



**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,**

**LAIKIPIA EAST CONSTITUENCY,**

**HELD AT NANYUKI TOWN HALL**



**ON**



**5<sup>TH</sup> JULY, 2002**

**CONSTITUENCY PUBLIC HEARINGS, LAIKIPIA EAST CONSTITUENCY HELD AT NANYUKI TOWN  
HALL ON 5<sup>TH</sup> JULY, 2002**

**Present**

Com. Bishop N. Kariuki  
Com. D. G. Muigai

**Secretariat Staff in Attendance:**

George Nakholi - Programme Officer  
Wambua Kigamwa - Asst. Programme Officer  
Mary Babu - Verbatim Recorder  
D/Co-ordinator

The meeting was called to order at 9.00 a.m by Com. Bishop Kariuki in the chair.

**Margaret Letuda:** Ladies and gentlemen, I want to take this opportunity to welcome each one of you however few you are to this very important exercise of giving views for our new constitution. My names are Margaret Letunda, I'm the chairperson of the committee of Laikipia East and I want to request Reverend for P.C.E.A. to pray for us before I introduce the committee members.

**Rev. David Nzioka:** I'm Reverend David W. Nzioka, a palace minister P.C.E.A. Nanyuki parish. Shall we pray. I God and our Father we want to thank you this day for this chance or opportunity you have given us. This is the day we have been longing to have and we want to thank you because we are now in it. We want to pray that as we start it we will make that with you and we want to pray for thy presence thy can get through. We know there are many people who are still on the way coming, we want to pray for their traveling as they come. Let whatever we are doing here throughout this day be to the glory of your name. You know where we are as Kenyans, you know where we are leading to. Come and be with us and we want to believe that soon and very soon we are going to be thankful people and the work we are doing here, we are worthy to be seen by you and others. Be with us at this time, all this we pray in your name. Amen.

**Margaret Letuda:** Thank you very much Reverend, Nawaita tena wale ambao wako nje na wamekuja kwa sababu ya Katiba yetu, tafadhali ingieni ili tuanze. So our commissioners, I want now to take this opportunity to introduce to you the few committee members that have managed to arrive at this time and to assure that the rest I believe are still on the way. So can the committee members please stand up? I can see only two. As I said earlier, I'm the chairperson, this is Reverend Nzioka, he is one of our committee members, that is Mr. Lore, he is our committee member, Miss Halima Swaleh our committee member. The rest are just outside and I know they will join us. And I also want to tell those who have seated down thank you very much. May be you could occupy the front part so that when we have we have any duty we want you to assist in, we will be

able to get you.

I also want to assure, wale wachache ambao mmeketi hapa, msione mko wachache, jana, upande wa Dodo, tulianza na watu wachache kama nyinyi na at the end of the day tulikuwa tumejaa hall mpaka watu wakasimama. Kwa hivyo tunataka tu kuwaambia, kuwa kuna watu wameregister tayari na memorandum zao, na zitasomwa, na kuaanza mapema ni vizuri kwa sababu utakuta watu pengine wale wanataka present wanaweza kafika arubaine. Kwa hivyo wacommissioners I have nothing else to add except to say you are all welcome and we hope you will enjoy our sitting here. Welcome.

**Com. Bishop Njoroge Kariuki:** Habari zenu? Tungengoja hawa wanasoma magazeti kama inawezekana waweke chini ili tuweze kuanza. Kikao cha Katiba ni kikao maalum ambacho kinasimamiwa na sheria. Kwa hivyo kila mtu alioko dani ya kikao hicho, tunahitaji akiheshimu ili kwamba kiwe kikao kama kikao maalum. Jina langu naitwa Bishop Banard Njoroge, the commissioner wa Constitutional Review and ndio nitakuwa mwenyekiti wa kikao hiki. Tunatumaini commissioner Dr. Muigai pia hivi karibuni atakuja. Ningetaka kueleza machache kabla hatujaanza.

Jambo la kwanza, tutawapatia kila mmoja wenu dakika tano. Ukiwa na memorandum, unaweza kuhighlight kwa sababu inawezekana tutakuwa na watu wengi, kwa hivyo tungependa you just highlight the main items. Sababu ya kuhighlight ni hii: tukienda Nairobi, kuna watu zaidi ya ishirini na kazi yao ni memorandum yako ikifika, wanachukua kila jambo ulilosema na kuliweka mahali ambapo linahitajika ili kwamba report ikiandikwa linachukuliwa na kuingia kwa report. Kwa hivyo, hata kama husemi kila kitu, hakuna jambo itapotea kwa sababu kazi inafanyikia wapi? Huko Nairobi.

Jambo la pili ukiwa huna memorandum, pia tunaweza kukupatia dakika tano lakini tungependa tu utaje mambo ambaye ... kwa sababu shida tunazijua, tulikuwa huko Saburu na mtu anatwambia habari ya barabara na kweli tunaona barabara ni nini? Ni mbaya. Kwa hivyo baada ya kutuambia, badala ya kutuambia shida, please give us the solution. If it is education, as you know many children are not gone to school because of poverty, don't tell us people are not going to school because of poverty. Tell us, what can we do in the constitution to deal with it. And the best you can say, we want free education. That is the proposal because that is the only proposal that will be taken. But all these problems will not be taken in the constitution. What we require is the proposal to work that problem.

Jambo la tatu, sheria ambayo inatusimamia ni kwamba, kila mtu ana haki ya kusema kila jamba analolifikiria anataka kusema bila kuogopa. Hata DC akiwako, hata PC, hakina mtu anaweza kufuatwa kwa ajili ya yale aliosema katika kikao cha Katiba. Sawa sawa? Mtu akifuatwa sheria yetu inasema na sisi tunaweza kumfuata yule anayemfuata yule aliyesema. Lakini tumesema hivi, hata ingawa ni hivyo, huna ruhusa kutaja jina la mtu kwa njia ambae haifai. Kwa sababu majina ya watu hayataishia katika Katiba. Pia hiki kikao sio kikao cha siasa. This is not a political meeting. Nobody will be allowed to discuss anything that is political, political in the sense. Unaweza kuja useme, hii ni mbaya, you can say, we don't want Provincial Administration, that's okay. You can say we don't want many parties, you can say we want the power of the President to be reduced, that is not

politics. Politics is where you try to undo a political party because either it has failed or it has many other things. Kwa hivyo hatukumbaliwi kutumia mambo ya kisiasa katika mambo ya Katiba. Hii ni document ambayo itatumiwa na vizazi vijavyo. Kwa hivyo hatuwezi kuichukuwa so lightly, ya kwamba ya kwamba tufanye siasa wakati wa kikao kama hiki. Tunaeleana? Sawa sawa? Please kwa sababu ninaona kutakuwa na watu wengi, usijulumbie, tafadhli go to the point, tell us the proposal, those will help us, na tunatumaini Mungu akitujalia tutakuwa ni kikao kizuri na tutajeng nchi hii yetu kwa njia ya kikatiba, na bila shaka kwa sababu mungu anatupenda, tumekaa katika nchi tulio na amani, na zile shida tunazo tunaweza kutatua katika hali ya kikatiba na tuone kwamba tutaishi vizuri kama Mungu alivyotuweka ulimwengu huu. Sawa sawa? Ninaita Reverend David N. Nzioka, ukija, kwanza wacha niwajulishe, ngoja kidogo. Hapa tuna Programme Officer John ndiye kama officer mkubwa wa kuangalia kila kitu inaenda sawa sawa. Na hii maoni yote ambaye inachukuliwa ni juu yake kuihifani na kuona imefika mahali na ni katika kufika. He organizes us macommissioners na watatu wake waliokuja nao, tuna Mr. Wambua, Wambua ni muandishi, kila kitu mnachokisema hapa, anaiweka katika karatasi ile. Kwa hivyo mtaona kila saa kazi yake ni kuandika. Na tuna dada mwingine pale anaitwa Mary, kazi ya Mary, Mary hebu chukuwa kadada juu? Whatever you say is being recorded there. That is what is taken to Nairobi and there are experts, ambao watatoa hiyo maneno yote na kuweka katika kitabu ambapo sasa itakuwa kama mapendekezo. Kwa hivyo tuna ile, huyu anaandika, tunachukua na ile, na macommissioner wanaandika ili kusiwe kuna kitu ambayo itafanya nini? Imepotea. It's a very serious exercise. Sasa watu wakipiga kelele, ile kaduda itachukua kelele. Sawa sawa? Kwa hivyo tusifanye kelele. Kwa hivyo nafikiri nimemaliza. Mkifanya kelele mnajua ... karibu Daktari. Niliwaambia tuna commissioner mwingine Dr. Muigai ambae sasa amekuja na ningempatia nafasi tu kidogo amsalimie, halafu nitakupatia nafasi uulize swali lako kama judge.

**Com. Dr. G. Muigai:** Hamjamboni wananchi wa hapa Nanyuki? Ninafuraha sana kuwa hapa leo ndio tuwasikize maoni yetu juu ya malekembisho ambayo mngenda kwa Katiba yetu. \_\_\_\_\_ (*tape not clear*) would be, you extend that one to nine \_\_\_\_\_ yes.

Let me explain this, we have been, this is the seventh province, so we have experiences. Tumekuwa provinces, hii ni ya saba kuchukua nini? Maoni. Kwa hivyo tuna experience kwamba dakika tano, kama ni proposals, ni wakati mrefu sana. Pia tuna digression. Tuna nini? Kwa hivyo tunaweza kuangalia tuone kweli tuone kweli huyu tutamuongeza moja au mbili, kwa hivyo hiyo ni kazi yetu commissioners kuwa digression. Lakini tusipofanya hivyo utaona kuna watu wachache watazungumza tukikumbali kila mtu kuchukua muda wote; very few people will talk and it will be of no.... we don't want to go with a report that only 30 people talked in Nanyuki. We want to hear a hundred people did what? Talked, because that is good for you. Okay. Thanks.

**Com. Bishop Njoroge Kariuki:** Reverend David Nzioka, tafadhali na kila mtu akimaliza kuzungumza anakwenda kujiandikisha pale.

**Rev. David Nzioka:** We thank you Chairman of the day and the members around. I'm Reverend David Nzioka and I am presenting a memorandum by the P.C.E.A. Nanyuki Parish to the Constitution of Kenya Review Commission on this day of 5<sup>th</sup>

of July 2002 at this meeting. Just to highlight, this church or the church \_\_\_\_\_ which is being represented here has some membership of more than 3000 people and the views that are here belong to all these people. We talked about citizenship and we decided all people born in Kenya of parents who were born as Kenyan citizens can be referred to as citizen of Kenya; and also all children born of the Kenyan parents who were born Kenyan citizens.

We talked about political parties and we have said that Kenya should be discouraged from being fragmented by many political parties which are founded on ethnic basis. And the political parties which have a national outlook should be funded from what we call the consolidated bank.

We talked about the form of governance, and here we said that Kenya should adopt a unitary, centralized form of governance comprising the three arms of the government, that is Executive, Judiciary and also the Legislature. However, mechanism should be put in place to ensure the coalition powers were enforced by cooperational checks and the balances because the local authorities are to be amended to resolve, to involve power at the local authorities.

We have also said that the Kenya economy cannot support a central form of governing now and so there is need to represent non partisan civic education on the differences between majimbo and even the deputy federal form of government.

### *Interjection*

**Com. Bishop Njoroge Kariuki:** Just hold on a minute. I hear a lot of noise, I don't know where its coming from. I think we close one door so that we are encroached.

**Rev. David Nzioka:** On land and property rights: Among other things we have said that Kenyas should be encouraged to change their attitude towards land ownership; financial institutions should develop other criteria for loaning their clients without necessary emphasizing on land ownership. Men and women should have equal access to land and property. And then taxation and inheritance of property of figures should be harmonized with the new constitution.

Qualities of President and even the Prime Minister: We have looked into this one and said this person must have at least a university degree or may be its equivalent. They should have he or she, because she still can be a she, be a people of sound mind and not less than 35 years of age and ofcourse not more than 70 years of age, and may be its good that he be a married and have a kind of a stable family and one of high integrity.

Powers of the Executive: The executive should be removable from office and Parliament and not cabinet on the ground of being incarpatipated. Then the Head of government must attend parliament and answer all questions. And the officers of the offices of the Attorney General and director of public prosecution should be separated and be independent of each other.

The role and powers of Parliament: We said that Parliament must have powers to create and dissolve ministries and also must



approve all government expenditures and even determine its own calendar; and the parliament must have power to create districts and mending provinces.

Election and electoral procedures: There must be an independent and \_\_\_\_\_an electoral commission board indicating him as the.. and duty on the part of electoral commission and a right on the part of the voter. Every Kenyan will be entitled to vote wherever he or she may be. And then we had said that the 25% votes in 5 provinces rule currently in the constitution must be abolished, and whoever wants to become head of government, he or she should garner at least 51% of the total votes cast in an election.

Constitutional and Human Rights: The new constitution should protect the rights of individual

### *Interjection*

**Com. Bishop Njoroge Kariuki:** You have one minute now.

**Rev. David Nzioka:** Thank you, and of course the constitution should protect the rights of minority.

The Freedom of worship: The constitution should ensure that the freedom of worship is not abused by worshipping the devil and even offending on other peoples' rights; and so people should be scrutinized well before they register new churches and even new denomination.

And chairman, the\_\_\_\_\_, the one on the presbitry because I had two, that one for the parish, the one for the presbitry are... these are presbitries that come from Karatina, covering 4 parishes, upto Echelewa in Meru, and we have more than 36,000 members represented and also, these are also their views and among many other many many things we have also talked about districts and provinces and we have said that statistics and entire provincial administration serve no useful purpose right now in independent Kenya and so districts have been created, mobilized so that the ruling party and the set up zones which can be manipulated. So the chiefs, the District Commissioners, and even the Provincial Commissioners, (the PCs) are oppressing tools of the government which the new constitution should eliminate; and districts and provinces should be replaced by self governing country and councils with competent leaders elected by the people themselves. These should genetate code, revenue and and should be responsible for their own development.

Then lastly chairman on public finance. We said that all corruption offenders be made to repay whatever they might have acquired through corruption. If any person convicted of a corruption related offence should be banned from holding a public office. Then first corruption letter of MP prosecuted and then established and independent and corruption unit with power to arrest and given a prosecute. Thank you

**Com. Bishop Njoroge Kariuki:** Thank you very much, thank you for that memorandum, be assured everything that is there is

going to be worked on. Lets have Asha Mohammed, Asha Mohammed tafadhali.

**Asha Mohammed:** Mwenyekiti, na wahushika wote ambao wamehudhulia kikao cha leo tunawakilisha mapendekezo yetu katika Katiba yakiwakilishwa na Tabril and Development Women Group Nanyuki.

Tutaanza na uraia: Tumependekeza ya kwamba mtoto yeyote aliyezaliwa nchini Kenya, awe mtoto wa wazazi wa Kenya au mtoto aliyezaliwa na mzazi wa Kenya awe ni raia wa Kenya.

Sirikisho la ujasili, tungelipendekeza kuwe na ukatiba wa ujasusi kusimamia huduma na shughuli ambazo zimekadiliwa na baraza la kutunga sheria.

Vyama vya kisiasa: Vinastahili kujitahidi kwa utabulizi wa manifesto zao, vinastahili kuwa na democrasia katika miundo ya vyama na shughuli zao, vinasitahili kusaidia katika shughuli na kukomesha umasikini kunguni kazi elimu, shughuli na kuimaliza uchumi kuwezesha watu kujihudumia na kadhalika. Vyama vitatu vya bunge vinapasa kuwa na hazina kutoka kwa mapato ya serikali. Vyama hivi zinastahili kuwa na mitizamu ya taifa nzima zenye kujali maslahi ya nchi katika shughuli zao.

Muundo na mvumo wa serikali: Tunapendekeza ya kwamba tundumishe baraza moja la kutunga sheria na kupanua tamasizi zake na kuolotheshwa uteuzi wa baraza la mawaziri, speaker wa bunge na naidi wake, uchaguzi wa makini na wa Katiba la hudumu baada ya uteuzi wao wa tume ya utumishi wa uma. Mkuu wa tasizi za serikali, judge mkuu na majudge, mkaguzi mkuu, utunzi wa sheria na utaratibu wa utawala la utawala wa vikozi ya huduma na nidhamu, kuwa na mamlaka yasio na mpaka kutibiti mpango uliopo, utumishi bora wa rasimali za kitaifa kwa ajiri ya mishahara mikubwa inaofurahiwa na bunge na wajibu uliopendekezwa mbunge anapaswa kuwa kazini wakati wote ule.

Tunapendekeza mbunge astahili kuwa amefika kidato cha sita au usawa wake ambapo usipowezekana awe amehitimi chuo kikuu. Umri wa juu kwa mbunge ama Rais awe ni miaka sitini na tano. Asiwe amefirisika, hawana sifa za udhaifu, anafaa awe muadhilifu katika jamii. Katika kufanya uamuzi wabunge wanapaswa kufanya nchini chini ya madhumuni ya kanuni za Katiba, mapendekezo ya watu wa nchi na dhamila yao sio bila ya ushirikiano wa chama na kujipendekeza.

Tuko katika kuangalia nafasi ziifadhiwe kwa vikundi vya mapendekezo maalum na vikundi vidogo kama itakavyoonekana baadaye katika mapendekezo haya.

Idala ya mahakama: Tunapendekeza ya kwamba bila kuwahusisha majudge na maofficer wengine wa mahakama waajiriwe na tume ya huduma la mahakama. Wanaoajiriwa wawe na shahada ya chuo kikuu akiwa hakimu, wengine wawe wanaelewa korti, wawe wanahusika kwa uzuri, wawe na umri usiozidi miaka sitini.

Tunapendekeza baraza la hukumu kuwafundisha majudge na nidhamu maofficer wengine wa mahakama ili baraza liundwe na

judge mkuu na watu wengineo wenye kusikika kwa heshima.

**Com. Bishop Njoroge Kariuki:** (inaudible)

**Aisha Mohammed:** Uwezo wa serikali: Katiba inapaswa kutaja sifa za Urais – tunapendekeza yafuatayo: Awe ni mwananchi wa Kenya, awe na umri wa miaka kuanzia miaka therathini na tano, awe na cheti cha chuo kikuu ama kinachokalibiana, awe na sifa cha matendo mazuri, awe na tabia ya kupendeza, asiwe na umri zaidi ya miaka sitini na tano.

Katiba yafaa kudhutubu Rais kuruhusu tabia yake katika ufisadi, tabia mbaya, uhaini, na mwenendo mbaya.

Seikali za mitaa: Tunapendekeza ya kwamba madiwani wawe na sifa zifuatazo: elimu ya kiwango kisichopungua cheti cha kidato cha nne, waweza kusoma na kuandika kiswahili, wawe wenye sifa na tabia nzuri, wawe na sifa nzuri.

**Com. Bishop Njoroge Kariuki:** Lakini wacha niseme, mmepata maoni mazuri mazuri sana hayo, and we cannot wait to go and read it, thank you very much. We continue, tuite Francis M. Wandia, Francis M. Wandia.

**Florence Wandia:** Thank you so much, my names are Florence Wandia and I'm representing a constitution from Laikipia East. These are the recommendations from the women. Women we sat down regardless of age, regardless of tribe, we sat together and came up with the following constitution:

At last people driven constitution has taken off. In this memorandum, we would wish to have a constitution that everyone has equal rights in protection, freedom of determination and freedom of expression and association.

We also talked about citizenship whereby we felt everyone born in Kenya after the year 1963 should automatically be a citizen in Kenya whether a woman or a man.

We also felt in Kenya women are very discriminated, thereby may be we can be given passport, they can give passport to men but to women. So we felt that whether a woman, or a man, whoever is married, whether outside or in the country should have a passport.

Rights of citizenship in Kenya: We felt we should have equal rights and privileges and benefits in Kenya. We should also have equal subjects to duties and responsibilities. We also talked of the basic rights and basic needs. We felt that every Kenyan should have rights in healthcare, water, food and shelter.

Education: We also felt that very many people are not getting education and therefore we feel that education should be free upto secondary and the forth sharing in the higher education and public universities.

We also felt that we should have the right to own or own property for Kenyan irrespective of gender or marital status.

We also felt that Kenyan women should suffer no form of discrimination, oppression that the duties have \_\_\_\_\_ and \_\_\_\_\_ as a Kenyan.

Affirmative action policy: Current constitution is silent on the rights of women and person with disabilities. So we felt one out of

ten Kenyans have some form of disability. Therefore it is critical that there is such a hope related to virtual entitlement hearing and speeches, difficulties, basic requirements should be addressed to.

**Political Parties and Legislature and the Judiciary:** Our recommendation is the constitution must ensure the affirmative policy is employed in the four courses of political parties' structure. At least a third of the decision in each of these organs must be of opposite gender.

**Electoralism:** The electoral commission should enhance payment participation in political leadership by developing and denomating material with an aim to educate society on the value of women leadership and to check the counter parties that necessiate against women leadership. We also saw women should be given at least 33% of the total seats in parliament and the local authorities.

**Legislature:** The law should provide the profession of security for all candidates during nominations. This is whether you are a man or woman. We felt we should be given equal protection or whether you come from whichever part that you come from.

**Constitution commission:** A national gender and development commission with at least 50% women representation should be established and entrusted in constitution with an aim to mainstream gender into the developing planning. The parliamentary gender death should be constitutionally provided for. A national food commission with at least 50% representation of women be established and centralised.

**Land and property rights:** Women and children have been in the first past suffered most of the victims of calamities, disaster and forfeit, clashes and other land related insecurity. Therefore we felt that female offsprings, regardless of marital status should be entitled to inherit family property including land without discrimination.

We also felt in land issue, the land registrar should be decentralized countrywide and transactions be carried out at the district level.

There should be equal access to land ownership and control and other resources among men and women. Kenyan living in containery and group owned land such as pastoralists and \_\_\_\_ should be constitutionally guaranteed protection, security and ownership of the land that they occupy.

**Management of local resources:** local committee to manage local resources and their respective community level should be established and never should be elected by the community.

**Processing industry** should be based at respected areas for protection to break employment opportunities for the local community.

**Defence and National security:** Parliament should be given responsibility of national security and be entrusted in a new constitution. The constitution should permit the news of extraordinary powers in emergency declaration such as war, national

disaster, resurrection and breakdown of public order and that of parliamentarian should have a role in affecting emergency powers.

Kenyans who become victims of emergency war should be properly compensated by the state to gain a period of 2 years after emergency. Local conflict resolution committee with at least 50% representation of women should be established in security prone areas.

**Com. Bishop Njoroge Kariuki:** Thank you very much Florence. Joseph Kariuki, Joseph Kariuki of the Veperate group.

**Joseph Kariuki:** Mwenyekiti, macommissioner, naitwa Kariuki mbogo, nimetoka kijiji ya Regient na tuna maoni kidogo ambaye tungependa kutoa.

Jambo la kwanza, we are requesting to form an office of the ombudsman to enable our residents to back some changes which provide to be difficulty especially when it comes to police cases or to chief's cases.

Jambo la pili, most of the people who get P3 forms from police stations have to give bribes and to get the P3 form filled by clinical officers in the district hospital, one must pay a sum of 1000 shillings and this is a staggering figure and most of the common man cannot afford. Now our government has guaranteed us free medical care, why should we continue paying this large amount? It shows that a poor gets assaulted by someone, the case must not go to the court because the P3 forms has not been filled.

Whenever there is an outbreak of a certain disease i.e typhoid, you get a clinical officer prescribing a patient medicine worth 3,000 shillings. This is to be bought at a private pharmacy or a chemist. If one happens to be jobless there is no otherwise apart from dying due to a hydretical cost. So let us have a way of hospital bills, as most of us, the common man cannot afford to pay a present amount being demanded.

Most of deligent village residents were squatters; when the time came for them to be given plots, some rich people came and grabbed their plots i.e councillors and other prominent businessmen and women in this town. The matter has become so serious that some of the said squatters have even been taken to court due to their persecuting demand of their plots. These people have been squatters in Regient village for a period of more than 30 years and the majority of them have never been settled. We are suggesting that an anti-corruption committee unit be formed to investigate about this matter. Hence some of the said squatters have been so desperate that they have been reduced to beggars.

We are suggesting when the chiefs are being elected, we would like them to be selected from the location he is going to work from because our Rekie village we have an assistant chief who does not come from the Ntrukuma location, he comes from Marura. There has never been one at our village; so we are requesting the DC to give us a ... Excuse me, hapo tunajaribu kueleza ya kuwa tungeomba committee iwe ikituchagulia chief ambaye anakaa kwa Ntulukuma location, awe anatoka location

ile ambaye anawakirisha. Sisi kwa upande wetu hatuna chief maanake chief wetu anakaa Marura. Kwa hivyo wakati tunamtaka tunaweza kumtafuta na anakupea ahadi uende ukamtafute mpaka mahali ambao anaendanga kupiga report kwa DO. Kwa hivyo tunakuwanga na shida sana maanake yule chief hatumpati kwa urahisi maanake si mtokaji wa area ya kwetu. Kwa hivyo tungeomba committee wakati chief anachaguliwa wawe wakichaguliwa, chief anatoka location ile ambaye anawakirisha. Na ni hayo tu. Asanteni sana.

**Com. Bishop Njoroge Kariuki:** Nimesema kwanza utajiandikisha pale lakini nitakuuliza swali pia. Mara ya kwanza umesema unataka mchaguliwe chief, halafu mara ya pili ukasema unataka nyinyi mmchague chief, Ni gani ungelipenda tuandike?

**Joseph Kariuki:** Hapo ile ningependa tuandika, ningepomba tupewe chief ambaye anatoka location yetu maanake yule chief tuko naye sasa si wa location yetu, anatoka Marura Location. Inakuanga ni shida sana kwa mtu kumpata.

**Com. Bishop Njoroge Kariuki:** Unataka mpewe, unajua kwa hivi sasa, chief anapeanwa na serikali, serikali inaamua huyu ndiye anafaa kuwa chief. Ungependa hiyo iendelee au ungependa nyinyi wananchi muwe ndiye mnachagua chief, mnasema tunampenda huyu?

**Joseph Kariuki:** Tungependa serikali iwe inachagua chief lakini inatuchagulia chief kutoka kwa location ile ambayo tunakaa.

**Com. Bishop Njoroge Kariuki:** Nimeelewa, Asante. Kwend ujiandikishe hapo. Tupate Joseph Mugo, Joseph Mugo, Moses Nguchire, Moses Nguchire, Isaac marengi, Wale wanaokuja nyuma, nilisema kila mtu anapewa dakika tano, uhighlight your memorandum kwa sababu hiyo memorandum tutaenda nayo Nairobi. Have a seat.

**Isaac Malenge:** Kulingana na vile sisi kama wale tunapropose na ile constitution iko, tunasema ni lazima constitution yetu iwe na kitu tunaita preamble. Hiyo ni kusema tuwe tunaona kile kitu tunaita primary codes yale ambayo inatuongoza.

Jambo la pili, tunataka iwe na principles of governing our constitution. Sita kuappoint kuappoint lakini nitahighlight point moja ya kusema ikiwa ni business tunataka iwe inawachiwa wale watu ambao ni wa Kenya. Sio maneno ya kusema hati..., its simple business rather that's what I want to say. Kama kioski, kama maduka ya chai, sio maneno ya kuona mhindi ako na hiyo kitu, na Wakenya wananyang'anywa hiyo business.

Jambo lile lingine, ni constitutional supremacy, we should retain this process because, hiyo tuko na 65% ikiwa ni votes inapigwa, tunasema hiyo iwe inakuwa retained.

Halafu tunaenda kwa maneno ya citizenship: Sisi kama Rware tunasema, ikiwa mtu hajazaliwa hapa Kenya na yeye anakuja kukaa hapa Kenya na anakaa miaka kumi, he should automatically be given citizenship without any option. Na pia ikiwa mtu

anaolewa hapa ama anaoa hapa, he should actually be given the citizenship.

The other issue is defence and security. The responsibility of the national security should be left to the President. Military and paramilitary police and division should be established by the constitution. The President should be commander in chief of the armed forces. The executive should not have powers to declare war. In case of such times arise, the three arms of the government should meet and decide on how it is necessary. The president, official leader of the opposition and the high court judge. In case of .... Parliament should have a final stage in effecting the emergency.

Political Parties: On the line of political parties, they should be involved in all activities done by the government of the day. The constitution should be the great formation and orders of political parties. There should be 5 political parties and among the 5, any party which fails to garn 200,000 votes in any election should be abolished.

Hiyo ingine ni Structure and the system of the government: We should retain the presidential system of the government. We should not adopt parliamentary system of government in which a Prime Minister is appointed from the majority of the party in which a parliament and the President remains more or less ceremonial. The President should retain his powers and should be elected direct. The Prime Minister should retain less ceremonial and elected by the people but not parliamentarian. We should not adopt high system in which executive authority is shared between the President and the Prime Minister. The President should retain the executive authority. The Prime Minister should be allocated duties by the President. We should retain the unitary system of government in which all affairs of the state are controlled by the central government. The system of the central government is very fair for the state economy is distributed everywhere. The federal system of government is not good for it will divide the country. So, in conclusion, Rware reject majimbo structure of government in Kenya.

**Com. Bishop Njoroge Kariuki:** One more minute.

**Isaac Malenge:** We go to the question of Legislature, the constitution provides for a single self register with two prime law making decision should be retained. Appointment of judges in justice and act of body and the Attorney General, all should be done by the tribunal, Parliament should have all the powers to control its own procedure through the standing order. Members of Parliament will be full time occupation. Changes should not be made to age requirement for voting and contesting parliamentary or presidential places *end of side A tape 1*

Constituents should have a right to call their MP if he does not \_\_\_\_ the light. Way of calling him is writing to the national assembly speaker, MP should always act on basis of congeest and not instructions from their form of government.

The current multi party system is the registrar and one party in the civic should be abolished. We go to a system that demands multiparty representative in both levels of the government.

We should retain the current system of parliament of one side.

**Com. Bishop Njoroge Kariuki:** The time is gone, we will read that memorandum, I have one question for you. Sit down, let me ask you. You have said, for the President to declare war the three arms of the government that is Parliament, Judiciary should determine so. Now if the issue of war is discussed in Parliament, no doubt the enemy will know what the country wants to do, it that really realistic that war should be discussed or should the President declare war and then later on be able to discuss it with parliament?

Hivi ni kusema kwamba, vita ni vita, si ni kweli? Na ikizungumzwa parliament adui atajua vile mnapanga, si ni kweli? Sasa wewe unasema Rais asitangaze vita mpaka Parliament iamue. Hiyo si itakua na shida?

**Isaac Malenge:** \_\_\_\_\_ (inaudible) anataka kudeclare war without even consultation and several things have been going on, deciding on his own and things being done.

**Com. Bishop Njoroge Kariuki:** Okay, thank you very much. Asante, jiandikishe pale. Tupate Reverend Joshua Gachora. Reverend Joshua Gachora.

**Rev. Joshua Gachora:** Thank you Mr. Chairman, I have two memorandums, one for the parish and mine. I'm reverend Joshua Gachora of Presbyterian Church of East Africa.

On preamble, I propose that we have preamble, which state the constitution is made by the people of Kenya and the people of Kenya are sovereign. On directed principles of state policy I propose the following:

Gender equality and protection of rights of the minority are element of the just and the just society. And all geographical regions of the country are entitled to equal development, children, young people, and the elderly and the other vulnerable group should be protected by the constitution.

Democratic principles: Power bloming to the people and they decide on their behalf through the representatives, central state and the accountable institution of the government.

Constitutional supremacy: On constitutional change, the constitution must indicate that in the event of overhauling the constitution, all Kenyans should be involved. In the event of amendment this should be subjected to a referendum before they are enacted by parliament. This will keep Kenyans upright with any new development in their constitution.

Citizenship: All people born in Kenya of parents who are both Kenyans should be citizen and all children born of one Kenyan parent regardless of a parent gender, should be a citizen.

Structures and systems of government: Kenyan should adopt a parliamentary system of government in which a Prime Minister is appointed from the majority party in parliament. The Prime Minister should be in charge of the daily running of the government affairs and should be directly accountable to parliament.

The constitution should require that the MP should spend at least half of their time to consult either constitution and fa\_\_\_\_\_ so



as to promote the democratic ideal or representation. The president should not have the power to dissolve parliament, instead parliament should have a clear plan or calendar of events which should be fixed.

**The Executive:** The constitution should specify qualifications of a presidential candidate such as one with a automatic Kenyan citizen between 45 and 70 years of age and at least a graduate.

**The Legislature:** Parliament should vet the appointments of ministers and assistant ministers to make the ministries more professional and accountable. Court judges through a parliamentary judicial committee and public service commission officers.

**Constituency:** must be empowered by the constitution to recall their MP in the event that they are not satisfied with his or her performance. This should be done through a collection of 50% teenagers across the constituency registering people dissatisfied

**The Judiciary:** The constitution should ensure that citizens have a right to legal aid. This is in the event where the citizen are not able to engage a private lawyer.

**Local Government:** Local authorities are the most basic level of government which make them closer to the people. With this in mind, I recommend that mayors be elected directly by the people. The term of service for the mayor and chairmen of county councils be decreased from the current two years term to five year term.

**Electoral system and process:** On the election of a national President, the constitution must state that he or she must be elected by the majority. While we should retain the rule of 25% representation in 5 of 8 provinces for the purpose of national outlook, the winning candidate must garner at least 51% of the total votes cast in the whole country. I recommend that every polling station become a counting station and the announcements of the outcome is done there and then. This would minimize the chances of revenue during transportation of ballot boxes towards central counting hall.

**Com. Bishop Njoroge Kariuki:** One more minute.

**Rev. Joshua Gachora:** One more minute? **Basic rights:** our new constitution must make provisions for social economic cultural and development rights. It should protect security, healthcare, water, education, shelter, food and employment as basic rights for all Kenyans.

Capital punishment should be outlawed in our new constitution.

**Land and Property rights:** The government should have power to compulsorily acquire private land for purposes of development of social amenities like roads, hospitals and schools, or for the extraction of minerals for the purpose of country development.

The state government or local authority should have power and control the use of land by the owners or occupiers. The government should declaim big chunks of land that are not putting into proper use for economic development. All that should be reversed, the government and all users to become tenants.

**Com. Bishop Njoroge Kariuki:** Thank you very much, you have taken 8 minutes which is a lot of time. We will read all the memorandum don't worry. Thank you very much reverend, can we go ahead and Kijade, I'm very happy to see women coming forward and ...

**Mrs. Kijede:** Thank you Bwana Chairman. My name is Mrs. Kijede from Nanyuki here, representing of women at the provincial level, constituency ni Laikipia East and West.

I have got seven points, Problems, insecurity, illiteracy, access information, decision making, access to the basic rights, social cultural practices, issuing of identification cards and other relevant documents.

**Insecurity:** Insertion of property and the creation of boundaries. Intimidation, rape, eviction by the so called foreigners of indigenous. Recommendations, the government should provide security towards citizen, \_\_\_\_\_ should be prosecuted and enhancement of the roads and that \_\_\_\_\_ towards ensuring security that law should be placed for rape offenders.

Intimidation: enforcement of relevant loss, freedom of association movement etc. insecurity in enforcement of law, establishment over independent standing committee for human rights.

Human rights issue should be incorporated in school curriculum. Awareness training of human rights establishing of an ombudsman office to protect the rights of citizens.

Problem in security issue, rape issue, defilement, - recommendations – enforcements of the law against rapist, establishment of the gender commission to cater for all gender issues. Gender violence be taken seriously by the officers.

Eviction indigenous foreigners: - recommendation – land issue should be reset, establishment of law that anybody can own land, property in any place in the republic of Kenya. there should be a law that protects ownership of property in any part of the country. All Kenyans to be allowed to settle and invest in any place of the republic of Kenya.

Illiteracy issue: poor participation in development process due to lack of education, unemployment because of falling economic standard. Early marriages deny the women access to education, increased poverty due to poor economy, drug abuse, it touches the mental and development of the youth. \_\_\_\_\_ arrived in Kenya are working and developing other countries migrating our own. – Recommendation – the government to provide free education at primary level. The government to subsidise the middle level institutions such as village polytechnics to cater for all children after O' level. The government to create enabling environment to enable foreign investors to invest in Kenya and create job opportunities. The government to reduce discriminate and give jobs on merit as opposed to the current status where nepotism and corruption are the determining factor. A law to ensure that all school going children are attending schools. The government to subsidise the cause of education on primary and university level. Government to provide loans to small business jua kali sector. The government to subsidise farm inputs to revive the agriculture sector. The government to support farmers to market their farm produce locally and abroad.

Access to information issues: ignorance, lagging behind in development and poverty. Recommendations – The government to give licence to media houses regardless of where they are operating. The government provide information to its citizen through the mass media. The government to facilitate information from, on irrelevant issues affecting the local community through barazas and meeting.

Decision making issues: Women denied their rights to job opportunities

**Interjection:**

**Com. Bishop Njoroge Kariuki:** Mama, you have already spent 9 minutes, you are just about to go to 10, can you give us your last point please. I have given you all the time because you are mama. Last point to make 10 minutes.

**Mrs. Kijede:** They are many. (*Laughter*)

**Com. Bishop Njoroge Kariuki:** This is because we will read all that memorandum, every commissioner will read that memorandum before it is put in the computer, nothing will be lost.

**Mrs. Kijede:** let me finish. Social and cultural for practice: early marriages, female genital mitilation, vigilant groups e.g Mungiki and Tariban etc. Recommendation – There should be a law to prosecute those who force marriage before the age of 18. The government should prosecute those who are conducting female gentle mitilation, vigilant groups to be disbadled in the community. People be allowed to have more than one citizen e.g. parents country and any other choice of their choice. Failure to effective participating in voting, illegibility to acquire relevant documents such as passports and visas. Intimidation most and ID and passport have tribal tacks. Inability to travel out of the country, inability to obtain ID cards in some areas. Recommendations – The government to issue ID cards and other relevant documents without any discrimination or tribal otherwise. The government to facilitate its citizens to participate in election process, tribal tracks not to be included in the ID card and passport e.g Kikuyu etc. Government to facilitate travel documents to those in need without discrimination. The government to facilitate issuing of ID cards to those in need and are of age. Separate passport for children e.g. parents can travel comfortably with the children even without the partner. Thank you Mr. Chairman.

**Com. Bishop Njoroge Kariuki:** Thank you, I want to ask you one question mama, just before you go. We have a law on rape, under rapist, what do you want to say about it? Do you want, because already we have a law, what do you want put forward, to make it cheaper?

**Mrs. Kijede:** There should be a life sentence for a rapist.

**Com. Bishop Njoroge Kariuki:** We have the Member of Parliament of this constituency with us here and we also he have a

DDC meeting to attend, and I want to give him permission to present so that we can give him time to go. Is that acceptable?

Okay. Mheshimiwa karibu.

**M.P.:** Thank you very much, and good morning everybody? Mine will be very brief. I believe that a lot have been heard, I've been following up memorandum even that was given at Mtongoto, all those says, I believe my people have given their views. I have only one extension to make: that for the proper running of the government. For the rule of law and order to prevail in this country. We shall require narrow down our administrative boundaries and I only suggest that we abolish all the provincial boundaries, we abolish all the district boundaries and we concentrate on a constitutional constituency boundaries. That we redraw them up of this country once again whereby, either there will be additional number of seats, or no additional. We redistribute the boundaries once again everywhere and the constituency level be the administrative level. We abolish everything else; all representation should come from the constituency. Both administration, it will be easy for us for insecurity and even the proper management of our own areas. Thank you very much.

**Com. Bishop Njoroge Kariuki:** Thank you very much Mheshimiwa. I think you will register there so that ... Can we have John Gikingi? John Gikingi.

**John B. Kenia:** Mr. Chairman, a lot has been said, there have been brief things about following:

Its my humble request that we should have the separation of powers.

1. The Presidency – most of the powers has been concentrated on the presidency such that the presidency is of Italian – our presidency have come of an Italian system of government because it appoints, dismisses, and also appoints, dismisses a judge, an Attorney Generalm hence the people have no where to take refuge. This would like the presidency not to be a law maker and executor of that law but not an adjudicator or a judge. Because at least now, we have become subject but not citizens of this country.
2. The judiciary: Should not be appointed by the office of the President especially the Chief Justice because if the Chief Justice is appointed by the President, the aligency is in that office. The judges, \_\_\_\_\_ in that office then the citizen will no longer defeat them but subject as it used to be during the early times, during the French revolution – 14<sup>th</sup> century when the king – king weave was the king, was the adjudicator, the judge and so on, such that when the queen came out,

### *Interjection*

**Com. Bishop Njoroge Kariuki:** We have received the point.

**John B. Kenia:** Okay, Citizen and freedom: This is a republic which is in a republic, the power should be held by the people, the society, we should have that equality not the Executive to hold the power or the elected people to hold the power. Here what we have is to elect people because it is a republic but when they go there, with half the people who elect them become the subject, they become the subject, they are ruled they have no say. Then this one has created a field of system with face of king for tribes such that at independent, by 1986, we had 41 PC and now we have

Interjection:

**Com. Bishop Njoroge Kariuki:** You have spent your time unwisely, please give recommendations so that you can give many of them,

**John Kenia:** So we should like to have quality such that citizens should not be paying homage and the allegiance to people whom they have elected. The principle of citizenship implies the equal access to opportunities. People should be limited by their own attitude not tribe. Every community should be encouraged to participate in nation building let Kenya be for Kenyans, not be for tribal.

Distribution of wealth to bridge the gap between the rich and the poor; this should be enhanced and should do, Mr. Chairman, the government should leave the urge of tribal pronouncement because this has killed the nationalism. We are now thinking of tribes but not nationality.

Provision of legal aids to poor, you go to a court, most jails are filled with the poor, the rich are not there. Therefore for prisons, poor people should have access of free legal aid.

On education and health, government should assume and take up the responsibility of provision of free education and free health as a basic right.

Cost sharing: The thought of cost sharing, I say cost sharing then I'm told to go and cost share. Cost sharing should be avoided because you tax tax the tax payer to maintain the officer and then you all s\_\_\_\_\_ when it comes for free. So cost sharing for what? For who?

Security Mr. Chairman,

**Com. Bishop Njoroge Kariuki:** Now you have already spent 6 minutes, I give you one more minute.

**John Kenia:** I'm just about to finish. Security is a basic right for everybody and we require protection for all citizens of this country. We require no discrimination, you have seen people who have killed and they have been set free. We have people who carry weapons, they are not asked, others when they carry even a rungu they are charged. Leaders should focus on national unity.

Minimum qualification for an MP, a councillor, should be at least a C- in KCSE so that he can be able participate and be able to read and interpret the constitution.

### *Interjection*

**Com. Bishop Njoroge Kariuki:** Can you give us the last one.

**John Kenia:** Yes, the councils: the councils should be less and be independent of central government. The mayors and chairmen should be elected by the people and lastly the chiefs should be locals, not people imposed from other places so that

he can understand the astylation of the people. And the time table for national election should not be ... in any election, national election must be adhered to and the land which have been grabbed from 1991 todate should be returned. Thank you Mr. Chairman.

**Com. Bishop Njoroge Kariuki:** Thank you very much for those views. Can we have David Mwangi?

**David Mwangi:** Chairman, Constitution of Kenya Review Commission, honourable commissioners, ladies and gentlemen, first before I present my views, I would like to present my overview of our country.

1. Circumstances in Kenya today are that the entire country is itself a mass grave. Majority of wananchi are living in horrible, dehumanizing condition of impoor arrangements. This has driven us into an economic moral. We are poor because we have been made to steal from ourselves. This is a Kenyan hitman society. Social justice has been thrown to the dogs, justice in Kenya

### *Interjection*

**Com. Bishop Njoroge Kariuki:** Mr. Mwangi, please don't tell us what we know, we are Kenyan citizens, we know that there are all these things and we don't like them, what we need is recommendation as to deal with those problems. Can you go to the recommendations please?

**David Mwangi:** Thank you very much, Is the commission adequately addressing those present issues in Devolution of power, office of the president, powers conferred upon the President by articles 15, 16, 24, 5, 61, and 109 in our present constitution are excessive and they apply dictatorship greeting not an elected President but the \_\_\_\_\_ which should involve the President should remain a ceremonial figure and/or the Prime Minister should be provided for to deal with the executive government party.

Kenyans do not need the portrait of the reigning head of state. The first founder of the nation portrait should be retained. Kenyans do not need the portrait of the reigning President on our currency notes and coins, another binding and national representation can do. Name of public intelligent should be localized to present that area aspiration not necessarily the head of state.

Head of state can be sheltered by parliament. A reliable \_\_\_ impeachment if he breaks the laws of the land. Parliament should be made the supreme body of the land, \_\_\_ manipulation by anybody including the executive in order to dilute his powers to seek their will. Such has made the country to drip into all the Italianism and the visit for Italianism. Reintroduction of two chamber legislature should be rejected at all costs as it is a waste of our media resources.

The president should serve only for two vie year terms. Cab the entire provincial administration and instead substitute with empowering and engrazing the local authority.

Place block in all avenues of corruption everywhere including corruption prone sectors and political patronism. The genesis of all evils dodging the wananchi in this country and manage from from Provincial offices starting from office of the President to the

local assistant chief. These offices are regarded by us, as grave by the common mwananchi. *end of tape 1*

I'm affirmative GSU, that the APs with the regional police and then start from scratch in retraining them in all years of police work. Police act in self explanatory. Kenyan police – Kenyan traffic police as a chain in the whole world.

The Prime Minister: This being executive does not mean manipulation and interference from the powers from above sidelined which have left the entire from facts. Let the minister incharge of each ministry be held responsible for any act of wrong doing in his ministry. His professional ministerial office duties should come up with a final decision but not the President. This in the present constitution, it means that the queen can do no wrong.

After receiving any commission of enquiry report, such report should be treated as a public entity and should be released to them immediately in the same month without doctoring or amending whatsoever.

Free air wave: We are being subjected to information, favouring the KBC as a means of hiding the facts away from the man – its a propaganda tool.

Parliament should vett all police service dignitaries as most of them have been a let down to our country. Reason being selection and denomination has been based on political, but poorly experienced corporal with academic \_\_\_\_\_

Parliament should control any foreign visit by the two heads in order cub our major resources.

### *Interjection*

**Com. Bishop Njoroge Kariuki:** I'm giving you one more minute

**David Mwangi:** Any job vacancy falling in any public sector or other government held information sector should be advertised by the public service commission then filled by meditorian, competent man or woman of Kenyan origin free of his tribe or any other... to a level of extent clan, it should not be Dick Tom and Hurry. Every Kenyan should be free to go to every corner of Kenya and preferably acquire property ready to ----- without hindrance. Leaders who will incite their tribesmen against the office, others, so as to cause clashes in form of cleansing should be imprisoned for life, 1992, 1998, will go down to our Kenyan history.

I also recommend central governance contrary to majimbo system which I believe are ethnic political enclain breathing stronger tribal hatred, especially what happened in Mombasa recently, its only a tip of the icebag. Riot, protest and public demonstration should be handled with a civility not protality.

### *Interjection*

**Com. Bishop Njoroge Kariuki:** Please you have spent 10 minutes, can you please give us your last point please?

**David Mwangi:** My last point Bwana Chairman is on constervation of forests. As forest areas are being depriated by those who matter in this country, a line of demarcation from the settlement areas and forests should be drawn. Those who have occupied this natural area by awarding themselves plenty of land after 1988 should be made to surrender to the government. The constitution should rage on these areas, Kenya's less than 4% of land mark is being destroyed with impurities by our present ruler. If the dreads are not cubbed, Kenya will be a desert. Every Kenyan should be orientated by the Ministry of

Natural Resources of his rights to preserve natural resource by aforestation and deforestation and defer introduce nature to protect and preseve forests that are self diverted.

**Com. Bishop Njoroge Kariuki:** Thank you very much,

**Mwangi:** I will finish with this one. Votes for polling is boxing day. Thank you.

**Com. Bishop Njoroge Kariuki:** Oh my goodness, is that the power of the people? because they are plain. Mwedenge Advocate, Mwedenge Advoates,

Mwedenge: Thank you Mr. Chairman, I will be very well brief. Mr. Chairman you know Kenya is an agricultural country, and we have to protect that land. How do we protect it? It is my domation that we should have a ceiling down where agricultural land is concerned so that we don't segment agricultural land into an economic unit.

Now when it comes to filling up filling up, my view is that there have not been any filling up but, if there is a land owner who is having big parts of land and he is not using all of it, whateve he is not using should be given to other people.

The other thing on land is that the landlord should harmonized and right now we have so many landlords, they should be harmonized and seriously protected so that we don't have local \_\_\_\_\_ amended overnight, today we are having the land district tribunal more than the other one. The landlord is regarded as gelousy.

On parliament the MPs should be answerable to the electorate. Something must be done to to see that the 'sleeping' MP and those who go to those in parliaments, don't hesitate. If they don't deliver, the electorate must be given power to reject them. It is my view that once an MP does not deliver, the electorate has to be given powers to train him either by bringing him out of parliament or giving him a warning. And my view is that the electorate from a particular constituency, he may see the MP is not delivering, they be given power to throw him out if three quarters of the electorate from that particular constituency, if they may say so, by signing a memorandum to that effect then he will need to move from the seat.

The other bit of MP is that those who defect from their parties should automatically lose their seats. This section 40 If the constitution which if army is to an MP who has defected, but if it is political party which is to be a parliamentary party, that one should be amended or thrown away. It should be irrespective of whatever you are. If you defect from your party, you should lose your seat. Now my view is that, so that the government to function properly, there should be a probation for coalition government to avoid the defection.

Mr. Chairman, the other one is that it is the legal duty of the government of the day to educate and to take care medically of its citizens.

The idea of free education, free medical care is in party manifestos and not in the Kenya constitution.

My submission is that a clause should be put into the constitution that it is the duty of the government to offer free and



compulsory education to every Kenyan and at the same time to offer free medical care to its citizens. Where the money for that will come from, there are tax payers, this should be taxpayers money.

Turning to the judiciary, the way it is now is that any person who has been an advocate of the high court of Kenya for than 7 years can be appointed a judge. Then the age limit for a judge is 74 years. My view is that it should be 74 years but then there is the chief justice. Supposing a chief justice is appointed at 30 and he is to retire at 74, he will practicing justice for 44 years which is unfair. My view is that there should be a limit to the term of the chief justice, he should serve two years of either 5 or seven years but there should be a limit. With those few remarks Mr. Chairman I tend to say kwaheli.

**Com. Bishop Njoroge Kariuki:** Thank you very much for those very important views. Can you register there therefore. Okay, can we have a reverend Simon Ndegwa.

**Rev. Simon Ndegwa:** Thank you Mr. Chairman, I will give my memorandum in a form of highlighting. The first highlight is that I love Jesus, he is my personal saviour and I advocate for truth pureship. It's a requirement that as a steward must be faithful.

### *Interjection*

**Com. Bishop Njoroge Kariuki:** Make it \_\_\_\_\_ as before. There are people with memorandums that they may not want to speak in, if you have a memorandum, you don't want to talk, please go there and register your memorandum so that then the programme officer will take it to be processed in Nairobi for those who do not want to say anything. You can register such a memorandum.

**Rev. Simon Ndegwa:** I am representing PEFA church organization in Laikipia district and I will talk on citizenship. Spouses of Kenya citizens regardless of gender must be entitled to automatic citizenship even when they are citizens of their own country.

Land and property rights: Men and women should have equal access to land and property. Kenya should have a constitutional right to own land, property and settle in any part of the country.

Political Parties: Political parties should participate in civic development and adult education. They should be in the front line like in the sensitizing the citizen on partment in issues e.g high VA, poverty, alleviation, revival of Kenya economy.

Form of government: Kenya should adopt a unitary centralized form of government comprising the three arms of government, that is the Executive, Judiciary, and Legislature. The local authority act should be amended to devolve power to the local authorities.

Structure of government: The ministers should be responsible to parliament. A two chamber house should be put in place, that'

s lower house and upper house. The three arms of government should be independent to each other.

**Qualities of President:** He must be a Kenyan by birth and he must declare his wealth.

**Powers of the Executive:** The new constitution must also limit the term of office to only two terms of 5 years each.

The offices of the Attorney General and director of public prosecutions should be separated and be independent to each other.

**The laws of power for Parliament:** Parliament must have power to create districts and provinces.

**Constituency** must be empowered by the constitution to recall their MP in the event that they are not satisfied with his performance. We suggest that two hands of the constituency may be petition. The constituents got to recall their MP.

Electoral commission could also facilitate a referendum on the same. The MP should only keep his seat if 51% of the constituents are in favour.

**The law of the powers of the judiciary:** All judges should have security of tenure. There should be established a constitutional court and Supreme Court. Magistrates should be appointed by an independent judicial service commission.

**Elections and electoral procedures:** The new constitution must guarantee free and fair elections.

**Constitution and the human rights:** The new constitution should protect the rights of the individual. Human right, education shall be a right of every Kenyan because Kenyans are ignorant of their rights.

**Com. Bishop Njoroge Kariuki:** One more minute please. Can you give us your last point.

**Rev. Simon Ndegwa:** Natural resources: local authorities must be mandated to manage to the resources within their areas of jurisdiction and such mandate to manage may be conquered with the central government's money where appropriate. Thank you.

**Com. Bishop Njoroge Kariuki:** Thank you very much Simon for those views. Can we have Hellen Gathogo of the Child Welfare Society.

**Hellen Gathogo:** Thanks so much, I'm presenting my report on behalf of the district, Child's Rights Promotion Committee coordinated by Child Welfare Society of Kenya. I will go directly to import points because I have written ones.

In our constitution there is a grand omissions. I'm going to talk on the side of children. The child is prominently absent in citizen in the supreme law. Nowhere in the entire constitution are the terms child or childhood. Those who have the constitution, mention let alone acknowledge. Even provisions on citizenship avoid mentioning child in reference matters of birth in comparement of citizenship preferring instead to use phrases like "a person born in Kenya" other than "a child in born bra bra".

**No guaranteed protection:** Because the constitution is silent on the right of the child, the bill of right contain no specific

guarantee and protection for children. Therefore as a result, basic needs of children like education, nutrition are neither acknowledged nor recognized as per fundamental human entitlement of the child. Therefore, even if we have the new children act which is saying that education should be free and should be available, the government cannot be responsible. There is no special protection whatsoever on children against harmful practices like FGM, child labour, neglect, abuse, and human families where she schools. So even if we have these laws in school, abolishing the corporal punishment, when the supreme law is silent, still there is nothing.

There is section 82 of the constitution which provides for protection of citizens against discrimination does not recognize age as a ground of discrimination. This means that it is quite, constitutional to discriminate against child by reason of his or her underage cater.

There is uncertain citizenship. Citizenship by birth ought to be an automatic right for every child and every Kenyan child. This is so however due to the constitutional mission and selective provision of chapter 6 which governs citizenship. The result is that the Kenyan children have got no distinct to national identity because the constitution does not expressly grant them the right to Kenyan nationality. Then section 90 where guarantees citizenship to children born of a Kenyan male abroad, inexplicably denies automatic citizenship to a child born of a Kenyan mother if at the time of birth she was resident abroad. Nikienda kule nizae mtoto nikiwa ng'ambo, hatakuwa na citizenship this side. Lakini kama ni bwanangu, huyo mtoto atapata citizenship. Look at that, gender. The restrictive wording of the requirement in section 92 for prove of Kenyan parenthood on application for citizenship, denies abandoned or lost children the right to automatic Kenyan. We have problems in identifying children who are lost at the border.

Impression: The presumed constitutional protection for children is normally implied from the wording of the bill of rights that protects the rights and freedom of all Kenyans. Children's rights are therefore said to be protected in so as far as they are two constitutes, the general mass of Kenyan citizen to whom the bill of right prefers. This is a fundamental error. Why? Because children are now universally recognized as a distinct vulnerable group of citizen entitled to certain sexual rights reflective of the \_\_\_\_ purpose and intent is lying in the UN convention of the right of the child where which Kenya is a signatory. You don't sign a document without reading and making sure that your country will implement.

The next right, responsibilities, views, interest and vision of children as adult are not in signonma. Even where the constitution implies free protect children indirectly as Kenyan citizens, the many restrictions lodged in the bill of rights make it very difficulty.

Anyway to fully enjoy the meger rights and freedom available therein, a classical case of taking away with the left hand and what is purportedly grant is the right. Unatoa na hii lakini unaambiwa the minister can do ABC

Interjection.

**Com. Bishop Njoroge Kariuki:** Hellen, I give you one more minute.

**Hellen:** Recommendation: 1. Clear definition of childhood would create clarity in the acknowledgement and enforcement of

the children's rights. This include name and nationality and age, citizenship children born out of wedlock.

2. Children have right to live. This means we should have access to all basic needs yet more than a 120,000 children are of less than 5 years are denied their rights of survival every year. Let it be constitutionalized that it shall be the responsibility of parents and the state to guarantee these rights.
3. Development right: This involves mind, body and soul. So let it be constitutionalized that it is the state responsibility to guarantee free and compulsory basic education and affordable subsequent education.
4. Best interest principle: The state or other person should not take precedence over the best interest of the child. So it should be constitutionalized that in all actions concerning children, the primary consideration shall be the best interest of the child.
5. Establish a special office named children ombudsman. This office would guarantee effective protection of the child and ensure full enjoyment of rights due to all children. The office should be independent constitutional office vested with full security of tenure prosecutorial power and supervisory authority over the director of children's services and the National Council of Children Services and this should be under the new children's act.
6. The aggrieved consent on the children's rights to be incorporated into the constitution, should constitute a separate section or article in a new bill of rights which section we should read, the title should be "Rights of the Child."

***Interjection.***

**Com. Bishop Njoroge Kariuki:** Can you give us the last point? We are going to read that memorandum.

**Hellen:** I'm not reading everything.

**Com. Bishop Njoroge Kariuki:** You have already spent 10 minutes. So please one more.

**Hellen:** Okay, Lastly, in amending the general body of the present bill of rights, that is 82, their law should be specifically altered to include age, birth disability as recognized ground upon which discrimination may be found. And every child should have a right to acquire free education from any school within the republic so as to interact with other children. The current system is discriminatory and should be abolished. It is due to quarter system. Thank you.

**Com. Bishop Njoroge Kariuki:** Thank you very much, that memorandum we will take care of everything when we are summarizing in Nairobi. Can we have..... you register there please. Can we have Agela Kathuri? Agela Kathuri? Okay, John Maiyu, John Maiyu, Josphat Miano you brought it? Are you Josphat Miano? Josphat Miano is not here. Charles Njaramba. Highlight your points.

**Charles Njaramba:** Chairman, officials of commission, ladies and gentlemen, may I put a proposal of the current issue which is prevailing at this time? Seeing the views of many Kenyans are common, we would propose that the Constitution Review Commission should take the shortest time possible to allow the elections to take place in December 2002. I'm just taking this

one as national coordinator for Uma Patriotic Party of Kenya.

**Preamble:** The constitution is made by the people of Kenya. The people of Kenya are sovereign, no law of authority funding the constitution is above the people. Kenyans are committed to democratic values of constitutionalism, equality, and rule of law.

Kenyans are committed to the future of Kenya as a united and indivisible country that is composed of people of different cultures whose rights are vulnerable. Freedom fighters should be recognized because of the hard work and the blood they shed. Their public holiday, well set monument at the museum should be constructed.

**State policy:** Gender equality and protection of the rights of the minority are elements of a just society.

**Democratic principles:** The power of the people should be exercised on their behalf through representatives' sensible and accountable institutions of governance.

**Constitutional supremacy:** On constitutional change, overhauling the constitution, all Kenyans shall be involved. In the case of amendment there shall be subjected to a referendum before enacted by parliament and 65% majority votes should be retained in the parliament.

**Citizenship:** All people born in Kenya of parents who are born Kenyans should have citizenship and dual citizenship should be allowed in Kenya.

**Structures and system of government:** President should be ceremonial who should be above party policy and armed forces should be under him. Should be elected by all Kenyans with a majority votes. There shall be two nominated Vice Presidents, one for programme and the other one for operation. Prime Minister should be appointed from the majority party in the parliament. Prime should be in charge of the daily running of the government affairs and should be directly accountable to parliament. He should also have two Deputy Prime Ministers one for

***Interjections:***

**Com. Bishop Njoroge Kariuki:** Charles, can you listen, you have one minute to finish your points. We will read the memorandums, I said just highlight.

**Charles Njaramba:** National Assembly, we should have two houses, House of Representatives and house of tenure.

**Judiciary:** The judiciary shall be under the legal expert, Attorney General shall be recommended for appointment to the President by the jurists consultants and judges in the republic and the President shall appoint him or her.

**Local Government:** Local Authorities are most difficult level of government which make them close to the people. With this in mind, we recommend mayors to be directed directly by the people. The term of services of the mayor should be increased to five years but not two years.

**Interjection:**

**Com. Bishop Njoroge Kariuki:** Very much your time is finished now, can you please give the memorandum and have to write your names. We will read that memorandum, we have many people and every person should be .... Infact you have

spent 9 minutes. Can we have Joseph Gathangu Nduhiu? Joseph Gathangu Nduhiu, Catholic Church, He has presented the memorandum, I also said if you have a memorandum and you do not intend to speak, you can present your memorandum there so that we can have a look at it in Nairobi. Francis Wambaria, Francis Wambaria, Aamepeana? Francis Mwangi, Peter Karema, Peter Karema.

**Peter Karema:** The Chairman, the Kenya Review Commission officials, ladies and gentlemen, I want to talk very briefly because much has been said and I cannot \_\_\_\_\_ the constitution of Kenya alone. What I will so much highlight only, just on the judiciary system of the country. I would propose that the constitution of Kenya should make a provision whereby a supreme court would be established in the country and the established court should consist of the most academically qualified characters and whereby we the taxpayers should not feel any pain by being so fair to their personal emoriamment, in that one I mean the character should highly be paid such that their vulnerability to may be corruption which has marked every sector in the country should never be given to them. In that sense I want to highlight and say that the character should have the power, absolutely to prosecute judge and effectively monitor every organ of the government to make sure that the services that we the Kenyans must demand from our government led us in a selfless and effective sense.

Concerning the presidency or the Presidential line up I would propose that the holder of the office of the President should be a character, okay ..... Kenyans by all rights and by all values a Kenyan citizen should be a Kenyan by birth, qualified academically and who have attained a degree and somebody who is not above the law in the sense that the parliament should have the responsibility to impeach such a character. This is the parliament in this case would be viewed as the people's watchdog because they are the people's representatives. They should have the power to impeach that character and the people also should have the right to call back their parliamentarian just in case he does not do well. So your honour chairman and officials of the Constitution Review Commission, I think I'm through.

**Com. Bishop Njoroge Kariuki:** Thank you very much, that is a very important point. Can you register your name there? Those are important points. Lets have John Kibuchi, John Kibuchi. Karibu. Highlight your memorandum, don't read everything, give us the proposals.

**John Kibuchi:** Yangu ni machache na mimi nitasema kwa lugha ya taifa sababu mimi mnaona mimi ni mzee siwezi kusema kigereza. Mimi nitasema kama mambo ya

**Com. Bishop Njoroge Kariuki:** Jina yako?

**John Kibuchi:** Mimi jina yangu ni John Kibuchi. Mimi nasema nitasema machache, yaani nitasema mambo kama manne namna hiyo kwa vichache.

Kulingana na sheria za Kenya, matajiri walijipatia mashamba makubwa kama ya acre elfu sita wakati ya kunyakuwa uhuru. Yaani mashamba matatu au mashamba manne ya wazungu na masikini hata sasa hawana hata mahali ya kujenga nyumba, wengine wanalala kwa ma-carton, wengine kwa mabarabara, na hayo mashamba hayalimwi, hayafanywi nini, yanakaa namna

hiyo.

**Com. Bishop Njoroge Kariuki:** Ungetaka tufanye nini?

**John Kibuchi:** Mimi kwa maoni yangu, ninaona kama tukipata sheria mpya isio ya kunyakua, kila mtu huyo ako na elfu sita ya acre au acre elfu mbili aachwe na acre hamsini. Hii ingine igaiwe wananchi wanaokaa huku na huku kwa sababu hiyo ni kuona mtu

Interjection

**Com. Bishop Njoroge Kariuki:** simama mzee, zielese umefauru

**John Kibuchi:** Ya pili ni sheria ya wanyama. Mimi naona sheria wanyama kama dovu na wengine wanasumbua wananchi wa kawaida sana yaani hawana mtu wa kushughulikia. Sheria hiyo ya kutaka tupende wanyama kuliko watu ingefaa iondolewe watu wawe juu ya wanyama badala ya wanyama kuwa juu.

Ya tatu, Sheria ya watoto wanaoishi mijijini au ma-town yakuwa watu wazima bila kujua kusoma au kujifunza course yeyote. Iwe dogo au kubwa. Hiyo itakuwa ni hatari sana kwani watu wataishi maisha mabaya ya kusumbuana na wababa na mama na dugu na dada zao. Hawa watoto wangepaa wakuwe kama watu wema yaani wanjengewe mahali madhuhuri bali na mijini wafundishwe hata kulima na kuluga kuku na mengine mengi. Hawa watoto wanaonekana na wakiendelea hivyo kwa miaka kama ishirini au thelathini watakuwa kama taifa la pekee la Kenya hali hawajui kusoma wala kuandika wala kulima na itakuwa ni shida sana kwa sababu nyumae ndio watakuwa wakora au majabazi au wafunja sheria hata kama itakuwa sheria ya nchi itakuwa nzuri.

Ya nne nikimaliza, ninasema habari ya walemavu. Sheria iliotengenezwa wakati wa utawala huko, inaonekana haikuandikwa habari ya walemavu. Nikisema walemavu ni watu kama wale wako pale, Sababu watu hao wangepaa walemavu wangepengewa mahali wawe wakikaa, watunzwe kama watu wengine sababu wako na moyo kama watu wengine. Isipokuwa ni mguu au kitu ingine viuno ya mwili iliharibika. Kwa hivyo tusiwadhalau walemavu wakati tutakaotengeneza sheria hii ya siku hizi. Asanteni sana kwa kunisikiliza.

**Com. Bishop Njoroge Kariuki:** Asante, mnasikia John Kibuchi alikuwa na point nne amesema kwa muda mfupi na ni point za maana. Si ni kweli? Tujaribu kufupisha hivyo kwa point. Tuje kwa Nderitu, Mmejandikisha? Mimi nataka kumpatia mmoja wenu kwanza. Utwambie jina lako, can you take this microphone there?

**Joseph Wamathaga:** Asante, jina langu ni Joseph Wamathaga nasimamia walemavu katika wilaya ya Laikipia. Yetu ni machache kwa maana mengi yamesemwa na tunaendelea kuyasikiza. Ya kwanza, tungetaka serikali iwe ikijua walemavu kutoka kuzaliwa. Yaani kwa Kingereza, early identification of person with disability. Pia tungetaka walemavu wawe wakipelekwa shule na ile ni lazima, compulsory free education for person with disability.

Pia tungetaka shule zile tutapelekwa ziwe ni shule wanaweza kusomea accessible institution of person with disability. Pia tungeomba serikali ambaye itakuako ipatie walemavu huduma ya hospitali ikuwe ya lazima na ya bure – free health care. Pia tungetaka walemavu ambao wako nchini Kenya mambo yao iwe duty free tax – kama vitu kama magari ya kuhudumu ambayo tunatumia, wheelchair, clutches, na hata magari wale wanaweza kununu iwe duty free. Manyumba zote ambao zinajengwa kwa muda wa wakati huu haifai walemavu, ningetaka imbadilishwe kuwe kuna manyumba ambayo walemavu watakuwa wakienda vizuri kwa mfano barabara, choo, police, na korti hata pia Mabank.

Usawa: walemavu wangehitaji kuwa wasawa na wale wengine, kwa mfano, upande wa kuajiri, katika serikali yetu ya Kenya, walemavu hawawezi kuajiriwa katika jeshi au mambo ingine kama hayo kwa sababu wanasema wanataka wale wako physically fit. Tungetaka serikali ya kwamba walemavu wanaweza kufanya jukumu kubwa sana katika maoffice hata katika mambo zingine isipokuwa tu kukimbia au kwenda kupigana.

Ya mwisho ningetaka ya kwamba walemavu pia wawe wameajiliwa na wasije wakatoshwa tax kwa sababu walemavu hutumia muda mkubwa na kutumia pesa nyingi ili kus end of *tape 2 side A*

Kwa kupata loan ya kufanya kuinua walemavu katika mambo yao, ya kwamba the government should provide special funds for people with disabilities in Kenya. Halafu hao organizations zote za walemavu, ziwe zikiendeshwa na watu ambao ni walemavu kwa sababu wana akili na wengine wamesoma na wamekosa pahali ya kwenda. Waanche kuwa mzigo kwa wazazi wao.

Pia tungetaka, We would like all kinds of different disability to be represented in the parliament and in the local government to have a side set aside of their feet. Walemavu wapewe this katika bunge letu na pia nafasi yao ikuwe imewekwa. Person with disability should be assisted in the following stations: during the election, walemavu pia wangeweza kupewa nafasi mzuri wakati wa kupiga kura na kupewa muda wa kupiga kura na kukuta mtu ambaye atamsaidia mlemavu kama yule asioona na asiosikia katika interpretation of the languages.

Security: Walemavu wangehitaji kupewa ulinzi wa kutosha kwa mfano: walemavu ambao hawaoni na hawasikii, wakati wanapakwa, kustabisha kusema ya kwamba ni nani alifanya hiyo kitedo, na hili mlemavu hawezi kuongea na hawezi pia kuona na tunastauliza ya kwamba, yule ambaye aliona hiyo kitedo akiwa ni second witness, huwa the key witness. Mtu yeyote atambagua mlemavu, sheria imchukulie hatua kali. Serikali yetu inatakiwa kutengeneza preamble office which is neutral to each and every one. Anybody found using dirty language to person with disability such as kiwete, kiziri, bubu, should be prosecuted in the law of the court. Mtu yeyote atakayetumia lugha mbaya ya kuita mlemavu kiwete, kiziri, bubu na majina zingine za kumtusi, apelekwe katika korti ya sheria. Anybody benefiting on behalf of the person with disability should also be prosecuted.

Mtu yeyote ambaye atakuwa akipata pesa ama mafaa kwa upande wa walemavu akisema kwamba anasaidia walemavu bila shaka asitakiwe katika korti ya sheria. Any person who causes disability to any person should be responsible of the disability. Mtu ambaye atafanya mtu awe mlemaa ni sharti asimamie masilahi ya huyo mtu ambaye amelemaa.



Learning institutions should not discriminate a person with disability for the reason of disability. Katika shule zote sisije zikapagua mlemavu kwa sababu yeye ni mtu ambaye amelemaa.

### *Interjection*

**Com. Bishop Njoroge Kariuki:** (inaudible)

**Joseph Wamathaga:** Any learning institution should not discriminate a person with disability for reason of disability. People with disability should have their ministry or their minister in the new constitution. Thank you very much.

**Com. Bishop Njoroge Kariuki:** Thank you very much. Wewe ungetaka kuzungumza? Mmemaliza? Okay.

**Mary Mutoka:** Asanteni sana, ninaitwa Mary Mutoka, nimetoka Kenya KSA Nanyuki branch. Mengi yamesemwa lakini ningependa kustress kidogo tu ndio yakuwe inserted. Kama ya kumistreat watu walemavu. Watu wengi, wazazi, ama wazee ama wababa, wamama, mara mingi mtu akiwa na mtoto mlemavu anamuumiza anamfanyia vitu zingine nyingi. Tuseme kama mama amepata ulemavu akiwa ameolewa, mzee anamtupa, ama mzee anatupa mama. Tungetaka serikali ya Kenya mtu kama huyo yeyote ambaye anafanyia mlemavu vitendo mbaya achukuliwe hatua na serikali.

Ile ingine ningependa kusema ni juu ya kuaakilishwa bungeni. Mtu yeyote ako na ulemavu wa aina fulani, yeye mwenyewe ndiye anajua hiyo ulemavu iko namna gani kwa sababu niniamini yule mtu ako na kidoda ndiye anasikia uchungu yake. Kwa hivyo kama ni mtu ako kwa wheelchair, apewe nafasi kama ni mmama apewe nafasi kwa bunge aweze kutetea wamama wako kwa wheelchair. Kama ni mzee apewe nafasi ambaye ako na wheelchair kwa bunge ambaye atatetea wazee wale wako kwa bunge kwa sababu yeye ndiye anajua ni shida gani mzee ambaye ako kwa wheelchair anapata. Kama ni mtu hana macho, kila ulemavu ulipresentiwe katika bunge na tungeuliza basi katika constitution ambayo itatengenezwa watuchangie fees fulani kama kumi ama ... hizi nafikiri kumi zitatutosha kuwa represented katika bunge. Kama ni mmama ako na wewe, kama leo Sinyo ako kwa bunge anaturepresent kama walemavu lakini hajui what a mother on a wheelchair is undergoing. Kwa hivyo kama mmama ako kwa wheelchair, ako kwa bunge, atajua ni kitu gani mmama ambaye ako kwa wheelchair anataka. Mzee akiwa kwa wheelchair anajua ni kitu gani mzee ambaye ako kwa wheelchair anataka. Ama yule hana macho, kila mtu anajua ni shida gani ambaye mwenzake anataka. Kwa hivyo tungeuliza katika constitution ya leo utilie maanane sana kutupatia nafasi katika bunge hata katika kama ni huku mashinani pia, kama ni councillors, pia tupewe hata ni kiti moja ambao walemavu wawe represented kwa sababu watu wengi wanaona kama walemavu ni curse – ni watu hawana maana. Lakini pia ni watu wako na akili kama wale watu wengine, wanahitaji kila kitu yeyote ambaye mtu ambaye sio mlemavu anahitaji. Asanteni sana.

**Com. Bishop Njoroge Kariuki:** Thank you very much Mary for those views. Can we have Nderitu Gikaria, Nderitu Gikaria. John Kinyua,

John Kinyua: Asanteni sana. Hamjambo viongozi, na wananchi hamjambo? Mimi jina langu ni John Kinyua Kosege, nimetoka

wilaya hii ya Laikipia katika kijiji cha Riki. Ningetaka sherikali wakati inachukua jukumu la sheria iweke maanani ya kwamba kama ni Rais ambaye mamlaka alionaye ya kuchagua, wakati anachaguliwa na wananchi, achaguliwe na wananchi kila pembe ya taifa na baada ya kuchaguliwa asiwe na mamlaka ya kuchagua ambaye nominated awe nominated pia ati ndio atapewa kiti cha waziri ili wale wanakataliwa na wananchi pia no wasije wakawa nominated. Ikiwa ni councillor, ikiwa ni parliament, isije akatolewa pale.

Jambo lile lingine, katika taifa hili ambaye watu walipigania wakamwaga damu kwa jasho na wakaishi wakiwa shambani watoto wao hawakuweza kusoma na pia hawangeweza mahali zao iliharibiwa na wakapoteza utajiri wa taifa kwa ajili ya kupigania uhuru. Kwa hivi wananchi, watoto wa wananchi wapewe jukumu la masomo kutoka standard one mpaka standard four bila malipo ili taifa liweze kwendelea na liweze kuwa taifa liwe huru ambaye ni la wananchi walio na elimu.

La tatu, katika taifa hili, ni taifa huru, lina misitu, na ni forest ambao zilizo katika taifa hili ni forest ambao halileti faida maana ile faida inapatikana inakuliwe na wale wakubwa lakini haifikii taifa. Na hiyo ingesaidia taifa hili kununua madawa ili kila mwananchi akaweze kupata dawa bila malipo katika taifa hili.

La nne, taifa hili ambalo lina sehemu ingine kavu. Mahali ile kavu ambalo liko na wananchi na wale wananchi wangehitaji maji safi na hakuna maji. Sasa serikali ichukue jukumu ili iweze kupata maji huko wananchi waweze kuishi kule bila matatizo.

Jambo lile lingine ambalo ni wananchi ambao ni masquatters. Na hii, wananchi wanaitwa wananchi na inafaa waitwe wenyenchi kwa maana wao ndio wenyenchi na dnio walipigania. Kwa hivyo serikali iondoe masquatters, waweze kupewe mahali ile anaokaliwa na wale ambao wanafanya wao ndio matajiri ama watycoon.

Lile lingine la mwisho, ni ambao wale wanaonyakua mali ya wananchi kama la taifa, ikiwa ni viwaja, ikiwa ni manyumba ya serikali, ama mtu anakalia mahali maana squatter yule alikuwa pale hana uwezo ni masikini naye ako na uwezo anafanya kazi ya kuhongana. Serikali ile itakaokuwa ikifanya ni kuondoa yule amenyakua na kuipa mwanachi yule anaofaa ili akaweze kuhudumu kama wale wengine. Yangu ni hayo tu.

**Com. Bishop Njoroge Kariuki:** Thank you very much John. Thank you, can we have Reverend Barnabas Leliman?

**Rev. Barnabas Milman:** Thank you chairman, memorandum: Views on the new constitution of Kenya from the Reverend Barnabas Leliman, Vicar A.C.K. dioceses of Mt. Kenya West Nalomoru Parish.

Preamble: Our new constitution must have a preamble which should state that the constitution is made by the people of Kenya.

Democratic principles: Power belongs to people and its exercised on their behalf through representatives and the accountable institution of govern on constitutionalism and the roles of the law must be ensound to all human beings are equally entitled to

people, political, economic, social cultural and development rights. Natural resources belongs to all the citizens, the natural environment must be protected. Citizens have the right to associate without any hindrance.

**Citizenship:** All people born in Kenya of Parents of who are both Kenyan citizens or children born outside Kenya of parents who are both Kenyan citizens or children born of one Kenyan parent regardless of parent's gender, spouse of Kenya citizenship even where they are citizen at their own country.

**Structure and system of government:** Kenya should adopt a parliamentary system of government in which a Prime Minister is appointed from the majority party and parliament. The Prime Minister should be in charge of the daily running of the government affairs and should be directly accountable to parliament. While it is important to retain central government not government to be given measures to implement development project in that region with a percentage of the taxes collected in the region.

**The Legislature:** Parliament should meet the appointments of the ministers and assistant ministers to make the ministers more professional and accountable, court judges through a parliamentary judicial committee. Public service commission, officers should be appointed by the parliament, should have unlimited powers to control its own procedures through standing orders being the Members of Parliament should be subjected to this term for five years each on the age of the President.

**The age of the President:** I propose that the minimum age should be 45 years and the upper limit to be 70 years. There shall be moral and ethical qualifications for President and the Parliamentarian candidate. This should include one who is able to declare his or her wealth. Upright in morals and should not have been convicted of criminal offence. Our constitution should permit by law the formation of coalition government as opposed to that present system.

**The Executive:** The constitution should specify qualifications of a presidential candidate such as one who is automatically Kenyan citizen, between 45 years and 70 years of age, able to declare his or her wealth at the time of election and from time to time while in office one of those morals and one who has not been convicted of criminal offence, at last a graduate. The President tenure should be left to two terms of five years each.

### *Interjection*

**Com. Bishop Njoroge Kariuki:** I'm giving you one more minute. Already you have taken 7 minutes.

**Rev. Barnabas Milman:** Oh sorry. I will go to the environment and natural resources. The new constitution must address very fundamental environmental protection. Each of society has to prohibit any further clearing of the remaining natural forest. Strictly protection of water catchment areas, proper management of vigilant land, the natural resources should be owned by the Kenyan, the new constitution should ensure that the local communities are involved in management of natural resources like forest and wildlife. Community that neighbour such resources should be direct to the inventories of income incurred from 5 resources. This way communities will be motivated and participated in the proper management and protection of such

resources to the following natural resource should be protected by the constitution for its water sources and catchment areas, minerals, wildlife etc. Asante sana. Ningeendelea lakini muda ni mfupi. Thank you.

**Com. Bishop Njoroge Kariuki:** Thank you very much Reverend. We are going to deal with that memorandum. Everything will be lodged. Can we have Grace Nyaguthie? Grace Nyaguthie. You have already ..... thank you very much. Those who have memorandums and don't intend to speak can present them over there. I explained before many of you came, kwamba huko kwetu Nairobi katika commission headquarters, tuna watu zaidi ya ishirini na kazi yao ni kwamba these memorandums zikitoka hapa na hii maneno inakuwa taped, wanakwenda wanaketi chini kama kuanzia jumatato na kuweka hiyo maneno katika computers na kutranscribe katika mahali pengine ambaye itatoka kama constituency report. Na maneno haya, kwa hivyo nimesema, hata kama humalizi yote, yote will be captured in the final document. You understand that? Okay. Thank you. Now can we have Benson Mutiti Kariuki, Benson Mutiti Kariuki. Cecilia Kabuga. Cecilia Kabuga tafadhali.

**Cecilia Kabuga:** My name is Cecilia Kabuga, I'm presenting the views on behalf of Kibaba patients from Nanyuki cortage clinic. Our group is under KAWE, KAWE means Kenya Association for the Welfare of Epileptic. We have formed a CDO, that is a community based organization on the same, and I'm going to read a few of the points we have may be I will talk of it to the necessary.

Our group is under the umbrella of Kenya Association for the Welfare of Epileptic and it holds 523 patients who are extended from both extensions as far as Nyeri, Karatina and on this end as far as Dodom. Our main role is to beat epileptic by creating awareness in order to improve community knowledge and attitude towards epilepsy. Our group would like to revolve around chapter 5 of the present constituency especially section 70 of the current constitution of Kenya which deals with fundamental rights and freedom of the individual fundamental rights. The current constitution establishes equal rights for all and at safe value this include people with disabilities. If I may extend some points on this, people with epilepsy, not all of them are disabled, not all of them have disability like the people we have there but people with epilepsy have been kicked out because of their condition, this is in schools, starting from nursery, come to primary, come to secondary go even to the working conditions. Somebody falls or somebody does something funny and then there you are, you are kicked off because of your problem. We would like to commission to note that not every epileptic patient is disabled. We therefore propose that section to be expounded in such a way that it will guarantee people with epilepsy the benefit from protection in trend with the current constitution. The whole truth is that, the person with epilepsy cannot enjoy all rights, when somebody goes to school and then unaanza kupapatika, bwana mkubwa anakutupa nje, wewe uko na mashetani, you have no place in that school; that is the end. If you go and you are employed somewhere, uanze kupapatika you are told go home, no job, that is the end of you. So we asking the constitution amendment, may we have a clause for that? We however would like the commission to consider putting clauses that will provide the affirmative action in favour of people with epilepsy. And here we have borrowed something that we would like may be put \_\_\_\_\_ (inaudible).

Our proposal is that Kenya could borrow from Uganda constitution which states that the state shall provide support services to

enabled the disabled/handicapped persons to live as independently as possible in the community and as far as is practicable, disabled person should be given an opportunity to develop and manage social services. That is, if I have epilepsy, may I be allowed to go out work with others? If my epilepsy comes, it doesn't take along time, its may be 3 to 5 minutes, if it goes, I'm able to continue with what I'm doing. Thank you.

**Com. Bishop Njoroge Kariuki:** Thank you very much Cecilia. Can we have Simon Kabiru?

**Simon Kabiru:** Niwega muno Bwana Chairman, nii ngwaria na Gikuyu. Bwana chairman nii

*Interjection:*

**Com. Bishop Njoroge Kariuki:** Wambiririe ritwa riaku.

**Simon Kabiru:** *Njitagwo Simon Kabiru wa Gaching'a*

**Translator:** Jina lake ni Simon Kabiru wa Gaching'a

**Simon Kabiru:** : *Na gwitu ni guku Nanyuki*

**Translator:** Kwao ni hapa Nanyuki

**Simon Kabiru:** *Nanjikaraga mwena wa Timau Farmers*

**Translator:** Ninaishi pale Timau Farmers.

**Simon Kabiru:** *Bwana chairman twina mathina maingi muno guku,*

**Translator:** Bwana chairman tuko na shida nyingi hapa

**Simon Kabiru:** *Tondu mbara ya mau mau yarikia guthira*

**Translator:** Kwa sababu wakati vita ya mau mau iliisha

**Simon Kabiru:** *Gutiri kiria kimwe twaheirwo.*

**Translator:** Hakuna kitu hata moja tuliopewa.

**Simon Kabiru:** *Na nitwerirwo ni tukurihwo ni mungereha.*

**Translator:** Na tuliambiwa tutalipwa na Mwingereza.

**Simon Kabiru:** *Na kuma umuthi tutiri twarihwo.*

**Translator:** Na tangu wa sasa hatujalipwa.

**Simon Kabiru:** *Bwana chairman, andu aingi maturaga a squatters migundaini ya muthungu.*

**Translator:** Bwana Chairman watu wengi wanaishi wakiwa masquatters katika mashamba ya wazungu.

**Simon Kabiru:** *Na nokuingatwo maraingatwo kuo.*

**Translator:** Na wanafukuzwa kule.

**Simon Kabiru:** *Na matire gwa guthii.*

**Translator:** Hawana pahali ya kwenda.

**Simon Kabiru:** *Ngakiuria atiriri?*

**Translator:** Nami nauliza?

**Simon Kabiru:** *Tondu kuguru guku ndarathirwo ni mungereha ri, guku ri,*

**Translator:** Sababu hii mguu niliumizwa na muingereza,

**Simon Kabiru:** *Na gukirathwo ni muthungu na agithii rurayari,*

**Translator:** Na nikapigwa binduki na mwingereza na akaenda wingereza.

**Simon Kabiru:** *Na agitiga migunda guku ri,*

**Translator:** Na akawacha shamba hapa,

**Simon Kabiru:** *Kai migunda yatigiirwo uu, settlers andu airu?*

**Translator:** Kwani shamba iliwachiwa masettler weusi?

**Simon Kabiru:** *Bwana Chairman, kuri mugunda umwe turagurite Timau*

**Translator:** Kuna shamba moja tulikuwa tumenunua Timau,

**Simon Kabiru:** *Na shamba iyo nginya muthenya wa umuthi*

**Translator:** Na hiyo shamba tangu siku wa leu

**Simon Kabiru:** *Ituraga na chief,*

**Translator:** Imekuwa mkononi mwa chief.

**Simon Kabiru:** *Na sub chief*

**Translator:** Na sub Chief.

**Simon Kabiru:** *Na MaDO,*

**Translator:** Na DO.

**Simon Kabiru:** *Ma central*

**Translator:** MaDO wa central.

**Simon Kabiru:** *Na aria magurire wega, nimaheirwo title deed.*

**Translator:** Na wale walinunua mashamba vizuri, walipewa title deed.

**Simon Kabiru:** *Kuu gwa Timau farmers ri,*

**Translator:** Hii ya Timau farmers,

**Simon Kabiru:** *Tukiregaga kuheo title deed niki?*

**Translator:** Kwa nini hatupewi title deeds?

**Simon Kabiru:** *DC twamutumira marua*

**Translator:** DC tukimtumia barua

**Simon Kabiru:** *Tutumire PC Nakuru*

**Translator:** Tukitumia PC Nakuru barua

**Simon Kabiru:** *Marua maticokaga.*

**Translator:** Barua yetu haijibiwi

**Simon Kabiru:** *Marehaga o MaDO.*

**Translator:** wanaleta tu maDO

**Simon Kabiru:** *DO oka aria mbecha agethiira*

**Translator:** DO akikuja akikula pesa anaenda.

**Simon Kabiru:** *DO aria mbecha agathii*

**Translator:** Akikula pesa anaenda.

**Simon Kabiru:** *Twoka kwaria tuckerwo ni Dithi tweterere DO*

**Translator:** Tukija kuongea kwa DC anatuambia tugojee DO mwingine aje.

**Simon Kabiru:** *Nitukwenda uturirie uhoro, urie kuri thirikari iria igucagurwo.*

**Translator:** Tunakusihhi utuulizie hiyo kwa serikali.

**Simon Kabiru:** *Bwana Chairman*

**Translator:** Bwan chairman wa commission,

**Simon Kabiru:** *Kuri borithi iri barabarini*

**Translator:** Kuna police ambayo iko kwa barabara.

**Simon Kabiru:** *No kuhakwo ihakagwo*

**Translator:** Inahongwa tu.

**Simon Kabiru:** *No inyui mugatwira atiriri*

**Translator:** Nanyi mnatuambia

**Simon Kabiru:** *Uria uriona birithi ikihakana tuhure report kwa Dithi*

**Translator:** Ati yule anaona police wakihongwa apige report kwa DC.

**Simon Kabiru:** *Na macio ni maheni*

**Translator:** Na hiyo ni uongo.

**Simon Kabiru:** *Bwana chairman, kuri machief, kuri maheadman*

**Translator:** Bwana chairman, kuna machief, kuna maheadman

**Simon Kabiru:** *Aria mekuria migundaini*

**Translator:** Wako katika mashambani.

**Simon Kabiru:** *Matingireka athini marie*

**Translator:** Hawangojei masikini waongee.

**Simon Kabiru:** *Maigaga athuri a sub area*

**Translator:** wanaweka wazee wa sub area.



**Simon Kabiru:** *Mugicira na muthuri ucio etie shiringi mirongo inana.*

**Translator:** Mkifanya kesi na hao wazee utoe shiringi themanine.

**Simon Kabiru:** *Ukuruta Ku?*

**Translator:** Utatoa wapi?

**Simon Kabiru:** *Na niwagite mutu*

**Translator:** Umekosa hata ugali

**Simon Kabiru:** *Bwana chairman,*

**Translator:** Chairman

**Simon Kabiru:** *Cukuru kuri na iria riaheanagwo ni thirikari*

**Translator:** Kwa shule kuna chakula zinapeanwa na serikali

**Simon Kabiru:** *Na irio ici ni cia arutani*

**Translator:** Na hiyo chakula ikipeanwa inakuwa ni ya waalimu.

**Simon Kabiru:** *Na wathii gutwarira chief uhoro agakwira wina fitina*

**Translator:** Na ukipelekea chief report anasema uko na fitina.

**Simon Kabiru:** *Na agakwira wi muteti.*

**Translator:** Na akakwambia wewe ni mwana siasa.

**Simon Kabiru:** *Githi ti ithui twonire wiyathi ni undu wa uteti?*

**Translator:** Si ni sisi tulipata uhuru sababu ya siasa?

**Simon Kabiru:** *Bwana chairman ngukwira uu,*

**Translator:** Bwana chairman nakuomba,

**Simon Kabiru:** *Riria Kenyatta ari bururi uyu ri,*

**Translator:** wakati Kenyatta alikuwa katika nchi hii

**Simon Kabiru:** *gutitari na majimbo*

**Translator:** Hakukuwa na majibo

**Simon Kabiru:** *Ni twaregire majimbo*

**Translator:** Tulikataa majibo.

**Simon Kabiru:** *Riu turaigua mutwirite muri Mombatha atiriri*

**Translator:** Sasa tunasikia kutoka Mombasa kutakuwa na majibo.

**Simon Kabiru:** *Majimbo maume ku?*

**Translator:** Majibo itoke wapi?

**Simon Kabiru:** *Kai Kenyatta akua gwatigirwo majimbo?*

**Translator:** Kwani Kenyatta alipokufa kulibaki majibo?

**Simon Kabiru:** *Ngugikwira uu.*

**Translator:** Tunakuomba

**Simon Kabiru:** *Nitwarega majimbo*

**Translator:** Hatutaki majibo

**Simon Kabiru:** *Kata kata*

**Translator:** Kabisa kabisa.

**Simon Kabiru:** *Na twarega tumiriirie uguo*

**Translator:** Na tumekataa tukijitamani

**Simon Kabiru:** *Riu ngwenda wacoka Nairobi*

**Translator:** Nakuomba ukirudi Nairobi

**Simon Kabiru:** *Wire uria uritongoria thirikari ino,*

**Translator:** Uambie yule ambaye atakayeongoza hii nchi

**Simon Kabiru:** *Ndakaheo mawatho maria mahetwo nyayo.*

**Translator:** Asipewe ile nguvu imepewa Nyayo.

**Simon Kabiru:** *Ma maheni*

**Translator:** Ya uongo

**Simon Kabiru:** *Aragia undu akaugukwo*

**Translator:** Anasema jambo kesho ana ...

**Simon Kabiru:** *Ta kihii gitari kiruu.*

**Translator:**

**Interjection:**

**Com. Bishop Joseph Kariuki:** Wacha niseme hivi, ningetaka umalize, nilipoanza kikao hiki nilisema unaweza kuzungumza juu ya mambo ambaye haifurahishi ambayo ungependa iwekwe kwa Katiba, unaweza kusema Rais ana mamlaka mingi, kwa hivyo iwe reduced. Lakini nilisema, na ukisema maneno hayo, hata PC hawezi kukufuata kwa sababu sheria inakusimamia lakini pia nilisema tusitaje majina ya watu kwa njia ambaye ni mbaya. Sawa sawa? Hii ni kwa sababu ni Katiba tunafanya nini? Kuri maundu mangi tui, uguo mwaigaga ngoro, ....

**interjection**

**Simon Kabiru:** *Uguo noguo Chairman, no ningi ri, auga undu umuthi augaga akaigukwo niki?*

**Com. Bishop Joseph Kariuki:** No wega kirikie. Rikia

**Simon Kabiru:** *Ngwenda gukiuga atiriri, mugithondeka Gatiba iyo ri, muthondeke raithi, uria tugucagura ndakaheo mamlaka macio mothe macio mothe ma majeshi na mathibitari, na pita pitia atige.*

**Translator:** Naomba ya kwamba, yule President ambaye tutachagua asipewe mamlaka yote ya wanajeshi, na mengi mingi ambaye president aliyoko nayo sasa.

**Simon Kabiru:** *Undu uria ungi ndininite, twakinya githurano kia DP na gia KANU*

**Translator:** Jambo lingine, tukifika wakati wa DP na KANU

**Simon Kabiru:** *Chief niekaga mapendeleo*

**Translator:** Chief anafanya mapendeleo.

**Simon Kabiru:** *Akaugaga chairman arie,*

**Translator:** Anasema chairman wa KANU aongee

**Simon Kabiru:** *Na ari na licence ota mundu wa DP*

**Translator:** Na ako na licence kama mtu wa DP

**Simon Kabiru:** *Uria ungi ni uyu nini uhoro*

**Translator:** Jambo lingine nimalizie.

**Simon Kabiru:** *Guku gutiri handu hari cafew*

**Translator:** Hapa hakuna mahali kuna cafew.

**Simon Kabiru:** *Kuria turi thiini wa Taiga*

**Translator:** kule tuko kwa Taiga

**Simon Kabiru:** *Turoragwo ni ndurugu utuku*

**Translator:** Tunauliwa na ndurugu usiku

**Simon Kabiru:** *Na micinga*

**Translator:** Na mabunduki

**Simon Kabiru:** *Na \_\_\_\_\_ na mucinga*

**Translator:**

**Simon Kabiru:** *Na korwo ni Mugikuyu na mucinga ri, ni kuo angirutire.*

**Translator:** Na kama ni Mzikuyu apatikane na bunduki atashikwa.

**Simon Kabiru:** *Ng'ombe (inaudible)*

**Translator:**

**Simon Kabiru:** *Gwi kundu kuri cafew borithi ndangitonya*

**Translator:** Kuna mahali kuna cafew, police hawezi kuingia.

**Simon Kabiru:** *Gwa Kamaru, borithi ndangitonya*

**Translator:** police hawezi kuingia.

**Simon Kabiru:** *Gwa Kamaru, borithi ndingiingira na nikuo ng'mbe iratwarwo.*

**Translator:** Na huko ndio ng'ombe zinapelekwa.

**Simon Kabiru:** *Kai kuri mwena umwe wi cafew na uria ungi nduri cafew?*

**Translator:** Kwa nini huko kusiwe na cafew? Kwa nini huku kuwe na cafew?

**Simon Kabiru:** *Ni ndarikia*

**Translator:** Nimemaliza.

**Com. Bishop Joseph Kariuki:** Mzee, ujiandikishe, tumepokea hayo yote umesema, na tunataka Esther Gichangi, Esther Gichangi, Jeremiah Muthomi?

**Jeremiah Muthomi:** Bwana chairman, mimi naitwa Jeremiah Muthomi, nazungumza kwa niamba ya chama cha KANU Laikipia. Now nitazungumza labda na Kingereza.

Na critical issue of coexistent to finish human and wildlife in Laikipia must be permanently be dropped. And how can that be solved? That group and private \_\_\_ to be compelled to the permanent fencing to enclose wildlife. That communities bordering \_\_\_ and national parks be entitled to royalties of at least of one third of annual income from the parks.

Human deaths arising from \_\_\_ wild game be compensated for shillings three million per person not shillings 30,000 as of today. Wild injusries to be compensated at shillings one million per person.

Damage done to crop and other private property should also be compensated and at a set rate. Now a security bwana chairman is supreme and a cornerstone of national stability. The constitution must encourage Kenyans to work day and day in any part of this country.

Cattle rustling as it is in Laikipia and arson destruction of property through marriage participation and invention must be allowed by the constitution to sue the government whenever there is a theft in any village.

There should be access to land ownership for all Kenyans and all absentee landlords, landlords hands must be taken over by the government and distributed to the needy. In this regard, we in kanu feel that these settlers farms designated at 99 years lease hold to be gazetted to expire on December 31<sup>s</sup> 20 years, not 99, most of would have been dead and will live in parmanent poverty. That must be changed. We have no coffee or tea in Laikipia. Coffee and tea farmers in Kenya sell their produce abroad. We in Laikipia and within all pastoral areas of this country appeal for revival of KMC. The new constitution must also grant at least to sell our beef and other animal products in the grobal market all over the world. Parts of Laikipia are semidegrossed by large scale landless. We appeal for immediate opening up of stock route to connect Dodo with Isiolo, Dodo with Meru, Dodo with Timau, and Dodo with Mararal. The new constitution must recognize land tenure. In some parts of Laikipia, title deeds are no longer honoured after infamous land clashes. We cherish the views that ones land whether registered or not is a God given and \_\_\_ right protected by law. Since the colonial times, thousands of Laikipians have been landless. The new constitution must absolve the landless through settlement of land white settlers land that the government must purchase to reduce poverty. We propose that no invansion should be by 2007 own more than 500 acres of land. If equitable distribution of wealth is to be envased and finaly at least ... further on settlers' farms, the rate of new local, non local farmers

coming to Laikipia is alarming. The 1909, 1942 settlers are now selling their farms to a new generation of millionaire investors and the guys of wildlife forum. We protest, the parent must be sold to the locals on a willing buyer willing seller basis through government financial substitute.

Water resource: It is private that untended misuse of water starting through Laikipia has crippled development in 5 areas of Saburu, Dodo, and Lumuruti. Horticultural flower and general irrigation have defeated all available water from the floods of mount Kenya. Our human and damage of population downstream are now starving. They need a permanent p\_\_\_\_. We suggest that these large scale farmers must each dig their own borehole and these billions of gallons of water fall tolled in their Timau horticultural and flower farms.

And finally Bwana chairman, we regret that HIV AIDS scad will live over 500,000 of our children in Laikipia by 2010. The new constitution must hence place such embassies on modalities of the quiry abeting this attachlophy. We suggest that orphaned children plus the so called chokora in our streets should be accorded special status that land must be sort to built rehabilitation schools and farming, demonstration status for these poor people. For Kenyans, the chokora and the aged, orphans, rehabilitations should be a major war this decade deserving a huge allocation of national budget to convert them into a \_\_\_\_ and self sustaining status. This will avoid a gloomy future of uncomfortable phases like the famous \_\_\_\_ \_ om Egypt. Kenyas bright future bwana chairman depends on our bright strategies. Thank you very much.

**Com. Bishop Joseph Kariuki:** Reuben Wanjohi, Reuben Wanjohi, Charles Wachira, Haron Gikunda, Fredrick Muchiri.

**Fredrick K. Muchiri:** Asante sana Bwana chairman, jina langu ni Fredrick Kaburu wa Muchiri. Natoka kijiji cha Riki na nimeleta memorandum yangu, kwanza naanzia na issue moja ambaye ilikuwa imeguzwa hapa na madam ambaye aliongea juu ya child recognition and rights of a child, ambaye iliniguza sana sababu wengi ambaye tuko katika generation hii, hatukuweza kupata masomo sawa sawa sababu ya neglect general children's right, sababu watoto wanapokosa kupewa nafasi ya masomo na maisha mazuri, wakiwa watu wakubwa watakuwa watu wakubwa kabla hawajapata masomo sawa sawa na hii inaleta division ama gap between rich and poor. Sababu unakuta watu matajiri watoto wao wameendelea na masomo sawa sawa lakini wa masikini wanazidi kuninimia. Kwa hivyo ningepomba constitution ikitengeneza sheria, ifuatilie hali ya watoto, juu ya kupewa rights zao na wawe recognized juu ya kuwapatia masomo na mambo mengi ambaye inahitaji. Sasa tumekuwa na gap kubwa sababu matajiri wanaendelea kuwa matajiri na wasomi, wamekuwa rich people and they are educated and we are having poor people uneducated. And those who are poor people are the ones who are oppressed by everything even the law itself. Unakuta ni wale watu ambae ni masikini kwa sababu hawana masomo.

Hii kutopata watoto kuwa recognized ama kutoa haki zao, imeruka hata katika uongozi sasa. Katika siasa unakuta wale matajiri ambao wamepata nafasi ya kusoma, wameanza kuweka viwango za masomo katika uongozi na dipo nataka kusoma hapa. Nasema juu ya election of councillors. Nitasoma kwa kingereza.

Election of councillors should be be left to the election to decide whereby attribute such like integrity, aduality, to gather \_\_\_\_ as

well as communicate them effectively. Should be important issue than imposing a certain level of education. We have no equal chance of education, since we do not have free education to acquire secondary school education for all. But this one can be acquired from many different areas of skills and education. Sir, it is my request that a statement committee be selected similar to those that affect MPs to establish the illiteracy level of aspiring candidate. What we require of them is that they be fairly educated, not necessarily a secondary school level. There are some primary school leavers who had some good grades but did not get the chance to join secondary schools for lack of school fees who have advanced their education through other institutions where its language has been the academic language such like technical colleges, training schools, theological college etc. Holders of certificates from different skills are knowledge, like psychology, counseling, religious education, leadership, etc. So they didn't have a chance to join a secondary school.

In addition, we need total spiritual revolution to attain the Kenya we want. Good governance is all what we should seek.

Now I come to freedom and rights of mwananchi. Mwananchi does not need rights on a paper or Katiba that they cannot enjoy the practice.

Freedom of upright religion should be implicitly guaranteed in the first place.

Our home grown Katiba should enhance and clearly state in writing that all wananchi who have not been issued with land, brought titles, to be served with one without hesitation six months from the day of transation of constitution. All families living in various places, mashambani, ghettos, villages, slums, surbabs, surbabs I mean the rich people up there. Except they should be officially recognized by our constitution. So there is no one who should be left out, whether poor or rich. And provided with protective and development rights of its own adequate provision for children, youth and most vulnerable groups in our society.

Right of children: to get free education so as to curb illiteracy, a special right that will free them from future discrimination. Kama vile sasa imekuwa discrimination right now, we don't want our children of tomorrow to be discriminated because of education while we could give them a free education and be like others.

Second and third generation rights should be put in liasing that stake holders need rights to employment, land business, education, health, welfare, leisure, culture, activities and environmental protection and fair trade and sustainable development.

I come on political parties: Katiba should regulate the conduct and safeguard the party from interference by others. They should be assigned the law of educating the public as you choose like disaster, apidemic such as AIDS, Typhoid and etc. Political parties should be financed because they are public institutions. The finances should only be for the office stationery and office workers which should be regulated at the district level by the treasury. They should be given the freedom of expression and also of breath on the structure of the government.

Freedom to operate at any part of the country considering human and ethnic values.

Election should be done through secret balloting.

Protection process: There should be a level of playing ground for all with free and fare election.

We should retain electoral commission but also add to it. This religious body, there is representatives financed by the state.

We should also involve other law institutions.

Election should be done through secret balloting method both by parties and nation from general gatherings.

Election date should only be extended in times of war or any national disaster.

Kenya is a democratic nation and if there arises a bad unit of thick make leaders aiming to promote interest that would benefit only individual greed imposing rule rather than once written on Katiba. Mwananchi should not be deterred from demonstrating for it's the quickest and effective way of communicating their opinion.

I come to Christian gospel and democracy. Calls for excision order which will be accepted by all prayers in the political arena bearing in mind that Kenyans now and in future needs a better Kenya for survival where we could motivate sound and social acceptance by all wananchi by the spirit of love, moral human values, and strategies by being transparent, accountable and being ruled unto the point of action and sense of humor. The Bible in the new testament, there is a space of God's complete concern for every person to have his fully opportunity in creating service and fulfillment. That one you will find it in Ephesians Chapter 4 verse 12. It is therefore our concern for the orderly opportunity for each and all in our Kenya to attain the true social democratic order for corruption is disagree to any person or people. High level education for each is not the answer. What wananchi should be given is chance to chose trustworthy men and women who will occupy leadership positions this time. By doing so, wananchi would conform to the biblical principles which includes renewal of ones mind, love, care and concern for each and depending the truth and raise people from the low level of poverty to a higher height mostly meeting with their humanitarian needs without a greed. By this every person will have an opportunity to feel free and protected in expressing him or her own views or problems. Thank you very much for listening to my opinion. May God bless you commissioners, Nanyukians, Rikie residents and Kenyans in general. Thank you.

**Com. Bishop Joseph Kariuki:** Thank you very much. Stephen Ndegwa, Ndegwa Stephen

**Steven Ndegwa:** Mr. Chairman, fellow commissioners and the whole at large. Mr. Chairman allow me to give a laymans contribution. I'm not going to quote any part of the constitution being like many Kenyans who to them are coming to learn of the constitution of late.

First and foremost about the MPs. Our MPs should all have a constitutional knowledge. They are the people we send to the Parliament to represent us and if we send somebody who have no knowledge on constitution, I don't see the reason behind sending such a person.

Secondly the person should have a knowledge on global economy. We have so many of them especially Mr. Chairman allow me to quote a few on several occasions during the budgetary presentation.

Our fellow MPs, members we have sent to the house sleeping and dosing during the presentation; actually we should have people who have the knowledge of the global economy such that they will have the interest in what is proceeding.

Something else, there is another issue that has been reviewed so many times, this issue of missing 8 consecutive days. So many



people have misused this occasion and you find sometimes our fellow MPs don't participate. After we send them to do what they were supposed to do, they do not participate. They wait until 7 days are over you come on the 8<sup>th</sup> day. Technical appearance to be done away with.

The next issue is about defections. Mr. Chairman after every defection we have a by-election taking place, its sad that we lose a lot of money through by-election. It should be stated clearly in the constitution, should anybody defect after having been voted through that took him to the parliament, that person should not be allowed to vie for the post again. And if he has to vie again, he should pay for the by-election and it should not come from the state Co\_\_\_\_. And if not that, the party supporting him should be the one to pay for that.

Well, they talk of this issue, they add \_\_\_\_\_, the measure we give to our MPs. Actually according to the duties of the MP, here for the locals what they use as I had to measure the problem of an MP is the delivery through the harambees. Actually the MPs should not be the ones delivering development that bring about development to the constitution. This is the work of the government and actually something like harambees that the MPs should be done away with. We should not use the MPs to the harambees as they ask the commissioning. Otherwise we have very quality people who don't have money who could represent as better as MPs but now that they are financially incapable, they are never elected to parliament.

Regards to this issue of being in Laikipia in that human worth thy conflict. Actually there was that increase of compensation from 30,000 shillings to one million shillings. But actually we have not heard of anybody who has ever been paid that amount. My question is, if anything is ssembled in parliament and passed, why is it that people long to have it implemented? There should be a way to have everything that has been passed in parliament implemented immediately and not after several years.

Another issue affecting Laikipia is insecurity. Actually its good and lets have a difference. Lets not be having the DCs as the heads of the security in the district. Their duties have been very partisan. We should also have the marging of the police force, the GSU, the APs and the traffic policeman. Actually sometimes we don't understand some people the role they actually participate in. If I was a head of a security in the district I should actually defeat to the OCPD, the people should have the power to veeto. Actually we have had so many security heads to the district who have been partisan. You find that something like Laikipia has been an area of clashes and during the height of the clashes especially in 1998 we found the provincial administration to have been very partisan. So actually we should have a way of doing away with its participation.

**Com. Bishop Joseph Kariuki:** One minute.

**Steven Ndegwa:** Okey. Now the last is the issue of public grievance. Actually currently in Kenya we don't have a very good way of giving our grievances. Like now we have a problem of the extension of parliament going on and to most people they feel that this should not continue as the constitution says, unless there is war, and now the parliament is proceeding to continue

and give themselves the parliamentarians are giving themselves more time. This one should be subjected to referendum and they should not do it in parliament. Can far from the people who elected them.

And last but not the least, why we are not quoting any part of the constitution is according to most Kenyans, the legal jargon in the constitution are a hindrance to our knowledge of the constitution. After the new constitution is put in place, let it be written in a simple man's language. Thank you.

**Com. Bishop Joseph Kariuki:** Thank you very much Steven for those views. David Kabete. David Kabete yuko? Njoo.

**David Kabeti:** Thank you Mr. Chairman for allowing me to contribute my views. My views to the land act should revoke all land acquired illegally and surrendered to the ordinary mwananchi who are landless. Also who acquire land and are not using it should be given to the citizens who are landless.

To the disabled: funds allocated to them should be taken care of and not to be misused. Also their association should be formed and managed by uncorrupt authority. Also the national disabled fund should be distributed to the disabled countrywide with no discrimination.

Employment: People should be employed by merit not by corrupt means for example if municipalities, hospitals and other institutions are employing workers should consider the residents part not outsiders brought by their relatives and corrupt ways.

Cost sharing: This so called cost sharing should be wiped out immediately as it is the duty of the government to cater for medical care irrespective of their nature, either rich or poor. Patients should be treated and given drugs free of charge. Also doctors, nurses and medical personnel running chemists and dispensaries should be sacked immediately.

Elective posts: Those seeking to be elected as councillors, MPs should be born at the area where they want to represent the people. The reason is when they are elected they disappear and leave those who elected them poorer than they were. Also when it comes to employment, they chose their kinsmen leaving those who elected them.

Municipalities: Those hawkers should be led a loan to work wherever they are so as to reduce thuggery things. My conclusion to the Review Commission I oppose the extension of parliament and addition to their hefty salaries and I support the election to be held this year with a new drafted constitution. Thank you.

**Com. Bishop Joseph Kariuki:** Thank you David. Can you come David and register please. Ebrahim Mutani, Ebrahim Mutani, David Ngonjiri, David Ngonjiri,

**David Ngunjiri:** Thank you Mr. Chairman, Yangu ni machache kidogo. Vile tuko hapa, tumekuja mtupitisha na sisi msikilize. Ile kitu iko hapa ni sisi mwananchi wa kawaida, tumefinyiliwa na hawa wakubwa. Na vile wakubwa wametufinyilia, wakubwa

ndio wako na mali. Na wakati wanataka kurudi pahali wako wanarudi chini tena kwetu. Ukawaulize wanataka nini. Sisi ile kitu tungetaka, ni kama mtu ambao amechaguliwa na wanachi, miaka yake ikiisha kama vile tumewachagua macouncillors miaka yake iishe, aondokee pahali imeishia, arudi kwa maana tumeona makosa yake ama ukweli yake.

Secondly Mr. Chairman kama ni serikali mpya tunatengeneza ama ni ile Katiba uko nayo mpya hapo, iwe Katiba ambayo inazungumza ukweli, kwa maana ukweli haukufi. Ukituambia ukweli haukufi kwa maana tunajua hata mababu vile walikuwa wanasema tunawaelewa vile walikuwa wanasema kwa maana haikufi. Tusitengeneze makaratasi hapa ikifika Nairobi wale wakirudi tena Parliament wanakataza hii makaratasi yetu tena. Na tulitupa mchana wetu bure. Hao wenyewe wakiona tumewafinyiria huku wataenda wanarudi wanakataa. Kwa hivyo hata wewe, ukiwaangalia hapa hakuna hata mmoja. Na wakifika huko ndio wafudi wa kwanza kusema Laikipia ilisema nini. Anaona amefinyiliwa amekataa kurudi kwa bunge. Kwa hivyo ningeseama ni shukurani na sisi wasikizaji na sisi wananchi wa kawaida tukae kwa amani na vile iko, uchaguzi uendelee kulingana na vile miaka tano tulichaguana. Mtu atoke na ile kahawa amechuna kwa shamba.

**Com. Bishop Joseph Kariuki:** Thank you very much David. Tupate Josphat Gathuki, Josphat Gathuki, Councillor Kimondo P., Councillor Kimondo P., Charles Muriithi, Charles Muriithi. Ni wewe?

**Charles Muriithi:** Asante sana Chairman na watu wote. A lot has been said therefore I will only cover three points because other areas have been covered and probably relating to Laikipia. First and foremost it is the land tenure, the secret of the title deeds. Nikisema hivi chairman I have in mind a place like Laikipia West where they are being found that they were subdivided between small scale farmers who came from Central, Kericho, and elsewhere. Lakini wakati kulikuwa na problem ya clashes, wale new settlers walinunua wakafukuzwa na wale wengine wakaingia. Sasa inakua ngumu, we don't know which constitution guards them, we don't know who can guard the guards, yani who can guard the constitution kwa sababu wale wangetaka waingie huko na wako na title sasa ni ngumu. Therefore I don't know how the constitution can be respected. When you have a title you can be able to live there because now physically it is almost impossible for somebody to live. Hata hawa wadogo wadogo wacha wale wakubwa walinunua, hawa ni wadogo walinunua acre mbili, acre mbili, acre mbili na sasa ni ngumu kwenda kuishi pale kwa sababu who they can turn to is almost now difficulty to see. Na ndio hata wakati mnasema tuje hapa tutengeneze Katiba mpya, mara ingine hata yule mzee haipatiwi heshima. Mara ingine nayo iwe Katiba. Katiba ukikataa kuipatia heshima can we sue the government, we would propose to sue the government in such a case.

The other is natural resources. Mto unatoka mpaka mount Kenya na unaenda mpaka Garissa unaenda kuishia huko Lamu. Sasa hapa inakatwa miti, sasa na kuna watu wanautegemea huko upande wa Isiolo, pande hiyo Garissa, Tana River, ningetaka Katiba iweke mlima kama wa Mt. Kenya in the heart of all the communities that benefit from that river so that at least hakuna mtu anaweza kukata miti bila kuinvolve a lot legalacy process kwa sababu that mto is a natural resource. Hakuna kama wazungu wanaweza toa maji ama nani anaweza fanya bila kufikiria wale wako chini upande wa Dodo, upande ya Isiolo, huko chini. Ningetaka Katiba iprotect those natural resources.

Ile kitu ingine ya natural resources ni mto tu lakini iko kitu kama madini. Ningetaka nae hiyo nayo ikitoka Katiba ione hiyo natural resources itabenefit watu wote. Mimi nataka tuseme by good luck sasa oil imetoboka pahali fulani, ningetaka oil iwe ni yetu zote. Hata mtu yuko Garissa, mtu mwingine ako Mombasa, mtu mwingine ako wapi, hata Turkana. If there is a natural resources that God given that we have discovered, it should be the benefit of others.

Kitu ya mwisho ni maneno imesemwa hapa ya security. Security come in Laikipia the constitution should state clearly, ukiwa wewe serikali haikuwekea police station, haikuweka ile inahitaji kukuangalia na uje upigwe ama udhulumiwe mali yako ichukuliwe kama wengine sasa walikuwa na mali. Safari moja we ni tajiri usiku na the following day you are destitute, huna chochote. Tunesema serikali ikulipe wewe kwa sababa in a constitution, inasema inakulinda wewe na mali yako.

Na mwisho mwisho ningeeunga kijana mmoja amesema the harambees should be abolished and the good governance be encouraged Bwana chairman so that whenever we pay the tax, hiyo tax inarudi inakuja inasaidia maneno kama hospitali, school, sasa ningesema harambee iwe abolished lakini the good governance be encouraged so that ile maneno kidogo kidogo inastahili ifikie mwananchi inatoka kwa serikali na inamfikia. Na yale ingine imesemwa hapa ndio sitaki kukusumbua sana. Na kwa hayo machache nimesema asante sana Bwana chairman.

**Com. Bishop Joseph Kariuki:** Thank you very much David for those views. Can we have Francis Warutere?

**Francis Warutere:** Thank you very much. I want to talk about tourism. There are some people especially the white people, they have exploited the people who have hotels around Laikipia. They are already paying the hotel levy, catering levy but their home they have made them hotels that all the tourists who are coming from abroad, they don't go to the hotels we have locally, they go straight to their homes. So we are having a bad name that we have bad hotels internationally but it is not the hotels that we have locally here. It is their houses, because they don't let the tourists know that we have hotels here, they take them straight to their homes, they charge them, so the government get extremely nothing. So we should have at least a law that protects the local hoteliers.

Second we have some other tour operators, we have these people who come from Europe, they have their foreign registration cars that they go into the Kenya national parks and they just operate same as we Kenya operators but in Tanzania its different. If you don't have registration number of Tanzania, you can't go to any park, you must acquire a local guy from Tanzania. Thank you. That's all I have.

**Com. Bishop Joseph Kariuki:** John Kanyua, Rose Wanjohi, Rose Wanjohi,

Rose Wanjohi: Thank you members of the Electoral Commission and the listeners at large. Mine is first to request you, may be

when you make the new constitution, you make it available to all schools because I for one, I saw the constitution the other day.

So I don't have much may be to talk about it because I have never seen it, the other day may be we were taught in the church.

So I will just use the layman's language.

I'm talking about the powers of the President, may be the future president. He should not be above the law, that is to safeguard hi subject.

He should not be the President himself, he should not be appointing the ministers. The ministerial posts should tary with the Minister's professional qualifications.

Before a minister is appointed, his testimonials should be vetted in the parliament, that is to avoid brain train.

The President also should not be the vice chancellor of all public universities. This should be done by all vice chancellors, may be they form a board, and may be they appoint one Vice chancellor.

On the AIDS orphans, I think they have become so many. The government should cater for them and may be for building home for them and may be building schools and education should be made free and compulsory for all school children in Kenya.

May I also talk on the retired officers in our public service? Since in Kenya we have a problem of unemployment, I should request may be when you make the new constitution if one retires from the public service he should be rehired again. That is to give chances to the new professionals since we have very learned people who are outside there in our villages just roasting maize in our streets around here even in Nanyuki town.

Still on the public service, I will talk on the post of Parmanent secretaries. May I request you when you make the new constitution, you consider that. When one to be given that post as a parmanent secretary, for example in the ministry of education, let that parmanent secretary have a degree in education.

The other point, teachers, since they are many and they are doing a very important kind of work may be in building the nation and eradicating illiteracy and may be raising the standard of living of people because one who is not learned cannot go anywhere, you can bear me witness; if you are not learned even if you start a small business you cannot go anywhere. I was requesting the new constitution to consider the teachers and professionals in Kenya to avoid brain drain. Salaries should be given according to ones output and qualifications to avoid bribery, corruption, and minimize level of poverty.

May I also talk about agriculture? Since Kenya is an agricultural country, the new constitution should safeguard the agricultural sector and may be when the budget is being allocated, more money should be allocated to agriculture, for example our country can be more productive if some water can be drilled in dry areas and may be we do a lot of agriculture there, we send may be personnels there who can educate people on the way to do may be agriculture on this land. They can be productive. For example in Laikipia here, areas of Matanya, Dodo, we can make those areas to be productive if we get water since the soil is fertile.

May I talk on people who do not own land? Since we all vote for this independence, I'm just emphasizing on this point: There are some lands even in this district of ours Laikipia, very large farms which are just lying idle, I was requesting when you make the new constitution that those idle lands should be, I mean one who is owning more than a thousand acres, the rest should be given to people who are landless then the government should train them on how to work on that land that you have been given out. They should be given materials and they should maybe work on that land so that we avoid borrowing even food from other countries.

Then the post of chief: May I talk on this? May I request that the new constitution consider the post of chiefs, they should be transferable in order to avoid corruption. Thank you very much.

**Com. Bishop Joseph Kariuki:** \_\_\_\_\_ (unclear) Peter Githaiga, Peter Githaiga, Moses Maina, Moses Maina, Bishop Gabriel Waweru.

**Bishop Gabriel Waweru:** Chairman, Electoral Commission, wananchi wote wa Laikipia ambao mko hapa,

### *Interjection*

**Com. Bishop Joseph Kariuki:** Can I make a correction? We are Constitutional Review Commission, we are not Electoral Commission.

**Bishop Gabriel Waweru:** I'm sorry. Maoni yangu ni kusema kutoka wakati tulitengenezwa Katiba mpya, huko Lancaster House na ikaanza kufanya kazi, wale waliotayalisha ile Katiba hawakuweka referee wa kuona ile Katiba imelindwa vizuri. Kwa hivyo tungetaka Katiba ambayo mtatengeneza iwe na wachungaji kuona haitafujwa. Mtu akiwa ametoka nje ya Katiba anapata red card. Kwa hivyo lazima msimamisha hiyo Katiba mpate nguvu ya kusimamia ile Katiba.

Kitu ya pili sisi tunajua tulipigania Katiba yetu au uhuru wetu kwa kumtegemea Mungu na tukiwa na Mungu wetu ambaye alikuwa nguvu yetu na kutoka wakati tulipata uhuru hatujatengeneza institute ya kutoa wahubiri ili kama vile tulio na agriculture, agriculture iko Mombasa, iko Kisumu, iko Isiolo, wametoka katika mahali moja. Kwa hivyo wanaongea lugha moja. Sisi tungetaka serikali yetu itengeneze mahali ya kuzaa wahubiri wetu katika Kenya, hata kama tuna denomination mingi lakini tuwe tunaongea lugha moja. Kwa sababu hapo ndio watu wetu wanapotoka, wanakos watu wa kushauli. Serikali yetu imempatia licence watu kuhubiri lakini wanahubiri roho mtaka pesa na hiyo pia wanapotakiwa wapate red card wakikosa kupotosha watu. Katiba yetu ilindwe na kila mala.

Kitu ya tatu, Katiba iliokuwako au bado iko, sisi hatujajua ubaya wake kwa sababu inasema na tukae na udugu amani na uhuru, raha tupate na ustawi. Kwa hivyo tungetaka wale watakuja kupata hiyo, wawe watu ambao ni watu hata kama ni MP, akija kuchaguliwa wakati tunawachagua wanakuja na mdomo msafi, hakuna mtu anasema mimi naenda kulala, nitaenda kufanya hivi,

wananchi wawe na mahali wanaweza kureport. Na yule MP hapana timiza ahadi ambayo ali end of *side 1 tape 3*

**Com. Bishop Joseph Kariuki:** Hiyo tumepata. Wananchi wawe na njia ikiwa member of parliament hafanyi ile iliompeleka, wawe na njia au councillor ya kumuita na wapate mwingine. Si divyo unasema? Hiyo nimepata kwenda kwa nyingine.

**Bishop Gabriel Waweru:** Ingingine ni wananchi wajue kwa sababu mpira lazima uwe upande yeyote, wajibu huko kwa wananchi. Lazima tuwe manyumbani, lazima wawe wanawake na watoto maanake akina baba wanakuwa ndio sana wanapata mapato. Nao kila watoto na ..... kama yule baba hachukui kama head of the family, anachukua madaraka yote, watoto na akina mama wapate mahali ya kuona ati yule baba atakuwa mtu ambae, atakuwa chairman, na si chairman wa kuhumilate jamaa yake. Ikiwa kuna mtu anataka humilate jamaa yake, awe mahali wanaweza kureport yule kiongozi wa mzi aweze kupata mawaidha au apate watu wa kuwasaidia sababu watu wengi wanasubuka sababu wengine wanakuwa dictator badala ya kusimamia miji yao. Asante sana.

**Com. Bishop Joseph Kariuki:** Asante sana Bishop Waweru, jandikishe hapo. Tuje kwa Simon Njogu, Simon Njogu, njoo Simon. Mnajua katika kikao cha Katiba ni hatia watu kufanya makerere kwa sababu hii ni jambo la muhimu sana, kama mtu anahitaji kuzungumza na mwingine, tunahitaji aende pale nje na wakimaliza warudi dani ya nyumba. Sawa? It is a very solemn thing that we are doing here and must be respected.

Silas Njogu: Asante sana Bwana Chairman wa Review commission. Mimi nitaongea kuhusu kuwa na usawa. Jambo hili nitalizungumzia wakati wa tukifuata sheria, mtakuta kwamba kama mimi nimetoka sehemu fulani ya nchi hii, labda sitaruhusiwa labda kubeba, kuna watu wengine labda mmeona wakati wanapitapita wamebeba labda rungu, mimi nikijaribu kubeba hiyo labda nitajibu maswali fulani. Ndiposa ninasema ile Katiba tutaunda labda iwekwe ile sheria sawa ya kwamba mimi nikitoka pwani ni sawa na yule mtu ametoka North Eastern. Kwa hivyo kuwe na usawa machoni kwa watu wote.

Jambo lingine nitazungumzia ni kuhusu vile tunaona siku hizi unakuta kwamba leo watu wanauana tu hivi hivi na kukishatokea jambo kama hilo, utakuta kwamba tunaita wajamaa sasa tunaanza kuzungumzia na mtu ameuawa. Labda ni tribe hii na tribe ile, mtu mmjoja ameua mwingine labda Mmeru ameua mtu mwingine Mkikuyu labada for example utakuta ya kwamba badala ya twende kortini tunaita jamii ya pande ile na pande hii na zote tunaishi katika sehemu moja ya nchi. Diposa nasema hiyo usawa unaongeza nguvu kwa ile ya kwanza iwe tuwe na usawa, kama roho inasema hivi, usiimbe, mtu asiimbe wowote katika pahali popote Kenya hii. Kama ameambiwa usiue, mtu asiue mwingine ndio sasa tutakuwa na Katiba hapo inaheshimika.

Jambo lile lingine ni kuhusu Presidency. Hata kama ilizungumzwa hapo mbele, mimi ningeonele akwamba President asiwe na mamlaka ile ako nayo kwa sasa. Ile mamlaka ako nayo sasa tumeshuhudia kwamba ametumia hiyo mamlaka vibaya. Kama anatumia labda mtu mmoja labda amemfanyia kitu fulani, naye anataka kurisprocate na kumpatia cheo fulani labda. Hiyo mambo hutokea na ikitoka juu huwa inatelemka mpaka nyumbani, mpaka gazi za chini. Kwa hivyo tuwe na separation of

powers, tuseme executive, ile cheo aende line ya executive, iwe inaweza kuangaliwa kwa sababu itapewa parliament naye iwe separate, iwe ikifanya kazi yake na isiingiliwe na Executive vile tunaona wakati wa sasa.

Halafu tuwe na judiciary ambao iko impartial ambao itafanya kazi yake kulingana na sheria iliowekwa, kulingana na constitution ile iko ya ile siku. So hapo tumeshuhudia hapo mbeleni kwamba appointments zinatoka kwa President. Hizo zote hata kama zitatoka huko, ziwe vetted ama ziwe zimeangaliwa na bunge ama kuwe na body ingine ambao itaangalia wale watu ya kwamba wanafaa. Diposa utapata hata kama ni mahakama itakuwa imejisimamia na haitakua inasurukishwa na mtu fulani kutoka corner yeyote.

Land title deed hata kama ilisemwa, mimi ningeonelea kwa ile Katiba ingine tuwe kuna public utility. Public utilities vile zimewachwa wazi utakuta kwamba watu ndio wanapata njia ya kuangalia vile wanaweza kuacquire. So ikiwa open like that bila title deed, ndio utakuta watu wengine wamepata ile thamu ya kuacquire that land hata kama ni choo ata kama ni ya nini imejengwa pahali fulani labda na council fulani. Utapata kama iko na title deed itachukua process kubwa na mtu ataogopa kidogo labda kuinyakua. Kwa hivyo tuwe kila sehemu Kenya hii, iwe na title.

Sasa nitazungumzia ahali ya defection. Ningeonelea wakati wa uchaguzi labda ni kuhusu uchaguzi utakuta kwamba mtu anadefect leo lakini anaachiliwa kwendelea bila hiyo sehemu kutangazwa kuwa vacant. Kwa hivyo ningeonelea wakati wa uchaguzi ama hali ya uchaguzi iwe kwamba mtu akidefect leo, ameachana na ile chama kilimponsor, yeye atoke ndio arundi tena kwa electorate achaguliwe upia. Asanteni.

**Com. Bishop Joseph Kariuki:** Thank you very much Simon, Simon can you register there please? Thank you for those views. Albert Mundia, Mr. Mundia, Yuko, Joo haraka tafadhali. Na yule mwingine atamfuata ni Simon Kibocha, yuko wapi? Utamfuata, afuatwe na Jackson Wachira, afuatwe na Johnson Weru, Johnson Weru yuko? Okay Asante.

**Abert Mundia:** Asante Mr. Chairman, I would like to say a few things on presidency

**Com. Bishop Joseph Kariuki:** Sema jina lako.

**Albert Mundia:** Albert Mundia. On presidency I would like to note first the president should be impeachable and certainly not above the law.

The rulling party should always have a clear air apparent.

During election, the powers of the president should be vested in a neutral person e.g. a High Court Judge, Speaker of the National Assembly or a Bishop.



The following officers should be endorsed by two thirds parliamentary majority. The speaker of the National Assembly, the Attorney General, the Chief Justice, The Head of Civil Service, Chairman Public Service Commission, Cabinet Ministers, Permanent Secretary, the Chairman Electoral Commission and Auditor General.

Electoral Commission: Electoral Commission should be fully autonomous. Should be able to punish election offenders. Should register voters continuously.

Elections: Dates for normal elections should be fixed. There should be proportional representation. There should be a nominated MP for minority e.g Europeans and Asians.

Votes should be counted at each polling station. MPs should present people rather than geographical space. The presidential candidates should garner at least 50% of the votes cast and if not so there should be a run –off for the top two. The DO of rights should refer to things like freedom of expression, freedom of association, should not be subjected change like in US should be permanent, that is there is no way we should interfere with individual freedom. The constitution should provide that individual freedoms will never be interfered with.

Government: There should be a unitary government headed

### *Interjection*

**Com. Bishop Joseph Kariuki:** AYou only have one minute.

**Albert Mundia:** unitary government headed by president, should have 14 cabinet ministers chosen on merit.

Local government should be more autonomous, should not use the chairman to pursue partisan interest and finally there should be more profession for coalition government. Thank you very much.

**Com. Bishop Joseph Kariuki:** I have a question I want to ask you. I have just come from Turkana, Pokot, and Marakwet, and some of these areas are too big and Saburu also, they are too big without a helicopter we would have taken days. Now if you say that representation has to do with population, what about those people in those very difficulty areas where you cannot get many people but it are last areas of land? What do you do?

**Albert Mundia:** They will certainly be represented but you know they can also be overrepresented. Here I need to suggest that the MPs of these areas should be able to get more traveling allowances than other MPs.

**Com. Bishop Joseph Kariuki:** Thank you very much. Can we have Nyaguthii Nancy? Kaa hapo tu, unaweza kuzungumzia ukiwa hapo. Chukua hii microphone.

**Nancy Nyaguthii:** Jina yangu naitwa Nancy Nyaguthii, \_\_\_\_\_ (tape unclear) disabled lakini nashukuru kwa ajili ya kunena hayo.

Langu lile niko nalo nataka kuhusu elimu. Ukitazama upande wa disabled, elimu yao inakuanga juu sana, yaani vile wanalipisha hiyo mashule, unakuta wengi wamekuwa beggars kwa sababu wamekosa elimu na ni juu ya kukosa pesa. Yaani sasa tungeomba ikiwa ni ufadi wa shule wajaribu tu kufupisha hizo pesa, ziwe chache kwa sababu kwanza ukitasama upande wa Thika, unakuta blinds wengi wanabeg huko kwa maana wamekosa jambo lingine la kufanya. Pesa zimekuwa shida kuzipata na sasa wanakuwa na shida nyingi sana.

Upande mwingine ni upande wa gazetti. Hatuwezi kujua vile Kenya inaendelea juu sasa watu hawajatoa gazette za blinds. Tunaomba tuwe tukitolewa gazetti za blinds ili hata sisi tuwe tukijua vile kumeendelea. Isitoshe, upande wa blinds tena unaona yes wako na shule ya primary na hata secondary lakini upande wa university wanachanganywa na wenye wanaona. Sasa hiyo inakuwa ni shida kwa sababu wanapata mashida huko, unakuta wengine wanawastrike, lakini tungeomba tu serikali watupatie university ya blinds.

Tena upande mwingine ni upande wa wasiojiweza hawa wenye hawana miguu mizuri, unakuta hao watu, yes wamepata course, course yenyewe wakiimaliza wanakosa la kufanya juu sasa ukitazama upande wa Thika unakuta pengine blinds ni wengi wako huko wanafanya course, mtu anahitimu lakini baadaye unakuta huyo mtu amekaa tu idle; unamkuta huko akibeg kwa ajili amekosa lingine la kufanya. Kwa hivyo tungeomba Katiba mpya iwe ikijali watu kama hao kwa sababu sasa kama wangetengeneza mahali tu pa kuwasaidia, unaenda tu na course yako na unaendelea na kazi. Kama sasa mimi niko na course ya kushona masweater na hakuna namna ile mimi najisaidia nayo. Kwa hivyo letu tungeomba muwe mkijali hao blinds na wasiojiweza wote na Mungu atakuwa akiwasaidia.

Jambo lingine, sana sana kama ni upande wale ambao walipigwa na wakatoka kwenye mashamba yao, hilo jambo tumesikia likizungumziwa. Sasa mnaufukuzwa kutoka kwenye mashamba yenu na mmenunua lakini ukichunguza baada ya kutolewa kwa lile shamba, unaona huyo mtu ako na shida nyingi kwa sababu ulikuwa na mali yako lakini umenyang'anywa. Kwa hivyo tungeomba Katiba mpya iwe ikiwajali watu kama hao. Sasa ni vyema tu muwe mkichunguza mambo mengine kama hayo. Sina mengi.

**Com. Bishop Joseph Kariuki:** Thank you very much Nancy kwa maoni haya. Bila shaka ninatumaini Katiba pia itachukua walemavu kwa msaada kwao. Johnson Weru.

**Johnson Weru:** Asante sana chairman, na wasikizaji. Mimi sitaongea mengi, nitaongea machache kuhusu kule remote areas ambaye hakujagawanywa. Ningetaka sheria ikibadilishwa kule hakuna watu kama huko upande wa Dodo, sheria ipitishe sababu huko sio shamba ya mtu na sababu kuna waizi, waizi wakiimba wanapita kama ni kwao. Sheria ipitishe either kugawanywe kwa wenyeji ama kuwe forest sababu huko waizi wakifukuzwa na askari hapa town, wanaenda kujificha huko halafu jioni wanapenya kwa watu kunyang'anya na kupigana na bunduki. Kwa hivyo sheria ipitishe namna ya kugawanya au

kuwe upande wa serikali.

Lingine ni hii sheria inabadilishwa. Kusema kweli hii inakula pesa ya serikali na inakula pesa ya raia na ila hali wabunge walijajiriwa ili kubadili hii Katiba kwa miaka arubaine. Kwa sasa ningeonelea wale watakuja, kama watakuwa wakibadilisha sheria hivyo wawe wakilipa wenyewe.

**Com. Bishop Joseph Kariuki:** Una jambo lingine?

**Johnson Weru:** Lingine ni hii la upande wa remote areas. Kuna machief wanachukulia vile wanakaa sio forest na sio mashamba ya watu. Ningetaka sheria ibadilishwe hata kama polie na wao wanapelekwa kufanya kazi huko. Wanasema kama ni buzi zinambiwa ama ng'ombe ndio lile tabu tunayo hapa Laikipia zinapelekwa huko. Police anaenda anaambiwa na chief hapa kuna mpaka usipite. Inaonekana hapo ni majibo, msipite huko na waizi waliingiza ng'ombe yetu na buzi huko, na chief wa pande hii akienda huko anaambiwa hapa usipite ama tunaenda kusomewa. Hapa msipite, nani alipea nyinyi ruhusa. Kwa hivyo inaonekana ni majibo. Hapo sheria ikibadilishwa, kama chief alisema tusipite hapo, yeye mwenyewe analipa hizo ng'ombe ama hizo buzi analipa. Na lingine hao nao ni police, na kama wanashindwa na kufuata wale waizi, sheria ibadilishwe iseme hivi, kama askari kumu ama mia moja wamepelekwa huko wameshidwa na kushika wale waizi, tupatiwe bunduki sisi tufuate wale waizi ama tunawagoja nyumbani.

**Com. Bishop Joseph Kariuki:** Thank you very much Johnson kwa mapendekezo yako, asante. Ujiandikishe. Joseph Ngatia. Uzuri wa kulekebisha Katiba ni kwamba kila mtu ana haki ya kusema maneno yake na hakuna mtu ataulizwa. Joseph Ngatia, sawa, Joshat Nguru,

**Josphat Nguru:** Jina yangu ni Joshat Nguru. Mimi ni mwenyeji hapa. According to my study and observation of Kenya development on political development, social development and economical development and also other developments, our country has failed to make any progress of this development. Poverty, corruption, and unemployment and others like tourism have failed because of the bad governance. Because the bad governance has fallen in place which has made this country have a bad reputation

### *Interjection*

**Com. Bishop Joseph Kariuki:** Joshat, we don't want to be told what we know because we are Kenyans. And we do not want to say those things that have failed, tell us your proposals so that we can rectify what failed. What do we need for bad government, what do we need? Okay, that will help us more.

**Josphat Nguru:** Because of this, that is the reason why I'm saying that the reputation has failed completely. Therefore, my opinion had come up with that a law should be addressed to ..... the constitution review should address that what Kenya needs is an \_\_\_\_\_ and it should make over in the following: that is Kenya needs a new name for our new century

Interjection

**Com. Bishop Joseph Kariuki:** You are not communicating. If you cannot communicate in English you can do it in Kiswahili, ili mambo yako iweze kuenda katika, kujulikana na watoto wako wataisoma. Sema kwa lugha hata kama si Kiswahili sema kwa Kikikuyu, tutapata mtafusiri kwa sababu una maneno mazuri lakini haisikiki.

**Josphat Nguru:** Mimi nasema ya kwamba, vile ningeonelea constitution review ifanye ni iaddress Kenya ibadilishwe jina in this new century

**Com. Bishop Joseph Kariuki:** litwe gani

**Josphat Nguru:** Inaweza kuitwa suggestion, New Kenya, or Kenya World or United Kenya only that. Hiyo ingine ni kuwe na new flag kwa maana the new flag does not touch for all the Kenyans. You know this flag was made very many years back, that is after the Lancaster's conference. I suggest that they can put some things like people playing ..... we can put plain hands on the flag that is hands ziwe juu watu wakiomba, wakiombea Kenya.

The other thing is a new symbol,

### *Interjection*

**Com. Bishop Joseph Kariuki:** Please don't make noise, yeye anatoa maoni yake na yaheshimiwe, hata akisema nini hiyo ni maoni ya nani? Mnyamaze kabisa.

**Josphat Nguru:** Ile ingine ni new symbol. We should have a new symbol, that is new symbol like the court of arms which can be put some popular animals which are known by everybody. Like now putting lions there on the side, you know very many children have never seen lions and other people. So they can put a popular animal there, tuseme kama ng'ombe au mbuzi au kuku, something like that, which are known.

Others is inside the court of arms, sasa unaona iko kitu kama jogoo katikati ya court of arms, that jogoo, it seems as if it does the campaign for Kanu. May be that is the reason why Kanu says it will rule for hundred years because that jogoo was there since they started. Kwa hivyo hiyo itolewe, iwekwe kitu ingine.

The other thing is the national anthem. The national anthem should be changed, inaonekana wimbo hiyo iko na huzuni sana, tunataka wimbo ingine iwekwe dani yake, a cheerful song which when we are singing everybody in Kenya will be cheerful and we will like the country best. So that's all I have.

**Com. Bishop Joseph Kariuki:** Those are interesting suggestions. Hata hatujapewa mapendekezo kama hizi. Sijasikia kutoka tulianza. Njoo hapa, njoo ujaribu, kusema National anthem ni ya huzuni, na ni kweli inawezekana. Kwa hivyo hiyo ni mapendekezo mazuri. Tupate John Onyango, John Onyango tafadhali njoo.

**John Onyango Obonyo:** Asante sana Bwana Chairman, na wale ambao wamefika kusikiza maoni. Mimi pia

**Com. Bishop Joseph Kariuki:** Sema jina lako kwanza

**John onyango Obonyo:** John Onyango Obonyo, mimi ni mfanya biashara hapa katika Nanyuki. Mimi nitaanza na maoni ya kulekebisha Katiba. Na kulingana na Katiba ya zamani tumeona Katiba hiyo si Wanakenya wengi walihusishwa na hapo ndio imeleta mambo mengi kama kuharibika kwa serikali yetu. Kwa hivyo watu wengi hawafahamu Katiba ni nini lakini Katiba hiyo ndio mimi nimeona nitoe maoni hata kama tumetaabika miaka mingi na bado tunapendekeza ikiwa iko matatizo ya kulekebisha na ndio inaweza kutusaidia, ilekebisha hata kama ni kuongezwa wakati ni wanakenya wakubali waangalie hio jambo ni mzuri sana kwa kulekebisha Katiba.

Mimi nitaanza na mambo ya wanasiasa. Wanasiasa ni watu ambao wako na mdomo mzuri na mdomo baya na ni watu ambao pia wanajitolea kusaidia nchi yao. Lakini iangaliwe watu ambao wako na akili timamu, mtu ambaye kuanzia kwa familia mpaka mahali amefikia ni mtu ambaye anaweza kuwa na muongozo mzuri kwa sababu wananchi wamekosa kuangalia wanasiasa ambao wanafaa kupatiwa viti.

Elimi ya siasa pia inafaa mtu akuwe nayo. Elimi inaweza kuwa vile unaanza kuongoza kwa nyumba yako, inaangaliwa wewe unaendelea namna gani, umechaguliwa kwa kitu fulani au umekua appointed. hiyo ni lazima itaonekana vile unaongoza, uko na elimu hiyo ya siasa ya kusaidia nayo wananchi.

Democrasia: Kenya imekuwa na one party state kwa muda mrefu sana na imefanya Wanakenya kukosa kujua wanaweza kuelekea kwa upande wa nchi namna gani. Mimi ningependekeza wakati huu tukuwe na njia ya two party state kwa sababu hiyo ndio itatoa mambo ya ukabila na mambo mingi ambayo imefuba Kenya.

Nikikuja kwa uchaguzi, uchaguzi ikuwe ni huru na ikiwa uchaguzi iko huru, uchaguzi ni kitu ya muhimu na wale wanasimamia uchaguzi wawe ni watu ambao wako independent, si watu wakatawaliwa au kupatiwa muongozo fulani ya kutupoteza kwa njia ambayo tungechagua nayo viongozi wetu bora.

Serikali: Serikali ningetaka ikuwe ni ya wananchi ambao wananchi kutokea kwa familia mpaka juu wamehusishwa. Ningependelea, tumejaribu sana central government and hiyo central government imefanya Kenya kufail. Ningesema ile ya kwanza ambayo tuliwekewa kama federal ambayo tumeona kabila kila mtu sasa anataka tu kufanya kazi kwao. Iko wengine hata kama yeye ni government officer, yeye

### ***Interjection***

**Com. Bishop Joseph Kariuki:** You have to propose, if you want federal government, say we want federal government, we have many people who want to speak.

**John Onyango Obonyo:** Thank you, thank you, mimi ningependelea federal.

Uhuru wa kitaifa: Tungetaka sisi Wanakenya tusingiliwe na watu wa nje wakati tunatengeneza mambo yetu kwa sababu tuko

na constitution lakini tunaweza kukubali maoni ya watu lakini si lazima tulazimishwe, tunataka Wanakenya nyinyi make hivi, na sisi tumetengeneza constitution ambao tunajua itaturida.

**Uhuru wa mtu mmoja mmoja:** Uhuru hii ningependelea kila mtu apatiwe jukumu. Awachiwe jukumu, akitaka kuanzisha mambo ambayo inaitwa saidia Wanakenya, awachiwe uhuru, sio ati anakuwa scrutinized kila wakati, mtu kama pengine amefaidika ako na pesa na anataka kuanzisha mambo yake, yeye anaangaliwa tu ni kama mtu ambao anataka kuleta mambo mabaya.

**Ningekuja kwa uongozi:** Uongozi bora inaweza kutokana tu na wale watu ambao wamepatiwa jukumu na jukumu ni kutoka kwa President mpaka wale watu ambao wa familia. Na hiyo jukumu ningetaka tuheshimu executive na legislative na tuheshimu hata judiciary lakini kazi yao ikuwe well defined kwa sababu hapo ndio mambo imeharibika. Unaweza kuta President amepatiwa powers mingi, na sasa yeye anakalia hata judiciary na anakalia hata MaMPs kwa parliament.

**Com. Bishop Joseph Kariuki:** Point yako ya mwisho.

**John Onyango:** Point yangu ya mwisho itakuwa upande wa ulinzi. Upande wa ulinzi pia ningetaka jeshi yetu na police or any security mechanism wakuwe na well defined duties kwa sababu hapo unakuta hata kwa police na administration police wizi umekuwa mwingi lakini hata kazi yao huwezi kufahamu wanafanya nini. Kazi imewekwa na kazi yao hiyo ni kufanya Kenya kupoteza pesa mingi. Na ningetaka usawa pia kwa binadamu katika Wanakenya. Hapa tuko 42 tribes na usawa wetu ni lazima iwekwe hata kwa serikali yetu kwa sababu kabila fulani ikiandikwa miingi kwa serikali, hapo ndio mahali itakuja kuharibika kwa sababu Wanakenya wote wengi sasa wamesoma, tuangalie jambo hilo wakati tunatengeneza hii Katiba mpya.

Education

*Interjection*

**Com. Bishop Joseph Kariuki:** (tape unclear)

**Onyango:** Thank you chairman.

**Com. Bishop Joseph Kariuki:** Tupate Paul Mwangi, na Paul atafuatwa na James Kamau, Gladys Kariuki, Gladys Kariuki na atafuatwa na James Gatoto, James Gatoto, Mwangi Joseph, Joseph Mwangi. Fine Okay.

**Paul Mwangi:** Thank you Mr. Chairman, my names are Paul Mwangi as you have said and I want to address a number of issues therefore I think I will be very fast.

My first issue to address will be land ownership: I recommend that in our new constitution we should have a land ownership ceiling such that there should be a limit or a maximum size of land that any person is supposed to own. I'm foreseeing a case where the rich will buy all the land and all the others will be squatters in their land. So I recommend

## *Interjection*

**Com. Bishop Joseph Kariuki:** How many acres \_\_\_\_\_ (not clear)

**Paul Mwangi:** A maximum of lets say 200 acres. In the new constitution we should have minimum education standard six for electoral offices. I recommend that the councillors should at least have form four education and the MPs should at least have a diploma in a recognized profession. I also recommend that independent candidates during elections should be allowed so that we are not tied to political parties.

Anybody who have been found guilty of misuse of public office should be constitutionally banned from public office or any electoral office. We should introduce constitutional studies in our education system, as you can see even our fathers, not even us don't know about our constitution which has been there for over 40 years. I recommend that we have it introduced in the school curriculum.

We should also have a constitutional protection from over taxation. Mr. Chairman I would want to explain this abit, I want to give an example of a Kenyan earning about 5,000. Definitely he is outrightly taxed the income, what we call the income tax. Lets say that takes about 300, 400 from his salary. From there he decides to save some money with the cooperative and that money is taxed withholding tax, he decides to buy a mattress for his young one, and that money is taxed VAT. He tried to go and see his sick child in hospital, he is again taxed \_\_\_\_\_ levy. The same 5,000 eventually you find over 50% of the amount goes back to the government. We should only be taxed ones.

In times of peace Mr. Chairman, the army personnel and his office should be used for national building problems. We have never had war since independence and the government has used money to pay the military whose, or the personnel in the military has bought his office which has been lying idle. So I propose that they should be used in road maintenance, school construction, more suitable construction and any other project of national building.

I also recommend that war should be incorporated in the school curriculum so that our young ones or right from the beginning the citizens will know their rights and they will know their law as well. I recommend that a minister dies not necessarily have to be a member of parliament but should be a professional who has excelled in his views. A person whose management, abilities, are already known.

All Kenyans must be taxed without exception, with this I'm saying the Members of Parliament should be taxed, the matatu industry should be taxed, the military should be taxed and every Kenyan who is earning an income should be taxed. And just as the government minds about collecting tax, it should also send its tax on those that have no income.

The Kenya farmers should be protected from importation of what they can produce. Kenya is one of those countries where you will find that importing sugar, and exporting sugar at the same time. We import sugar and we export sugar, and that's why our factories are going down. So there should be a constitutional protection against importation of what our Kenyan farmers can produce. The new constitution should create a provision of a national referendum or an independent opinion collection for products which will determine matters of national importance like the one goes on now of the extention of the life of parliament.

The executive should not appoint members of the judiciary. I would propose that we should have an independent judiciary board or commission, which will be appointed by parliament and those with the powers of appointing judges and magistrates so that they will not be answerable to the executive as they \_\_\_\_\_.

The Parliament or the Legislature has the responsibility of making laws and also should not be \_\_\_ by the executive. Abuse has to be law as far as it \_\_\_\_\_ in parliament without having to go through the executive.

The local government should be given more powers over their areas on jurisdiction. Presidential elections should be separated from the parliamentary and civic election. So we start with parliamentary election, after that we go to the parliamentary and civic election.

There should be a minimum and a maximum number of registered per given electoral area to avoid spending money on areas with very low population and also considering that once members of parliament get to parliament, they have equal powers, whether you are representing one hundred and ninety four thousand like we have in Embakasi or 2,800 like we have Lagbora. Thank you Mr. Chairman.

**Com. Bishop Joseph Kariuki:** Thank you very much. Those were very formorable comments. We will process them. Can we have Mwangi Joseph? Mwangi Joseph.

**Mwangi Joseph:** My names are Mwangi Joseph and I would like to give very brief suggestions on the kind of forms that we need in our next constitutional representation. There is a general consensors that there is a concentration of powers on the Presidential and my suggestion is that those powers should be devolved to other institutions. Just on the presidential, I would like to suggest that the President should not be an elected Member of Parliament because that disposes him to favour the constituency from which he comes from and in addition to that, we should not have a President who is elected by minorities in Kenya. *end of tape 3*

Just to take you back, you can remember in 1992 we had President Moi who was elected President

Interjection

**Com. Bishop Joseph Kariuki:** Can you listen to me? What we want is proposals. We are all Kenyans, we have this history, what we want is like you have said we want to reduce the powers of the President, the President must not be an MP. That is a good suggestion, it's a proposal that can go to the constitution, give us those so that we can ....

**Mwangi Joseph:** Okay, To that effect, my submission is that the President should garner at least 50% of the total number of votes cast in addition to having 40% per each and every provinces, in eight provinces.



We come to the appointment of judges: My suggestion is that the judicial service commission should not only be composed of judges but we should widen the representation, let us draw representative in judicial service commission from interest groups like ASK, from the religious organizations, from the business organization, and the Chief Justice and the Attorney General should not be members of the Judicial Service Commission, and the President should not have a role to play the appointment of judges. Still on the judiciary, we should have a permanent constitutional court with judges who will not be drawn from the current fleet of judges that we have.

And also the qualifications of judges for constitutional courts should be someone who has at least have a masters in constitutional law and fundamental rights and freedom. Then Mr. Chairman there is this monitor that wares like calling the locals a \_\_\_\_\_. The \_\_\_\_\_ when it comes to constitutional retreation should be liberized. Nobody should go to court and be told that he cannot intigate on a certain matter because he doesn't have the lockers standard. If I feel that I have the freedom to chose the President of this country because he has not appointed the Vice President, they should not have the business of telling you that you don't have the lockers standard.

The next point is on the right to security. We should have the right to peace and security and there should be a corresponding duty on the government to provide that security and peace and in case someone loses his life or loses his property as a result of prolonged security which may be could have been cub by the exercise of being deligence on the part of the government. Such a person should be entitled to go to the constitutional court and sue for compensation and this provision, if there will be such provision that will be put in the next constitution, that provision should be retrosected to make sure that it caters for those who were affected by the 1992 and 1992 clushes, so that they can get compensation from the government ofcourse.

Another thing that we should have is the bill of duties. Let us not only be told that we have freedom of expression, the right to life, and all this, but let us have a bill of duties. Let there be a bill which clearly stipulates the duties that the government owns to its citizens. For instance the government should have a duty to provide basic or affordable education, basic or affordable healthcare, should have a right to provide an environment which is productive to investiment. Then I would also submit that the MPs should not be appointed to head ministries. Why am I saying this? Because at times you may find a Member of Parliament who is also the Kanu Secretary General, who is the Kanu director of election, and he may end up misusing much of his time to propagate may be the ruling party policy at the expense of dealing with his ministrial duties.

On land ownership I would suggest that the acreage should be limited to a 100 acres. And also people should pay taxes on the acreage of land that they have. This would encourage those who are lazy to make sure that they make proper use of their land. Then on the problem of Constitution Review, we should make sure that it leads directions from the Constitution Review and it should have an interim constitution and an interim government as we go to the next elections. Thank you Mr. Chairman.

**Com. Bishop Joseph Kariuki:** (unclear)

**Mwangi Joseph:** From the Constitution Review Process, we should have an interim government and an interim constitution, a \_\_\_ to the one of South African.

**Com. Bishop Joseph Kariuki:** Can we have Maina Wachira?

**Maina Wachira:** Mr. Chairman Sir, my names are Maina Wachira. Our views from our farm are, although we have seen, what we have now Bwana Chairman is that the document we have and are eager to renew, and that is what we are having the viewing is that it was a document from London and now from today Mr. Chairman, the committee here you are heading is that we are reviewing the constitution and our view is from our farm is that as we go along with the future, is that the future President should be elected on two terms of 5 years each, not beyond that. The present law is that the office of the President should not be hit with a lot of war, a lot of departments because we have experienced in the past that there are duplication of services. The fact to our view is that the fact we have no defence ministry but we propose that in our new constitution we should have a ministry for defence as for now it is guarded by the office of the President.

It is our view that there should be a justice ministry which should be held of the judiciary court yard

Our view in the future what we are thinking that all appointments by the President should be vetted by the parliament.

Chief: As the civil servant, they should be transferable because what we have experienced in the past is that in rural areas where the chief is the ... as I would have \_\_\_ when a certain case comes he just pretends that he does not allow the invitation go on. And if the chief is transferable, then that case would be settled out.

We would suggest that the President should not be elected as a chairman from the chairmanship but like other countries like in USA, anybody within that public can stand for a Presidency.

We are seeing that in our country we have got almost 42 political parties and looking to other countries we are seeing that this is cumbersome and infact

Interjection

**Com. Bishop Joseph Kariuki:** (unclear)

**Maina Wachira:** and it is our proposal and our opinion that we should have 4 political parties like other countries.

We have the past experienced that the past President has been using machinery government when campaigning, and it is our views that when such a case comes in future, the President come, our future President should not use the government machinery that were the election called, he should be so independent like Kamau Njoroge, anybody else and they should need and feel

like we have retained the USA where they come under, not expressing but like individual citizens of the country.

The other is that we have seen and we have experienced that in other countries we have kings and Presidents, its our proposal that we should have the Prime Minister's post and the President should be a ceremonial post standing like other candidates.

The other one is that the age should not be the limit of the presidency but there should be a minimum of 35 years, somebody standing for as a President should have 35 years but there should be no maximum age.

Parliament:

**Interjection:**

**Com. Bishop Joseph Kariuki:** Give us your last point.

**Maina Wachira:** The other one is that the local authorities should elect the mayors direct from the people and there should be an education limit of form four for all councillors.

On churches, it is our view that because the churches have come a commercial area, all churches should have a licence.

On natural resources: It is our view that previously we had natural resources like shamba system, and in our new constitution it should be encouraged. Planting of the trees should be very mandatory for every Kenyan.

Bwana Chairman nikimaliza ni ya kwamba, we had a very vital department which of course we cannot tell we have \_\_\_\_\_land department and in our new constitution it is our proposal and our view that the post for land commission should be scrapped and the powers entitled on ministry of land because it has encouraged a lot of tourists, land grabbing and a lot of cases what we have in Kenya is due to from the commissioner of lands.

Nikimaliza Bwana Chairman Sir ni ya kwamba on wildlife, the new constitution should give priorities to the citizens but not to the wild animals.

Ya mwisho ni ya kwamba the new constitution should run con-currently with the present parliament that was with you. Thank you.

**Com. Bishop Joseph Kariuki:** \_\_\_\_\_ (unclear)

**Speaker:** Asante mwenyekiti wa Katiba, yangu ni kuhusu hongo. Hata ingawa mambo ya hongo ni \_\_\_\_ kuipata, ningetaka iwe na kikundi ambaye ingetengenezwa kwa sababu Kenya yetu mambo mengi yamekuwa chini zaidi kwa sababu ya hali ya hongo. Kwa hivyo ningetaka kikundi ambao kingepatikana au kitengenezwe na Katiba mpya ili tuone ya kwamba tumeenda mbele kidogo maanake ukienda kama maoffice ya serikali, uende maoffice kama barabarani sasa tuko barabarani, mambo hiyo imewahi kuwa mengi na ambo ni wale wamejua ya kwamba imekatazwa bado ni wao ambao wanafuata haya mambo. Kwa hivyo ningetaka kikundi kiundwe na serikali yetu mpya ili ifuate mambo haya ya hongo.

Ya pili, sisi ambao tunaofanya biashara, tunaenda chini sana kwa maana tunaona ya kwamba mambo yametoka nchi za ng' ambo na nchi zingine ambao yetu ikakosa kununuliwa, kwa mfano tuna maziwa na tuna kahawa na tuna vitu vingine kama sukari imejazwa hapa ambao yetu imefungwa na nyingine imeendelea mbele.

Ya tatu inahusu wabunge ambao tutawachagua. Wakati huu tuko na wabunge ambao badala ya kuona wananchi wanajiona wao wenyewe, wanataka mishahara zaidi na zaidi na badala ya mambo haya walimu na wengineo, serikali inasema hakuna kazi kwa hivyo tutafukuza wafanyi kazi wetu. Hiyo ni jambo la tatu.

Jambo langu la nne, ni kuhusu misaada ambayo inatolewa nje, ingawa ni mkopo na ingawa ni kupewa. Ninaona ya kwamba ni kama mahidi tunapewa. Mahidi mwenyekiti ambao tunaopatiwa leo, kama tuseme ni kwangu, ninakula siku tatu au siku nne kwa mwezi. Na chakula hio hesabu yake ni mamillion kutoka sehemu tumepatiwa. Basi nikaona ya kwamba kwa Katiba mpya ikiwezekana, tukihasabiwa hayo mamillion kutoka nchi za ng'ambo, au kutoka kwa yeyote donation, iwe ni kama kitu kitadumu na ni hiki. Tukipatiwa maji badala ya chakula hizo tutaweza kufaidika na hata tutakuwa tukidonate kwa wengine. Ni hayo Mwenyekiti.

**Com. Bishop Joseph Kariuki:** Asante sana \_\_\_\_\_ (unclear).

**Livingstone Mwangi:** These are my views to the constitution commission of Kenya.

Through the airwaves, the Communication Commission of Kenya should grant licence to establish media houses who are capable of broadcasting to have meeting countrywide and not not only give licences for Nairobi only as is the case now. Those who are capable should be given licences to broadcast countrywide. Examples are nation, KTN, STV – they should broadcast countrywide and not as is the case now.

Selective application of the law: The police applies the law selectively for those in the government and those in the opposition; like the issuance of licences for meetings, the government, they are given licences with no hassle, their meetings are not dispassed whileas the opposition are denied licences and their meetings are dispassed. Also those in Kanu and in the opposition should be given the same.

Provincial Administration: These are the PCs, the DCs, the DOs, Chiefs and Assistant Chiefs, should be elected by the people for a period of five years so that they are answerable to the people. If this is not possible, it should be done away with as it is duplication of duties, because they do the same function as the police.

MPs should be removed if he or she does not perform to the expectation of the electrolists. Electoralist should file cases in a court of law for their removal.

Repeal of act 18 of 1990, this is land tribunal act, should be repealed so that it revives back to the former, where the case is filed in court and the court defiles the order, and the order of decision should not be biting. The court can rule otherwise.

President should not be above the law. Powers of the President should be trimmed. Ministers to be professionals in their ministries and be holders of the university degree. PS also to be professionals in their respective ministries.

Establishment of a supreme court in Kenya: We should establish a supreme court in Kenya to be the highest court in the land.

Judges to be vetted when being appointed by an independent judicial service commission and not to be elected by the executive.

President should be elected for 2 terms of 5 years each and the President should garner 50% of the votes countrywide. His or her age should not be limited as history has taught us age cannot be a measure of leadership capability.

Free primary education, health for all should be entried in the constitution.

Piped water should be made available to all as the government had promised earlier that there will be water for all by the year 2000.

Last but not the least Mr. Chairman, parliament should not be extended as the current constitution states it clearly the reason for extention should only be in times of war. So I oppose the extention of parliament. Thank you.

**Com. Bishop Joseph Kariuki:** Thank you very much. Can we have \_\_\_\_ (Unclear)

**Robert Muriuki:** Mr. Chairman Sir, I will be speaking kwa Kiswahili kwa sababu I want you to listen to me. I'm very young you are very old.

I'm speaking of the Kenya shilling. The Kenya shilling should not bear the symbol of one portrait. We have got Mt. Kenya, we have got so many things we can make in the Kenya shilling because if it bears your name Mr. Chairman, you can run away with our money.

No lable should be needed, hakuna ile ati ile kitu unaweza kuweka huku ati kama ni jogoo ama ni nini, wewe ni Mwanakenya, ukitaka kusimama, usimame kwako kama vile unajulikana lakini apana lable ati ya DP ama ya Ford Kenya.

On Elections, hii Katiba inataka kutengenezwa, tunatengeneza leo, sisi hatujui ingine. Hio ingine wao ndio walitengeneza, I'm going ahead. On non governmental conversation, watu kama wamekuja hapa Laikipia wapande miti kwa sababu wamekata yote, na wanyama wa poli wasiulizwe kitu kwa sababu waliumbwa na Mungu.

On our employees, the MP and the stable government, hakuna DC mnakutanga ati kwa shamba ati analimia viazi. They take from the taxpayers and we are the ones. That is why we are very poor. So they should work for us because we are the taxpayers. Kama ni MP akileta shida sisi tunamwambia kutoka leo tumekufuta kazi. Thank you Mr chairman.

**Com. Bishop Joseph Kariuki:** Asante sana Bwan Robert. Robert, utajiandikisha jina ili..... F A Macharia, Murigu Richard, is Richard here? Are you Richard? Please answe me so that I know. Okay thank you. Mrs. Mariti, is she here? Okay you will be next. Peter Githinji, you will follow her, James Mbucho,

**Murigo Richard:** Thank you Bwana Chairman, mine is just to put a few point across. The first thing is that agriculture is the main stay of this country and therefore we don't want know exactly what has gone wrong. Therefore the Review Commission

should probably address issues that are coming up from the wananchi that refer to the Agriculture sector.

The second thing is that elections should be retracted from the review commission. Those are two separate items. The other thing is that in this country we have leaders who occupy several offices, I think it should be a law or be included in the constitution that every leader bears or occupies seats in one or utmost two offices. In this case I'm referring to our honourable ministers in this country. They have been bestowed with a very important duty but they require support because of the many commitments they have in various offices. We also have big people who are heads of various corporation bodies and they are also having a lot of other duties, Board of Governors, sijui what, so many offices. These people should be given a maximum of at least two offices.

The other thing is for all elected leaders in this nation should have a maximum of two terms to give chance to others; otherwise after that somebody may lead for one term and may be reapply to a specific office and may be can be given mandate either by the wananchi or by a particular office established by the new law.

The last one is that the Kenya government should have basic duties not really the rights of the Kenyans but the government itself should pay us the basic duties to the mwananchi for example provided a provision of education, health facilities, and also security and these should be the duties and may be an output or a measure somewhere if needed to measure to what extent is the government providing those basic duties.

The other thing is that many offices in this honourable republic of ours, there are no outputs measurements per parameter and in this case I don't know to what extent will the law establish those parameters that will measure the output of various leaders in this country. If I'm the minister for agriculture for three years, what have I assisted for those three years? Can it be measurable? Is it positive or negative? Those parameters we don't know how we may include them in the constitution for us to have a fair output on each and every leader.

The last and the poorest is getting the new constitution. We had maybe putting gender into law might not be possible but then we have to look for tools to do so because it is very important for sustainable development. Thank you.

**Com. Bishop Joseph Kariuki:** Thank you very much. I hope you can in your free time, just think how we can come up with parameters or what you have said. This is something we have not heard anywhere else. Think through and if you can write us something, then send it through the coordinator or send it to our offices in Kencom House Nairobi. Can we have Muriru, no, Mrs. Mariti tafadhali.

Mrs. Miriti: Thank you Mr. Chairman, I am Eneidy Joy Miriti and I am a retired social worker. What I have is this: In our constitution we should include, (at present when we have nominations of leaders or councillors even MPs we don't represent various institutions. If it is possible we should include areas like somebody to be nominated, to represent women, somebody to represent children, traders, churches etc. because if you are there representing a certain institution, you will be

able to perform well because you know why you are there.

Education: We should have it compulsory for everybody because at present some parents don't take their children to schools and there is no law which you can take that person to court because he has refused to take his children to school. He might say that I don't have fees, I don't have what, but these children you find them even where they are not paying school fees, they are roitering.

In the parliament we have ministers, these ministers when the President or when the parliament is appointing ministers they should be appointed by their profession, not somebody who is a judge, a farmer, you are elected as a minister for education, and you don't know anything about education. So if they are appointed through their professions we shall have somebody performing well because you know the law you are supposed to do.

Also in the constitution I don't know whether there is any clause concerning court cases, you will find a court case going for years, five years, 10 years, we should have time limit for cases to be in court so that people don't waste a lot of time. Also to deal with courts we have children, juvenile and at present we have the children act; and when because we have the children act, we should have court for children, they are not supposed to be in the same courts with adults and if it is possible we include courts for children also remand for them, because at present they go to the same prisons or remands.

From there Mr. Chairman, also because we have talked about people driven, I would also propose for this commission, Mr. Chairman not to come to the district level headquarters, is it possible for you people to go further no down so that we can have more representations from even people who cannot afford to come to the district headquarters. Thank you very much Mr. Chairman.

**Com. Bishop Joseph Kariuki:** Thank you very much mama for those very important views. Mama you register yourself. Can we have Peter Githinji? And then James Busho, Is James here?

**Peter Githinji:** Yangu Bwana chairman ni machache sana kwa sababu ni yale wananchi wa Kenya wameshakuwa wakiongea au wakisema kama wimbo miaka mingi sana. Nina mambo manne ambayo ninataka kusema yaani mchango wangu kwa kamati ya kulekebisha Katiba ya Kenya.

Jambo la kwanza ni mambo ya uchumi. Tunaongea mambo ya kufufua uchumi wa Kenya ili watu wawe na njia nzuri ya kuishi lakini inaonekana wazi ya kwamba tunasema lakini upande wa kufanya hatuna. Bwana chairman kuna jumba kama moja inaitwa Kenyatta International Conference Centre ambalo lilijengwa mwaka wa sitini na nane, sitini na tisa, na sabini hapo. Jumba hilo linaleta pesa nyingi sana katika Kenya lakini hazinifaisi wananchi.

Interjection

**Com. Bishop Joseph Kariuki:** Kwa hivyo mapendekezo yako ni gani?

**Peter Githinji:** Sasa Bwana Chairman maoni yangu ni kwamba ama ombi langu kwa kamati ya kulekebisha Katiba, jumba la KICC litwe la uma ili pesa bado zinaingia kutoka jumba hilo isaidie watu wa Kenya.

La pili, ni mambo ya ardhi. Ardhi zimenyakuliwa na watu na wananchi wakienda pahali popote kwa DC, kwa nani, hiyo inakuwa ni shida. Tungetaka kamati ya kulekebisha Katiba itoe sheria ardhi hizo zote ambazo zimenyakuliwa zikiwa za uma, zichukuliwe na serikali. Zihalamishwe, wale wamenyakua warudishe zote.

La tatu, ni juu ya elimu: Katika kifungu cha umoja wa mataifa numbari ishirini na tano inasema ya kwamba kila mtoto ana haki ama mtu ana haki ya kupata elimu tena ya bure. Serikali ya Kenya ni mwanachama wa umoja wa mataifa lakini saa hizi naonge namno hiyo Bwana Chairman, ukiingia manyumbani utakuta watoto wanakaa wanacheza huko, hawako shule kwa sababu ya kukosa karo ya shule. Kwa hivyo tunataka shule za msingi iwe ya bure.

Jambo langu la mwisho, ni hili tunayasikia hapa, ati bunge liongezewe muda, uchaguzi upelekwe huko mbele, mimi mwenyewe na wananchi wa Kenya tuko tayari kwa uchaguzi mwaka huu. Tena vile watu wanasema, kuna msemo unasema, \_\_\_\_\_ (inaudible) sauti ya watu ni sauti ya Mungu. Watu wengi wa Kenya wanasema hawataki bunge liongezewe muda au hata kamati yenyewe hakulekebisha Katiba. Wabunge pengine ni mia mbili na ishirini na mbili na si wote wanataka, sasa ni watu wachache sana, watu million ishirini na tisa, Kenya \_\_\_ hawataki Kwa hivyo tunaona watu wachache wanasema na wanasema watafanya tu. Kwa hivyo kwa kifupi nasema watu wa Kenya wakati huu hatuna imani na wabunge wao, bunge la nane. Kwa hivyo waje waombe kura tuwachague ama tuwaondolee.

**Com. Bishop Joseph Kariuki:** Asante sana mzee, umesema maneno mazuri kwa njia ya haraka. James Mbucu, James Mbusho tafadhali, halafu James atafuatwa na Charles Muthura,

Charles Muthura yuko hapa? Halfu afuatwe na Julius Olesnako, Julius, Julius uko hapa? Halafu atafuatwa na Moses Karanja.

**James Mbusho:** Bwana chairman, niko na machache hapa tu nataka kusema kuhusu Katiba. Yangu ya kwanza ni President yule atakayochaguliwa awe na powers ya kunominate all the appointed but parliament iapprove. That means akiappoint mtu anakaguliwa na parliament.

Ya pili ni kuhusu urithi, urithi sioni maana ya President kuappoint generals, right now we have got so many generals doing nothing and we spend a lot of money. So generals must be appointed by the parliament.

Ya tatu ni kuhusu magereza. Mimi ningeeomba, prisons be overhauled kwa sababu hawa apana heshimu wafungwa. Kwa hivyo ningependelea Katiba iheshimu wafungwa. That means wapewe human rights na basic rights kama kusoma magazeti, kwenda



leave kuona wake zao, kitu kama hizo.

Ingingine ni ya police. Ngingependa Katiba iwe na powers ya kuambia police waheshimu suspects, yaani suspect alimain innocent until proved guilty by the judge ndio mambo ya torture iishe.

Ile ingine ya mwisho ni kuhusu civil servants. Civil servants ningependa awe civil servant kuanzia juu mpaka chini. Hakuna haja ya kusema ati Attorney General anakuwa the link kwa civil servants ndio apewe million moja ndio apate mshahara kama wa wale wengine. Ndio.

**Com. Bishop Joseph Kariuki:** Kwa ajili ya police torture, ungependa sheria iwekwe kwamba tuwe na office ili police akitorture mtu, mtu huyu anaweza kuwenda kwa office hiyo na kureport na police huyo anaweza kushikwa na kupelekwa mahakamani?

**James Busho:** Very good.

**Com. Bishop Joseph Kariuki:** Tupate Charles Muthura, Muthura Charles, tunataka useme point, usisome hiyo document yote kwa sababu hatuna saa ya document, tutaisoma huko Nairobi, useme point, point, point.

**Charles Muthura:** Charles Muthura jina langu, a retired senior headmaster, one time councillor, one time MP here and there was a time I was an assistant minister. Mr. Chairman I'm very disadvantaged because when the news came about this commission, I didn't present myself. Infact I had reviewed almost 95% of the current constitution. What happened \_\_\_\_\_ ( tape unclear) I have no time. Thank you very much

Interjection

**Com. Bishop Joseph Kariuki:** Just before you talk, please sit down. Let me say this, let me explain again our process. Our process is such that when we get the memorandum that we get from here we have a memorandum like this one, you see there are signs noted there and put in the power, the programme officer tonight when we get to Nairobi, the first thing we will do is to take this memorandum to the office because we have a staff of 20 people whose work is to read all the memorandums, analyse the memorandum, I will tell you even when we were in Pokot, or Saburu or Marakwet, those had to be taken to Nairobi because they are very important. Once the memorandums are analysed, they are put in the computer and those which go to the constituency report are taken to the constituency report. Those which go to the constitution are taken to the constitution. This memorandum is also secured in that once I finish with it, is photocopied and kept in three different places so that even after 50 years, anybody, your son who will come and want to know what Charles Muthura said can be able to retrieve the information. You understand? So here its symbolic so you don't have to read everything because it will be worked on when it gets to Nairobi. Sawa sawa? Hapo umesikia? Na wacheni niseme kitu kingine, memorandum hii sio kwa sababu ya hawa, si ni kweli? Ni kwa sababu ya commission, it is us you are reporting to, it is not to these people, because we are the people who are

collecting what? The views Some people are taking this wrongly, we have been into places where people have written documents because they want to make a political capital out of it. Wanataka kusimama uchaguzi, kwa hivyo anafikiria hii ni mambo ya siasa. Hii ni yetu ya kuchukua, sio ya hawa. Kwa hivyo huna haja ya kusoma yote ya kwamba wafanye nini? Wasikie. Tafadhali sema yale utaweza, yake mengine tutachukua.

**Charles Muthura:** Mr. Chairman I will be very fast so that I recover my status for the home.

The President: The president should be at least 45. Mr. Chairman there are 4 officers, public officers, I feel they should not have representation areas that is they should be taken outside the territory, these are the President, he should have no constituency. The speaker should have no constituency, council chairman should not have a ward, mayor who should be elected by the public should not have a ward. Mr. Chairman in our constitution we need a referendum, there should be a provision for independent candidate because with history has taught us that people have been left out before they have not been put down because of the party. So lets have independent candidate, both councillors and MPs. We do not need nominated councillor or MP end of *side A tape 4*

Mr. Chairman, if you want the hours worked by MPs these days, I think they work to about 15 hours in a month. These are full time people. So they should work from Monday to Friday and right now Mr. Chairman the president should have only powers to appoint the ministers, yet the ministers, parmanent secretaries, ambassadeurs and High Commissioners. Just that. No more! The Public Service Commission, the Electoral Commission, the Local Government Staff Commission should be appointed by the parliamentary part. That is the parties in parliament with members have been meeting with the East African Legislative for assembly.

Mr. Chairman I feel that under the judiciary, we need two two more courts, that is industrial court of appeal, (you know we only have industrial court, when the case is decided, even if you feel offended, there is no room for your appeal.) There should be one.

There should be an election petition court of appeal, ones the decision has been taken after elections that there is petition, you have nowhere to go. There should be an appeal court for that.

Citizenship Mr. Chairman, this country should not accommodate double citizenship. I can find very example Patio criticals. Huyu ni mtu ambaye ako na citizenship tatu, yeye ni Mungiki, alikuwa na citizen ya hapa, right now ako America na unaona ile shida amewacha hapa. We had Dan Mohammed, he was an assistant minister, he had double citizenship, wakati aliondoka hapa akasema ati anaenda uraya kutibiwa, aliandikia Rais Kenyatta barua mbaya, ya kumtukana, because he had double citizenship. So we should not accommodate this in future.

Mr. Chairman, one man one job. Kuna watu, (somebody mentioned here) wengine wana \_\_\_\_\_ na kazi nyingi nyingi, I will set an example, the Secretary General COTU, he is also the Secretary General of another organization, nobody should hold two places jobs Mr. Chairman.

Land: no foreigner should own land here. Mr. Chairman I wish I could get a chance to go with you when you are going to Nairobi and I show you Solio land, which is over 60,000 acres, this is owned by a foreigner, Mr. Pape in America. He has not been here for the last 20, 30 years, na profit zimeenda huko. Matress na korogocho, tuna Riki, tuna wapi? Majengo, mahali ambao wananchi hawana ardhi. No foreigner should own land here. Solio, Obejeta, Ojogi, all these areas, any land which is not being utilized, should be taxed Mr. Chairman, hata kama iwe ni nani, ni nani, it should be done. Allocation of land Mr. Chairman there are so many offices that allocate land in this country and that is why you hear the problem of double title deed, a triple title deed. Let us have one office allocating land. All the land should be owned by the government Mr. Chairman, mambo ya kusema watu wa Local Authority, hapana, ardhi yote iwe ya serikali na the only person to allocate land should be Commissioner of Lands, nobody else Mr. Chairman.

Misuse of Power: People have misused power in this country Mr. Chairman, na through my study, there was no misuse of power during Kenyatta time that it has been with Moi, I think I can describe two people who have misused power. If anybody misuses power or office either for his personal benefits or misuses power to oppress wananchi, he should answer for it, he should not get away.

Mr. Chairman, no job for retired officer. Mr. Chairman people have retired and they are still working. President Moi has talked about giving people the power to misuse why Mr. Chairman should we have \_\_\_\_\_. Mr. Cheriot, who is the MD Kerio Valley Development Authority for 7 years

### ***Interjection***

**Com. Bishop Joseph Kariuki:** Mr. .... Let me tell you. The law that we are operating upon does not allow us to name names because ours is to come up with a new constitution so please don't name names. You can say one-man one job.

**Charles Muthura:** Okay, Let us not have this people who are still working after retiring 67 years, 64 years, 60 years, 65, 60, 62, yet there are people who \_\_\_\_\_ mtu akiretire aende nyumbani lakini sio kukuja kupatiwa kazi. Mr. Chairman, I would like the next constitution to trap the General Service Unit, the Administration police, these are unnecessary expenditures, wacha wale wamefikia miaka 49 na kwenda juu waretire with benefits. Those who are under that age, wapelekwe kwa regular police, wapelekwe Kiganjo, wawe retrained and then we dispatch them to other places.

Mr. Chairman, borrowing of Loans, in future, the government should not borrow money unless it is passed by parliament and to do that the government will have to indicate the project. The cost of the project: the money that the government have for that project, so that there is a reason to borrow more. This should be taken to parliament like any other bill. If parliament passes it well and good, if parliament instigate then the government should not borrow money. Mr. Chairman the other day there was a question of surrendering some schools which belong to the independent church back to them. Mr. Chairman lets be very careful here, these schools were closed in 1952, then they were opened later mid 50s and wananchi were asked the denomination to the ward towards these schools, so we are already other denominations running in these schools, wananchi

being served by these primary schools should be asked Mr. Chairman whether they want this reteriated back to the independent church.

Trade Union in this country Mr. Chairman, the other day the minister for labour said that wacha tuform another party parallel to COTU. He is bringing total chaos. We saw what happened in 1965. I wonder how old this minister for labour was in 1965 when people were almost fighting because there were to parallel ..... infact instead of talking about forming another parallel to Trade Union, we should come out with a bill dissolving COTU because we have seen the desires it has. Look at what happened with NSSF money, where COTU is represented by 3 members. Pesa za wafanya kazi masikini zimetumiwa kununua viwaja, kununua makwale, na COTU never said anything. If anything COTU will be dissolved.

Mr. Chairman, majimbo – I'm very conversant with majimbo, kwa sababu majibo inaappointiwa na constitutional board. Mr. Chairman I say let majimbo come, okay, but on condition that they do not come under the proposal which was made by the Kamatusa – MPs that was Minister. You said that they were bringing a bill to parliament so that if it went through they would dictate from Rift Valley or the non indigenous people and infact the people who are made ward clean the Luo, the Luya, and the Kisiis and you know they suffered the most during the tribal clushes. Mr. Chairman there should be respect for the two papers, title deed and \_\_\_\_\_ (unclear) Mr. Chairman. Unlike what one minister said that just a little paper, it can be destroyed, let us respect this, Mr. Chairman I rember discussing with a mzungu and he told me there are three things that \_\_\_\_\_(inaudible) we inherited this system from England. Money, land, and \_\_\_\_\_(inaudible)

Let us respect that. Lakini kusema ati paper ni karatasi tu Bwana mwenyekiti, hiyo ni mbaya. Let Majibo come if this is the case. With the new constitution to take place Mr. Chairman, all those people, I know this is \_\_\_\_\_ (inaudible) all those people who lost their land during the tribal clashes and they have papers for those pieces of land, whether it was destroyed or it was lost, it was burned, they should get back to their land. If the papers were destroyed they should be given back to them. Mr. Chairman when the new constitution comes up more commissions should be put, women gender assembly commission, women commission, children commission and so on.

Interjection

**Com. Bishop Joseph Kariuki:** Now already you have spent 15 minutes. I will give you 5 more minutes.

**Charles Muthura:**

Very Good. Mr. Chairman, the half a third of opening of universities should be fleese in this country, I think we have about 6 or 7, we need 4 and when we have these 4, when I talk about 4, I'm talking about the main campus, Jomo Kenyatta, Kenyatta, Moi, (how many are those?) those are four and then let us have the relevant faculties, everybody whether it is anything to do with medicine should go to Moi, anything to do with education, Kenyatta, anything to do with engineering, Jomo Kenyatta. All these as a law, economy, bra bra main campus Mr. Chairman and the President as I said should not be the Chancellor. He should only go there on the graduation day to officiate just as like in parliament, he should only go there to open, he should not be the one to prolong, to say when it goes and when it opens Mr. Chairman.

That's all. Thank you.

**Com. Bishop Joseph Kariuki:** Thank you very much, those are very ..... I hope we are going to carry that memorandum with us. Hiyo sio mahali, utupatie twende nayo. Kama iko karibu enda uchukue ulete, sisi ndio tutabeba vizuri. Sawa sawa? One with a coordinator, do you have that document with you? Can you go and bring it to me because I have to go with it. Thank you. Tell us your name.

**Julius Ole Silakan:** My names are Julius Ole Silakan, I work with the conservation and I was long time a senior teacher. Mr. Chairman I have the following to present to the commission. I'm a trainer of ECEP (Economic Civic Education Programme) and arc dioceses of Nyeri and I would like to talk on the following presentation view:

The next constitution of Kenya should have a preamble, it should state if it can what is the vision of this people of this country, what will guard these people is expecting for that constitution to make them, to achieve what they they are supposed to achieve if it is in own area of development in this country. Mr. Chairman, the next constitution should be specific in language, this issue of talking about whatsoever, \_\_\_\_\_ all these kind of jargon and other needy inequities in the constitution should be translated into Kiswahili and so that the Wanjikus in the local grassroot level should have access to this constitution and I recommend Mr. Chairman that since we have all these campaigns, like HIV account and these kind of campaigns that we are having in this country for long, we also have a campaign to have the constitution to reach the Wanjikus in the grassroots because right now I think 95% of this population do not understand what is the constitution. So I recommend Mr. Chairman the Wanjikus must be given the constitution to the grassroot and must be translated in the language they understand just like the South African and other constitutions in other parts of the world.

Another recommendation Mr. Chairman is that the President's powers should be reduced at all. There are about 30 areas where the President is above the law especially section 114 where the President is having minutes while he is in office and we have seen with people Mr. Chairman that our President have abused the office and clause 114 is not consistent in polls then the President Mr. Chairman if comes above the law. So I recommend the next constitution Mr. Chairman that the President must be impeached wherever he has or he commits any offence when there is no case.

Mr. Chairman I also recommend for quote education. What I mean here Mr. Chairman is I have visiting on the pastoral areas and they should be given that privilege to be given quoter education or quoter opportunities like what we have what we call this issue of affirmative action. We should not have affirmative action, if the pastoral areas were chased, in case in this country, and Mr. Chairman I recommend the next constitution that this constitution should allow pastoral areas to have mobile polling so that each of these children can have access to education. Right now the type of education that we have does not abilitite or does not allow the child who is in the pastoral areas access to education and what we are talking about is equity to all.

And Mr. Chairman I recommend for the Majibo system. The unitary government has messed us up and here I have Mr. Chairman an example here that nobody in Rift Valley, (Rift Valley should be divided into two) from Nakuru towards Lodwar and southern parts of North Rift, and from Nakuru all the way to Saburu, Laikipia, and some parts of Narok, Kajiado, all those sides should be divided so that each Jimbo should have autonomy in its management of natural resources and other amenities within the jimbo.

Mr. Chairman I also recommend that section 88 and 89 of the constitution that talks about this issue of citizenship and all this kind of stuff, that Mr. Chairman in 1963 what states have been in section 88, 89, about citizenship should be abolished and it says that or I recommend that this section should be scrutinized dealing with the citizens of Kenya so that we don't have goal of people citizenship as my other former speaker have talked about . And when we talk about identification or person for example of issuing of IDs this is other documents which are supposed to be given by or to the applicant, it should be reviewed so that if you apply for an ID Mr. Chairman, apart from all these other iniquities, they should be taken to the \_\_\_ and I recommend that the purpose of applying for the ID should only apply to the person or may be accompany with may be a village headman, or somebody knows may be one person who knows you so that you can get this ID instead of other things. Now Mr. Chairman thank you very much and when we talk about land lastly, we are talking about land that has been taken away during the time of Lenana and all these kind of person. Mr. Chairman Laikipia is owned by may be three quarters or may be a quarter of the people who were supposed to be here. I propose Mr. Chairman that lands in Laikipia should belong to the indigenous fully. In that case Mr. Chairman, it should belong to three or four people but the Laikipians. Thank you Mr. Chairman.

**Com. Bishop Joseph Kariuki:** Thank you very much those are very interesting comments. Can you register? Can we have Moses Karanja?

**Moses Karanja:** Thank you Mr. Chairman, I'm Moses Karanja as you have heard and I'm just going to talk about water in the rural and how we relate water and medicine in the rural. I think some kind of reform should be put in place so that all those people in the rural everywhere in Kenya, that water is treated so that we can avoid that loss that we get through getting the disease in hospitals like typhoid, such diseases that are water borne. So I suggest that all people in the rural areas should get treated water and in that way they will give them a chance to have their development without losing a lot of money otherwise I don't see there is anything in giving the people in the town treated water and giving the others water from the well straight from the well. There is no sense and then this thing of cost sharing after drinking untreated water so I suggest even on that the hospitals should be free so that everybody can have access to drug without giving any kind of fee.

The other thing Mr. Chairman, I'm going to talk about this education on O' level, those school leavers, they are piling a lot because some government seem to have failed in getting a channel to give them a place to work on.

**Interjection**

**Com. Bishop Joseph Kariuki:** Creation of employment for the people for the people who have finished school?

**Moses Karanja:** Exactly. I suggest employment and the syllabus in the school should be somehow technical so that they can depend on themselves without getting employment and further the colleges should be made abit easier so that they can be admitted otherwise there are so many school leavers who have left school, they are qualified, but they cant go ahead because the durecracy that is involving in getting into colleges is stive, they cannot get there.

**Com. Bishop Joseph Kariuki:** Thank you very much Moses, can we have Charles Wanjohi? Karibu Charles.

**Charles Wanjohi:** Thank you Mr. Chairman, mimi nitaongea na lugha ya Kiswahili. Sasa ile kitu mimi naongea juu yake ni extension of parliament. Hiyo muambie Moi asahau kabisa. Tell him to forget it. Extention of parliament hiyo ni out.

Tunaingia katika maneno ile ya former MP Mr. Charles Muthura, aliongea juu yake kama maneno ya \_\_\_\_\_. Kuna watu wngi sana katika Kenya wako na tabu ya mashamba, wacha mashamba hata mahali ya kuishi hio ni kitu muhimu sana, habari ya mwili. Uliletwa kwa hii dunia ukiwa binadamu ni Mungu ujue mahali utaishi. Hiyo ni kitu yangu ya pili kuongea.

Ya tatu, tots to be harassed by police, hiyo sioni kama ni mzuri, kwa maana yule mtu ni kujitafutia anajitafutia. Halafu maneno ya President kuwa Chancellor, it should be somebody educated kabisa kabisa na awe na degree ya kila kitu. He cannot be master of somebody and he is not a graduate. Sasa yule mtu hajasoma sana kulingana na Historia yake, anawezaje kuwa Chancellor. Ni hayo tu, sina ingine. Thank you Mr. Chairman. But ile kitu muhimu sana mimi nataka kuona kama itabadirishwa ni hii ya tots to be harassed by police. Wanajitaga vijana wa Moi lakini sijui sisi tunajiita vijana wa nani?

**Com. Bishop Joseph Kariuki:** Asante sana Charles. Charles, Joo ujiandikishe hapa. Sasa David Njoroge, afuatwe na Harima Swaleh.

**David Njoroge:** Hamjambo? Kwa majina ni David Njoroge. Katika maoni yangu kwanza ni jambo la Katiba. Ningeuliza kwanza kama kungekuwa na uwezekano wa tufundishwe ile Katiba mzee ndio tuweze kutofautisha Katiba mzee na ile tunayotaka kwa sababu kwangu mimi Katiba mzee siifahamu na hivyo nikiambiwa nibadirishe Katiba mpya, sitajua ni kufungo gani nitaondoa ama ni gani nitaongeza.

Katika upande wa ardhi ningeuliza kuwe na usawa katika ugawaji wa ardhi kwa sababu ardhi kwetu Kenya sisi imekuwa ni kama ya walio na pesa lakini kwa wasio na pesa imekua ni \_\_\_\_ Kwa hivyo ningeuliza ndio tuweze kutatua umasikini tulionao, tuweze kupatiwa ardhi wenye hawana ardhi ndio unaweza kuweka kama surety may be kwa loan na kwa development.

Upande wa biashara: Ningeomba kwa Katiba ambayo itakayokuja tuwe na may be commission ya kuangalia wanabiashara

wadogo wadogo kwa sababu kwa wanabiashara wadogo may be mtu akiharibu biashara yake inakuwa ni mwisho yake kwa sababu hana mahali pengine pakwenda at least kutoa \_\_\_\_\_ tena kurudi kwa biashara yake. Kwa hivyo hata mikopo tuwe tukipewa mikopo kwa njia rahisi ambayo inaweza kusaidia wanabiashara wa biashara wadogo wadogo.

Kwa natural resources: Tuwe na fair distribution ya natural resources, kwa mfano kitu kama maji, unapata katika area hii yetu tuna wakulima wadogo wadogo na pia wakulima kutoka sehemu za nje na advantage iko kwa wale wakulima ambao wametoka nje kwa sababu kitu kama maji unapata wako na ruhusa ya kutumia maji kulima lakini mkulima mdogo hata akigurumiza machine unapata imekuja kuchukuliwa na askali. Kwa hivyo kwa upande wa maji, kama distribution iwe fare kwa locally na watu kutoka nje.

Upande wa elimu: Ningeusia upande wa elimu kwa private schools. Nimeona kwamba siku hizi private schools zinakuwa zinacapitalize na \_\_\_\_\_ wakati huu. Kwa hivyo kama ni school fees iwe regulated kiwe kiwango ambazo pia private schools iko supposed \_\_\_\_\_.

Uusaji wa government property: Katika uuzaji wa government property nimeona ya kwamba a few individuals ambao wako na pesa ama pengine wako katika mamlaka ya serikali. Ningeomba kama ni either ni kwa njia ya auction, iwe advertised vizuri ndio at least every Kenyan awe na haki ya kununua government property. Na kwa hayo machache asanteni.

**Com. Bishop Joseph Kariuki:** Thank you, njoo hapa, hiyo ndio mambo ya Katiba David. Ni mambo ya maisha, ndio inakuwa Katiba. Haya tuje kwa Harima, na afuatwe na Titus Nderitu.

**Halima K. Swaleh:** Mimi jina langu naitwa Halima K. Swaleh ni mkaazi wa hapa Nanyuki na mzaliwa wa Nanyuki pia. Ningependa kueleza tume hii ya Katiba yafuatayo. Kuhusu midhikaji wa ardhi na hii inalenga majengo zote, na Nubian villages, Swahili villages, Somali villages, na hizo villages za wale watu ambao walikuwa ni ex soldiers since African rivals ambao walipewa na mkoloni na wakapewa wakae kwenye vijiji hivyo. Mpaka hivi leo, kakuna msimamo na wao ndio waajirishi wa Nubi yote hii tulio dani, kila mji una majengo. Na majengo yanapotaka kufanuliwa unapata watu hawa ambao waliwaanziliza ndio hufunguliwa, wakatolewa hapa, wakarudishwa corner ilee. Wanatolewa corner hiyo wanarudishwa corner nyingine na mwisho hata kufukuziliwa bali ikawa wao hawana ardhi pale kwa sababu hawana title. Kwa hivyo tungetaka Katiba ionyeshe hao watu watafanya nini na hii ni hali wengi wao, vizazi wao, ambao ndio wako kwenye hizo plot sasa waliopewa wengi wamekufa, ni watu wa kutoka nje. Wengine walitoka Tanganyika, Uganda, Tana, Nyanza land, wapi, yaani maaskari wa kutoka nje, British Somalia, na sasa hawajui kwao ni wapi. Wao ni wananchi wa Kenya, that kwa hivyo tujue msimamo ni wapi. Na hata saa hii utapata Nanyuki ni developed, vile majengo ilianza hii mji wa Nanyuki ni matope na madebe. Kila maendeleo yakija wanabaki nyuma.

Pia kuna udanganyifu wengi wao wananyang'anywa hivyo hivyo plots zao zikiwa za makao, hivyo hivyo. Wale wana nguvu



wanajichukulia titles. Tungetaka Katiba iseme ya kwamba, ikiwa mtu atapatikana amejipatia title ya plot ya mtu mwingine hata kama ilikuwa ya DOL ambaye ameishi tangu kuzaliwa, hiyo title iondolewe na isiwe na

### *Interjection*

**Com. Bishop Joseph Kariuki:** Kwa hivyo mama njia rahisi ni kwamba wale wanaoishi katika villages hizo wapewe title deed kama wenye village? Sawa Sawa? Haya kwend akwa point ingine.

**Halima Swaleh:** Halafu pia ningetaka kuzungumzia jambo hilo silo la maendeleo ya watu hao hao, watu wengine nimeona sehemu zingine wakati watu wamezaana ardhi inapanuliwa wanapelekwa mahali pengine. Watu wale wakati watu wakiongezewa mahali pa kuishi, hawafikiriwi, wanakaa pale pale tangu babu, mtoto, mjukuu, mtoto, na kijukuu, na hata yule anafuata wanasongamana pale. Kwa hivyo nao wawe wakifikiriwa kama wananchi wengine na mahali pao pakupanukia ni hapo hapo kwenye town ambapo wamewajirisha.

Halafu jambo lingine ningetaka kulizungumzia ni la kuhusu aviliation act, kuna wakati mimi nikiwa msichana tulikuwa na act moja ya aviliation ambaye ilikuwa sixty something. Na ilikuwa mwanaume akimuweka msichana mimba, na isihilike hiyo mimba ni yake, anamlea huyo hata kama hatamuoa msichana, atamlea huyo mtoto na amsomeshe mpaka awe miaka kumi na minane. Na sasa hiyo aviliation ya act iliondolewa

### *interjection*

**Com. Bishop Joseph Kariuki:** Ungetaka irundishwe tena kwa Katiba?

**Halima Swaleh:** Nataka irundishwe ndio wanaume wajicontrol, sasa wanazaa hovyoy, ndio tuko na chokora matangi.

**Com. Bishop Joseph Kariuki:** Sawa.

**Halima Swaleh:** Halafu jambo lingine ningetaka kuzungumzia ni la kuhusu Kadhi's court. Kwa upande wa Waislam wanakumbaliwa kupeleka mambo yao kwa Kadhi's court na kuna hiyo subodinate court peke yake. Kwa hivyo ninapendekeza tuanzia subodinate court, iingie hata High Court, iwe tu ni kazi na hata Court of Appeal tumpate huyo huyo, tumpate Kadhi tu anaelewa sheria iliomhukumu huyu kuwa subodinate court. Na wawe chini ya judiciary. Halafu tukienda kwa spiritual leadership, hatungepend huyo Kadhi awe ndiye Spiritual Leader, tunataka tuwe na yule tunamuita Share Moveti, kama Bishop ama Cardinal ambaye hahusishwi na mambo ya ulimtisha bibi ama ulimfukuza ama sijui uridhi na kadhalika.

Jambo lingine ningetaka kulizungumzia hapa ni la kuhusu affirmative action na affirmative action itumiwe kwa sababu hiyo ndio italinda haki ya watu wale ambao ni marginalized na tuko wengi kama mimi hiyo group nilitaja ya majengo mimi ni mmoja wa hapo. Mimi baba yangu alitoka Tanganyika na sijui hata ni Tanganyika gani. Na kwa hivyo niko hapa majengo, sitaburiki kwa hivyo mimi ni marginalized. Hakuna mahali ninaingia ninafit. Halafu kuna hata wale wenye kujulikana kabila zao na ukoa wao lakini ni minority. Hao pia affirmative action itawatake care of. Halafu kuko na wengine wale wasiojiweza, disabled. Kwa

hivyo nasema hiyo constitution ichukue mambo ya affirmative action.

Na mwisho nasema nimesema hayo mambo from off head lakini memorandum itafuata. Asante.

**Com. Bishop Joseph Kariuki:** Asante sana mama. Mtu wetu wa mwisho ni Titus Nderitu. Mama, Titus Nderitu ndio mtu wetu wa mwisho kutudhumia. Titus

**Titus Nderitu:** Asante Bwana Chairman, Jambo langu la kwanza ningetaka commission hii iangalie ni three arms of the government. Ningetaka ikuwe three, iko judiciary, iko parliament iko executive. Ningetaka Rais atakayekuja aheshimu hizi mikono tatu ya serikali.

Ya pili, nchi hii tunajua ni ya multiparty, kwa hivyo ningependelea Rais mwenyewe akuwe Rais wa nchi lakini si Rais wa chama. Na hii ni kwa sababu

### *Interjection*

**Com. Bishop Joseph Kariuki:** Unasema hutaki Rais awe ametoka chama fulani, sasa hio tumeandika.

**Titus Nderitu:** Lasimali ya nchi igawanywe kwa wote ili kila mtu akuwe na haki ya kufurahia nchi yake. Na ya mwisho, ningetaka Raisi yule atakayefuata akuwe na kitu hii ya economy. Asante.

**Com. Bishop Joseph Kariuki:** Thank you very much. Ujiandikishe hapo. Ningetaka kuuliza hapa kuna mtu ambaye alikuwa anataka kusema lakini hajapewa na nafasi, njooni hapa mbele. Nitawapatia kila mmoja dakika moja moja. Njooni hapa mbele.

### *End of tape 4*

Speaker: Naona akina mama wawe nominated katika parliament na tena local authority. Tena women should have security in the country and at home. Kwa sababu tunaona wakati mwingi akina mama hawajulikani na ndio tunataka hata sisi tuwe pamoja na wazee, tukiwa nje au manyumbani. Tena women should be regarded in decision making and be respected as work they do at home is too much.

Tena iko uridhi. Wives should inherit their husbands' property when they die because they have had hard times caring for their children. Wakati bwana anafariki akina mama wanapata shida sana kwa sababu iko na watu kutoka upande wa mzee na wanakuja wanasema huyu alikua maraya na kwa hivyo walikuwa wanakaa tu wanachukua mali ya mzee. Na huyu mama ako na watoto na watoto hawa ni wa huyo mzee. Kwa hivyo tungetaka akina mama wawe wakipatiwa mali ya mzee ili aweze kuendea na watoto wake. Na kwa hayo machache mimi nasema ni asante sana.

**Com. Bishop Joseph Kariuki:** Asante sana mama, jiandikishe pale. Mzee, useme jina lako, dakika moja, dakika mbili.

**James Gatoto:** Asante Bwana, kwa majina naitwa James Njunge Gatoto. To the constitution of Kenya Review Commission, memorandum of constitution making.

Decision of President: It is the wish of every Kenyan that all Kenyan Presidents should serve only a maximum of two terms each term of 5 years. This should be made into a law because after the two terms of 5 years, human beings have the tendency of making public property and policies, his personal belongings to the extent of

***Interjection***

**Com. Bishop Joseph Kariuki:** \_\_\_\_\_ (inaudible) Two terms hiyo itaingia kwa Katiba lakini hii sababu haitaingia kwa sababu haina maana. Sema proposals tafadhali.

**James Gatoto:** The President should be allowed only to appoint his cabinet with an exception of his Vice President who should be elected by direct votes from the general public to ensure that if the Vice President can occupy the President's office for the 90 days before elections of another President in case the former was incapacitated or anything happens to him as normal with human beings. The President should be given the honour of appointing the Major Generals of Armed Forces and any other multi senior post of the law and appointment of such like for instance special branch officers from their merit and education standard should be the criteria of climbing the ladder in the \_\_\_\_\_ rank and all other law enforcement agents. The President must be linked from appointing any other senior post in the government. It should be done by a public service commission, appointed by Members of Parliament to avoid physical banking and meaningless royalty in the civil service.

***Interjection***

**Com. Bishop Joseph Kariuki:** I will give you one minute. Because we are going to read that memorandum, we are taking it with us so you don't have to read the whole of it. One more minute.

**James Gatoto:** Provincial Administration: This is the high time for the Kenya to do away with the provincial administration and be replaced by giving more powers to county councils and municipal councils. They have been the source of corruption in Kenya. These commissioners have been selling public land, \_\_\_\_\_ since they are the chairmen of development committee in the districts. This should be done away with and replaced with a revenue, ministries, the government and officers should be answerable to their bosses in their ministries.

**Com. Bishop Joseph Kariuki:** Can you give the memorandum and write your name. Can we have .... Karibu.

**Moses Ngucine:** Asante bwana chairman, mimi nitasoma yale ya memorandum nilipeana. Jina yangu ni Moses Ngucine, mkulima katika Daiga Laikipia. Kwa ufupi sana ningeliza commission ya Katiba ichunguze Chiefs act. Hata tena section 6, section 8, section 10, na section 20 ambayo imenisukuma mpaka nikawa masikini kwa miaka kumi na sita. Niko na shamba Laikipia na si moja, niko na title, haitabuliki, niko na court order, iko na miaka saba, haitabuliki, na ingali nasukumwa hata kuwekwa dani na kusatiwa ndio nihame Laikipia ndio shamba inyakuliwe. Asante.

**Com. Bishop Joseph Kariuki:** (inaudible)

**Amina Wai:** Mimi naitwa Amina Wai, nimeishi hapa miaka arubaine na mbili, nimeolewa hapa Nanyuki, naelewa hapa Nanyuki yote. Sasa mambo ya Katiba ndio tunaendelea nayo. Katiba: zamani mimi sijasoma hata sijui naishi wapi nasema sijasoma, alikuwa masikini hata akigojeka anasaidiwa na hospitali ya serikali lakini siku hizi wale wako na pesa, pesa yao ndio wanatibu

*Interjection*

**Com. Bishop Joseph Kariuki:** Kwa hivyo mama, ungetaka kuwe matibabu ya bure katika hospitali?

**Amina Wai:** Ndio, serikali itusaidie. Hiyo ni moja

Ya pili, iko wazazi ambao hawawezi pitisha masomo ya watoto wao standard 8, hao sasa standard 8, tutapeleka wapi na wengi wetu ni masikini?

*Interjection*

**Com. Bishop Joseph Kariuki:** Kwa hivyo ungetaka serikali Katiba ipeane masomo ya bure katika secondary school?

**Amina Wai:** Ndio. Ya tatu, tumezaa watoto wa vijana na wasichana na Kenya hii tuko na shida. Hiyo shida sisi tunaleta ni bar, pahali ya disco, inaharibu watoto wetu kabisa, tunataka serikali isimamishie hiyo, tutengenezewe njia ingine ambao itafurahisha hawa. Hio si furaha, hio ni ugojwa wameleta. Asante.

**Com. Bishop Joseph Kariuki:** Thank you very much mama, Asante sana mama, hio ni maoni ya muhimu. Njoo hapa, can you come here, keti chini, I told you to give your memorandum, he is the last to talk to us this afternoon. Can you present your memorandum to the programme officer?

**James Kamau:** Asante sana chairman na wasikizaji.

*Interjection*

**Com. Bishop Joseph Kariuki:** Jina lako?

**James Kamau:** Jina langu ni James Kamau na nimetoka Timau, nimeokoka na mimi nimezaliwa katika wilaya hii na sina mali katika wilaya hii, wala mahali pengine. Kitu cha kwanza katika kikao hiki nashukuru Mungu kwa sababu ni kikao muhimu. Ya pili ni lazima kikao kama hiki ama vingine vimekaliwa mahali bari bari ziwe zinafanyika chini ya mazingira yavao, ndio kusudi na maana ya lile linaloendelea liweze kukua.

*Interjection*

**Com. Bishop Joseph Kariuki:** Mzee, Toa pendekezo kwa Katiba.

**James Kamau:** Kitu cha kwanza kabisa kufanya Katiba ikuwe ni uhalali wa serikali inaohusika na katika kua na uhalali huo

ndipo utaona hatutumia pesa nyingi kama vile tunatumia sasa tukiwa tunachelewesha pengine uchaguzi au kuchelewesha mambo mengine la uma. Kwa hivyo hiyo ningependa Katiba iangalie. Uhalali wa serikali kwa sababu kukiwa hakuna uhalali itabidi kuziba tukiwa viongozi.

Pili, Katiba ama wale maofficer wa Katiba waache kuzozana, wajue jukumu zao ndio wasitucheleweshe kama vile tunasema wakati huu tunaangalia nyinyi mtupe Katiba inafaa wakati unaofaa ili tuchaguane wakati unaofaa kwa sababu tumechoka na wengi wa waakirishi wetu katika serikali ilioko.

Sheria: Nitarundi katika sheria, kwa sheria kukwambia ni lazima kuwe na serikali halali, viongozi ambao wanaogopa Mungu na waangalia sheria pia. Watu ambao sio wanyakuzi wa maplot, sio wanyakuzi wa mali ya uma, sio wanyakuzi wa pesa za uma. Tuna kesi nyingi, goldenbag, sijui maplot yamenyakuliwa, mashamba ya watu yamelaliwa, sijui nini, hayo ningetaka Katiba mpya iangalie na yaheshimiwe na kila mtu hata kama itakuwa ni mfalme mtatawaza awe anaangalia.

Katiba sasa imekuwa ni kitu cha kuhitalisiana katika akili za watu wengi sababu haieleweki kama ni chombo ama ni sheria ama ni chombo cha kutawala mienendo yetu ya kila siku. Katiba hata kama inaweza kuwa vyote, tunahitaji Katiba inayotufaa sio sasa tu wakati huu sisi tuko tunaitengeneza bali kwa hata vizazi vijazo. Kwa hivyo ni lazima tujikakamue tuone hii Katiba itatufaa na kufaa watoto wetu kwa sababu katika nchi nyingi ambacho kuna vita ni chombo hiki kinasababisha. Na tukishindwa kushikana wakati huu ama kufanya mambo yetu kihalali tuta

### *Interjection*

**Com. Bishop Joseph Kariuki:** Unazungumzia watu au unazungumzia mimi?

**James Kamau:** Mimi nataka kupoint Katiba wakati ufaao inafaa kuliko wakati inachelewesha.

### *Interjection*

**Com. Bishop Joseph Kariuki:** Okay, tupatie neno lako la mwisho.

**James Kamau:** Mambo ya mwisho ni shamba ama land. Shamba plot ama mali ingefaa ama hata kazi ingefaa kwa yule anayeifanyia kazi ama anaitumia wakati huo. Kuna watu wengi wako na mashamba mengi wamerudhika, wameweka na kuuzia wengine ambao wanataabika, hawana hata nyumba ama plot ama mahali pa kulala. Ningetaka Katiba mpya iangalie. Mtu awe na shamba moja, kazi moja, ama makazi moja. Nimemaliza asante.

**Com. Bishop Joseph Kariuki:** Ungetaka ceiling, ikiwa mtu hatakua na shamba, ceiling iwe acre gapi?

**James Kamau:** Kama ningetaka kupoint ni acre gapi, itategemea kazi inaofanyiwa katika shamba lenyewe. Sababu hata ikiwa kubwa and aajiri watu, watu watapata kazi. Atumie shamba vilivyo.

**Com. Bishop Joseph Kariuki:** Okay, Sawa, Karibu,

**Ibrahim Mutahi:** Thank you Mr. Chairman, much has been said. Mine are directed of majengo we have been having many problems.

**Com. Bishop Joseph Kariuki:** Your name first?

**Ibrahim Mutahi:** First is the issuing of passports. Second generation ID card should be done away with and issue passports as IDs and it should be issued in district level.

Worship: Freedom of worship should be controlled and we can go back to the churches that used to be long time ago like in 90s.

About the MPs, Members of Parliament and civic councillors who have acquired wealth through dubious dealings should not be allowed to compete in the elections of this country.

Also candidates of questionable character should not be allowed to vie for any elective post for parliamentary seats and those who are for parliamentary seats and are not within the constituency that they want to represent. In parliament they should not be allowed to compete also the same case applies with the civics seats.

Councillors should have at least mandatory ordinary level education and mayors should be fluent in English without assistance.

Adding extention: My last point is that most of the seats we have are not local, we have foreign people brought to that so we ask if they have somebody who knows the problem of the people who have been there and who can know know which province, somebody is suffering from or he can forfeit. Thank you Mr. Chairman.

**Com. Bishop Joseph Kariuki:** Thank you very much. Can we call the coordinator. Can we ask that lady to come because we are just about to finish? Kwanza tuingoja coordinator nataka kushukuru sana, .... I told you to give your memorandum, okay. Did you want to say anything? Come sit down there. Tell us a few things. Okay after this I want you to recognize the members of 3Cs and then I will say a few things then we are going to pray. May be you can look for someone to offer prayers.  
Okay.

**Gitonga Ringera:** I want to talk briefly about some of the things I want the commission to enclose in this memorandum. My name is Gitonga Ringera; I'm a teacher in a secondary school in this region. I want the ministries to be defined in the constitution before parliament comes in, the constitution should say how many ministries should Kenya have.

### *Interjection*

**Com. Bishop Joseph Kariuki:** How many do you suggest?

**Gitonga:** I want about 12 ministries or 10, 10-12 ministries. We must know before \_\_\_\_\_ we go there. I suggest the PS

post should advertised, to be a PS your qualifications should be defined by the constitution of those ministries we have said. The Parmanent secretary therefore should be defined.

In the issue of our hospitals I'm saying that the people practicing in our public hospitals should not have private clinics. I want the government to be more involved with the expanding of our hospital facilities. The hospital based occupancy is the same that we had since independence. Let those hospitals be expanded. I was also thinking that the government should have a way of having special homes for taking care of the old people in these hospitals. We are neglecting our old people in this country and we are seing as burden. So can we have a way of how we can adjust them into our system?

I want to talk about the Kenyan flag. I have seen in many countries people are using flags like when we were celebrating Brazil, I was wondering why cant we have the Kenyan flag being used by people even in their private vehicles and public vehicles? Why should this be a deserve for only the ministers and parmanent secretaries. Let the people be free to have the flags in their homes. What is it, we must be proud of this country and to be proud of this country, let us be first proud of our colour, our flag, and that's why people will be more happy with this country. Let us include something on this \_\_\_\_ about the flag in our cars.

Parliament: I will go now to the elections. I want election days and parliament days to be set in the constitution. Can we have everything that we must have in our election, must be difined by the constitution. We know it is 8<sup>th</sup> of January up to, it will go to this much. Can we know the dates we are going to hold the elections? It will be very important for us. I want the President to get over 50% of the total votes cast. The president should be non partisan or the parmanent Prime Minister if we are going to include him, he should be \_\_\_\_ to unify the country. This others can be with party but let us avoid the top most organ to be disengaged from these other areas. Let us have continous registration of voters and I was thinking that in the voting we can use IDs as a form of vote. You can go to a polling you want to register your vote but let you go there and use your ID.

The last point I want to mention here is about land tenure system especially with these pastoral communities. These pastoral people, they are land tenure is very different or its communal home such that the people in other areas are now having their lands. I want the government to help these people in a way of starting either borehole, schools in those areas, let them be divided in a way that we will minimize \_\_\_\_\_. Because when it is very hot in these regions people are going to mout Kenya, they are lacking water. Let be sensitive to the pastoral communities by getting market, the government can step in for market, let them give them water, let us have schools there so that we see that we have assisted these people. Thank you very much.

**Com. Bishop Joseph Kariuki:** Ladies and Gentlemen, I just want to thank you, we started this session in the morning and we have come to the end of it. I would like to call the assistant co-ordinator to come and give her last words and then to introduce some members and then we will have someone to pray for us.

Just sit there and present your views, so we have you as our last speaker today.

**Dr. Somba Musia:** May I stand? I think I feel comfortable when I'm standing. Well my names are Dr. Somba Musia Kifungu. Thank you very much commissioners, for really coming out this way and to listen to our views. I think I will say we are very fortunate and quite happy to have you around, to listen to us. A lot of people may be in OP and other places, the only thing that this place looks like upcountry. Nothing good can come from this way. The only thing that every nice things and knowledge and so on cant be picked out but I assure you that around here or round this way we are the people who feel or we know what will really happen in this country and all these problems, the \_\_\_ problems we feel them more than the people in Nairobi.

The issue of constitution, we know what is constitution and in the law, constitution ofcourse eventually is law and the law the way we understand is layman is a set of rules and standards and conditions of how people want to be governed and I believe a constitution book itself is a very important book. To me it is quite, or more important as the Bible or may be Koran for that matter and all of us who are either Christian Muslims, we always have the Koran, or a Bible

Interjection

**Com. Bishop Joseph Kariuki:** You know Daktari, let me tell you I have only given you three minutes. If you come to the proposals, it will be more helpful please.

**Dr. Somba:** Thank you very much, but I wanted to go very quick and go round all this but whowever when I went through the book on the issue when I was in secondary, \_\_\_ on marriage, at the side of it, I discovered that there is statutory marriage act, that is we know that the marriages are registered, like religious marriages or lets say there are religious marriages and also the marriages from the DC. I don't know whether there are other more marriages but of late we have had other things that are coming in which are saying the law will be made dynamic should include resources and that is may be a situation like the today's 'come we stay'. I also thought come we stay kind of situation should be registered to just like the marriages in the religion and the DC's. As that particular situation is consummated that these people will \_\_\_\_\_ are like husband and wife. So what \_\_\_\_\_ one decides to go and marry another lady or something then they say that those who were not involved should keep quiet for ever. I think the situation in the tenderncy should be registered as a legal guide of marriage.

The other area which I think should also be considered in this constitution is the customary marriages. They should also be registered. We have situations whereby people marry at home and all like that. I observed, and yet the law is very silent about this. Customary marriges, it it registered? Can it be registered so that those people involved are actually known by the law that a lady comes up and is actually married to this person. There is also an issue which I believe the constitution should also look into. We know that there are more ladies than men, there are more girls born than boys and at the end of the day there are more women than men. This is just bysaid I think polygamy should be observed and recognized by law as a legal kind of marriage. Of course here we know and we have been reading that socializing or coharbitating stay with somebody has actually been a crime and a story of megamy; this one should be remove as long as these people are staying together like husband and wife. So Mr. Commissioner I think you told me you have very few minutes for me, my main main point was that all kind of



marriages, customary marriages, and the come and stay marriages should be included in the constitution as legal marriages than just a crime. I think I have fixed your time. Thank you very much.

**Com. Bishop Joseph Kariuki:** Thank you very much. This is very interesting because I have gone to almost, this is the 7<sup>th</sup> province, I have never heard these views, these are the first ones, you must have thought about them and we hope then they will find their way to the constitution, I do not know because they have to compete with many other issues. Okay Bwana Co-ordinator.

**Co-ordinator:** Okay, thank you very much Commissioner Njoroge, Ningependa sana kuwashukuru nyinyi wote ambao mumeweza kufumilia mpaka wakati huu na wale wote ambao wameweza kupresent views zao na memorandum zao. Tunashukuru sana kwa macommissioner wetu ambao wamefika hapa ndio wakuje kuchukua maoni ama machangio yetu katika Katiba. Watu walikua wengi lakini kulikuwa na shughuli zingine pia between the town na diposa wengi wetu umeona wameenda. Lakini kabla hatujamaliza huu mkutano, committee members wengine walikuwa hapa lakini kwa wakati huu namuona tu Halima. Kwa hivyo nitamuuliza asimame na awasalimie na ningependa pia kuwajulisha ya kwamba Halima ni mmoja wa committee la constitution in Laikipia East.

**Halima:** Salama aleikum? Kama mlivyoambiwa, jina langu mimi naitwa Halima K. Swaleh. Wengi wananiuliza K. stands for what? Siwezi kulitaja maanake wengi hawajui kulitamuka lakini naitwa Kokbonza. Mlisikia nikisema mimi ni Mtanzania, mimi Mkenya lakini nina mizizi ya Utanzania, nimezaliwa hapa Majengo, lakini nikiambiwa leo niende Tanzania hata sijui nitaenda njia hii ya Namanga ama nitapitia hapa Kisumu nipitie kwa Lake ama nitapita wapi. Kwa hivyo mimi ni Mkenya wa Tanzania origin, watu wa Majengo ambao mmesikia nikizungumza juu yao. Na ninashukuru naona tuko na watu bado hapa lakini nilitalaji tutajaa hapa hata wengine wakae sakafuni hata huko juu lakini hata hivyo mumejaribu. Kwa hivyo siku nyingine mkisikia kuna mambo, tafadhhalini njooni tena. Asanteni.

**Co-ordinator:** Asante Halima. Na kwa sababu macommissioner wetu wana safari ndevu, sitaki kupoteza muda wowote nitamuuliza rafiki yetu hapa

**Interjection:**

**Com. Bishop Joseph Kariuki:** Njoo hapa karibu. Kwanza nimefurahi kwa ajiri ya siku ya leo. Nafikiri tumepata memorandum nyingi sana za maana. Kabla ya yule commissioner tulikuwa naye hapa kuondoka, alisema kwamba amesikia maoni ya watu wa hapa yakiwa maoni ya ajabu kwa sababu it was to the point and yet very helpful. Tulianza kazi hii katika province hii almost 10 days ago that we have gone to many places, I was in Lodwar, I was in Kakuma, all the way to Marakwet, Pokot, Saburu, na sasa tuko wapi? Tuko hapa. Tunatumaini Mungu aweze kutupatia kazi hii bila kusikia maombi ya watu wa Kenya kwamba wangelihitaji kuwa na Katiba mzuri ambayo italinda maisha yao na maisha ya watoto wao. Na tukiwa, if we are hopeful, because what human beings sometimes do is to lose hope, everything is dark, and everything is

without hope. If we have hope and believe that we are Kenyans, can come up with a good constitution, we can make it. Isn't it? Kwa hivyo tuwe na hiyo hope kwa sababu nchi hii ni yetu na Mungu ametupatia na ninatumaini tutakua na Katiba ambayo itatustaff for many years to come. Karibu.

**Patrick:** Tutaenda kuomba na tutashukuru Mungu kwa ile kazi yote ambao commissioners wametusaia. Kwa majina mimi naitwa Patrick Gitau: Hebu tuombe, Bwana Mungu tunakushukuru sana kwa jioni ya leo, tunakushukuru sana Bwana kwa sababu umetuwezesha tukakutaka katika kikao hiki, tunakushukuru sana Bwana kwa sababu ilikuwa uwezo wako ndio tukaweza baba kukutana kwa nyumba hii. Ni asante sana Bwana kwa sababu hata wale ambao hawakuweza kufika hapa, Mungu tunawaomba ili Baba wapate kuelewa ni kitu gani ambao kilituleta tukakutana katika nyumba hii. Sasa Mungu tunakuomba ili uwaongoze hata wale wameondoka, wameona maoni yao na wakaondoka, Baba uwaongoze. Uwaongoze commissioners wote ambao walikueko na wamechukua maoni yote ili Baba tupate kukutana pamoja, tuwe kitu kimoja na tutengeneze Katiba ambayo itatufaa sisi na itatufaa hata vizazi wetu ambao watakuja baadaye. Mungu wa ajabu tunajua kwamba hakuna kitu ngumu kwako lakini ni wewe utatuongoza na kutulinda. Tunazidi kuomba amani, utulinde na utupatie sasa rehema ili Baba tukutegeme kwa kila jambo. Tunakuomba Baba utupatie nguvu hata wale watakapoondoka kwa magari Baba uwaongoze wao na uwalinde. Bwana Mungu tunawaomba hata wale baba ambao hawakuweza, uwapatie Baba nguvu ili wapate kuelewa yote kwa maana tunaomba hayo yote katika jina la Yesu aliye Mkobozi wetu. **Amen**

The meeting ended at 6.00 P.M.

