

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

LAIKIPIA WEST CONSTITUENCY,

HELD AT NYAHURURU CATHOLIC CHURCH

ON

5th July 2002

CONSTITUENCY PUBLIC HEARINGS

**CONSTITUENCY PUBLIC HEARINGS, LAIKIPIA WEST CONSTITUENCY HELD AT NYAHURURU
CATHOLIC CHURCH ON JULY 5TH, 2002**

Present

Com. Mutakha Kangu
Com. Kavetsa Adagala

Secretariat in Attendance

Solomon Mukenion	- Programme Officer
David Ochieng'	- District Coordinator
Regina Obara	- Assistant Programme Officer

The meeting was called to order at 9. 25. a. m with prayers.

Prayers: Tuombe. Tunakushukuru sana Bwana Mwenyezi Mungu wa neema kwa vile Bwana umetukutanisha mahali hapa Bwana ili tuendelee na kazi ambayo ni muhimu sana katika nchi yetu. Bwana tunakuomba ili tuwe tumefanya kazi nzuri kukiwa jioni Bwana na wale watu ambao wanahitajika hapa Bwana uwaleta Bwana. Tumejiweka mikononi mwako Bwana tukijua utatusaidia ukisaidia serikali yetu, usaidie wafanyi kazi hawa Commissioners na Coordinator na wale wengine Bwana wanahusika na mambo haya. Tunakuomba tuendelee vizuri na hata jioni tutakusifu Bwana. Kwa jina la Yesu Kristo aliye

Mkombozi wetu. Amen.

Machira Apollos: Madam Commissioner, Mr. Commissioner, my name is Machira Apollos – the District Co-ordinator for Laikipia and I wish to welcome you to Laikipia District. I know you were welcomed yesterday in Laikipia East – this is Laikipia West and these are some of the people who are going to give the views in this part of the district. Commissioners, here I have one committee member whom I will ask to introduce herself. The other committee members are in Rumuruti and others will be joining others shortly.

Waithira Kiragu: Honourable Commissioners, Staff, ladies and gentlemen, I am Waithira Kiragu from Nyahururu Municipality and I sincerely welcome you Commissioners and I hope this Commission is going to succeed. It is not going to be like other Commissions so that it can help Kenyans. Thank you very much.

Machira Apollos: Ladies and gentlemen, this is not a Laikipia sitting. It is a sitting for the Commissioners and I am now going to hand over the work to the Commission that has come all the way from Nairobi. This may be the first and the last time they are going to collect views so let us give out our views to Kenya. Thank you very much.

Solomon Mukenion: Asante sana Bwana Co-ordinator. Kwa upande wetu wa Commission, mimi kwa majina naitwa Solomon Mukenion ndiye Programme Officer ambaye anaongoza secretariat. Ningependa kuwajulisha timu yangu ya wale tumekuja nao na tulikuwa timu kubwa ila tumegawana wengine wakaenda Mlingoti. Kwa sasa, wale wako pale kuna Regina Obara ndiye anachukua verbatim recording – ana-record kila kitu na kuna machine ambazo ni professional kabisa na hakuna kitu tutaacha hata kidogo. Karibu na yeye ni Bwana Ochieng yeye pia ni rapportoir na ataandika kila kitu ambacho mtasema. Kwa hivyo bila kupoteza wakati, tutaanza mara moja na nita-hand over (inaudible) kwa Commissioner. Asante sana.

Com. Adagala: Habari ya asubuhi?

Audience: Nzuri.

Com. Adagala: Tumefurahi kuwa hapa. Hiki ni kikao cha Tume ya Kurekebisha Katiba na sitaweza kuzungumza kwa Kiswahili. Yoyote? It is okay, English, Kizungu. Mnajua watu wa town lazima waulizwe. Mimi ni Kavetsa Adagala Commissioner na mwenzangu ni John Mutakha Kangu. Tumekuja hapa kama wale wengine wako Rift Valley mahali tofauti tofauti na sababu yenyewe ni kuchukua maoni yenu. Sababu ya kuwa hapa kwa kikao hiki ni maoni yenu. Tulikuwa na kikao kingine na kilikuwa cha Civic education ambapo sisi ndio tulizungumza lakini wakati huu ni wenu wa kuzungumza na ningependa kusema kwamba mbele ya Tume kila mtu ako sawa. Mbele ya Tume zungumza na ujisikie huru na ujisikie unazungumza mambo ambayo yako kwa moyo wako na hauna uoga kwa sababu hiyo ndio Kenya tungependa hii Katiba ilete. Watu wasiwe na uoga ama watu wanaofikiri wakisema hili nitashtakiwa au nitashikwa au nitawekwa detention. Hiyo free ni Constitutional freedom – ni uhuru wa kikatiba.

Sasa tungependa tukianza pia process yenyewe iwe na hizo values za Constitution.

Tukiwa hapa, tuna utaratibu wa kutoa maoni. Kuna huu utaratibu; kuna watu ambao wameandika memoranda au barua kwa Tume na tungependa hao watu – kama hauna nafasi ama una shughuli ingine au kama unafikiria memorandum yako inaweza kujizungumzia yenyewe, kwa sababu tutasoma hizi memorandum zote zitakazoletwa hapa zitazungumziwa, zile zimewekwa Posta zote tutazisoma. Unaweza kuleta memorandum yako na usahihishe utajiandikisha pale na ukiwa una shughuli ingine uende. Utakuwa ume-record (inaudible). Na ukiwa na memorandum na unataka kuizungumzia na uongee kidogo (inaudible) unaweza kuja na uzungumze kwa dakika tano ndio tumeweka kwa duration yetu ya dakika tano halafu ujiandikishe pale. Ukizungumzia, tutakuuliza maswali hapa na pale kama hatuelewi.

Kitu muhimu ni hatuna nafasi ya kusoma memorandum mpaka mwisho. Unasema tu cha muhimu ni hiki na kile. Ukiwa hukuandika memorandum na pia hiyo ni sawa utakuja hapa na utaketi na kuzungumza na mdomo. Pia, tunatarajia kutakuwa na watu wengi. Tutaanza na dakika kumi hivi lakini watu wakiendelea kuzidi kama saa tano saa sita hivi, tutapunguza huo muda ili uwe dakika tano ili watu wote wapate nafasi ya kuzungumza.

Tumefurahi kuwa hapa na tunarajaria mtazungumza bila kufichaficha, bila kuweka maneno mengine kando, bila ku (inaudible). Sasa pia tukisikiza maoni, tungependa kusikiza maoni ya watu wote kwa Constituency Forum, watu wa eneo lote. Tunataka kusikiza akina mama, akina baba, wazee, watoto, walemavu, wanafunzi, wanabiashara, wale professionals, wote tusikize. Kila mtu ana nafasi ya kusikizwa. Kila mtu ako sawa. Sasa ikiwa hivyo (inaudible). Ikiwa hivyo, tuone nafikiri District Coordinator na kamati ya hapa wamefanya mobilization sawa ili watu wote wafike hapa.

Ukija kuzungumza, zungumza kwa ile lugha ambayo inakufaa. Usijiweke kwa lugha ambayo itakutatiza na ile ambayo haitakutolea maneno yako vizuri. Tutakuwa na mtafsiri kwa lugha ambayo haieleweki. Unaye?

Machira Apollos: Inaudible

Com. Adagala: Kama watu hawaelewi Kiswahili au inatokea kwa Kiingereza itafsiri kwa lugha ile – nafikiri hapa ni cosmopolitan kidogo? Sasa tutatoa mtafsiri. Nafikiri – vile nimesema, mwenzangu ananikumbusha pia vile nimesema. Tutakuwa tukiuliza maswali hapa na pale. Si wakati wetu wa kuzungumza, lakini kama hatuelewi hambo tutauliza maswali. Kama tunahitaji background kidogo tutauliza swali na utaeleza hapo.

Kitu kingine ni vile nimesema tungependa kuwa na hali ya kiKatiba hata ikiwa tunatengeneza Katiba. Tungependa watu wavumiliane. Hiyo ni principle kubwa sana kwa Katiba. Unanyamaza na kusikiliza. Kuna freedom of speech lakini pia kuna freedom ya tolerance to be heard. Mtu anamaliza na anaendelea. Kunaweza kuwa na mtu ambaye ana contrary view kuliko wengine wote, wacha aseme na wale wengine wakija watasema yao. Tusi.....sijui ni nini – kunung'unika kila mtu atapata nafasi.

Mwai Kibiru: Inaudible

Com. Adagala: Kukatiza, unasemaje? Okay.

Mwai Kibiru: Inaudible

Com. Adagala: Yeah, kila mtu ana haki. Asante mzee hapo umenisaidia Sasa tutaendelea na tafadhali kumbuka tuweke saa vizuri na ninafikiri tutakuwa na time keeping. Tutafanya upande huu au ni upande ule? Tafadhali tengeneza kuwe na time keeping Programme Officer ili sisi tusishughulike na hiyo. Memorandum hasa tudondolee uu and tutapata orodha ile iko mbele yetu, tuzungumze ili tutengeneze Kenya mpya, tuwe na Katiba ambayo itatuongoza kwa maisha yetu kwa sababu hii ya nyuma haikuwa inatuongoza. Ilikuwa inatusukuma na hiyo si vizuri.

Basi tuendele. Nina shida ya kusoma kidogo lakini mwenzangu atanisaidia.

Com. Kangu: Onesmus Mburu.

Com. Adagala: Sema jina lako kwa tape recorder. Tuna-tape haya mambo kwa tape recorder na itakuwa kumbukumbu. Kuna kijana hapa anachukua issues na kuangalia zile issues zinatoka nasi tunaandika vile unasoma na memorandum yako itakuwa pale na kwa hivyo haiwezi kupotea, sivyo? Yes, mambo yako yatanaswa vizuri na tutaendelea. Sema jina lako ili ijulikane ni nani anazungumza kwa sababu baadaye itachapishwa na kuekwa kwa report.

Onesmus Mburu: Thank you very much. Before I give my name I want to ask a question so that we may save time. I had written a memorandum but I have not had it typed, should I speak for ten minutes and not submit this or should I?

Com. Kangu: (inaudible)

Com. Adagala: I want to add that please, do not read your memorandum because we know from experience that it takes a long time. Some people even if it is a short memorandum reading it – just highlight and you hand it in like that, we will type it into the computer and keep this. Okay? But if you have a photocopy it will be good for your own archives. When we put it in our archives you also have in your archive.

Onesmus Mburu: Thank you. My name is Onesmus Mburu and I am a resident of Laikipia West in Muringira location. Commissioners, ladies and gentlemen, we have permission of speaking English. I have prepared a memorandum and I will just highlight. I would like to mention that the Constitution should consider as a most important aspect to guarantee human rights and freedom. These are very important; there was a time for instance when suspects could not be held for more than 24 hours

in the police station before they are brought to court. Then somehow the law was changed to 14 days and you find that you can even be held for longer. The Constitution should outlaw the changing of law without Constitutional amendments to limit the time people's freedom is curtailed and we should be guaranteed freedom of speech, association and so forth.

My next point is that in the Constitution, we should provide for two levels of Government— the Central Government and the Local government. Under the Central Government we should have a Cabinet consisting of Ministers, headed by the President and these Ministers should be Members of Parliament. I also propose that the Constitution should limit the number of ministries to not more than 18 and the allocation of duties should be spelt out in the Constitution and any changes should be subject to Constitutional amendment.

Appointment of Permanent Secretary, that is (inaudible). These should have powers and they should be independent and their appointment should be approved by Parliament. Other appointments in the civil service and the Judiciary should be by the Public Service Commission or the Judicial Service Commission. I come to a tricky one and that is the Provincial Administration. We should ask ourselves. 'What exactly do they do that cannot be done by the existing organs?' My conclusion is that it does not appear as if there is anything that cannot be done by these organs. Therefore, this particular organ should be abolished. If in your consideration you still think we should keep the Provincial Administration, it is my view that the number of districts should be reduced to what we had in 1963 and the boundaries should be described as they were described in 1963. Any changes to that should be subject to a Constitutional amendment of 80%. The boundaries should be entrenched.

On the police, I believe that there should be only one National Police Force, that is the Kenya Police. Therefore, I propose that the Administration Police should be merged into the Kenya Police. I feel Parastatals should come underlying Ministries and their functions should be properly described and the appointment of members of the Board should be by the Minister except the Chairman and the Chief Executive should be subject to approval by Parliament.

County Councils – that is the next level of Government- should have powers and not just responsibilities without powers but they should have powers and their living needs should be improved so that they are more independent financially. They should be responsible for local health services except the district hospitals which should be under the Ministry of Health, primary education except that the Ministry of Education should be responsible for the curriculum, local roads and such local services. The present sizes of County Council based on large numbers of small districts makes them very difficult to be financially independent but if we reverted to the districts we had, the County Council would be able to be more financially independent.

There is the question of property guaranteed. This should be guaranteed by the Constitution. However, there are properties that may have been obtained illegally. The process of rectifying this should be made a bit simpler. There are also properties that may have been obtained irregularly; that may not be necessarily illegal but irregular. Again, a mechanism should be worked out to have this reverted. We find cases of public lands that have been irregularly or illegally acquired and when a member of

the public wants to take this up, there is a strange place called Law Courts (inaudible). It is as if we are legalizing (inaudible) and this issue of public land should be listened to so that Parliament can approve some of this. Those laws that adMinister public land and I can give an example of the Forest Act, I have been a forester, there should be a provision so that if the Minister wants to exclude an area from the forest thus excise the forest, he should seek Parliamentary approval clearly stating why he wants to excise the forest and to what use that bit of excised forest will be put.

I will just talk about the Electoral Commission. It should be independent and they should have powers. Their law should have powers to announce an election that they feel has been subject to law breaking. Thank you very much.

Com. Kangu: I think(inaudible)

Com. Adagala: Thank you very much. (inaudible)

Onesmus Mburu: I believe so.

Com. Kangu: Simon Ndegwa.

Simon Ndegwa: My names are Simon Ndegwa from Njiru Secondary School,

Com. Kangu: Is it Simon or who?

Simon Ndegwa: Simon, from Njiru Secondary School.

Com. Kangu: Which school?

Simon Ndegwa: Njiru. I have come here to give my proposals on the Review Commission and about the things that are happening in Kenya and around our area. First, I will say about forest destruction in our area. Around this area of Nyahururu and Maumanet, there is so much destruction of forests because we can see around here that they are no trees because the Government is not taking care of the forests because you find some people are going to cut the trees so that they can get a piece of land to cultivate whereas the Government should provide land for the poor people so that they do not cut those trees to get land. They should give people somewhere to cultivate because those trees help the area very much and even beautifies the environment. We also know that trees are homes of some animals and birds. So, the Government should discourage very much about cutting trees. Those who cut trees to get fuel and charcoal to cook but the why they mostly cut the trees is to get a place to cultivate. So, I can request or ask the Government to take a serious note on that. Instead of those people going to cut the trees and destroying the forests, they should provide.

Com. Adagala: We have taken down that one.

Simon Ndegwa: They should provide a piece of land to those people who are going to cut those trees or the Chief.....okay. The next thing is on bursaries. The Government should give bursaries to schools because in the area there are many poor parents who cannot afford to pay for the school fees. So, they should provide a particular amount to those parents so that they can be able to educate their children. mostly, children do not learn because of lack of fees.

The next one is on economy. The Government should take a lot of care of the economy because the Kenyan economy increases day by day because the Government is not interested in the economy. That is why even the people of Kenya are not well fed, they are not even living comfortably in their homes because they do not have time and should economy should be taken care of. Thank you.

Com. Adagala: Thank you very much. You said you are from a school?

Simon Ndegwa: Njiru Secondary School.

Com. Adagala: Okay. How old are you?

Simon Ndegwa: I am sixteen.

Com. Adagala: Sixteen, what Form?

Simon Ndegwa: Form Two.

Com. Adagala: Form Two, we are very happy that you have come because this Constitution is for you. It is for the youth. You are the one who will live with it longest and I am glad you have come because in fifty years from now, you will be able to say I was there. May be by then you will be doing another Review or people will be talking about it. You have contributed and you have the Government should find land for the poor. This is an idea that you have thought about and it is true we don't want to destroy the forests. How should the Government or where have you thought the Government can find land?

Simon Ndegwa: Okay, there are some areas where there are no forests and those lands are owned by the people who have money or those people who have seats in the Parliament. They should not own those big lands but instead they should try to take a little smaller portion and then the rest they should give it to the poor people or in the grasslands where there are no forests or there are no trees, the Government should go and cultivate for these people and give them.

Com. Adagala: There are squatters in our country which means they have no land. They are landless people and that is why they go for the forests. Is there a minimum amount of acres that you think a person should have so that he cannot be landless and then is there a maximum because you said that they should not have so big and the minimum?

Simon Ndegwa: The maximum?

Com. Adagala: Yes.

Simon Ndegwa: The maximum that a person should have, I think five acres are enough for those people.

Com. Adagala: Are you talking about maximum or minimum?

Simon Ndegwa: Maximum.

Com. Adagala: We also have large scale farming, should it be there?

Simon Ndegwa: Large-scale farming – I think it should be minimized because those big lands are the ones that should be divided so I cannot see the good thing on those large scale farms unless those owned by companies like sugar farming, they should be there.

Com. Adagala: The cash crops.

Simon Ndegwa: Cash crops. But to an individual there should be no large scale farming.

Com. Adagala: The bursary scheme (inaudible) what you said, is there any way you would like to improve on it? So, the bursary scheme is already there for the poor, you want it maintained. Is there any improvement you would like on it? On the bursary scheme.

Simon Adagala: On bursary, we have seen that they have already introduced.

Com. Adagala: It is there; it's been there for.

Simon Ndegwa: But, sometimes we don't see the bursary. We ask where it goes but we see to it that there are people who take that bursary because sometimes it does not reach us. That is why we are very much encouraging or we are requesting that

we should be told that in this particular place or in Rift Valley a particular amount has been given out and it should be divided this way. So, I cannot see that the issue that you are saying that the bursary reaches but it has not reached us here.

Com. Adagala: Okay, at what level should be the bursary be?

Simon Ndegwa: Level?

Com. Adagala: Level of schooling?

Simon Adagala: The bursary?

Com. Adagala: Yes.

Simon Ndegwa: The bursary should in the secondary level.

Com. Adagala: Secondary level?

Simon Ndegwa: Mostly, it should in secondary level because it is where education becomes harder and at times you can find a parent having more than three children in the secondary level.

Com. Adagala: Yes, I can agree with that; I have gone through that with my children. now, what should happen to primary schools?

Simon Ndegwa: In primary schools, we can request that the Government should provide free primary education.

Com. Adagala: Yeah, now you have given us a more complete picture. Thank you very much and may I ask you about the children's Act, the Children's Act of 2001. You are free to look for it because you need to see how registration of children you among them has gone. It is a new legislation, ask you history teacher and he should be able to help you or the District Coordinator? Okay? Because some of these things will come up in the Constitution. I don't know – I somehow want to ask you about street children because they are your counterparts who are out there.

Simon Ndegwa: Street children?

Com. Adagala: Do you have any feelings about these children?

Simon Ndegwa: Okay. About the street children who are roaming about in the towns, the source of their being in town, I think it is from home. Perhaps in their homes they are poor and that is why they are not satisfied or comfortable in their homes and it is the reason why they into towns. So, the Government should try to see or to look for those problems at home so that the children cannot be interest in town. Or, those who roam in towns should be taken care of and taken from town and taken into some home, be educated, be equipped and after that they be given jobs to do so as not to stay idle. So, the Government should take care of the children on the streets, get them, educate them and then keep them after that.

Com. Adagala: (Inaudible)

Simon Ndegwa: The parents of these children should also try to find out where the children have gone to. They should get the child from town and try to take him back home, talk to him or her and provide what the child is lacking.

Com. Kangu: You lamented that the Government does not care about the economy. Do you have any ideas on how best we can manage our economy?

Simon Ndegwa: About the economy, we see to it that whenever you go or wherever you go, the people of that particular institution are trying to get (inaudible). Let us take for example the traffic. Those traffics get money from vehicles and instead of using the money well, they just misuse or if you go to a particular place they need something small. When you to the hospitals, instead of them treating you freely, they need something little. So, I can...

Com. Kangu:I think what you are talking is to eliminate corruption (inaudible)

Simon Ndegwa: Yeah.

Com. Adagala: (inaudible)

Simon Ndegwa: About corruption, the Government should see to it that it provides what is lacking in particular places.

Com. Adagala: (inaudible)

Simon Ndegwa: About corruption,

Com. Adagala: What is it? Just indicate what is lacking? What has happened? When you see corruption going on what would you like? In your generation actually.

Simon Ndegwa: so, about corruption, the Government should encourage those people who are misusing the Kenyan property because when they misuse them they bring about corruption or when – why I was saying that when they request for something small from particular people they are being corrupt.

Com. Adagala: But some of these things are crime. Should they just be encouraged to be good or they have (inaudible) economic line?

Simon Ndegwa: I think those serious crimes should continue but those which are not so serious should be discouraged.

Com. Adagala: They should continue with what? You are not saying what should be done about serious crimes.

Simon Ndegwa: Serious crimes?

Com. Adagala: Yeah.

Simon Ndegwa: I think I am not getting the point.

Com. Adagala: You know – anyway let's leave it at that because now it is our wanting to know from you but you have created your impression. Thank you very much. We have given you much time because you are a dot.com so pass a word also to the others.

Com. Kangu: Samuel Kimani.

Com. Adagala: Endelea kwa kutaja jina lako halafu uendelee.

Samuel Kimani: My names are Samuel Kimani from Njiru Secondary School and I have come here to represent the students.

First, I would like to

Com. Adagala: First, they sent you?

Samuel Kimani: No, I came to represent them.

Com. Adagala: Did they send you?

Samuel Kimani: No.

Com. Adagala: Okay, then you are presenting individual views.

Samuel Kimani: Yes.

Com. Adagala: Yeah, because someone else will come and say I represent and then you will get in trouble with the administration because they did not send someone to represent.

Samuel Kimani: First, the Kenyan Constitution should strictly emphasize on economic development rather than politics. This is because a lot of money is being spent on may be the times when we are holding elections and this is making the Government bankrupt making it not to be able to sustain the population that it has. Therefore, the number of political parties that we have in our country should be minimized to at least ten political parties so that when we are holding these elections, the money that is spent in those activities should be minimized.

Also, the Constitution of Kenya should protect every Kenyan as a citizen and there should be no tribalism in our country. Therefore, if a person wishes to buy a certain land somewhere, he should not be restricted and told that this particular place belongs to a certain tribe or that you are not supposed to own that land as a particular tribe. Therefore, there should be free elections for every Kenya.

Also, the Kenya Wildlife Service should ensure that the wild animals are well enclosed in Game Parks and Reserves. For example, in Laikipia area we have so many cases where elephants are destroying the farmers produce making the farmers to have very many difficulties for the following year and even making them not to be able to sustain their family needs. The KWS should also compensate those people who die in field if they are killed by the wild animals and also they should be compensated on the destruction that those animals brought to them. Thank you.

Com. Kangu: You say that we concentrate more on economic development rather than politics. Do you have any views on the quality of political leadership and their role in the management of the economy because if we are talking economy and not politics, it follows that we should be looking for more economic managers than political leaders per se? Do you have any ideas on that?

Samuel Kimani: (inaudible) For example, they are producing sugar cane in Kenya. The Government should restrict the importation of sugarcane because the sugar that we have in Kenya is meant to satisfy the population that Kenya has because the Kenyan Government is importing more sugar than*(End of side A of Tape 1)*

Com. Kangu: You were going to tell us of the qualifications of political leaders and their relationship with economic

management. (inaudible)

Samuel Kimani:.....(inaudible)

Com. Adagala: Thank you very much. We have just been informed that you came with your teacher and you are the – come this side- come this side kijana - and that you are representing students, you had a debate yesterday. So, we are very happy about it and we shall put it down. So, thank the school for giving you permission to come and for allowing for the debate. Thank you very much. I want to call someone who has a disability.

Com. Kangu: Daniel M. Ndegwa.

Daniel M. Ndegwa: I am Daniel Mwangi Ndegwa, a resident of this town. My suggestions to the CKRC are as follows: The Constitution of Kenya should ensure equal treatment for all citizens in the government. It shall facilitate justice for all regardless of race, power, colour, sex, tribe etc. It shall thus serve us all as human beings. It should recognize the disabled as equal partners in life with the able persons. We should not be treated as lesser persons.

Disabled needing facilities, equipments should be provided for freely by the government. Social amenities, sorry – medical care and facilities should be given freely to the disabled. corruption, tribalism and other forms of exploitive behaviour should be scrapped out and an anti-corruption autonomous people to arrest and prosecute should be established. It shall ensure that natural environment and resources are protected and conserved where applicable. Employment, payment and appointment should be given to the disabled just like any other person. They have capacity to do something if only empowered. Why can't we create an atmosphere to enable to catch for fish rather than giving them the fish? The Constitution should. Thank you.

Com. Adagala: Thank you very much for your views. On employment, I would like to know whether there is a percentage you would want to see in places of work because if the Constitution says so, then it can be solved. So far it doesn't say, as you know that the people with disabilities are not in the present Constitution. Is there a percentage in the places of work?

Daniel Ndegwa: 4 %.

Com. Adagala: 4%. People with disabilities are 10% of the population. Would you like it to be pro rata or to be proportionate?

Daniel Ndegwa: Eeh?

Com. Adagala: People with disabilities are 10% of the population. Do you want it to be that percentage at employment or

less than that – 4%?

Daniel Ndegwa: Not less.

Com. Adagala: Not less, 10%. Yeah, they are 10% but someone told us 15% but I think officially they are 10%. Have you heard of the National Fund for disabled people?

Daniel Ndegwa: Yeah.

Com. Adagala: Has it in any way trickled down to you?

Daniel Ndegwa: Not yet.

Com. Adagala: Not yet. What would you to see a National Fund for People with disabilities do and manage? How should it?

Daniel Ndegwa: I think the best thing to do is to help the disabled person by giving them loans.

Com. Adagala: Okay, thank you very much. I think there has been a seminar held at the workshop at the headquarters of the Commission and I think they are finding there – I hope you are member of one of the associations. Are you a member of one of the National Associations? Are you a member of any Association?

Daniel Ndegwa: Yeah. It is about part of empowerment is empowering yourself. So, find out from social services and try to see. There must be one in Nyahururu town or Nyahururu area. Okay? It will make remain with you so you are not alone as an individual. Is there anything you would like to say about the attitude of the society towards people with disabilities? The society at large.

Com. Kangu: Let's have Charles Wachira.

Com. Adagala: Charles Wachira. Say your names and please give proposals.

Charles Wachira: My names are Charles Wachira from Njiru Secondary School. Concerning this Constitution Review I only have one point and that is insecurity. Insecurity has been practiced from this region especially like this in district and basically in Marumanet location where there has been a lot of people who have been killed and the Government has not yet done what is concerned with the people who have been killed. A lot of our relatives have been killed and this creates some biasness especially to us students. Thus you cannot get what the teacher is telling you in the class due to the remembrance of the

relatives who have been killed. Therefore, the Government should establish many police posts who will guard the people in this region or else it should enact laws that will make people – some people might even possess the guns that the bandits used. If the Government will not establish the police posts, it can choose some members of the society who may possess something like a gun because they usually use guns to kill the people. That is all concerning whatever I had.

Com. Adagala: Yeah, thank you for that point on security. You would not want disarmament? The people to be disarmed – the criminals with the guns – the killers.

Charles Wachira: They can be disarmed but we have tried to disarm them but we still have a lot of guns which are circulating in these regions. Therefore, it can choose a few members in a village who will be given guns to guard the others.

Com. Kangu: Martin Mwangi. Thank you and sign the book.

Martin Mwangi: Thank you. My names are Martin Mwangi and I have come to present a memorandum on behalf of a project “Tree is Life” a project of Nyahururu Catholic Church which is an environmental programme.

Com. Agadala: (Inaudible)

Martin Mwangi: “Tree is life” is a project dealing with environment in Laikipia and Nyandarua and our memorandum is focused on the work we are doing and mainly forest and environment (inaudible). And “Tree is Life” would like to see the following addressed in the Constitutional Review. The first one is the notice on the forest degazettement of forests. We know that the forests are being degazetted through the Ministers and we would like that system to be centralized so that the Local authorities and communities are more involved to have a say over their resources and that is the forest resources so that the forests are not gazetted in the function without their consent. The other one is the issue of roads (inaudible). We are of the opinion that all of these road (inaudible) in the country should be gazetted for tree planting and supported by law and this is because of the tree cover. The forest cover in this country which is 2% instead of the required 10%.

The other one is environmental component in public utility land. We are saying that every public land should have an element of environmental conservation in the development everywhere; be it in school, in town, school, in the shops, supported by law so that everybody developing a piece of land should have an element of conservation and this basically is tree planting everywhere.

The other point we have is stakeholders involvement. We want a system whereby our forests are managed with all the stakeholders involved. We talk of the Municipal Council, Communities who should be the major stake holders and in this case we are supporting a community based approach in forest management so that the community can have a say once again in education making of the management of this one and they can say no when they need those forests.

The other issue we have is that we want to have in the Constitution promote a culture of tree planting in this country. Let it tie that every activity we are doing is tied to empowerment. What do we say? For example, we are saying, let us have a law whereby every child birth registered in this country there is a tree planted for that. We want to say that for example, even the Commissioners have come here today. We should have a cultural tie attached to tree planting. We should have trees planted all over where you go. For example, now we should have planted trees for all (inaudible) children and this is going to improve our tree cover in the country.

The other issue is on the revenue collected from the commercial forests exploitation. Very little goes back to those communities after forest exploitation. We want to see a system whereby revenue is ploughed back to exploited forests so that reforestation can start taking place again and we can have sustainable forest system. Another issue is an independent authority. We are on the opinion that for the environmental law to be enforced, there be what we call the people's watchdog or an authority enacted by Parliament which consists of Government representatives, NGOs, Local Authorities, community-based Organizations and other committed stakeholders who are going to carry out environmental and forest protection within the country and this authority should have a national steering committee and the district steering stakeholders committee and it should have powers to carry out environment awareness and at the same time, it should have powers to prosecute those offending the law. In this we have mind like the KACA – the Anticorruption Authority. We should have a parallel authority in the level of environment.

Environment education in schools and colleges: Very little has been there in the school curriculum concerning environment. Our opinion is that the law should support more environmental education so that we have a culture concerned with a culture of conservation. Environmental classes should be reinstated in all schools and enforced by a law. We want to have in our law – a policy which is going to promote new saving technology and we enforce the already existing ones so that we reduce the pressure on the forest and forest destruction. And a point that is going to press on the development of other technology alternatives to good forest. So, we are talking of development of agriculture as another issue, development of agriculture agro-forestry systems around forests and we want to have a policy whereby all correct power zones, areas of forests have an agro-forestry system which is going to cater for the food need in the existing community and it is also going to create a linkage between the researcher and the implementers and protectors of forests.

Lastly, at this juncture because our country is badly off in terms of forest cover, we require 10% forest cover while our country is 2% forest cover. We have a shortfall of about 8%. We make a recommendation that through an Act of Parliament, forest destruction in this country be declared a National disaster so that an aggressive campaign is going to accompany that and until that time when we can have enough forest cover which can be able to sustain our needs without destroying the forests.

So, that is what we have as a programme. Thank you.

Com. Adagala: Thank you very much. I wanted to know if you had any projections because the Constitution is for 50 years, 100 years or 200 years. Do you have any projections of if we printed - if we put this programme in place? Any focusing of how it can go? You know, may be like in ten years time, fifteen years time?

Martin Mwangi: Our focus is our biggest problem in this kind of forest destruction one being the issue of policies.

Com. Adagala: On the focus I think our (inaudible)

Martin Mwangi: Yes, our projection is that we would like to have about 15 or 10 million acres within may be the next ten years.

Com. Kangu: Which will be how much percentage?

Martin Mwangi: Our percentage is that if we create awareness and use some people to increase in every – at least we can be able to make a percentage of

Com. Kangu: The 2% we have now can only make (inaudible)

Martin Mwangi: You are not clear on that.

Com. Adagala: (inaudible)

Com. Kangu: I have a question for you. There seems to be a very intimate link between the protection of the environment, conservation of forests and the land tenure system – the land use and management we have in this country. The moment the attitude of the Kenyans is that you are an owner of the land and so you re the absolute owner, you have the right of use, the right of abuse and nobody should come it to tell you how you should deal with your land. What are your proposals on land tenure, land use and management so as to be able to achieve environmental protections – projections you have.

Martin Mwangi: Our recommendation is that we should promote integrated natural resource management which encompasses land and environment together. Integrated Natural Resource Management so that you do not have powers over everything. You have incorporated everything in an element of conservation.

Com. Kangu: So, as the trade – the individual owner of the land and the government, how much control should the Government have over the owner so as to be able to ensure that the environment is being protected?

Martin Mwangi: I think the culture we are fighting in this is how projects of conservation have been implemented. We have

cultures that have been implemented in a top down way whereby people think that Government officers are supposed to protect the forests and the community is not supposed to take any charge over that. If the people are involved with the management of those natural resources from the word go by information of grassroot committees of something like that, the culture of the people could have been friendly to the environment because the policy could have been supporting the same. So, we are saying that we have policies that are going to encourage people to become friendly and not just either Government officers have just law and order.

Com. Adagala: May be you can think about the question he is asking which is a question of regulation. How much control can the Government have over the person so that they regulate. There is the regulation and part of it where the individual does or the community but also the regulation. But the other one is supposing your generation does an about turn. You know, those of us who are older if we don't piece of land you feel like you are not anybody but there are many countries where people don't own any land. I think the British Ambassador was saying that only 3% of the population owns land because they have large-scale farming and all that. Supposing your generation did an about turn and became more urban and there was pressure on the land. Of course that goes to the employment with the economy but supposing it just turns, how would it affect afforestation? Like the young man was speaking there and saying if I am cutting forests and (inaudible) also wants land, supposing it took the opposite scenario and said urbanization?

Martin Mwangi: The issue of urbanization does not separate itself from the state of the economy. It does not mean all those people who are in the towns are well off. We can have squatters in the town; we can have people who have low incomes in the town. And in environmental conservation there is an element it affects directly in the state of an economy. So, those people who are going to be in the rural area should be facilitated to have a sustainable environment which can support even those in town.

Com. Adagala: But now I am talking about the pressure on the forest because that scenario can be dealt with, water, slum areas, environmental conservation, even areas of trees in the City Parks. On pressure on the forests, would that make a difference?

Martin Mwangi: I think depending on where we are now, it would not make a difference.

Com. Kangu: Infact that was the question. If we don't have proper land tenure, land use and management mechanisms that will improve the economy, we are not going to tell these people to stop tilling their little acres and cutting down trees for firewood because they will say 'how do I survive'? So, we must speak on the issue of land because the position is it is on the land that we are going to draw our design for economic growth and whatever. Without land, there is nothing else which we can plant and unless we get the land policy correct, all other things can be correct, environmental protection can be correct. So, think seriously about that and that is what I was saying, can we have conditional ownership so that you have a Title Deed which

has the enumerated conditions. You are an owner but not an absolute owner who should abuse. You can only use to this extent. You can go and think about it and give us more details.

Martin Mwangi: Yeah, thank you. That is a point in mind.

Com. Adagala: Okay, can we have Shem Ndirangu. I hope we shall be having some women contributors. Committee members, I hope you have done mobilization for that.

Shem Ndirangu: I am Shem Ndirangu from Njiru Secondary School. I have come up with proposals that do not only affect me as a student but also as a Kenyan citizen. First of all is on environmental conservations.

Com. Adagala: Please turn off all mobiles because they affect our recording and we do not want 50 years from now to have mobiles vibrating. You know, people will wonder what happened. It is something not right.

Shem Ndirangu: We have seen that forests have been destroyed for settlement and there are many people who have left large chunks of land to furrow and are not or any economic benefit. I propose that on those lands should have a form of tax or money charge annually or if it is there it should be increased to be of more economic importance than it is now.

I also think that the university fee should be sub divided or completely waived because the form four leavers are having a lot problems. They are not able to join the A level and they do not have any job opportunities where they can employed.

Com. Adagala: (inaudible)

Shem Ndirangu: I mean education be ordinary from Form Four.

Com. Adagala:(inaudible). Tell us about this subsidy tell us more about it. What are your thoughts on it? When you do a university subsidy, it is a major undertaking and that is why you see that the subsidy is there but it has decreased. It went from a grant, the boom to the students at colleges and then it went to a loan, then now it came to cost sharing with a loan, okay?

Shem Ndirangu: I think the Government should provide the money so that the students will just go there and it should be free or he or she has to pay anything, it should be very little so that the aping student who qualify to join can go.

Com. Adagala: Do you the qualification for university.

Shem Ndirangu: Yes.

Com. Adagala: What is it?

Shem Ndirangu: The academic qualification.

Com. Adagala: What is the academic qualification? You know what you need to be admitted to the university?

Shem Ndirangu: Yes.

Com. Adagala: What grade?

Shem Adagala: C+

Com. Adagala: Who is telling you C+? Did you know it was C+?

Shem Ndirangu: Yes.

Com. Adagala: Yes, it is a C+ but the cut off point depends on the subsidies the Government can give. So, the Government says we can support this year 10,050 then the university looks at how many people they have got, when they list up to 10,050 they draw a line. That's what happens to that subject. But before, everybody was going with a C+. I have taught in the university and saw students with C+ who used to come for a grant then it became a loan. What things do you think the students can pay for? You said they should pay if anything very little. How much - what should they pay for? What items?

Shem Ndirangu: Accommodation. They should pay for the accommodation fees.

Com. Adagala: And then? And then go to university, okay. You know now a lot of people are trying struggling to go to university through parallel programme because that subsidy was cut off and others going away and we spent – is it 12 billion to foreign universities. So, we are subsidizing – parents are subsidizing foreign universities. Okay, thank you very much young man but what worries me about secondary school students is that if you show concern for secondary school and for university then you leave primary – is it because you have left primary school and now you are an adolescent you don't remember childhood? What was it like in primary school, what would you like to primary schools? That is an experience you have had already eeh? So tell us about primary school a little bit.

Shem Ndirangu: Okay. The rule that was put on removing the primary school fees should be implemented. I agree with that.

Com. Adagala:.....(inaudible) I want to thank this school for making such an effort. Nilisema mtu ana haki kuzungumza kwa ile lugha anajiskia. Lakini kama watu ambao wanazungumza Kiingereza wanakuja, siwezi kuwakataza kwa sababu sijui, niliuliza ni lugha gani inazungumzwa hapa Nyahururu? Coordinator, please take charge. I want people (inaudible)

District Coordinator: Kama unataka kuongea kwa Kikuyu, kama unataka Kiswahili usifikirie umefungiwa na wale wako na memorandum na hamtaki kuongea, mnaweza kuja mpatiane hapa.

Com. Adagala: (inaudible).

Com. Kangu: As well, kuna wale wangependelea kwamba wakati mtu anazungumza Kiingereza, tuwe na mtu wa kutafsiri kwa Kikikuyu ndio wapate maneno yanayoendelea. Are there those who want that? Kama hakuna kitu tunachojua ni kwamba yule anaamua kuzungumza Kiingereza atatu-address kwa Kiingereza. Wewe ukitaka kuzungumza Kiswahili, you will address us in Kiswahili. Utitaka to address us in Kikuyu utaruhusiwa na mtu wa kutafsiri atatutafsiria unasema nini. Tumeelewana?

Audience: Ndio.

Com. Kangu: Mjue mna uhuru useme, “ningependelea kuzungumza lakini mmpenipata kama nikiwa nazungumza Kiingereza”. That is not the case. Wewe ukija hapa ukitaka kusema ‘Atiriri’ sisi tutasikia hiyo.

Com. Adagala: Ningetaka kusema nimefurahi a committee member amesema hiyo. Kwa sababu tulienda Turkana na sijui watu walikuwa wamejipanga vipi. Wakazungumza kwa Kiingereza mpaka sisi tukakataa. Tukawaambia hatuwezi kuendelea kwa Kiingereza na wazee - hapo kulikuwa kuonaoneka kwa sababu ilikuwa nje. Lakini wakaendelea na mwishowe tukasema tumesikiliza wale watu ambao wanazungumza kwa Kiturkana ili wazee wasikie. Hata jana huko tulikuwa Doldol, watu walizungumza kwa Kiingereza mpaka wazee wakaanza kuenda. Sasa inafaa nyinyi pia kama Wanakenya mchague hii lugha inastahili kuwa lugha ya kiKatiba au la au Kiingereza ndicho lugha ya Katiba au Kiswahili ndicho lugha ya kiKatiba.

Mwai Kibiru: (Inaudible)

Com. Adagala: Inafaa mchague, District Coordinator, where is a translator who can do both Kiswahili and Kikuyu? But they can't be standing against the wall.

District Coordinator: (Inaudible)

Com. Kangu: There is the last point, kuna (inaudible) tumesikia kuna wale wanaingia na kusema kuwa wanataka kuzungumza.

We are following the list. Saa zile unaingia pale unaweka jina na tutakuita tukifikia jina lako. First come, first served. Kwa hivyo tuna some discretion; tunaweza sema mtu kama disabled tumpatie priority ama tuone kuwa kuna mzee amekaa na anaonekana amechoka na anataka kuenda, tunaweza mpatia priority. Tukifanya hivyo, wengine wasianze kulalamika kwa nini jina langu limerukwa kwa sababu there is that discretion. We recognize saa zingine akina mama. Tunajua wazee wanaaka wanatengenezewa chai na kuja mbele na kuacha mama nyumbani akijitayarisha na akifika hapa amechelewa tena akitoka hapa, ukifika nyumbani unataka kuuliza chakula kiko wapi. So, sometimes we may want to release her early so that she goes and makes your food.

Com. Adagala: Mwai Kibiru.

Mwai Kibiru: Thank you very much honourable Commissioners. My name is Mwai Kibiru.

Com. Adagala: Hata Mwai? Nitaita majina tuone yule atazungumza kwa Kikuyu kwa sababu the Constitution is not in English. Si kitu cha Kiingereza. Tukifanya hivyo, bado tutakuwa tunajinapa. We are tying ourselves.

Mwai Kibiru: So, thank you very much once again and before I present my views, I would like to say that I represent a group that is called “Mabadiliko Physical Local Affairs Network” in short Mabadiliko PLAN.

Com. Adagala: Programme Officer, we want people’s representations to be here. What their organization is because we have not this problem anywhere else. This is a very serious exercise and it should not have any misrepresentations. Thank you.

Mwai Kibiru: Before I continue to give the proposals I would request that you give me a chance to make a few comments. First is that we out there are fearful of this process because first, you too know that we are not entrenched in the Constitution. That is a great fear with the fear because everyday we are reminded by that fact that somebody can wake up one early morning and challenge this process and it would be shot down with all the funds and time it has taken.

Secondly, you will agree with me that initially you had a very great goodwill from the people but it looks like that goodwill is dying by the day because people are a bit apprehensive. The other day the President made a comment that sent many people think and weakening when he said that,

Com. Adagala: We are not in a political situation. Please, keep to the presentation.

Mwai Kibiru: I will do that because you have said and I have.....

Com. Adagala: You can write that view and send in to the newspapers because you will get that from the newspapers. Pitia hiyo njia.

Mwai Kibiru: Thank you very much but the truth remains.

Com. Adagala: (Inaudible)

Mwai Kibiru: One, I would wish that our Constitution has a preamble and let the preamble state that the country belongs to the people of Kenya and not to any given group.

- Let there be a Parliamentary system with a strong independent Judiciary and legislature.
- Demonopolize our politics in that we would wish that even the civil servants are given a chance to vie for seats they deem necessary.
- Criminalize bribery to influence elections: We know that bribery during elections has been happening and so we propose that it is criminalized.
- Provide people with basic needs i.e. food, shelter, education, health care.
- Publish universal primary education.
- Remove loaning of the country on tribal basis, let Kenyans live and invest in any place of their choice and be protected by the law.
- Train the police for at least three years with ingredients such as sociology, psychology and public relations.
- Pay all civil servants on the principle of (inaudible) for people's work done.
- Establish an impartial and independent Judiciary and Legislature.
- Reduce the President's power by removing the sole powers to appoint principle governing officers and representatives. Let all those appointments be approved and vetted by Parliament.
- Provide security of tenure to the Attorney General, Comptroller and Auditor General, the Police Commissioner, Chief Justice, High Court Judges, Applet Judges, Public Service Commissioner. Electoral Commission of Kenya should also be vetted by Parliament.
- Integrate the Kenyan Constitution into the school syllabus. Let it be taught in schools and also interpret the same in major dialects of the country so that it is understood by all sections of the society.
- Hand over State power to an independent Constitutional office during transition. That is, during elections, let power be handed over to a clear office like that of the Attorney General or that of the Mwai Kibiru or the Chief Justice.
- Detach political parties activities and resources from its activities. Let there be a clear cut between the Government and political parties even if such a party was the ruling party.
- Make the President impeachable.
- People to elect the Vice President so that we go by the principle of a running mate during elections
- Raise Parliamentary quorum from only 30 members to conduct Parliamentary sittings to at least 2/3 of the whole membership.
- Establish Constituency development funds and also establish Constituency offices run by the Parliamentary select

Commission.

- Abolish Provincial Administration because we feel that it is a colonial legacy and only retain local governors elected by the people.
- Let Parliament create Ministries and approve Ministerial appointments.
- Let people or voters have powers to recall lazy and absent Members of Parliament, Councillors etc.
- Cabinet should be answerable to Parliament.
- Parliament should prepare its own calendar and business programme.
- Pay school heads and deputies to compensate on the money because of the extra responsibilities they are given to top them in schools and running institution.
- Give hawkers and unemployed people strategic plots in urban centres.
- Let us set minimum programme standards for local authorities so that those local authorities that are not performing the very basic responsibilities are abolished.
- Criminalize mismanagement of all public institutions.
- Provide people with means of production because that will justify taxation and this means of production could be land, water, roads and electricity. Given these people will be able to be self-employed.
- Protect seedlings office from grabbing and pollution and here with specific reference to forests, land and water.
- Criminalize domestic violence and let us set up a court for that purpose.
- Abolish capital punishment and instead commute it to life imprisonment.
- Treat prisoners with humane, dignity in prison and let us criminalize torture.
- Control landlords by at least forcing them to meet a few appropriate standards before they start renting their premises.
- Protect farmers from exploitation by middlemen. Ours is an Agricultural Society and that would actually improve our economy. I am finishing.
- Separate the powers of the Arms of government; let the Judiciary and Parliament perceive the Executive.
- Fund, from the Treasury or Parliamentary political parties and they should be minimized to three only.
- Establish the office on an ombudsman with a security of tenure appointed or approved by Parliament and with teeth to bite.
- Liberalize their width but control gutter press.
- Promote a National moral fabric that is Public Code of Conduct and I am happy that happened sometimes back and we hope it will be implemented.
- Declare all Government coalition governments in this country with representation on parties strength in Parliament.
- Reduce taxation on Kenyans and last but not least empower the physically and mentally challenged in the society. We do not have very many of these people and the Government can be able to take care of them.
- Finally, we fully support the Constitutional proposal of the National Conventional Assembly NCA movement in the plenary session that was convened in Nairobi between 18th – 20th of January 2001 and particularly in reference to document number five. Thank you very much.

Com. Kangu: Gentleman, I want to make some comments about the issues you raised at the beginning and I am doing that because it is very clear to some of us that the Kenyans do not understand what is going on, that the Kenyans in many cases never want to solve their problems. They are always out for very quick fixtures and the Kenyans in many cases are always waiting for Messiah and when someone comes and he appears to be doing what they want, they elevate him to the level of a Messiah and start scrutinizing to see whether he is doing the right thing or the wrong thing. The process that we are doing is based on an Act of Parliament that was negotiated amongst the Kenyans through a lot of difficulties, through a lot of fights and we laid down the basic stages we must go through the stages were put in the Act as a mechanism of ensuring that the process is people-driven.

We are taking your views and the law requires when we finish, we go and sit down and analyze those views and come up with a report, recommendations and a Draft Bill to be enacted into our Constitution. The law requires that when we have finished that as a Commission, we publish that report, recommendations and Draft Bill and bring it to you people and the law requires that we give you two months to read through, to assure yourselves that what this Commission has come up with is what we said we wanted or at least from their reasoning is what we think we would like to have, so that if you feel it is not what you would like to have, you can have an opportunity to say this is not what we would like to have. Can you change here and here?

The law requires that after those two months, we are supposed to come back to the people at the Provincial level to listen to their comments about that report and then go and incorporate those comments into the final report. When we finish we call what is called a National Constitutional Conference. That conference is supposed to have about 600 people and the reasoning was because the Kenyans could not trust Parliament. They think Parliament cannot do it alone. We want that report to be debated by a bigger group of people who include Parliamentarians, the Commissioners and other people – three representatives from the districts, representatives from religious organizations and so on so that we be sure this is people-driven.

That conference will be held and they will make decisions and adopt or reject what you will have recommended. The law requires issues, they do not agree on everything. Those issues on which they have not agreed will have to come back to you people to decide yourselves how you want them determined before this document finally goes to Parliament for enacting. The time-table the Commission has prepared under the basis of which it has asked for extension upto May is taking all these stages into account.

We had a meeting with the Parliamentary Select Committee after we requested for time and they were telling us, “No, your Chairman has told us we can finish by December, you finish”. We told them, “Can you go through and tell us if you allocate time yourselves and we must follow this door, where can we get time?” We were unable to do that. They told, “you must finish before we go to elections” and I want to tell you I personally asked these people. In the current Constitution today, it is the President who can call for elections. Has any one of you negotiated with the President and agreed that he is going to wait for us until we finish? None of them answered; they shut up and after a short while, the next thing I heard the President saying after a

harambee was, “I can call elections any time”. Next day we had a meeting with Ufungamano people and I told them and several other people that all these changes were put in this Act at your demand so that this process may be people-driven. Now you are saying that we should abandon what (inaudible)

because you must have a Constitution before elections. Are you now ready to offload the people? You said the people must participate, do you now want to offload them and say they should not participate? They were unable to answer. (inaudible) was unable to answer. Reach a stage you won’t abandon if this process is going to be people-driven. Is this the stage where – you have heard Wamalwa saying. “We don’t need to publish the report, you don’t have to take it to the people. Just finish and bring to Parliament and the reason to bring it back to you is that you must be able to read through it to satisfy yourselves that we have actually reflected what you said. Isn’t it?”

Many times Commissions have been formed and they report to the President. This time round the law requires us to report to the people. The people must read through and say surely this is what we wanted. Do you want that bit removed so that we take this thing to Parliament before you look at it? And that is what your darling politicians are telling you that we should do. We have to think very seriously and be careful at Kenyans. These politicians do not care about you. They want a Constitution that is going to serve their personal interests and they are now looking at elections and succession and they are saying we must create offices for them immediately so that they can share.

Now, you need to think very seriously. We told them we are in a problem; we are saying we cannot finish before elections. Can we start thinking about the alternative? They said we should not, we must go for it. Now the end result is that if we don’t think about alternatives quickly, elections can be called before we have decided on what alternative we should go for. So, we need to be careful. We were asking at one time for entrenchment so that the Commission is independent. After a short while, this time round you don’t hear our Chairman talking about entrenchment. If anything, you recently heard we wanted more powers so that we can (inaudible) who do not seem to agree with this. We have now stopped talking about entrenchment, we want powers.

Com. Adagala: It is a complex issue. It really is a complex issue that’s why when you open the box, it will now come another – like this now this will be debate rather than.

Com. Kangu: (Inaudible)

Com. Adagala: There are many things and I am sure all of you are concerned about what is going in Kenya. I don’t think there is any single Kenyan who has arrived to the issues who is not concerned.

Interjection: Inaudible

Mwai Kiburu: Honourable Commissioner,

Com. Adagala: Hey, si vita.

Mwai Kibiru: Tafadhali, sijui kama ungenipa dakika moja to respond to what we has said.

Com. Adagala: I cannot allow a debate really. We are taking up a lot of time, look how full this room is. That is why I did not want you to stand up because it is another thing.

Mwai Kibiru: That is what is very sensitive.

Com. Adagala: That I would like very much. Remember I stopped because I didn't want it opened up and now it is opened up, please. (inaudible) is free debate but if we do that, it will be reformative and all that but by six o'clock we will not have done what we came to do.

Mwai Kibiru: But actually the truth is that this is the general attitude with the people.

Com. Adagala: It can be the general attitude, then we are all level and we are all Kenyans and it is good.

Speaker: Let them say all what they want.

Com. Adagala: Haya, naendelea, translator yuko wapi. Mwai rudi hapa kidogo. Translator please put yourself in a strategic point. Sasa lazima tufanye translation kama ni Kiingereza. Okay. Mama pole kwa sababu ni vitu vingi lakini tutaendelea hivi. Stephan ni nani? Mtu anayeitwa Stephan? Okay. Wacha tuendeleo na Joseph Wanyamu yuko? Okay, come forward. Akija, ningependa pia Mrs. Naomi Njiru, Joseph Wanjohi and Wang'ombe, Fredrick na Musa Mwangi muwe tayari. Muwe tayari ukija uwe umetoa makaratasi yako kwa mfuko, umeyaangalia na umejua ni points gani utaleta. Endelea.

Joseph Chege: Nii njitagwo Joseph Chege wa Nyamu,

Translator: My name is Joseph Chege Nyamu,

Joseph Chege: Ndi muikari wa Nyahururu.

Translator: I am a resident of Nyahururu town.

Com. Adagala: Una dakika tano. Mueleze ana dakika tano.

Joseph Chege: Hakwa kiria ingiuga,

Translator: What I want to say,

Joseph Chege: Nitukoragwo na thina wa mawatho maya ma gatiba,

Translator: We have a lot of problems concerning the Constitutional law.

Joseph Chege: Tondū twarora muno, ti maitu Kenya,

Translator: When we look into it, the laws do not belong to us Kenyans.

Joseph Chege: Mari na ukoloni,

Translator: They belonged to the colonialists.

Joseph Chege: Na nitukuria akorwo no twitikirio mawatho maya marorwo na mihiriga iria iri thiini wa Kenya.

Translator: We would like to ask whether their Constitutional views would be looked into and then to consider the drive of this country.

Joseph Chege: Tondū gutiri muhiriga wi Kenya uteri na mawatho maguo,

Translator: All the tribes in this country has their own laws.

Joseph Chege: Na mangitukanio nimeguthondeka katiba iria itwagiire ithui Kenyans.

Translator: And if all are going to be mixed, they will have to come out with a strong kind of rule.

Joseph Chege: Tondū maria meho mari ma ukoloni na mathondeketwo me ma kuhinyiriria Mukenya.

Translator: Because the laws that we had belonged to the colonialists and they were prepared so as to oppress the Kenyans.

Joseph Chege: Tondū niturakora kifamiri-ini,

Translator: And when we consider the family,

Joseph Chege: Riu niturona kinya aciari makihinyiririka niundu wa ugurani.

Translator: When we consider the parents, they are being oppressed when we come to the marriage.

Joseph Chege: Tukona on muiritu no ahike micii ikumi akimithinagia.

Translator: We usually observe that a girl can be married in ten homes and disturb those homes.

Joseph Chege: Murume angiuragwo ni ngari, insurance iyo iraneo mutumia ucio na ona aciari a mwanake matingirorwo.

Translator: When something like accidents occur and money is paid to that kind of woman, the parents are not considered

when the payment is done.

Joseph Chege: Na nooime hau na indo iria ekugaya mucii ucio na athii ahike kungi na eke o uguo.

Translator: And it is a practice that the woman can leave that home and cheat from that home with a lot of property having being paid.

Joseph Chege: Na mitugo iyo twarora history itu ya Kenya gutiari.

Translator: We did not have those kinds of habits in this country of ours.

Joseph Chege: Undu uria ungi ni uugi wa githomo, tukaimwo na njira ya guteithia uria githomo gia ciana ciitu kingioneka.

Translator: Then, if I consider education, we are not having any kind of help which is given to us so that our children may be educated.

Joseph Chege: Naguo urimi ukahinyiririo na njira ya gukorwo ati ni indi iragirwo nja cia guka kurio riria kwi na irio ingirimwo guku Kenya.

Translator: When we consider farming, we have observed that some products are imported instead of using the produce that we have in this country.

Joseph Chege: Na aria mararugamirira mawira macio matiri undu marekwo no thiini wa Kenya, andu aria maregaga kurumirira maundu maria marendwo ni muingi nimoi uria maherithagio.

Translator: These people who are doing this action are not being punished and we know that before, the offenders were being punished.

Joseph Chege: Umuthi uyu, kuri mawatho mangi njiguaga ta ma kanyanga na niko ona atongoria ukuigua makiuga me Mombasa, 'tutikwenda andu a mbara na andu acio ni a kenya'.

Translator: Before that we had kind of a trust pass and then this has been cladded into our country now and that is why you find that other people are being barred from visiting some places within the country.

Joseph Chege: Na muthungu atanoka, nduriri ciothe cia Kenya ciaturaga ithiaga haria hote ikwenda na kurutira wira.

Translator: Before colonialism, all the people were free to go from one place to another according to their will without any restrictions.

Joseph Chege: Nii ingiurio umuthi nguga uu,

Translator: My conviction,

Joseph Chege: Njuge ati Kenya iitu ni ndongu and ndigiriirwo gukorwo na irio ciroima naja gukira ira irarimwo Kenya cio cirugamiirwo.

Translator: I would observe that our country is rich as far as produce is concerned and we do not have to import any food from outside this country.

Joseph Chege: Na tutiagiriirwo ni gukore tugithondekerwo watho ni mundu mweru umite nja ya Kenya na Atari mukenya.

Translator: And our Constitution should not be made by outsiders rather it should belong to Kenya.

Joseph Chege: Na nguria kungugia ihinda ringi muriuka nigetha tugii na maundu mangi tungiongerera.

Translator: I would ask you to come back here so that we can add and more of whatever we have.

Com. Adagala: Asante Mzee. Vile tulisema, tutarudi huku – report itarudi hapa na pia tunawatarajia pia lakini ukiwa na maoni mengine, hayo unaweza kuongeza kwa maandishi au hata kwa tape na upeane kwa District Coordinator. Okay, Mzee ulisema nini kuhusu elimu.

Joseph Chege: Githomo nguuga (inaudible)

Translator: The wananchi of Kenya, when education started in country, no payment was made. There was no fee.

Joseph Chege: Na (inaudible)

Translator: And when we started politics in this country, we drew that with an objective that our children may be educated freely.

Joseph Chege: (inaudible) twage kuriha thibitari.

Translator: I have added that even the hospitals should not be charged.

Com. Adagala: Thank you very much (inaudible). Mr. Naomi. (inaudible). The people whom I have called their names – wale watu nimeita, tafadhali njooni karibu ili tufanye haraka. Joseph Wanjohi, you are told to come here. endelea.

Mrs. Naomi Njiru: my names are Mrs. Naomi Njiru and I have come here to present my views as an individual though I am under an organization K-SEP which is presenting the Civic education. My first view is that the new Constitution which is really under way right now should make provision for liberate team to empower women in social, political and economical leadership right from the grassroot to the national level through affirmative action in electing posts and employment in the public services. Also,

Com. Adagala: (Inaudible)

Mrs. Naomi Njiru: I also say that the new Constitution should protect the under privileged citizens from extreme wants and social insecurities, that is, incorporating social and economic rights and providing the social safety net for them. That is unemployment and at the same time availing opportunities for marginalized social groups and geographical areas. I mean that especially in the areas of health and education mostly where the rural areas are really unprivileged. They do not get the best out of those areas. At the same time, I would recommend that customs and culture which cause oppression should be discouraged totally in the new Constitution and in this area I would like to give an example of the girls' circumcision and also the child labour.

This should be stressed very hard so that it becomes a policy that none of them happens so that our girls may continue with their education at the right pace.

Also, the Civic education should be integrated in the school curriculum seriously and also it should be continuous to the citizens of Kenya because we have found that this is a very important education which most of the Kenyans have been lacking as far as we have gone round and they really need it – they are for it. So, if our children are taught in schools and we teach the citizens, it will really help them to know what Kenya we are in and what Kenya we want in future.

The last one which I am going to give is that the Constitution should have a policy which should enable the disadvantaged groups of our society to participate fully and meaningfully in all the processes of national development and also be allowed to make their own informed choices at all levels. For example,

Com. Adagala: Excuse me, you had said under privileged before and now you are advantaged (inaudible).

Mrs. Naomi Njiru: Yeah, where.....

Com. Adagala: Disadvantaged or disabled?

Mrs. Naomi Njiru: Disabled. No, disadvantaged – I still stand with that. Don't blame me.

Com. Adagala: (inaudible)

Mrs. Naomi Njiru: Yeah, that is the case because what I mean here is that one part of the – I am giving it an example. One part of the women should be given a chance in Parliament. All those groups – and this is now where I am coming, that 1/3 of the Parliamentary seats be reserved for women, the disabled and the minority if possible. And I think that is all I have for this morning.

Com. Kangu: (Inaudible)

Mrs. Naomi Njiru: No, they should share that one part.

Com. Adagala: Okay, (inaudible). Thank you very much. I would like Joseph Wanjohi to come forward followed by Wang'ombe. You have five minutes Joseph, pace yourself. Endelea kwa utaratibu.

Joseph Wanjohi: My names are Joseph Wanjohi Muingo. I am a teacher by profession and I represent this memorandum of Justice and Peace Commission and

Com. Adagala: For the Catholic?

Joseph Wanjohi: Yes Catholic Justice and Peace Commission and I therefore give the highlights on what they would like in the Constitution.

Com. Adagala: (inaudible)

Joseph Wanjohi: So, Kenya should have a preamble expressing her missions, vision, philosophy, goals and ideals facilitating the supremacy of the people as the main stakeholders in the Constitution. All Kenyans by the virtue of the above, should not loose their citizenship. So, Kenya should accept dual citizenship and give it automatically to all those people who have been born in Kenya.

The Disciplined Forces like the Police and the Army; the subject in their curriculum, they should trained for at least three years and be given a Para-legal training may be on sociology, psychology and human relations as they will be very much involved in prosecuting the people.

On the question of political parties, they are too many. They should be trimmed to three after the elections and these three should be the parties that will be having the majority of the Parliamentarians. When the Parliament is formed, this Constitution should address the formation of Government of national unity not like the present one that means and then it takes all.

We also propose that District Constituencies that have been created out of the lucky procedures should be degazetted and the proper creation of the Constitution of the constituencies should be done considering the populous of the people. A Presidential candidate and the Parliamentary candidate a degree or a diploma and should have a profession and not a trade.

On the question of Land Boards, they should be shared by the Local Authority because they are nearer to the people and they have to vet the investors who come to invest in land and not like the present one where the local authorities share – the Provincial Administration shares and most of them are transferred and they do not know the tradition of the area.

On the question of Title Deed, only developed areas should be given Title Deeds and not the vast areas that we Kenyans have acquired through some dubious means. All the Commissions should be constituted by the Parliament and this prerogative should be removed from the President.

On the question of education, all schools should be sponsored – should have sponsorship. We should not allow any school to have the DEB because the District Education Board members rarely come to school and thus they do not know show the school functions. Education for national unity should be enhanced. That means right from the secondary school admission, it should be done on a national level which means a thousand schools in Nyahururu and goes to a secondary school in Kakemega and goes to university like in Eldoret. This will enhance the education for national unity.

The registration of voters should go in hand with the registration of persons and not like this time when the voters – this is to remove voter's influence by the others. The last one is that no exception should be done on taxation by any Kenyan. Let all the Kenyans pay tax so that we have money to earn the person of the government. Thank you.

Com. Adagala: Okay, asante sana. I would like to ask you and also those people with many presentations, on reducing the number of political parties. When you come, come and tell us how this should be done. Okay? Then, you know, there is freedom of association, freedom of speech and we need to know if the Constitution will be contravening this freedom which is a basic of Constitutional freedom. Ukija hapa, twambie kama unataka vyama vya kisiasa vipunguzwe na utatwambia ni vipi vitapunguzwa.

Joseph Wanjohi: I said immediately after the elections, the political parties that have the same ideals should have mergers and reduce to three and not – those that will be having very many members of the Parliament.

Com. Adagala: That's okay because then that is freedom of association and they can merge, they can be decide to associate or not. Okay, we put there by merger. Thank you very much.

Joseph Wanjohi: Thank you.

Com. Adagala: Who was next? Wangombe, songa karibu. We have a lot of people and I don't want (inaudible).

Interjection: (inaudible)

Com. Adagala: Okay, thank you for informing us.

Com. Kangu: Fredrick Gachingiri.

Com. Adagala: Taja jina na uendelee and Musa Mwangi awe tayari.

Fredrick Gachingiri: Jina langu ni Fredrick Gachingiri kutoka Maili Inya hapa Nyandarua. Nina machache tu ningependa kuongea. Jambo moja ambalo nataka kusema ni juu ya masomo. Mtoto yeyote akizaliwa na akose kusoma, hiyo ni taabu moja kubwa sana. Kwa hivyo, masomo katika primary yangukuwa ya lazima na kuwa ya lazima ni kuwa ya lazima na ukweli. Isiwe kama sasa ambapo tunaambiwa iko huru lakini bado kuna shida sana kwa mtoto kupatiwa masomo kwa sababu kuna malipo mengine ambayo yanayoongezwa na huku inasemekana ni free – iwe free kabisa ili huyo mtoto awe na elimu kwa sababu elimu ndiyo chanzo cha maendeleo yote. Hiyo free.

Wakati mtoto anapozaliwa na aingie kwa dunia, anahitaji chakula. Hili ndilo jambo la pili. Hapa nchi mwetu tunategemea ukulima. Kwa hivyo, mtoto akishapatiwa masomo ya bure kutoka standard one, aendelee kufundishwa mambo ya ukulima – awe akijua mmea ni nini, awe akijua ng’ombe ni nini, ajue nguruwe ni nini, maana county yetu ni ya ukulima. Kwa hivyo, awe akifundishwa subject ya ukulima akishaanza masomo.

Ya tatu, ili huyo mtoto aishi, anahitaji kuwa na afya kwa maana anaweza kula chakula kichafu na atakuja kushikwa na magonjwa. Kwa hivyo la tatu, awe akifundishwa hali ya afya kutoka standard one ili awe akijua ya kwamba anatakiwa awe na afya nzuri ili wakati wa kusoma asiwe na taabu kwa mwili – awe na afya. Akishapatiwa haya – nirudi sasa kwa upande wa serikali yetu.

Serikali yetu yafaa iwe na rais lakini sio awe na madaraka yote. Madaraka igawe kati ya rais na Waziri mkuu na Bunge ili madaraka yasiwe ya mtu mmoja ambaye (inaudible) kila kitu unasikia tu, ‘ah, hii ilifanyiwa na mtu fulani’. Iwe na hao watu watatu. Hii nayo inayoitwa Provincial Administration iondolewe kabisa ili Local County Council ipewe nguvu kwa sababu hawa ndio wako karibu sana nasi na iwapo tutaona mambo yoyote inayoendelea kuwa mabaya karibu na sisi tutawaambia, “Je, huoni ya kwamba tulikuwa tunakaa vizuri sana wakati tulikuwa tukilima mahindi na inauzwa vizuri na tumepatiwa pesa, (inaudible) pyrethrum tuonaona inaendelea namna hii”. Angalia kitu kama KCC iko hapa lakini maziw tunamwaga nje!. Hatujui ni nani anayesimamia na hatuwi kumuuliza.

Vitu kama hizo katika Local County Council zisimamiwe na ma-afisa wetu wa county council ili tukiona inaendelea kuwa ovyo tunaenda kuwauliza. Je, kwanini KCC inafungwa? Ni kwa nini tulilima pyrethrum na hatulipwi? Ni kwa nini hakuna KMC?....(End of Side A of Tape 2)

.....produce maziwa na tunaona kwamba kuna mahali pa kuuza. Tulikuwa na kazi nzuri sana kwa vile Mungu alitupatia mahali tulipo na tulikuwa na forests zinatuzunguka. Kwa sababu sio sisi tunasimamia, tungemuuliza mkubwa wetu wa county councils ni kwa nini forests zinagawiwa na kufanywa mashamba? Kwa sababu shamba hakuna wakati wowote duniani kila mtu

atakuwa na sehemu ya shamba – hiyo haiwezekani kwa sababu tunaendelea kuzaa watoto na tukisema kila mtu lazima awe na kipande cha shamba, hii shamba itakuwa ikitoka wapi na shamba haiongezeki? Kwa hivyo, yule ambaye ana shamba lake, ningesema liwe ni lake na ikiwa alipata Title Deed kwa njia ambayo haifai, yafaa hiyo Title Deed iwe questionable – alipata namna gani kwa sababu ugaidi wa kuiba mashamba umezidi sana. Mtu anajua shamba lako lakini anaenda huko kwa ughaidi na kutewa Title Deed. Kwa hayo machache, nasema asante, nayo Commission ione ya kwamba haitaingiliwa na yeyote na iwe huru kabisa na wakati unaandika chochote, sio kusuruthishwa na na yeyote kwa sababu yeye ni mkubwa wa serikali. Haya mambo yameleta taabu kubwa sana. Asante sana.

Com. Adagala: Asante Mzee.

Com. Kangu: (inaudible) they have realized we are very independent. Tuliapa tutafanya kazi bila uoga, bila upendeleo na bila kusuruthishwa.

Fredrick Gachingiri: Aah, asante (inaudible)

Com. Kangu: Wewe pia hukushurutishwa na chochote.

Fredrick Gachingiri: (inaudible) asante.

Com. Adagala: Asante Mzee kwa kutuchangamsha na ndio unaona wazee wanahitajika. Kuja huku Mzee, njoo huku, njoo ujusajirishe. Next alikuwa Musa Mwangi. Phylis Nyambura, ujitayarisha. (inaudible)

Musa Mwangi: Hamjambo nyote mliohudhuria mkutano huu?

Audience: Hatujambo.

Musa Mwangi: Sijasikia mtu anayesalimia wengine – sijui mmekasirika ama nini mmefanya. Jina langu,.....

Com. Adagala: Pole pole, si kukasirika. Kuzungumza kwako ni ka Tume na ndio unaona tukianza nini itakuwa political rally. Kama hujaendelea, nafikiri Mheshimiwa Chege Mbititu ako hapa, ako pande gani? Ooh okay. Sioni vizuri Mheshimiwa, sasa huyu ndiye ameniambia uko hapa. Tumekukaribisha na ninafikiri umejisajirisha lakini utatwambia vile – yeah kwa sababu hawa ni watu wako pia na wewe ni boss wetu.

Musa Mwangi: Jina langu ni Musa Mwangi wa Kinyenje – the cockroach. Maoni yaliyoko hapa, nilijitayarisha kuleta walaka

huu lakini nilipofika tukaambiwa ina-record-iwa kwa hivyo sasa itanibidi nikatakate juu juu kidogo mpaka ifikie mwisho maanake dakika ni chache. Jambo la kwanza ni umuhimu wa maisha yetu sisi tunakoishi. Kule nyumbani tuna furaha kubwa sana ambayo ni ya bibi na bwana na watoto wao na kati yao, wakiamka asubuhi kuenda kazini, kuna kazi ambayo nimeona ina mwanya au ufa. Kazi yenyewe, ni kazi nyingi sana tunafanyiwa na mama zetu ama bibi zetu, dada zetu katika kujenga jamhuri ya Kenya. Hiyo kazi yote ni maisha yetu na tumeifurahia. Sasa kile ninaona kikiwa na mwanya katika kazi hiyo ni mama aliyenizaa au bibi yangu au mwanangu – my daughter, kuwa nikiamka nasikia ndiye ananitawala. Sina ubaya lakini jambo hilo ni kama la kulazimishwa kuwa na mama au bibi au msichana wangu wakiwa wananitawala. Hapo ningesema ya kwamba, kazi yoyote ywa kujenga Kenya ifanywe na mama – yoyote iliyupo iwe ni gani au gani inayojenga taifa lakini mama asiwe DC ama kipindi chochote cha Chief, Ma-afisa wa kutawala Chifu, Naibu wake, DO, DC na PC. Hayo naona kwa kweli si maua mazuri yakiwa nyumbani. Lakini, mama afanye kazi yoyote ile ya kujenga taifa.

Jambo la pili ni pesa ya serikali ama hazina ya serikali. Katiba hii mpya, itengeneze mpango wa kuzuia mwewe kunyakua pesa zile hewani. Hivi ni kusema kila saa tatu ya asubuhi kuwe na mpango kutokana na katiba hii mpya, pesa za serikali zipelekwe Banki Kuu kila asubuhi saa tatu ili kuepokana pesa kurundikana katika sanduku la Ma-afisa wa serikali.

Jambo la tatu, kuwe na Tume ya kulind viwanja vya uma ili kuzuia viwanja kunyakuliwa na watu binafsi ambao hujipeleka wenyewe na kujitetea wakazinyakua mpaka tunakosa viwanja vya shule, hospitali na stadium za mpira. Katiba ya sasa ilinde hizo viwanja.

Jambo la nne ni kuwa wazee wengi huuza mashamba bila kuwasiliana na bibi na watoto na hivyo basi nyumba hubaki wakienda kwa DC kunuzia wapate makao. Kwa hivyo, katiba hii yetu mpya ilinde mashamba na Title Deed iandikwe majina ya bibi na bwana ili bwana akihitaji kunywa pombe kwa shamba hilo, bibi awakilishwe.

Jambo la tano: Katiba hii mpya irudishe elimu yetu ambayo tulikuwa nayo tangu wazungu kuingia Kenya na iwe ya bure. Pia, ilipofika 1963 kulikuwa na kipindi cha pili cha elimu ya bure.

Jambo la sita: Katiba hii mpya iwe ikitumia vitu muhimu kwa raia kule mashambani. Katiba hii ihakikishe kwamba tumepewa maji, tumepatiwa stima, tumepatiwa lami, tumepatiwa simu za kutia pesa zinazoitwa coin box kwa sababu hivi tunapoenda kufanya uchaguzi, vitu vingi havitafika mahali pengi duaniani na hivyo raia hulazimika kuenda safari ndefu ili aweze kutumia shilingi zake kwa kupiga simu kwa mtu wake aliye mbali kwa sababu maduka mengi ya huko mashambani hayana coin boxes.

Jambo la saba; bei ya bidhaa zote zikiwa zimechunguzwa kuwa na bei rahisi, mafuta taa iwe ya kwanza kwa sababu ni muhimu sana kwa mwangaza wa kila nyumba hasa kwa maskini wanaotumia taa ndogo ya mkebe – korobo. Walaka uliobakia ambao una mambo muhimu sana nitakayofunga nayo kwa sababu saa zangu zimeisha ni haya. Kuna kazi mbaya ambayo inayofanyika hapa ya kugadamiza yaya akiwa analea mtoto na anafanya mambo yote ya hiyo nyumba na mshahara ni ule ule na hapo tunataka katiba hii mpya iangalie ni kwa nini raia mdogo asishirikishwe na wale wanaitwa ‘big boss’ aliye na big car, big house, big shamba, big plot na akistaafu yeye anaajiriwa Chairman wa kampuni. Je, raia wadogo watakula mali ya taifa mwaka gani? Basi

mambo mwengine nitapeleka pale kwa sababu saa zikiisha zimeisha.

Com. Adagala: Tutasoma yote. Una swali.

Musa Mwangi: Kitu ambacho nitafunga nacho – nimesahau – ni katiba hii iwakilishe kuzuia ile lazima tunayopewa ya kuacha utamaduni wetu wa kutahirisha wasichana na tena kile kitu kinaitwa jamming ya wanamuziki, katiba iwakilishe kwa sababu ukimuonya mtu anakulaumu. Tuwakilishwe kutokana na family na ukoo wa Kiafrika ule tunaweza sema, “Muruki muruki ndaigua” tusilazimishwe kutahirisha wasichana.

Com. Kangu: Swali moja Mzee. Mzee nimesikia ukisema kwa maneno ya mashamba, hawa akina mama ni watu wanaweza aminiwa na kutunza title deed kwa sababu ikiwachwa kwa Mzee, anaiuza na kuenda kunywa pombe. Na haya maneno ya utawala ni kwa nini akina mama hawawezi kutawala wawe Chief, wawe DC, wawe DO, ni kwa nini unaona hawawezi kufanya hiyo kazi.

Musa Mwangi: Kwa mfano, jambo hili kama ni nyumba (inaudible), nimeona rafiki yangu niko naye hapa. Jambo hili lilitoka Uingereza na ndio unaona hata Bunge inaongea Kizungu. Mambo mengi tunayofanya hapa ni yale tunaletewa na wageni – si mila zetu. Kwa hivyo, unasikia kila nyumba katika Kenya kuwa baba ni ‘daddy’ na mama sijui ni ‘mummy’. Kwa hivyo, huu utawala wa kupeleka mama na kumpa crown – huo si utamaduni wa Mwafrika na kwa hivyo ni lazima (inaudible). Ukitaka agiza kura kwa wananchi – ile inaitwa secret ballot utaipata.

Com. Adagala: Okay.

Musa Mwangi: Ngoja kidogo, ni comment sio swali. Mbele ya katiba, katiba haiwezi kuandika ubaguzi na hiyo ni kubagua. Sasa, pengine tutajadiliana kwa conference na hata hapa itakuwaje kwa sababu vile tuko ni kama usawa. Shida tunaweza kusema ni utamaduni wetu lakini pia tufikirie mamboleo na tuone kwa sababu katiba haiwezi kusema huyu hatakuwa. Ni kama ubaguzi na tunapewa haki ya mtu na yeye ni binadamu. Sasa, sio kubadilisha maoni yako – tumeayaandika. Haya.

Musa Mwangi: (inaudible) lakini ni haki.

Com. Adagala: Phyllis Nyambura, Phyllis yuko? Jina lako na (inaudible).

Phyllis Nyambura: My name is Phyllis Nyambura from CCR. On citizenship, Kenyans should be allowed to own more than one citizenship if they need.

- Political parties: Not more than four political parties to be registered and allowed to operate. All the political parties to be funded by the Government (inaudible).

- Another point is that a Parliamentary system of Government where a Prime Minister is appointed from the majority party in Parliament and the President remains more or less ceremonial is necessary.
- Registrar: A Parliament with act and the citizens' voice should be given the power to vet the appointment of all executive officers or different Government officers, Parastatals and coalitions.
- Moral and ethic qualifications should be introduced for Parliamentary candidates e.g. morally upright, legally married and staying with the spouse, clean criminal record etc.
- A Constituency should have a right of recalling their non-delivering MPs. This could be effected through a vote of no confidence by at least 2/3 of members from the party which elected him or her to Parliament and with sufficient evidence of non-delivery.
- Nominated members should be strictly suitably chosen to represent the interests real disadvantaged groups in the society such as youth, disabled, women and other under represented religions or special groups.
- Executive: Must be a legally married person and staying his or her spouse.
- Judiciary: Chief Justice to be appointed by MPs.
- Council of Elders: Incom(inaudible) resolutions should be implemented and not have been to work in judicial offices.
- Local Government: I am trying to tackle this point – Councillors to be elected and should have at least form four level of education. People should be able to recall their councilors using the procedures that MPs could be recalled as stated earlier.
- Electoral system and process: It should be continuous and independent of the Executive. The Electoral Commission to be appointed by the MPs. Special seats should be reserved for youth, women, disabled and minority groups be (inaudible)
- Civic education should be introduced right from primary curriculum.
- Basic Rights: The Constitution should clearly indicate two custodians of all the basic human rights and the proper channel in the line.
- Rights of vulnerable groups: The Constitution should guarantee all persons with disabilities right to better rights.
- Land and property rights: All Trust Land should be owned by local communities but partly government. All citizens to be given Government revenue records and expenditure.
- Other general requirements: The Constitution should be written in simple language and freely accessible to all citizens. There should equitable distribution of natural resources. The last one is that one-man; one-job principle should be introduced to ensure that the unemployed get employment so as to earn their living and participate in decision development.

Com. Adagala:should not be employed?

Phyllis Nyambura: Sorry?

Com. Adagala: You have said one-man, one-job; women should not be employed?

Phyllis Nyambura: And women too should be employed.

Com. Adagala: One person; one job. Now,.....

Com. Kangu: Nyambura, on the Executive you said the person should be legally married. We understand that certain denominations in our country encourage brotherhood, fatherhood, and sisterhood. I am imagining Ndingi Mwana'nzeki asa catholic saying he wants to be a President. Will we deny such people their rights to be Presidents or what do we do with those who belong to that – and in any case marriage is a matter of choice. Will be discriminating against those who choose not to get married.

Phyllis Nyambura: For me, I would like to have a President who is married.

Audience: Clapping

Com. Adagala: Hold on, hold on. There is marriage and there is marriage. Can a Muslim with four wives be a President? Tunazungunza na Nyambura peke yake.

Phyllis Nyambura: As far as I am concerned, according to his religion I have no problem but the fact is that he is supposed to be married.

Com. Adagala: You said he should be married with his family. Can a woman be a President?

Phyllis Nyambura: Yes, because she is married to somebody else – to his man. She is married and she is supposed to be married – that is what I mean.

Com. Adagala: Oka, what is the significant of this? Why is it important? I am not questioning, I want you tell me the importance.

Phyllis Nyambura: As far as I am concerned, most of the Kenyans are married – they have families. In our country and according to our culture, to have a complete home you are supposed to have a man, a wife and the children. So, if there is something else, you are not married. The ones who are married may not listen to you when you are talking to them.

Com. Adagala: Okay, that is a good reason. What about if he becomes bereaved like in the case of Mugabe?

Phyllis Nyambura: It depends.

Com. Adagala: It doesn't depend, it is bereavement. The wife dies or the husband.

Phyllis Nyambura: If the wife happens to die.....

Com. Adagala: And he is still in office.

Phyllis Nyambura: Yeah, if the wife dies, there is no problem but at first he is supposed to be married.

Com. Kangu: I would like to – you are saying for the Executive and you know the executive in your presentation you have told us about a Prime Minister, you have told us about a ceremonial President, the Executive also normally has Cabinet, is it your submission that all the members of the Executive, Prime Minister, President, Vice President, Ministers should be married or are you singling out one person?

Phyllis Nyambura: Well, as far as I am concerned they are supposed to be married but, mostly, I would like the Executive to be married but the rest have a choice.

Com. Kangu: Yeah, and you know with the Prime Minister or the President who is the Executive to you. Between the Prime minister and the President in your analysis, who is the Executive?

Phyllis Nyambura: If he happens almost to play the same role, he is supposed to be married because a President is supposed to be ceremonial and the Prime Minister – yeah.

Com. Adagala: You know, when there is a principle it usually applies to a family of people like the politicians be elected people or if it is Provincial Administration, it should apply – it is a kind of family. What role model would a Member of Parliament who is not married and who is doing the usual things that you imagine unmarried people do, what role model will they present and they are so close to the people? Couldn't see a marriage principle applies to.

Phyllis Nyambura: It is good if they married but, if it happens that one is not married then there is no problem but it is good we try to see if they are married it will be better for us.

Com. Adagala: Okay. Joseph Wachira, ako karibu? Kama hayuko karibu, David Ndegwa, njoo karibu halafu Thiong'o P. M., karibu. Ako wapi? Nani ameingia?

Com. Kangu: Because Joseph M. Wachira is not there, David Ndegwa, he is not there. Thiong'o P. M. Who is that? Ndegwa? Then take the stand since the other person is not there. David Ndegwa.

Com. Adagala: Okay, five minutes. Say your name and give us highlights.

David Ndegwa: Yes, I am David Ndegwa (inaudible). In our Constitution, we have said that the new Constitution should have a preamble which should state that the Constitution is made by the people of Kenya. The people of Kenya are suffering. No law or authority including the Constitution itself is above the people. Kenyans are committed to democratic values of the Constitution, equality and rule of law. They are also committed to the future as a united and indivisible country and composed of people of diverse culture whose lives are valuable. The preamble should also state our common history as a people who were colonized for many years and joined hands to struggle for their freedom. That is hard earned freedom that we are safeguarding with our Constitution. (inaudible)

Com. Adagala: (inaudible)

David ndegwa: Okay. The National Philosophy, we have a point on the gender equality and protection of rights of the minority and her elements of a just society. The democratic principles powers the people down and is exercised on their behalf through representatives, (inaudible) and accountable institutions of the government.

The Constitutional supremacy: On the Constitutional change, the Constitution must indicate in the event of an overhauling of the Constitution where all Kenyans should be involved. In the event of amendments, this should be subjected to a referendum before they are enacted in Parliament.

Citizenship:

Com. Adagala: Please keep your points (inaudible)

David Ndegwa: We have put it that the citizenship should be open to all Kenyans born in Kenya by both parents and those Kenyan children who were born in Kenya by one parent regardless of their gender.

The structure of the government: We should have a Parliamentary system of Government in which a Prime Minister is appointed from the majority party in Parliament. Kenya should have a ceremonial President who should be above the party and should be elected by all Kenyans with a majority vote. It is important to retain a central government. Local Governments should be given levy to implement development projects in their regions with a percentage of the taxes collected in the region. Parliament should

be allowed to vet the appointment of the ministers and the Prime Ministers, the Court Judges, the Public Service Commission and the Ministerial Accounting Officer. On the age of the President, we propose that the minimum age of a President should be 45 years in the lower brackets and 70 years in the upper limit bracket.

Com. Adagala: (inaudible)

David Ndegwa: With the local governments, local Government authorities are the most basic level of the Government and they are nearer to the people who implement the projects and developing the projects in the area.

Com. Adagala: Proposal?

David Ndegwa: There would be importance to have a minimum education of form four (inaudible). The leaders being the Mayor or the Chairmen of the County Councils must be elected directly by the people and their time must be extended from the current two years time to five years time.

Com. Adagala: Thank you very much. Pole, the time does not allow. But, what percentage of revenue should Local Authority have to implement projects?

David Ndegwa: I tend to think that they would be given up to about 75% of the revenue collected in their area for the local developments.

Com. Kangu: Your preamble refers to the people in the term people have become very (inaudible). Many times it is abused by others who claim to be speaking on behalf of them. Do you have some definition of what we mean by people or we should mean by people in the preamble.

David Ndegwa: What I mean by people in the preamble is that the people in the organized society should have a voice – a collected voice in their own areas.

Com. Kangu: You know we are writing a Constitution for you people seated before us, for the children you have left at home who cannot come here to talk to us and sometimes we are told for the future generation. So, how do we define people for purposes of the Constitution? Who are the people? We need to think about that and then the other question is about; you talked about a Prime minister elected from a majority party. I would like you to tell us they are elected by who and do we also have a President and what is the relationship between the Prime Minister and the President and their methods of recruitment?

David Ndegwa: First, the President. We say the President should be above the party, should be elected by all people with a majority vote. The prime minister will be picked from the leading party in a House.

Interjection: (Inaudible)

David Ndegwa: Oh no, automatically is a party is winning, then the leader of that party will have decided then will be the Prime Minister.

Com. Kangu: What could be the relationship in terms of powers between the President and the Prime Minister? You see now you have introduced another concept of the leader of the party. In the event that the leader of the party is not the person elected the President, now are are infact having three people. Someone is elected as a President – he is above a party, then we have a leader of a party, then he leads a Prime Minister. What relationship do we have among all these three?

David Ndegwa: The President, having been elected by all people is the unifying factor of the whole country but the Prime Minister having been in the majority party is the undertaker of the day-to-day running of the country.

Com. Kangu: In that field, assuming we go to elections and when we finish there is no majority party – two parties in Parliament have equal number of MPs. How do we recruit the Prime Minister?

David Ndegwa: Okay, I had not gone by that but we have stated that there should be allowed a coalition type of government.

Com. Adagala: Okay, some things come up as you are presenting and they are also knew to us. So, Thiong’o. Thank you very much.

Speaker: Ma-Chiefs wa Nyahururu Municipal Council mmeambiwa muone Chief Municipality (inaudible). Kama mko tafadhali muende pale nje na wananchi mkumbuke tunaendela na first come, first served. Vile mnakuja ndio mna-present. Kwa hivyo msije kuniuliza eti m-present ili muende.

Com. Adagala: Tunapata orodha. Thiong’o yuko? Hakuna Thiong’o E. M? Nataka Muthee. Muthee yuko – Michael Muthee. Nani huyo? Speak up ili tujue. Tupe jina na uendelee kwa dakika tano.

Michael Muthee: Mimi naitwa Michael Muthee.

Com. Adagala: Endelea tu.

Michael Muthee: Vile ningetaka kuambia katiba hii ni kwamba – au kamati hii,

Com. Adagala: Hii ni Tume.

Michael Muthee: Tume?

Com. Adagala: (inaudible)

Michael Muthee: Kuna sheria kadhaa ningetaka wakati mtakuwa mkiongea mtashughulika ili msaidie serikali. Kuna katiba iliundwa na mwingereza zamani kama miaka mia moja iliyopita na katiba hii ni ya kufunga mfungwa wa jela. Kuhusu wafungwa walio jela, wako mashakani kubwa kwa ajili sheria yaliyowekewa ni ya mkoloni na hiyo sheria ndiyo inahimili hawa wafungwa wafe. Hiyo sheria ilikuwa ya kumaliza Mwafrika na tangu siku hizo haijaondolewa. Kwa miaka arubaine iliyopita wakati tulipata uhuru, hiyo katiba haijaondolewa. Kwa hivyo, wakati mtageuza katiba, muondoe hiyo sheria ya kuu mfungwa wetu akifungwa kwa ajili mfungwa akiwa jela hafai kuuliwa, anafaa afungwe ili apate discipline kisha afunguliwe na arudi kuwa raia mwema. Lakini wakati huu, akiingika jela yeye hufariki kwa hiyo sheria.

Inginge nataka kuongea ni kuhusu mashamba yaliyopasuliwa misitu ya uma. Ilipasuliwa ili isaidie raia yule ya chini kabisa – squatter. Lakini nataka kuwaambia kuwa hayo mashamba hayapata raia yeyote katika tafa nzima la Kenya. Hayo mashamba yalinyakuwa na maskini na wenye mashamba. Kile ningeomba ni kwamba ni heri hayo mashamba yaondolewe kusudi hayakupatwa na maskini walio chini zaidi. Kwa Kiswahili wanaitwa maskini hohe – yeye hajiwezi. Wale walipata hayo mashamba, ningeambia wananchi wa taifa hili pamoja nanyi kuwa ni wale walinunua hayo mashamba na wale waliokuwa wakuu katika maafisi na waliangamiza maskini wengi.

Ya tatu ni kuhusu shule zetu ambazo kwa wakati huu kuna ugumu zaidi kwa mzazi. Inatangazwa kuwa hii shule ni ya bure lakini mzazi amewekelewa mzigo mzito kuhusu karo kwa primary school na hata secondary. Wakati mtakutana, ningemhimili msaidie mwananchi wa kawaida kwa ajili yeye ni mzazi. Sina mengi, ni hayo tu.

Com. Adagala: Okay. Mzee, naelewa mambo ya mfungwa kwa jela. Kuna wengine wanafariki kwa sababu ya kupigwa na wengine wanafariki kwa ugonjwa. Umesema sababu yake kuenda kwa jela sio kufa lakini ungesema zaidi ya hayo kwa sababu, kama mtu amekuwa ngonjwa na ako kwa jela, watu wake wanafaa wajulishwe ili apelekwe hospitalini na unajua hatutaishi milele. Sasa nini- huyu mtu angekufa akiwa nje au ndani ya jela. Nini itendeke ili asiwekwe kwa njia ya kifo?

Michael Muthee: Ingekuwa kwamba katika jela zetu, kungekuwa na hospitali ndogo na daktari wa kiserikali ili akiwa ngonjwa awe akitibiwa kwa ajili huyu mfungwa angali angekuwa akiletea serikali faida akiwa anafanya kazi.

Com. Adagala: Na watoto (inaudible).

Michael Muthee: Asikimbishwe kwa ajili ako mikononi mwa serikali na serikali ndio wenye raia.

Com. Adagala: (inaudible).

Michael Muthee: Kwa ajili alifungwa na angali yuko mikononi mwa serikali wazazi hawawezi (inaudible) ni lazima atibiwe ndio arudie mzazi wake.

Com. Adagala: Asante sana (inaudible). P. K. Njogu, njoo na utafuatiwa na (inaudible) Gitau, yuko? Halafu sasa (inaudible).

P. K. Njogu: Thank you Commissioners. My name is Kenneth Njogu and my views are on the area of the executive with particular interest on the presidency. The Constitution is about our creation, exercise and tradition operation, separation and limitation of power. The real evil in the current Constitution is the excessive powers of the President. That is the President with absolute powers.

Com. Kangu: (inaudible) the proposal is more important.

P. K. Njogu: The proposals which I have, first of all is that the new Constitution should dismantle the structures via which have been used to rule Kenyans by force and oppression. That is the oppressive rule should be done away with, the oppressive structures should be done away with. Some of these structures is like the Provincial Administration which should be done away with as it has no role to play in the present Kenya. The role I am talking about here should be reviewed not like the Public Order Act, the preservation of Public Security Act, Chief Authority Act, the (inaudible). All these structures should be done away with.

Still on the presidency, the President should not be an aspirant of a Parliamentary or civic post because the presidency is a national office and he should not be a Member of Parliament and at the same time a President because this will lead to a concept of interest and it will remove preference. The President should cease to be a Member of Parliament. On the election of a President, he should be elected by a majority. i.e he should garner over 50% of the votes cast in a General election and the requirement of the 25% presentation in at least five provinces should be removed because all those are equal and every vote is equal to the other – that is, it does not matter whether the President gets the 50% in Nairobi or in (inaudible) only because all votes are equal.

On the Presidential tenure, I recommend that it be changed to a two four year term. The other point I want to make is that the executive powers of the MPs should still be vested on the President. They should continue being vested on the President and not the prime minister or other type of a post.

There should be power to impeach the President in the Constitution and this should be done through a vote of no confidence in

the National Assembly. The President should also not be above the law. He should be subject to civil and criminal prosecution for any wrongs done and he should be prosecuted as a citizen. That is all I that I have.

Com. Adagala: Okay. Asante (inaudible) Zachary? Nancy Kanai, Nancy yuko?

Zachary Onkware: I am Zachary Onkware from Nyahururu Division, Kigwa Miti Ward. These are my Constitutional proposals to the Ghai Commission. I will start with the preamble.

Com. Adagala: We are the Constitution of Kenya Review Commission.

Zachary Onkware: Review Commission, thank you. I will start with the Preamble and I will also talk about directive principles. The preamble – for me- I thought to have a format of how it should be written: “We the people of Kenya, having fought for the freedom of our country from the hands of the colonialists hereby come together united by all the experiences that we citizens have faced using the imported Constitution and the Government that has always been on personal gains. We have totally concluded that enough is enough since we have seen that the gap between the rich and the poor has drastically gone apart since 1963 when we got our independence. It should also outline whom it serves and why. It should also state,.....yes.

Com. Adagala: It is not for you to tell us what we have asked – to ask us to do what we have asked you to do. Tell us who is served.

Zachary Onkware: It should serve the people.

Com. Adagala: Yeah, you have to say – don’t just say, ‘it should say whom it serves’. You are leaving it to us. We can say it serves the Egyptians, what will you do?

Zachary Onkware: But it should serve the Kenyan people.

Com. Adagala: Because actually we have a law here which is governing us that serves Egypt. The one of the (inaudible). So, it is an Egyptian colonialism. So, you have to say, don’t give us again what we have asked you to do.

Zachary Onkware: It should also take the power of the people – the structures but not as it is to date. Due to the misuse of authority by the governors, it should be trimmed and retained by the governed who are the Government but not as it is in the current ground in Kenya.

Directive principles:

Com. Adagala: Don't do it, my brother, I know what will happen to me.

Zachary Onkware: Yes, the directive principles – the power belongs to the people, Constitutional review and the rule of law should be adhered to. All human beings are equal and entitled to civil and political rights, economical, social, cultural and development rights.

Gender equality and protection for minorities are key elements of a just society. Children, young people, the elderly and the other vulnerable groups must be protected. Traditional customs may guide life in the society, provided they do not harm any sector of the society.

Natural resources belong to all citizens. The natural environment must be protected. Citizens have the right to associate without any hinderance.

Com. Adagala: The last one.

Zachary Onkware: All geographical regions of the country are entitled to equal development. The other one that I would like to highlight on is on the Provincial Administration. This should be scrapped and represented by the elected people who should head the DDC, BDC and the divisional and locational line. They should be respective areas. The reason for the Provincial Administration is that those who come from other locations, divisions, districts and provinces do not directly know the history of the area, the people and their requirements and needs of the residents since they are personal representatives, they fear to address the truth and they expect to be sacked. They expect to save their collar jobs due to being sacked. Hence, this is a colonial way of ruling people in a dictatorial way as to how the governor feels better but not the voice of the majority.

Com. Adagala: (inaudible)

Com. Kangu: Bwana Onkware I would like you to – may be you want to - go and think about what I mentioned to the other Mzee on the definition of the people because we are saying national resources belong to the people and the preamble talks about people. And these are the issues that are causing us problems that the Governmentis run as if it belongs to a few individuals, they can use it to take all the resources are the detriment of the residents. Who are the people who are entitled to the power to run the government? Who are entitled to the benefits of the Governmentand how do we ensure that actually those bodies we described as the people benefit from the national resources? May be you could do a little more research and do a further write up and send it to us.

Com. Adagala: We expected you do more than say that as long as culture does not harm because –one, are we talking about regional culture? Two, within the culture there are demarcations and paces and expectations. What we needed actually to do is point this out to us so that we know and not just give us the principle. We actually did not come for the principle but for the actual issue and implementation. Okay, so, may be you could think a little bit about that. All you have to do is think about children in that a lot of culture is harmful to children and they are denied all manner of things because they are children. But, the children are coming up and saying that they are not even in the Constitution. There is no word child in the Constitution. The women are coming up and saying that there is no word woman in the Constitution. The disabled are coming and saying that they also have a problem with the Constitution and those are the people who are actually harmed by the culture. Okay.

Com. Kangu: May be just a small thing. When you talked natural resources belonging to the citizens, if we use the term citizens and I want you to think about, ‘What is the difference between a citizen and people? When does a Kenyan first become a citizen?’ Like if you talked to the environmentalists, they will tell you we must manage the environment today and utilize it as to be able to pass over something to the future generation. So, if we say these resources belong to citizens, where do we put the future generations? When do they become citizens?

Com. Adagala: Okay, vitu vya kufikiria, asante. Nancy Kanai ameenda?

Audience: Yuko.

Com. Adagala: Nancy, njoo. Tumefika kwa orodha yako na hata sikuwa nimeuliza. Jina lako na una dakika tano. Tafadhali mzungumze kwa ile lugha inayofaa lakini sasa naona interpretor amenza kusinzia hapo. Mnataka atoke? Eeh ana faida gani?

Nancy Kanai: Thank you, I am Nancy Kanai and I have come to represent an non-governmental organization by the name NNECBO, National Nyahururu Epilepsy Community Based Organization. As a representative, as you know as a group of the epileptic people we have over 65,000 people who suffer from epilepsy in Kenya. The recommendation that I have is that we see that the Constitution can help us is from an awareness issue. They should help us in making people aware of how epilepsy is and how it can be treated – that medical care. They should also help us in treatment, drug taking, medical insurance and education.

The education department, they should look for people with epilepsy and help them because most of them are not educated due to the fact that there no intakes for people with epilepsy because they see that as something that will make them suffer. They do not take the effort – that is matihotaga- macukurini arimu magakorwo mategwikira andu aria marwarite murimu wa kifafa.

Translator: Now, I am trying to talk about epilepsy and in the schools probably the teachers do not how to treat this disease or how to cater for those who are the victims

Nancy Kanai: Aingi ao magakorwo makiingatwo macukuru- ini mundu angirwara makona tari,

Translator: If one falls sick, sometimes they are expelled from school due to lack of knowledge of the teachers about the disease.

Nancy Kanai: Angi nimakoragwo marwarite murimu wa kibaba na makarwara undu ati ringi mundu ni agua na agia na accident ahia kama undu ta ucio.

Translator: Others usually fall into their sickness and sometimes they fall in the fire and they are burnt and they get other accidents within the disease.

Nancy Kanai: Magakorwo naki-need special care and special schools for them.

Translator: At the same time for that they need special care and to be treated by somebody who has knowhow about the disease.

Nancy Kanai: Na (inaudible) magakorwo aciari ao kama family can they discriminate them from their families.

Translator: Okay, she has said it.

Com. Kangu: You see you are complaining but we want proposals (inaudible) hatutaweza kulalamika kwa katiba. Tunaandika hapa lakini haitatusaidia kwa kutengeneza katiba kuhusu hiki kikundi umesema. (inaudible)

Nancy Kanai: There should not be discrimination between these people with epilepsy in the country. So, back from home going upwards. Also, there should be people with disability epilepsy being one in the CBOs kama ni BOG za shule na mambo kama hayo. Watu walio na disabilities be included there. Also, they should be the higher levels of education strating with education from the lower classes. They should also be employed.

Com. Adagala: (inaudible)

Nancy Kanai: They should be taken – kama ni education wawe wanapewa masomo kutoka primary, secondary, university and so on. Also in education there should also be people who should help them after when they are affected with this disease seizures. The other point is employment. This should be taken – andu makandikagwo mawira on akorwo nimararite kana ni mekuhota kana matikuhota.

Translator: On the side of employment, I am suggesting that the victim should be employed like other people without discrimination or else be given a higher chance.

Nancy Kanai: Ningi akorwo ni ta loans ciraheanwo kana uteithio hindi iria andu marateithio, andu acio mena disabilities magakorwo mari mbere mahetwo kindu kiuu.

Translator: At the same time, if you consider the loans and any other kind of assistance issued to other people, they should be

let to know in advance so that they can also apply.

Nancy Kanai: The other point is about inheritance.

Com. Adagala: Zungumza Kikuyu kwa sababu unaonekana unaendelea (inaudible)

Nancy Kanai: Akorwo ni undu wa inheritance – kugairwo indo ni aciari,

Translator: As far as inheritance from parents if concerned, they should also be considered.

Nancy Kanai: Pointi iyo ingi ni family rights. Hindi iria andu mari mucii magakorwo magi-take andu acio hindi iria,

Com. Adagala: (inaudible)

Nancy Kanai: Pointi iyo ingi ya family ni ati andu acio magakorwo na haki ya guteithio hindi ira mari mucii.

Translator: The other thing is that when it comes to the side of inheritance those victims should be helped and be given their share.

Nancy Kanai: Matakurorwo kana ni male kana ni male.

Translator: Regardless of their health or their gender.

Nancy Kanai: Iyo ingi ni association of people with epilepsy

Translator: How people should be associate themselves with the victims of this disease.

Com. Adagala: (inaudible) ukiwan pendekezo kutoka hapo ni sawa lakini hao (inaudible)

Translator: That is all.

Com. Adagala: Haya, tuendele. Asante Nancy. Tuendele na Japheth, ako hapa? Japheth Muita na anafuatiwa na Ambrose, Njugi, Mary, Waweru, Kinyanjui, Toro and Moses. Endelea na jina.

Japheth Muita Githaiga: Thank you Honourable Commissioners and

Com. Kangu Japheth who?

Japheth Muita: Muita Githaiga – Japheth Muita Githaiga. So, I was saying thank you Honourable Commissioners and

members of the public.....

Com. Adagala: (inaudible)

Japheth Muita: Yes Madam, thank you. On the side of the Government my proposals are:

I propose that we have a unitary system of Government because the Federal Government will not work due to the complexity of ethnicity and it will hike up tribal feelings that we have already seen. And as a condition to us not having that federal system of government, I am saying a unitary system of Government with a strong Local Authority system whereby the local authorities are led or governed by an executive chairman with elected councilors.

On the presidency,

Com. Adagala: (inaudible)

Japheth Muita: No, no, I am saying both the chairman and the councilor are elected by the people. Yeah. On the presidency and the executive, at present Kenyans cannot tell when the President is acting of an MP, Head of State or Head of Government or Head of the party. So, I am proposing that we need a known executive President that is a ceremonial President.

Com. Adagala: Endelea.

Japheth Muita: As the Head of the Government with ministers and deputy prime ministers.

Com. Adagala: How many Prime Ministers?

Japheth Muita: I am proposing that we have three deputy Prime ministers. Regarding the qualifications of the President, I think that the Head of State should be a person of sound education with a minimum of a diploma from a recognized institution. They should also be of the age bracket between 35 and 75 years of age. The election of the President should be directly elected by the people on an absolute majority of all the votes cast to ensure that the office is answerable to the people of Kenya.

The Executive arm of the Government should therefore be headed by a Prime Minister, his deputies and the ministers.

Com. Adagala: Have you finished?

Japheth Muita: As far as the university – I am just reading the highlights.

Com. Adagala: Highlights?

Japheth Muita: Yes.

Com. Adagala: As far as,

Japheth Muita: As far as university education is concerned, I am proposing that the Vice chancellors be appointed by their respective university councils and no longer be appointed by the head of state. As far as the establishment of public office is concerned, at present the Constitution of the Republic of Kenya Section 23 – 25 empowers the President to establish and abolish offices and make appointments as he pleases.

Com. Adagala: The proposal?

Japheth Muita: So, I am proposing that if this provision has been misused, I am saying that the new Constitution should provide that every person who holds office in the service of the republic of Kenya shall hold that office during the pleasure of the people of Kenya and not at the pleasure of the President. On criteria for creating constituencies, I am saying that currently there is a lot of imbalances, some constituencies have as low a population of 10,000 while others have a population of more than 250,000. I am proposing that the constituencies be delineated according to the population and I am proposing 125,000 population per Constituency thereby currently would create about 250 Members of Parliament.

Dates of general elections should be fixed and should be public knowledge to everybody and should not be left to one person to decide. Okay, Honourable Commissioners since time is up and I am sorry that this time is too little. I am forwarding my document which is comprehensive but I would have liked to highlight a few more things.

Com. Adagala: The truth is that the time is short because the original presentations was actually to take longer time in every Constituency but you know we are being pushed.

Japheth Muita: Any question?

Com. Kangu: Yeah, I want to take you back to the Executive because I know the idea of a Prime minister is not only mine it is for many Kenyans. But, I am afraid people are not coming out clearly what it means and how it should be arranged. You have given us the qualifications of the President but you have not given the qualifications of the prime minister. You have given us how the President should be elected directly by the people but you have not told us how the Prime Ministers should be recruited.

So, I want to know that. And then you have said that the President should be ceremonial and yet he must be recruited in a very stringent way and question arises, 'why should a person who really does not have power be subjected to all these very stringent procedures?' Many people have told us that the prime minister should be elected by Parliament but the question arises 'if the Prime minister is the one who has the power, I thought that is the one we should put very stringent as the requirement.

Japheth Muita: Thank you.

Com. Adagala: Things have said that we want a new presidency but we are still wrapped around the weak one which is here. So, we have additional kind of presidency and they feel that it is like new wine into old (inaudible). We are not quite coming out as we should. Before we (inaudible) constituencies – we have heard this (inaudible) and very difficult delay like for instance Marakwet which is like that or even here in Murang'a is also like that. I am saying that the communication is so difficult or the people will notice that once (inaudible) criteria, one for them in the populated areas and another one which takes into consideration other criterias for dry areas. I don't know if you see that as a vast areas of very difficult areas. We could not go to Marakwet – infact just going down from the venue your hand has to be held because the place is very steep. So, communication is very difficult because they do not have any tarmack and I wonder how you would take this considering akina Nairobi which would have about 10 of the 3 constituencies.

Japheth Muita: Thank you. First, on the question of the prime minister I would like to say that the prime minister should also have sound education. It is outlined in this document and that is why I said I will just highlight it. I have given great year statements as to what level of education the prime minister should have. Also, on the question of having the President, is not a question of new wine on old skin. What I think here is that we want a ceremonial President who will also be doing something but he is not involved on a day-to-day running of the government. That should be left Prime minister and the ministers and their deputies. The question of the constituencies,.....

Com. Kangu: The recruitment of the Prime Ministers.

Japheth Muita: The recruitment of the prime minister should be in Parliament after the general elections. The party that holds majority seats in the Parliament should be able to elect their own prime minister because he is going to be the Head of the Government with the multiparty system unless the Constitution fulfils that again there will be a coalition in which they can still work it out between the parties. As far as the constituencies are concerned there, the question of regional disparities in terms of physical action, I am saying that that is a logistical problem that can be sorted in terms of how does the member or Parliament move between one place to the other to meet his people rather than looking at it that somebody is going to be representing 10,000 people and another one is representing 200,000 people. I think they appear before and the Government can work it out. How do we facilitate the movement of an MP so that he can be able to reach all his constituents and I think that is the simpler process to deal with.

Com. Kangu: Have you talked about some places which have Game Reserves which may be bringing a lot of money to the central Government for the running of the government. Are we looking at the Government in the broader view of managing the resources we have or are we just looking at the individual who benefit from those resources and we do not consider the resources that are supposed to be managed to make individuals survive? In one case, someone came and told us that we must protect the environment and then he followed with the argument you are putting. So constituencies should be based on population and even when further said, we not want people who represent trees. Then I asked him, 'so this environment you are talking about that should be protected, shouldn't it be considered as a factor even in this matter? And then, back on the issue of the prime minister, there is the question of the history we are coming from. I have a little worry that we may be creating room for a person who is very unpopular with the Kenyans and who can manipulate Parliament to become the prime minister of this country. Are you worried about that?

Japheth Muita: Thank you Commissioner. What I will say about the resources and development, I am saying that an MP is just a part of that development because it is a collective responsibility. What we need to see in the Constitution for that development is not just the person but also the infrastructure as a whole. Is the infrastructure laid down, proper communication and proper (inaudible) then it means that even if it is so wide, still development can be managed.

Com. Kangu: And that of the Prime Minister?

Japheth Muita: Of the Prime minister, I don't know how one can manipulate but I am saying that if the system says that then the Members of Parliament are the ones who are going to elect amongst themselves a prime minister on the basis of the party that holds majority seats, I then believe that the representatives out there who are elected by the people were people who were responsible and therefore if they sit down to elect one among themselves, then I have no doubt in my mind that they should come out with the best.

Com. Adagala: (inaudible) we have had rules that say a lot of things. That in practice what we have heard is usually different when the (inaudible). So that is what we are worried about. We must give third world best news for being (inaudible). Okay, maybe we will gather some of that from the others. Asante, jisajirishie hapa. Hon. Chege Mbitiru would like to present because he has to go to the other venue in Rumuruti and I think that is okay. Do you approve?

Audience: Yes.

Com. Adagala: Okay, karibu.

Hon. Chege Mbitiru: Thank you very Commissioners. My name is Hon. Chege Mbitiru member of Laikipia West and welcome to Nyahururu and Laikipia in general and I would like to present a few of the observations I have. I know you have

gone around and we have done so through NAC but may be I have to do a little highlight for the members. Commissioners, what I would like to start with is the administration of this country which is Provincial Administration. We are not saying that the Provincial Administration to go but we are saying that one office, the PC's office and the Provincial office should be done away with and let all be contained within the district management. This is because most of the officers who are operating the provincial offices are good playing that don't move up and don't help Kenyans yet they draw salaries from the taxpayers. We are saying that the district becomes the focus of development and management of the country. This (inaudible) manage or will require the redefining of the boundaries of the district. For instance, we are talking of one of (inaudible) which is Olmorani. The people in Olmorani have to go all the way to Nanyuki for attendance by the District Officer. The people in Northern Kinangop have to come all the way to Nyahururu for the management by the District Officers. How can centralize management? How can we re-define the district so that they are closer to where people are? The whole of Rumuruti division, Ng'arua division, Ol jororok areas, Ndragwa area can be contained into one district and the management of those resources would be possible. But, when we have the provincial boundary, this creates a big problem. I would like the provision of the provinces be abolished and we establish the management of the district as the central core.

From there Mr. Commissioner, I will go to the powers of the President. It has been sang for so long that we want a Presidential who entirely does not share all his executive powers. He will be the President who should be the Commander-in-Chief, he will be President who will be in charge of the foreign policy and a President who will interact within the provincial trade areas and all that. But, we also have Prime Minister who will be able to run the day-to-day management of the country who should be now heading the executive authority locally. Therefore, we are saying that the prime minister who will be appointed by Parliament through a popular vote, it means there must be one or two people for the party that wins or has majority in the House or if it is a coalition for that matter depending on what comes up in the Government thereby now (inaudible) that the prime minister with a deputy who is operational and a deputy who is (inaudible). These are two areas through which can be managed. One who will be managing the Parliamentary matters and others to be managing the executive authority in the ministry.

We are also saying that there must be vetting of the officers who are being appointed by the prime minister or the President. Why should we have vetting? This is because we must create what we call professionalism in leadership either in parastatals, either in the Judiciary or even the PS – the PS as the accounting officers. What is the credential of the individual appointed to head a particular division either a ministry or a Chief executive within a parastatal? All those people should be vetted by the House. Why are we saying that? It is because we want to bring credibility. We do not want to be people who have been stealing from all over the government. I have an experience in my committee – I work for Parliamentary Investment committee where we are going through all these programmes and we have found that because somebody has political patronage somewhere, he is appointed to a particular parastatal and thereby cripples the whole process thus the Government investments are then lost.

We are also saying that Parliament should have a fixed calendar. By a fixed calendar we are saying we should know on which

day or on which – not date per se but which date of the year. For instance, we could say the first Monday on every December we should have elections. Why are we saying that? Most of the time during the end of the month of December when we have our elections is normally the time for the festivities of the year and most of the time are out of the areas where there have registered as voters. So, we should have them just before they start going for their niceties at the end of the year. We should be able to vote.

We are also saying that Section 52, 58 and 59 should be abolished so that that calendar and that time of Parliament is fixed and nobody should be able to interfere with. We are also saying that the President should be a President without a Constituency. That makes him more national because when he has a Constituency which he is representing, most of his time will be concentrated within that Constituency. We have all heard scenes where somebody wants to be a President so that he can at the same time win the Parliamentary seat. This should be wiped away and we have a President who is national, one who represents the country and the unity of the country.

We should also have defined number of ministries. We don't have somebody who appoints ministries or ministers a few – we should have a defined number of consistent ministries within the Constitution. At the same time, we should have a fixed number of constituencies. This must be a balance between exactly what we are saying with the former presenter. We know there are areas which are overpopulated. Nairobi has a registration of voters of about 120,000 while Mandera has only about 10,000. We are not saying we do not understand the difference - we know that is Embakasi alone – that over 120,000 registered voters.

I am talking about my Constituency which has 86,000 registered voters. Laikipia also is so massive and you can imagine I have to move to Nyahururu through to Skutamama – that is the end of Laikipia. When you talk about these disparities you must be able to guarantee. Where do we have a division? How much is the maximum that it should have within the populated area? And also what is the minimum on the area which are sparsely populated especially when you come about the Central Province, Nairobi, we have Rift Valley which is so massive with about 49 Members of Parliament. The whole of Central province and the whole Nairobi included is about only 35 Members of Parliament and you can imagine the population dispensation that is there. So, we are saying let have a maximum of number of 50,000 registered voters in every Constituency. That is the maximum so that we can have effective representations.

On the areas which are sparsely populated, at least we should have a population of about 20,000 – 25,000 voters. This is because we have a Constituency that is so big; we understand that but they only have 2,000 voters. So, you imagine somebody presenting 125,000 voters and somebody who represents 2,000 voters only. Their disparity as the effective representation is no longer there. On the issue of the political parties, I believe this is a very thorny issue but you must ask yourself, 'What is the policy on which these parties are formed?' What do they really serve? I believe when we have minimum of 3 and a maximum of 5 could be very justifiable. This would remove the issue of one community having to have its own party. We have about 42 communities in this country. We have 45 registered parties; what are they doing? We create a lot of confusion among our

people for no reason and because we want an entirely new government, a Government that will be able to represent everybody without discrimination, then we should have a situation whereby those people are within a certain – either it is a philosophy or it is a development need but we do not have just a party for the sake of having it.

Before I go, I also want to say that the Constitution should not just look at the matters of development of this country. It is possible to define that position in the Constitution. Why am I saying this? We have DDC's that have been guzzling funds from this country. We have misplaced priorities all over the country in terms of development. We can create what we call Constituency development funds within the checker Act. That would provide for a particular percentage of the national revenue. They are defined to the constituencies and those constituencies be represented by a particular executive and the elected members within the – there is the Council Chairman, the Mayors, the Member of Parliament and other development officers who should head that development first. Why am I saying this? How are we displaying the number of primary schools, the number secondary schools, the number of dispensaries, the roads, how do we prioritize them when we have to look at the central Government to manage all these things? We are saying it is more morally acceptable by Kenyans if they have a development fund for Laikipia that will be able how many number of secondary schools do we need depending on the need? Today we are doing harambee secondary schools all over. Why are doing this when we can be able to plough certain development funds into a centralized fund that will be able to be managed by the people for direct benefits of our people? And that should go together with the management of environment, the management of the lands that are available because we cannot education, land and all these matters within the Constitution but we believe when we have an authority or a fund that is recognized by the Constitution and that will be able to define those other roles that other parent ministries will lead to.

Finally, I want to address the issue of corruption as I have said I am a Member of Parliamentary Investment Committee. We have seen corruption destroying this country. What did we do? We have been trying to entrench the Anti-corruption unit within the Constitution of which has become so difficult. Why is it possible? Because there are people who have interest and they don't want to be attacked. We know anything that is in the Constitution has security of tenure will be able to look upon the resources available. We are therefore proposing that an Anticorruption unit which will go across the country who can cover the whole country either the Police Force, within the Defense, within public investments or even against Members of Parliament whom we know pollute and thereby destroy resources of (inaudible) in terms of the positions that they are given. So, an anticorruption authority that is vested with the power to bite should be provided for within our Constitution.

This Commissioners, will be able to cut the process whereby we will have one Commission being appointed by this department of the Police, another one appointed by this department of Defense and finally not even doing a clear job.

On the number of constituencies, the family had forgotten, we should have presentations as one of the presentors here said – of the disabled. It is good to know disability is not inability. We know there are those who are disabled but can be able to provide. How do we do it? We define the number that we need. May be we need two that will represent the disabled in the

country, may be we require two that would represent the youth in this country, may be we would two that would define the number of seats for women in this country. Because it says, how do you define that 50% of the seats be left to women? Is it possible for members of Laikipia to be told now you want a woman for your Constituency and not a man. It will be almost impossible but I believe it is possible to provide for in the Constitution that a number of positions or seats be provided for on appointment. It does not necessarily have to be a Member of Parliament for this particular Constituency but they should be nominated to the national assembly by right.

At least we should have 10% of all Members of Parliament to cover the area of disability together with the youth and the women, that means 3-3-3 or about 6-6-6 of those. That should be able to cover all the members. Finally – I was almost forgetting something here that- when we are coming because of the unitary system of Government that you want and because we want the President to have a national outlook, at least we should have the number of votes acted for him to be not less than 51% of all total cast votes. That makes the President to have a national outlook and a national acceptance. If he is not covered within 51% then it is going to be very serious. We should maintain the five-year term within the Constitution. But, I was also wondering Commissioners, whether it is possible to separate.....(*End of Side A of Tape 3*)

.....after Parliament so that every other time, we have authority in operation. Normally these days you have the President acting with his ministers after Parliament is dissolved. This is not legally binding. We would require a system whereby after this, we know this Parliament will work continuously up to 4th February. Before that day comes, a month before there should be Parliamentary elections so that we have the Members of Parliament awaiting to take over the seats when the other Parliament comes to an end.

We should also not have a time whereby Parliament is not existing. You know when we dissolve Parliament we normally have no Parliament which is a bit serious because when there is something handle that is of national nature, it is not possible to go by. We should have Parliament continuing on even when elections are going on. Then, those who were elected I do not see the need why they should go back and say, ‘we won’t take off’ because they have been members. The only members who should be taking off so that the continuity is enhanced such that we don’t have anytime that you are without leadership. I don’t know if there was something that I left.

Com. Kangu: We will say it is (inaudible)

Hon. Chege Mbitiru: I believe that has been the very chapter. I don’t know if there is anything that you want me to clarify. Only in the Constitution you might ensure that the human rights provision is provided for in the Constitution. The freedom of association, the freedom of speech, the freedom to move – this is a very important area. I am afraid I am a member of the National Council for Children’s Services. We believe there should be a provision whereby even the matters of our children; the matters of the less advantaged in this country are also taken care of. How do we have mushrooming of flour? What is the Government policy on this? Should the Government ensure in every urban centre there is a provision to provide settlement for

this people? This should be a requirement in the Constitution and I think there is a way that you can be able to provide for through the human rights provision in that section of the Constitution. Thank you very much.

Com. Kangu: Thank you. Mheshimiwa, I have a few questions. One, on the percentage you were giving to women, the disabled and the youth appears a bit too low. Then, two you are saying that it will not be possible to give them such a percentage because you cannot force the constituents to vote for a woman if they do not want. Supposing we borrowed from the Ugandan system where they have said every district should elect one woman or two women so that they are not congesting in constituencies like Laikipia West but that women congest in Laikipia District and one or two are elected as women representatives so that we have that across all the districts of the country. Wouldn't that solve your worry about how do you get the people to elect because people will go to votes they know, like for Laikipia West they are electing Mheshimiwa Mbitiru but for the women's load they are elect some.

The other worry is about our saying that these women should be appointed. The tendency in our country has been women who are connected are the ones who get appointed and they do not end up representing the genuine interests of the real woman down here. So, we want a woman who is elected by the women themselves – I think that would be better.

Two, the question of a Constituency fund; we would like to know this fund would be specific for what services because I would like to believe that there are certain services which must remain national and some which will be local. Because if we are not careful the Laikipia West people will put up schools using their money from their funds and the next thing they will be saying is we do not want to admit students from other constituencies and other people have been telling us that they do not want the quota system issue of admission in school, we want national schools to be open to every Kenyan and so on. But, if we are going to have a fund which puts up schools, what will stop your people from saying these are our schools we are not going to admit students from Laikipia East. How do we average that? We must be clear with the constituency fund will be for these specific services but certain services must remain national. For instance, there are rural roads within the Constituency which you can use the Constituency fund to deal with but the Constituency fund should not be the one that should deal with main roads that cut across several constituencies. How do we address that? And this is related to that - is the major question and which has reasoning in very many places and I have asking people and nobody has been able to tell me a clear answer. People are saying we want to control resources that are located in our area. So, I ask them, we need to have a definition of what we will national resources and what we can call regional resources so that the regional ones belong to the region and they should be managed by the region and probably benefit the region. But, the national resources should be managed at the national level and should be shared across the country nationally in an equitable way. How do we define these resources so that we can be able to know how we are going to operate?

Related on that issue of resources because my concern is so much on the resources and how these people get their share of those resources and how those resources are managed. I want to hear more about your vision and the vision of NAC on the management of the the resources, the raising of revenue, the expenditure of that revenue, we have heard complaints how

Parliament has no say in the budget re-arrangement, they are just a rubber stamp, we have heard people talk about our executive and how it is free to borrow money without consulting these people and to spend it without bothering with them and these people end up having to repay loans which never went to the objectives. Do you have any concrete proposals on this issue of resources? The raising of revenue and even the raising of revenue itself, how do we raise it and so on? people are talking about land grabbing and we have told there are countries which have an inventory of public land which is incorporated into the budget so that when you come and say this year we are going to spend so much, you say so much of this will be raised from taxes and so much will be raised from sale of a certain number of public plots on a market price. We want to hear more on that.

Com. Adagala: (inaudible) handle what you can and the rest you can give a thought.

Hon. Chege Mbitir: Thank you Bwana Commissioner. What I would want to do first, let me handle that issue of women and their participation in Parliament. One, I did not say that it is not possible to allocate the number of seats that should be contested by women. The only thing that I am saying is the criteria. When it comes to Laikipia East and West, I know instances where I have also contested against a number of women in the Constitution but what is important here because the vote is on the populace, it is not on one single individual depends on whether that person is acceptable or not acceptable.

If you say that we will define a number of constituencies whereby Laikipia West or East, one of them must give us a woman you may present a very difficult case. But it is possible to define – may be – within the number of districts that we have, we have about 70 districts – we can say we will have percentage to that and not necessarily that person coming from a particular Constituency. We can say when we were doing elections; there is this woman who represents this district. Thereby, there are women contesting among themselves on who is going to be a representative of a particular Constituency or district because we do not want deal with the provinces; we want to deal with the district. But I do not see it possible saying that Laikipia West we get a woman as a Member of Parliament, then we will have a member. This only becomes very difficult.

Com. Kangu: (Inaudible)

Hon. Chege Mbitiru: But it is possible to say Laikipia this time round you must elect as a district one representative Member of Parliament then it goes by rotation across the country. This district takes five years, another district another five years – I think that is more possible and acceptable. We define the number of women seats that we want – is it five, is it ten and those ones are going to be elected rotationally from one district to the other district in the next five year.

On the issue of the funds and why I am insisting on these funds is so important in bringing development to the people – closer to the people. To start with the roads, we have what we can road spots – a national road sport. What does it? All the money that is realized from the fuel levy is banked into one account then distributed as 5 million per every Constituency per year to

handle feeder roads. They are classified roads which are handled by that fund. Similarly we are saying, instead of having it as a district road board we can have it as a Constituency Fund which will cater for feeder roads, dispensaries which I do not think will cater for anything across the country, schools because there are certain areas which you must form – they should be there and unless the people who are living there are able to recognize it, it is not possible for the national Government to zero in on one particular area. I am talking of an area like Olmoran which is too far away and doesn't have a secondary school and the communities living there feel we should have a secondary school. How can the leaders in that Constituency develop a secondary school within Olmoran? Unless there is a fund that we can allocate so much money out of that fund for development of Olmoran Secondary school.

We are also saying that even if it is within the Constituency, the school should also exhibit a national outlook. We are not saying that we should only contain those students within that area, no, because we also want to develop excellency in academic. So, that school should be able to admit across the country and not only within the district and that is why we are saying that fund should help to put a school that is up to standard with proper laboratory facilities, proper science equipment, with well qualified teachers and all that. So, when we have that kind of schools all over the country, it will not be possible to discriminate and say this one cannot be admitted. Even the other Constituency is also providing and in any case we also have specialization in schools. There are those who deal with arts, sciences and when you are dealing with that, a person depending on how he qualifies from the bottom will be able to climb up and go to the school that he wants.

On the availability of the resources and their distribution; one, we have the forests and lands. A funny issue in this country, I am saying in every Constituency we should say we need so much percentage of land mass converted into forests. Like the other day I was talking with the Minister for Environment and the recently appointed Major Ikenye who is heading the Environmental Programme. I asked them, 'Recently we had a very big fire in Maumanet Forest that destroyed thousands of hectares of our trees. What should we do?' The Government withdrew all the people who were working in the forest- who were living in what we are calling (inaudible) in this Constituency. We were saying, 'How do we re-establish shamba system that will help in reafforestation of that forest?' We will have our people allocated certain areas. If one acre is for you – those who do not have anything – you plant this number of trees and for your continuity to use that land is ensuring that those trees survive thereby trying to resuscitate our forests.

We are also saying those people who have been allocated because Kenyans are all equal – they are equal – they are the same, I do not mind a Turkana getting land in Laikipia, I do not mind a Luo getting land in Laikipia. We are saying let's have a proper resettlement committee if there is any need. We do not have to have a PC sitting in Nakuru allocating people land whom he does not call needy cases. Why should we have it within the far that we are talking about, it should be able to define we have so much land and we have so many landless cases in Laikipia and so much can be allocated. So, how do you help?

Finally on the resources, we have areas where we have put up dam. When you go to Rumuruti we have a very big swamp. What are the national resources that we have that can be able to rehabilitate that swamp grow rice, grow maize, grow whatever

it is and settle people down there? So, when we have a fund, it is not necessarily that it is going to allocate funds to individuals or certain projects. It is prioritizing on projects and the need to open up the Constituency for the development and benefit to its people. So, if we can be able to that I think it will be very good

On regionalism where we have certain resources like the wildlife areas, coastal areas where the tourists come in, we know for sure how that money is collected. When that money has been collected it naturally helps the cop – the National Cop through which that money is channeled through the Constituency fund thereby redefining who receives that fund and how that fund is channeled down to the Constituency. But, on the local authorities which are there, they have specific areas through which they generate their revenue from. That one should be enhanced so that the local councils can also be able to borrow money and they can also liason with donors and be able to get their own resources and the funds.

On the executive which is a bit difficult Mr. Commissioner to handle because you know.....

Com. Adagala: Okay. I think you have a representative voice but other people also want o speak. Thank you very much. I must tell the people of Laikipia West there are many places where we have gone and they have not seen their Member of Parliament for a long time. One place we went and they said, 'Hay, thank you for bringing this man, we voted for him for 15 years, thank you for bringing him' and other other places we have had like this Members of Parliament who have come and we really feel we are together when the Commission, bunge and the wananchi are working on this. Thank you very much and God bless you and I think you will have more time in Rumuruti. Please, if you have any more views you could write them and send them to Kencom or through the District Coordinator.

Com. Kangu: Can we have Ambrose Theuri.

Ambrose Theuri: Jina langu ni Ambrose G. Theuri. Vile ningetaka katiba yetu itengenezwe, kwanza ni kusema kuwa hatutaki serikali ya majimbo kwa sababu tumesikia mara nyingi katika magazeti na redio ya kwamba zile serikali zilizo na majimbo zina migogoro na tukiwa na serikali ya majimbo, wengine wanajitangazia sheria zao na kuanza ku-harass au kudhulumu makabila mengine yaliyo katika hilo jimbo. Kwa mfano, tunasikia kama upande wa Nigeria kuwa mauaji katika majimbo. Tungetaka tuwe na serikali ambayo si ya majimbo katika Kenya.

Number two, hakuna kinyozi yeyote au mtu yeyote anayeweza kujinyoa. Ningeomba katika katiba mpya Bunge linyimwe uwezo wa kujiongezea mishahara na kuwe na kamati ambayo inatengeneza mishahara yao kwa sababu wabunge wana uwezo mwingi hata wanajiongezea pesa ya uma na bado nchi inaendelea kuporomoka.

La tatu, ningetaka katiba ipitishwe kuwa mtu akiwa alichaguliwa na chama fulani kwa sababu hii nchi yetu kwanzia 1992 ilipata vyama vingi – asijaribu kutoka kwa chama hicho kama hajamaliza miaka mitano kwa sababu alichaguliwa na pesa ya chama

hicho. Ikiwa atatoka, nafasi yake itangazwe ya kwamba haina mjumbe.

La mne ni sheria zetu za Kenya. Kenya tunazo sheria lakini sio za kila mtu – akiwa mkubwa au mdogo. Mara nyingi wale watu wakubwa wanalindwa na sheria ambazo hatujui kama ziko kwa katiba ama wanalindwa na wakubwa walio juu. Mara nyingi unasikia watu wakisema eti sheria inatoka juu. Nauliza ni juu upande gani? Kwa hivyo, kama ni kiongozi wa taifa anarundikwa mambo mengi na kuna wale wako chini yake wanasema ya kwamba sheria zinatoka juu. Tungetaka mtu akikosa katika nchi yetu aadhibiwe na sheria inavyofaa hata akiwa ni nani.

La tano, kamati zinazoundwa katika nchi yetu hazina maana katika taifa hili na hazisaidii wananchi. Tunataka kusikia kamati ya kuchunguza makanisa ya shetani, unaweza sikia kuna kamati ya kuchunguza mambo yanayofanywa ya vifo lakini wananchi hawapati report yoyote. Inafaa watangaziwe kulingana na sheria kwa kuwa hizi kamati zinatumia pesa za uma kila wakati. La sita,

Com. Kangu: (inaudible)

Ambrose Theuri: Ikiwa kamati itaundwa, report wanayotoa itolewe kwa wananchi kama ni wa wizi ama ni ya pesa ya uma. La sita, ningetaka katiba yetu ipitishwe lugha ya Kiswahili iwe lugha ya taifa kwa sababu Kiswahili ni lugha ya kuunganisha makabila yote katika Kenya. Kiingereza tulijifunza kwa sababu tulitawaliwa na mwingereza – ndio walitutawala kwa sababu ilikuwa colony yao lakini tungetaka lugha ya taifa letu iwe ni lugha ya taifa hili na hata iwe ikiongeva katika bunge.

La saba na la mwisho, iwekwe kwa sheria kuwa Mayor wote walioko Kenya wawe wakichaguliwa na wananchi. Sio ma-councillor sababu tunaona ya kwamba kila nchi inakuwa na migogoro mingi ya kutaka kuondoa Mayor na bado hajafanya maendeleo katika hiyo town au katika city. Awe akichaguliwa na wananchi na awe na kipindi atakachokalia hicho kiti. Hayo ndio maoni yangu.

Com. Kangu: Tupate David K. Waweru.

David K. Waweru: Asante sana Bwana Commissioner. Nitazungumza kwa Kiswahili hata kama sikijui sana. Mimi ni David King'ori Waweru na zaidi ya hayo ni Mzee wa kijiji katika kijiji chetu. Yangu hapa – hata kama mengi yamezungumzwa, nitaguzia tu. Langu la kwanza ni kuwa kila mtu katika katiba yetu mpya awe chini ya sheria wala sio kusema kuwa kuna mwingine ako juu ya sheria. Nobody is above the law. Pia, hata kama nimesikia wakisema juu ya usawa wa mke na mme. Ningetaka hii sheria iangaliwe kwa makini sana ikiwekwa kwa sababu mila na desturi zetu Waafrika haziruhusu kamwe mwanamke kuwa sawa na mwanamme.

Pia, ningetaka katiba yetu mpya – kuhusu mambo ya mashamba, kuwe na sheria ya mashamba kuwa mtu anaweza kuwa na

shamba kiasi gani katika Kenya yetu. Ikiwa mwisho ni ekari mia moja, iwe mia moja. Zile pesa nyingi alizo nazo za kununua, atumie kujenga ma-plot huko town au ajenge shule lakini sio kuwa na shamba kubwa na haitumii.

Lingine, kila watu wazima – kusema mtu mzima ni kuwa mzima ki-akili, ki-mwili – awe na shamba lake katika Kenya yetu kwa vile wengine wetu tunaishi kama refugees; yaani, many are refugees in their own country.

Lingine ni kuwa wakati huu kuna ugonjwa wa ukimwi na bado unajisi unaendelea. Kwa kweli, unajisi ni kitu kibaya sana na mimi ningetaka sheria ikiwekwa, unajisi uwekwe kiwango cha kifungo. Mtu aweze kufungwa akimnaji mwanamke – hata kuna wengine wananajisi wanaumwe wengine. Pia kwa hiyo sheria hata hii sheria ya unajisi ikiwekwa, kwa sababu wengi wa wale hushtaki ni wanawake, ifikiwi sana kwa sababu inaweza kupatia wanawake nafasi ya kuangamiza wanaume kwa sababu wengine – hata nilisikia wakati mwingine kuwa mwanamke alishtaki kwa sababu aliangaliwa na mwanamme akasema, ‘ aliniangalia kama ana nia ya kuninajisi’. Kwa hivyo ikiriwe na hasa kwa kifungo huko jela, ifikiwi kama ni unajisi wa mtoto, unajisi wa mtu mzima na hata kuna wale hunajisi bibi zao.

La sita ninasema juu ya kupiga mwanamke – bibi yako. Hata hiyo ifikiwi sana kwa sababu katika desturi na mila zetu – mwanamke wakati mwingine anajifanya kama mtoto. Wakati mwingine awe akipewa adhabu kidogo.

Lingine ni juu ya mahari - dowry. Wanawake wamesema tuwe sawa na kama tutakuwa sawa, ukimuo mwanamke mambo ya mahari yaondolewe kabisa kwa sababu tuko sawa. Mwisho nitagusia mambo ya mashamba. Wakati huu kuna wengi wameshachukua – yaani grabbing. Wengi wamechukua mashamba yaliyo mali ya uma. Sheria mpya ikiwekwa iwe kuwa wale walichukua na wakayafanya hayo mashamba yao au ma-plot zao waitishwe na yarudishiwe uma kwa sababu sio zao. Asante sana Bwana Commissioner.

Com. Adagala: Asante Mzee. Umezungumza (inaudible) sijui kwa nini mwanamke awe mtoto lakini.....Wang’ombe, ulikuwa na memorandum. You will present according to the rules – you will highlight.

Hellen Tombo: My name is Hellen Tombo, I am the Programme Director of the Kenya Youth Education.

Com. Adagala: (inaudible)

Hellen Tombo: Tombo, the Programme Director of Kenya Youth Education and Community Development Programme and I am also representing the CAUCUS. I will talk about affirmative action. We have listened to the men very well and the women – there is so much total disregard and respect according to the language. Now tell me, if a woman is elected – and this is to us wananchi – if a woman a stands up to be elected, how many people would elect her. If this is the language,

Com. Adagala: Excuse me Madam,

Com. Kangu: Tell us,

Hellen Tombo: I am going to tell you.....

Com. Adagala: Eh ee! This is not civic education and it is not a debate and I do not know where the disregard comes in or the language. You will give your proposals.

Hellen Tombo: And that is what I am doing.

Com. Adagala: That's why I said do it according to the regulations because I think you were not here when we said – not a time for civic education. There was a lot of time, there will be a lot of time but now it is proposals. You have five minutes.

Hellen Tombo: Okay. I have five minutes but as a mwananchi I am allowed to come and give my views and that was the second time. When these wananchi were coming were here, at least they had time – we didn't teach them.....

Com. Adagala: Address the Commission.

Hellen Tombo: Yes, we didn't teach them how to come and address points. What they think is what they should be presenting.

- My second point is that the Vice President should be elected by the whole country and should not represent a Constituency and the same as the President.
- There should be dual citizenship when I bear a child in America, he or she can have the Kenyan citizenship and also may be the British.
- Employment positive for the youth should be well outlined in the Constitution because most of our youth are not getting employment. This is because most of the corporations do not have faith or funds. What do we do with the youth that come out from the university?
- On the Parliamentary.....

Com. Adagala: (inaudible)

Hellen Tombo: That is exactly what I want to tell you. Please give me time to talk and then ask me questions after. Tell me, if a mwanachi does not have confidence and comes and you start (inaudible) I do not think it is right. I should have a right of attendance to speak what I think. Right? Where was I? You actually confused me. Land ownership for women – women are

not able to inherit land because the policies are not well-outlined. This is because men or most of the husbands are able to – they are the people who should title deeds. Policies should be set whereby a woman land as a man.

- Customs and cultures that are perpetuating oppression should be discouraged for example, FGM, early marriages and wife inheritance.
- Anticorruption policies should be clearly defined in the Constitution though corruption is starting from all levels.
- Policies to appraise (inaudible) what I mean here is, if our MPs are not able to come to our Constituency after we elect them, there should be an appraisal whereby they can be sacked any time and another person or the second person comes in.

Now Bwana Commissioners, what you have observed here is that most of the Kenyans – mwananchi akija hapa muanze kumkatisha na kumwambia vile anatakiwa kuongea, nafikiri mwananchi mwenyewe hataweza. Mnatakiwa kusikiza na kuchukua yale mwananchi anasema. Asateni.

Com. Adagala: Wacha nikwambie, lazima nikuulize swali kama hujasema kitu. Kama sasa sitakuuliza lakini kweli hujasema chochote kuhusu youth - kwa sababu ulisema tusikuulize. Hakuna kitu cha – wananchi have of confidence, more than actually you and I have. So, I not worried about wananchi – they say what they want lakini muda ndio shida yetu.

Hellen Tombo: (inaudible)

Com. Adagala: Well, we will be dead in the long run, so time is limited anyway. There was a person here, who was it? Kinyanjui Thuo, come up please.

Kinyanjui Thuo: Thank you Madam Commissioner. My names are Kinyanjui Thuo and I represent FONDO, I am a secretary there. FONDO is Friends of Nyahururu Development Organization Self Help Group. Our proposals as a forum operating in this Municipality are – Madam Commissioner – we would like to have a Constitution telling a Government of in-service – a Government whereby there will be a ceremonial President representing no particular Constituency within Kenya. Madam Commissioner, our forum would like to see the Vice President is well elected directly by the people of Kenya but not the appointment of a particular individual because of well connected (inaudible).

Madam Commissioner, our forum would like to see all the public officers occupied by elected people e.g. Permanent Secretary 's offices, various offices within the structure of the Government and people employed after an application which will be shortlisted by a panel of people. That panel should consist at least, three people, five, seven, nine, eleven people or a number that is not divisible by two.

Madam Commissioner, our forum would like to see the types and the qualities of leaders – those people who can declare their wealth, their lives, those whose history is self explanatory in public. Madam Commissioner, our forum would like devolution of powers of Section 59 in our Constitution whereby the Executive or the Chief Executive of that that presidency will not have powers of appointment.

Madam Commissioner, coming to the security of our country, our forum would like discarding of all the political, Provincial Administration, PCs, DCs, but to be replaced by elective individuals – elected people by the people. Madam Commissioner, security of the nation should not be negotiated. As citizens of this country do not have the same rights and particularly in our Laikipia West Constituency whereby people have died and the Government does not take any responsibilities. As well, Madam Commissioner, coming to the security of citizens I would like to recommend the conditions we have – a minute Madam Commissioner please, a request – the security of the citizens. Every citizen of this nation to be insured by the Government for any incident. We have seen people dying and there is no compensation and at times the person was working for the Government at times that person is not employed and he had some reliabilities to support his family. There are countries – if only I can say – countries like Germany and others like America whereby the citizens of that country are being insured by the country and by the government. In Kenya we have a lot of money as stakeholders that we normally pay to our respective governments and if only that money is put in good use, we have a lot of resources and a lot of potential.

Land issue; Madam Commissioner, this is the last issue. Our Forum feels that every citizen of this country should own at least a piece of land whereby shelter is important. As well, basic education should be given to people and we mean education in this country should be made affordable to everybody. And accessibility to hospitals – health wise as well, should be made affordable because so many people – less fortunate people of this nation are dying because they cannot afford medical attention.

Madam Commissioner, coming to.....

Com. Adagala: I think, I don't know wananchi what I should do because when you push someone they tell you you are being pushy, when you leave the person goes on in spite of the you know we are caught in between – the Commission is caught between the devil and the deep blue sea. It does not matter – what we do is wrong. What should we.....

Com. Kangu: We can (inaudible) but at the end of the day (inaudible).

Speaker: (Inaudible)

Com. Adagala: You know, I will not stop anybody. You will listen for the.....because I do not want to come in conflict with wananchi. All of you have to have a discipline in which you listen for that knock in five minutes. There is actually going to be three minutes.

Audience: (inaudible)

Com. Adagala: But you are the ones who are going on and on, what should I do? Moses Ngunjiri Mwangi. Moses hayuko? Okay, Peter Githui, yuko? Bonface Muriithi, hawako? Okay.

Com. Kangu: Simon Njogu? Paul Muchiri.

Paul Muchiri: Tumekubaliana watu wakija hapa wasitoe story, akiendelea mimi nachukua hii mara moja. I am Paul Muchiri and I am representing my family. My first point is elections. The Presidential candidate should have more than 51% of total votes.

Second point, the Constitution should state that we should delink (inaudible) from the ruling party.

The third point is education. The qualifications for a candidate who wants to vie for presidency is that he should have at least a first degree and should have a stable family. Also people should be given power to recall their MP if he (inaudible). Also the Constitution should,.....

Com. Adagala: Excuse me, please turn off all your mobiles. They will just (inaudible) everything that the man is saying.

Paul Muchiri: The Constitution should (inaudible) the harambee spirit. Why do I say that? There is not way you can start to build a school and at the time you invite for harambee to build the field. There should be a Constitutional post whereby people should be giving their views continuously.

- Another point is on security. The law should treat all Kenyans equally. For example, I should not buy a votes from person A and after one minute I am arrested because I have a dangerous weapon but I bought it from somebody who had more than ten votes.
- Natural resources: All ministries should be compelled to be giving a financial report quarterly. If we allocate 600 million to the Ministry of Education for bursary funds, they should tell us how much they have to use after four months. We should know how much they are using to run State House. Provincial Administration should be abolished and replaced with Local Authority. I do not see a reason why we should have a local councilor and sub Chiefs who duplicate the same work.
- Citizenship: We should be entitled to citizenship irrespective of our gender.
- Nominated MPs should be barred by the Constitution to lead ministries. If they were dropped by people where they vied for that seat, then why should they be elevated and given a ministry to lead. Those are my points.

Com. Adagala: Thank you very much. There is someone called John Kinyua who is wanted outside. Unfortunately this has been sitting here for about an hour.

Com. Kangu: Nicholas Kambiu, Joseph Towet.

Joseph Towet: Kwa jina ni Joseph Towet. Mapendekezo yangu ni kwamba kwa sector ya elimu kwa shule za msingi, ziwe hazilipishwi chochote kama wakati huu kunavyoendelea. Watoto waende pale na wasome na serikali iwape vitu vyote vinavyohitajika shuleni.

Kuna mambo ya ukulima; mkulima ni mtu wa uchumi lakini baada ya kulima mashamba yake na kuvuna, dakika ya mwisho mavuno yao yananunuliwa kwa bei ya chini. Napendekeza serikali iwe ikinunua mavuno kwa wakulima. Pia, nikitaja juu ya ulinzi, nitasema kwamba kila mwananchi anapaswa apewe ulinzi wa kutosha na polisi wapewe vyombo vya kisasa ili kukabiliana na wahalifu. Hivi ni kusema kwamba, wakati mwingi mwananchi wakati mwingi akienda kwa polisi anaambiwa ajaze mafuta kwa gari. Jambo kama hilo liondolewe kabisa. Inapasa polisi wafanye kazi yao ipasavyo.

Upande wa wanyama wa pori, kwa hakika wanyama wa pori wanaleta mali nyingi katika taifa hili lakini wakati mwingine wanasababisha hasara kama hawatalindwa. Inafaa hao wanyama watudishwe mahali panapotakikana kwa sababu wakati mwingi wameshaua watu na hao watu hawagharimiwi. Inafaa ndovu au mnyama yeyote akiua mtu, igharamiwe kwa shilingi milioni moja na isizidi miezi sita.

Katika uchaguzi wa wenyeviti wa mabaraza na wilaya, wanafaa wawe wakichaguliwa na wananchi moja kwa moja. Hapa nasisitiza ya kwamba pia akina mama wasijidharau sana. Waingie uwanjani na wanaume wapambane na wawe wanachaguliwa, kama ni weneviti, kama ni councilors, kama ni Bunge, kama ni President, ni sawasawa. Hakuna haja ya kubagua na kusema kuwa kuna viti vya akina mama na viti vingine – hakuna haja. Wanafaa waingie uwanjani wapambane na wazee.

Nikimalizia ni juu ya mishahara ya wabunge. Wabunge hawapaswi kujiongezea mishahara. Lazima kuwe na tume ambayo itakuwa ikishughulikia mishahara ya wabunge, watumishi wa uma na hata councilors. Kuwe na kamati maalum ya kufanya hiyo kazi. Ni hayo tu.

Com. Adagala: Asante sana Bwana Towet. Ephantus Njogu, Njoo.

Com. Kangu: Ephantus Njogu.

Com. Adagala: Asante. Atafuatiliwa na James Ndiru, Geoffrey Kiiru na Alfred Njeru.

Ephantus Njogu: I am Ephantus M. Njogu and I am here to present my personal views and opinions. Point number one is that people from this country who have gone to another country should have rights to vote.

Com. Kangu: Kenyan abroad?

Ephantus Njogu: Yeah, Kenyan abroad should have rights to vote. Our prisoners here in Kenya should be allowed to vote while in prison. Techniques or methods like acclimation which was done in Kasarani sometimes back should be stopped.

Com. Kangu: (inaudible)

Ephantus Njogu: Acclimation.

Com. Kangu: (inaudible)

Ephantus Njogu: Okay. Land demarcation: General land demarcation should be done after 50 years.

Com. Adagala: (inaudible) it is being recorded.

Ephantus Njogu: Okay. Laws like ignorance - when you pass along various premises, people are arrested and sometimes our beloved Kenyans may not be aware of the various premises trespass. When you are in your own country, why should the law take you as a trespasser? I would like public places like Railway premises to allow people to pass along there freely.

Com. Kangu: Injine?

Ephantus Njogu: Pardon?

Com. Kangu: Endelea tu.

Ephantus Njogu: Compensation: When you loose a life through (inaudible), you should be compensated by the Government because it is the one that should ensure your safety.

- When it comes to salaries for servants, it should be discussed in Parliament and not demanding for example, you need this or that percentage. Let salaries be discussed in Parliament.
- We should have a right to change our Constitution at any necessary time.
- Departments like Police, Prisons and AP, the Government should change their working conditions and their salaries be discussed in Parliament and not a matter of one person increasing salaries here and there.
- Stock theft: When somebody is involved in stock theft which is a serious matter, the culprit should take twenty years imprisonment.

Com. Kangu: Next we said Njiru, (inaudible). Kama hayuko Geoffrey Kiiiru.

Geoffrey Kiiiru: My names are Geoffrey Kiiiru Wanjohi, the vice chairman PTA Laikipia West and an aspirant for Parliamentary seat in Laikipia West. I have seven proposals to make. The first one is that the Constitution should stop structural rigging of elections. This is whereby constituencies are structured such that when one Constituency has 10,000 votes, another one has 100,000 registered voters. The party which will dominate in the Constituency with 10,000 voters will inevitably end up with having more MPs than the others in which case it will form with the government. In effect, it will amount to the fact that the elections were rigged before votes were cast. The question is, it would mean one Kenyan is as much equal as another ten Kenyans. Where is the morality of democracy where we should say one person; one vote?

My second proposal is that the vice presidency should be made elective and it should also be having the civic duties. As of now, the elected President appoints the Vice President. The Vice President, however brilliant he may be, however many capabilities he may have, he is inhibited from displaying them because the moment he appears to be doing very well, he will be restricted in his movements until he can be termed a Vice President of Nyandarua if he is from Nyandarua because he takes no part – no activity in other districts. It is not out of his will but because he is denied the chance. He is only left to specialize in (inaudible) even when that (inaudible) is not from the heart. I would like to recommend that the Constitution criminalizes that (inaudible) tribalism because if you drive along the road, a policeman will stop and ask you for your driving licence and when he is holding the driving licence, he asks for your name meaning he is not able to decipher the name from the Driving Licence because he is illiterate. When a graduate – say from Nairobi University – goes to his Chief and asks for employment or recommendation letter. Then the Chief tells him, ‘Kijana andika hiyo barua, mimi nitaweka kidole’. The reason is that the Chief is illiterate. Why should such a police officer of the Chief have the job in the first place. My conception is that because there was tribalism behind the job and he got the job when there was massive employment of uneducated people.

My fourth recommendation is that the government or the Ministry of Education should be forced by the Constitution to provide free primary education by word and deed. The reason I say that is because at the beginning of this year, sometimes in January, the Minister of Education that no Kenyan child would stay out of school because of non-payment of fees. It was on a Saturday and the following Monday, a Standard two child – there was a news item – was knocked for not having being sent away from school for not having paid the fees and the Minister did not do anything.

I am sorry, I cannot finish; I wish there was more time.

Com. Adagala: (inaudible) because some Commissioners let you talk as you want, if you want to rant and tell us a story about yesterday but what I am doing is trying to get you people to get your proposals which are more important than the story. So, I will not tell you when you are sitting there but, tafadhali ukija toa pendekezo. Ni kitu muhimu kuliko maoni ambayo sote tunajua although stories are nice butI teach literature so I know the stories are nice, I like them.

Com. Kangu: Alfred Njeru, Maina Njeru?

Com. Adagala: Hayuko?

Com. Kangu: Prisca Wanjiku, Pamesio Wangai, E. K. Njeru, (inaudible).

Pamesio Wangai: Constitutional Review, Coordinators of the District, ladies and gentlemen, my name is Pamesio Wangai Ngare.

Com. Adagala: Make your presentation to the Commission/

Com. Kangu: It is Wangai?

Pamesio Wangai: Okay. Pamesio Wangai Ngare from Banking Insurance and Financial Needs Kenya, (inaudible) and I am a Parliamentary candidate in Laikipia West. My views are.....

Com. Adagala: I don't knowthe previous person and this one do not use this time to campaign.

Pamesio Wangai: Okay, pole.

Com. Adagala: Tafadhali, I don't know why you want to reduce the – everybody wants the Commission to be above elections and it is for 200 years when you and I will not be alive.

Pamesio Wangai: Pole Mama, sitandelea.

Com. Adagala: Please, anybody who does that we will just stop it.

Pamesio Wangai: Okay.

Com. Kangu: Take your own quorum.

Com. Adagala: Yeah, you are

Pamesio Wangai: Okay, Kenyans are looking for a Constitution that will give them and their property - animals – maximum

security especially in the district of the North Rift such as Pokot, Marakwet, Samburu, Laikipia, North Eastern, Coast and Eastern provinces. So, the Constitution should have a provision where citizens and their property are given top security.

A Constitution that will (inaudible) poor Kenyans through civic education for their children at least at primary level. Kenyans are looking for a Constitution that will guarantee them food and water especially in semi arid areas as a human right because there are some areas where people go hungry and die while in other areas there is a lot of food.

Number five, I am proposing that Provincial Administration should be abolished and their duties taken by enhanced Local Authority. The duties of the District Commissioner can be taken a chairman of the county council or a town clerk. The roles of the Chief to be taken by councilors, Mayors and chairmen of county councils and act as District Officers where necessary. What I am saying here is that that branch of Government is unnecessary.

The Constitution should also have complete separation of powers. We should not have Constitution where the Attorney General sits in Parliament. He is a member of the Judicial Service Commission and he is also a Member of Parliament. The duties of the Attorney General in Parliament can be held by a minister for Justice who is a politician. The Constitution should limit the number of ministries that the country needs and ensure that the ministers appointed are not Parliamentarians but senior civil servants. The appointing authority should be the Head of the Government and these technocrats should be vetted by Parliament. Here we are looking at complete separation of powers. Maybe such should not be a Member of Parliament and a member of the executive.

Number eight, we are talking about a Constitution that will guarantee workers a reasonable income by setting a national minimum wage enough to cater for basic needs. That is the type of Constitution Kenyans should look for because currently we have no provisions in the Constitution talking about a national minimum wage.

Kenyans are also looking for a Constitution that will create an independent election Commission which will draw its funds directly from the consolidated fund and its Commissioners appointed by stakeholders e.g. political parties, religious organizations, NGO's etc; we try to involve as many groups as possible so that we can have an independent Electoral Commission. And by that we shall be guaranteeing at least some sort of fairness during the elections and not a Commission appointed by the Executive who is also an interest party. The Chief Executive of the country is an interested party in the electoral process and he is an appointing officer of the referees. So, that should be allowed to continue.

We are talking about a Constitution that will guarantee individual freedom without limitation of this freedom through subsidiary laws. I am talking about freedom of association then there is an Act, Chiefs' Order or you go to the police to look for a licence and then you are told you are free to assemble. You do not need a licence. Public orders should be abolished and people to be allowed to assemble freely. If you look at it (inaudible) we are told the Constitution is talking about forming unions of your

choice – every worker has a right to join a union of choice or form a union of (inaudible). There is another subsidiary law that says Unions’ Act that says you must be seven and you must be like this. So, those subsidiary laws, if they are to be made they should not contravene the freedom guaranteed.

The last point is that the Constitution should have close (inaudible) to impeach the Head of State. Okay, (inaudible) for the President to access the (inaudible) while taking a Constitutional arrangement. Thank you very much.

Com. Adagala: Okay, can we have Beatrice – we had called Njeru already. Njeru ako wapi? Okay. Beatrice yuko hapa? Beatrice Gathura?

George Njeru: Jina langu ni George Nguama Njeru. Nataka kusema hali ya kuwa kama ni mtu amechaguliwa ama amekuwa rais, kwa hisani ya watu asiwe (inaudible) ama above the law kwa maana hakuna mtu ameumbwa na Mungu akawa (inaudible). Tena, mtu akichaguliwa na muda wake wa miaka mitano umekwisha, asije kusema ameenda retire – ni miaka ile alichaguliwa na raia wema imekwisha.

Kwa upande wa barabara – traffic – wamezidi mna na ni watu wa serikali sio raia. Kitu kidogo kimezindi kwa magari. Gari ikitoka Ng’arua hawana haja na kama brake ni mbaya, hawana haja kama watu wamejaa kwa gari, wakipewa mia mbili wanasema, ‘songa ukafie mbele’. Hii, serikali tukufu iwe ikiangalia tusije kumalizikia kwa barabara.

Lingine ni juu ya pesa za uma. Katika Kenya, watu wanabomoa pesa za raia kama ni kampuni, kama ni watu wamejiunga kidogo kidogo na wakati wanaenda juu zaidi (inaudible) anabomoa hiyo pesa na anahama. Akienda kudaiwa hakuna kitu kinachotokea na tunaelezwa na serikali kuwa kama tulinyang’anywa chochote lakini kamati yenyewe haitoi chochote. Miaka mitano au minne inapita na (inaudible) na watoto hawasomi na mngali mnangojea report ya kamati yenu. Inafaa wawe wakiharakisha raia wema report ili wasije wakafa moyo.

Mkulima wa Kenya ana taabu ya kutosha ingawa hawapigi firimbi kwa maana wakati ukifika wa kupanda, anaenda kununua gunia kama karatasi hii shilingi elfu moja na kitu. Mahindi yake inakuwa tayari kiasi eti yangojwa kuuzwa. Wakati anaenda kuuza na alinunua zile mbegu shilingi elfu moja, anaambiwa gunia yako tutanunua shilingi mia tatu na ana watoto shuleni na taabu nyumbani. Hawa raia wanafaa kuwekwa mbele kwa maana Kenya haina haja na raia kwa maana kitambo nilikuwa nikifanya kazi mahali pa raia – nilikuwa nimeajiriwa na raia. Maziwa hapo ilikuwa tele na ilikuwa ikifaidi kila Mkenya. Sasa, hata ukiwa na ng’ombe kumi upeleke mitungi tano kwa kampuni hizi zinajiunga, unaambiwa tunataka mtungi mmoja na hiyo iningie ukitaka kumwaga umwage. Serikali inafaa iwe macho ili isaidie raia ama kusaidia mkulima.

Tena kuna kitu ambacho kimekuja ambacho kinaharibu kila kitu kinachoitwa soko huru. Soko huru, watu wanalana kama nyama. Ukiweka kitu chako pale mtu mwingine anakuja huko. Hata ukiangalia Kenya vizuri, haifaidi Kenya kwa chochote

kwa maana kodi yao na haina maana kwa raia ambao wanateseka.

Lingine ni ajali hujui huku ni Ng'arua halafu uende ku-report kwa polisi kuwa umepigwa na watu wamekuja kwako na bunduki.

Unaulizwa kama una elfu tano ya kuweka mafuta kwa gari na ni taabu ilikupeleka kwa polisi. Sasa nashindwa tuuwawe ama tumalizike ama tufanye nini kwa maana hatuna mtu wa kutulinda kwa maana tunategemea polisi na serikali yetu tukufu. Ukitoa hiyo elfu tano, watachukua muda wa masaa matano. Majangiri watakuwa wamehamia Nakuru au Nairobi na hakuna mtu wa kufuata. Kamati inatumwa kesho yake na hii pia inazorotesha Kenya na kuharibu kabisa.

Kwa upande wa elimu, hata kama haingewezekana, Kenya imekuwa kama South Africa. Kuna shule za watu wa juu zaidi na kuna za wale wako chini kabisa. Katika Kenya, sasa mambo yamekuwa tofauti. Ukienda kwa ile shule na hasa uwe wewe ni maskini unaambiwa, 'Ai, hiyo haiwezekani wewe enda na mtoto wako kwa kuwa hiyo haiwezekani' lakini hizi shule za primary za raia ndizo za serikali na ndizo zingekuwa juu zaidi hata kuliko zile. Sasa sitaendelea kwa maana kuna wengine wanangojea, nitamalizia hapo.

Com. Kangu: ANV and Human Rights Organization.....

Com. Adagala: Unajua Mzee kama huyu ambaye ametoka anazungumza, in many ways we should assist them kwa sababu sijui angependa kusema nini kuhusu globalization, education. Sasa tunaandika tu malalamishi lakini people have original ideas. We do not know what to do because you do not want people to be interrupted. So, we shall continue but proposals will be fewer and (inaudible) will be more.

Com. Kangu: (inaudible)

James Ndung'u: My names are James ndung'u and I am presenting a memorandum from Acting and (inaudible) and Human Rights which is a programme in St. Martin. Our suggestions are: In the preable should state among this in the Constitution. It should state that it is ours, we the people of Kenya. The people of Kenya shall adore and honour the privileged God and the people of Kenya are sovereign.

Supremacy of the Constitution; it shall therefore be accessible to all Kenyans and sold in shops all over the republic at a reasonable fee. By reasonable I mean something like fifty shillings. It should be written in Kiswahili or English which is simple comprehensive language. It should be taught in primary schools as part of civic education.

Economic, social, cultural and communal rights: The new Constitution shall provide for basic rights and enshrined in covenant of economic, social and cultural rights in addition to civil and political rights and are enshrined in the UN declaration of Human Rights and African Charter. Our laws must recognize all the other instruments regarding the rights of the people whether

regional or international.

Primary education should be free and compulsory. Citizens shall enjoy the right to development and empowerment. (inaudible) illiterate, emaciated, misplaced and the poor will never perform in any station as required in both personal rights and that of the society. Therefore, our Constitution should protect local inteprenuers against something substitute of quality goods which discourages the imitation of small local industries.

The Constitution should establish an independent and able human rights Commission. The controller and auditor general shall be independent with a security of tenure. He should have the power to prosecute all those who misappropriate the public finances. Past corruption related offences should be prosecuted. Any public officer accused of corruption should relinquish office immediately (inaudible).

MPs should have two five-year terms to represent the people. Constituents must be empowered by the Constitution to recall and impeach if there is debt of dissatisfaction with their performance. For one to become a Head of Governmenthe must garner at least 51% of total votes cast in the elections. Kenyas should be discouraged from being fragmented by many political parties founded on ethnic basis.

Land and property rights: The new Constitution should ensure that the local communities are involved in the management of natural resources like forests and the wildlife. Finally, for any amendments in the Constitution, the sections – okay I can – to avoid haphazard crush of partners (inaudible) in future to the Constitution we propose the following: That certain sections of the Constitution shall be turned to underogable and non amendable for instance right to life, right to be tortured etc. Certain fundamental structures of the Governmentshould not be ammendend without referendum for instance the security of tenure of judges, auditor, Controller General etc. Thank you.

Com. Adagala: Prisca Wanjiku amekuja? James Kariuki.

Com. Kangu: James (inaudible), John Mucheru.

John Mucheru: My names are John Mucheru and I am presenting as an individual as a (inaudible). I will go straight to the points.

- Supremacy of the Constitution: The Constitution should be the Constitution of the people and should have the force of law, should be supreme law of land and any other law which is inconstitent with that should now be (inaudible) in the Constitution.
- Rule of law should be enforced by the Governmentand all the state force.
- No one should be above the law.
- The Constitution should at all times be (inaudible) only in books but in being entrenched.

- The Government should at all times recognize the supremacy of the people and should remain subordinate to the people.
- Kenyan citizens should have the right to principle civil disobedience.
- For the purpose of legalizing a Government needs a right to the Constitution or other laws in order to express their needs.
- The citizens should have the power at any given time to withdraw authority delegation to the state or any state organ whenever they feel necessary or if their rights have (inaudible)
- Citizens participation in office and society affairs be guaranteed.
- Citizens should be respected at all times and they should have rights to express their will and their consent should be governed at all levels of society organization through making free and fair elections.
- Rule of law: All state organs should have a duty to protect and promote this Constitution at the ordinary law of the land.
- All leaders should be answerable to the people in their daily work and should at all times place their influence and (inaudible) of the people above their own.
- All nations should be taken to the Board and eradicate corruption and abuse and misuse of power by those holding political and public offices.
- Human Rights: The state and all its organs should regard the promotion of human rights as their primary responsibility. In the above, the Government and its organs have been protecting the rights of the state organs even if they abuse or misuse the powers than to fight and promote human rights.
- The institutions whose duty is to promote and protect human rights should be entrenched.
- The Government should establish and also allow the establishment of institution whose work will be the enforcement of human rights as a basic duty of the state.
- Special developments for the disadvantaged group such as women, the elderly, children, worker, orphans, disabled, refugees etc should be enforced in Human Rights Act.
- Human rights.....(*End of Side A of Tape 4*)
-(inaudible) of citizenship.
- Primary education should be free.
- Citizenship: Anyone born in Kenya or anywhere but at least one parent is a Kenyan should have rights of citizenship.
- Marriage: Any person who marries a Kenyan citizen should have a right to become a Kenyan citizen by virtue of marriage.
- Judicial Interim Relieve: Any person after being arrested should be brought before the magistrate within 24 hours and should have a right to be released under reasonable conditions. No detention without trial. Any person detained or arrested should have rights to have his or her physical, mental and more integrity inspection. He should have legal rights to be assisted by the council provided by the state if the accused does not present him or herself personally or in (inaudible) for her own cause.
- Equality: Every citizen should have rights to equality before law and should be free from discrimination either because of (inaudible)

- Affirmative action: To ensure that good development and advancement of disadvantaged groups of the society and for the purpose of guaranteeing them the exercise and enjoyment of human rights and good mental freedom on a basis of equality, affirmative action should be introduced. For example, women election on district level whereby two or more women are elected. Things like gender equity should be considered and incorporated in the Constitution.
- Establishment of a Commission of gender equity is also appropriate and tenure of office be defined. I propose that the tenure of office of that be five years.
- Human rights Commission should also be established to be investigating any breach of (inaudible) or any action taken by all on behalf of any public duties, a tenure should be defined. This Commission should be independent from any other authority.
- Electoral reforms: There is a need to reform electoral registration. There should be continuous registration of voters. I propose that those registrations of persons and voters registration be done simultaneously and preferably by the same Body. Let nobody be barred from voting if he or she has attained the required age of 18 simply because of an ID and not because of anything the Constitution (inaudible).

Com. Adagala: You are saying no person should be barred from voting. Can voting be compulsory?

John Mucheru: Pardon?

Com. Adagala: Can voting be compulsory?

John Mucheru: It should be a must to the citizens but it is one (inaudible). It depends with individuals.

Com. Adagala: Like in some countries is a law that you must vote and you must register.

Com. Kangu: Joseph Njenga? Francis Muiruri.

Francis Muiruri: My names are Francis Muiruri and I am here to present the views of Nyahururu Catholic Parish consisting of 13,000 Christians. Before I present anything I have (inaudible), I have a point. One, now that this Commission has not been entrenched in the Constitution and hence it is illegal, how sure are we that it will not be disbanded like others before? You may say that it is a Parliamentary commission because the same people who disbanded the other are the same people who are the majority in Parliament.

Two, on 29th, the President is on record as having said that there will be 'viti vikubwa vikubwa'. My question is, which Constitution was he talking about? Does it mean that there is an already prepared Constitution which will be drawn and whatever we are doing here is an exercise in vicinity a waste of public money and our precious time?

Three, the burning of the Commission's secretary's office cannot be difused as an accident. Is it another attempt by.....

Com. Adagala: Mr. Lumumba's private offices that burnt and the fire started at the nighbours office.

Com. Kangu: It burn when we were in Turkana, we weren't in Nairobi (inaudible).

John Mucheru: Okay, thank you for the question. Lastly is the extension of the current Parliament in the Constitution as it goes against Constitutionalism and there is nothing so special about the occurrence of Parliament because after all the Constitution belongs to the people of Kenya and not the Parliament. So, we say delink Constitution Review from elections.

Com. Adagala: Okay. Just a couple of comments. The first question we would have to ask Parliament. The second one you would have to ask the President because we don't know what he was speaking of. The third one you would have ask Parliament. It is like asking a child how is your father (inaudible).

John Mucheru: Now I come to the presentations. Preamble: Our Constitution must have a preamble which should indicate tha the nation of Kenya derives its strength from God and God here we mean the Supreme Being as in the National Anthem ' Oh God of all creation' who is not relative or subjective. Therefore, the issue of devil worshipping should not be entertained in the name of freedom of worship. Our Constitution should be humble, that is, made by people of Kenya or the Kenyan people, should be supreme. The people of Kenya are a sovereign. They are supreme and no law or authority because the Constitution is above the people – Kenyans are committed to democratic values of Constitutionalism, equality and rule of law. Kenyans have a vision of Kenyan as a united and indivisible country and comprised of people of the vast country whose rights are available.

Coming to the (inaudible); all power and authority is derived from the people of Kenya and shall be governed through their will and content. Power belongs to the people and should be exercised on their behalf through indivinities (inaudible) in accountable institutions of governance. The people reserved at themselves all power and authority which they do not expressly delegate to take and the organs. The people can at any time withdraw authority delegated to the state and its organs without compromising quality; the compromision of state organs and Governments shall be receptive of the country's national diversity.

- On Constitutional change, the constiuion must indicate that in the event of overhauling the Constitutiona, all Kenyans must be involved in the event of amendments which shall be subjected to a referendum before being enacted by the Parliament referendums are to be conducted by independent electoral Commissions.

- Citizenship: Any of the following documents should be enough as a proof of Kenyan citizenship; Kenyan passport, marriage certificate, Identification card that is national, birth certificate or a driving licence.
- The ruling party should not be oppressing other parties for whatever but they should work together towards the development of the country.
- Things like governments should be adopted and no federal system of Governments should be encouraged. The electoral President should garner 51% of the casted votes.
- Local Authorities should be empowered to use their connected taxes a bigger portion to be retained by the council and the bigger portion to be retained by the council and the smaller portion the the central government.
- Legislature: The holders of all senior posts within the Governments should be approved by the Parliament and the President to appoint on the given list. Language tests are not enough for MPs. They should be degree holders from recognized universities. The people – the electorate, should have a right to recall their MP if he or she is not implanting with politics.
- The MPs salary should be determined by the public and their allowances should be taxed, after all other public servants have their allowances taxed and therefore should set the pace.
- Nomination should be done to the less disadvantaged groups and nobody who fails for the election should be nominated. In every 60 there should be an elected women representative representing the effects of the others and there should be a code of conduct for all Parliamentarians. Thank you.

Com. Adagala: (inaudible) we have heard your presentation. On the Christian – the parish. Vumilia na sisi kwa sababu mkienda hivyo na msirudi ni shida. Just be patient as we are and I want to thank you all for not being disruptive. I am very grateful for that – though sometimes it becomes very difficult. So, I thank you for your tolerance.

Com. Kangu: Beatrice Gathura?

Beatrice Gathura: The Commissioners, Ladies and gentlemen, my name is Beatrice Gathura. I want to give you my memorandum for KAMACO Women Group as the National Council of Women of Kenya, Nyahururu. Our review Commission is 202.

- Rights of women should be emphasized through action platform. Women should be 2/3 because they are 52% population. Contesting should be gender in all fields.
- Rights of the girl child: Circumcision for girls should not be done. This should be a law because even in the Bible it is not there.
- Early marriages should be discouraged.
- Education should be compulsory to all girls.
- Something should be done for the street children. There should be a law that orphaned children who are on the streets should be taken care of.

- Industries should be started to employ the big street children. Others that are aged should have rehabilitation centers cared for by the government. I am emphasizing about the street children. In all occasions, our schooling children should not be removed from classes to go to stadium or roadsides waiting for the big people. They should deal with others when there is such an occasion.
- In our schools, the quota system should not be there. That is tribalism and discrimination.
- Rape for women and the girl child is too much. If a 21/2 years child was raped by her father, action should be done for those who are going that. That child came from Lechau location, Ndaragwa.
- People with Aids should not be sacked from jobs.
- Orphaned children should be considered by the Government and not NGOs only.
- Industries like KCC should be resumed so that our people especially the youth will have employment and the milk will not be poured from the farmers.
- Our forests should be protected as well as water. Women face problems because they are the one who are fetching water and firewood.
- For farmers, fertilizers, chemicals and seeds should be cheaper so that all farmers will be able to buy.
- Markets for our crops should be improved. Maize was costing Kshs. 400 while the middlemen were selling it at Kshs. 2,000. So, the price should be equal.
- AFC should offer rates like before like before so that farmers get loans without security. Each loan should be 1% high price, will increase poverty eradication and lower interests will reduce poverty.
- Security: In our country we do not have security as if it is not our country. We cannot our goats, cows and these mifugo – let us say – because of thieves.
- Home affairs: Women married abroad should be citizens and not children only. Before property is sold, women and children should also be involved.
- Our crops shambas should not be leased for 99 years. They should be more than that and farmers – I mean shambas and plots are ours as Kenyans – and mzungu went away thus making them ours.
- Civic education should not be stopped after elections are effected in rural areas for gender construction.
- Nylon paper should not be in market. We would like to have cotton papers like before because nylon papers spoil our sewages, kill our mifugo and make our town country dirty.
- Disabled people should be considered by getting market for their produce.
- We as women need water and electricity in our homes.
- The Constitution should be given to all wananchi before elections so that we as a community can understand our Constitution more than the old one. We need a Constitution after this so that wherever you go wrong, you can refer to our Constitution. Thank you very much ladies and gentlemen and the Commission. Thank you.

Com. Kangu: John Njoroge?

John Njoroge: Kitu cha kwanza ningependa kusema kuwa naitwa John Njoroge; mkaazi wa Nyahururu. Kitu cha kwanza ningetaka kusema ni kuwa hii katiba tunayotengeneza sasa, iseme na iseme kwa nguvu kabisa kuwa wananchi wa Kenya ndio wakubwa na ndio waamuzi wa kila kitu – they are the final judges. Hata katiba yenyewe iko chini yetu na tunaweza kuitengeneza au kuivunja wakati wowote. Pia, chini ya katiba kuwe na bunge ambayo sisi kama wananchi wa Kenya tunaweza kuiondoa, lakini iwe chini ya Parliament ambayo itakuwa na uwezo na kufuta na pia kuondoa rais – impeachment. Dhidi ya Parliament, tuwe pia na supreme court na isiwe eti vile bunge inatengeneza sheria, nayo korti inaenda na kusema hizo sheria zilizotengenzwa na bunge ni sheria mbaya. Kwa hivyo, bunge iwe juu ya Supreme Court. Hayo ndiyo ningetaka kusema kwanza juu ya katiba.

Kutoka hapo kuna kitu kinachoitwa Human Rights: Respect for human rights, naona ndio kile kiucha muhimu sana kwa sababu hizi shida zote tulizo nazo kuhusu shida za umaskini, insecurity, mauaji, barabara na HIV zinatokana na ukosefu wa kuwa haki za binadamu haziheshimiwi. Zikiheshimiwa, tutakuwa na kitu kiitwacho demokrasia na itatoka kwa kuheshimiwa kwa haki za binadamu. If the Human Rights are respected, then there will be democracy and when we have democracy there will be development na mambo yote kwa kila mtu yatakuwa mazuri.

Kutoka hapo ningetaka kuuliza masomo – education iwe ya bure kutoka primary level to university level kwa kila mtu. Hatutaki kusikia kina levy na kitu kama hicho kwani tunasumbuka sana.

Kutoka hapo tuna hawa watu tunaochagua wabunge – macouncillor I mean. Kuwekwe Commission ambayo itachaguliwa kama vile hii Commission ya Constituency ilivyochaguliwa na ku-screen hawa. Kama mtu ni candidate, awe screened na hii Commission ili aruhusiwe kusimamia kiti chochote kwa sababu hatujui wengine, wanatoka mbali na kuja na kukaa miaka miwili au mitatu na hujui mahali alipotoa pesa zake na labda alikula pesa za uma. Anasimama na kupatia watu pesa na anachaguliwa lakini akienda huko ndio anaharibu mambo. Kwa hivyo, kama ni councilor ama ni mbunge awe screened kabla kukubaliwa kusimamia kiti chochote.

Lile lingine ningesema ni mambo ya stucture of government. Tukiwa na bunge itakayokuja, wata-spend hii structure adjustment tuliopewa. Haya mambo ya loans tunazolipa nje kwa IMF na World Bank zinasumbua nchi yetu kiuchumi. Tungeita serikali ili iwaulize hao wa-suspend hizo loans kwa miaka mitano au zaidi na uchumi wetu ukiwa sawasawa tutaongea.

Kitu kingine ni wale wote ambao wameshawahi simama kwa kiti chochote watangaze their wealth. Nafikiri ni hayo tu, sikuwa na mengi. Asanteni sana.

Com. Adagala: Rosemary Adams Thuku:

Rosemary Thuku: My names are Rosemary Adams Thuku and I am here to present my Constitution observations and recommendations. One, I want to touch on the offering of a retired person due to the delay of the benefits. Before you retire,

the Government of Kenya gives you one year's proceeds and after you retire and you wait for months and even years before you receive your benefits. You are a person may be living in the town, you have house rent to pay, you have water and electricity bills and for many women they have children who are undergoing schooling and so they have a lot of problems. Can the Government through funding while they have given you a notice of one year can they also have your benefits to sort this (inaudible) within that period of one year.

Secondly, the Government is denying some rights to the retired persons. I will sight an example of a teacher. All retired teachers since 1998 – when you retire, your benefits are calculated using your latest salary and we are all aware that teachers' salaries were supposed increased – the second stage of their salaries. The increment never took place. So, what will happen to those who have retired? Is that not robbery without violence on those teachers unless their pension will also be increased when the salaries of the other teachers will be increased? So, can the Government do something about those people?

My third point is promotion of the women in Kenya. You are all aware that there is this word of corruption in our country and when I look around – I am a resident of this town of Nyahururu – we have five schools and only one is headed by a lady. The others are headed by men. It is thought that women are not capable of heading those schools. It is the method of promotion because of the men are able – some of them not all – to buy their promotion. For a woman, when you go to seek that promotion, you are told we do not want your money, we want something else. For a woman who knows what her body means in the eyes God goes without that promotion. This does not only happen in the teaching profession; it also in all the Government offices. I know of a lady – a policewoman – who has worked under five big bosses in a certain office as a secretary and whom have all been promoted leaving her there and she has been in the same office for eleven years. Can our Government do something to put a section in the Ministry of Labour which will be dealing with promotions only to see that all promotions are done fairly. Those who are qualified should get the promotion and women have that affair that issue of using their bodies to get promotion. Can something be done about that and I do not have other comments.

Com. Adagala: Wangai Wachira.

Wangai Wachira: Mimi ndiye mmesikia nimeitwa Wangai Wachira na kwa hii kamati nitasema afisi ya rais ipunguziwe madaraka ili kama rais awe na Prime Minister. Tena, rais awe akichaguliwa kwa mkoa tofauti. Hadhi ya Chief, ahudumu siku nne afisini na siku mbili nje ya afisi kwani ukienda kwa Chief haumpati – unaambiwa yuko kwa mkutano ama anatatua maswala ya mashamba.

Mahakama: Hakimu afanye kesi na kila siku awe kwa mahaka tofauti. Awe akizunguka mahakama mbalimbali pamojama prosecutor wake.

Traffic Police: Polisi wa barabara wawe wakipigiwa simu kukota makao yao makuu ili wajue wataenda kwa barabara gani – kila siku iwe barabara tofauti.

Mbunge: Akichaguliwa baadaye hawajali wananchi, atupiliwe mbali na wananchi wasiopungua asili mia themanini.

Mwizi: Akishikwa jela mara ya kwanza, mara ya pili akatwe mkono wa kushoto na akiiba mara ya tatu akatwe mkono wa kulia. Mara ya nne apewe wananchi ambao ni sheria mkononi.

Usalama: Watu wote wanaotafuta kibarua wapewe mahali fulani ili wanaotaka kufanyiwa kazi wanakuta huko.

Kila mwananchi aruhusiwe kumuona afisa yeyote katika serikali ikiwa walio chini ya afisa huyo wameshindwa na kutatua.

Mayor na mdogo wake wawe wakichaguliwa na wananchi katika uchaguzo mkuu.

Ukinyakua mali ya uma, ufungwe jela bila faini. Hii ni kwa sababu ya unyakuzi wa mashamba.

Kukosa mashamba: Watu wote wawe wakitoa kodi ya mashamba ya shilingi mia moja kwa kila ekali ili walio na mashamba mengi ama ma-plot na hawayatumii kwa kuyazalisha wauze ili wasio na mashamba wanunue.

Mamlaka yawe chini ya rais na wakili mkuu.

Uchaguzi uwe ukifanyika baada ya miaka mitano na kura zihesabiwe ili watu waambiwe mshindi.

Com. Adagala: Asante. Michael Mugo, yuko? Esther Maina atajitayarisha, yuko? Peter Anyoi? Wako? Joseph Ndung'u, hawako?

Michael Mugo: Asante Commissioners. Jina langu ni Michael Mugo kutoka Egerton University na ni mkaazi wa Maumarnet. First of all, I would support of the period of collecting views and the process of (inaudible) which should be delinked from the Parliamentary process so that the (inaudible) and our Constitution draft be presented before the 9th Parliament which I believe should as competent as any other Parliament to enact this Constitution. one of my recommendations is on the separation of powers which is that the cabinet should not be formed from Parliamentary members which should have cabinet members appointed from outside Parliament which should be professional or technocrat with enough experience on various skills to head different ministries and of good moral character.

The President may nominate three names for each cabinet post and pass them over to Parliament for scrutiny and ratification and if the names go through, he or she will appoint one of them to a cabinet position. The current Permanent Secretary can become the deputy to these ministers which means that the executive be completely delinked from Parliament. Cabinet ministers would then attend Parliament just to answer questions but should not have any Parliamentary votes. Their loyalty then should be outside Parliament.

Appointment of a senior public offices; I suggest that all senior public offices be advertised in the media. This should include Heads of (inaudible), Heads of Parastatals, Commissioners of Police, Attorney General, all senior (inaudible), Commissioners and district heads and even medical officers of health are advertised in the media and those who are qualified enough apply. (Inaudible) should be expanded to include different groups so that if a medical officer is being employed, we have NGOs (inaudible) with them participating in that interview. In the case of judges LSK should be participating in such interviews. When these people are appointed, the panel (inaudible) who should be ratified by Parliament and then the Head of the Government or the President will be given three from Parliament to nominate one of them to that position.

Forest management: The extinction of forests for political expediences has destroyed our environment (inaudible). Chief managers and civil servants are often coerced by their bosses (inaudible) large sects of land to dish out for political influence. Marmaret area for example, forests have been destroyed and the wild life such as elephants and buffallos are now plundering in the cultivated areas and the people are being made beggars of food. I suggest that forests be managed by an independent statutory body which will include all (inaudible) and that boundaries of forests should not change for a period of not less than 50 years. This should safeguard our national heritage for future generations.

Non-performance of Members of Parliament: I am suggesting that Member of Parliament who got (inaudible) immediately after elections and resurfaced a few months before the next elections, be (inaudible) by their electorate by rating 15% of voters to raise a petition to the speaker of the National Assembly and recall their MPs. This 15% of the voters, the law should be put by the electoral Commission so that the electoral Commission so that the electoral Commission will testify that these are voters from that Constituency. Once we recall our MPs, then we should have a by-election and that Member of Parliament should not seek re-election because we are having situations whereby Members of Parliament are not seen in their constituencies for a period of five years.

The police department: I suggest that we have only one police post under one police boss. We reorganize police departments and let it be in the Ministry of Home Affairs, we should not have the police departments under the Office of the President. We have so many police forces and Administration police and some (inaudible) police forces are not our voice. So, we want one police post under one police Commissioner who will be employed as per (inaudible).

The traffic department should be trained from checking vehicles on the road and collecting money (inaudible) .So, we should not have policemen based on the roads collecting money from members of the public. Thank you.

Com. Adagala: Esther Maina, yuko? Peter Kangoi? Joseph Ndung'u?

Joseph Ndung'u: Jina ni kama hivyo mmesikia – ni Joseph Ndung'u Maina. Niko hapa nikiwa mmoja wa (inaudible) katika nchi yetu ya Kenya ambaye amekuwa kati ya maelfu ya watu waliofukuzwa makaoni mwao katika sehemu za Narok. Serikali iloyoko iliandika kuwa kila mmoja atalipwa ridhaa zake ama hasara ambayo ilikuwa inafanyika upande wa Narok. Sasa umefikia wakati ya kuuliza swani ya kwamba, 'sasa mambo yanaendelea yakibadilika na hawa watu bado wanaendelea kumia na hakuna mtu ambaye amelipwa hizo pesa. Swali langu ningetaka kuuliza tume ambayo iko sasa, hawa watu watalipwa na serikali ambayo itakuja ama ni serikali iliopo?

Jambo la pili,.....

Com. Adagala: Kabla hujaendelea, umechukua mambo ambayo yatakuwa ya serikali nyingi – sio moja pekee. Lakini pia,

ungetoa pendekezo lako kwa sababu umetoa swali.

Joseph Ndung'u: Asante.

Com. Adagala: Ingekuwa pendekezo kwa sababu hayo ni mambo muhimu.

Joseph Ndung'u: Asante sana tume hii. Pendekezo langu ni kwamba ningeomba kama ingewezekana, kabla ya uchaguzi mkuu ujao hayo mambo yote ya akimbizi wa Narok na wa molo na mahali pengine, serikali ilioko iwe imekamilisha. Kama ni kuwalipa ridhaa zao, iwe imefanya hivyo kabla ya uchaguzi mkuu ujao.

Jambo la pili ambalo ningetaka kuongea ni juu ya familia zetu ambao hawajafanikiwa katika familia. Ningeomba kamati hii ama tume hii inapoenda kutekeleza hali ya katiba, wasiobahatika katika familia, ningeomba wale ambao hawajasoma wawe wakilipwa kitu kidogo hata kama ni mwisho wa mwezi ili kumaliza uhalifu ulio hapa kwetu Kenya kwa sababu inaonekana kuwa wengine wanafanya maovu kwa sababu hawana kitu cha kujisaidia maishani. Kwa hivyo, kama itawezekana, ni ombi langu kwa serikali itakayokuja kama hivyo tume imesema, isimamie wale ambao hawajafanikiwa na maisha kama vile kusoma wawe angalao wakipata kitu kidogo kwa afisi ili aweze kujinufaisha kimaisha.

Jambo la mwisho kwa sababu mengi ni yale yameongelewa hapa ni kuhusu wafanyi kazi ambao ni wa darasa la chini kama vile vibarua hapa na pale na wanalipwa shilingi themanini kwa siku. Unakuta kama ni minister ama mtu mwingine katika bunge analipwa shilingi mia nane. Na tukienda dukani ama kwa supermarket, unakuta yule mbunge ananunua sukari kwa shilingi hamsini ile hali nami ninayefanya kibarua ninanunua sukari kilo moja kwa shilingi hamsini. Ningetaka hii tume ambayo inaenda kujadilia hali ya katiba ijaribu kuangalia mwananchi wa chini wa vibarua hata kama ni mshahara wake utengenezwe. Ni hayo tu.

Com. Adagala: Watu walio na mobiles tafadhali.....

Com. Kangu: Munyaka Muthura? Kama hayuko, Geoffrey Gachanja, kama hayuko tuwe na George Maina.

George Maina: Jina ni George Maina na haya ndiyo mapendekezo yangu. President hafai kuwania kiti cha ubunge. Vice President anastahili achaguliwe na wananchi moja kwa moja na pia asipatiwe kiti cha waziri. Pia, ningeomba serikali itoe huduma ya ualimu na hospitali bure. Pia, pesa zetu ambazo tunatumia hapa nchini – kwa sababu nchi yetu ni ya kidemokrasia – ile picha ambayo huwa hapa ya rais, ningeomba picha ya Mzee mwanzilishi wa taifa hili iwe ndiyo itawekwa kwa pesa wakati wote. Hayo ndio maoni yangu.

Com. Adagala: Okay, asante sana, jisajirisha hapa.

Com. Kangu: Charles Kamotho, Dominic Mbutia, Beatrice – I think we have dealt with her, We have dealt with May.

Mark Kagiri, Stephen Karanja, Peter Kanja Waweru, Mbarakira C. Church, Margaret Wangunyu, Daniel Kinyanjui, Charles Ngatia Kamau, James Ng'ang'a, GG Machira.

G. G. Machira: Jina langu ni G.G Machira na ningetaka kuongea kuhusu Kenyan youth ambao wametaabika Kenya hii. Kwanza nitasoma halafu nita.....

Poverty eradication can be brought by Poverty eradication can be brought about by introduction of wages to unemployed youth in Kenya. For this country to eradicate poverty especially for unemployed youth in Kenya, I would request the Constitution of Kenya review Commission of Kenya to introduce a wage of Ksh. 1,000 per month to every young person in Kenya. Ways and means should be looked into so that cooperative societies are introduced to improve the living standards of these youth and by this the country will benefit a lot. Kenya per capital income does not reflect the sub-division of the national cake evenly while 60% of Kenyan youth are swimming in poverty.

The excessive salary increase to every staff in the Government should be decreased to cater for the Kenyan youth. A country that does not invest in the youth cannot develop in future and therefore Constitution of Kenya should consider the youth financially and socially. Nikisema juu ya hiyo mishahara, tumeona sana sana vijana ndio wamekuwa wezi. Na sisi kama watu wanaofanya kazi - niko na kazi yangu - hatuna nafasi vijana wametuangamiza kwa sababu hawana kazi ya kufanya. Ie kitu wanafanya ni kichunguza ile kazi tunafanya ili watuibie usiku. Tufanye nini? Kwa nini Kenya hatuwezi tukatengeneza katiba ambayo inapatia mtu mishahara – hilo jambo linaniudhi sana. Kijana ambaye amezaliwa, ako na miaka kumi na anataka kuoa hawezi kuona, anataka kunywa pombe, hawezi kunywa, anataka shamba hatapata. Sisi tunafanya nini kwa huyo kijana? Haya ni mambo ya kuudhi sana.

Yale mambo mengine ningesema, hapa tulipo tunasema eti tunatengeneza katiba. But what we don't have, there is what we say implementators of that Constitution. Tunasema Constitution tunatengeneza hata iwe nzuri zaidi, lakini wale wata-enforce that Constitution ifanye kazi ni akina nani? Are they the judges that we have? Are they the police that we have? My opinion, nilikuwa nafikiria tuchague ma-judges saba ambao watakaa kando kusikiza Constitution tuyolitengeneza inafanya kazi yao.

Zaidi ya hayo, tuko na ile watu wanafanya kazi ya kuiba sana. Hii serikali yetu trumekuwa maskini sana kabisa kwa sababu hii nchi yetu imeibiwa zaidi. Sasa tufanye nini? Mimi ningefikira mtu akiiba zaidi ya shilingi milioni moja anyongwe kwa sababu huyo mtu anaumiza watu wengi na hakuna haja mtu awe hai akiwa naumiza watu. Hiyo ni kama kuiba pesa ya kunyang'anya mtu barabarani. Tulisema tunataka afisi ingine, mwananchi hana nafasi ya kupeleka malalamiko yake. Why don't we start on office ili mimi nikiwa na malalamiko yangu kuhusu serikali yangu au katiba yangu au kila kitu tupeleke hapo? We need an office preferably either in the District or anywhere ili tuende tupeleke malalamiko - kama haya singeleta hapa, ningepeleka huko. Tuwe na afisii ambayo tunaweza peleka malalamiko yetu.

The gap between the rich and the poor has increased at very high rate. Mwisho ningepuliza, kwa nini charge taxes through the essential commodities. Kwa nini tusitafute njia zingine za kuchukua taxes kwa kwa sababu zinaumiza yule wananchi ambaye hana pesa. Kwa hayo ndio malalamiko yangu na ningetaka kuongeza ingine.

Interjection: (Inaudible).

Com. Adagala: Pendekeza. Umelalamika?

G. G. Machira: Malalamiko yangu ya mwisho yalikuwa haya.....

Com. Adagala: Nataka pendekezo.

G. G. Machira: Pendekezo? Pendekezo ni hili. Everybody should stay in any part of Kenya. Ununue kitu na ukae huko na usikie ukiwa Kenya. Hilo ndilo lalamiko langu la mwisho.

Com. Kangu: Charles Kamotho.

Charles Kamotho: Mimi naitwa Charles Kamotho Macharia. Yangu si mengie kwa sababu mengi yamezungumzwa kwa hivyo yangu ni mafupi sana. Nataka kutaja majina yaliyokuwa 1800, 1700 ya public places. Majina hayo yalikuwa ya wale watu miaka hiyo wakati tulipata uhuru tukafanya Constitution, katiba hiyo tulibeba ilikuwa ile ile ya 1800 pahali palipokuwa settled Area. Kwa historia, watu walikuwa wakati ule siio wako huu wako. Tuko na generation ambazo zimeingia hapa. Side hii inahusiana na Ma-centre places, zile town kubwa na town ndogo. Zile public places na-recommend yawe majina ya watu wa pale na wapatiwe nafasi na registrar of Labour apewe uwezo na katiba ijayo. Watu wakae chini na wachague jina linalolingana na watu ambao wanakaa hapo ili hata vipande viwekwe sawasawa. Ukiwa naright ya shamba lako na title deed yako, ilingane na kipande na mchanga wa pahali ulipo kwa sababu haya yote ni tofauti wakati huu na watu wengine wanaweza ingia na kusema jina ni letu na wewe unasema shamba ni langu. Nani yuko right wakati huo? Tungetaka hiyo iwe namna hiyo

Watu wengine walio hapa Nyandarua pamoja na watoto wao, hakuna anayeweza kukwambia Nyandarua ni kusema nini. What is Nyandarua? They do not know. Hawajui ijapokuwa kwa kipande wanaweka Nyandarua. Vile ninavyojua Nyandarua, map yake au plan yake au mchoro wake ni kama ngozi. Nyandarua ni rua na hiyo ni sawa. Ile ingine ni area ya Nyahururu ambayo ilikuwa mbaya na Joseph Thomsona ndiye alipewa hilo jina lakini watu wa hapo wakaketi na wakaona. Ningependekeza watu wa Kenya nzima tuangalie majina kutoka Mombasa hadi Turkana. Ni majina gani yatakaa na wale watu ili yawekwe? Haifai kuharibu yote, kidogo ni sawa tu ili yalingane na watu na kama hayatakuwa hivyo, kutakuwa na mambo mengi nyumbani ya generation ambayo yanakuja. Kwa hivyo, ningepuliza inayokuja – sio ya sasa, wacha iendelee, tuwe na hayo mabadiliko.

Tukiangalia mwaka wa 1966, mimi nilikuwa Ex-councillor. Tulikaa Machakos tukiwa councilors wawili wawili kutoka Kenya nzima na mambo tulipoanza kugeuza mambo huo mwaka ili yawe namna hii, tuliambiwa tuache na tuungane na yale yameungana kwani wakati wake haukua umefika. Wakati huo – bado naona makaratasi yangu yako na hizo labels. Kwa hivyo, tuliharibu mambo ambayo yanaweza kutuharibu. Kamati kama yenu ilienda Kitale juzi – nafikiri mlikuwa huko. Mimi niliona kwa gazeti kuwa kuna mtu mmoja alisimama na kusema anataka Kitale iwe na lile jina lililokuwa la 1800. Baraza lililokuja la wazungu na wananchi wa huku walitengeneza jina na likawa Kitale na lika-fit watu wote na yule mwingine anasema lirudishwe huko. Hii katiba ikija, inafaa jina liwekwe kulingana na watu wa huko kwani hivyo ndivyo tunataka.

Com. Adagala: Asante Mzee. Ulisema nini ilitendeka 1966 huko Machakos?

G. G. Machira: (inaudible) Mimi ni Councillor wa Laikipia. (inaudible) 1963 nilikuwa councilor na nilikuwa department ya finance – upande wa finance. Tukaenda seminar tukiwa watu wawili – tulikuwa (inaudible) na Waisraeli. Pendekezo letu lilikuwa ni kukaa chini tukiwa Kenya nzima tuangalie yale majina ya zamani na tuyaondoe. Lakini kutoka hapo, PS alikuwa (inaudible). Alifika na kusema wakati wake haukuwa umefika. Mimi naona hata leo bado haujafika.

Com. Kangu: Asante Mzee. Unajua wakati nilikuwa Machakos Mzee mwingine alisema majina yaliyowekwa ya wazungu yatolewe. Alisema Machakos si jina la Wakamba kwani Machakos inaitwa Masaku. Akatwambia Athi River iitwe Maboko. Sasa wewe unatwambia tuendeleo na yale ya Wazungu.

G. G. Machira: (inaudible)

Com. Kangu: Tukirudia yale yalikuwa ya 1900, we can continue with what we

Audience: (inaudible)

Com. Kangu: Fine.

G. G. Machira: Nataka kusema sisi councilors wa Kenya nzima under kile chama cha Local Government, walichagua watu wawili wawili ambao walijua Kiingereza kwa sababu hiyo seminar ilihitaji watu waliojua Kiingereza. Kuna ma-councillors wa wakati ule ambao hawakujua Kiingereza na kwa hivyo ni mmoja au wawili walikuja. Pendekezo letu lile muhimu – ilikuwa karibu mwezi mmoja tuliokaa kula – lakini lilipendekezo kubwa finally, tulisema majina ya 1800 na 1700 lazima local Governmentichunguze na serikali to recommend yachanganywe kulingana na vile watu wetu watakuja kukaa. For example, nimesema hii iliyokuwa inaitwa Thompson Fall na sasa ni Nyahururu. Watu wa Nyahururu wameona kuwa Thompson Falls ni Mzungu; Machakos ilikuwa Port Hall na jina la DC Mzungu. Machako lilikuwa jina la zamani la Chief lakini likaweka ‘S’ na likawa la watu wote. Ilikuwa Machako County Council lakini sasa ni Machakos County Council kwani iliweka ‘s’.

Com. Kangu: Jambo gani ulisema lile jambo la Kikalenjin mtu alisema ilikuwa inaitwa

G. G. Machira: Kitalel.....

Com. Kangu: Ulisema turudi kwa ile 'Kitalel' ama tuendeleze lile ..(inaudible)

G. G. Machira: Hapana. Kitale ni pahali palipo kwa afisi ya DC ambapo michanganyiko ya watu walukutwa hapo na DC na wakampatia lile la Kitale nzuri na wakaona ndilo linafaa Kitale lakini generation ingine inayokaa Kitale ikasema Kitale ibakie hivyo lakini mashambani yawe ni ya Mto Nzoia ili tite za mashamba ya watu zitoke na mto wala sio kutoka na town. Tunataka mabadiliko haya.

Com. Kangu: Sawa sawa.

G. G. Machira: Nyandarua sasa – excuse me – Nyandarua sasa kuna problem.

Com. Adagala: Nani alikuwa PS? I understand.

G. G. Machira: Nyandarua kuna problem. Katika district kuna jina state lakini ukiangalia Kalou ni wale Wamaasai waliokuwa na cattle link. Hiyo former Kalou ilikuwa yao na wao walinunua ng'ombe upande hii kwa Manyatta. Hapa Ol jororok kuna Manyatta ingine lakini Njoro yenyewe ni chemichemi, Kalou ni (inaudible). Lakini hawa watu wanaweza ku-tie.

Com. Adagala: Excuse me, ni nani alikuwa PS wakati huo?

G. G. Machira: (inaudible)

Com. Adagala: Alikuwa akiitwa Kosgei.

Interjection: (Inaudible)

Com. Kangu: Mrs. Grace Mutitika?

Com. Adagala: Akina mama muwe wavumilivu kwa sababu hizi ndizo public affairs. Najua mna vitu vingine lakini mvumilie tutoe maoni.

Grace Mutitika: (Inaudible) Ni Grace Mutitika kutoka Igwa Miti, Laikipia. Nataka kuchangia juu ya wajane. Nilikaa nikafikiria kuwa serikali inaweza kusadia wanawake ambao waume wao wamefariki yaani wajane. Inafaa watengenezewe

chama chao kwa sababu wnasumbuka sana kwa sababu wanakaa nyumbani ama kukaa jikoni na wakitokea mambo yao (inaudible). Kwa hivyo kikaonelea ni vyema watengenezewe chama cha wajane. Huyu mama, kwa sababu bwanake akifariki ni lazima huyu mama ajitokeze na aende mahali kama vile Kitatanja labda kwa treasury pengine bwanake alikuwa akifanya kazi laikini atasumbuka sana akitafuta zile pesa ili aendeleze maisha yake na kusomesha watoto na mambo ya

Com. Adagala: Heshima kwa mama mjane tafadhali.

Grace Mutitika: Na mambo mengine hivi. Kwa hivyo, huyu mjane atasumbuka akienda treasury na kuambiwa aje wiki ijayo na angali anatumia pesa ambazo angesaidia familia yake nazo. Kwa hivyo, naomba hao wajane wawe wakisaidiwa kufuata pesa katika treasury kwa kuwa na viongozi katika vyama ambao wanaweza fanya haraka ili mama apate pesa kuliko kuuza vitu vilivyo kwa nyumba ili asomeshe watoto na kununua chakula.

Pia, ningetaka haya mambo ya kushtaki kifo yaondolewe kwa sababu hakuna mtu ambaye hajui kuwa huyo bibi alikuwa ameolewa na mtu fulani. Hiyo ni njia ya kupoteza pesa na ndio maana nikasema wajane waundiwe chama ili wasaidiwe. Kama mimi, wazee wanajua nili olewa na bwana fulani na amefariki ama pengine kwa chifu. Lakini, hasa napinga mambo ya Chief na hata ningependa waondolewe pamoja na Assistant Chief na turudi kama awali wakati kulipokuwa na elders ama wazee wa kijiji.

Katika insurance, ningependekeza hao wajane waangaliwe vizuri kwa sababu kama mabwana wao wanapeleka pesa kwa insurance, baada ya bwana kufariki kunakuwa na taabu. Kwa hivyo ndio nikafikiria Wakenya waunde chama cha wajane.

Pia, katika hali ya mkuu wa Kenya ama President, watu wakiwa na taabu sana, inafaa wapewe ruhusa ili wamuone President ili wapeleke maoni yao. Jambo lingine ni juu ya wezi. Kuna wale wezi wadogo wanaoiba halafu tunawachoma lakini wale wezi wakubwa wanaoiba pesa nyingi kutoka kwa serikali huwa hawachukuliwi na sheria yoyote mbali wanawekwa huru. Kwa hivyo, ni maoni yangu kuwa hao wezi wakubwa wachukuliwe hatua inayofaa.

Katika mipaka, hasa hapa Nyahururu, hatujui kama tuko Laikipia ama tuko Nyandarua. Pendekezo langu ni hiyo mipaka iwekwe vizuri kwa sababu mtu akipata taabu na aende police station, hajui mahali ataenda na pengine ataenda Laikipia na huwa hawatwambii kamahii ni Nyandarua ama ni Laikipia na mambo yako yanaharibika. Ni maoni yangu hiyo iondolewe. Sina mengine (inaudible).

Com. Adagala: Ungependa serikali iunde chama ama wajane waunde chama – watengeneze chama?

Grace Mutitika: Serikali iunde – washuhudie chama.

Com. Adagala: Okay, unajua kuna chama kingine na NGO cha wajane?

Grace Mutitika: Wanawake wa mashambani wengine wetu hawajui kwani pengine hicho kinasaidia miji mikubwa mikubwa. Lakini hapa mashambani tunasumbuka kwani hatujui hizo vyama. Kwa hivyo, tunataka kile chama kitapatikana ama kile kitajulikana kote Kenya.

Com. Adagala: Okay, utaweka hiyo. Insurance, kama baba alikuwa na insurance na anaweka ile wanaita next of kin na hata kwa upande wa property – hasa ni upande wa wanaume, kwa sababu ukiacha familia yako ikihangaika, ni kwa sababu kujaweka joint ownership na unafanya family ihangaika. Asante.

Grace Mutitika: Hiyo inakuwa ni kwa sababu wanaume hawana ule urithi. Hawaandiki huo urithi. Kwanza mwanamme Mwafrika ukimwambia aandike, hawezi andika. Kwa hivyo mume akifariki, yeye hajui hata kama alikuwa na insurance ama alikuwa na pesa kwa bank. Hiyo ningeliza serikali iwe ikiandika hiyo wazia – sijui inaitwa nini – ili akifariki, huyu mama atafuata ama ataenda kwa hiyo office tutaunda.

Com. Adagala: Okay, asante.

Com. Kangu: Ruth Wangechi, kama hayuko tumuite Zippora Mumbi, John Wanguku, Njeru Muthee, James Mwathi, Lydia Muthoni, Paul W. Ndiritu, F. W. Kariuki.

F. W. Kariuki: Jina langu ni Francis Wairua Kariuki. Nataka kuambia kamati ikiwa watu wanachaguliwa kwa chama (inaudible) tunataka tuwe na mtu anayesimama akiwa independent. Kama hapa Laikipia kuna watu kama watano ambao wanasimama lakini wanatupwa na chama. Pengine mlikuwa mnampenda lakini chama kikamtaaa. Kwa hivyo, iwe ni independent candidate.

Com. Adagala: (inaudible)

F. W. Kariuki: Chama cha siasa cha kuingia kwa bunge. La pili ni juu ya bunge. Mzungu aliacha kukiwa na Upper House na Lower House – zilikuwa mbili. Sasa wale watu wakisha fanya kazi mzuri kama America ama mahali pengine ili washikilie cheo hata kama ni mzee, hata kama hajui kizungu ama nini lakini alifikia cheo kwa serikali na akawa hapa makosa. Anaweka huko Upper House ili alinde vijana. Kwa hivyo tume mtu ambaye alikuwa hapa wa education, Nyandarua inpita miaka mitano ikiwa namba moja na tunaona huyu anaendesha kazi yake sawasawa na anaweza ingia kwa Upper House.

La tatu ni hali ya hawa watu wa bunge ambao hawana afisi mahali popote lakini anapata afisi nahatengenezi afisi. Ukimtafuta huweze mpata na ukiwa na swali huwezi uliza. Kwa hivyo, kila Constituency iwe Nyahururu na kuna Ng'arua na kwingineko,

awe na ofisi kila pahali na wapewe miezi mitatu wake hivyo.

Com. Kangu: Kwa division ama kwa location?

F. W. Kariuki: Kwa division ili awe ana onekana na watu siku fulani. Lingine kuhusu watu wa bunge ni kuwa hawa watu hucheleva kuenda bunge na sisi tumewachagua. Unasikia ni watu watano au watu kumi, sasa hiyo ni kuendesha nchi kweli? Ulimchagua aende akae huko na apeleke malalamishi yako mpaka speaker anasimamisha bunge. Kwa hivyo, akikosa mshahara wake wa wiki moja unatupwa. La tatu ni korti. Mimi ni dererva lakini nikienda kwa polisi msiseme eti watu wanahongwa na tumeshachagua kamati. Lakini, mimi nashikwa na indicator ili inapiga kwa upande. Ninaandikiwa defective na ni kweli na hii bulb hata ukienda kwako inaweza chomeka. Hata ukiwa barabarabi inarukaruka bulb in chomeka na anakuandika. Ukienda kortini, unaambiwa ni four thousand shillings na kuitika kwa kusema 'ndio' na zamani ungeenda kwa mzungu – unasema nilikuwa dereva wakati mzungu alikuwa hapa ukifika (inaudible) unaambiwa ni shillingi kumi na tano na sasa huwezi omba polisi. Nikipigwa elfu nne, ni nani mzuri? – Wacha tunangali pahali mchwa unatoka – ni wapi pazuri? Nihonge polisi na mia moja ama nipeleke elfu nne kortini ama nifungwe kwa kuwekwa ndani? Afadhali kuhonga polisi. Bado- bado, kuna mbili.

Kunao waalimu ambao wanachukua watoto wao na kuwapeleka kwa private sectors kama hapa chini. Anapelekwa watoto wake na ni P1 na S1 – ni ukeli; tuseme wazi. Wale watoto anawalipia pesa nyingi lakini anataka kufundisha karibu na nyumba yake, ng'ombe wake na watoto wake lakini anawapeleka Tharakwa ama hapa Rumuruti kwa father ama pahali pengine na wale watoto wenu ni S1 ama P1. unaona watoto wa pahali anaposomesha wanaanguka wote na wake wanasoma kwa maana hasomeshi. Kwa hivyo, akiwa anapeleka watoto wake – kwa Kikuyu tunasema, “Mhuri ihithagio mundu uri”. Mbuzi hupelekwa kwa mwenye ako na mbuzi ili ikae huko. Kwa hivyo, kama watoto wake hawako, basi apelekwe mandera akasomeshe huko kwa maana watoto wake kucharaziwa halafu hawa wetu wawe wanasoma kwa maana hasomeshi na ndio maana wanaanguka zaidi – ni ukweli; tuseme wazi. Lakini, akiwa ana watoto wake kwa hiyo shule, akae huko hata kama ni mzee kwa maana yake ikipotea hata yangu inapotea.

Lingine ni juu ya councilors – auditors – Zamani kulikuwa na editor aliyekuwa aki-check kila kitu hata KCC na hata kama ni (inaudible). Siku hizi, walifutwa na kurudishwa kwa DC. Sasa, wapewe sheria kama ya judge eti kama wanaenda KCC, anasimamisha kazi yote, anafanya hesabu zake halafu anaenda ili hizi pesa zinaambiwa zinafanywa grabbing ziishe kwa maana atachukua yale makaratasi yote na a-check ile pesa. Kwa hivyo, wapewe nguvu zaidi ili waingie mahali popote.

La mwisho ni hili, tukikaa mahali kama hapa, wengine hawana pesa ya kuenda kortini – labda ni maskini, hana pesa na hana chochote halafu analetewa wakili anayehitaji pesa nyingi. Sasa si huyu mtu anafinywa? Mimi nilikuwa nataka kortini kuwa na wakili mwingine ambaya anaweza tutea wale maskini. Sina mengine ya kusema. Asanteni.

Com. Adagala: Asatne. Jacob Njoroge, Mugwe Mburu, hawako? Mbitiru – huyo alikuwa mhashimiwa. James Mukuha, yuko? Kimemia atafuata, Nicholas Ndirangu na Dr. N. K. Njiru.

James Mukuha Kamau: Kwa jina ni James Mukuha Kamau kutoka Lesaofondo. Mimi ningetaka kwa vile kazi imeharibika sana kama tunavyoona katika hisotria yetu – tumetoka huko tangu vayama vingi kuingia – tukaona vyama vingi ni vizuri kwa vile kitu chochote kikiharibika kinatengenezwa. Kwa hivyo, pahali ambapo tumefikia sasa ni kiwango cha juu sana kwa vile sasa hata (inaudible) nikafurahia sana kwa vile tume imekuja hapa. Nitaongea kuhusu katiba ambayo tunaambiwa si rahisi lakini ni rahisi watu wakijadiliana. Kwa hivyo, ndio maana nimekuja hapa ili tujadiliane kuhusu katiba

Katiba tukoyonayo sasa, tumepeana ahadi kulinga na vile tumekuja kwa ahadi mpaka ikafikiwa leo tukakutana. Kwa maoni yangu ningependekeza kuwa kwa vile hawa watu tumewachagua kutoka 1992 – 1997, wametupa ahadi ambayo haifiki na kweli tumewachagua lakini hawatutumikii tukiwa raia kwa vile inasemekana serikali ni ya raia wa Kenya. Nikiwa Kisumu, Nyeri, Marmanet, mimi bado ni Mkenya. Kwa hivyo, ningetaka kusema kwamba tuchaguanhe kwa katiba iliopo ili kila mmoja aende kwa retire. Wakati mwingine tumechukua vijana wengine ambao ni wadogo sana kama miaka mitano ili waandikwe na serikali ile hali mzee mwingine kama yule alitoa story hapa alisema miaka mingine ni mikali na mingine imekwisha. Sasa hii serikali inataka kupeleka wtu nyumbani kwa sababu mzee akifikisha miaka sitini na tano, hata akitoa mawaidha nyumbani ni vizuri lakini mambo yake yanaanza kurudi chini. Kwa maoni yangu, ningependekeza kwamba leadership iliopo, tuchaguane na hii katiba iliopo kwa vile tumekuja tukiwa pamoja, tupeana ahadi mpaka sasa tunaangia kwa ahadi. Na ndio tufunze watoto wetu. Tuwaachie nchi wakiwa wanawake (inaudible) na ile imekwisha, wamekujana ingine kali. Kwa hivyo, tunaweza chaguana kwa hii ingine kali. Na katiba hii mzee, sababu tuna ahathi na mkataba, tumekuja tukiambiwa. Itakuwaje na hii katiba iliopo sasa?

Nikirudi kwa haki nataka kusema kumiliki shamba kama ni Nyandarua au Laikipia nikiwa Kisumu, nikiwa na mali yangu naweza nunua shamba Kakamega kwa sababu mimi ni Mkenya na niwe mtu wa huko na nitakuwa huru nikiwa huko kwa vile hao ndio ndugu zangu na dada zangu; naweza ishi na huo uhuru. Kwa hivyo, kwa vile tumefanya hiyo ahadi itimizwe kwa sababu ni mkataba ambao tumekuja nao kutoka 1990 – 1997, hii katiba – kuna neno katiba na kuna neno uchaguzi ambazo zimetengana. Kwa hivyo, wacheni kuchanganya katiba na uchaguzi.

Lingine ni juu ya kina mama. Mkikuyu anasema kuna ‘Nyakinyua’ na kuna ‘Kang’ei’ yaani ‘kang’ei ni hawa wasichana wetu hawa ‘manyanga’ na nyakinyua. Mimi nikiwa mzee hivi, ninasikia vibaya sasa ‘cucu’ akitukanwa na hawa ‘manyanga’ eti kwa sababu ana watoto wawili anajiona anaweza kutusi yule mama na ni mama mzazi. Pengine huyu msichana aliezekwa miiba akiwa kwao na pale mbeleni niliona ama nimekuta sheria za mzungu zikisema mtu akitundika msichana miiba, yule mtoto anaweza chomeka kwa vile ni baba yake. Huyu bwana sioni akifuatwa sana siku hizi – naona wanawake wakiwa namna hiyo. Kwa hivyo, ningependa kupendekeza hiyo number mbili. Ningependa yule msichana atawekewa miiba pale na yule amemuweka miiba, alee huyo mtoto kwa vile msichana alikuwa kwao na hakumuoa (inaudible). Ninaongea hivi kwa kitamaduni kama vile nimekuta utamaduni wetu kwa vile tulichukua suit ya mzungu na kuivika kwa miili yetu. Lakini, tuliacha utamaduni

wetu. Kwa hivyo, ningetaka serikali itengeneze hilo jambo ili tuachie watoto wetu kitu kilicho salama. Na tulindwe kwa usalama na ndio nikajaza title. Kuna makaratasi mengine na mengine ya title hata hatujui tutaelekea wapi. Nitafikisha hapo.

Com. Adagala: Ngoja kidogo Mzee. Kumekuwa na swali kwa wananchi kwani mtu anaweza kuishi mahali lakini ukienda hapa Kiambu ambapo ni karibu na Nairobi, eka moja ni milioni moja. Ukienda Kakamega, ek moja ni elfu hamsini. Sasa mtu wa Kiambu au Nairobi, hata Nairobi currently ni 2.5 million per acre. Naweza kuuza ile na niende kukunua nyingi sana huko na yule mtu hawezi kuuza eka yake moja aje kufanyia chochote huku. Sasa kulikuwa na swali nafikiri ilikuw ahuko Nyanza. Ukisimama na mguu mmoja Kisii District, kuna bei ya shamba shilingi.....

Com. Kangu: We are saying the value of land in Kisii; one acre is a hundred thousand and in Nyanza is seven thousand and we are saying we surely need some fairness in the value of land.

Com. Adagala: Sasa pengine hicho tulichoongea kinaingia kwa sababu si ubaya kwa sababu umesema (inaudible) lakini inaonekana ina-bend upande mmoja. Sasa swali la hilo lilikuwa ni kwa nini haya mashamba yasiwe na bei moja , Kenya?

F. W. Kariuki: Naonelea tu kuwa bei ya mchanga kwa serikali ni rahisi. Inapanda kwa vile unaona ni sawa kutoa kitu kwa land – mama unasikia? Unakuta surveyor pamoja na kila kipande cha ardhi kama 50x100 kinachukua Kshs. 67 na huku ni rahisi lakini ikja hapa kwa county council. Kwa hivyo, vijana wetu hawawezi pata mahali pa kuishi hata plot ya 80 by 100 hawezi kujinunulia kwa vile hao wameweka bei ghali.

Com. Adagala: (inaudible).

Com. Kangu: Wapi Koitie? Mr. Koitie?

Com. Adagala: Hii ilikuwa the name of the PS.

Com. Kangu: Kariuki Nderitu:

Kariuki Nderitu: (inaudible) I am Kairuki Nderiu from Nyahururu. Mine is very brief and to start with I would recommend that a sitting President should not be a Member of Parliament in any Constituency because, for example in our Constitution today, it states that the President must be a Member of Parliament. suppose today we hold an election and we choose a certain Mr. Onyango for example, as the President of Kenya and he fails to be elected as a Member of Parliament in his Constituency, we could have a country in the country. So, we should delink the Parliamentary elections of the Presidential elections.

Secondly, I would propose that no Constitutional amendments should be made in Kenya without the involvement of a

referendum. This will make sure that we do not have a situation which I would call Parliamentary dictatorship. The current system in Kenya can only be described as Parliamentary dictatorship whereby the Parliament can change the Constitution at its own will and convenience. So, I would suggest that in case we have to have any amendments in future it should be subjected to a referendum.

On the Local Authority, I should say that they should be given more powers and this will go hand in hand with abolishment of the Provincial Administration because in my view – and this is the reality – the Provincial Administration is just a colonial relic which was imposed by the British in Kenya with the sole purpose of may be oppressing and controlling the African. So, we should get rid of the Provincial Administration and give more powers to the Local Authority. On the same, I would say the the mayors and the county council chairmen be elected directly by the people because in our current system, these people – the mayors and the county council chairmen owe their loyalty to the councilors who elected them. For example, in this region and in most other places, when they are just about to elect the mayors, huwa tunasikia ma-councillors wameibiwa na kufichwa Mombasa au Nakuru so that they can be given money. So, the mayors and the county council chairmen owe their loyalty to the councilors who elected them.

On the issue of errant MPs, I would say that if we elect somebody on a given party ticket and may be he rebels against that party or he does not deliver, the electorate should be give the power to recall.....(*End of Side A of Tape 5*)

Those should be controlled so that those people who vote – we can say for example – an MP can be called by for example, 70% of the people who voted him in – the number of votes that he got in the general election so that we do not have those people who do want him to keep on fighting him.

On the issue of land, I would say that the number of acreage should be controlled by law – that is the number of acres that an individual should hold at any particular time so that we do not have one individual holding may be a thousand acres whereas we have so many squatters in the country and most of this land is usually lying idle. Another thing I would suggest is that by law we should have something called the ‘National Heroes Corner’ whereby national heroes could be buried. It is a shame for example that Kenyan heros like Dedan Kimathi in lying in Kamiti Prison, people like Oginda Odinga, Masinde Murilo, Bildad Kagia and the rest. These should be honoured and be buried in the national heros corner.

Then, I would say that now that we Kenyans are starting to see the light and we have seen the atrocivities that the previous Government have committed including the colonial government, the Kenyatta Government and even the current government, those people who have suffered excessively from the Governments should be compensated. Examples are like detention without trial, others have lost their lives etc. At the same time, those people who fought for freedom and may be they lost their dear ones should also be compensated using the same law.

Otherwise, with those few remarks it is my believe that what we are telling you will be included in the new Constitution because we are getting concerned when some people say that they will get a new Constitution with ‘viti kubwa kubwa’ and we do not

know. We actually have faith in the Commission and we hope that politicians will not interfere with their work.

Com. Adagala: I think we have assured you on that and it should be more than a hope. Sasa ni

Com. Kangu: R. M. Kimemia.

R. M. Kimemia: My names are Robert Maina Kimemia. I am an engineer by profession and we thought to talk to the Commission as professional in Nyahururu and I was chairing a certain group of meetings regarding various topics we were going to handle in the Constitutional reform proposals. So, I will only talk about the topic I was required to research on and I will quickly brief you on the other topics and they may be handled today or may be you will get the mail from us in the future.

Topic number one there was the Executive with particular emphasis to the presidency and the Attorney General's office. It is going to be handled by a Mr. Njogu.

Topic number two was the Judiciary to be handled by Ndegwa Wahome who will present I think today.

Topic three and five is supremacy of Parliament and land law in Kenya to be handled by Chege Gakure.

Topic number four is Local Authority to be handled by Njuguna Mwaniki.

Topic six and seven is the case of entrenchment in the Constitution office of the Ombudsman, electoral Commission and registration of persons to be handled by Kariuki Mwangi.

Topic number eight is the methodology of the appointment of Kenyan civil servants including members of the diplomatic corps to be handled by Githi Kabiru.

Topic number nine, what is the place of a referendum in our nation?

Topic number ten is the case of establishment of political parties and their sustenance.

Topic number eleven; contact of elections which should be handled by Dr. Kabugi.

Topic number twelve; the methodology of taxation in Kenya and the structure of the Local Authority to be handled by Mr. Githui. I will present the place of the Provincial Administration in Kenya and the alternatives.

Com. Adagala: Are these people here?

Mr. Kimemia: Some of them are here.

Com. Adagala: Someone like Njogu is here.

Mr. Kimemia: Yes.

Com. Adagala: Then the rest can just submit a written memorandum and it will be okay.

Mr. Kimemia: We don't have to present it in person?

Com. Kangu: You will us highlights but if all do not come and you have a detailed written memo, you will just give it to us.

Com. Adagala: Okay, thank you.

Mr. Kimemia: The topics I have indicated are reasonably covered. The last one will be place, what should be the place of the Kenyan woman in social-economic and political affairs relation to be handled by Mrs. Wamithi. In the highlights of proposed reforms for provincial administration, we introduced the subject by stating that the Government is an institution created to manage public affairs of a nation. It is based on the social contract that people be given political entity or geographical area within which they will surrender the individual interests to a Body which is charged with the responsibility of providing its people with security, policy framework and the necessary infrastructure and other socio-economic activities to prosper.

It is also responsible for providing an enabling environment within which socio-economic development is supposed to take place. For effective administration, authority is shared between various departments such as the Executive, Legislature and the Judiciary. For this purpose, Kenya was divided into provinces, districts, divisions and locations. Thus it created Provincial Administration which is the main link between the Government and the people. Over time, we have seen the drawback of the Provincial Administration and I want to highlight a few areas.

- The Provincial Administration has been used as a tool of Government rather than to link people. It has been used to harass wananchi into forcing them to contribute to Harambee funds and all manner of unnecessary force – anyway – they will be forced into situations by the Provincial Administration which was not called for.
- Provincial Administration is not votable in a democratic state of the country especially with the multiparty system. If MPs are from the opposition party, conflicts do crop up with the existing Provincial Administration.
- Another drawback is that councilors and Members of Parliament play parallel roles with the DC and the Chief hence there is conflict of power and evasion of authority.
- Taxes and cess collected by central authority is transferred to the Government Treasury for distribution. This revenue should be used to develop and boost business in the same areas that taxes are collected.
- We have seen misappropriation and misallocation of land being carried out with a bias not connected with legal or proper allottees but to individual whim.

Suggested alternatives:

- We suggest that there be a District Administrator as the chairman of a county council or a local Government authority. He should be elected by the people and he should have relevant qualifications, should be familiar with the people and share their interests.
- The people should be given the authority and power to hire and fire such administrators if he does not meet the expected criteria.
- On the issues that concern security, committees should have power to hire security officers and administration police.
- The last recommendation is that there should be networking in the ministry and they are not supposed to depend on directives.

These are our suggestions on the way forward for Provincial Administration. A few seconds to say some few things which I fully believe that should now be addressed by the Constitution on personal basis.

- We must address all laws restricting freedom of associations.
- Kenyans like Americans should be able to enjoy God-given rights of life, liberty and pursuit of attainment.
- Citizens must be (inaudible) of off power and the legitimacy of State.
- I believe that a new Constitution must offer Kenyans hope by providing a nation which is managed for and on their behalf.
- Kenyan citizens must be fitted as equals in the sovereign State.

- The Constitution must address basic necessities for all Kenyans by providing for free access to minimum levels of education.
- Basic medical care for citizens including senior citizens and disabled persons.
- Above all, it must guarantee citizens their benefits of them to obtain such basics as food and shelter.
- The Constitution which we are writing now should never again allow a person or a group of persons to amend or change the Constitution to suit their narrow interests. In the current Constitution, changes have been introduced resulting in power concentration on the presidency and the ruling elite.
- The true owners of the State, that is the citizens, have lost control of their country.
- Lastly, the Constitution of Kenya must provide for a representative Government at national and local levels freely elected at regular and defined periods according to the principle of one person-one vote.
- In the current debate as to whether or not to extend the current Parliament, I would like to observe that through out the history of the Kenyan Parliament, over 60% of the sitting Members of Parliament are never re-elected. I would not wish to speculate on why and why not. It is unlikely that this piece of statistics will change during the coming elections.
- The impact of this conclusion is that sitting MPs have been morally disfranchised and cannot make a representative decision for the people they are supposed to represent.
- The sitting MPs should not play a role in the votes that means so much to Kenyans. They should only wait for the expiry of their term because it is the only moral and decent thing to do. Thank you.

Com. Adagala: Thank you for your extended memorandum and I hope we shall receive others. Nicholas Ndirangu, Dr. N. K. Njogu, Njogu yuko? We appreciate you have come forward because most professionals have shied away.

Dr. N. K. Njogu: My name is Dr. N. K. Njogu, I am a veterinarian by profession and part-time I do farming – that is my interest. I have been in this town from 1960 to date and so I have seen the independence and I have seen the development which has taken in Thompson Falls, now Nyahururu. I concur with what my professional has presented in that memorandum but I am going to present on the issue of a personal issue just as a citizen.

What I would like to contribute is on the issue of power sharing. When the Constitution is being made, I believe that it should never have a vacuum. So we should have something called a ‘care-taker’ Government so that the lives of the citizens continue while people are troubling to make themselves upright. So, in a time like this when we have two parallel issues going on; there is the Constitution-making and the sun is going on and there is also the term telling you the life of Parliament is getting expired. The most logical thing is that to allow intersections. I believe that the go on a parallel issue is that Aids, it seems we have agreed from 1991 when we started talking the Constitution is defective and there are some people who believe it is still defective and that that’s why people have agreed for a change and that an election should go on and nobody should take it all so that we go back to the new Constitution which I believe like the World Cup, the human beings to beget affiliation – there must be competition – I believe in a take it all – a winner-take-it-all type of government. That is my proposal. The rest is in that

document.

Com. Kangu: Are you therefore suggesting that we use (inaudible)

Dr. N. K. Njogu: I do not go by that because that is going to bring conflicts because some people believe that the day we started some people saw the Constitution is defective. It is accumulation and so we need wazee – a group of people because Kenya has to continue. That is how I feel. So that we get peace, we make the next Constitution for the next thirty years.

Com. Adagala: Thank you very much for coming forth as processional. Francis Maina, okay, chap chap saa inayoyoma.

Francis Maina: Kwa jina ni vyenye mmesikia Francis Maina. Kwa maoni yangu nikiwa kama mwananchi, ningependa kusema kuwa paka akimwaga maziwa harudishwi jikoni. Sasa katika nchi yetu tuliondolewa wazungu na wahindi na nikiwa kama mwananchi maoni yangu ni kusema kuwa ofisi ya rais inafaa kuchukua jukumu la kuwaondoa hao kwa sababu hao ndio wanatufanya tukae kama watu ambao wanapigana. Kwa sababu sisi ni kabila moja la Wakenya lakini kusema kweli kama ni zamani, Mbunge mwenyewe angekuwa akisikia huruma akipata vyenye wanataabika katika town yake. Lakini, kwa sababu unaongozwa na Muingereza ama Muhindi ndio maana unaona hata Muhindi hawezi jua vyenye atawapanga. Je, kama wewe huwezi jipanga, unatarajia aje mgeni akupange? Inafaa hilo liangaliwe ili tuweze kukaa kama wananchi ambao ni kabila moja la Wakenya. Sina mengi.

Com. Kangu: Moses M. Mulongo.

Moses M. Mulongo: Thank you Commissioners, I am here to bring my proposals and recommendations. My names are Moses Muse Mulongo and the first point is on the Kenyan currency. I would propose that we retain the portrait of the first President of the independent republic of Kenya and should be re-introduced and retained and this is the Late Mzee Jomo Kenyatta. The other point is on religion. We have seen that we have so many religion keshas and they should be checked for they cause unnecessary noise within the estate especially at this time of religious fanaticism.

I have another point that the ministers should hold portfolios in which they have professioned in. This is an example that a minister of Health should actually be somebody who has done medicine. We come to another notions of the word tribe. We are one nation comprising many communities with Kenya native on nationals. The word tribe should be deleted or erased from all official documents. The term tribe is degrading and was used by colonialists just the way the whites in America used to call African Americans 'Niggers'. We can also see this problem where during the Kenya census of 1998 where it failed because of this tribal factors.

Also on the issue of the word tribe, during the census I remember when we used to be asked your tribe. We have so many intermarriages nowadays and we have seen that one was even unable of which tribe he comes from. But, people are infact very encouraged to say that they belong to the tribe of the father. This is the case; what about if you do not have a father?

I come to another point concerning inheritance. We have seen that in Kenya inheritance has become a problem. It has brought in confrontations republic, legally and even physically. This is the time that we should empower women where the thesis is a man, to become the immediate partaker of all the belongings or the estate that used to be of the deceased. This is where I want to recommend that these traditions of clans should be checked. We remember the Wambui Otieno's saga. We also remember about Mrs. Cheranga and the distance relative who wanted to disinherit her. We want women to be given that mandate to be empowered especially when it comes to the issue of inheritance.

Finally, Constituency boundaries should be marked only after a thorough political scrutiny and as the related impact on the would-be Constituency. This is an example where we see that Nyahururu is either in Nyandarua or Laikipia. An example is the headquarters of Nyandarua County Council being in Laikipia, the headquarters of Nyandarua within the municipality in Laikipia.

With these few remarks, thank you.

Com. Kangu: (inaudible)

Com. Adagala: Ngoja kidogo. Thank you for your ideas, some of them which are noble. The suggestion under currency to have the first President of our nation, there are also other people who are suggesting otherwise and some people are suggesting that we can just have a natural symbol like Mt. Kenya or the Elephant or the Lion and even some people have suggested the flag and some places they just put flowers because it became divided in that way. In the way that we are suggesting, this should not be there, this should be there, and everybody decides let's put a natural flower.

Moses M. Mulongo: To come to that point, I think it is because we are so patriotic that we should retain the importance of the first President of the Republic of Kenya.

Com. Adagala: Okay, and then other places they don't appear on the currency unless you have been dead for fifty years.

Moses M. Mulongo: Yeah, they should.

Com. Kangu: Francis Murigi, Jacob Njoroge, Mugwe Mburu, Mary Wahome, I think Mheshimiwa has talked. Cllr. Peter Waithaka – the representative of the Mayor, Jackson Kahono Githee.

Jackson Kahono Githii: Jina langu ni Jackson Kahono Githii na nitaongea mambo tofauti kidogo na wale wameongea ingawaje nimesikia mmoja ameongea kidogo yale mambo natarajis kuongea. Nitaongea juu ya wale waliopigania uhuru. Kwa nini? Kwa sababu mimi nilikuwa mmoja wa wale ambao walipigania uhuru. Katika katiba ya Kenya ya leo, wale waliopigania uhuru wamefungwa na sheria za serikali ya Kenya Cap 108-913-1950 inasema hivi, 'Mau mau is a dangerous society in the

good Government of the Republic of Kenya'. Katiba ya mkoloni ya mwezi wa nane mwaka wa hamsini – 1950 iliandikwa hivi, 'Mau mau is a dangerous in the good Government of Kenyan colony'. Mimi sioni tofauti iliopo kati ya sheria hizo mbili. Ni maneno tu yalibadilishwa; instead of Kenya colony, ikawa the Republic of Kenya. Na lile jambo ningependa kuongea katika katiba mpya ni kwamba serikali itakayoundwa na katiba mpya igeuze maneno hayo na iandike, 'Mau mau is a noble society which has done a noble job in the good Government of the Republic of Kenya'.

Jambo la pili, kama hiyo sheria itaondolewa na tuna matumaini kuwa itaondolewa kwa sababu katika mwaka wa 2000, tulifanya mkutano mmoja mkuu huko Ruring'u na tuliuliza serikali ya Kenya, hiyo serikali tuliojaribu kuleta mamlakani iondoe hiyo sheria ili tuwe na freedom of speech na tuwe na freedom of association kwa sababu tunajiona kama hatuna hizo mbili. Tumenyamaza, tumetosheka, no Gikuyu oigire atiriri, 'ritigunaga muni' na tumekubali.

Translator: I would like to say what he has said in Kikuyu that the land does not benefit the one who cleared the bush path, am I right.

Jackson Kahono Githii: Ifahanike kwamba yule mtu alitangulia na kusema about honouring the heroes of freedom, ndio nilikuwa nayo na ametaja vizuri lakini kile kitu hakutaja ni kwamba kuna uwanja mmoja – historical site – unaitwa 'Ruring'u'. It is a historical site na sisi tunautambua. Kwa nini? The founding father of this nation, the late Mzee Jomo Kenyatta, before he was arrested in 1952, he talked these prophetic words, 'Muti wa wiyathi nduitagiririo mai ukure, uitagiririo thakame'.

Translator: That the founding father of this nation Jomo Kenyatta at Ruring'u ground, it was the place where he spoke these words, 'That the tree of freedom is not watered by mere water but by blood', okay.

Jackson Kahono Githii: Uwanja huo ndio tuliofanyia mkutano wetu huo niliokuwa nimesema na pia ndio tulikusanyika wale tuliokuwa msituni sote – nationwide- hata kama nationwide yetu ni hapo hapo Mt. Kenya region – ndio nationwide yetu kwa sababu ilikuwa ni vivyo hivyo. Tukawa tuna-celebrate our victory and tukaweka silaha zetu zote chini na tukasema tunaunga serikali ya Mwafrika mkono – tunasema kwa tiki au kwa nini – kwa taki. Hivyo tulisema na huu uwanja tunautambua kwa njia hiyo na kwa sababu unasikia wanyakuzi wa ardhi ni wengi, siku tutakayo funguliwa, tunatarajia tutaweza kujenga memorial hall papo hapo na tunaweza kuwazika mashujaa wetu kama Dedan Kimathi papo hapo. Sitasema mengi kwa sababu mengi nimeandika na nitaipeleka pale. Asanteni sana.

Com. Adagala: Ngoja kidogo Mzee. Kila mahali tumeenda, tumekuwa na freedom fighters ambao wamezungumza na ningeshangaa tungeacha Nyahururu bila freedom fighter kuzungumza kwa sababu hapa ndio palikuwa kama center, sivyo? Pia kuna watu – freedom fighting ilikuwa na levels nyingi. Hata North Eastern wamesema kuna mtu wao alinyongewa hapo juu alikuwa.... Sasa hili jambo, hata watu wengi wamesema liwe kwa waanzilishi wa katiba; lisiwe tu kwa sheria lakini liwe kwa uanzilishi wa sheria, ni vipi historia yetu ilikuwa Kenya? Hata umesikia watu wakisema hapa. Sasa tumeandika juu ya Ruring'u

na Memorial Hall, okay? Na hata tumezungumza na watu kama Achieng Oneko na pia wao wamezungumzia ijapokuwa walikuwa na maoni tofauti. Haya, tuendeleo.

Com. Kangu: Peter Chege Njenga, John G. Gitahi.

Com. Adagala: Ingekuwa vizuri kama mngезunguzia jambo ambalo halijazungumziwa kama Mzee alivyofanya kwa sababu kuna watu wengi. Tumeenda mpaka 164 na hapa tumefika seventy.....we are just on a hundred. So, ningemuuliza tafadhali mkizungumzia neno, zungumzia lile litaongezea zaidi kwa sababu ni maoni, hatutasema watu ishirini ndio walisema hivi. Ni maoni na uzito wake. asante.

John G. Gitahi: I do not want to waste a lot of time because most of the things have been said. Jina langu ni John Gitahi. I just want to emphasize on a few points because I had also written another document. La kwanza is what has been talked about – the Local Authority. I would like to emphasize that Kenya should only have three types of local authorities. That is the City Council, Municipal Councils and County Authority. We should get rid of Town council and Urban Council. To make them effective, the county authorities should be based on the districts and should be integrated with the district Commissioners office. So, the whole thing should be council authority and should be integrated in the administration of the District Commissioners. The current role of the County Clerk should be done by the District Commissioner and there should be one office and not two. At this level, it is where I want to emphasize the area which had been mentioned earlier that we should get rid of the provincial administration. This should not be subject of discussion; everybody knows that they are useless in the current state of the country. We should get rid of it and be completely replaced by the Local Authority.

At this level, we should also have and it has been said before a minimum education in every elected post and particularly I will just emphasize on the lower calibre and say the Local Authority should have somebody who can read and interpret law. That means a minimum of O level for councilors, Mayors should have a minimum of University degree or its equivalent. By so doing they will be able to work with very qualified officers.

In the Local Authority, we should try to abolish committees as the criteria of solving problems. The Mayors should always be the chairmen of all the committees and by so doing they will be able to solve problems in the Local Authority. The other one I would like to say and I think it has not been said is that all elected members should be paid from the consolidated funds. That is a suggestion that I thought I should say.

One more, I would like to bring difference from all that in education. All Kenyans should now have a minimum education – they should be literate. I think it should be entrenched in law that we should have everybody getting a minimum education of up to standard seven and that should be law no matter what and irrespective of age.

Com. Adagala: (inaudible)

John G. Gitahi: It must be free of course to make it that way. The final one is the freedom of worship which has been talked about and we should do away with that freedom. There should be either all religious organizations being registered under (inaudible) Act and/or Cooperative Act and the charged accordingly. Thank you very much.

Com. Adagala: Tukienda kwa sehemu hii ya - we have finished, thank you very much – if we can reduce the time so that we can all go through and reduce the number of points, I know that everybody wants to talk fully but we want to be able to finish today, is that alright? If we can have three minutes and bring up issues which have been brought up before or if you bring it up, show the new emphasis or the new meaning that you are bringing to it.

Com. Kangu: John Maina Wamugi, Vienna Njeri Kibure, Teresa W. Mukundki, Virginia W. Wachihi, Rose A. Wachaga, are you the one? Is that Wachaga or Wachihi? Endelea tu.

Virginia W. Wachihi: Asante sana. Mimi naitwa Virginia Wachihi na ni kiongozi wa akina mama kutoka Muthangira location. Lile nilikuwa nataka kusema hapa, tungeuliza katiba ibadilishwe ili Chiefs na Assistant Chiefs wawe wakichaguliwa na raia.

Ya pili ningepuliza kuwa na sheria ya kusimamia wasichana kwa mambo ya tohara. Ya tatu, ningepuliza kuwe na sheria ili Chairman wa County Council na Mayor na Town Council wote wawe wakichaguliwa na raia. Ningepuliza hii kamati iwe na sheria ya kusimamia water catchment. Hiyo ni kusema pahali misitu inapotoa maji iwe imelindwa kabisa na kuwe na sheria ya kuisimamia.

Ya tano, kuwe na sheria ya kusimamia wasichana wa chini ya miaka kumi na minane wawe wakisimamiwa kabisa ndio wapate nafasi ya kusoma vizuri na kuwe na sheria ya kuwasimamia wasiwe wakiolewa mbele au kufanywa mambo mabaya na wanaume.

Ya sita, kuwe na sheria ya kusimamia akina mama wawe sawa na wanaume kwa Land Board, kwa DED au kwa DAC ili mambo yote wawe sawa na wanaume. Lingine ningetaka kusema ni kwamba kuna watu walio na mashamba ekari nyingi sana hata zaidi ya elfu moja kuenda juu. Ningepuliza serikali kama kungekuwa na sheria ya kusimamia mtu awe na ekari elfu moja na hiyo ingine ichukuliwa na serikali ipatie raia kwa sababu kuna watu wengi sana ambao hawana mashamba.

Lingine ningetaka kusema ni kuwe na sheria ya kusimamia vyama vyote wakati wanapewa nomination kwa sababu akina mama sio wengi katika bunge, wawe wakiwa nominated na hicho chama chote na iwe sheria. Ikiwa chama kinapatiwa viti tatu, viwe vya akina mama na hiyo iwe sheria. Na kwa hayo machache, asanteni.

Com. Adagala: Umesema kuwe na kamati ya kusimamia tohara?

Virginia Wachihi: Kuwe na sheria ya kusimamisha tohara ya wasichana.

Com. Kangu: Kusimamisha ama (inaudible)

Virginia Wachihi: Kusimamisha kabisa.

Com. Kangu: Tupate Rose Wachaga, Enoch Nyaraga, Alfred Muhanji, Francis Kirua, Ndegwa Muruthi.

Ndegwa Muruthi: Asante sana Commissioners. Jina langu ni Ndegwa Muruthi, mfanyi biashara katika Nyahururu Municipal. Nataka kuguzia kidogo on the government.

- It is feeling and proposal that we should continue with a unitary type of Government whose President is elected by the people and on the other hand, a President with lesser powers.
- I also suggest that a President be elected by 50% of votes.
- The President should not be above the law.
- We should have provision where the President may be impeached and especially if he breaches the Constitution or causes things like genocide.
- All Presidential appointees should be vetted by Parliament.
- There should be a judicial Commission whose work would be to appoint and hire judges.
- The Chief Justice should be appointed by the President and vetted by Parliament.
- Presidential and Parliamentary elections should not be held together so that during the Presidential elections, the holder of office should relinquish the powers to the Chief Justice so that he does not have the advantage of occupancy.
- Provincial Administration should be abolished and its place, we should have an independent and more powerful Local Authority whose.....(*End of Tape 5*)....thus should be executive.

- Every child should have a right to free education upto secondary school level. Education upto that stage should also be compulsory.
- Parliament should be responsible for setting elections calendar and timetable which should not be altered for any reason other than when the country is at war.
- Political parties should not be funded or receive gifts from the government. Each party should raise its funds from the executives. It should be a basis and a clearly defined method to determine Constituency family.
- All civic and Parliamentary candidates should have basic form four certificates as the minimum education requirement.
- Parliamentary and civic leaders should (inaudible) once and in the event that the respective party withdraws their nomination.

- They should not be (inaudible) when a person defects to another party, he should leave his seat and a bi-election held.
- Lastly, I think instead of having Identity Cards which have become a problem to obtain, birth certificates should be used as the only item that is required for identification. Thank you.

Com. Kangu: Can we have Stephen Macharia? Karimi Wachira?

Karimi Wachira: My name is Karimi Wachira and the following are my views.

- I think the registration of voters should be a continuous process so that when one gets an ID you are also given your voters card if at all you intend at any one time.
- There should an elections timetable to show the date, the day and the hour of elections is not one bunch of a secret weapon.
- Also, the effects of defection by MPs who are elected should be punishable by law. That means any MP who defects from the party should either pay the amount of money that he has been paid throughout that time he had been in Parliament or be jailed for at least five years.
- The quorum in Parliament where we talk of having thirty people in Parliament in a House of 222 people, I think the quorum should be raised to about 180 so that anybody who misses a sitting, say for example, for three or four sessions should be made to pay.

Com. Kangu: (inaudible)

Karemi Wachira: About 180 MPs for that quorum to be effected because there are so many idlers there.

- The freedom of worship should be checked so that we do not have any type of religion to disturb everybody – some are quite chaotic. So, it should actually be checked.
- Also, the minimum training time for Police force given that many of them do not even pass their exams and so they have failed, should be raised from six months to about three years. I think that is why we have so many problems with polices officers – that is why we have so many (inaudible)
- Also, any idle land, who is likely to disagree should be re-allocated to the needy people and the owners of those lands should be compensated by the Governmentas they for example, (inaudible) so that that can be allocated to other people.
- The appointing authority; I think there is no point of having the President all the time to be the appointing authority in everything so that if we have for example the Judicial officers who should be vetted by the whole society of Kenya. At the same time the Local Authority, the reason why they are grounded is because of (inaudible). There are so many councilors who are having academic records that are below average. So, I think the councilors should have at least a form four certificate so that we can be able to move forward.
- Also, the President and Vice President should be elected directly by the electorates and during the campaign time, the

President, the ministers and so forth are not supposed to be in office. I think the office should be held by the Speaker of the Assembly, Ministries run by the PS so that there is no misuse of funds during the elections.

Those are my humble views. Thank you very much.

Com. Kangu: (inaudible), Rev. Samuel Mburu.

Com. Adagala: (inaudible)

Rev. Samuel Mburu: Majina yangu ni Mchungaji Samuel Mburu na ninhudumu hapa Nyahururu na ushirika wa PEFA na nimeleta mapendekezo yetu kama ushirika wa Pentecostal Evangelistic Fellowship of African Churches. Ningetaka kuanza na Preamble. The missions, wishes and aspirations of the people of Kenya should be included in the Preamble. The supremacy of the people should be emphasized.

Tena, ningetaka kuzungumza juu ya the Bill of Rights: The (inaudible) are limited through many exceptionals thus leading to a strong and right attitude both in the Judiciary and the Executive. The process of creating exception to a right should be left to the court to be determined only when several rights come into conflict.

Citizenship: Those who should be regarded as automatic citizens of Kenya, there should be no discrimination against women. Men who are married to Kenyan women should be given rights to be citizens of Kenya.

Land and property rights: The Government should have the power to compulsory acquire private land for the purpose of development of social amenities like roads, hospitals, schools or extraction of minerals for the purpose of the country's development. Succession and inheritance of property status should be harmonized with the new Constitution.

Political parties: Kenyans should be discouraged from being fragmented by many political parties founded on ethnic basis. They should be limited to at least two or three.

Form of government: Kenya should adapt a unitary central form of Government comprising of the three Arms of Government, i.e. The Executive, Judiciary and the Legislature. There should be separation of power.

Quality of the President: He should be a Kenyan by birth and must be economically stable. He must be 35 years old and not more than 65 years old. He must not have a criminal record.

Freedom of worship: It should be exercised that there should be some change and balancing to see to it that devil worship and other misleading religions are taking place in our country. Thank you.

Com. Adagala: Thank you very much. Dr. Kabugi (inaudible).

Dr. Kabugi: Thank you very much for this opportunity. I will start by my name which is Dr. Kabugi, I am a medical doctor in this town. I will start by making general statements about elections. I think every elected office from councilors to the President should go for two terms of two years each but the ones who qualify come should come back for re-election after (inaudible). Having said that, I feel the President of this country should be elected by everybody in the country. So, my proposal is that he should not be a Member of Parliament from a certain Constituency because in any case he does not have time to represent his Constituency because (inaudible). So, I am proposing that the President of Kenya should be elected by the whole country and should not represent a Constituency.

Having been elected as the President, I feel he should carry all his ceremonies in the State House in a rotational manner. You remember our first President came from Gatundu, we have another President from Kabartoyo and so some people say is our President and that the other one was our President. I feel if the President is located through the State Houses, anaka huko Western for three months or wherever he will feel that he has a natural touch and anybody who wants to see him will have to go to where he is. We feel that there has been of preference and (inaudible) to that President and that is how people come owning.

For the National Assembly, I will only make one comment which is that we should encourage and accept independent candidates. If somebody has been sponsored by a party, he should have been in that party for two years. The other issue I would want to bring up is the issue of system of crime. We have a lot of insecurity in this country but I feel that the criminals are not duly punished and the victims are not compensated. If somebody cuts your hand, for example, and then you take him to court and he is jailed for two years, you still do have your right hand and if you are somebody who (inaudible) or anybody's hand, I am proposing that the State should be able to compensate that victim. If somebody stole your cow, I think the State should be able to compensate for the loss of your cow. The jail term does not really benefit them (inaudible)

The other issue I would want to mention briefly is the issue of registration. I am proposing that the ID to have two faces; one side becomes the ID and phase two becomes the voters card so we do not have to look for two cards – phase one is the ID card and phase two is the voter's card – so then the issue of looking for ID cards and the voter's cards should not be necessary. I also suggest that registration of people be decentralized so that those documents are collected at the periphery.

Campaign: My only contribution is that there should be equal air time for all the political parties and for a Presidential candidate – for those vying for presidency – there should be 50% funding by the State because we have a problem with the political parties, we do not have funds to sue the disadvantaged.

Public debate should be compulsory for the Presidential candidate. Bi-elections – I will leave that. I think observers observations should be taken seriously and play around in (inaudible).The other one is on the issue of land but it has been mentioned.

On the issue of the Vice President, I think he should be elected just like the President and fall under the same term. Thank you.

Com. Kangu: Pio Okech, Mary Wanjiru, John Kimondo, Hellen Tombo – I think this one has talked. Hilada Kiniaru, John Weru.

John Weru: My names are John Weru. Honourable Commissioners, I would only like to mention those areas that I would like some personal emphasis on. One is the excessive powers of the President – I know they have been touched, I will also talk on that. There is only one area I would like to touch on, that is taking care of former Presidents. Their welfare and the security should be considered but not their immunity.

Last but not least honourable Commissioners, I cannot get a better forum to request you to make this exercise faster so that the idea of the extension of Parliament does not come in because it is you who is standing between and death. Thank you very much.

Com. Adagala: It is not a lot of time remaining (inaudible) Anthony Macharia, James Githiri, F. Ndung’u, S. N. Kihumba, Ndung’u?

Ndungu: Niko.

Com. Kangu: Is this Ndung’u or James.

James Githiri: James Githiri ndio majina yangu kamili. My contribution for the new Constitution is that it should recognize centrality and vitality of the agricultural sector in the Kenyan economy and accordingly make provisions of (inaudible) taxation, provisions of any goods, effective marketing and democratic governance and income guarantee in order to enhance sustainable economic growth.

La pili, the new Constitution should set out guidelines on the visions, contents and objectives of the natural education system. It should provide for free and compulsory and universal primary education and set out obligations of local authorities which (inaudible) central Government expecting management and funding of educational institutions.

It should establish and ensure a politically neutral and professional Police Force to guarantee the internal security of the country for all Kenyans and their property irrespective of political inclination, ethnic background, social status or economic background. The new Constitution should nullify Titles for illegally acquired land and restore that land to public ownership and also prohibit that speculation and set maximum limits of land ownership, promote equity in land use and ownership and create a mechanism of continuous review of colonial land (inaudible) and tenure system.

Councilors, MPs and Presidents must by law and Constitution remain accountable to the people. They must reflect the aims of Kenyans and address the will of the people. The same Constitution should place the people above all organs of the Government and I have also noted that the word people is not mentioned anywhere in the current Constitution. The same Constitution must have objectives and visions and should also talk about democratic principles that Kenyans should be committed to. The same Constitution should also indicate that anybody who goes in breach of the Constitution like the current debate on extension of Parliament must be charged under treason law. With those few remarks Honourable Commissioners, I intend to stop there. Thank you.

Com. Kangu: (inaudible)

F. M. Ndung'u: Asante sana Commissioners and those (inaudible). Jina langu ni Francis Ndung'u Kihumba, a resident of this town for about 30 years and I am a retired officer although I am also working under a contract. I am an accountant by profession and I have worked with the law consultative for about 30 years. The first thing I want to talk about is the electoral system. In an Electoral system, we need registration of voters. We have been using the Identity Card since 1964 upto 1997 when we added a passport – valid Kenyan passport can also be used for indication of voters. I am proposing that in addition to that, for those who are already registered in 1997 because they are on permanent registrar, the birth certificate for those in the future should be used for registration of voters. This will help the electoral Commission to registrar people as they reach the age of 18 because that is the majority age for the purpose of identification. The birth certificate should also be modified to include citizenship because it hasn't indicated. So, that is a cardinal requirement for voters. In future, when these people reach 18 years, they will just walk in to the electoral Commission if we have continuous voters registration and get a card. Those who have their ID cards can also walk there and get their voters card as well as those with passports and then we remove the (inaudible). We have about 30 million people and so if we take 50% to be adults, we have about 11 million registered voters now. So, we still have another 4 million still to register but do we open up in the birth certificate (inaudible)

Secondly, I will go with the previous (inaudible) having a unitary Government with one President and Vice President who should also be a running mate and should be elected directly instead of being nominated so that when things go haywire, the succession is easy because we do not a minister or a Vice President is (inaudible). The other point on elections is that the President should have - the willing Presidential candidate should have at least 50% of the votes cast such that if none

reaches 50% we have a run off immediately or within a month. The same thing should happen to the local authorities. Those who do not garner 50% should have a run off. Otherwise, they have been represented by minority leaders.

Com. Kangu: MPs?

F. M. Ndung'u: MPs the same thing – 50% but I will add for the Presidential winner, he must also garner 25% in five provinces out of 8 as it is for now to ensure national support. With the others, they are more localized a Constituency or Local Authority. On the question of petition - Electoral election petition, the current case law decided sometimes the case of S. K. Macharia versus Murathe was unless it is personal service, it is not a service. So, people can avoid getting the same one. How do you solve that? We should entrench the service of petition cases in the Constitution so that nobody jokes around – you do not avoid getting of summon, you will get it – personal service.

The other one is the Kenya gazette so that if he do not get him through personal service, then we can gazette the petition to be collected as registrar of (inaudible). I have just touched on the electoral law and I also proposed proportion representation plus the single member Constituency. I had proposals on members, aspiring women, youth, civil society and so forth which is in memorandum. Thank you very much.

Com. Kangu: S. N. Lumumba.

Speaker: (inaudible)

Com. Kangu: Oh! You are the one (inaudible). Dianne Wanjiku, J. W. Mwangi, T. W. Muthee, (inaudible) or you are not coming? S. Maturu, A. F. Mwangi, Florence Wangui, James Thuo, Monica Gitonga, Emmy....., Stephen Kagondia, Charles, Simon Chera, Beatrice Mwangi, B. W. Kamawira.

Bernard Kamawira: My names are Bernard Waweru Kamawira; I am an Agricultural service provider. My contribution to be entrenched in the new Constitution are as follows.

The first one is on the right of citizens to services. The Constitution should be categorical on the minimum standards of service that the citizens should receive in all sectors.

The other one is on land use, policy or law. Currently, Kenya has no land landless policy. The Constitution should stipulate how land is used so that no one Government should come up with a policy which is ridiculous or in conflict with sustainable utilization of resources. That point is a law making process.

The Constitution should enable change of land by referendum where any one citizen (inaudible) 100,000 is able to present it to the Speaker of the National Assembly for enactment of automatic enactment into law. The other point I want to make is

to ensure that law-making process is all inclusive. Currently, some amendments or rebuilds are made in the Board room and citizens only get to hear about them in the mass media.

As regards the bill of rights, I do not want to duplicate a previous speaker but I would only say that all citizens should be accessed to education on their rights legally. That should be enshrined in the Constitution.

The fifth point is on the right to representation – legal representation of the poor by the state. The other point is on dumping of toxic substances. All toxic substances from foreign land should be punished severely. Toxic waste should not be diffused in Kenya at all but should be returned to the country of origin and the owners or transporters punished by law within our country.

The last point is on the recognition by the nation or State. This is about the criteria of a word or vernacular word like the Elder of Golden Heart, Head of State Commendations, I suggest that the criteria by which persons or citizens will be recognized be clearly stipulated in the Constitution and this I suggest that there be a Board which will be receiving applications or nominees by the citizens. Thank you.

Com. Kangu: Maina Mwangi, (inaudible) Waithera Njogu, Wilson Wandeto, Charles Muigai, Rose.....,Mwangi Julius, Charles Wahome, Ndegwa Wahome.

Ndegwa Wahome: Commissioners, my names are Ndegwa Wahome and I am an advocate in town. My proposal is basically on the institution of the Judiciary and this is the topic that I was given by the Nyahururu Professional Caucus to build pressure on.

Com. Kangu: Nyahururu?

Ndegwa Wahome: Professional Caucus, it is a group that we had organized and (inaudible) topic to individual persons. My proposals on the the reform of the judiciary are that we have five distinct courts starting the the Constitutional Courts, the Supreme Courts, the High Court and any other High Court of Appeal, Magistrate’s Court and District Courts or what we call in England (inaudible) Courts for those people with immoral crimes and without republics to persue litigation in the ordinary courts. With higher (inaudible) in my memorandum, the Constitution of the Constitutional Court and of the Supreme of Kenya and the High Court and High Court of Appeal, all the cause I have stated I will delibre the Commission with through what is stated there but important is the appointment of judicial officers.

We have said that that mandate be given to an independent Judicial Service Commission. I have outlined to people to compose or to constitute a Judicial Service Commission – that is representing all the aspects of the class to have those

representations in the Judicial Service Commission and that is the Arm within the judiciary to regulate how appointment in the judiciary, remuneration and removal of judicial officers should take place.

We are also proposing that we have a Director of Public Prosecution be given to the Attorney General who is also the government's legal advisor and is also a Member of Parliament. We are saying that we should have a Director of public prosecution, a Minister of Justice to deal with political matters and the Attorney General should only deal with the legal matters when advising the government.

Lastly, we are saying that the Constitution has tested the executive authority in the President and law making powers in Parliament. It does not give the same authority to the Judiciary. It is therefore my proposal that the new Constitution should test judicial authority expressly in the judiciary. Thank you.

Com. Kangu: (Inaudible Henry Mithangu, Kariuki Mwangi, Muita Mwangi, Benson King'ori, Joseph Kamau, Michael Muriuki.

Michael Muriuki: Minimum education for councilors should be form four. The Government should..... I am Michael Wachira Muriuki.

- There should no nomination of councilors or MPs. We do not want nominated MPs or councilors.
- Candidate MPs and the President should acquire 51% of votes to be declared winners in the elections.
- Every Kenyan has equal right to say he should not get 25% votes from provinces.
- Constituencies should be determined by the judiciary as one man – one vote.
- President's elections should be held after or before Parliamentary elections and civic elections but not together.
- Electoral Commissioners should have education level of university education and be people of known integrity.
- The Constitution must protect the public on security, education, health, water, food and shelter as basic rights for all Kenyans.
- The Constitution should provide for free education in primary and secondary level.
- All workers must get rights to create union representations.
- Airways should be liberalized and more radio stations be licensed to appoint and hear coverage.
- We should not adapt a Federal system of government.
- Being an MP should remain a part-time job
- Presidential tenure must be of two-year term of five years.
- Political parties should be minimized to three and financed by the government.
- Provincial boundaries should be scrapped and this promotes ethnicity. We should only remain with districts with new provinces. I have finished.

Com. Kangu: Thank you very much. Joseph Wachira.

Joseph Wachira: I am Joseph Wachira, a teacher by profession. I have the following recommendations.

- One is that the Parliament should not amend that Constitution by 2/3 majority as this is subject to manipulation.
- A referendum should be held on issues regarding amendments e.g. extension of Parliament and the referendum to be conducted by independent electoral Commission.
- Motions (inaudible) in Parliament which do not lead the amending of the Constitution should be passed by 2/3 majority. The issue of simple majority even in personal budget should be scrapped as it is subject to manipulation.
- In matters of national security, the President should not be the Commander of the Armed Forces but the Parliament should have direct control of the Armed Forces through the minister of defense.
- The Executive should declare war with authority from Parliament but not alone.
- The Constitution should not allow extra ordinary powers in case of emergencies but the power should be invoked through consultation by the cabinet, for example the way we find our Government calling an emergency meeting of the cabinet in order to retaliate against by Kenyans. So the cabinet should invoke powers unless the Parliament objects.
- Political parties: The Constitution should regulate formation of political parties to avoid mushrooming of political tribal parties. The number of political parties should be limited to between three and five. They should be financed depending on the number of votes garnered by the Presidential candidate in a previous election.
- The ruling party should be delinked from the Government to using misuse of public funds for the party's functions. It should not public utilities e.g. vehicles for its own functions.
- Structure and system of government: We should adopt a (inaudible) system of Government with the President and the prime minister sharing authorities. The prime minister should oversee the day-to-day running of the Government through the civil service.
- The President should be the Head of State, (inaudible) of Ministry and should select Cabinet through consultation with Parliament and the prime minister.
- The prime minister should be elected by Members of Parliament. A unitary Government should be retained but local authorities should be strengthened.
- Mayors and Chairmen of County Council should be elected directly and their deputies should be the running mates.
- The local authorities should be run with the help of Chief officers who should be employed on five-year contract for a maximum of two contracts.
- A Board headed by Mayors and Chairmen for county councils should include civil society, council senate and councilors especially in matters pertaining to budget allocation and prioritizing of projects.
- When it comes to the legislature or the Parliament, they should be ones to approve the parastatal heads and the approve their appointments, Chief Justice, Judicial Officers and the Attorney General from a list provided by the MPs and civil societies.
- Parliament should include functions such as budget making and it should also have a calendar.

- Parliamentary candidates should show a certificate of good conduct e.g. from the CID.
- The MPs should vote according to wishes of their voters.
- A special Commission should be appointed to determine the salaries and benefits of MPs and councilors.
- Nominated MPs should not be retained to avoid favouritism in the appointments.
- A certain number of seats should be reserved for women to enhance their participation.
- Parliamentarians should lose their seats in Parliament if they publicly defect from one party to another to avoid dual party membership.
- There should be provision of Government of national unity or coalition government.
- The Parliament should be one chambered and the powers to remove executive should be retained but in addition, in case the President has a case to defend regard abuse of office should resign.
- The President should not have power to veto legislation passed by Parliament.
- The post of assistant minister should be scrapped and replaced with one deputy minister and a number of deputy ministers should be decided by Parliament.
- MPs and councilors should be recalled – let me finish please.

Com. Kangu: Give us the document the way it is. Bonface Karuga, R. M. Mukoma.

R. M. Mukoma: Thank you Honourable Commissioners, ladies and gentlemen. I had more points but I will go straight on the few that may not have been emphasized by other people. MPs: Salaries increment, (inaudible) and whatever for the MPs, where was it that they ever say anybody who has a free cheque to write for himself what he wants? I think this should be explained by either a Commission which is established under the Constitution or by a referendum when you want to increase their salaries.

The other one is alienation of public land, buildings and land. I think this should also be entrenched in the Constitution so that nobody misuses power so that they give out the national heritage to their friends. The other one is on taxation and its uses. I think we should pay taxes and spend them, that is, from it according to what they can say unto it in services according to it. By this we should have strict ordered justified taxation and budgeted and justified spending. Well, I think.....(*End of Tape 6 side A*)

.....remuneration, if that is the way they do it, then law should be tightened and even bended in the Constitution so that we do not go broke because some few people have been greedy or they have been incompetent.

The other one going along with all laws of this land and all people holding public office is that nobody should be above the law. This is probably one of the misused creation of the law where we say somebody is free – I mean - you cannot judge him even when he does things that (inaudible). The other one is the issue of the Ombudsman. The public of this country have the law sitting on them and public officers have taken that advantage. That is, if people have no place to complain to - if you have a

complain you are told to go to the police station which is very intimidatin from the Constable to the OCPD or whoever the Chief may be. People are not free, they cannot air their complains when they have them. So, we should have an office which has offices may be up the district level of this Ombudsman who hears public complains hence (inaudible) to take them to an answerable Parliament and who can actually represent the people in terms of grievances. If the time is over, then thank you very much Commissioners.

Com. Kangu: Cyrus Wanyumu, Kabue Kahihu Evans.

Kahihu Evans Kabue: My names are Kahihu Evans Kabue and I would like to touch on very few points here. One if about the presidency and on that we should have a President – definitely – and of course who should never be above the law and on the other hand the President should never entertain sycopancy. Cabinet ministers (inaudible) so that we choose the leaders they are expected (inaudible) to the Kenyans.

When we come to education, every Kenyan child is entitled or must be entitled to free education from the primary level and we should abolish the quota system kind of education and we should help our children to reach the syllabus level whether they should not have the money or the ability to do that because they can do that through loans and grants.

When we come to the Army, definitely most of times we have our army relaxing and not doing anything because most of the times we are never at war. And I feel and trust that we can use our army forces to be doing such jobs as building bridges, digging dams using the professionals in their field to enlighten Kenyans on various fields so that they can enhance our goals.

When we come to land, I would suggest that no Kenyan should own more than a hundred acres of land. When we come to the Judiciary, it should be very impartial and should be seen to be completely impartial and should never entertain corruption and bribery. When we come to the Constituency, it can only be determined by the population and by that I mean, where we have 30,000 people that can call for a full Constituency to avoid over representation so that we do not have a case whereby we have 5,000 people making a Constituency whereas we have about sixty of seventy thousand people making a Constituency.

On intellectuals, I would really like to touch on thid point whereby those who are educated use their education to fool Kenyans and never use that to enhance the status of fellow Kenyans. You find a full minister knowing only too well this is a cup or a bottle of water. And the same person can use the same education we acquired to call this bottle a cup or a stone. That is all and thank you very much.

Com. Kangu: (inaudible)

Evans Kahihu: I think to have a fair contribution of fair presentations, we should have at least of 40,000 people to make a

Constituency to avoid having a Constituency whereby you have 5,000 people representing a Constituency and another one having seventy or eighty people making a Constituency whereby you find that there are those who are over represented and underrepresented. Thank you.

Com. Adagala: (inaudible)

Evans Kahihu: Overpopulated?

Com. Adagala: Yes.

Evans Kahihu: I suggest that when we have an area that is overpopulated, then the same rule should be applied whereby it should be freed to create more constituencies.

Com. Kangu: (inaudible), Waithira.

Waithera Kirago: Honourable Commissioners, I am Waithera Kirago, a member of Laikipia West committee. I will just start on my suggestions about the new Constitution.

- Affirmative action should be taken in favour of women to ensure political will and to correct the imbalance in all division making bodies.
 - Kenya should be indivisible. The (inaudible) multiparty democracy and all its citizens should be equal before the law.
 - The President should be directly elected by all Kenyans and he should not be a Member of Parliament. He should address Parliament at least once every year to inform the country on the state of the Nation.
 - The President should have a maximum of two terms of five years each. He should appoint the Vice President from persons qualified to be elected as Members of Parliament who should be his running mate during the elections. He should also appoint the Prime Minister.
 - The prime minister should be nominated from the Members of Parliament by a party or a collection of parties having the majority of members in the House.
 - Parliament should have its own budget and regulate its own procedures.
 - The county councils should be headed by a Chairman elected directly by the people.
 - Municipal and City councils should be headed by Mayors elected by the people.
 - Anyone born in Kenya or elsewhere to at least one Kenyan parent should be a Kenyan citizen. A child adopted by at least one Kenyan citizen should be a Kenyan citizen. Any person who marries a Kenyan citizen should be entitled to be a Kenyan citizen automatically upon application.
 - The holder of a citizenship of another country besides Kenya should not be barred against holding a Kenyan citizen.
- Thank you very much.

Com. Adagala: (inaudible)

Waithera Kirago: No, he should not be a Member of Parliament because when they are being elected he is a running mate.

Com. Kangu: Finally Nicholas Kanampiu.

Nicholas Kanambiu: Asante sana. Jina langu ni Nicholas Kanambiu na yangu ni machache sana. Nataka kuongea kwa upande wa rais, security na upande wa corruption. Katika Kenya tuna shida nyingi sana kwa upande wa rias. Yeye ndiye mwenye mamlaka yote, akitaka kuenda nje hawezi kuomba ruhusa, anaenda tu. Kwa upande mwingine, akitaka kunyakua ardhi ya mtu ananyakua na pia Nyayo akitaka kuua mtu anaua. Kwa hivyo, tunaonelea kuwe na sheria ambayo rais atakuwa chini yake kwa sababu mwenye chini ya sheria ni Mungu na hakuna mtu mwingine. Kwa hivyo, Nyayo amechukua kila kitu katika nchi hii na tunataka rais ambaye atachaguliwa kwa ule uchaguzi utakuja awe chini ya sheria.

Kwa upande wa security, katika upande wetu wa Laikipia tuna shida sana. Watu wanauana kiunyama, polisi wanaitwa waje waangalie ni nini inaendelea lakini wanakuja kutazama na hawafanyi chochote. Kwa maoni yangu, naonelea polisi ambao wanaenda training Kiganjo wawe wakienda miezi kumi na miwili ili wafundishwe discipline na administration kwa sababu polisi wa Kenya, tangu 1964 wamefundishwa mambo ya kuua na corruption - hakuna mambo mengine wanafundishwa Kiganjo. Kwa hivyo tumeonelea wafundishwe kwa muda wa six months jinsi ya kukaa na raia kwa sababu wamefundishwa kuua kwa kupiga mtu risasi. Kwa vile hatujapigana na maadui wa nchi za nje, tuna shida nyingi kwa sababu practice ya polisi wa Kenyan ni kuua mwenzake ili wajulikane hivyo.

Jambo la tatu ni juu ya elimu. Tuna shida sana katika elimu kwa sababu 8-4-4 ililetwa ili makabila mengine yaruke katika darasa kwa sababu kama Form six hakuna makabila mengine yangeruka yaende Univeristy na kwa hivyo serikali ikaonelea kutoka form four, watu warudishwe class ingine ili wafike university. Sio mambo ya siasa, naongea mambo ya ukweli. Hii ni siku ya huzuni sana ndugu zangu kwa sababu tumekubaliwa kuja kutoa maoni yetu na hii ni.....

Com. Adagala: Toa maoni, wacha kulalamika.

Nicholas Kanambiu: Hii ni free board. Upande kwa county council, tunataka mayor awe akicahguliwa na wananchi na awe mtu ambaye amesoma na amelimika kwa sababu mayor tulio nao ni watu wa standard four au six. Kwa mfano, kama mzungu ametoka ng'ambo na kuja kuona development ya Nyahururu, hawezi faidika kwa sababu huyu mayor hawezi kuongea Kiingereza. Anatafuta interpretor wa kuongea na hiyo inatupa shida sana.

Ya upande wa Ministers - Commission, please for your kindness – tunataka kama ni minister afanye kazi ya minister na kama ni

MP afanye kazi ya MP. Hatutaki kuchguliwa Minister for Foreign Affairs na ni MP wa Nyandarua. Atafanya kazi gani – ya MP au ya serikali? Kwa hivyo, tunataka kama ni Minister afanye kazi ya minister na kama ni MP afanye kazi ya MP na hiyo kazi itaendelea vizuri.

Upande mwingine – mimi nataka kuongea wazi – traffic katika Kenya waondolewe kabisa kwa sababu hawa watu wameajiriwa na mtu mmoja katika jamhuri ya Kenya. Hatutaki mambo ya traffic katika Kenya kwa sababu wametuletea shida sana hapa.

Kwa upande wa security niongeze kidogo, tangu 1963 Governmentsector ilisema italinda mwananchi na mali yake. Sasa, imekuwa aje polisi ndiye mwizi na ndiye mwenye kukulinda? Itakuwa namna gani hapo?

Com. Kangu: (inaudible)

Nicholas Kanambui: Ngoja, ngoja. Mimi nasema nina hasira na nitaongea kwa sababu hii ni free board. Naulizaje, upande wa justice by judges, kama judge amehukumu mtu miaka nne na huyo mtu afanye appeal aachiliwe, judge anatakiwa ahukumiwe hiyo miaka kwa sababu itakuwaje judge na judges wamesoma class moja anihukumie miezi minne halafu judge mwingine aseme nimeachiliwa na korti. Kwa hivyo inatakiwa kama judge amekuhukumu miaka kumi na appeal ikuachilie, huyo judge arudishwe kortini na ahukumiwe kwa sababu hapa ni njia ya corruption na hatuwezi fanya kazi namna hiyo na hii imeendelea sana.

Kwa upande wa health, Kenya tuna shida sana kwa wale ambao hawajiwezi. Unaenda kwa hospitali na unaandikiwa dawa na mia mbili ambayo huwezi pata. Madawa zetu ambazo zimenunuliwa na serikali zinaibiwa na na madaktari na kupelekea watu wa pharmacy. Ningemtaja hapa. Kwa hivyo, tunataka Governmentsector – nimeongea wazi – ilinde watu kwa mambo ya elimu, maji na madawa. Commission, muende mfikishe hayo maneno kwa sababu tuna shida sana hapa. Raia wa kawaida apatiwe dawa ya kutosha na apewe elimu. Sasa itakuwaje nikitozwa kodi inayonunua madawa na madaktari wanauza hayo madawa na kupeleka kwa pharmacy.

Mambo ya pesa – ngoja kidogo – mambo ya pesa ndio muhimu sana. Tunataka pesa ya Kenya, ile serikali itakayokuja itengeneze pesa yenye ziko na crown wala sio picha ya mtu kwa sababu ile pesa iliopo hapa – hata mkiangalia kwa mfano – ina picha ya Nyayo hapa juu na iko na pesa juu na crown chini. Hii inasema hakuna serikali. Kwa hivyo, tunataka ile serikali itakayokuja itengeneze pesa yenye iko na crown and mlima Kenya na picha ya muanzilishi wa taifa hili kwa sababu hata mataifa ya nje yakiiangalia, hii ni aibu sana – pesa juu na crown chini.

Com. Kangu: (Inaudible)

Charles Nderitu: Majina yangu ni Charles Nderitu Kiruki na ni mkaazi wa Nyandarua na ninafanya ukulima. Kitu ambacho ningependa kupendekeza kwa kamati ni kwamba rais awe akichaguliwa mtu aliye na miaka 45 – 70 au 75 kwa maana mtu akizeeka hata akili inazeeka. Rais awe akichagua ma-minister lakini kuwe na kamati ya kuchagua hawa watu kama wanatosha kwa maana wengine wanachaguliwa na ni wezi na wakienda hawawezi Linda mali yetu. Mjumbe au minister akipatikana na makosa kama wafanyi kazi wengine wa serikali afutwe kazi. Tumesikia wengine wanajisi watoto, wanapelekwa kortini na wanarudi kutuakilisha na hiyo ni madharau kwa Kenya yetu.

Vile vile, rais asiwe Commander-in-Chief wa majeshi kwa maana akiwa mkubwa anazidi kuumiza wale wananchi wengine kwa majeshi. Pia, asiwe akichagua ma-Commissioners ama chairmen ama judges au Attorney General, wawe wakihaguliwa na kamati fulani.

Security katika nchi yetu imekuwa mbaya sana. Kwa mkutano wa siasa, unaona polisi ni wengi kuliko kiasi lakini uharibu ukifanyika mahali, unaona hata kupata polisi ni taabu. Polisi wanafanya kazi ya siasa kuliko ile tumewaajiri.

Tunataka forest zilindwe. Kama msitu ulio hapa unaitwa Forsat Forest ulipeanwaa wakati wa siasa, Marmanet forest ulipeanwa mwaka wa 1999 wakati wa siasa. Wakati kama huu tungekuwa na mvua hata huko Nyandarua.

Tena tunataka mishahara ya wafanyi kazi iwe ikilipwa mwisho wa mwezi na increment ya pensioners, wawe wakipewa increment kama wale watu wengine. Wamekaa na ile mishahara waliokuwa nayo tangu zamani na walifanyia serikali kazi kwa muda mrefu. Provincial Administration wasiwe ndio wanaangalia polisi kwa maana ndio wanatawala polisi hadi polisi wanashindwa na kufanya kazi yao. Kwa hayo Commissioners, nimesema asate sana.

Com. Kangu: J. M. Machomba.

J. M. Machomba: Honourable Commissioners, I have only three points to make. My names are Jackson Muita Machomba, I am civic leader. What is in the Local Authority, I want to recommend that our Local Authority should actually be a mini Parliament whereby we have the mayor at the end and elected directly by the citizens. The vice should also be his running mate. We abolish the administration and (inaudible) becomes incorporated with the Local Authority and the role of the DC should be taken by the (inaudible) of that Local Authority. In Local Authority we should have a speaker and it should be different from the central government. The clerk should be appointed by that Local Authority and should come from the area of that Local Authority.

The nominated counillors: We should only have very few nominated councilors who are special or the people who have got very special skills and well learned such that when they go to the council, they will serve special purposes on advice of the country in such areas.

On elections, the 25% votes in the Constituency should be abolished and the President should garner more than 50% of the votes casted nationwide. If there is no clear winner, then we should have a run off – that is we should have two, first and second – who are going to vote again.

The third point is on salaries for the councilors. They should get their salaries from the central Government and they should be reasonable. We are having in this country whereby the salary of the President is known to be very high and the salaries for the Members of Parliament are very high while the civic leaders in this country do not even have salaries, they have allowances. So, let us have reasonable salaries for the President, for the Members of Parliament and for the Local Authority.

Com. Adagala: Why should you get money from the central Government when you can retain your own money? Because there are two systems – one is that all the revenue goes to the Government then they return some to you but you can retain and give them their percentage and then you will be able to raise your salary.

J. M. Machomba: My view is that we should get salaries from the same place, that is, all the elected leaders in this country so that we leave the councils free. The councilors should then be managers of their local authorities but then their salaries and allowances and other benefits come from the central Government so that they are equal country wide. We may be having some local authorities in this country who may not even be able to sustain themselves.

J. M. Machomba: The local authorities?

Com. Adagala: (inaudible)

J. M. Machomba: From their own areas – that is from their area of jurisdiction.

Com. Adagala: (inaudible) So, we want people like to you to help us in working out that. May be a little because – you know – we cannot have because it is the Act. It's okay. Thank you. Haya, tumemaliza (inaudible) tumechoka lakini tumefurahi sana kwa sababu watu wa Nyahururu mmekuwa truly civil citizens. The beginning was slow – tulienda polepole lakini hiyo ni kawaida. Mwishowe tumesikiza kila mtu na wale wameenda tunawaambia pole lakini saa zingine huwa hivyo. Inakuwa slow halafu wengine wana shughuli zingine lakini muwajulishe kama mmesikia majina yao ili waandike memorandum na watu – kama karatasi moja tu na points. Tukisema memorandum watu wanafikiria ni kitabu kizima lakini kitu kifupi tu. Wengine wanatoa pages kumi hivi.

Sasa vile tutafanya, maoni haya tumechukua na tumenasa tutaenda nayo na itachapishwa na report itarudi hapa Nyahururu na mtaangalia muone kama hii ndio tulizungumza au la. Nafikiri hiyo ni tofauti na tume zingine. Sasa hii itakuja directly hapa.

Hakuna mahali pengine itapitia kwa sababu our collection unit is the Constituency. Lakini, pengine ni mara ya kwanza mtaona report ya tume sijui kwa miaka. Baadaye, mtachunguza miezi miwili kama sheria itakuwa vile iko na haitabadirishwa, kama asili yetu itakaa hivyo.

Tutakuwa na Constitutional conference ambayo tutakuwa na watu mia sita wanaojadiliana na tutakuwa na watu watatu kutoka districts – sijui kama mna shida na districts hapa - mtasshughulisha na mmoja atakuwa mwanamke, mwingine pengine councilor na mwingine mtachagua vile mnataka. Watakuwa huko na MPs wetu, hao wanawake, councilors, NGOs, Churches, Mosques, watajadiliana kwa wakati wa mwezi mmoja. Halafu, tukisikazana kwa vitu vyote, itaenda bunge kwa sababu sheria ya sasa, bunge ndiyo inabadilisha katiba mwishowe. Tukikosa kusikizana itarudi huki kwa njia ya referendum. Kwa hivyo, hivi tunavyozungumza si kitu ambacho kitakuwa mwaka mwingine, ni hapa karibuni – referendum ya Yes or No ili tujue kama wananchi wamesema kuwe na free education na wengine wameme No, laima watu walipe (inaudible) yes or no, free education, yes or not. Halafu itarudishwa tena kwa college za hiyo group na tutapeleka reports zote kwa bunge.

Kwa bunge tutapeleka Bill na kwa National Constitutional conference it kuwa report halafu Billndio itaenda kwa Bunge na Bunge wakipitisha, Constitution mpya ikizaliwa ili nzee inakufa. Ni kama chameleon; ikizaa inakufa. Mtoto aliyezalia naye anakufa. Ni hayo tu na hatuna mengine ila kuwashukuru, tushukuru 3T kamati ambayo imefanya bidii sana hata inaonekana na tumefurahi kupitia hapa Laikipia District. Tumekuwa na maoni ya ajabu – mazuri na pia maisha yenu yote kutoka kwa hayo mambo ya bombs na wafugaji yamekuwa mazuri na hata mmetusaidia kwa hiyo content ya Governmentsana.

Pamoja na officers wetu na mwenzangu Mutakha Kangu, namshukuru na tutaenda. Next week itakuwa (inaudible). Tungependa kumaliza na maombi kama vile tulianza. Na ukiwa na jambo lolote unalofikiria ni muhimu, if you send it to us before July 15th itakuwa memorandum.

Com. Kangu: I want to make one comment about the concern watu wameraise wakiseme eti tutaamini hii Commission ama namna gani. Huwa ninaambia watu kuhusu hilo jambo. Kulikuwa na watu wamekaa ndani ya nyumba kama vile tumekaa. Mmoja akatoka nje na kusema kuwa kuna mawingu kutanyesha, muende mtengeneze shamba mpande. Wakaanza kuvurugana. Wengine wakasema hata sisi tunajua hakutanyesha, why do you wait for the time? They did not plant, they did not harvest. Wengine wakasema tunajua hata tukipanda, kuna ndege huko huwa inakula mbegu zetu. So why do we bother? They did not plant they did not harvest.

Another group ikasema, hata ikimea tunajua kuna nyani wanakula mahindi ikianza kutoka. So, why do we bother? They did not plant, they did not harvest. But one group said, ‘we are not sure it will rain but let’s try, and we are aware kuna ndege inakula mbegu but this round we shall sit around with stones to chase he herd. We are aware that kuna nyani wale wanakula mahindi saa ile inakaribia. This time round, tutakaa na mawe kuwafukuza. There are birds and nyanis out there ready to rip this processs if you people do not stand with stones to chase them, you will not harvest.

