mwislamu kuenda kuswali ili turudi saa nane kuendelea mpaka saa kumi na mbili. Tumelewana hayo? Wale wengine wakija, utawaeleza utaratibu ili tusikuwe na hawa wameelewa na wale wengi wakija baadaye waanze kufanya mambo yao ambayo si taratibu. Tuko sawa sawa? Haya ningependa kwanza na nitamwita mtu wa kwanza ambaye ni Silas Muriungi.

Kabla Muriungi hajaanza, nikishamaliza kutoa maoni ningependa wakati mwingine nikiuliza maswali...(inaudible)...hujue sisi ma-commissioner kwa hivyo ukimaliza kutoa maoni yako keti tu, maswali utauliza. Kama kuna swali utatuelezea kidogo. Bwana Muriungi sema jina lako halafu uendelee.

Bw. Silas Muriungi Kiara: Asante sana. My name is Silas Muriungu Kihara. I am representing Ruko location, where I happen to be chairman of the CRKC committee, co-ordinating in the location. Professionally, I am a teacher but am also a civic education facilitator and a human rights activist. After consultations with the Ruko residents, we came up with this proposals to the CKRC. On elections we suggest that the constitution must read that MPs should be at least form four leavers with at least Grade (C+) and above, or the equivalent. Anybody wishing to be a councillor should at least be a form four leaver with at least grade (C-) or the equivalent. On presidential powers we propose that the President's powers must be trimmed. He should not be appointing the Chief Justice, the Police Commissioner and the Auditor General. The Chief Justice must be appointed by the Judicial Commission , but all the others must be employees of the Public Service Commission (PSC). The President should not be an MP, because currently the President doesn't represent his constituency in Parliament, because he is rarely in Parliament. Therefore he should not be an MP. He should identify a running mate during elections for the post of Vice President if the

running mate wins the elections. The constitution should also create the offices of Prime Minister and two Deputy Prime Ministers. One of the Deputy Prime Minister must be a woman. The kind of government must be a government of national unity that involves all the political parties. During campaigns, all parties must be funded from the consolidated fund. There should also be a provision for government employees to ask for leave of absence to go and vie for both civic and parliamentary seats with an allowance of going back to their jobs if they lose the posts. The constitution must also state that Parliament should have and control its own calendar. It must also state the minimum number of ministries, preferably a minimum of twelve ministries and a maximum of fifteen with one minister and one assistant minister. The chairman of county councils and mayors must be elected by all wananchi and not just their councillors. Let the constitution have a provision for a vote of recall, by this we mean if the elected leaders don't deliver, they should be recalled by the electorate after whatever time, even if it is after a few months.

On land, we propose that the constitution should provide that all Kenyans must have land. Nobody in Kenya should be called a squatter, or landless. The constitution therefore should set a ceiling of acreage that any Kenyan should be allowed to own. We, therefore propose that no Kenyan should be allowed to own more than a hundred acres. Public or trust land must not be under county councils, instead the constitution should state or create community trustees at locational level, elected by the community. This will check land grabbing. Inheritance of land should be both to girls and boys. But only when the girl is not married to avoid double inheritance. We also propose that to keep the government on its toes, we propose that the constitution should locate the office of an ombudsman. This should be an independent office with security of tenure and answerable to Parliament. We also propose that the office of the ombudsman should replace the provincial administration. Since the government has failed to stamp out growing, distilling and consumption of traditional liquor, we propose that the constitution should state that it is legal to make and take traditional liquor. Where traditional liquor is made for sale, then it must be made under supervision of a (PHO), Public Health Officer and with a liquor licence.

On identity, we propose that, that part of the constitution that says Kenyan citizen is one born of a Kenyan father, should be changed to read Kenyan citizen is one born of a Kenyan father or a Kenyan mother. Upon registration of issuance of an Identity Card, we also propose that a voters card should be provided to avoid registration of voters where some who don't have Identity Cards are catered. Thank you very much. These are the opinions and proposals of Ruko residents.

Com. Lenaola: Thank you very much for keeping time....(inaudible)....on time understand....(inaudible)....

Com. Nunow: I have preferably three questions....(inaudible)....You mentioned that political parties be funded by consolidated fund...

Mr. Muriungi: Yes sir

Com. Nunow: Do you envisage political parties as they are now, or you propose a restructuring of political parties? Because we have 52 political parties now. That is the first question. Second question on land and inheritance. It is important to write them down and answer them once. You mentioned that girls who are unmarried and boys should be able to inherit their parents

. You emphasised on girls who are unmarried to avoid double inheritance, you mentioned but married boys also tend to inherit their wives when they die. What would you say about that?

Mr. Muriungi: On political parties and their funding from the consolidate funds, we envisage a situation where there should be a maximum of registered political parties. Those that don't, or are not active in a period of two or more years should be scrapped off.

Com. Nunow: How many do you propose. How many parties ideally?

Mr. Muriungi: Personally, I would propose at least ten to fifteen political parties, because we can't afford to fund all the 52 currently. Now on inheritance if girls are allowed to inherit while they are married then it means that you inherit their fathers and their fathers-in-law, or their husbands and their fathers. So we propose that where cases arise where girls are not married, then they should be treated equally with their brothers during sub-division of land. Thank you very much.

Com. Lenaola: Mr. Muriungi come and register here....(inaudible)... register after you present. Mr. Murugi. Who is Murugi? Hayuko? Festus Mtuarithi. Nakupa dakika tano na ujaribu, uendelee. Sema jina lako kisha utoe maoni yako.

Mr. Festus Mtuarithi: Jina langu naitwa Festus Mtuarithi kutoka katika location ya Bometa na mimi ni vice chairman wa Democratic Party of Kenya katika division. Maoni yangu katika katiba nataka kuanzia kwa pale iko shida nyingi sana katika location zetu. Ningependa location zetu zitambulike katika constitution na ziwe na uwezo wa kutawala na katika location kuwe na administrative location council ambayo itakuwa na wazee wa umri kutoka arubaini na tano na kwenda juu kulingana na upana wa location na hao wazee wawe na chief ambaye atajulikana kama administrative secretary na wapewe mamlaka ya kuangalia mambo ya location, katika location yaani wapewe mamlaka ya kuangalia security katika location ya kushikamanisha domestic problem, na dispute za kama mashamba na wawe wana uwezo wa ku-protect ama kuzuia mmomonyoko wa udongo, environment, protection of forest na kuangalia chemichemi za maji zisiharibiwe na wawe na uwezo wa kuzuia watu wasiharibu barabara na kulima kando kando ya barabara kwa sababu mara nyingi taabu inakuwa kwa watu wanaingilia tu kufungia wengine barabara na hakuna watu wa kuweza kuambia wasifanye hivyo. Na hapo pia wawe na uwezo wa ku-plan mambo ya location development na kuona hakuna mtu anakaa bila kazi, idleness ikiwa kuna vijana wengi wanakunywa pombe na kukaa bure iwe in jukumu ya hawa kuwaonyesha jinsi wanaweza kujifanyia kazi na kujisaidia. Wawe ni watawala wa kufanya watu wawe wakiendelea na ikiwa ni kama mambo ya unywaji wa pombe na ku-control system ya unywaji wa pombe katika location na kusiwe na unywaji wa pombe za haramu ambazo zinaharibu vijana siku hizi na inaonekana katika location hii kuna udhaifu, umaskini unaingizwa na hizi pombe za haramu na pia wapewe mamlaka ya hakuna mahali kunakuwa na landless ambao haifanyiwi kazi na kuona kila mtu anasukuma, kuona kila pahali kunaendelea kufanywa kazi kulingana na vile nchi ilivyo.

Halafu kutoka hapo naweza sasa kuingilia upande wa mamlaka ya utawala. Katika President tuwe na ceremonial President na kuwe na Prime Minister na chini yake kuwe na Deputy Prime Ministers kama wawili. Na mimi naunga mkono kama msemaji

wa kwanza mmoja awe mwanamke. Na Parliament iwe na uwezo wa kupanga mambo yote ya kama ma-judges, kama kuchagua wale watu wa kusimamia idara mbali mabli ambazo zina uwezo wa kuchunga mali ya watu. Na makoti yetu yawe established katika kila division iwe na court.

Na tukiendelea upande wa administration. Provincial administration itupiliwe mbali, kwa sababu hizo zinaongeza ukabila na tuwe na Kenya moja ambayo ina muungano wa watu na utawala moja ambao utawaunganisha Wakenya wote wawe ni Wakenya. Sio wengine wanaitwa wakabila hii, kabila hii iwe wanaungana pamoja. Na katika Meru ningependa Njuri Ncheke katika district ipatiwe mamlaka ya kuona kila mwanaume akishaoa ameingia hiyo chama, kwa sababu hiyo chama ya Njuri Ncheke ndiyo ambacho kinawafanya watu kuja pamoja kuzuia wizi, unyang'anyi wa mali ya watu, kutupatupa wanawake ovyo ovyo, kila kijana awe anaingia hiyo chama.

Na kwa upande wa admnistration katika district, kusiwe na local authorities na ofisi ya district commissioner. Hiyo iunganishwe pamoja kuwe na district council, governing council ambayo District Commissioner atakuwa ndiye secretary wa utawala, yaani kuwe na local authorities ambayo ni mbali na administration. Iwe sasa utawala wa district inaunganishwa na secretary wa district ambaye atatambulikana kama district commissioner, lakini kwa jina awe district council ambayo ni administrative secretary. Kwa hayo machache ningewachia hapo.

Com. Lenaola: Asante sana Bwana Festus Mtuarithi. Hata kama kuna swali njoo ujiandikishe hapa. Pastor Samuel Njuri unapaswa ujitambulishe halafu uendelee na maoni yako. Dakika tano angaza tu...(inaudible).....

Pastor Samuel Njuri: Asante, mimi ni Pastor Samuel Njuri in charge of Seventh Day Adventist church in this region. I hereby wish to present the views in this sense that my God is supreme, he is the one who can bless us in our country Kenya. Therefore, I believe and we believe that He should be glorified and He should be given as a priority His right worship. I the believer of SDA church, we believe that God is a chief governor, God rules, God is supreme king, He has got his Ten Commandments and His Ten Commandments I want to present to this commission that should be recognised in our future coming new constitution review. That we should all honour the Ten Commandments because they bring the relationship between us and God, and man and his neighbour. That means, if we keep the Ten Commandments all of us we have to love each other, we have to remain and live in harmony with anybody else without any tribalism, racism without any discrimination. Obedience of faith in the Ten Commandments transforms lives. Therefore, if we obey the Ten Commandments we cannot have criminals in our country. We the SDA believe in efficient creator, after six days of creation He rested on the seventh day and he is treated the Sabbath for all people as a memory of creation. Therefore, there is this commandment that is not properly recognised and is not known by so many that makes our God superior, that makes people fail to understand our God. The fourth commandment of God has not been changed by God Himself nor has it been changed in the Bible, the scriptures, it remains as God gave the commandments, the Ten Commandments to Moses in Mount Sinai. Therefore, those who delight in keeping all the commandments together with the true Sabbath of course, recognise God and in that way God gives them peace of mind, joy of service of this holy time from evening to sunset, from evening to evenin, sunset to sunset is a celebration that occurs every week. Now we want our rights of worship to be recognised during this time and preparation of the new coming Kenya's new constitution law. Therefore, we

SDA believe and feel it is in our right conscience we should obey all the Ten Commandments including the true Sabbath. The true Sabbath takes place on Saturday and Saturday should be recognised as the day of worship for the Lord, and we have experienced a lot of persecutions as Adventists, we want to feel that we should be recognised and should be assisted because we have so many believers in all areas that recognise that commandment of keeping the Sabbath day holy. We have students in schools, colleges and institutions of higher learning who worship God on the Sabbath day, but now they are not allowed because there is no law protecting them.

Com. Lenaola:(inaudible).....

Pastor Njiru: Yes please

Com. Lenaola: So wind up. We shall read the memorandum...(inaudible)....

Pastor Njiru: Therefore, we have to our brothers have in other countries, few countries in the world have also presented their views and they have been recognised in their constitution. Like the country of Italy, Spain, Peru and other countries in the world they have been recognised to worship on the Sabbath day of the Lord. So we appeal for the same in our country, Kenya that we want to honour God and respect Him and obey Him by keeping all the Ten Commandments including the Seventh day Sabbath as the day of worship, which takes place on Saturday. Thank you.

Com. Lenaola: Thank you, we will take care of your memorandum ..(inaudible)..Alfred Mwenda, Geoffrey Mburugu. Is Samuel Muchemi here? Utamfuata Mburugu. Please tell us your name and your current....(inaudible).....

Mr. Geoffrey Murugi Mburugu: Thank you. My names are Geoffrey Murugi Mburugu. I am coming here to present South Imenti Development Trust. My views are that, in the new constitution I would like to safeguard human rights and therefore detention without trial should be abolished. That is my point number one and the second one should be the government should set up association of lawyers paid by the government to assist the poor get justice because there are some cases and some people who are poor are not well represented in court and they end up not getting justice. The judiciary should set up a panel to review the charges of the lawyers in accordance with the cases because at times some lawyers charge exorbitant fees and the clients do not know the legal position of their cases, so the judiciary should set up a committee to review and to be guiding the lawyers in accordance with their charges. The constitution should set up a committee on human rights.

I would also like the corporal punishment to be outdated so it should not be appearing in our constitution and is to be represented by life imprisonment. When I mean corporal punishment, I mean the death penalty. I also would like to talk about gender equality. I think gender equality, women rights is part of human rights. So I would not like to have a separate body on women rights and another one on human rights. I would like to have all bodies talking about human rights because women rights is part of human rights and at times men think they are left out when we talk about gender equality, so men should be taken care

of by the bill of human rights. It should not be seen as if they are being sidelined. Also I will talk about voting. Voting is a fundamental human right and so when we come to vote at times some people are being denied their fundamental rights because of voting day being put on a Saturday and some like me I am a Seventh Day Adventist and am also a politician. I think I will vie for the next coming election and when you put a voting day on a Saturday being a Sabbath keeper, I would not be in that election, because I won't contravene the law of God and go to vote. So, I would urge this constitution to set a voting day not to be a weekend, it should be a working day either Monday, Tuesday, Wednesday or Thursday. We should safeguard Friday for Muslims, Saturday for Sabbath keepers and Sunday for the Christians who go on Sunday. So I would like to say it should not be on a weekend.

Local government should be allowed to work without interference from the central government. Officers of the local government, that is, those at the councils should be directly elected by the grassroots people, and the local councils should collect the levies from the local areas and make sure those levies go to develop the same areas. And the local council officers should serve for at least 2½ years before other elections are held. Parliament should be empowered to develop its own calendar without interference from executive. Parliament should not be closed before its expiry date is over and that should be at the end of every five years from the day it was sworn in, unless in times of war. I would prefer election day to be set, to be on the second week of December after every five years and it should be known by every Kenyan. That election date should be well known. It should not be a hidden agenda.

Com. Lenaola:(inaudible).....

Mr. Mburugu: Okay, members of Parliament being the servant of the people, they should go under the Public Service Commission and their salaries should be reviewed by the same.

Com. Lenaola: Have you finished?

Mr. Mburugu: Yah.

Com. Lenaola: Thank you very much ...(inaudible)...you come and register. Samuel Muchemi? You have five minutes to just highlight your memorandum. We shall read every word.

Mr. Samuel Muchemi: Thank you very much Mr. Commissioner and everybody who has had time to come today. My name is Samuel Muchemi, I do business in this town. My views are as follows. On the Presidency, the President must serve a two five-year term not exceeding ten years and after this ten years, he should not seek for a re-election. The President also must never be the Commander-In-Chief of the armed forces, but would be empowered by our constitution to declare a state of emergency in consultation with defence chief of staff. Our President must not also engage in private businesses as this for the most parties where you find corruption setting in. People who would want to short circuit a system would want to do deals with

an incumbent President so that they can be able to seek favours from him. The President must not be allowed to select members of the ambassadorial corps to the cabinet and assistant ministers, as well as members of judiciary, unless and until he has consulted our members of Parliament. In other words Parliament should be supreme. He should also not be vested with the powers to appoint members to parastatals and such other state corporations unless under consultation from Parliament. We should also have a preamble to our constitution which actually states the aspirations of Kenyans and our wishes as Kenyans and our objectives as our people. We must also put God before everything else that is, in our preamble we must as a nation endeavour to seek God's guidance in whatever we do. Even if it means having to borrow some phrases or even some sentences from such a constitution like the American constitution which dictates equality before the law, observation of human rights and dignity to the human being regardless of race, gender, opinion or whatever. When a President leaves office the speaker of the national assembly should be the person to take care of the government for a period not exceeding 90 days that is, over the first 60 days the speaker should be able to run the government only that he will not have powers to appoint a cabinet, ambassadors, members to the cabinet like assistant ministers and what have you. If he has to do it then it has to be done under the consultation of Parliament again for the next 30 days after the mandatory 60 days the speaker is supposed to be in charge of a government, he should call for a Presidential election which should be done at the end of the 30 day period and the new President sworn in by taking an oath of his from the Chief Justice as it were.

We need to embrace unitary government that is a representative government headed by a President and not necessarily by a Prime Minister, because the Prime Minister sort of a government will actually cause a lot of disagreements you know members of Parliament kind of contesting for the same because each one of the parties want access to leadership and we have had cases of governments changing within a day or two like in Japan, India and such other democracies. So it will be worthwhile for us to actually embrace a unitary system of government and taking into consideration also the cost involved in actually having to sponsor governments every now and then.

We should also be tribalised, placements such as districts, divisions, constituencies and all these. We need not have districts bearing names of tribalism because we should actually look at ourselves as a nation of people endowed with various abilities and inclinations. We need to abolish the provincial administration as it stands at the moment because it leads to duplicity of work and for the most part they have been a big drain to our economy and also an embarrassment to the government, because people seeking their services at times have been said you know, sent away without having been assisted. In this regard one should support an earlier contributor who said that in the place of the provincial administrators, we need to have an office of an ombudsman who is actually going to be charged with the responsibility of resolving conflicts over 25% in five provinces and this particular person can either be an independent, that is we don't need to embrace a President coming from a party. President need not come from one particular party, he can be an independent running for the bigger office. Then, spending during election time should be limited, whereby, members of Parliament or contestants should be asked to declare the amount of money they are going to use and if ever they go against that money that they had said they are going to use, we have ways and means of following them up through bank statements and such other areas.

Com. Lenaola: Please wind up Mr. Muchemi.

Mr. Muchemi: Access to the media, every particular person, be it an independent or a person who has been sponsored by a political party should be able to get media coverage and such other forms of publicity. We need not have people crying to be heard and not actually not being heard. Amendments to the constitution should not be allowed by the wananchi I mean should not be allowed but if Parliament passes for the constitution to be amended then it has to have an over 80% of the parliamentarians passing it. And it has to be referred to the people. The people need through a referendum to actually give their views on this one if for any reason over half of the population in a referendum pass that they don't want a change in the government, then we should actually have that constitution as it were without having to change it. Thank you very much.

Com. Lenaola: Thank you Mr. Muchemi(inaudible).... Please come register ...(inaudible).... councillor Derrick you can(inaudible)....

Councillor Derrick Muriuki: Thank you

Com. Lenaola: Are you a councillor?

Councillor Muriuki: You have heard my name is Councillor Derrick Muriuki. Meru County Council still I am the operations co-ordinator of an NGO called Community Resource Development Agency and that regards a way to submit my proposal on constitutional review to the constitutional review. First, I would like to say that as a topic of the country we need to change the name of the country to the Second Republic of Kenya instead of Kenya, because we have gone to another transition instead of just Kenya, the Second Republic of Kenya to manifest that we have changed to a new country after the reforms. Then from that time the country need to have the preamble which I have written. I have written them all on now it has to be done. Again we have the administrative governments. I am saying that the country should be divided into administrative divisions which will take into consideration the economic and social transposition. Let us say like Eastern Province now, or the North Eastern and the rest. Eastern Province we have the Marsabit up there and somebody coming here to Provincial headquarters at Embu, the geographical and economic transposition is not taken in that regard, so we have to transform the country into that. Again there are some constitutional offices which I would like them to be entrenched into the constitution like the Commission of Inquiry, that one is just under the Act, so, it will be better to have that one as a constitutional office than the national council for civic education. We should have that one as an office. The National Council for Civic Education, the National Youth Service should be a constitutional office so that it will be training youth instead of a department in the Office of the President. The the Land Commission, the National Intelligence Agency should be also the constitutional office.

On the public enterprises, so that the government should not have a parastatal system, it should have a national enterprises programme. Again there should be an economic and social council. This organisation could look at the general orientation of the country's economy, the financial and budgetary policy, industrial policy, social and cultural policy, even environmental policy.

About the Presidential elections, at least a President should not only be the same as parliamentary and civic. The Presidential

term should be extended to six year and the others, five years so that the parliamentary and civic election should be held earlier, so that the President would not be panicking for parliamentary seat and as well as the looking for the MP so that even that one should not be much rigging, because the President after the elections are finished now the President will be empowered to make even the next Parliament which will come be would be in office. He should not be new as well as an MP so that one ought to be done. Again the speaker should be empowered to dissolve even the Parliament rather the President who is executive, because the speaker is the head and he is controlling the Parliament, he should be empowered. There should be an empowerment of the speaker.

The other thing is about our flag. Our flag, there should be a way, entrenchment in constitution that a flag should be this size and the colours should be as a constitutional issue. You see in some part of a country, you might see a Kenyan flag which is one fit another one so there is not standard flag of our country which ought to be done. Again, in the constitution we have to include the code of conduct for public officers like the Zambian constitution Section 221 has that code whereby, instead of having an Act there should be a constitutional code of conduct for our public officers. Again the presidential age should be between 35 and 65 years so that we should not have old people ruling this country.

Com. Lenaola: The last two points

Councillor Muriuki: About Local Authorities, I would like Local Authorities, I have written them on the procedure, should have the chairman elected by electoral college. It is not possible to elect a chairman of a council directly by the people because when a chairman and then you were elected in the whole district, there is a problem. So there should be an electoral college for mwananchi where they will select people and then elect the chairman. The chairman there should be a clause of impeachment because that person can be very strong when you are elected as a chairman, at least a quarter of the residents can submit to the electoral commission, the memorandum for you to be impeached.

The work of the council should be entrenched in the constitution, like maintenance of roads and provision of social services, the running of educational institutions, maintenance of security in conjunction with the office of the Attorney General and the police. Even those are the issues which should be included in the local authorities again the chief officer of the local authority should be appointed through the establishment of the local government service commission which will look at the welfare of the councillors and the chief officers because now they are employed by the Public Service Commission and then they go deep to the council. They are people seconded by Public Service Commission instead of the local authority looking for the correct people for that job.

Com. Lenaola: Thank you very much....(inaudible)....your views. We shall read every single word. So thank you very much for your thoughts into the process. Any question?

Councillor Muriuki: No I think there is one point I want to put to the commissioners. I am seeing that because some issues you are saying concerning the Act. So am asking after this one the commission itself should have another office not office but a

part of a committee which will draft the Act, because some Acts might contradict. We need to review all the Acts again so that the constitutional review commission should have a commission after we review the constitution to go with the Act instead of them being written by the Attorney General, because he is not reviewing this constitution. So that it can go hand in hand with the constitution which we are reviewing.

Com. Lenaola: Okay, even us councillor just for your information, the commission intends that if we have a draft constitution we shall not leave amendments to other legislation to Parliament. We shall try and do amendments to other laws at the same time as we do the draft constitution. So we want to make it a comprehensive problem because if we leave certain Acts to Parliament, or the Attorney General there is the risk of them being left out so had we had enough time what we would do every single amendment, every law in Kenya to be conformable to the constitution. That is our intention in the future. Thank you very much, please register. Mr. Mbaya?

Mr. Mbaya Mukira: Yes, my names are Mbaya Mukira. I am a member of Njuri Ncheke on whose behalf am making this presentation. Our first recommendation is that the right to enjoy one's culture to be enshrined in the constitution as a basic right. Alongside that one we thought that at the same time we should have a position which encourages diverse cultural intergration at the same time. The other right we thought should be enshrined into the constitution is the right to universal and accessible free education not only at the primary level, but upto secondary level. Also we thought that with the increasing cost of health and medical care, we thought that right to basic health should also be a constitutional right. Both to be financed from the public taxation and at the same time we recommend that the N.S.S.F and N.H.I.F be converted into a social insurance scheme to finance this projects. Then we all considered the issue of majimboism, what others called federalism. We strongly feel the majimbo should not be experimented in Kenya for obvious reasons, because it would tend to tear the country further apart, instead we thought that we should continue with the present system of unitary government as opposed to regionalism. We also thought that the provincial administration should be retained not to be abolished. We have had it for almost over a century now and there is no system which we thought can take over that vacuum if the provincial administration was abolished. And instead we thought that the powers of the P.C's, D.C's and D.O's there is no legal machinery to provide for what they do or how they do it. So we thought that we should have it provided for in either an Act of Parliament, or even in the constitution such that their powers, duties should also be clarified instead of leaving it to the whims of the particular person who leads a particular office. Then at the same time we thought that the number of provinces as they are, are too few. So we thought the number should be increased which means that the boundaries will have to be re-drawn. An example we thought is like somebody has to come all the way from Moyale to Embu to see the P.C and surely this is unnecessary expense. Then on local government we thought that county councils, municipal councils, area councils should be the primary vehicle for development and management of resources. So presently, we have local government Act which only exists as an Act of Parliament, it has no constitutional backing, so we propose that the local government Act be the machinery for local administration should be enshrined in the constitution at the same time, so that the powers of the councils can be clearly defined and also alongside that the autonomy of the local authorities be made clear particularly as regards the management of resources, on provision of services. So that we remove power from the central government and bring it down to the local level where the people are. We also thought that the chief officers of the

local authority should not be under the control of the central government directly. The people at the local level should be able to determine, let us say, who becomes the clerk of the council because in that way then, the council can be able to discipline such officers. We thought that there should be a local government service commission to provide for appointments and discipline of local government officers.

On councillors, we thought that they should not be of below form four level. In alternative we have people who have got a proven record of public leadership. On mayors and chairmen of councils they should be elected directly by the people. On the nominated councillors we thought we should have a nomination be done by a selected panel within the particular local authority as opposed to politicians appointing their own people. On their term we thought it should be limited to only two terms and not more. Then we considered about Parliament and political parties we thought that the situation now is rather confrontational that political parties are viewed as personal property by certain political leaders and this has brought about a lot of friction either in Parliament or outside. So, we propose that we have the existing systems of presidential government as opposed to that of Prime Minister. We do not want to experiment on that one as yet, we are not ready for that one, reason being that this will give the country a more intergrated, united outlook so that at the end of the elections we don't have the party with the majority rules forming the government instead we will have a provisional constitution which says that all parties presented in Parliament should participate in government. It becomes compulsory as opposed to a situation of a coalition government where coalition government is formed by out of choice or out of agreement. On MPs we thought that ...

Com. Lenaola:(inaudible).....is important

Mr. Mbaya: Two more. My time is almost up

Com. Lenaola: Exactly that.

Mr. Mbaya: Okay, thank you. We consider the question of what we call Common Property Resource. This includes public land, public plots, natural resources, water catchment areas and so on. We thought that the government should not really own land, instead land should be owned by the particular local authority, where the land is situated, as trustee for the people and then include people at the local level in the management of natural resources such as forests, do away with the idea of forest guards.

Finally on boundaries, we thought that most conflicts which arise, are from disputes of boundaries either at the village level or even within particular clans, even at the district level we thought that there should be a machinery to arbitrate these disputes, which we should also be constitutionalised, with the leaders of a particular area participating.

Then finally on the judiciary, we thought that justice should be brought close to the people by setting up tribunals at the divisional level which can handle certain matters like family disputes and as I said the problems about land. Then we have a system of appeal at the district level where these problems can be taken on appeal. A separate system of courts from the existing one which we thought is rather too far removed from the general public.

Com. Lenaola:(inaudible)....Bwana Mbaya..

Com. Nunow: One question. Mr. Mbaya, I would like to seek your clarification on the number of provinces. You mentioned that they need to be increased and boundaries redrawn. You gave the example of Moyale coming to seek services in Embu. Have you given a thought how many would be appropriate when you look at the current geographical set up of the country?

Mr. Mbaya: That of the existing eight to sixteen.

Com. Lenaola: Thank you very much on that. Please come and register and thank you for Njuri Ncheke for their views. Let me have Thomas Gikunda, after Gikunda Emilio Nthege, Bernard Gitonga. Endelea.

Mr. Thomas Gikunda Muungania: Yes, my names are Thomas Gikunda Muungania from Kabera location and I have come here to give my views on the constitutional review. One, I will start with Head of State of the day and the Judiciary. Those two should be independent. The Head of State should not be appointing the Chief Justice, and on judiciary, I would like to give my views on the courts, especially on property cases. Regarding the property, there should be a tribunal set composed of the local people, wazees, old people especially on land, who are versed on those cases to first deal with that matter since the lawyers have exploited the poor people when dealing with these cases. So, on my view I think there should be a tribunal set to deal with property especially on land cases.

On education, there should be free education and a standard education. When I talk of standard education, for example, like now the ministry does not have any powers to direct on the books. This year you are given this set of books, the next year you are given the other set of books and it becomes very expensive. So, we would like the set of books to be standardised. The books which are being taught in these schools are not different from the ones which are being in other schools.

On health, I would like to have my views on it that the government should provide, or it should be provided in the constitution that there is free health or the facilities are free for all Kenyans, since medicine or treatment has become quite expensive. It should be the right of the government to provide health to all Kenyans. And on that matter on health, many people have lost their lives on this local brews, or liquor and it is in my opinion that the chairman of the district liquor board should have powers to have bars opened after work, after 4.00pm, and not throughout the day. Because this is where the local brews especially the young generation are taking local brew all day. So, there should be some powers that bars apart from the restaurants, these other local bars should be opened after working hours and have a limitation of hours to be opened.

On the salaries of the Members of Parliament, in fact when our country is in this kind of problem, we don't have good revenue. Recently they empowered, they gave themselves a lot of salary and I would like the MPs to be put under the Public Service Commission, where the salary will be decided not to sit overnight or over a day and decide that we are having a big salary today when other sectors are not being awarded their complaints.

On roads, I would like that the local government should at least try to make the roads, these are all weather roads passable

even during the rainy seasons, because they are currently impassable. When they don't work at all, so I think the county councils are failing, they should at least have the roads maintained and decide on which road should be maintained by the local authority, or either the factories.

On the nominations of councillors, I think this one should be decided by a panel set aside to know who is to be nominated because we want people who can develop the country and once the panel is set, it will pick on the right person for the development.

Thank you.

Com. Lenaola: Thank you very much....(inaudible)....please come and register this way Thomas. Gitonga Bernard is not here? Peter Bundi, karibu na Kenneth Mwongera? Julius Kaburu Magambo? Endelea bwana.

Mr. Peter Bundi: Asante sana. Mimi naitwa Peter Bundi kutoka Kaaga School for the Deaf. Mimi nafanya kazi ya interpretation, yaani kuwaambia watoto wa deaf vile kunaendelea.

Mimi nasema hivi, hawa watu walemavu najua huku nyumbani hatuwachukui kama watu wale wengine. Sasa mimi naomba kwanza wazazi wao wafundishwe. Lazima wafundishwe wasiweke watoto nyumbani. Halafu mimi naona tena ni lazima watafutuiwe kazi, sababu sisi tunabadilisha skuli class eight tutamaliza sasa tunakaa nyumbani. Unajua hatujui vile kunaendelea. Wachache wanawekwa nyumbani. Sasa unaona ni lazima wazazi wafundishwe. Na ni lazima tutafutiwe kazi, sababu tunamaliza skuli hatuna kazi, tunakaa nyumbani, sasa tunaanza kuiba. Okay, na ni lazima tujengewe College yetu ya deaf, sababu tunamaliza class eight, hatuendi College hatuna College. In kenya tuna College moja tu, hiyo iko Thika, na lazima tuwe na interpreter kwa T.V show, sababu lazima tuone vile inaendelea na tusikie vile inaendelea. Kwa mwisho, naomba wazazi ama serikali iambie wazazi wasiweke hao watoto nyumbani, wao wamezaliwa wasiwekwe nyumbani. Ni lazima wapelekwe skuli, wafundishwe kama wale watoto wengine sababu ni watoto na si deaf peke yao, ni deaf pamoja na disabled na blind. Wasiwekwe nyumbani, ni lazima wapelekwe skuli wasome kama wale watoto wengine. Asante sana.

Com. Lenaola: Basi njoo ujiandikishe hapa, kama umetoa maoni kwa tume. Naomba kumwita Roseline Kithiru, hayuko? Haya, Antonina Miriti. Sorry, Doris Kanana. Karibu ama ungependa kungoja? Uko tayari? Thank you, you want to wait or you....Are you ready? Okay you can wait. Antonina Miriti na Roseline. Okay sorry, you are here, karibu....(inaudible)....

Ms. Antonina Miriti: My names are Antonina Miriti. I am a teacher and my first view goes to the health of the working mothers. I feel that the current two months that is given to the working mother is too little both for the mother and for the child. Because by the time the end of those two months, the child is not weaned enough to feed on its own. So, it is my proposal that working mothers should get, at least, six months of maternity leave and then for the fathers for psychological adjustment, at least they can be given two months so that they develop some kind of bonding with the child.

The other view I would like to make is something that has been made on free and compulsory civic education for our children, especially up to the age of 16. Currently, we find that because of the many economic constraints that there are, many of our

children do not go to school and even the few who go end up leaving school after some time. So, at end of it we have just too many illiterates within the local community. So it was my feeling that the constitution should make provisions for all the children in the country to be educated at least up to form four and then there should also be a mechanism to check that every child goes to school, because the minute we have a few of them going to school and then many others not going to school, then when these who have finished school and especially now that they are not getting jobs, when they go back we continue the policy of illiteracy.

Now, the constitution should also provide for a clear policy on education, to avoid the many interferences that we have had in the current system. For example, you find that there has been quite a number of changes. Changes should be there in an education system, but I think there should be thoughtful changes such that we are not making changes every one, two, three years. For example, in the 8-4-4 system we started with eight subjects which candidates had to do, now they are doing seven. We had the biological and physical sciences, now we are kind of moving to the technical. Understandably we need to be industrialised, but am saying when these changes are to be there let them be planned in such a way that they come gradually, so that, by the time we introduce them, we are prepared in terms of the resources and the materials that we need for them. The subjects also given in our curriculum should tally with the needs of the country, the developmental needs of the country. It seems that some of the subjects that we learn are just for the sake of having that big list in the education, but when the students go out, some of the subjects do not help them. I would also like to propose that the constitution should have a way of assisting those people in the villages, the farmers, the artisans, like the boys and girls who are learning here. Many of these people produce many good things, milk, jua kali utensils, but then many of these people do not have somewhere to market the same produce. So it was my feeling that the constitution should provide for the marketing of those goods that are locally produced so that the producers can be self sufficient, which is one goal that we should have and at the same time this will contribute to the national revenue in the country.

There should also be some national outlook in education so that people are not learning and working in the same environment. I feel the present quarter system in education and in many other institutions does not give enough people a chance to get that national picture that we need to have. So there has been a tendency to have certain jobs and institutions concentrated in a few places and then other areas not having any at all. I also feel that the constitution should provide for the reduction of the powers of the President in the country such that, he is not in charge of appointing the Attorney General, Permanent Secretaries and all those. There must be a limit as to what he can have, otherwise I feel that those powers are just too many and they are guaranteed in the constitution. So I believe there should be some checks and balances on the same. Otherwise, thank you.

Com. Lenaola:(inaudible)....for keeping the time and your very concise views. Any question? No. Thank you mwalimu, please come and register that you have given views to the commission. Doris Kanana, Evans Mugambi, Emilio Kinyua. Are you ready? Please proceed.

Interjection:(inaudible).....

Mr. Evans Mugambi: My names are Evans Mugambi. I am a student Inuko High School. I am going to focus on the education corner. The first thing I would like to say is about the fee, which is very high, for example, Ksh.10,000 per term and then for three terms you get Ksh. 30,000 per year. I feel like we should have free education, may be from Primary to Secondary level. It should also be compulsory. The other thing is about teachers who are always on strikes. This time they are doing that thing they are striking and then you know, it is such disturbance. Like now we are in June, they want to strike again, which is not very nice for the flow of education. The other thing is about the system which is changing now and then. For example, yesterday we were told that one of the eight subjects that we are doing would be optional. Now when you go to form one the way you meet the system you start preparing yourself that way but when you reach form three, it is changed again in form four it is changed again, in form four it is not very smooth.

The other thing is about the discipline in schools. You see may be a student will be punished by may be kneeling down for two or three hours and not inside the classroom but outside, may be cutting the grass for some hours hence he is losing the lessons. Not that one I don't think it is very nice, may be counselling can do it than caning and the rest. And then we have the kind of education that we have. I think from when one gets to secondary level we should be focussed on what we want to be, our careers. Not that you do the whole system like you go and choose your career, may be in secondary level. Let us have a system whereby, when you reach form three, you start focussing on what you want to be. For example, if you want to be a lawyer you take history and the rest, but if you go with sciences and you don't want to be a doctor it wont work you just odnt have too much for us just to focus. Thank you.

Com. Lenaola: ...(inaudible).....Thank you very much. Please come and register. Humphrey Mwirigi please karibu. James Kiambi, utamfuata huyu bwana. Karibu Bwana Mwirigi. Try to highlight your very important...(inaudible)....

Mr. Humphrey Mwirigi: Thank you very much. My names Humphrey Mwirigi and these are my views. I think it is very important for the constitution to state that neither the state nor the legislature or judiciary that grants human rights to the citizens of our country. I also ought to propose that there is need to protect specific groups, when it comes to bill of rights. First, children, the constitution should define who is a child and on the other hand the definition should be uniform for all purposes of law. I suggest that the constitution should state the duties of parents, that is to care for and bring up their children. The state should progressively make primary education free and accessible to all. The constitution should provide for the protection of the family as the core of a healthy society. The state should provide family life education. I suggest also that the state should take appropriate measures to ensure a child who becomes pregnant is given an opportunity to continue with her education. I would want to propose that the state should take measures to progressively prohibit child marriages. I also want to propose that the state and society should protect the child both male and female from all forms of sexual exploitation and sexual abuses everywhere. The constitution should also afford special protection for orphans and Parliament should enact laws to ensure the establishment of special institutions, provide for the welfare of orphans.

Any person who is under lawful detention should be entitled to proper accomodation, clothing, sufficient food, medical care, protection against assaults to ensure human treatment. The constitution should also ensure that no law should deprive any

person the right to life as punishment for a crime of a political nature, for example, treason, which does not involve deliberate taking away of human life. The constitution should also ensure that the state declares war against weapons of mass destruction. Provide free health care, a living wage for workers, a reduced tax burden and possibly free primary education to ensure there is right to life. The constitution should provide that land acquired by the state compulsorily for public use, shall be used in the public interest, or for public purposes, for which it was acquired. Where the property is not so used, the original owner shall be given the first option of acquiring the property, subject to a total or part refund of the compensation. Finally, bill of rights should be devoid of all unclear clauses, those are the exceptional clauses. The constitution should recognise the citizens to be the center piece and that they are sovereign.

On executive, we should have a wage scale to regulate salaries and allowances of the executive. We should also have certain circumstances in which the President, or the executive should be open to criminal or civil proceedings, while still in office. Ministerial appointment and sackings have to be vetted by the Parliament or by some special tribunals. The constitution should also provide for a formal advisory committee for the executive in addition to the cabinet. The constitution should set a reasonable upper limit of the number of ministers and ministries. A special independent body should share with the President the power to appoint or dismiss holders of constitutional offices, for example Attorney General, Auditor and others.

On Parliament the constitution should submit that minorities and traditionally disadvantaged groups are more fairly represented in the Parliament. I also want to submit that the constitution should allow civil servants to seek or to stand for election without risking their careers to ensure a pool of potential electoral candidates and the constitution should grant a leave of absence, without pay, while the civil servants are asking for votes, or in Parliament. The constitution should put a provision for higher quorum in the National Assembly, at least 50% of the members. The constitution should allow for a vote of recall, if electorates are satisfied with their representatives. The constitution should provide for writing all bills and Acts of Parliament in a number of Kenyan languages. On judiciary, the constitution should provide that Parliament have the power to vet judicial appointments. Finally, I would like the constitution to state that, it outlaws taxation without representation and make it criminal that those who levy charges should offer services, for example our local government. Thank you very much.

Com. Lenaola: Thank you very much, Humphrey. Any questions? Humphrey, ngoja kidogo kuna swali.

Com. Nunow: Humphrey, you suggested that the constitution sets an upper limit of the number of ministers and ministries? How many would you propose in your opinion, have you thought about it?

Mr. Mwirigi: I would propose around fifteen ministers and ministries.

Com. Lenaola: Thank you very much Bwana Mwirigi, please come and register for the commission. Who was my next speaker Kiambi? Has Mr. Murungi from KUPET come? Okay endelea.

Mr. James Kiambi: Mimi nitazungumza na Kimeru (Meru dialect)

Translation: Nimejitolea. James Kiambi. These are the things we want to enter into the constitution. When the President is vying for Presidential election, he must nominate his Vice President so that he too is elected by the people. The elections of President and Vice President should be after the election of MPs and councillors. There should be committees, which will work with the President and Vice President. P.C, D.C, Chief, Assistant Chiefs should be elected by the public. Whoever wants to vie for the Presidential election must indicate his parents, his grandparents and his family and must be born in the country. The local councils should have authority to oversee the resources of the area. The public should also be empowered to look after the wealth of the area. People should not have big expanses of land and others have nothing to live on. The counting of votes must be counted at the polling stations and signed by the returning officer and whoever is overseeing the election in that station. No Kenyan should be stopped from living anywhere in the country. The ballot boxes should be transparent. The courts should be free to operate independently without interference. Those are my views.

Com. Lenaola: Asante sana Bwana Chairman. Ngoja kidogo kuna swali. Umesema kwamba wakenya wengine wako na mashamba makubwa, wengine hawana mashamba. Ungependekeza nini juu ya mashamba?

Mr. Kiambi: (Meru dialect)

Com. Lenaola: Kwa hivyo unataka iwe kiasi gani? Ungependa mtu awe na kiasi gani kubwa au kiasi gani ndogo? Mtu awe na acre mia mbili ama elfu mbili ama mia tano. Unataka.....(inaudible)....Awe na acre mbili na hakuna mahali pa kukaa.

Mr. Kiambi: (Meru dialect)

Translation: The one with the least should have two acres plus somewhere to live. Five hundred acres.

Com. Lenaola: Asante sana Bwana Kiambi. Njoo ujiandikishe hapa (inaudible) umetoa maoni. Endelea mzee, sema jina lako halafu uendelee.

Mr. Daniel Murwera: Kwa majina mimi naitwa Daniel Murwera kutoka location hii ya Mpwene na ni mkulima. Yangu ya kwanza, ningependa serikali iwe ikipatia wakulima retire wakati wanafika miaka hamsini na tano. La pili, mwalimu awe kama civil servant weninge awe akipewa ruhusa, kwa mwaka, mwezi moja, kama watumishi wengine wa serikali. Asije kusumbua wazazi huko nyumbani na kuwaitisha pesa ya coaching ya watoto wao. Mwalimu, hata yeye kwa maana mzazi akikataa kupeleka mtoto shule lazima atoe fine ama awekwe jela, hata mwalimu, ningependelea hata yeye akifukuza mtoto kwa shule apewe hiyo fine na hata yeye apelekwe jela. Hata mtoto angekuwa mkatili, akitaka mzazi awekwe jela, hata mtoto ningependelea vile vile awekwe jela, kwa maana hata yeye atatoa fine.

Uwezo wa President upunguziwe mamlaka, na kupatia ma-chief power ya kusumbua watu huko reserve kwa kutumia wananchi

wengine kusaidia ma-chief kukamata wananchi. Kwa ma-chief ningependelea watumie polisi ama Administration Police badala ya kutumia wananchi wengine. Kwa local government, kwa maana wanaonekana ni wezi wa mashamba ya uma, ningependelea waondolewe hiyo power, iongezwe kwa District Development Committee. Na D.D.C isukume maneno mpaka kulinganga na mashamba hiyo wanapeana kwa njia sawasawa.

Ya mwisho, niko na jambo hapa inasumbua wananchi sana. hali ya ...(translation)... ama pombe ya kienyeji. Pombe ya kienyeji iko na watu wale wanatengeneza, wale manufacturers na wako wengine wanakuja kununua hiyo material halafu wakatengeneza pombe. Sasa huyo mtu anasumbuliwa zaidi kuliko wengine, yule anakunywa hiyo pombe ya kienyeji. Pia mimi ningependelea yule anatengeneza hiyo akamatwe, atoe fine na yule anatengeneza naye baadala ya huyu anakunywa hata yeye vile vile akamatwe na serikali naye isije kupeana licence kama inakataa hiyo pombe watu wakunywe, wakatae kupatia hawa manufacturers permit ya kutengeneza hiyo kitu inatumiwa. Ni hayo tu, asante.

Com. Lenaola: Asante sana Bwana Murwira. Njoo ujiandikishe hapa kama umetoa maoni. Titus Gituma, Linus Mugambi, Isaya Moro, Janarus Mutembei. Haya Roseline karibu. Doris Kanana, karibu.

Ms. Doris Kanana: I am Doris Kanana. These are my views. There should be equality, equal opportunities for both females and males in all areas like education, allocation of jobs, representation of the Parliament. Another point, constitution should guarantee right of children to basic needs like education and security of jobs. Children should be protected from sexual abuse and harassment e.g. by sugar daddies, bosses, fathers, male teachers e.t.c. like those who are giving money they harass the girls for example because they know girls like money, so they give them money in order they can satisfy themselves. Children should have some income of their own, so that they are not vulnerable to abuse. Those are my views. Thank you..

Com. Lenaola: Thank you very much Doris, please come and register that you have given the views to the commission. Patrick Kiogora karibu, Zachary Mutai, utamfuata Patrick. Patrick karibu sema jina halafu endelea.

Mr. Patrick Kiogora: I think no need of saying the name

Com. Lenaola: Lazima useme jina for the records.

Mr. Patrick Kiogora: My name is Patrick Kiogora as you have heard. I do not have many things to say, it is just my a view to say that this thing, by the name constitution is disturbing us as citizens. You see, from the time we were born, I mean 1975, the word constitution has been disturbing people's minds. Every time there is ammendment of constitution, everytime there is change of the constitution, review of constitution and mark you, like the time I was thinking I see that anyway, it is the Constitution of Kenya Review Commission is doing a repetition of work, just that they ammended something long time and again we are the same people are telling them to ammend the constitution again, as it were before. It is my view that this constitution of Kenya review to end, once and for all and then the government to see that we have, since constitution is a set of

rules and laws to govern certain community, stay with the rules and laws that we had long time ago, at the reign of Mzee Jomo Kenyatta and the Constitution Review of Kenya Commission to end completely. That was only my view.

Com. Lenaola: For your point of information, we have never reviewed the constitution as a country. We have had amendments to the constitution by Parliament. What we are doing now is to ask you, as a Kenyan, what issues would you like the new constitution to address. So you are misguided to say that Kenyans have reviewed the constitution since 1975, that is not correct. Two, your view about the commission being disbanded, that is your view and I will not address you on that one, but in terms of the process, we have never done this in the last 40 years, before you were born and after you were born. Thank you very much, please come and register about your views please, there pale pale nje, kuna watu ambao hawajajiandikisha.

Interjection: Niandike mimi

Com. Lenaola: Nitakuita, jiandikishe pale. Kwa hivyo umejiandikisha mzee huyu hapo. You have not.

Interjection: Nimejiandikisha pale

Com. Lenaola: Jiandikishe pale nje mzee tafadhali. Na jina yako nani? Nitakuita bado sijafika. Ngoja naenda taratibu tafadhali, tuheshimiane kama haujajiandikisha please go outside ujiandikishe ndiyo nipate. Kama sina hii siwezi kukuita, tumeelewana, okay na mungojee, patience sijafika Mzee Muriuki uko mbali kidogo nitakuita. Zachary Mutai. Gerald Muthuri yuko? Utamfuata Zachary.

Mr. Zachary Mutai: I am Zachary Mutai. I have expounded my views but because of the time allocation, I will just read the major points. First in agriculture, it is my view that the next constitution should require that only a single body or board is responsible for handling a certain cash crop. Two, the ministry of agriculture should set up a department to protect the small scale farmers so that to enable them to compete with the large scale producers in marketing their produce. The third point on agriculture, I propose that the next constitution should ban importation, or they should impose a quota system for agricultural commodities from the foreign countries, whose presence in the local market has a negative effect in the concerned sector.

On education and public service, my first view is that the next constitution should compel the government to allocate funds to all primary schools so as to make the declaration of free primary education a reality. The government, through the ministry of education should set up a fund to ensure that bright students from poor families have access to secondary education. My third view on education is that the Higher Education Loans Board Act should be revised so as to increase the minimum and maximum loan allowances to needy students from Ksh. 20,000 and 42,000 to Ksh. 50,000 and 100,000 respectively, so as to be in par with the current standards of living. Next a compulsory national service for all students joining post secondary institutions, should be introduced. The constitution should require that employment and appointment in the public sector be based only on merit and academic qualifications. This is to eliminate situations where we have people who are qualified as accountants

heading, may be environmental bodies, or any other bodies that they are not qualified for. To reduce unemployment and also increase efficiency, no person should be allowed to serve in two posts, if they are paying and they are in the public sector.

Another view, no person beyond retirement age of 55 years should be employed or serve in the public sector, unless that person serves voluntarily without payment, or there is no other qualified person available, or the post is elective such as in Parliament seats or presidency, or the constitution requires that.

Lastly, it is my view that the constitution should prohibit employment of foreigners in posts where there are qualified locally trained personnel, who are available to serve in the same posts.

On the issue of income and ownership of property, I would like the next constitution to require that the government revises all the salaries of all public servants so as to be at par with the changes in the living standards. The next constitution should also require that all persons serving in the government, whether they are in elective or non-elective posts, to declare their wealth including that of family members, close relatives and business associates before appointment, or immediately this law is in place for those who are already in service.

The constitution should require that those individuals owning large tracks of land, or which is not developed, or which is not under Agriculture that one should be prohibited. The constitution should require the government to reposses and redistribute such land. It is my view that the next constitution will require the government to declare high population density areas as priority areas in terms of land and property ownership. In such areas, a limit should be set as to the maximum land and houses in case of urban areas, that a single individual can own, so as to have equal distribution of property.

Com. Lenaola: Thank you very much. Just a minute. On that last point, can you tell us the maximum land ownership that you think about?

Mr. Mutai: The maximum should be(inaudible)....

Com. Lenaola: Thank you very much, Zachary. Please, come and register. Gerald Muthuri karibu halafu Janet Kiogora yuko? Basi utamfuata huyu mzee.

Mr. Gerald Muthuri: My name is Gerald Muthuri. I have some views here which I would like the next constitution to include, which affects the ordinary mwananchi. One is about the people in charge of organisations like societies, groups, who have made them collapse due to embezzlement of funds and wananchi have been frustrated in this effort. So, I would like action to be taken on this, so that those people who are concerned are brought to book and the members because the members know the fate of the society, they should be allowed to deal with these people and if there is evidence that they embezzled their funds, they should pay for those funds, so that the money goes back to the wananchi who collected those funds.

The other one is on taxes, wananchi pay taxes to enable them to meet certain duties, like roads and other things that wananchi require. Like now we have roads which are damaged by the rains and when the wananchi pay taxes, I would like the constitution to make an allowance for the money available to repair whatever is damaged in advance before waiting for

damages, since the money has been set aside and members have already paid.

The other one is on the police. People have been harrassed in certain cases by the police under certain misuse of their power. When going to arrest certain people who have committed crimes, they sometimes arrest innocent people under the cover that these people are drunk, because people are poor and they are faced with poverty, they are taken to court and they have to accept that they were guilty. These people have complained that they are harrassed and there is no provision for them where they can be allowed, either to go for medical examination so that they can show that they were not drunk, they were forced to accept that they were guilty when they were not. So a law should be made to make sure that such people who have no money should be protected.

The other one is on local brewing. Local brewing has more or less become a kind of earning for the people and the government has been unable to eradicate this local brewing, because of problems which affect the wananchi. One is about poverty. In this connection, this local brewing is managed, or organised by well known people who have certain position and they managed to have this brew brewed. These people collect a lot of money from their brewing and there is no way that this money goes to the government, so they have a lot of money in reserves and if there is any way that these people can be traced and to pay taxes, a lot of money can go back to the wananchi in this case.

The other one is about our MPs in our areas. Wananchi complain that our MPs, when they are elected, they have certain offices in Nairobi and other areas, so they would like in the constituencies there should be an office in every constituency, whereby the wananchi can go and register their problems in advance. There should be a secretary in that case, so that even when the MP comes from Nairobi, he collects the information which has been sent there, because sometimes the MP cannot look for these people in the areas. The other one is about robberies. Robbery is causing a lot of problems in our country and it has been rumoured that some robberies are organised by well known crooks and the people know them. These crooks, and the people know them, are so powerful that people fear them and when they report, these people are harased and there is no way they are brought to book, so the wananchi should be empowered to deal with those concerned, because they know the people who are organising these robberies, which have become a problem.

Com. Lenaola: Please...(inaudible)...

Mr. Muthuri: Yah, the other one is on land ownership. Because of poverty, wananchi should be allowed to own some land. There are so many people with very big pieces of land and they have suggested that a limit should be given, a suggestion like 500 acres should be the maximum amount of land one should own, or if that's not the case people should be allowed, these people with piece of land they should pay taxes, so that the money raised can go back to the wananchi. Thank you.

Com. Lenaola: Thank you very much, Bwana Muthuri. Any question?

Com. Lenaola: Asante sana. Njoo ujiandikishe hapa. Muthuri ngoja kidogo, njoo hapa ujiandikishe. Nilisema ukishatoa maoni hapa njoo ujiandikishe kwa register yetu hapa. So usitoroke kabla haujajiandikisha. Nilikuwa nimemwita nani mwingine?

Thomas Muthaura, no sorry Janet Kiogora karibu. Thomas Muthaura yuko? Thomas Muthaura

Ms. Janet Kiogora: Yangu kwanza ni...

Interjection: Jina lako kwanza

Ms. Kiogora: Jina langu ni Janet Kiogora. The first one is based on women. Here, women should be freed by the Kenyan law so that they can be looking for their own property freely, without the harassment of their husbands. In this case you see a woman take trouble to look for property and then it ends to be the husband's property, whereas the woman doesn't benefit.

The other one is on leadership, leadership should start from the grassroot. This means from our homes. In the past we have been having sub-areas these people are very important, because they know the problems of the homes and even the villages and from the sub-areas.

Now we go to the chiefs. These are very near home, so they know of the problems and then they can hand over the matters to the concerned in the divisions and other places.

The other one is on farming. Farmers, because they don't have a centralised kind of thing, most of their produce tends not to benefit them, especially milk, and even other cash crops. They have nowhere to meet and decide for the prices of their produce. You see sometimes prices drop and this is not the wish of the producers. So they should be looked at.

Com. Lenaola: Thank you very much, madam. Please come and register that you have given the views to us. Isaya Mutomeru. Huyo mzee aitwa nani yule? Wapi yule mzee alikuwa amesema hajatajwa? Hebu njoo toa maoni kwa sababu naona jina lako haiko kwa list. Toa maoni. Keti pale, si nimekuita mara tatu sasa?

Mr. Miringo M'miru: (Meru dialect)

Interjection: Sasa tu ngoja

Translation: My name is Ntumeru. I want to speak about the markets because of the way we are oppressed by the council...

Interjection: Wacha aseme, wacha tu

Translation: (Meru dialect). The little huts we have rented are 47 by 8 feet. Rent is Ksh. 350 per month, the licence for KSh.3000 per year. The rent is very high and therefore it is very difficult. So what we are saying is the council should help us because that rent is too high. Another thing is the vehicles should not be parked inside the market because of mud. I have no other views to give other than that.

Com. Lenaola: Asante mzee. Njoo naye ujiandikishe hapa. Joseph Gituma?

Mr. Joseph Gituma: Nitatumia Kimeru (Meru dialect)

Translation: He opts to use vernacular. My name is Joseph Gituma. My views are as follows. It is about land. If you are an old man you go to follow the land titles. You are first to go to the court to register the death. If your land could be half an acre and there could well be that you want to register two deaths, and each death to process it you pay Ksh. 40,000 per death, that makes Ksh.80,000 and therefore one may be forced to decide not to pursue the transfer of half an acre and use that money, if you have it, to purchase another piece of land. The constitution should look into this matter so that, that burden is reduced. So that you are not tortured as an ordinary citizen.

I want to talk about leadership. The President has been given too much power. So he is in control of the armed forces and if he gets angry we could find ourselves in serious problems. Those are my views.

Com. Lenaola: Asante Bwana Gituma, njoo ujiandikishe hapa. Julius Mwirigi, Jacob Mwendia, Peris Muriuki, Bernard Mureithi, Joseph Mawira, Julius Muthuri, Herman Njeru.

Com. Nunow: Are you Herman?

Com. Lenaola: Haya utamfuata, uko tayari?

Mr. Joseph Mawira: I am Joseph Mawira. The issue that I want to be included in the next constitution is about land and property rights. I want to talk about the issue of land ownership. I want in the next constitution, if a parent had land which he had inherited from his parents, I want that land to be transferred to the children with equality regardless of girls or boys. I want equal rights to them. The next thing I want to be included in the next constitution is the

Com. Lenaola:(inaudible).....Mzee tafadhali tuheshimiane, mkitaka kuongea kwa moja tu wacha.....(inaudible)...mwende nje, mzungumze nje. Tafadhali toka nje. Haya endelea.

Mr. Mawira: The next thing is about the disastrous cases or vulnerable cases where e.g.

Com. Lenaola: Ngoja kidogo....(inaudible)....haya endelea. Tungependa heshima. Endelea.

Mr. Mawira: The next thing I want to be included in the next constitution is about the disastrous cases. It is just the way that those people the government can compensate them, or can give them some amount to keep them going. Another thing is about the civil servants. In my case I will talk about teachers. I want teachers to be transferred like any other civil servants in the

country. Not in the current cases where teachers of the same locality teach in the same place. No, I want them to be transferred like in the armed forces. I don't want them to work in the same areas so that we can improve education. That is it.

Com. Lenaola: Okay. Asante sana Mawira usitoroke bwana. Nimesema ukitoa maoni njoo ujiandikishe hapa. Kwa hivyo jiandikishe kabla hujaenda. Herman karibu. Charity Mkinnyali, Josephat Nyaga.

Mr. Herman Njeru: Okay thank you, my name is Herman Njeru.

Interjection: ...(inaudible).....

Mr. Njeru: My views are duties of Vice President should be clearly defined and Vice President should be elected by people. Election should be by secret ballot, but there should be strict accountability and transparency e.g. there should be a way to enable visibility of actual votes being voted. The other one is the number of opposition parties should be limited, at least to two maximum. The other one is bribery should be done away with in one way or the other by the government. This is whereby you might find that someone is bribing, so that he should go with something to be done, may be in a school, or anything, if you want your student to go to a higher school than this one. The other one is education, where there should be enough teachers, mostly in rural areas they should have enough teachers. Thanks

Com. Lenaola: Mr. Herman please come and register yourself here. Reverend karibu, njoo hapa halafu Purity Muriungi atamfuata huyu.

Reverend Josephat Nyaga: I am Rev. Josephat Nyaga. My views are as follows. In the next constitution I expect it to have a ceiling of land ownership, because in our country we have two extremes. One extreme is that some people have too much land when others don't have even a quarter. And we have a lot of land which is idle, which is not developed, whereas some people have no land. The other issue is about.....

Com. Lenaola: Reverend I said in the morning if an issue.....(inaudible)....as soon as it is ...(inaudible)... limit yourself to the...(inaudible).....

Rev. Nyaga: Let me give my proposal at least on the maximum we should have a ceiling of five hundred acres per one person. The other in our constitution, if you look at our constitution, they say there is freedom of worship but there is no specification of what we should worship, and because our constitution is vague, I would say, that is the reason as to why we are having cases of devil worshipping, because we have not specified whether we are going to worship God or devil. So I would like the next constitution to clearly specify that we worship God. I would also like the next constitution to consider that our President has been given a lot of powers because he is the one who appoints all the parastatal heads and still in addition to that our President

appoints the judges and appoints almost all appointments. Yes, I would propose that the powers of the President be reduced. I would like the next constitution also to look into consideration that for farmers, in this case in our country, people farm, they have to a lot of produce, but the prices of those goods are determined by the buyer. So if it is possible let the next constitution specify at least the prices of our produce, because you may see many people are farming but they are continuing to be poorer and poorer. Police on the other hand have continued to harrass our people the common person and in this case you hear there are a lot of killings. Police these days shoot and in most cases they have always claimed that maybe they have killed someone on a stray bullet. So I would like the next constitution, if it is possible, to clearly specify that there is no killing, or no whatever, without trial.

Our media, especially the K.B.C, has been dominated by one party and our country is a multiparty country. So I would like the next constitution to give fair play to all the political parties. Our constitution also does not mention God. What do I mean? The preamble, we have no preamble in our constitution. It does not say what is the reason of our constitution. It just begins just that way so I would like, because if you look at the other constitution like the American, they very much specify that their is whatever they do is based on God. So let our constitution now put God first and we have a preamble the reasons for our constitution. Thank you very much.

Com. Lenaola:(inaudible).....Please come and register. Purity Muriungi, Amos Kimathi, Mutura Kabubia utamfuata.

Ms. Purity Muriungi: My names are Purity Muriungi. Our first view on bribes. I am going to talk on bribery in our country. For example, like now when we are nearing, about to vote, people are given vacancies to apply for jobs. When you apply you realise that the people concerned, the seniors whom we request jobs from, just ask for kitu kidogo and some of us when we come to apply for a job, in fact we come to seek for help, may be some money for income because they have nowhere to find us. So I propose that the next constitution should be keen on bribery. And then I will talk, may be, for example, like in hospitals like the government hospitals. We are not people of the same levels when it comes to money, there are people who are poor, there are others who have money. Some people, when they go to hospitals may be they are the government hospitals and the private hospitals. In government hospitals sometimes when you go there you are sick and you in government hospitals, you realise that the administrators or the officials they must look for yaani they can't treat you before they are given something yaani kitu kidogo. So even there I should propose the next constitution should change on that, improve on that.

Then I will talk on abortions...

Com. Lenaola: What....(inaudible)....

Ms. Muriungi: Abortion, we realise that abortion kills. It has been there people are being told about abortions and then I would say that like in our villages people are dying, good women, girls are dying now and then because of abortion. Okay, they should be taught. People concerned like family planning people, should be having seminars to teach them about abortion, the dangers and then the next constition should change people should be punished if you commit an abortion and then if you attempt

abortion and you are safe, you should be punished severely. That is all I had.

Com. Lenaola: Thank you Purity. Please come and register yourself. Mutura Kabubia uko karibu? Josephat Kirigia, upo? Utamfuata huyu bwana.

Mr. Justus Mutura Kabubia: My name is Justus Mutura or Mutura Kabubia. I think that is simpler. Mutura Kabubia. I want to say that the President, or the Prime Minister whoever is executive should serve for 2 terms only. I would like to submit that no person in Kenya should be above the law, because this causing the abuse of administration, I would like to say that when a district is to be created, it should be created on the strength of population and not the size of that particular area, because it is serving the people and not the zone. Next one is all censuses should be declared, or made public within 21 days after the results have been declared. The provinces should be created only on opinion polls.

The government should not engage in any kind of business, because this will render the government impotent. The President, or Prime Minister, whoever is executive can only declare a state of emergency on the advice of the security committee of that country, and a government of national unity should be effective in our new constitution. A minister should be solely responsible for his ministry with the advice of his technical staff. For a person to be illegible for pension should serve public service for twenty years minimum and not two pensions. You know exactly what I mean by that, because you may be deriving three pensions here and there you are exploiting the economy of this country. With regard to forests, on annexation of any gazetted forest in Kenya. Any Presidential or Prime Minister appointed should be vetted by Parliament and lastly but not least, I think I'll stop at that. Thank you very much.

Com. Lenaola: Thank you very much Mr. Mutura.....(inaudible)...You are asking us to make between the Prime Minister and the President, who should be executive? You are saying either or, I mean can you be specific? The Prime Minister or the President, or are you leaving it to us as the commission?

Mr. Mutura: Well I don't want to say who will be, because when these things are ready, the recommendations will be either we choose the President as executive or the Prime Minister as the executive. What am saying

Com. Lenaola: Bwana Mutura, what is a Prime Minister?

Mr. Mutura: My version is that actually it should be the President, but there should be an executive Prime Minister. Thank you.

Com. Lenaola: Okay, please come and register. Kirigia you are next..(inaudible)..people.

Mr. Josephat Kirigia: Mimi naitwa Josephat Kirigia Buri.

Com. Lenaola: Endelea

Mr. Kirigia: Na yangu, mimi nasema Kenya iko na utajiri mwingi zaidi lakini unaingia katika mikono ya watu wachache, wale wako katika serikali. Na wale wameandikwa katika serikali ndiyo hiyo pesa inaingia upande huo. Kwa hivyo nauliza katika hii katiba, Auditor General apewe powers zaidi na court ile ita-deal na hao watu wanaiba pesa ya serikali yote wanaendesha nayo koti iwe special, ipewe powers zaidi na Parliamentary Select Committee, iwe opposition maana iko pale i-check serikali ile pesa inatokea nayo ipewe powers zaidi. Hiyo body ikiwa tatu ipewe powers zaidi ya ku-check hii pesa inaenda wapi, ule uizi unaingia katika pesa ya serikali. Ikiwa ni Auditor General akipata mwizi ameiba pesa ya serikali awe apeleke kotini na hiyo court iwe special haina power ya President kusimamisha hiyo kusema hii asimamisha hii au ku-order hii court ikatae hiyo case. Kwa hivyo nauliza katika katiba yetu Auditor General na koti hiyo ita-deal na wezi hao wanaiba pesa ya serikali waondolewe kwa power ya President, au ya muundo mwingine katika serikali.

Com. Lenaola: Endelea...(inaudible).....

Mr. Kirigia: Point nyingine, ni hii pesa inatoka kwa ukulima wetu katika Kenya. Maana hiyo ndiyo dhahabu ya nchi hii, haina dhahabu haina kitu kingine. Kwa hivyo nauliza pesa ikitatwa hii ya cess ya kutengeneza njia au kutengeneza kitu kingine ikatwe kwa hiyo mazao yanatoka mahali pengine coffee, tea, maharagwe au mahindi, ikitoka kule itengeneze barabara kutoka upande huo huo pesa imetoka. Kama imetoka upande wa majani itengeneze njia ya majani ili wakulima wa majani wapate njia nzuri ya kupeleka mazao yao kwa market. Katiba ipeane hiyo power na hiyo pesa kutumika kwa mahali hapo hiyo pesa imetoka upande huo wa ukulima.

Upande mwingine, power ya President iwe ndogo isiwe juu ya law. Yaani apewe powers kuzidi sheria above the law, iwe kidogo. Law iwe juu badala ya President kuwa above the law. Njia nyingine nataka katiba iweke mtu akiwa katika serikali au katika company nyingine akishikwa na wizi ati ameiba apelekwe kotini aonekana ako na wizi, asichaguliwe kitu chochote katika serikali, katika company, au mahali popote, awe mwisho wake ni hapo. Na hiyo koti itatengeneza hii ikiwa na powers zaidi, ndiyo itamuondoa isimamisha hawezi kuchaguliwa hata akiingia kwa wakulima hawezi kuchaguliwa hiyo kiti tena. Njia nyingine katika hii katiba, mtu akiiba katika mashirika kama co-operative ama mahali popote ashikwe, lazima apelekwe kotini. Maana sisi wananchi tunaona sasa akishikwa katika co-operative ama mahali pengine kama wengine pesa ikitoka Co-operative bank ikiingia kwa wakulima hakuingia, ikiingia mkononi mwa watu wengine wasiachiliwe namna hiyo, waambiwe waondoke katika hiyo committee, lazima wapelekwe kotini kama wezi wengine. Katiba iwe namna hiyo, ipelekwe katika court na washitakiwe na wafungwe kama wengine kama hao wengine. Hapo katiba yetu iwe namna hiyo. Iwe straight kwa wezi zaidi, na ikiwa namna hiyo pesa ya serikali au pesa ingine hiyo ya wananchi wanaolima itaingia kwa watu wenyewe na Kenya yetu itaendelea. Kwa hivyo, hiyo ndiyo point yangu, nataka iingizwe katika katiba yetu.

Com. Lenaola: Asante bwana Kiriga. Asante mzee wangu njoo ujiandikishe. Gerald Kirimi, Githinji Muchiwa?

Mr. Gerald Kirimi: Mimi naitwa Gerald Kirimi Mtomojwa. Yangu ningesema kama ni MP wa area. Every councillor yote apewe mamlaka ya kuamurisha ile maneno anaona haifai kwake ama tuseme kama vile D.C. ni mkubwa, M.P awe na hiyo mandate kwa sababu ndiyo ataangalia kama sasa ile President anakuja mimi naona njia inatengenezwa na inawekwa vumbi kama ni MP angekuwa anauliza hiyo angekuwa anauliza kila wakati kwa hivyo isipewe mtu kama engineer kwa sababu hajui kazi yangu anajua siku ile President anakuja tu anatengeneza njia ndiyo President apite halafu inaze mashimo tena magari ikianguka njiani hiyo iangaliwe na kama inawezekana mashimo ikianguka gari njiani, ministry of works iwe charged na iwe inagharamia hiyo hasara imeingia. Inginge koti wakati wa kukata makesi ya wale watu ambaye hawana nguvu, ikate kesi kam umeiba mtu kitu yake na umefungwa na huyo mtu hakuna kitu anapata kwako wakati umefungwa. Naonelea ya kwamba koti iwe ikikata pamoja na gharama. Mambo ya kuambiwa koti isikae kama njia ya kunyanyasa watu wa raia wa kawaida kwamba kuenda shitaki kesi tena na koti iliona mtu ako na makosa na anafaa kulipa huyo mtu vitu vyake.

Kwa hivyo mwananchi wa kawaida awe akilipwa vitu vyake ndiyo serikali isiwe inafanyisha watu kulima mahindi na hakuna mahindi, huyo mtu naye hatapata faida kwa hiyo. Hapo sioni ile njia mwananchi wa kawaida anafaidika nayo. Upande wa polisi kama anashitaki mtu na koti ime-prove huyo mtu hakuna na makosa na yeye ndiye amefunzwa ku-investigate case anafaa achukuliwe hatua ya kutosha kwa sababu watu wengi watoto wetu na watu wa nyumbani huko wanakosa kazi kwa sababu ya watu wa criminal na walikuwa charged na askari akiwa mlevi ama kitu kingine kama ile ya kuonea mtu tu amushtaki ndiyo jina yake iharibike kwa serikali ndiyo vile hawezi kupata kazi tena. Kwa hivyo awe amu-investigate vizuri ndiyo apeleke mtu kotini. Inginge ni upande wa driver. Upande wa driver yeye pia akianguka gari akiwa amekasirishwa na bibi yake usiku wewe kama mwenye gari hakuna mahali yeye anaenda kuuliza driver kwa nini gari ilianguka na polisi walipata yeye na makosa na alikuwa anakuambia yeye ni expert wa kuendesha gari na wewe utajigharamia kulipa watu wa wenyewe na kulipa deni ya gari na dereva yeye tu ni kujipigapiga vumbi aende atafute kazi mahali ingine. Kwa hivyo hakuna mahali inamshika ndiyo yeye awe mwangalifu ama awe akijua akifanya makosa ni makosa. Ndiyo awe akifanya hiyo kama kazi. Kwa hivyo sioni kama anajua kazi ile anafanya sababu hata ikianguka ataenda kwa mtu mwingine ampe kazi. Hiyo ingine nayo ni upande ya polisi. Serikali imepea polisi mamlaka ya kuuliza mtu insurance iko wapi ya gari, lakini wakati inampea mamlaka ya kuangalia kwa kioo kama hiyo insurance iko wakati mwananchi wa kawaida anahangaika na insurance akiwaambia walipe mtu yule aligonga ama ile kitu aligonga polisi hawakui katika hiyo maneno inafinyilia tu mwenye gari na kama polisi sio concerned na maneno ya insurance hawafai kuuliza, wanafaa kuuliza road licence na ile kitu inahusika kwa hawa. Watu wa insurance kwa ndiyo wanafaa kwenda kuuliza maneno ya insurance kwa barabara. Kama hawaendi kuuliza sababu ikiwa huna insurance wewe ndio utajua vile utalipa watu wa wenyewe. Na kama mtu anakushitaki kwa sababu ya hii insurance sio company moja na yeye sioni kama serikali inaangalia mwananchi wa kawaida inaangalia upande wa insurance na hawaendi kuuliza kwa nini hao wana-park manyumba ile kubwa Nairobi wamejenge ile ya gorofa lakini wewe unakuja unapelekwa jela ndiyo ulipe watu wa wenyewe na polisi hawasaidii tena kukamata huyo mtu ndiyo akusaidie kulipa hiyo insurance ikusaidie kulipa.

Kwa hivyo mimi ningenelea polisi kama hawahusiki na maneno ya insurance, wafanye kazi ya PSV, road licence na ile maneno ya serikali inahusika. Hii ingine ni private company wajue watakimbizana na mwenyewe wafike wapi. Asante.

Com. Lenaola: Ngoja Kirimi. Njoo hapa ujiandikishe. Nimeona kwamba napewa list ya watu ambao wangependa

kuzungumza, lakini pia ningependa list ya wale ambao wamekuja kwa mkutano na hawapendi kuzungumza. Na nimeona mtu wa mlango ameandikisha wale tu ambao wanapenda kuzungumza, kwa hivyo nitatumahi hii list tena izunguke. Kama hukujandikisha pale kwa mlango na uko kwa mkutano, tafadhali jandikishe hata kama hupendi kuzungumza. Tunaelewana? Kama hutaki kuzungumza ni vizuri tuwe na list yako tu kama umekuja kusikilza lakini hupendi kuzungumza. Sawa sawa? Si wacha uzunguke hapa ujandikishe halafu tujue nani amekuja kwa mkutano, nani amezungumza, nani hakuzungumza. Sawa sawa? Okay wewe umefunga wakati wako, umefunga hakuna kurudia kama hukutaka mara ya kwanza. Na nilikupa dakika tano ukatumia dakika mbili, sikurudi tena ndugu yangu. Gituma Miriti uko? Njoo uzungumze bwana. Na Daniel Gitobu, utafuata huyu.

Mr. Gituma Miriti: Thank you very much

Com. Lenaola: Sema jina lako.

Mr. Miriti: My names are Gituma Miriti. I have a simple observation to make. And this relates to our MPs. You realize that recently our MPs have been awarding themselves huge amount of salaries and benefits. My proposal to this is that the relevant ministry, should be the one responsible for the awarding of these salaries. Another thing relating to the same is that our MPs, you have been electing and some of them actually have been doing nothing. I would propose that the constituents, or the people who have been electing these MPs, should have the powers to have vote of no confidence to their MPs such that it should not be a must that once we have elected our MPs he/she should serve for the five years. What I mean is that we can, we as the constituents can form, or appoint some prominent people, or renown people in our constituency who will forward our views or our suggestions such that an MP can be recalled and we elect another MP.

Another thing relates to our President. We realise that some big people, or the heads of our institutions, big or public institutions, the heads are being appointed by our President, which means that this, or that institution will be politically run and this eventually will lower our education levels. So I will suggest a situation, whereby like for example, a public university the students themselves or the lecturers should have the powers, or the mandate to elect their Vice Chancellors. Thanks.

Com. Lenaola: Asante Bwana Miriti, njoo hapa ujandikishe. Bwana Daniel Gitobu? Karibu, Mzee. Douglas Mbae, utamfuata.

Mr. Daniel Gitobu: Neno langu la kwanza....

Com. Lenaola: Mzee sema jina.

Mr. Daniel Gitobu: Mimi naitwa Daniel Gitobu. Neno langu la kwanza ni vyama vingi viishi milele, hiyo inakwisha hapo. Mtu yeyote akitaka kuchaguliwa kuwa Rais, awe kwanza ametaja vice chairman wake.

Com. Lenaola: Vice President?

Mr. Gitobu: Vice President wake, ili wawe wakichaguliwa pamoja waweze pia Vice President na President wawe wakichaguliwa na wananchi wakiwa wote.

Com. Lenaola: Endelea

Mr. Gitobu: Kuwe na kamiti ya mtu yeyote atakaye kuingia katika Kenya aishi kama mtu wa Kenya. Kuwe na kamiti ya kuchunguza ikiwa imechaguliwa, ya kuchunguza kama huyo mtu ni mtu wa aina gani, iwe ikimkubalia. Katika Kenya, sisi tunachaguliwa P.C au D.C kutoka mahali kwingine, P.C, D.C, D.O, na Chief na Assistant Chief wawe wote wakiwa na mkoa huo au wakiwa wanachaguliwa kutoka mkoa hiyo.

Com. Lenaola: Endelea

Mr. Gitobu: Mtu akichaguliwa Rais naye, mtu akiwa anataka kuchaguliwa Rais katika Kenya awe amezaliwa Kenya na baba yake ni wa Kenya na nyanya yake pamoja na watu wake wawe ni wanakenya. Serikali ya council ipewe nguvu ya kusimamia utajiri wa council ambayo imeichagua, wananchi nao wapewe nguvu ya kusimamia mali yao. Wananchi wengine katika Kenya wana mashamba makubwa. Wananchi katika Kenya wasiwe mtu mmoja analalia dunia karibu yote, na watu wengine hawana hata shamba kidogo. Nchi yetu, mtu akitaka kuishi mahali anapata shamba na aishi kule kote katika Kenya.

Com. Lenaola:(inaudible).....

Mr. Gitobu: Oh, kura zikipigwa zihesabiwe pale pale. Kura zikiwa zinataka, zikipigwa na sanduku lilio na tundu ndogo na ziwe na vioo vya kuangalia ndani. Koti iachiwe mamlaka yake ya kufanya koti na kumaliza upesi bila ya kumaliza miaka mingi, bila ya kuingiliwa na wakuu wowote. Nimemaliza.

Com. Lenaola: Ngoja kidogo, kuna swali moja tu.

Com. Nunow: Mzee, umesema kuna watu wako na ardhi kubwa sana na wengine hawana.

Mr. Gitobu: Na wengine hawana

Com. Nunow: Ungependa kusema nini kuhusu ile ardhi mtu mmoja anakubaliwa kuwa nayo.

Mr. Gitobu: Ningesema mtu mmoja angekubaliwa kuwa na acre 100 peke yake, akiwa anaweza.

Com. Lenaola:(inaudible).....Mbae, Mzee kuja. Gitobu kuja useme hapa umetoa maoni kweli.

Com. Nunow: Andikisha

Com. Lenaola: Douglas Mbae? Halafu Elias Mutwiri wa mji wenu amepiga simu sasa hivi ameshikwa na shughuli mahali fulani, hataweza kuwa na sisi leo. Sasa ametuma salamu zake na pole. Asante. Endelea

Mr. Douglas Mbae: My names are Douglas Mbae. I would like to talk about the powers of the President. The powers of the President, for example, on appointing the members, the ministry, ministers, judges and directors of parastatal. On directors the powers should be given to the ministry concerned.

Accessibility to the MP of a certain area, these MPs should be accessible to the people who voted them. This is whereby they should have offices within their voting area. Planning of education, the current constitution has no good planning of education. For example you see at the present those who have (B) and above are supposed to go to the Public Universities but the rest who have (B-), (C+) and the rest, have nowhere to go. You can see those who have (B-), (C+) have high grades but to those who are coming from humble backgrounds have no college to be admitted due to the present corruption. So, the government should at least have a good system after university than those who have (B-), (C+) should go at certain colleges upto the lowest grade at least (C) each student has good education at the end. That is what I have.....(inaudible)....

Com. Lenaola:(inaudible).....

Mr. Elias Mutwiri: Majina yangu ni Elias Mutwiri Gajehia. Langu ni kuhusiana na uraia. Vile nimeona na kwa maoni yangu, naonelea kuna hii tunaita tribalism imekuwa most encouraged by the ID's we are usually given, juu mpaka saa hii imenishinda juu ukienda kama kwa interview, lazima inajulikana wewe ni Mumeru ama ni kabila fulani, na hiyo ndiyo imesababisha kabila moja iwe nidyo inaajiriwa tuseme kwa ofisi zile kubwa kubwa ama za serikali juu yule ako huko ni mkubwa tuseme ndiye mkubwa wa hiyo ministry na ni kabila fulani. Kwa hivyo hata interview ikifanywa ukitoa kitambulisho, ukiitishwa kitambulisho badala ya wewe ujulikane wewe ni mwanakenya unaonekana wewe ni wa kutoka mahali fulani na hiyo inaku-disqualify straight forward bila hata tisho lolote. Anajua wewe ni kabila ya woria na woria hafai kuwa hapa, juu mimi ni Mumeru. Kwa hivyo mimi naonelea kitambulisho inafaa kuonyesha wewe you are just a Kenyan, final, sio wewe ni Mumeru.

Iko tatizo kubwa tusema kwa council, wajua hawa ni watu ambao wanachaguliwa na watu, kwa hivyo hata akiwa hana elimu yeyote anachaguliwa anaingia kwa county council anakuta serikali naye iko na watu ambao imewajiri kama council clerk. Kwa hivyo hata kama hao wako na mkutano wakiongea yule clerk anajua councillors hawajui kizungu. Anaandika contrary to whatever they say, lakini akiwapea hawajui kusoma hata zile minutes amepitisha, kwa hivyo haja yao ni kuweka sahihi, hajui hata ameandikisha nini, juu masomo hana.

Com. Lenaola: Pendekeza

Mr. Mutwiri: Kwa hivyo, langu naonelea they need to have minimum qualifications ya masomo possibly, or for me, minimum grade (C-). Thank you.

Com. Lenaola: Asante Bwana Mutwiri. Njoo ujiandikishe hapa. Esther Njegei yuko? Mbona wewe Gitobu Mutiga. Endelea

Ms. Esther Njegei: Majina yangu ni Njegei Esther. Okay, langu ningesema ya kwamba akina mama waheshimiwe, ama wapewe rank kama ya akina wazee na kuwe na affirmative action. Corruption ya jikoni, kupigwa all the time kukome, kwa sababu hata zingine zinaletwa na mfaragano juu ya kusema mama may be ameajiriwa mzee anakaa nyumbani kwa hivyo ikitoka kazi saa zingine usiku hivi kama 6.00 or 6.30 pm kufika nyumbani hapo sasa maneno yanaanza, ndiyo tunasema akina mama hata nao wawe recognised. Kwa sababu sometimes hata hawachukui nafasi ya kusikiliza juu umwambie ni nini imekufanya ufike usiku.

Rape imezidi na tungependekeza campaigns ziwe zinafanywa wakati wa mchana ndiyo akina mama wengi waweze kujitokeza, kwa sababu tunakuwa scared kabisa kwa vile tunatoka tunakuta mambo mabaya huku nyumbani tukienda nyumbani barabarani, huko njiani tunashikwa na wanaume wale ambao wana nguvu, hata tunapata ukimwi through rape.

Kuajiriwa kwa watoto ambao wanafanya training, that is college training, kama hawataajiriwa hata hakuna haja ya kuwapeleka ma-colleges. Tungependelea sana ifungwe kama watoto wetu kwanza hawataajiriwa, wale ambao wame-train because they are very many at home na sasa hii serikali inaendelea ku-train wanakaa nyumbani wengine wanakuwa hata wanaanza kuwasha maneno mengine juu ya kutafuta njia ya kujisaidia. Ndiyo mnaona hata wizi umezidi, kwa sababu mtoto anauliza hata nikisoma si nitakuwa kama fulani, ambaye alisoma na akafuzu miaka mingi na hajaajiriwa?

Na pia President anapochaguliwa, tunataka awe non-partisan ili aweze ku-serve everybody the same. Kwa sababu akiwa na party fulani atakuwa na mapendeleo kwa hiyo party yake. Kwa hivyo mimi kama mama ningetaka sana akina mama hata wawe wanachaguliwa kwa school committees, institutes zote ziwe na akina mama, sio wanaume peke yao, juu naona hata ma-assistant chiefs, chiefs sana sana wanaajiriwa wanaume na hata akina mama wengine wanajitokeza, wanaenda interview zao hata qualifications za akina mama wengine zinashinda za akina wazee na unaona mama anaachwa nyuma yule anachukuliwa juu ametoa kitu kidogo na ujue mama hawawana cha kutoa. Hii pesa hatuna na hata tukiwa nazo, hatuwezi kwa sababu tunajua hii ni Kenya na lazima tuwe na Kenya huru ndiyo tunasema, serikali yetu ile tungependelea ama mambo yetu yale tungeuliza tuendeleo nayo ni mambo ya kukomesha kabisa, mambo ya kutoa kitu kidogo ama back doors. Maanake unaona mtu anaenda na back door, huyo anaajiriwa yule alienda na mlango ambao ni huu wa mbele na hana cha kutoa huyo anatupiliwa mbali. Anadanganywa kila wakati bado, bado yaani ngoja anangoja nini, na mpaka lini? Unless mpaka Yesu arudi kama hatutajadiliana kuwa na serikali mpya katika Kenya hii. Na ni hayo tu nilikuwa nayo.

Com. Lenaola: Asante Esther. Basi njoo ujiandikishe hapa Esther. Njoo hapa njoo karibu. Silas Gichuru na Philip Mruteere,

utamfuata huyu.

Mr. Gitobu Mutiga : I am Gitobu Mutiga. I come from Mikombone location.

Com. Lenaola: Tumesema kesho umalize, sio ungoje...(inaudible)...keti hapa.

Mr. Gitobu Mutiga: I am Gitobu Mutiga and this is what I want to present. First is about marginalised communities. In this specific issue, I would like to say this. As long as equity and equal distribution of our resources, equal job opportunities and application of law are not seen that they are effective in our country, then affirmative action is imperative, because we see the current regime is giving sympathies not to the people who are deserving but to the people who are not deserving. Affirmative action through quarters is imperative in today's Kenya, until equal and uniform opportunities are created for all Kenyans. When I am talking about marginalised communities, the constitution should be very specific or even those traditionally defrauded and deprived communities, of gay communities and what have you. I am also talking about the muslims as a minority, about the women, about the pastoralists, the Turkana fishermen, the Coastal people, the disabled e.t.c.

Because we see even when there was this international terrorism, even the Muslims in our country were not at peace. They should be recognised as a minority group.

Let me talk about job appointments. The appointment of sons and daughters of prominent persons in our country does not augur well with development. That is why today you are hearing all these debates about young turks, and all these young turks come from well to do families. Their fathers were leaders, these young turks have been brought to leadership through the back door and we seem to be creating what we call in political science, monarchy. That is because my father waw there, I am here, tomorrow my son will be here, tomorrow my grandson will be there. This nonsense should end, we should have the right people taking the right jobs in our country. And in this I propose that we should have a vetting body. A body with defined structures from the government to oversee the appointment of people, or citizens of this country into jobs. We would like to see justice, fair play and freedom. We would like to see Kenyans enjoy their rights in pursuit of happiness in their daily lives. This can only happen when the right people take the right jobs.

Let me talk about agriculture. We are from Meru and we know it is through agriculture that bread finds its way on the table. It is no wonder today some people who are here they sleep hungry and they wake up hungry, they have nothing to feed their stomach. I would like to say this, that the agricultural sector has not been generating enough income to absorb human workforce that has been cummulatively flooding the job market, because of corruption. Corruption should be an enemy. When Kenya became independent, Mzee Jomo Kenyatta talked about illiteracy, poverty and disease. Today we would like corruption to be included there. Corruption has become a patronage, people are loosing their shambas daily. Tycoons from the village are grabbing shambas from the poor people, because they have nowhere to go, even if you go to court of law, you are not assured of justice, simply because dispensation of justice is done through nepotism, tribalism and bribery. I would like to see this coming to an end.

I would to talk about freedom fighters. Our country has produced great sons and daughters who fought for the independenc of

this country. I hope even our commissioners know that. Mr. Lenaola do you know this, that our freedom fighters went into the forests to fight so that our country would be free? They have never been recognised, Mzee Jomo Kenyatta locked the Mau Mau from his government. The irony repeated itself in 1966, he took Achieng Oneko into detention and they fought and they were also convicted in the same court of law and they sat those years in prison fighting for the freedom of our country. I would like our constitution to have a preamble, when we come to the issue of freedom fighters that these are patriots, there are nationalists, these are the ones who went into the forest to fight the whites, even though the whites had superior guns. Our sons and daughters braced themselves to go and fight them. We should recognise them, we should have a monument after our freedom fighters. The remains of Dedan Kimathi are rotting in Kamiti. Why has our country not rewarded its great sons and daughters?

Then we come to the judicial commission or commissions of inquiry.

Com. Lenaola: You have only one minute....(inaudible)....

Mr. Mutiga: I have one minute, I will try to rush. I will talk about this political assassination. Our country needs a new rebirth of truth and reconciliation. We would like to know more about the death of Pio Gama Pinto, the nationalist. We would like to know about Robert Ouko, J.M. Kariuki and all the people who have been killed throughout the system, so that we will not repeat this mistake again. When South Africa won independence, there was Truth and Reconciliation Commission. We would like to see the same prevailing in Kenya. Those who have caused economic and political wars to our country, we should have a forum where they would come and apologise to our people so that we can have a true rebirth of truth and reconciliation and then Kenyans will be able to walk in the path of nationalism and forgiveness.

Com. Lenaola: Okay, last point

Mr. Mutiga: The last point goes to the freedom of association and expression. The right to assemble and share different opinions is the most abused by the government. A bad precedent has set and this has to change if the constitution has to regain its respect and aura of inviolability, so that nobody will violate our constitution. Constitution must become sacred than before. Then Kenyans, from all walks of life shall adore and embrace a constitution, that shall stand as the pillar of the country's future in its diversity in the generations to come.

Com. Lenaola: Thank you very much.

Mr. Mutiga: To end this, this is what I will say briefly Bwana Lenaola. I want to heckle the words of Martin Luther King Jnr, that the heart met tragedy is not the oppression and cruelty by the bad people, but the silence over it by the good people. Kenyans rise up and fight againsts oppressive rules. Thank you (clapping).

Com. Lenaola: Mr Mutiga, please come and register and leave us your memorandum. We would like to read those beautiful words again. Thank you very much. Mzee, karibu Gichuru. My colleague would like to go and pray, we can release him, halafu tutaendelea na wale wako kwa maana watu sio wengi sana, tutawasikiza wale wako mpaka tumalize, then we can break up. Tuwasikize wale wako sasa, ni sawa? Tuwasikize wale wako? Sio wengi, ni kama watu saba. Sawa sawa?

Mr. Silas Gichuru: Yes, now I am the chairman of Mwakombole sub-constituency forum and I have my secretary who will also come to give his view.

Com. Lenaola: We shall...(inaudible)....operate the role here. If you present on behalf of a group of a committee then don't involve the group. If you want to present on your behalf you have your life as Gichuru just write your memo and give it. Present your views separately, not together.

Mr. Gichuru: I present as Gichuru you will bring the memorandum.

Com. Lenaola: Atakuja na memorandum baadaye aki-present. Yuko kwa list? Atakuja.

Mr. Gicheru: Its alright.

Com. Lenaola: Endelea na yako.

Mr. Gichuru: I start with my name is Silas F. Gichuru Tumuricha. I start with farmers. The farmers in this country have not been able to enjoy the benefits of their energies especially during their old age. That is, I want the constitution to give room, provide for farmers pension. That is when a farmer is young he be could be having some deductions from his produce e.g. some percentage, say one, or two percent per kilo, which could be put in a fixed account in the famers bank. Here, I mean the farmers should have a bank, national and district wise where that money could be earning interest which could be of help to this farmer at 55 years of age, when he cannot be active in the farms where he could be drawing his benefits. I will call this, a provident fund or pension scheme for farmers.

We have a problem of education and health. Our country could provide free education to our children and free medical treatment from various taxes. People could argue that we don't have money, we could tax the luxuries in this country e.g. beer, cigarettes, cosmetics so as to provide that money to provide for free education and free medical treatment.

Another point is of land problems, I would like the land tribunals. These tribunals which are composed by elders where especially the females are being neglected by the young generation, when a lady is not married or has been chased away by the husband she comes home and the brothers do not recognise this lady, they say, let her go to the mitaa. There should be a land tribunal to cater for this lady to inherit from the father's property.

I come to culture. Let our culture be respected positively e.g. our Njuri Ncheke to remain and other positive cultural values to

be encouraged in the country. Here, I would explain but I know I am against time. We should have high breed type of government where we could have powers shared by the Prime Minister, the President the Vice President and the Prime Minister being answerable to Parliament, being elected by Parliament and becomes answerable to Parliament. Number ten, just in the same government let our ministers be handling the ministries they have relevant education for e.g. you find an armed forces retired general being the minister for health, it is very irrelevant, he won't know what goes on in the medical ministry. Parliament should be vetting those ministers to know this minister who is being the minister for health is a medical doctor. This minister who is becoming minister for education should be having a degree in Bachelor of education and other ministries.

Com. Lenaola: You have one minute.

Mr. Gichuru: Yes, we need to have different commissions to deal with e.g. our economy. We have our national economic commission to deal with the economy of this country. Commissions for land, security, social justice and these commissions should be empowered to deal with those who violate the sharing and see that everything is shared, or distributed fairly. Thank you.

Com.Lenaola: Thank you very much, Bwana Gichuru. Please come and register. Philip Mrutere? Basi karibu mzee wangu. Halafu, Edward Mbaya, ngoja kidogo Bwana Mrutere. Washington Kimathi atamfuata mzee. Na baada ya Washington, Mwenda Mtokura sawa? Haya endelea.

Mr. Philip M'rutere: Yangu ni upande wa... Philip M'rutere

Interjection:(inaudible).....

Com. Lenaola: Endelea

Mr. M'rutere: Ardhi, kwa sababu nchi ya Kenya ikipiganiwa nilikuwa mtoto na mpaka sasa mimi ni mzee. Tulipigania nchi hii, kila mtu awe na kipande yake. Kwa hivyo, wakati mzungu alipoondoka nchi ya Kenya tukapiga kura kuchagua waakilishi kila mkoa, kama tunachagu mbunge aende huko Parliament, muda mfupi achaguliwe minister karibu quarter ikawa ni yake kwa watu hao anawakilisha. Kwa sababu ukipatiwa shamba fulani enda ugawe kati ya hao watu wako ikawa ni yako, hiyo maneno ikakwisha. Na wengine hata wale waliawachwa wakati wa kupigania nchi hii, baba yake akauwawa, hakuna hata nchi moja ya ardhi hii.

Hiyo ni moja, ya pili ni upande wa polisi. Kuna kesi mingi huko kila mara huwa tunapigana, wengine kuna wezi uende kupiga ripoti kwa polisi kama ni majambazi usiku hii tulioko hapa iko pahali fulani, kitu ya kwanza unaambiwa gari hakuna mafuta mzee, uko na pesa. Ukikosa mambo yako hiyo inasahauliwa. Hakuna kitu inafanyika. Hiyo serikali iangalie kama ni budget ya department ya polisi, iweke visawa sawa kukipatikana makosa fulani mwananchi achwe kuulizwa maneno ya mafuta. Hiyo

yangu inakwisha hapo. Asante.

Com. Lenaola: Asante Bwana Mrutere. Njoo ujiandikishe. Kimathi Washington wewe ndiyo utamfuata huyu. Mzee kuja hapa. Kimathi, you are coming to highlight.

Mr. Washington Kimathi Eustali: Yes I am Washington Kimathi Eustali. Point number one, we should have a mixed government which will allow checks and balances, for example I am suggesting that we should have a low house in Parliament, whereby all the MPs could be involved there as the law makers.

Two, the senate house whereby we shall have one MP representing each district. Maternity leave for women should be extended because while men are busy building the nation in civil service elsewhere, women are also busy building the nation by upbringing children. Women are suffering reproductive health rights and therefore, special consideration should be given to them in civil service. For example, their salary should be increased by, at least, Ksh. 1000 for those who are in the civil service. In current constitution women have no homes and should be provided in the constitution where they belong. This is incase the husband dies the women is likely to face hard times as the brothers-in-law may harrass them. The solution is that the law of inheritance should be simplified such that the wife of a deceased person gets the title deed without much difficulties. The property which the married spouse acquires should become a matrimonial property, which cannot be shared with anybody else. The judiciary should be independent in its jurisdiction, without any influence from outside. Judiciary should be government by itself, which should be left in power during elections.

Duties of chiefs should be well defined, because in most cases they spend their time going against the development of councillors. Councillors are local leaders who represent people within that local area. Therefore, I am suggesting that the election of local councillors should be decided by the people and there should be no limit which should be influenced by anybody else outside, for example, the academic ground should not be there. Thank you.

Com. Lenaola: Asante Bwana Kimanthi. Asante sana njoo ujiandikishe hapa. Mwenda M’kura, halafu Henry Chabari. Nakuita Chabari nijue kama uko ama hauko. Endelea...(inaudible)....

Mr. Mwenda M’kura: Yangu ni utawala.

Interjection: What is your name?

Mr. M’kura: Jina langu ni Mwenda M’kura. Point ya kwanza, utawala, kama ...

Com. Lenaola: Tunaendelea kusikiza.

Mr. M’kura: Kama P.C na D.O wote wanatakiwa wachaguliwe na wananchi. Maana akichaguliwa na wananchi, watatumikia

wananchi si wakubwa wao. Hao wapinzani na serikali wabunge wa upinzani wanahangaishwa sana. Kama ni mkutano wao unafurugwa na polisi na polisi hawachukuliwi hatua. Kama tuseme ni kazi, siku hizi kuajiriwa kazi ni shida sana, lazima utumie mlango wa nyuma hata ukiwa na masomo yako. Na hiyo serikali iangalie vizuri, hiyo itakayoundwa. Imeisha.

Com. Lenaola: Ni hayo tu? Asante. Mwenda Nkura njoo hapa ujiandikishe Mwenda. Chabari halafu Karianiki Ruiga utamfuata huyu. Sema jina na kuendelea.

Mr. Henry Gituma: I am Henry Gituma Chabari. I want to present my views. First, is on the government leading bodies like the judiciary, the executive and the parliamentary. These should be equal. Secondly, is on the freedom of worship. We have freedom to worship but we are not specific on who to worship. So our constitution should state that we should all worship the true God.

Thirdly, the President should be a husband of only one wife not a divorcee. Those are my views (laughing).

Com. Lenaola: Asante, Bwana Gitume. Njoo ujiandikishe hapa. Hayo ni maoni ya Gituma, ako na haki yake. Endelea.

Mr. Kariuki Ruiga: Kwa majina naitwa Kariuki Ruiga.

Com. Lenaola: Kabla hujazungumza, Patrick Gituma yuko? Kuja hapa endelea.

Mr. Ruiga: Mambo yangu inahusu mambo ya kotini. Inaonekana ati mtu kama mimi na weewe uwe una pesa. Mimi uniaribu halafu mpatie pesa kidogo kama napata nafanya kibarua halafu mimi nashitaki wewe. Nikikupeleka kotini, koti inaona wewe una makosa unaifanyia makosa lakini serikali yenyewe inachukua hiyo mtu ananifanyia makosa inamuweka kwa jela, lakini mimi mwenyewe nangojea anakatiwa miaka tano ama miezi mbili, lakini mimi narudi nyumbani ningoje amalize miezi yake, ili amefanyiwa na serikali lakini mimi nirudi nyumbani labda niweze kupata afya mbaya na nilitumia pesa zangu zile kidogo ama nyingi na mtu akso jela, lakini mimi mwenyewe naweza kupata hatia ama nikufe lakini watu wangu wale wanafuata mambo yangu wajui vile niliwacha na kila mtu akitoka kwa jela yeye mwenyewe serikali ilipata faida sababu labda alilipa kitu zingine huko fine. Yeye mwenyewe analipa fine lakini amewachiliwa lakini kabla niunganishe tena nipate pesa ya kuenda kumshitaki kotini tena halafu anilipe vitu vyangi ili vitu vyangu ama ile kitu alikuwa ameambiwa anaweza kunilipa nikaona mimi sina pesa nikaongea mpaka siku nimekufa.

Com. Lenaola: Sasa ungependa nini?

Mr. Ruiga: Sasa ningependa, hivi serikali ikiona huyu mtu ana makosa imchukulie hatu yake na wanilipishie mambo yangu hapo hapo, nikienda nyumbani, nikitoka hapo kotini niende nikijua koti hata yeye inanilipishia huyo mtu kitu fulani. Mimi naona hiyo ni kitu moja nataka irekebishwe hapo.

Jambo la pili ni hii mambo ya nilisikia mama mmoja akisema mambo ya back doors. Iko mambo mengi sana na najua hii katiba yetu itatusaidia kwa hii njia. Ukiona mtu anakuja tuseme brother yako wewe ndiyo kiongozi pale ameandikwa ukisikia yule mwingine ni cousin yake tukiendelea kijana wa baba yake mkubwa ndiye anaingia hapo kazini. Mimi nikienda na nipite hii hata tukiwa kwa class nilikuwa napita member one mimi nashindwa yeye anaandikwa lakini ni nini. Nataka mtu yule anataka aangaliwe na ile point zake si ati mtu mkubwa anachukuliwa na watu wake wale wakubwa. Nafikiria ni hayo tu, ninataka irekebishwe.

Com. Lenaola: Asante, Bwana Ruiga. Patrick Mutuma, Roselyne amekuja sasa? Nilikuita mara tano hii ni ya sita kama huji sasa nitakusahau. Pande huko karibia hapo upande huko. Wapi yule....(inaudible)....ndugu yangu.

Mr. Patrick Mutuma: I am Patrick Mutuma and the following are my proposals. Management and use of natural resource, the government should attract competent Kenyans to work in public service by hiring people purely on basis of qualification not nepotism. It should ensure that everyone is entitled to good working conditions and a special offers such as promotion are done in the order of merit. There should be a code of ethics for all voters of public office to improve morality of the country. Our local government, there should be a minimum education qualification for councillors and I propose KCSE grade (C) and above. The public should have power to question and challenge councils that does not perform to the expectation.

On land and property issues. Concerning transfer and inheritors of land, the government should lessen the formalities involved and the fee should be as minimal as possible. On the judiciary, the constitution should ensure all people have access to the courts by providing public lawyers to represent ordinary people. In cases of rape, they should not be entirely against men, the courts should evaluate thoroughly the circumstances under which the crime was committed. Then on material rape the constitution should provide that the easiest remedy is by abstaining from getting married, or if already in it, they should seek divorce otherwise, they should not be charged in the courts. Nobody should be tortured, detained or exiled unless he has been proven guilty. If a suspect is tortured by C.I.D, in the course of investigation and later found innocent, he should be able to sue them.

On legislature, there should be an introduction of moral and ethical qualifications for parliamentary candidates. Anybody with a criminal record should not be allowed to vie for any seat. Also, there should be no special measures put in place to increase women participation in Parliament. If they feel worthy, let them come up and prove themselves before the public, just as men. Then on salaries and benefits of MPs, they should be determined by the public debate. Those are my proposals.

Com. Lenaola: Stand up and write your name. About rape are you saying that there are circumstances to justify rape? Kuna wakati rape ni nzuri na wakati ni mbaya?

Mr. Mutuma: You know it depends on circumstances, especially the way women dress. If women should dress decently, I believe there can't be cases of rape. So, the country can establish a culture of dressing, the way people are supposed to dress, so that they don't lure men. Thank you.

Com. Lenaola: Thank you very much. Can you please come and register here. Rosalyn ngoja, Moses Muriungi? Thomas Marete? Ketu hapa and air your views.

Ms. Rosalyn Githiru: My name is Rosalyn Githiru. I want to give these views to the constitution.

Com. Lenaola: We cannot hear you, we cannot hear you at all. Toa sauti kidogo tu, najua haujakula lunch kama mimi, lakini mimi bado niko na sauti

Ms. Githiru: I want to consult the constitution about the President's qualifications, such as the President should be 45 or 60 years. The President should not come from the same tribe at the second term. At the same time, the length for the President should be ten years and for the MPs 5 years.

Another point I would like to consult the constitution is about women affairs. The women should be guaranteed in the constitution by opening a new department regarding their affairs, especially married women are not recognised as important persons in the family when deceased. In case the husband had not written the will for the things they had invested, the woman is not recognised in that family and as well she is dispossessed. Then the woman and both, let us say the woman is the one who had bought the land, or a plot and it is written in the husband's name. Now we have found so many cases that the husband or even the first born, if he is a son is the one to inherit those things and the woman no longer benefits from those things, so we would like the constitution to look over those things.

Another thing is those people from vulnerable groups like women, or even those disabled into law or other legal institutions. Those people are not supplied with sufficient food, or even other things like machines, those people try to make them important in the country, but you find that the constitution, or in other words the government does not assist them by giving them the materials they need. It is only those who sponsor them who give them the things they would like, but the government itself does not assist. We would like the government, or the constitution to open a ministry, so that those people can be given grants, or even other things which can help them to be like, or in other words to feel that they are citizens like others because you find some have done metal work even though they are disabled, tailoring, they don't have machines, but we would like them to be given drugs so that they can feel full citizens in the country.

Those are my views.

Com. Lenaola: Rosalyn please come and register here. Karibu, Bwana Marete. Ngoja kidogo, Marete, Florence Nthiga yuko?

Mr. Thomas Marete: Mimi ni Thomas Marete na haya ndiyo maoni yangu. Mheshimiwa, shida ambayo imetukumba hapa sana, ni hii shida ya pombe ya haramu. Tunasikia pombe ya haramu iko banned, na hapa inaendelea, matajiri ndiyo wameruhusiwa wawe wanaitengeneza peke yao.

Com. Lenaola: Unapendekeza nini?

Mr. Marete: Sasa napendekeza kama iko banned iwe banned kabisa kwa sababu kama hapa imehadhiri watu wengi, watoto wengi hawasomi kwa sababu ya hiyo pombe ya haramu na kuna watu wamekaa kama kuna wameruhusiwa halafu wengine wamekunywa. Kuna hata wanatengeneza hata mpaka kwa police gate na hao hawaulizwi. Na halafu inaendelea kuangamiza watu wengi na shamba imeisha, watu wamekaa bila makao kwa sababu kuna watu ambao wameruhusiwa na wana-co-ordinate na akina OCS na watu ambao ni wa serikali. Sasa hapa tungeonelea kama ni kuwa banned, iwe banned kabisa.

Com. Lenaola: Sitaki uniambie kama, pendekeza hilo neno.

Mr. Marete: Ningependekeza, iwe banned kabisa

Com. Lenaola: Okay, sasa unaweza endelea.

Mr. Marete: La pili hata kama wazee wengine ni wakarimu kuna wazee wengine ambao hata mtu akisikiliza hata kama ni mtu ni wa miaka hamsini hataki kumaliza mahali atakuwa permanent. Mzee alizaliwa sawa na nyanya yako werwe umekuwa mtu mzee uko na watoto wako lakini hutaki uwe na pahali pako permanent, hata kujenga unajenga tu kama sio permanent anakuambia hama anakusumbua mara anaanza kuoa bibi wengine wadogo sasa tungetaka tuwe na kama limit ya pahali mtu anafikisha kama ni umri wa fulani anakuwa na haki ya kumiliki kitu ambaye imetoka kwa wajukuu wake.

Ya tatu kuna wahisani ama donors wanajitokeza wanasema waruhusiwe kutengeneza njia kwa sababu serikali inasema haina pesa na wanakatazwa na serikali.

Tungeomba kama nia yako ni kufanya, sio kuharibu, watu kama hao wakijitokeza wanaruhusiwa tu kutengeneza. Na ingine mheshimiwa, ni hawa watu ambao wako rumandi. Hao watu wanahadhiriwa sana hata mtu akitoka hapo na hayuko guilty. He is not confirmed guilty by the court of law, anakuwa ameadhirika kabisa ako na stomach ulcers, vitu ambazo haziwezi kupona tena. Sasa ikiwezekana ningesema watu wa rumandi ambao hawako confirmed guilty by the court wanawekwa vizuri, ndiyo wakitoka huko kama sio guilty waendele vizuri, kwa sababu watu wanahadhiriwa sana huko mpaka mtu anatoka huko ameangamia kabisa, hawezi kuwa reliable tena.

Ni hayo tu.

Com. Lenaola: Ngoja kidogo...(inaudible).....umesema kwamba mtu apewe nafasi ya kupata mali kwa mwaka fulani? Ungependa mtu apate mali akiwa na miaka mingapi?

Mr. Marete: 25 years, hapo.

Com. Lenaola: Basi njoo ukiandikishe hapo. Florence Nthega mara ya mwisho hayuko? Geoffrey Mguongo karibu nikuache tena mara ya nne. Haya karibu baada ya Mugongo, Patrick Kimanthi, Wiliam Mtoingima, David Mwiti, Patrick Kirimi, Julius Mabui?

Mr. Geoffrey Mguongo: I am Geoffrey Mguongo, the secretary to Mikumbune Sub-Constitutency Constitution Review. So Bwana Commissioner what I have are views of a number of people. So, I do not know if I will be refering to I or we.

Com. Lenaola: The we

Mr. Mguongo: Thank you very much. One of the issues that these people have said would like to be in our new constitution is the preamble. Because the present constitution does not have the preamble and unless there is a preamble, the aspirations of the people is not expelled in the constitution. So, there should be a preamble, at least, to show who is the owner of the constitution and who made it. The constitution that is there today, we don't know who made it. We just assume it was coined from the colonial chapters in the Lancaster house.

So there should be a preamble in that one spelling all the ethical and political values of our country. This preamble should be a reference in interpreting the constition. We also feel that in the constitution people should be the sovereignty, there should be no law above people, even the constitution itself, the people are the sovereignty of the constitution and of the country. They also feel that to stop dictatorship of the government from hijacking their rights, they should be allowed civil disobedience such that if the government comes up with a law or anything that affects their lives and they don't want it and they have no way of manouvering them, they should be allowed civil disobedience, for example, when our President built his airport and bought an aeroplane for himself, nothing happened although many people complained including the Parliament itself. This is where civil disobedience should have been applied.

They also feel that when enforcing this constitution, language should be one of the tools of enforcing the constitution, because the constitution that we have currently, not many people are aware of it. It is written in English and hidden. It is hidden in deep cabinets, we don't know where. It is not available, even at this stage now when we are reviewing it, not many people have got copies of it. We are reviewing something that we assume that with the talk we have heard from it. It is not available to us.

So, the new constitution should be written in simple straight forward English and Kiswahili and interpreted in all the mother tongues of this country, and taught in all the schools, and copies given out to a citizen forum, where they are, so that they are aware of their supreme authority. That is about the constitution and it should also spell that everybody has got the right to protect the constitution, such that if the President goes against the constitution, or the Parliament, or the judiciary, or the commissions, they can be tried in the court of law through impeachment.

So, we emphasize on impeachment that should apply to anybody who goes against any provision of the constitution and anybody, any citizen of this country who is recognised as a citizen has got the right to sue any failure of any section of the constitution with the government heads. The government should provide a counsel for anybody who wants to sue the same government for overstating their powers in the implementation of the constitution. They also feel that when Parliament is

dissolved, as it is about to be dissolved now so that we go to the near elections, there should be a grace period under the transitional government, the government, that is the cabinet now should hand over to the transitional appointment, may be judges of the high court or courts of appeal can be appointed to hold transitional government when we are voting, because we have had a lot of mess when the minister remains in the office and he is also looking for the votes, President remains in the office and he is looking for the votes. This has influenced so many voters, may be in their constituency where, for example, the government has been dissolved, the minister is an appointee of that area, he comes with a flag and they wouldn't like to lose that flag, so he uses the government resources for his campaign. So, after dissolution of Parliament everybody should leave office to the transitional government.

Com. Lenaola:(inaudible)....direct on important issues

Mr. Mguongo: Okay I will add it all, thank you very much. I will give it over to you then let me point out a few others. As far as the retirement is concerned Bwana commissioner, retirement should be to every citizen of this country. So that he enjoys the benefit of the pension. Not only employees, even private people should retire at a certain age, because they have been taxed.

Com. Lenaola:(inaudible).....

Mr. Mguongo: Well, developed countries put it at 63, our country is 55.

Com. Lenaola:(inaudible).....

Mr. Mguongo: So 63. Lands: all the pieces of land that is not utilised should be taxed, to give an incentive of those who have tracks of land hiring them, or calling people to work on them otherwise, he pays tax for unutilised land, so that we are able to feed the growing population of this country. Basic rights: education should be free, medical, housing and food should be free to those that are not employed by the government. It is their fault that they have not employed them.

Com. Lenaola:(inaudible)....you raise the point....(inaudible)...at one thirty.

Mr. Mguongo: The size of the ministries should be affordable and there should be no duplication. Like for example, now we have a minister for health and a minister for medical. This is duplication. It should not be there. There should also be commissions set up and one of the examples here given is a commission of feasibility study of science and technology, because we have wasted a lot of resources carrying out projects that are not feasible like for example, when the President commissioned the manufacture of several cars I don't know and nothing happened. No industry a lot of money has been spent, but if there was a feasibility study done, that money would have been used here.

Com. Lenaola: Thank you very much

Mr. Mguongo: Bwana commissioner

Com. Lenaola: Everything related to that memorandum don't worry, but before you go you are saying we must reduce ministries to what number?

Mr. Mguongo: 18-20

Com. Lenaola: Come and register here as you go.

Mr. Mguongo: Thank you very much

Com. Lenaola: Who was next? Yes, Bwana Mathui. Halafu niko na Paul Gituma...(inaudible)...

Mr. Cyprian Julius Muthuri: My names are Cyprian Julius Muthuri. I come from Mwikombole. I wish to present to this commission the following. Job opportunities in ministries, parastatals and government controlled areas. The present system is that the appointment are just read in the V.O.K and whoever hears the name just picks the bag and reports to the office for which is appointed.

I would propose, that in the future, the jobs be advertised and presented to Parliament select committee for vetting and forwarding the names of those vetted to the President for announcement of appointments.

I also propose a political stability and consistency at the leadership that is the Vice Presidency. The present practice indicates that the Vice President is appointed at any one place, or he is just selected by whoever is the President. I propose that it becomes mandatory for all the political parties of this land to have the running mate when we are having the elections going on. This man, Vice President, will be elected jointly with the senior candidate, that is the President and there will be no room for him to be retired, or dismissed anyhowly. He will be mandated to take over the government and the government should not say, if the President dies, that the office is vacant. The vacancy will never ever exist during a five year period. The Vice President will be able to assume the office of the President without costing this country a lot of money to elect the President.

The third one, is about county councils. This country has experienced a lot of waste in human knowledge and resources, the councils are to be run by the people who understand their own area properly. They should be able to read and write as a credential. On top of that, the government should not have a clerk to the council who is overruling over them. They should be able to run their areas properly and in addition to that, there is the D.D.C. The D.D.C should be able to follow up all the programmes that have been proposed to run that particular locality, that is county. Bwana Commissioner, that is what I have for you today.

Com. Lenaola: Tafadhali jiandikishe, you were very clear. Please come and register yourself. Mark Kimathi, karibu. Samson Mbae, basi keti hapa ukimuongoja akimaliza, ama keti pale akimaliza nafasi ni yako. Mr. Mark Kimathi? Kuna mama angependa kuzungumza, mama yeyote hapa? Akina mama hamna, haya endelea.

Mr. Mark Kimathi: Majina ni Mark Kimathi. Mimi nataka nitoe ushauri wangu kuhusu kibarua kwa wale wameshamaliza masomo yao.

Naona hii makosa inatokea kwa serikali, sababu ndiyo walisema watoto waende shuleni na baada ya kumaliza masomo wengine wamefaulu mtihani na kazi bado hawajaajiriwa. Ndiyo napendekeza serikali iwe na maoni ya kuwalipa marupurupu, sababu sio mtoto amekosa ni serikali imekosea. Naona wale watakuwa wamefaulu mtihani wao vizuri wawe wakilipwa marupurupu fulani sababu sio hao wamesema kazi ipotee. Hiyo ingine nataka kusema ni juu ya upigaji wa kura. Naonelea ya kwamba ni heri kura ikishapigwa kituo fulani, iwe ikehesabiwa kwa hiyo hiyo kituo. Sababu ile kubeba vile visanduku kwa njia ndio watu wanaweka makura zingine huko kwa hikvyo ndiyo wizi unatokea. Ni hayo tu nilikuwa nayo tu bwana officer.

Com. Lenaola: Asante sana Bwana Kimathi. Mturete mzee alikuja aketi, keti tu endelea Bwana....(inaudible)...ngoja kidogo tu.(inaudible)...sema jina halafu useme maneno yako.

Ms. Madalina Karandu: (Speaks in Meru dialect)

Translator: Naitwa Madalina Karandu.

Ms. Karandu: (Meru dialect)

Translator: I am sought of financially crippled, I need some assistance

Ms. Karandu: (Meru dialect)

Translator: I am appealing for assistance because of children who are in school and I cannot manage them.

Ms. Karandu: (Meru dialect)

Translator: Yes, they are mine and I have no alternative, I live with them.

Ms. Karandu: (Meru dialect)

Translator: And a person cannot manage him/herself, then he/she appeals for assistance from those who are able.

Com. Lenaola:(inaudible)

Translator: (Meru dialect)

Ms. Karandu: (Meru dialect)

Com. Lenaola:(inaudible) elimu nchini

Translator: (Meru dialect)

Ms. Karandu: (Meru dialect)

Translator: She would recommend free education

Com. Lenaola: Kwa kiwango gani, primary, secondary ama university?

Translator: (Meru dialect)

Ms. Karandu: (Meru dialect)

Translator: Up to secondary level.

Com. Lenaola:(inaudible).....

Translator: (Meru dialect)

Ms. Kirandu: (Meru dialect)

Translator: Just that.

Com. Lenaola: Asante mama njoo hapa ujiandikishe. Samson Mbae? Halafu Ikuwa Samuel, Gitonga Muguongo. Haya endelea Bwana Samuel.

Mr. Samson Mbae Rimbere: My names are Samson Mbae Rimbere. I am from Ruko sub-location.

Com. Lenaola: Muache kamukunji moja huko nyuma nami niko na yangu hapa mbele. Asante, endelea.

Mr. Rimbere: I want to represent these views regarding the abolition of Kenya Dairy Board. We the farmers who rear cattle in Kenya feel that the dairy board should be abolished because of the following points. The dairy board does not serve the farmer in any way. It does not give or provide any services to a farmer of dairy cows. Neither does it help the farmer to market the milk. It does not also give him incentives to farm. So it is a body which is kept there to benefit from the farmer, whom it does not help, neither does it provide any transport for anything to the market.

During a time like this one, when a lot of milk has been produced and even the plant cannot absorb the supply, the farmer does not know where to take his milk and when he takes the milk the market is harrassed by the dairy board. So the dairy board only allows its farmers and when they want to get even their licences to sell milk they are harrassed and these licences are not given, these people only will give you, may be if you bribe them. So, it is the feeling of the farmers that, the body should be abolished because it is only exploiting the farmers.

In addition to that I am going to talk about retirees. It is the feeling of the retirees that when civil servants get their increments in salaries, people retired should also be increased their salaries, which they get on monthly basis because whatever economic hardships come, both those people employed by the government and those who are retired will get the same economic hardships and therefore, there is the feeling, or the reason that they should be considered also when others are being considered.

Then, I will talk about public roads. Public roads which are earthened and especially like this time when there has been a lot of rain, most of the roads have been washed away by rain water. It is my feeling that an alternative should be found, such that along your piece of land, where the road runs, if every farmer, or every person who owns land adjacent to the road is allowed to cater for the water which runs along the road, a lot of water cannot collect making a river which will damage the whole road. So that one is catered for there is a law. A law of a piece of land that water which runs there, should not pass within that particular piece of land then we shall not have water gathering and making rivers and eroding our road and especially at this time, when the government does not provide tractors to repair the roads. If that one is done, then I think it will solve the problem of our roads. With that then I will end my points there.

Com. Lenaola: Please come and register. Gitonga?

Mr. Gitonga Muguongo: Mimi naitwa Gitonga Muguongo.

Com. Lenaola: Mzee ngoja kidogo tu. Kuna mtu hapa mwingine ambaye anataka kuzungumza. Nani mwingine? Mbona hamuko kwa list? Umejiandikisha? Unaitwa nani?

Interjection:(inaudible).....

Com. Lenaola: Endelea Bwana Muguongo.

Mr. Gitonga Muguongo: Naitwa Gitonga Muguongo tulikuwa tumekuletea na Bwana Mbae lakini kuna kitu kingine mimi nimekumbuka na hii ni kuhusu ile malipo ya uzeeni, N.S.S.F. Unakuta ya kwamba mtu analipwa pesa yake ikiwezekana akiwacha kazi. Unakuta ya kwamba mtu analipwa pesa yake akishatimiza umri wa 50 years, or 55 years, sasa mimi ningependekeza kwa hii commission hiyo malipo ya uzeeni mtu awe analipwa pesa yake ikiwezekana akiwacha kazi.

Unakuta kuna watu wengi wanakuwa retrenched, unakuwa retrenched hata ukiwa na umri wa miaka, tuseme 25.

Sasa unalazimika kungojea for the rest 25 years ndiyo upate ile pesa yako. So I am suggesting the commission ikiwezekana imediately mtu akiacha kazi, may be after a year or two, apate ile pesa yake ya N.S.S.F. Ni hiyo tu.

Com. Lenaola: Asante, Bwana Muguongo. Njoo ujiandikishe hapa. Hebu mwrite mwenzangu alikuwa ametoa mkono hapa mbele. Karibu....(inaudible)....

Mr. Julius Kaburu Magambo: My names are Kaburu Magambo.

Com. Lenaola: Endelea tu.

Mr. Magambo: My names are Julius Kaburu Magambo. On political parties, I suggest that there be only twelve political parties which after nomination, candidates will be sponsored by the government to campaign. Also this will better the senior party not to woo voters, or buy the voters. On security, President should not be empowered, he should not be the Commander-In-Chief and in that place there be a post of Commander-In-Chief who shall be appointed by Public Service Commission. Police should not torture suspects and training period for the police officers to be extended, from the present nine months to at least two years. Presidential powers, I suggest, should be trimmed such as to appoint senior government officers. This will reduce tribalism, because at present, certain tribes have dominated the whole country.

So, I propose those powers of the President to appoint PSs and others and also to appoint the Vice President to be scrapped. Also I propose the government of unity to be created and parties be accorded, each party which will be registered, or which will participate in the general elections, each party to have a minister at the time of appointment and the President not to be above the law. There be a ceremonial President and a Prime Minister and neither should have power to sack ministers. Appointment of judges be left to the Judicial Service Commission and not the President and the terms of judges of retirement age to be reduced from the present 74 years to at least 60 years, because a person of 74 years is a senile person.

I propose there be funds set from the public funds to cater for disabled people, for either medical and other basic needs. And if a President, I propose, a President is involved in scandals of wasting public funds to be prosecuted and not be above the law.

Com. Lenaola: You have one minute to give your views.

Mr. Magambo: One minute? Mayors and Chairman of the County Council to be form four leavers of not less than Grade (C) and mayors and chairmens of county council to be selected by the people, that is all.

Com. Lenaola: Thank you very much Bwana Julius Kaburu. Karibu hapa ujiandikishe. Bernard Mananu?

Mr. Bernard Mananu: I hereby propose that....

Com. Lenaola: You have to sit there?

Interjection:(inaudible)....

Mr. Mananu: My names are Bernard Mananu.

Interjection:(inaudible)....

Com. Lenaola: Take him out

Interjection: Say your name

Mr. Mananu: I am here to propose that, in case of revocation, people should be free because when one parent dies, we pay so much money in land succession which can be tantamount to buying new land and from there you see some people are not able to compensate their title deeds because of this this high fee, which is charged in succession.

So, there should be a fee for title deeds in case of one's parent death. Another thing I propose that when parents are dividing their land, they have to divide their land for the ladies who is not married because in case there is a proposal that one should give every child land even a woman or ladies land who is even married.

I propose she should be given land if she is not married but not married ladies, because she is there to be given when she has married. So there is no need to get the land where she was born and given another land where will die or his children.

Another thing I propose in Kenya should be a land limit because there are some people who have many acres while others do not have even a place to build their house or to get the shelter. There should be a limit for the land. May be an example one should have hundred acres, not more than that. Since other people have no place to lay their heads. The other thing I propose there should be no police harassment in Kenya. Police harassment is very high while there are not seeing, where the victims are. They harass people for simple things while the big things they are not bothering with. So everything should be central while there are Kenyan citizens since they are in their land in their country and feel free while moving or doing anything in the right way. Not the matter of being harassed for nothing.

Another thing, like now we are in the constitution review. You can see in Kenya we are being headed by people who are not even Kenyan citizens by birth. Being headed by the constitution review and am asking why a person from another place can come to guide us on how to make our reviews, or we Kenyans cannot be involved in making reviews for ourselves.

The other thing, since the government they know the state heads or the ministries which can contact for making these reviews, they are here giving the local or mwananchi wa kawaida to make him disturb the mwananchi to make the reviews while this person does not know even the laws of Kenya. They don't know what is succession which can be changed or which cannot be changed and the government knows and they have some heads which knows each and everything, which is to be changed and not be changed.

So there is no need for the government to bring all these things to the local people who do not know where to be changed even not changed not to plant maize to be changed not to plant beans in Kenya. Some people do not know that but they beat away round nothing waiting constituency time, wasting money which can be of help for future use for good citizens, which can be utilised in irrigating some places like Tharaka or Ukambani where there is no water. They loiter around using this money for nothing and billions of shillings then I am asking when the Europeans they were making the laws which we are following these days, were they using money so much as we are using here to ammend or to settle their laws which we are following because Kenya we are following the colonial laws but now when we are making our own laws we are using a lot of money which can be traced for something good for nothing and making all way round.

Com. Lenaola: Enough.....(inaudible)....

Mr. Mananu: Yes

Com. Lenaola: Any other issue

Mr. Mananu: No

Com. Lenaola: Well, let me just say two things, one is a question, the other a clarification. The clarification there is no commissioner who is not a Kenyan. Prof. Ghai is a Kenyan born, brought up in Ruiru. You know Ruiru. Umesikia Ruiru. Prof. Ghai is born and brought up in Kenya is not a foreigner. Of the 29 commissioners each of us including myself are born and brought up in Kenya. Are we clear about that. Point number two is a question. Are you saying that colonial laws are better than the laws we are making for ourselves?

Mr. Mananu: No. I am proposing that we ourselves Kenyans when we were making these laws like now because you try the way of making good laws for us, we are using a lot of ...

Com. Lenaola: Is that what is here. Are you telling me that the laws we make for ourselves is worse than ile ya

...(inaudible)... Mbeberu?

Mr. Mananu: No, I am not saying so.

Com. Lenaola: Very well, please come and register. Phineas Mawira. Njoo hapa upange laini. Sema jina halafu endelea, halafu Daniel Ndung'u yuko? Keti hapa umfuate huyu. Endelea.

Mr. Phineas Mawira: My names are Phineas Mawira. My views are that I want to thank the commission that in Kenya there is no freedom of media music. Such as T.V.stations those are not clearly utilised.

Com. Lenaola: What do you propose?

Mr. Mawira: I propose that in Kenya there should be free media. If a person wants to start his own media, he should be given that permit not only in Nairobi, to enjoy that good atmosphere even we in these areas we want to enjoy the good things that we have.

Secondly, 60% are youth in Kenya and I would like to see youths being included in many things that the government has. For example, in some offices like in Parliament only youth that are may be above 35 years are needed to be President. What about those who are 28 years, 21 years and others?

Com. Lenaola: What are you proposing?

Mr. Mawira: I am proposing that any youth who is above 18 years should be given a path and a role to play in our country. But in Kenya there is no equal distribution of the resource that government has. So, I propose that the constitution that we are intending to make should see to it that each and every area there is equal distribution, not only in those parts where there is super powerful people there should be equal distribution.

Fourthly, I would like to see this constitution that we make giving power to those who are concerned in armed forces to see to it that armed forces are not 90% of them are from a certain community, or group of people, but should be included in all the groups that we have in this country. I would also propose that the constitution that we are intending to make to see to it that corruption in this country is being evaded.

Lastly, I would also propose that the local authority should see to it that the resources that we have are not misused. For instance, the forest, I would propose that people around that forest should take care of it rather than government, simply because government itself is misusing that resource.

Thank you, that is what I have.

Com. Lenaola:(inaudible).....When you say youth, what age should the youth fall in, between what age are you

considering the youth?

Mr. Mawira: Okay, youth in this time, I would like them to start may be given powers or to rule from...

Com. Lenaola: A very simple question between what age and what age is somebody called a youth.

Mr. Mawira: I would like to see it age 21-34 years there.

Com. Lenaola: 21-34. Thank you very much. Please come and sign. Daniel Ndung'u, Cyprian Mang'ata endelea bwana...(inaudible)....

Mr. Daniel Ndung'u: Kwangu, nigependekeza...

Interjection: Sema jina

Com. Lenaola: Sauti ndugu yangu, sema jina na sauti tusikie.

Mr. Ndung'u: Daniel Wachanga Ndungu.

Com. Lenaola: Haya endelea.

Mr. Ndung'u: Kwangu ningependekeza kuhusu masomo ya msingi. Tuseme ya kwamba ni muhimu kwa maisha ya jamii. Kwa pendekezo langu ningependelea kuona kwa katiba tunayotarajia sasa.

Com. Lenaola: Pendekeza basi.

Mr. Ndung'u: Mapendekezo yangu ni kwamba wale waalimu wa shule ya msingi, wawe na teknolojia, either za kiufundi na ningependekeza wawe wanafunzwa zile teknolojia ikiwemo za ufundi, wiring wa kama zile wanazofuzu katika polytechnic ili wanapomaliza masomo ya msingi wawe na huo ujuzi.

Jambo lingine ningependekeza ni kuhusu ardhi, kwa wale wanao ma-acre zaidi ya elfu moja, ningependekeza kuwe na kiwango fulani ili kuimarisha kumaliza squatter katika nchi yetu.

Com. Lenaola: Sema kiwango hicho ni acre ngapi.

Mr. Ndung'u: Kwa maoni yangu ningesema kama katiba tunayo itarajia sasa. Tunayo ibadilisha kuwe kama anaye shamba

kubwa.

Com. Lenaola: Mia moja, tano ama ngapi.

Mr. Ndung'u: Awe na kama fifty acres kwenda chini. Kuhusu security, ningependekeza mkenya akubaliwe kuishi popote nchini Kenya akiwemo popote anapoishi na aishi kwa usalama, aishi kwa amani bila kusumbuliwa na yeyote, bila ubaguzi wa kabila, wa jamii aishi kwa usalama. Asante.

Com. Lenaola: Asante sana Bwana Ndung'u. Cyprian karibu, Ndung'u. Sema jina kisha endelea.

Mr. Zubriano Manga'te: Jina langu Zabriano Manga'te.

Com. Lenaola: Endelea

Mr. Manga'te: Maoni yangu ni juu ya utawala. Mapendekezo yangu ni kuona sheria iwe juu, ukubwa uwe chini. Sheria ingine na kutoka katiba pendekezo yangu, mfanyikazi yeyote katika Kenya atakayepatikana amehongwa, afutwe kazi na kufungwa miaka mingi.

Mapendekezo mengine, mafunzo ambayo yako na polisi wetu wa Kenya si ya ukweli watafutwiwe kama ni nga'mbo wawe wakifunzwa kule. Sheria nyingine, kuna watu walinyakua mashamba yaliyo yao au ya jamii zao yagawiwe watu ambao hawana kitu maanake hayakuwa yao, wala ya baba zao.

Mapendekezo ya kugawa, kila mtu katika Kenya, katika mashamba hayo awe na acre tano tano kila mmoja aliye naye na asiye naye. Mapendekezo mengine juu ya kulima au ufugaji. Kama mtu si mwananchama wa chama cha ukulima kama vile kahawa au pamba au majani, asipewe madaraka ya kusimamia kama director au kama minister. Ukubwa wa ukulima utokane kutoka shamba lake kwenda mpaka juu. Upande wa County Council, Local Authority. Mayor wa Council asikubaliwe kuwa mayor, mtu wa miaka chini ya thelathini, na pia asiye hitimu elimu ya form 4 na ujuzi wa kufanya kazi kama vile miaka mitano.

Mashamba ya wananchi, watu wawe na uhuru na mashamba yao vile wanataka yafanyiwe kazi, si kuingiliwa na serikali. Mfanyikazi yeyote au councillor au MP akichukua mashamba ya watu na kuuza au kujipatia ploti huko afungwe na vitu vyake viuzwe.

Com. Lenaola: Lngine la mwisho. Mambo mawili ya mwisho.

Interjection: Mambo mawili ya mwisho

Mr. Manga'te: Jambo lngine juu ya watoto wasichana au mwanamke ameolewa. Yeyote akipatikana ametupa mtoto, kuuwa apelekwe kotini adhibiwe na afungwe. Ya mwisho, vitu vya mtu kama vile maziwa, kuku, mbuzi, isikatiwe rent ikiingia sokoni. Ni hayo tu kutoka upande wangu.

Com. Lenaola: Asante, njoo ujiandikishe hapa. Moses Githinji, Nelson Koome endelea. Murithi Muriuki.

Mr. Nelson Koome: My name is Nelson Koome. The first proposal that I have here is the President powers should be trimmed. The President should not be above the law and there should be a provision on how the President can be tried either by a parliamentary committee, or can be taken to court. The ultimate power authority within the state should lie with the Parliament not the President. The new constitution should also provide a clause, indicating the steps to impeach the President, incase he misuses his power or mismanages state resources. And then after appointment by the Public Service Commission, all the senior civil servants like the P.Ss and the deputy secretaries should be approved by Parliament, if a person is disqualified, the Public Service can appoint another person, who will come and until such a person will gain parliamentary approval. Such posts should be advertised so that the applicants apply, first and then after they apply the Public Service Commission can choose from the best candidate qualified.

Judges of the High Court should be chosen by the judicial service commission and not the President. Besides being chosen by the judicial service commission, they should also be subject to parliamentary approval, if a judge is not approved by Parliament then he should be done away with. Besides, all judges should be graduates from the university. Those who are not qualified who have never gone to university should be trimmed. The Chief Justice should be a senior scholar, or should be an advocate who has served for over 20 years and should have a university degree.

The President should not use the state resources when electioneering. He should not use GK vehicles by that time when the President is seeking to be elected. He should give away the resources of the country and the state powers should be lying with the Chief Justice or the speaker of the national assembly. That time we shall have level playing ground when he is looking for votes from people and then there should be equal coverage in the media. The President should not use the K.B.C to show how he is popular when he is denying the opposition candidates from using the same. All those who are seeking elective offices should first of all declare their wealth. They should also be vetted; those who have a history of mismanaging institution should not be allowed to contest.

Also the government should provide for universal health care for all the citizens of the country. All public hospitals or money paid in the public hospitals should be scrapped. Besides, the government should give all public hospitals adequate drugs and all the other services that are required within those hospitals to cater for the health of the citizens. The provincial administration should be scrapped. It should be replaced with elected officials. Police, in order to provide security, every 10,000 people should be provided with a police station. Then the policemen should be well paid and those who are caught in graft should be jailed. All land which is owned by individuals who are absent should be redistributed to the people, because many people do not have land when we have people who have thousands of acres, which are lying idle. At least, nobody should be landless in Kenya.

Also, in order to make sure that people utilize land, land should be taxed. In prime areas like this one, anybody with above 20 acres should pay taxes those with less than 20 acres should not pay. In those areas that we are not potential, say Tharaka and Ukambani anybody with above 50 acres should pay taxes.

Com. Lenaola:(inaudible).....Last four points.

Mr. Koome: There should be universal education for all at primary level. All children should be provided with education besides, education for persons with disabilities should be free. The government should set aside a fund to deal with persons with disabilities to cater for them, instead of them loitering with the market borrowing. The government should be providing them with all they need.

And then all children, the new constitution should compel the government to return the affiliation act, where men who have children with women, they should support those children in order to curb the street children menace, whether they are together, they are in wedlock or not, those men who sired those children, should take responsibility for those children.

Com. Lenaola: Thank you very much Bwana Koome, please give us the memorandum and we will read every word in it. Keep coming. Next is Peter Murithi Muriuki. Sema jinam una dakika tano zako.

Mr. Peter Murithi Muriuki: I am Murithi Muriuki. Thank you for the opportunity. My major understanding to this constitution review exercise which is going on is to review the constitution. But the problem lies where? The problem is within the three arms of the government these are the executive, the legislature and the judiciary. But to make the matter worse, one of the three arms has been given excessive powers. So, it has ended up tampering with the other arms. Then my proposals are these; we start by trimming the power of the executive. The excessive power conferred to the President should be deleted starting with Chapter 2, part 1, Section 14. 1,2,3 makes the President a super being. It should be removed.

The power of the President to appoint should be conferred back to the Parliament, as the Lancaster House constitution stated. The appointees are namely; Vice President, Commissioner of Police, Chief of the General Staff, Permanent Secretaries and the P.C.K. commissioners. Thus the removal of Cap 2 part 3 Section 24 and 25. The government ministries should be clearly defined in the next new document. We have seen that being misused mostly, whereby some people somewhere use it for political handouts those psychopants who fall in, they just create ministries which doesn't have importance to award them. Parliament should be empowered to become the supreme institution in the land. It should have power to impeach all the government officials, President included, over their conduct. Then, Parliament should have a say in the budget.

We should go back to that original document which was from the Lancaster House, which created the current Parliament, we should have that one back. We should scrap provincial administration and return back to the regional assembly as it was stated by that constitution.

Lastly, it is my view that if we have a federal government, this one will be able to serve people best. That is all.

Com. Lenaola: Thank you very much, Mr. Murithi. Please come and register. Let me now have Isabela Ariithi. Moses Githinji yuko katika hapo? Enda pale. Mzee unaitwa nani wewe?

Interjection:(inaudible)...

Com. Lenaola: Ulitaka kuzungumza? Ariithi endelea.

Ms. Isabela Ariithi: Mine are very few.

Com. Lenaola: Please say your name

Ms. Ariithi: My name is Isabela Ariithi. I want to present very few remarks on the constitution review. Girl child to be recognised as boy child, violence against women should stop. Women are unable to campaign in night campaigns, so the campaigns should be done during the day only. Affirmative action to be taken seriously and by this I mean equal responsibilities to be distributed equally to women. That is all.

Com. Lenaola: Thank you very much. Please come and register. Mzee hebu njoo utoe maoni yako. Jina lako nani mama? Simuoni kwa list, unajua kama ako kwa list ningeweza kujua nani ako, nani hayuko. Simuoni kwa list. Umejiandikisha?

Interjection: Nilikuwa nimechelewa.

Com. Lenaola: Wale wamechelewa mtasikizwa mwisho wa kila mtu. Nimeitana mara tatu kila mtu. Endelea.

Mr. Mwiria Mtuarithima: (Meru dialect)

Translator: Mwiria Mtuarithima is my name

Mr. Mtuarithima: (Meru dialect)

Translator: The first thing,

Mr. Mtuarithima: (Meru dialect)

Translator: The Attorney General should not be appointed by the President, he should be appointed by Parliament.

Mr. Mtuarithima: (Meru dialect)

Translator: The President should be elected by the public.

Mr. Mtuarithima: (Meru dialect)

Translator: The cost for land demarcation should be minimized and affordable.

Mr. Mtuarithima: (Meru dialect)

Translator: The police should not perform their duties when they are drunk, because they are arresting drunkards and they are also drunkards, then it makes no sense.

Com. Lenaola: Mzee njoo hapa ujiandikishe. Kama nilikuwa mara tatu mbele na haukuweco, utangoja nimalize wale ambao wako hapo, kisha nitarudi kusema nani amekuja amechelewa. Tumeelewana, sawa sawa? Haya Julius Rimberia, halafu Eric Bundii Murungi... (inaudible)... lakini mbona nyinyi mumekuja hapa na hamsemi ilikuwa namna hii na hatuoni kama mko.

Mr. Julius Rimbera: My names are Julius Rimbera. My proposals are that I would like that the Provincial Administration be scrapped and local government to take up their roles.

Secondly, councillors should be well educated and at least be holders of a form four certificate, or a diploma from a recognised institution. Three, in our government hospitals, the cost sharing should be abolished and the government should cater for all the expenses. Four street children should be wholly catered for by the government and especially the local government, in providing education and other necessary facilities.

Next, I would also propose that any piece of land that is below 0.2 hectares should not be levied, at least, because it is a burden especially when it comes to sharing the land between either two, or three people.

Finally, I would also propose that the post of the Vice President should be entirely on the shoulders of the electorate, the President should not do any appointment.

Thank you.

Com. Lenaola: Thank you Bwana Rimbera... (inaudible)... endelea.

Mr. Eric Bundi: My name is Eric Bundi Mulinge. My proposals are as follows. First, I would like that legitimacy, or those illegitimate children born out of wedlock should be cared for by their parents, regardless of their marital status whether married or not.

Secondly, the electoral commission should see to it that each and every person who vies for a seat of eligible qualifications, that means he should attain a certain qualification; if he is a councillor he should have this O'levels, an MP the same and President the same.

The other thing is that the appointments of public service people like say the electoral commission service commission should be appointed or judges should be appointed or elected by people, or Parliament rather than the President. Because if the President

appoints them and him being overall, it will be his disadvantage because they fear to be sacked.

Com. Lenaola: Endelea.

Mr. Bundi: The other thing is on education, primary education should be said at least fair and free to each and every parent so that he can uplift our country to literacy and have literate people. To end it all, we should have social amenities all over as such we should have social laws and hospitals created in the vicinity of the people, all people can reach with immediate effect. Thank you.

Com. Lenaola: Thank you. Jiandikishe hapa. Vemacio Olimbia Gitonga, Mbambu Gatae yuko?

Ms. Vemacio Olimbia Karimi Gitonga: My name is Vemacio Olimbia Karimi Gitonga and in my presentation I am a bit home based and looking at the basic unit as most significant in creating responsible citizens of this country. I feel that the female population should be given opportunities in all aspects of the social, economic and political life of this country. In particular, I have highlighted on a few areas and first one is the idea of the clan members.

In most of our tribes, the clan members only constitute of the men and therefore, when matters of property inheritance are being discussed, the females are scarcely, if not merely represented. Some communities do not even allow a woman to appear in the elders meeting. Still in our contemporary society, it is not logical that even a young boy in his adolescence is given a priority in such matters and an elder sister, for example, may not be allowed to appear even if she is wiser and more experienced.

In the communities, still where polygamy is prevalent, the first wife ought to be the holder of the home second to the husband in rank, or priority and for example, where the husband is deceased, the last wife has often been assumed and ownership of property disregarded and therefore oppressing her and their children. In most cases they may be several wives.

On economic oppression on women, I feel that the biological fathers who refuse to take responsibility of bringing up children should be charged by the law. On economic supports they should be liable to economically support both the child and the mother right from the conception period up to the time the child enters adulthood, as stated by the Kenyan law. In that case, I believe that our law says that a child enters adulthood after 18 years whether the child is brought up by both parents, or single parents he should be liable to property inheritance. Often, single parents, that is both mother and father and mostly mothers struggle to bring up children after the father has rejected her and after that it is reasonable, according to me, to legally bound the father to economic support, after all, we were aware that he is not available for the psychological growth of this child, nor the social cultural support that the child requires as he grows up.

Those women who refuse to reveal the biological fathers of their children should also be penalised. I feel this is child abuse by failing psychologically to provide the child with the natural environment for balanced growth as determined by the laws of nature and above all, the creator. This is in regard to whatever religion a person belongs, the creator is actually the controller of the creation and it is well balanced if we followed the requirements. This is because the mother may even feel, or be economically stable but she fails to understand the complete life. That complete life is not only based on material wealth alone, but requires a

satisfying wholistic approach in life. For example, the moral, spiritual, social, cultural and the political feelings of life are equally important and whole compliment making healthy citizens of this country.

Further still, some of our community and in this case, the Meru community, girls who conceive and get children out of wedlock face a lot of mistreatment. Such a lady may get married to another man, who is not the father to the child and the custom does not allow her to move to the new home with a child. It becomes very sad, mostly for the child, for lacking the motherly love and care. Worse still, such a child may also be denied by the biological father and therefore, left under the care of the grandparents and any other possible guardian. The child grows to be psychologically fixated. A strong nation, I feel, cannot be built by psychologically disorientated persons. The husband is allowed to bring home children got out of wedlock and those which belong to him. This makes one wonder, why the wife will not, or should not be given an equal chance to care for the child. And particularly that child from her own home and is left out there suffering and sometimes even without any concern and that is why I believe we have some of the street children in this country.

Economically, students from the rich backgrounds may not be subjected, rather I would say children, both boys and girls are allowed to go through the education system, because of the frustrating situations that they are exposed to.

Although a home may be economically stable, some parents may refuse to pay fees for the education of their children. I feel that the local authority should be empowered to deal with such parents. That their property should be utilised to educate the children and in such homes, the parents who force their daughters to get into early marriages, through direct or indirect means should also be penalised.

Com. Lenaola: Thank you madam

Ms. Gitonga: Yes, the boys also may marry early and raise poorly founded families and this still becomes a problem, especially in the interior rural areas of this country. Finally, I feel that education should be viewed as a free, important right for all Kenyans and particularly in the interior rural zones of this country, if Kenyans wish to develop the whole nation. Thank you.

Com. Lenaola: Thank you very much, karibu, njoo ujiandikishe. Mzee wangu sasa nafasi ni yako....(inaudible)...Mama tafadhali baadaye.

Mr. Murungi Eliud: Asante sana. Ama kwa kweli mimi....

Com. Lenaola: Sema jina halafu uendelee.

Mr. Murungi: Mimi naitwa Murungi Eliud...(inaudible)....

Com. Lenaola: Kutoka KUPPET

Mr. Murungi: Nina mambo kadha wa kadha ambayo nizusha katika maandishi yangu lakini nita taja mambo matatu tu kwa kuongea. Kwanza nitataja juu ya miti ambayo tunayo na ambayo naona kwetu hapa ni ya muhimu sana, lakini kuna kitu ambacho kinatokea kudharauliwa na inakuwa ni shida.

Miti, kwetu hapa Meru hasa tumegawiwa vichaka vyetu vilikuwa hata na title deed. Kuna mashamba yetu yana title deed basi miti yetu kila mtu anajua miti yetu tunatumia kwa kujenga, kupika na kila kitu na sisi wenyewe tunapanda. Kitu ambacho naona natetea ni kwamba, kuna hii makaa ambayo watu wanchoma. Makaa kama niliona siku ingine mtu anachoma mti wake, kwa sababu anataka kutumia makaa, lakini ukibeba kama gunia moja, mbili, tatu, ukiwa barabarani askari anakushika wewe umechoma makaa na hapa anataka elfu moja, mbili, tatu. Sasa ukiwa ni unajua hapa imegeuka sasa mahali ya polisi, si hata ya serikali. Nasema hiyo ikatazwe kabisa, miti ya mtu hapa Meru iwe ni miti ya mtu awe akipika kwa makaa, kuni, kwa chochote ni muhimu kwake. Kama hana pesa, mti mmoja akikata kwa sababu ya kununulia pengine mtoto vitabu, fees kidogo asisumbuliwe. Sio DO kuja kuuliza ati hii, saw mill ilikuwa inafanya nini hapa.

Ni yeye alipanda na ni yeye anakata na ni yeye atapanda. Shamba ana title deed sioni sababu ya kusumbuliwa. Akisema yeye atatengeneza kuni kwa njia ya makaa, sijui asumbuliwe kwa nini. Kama pia makaa ndio ina kuni, si auze makaa apate pesa za kununulia vitabu.

Com. Lenaola:(inaudible).....

Mr. Murungi: Sawa, nitaongea kitu kingine ambacho pengine wanataka kuguza hapa. Pombe ya kienyeji. Pombe ni pombe, na hata uende wapi watu hawataki kusema, hata ukienda kwa Bibilia yetu ambayo tumefunzwa ndani yake kuna pombe ambayo ilitoka sehemu za zamani za Lot, za kila mmoja, huko pombe ilikuwa iko. Lakini wazungu nao wakati wamekuja, isipokuwa ununue pombe ile ya chupa, hakuna pombe, zingine wanasema ni haramu. Mpaka kwingine isipokuwa kwetu, hawakupoteza pombe.

Pombe wale wenyeji walikuwa na pombe, sio sababu ya wazungu. Pombe zetu zilihaliwe ili kuwe na namna nzuri ya afya, zitengenezwe vizuri, ziwe za afya nzuri, watu wanywe. Yawezekana kuwa wengine hawajui, hiyo wanaita chang'aa ni kama ile whisky wanakunywa. Wazungu wanakunywa chang'aa lakini aina ya whisky. Sio lazima itengenezwe na mzungu iwe halali, unaona. Lakini nasema pombe hii sio lazima itengenezwe mtu ambaye anajiweza anakunywa whisky ili asipelekwe kwa O.C.S kesho. Zitengenezwe lakini kwa njia halali ambayo serikali yenyewe italipa licence ipate pesa, na si OCS, Chief, askari wapate pesa. Nawaambiwa pombe inye ingawa si halali, wanasema is halali, lakini unakunywa lakini wanapata pesa ni kuanzia pengine Chief, askari, D.O., O.C.S. D.O ndio wanachukua pesa wakati huu, hebu nikuambie uende wapi. Hayo inatosha.

Na ya tatu ambaye ni ya mwisho kwa karatasi yangu ambayo nitawapatia ni viti vya kuchaguliwa. Uongozi ni kitu kila mmoja anapenda, awe mwanamke, awe mwanaume, awe kila mtu, na usidanganywe. Mtu kuwa kwa kiti anaita mwingine ni mpenda cheo. Anamtusi yule ambaye yuko kwa kiti ndiyo mpenda cheo kuliko mwingine yeyote, na ndiyo nasema viti vyovyote vya kuchaguliwa, kuwe kama America, vichaguliwe mara moja, mbili, tatu kuwe na mwisho wa kuchaguliwa, kama tunajua tenure of office.

Mtu achaguliwe, kama ni Rais achaguliwe mara mbili, hata akiwa mzuri kama sukari, hakuwa mara ya tatu, hakuna mwaka wa

kumi na moja. Ni mara mbili peke yake, lakini viti vingine hata vya nyumbani kama ni mwaka moja moja, ikiwa ni kama vipindi vitatu tosha. Kuwe na vitatu!

Com. Lenaola: Ngoja kidogo umesema President, two years in Kenya!

Mr. Murungi: Ndiyo, viti vingine nasema vya kuchaguliwa.

Com. Lenaola: Sema mjumbe, councillors

Mr. Murungi: Achaguliwe viti ambavyo vinajulikana ni vipindi vingapi, kila moja. Na hakuna vita.

Com. Lenaola: Tuambiwe hapo umesema ngapi.

Mr. Murungi: Juu ya nini?

Com. Lenaola: Kwa MP, Councillor

Mr. Murungi: Kwa MP, Councillor wale wa miaka mitano, napendekeza vipindi viwili, lakini miaka miwili miwili, kama vipindi vitatu hakuna ubaya. Lakini kila mmoja anapenda achaguliwe na cheo abakie, kutumia office kwa manufaa yake.

Com. Lenaola: Asante Muriuki, njoo ujiandikishe. Haya mama karibu.

Ms. Florence Kathambi Nthiga: Asante, majina naitwa Florence Kathambi Nthiga. Nataka kuzungumza juu ya President. Ningependa tupewe President ambaye anampenda Mungu, kwa sababu bila ya Mungu hatuwezi kuendelea. Ningeomba President yule tutapata hata awe nani awe anajua Mungu. Na possibly, tujue kanisa lake ni gani, kwa sababu kuna wengine wanakuja na makanisa tofauti tofauti. Anaweza kuja na kanisa ya devil worshippers. Ni vizuri tuwe tunajua ni kanisa gani.

Second, ningetaka President yule tutapatiwa, ama yule ako, awe ni President wakati mtu kama ni wezi, nimesikia wanahukumiwa na President ndiyo anaamua kama watanyongwa ama hawanyongwi. Ni vizuri kuwa judge awe ana judge kunyongwa, kwa sababu kama ni wezi wakati huu tumemalizika kabisa na wezi na pengine wanaweza kushikwa na wapelekwe mahali na waambiwe wangojee President. Sasa kwangu, nimeuliza kama ni mama amechaguliwa kama mtu kama mimi nikitaka kuchaguliwa niwe chief ni vizuri kuwa ninakuwa considerate, naangaliwa na ninachaguliwa. Si wanaume tu wanaweza kuwa chief hata wanawake ninajua kuna wengine unaweza kuona wengine wanasema wamama hawawezi kuwa ma-chief ama hawa wakubwa wengine. Ni vizuri wamama tuwe tunaangaliwa kuwa ma-chief hata possibly, ma-president ama hawa wengine.

Lingine ni mambo ya shamba. Mashamba mengine, watu wanauza shamba, ukienda kupinga hiyo shamba isiuzwe tena kuna kitu kingine kinaitwa green card, inatolewa inauzwa na siri, hiyo sasa ikiwezekana ifungwe kabisa. Mimi sina mambo mengi. Asante.

Com. Lenaola: Njoo ujiandikishe. Mr. Mugambi Linus? Njoo...(inaudible)...Julius Kiara?

Interjection: Linus Mugambi?

Mr. Linus Mugambi: (Meru dialect)

Translator: My name is Linus Mugambi

Mr. Mugambi: (Meru dialect)

Translator: On to air my views, concerning water in the new constitution

Mr. Mugambi: (Meru dialect)

Translator: Water as a resource should be treated with a lot of care, especially in urban centres.

Mr. Mugambi: (Meru dialect)

Translator: Kenyan citizenship should not be paper citizenship. The person who is dealing with that citizenship must be known and available and even let him be elected in a number of local committees.

Mr. Mugambi: (Meru dialect)

Translator: Those who are responsible for disappearing files in our courts of law should be handled ruthlessly, to avoid disappearance of files.

Mr. Mugambi: (Meru dialect)

Translator: There should be specifications in the form of worship in our country and individuals should not claim to own religions of their own.

Mr. Mugambi: (Meru dialect)

Translator: The distance from one church to the other should be at least half a kilometer.

Mr. Mugambi: (Meru dialect)

Translator: Pupils from private primary schools should continue to private secondary schools to avoid squeezing those who are still learning in public primary schools.

Mr. Mugambi: (Meru dialect)

Translator: Thank you. That is all Bwana Commissioner.

Com. Lenaola:(inaudible)...mzee ulikuwa next. Halafu Major Mwiti ukaribie. Fanya haraka endelea.

Mr. Julius Kiara: Mimi naitwa Julius Kiara.

Com. Lenaola: Endelea.

Mr. Kiara: Mimi maoni yangu, ninasema Julius Kiara. Maoni ni yangu ni juu ya vichaka vile viko ndani ya Kenya. Kuna watu wengi sana hapa Kenya, ambao wako na vichaka vikubwa sana. Na hivyo vichaka vikubwa sana hakuna watu huko. Kuna vichaka hivyo hapa Kenya na vichaka vingine viko na wanyama wa kichaka, si ngo'mbe ya mtu ama nini, ni wanyama wanakaa huko kwa vichaka hiyo. Na huyo mtu kichaka ni yake, ako na title na ni zaidi ya maelfu ya ma-acre.

Mimi naomba tufanye namna hii. Serikali ichukuwe hizo vichaka, kwa sababu naye hapa Kenya masikini ni wengi sana wale hawana pa kufanyia kazi. Watu wapatiwe na serikali hivyo vichaka ikiwa ni ya serikali. Watu wako masikini wengi sana hata hawana kitu, wakafanyie kazi vichaka hivyo, badala ya kukaa na wanyama wa pori. Na mimi sina maneno mengi, ni hayo tu.

Com. Lenaola:(inaudible)...lako njoo ujiandikishe...(inaudible)...

Major (Rtd) Elias Mwiti: Thank you very much commissioners. I am very sorry for the initial appearance, which I thought I would give a verbal information but I thought it was not very clear, so I went to have this thing typed but unfortunately there are some typographical errors and that is why I thought, may be I will come and explain.

Com. Lenaola:(inaudible)...fine. I am saying pick up the most important issues and(inaudible)... don't waste...(inaudible)...we shall read...(inaudible)..

Major Rtd. Mwiti: Major (Rtd) Elias Mwiti. I live around Nkubu. The initial concern is the Presidency, which I said should be executive position, with two five years terms, with a fixed calendar. What I mean is it should be given a particular date, which every election will be based on those dates, unless something drastic happens, with a minimum age of 35 years and a maximum

of 75 years. What I mean is nobody should be allowed to hold that position if he is above 75 years.

About the residence is the statehouse for office and also home. On education, as the first initial, if we are going to the next election, the minimum education for the President should be form four and with the first five years initial as we are going to the next election with a changed constitution, is the current outgoing President to be the chairman of the senate.

And with the membership of that senate to be the current P.Cs which was going to the next point, I suggest should be scrapped. So the current P.Cs in the country should form the membership. We have also very prominent Chief Justices who have retired, former police commissioners. We have retired Bishops and Kadhis and retired judges to form the initial membership of the senate. Subsequently, it should be elective and of course the Parliament should recommend the modalities to elect the senate. The lower house, the current house is too large, in fact it should be reduced between 150-180 constituencies, and age for members of this Parliament should be maximum be of 65 years and these members should not just serve the country for more than three terms, once they serve for 3 terms or attain 65 years, they retire from Parliament and then they are pensionable. There also, I recommend that salary and the remuneration board should be set up for public officers. The chairman of this board should be the Governor of the Central Bank with members of this board to be rotatable religious leaders, civil society e.g. prominent farmers, businessmen and membership of this should not be more than fifteen and we suggest that they should not be salaried, but given allowances.

Fourth problem is the P.C's, Provincial Administration, which was mentioned earlier. They should scrap the P.C's in the first five years. After 5 years, all the provincial administration should be scrapped and then instituted with local authorities. Ministries should compose the government should be reduced to the barest minimum, for example, up to 20 ministries and also a ministry of justice whereas which is performed by the Attorney General and the AG, from there on should be the Public Prosecutor only and any public officers should be vetted by Parliament, once chosen by the President.

The type of government should be unitary, as we suspect that majimbo would break the nation. Also referendum to be embedded in the constitution. Also, we should have independent candidates to be allowed in the constitution, whoever wants to stand doesn't have to stand under the umbrella of a particular party. Then government of national unity, or coalition to be allowed where, for example, a clear majority does not emerge after election, or a poll.

We are also suggesting that the Kenyans are very lazy and that is why the economy is very low. We should allow the six days to work like before and this is comparable to East Africa Community partners who work even Saturdays. So to harmonise this, we should also work six days a week.

Now come to the military which is very poor subject to most people. We are suggesting that it should be very small and smart, with a very large home based reserve. This is comparable for example to a country like Israel, where we have a lot of military but they not uniformed, you don't see them on the streets, but in case of crisis, they can be called. The police we have noticed that welfare of the plice and the cadre of the candidates is very dismal, so we are suggesting that even university graduates should be employed in the police force and also to be well equipped and trained.

Our education system, I suggest we harmonise with East African partners as, for example, 8-4-4 system is only unique, I think, to this country, either with the community, or the commonwealth standards. That is all.

Com. Lenaola: Thank you Major Mwiti, please come and sit here. I will...(inaudible)... Halafu Kiambi Mwori ... (inaudible)..... and then we shall

Mr. Moses Muriungi: My names are Moses Muriungi and these are my presentations, my views. On Presidency we should have a popular President gaining over 50% of the total votes cast, besides other requirements, and should be a man of intergrity. Ministers should not be appointed from the members of Parliament, but rather from the professionals and they should be called secretaries to run the ministries. We should have few ministries, about fifteen in number.

Appointment of senior civil servants. They should get parliamentary approval and should be men of intergrity, who have never been associated with any shady deals. We need to scrap the provincial administration and replace it with an elected system.

Political parties, I propose at least three political parties and then a provision for independent candidates, so that those who are frustrated by their parties can contest through this clause. There should be a law to impeach the President, incase he violates the constitution. Nomination of MPs and civic leaders, these posts should go to women, youth and disabled because they are the less privilledged. I propose a coalition government for the sake of political stability. Defection of MPs and civic leaders should be taken as a resignation. They should not be allowed to contest in a by-election because they waste our resources and time.

Security, people who are targetted by criminals should be identified and the security arranged. They can be allowed to own fire arms to protect their lives because the government cannot protect every individual. So that is all I had.

Com. Lenaola: Thank you very much Bwana. ... (inaudible) ... ngoja kidogo kuna swali.

Com. Nunow: Moses, a brief clarification. You mentioned the cabinet should be appointed from professionals outside Parliament and you said they should be called secretaries. Any reason for that, or just the name? You have any reasons for changing the name from ministers to secretaries?

Mr. Muriungi: There is no reason.

Com. Lenaola: Okay, just like that. Thank you very much. Kiambi Mbiri? Njoo, halafu Stanley Githinji. Sasa baada ya huyu ni..... (inaudible)....

Interjection: Mimi nilitaka kusema sababu sijaandika vile. Yangu nilitaka tu kusema halafu niandike maoni yangu baadaye.

Com. Lenaola: Sawa sawa, endelea umemaliza?... (inaudible).....

Interjection: Jina ni nani?... (inaudible).....

Com. Lenaola: Ungependa kuzungumza baadaye... (inaudible)...sasa.

Mr. David Kinoti: I am David Kinoti.

Com. Lenaola:...(inaudible)...nani mwingine angependa kuzungumza? ...(inaudible)... Mkeo. Wewe ungependa kuzungumza? Kuja hapa...(inaudible)...kutoa maoni. Haya keti hapo utazungumza. Na wewe keti hapa. Kuna mama angependa kuzungumza? Wale akina mama pale, hamna? Haya, nani mwingine? Njoo hapa. Ulikuwa wapi mzee ...(inaudible)..?Haya endelea...(inaudible)...dakika ngapi? Haya endelea Bwana Kinoti.

Mr. David Kinoti: So, as I said my name is David Kinoti. My views are as follows: The voting age should be reduced from the mandatory age of 18 years when a person attains an ID card to 15 years, and a person should be issued with a voters card on production of a birth certificate instead of the current ID card.

The nomination of MPs by political parties should be abolished, instead members who are not of particular parties may be nominated for special interest groups like the mentally handicapped and the racial minorities. MP's salaries and their benefits should be determined by the Public Select Committee and not the MPs themselves. There should be formation of coalition governments where posts of ministries should be shared on the ratio of number of MPs in Parliament from particular parties. There should be multi-party presentation at all levels of government and not the current system where the government is formed by the party that wins majority seats in Parliament. The Presidential assent on bills which is presently mandatory for a bill to become law should be abolished. The President should be replaced by the Attorney General. The current stature the President has used, actually that power to shun those bills he thinks are not in his favour. The Attorney General should be appointed by Parliament and not by the President, that is when we can have a trust in him. The President should not be given powers to dissolve Parliament. The dissolution of Parliament should occur in the month of October and this should be particularly shown in the constitution. Elections should be held on December, after a one, five year term.

During campaigns, the executive powers should be in the hands of the Attorney General, during which the President should cease to issue executive policies. Also the President cease to issue executive policies during funerals. At present, we have a different situation. There should be a two months transition period after announcement of votes, during which the new President may be shown into power. The period for a President to serve should be two, five years terms and a President who serves for those particular two consecutive terms cannot contest for another Presidential election. I require for a constitution where the President can be impeached if he commits actions of corruption, or supports such abuse of human rights and other related offences and if found guilty, the President to leave office and Prime Minister, during that period to hold the post for a two month period during which by-elections should be called by the electoral commission.

Presidential candidates should not aspire as parliamentary aspirants in the constituencies. This will help curb the numerous political parties that we have in the country today. The provincial administration should be abolished, a lot of expense has been used to pay for these people and instead we shall have a strong local authority. The judicial officers should be appointed by Parliament and not by the President. The Chief Justice should have at least a doctorate qualification in law. There should be establishment of mobile courts also to cater for the marginal areas. The minimum education qualification for a person to be

elected as a councillor, that is in the wards, should be form four level and the case for nominated councillors should also be abolished.

Com. Lenaola:(inaudible).....

Mr. Kinoti: I will request for some more

Com. Lenaola:(inaudible)....ten times. You have...

Mr. Kinoti:(inaudible)....The President should cease to confer degrees to university graduation ceremonies. This one should be taken to the university dons who should be allowed to appoint one of them to do the same. I will also propose the reduction of the number of ministries from the current bloated one to ministries between 18-20.

Lastly, please the last point. If a President retires from power, he should retire from all political seats, for example, being a chairman of his political party, failure to which he should not have any benefits after quitting power in the country.

Thank you.

Com. Lenaola: Just a minute please. You were clear, give your memorandum and register here. Ingia ushukani na useme jina. Wapi Linus Kimathi? Hayuko, endelea.

Mr. Amos Kimathi: I am Kimathi Amos and these are my views.

Com. Lenaola: Sema jina

Mr. Kimathi: Kimathi Amos from the local authority should be responsible for all local public resources and services. So for this to be the control of local authorities by the P.C's and D.C should be abolished, because they are under power of the President.

The President's absolute power to appoint and dismiss public servants should be removed, so the appointment of the constitutional office and other senior public offices should be required to be a consultation with civil society followed by public hearing and a vetting by a committee of national assembly shared by the non-ruling party, that is the opposition.

Judiciary should be impartial and independent, and subject to only the constitution. So, to make this this possible the appointment of Chief Justice, Attorney General and judges should require a consultation with civil society followed by a public hearing and a committee of national assembly, shared by the opposition.

Also, civic education should be introduced in the school curriculum so that each and everybody should have a knowledge on civic education, and those are my views.

Com. Lenaola: Thank you Kimathi, unaweza kujiandikisha...(inaudible).. sema jina.

Mr. Julius Gichunge: Julius Gichunge. My views are as follows. Our present constitution does not have a preamble, so I would request that the coming constitution must have a preamble which exactly explains why we need this constitution and the areas that it touches. Then I would also require that such a preamble touch on areas which are of importance, for example, we have the moral obligations of the constitution that must be enlightenment to the people. Still, I would request that such a preamble should touch dangers of bad constitution and remedies of the same, and it should also touch on daily activities of common man in his or her field of operation such as, political life of our people, economic and life which affects the people either positively or negatively.

Com. Lenaola: You have five minutes and you are reading every single word. Just pick out the most important issue in your timing. The way you are going out can you ...(inaudible)... preamble, okay.

Mr. Gichungu: Then I would propose that there be a government, whereby, we shall be having a government with a Prime Minister, still with the President, whereby the Prime Minister takes the laws of the country and the President takes the lesser laws. Still, I would propose that the Chief Justice must be chosen by the Parliament and such a person must be having a PhD in law and must have participated in the office of law for a period of not less than 15 years. Still in the side of the judiciary, or reports that cases which pertains to land, that is cases are taken to the court by citizens concerning land. Such cases must be settled within the limited time, so that we don't have cases staying in their books for so long. Still, I would also say that the political parties must not exceed three. This will curb the tendency of many people having to run for presidency hence running the country in ...(inaudible)... So at least three should make a good political activity, which we have in the country. Still, I would propose that any person who is running for a presidency or for the presidency must not be aspiring to be an MP in his constituency. This will also curb the tendency of people running for presidency, at the same time hoping to be the MP of their area.

So anybody who loses in the Presidency expects to go home without having to be in touch, or in their constituencies.

Com. Lenaola: Last two points time is up.

Mr. Gichungu: Another point is concerning the small children, that is infants. I propose that in our constitution we have a place, whereby, children must be educated and taken care of as a matter of law and anybody who fails to bring up the children in the right way must be taken to court and prosecuted.

Lastly, I would propose that the voting age should not be the mandatory 18 years, but rather be reduced to at least, 15 years and such voters may present their birth certificate instead of awaiting to go for voting cards. This will create greater room for voting and those are my views.

Com. Lenaola: ...(inaudible)...Thank you very much. Kuja ujiandikishe hapa. Yes kijana, sema jina halafu utoe maoni yako.

Mr. Aquirus Marangu: Aquirus Mwarangu. What I can say is that, we should reduce the constitution, remembering the Ten Commandments of God It is covering almost all of them. The MPs, which I can say is that they should be selected first, then we make a day for President.

Com. Lenaola: ...(inaudible)....

Mr. Marangu: Select MPs first, then there we have the President separately, they do their campaign one day. The Vice President, Attorney General, Judiciary should be selected by the MPs. The commissions for anything should be selected by the MPs. I don't have much to say.

Com. Lenaola: Karibu njoo ujiandikishe hapa.

Mr. Julius Mwirigi: I am Julius Mwirigi and these are my views. First of all, I am talking of illicit brewing. This should be banned, or if not banned the government should be taxing it, so that we have a source of revenue.

Secondly, tree felling; our forests be preserved so that they will be no drought in our country. About the taxes, Kenyans should not be taxed twice, or thrice, it is against the international law to be taxed twice or three. If you are taxed once you should be taxed once. If you are a President, you should not be having any business, or commerce because or any company because you will be tempted to steal the resources of the government for your business. So what there should be, is that the constitution should ensure that if he retires as a President you are catered for and your family until death. The other one on the water resources, every Kenyan should have piped water, because it is the responsibility of the government to see that every Kenyan has piped water. The constitution should state the date of elections, either it is the end of five years, or the last week of December, or the first, so that all Kenyans should know the day of election is just fixed the date of election you know that either its the first week or any week of which month we should be for elections. Because all Kenyans are equal, the constitution should state that if you were born of a Kenyan mother or father, you are automatically a Kenyan citizen.

It is not that because you were born by a Kenyan father, you only that you are a Kenyan citizen, if you were born by a Kenyan mother, you are automatically a Kenyan citizen.

Com. Lenaola: Endelea tu, you still have more time

Mr. Mwirigi: There should be a commission to regulate the salaries of the MP, because if you are the one who says how you should be paid, you can pay yourself any amount you want and you claim that there is no money, but you know that the MPs are earning a lot of money. I think these are my points.

Com. Lenaola: Kuja ujiandikishe hapa. Bwana Kigunda, hapa utatufungia.

Mr. John Kigunda: Yes, Mr. Commissioner, my proposals.

Com. Lenaola: Sema jina lako

Mr. Kigunda: I am John Kigunda. The first proposal is the issue of poverty. The difference between the rich and the poor is very wide and in the next Kenyan constitution, the poverty should be eliminated.

Secondly, it is concerning a sensitive issue of national gender sensitivity, of gender equality. Women should not be equal with men.

According to God, He created man and made woman from the man, and he gave power to the man to rule woman, and now when we advocate turning it over, we shall be going against God's will. It will be against God's will to equalize a man and woman as the national anthem says, oh God of all creation, bless our land. We refer to God, when we say about national anthem. But when we equalise women with men, we shall go against God and we are using God in the national anthem. We sing, oh God of all creation, bless our land and nation, we refer everything to God but when we go against God's creation rules, we shall be doing nothing.

Thirdly in the use of condoms, it should not be used in the next constitution, because it is against God's will to use condoms. The Bibles and Korans reject using condoms. All the money that is being used to manufacture condoms, to transport, distribute them to the people that should be used for civic education for the youth to have good behaviour, and how to be of good conduct instead of using condoms.

Fourthly, about judiciary, a government has three functions; the Executive, Legislature and the Judiciary. The judiciary should operate independently, without being interfered with by the legislature, or the executive.

We have witnessed many cases in the court where criminals have been released and set free after provincial administration and some legislatures and executives interfering with judiciary. So, I ask the next constitution, judiciary should operate independently. And that is all.

Com. Lenaola: That brings us to the end of this sitting. The first sitting in Imenti South on Monday we shall sit at Gatindi Catholic Church. Gatindi ni hapa juu kidogo si mbali. Kwa hivyo tumelewana asanteni. Paramount tuombe halafu tufunge.

Paramount: Tusimameni tuombe.

Mwenyezi Mungu tunakushukrani kubwa sana kwa kutuweka hapa kutoka asubuhi mapka sasa bila matata yeyote. Tunakushukuru Mwenyezi Mungu, kwa kutuletea wageni wetu ambao wanachukua maoni ya watu wa hapa South Imenti, kwa roho safi.

Hiyo ni shukrani Mwenyezi Mungu. Tunashukuru Mwenyezi Mungu, kwa kulete vijana wetu wote ili kutoa maoni yao ambao ndiyo watakua viongozi wakati ujao. Tunakushukuru Mwenyezi Mungu, sana, kwa kuweka Kenya bila matata yoyote.

