

Saida

**CONSTITUTION OF KENYA REVIEW COMMISSION OF KENYA**

**CKRC**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,  
NTONYIRI CONSTITUENCY, HELD  
AT MUTUATI SECONDARY SCHOOL**

**THURSDAY,**

**ON**

**THURSDAY, MAY 16<sup>TH</sup> 2002**

CONSTITUENCY

RECORD OF THE PROCEEDINGS OF PUBLIC CONSTITUENCY HEARINGS, NTONYIRI

CONSTITUENCY, HELD AT

HEARINGS, NTONYIRI CONSTITUENCY, HELD AT MUTUATI SEC. SCHOOL ON 16/5/2002

ON 16/5/2002

Present

Com. Domiziano Ratanya  
Com. Abubakar Zein Abubakar

Secretariat Staff in Attendance

Roselyn Nyamato - Programme Officer  
George Kariuki - Ass. Programme Officer  
Zipporah Wambua - Verbatim Recorder

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**The meeting started at 10.05 a.m. with Com. Zein chairing.**

**Geoge Kimanthi (Coordinator):** Goodmorning, ninafikiri tutaanza mkutano wetu. Leo kama vile tulivyokuwa tukisema siku nyingi tuko na wageni kutoka Tume ya Marekebisho Katiba ya Kenya. Tuko na Commissioners ambao watatuongoza katika kikao hiki, pia tuna programme officers na hawa ndio baathi ya wakaazi wa Ntonyiri hapa Mutuati. Kabla hatujaanza ningeomba tuanze na maombi, mmoja wetu atuongoze kwa maombi halafu tuendelee kutoka hapo.

**(Prayer):**

**Pastor Peter Maore:** Father in the mighty name of our Lord Jesus Christ we want to thank you for this other wonderful morning that you have given unto us, we thank you even for this assembly and whatever thingking of glory that you are going to present unto them, let it be of importance even unto this nation. Lord may you also guide our talk, may you guide every view that we are going to present unto them, we thank you Lord even because what you are doing upon this nation of Kenya, precious redeemer may you continue uplifting your people and strengthening you people. For this we pray shortly in the mighty name of our Lord Jesus Christ. Amen.

**George Kimanthi:** Asante sana kwa maombi. Nitaanza kwa utangulizi introduction nikona baadhi ya wanakamati wa Ntonyiri wa Tume ya Marekebisho Katiba, kuna Teresia Kola, we have Simeon Teiga, huyu ndio secretary wa kamati ya Ntonyiri Constituency. Mimi ninaitwa George Kimathi mimi ni mshirikisho au coordinator wa wilaya ya Nyambene, kuna msaidizi wangu Francis Karnake. Kama nilivyosema tuko na Commissioners kutoka Nairobi, kuna Com. Zein Abubakar, na tuko na Com. Domiziano Ratanya, then we have Progamme Officers Zipporah Ndunge, halafu tuko na George Kariuki na Roselyn Nyamato, kwa baadhihao ndio tukonao hapa tukiwapatia maoni yetu. Sina mengi ya kusema watawaeleza vile wangetaka nyinyi mutoe maoni yenyu kwa sababu kuna utaratibu itakayofuatwa. Kkwa yale wanaotoa maoni yao kwa kusema tu ama kama wale wameandika, kuna utaratibu ambayo mutafuata hao ndio watawaeleza vile wanataka. Langu ni kuwamuomba tu mushikilie ile watakalo waambia, mfuatei taratibu utaratibu huiyo kwa sababu tunarajia watu wawe wengi kuanzia saa sita, tunajua hapa ni sehemu ya miraa na wengi sasa wako kwa shughuli za miraa na wataanza kuja kama saa sita

hivi. Kwa hivyo nitamuomba Commissioner Domiziano Ratanya amwueleze utaratibu mutakaofuata na kaisha tuendelee tuendelee kutoka hapo, asanteni.

**Com. Ratanya:** Goodmorning everyone. After that brief explanation and also the prayer, I would like to declare this sitting is a sitting of CKRC. Kama tulivyokua hapo mbeleni tuliamua tutatumia lugha ya kingereza if you have a memorandum, you just read and highlight the main points, don't read everything because you will leave us with the memorandum to read but you just highlight the main points and you may be given five minutes. You can also present in Kiswahili na wale ambao hawajui kingereza ama kiswahili tutawapatia wazungumze lugha ya kinyumbani, kimeru. Kwa hivyo hayo tumekubaliana kutoka pale tulipoanza na ninafikiria hayo yataendelea ama kama kuna kupinga lolote hapo pengine hata nyinyi mungeniambia kama kuna lugha ingine hapa ningesema kama kuna nayo, lakini kuna English, Kiswahili and kimeru for very few people ambao pengine hawangekuwa wanaelewa Kiswahili ama kiingereza. Hapo nimesema kama una memorandum usome main points in five minutes, presentation ingine njia ingine ni ya oral presentation. Unaweza kuja ukaiwa huna chochote umeandika unatoa mambo katika kichwa yako chako na hata hapo tumeamua kukupatia dakika tano. Unaweza kuwa na memorandum lakini unasema hutaki kunongea, you only present your memorandum, you sign there, you get registered and then you leave, you can even go or remain to listen to what others are saying. Tena tunapongea baada ya kumaliza, kama kuna chochote tungetaka kuuliza for as a sort of clarification, sisi Commissioners tunaweza kukuambia, “ ngoja kidogo tukuulize”, Commissioner mwenzangu anaweza kuuliza ama mimi halafu unatueleza kama kuna kiswali fulani tunataka kujua. Kwa hivyo hiyo ndio itakuwa procedure na ningetaka kuwaambia hapo tukianza, tukubuliane kwamba kama ni dakika tano usiendelee sana ukisema hii ni ya mwisho, ya mwisho mpaka ukae dakika ishirini.

Kwa sababu tutakuwa na watu wengi sana na sisi mpango wetu ni kwamba kila mmoja, kila mtu ambaye anaingia hapa ni lazima tusikie maoni yake kama anataka kusema lolote, kama hataki kusema hao tunawaita observer anaweza kuketi tu na kusikiliza. Kwa hivyo kwa sababu kutakuwa na watu wengi hatutaki kupoteza wakati mrefu sana na hapo ningetaka tushirikiane tuongee kwa ufupi na mambo yale ambayo yanapaswa kuongewa ambao yataingia kwa Katiba. Kwa maoni yetu hatuji hapa pengine kulalamika ama kufanya matetezi mengi, mambo yale tunataka ni kusema mapendekezo yale unataka yaingie kwa kurekebishwa Katiba yetu na ukiona kwamba mambo mengi yamesemwa, usirudie yale mambo pengine kuja na mambo mapya ama usema hata mimi nimetaka kukuunga mkono. Kama mtu amesema tungetaka education ya bure kutoka nursery mpaka university, usieleze sana, kuja useme, hayo yamesemwa hata mimi nimeunga hayo mkono ama useme pengine university iwe na loan kwa kila mtu bila ubaguzi ama useme bursary kama ile tulikuwa nayo sisi zamani, kidogo tu lakini si kurudia yale ambayo yamesemwa ili tuone tumepata nafasi ya kusikiza kila mtu by the time we leave at six. Na kwa hayo machache ningetaka kumpatia Commissioner mwenzangu Abubakar Zein, aongeze kama kuna maoni mengine kabla ya kuanza na yeye sasa atakuwa chairman wa session hii, kuanza sasa asubuhi, Commissioner Zein.

**Com. Zein:** Asante sana Com. Ratanya, habari ya asubuhi. Kama alivyosema Com. Ratanya, mimi ninaitwa Abubakar Zein na nina furaha kubwa kuwa nanyi leo kwa sababu leo ni siku kuu katika historia yetu kama Kenya kwa sababu tuko katika kazi

ya kuunda Katiba yetu mpya ambayo italinda maisha yetu wakati unaokuja. Kuongezea tu aliyosema Com. Ratanya, ambayo mimi ninakubaliana nayo yote, amesema ni sawa. Huyu kijana aliye ingia hapa, huyu kama nuinaweza kuonyesha kwa mkono, yeye atakuwa akitafsiri ikiwa kuna mtu anazungumza kwa kimeru, atakuwa akitafsiri kwa kiingereza ndio kila mtu aweze kila mtu aweze kufahamu, haswa kwa sababu mimi sifahamu kimeru ninaanza kujifunza sasa. Halafu huyu binti aliyechukua hiyo microphone, hicho kipaza sauti, yeye ndio kiongozi wa members of staff, wafanyi kazi wa Tume ya Kurekebisha Katiba na yeye hapo mbele yake ana register, Roselyn, ukiwa umemaliza ukija hapa, unakuja una kaa, unataja jina lako kwenye microphone, tuna sababu ya kukuambia unataja nitakuambia sasa hivi, ukimaliza kuzungumza pale, ikiwa sisi hatuna maswali ya kukuuliza, utakwenda pale ujaze register kwamba umetoa maoni yako. Sababu kubwa ya kukuuliza wewe utaje jina lako ni kwa sababu yule binti pale, yeye ni verbatim recorder, kazi yake yeye ni kurekodi kila neno linalotekea hapa ndio ukamuona ana tape recorder kadhaa, moja amepeleka pale karibu knwa speaker, atakuwa akirekodi kila neno halafu cassette huwa tutazi transcribe tutaandika yale maneno yaliyotolewa kwa kauli yako. Ndio maana saa ingine mukituona pengine hatuandiki, usione mbona hawa hawafanyi kazi yao au hawaandiki, ninayosema mimi hayana maana. Sio hivyo, tunaandika kwa kufikiria halafu tutaandika kila jambo ambalo litakuwako katika cassette, sijui kama tunaelewana.

Lingine ambalo ningependa kuwaarifu ni kwamba sheria inayosimamia urekebishaji wa Katiba inakulinda wewe mkenya Mkenya kwa maoni yako yeyote unayotoa hapa, maoni yeyote utakayotoa hapa, hakuna hatua yeyote mkenya anaweza kuchukuliwa. Kuna watu huwa wanatuuliza, je nikisema neno litakalo muudhi mtu fulani au chama fulani au watu fulani, je nitachukuliwa hatua? Hapana, huwezi kuchukuliwa hatua. Jambo lingine ambalo ni muhimu kufahamu ni kwamba sisi kule Mombasa tunasema, tukiwa katika *muhadhara*, yaani hadhara kama hii au kikao kama hiki, huwa tunahitajika kutumia lugha murua. Tutumie lugha ambayo mzee aliyoko pale anaweza kusikia bila kukasirika, kuna wanafunzi watakao kuja hapa asikilize bila kuudhika na kukiwa kuna mama kama bibi huyu liye kaa hapa pia asiudhike kwa maneno tunayozungumza. Lingine ambalo linaambatana na hilo ni kwamba Katiba ya sasa bado inafanya kazi, wewe usije hapa uanze kutaja majina ya watu, kumkashif mtu fulani au taasisi fulani au chama fulani, sisi tunahitaji mapendekezo yako kuhusu Katiba, sijui kama ni sawa hiyo. Ni sawa kuwaeleza hivyo mapema kabla ya kuaanza kukuambia ee nyamaza, maanake mtu Kenya hawi na hatia kabla hajapelekwa mahakamani. Ukija ukianza kutaja hatia hapa ni mambo mengine, lakini haina maana kwamba huwezi kuzungumzia matatizo tuliyo nayo kama wakenya.

La mwisho kabisa kusisitiza tu alivyosema Commissioner mwenzangu, wakati tunao tuitumie vizuri na kama mtu anakuja anazungumza habari ndefu, ukisema mimi ninasema ninataka pengine haki zya kimsingi ziwe zikihudumiwa na nchi, kama elimu bure, hakuna haja ya kueleza kwa nini elimu iwe bure uzungumzie habari ya gharama, tunafahamu hayo, sijui kama tunaelewana, sawa. Na la mwisho kabisa ningewaomba radhi kabla sijaanza, pengine nitataja jina la mtu nikosee mnyambuliko wa lile jina, tunasema sisi kule mnyambuliko, pronunciation ya jina la mtu. Ninajifunza na utaona ninajaribu kwa jitihadi kubwa, asanteni sana. Kawaida mimi hupenda mzee wangu ambaoye ni mwenyeji wa hapa aanze kwa sababu ya kujificha kwa kauli yangu kuwa maneno mengine siwezi kuyatamka ninavyotakikana. Mzee wangu ashanifundisha kama ile m na s, na postrophe ni nto, now I know. Kama ningeweza kumuomba Jackson Ntirikia, is that the right pronunciation, thank you, have a sit and start

making your presentation you need to say what your name is for the purpose of recording.

**Jackson Ntirikia:** The Commissioners, the officers, fellow presenters, I am a Jackson Ntirikia from Mutuati Secondary School, I am a teacher. I will present mine in English and will read the main points. First is about the nominations of councilors and MPs. My recommendation those who contest and fail should not be nominated in any electoral post in Kenya or similar electoral post because this is a mockery of democracy for those who have rejected them and then the same person is reintroduced.

Two, presidency: The qualification of a pPresident in Kenya should be of reasonable educational standard and other aspects of age 35, that one should vie. The reason for education is so that they can they can be able to interpret.

**Com. Zein:** I am saying wWhat are the reasonable qualifications?.

**Jackson Ntirikia:** The reasonable education according to me is maybe a university degree or its equivalent based on work experience preferably job group K or J. That one can be equated from the private sector. Presidential powers should be reduced as follows:

The president should not be allowed to nominate his Vvice-Ppresident. This is because the Vice Presidentvice may remain at the mercy of the pPresident, so the president should be nominated by the party sponsoring the two so that they stand as running mates. The ministry of defence should be detached from the office of the Ppresident, so that it can have its own autonomy. The number of ministries in Kenya should be determined by the pParliament and headed strictly by one minister per ministry. The number of assistant ministers can be determined by the departments in that ministry. Commissions of inquiries appointed by the president, their views should be known by the public within 21 days after completing their work. The presidential entourage, those people who accompany the Ppresident should be limited especially the civil servants so that they don't become politicians so that they professionally remain and render services to the citizens in their offices.

**Land:** The office of the Commission of Lands should be scrapped. It has been abused when such enormous and sensitive issue iares left to one person instead the office should be replaced by a national land committee of Kenya or a lands board. This will prevent grabbing and this other corrupt malpractices.

**Corruption cases:** Civil servants and other public leaders implicated in corrupt cases should be interdicted or suspended as their case is determined.

**Provincial administration:** This one should remain but then all its leaders should be elected just like the pPresident and other posts.

**Local government:** Mayors to complete a five-year term instead of the current two-year term. They should have powers to dissolve the council and nobody else.

**Post of judges:** They should be free from sacking by the Executive and instead their duties should be left to a Judicial Commission.

**Passports:** This is a requirement for every Kenyan and should not be left as a privileged for the few. So everybody should be entitled to passports and the relevant offices be decentralized from Nairobi to district levels.

**Education:** In Kenya I would recommend that we reverse back to the old system, 7-4-2-3, instead of the 8-4-4. With those few remarks I wish to finish my deliberations.

**Com. Zein:** Thank you very much Jackson for two reasons. One for being very precise for what you want and two, for keeping exactly to five minutes, thank you very much. The next presenter is Silas Mutura, ninamuomba Silas aje mbele.

**Silas Mutura:** I am the youth chairman, Mutuati Catholic Parish, so I have few points I want to explain. First I will talk about the document which shows one is a citizen, that is the ID card. About 75 % of our Kenyan youth don't have ID cards due to lack of money because if you go to an office, you are asked for money for you to get an ID card. So I propose that the use of ID cards be without any charge, so that even the disabled or the poor will be able to participate as the voters to choose their leaders. Again I propose every locational headquarter should have an office where one will be issued his card.

Two, I propose that all provincial administration must be elected directly by the people.

Three, corruption.: In our country if you go to an office, if you want to be served by a public servant they ask for money so that they can will serve you. So it is good if there is a law to deal with such cases, if anyone is caught bovery this case or the type, then this will be okay if there will be a law to guide people against corruption.

Lack of human treatment in our government hospitals. In our government hospitals, if someone goes there for treatment for the disease which he has, he is told to go to seek his treatment somewhere else. I propose human treatment must be taken care of.

The other thing is protection against human problems, like you see someone killing another one but within here youan year or less you see the same person. I propose that there should be a law to cover such things if someone is caught killing another one, the government should know about him.

There should be a law to take care of the street children or chokora in other words, disabled and the blind, because they are



suffering a lot. So I propose there should be a law to cover them or to protect them so that they lead a good life, for example, I propose to have schools for those people in every district headquarters.

The public servants are supposed to be non-partisan during election day or during that process. The government should offer a conducive environment for the donors, non-governmental organizations, foreigner benevolent individuals who are ready to assist. As far as land is concerned, the government should put an act of Parliament requiring people with large pieces of land to pay taxes so that they can put into use. Some people have idle fertile lands while many Kenyans are suffering from hunger and famine in drier parts. The rate of tax should increase with the number of waste land/wasteland.

Another point and the last is about cash crops for the community. Every community has got their cash crops, so I propose that there must be an act of Parliament to protect the community and their main cash crops, for example, we in our district we have miraa as our main cash crop. So there is no other community who is allowed to destroy or say something unpleasant abouting to the other communities cash crops. Thank you very much.

**Com. Zein:** Thank you very much Silas, just hold on I think the Commissioner has a question.

**Com. Ratanya:** Silas, there is this point on land, you have talked about large pieces of land, to what extend, what does that mean, how many acres do you mean to be large?

**Silas Mutura:** some are even over 100 hectares of land, that is what I am talking about?

**Com. Ratanya:** So what is the sealing from which one could have and then continue getting extra?

**Silas Mutura:** I said they must pay the tax, the rate of taxes will depend on the land you have so that that money will be used in other things to assist the rest.

**Com. Ratanya:** Here I was worried I wanted to know the sealing, the cut-off point, where do we start the taxes and who are exempted from the taxes.

**Silas Mutura:** The ministry of land must have that opportunity.

**Com. Zein:** Okay Silas, thank you very much please sign the register. Nkule Ntoithai.

**Nkule Ntoithai:** I am a Methodist minister in Mutuati circuit. Here are my views and recommendations for the new Constitution. Our old Constitution for all along in Kenya had been passive and not acting active and many Kenyans have lost

their human rights and as such the new Constitution should provide a law whereby the content of the new Constitution is taught from primary schools up to the university level as a compulsory subject. In this way every Kenyan will be knowledgeable of their Constitution and this way it will help Kenyans made build the Kenya they have crying they want for knowledge is power.

**Tax:** Kenyans are heavily taxed but the services offered in return is not commensurate and therefore the Constitution should strictly set up a means, that will see while taxes are collected are utilized for the purpose collected satisfactorily. For example, the tax collected from the sales of fuels, sales of vehicles and tax collected from levied from the sales of .....of motorcars.....(inaudible) should be used to recarpet the roads and fill in the pot holes as soon as they appear on the road. In the same law there should be a clause provision to address it strictly to the authority concerned to make sure that as soon as the fund for the project may it be the repair of services, once received should be put to work immediately.

**Manpower:** Many Kenyans work precious many hours and the new Constitution should provide means and ways in which the government could use to co actcoerce ever Kenyan into employment. Let the government be it DCs, DOs and other government officials in the field to make or realize this. Many truckts of land in Kenya lies unused, the whole of North Eastern Kenya, part of Coast province, Rift Valley and etc. whereby dry land farming can be introduced using the water of River Tana or River Maua and this could create employment for Kenyans. In the same law there should be a clause to provide incentives entitled to those who use time properly for the development of Kenya and in the spirit of creating the Kenya we want, for our country to be economically stable we have to redeem wasted manpower and let us leaved from Japan and Korea

**Donors:** Much of the donor fund given for various projects here in Kenya is filtered back to the country that has given the donation in forms of remuneration, and allowances and other benefits for the consultatntions, engineers, professional workers and etc. from the very country that the donor are given the fund. Here in actual sense, they have given but what we have given much of it goes back again to their land. Now when we come to pay the donor, we pay the principle amount and for this reason let there be in the new Constitution a provision to guide on this that if the donor gives funds for a certain project by all means let them employ our consultants, engineers, etc. unless otherwise. And if there lacks an expert on our type for a particular job within the project, let the donor make sure that they need leave a locally trained expert for that job in the land. And let there be a clause in the same law to fix a heavy fine for a politician or anyone who might interfere with the work of a project when once it has been allowed to start after going through the feasibility study of that project. Sondu Miriu is here ..... (inaudiblein view) this is to avoid stalling of projects and a unwarranted extensive in terms of time and money, which of course affect economic growth in the development of our country. Churchill faith .....(inadible) the backward we are able to see and further forward we are able to see.

In our new Constitution, let there be a provision that will let the session paper 10, be revisited deeply and be reviewed deeply and be put into action to the letater. In the new Constitution let there be strongly be a provision for a fair distribution of Kenyan wealth equitably. The last point is that let the new Constitution be a provision be which will no doubt have always the true data

of the baby born everyday in Kenya and thereafter a progressive data that will enable the state to know how many babies have grown to an age of school going and make sure all of them join school, incase there might be parents twwho hey might not in one way or the other support the child to go to school let the state to chip in and help accordingly. Those are the views that I would like our Constitutional review to take in and make a law that will provide for us.

**Com. Zein:** Thank you very much. Then next person Elijah IKkiburu.

**Elijah Ikiburu:** Thank you commissioners and the members of the

Thank you Commissioners and the members of the public, I am Elijah Ikiburu and want to present my views to this Commission. My submission will be .....(inaudible)oral. I would want to talk about registration of religious bodies and the other societies. In the current Constitution churches and other religious bodies are referred to as socities. I am of the opinion that we should separate the two and I can give an example where we have the body to regulate the registration of societies,. I mean the registration of churches and other religious bodies. This is to curb the penetration of dangerous cults and devil worship in Kenya.

On the presidential powers and terms of limits, the powers should be reduced tremendously, such that the pPresident is not above Pparliament, there should be checks and balances in the Pparliament where the pPresident can be impeached when he is wrong. There should also a setting of presidential advisory council, to avoid where the Ppresident is choosing his own kitchen cabinet who are not known by the public. So the pParliament can be given that role to be electing the presidential advisory councils.

On the registration of political parties, currently we have so many political parties, I am of the opinion that political parties should be vetted clearly before registration to avoid tribal parties and other small parties that may tend to ruin democracy. So with that, we shall have a national outlook parties that do no so much subscribe to their tribes. I am also of the opinion that we should have one unitary government where we have one pPresident and one Pparliament, as you know Kenya we have so many tribes so by creating other governing bodies ato the provincial level, we may divide this country into tribal lines.

I would want to support my colleague who talked about the land law, land ownership. There should be a limit of land ownership. In Kenya there are so many people who are landless but we have very few people who own thousands and thousands of acres. We should set up at least a limit, we can say for an economic purpose where you want to develop the land that will serve the public, you may be allowed to own 50 acres to 100 acres but if it is for your own benefit for your own farming, you should not be allowed to own more than 50 acres. For others who are landless to have some piece of land to cultivate.

On the Provincial Administration, The powers should be reduced but I feel for now it should be repaid as a mobilization force to the community but not to have all the powers that are attached to it currently.

On the Electoral Commission, I feel it should be the duty of the Electoral Commission to issue even the ID cards so that the issuing of ID cards will go hand in hand with the issuing of election cards. This will reduce the work force whereby one is told to go and get the ID card and at the same time going to get the electoral cards in another body. Again the Electoral Commission should be very much independent, that is the President should not be the one electing the Commissioners. So the Electoral Commission should be very much independent and seen to be independent. Thank you very much.

**Com. Zein:** Thank you, did you finish your points?

**Elijah Ikibiru:** Yes.

**Com. Zein:** Just hold on, Commissioner do you have any questions? No question. Festo Mwendwa.

**Festo Mwendwa Ntokirmania:** Ninashukuru Commissioner wote wale wanahusika. Ninawakilisha kanisa lya Voice of Salvation and Healing Church, nina maoni yangu pia. Jambo la kwanza katika maoni yangu, mtu anayechaguliwa anastahili yule aliye na kura nyingi awe ndio mshindi. Jambo la pili, ma-commissioner wale wote wanahusika katika taifa, wawe wamechaguliwa na bBunge. La tatu rais wa taifa awe ndie aliyeidhinishwa aliyechaguliwa na watu. Nne, tunataka utawala wa taifa hili letu la Kenya uwe ule unaotutawala sasa.

Tano, ninatoa maoni kuhusu mimea unaolete mapapato katikkwaa watu wa area hii tuko ambao unaitwa miraa. Miraa iwe ikitozwa katika uwanja wa ndege ili iwe serikali ikipate kitu kwake na ipate kuwa na ulinzi kama kitu kinachotambuliwa kitaifa. Miraa iwe mapato ya kitaifa kama cash crop. Sita, kuhusu wanawake katika mamlaka yao, wafuatane na mwenendo wa bibilia. Nane, Mwanamume awe ndie kichwa cha mji kama bibilia inavyosema. Tisa, mifugo kwa maana ndio inaleta malisho bora kwa taifa, ilindwe na serikali kama vile serikali iko na uwezo wa kulinda ma-benki. Kuhusu kilimo kwa jumla, kila wizara, kila idara, saa zya chakula wote wanaenda kwenye mahoteli. Madaktari wa kilimo wawe wanaenda kwenye wanainchi wako na wananchi wawe wakienda training, kufunzwa hali ya kilimo. Ni hayo, Mungu awabariki.

**Com. Zein:** Asante sana bwana Festo Mwendwa kwa kutumia dakika unazofaa kutumia. Lakini mimi nina swali moja, uliposema unataka utawala ulioko sasa ndio uendelee kutawala, maanake nini?

**Festo Mwendwa:** Maanake ni kama vile Rais anachaguliwa na watu akiwa mbuga.

**Com. Zein:** Asante sana. Peter Maore.

**Peter Maore:** The Commissioners, ladies and gentlemen gathered here my name is Peter Maore, I am born again, I want to raise some few views concerning our Constitution that is about to be reviewed and I would want to particularly fight point on the Society's Act. Hoping that this is the Act that regulates the freedom of worship and the freedom of association and the freedom of association, I have some small idea that this is where all

Christian churches, religious organizations and political parties are registered. This being the act under which political parties, churches and other religious organizations and political parties are registered, the following needs to be changed or to be reviewed as the Constitution shall be reviewed.

Political parties should be registered under a separate act and churches under a different act. Other religious organizations that are not Christians, neither in principle nor in practices requires also their separate and different act under which they should operate and be registered and recognized before the law. The third issue about this act is that the blanket ban or registration of new churches and Christian ministries mean needs to be lifted, this amounts to catelation of freedom of worship and freedom of association. We see that the aspirations and purposes for which Christian churches and ministries and political parties are formed are diverse and different, political parties are based on ability of articulating political ideas whereas the Christian churches are based on preaching the gospel. Secret or non-christian religious organizations of suspecting nature, when treated together with Christian churches betrays the church or misrepresent the church in their practice and principles. So the blanket ban on registration of new churches based on the argument that that there are so many denominations registered already in Kenya, is a mediocre agreement in that 8000 denominations against the a population of 30 million people is a ratio of one denomination to 3,780, that is a very small ratio unless if we don't care much about the need of the soul as we care for the need of the body. This suggests that a spiritual malnourishment exists in this country due to limitation of this freedom and because people are a product of what they believe, this explains the rising times iofn immorality in life, corruption, murder and other evils that are not able to be controlled by the law enforcement mechanisms that we have. So the single biggest consumer of this freedom that is being sort in this view are the Pentecostal Charismatic Christian believers of this country. The Pentecostal Charismatic Movement in Kenya are it is in other parts of the world is one, they should not be overlooked, dismissed or ignored. They are either a minority or a majority but citizens deserving rights to enjoy their freedom because this freedom is likely to be abused. W when it is to be granted legal measures need to be devised to detect menonitor and control abuses. Legal deficieviancies that exists and legal slavishness uses blanket ban on any upcoming society, useful or harmful has a cure. This seems to work but practically doesn't, it has not stopped, it is a policysatanism being practiced in towns, villages, institutions and in clubs. Tragedy that struck Uganda about the Doom's day cult could have been a fruit of legal deficiency and legal slavishness.

**Com. Zein:** Mr Maore, you have made a number of proposals. The first one you made was that there has to be a separation of registration between political parties and youth organizations. You have gone further to say that the ban against registration of particularly evangelical ministries should be lifted, you have gone further to say that you want some monitoring and evaluation mechanisms. It would be much more useful for you because you have only one minute, if you have other points to make them

than to give us the case now for why monitory, we understand the why monitory. If you have other points you should rush to them because you have one minute, if you don't I will allow you to read, thank you.

**Peter Maore:** So I wanted to site an example that the existence of a fake faithnote in a circulation does not dismiss the existence of the genuine. After .....(inaudible) the esteemed Constitution of Kenya Review will have time to consider even if this turns out to be a law in this view. Christianity is a vital force that has influence many societies and shaked civilizations and ..... taking from an atheist opponent of Christianity means that 240 on earth that can change man or society, community or Christianity the Pentecostal part of it and the latter I dread. Of this reason, let the new Constitution give Pentecostal Christianity its due freedom and security to prove its worth for the Kenyan society. Finally, quoting from John Steward Mills ..... anda known British philosopher of modern times, and added advocate of separation of recognition of individual rights and society's rights says, if an individual or few individuals were right and the entire world collectivity were wrong, the collectivity would by no means be justified to silence or curtail deny the right of the individual as he wouldn't were it that the collectivity was right and he was wrong. Thank you.

**Com. Zein:** Thank you bwana Maore, your views will be given the same weight even if you believe its in the minority, you need to sign our register thank you. Anayefuatia ni Joshua Gitonga.

**Joshua Gitonga:** Commissioners and dear public, my name is Joshua Gitonga Ntoruru and I am a teacher at Mutuati Secondary School. Here are my recommendation to the CKRC. The first one is on presidential powers. The pPresident should not be above the law, that is he should not be seen to be a person who is free and who has all the powers and even powers beyond those of the law. Also the president should not have powers to dissolve the pParliament at his own convenience. The pPresident should not also have powers to call for snap elections because this defeats the reason why we have to breakvote at least five years and that can also bring a problem of a Ppresident who is in office to continue ruling from time to time by timing the opposition and other parties and calling elections wherever they are not ready. The pPresident should not also have the power to hire and fire various Ppresidential appointees and instead theisy should dobe the work of pParliament or a special commission.

The second one, it has been mentioned by others, but I think mine will be a bit different. It is on land tenure. Distribution of trust land for example we have had about forest being grabbed and other public land, therefore we should have a law that says who should benefit from such land if any, how when and by whom. Still on land, we should take all the land that is lying idle and if need be that kind of land should be repossessed by the government and dished out to those people who can use it. Somebody said about everyone having at least minimum number of acreage, now I have a problem of that because if we keep on dividing our land to very small portions of land, it will not be of any economic use. Instead those people who have the land must be made to work on it, even if they have very so many big trucks of land they must use of it and even they don't then let them be taxed and if when they are taxed of course the government will give ain and when they use the land the people will also

gainive. Also there are various land statutes which should be harmonized, in fact it is a nightmare for one trying to follow land cases because there are so many acts, some acting and others contracting on others. So these ones at least should be harmonized maybe into one act or to one statute so that people that people can have ease in dealing with their land.

My third point is on environmental laws, I would think that it would be very important that you have anti-dumping laws to be established and accompanied with every fines for those industries, companies and whoever else pollutes the environment. There should also be protection of forests and regulations of the use of forest resources to protect the environment because the forest in fact act as a carbon sink and for our republic of course we know we have only 3% forest cover which is not even near enough. On environmental laws we should also endorse all the various environmental conventions and make them active.

Labour laws:. Here I would like to say to the trade unions to be given more powers to negotiate on tripartite agreements because in more often than not, we find that trade unions act as if they lesser parties when it comes to negotiating various issues on behalf of the workers. Still on labour laws, we have so many statutes also that need to be harmonized and brought together so that we don't have problems again trying to interpret and looking for people to help us with the print of interpret these statutes and citing where ..... we fall and also streamlining those others like the NHIF and others so that we avoid the ambiguity of all this.

The appointments of ministers and other office bearers. These should be appointed from civilians with expertise, we don't need to have people who are ministers and they can barely read and write or somebody is in a big office and yet they don't know what to do even in that office.

The appointment of various commissions. They should be appointed by the pParliament, so that they don't have the problem of using commissions like 50 verbs so that when you have a problem a commission is appointed only to push on time and it is left to rot like that. And on that point I am also afraid because I have seen from some newspaper headline somewhere at the back page of Nation today that the Ghai Commission might be disbanded, anyway I don't much about that maybe the commission has to tell us something.

**Com. Zein:** Your time is up, you should be summing up and I am not saying that because you touched on CKRC.

**Joshua Gitonga:** The other on is on Constituency boundaries, where the Constitution boundaries should be redrawn to represent numbers of people and not geographical area. The vice president should also be a running mate and I will skip some. I would also want to say that the oppressive laws should be repealed, for example, the Public Order Act, the Chief's Authority Act and the Society's Act should be rectified so that we don't have a government appointee registering various parties and other societies. Thank you very much.

**Com. Zein:** Thank you very much bwana Gitonga but since you raised it up maybe just to make a simple comment concerning what you are referring to as in terms of what you read in the newspapers. We always tell people, 'don't believe everything you read in the newspapers', but in this case I would suggest to you that what the law says. The law says that when we make a determination which we have, that we are unable to finish our work within the statutory time, within the time allowed by law, we need to write a memoranda to pParliament to ask for extension, we allow that other law that we may ask for extension. But the law does not say that Pparliament must give it to us, Pparliament has the discretion of accepting or not accepting. When they do not accept to extend our time, does not mean disbanding, disbanding means you have been disbanded before your time but the law says that we must complete our work by October. So I don't know if you follow what I am saying and what we have done is we presented them our recommendation to the Parliamentary Select Committee and it is looking at those recommendations, but it is Pparliament which will make this requisitiondecision not even just Parliamentary Select Committee. Parliamentary Select Committee will take our report plus their recommendations to Pparliament, so don't be worried unduly, if they say we can't finish then we will come back to Kenyans and say what we propose to Kenya. Is that acceptable?

**Joshua Gitonga:** Yes.

**Com. Zein:** Thank you bwana Gitonga. Harun Kimathi, kama hayuko huwa sisi tunaweka x hapa, akija baadaye tutamtaja. Fredrick N. Intui.

**Fredrick Intui:** The CKRC staff, church organizations and individual organistions, good morning. I am from ETC in short. I shall air my views. To start with is concerning the time of the review process. The Constitution review process should not be done in a hurry only to catch up with the general elections time as this will cause many areas to be left untouched because some power hungry individuals will tend to work only on the areas specifically hindering them from taking power leaving untouched the areas or laws that affect the common citizens. The Constitution of Kenya was adopted for so many years, thus quoting even some outdated laws from the British, example the ordinance law. This process which is affecting vital documents should not be done in a hurry but should be handled carefully as one could handle and egg, bearing in mind that what is being made is, it governs even the future generation but not only the current parliamentary life. It should be reviewed in mind that there are laws that should be tightened and other loosened to work in conformity with ordinary citizens. For example, such laws affecting like the law of succession should be dealt with either to remain as it was, or to benot much to be affected, example, there are other laws that need to be tightened. Example, the law against the body like rape, assault, development,defilement .....(Inaudible), manslaughter and other laws. Law against property, for example, stealing, fraud, forgery has affected the areas for example the sales of industrial goods and medicine should be monitored by the government. for

pProtection of the citizens:. Both poor and rich should be given protection by the government despite considering how much wealth one has, example, if one has a claim the one who shall have something to give to the particular people shall be dealt with better than the one who has not given anything.



The youth should be allowed to take part in the Constitution review because what is being reviewed shall be have to govern the future generations. The arms act should also be reviewed to go in conformity with security. The freedom of worship and freedom of expression should be dealt with, for example the law of worship should be reviewed to govern that there should be limitations of worship so that there should be limited cases of devil worship and other cults.

**Com. Zein:** You should be summing up, time imeisha.

**Fredrick Intui:** In conclusion, I will emphasize only that the time of the review process should not be governed by the time of general elections but should continue even after the elections. Thank you.

**Com. Zein:** Asante sana bwana Fredrick, tafadhali nenda pale u-sign register yetu. Thank you very much. John Murithi.

**John Murithi:** The CKRC team, the co-workers in this region, the associate of the group and members of the public, good morning.? To start with I would like to mention something to do with the document that you have given unto us, that is the guiding document, you were talking of the preamble. I think preamble should be incorporated in the Constitution that shall be written this time which incorporates the national philosophy, that takes into consideration the wider cultural outlook in this country. The Constitution that shall be written should incorporate that. in it. Secondly the Constitution that is going to be written should be possible for it to be written in different languages, so that it will be able to integrate all the communities that are in Kenya and will be understandable to a common mwananchi.

Thirdly the social benefit schemes, such as the NSSF. The act that governs such bodies should be in such a way that the board of trustees that is managing them should not be politically correct individuals but people with proven credibility and people who are not governed by political interests.

We talk of freedom of worship in this country. We should have a freedom of worship that has a regulatory body. Considering Kenya has a wide perspective of religious organizations, we need a regulatory body to curb extreme individual groups that violate basic human rights.

The arms of the government should be independent from each other, that is the Executive, the Legislature and the Judiciary. They should be independent from each other that none should seem to be dominating or domineering over the other. On the intergration into the regional body such as COMESA and SADEC, it should take the social interest of the individual citizens where we don't have massive influx of commodities, that curb the growth of local industries. On things like forested land and other gazetted natural resources, there should be security over such resources whereby they are not be gazetted at the whim of the prevailing government.

On the monetary institutions such as the cCentral bBank and some commercial banks in the country, t. They should be free from political manipulation such that the currency of the country retain its confidence. The cooperative act should be overhauled in order for it to empower the producer or the contributor because there are different types of cooperative societies, to facilitate for the more powers by the people who are controlling them. We should also be assured that currently we are witnessing marathon bills such as the miscellaneous amendment bill, that they should not be incorporated in the Constitution that is to come.

With those few views I would like to endstop there.

**Com. Zein:** Thank you very much. The Constitution making process will be entirely be based on the view of peoples like the ones you have given. Joseph N'tirikia, karibu mzee.

**Joseph N'tirikia:** Maoni yangu ni kuhusu miraa. Miraa ndio cash crop yetu sisi watu wa meru. Tena miraa ndio ninatunga, ninafunga ninapeleka kwa mzee ninapata kitu. Kwa hivyo ninataka miraa iangaliwe sana na serikali. Kitu nyingine ni kuhusu msichana. Msichana na kijana wote ni watoto wa mzee mmoja, kwa hivyo, hata msichana awe na haki ya baba yake. Si ati aende kwake akitoka huko aje alale nje, atupwe, sitaki namna hiyo. Ninataka hata yeye akija aingie kwa baba yake apate haki yake kama, yeye anataka kwenda awe na haki yake.

Ninataka serikali isomeshe watoto wote bure bila ya kuitisha pesa. Tena ninataka dawa ziwe zya serikali, isiwe mtu anapewa dawa anakwenda kuweka store yake. Tunataka hongo ikwishe, hatutaki hongo. Tena mimi ni mzee wa michugo ya kaberia ile ndogo, kwa hivyo, mimi ninajua kitu kimoja nilisikia tangu zamani mpaka wa Meru ni kutoka Nanyuki kuteremka na maji ya bwazu, kmpakautoka pale maji yainaingia, hiyouo ndio mpaka ywetu na wale ni watu wetu. Wale watu wako ndani, tuliwaomba tukae nao na tukae nao kwa amani, si watusumbue kila wakati. Silaha nayeo iwe mukona wa serikali, isiwe na wale watu wanatusumbua kutoka zamani mpaka sasa, wanasumbua sisi na silaha. Serikali iangalie mipaka ya jirani na jirani.

Sisi wa- Meru tuko na marika yetu, kaberia, kobia, ndigoi na njori, hiyo ikubaliwe kwa sababu ndio makoti kwetu, mtu akikiosa akipelekwa kwa njori, njori inamwuadhibu, akipelekwa kwa kobia, anaathibiwa, akipielieekwa kwa kaberia, ana athibiwa. Kwa hivyo, ileyale maneno yetu ya zamani iyasitupwe kwa sababu hatutaki ile koti halafu ukienda ni pesa, pesa na kuhonga. Mtu akiwa hana haki anahongana anakwenda. Lakini mtu akiwa ni mkosaji kwa njori anashikwa ana athibiwa, ana shikwa anaathibiwa hakuna hongo. Kwa hivyo sisi hatutaki ile akili yetu ya Meru itupwe, tunataka marika yaheshimiwe na njori iheshimiwe. Na wazee nao wasitupwe na vijana kwa sababu nyinyi wote, hanyoteo wote mutakuwa wazee.

**Com. Zein:** Asante sana mzee kwa sio tu kwa maoni yako, lakini kwa kuweka muda vile ilivyokuwa inatakikana, asante. Daniel Kuantai.

**Daniel Kuantai:** My name is Daniel Kuantai, Aa politician in Ntonyiri. Some of my views have already been said but I will

mention a few. Any candidate wishing to contest for a parliamentary, presidential and local authority, must be endorsed by a registered political party. A candidate who fail to get nomination in one party should be allowed to seek nomination from another party.

Kenyans should be allowed to own land anywhere in the country. The President should serve a minimal of one to two terms, each of five years. He should be given security and office after retirement. Local land committees to serve three years and issue title deeds. Children born in Kenya should be given a Kenyan citizenship. Those are my views, thank you.

**Com. Zein:** Thank you bwana Daniel Kuantai kwa kuwa umetaja unayotaka na kumaliza haraka. Asante sana, andika jina lako kwa register. Kimathi Mukutha, Kirema Mucheke, Muindi Joseph, Muriuki M. Muyuri, John Mutuma.

**John Mutuma:** The commissioners and members of the public. I am representing a youth group. The first one I will talk something oin the preamble. The Kenyan Constitution should have a preamble stating why the Constitution is being enacted. What I would want to be in the preamble, one, we have a cultural heritage which should be upheld in the Constitution. Number two is national development. We have quite a number of cash crops like tea, coffee and the rest, they can also be enacted to the preamble. Also we can touch something on international awareness because we also participate, like our armies participate in the peace keeping process. Experiences which we share as Kenyans and I would want them to be in the preamble. One, we struggled against colonialism and that experience can also be put there. Two, we also have a common experience in fighting for this country, we can also add something about it to the preamble. Also we are fighting poverty which has improverised shedour societies and also caused illiteracy.

**Constitution supremacy:** In the new Constitution, we would want the rule of the law to prevail anybody who is in power or the government which will be elected either now or in future should uphold the rule of the law, if there is any amendment to be made, every mwananchi should be consulted and we should have a referendum or in other words every mwananchi can vote towards the Constitution if there is any amendment to be made. Also I would add human rights which should be in our Constitution, I know there are which are there already, but right to education should also be a right, right to own property especially land, right to security should be taken care of by the government, right to medical care, it should be also there whereby the government can provide medicare care to every mwananchi.

**Freedom of worship:** I don't know whether our Constitution put states something on freedom of worship. The act concerning freedom of worship should entail on what should be worshipped, any religion or any organization which is registered under this act should specify who should be worshipped, either God or the devil, but on my side I would prefer God.

**Elections:** In electing the Ppresident of Kenya, a candidate should get a majority vote of 50% of all the votes casted. The party with the candidate who has won the elections should also get a half of the elected MPs in pParliament. I would also talk

something on governancy. We should retain the presidential system of government but the pPresident should not interfere with the legislature and the judiciary. The pPresident in power should rule according to the law.

**Com. Zein:** Muda wako umeisha, ungejaribu kumalizia haraka haraka.

**John Mutuma:** So the Pparliament should also make laws, bills should not be given to the Ppresident to give an assent or sign them to become a law, instead the pParliament should discuss the bills and if the bill gets the majority votes in the third reading, it should appear in the Kenyan gazette signifying it has become a law. Actually I will stop there because I have written some of theseat.

**Com. Zein:** Thank you very much, we will read the memorandum, don't be worried thank you very much. The next person is Ablel Kiramunya.

**Abel Kiramunya:** Thank you Commissioners. I am a leader in the Anglican Church of Kenya, Lare parish and I am also a community animal health attendant. The cCommissioners and other participants, mine is not so much. What I am going to talk about is whether the members of pParliament should work part-time or full time. So in my opinion, I suggest that the MPs should be a full time worker not part-time. This is because they will have enough time to discuss their businesses in the house and they will have enough time to build our nation and as well as to visit his constituents and other things. Also he should work as full time worker because he is receiving salarieys just like any other civil servants areis doing. So I find it better that they may work as a regular worker.

The voting age should be changed, I would suggest from the age of 15 and upwards should be allowed to register as voters and they should participate in voting and in elections because the majority in our country is from 15 to 25 years. The other part is about the civil Public Service Commission should determine the salaries of MPs.

The Executive: The modern Constitution should specify the qualification of presidential candidates and on my side I suggest they should be at least have a university level of education. Presidential tenure of office should be fixed to about three to four years, this short period will give the people a good service while knowing that his or her term is short, the service will be genuine and fair, he or she will not dictate. They should deserve a two-terms period, that is about six or eight years according to the new Constitution.

About worship,; I will just give a short comment on it. We would like our Constitution which now is going on to define clearly our limits of freedom of worship because the freedom of worship which we have now is so broad that we can't define it. People are facing to worship even the devil and other cults but if the Constitution puts a limit or defines the freedom of worship in Kenya, I think that will be better.

The other part is about the present Constitution should set limits on presidential powers. He or she should not be above the law, this has made many African countries to be ruled by dictatorship regimes because we know that they can't face law. Secondly, the pPresident should not be electing the chief judges because the jJudiciary is an independent body, which should not be controlled by the eExecutive, it has powers of its own. The Jjudiciary, this should be a Constitutional right for legal aid, because there are so many Kenyans who are poor and they can't afford to hire advocates or to feed them in legal matters. If is possible, or if there is need to assist the needy, the citizens of this countryy-----.

**Com. Zein:** Abel, your time is up so you should be summing, you are saying that you are proposing legal aid for citizens, there is no need of clarifying.

**Abel Kiramunya:** The other point is about the local government, there is need for minimum education for those vying for councilors, they should be either 'O' level because some years back, the illiterate councilors were deceived and were even forced to sign documents.-----

**Interjection Com. Zein:** Abel, you are proposing a minimum qualification, what standard?

**Abel Kiramunya:** 'O' level. To conclude is about the local land committee, they should serve for only one year so that they may not exploit the concerned by demanding bribes, in my area they have done such things.

**Com. Zein:** Thank you very much, just hold on Abel. No questions for you please, sign our register. Sikumuharakisha Abbleel lakini sisi tunaujuzi wa kutosha, mutupe tu proposals, explanations za justifications tutasoma na tunafahamu, sijui kama tuko pamoja , sawa. Francis Ntongai.

**Rev. Francis N'tongai:** The Constitutional CKenya Review CommissionC team and wahusika wenzangu, mimi ni Rev. Francis N'tongai, ninawakilisha kanisa la Voice of Salvation and of Healing International Incorporation. Niko hapa kutoa maoni yangu kuhusu Katiba. Kwanza makanisa, uhuru wa kuabudu. Katiba ya sasa inapeana uhuru wa kuabudu lakini haifafanui vizuri kama nikuabudu nini. Ningetaka kifungu hiki kirekebishwe, ielewekwe na isomeke vizuri ati ni kuabudu Mungu muumba wa nchi na mbingu. Ili watu wasionekane wakiabudu vyumbe vingine ama sanamu ama shetani. La pili, makinisa au madhehebu ya makinisa ya ruhusiwe kufanya mambo yao bila kuingiliwa na serikali ikiwa tu wanafanya tu mambo yanaohusu waumini wao kisawasawa. Lakini kukiwa na matdhehebu yasio pangia maisha ya baadaye ya wafanyi kazi wao, kama mfanyi kazi akistaafu au akifa ama akigonjeka serikali iingilie ili ione wafanyi kazi wa makanisa pia wanatunzwa na uongozi wa matdhehebu yao wasitupwe nje nai wafanyi kazi.

**Elimu:** Kuhusu elimu, watoto na wananchi wa Kenya ni haki yao kupata elimu, inapaswa serikali ya Kenya ichukue mzigo huu

wa kuelimisha mtoto ambao unaonekana ni gharama kubwa. Sitaendelea kuelezea hapo maana imetajwa na wengine nitaruka pengine. Tatu ni kilimo,. Iinajulikana wazi kwamba wananchi wa Kenya wanategemea kilimo. Mkulima asaidiwe na serikali jinsi ataya kutoa mazao mengi na kupata faida, kwa mfano serikali iondwoe ushuru wa bidhaa kama mbolea, madawabadala ya kunyunyuzia na vitu vingine kama mbengu na kadhalika ili mwananchi mkulima apate faida nzuri ya kujitegemea.

**Matibabu:** Inapaswa serikali ya Kenya kudhamini maisha ya mwananchi wake na afya yake kimatibabu, kusiwe na watu ambaye o serikali inathamini afya yao na wengine wasithaminiwe kwa mfano, wale wameajiriwa, tunaona wanalipiwa matibabu lakini wasioajiriwa wananchi wa kawaida wanakufa kwa kukosa fedha ama gharama za kimatibabu.

**Com. Zein:** Pendekezo lako nini?

**Rev. Francis N'tongai:** Ningependekeza serikali itoe huduma ya afya iwe ya bure kwa kila mwananchi. Tano, hukumu ama mahakamani. Adhabu ya kifo au hukumu ywa kifo iusiondolewe kwa muuaji ambaye amemua mtu akitaka ama akipangia kumuua. Lakini mtu aukiwa anajisaidia moyo wake, kama wakati wa hali ya hatari, wakimenyana ama akivamiwa na majambazi, akimuua mtu jambazi kama huyo aisionekane huyu mtu ni muuaji kwa maana alikuwa anasaidia moyo wake.

Sita, wezi wa mifugo:. Mwizi akiiba mifugo na ipatikane alama hata moja, mwizi huyo achapwe na akipatikana apewe adhabu ya kifo kwa maana ameuua au angeua mtu alipojaribu kutekeleza uizi huo, mtu huyo achukuliwe hatua kali. Saba, mwizi wa bidhaa zingine. Mtu akiiba mali ya mtu mwengine afungwe na alipe mwenyewe mali yake, maana wakati huu sheria iliyoko tunaona mtu akiiba vitu vya mtu anafunguwa au kutozowa fine na serikali, na bidhaa ya mtu vinapotea bure. kwa hivyo katika mahakama wawe wanalipisha hata vile vitu vya mtu vilioibiwavyoibiwa.

**Com. Zein:** Rev. muda wako umeisha, malizia sasa.

**Rev. Francis N'tongai:** Nitamaliza kwa haraka. Ningetaka kuwa na serikali moja, serikali ya kitaifa, kusiwe na mugawanyiko wa mamlaka ya serikali maana hatutaki haya mambo ya majimbo.

**Vyama vya kisiasa:** tuUwe na idadi ndogo kusiwe na vyama vingi, kuwe na kama tatu au nne kusiwe na mchafuko katitika nchi yetu (nitaacha hiyo kwa sababu ya haraka). Uraia, atakayekuwa raia wa Kenya ni mtu aliyezaliwa katiaka ama aliyeandikishwa kisheria lakini sio mtu anyeauraia wa nchi ingine.

Mamlaka wa rRais ningeona yasiondelewe kama vile inavyosemekana kwa wengine lakini yapunguzwe kidogo. Mimea iletayo pesa kama kahawa, majani chai na miraa vipateewe kuhithinishwa na serikali, kusionekane watu wenye imani yao ya kuharibu mimea ya watu wengine ambao wanaopanda.

**Com. Zein:** Reverend ukisema unataka miraa ithaminiwe, ilindwe tumeelewa.

**Rev: Francis N'tongai:** Ya mwisho, kwa sababu ya haraka iliyopo ni utamaduni. Utamaduni zilizopitwa na wakati zitupiliwe mbali, sitaendelea na hiyo kwa sababu ya wakati. Wapiganiaji uhuru wa Kenya ambao wako au jamii zao, serikali iwaangalie na watendewe jambo fulani kwa sababu wazazi wao au wajukuu wao walipata majiraha ama walikufa vitankwa vitai wakipigania nchi hii. Kwa hayo machache ningesema asante na bwana awabariki sana.

**Com. Zein:** Asante sana Reverend. Ungeenda na kasi hiyo ya mwisho ungekuwa umemaliza kwa wakati wako na ungebakisha dakika, asante sana. Peter Muturia, Samuel Gitonga, Meme Patrick, Nyaga Patrick, John B. Nthuku. Uko bwana, karibu sana.

**John Nthuku:** Wanakamati na wakenya wenzangu hamujambo asubuhi hii? Kwanza ninashukuru kupewa hii nafasi kusema mawili matatu, ya kwanza ni kwamba tungeomba muda wa bBunge iuwe fixed, kama ni miaka tano iwe ni miaka tano na kuwa na njia ya kusema inanza tarehe hii, inafungwa tarehe hii, na siku ya election inasemekana itatokatakuwa wakati huu na itavunjwa wakati election itakuwa. Ya pili, tuwe na central government au unitary government ambaye kutakuwa na local authority very strong. Na hapo katika kuangalia local authority ambayeo itakuwa na nguvu kuliko vile ilivyo sasa, hapo ndio pengine kulingana na ile kazi utapewa na ile serikali kuu tutajua kama kutakua na maana ya provincial administration.

Ya tatu katika Kenya tungetaka kuwe na ombudsman. Ombudsman ni mtu ambaye au ofisi ambayeo mtu anaweza kwenda kupeleka malalamiko yake ambaye ni independent, malalamiko yeyote unapeleka halafu unaona vile unaweza kusaidiwa. Ya nne, tungeomba watu ambao wanateuliwa hasa kama ni mawaziri, watu ambao wanasimamia public servants mahali popote wawe vetted na pParliament na pia wawe ni watu ambao wako na very high moral and ethical standards.

Katika Kenya watu wakija kutoka China, kutoka uingereza, kutoka aAmerikani, wananua mashamba wanakaa, hatpa tungeomba waitishwe Constitution hao watu ambao sio wa Kenya, wasi-own land. Ile land wanaweza ku-own tu ni pengine commercial property katika mjini, lakini wasinunue mashamba. Ningeomba pia bBunge lazima ndio itajae kutakuwa na ministers wangapi, inaweza kusema ministers watakuwa kumi, tano, ishirini na assistant namna hiyo. Pia bBunge lazima ii-vett constitutional posts, wale watakuwa appointed kwa ile post inasimamiwa na Katiba lazima ipitie kwa bBunge. Ammendement ya Constitution, kama unataka kubadilisha Katiba lazima ibadilishwe lakini wa-Kenya wapige kura kama wanakubaliana na haiyo mabadiliko na kuwe na referendum. Ile ingine ninafikiri imetajuwa na mwenzangu, ule anakuwa raia wa Kenya, usiwe raia wa Kenya na uwe raia wa uingereza wakati moja, na raia wa china. Kama unakuwa raia wa Kenya uwe wa Kenya kusiwe na dual citizenship. Nimetaja watu wa public wale wanatumikia wa-Kenya wawe ni watu wa moral standards, wako na education mnzuri na pia wawe na ethics.

Pia ningeomba Katiba kama ingewezekana kuwe na serikali ya mseto kama wakati unawezekana, lakini tungetaka serikali ya

kile chama kimeshinda iwe ndio inaendelea. Na mbali yana kushinda, ule anashinda awe amepata 52% of the votes akiongezea ile 25% of votes in five provinces, namna hiyo lakini awe amepata majority votes within the country. Tungeomba kama ni constituencies ziwe, hata kama haiwezi kuwa ardhi moja, kwa sababu wakati huu unakuta watu elfu kumi wako na mbunge, watu elfu mia moja wako na mbuga pia, pale lazima kuwe na njia ya kufanya hata kama kutakuwa na geographical na shida zingine hapa na pale, lazima representation should be as fair as possible. Election expenditure iwe limited.

Kuna rights ambayzo wakenya wangetaka kuwa nazo kama tuseme rights ya security, afya, masomo, maisha, mahali ypa kukaa, justice, chakula na maji. Hii alingegaliwa wa-Kenya wawe wanapata hizi kulingana na vile kunawezekana, hiyo ni rights yao sio kitu yacha kupewa. Ie ingine ni watu wale wasiojiweza kwa njia yeoyote ile, kama tuseme viwete, vipofu, viziwi, hawa watu pia wawe na rights zao pamoja na wakina mama na watoto, lazima Constitution ipatie hawa rights zao. Na kama munavyojua katika Kenya hawa akina mama ninafikiri ndio wanafanya zaidi kazi nyingi, kwa sababu 50% ya population yetu katika Kenya ni wao, kwa hivyo lazima waangaliwe.

Upande wa commission, kungekuwa apart from .....(inaudible Ombudsman) pengine kungekuwa na human rights, kungekuwa na land commission, kungekuwa law reform commission, ili mambo iyawe yaikiendelea kutoka January mpaka December. Ya mwisho, pengine kama tukiangalia katika nchi za Africa, utaona ya kwamba pale mwanzo mwanzo sisi tulichukua sheria ya uingereza tukaweka pamoja tukasahau kuna watu ambao kama waluhya, walikuwa na wale watu wao ambao ni walikuwa machiefs. Hawa watu kungekuwa na nyumba mbili yza pParliament, kuwe na wale watu ambao waliitumikia Kenya vizuri sana, pengine wateulauliwe kwa ile ya juu ili kuwe na checks and balances na wale wengine parliament ya kawaida, sijui mutaita nini, upper chambers.

Mutanipa dakika mbili zaidi, ingine ningetaja ni traditionalnal. Katika sheria ya Kenya kama mulivyojua, tulichukua sheria kutoka Uingereza na ile ingine tukachukua kutoka India, commonwealth law. Wakati zilikuja katika Kenya ndio tumeendelea nazo lakini wa-Kenya wengi hawajui sheria inaenda namna gani, kama tuseme nikiua mtu leo nitashikwa na polisi nipelekwe kotini, lakini tukibaki hapa Mutuati ukoo wangu na ukoo wa ule mtu nimeua tutasikizana nimlipe, kwa sababu kuna sheria ya kimeru ambayo nitalipa ule mtu. Lakini kulingana na sheria zile za serikali naye, kule utafungwa, pengine maisha au utanyongwa, lakini sasa a wanawunanzaeza kusema hatpa inaleta fitina katika ukoo wangu na ukoo ule mwingine, ndio unasikia sisi tulilipa nyinyi, tulikata mtu mkono ndio lakini tulilipa, .....(inaudible) iko wapi, hamuleti. Sasa pale kunaleta shida, ningomba kama kuna njia, kuna culture ambaye katika tradition zetu kama wa-Kenya hasa suggesting to be put on board ili iweze kusaidia, ili watu waelewana wakati makosa iyametokea watu wajue ukweli sheria imetumika. Kwa sababu pale watu hawajui kama sheria imetumika wanasema hiyo ni kifungo ya serikali na yetu tumemaliza lakini kuna inginepengine hawajui. Basi yangu ninafikiri ni hayo, sina mengi ya kusema .

**Com. Zein:** Asante sana mzee John B. Nthuku, nimekuongezea hizo dakika mbili kwa sababu ulienda haraka haraka vizuri sana, lakini ukija ukisita sana, hizo dakika mbili siwezi kukuongezea, kama ungeweza kujiandikisha jina pale mzee wangu,



asante. Councillor Joseph Gichungi, karibu diwani.

**Cllr Rev. Joseph Gichungi:** Commissioners na wale wote tukonao hapa, hamjambo? Pia yangu hayatakuwa mafupi sana. Ningetaka pia kutoa maoni yangu, na ningetaka kuanza na mimea wetu wa miraa. Tungetaka Katiba ya sasa ihalalishe mimea wetu wa miraa kama vile kahawa na majani kwa maana uchunguzi uliofanywa hauonyeshi miraa ni drug kama vile wengine wangetaka kufikiria. Ya pili, ningetaka kusema kazi ya bBunge iwe katikutoka a Jumatatu hadi mpaka Ijumaa. Wabunge wasiwe na uwezo wa kujiongezea mishahara lakini kuwe na kamati ya kushughulikia mahitaji yao kuhusu pesa. Ya tatu, wanawake wasitengewe viti bungeni lakini wapigania viti vya bunge kama wenzao wanaume ili kudhihirisha umaarufu wao. Ya nne, kuwe na serikali ya mseto ili kila chama na wananchi wawe part and parcel of the ruling government, badala ya waliowachwa nje kufikiria serikali ni ya chama fulani au watu fulani. Katiba ya sasa imruhusu rais wa nchi kuwa na kura ya .....turubu kwa kuzuia mambo fulani kama wakati wa hatari, mizozo au vita.

Mamlaka ya nchi: Mamlaka ya rRais yapunguzwe, rRais wa sasa aondolewe kwenye orodha ya kugombea kiti cha ubunge lakini agombe kiti cha rRais bila kuwa mbuga wa area fulani. Ya pili, mahakama. Katiba ya sasa iondoe cheo cha za Kadhi na Kadhi mkuu, kwa sababu hii inaleta ukabila katika nchi na zaidi ukabila wa kidini. Katika Kenya tuna dini nyingi sana kama Islam, Christianity, Hinduism, Budhism, Bahai, ..... na Sotoo na ikiwa sote tutahitaji kuwa na judges, uitaonyesha ukabila mwingi. Hapo ninasema muundo ulioko sasa wa mahakama, hautoshelezi mahitaji yetu kwa wakati huu. Inginge bwana Commissioner ningetaka kusema ni kuhusu mayor na mwenyekiti wa mabaraza. Wachaguliwe moja kwa moja na wananchi na wasiwakilishe ward yeoyote na wawe na vipindi viwili vya miaka mitano. Madiwani, wawe wakilipwa mishahara badala ya marupurupu, na iwe ikitoka central bank.

YLa mwisho, ningetaka kuleta recommendations chache hapa nikisema colonial cultural ethnic boundaries to be respected ili kuepuka na vita zinazotokea wakati nakwa wakati. Recommendation ya pili, kuwe na free education na nursery school teachers wawe pia considered wakilipwa mishahara na serikali. YLa tatu, kuwe na free health care, no cost sharing. YLa nne, kuwe na civic education, especially mambo ya sheria, iwe ikifunzwa kwa shule ili mtoto akue akijua sheria ni nini na akielewa kwa maana wakati huu wengine hawaelewi. YLa nne, kuwe na limitation ya freedom of worship kama vile wengine wamesema. YLa mwisho ningetaka kusema wakati sheria inaundwa, pia waangalie cultural and traditional laws, kama kwetu tuko na *njuriinjeke* na ilikuwa na sheria zao, iziangaliwe ili sheria isiwe ikawa mzito. Na mwisho kabisa, sheria iandikwe na lugha tunayoelewa. Asante sana.

**Com. Zein:** Diwani nina swali kwako. Swali ylenyewe ni fupi, unasema Kadhi na Chief Kadhi waondolewe, wakiondolewa nani atasimamia harusi na ndoa na mirathi ya waisilamu? Na sababu yako ya kusema waondolewe, unasema italeta ukabila lakini mwisho unasema *njuriinjeke* itambuliwe. Sasa sababu ile uliotoa kwa waisilamu si waisilamu wanaweza kuutumia kutoa njuriinjeke?

**Cllr Rev. Joseph Gichungi:** Bwana Commissioner what I am trying to say here, wakati ninasema during njuri sikusema duringnjuri in particular, nimeleta mfano wa cultural and traditional laws kama area zingine ziko na sheria zao, ziangaliwe ili zile zikiwekwa zisije zikaleta shida. Upande wa Kadhi, nimesema sio lazima katika kanisa au dini zingine kuna wale watu wanaunganisha harusi, kuna wale watu wanafanya kazi fulani, sio lazima yule mtu ameandikwa na serikali aende akafanye hiyo kazi, hata kwetu tunafanya on behalf of the government, in Christianity wakati tunaunganisha harusi. Kwa hivyo ikiwa hii kitu itaendelea hata sisi Katiba ya sasa ituruhusu tuwe na watu wetu wakutuwakilisha.

**Com. Zein:** Kwa hivyo wewe unasema kwa vile nyinyi hamuna na wao wasiwe nayo?

**Cllr Rev. Joseph Gichungi:** That is not really what I am trying to say, lakini ninasema kwa sababu inaleta utatanishi.

**Com. Zein:** Ngoja ndugu, Commissioner ana swali kwako halafu u-sign register.

**Com. Ratanya:** Kwa hiyo hiyo swali, unaona ya kwamba Kadhis wanakuwa employed by the government, sindio, na wanakuwa kotini, kukata kesi ya muslims, . kKwa hivyo unataka kupendekeza hata wa Christians hawa ma-pastor wawe wameajiriwa na serikali na hata wao waende kotini wakiwa wanalipwa na serikali kama Kadhi, unapendekeza hivyo?

**Cllr Rev. Joseph Gichungi:** Bwana Commissioner what I am trying to say here is, wakati unaangalia dini moja inapewa cheo kikubwa namna hii inaleta ukabila wa kidini, na tunahitaji Katiba isiowe na ukabila wa kidini kwa maana mmoja hapo utaona anaenda kwa koti kwa sababu yeye anaenda koti ya kiisilamu lakini haiendi kufanyiwa hii. Kwa hivyo tunapendekeza hawa waondolewe, sote tufanyiwe na sheria moja na wale watu wameandikwa na serikali na kama haiwezekani basi, sote tupewe hiyo mamlaka ya kuwa watu kama ni dini, dini moja ipewe hii na dini ile ingine ipewe hii, sote tuwe tunasikizwa.

**Com. Zein:** Asante councilor, andika jina lako kwa register. Muyuri Ernest, karibu.

**Ernest Muyuri:** Mimi ninataka elimu ile ya zamani irudiwe. Ninataka kuwe na waziri mkuu, naye akuwe anachaguliwa na wananchi wote wa Kenya. Ninataka rRais asinyang'anywe mamlaka yote awe na uwezo kushinda hata wale wengine. Pendekezo yangu lingine, mtu akiwa councilor awe amemaliza Ffourmorm four. Ninasema ikunkoa wakati mwingine ikiwa serikali au, kKatiba isimamie maneno ya ng'ombe kutoka 1963, shifita ilianza hapa kwetu Mutuati, ikamiliza ng'ombe yote ikafanya watu wote masikini mpaka wazee wengine wanashindwa kusomesha watoto wao. Na mimi ninasema ng'ombe ikiwa inaendaimeibiwa na mtu anaakikufa, serikali ilipe watu hao wetu.

Ya pili, ninataka watoto wakiwa wamemaliza form four, wakiwa wamemaliza college au university, serikali isimamie hao watoto wasiende kuhangaika kwa sababu wanasomeshwa na baba yao wakiwa masikini, anauza ngombe yake, yote au vitu vyake vyote mtoto anakuja tena kukula kwa sababutaabu wako hapo na yeye anamsimamia tena. Hao watoto wote wakiwa

wamemaliza college, watafutiwe kazi na serikali na waandikwe wasije kuketi nyumbani pia. Sina mengi hiyo ndio shida yangu.

**Com. Zein:** Asante sana bwana Ernest Muyuri. Anayefuatia, ni Aloise Muriuntu.

**Aloise Muriuntu:** I have come to give this written document of from njuriyeke. Let me give few points here. Njuriyeke was started long ago and it was an institution of the type that was managing together with the three arms of the government described today as Executive, Judiciary and Legislative. Now today the njuriyeke remains responsible and defender of kimeru laws, good customs and traditions. It is also the single most institution bringing together Ameru of every class. Our courts frequently refer disputes to elders, this is a recognition of the legality and relevance of elders law in administration of justice and need for arbitration. Elders' courts or tribunals should be Constitutionally refreshed. Other many points are written in this document.

**Com. Zein:** Thank you very much mzee.

**Com. Ratanya:** Bwana Muriuntu sina kitu cha kukuuliza sana lakini hayo umesema yameelezwa zaidi kwa hiyo memorandum, kuhusu njuriyeke na yale munataka kupendekeza, kwa sababu tunataka mapendekezo sio history, ni yale munataka yaangie kwa Katiba, okay ninashukuru.

**Com. Zein:** Kaubuthu Regina:

**Kaubuthu Regina:** The Commissioners, members of the public. I have the following recommendations:

**HO**ne, **human rights**, specifically on women. The Constitution should protect the women on the following: Violence against women, e.g. forced marriage, harmful traditional practices, equal sharing of land and property between boys and girls in a given family. This is to ensure security on women especially after they get married and they divorce. Protection against rape, specifically on the following categories of women:

1. Mad women in markets and towns,
2. Mentally retarded women,
3. Physically impaired women.

**Land:** Land should be headed by a group of commissioners and not one person. The government should have power to take individual land for public use but on compensation. Land ownership must be limited to a certain number of acres to avoid cases of landlessness in our country.

**Political parties:** Registration of political parties should be based on national outlook to avoid small parties from being

registered. Political parties should be funded by the government to avoid the ruling party from embezzling government funds to fund its activities.

**President:** The powers of the President be limited, e.g. appointment of senior civil servants should be approved by the parliament. I mean if the President appoints senior civil servants, the Parliament should approve them to avoid ineffective people from taking such positions. The age of the presidential candidate should be raised from 35 years to 40 years or so. The presidential candidate should have a high level of education, example, a degree.

**Passport:** The passports should be decentralized from Nairobi to district levels to make it easier for Kenyans to attain them.

**Government:** There should be unitary government for unity in a country like Kenya where we have many tribes. Separation of power should be seen on the various organs of the government whereby the Legislature should be independent, the Judiciary should also be independent and the Executive. Those are my recommendations on reviewing the Constitution.

**Com. Zein:** Thank you very much Regina for being concise and precise, you have taken only four minutes, please sign in the register and hand in your memorandum. Wale wengine waliojiandikisha ni watu wa ku-observe, kwa hivyo nitakuenda kwa Dominic Mutuma.

**Dominic Mututuma:** Commissioners, viongozi wa makanisa na njurinjeke na wananchi wa tabaka mbali mbali, mugenyi. (spoake in kimeru)

**Translator:** I will speak in kimeru. I will talk concerning the issue of miraa. Miraa is a vital product in this area or by customary exchange, in marriage cases miraa is actually a vital part. I am the chairman of njurinjeke of this area, Kabati location. We are recommending a provision whereby njuri will be enclosed in the Constitution, whereby cases that are going to court in most cases you will find that they are coming from njuri and in this case the process of njuri had been undergone, so we actually emphasize on the fact that let njuri been identified as a factor in saving land cases in this area. I am also proposing that as we come up with this new Constitution let primary education be free upto form four.

**Com. Zein:** Asante sana. Ningependa kuwaarifu jambo moja, kwetu nyumbani wanasema, 'kwenye wengi hapaharibiki jambo'. Asubuhi kwa vile tulikuwa wachache sikutaka kuwaambia jambo hili nitawaambia sasa. Sisi tumeamua kwamba tuliposema asubuhi kwamba tutafuata mfumo wa kuangalia list, mtu akiandika list ndio atatajwa ndio atoe maoni yake, hiyo ndio mfumo tuliokuwa tukitumia tangu asubuhi. Lakini huwa kawaida tunawaeleza watu msimamo wetu kama Commission, Tume ya Kurekebisha Katiba, kuwaomba nyinyi ruhusa, nyinyi wananchi watukufu, kubadilisha mfumo huu ikiwa kuna sababu ya kutosha sisi kubadilisha mfumo huu. Kwa mfano, kukatokea bibi mja mzito, ambaye hawezi kuvumilia kukaa kwa muda mrefu, tutawaomba nyinyi ruhusa tumpe bibi kama huyo hata kama amekuja kuchelewa tumpe fursa azungumze halafu aende, ni sawa

hiyo? Akaja mzee sana au mzee awe amekaa hapa ameshindwa kuvumilia kungojea wakati wake, kama ule mzee wa njuruijenge pengine angekuwa namba yake imewekwa mbele, tutawaomba pia mutupe ruhusa kama mzee yuko pale, kama yule pale akisema anataka kusema, apewe ruhusa aseme, ni sawa? Akaja mlemavu, tutasema hivyo hivyo, sawa? Akaja mtoto, tutasema hivyo hivyo, au akaja mtu mwenye sababu ya kutosha, na kama munanipa ruhusa hiyo, ningependa kuitumia ruhusa hiyo kwa kumuita mwanafunzi wa shule moja hapa aseme arudi darasani, au si sawa hivyo? Patrick Murungi ulikwa na mwenzako Mugambi Peter. Lakini kwa vile tunafanya mambo haya kwa heshima, aseme yeye nirudi kwa list kwa jina moja halafu nikuite, sawa? Asante.

**Patrick Kanjira:** I represent Mutuati Secondary School. My first view, government should have power to compulsorily acquire private land for important purposes but under the following conditions:

- 1) The land taken must be compensated somewhere else.,
- 2) The new land should meet total values of the taken land, not unless any development project in that land e.g. water projects, agricultural developments are paid the reasonable amount. Failure to that there should be no compulsory acquiring of the private land by the government.
- 3)
- 4) There should be no selling or own a maximum limit in land owning by an individual. This is whereby all people cannot have equal land, there are some who have just small pieces of land and others have large pieces of land. So they we all cannot own equal pieces of land.

President should not be empowered to veto or sign legislation passed or signed legislation passed by the pParliament. Legislation should be passed by the pParliament itself.

MPs should not have the responsibility to determine their salaries and benefits. Civil servants should have that responsibility to determine the MPs salaries and benefits. People should be given the right to recall their MPs and councilors incase they don't perform their duties and satisfy their people. Therefore people should have that right to recall them from the pParliament or from the institutions so that they can select some other to more tore present them.

Our Constitution should not allow dual citizenship, this is whereby somebody comes from outside where he is born and already is a citizen there and comes here in Kenya, he is also accepted to be a citizen. That is dual citizenship, this one should not be allowed, they come here and deprive our economy, wealth and go back there.

**Com. Zein:** Patrick we know you don't want dual-citizenship go on.

**Patrick Kianjira:** Parliament should be given authority to envoke or be cleadeclarer emergency powers. Constitution should allow or permit collisionalision government, 'serikali ya mseto', instead of that formed by dorminant political party. This will

ensure that there will be no dictatorship or misuse of power. Other Kenyan broadcasting corporations should be given rights to air their news to all Kenyan citizens in all the corners of the country. Thus a law should be enacted to ensure this.

In spite of Anti-Corruption Authority in Kenya, a law should be enacted to deal with the alarming rate of corruption in Kenya currently. That law must be followed strictly. The final point, the government should enact a law for reviving dead and declining industries, e.g for example, KCC, among many others and moreover protect them, this will help them at improving our Kenyan economy. Thank you.

**Com. Zein:** Thank you very much Patrick. I am going back to the list, Benard Mate, karibu.

**Cllr Benard Mate:** Commissioners and members of the public, I am a councilor from Ikiongo ward. I have a few recommendations and I will make a list. Presidential powers of dissolving Parliament will be scrapped. Genuine squatters to be catered for by the government, by getting a share of the land. Election petitions to be addressed especially in Judiciary. Magistrates to get a limited time on determining such cases and all others.

Environmental degradation: Forests, water catchment areas, the local community and the local county councils should benefit directly from these resources. All environment areas, water catchment areas to be preserved and if there is any area that has been demarcated under an individual or under a society should be revoked. Exploitation by water undertakers and the monopoly of gazetting, I am requesting the government when gazetting such undertakers instead of that monopoly, there must be a multiple gazetting of the undertakers. Equity in distributional funds by the government, this means as if there looks like there are superior tribes ..... and there must be fairness in distribution of these funds. The one is District Focus for Rural Development, this has been there and has existed for quite some time but it has not helped much. My proposal is if it can be scrapped or if later on it is to get a viability. The government also to take care of the semi arid and arid areas to be viable for the living of our people.

Councillors nationwide to be autonomous. The other one is laying of government civil servants, detaining retrenching and signing of documents that guarantee that guarantee them not to seek any employment later in the government of Kenya. I am finding this to be somehow illegal. Councilors also to have immunity during deliberations and their chambers co-host. A non-confident board to be provided in the act, in the local authority and also in the Parliament. Cattle rustling and security should also be addressed, I also request the restoring from the old culture. Private candidate should be registered. Councilors also to have vehicles with free tax. Auditing report in the local authorities to be undertaken by the registered auditing firms. The last one is the sub-standard things and fake insecticides are in Kenya from through the Kenya Bureau of Standard.

**Com. Zein:** Councillor asante sana. Ningemuomba ule mwanafunzi mwengine aje, Peter.

**Peter Mugambi:** I am representing students from Mutuati Secondary School. First, the Constitution of Kenya should guarantee free compulsory education upto standard eight. For the secondary level, the Constitution must guarantee for bursary funds for the students from very poor families who have performed well in KCPE exams to enhance their secondary education. The Constitution of Kenya should give those who have qualified for various employment areas and they are not employed unemployment benefits. The government should be given not more than three years for these people to be employed. Also the Constitution should deprive president the powers which areas being above the law, sacking government employees starting to act at his will, dissolving of parliament by setting out bills which have been passed by the pParliament. The nominated MPs and also councilors who are nominated should be done away with since .....(inaudible this brings conflict) the trend they elected nominated s between the elected ones and the the ones nominated as councilors and MPs. We also want our Constitution to give the pPresident powers to form anti-corruption commission, this will be dealing the corruption cases and it must be given powers to prosecute police involved in corruption.

Land taken from individuals by government for government institutions for use on production on its projects, should also be replaced by another land elsewhere with all development done by that individual. Also foreigners should not be given powers to own any land in our country since they are non-citizens. Also the Constitution should educate guarantee Kenyans that they have rights to get their passports or visas when they want to go to other countries to seek for employment without much struggling much.

In the constituencies we should have offices established for the area MPs so that they could be meeting with their people in these offices and they will be able to air their problems and he will be able to represent them in pParliament. The office tenure should be two five-year terms for the pPresident and also MPs. Concerning employment, the Constitution of Kenya should not allow employment for foreigners when we have in our country professionals. The Constitution of Kenya should also guarantee a ministry which will be dealing with affairs of the young people in the country and to handle all matters concerning the young in this country. Also the Constitution wards should deprive the MPs from determining their salaries and benefits and this should be given to a commission which must be set by the pPresident consisting of experts who must be given the powers to determine the salaries and benefits of judges and ministers also.

In Kenya we want to have a maximum of ten political parties and they should not be financed through public funds, they are supposed to have their own ways of raising capital. Concerning amendment of any bill of in pParliament, public must be involved through referendums and these referendums must be conducted by their area member of pParliament. Concerning mayors, mayors should be elected directly by wananchi and they must given by the Constitution a five-year term. Concerning the languages of the nation, Kiswahili and English must be recognized Constitutionally as national languages. On the tenure of jJudges, they must be given a maximum of ten years after which he retires. Thank you.

**Com. Zein:** Thank you very much Peter. Martin Muriuki, Aspa Kariuki, karibu ndugu.

**Aspa Kariuki:** Asante sana kwa cCommission na watu wote ambao wameleta views zao. Yangu ni machache, ya kwanza ningefurahi kama hii Constitution inaweza kufuata hii aya mambo ya kupeana awards. Kwa sababu tumesikia wale wanapata zawadi wanaanza awards wale watu wakubwa lakini hawa wadogo na wame perform very well, might be assistant chiefs or post workers, hatusikii wakipewa awards. Tunataka kuwa na Constitution ambayo ita-recognise kazi ya wale watu wako hizi lower cadres.

Ya pili, hawa retirees, wakati wame-retire wanachukua muda mrefu sana kupata pesa zao. Hii Constitution ibadilishe iwe wakienda retire wawe wanapata pesa zao mbelekabla ya miezi tatu imalkumaizikelizika sababu wengine wana watoto wao kwa shule, sasa aki-retire anangoja hata mwaka unasikia hata watoto wametoka shule. Tena hawa wanastahili kwenda retire, wakienda wapatiwe kitu mzuri hata yeye retiree ajue kweli anaona nilaliikuwa kazini.

Wakulima: nNingefurahi kama hii pesa ya kusaidia wakulima iwe ingaekuwa channeledchanneled through farmers groups accounts badala yaweya kuwa controlled by district headquarters or provincial headquarters ili hawa technical officers wawe wana monitor tu what is going on in those groups activities. Stakeholders wale wa areas hizo zina project, wawe wanakubaliwa kufanya budgeting, wawe ni kiungo moja ya kufanya budget.

**Com. Zein:** Ningeomba hapo nyuma watu wanaozungumza waache tafadhali, mumppe fursa yake sawa, ukiwa una mazungumzo tafadhali toka nje umalizie mazungumzo hapo nje, asante.

**Aspa Kariuki:** Upande wa masomo, Constitution iwe kila mtoto wa Kenya ana haki ya masomo na masomo yawe ya bure. Kila mwananchi wa Kenya awe anapata matibabu ya bure, no matter where he lives hata kama anakaa huko jangwani awe anapata matibabu ya bure, iwe inamfikia. fFemale circumcision kama hiyo wainaitwa ‘female genital mutilation’, it should be completely banned in Kenya na yeyote anayeppractice hiyo achukuliwe hatua kali kwa hiyo sheria. Ya nne, kila mwananchi wa Kenya awe na haki ya kuwa na mali au kununu kitu popote katika Kenya bila vikwazo vya aina yeoyote, viwe vya ukabila au nini ingine. Ya tano, mtu yeyote ambaye amepata pesa ya bank ama ya project ama ya serikali na ameshindwa kulipa, mali yake ichukuliwe na iuzwe ili serikali isipoteze pesa bure ama ma-projects yanapotea bure na watu wanaendelea kuchukua pesa za projects na projects zinakuwama.

Wakulima wasaidiwe na pesa za kuwaezesha kupata siku yao mnzuri na tena wawe na chakula yacha kuuza, kukiwa na crop failure wasije wakadaiwafuatwa kudaiwa kama ni pesa walipatiwa.

**Com. Zein:** Muda wako umekwisha ungekuwa unamalizia, nimekuongeza dakika moja ile ya kusumbuliwa bila ya kukutajia.

**Aspa Kariuki:** Imebakia mawili tu. Freedom fighters, wale waliokuwa mau mau, watambuliwe kwa ile kazi yao nzuri



waliofanya. Ya mwisho, safari ya Rais nje ya nchi vzipunguzwe kwa sababu zinatimia pesa nyingi sana ya Kenya. Elected MPs na councilors, kila mtu awe na ofisi katika area yake, ili awe karibu na wananchi wake. Nimemaliza hapo.

**Com. Zein:** Asante sana bwana Kariuki, tafadhali andika jina lako kwenye register halafu utoe hiyo memorandum yako pale. Zakayo Kaberia.

**Zakayo Kaberia:** Yangu ni mengi lakini nitaenda kwa haraka. Ninasema miraa iwekwe kwenye Katiba kama kitu cha maana. Ya pili, kuvimba mwilini wa binadamu, uangaliwe na serikali kwa sababu kuna watu hawajiwezi kama vile .....Mary Apoya.

Chiefs order, hii ingine mlolongo wawe wanachaguliwa na mlolongo. Namba nne, ofisi ya land, iwekwe kama CID kwa sababu mtu akienda kuangalie shamba yake ni kama ananunua, inamaliza miaka mitatu au zaidi. Ya tano ..... (inaudible) wawe wanapata kitu kwa serikali. Ya sita, hospitali za umma ziwe zinaangaliwa kama vile CID infanya kazi. Ya saba, uhuru wa kuabudu iwekwe kama ni Mungu au ni ng'ombe. Ya nane, ni hii free education, watoto wawe na free education vizuri.

Ingingine ni arrest warrant, hii law nikama imewekewa matajiri. Kwa sababu tukifuata sheria ile ya arrest warrant kamili, mtu anaposhikwa kama vile mimi nimekamatwpatwa na sina pesa kuenda kuleta arrest warrant, wakati huo sina uwezo. Hii inamaanisha yule mwenye pesa ndio anaweza kufanyiwa hii kazi, ukija hata na arrest warrant ya kushika mtu hata ukifuatiakupatia hiyo ofisi ya administration hawawezi kukufanyia kazi bila pesa. Namba tisa, ofisi zote za administration ziangaliwe vizuri ili itumalize hii hongo kwa sababu tumemalizwalizika na hiyo hongo. Ya kumi, kutahiri wanawake au kutotahiri iwe ni mtu na haki yake. Hongo imalizwe kwa kila administration. Ya kumi na moja, ninaomba muda wa Katiba uongezewe kwa sababu umefanyiwapatiwa wanainchi. Barabara zihifadhiwe fvizuri na ziangaliwe kwa sababu watu wanaharibu barabara wanaelekeza maji kwa barabara halafu watu wanakosa huduma mvizuri. Nimemaliza hapo, asante.

**Com. Zein:** Asante sana Zakayo umetumia muda kama inavyotakikana, sasa ningependa kumuita Stephen Ngulu.

**Stephen Ngulu:** Commissioners na umma wenzangu, nina present Abamru welfare group na maoni yetu ni haya: On the presidency, once elected or a pPresident he should be above party politics and also if the pPresident is a member of pParliament, the people of his or her constituency should hold a by-election to elect an MP since the pPresident must be a figurehead of national unity.

Parliament should be having three ex-officio members, the pPresident, the AG and commander in chief of the armed forces. The Constitution should write all safe guard all natural resources of revenue collection to reduce misappropriation of public funds and reduce tax brackets which has become a problem to the society. All candidates who have vied for presidency two times without success should be banned by the Constitution from vying for the same any other time in the future.

Party registration should be limited by the Constitution to three parties. Two main front parties and one land party which should be a union of all other small parties. Members of every party should be loyal to their parties and they should not be running to party to party, that is lack of loyalty and this can bring a lot of misunderstanding and once a person runs from a party to a party that means he is unloyal also to his electorate. So the Constitution should provide a situation where these members who do not hold on to their parties are not elected to any post.

**Land and property rights:** The Constitution should provide land to every Kenyan to a maximum of four acres so as to make sure that no Kenyan is a squatter in his own country and all land cases be transferred to the local community being the court advice. The government should control land use, no land should remain bare. Good policy must be established so as to make sure that people have enough food from those land. individual ownership should be limited to four acres.

**Basic rights:** Constitutionally the Constitution does not provide adequately for basic rights. Social, and economic and cultural rights must be included in the Constitution. Death penalty should be abolished instead life sentence to be put in place. The Constitution to provide for and protect the security of the wananchi, provide for health care, water, shelter, education, food and employment.

**Environment and natural resources:** The minister for natural resources must be given the power to control and govern all the natural resources of the country including forest, minerals, wildlife, water and other natural resources.

**International relations:** Foreign affairs should be controlled Constitutionally and not by the Executive. The Judiciary and Parliament should take care of these things. The Parliament should regulate the affairs of foreign affairs and should have some regulations and then the impact must be communicated accordingly.

**Participatory governance:** They must work under the government and Constitutionally they must be established. They should advice the government and work hard enough hand in hand with the government in promoting development of the civil society. Parliament should be supreme the President should not have power to control Parliament apart from the speaker. Thank you.

**Com. Zein:** Thank you very much, tafadhali sign register na utoe hiyo memorandum uliyoandika. Mzee wangu ulikuwa umeunua mkono, unaitwaje mzee? Samuel Mwenda Kanyi. Sasa mimi ningetumia ile sheria mulinipa mimi kumpa mzee fursa azungumze, karibu mzee.

**Samuel Mwenda:** Yangu ni machache tu. Maneno ya mipaka mipaka ninataka ifanywe kabla ya Katiba kuhadhkubadiliidishwa, wazee wale wanaujua mipaka waonyeshe watoto, hii mipaka ilikuwa namna hii. Kila kabila ina wazee

ywao na vile sisi tunajitawala hapa Kenya tunataka iule mpaka mbeberu alikuwa amepakana na nchi ingine. Wakina mama nao watafutiwe hospitali ya kujifungulia maana mama akijifungua ni kama mtu ananunua mtoto kwa hospitali. Wengine wanatoa pesa hata yule mama akitoka hospitali hakuna kitu atatumiwa, wengine watakufa hapo hapo, pesa yote inaenda na serikali. Sasa hapo, inafaa serikali iangalie.

**Com. Zein:** Unapenda vipi mzee, wanawake waja wazito wapewe huduma ya afya bure?

**Samuel Mwenda:** Ndio. Ingingine ni serikali, mifugo ikiibiwa ikielekea nchi jirani kuendelea mbele, mifugo yote ishikwe, mifugo ni mifugo tu ikishikwa wale hawataendelea nayo mbele. Hapo ndio ninaona Katiba iendeleo kupangwa maanake watu wana maswali mengi, wengi wanasema nikuvunja, sikuvunja ni kupanga Katiba, tujue vile tutapanga. Yangu ni hayo tu.

**Com. Zein:** Asante sana mzee. Pizzaro Kangawia

**Pizzaro Kangawia:** The pPresident should not be above the law. A candidate running for pPresidency should remainname his running mate. The winner of presidential elections must have 51% of the total votes cast and not 25% as it is now. Constituency electoral boundaries should be created according to the population and not geographical area ofr tribes.

About education, primary school education should be free and a must for every child. A child from a poor family should get education free upto secondary school free. About the media, all radio and television stations should be allowed to broadcast countrywide freely.

All civil servants salaries should be reviewed to match with the current economic situation because some are paid huge salaries and others are paid very little not even to afford decent meals.

**Com. Zein:** Asante sana. Charles Maroo.

**Charles Maroo:** I am speaking on my behalf and have a few points. After the review of this Constitution or the amendments of this Constitution the draft of the Constitution should be provided to every mwananchi who is literate so that everybody can be aware of the Constitution. Second, all the trained primary school teachers should be employed and be recognized by the government like any other teacher. The income from the rurul areas to the local government should be observed by the government strictly.

Chiefs Act ama uwezo wa chief uliokuwa hapo mbeleni ningeomba iurudishwe. This will reduce a lot of misconveniences in the areas, maybe like these local brews and those others, chief apewe uwezo wake kama mbeleni. I support the person who said that there should be a religion limit of r freedom of worship, this is because this Constitution does not state clearly who to be

worshipped, whether God or idols. So there should be some clarifications whether we are worshipping the living God or others.

There should be land limits due to squatters, land officers should not exceed more than two years in their jurisdiction areas.

**Com. Zein:** When you say land limit, how much?

**Charles Maroo:** Maybe not more than 1000 acres. In Kenya we have essential cash crops and for that reason Miraa should be recognized by the government like any other legal cash crop in Kenya and be gazetted. The elected MPs should have offices in their constituencies and should be strictly and be assisted/monitored by the government.

My last point, the sub-areas/reserve should be literate and not illiterate and they should be recognized by the government and be employed. Those are my few points and thank you.

**Com. Zein:** Thank you very much please go and sign our register. Sasa ningewaomba wananchi waheshimiwa kuwaharifu kwamba kuna mwenzetu anaitwa Geoffrey Mugania. Ana matatizo kwamba amewacha watu wagonjwa anaowashughulikia, akaona akimbiae hapa atoe maoni yake lakini hawezi kukaa hapa kwa muda mrefu. Sijui kama munamruhusu azungumze, sawa. Kwa vile umeruhusiwa mzee wangu, na mimi nitaweka break kidogo, uyafanye yako yawe mafupi uyafafanue vizuri bila ya kuendelea mbele na mbele, wamekupa fursa mbele ya wenzako, sawa.

**Geoffrey Mugania Kiunga:** Thank you Commissioners and wananchi. I am a registered clinical officer in private practice. There are a few recommendations I would like to make to this Commission. First, concerning the elections we should have a strong independent Electoral Commission and people appointed to such a Commission must be of good integrity and well educated and they must have security of tenure. They must be free from any bias or any influence from any party or office and appointment must be through pParliament after passing the ethical and moral test. Registration of voters must be continuous and free from any inconveniences that scare potential voters from registering. It must be done by the Electoral Commission, which must also have powers to educate the public on how to vote, and their rights as voters. The elections must be held every five years except when there is a state of war or natural catastrophies. The life of pParliament should be five years. Elections must be free from any rigging by any party or individual. Political violence must be prevented at all cost by an independent police force. The elections should be nullified where there are incidences of violence and a repeat done. The presidential elections must be separate from civic and parliamentary elections, this will give better organizational chance and also supervision will be good.

I would also like to say that those contesting for presidency must not be an elected MP, he must contest as an independent presidential candidate because some use presidential race as a pinpoint to getting elected to pParliament. The pPresident

and vice president must be elected directly by the wananchi and the pPresident must name his vice president so that we do not have the inconveniences of appointing a vice president, firing, and a lot of instability and political squabbling. The pPresident must pass a moral test and ethical test and must not have any criminal record and must be a person of high integrity. A pPresident must have attained at least a level of C+ at form four level or equivalent level and not necessarily a degree or a diploma so long as he can understand issues properly. Civic candidates must have attained a form four level of education. Mayors and deputy mayors must be elected by the population directly so that they can serve the interest of the population and they must pass ethical and moral tests. In case the office of the president falls vacant, the speaker of the national assembly should assume control of the government for a period of 90 days during which elections would have been held and our new pPresident elected. The speaker should not be allowed to have any interest or contest such elections.

There should also be provision for independent candidates to contest in parliamentary and civic elections, this will cater for those frustrated by their parties for parochial interests. A pPresident must get at least get 50% of the votes cast in addition to 25% of the votes attained in at least in five provinces so that our pPresident will have a national outlook. But an MP should pass by simple majority and a councilor should also be elected by simple majority of votes. An member MP must represent a fixed number of voters and should not be based on geographical or tribal considerations except in municipalities where population can be allowed to be higher but not twice the number that is allowed for any constituency. There should be mechanisms to impeach a sitting pPresident if he cannot perform properly or he is contradicting the Constitution. The Constitution should be supreme and should not dissolve parliament at will, although the pPresident has that must have powers and they should be checked the pParliament and he should always invoke those powers through the approval of pParliament even when there is war, he should not do it individually. A pPresident should be prosecuted so that he does not abuse the office when he is sitting. The MPs should also be impeached so that they serve the interests of the population, there should be a mechanism to impeach an MP who is not performing so that we do not have such an MP who is making technical appearances like it happens in a period of five years and he is squandering public money.

The last two points, I would like to talk about cultural values. They should be applied upheld by the Constitution, for example here in Igembe we have our traditional values, that is the council of elders and whatever is recognized as customary laws, so long as they do not conflict with the interest of other people. If possible there should be a council of elders paid by the government they way Chief Kadhis are paid to arbitrate on issues that relate to customary laws.

Last but not least I would like to talk about miraa. Miraa is an old plant, it has cultural roots, we have used it in marriages and you could not get a daughter here to marry, to marry somebody's daughter you have to present miraa, so it is highly honoured here and it needs to be protected by the Constitution. There are some quatters that have tried to relate miraa with bangi simply because this because maybe maybe in towns in town people who misuse hard drugs and they are abnormal, maybe they are mentally sick, they are seen chewing miraa, people think it is miraa doing this. I want to be given recognition, it is a major cash crop here and a good research should be done, it should not be condemned from biased information. Thank you very much.

**Com. Zein:** Ninajua mzee umeuinua mkono kwa sababu umeona mzee mwenzako alipewa fursa, mzee nitakupa fursa lakini vile ninafanya, kabla sijampa mtu wa ule wa exception, yule ambaye hayuko kwa list anataka kupewa nafasi, ninarudi kwa list kwanza. Ninafikiri hiyohuo ndio mfumo mzuri, nikipeana tu watu sita wale wanapewa ruhusu hata wale waliokuwa wakitoa ruhusa watachoka wakatae na ruhusa yao, au sivyo? Sawa, wacha nirudi kwa list kama watu wawili halafu nitakupa mzee fursa. Rev. Japhet N'toiti, hayuko, Job Mwenda, karibu.

**Job Mwenda:** Kwanza jina langu ni Job Mwenda lakini labda utaniruhusu nizungumze Kimeru.

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**Com. Zein:** Unaruhusiwa yule kijana wa kutafsiri yuko wapi? Ameshataja jina lake na nimeelewa.

**Job Mwenda:** Bwa mbere kwithirwe kuri na kuthikiirwa kwa Katiba ii ni muntu wonthe uria uri mukenya. (*in Meru dialect*)

**Translator:** First, he is proposing all views from all Kenyans must be adhered to

**Job:** Bwa yeeli, sheria ithomethue mukenya wenthe niuntu ira ituire o ti babaingi bacicii na ndeenda muntu mukenya wenthe amenya sheria ira ikwatha nthiguru yeeke.

**Translator:** and when you come up with the new Constitution people should be taught in schools and in public forums, people should be conversant with that new Constitution.

**Job Mwenda:** Kaangi ni chief ndeenda kinya bo bataarawa na kuura ya uria tukutaara ma-councillor na tukutaara MP na raisi na kuura niuntu nikeenda aritira wananchi bau Ngugi bwega.

**Translator:** Chiefs should be elected directly by wananchi.

**Job Mwenda:** Nchoobi cia kienyeji irienda itawe buru niuntu niikuthuukia antu babaingi mno.

**Translator:** Let us come with a provision that bans the produce local brews.

**Job Mwenda:** Miti imenyeerwe mno mno miraa iri gatigati kaayo niuntu miraa ni muti yura mumeru aguranaa nacuo na nocuo kinya yureeta ruteere ruungi mbeeca, tontu buu riria yukutajwa yuri uu kintu kia kulebia ti bwea, ndeenda yutambuliwa yuri muti yumwega na yubuui.

**Translator:** Miraa should be recognized in the new Constitution that we are coming up with.

**Job MwendaJob:** Waamba ndeenda buyukirua hatua iinene mno mno waamba bwa ng'ombe niuntu ibukuthiinia antu bamwe na bakaa nkia buru.

**Translator:** Let us come up with a law provision that will safeguard people from stock theft.

**Job Mwenda:** Mwana ndeenda athomethua ni thirikari mwanka kukinya university niuntu aciari bamwe batikuumba kuthomethia aana.

**Translator:** He is proposing that the government should make education free, from primary school up to university.

**J**

**Job Mwenda:** Ruteere rwa cibitari kinya ruo ni naamwe kukuuma mno tontu buu ndawirua thirikari irwomereete ndawa.

**Translator:** Medical attention should also be free in this country.

**Job:** Miunda niikarite ithiniitie antu babaingi mno mno miunda ikayukia igita ria miaka ithatu kuyukia muntu akayukia title iria iri yaawe na uu atikulicua ringi keenda aumba kwendelea. **Mwenda:** (in Meru dialect)

**Translator:** Let us have a land policy that after three years people will be having a guarantee to own land.

**Job Mwenda:** Naamwe na naamwe utonga bwa kenya butikugaanwa ura kubuui na ndeenda utonga bwa kenya, mukenya weenthe akabuwirirua ura bwaana na uria bukari na untu buu bukaayanua ura kubuui.

**Translator:** Let us have equity in the national wealth.

**Job Mwenda:** Kuromba kwithirwe kwitikiiritue o ya uu kwitikiiritue ni Katiba iu itwire oo, endiiu urombi bwa nkoma bwithirue butio.

**Translator:** Freedom of worship should be emphasized and mostly they issue of devil worship should actually be curtailed out.

**Job:** Aana baewe rugai baganenie kuuma kiri muciaru mwana wa mwari na mwana wa muthaka.

**Translator:** Equal distribution of family property both to sons and daughters.

**Job:** Ka muthia ni ntaano cia ari niibati kuura buru ndeene e kenya.

**Translator:** Female circumcision should be totally prohibited in this country. Thank you.

**Com. Zein:** Thank: Thank you very much. Michugu David.

**Michugu David:** I have the following proposals. The pPresident should not be above the law, since the immunity brings about .....about.....(...(inaudibleInaudible) because our pPresident makes a lot of utterances on the road sidesroadsides which becomes law everywhere and everytime. The power to padrdon should be vested on the jJudiciary and not the pPresident, this is because he cannot pardon his own critics, for example the case of 1982 whereby there were people like Ochuka, Okumu, then the by-election whereby no opposition who has ever won any petition, to quote but a few, Musikari Kombo, etc. Election date should be constituted for clarity. President should not be the chancellor of public universities, if he must, he must be a professor and have experience in the same leadership.

Presidential appointees should have parliamentary approval. The power to disappoint and fire and should be abolished to avoid this suffering most of our servants do experience when they are sacked during lunch hour bulletins. The government should be headed by a literate neutral person like the speaker during elections. The winning candidate in the presidential elections should gather up to 51% of the votes casted without which there should be a run-up. Parliament should control its own life, dissolution or otherwise should not be vested with the pPresident. pParliament should approve government expenditure, they should have powers to remove the president through vote of not confidence, impeachment or otherwise.

To protect childrens' right, the government should entail reach the following;; have budgetry allocation for co-curricular activities in schools from grassroots to national level. They should be exposed to such activities from primary level because most of them are talented in different ways, in sports and others. The ministry of education should make it mandatory that each district has a special school to cater for special needs such as the blind, the deaf, the physically disabled, the mentally retarded, etc. The orphans and urchins should be rehabilitated and be catered for by the government through funding and building of homes and schools.

To fight corruption, the Constitution should create an independent corruption authority, which should have powers to prosecute. tThose involved should have their property repossessed and barred from holding any public office in future. The public land should be under citizens care not an individual like the pPresident or the commissioner of land, who would havehave powers to allocate land. The irregularly allocated land to individual should be revoked. Individuals in possession of large chunks of idle land should pay taxes, that is fertile land should be used for production to cater for the marginal and unproductionve parts of our country. Food and healthcare should be a basic need and no Kenyan is supposed to die, if a person dies of hunger or health cases whereby the government can supply drugs, the government should be liable to compensate that person or victim. Airwaves should be liberalized, so that Kenyans can have access to information. This monopolistic system brainwashes and intoxicates, take an example of KBC which broadcasts countrywide. Citizens should not live in a vacuum in rural areas while those in major towns can access to every bit of information during this era of globalisation. Kenya prisons should be accessible to humanitarian organizations to assess their worthiness whereby they should be rehabilitating instead of punishing.

**Com. Zein:** Ungesema mawili ya mwisho, nishakuongeza dakika moja kisiri.

**Michugu David:** The number of constituencis or the boundaries should be based on the basis of demographic and geographic characteristics. The Constitution should entrench one man one job to reduce unemployment and finally the government should do away with the provincial administration which is a creation of colonialist way of oppressing from grassroots to the national level. Thank you.

**Com. Zein:** Thank you very much. Mzee, ulikuwa umeninunuliaua mkono, jina lako ni Isaiah N'tobwana.



**Isaiah N'tobwana:** Asante kwa wazee wengine na nitazungumza kwa Kimeru. Uuni kankuua ura nkwenda kubwira kulingana na nteto ira iri kuu, inkwenda batwi antu baa ba landi muntu akaringa nthenge muunda ywawe yutibwirite kwebela ara ywari nuntu niywo aaringire nthenge na yutibwirite kwendua, yubwirite kuria o uu. (in Meru dialect)

**Translator:** I am proposing in the case of land issues or in the case of land policy whereby you find that there are land cases some of them that have undergone some form of traditional forms of following, one who has undergone this form of training must be respected because in most cases, example, you find that a case has gone to njurinjeke and there are other customary ways of determining who is the owner of the land. So he is actually proposing that one whose decisions are out, they is .....(inaudible) he must be respected.

**Isaiah N'tobwana::** nNoontu akuru baa ba njuri bara baringithacia nthenge nibakwona matatizo ya muumo rira muntu akeenda kuringa ntheenge na akeendia muunda yuu yuri counthe kana akaremerwa nacuo akarea kunenkerwa.

**Translator:** The reason he is suggesting this is that there is a lot of hardship that once this land keeping havecases undergone this traditional or customary way of following withwho is the owner of the land and all that, it is becoming hard with if what is he is suggesting is not carried out or followed up.

**Isaiah N'tobwana::** Neendi antu au itukwona ari na thiina niuntu akuru barineenkerwa kuuma obisine ira ya kinya kwa PC kana ku indi yweya yukaremeera na landi naa, bakarea kunenkerwa.

**Translator:** So this mix-up between the cases coming from the land offices and the cases that have been handled by this traditional or cultural way of handling land cases in this area, is in conflict. So let us have a policy that will address the two policies, that is the land policy and the traditional way of land determination in this area.

**Isaiah N'tobwana::** Bwa yeeli, inkweenda mianka yaathuranwa kuuma kiri thamburu, kuuma kiri Turkana, kuuma kiri Somali na Borona.

**Translator:** Secondly, he is proposing that the new Constitution let itshould clearly and categorically put up the boundaries between the Meru and their immediate neighbours, Somalis, Boranas and the rest. Let us have a provision or law in the Constitution that identifies the boundaries or respect the boundaries that were there.

**Isaiah:** Niuntu antu beetu nika bawiita na mbeere kwingia nikeenda ana beetu beeta naa batikeeye kwirawa ibwakilire miankene ya baangi.

**Translator:** The main reason for suggesting this is that they don't want conflict between us and our immediate borders.

**Isaiah:** Bwa yathatu, bura nkweenda wiikira maanani kabisa, ni miti ii yeetu miraa ira tuuranaa nayo batwi tukatua miraa, tukaita kuura mwari kwa muntu fulani. Niyo tutikwenda nayo iitwa kintu iikithuuku kana irianirwa na kiintu kenda ithuuka, iriyanirua na baangi, kana karafuu kana kulebia.

**Translator:** Another important point I would like to emphasize in the new Constitution is concerning the issue of miraa and the traditional and cultural values that miraa is attached to. He is emphasizing that miraa should be protected by the Constitution or actually we have a provision in the new Constitution that will protect miraa so that we don't have people now coming up with propagandas or trying to make it similar withmix it up bewteen other drugs like bangi. So he is proposing that let us have a provision to protect miraa specifically in the new Constitution.

**Isaiah N'tobwana:** Bwa yana bura nkweenda kuua nayo thirikari itutethie, ni kuringana na aana bara bakuthooma muciaru aumba kwaacia mbia cia kuthomethia mwana, muciaru akathiriria kuuma form four, wee akathirirwa ni inya hau, muntu uu nawe akaurira atiatu au na ni muntu o kithirikari na ni muntu urathiria au na I muntu uroomiila, uramenya mantu yoonthe itukwenda twoyerwe nue I thirikari, ni kaaba aeeta na mbere akathoomethua aeeta kethira I university halafu akaandikawa kinya I thirikari akariaa kintu kiu kioo kethira I mbeeca iria aitite bura, akaiitawa nau.

**Translator:** The other point is concerning education whereby you find after form four most of the students are finding it hard to continue because of due to lack of money. Let us have a provision to say that after somebody has undergone form four education let the government come in to provide assistance in form of funds or maybe in form of bursaries so that if somebody is joining university or middle colleges, it will be in the hands of government to assist these students. (end of tape)

**Isaiah N'tobwana:** Bwa yatano inkuroomba kiri antu baa bakuthuuranirwa mantu ya Katiba, muntu aka akaukumia kiri kanisa na kienyeji eeta kuruthanacia njuri na kanisa.

**Translator:** Their traditional values or attachment traditional cultures and the churches in specific so that there is no conflict between interests that is the church or and local organized group.

**Isaiah N'tobwana:** Mwa muthia kana bwa yatanthatu ndaaromba antu bara bautia twana micii baatua utwitaa ikombe kana ngiraci, twana tuetwa ngiraci ringi, muntu akeeya kutia kaana mucii ywa muntu uu nabwirite kumenyewa buru naathuukitie niuntu naathuukangirie mwari ura aramuteera Sukuru na abwirite kuyukia kaana kau inya kethira atikwenda mwari.

**Translator:** Another thing is to have a provisional law that tries to protect people or students, for example Iwho have dropped out of school I have givenor those who give birth and other things, let us have a law that will protect these people so that they will not be used and misused by other things.forces.

**Isaiah N'tobwana:** Buungi buu nkuroomba ni koti ii ya akuru nio iikirwe niuntu niyo itialukaa na nio itiritaa Ngui aancia weeta kotini ukarukwa na mbeeca, ukaathithua yaangi, iitikirwe iithirwe iri mengira yoongwa I-registiri naara niuntu bwa kwithirwa yoo itiuukumawa akuru o ura baitire bo kutiri mukuru uukumaga na nika akuuru baaracia baanene, uu ngiraci.

**Translator:** The final point is concerning the recognition of njurinjeke. Let it be mandated to handle local issues concerning

land cases and other case that are happening at the local point.

**Isaiah N'tobwana::** antu baa ba freedom fighters, yaani bara baari kithakene, inkuomba nabo boonerwe nafasi niuntu antu bau bateerwe ya kintu kitiina baita bataawa nja kuuma kuraira uciathi bo baratawa nau barairwa itumi baatura uu tu.

**Translator:** Finally I am proposing that the freedom fighters of this country should be recognized and be compensated for the noble job they did for this country. Thank you.

**Com. Zein:** Asante sana mzee. George Munene, William Maore, Charles Nkunja, Cypriano Maore, Peter Muthee.

**Peter Muthee:** Maoni yangu ni hawa watu wanaitwa mawakili. Hawa watu ndio wanafanya watu ambao hawana pesa wasipate haki za koti, kwa sababu ikiwa hauna pesa ya kuajiri wakili unaenda kotini na unashindwa kwa kesi. Tena ningetaka watu wanao shamba acre nyingi kama vile wazungu, iwe reduced to 1000 acres. Upane wa kuajiri watu, watu wachukuliwe wakiwa sawa, kama ni degree ni degree sio ati kwa sababu mtu ni mzungu anaingia kuajiriwa hapa Kenya, lakini mkenya akiwa na degree kama ya yule mzungu hapati kazi. Sijui kama ni rangi wanaona ama ni nini. Asante.

**Com. Zein:** Asante sana peter. Joshua Mwenda. Ningeomba nimpe ruhusa nimruhusu mwalimu anayefunza hapa amekaa ametoka darasani kutoka wakati huo, atoe maoni arudi shuleni. Meme Patrick.

**Meme Patrick:** Thank you Commissioners and the rest who are here. Mine is very brief. First of all I would wish to say something about the appointment some of these very senior people in the government. Beginning with the VP, we realize this is a very sensitive area that clearly it should not be left to the hands of one person. So I propose that such appointment must be made either directly by the people or the Parliament. In the same note I would also suggest that people like the head of parastatals and commissioners or chairmen of commissions, such offices like the AG office, the AG himself should be a person either appointed by the government or vetted by another authority.

Schools: I feel that law of sponsors has really outlived its usefulness because presently when you hear sponsors is when they have a problem to post especially when a new headmaster has been posted to this place. So I propose that this law should altogether be abolished or continue. Therefore we should have them doing something not just existing by name.

Something else I would like to say is about the change of Constitution itself. You realize that from time to time this thing has happened so much that we ended up with something like a constitution crisis. So I feel that should a Constitution has to be changed at any one time then the number of people who should vote as the members of the house should be at least 85% to ensure that this thing does not keep changing all the time.

About passports: Being a very important document I say feel that every Kenyan should really be given a chance to get it

whenever he wants to facilitate his movements. Therefore they should be decentralized and the process be made easier than it is today. Regarding the teachers, I also feel that as far as some code of regulations are concerned, whereby the teacher is expected to have confirmationask for permission if he wants to go out of the country. Really I don't think it is necessary as long as that teacher will not miss his work, he will ould continue working therefore I don't see why he should not get permission.

About those vying for parliamentary posts, the current law I think is saying that they have to leave their jobs first before they are allowed to vie. I think the law is not reasonable and it should not be there as long as somebody will work. I don't see why he should lose his job, he should go vie if he loses well and good he will go back.

I should also add something on miraa, I also feel that it must be recognized as a cash crop just like other crops in this country. I recommend that the government perhaps get out of this, either through the councils or any other channels it should be left to the local area to be hhelp in the ing them development on projects. There should also be a Constitution rather mechanism enforced by the Constitution so that those flouting the Constitution should be answerable, actually punished. Because in the current issuesConstitution, laws of flaws are broken, the Constitution is not followed and people just go scott free. I also propose that ministers appointed to head ministries should have professional knowledge in the ministries. I also feel that the government should establish a fund that will cater for the disadvantaged and especially for the unemployed, moreso those who have some professional qualification. I suggest they be given unemployment benefit so that part of the money of those who are employed can be gotten so that these fellows can at least have something at the end of the month. Also I feel as much as possible the Constitution should ensure that an individual should not have more than one job, this will also reduce the unemployment we are currently experiencing.

Lastly and not the least, I feel that the Constitution should state in place the mechanism that is stipulates some basic salary that an individual should earn, because you realize in some areas some people earn very little yet they are working either in private sector or with the government. So there must be a basic sort of wage. Thank you.

**Com. Zein:** Asante sana mwalimu. Asante sana wananchi watukufu sasa ningemuomba Commissioner mwenzangu mzee Ratanya aendelee.

**Com: Ratanya:** Asante Commissioner Zein. Kwa hivyo nitaendelea kutoka hapa, yule nimitamuiwita sasa ni Jeremiah N'tobM'athiru.

**Jeremia N'tobiru:** uuni ndiaria na Kimeru, mbitawa Jeremiah M'athiru na na ndiraria ruteere rwa nursery school. Nursery nituawe arimu bateetherue ni thirikari ndeene e nursery. Bungi nabuo ni amba bararemera aa batworoera antu boothe bakuthiria ba ng'ombe nakuo tutethue antu au ni thirikari. Ntina ya maingi ya kuua. (in Meru dialect)

**Translator:** He is proposing that let us have a provision whereby teachers will be catered for by the government and security

should be beefed up by the government in this area. Thank you.

**Com. Ratanya:** Geoffrey Kaithima, Julius Kiamati. Ibwea mno Jeremiah M'athiru kiri mantu yara waweta kwa ukui na yameega. Twite kiri Cypriano Muungania. Cypriano Muungania ee ku. Kama ukiitwa weka mkono hivi ili tujue kama yuko karibu. Cypriano ari kuo? Okey, Geoffrey Kaithima, hata huyo hayuko, Julius Kiambati, ita na mbere Kiambati.

**Julius Kiamati:** Ya kuwanza, miraa yetu itambuliwe kama majani chai na kahawa. Ya pili ni uwezo wa Rais upunguzwe. Lakini awe na uwezo wa kusimamia nchi na uvamizi kutoka nje kama mikasa ya kitaifa. Ya tatu, utawala wa majimbo hatutaki, kwa sababu majimbo mengine ni masikini sana. Ya nne, Katiba iundwe ambavyo italinda mali ya umma na kumaliza ufisadi serikalini. Ya tano, ni ma-chief wawe wakichaguliwa na wananchi ili wananchi wajue wale ambao watakao wafanyia kazi mvizuri. Ya saba ni mila zingine za zipigweamani zitupwe marufuku, ni kama kuo urithi wanawake kwa lazima, kutairi wasichana na kutairiwa wavulankwa vijana kwa vikundi kiwanjani.

Katiba itengenezwe ambavyo kama vile wizara zile ambazo hazina maana serikalini ama zile ambao zimefanana zivunjwe ili pesa zake zipelekwe katika wizara zya elimu, ili ziajiri waalimu na kwa kuwaongezea pesa. Ya tisa, waalimu wa nursery waajiriwe na serikali kwa sababu hata wao ni waalimu. Ya kumi, chief ama sub-chief moja wao afutwe, kwa sababu wote hawana maana sana ni mmoja tu anaweza kufanya kazi ya mwengine. Ingingine ni kuhusu sheria, jaji ama mkuu wa sheria awe akichaguliwa na wanasheria wenyewe.

Sheria ingine ni ya kulinda mama yatima kwa sababu ya madungu ywa bwana yake. Kila mtoto ana haki ya kurithi mali ya baba yake, awe msichana ama mvulana. Ingingine ni kuhusu wabunge ambao awahuthurii vikao vya Bunge bila sababu, wakatwe mishahara. Wabunge wasipewe sheria ya kujiongeza mishahara wao wenyewe. Ni hayo tu.

**Com. Ratanya:** Asante sana Julius. Teresia Koolo Mung'eria, Geoffrey Kaithima.

**Geoffrey Kaithima:** Thank you commissioners and the public.

- 1) The Constitution should be written in simple language that will be understood by all. It should also be written in vernacular of all the communities in the country.
- 2) The Constitution should be taught in both primary schools and secondary schools, in civics education.
- 3) Due to lack of employment, nominated MPs should not be retired government officers and they should not be given cabinet posts.
- 4) Defecting MPs and councilors should first alert the speaker of Parliament that they want to defect. There should be at least a half the number of MPs in the Parliament at any session.
- 5) The Parliament should vet all the appointments of senior civil servants made by the President, e.g. permanent secretaries, parastatal chairpersons and Chief Justice.

- 6) Miraa should be considered like any other cash crop in Kenya. First it should fall under agriculture act.
- 7) The government should employ all the trained school teachers on permanent and pensionable basis through the TSC.
- 8) General elections dates should be specified by the Electoral Commission of Kenya and should not remain a secret weapon.
- 9) The quota system of callingenrolling pupils to form one in provincial secondary schools be abolished.
- 10) Ten, all MPs should have offices at their constituency headquarters or at a strategic place where they are accessible to the electorate.
- 11) MPs who abandon their constituency or electorate should have a vote of no confidence or should be impeached through writing a memorandum by at least 1500 people from every location.
- 12) All primary school headteachers should be treated like managers and be given better responsibility allowances together with their deputies and even senior teachers.
- 13) All government employees be given better salaries that will enable them cater for their families and even educate their children to and stop them from engaging themselves in business.
- 14) In case of any retrenchment of government officers, all the trenchees should be given benefits of about 500% about depending on the number of years one has worked.
- 15) The pParliament should determine the number of ministries and not the pPresident. Thank you.

**Com. Ratanya:** Thank you very much Geoffrey Kaithima for keeping time. Martin Njeru Ntonjiri is an observer, Mwalimu Kaberia, Julius Kamati, Julius Kobia, John Mwenda.

**John Mwenda Igoya:** Nitaongea juu ya eExecutive. Ningependa wakati Katiba itakopobadilishwa, pPresident asiwe juu ya sheria. Mkuu wa sheria awe anateuliwa na wabunge. The Attorney General should be elected also by the pRarliament. La pili, mamlaka ya rRais ningependa igawanywe na wabunge kama vile kuhairisha bBunge na kuvunja bBunge, iwe ni uamuzi wa wabunge wenyewe. Upande wa administration, chief na manibu wao ningependelea wawe wakichaguliwa na wanachi kwa njia ya mlolongo ili tumalize corruption katika ofisi hizo.

Koti iongezewe power ya kufanga wale watakaopatikana na utengenezaji wa pombe haramu kwa sababu siku hizi wakikamatuwa kwa ile sheria ilioko, hawapewi faini kubwa wanaenda na kulipa deni faini ndogo na kesho wanarudi. Kwa hivyo sheria hiyo ikiongezewa tutamaliza hiyo upikaji wa pombe haramu. Ningependa pia hawa wapikaji wa pombe haramu wasikubaliwe kupewa bond au .....(inaudiblecash bail) wakati wanapokamatwa nikwa hiyo upikaji yawa pombe yzao kwa sababu wanakamatwa, kesho wanarudi wanaanza kuwacheka wale waliokuwa wamewakamata jana katika Katiba iliyoko saa hizi. Upande wa polisi, ningeomba wakati tunapobadilisha Katiba, wananchi watafutiwe ofisi ingine kwa sababu wakati afisa wa polisi ambaye anatendea mwananchi unyama na hana mahali popote pa kwenda, . Katiba ya sasa ibuni ofisi ingine ili e wananchi wataenda kupiga ripoti ilie huo askari ashtakiwe. Jambo la pili, katika upande wa police. Upande wa customary law au utaratibu wa kitamaduni, tamaduni za mkenya yeyote ziheshimiwe, isiwe ikaangiliwazisije zikaingiliwa na tamaduni za watu

wengine, kwa sababu kila kabila iko na utamaduni zao. Upande wa kuvunja sheria, Katiba ya sasa haitilii maanani sana kwa wale wauwaji wa wengine hata wao mara nyingi mtu akiua anaenda kotini anapewa bond au anapewa cash bail na kurudi, atakuja na kuendelea na hayo.

**Interjection Com. Ratanya:** Mwenda, jaribu kupeana mapendekezo yako, specifically.

**John Mwenda:** Ningependelea upande wa mashamba, tutafutiwe ofisi ingine kando na hii ya judication wakati Katiba itakapo badilishwa. Kwa hayo machache sitaendelea, asante.

**Com. Ratanya:** Asante sana Mwenda. Kuna yule nilimwuita ninasikia yuko hapa, Teresia Koolo Mung'eria.

**Teresia Koolo Mung'eria:** Bwana Commissioner and the audience, mine are written in points and are mostly based on women issues.

- 1) The new Constitution should eliminate the violence against women.
- 2) There should be property rights to all children, both male and female child.
- 3) Recognition for freedom fighters.
- 4) Assess and control of resources, especially the married mothers.
- 5) There should be provision of adequate health facilities and policies especially in rural areas.
- 6) There should be equality in employment for both men and women.
- 7) Groups money that is donated by different organizations should be protected by the law because this money is maybe mismanaged by some of the people.
- 8) Local brews should be abolished by law in the new Constitution.
- 9) Political parties have provision for individual candidates.
- 10) Appointments of judges should be done by judicial commission of laws of Kenya.
- 11) Women should be given equal responsibility in leadership.
- 12) There should be direct election of mayors and chairmen of councils.
- 13) Title deeds should have both names of persons incase of marriages, they should have both names of a man and a woman who are married.
- 14) The government should get rid of wife inheritance, it should be put in law.
- 15) Simple land cases should be transferred to legal experts in their areas at their capacity.
- 16) The land demarcation issue should be limited by the Constitution to bring between three to five years to avoid over stretching of resources. I have finished my recommendations.

**Com. Ratanya:** Asante sana Teresia, umetumia masaa yako sawa sawa. Tutaenda kwa anayefuata Margaret Kamwate, huyuko, Jackson Kairiama, Francis Leboni, James Aronga, Joseph Njilu Meme, endelea.

**Joseph Njilu Meme:** Yangu ningesema ya kwamba serikali iwe inaangalia ama inatunza wanyama wa porini kwa sababu wanasumbua wakulima sana, na pia kama mimea itaweza kuharibiwa na hawa wanyama, serikali iwe inafanyia wakulima compensation. Ya pili, mahospitali ya serikali kama dispensary na hayo mengine, yawe ni free ili kwa common mwananchi aweze kuhudumiwa vizuri. Ya tatu, serikali iwe inasema mambo yale ambayo itaweza kuyatekeleza au kama yale itaweza kuyaendeleza kote nchini, e.g for example., munujua ya kwamba mfumo wa 8-4-4, maziwa ilisemekana ya kwamba itapeanwa kwa kila shule, lakini sehemu nyingi haywapati hayo maziwa na pesa yza serikali zinatunika kwa upande wa maziwa. Ningeonelea mimi kwa katiba ambayo itaundwa ikiwa mpya, hiyo hali ya maziwa iondolewa iwekwe vitu vingine kama chokaa ambayzo zinanunuliwa na wazazi shuleni. Serikali i-provide for that badala ya hiyo maziwa inunue vitabu.

Tena ningeonelea hii uu mfumo wa 8-4-4 system, serikali ipeane free education kwa primary, kutoka standard. one hadi standard. eeight. Inge ningesema ya tano, serikali iweke maghala yao katika kwa district kwa sababu wakulima wanapata shida sana wakati wa kuuza mazao yao, wanakosa soko ya kupeleka. Kwa hivyo serikali iwe inanunulia wakulima vyakula ambao wanalima. Ya sita, waalimu wa nursery waangaliwe pia na waingie katika TSC aAct. Waalimu wale ambao wamehitimu na wamefuzu kwa chuokutoka vyuo vya za waalimu. Ya saba, FGM should be abolished in Kenya. Hayo ndio yangu machache niliyokuwa nayo.

**Com. Ratanya:** Asante kwa hayo machache bwana Joseph, sasa twende kwa FVestus Kobia, hayuko,? Henry Mbaabu.? Mbaabu eetera aniini ura uku-interpret eeye.

**Henry Mbaabu:** Bura nkweenda Katiba e riindi ithirwa irikuo ndirienda ng'ombe cietu rira ikwiywa tukoomba kutethua I thirikari ikatuthiatiria kinya na ndege na ngari na kinya tukatangazirwa na radio ura cithiatitwe. Na rira ikoonekana kwatuika na ikawatirwa, kinya yeethirwa ni uu ithano ciawatikana kukatwika ng'ombe cionthe ibatirie kuyukua ira cirri au ikariira ng'ombe ira iraurite. (in Meru dialect)

**Translator:** I am proposing that the new Constitution let us have a provision or a law that will protect us against stock theft, let it be clear on the way the mechanism of protection and how we shall be protected onagainst stock theft.

**Henry Mbaabu:** Bwa yeeli, mbeba cietu cia kua nacio itukwenda ciithirwa rira ikariwa, tukareeterwa haraka niuntu rimwe niikucumbura mwanka kukatwika kauwa I kintu kimwe kiaeere kia utheri aancia mbeba itumbaa kwonekana, na ikate igita riiraya muno ikionekana. (in Meru dialect)

**Translator:** My second point is concerning agriculture, the policy on coffee you find that our coffee has been used and misused. So he is suggesting having a policy that would actually make far much benefit in terms of payment and pricing of coffee.

**Henry Mbaabu:** : Bwa yathatu, borisi nio niibwirite kwithirwa iai ngaari injea niuntu rimwe ikuonekanaa thiina kuatwika itina



kinya ngaari weeta ukeerwa naanga ukaura mauta kana ukeethirwa wiina ngari yeeku. Kwou muntu ura utiina ngaari atiumba kuumba kusaidiwa I borisi niuntu Ikwithirua atina ngari, kookaria utheri indi kukatwika antu au boorisi kuti ngui ikwithirua ikiritaa bubwea. (in Meru dialect)

**Translator:** My next point, we should have a provision that will protect police officers or that will cater for them incase of maintenance of their vehicles, so that they can assist mwananchi without any problem.

**Henry Mbaabu:** Bwa yaana, nthi yeetu nibwirite kulindwa I sheria nikwithirwa niuntu niyo tutumaira kubwitha sherehe cietu cia wameeru, na mantu yoonthe sheria iria ibwithikaa cia Kimeru niciithairwa miraa ikienda kutumika antu au kwa hivyo nibatirie kulindwa imiea ingi untu waumba gukara na into bibingi. (in Meru dialect)

**Translator:** Due to the economic factors point of its cultural value attached to miraa, we are recommending that it should be recognized in the new Constitution that we are going to have harvest like any other crop.

**Henry Mbaabu:** kwou yakwa I yau ti yamaingi.

**Translator:** Thank you so much that is what I had.

**Com. Ratanya:** Asante Henry. Kimani John, Erustus Mbiko.

**Erustus Mbiko:** Asante Commissioners and other civil servants of the government. Maoni yangu tu ni machache sio mengi. Maoni yangu ni hivi, Rais apunguziwe mamlaka, asiye kuwa na mamlaka. Ya pili, mkuu yule ambaye atasimamia university zote, awe ni waziri anayehusika kwa masomo na asiwe ni mtu ambaye hana degree asimamie, iwe ni mtu ambaye ana degree ndio atasimamia chuo kuwaama chancellor mkuu.

Pili, judge mkuu asimamiwe na Katiba. Attorney General pia asimamiwe na Katiba sio Rais na msimamizi mkuu wna mkaguzi wa pesa zote za serikali pia awe anasimamiwa na Katiba. Ya nne, mwenyekiti wa tume pia awe akisimamiwa na Katiba.

**Com. Ratanya:** Tume gani?

**Erustus Mbiko:** Ya serikali.

**Com. Ratanya:** Kuna tume nyingi ya serikali, tuambie ni tume gani, kwa sababu kuna ya uchaguzi, kuna tume nyingi.

**Erustus Mbiko:** Ni tume kama hii ya uchaguzi. Inge ni hii, sheria ilinde mkenya yeyote na kilimo kifufuliwe kama kahawa, hiyo sector imepotea kabisa. Ya mwisho, serikali iwe ikielemisha watoto kutoka nursery mpaka university free, kwa sababu ile kodi au fees tumetoa ni pesa nyingi sana.

**Com. Ratanya:** Umesema kutoka nursery, primary, secondary na kwenda mpaka university.

**Erustus Mbiko:** Bure. Ingingine ni serikali iwe ikilinda watu wale ambao hawana nguvu. Kulinda ni kusema nini,? kKulinda ni kuelimisha wale walemavu kama viwete, serikali ichukue hatua ya kuelembisha hawa na kulinda mali ya wajane kama ya akina wanawake. Na serikali pia ileinde wimachokora. Sina mengi.

**Com. Ratanya:** Asante sana mzee kwa hayo maoni yako. John N'tomiru, Mbaabu Leonard, Dr. Musa N'tokilovo, Jacob N'tonamba.

**Jacob N'tonamba:** Asante sana bwana Commissioner, yangu si mengi ni machache. Ninaanza kwa kusema hivi, mamlaka yatakaye tawala Kenya yote yasipunguzwe kuteremka chini, yawe hivyo h ilivyo vile tumeona. Ya pili, homeguard ambao rRais alisema waandikwe kutoka 1992 hadi 1993, awafikiria e kabla ya kaustaafu kazi yake. Kuna wengine walikufa na kuwaacha mama yao hayatima wakifanyia serikali kazi, , katika haokama homeguards. Kwa hivyo ninaomba serikali iliyo sasa ya Moi, kabla kutoka kwa uongozi awalipe kitu kidogo. Ya tatu, serikali iajiri watu wa form four na kuendelea, isiwje ikaajiri watu ambao hawataweza kung'ang'ana na raia ywa kisasa. Ya nne, kune mimea yetu ambayoe inaitwa miraa, inatumika na wazee ambao wako na miaka tisaini hadi sasa, iheshimike sana katika Kenya na Africa mnzima na katika dunia mnzima. Kwa maana wakati wa mkoloni, John ndioNjonjo aliweka sheria hiyo na wakati ywa mkoloni ikawekwa iuendele. Mimea wetu unalalishwa sana wakati tunatumia, tunasikia raha sana tukitafuna miraa bila kutumia anasa ingine yeoyote katika mwili yetu. Ya tano, bwana Commissioner, wachungaji wetu tunapata shida sana mahali tupo, ya kusumbuliwa na wezi. Ninaomba tupewe bunduki, risasi ili tukuwe tunatumia huko na watu wasisumbuliwe na polisi eitherau askari yewowoyote wakati tunafuga mifugo yetu kwa maana tulipata shida sana ya kuuwawa na majirani ywetu na ng'ombe kuenda hadharani kwa miaka mingi. Kwa hivyo ningepomba serikali ile itakayoundwa sasa, ishikilie wachungaji wetu sana hasa wa hapa Mutuati sehemu ya Nyambene yetu.

Ya sita, kutairi mtoto yoeyote ikuwachiwe mzazi. Kwa hivyo ningepomba serikali ya sasa kutairi mtoto yeyote mzazi asije kupata shida kwa umma ama kwa serikali, ikuwachiwe mzazi. Ya saba, bwana Commissioner, sub chief na chiefs wachaguliwe kwa mlolongo na wawe na miaka michache ya kukaa, ishirini mpaka wastaafu. Ya nane, mashamba yetu tuwe tunapatiwa title deed, kwa mapema bila kutumia miaka kumi au ishirini, isizidi miaka tano. Ya tisa na ya mwisho, Katiba ikiisha, sisi raia tupewe vitabu tutumie ili tukujuae sheria inaenda namna gani, sio kama vile sasa tunafichwa na ni polisi peke yake ndio wanatumia sheria hatana ukishikwa usiku nahata ukishikwa na polisi unaambiwa haujui sheria. Vile tunaenda sasa bwana Commissioner ningepomba, ikimalizika sasa na ile sheria itaundwa, tupewe vitabu vyote viwe ni wazi kusoma ili tusisumbuliwe na sheria mara ya pili. Hayo ni yangu machache.

**Com. Ratanya:** Asante bwana Jacob. Sasa tulikuwa tumemwita huyu mwalimu aliyekuwa katika class, ninafikiri ni vizuri kutupea tupe maoni yake kama yuko hapa. Mwimbi Joseph, kwa ufupi.

**Mwimbi Joseph:** Thank you commissioners na walenanchi wengine, nitatumia lugha ya kingereza. First I will talk about legal loopholes. As now we are going to make another Constitution, I know the current Constitution has got a lot of loopholes, I would wish that you reduce most of the loopholes because they have been misused by intelligent Kenyans to swindle public funds and do other very evil things in this country. So the law should be as clear as possible and avoid ambiguity in many cases.

**Protection of public property:** The Constitution should be very clear on what to be done to any person who swindles public money or public coffer at whatever level. It is not only at the national level, even at local places, there are many people who are swindling public funds. On those people who are borrowing excessive loans, we are now aware that there are people who are borrowing upto 800 million shillings from banks and at the same time they refuse to repay the money. Those people are the ones who are crippling the country and then we are told that the economy is bad, there is no way a person can borrow upto 800 million from a single bank, I think here there should be a limitation on how much should be borrowed.

Those people who evade tax, those are also criminals and we know in Kenya there are so many who are doing that and they should be punished by the law which is going to be made now properly. Otherwise they are the ones who are making people to be underpaid in this country.

**Nominations of councilors and MPs,** I am suggesting that nominations of MPs and councilors be cancelled or stopped in future because those people who are nominated are normally not loyal to the people, instead they are loyal to those people who nominated them. Finally the MPs should have a place where they can be consulted in their constituencies thus they should have even a secretary where who can receive the views of the wananchi.

**On the economy** I would wish to say that those people who are found guilty of plandering the country's economy should not be let go scott free, the law should be very clear on what should be done to these people because we have observed them ruining the country for a very long time.

**Environment protection:** The next law which comes the Constitution should provide for the protection of the following natural resources; that is water and water sources, forest minerals, wild animals and even air. There are some countries who are planning to spoil even the air we breathe.

**Remuneration of civil service and teachers:** These people are the ones who help to sustain a government. There should be an act which protects them from a clique of people calling themselves to the government which determines what they should earn. This oppression on economic areas leads to corruption in the offices and schools or opening very wide gaps on the pay packages like the ones we are seeing currently in the country will cause commitment to very many crimes leading to insecurity of

the very people who are awarding themselves the very good pay.

**Com. Ratanya:** Jaribu kumaliza mwalimu.

**Mwimbi Joseph:** Finally I will mention one marginalized group. There should be a law on prostitution whether it be banned or something else be done to the people who are carrying on with prostitution. There is no way we can say that we want to fight AIDS, use a lot of money on reducing AIDS when we are allowing other people to continue spreading the same. Finally the street children, this is the chokara group. I would like the government or the new constitution to have something about this group of people because this is another time bomb which is growing slowly and people seem to ignore it. Thank you very much.

**Com. Ratanya:** Asante sana mwalimu. Mwenzangu hapa Com. Zein anataka kusema kitu kimoja halafu tuendelee.

**Com. Zein:** Habari zenyu tena. Tulipoanza kazi hii asubuhi tuliwapa mawaidha kadhaa kidogo kuhusu kazi hii, sasa unaona mwingine anapumzika anatoka nje kidogo kunyoosha miguu aende mahali pa kujisaidia turudi tuendelee na kazi. Mimi nilipotoka nilipata habari kwamba kuna vijana wachache wamekuwa, ati wamekuja kutumua wametumwa kutisha watu wasitoe maoni, munakumbuka asubuhi niliwaeleza kuhusu Tume ya Kurekebisha Katiba na sheria. Tume ya Kurekebisha Katiba ya Kenya iliteuliwa ina sheria maalum na ma-Commissioner wake waliteuliwa na bBunge na kuhalalishwa na Rais. Sasa ikiwa wewe ni mmoja wa hawa vijana wamekuja hapa, saa ile tunaendelea kuita majina ya watu kuendelea kutoa maoni yao, jifanye kama unaenda kujisaidia uende kabisa, sababu tumeanza kuwachulia hatua mmoja mmoja. Ninapenda kuhakikishia wananchi, waheshimiwa wa sehemu hii, tunazunguka Kenya nzima, una uhuru wa kutoa maoni yako, bila hofu yeoyote, bila kutishwa na mtu, akawa na kacheo kake kadogo, au ana kacheo kake kakubwa, hana uwezo wa kukutisha wewe. (*clapping*) Na akijaribu, na munisikize vizuri, akijaribu tunamchukulia hatua mara moja, simumeona GK cars zimekaa hapo nje au hamkuona? Na hapa tuna security yakutosha, si lazima ati uone mtu amevaa uniform ndio ujue tuna security, tuko na security ya kutosha, wengine tulikuja nao wenyewe na wengine ni wa area hii. Ukajaribu kutisha mwananchi yeyote kuhusu kutoa maoni yake hapa, wewe na huyo aliyekutuma akawa na kacheo kake kadogo au kacheo kake kakubwa, wote ndani, sawa? Kwa hivyo mwananchi yeyote usiwe na hofu ya aina yeyote kutoa maoni yako, na ikiwa mwananchi yeyote hapa ametishwa kuja hapa kwa hii meza uzungumze tuendelee na kuchukua hatua mara moja na kuwachukua tu hivi tufanye nao kazi, au si sawa hivi? Kazi iendelee.

**Audience:** Sawa.

**Com. Ratanya:** Asante sana Com. Zein kwa hayo mawaidha. Ningetaka tena kuwakumbusha kitu kingine ambacho tulikubaliana asubuhi, tulikubaliana kama mtu akipewa nafasi yake, tuliwapatia dakika tano na kwa szileababu tunajua kila mtu ambaye yuko hapa, sisi tuko Commission ile inataka kusikiza kila mtu na tunaheshimu kila mwananchi, na kila mtu hapa

tunataka wakati wa kumaliza awe amesema kitu. Na sasa ningetaka kuwaomba tufupishe kabisa, wakati unakuja hapo useme kwa yale dakika umepewa na umalize ili wote hapa na ambao wengine watakuja baadaye wapate nafasi. Na tumeona kwamba sasa kwa sababu wameongeawamebakia wengi na tukiendelea namna hii, itafika pengine saa sita usiku, ningetaka pengine tujaribu kukubaliana kama vile tunakubaliana kwa mambo mengine. Tulikuwa na dakika tano, na kama tukitaka kila mtu aseme kitu, munataka tu-reduce hiyo dakika tano, kama ngapi hivi,? ilikuwa tano lakini tunaona kwamba ikiwa mbili tutamaliza saa kumi. Mumesema tatu, na iwe tatu, mtu akija ajaribu kusema yale anasema lakini si kurudia yale yamesemwa na tena ukisema kitu fulani, ni kile unataka kiingie kwa Katiba sio kueleza, kama ukisema unataka miraa uwekwe nguvu kisheria, hiyo inatosha tunajua. Ikiwekwa nguvu itatengenezwa mambo yake yote ambayo yanahusu kuweka nguvu, kwa hivyo usije ukazidi kueleza kwa sababu tumesikia hayo. Ukisema point, unamaliza, jaribu dakika hiyo tatu ama less than three ili tuweze kumaliza, asante sana. Kwa hivyo, tuende kwa haraka namna hiyo kwa Beatrice Mithika. Na sasa mtu akiwa karibu hapa ainue mkono ili tuweze kujua.

**Beatrice Mithika:** The following points should be considered in amending the Constitution.

- 1) Female circumcision should be banned in Kenya.
- 2) Land ownership should be joined, that is the name of husband and wife should appear on the title deed.
- 3) Children should be given equal rights, for example, girls should be given land by their parents.
- 4) Land demarcation should not take long duration, it should take a duration of three to four years and owners be given title deeds in time.
- 5) Forests should be maintained because they are there for rain catchments and provide a good environment. Thank you.

**Com. Ratanya:** Asante sana Beatrice, sasa mtindo huo huo tu kama vile Beatrice amefanya. Tuende kwa Geoffrey Mungania, hayuko, ? Samuel Kailemia.?

**Samuel Kailemia:** Asante sana Commissioner, yangu ni machache. Mimi ninaomba kabla ya hii Katiba haijabadilishwa,..... (Meru dialect). Kwa hivyo sasa mimi ninataka Katiba ikianzwa kubadilishwa, ibadilishwe sheria moja ile inaweza kusaidia watu wa Kenya. Serikali kitu ya kwanza mbaya ile inabadilishakitu kibaya kile inafaa ikiwekibadilishe mbaya ni upande wa polisi akiua mtu, akishaua mtu, anaenda anafungua mwezi mbili ama akawachiliwa bure kabla hajafanywa chochote. Hapo ninaona ni mbvibaya sana kwa maana watu wanafanywa kama kuku. Ya pili, ni sheria ikibadilishwa, upande wa chief na sub-chief, wachaguliwe nkwa mlolongo. Asante sana.

**Com. Ratanya:** Asante Kailemia: Tuna N'tomutia Silas, hayuko, Francis Kaliunga.

**Francis Kaliunga:** Yangu ni machache sio mengi. Ninataka rRais asiwe na mamlaka mengi. Inginge sitaki serikali ya majimbo. Kuhusu shule, watoto wapate kusoma bure. Hospitali, tuweze kupata matibabu ya bure hata kuna makundi mengine yanakuja yanaandikisha watu, wanasema ati wanapeana ma-loan, hao halafu wanakuja wanadanganya na watu pesa zao. Sasa ninasema

serikali ya Katiba ya sasa, ichukulie hatua watu kama hao, iweke sheria ambayo inaweza kulinda wananchi mali yaoya wananchi. Yangu ni hayo tu.

**Com. Ratanya:** Asante bwana Francis, N'toatheru., hHayuko,? Mrs Jerusha, ? hHayuko, Charles Ibere.

**Charles Ibere:** These are my views:

Government must licence all TV and radio stations.

The 1991 Kiliku's Inquiry to those who instigated tribal skirmishes, that left thousands homeless, a hundred slaughtered, must be brought to justice.

The evasion of taxes to those who are well-connected within the corridors of power must be tried and brought to justice and prosecuted.

Free primary education for all.

Police brutality should be checked.

Land issue: common mwananchi has been left landless where corrupt demarcation of .....(inaudible). and their juniors punish those who refuse to bribe them.

Rules should be tightened to make a penalty to safeguard some few trees left from the ones used to be forests already swallowed by chiefs and DOs.

Security must be a priority for any leader for the sake of already hospitalized economy like the one we currently have.

Trimming of congested ministerial posts to forsuteenee for the sake of the already dead economy.

Presidential candidates who contest for the first and second race and fail both must be ruled out for bad timethird trial.

**Com. Ratanya:** Thank you very much Ibere. Hapa tuna Alexander Muria, Peter N'toiti, Peter Muriungi.

**Peter Muriungi:** I have some views. I have the pleasure to contribute towards the CKRC 2002, and the following are my views: The office of the local government should be improved from the grassroots such that it can render services to the common mwananchi and the areas that need this improvement are as follows:

**Finance:** The office of the local government should change the format of collecting revenues from the common mwananchi to make sure that the money collected meet the needs of the people concerned.

**Cleanliness:** They should maintain high class in the areas they are collecting revenues, e.g. proper sanitation, drainage system and collecting of garbages and also repairing the area needed.

**Leadership:** Anybody wishing to vie for the post of either mayor, councilor, MP or any other office, should be an holder of ' O' level certificate. For the pPresident one should be an a holder of a management degree.

**Management:** Resources and properties of the local government should be given proper management or properly managed, e.g. for example security. The local government should offer tight security to all the properties in the locality and in public land allocation, e.g. forests, rivers, lakes, and also wild animals.

**Leaders:** In the forthcoming elections, I would wish to ask the common mwananchi to elect people of good morals. The local government should have the full responsibility and power to enforce law of the protection of the environment in their area. Forests, rivers and lakes and wild animals should be protected fully. Freedom for worship regardless of the locality and tradition of the area, e.g. North Eastern Kenya, where most of the people are Muslims occupy the large area.

**Productivity:** The Ministry of Agriculture should ensure that they have improved the productivity of food production in the country to ensure that there is enough food. Free basic education for all Kenyans from primary level. Free medical care for all people. The concept of retaining nominated MPs should be banned only elected MPs should take office. Relief food to be distributed through sources to make sure that the common mwananchi is served well. The last point, the President should not be over above the law but also to be guided by the law. Thank you.

**Com. Ratanya:** Asante sana Peter Murungi, Bishop Alexander, three minutes only.

**Bishop Alexander:** Thank you very much. I have a written memorandum that I wanted hand it to you.

**Com. Ratanya:** Just highlight and then you will give us your memorandum.

**Bishop Alexander Kikabu, of the Methodist Church, Nyambene Synod:** I have a memorandum from the Methodist church here, which is long, so I will not be able to read but it contains many of our proposals and I am sure they have now reached. One thing that I wanted to include here orally, is that we have a commission to set salaries for all the workers in Kenya, so that the MPs will not take part to set their own salaries. We have a commission that will be responsible for the salaries of the workers.

The other thing to include the proposals in the memorandum here is that I would request the Constitution to provide that MPs should have offices in the major towns of their constituencies so that when they are elected, they will not just disappear but people can get access to them, they can share with them. With those few words, thank you very much for giving me this opportunity.

**Com. Ratanya:** Thank you very much Bishop for keeping time, hand in your memorandum there and sign our register. Mathew Muroki, hayuko, Samuel Kubai.?

**Samuel Kubai:** Asante sana Commissioner.

- 1) Should the pPresident be the commander in chief of the armed forces? ThisThis should be under the commander in chief.
- 2) How should we deal with defections from parties and parties crossing the floor? The answer is any member who defects should finance by-elections.
- 3) The election date be specified in the Constitution.
- 4) Who should have the responsibility of ensuring that all Kenyans enjoy basic rights jussuch ast as security, health care, water, education, shelter, food and employment? This must be pParliament.
- 5) Should the Constitution provide for compulsory and free education? This is yes, upto form four.
- 6) Who should have ultimate ownership of land? This is individuals.
- 7) Should elderly men and women have equal access to land? This is no, men only.
- 8) The government should own natural resources, e.glike water, not any deparment.
- 9) Who should be in charge of eExecutive powers during presidential elections? This is the Chief Justice.
- 10) Lingine ni kama wale wanaajiriwa serikalini kama vile GSU, wakati wanapofariki, serikali haishughulikii hawa.

**Com. Ratanya:** Kuna swali hapa bwana Kubai, ngoja.

**Com. Zein:** Bwana Kubai, why do you want only men to have access to land?

**Samuel Kubai:** Hii ni kwa sababu wanawake, mwanaume akishafariki, huyu mwanamke anaweza kuolewa na mtu mwingine halafu ile land aende nayo watoto wabakii wanahakihangaika.

**Com. Zein:** Ngoja, mama usipige nduru, unajua ni kwa sababu gani nimekuuliza hivyo bwana Kubai? Kuanzia tuanze Nyambene, tukaja N'tonyiri Larei jana, kina mama wanakuja mbele yetu wanasema, bwana yangu akifa nakuja ninanyang' anywa shamba, sijui nitaangalia watoto namna gani, tunapata taabu. Na wewe unasema, hivyo ndio sawa sawa.

**Samuel Kubai:** Kwa sababu wanawake wanapenda kuolewa na watu kama wawili watatu.

**Com. Ratanya:** Kuna swali lingine. Hayo ni maoni yako, na ni sawa sawa, una haki ya maoni yako. Lakini hapa ningetaka clarification kidogo,na kama huyu mama amenunua shamba lake, hata hiyo utasema ya kwamba asipatiwe right yake?

**Samuel Kubai:** Hapana, hiyo Katiba ya sasa inaruhusu

**Com. Ratanya:** N'totimitu BRaimula.



**Peter N'totiM'itumitu:** (in Meru dialect) Riitwa riakwa mbitawa ntoitumitu Baimula, ura nkuua aarimu ninkuomba arimu boongelwe mucaara niuntu mwarimu aukiira rukiiri kirasine mwanka ooro kenda aumba kuria bwea.

**Translator:** I am proposing that the welfare of teachers should be looked upon and the increment of their salaries and the general offer should actually be emphasized.

**Peter N'totimitu:** Buungi aana antu bara bathoomi ana bara bathoomete babaingi kinya untu tukuthomethia aana, ana babaingi bathoomete na ni micii na I micii bakari nthi bathiria Sukuru bakaria micii. Indi nkaroomba bwana commissioner nkaroomba thirikari yuumbe kubooneera Ngugi antu baria micii. (in Meru dialect)

**Translator:** I am proposing that in the new Constitution that we are going to have, let it have a provision that will help to create jobs for Kenyans mostly who are leaving schools and educated and there are no jobs. So let us have a provision willto help to create jobs mostly for those who are leaving schools and there are no jobs.

**Peter N'totimitu:** (in Meru dialect: Buungi nkaua Nchobi ya kienyeji ituthiritie kuu niuntu iyukirue hatua I thirikari niuntu ithire tutikathire ituthiritue ni yo. )

**Translator:** I am also proposing that let us have a provision that will prohibit local brews because of the side effects that they have upon the people.

**Peter N'totimitu:** Ngacoka nkaua macibu inkuroomba ciibu yatumairwe yaringwe mlolongo na kuura ura baangi bathithairua kenda baumba kuwatanira na wananchi. (in Meru dialect)

**Translator:** My next proposal is concerning the office of the chief. He is suggesting that let chiefs be elected directly by the people.

**Peter N'totimitu:** Nkaua baatwi mbua kiri baaria turiite miriire tuthiritue buru I maitha yatiumbaa kureka muntu aumba kuturia ng'ombe o neendi ng'ombe katukutheeka na mitheeko niuntu bwa samburu na borona, kuti muntu uturacia ng'ombe niuntu ikuthira mikandene kinya antu ibaumbite kuthira buriuru niuntu I mikandene kinya ana bara bakunyua iria batiriona kairi. (in Meru dialect)

**Translator:** Security is lacking in this place and so stock theft is on high rampant, so he is suggesting to have a provision in law that will protect them against stock theft and other form of robberies.

**Peter:** Niuntu kutikuthiria kiumia muntu batiurai bairia bathatu.

**Translator:** Stock theft is very high and so let's have a strong provision on law that will protect people against this.

**Peter N'totimitu:** Ndeenda uwezo buumba kwonekana mno borisi ieewe ngari niuntu iti kinya ngari yo, ngari iria iitaa niu I mukebe itiumba gukinya no ku. (in Meru dialect)

**Translator:** Let us have a provision that will empower the police force to have vehicles and other amenities that will help them

to serve the public at a better position. Thank you so much.

**Com. Ratanya:** Asante sana N'totimitu, tuende kwa Dominic Gitonga, hayuko, Stanley Bario, Leonard Gitonga, John Muchiri.

**John Muchiri:** The Commissioner and the audience, I need to air my views. The powers of the pPresident should be scrapped that is to elect the chairman of the Electoral Commission. This will enable free and fair election. Also the presidential power to elect Chief Justice should be left to the judges themselves. The presidential power to dissolve the pParliament should be left to the speaker and as they should have a specific time set for a break. There should be liberalisation of broadcast of news. There should be a land policy which will allow a Kenyan to own a title deed after three to four years andas this will avoid exploitation. The athletics who have got international awards or gifts should be considered financially even at their old age.

There should be freedom of worship and it should be elaborated further to know if it is the true God or idols which could be this of satan. Every Kenyan citizen should have free education at primary level. Every Kenyan citizen should have free medical attention especially to the public hospitals. Miraa should be considered a major cash crop like any other crops in Kenya because this is the crop which we use even in our marriages. There should be no FGM, it should be abolished in Kenya no matter the age of the girl. Those are my views.

**Com. Ratanya:** Asante sana John, twende kwa Peter Muthee, Julius Muriuki, Peter Kainga, Tabitha Kaburu.

**Tabitha Kaburu:** (in Meru dialect)Riitwa ni Tabitha Kaburu.

**Translator:** My name is Tabitha Kaburu.

**Tabitha:** Ndeenda sheria tuincipia kutwike syllabus iria ikuthomwa ni aana beetu itiacincacue o mwaka o mwaka.

**Translator:** I would like to bring my opinion concerning the education that you will find that the syllabus is being changed from every year in the schools. So she is proposing to have a system or a policy in education that will guarantee school sustainance of syllabus.

**Tabitha Kaburu:** (in Meru dialect)Ndeenda thirikari ikuamila mantu ya aana beetu baria bari na aciari beena ukia sana niuntu aana beetu batikwandikwa bara bakwandikwa ni ba itonga.

**Translator:** The government should also come with a provision in the Constitution whereby children from poor families and who have already got education, should have a way to be empowered by the government of the day.

**Tabitha Kaburu:** Ndeenda thirikari ikuamila mukuuru na mwekuru kutukia ndeene ya nja nikwithairwa uuni ndina aana ba ari

aki indi mukuru akeeya kurikia wiitwa, ana bau bakwa uti bio boona ndeene ya family iu nanga nkalasimithua kuriwa ukua I mutanoina wa mukuru uu, tontu buu ana bau ibabui kinya bo kukuamila o ya bara baangi ba nthaka. (in Meru dialect)

**Translator:** Let us have a law provision as far as inheritance is concerned so that if somebody dies and leaves his wife, it will actually speculate on who will take care and the responsibility of those children so that somebody is not misused or his property taken away.

**Tabitha Kaburu:** (in Meru dialect)Ndeenda tukuamilirua miunda ira iri naara Mbii niuntu rimwe ituucumburwa I Borona eekuru, biakuria bira tuukari nabio twitite nabio nao tuacumburwa kuria na mathina mwanya mwanya na tika eekuru baukari nayo tuakuamilirwa buu keenda tuumba kurima miunda iu bubweya.

**Translator:** The security should be addressed seriously mostly in this area. So let us have a provision that will address the issue of security in this place.

**Tabitha Kaburu:** Eekuru ibabui kwithirwa bakiananacua micaara o umwe na akuru waandikine bwa thirikari. (in Meru dialect)

**Translator:** Job opportunities should be shared equally and women should not be discriminated. Thank you so much.

**Com. Ratanya:** Asante sana Tabitha. David Ngila Kaura, William N'torome, Samuel Kubai.

**Samuel Kubai:** Thank you Commissioners. These are my proposals:

Miraa to be re-organised as a cash crop and it should be under the Agricultural Act.

Genital mutilation of females should be stopped.

Nobody should have more than 30 acres, maximum of land.

There should be no squatters in this country, at least one should have a minimum of once acre.

Provincial administration to be scrapped.

Daughters to have a right to inherit father's properties.

Presidential powers to be reduced; the President should not appoint parastatals heads, they should be appointed by the board of directors of such parastatals.

Education should be compulsory to all children upto university level.

MPs salaries should be reduced.

Employed civil servants should not engage in any business.

President, ministers, councilors and MPs to declare their wealth annually.

Boys to be circumcised when they have completed std. eight course of education.

Political parties to be limited, e.g. for example let us have eight parties and they should also be funded by the ruling party of the day.

They should also have freedom to sell their policies without interference from the ruling party.

Electoral Commission to be independent and all parties should participate in choosing them.

Whoever vies as an MP or councilor and loses, he or she should not be appointed as a nominated MP or councilor for he is rejected by people.

Health services to be free to all.

Issuing of voters cards should be a continuous exercise.

Parastatal heads, Police Commissioner, Chief of Armed Forces should have a security of tenure. Thank you.

**Com. Ratanya:** Asante sana. Twende kwa Mbariu Arunga.

**Mbariu Arunga:** Mimi ninasema namna hii, Katiba yetu ikibadilishwa, watoto wa shule wawe wakisomesha na serikali bure kutoka standard one mpaka standard eight. Halafu serikali iwe ikiangalia watoto wale wa masikini, iwe ikiwasaidia. Serikali, ile chief's order iwe ikiendelea kama mbeleni, mamlaka ya chief yasipunguzwe. Mwananchi wa kawaida awe akiangaliwa na serikali. Ya mwisho ile ninasema, mipaka ya Meru na Borana na Somali yaiwe yainaangaliwa na serikali sawa sawa. Nimemaliza.

**Com. Ratanya:** Asante sana Mbariu. Tunaenda kwa Japheth Akuhia.

**Japheth Akubia:** Asante Commissioner, yangu ni machache, hiyo wananchi wamesema yote tumekubaliana nayo kwa sababu wametoa maoni na shauri. Hii Katiba ikibadilishwa iandikwe kwa magazeti au iandikwe kwa vitabu iwe ikiuzwa kama vile vitabu vinauzwa kwa book shop. Ya pili, uwezo wa rRais upunguzwe, mamlaka yake. Ya tatu, wale wanachukua ma-loan kubwa kubwa iwe ikipunguzwa, iwe na kiwango kwa serikali. Wakichukua loan serikali iweze kujua ni kiasi gani mwananchi atakuwa akichukua ili watu wote wawe sawa sawa. Ya nne, mtoto akiwa ni msichana au mwanaume, awe akirithi mali ya baba yake. Ya tano, mwananchi achungwe na polisi vizuri. Ya sita, uwezo wa polisi kupiga watu iupunguzwe. Ya sita, mtu awe na uhuru ywa kumiliki mali yake mwenyewe. Asante kwa hayo machache.

**Com. Ratanya:** Asante kwa hayo machache Akubia. Francis N'tonjira,? David Karanja.

**David Karanja:** Thank you Commissioners and the audience in general. The President should not be given powers to dissolve the pParliament but it should be done by the speaker. There should be only two terms for the MPs, that is they must vie for parliamentary seats for only two terms. If possible political parties should .....-----

**Interjection Com. Ratanya:** Two terms foofr how many years.

**David Karanja:** Ten years, five years each. If possible political parties should have a limit of omission, for example, they must

be allowed a law to limit them, at most to eight parties. 8-4-4 system of education should be abolished and instead introduce the former system where there will be free primary education. Authority should appoint officials to observe equal distribution of resources. Nobody in our country should be above the law. If possible a third of the Parliament ministers should be appointed from other parties. Presidential powers should be limited and he must not fire civil servants and the other employees whom could be demanding salary increments. Those are my views, thank you.

**Com. Ratanya:** Nani anaitwa N'tong'ang'a King'ang'a.

**Ntong'ang'a King'ang'a:** Asante Commissioner. Yangu ni hii tu upande wa kilimo, Katiba ikibadilishwa serikali iweke mkazo baada ya kulima kitu ya kutoka nje ambayo iko na market kama pamba na kitu ingine ile wakulima wanapata. Ya pili, kilimo ile tunayo sasa, Katiba ikibadilishwa iweke mkazo kwa sababu kwakama maharagwe tunapata kwa bei ya chini. Ingingine, ni mahali ya ng'ombe, kuna mahali ambaypo ni remote area, hakuna watu. Kwa hivyo serikali Katiba ikibadilishwa ipatie watu mashambu huko, ambayepo ni mahali tunapakana na Samburu na Borana na mahali pengine ambaypo inahusika na wanyama wa pori, sio ya county council inaweza kugawiwa watu.? Ya pili, watu waliokuwa mau mau, Katiba ikibadilishwa wapatiwe mashamba mahali ambaypoe inahusika panakaa inakaa wanyama mistuni huko inaweza kuwa mashamba na watu kugawiwa huko shauri hata wakati wa vita wa 1945, walikuwa wakipatiwa misaada na serikali yao.

Ya mwisho, ni watu ambao ni masikini. Wakati harambee inafanywa, hawapati nafasi, watoto wanaweza kuwa na A A, lakini wale wanafanya harambee hapa iwekwe ni mtu ambaye hajiwezi, sio mtu ambaye anajiweza na anasukuma wengine.

Upande wa kilimo, tuwe na market board ya kupeleka chakula yetu. Ya mwisho, ni kuwa na borehole chini ya area ile haina maji, serikali iweke mkazo tupewe mashini ya kutobaza kutoboa maji huko kwa area ambayzo ni dry na ambayzo zinahusika kwa malisho na mambo mengine. Yangu ni hayo tu.

**Com. Ratanya:** Asante sana Ntong'ang'a. tunaenda kwa Machuka Kinanga.

**Machuka Kinanga:** President's power to be limited. MP's to be given extra powers, our country is multi party the citizens be given views on how the country will be runned and to give people chance to give views of the government they want.

**Gender equity:** Men and women to should be aqual. Citizens be allowed to be businessmen and women without any burdens offrom the government. Give the first debates of the new Constitution to wananchi. To form a commission or committee to look and listen to people who want to be naturalKenyan citizens. Be Mmarried in Kenya or outside Kenya, those people be accepted to be the citizens of this country. I propose this Constitution to allow the Kenyans from other countries to be joined in the governmendevelopment of this country.

**Rights of the citizens:** Journalists to be independent without being harassed by the government. Forget and eradicate detentions, to jail people without proof by the judge should be stopped. Citizens should not be tortured by the police. Rights of the citizens be inspected. I propose the new Constitution will guide people to refuse corruption. .... This Constitution to allow lawyers to guide citizens in court and be paid by the government for the poor people who cannot afford and represent innocent people should not to be harassed and killed by the police. The formal commission to look into the rights of the people.

The central government should be independent when doing work for the common mwananchi without asking for permission from the government. MPs themselves to arrange when they are off-duty or on duty. Powers of the president to be limited and to be cut not to postpone or reduce the terms of MPs. The MPs not to exceed five years of two terms. 75 %, that is three quarters is enough for the speaker pass with votes. Electoral Commission to be selected by all parties. ....(inaudible MPs to spell out) the work of the government e.g. for example ministries. Attorney General helps other parties to prepare bills and official leader of the opposition be one of the vice presidents dealing with government appraisals affairs in Parliament.

**Com. Ratanya:** Inaonekana masaa yako hakuna, maliza sasa.

**Machuka Kinanga:** Iko moja. Government to give offices, telephone, etc. to MPs so that they can help them to do their work easierly. Thank you.

**Com. Ratanya:** Ninaona Reverend Bishop Kanake ambaye ana kazi nyingi sana tumruhusu aende, lakini atusalimie sana na atuambie maoni yake kidogo.

**Bishop Kanake:** I have several, I might not read all of them.

**Com. Ratanya:** Bishop, we have given you three minutes.

**Bishop Kanake:** Three minutes, thank you. One is constitutional supremacy. Parliament powers to amend the Constitution to be limited and my submission is let the citizens be involved at all levels in making and amending the Constitution. The public must be involved through referendums and then amended parts of the Constitution to be debated in Parliament and then rectified.

Defence and national security: It is a fact that many Kenyans have lots of arms and the rate they kill each other is alarming. Therefore enshrined in the Kenyan Constitution, these three points, no room for small arms licencing for people, leave arms to

the security personnel. Any country or countries or arms manufacturers that sells or give Kenyans arms of whatever size be regarded by our Constitution as Kenyan enemies or enemies of Kenyans. Let the Constitution establish disciplined armed forces, constitutional arrangement be put in place that the pPresident is not the only person to regulate or manupulate the forces.

Let there be a commission that helps him or helps the president and even the pParliament to regulate the armed forces of the country. To invoke emergency powers in terms of crisis, let the armed forces chief involve a security commission. A commission that is already established to be able to help in matters of the security of the country.

On political parties, I submit that, for the development of our country and cohesiveness of the citizens, Kenyan Constitution should limit the number of parties to three only. Let the country by Constitution have only three parties. About the financing of parties should be from public coffers.

On local government, let all local governments be made answerable to the local people that will sustain them and let funds collected from the local areas be used for development locally. The chairman and of local and urban councils be directly elected by the people.

Lands and settlement: Title deeds must be co-owned between man and wife if they acquired the land within their marriage. I don't want to elaborate on that because I believethink I have put my point across. Land committees to serve their demarcation and jurisdictionadjudication sections, not more than three years from when they were formed. Let them do the demarcation within the period of three years and give people their title deeds. If that is not possible, then let the government be answerable. I am saying this in view of the fact that Kenyans have remained squatters from when demarcation started, particularly in many many areas in the rurual areas, people have really had it rough.

Finally, it is on wealth. Let there be a commission that will oversee the distribution of the wealth that we are producing within the country. Let everyone declare his wealth within a period of every five years because many people are acquiring a lot of wealth withing one or two, three years and they cannot even tell where they got the wealth. So let it be in our Constitution that every five years each one of us will be asked to declare his wealth and how he got it. Thank you Commissioner.

**Com. Ratanya:** Thank you very much Bishop. We have Geoffrey Kanung'e,? hHayuko, James Wanjama.

**James Wanjama:** Yangu ni machache. Kuanzawanza pPresidentr asiwe overabove the law na tuwe na pPrime mMinister. Masomo ya bure bila pesa na mtu akimaliza shule, atumikie serikali yetu kwa miaka miwili kama kwa National Youth Service. Na vituo viwe kwa kila wilaya na viwe kwa ministries. Kila mtu awe na shamba isiozidi acre kumi, ile itakuwa bure bila kufanyiwa kazi. Umilikiaji shamba uwe wa miaka tisaini. Minister awe na ofisi kwa kila constituency yake, mahali watu watakuwa wanapeleka malalamishi yao.

**Com. Ratanya:** Unasema ni mMinister au MP?

**James Wanjama:** Sorry, MP.

**Com. Ratanya:** Swali lingine hapa unasema kumiliki shamba kuwe miaka 90, unajua kumiliki kuna freehold title, ile title deed yenyewe na kuna leasehold. Sasa ni ipi unasema iwe 90.

**James Wanjama:** Leasehold

**Com. Ratanya:** Sasa tuna Sarah Maua.

**Sarah Maua:** My points are:

- 1) I propose that we should have a democratic government so that the country is ruled by the views of people not in writing but in practice.
- 2) Let us have the public holidays reduced, whereby a lot of money and resources are misused instead of being used to do other reasonable things, e.g. adding of teachers' salaries.
- 3) The pPresident should not be above the Constitution.
- 4) Any other Constitution amendment should be done by the people, that is where people are involved at all levels.
- 5) Any defection from the party should be punished, that is where the person defects from one party to another., Hhe is the one to cater for finances to hold by-elections.
- 6) There should be complete separation of power, that is wherebetween jJudiciary, eExecutive and the legislature should perform their duties without any influence from anybody or from any other external powers.
- 7) The interest of women should be fully guaranteed in the Constitution, for example land inheritance or equal employment.
- 8) Chiefs should be elected by the people and they should be capable to perform their duties.
- 9) We should have the cases soughtshared by the elders or a council that is recognized by the government instead of cases being sought solved by chiefs where they need bribes.
- 10) Education should be guaranteed to all Kenyans regardless of their status, for example, even the disabled, disabled orphans and the poor, the Constitution should guarantee their education.
- 11) The minister should be elected by the pParliament and they should be qualified in that area they they are elected to serve.
- 12) Worship: thThe Constitution should be clear on whom to be worshipped, whether it is the devil or God. Thank you.

**Com. Ratanya:** Asante Sarah, John Mbaabu, hayuko, N'tokirichia Tharamba.

**Ntokirichia Tharamba:** Ura nkweenda kuua inkuwirua muno I babwi riri buri aa bwiyite utwariria. Neendi batwi tui / yetu ya mutuati turi mau mau na tuikilua o I thirikari kinya aniini kinya kanyumba keetu kaitwe I land uu. Turi ameemba magana yana na



mirongo keenda. Na tutwire o uu utheri. Nikio tukuuria tuumbe kutetherua tureke kuthiinua I land niuntu biu ni bietu.

(in Meru dialect)

**Translator:** We as freedom fighters in this area we are proposing that the government should address the issue of the freedom fighters in the new Constitution and accord them at least..... a place to build and stay.

**Com. Ratanya:** Asante mzee. Tuende kwa Charles Alaine. Ninaona una memorandum, dakika moja- mbili halafu unamaliza, yale unasema kwa ufupi.

**Charles Alaine:** Bwa mbeere nkienda muti yuu yuwitwa miraa yulindwa I sheria,

(in Meru Dialect)

**Translator:** First I am proposing that miraa should be recognized in the Constitution.

**Charles Alaine:** Nchoobi ii cia kienyeji nacio iringwe marufuku.

**Translator:** Local brews should be prohibited, there must be a provision to prohibit local brews in this area.

**Charles Alaine:** (in Meru Dialect)Na cibi nabo ibabwirite kwithirwa bakiringairwa kuura.

**Translator:** Chiefs should be elected directly by Kenyans.

**Charles Alaine:** na kuabudu nakuo nkoma ikarombawa kenya. (in Meru Dialect)

**Translator:** Freedom of worship should not misused.

**Charles Alaine:** Na miunda nayo yatua kuthimwa ikaria zaidi ya miaka ili,(in Meru Dialect)

**Translator:** Land demarcation should take the soonest time possible, that is around two years.

**Charles Alaine:** Na abunge nabo batibatirie kuciongeela mucaara boongwa. (in Meru Dialect)

**Translator:** MPs should not be in a position to always increasing e their salaries themselves, let us have a criteria to regulate that. Thank you so much.

**Com. Ratanya:** Joshua Mwenda, hayuko, Florence Gichunge:

**Florence Gichunge:** Ninataka kusema akina tusiwe tukifinywa sana kwa sababu kama ni mama akiolewa, akose mtoto, hawezi akarithi vitu za bwana yake kama ameaga dunia. Mama akiwa amezaa watoto wasichana hawezi akakubaliwa na hiyo jami. Mama akiwa kama ameachwa na bwana yake na yuko na hao watoto wasichana pia yeye anafukuzwa kwa sababu amezaa wasichana pekee yake. Halafu kama ni tite deed bwana akichukua, iwe ni ya bwana na bibi yake. Inginge ni ikiwa

mama amefukuzwa na bwana yake na aende kotini, anaitishwa marriage certificate. Mama kama ameolowa na mila kama ni ya Meru, awe ameolewa kabisa na awe anaweza kurithi mali ya bwana yake. Ingingine, ni kama mama ameenda kotini na bwana yake asimfukuze kwa sababu hiyo ni kesi, bwana amuambie amemkata au tumefikisha kwa koti sitaki kumuoa tena, amepatiwa ile inaitwa talaka. Hiyo sio sawa kwa sababu mama pia achukue vitu kwa sababu ilikuwa ni vitu vyao, wao wawili.

Mambo ya kutairi wasichana, isiwe lazima. Katiba ingine ikipitishwa, mama asiwe ni mtu wa kutairiwa. Kutairiwa au kutotairiwa iwe ni haki yake. Mambo ya shule, waalimu wa nursery waongezwe mishahara sio wapewe mshahara nmdongo kama ni headmaster anakuwa na mshahara mkubwa na watoto wake wa nursery ndio wako na shida sana kusomesha watoto mambo ya kutoa kama ni makamasi na kupeleka kwa choo.

Ingingine kama ni msichana au ni mvulana awe na haki ya kurithi mali ya baba yake. Polisi wasiwe na uwezo sana, kama ni mama hajui Kiswahili, bwana hajui kingereza, kazi yao ni kusema wewe mama toka au mara ingine unaambiwa toa kiinua mgongo. Kwa hivyo polisi asiwe na haki ya kupiga mtu kama akiwa ana makosa anapewa kofi badala ya kwenda kwa koti. Koti pia ina mamlaka kubwa sana kama ni mwanafunzi akiwa amekosa na ako shuleni, akichelewa na ile kitu ya kuitika akipatikana siku ingine anawekwa ndani. Kwa hivyo yangu ni hayo tu.

**Com. Ratanya:** Asante sana Florence. Twende kwa Julius Mburugu. Francis Kubai.

**Francis Kubai:** Asante. Ninataka kutoa maoni yangu kuhusu Katiba ile inaenda kurekebisha. Katika hiyo Katiba itakayorekebisha, ninataka kupinga tohoara ya wasichana, hata kama wanafika miaka kumi na sita asitairiwe. Katika health centers, senior officers are using the public funds like their own funds, should also be abolished. Adjudication should not take more than ten years, after the case of the land when a person takes an oath and the one who was defeated should vacate the land immediately.

Posts of assistant chiefs and DOs should be scrapped instead there should be a DC, chief PC and village elders. All political parties should be funded by the government. The government should ensure security, education, health care, water and employment to the people. Groups should be funded by the government and NGOs for better a performance.

Land committees should have allowances language in their duties. Officers in public services who are stealing money should be prosecuted and should repay the money. In the Constitution, demarcation officers should be monitored so as not to demarcate less land as than the required land. In local governments, they should collect revenue as long as they are doing any services to the people. Miraa is a tradition herb and it should be recognized by the government being an African herb.

The pPresident should serve a duration of 5 to 10 years and he should be elected by the people and be a graduate with a college degreean economics. Public service bosses should be elected by the pParliament and not by the pPresident as the

current Constitution. Changing of the syllabus always should be abolished also. Title deeds should be indicated tindicade he names of Mr. and Mrs. somebody. Thank you.

**Com. Ratanya:** Asante sana Francis Kubai sasa peana memorandum yako hapo,. aAsante kwa hayo maoni yako. Sasa tuna Rev. Father Mbiko, I know he is a very busy person, apeane maoni yake na achukue hiyo dakika tatu tulikubaliana.

**Rev. Father Mbiko:** Bwana Commissioner asante. Kuhusu Katiba mpya ya Kenya, ningetaka yafuatayo yatiliwe maanani:

Chemi chemi za maji ziwe gazetted kama vile misitu ya serikali ni gazetted. Adhabu ya wale watu wanaoharibu chemi chemi za maji ziwe kali na wale watu wengine wamepatiwa mashamba katika hizo sehemu za chemi chemi ya maji wapatiwe kuingineko na serikali. Mipaka ya mito ya maji iwe inatambulikana na watu wazuiliwe kulima kando ya mito. Misitu yote iwe gazetted kama mali ya serikali na madiwani wapatiwe ithini ya kuitunza. Mahali pa milima watu wamepatiwea kama mashamba yao, mkazo utiliwe wa kupanda miti kwa kuzuia momonyoko wa udongo.

Mahali kama Nyambene mmea wa miti ya miraa ipandwe kwenye milima kusudi iwe ikitumiwa kama kizuo yacha momonyoko wa udongo na kama vile inatumiwa kwa kuleta pesa za kigeni, wataalamu wa wizara ya kilimo watumiwe kuwaelemisha wakulima kutumia ujuzi wa kisasa kama vile kuzuia uharibifu wa miraa na wadudu. Miraa iwe kama cash crop kama vile kahawa, chai na kadhalika.

Ulinzi: Serikali yza wilaya tuzipatiwe mamlaka ya kuangalia mambo ya usalama katika sehemu zao na madiwani wawe wenye viti wa usalama katika sehemu zao. Kwa hivyo uwizi wa mifugo na uhalifu wa watu kutoka sehemu zingine utakagutakubaliuliwa na wenyeji wenyewe. Asante bwana Commissioner.

**Com. Ratanya:** Asante sana Rev. Father Mbiko. Joseph Mung'eria, kwa ufupi umalize.

**Joseph Mung'eria:** Thank you Commissioners. These are my views;

- I. The President should be in office for two five-year terms only.
- II. Government employee, president or any other person should not be immune to prosecution if he or she has squandered public funds.
- III. The local government should account for the taxes they collect, otherwise they should cease to collect.
- IV. Provincial administrators should be elected and not appointed by the pPresident.
- V. The government should state the amount to be paid during the process of land adjudication and consolidation this is because we are paying a lot of accountable money towards the process.
- VI. Education expenses should be reduced to enable it to be affordable byto the common mwananchi and should be free from primary and shared at all levels.

VII. Teachers salaries should be increased to enable them to work hard, they work very hard yet they are paid very little.

Thank you, those are my views.

**Com. Ratanya:** Ninashukuru sana Joseph, sasa tuende kwa Peter N'toimpoe.

**Peter N'toimpoe:** Yangu ya kwanza ni kuhusu rRais asiwe juu ya sheria, awe chini ya sheria ile ambayeo inalinda mwananchi wa kawaida. Ya pili, ni kuhusu chief na assistant chief wawe wakichaguliwa na wananchi kwa sababu wakati wanapofanya application, serikali inatuandikia inatupatia watu hapa ambao hawajui kuongoza watu wana-consider application kwa constituencies na locations. Kwa hivyo tuwe tunaweza kupigatunawachagua kura kimlolongo. Ya tatu ni kuhusu land. land isiwe na miaka zaidi ya tano ili watu wapate title deed, wafanye kazi miaka tano pekee yake ili wamalizie watu kumiliki mashamba yao. na wapate hizo title deeds.

Ya nne, ni kuhusu ofisi ya DC. Kutoka ofisi ya DC hakuna mwananchi wa kawaida angeweza kuenda huko bila pesa apate huduma kamili. Mtu anaitishwa shilingi elfu mbili na ukienda kwa DO anakuitisha shilingi elfu moja ili upate kuhudumiwa kulingana na shida ile uliyokuwa nayo. Ukienda kwa chief anakuitisha shilingi mia tano na ukikosa anakufukuza, sub-chief naye namna hiyo kwa hivyo hiyo serikali ya wilaya.....

**Interjection Com. Ratanya:** Sub-chief anaitisha ngapi?

**Peter N'toimpoe:** Kama mia mbili mia tatu hivi akikuhudumia. Ya tano, ni kuhusu askari wa chief. Huwezi kumtoa kwa camp bila ya kumpea shilingi mia tano ili aende akushikie mtu ukiwa na shida. Sasa hiyo wizara yote iko na shida, kama hauna pesa huwezi kuhudumia. Jambo lingine kwa maoni yangu ninasema, utamaduni ukipewa nafasi ya kufanyakusuluhisha makesi, itaumiza wengine kwa sababu tuko na tamaduni nyingi hapa na zinaumiza mwananchi wa kawaida. Kwa hivyo sheria iwe ya koti, nayo hiyo koti Katiba ipige durubini iangalie kwa sababu iangalie kwa sababu hongo uimetoka kutoka..... maili nane mpaka hapa kwa koti. Yangu ni hayo machache.

**Com. Ratanya:** Asante sana Peter kwa haya machache. Tuna Isaac Muriunki, hayuko, David Wele, ? Peter Murungi?  
Karibu.

**Peter Murungi:** Yangu ya kwanza, rRais asiwe juu ya sheria. Pili, waziri akiteuliwa kwa wizara asiokuwa na uwezo ywa kuiongoza kama vile kuwa mtu anaweza takateuliwa kuuliwa na hana degree kama ni daktari. Tatu, kuabudu wa shetani, ningependelea makanisa kuchaguliweyachungwe watue ambao ndio wanatakuwa wakichunguza ni uabudu gani unaoendelea katika madhehebu mbali mbali. Tungetaka usawa katika kazi kwa kati ya mwanaume na mwanamke lakini isiwe ni nyumbani, usawa kazini lakini sio nyumbani. Nyumbani mwanaume ndio mwenyekiti.

Pili, ingekuwa ni sawa makundi zyenye sio zya wananchi zijulikanyajulikane na sheria. Ningetaka serikali pia ianangalie upande wa elimu. Elimu wa vyoya vyuo vikuu na vyuo vingine tuanglie sana ipunguzuwe hata kama ni hiyo gharama yake tugawanye na serikali. Tatu, ipigwe marufuku kabisa unywaji wa pombe ama upikaji pombe haramu kwa sababu ndio inasaidiainachangia hata machokora katika vijiji. Yangu ni hayo machache.

**Com. Ratanya:** Asante sana Peter. William N'tomuriki.

**William N'tomuriki:** Asante sana kwa Commissioners. Katiba ya sasa ningetaka iwe namna hii. Watu wanaoitwa walemu avu waangaliwe vizuri, wawakilishwe bungeni na wakuwe wanasaidiwa watoto wao ili wapate kuendelea na masomo. Rais achaguliwe kwa wakati wao pekee yao sio pamoja na wabunge. Rais akiwa mwanaume, Katiba iruhusu mwanamke awe mwakamu wa Rais na Katiba iruhusu kuwe na waziri mkuu katika serikali ya Kenya. Rais wa Kenya kwa wakati huu asiwe mbunge wa mahali popote. Rais ni lazima awe na masomo kubwa mengi kama kuwa na degree au professor.

Chiefs na sub-chiefs wawe wanachaguliwa na watu ili wapate kuhudumia watu vizuri. Na kuna watu wengine wanaitwa ma-sub-areas ambao pia ni watumishi wa serikali na wanasaidia watu pia wawe wakilipwa mishahara. Masomo ya primary ama ya msingi, serikali iruhusu iyawe ya bure ili watu watu ote wato wapate kujimudu. Na mtu mmoja asishikilie nafasi nyingi kazini kwa maana hakuna kazi Kenya vile tumesikia. Ya mwisho, serikali ya Kenya kwa maana kuna vyama vingi vya siasa iwe ya mseto.

Miraa hapa kwetu itambuliwe na sheria kama cash crops zingine zile zinaleta mapato hapa kwetu. Katiba ya sasa ikamilishwe ili uchaguzi ufanywe kulingana na Katiba ya sasa. Katiba iruhusu vyama vya kisiasa vinne au vitatu na sio zaidi ya hivyo. Watumishi wa serikali wote hata walimu wapewe ma-uniform. Yangu ya mwisho, ndoa ifanywe kanisani ili watu wawe na certificates yza kuoana ili watu wapate kumiliki mali yao vizuri. Asante.

**Com. Ratanya:** Asante sana William. Tuna Stanely Mbaabu, Stanely N'tokoba, Justus Kaigia, Muthee N'tomanja, Joseph Mung'eria, Charles Nkonja, John Mwenda, Stanley Karuti, Charles Nkiriaki, George Kaanake, Isaiah Kathera, George Mwetia, Joshua Mung'uru, John Kilanguchia, Peter Kiungu, Councillor Kiringu Maroo, ninaona una memorandum na unaweza kutupatia ukimaliza.

**Clr Kiringu Maroo, Mathu Ward:** Asante sana bwana Commissioner. Pendekezo yla kwanza ni zile sehemu kandoame zote ambazo bado kuwa demarcated zifanyiwe demarcation ili wale watu ambao wanalisha ng'ombe huko ambao ni wa kuhama hama wawe kama permanently settled na hiyo ndio zuia atazuia hata uwizi wa ng'ombe kutoka pahali nyingimahala kweing katika Kenya. Ya pili, ni kuhusu mambo ya kupima ardhi isiwe zaidi ikiwekewa kiwango ychaa miaka, kama ni miaka tano mpaka sita hivi. Kwa sababu ukiangalia pahali kwingi kulianzua kupimwa kutoka mwaka wa 1960 na mpaka sasa hata hawajamaliza kazi. Ya tatu, ni upande wa mipaka. Ukiangalia katika mipaka ya district zingine kulingana na vile mipaka

iliwekwa wakati wa mkoloni, inaonekana kuna wale wengine ambao wanavamia wengine hata wanaanza kuishi katika district za wengine na hapo inaleta migogoro sana na ndio inaleta hata vita kama vila e mfano, Isiolo na Meru North na Tharaka na wale wengine. Kwa hivyo hiyo nayo iangaliwe kabisa.

Upande wa title deed, ziwe mashamba yanaopimwa, zile yale ambazoyo hazinayana dispute, yawe yanapewa title deeds directly ndio hata wale wengine pengine wana disputes wataanza kufungua makesi. Na yale yale ambayo yanaonekana sio ya maana na watafungua kulingana na vile wataona watu wameendelea, na wale ambao wamepewa vyeti vya kumiliki mashamba yao. Mambo ya land transfer iyasiwe simplified kwa sababu hiihaya mashamba mengine kulingana na vile unaona mambo iyanaakwama na vile uchumi unaendelea, itakuwa mashamba yakiuzwayanauzwa kama mandazi na familia zingine zitakuwa katika problems za kukosa mashamba. Ya tano, title deeds ziwe zikitolewa kama ni bibi na bwana, iwe majina yao yanaonekana kwa cheti cha kumiliki. Kila mwana Kenya awe na ruhusu ama awe anakubaliwa kuwa na mashamba kila pahali katika nchi ya Kenya.

Uchaguzi wa chairman wa council, hiihuu uwe ukifanywa directly na wananchi kwa sababu hapa madiwani wengi wanashindwa kwa sababu pesa zinatumiwa wanachagua mtu ambaye hana uwezo pengine wakuongea zile shida zina wananchi na kama mtu ambaye sio mtu wa kisiasa. Upande wa mayor, naye awe akichaguliwa na madiwani wote, kwa sababu tukiangalia upande wa municipality ni watu ambao wanaelewa sana na hawatakubali kama ni madiwani pengine wachague mtu ambayen hataweza kazi ya municipality. Madiwani wawe ni watu wana certificate ya form four, na wawe ni mtwatu ambayeo ni morally upright, sio watu wa ufisadi, ni watu ambao wanaheshimiwa kabisa kwa community.

Mambo ya miraa: Miraa ni mmea ambao imeekuzuwa hapa kwa miaka mingi na ningependekeza iingizwe katika Katiba ya Kenya and the Agriculture Act. Na hii miraa inaonekana ni cash crop inaletea hata serikali pesa nyingi sana na pia ukiangalia kwa upande ile inakuzwa kama Meru ndio inawaletea pesa. Kama tukiangalia towns nyingi upande wa sales katika jamhuri Kenya wanapata kama milioni ya pesa kwa kila mwezi. Na upande wa serikali kwa ileyale mazao inatoyanaotoka nje na kurudi ya miraa, ile pesa inatoshwa wanapata over a hundred million a year. Kwa hivyo ningependekeza hii ingizwe kwa sababu miraa ni kama kahawa, majani chai ama hiyo cash crops zingine.

Upande wa environment: Hapa kuwoko sheria kali kwa wale wanaharibu environment kama mambo ya misitu, ofisa akiwa ni wa serikali akipatikana, awe inawekwa kwa kifungo yacha average ya miaka tano jela ama zaidi, kwa sababu inaonekana ikiendelea vile misitu inakatwa katika nchi ya Kenya inaonekana janga inakaribia na hapo sasa maisha ya watu yatakuwa yameharibika.

Upande wa elimu, : nNingependekeza elimu iwe free kutoka nursery mpaka university na serikali ku-ensure ya kwamba kila mtu yule ambaoye amemaliza shule, amejiriwa na amepata kazi, hiyo iwe ni wajibu wa serikali.

Kuwe na free medicine. Upande wa madawa mahospitali yote ya serikali yapeane dawa ya free sio mambo ya cost-sharing.

Tuwe na serikali ya mseto ambayo uinakuwa controlled by the central government. Counting of votes iwe ikifanyika katika polling stations zote kabla haijapelekwa, iwe ikijulikana kutoka polling stations. Appointment ya ministers na Chief Justice, Attorney General, provincial administration, iwe ikifanyika na pParliament.

**Com. Ratanya:** Asante sana kwa hayo maoni yako bwana Councillor ni ya muhimu sana, kwa hivyo andikisha hapo na sign register yetu. Tunaenda kwa Charles Koome.

**Charles Koome:** The following are my views:

- 1) Local brews should be banned completely in Kenya.
- 2) Land demarcation should last to a maximum of three to four years and owners be given title deeds.
- 3) Education in primary schools should be free in Kenya.
- 4) Road construction should not exceed more than two years.
- 5) The party defectors should be prosecuted and leave the pParliament immediately.
- 6) Unemployment should be dealt with accordingly.
- 7) Female Genital Mutilation should be abolished in Kenya.
- 8) The pPresident should not be the chief of the armed forces.
- 9) Chiefs and sub-chiefs be elected by the people.

**Com. Ratanya:** Asante sana Koome. Sasa tuna Benson Kanampiu, Meshack N'tonja, Gerald Kara, Julius Karote, Maore N'toiba, Kaathe N'toimano, Samuel Kailemi, Daniel Murungi, Robert Muriungi, Phillip Murungi.? Karibu Mzee.

**Phillip Murungi:** Maoni yangu ni; sisi kwa tarafa hii tunaona taabu sana kusumbuliwa na hawa majangili, kila saa wanakuja wanachukua mali yetu na hakuna pahali tumesaidiwa. Ya pili, ni ukienda kwa ofisi ambayo ya kuchukua kvitambulisho, unaitishwa pesa. Pesa ikikosekana, wewe unaweza kuambiwa kalamu hakuna ina rangi, hii ni mambo ya haki mimi ninakuambia. Sisi wananchi wa hapa Mutuati tuko na imani na serikali yetu, taabu yetu ni majangili na hao wengine wa jamaa ukiingia kwa hospitali yetu ya government, unaitishwa pesa kama mia moja, ikikosekana hauwezi kupewa dawa. Shida ingine uandike ni sisi wananchi wa Mutuati tuko na imara na serikali, sasa serikalikwa hivyo serikali iatungalie sisi sana kwa upande wa ulinzi. Hakuna mengine ni hiayo tu.

**Com. Ratanya:** Hapo Phillip ninafikiri umemaliza. Andrew N'tonja.

**Andrew N'tonja:** (in Meru dialect)Bwakwa bura nkuua, mbitawa Andrew Ntonja. Ndaua mbitawa Andrew Ntonja.

**Translator:** My name is Andrew Ntonja.

**Andrew Ntonja:** Uuni bura nkuua ni I mantu ya ma-chief na ma-headmen itukwenda bathuurawa na kuura ya mulolongo.

**Translator:** I am suggesting that the new Constitution to let the chiefs and assistant chiefs be elected by wananchi themselves.

**Andrew Ntonja:** Nikenda batuwatila bubweya batukira niuntu kinya ba councillor beeya tubathuura nibo bautukira nibo bautwetheria bubweya ura tukwenda.

**Translator:** So that they may accord us respect that we deserve and offer us the services that we need.

**Andrew N'tonja:** Niuntu batwi igiteene rii twina thiina ibingi cia mantu ya ruui. (in Meru dialect)

**Translator:** Water is a great problem in this area, so let us have a provision to address it.

**Andrew N'tonja:** ntonja: Niuntu ruui rura rwetu ruri aa rwa tamani niruo tunyunyaa na ni ruo rwaturera na kethira iruo rwatureera, mwithu yukuriwa yukuthira na batiuracia natia yukari.

**Translator:** Forest hasave been cut off and since it is the source of water, let us have a provision to protect it and conserve it.

**Andrew N'tonja:** Na ringi mantu ya ithomo, niituee thiina kuu niuntu mwana aambiria kwerua kierio kia standard eight o mwaka tuuraa mauku na yau yathira tukaura yaangi mwaka yungi. Tontu buu itukwona thiina kiri kithomo niuntu bwa std. 8 ikethirwa yaa yatithoomwa mwaka yuu, yaa yangi yatithoomwa yuu yungi. (in Meru dialect)

**Translator:** I would also like to address the issue of education. You find that there is a lot of hardship in coping with the changing books in the system of education. So let us have a provision to regulate the education standard so that at least buying of books and other expenses are regulated.

**Andrew N'tonja:** Buungi ni bwa land, mantu ya land nitwonete thiina niuntu bwa miunda niuntu buu baambiririe 1977 na kinya nandi batathiria. (in Meru dialect)

**Translator:** The other problem is about land allocation, hasit started long time and still the process is going on it has never been finished.....

**Andrew Ntonja:** Niuntu ariti ba ngui bariiya bakaambiriria ngui iria bakwambiriria bakaa wananchi thiina baria beene muunda yuu.

**Translator:** because land officials that and the people who are responsible for land demarcation are doing it in a way so that they may exploit the poor. I had only that thank you so much.

**Com. Ratanya:** Asante sana bwana N'tonja. Yule anafuata ni Silas Mangy, kama hayuko tutaenda kwa Kirema. Ninaona ana memorandum, kwa hivyo utueleze yako machache na utuache memorandum tutasoma.



**Esau Kirema:** Thank you Commissioners. This is what I want to say according to the present Constitution of Kenya. My views are as follows. We need preamble in our Constitution. We need statements in our Constitution capturing the national philosophy and guiding principles. 65% to amend bills should be lowered to 50% and to pass a bill from 30 MPs to 50. Disciplined forces should be established by the Constitution and the President should not be the commander in chief of armed forces. Political parties should have roles other than political mobilization just as offering education rights to its members. Constitution should regulate the formation, management and conduct of political parties. Political parties should be limited, about three parties are better. Parties should be funded partly by the government and partly by party membership fees. We would like to adopt parliamentary system of government.

We would like to repeal unitary system. Parliament should have limited powers through standing orders. MPs should not be a full time occupation person. No age requirement to Parliament. Form four candidates or grade C should be the requirement for councilors and a degree for MPs and President. Moral and ethics qualification should be introduced. People should have a right to recall their MP. Procedure is to notify electoral commissioner and speaker. MP should act on the instructions from their constituents. We need multiparty representation at the Legislature and Executive. No nominations of councilors and MPs. Constitution should set presidential powers. No hiring of civil servants and firing them by the President.

Constitution should provide for the removal of a President for misconduct while in office. There should be a Constitutional right to legal aid. Council heads should be elected by councilors. Their two-year term is adequate. The Executive should not control the management and use of natural resources. Parliament should retain powers to authorize the raising and misappropriation of public funds. Parliament should appoint controller and Auditor General. The government should attract Kenyans to work in public services by paying them well. Thank you.

**Com. Ratanya:** Thank you very much. John Mukaria, Grace Koome, Stephen Gitonga, Joseph Murungi, endelea.

**Joseph Murungi:** Presidential powers to be trimmed like the dissolution of the Parliament, this should be the work of MPs. The ministry of water and environment to handle water matters and delegated to other bodies when they are allowed to do so. Miraa should be one of the cash crops in agricultural sectors. The chiefs and sub-chiefs powers to be reduced. must be given ----- (end of tape)

**Com. Ratanya:** Asante sana Joseph Murungi. Kirambi Mbicha.

**Com. Zein:** The students who are coming in, would you like to come inside then we can go on with the process? If you are coming in, walk in now, I will give you two minutes.

**Kirambi Mbicha:** Yangu nikuzungumza kidogo. Maoni yangu ni kuhusu shida zetu za maji ile tunapata hapa. Katika Katiba hii iko, serikali ituangalilie juu ya maji, hii maji isiwe tu ya company, moja vile tanakaa na company moja na huduma za maji itufikie mahali tuko. Ningependa kuongea kuhusu malisho ya mifugo jangwani. Serikali itambue kwanza mifugo ya wale majirani wetu walio mipakani kule, ningetaka iwe sheria kama ikiwa watu wa Isiolo wakitaka kuja kwa hii district yetu ya Nyambene wawe wakitambuliwa na ofisi ya chief and ya wazee. Maana huko ndio kuna shida nyingi, mauaji kila mara, vita na kila njia inayotokana na malisho ya mifugo. Ningetaka serikali ifikirie upande huo wa malisho na utumiaji ya hiyo ardhi. Kama ardhi inaendelea kupimwa yote, kuwe na kuwe na grazing area pahali mifugo itakuwa inachungwa. Ya mwisho ningesema mamlaka ya rRais iwe kidogo, asiwe ndio ana amuru kila njiakitu.

**Com. Ratanya:** Asante sana Kirambi kabisa. Kithia Murungi.

**Kithia Murungi Mucharia:** What I would like our government to do to our present Constitution which we are trying to prepare is that concerning to they should establish a health committee in every area to look into the welfare of our epileptic patients, those who don't have their parents or those who are neglected by their people. There are also mental patients, once a person gets mental problems, he is not cared for by his own family. There should be a health committee to care for those patients. Also we have our local trees, once those people came to demarcate our shambas, they valued i.e. miraa at 100/- per tree and i.e. avocado, 1000/-. Now our miraa should have more value than this avocado tree which bear fruits just once a year, but miraa is harvested every one month, it continues throughout the year. This one should move from 100/- to 5000/- and this should be done according to the age of this plant, if it is one year old, it should have 100/-, if it is over ten years old it should also have its own value. And those which are over 100 years, should have 5000/- shillings.

The other one is that there are some people who are just taking alcohol in any way they want. The government should say the amount exactly which should be taken by those drunkard people, some doctors say, it is just 100 grammes and those who take more than 100 grammes should be punished and a P3 be filled by a doctor to say why that person took more than he was supposed to have taken.

Our roads are the main killers of our wananchi. Let the government do something to our roads so that our people will also live longer. I suggest that at every one km, they build a big barrier or a road block or a bump. If you come overspeeding, damaging your own car and die while knowing, .....(inaudible other than killing people). Another thing is according to our place here or some areas in Kenya are known as operational areas whereby the police are supposed to keep their guns every minute, they are not supposed to keep in the armoury. Now, there are some enemies who come around and the police or the chief are not aware of those people and the wananchi are the ones who can help people or who can help the police to get rid of those enemies, let's say, it is somebody from far away, that person cannot come alone to this area. So there should be a committee in every area, those areas known as operational areas to help the administration and the police to arrest those criminals. Thank you.

**Com. Ratanya:** Asante sana Kithia Murungi na yule anayefuata ni Marios Meme, hayuko. Karuti Mucheke.

**Karuti Mucheke:** Thank you the Commissioners. I would like to propose on education, that education be free and compulsory. To finance this education there should be educational levy like what we have in petrol levy to take care of education. I would also propose that Teachers Service Commission should be delinked from the ministry as to avoid this passing of blame between the ministry and the TSC. I would also propose that pre-school teachers be employed by the government and permanent and pensionable instead of them being either employed by country councils or the parental scheme. I also propose in the field of education that the quota system of education of and admission into form ones be abolished and we reverse to the old system of admission whereby every student who qualifies to get a place in any school and could go anywhere in the country so as to continue with the national policy in education.

On presidential powers, I propose that though the pPresident appoints the senior civil servants, the pParliament has powers to veto their appointees. It is interesting to say that at times when the pPresident decides to go abroad or some other places, or foreign tours, he carries an entourage of some people who have nothing to do in that tour. I propose that whoever goes out with the pPresident should have a duty to do, e.g. for example if the president is attending or has been called to attend a specific meeting, he should not be carrying social dancers to go those places because they are wasting the public money. I also propose that there should be a provision in the Constitution for impeachment of the sitting pPresident if he/she abuses his office. At the same time, I also propose that there should be a provision in the Constitution for for impeachment of the sitting president if he/she abuses his office. Also I propose that the pPresident or the Constitution empowers ministers to avoid the interference of the eExecutive. Example, ministers in our country do not have the powers to execute what they do in their ministries. I also propose that the president should not be an elected MP from a certain constituency to avoid favoursim of that area.

On environment, I propose that all national resources be equitably shared to avoid that monopoly by some people who are in high offices. Again, there is a law I am not very sure, but we are told that an individual can control only about four metres above the ground, anything below belongs to the government. So I propose that individuals be given that authority to control whichever part of land he is settling, even if it is oil or gold found in that place.

I would also like to talk on the provincial administration. It is my proposal that provincial administration be abolished and be replaced by the elected councilors, because provincial administration represent the colonial relic of which actually has no place in the current independent Kenya. Also we have a problem with our riches, most of the civil servants who are found to be corrupt or embezzlers, instead of being fired at times, they are posted to other places. So I propose that anybody found embezzling public funds or having abuse of office or acquired property illegally, he should not only be taken to court and be prosecuted but also he should be made to pay what he had stolen. Also, we have seen that workers in our country most of them, however we have COTU, but some workers who work within the government sector, it is of reason that they are under

union. I propose that all workers be allowed to join trade unions and also have that power of bargaining, those trade unions not to be just rubber stampers.

Finally, I propose that because we have an update or a tradition or backtracking of whatever we are saying, I propose that any agreement we sign, an employer should be binding and be legally binding and not to be done like exactly what has been done between the government and the teachers because whatever they signed in 1997, the government is ready to go back and say it was illegal as if they were not aware when they signed. Finally, I propose that the schools or those who work in the Ministry of Education, those inspectors, should be provided with transport especially in the marginalised areas whereby it is taking about 10 to 20 years to hold inspection in schools. Finally I propose that all children born of Kenyans whether with another foreigner should automatically acquire Kenyan citizenship. Finally, I propose that we have one man one job policy. Thank you.

**Com. Zein:** You said that all workers should have a right to join a union, does that include civil servants?

**Karuti Mucheke:** Yes.

**Com. Zein:** Does that include the uniformed forces, the police, the army?

**Karuti Mucheke:** No.

**Com. Ratanya:** Thank you very much Karuti for your views, send your memorandum there. The next one is Chipriano Mathew (absent), Iriungi Kalaini (absent), the last on the list is Manyara Josphat.

**Manyara Josphat:** Thank you for the chance that you have accorded me, I have a number of proposals to make as regards to the way we are gathered. I may not be able to highlight all of them because the time is not enough for that. The areas for example the Constitutional of supremacy is seenwe said for example, when there is an amendment to be made, there should be two-thirds majority vote. I disagree with that because the parliamentarians can be bought and therefore I recommend to be 90% majority votes, that will ensure he isit is really our representative of the public views because parlimentarians are representatives only in the house. If this 90% is not achievable, then a referendum should be conducted every 10 years and it should be done by commissioners just like the one that is currently being useddoing the same. They should conduct these referendums and the parliament should also appoint these commissioners and once appointed they should be given security of tenure of office so that they don't interfere with them when they do the actual job that is ought to be done. Recalling of the commissioners, chairman inclusive, should be made through a tribunal appointed by the Judicial Service Commission and such a tribunal should also enjoy security of tenure of office so that they do the job without any bias. The tribunal then should recommend to the pParliament to sack the commissioner in question or retain him or her in case of misconduct cited.

Then on citizenship, I recommend that children who are born of parents who are Kenyan, they should be automatically accorded that right. A wife who has been married to a Kenyan should also be automatically be given the citizenship. If you were born in Kenya and you remain here upto the age of 20 years, whether you were born of Kenyan parents or not I think you should be accorded the same. The issuance of passport, it should be decentralized at the district level. This would minimise the cost of the beneficiary traveling to Nairobi to fetch for the same, because it is unrealistic for a resident in Moyale or Mandera who would like to acquire a passport to go to Somali, making a trip to Nairobi and staying there for 2 or 3 weeks before you get it and then you come back again to Mandera so that you can go to Somali. It should be decentralize.

On defence, the pPresident should not have the powers to declare war with another country, I think he should seek simple parliamentary majority votes to do that because the pPresident is also a human being and may have a few personal things to score with that. So pParliament should really vett and see there is need for a war. On political parties, they should be funded from the ex-chequer and that is a portion of funds must be assigned for that purpose and it should be shared in the ratio to pParliamentary and to politicianrepresentation. That is if the party does not have any MP in the pParliament, then I think it is excluded. The law should also protect the image of each party, that is no party should discredit the other in order to gain political mileage, instead this party should sell itself.

On the structure of the government, I think thise current system is not bad, but a few things need to be done on the three arms of the government, Legislature, Executive and the Judiciary. On the legislature, I think all the appointments that the pPresident makes should only have powers to propose the names and then the pParliament should then recommend whether those people are suitable or not. Parliament should also have the powers to recall such appointees and nominees by more than 50% votes. President should not have powers to dissolve the pParliament, so the pParliament should be given powers to dissolve itself. Anybody to be elected as an MP should also be morally upright. Recalling of an MP should be done by collecting at least 51% names and signatures of the electorate from two thirds of the location making the constituency, by any constituent who feels aggrieved. Such names and signatures should tally with the names in the voter register, the copy should then be send to the Electoral Commission chairman, who should thenwithin two weeks after authenticating the signatures declare the seat vacant. If the list is not authentic, the Electoral Commission chairman should refer the list back to the sender with appropriate directions. The recalled MP should have the right to vie for the seat to prove his position if he or she wishes during the by-election.

The salaries for the MPs should be determined by the Public Service Commission, because they are serving the public, I think it should be given powers to do that or another body but not themselves. All MPs should attend at least two sessions a week and in full, no technical appearance should be encouraged unless there is a genuine reason given to the speaker by the MP in question. Such reasons should be sickness or unlawful detention because he might be detained unlawfully and he misses the sitting. An MP who has absented himself or herself for two weeks without genuine reasons should be automatically be suspended and the constituencynts of such an MP beare asked to conduct a by-election. The ex-MP can also vie for the seat again during the by-election.

The Executive: The President should be a graduate, good conduct and should not have been convicted in a court of law in independent Kenya. The presidential tenure should be a maximum of two terms as it, the pPresident should not be an MP to avoid biasness in serving the constituents thus giving a raw deal to non-constituents. The pPresident should be impeached as it is done in America, incase of misconduct while in office and thehe/she president should not have powers to hire and fire judges.

The Judiciary: The judicial officers should be appointed by the Judicial Service Commission and it should also appoint judges and then pParliament should give an okay to the .....(inaudiblesuch appointees). Any rejected JCS judge should go back and appoint replacement whowhich should also undergo the same scrutiny he had undergone. The judge's conduct should be vetted by a tribunal created by the JSC which should enjoy security of tenure of office also.

**Com. Ratanya:** Sasa Josphat maliza, I gave you all that time because you were the last, now you want to take the whole night now because we are breaking.

**Josphat:** May I conclude by saying that the ministry of education should be changed because the teachers areas professionals they don't have their own body that can govern their conduct and also admit them as other professionals. Also teachers aggrieveds should be allowed to take the employer to the court and the case determined without losing the job. Thank you.

**Com. Ratanya:** Asante sana bwana Manyara, maoni yako yamekuwa marefu kwa sababu unatufungia. Hapo ninaona kwamba tumefika mwisho. Huyo mzee alikuwa amejandikisha, hakuwa amejandikisha alipata register yetu imefungwa. Ni wangapi ambao hawakujiandikisha, ni yeye pekee yake. Munakubali hiuyo kwa sababu ni pekee yake kabisa tumkubali.? Sasa ni wawili.

**Charles Mwithangi:** I am in form three. I would like to the government to be allowing the form four leavers who have attained good grades to be going to different countries for further studies, e.g.for example to universities because many graduates cannot get jobs in our country due to bad economy. Thank you.

**Com. Ratanya:** Thank you Charles, sign the register. Then we have Boniface Mutia.

**Boniface Mutia:** Maoni yangu ningeomba rRais asimame kwa muda wa miaka kumi. Ikiwa aanachaguliwa, achukuliwa mara ya kwanza na ya pili, ikifikisha miaka kumi hata kama yeye ni kama asali asichaguliwe tena. Rais, ningeomba ateremshiwa madaraka na ningeomba tuwe na waziri mkuu ili pPresident asimamie raia na waziri mkuu asimamie sereikali. Ningeomba pPresident asiingilie makesi kama ya mashamba ama ingine yeyote. Mkuu wa sheria achaguliwe na bBunge. Ningeomba pia, mawaziri badala ya kuchaguliwa na rRais wachaguliwe na bunge wote. Misaada ile inatoka nje badala ya kupitia kwa rRais,

iwe ikiingia katika bunge na wabunge kujadiliana upande iule una shida sana ndio wagawanye hiyo misaada, iende kwa kila upande.

Kuna watu ambao wana ardhi kubwa sana, ningeeomba hiyo ifanyiwe uchunguzi ikiwezakana ili wale ambao hawana angalau pia wao pia wapate kitu kidogo kutoka kwao. Maji nayeo ipatikane kwa kila mkenya. Ningeeomba masomo iwe ya bure kutoka darasa la kwanza mpaka university. (*clapping*) Ningeeomba kuajiriwa kwa kazi ikusiwe na mapendeleo wala hongo. Ningeeomba traffic policemen badala ya kuingia kila mahali waingie ile mji kubwa kubwa, wanatutaabisha hapa na TKK, kwa sababu hata wanasimamisha hata baiskeli yenyewe inaitishwa pesa, jamani mtu wa baiskeli anapata nini? Ningeeomba makanga nao watolewe stage kabisa. Ningeeomba badala ya mtu kutolewa bila ya kutaka, kupata pesa zake, alipwe pesa yzake halafu aondolewe, kama ni kustaafu astaafu akiwa na pesa zake.

Ningetaka industries badala ziwe mijiya kuwa miji kubwa kubwa, hata sisi tunahitaji. Kuna maji ingine katika town, na kuna maji chafu nayeo inateremuka inaingia kwa hiyo maji. Tunaomba hata hiyo maji yaihifadhiwe vizuri badala ya kuingizwa maji chafu, ndio inaleta magonjwa. Tunaomba ma-chiefs sisi raia tukubaliwe kuwachagua. Tena tunaomba miraa yetu ikubaliwe kuuzwa, miraa yetu sio bangi, saa yote tunasumbuliwa sana na miraa. Miraa yetu haivutwi kama bangi, bangi niunajua lazima isokotwe. Lakini miraa yetu tunatafuna tu, kutoka utotoni tumekuta wazee wetu wanakula miraa hatujawai kusikia hata mmoja ametokaamekuwa wazimu kwa ajili ya miraa, lakini bangi inapanda kicha unatoka wazimu. (*clapping*) Kwa hivyo turuhusiwe miraa yetu, ile ni mboga iuzwetuuze kama zvile ziwengine bila taabu kutaabishwa hapa na pale, kuna mahali tunaambiwa musiiingize miraa.

**Com. Ratanya:** Sasa inaonekana inafaa tuingiekama tumeingia usiku bwana Boniface. Moja tu.

**Boniface Mutia:** Nina moja hapa, njurinjeki nayeo, inashikilia kazi kubwa sana na haitambulikani na serikali. Inatatua makesi miengi sana na imeingiliwa na serikali sana, kwa hivyo tunaomba hata whao waingizwe kwa sheria, wakikata wanakata kama vile koti inakata kesi na inakubaliwa. Itambulikane kabisa kwa serikali. Ungenikubalia niseme hii pekee yake, hii ya land and settlement inatusumbua sana.

**Com. Ratanya:** Boniface unajua tumekubalia ili useme yako ya mwisho, hayo ya land and settlement yalisemwa asubuhi wakati ulikwa mbali, yalisemwa sana, asante sana. We got to the last one, Luke Itabara.

**Luke Itabara:** Maoni yangu ninaomba raia wafunzwe kuhusu haki za sheria. Idadi kubwa ya wananchi hawajaelewa haki zao za kisheria ambapo wanapopelekwa mahakamani mara ya kwanza, ukubali makosi usije ukafungwawasije wakafunwa ndani. Hata hawaelewi kuwa sio kosa ukipatikana ukitembea bila kitambulisho na kutokana na hali hii nahimiza aAct ya mkuu wa sheria itafute mbinu za kusambaza elimu ya haki za kisheria ili waepuke na itakuwa ni njia moja ya kumaliza upeanaji kwa kesi ya hongo baina ya raia na polisi. Ya tatu, ninaomba serikali ichukulie pombe ya kienyeji hatua kwa sababu inafanye a watu

wengi wafe na waache watoto wao wakiwa kwa hali ya tahadhari. Yangu ni machache, asanteni.

**Com. Zein:** Lucas sio swali nikukuambia tu, kulingana na Katiba iliyoko sasa, si hatia kutembea bila kitambulisho.

**Luke Itabara:** Wengi hawajui.

**Com. Ratanya:** Asante kwa maoni yako na uandike hapo. Co-ordinator I think you will follow the same procedure you have been following.

**George Kimathi Samuel (Coordinator):** Good evening, ladies and gentlemen I think we have come to the end of this session. We have been to Ntonyiri Constituency since yesterday, yesterday we were in Lari and today we are here in Mutuati Secondary School, but it does not mean that this is the end of the process because the Commissioners have collected our views and we expect the Commission will collect or it will compare the views they have collected from the constituents of this Ntonyiri. And to that we are hoping that may be in two months time, we will be having a report, as many of you have requested, to have a report which will come back to us and this report will be based on the views we have given for the last two days. What we will do with this report is that we analyse all the views and then we will give the report back to you, you discuss it, if you feel that there are some areas maybe you would like to change in this report, you will be given another chance, but this time we will go to the provincial level.

Those who wish to make their final amendments to this report, will go all the way to Embu to amend this draft report. So we are not ending the process at this level, we will bring the report back to you, you discuss it, you give your final views and then we move to the next stage which is the National Constitutional Conference whereby we will take some few delegates from this region, they will go to Parliament with our MPs, including representatives from the civil societies, churches and so on. So what I am saying is that we will continue with civic education, we will be going round as we have been doing, explaining to you what the Commission is doing and you will be party to the whole process of reviewing this Constitution. So tomorrow we are going to Mukinduri and next week will be at Muthara Polytechnic, then from there we go to Kianjae and the Kimachia, that is where we went for the hearing for Nyambene district. So if you feel that maybe there is something which you have not given out to the Commission, you can also visit us in these venues and you can air your views. Otherwise I will hand over to our secretary, Ntonyiri CCC, Mr. Simeon who will give a vote of thanks on behalf of the Commission.

**Interjection:** (Inaudible)

**Com. Zein:** This is not the last chance for you to make submission to the CKRC, if you want to write to us formally and give us your memorandum, you can do it in a number of ways: You can write and take it to his office, he is the Coordinator in this district of the CKRC so you can take it to his office, you can send us the memorandum by post, or you can even E-mail us



through our email address, or if you visit our website there isare instructions on how you can make submissions. But you have to do that before we complete our collection of views and this is going to be done on the first week of August, if we continue with the programme the way it is, if there are any changes in the programme we will inform Kenyans through the media and other channels including his office. We have already collected views in Central Province, Coast Province and by the end of next week, that is on Friday next week, we will finish collection of views in Eastern Province. The whole Commission is in Eastern Province at the moment and then we have collected part of Nairobi, we should be finishing that within the next one week from next Friday. So if you want to submit your memorandum, it has to be done before the first week of August, I don't know if that answers your question. Thank you.

**Simeon Kaarie (Secretary; CCC):** Asante sana bwana Coordinator, yangu vile mumuelezwa nikutoa shukurani, kwa hivyo sitakuwa na mengi. Kwanza tunatoa shukurani nyingi kwa hawa ma-Commissioners bwana Ratanya na Abubakar, kwa vile wameketi hapa muda mrefu kutoka asubuhi bila kuchoka na wame wezesha kila mtu kutoa maoni yake bila kutishwa na kwa njia safi na roho safi. Tunatoa shukurani zetu pia kwa Coordinator vile ameendelesha hii kazi kutoka jana katika hii constituency ya Ntonjiri hadi siku ya leo. Pia tunatoa shukurani zetu kwa security wale ambao wamekuwa nasi hapa siku ya leo na tumesikia kwa Abubakar, alisema kuna wale ambao wamekuja hapa kutisha wengine wasitoe maoni na hiyo sio mvizuri. Kama tungewataka wangukuwa mkononi saa hii lakini kwa vile hatutaki mambo kama hayo yaenee, tuwache yakwametuliona wacha yakome hapo tu. Kuna vijana wengine walikuwa wanakuja hapa wanaambia watu wanaambia watu musiingie kutoa maoni, kwa hivyo wawekaji ulinzi tukonao hapa, tunatoa shukurani kwao hawa. Pia, tunatoa shukurani kwa mwalimu mkuu wa hii shule kwa kutupa, hii building hata ingawa ni ya public, lakini iko mikononi mwake, viti kwa kila kitu kiko mikononi mwake, tunatoa shukurani nyingi sana kwa vile alitukubalia tuje hapa. Ikiwa hii ni darasa moja inatamiwa na wanafunzi, lakini alijitolea kama kafara ili itumiwe na watu kuja kutoa maoni yao katika hili baraza. Pia, tunatoa shukurani nyingi kwa waalimu wale ambao wamekuwa nasi kutoka asubuhi hadi wakati huu, kwa hivyo tunashukuru sana pia. Pia, tunashukuru wanafunzi kwa vile ambavyo wamekuwa na nidhamu, hakauna wale ambao wamesumbua wale wengine na pia wale wanafunzi ambao waliwakilisha wenzao kutoa maoni yao hapa tunawashukuru pia. Kwa hayo machache ninasema asanteni sana kwa kuwa na subira tangu asubuhi hadi wakati huu, pia nimesahau wafanyi kazi wale ambao ninawaona makarani, wametusaikia pia kuandika maoni na ma-Commissioners wakiandika, iwe hakuna kile kitu hata kidogo kimewachwa, ileyale mtu maneno mtu amesema. Kwa hayo machache ningesema, asanteni sana bwana Coordinator.

**Com: Zein:** Thank you very much the secretary. Did you notice what was going on? So today you had a chance, not only to participate and give your views which we appreciate because your representatives did give us views in the morning, but also just sitting here as observers and noticing what is going on is absolutely important for not only our history but you yourselves witnessed that this process was free, and you could come in yourselves and sit among adults and listen and the young man who was asked if there was anybody who was, we asked everybody if you had a chance, if you wanted a chance to speak and one of you took up the chance and was heard.

Sasa kazi yangu ni rahisi kabisa mimi, kwamba baada ya kuwashukuru ningependa kukamilisha kikao hiki kwa kutambua rasmi kwamba Kikao cha Kurekebisha Katiba cha Kenya kwa minajili ya kukusanya maoni ya wa Kenya ili kurekebisha Katiba yetu kimefikia mwisho tunakifunga. I would like to officially close this session of the CKRC for the purpose of collection of views from the people of Kenya for the purpose of amending our Constitution. Lakini kama kawaida, ya adha, desturi na mila zetu katika Tume ya Kurekebisha Katiba, hatautaenda nyumbani bila ya kumuomba mmoja wetu atuongoze katika kutoa maombi na shukurani, na kazi hiyo ningependa kumuachia mshirikishi wetu au Coordinator wetu hapa katika wilaya hii, bwana Kimathi.

**George Kimathi (Coordinator):** Asante sana Com. Zein, ninafikiri nitamuomba mwanafunzi moja atuongoze kwa maombi au mtu yeyeote ambaye angetaka. We have the Pastor here I forgot, karibu Pastor.

*(Prayer)*

**Pastor Peter Maore:** Thank you so much. I would request that we all stand up then we join the word of God. The word of God says in SamsPsalms that says blessed is a nation whose God is the Lord and I believe this big part of our country, recognizing the Lord as our Lord, we remain blessed even in the process of reviewing our Constitution, let's pray:

The Everlasting lasting father in the name of the Lord Jesus Christ, we are standing before your presence this evening at the close of this function in a historical and memorable occasion Lord, when we are bringing our minds together to amend the rules that should govern our lives as human beings for the days that we shall be in the world and this part of the world that you have put us. I pray Lord giving you thanks for enabling us to do all the things that we have done over the course of this day, I pray almighty father for the blessing of the Lord upon us as the citizens of this country, I pray Lord for your blessing over the servants that are doing this work and they that are spearheading this activity of reviewing the Constitution Lord. I pray that my father my hand shall upon the heart of every person that shall be involved, my hands Lord shall be upon the hearts of the Commissioners, oh God of glory, that they will lead oh my father to set up a document that shall be able to govern our lives, that we shall not live in the fear are in the reverence and in the reverence of the Lord because there is no law that is made that which does not come from you, there is no nation that has been set up Lord without thy council. Father I pray that we in the nation of Kenya, we are here because you have intended us to be here, I pray that you may give us the Constitution, you may give us the rules that are good for us Lord in this life that we are living oh Lord, for we know that you are the master law giver, thou that began by giving Moses the laws, oh my father, that should govern the people and this has permuted all the civilized of this world. Lord I pray that this law that we shall have, this Constitution that we shall have Lord, shall be one that has come from you and then thy people then shall live in peace. Bless everyone Lord, I pray that as this people move from here Lord, traveling and trespassing different parts of this country and the nation,. Lord you lead and protect them, against the works of the devil, the plans of the wicked against their lives Lord I refuse as thy servant in the name of Jesus Christ. Lord bless them upon them and let this country live in peace, we give you honour and praise for we all pray and believe in Jesus mighty name. Amen. God bless you, thank you so much.

