

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

THARAKA CONSTITUENCY, HELD

AT MARIMANTI RURAL TRAINING CENTRE

ON

Wednesday 15th May 2002

**CONSTITUENCY PUBLIC HEARING , THARAKA CONSTITUENCY HELD AT MARIMANTI RURAL
TRAINING CENTRE ON MAY 15 2002**

Present

Com. Isaac Lenaola - In the Chair
Com. Abdirizak A Nunow

Apologies

Com. Salome Muigai

Secretariat Staff in Attendance

Solomon Anampiu - Program Officer
Patricia Mwangi - Verbatim Reporter
Mary Kunyiha - Reporteur

The meeting started at 11.40 a.m. with Com. Isaac Lenaola in the Chair.

Com. Isaac Lenaola: Kabla sijamjulisha ni kina nani wamekuja mbele yenu, ningependa mmoja wenu atuombe kisha tuanze mkutano.

Councillor:- Baba tunakushukuru kwa sababu wewe u mwema. Tumejileta mkononi mwako Bwana utuongoze katika kikao hiki. Na kabla ya hayo Bwana, tumekushukuru kwa sababu ya vile umeleta wale ma commissioner tuko nao mbele yetu. Wametoka safari ndefu, wakitumia magari ambayo ime tengenezwa na mikono ya binadamu. Mungu, mkono wako wa ajabu uliwaachia na wakafika salama na wakatukuta. Ili ndio twakupatia mkono huu Bwana uwe pia na sisi na utuongoze, na yale yote tutakayo ongea, yawe ni ya manufaa na ni ya kutu wezesha kukaa vile tunavyo stahili. Tunaomba kwa hayo machache tukiamini wewe ndio Mungu mwema katika jina la Yesu Kristo aliye mkombozi wetu. Amen. Thank you.

Com. Isaac Lenaola: Ningependa kwanza kuwajulisha wale mumekuja nao na nitamwita co-ordinator awajulishe committee yake, halafu nita anza mkutano mara moja. Macommissioner ambayo wamekuja hapa leo, ni mwenzangu hapa Dr. Abdirizak Alale Nunow, kisha tuko na Freedom Officer Bwana Solomon Anampiu, halafu tuko na Mrs Patricia Mwangi, ambaye ni recorder, tuko na Mrs Mary Kunyiha ambaye pia atakuwa anaandika maandishi leo, na tuko na Councillor wetu Dr Wakiliki, na mimi naitwa Isaac Lenaola na mimi ni Commissioner na nitakuwa ni Mwenye Kiti wa kazi za leo. Ningependa kumwita sasa Bwana Wakiliki amjulisha committee wake wale wako, halafu nitaendelea.

Bwana Wakiliki: Thank you very much Commissioner Lenaola. Sasa wanakiti wa Committee, kisha mimi ni one of the members and I take this opportunity to greet you all. Good morning? Halafu tuko na Chairlady wa hii committee Sanja ambaye amekaa hapa. May be you may have to stand ndiyo watu wakuone, wale wako nyuma kidogo, then there is John Ngazo; John Gazo is over there; then we have Felix Mang'oru – ni huyo mzee, then there is Francis Mbachira Kionji our retired AEO. So far, ina onekana kama hawa ndio wamefika, lakini sija sahu mmoja ambaye alikuwa hapa nyuma yangu, sorry Chairman, County Council Tharaka, Councillor Gideon Kaimbasi. Yes, the others were here but they will be joining us in due course.

Com. Isaac Lenaola: Asante Dr Wakiliki. Kabla hatuja mwita mtu wa kwanza, ningependa kuwaeleza kwamba uko na huru kuongea lugha yeyote. Ukipenda kuongea kingereza, ama kiswahili, ama kitharaka, ama kisamburu, ama kisomali, uko na huru kuzungumza lugha inayo ipenda.

Jambo la pili, twawapa kila mtu dakika tano kuzungumza. Kwa hivo, tafadhali jaribu dakika tano tu kusema mapendekezo yako – recommendations zako; Mara nyingi watu huongea story nyingi za vile tuko na shida ya bara bara, vile tuko na shida ya maji, vile tuko na shida ya hospitali, na hawasemi wangependa kuwe na jambo gani. Ningependa mapendekezo. Shida ni nyingi. Kila mahali. Lakini ningependa mapendekezo. Ungependa chief abaki ama atolewe? Ungependa chief achaguliwe ama achaguliwe na serikali? Direct! mambo bara bara kabisa. Ili kila mtu apate kusikilizwa, kabla ya saa kwisha.

Jambo la tatu, tungependa heshima katika mkutano. Mtu akija kuzungumza pale, kama hupendi vile angesema, usimpigie makelele. Mpe nafasi yake akisha maliza aende. Wewe ukija kusema zako, sema pia vile mwoyo wako ungependa. Usimsumbue mtu, usimpigie makelele. Aseme haki yake kwa maana leo ni siku ya kila mtu kuzungumza mambo yaliyo mwoyoni mwake. Kwa hivyo si lazima kwamba mambo ya huyu iwe sawa na mambo ya huyu. Kila mtu aseme mambo yake kivyake.

Jambo la mwisho, tuta keti kutoka sasa mbila break mpaka saa kumi na nusu. Kwa hivo tungependa kwamba kila mtu apate nafasi ya kusikilizwa na usiwe na wasi wasi kwamba, ukisema jambo, Chairman wa council atakugomea baadaye, ma DO, ama DC sema mambo yako. Kila mtu ako na haki. Usiogope mimi, usiogope chairman, usiogope polisi. Sema jambo lako, wazi wazi kabisa. Hamna wasi wasi katika huu mkutano.

Jambo la mwisho kabla sija anza, ningesema pole sana kwa vile tumechelewa si kupenda kwetu. Tulifikiri kwamba tungetumia one hour kutoka Meru, kumbe bara bara yenu iko na shida kidogo, tukachekewa. Lakini tumesema hiyo ni ya Mungu. Lakini kwa majalio yake, tumefika salama, na tutaketi mpaka tutakawasikiliza wote.

Nime washukuru tena na sasa ningependa kumwita mtu wa kwanza. Wapi ile listi? Kwa hivyo tafadhali ukiona kwamba kama dakika tano zimeisha, fupisha mambo yako. Kama uko na memorandum, barua umeandika mrefu, tungependa ufanye yale inaitwa highlight. Angaaza tu! Yale mambo ya maana kwa vile memorandum itasomwa na tume. Basi nitamwita kwa vile hawa hawajakuwa tayari, Lois tuta ngoja watu wako, Judith tutagonjea Chairman wako, John Kang'oi utasema habari yao kama committee, Felix Kirema kama committee, Joseph Musee umesema watu wako watasema baadaye, tutumwita Mheshimiwa Francis Kagwima.

Mheshimiwa Francis Kagwima: Thank you Bwana Chairman wa mkutano huu, the other commissioners and secretariat na watharaka kwa jumla hamjambo?

I will have to do what you have just said. I will highlight a summary but you can have a copy of my report.

My presentation will be in English. Briefly, I would want even those who speak after me to say a few things related to the history of Tharaka, that I will not dwell on because you can get it from the books and other speakers are more versed about the history than myself. About the place, I would Bwana Chairman want to talk about Tharaka as a tribe, Tharaka as a District and Tharaka as a community.

We are brothers with Meru but we are a different tribe and community, that have their own needs and aspirations, that require to be addressed in the new constitution. That one, Mr Chairman, I will, because of diversifying cultural and other social requirements, for general development, may be, Chairman I say that because Meru tribe – other Meru districts – have 8

members of parliament, we will present them compared to one member of parliament representing Tharaka community and Tharaka District. That is why I want that dealt with separately.

The other issue I would want to mention Mr Chairman is of course to take note of the development status of Tharaka District. Of course this in one area without any tarmac road, without consistent supply, major irrigation projects, without adequate representation even in the civil service and in parliament, and without any major influence. So those require to be noted at the beginning, so that they addressed in the new constitution. So the new constitution makes enough provision tools for live for development. Mr Chairman, I want to dwell for the next one minute or so on the entrenchment of Tharaka District in the new constitution.

You will recall that just recently, a few members of parliament sent to court to try to throw out the newly created district out of the constituency. Mr Chairman, I want the new constitution to take into account all the existing districts. If they are 70, they should be enlisted in the new constitution so that they establish the headquarters.

With their natural resources that are available with their requirements, with whatever is lacking. So that a President does not come or anybody or any other party, Mr Chairman does not come from the blues and say, today I am scrapping off all these districts. We want the districts entrenched in the constitution so that they are protected by the constitution. Among those districts that need to be protected is Tharaka district with its head quarters at Marimanti.

Moving quickly away from that, Mr Chairman we have the other issue. I know it is not the duty of this body to review electoral boundaries, but Mr Chairman it is important to know that adequate representation in parliament and in the local authorities, difficult areas such as Tharaka require reviewing of the electoral boundaries including increasing representation to parliament for this area. Mr Chairman, I have proposed that any population, any area, or any constituency that exceeds over 100,000 people be given an additional constituency. If that area is of difficult terrain, is undeveloped, is semi arid such as Tharaka and covers a minimum of about 800 sq km. I am talking of a population of 100,000 people. I am talking of difficult terrain and the fact that the area may be undeveloped and then I am also saying, if the area exceeds 800 sq. km. And it also has that population, let it have a new mjumbe.

If those were to be taken into account, in future Tharaka will require 3 members of parliament: one for Tharaka North, one for Tharaka Central and one for Tharaka South. Mr Chairman, this will help a great deal. I have been in this area as a member of parliament for 10 years and I know the terrain is difficult. You require to change a car every 2 years if you have to continue having one member of parliament.

And of course the other aspect is we have a district with only one member of parliament. I would want to easily add that any existing district should have more than one member of parliament, so that it is a district. Other wise it is one constituency that

you are calling a district. And should that member of parliament fail, we are saying the entire district is not there. So those factors I have mentioned and the fact that this is a district and the fact that we are a tribe, the fact that we are a community those many facts put together, Tharaka requires at least 2 members of parliament.

I would also want just to highlight that Tharaka is rich with natural resources. We have very many stones through out the district. Stones and rocks. Mr Chairman, I am pleased to note that some of the rocks that exist here are some of the stones that are being harvested in Kajiado for grinding into fine powder that is used as terrace to make very very fine floors in the banks and sophisticated buildings in Nairobi. So it is important that, that is unexploited. We have the biggest deposit of Iron Ore in the country, which is also unexploited Mr Chairman. We have very many trees in this district of medicine value. We need that to be exploited and, our people before us and fore fathers used to live on medicines from those trees. Mr Chairman, we have also trees that are producing very good fruits, which can be tapped. We have also trees that can produce gum, we have trees that can produce wine, so we have - we are rich with those natural resources. Mr Chairman what we would be asking the new constitution is to provide adequate funds for research into those areas that I have mentioned, so that they can be exploited for the benefit not only of Tharaka people but the Kenyans. Of course, I have left out the precious stones, away from these other stones and rocks that I have mentioned, there are those expensive precious stones like green comoline, and Ruby and the rest. They are all over. What we will require is enough funds and technology to exploit for the benefit of all of us.

The indigenous trees are not new I repeat, Mr Chairman. We are also rich with talent of music, that requires to be tapped and thanks for recording and training people so that – that talent is tapped. Mr Chairman, it is good to note that Tharaka is rich with people who can produce good music for local and international consumption.

We also have sportsmen and ladies who are lying all over but they have not been encouraged or supported to exploit their talents, so I would want that to be also noted as a source – a natural resource which can be used.

We also have a lot of sand – some of them in the dry springs and banks of the rivers - I am not encouraging so much to spoil the environment, but it should be noted that sand is being used in the upper areas in Meru, in our neighbourhood areas and a natural resource, we need to earn from it. The county council should be enabled to earn cess – to get cess by probably putting barriers to those moving to development including building roads that lead to the shambas. Mr Chairman I would want the new constitution to also ensure that any district should be supplied with at least one tarmac road leading to the headquarters and then all the other roads be made weather. That should be put in the constitution, the DC must be reached, or the head quarters of the local authorities must be reached. It should be accessible to the rest of the Kenyans. The same should be supplied with electricity. Me Chairman, as I conclude, I would want also the community so called Tharaka and the district and the tribe to be adequately represented in the civil service, the public service. There should be some provision. You people know how to better put it but we are saying the constitution should make sure that we are adequately represented.

Mr Chairman, looking at the central administration, I will propose that there be the President as the Head of the State, a Vice

President who will be his deputy, there be a Prime Minister who will be the Head of the Government, there be the ministers to report to the Prime Minister and the Assistant Ministers reporting to the Ministers, and of course whatever else follows, and of course the parliament should create and approve the ministries created by the Prime Minister; and of course I am also asking that those 5 positions be protected by the constitution so that you don't wake up one day and sack your vice chairman, your vice president without the approval of the other people, because that weakens all the other positions. So that all the 5, the 2, the President and the Vice President, the Prime Minister and his 2 deputies should be protected by the constitution. Of course they can be removed by the approval of the parliament if the parliament therefore cests a committee.

And turning to the local Government Mr Chairman, this is the centre of development – I am not sure if I mention that . I should be forgiven, if I repeat myself. The local authority in future will be the centre of development. We are asking that money be made enough to the county councils so the county councils who know all the requirements of the people and their needs be given enough money from Nairobi. Then they manage. The Nairobi will supervise the money, but the money should come to the county council so that the county council Chairman who actually should eventually be the chairman of the DDC should then supervise and ensure that the resources are used. I know people – eh – that will be kind of majimbo so that you develop your own small government in the local authority, which will set priorities. The taxes will be collected by the Central Government but the same taxes should be brought back to us. Even if we do not raise enough taxes, those districts that can raise the taxes let them develop the undeveloped districts. In future we shall also contribute when we become developed. We shall also contribute to those who are well to do districts. So the centre of development for this country should be the local authority. DC should be there, but let him be in charge of security, let him assist the government to collect taxes and those other things. Let him ensure that those who steal public funds are put to court and are arrested but let the DDC be chaired by an elected person. And then I am saying for the local authority to manage the money well that will come to Nairobi, should also have educated leaders. The councillors in future – it does not have to be now, but in 10 years to come, we need councillors who have gone well to school so that they can manage the millions that will come from Nairobi. So with these few remarks Bwana Chairman, I will call to the land use.

We have continued because of the children to sub divide the land though out the country. Here the problem has not reached but it is else where in Kiambu and Meru. There should be a limit to which we will subdivide the land. Because when you give one person one acre, what will he do with that one acre? We should give a minimum of 10 acres especially areas difficult like this, so that they become economical parcels; then people are advised and of course – so that I give the other people time. Thank you Mr Chairman for this opportunity. In future, if anybody wanted to raise a question on my presentation, I am ready to answer. Thank you so much.

Com. Isaac Lenaola: Mheshimiwa, I would like to ask you. You mentioned that councillors should be – that's my first question – would be educated so that they can be able to manage the resources. What level of education in your opinion would be appropriate or sufficient enough to enable them make informed decisions for the development of their areas?

Mhe. Francis Kagwima: I think a minimum of form 4 level of education will be adequate. I am also not asking that those present councillors be eliminated all together. They can be given time, but people knowing that in future, we shall have a minimum of form 4s.

Com. Isaac Lenaola: You also said that taxes should be collected and a percentage brought back to the local authority. What percentage?

Mhe. Francis Kagwima: Mr Chairman I am proposing 80% be brought to the local authorities.

Com. Isaac Lenaola: Thank you very much for giving your views. Sasa ningependa kumwita Bwana James Mwachigi wa DP party. Halafu James Mwiraria Kiriya ufuate James Mwachigi. Karibu.

Bwana James Mwachigi: (Tharaka Dialect) **Translator:** His name is James Mwachigi DP Chairman in Karocho. He wants to talk about some problems that they are experiencing as parents, concerning education.

Edducation forTharaka people is very expensive. The future government should provide enough funds for education.

They also have a problem with malaria, because health facilities and health funds for health purposes should be provided in the constitution. He is proposing for free medical attention.

There is a problem with the provincial administration. He says some of the provincial administration officers are redundant. They have no work. The District Officers and the position of the Assistant Chiefs should be abolished. The DC and position of the chief to be retained, but the chief should be an elected person.

There is a problem of land ownership and he wants that to be entrenched in the constitution. That every male person has access to land. He says women are even denying the men burial places in their own land. He says thank you.

Com. Isaac Lenaola: Goja kwanza. Bw Mwachigi, goja kidogo. There is a question on the last statement. Ile mwisho kabisa, ulisema kila mtu wa kiume awe na ardhi na mwishowe ukasema kuhusu ardhi, ulisema wanawake wananyima wanaume hata pahali ya kuzikwa. Unaweza kufafanua kwa sababu si elewi? Ardhi ni ya wanawake sasa, ndio unasema wanaume wapewe ama ni ya wanaume lakini wanawake wanawanyima wanaume kutumia ardhi yao? Fafanua tafadhali.

Mr James Mwachigi: He says the current land control rules provide that for any land transactions, the wife and the children must give consent. This is not necessary because it is the men who actually struggle to acquire the pieces of land, and children

and women are not involved.

Com. Isaac Lenaola: Are you saying that women should not own land at all?

Mr James Mwichigi: He says he is not proposing that they be denied access to the land but they should be provided with land as long as the husband is there. But in the case of the husband being absent, then the first born son should take charge and not the wife.

Com. Isaac Lenaola: Asante sana Bwana Mwichigi. Joo andikisha hapa. Kwa maoni yako, Cyrus Mpate, halafu Mercy Wanjiru ukuwe tayari. Mercy Wanjiru yuko? Ukuwe tayari ufuata Gitonga. Silas Gitonga? Silas wewe ndiyo unafuata? Uko tayari? Ungependa kutoa maoni? Basi karibu. Sema jina lako, halafu uendelee.

Cyrus Gitonga: Jina langu naitwa Cyrus Gitonga. Shida ile ambayo tunaona hapa Tharaka ni ya kutoka kuanza kwa sub unit, sub area, assistant chief na chief. Na kulingana na vile ambao tumeona, hawa watu hawana maendeleo hata kidogo, kwa sababu yeye anajua yeye ameandikwa na serikali. Kama yeye ana maendeleo, atakaa hapo tu kama assistant chief. Kama ni chief, atakaa hapo ty anagojea mpaka wakati atakapo ritaya. Kwa sababu kuma sub location ingine, zinaanguka kana kwa sababu ya assistant chiefs. Hawakufanya chochote ambao ni ya maendeleo. Hawakufanya maneneo yoyote. Kazi yao ni kuitisha tu pesa ya wananchi wakule.

Com. Isaac Lenaola: Ungependa nini?

Cyrus Gitonga: Kwa hivyo tunaona badala ya wandikwa na serikali, wachaguliwe na wananchi. Kama ni miala 5 kama wa bunge, miaka 5 kamamtu hana maendeleo, aende nyumbani.

Shida zingine ambao tumeona hapa Tharaka ni spitali hii ya serikali. Kama hapa Marimanti, tuna hospitali hapa Maremanti. Umeenda tu unaitishwa pesa, una andikiwa na unafanyiwa chochote, lakini baadaye, badala upewe pesa, una ambiwa uende ukanunue dawa kwa kliniki, na pesa zote zile ambayo ulikuwa nayo, umepeana kwa kliniki na hiyo pesa hatarudishiwa. Sasa ukiambiwa nenda ukanunue dawakwa kliniki unaenda kununua na nini? Na hiyo pesa tutarudishiwa tena. Kwa hivyo hapo tunaona kuna shida. Kama hakuna dawa, uambiwe hakuna dawa, enda kwa kliniki ukanunue kawa. Kwa sababu tumeona wale watu ambao wako kwa spitali, wamefanya mipango ha wale watu wa kliniki, wagonjwa wakikuja spitali, mimi nitawaleta kwako. Halafu uwauzie dawa. Kwa hao wote tunaona shida.

Com. Isaac Lenaola: Mungependekeza nini?

Cyrus Gitonga: Tunaona – tunapenda kama hakuna dawa, labda kuandikiwa waambiwe hakuna dawa. Enda utafute dawa

kwa kliniki. Halafu mtu yuleyuko na pesa ile ako nayo, akatafute dawa kliniki.

Jambo lingine ambao inaleta shida hapo Tharaka ni ya harambee. Tumesikia harambee zimefungwa. Lakini sisi tuko na redio. Tumesikia Mtukufu Raik yeye mwenyewe huko Nairobi. Harambee zimeendelea. Ofisi yake, watu wa ofisi yake ministers ndiyo wanaenda kwa harambee tunaambiwa zilifungwa na mtukufu Rais. Mukise,a ni harambee, nyinyi mutafungwa. Badala ziiitwe harambee, tunaita “maketha” na usi ite watu kutoka mbali. Kwa sababu uki ita watu kutoka mbali, nyinyi mikifanyiwa harambee, mtafungwa. Sasa tunaona hapa Tharaka hiyo ni shida ingine kubwa. Kama iko serikali ina angalia sehemu moja, twaambiwa Tharaka hakuna serikali ambayo inaangalia Tharaka.Kama kuna harambee zozote mahali ambayo zinatumika Kenya, hata Tharaka au sehemu zingine \ichikiliwe kama harambee zina endelea. Lakini si kama tuna ambiwa watu wengine hakuna harambee. Hiyo ni shida ingine tunaoma tuna sumbuliwa hapa Tharaka kwa sababu, hakina harambee zozote tunafanya. Watoto wetu wako manyumbani kwa kukosa pesa.

Jambo lingine ambao tumeona hapa Tharaka ni kutika kwa county council. Sisi hapa Tharaka ni wakulima, na wachungaji wa mbuzi. Lakini ukichukua chakula yako uende nayo sokoni, mbele ya kuuza, wewe unaambiwa lipa pesa. Nimekuja tu na hiyo chakula. Niuze, nipate kitu, nipeleke kwa shule, au nipelike kwa spitali. Nikisema sina pesa, hiyo chakula inachukuliwa, inaenda, inapelekwa kwa county council. Zingine zinzipotea. Sasa si kuwa na pesa wakati nilikuwa nimekuja kuuza hiyo chakula, sasa wewe unaniambia nitoe shilingi ishirini. Sasa hiyo pesa nittia wapi? Na sina pesa ingine?

Jambo lingine ni kwa mbuzi.

Com. Isaac Lenaola: Ungependekeza gani mzee?

Cyrus Gitonga: Hapo kwa chakula, tunaona vile mzuri, watu watenge kwa market, watu waingishe chakula kwa market, kama ukiuza, lipa pesa. Lakini uniambiwa lipa pesa na huna utalipa nini?

Com. Isaac Lenaola: Uko na dakika moja sasa.

Cyrus Gitonga: Ile ingine ni kwa mbuzi. County Council haikuweka wire ya mbuzi. Halafu mbuzi zingine kwa soko ya mbuzikama hapa Malemanti unaona wananchi wana sumbuliwa sana. Kama unakuja kuuza mbuzi, na hakuna hama unaingia wakati huu. Receipt ya mbuzi tunataka ilipiwe wakati mbuzi zina ingia kwa market, ikitoka palekwa gari, uitishwe pesa. Lakini kama ni huko public, hiyo pesa ni ya nini? Unaitishwa ya nini? Tunaona hiyo ni kunyanganya wananchi. Kama county council inataka pesa ya haki, ijenge mahali ya kuuzia mbuzi, mbuzi ziki ingia, zikitoka, lipa pesa. Kwa hivyo,

Com. Isaac Lenaola: Sasa tumefunga. OK asante. Joo. Andikisha hapa. Mercy Wanjiru. Na tafadhali tena nimkumbushe, ukisema jambo, kama kuna shida mahali, toa pendekezo. Shida peke yake haitoshi sisi. Tungependa pendekezo. Tunasema

kuna shida mahali, toa pendekezo. Hapana sema shida peke yake sana. Kwetu zaidi mapendekezo. Endelea Mercy Wanjiru.

Mercy Wanjira: My names are Mercy Wanjira. I am presenting solutions of SDA church members Tharaka constitution, towards contributions to the debate of Kenya Constitution Review Commission.

1. We are a church .
2. We recommend that the Government recognizes that we uphold the freedom of worship, for the Seventh Day Adventist Church.
3. Biblical moral law should guide the constitution.
4. All faithfuls of this church including workers and the Government and private sectors be free to rest on Saturday which is our day of worship. This includes all Government official holidays.
5. We recommend a law to stop female genital mutilation of all ages which is a pagan practice.
6. We recommend healthy screening for persons intending to marry so as to check spread of aids and other diseases.
7. We recommend that the Government guarantees our evangelistic efforts in public places as well as allocate some free airtime in public media, radios, TVs, etc. There should not be any harassment, or restrictions whatsoever.
8. Social
 - (i) Government to fund the church community services unconditionally. This should be done through Culture and Social services Ministry.
 - (ii) The Government should ensure equality of gender. These are boys and girls in terms of their contribution to the society. No discrimination in terms of jobs, politics etc.
 - (iii) Government to ensure free and compulsory education at primary and secondary level. Poor pupils should be maintained in schools.
 - (iv) All elections in the country should be held during working days. This includes Parliamentary, Civic NGOs Trade Unions, and any other that may apply.

- (v) We recommend biblical child discipline but not torture. The law here should be upheld. The parents or children's guardians should take the full responsibility of discipline and care.
- (vi) Africa or Kenya particularly should not be a testing ground for further discoveries. Discoveries include medicine, weaponry, or any other that may apply.
- (vii) The Government should protect all Acts, Citizens, territories and sources those discovered and those not yet discovered.
- (viii) The Government should recognise and ensure protection to those old community social structures, that maintain society in terms of culture (Tharaka Dialect) in order to instill children's discipline.
- (x) The responsible wife should inherit the husband's property and so is the husband of the wife. This shall apply when someone has not decided to remarry and should follow the will of the deceased, stated clearly and authentically before death. Let the will be mandatory for all committed citizens particularly Seventh Day Adventists.
- (xi) All children irrespective of sex should have right to inherit the father's property including land, as long as fathers and mothers will state so.

Individual

- (a) Should go on as stated in the Constitution of Kenya.
- (b) One side should not be interpreted to be criminal offence, and therefore no death penalty should be imposed because of one's personal faith.
- (c) You cannot suspect a person about to do a criminal offence and therefore paragraph 2c should be removed.
- (d) Notwithstanding the above, one's faith shall not be perceived as a criminal offence.
- (e) Irrespective of land tenure, appropriate compensation shall be made.

Com. Isaac Lenaola: Write your name down here Mercy. Have you finished? Thank you very much. You are very clear. Please come and register yourself. Thumbi Mungera? Daniel Muriungi? Utamfuata huyu Bwana

Thumbi Mungera: Ningependa kusema ya kwamba,

Com. Isaac Lenaola: Sema jina. Nafasi utapewa.

Thumbi Mungera: Thumbi Mungera. Ningependa kusema wananchi katika nchi ya Kenya wanataabishwa sana. Tukiangalia ofisi ya utawala katika Jamhuri, kwa njia ya ofisi ya Defence wana chaguliwa na President. Minister anachaguliwa na President. Wizara ya bara bara ni President, wizara yake ni President. Kila Ministry yote, President ndio ana hakiliksha. Na huyu mtu aki chaguliwa, anafanya upande unayohusika na huyo President, na upande anayotaka. Ingefaa serikali ya ukweli kama sisi wananchi tuchaguwe Minister anahakilisha Kenya nzima na unangaliwa na wabunge achaguliwe kama minister kwa bunge, na wabunge. President achaguwe kama mtu makamu ama Commander wa Jeshi achaguliwe na President. Ministry zilngine zichaguliwe na wabunge. Ule mkubwa akileta taabu, wabunge wana angalia – hana ukweli, wana mwondoa.

Upande wa masomo. Sijui nitasema – serikali ya zamani ilikuwa na masomo mazuri sana kwa mwananchi. Ihudhuriye mwananchi free, kwa masomo. Hasa wananchi wame anguka zaidi. Hata watu maskini hawapati masomo katika Kenya. Ni wale watu wako na serikali ndio wanapata masomo.

Ingingine, watu kama machief na assistant wao, inafaa kuondolewa. Haina maana, isipokuwa kusumbua wananchi bure. Hata polisi itawale Kenya tu. Watu wapige report.

Ingingine, hii ma ofisa wa Lands ndio wamemaliza wananchi. Unakuta shamba yako imeandikiwa watu tatu. Sasa mwananchi anauliza hii shamba iko na huyu na huyu, mwenyewe ni nani? Ofisa ule anafanya maovu kama haya anafaa aachishwe kazi na awekwe kwa detain, maanake huyu ni kuibia watu na anawaua tena.

Mambo ya mabarabara. Taja, munge alime barabara hiyo sio kazi. Serikali yenyewe iangalie barabara ya serikali. Kuna Local Government.

Mambo ingine, hii tunasema ati tunaenda interview ya kuajiliwa kazi. Hiyo ni kitu ya kumfumba watu giza kabisa. Hakuna interview inafanywa katika Kenya. Huyu ana andika mtu wake, yule ana andika wake, wengine wanasumbuka tu kuonyesha tu ati ile siku ilitangazwa walikuwa wakijili watu mahali fulani. Hakuna kitu kama hiyo.

Com. Isaac Lenaola: Watu hiyo siku wa andikwe, na kwa masomo na grade yake. Tunaona mimi iko na Grade 1 anakosa

kazi. Grade 2 ndiyo anapata kazi. Na ndiyo tunaona hio sio kitu inaendelea au ya maana. Wachukiliwe na grade ile inatakikana. kama ni 1 achukuliwe 1 kabisa. Sio mimi najua tulikuwa tunasoma na yeye shule moja, na ule alikuwa rafiki yangu, najua vile alipata. Lakini ali anguka na alienda kwa kazi. Na mini nina kosa. Serikali ya ukabila ichukuwe masomo na level moja ya kazi, kama education sawa, kama ni kuajiliwa kila mahali, na grade yake bila mambo ingine ya kichini chini hivi. Sina mengi sana. Yangu hio inatosha.

Com. Isaac Lenaola: Bwana Mwongera. Goja kidogo kuna swali. Ulisema nini kuhusu ardhi? Ungependa nini kuona kuhusu umilkizaji wa ardhi? Hali ya ardhi, mwananchi akiandikiwa ile ardhi, iwe haina mgangano upande wa dani, ya pale ndani ya hiyo kitabu ya serikali. Kuna \ingine unafuata, unakuta iko na kitabu ina wetu wawili. Shamba moja. Sasa mwananchi anauliza ni nani Imwenye hii? Na ingishwa kesi new hapa tena?

Com. Isaac Lenaola: Asante Bwana Mongera. Enda ujiandikishe. Mlikuwa nime mwita nani? Daniel Muriungi?

Daniel Muriungi: Niko hapa.

Com. Isaac Lenaola: Endelea.

Daniel Muriungi: Kwa majina naitwa Daniel Muriungi. I will use English.

On parliament: It is good we retain a single house of representative in the current constitution. The following appointments should be vetted by parliament; Speaker of the National Assembly, /senior Judiciary Officer, for example Attorney General, Chief Justice and all justices, Chairpersons of Commissions people with bad moral and ethical records should not be allowed to contest in either of the seats that is civic, Parliamentary and Presidential, also there is need to have language tests for parliamentary seats. This is virtually to ensure that decisions and deliberations made by MPs are expedient and clearly understood by everyone. All people wishing to contest a parliamentary seat should have at least a university degree.

On the area of provincial administration, chiefs and sub chiefs, these people they are very corrupt. I don't know whether the current constitution guarantees them to be corrupt that way. I would propose this way. They should be transferable. I believe this will ensure efficiency and devotion in their work, and also they should have least O level education, with at least D+ and above. I believe that is why some of them e.g. Chiefs and sub chiefs, they are corrupt because they have a low level education – most of them are class 5 or class 7.

On the area of government land, the government or the current constitution should have a provision whereby the community around the land should be made responsible for the land. However, farming and felling trees should be prohibited. At times, activities like grazing should be allowed, especially during the dry spell.

On the area of police officers, these people, they have terrorised people when they engaged in marriages in these traditional marriages and weddings whereby they demand bribes from them so that they can conduct such activities. I would propose in the current constitution we should have guarantee for this cultural rights so long as they do not undermine human dignity.

On the area of education, compulsory and free education is vital for Kenyans so that this will ensure illiteracy is minimised in Kenya. Say for example, 10 years to come. Also pre-primary school teachers should be paid by government other than parents like they do especially here in Tharaka.

I would also propose judicial officers apart from the ones to be appointed by the parliament like magistrates to be appointed by the Judicial Service Commission.

(?) his is after deliberations – where their qualifications meet what is supposed. Minimum qualifications of the Judicial Service should be at least a university degree in Laws and Tenure of Office of judicial officers should be for say 2 terms each of 6 years.

And the salaries and benefits of MPs. This should be determined by Parliamentary Service Commission and not by MPs themselves. MPs should act on the basis of instructions from their constituents only when matters affecting the day-today life of Kenyans is being deliberated. In this case, I would prefer a referendum to be conducted.

Com. Isaac Lenaola: Are you about to finish?

Daniel Muriungi: Yes. Presidential tenure should be fixed. That is 2 terms each of 5 years each. I would also propose there is a need to change Kenyatta Day to be called Heroes Day. This is because all Kenyans fought for independence. I would be very happy to see it being changed to remember them collectively. Thank you.

Com. Isaac Lenaola: Thank you very much Muriungi for keeping time. A brief one. Muriungi, you mentioned that chiefs and subchiefs need to be transferable and to have education at least O level. And you say that most of them are corrupt because of lack of education. Are you suggesting that – e there is a relationship between being corrupt and being educated? And therefore the more educated you are the less corrupt you are likely to be? Just clarify.

Daniel Muriungi: Those are my opinions.

Com. Isaac Lenaola: Yeah – but clarify them.

Daniel Muriungi: Yes.

Com. Isaac Lenaola: OK thank you very much. One last question. You said you want compulsory and free education. Up to what level? Primary? Secondary? University?

Daniel Muriangi: Universal.

Com. Isaac Lenaola: Thank you very much. Please come and write your name in the register. Mbiraria Kiriga? Halafu Charity Mukami? Uko tayari? Halafu Tharaka High School mfuata charity. Kauna Livingstone and Makunyi Paul? Endelea na jina lako.

Mpiraria Kiriga: Jina langu naitwa Mpiraria Kiriga. Catechist from Mpiraria. I am a chatechist from Thurima.

Mimi shida yangu naona hapa Tharaka tuko na shida sana, kuhusu council, wakati tunapeana kodi. Hii kodi tunatoa sisi wakulima, tunaona ni kama kunyanyaswa haki yetu. Sababu tukilima mawere au mahindi, au kuchunga mbuzi, tunaenda baada ya kuuza, tunalipa. Tuna ambiwa tilipe kidi, na ninaona ya kwamba mtu akiwa tumboni mwa mama yake, anaanzq kupipa kidi. /wakati anaenda spitali kliniki, hata dukani analipa kodi, hata sokoni akinunua hata akuiza, analipa kidi. Huu tunaona hii kidi ifukuzwe kabisa. Yakulipa kabla ya kuuza mimea yetu ama kuuza mbuzi.

Shida ingine ni upande wa makasisiau mabishop. Hawa tunaona hawana ofisi ya ku-report wakati wana shida zao. Shida zao haishikilizwi. Tunaona recommendation iwe ni ya makanisa. Na hiyo itakuwa ni mzuri kwa wakristo. Kwa hiyo machache, imetosha.

Com. Isaac Lenaola: Asante Bwana Kiriga. Imetosha? Asante sana. Joo ujiandikishe. Charity Mukami na Tharaka High School muwe tayari.

Charity Mukami: Majina ni Charity Mukami. This is what I think should be included in the Consitution of Kenya.

On the girls, they should have equal rights on inheriting of the property from the plarents like the boys. Also the same. Married women should have the right to inherit their husband's property, and the same to the husbands especially if they are deceased.

In every district we should have at least a leadto the other parts of the country through having a tarmac road.

The constitution of Kenya should consider and put it that all the pre school teachers or the ECD classes be – or have employed teachers from the government because this is the base for the education of the children in Kenya. That is what I had.

Com. Isaac Lenaola: Thank you very much. You are clear, Come and register. Tharaka High School? Please say your name and then proceed to say what you have. Just pick highlights from the memorandum.

Tharaka High School Representative: Thank you Mr Chairman. I am Kauna Livingstone, a student from Tharaka High School.

I hereby present what I have for this constitution. I am talking about the structure and system of the Government. The Presidential system of Government should be abolished and instead we should have a parliamentary system of Government. This is where the majority party appoints the Prime Minister and President – means more or less power. This coming to that point the powers of the President after the appointment of the Prime Minister should be that he can allow the ministers and assistant ministers to leave the country either to represent the Government or on their own matters. He can pardon a person for an offence but should not commit death sentence for that, including Judiciary powers. This is where President should not play the role of the Judiciary. Where the magistrate should play their own role. He can also reduce the punishment of a guilty person. The Prime Minister who will have been appointed by the Members of Parliament should have the following powers.

He should have the power to maintain peace and security in the country. This security should be to ass irrespective of races and social status. He should have power to dissolve the parliament and call for the general elections. More so, he can close the parliament for a while to allow the MPs to meet their electorate.

He can remove the office ministers, assistant ministers and all civil servants as he appeals.

More so the exercise of the power state. We should need a statement in a constitutional capturing the national philosophy and guiding principles. The democratic principles in the constitution should include the composition of many party members in the constitution.

Policies. We find in areas like here that the head quarters known as Marimanti of this district, you find many people take the beer with the police and after the police have gotten satisfied, he starts putting the people he was with to jail and yet you were taking the same beer with them. On that issue we find the police also undermining somebody's efforts in a way may be where they had prepared the same things for sale market. May be if I am sure of what I am selling and I have taken it on selling after I defeat him or overcome him, he takes me to jail and he accuses me of something I have not done.

On teachers, we are students and we meet many problems in class. This is may be where a teacher in the morning he goes, he takes beer and he comes to class when he is very high and then he sees a student as if he is a minor and sure that student is

beneficial future generation. So may be rules should be set for the teachers who come to school drunk and see students as if they have no value. More so these teachers we find they are the ones who bring cases of maybe making friendship with girls in school. This is because their head is not in control for they have taken this beer.

More so, we find in the right of freedom of the land although the land is in distribution, may be at a rate of 99 years, or 999 year the government should not have interest of one's land before the period allocated to that person ends. This is where you find the government compensating for that piece of land, and may be the owner of the land had planned for the generation to acquire that piece of land for the rest of the years that the Government allocate him. Thank you for that opportunity.

Com. Isaac Lenaola: Thank you very much Livingstone. Thank you very much. You are very clear. Please come and sign and also give the memorandum to us. I presume that is the same with Makunyi? Or you have a different one Makunyi Paul?

Makunyi Paul: Thank you very much I am Makunyi Paul presenting for Tharaka boys, I will talk on Local Government.

1. Mayors and council chairmen should be elected by people because the candidates will be the choice of the citizens and this will ensure good relations.
2. Your term for Mayors and Council Chairmen is not adequate. This is because one may not have familiarized with working environment. We said they should be 5 years. Council should not continue to operate under Central Government. That is sharing of powers is not applicable.
3. There should be minimum qualifications of Education for councillors. He should only be able to express himself in the national language and the official language. This should be so because there might be able leaders but are barred by certificates of education. The language test should be sufficient because we should have eloquent speakers when addressing people. There should be moral qualification but not ethical because of increasing population. People should have right to recall their councillor, procedures when help is needed from them. The inauguration of councillors is not applicable in the constitution. We should retain the nominated councillors at all if the parties will be nominated. The President or Minister in Charge should not have the power to dissolve the district counsellors. Also the constitution should involve the vacancies of the village elder in the provincial administration. These are the policy men in the Provincial Administration who do a lot of work. So if possible, let them be paid a few coins to support them.
4. Over taxation of the press media has denied citizens a chance of getting linked with what is in the country. It would be better if the media would be taxed at least 20% of what is the current Governmental tax.

Government resources should be distributed to all districts in equal ratios regardless of their race or colour. This should be

clearly elaborated in the constitution. Thank you very much.

Com. Isaac Lenaola: Thank you very much Paul. You are very clear. Please come and sign your memorandum. I had asked for Mukembu Francis and then let us hear after Mukembu, let us hear Mzee Kaimba Mang'ara.

Mukembu Francis: Mimi kwa majina naitwa mukembu Francis. Na ningeanza na upande wa President.

President hatajikani kuwa a Member of Parliament. Anatajikana awe President na hiyo iishe.

*Tukirudi upande wa kkatiba, kama kkatiba ikiandikwa, lazima isaambishwe kwa vitabu na wananchi wahusiwe ama wapewe.

Tukirudi upande wa bara bara, mimi naomelea lazima kila wilaya iwe na bara bara ambayo iko na lami, na tukirudi upande wa electricity, ama wa stima, inatakiwa kila wilaya inatakiwa iwe na stima pamoja na ilw miji iko ndani ya wilaya ikiwezekana.

Tukirudi upande wa irrigation, dry areas, serikali ijaribu weke irrigation kwa hiyo sehemu.

Halafu nikirudi kwa upande wa machamba, ambayo tunayo kule nyumbani, wanaume kdiyo wanatakiwa wawe wenye kuridhi mashamba na sio wanawake. Kwa sababu wanawake wakisema hata wao wao wenye kuridhi mashaaamba watalete mambo ingine sana.

Tukirudi upande wa hospitali, sana sana mgonjwa anaweza enda kwa hospitali na wae mgonjwa sana, halafu akikuta ambulance pale labda yule mgonjwa hana hata elfu moja na labda ako na mia mbili lakini anaambiwa aweke gari mafuta mpaka yule mgonjwa anaishia pale. Hiyo serikali iangalie sana. Kwa hayo machache, Asante.

Com. Isaac Lenaola: Asante sana Mukembu kwa maneno yako. Joo ujiandikishe hapa. Hamna swali? Asante. Mzee Kaimba Mang'ara. Karibu halafu, Kavendu James Mwika ukuwe tayari.

Kaimba Mangara: Kwa majina mimi naitwa Kaimba Mangara. Mimi ni chairman wa Nzurizeke Tharaka na nitapeana mimi ya wazee wa Nzurizeke itasomwa. Ikiwezekana, itasomwa na lugha kwa sababu sielewi ile lugha, tulifanya kwa lugha yakikwetu. Yenyewe, imeandikwa kwa kingereza.

Com. Isaac Lenaola: (Inaudible) OK

Kaimba Mangara: (Tharaka dialect)

Translator: Rights to education and basic learning: We proposed universal and accessible free secondary education to be finance through system of taxation realising that education benefits the individual students and the national economy and democracy.

Rights to health to certain under privileged groups.

1. Poverty: Majority are poor. We propose free access to primary health, by building more public hospitals.
2. The aged: We note that there is no public concern of this. We propose accessible free health to the very poor and the aged, to be financed through taxation.
3. Majimbo VS Unitary Government: Our strong view is that regionalism and all forms of majimboism could be out dated in the present circumstances of Kenya. Whatever its form or content it would be separatism, isolationist inward looking and recipe for dismembering Kenya into tiny feudals.

We did not need regional exclusivity but enhance national integration. If there were serious contenders, they should be telling us what gains majimboism which that 8 years of unitarism has failed in.

4. Provincial Administration: should not be abolished. The present provinces are too large for easy and effective communication. We propose that the number of provinces be increased and boundaries viewed, to take into account commonality of language and cultural similarities.
5. Local Government: More autonomy can improve essential services, for example roads, health education and others. Hereby lessening the burden from the Central Government.
6. Chief Officers: Should be professional in respective fields. Councillors not below form 4 or above with proven record in public leadership. Mayors and Chairmen should be elected by the people.
7. Nominated Councillors: The present political parties nominate their supporters; they then become answerable to the MP of the area. The special interest should be clearly defined and m nominations be done without regard to political parties and panels for nomination be set up.
8. Parliament: In Kenya we should not think of the monarchial approach presidential system. It is only workable in Africa, need for strong and powerful unifying authority, where one authority combines 2 twin powers of Head of State and Head of Government.

9. The constituencies should be increased and boundaries re-drawn based on population, and the last item is on the Judiciary. The Judiciary should be a strong fearless independent and enlightened appointment of judges should be not based on political considerations water catchments. Allocation should not be left to one person; that is the commissioner of Lands. This is single most cause of grabbing and theft of public utilities.

Those are the major issues from the Njuri Ncheke Council of Elders.

Com. Isaac Lenaola: Asante sana Mzee Kaimba na watu wa Zurinzeke. Tumeshukuru kwa maoni yenu. Joo ujiandikishe hapa. Karende James Mwika? Halafu baada yake Councillor Zacharia Mwiti, utamfuata mwalimu.

Bwana James Karende Mugwika: Jina langu ni Bw. Karende James Mugwika. Kwanza nita anza kwa kushugulikia sehemu mbali mbali. Hasa upande wa Rais.

Uchaguzi wa Rais kwa maoni yangu naona ni kuwa Rais anapaswa awie aamechatuliwa na vyama vyote. Ili pasiwe na ubishi pasiwe na matusi, kati ya vyama wanamtusi huyu kwa sababu ametoka kwa chama fulani, lakini anafaa achaguliwe kutoka kwa vya vyote na asiwe mwana chama wa chama chochote. Ili uchaguzi wawaziri mkuu ambaye ndio tuna – husidia awe ame chaguliwa na chama ambacho kitakuwa na ukilishaji wa kutosha.

Kwa upande wa ujumbe, singependa wajumbe wachaguliwe tu na watu. Kuna watu ambao hawatapata nafasi ya kupigania cheo kile au kupata kile kiti kwa sababu ya jambo moja au jingine. Lakin kuna paswa kuwa na watu ambao wanachaguliwa. Hii wanaita nominated MPs. Watu ambao wanachaguliwa kwa njia maalum. Wanapaswa wawe kutoka kwa kila sehemu. Kwa mfano, katika upande wa dini, katika watu wasiojiweza, plengine tuwe na kama wakilishi watano, watu wa dini mbali mbali, zichaguliwe zilizo na watu wenti, halafu wanakuwa na mwakilishi wao halafu wanawake pia wapewe nafasi ile na wachaguliwe. Hiyo ndiyo maoni yangu kuhusu uchaguzi wa wajumbe.

Councillors, kwangu mimi ningelipenda kila councillor awe na uwe\o wa kusoma na kuwlewa anachosoma. Na kwa sababu maajiliano yote ya kiserikali huwa inafanywa kupita kwa lugha ya kingereza, awe ni mjuzi wa susoma lugha ya kingereza. Kwa ufupi nina cho sema, ni kuwa awe amedika kiwango cha kidato cha nne ili aweze kuweza kuelewa mambo yale. Maana uakiletwa mambo ya uchumi, mambo ya nini hataelewa. Kwa hivyo ni vyema awe amefika ijapo kiwango cha kidato cha nne.

Jambo lingine ambolo ningetaka kutaja ni juu ya kazi. Kazi ambazo zinapeanwa na serikali. Kumbukeni kazo wanazopata wafanyi kazi wote. Mshahara ambao wanapata, huwa ni malipo ambaye inatokanana wafanyi kazi wa nchini. Wengine ni wakulima ambao wanauza kahawa yao, majani, pengine pamba au mawe. Na jambo lile linaposiwa kugawanywa kwa njia ambayo inafaa

Kuna watu ambao wanasahauliwa. Hasa watu wasiojiweza, Hakuna kampuni ambayo inakubali kuajili mtu asiojiweza. Kwa sababu wanashuku uwezo wake. Sikuwa hawezi lakini wanashuku tu. Na kwa sababu hiyo inapaswa ipitishwe kama sheria katika kkatiba yetu. Kuwa kila kampuni ambayo inafanya kazi hapa, kwa sababu ina chuma jasho la wananchi wa Kenya, iweze kufaidhisha watu wote wa Kenya, wale wasiojiweza na wale ambao wanajiweza. Ikiwa ni sawa namna hiyo. Na ningependekeza plengine kuomba tu vile vitu zingine zimefanywa. Nchi ya Italy sasa hivi huwa wanasema 2% yaani asilimia mbili ya watu wote ambao wanafanya kazi katika kampuni fulani, yaani kama ameajili watu mia moja, watu wawili wawe hawajiwezi. Na hapo sema hawajiwezi si lazima wawe wasio ona, wanaweza kuwa wasio ona mmoja, pengine wasioweza kutembea, na wasioweza – na fikiri naeleweka. Wakifanya namna ile, kila mtu sasa atakuwa na uwezo wa kupata kazi. Watu wengi wana wasiojiweza wataweza kuajiliwa, ijapo tuna sitisiza ni lazima awe ameweza kufanya kazi na kupatiaile kampuni – lakini aweze kuonyesha serikali kuwa ameajili wasiojiweza katika nchi ile. Hata hao ni wetu. Kwa sababu wasiojiweza huanza ikiwa mdogo au hata ukiwa mzee. Unajua kuna kampuni zingine ambazo kwa sasa hivi, mtu akipata kasoro katika maisha yake, pengine apate upenguvu fulani, iether kutoka kwa ajali au kutoka kwa ugonjwa, wanapoteza kazi zao. Ingalisema body kama hizo zilazimishwe ki-Kati waendeleo kuweka mtu kama huo. Kwa hivyo jambo hilo ambao ni lazima litiliwe mkazo sana. Kuwa wasiojiweza wapewe kazi. Hata katika bunge. Wapewe nafasi zao. Yaani kunapo chaguliwa wale nominated councillors, si kila party ichaguwe lakini ilazimike kuwa katika yule uchaguzi iama party zimepewa nafasi ya watu wawili au wanne, mmoja wao pengineanaweza kuwa asiojiweza. Si tuwakilishwe na mtu mmoja tu katika parliament ambaye ina watu nia mbilim- ni sijui ni wangapi. Nafikiri Kenya ina watu wengi sana wasiojiweza na wana kazi yao ambayo wanaweza kufanya.

Jambo lingine ambalo pengine ningeliweza kutaja,

Com. Isaac Lenaola: (inaudible)

Bw. James Kavendu Mugwika: Ndiyo Hasa, sehemu ya malipo kwa wakulima. Wakulima wakati mwingine huwa wanapata pesa ndogo sana kwa mazao yao serikali inapaswa itafute namna ya kupata pesa ya kufidia wakulima iwapo pengine kumekuwa na njaa, au pengine mvua imenyeshwa kubwa na kila mtu amevuna kwa sababu wale wakulima, lazima walipie garama za elimu, ama za usafiri, na garama ya maisha yao ya kawaida. Kwa hivyo lazima serikali itafute namna kama kwa mfano. Kama sasa hivi, chakula chao kinatoka shilingi tana kwa kilo moja, serikali ifidiye pengine kwa kuongeza shilingi mbili au tatu ili zilwe ni shilingi nane. Naomba jambo lile inaweza ikasaidia sana wakulima. Jambo lile linafanywa katika nchi zingine. Kama nchi ya Amerika wanaolima ni wachache sana. Lakini faida wanayo pata inatosha ku elimisha watoto wao, na ulipia garama za maisha.

Halafu ya mwisho ni kuhusu elimu. Elimu ya wasiljiweza kwa sasa hivi imeparagana. Kwa sababu hawajui kama wawe na shule zao peke yao au pengine hawachanganyi, katika mashule mengine. Jambo ile naona kuwa ina shida. Ni vyema wanzishiwe. Waendeleo kuwa na shule zao peke yao katika nchi hii, wengi wanakuwa katika shule zingine na huwa kuna

walimu ambao hawajui mahitaji yao ya lazima. Na hawajui wanataka nin hasa. Kwa hivyo, ni vyema zikianzishwa kila wilaya iwe na mashule ambayo ya watu wasiyo jiweza wa namna mbali mbali. Yaani wasio ona, wasio weza kutembea, na pengine wasio weza kusikia. Jambo lile likiweza kuchukuliwa pengine huenda tukawa na serikali nzure sana. Pengine mukini ruhusu, nita taja jambo la mwisho kuhusu uchaguzi.

Uchaguzi: Watu wengi wasio jiweza hawawezi wakafika mahali pa uchaguzi. Hawa hata wakifikalazima waulizwe unataka nani? Kugunduliwe njia ambayo pengine wanaweza wakiwa nyumbani, kama hawezi kutembea ataplata namna ya kufanya uchaguzi pengine na kutuma kwa njia ya posta, kama ni mtu asiyeona akifika kule, asiulizwe unataka nani. Afunzwe mahali ambapo wana wekwa. Kama ni taa inachaguliwe anasema -anataja zile alama kama wana chaguliwa na alama zile, kama ni taa, kama ni – aambiwe ya kwanza ni taa, ya pili ni hii. Yaani kugunduliwe namna ambayo watachaguliwa wenyewe mbila usaidizi wa mtu yeyote kwa sababu lazima tuweke ile – kama ni siri – kama ni uchaguzi wa siri uwe ni wa siri. Nashukuru.

Com. Isaac Lenaola: Mwalimu ulisema kwamba katika bunge, kuwe na wale waziri wataaliwa, ungependa walemavu wawe na viti vingapi?

Bw. James Kavendu Mugwika: Pengine siwezi nikasema kwa sasa. Lakini lao kama watakuwa na kama wakilishi wa watu kumi. Pengine kuna mtu moja asiye ona, mwingine asiye weza kisikia, mwingine asiyeweza kutembea kuna ulemavu wa namna nyingi sana. Sasa tukipewa kafasi ya watu wengi, kiasi ya kutosha tutashukuru.

Com. Isaac Lenaola: Basi ngoja aandikishe, halafu utatoa maoni. Salim Mzee ako wapi? Basi ufuate Councillor Kinanchu.

Zacharia Mwithi Kinanchu: Asante sana Bwana Chairman kwa majina yangu, mimi maitwa Zacharia Mwithi Kinanchu, Councillor

Wa Tharaka County Council. Mimi na changia hii siku ya leo, kwa sababu ya kuruhusiwa kutoa maoni yetu. Hapa sio Tharaka peke yake lakini hapa Tharaka tuko na sehemu mbili ambayo tuko na title deed. Hapa Marimanti na Kinyaye. Na sehemu zingine, Kenya pia wamepata title kama sisi. Sasa iko maneno inatokea kwa kifo usipo kiwa na title. Mzee akifa akiwa na title, watoto wake kwenda kubadilisha jina ana kile, kifo ya baba, hii shamba irudi kwa watoto wao, o serikali wanalipishi shilingi elfu arubaine kwa kifo ya mzee. Na hata kama ni are 5 ama 2 unastaki kufo. Sasa wengine wamelemewa hata kuchukuwa title. Maana hiyo pesa ni nyingi hata kuliko hio pesa. Na hata wakiuza hio shamba, ndio waende wagawany wapate hiyo title, wabadilishiwe jinala mzee, irudi kwa upande wa watoto, hiyo pesa haitoshi. Sasa mimi nikiomba hii mambo ya kujulikana huu mtoto ni wangu awe ni wa huu mzee, hii maneno iangaliliwe na wazee wa kijiji, na familia badala ya kustaki kifo na shilingi elfu arubaine na wengine hawawezi, hawezi kupata hizo.

Inginge ya pili kuna huyu mtu anitwa Commissioner of Lands. Huyu mtu ni mkubwa sana upande wa mashamba na ni mtu moja. Na anaka Nairobi peke yake. Sasa mimi nikiomba hii kkatiba ibadilishe ama wabadilishwe na wawekwe wengi. Kwq kila

district kuwe na mtu yule anaitwa Commissioner of Lands. Ili aweze kusaidia wananchi kwa njia inayo faa. Na mwananchi ambaye anaona garama ya kwenda Nairobi, aweze kupata sululisho la shamba lake na kusaidiwa.

Ya tatu ni mambo ya Mkuu wa Sheria. Kama watu wamefanya kosa kama Criminal, ama kuua, wanakaa rumande sana. Kama miaka 3 ama nne ndiyo wangojee file itoke kwa Mkuu wa Sheria. Na mtu amefanya makosa anastahili kustakiwa mara moja, ama mukiomba kama maofisa ambao wanaohusika kama ma OCPD wa polisi ama wakubwa wengine katika district wawe wanakaa na hizi files. Ziwe zikipelekwa kotini haraka ili mtu aweze kustakiwa. Wengine wamekufa ndani. Hata wengine wako zaidi sijui ya miaka ngapi huko rumande. Sasa sheria kama hii ninge omba ikiwezekana ibadilishwe wakati ule kkatiba ita tengenezwa mzuri.

Ya nne, ni hardship. Kama hapa kwetu Tharaka, ni area ya ukamwe, lakini wafanyi kazi wa serikali hapa hawalipwi hardship allowance zao. Ni walimu tu wanalipwa peke yao. Sasa nilikuwa naomba, na sehemu zingine kama nchi za ukamwe tu Kenya wawe wafanyi kazi wa serikali huwa wana angaliliwa. Si walimu peke yao. Maana wote wanashida.

Hapa kama Tharaka shida yetu ya tano, ni shida ya maji na bara bara. Mimi kwa maoni ningeomba upande wa bara bara Tharaka wakipata bara bara nzuri hata moja ya kuatua katika district hii na kwenda kama sehemu ya Ngubu ama meru, na sio Tharaka peke yake, ni districts zingine ambayo zimekwama, na maendeleo kama Tharaka. Wakipata bara bara nzuri, ingekuwa mzuri. Ya kuatua katika districts zao kama hapa kwetu tharaka tukipata bara bara ya lami ya kutupeleka kwa wenzetu huko, tunaweza kusafiri kwa njia inayo faa, hata nyinyi ma ofisa ambayo mumekuja hio jnia, mumeitumia mumeona. Bw. Chairman, tunazungumza jambo ambalo unaona mwenyewe hata karibu mtumbukie kwa mto mkichora hio mto ni vizuri kwa sababu mume yaona, tusaidike angalao tupate bara bara na mtharaka Mungu amemleta upande wa chini kwa Meru-ambayo Meru ya zamani. Sisi tuko pande wa chini lakini Mungu alitupenda akatupatia mito ambayo haikauki. Basi twaomba serkali ituangalilie kutuekea maji, itutolee maji kwa mto, iwe ya kunywa na kulima. Babala ya kutusaidia na misaada hii ya mahindi na nini na nini, tukipata maji na bara bara, mtharaka ana simama kama mkenya mwingine.

Kumalizia, Bw. Chairman, mambo ya uchaguzi wa waheshimiwa na councillors - e – wengi wamegusia mambo ya masomo, Form 4 na kuendelea. Mimi nikiomba wananchi kote Kenya wapewe nafasi ya kuchagua kiongozi wanayempenda. Sababu kuna wengi wame elimika, waheshimiwa, wamesomea hata sheria, wengine wamesomea hata ndege ikiwa juu wanjua, lakini akichaguliwa hiyo masomo haitumii kwa kusaidia waaananchi wake. Kazi yake anaishi town, na kusahau, na anaona wale wamemchagua hawafai. Kuna waheshimiwa wanasaidia na wengine hawasaidii.

(Slight mix up with beginning of Side A)

----- zingine Kenya pia wamepata title kama sisi sana iko maneno inatokea kwa kifo mtu akiwa na title mzee akifa akiwa na title watoto wake kwenda kubadilisha jina ama kustaki ile kifo ya baba hii shamba irudi kwa watoto wao serikali

wanalipisha shilingi elfu arobaine kwa kifo ya mzee na hata kama ni iko tano ama mbili unastaki kifo. Sasa wengine wamelemewa hata kuchukuwa title maana hizo pesa ni nyingi hata kuliko hiyo shamba na hata wakiuza hiyo shamba ndio waende wagaanywe wapate hizo title kubadilisha jina ya mzee irudi kwa upande wa watoto hizo pesa haitoshi saa mi nikiomba hii mambo hakujarikani 'huyo mtoto ni wangu ama ni wa yule mzee hii maneno iangaliwe na wazee wa kijiji na familia badala a kustaki kifo na shilingi elfu arobaine na wengine hawajiwezi na hawezi kupata hizo.

Ee ingine ya pili kuna huyu mtu anaitwa commissioner of lands huyu mtu ni mkubwa sana upande wa shamba na ni mtu mmoja anakaa Nairobi peke yake sasa mimi nikiomba hii katiba ibadilishwe wawekwe wengi kwa kila District kuwe na mtu huyo anaitwa commissioner of land ili aweze kusaidia wananchi kwa njia inayofaa na mwananchi ambaye ana gharama ya kwenda Nairobi aweze kupata suluhisho la shamba yake na kusaidiwa.

Ya tatu ni mambo ya mkuu wa sheria kama watu wamefanya kosa, criminal amakua wanakaa rumande sana kama miaka tatu ama nne wanaambiwa wangoje file itoke kwa mkuu wa sheria na mtu amefanya makosa anastahili kustakiwa mara moja ama nikiomba kama ofisia anayehusika kama ma OCPD wa polisi ama wakubwa wengine katika District wawe wanakaa na hizi ----- ziwe ninapelekwa kotini haraka ili mtu aweze kustakiwa, wengine wamekufa ndani hata wengine sijui wako ndane katika miaka mingapi wanaoza huko Rumand sasa sheria kama hi ninaomba ikiwezekana ibadilishwe wakati ambapo katiba inatengenezwa mzuri.

Ya nne ni hardship eeh kama hapa kwetu Tharaka ni area ya ukame lakini wafanyikaziwa serikali hapa hawalipwi hardship allowance zao ni walimu tu wanalipwa pekee yao sasa nilikuwa naomba na sehemu zingine kama Isiolo nchi za ukame tu hapa Kenya wale wafanyi kazi wa serikali wawe wanangaliwa si walimu pekee yake maana wote wana shinda.

Eeh hapa kama Tharaka kama shinda yetu ya tano shinda ni aji na barabara. Mimi kwa maoni nikiomba upande wa barabar Tharaka wakipata barabara nzuri hata moja ya kuwatoa katika District hii na kwenda sehemu ya Nkubu ama Meru na sio Tharaka pekee yake ni District zingine ambazo zimekwama kwa kimaendeleo kama Tharaka wakipata barabar nzuri eeh ingekuwa mzuri ya kuwatoa katika District zao kama hapa kwetu Tharaka tukipata barabara ya rami kutupeleka kwa wenzetu huko mtu anaweza kusafiri kwa njia inayofaa hata nyinyi maofisa ambao mumekuja njia ambayo mmetumia mumeona. Bwana chairman tunazungumza jambo ambalo mumeona mwenyewe hata ingine karibu mtumbukie kwa mto mkicharo hiyo mjue vizuri kwa sababu mumeona tusaindike angalau tupate barabara naam Tharaka Mungu amewaleta upande wa chini kwa mtaa wa Meru wa zamani. Sisi tuko mtaa wa nchini lakini mungu alitusaidia akatupatia mito ambayo haikauki tisa sasa sisi tungeomba serikali itwangalilie tukuekea maji itutolee maji kutoka kwa mto iwe ya kunywa na ya kulima badala ya kutusaidia kwa misaada ya mahindi ama nini tukisaidika kwa maji Tharaka inasimama kama mkenya mwingine.

Kumalizia Bwana Chairman mambo ya uchaguzi wa mheshimiwa na councillors eeh wengi wamegusia mambo ya masomo form 4 na kuendelea mimi nikiomba wananchi kote Kenya wapewe nafasi ya kuchagua kiongozi wanaempenda sababu kuna wengi

wameelimika waeshimiwa wamesoma hata sheria wenging wamesoma hata ndege ikiwa juu wanajua lakini akichaguliwa hiyo masomo haitumii kwa kusaidia wananchi wenzake kazi yake anaishi town na kusahau na anaona wale wamemechagua hawafai kuwa waeshimiwa wanasaidia na wengine hawa sielewi kuna councillor wameelimika lakini hawasaidii na kuna coucillor ambao hawajaelimika mpaka form 4 na anasaidia wananchi wake so mi ningepomba wananchi wapewe nafasi yao kuchagua viongozi wao ambao watawasaidia maana kama ninasoma yanategemea na roho ya mtu. Asante Bwana Chairman.

Com. Isaac Lenaola: Asante kwa kuwa ni clear. Njoo ujiandikishe hapa. Stanley Mrea. Baada ya Stanley, Joseph Kunga afuatwe na Joseph Nyaga.

Stanley Mrea:- Jina langu ni Stanley Roego Mtwea a Retired Inspector of schools hii ni maoni ya watu tulikuwa ----- upande mwingine siku ingine kwa hivyo hii si yangu ni maoni ya watu.

- 1 Nitafanya kwa kiingereza. All public should be rendered services free without bribery.
- 2 – free education to all schools from secondary to university level – nurseries should also be included.
- 3 – subarea to be paid by the government they are doing a lot of work for the common mwananchi. Chiefs should be chosen by the public.
- 4 – the ministers of the government should be chosen by the public.
- 5 – nobody should be above the law in the honorable country of Kenya.
- 6 – a civil servant should not be drunk during the working hours.
- 7 – all judges in public should be employed by a certain recognized commission.
- 8 – wild animals killing a person should be paid the owner's person should be paid instantly and not to be delayed.
- 9 - National Parks to be reduced to give farmable land to the public.
- 10 – change the value one acre of land from 800 shillings per acre to something more. Watu walisema wanajua serikali ilisema one acre for 800 shillings lakini tunasema hii value iongezwe.
- 11 - Mineral rights to be given to the owner's of the shamba and not to any company. So kama kuna any mineral kwa shamba yangu nipewe right ya kuuza that mineral.
- 12 Title deeds – signing should be transferred from Headquarters that is Nairobi to District Levels.

Next, Forest should be restored for farming activities to communities nearby.

Next – a man who kills another person should be made to pay according to Traditional law – ile sheria ya zamani. ----- ndio ilikuwa inafanya hivyo.

Next – the 8-4-4 system of education should be replaced by 7-4-2-3.

Next – number of religious denominations should be reduced to some proportions since they are very many religious

bodies.

Next – the forested areas should be given to public for that is repeated.

Next – local authorities should not interfere with own land portions due to rampered corruption - wakichukuwa hii sehemu inaitwa own land ukieka nyumba yako wakiingilia wanachukuwa wanapatia mtu mwingine so own land should be left for the owners.

Hospitals should be free in the coutry and medicine should be provided freely as during the colonial era.

- In the general elections the vice president should be given to the person who has go the highest votes in that election. Whoever gets the highest votes should become the vice-president – next to whoever who wins the elections.
- Next all the children should be illegible for inheritance from the parents regardless of the sex e.g. in ----- cases.
- Men indulging in extra-marital (sex) should be fined if they bring up some children. There was something like that in old days take them to court and they are responsible for those children.

Repeat the -----

Retired officers and their wives ----- should continue getting their advances upto 10 years not five years.

The last one reasonable pieces of land should be given to the individuals in public no person should have extensive piece of land when other people are landless.

Com. Isaac Lenaola: Asante sana mwalimu kaw maoni yako ambayo ni clear na precise.

Any questions. I have a brief

Stranger – Aaa mwalimu I would like to ask a brief question on the traditional law – You said if a person kills another person let the customary (traditional) law apply you mentioned that in Tharaka there was a traditional law that if you kill somebody you are made to pay. Would you share with us how much that payment is according to Tharaka culture and customary law and whether its different for the dead person if it was a man or a woman for instance if I killed a man would I pay the same amount if I kill a woman and if it's the same or different give us figures if you have – if you don't have you are not obliged to talk about it but if you know you can tell us.

Mwalimu:- Am aware whatever I said that ukimua mwanaume utalipa mbuzi saba mara saba ni waja – sasa nafikiri ni mbuzi arobaini. Maneno ya bibi sijui.

Another question- Umesema kwamba kuwe na land ceiling ya mtu kuwa na shamba; ungetaka mtu akuwe na eka ngapi zaidi maximum ni ngapi na minimum ni ngapi?

Mwalimu – minimum ni ten na maximum mtu anaweza kununua - wacha hiyo.

Com. Isaac Lenaola: Pastor baada yake Bwana Dumpa. Baada yake watu wajiandikisher.

Pastor Joseph Gikunga:- Kwa majina naitwa Joseph Gikunga wa AIC hapa Marumati – maoni yangu naona upande wa land process ambayo inafuatwa wakati huu ni mrefu sana kwa hivyo kwa wakati hii ile watu waweze kupewa title deed kwa haraka -- iweke district madaraka yote ya land. Upande wa kuchagua au kwa chifu mimi naona kwa maoni yangu hizo tulianzisha nayo wakati tulipata uhuru 1963 kwa kuchagua machifu na mlolongo na watu wengi wao wale walikuwa wakichaguliwa wakati huu ni wale walevi na wengine ni wale wanatengeneza pombe ili waweze kuchaguliwa vizuri ni kuchaguliwa vile wanaendelea serikali ifanye mtihani kufanyiwa na D.C hio ndiyo itachaguwa ni mtu namna gani ni mtu mlevi kama ni mlevi atakatalika pale pale kama mtu mwenye mwenendo mzuri wa kuongoza huyo ndiye anaweza kuongoza watu.

Badala ya kumaliza mamlaka ya chifu sasa vile tunafuata wakati huu tunapata chiefs order – chiefs order ni kitu inayomsaidia ili aweze kuwa na uwezo kwa sababu watu wengine wanataka kuwarifu na chifu akiwa hana chiefs order ya kumsaidia hawezi kazi eeh kwa hivyo mimi naona ni heri chief akubaliwe kwa katiba yetu kuwa na Chiefs order.

Eeh upande wa kiongozi kama tuseme hapa Kenya kiongozi wa Kenya ama Raisi naona kwa maoni yangu tuchaguwe kama vile tunaenda kupiga kura eeh na anachaguliwa hayo ee mwenye chairman wa chama ile ambayo anaongoza kwa sababu akichaguliwa kwa njia nyingine ya vyama vingine na pia hatakuwa na uwezo kwa maana anaacha chama yake vizuri ni awe wa chama yake ile ambaye iko na uwezo na hapa ndio ataweza kuwa na nguvu ya kufanya kazi.

Eeh kumaliza umaskini katika nchi yetu ya Kenya – tuseme Kenya tuko na nchi ambayo iwe mkao kama huu wetu wa Embu na ule mwingine wu upande wa chini ukiachwa nyuma na ukiwa unaachwa nyuma iko na ministries hii ya kumaliza umaskini lakini pesa zote zile ambazo zinatengwa kwa kumaliza umaskini haifanya kazi katika ungo district kwa maana ikiwa ni njia ya kumaliza umaskini hiyo pesa inaweza tumiwa kwa hiyo District kwa njia ya kuleta au kumaliza umaskini – Njia moja ni kuwekamaji ya kilimo (irrigation) hiyo ndiyo inaweza kumaliza umaskini kwa sababu wale ambao hawana kazi watalima na ile maji ndio itamaliza umaskini pia hapo iko na tuseme --- ile chakula nayo lazima iwe na njia ya kuuzwa si kusema tupewe chakula tulime na hakuna njia ya kuuzwa hiyo chakula hiyo itakuwa hakuna njia ya msingi hapo ya kumaliza umaskini kwa hivyo kumaliza umaskini ni kwa njia ya irrigation.

Majimbo – upande wa majimbo mimi kwa maoni yangu naona hakuna haja ya majimbo kwa maana province ambayo zinaachwa nyuma kukiwa na majimbo hii province itakuwa na maskini wa mwisho kwa hivyo naona tuwe na serikali moja katika nchi yetu ya Kenya.

Upande wa Elimu – kwa maoni yangu naona katiba yetu ya kwanza ilikuwa inasema elimu ni ya bure katika nchi yetu ya Kenya naona ni vizuri kusaidia watu wale ambao hawana pesa badala ya kusema tugawanye gharama elimu iwe ya bure katika nchi yetu ya Kenya kama vile katiba yetu inasema ile ya kwanza na pia kama ni yule mu ambaye hawana uwezo asaidiwe na serikali ili watoto wa wale watu maskini waweze kufikiwa na elimu na upande wa hospitali. Hospitali ni muhimu sana sasa hiyo ndiyo yangu ya kumaliza huduma ya kusaidia mwanachi wa kawaida ile nayo aweze kuona kama iko katika serikali ni tuwe na hospitali mahali ambapo mtu anaweza kusaidiwa na hakuna malipo hii mambo ya kugawanya gharama imewekwa juzi lakini katiba yetu inasema tusaidie watu wote wale ni wagonjwa kama anataka kupelekwa hospitali Kenyatta ama mahali popote apelekwe kwa serikali kwa sababu ni mtumishi wa serikali. Asante sana – Hamna swali –

Com. Isaac Lenaola: Asante Njoo ujiandikishe.

Jonathan Nyaga Dumpa :- Thank you Mr Chairman Nyaga Dumpa am I will read my documents in English.

The president should not be a member of parliament representing any constituency. The prime minister should be created who should should be elected by the parliamentarians and he should be the reader of the governments business in the house. There should be a house of the vice-president. He should be elected by the parliamentarians and not the presidential appointee.

The concillors should be paid attractive salaries from the consolidated fund this will attract more qualified and competent people to ----- for the posts.

Mr Chairman ----- Transort and communication all the current 70 districts in the countries should be constitutionally recognized with equal resource resource distribution.

Every district should have at least all one All Weather Road (tarmac) every district should be served with electricity and every district should have a standard telephone services and every district headquarters should be served with clean tap water and should be available all the time.

Health services - every district should have at least one well equipped hospital and all health centres should be serviced with adequate drugs all the time.

About education the government should make provision to make education cheaper for the common mwananchi here am referring to the problems we are encountering especially in Tharaka. You will find the peasants they are managing to produce at least ten bags of millers ten bags of maize and they are selling them at shillings 3 per kilo if you try to evaluate how much money they are making to enable him to pass for the fees that will be at least shillings 6,000/= for the 20 bags of

maize and millet. If the school fees was twenty thousand the person will not manage to raise the twenty thousand for that term. There are so many children who have been called to colleges, they have not managed to go. This is because of the poor prices of whatever they are producing so the government at least should have control of the cereals as the products that are made from the shambas. Mr Chairman that's all what I had.

Com. Isaac Lenaola: Isaac Lenaola:- Thank you very much. Please come and register. I have been informed that Loise Makuu would like to have Gatunga Secondary School speak, so can I ask Nthiga Hillary to speak on behalf of Gatunga Secondary School and Rante Timothy, are you also speaking? Rante? Can you get nearer here.

Nthiga Hillary:- I am Nthiga Hillary from Gatunga Secondary School. On my opinions, I am speaking about the Presidency. Currently, the President is above the law. This is not fair. He or she should be liable for prosecution in – if he commits any felony, he or she is a citizen like any other, and should be under law.

- b) Point (b) The power to hire and fire officials – the government officials at will, by the President should be stopped and find us a way of doing this established. Members of parliament should advise the president on the appointments per se.
- c) A president should not be an MP from any constituency, and this will enhance neutrality in serving the wananchi.
- d) The chancellor for all public universities should be an academician with experience in education and no president who should govern the institution on political basis.
- e) The president's retirement age should be defined at 70. This is due to – old people lose senses at this age and acquire new senses.
- f) There should be a limit in days that the President should stay without a vice president but not at his will. This can be limited by the public selecting the vice president.
- g) During the transition period the presidential seat should be held by a neutral person such as a speaker. If he is incapable, the office should be held by an MP who will not contest as a president. The MP should step down immediately another new president is elected. And my last point is after the review process, the constitution book be translated in Kiswahili or English and be distributed to all churches or any other institutions to promote equivalence in constitution know how. Thank you.

Com. Isaac Lenaola: Thank you very much. Timothy? You are?

Rante Timothy: - My name is Rante Timothy from Gatunga Secondary School. I will talk on the Electoral Commission of Kenya.

My first point: -

- 1) Every Kenyan who is mentally fit and over 18 years of age has the right to vote. Registration of voters should be fixed to a common man. Even those serving a jail sentence should also participate. All government employees should be given the right to vote in spite of their duties.
 - 2) The Electoral Commission of Kenya officers such as chairman, should not be elected by the President. It should be an independent commission.
 - 3) Electoral Commission of Kenya should be given power to prosecute the offenders at scene of offence.
 - 4) Parliamentarily elections and presidential elections should be done at a different time in order to have harmony and to avoid confusion to voters.
 - 5) Electoral areas should be curved according to the population distribution in an area but not through political groups.
- Thank you.

Com. Isaac Lenaola: Thank you very much. Please come and register yourself. Yes Eric please proceed. Please tell us your name and proceed to give your views.

Eric Gitonga: Thank you very much for the opportunity and I am Eric Gitonga from Gatonga Secondary. I would like to talk about the civil service and members of parliament. My first point:-

- 1) The salaries for the MPs should not be left to be debated by the MPs themselves. There should be an independent body or even the Parliamentary Service Commission to work on their salaries.
- 2) My second point – The provincial Administration should be abolished, and, replaced with elected local government officials, about this point, the police force should be harmonized and paid more salary so that they can provide more security because they will be kept contented on what they are getting.
- 3) My third point is about a civil servant should have a specified number of years of which he or she should served as a civil servant. 30 years working period and 55 years of age depending on which to come first.
- 4) Fourthly people of a given constituency should be given a mandate to give a vote of no confidence to their MP in case he becomes un-performing or selfish, before the 5 years period is over. The number of days which an MP should be absent in Parliament should be reduced from 8 days to 2 days. In case he exceeds 2 days without or valid reason, his seat should be declared vacant and by-elections held in his constitunc.
- 5) No public officer should hold 2 or more profitable public offices.
- 6) Some public holidays should be abolished to sustain own resources because they are just but resource wasting.

- 7) In the new constitution, let there be a ministry for the youth which will cater for the welfare of the youth within the country.
- 8) Lastly, provide that all requirements are met, recruits of various jobs should be selected from all districts, equally to ensure equal distribution of national resources. Thank you.

Com. Isaac Lenaola: There are 2 brief questions, one is a clarification, you said the number of days from which an MP could be away from parliament be reduced from 8 days to 2 days. I would like to tell you that it is not 8 days now, but 8 sitting. Ya, so that is the clarification. The other one is you said some public holidays should be abolished to save resources i.e. are a waste of resources. Could you share with us if you have thought which days should be abolished. Have you thought of which particular days? Current National days should be abolished, and if you have thought about it, let us know.

Eric Gitonga: - They are a few for example; Boxing Day – that is useless- among many others.

Com. Isaac Lenaola: Lets now have Judith Nyamu . Rarieda Namuthambu? And then Chairman you follow? Is Elly Nyaga here? Elly Nyaga? Then proceed madam.

Anisetta Kiriga: - Thank you Bwana Chairman. My name is Miss Anisetta Kiriga of Kanuri na Mugambo and also Maendeleo ya Wanawake Organisation.

My first one is spouses of Kenyan citizens regardless of gender should be entitled to automatic citizenship, and a child born of one Kenyan parent regardless of parent gender should be entitle to automatic citizenship.

Come to political parties, I am highlighting the most important ones. Political parties should play roles to promote development activities and the constitution should regulate the formation, management and conduct of political parties, and separate the government from management of political parties. The number of political parties should be limited to 2 and they should be funded from the consolidated funds.

The constitution should adopt a system where power is shared between the Prime Minister, and the President and the provision should be such as if the President is a man, then the Prime Minister should be a woman.

Unitary system be adopted due to our ethnic differences.

For the parliament, it should have an independent calendar, that is the parliament; composition of parliament – One third

members to be women, through affirmative action; out of the 1/3, at least 8 of them should be disabled, one representing each province; these women should be elected through district representation, by women above; the local people should discuss proposed nominees before they are nominated that is for the nominated MPs who are non-performing; there should be checks and balances to ensure that power sharing between parliament and the executive is balanced. Then for the executive, the presidential powers to independently appoint or dismiss the executive should be reduced; presidential powers should be ceremonial; should be in office for a 2, 5 year term, and the president should be a graduate. The President should not be above the law, constitutional provision to prevent manipulation of the political system by an ex-president, separation of powers, and the establishment of a non-partisan civil service.

Then for the judiciary, the Judiciary should promote fairness, and get rid of corruption in courts,; should offer support to women organization in the process of legal aid. It should also establish para-legal institutions in all the districts and view their capacity to deal with simple cases in the districts. It should also take care of the number of the high courts.

Judges they are too few currently. They should be increased.

Local government:- they should be independent and their powers separated from those of the central government. One third of the representatives should be women; mayors and chairmen should be elected directly from the grass-roots and they should be recalled for non-performing. Councillors should be paid from a consolidated fund. A commission should be put into place to look at the terms of service of councilors. Gender balance in leadership should be ensured. Minimum qualifications for councilors should be O-level.

The Electoral Process: One third of the Electoral commissioners to be women. Electoral commission should be independent candidates; candidates who fail to seek nomination in one party should be allowed to switch out to seek for the same from another party. The districts which have one constituency should have the constituency divided into 2.

Parliamentary and civil elections to be held simultaneously and Presidential elections separately and directly.

Free education should be provided up to form 2 level;

Property in all its forms: ensure equal inheritance and succession rights to both male and female, whether it is children or an and woman; let me make the last one please:

Com. Isaac Lenaola: Proceed.

Anisetta Kiriga: On ethnic and cultural regional diversity; cultural and traditional practices and attitudes which have continued to hold women back should be removed. These include female genital mutilation, which is not well catered for in the laws in force.

Wife inheritance and wife battering. The country should have 2 national languages but ethnic groups should be recognized and promoted. The constitution should promote a culture of negotiations.

Com. Isaac Lenaola: Thank you very much Anisetta, you are very clear. Please hand in your notes to the councillor. Please sign. John Njue Kajeshe? Councillor pia? Jennifer Nduuga?

Gideon Makebo Kaimba:- Kwa majina mimi naitwa Gideon Makebo Kaimba, Chairman wa Tharaka County Council; kwanza kabisa, ningetake kuwekwe kwa katibva inayotengenezwa elimu ya bure, kwa watoto wote, wa kike na wa kiume. Kuanzia mashinani, primary education up to secondary level. Naiwe free, provided by the government.

Hivyo ingine, ya pili, ni jobs. Kazi, Kazi zipeanwe na serikali, be provided for all qualified people. Zineanwe kwa watu wale wanahitimu vizuri, regardless of tribe, and without corruption.

Ya tatu, twende kwa bunge; Bunge liwe na mamlaka ya kuivunja bunge lenyewe badala ya Rais. Parliament sio parliamentarians. Wawe wanavunja bunge wao wenyewe. Wakae chini, waseme tutaivunja siku hii badala ya Rais mtu mmoja.

Ile ingine, ni powers za President. Ziwe minimal. Tuseme kwa mfano ziwe ni yeye Head of State, ni yeye Head of the Government na ni yeye Chancellor wa Public Universities, ni yeye anachagua all those ----- . Zingine zipewe watu wengine, ziwe shared those powers.

Elections of Mayor and Chairmen of Local Authorities; Be done by people and those people be given power by the constitution to vote those chairmen or mayors by vote of no confidence if they become adamant in their jobs.

Mambo ya mashamba: Badala ya title deeds ziwe zinapeanwa kule Nairobi, the processors wale wana process hizo title deeds wawe in every district in the country to enable mwananchi to take their titles in their – near offices.

Ile ingine ni mambo ya Local Authorities. Wapewe power ya kuwa autonomous. Wajifanyie mambo yao wenyewe.

Ile ingine ni mambo ya Vice President. Vice President achaguliwe and Parliamentarians badala ya kuchaguliwa na President.

Prime Minister achaguliwe na parliamentarians. Halafu Ministers wachaguliwe na Prime Minister.

Poverty Eradication: Irrigations be done by the Government to all arid and semi arid areas in the country. And in case of relief food, they should be given relief food free of charge instead of them working for the same, while they are hungry. There is no need of food for work while people are hungry, then they are told to go work for the food and they were to be given by the government freely. I think mine was that.

Com. Isaac Lenaola: I have no questions. Please come and register. Did I get John Njue? John Musee? Uko tayari sasa? Ok utamfuata huyu.

John Njue:- Majina ni John Njue Kajese. Councillor to be paid by consolidated Bank like MPs. Reasons are as follows:-

- 1) When MP disappear from their areas, councilor is the one who deals with the community.
- 2) Chiefs to be elected like MPs and councilors so that he can be able to lead the community well. In most cases people are chosen by one leader which is wrong. I propose them to be chosen by the community.
- 3) Sub area to be paid like other several servants because they are much workable in the area.
- 4) Government to be sharing things -----(inaudible – end of tape)
- 5) Retired people should not contest any seat because when you retire, you need to retire everything, so a retired person should operate his own work alone. That's all.

Com. Isaac Lenaola: Ngoja kidogo. Sawa sawa, asante, Njoo ujiandikishe hapa councilor.

Joseph Musee: My name is Joseph Musee from Tunyai Location, Tharaka South.

- 1) Issue concerning house allowance. To the employed people, that is government there should be a fixed house allowance to all government employees, irrespective of education or status. Let there be a difference between married and unmarried. The difference should be only the education. The is salary wise.
- 2) Whenever a commission is set, let there be a mixture up of a highly paid group and a lowly paid group so that the house allowance can be awarded after reaching a consensus. In determining the allowance, people should be considerate. Let me elaborate here. Now people who are set, who are chosen as commissioners. They go and

award themselves a lot of money. That group, and the lower group are awarded very little. That's why you can see there is imbalance of the wealth. Also on the side of hospital medical allowance, there should not be a very big difference in allowance. The suffering is the same. Now if I am an Officer, let me say I am a President; I fall sick, I am a simple person, I fall sick also. I need the same treatment; so if it is hospital allowance, we should be given equal amount because I would like to attend hospital whereby another person attends.

Secondly, setting of the Commission I repeat again, in Kenya, particularly, when the commission is set, only people who are of the same grade were sent there, and when they go to award salaries or house allowance, they award to themselves to upper grade and the lower people are so let there be or mixture of religious people to the commission – Any commission that is set.

The last one, the portrait in the currency to remain either of the first president or anything else that can be appointed to remain there permanently, not to be changing money now and then. Whoever comes to be the President. Thank you.

Com. Isaac Lenaola: No questions. Asante sana, Njoo ujiandikishe hapa. I now ask – e – Grace Makumi? (Inaudible)
Endelea Grace Yuko?

Grace Thambi Nduyo: My names are Grace Thambi Nduyo, working with National Council of Women of Kenya as the District Co-ordinator. I am presenting memorandum of views on behalf of the council of Tharaka, on the constitution review, thank you.

2.1 The Introduction: - As it is important to have constitutional in which all citizens are encycled, in unison of Democracy plus Development. I beg to be included in our new constitution.

2.2 Gender parity: It is my suggestion that a third of the women should be given and accepted in all forums of decision making that is to be accepted and directed to head BOGs, land Board, Food Security Bank, Girl schools to be headed by women, not men.

2.3 It is suggested that women – It is argued and suggested that an establishment to be created in every district to have a woman member of parliament, that is the District constituency affirmative action. This decision does not interfere with the current constituency but established to be contested by the women only.

2.4 Women should be included in the title deeds; both names of the spouses to appear in the title deeds, a woman should inherit the husbands property without having to use the law of succession;

2.5 Violence against women should be punishable in a court of law, and the cases, including the rape cases be heard in camera without exposing to the public to avoid embarrassment.

2.6 Corruption: Any person regardless of his/her status should face the law of violence if he violates the law, even if he offence takes several years.

2.7 Devolution of Powers: As the local authorities are near to the people, more powers should be given to them , local authorities and other near institutions, e.g. the land board, rent control boards, game reserves and bags etc.

The President should not be above the law – once elected in certain areas should leave the constituency. This discouraged nepotism and tribalism. The president should be elected by all constituencies and be elected by 50% of the registered voters. This will bring equitable distribution of natural resources. All members of parliament, councilors to be included in the constitution officers should pay taxes like any other citizens. The three arms of the government should work without interference. That is the executive, the legislature and the Judiciary.

3 Provincial Administration: The local chiefs should be elected to office by registered voters in that location.

The constitutions preamble. Our constitution needs to have preamble. It should state the motto and mission of the country, the common experiences which should be included in the preamble are:-

- How a constitution is a tool to the citizens
- How the constitution should be arrested and how the country's first constitution emerged.
- Directives and principles of state policy.

We need statements in our constitution capturing the national philosophy and guiding principles.

8.0 The constitutional supremacy: The constitution should be amended by a referendum and negotiations consensus and should not be a 65% majority vote. The power of parliament to amend the constitution should be limited and should be done ass at once. Some parts of the constitution should be above and beyond the power of parliament e.g. salaries and allowances of sitting members of parliament.

9.0 Citizenship:- Anybody born in Kenya or outside Kenya and if parents are Kenyan should be an automatic citizen.

10.0 Defence and National Security: The Presidnets terms in the office should be a 2 term of 5 years each and should be barred from contesting for any seat as the president, and should vacate the chairmanship of the party. All disciplined forces should be established in the constitution.

11.0 Political rallies: The political parties should play the role of educating the citizens on how the democracy works and to unite wananchi.

12.0 Structures and system of government: The Kenya constituituion should have a parliamentary system of government. We should adapt in which a Prime Minister is appointed from the majority party in parliament and the president remains a ceremonial head. The powers of the president will be advisory and spacing ceremonies etc. The prime minister will be in-charge of the government. We should adapt a Federal system of government . This system will make other areas,

which are behind in development as the National cake will be shared in an open table and consequently create selfishness, self oneness and employment.

The Legislature: The parliament should do the following opportunities:- that is Auditor General, the chairman or chairlady of the parastatals, the chair-persons of the commissions, the attorney general etc. They are many, I try to rush.

The Executive: The constitution should specify the qualifications of the Presidential candidates and the qualifications of age should be 45 years and above, be a university graduate of good etc,

The Local government: The mayors and Council's chairmen should be elected directly by the people. The Electoral system and procedures, practice representatives electoral system we have the rights of vulnerable groups, as my last one.

The rights and interests of women are not fully granted in the constitution. They should be treated equally with their counterparts – men. Girls should not be circumcised at nay age; because of the loop hole, would force women to be circumcised at old age.

The land and property rights. The government should have power to compulsory acquire private land for any purpose this could apply only if communal for benefit of the community and should be compensated by the government.

Com. Isaac Lenaola: Thank you very much. Please come and sign our document here. Mwashungu? Is Peter Musungu here?

Peter Musungu:- Mimi naitwa Peter Musungu Nduru, councilor wa Turena Location. Nikitaka maoni yangu katika constituency ya Tukiyo, siku kama ya leo nikionelea ya kwamba councilors ni watu wamefanyiya wananchi kazi karibu nao na hawana chochote ya kuwasaidia kwa sababu wemekosa pesa. Wawe wakilipwa na ikiwezekana na Central Government. Na ikiwezekana waongezewe allowance iwe elfu mia mbili ama elfu mia na hamsini. Pia Upande wa kuchaguliwa kwa viongozi, kwa mfano, Kamau sisi tuko na chama nyingi kama Kenya, an tuko kwa makanisa mbali mbali, naona ni mzuri sana wananchi wenywe kwa wenyewe wachaguwane ili tuache mambo ya kunugunika hapa na pale kwa sababu ukisikia watu wanachaguliwa, wanaanza kuleta maneno sababu Fulani amechaguliwa kwa ubaya. Sababu kuna wengine wanachaguliwa kwa meza na wanasemekana ndiyo viongozi na hawa viongozi ndiyo wanafanya watu wagombane.

Upande wa chakula, tuko na chakula katika Tharak , mawelw sana sana tunapanda, na hiyo mawele naomba serikali ikiwezekana kwa sababu si Tharaka peke yake inapanda hii mawele, kuna sehemu nyingi zina panda mawele. Itafutiwe soko, iweze kupata soko ya kuuza tuweze kujisaidia kwa sababu hiyo chakula inakuwa sana kwa haraka, ili tuweze kusomesha watoto wetu.

Upande wa barabara, sisi ni kama – a – Tharaka ni district na ninaomba katika Kenya nzima ile district imejengwa mpya iwekwe barabara sawa lami tuweze kupata kupeleka chakula yetu pahali popote tunataka kwenda ama matunda tuweze kusaidika.

Kwa upande wa kuolewa , wasichana na vijana, naomba ikiwezekana Kenya tuwe na change.

Kama kijana na msichana wanapendana, wazazi wa hawa vijana na wasichana wawaachiliwe. Ufasi waifishe kitu. Kama wanapendana, waendelea na wa waongezee zozote sile wanaweza kuwaongezea ili waweze kujenga maisha yao ya baadaye. Kwa sababu hapa mbeleni kuna ungumu na msichana anataka kijana, anakataliwa asiende huko, kwa sababyu huyo kijana ni maskini, ndiyo unaona Malaya inakuwa mingi katika Kenya, mambo kama hayo.

Mambo ya mashamba: Mambo ya mashamba katika Kenya, vile unasikia kuna mapigano katika mipaka hapa na pale, nikukosa kujuwa wewe uko wapi. Tunaomba serikali ikiwezekana sana sana ipimiye kila mtu shamba yake awe akijua shamba lake iko wapi. Sababu ikisikia pahali panapiganwa hiyo mashamba hapana iko sawa sawa. Kunapiganwa tu mashamba. Isipokuwa hawawezi wanakuja kupigania ngombe na mbuzi hawa nao serikali itawaangalia.

Upande wa kiongozi kusema kama councilor, at achaguliwe kama ametimu class ya nne ni kweli, lakini tunaweza kuchagua, lakini naye tusichague makosa. Tunafaa kuchagua yule anajua watu wako wapi, anawafanyia ukweli bila ukabila wowote. Sababu unajua ya kwamba unaweza kuchagua kijana anayetimu kabisa lakini naye asahau , kwa sababyu yeye amechaguliwa kwa masomo yake ndio itafanya ajivune na asahau wale wememchagua.

Upande wa kama machief na administration chief, assistant chief na sub area naomba ikiwezekana serikali iangalie huyo mtu anaitwa mdogo sana, chungu kuku yako nyumbani, ikiwezekana, huyu assistant sub area aangaliliwe angalao apate kidogo kwa sababu ni mtu anafanya kazi kubwa. Na pia upande wa chief na assistant chief, hatukatai ile sheria watafanya, ile ifanywe ili tuweke barabara sawa sawa. Lakini naomba ikiwezekana, wachaguliwe na wananchi wenyewe. Kwa hayo machache nimesema asante.

Com. Isaac Lenaola: Asante Councillor. Any questions? Isabella njoo karibu lakini ninaomba, kwanza tusikize Joseph mwahe halafu utamfuata tafadhali kwa sababu nilikuwa nimemwita kutoka mbali huu mzee kipofu. Tafadhali keti haponitakuita. Hebu mwite Joseph Mwahe. Samahani nilikuwa nimempita kwa list.

Joseph Mwahe:- (Tharaka Dialect). Translator - My name is Joseph Mwathi. This is what I want to say. Tharaka has a lot to tell. And anytime we speak, no one listens to us. He is asking why, why we are not heard. We have been fighting for our boundaries and the councilors know this. And why is it that our councilors are not listened to ----- . People here are

speaking in English, others in Kiswahili – some of us don't know what they are talking about. What's most important is water in Tharaka. The poor farmers have nothing to do. We are asking for water for irrigation. Our councilors have been asking for these things and the entire county council of Tharaka. They are helpless because they are not even assisting people to construct their own houses. People are using grass to thatch their houses. After 5 years, we are demanding that the councilors lose their seats, when it is not their fault. We demand that the people of Tharaka are heard. We have been asking for tarmac roads for so long. Until now, I don't know why no tarmac road is in Tharaka. Many MPs have passed starting with James Njeru Gituria. He did a lot for Tharaka. After James there came Cyrus Njagi wa Kiondo. Njagi wa Kiondo did his best. The Francis Kagwima followed. When he entered parliament, he continued complaining and the president granted us a new district. Instead of being thankful, we got him out of parliament. So we should be careful.

Com. Isaac Lenaola: What is your contribution towards the constitution?

Joseph Mwathe: My position concerning the constitution is that I don't understand how you can connect a stone house to a brick house.

Com. Isaac Lenaola: Please substantiate.

Joseph Mwathe: What I am saying is that it is KANU which started governing this country. Thank you.

Com. Isaac Lenaola: Asante Bwana Mwathi tumeshukuru sana. Let him sit then we can continue. Isabella Kaguna?

Isabella Kaguna:- Kwa majina mimi naitwa Isabella Kaguna. Mimi maoni yangu ile nataka kutoa mimi nataka kuongea juu ya elimu.

Upande wa elimu, kwa sababu mimi naangalia upande wa mashule na pia manyumbani, kuna watoto wengi sana nyumbani wale wameshindwa na kwenda secondary kwa sababu ya kukosa pesa ya kwenda. Pia hata Primary kuna wengine ambao hawaendi, kwa sababu ya (uchumi) kwa hivyo, yangu mimi nataka kusema upande wa elimu iangaliliwe kama mbeleni.

Tena upande wa human rights nataka kusema kwamba upande wa wanawake. Upande wa wanawake, tunaona haichukuliwi hatua ya wanawake, sababu hatupatiwi rights sana kama wanaume. Kwa sababu hata manyumbani wakati akina baba wanagawanya mashamba, hawapei wasichana. Kwa hivyo nataka iangaliliwe kwa hivyo nataka upande wa wanawake uangaliliwe, upande wa land. Pia akina mama, tuwe tuna angaliwa sana kwa sababu kuna hata wanaume wengine wanapiga mabibi zao zaidi ya sheria. Na serikali pia inaona akina mama wengine wanapigwa pia na wanaume wao zaidi ya sheria, na serikali haiwachukuliwi hatua. Mwanamke anapigwa mpaka anakufa kabla ya maisha yake. Asanteni.

Com. Isaac Lenaola: Njoo ujiandikishe . Marimati Girls sasa. Karibu.

Marimati Girls Secondary School – Siege Judith: I am Siege Judith. This is the memorandum on constitution review process, from Marimati Girls Secondary School. My name is Siege Judith. All Kenyan children should have access to free medical services. All Kenyan children should be given free and compulsory basic education. All school children should be provided with feeding programmes especially for school children in remote areas. All Kenyan children should be given equal education opportunities irrespective of their sex. All children should be free from gutter press and pornography. All children should be provided with basic needs. That is clean water, proper sanitation and clean living environment. School children should be allowed to continue with their education after delivery. Any man or woman having carnal knowledge with a minor whether by coercion or enticement should be dealt with severely. All children should be protected from physical and psychological abuse by any person and that they should not be subjected to torture or cruel treatment e.g female genital mutilation. All people, men and women should be responsible for the well being of the children they bring forth. Children should be provided with forums to discuss their issues at national level with representation from all districts. Guidance and counselling should be strengthened both at home and at school level to cater for the special needs of the growing children.

Religious studies should be made compulsory in school as a way of imparting good morals to children. There should be a dignified code of dressing in Kenya as some form of dressing causes undue suffering. That is both physical and psychological to children.

Com. Isaac Lenaola: Thank you, please come and register. Any other girl who wants to come and speak? None. Thank you very much. Pastor?

Bishop John Njagi Nduyo:- My name is Bishop John Njagi Nduyo, I work with the Methodist church in Kenya, Tharaka synod. I want to bring my suggestions to this Review committee and the first point I want to say that:-

- 1) The preamble should capture some of the vital experiences that the people of Kenya have undergone.
- 2) To enhance global unity, the citizenship of this country should remain as it is.
- 3) Bribery, corruption and nepotism deprives the individuals involved of their moral and national integrity. Therefore, I propose that a mechanism be put in place to eliminate bribery, corruption and nepotism.
- 4)
 - A) That the state should finance the political parties during their common exercises of civic education
 - b) The share to do the above activity, that is the civic education allocated to all parties should be given since these are drawn from public funds. Airtime during campaigns should also be given the party forming the government should not monopolise. The state should be the organ for all political parties.
- 5) The formation of the government should be a coalition government.

- 6) The employee should be allowed to discuss with the employer on matters pertaining to their salaries. However a commission should have the final word in order to limit individuals who might be out to exploit the public funds.
- 7) There should be moral and ethical qualification for all employees in public and private services.

On presidential powers, I am suggesting a proposing that there should be a limit on presidential powers in electing the following:- the judges, auditor general, the head of parastatal bodies, the MDs and also the vice president.

There should also be a ceiling for land ownership to individuals or organisations. I am saying this in view of a certain merchant or a certain rich person happens to come and say that he wants to buy Kenya and there is no limit, he might even buy Kenya together with us.

On poverty eradication, the government should identify the available local resources with the assistance of the locals and advice the locals on the possible project for engagement in the fight towards poverty eradication within our community.

In apportioning the national resources, the Government should do it evenly. Then the other part, is the government should facilitate in enhancing individuals and groups in marketing of their produce. I want just to say something on vulnerable groups. Mr Chairman Sir, I just want to propose that the government should also look unto Makangas or the touts vulnerable groups, street children and also street adult people. I tend to think they are also vulnerable and they should be considered in the new Katiba.

On matters pertaining to education I just want to concur with others who have proposed that we need free education for our children, from the lowest level to university level. So that those people who are not ready to educate their children can have an opportunity of having the community educated. Thank you Mr Chairman.

Com. Isaac Lenaola: There is a question – the land ceiling for land ownership. Any thoughts on what acreage or you wish to leave it to us?

Bishop John Njagi Guyo: I cannot be able to say number of acres that an individual or an organisation is supposed to have but then, there should be a limit, so that one person cannot really buy the whole of Kenya. Yes.

Com. Isaac Lenaola: John Mutegi? Daniel Mwendah, Yuko karibu? Karibia mzee wangu. Kaburu Joshua, Edward Kiraithe endelea.

John Mutegi:- I am a farmer. The President should not be above the law. The president to be selected by all parties. Ministers to be selected from all parties. Social amenities to be distributed in all parts of the country equally. Assistant chiefs,

chiefs to go for transfers even not only in their home districts but also outside their districts. Bars to be closed even the Kenya Breweries. Goods to have controlled market prices.

Corruption: - in case of anybody found corrupt, they should be jailed without a fine. Since the president is from the ruling party, the Vice President should come from the opposition. Those are my only points.

Com. Isaac Lenaola: Is there any questions? Please come and register. Daniel Mutegi?

Mwamba wa Mianga (Tharaka dialect) Translator – My name is Mwamba wa Mianga. I want to talk about 3 things. I will talk about education, about land, and the disabled. My issues about Kenya, about education, those students who undertake their KCPE exams, I am sure it is the whole Kenya. After the results have been announced, everybody or rather every Kenyan gets the message about their results. So everybody who performs well, everybody in Kenya gets to know that different students have performed what and what. Both those in school and those that have not been to school are usually aware of their performance depending on where they come from.

Com. Isaac Lenaola: What is your proposal?

Mwamba wa Mianga: My proposal is we should look into consideration of all these students depending on where they come from. We make sure they acquire their education irrespective of where they come from.

Now we come to land issues:- About land according to my views, some people want land but they cannot acquire land, even when they are strong enough to do the farming. Those people concerned with the land issues should make sure that once somebody gets land, gets a title and given securities so that he can retain his land and do as pertains whatever he can be able to do with his land without any interference.

Now we come to the disabled people:- These people are all over Kenya. Its like they are not taken care of. Well, why are they not being taken into consideration by the ruling class? They should be taken care of and be helped. I am through.

Com. Isaac Lenaola: Asante sana. Njoo ujiandikishe. Daniel Mutegi Mwenda?

Daniel Mutegi Mwenda: We thank you Bwana Chairman. My name is Daniel Mutegi Mwenda. I am a councillor of the area of Marimanti Location. These are my concepts concerning this today.

1. remember there was a case with the police, where a man had reported. His son was beaten by an officer that is a police officer and then after reporting and giving out all the documents concerned, the case, he was told to wait for the results

from the Head office, that the case was considered without court trial and the officer was set free. Now my question is what was the benefit of the complainant?

Maoni yangu nasema this person complaining or the complainant should be considered. Because he had all the documents, that is P3 and so many other testimonials.

2. It is about politics. Actually, what I have said must have been experienced by one of the councillors. Allowances should be paid whenever there is a debate in parliament. And even be paid by the Daima bank.
3. I thought of the headquarters in the country to have at least one tarmac road like this place here.
4. About Education: I am of the same thought like the rest that let the Government of Kenya introduce or fund for the poor people in the district, at least to assist the poor people; students to continue with their education, because we have poor families with very bright children. I am saying this because if this one is done by the Government, we are thinking of, we can have a larger number of educated people in the country.
5. My fifth point is about the land cases. In my opinion, government should tell the people that the payment should be minimised because some land matters are very expensive – are solved at a very high cost I mean. To the poor people, let there be a kind of law. I am saying this because there are some old people who are very poor and cannot partition the land because of the high cost.
6. My last point number 6 is about hospitals. Kwa maoni yangu naona let hospital payment be free in the country if we get a good government instead of paying this which we call cost sharing, we have gone even beyond cost. It is a real penalty. That is my last point. Thank you.

Com. Isaac Lenaola: Nyaga? Before him we have somebody else. What is your name? Thank you for your contributions. Your name? Nicholas Nthiga?

Edward Nyaga: My name is Edward Nyaga on behalf of Nicholas Nthiga. My first proposal is that people should retire at the age of 50 years because at this age, they are exhausted.

The second point is anybody at age 18 should be awarded annual allowance by the government when unemployed.

The third point is that Ministers should be non-political. I mean non-politicians like the Permanent Secretaries.

The fourth point is Chief Justice and Attorney General should be elected by parliament not appointed by the President.

The fifth point is all graduates should be assigned a duty/responsibility/job/employment by the ruling governor, else be entitled to some allowance to meet the search for job expenses after college. That's it.

Com. Isaac Lenaola: Thank you Nicholas Nthiga for his use and tell him that they have been received. Please sign on his behalf and on behalf of yourself. Please leave the paper behind. Chief Joram Muthengi? Michael Nyamu, Daniel Mugawa? Joseph Mugambi? Kiganu Ndia Watia? Please start. Proceed.

Kiganu Ndia Watia: My names are Kiganu Ndia Watia, KNUT representative. Mine is to start with the kind of government that the constitution should allow, should be unitary government. I would propose there to be a unitary government other than majimbo whereby the President should be elected by everybody in Kenya and should get 50% of the total votes casted. And in case whereby we have 8 or more than 3 candidates and none gets 50%, then there must be a runner-up. I propose to have a runner-up. The best 2, to repeat so that we can get whoever will get the highest vote in Kenya.

I would also propose the 3 arms of the Government that is the Legislature, Judiciary and executive to be separate organs. Completely separate other than one being controlled by the other. On the one side of Provincial Headquarters of Province, I would propose there should be no provincials, let there be districts. There should be districts instead of Provinces.

Then we empower local Government. Local Government must be empowered so that it can be getting development resources in the district headquarters they manage all the projects which are undertaken by the Government in various places in the country, then the parliament should act as a check organ to check whatever is happening or whatever the resources are being utilized. If they are utilized correctly or wrongly.

On the side of education, I would also propose there should be free education for every child in Kenya so that children from the poor communities can acquire education, and to avoid drop outs. When it comes to corruption, nepotism, this one should be dealt with accordingly, there should be no nepotism on appointment of either senior government officers coming from one tribe or from one region appointment of Ministers in case, let there - may be even distribution of those senior government officers, including DCs etc. and the rest, because we get a community getting more diseases and whatever.

On the other side of natural resources, Kenya is an agricultural state, and I would propose the government to be getting market for the agricultural produce of the farmers because one has made the common man in the rural areas to be so poor being all the resources taken by the middle man other than the government getting the correct price for the farm produce. Either getting price or the market in other countries and sell on behalf of the common man.

There is this point of local beer which I have seen many local people being harassed, Kothoroko or whatever it is being called, I

would propose the constitution to allow a cheap beer for everybody because any body who wishes to take beer or get a factory. We have our neighbouring drinks where we have the local beer or the local brew being brewed by a local person, then taken to somewhere cleaner place where it is tested, and then taken sealed in a wekwa kwa chupa and then given to the local people on the channel, other than harassing because even the local person who has 10 shillings he needs something to relax – to enjoy at least after work or when he is free. Other than harassing them and they can not afford the most expensive beer today.

On the side of the councillors simply because I have said the resources to be empowered to the local government that is the caterers to manage the resources in every district other than being controlled from the herb. When the resources are brought to the district Headquarters this one should be openly known by everybody other than being given to a DC or whatever powers secretly whereby he can manipulate those funds unknowingly let every community or stakeholders in that particular area know we have been given those particular resources to develop 1, 2, 3, in the district. The councillors should have at least an education minimum of form 4 level so that he can be able to manage those resources, because there are others to speak and many of them have been taken out. I beg to go thank you.

Com. Abdirizak A Nunow: Mwalimu, wali kidogo – kuna swali.

Kigano Ndia watia: Yes.

Com. Isaac Lenaola: Kuna swali kidogo kwa clarification. You mentioned free education, for all. Up to what level do you propose that education to be free?

Kigano Ndia Watia: I would propose especially up to form 4 and if it cannot be possible then, let them make the secondary school form 4s to be either day schools or something, so that every child can get education, then the government can see how they can charge a little bit, or may be if it is possible it should be free from primary to university level.

Com. Isaac Lenaola: Go and register and thank you very much for your views. Kaimba Bruno? Mwalimu joo. And before Mr Kaimba speaks, kuna mtu ambayo angetaka kuzungumza? Kuna mtu nimeacha? Nani ako hapa ndani angependa kuzungumza hata memba wa committee? Kwa hivyo huyo awe wa mwisho? Sawa sawa? Hakuna mtu? Endelea Bwana Bruno>

Bruno Kaimba: My names are Bruno Kaimba. I would like to talk on matters related to the constitution in terms of making it better than it is today. I will first begin by talking of land ownership, that the land, those tracks of land un-exploited yet they belong to individuals should have a time within which they be developed. If not, then they should be rescinded back to the government or to the land trustees whoever that could be. If the land belongs to the people, then it should be given back to them. If it is the Government's it should not own land, then it should also repossess the land

Youth empowerment: We hear every day of this country the future being in the hands of the youth, the destiny of the country being in the hands of the youth, and yet the youth are unable to reach to the urchin performance as leaders because of little or no education so I will propose on that line also to have education that could be universal. Education up to form 4 payable by the money that is collected from taxes by the Government.

We have heard of majimbo, we have trainings teaching on majimbo but to date they remain unclear, I so I am for the unitary system of Government, that we retain it, I but to have to devolution of powers clearly outlined like we should have some powers given to, say the local councils or the local authorities well defined so that they will not actually get involved the 2 of them, the Central and the Local Government.

President: The President of a country like Kenya should be elected by all just as it is today, and not be a member of parliament in any constituency. He should not have come and should not be a member of parliament.

I suggest that we have the post of Prime Minister, who should be appointed by the president who should be appointed by the President, and from those who have participated in the presidency or the election of the President. Like for example; if we had Bruno and this gentleman, and they are contesting to become President and he loses to me then I can either appoint him or her as my Prime Minister.

I propose that we have constitution special offices like we have those commissions such as Kenya Meat Commission, so I propose we have a Police Service Commission, Armed Forces Commission those who will be responsible for the recruitment of those persons in those jobs and other related concerns.

Judges: Judges have to retire at the age between 65 and 70 years because I am told at 60 or below that is when you become less productive. That is an area where we need a lot of – and we can have space for others also apparently to become judges.

The Powers of the President should be reduced. All his appointments have to be approved by parliament. I am suggesting that all President's appointments have to be approved by Parliament.

The Assistant chiefs and chiefs may well serve the people if they are elected by the public and not appointed as it is the case today.

Com. Isaac Lenaola: (inaudible)

Equal Distribution of resources, based on population density. Independence of the arms of Government, you know them. I will not have to run then by once again. A government to take care of its citizenry, people must not die of hunger for food, yet we have a Government that is answerable to its people. If the constitution that we are trying to re- write is for – I propose that we don't have a constitution that talks of women and men.

Constitution should be a constitution for all just as we have the bible. The bible is for all. The constitution should be for all, except that we can have the children's rights put on a separate paper.

County Council chairman be elected by the people and not appointments or elections by their colleagues, the councillors. Thank you Sir.

Com. Isaac Lenaola: Mr Bruno, one question to ask. A brief question or a clarification; this was with regard to land ownership. You mentioned that idle land should not be allowed and that people should have owners of land e the Government or the private sector; should have a limited period within which they should develop the land, or the land rescinds back to the public. Could you share with us if you thought of how long should the land be allowed to be idle, before it can rescind back to the public.

Bruno Kaimba: 18 years.

Com. Isaac Lenaola: Good. One last question about the youth. Whom do you consider the youth? What age? Between what years do you consider someone to be among the youth?

Bruno Kaimba: Age that any one would consider himself a youth or youthful? That is from 5 years to as many as 35, 40 yes.

Com. Abdirizak A Nunow: Thank you very much. OK Basi temefika mwisho wa kikao no no, no, come. This is the first one – just hand in your memorandum, it was a very good paper. Thank you. Every work of it will go into the computer. Give it to that grey haired young man. Laughter and giggling) Asante sana Bruno.

Sasa tumefika mwisho wa kikao. Kesho tutakuwa Gachungu. Kwa hivyo wale ambao mwaweza kutukuta pale Gachungu kesho mchana mzima na kabla hatuja maliza, ningemba –any announcements? Not so far? Basi ningemba Councillor atuombee tena kabla hatujamaliza memorandum yake. Basi Chairman, Bishop yuko hapa? Bishop tuombee halafu tufunge kikao.

Bishop John Njagi Nduyo:- Na tuombe. Baba katika jina la yesu, tunakushukuru kwa vile ambavyo unakuwa mwema, kwa maana kikao hiki Mungu tulikipnaga lakini wewe Mungu ukakiwezesha. Ndipo tunakuja mbele yaka aduhuli ya leo tena,

tukikirudishia shukrani kwa vile ambavyo umetuezesha kutoa maoni yetu. Maoni yetu ni maoni ambayo ni muhimu katika nchi yetu ya Kenya na kwa hivyo Bwana, tunaomba ya kwamba yale yote ambayo tumezungumza, yale amboyo tumeyazimia, yakapate kibari kwako. Kwa maana twajua kwamba, maoni yakichanganya na yale mengine Mungu ndipo tutapata hali ya kuaziliana katika mambo ambayo Bwana yanahusu kkatiba yetu. Na ndipo Bwana tutaweza kutengeneza Kati ambayo Bwana inatuhusu sisi, na ambayo Bwana itaweza kutulinda na kutuongoza katika wakati ambao unaokuja. Wakati huu Mungu, tunabariki wenzetu ambao wamekuja ili wakapate kuwa na sisi na kutusikiliza. Na wale ambao wamtoa uweze ukawabariki. Tunaomba hat mkutano wa Gachungu kwa maana kesho wako safiarini wakielekea Gachungu. Naomba Mungu pia wakawa na kikao ambacho kinafana ili Mungu upate kutukuzwa na zaidi Mungu tukakwone katika mazungumzo yote. Ni katika jina la Yesu Kristo tunakuomba na kukuamini. Amen.

Meeting ended at 4.15 p.m.

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