

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, DAGORETTI
CONSTITUENCY, HELD AT WAITHAKA SOCIAL HALL**

ON

29TH MAY 2002

**CONSTITUENCY PUBLIC HEARINGS, DAGORETTI CONSTITUENCY, HELD AT WAITHAKA SOCIAL
HALL ON WEDNESDAY, 29TH MAY, 2002**

Present:

1. Com. Pastor Z. Ayonga
2. Com. Mutakha Kangu
3. Com. Domiziano Ratanya

Secretariat Staff in Attendance:

- | | | |
|----------------------|---|-----------------------------|
| 1. Peter Kanyi | – | Programme Officer |
| 2. Lillian Momanyi | – | Assistant Programme Officer |
| 3. Jacqueline Nyumoo | – | Verbatim Recorder |
| 4. Eunice Kasisi | – | Sign Language Interpreter |

Meeting was called to order at 10.00 a.m.

Com Pastor Ayonga: Wale wako nje waingie ili tuanze.

(Prayers): Natuombe kwanza. Baba wetu wa Mbiguni tunainamisha nyuso zetu kukushukuru mara nyingine kwa kutukusanya vile umefanya. Kwa kutupatia nafasi hii ili tuje pamoja ili tujadiliane na tushauriane kwa mambo ya Katiba yetu ya nchi hii yetu. Tunataka kujiweka mikononi mwako na kukujilisha ya kuwa sisi hatuwezi lolote bila wewe kuwa nasi. Kwa hivyo, tunataka uwe nasi, na uanzishe hiki kikao mpaka mwisho. Kwa maana tunaomba kwa jina la Yesu Kristo ambaye ni Mwokozi wetu. Amina.

Nina wasalimu nyote asubuhi ya leo na kuwakaribisha katika kikao hiki cha leo. Tuko hapa kwa ile kazi munajua ya kuchukua maoni ya watu juu ya uandikishaji wa Katiba yetu, na kwa hivyo ni siku muhimu sana na wale ambao wanaoongoza haya mambo watawambia hayo. Otherwise, yangu ni kuwa karibisha hapa. kwanza nitawajulisha wale ambao ni wana committee wanoyatayarisha haya mambo katika Constituency ya Dagoretti.

Pale tuna Councilor Nyoike, ambaye ndiye Mwenyekiti wa hiyo Committee na hapa tuna Rachel Magu ambaye ni mwana Committee na tuna Douglas Thuo pale ambaye ni mwana Committee na pia ndiye anaangalia habari za documentation center hapa. wengine hawajafika, tuko kama kumi hivi. Kwa hivyo sisi ndio tumefika na ikiwa kuna jambo ambalo mtu angetaka kuuliza au kusaidiwa, sisi tuna hiki (inaudible)list ya kuthibitisha. Mimi ndiye Chairman na kwa hivyo tutawasaidia (?).

Ma-Commissioner wale wamefika hapa siku ya leo ni Com. Domiziano Ratanya, ambaye ndiye huyu wa kwanza yuko hapa. Mwingine ni Com. (Pastor) Zablon Ayonga yuko hapo na yule mwingine ni Mutakha Kangu. I hope I got the first name right. Wao tulikuwa nao hapa hata jana kule Kenya Science Teachers College. Waliendelea na kazi yao na tunashukuru sana kwa devotion ya hii kazi. It was the first time I saw them very proudly, because the first time the Commission came here, we thought they should not have come that time and you said so. That is why we said you should come the second time. We were very happy yesterday and we hope we will have another lovely day. So you are welcome and I am going now to hand over to you so that you can do whatever you want and in the best way you know how.

Com. Pastor Zablon Ayonga: nafasi ni yangu. Nataka kuwasalimu, hamjambo?

(Response from the Audience): Hatujambo.

Com. Pastor Zablon Ayonga: Tume kuja hapa siku ya leo, leo ni siku kubwa kwa upande huu wenu wa Dagoretti katika hii Hall ya Waithaka. Jana tulikuwa na mkutano mzuri sana kule Kenya Science. Na nina amini tutakuwa na mkutano hata mzuri kuliko ule ambao tuliokuwa nao jana. Na hawa wanatuongeza viti inaonyesha watu watakuwa wengi. Nigalipenda kuwapa utangulizi jinsi ambavyo tutafanya. Kwa hivyo viti vingine, mngeacha ziingishwe mpaka watu watakapomaliza hizi benches ndipo mtazifungua, ili tuwezekuanza.

Ninataka kuwaeleza kidogo juu ya jinsi ambazo tutafanya. Kwanza ninajua kwamba munaelelewa kwamba leo mnatupa maoni,

kwamba leo si siku ya maoni, kwamba leo si siku ya maswali. Leo munakuja mumejitayarisha na maoni ambayo mungetaka kutuletea ilituweze kuyachukua yatusaidie kwa kubadilisha Katiba yetu.

Kati yenu, kunawezekana kuna wale ambao wameandika mawazo yao tayari. Yako katika maandishi ambayo ni memorandum. Watu wa namna hiyo, kuna njia mbili za kufanya. Unaweza kuja na memorandum yako, maandishi yako na ukayatoa hapa katika meza ile, ukaweka kitabu sahihi nayakapokelewa. Unaweza kutaka kumulika machache juu ya maandishi yako. Unaweza kukaa hapa, ukatwambia maandishi yangu yana hivi na hivi na hivi. Na ikiwa Commissioners watataka kukuuliza swali, watakuuliza. Na kama hakuna Swahili, utayaweka hapa na uweke sahihi na u-register katika kitabu chetu na hayo maandishi tutayachukua. Hatutataka utusomee maandishi yako hata wakati ambao ni wa kumulika yale ambayo unataka kuweka mkazo. Itakuwa tu kutuambia makubwa, makubwa, na sisi kule ofisini tutaenda kusoma maandishi yako. Leo si wakati wa kutusomea.

Jambo jingine, kuna wale ambao wamekuja na maoni ambayo bado yako kichwani mwao. Yule ambaye atatupa maandishi, ikiwa tutampa wakati wa kuongea kwa kumulika, tutampa dakika tano tu. Kuna wale ambao wamefika na maandishi ambayo yako kwa kichwa chao ambayo hawakuyaandika. Hao, tutawapa dakika kumi. Utakaa kule, utatwambia majina yako – wewe ni nani na nani, na tutakupua dakika kumi tu ili utuambie unayoyafikiria juu ya Katiba yetu. Na wakati ambao nitakwambia, saa zako zimekwisha, nitapendelea utii. Ili kila mmoja ambaye amekuja hapa siku ya leo apate nafasi. Hatutaki yeyote ambaye amekuja arudi nyumbani bila ya kutoa maoni. Kwa hivyo tunapokuambia saa zako zimetosha, nikwa maana tunataka mwingine pia apate nafasi ili aweze kutoa maoni yake.

Na wakati mwingine Commissioners watakuuliza maswali kwa mambo fulani ambayo umesema ambayo hatukueelewa vizuri, au ambayo tunataka utuambie zaidi kwenda ndani. Hayo maswali ni yale ambayo yatakayotusaidia. Unapoongea hapa, kuna machine hapa, tuna tape recorder ambayo itachukuwa maneno yako yote ambayo utayasema. Hakuna neno la mtu ambayo litapotea hata ukikohoa, kikohozi tutachukua. Kwa hivyo hakuna jambo la mtu ambalo litapotea hata moja. Pengine wakati mwingine utakuja fikiri, mbona mimi sioni yule akiandika maneno yangu? Sisi tunaandika points, lakini kila neno lako liko kwa – wapi ile tape? Ki-machini hicho kina fanya miujiza. Kila neno lako litaiingia.

Jambo lingine, tutataka kufuata orodha hii. Tutafuata toka mtu ambaye aliandiaka jina lake kwanza na tutafuata namna iyo hiyo.

Lakini ikiwa wakati mwingine, mtu anaweza kutokea hapa, pengine ni mzee sana au ni mama mja mzito ambaye tukiangalia tunaona jamani huyu asigeendelea kuwa, huyu angetoa maneno yake na aende. Huyu, tutaruaka na kusema, wewe mama au wewe mzee, kuja hapa utoe maoni yako. Kwa hivyo mkiona tukifanya kitu cha namna hiyo usije useme mbona walituambia tunafuatana na mimi najua nilikuwa nyuma ya fulani, na sasa ambavyo fulani ametoka ingekuwa mimi. La, hiyo itakuwa ni habari na utu, kibinadamu tunapona jambo la maana. Na ikiwa kuna mtu aliye na mkazo fulani; unajua kuna watu ambao wanamkazo fulani – Ana appointment fulani ambayo lazima pia aihudhurie, tutapima, sisi tutapima hapa na kuona tumruhusu huyo. Kwa hiyo mnapona mambo ya namna hiyo si kwamba tumeacha kufuata na orodha ambayo tungetaka kufanya.

Lugha: lugha ambayo tutatumia itakua lugha ambayo umejitayarisha nayo. Ikiwa umejitayarisha kwa Kiingereza, utatoa maoni yako kwa Kiingereza. Ikiwa umejitayarisha maoni yako kwa Kiswahili, utatoa maoni yako kwa Kiswahili. Ikiwa umejitayarisha maoni na maoni yako kwa lugha ya Kikuyu, utatoa maoni yako kwa kiKikuyu. Lakini hapa tuko town, najua kila mtu anajua Kiswahili. Nitawaambia faida moja ya kutoa maoni kwa lugha ile ambayo kila mmoja anaelewa. Tukikupa mtafsiri, dakika zako kumi zina kuwa tano. Simwaona sababu gani zina kuwa tano? Simumegawana watu wawili? – wewe na mtafsiri. Dakika bado ni kumi lakini mmegawana. Tafadhali isipokuwa ni lazima kweli ambao unaweza kusema siwezi ku-express myself in Kiswahili, ni lazima niongee Kikuyu. Ikiwa unaweza kusema maneno yako kwa Kiswahili au Kiingereza, tutashukuru. Lakini, usije useme, sikuruhusiwa kuongea Kikuyu. Ikiwa ndivyo unavyotaka na ni lazima, tutakutafutia mtafsiri. Lakini utuambie mapema pia nasi tujitayarishe, tumwambie fulani uwe tayari kwa kutafsiria fulani.

Pia, kwa wale ambao ni viziwi, tuna mtu ambaye anaweza kuongea nao. Tuna mtu wa sign language hapa. Nadhani,... yuko wa sign language mbona usingefanya yale mambo yenu ili uone kama kuna mtu hapa, kwa maana ni wewe tu utakayempata aliyepo. Mwambie ainue mkono kama yupo. Basi hayupo, lakini ikiwa, yeyote ataingia na unamjua, huyu ni yule mtu ambaye ni kiziwi, tafadhali kuja hapa utunongonezee kwamba mtu ameingia ili yeye pia aweze kuhudumiwa. Hatutaki mtu yeyote hapa ambaye amekuja asihudumiwe. Licha ya hayo, niko tayari na ninataka tuanze.

(inaudible). Nimmoja abaye atatoa, ikiwa muko kikundi. Ikiwa kuna kikundi chochote hapa ambacho kimekuja na memorandum, ni mmoja wenu ambaye atatoa hiyo memorandum, ni huyo mmoja ndiye ataweka sahihi na ni huyo mmoja ambaye atamulika juu ya hiyo memorandum. Na tena jambo...unaweza kuongea kama wewe binafsi au unaweza, unapoongea hapa sema, mimi ninaongea juu ya kikundi fulani. I am representing such and such a group and I am speaking on their behalf. Kwa hivyo, utuambie kama unaongea kwa niaba ya group au mambo unayo ongea ni yako mwenyewe, binafsi.

Baada ya kuongea, nataka tuelewane; baada ya kumaliza kuongea, unaweza keti usikilize wengine wanasema nini, na pia unaweza kwenda ukafanya mambo mengine ya kujenga Taifa. Kwa hiyo mtu asijefikiri ukiingia hapa ndani ni kama umeingia jela ndogo, huwezi kutoka. La! ukimaliza ku-present your memorandum au maoni yako unaweza kutoka na ukaenda kufanya mambo mengine. Tayari sasa.

Kuna wale ambao wan simu za mkono, hebu tuone mikono? Tafadhali, tafadhali, Commissioners na nyinyi angalia zenu, mumezima? Tunataka kila mmoja wenu tafadhali azime simu yake. Kwa maana hatukuja ku-record mambo ya masimu na tena pia wewe itakusumbua na ikipiga kelele hapa inakuwa recorded, na hatutaki hiyo. Ni maneno yako ndiyo yamekuleta. Kwa hivyo kila mmoja amezima? Asante, tukotayari sasa. Na mimi yangu nimezima nimeiweka hapa.

Mtu wa kwanza, nikisoma jina lako vibaya unisamehe, nikwaajili ya maandishi lakini utajua ni wewe ninayesema. Kuna anayeitwa Yusufu Kamau? Unaweza kuanza.

Yusufu Kamau: Naanza kwa kushururu Mwenyezi Mungu, kuwashukuru wote ambao wametupa nafasi hii (inaudible). Kwa kifupi sana ninawakilisha (?). Jina langu ni Yusuf Kamau, ninawakilisha waIslam wa Kawangware.

Mambo yetu mengi yanahusu waIslam, kwa sababu tunajua wenzetu wamejitayarisha kwa yale mambo mengine ya kawaida. Kwa hivyo kwanza tunazungumzia mambo ya Korti ya Kadhi, kwamba iwe-expanded iwe ni kama korti ya kawaida, kutoka kwa Court of Appeal, iendelee. Vile vile Korti ya Kadhi, Kadhi huyo awe anachaguliwa na waIslam wenyewe badala ya Serikali.

Vile vile Kadhi awe ni mtu ambaye kwamba amesoma sio kama ilivyo sasa. Serikali inachagua mtu yeyote ambaye anaongoza, na hali ya kwamba hajui chochote katika dini wala hajui chochote katika masomo ya kawaida. Kwa hivyo at least awe na degree katika Sheria ya kawaida – Common Law, na degree katika Sheria ya Kiislamu.

Muhimu kabisa ingine ni kwamba huyu Kadhi anahusika na upande wa Korti – upande wa kesi. Kwa ajili tungependa waIslam wawe na kiongozi mwingine ambaye tunayemwita Mufti. Yaani anayeshugulikia mambo ya Waislamu yote kwa jumla na achaguliwe vile vile na Waislamu wenyewe.

Na vile vile, tunapendekeza yakwamba, kuna nchi nyingi katika ulimwengu ambazo wa Kristo ndio wengi, lakini Rais anachaguliwa (inaudible) ama Waislamu ndio wengi, Rais anachaguliwa anakuwa ni mKristo. Kwa ajili ya hiyo, kwa upande wa Kenya hakuna makosa tukipata ikiwa Rais ni mIslam, basi Rais mdogo awe naibu wa Rais awe ni mKristo au awe na dhini nyingine na ikiwa Rais sio mIslam, basi mdogo wake awe mIslam kama ilivyo katika nchi za kawaida.

Mapendekezo makubwa mengine ni kuhusu mavazi ya Kiislamu ya tambulikane kisheria. Mengine vile vile, ni ile tume iliyochaguliwa na Rais kuhusu elimu, kuna mapendekezo mengi ambayo kwamba yameandikwa ndani lakini mengi hayafuatwi. Kwa ajili tunaona kwamba Waislamu wengi, wakiingia katika shule hasa za upili – secondary, wanalazimishwa mambo ambayo kwamba si ya dhini yao. Na hali ya kwamba tume hiyo iliyochaguliwa ya Koech ilikuwa imeeleza kila kitu wazi wazi.

Vile vile tungeombe Serikali katika sehemu ambazo kwamba ni za watu wote kama airports, maofisi za Serikali, kuwe na sehemu ambao kwamba Waislamu wanatengewa sehemu maalum kwa maombi kwa sababu Waislamu maombi yao ni ya kila siku na yanakuwa mara nyingi – mara tano kwa siku.

Vile vile tungependa kupendekeza ya kwamba, wale majaji ambao wanakuwa katika Korti za nchi yetu hii, wasiwe wakichaguliwa na Rais mwenyewe, kwa sababu wanakuwa ni waoga. Wanaogopa kufutwa kazi ndio maanake hawatekelezi haki. Vile vile tungeomba shule zote ambazo zilikuwa chini ya vyama vya kidini, hizo shule zote zirudishwe kwa vyama vya kidini ili viwezukuendelea kama zilivyokuwa wakati wa zamani.

Na pia tungependelea ya kwamba kila Mkenya apate passport bila ya vikwazo, na (inaudible) badala ya vitambulisho vidogo vidogo kama IDs na birth certificates. Passport peke yake itoshe. Pendekezo la mwisho vile vile, universities zigawanywe. Iwe kila province iko na province badala ya ilivyo sasa kwamba kuna mikoa mingine ina universities mbili mbili ama district moja ina sehemu nyingi ya masomo badala ya zingine hasa upande wa masomo ya juu. Thank you.

Com. Pastor Zablon Ayonga: Asante Bwana Yusufu. Tafadhali unaweza kutoa hayo maandishi kule na ujiandikishe. Asante sana. ngoja kidogo Bwana Yusufu.

(Question) **Com. Ratanya:** Bwana Yusufu umesema mambo ya Muslims wawe na uniforms, yaani ziingishwe kwa Katiba...

Yusufu: Nilimaanisha, ikubaliwe kwamba ile mavazi ya kidini.

Com. Ratanya: Mavazi. Na haya, tuseme kama watu wengine wa dini zingine nao wakitaka hivyo, watumie pale wanfanya sherehe zao za kuomba au kila pahali wazitumie? The religious dress.

Yusufu: Kuna mfano mzuri katika shule za primary kwa sasa. Kwamba ile uniform maadamu inafuata ile rangi ya ile shule, basi wanakubaliwa kufuata rangi ya shule (inaudible) mavasi, pengine ni tofauti lakini rangi ni ile ile ya shule. Na tunaona ya kwamba hakuna vikwazo katika dini zingine maana yake (inaudible) kwa vikwazo vya kimavazi. Kwa hivyo tunaomba, kwa vile wengine hawajaomba kama tulivyomba sisi.

Com. Pastor Zablon Ayonga: Asante. Unaweza kujiandikisha kule na uache hiyo memorandum. Ambaye anaye fuata ni William Kimani.

William Kimani: Ninataka kuomba msamaha, yule jamaa aliyekuwa na memorandum yetu hajafika bado. Pengine mtampa muda. The person who was supposed to have our memorandum has not yet come.

(Interjection) **Com. Ayonga:** Sawa, huyu ambaye ndiye William Kimani?

William: Mimi ndiye William Kimani.

Com. Pastor Zablon Ayonga: So lakini memorandum bado haijaingia? Basi wewe unawezakuendelea kukaa mpaka itakapo kuja utatuambia. Tutachukua mwingine anayeitwa Zainabu Osman.

Zainabu Osman: Hamjamboni wananchi.

Com. Zablon Ayonga: Hatujambo

Zainabu: Mimi, neno langu la kwanza...

(From the Program Officer): Sema majina yako tuyasikie.

Zainabu: Zainabu Osman Mohamed. Neno langu la kwanza, sisi kina mama wa Kenya tunanyimwa haki zetu. Ningependa sisi kina mama tupate haki zetu, kina mama wa Kenya wote. Ya pili, ningependa sisi Waislamu, Kadhi awekwe sheria zetu za Kiislamu. Kwa sababu yeye ndiye anajua mambo ya ndoa, mambo ya kuwacha talaka, yeye ndiye anajua.

Ya tatu, wale wasichana Waislamu, Serikali yetu iwakublie haki ya uridhi. Ya nne, mimi ni mSomali wa Kenya, kwa nini mimi ninabeba vipande viwili? Sisi wasomali wa Kenya tuwe sawa na wananchi wengine wa Kenya. Ni hayo tu niliyo nayo.

(Clarification) **Com. Pastor Zablon Ayonga:** Ngoja kidogo mama. Ningependa kukuuliza, unasema “sisi wanawake wa Kenya tunanyimwa haki zetu”, haki gani hizo? Maybe ningetaka utueleze tunanyimwa this, tunanyimwa this, ili tujue haki hizo ni zipi.

Zainabu: Haki ile tunanyimwa, sisi kina mama ndio shida zote tuna beba. Tunaona kina mama wa Kenya kile kinatakina, tunahangaika mambo ya shule, mambo ya viwete, mambo ya taabu zozote, mambo ya kubeba mizigo, sisi wote ndio tuna beba, kina mama. Tupatiwe haki zetu na Serikali yetu. Kina mama ndio shida zote tuna beba. Tuangaliwe masilahi ya kina mama.

Com. Pastor Zablon Ayonga: Asante mama Zainabu. Unaweza kwenda kule ukaweka kidole. Mathayo Kinuthia.

Mathayo Kinuthia Muthee: Thank you very much. Ladies and gentlemen. I am here on behalf of my team. My name is Mathayo Kinuthia Muthee. Mimi nitaongea kwa Kiingereza kidogo. I am well aware, ladies and gentlemen that there was the
(?) Commission that dealt with land. I chose to come to this seating because I think the Constitution of Kenya is the single most important document you can find. I am going to talk just about land and I want to give a brief history and at the end of which you will get my point.

That one day in 1910, a certain ‘mzungu’ who obviously was a colonialist came to my grandfather’s compound in Upper Kabete and gave him seven days in which to vacate the land and all with all what he had. My grandfather thought it was a joke. After the seven days were over, the ‘mzungu’ came with his ‘askaris’ and burnt the whole compound and drove them away from that land. Not a single rupee was paid as compensation, nor were they given any alternative land on which to live. The land which I estimate to be about 400 acres has been
(?) recently to encompass land which... the Kabete vet lands in

Upper Kabete.

In late 70s, the government leased part of it to the International Laboratory for Research on animal diseases. The other portion which was equally large has been secretly dished out to individuals in total disregard to the rightful heirs of my father's land. My father was (inaudible) for me and the family, under the colonialists for agitating for freedom and for the return of (?) compensation for the land thieved. Hundreds of our people died for the same course and those who survived the colonial brutality now continue to die paupers and nobody in authority seems to care.

My point now is, it is the Constitution's moral duty to come up with clear comprehensive and meaningful land directions and not forgetting hundreds who have had their lands taken away. Today, land in Kenya seems to belong to the Land Commissioners, to Provincial Administrators, to Town Clerks, and Mayors and those who have money. I always wonder, why the public is not told, when a certain land becomes available or is free from the government's use. Why only a few people have the information. Why is it not advertised?

Now, I am in particular incensed by a statement, the Commissioners, that was given by a senior British diplomat that "we forgive and we forget." They cannot compensate the land taken from the indigenous people and that land was given to settlers. I thought this was outrageous, it was un-British, it was brutish in fact. I will always try to convince myself that is why the (inaudible) and perhaps this will be taken care of here in (?) because nobody except the Chairman of the Constitution Commission who (?) knew about it. I did not hear anybody from the government talk about it. We are angered and this is something that will come perhaps after we are gone but we shall be (?) Thank you.

(Clarification) **Com. Kangu:** One major issue that (?) is that our people were depossessed by the British and even after the independence when the British went away, fellow Africans, a few who were able took everything and left the rest with nothing and today they are claiming rights of property under the Constitution and they say Property rights under the Constitution must be protected. How do we go back without unsettling what appears to be 'settled waters'? and which may be acceptable (Inaudible) it is the first issue the we must address (inaudible) if we want serious (?) form Kenya. How do we deal with the (?) already vested property rights? There are those Kenyans who would be almost violently opposed in trying to change (inaudible). How do we effect that.

Two, you talked about... why is it that when land is available ordinary Kenyans never learn of this. What would you propose and I will give you an example (?) in countries like Singapore and Hong Kong. The government has an inventory of government land and it (?) dished out to those who are being patronized by those in government but it is captured in the (?) budget. When they are preparing the budget, we say we will spend so much this year and out of this we will make so much from taxes and we will raise so much from sale of government land and they identify the particular plots they are going to sell, they make a market value, they put the market prices, they put a notice in the newspapers and auction. Interested buyers,

interested investors come and bid and pay the money to the government so that the government raises part of the revenue from selling land. In our country we will (?) a good government house and give it to a friend for nothing and it is that friend who will sell for millions. How do we deal with that? We want your propositions.

Mr. Muthee: I do not know what to say because most of it you have already said. Like in Singapore, like in South Africa, they have a Land Policy. Land belongs to the government; the government belongs to the people, not to an individual. When the executive takes away the power of the legislative council or the parliament that is when things begin to fall out. My suggestion is, that parliament should be supreme. I know there is no parliament anywhere that will say so and so can give land, (inaudible). Land should belong to the government and people.

If there is land in Waithaka, should I suggest that, that land should not be given away without the consent of the people in that area. They should know. They have the history of that land, they should know what to do with it, who to give.

(Inaudible)

I know (inaudible) because it is something that has been gotten not in the right way. We know people are allergic to change and change must come for (?) political change to happen otherwise. You cannot just sit and say because there was that Constitution that (?) we cannot (?). Majority of Kenyans are suffering because of (?) and that is not accepted.

Com. Pastor Zablon Ayonga: Thank you Bwana Muthee Kinuthia. Unaweza kutoa hiyo memo yako na ukaandikisha hapa. Next kulikuweco Headmaster hapa ambaye alikuwa anataka arudi darasani afunze watoto wetu. Yuko wapi? Bwana headmaster, njoo hapa. Unajua kuna ile katika shule tunasema 'summary' kwa hivyo tunataka kuona kama utakuwa mfano mzuri. Toa summary ya mawazo yako urudi uende ufundishe watoto.

Thank you very much Commissioners and my fellow Kenyans.

Com. Pastor Zablon Ayonga: Sema majina yako.

Francis Parkiswa: My names are Francis Parkiswa.

Com. Pastor Zablon Ayonga: endelea.

Francis Parkiswa: I am here to present the views on my behalf. I start with education. Rightfully, education should be free from primary schools to the university. The government should develop more tertiary colleges than the universities. This is because the graduates of the tertiary colleges take less money to train and are more relevant to the national needs. The country

(?) is spending too much money in training graduates who they do not employ at the end of the course. That is misallocating the national resources and also alleviating poverty.

The next point is agriculture. Agricultural colleges such as animal husbandry institutes and crop husbandry institutes should be well funded to be able to carry out research and disseminate the information to the farmers in Chief's barazas (?) demonstration farms to boost production and thus avert hunger and poverty.

The government should be answerable to the farmers as far as storage and marketing of the farm produce are concerned. At present, farmers have produced enough maize to feed the nation but due to the government's unpreparedness and lack of concern, much of that grain will go to waste and that will demotivate the farmers. Those who will remain, those who will be able to venture in agriculture are only those who have no other alternative. The rest will be doing that because there is nothing else they can do and therefore this country will have shortage of grains.

We have a case today where maize is over produced. The government is not taking any concern. That milk is going to waste now and therefore people will not invest in agriculture. They will change to other things because when the production is high, there is no way to (?) that wealth, it is going to waste.

(Interjection)

(Inaudible).

I therefore recommend that the government buys all the produce. It should be easy to go and market the excess production than for farmers.

On health, I feel that health services should be free. There should be an independent professional body, which can take the government to court for giving substandard services. Kenyans are not affording health care for their families. Therefore most of them are living miserably.

On public services, Kenyans are getting a raw deal from the government. Government services are very expensive in terms of time wastage and resources, because to get an ID one may take a month or two. There should be an information center in (?) for such services where by the requirement are properly articulated. You go to a bank when you want to open an account; you are given the information first hand very clearly. It does not take you a week to open an account. But, it can take you a month or two to get an ID.

On natural resources, I feel that nobody should have the monopoly including the Head of State to dish out the natural resources.

We have cases where our forests have been depleted and we have the Conservator of forests and nobody is in-charge. I feel there should be a law whereby a citizen can take the Conservator of forests to court if his interests are infringed by

(?). Thank you very much.

Com. Pastor Zablon Ayonga: Asante Mwalimu. Ngoja kidogo. Mwalimu unaweza kutoa makaratasi yako kule, weka sahihi, enda darasani fundisha watoto wetu, ili tumalize ujinga. Next ni Francis Macharia. Unataka tu kutoa? Basi Francis Macharia tunataka atoe maneno yake huko na aandike karatasi aende nyumbani kujenga Taifa. Eric Nyamu...Okay, nimejua kuna wengine ambao mumekuja kusikia. Ninapoita jina tu ninataka nijue kwamba ungetaka ufanyeje. Kwa hivyo endelea kukaa.

Francis Macharia: Presented a written memorandum

Com. Pastor Zablon Ayonga: Julius Kariuki, yuko wapi? Patrick Kinyanjui, muko pamoja na huyo asante. Wilson Ngigi, uko pamoja naye? Thank you. E. F. Karanja. Karanja, una memorandum? Kwa hivyo sema, utupe majina yako ndipo utupe tu... usummarize your memorandum.

Edward Karanja: Majina yangu ni Edward Francis Karanja, na ninawakilisha kikundi kinachojiita Dagoretti Rate Payers Association – nikiwakilisha kama ‘acting’ secretary wao. Wahusika ni watu kutoka wards zetu: Bariocha, Waithaka, Mutuini, Utheru (?) Kawangware na Kangemi and they are all Dagoretti Ward.

Ya kwanza, kwa muktasari, katika mikutano yetu tumeonelea ya kwamba, kazi yetu katika Nairobi na zaidi hasa hapa Dagoretti, tungependelea, Mayor wa jiji na maChairmen wote wa ma county council na madeputies wao, wawe wakichaguliwa na raia.

Pendekezo la pili: ni Land rates. Katika sehemu yetu ya Dagoretti, na katika Kenya nzima, tuko na free hold titles. Kwa hivyo tunaonelea ya kwamba hakuna haja ya kulipa rates kwa free hold titles na iwe imewekwa katika Katiba yetu. Na kama ni lazima iwekwe, kama ni lazima kwa sababu ya wote, wahusika yaani, ni sisi rate payers, tuwe na msemo katika disbursement ya pesa hizo. Katika proceeds. Hakuna haja tuwe tunalipa rates alafu watu wengine wanaenda kusema vile zitafanya.

Pendekezo lingine ni upande wa upigaji wa kura. Serikali na ECK wanatumia pesa nyingi kuandikisha watu, kutoa card, na watu wengine wakati wa kupiga kura, hawaendi kupiga kura. Tungetaka voting iwe..., kama umejiandikisha kama mpigakura, iwe katika Katiba, ni lazima uende ukapige kura, if you are a registered voter.

Hilo lingine ni kwamba katika Local Authorities. Local Authority iongezewe mamlaka. Imekuwa spoon-feed kabisa na Ministry ya Local Government. Kwa hivyo tungetaka autonomy ya Local Authority ili mahali inahusika sana... hakuna jambo kama city council inaweza kufanya bila clearance kutoka kwa ministry.

Hiyo ingine ni kwa upande wa powers to the president. Sisi Rate-payers tunamhurumia president wetu. Tunambebesha mizigo mingi. Anafanya kazi nyingi. Tungetaka iwe distributed to institutions na hata ikiwezekana pia kwa individuals kwa sababu kila kitu imesemekana hii ni president... Ukienda kwa mashamba ni president, appointment nyingi... which are unnecessary.

Nyingine sisi kama Ratepayers tunapendekeza wakati mtu anaenda kupiga kura, anatakiwa awe na vitu viwili peke yake. Awe na voting card, awe na National ID card au kama hana ID card, awe na passport au awe na birth certificate. Tumependekeza hayo. Tungependekeza pia registration ya voters na issuance ya IDs iwe a continuous exercise. Isiwe ati ni kwa wakati fulani inafanywa.

Na mwisho, creation of districts na constituencies, tumeona ya kwamba iwe considered ikielekezwa kwa wingi wa watu, population. Population iwe consideration peke yake lakini sio maneno mengine. That is all on behalf of Dagoretti Rate-Payers Association ni hayo tu.

Com. Pastor Zablon Ayonga: Asante sana Mzee Karanja. Ngoja kidogo kabla hujatoka.

(Clarification) **Com. Ratanya:** Kuna swali hapa Francis Karanja. Hapo unaposema mambo ya kulipa rates kwa title deed. Unaweza kufafanua kwa sababu haionyeshi kama ni Central Government inauliza rates au kama ni Local Authorities. Kwa sababu sijasikia kama hiyo ni (?) title. Free hold title zijasikia kama zinalipiwa chochote.

Mr. Karanja: hapa Dagoretti tunalipishwa. Wale wako na mashamba wanajua. Tunaulizwa tulipe pesa nyingi hata tumewahi kupelekwa kortini.

Com Kangu: Francis, umesema kupiga kura iwe lazima kwa wale wote, yeyote amekuwa registered as a voter. Kwa nini tuiseme tu everybody who is 18 years has a duty to vote. Kwa sababu wakati unaenda kupiga kura you are representing those who cannot vote and also you cannot perform your duty of just a voter how do we expect you to perform when you want to be elected? Why should we just say that.

Ya pili umesema constituencies zile based on population alone and nothing else. But the experience of some of us ambao tumetembea, we find that some of the constituencies watu wanasema mbuga anarepresent 3,000 people they are very difficult places like if you consider (?) North Pole. You travel from one corner to the other corner of that constituency is about 800 kms. Uniambie, tukisema population, you might find someone having to spend the whole district na ipatikane the ability to move from one place to another is very difficult. How do we deal with that?

Mr. Karanja: Nikijibu ya kwanza, wakati wa voting kuwa compulsory. Experience ile ambayo tumepata watu wengine ambao ni registered voters wanangoja nje ya polling stations ili wapatiwe kitu waingie wakapige kura. Kwa hivyo wanakuonyesha kardi. Akikuonyesha kardi, alafu anakwambia asipopatiwa hiki au kile hataingia kupiga kura. It is in the interest of our country,

mtu kama huyu ambaye anaonekana kabisa ana (?) upigaji wa kura awe compelled to vote na hii itapunguza hali ya corruption around and near the polling stations. Na isitoshe, ile ya kwanza ulikuwa umesema just to encourage them, that one is catered for. Imesemekana mtu akiwa na miaka kumi na minane, is eligible to vote. That one will (?) that one. Lakini ukisha chukua kura, (inaudible).

Hiyo nyingine ya constituencies. Tunajua constituencies zingine, we are only talking of the creation of new constituencies. We have no quarrel with the existing ones. Lakini, kweli ukiangalia kama last time, registered voters katika constituency yetu walikuwa 69,000 voters. Lakini unaona districts zingine zikiwa na 20,000, zimekuwa divided, zimekuwa constituencies mbili (?). Kama ingekuwa consideration ya population then Dagoretti should have been two constituencies and not zile constituencies ambazo ziko na 20,000.

Com. Pastor Zablon Ayonga: Thank you, thank you mzee. Unaweza chukua makaratasi yako kule na uweke kidole. Next atakuwa James Ngugi. Kwa hivyo tafadhali utumulikie yale makubwa makubwa.

Geoffrey Kiongo: I am not James Ngugi, my names are Geoffrey Kiongo, but we are together with James Ngugi, Mr. Gachara and Mr. Mwaura. I am here on behalf of Justice Peace and Reconciliation Committee of the PCEA Church. I am the secretary to the parish and we have a memorandum and I would just highlight what we have.

We feel that the president on top of garnering 25% in five provinces should also garner 50% of all registered voters. In the absences of any one of the candidates garnering 50% there should be a run-off, which should be conducted within 30 days. The Vice President should also be a running mate of the President as opposed to the present situation whereby the President dishes a Vice President every now and then.

We also feel that the President should be accountable for his actions. That we should be able to impeach the President when he contravenes the Constitution. All public servants should be on high morals and be people of integrity. Misappropriation of funds by public servants should be repaid and legal action taken against those who misappropriate public funds unlike the present situation where by servants once they misappropriate funds they are just transferred.

We should also create a Complaints Commission or an office of the Ombudsman whereby we can complain, the citizens can be able to complain. We also feel that Kenyans should own land anywhere in this country. We also feel that we should not have any squatters in this country. Idle land should be redistributed and if it that which belongs to those who own it, they should have a very heavy tax or levy on those kinds of idle lands.

Farmers should also be taken care of. Whereby their produce should be protected and farmers should at least be guaranteed of market for their produce at profitable rates. The government should protect the environment. No citizen should be tortured

to obtain confessions for any crimes done. We feel that only court of law should be able to get the guilty of a member. That is we are saying that a member is innocent until proved guilty in a court of law.

Representation in parliament. We feel that Members of Parliament should have equal representation unlike the present situations whereby one member is representing 100,000 people and another one is representing only 10,000 people. We feel that this has been used to rig elections in that constituencies with 10,000 have only been sub-divided to represent very few people.

We feel that one man, one job is what should be utilized even in parliament. All officers or even Civil Servants should only be appointed by the President upon election by a competent body. That is the President should not only appoint (?). We also feel that members of the electoral Commission should not be under the direction of the President. They should be/have powers to enforce electoral (inaudible) and members of the Electoral Commission should also have tenure of office but should retire on volition but not serve more than two terms of five years.

We feel that the age limit to an elective office should be between 30 – 70 years. for somebody to be elected a President or Vice President or Minister, we feel that these should be people who have at least a pass in High School and (?) a diploma from a recognized institution. They should also be prudent in the management of public affairs and economic affairs. The same should hold for Councilors of big cities and Municipalities. But for small County Councils, we feel that a pass in high school is enough.

In electoral laws we feel that there should be provision for independent candidates. We feel that a defecting Member of Parliament should not be eligible to be elected for at least five years and should also be subject to (inaudible). The President should also not be the Chancellor of public universities. To finish, we feel that the government should take care of or should provide basic needs to the likes of the following groups: orphans, physically handicapped, mentally handicapped, abandoned children and street children.

Com. Pastor Zablou Ayonga: Thank you. Na kama unaweza ngoja kidogo.

Com. Kangu: Bwana Geoffrey, narudi kwa swali nilikuwa nimeuliza yule aliyekutangulia. Umetueleza Presidents in addition to the 25% rule in five provinces, he should get 50% of the vote. Na wakati unakuja parliament, you say you want equal representation, one man, one vote. But I see that the rule of 25% for the President is specifically trying to say if we go one man one vote, we can have what is called 'majoritarian' dictatorship. Now, my question is, why would you allow that rule for the President and when it comes to parliament, you go back to the rule of one man one vote? And in addition to that I mentioned to the other person that the structure of our country is that we realize one MP can have 50,000 people in a very small area and if you want to campaign you can actually reach 10,000 people in one day. There are some MPs who represent constituencies

that are bigger than some provinces and for him to reach even 1,000 people he might take three weeks. How should we deal with that? without ignoring the circumstances in which the people that are represented live and if without the people could we also look at the (?)in which the people live.

Geoffrey Kiongo: We have seen a disadvantage in that whereby the arid areas and... the densely populated areas have been mis-represented. In that we have seen even those sparsely populated areas being divided into several constituencies as a form of rigging. So that is why we are saying the best way possible is where we have one man, one vote, whereby 10,000 people will be represented by one member and not (?) whereby a constitution like (inaudible) are being divided into several constituencies.

Com. Kangu: Is there any other way we can deal with rigging? Because I told you the truth of the matter, I have myself gone to Moyale by road. Marsabit District has three constituencies, but geographically in size it is Western province, Nyanza province and Central provinces but together in size. Three provinces that will cover the whole of Western province, Nyanza province and Central province. Now, how do we deal with the question of these few people who are sparsely/scattered across, because they would also like to feel that they have government services near them? Because if you give them one MP who will have to travel 800 Kms before he reaches those people or those people should travel for 800 Kms before they reach their MP, you are not being fair to these people. How do we address this problem?

Com. Pastor Zablon Ayonga: Maybe he does not have an answer. He will think about. You know there are so many things in Kenya that we do not know. And when we see them and know them we are surprised. As he said, you will have to think what do you do with these people, you find mtu mmoja hapa, mwingine baada ya kilomita hamsini ndio utapata mwingine. Watu hawa wote utawatupa?

Geoffrey Kiongo: What we are saying is that as much as we do appreciate that we have a problem, where we are using a (?) whereby those sparsely populated areas are being taken advantage of in denying in denying people or creating clusters whereby the government (?) their representation.

(Clarification) **Com. Kangu:** (Inaudible)

Geoffrey Kiongo: I think we should subject this to a public debate so that we can come up with an equitable way.

Com. Pastor Zablon Ayonga: Thank you. You can take your memo there and sign. Did you say Daniel and James and Geoffrey were with you? All these three were with you. Next is Geoffrey Ngige. Unaona nyumba imejaa, kwa hivyo ufanye haraka kila mmoja apate nafasi. Geoffrey unamemo? Kwa hivyo utumulikie yale makubwa tu, usisome. Sema majina yako.

Charles Gathii: Kwa majina yangu ni... Mimi naitwa Charles Gathii, tuko pamoja na Geoffrey Ngige. Yeye ni Chairman wangu na mimi ni Secretary. (inaudible)

Sisi katika group yetu, tuna zile views ambazo tumejadiliana kwa offisi na this is how we feel it should be. Katika (?) ya the President and the executive, we feel that there should be no majority vote to determine the President. Kwa sababu kulingana na mambo ya Roho Mtakatifu ama the Holy Spirit, yeye ndiye hujua, au yeye ndiye anayeweza kuchagua (?) person. A leader, (?) the President should be spiritual to lead others to the ways of God na yule atakuwa amechaguliwa spiritually, huyo ndiye atakuwa awe President. Kama vile katika scripture, utapata kuna prophets ambao walikuwa wakitumiwa na Mungu, wanenda wana-announce a leader without votes.

Katika upande wa the executive, tulionelea ya kwamba, or we think that it should consist of spiritual leaders chosen by the Holy spirit to guide people towards God. Hao kazi yao ni kutuelekeza katika mambo ambayo Mungu anataka, sio kwa yale mambo ambayo sisi tunataka. Kwa sababu leaders lazima watuonyeshe jinsi vile Mungu anatumia tuishi. Hapo nina maanisha ya kwamba, Holy Spirit is no denomination.

Katika upande wa parliament na legislature, tumeonelea kwamba, there should be a spiritually chosen council of elders. Hao holders, pia kulingana na vile communities ziko katika (?) kila community itoe elder mmoja. Hiyo council of elders itakuwa inarepresent hiyo community yote katika parliament. Kwa hivyo every community itakuwa represented by one elder. Hao elders ndio watakuwa bado wanasaidia the (?) Members of Parliament kuwaonyesha vile vitu huenda au kazi vile inatakanifanywe, kulinganana mapenzi ya Mungu, sio (Inaudible). Pia tulionelea kwamba, kuhusu parliament, the Speaker of the Parliament should be a woman. Sio ati tunataka (inaudible), tunabase our views kwa customs. Culture, tuna find kwamba katika culture nyingi za kiAfrika, males ama wanaume, hao wana shrine, hiyo shrine imetengwa kando kwa sababu yeye kama mwanamume akona zile spiritual objective anazotakiwa atimize, na mwanamke ako na upande wa nyumba yake ambaye she rules the house. Kwa views zetu, parliament ni house na State House ndio shrine. State House inatakanika itumiwe na wanaume ambao hao wanafanya kazi spiritually. Nayo parliament, iwe leader au Speaker ni mwanamke, kwa sababu basing it culturally, a House belongs to the women. Apart from the council of elders other Members of Parliament should be elected by the citizens hao members (?) wanaweza chaguliwa na votes. And all past Acts kama vile (?)huko should direct people to obeying the most High God. Leaders wanatakiwa wawewakituonyesha vile tunavyotakiwa kutengeneza mambo ambayo Mungu anataka.

Katika upande wa Judiciary, sisi tunaonelea kwamba it should consist of spiritual judges or Chief Justice being guided by the Holy Spirit to make judgements with no favoritism ama hawatoi judgement kilingana na vile wanaambiwa lakini kulingana na vile Roho Mtakatifu anawapa mawaidha. It should consist of clean-hearted judges (?) wale kazi yao hawafanyi ili walipwe, lakini wanaifanya kwa kujitolea wakijua kwamba ni kazi ya Roho Mtakatifu na watakuja kupewa tuzo baadaye. Pia, the Judiciary should ensure the recognition of prisoners or inmates rights. Hao wanatakiwa wajue kwamba inmates ama prisoners

wanaoshikwa na hatia hataumizwa, hawa-get tortured lakini huko wanenda wanfanyiwa rehabilitation, wana counsellwa ili wakitoka huko wako changed citizens.

(Interjection) **Com. Pastor Zablun Ayonga:** Hebu toa la mwisho.

Katika upande wa (?) sisi tunaonelea kwamba all the (?) are provided by the most High God and the chosen people should ensure that all of the chosen governing councils should ensure that all basic needs are affordable to all residents. Kwa hivyo, price ziwe controlled ili... hiyo inaweza saidia katika eradication of poverty. Basic needs zikiwa ziko affordable (?) Some needs should be offered free while others should be made cheaper.

Com. Pastor Zablun Ayonga: Thank you, thank you.

Charles Gathii: Moja tu.

Com. Pastor Zablun Ayonga: Moja tu, hebu fanya haraka tafadhali.

Charles Gathii: Katika upande mwingine, tuko na other interesting views kama upande wa saa. Kila mtu ako na saa yake. tumekuwa tukielekezwa, minds zetu tuna confusiwa kwa sababu kama ni kwa saa, kama saa hizi ni saa nne inaeleke na nusu, lakini unakuta saa za watu wengine zina sema ni... na Kizungu wanasema ati ni ten. Saa hizi inaelekea saa nne na nusu lakini inasema... unakuta saa zingine zinasema ni ten.

(Interjection) **Com. Pastor Zablun Ayonga:** Tafadhali toa maoni, yale mambo ambayo tunaweka kwa Katiba.

Charles Gathii: Sawa. Pia tulionelea pia hiyo iwekwe katika Katiba, hata saa isomwe kulingana na ki-East Africa au Kimashariki, tuondolewe katika Westernization.

Com. Pastor Zablun Ayonga: Thank you.

Charles Gathii: Pia katika voting, tukienda ku-vote, tunaambiwa ule mtu unataka kumchagua uweke mark 'X' of which mark 'X' ina show you are canceling that guy out. It should be changed na instead of using mark 'X' to vote somebody in we should use the mark 'right' which shows that you have accepted that person. Thank you.

Com. Kangu: Bwana Ngugi, you have emphasized kwamba Bibilia inasema leaders walikuwa anointed by the Holy Spirit kwa hivyo we do not choose our leaders by the vote, we get them anointed by the Holy Spirit. Now, I would like to also refer you to the Bible, hata kama Mungu alisema iko Holy Spirit yakufanya mambo yote, iko siku alishiba na akasema it is only by your

sweat that you will live. Then we won't be expecting too much from God if we say (?) the Holy Spirit where is He? This Holy Spirit that will choose leaders for us. where is He, where do we get Him? We must take up responsibilities ourselves to dig out from these people the leaders. Now, how do we implement your proposal in the Constitution that leaders be chosen by the Holy Spirit?

Charles Gathii: Okay, in binding the Holy Spirit, one must be righteous. One must be clean hearted and clean handed and there when you clean your heart, the Holy Spirit will find a way to get into you and, the Holy Spirit will show you the way because hata wakati Yesu alirudi, alitoka (?), alisema ametuachia Roho mtakatifu awe mwongozo wetu, kwa hivyo ni lazima tumpe Roho Mtakatifu chance kwa vile lazima sisi wenyewe tuwe clean ili (?) ianze ndani yetu. Each and everyone's attitudes unaona, we have to give a chance to the Holy Spirit by living righteously.

Com. Kangu: The problem we have is that the Kenyans we are dealing with now are not righteous, and we must accept that we are working with Kenyans whom we cannot just say, they will change their hearts and things start moving well. So that we write a Constitution probably that will help us to get those Kenyans change their attitudes. We are starting off with people who are not righteous so to speak. People who are corrupt, people who are doing all sorts of things and we are saying probably we write a Constitution that can help us to start changing those people. So how do we go on with your proposal that we must depend on the righteousness of the people?

Charles Gathii: Okay, there are some prophecies that keep on being fulfilled and each and everyone should know about the prophecies. So some prophecies say that there is a time that the righteous alone shall survive and the wicked will have to depart. That is the work of the Holy Spirit. He is the one to determine, He know who lives the right way and all the wicked will be departed, when even a few, one single person practices righteousness.

Com. Pastor Zablon Ayonga: Thank you. Now, before you leave Ngugi, I want to know why is it that you thought that the Speaker of Parliament should be a woman.

(Cheering and clapping from the audience)

Charles Gathii: Thank you, we picked that view from our culture.

(Interjection) **Com. Pastor Zablon Ayonga:** what culture?

Charles Gathii: Our Kikuyu culture. I am not being tribal...

(Interjection) **Com. Pastor Zablon Ayonga:** No, no just tell us.

Charles Gathii: That according to our Kikuyu culture, a man would not stay in the same house with the woman. The man had his own shrine we call it ‘*thingira*’ and the woman had her own house. You see the woman rules the house while the man rules the ‘*thingira*’ – the shrine. So now in our country, State House is the ‘*thingira*’ and parliament is the house of which parliament should be ruled by a woman and State House should be ruled by a man.

(Clapping from the audience)

Com Pastor Zablon Ayonga: Thank you ...you want to say something?

(Clarification) **Com Kangu:** Why then don’t we have all MPs in parliament women if that is what you say and the men should be in State House?

Charles Gathii: No, parliament should be ruled by a woman. You see nowadays, the elders have declined to use the shrines and even today men are living in one house with the woman. That house belongs to a woman.

(Interjection) **Com Pastor Zablon Ayonga:** So there is where something went wrong?

Charles Gathii: Yes, there is something wrong.

Com Pastor Zablon Ayonga: So must we tell men to go back to what they used to be?

Charles Gathii: We have to practice our useful cultural practices.

Com Pastor Zablon Ayonga: Thank you, wait for one more.

Com. Ratanya: Bwana Charles, it is just a follow up of what the other Commissioners have asked. On this one you have said that Constituencies must be represented by elders elected or anointed by the spirit...

Charles Gathii: by the community.

Com. Ratanya: by the community, you said by the community constituents?

Charles Gathii: Not constituencies, community.

Com. Ratanya: Now these elders you are talking about, do you include women or is it both or how do you come up with that one and how do you anoint those people to lead you?

Charles Gathii: Like in our culture, there was a time that people depended on God mostly and you find that in every culture or community, there must be a spiritual leader. There must be someone who is depended upon to show the others what God wants or how they should do what God wants. In every culture or community, that person who is depended upon to give views or ideas on what God wants is the one seen as spiritual to represent that community. Each and every community should provide one spiritual elder and he should be a man, and not a lady.

Com Pastor Zablon Ayonga: Thank you very much. Now, if you can give your memo and sign. Thank you for your contribution. Before I call the next person, I would like to recognize the presence of our MP for this area, Honorable Beth Mugo.

Mheshimiwa, tunakuaribisha, na tunafikiri ni kitu kizuri umekuja hapa ili ushiriki pamoja nasi ili pia at one stage nitakupa nafasi utoe maoni kama unafikiri it is appropriate for you. Na pia usikize maoni ambayo watu wako wanatoa. Si watu wako tu ni watu wetu..., maoni wanayotoa. Asante kwa kufika kushiriki nasi. Pengine ningekujulisha kwamba Commissioners tulionao hapa; on my extreme left ni Com. Mutakha Kangu na huyu mzee ni mzee Domiziano Ratanya, na mimi ni Pastor Zablon Ayonga. Karibu sana.

Now, next mumeona tayari nyumba imejaa, na watu wanzidi kuja. Kwa hivyo nikikuambia time yako imekwisha, tafadhali imekwisha ili na mwingine apate nafasi. Na wale ambao mmekuja nyuma, hebu niwakumbushe hivi. Inawezekana kuna wengine mumekuja kama kikundi na katika kile kikundi mumeandika memorandum yenu, na ambaye ataitoa ni mtu mmoja. Ndiye pia atamulika juu ya hiyo memorandum, atasema yale makubwa makubwa anayofikiria yako katika memorandum hiyo. Memorandum tutachukua, tutaenda kusoma kule ofisini, tutai-analyze na kiweka katika orodha ya contributors. Kwa hivyo mtu aliye na memorandum tutampa dakika tano, mtu ambaye ataongea kutoka kwa mawazo yake ambaye amepanga tutampa ten minutes. Lakini, watu wanapozidi kuwa wengi, nitakata time so that I can allow everybody who came to speak. Kwa hivyo mtu usijeukasema mbona mimi munakata time yangu. Ninakata time ili kila mmoja apate nafasi ya kusema.

Mama akiwa na ugali kidogo katika ile nyumba yake, na ana watoto kumi, atafanyaje? Atampa mtoto mmoja tu au wawili? Atakata kidogo kidogo, kila mtoto apate. Angalao ameze kitu. Kwa hivyo nami ndivyo nitafanya.

Next ni Asuwa Amani. Ikiwa nimesoma jina lako vibaya, ni kwa ajili ya maandishi. Karibu mzee. Au ulikuwa unatoka nje sio wewe? (*Laughing from the audience*) Je jina hilo ambalo nimejaribu kulitaja kuna mweneyewe hapa? Kama hayupo, kuna Salome Chege? Naona mama Salome ana memorandum, hebu useme majina yako, na pia utupe yale makubwa makubwa kwa

memorandum yako. You have five minutes

Salome Chege: Thank you. Majina yangu ni Salome Chege, kutoka hapa Dagoretti. Memorandum yetu nafikiri kuna mtu alikuwa nayo, imechelewa lakini tume-highlight kidogo utatusamehe. Hii ni kutoka Dagoretti Women Group.

Yetu kwanza ya muhimu ni women rights. Sana, sana tunaona tunafinywa wamama, kwa wale wasichana wetu wale wadogo. Wengi wamekuwa na watoto ambao hawana mababa. Na sisi tunaonelea kungekuwa na law kwamba mzee yeyote ama kijana yeyote ambaye angempa msichana mtoto ajue yule mtoto ni wake wa kulea, na kuelimisha na kwa mahitaji yale mengine.

Pia kuna hii right ya inheritance, tungeomba wasichana na vijana wapewe inheritance kutoka kwa wazazi na ikifika ni mama kwake, ikuwe immediate kama mzee wake ameondoka, yeye ndiye anashikilia ile nyumba, na pia kwa wakati wake ukifika watoto wake wawe immediate heirs wa ile nyumba.

Pia, kuna hii mambo ya maternity leave, tungependelea sana, sana kina mama wapewe maternity leave ambayo ni ya four months. Na pia tungependa kuwe na hii Children Rights. Wapewe free education, na pia wapewe free medication. Pia tungeomba Serikali iprovide hiyo. Kuwe pia na maintenance kwa wale ambao hawana kazi, kwa wale ambao ni wazee, kwa sababu tunatoa tax, kuna natural resources Serikali iweze kumaintain hiyo.

Tungeomba pia, mambo ya retrenchment, kusiwe retrenchment mpaka wakati wa retirement ya mtu. Ningeomba pia kwa kila community kuwe na (?) ya kina mama na sana sana kama ni kwa chief, kwa hiyo group ya elders, pia kina mama wawe pale. (?) ambayo iko hapa ya D.D.C., Dos office pia kuwe na kina mama represented there. Pia kama ni kwa police kuwe na desk ya kina mama pale.

Tungeomba pia mambo ya rapists, imekuwa mingi sana, na tunaona ni kama wanapewa kifungo kidogo. Kuwe na kifungo strict kwa wale ma-rapists. Pia tungependa kuwe na law on AIDS virus. Tungeomba kungekuwa na lazima ya watu kupimwa na kuwe na free treatment na pia Serikali imaintain hiyo. On electoral process, we want strictness kwa ile law ya harassment, ya violence because it is there lakini haifuatwi. Sana sana wakati kina mama wanasimama, huwa wanakuwa intimidated. Tungependa hiyo iwe strict. Pia tungependa independent candidates, wale ambao hawatoki kwa any party.

Pia, kuna hii mambo ya suspects. Mtu anakaa rumande three years. Iyo tungependa itoke. Kama ni investigations, two weeks, three weeks inatosha. Mtu apelekwe kortini kama ni kufungwa afungwe lakini hii ya kukaa rumande for years hiyo tuna kataa. Hii law on corruption, I do not know, iko pale lakini hatujui ni ya kitu gani. Iwe strict. Kwa sababu hiyo ndiyo inaharibu Kenya yetu.

On affirmative action, tungependa hiyo bill ipitishwe kwa parliament. Ndio kina mama wetu wawe wengi katika

decision-making. Wapewe viti katika government offices kwa sababu hatuna. All titles and parkings, garbage sites ambazo ziko grabbed, tungependa kama kuna ile law ziwe revoked.

Law of Domestic Violence. Kuna hii law. Hatujui what is 'domestic' what you call domestic violence kwa sababu assault ni assault. Kama ni mama amepigana ama ni mzee amepigana, hiyo law tungependa isiitwe Domestic Violence, lakini kama ni ile sheria ya assault iwe ni sheria ya assault.

On natural resources, tax; kuwe na good governance. Corruption ikuwe strict. Kuna hii ya citizenship. Kina mama wengi wakipata wazee kutoka nje, watoto wanaambiwa sio citizens wa hapa. Tungeomba wawe citizens kwa sababu unaweza kuende Germany, Britain alafu ufeel anataka kurudi Kenya na sasa hapa unakuta watoto wetu wanaambiwa sio citizens. Hiyo on citizenship, as long as kama mzee ni citizen anakubaliwa ku-confer citizenship hapa na sisi pia tunataka kuwa citizens. Nafikiri yetu yalikuwa ni hayo, na labda yule atakuja na memorandum ataweza ku-present. Asante.

Com Pastor Zablon Ayonga: Mama asante sana, lakini kabla hujatoka tunataka kukuuliza maswali kidogo ili umulike utuambie kwenda ndani kabisa. Jambo moja ambalo pengine mimi ningependa kukuuliza. Umesema maternity leave iwe miezi minne. Lakini hukufafanua hii miezi minne inakuwa with pay or without pay. Unajua sentence ambayo si kamili inaenda ikatatiza mambo.

Salome Chege: With pay.

Com Pastor Zablon Ayonga: With pay, ndivyo ulivyotaka kusema. Na alafu kingine ambacho pia hukusema umalize... Ulisema rapists wapewe kifungo kikali. Kifungo kikali ni nini? Kwa maana sasa unasema kifungo wano chopewa si sufficient. Kwa hivyo lazima ukiseme kile ambacho wewe unafikiria kwa maoni yako huyu mtu afanyiwe hivi.

Salome Chege: Apewe kutoka fifteen years. Akae huko.

Com Pastor Zablon Ayonga: Okay, fifteen years kwenda juu. Natena kingine umesema, kina mama wapewe viti katika government offices. Kupeana unajua ni kitu tofauti. Mimi ninadhani tuna kina mama ambao ni wasomi kweli kweli na mbona kina mama wasipate viti kati ofisi za Serikali kupitia competition rather than kupewa?

Salome Chege: Rather, it is not kupewa, lakini wako but very few, tuna feel tunataka ziwe nyingi.

Com Pastor Zablon Ayonga: Ndio, lakini cant they go through the market competing with men?

Salome Chege: I think they are competitive but, maybe tunaona kama inakuwa favored sana kwa wanaume.

Com Pastor Zablon Ayonga: Inakuwa favors?

Salome Chege: Mhh, kwa sababu hata wengi hapa tume-apply, wengine wame-apply hata kuwa ma chief na tunakuta hakuna... kana hapa Dagoretti hakuna mama chief, na walikuwako, walikuwa wame-apply.

Com Pastor Zablon Ayonga: Okay...

Salome Chege: yeah!

Com Pastor Zablon Ayonga: Mjumbe wa hapa anasema ndivyo ilivyo sijui yaliyomo katika mawazo, lakini najua Commissioners wengine wanataka kukuuliza swali. Mama Salome kuna maswali yanakujia.

Com. Kangu: Mama Salome, kwa maneno ya citizenship, umesema hata kina mama wakipata mtoto na mtu wa nje huyo mtoto awe citizen. Sikuona ukiguzia ile mambo ya... naye bwana yake awe citizen ama namna gani? Kama ni mtu wa nje? Alafu tena, ulisema, ukipata mtu kama kutoka Germany wapi, lakini kusema kweli kwa wale waKenya wanakaa at the borders, hiyo ni jambo la kawaida, la kila siku. Watu wanaoana kutoka ng'ambo ile ingine lakini ushahidi unaonyesha kwamba, hata kwa ile sheria tukonayo ina sema mwanamume akioa mtu wa kutoka nchi nyingine, huyo bibi anakuwa citizen, hiyo right hata wanaume hawaoni inawafaa kwa sababu, if you go to those border areas, inachukua ten, twenty years, mama amekaa ameolewa lakini hajapatiwa ID. Na wengi wanataabika hawawezi kupata cards. So ningependelea ujaribu kutueleza, tukiweka hiyo sheria unasema, how do we improve the process ya kupeana hii citizenship yenye inalingana na marriage?

La pili, iyo inahusika na marriage. Hapa kwetu kuna njia za kuoana tofauti tofauti. Wale wanaenda kanisa, mkimaliza sherehe, pastor anasema I declare you husband and wife, na munatoka kila mtu amejua nyinyi ni bibi na bwana. Lakini wengi wanaoana kulingana na desturi zetu za kinyumbani. Nayo hiyo shida yake ni kwamba it is a process. Sometimes you never know at what point in the process they become husband and wife. How do we deal with that katika hii mambo ya kupeana citizenship? Tufanye namna gani ndio iwe ya urahisi? Of course at the same time guarding against watu kuletwa..., kwa sababu, you know at the border areas, kura inaweza fika upate mtu ameleta kina mama wengi kutoka Uganda anasema hawa ni mabibi. My constituents. How do we guard against this?

Salome Chege: Sana sana wakati tunasema mambo ya citizenship. Utakuta kijana ameenda labda kusoma America. Akija anakuja na bibi mzungu. Yeye huwa anakuwa declared kuwa ni citizen kwa sababu ameolewa na kijana wa hapa. Na mimi nikiwa mama, naenda kule nakuja na bwana yangu ni mzungu, mtoto wangu kama nimemzaa nikiwa mahali pale, huwa sana sana ako na problem hapa. Kwa sababu inanibidi niwe nikienda Sheria House kuandikisha, nikienda..., so huwa sana sana tunaambiwa you are citizen by kuzaliwa hapa. I don't know ile sheria itatuguide. Tusiwe tu by kuzaliwa, maybe sikuzaliwa hapa Kenya nilizaliwa Uganda ama nilizaliwa nikiwa nje, lakini nimezaliwa na mtu wa Kenya, I don't have that right to be a

citizen?

Com Kangu: Unajua tumekubali, we may provide to women what we provide to men. But my question is, even the men who have bado wako na shida, the process is so long, what do you propose to improve the process. Alafu, hii mambo ya marriages zenye ya different tribes. Ni kiwango gani kama hii ambayo inachukua process mrefu saa ingine... Ukambani tuliambiwa ukikaa na bibi hata miaka ishirini na akufe na haujalipa mbuzi tatu, unaambiwa it is not your wife.

Now how do we ensure mtu asikuje aoe kulingana na hii desturi ya kinyumbani lakini bado anaambiwa bado hawajaolewa. At what point do we limit to say that maybe..., kama huko tuliambiwa after six months wapatiwe barua na chief ama tufanye namna gani?

Salome Chege: Hata mimi nimeonelea, kuwe na hiyo law. Maybe after kukaa na mtu one-year... awe he is your legal husband. Kwa sababu hiyo sasa ndio inaharibu, hii ya 'come we stay'. After miaka tano, miaka kumi unaambiwa wewe si bibi. Kuwe na ile sheria. Maybe after one year, mukikaa na mtu, he is your legal husband.

(Interjection) **Com. Pastor Zablou Ayonga:** lakini lazima muende pahali muandikishe sio?

Salome Chege: Sindio Yeah! Ikuwe hivyo kwa sheria.

Com. Pastor Zablou Ayonga: Asante.

Salome Chege: Yeah!

Com. Pastor Zablou Ayonga: Thank you

Com. Ratanya: Mama Salome kuna swali lingine, lakini hiyo nikufafanua tu. Ulisema kwamba elimu lazima iwe ya bure. Sasa unapendekeza kulingana na maoni yako, iwe kutoka wapi mpaka wapi?

Salome Chege: Kwa primary school.

Com. Pastor Zablou Ayonga: Thank you. Kwa hivyo unaweza toa memorandum yako na ujiandikishe. Next on the list is Reverend Sam Muchuga. Reverend natumaini itakuwa mfano mzuri wakusave time. Unaona jinsi nyumba imejaa? Okay. Sema majina yako na alafu uanze.

Rev. Sam Muchuga: Asante sana bwana mwenyekiti wa Commission hii. Mimi nawakilisha parishioners wangu katika parish

ya Riruta, mahali mimi ninafanya kazi, na nitajaribu kusema machache kwa kila (?) mimi nitafurahia. Lakini ninataka kuzungumza kwa lugha ya Kiingereza. Ninaanza.

We are the members of the Presbyterian Church of East Africa, Riruta Parish comprising four congregations namely Riruta, Satellite, Mugumoini and Ogochi. We are spread out around this constituency of Dagoretti with a membership of over 2,000 members, and we have got the following recommendations to give.

First we want to say that we recommend that our national anthem, which is a prayer to God and which shows our relationship with Him, and also reflects our aspirations and desires for the future should be enshrined in the Constitution to protect it from easy manipulation.

The other area is about patriotism. We recommend that our Constitution opens with the words '*We the people of our united Nation Kenya...*' It's theme, that is the theme of the Constitution and spirit should be that of creating and encouraging patriotism, united nationhood, rather than fragmentation of our country and its people.

Amendments to the Constitution. Our future Constitution must be protected from easy changes and amendments by simple majority of Kenyans including our own parliament. Any change should only be enacted in our Constitution if approved by 70% of all Kenyans, through a referendum.

Separation of powers. The Constitution must be unequivocally. It should be clear on the separation of powers between the Executive, the Legislature and the Judiciary for the purpose of creating adequate checks and balances in our governance.

Election of the President. Both the Republic President and his running mate, the Vice President must be elected by all Kenyans.

All Kenyans of the voting age and with the right mental capacity irrespective of their faith should be eligible to stand for elections to these positions. In other words, it should not..., none of the two positions is reserved for anybody but only for those who have been elected by the people. No one should become a President unless he/she get more than 50% of the total votes cast in the whole Republic. If none obtains more than 50% of the total votes during the first round of elections, then the two with the highest votes should go for a re-run to determine the winner. The winner should obtain at least 20% from four of our eight provinces. He/she must be a person of integrity, well educated with no lower than a credit at KCSE.

The powers of the future President must be curtailed. He should not be allowed to have excessive powers; such powers as over decreeing certain things except during the time of a declared war. He must be like all other citizens whereby he can be prosecuted if he breaks the law. In other words he should not in any way be above the law. Parliament should be given the power to impeach him or her incase a need arises and remove from office if majority approves.

City mayors: All City Mayors should be elected by all the city-registered voters. None should become a mayor unless he/she scores above 35% of the total votes cast. If not the first two with the highest votes should go for a re-run to determine the winner.

Majimboism: we reject majimboism or regionalism as it will divide the country and also delay creation of nationhood and cohesiveness of our country. It is also expensive to maintain in a poor country like ours. Instead we recommend a unitary government with strong local and municipal authorities.

Voting: The (?) individual beliefs and conscience should be respected. The common good for the majority should not be sacrificed to meet the individual rights. In this regard, voting should be made mandatory particularly in these general elections to ensure:

1. That corruption is eliminated whereby citizens will not vote until they are persuaded through bribes.
2. This will also ensure that all concerned have affirmed their choice to avoid representatives being elected by minorities.

Clamor for rights: in granting rights to certain categories of our society we must have respect to our good African cultures which carried our societies through centuries before the advent of the White people. We must also ensure that no category of the society is disadvantaged by granting another a privilege. Here I am also remembering that our first President used to say that ‘*asiye na mila hana maana*’ and we must be careful not to sweep all our cultures when we are trying to change. When we have got good cultures.

Welfare: As Africans we are our brothers keepers. Our government might be made responsible for the destitute and the handicapped in our country such as the street people, poor, sick, mental cases, orphans etc. These categories must also enjoy their basic needs of life such as food, clothing and shelter.

Secondly, no one through no one through (?) of his or hers should ever be left to go hungry without water, clothing or shelter due to calamities or unemployment. Our budget should always provide for these areas.

Environment: Strong measures should be enshrined in our Constitution to ensure that our environment is protected from degradation or pollution. We cannot afford to neglect our ecological balance on which our lives depend. We must therefore protect our fauna and flora including forests, water catchments, rivers including Nairobi River, lakes oceans, minerals and the air from pollution and any other underground resources.

Beliefs: Fanatism in way of practicing religion should not be allowed to interfere with other people’s rights. For example subjecting people to unnecessary noise in public places not designated as places of worship. Two, denying people their right to sleep and therefore have rest at night through loud music and beating of drums or shouting.

(Interjection) **Com. Pastor Zablon Ayonga:** Reverend, tafadhali summarize. Kwa maana hiyo tutasoma...

Rev. Muchuga: I know, in fact I am summarizing it, because it is longer. Every subject I touch...

(Interjection) **Com. Pastor Zablon Ayonga:** Endelea...

Rev. Muchuga: Education, this is not a privilege but a right and all children including those who come from poor families should be given free and quality education of up to Form 2 in secondary school and after that the poor families should also be assisted to educate their people. The government should be responsible for all costs including fees, development costs, coaching and lunches.

Medical: It is the right of all citizens irrespective of their status or positions to be given free medical treatment when sick. Money to cater for this should be provided for in our country's budget. Water in our country whether underground or above the ground belongs to all Kenyans and therefore it should be shared equitably. Some should not have more of this commodity than others.

Homosexuality: majority in this country are either Christians or Muslims etc who do not subscribe to homosexuality. We must ensure our Constitution does not go in the way of Westerners or Europeans and allow this offensive practice. We totally reject both homosexuality and lesbianism.

Satanism/devilism: Our Constitution should reject Satanism and devil worship which all reputable religions and literature acknowledge to connote evil. We are aware of the damage done a few years back, which caused our President to appoint a Devil Worship Committee.

Religion: Religious Education. It is agreed that our moral values have declined to unacceptable levels hence the prevalence of murders, rapes, corruption, injustice and insecurity. For this reason we need to enhance religious education in our schools by religious institution of good standing and integrity. We have good examples of schools, which have been anchored on religious teachings such as Mang'u High School and Alliance High School.

In order to mould our citizens early in life, civic education should be emphasized and continuous and be enhanced to create good characters, good civil responsible citizens. Children should be taught of their rights and their civic duties to their country.

Abortion: Life is precious and sacred at all stages of development even at conception. Therefore we feel that the Constitution should protect all human life. In this essence the Constitution should reject abortion except where the life of the mother is

endangered.

(Interjection) **Com. Pastor Zablon Ayonga:** Thank you...

Rev. Muchuga: Land is one of the precious creation gifts from God to our citizens or citizens of any country. Therefore it should be treasured and protected. We recognize the ownership of land by individuals through title deeds. We should also recognize that good or bad utilization of land might mean food on the table or hunger. In view of this, land should not be held for prestige or speculations. In other words all land should be put in good use for the good of all. Another question that should be answered is how much of our land do we own when we talk about the... When you go down, how deep do you go? How many feet underground? 1000 feet, one mile, ten miles can you sink anything 1000 miles under your shamba. We also feel the ownership of land, there should be a ceiling for up to 2,500 acres for those who want to have ranches so that we do not have a few people owning Kenya.

On planning, Mr. Chairman, I am just finishing, I know you are getting impatient with me. In view of the shrinking resources coupled with the growth of the population, we need our Constitution to address itself to planning of our country for the purpose of provision of services such as hospitals, police stations, schools, social halls, water, electricity... we need to encourage our people to live in clusters and close to one another so that we can... and this is not only for cities, even the rural areas.

In case of children. Children are delicate and helpless, as they cannot care for themselves. However, children are our hope for tomorrow. Therefore we strongly urge the Commission to enshrine in the Constitution adequate protection for the children against molestation, rape, and child labour. This is important because the current laws seem not to have worked.

On domestic violence, we are saying. Everyone is aware that domestic violence is prevalent in our country and families are suffering. Some have come in the open, some do not come in the open and therefore avenues should be created for both men and women to disclose and report any violence meted against them be it physical, emotional or psychological. The measures should be sensitive to the fact that men are violated but due to their ego, they are shy to disclose the fact. No one should violate another.

Judges: Judges play an important part of our lives and its tranquility, by ensuring justice. Therefore the appointment of judges must be made by a Judicial Commission composed of people of high moral characters and well learned.

(Interjection) **Com. Pastor Zablon Ayonga:** I should be...

Rev. Muchuga: People proposed by the institutions of higher learning and Judiciary itself and their contracts should be for two years. On provincial administration, we have just said that it has served no purpose and therefore, we should have... Mr.

Chairman, elected administrators.

Mr. Chairman I wanted just to answer a question which Com. Kangu asked about the question representation whereby you find very highly/densely populated areas represented by one member of parliament with over 100,000 and other areas with just under 10,000 people with one representative, and he talked about the sparsity or the area being very large uncoverably.

I think the solution is not these areas a member of parliament. The solution is in facilitating the members to work in those areas, to reach the people. It is not to give them more and more members. Because in the congested areas, like Nairobi, you find MPs cannot reach their people and this is unfair. So we should facilitate areas outside to work even if need be to buy them helicopters, yes I would go for that, but not to give them more members of parliament.

Com. Pastor Zablon Ayonga: Now, could you please pass on your memorandum to the lady there and sign our register. Ngoja, swali moja.

Com Ratanya: Reverend Sammy, there is one question here on provincial administration. You are proposing that all these officials should be elected by the people. Now, do we have all them? Because we have from the PC to Assistant Chiefs. Which particular category should be elected and which should not be elected?

Rev. Muchuga: First of all, let me say why I am saying this. The loyalty of the current cadre of Civil Servants in the Provincial Administration is not to the people but to those who have appointed them. This is unfair because their loyalty should also be to the people and that is why I feel that if these administrators were elected by the chiefs, people like chiefs will be loyal to the people and they will also be answerable to the people and the answered people will be able to hire and fire them. Those are the type of people I am talking about.

Com. Kangu: I think you have missed the question, (inaudible)

Rev. Muchuga: I think I have heard your question. What I have in mind is this. When we restructure our Local Government, we should be restructuring... I said they should be very strong. We should structure them in such a way that they take all the responsibility which is carried by provincial administrations, and they should create a cadre which will fill these slots and answerable to the people.

Com. Pastor Zablon Ayonga: Next, as I said earlier, leave the microphone there Pastor. As I said earlier that all the time I will be changing, when I recognize a senior citizen who wants to talk, I would give him or her the chance to speak. I notice we have mama Mumbi Wandai. Mama Mumbi anaweza kukaa hapo. Tafadhali interpretor wa mama Mumbi unless she wants to talk in Kiswahili or English...mama you are free, uko free kusema ile lugha unataka. Je, tume pata? Pastor wewe ndiye utamsaidia? Tafadhali kaa hapo karibu na mama.

Mama anamemrandum hapa ya ajabu. Kwa hivyo mama ebu uendelee. Kwanza unasema majina yako yote ndipo unaendelea kutuambia maoni yako.

Mama Mumbi:

Interpreter (Rev. Muchuga): she is saying that one first of all at least talks about her boyfriend. Her boyfriend is Wandao Karugu and her name is Mumbi Wandao. Her boyfriend is Wandao.

(Laughing from the audience)

Com Kangu: Where is the boyfriend?

Mama Mumbi:

Interpreter (Rev. Muchuga): Her boyfriend is at home in bed.

Mama Mumbi:

Interpreter (Rev. Muchuga): First my question is this.

Mama Mumbi:

Interpreter (Rev. Muchuga): (inaudible)

Mama Mumbi:

Interpreter (Rev. Muchuga): Second one, I am going to talk about street children.

Mama Mumbi:

Interpreter (Rev. Muchuga): they should be given a place to live, and free education and in fact they should be given enough land where they can cultivate.

Mama Mumbi:

Interpreter (Rev. Muchuga): During the colonialism, the White man had in fact taken care of this that is why they built Jens School and other institutions as approved schools.

Mama Mumbi:

(Clapping from the audience)

Interpreter (Rev. Muchuga): The third suggestion is this, after the elections of representatives, that is the MPs, there should be also election of elders who will be listening to how these representatives are conducting themselves.

Mama Mumbi:

Interpreter (Rev. Muchuga): During the time of the Senior Chief Kinyanjui, these people were called ‘*Kamatimo*’.

Mama Mumbi:

Interpreter (Rev. Muchuga): I wanted him to translate ‘*Kamatimo*’ but that is was the name. Those elders were known as ‘*Kamatimo*’. Those who were supervising the rulers.

Mama Mumbi:

Interpreter (Rev. Muchuga): Because they are the final people who decide how the country should be run.

Mama Mumbi:

Interpreter (Rev. Muchuga): the fourth one is this; the chief should be elected by the people he is serving. He should not be brought to them.

Mama Mumbi:

Interpreter (Rev. Muchuga): M fifth point is that , the squatters in the forests should be given a portion of land as their own.

Mama Mumbi:

Interpreter (Rev. Muchuga): Sixth, the government should give people enough water and electricity. She has come to the

end of her memorandum.

(Clapping from the audience)

Com. Pastor Zablon Ayonga: Mama Mumbi, ngoja kwanza. Mimi ninataka kukushukuru sana.

Interpreter (Rev. Muchuga):

Com. Pastor Zablon Ayonga: Umetoa maneno mazuri sana, tulikuwa na Jen's School na tena tukawa na Approved School, ilikuwa imechukuwa hii mambo ya machokora ikamaliza. Ni kwa nini sasa hii maneno haiwezi fanywa? Lakini kitu kimoja ambacho leo hukufanya mzuri ni kwamba hukuja na boyfriend wako.

(Laughing and cheering from the audience).

Mama Mumbi: Ni mzee kunishinda, yeye ako na miaka (?)

Com. Pastor Zablon Ayonga: Ana miaka ngapi?

Mama Mumbi: Ninety.

Com. Pastor Zablon Ayonga: Na wewe unamingapi?

Mama Mumbi: Seventy-five.

Com. Pastor Zablon Ayonga: Hapana, iko kidogo juu. *(Laughing from audience)* Thank you very much. Na ukienda nyumbani umuambie boyfriend yako kwamba wale Commissioners walituma salamu na ninajua hata MP atatuma salamu.

Mama Mumbi: Maneno ni nini?

Com. Pastor Zablon Ayonga: Maneno ni mzuri. Sasa, wewe njoo uende kule uweke kidole kwamba ulikuwa hapa. Letea mama hapa hicho kitabu. Asante. Alafu hiyo karatasi utatuachia?

Mama Mumbi:

Interpreter (Rev. Muchuga): She says no. What we are going to do because it is a short one, it will be copied fairly and we

can still have it. We will do that outside.

Com. Pastor Zablon Ayonga: Sasa, tuendelee. Kuna Geoffrey Kihara? Geoffrey unayo memorandum sio? Tafadhali uchukue dakika tano tu. Unaona watu ni wengi na nilazima tumpe kila mtu nafasi ingawa ni kidogo.

Geoffrey Kihara: Our honorable MP, Commissioners and my fellow Kenyans, Good morning. My name is Geoffrey Kihara, I come from AMREF Child (?) I am here to represent the views of a group.

(Interjection) **Com Kangu:** Group yako hiyo inaitwaje?

Geoffrey Kihara: AMREF Child Rights Paralegal Network. It is an AMREF initiative to train paralegal officers to handle the Children's Rights. I will talk about the Children's Act, which was passed last year. The Children's Act 2001.

These are the views that we want to present to the Commission, they are concerning the current Children's Act, which was passed by the President last year. One of the things that we wanted to be done is that we want this Act to be enforced to address Children's issues and we want the government to be involved in providing basic needs for the children in need of special care and protection.

The other thing is; we want the Act to clarify or to define clearly the role of the parents and government in providing basic essential children needs like basic primary education at what stage should the government depart. That is part two of the Act.

The other thing is Part 10 of the Act that (inaudible) single applicants should be allowed by the courts to apply for adoption. The other thing is that we want heavy penalties for those who violate children rights. Like the Act says that anybody who violates (inaudible) should be sentenced to not more than one year and not less than Kshs. 50,000 fine so we want it to be more than one year and more than Kshs 50, 000 on both. I think these are the area (inaudible). Thank you.

(Clarification) **Com. Kangu:** Thank you Geoffrey, you can register there. Can we have D Waweru... he is not there? What about Mary Munayi? Pia yeye hayupo? Or she presented a memo. Na Aggrey Ngaira? Alice W Ngugi? You are Ngaira? Okay, take the seat please.

Aggrey Ngaira: Mimi yangu, ningependa kutoa maoni juu ya haya maneno ya polisi. Kuna mahali polisi wanashika mtu, kuna sheria inawapa uwezo wa kawaka ndani siku kumi na nne. Mimi kwa maoni yangu naona hiyo iondolewe. Polisi wakishika mtu, wakuwe forced kum-produce in court within the next 24 hours.

Na haya maneno y a mtu kuwekwa rumande, ukipelekwa kortini, ukikanusha mashtaka, unarudishwa rumande ndio date ikuwe set. Hayo maneno yaondolewe. Mtu akikanusha shtaka apewe free bond na mahakama.

Tukitoka hapo, ofisi ya Rais. Rais awe subjected to the law. Akifanya makosa astakiwe kama mtu mwingine. Alafu, huyo Rais, hiyo uwezo amepewa ya kuwachagua wale watu wanosimamia ma-parastatals na mashirika mengine ya uma, asipewe. Huo uwezo urudishiwe bunge.

Maneno ya mahakama, Chief Justice ni lazima, na ma-judges wawe pia hao wanachaguliwa na bunge. Nadhani yangu ni hayo.

Com Pastor Zablon Ayonga: Asante sana. Tafadhali, kama umemaliza, unaweza kuenda kule uandikishe jina lako alafu maneno yako yatakwishia. Ujiandikishe hapo tafadhali. Na sasa wakati huu, nitampa nafasi Mheshimiwa Beth Mugo, ili pia aweze kutupa mapendekezo yake na pia apate nafasi nyingine ya kuwasalimia watu wa Constituency yake. Mheshimiwa nitakupa dakika kumi na tano. Tafadhali usiende beyond that.

Hon. Beth Mugo: Nataka kusema asante sana kwa Chairman na Commissioners wenzake ambao wamekuja kutusikiliza siku ya leo na jana, maoni ya watu wa Dagoretti. Na karibuni.

Kutengeneza Katiba ni kitu muhimu sana na...Wananchi watukufu hamjambo? (*Laughing apologetically*). Kwa sababu tuko pamoja wakati mwingi nao kama kila saa, kila wakati tuko pamoja ndio mara nyingine nasahau kuwasalimia. Lakini nimewasalimia. Nashukuru kwa vile mmekuja kwa wingi na ma-Commissioners wanaona tulikuwa na hamu ya kupeana maneno inayohusu mambo ya Katiba. Na ndio wakati mlipokuja pale mbeleni, tulilalamika tukasema hatujawajulisha watu wetu bado. Sasa munaona wamejaa hapa, na walijaa pia kule Kenya Science Teachers College. Nami nimefurahia sana yale maoni munayopatia hapa ya kweli, kama munavyo ona huyu mama mzee. Si mwaona 'Wanjiku' anajua kile anataka? Si huyo ni 'Wanjiku' kabisa? (*Response from audience*) She knows and much better than even some of us. Wisdom.

Nataka kusema ile maoni nimesikia hapa niyamuhimu na mimi ninahimiza hiyo yote kabisa. Mengi yake.

Kama vile mama mzee ametaja, huko Amerika, munajua hata sasa pesa za huko zinachapishwa one dollar, na picha ya President mwanzilishi Washington, na haigeuki, na hata mimi ninahimiza hiyo. I think it is a good thing. Constitution... labda munikubalie, I will present in English, na nikiwa na masaa kidogo yamebaki baada ya hiyo nitaongezea kidogo. Mimi yangu ni kwa sababu needs nimesikia yote mumeyataja hapa sana, vizuri sana. Yangu nitafanya kabisa overview ya Constitution itself. Kama nikuzungumzia on behalf of the Dagoretti constituents.

I would like to start by saying that the independence Constitution has been amended so many times that the initial tenets and assumptions, which provided for separation of powers within the three arms of government have been eroded.

As a result, so many powers have been concentrated on the Executive arm of government at the expense of both parliament and Judiciary. This has created a class-based society perpetuated by an environment of political patronage. Instead of real power being held by the people of Kenya through their elected leaders, power is held by a few people who are close to the Executive. This scenario has led to lack of Checks and Balances in governance. It has promoted many socio-economic and political ills in the Nation. The collapse of the Country's once vibrant economy is testimony to this. For (?) development strategies have been manipulated through corruption to consolidate political interest.

If the new Constitution has to stand a test of time, like that of many countries like America, it must have institutionalized Checks and safeguards and guarantees which cannot be manipulated to achieve short term political mileage.

Kenya's Constitutional order also suffers from the un-tethered presidential discretions over the applicability of law and public property. Also, delegated ministerial powers such as the conversion of natural resources and applicability of revenue laws and distribution or allocation of national wealth. The resulting political, social and economic disintegration has made people lose hope and a sense of belonging. So the new Constitution must seek to empower Kenyans and to give Kenyans the power, because power must rest with the people.

The new look Constitution, timely and comprehensive reforms. The people of Dagoretti call for deep-rooted comprehensive reforms with strict adherence to the time frame as provided for by the Constitution of Kenya Review Act chapter 3(a). We shall not accept minimum reforms or extension of the current life of parliament, which I will add to that (inaudible) yesterday. We would like to go to the next general elections on schedule and with a new Constitution in place and this call, it is necessary that the Review Commission repeal Section 59 of the present Constitution which gives the President un-fettered discretion to dissolve parliament at any time. Because by dissolving parliament, which a key organ of the Constitutional reform, dissolving it will derail the Review process.

Evolution of powers: The calls that have been made in the past for a 'Majimbo' system of government should not be included in the new Constitution. As doing so will only introduce unnecessary bureaucracy and further burden Kenyans with the public expenditure for running such an expensive divisive and disruptive system of government. in other words we prefer a unitary form of government.

We however support the evolution of power from Central government to strong Local Authorities in the locational constituency at district level. The Local Authorities should be well financed to ensure equitable distribution of resources and promote all-inclusive democratic structures at grass root.

In this regard, we support the following system of Local governance structure. Locational constituency and district councils

with elected chiefs and D.Os and D.Cs or such other executive officers, and chairpersons of Local Authorities should be directly elected by the people. What I mean by that is; if you look in mature democracies like in the United States of America and such other countries, there are no D.Os and there are no D.Cs. What there is are boroughs. If it is the Municipalities, those are elected by the people. The boroughs' leaders are also elected by the people and that can be possible here, so we might not call them D.Cs or D.Os but whoever we call them, governance should be the people.

Proportional Representation: We would like a proportional representation. Constituency boundaries should therefore be based on the population. In addition, we should have a mixed member representation system whereby members of parliament are elected directly by the people and others nominated by political parties to represent the under-represented groups such as women, youths, people with disabilities and other marginalized groups.

These are calls for the boundaries and that was touched by pastor here. We have a case at the moment where...Like Dagoretti for example with one member of parliament, Wajir, with three members of parliament. Wajir District has less people than Dagoretti. When we go to parliament, I have one vote, with three votes voting against me from Wajir District so I am not fully representing my people. So we should base representation on the people not the area, because in parliament you represent the people not bushes, no the farms.

Presidential elections: The last two elections provided a clear indication that the will of the majority of the people in having alternative leadership since the advent of Multi-partism democracy has not been fulfilled. After the 1992 elections, the three leading opposition presidential candidates garnered 65% of the total presidential vote. While the eventual winner was sworn in very hurriedly with just under 35% of the vote tally and the same pattern happened in 1997. Meaning we have had a minority government, which does not reach 50%, and we have figures here, which I will give you the memorandum, I am not going to go into that. But the total tally for the three opposition leaders was 65.1% and the KANU, which eventually formed government, 34.9%.

So what we are recommending is that the rule which requires a presidential candidate to garner 25% of the total votes cast in five provinces out of the eight provinces should be repealed and replaced with a requirement that the winner must garner at least 50% of the total presidential vote, failure to obtain 50% by any of the candidates should lead to a run-off between the two top contenders within 21 days. That will show the president has really a mandate to rule.

The Structures of the Executive Office: We are proposing a President and a running mate, Vice-President, who are both elected by the people. Also for the President to create a position of Prime Minister and two deputy Prime Ministers. The Prime Minister would head the government, in parliament especially and the day to day running of the government and also one of the deputy Prime Minister's looking after the Civil Service or administration and the other one parliamentary business.

While the President should remain the Head of State and Commander –In-Chief of the Armed Forces and also to conduct foreign relations according to our Constitution in order to guarantee integrity and continuity of State. All the appointments should be made by the President in consultation with the Prime Ministers and approval by parliament.

Parliament: We propose to have a strong and autonomous parliament, which is only subject to the Constitution. The Parliamentary Service Commission should therefore be entrenched in the Constitution. What we have today is that the President can dissolve parliament at will. What we are saying is that parliament should be supreme and should be answerable only to the Constitution.

At least one third of all the members of parliament should be women. Women in this country constitute over 20% of the population and the new Constitution must recognize that economic issues cannot be separated from the politics of the day. We cannot adequately formulate effective economic policies when we lock women out of political leadership. The new Constitution should therefore embrace affirmative action as a first measure to ensure representation of women in political leadership.

Basic Rights of all people and Human Rights: Human Rights are an entitlement of all human beings and are necessary for each and every human being to live his or her life in dignity, and realize their full potential. The new Constitution must therefore (?) recognize basic needs such as health care, education, housing, food, clean water, pension and social security for the elderly etc as human rights. Most of these rights are enshrined in the International Human Rights instrument to which Kenya is a signatory.

The new Constitution should have a Constitutional provision, which automatically compels the government through parliament to domesticate them and incorporate them in national legislation. The Constitution should also compel the government to provide for those basic needs in the national budget.

Constitution and the Economy: The present Constitution does not provide for any specific economic system. As is common with many other developing countries, Kenya has over the years been on the process of economic reforms. Recent convulsions however, was driven by the doctrine of structural adjustment programs. Some of the major reforms such as price controls of essential goods and services. Foreign Trade revitalization, the control of interest and exchange rates and ad hoc government legislature, privatization and parastatal reforms as well as Civil Service Reforms have led to retrenchment. Have led to high levels of poverty and unemployment.

The new Constitution should clearly provide that government economic policy and reform program should put the people of Kenya at the center of all the programs to be approved by members of parliament as the people's representatives.

National Wealth and Public Property: One thing phenomenon that has emerged over the last decade is the loss of all public

property such as land especially in urban areas, the forests and most of the beneficiaries are socially prominent and politically connected individuals, it has not gone to the poor people.

Similarly, the people of Kenya have lost billions of hard earned money through ‘white elephant’ projects and we have many, such as the bullet factory, the airport in Eldoret which (?) land, at least not commercial planes (?) and many others. Because the Constitutionally impotent Kenyan parliament has been incapable of stopping the projects before they take off.

Section 99, sub-section 104 of the present Constitution may therefore be strengthened to give parliament more powers on matters of public expenditure. Focus should especially be in the period prior to the budget as parliament is presently only used as a rubber stamp to authorize government expenditure. At the moment, the parliament disagrees with the money given to the ministries. For example, we have queried the three billion given to Agriculture which is our main stay of the economy and which can provide employment.

At the moment, we just only see that budget when it is in parliament, when we are really just there. We don’t how well that money should be allocated. Other areas like defense and we are not at war, will get almost double the money that goes to Agriculture. What we are saying is that parliament should scrutinize and give directions to the expenditure of public funds as to what are the priorities, where we feel is priority as opposed to just some things. All we can do today is to reduce by one pound, one pound only then we pass the budget. So the effect of the people’s representative is not felt.

With those few proposals, I have the honor to present this memorandum on behalf of the people of Dagoretti and on top of that, they themselves have already presented and they are going to present. I would like to say just one word about the Domestic Bill/Law – the Protection Bill, because I do not want it misunderstood. Of course we have that Bill going on I parliament at the moment and whereas I cannot discuss it outside.

I hope that your Commission will entrench this in the law and I think that what my sister was trying to say is that it is like any other crime. At the moment, when something happens in the house hold, even if that couple almost kills one another, it is argued that ‘hiyo ni mambo ya nyumbani’. Hakuna mambo ya nyumbani na mmoja anamuumiza mwingine. That is why we are saying it is (?). We need that Domestic Protection Law, whether it is the men or the women, they both need to be protected. So I hope you will include that. And, what is more than just being protected is providing support for the victims: the children, the mother or the husband and the children – whoever is being battered.

The other area which was touched by the women, by the way I am very happy with what you have presented and in fact all of you. I am very impressed with the women, with the mamas. Is today as the law is, women are discriminated in marriage. On marital issues, when you marry foreigners. That discrimination should be removed. Just like a foreign wife comes and becomes

a Kenyan and her children, we want that when our daughters decide to marry a foreigner they also accorded whatever law is protecting the man, we want that law to apply to the women. Thank you.

(Clapping from the Audience)

Com. Pastor Zablon Ayonga: I want to thank Honorable Beth Mugo, for this beautiful presentation, and I could tell by your listening, you have listened so well, so much if a pin had dropped here you could tell that a pin has dropped down, and mama Mugo tutachukua hii memo yako. Si hiyo utatupa copy? Hiyo ni mali yetu sasa.

Na, with this beautiful presentation, I am sure that the Commissioners would like to ask you a few questions on clarification and why don't I start with a very simple one, then I will pass you over to, wakili wangu yuko hapa ambaye atachimba haya mambo sawa sawa.

We have heard, you are not the only one who has said this. I mean we have heard in other places where we have been regarding the scrapping of the provincial administration. At some places we have been told, we would like chiefs and sub-chiefs and elders to be elected. And then no P.Cs but maintain the District Commissioners and the D.Os. In other places we have been told, none of those, all should be scrapped; they should not be seen to be existing.

My question to you Honorable Mugo is that when we do this, when we get all these people out of the Provincial administration, have you thought any way how we are going to absorb them? Because they are Kenyans, some of them are very young, some of them have spent a lot of money, our government has spent a lot of money to put these people through K.I.A, they have skills and if we go to elect these people, I mean elect those who are going to give us the services I mean, that is the D.Os, the D.Cs were giving to us. Is it not going to be a loss to our nation and equip them with experiences and then damp them anywhere? Have you thought of nay other way how we are going to make use of these people?

Hon. Beth Mugo: Mr. Chairman, we have thought about this very thoroughly. Let me first say where we have based this suggestion, why we are coming up with this. It is because the system we are in now...

(Interjection) **Com. Pastor Zablon Ayonga:** Tafadhali, I would like you to be quiet so that we can hear what Mheshimiwa is saying. Yes, keep your hand down until... please, please. When the time comes, I will give you a chance to speak. But as of now, it is Mheshimiwa Mugo who is speaking.

Hon. Beth Mugo: Thank you, Chairman. At the moment, we feel that most of the ills, there is a lot of corruption and most of the ills that are happening in the country are centered on the provincial administration, because they have so much power. If you like in Dagoretti, we have lost most of our land. Land which these people, their ancestors gave to them, it is not even

government land, it is clan land. They gave points for public utility.

Then instead of this land – we were taken over to Nairobi. Instead of that land going for public use, an administrator is sent here for..., they are here just for one month or two months or one year. And they dish out all these land without considering the people who gave those points. That is only one example,

If you look in the D.Cs – District Commissioners offices, offices that we do not have here, but all over the country. They are so big, they think they are Moi, when they are sitting there. They are the ‘mini-Moi’. They sit there as if representing the President. We want those people to represent the people. Because if they are representing the people, they are answerable to those people. So, you cannot play around with the people who have employed you.

As far as where to where to absorb these people, we know a lot of D.Os, they are absorbed most of the time, they do not all make it to the D.C. or the P.C. IN the system, in the ministries, they are first and foremost trained to administer. So they can administer in any ministry. So if they are called not just a P.C. because not just a P.C. because he know somebody high up there, he gets a job.

If he is qualified, they will be absorbed in the system like any other Civil Servant. But this is the practice, that if these P.Cs and D.Cs and D.Os that the colonialist came and created here, why don't they have it Britain? They do not have anything like that. They brought it here as a way of oppressing the people. So we are saying after so many years of independence, the people must be free. They must say who will rule them, who will direct their destiny.

(Clapping from the Audience)

Com. Kangu: Mheshimiwa, I have two questions. One, you emphasized that we do not want a President who is a minority President, and we appreciate that what happens with the President in this country happens even with the MPs. You find an MP who got 5,000 votes and if you get the total of those who were opposing him, you find it may even 15,000. Why don't we have a similar rule for the MPs so that even at the constituency level the people are represented by a person who truly has the majority in the constituency?

Now, two, in my view I may be wrong. The greatest cry by the Kenyan people is that they want to be empowered to govern themselves, to run their own affairs and your proposal is that our will of empowering them is to devolve power by way of strengthening the Local Authorities. I would like you to give us a little more details on the mechanisms of strengthening the Local Authorities. You talked about locational constituencies and district kind of units which elect people and I would like to know because the current Local Government system we have, has very confused units. You have town councils, you have urban councils, you have municipalities, you have cities, and you have all sorts of things. Do we continue with these

constituencies or do we redefine the Local Authority so that we have units that have some commonness through which you can empower the people? And then of course when you talked about the districts and so on, the Kenyans are also crying today about the structure of the districts. Some of them are big, some of them are too small, the Kenyans are saying, some were created for political reasons.

If you say we are strengthening these districts, do we draw new boundaries for districts or do we retain the kind of district we have today?

Then of course, there is the question of... you have emphasized the affirmative action for women and we appreciate that men have some how gone ahead and left women behind so we should have mechanisms to pull those women along. At the geographical level in our country, we also appreciate that the development in our country because of the poorly structured system of government that we have, has not been even. There are those areas that have been left behind. What mechanisms are we going to put to 'drag' those areas along so that there appears to be an even development structure across the country?

Hon Beth Mugo: Thank you for those questions they are definitely very pertinent. Let me begin with the President and the Member of Parliament. There are very distinct differences between the two. The Member of Parliament is not really a ruler, you know we are two different... the President is voted and entrusted in running the country, the economy of the country, the political, the (?) office. All the powers are vested on the President and his job is to make sure that there is justice in the application of the powers he has to the people he is ruling...that the people of Dagoretti get the same facilities like those in Wajir, those in Baringo, wherever the country is. It's all-powerful. The President is about ruling.

Member of Parliament does not have such responsibilities. Member of Parliament is really representation; it is more development than ruler. I know our people still look at the Member of Parliament like you are not going there to rule, you are going there to represent the needs of your people. In other words, it is not the all powerful situation as that of the President and the only way to get that, to get the representative is those who have really the majority. Because when it comes to representation, it is a different kind of power that is invested on the President.

On the President on the other hand, universally, world over, Members of Parliament are elected this way but the President must have a 50% rule in most countries to ensure or the run-off and that is what we call universal suffrage to make sure that he is absolutely majority, and that is why we are saying, in case of not attaining 50% all of them, then there is a chance of now coming back within the repeat which is within 21 days to establish now which one of those two holds the majority. But I think we should appreciate that, representation of the Member of Parliament and that of the President are both very different in their duties.

I think the other question was the devolution of power, the Local Authorities and the devolution of power. The size of the

urban determines whether it is a city, or it is a municipality or is a council and as such I think that we may as far as the size and the people it is representing. As you are aware for Nairobi, the Omamo Commission, I believe it is the Omamo Commission, recommended having four boroughs, which would make for example Langata and Dagoretti together if that is what is going to be followed and there should be then a center or administrative unity for that borough. So there will be some adjustments here and there, but I think the principle, the most...the things that will empower the people, giving the people power back.

First and foremost, it is electing the leaders of those (?) whether we call them boroughs or we call them locations or we call it... I will propose whatever we have now is division and when we have the boroughs, then who ever is administering that borough should be a people's representative.

They should also, the municipalities... there are certain taxes, which are levied, say now the Nairobi City Council, as much as Raila and President Moi would like to say...Oh! Nairobi is under the opposition and is not even delivering...It cannot deliver because all the money goes to Central Government. All the taxes go to Central Government. (*Clapping from the Audience*) And what we should do to make sure the people are truly empowered, is the money to remain with the municipality and the services to be run by the municipality so that these people can say, hey! Mayor or Councilor, who voted you? What have you done with our money? So you can remove him. But what happens now which is not quite honest, is that we have officers from Central Government like Mate, in Nairobi who runs anything, he makes all the decisions. In fact, your councilors make very few decisions.

When they make them, they are not implemented because the implementing officers take their orders from the minister and from Central Government. So to strengthen the people, is that vote for them to use the power of the vote. That, I know when I have been elected by them, like they elected me, if I don't deliver, they can remove me. Now they cannot do anything with the Council, and I think that is why once the councilors once they go they just also grab whatever little they can find because... really... but if they know somebody will ask them at the end of the day, they are responsible to these people they will deliver, so the people have a say. So the structure, I think we have experts who I think can look at what structures should remain, but I think the city, the council, the municipality all those levels, the boroughs or the rural areas should be controlled by the people.

The other question was the district boundaries, whether we should have new boundaries. You know we in the opposition, we have complained very much about these political districts and political constituencies, where my vote, I might just give an example is not equal to another MP who is representing only 5,000 people. Whereas here I have been given over 22,000 votes and even if everybody went to vote, apart from just being voted, I have a very big community, which I have to cater for. Because it is the people, representation is about the people. Whereas the same MP, another MP have only those 5,000, only 2,000 may be voted and his say in parliament when we cry about resources and what ever, he has equal say. When we cry... about the roles, about whatever it is we are talking about. If they want to kill a Bill, because he is really not representing, maybe sometimes he is representing the powers that have gotten him in that position, he will vote, not for the people but for whoever is

the 'god-father'. So what we are saying is to give the people the power by giving them equal representation. So some of the district boundaries should be ... but it is not so much districts but constituencies, because our MPs are based on constituency level. The district can be administered, it can have five constituencies or six constituencies or three constituencies depending on how big it is. But again we have some districts like Kilgoris, this Hon. Sunkuli; I think it is one constituency that makes a district. That does not make sense to me. Because you keep a P.C. there, the expense is so big ya Central Government, kwa kutumikia one constituency! It does not make sense. So I think even districts, all these political districts the boundaries should be worked again and the constituencies if we are to have true democracy in representation.

Finally, on affirmative action. I know I am very vocal on affirmative action about women representation. But that is not all. We talk about allocation, also. Resource allocation. There should be affirmative action in resource allocation. For example North-Eastern, there should be enough money to dig wells there, to have irrigation, and it should have priority on irrigation because when we improve the food there we are improving the whole welfare of Kenya. Ukambani, Eastern also, we should have water harvesting. Look at all this el-nino rain, which is lost. We must have policies and plans on how to harvest water and to make the whole country productive. I do not see why MPs from North-Eastern keep on crying about the Meat Commission in Nairobi, they should be crying to have a Meat-Commission in their area and that is resource allocation. Let us build an aperture in Eastern, North-Eastern for the money and have registered vehicles to bring the meat. So the weight is not lost when they are trying to bring all these cows to the meat Commission. So mis-planning, there is no planning and I think that is why our economy has gone down. And as I have been saying, we need complete change and a NAC government (*Laughing and clapping from the audience*) will make it into all that.

Did I cover... is there something I left?

Com. Kangu: there is something you never... this is a good discussion for all of us and I have one or two more questions arising from what you have said. On that issue of resource allocation and locationing of the establishments. I am sure Mheshimiwa has visited very many other countries and the experience in many places in Germany, in US, in Canada is that you do not get everything put together in one city. You have things distributed across and you have therefore very many cities across the country with almost similar standards of life, similar facilities and so on. But in our country we seem to have head quartered everything in Nairobi; the legislature, executive judiciary, security educational, industrial, commercial, how do we address this?

You look at... just across in Tanzania and you see Arusha is now growing because most of the international activities in Tanzania are done around Arusha and not Dar-es-Saalam or Dodoma. Do we also consider maybe decentralizing government institutions from Nairobi?

Finally, and this is an example of South Africa would be useful. South Africa's parliament is in Cape Town, the ministries are in

Pretoria, the Constitutional court is in Johannesburg, the Supreme Court is in (?) and MPs have some very important economic impact. So that you find even property values across the country are almost the same. You could sell a house in Pretoria and go to Cape Town and buy a house of a similar value. You cannot sell your house in Nyeri and come to Nairobi and buy a house, you will be wasting your time. Even if you have sold in the best estate in Nyeri, you will end up in a very, very lowly placed place in Nairobi.

And then finally, you referred, you said America does not have provincial administration; Britain does not have provincial administration. And we refer to these countries as some of the leading democracies, Germany, Canada and so on. We would like to know as a Commission. Germany, America, Canada, Australia, India are democracies we refer to but they seem to be operating on federal arrangements. We would like to know what is it in our country that would make a federal arrangement not work and which seems to be making it work in these other countries that we admire?

Hon Beth Mugo: Thank you. Let me first start by saying, I wonder if they are doing their governance today, they would go that route. I doubt. You know these are old democracies, where countries were smaller. Now, we are going globalization. In fact it is more outwards, than inward. Now that we did not have those institutions put in place either at independence or even up to now.

One, it will be so costly that I don't suppose the country with the poverty we have and it will take us a long time to really revive ourselves. That will never... to me it should not be a priority. If we have that system like South Africa, how they started it, having all those institutions in those areas because it has always been like that, at least I have that wisdom. The fact that we started the way we are, moving lets say, move parliament or move... and that parliament has to work with ministries which are here, when parliament we are asking a question, the minister has to travel from Nairobi to Eldoret or Mombasa to come and answer the parliament's questions, or he cannot even rush to his P.S. or how the P.S. comes and visits... not just the P.S. the whole ministry. When we are discussing a ministry, the officials come and sit in parliament and listen. The government, the ministry, all those work together very closely and I don't think Kenya we will have the finances to really put on/stage such an operation. So I would think what we have now, is what really works for us now and maybe in future, if our country has fully recovered, we might see the wisdom of decentralizing and we do not need a Constitution to say that we will decentralize. That is something that can be decided by a parliament at that time, and say hey! Now we have reached an age where we can do this.

On the other hand, for commercial establishments, there is no reason why we should not encourage other centers like I know Thika there are a lot of industries now, I mean a lot of industries did go to Thika, although maybe now it is not working so well. There is no reason why they should not go to Nakuru or go to Kisumu or elsewhere. But then we must improve our infrastructure. Everybody is concentrating in Nairobi because investments is (?) One can go and invest wherever they want. But why does everybody concentrate in Nairobi? At least Nairobi, we used to have infrastructure, now I am not sure we have. But we do not have infrastructure in those other areas. So our policies in development is what needs to change. Let us

develop the whole country, let us have a proper plan of each area being developed and especially when it comes to economic, to industries, but not... for me I would not really advocate to decentralize, if this is now the regionalism or the 'majimboism'. I think it is an expense Kenya can ill afford. Also our recent history of tribalism, which is actually in the self-self defeating for our people. If we do that again we are encouraging tribalism further, like we saw some people being told, during the tribal clashes... some people were taken out of the Rift Valley and dumped in Central, to go where? So we must explain, or we must have policies, which promote unitary oneness. So that we can deal with regions. How can we talk of having East Africa region, we should be moving to having East Africa a community when we start dividing ourselves further and even the European Union that (?) to one globalization? I think I have covered...

(Interjection) **Com. Pastor Zablon Ayonga:** Iko ka swali kengine kadogo.

Com Ratanya: Asante sana, Mheshimiwa, kuna swali kidogo tu, pengine hiyo itahitaji clarification. Hapa ulisema President achaguliwe na watu, hiyo ni kawaida, hiyo ni sawa sawa. Now, you did not tell us how we go about appointing or electing the Vice President, Prime Minister and Deputy Prime Ministers.

Then, I will give you another one so you answer both. The other one is about marriages and citizenship. Now, if we take an example, a local girl is married to maybe an Italian, and they decide to live maybe in Kenya here in Dagoretti. How do we go about the citizenship, maybe of the husband and the children because the girl was born here and that is automatic she is a citizen? Thank you Mheshimiwa.

Hon Beth Mugo: As far as electing the President is concerned and the Vice President. If we go by practice of the other democracies, the party nominates a President and a running mate, and they run as a unit, together as one unit. So, most of the time, if the President of that party wins, the Vice President also wins. But the difference, which we see as the difference when he is elected by the people and not the President nominating him after elections, is that he becomes an executive Vice President.

In other words, the President cannot afford to drop him, cannot drop him at will like Saitoti was dropped and we stayed for I don't know a year without a Vice President. A Vice President is a Constitutional office, and actually the President has never explained to us. You see he flaunted the Constitution by dropping the Vice President and not giving us another Vice President.

When the people elect the Vice, the President will have a very hard time explaining to the people. You see he appoints at will he can also remove him at will although it is unconstitutional. But when the people have put a vote against... say me, (*Laughs*) it will be very difficult for my President whoever has been elected to drop me.

Also, when the President is incapacitated or is not in the country, the Vice President acts as the President. Now we are in situations where the President just goes and we do not even know whom we have been left with in this country. You have to

guess by seeing, mara this minister represents the President at some function, then another one... we are really lost. If there is a crisis... so we want an Executive Vice President who the public also owns, not just the President. Na hatutaki Vice President awe appointed on the roadside, a kiosk somewhere in the uplands. It reduces the value of that Vice President.

(Clapping from the audience)

The Prime Minister, we are proposing that the party that has the majority in parliament, its President appoints a Minister from that party. Of course there is the leader of that party so it should not be very difficult to decide which one. So this Prime Minister is in-charge of parliament and that is where his party has the majority seats, so he cannot be very frustrated when he is running the government. Of course there is also the Vice, the deputy. Note here we are saying deputy. We don't think that we should have Vice, because Vice Prime Minister or Vice Minister has lost... the assistants have really no job. They don't even have a prestige of what their responsibilities are. Like South Africa, the assistant minister what we call them here are called deputies, and a deputy Minister when your Minister is not in the country, or is ill or something, you attend the Cabinet. Not that ministry is not represented or some other Minister is acting. Why should he act in a Ministry if his Vice Minister of assistant Minister knows his work. Even they get duties. Let us say now we have Ministries which have Land and what? Communication and... or Tourism and Trade something like that, or Information and Trade. You have one assistant Minister given the duties of trade and the other one of tourism. So there is a division of power. They are more powerful and definitely

(?) or even Ministers should not just be dropped or appointed. We are saying in consultation with parliament. We gave all the powers to the President to appoint, but with approval or consultation with parliament. And for the Prime Minister, when the President appoints the Ministers, it should be in consultation with the Prime Minister who will be running the parliament. It that clear?

Com Pastor Zablon Ayonga: Thank you very much.

Hon Beth Mugo: On marriage, citizenship. I am one of those who advocate very strongly this maybe because I have my daughters married by people from outside. But, my argument in this is, and us women leaders, we feel that women are discriminated.

If my son now goes to America, marries an American, when he comes here with this American girl she is automatically a Kenyan. We say likewise. If a girl marries a foreigner, her husband, if he wants citizenship, if he wants to live in Kenya or wants Kenyan citizenship, then should be treated like we treat our sons' spouses. He should be able to get citizenship and especially the children. It is very painful when a girl comes here and she is told and this is the mother and grandmother and great grandfather are Kenyan and your child is not a Kenyan. So we are saying, whatever law applied to the male child should apply to the girl child.

Com Pastor Zablon Ayonga: I want to thank you Honorable Beth Mugo, kwa jinsi ambavyo amejibu maswali vizuri sana.

Ametupa maoni yake. Simumetosheka? Na on behalf ya Commissioners, mama Mugo nataka kukushukuru sana. Umetujibu, umetupa maoni yako na tutayachukua ili tuende kuyaongeza kwa maoni mengine.

Hon. Beth Mugo:

(Inaudible) Parliamentary Select Committee, ile

Chairman wake ni Raila and hata the official leader of opposition na Wamalwa na wengine, Muite, wale wanalead parties wako ndani ya hiyo tume. Kamati hii ya Commission waliwazungumzia na wakawaeleza hawawezi kumaliza Katiba kama my statement, nilianza na kusema Dagoretti hatutaki, tunataka ikae hivyo hivyo. When we shall decide October, to finish in October and to have the elections on time.

Ningetaka kuongezea, jana wakati Ghai Commission walizungumza na committee ya bunge, watameet mara nyingine Friday, sasa Select Committee ya bunge peke yake, ndio waone maoni ile watapeleka bunge, watatuletea bunge. Kwa sababu ni bunge lazima tupitishie, tuongeze I think they said up to February, two more months. Miezi mingine miwili. That is what the Select Committee... nyinyi munasema kitu kingine lakini (?) ya bunge. Bunge inasema two more months. I mean wale Select Committee, Committee ya bunge ile select, two more months. Which means bunge imalize February nafikiri 17th kwa sababu bunge ile mumetuchagua sasa mwisho wake ni February 4th, ndio tulianza kuwa wabunge. Kwa hivyo miaka tano inaisha 5th February. Ikiongezewa ati tuwena uchaguzi Aprili, basi ni miezi mingine miwili. Na hiyo ndio sasa tutatataua.

Mulisikia NAC – National Alliance for Change, tulisema jana kwa press conference, hilo si jambo tulikuwa tunazungumzia, lilikuja tu kwa ghafula. Na Wamalwa Kijana akasema huko bunge, they were unanimous rather, I think it is Raila Odinga who said they were unanimous kuongezea hii miezi miwili, hiyo ni Select Committee, lakini ni lazima ije kwa parliament. Waje wa-recommend na tu-debate, we agree or we don't agree.

NAC – National Alliance, ambayo mimi ni mmoja wa the umbrella of opposition, tutazungumzia kesho. Tutakutana ile National Co-coordinating Committee, mimi ni mmoja wa member ya hiyo na wake ijayo tutakutana council, na vile vile tutakutana mimi ni member wa council, tuone sisi tukiwa NAC tutapendekeza namna gani. Lakini, kwa vile nikienda bunge ni nyinyi nitawakilisha, sio hiyo NAC. Nyinyi mutaamua, mutaniambia Mheshimiwa ukienda bunge, tungekupatia ruhusa wewe usikize wenzako wanasema nini na mukisema miezi miwili, unaweza kukubali kwa niaba yetu au muniambie hapana, tumekataa. Mukikataa, nikusema tuende elections with the old Constitution.

Tukienda na old Constitution, ni ile tumekuwa tukilia ati inawezesha rigging. Ikiwezesha rigging basi hatutakuwa na mabadiliko. Kwa hivyo tutambue kitu muhimu ni nini. Tuende elections na old Katiba, kweli tunaweza labda kutoa Moi, unajua hiyo inasema kuwa President Moi hawezi kusimama. Hiyo ya zamani. Lakini, ni hiyo tu. Tukienda na vile sheria ziko, hatuwezikumaliza rigging. Tukingojea wataalamu hawa watupatie Constitution tunatarajia watatupatia ile haiwezi ku-rig. Au sivyo? Wakitupatie ile haiwezi ku-rig basi, wananchi wana nafasi kusema. Wakitaka ile Serikali wanataka wanaweza kuiweka. Inaweza kuwa ni ile ile iko sijui wananchi wanataka nini, au ni nyingine. That is the difference. Ningetaka mufikire hayo

mambo hata ikiwa hamutanijibu saa hii hii kwa sababu kuna kazi nyingine, mutanijibu kwa njia nyingine muniambie msimamo wa Dagoretti, na hiyo ndio nitashika. Haya.

Com Pastor Zablon Ayonga: Natumaini kwamba Mheshimiwa Beth Mugo, atakuwa representative wetu. Na tumtakie heri na mibaraka ya Mwenyezi Mungu atakapo kuwa... mumemsikia amesema kwamba kukiwa Constitution mpya kuna uzuri mwingi ndani. Na nilazima tufikirie hayo mazuri tutakayo pata. Sasa, imekuwa saa sita na dakika thirty-five according to my watch. Na ninajua ikifika saa saba, itakuwa lazima tuwena break ndogo ya kuweza kuenda nje. WaKisii tunasema 'kutema mate' ndipo turudi. Kwa hivyo nataka kuwauliza, ni nyinyi munajua... nyinyi ndio wenyewe, mkuangalia, mukujiangalia, munaona nyumba hii imejaa namna gani? It is packed! Imekuwa packed hata benches zingine naona wengine wanaweza kuanguka. Mumejiweka tu ile wame sema keti square.

Sasa kama ni hivyo, nitawauliza tuanze kukata dakika zetu za kuonge. Munajua pia, kama jambo ambalo unataka kuongea ni lile mwingine ameisha lisema, si lazima uliseme. Mkazo huo uko, umeingia kwa tape kule. Kwa hivyo kama unaneno na kukusukuma san, ndilo uliseme ambalo halijasemwa. Lakini kwa sasa, ninaanza kufuata ile list. Ikifika saa saba kamili, nitafunga mkutano kwa dakika chache lakini kwa sasa, hebu niite mama Alice Ngugi. Ngugi? Alice Ngugi? Pengine ameenda kuangalia chakula cha watoto kwa maana watoto lazima warudi nyumbani for lunch. Alice hayuko. Kuna Allan Kuria. Je yuko? Allan, unmaandishi? Basi tafadhali ukitoa maoni yako, utumulikie mambo makubwa makubwa na ufanye... Taja majina na endelea.

Allan Kuria: Yangu si mengi. Opinion yangu ni kwamba, tunafaa kuwa na a State of Kenya instead of a Republic of Kenya. La pili ni kwamba, tuwe...ni excuse kidogo. La pili ni kwamba, the Bill of Rights should follow, then we should have the citizenship.

The President should be a consultant of the government with a high educational background, irrelevant of age and should have a Kenyan origin and should be black in colour. To the Executive. When it comes to the Executive, the Cabinet and the Civil Servants should be appointed by the Members of Parliament. They should be entitled to lose their jobs if found inefficient.

The Judiciary should handle one kind of case, that is the criminal case instead of two and the Provincial and Local Government – the authorities in the provincial and Local Government should be elected by MPs.

The Budget: Each Ministries budget should be discussed in parliament and MPs should make any changes on it. This is all I have.

Com. Kangu: That is all? Thank you, thank you. Can you sign and then give us your memorandum. Now, can we have Jane Kwamboka. Jane Kwamboka yuko? Is she there? Please take the seat.

I am here with Jane Kwamboka, Agnes (?) and my name is Esther (?)

Com. Kangu: Esther who?

Esther Mathiya (?)

Com. Kangu: So you are how many people?

Three. I am here representing Kenya Women Political Caucus.

(Interjection) **Com. Kangu:** That is Jane Kwamboka, Esther and ...

Agnes Gatheka.

Com. Kangu: Agnes (?)

Esther Mathiya: So I am representing Kenya Women Political Caucus. I will start with the affirmative action,. We believe that the affirmative action should be implemented. Women should be empowered by being represented more in parliament since we constitute the highest percentage of the population and we have our own peculiar issue.

When there is poverty, women are affected most since most of them have poor paying jobs due to discrimination. Also most of them are left at home due to poverty or lack medication. So we need more women in parliament who will speak on our behalf to advocate for our needs like girl child education, promotion of women into senior positions and initiation of community development projects that can help women. We also want to make our own independent decisions.

The other issue I am going to talk about is basic rights. We want basic rights such as water, security, education and medical care. Under the issue of water, we want it to be more investigated. In general and especially in Dagoretti. In most parts of Dagoretti, we get water once in a week. We know there is a problem of broken water pipes and we know that is central but for so long we have had a shortage of water. We believe that lack of water is a very serious issue, and without water we live in fear of diseases like typhoid, cholera and in the recent past most people have died because of the same, because of taking contaminated water.

We know also that there are so many tankers around that sell water. We want this investigated because we hear that most of these people who sell water are 'city fathers' and maybe they could be doing this to get money from us. If City Hall cannot

supply water, we want the government to come up with a better solution.

On the issue of security, we want women to be secure in this country. We want to be protected from people like the 'Mungikis' and the 'Ngonya wa Gakonya' who go around stripping women naked and they want to circumcise them. Such illegal sects should not just be outlawed, but the offenders should be arrested.

Under education, we believe that it is a basic right. We feel the government, like in most countries should... although the economy is poor should at least cater for this, and this is one of the largest contributors of poverty and street children and other social problems. We believe that if the government cannot provide for the basic needs like these, what other greater needs are there in this country?

The other issue is on health. Very many government hospitals do not have medicine, and we believe that most people have lost their lives because of this. The other issues I am going to point out is on the social forefront. People intending to get marriage should, through a government law obtain a marriage certificate. This will make it difficult for people to marry and divorce so easily. We feel that this has been the cause of poverty because there are so many abandoned wives and children and this is what has contributed to street children and prostitution. We have like one man having about fifty children, and maybe he is taking care of about two. Who is going to take care of the rest and the other women?

We want polygamy to be abolished and men to be responsible of their children. To be forced by the law to take care of their own children and wives.

The other issue is on the Constitution. We want the Constitution of Kenya to be included in the school syllabus because most Kenyans do not know their Constitution. We also want a special Constitutional Committee or a special body to be put in place to make sure that our views that we have given are implemented. For example, some things we know are illegal like prostitution and local brews, but they continue on a daily basis because there is no one to implement these things and making matters worse, the policemen are bribed. These people go free.

The other thing is that foreigners should not be given work permits so easily. This is because there is a lot of corruption and this is what has made so many Kenyans be unemployed. Foreigners get permits because of corruption and such bodies like the Independent political bodies are necessary to make sure that corruption is stopped. I believe that is all I had

Com. Kangu: Thank you very much. You can give us your memorandum and then you sign the book. Pauline Nduati. Anthony Mugo? You are Pauline Nduati? Fine you can proceed.

Pauline Nduati: My name is Pauline Nduati; I am representing Woman's Guild Dagoretti Parish. I have a write up here for the

views on the Constitution Review, and would like to highlight a few.

The first one being environmental degradation: The environment has become very dirty because of wastes which does not decay, which is plastic and if we lack adequate machinery to recycle plastics, then we should do away with this and find an alternative.

Grabbing of government land: The land which has been sold off by the government through grabbing should be taken back. The action has been done. The seller and the buyer know the illegality of the act, and so the land should be taken back without taking into consideration whether the buyer used money or what.

The other thing is that, there should be no lesbianism or homosexuality because this is against the law of nature. These practices should be stopped completely. Money, which has been taken to foreign banks, should be brought back to the country because it is the same money we go asking in the form of Aid and loans thus we borrow our own money and pay it back with interest and we become beggars of our own making.

Basic education should be given for every Kenyan child to have education at least primary level, so that our country does not degenerate as we say we are on the run, we should stop first and think whether we are running forward or running forwards or backwards, because now we are almost having a generation which is having no education at all.

In regard to economy. We should revive the industries which are dying or which are dead so that we can create employment to the unemployed. Whatever we can produce in this country should not be imported, so that our markets for our production can be big enough so that we can also generate money by exporting, not importing what we already have.

Agriculture should also be encouraged so that farmers can have market for their produce. Something else is the government which we look upon like a parent, we feel like it has failed us because we are being conned through the media, through newspapers, openly on TVs when groups of people advertise for jobs which are non-existent and even registration is done in the open air. After, poor wananchi have been conned, it is when the government comes up saying it was conning. So we feel the government has failed us because the main problem we have here in Kenya is unemployment, so when we hear that there is some employment somewhere, everybody rushes there and already they have been conned of the little they have and then afterwards we are told the opportunities were non-existent. We feel the government is not protecting us enough because even some government offices are being used the same conmen to con people of the little they have.

That is all I can highlight on, the rest is written down.

Com Kangu: There is no question for you, so you can sign. Nilikuwa nimemwiita Anthony Mugo, can you take the seat

please.

Anthony Mugo: for the records, I am aspiring for the Dagoretti Constituency seat in the forth-coming general elections...

(Interjection) **Com. Kangu:** And therefore, you are not campaigning today...

Anthony Mugo: I will not. Thank you sir. I just wanted to make it clear for your records. I have some issues here that I just wanted to mention that I hope very sincerely that this Commission will take into consideration.

The first issue that I have that should be entrenched in this Constitution is how much powers that the President should have. Right now, there are so many Presidential powers, and I think the new Constitution should have a way of vetting these powers through parliament and especially the appointments that are made by the President, they should go through parliament like it is done by other democracies like in the United States, where Ministers, I mean heads of departments have to go through a parliamentary committee on such. Because we see this is one of the main problems that we are having today, where we have some officers that have wrecked some departments and they have been transferred to other departments and they continue doing the same. So I feel that in the new Constitution we should have a clause where it says, any appointments to such key departments (inaudible) by parliament

The next issue that I have here is on Human Rights. Like most of us are saying, at least they should be made as... they should try to empower Kenyans and in this respect we have so many problems... we know our rights but we do not have some basic form of guidance that you know how far we can go. We want it to be that the government should be held responsible in what they do. Like for instance, very few Kenyans can succeed in suing a government official, because there is that tag that you are trying to sue the government. But we want the government to be held accountable, anything that happens, we might feel that I really am not comfortable with that, there is a way that I can challenge and there is a way that I can be given audience.

I know they have talked about this, but I also want to insist on the rights to education. Free education especially primary education, where education should remain compulsory. Right now we are making compulsory but the parents do not have the resources to take their children to school. That cannot work. But where we have free education and free health care without eliminating completely the idea of cost sharing, because what are we sharing, people do not have money to share with the government. So the government should at least make-up for this education fee. And especially as I said, primary and health care should be made free.

The other thing that I wanted to mention here is that I am very much against the idea of having a Prime Minister, four deputy Ministers, 16 Ministers, a President and a number of so many assistant Ministers. What you should be looking up now is how this Constitution should try to also revamp the economy of the country. With all these ministers and deputy ministers, and all

these assistant ministers, I think we are depleting the already exhausted resources of our country so I am very much against because for the record that when we go to parliament and I believe these parliament and I believe these people will be operating in parliament, not once but on very many occasions, we hear that there was lack of quorum in the parliament that has over 200 members.

Finally, I wish to differ with Mheshimiwa on the boundaries and this I am addressing you directly.

(Interjection) **Com Kangu:**

(inaudible)

Anthony Mugo: Absolutely, I knew you would put that one that is why I am saying, I am addressing you directly. On Constitutional boundaries, I feel that it should not just be based on population but also on the size of the constituency. Like if we just say population period, we are talking (?) Dagoretti with 80,000 registered voters or maybe 100,000 voters having five MPs representing Dagoretti and may be 100,00 voters having five MPs representing Dagoretti and maybe two representing Northeastern province.

So I believe that we should also look at the population in the district, in the constituency and also the (inaudible) because basically, we will not be helping anyone with anything if we have so many people being represented by so few parliamentarians.

On affirmative action again, I am for affirmative action, but on this idea of... I think affirmative action should not be entrenched in this Constitution in as far as parliament is concerned, because I feel when we feel we need one third of our members of parliament to be women, maybe we are saying that we will allocate some five constituencies to be headed by women in order to come to that. So, I feel very strongly that affirmative action should not be used on this one.

State security. I am summarizing now, I think we are leaving at one as you said. I think our people are being harassed so much by the police, by the provincial administration. Really, I think you need to also look at how the powers of this departments and again how far these people should go in as far as protecting the rights of Kenyans. With these few remarks I wish to finish by saying that , if maybe the Constitution and like you have said you cannot be through by the time we hold our elections, I was of the opinion, this is my personal view, that we could have the elections with the current Constitution as you continue working on reviewing the Constitution. Because the problem we have right now is that, when this thing is taken to parliament, all the parliamentarians there know that they will not see the inside of that parliament again. When it is taken there, these people will go ahead and pass it.

I was of the opinion that, I you will not be able like you have said to complete this review, we can have elections with the old Constitution and when that one is done, we can at least comprehensively work on the new Constitution as everything is going

on. Thank you, thank you so much.

Com Pastor Zablon Ayonga: Thank you, thank you so much. Could you please go over and sign and give us your papers, deposit them. Now, ladies and gentlemen, it is exactly one o'clock and I want to declare that our morning session is now adjourned. We will meet here after another 45 minutes. So please go get something small, stretch yourselves, we resume here at a quarter to two.

Thank you for your time and patience.

Com Ratanya: Sasa wananchi, mumeinjia na tungetaka kuanza. Na ningetaka kuwakumbusha vile tulisema asubuhi, kama una maandishi yaani memorandum, unaweza hata kupeana pale alafu uende kwa kazi zingine ama ukae hapo uwasikize wengine. Na tena vile vile kama unamemorandum, unaweza keti hapa upeana maoni yako, just highlighting the most important points kwa sababu hatungeona kama ni vizuri mtu kusoma memorandum kama hii lakini achukue hiyo points alafu we shall get the memorandum to read later.

Kwa hivyo, tujaribu kutumia njia nzuri ya masaa zetu, kwa sababu ninaangalia hapa ninaona tuna almost one hundred and forty people remaining. Na kama tukisema kila mtu thirty minutes itakuwa seventy what... almost seventy hours something like that. kwa hivyo hata tumekubaliana kupunguza masaa kidogo na tuliwaambia hivyo kutoka asubuhi. Kwa hivyo sasa tutakuwa na five minutes ukiwa ni oral, usirudie yale ambayo yamesemwa na wengine, tuambie mambo mapya mapya. Lakini si lazima upitie hiyo tano, ukiweza kumaliza na dakika moja, ni sawa sawa. Kwa hivyo sasa tuanze bila kupoteza wakati kuwaita watu kutoka pale tuliachia.

Sasa hapa nina list ya kundi la watu ambao ni disabled na tulisema kwamba tukiona mambo kama hayo tutatumia our discretion.

Na sijui kama mutaona ni mbaya kuwaita hawa ambao hawawezi kuongea wamalize mambo yao alafu tuendele na wengine. Ningependa kumita kiongozi wao, Elizabeth, pengine yeye ndiye ataongea. Elizabeth Naliaka. Naliaka ni nani? Ni wewe? Okay, sasa utakuwa very brief kwa sababu nimekupatia dakika tano tu. Na nikisema unyamaze au uende , ni heri kutii ili tuweze kuona wengine. Kwa hivyo tutaenda kwa Elizabeth Naliaka. Aanza sasa.

Elizabeth Naliaka (Deaf):

Sign Language interpreter: Probably you already saw me yesterday, I was doing a presentation on the Deaf Women and today I am going to make my own presentation.

Elizabeth Naliaka:

Sign Language interpreter: My name is Elizabeth Naliaka. First of all I want to make a recommendation on assessment done for children with disabilities. We have the centers but we need some clear guidelines. Sometimes you find that a child is deaf and during assessment, they are taken to a mentally handicapped school. That is means that is sought of a misplacement. So there should be clear guidelines for placement and assessment of children with disabilities.

The other recommendation is on the City Council. People with disabilities have a very big problem with the City Council people. Like most of them do hawking or small businesses here and there. Many are the times they face a lot of harassment and sometimes when you say that you are deaf, they do not take you seriously and they say that you area pretending. So I would recommend that, there should be awareness, then you deaf, you are deaf and we have IDs and many IDs should be respected as what really shows that I am deaf. Otherwise, we face a lot of harassment.

Sometimes you find that some parents when they have a child with disabilities, they see that this child cannot... once they are grown up, either they feel like incarcerating them or not to make them not to have family of their own. We feel that this is not right and there should be laws put in place protecting such people.

For those who are deaf and blind, you see we do not have any schools for the deaf-blind. We only have one school in Kabsabet. That is not enough. We have many deaf-blind children who are at home and are not able. In fact some of them are hidden by their parents. We feel that there should be some laws that any parent or guardian who hides such a child should be dealt with and the child has also to go to school.

Sometimes also, many times, you find that children with disabilities are given the last priority in education. We also need something done about that. you know they are the last to be thought about when parents are thinking of school fees. So it should be that the child with a disability should be given the first priority if not a free education. Then the parents should be made to think of them first.

Then we have the integration system that just started recently. If we have integration especially for the deaf, then the teacher has to know sign language. They should not use oral system. Like me, I went through the oral system and I have a lot of difficulties, because if I was using sign language, probably if I was using sign language probably I would be a better person than I am today.

So, where there is integration, there has to be enough support services for the child with disabilities. If it is a deaf child, then of course sign language. If it is a blind, then the teacher has to know Braille and give the child equal attention like the other normal children.

Then again the other problem is secondary school. Deaf people do not have many schools. At the moment, we only have two

secondary school for the deaf. So we need more schools, this is still an education policy. We need something put in place. Whereby we are given an equal right with other hearing students and pupils.

Then I move to employment area. Many people with disabilities have a lot of difficulty in getting jobs throughout Kenya. All areas/varieties of disabilities. So our proposal is there should be a policy whereby each company or government department employs about five percent to ten per cent of the employees who should be people with disabilities.

This one now goes to the various Commissions. Now I know that the Commission that we have for the Review, we have people with disabilities two of them representing the physically handicapped and the blind, but we do not have a deaf person, and many times deaf people are left behind.

(Interjection) **Com Ratanya:** Let me interrupt a bit. So you have only one minute, we have very many people to see, so wind up and keep time.

Then my last point is on welfare. We have many people with disabilities without jobs. So we see that there should be a welfare system put in place. Some of them are orphans, with no jobs and no nothing at all. So there should be a welfare system put in place where by they can be able to help themselves. That is all.

Com Ratanya: Nimeona wengi walikuwa katika hiyo group people like Esther Njoroge, Kariuki Ndugu, Lawrence Kamau, Charles Amunga, Joyce Njoki, Charles Gathii, Benard Mugabe, Susan Wairimu, Joseph Mwaura and John Kinyanjui. So I think we have covered all those who were in the same group.

From the audience: I am not covered even though you read my name out.

Com Ratanya: Your name is...yes, there is Charles Amunga. Were you in this group? Okay we shall go back to that list but most of them have been covered through her na hiyo ni sawa sawa namna hiyo. But then there is another one in the same group, Joseph Kaluba.

Josephine: Thank you Commissioners. I know you have said in total five minutes but for me as a deaf person and using an interpreter I do not know how that will work out?

Com Ratanya: Maybe you will be comfortable with seven minutes.

Josephine (Deaf – through sign language interpreter):

Sign Language Interpreter: I am from the Nairobi Deaf Association and I am representing School of Deaf Association and United Disabled Persons of Kenya. First of all I will talk on the languages. As you know in any society (inaudible) there has to be a language. So we would like to propose that sign language be made to be one of the national languages besides English and Swahili and we want it put in the Constitution.

I then move on to the curriculum, we need sign language to be taught in all educational institutions within the country. This point had already been explained by my colleague Elizabeth, that many teachers in schools do not know sign language and even the school inspectors themselves do not know sign language. And, many times when they go to inspect schools they do not even know what they are looking for. So we need something put in place to emphasize that everyone working with the hearing impaired should be fluent and know sign language.

I move on to the area of employment. Many people with disabilities are the poorest of this community. Most of the time they are given the last priority in employment and they are the first to be retrenched if there is retrenchment. So we need something put in place to protect persons with disabilities in area of employment. They need also to get employment within the government sector. So I think it would be nice, if the government would make the first step in employing people with disabilities, so that the other companies or various firms would emulate the same.

Also in the Traffic Act. It is not so kind to those people. They are not allowed to drive. So that Traffic Act needs to be amended so that those people also are given licenses and are able to drive for those who want to do it or who own cars. So we need an opportunity in that area.

As you know communication is very important in any society, especially the media, this is, we need something to put in place so that media houses especially news or important issues happening in the nation, deaf people hardly get information or important health issues.

When we come to also health institutions like hospitals, let's say courts, we need a provision of sign language interpreters. The many times that the deaf people get arrested, they go to court. Most of the time they are not even able to defend themselves because there is no interpreter and no legal representation, so we need something put in place so that they are able to access all this.

(Interjection) **Com Ratanya:** Try to summarize now.

Then I will also like to talk on our Constitution Section 34, it discriminates of people with disabilities especially when it talks of the criteria used to be a Member of Parliament. They say that you have to know Swahili and English and be able to write it and speak it. but for the deaf people, we do not speak, we speak in a different way, so instead of just English and Swahili, they

should add sign language and also Braille for blind people. So this Section needs to be either done away completely or changed to fit people with disabilities. For example, in Uganda and South Africa, these are changes that have been made and they are working in those countries.

Also we would like people with disabilities to be part of the decision-making bodies in all sessions of the government. As you know communicating is a human right, so we need Braille put in at least something translated. Newspapers to be brailled at least important things in the Nation or libraries have both print and Braille materials taking into account the blind people.

The public infrastructure, like telephones need to be low, some special that are low that can be accessed by people with disabilities especially those on wheel chairs. We have some cultural beliefs that need to be done away with. Because those and the cultural beliefs that discriminate so much on people with disabilities.

(Interjection) **Com Ratanya:** Can those ones do, Josephine you have no more time we have no more time. We have to continue. I think that those ones are explicit.

Josephine (Deaf):

Sign Language Interpreter: Can I just... just one minute, just one more minute? Now, lets us go into the Commission, this is a recommendation direct to the Constitutional Review Commission. We have never seen Civic Education. There is Civic Education but not for people with disabilities. We are only aware of Kiambu District. And like now I know you are going to Northeastern soon but I hear that we will not be provided for with interpreters. Like for me I am a deaf person, and probably I would like to go to my own home and make a contribution. So I do not understand some areas they have interpreters and some areas no interpreters.

(Clapping from the Audience)

Com Ratanya: Now, if I was to say something about that point of interpreter, hebu muabie, although we do not carry our own interpreters, we organize to get interpreters locally where we go to hold the hearings. So that one has not given us any problem.

We have been having them even the Kikuyu interpreters, do we find that there is a need for Kikuyu we can mobilize and

(?) as an interpreter so even for sign language this is the same. Thank you very much Josephine. We go now to ...

Josephine:

Sign Language Interpreter: She is saying in North Eastern you probably not get an interpreter.

Com Ratanya: Okay, anyway leave that to the Commission and I think we have noted, we shall organize. All these people were in the same group but I would like to go back again. Hezron Njenga? That one is okay, you are covered. Kariuki Ndungu, Lawrence Kamau? Where is he? Okay, njoga kidogo we sort out the list. Then Joyce Njoki... Joyce was covered. Antony Waweru, that was covered, Susan Wairimu?, Joseph Mwaura, John Kinyanjui? So in this list, because I am trying to sort out those who do not know it, Hezron, will not be doing anything, he is satisfied. Kariuku Ndu'ngu we shall call you, Lawrence Kamau... Okay. Charles... is it Amunga? Joyce Njoki? Charles Gathii, Elizabeth Naliaka has done and Josephine. Benard Mungare? Benard, hayuko au yuko? Okay weka mkono juu vizuri tukuone vizuri. Susan Wairimu? She has been covered. Joseph Mwaura? Has been covered also. John Kinyanjui? – covered. So the remaining in this list we have Kariuki Ndu'ngu, endelea alafu tutaenda kwa wengine.

Kariuki Ndu'gu: Thank you the Commissioners and the Wananchi. Now, my first thing about the Constituion will be the preamble. The way the Kenyan Constitution is to date, does not have a preamble. That is, a preamble to stress out the reason why we have the Constitution, why it has been enacted and the vision and the common goal or aspirations that we want enacted in that Constitution.

Then, our Kenyan Constituion as it is today lacks national objectives and basic principles that guide the organs of the government... I mean the organs of the State, the citizens, the Local Authorities and the Executive. So we are saying that, for our Constituion to be effective, it should have some national objectives and basic principles or State policies. We think these are some of the principles that should be enacted in the Constituion and should be enforceable in law, such that our country would be more democratic and would have a more rational economic order.

The first one is people's sovereignty. We are saying that all power should be vested on the people and the government should act according to the Constitution. Then we are also saying that people should have a right to peaceful civil disobedience for purposes of pressuring a government that violates the Constituion.

The other objective is political objective. We are saying that all State and Civil society should be run according to the democratic principles and citizenship participation in all State and societal affairs should be guaranteed. Then, citizens should express their will through regular, free and fair elections.

The other principle is Constitutionalism, rule of law and accountability. State organs and all public bodies and the citizens have a duty to protect and promote this Constituion. Then we are saying that all public offices should be held in trust for the people. All the leaders should be answerable to the people.

The next objective should be national unity. All the State organs and the people of Kenya shall promote national unity, peace and stability. Then we are saying that all citizens should have a right to live and do business or work in any part of the country.

Then, all people should be entitled to their cultural identity and practices provided that they do not negate national unity and stability or are not inconsistent with the Constitution.

The other principle should be Human Rights. We are saying that these are inherent and they should not be guaranteed by the State or any law. The State organs should regard the promotion and protection of Human Rights as their primary responsibility.

Then, protection and promotion of Human Rights should have a special attention to marginalized groups e.g. women, children and people with disabilities.

(Interjection) **Com Ratanya**: You have one more minute.

Yeah! Then the other principle is plural democracy. Others are economic objectives, land rights, environmental protection and educational objectives and then cultural objectives. Because of shortage of time, there is one big contribution, which I would just like to highlight before I leave.

This is about employment. We are saying that our Constitution should provide for a provision for all registered corporate bodies to set aside funds for training for people who are have not... who are unemployed. We are saying this because the rate of unemployment has risen because of the requirement by most companies that people should have experience and fresh graduates from colleges and universities do not have any opportunity to have experience. So we are saying that all corporate bodies should set aside funds to carry out training of fresh graduates, which should be offset from the corporate tax. I think the rest of my recommendations I will give to the Commission through a memorandum

Com Ratanya: Asante Sana Kariuki, give us your memorandum and we shall go through it. You can put your signature on it. The other one is Charles Amunga. It is Amuga? Ukisikia nikisoma vibaya, nikwandikwa imeandikwa mambo mengine. Kwa hivyo Bwana Amunga endelea.

Charles Amunga: Asante Bwana Commissioners kwa kunipa nafasi hii. Yangu ni point mbili peke yake. I will speak in English and Kiswahili. First if you look at our courts, the management of our justice system, look at the police, look at the prisons, look at the remand homes and so forth. You will realize there is one thing in common. Most of them are corrupt. They are using out dated systems and equipment. They are not using computers for example and basically, like in prisons there is no... there is little food for the prisoners. Some of them end up dying because of sicknesses. They are smelly and they are dirty. Many people are dying in prisons especially, each and every day.

What I am suggesting is this, that... for example the Judiciary, the Executive and the politics do not deliver. So we should tap Kenya into a business system such that every thing is run on a professional level. Resources allocated efficiently and let us turn everything in Kenya into a business like they have done in Korea, Japan, Malaysia and they are reaping the benefits.

Number two, we should encourage foreign and local investment through promotion and advertisement. There are the efforts that have been done in the past that have not gained adequately and we need to do this aggressively. Looking at the Sunday Nation of this week, Uganda and Tanzania have overtaken Kenya in terms of attracting foreign investments. Kenyans have been left behind, and even the IMF and World Bank and the international businessmen are not investing. We need to look at the policies and attract investments. Give them incentives and so forth.

Point number three, when it comes to the management of the economy, we need faithful people with integrity, people with initiative. All managers who look at the economy as a whole with their own professional qualifications. Let the posts be advertised in the papers and let the person with the best qualifications take the post. Looking at for example the Local Government, Parastatals and even bodies like the Kenya Football Federation and so forth, we see that the management is poor and that is everywhere in the Kenyan system.

Number four, in summary, Kenyans basically what we need is to get food on their tables. We need to get clothing. We need to get quality and accessible education, we need to get infrastructure that will include water. I remember sometime in 1988, the President promised Kenyans that by the year 2000, each and every person would have water at a walking distance from his/her house. This has not happened yet and we are in the year 2002. Also, looking at the road system, the road systems are basically very (?)

Looking at electricity, telephone systems and so forth, we see that the way the road system is, the electricity provision, the telephone provisions the way they are ... these are basic things that we should be able to provide in order to attract investment and therefore if they are not in order, then investments will go to Uganda and Tanzania as is going on right now. The government also needs to provide adequate security because security in Kenya right now is found wanting. With these few recommendations, I think I have satisfactorily participated.

Com Ratanya: Asante Sana Charles. Register yourself. Next is Joyce Njoki.

Joyce Njoki: Mine are just four points. Ya kwanza ni women rights. Unakuta sisi kina mama kwanzia nyumbani we have no rights. Tukienda... unakuta bwana sasa lets say amekuo for ten years, imagine ten years! Halafu there is no marriage certificate saa hizo. Ana-decide wewe uende saa hizo uko na watoto kama wanne. Unaenda kwa sababu hakuna marriage certificate, na watoto wako wanne. Apo unakuta anaoa mwingine, ndipo ana kimbilia kuchukua marriage certificate, saa hizo ameo mwingine wewe ushaenda sasa. Tuanuliza, kwa nini hii ten years isipeane that sisi kina mama... hata kama hakuna marriage certificate there must be years ambazo unatakikana ukae na bwana yako halafu kama una marriage certificate or not, yeye ni bwana yako. Not that, ni mpaka uwe na marriage certificate.

Halafu harassment hizi za sokoni. There is this ugonjwa, AIDS. Unakuta hata pengine mimi sina bwana pengine ashakufa, mimi ndiye nawatufutia watoto wangu... Hapa County Council haitaki kuniona hapa nikiuza uza haya matunda madogo madogo. Sasa tunauliza, sisi kina mama ndio tunawasaidia hawa watoto wetu tutafanya nini ndio hata tupate kuwasaidia hawa watoto.

Raping, unakuta sasa tunarapiwa. Ukisikiliza yaani sasa huyu aliyekurape, na mwizi mwenye ameiba hajakudhuru, huyo anafungwa kifungo... raping anapewa kifungo kidogo kuliko aliyeiba na hajakudhuru.

Tunaingia kwa masomo, education. Unakuta sasa hizi tuition ziko shuleni, hizo tuition zina tufinyilia sana. Inakuwa eti ni lazima. Radio inasema sio lazima, ukienda shuleni unamkuta headmaster anakwambia ni lazima. Test books, zinabadilishwa mwaka kwa mwaka. Mimi... wakati tulisoma, tulitumia kitabu kimoja hivi ninaweza kusoma alafu nimwachie mwingine. Sasa mwaka huu ninanunua kitabu, next year ninanunua kitabu kingine. Text books zinachengiwa now and then. Hiyo tena inatufinyilia sana. Unakuta pia uniform... uniforms keep on being changed. Sasa tunashindwa, ni uniforms, ni vitabu, ni malipo ya shule ama ni nini? Hizi zote zimetufinyilia sana.

Tunaingia sasa upande wa leaders. Leaders wakati kama huu wanatupromise sana, nikiingia pale nitafanya hivi, nikiingia pale nitawasaidia hivi. Lakini tayari mukishaingia pale munasahau. Sasa tunataka kuwe na sheria asipo fulfill the promises na yeye achukuliwe hatia ya ni kwa nini hakufulfill the promises ambazo alituhidi sisi raia. Unakuta mwingine ana sema watarekebisha hii barabara. Unakuta miaka mitano inaisha, hata hiyo barabara haijaguzwa. Mbona akatupromise na hajatimiza hiyo promise yake.

Hospitals: Kwa wagonjwa wako na AIDS, unajua AIDS ni part of poverty kwa nyumba. Unamkuta mtu huyo tayari amekumbwa na kifo, ni lazima atakufa. Akienda hospitali, charges ni zile kubwa zaidi. Sasa unakuta hizo charges tunalipa na tayari mtu huyu atakuja nyumbani na afe. Anatuacha masikini times masikini. Sasa tunauliza watu ambao wako na AIDS, wawe na matibabu ya bure hospitalini. Ili, hata sisi tunaoachwa nyuma na chochote kile, kiweze kuwasaidia watoto. Unakuta wazazi wazee ndio wanaachiwa hawa watoto. Sasa hawa watoto, na tayari tunalipa kule hospitali, watoto wale ambao wanabaki, wanabaki na nini? Wanabaki umasikini. Tunaomba hawa watu waliona AIDS, please...

(Interjection) **Com Ratanya:** Kwa hivyo Joyce jaribu kusema la mwisho.

La mwisho ni kuremind about the marriage certificates.

Com Ratanya: Tunashukuru Joyce, peana hiyo karatasi yako kama kunayo kama hakuna uende using register yetu hapa. Benard Mungare.

Benson Ngare: I am going to talk in two languages – kiswhaili na Kiingereza.

(Clarification) **Com Ratanya**: Are you Benard or ...

Benson Ngare: Benson Ngare. I have a few points to talk about though some of them have been talked about. I would like to talk the government. The laws that govern us people. We want to enhance and to make sure that... we the people because I refer to the common mwananchi. That the common mwananchi should elect those who govern them from the grass root levels e.g. people should elect their own chiefs, DO, DC and everybody. They should be elected by the people and not by one person.

Second, may I refer to them as 'County Governments'. If we have 'county government', I think Kenya should be divided into eight pieces. I may not call this majimbo that is why I am calling them 'county governments' because I do not know what majimbo means. This will ensure that we are enhancing business from the bottom up and will lower the corruption level right from the bottom level.

Secondly I would like to say that this is a government of the people, by the people and for the people. In this case therefore the common mwananchi should be the government, but you will find ten people running away from three policemen... while the common mwananchi should be the government. So you find that the government is being chased by the common mwananchi... that is what I am referring to as corruption.

(Interjection) **Com Ratanya**: Jaribu Bwana Ngare kumaliza sasa

I know this point has already been passed. We should review the law governing the Judiciary because you find that the law looks after the rich at the expense of the poor. Such that you will find if a rich person sues a poor one, the rich one will make the poor one live in prison for years. So, the police who make arrests should at least meet with him at the courts for the first hearings.

To refute a point that was said... the law that governed the accused against the complainant. The law that says that everybody should be a Kenyan should be repealed. How can you be a Kenyan before you belong to your tribe? You have to be a Luo before you become a Kenyan. You cannot be a cripple when you walk on two feet. Mguu mmoja unasimamia ... Kama wewe ni Luo, na ule mwingine unasimamia wewe kama mKenya. Usisahau kabila yako. All of us are not Kenyans; we belong to our own tribes.

In order for the people to have...

(Interjection) **Com Ratanya**: Jaribu kumaliza Bwana Ngare.

The county governments that I was talking about would enable the people to have rights to work and carry out their businesses without the city council interfering. Then there should be a law that governs the natural resources. Siku hizi tunasikia eti ukienda kwa misitu kukata miti, utakuwa umesitakiwa. Sio msitu tena, Kenya imegawanywa. When you go to misitu, unapata umeenda kwa mtu binafsi.

The curriculum that we follow in our schools imekuwa ni kawaida. Kama vile yule mama alisema, inabadilisha vitabu leo na kesho na kesho kutwa. Sisi tulio soma kitambo, tunapata wanaajiri watu wa 8-4-4. Wale watafanya 8-4-4 baada ya miaka ijayo, you will find that again the curriculum will be changed and wale walifanya mtihani kama mwaka huu watakuwa they have nowhere to be employed because their curriculum will be out of order.

Com Ratanya: Asante sana, Bwana Benson. Umechukua wakati mrefu. Ningetaka kuwakumbusha hao wengine kama unakuja hapa, utunze hayo masaa. Hatutaki kutoka hapa saa nne usiku. Watu ni wengi, karibu mia mbili ambao wamebaki. Kwa hii list, najua pengine imekwisha, I better read it over again kwa vile ilikuwa ni separate tuone kama inakubaliana na hii yetu hapa.

Hezron Njenga, Kariuki Ndu'gu amesema, Lawrence Kamau, Charles Amunga, Joyce Njoki... Okay you are Lawrence? Basi endelea.

Lawrence Njenga: Mr. Chairman sir, and the other Commissioners, ladies and gentlemen, hamjambo? Mr. Chairman, mine will be very brief. I will be (inaudible) a question that was raised by one of the Commissioners to one of the speakers. It was on the issue of land. Commissioner akauliza, je watu wale wana tracks of land walipata kitambo, watafanyiwa nini?

Mr. Chairman,. I would like to answer that question directly and indirectly. Those people who got those lands used the then laws of the land. Then we had a governing Constitution, which I believe had that provision for purchasing those lands. Mr. Chairman, kusema ati watu wale wanynganywe mashamba ipewe watu, nikuleta maafa mengine Kenya, kama vile wanapigana Burundi na mahali pengine.

Going to my items, Mr. Chairman, mine are personal views based on (?) and experience. One ni land ownership. Mr. Chairman, rates. A provision should be made in our Constitution that rates should not be levied on land previously or currently classified as native land. Any accumulated rates, may their books be (?) When a plot is classified has been allocated to any individual, such a transaction should be nullified and the affected plot be repossessed forthwith.

Any agricultural land granted to a then landless individual since 1963, Mr. Chairman to 1990 be classified under the Registered Land Act Cap 300 and the relevant title deed fees be substituted accordingly. Mr. Chairman, your mother, my grandmother

who were freedom fighters allocated land in Rift valley to date they do not have title deeds. What they have are grants and that word 'grant' kama watu wetu wanajua maana ya 'grant' ni kusema aje... ni kusema hiyo shamba si yako, ni kama umekondeshwa for ninety-nine years halafu miaka hii ikiisha shamba itarudishiwa wenyewe.

The authority granted the office of the Commissioner of Land pertaining to allocation of land directly be withdrawn. This is because, that Act alone...today we have had Commissioners of land before the court of law, deaths, incidents of death, killing, corruption in the Head office. Mr. Chairman, if that authority was nullified, I think we would reduce those ugly incidences.

(Interjection) **Com. Ratanya:** Lawrence jaribu kumaliza sasa.

Lawrence Njenga: Okay, Mr. Chairman. Land grabbing. Watu wetu watakubali ati every chief, every assistant chief, every DO, every PC in urban areas, in cities like Nairobi, wakipelekwa mahali wanafanya kazi wanakuwa landless ati hawana makao.

Mr. Chairman, my suggestions that a provision be made in our Constitution that employment contract of any land reserved for public use be terminated and (?) be charged before a court of law. This should apply now as a remedial measure Mr. Chairman.

Civic education should be left in the hands of Christian organizations, (?) institutions, community workers and adult educators. Parliamentarians, after parliament elections and an aspiring parliamentary candidate is defeated, or rejected by voters at any given elections, the same candidate should not be appointed as an MP under the guise of Presidential prerogative. This provision to apply for those parliamentarians who have been voted in.

There should be no cabinet reshuffles, Mr. Chairman. Where a Minister or a n assistant Minister proves incapable of executing his/her functions attached to his/her office in the respective ministry,. Such a Minister or assistant Minister should be demoted and replaced and recommended by the Office of the Prime Minister of the day.

I will also talk about....

(Interjection) **Com Ratanya:** Nafikiri Lawrence we will go to someone else.

Political parties Mr. Chairman...

Com Ratanya: Finish with that one because many other are waiting.

Political parties Mr. Chairman. The number of political parties should be limited to three. One the ruling party of the day, the opposition party and independent party of Kenya. Mr. Chairman, because of time, I have some other points but...

Com Ratanya: Yeah, just give us your memorandum and that will be taken care of us.

Lawrence Njenga: Mr. Chairman, only one last point, Mr. Chairman, is it possible for our Constitution to encompass a provision where a parliamentarian, an educated person who stands up in a public rally to give a political ploy that he be punished by law? Mr. Chairman, now we are talking of provision of free education. If Kenya cannot provide for a free God-given facility like water, the government is not capable even to pay salaries for teachers and today we are being cheated of free primary and secondary education. Thank you Mr. Chairman.

Com Ratanya: In that point you have only explained, but you have not given the proposal you would like to include in the Constitution, and I think that is the problem we have noted. There are those who come, they give the history and they forget, the most important thing. What they want in the Constitution.

Lawrence Njenga: We are saying, we are already (inaudible) the services. Let those establishments be made autonomous. We have Board of governor. When they sit, let them make decisions pertaining to the institutions affecting their children and that one would be very easy because (?) those establishments with a knowledge that the government has no economic power to help us. Mr. Chairman, corruption starts from the top. Kenya is spoilt by two: (a) the educated and (b) the rich.

When...I am very unfortunate because our MP has left this place before I gave my views. When an MP or a candidate gives me Kshs 10,000 to go and campaign for him or her. What does he expect me to do with that money? To go and bribe people or influence people so that they can vote for him. Mr. Chairman, sorry that is a complaint and not a Constitutional issue.

Com Ratanya: The next one is Charles Gathii, lakini huyo amepeana. Then Mugaya Ayosi-served and then Susan Wairigo, Joseph Mwaura and John Ndirangu. Now, I said... I would like to remind you again, if you have a memorandum and want to read it, it would almost forty minutes to read something like this. In five minutes just highlight the most important points and if these points have been raised by other people, the same problems like rate payment, or delayed titles and so on, that is an example. Do not repeat all those, do not go to the history, do not go to the complaints. We would like to have your proposals specifically which will assist us specifically, which will assist us to review the Constitution.

We continue to our list. We have Alice... who is an observer. Kerubo, hapa kumuendikwa ni observer. David Ondego, observer, Ahmed, Susan and then there is Abijah, I think all those are observers. Wakati ni wako Michael Mwaniki.

Michael Mwaniki: Asante sana Bwana mwenyekiti, na nimeshukuru sana. Kwa jina... huyo jamaa tulikuwa naye tulikuja asubuhi lakini akaenda akaniambia ninaweza kuchukua nafasi yake. Kwa hivyo kwa haraka sana nita...

(Interjection) **Com Kangu:** Wewe unaitwa nani?

Daniel Mbugua Njiraine: Jina langu ni Daniel Mbugua Njiraine?

Com Kangu: How do we believe you? (inaudible)

Daniel Mbugua Njiraine: Not really, in fact I spoke to one of you, an usher nani kamwambia...

(Interjection) **Com Ratanya:** Are you Michael Mwaniki?

Daniel Mbugua Njiraine: No, my name is Daniel Mbugua Njiraini.

Com Ratanya: I think we have not reached Daniel, so I was calling Michael Mwaniki. Hayuko?

Daniel Mbugua Njiraine: Hayuko.

Com Ratanya: Then Geoffrey Wamira. Mary Okumu, Monica Githua. (?) Njeru. Then Teresia Njeri, Joseph Muthiora? Okay I give you because you are there and you start by telling us your name.

Daniel Mbugua Njiraine: Asante, niliogopa utanifukuza. Ningependa kutoa maoni yangu. Kwanza ningeliza Commissioners, please wajaribu kutongelesha kwa Kiswahili kwa sababu kuna wengine hawaelewi Kiingereza.

Jambo la kwanza ni separation of powers in the arms of government. Tuna mikono mitatu ya Serikali ambayo ni Judiciary, Executive na Legislature. Kwangu vile nimeobserve nimeona kuna nyingine inaoverride nyingine. Kwa hivyo ile Constitution mimi Ningetaka, ni ile ambayo kila mkono wa Serikali unajua nguvu zake zimefika wapi. Na hapa nikizungumzia kuhusu Executive. Sana kwa President. unakuta Katiba yetu ya leo inampatia nguvu nyingi ya kufanya mambo tofauti tofauti. Ningeomba powers za President zikuwe cut.

La pili, ningemba kuhusu MPs wetu. Hawa watu ndio wanaongea bunge, nawakisha ongea kwa bunge... for example mishahara yao. Hao wenyewe ndio walidiscuss kuhusu mishahara yao na wakajipitishia hao wenyewe iongezwe. Kwa hivyo kama ningelizwa, ningesema kuwe na Commission ambayo ni autonomous appointed by parliament ya kujadili juu ya mishahara ya ma MP sio wenyewe wanajiongeza bila sisi kujua kitu kama hicho.

Kuhusu basic requirements: chakula, nguo na kisomo. Ningeomba Serikali, hata kama itatulipisha, iwe ni at a very low cost.

Pia ningeomba Katiba yetu iwe... tuseme kama department ya police ikiviolate Human Rights, kuna law ambayo inawashitaki wanakuwa (?) Kwa sababu over the past few days tumeona they are highly flaunting Human Rights na hakuna hatia inawakabili.

Kitu cha tatu, ningeomba tuwe na coalition government. Hii ni kumaanisha, huku Kenya tuko na political parties nyingi sana, lakini unakuta ile ina tawala ndio ina dominate everything. Ningeomba Constitution ambayo ina empower hata MP wengine wa opposition wanakuwa na ministerial positions in the government, sio ati KANU ndio inachukua. Lakini ninashukuru kwa sababu Raila Odinga, lakini amevuka the other way si opposition, lakini alipatiwa a ministerial position. Ningeomba maMP wa opposition pia hao wawe na nafasi katika parliament.

Kuhusu Prime Minister, ni kweli watu wameongea kuhusu Prime Minister. Mimi singependa tuwe na Prime Minister, kwa sababu vile tu President amekuwa na powers nyingi mpaka amekuwa above the law, tuna weza kuwa na Prime Minister and the same thing happens yaani hizi powers zitoke kwa President tena ziwe kwa Prime Minister halafu tukae chini tuanze kutafuta Katiba nyingine ambayo utamwondoa Prime Minister. Kile kitu ningesema ni tuwe na President ambaye powers zake ziko cut. Niko karibu kumaliza.

Ningeomba sana kwa hii bill ambayo sasa iko parliament ya Media, tafadhali isipitishwe, kwa sababu ikipitishwa, media itakuwa frustrated. Kwa sababu wakisema kama vendor ati asiuze gazeti ambazo hajasoma, na wengi wa mavendors hata hawajui kusoma gazeti. Sasa mkisema ati ukishikwa ukisoma kitu hujasoma na hata haujui unashikiwa nini. Ningependa kuwe na freedom of expression na hiyo mambo ya media tuachane nayo.

(Interjection) **Com Ratanya:** Sasa maliza. Ni kumaliza sasa.

Na nikimaliza ningesema hivi, kile kitu kiliwafanya muchaguliwe ku-oversee haya mambo, ni kwa sababu munajua ile Katiba mzuri inafaa kuwa na nini. Hivyo basi kama ni nyinyi ndio mungeandika Constitution, muandike ile Constituion mutakayo fikiria itakuwa bora kwetu na ni kwa sababu hii kazi munayofanya ni kazi ngumu sana hasa pale kwa rural areas, watu wengi hawafikii. Mbona musandike points za Constitution ile munataka halafu tu mje mutosomee raia halafu tuseme tutachagua gani na tuache gani. Kwa sababu actually what we are doing in here we are going to leave many people outside.

La mwisho kabisa... la mwisho liko wapi? Asanti nimemaliza. Thank you very much.

Com Ratanya: Daniel enda kwa register yetu. Jese Kariuki, yuko karibu?

Jese Kariuki: Yangu ni juu ya watu wanaokomboa nyumba. Wale wenye nyumba wanafinywa sana na sheria iliyopo wakati huu. Kwa maana inasemekana ni korti moja tu mwenye nyumba anaweza kushtaki...

(Interjection) **Com Ratanya:** Sasa Kariuki, niliwaambia ungesema mapendekezo yako. Kwa sababu ukitupatia story ya rent, hiyo story haina maana kwa Constitution sana. Yale yanayotakikana sana ni mapendekezo yako ambayo yatasaidia haya maneno ya rent.

Jesee Kariuki: Mimi Ningetaka sheria hiyo igeushwe iwe yule anayekomboa nyumba akikataa kulipa awe anashitakiwa korti yeyote iliyopo Kenya.

(Clarification) **Com Kangu:** Unasema rent tribunal itolewe iende kwa ordinary court isn't it?

Jesee Kariuki: Ndio, kwa maana ni sheria moja tu ati ni korti moja wapangaji hao wanaweza kushitakiwa.

Com Kangu: Haya lingine...

Jesee Kariuki: Hiyo imeisha. Lile lingine ni... nimesahau.

(Interjection) **Com Ratanya:** Hebu sema la mwisho Bwana Kariuki.

Jesee Kariuki: La mwisho ni locations. Location ziwe zikimchagua chifu kutoka location ile amezaliwa. Kwa maana tunaletewa watu wengine kutoka mbali ambao huharibu location zetu. Huyo akichaguliwa na watu wa location hiyo na kutoka location hiyo, hawezi kuharibu hiyo location, kwa sababu amezaliwa hapo, anawajua watu wa hapo na ataendesha mambo vile anajua. Yeye hawezi kutoka hapo. Ni hayo tu. Asante sana.

Com Ratanya: Ngoja kidogo uulizwe maswali.

(Clarification) **Com Kangu:** Mzee nafikiria umesikia wengi wakipendekeza kwamba, waKenya waruhusiwe kuwa na mali na kufanya kazi popote Kenya. Je unaona ma chifu wasiwekwe kwa hiyo category ya watu kufanya kazi popote Kenya?

Jesee Kariuki: Kuhusu machifu, vile nimeonelea, sisi tunasumbuliwa na machifu ambao wanaotoka mbali, wanakuja kutuharibia location.

Com Kangu: Na ndio mimi ninakwambia, wakati tulizuru Tana River, wakaazi wa huko walituambia, watu wengine wanaletwa kwingine kumanage projects hapa halafu wanaiba kwa sababu hawawajali watu wa hapa. Wakasema ule mradi wa kura uliharibiwa kwa njia hiyo. Swali ninalouliza, na niliuliza hapo mapema mbunge, waKenya wanataka empowerment, wasimamie maneno yao wenyewe. Kuna wale wanaona shida ni kuleta mtu wa nje, asimamie maneno ya watu wengine halafu anaharibu.

Lakini wengine wanatuambia lazima tuwe na haki ya mKenya kufanya kazi mahali popote, kukaa mahali popote. Sasa, kwa hii tutasaidiana namna gani?

Jesee Kariuki: Kwa jambo hilo ningesema ya kwamba, kazi zingine watu wanaweza kufanya kazi mahali popote, lakini mtu akiwa ni chifu awe anachaguliwa kutoka kwa location yake. Watu wa location wasiletewe mgeni kutoka mbali ambaye hawamjui. Asante sana Tume la kurekebisha Katiba.

Com Ratanya: Asante sana kwa maoni yako, sasa utaenda ujiandikishe kwa register yetu. The next one is Reuben Wathunguri and he has a memorandum. Unataka kuipena ama kuitetea hapa kwa dakika tatu?

Reuben Wathunguri: Asante Bwana Mwenyekiti na maCommissioners wengine. Wananchi ninawasalimu. Mimi sina mengi ya kusema kwa sababu mambo karibu yote niliyo kuwa nimeandika yamezungumziwa hapa na kwa hivyo sitaki kurudia rudia.

Lakini kuna jambo moja Ningependa kusisitisha. Jambo hili ni kuhusu rates. Mimi ninaonelea ya kwamba sioni kama ni vizuri mashamba ambayo tunaridhi au tumeridhi tuwe tuna charginwa rates ama kodi. Kwa sababu pengine mumeona maCommissioners mukipita, mashamba mengi hayana mazao yoyote kwa hivyo ninaona ni mzigo mkubwa kwa wananchi wa sehemu kama hii kulipishwa kodi kwa mashamba kama hayo ambayo hayana mazao.

Jambo lingine ni kuhusu shuguli za kiafya. Mimi ningeonelea kwamba mahospitali ya Serikali. Contribution iwekwe, sheria ambayo itawawezesha wananchi wote wawe wakipata matibabu ya bure.

Pia katika shule yaani elimu. Masomo ya msingi na secondaries yawe yanasimamiwa na Serikali na pia kuelewa ama kutoa vyombo vyote iwe ni juu ya Serikali. Kwa sababu sioni ni kwa nini wananchi wanatoa kodi nyingi, yaani tunakuwa very heavily taxed na hatufaidiki kutoka kwa kodi hizo zote. Kwa hivyo ningefikiria ni vizuri ikiwa elimu itakuwa ni ya lazima na iwe inasimamiwa na Serikali, na pia matibabu yawe ni ya bure kwa sababu ya kodi hizo kubwa kubwa.

Com Ratanya: Nashukuru sana. Na sasa tunaenda kwa Benson... Benson Munyiri yupo? Inaonekana hayupo. J.M Kariuki? Endelea Bwana Kariuki.

J M Kariuki: Mimi yangu ni machache. Nafikiri hamujasikia yangu yakitajwa na yeyote. Yangu ni juu ya biashara. Inaonekana humu Kenya, we find licenses are given to the foreigners who after collecting a lot of money with the Council they ship all the money to their countries. Therefore licenses should not be given to foreigners. They should be reserved only for indigenous people. Let them try their best and they are going to learn something. Other than bringing somebody from out, milking the country and taking the money out, leaving the people poorer.

La pili, Permanent Secretaries in all ministries should not share the award of the tenders, because this is where corruption is. On tendering, we should revert back to Central Tender Boards. The Chairman of the Central Tender Board should be somebody either from a religious body and they should be rotating, not some one who is almost permanent. The ministerial tender boards should be abolished. This is where the Permanent Secretaries have power because his juniors cannot reject whatever he is going to suggest.

Langu la tatu, the MPs of the area of the constituency should have an office in that constituency. Because sisi wakaazi wa area hii tunawaona MPs wakati wa kura. Lakini tukiwa na shida yeyote, hakuna pahali tunamwona. Sisi tunamwona baada ya miaka mitano ikiisha, ndipo atakuja kutuambia atatufanyia hiki na kile. Kuna watu wengine ambao hawawezi kufika pahali yupo. Akiwa ni wa Lunga Lunga Road yuko na ofisi huko, kina mama hapa na wazee wengine au vijana wengine ambao hawana uwezo wa kufika huko Lunga Lunga, atawaambia munikute kwa ofisi. Kama ni MP wa Dagoretti, awe na ofisi ya Dagoretti. Kama ni Councilor wa Dagoretti awe na ofisi, lakini sio sisi ati tuende kumtafuta kwake nyumbani. Alichaguliwa kuwakilisha watu wa hapa, hivyo basi tumkute ofisini na sio kwake nyumbani.

La nne, rates. All the outstanding rates should be canceled. Because, hata Council yenyewe kutoka wakati tulipata uhuru 1963, hata mashimo ni sisi tunajaza, na miaka hiyo yote wanatuhesabia pesa na hakuna kazi yoyote wametufanyia. Kwa nini tulipe kodi hizo? Nikiwa niko na deni, niko na deni ya kile kitu umenifanyia, lakini sio deni na hakuna chochote wewe mwenyewe umenifanyia. Kwa hivyo all outstanding rates should be cancelled. Asante.

(Clapping from the audience)

Com Ratanya: Okay, Kariuki asante kwa hayo maoni yako, enda kwa register using. Mwingine ni Anthony Mwaura, endelea.

Anthony Mwaura: Asante sana wanaCommissioners na wananchi wenzangu. Yangu ni machache sana kwa sababu mambo mengi yamesemwa, mumezasikia na mtaendela kuyasikia na kwa sababu mumekuja na hata mumetuomba tuwaongezee muda, itabidi mutusikilize.

Sitaki kuzungumzia mambo mengi sana, I have only two points. Moja ni kwamba, Ningependa kusisitisha sana mambo ya Civic Education. Iwe katika Constitution. Iwe ni lazima mtoto kuanzia Standard two mpaka university awe akifundishwa mambo ya Katiba.

Na lile lingine ambalo Ningetaka sana isizitiwe na iwekwe katika Katiba ni mambo ya Civic Education. From again Class two mpaka mahali tumefika university watu wawe wakifundishwa Civic Education, kwa sababu tukiiweka kwenye Constitution na watu wafundishwe tutaepuka haya mambo ya kuwachagua viongozi wabaya. Kwa sababu tukiletewa Katiba na ile Serikali

ambayo tukonayo sasa hivi tuwaletee Katiba ya Marekani, we will still be in the same problems. Kwa hivyo shida yetu sana sio Katiba, ni quality leadership, na hiyo tu tunaweza educate wananchi na hiyo tu tunaweza educate wananchi, na hii pia ningesitisha kwa sababu Reverend yuko hapa, ifanywe hata kanisani, kuwe na fifteen minutes every Sunday ya kufundusha watu mambo ya civic education. Shida yetu ni viongozi wabaya, shida yetu sio Katiba sana. tumeongozwa na hiyo Katiba na Mzee Kenyatta for fifteen years, na mambo yetu yalikuwa yanaenda shwari, vizuri sana. hatakama inatakiwa kubadilishwa, civic education is very, very important.

Mambo ya machifu, wawe wakichaguliwa na wananchi. na hiyo ninarudia kwa sababu Bwana Commissioner hapa ni naona amampeleka mzee mmoja pale mrama kidogo. Hatusemi kwamba mtu akitoa Kisii ama atoke Luoland aje anunue shamba Mutoini, hatuwezi kumchagua chifu. You come there you adapt to our people, tutakuchagua chifu kama tunaona unafaa kuwa chifu. That is all we are saying. Hatusemi kwamba mKenya akitaka kununua shamba asinunue. It is okay.

Com. Kangu:

(inaudible)

Anthony Mwaura: Na ndio hiyo ninakwambia, kuja kwetu tukuchague chifu ikiwa unafaa kama haufai, too bad. Those are the few points that I would like to make this evening. Thank you very much.

Com Ratanya: Asante sana. anayefuata ni James Masinja. Munisamehe kwa vile majina mengine yameandikwa vibaya. James yuko? Joseph Njoroge? Hata yeye hayuko. Damaris Kinyanjui, Maria Wangechi? Hayuko. Felicita Wamboi? Hata yeye hayupo. Elizabeth Wamboi? Hata yeye hayupo. Moses Karanja? Davies Muhoho? Yuko? Hayuko. Margaret Njeri Wachira? Waweru?, Joseph Kahinga Waweru. If it is you it is okay. Unamambo ya kusema ama ulipeana? Chukua hizo dakika tatu utueleze vile unataka.

Joseph Kahinga Waweru: Yangu kwa ufupi ni kuhusu commission nyingine iliyo kuwa hapa na President wetu. Neno langu ambalo ningewaambia kabisa...

(Interjection) **Com Ratanya:** Hebu sema majina yako vizuri ili yawe recorded.

Joseph Kahinga Waweru: Majina yangu ni Joseph Kahinga Waweru, na nimezaliwa hapa Kathiria na kwetu ni hapa Waithaka. Jambo la kwanza Ningependa watu wakumbuke ni mambo ya kumchagua Rais. Rais akichaguliwa mara ya kwanza atumikie kwa miaka mitano. Akichaguliwa tena, iwe ni mwisho hata kama alikuwa anafanya uzuri gani. Akienda, asirudi akisema ati yeye ni Chairman wa Chama, kwa sababu wakati wake umekwisha. Awe member wa nchi ya Kenya kama watu wengine wote.

La pili, tuko na mayor ambaye anatakikana kuchaguliwa na kura ya watu tukichagua parliament. Achaguliwe mtu ana mali

Nairobi, pia vile vile awe na kazi au anajulika vizuri. Hapana mtu mkora kwa sababu anawanunulia watu pombe anachaguliwa.

Kwa sababu (inaudible) Kwa hivyo mtu anayetaka kuchunga mali ya watu, na awe na yake.

Hata mimi, na nyinyi pia Commissioners munaona aibu, mtu akiitwa ni Mayor wa Nairobi, jiji la Nairobi, hakuwa na kazi yoyote anajitokeza tu anakuwa Councilor, na ndio maana wanaiba hata change wanayouza kwa sababu shida yao kubwa ni pesa.

Kwa hivyo tunahitaji mtu ana jina nzuri, hata Councilor, akichaguliwa, aangaliwe anatoka upande gani au ni Councilor wa aina gani. Kama hana nyumba au mali yoyote, asichaguliwe.

Jambo nitakalo maliza nalo, ni muhimu sana. Hapa tulikuwa na watu shugaa waliofanyia nchi hii kazi. Kutoka Gichuru, Joseph Murumbi – wote walifanyia nchi yetu kazi nzuri sana. hata yule Kipchoge ambaye alikuwa analetoa Kenya (?) nyingi, hata yeye ni shujaa. Lakini, hatuna kaburi Kenya nzima au mashamba ya kuwazika mashujaa illi tuwe tunawakumbuka. Hata kama Bwana (?) Langata, inatakikana iuzwe itumike kuwazika mashujaa lakini hakuna system kama hiyo. Kuna mashamba yanayo uzwa, hata mumesikia pale kaburi ya Langata juzi iliuzwa, hiyo kaburi .

Com Ratanya: Hebu ngoja kidogo Bwana Joseph, wananchi mujue kwamba mukiweka kelele, record itachukua hiyo kelele, na wakati wa kuchukua maoni ya Dagoretti Constituency vizuri kwa sababu itakuwa ni makelele tume-record. Kwa hivyo munyamaze, yule pekee yake aongee na upeane maoni yako, yale ungetaka yaingie. Nimekupatia dakika moja tu.

Pia Ningependa kusema juu ya mashujaa kama huyu Joseph Murumbi ambaye alikaa Ulaya miaka mingi halafu akaja na akawa makamu wa Rais. Lakini wakati alifariki, shamba lake liligawanywa na watu wa Serikali...

(Interjection) **Com Kangu:** Kwa hivyo wewe unapendekeza nini?

Ninapendekeza kuwa mashamba hayo yapewe watoto na kina mama na ile itabaki shule ijengwe ambayo itaitwa Joseph Murumbi.

Com Ratanya: Asante sana Joseph Kahinga Waweru. Then tuna Peter Kamau, huyu ninaona kama ni observer. Monica, hata yeye ni observer, halafu kuna mtu anaitwa Githinja, hata huyu ni observer. Esther Njambi... hata huyu ninamwona kama ni observer. Elizabeth Naliaka aliongea, John Njoroge is an observer; others are Sammy Njoroge na Ronald Njau. James Masanta... hata huyu ni observer. Joseph Kahinga tumemaliza na wewe. Salome Wangu? Naona Salome unamemorandum, tulisema kutoka asubuhi, usisome memorandum yako lakini utuambie ile point ya muhimu kama ni mention of the President useme iwekwe kwa Katiba hiyo umemaliza. Uende kwa nyingine kama creation of President and Prime Minister tuwe nao wawili uendele, kwa sababu hayo mengine tunajua. Usitupatie complaints ama history. Utuambie kile unataka tujue. Endelea.

Salome Wangu Kariuki: Niko na memorandum hapa. Hii memorandum inahusu sana sana kina mama kwa sababu mimi ni

kiongozi wa kina mama. Yale ningetaka yawekwe kwa Katiba; sisi kina mama tunarudishwa nyuma sana kwa sababu tukona miradi yetu ile ya group lakini Serikali haitufikirii. Tungeomba kama kina mama, na tume iweka hapa, kama kikundi au vikundi katika Dagoretti vikiungana na kuandika kama proposal yao, Serikali iwe inawasaidia kwa sababu iko kwa Katiba wanaweza kusaidiwa. Sina mengi kwa sababu yote nimeweka hapa. Asante sana.

Com Ratanya: Asante sana Salome. Mtu akiwa na memorandum huo ndio mtindo. Usiharibu mambo yako kwa sababu already yameandikwa. Sema mawili na upeane memorandum na tutafurahi kwa sababu tutaisoma. Mwingine ni, Richard Kambuni. Is he coming? Okay, Joseph Kamau? He is not there. Na kuna mtu pengine tuliita hapo kitambo Daniel Njoroge wa Waithaka Thermometer Station, yupo? Njoroge sasa tumekupa dakika tano tu.

Daniel Waithaka: Thank you very much Mr. Chairman, I am representing a certain group. We were actually Civic Education providers and through out this region we went into five session and the things that I will put here are the ones that came out of that process.

The first one is... we were told by the groups that they want voting to be made compulsory so that there will be no question of bribing people or buying of votes. The second one is that in the election of parliament, there should be a mixture of direct voting and also the proportional voting depending on the strength of the party. But here Mr. Chairman, you have got to define what a proportional voting means because if we leave it to the discretion of parliament, they may also misuse that particular thing.

On the election of President, I agreed with what the Chairman, Mr. Muchuga and also the MP said, we should have 51% over (?) but in all other areas it has been suggested that the President should not be a member of parliament which I agree with, he should not have a particular constituency. But if you get about four or five people who are running for presidency and they happen to have very many votes then the losers can be allowed to become members of parliament because they have been voted by very many people all over the country. Therefore I would still suggest that the President and all those other people who lose in presidential voting become national members of parliament.

On governance the executive President and Prime Minister, it was suggested that the leading party in parliament should select the Prime Minister. Here I would say, the Prime Minister should be appointed by the President to help him do the work in parliament. Therefore he should not come from the party with the majority. It should be a person who is appointed by the President himself and will have the permission or the authority to appoint ministers from all the parties in parliament even the opposition.

The institutions of the country should be governed independently so that there is autonomy as they carry out their work, failure to which they can be recalled by parliament. The role of the Provincial Administration as it has been said, they should actually be coordinators and not governors in which ever place they are. They should coordinate the running of the Local Authorities. As such they can be appointed as specialists who will act as coordinators.

Limitation of tenure of office. On this we agreed that the President should serve for two terms of five years each. I think this should also apply to other people. if you are the Chairman of... let say any Commission, you should also be limited to two, five year terms, including the Attorney General and even the Chief Justice. This rule should not only be limited to the President, it should be spread to other people.

(Interjection) **Com Kangu**: what about MPs?

Daniel Waithaka: I am sorry Mr. Chairman, I have not thought about this. The thing is they are elected by the people and they are not holding an office as such, they are only representing people as the honorable MP said, theirs is only representing so they can go ahead, but we should actually limit the terms of some of the people they should not continue forever.

The country should have what we call the office of Ombudsman. This is a person who listens to complaints from the citizens when they are wronged by government officers. This is because the process involves in taking government official to court is very long and one may not even succeed. We should then have an Ombudsman who is a person to whom citizens complain to. He/she can go through these complaints and even investigate and take action without the long process of the law.

Allotment of resources. Someone came here and they said the Permanent Secretaries, the DCs, the D.Os should not actually chair the Tender Boards, the Land Control Boards. They should instead be chaired by independent people so that should there be any complaints they will be directly answerable to us. but when it is chaired by a government Permanent Secretary or a DC or a D.O it is very difficult for the civilians to go against what they order. Here, it should be noted that the government loses a lot of resources and therefore they should be allocated properly by getting independent people to chair these Boards or such other bodies.

Another point that was brought up by the people we spoke to around this area including secondary schools is that Kenyans should be able to understand one another. The best way to go about this is actually to learn the languages of each community including the one that was mentioned by the disabled person who candidly said we should learn their language. We went further and said it is quite relevant for people to be taught their language. For instance people should know a lot of Kikuyu so that when they come here and a Kikuyu woman stands here, she can speak her language and a very clever lawyer could also be able to understand what she is talking about, which is not very difficult, because if they are taught a few languages in primary school, as they come up they will be able to know these languages. These languages are taught all over the world some of them even in university so we thought it would be very possible for people to be taught the local languages of this country. Kikuyu should be taught, Luo, Luhya, Kalenjin Maasai – we should be able to understand what the Maasais for instance are telling us or if we meet them we will be able to converse with them and we think this is very relevant education other than teaching people History or any other subject which they may not use in their lives. We thought that people learning languages including the deaf

language can be very important for the betterment of this country.

(Interjection) **Com Kangu:** You have exceeded your time, you have taken already eight minutes. You are continuing?

Daniel Waithaka: No, let me finish up I am in the last point.

(Interjection) **Com Ratanya:** Okay, finalize that.

Daniel Waithaka: The other one is social security. All the resources of this country belong to all of us and therefore we thought that the disabled or the aged should be cared for by the government. the government should set aside a certain amount of money so that when people reach a certain age say seventy years and they do not have any earning capacity they are given some money like may be Kshs 3,000 or Kshs 5,000 for their daily up keep.

There was quite a number of women who came here and they were talking about their rights and one of ways that never came up properly is that some of them out of willingness can chose to become polygamists because if they want marriage certificates, the man giving them certificates may be having other wives. This is an area where the Constitution of Kenya should explore and find out how this situation can be solved. You know we are in a Christian world but then in some communities this custom is already in practice and that is why women are complaining that they are never recognized because the law does not recognize them as such. Therefore it is very important for the Constitution to try and find out whether this can be investigated or if they reject it that would be okay.

Finally, I would think that the Commissioners would receive very many submissions in the form of memoranda from people all over Kenya. I think eventually they should produce a report of what they were told so that we shall see whether some of these things we recommended appeared in the Constitution or not. If they are not to appear in the Constitution, they can make a recommendation so that the relevant authorities and the relevant institutions can actually put them into effect. I think that is all I wanted to say.

(Clarification) **Com Kangu:** You are saying that the President should not be a member of parliament and other candidates including the President

(Inaudible)

Daniel Waithaka: I have already said that Sir, if you read the memorandum which I do not want to read again. I had not said the President should not be a member of parliament, I said the President should be elected by the same votes that are electing the members of parliament but he should not have one constituency where he is the member of parliament. I also said that even these people who are already competing to be President may get about 100,000 votes, we know they were serious and therefore they should not be denied because they have already won the votes in their constituencies and we have also voted for

them all over Kenya. Those people should then be allowed to represent the people who voted for them. Those with around 100,000 or 50,000 votes anything in that range. But whoever gets about 20 votes obviously should not go to parliament.

(Interjection) **Com Kangu:**

(inaudible).

Daniel Waithaka: We already have the slots for nominated MPs these people would go to those slots representing their parties.

Com Kangu: We can have twenty (?) Presidential candidates keen to get 100,000 votes. That would mean all of them then become MPs (inaudible)

Daniel Waithaka: Then we can say here that whoever gets about 100,000 votes is eligible to be elected/appointed in some of these other positions. I cannot see a position where we can have fifty of them getting 100,000 votes, No! it is only a few popular ones who are going to get that. Again when you say (?) should not stand for MP as they get lost, then many people would opt to become parliamentarians, they will now say let me protect my parliamentary seat.

(Clarification) **Com Ratanya:** Okay, then Njoroge, there is something else before you go. You talked about Provincial Administration and you were recommending that they should be coordinators. You however did not tell us how to appoint them, whether it is directly or which procedure should be followed to get these people?

Daniel Waithaka: what I am trying to say is that, the Central Government or the President wherever he is must be sure that things are being run properly even the provinces. But then we change the mentality of the administrators. This time he is not going to be an administrator, but rather a person who is coordinating affairs and therefore he can be appointed through his professionalism and he will be in that particular position and he will be able to report back to the ministry whatever is happening in the Local Authorities. He is not going to be the boss of the Provincial Administration.

Com Ratanya: Thank you very much Daniel, we go to the next one. Take your memorandum there and sign our register. George Gaitho, this is an observer, and then we have George Robert, also observe, George Nganu? Muratha Kinuthia? Anna Wanjiku? Then Kerubo Pamela? Patrick N Kariuki? David Mukuria? Hata Mukuria hayuko. Peter Githu? Je huyu anaitwa Patrick Mungai? Joseph Kamau Mungai? Rose, this one is an observer. Ngima? Joseph Ngugi? Simeon Kamau? Ngoko Mboki? – He is also an observer. Then Joyce Nga'nga? James Maina? Anthony Mbugua? Allan Kamunge? Paul Kamau? Sara Wanjiru? Simeon Kemoni? – This is an observer. George Kiragu? Benson Murige? James Chege? Paulette Kago? Nancy Mwangi? Halima Mutabasu? John Kuria? Anyway all these have indicated that they are observers. Then we have Paul Ndaire? Jane Njau? Kevin Ntweni? Okay Bwana Kevin ni wakati wako sasa.

Kevin Ntweni: Sina mengi ya kusema. Mengi ambayo ningesema yamesemwa yameshasemwa. Nitaongea kwa Kiingereza. I represent Youth In Focus – a group funded by Uzima Foundation which is a charitable trust organization which looks into the needs of the young people that is the youth and we define the youth as young people between 10 years to 35 years.

What I will talk about, mostly in summary is on the youth and the women and what I would wish the Constitution should look upon. First of all I presume that a Constitution to be effective should be tolerant and for it to be supreme there should be equal distribution of powers. We would like our new Constitution to enact a relationship between the people and its government.

Point number two, as somebody said earlier, who was a youth member. Our Constitution lacks a preamble. Our views are the Kenya Constitution that should be made should begin by the phrase “*We the citizens of Kenya...*” That would show that there is that sense of identity and a sense of belonging.

Point number three, the people of a country or a Nation are sovereign and we believe that Kenya being a Nation, all citizens should have the ultimate power. The language of our current Constitution is so ambiguous and technical. I would suggest that in our new Constitution language should be enforced that it should be provided in all local languages, because Kenya is a Nation and we know the definition of a Nation. We should have all languages and also for those who cannot speak we should have a provision in the Constitution to recognize sign language.

For the Bill of Rights, I do believe that our Constitution enacts civil and political rights only. It is a Bill of exceptions, it does not guarantee economical and social rights. These rights that should be guaranteed should be enjoyed by all citizens. Looking at the young people, they lack the enjoyment of many rights.’

The distribution of powers in our current Constitution is not equal. We find the exercise of powers is unfair. Police harass the young people and brand them as ‘thugs’. They lack employment so they are the nuisance in society.

The rule of law has also been abused. We find that Kenya has 74 districts instead of the original 42. For the Constitution to be respected, then the rule of law has to be enforced. On women issues, women who have just been here. In summary, they would like to see their rights exercised or recognized in the Bill of Rights. Women should be guaranteed equal rights similar to the men, children and the marginalized groups. Women and the Constitution, there is a big imbalance in the Constitution and discrimination has been created over time. We need women rights to be entrenched in the Constitution.

(Interjection) **Com Ratanya:** Try to summarize.

Kevin Ntweni: Okay, I am summarizing. As we look at the youth also, they constitute 65% of the total population and we see that they should also be given a chance to express themselves in the new Constitution whereby each citizen should be effectively

involved in the Review process.

Just to finalize with one thing to the Commissioners; we would be here seated giving our views but the final thing is that the total or ultimate solution lies with the citizens. If our views would be taken, for reviewing the Constitution knowing the process before the Constitution becomes a Bill since we have had so many Bills that are being enacted and when they reach parliament, we find that there is no exercise of power as many have said here we will have a lot of problems with the new Constitution. So we would like that you people express our views and at least to look at them. Finally as he said, we would like that the memoranda that have been presented by several people here to be put in booklets to show that the people who presented their views have been given a hearing.

Com Ratanya: Thank you very much Kevin, just hold on.

Com Kangu: I would like to comment, kwa sababu kuna watu kadhaa wame sema kuhusu yale maoni munapeana. Sheria tunatumia inasema wakati tutakapo maliza kuchukua maoni ya waKenya wote, tutatengeneza report na draft Bill ya kwanza na sheria inataka tu publish hizo vitu na tupeane kwa wananchi, wasome na wahakikishe ni vile wangependa mambo yawe ama kuna sehemu wangependela zibadilishwe. Sheria pia inataka tu wape siku sitini za kuyasoma mambo hayo halafu turudi kwa watu, lakini wakati huo tutakuwa tunawasikiliza watu at the provincial level watakaopana comments hizo reports na draft Bill does it reflect vile mungependa ama hapana. So there will be that chance for you to cross check na kuona it is reflecting what you wanted. Tumeelewana?

Kevin Ntweni: Kile kitu ambacho ningesema kabla niondoke ni ndio we will be given that chance. But as I am saying, the head of State is also the head of parliament, and for a Bill to become law, it has to pass through parliament, and they look at the views. Zingine zitakuja kutoka kwa waKenya lakini bado zitapitia ile mikono. Kwa hivyo tunataka zile sheria ama yale maoni ambayo wananchi watataka yapitishwe bila kutafsiriwa na mtu yeyote na kusema maoni ya waKenya ni haya. Ni hayo tu.

Com Ratanya: Asante sana Kevin, kuongeze yale Com. Kangu amesema. Munajua tunaendelea kufanya kazi na stage by stage mpaka hii ikiisha tunaenda kwa nyingine. Sasa tukimaliza hii hearing everywhere in the Republic, tutaweka maneno yetu yote kwa report, na tena tuende kwa provinces, kutoka hapo tutakuwa na national conference ambayo ni wananchi tu. National conference wakisema tuende kupiga kura kwa raia, tutakuja kwenu tena. All these things have to happen before finally the draft Bill is taken to parliament for enactment. The most important work is wananchi, na tofauti na zile commissions zingine, commission ya ministers ama ya President, wanaopeleka reporti kwa minister ama kwa President, lakini sisi munaona kwamba reports tutaleta kwa watu. Wakati tunazileta kwa provincial level for debate, hiyo tu ni kuja kwa wananchi. Tena tutaleta kwa national conference, ambayo itakuwa na watu wote wa Kenya, hiyo pengine mulifundishwa wakati wa Civic education. Na hata hapo hapo ni wananchi. Referendum pia ni wananchi. Sasa munaona sisi hatu report pahali pengine, ni kwenu tu. Kwa hivyo muna nafasi kubwa kwa sababu hii Katiba ni yenu. We now go to Philip Wambaa. Ujaribu kusema

kwa ufupi, usirudie yale yote yamesemwa, na Nimekupatia dakika tatu.

Philip Wambaa Karanja: Asante sana, mimi ni retired Civil Servant. Ningetaka kuzungumza kuhusu Constitution particularly at the constituency level. Kwa sababu vile ilivyo sasa, kwa constituency level, hakuna equal representation. Hii imeenda hata parliament, hivyo ndivyo ilivyo. Nimeangalia katika elections zilizo pita kama ya 1992 na 1997, naona kwamba vile uandikaji wa watu kwa kila constituency, kuna maconstituency zingine ambazo zina watu wachache sana na ambao walipewa watu wengi. Inaweza pena kama constituency number 33 ya Ijara, ilikuwa na watu 7,501 in 1997. Ukiangalia kama Embakasi, ilikuwa na 114,354. Ukiangalia constituency zingine kama Kikuyu constituency number 103, ilikuwa na watu 68,993, na hao wote walipewa mtu mmoja kwa parliament. Ukienda kama Baringo, uangalie constituency zote nne za Baringo watu walioko huko ni wachache kuliko wale walioko Kikuyu. This is very unfair. I would want a new Constitution that would look into that. What worries me most ni wale ambao walifikiria kufanya hiyo tunaita kwa Kiingereza the (?). It was very deliberate. Kwa sababu tunaona kule North Eastern pale waSomali wanakaa, angalia tu uone kama huko ni watu 7,501 in 1997 kwa constituency ya Ijara. Ukiangalia kama Embakasi, kulilikuwa na, vile nilikuwa nimesema mbeleni laki moja na kumi na nne na mia tatu na hamsini na nne (114,354) . Wale wa Ijara, wanaingia kwa hesabu ya Embakasi mara kumi na tano. It is very unfair na watu wengi hawaelewi. Ndivyo tunaona mtu wa Ijara akipiga kura...

(Interjection) **Com Ratanya:** Okay, Philip, tunataka utupatie maoni yako yale yataingia kwa Constitution. Sasa unatufundisha lakini maoni ndio tunataka, yale unataka kupendekeza.

Philip Wambaa Karanja: Commissioner, with due respect, sikuwa nafundisha, nilikuwa nataka kuonyesha the intensity of the (?) in that Constitution and this is the one I would like to be completely removed. All Kenyans are equal because at the end of it, when we went to the polling station, the Ijara voter, and me in Embakasi, to people like that one vote in Ijara, fifteen people , fifteen people had to vote to equalize that one single vote. This is very unfair and we need equality because all Kenyans are equal. That is what we want. Therefore, I was recommending that in the new Constitution representation should be done on a one man one vote, because equality would bring justice and at the same time corruption of voter, this is the second point should be outlawed, because people sell their 'birth rights' when they sell their votes. This is very wrong and it should be punishable by law. There should be deterrent penalties in the new Constitution.

The other thing I would want to recommend is that the counting of votes should be done at the polling stations immediately after the casting of votes so that whoever is there will know we cast this number of votes and these were the results.

The other thing I find to be a big obstacle...

(Interjection) **Com Ratanya:** Ya mwisho sasa.

The registration ya ID cards. Naona watu wengine hata vijana wanafukuzwa na hawawezi kuvote because they did not get their ID cards. Ningesuggest kwa new Constitution tuseme wakati tuna issue ID cards, tuwe tuna issue hata voters cards ili hakuna haja ya kwenda kuchukua voting cards wakati mwingine. Ukienda mara ya kwanza ukihitimu miaka kumi na nane upewe hiyo kardi. Halafu ikiwa utakufa hakuna haja ya kwenda vote. Lakini ikiwa uko hai, hiyo card yako ulipewa wakati ulihitimu miaka kumi na nane ndio utatumia. Thank you very much.

Com Ratanya: Asante sana Philip, kwa hivyo utaenda pale uweke sahihi. Ningetaka tena kuwakumbusha, muwe specific, yaani upeane maneno yako yale yataingia Constitution. Kama Philip amepoteza dakika tatu kwa maelezo, lakini hii dakika ya mwisho ameanza kutoa Constitution views. Kwa hivyo mukumbuke hiyo, hiyo ndio tunataka. Hata ukisema ID card na voting card zifanywe wakati mmoja hayo yamekwisha. Mengine ni administrative yataendelea kutengenezwa, mwingine anataka kuongea mambo ya corruption, it should be outlawed that is enough. You see... kwa hivyo upeane maoni yako yale ya muhimu na tusipoteze wakati. Just the main points and again you have the memorandum which we are going to read and compare with the our notes and we have also the record.

Next is Thande Kimani? Inaonekana hayuko. Ben Njoroge, I think we have already given Njoroge a chance. James Thidia? Huyu ninaona ni observer, Mariamu ni observer, Mary... ni observer, Margaret Njeri the same, Paul Nga'nga, Sammy Mbugua, John Murage – ni observer hata hao. Joseph Njogu, Joyce Njeri Kapira...Hata ingawa ulikuwa observer and you have changed your mind you can still give your views.

Boniface, naona huyu ni observer, James Mwaura, Jesse Muraguri, Simeon Mungai, Sam Kukui,? Wote ni observer. Sasa kufikia hapo, Com. Kangu ataendela kwa sababu kuna kazi zingine nataka kuangalia kwa sababu hata tuko karibu kumaliza. Bwana Commissioner Endelea.

Com. Kangu: pastor Stephen Ndungi... Hayuko. Peter Wainaina, please take the opportunity.

Peter Wainaina: I hail from Dagoretti. Thank you Commissioners and my fellow observers. Illiteracy is what is affecting the smooth running of activities. Government officials should have attained at least an 'O' level of education, mostly administrators. Members of parliament should have attained at least a pass in 'O' level or be a graduate. We should not be changing our currencies according to the person in power. The print on the Kenyan currency should be of one leader, for example the founding President of the Republic.

Some constituencies have natural resources from which they never benefit, e.g. Forests like Ngong and Kagoto forests which give out trees and the residents never benefit from them. For instance, the piped water – the pipeline water at Dagoretti market which benefits those from Nairobi and Langata while our people here in Dagoretti are not getting anything.

President should hold office for five years and citizens should have the power to recall him before the expiry of his term if they are not satisfied with his governance. Guarantee gender equality. There should be vigilante groups in each village to keep peace because police are not always there. Foreigners should not be allowed to own land in our country.

Every institution of learning should be under its sponsors for example, catholic schools should be run by the catholic church. Presidential tenure should not be extended. This year's elections (2002) should be held under a new Constitution. the government should be given to the church or alternatively to the military.

Our social services ministry has failed us, especially in sports like football. Other countries have funds set aside to give players as monthly salary, this is not the same here in Kenya forcing most players to look for other income generating activities.

Com. Kangu: Is that all?

Peter Wainaina: Yes.

Com. Kangu: Thank you very much. Next we will have Josephine Kariuki, from there Kimani, Rosemary Njeri...All those are not there. Dominic.

Dominic Ndurugo Gikonde: I was born here at (?) this constituency...

(Clarification) **Com. Kangu:** Are you Joseph or Dominic?

I am Dominic Ndurugo Gikonde that is my name. I think it is fair for me to speak in Swahili in order for us to understand what I am going to talk about. Thank you Mr. Chairman, na macommissioners wenzako kwa kuwa hapa, kutuletea mambo haya na ningependelea mambo haya tutaongea hapa muyapeleke mbele yasije yakapotea. They are very important to us and we are very eager to know the outcome.

Maoni yangu ni kuhusu umri wa wabunge kwa sababu kila mtu akizaliwa lazima akuwe, kuna wakati anafika katikati, akili inafanya kazi sawa sawa, vizuri kabisa na kuna wakati mtu akiwa na miaka mingi akili inavurugika. Kama ulikuwa umesoma unapata akili inarudi nyuma. Kuna feeders za akili zinakuwa zimedhoofika kwa sababu ya uzee, sikutokuwa hujaelimika lakini ni uzee. Kuna mahali umri unaofika akili inarudi nyuma. Unasema hiki na unaona kama ni vizuri. Kwa sababu ni uzee umekuedesha inakuwa jambo mbaya kwa uma bila wewe kujua. Wewe ni kiongozi ndio lakini mambo unayotamka yameingiliwa na uzee. Kwa hivyo aitha ni MP au ni President, muchukue nafasi hii kama commissioners muamue watafanya kazi mpaka miaka mingapi. Sisi wafanyi kazi wa mikono tunafanya mpaka miaka fifty five, tunaachishwa kazi tunaambiwa hatuwezi jembe. Je hawa hatakuteta, mtu atafika miaka 85 akitawala?

(Interjection) **Com Kangu:** Wewe unapropose watawale mpaka miaka ngapi?

Tutawapatia miaka 55 au 65.

(Interjection) **Com Kangu:** Na chini waanzie ngapi?

Chini wana weza kuaanzia mahali popote mradi tu wawe wamehitimu kwa masomo ambayo wanatakikana kwa kiwango. Lakini miaka ifike 55 au 60. hayo tu ni mapendekezo bali si kuamulisha.

Lingine ni kuhusu powers za President, wajua ako na nguvu sana. zile nguvu za Rais wetu ni mingi na tunataka zipunguzwe. Kwa sababu tukisema ati yeye yuko juu ya sheria, inamaanisha hata sheria hatumii kwa sababu yeye yuko juu. So he/she is violating the law kwa sababu yeye yuko juu. Kwa hivyo hatujui anasimaia sheria gani kwa sababu yuko juu ya sheria. Kwa hivyo iangaliwe asiwe mtu kwamba yeye ndiye amejajiri, bali sisi raia ndio Serikali kama vile imeandikwa pale, kwa hivyo awe chini yetu asiwe yeye ndio above the law. Kwa sababu anaweza kuleta maafa nchini mwetu kwa vile ameachiwa sana. ako na majeshi, ako na bunduki kila kitu, so if anything anafaa kuangaliwa sana asiwe juu ya sheria. Akiwa juu ya sheria, kwa hivyo hako kwenye sheria. He/she is violating the law. Basi hiyo iangaliwe sana.

Jambo lingine, hawa commissioners wa Electoral Commission wawe wakichaguliwa na wananchi. pia Attorney General awe akichaguliwa na wananchi sio Rais, kwa sababu akichaguliwa na Rais, sisi utatumia. Kila kitu kiko kortini Rais akiingia anasema tupa hiyo, wachilia hiyo... basi hatuna nguvu kwa sababu amewekwa pale na President.

MaCommissioners kwa uchaguzi, tumeshashuhudia mambo mengi yametoka. Unasikia kura za Central zimeenda na ndege upande wa Kisumu, za Kisumu zimeenda Kangundo. Na hiyo ni kazi tu ya maCommissioners, ndio ku buy time na kupoteza watu ndio wachoke watoke kwa laini. Upande wa opposition, mahali wanajua kuna opposition mingi ambayo Serikali haitaki ndio wanafanya hiyo tabia ya tricks, huo ni mchezo mbaya wa panya na paka. Na tunajua lakini hatuna uwezo. Bwana Chairman, hiyo ni kweli, nimesema kweli kabisa. Huo mchezo uachwe, hatuutaki kabisa, tunakataa Bwana Chairman. Sihimizi lakini, uchungu ni mwingi kwa maana tunajua tunakaa kwa laini mpaka usiku tukicast votes.

Tena votes zikipigiwa Waithaka, zihesabiwe hapa Waithaka tujue ni ngapi. Sio kwenda kule KICC, KICC hakuna store, tunataka hapa hapa.

Jambo lingine well, any probe committee that is appointed by parliament be free to elaborate their findings to the public. Wanacomitee ambao huchaguliwa na bunge wachunguze jambo lingine, jambo fulani, wapatiwe nafasi ya kujulisha public matokeo yake. Kuna wakati mwingine walifanya vizuri sana. nakumbuka wakati wa Mboya. Alipigwa risasi akauwawa hapa

Nairobi na wakatangaza vizuri sana. Wakasema “Tom Mboya wa assassinated today on a Nairobi street... na tutachunguza.” Wakati uchunguzi ulifanywa, tuliona kwa TV, tukajulishwa kwamba mwenye kumuua Tom Mboya alikuwa anaitwa Isaac Nashon Njenga Njoroge. Kwa hivyo watu wakawa na roho mzuri kwa sababu waliona Serikali inafanya kazi.

Lakini siku hizi, committee ikichaguliwa, inakuwa hakuna matokeo, inakuwa hakuna outcome na hata tunakuwa hatuna imani na Serikali. Hata wananchi wengi wanakosa imani na kungojea mikutano kama hii.

(Interjection) **Com Kangu:** Basi sema la mwisho tuwapatie wengine nafasi.

Okay, la mwisho. Chief wa area awe akichukua wakati wake kuweka baraza kama mara moja kwa mwezi ndio wananchi waelewe vile Serikali inaendelea na vile sehemu yao inakaa, kama kuna wakora wengi, kama kuna mambo inatakikana na chifu, tuwetukijulishwa, sio tu aongee mpaka kesi ingee ya mama na baba ndio akimbie pale kwa DO ama na mashamba... tunataka wawe wakifanya mabaraza kama zamani. Hayo tu ndio ningetaka Bwana Commissioner iondolewe. Tena Hatutaki majimbo. Serikali ya majimbo tilikataa Hatutaki. We want a one party state, one Kenya. Okay, thank you.

(Clarification) **Com Kangu:** you want a one party State/

One party what? A one party nation.

Com. Kangu: Basi tupate Sara Gweno... hayuko. Anthony Mugo? Hayuko. (inaudible) hayuko. Steven Ngugi, hayuko. Gilbert Mwaura, huyo alikuwa observer. Karis Ramadhani...

Francis Kimani Gacheru: Mimi ni wa Dagoretti, na mimi ndiye DP Chairman wa Dagoretti. Ya kwanza vile ningesema... I am going to be very brief kwa hii maneno ya Constitution yetu.

I would like to say that there should be a clause ndani ya hiyo new Constitution which outlaws, which makes it a criminal offence not to obey the Constitution. Lazima niseme kila mtu aobey that Constitution (inaudible) in the Constitution.

On to my next point, kama ya huyu mtu ameongea hapa mbele yangu that nobody should be above the law, to disobey that Constitution at all. Lile lingine nimeona niseme leo kuhusu new Constitution ni mambo ya independent candidates. It is in my view that not everybody is able or is willing to join a political party. Mtu tungetaka tuwe... in our Constitution tuwe na provision ya independent candidate. Mtu ambaye ataweza kusimama bila kuwa ni wa DP, ni wa Ford people ni wa nini ama nini, lakini mtu ambaye anaweza kufanyia wananchi, raia kazi bila kuwa ati ni lazima aende kwa mtu fulani amuchukue amuingize kwa Chama yake... vitu kama hivyo.

Kufuatia hiyo, kama itaingia katika our new Constitution, ningepose pia in the new Constitution, the Presidential candidate or the President of the country asiwe mtu wa any party. Wacha mtu ajitokeze, tuwe na njia ya kuwachunguza hawa watu wangependa kuwa President wa Kenya. Awe ni wa kutoka Wajir, wa Mombasa ama wapi, ajitokeze na kuwe na njia ya kuvet hawa watu na tufanye preliminary elections to come up with a few candidates finally, but not belonging to any party. Because today in Kenya hata hatujui wakati Moi anaongea kama ni mambo ya party ama ya nchi yetu, you can't even know what is going on in the country. We are mixed up. We want total separation. A President of the people, na hiyo itatusaidia sisi tuwe na nchi ambayo itakuwa na umoja. Mambo ya party iwachiwe ma MP peke yao. Wachaguane katika party zao, ma MP ndio waende bunge lakini President awe amechaguliwa na wananchi wa Kenya bila kufuata chama chochote. Na huyo President atakuwa ameleta katika nchi yetu umoja. Kwa sababu today's parties zinaonekana ziko na a lot of tribal inclinations. So tuone ya kwamba President awe a person of no party at all.

Lile lingine ningesema ni kwamba katika hizo parties, ambazo zimechaguana wa bunge, the first four or five parties with the biggest number of MPs form a government of national unity. It should be a provision in the new Constitution that the government of the country must be a government of national unity.

Lile lingine ningetaka iongezwe katika hiyo new Constitution ni mambo ya land issues. Ningetaka tuweke clause ambayo inasema tuwe na a permanent Land Commission ambayo kazi yake ni kuangalia ardhi yote ya Kenya mahali popote ilipo. Ili ardhi yoyote ambayo hailetei nchi faida yoyote, hiyo Commission iweze kuadvice the government that that land can be put to some use. Na kama ni mtu binafsi ambaye anaimiliki na haitumii kwa njia yoyote na ingetumiwa na watu wengine na iletee Kenya faida, hiyo ardhi iwe Inaweza kuchukuliwa na kupatiwa watu ama kutimika na Serikali kwa njia ile itafaidi wananchi.

Kutoka hapo ningesema... kufuatia hapo ningesema basi, nchi/ardhi yote ya Kenya iwe under a lease. nobody should have an (?) title, ili tuwe na mashamba ambayo hayana faida kwa wanaKenya na watu wanendelea kuikalia tu, na wengine hatuna mashamba na tunakuja kufanya kazi lakini hawana ardhi ya kufanyia kazi kuleta nchi faida.

Lile lingine ningeguzia kidogo tu kwa maana watu wameongea juu yake, ni mambo ya kufundisha vijana wetu upande wa ufundi. Leo tuko na hiki kitu tunaita Jua Kali sector. Hiyo sector haina njia maalum ya kufundisha vijana wetu ufundi wa aina mbali mbali. Kwa hivyo ningeponelea niseme ya kwamba Katiba yetu iwe na clause ambayo inasema language (?) instructions iwe ambayo watu wenyewe wangetaka kutukia and not necessarily English ama Kiswahili. Sijui ni kwa nini mtu ako hapa Kawangware, hapa Kikuyu, jaluo na nini lazima wafundishwe kwa Kiingereza mambo ya kutuengenenza kiti ama motokaa. They can be given in Kijaluo kama unasikia kijaluo ama kama ni Kikuyu mKikuyu aambiwe vile motokaa inatengenezwa and that is enough instructions. Huyo mtu atakuwa mechanic aje afanye mechanism baadaye. Kwa hivyo tusijirestrict sana kusema ati language of instructions iwe tu English ama Swahili.

Hata yangu yame kwisha. Na kwa hiyo nimesema asante sana kwa kunipa nafasi yangu. Watu wa Dagoretti mujue mimi ni

candidate wa MP wa hapa Dagoretti. Asanti sana.

(Clarification) **Com Kangu:**

(inaudible).

Francis Kimani Gacheru: Mimi vile nime sema, nimesema ya kwamba, President asiwe na any affiliation na chama chochote kile. Mtu akijisikia mahali ako anauwezo wa kuongoza nchi ya Kenya, wacha yeye ajitangaze kwa waKenya kwa njia yoyote ambayo anaweza kutumia. Anaweza kuenda round Kisumu, aende Mombasa, aende wapi... atangazie watu wasikie na waone kweli vile anasema huyu mtu anauwezo. Kwa hivyo mambo ya MP kuwa ati atakuwa akisema MP yule (?) ama nini, hiyo sioni vile itaingia huku ndani. Nimesema he should be a pure person, individual candidate na nimesema tuwe na independent candidates from which group we shall get candidates wa Presidency.

Com Kangu: Asante sana. (inaudible) Isaac Chege – ni observer, (inaudible) ni wewe Fred Nga'nga? John Ndirangu? Hayuko. Anna Njeri? Hayuko na ni observer. Catherine Njoroge – ni observer. Susan Mwangi? Pia yeye ni observer. Sarah Njoki? Edwin (?) Njuhi wa Muiruri? – ni observer. Susan Karanja – hayuko. Elizabeth Njoki? Ni observer. Njeri Waithera? Hayuko. Daniel Mburukwa? Hayuko. Richard Kakure? Not there, Mary Mayaka, hayuko. Daniel Njoroge? Hayuko. Francis Kareri, - ni observer. Julius Muthura, Daniel Kihara, Isaac Kinuthia, (inaudible) Monica Waitherao? Njoo utupe maoni yako.

Monica Wanjera: Habari yenu. Natoka kwa kikundi kinaitwa muungano wa vijiji. Saa ile nilikaa hapa nilisikia hakuna mtu anazungumzia hiyo kikundi...

(Interjection) **Com Kangu:** Muungano wa?

Monica Wanjera: Muungano wa vijiji. Muungano wa vijiji ni watu wanendelea na taabu nyingi kulingana na Katiba iliyoko nchi yetu. Katiba iliyoko nchi yetu inatuongoza, sisi muungano wa vijiji tunaitwa ni wananchi lakini iko mwenye mji. Mwenye mji ni tajiri. Lakini muungano wa vijiji hawana makao ya kudhumu. Wanapata chakula kwa taabu, na maji hakuna.

Matibabu yenyewe tuna pata na shida. Wananchi karibu kuisha kwa ajili ya kukosa matibabu kwa ajili hii shida nyingi ya pesa. Mahospitali yetu ile ilikuwa ya community ya kutusaidia wale hatuna pesa, yote ni ya pesa. Kila kikundi tukihesabu kwa wiki moja tunawazika watu kumi au ishirini. Watoto yatima wanaachiwa na (in vernacular) au wanaachiwa na mama mzee tunashindwa huyo mtoto yatima atasumbukiwa na nani.

Katiba ya saa hii iwekwe... watu wa Kenya wasumbulikiwe kwa maana mwana Kenya anatikiwa awe ako na mahali pa kusimama, kujenga nyumba kwa maana binadamu wanaishi na maneno tatu: kukula, matibabu na kulala na maji mazuri. Hayo yanatoka kwa ajili ya nini... ya hapo wa muungano wa vijiji.

Niingie habari ya mkuu wa sheria. Mkuu wa sheria anachukua kama yuko na ofisi nne. Ni mkuu wa sheria, anaosukuma ofisi ya Rais, ni mkuu wa kortini ndiye anaamulisha huyu atanyongwa, huyu atafungwa. Mimi nauliza Katiba ya leo waandike, kila kazi igawanywe ndio tuweze kuendelea vizuri... kwa maana mkuu wa sheria ndio anasimamia bunge. Kwa hivyo kauli yetu inapatiwa ubunge na wa bunge si wengi kama sisi raia wa Kenya.

Nikiingia upande wa pesa. Mukiangalia pesa vizuri, pesa ya zamani ilikuwa crown iko juu na pesa iko chini. Hii ya leo, inatuonyesha crown iko chini, lakini pesa ndio iko juu. Na ndio (?) wanatusumbua sana na polisi kwa njia ya kuhangaisha wasafiri asubuhi na magari, kwa maana ukimwambia hauna makosa anakuambia angalia pesa juu. Kwanza utoe pesa crown iko chini. Hiyo pesa itengenezwe, crown iwe inafanya kazi. Ndio na sisi waache kutuhangaisha. Yangu ni hayo, na sina memorandum memorandum ni hiyo na mtengeneze vizuri. Lakini mukisha rudi nitakumbuka mengine itatabulika hii Katiba mpaka nione inatengenezwa vile wananchi wa Kenya wanataka na tupatiwe makao ya kudumu si kuambiwa sisi ni wenye nchi na tunaamishwa pale na iko wenye mji.

Com Kangu: Afuate Priscilla Wambui, huyu ni observer. Joseph Kuria, hayuko. Robert Maina, hayuko, Joseph Ngaru, ni observer. Margaret Wanjiru hayuko. Patrick Kamau – ni observer. Joyce Wanjala – ni observer. James Ndehi, ni observer. Fine, kama Joyce yuko atupe maoni yake.

Joyce Wanjala: Hamjambo wananchi. Ningependa kupendekeza zaidi kuhusu mambo ya ndoa. Mambo ya ndoa imesemwa na kina mama wengi na imekuwa mzigo kabisa. Kwa sababu kwa sehemu nyingi hata mambo ya ndoa ndiyo yanatuletea usherati na usherati ndio imefanya watu wetu wamekufa karibu wote.

Kwa hivyo kama ingewezekana, Katiba hii inayotayarishwa wakati huu, ingejaribu kuangalia mambo ya ndoa zaidi. Ni hilo tu pendekezo langu.

(Clarification) **Com Kangu:** Kwa njia gani ungetaka ndoa iangaliwe?

Tuseme kama sasa watu wanapooana, wawe na cheti cha kuoana, na kama ni kazini tuseme mzee hakumpa mama cheti na akaja akachukua mwingine akampa cheti, kuwe na sheria ambayo Inaweza kuongoza hiyo jamaa ili yule mama wa kwanza hata kama hakuwa na cheti, iweze kuwa ni mzigo wa yule mzee.

Com. Kangu: Na sasa tupate Edward Mitwe, ni observer. Francis Mwangi, hayuko. Juma Kamau, Observer. Margaret Wambugu, she is also an observer. Wambugu yuko? Janet Wangechi, also an observer. Benson Ngare? I think huyu tulimsikiliza. David Muthiora, observer. George Kamau, hayuko, Wilson Kimani, observer. Anne Mugure, observer. Grace Wangoi, Margaret Wanjiru, also an observer. Gladys Wairimu? Ni observer. Mary Njeri, observer, Joseph Kahato – Pastor?

Observer, Nicholas K Kakio – Mwalimu, hayuko. Pastor Joseph Lualo? Hayuko. Samson Ngimwa, observer. Joseph (?), David Ndu'ngu, John Ndu'ngu – he is also an observer. Martin Kinuthia? Josiah Mwangi? Harun Mbugwa – observer. Joseph K Ndegwa... Please take the chance.

Joseph K Mbugwa: Asante sana macommissioners, wasikilizaji, wananchi wenzangu. I am very happy to have this opportunity to be with you, to present my views to this honorable Commission Review.

Ya kwanza ningetaka kuongea mambo ya Judiciary. Judiciary iwe reformed. Judiciary iwe...judgi asiwe mtu wa kupatiwa kazi na Rais, sababu akiwa ni mtu wakupatiwa kazi na Rais, akipelekewa mtu akiwa na mastaka ya... tuseme ya (?) ama ya (?) zaidi, the judges have to go to the state to inquire whether should we (?) the person who is here? Kwa hivyo mahali wawe ni watu wa kuchaguliwa na either parliament. Mambo ya maji tuondoke hapo.

Mambo ya parliament. Parliament iwe na calendar yake. Parliament should have its own calendar. Kwa sasa hivi hatujui bunge tuliyo nayo hapa... tuliyo nayo siku hizi itavunjwa lini, itakamilisha kazi yake lini? We don't know, we don't know the date. The date rests in the hands of the President.

Mambo ingine ni mambo ya executive President. Ningetaka tuwe na executive President aliye na Prime Minister. Prime Minister ambaye atakuwa akitengeneza mambo ya... akitengeneza cabinet kama vile tuko na Permanent Secretary to the cabinet ambaye anatengeneza mambo ya cabinet.

Tutoke hapo, I am very brief. Tungetaka mambo ya administration iwe streamlined. Mambo mengine ningetaka kugizia kidogo ni ya funding of political parties. Ile mambo tukonayo kuna pesa inatoka sijui kwa Consolidated bank, inafund tu za hizi party. Ningetaka tuwe kama Uganda. Niliona Uganda vyama vingine vinapatiwa pesa, vinapatiwa magari, vinapatiwa kila kitu.

(inaudible) wa uko Uganda. Ningetaka hiyo mambo... lakini hizi party ziwe ni party ambazo zina julikana sio all the parties, sio uende ukatengeneze party yako halafu useme tupatiwe pesa kutoka kwa Consolidated bank. Kwa hivyo ningetaka vyama vyote view vikishugulikiwa na mambo ya pesa.

Ya mwisho ningetaka tuwe na coalition government, Serikali ya mseto ambao kile chama kitashinda kiwe na...kitengeneze Serikali na vyama vile vingine. We can have a... kile chama kilicho shinda, ule ilishinda... we may have a very good economist in the other party, we may have a very good... mtu ako na ujuzi ako kwa kile chama kingine lakini unamnyima (Inaudible). Kwa hivyo tuwe na coalition government. tunaweza kuwa na... chama cha D.P. (inaudible) kinaleta shida lakini kwa DP tuko na very good economist... kwa hivyo tuwe na Serikali ya mseto.

Lingine ni... hapa niko kwa... hapa (inaudible). Ningetaka ile Act sijui iko cap gani, ya Liquor Act inatusumbua sana kwa upande wa askari. Liquor Act ilitengenezwa... let it be very clear there. Liquor Act... wakati Kenya ilipatiwa uhuru in

1963, waKenya wengi walienda kunywa ile pombe ya 'muratina' na ile pombe ya ... kama wamepatiwa uhuru. Lakini Kenyatta akawaambia, go back to mashambani and I would like to quote Kenyatta, turudi mashambani. Kwa sababu watu walikuwa wanataka kunywa pombe. Wakunywe pombe kwa sababu wamepata uhuru. But because the country wa so young, watu hawakupata nafasi ya kujenga nchi. Sasa Kenya iko thirty something years, imezeeka. Kuna watu wametoka sasa sahi wametoka na magari ya Mandera wametoka Uganda, wametoka Burundi, wakifika Nairobi, wakute mabaa yamefungwa sababu Act ya pombe inasema pombe ikunyuliwe kutoka saa nne asubuhi alafu ifungwe, saa nane ifungwe, saa kumi na moja ifungwe. I would like this Act to be reviewed. Kama saa hizi kuna watu wanatoka Nairobi saa hizi, wangetaka kuingia kwa bar. Kuna mwingine anaingia kazini saa hizi, kama mtu kama mimi ninafanya kazi (in vernacular) Market, tunataka kazi saa nne, saa tano. Tukiingia kwa mabaa saa hizo, tunashikwa na askari kwa sababu tunavunja sheria. Na hayo ndio masaa yetu ya... mchana wetu umekuja saa hizo. So I would like the Liquor Act to be reviewed, ile masaa ya mtu ikifika, a watchman akitoka kazini akiingia kwa bar saa hiyo, hiyo ndio saa yake. so the Liquor Act should be reviewed. That is my view concerning the Liquor Act. Thank you.

(Clarification) **Com Kangu:** Kama ninakuolewa Unasema, (inaudible) baada ya kazi, (inaudible) wanafanya kazi (inaudible) there are some men who abandon everything for the bar. Mumesikia kina mama wanalia wanaachiwa na wazee kazi zote wanaenda (inaudible) sasa tutajua namna gani (inaudible) amamemaliza kazi ndiye amekuja kunywa na huyu hajamaliza kazi?

Joseph K Mbugwa: Our country, (?) nchi yetu imesema, nilisema wakati Kenyatta alisema tuende mashambani nchi yetu ilikuwa iko chini kidogo, lakini siku hizi tumekuwa industrialized sana. watu wengi wanaingia kazi saa hizi kwa maana wengine wanaenda na matrela hadi Mombasa. Akifika (inaudible) wengine wameingia katika mandege saa hizi, (inaudible) because hata pata nafasi nyingine ya kuburudika. Lakini nyakati hizo za 1963 (?) Kenya ilikuwa imeanza kuinuka. Sasa tukitoka hapa watu wengine watenda kazini wengine wataenda nini... sasa mimi ndio nilitoka kazi saa nne, the whole of the day I am free.

Com Kangu: Asante sana, enda utie sahihi. Tupate Raphael Ndu'gu, huyo aliandikishwa kama observer. Livingston Kibuyi? Hayuko. Charles Kiarie, hayuko, okay chukua basi Charles.

Charles Kiarie: Asante sana Commissioner. Mimi ni leader wa (inaudible). Yangu ni machache kwani mengi yameongewa. Ningependa sana vijana, viongozi wa vijana na kina mama wapewe nafasi katika bunge. Wawe wanenda kurepresent watu na wanapewa nafasi ya kuongea mambo ya vijana na kina mama.

La pili Ningependa huo mjadala wa bar, tungeweza kujenga nchi vizuri kama tungekuwa tunaingia kwa bar jioni. Iwe saa ni saa kumi mpaka saa kumi asubuhi. Mambo ya kuingia bar asubuhi hatuwezi jenga. Asante sana sikuwa na mengi ila ya mambo haya mawili.

Com Kangu: Asante Bwana Kiarie. Jiandikishe weka sahihi upande ule. Tumpate Martin Waweru.

Martin Waweru: Thank you for giving me this opportunity to comment on my views. First of all I would like to comment about the land. I think most of the important thing in the African society is land. I would like to see a Constitution whereby public land is owned by a trustee which should decide on who to give the land or its purpose.

My second point is about ownership of land by non citizens. I would like to see a Constitution where, the people who are not citizens of this country should not own land but should be leased for their use. Then about the welfare of the squatters, I think most of Kenya people do not have land. What I would like to see is a place where if someone lives on a certain land for more than twenty years, should be given a title deed as ownership.

Then about the executive. I would like to see where a President should not have power or should be head of universities or army forces. The other point should be about the appointment of Local... of cabinet ministers and civil servants. I would like that when a President (inaudible) chooses a certain member of cabinet or in a certain work as a civil servant, there should be approval by parliament. Who should consider competence or if someone is moral.

About political parties, I think we should have two political parties. Which are the ruling party and one of the opposition party. Then on the funding of these parties. I think parliament... I think on this point the public should fund these parties. Whether it is the ruling party or the opposition. What should be the qualification of such funding should be whether the party has... should have at least half of the parliamentary seats.

About education. The government should have the responsibility to offer free education in primary level and also I think they should pay fees for university or secondary schools. About constituency demarcation. We should... this should be regarded due to the population where we should have a Constitution and a member of parliament representing 100,000 people.

Then about legal aid. I think the government should have a policy on how they should assist people who cannot afford legal aid or who are poor. About the Attorney General. I think the Attorney General should not be a member of parliament or should be in the cabinet. (?) he is the one who protects the ordinary man from exploitation by other people. Then we should have a supreme court that should look at the election of the President and the counting of the votes. It should also decide on the irregularities in elections.

About provincial administration. I think we should do away with the chief and have a provincial administration which should be...we should have a governor who should be elected by the people. Then about the Local Authorities. I think the Local Authorities should be autonomous and should be dislinked from the Local Government ministry, as it interferes with its affairs and it cannot work when the ministry is interfering with them. Then I think the qualifications of a councilor. I think a councilor

should have at least Form IV education. He should be elected by the people.

About the remuneration of parliament. I think there should be set a commission that decides on their salaries.

(inaudible) We do not believe on people deciding on their pay. This is not (?)

(Interjection) **Com Kangu:** Maliza basi.

Then I think we should have a military form of government. I do not see why we should have a federal government because all the politicians... they are not in need to uplift the living standards of the people but for the power. So if we have a majimbo government I think we should be mobilized how the Somali people are. People want to control certain regions because of power but not for the need of the people and if in Kenya we have to have this, then I think we should be thinking of ourselves as region people but not about our country. That is all I have.

(Clarification) **Com Kangu:** umesema tuwe na vyama viwili na vipatiwe pesa kutoka kwa funds. Na ukasema (inaudible) ipate pesa (inaudible) two parties in parliament (inaudible) to have half or more than a half, which means the other party does not have a half.

Martin Waweru: if they are two then, both of them will have half because they are two political parties. The ruling party is the one, which should... in fact it cannot.

Com Kangu: (inaudible). Patrick Munyira, ni observer. Caleb Mulama, ni observer. James Macharia is also an observer. Fatma Anyanzwa...

Fatma Anyanzwa: Thank you very much Commissioners and the Chairman of the 3 C's. I would like to point out my recommendations as follows and I am giving them as an individual.

Land: Land is the livelihood of every human being, it should not be possessed by individual, it should belong to the society of Kenya. The profits from it should be able to feed everybody. Because we do not have food for people that is why we have our youth running around bring in a lot of violence. The land should be repossessed and distribution of food from it, let us say the Kenya Army could be put in the Agriculture Sector where they could work in the Agriculture sector in order to provide food for Kenyans.

The Administration Police and the Provincial Administration do not do a lot of work. I suggest/recommend that these could be put into a child protection unit. In South Africa we have Police Child Protection Units, which cater for children and this, is a very good example of how we can utilize them.

We see there is a lot of promotion of girl education. I feel very strongly that we should recommend education for both girls and boys equally, because right now the boys are going down while the girls are coming up.

The street children, homeless children should be taken care of. We should have rehabilitation for them. We should have children hospitals. We should have a department in the government which deals with alcohol and drug abuse, because we cannot have a country of drunkards, this must be controlled.

On the security of this Nation especially the security of our natural resources should be taken care of. We have foreigners flying in and out of the country, for example in Rusinga Island, we hear of planes coming in and out of other parts of the town... of the country without people knowing what they come to do.

We should also regulate the influx of tourists in our country because they exploit our children. They give them drugs, take our women – put them in prostitution and so on and so forth.

On our natural resources, we should also control things like digging of our stones and even digging individual lands for quarries and so on. For professionals: doctors, lawyers and nurses. These people should follow their professional ethics. For example if teachers are involved in defiling... making girls pregnant, these teachers' certificates of service should be cancelled. Doctors who mistreat people, cheat people, nurses who mistreat people, in fact there are nurses who are so bad to the patients, they mistreat them and even hurt them.

Report of police, when they have... when we have complaints against the police, it is very difficult for prosecution because they are the same people that prosecute cases. So, I suggest that we should have a body which will deal with complaints against the police and the army people. I would also suggest that... I would recommend that we have prosecutors who prosecute cases not people who have been in the police. This should be done by professional lawyers. That happens in other countries. We do not have prosecutors as ex-police or policemen, we have them as professional lawyers.

I would like to talk about the A.G's consent to incest for example, if somebody has sex with the daughter, we have to get consent of the A.G. to prosecute them. I think this one should not be necessary. Also the consent to prosecute a policeman is needed and I feel it is not necessary, it should be cancelled.

For crimes such as murder, robbery with violence, arson, those are serious crimes and it is put in the penal code chapter 53 as felony. But rape, defilement is put as a misdemeanor, which is a lesser offence. So with AIDS today which can be caused by rape or defilement, I feel that this penalty should be put as a felony, not a misdemeanor.

I feel it is important that alcohol in this country, I said must be controlled. Language should be promoted and culture. I feel that the government being central is not that bad, but I see at the moment places like North Eastern do not have such things as medicine, most people suffer a lot.

Also, in our courts, I feel it is very important for us to have the jury system. The jury system will help instead of one lawyer, for example recently we had a lawyer, a female lawyer who gave a probation period of three years who defiled a young girl and that is very serious.

Lastly, I would like to talk about the elderly. The elderly should be taken care of by the society and by the government. We should not just let the old people suffer. We should promote social work so that this department can be able to cater for the elderly people and also from the elderly we should also be able to have elders who will be teaching our youth. So, I would recommend that we invest a lot of money on children, and some of the education that is very important for them is the education through the elders. Thank you very much.

Com Kangu: Thank you. We will have Mr. Samuel Kiarie.

Samuel Kiarie: Thank you Mr. Commissioner, Chairman. My first submission is that, the general elections should be something that every mwananchi knows about. Therefore the question of elections and their dates should be built in our Constitution so that this date is not used arbitrarily, as a weapon against other people unless this country is at war.

Number two, the Vice President of the country should be determined at the time of nominations. He should be a running mate of the President or the candidate of the party. So that he is the peoples choice and that would guarantee his office. That would probably avoid the situation where we have... probably a Vice President every other year.

The powers and duties and responsibilities of the Vice President should also be clearly spelt out in our Constitution as opposed to our present Constitution which says he works at the pleasure of the President.

The Constitution should provide for a national referendum in the event of changing the Constitution. The Constitution is not changed so many times, of which it was changed seventeen times then five times during the current presidency and I am submitting that we should have provision for a national referendum where the Constitution is going to be changed. It is what forms our Republic, it is what forms... pulls us together as a people and I think the mandate to change the Constitution should be bestowed on the people themselves other than just a group of parliamentarians.

Number five, while the President should be able to nominate appointees to the offices of the Attorney General, Auditor General, Commissioners of Police, ambassadors and High Commissioners, Chief Justice and judges of the High Court, these nominations

should be vetted by parliament after parliamentary hearings so that these high offices do not become tokens, to be given out to people by an executive President.

Our Constitution should include the impeachment of the President, Vice President and ministers on abuse of public office, so that people do not abuse public offices and nobody is above the law. The President should be able to be impeached if he commits a crime in office against the people.

The creation of ministries and their dissolution should be properly entrenched in the Constitution so that their creation and dissolution again do not become tokens to be used at the President's pleasure. The terms of office of the President should be limited to two five year terms.

On the situation in the Local Government. The position of mayors should also be built within the Constitution so that mayors are elected by the concerned people within the concerned Local Authority.

On currency, currency is a national... is part of the national identity and should not be used by individual. I am suggesting that the currency should actually be... our currency should be built in our Constitution so that the determination of the kind of emblems to be there is actually in the Constitution so that it is not misused.

Land is an important issue in this country and of late we have witnessed a lot of excision of land especially prime land. I am submitting that excision of land should be approved by a committee and not the present position where the head of State can sign of excision of land. Land that is held in trust, like what is currently defined as 'trust land' in the current Constitution belongs to all wananchi and should not be allocated to individuals arbitrarily. Where somebody applies to be allocated land under trust, that should be done after public hearings so that we can hear publicly why somebody wants to be allocated public land and then we can raise objections if necessary.

The Constitution should also compel the President to release any hearings of any Commission. We have had a lot of cases where a lot of Commissions have spent public money but the President is not under obligation to release these hearings or the results of these hearings.

Our Constitution should provide for a coalition government in case there is no outright winner, that is an outright majority who should be 50%. But for the cases of a presidential candidate, if there is no one with a clear majority of 50% plus, then there should be a run off so that we have a majority President and not a minority President. Thank you Mr. Commissioner.

Com Kangu: Could we then have Benson Mwaura? Hayuko. Charles K Muhia, is an observer. Catherine Munayi ?

Charles K Muhia: Chairman, the Commissioners na wananchi wenzangu, habari zenu? Mimi yangu ni machache tu. Moja ni maneno ya kuoana, marriage. Kuoana, Ningependa sasa ile Constitution inatengenezwa mpya, isikubali mwanamume anaoa mwanamume, na isikubali mama anaoa mama mwingine, ati sababu yeye ni tajiri anaoa na wale watoto watokuwa nao, watakuwa ndio wanaangalia mali ya huyo mama. Hiyo ni usherati yote.

Pia Ningependa korti yetu itafutie sisi njia ya kuapa. Korti itafute njia ya kuapa isipokua kuchukua Bible na kuapa na jina la Mungu. Tutafute sheria yet vile tutaapa sisi wenyewe sababu ni upuzi sasa tunaenda kusema maneno ya... Tusiweke Mungu kwa hiyo kuapa yetu. Tutafute njia yetu ya kuapa.

(Clarification) **Com Kangu:** (inaudible).

Charles K Muhia: Nafikiria kila watu walikuwa na njia yao ya kuapa. Mambo kama yanakuwa mabaya kabisa, watu wanaapa kikao na waliheshimu hiyo kuapa yao. Hii kuapa tunaapa kwa jina la Mungu na hatuheshimu... tungetafuta njia yetu ya kuapa. Tuape kiKikuyu, tuape kibaLuhya tuape kiKamba kila mtu yuko na ... tuape na jina yetu...

(Interjection) **Com Kangu:** Na ukiwa pengine na kesi tuseme katikati ya mKamba na MbaLuhya?

Charles K Muhia: Apa na kibaLuhya, mimi naapa kikuyu...

Com Kangu: Na kila mmoja wetu anaamini yake. he does not care about yule anakuja. Naye tunajua anaamini yake he does not believe (inaudible).

Charles K Muhia: Sasa, sijui tutafanya namna gani sababu kuapa yetu hii... tunaapa na Kitabu cha Mungu hatuheshimu. Ndio hii ninaona Tutafute njia yetu nyingine ya kuapa.

Com Kangu: Asante, Endelea basi.

Charles K Muhia: Sasa ni maneno ya kugawanya mali ya mzee. Kugawanya mali ya mzee, mzee mwingine yuko na kina mama watano, mwingine yuko na mmoja, haya. Mzee, mali yake exists igawanywe na number ya watoto hapana nyumba, hii ya Wambui, ya Otieno ya nani... hapana nyumba a,b,c,d. igawanywe na namba ya watoto. Wote watoto ni wa mzee wanawake wamekwisha kazi. (Laughing from the audience). Umekuwa mtindo mbaya na sisi watu tunaingilia widows, wale watu wanaachiwa na bwana yao. Tunataka kugawa hawa pia kama ni mali. Wapeni uhuru, mali ya bwana yake, na hapana zuiwa, ni ya bwana yake. Saa ile bwana yake alikuwa hai, alikula na yeye mali hiyo, hata kama amekufa akule na yeye na vile anataka.

Ulevi: Leteni sheria ya ulevi. Mtu astakiwa kwa kuwa mlevi peke yake. Kama nimekunywa pombe na ninalala barabarani, mimi ni mlevi. Nastakiwa kwa kuwa mlevi si kwa kuwa mlevi na kushout. Mimi nikilala pale barabarani siongei na mtu! Kwa hivyo hiyo kulewa sijui iko... siwezi kustakiwa, lakini hiyo kulewa mbaya zaidi, tustakiwe kwa kulewa peke yake. Na, hii gamu tunakunywa barabarani kila mahali hata along Parliament Road, (inaudible) ikunywe. Hakuna mtu unaweza shika kwa sababu hakuna ile sheria inasema, iko ati asikunywe hiyo gum. Anakunywa, na sasa kuwe na sheria ya kuzuia mtu kulewa, hata hiyo si ni Kulewa tu! Kama iko sheria inakuzuia kulewa, akishikwa ataogopa. Kuwe sheria ya kuzuia kulewa, kulewa peke yake.

La mwisho, mtu kama anakuwa unfaithful, marital unfaithfulness, ikuwe sheria, aathibiwe na sheria. Akuwe mwanamke, akuwe mwanamume, wote waathibiwe tu. Amekosa. Asanteni sana.

Com Kangu: Asante kwa hayo maoni yako, andikisha pale. (?) Gitau, huyu ni observer, (?) Ambuchi – huyu mtu wa SDA, Pastor Ambuchi. Sema majina tafadhali.

Pastor Alex Ambuchi: Mr. Commissioner Sir, and your Secretariat, my fellow presenters and the listeners. It is my pleasure to give my views on a few things that I feel are very vital in our Constitution.

When we talk about the issue of rights, the issue of rights is sourced from the word of God and there are several rights that people have not considered to be rights but I have tried to identify a few which can be able to assist us. how human beings can be able to respect the lives of each other and live in harmony at the same time. Giving our God honor and glory.

When we talk about the rights, the individual rights that we know. We wish our next Constitution should have individual rights, they should be honored, they should be recognized and they should be protected. For instance if we have a person here who does not smoke, and another person is smoking without caring that this man should be given his rights to live because he has not chosen to smoke. The law should protect this man, who does not smoke.

Now to the alcohol which my colleagues presenters have already discussed about. If there is somebody who is not a drunkard, and there is another person who is a drunkard, the one who is a drunkard should protect the rights of the another person who is not a drunkard.

Now to the other issue, for instance in our urban set up we have heard people having been discos close to the settlement areas and they would continue the whole night. To me the law should protect the other person who is not in that party. The law should honor his/her right so that at least this person may stay well and be able to be comfortable on what he has chosen to do.

On point number two, is the Constitution we are looking forward to should also respect the freedom of individuals' settlement and land ownership. We have had cases whereby you cannot own land maybe in Mombasa, or maybe in Malindi or maybe in

Mandera, simply because you have come from Western, simply because you have come from Turkana. Let us have a law, let us have a Constitution that will honor and respect the right of every person as far as ownership is concerned. The other one is about settlement. One can build a house in Lokichogio and live there without being disturbed because we are all Kenyans, we belong to one Nation.

Number three, the Constitution we are looking forward to, we are looking forward to a Constitution that will respect the freedom of worship. Why worship? People are created (?) God-fearing. If somebody cannot worship God, he will turn and worship the cave or the mountain because we are naturally born people fearing God. If we cannot worship a God that lives in heaven we can worship anything that comes before our sight. So, freedom should be respected as far as the issue of worship is concerned.

Now, in this country we have got many religions; Islamic religion, Hinduism, Christianity. Let me move close to Christianity religion whereby there are many (?). Islam people worship on Friday, when we come to Christians they worship on Saturday and they worship on Sunday. I am looking for a way that at least each person's right as far as worship is concerned should be respected.

There are many cases whereby people have been victimized, simply because they many not be able to write the examination on Saturday because it is their worshipping day. People have been victimized even from school, simply because they are not able to work on Saturdays... I am giving examples because I have seen that, I have seen this and I have witnessed and I have seen

(inaudible). Is there a law that can protect the student who has chosen to worship God simply because he is convinced and convicted that the day of worship is Saturday? Is there a law in this country that can protect the right of this student? Interviews have been done... people have been interviewed and because somebody belongs to this religion he is victimized. Is there a law in our country that can protect the right of these people as far as the worship is concerned? We are looking forward to a Constitution whereby the rights of individuals as far as the freedom of worship is concerned should be adhered to and should be respected.

There are even people who have been victimized in their places of work simply because they cannot worship on... maybe they cannot work, who have not declared they will not work on Saturday, they are victimized simply because of religion. Is there a law in our country? We are looking forward to have a law that will protect the rights of these people, the right of their conscience, because they have chosen to be loyal to god, to be loyal to the word of God. Let the law of our country be able to protect these persons, so that at least every citizen in our country may be secure.

The other issue that I may raise is...

(Interjection) **Com Kangu:** Jaribu kumaliza.

Child rights. A child has a right to live. He or she did not apply, the child has a right. A right to education, a right to medication, a right to ownership and even a right to know their parents. We have many incidents in our country whereby somebody is called 'John Jane', simply because the boy does not know the father.

Can the law protect every child to know his father? Because it is the right of the child to know who is my father, than a child being born and given the name of the mother only. The child has a right to know both the parents. Can the law in our next... in the law we are looking forward to, (?) come strongly and protect the rights of this child?

The other one, as I move to finish is, in our country which is believed to be a Christian Nation, we have had ways whereby there is a lot of corruption in our country. Can the law also be able to give way that we can, instead of one person appointing a person to a bigger office or the higher office, can a Board of expertise be constituted, at least to vet the competence of the person who should be given a higher office.

There are many cases whereby incompetent people have been put to hold bigger positions even when you follow the roots where they have come from you find that these guys are all failures from wherever they are picked. Can the Board of expertise be constituted at least be it from promotion. Let the Board vet the papers of these people and the competence and the intelligence before they are given bigger positions in order for our country at least to excel. Thank you so much.

(Clarification) **Com Kangu**: I would like to ask you a few questions, you emphasized the (inaudible) of individual rights is, and you gave examples of people who have discotheques in estates, and they make noise to other people who are not interested. In other places there were people who were telling us there are also these religions that have come and people sing in public places at night, they do not seem to care about the people in the neighborhoods. Would you consider that as one of the things that should be protected against?

(Interjection) **Pastor Alex Ambuchi**: Absolutely, it is only that I did not mention it.

Com Kangu: Then on the issue of the days of worship, without necessarily appearing not to take seriously what you are saying, I know they are serious matters. The SDA people are complaining, the Muslims complain, and even in the Commission in trying to organize our work, sometimes we have had a lot of problems... Muslims saying we cannot work in certain Muslim areas on Fridays even taking views, SDAs saying we cannot work on Saturdays and I am trying to imagine, because we have allowed freedom of worship and as a church man you will agree with me that now we have such a multiplicity of different churches with different practices.

Now, assuming that we had up to ten churches that worship on different days, how do we address this issue? Because as a nation we must work and build our Nation even as we allow our people to worship. What would be the best way you would

address it in your view?

Pastor Alex Ambuchi: Now, the issue of worship, is an issue that involves the higher Being and us individuals and when it comes to the issue of worship, what we need to focus upon is, because it is the conviction of the conscience of an individual on a particular light that has come or that has been inclined to the mind. Be it from the Bible or from the Quran, but the issue comes out here. When we are discussing this, we may not have not have a law as a country, maybe to put all of them together, we force them to worship on a specific day. We shall be going contrary to the freedom of conscience...

(interjection) **Com Kangu:** Then where

(inaudible) let Thursday also not be a working day.

We might find ourselves at home the whole week round! How do we build the Nation? (Laughing from the audience)

Pastor Alex Ambuchi: Absolutely, that is the issue. Now, the issue of Saturday, the issue of Sunday, the issue of Friday, which are very crucial and I wan to believe that is why you are asking this question.

It is a good concern that my understanding is; number one, if a Muslim is convicted of worshipping on Friday, we may not have powers to (?) or to stop him from worshipping his God on Friday. Let him be given his time because he believes in this conviction. An Adventist who worships on Saturday believes the Sabbath is Saturday and it is the conviction and this conviction is strong from the word of God. If it is man-made, we can change that. But since it is the word of God, we cannot debate about it. So what the country, the legislature should do, we should allow a Seventh Day Adventist to worship on Saturday. If the other is convicted that Sunday is a worshipping day, let legislators also allow him or her to worship on Sunday.

(Interjection) **Com Kangu:** I think all these have been allowed but the Muslims and Adventists

(inaudible) he might give us the whole week and the Nation will go to a stand still. We will stop working. How do we build our country? And that is what I told you, try and think about it because we must find a solution because we appreciate the concerns that SDAs have raised, but we must think through and come up with a better solution that will enable us as a Nation to build our country and to also allow our people to have that freedom of worship and enjoy it. Because I keep telling people even the Bible at one point God Himself told the people, by your sweat you shall reap. So He recognized the need for people to work. Because I am sure that even if we knelt and prayed, the days of Maana falling from heaven are long gone. We will not get Maana falling, we must work and build the Nation. So think through, we will...

(Interjection) **Pastor Ambuchi:** Just one more thing. I just want to quote the scripture. God has given us days to labor. If every person can labor for six days, the seventh day is given to us by God to be a resting day. So it is up to us, that is why I said the legislators. If for now we cannot be able to accommodate all of these people, because maybe the economy of the

country will go wrong. I want to believe we have trace back because we are all Christians. We have trace back the issue of worship. Where did it come from? And what does the Bible say? I want to believe we shall still go back to one and this which to other people may not be comfortable but the truth is the truth.

Com Kangu: We go now to Peter Nga'nga. Mzee Francis Nga'nga. Ngugi, not Nga'nga. Okay.

Francis Ngugi: Nimekaa katika Constituency hii tangu 1970, kwa hivyo nimekuwa kama mwenyeji wa hii Constituency. Hapa niko na memorandum ambayo nilianza kutengeneza mwaka uliopita mwezi wa tisa, inahusu mambo ya Katiba.

(Interjection) **Com Kangu:** Na unataka utupatie hayo maandishi yako?

Francis Ngugi: Katiba hii nimewaletea nyinyi., memorandum hii, ili muone vile akina...head of the Constitution Ghai na wale wengine vile wameona mpango huu. Sasa mimi ni nataka kuona na wazee hao wakubwa iliniwapee sehemu ambayo nilisema ni addendum from my understanding of my accomplishments. What I have chosen... I have heard from here is that many people have got (?) which have written to this Constitution (?). But there is one very important issue which I have put here... which I find that I should read them to you is concerned with dawa ya moto ni moto. So to defend our Nation which originates from many ethnical groups... these same ethnical groups to be organized to form one ethnical and welfare group for also defending the country.

One more, the ethnical grouping, people can defend their country and also establish the (?) of welfare. We can see that our daughters and boys... our sons and daughters are intermingling at school and they are getting in love and they get married which forces them later on to (?)

In this same paper, I have written about abolition of capitalism which is the fourth enemy of our country. As we know, we have three old enemies: illiteracy, sickness and lack of employment, which leads to idleness. We have got a forth enemy which is very bad – known as capitalism. Many people are accumulating a lot of wealth just to mess about while they are surrounded by many people who lack even food to eat. I have written the ways of fighting against Capitalism...

(Interjection) **Com Kangu:** You have written all those things in your memorandum?

Francis Ngugi: I have written all of them onto this memorandum.

Com Kangu: Then you can give it to us, we will read through everything and be able to reflect on your views.

Francis Ngugi: That would be a very creative thing. Now, what I was after from you is that you help me with a small note

to... because I want to go to see the officials whom I have directed this copies to. There are eight people... even Ghai himself, I need to see him Njonjo, who is the Commissioner of Land, (inaudible)

Com Kangu: Mzee what is happening today is that the Commission of Constitution Review is chaired by Professor Ghai, but for purposes of taking views from the constituencies, we divided the Commission into eight panels. So Professor Ghai could not go to each panel, he could not divide himself. But fortunately, he is not amongst those who came to Dagoretti. Those who came here and those who went to other places have the full authority of the Commission to seek views from everybody to receive documents. So when you see me, just give me your documents, you know they will be read by all the Commissioners, Professor Ghai included. He is just one of the Commissioners. So you give it there and you will sign the book there to show that you actually came, and if you seriously want to see him, you can go to the office in Kencom House, you book an appointment with his secretary then you can be told whether you can go to see him or not.

Can we have Simeon Ndu'gu.

Simeon Ndu'gu: Hamjambo. Yangu ni machache. Mimi nilitoka kuongea tu kwanza kuhusu vile tunaangalia hii Kenya yetu, kuna wakati tunasomesha watoto amabao watenda mpaka university, wafanye madegree zao wawe contractors wawe kazi zote.

Mimi maoni yangu ya kwanza ningenelea, kama kuna mKenya yeyote ambaye kuna kitu anajua e.g. kama kazi ya mjengo, kazi ya hotel... kazi yoyote ambayo anajua, kwanza wawe wanapewa priority ya kwanza badala ya kuchukua expatriates wa nje. Kama kuna mKenya ambaye anajua kitu chochote, awe akipewa priority ya kwanza kabla ya kuchukua mtu wa kutoka nje.

La pili ni katika mavazi ya wanawake. Wanawake mimi ningenelea, maoni yangu, kama waKenya wangekubaliana na mimi, kuwe wanawake, vitu kama kuvaa nguo za wanaume, hiyo watupilie mbali. Kama kuvaa hizi... nguo yoyote ambayo anavaa ndio atamaniwe na mwanamume hiyo atupilie mbali kabisa.

La tatu, mimi ningenelea vile makanisa yako mengi sana hapa Kenya, hasa tukija upande ya Christianity. WaChristians tuko na makanisa ya Christians kwanzia Catholic, orthodox, PCEA, Anglican... chini ya hizo kuna zingine zaidi ya mia tisa. Mimi ningenelea kuwe na minister wa religion ambaye atakuwa akiangalia makanisa yote, yaani kusiwe sasa zimezidi zaidi. Unakuta hata bibi na mtoto wana... kwa sababu vile imesemekana tuko na freedom of worship. Kuwe na minister wa religion. Maoni yangu.

La nne, kuhusu suspects. Siku hizi unakuta ati mtu ni suspect, unashikwa na kitu, unapigwa risasi, unasikia ati suspect ameshuhudiwa tu ati ni suspect na anapigwa risasi. Huyu suspect, hii mambo ya mabunduki mabunduki, sisi Kenya tuongeze

sisi wenyewe. Badala kwanza kupigwa risasi tu, mtu apigwe ovyo ovyo ati ni suspect, raia wapewe ruhusa wawe mawakili wa mtu kabla ya polisi. Ni hayo tu, kwa maoni yangu.

Com Kangu: Basi weka sahihi upande ule. Timothy Thumbi, hayuko. Daniel Mbugwa ni observer. Na hiyo inamaliza list yenye niko nayo. Kuna yeyote hapa alikuwa nataka kuzungumza hajaitwa? Kunaye yeyote alikuwa na nia ya kupeana maoni ya kupeana maoni na hajaitwa? Basi inaonekana... si ndugu umemaliza? Unaitwa nani mzee?

George Ngare: kwa kuwa yale yote nimesikia hapa, mengi ni yale nilikuwa nataka kusema. Lakini nitajaribu kidogo. Mimi nilitoka hapa kutembea kidogo kama mimi ninafika hapo sokoni, hapo Dagoretti Corner au pahali ya Dagoretti Market, Waithaka, mimi ninaonelea vijana ni wengi sana hasa ukienda siku ya Ijumaa Friday au Jumanne, wewe utakuta vijana wengine hawauzi mboga wala chochote, wengi wana (?) masomo ndio, masomo ya Mungu. Lakini kuangalia Kwangu ninaona, hawa watu ijapokuwa wanapenda hayo masomo sana ni kukosa kazi. Hawana pahali pa kwenda. Sasa pahali pa kukaa ni hapo. Wengine matajiri wanakuwa na industry ya kupeleka hao watu. Watu wa biashara labda wawe kidogo au wawe wengi. Lakini hao wawe wako mahali wanatoka saa za kutokea kazi. Nafikiria ikiwa hivi watu watalala vizuri, lakini wakiwa na shida hivi, kila mahali hata hakuna hata pocket money, haidhuru... Serikali Inaweza kujaribu, kila mtu kama hakuna kazi apate welfare, pocket money ya kutumia kwa chai au chochote anapenda. Hayo ndio maoni yangu. Siwezi kusema sana kwa sababu mengi yamekwisha semwa.

Com Kangu: Sasa tumefika saa kumi na mbili na dakika kumi na kulingana na utaratibu wetu, huwa tunamaliza vikao vyetu saa kumi na mbili. Ningependa kuwashukuru sana watu wa Dagoretti – Waithaka, kwa kujitokeza kutoa maoni na hata wale ambao wamekuja kama observers kusikiza vile wengine wananzungumza, wamefanya sawa sawa kwa sababu tukiwa na raia wanaelewa, mambo inakuwa rahisi kuendesha. Hivyo basi, hata wale hawakuja kuzungumza wamesidia juhudi zetu za kuendesha maneno na kugeuza nchi yetu. Kwa hivyo tukomee hapo na nitamrudishia Chairman wa Constituency Committee, anaweza kuzungumza machache halafu atufungie mkutano pengine yeye mwenyewe ama ampatie mwingine nafasi kwa kuomba natufunge.

Rev Muchuga: Waambie wote waingie. Yangu ni kuwashukuru watu wote ambao wamefika hapa siku ya leo. Nikianza na wale wamekuja kutoa maoni yao. Wengine nimeona wamekaa hapa kwa muda mrefu sana kama huyu mzee na alikuwa anavumilia tu, hakutaka kuenda nyumbani. Niliwaona kina mama wengine wazee waliokuja hapa... hii ni kuonyesha watu wanapenda nchi yao.

Kuja kwenu hapa hatuwezi kikuchukulia hivi hivi, bali kwa umuhimu kwa maana nyinyi munaonyesha muna mapenzi ya nchi yenu, hata wale wamekuja kusikiliza. Na hii ndio inatakikana, watu kuipenda nchi yao. Watu wengine pahali mumemsikia nchi zimeendela sana, wanazichukulia nchi zao kwa njia kubwa sana na wanazitumikia kwa njia zozote ili ziwe nzuri, na hapo ndipo tunaenda kutafuta pesa na kuwaomba. Hata sisi tukiipenda nchi yetu na tuifanyie kazi mchana na usiku, ikiwa kuna kazi kama

hii ya kutoa maoni tunakuja, badala ya kunungunika huko nje bile kuja mbele na kutoa maoni. Kwa maana kama vile nyote munajua, kuna wengi sana wanajua kunungunika kule nje... ingefaa iwe hivi au vile... lakini hapa ndipo pazuri.

Ningependa kuwashukuru sana nyote mumekuwa hapa na mukienda nyumbani, wale ambao wameondoka, waambieni tuliwashukuru na mimi ni mmoja wa wale ambao wako katika Constituency Constitution Committee. Yaani, kuna kikundi kimoja kiko chini ya Commission kile kina shugulikia habari ya kuwafunza watu juu ya Civic Education na pia kuwatayarisha watu kila constituency kama hii ya Dagoretti. Sisi ndio kati ya kikundi hicho, mimi nikiwa ndio Chairman wao. Hapa munamuona Enoch Kiche, ni mmoja wetu, huyo aliye naye ni Douglas mmoja wetu, Fatma Anyanzwa, Rachel Magu, Flora Chep ni baadhi yao. Kuna wengine ambao wameondoka. Sote tunafanya kazi pamoja. Tumekuwa tukitayarisha, tukijaribu vile tunaweza kuwatayarisha watu ili wakati Commissioners watakuja waifanye kazi yao vizuri. Sisi ndio tulikitayarisha kikao cha jana kule Kenya Science Teachers College na ndio tumetayarisha hata hapa. Kuna wengine pia wanatusaidia ingawa hawako kwa Committee kama hii.

Ningependa pia kuwashukuru nyote wa kikundi cha 3C's, kwa kazi yenu njema kwa maana mambo hufanyika watu wakifanya kazi wakiwa pamoja na kufanya kwa kujitolea rohoni mwao. Watu wengine ambao Ningependa kuwashukuru ni Commissioners ambao wamekuwa hapa, wote. Tulikuwa nao hapo jana pia; Com. Kangu, Com. Ratanya na Com. Ayonga. Nyote tunawashukuru sana. ningetaka Bwana Kangu ukirudi uwaambie sisi tumewashukuru. Pia Ningependa kuwakumbuka team yenu – hawa watu ambao wanafanya recording.

Watu kama hawajaona watu wakifanya kazi hufikiria saa zingine wanasikia hadithi na huwachukulia vibaya. Hawa watu wanafanya kazi kwa bidii, wanaingia kazi saa mbili na wanaendelea mpaka saa kumi na mbili. Hii sio kazi rahisi. Kazi wanayoifanya ya kukaa hapo na kuyasikiliza maoni yenu, inahitaji akili zao ziwe timamu ili wasipoteze jambo hata moja ambalo munasema na hata recording. Kwa hivyo tunawashukuru sana sisi, na tunawaomba Mungu ili mukienda Mungu aendelee kuwabariki kuifanya kazi hii njema. Kama Kasisi, Ningependa kuwaambia, mambo kama haya tunayaona kama ni kuitwa mumeitwa. Hatuyachukui ati ni mtu ambaye anahubiri injili peke yake ndiye ameitwa na Mungu, watu huitwa wafanye kazi kama hii ya Commission, na mumeitwa. Kwa hivyo ukiitwa na Mungu ufanye kazi, vile Mungu angeifanya.

Hivyo basi tunawaomba sana na hatuichukulii kazi yenu kama ni ovyo ovyo, tunaichukulia kwa umuhimu wake. Sasa tufunge na tuondoke. Wale ambao nafikiria watakuwa na maoni, nafasi bado ingalipo kuyapeleka kule ofisi kuu. Sijui kama Bwana Commissioner unajambo lingine au tufunge? Basi Rachel tuongeze kwa maombi mafupi ili tumalize, na tunawashukuru nyote sana.

Closing Prayers: Baba wetu ulie mbinguni, tunashukuru, tunakuinua kwa muda huo wote umekaa nasi kwanzia asubuhi mpaka saa hizi. Tunakushukuru kwa wale wote wame kuja kuyatoa maoni yao. Tunaomba wale Commissioner wetu wamesikia maoni ya watu nao wakae chini, wafikirie na waonelee yale mambo muhimu na yanayo faa kupitishwa yatakayo

