

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS

MOLO CONSTITUENCY AT ST. MARY'S CATHOLIC CHURCH

ON

12TH JULY, 2002

**CONSTITUENCY PUBLIC HEARINGS , MOLO CONSTITUENCY HELD AT ST MARY'S
CATHOLIC ON 12TH JULY, 2002.**

Present

1. Com. Prof. Okoth-Ogendo
2. Com. Alice Yano
3. Com. Isaac Lenaola

Secretariat Staff in Attendance

1. Pauline Nyamweya - Prog. Officer
2. Sarah Muriithi - Prog. Officer
3. Michael Koome - Asst. Prog. Officer
4. Hellen Kanyora - Verbatim Recorder

Prof. Okoth – Ogendo: Hamjambo wananchi watukufu? Before we start I would like somebody to volunteer to say a prayer for this session. Who is going to say the prayers? Anybody?

Prayer

Jitayarishe tuombe turudishie Mungu shukrani. Kwa Jina la Baba na la Mwana na Roho Mtakatifu, Amina. Mungu Baba mwenyezi tunakushukuru kwa sababu ya starehe ya usiku huu wote na kutuamusha salama. Tuna- kushukuru Mungu Baba kwa sababu tuko hapa mbele zako asubuhi hii njema tukiwa na makomishena ambao wamekuja kusikiliza maoni ya wananchi na Mungu Baba Mwenyezi uwatumie. Tunaomba ili kwamba wewe uwe mwenyekiti zaidi ili usimamie mambo yote ambayo tutayazungumza hapa. Tunajua ya kwamba Mungu Baba Mwenyezi unatupenda na ni kwa sababu ya faida ya kila moja katika nchi yetu ya Kenya. Tunaomba Mungu Baba Mwenyezi wote ambao wataingia hapa wazungumze kwa busara na pia Mungu baba Mwenyezi kwa sababu ya faida ya watu wetu hasa zaidi ya muno wale wasiojiweza na tunaomba hayo yote kwa njia ya kristo bwana wetu Amina. Kwa jina la Baba la Mwana na Roho Mtakatifu Amina.

Prof. Okoth- Ogendo: Thank you very much ladies and gentlemen. This morning we are in Molo Constituency we will also be still in this Constituency on Monday. Before I set out the rules for this meeting, I want to introduce to you the Commissioners who are with me here. My name is Prof. Okoth- Ogendo I am a Commissioner. To my right is Commissioner Alice Yano.

Commissioner Yano: Hamjamboni

Prof. Okoth – Ogendo: And to my left is Com. Lenaola

Com. Lenaola: Hamjambo.

Prof. Ogendo: We also have members of the secretariat, the Deputy Secretary to the Commission is Pauline Nyamweya, where is Pauline? She is there and we have Sarah Murithi, Hellen Kanyora and Michael Koome they will be helping us to conduct the session. I believe the Chairman of the Constituency Constitution Committee would like to introduce his members and say a few a words before we start this session. District Coordinator would you like to introduce your Chairman?

District Coordinator: Commissioners na wananchi wote ambao wako hapa, hamjambo? I will take this opportunity first to apologize for the lateness we have had simply because we were trying to organize ourselves, we are very sorry for that. Two, I would like to take this opportunity to introduce my 3 Cs and I would like them to stand wherever they are. Where are the others Tafadhali mje haraka. Please come here, the 3 Cs refers to Constituency Constitution, Committee this is the team which has been coordinating, planning for sitting arrangement here and many other workshops you have had. So on my right is the Chairman, Aman and I would like to ask the Aman to introduce the other members. There should be about eight of them. Mheshimiwa Kihika Kimani is not with us and I am an official and every division is represented by one. Mr. Aman, karibu.

Aman: Thank you very much, the Chairman Prof. Okoth Ogendo, Commissioners and the DO residents of Molo, before you we have on my immediate right we have Faith Waruguru, who is a 3Cs Committee Member from Njoro, we have James Nyasigo from Marichione which is still in the Elburgon Division, and we have Magdalene Ndegwa who is in the Committee from Molo Division. Thank you very much.

District Coordinator: Mr. Chairman mine is just to welcome you to Molo. Molo purportedly is very a very cold place, but I think we have preferable whether today and also to apologize again for the delay in starting our meeting, there was a small mix up in the morning but it is my sincere hope as we go on with our collection of views everything will run smoothly. Mr. Chairman, Molo Constituency is a very very large Constituency and we were hoping we will get more sittings, because we have six divisions in this Constituency and it will be very difficult for the residents of Molo to come to the designated centers to present their views, the other thing is that there has been that general mistrust, that the views people will put forward to you will not be put in the new Constitution /reflected that is why you may find there is a low turn out in such an urban area but we hope what you get today and what you get in the next two sittings in our constituency will reflect a better picture of Molo

Constituency. With that Mr. Chairman, welcome to Molo Constituency once again.

Com. Prof Okoth- Ogendo: Thank you very much, lets now formally constitute this meeting as a meeting of the Constitution of Kenya Review Commission sitting to receive views from Molo Constituency. Under the Act which has set up the Commission, every person who is coming to or leaving the meeting of the Commission is protected from any arrest or harassment by any authority. You are free to give your views honestly and freely, you do not have to worry that you may be subject to any arrest as a result of what you say here. So please feel free to give us what you think we should know for purposes of the new Constitution. This is one Commission that will report directly to Parliament, it does not report to the Government, it does not report to the President, it reports to Parliament and if anybody here thinks that your views will not be taken into account, that will happen only if Parliament decides not to take it into account and therefore we are confident with the Commission that is not going to happen.

The rules for today's meeting are as follows:

1. You are free to speak in any language you choose including sign language. If you speak in sign language we will find a sign language interpreter to help you. If you speak in other language other than English or Kiswahili we shall find a translator. All you need to do is to tell us that you are going to speak in Kikuyu or Kalenjin, Luo or Luhya and we will have a translator to do so. So again don't feel handicapped that because I am speaking English or Kiswahili you must also speak in that same language.
2. Secondly, we will follow the list of registration strictly unless there are people who must leave or who are in a hurry, school children, the disabled, medical doctors, people who must attend to other things in which case let us know and we shall give you priority but otherwise we will follow the list of registration strictly.
3. Thirdly we will sit here without interruption and without a break until we have heard the last person who wants to address us. As a Commission our sole concern is to make sure that the views of the people are taken and therefore we will sit here without a break until that is done.
4. When we call your name you will come and sit on the Chairs in front of me here tell us your name in the micro-phone and then give us your views. If you have a memorandum we shall give you five minutes to highlight what is in the memorandum because we will read the memorandum later and analyse it. If you don't have the memorandum we will allow you upto ten minutes to give your views orally. Everything you say is being recorded and once the recording is finished we will transcribe

them in Nairobi and analyse them and copy of the tape will be sent to the Kenya National Archives for posterity. So in the future if you want to verify what you said, you will be able to recall the tape in the Archives which is marked Molo Constituency. We will make sure that we stick to the time limit strictly so that when I ask you to go to the last point please expect it because there are also a lot of people who want to address the Commission. After you finish addressing the Commission we will ask you to go to that side of the secretariat and sign the register which indicate that you did make a presentation to the Commission and all people who have signed that register will have their names published in the National Report of the Commissioners as an appendix. So when that report is available, you will be able to verify that you did indeed speak to the Commission and you signed the register of the Commission. When we finish with Molo Constituency there will be a Molo Constituency Constitutional Report which will be prepared and will be sent back to you so that you can read it and discuss it and verify what we have indeed recorded what you told us. There will also be a National Report that is going to be prepared for the whole Country and that report will be sent to all Constituencies again for discussion. On the basis of the Constitutional report and the National report we are going to prepare the draft Constitution and the draft Constitution will also be circulated to the Public at the Constituency level, the District level and the Provincial level, and once that debate is over then it is only at that time that the Draft National Constitution will go to the National Constitutional Conference. That is where we are now and I don't want to waste too much time. I want to go straight to the list. If you have mobile phones, please put them off because they tend to interfere with the recording, and do we have anybody here who needs a sign language interpreter? You are the Interpreter can you ask that question? Is there any body who needs one? But you are there, you will have work later.

So ladies and gentlemen, I think I am ready to start but let me recognize the presence of the District Officer for Molo just wave it is just now I have started my meeting you can't address the meeting laughter...Thank you very much. We will start straight away and I want to start with Mr. Njuguna Ngegi. You have a memorandum so you have five minutes to highlight the main points. Thank you.

Mr. Njuguna Ngegi: Mr. Chairman, the Commissioners I had to put my presentation in a tabulated form and I would like to read it through. My name is G. G. Njuguna Ngegi, I am the first International Coordinator of Human Resentment Disaster Care. And the Section of Elburgon HIV/AIDs orphans Organization. I am also presenting our war Elders Memorandum, I

would like to go through it quickly and comment on the points that I want to stress. When we sat with the war elders, this is what we put in writing:

1. We object to the Federal system of Government
2. We endorse recalling of MP and Councilors if they don't perform to the satisfaction of the electorate or commit great mistakes to the electorate
3. Age limit of a President at the election time should be 35 years and should not be over 75 yrs
4. The criteria for the creation of a Constituency should be population density and the winner of the Presidential election should garner 51% of total votes cast if none manages that percentage, the winning two should go for a run off.
5. Land use; 500 acres of arable land should be the ceiling of private individual ownership of land.
6. Natural Resources a reasonable percentage of the revenue accruing from an area should benefit the surrounding community.
Any major decision affecting the Country should go under referendum through registered votes.
7. Uniform forces and services should be established by the Constitution and their discipline conducted through court martials and criminal court. Kenya remains forever a multiparty state.
8. The Constitution should have a provision for impeachment of a President by Parliament if he or she commits an economic crime or causes ethnic clashes or balkanization of the Country.
9. There should be a provision of coalition Government in the Constitution, there should be a Stagger system of elections to make the business of the house maintain continuity.
10. The tenure of President should be 2 terms of 5 years each.
11. The Provincial Administration should be scrapped and replaced with a strong Local Government. Kenyans should own land or conduct business anywhere in the republic. The office of Ombudsman should be established through the Constitution.
12. Tribal Clashes, ethnic cleansing or bulcanization of the Country should be outlawed by the Constitution.
13. Domestic animals, lastly, should be banned by the Constitution.
14. Farmers should conduct their affairs, that is Importation of inputs, marketing of their produce etc without interfering from the State.
15. Forest reserves should be rehabilitated and replanted, no forest land should ever again be degazetted. Government

exhibition farms should be rehabilitated.

I would like to comment now Mr. Chairman on tribal clashes. We in the resettlement organization expect that people displaced by tribal clashes should be resettled back in their former farms. And they should be compensated all goods, animals, houses should be paid for by the government because of the failure by the government to stamp out the clashes with all the resources, military, police and other armed forces at their disposal should be linked to the government. We may go to court if necessary to get compensated for those who were displaced by the ethnic clashes.

I would like to comment on farmers affairs. The liberalization of the commercial, trade and farming practices should also involve farmers. We want to market our pyrethrum, we want to form our own organization for importing inputs to the farm so that we can get the input from the source without the middle men, so that we can get it cheaper. We should also have a food policy because this area is a famine area and we want the Government services given by extension officers, agricultural officers to assist us with expertise and technical know how so that we can produce more, so that those people in areas where the production of food stuff is not as good as this one of ours here can get the benefit of having enough to eat.

I would like to comment briefly on forest. Most of our forest land here has been occupied. I don't know if I should use the word grabbed and we have started seeing the end results of forests being destroyed. We therefore wish to have those people given land being the internally displaced persons to return to their farms so that the forest can be rehabilitated, be planted and given to the local community to manage.

I would like also to comment on Government exhibition farms which have been given out to close friends and relatives of influential people. That they should be rehabilitated and given back to the experts who used to show us the best way in animal husbandry, planting and care of plants so that we can get the sample from the exhibition farms. This includes the ADC farms and the few resettlement farms if they are there at all. That is my presentation Mr. Chairman. Thank you very much.

Com. Prof. Okoth- Ogendo: Thank you very much Mr. Njuguna please sign our register, thank you very much Jacob Waweru please be brief, if you have a memorandum we will read it.

Mr. Jacob Waweru: Thank very much, my names are Jacob Waweru Macharia I am a democratic party official and an aspiring candidate for the Molo seat. I have a memorandum here to present and we are looking for the kind of Constitution that will do the following things among other:

1. A Constitution that will empower the Kenyan Voters such that they can be able to impeach or move a vote of no confidence against elected leaders, that is MPs and Councilors.
2. A Constitution that will ensure that every Kenyan citizen by birth is entitled to land not less than $\frac{1}{4}$ of an acre to avert the unfortunate situations where we are forced to leave as squatters in our own country.
3. We are also seeking for a Constitution that will introduce tax for all unused land and limit the amount acreage that one individual can own.
4. We are looking for a Constitution that will establish a court to try human rights criminals in Kenya and in this respect I would like to bring it forward that we are looking for one court that will try the perpetrators of tribal clashes or tribal genocide because we believe that this thing has not been brought to a conclusive rest.
5. We are looking for a Constitution that will establish the National wages and Salaries board that will regularize the Salaries in different professions to avoid exploitation of Kenyan workers.
6. We are looking for a Constitution that will make a Constitutionally three party state to avoid the unfortunate incidences of tribalization of democracy where today political parties are formed as per tribe.
7. We are looking for a Constitution that will make voter registration an on going process and every Kenyan that is 18yrs of age, when this Kenyan is registering for the National Identification card, he should register for voting also.
8. A Constitution that will empower the voters cards to be used as an identification document in banks and many other areas
9. A Constitution that will protect Kenyan policies and natural resources local communities who are living near to these forests to have a say as to the control and to the cutting down of these forests.
10. A Constitution that will empower the Kenyan farmers to have control of products markets and to avoid the unfortunate incidences of exploitation by Parastal bodies and middlemen.
11. We are also looking for a Constitution that will ensure that Parastal heads and Government officials are not political appointees but are qualified people who formally apply for these jobs.
12. A Constitution that will make amendments such that the President of the republic will not be a Member of Parliament and

all aspiring Presidential Candidates should not be in the race for the Parliamentary seat.

13. We are also looking for a Constitution that will guarantee Kenyan children free primary education.

14. A Constitution that will enhance community policing and by community policing one that will make sure that every Kenyan serves in a disciplined force probably the Army, the Police or the National Youth Service at a certain time of his life.

15. We are looking for a Constitution that will separate Civic, Parliamentary and Presidential elections to ensure that voters are given time to decide on their candidates. Mr. Chairman I don't know whether my time is over but I would like to comment briefly.

Com. Prof. Okoth-Ogendo: The time is over Mr. Waweru, thank you very much but the Commissioners might have questions for you.

Com. Isaak Lenaola: I am worried about the human right court to try human right violation. Are you asking for special court because special courts are sometimes very bad for human rights.

Mr. Waweru: What I am asking is special court yes because this kind of cases are not treated as cases against humanity when they get to the local courts. These people are treated as arsonists or common criminals. I believe that we should have special courts that will try perpetrators of genocide in Kenya.

Com. Prof. Okoth-Ogendo: Thank you very much Mr. Waweru, please register with the secretariat. Mr. Mwai you have a memorandum please summarize it very quickly.

Mr. Mwai: My name is Mr. Mwai I am representing CJPC Molo. In our new Constitution we would like to define clearly the number of tribes we have in Kenya and their names so that we know exactly how many tribes we have; 43 or are we 44? We also wanted entrenched in our Constitution our flag, the colours and their meaning so that it is clear to our people and so that the political parties that come don't interfere and change that. We also want in our Constitution land issue and formation of a land Commission that deals with the issues relating to land. The issue of land has been very contentious in our Country and also in Molo areas where sometimes we have had the issue of clashes simply because of the issue of land and who owns it. So we need a Commission entrenched in our Constitution and that the President can not be able to dissolve it.

On the issue of the land and we also want people taxed especially those people who have idle land and are not making good use of it. Now we are saying that any amendments in the new Constitution, 85% of the MPs must see the need for that

amendments and together with that, a referendum should be done in which the people of Kenya express their opinion on what they feel about the new amendment in the Constitution.

We are also suggesting that conflict education and management together with civic education be part of the basic rights for a Kenyan citizens. Even the old mamas in the village need to know something about civic education and conflict management. Security is a right and moreso the people of Molo who were affected by the clashes we really need it. We need to be protected, we also want our leaders to be more accountable especially our MPs and our Councilors. We need them to be people who are educated possibly have a post secondary education and must have passed well not only sitting for a form four certificate which everybody can get. Must have had passes in Mathematics, in English and in Kiswahili this will prevent people who sit for the exams just for the sake of them. We are also saying that the old people must be taken care of after 60yrs of age. Let us give our old people medical care and if possible some pension.

Education should be free and compulsory especially for primary schools. We also want to still maintain a unified Government. Let us have a Government that unites the whole of our Country. We are saying that the President apart from having 25% of the votes in the Provinces it is very very important that he gets 51% of the total votes cast We are also saying that nepotism, tribalism and sectionalism should be punished as some of the offences in our Constitution. End of my presentation.

Com. Prof. Okoth-Ogendo: Mr. Mwai, please, one small question. About the land Commission, there is consensus around the Country that there should be a land Commission. Give us an idea of what that Commission will do.

Mr. Mwai: I think one of the issues that the Land Commission should address is the issue of land before independence because there were those agreements that were written like the one for the Masai that was written sometime in 19... which give them the land all the way to Kinangop. Such issues need to be addressed really, then they are people who sold their land like in Tran Nzoia, there are people who sold their land and yet the land is said to belong to the Pokot. The land has already been sold. Then what happens with those people who already there? Do you buy land away from them again to move them or may be what does the Government do about that? So the issue is how will we compensate those people who are already settled wherever they are if we have to repossess that land and how shall we make use of that land? Another issue is there are very many people who own land illegally everywhere in this country. What shall we do with the illegal allocation of land? Others have already grabbed land what do we do with them? May be these are the issues we are talking about. We need a

Commission to address these.

Com. Prof. Okoth-Ogendo: Thank you very much Mr. Waweru. You may wish to know that we just come from Narok and you are telling us that their land extends up to this place where we are sitted.

Mr. Waweru: That is what we want to know the future of this church. Thank you.

Com. Prof. Okoth-Ogendo: Okay, George Njenga Mingi, you have a memorandum please summarise quickly.

Mr. George Njenga Mingi: The Commissioners, ladies and gentlemen, my name is George Njenga Mingi I am the DP Chairman in Molo Constituency and I am also an aspiring candidate for the Molo Parliamentary seat. I have a memorandum here which is from DP members and officials which I will highlight very quickly.

First we have talked about State sovereignty and we said that the Constitution must state clearly that the Constitution is sovereign will of the people of Kenya and any amendment to the Constitution must be subject to the approval from the people at a referendum.

On the Presidency, we have said that the President must be elected by 51% or above of the total votes. He or she must have attained University level of education, he must serve for a maximum of 2 five year terms.

Upon election to the Presidency, the person elected must vacate his parliamentary seat. He will be the Chief Executive and Commander of the Armed Forces and person elected President must assume office within 21 days or a specified period of time. This is to avoid petition which we will have in the current Constitution which says that the President shall assume office as soon as declared elected and that can lead us to a situation like that of Madagascar where somebody may not be willing to allow you even to be sworn in. When the President intends to leave Kenya he should appoint the Vice President to perform duties of his office. This again differs from what we have in the current Constitution, Section 11, which provides that the President may appoint the Vice President and it has never happened in this Country. The President shall be impeachable by Parliament for breach of the Constitution or any other written law. During the time for nomination of Presidential candidate a detailed CV of each candidate for President must be provided to the ECK and be published for public scrutiny.

The Vice President shall be a running mate during elections and therefore will not be removable at the sole discretion of the President. In the event of the President living office with before the term, the Vice President should complete the remaining part of the term and upone election to the post of Vice President, the Vice President should vacate his Parliamentary seat so that,

like the President, he should have a National Constituency.

We propose that there shall be a Prime Minister of Kenya who should be appointed by the President from the majority party or a coalition of parties in Parliament. He should be the leader of Government in Parliament.

The Ministers and Deputy Ministers; They propose that the Number. and title of all Ministries in the Government should be specified in the Constitution. This is to avoid a situation whereby a Ministry is created today and then after six months it is abolished and people who have been appointed, the officers, the equipment bought all and that becomes a waste of Public Resources. We propose that the Number of Ministries should not exceed 22 we have even put the names of the Ministries but I will not read that.

Ministers shall be appointed by the President subject to approval by Parliament. Each Ministry shall have at least one and not more than two deputy Ministers and each Deputy Minister should be assigned one or several departments of Government. We propose that the post of Assistant Ministers be abolished because at the moment they have no specific duties. The Cabinet shall comprise the President, the Vice President, the Prime Minister, the Deputy Prime Ministers and the Ministers. The Deputy Minister shall deputise for their respective Ministers and to avoid the situation whereby when a Minister goes away we have to use another Minister to do his Job. Any Creation of a new Ministry or abolition of an existing one should be done through an Act of Parliament. On Majimbo or federal system of Government we strongly refuse a Majimbo or Federal as it is too expensive and likely to divide this Country along tribal lines. Kenya should remain a unitary state we propose that the Provincial Administration should be abolished and duties taken over by local authorities. However the Chiefs should remain but be elected by the people but be under the pay of local authorities.

Interjection

Com. Prof. Okoth-Ogendo: Give us your last point.

Mr. George Njengu: I am just on the last point. On Parliament, the calendar of Parliament sitting should be specified in the Constitution. And for all nominated MPs, the nominating authority should specify the special interest which they will be representing. Parliament should control its own budget and staff. Parliament should also have a budget office to scrutinize budgetary proposals before they are presented to Parliament. We also propose that Parliamentary Accounts Committee and

the Parliamentary Investment Committee should have powers to prosecute or to order prosecution of all cases of misuse of Public funds.

We have also mentioned a few things about elections. Elections should be done using transparent documents. The election of President, Parliament or Civic Authority should be done on different days. This is to avoid a situation where we keep on counting votes for a whole week and people get tired and get fatigued and fear that somebody will mess up with results.

Interjection: Thank you.

Mr. George Njenga: Just one last point, Mr. Commissioner, all appointments to the Public Service by the President or the Prime Minister should be subject to the approval by Parliament the Local authorities we recommend that the present Provinces be abolished the Districts remain as Counties under Local Authorities and the number of counties in the whole country be specified in the Constitution. Thank you. Mr. Commissioner Also, finally, all Mayor, and Chairman of Council should be elected by people. That is the presented on behalf of DP in Molo, thank you very much.

Com. Prof. Okoth-Ogendo: The process of impeachment in a single chamber Parliament is problematic and I would like you to help us in that in the United States, the House of Representative presses charges and the Senate tries the President so that we don't have the same people who are pressing the charges also being the same ones trying the President. How do you do it in a single chamber system?

Mr. Njenga: Well, I think we can have a Parliamentary legal Committee to carry out the impeachment or people who legally qualify as lawyers and are also members of Parliament and may be chaired by the Speaker or somebody like that who is neutral.

Com. Prof. Okoth-Ogendo: But he is still a Member of Parliament but

Mr. Njenga: The speaker is not an elected Member

Com. Prof. Okoth-Ogendo: But he is still a Member of Parliament, he is an ex-officio but he is a Member of Parliament. So you want them to be Judges in their own court They will be complaining against the President and then they convert themselves

into a court and throw the President out. Is that good law?

Interjection: (Inaudible). Thank you very much Mr. Mingi, can I have Zachary Njuguna. After Mr. Njuguna we will allow the student to make their presentation so that they can go back to class. Please summarize. Your name?

Mr. Zachary Njuguna: My name is Zachary Njuguna, representing the Foundation for dialogue, Elburgon. The preamble should state who made the Constitution, how it was made and why. On the Executive, President should be above party politics. President should be above party politics and should not necessarily be a member of Parliament, he should hold the office for two terms of five years each. He should be a holder of at least one degree from a recognized University. He should be a person of high integrity, and he should be a person who can be removed from the office by a vote of no confidence by the Parliament.

Judiciary: Members of the Judiciary Service Commission and the Chairman shall be elected by the Judges and Magistrates and they should be independent, they should serve for two terms of three years each. There should be public lawyers to help those who can not afford to hire lawyer.

Legislature all appointments made by Executive should be vetted by Parliament. All members of Parliament must have an 'O' level academic qualification and attained above C+. The electorate should have power to recall their members of Parliament and sack them if they are not performing well, their salaries and allowances should be determined by an independent body.

On the Electoral system, any candidate will be declared a winner if he garners more than 51% of the total votes cast and those people who defect from their parties should resign and an election called. The President must have above 51% of all votes cast and if he fails, a run-off should be held. Constituencies should be created based on the populations except for the marginalized areas in which they should stay as they are.

Voters registration should be continuous and votes should be counted promptly in the polling stations.

On basic rights, death penalty should be abolished and replaced with life imprisonment. The Government should promote and protect all human rights. Health services should be provided by the Government free of charge, the Government should provide free and compulsory primary education and at higher level should be cost sharing. The handicapped should be provided with free medical care including their special needs and free education at all levels and we should have free media so that Kenyans know everything that is going on in the Government. We should have a transition Government during elections headed by the

Speaker and Government vehicles should not be used during campaigns.

And we require an Executive President. Provincial Administration should be abolished for it is a colonial system.

On matters of Agriculture, all Kenyans should have access to land and can own land any where in the Country. All the land should belong to the Government.

Interjection...summarise your point

Zachary Njuguna: Any land, which is not properly utilized, should be taxed heavily and productive land should not be divided into plots.

In Local Government mayors and Council Chairman should be elected directly by the people and should have an '0' level qualification, above C+. Thank you.

Com. Prof. Okoth-Ogendo: Thank you very much Mr. Njuguna any questions? No questions. Can I have the students here? Who is representing them? Young man, give us your name, age, class and your school.

Jacob Karanu: Commissioners, Ladies and Gentlemen my name are Jacob Karanu from Njenga Karume Secondary School a Civic club member I am in form three. These are my proposals to the Constitution Review of Kenya. First of all is the directive principles of state policy. We need to have a statement in our Constitution capturing the national philosophy and guiding principles in all languages that every Kenyan citizen will understand. Democratic principles should be involved in the Constitution; these are accountability, participation and pluralism duty.

About Constitutional supremacy, the current Constitution allows the Parliament to amend any part of the Constitution by 65% majority vote. This procedure should be banned and replaced with referendum from the citizens. The Parliament's Power to amend the Constitution should be limited so as the citizen have a juncture to participate in amending of the Constitution.

About citizenship an automatic citizens is that person who is Kenyan by virtue of birth, marriage but not by registration. Ways in which the citizenship can be acquired; ID, Driving licence and Passport. A child born of a Kenyan regardless of the parent's gender should be entitled to automatic citizenship as per his or her parent being Kenyan citizen. Him or her also becomes a Kenyan citizen by virtue of his parent or her parent being Kenyans.

Defence and Security Molo has for a long time been prone to insecurity. This has led to a lot of injustice and social evils. This has led to the killing of the innocent, loss of life and others shot death. Harassment by Police, drunkenness and death. This has led to many social evils.

The President should not be the Commander of the Armed Forces as he has many obligations to play of which they can not be effectively met.

Political parties should be limited to five and thereafter they should be financed. The State and political parties have to relate in governing the Country amicably and the political parties respecting the State.

Structure and system of Government; We should adopt...

Interjection: Please summarise....

Jacob Karanu: A parliamentary system of Government in which a Prime Minister is appointed from the majority party in Parliament and a Prime Minister should over power the President in terms of Internal and External Affairs. Thank you very much.

Com. Prof. Okoth-Ogendo: Mr. Jacob the Commissioner wants to ask you a question

Com. Alice Yano: Thank you Jacob for your presentation. In this issue of political parties, you said that there should be about five political parties. Right now you know that we have in excess of 47 political parties. What is the criteria to reduce these political parties to only five? How do you go about getting 5 political parties?

Mr. Jacob: I think an election can be used the first five political parties are the ones which are supposed to be registered.

Com. Prof. Okoth-Ogendo: Jacob that is really ... It is the first answer we have received on that question so far (laughter)...Mr. Mathew Gachiri, please summarize very quickly

Mr. Mathew Gachiri: My names are Mathew Gachiri and this is my contribution towards this Constitutional Review exercise. Since Agriculture is the Main stream of our economy, the Government should improve the rural infrastructure. Currently many roads are not passable yet the products from these areas contribute significantly towards our economy. By this, every location should have a road grader to upgrade all the infeeding roads.

Marketing; Where the farmers sell their products through produce boards like the Pyrethrum Board of Kenya, they should have a right to know how much their crop is fetching in the world market where, they trade, they should have financial states at the close of the trade they should be allowed to elect directors to such boards through democratic elections. The Government has a responsibility to ensure that farmers are not exploited by middlemen and that the marketing boards are not ruined by corrupt officials. The Government should work out a system where farmers' inputs are subsidized so that they are able to compete with

others in the world market. The land meant for Agricultural Research should not be sold by Government or any other person.

Economic crimes; Those responsible for such crimes should be prosecuted. In case of politicians and civil servants, anybody who commits such a crime should be sacked from his job or the Speaker of the National Assembly should declare the Chair of such a member vacant. In short, no one should hold a public office if ever convicted of an economic crime since this has ruined many institutions in our country.

Tribal clashes; Those who incite their fellow tribesmen to fight other tribes should be held responsible for their words and deeds. In case of politicians their parties should withdraw their candidature in all elections. In case it is proved that a sitting member of Parliament is an inciter to such clashes, he should be held responsible and he should be made to resign his seat and he should not contest again. Tribal Clash victims should be compensated by the Government. To conclude, all the Kenyans have a right to own property and move anywhere in the Republic of Kenya. The President should be elected directly by Kenyans and he should not be above the law and that is my contribution. Thank you.

Com. Prof. Okoth-Ogendo: Thank you very much Mr. Gachiri please register with the secretariat. Thomas Momanyi? Thank you

Thomas Momanyi: My names are Thomas Momanyi and I have got a small presentation to make before you Commissioners and the whole gathering here today. As you well know the Constitution is a very important document and which needs most Kenyans to be aware of but it is very very unfortunate that most of them are unaware of that. First and foremost, it doesn't have a preamble, it does not have an introduction part of it which can show clearly who prepared it, when and who are the contributors of that. And this document needs to express Kenyans feelings and options. So the following are points I would like taken into the new Constitution;

- Presidential powers should be trimmed and in any case, Kenyans have leaders and not rulers because here you find a case where a ruler is a dictator because he knows he is at the top most. We can't have a President who is above the powers, he is the Commander in Chief, he is everything, he is an agricultural officer, he is an implement of every project. In fact the powers should be trimmed down to be only the President but not to be everything in every department.
- The Judiciary should be delinked from the Government. Here is where you find the root of every corruption, it starts from there but the Judges don't have their own personal stand to make because it is with and within the Government.

- Liberalization; As you know and we are aware that Kenya is an industrious state and also a sovereign state, the state of liberalization doesn't seem to be doing well. The industries have been closed down so there is no liberalization. If it is done, then the government is the head of that, which it doesn't do as it is supposed to be done.

The Presidential; Appointees; Infact there should not be Presidential appointees, they should be Parliamentary appointees because Parliament is the supreme body which governs and acts on behalf of the common mwananchi who is far at home and can not reach at that particular point/house and present his or her views. Therefore we should have Parliamentary appointees instead of Presidential appointees. As I have said from above, the Kenyan industries which used to fetch a lot of income for this particular Country have been closed down like Tea, Coffee, Sisal, Cotton and Sugar and they should be revived because this Country is at the palms of the ...I don't have a name to call them because the industries have collapsed and there are no more.

Com. Prof. Okoth-Ogendo: Interjection: Please summarize

Mr. Thomas Momanyi: About the retrenchment of Civil Servants which came in this republic recently it has really embarrassed the nation and the nationals themselves because very young people were retrenched and have come down, they don't have anything to do. There is no business, as I have said there is no liberalization so that they start business and do it. So you find a child of 25- 30 years has have been retrenched and a person of 45-55yrs is working in the office very old enough with his old guards.

Last but not least, the Provincial Administration where we find that we have the PCs. The PCs should be completely abolished because these days we go to the DCs and after that .we directly go to headquarters where we manage our affairs and then we come back. That is all I could represent.

Com. Prof. Okoth-Ogendo: Mr. Momanyi, I am worried about transferring executive powers to Parliament. Parliament does not govern, they make Law. Are we going back to the days of the governor, the governor would sit in the legislative Council and then go and present the decision to that Council?

Mr. Momanyi: Where are you basing your question, is it on the Presidential appointees and Presidential powers?

Com. Prof. Okoth-Ogendo: yeah, those are Executive powers so why should Parliament appoint them?

Mr. Momanyi: It is a body which can not otherwise bring a rule from outside and it is a body which can govern by itself

because it is a body which represents all Kenyans.

Com. Prof. Okoth-Ogendo: Then where is the separation of powers ?

Mr. Momanyi: Let them not be from the President but let it be done by Parliamentarians.

Com. Prof. Okoth-Ogendo: Mr. Momanyi, what I am asking you is this, we are talking about the three branches of the Government, Parliament makes Law, the Executive executes, the Judiciary adjudicates. You are telling us that Parliament should exercise some Executive functions and that worries me.

Mr. Momanyi: This is why I don't want the President to come in as a person

Com. Prof. Okoth-Ogendo: That is the Executive am talking about but it is headed by the President.

Mr. Momanyi: So what is your question?

Com. Prof. Okoth-Ogendo: My question is, why should functions which are clearly functions of the Executive be Excised by Parliament?

Mr. Momanyi: Because the President is too empowered.

Com. Prof. Okoth-Ogendo: You are transferring the power from the President to the Parliament so the tranny of presidency

Mr. Momanyi: I want to separate them from him to this particular body to Parliament.

Com. Prof. Okoth-Ogendo: Thank you Mr. Momanyi , please register I think this is something the Commission will have to worry about. David Onchari? George Ndun'gu, your name in the micro-phone and please summarise.

Mr. George Ndun'gu: Asante sana bwana Chairman. Jina langu ni George Ndun'gu , mimi mwenyeji wa Molo. Yangu kwanza ni katika Katiba hii, a corruption ni kitu kingine kinatusumbua sana na unyonyaji. Corruption ni mbaya yaani katika wakati huu hata waleo, ukija katika police station Unaona ni kama ikifika kesho ama kesho kutwa unaona huyo mtu ako free na hakupelekwa kotini. Sasa hiyo ni corruption ingine mbaya sana na watu wanaumia sana kwa hiyo maneno na ningependa sana hayo mambo yaangaliwe na iyo Katiba iangaliwe sana.

Ya pili ni hii harassment. Tena pia police wanafanya harassment kubwa sana. Saa hizi kutoka hapa ukienda nyumbani hivi usiku unasimamishwa unaulizwa unatoka wapi na pengine umekuwa kazini unatoka kazini, unaelekea nyumbani kwako. Unashikwa unapelekwa kwa seli wanakufungia huko unasikia kesho yake unapelekwa kotini ama unakuliwa pesa anakwambia hivi ama mnaongea hivi. Sasa na hii ni corruption ingine. Kama huna chochote, wewe umewekwa ndani na hakuna Katiba inasema ati wewe ufungiwe ndani sababu huna hongo. Ni lazima upelekwe kotini kesho yake kama ni usiku?

Interjection: Umemaliza

Mr. Ndun'gu: Ya tatu, mimi ningependa sana hii Katiba ichukue sana hatua kwa hii uchaguzi tunaelekea. Kama ni uchaguzi kama ni wa Presidential, mimi naonea habari ya Presidential si habari ya MP ama Ma-councilor. Iwe 51% ya vote ile ilipigwa kwa President. Ikiwa President amependwa sana tutajua kwamba huyo mtu alikuwa amependwa, amefikisha 40% kwa votes cast.

Ya nne ni unyonyaji ule watu wanasema kampuni kama KCC ilikwisha, hii Cereal board ilikwisha, hii ni sababu ya huu unyonyaji wa watu. Mkulima hakuna kitu anapata unaona mtu ako na maziwa yake, ndiye huyo, ndio hapo, wapi, anazururah, anasururah akuna kitu anapata. Hii ndiyo Katiba ingine inatakiwa iangaliwe sana. Kama Zamani, kila mtu apate mapato yake ya kawaida. Asante sana, hakuna ingine.

Com. Prof. Okoth-Ogendo: Weka kidole kule kwa kitabu chetu. So Francis Njuguna Kiharia? Evans Njenga, please summarise.

Mr. Evans Njenga: Asante sana Chairman, nitaongea kwa lugha ya kitaifa. Jina ni Evans Njenga kutoka Elburgon na ningependelea kuzungumza Katiba ya uchaguzi wa uRais na ningependa nichukue nafasi hii niseme kuhusu uchaguzi wa uRais, ningependa achaguliwe na wananchi na ufanywe baada ya miaka mitano. Ikiwa ni mzuri, ifanywe ingine mitano na awe ametimiza masharti yafuatayo.:

- Awe ana miaka kuanzia hamsini, awe ana bibi mmoja, asiwe mlevi kwa sababu mtu akiwa hana bibi mambo yake nyumbani si sawa sawa. Asiwe mlevi awe mpenda watu, bila upendeleo na ukabila, awe mnyenyekevu na mcha Mungu, na awe Rais ambaye si mfidadi wala mlanguzi na awe na elimu ya kutosha. Uchaguzi wa Urais uwe umegawanyishwa na wa uBunge ili kura ipate kuhesabika kwa njia nzuri hata kama itachukua muda wa siku tatu ni vizuri. Na baada ya hayo ichukue muda wa mwezi mmoja ama siku ishirini na moja ili aweze kupeana ile ofisi ikiwa ameshindwa.
- Katiba yaweza kumtoa Rais baada ya miaka mitano ikiwa wanachi hawampendi, Katiba itowe kibali ili Rais aweze kuondolewa na mamlakani kwa kitendo kisicho halali na kustakiwa mahakamani.
- Kura; kusiwe na mabadiliko, kura ziwe ni siri za siri na kuwe na utaratibu mzuri na wale maajenti wawe waupande zote kukiwa kuna vyama vingi na kuwe kila maajenti wawe pale, kusiwe na ulanguzi.

Com. Prof. Ogendo: Fupisha

- Ningependelea tu niseme habari ya waBunge, tofauti yao iwe wanawachana na mwezi moja na uchaguzi wa President na

vile vile na Madiwani wawe wakifanya uchaguzi pamoja na waBunge. Yaani kuwe na tofauti ili kura ziwe zikihezabiwa kwa njia mzuri. Na huyu mtu awe akiwa ni mBunge awe akichukua huo muda. Kuwe kuna kamati na awe akitolewa ama akirudishwa nyumbani na wananchi na kuwe kila constituency iwe ina wazee ambao watakuwa wakiangalia mienendo ya yule mBunge na baadaye kama wataona huyu mBunge haendi na mienendo mzuri, wale makamati wa constituency nzima wawe wakiketi na kuzungumzia jambo ya yule mBunge. Ukiona mBunge ako na makosa, waite mikutano ya hadhara na kumtoa yule mBunge bila masharti yoyote.

Com. Prof. Okoth-Ogendo: Asante Sana bwana Njenga. Ya mwisho?

Bwana Njenga: Ya mwisho, ningependelea kuzungumzia habari ya ma-councilor. Nao wawe wakiangaliwa kwa njia mzuri kwa sababu wamekuwa wengine, Kwa Katiba ya sasa hili President hata wasasa akisema maplot imefungwa tayari wanaendelea kugawa mali ya umma. Na hawa watu wawe wakichukuliwa kwa njia ambayo ni mbaya sana na wanaweza kustakiwa. Mabaraza ziwe zikilingana na Katiba ya mabaraza, wilaya na haki zifanyiwe mabadiliko ambayo tayari yanaweza kutolewa kwa ma-councilors. Wawe wakitolewa baada ya miaka miwili na wenye viti wawe wakichaguliwa na wananchi. Yaani kila kitu kipewe wananchi, kama ni uzaaji wa maplot wawe wakiangaliwa na wananchi.

Na kwanza isitoshe maploti ningependelea Katiba ingeondoa ugawaji wa maploti kuto kwa Country Council irudishe kama Zamani kwa Commissioner of Lands ili kuwe ulaguzi iwe haitokei tena kwa sababu tunaona Katiba a.....wananchi,

Com. Prof. Okoth-Ogendo: Asante sana, please register. Secretariat, there are students from Kampala Secondary School, Jacqueline Bosibori. Is she there please come so that you can give your views and go back to class. Your name, your age, your school, and your class.

Jacqueline Bosibori: My names are Jacqueline Bosibori from Kampala Girls Secondary School, I am 19yrs old, I am in form four.

Caning to be re-introduced, reasons are; high rate of indiscipline, lack of respect for the teachers, the African aspects, reference to the bible, enhance performance. We are starting from the high rate of indiscipline; Students do what they feel is good because they are not punished so they take that advantage of not even respecting teachers. Students should be given ID in school after attaining 18 yrs.

The African aspect during the old days when one did anything wrong he or she was punished thus had to have discipline or one had to be disciplined so as to fit in the society. This led to well behaved and disciplined young youth in the society. So, punishment has to be encouraged in school so that students can be well behaved and responsible.

Enhance performance Good discipline leads to good performance. When one has good behaviour he or she is respected in the society. We find that undisciplined schools are regarded as bad schools thus parents consider taking their children in other schools. Also, undisciplined schools usually fail due to the very low standard of discipline, So, for good performance, there should be good discipline. Also lack of respect to the elders, Drug abuse may also lead to poor performance.

Alternative to the excessive caning and punishment, there should be guidance and counseling to these students. Therefore, teachers should also be guided on punishment, how to handle undisciplined cases because severe punishment might lead to school dropouts can lead to mental and physical distraction. And then Girl Child education should be emphasized; educating a girl is educating the nation because we are the mothers of the nation.

Reference from the bible; In Proverbs 23 chapter 12 it says don't hesitate to discipline a child, a good spanking won't kill, as a matter of fact it may save his life. Thank you Chairman Commissioner.

Com. Prof. Okoth-Ogendo: I was a member of the Koech education Commission I and I argued very strongly against caning in schools. Are you telling me I was wrong?

Jacquiline Bosibori: Yes, you were wrong.

Com. Prof. Okoth-Ogendo: (inaudible) thank you very much, (inaudible)...Endelea kwa kifupi

Paul Mjomba: Jina langu ni Paul Mjomba mkaaji wa Molo. Jambo la kwanza ni inastahili serikali ilinde watu pamoja na mali yao. Isiwe vile ili kuwa wakati wa clashes, watu walinyanga'nywa mali yao pamoja na mashamba yao kwa hivyo inastahili serikali kuwalipa

Ya pili chief mali anatakikana awe akichaguliwa na watu wa area hiyo. Tena, ma-councilors wawe na uhuru wa kujiendesha wao wenyewe kwa area yao. Tena, Molo igawanywe mara mbili kwa sababu ina population kubwa zaidi katika Parliament.

Upande wa wakulima, wakulima waangaliwe vizuri kwa kuwa hawana chochote katika area yao. Kama kwa mfano maziwa

awapati mahali pa kupeleka, pareto ambayo inakuzwa katika area ya Molo hawana mahali pa kupeleka. Tena upande wa viazi na mahindi, hawana soko ya kuuza. Kwa hivyo serikali au Katiba isimamie wakulima kulingana na vile wanakuza mali yao, isiwe ikipotea kila wakati. Ukiangalia upande wa KFA, wakulima walikuwa wana shares katika KFA na leo hakuna mtu ako na share. Ilipinduliwa ikawa KGGCU ili share ya wakulima ikapotee. Nataka tena katiba isimamie upande ya mashamba ya ADC na katika forest. Yaani forest isipatiwe watu kwa ukabilia au mashamba ya ADC iwe ikipatiwa kulingana na Katiba ilivyo. Kwa hivyo kila kituk iwe kikitumika kulingana na watu wa area hiyo.

Com. Prof. Okoth-Ogendo: Thank very much Paul Mjamba. Joseph Muigai is not there Silas Ombuna? Ok Silas summarise, your name?

Silas Ombuna: Chairman sir, ladies and gentlemen, my names are Silas Ombuna, I am a student in one of the State Universities Egerton University. The following are my contribution to, the CKRC:

1. The work of appointing VIPS, significant people in the Country it and outside the Country should remain with the Parliament. Such people include the Ambassadors, the Secretary to Cabinet and Civil Service, the Permanent Secretaries among other Commissioners.
2. We Kenyans feel that we need an empowered Vice President. If the President is empowered, the Vice President is to assist the President. Therefore, if the President is not within the Country the Vice President should undertake the same responsibilities as the President unlike in the past where the Vice President is just like a very strong barking dog without teeth.
3. In appointing those VIPs, the President should only acknowledge the work which is done by the Parliament. If the Parliament has given a particular list of people who are to take these responsibilities, the President is only to acknowledge and then as far as the structure of organization of the university is concerned, personally I feel that the Chancellor of the Public Universities should be appointed by a special body formed by a few members from the Council of each University. That is to say if that body is there we can have the body called may be a State Varsity Council. If it is called the State Varsity Council it can appoint the Chancellor then on the same line the President is not to be an automatic Chancellor of the Public Universities But if appointed, he can make one.
4. The local chief should be elected by wananchi so as to enable them practise democracy. They should stop harassing the common mwananchi, and if they are elected by mwanachi, they can stop harassing common Mwananchi.

5. A suspect arrested by the police should be treated as innocent until proved guilty by the court of law. Unlike here in our constituency where we have the police harassing the wananchi and sometimes destroying property, raping people, such situations should stop. Then a special Commission should be set to handle street children. Here in Molo and Nakuru we have so many street children and they are not catered for. Instead of us having may be somebody volunteering to give them lunch we should set aside funds to educate these children, to train them to give them, technical education to enable them proceed with their life. Then, Capital punishment in the Kenyan courts of law should stop, we should adhere to the commandment of the Lord 'thou shall not kill' and that is what we as Kenyans should practise.
6. A President shall undergo a test at least once in his term and during that time, the Vice President shall assume full powers that time the President is undergoing a test.

Interjection: Which kind of test is this?

Mr. Ombuna: A President, for example in America, has to undergo a test. He has to be tested, that is if his sanity is to the point that we require, if he is normal. Sometimes we have people who can assume powers because of their wealth and they are abnormal, they can not have the sanity we require. So a President at one time should undergo a full test. A President should not be HIV positive for example, he should not have complicated diseases like cancer and all those diseases that can cause death. Because if somebody is HIV positive as you can all concur with me, that person is very much aware that the next day or the other he is going to die and therefore he will misuse the Kenyan wealth.

Finally, the rich people resource controllers in Kenya should declare their wealth and all the wealth produced within the Country be kept within the Country and not outside the Country and those are the views I would like included in the Kenyan Constitution Sir,

Com. Prof. Okoth-Ogendo: Any questions Commissioner? Mr. Ombuna what is wrong with the President being the Chancellor of the University? It is a purely ceremonial tradition.

Mr. Ombuna: Thank you for that very good question. Like nowadays, the President is like an automatic Chancellor of the public Universities I don't know of the private Universities. Many are the cases where we have heard Public University funds being misused because the President is very much busy somewhere, he can not be able to undertake these responsibilities.

Com. Prof. Okoth-Ogendo: Mr. Ombuna, the President does not run the Universities the Vice Chancellor do. So why are

you blaming the Chancellor for the messes in the University?

Mr. Ombuna: I am trying to say that the Chancellor should be responsible for mismanagement of the Universities, these are my views please sir. Your view is that President should be the Chancellor?

Com. Prof. Okoth-Ogendo: Please understand what I am trying to say. I am trying to make a distinction between the functions of the Chancellor and the functions of the Vice Chancellor. Even if we have somebody else and not the President as Chancellor of Egerton, that person will not run Egerton, the Vice Chancellor will and not Chancellor I want to understand why the President cannot be Chancellor and anybody else can.

Mr. Ombuna: In accordance to the Kenyan situation the situation we have the Chancellor of the Public Universities has been known to issue of orders. For example the other time, there was a statement that was issued and we feel strongly that the Chancellor should control the leadership activities that are going on in the universities and there should harmonization in the public universities.

Com. Prof. Okoth-Ogendo: Please register but think about that very carefully, the distinction between the Vice Chancellor and the Chancellor and if you want to give us a supplementary memorandum on that we will accept. Please register. Can we have Vincent Njoroge. Thank you Mr. Njoroge, summarize.

Vincent Njoroge: The Chairman of the Commission, ladies and Gentlemen, mine is to read the memorandum I have here which has my personal proposals.

Interjection: Please summarize the main points.

Vincent Njoroge: I am summarizing I am going talk about the first one on proposals about the President of the ruling party. I take that he should be in the office for the two consecutive periods of ten years tenure and he should get to the office at the age of 45 years and not below. I also say that the Members of Parliament are to retire at the age of 65 yrs or 70 and not to have a life term period.

Interjection: That is for Members of Parliament, what about the President?.

Vincent Njoroge: Also the President because he is a Member of Parliament, at the age of 65 to 70 yrs.

3. Here also I am talking about the Members of Parliament. They should have a sound academic qualification of at least form four level and above, below that one should not take that post.
4. The President should appear in the court of law like any other Member of Parliament

when he commits a crime and he should be sentenced accordingly so about the law should not come in.

5. The President and the Parliament should honour and consider the Trade Union

Grievances. Here we have the workers union which are never recognized by the President and the Parliament. An example is the KNUT, has not been recognized so the Teachers have not been given what was passed by the Union.

6. The electorate should have the right to declare the Member of Parliament redundant

when he or she fails to represent them well in the Parliament, especially when a Member is elected and next time you find such a member crossing the floor and joining another party. So the people who elected him have the power to declare him redundant and also call for a by election

7. We have the jobs here, the job vacancies should be manned by qualified personnel

and not on tribal or nepotism basis. You find that most of the jobs have been occupied (interruption from the Commissioner)... My last point is all the retirees should proceed on their retirement with their retirement benefits and not to struggle for it thereafter.

8. The Electoral Commission should be neutral and independent and not to carry orders from the ruling party and I propose it should be elected by the Public Service Commission.

Com. Prof. Okoth – Ogendo: Thank you very much Mr. Njoroge, how old are you?

Mr. Njoroge: I am 51 yrs old so you can still be President, you are safe.

Mr. Njoroge: I can be the President now (laughter)

Com. Prof. Okoth – Ogendo: Thank you very much, please register Bernard Methu, Ok Bernard please summarize

Mr. Bernard Methu: Mr. Chairman, my name is Bernard Githu Methu. I am presenting the Congregation of Molo PCA Church, which is composed 450 members, Mr. Chairman, we would have liked very much a Constitution which will guarantee first of foremost the abolition of the devil and the devil worship. And this to be viewed very much as a crime in our Country Kenya. It has brought a lot of poor repercussions because Constitution states there is freedom of worship. What we would like to have Mr. Chairman is unitary Government for elected members only and no nominations. The President Mr. Chairman and deputy President should not be elected members. The Vice President should be a running mate of the President. We would have liked Mr. Chairman to have a well disciplined Government which will gurantee constant security and a fundamental rights,

basic rights and adequate use of public resources and finances for the nation. The Constitution which will guarantee the eradication of drug abuse. Also where we have got cinemas and videos showing movies of nude habits to discontinue and become an offence in our country because it has spoilt our children very much. We would like to see a Constitution, which guarantees creation of better relationship between wives and husbands and taking another police directly whenever a quarrel arises for the benefit of the children.

Interjection: Summarize, go to your last point?

Mr. Methu: We would like to have (special protection of a God given resources in the absence of the system(.....Inaudible.....))

Prevention of establishment of industries, which are likely to cause pollution: I would like to stop corruption and the corrupt activities concerning ...natural resources to be stopped. We also would like to have the selling prices of agricultural commodities to compare properly with the inputs. The behaviour which comes as respect from other missions and create harmonious relationship between us is of the paramount importance. The children of twenty years and above to live the family to look for jobs and the Government to be keen in looking for what we can do. Also, we would like to see the small children beomg canned. We are talking about not caning children in school and at homes but they should be caned slightly by teachers and should be recorded in the register Giving free education up to form 2.

Com. Prof. Okoth – Ogendo: Mr. Methu your time is up. Thank you very much Mr. Mathu. Please register with the secretariat. Njogu Mungai, please summarize.

Mr. Njogu Mungai: Thank you very much, my names are Njogu Mungai and I am a law student at Makerere Univerity. I confine my-self to the sub-details of a modern Constitution.

1. First the Preamble. The current Constitution that we are using lacks preamble stating the objectives that the citizens of Kenyans would like to be assimilated in the works of the Government.
2. I would like them to have a statement of National Policies which will govern the performance of the Government which is going to be in place.
3. The 1963 Constitution which we are using at the moment, has been wrongly arranged according to the creation of the Executive, Parliament and Judiciary comes before the creation on the settlement of rights and fundamental and freedoms of the individuals and citizenship. I would like fundamental rights to be second... May be there can be the question of

citizenship first then fundamental rights, then the question of the Presidency because it is the people who create the Executive, it is the people who create the Parliament, it is the people who create the Judiciary.

4. Members of Parliament should not be allowed to amend the Constitution haphazardly. There should be citizenship of Kenya ... The Citizens of Kenya should be allowed to conduct referendums to state what they want or the laws they want amended.
5. On the issue of citizenship, I totally disqualify the idea of dual citizenship in this Country. May be there are those who would to come up with that. There should be a clear statement of who is a citizen of Kenya and a clear definition of who is a youth, who is a child. Also, I would like to submit that there should be representatives of ethnic groups, children, youth, and the elderly in the National Assembly may be by the nomination from those scopes.
6. On the issue of defence, the current Constitution does not have a legal bearing for the question of the disciplined forces, the Police. It lies under the Executive. It says that responsibility or creation question of these organs lies with the President. I find it tricky because this gives the President all the powers he can to do whatever he wants at any time. I would like that the current Constitution that you are going to make to have a legal bearing on these institutions.
7. On the political issues, I concur with my former discussant who said that political parties should be limited to five. I would like them to limited to 10 and they should be financed for that matter. The criteria should be after the next general election, those who will be 1-10 should become the political parties of Kenya and those who by bad luck fail to come within that range should be disqualified.

Interjection: Please summarize your last point

Mr. Mungai On the Legislature, I would like the people to be given more power so that they can censure or may be have a say in their representation. Should a Member of Parliament commit crimes or may be he is not a representative of that area at the moment, may be he does not represent their needs and aspirations of these people, he should be removed by the people.

Another issue is on the Executive it has been so many powers. The President is the Chancellor for Universities in Kenya, he is the Commander in Chief. On the issue of Chancellor, I would like us to follow the system like in Uganda, where President Museveni forfeited the role of being the Chancellor of the State Universities because he doesn't have the qualification. How can a man who does not have qualification award degrees to qualified members? It doesn't make sense at all. Another

issue is... that

Com. Prof. Okoth – Ogendo: (Interjection:) I am aware that President Museveni has a degree, he was my calssmate. So what are you talking about?

Mr. Mungai: He has a degree but he is not ready because we have the brains who can award degrees. He doesn't have the right brains. It is just that he has political science degree. Women must be given more powers on Affirmative Action.

Com. Prof. Okoth – Ogendo: Now, let me inform you that 1963 Constitution, Bill of Rights was in Chapter 2 it went to Chapter 5 so in 1969. So you are quite right, thank you. Can I have John Mugo for the disabled? Please come forward, he will be followed by Ondieki as we need to release him.

Mr. John Mugo: My name is John Mugo, I am representing the United Disabled persons of Kenya, which is an umbrella organization of persons with disabilities. I want to say that we have keenly followed (inaudible) the debate on Constitutional reform and we wish to express our sincere gratitude for being allowed to present our views.

I want to say that the disabled of Kenya, totaling about ... going by the last census, it was established that about 10% of the total population of Kenya is disabled. Now, the 10% of the disabled is in various categories we have got people with physical, intellectual, sensory medical or mental disability.

That population of the disabled is just enough for the disabled to form a Constituency of their own. We have noted with concern that the current Constitution does not have a single clause, positive clause in relation to persons with disabilities. Section 70 and 82 of the Constitution Kenya outlaws the discrimination on the basis of race, tribe, place of origin or residence, political opinion, colour, creed, race, sex/gender but there is nothing that mentions the disabled such that they are discriminated. We believe that this is because persons with disabilities who are not in the formulation of the supreme law of the land, that the experience like Uganda where persons with disabilities were represented in the Constituency Assembly that came up with the new Constitution is an example that we should borrow.

Today, the disabled the persons in Kenya is discriminated against the provision of services among other public facilities like banks, with impunity. They are denied rights to access public facilities by the way buildings are constructed, walking and other appliances are charged duties and other taxes that make them unaffordable to persons with disabilities. For example, the blind

are being denied to open a bank account with banks on grounds that they can not see. The mentally handicapped being treated as if they are mentally sick, and lack of access to medical services because some medical personnels indifferent do not understand sign language thus making it impossible for a deaf person to communicate with medical doctors.

On the question of representation and the Constitution, disabled people and their organizations should be consulted and included in the decision making process in areas of policy and should there be Legislation that involve the national and local work of Governmental level in such areas like re-presentation, accessibility and communication.

We comment that the disabled people be elected where disabled leaders are both in Parliamentary and Local Government levels.

The numbers of provinces should be the basics to determine the disability constituency. We also recommend that disability be enshrined in the Constitution and all discrimination against persons with disability outlawed recommend that opportunity be provided for persons with disabilities to be represented and to participate fully in the reform process, as this will help in articulating their special needs and that makes their life better than in the present case.

Chapter 26 to be there for expanded to include persons with disabilities in all policy making organs like the Kenya Law Reform. The Public Service Commission, specifically it is of concern to us that persons with disabilities shall be excluded from participating in the on going Constituency Committee.

Disability versus Constitution; going back to our Constitution section 12 (1,2) provides that for the removal of the President on the grounds of incapacity. We consider this unfair in that the definition of incapacity is not provided . Such interpretation should be defined in capacity taking into consideration the technological development which enables persons with disabilities be at par with the non-disabled persons. The term incapacity should be defined to exclude all disabilities which do not incapacitate the President to such an extent that he is unable to perform his duties effectively .

Interjection: Com. Prof. Okoth – Ogendo: Mr. Mugo, please summarize your last point.

Mr. Mugo: We are advocating that the disabled to be elected in Parliament we recommend this section to be amended to make provision for nomination of persons with disabilities and they need to do so just like other elected MPs.

Interjection: Com. Alice Yano: You have a written memorandum and we will read it

Mr. Mugo: Chapter five of the Constitution provides for the protection of rights and freedoms of individuals of this country. Section 71 safe guards the right of life, however this is contradicting while abortion is allowed when due to modern technology it is detected that the baby is disabled. Also section 71 (2c) the disabled are killed for no fault of theirs since they can not run during a meeting or riot. We recommend that life at whatever stage disabled or not must be preserved. Section 71 (2c) to be amended to allow compensation for the disabled persons who are killed during riots or mutenous times as along as they have nothing to do with the situation. Thank you.

Com. Alice Yano: Thank you very much Mr. Mugo please secretariat make sure that Mr. Mugo signs the register, Isaih Ngila. Your name and summarize very quickly.

Mr. Isaiah Ngila : Ok my names are Isaiah Ngila I am a dental officer Molo District Hospital and I am a member of the (inaudible)...of Kenya. What I have before me is a written memorandum on the views of the western region East African Church of God and I will read them. We would like to have a preamble at least stating the purpose of establishing the Constitution and the advancement of general welfare of the people of Kenya, the vision of the Nation and a declaration of the will of the people to its establishment.

On the Executive power ,the Constitution should clearly state that it is only a natural born citizen of Kenya that should be eligible to the office of the President and Vice President and also state a minimum of full. years which he or she should have presided within the republic of Kenya. The President and the Vice President should be elected as running mates. The President and Vice President should not be representatives of any constituencies though they will be ex-officio members of the Legislature. Rather, Kenya should adopt a Presidential election system in which the President and Vice President are elected as a team after every five years. Nobody should be eligible to be elected as a presidential candidate unless the nominating party has membership of at least five hundred people and at least 50% of the constituencies within the republic of Kenya. If for an election for President, no Presidentgets more than 50% of the votes cast, then a second round should be conducted between the two persons who shall have attained the highest number of votes at the initial election. The second round should be conducted within 30 days of the first one. The winner at the run off shall be the President.

If elected President and Vice President should both die or leave office within two years of election, then the General election for both President and Vice President shall be done within 90 days during which the Speaker of Parliament shall act as the President. There should be a provision for removal of President and Vice President from office by impeachment for convictions of treason.

Corruption and misuse of office or other high crimes or misconduct. This should be conducted by Parliament with the Chief Justice presiding. There should be at least 2/3 members of the Parliament vote to remove him where need be.

On military and the Cabinet, the Ministers and Assistant Ministers and the Cabinet should not be representatives of the constituencies though they should also be ex-officio members of Parliament. There should be distinct separation of powers, the actual and (inaudible)...However, there will be ex-officio members of Parliament and can be called in to answer questions to the Parliament. The Members of Cabinet are to be nominated by the President but they should not take office until they shall have appeared before a Parliamentary Constitutional Committee and qualification for such persons should be stipulated to provide for adherence of appointment and avoid unqualified personality in such positions.

Interjection: Com. Alice Yano: Thank you very much Mr. Ngila please register. You are free to return to your station.

Mr. George Njenga, please summarize...

Mr. George Njenga: My names are George Njenga Kamau I am representing CJPC, the town Parish. Our Constitution should have a preamble where-by we say we have a mission, goals and aspirations.

The Executive Powers; We are saying that the President should have two terms and should be subject to impeachment.

We also we need an Executive President and Vice President elected by the people. Chiefs should be elected directly by the people and Provincial Administration should be done away with. On Judiciary, Judicial Service Commission should be elected by the Judges and magistrates.

Appointment of Attorney General should be by the Executive and be vetted by Parliament and his role should be that of chief advisor only. The Chief Prosecutor should be appointed by the Judiciary.

On Legislature, we need MPs who have form four educational qualifications and at least C+. Parliament should vet all

Cabinet Ministers and they should be appointed on merit and intellect. Parliament should also have its own calendar. The salary allowances of Parliament should be determined by the a Commission composing of the following: COTU, Chairman JSC, KNUT, DPM, Finance Secretary and even Chief Secretary and a Member from the Civil society. Those should be the people to determine the allowances of the MPs.

We should have power to recall MPs if they don't perform. This should be done by 60% of the voters who elected him during that time, and it should take at least two years before he can be recalled. MPs should have offices in the Constituencies and when Parliament is dissolved, we should have a transitional government headed by a Speaker. This should avoid a case where by after dissolving the Parliament, the Executive still have powers.

The last one is on Electoral Process where by we need the ECK to have power to prosecute those who commit offences and they should be nullified and also discontinued.

Com. Prof. Okoth – Ogendo: Thank you very much, please register. Rose Wanjiru Muriuki

Rose Wanjiru Muriuki: The Commissioners, my names are Rose Wanjiru Muriuki I am retired district women leader in the KNUT and also head teacher in a primary school. I have a memorandum on behalf of the women in the Molo Constituency, Rift Valley Province are making the following recommendations to ensure equity and equality among Kenyan men and women. We would like the Constitution to have a preamble and we state that the new Kenyan Constitution should have a preamble that expresses the basic national values, philosophy and the vision to which Kenyan people collectively aspire. The preamble should capture the spirit of the entire Constitutional framework taking and affirming the basic principles and commitment expounded in the rest of the Constitution. The preamble should include an acknowledgement that women have suffered discrimination and a commitment to gender equality, democratic development and the pursuit of social justice. The preamble should acknowledge women as moral agent who have to be listened to and their are insight incorporated in the human search for national and global justice.

It should also recognize women as important agents of change who carry with them their own unique experiences. Everyone we also say that everyone has a right to equal protection freedom from discrimination, freedom of expression and association, the directive principle of equitable representation of both gender. Equity before the law for all citizens

regardless of all gender or status should be enshrined in the Constitution.

Citizenship; Persons born in Kenya after the year 1963 and persons staying in Kenya for a period of more than five years are automatic Kenyan citizens. Persons born to Kenyan citizens within or outside Kenya, whether the father or mother should be an automatic Kenyan citizen. A Man or Woman married to a Kenyan citizen should be entitled to automatic Kenyan citizenship unless they choose otherwise. A child of less than 18 years whose parents are not Kenyans adopted by a citizen of Kenya should be registered as Kenyan citizen. The Kenyan Constitution should allow for these citizenship to enable Kenyans hiring abroad to enjoy their rights as Kenyan citizens.

Interjection: Please summarize the main points

Ms. Ruth Wanjiru: The affirmative action policy to ensure at least 1/3 of representation of opposite gender at all levels of decision making should be enshrined in the Constitution. It is legal requirement for those posts by the social structure or cultural practice where by they are left to dwell in discrimination and exclusively due to gender, age or disability.

Civic Parliamentary elections should be held separately from the Presidential election. Ballot boxes should be made transparent to clear doubt for every voter to see through. Secret ballot method of voting should be enshrined in the Constitution for all the voting including political parties. On land issues, we have...

Com. Prof. Okoth – Ogendo: We will take your memorandum and read it Rosemary Wanjiru is not there. Mwangi Jackson you have three minute.

Mr. Mwangi: Mr. Chairman, I hereby present my proposals as follows. On Presidential election, there should be nobody who is elected unopposed. Any body who is to be elected to that office should be elected by majority vote, and not simple majority. That is 51% of the registered votes in Kenya. Even to the office of MPs and all elected councilors, it should be on majority votes that is 51% of the registered votes.

Secondly, President should not appoint members of the Cabinet unless on special occasion or on speciality, qualification and profession. We should have one tribe called Kenya. A Kenyan has a right to own property in every part of the country and reside there. On employment all employment should be on basis of qualification and not on nepotism. There should be respected separation of powers, Executive, Legislature and Judiciary should operate independently. People holding public

office should be credible, should meet expectations of their offices. The President should be impeached for crimes and immorality committed by him when in office.

Com. Prof. Okoth – Ogendo: Thank you very much Mr. Mwangi. There is a question Mr. Mwangi for you.

Com. Alice Yano: Mr. Mwangi I don't know whether I got it very clearly this issue of that nobody should be elected unopposed in the presidency I imagine that is what you are trying to tell us that is what we should put in the Constitution supposing there no opposing candidate at all, what happens?

Mr. Mwangi: Although there is nobody who has come forward to register as an opposing member there should be conducted election opinion so that ...

Com. Prof. Okoth – Ogendo: You are saying if there is only one candidate, people should vote yes or no?

Mr. Mwangi: Yes, so that we know how many have voted him in

Com. Prof. Okoth – Ogendo: Thank you very much, there are countries that do that Dr. Kiranga, please summarise

Dr. Kiranga: Ma-Commissioner, majina yangu naitwa Dr. Kiranga, mzaliwa Molo, mkaaji wa Molo na mimi ndiye mwenyeke wa chama cha Ford People katika Molo Constituency. Hata ingawa nimenadika hii kwa lugha ya kingereza, ningelitaka kufanya muhtasari kwa lugha ya Kiswahili ili wale ambao tuko nao wataelewa.

Kwanza tungelitaka kuwa na serikali ambayo iko na Rais mwenye uwezo na chini ya Rais tungelitaka tuwe na Makamu wa Rais ambaye hata yeye atakuwa na uwezo. Baada ya hapo tuwe na Waziri Mkuu ambaye atakuwa akiwakilisha Rais katika MBunge. Kwa kulingana na vile tulionelea sisi ni kwamba Rais asije akawa mBunge hata kidogo. Ya pili, hata Makamu wa Rais asije akawa MBunge hata kidogo lakini katika uchaguzi wawe wanachaguliwa na wananchi. Kwa hivyo Rais ana uwezo wa kumchagua Makamu wake. Naye Waziri Mkuu ingelibidi awe amechaguliwa na wanaBunge kulingana na kile chama ambacho kiko na wingi mawaziri katika Bunge ambao watakuwa wamechaguliwa. Na mkuu yule anamwakilisha katika Bunge, yaani Waziri Mkuu.

Ya tatu, Makamu wa Waziri Mkuu naye ni lazima awe na uwezo na asije akawa anachaguliwa na Rais. Bunge liwe na uwezo wa kuwachagua wale wote wakuu na waweze kuthibitisha hata wale mawaziri watakuwa wamechaguliwa.

Zaidi ya hayo, ningelitaka kusema ya kwamba hata Rais yeye mwenyewe tungelionelea asije akawa na uwezo wa kuweza hata kuwateuwa wabunge. Kwa hivyo sisi tunaonelea kusije kukawa na wabunge ambao wameteuliwa. Katika uchaguzi wa Bunge, tungelitaka mipaka ya ubunge irekebishwe kulingana na wakaaji wa kila eneo ambalo linawakilishwa. Kwa hivyo

sisi tungelitaka ile hesabu ya watu ambao wanaishi katika eneo fulani iwe kama ile ingine bila kuwakilisha kulingana na vile nchi ilivyo . Na zaidi ya hayo, tungeliomba Katiba ambayo tungeliunda iwe na mipaka ambayo inaonyesha kwa miaka zaidi ya kumi, isije ikarekebisha kila wakati Bunge ingelitaka kurekebisha.

Ma-Commissioners, yale ambayo yanatuhusu sisi wakaaji wa Molo zaidi ni yale yanahusu upande wa ardhi. Tungeliomba kuwe na vifungu ambavyo vitongea juu ya ardhi, vifungu ambavyo vitaonyesha kwamba unaweza kuwa na ardhi pahali ambapo unataka na title deed iwe ni chombo ambacho kinakuonyesha wewe ni mwenye ardhi hiyo. Na zaidi ya hayo bwana. Mwenyeki, ningeliomba yale ambayo yamekuwa yakitokea upande uu ya watu kufukuzwa kwa ajili ya kutokua na ardhi wasuhe kwa ajili ni wana Kenya.

Com. Ogendo: Please summarise

Dr. Kiranga: Na Katiba ikitengenezwa na watu wenyewe, irudishwe kwetu sisi wananchi turudishiwe ili sisi wenyewe tuweze kuirekebisha. Asante Sana.

Com. Prof. Okoth – Ogendo: Asante sana, any questions? No questions Dr. Kiranga please sign at the secretariat. George Muiruri, you have a memorandum please summarise the main points only, three minutes.

Mr. George Muiruri: Na ma-commissioners, yangu ni haraka haraka na ningependa kutaja moja moja. Jina langu ni George Muiruri kutoka Kiambogo Farm:

- Ninge- penda ipendekezwe kwenye Katiba kwamba mazao kutoka kwa mashamba ambayo wakulima wamelima wawe wakilipwa na serekali moja kwa moja bila kujalisha kwamba mpaka iwe imeuzwa au haikupata soka mzuri.
- Ya pili bwana mwenye kiti ni kwamba watu wote ambao wana umri wa kufanya kazi, kama hana kazi awe akilipwa na serikali kutoka na yeye umri wake unatosha wa kufanya kazi lakini si yeye amekataa kufanya kazi ni kwamba pengine serikali haimpatie kazi.
- Inginge bwana mwenye kiti ni kwamba, upande wa uchaguzi wa wabunge au wa urais hii sehemu ya ishirini na tano kwa mia kutoka mikoa mitano iondolewe. Badala yake iwe kwamba Rais awe akichaguliwa na wingi wa watu wa hamsini na moja kwa mia.
- Inginge bwana mwenye kiti ni kwamba, kama ni uchaguzi wa wabunge, iwekwe katika Katiba kwamba mbunge anastahili kuwa amechaguliwa, au awe constituency yake iko na watu wa idadi ngapi, Fulani. Isiwe anajikuta ni mbunge na lakini pengine amechanguliwa na wananchi watatu au watano na mwingine anajikuta ni mbunge lakini alichaguliwa na

watu zaidi ya mia mbili au mia tano elfu. Iwekwe kwamba kuwa mbunge, lazima constituency ile ambayo anawakilisha wapiga kura wawe ni sawa na wale wamewekwa katika sehemu ile ingine. Tuseme kwa mfano ni watu elfu ishirini au thelathini namna hii, mbunge awe anaingia katika Bunge na idadi ya wale watu. Lakini kusiwe kwamba wale registered voters wako kumi au na wanitaji wawe na mwakilishi katika bunge.

Interjection: Go get to your last point.

- Laini ingine bwana mwenye kiti, Rais asiwe juu ya sheria na tena ikubalike kwamba kikao cha ma-judge watano kinaweza kusimamisha Rais kazi kama kutakuwa na makosa fulani. Asante

Com. Prof. Okoth – Ogendo: Asante Bwana Muiruri, any questions? Please register Joseck Nyantino? Joshua Kengele? Peterson Githinji is not there. The next person is Daniel Ndegwa, please summarise.

Daniel Ndegwa: Majina yangu ni Daniel Maina Ndegwa nafikiria nitatoa maoni yangu kwa lugha ya Kikuyu

Daniel Ndegwa:

Daniel Ndegwa: Vernacular

Translator : Nafikiria kwanja nitaanza na mambo ya kilimo.....vernacular

Translator: Serikali inatakiwa kupeana watu wa kufanya kazi kusiaidia wakulima

Daniel Ndegwa: Vernacular

Translator: Serekali inatakiwa Katika Katiba kuwa inausishwa kusimamia kikamilifu wakulima ili wapatiwe nafasi za ma-licence na mambo mengine

Daniel Ndegwa: Vernacular

Translator: Na iwe inawalipa wakulima hapo hapo na tena hata ikipeleka chakula ina- walipa kwa bei mzuri.

Daniel Ndegwa: Vernacular

Translator: Vyakula vya wakulima na hata hasara ambayo inaweza kuletwa na wanyama au kwa sababu ya magonjwa serekali inatakiwa kulipa ridhaa kwa mkulima au wagawanye hasara hiyo ili mkulima asije akaumia zaidi.

Daniel Ndegwa: Vernacular

Translator: Vyakula, hasa maziwa, ambavyo kwa wakati mwingi vinaonekana vinatolewa na serikali inapeana import havitakiwi kuletwa ndani kama wakulima wana maziwa ya kutosha na vyakula vya kutosha hapa.

Daniel Ndegwa: Vernacular

Translator: Serikali inatakiwa kusaidia sana kuona ya kuwa inalinda sana sana viwanda kwa njia mzuri kwa sababu wakati mwingine inaonekana kuna kasoro

Daniel Ndegwa: Vernacular

Translator: Katiba mpya ingalifaa kuwa na wazee wa kijiji wa kisheria

Daniel Ndegwa: Vernacular

Translator: Wazee hawa wawe wakichaguliwa na wanainchi baada ya kila miaka sita.

Daniel Ndegwa: Vernacular

Translator: Hawa wazee wawe wakilipwa na watu ambao ni wa sehemu zao. Wazee wa chaguliwe na watu wa kijiji chao wawe ndio watakuwa wakiwapa waBunge ama ma-councilors maoni yao ama kusaidiana na serekali katika hali ya utawala ili utawala uwe ukitoka kwa wananchi.

Com. Prof. Okoth- Ogendo: Asante sana bwana Ndegwa peleka memorandum kwa secretariat huko, Josephat Kuhira please summarise.

Mr. Josephat Kihura: Bw. Chairman yangu ni machache sana na kwa majina naitwa kwa majina Joesphat Kihura kutoka Elburgon na mimi nawakilisha kikundi cha wakulima kwa jina la Kenya National Small Scale Farmers Traders Union, Nakuru branch. Tungeomba, na sisi tumeomba kama kikundi cha wakulima, Katiba mpya iwe na mambo yafuatayo. Wakulima na sisi sote watu makabila arubaine na mbili ya Kenya tunapendekeza ya kwamba hii Katiba iwe na kifungu ambacho kinaonysha imewekwa katika ulinzi wake Mungu mwenyezi. Hata kufikia sasa pengine hatuna Kifungo kama hicho na hatujui tuko mikononi mwa Mungu au nchi yetu iko mikononi mwa shetani.

Ingine ni wakulima wapunguziwe kodi. Kuna Kodi nyingi ambazo wamewekewa na hata zingine wanaona ziko zaidi na kwa kisheria ingelitakiwa iangaliwe.

Ya tatu, wizara ya kilimo ikomeshwe kuagiza chakula kutoka nje ya nchi na hali vyakula vya wakulima havinunuliwi na wizara. Tumeona hiyo kwa sababu tunajua mahindi haya hununuliwa kwa wakulima.

Wakulima wawe na wakilishi wao wenyewe katika mashirika ya kamati ya kilimo ya kisheria.

Ya nne, kwa wakati huu mashirika ya miwa yanaendelea kufungwa na wananchi kazisishwa kazi na wakulima hawalipwi kwa sababu serikali inaagiza chakula kuto nje na tunataka Katiba Mpya ambayo inalinda wakulima sawa sawa. Jambo lingine, wakulima na wafanya biashara wanahangaishwa na polise na askari tawala na askari wa mabarasa kila mahali na

tungependa Katiba mpya inalinda watengewe mahali pa biashara zao. Jambo lingine miti imekatwa na nchi imendelea kuwa jangwa na tungependa katiba ambayo inalinda mazingira. Mwisho nikimaliza, tungependa pia Katiba mpya iwe na usalama wa wananchi kwa sababu wananchi wengi wanadhulumiwa. Nikimaliza, police wasiwe wanaweka wananchi seli zaidi ya masaa arubaine na nane na utawala wa majimbo hatuutaki.

Com. Prof. Okoth- Ogendo: Asante sana bwana Kihura, please register your memorandum there. C. K. Mwangi? Mr. Mwangi please summarise, you have a memorandum.

Mr. Mwangi: Majina yangu ni Charles K. Mwangi na haya ndiyo maoni yangu.

The Vice President should be elected by the public along with the President but not appointed by the President. Judiciary, Legislature and the Executive should be independent. By that the I mean the President should not interfere with the Judiciary so that the cases may be judged by their merits.

Mr. Chairman, the Parliament should appoint such personalities like the TSC Secretary, Attorney General, Chief Justice and all those who head the Parastatal bodies.

I would like it to be included in the Constitution that in Kenya we should not have federal government but multiparty government throughout. Finally Mr. Chairman, I would like to say that election of the Members of Parliament or rather the Constitutional Boundary ... No, no Electoral boundaries, they should be based on population and not at a random. Thank you Mr. Chairman.

Com. Prof. Okoth- Ogendo: Thank you Mr. Mwangi please register with the Secretariat Mr. Nyengochi, I can not pronounce your first name, you will have to pronounce it for us.

Mr. Nyengochi: My name is Juvenalis, Nyengechi I am a farmer in Molo. One, the head of State must be 35 – 60 years. Police must stop harassing wananchi any how and they need to warrant of arrest to arrest somebody.

Money that is misused anyhow such as school fees, for coffee and pyrethrum; those who squander money must be taken in custody. There are people who dying in custody for small cases such as quarreling. On land, land must be given to landless people thank you very much.

Com. Prof. Okoth- Ogendo: Thank you Mr. Peter K. Karanja

Mr. Peter Karanja: My names are Peter Karanja I am representing Kachang'wani location. Because I have written a

memorandum I am going to read the points which I think have not been mentioned.

Com. Prof. Okoth- Ogendo: Please do that very quickly

Mr. Peter Karanja: We have written a preamble here which you will read in your file. Any alteration of the Constitution by the Parliament should be done by the 80% sitting of members of the Parliament after conduction a referendum in every constituency and such opinion poll should be conducting by an independent body.

The General review of the entire Constitution should be done after 30 yrs.

About the President, he should be elected as an MP first and if he or she succeeds to get a Presidential vote, another person should be elected to replace him in the constituency.

Still about the President, once a President is elected, he or she should cease to behave as a party chief and should serve all Kenyans irrespective of party affiliation.

The other one is on the Vice President, he should be elected directly, he should not be appointed by the President. He should assume all the Presidential functions when the President is out of the country and should have clearly stated roles.

About the Ministers and Assistant Ministers; Any Minister who messes up should not be transferred to other Ministries, he should be sacked.

The other one is about the Army. We felt that the Army when not involved in external conflicts, they should take tenders to repair roads, build bridges, serve as doctors in Government hospitals instead of sitting idle in the barracks. That way they could help get foreign exchange and generate income for the Government.

About the prisons, we felt that inmates can be trained to generate income for the Government through farming, construction or Jua Kali instead of being a liability to the Government. Any individual in need of utilizing them should pay according to the market rate.

Nominated MP; it is our feeling that the nominated MP should be earmarked to represent different interest groups like the disabled, women youth, marginalized communities like OGIEK. Attendance to parliament, we felt that they should be put (inaudible)...About the political parties; we felt the number should be a minimum of 3 and a maximum of 4. This is to reduce ethnic inclination, the parties should be funded by the tax payers money.

About the procedure of arrest in the court, it was our feeling that a civil case should not take more than a three months in the court of law, and a criminal case should not take more than one year.

Human rights; A commission should be backed by a law and de-register denominations because it is being abused due to the greed for money.

Taxation level in this country should be reduced. If not, the Government should give all the essential services free of charge especially medical care, education and others. The last point is about the ownership of land in this Country. A person doing large scale farming in arid and semi arid regions should not own more than 1,000 acres and those who have prime land should not own more than 5,000 acres. I am talking about large scale farmers and small scale should not own more than 1000 acres and land cases should be or local arbitration a small court of law.

Com. Prof. Okoth- Ogendo: Thank you Mr Karanja, please register your memorandum with the Secretariat.

Hassan Oman Waweru

Mr. Hassan Oman Waweru: The supremacy of the Law, no one should be above the law including the President. The Parliament should be empowered so that it can impeach the President and remove him or her from office in case he fails to perform his duty.

To enhance Presidential impeachment on vote of no confidence in case the President does not deliver, there should be a presence of two houses; House of the Representative and the Senate.

The President and Cabinet Ministers should not be members of the Senate. Rather only the Vice President. The President should not be a member of Parliament rather be directly elected by the people.

The Senate should contain regional representatives while House of the Representatives should be formed by MPs. In this way, the Senate can impeach the President if he does not deliver.

Local Authority; the town clerk should not be appointed by the Permanent Secretary he is junior to the Mayor but he is more powerful than a mayor who is an elected councillor. This makes a Mayor the toothless dog as he can only implement what the clerk has certified who in turn seeks advice from the Permanent Secretary, doing the will.

Provincial Administration, it should be scrapped. One is left to wonder why there should be a councillor and a chief or sub-chief in the same place of jurisdiction. The two duplicate their functions. Only Councillors or chiefs elected by the people should be there. Members of the Parliament and Councillors are supposed to ask permission from the DO, DC for any development plan or baraza who seems to be very busy performing the Government duties.

Lack of quorum and persistent absenteeism of the Ministers is rampant in the Parliament. A code of ethics should be

established through which the voters will be able to judge whether their MPs should continue or not, to represent them in Parliamentary sessions.

Interjection:

Politics should be the least paid career. This will reduce the majority of rich people investing in this non productive investment rather they will engage in more economic production and investment thank you

Com. Prof. Okoth- Ogendo: Thank you very much Mr. Waweru, register with the secretariat. Eliud Kiboi Ndegwa

Mr. Eliud Kiboi Ndegwa: Bw. Chairman, my names are Eliud Kiboi Ndegwa and I have the following proposals to make this honourable Commission.

I will start with education. Government should provide free education for all up to form four, that is through tax payers money and this will empower Kenyans and the entire community in future. It will also reduce child labour because they are going forced to go to employment because they are idle. Also, the Ministry concerned, Ministry of Education not to allow a person or person without qualification to go to abroad for further studies if they have no qualification that is waste of money and time.

I would request this Commission to change Land Act and for those people with about one hundred acres or more, an extra tax to be introduced so that they can utilize the land they are having accordingly. Government land has to be protected like Research, forest and others for future development of our country. Still on land I would request this Commission to have claimation facility in every town and by so doing we are also solving land problem in this country. When we come to Agriculture we have marketing department to be very serious when it comes to marketing and the distribution of resources but it is good to grow this and that we don't have competition and to consider good price. Also, government to protect farmers from foreigners. Foreigners have come, they have invaded this country where by they are coming with strong conditions like in horticultural farming, they are putting Kenyans out. When it comes to water, I will ask this Commission that every area in this Country to utilize its resources and for that, you get the same revenue and it will help the same people. Still on water, I will request this Commission to have a dam at least two dams in every location and we shall use the same for irrigation.

When we come to the religion, we have freedom of worship in this country and it has been misused by many people I will

ask this Commission to have limitation , limit the registration of churches. By so doing we shall avoid some sect. We have realized we have devil worshipers and others.

Interjection: Summarise:

Mr. Eliud Kiboi Ndegwa: also still religion we should have qualification for leaders of these churches. When it comes to health I will request this commission to have free medical facilities for all Kenyans Parliament MPs and Councilors to be paid on attendance. And I will request sessions to be three days in a week to avoid waste of time and money as well. Also Mr chairman, I would request defectors to pay half of their salaries to their respective parties.

Com. Prof. Okoth- Ogendo: Thank you very much please register your memorandum with the secretariat. Raphael Ogola is not there. David Kimani Mbugua? Isaack Mbugua? Na Njage are you Isaack no David Kimani Mbugua.

Mr. David Kimani Mbugua: My name is Kimani Mbugua I am a teacher and I am also representing a church. We have the following proposals:

- Defence the President should not be the Commander in chief of the Armed Forces
- He should not have exclusive powers to declare war
- He should leave this to the Prime Minister who will be permitted by the Parliament to do.
- Political parties; their numbers should be limited to three. They should be financed by the Government, and they should play other roles like contributing to the economic development through projects or harambees.
- We should adopt Parliamentary system of Government in which the Prime Minister is appointed from the majority party in Parliament
- . President should remain more or less ceremonial.
- The Local Government should be given more powers to manage their resources, Legislature; MPs should be graduates from recognized universities. The people should have a right to recall MPs and the manner of doing this, all the councilors should meet and vote a vote of no confidence in the MP and then he should lose his post if 60% of the total councilors within his constituency vote against him.
- The MP should act on the basis of instruction from the constituents and not their own feelings or ideas.
- Legislature; the MPs should not determine their own salaries. An independent Commission should be set to do this. Then instead of nominated MPs we should abolish those posts and in their place we should create non geographical

constituencies where the interest groups will be represented. They should be electing their own representatives.

- The Executive the powers of the President should be limited he should not be the Commander in Chief of the Armed Forces, he should not appoint High Court Judges, he should not appoint the Chief Executives Parastatals head, he should never dissolve the Parliament, prolong or prologue it . The Local Government should be given more powers

Interjection: (Inaudible)

When we come to electoral system and process, Presidential candidates should attain 50% votes. Basic rights; all workers should be allowed to form Trade unions Kenyans should have right to access information in the position of the State.

Culture we should have one national Language kiswahili

Com. Prof. Okoth- Ogendo: Thank you very much please register your memorandum with the secretariat can we have Isaack Mbugua, is not there sorry Joseph Ndegwa, come forward he will be followed by Stephen Njuguna be prepared Joseph Ndegwa?

Joseph Ndegwa: The Chairman and the members of the Kenya Constitution Review Commission sitting at Molo, my names are Joseph Ndegwa and I am presenting as an individual. The following are some of the things I would like to be incorporated in the new Constitution of Kenya. Ombudsman, I feel that the new Constitution should have a provision for an Ombudsman. This official should be appointed by the Government whose work is to receive and investigate complaints made by citizens against public servants and public authorities. His powers will be drawn from the Constitution which will gurantee his tenure and not to be subject to the whims of those of those in power. Every Kenyan should be able to send his or her complain and receive acknowledgement and reply after invetigations are completed.

Civil Service Pension: The Constitution of Kenya should make it mandatory for periodical review of Civil Service pension. As matters stand today, pensioners draw pension which are not related to the pesent economic situation thereby making them very poor. Like in 1987, 14 Kenyan shillings was equal to to 1 US dollar today, the US dollar is equal to 80 Kenya Shillings.

All categories of civil servants should be barred from being members of political parties so that they may be impartial in dealing with all categories of citizens. In voting they are free to vote for candidates of their choice of any political party, they should not publicly support or campaign for any political party but they should be able to join a trade union of the civil servants.

Our economic situation does not support (inaudible) and half working day should be restored to boost the economy. Thank

you very much.

Com. Prof. Okoth- Ogendo: Thank you very much Mr. Mbugua, please register your memorandum. Can I have Stephen Njuguna.

S. K. Njuguna: Bw. Chairman kwa Majina mimi ni Stephen Njuguna, mimi ni mkaaji wa Molo na ni Chairman wa vitu vingi kwa hivyo sisemi nimewkilisha kikundi hiki au kile. Na nina maoni ambayo watu wangu wameniambia moja ni mambo ya Katiba. Katiba Iandikwe na lugha zote hili watu waweze kuelewa na kujua. Sisi wote hatukusoma. Ya pili Vice President achaguliwe na watu wote anaweza kuwa mbunge au anaweza kutoka nje. Ya tatu President achaguliwe na watu wote.

Tungetaka tupewe ma-candidates ambao in independent, si kutoka kwa chama hiki au kili mtu atoe aonyeshe umaarufu wake ni upi.

Education ipewe watoto wote bila kulipa;

Wiwete wapewe nafasi ya kupata viti kwa council na Parliament kwa sababu ni ngumu kukimbizana na siasa.

Mambo inahusu councilor, Councilor anayechaguliwa lazima awe mtu amesoma angalau ajambo hata form four na mBunge apate degree si kwenda kusomewa tu manene Bunge. Ile ingine ningesema vile nimesikia wengine wakisema, mtu akiiba department hii asipelekwe nyingine. Atolewe kabisa ili wale wengine wachunge maneno hiyo.

Uchaguzi ufanyewe wakati wake hatutaki maneneo ya extension na hufuate Katiba. Astante bwana Chairman. Ni hayo tu, ama kuna swali niulizwe?

Com. Prof. Okoth- Ogendo: Asante, hebu bwana Njuguna, kuna swali moja hapa.

Com. Alice Yano: Kwa sababu umeliza nina swali moja, umesema watoto wapatiwe elimu ya bure una kiwango ama ungetaka elimu ya bure kutoka standard one mpaka wamalize chuo kikuu.

Mr. Joseph Ndegwa: Mimi ningeliza nigesema kutoma nursery mpaka std 8 na wale wa secondary wapewe bursary. Swali lingine?

Com. Prof. Okoth- Ogendo: Bwana Ezekiel Rono.

Bw. Ezekiel Rono: Kwa jina mimi ni Ezekiel Rono, Sub-branch Kanu chairman. Yangu ningetaka kusema ya kwamba pendekezo langu ni wajumbe wafungwe achaguliwe mtu ambaye amefika miaka 45 achaguliwe awe mbunge. President awe ni mtu ambaye amefika miaka 50 mpaka 80 na kuendelea na hakuna limit ati President atamaliza term yake halafu atoke. Kama Chama yake kinakubali aendelee atatendelea mpaka akufe.

Rais wa Kenya yote lazima apewe shamba. Yule ana shamba kubwa sana awe ni mtu ambaye ako na eka mia moja. Kila mtu apewe eka mia moja.

Na forest ya serikali, lazima watu maskini ambao hawana mashamba wakatiwe kwa sababu hata 1965 Nyandarua ilikuwa watu mistuni na watu wakapewa. kwa hivyo tupewe sisi watu wa Rift Valley tupewe mashamba, tulime au tujenge. Kwa hivyo hakuna makosa kama watu wanapewa msituni iwe makao.

Education; kabila ndogo za Kenya lazima ziagaliwe. Kwa masomo zimetupuwa sana kama Ogiek, hawana division yao, wala location yao wala district. Chief, Assistant Chief wa kabila iyo katika Molo. Kabila kubwa ndio na inachanguliwa kila kitu katika Molo ama Kenya kwa hivyo kabila ndogo lazima ziagaliwe na zipewe madaraka.

Discrimination; watu wakubwa wakubwa wanasomesha watoto wao katika National schools yaani tajiri wanapeleka watoto wao National school na watoto wa maskini hakuna shule wanaenda wanabaki nyumbani. Kwa hivyo serikali isomeshe watoto maskini kutoka sub-division, division, Assistant Chief ajue mtoto wa Fulani na maskini aende na amepita National School asaidiwe na serikali asikae nyumbani. Asante Sana bwana. Mwenyekiti.

Com. Prof. Okoth- Ogendo: Asante sana Bw. Rono. Please register with the secretariat. Evanson Ngugi? Paul Kimani, endelea Paul Kimani Ok, endelea Paul

Paul Kimani: Mimi naitwa Paul Kimani na mkaaji wa hapa Molo. Ningeanza na Mbunge. Mbunge akionekana hana maendeleo yoyote anaweza kuondolewa mara moja, na kuletwa mwenye maendeleo. Wakulima wakisha peleka mazao yao, walipwe hapo

Ya tatu, ufisadi. Mtu mwenye madaraka yoyote akipatikana akiwa mfiisadi, afutwe kazi na yambatane na kifungo. Msitu ni mali ya serikali na hakuna mtu hata moja, moja anaweza kuiingilia msitu bila sababu maalumu. Akipatikana akifanya hivyo anaweza kushtakiwa ya tano.

Madawa ya kulevia zimekwiisha haribu nchi yetu ya Kenya. Mtu anaweza kufanya mambo machafu zaidi akisingizia alikunyua pombe au madawa ya kulevya aina yoyote ya kulevia. Mtu akipatikana na huo, anaweza hata kufungwa maisha ili wengine wawache hiyo mtindo mbaya zaidi talk about serikali yetu ya Kenya.

Ya sita watu zaidi wanazidi kunajisi. Hii mambo ya kunajisi na vile iko ugonjwa kama uu tuliyo nayo kama uu tuliyo nayo kwa nchi yetu ya Kenya. Mtu akipatikana akinajishi ana stahili kufungwa kifungo cha maisha.

Com. Ni ya mwisho.

Interjection: Ni ya Saba

Mr. Kimani: Rais akionekana anayo maendeleo masafi kwa nchi kama hii yetu ya Kenya anaweza kuchaguliwa hata kipindi kingine hili alete maendeleo sababu tuna taka mtu mwenye maendeleo si mtu wakukomboa nchi yetu ya Kenya.

Haya ya nane Rais awezi punguziwa madaraka sababu yeye ndiye mtu iko karibu anaweza tu kupeleka manene ikiharibika na apambane na mambo yoyote inayotokea maishani ndani ya Kenya au ya nchi ya Kenya.

Com. Prof. Okoth- Ogendo: Astante sana Bw. Kimani, please register with the secretariat, Bw. Kimani jandikishe kule, James Ngugi

James Ngugi: noise....I will start with the Electoral system and procedures system and procedures. The current Electoral Commission should be abolished to pave way for a more restructured Commission, which among other things should have the following:

- Commissioners were not nominated by political parties
- Commissioners and Joint Security of tenure in a Commission that is already enjoin in the Constitution and the Chairman should be elected by the Commissioners themselves. There should be an open application system in which Parliament will vet the applicants. The Commission should have its own calendar and this calendar willParliamentary calendar. All incidental expenses of the Commission should come from the consolidated fund. In the appointment of this Commissioners should be by the President although vetted by Parliament.

A person seconded by to the Commission during the election period should by all means and purposes be answerable to the Commission, and more so we are specifying the roles of the Police,the problems are arisen from. The Commission should have the power to nullify elections on the basis of occurrence of electoral irregularities on the Local and Parliamentary, elections, this ones should be held together but note that the Presidential elections should be separate. The Presidential candidate should not be an elected Member of Parliament. Any successful candidate on the Presidential race should ganor at least 51% votes if there failure of this in the first round there should be re-round or simple majority.(inaudible)

Nominations into Parliament should be as follows:

- For the marginalized groups that is women, youth, and marginalized communities should have 2/3rd of possible nominations a certain group need to be considered is a special group to take remainder of 1/3rd of possible nominations.
- Now the Executive should not have powers to create new Districts, this way we will avoid the situation where you get a Constituency is created out of political influence or manipulation. The issuance of ID and photo registration should proceed simultaneously and more importantly during the electioneer period the parliamentary sticker should be the acting President. That takes care of the issue of transition.

Com. Ogendo: Interjection, Thank you very much give us your last point.

Mr. Ngugi: Let us now look at Parliament; The Provincial Administration undermines the roles and functions of Parliament and should therefore be done away with.

Secondly Parliament should have a very significant role in formulating of foreign policies. Third Parliament should have a very federal role in security apparatus because now at the moment it has a very limited scope in scrutinizing the security apparatus and more so the intelligence. The issue ofdocumentation we should look at the statistics in the last general elections you find that only one or two parliamentarians representing 36% of the votes while one of six parliamentarians represent 64% of the voters that is now an issue that should be taken up by the Commission.

Lastly the Judiciary we want the Attorney General to be denied the powers to take over and to terminate privately prosecuted cases and I am emphasizing the issue of taking over and terminating the private prosecuted cases, when he does that he should proceed to full hearing

Prof. Ogendo: Interjection: I think you will have to finish. We will read the memorandum.

Mr. Ngugi: I want to highlight the issue of AG: Auditor General should have his reports to form the basis for prosecution and should have prosecution of powers to convict those people found guilty ofas per

Com. Prof. Okoth- Ogendo: Thank you very much, Mr. Ngugi Please register your memorandum with the Secretariat, Kennedy Kiago give us your name and then summarize your point.

Kennedy Kiago: Kwa majina ni Kennedy Kiago mimi ni secretary wa Ford people Molo branch. Niko na point chache ambazo nitakwenda kupeana mbele yenu.

Point ya kwanza ni kwamba Rais, the President should garner 51% of the total votes casted on top of 25% in five provinces.

Jambo la pili all Presidential Candidates wasiwe wakipigania viti vya uBunge hivi kwamba kama mtu anapigania kiti cha

President akishindwa anaenda nyumbani. Tatu Bunge lenyewe liweze kutengeneza calendar ya uchaguzi hivi kwamba kila baada ya miaka mitano tunajua tarehe ya uchaguzi, naisiwe ni secret weapon ya mtu moja.

Jambo la inne Mayor, Chairman of County Council, County Councils wote waweze kuchaguliwa moja kwa moja na wananchi na isiwe ni vile wanachaguliwa wakati huu na councilors.

Jambo la tano elimu ya councilors iweze kukuwa ni '0' level iliyeyote ambaye anagombania kiti cha councilor at least awe amefika form four.

Point ya nane kwa maoni yangu tuwe na vyama vitatu ili kupunguza mambo ya ukabila tuwe na vyama vitatu peke yake.

Com. Prof. Okoth- Ogendo: Interjection: thank you viery much.

Mr. Kiago: Ya mwisho kabisa wananchi wote wa Kenya ambao wanapata vitambulisho, vitambulisho visiandikwe kabila ya mtu iwe ni mkisii, etc. Mjaluo iwe ni vitambulisho vya Kenya. Thank you.

Com. Prof. Okoth- Ogendo: Thank you very much Mr. Kiago register with the secretariat, Patrick Wainaina, please summarise your Memorandum very quickly.

Mr. Wainaina: Asante sana bw. Commissioner na chairman, I have afew points to make to be included in our Constitution.

1. No Doctor or nurse or lab- technician should stay in one hospital for more than two years, as it is to police officers and so on.
2. The local community should manage forests, and dams or water cashments areas with the help of local Councils.
3. The Local Council should help the Community to determine the prices of their products e.g Maize, Milk, and so on.
4. Tha local Council should manage the loans within their area of jurisdiction.
5. Wholesalers should not be allowed to retain to save the other businessmen or women.
6. All the plots must be advertised by the Council before they are given out, the advertisement should last not more than six months and not less than three months.
7. Anybody should have only one plot from any area of the Council.
8. Every District should have a home for orphans to learn to learn by church organization.
9. Parliament to appoint Judges
10. Medicine should be provided by the Government freely. Thank you.

Com. Prof. Okoth- Ogendo: Thank you very much Patrick. Please register with the secretariat., Jackson Alutha, he is not

there, then can I have Samuel Kihiu.

Samuel Kihiu: My name is Samuel Kihiu, Chairman of Pyrethrum Growers Association, I present on behalf of farmers. I will read straight and this is what we have.

Kenya is an agricultural Country where agriculture contributes about 25% of the GDP our proposals, farmers in general should be motivated sufficiently by way of private and marketing in order to continue to contribute into this domestic economy.

Guaranteed minimum returns should be enforced in all the sub sectors of agriculture, in order to guarantee and sustain production.

The high level of destruction of forest as created an environment not conducive to agricultural growth especially in the high lands, and as a result pyrethrum, milk, and horticultural products which are the main activities in the Kenyan highlands are likely to show negative responses. We therefore recommend that the gazettement of the already rooted forest as public forest utility, we have a Kenyan population to feed and we cannot do it when our water catchment areas are depleted. Agro- forestry should also be encouraged and we propose that Government finances and encourages private tree nurseries there is need to encourage rural industrialization, to create more jobs we propose hurry reforms in agriculture to allow for entry of more investors both local and foreign this will help setting up rural industries to process our crops like pyrethrum, vegetables, animal feeds etc this will help in the production of finished goods almost at the farm level. Farmers' need on farm research for a quicker transfer of information required for sustainable agriculture therefore, we propose that the current research on crops and animals should...

Prof. Ogendo: Summarise. The whole point.

Agricultural credit is required in the farming community, the government should discourage grading and gravelling and leveling all rural rural access roads, all stored infrastructure like ADC, Food storage, complex, moral and KPC factories should be added over the farmers for storage and crop preservation. Farmers should get direct grounds from donors so that the Government directive is removed. The Government has had a high involvement in the election of Directors in agricultural boards leaving farmers out of the involved in the management of these boards and therefore, farmers should be the key players and not mere vice chandlers. The farmers training centres which have store should be revived so that continuous trading and technology transfer is encouraged, farmers do not want regionalism because it will create divisions of a common market where we sell our commodities.

Prof. Ogendo: Mr. Kihiu final point.

Final point Government must encourage local manufacturing by Raising duty on imported agro-based products and finally Mr.

Chairman women in agriculture should be recognized as farmers and not farmers wives. Thank you.

Com. Prof. Okoth- Ogendo: Thank you Mr. Kihui, please register with the secretariat, Justus Mochache Munda sema machache jina langu ni mochache nitasema machache

Justus Mochache: Commissioners my names are Justus Mochache Munda, I am a resident in Molo and I have the following to represent,;

1. The Constitution should include the director, election of the VP as the others have said.
2. The Civil Service seem to be so much patronaged to some few individuals and I have a feeling that it should be delinked so that performance can be seen.
3. Freedom of worship as not yet been respected here in Kenya especially when we talk of the SDS, most of the essential functions are placed on Saturday when these people are supposed to be in church. We have witnessed quite a number of such incidents where people are being punished for not attending such.
4. I have a strong feeling that the laws now should be enacted to include single mothers who are normally the builders people who have failed in life or just, like prostitutes, let something be done about them. It is not their wish to be single mothers but they have something to contribute to the economy.
5. Agriculture some of my colleagues have said is the Ministry in this Economy and in my own view I feel that policies should be changed to be predictable to be more realistic, so that they are applicable and terminable so that it can benefit the common mwananchi. Lastly Bw. Chairman the notorious financial institution in my own view have contributed a great deal of poverty in this country because they have got ambiguous laws rules and some funny clauses most people actually end up making wrong decisions in borrowing, let Parliament look into this more especially when something have been sighted let it be enforced and this one I am in particularly the Donde bill has not been given enough attention. Thank you.

Com. Prof. Okoth- Ogendo: Thank you Mr. Chache please register with the secretariat, Partick Njuguna karigo please summarise.

Partrick Njuguna karigo: My names are Partrick Njuguna Karigo and I am a residence in Molo first the Government of the day should at all times be equal opportunites in development agendas in all areas of the Country regardless of the dominance of political parties of such areas as long as the people pay the taxes.

On gender issue the female and male gender must shall be recongised as equal and complement the bi-state organ in the society

at all times. This will help the women to have equal opportunities in bringing active laws in development of Kenya.

On pension Sir the state must offer pension benefits to all persons citizens of Kenya who reaches the age 70 yrs and above.

There should be an account where this people will be getting some amount of money in every month for their daily upkeep.

On education the state must see that boy and girl must get free education that is from nursery to standard eight.

On the issue of land we know land is the basic resource available for food production economic development in Kenya. It should be used for benefit of the people of Kenya. This one sir, we feel that all idle lands and wasted land should be transformed to a positive use. Idle land and well owned should be taxed heavily on the issue of the qualification of the President, Sir we feel that the President shall not exercise his or her executive powers for advantages of personal economic gain before a person qualifies to contest for a seat of President he must be above 35 yrs, have form four 'O' level certificate and should not be a member of parliament. should also have must a certificate of from a registered accounting firm approved by the Electoral Commission of Kenya stating the candidates wealth and the source of that wealth, the amount of 'taxes paid' paid by him or her.

Still on the issue of Presidency we feel that the President should be clause where a President can be impeached by the Parliamentarians. On this issue we feel that the percentage of the total votes of the winning Presidential candidates should be over 50% nationally and 25% in five provinces of the republic of Kenya. Thank you.

Com. Prof. Okoth- Ogendo: Thank you very much Mr. Njugunga, David Kagera, ok David your name.

David Kagera: Majina yangu ni David Kagera nawakilisha kikundi cha muguna self help group nataka kuzungumza juu ya utangulizi wa Katiba. Utangulizi uwe wa maono na shabaa na lengo la nchi. Ni vizuri utangulizi uwe na kiapo cha kuapa, mbele ya Mwenyezi Mungu ili kuweka maanani mambo tuliyokubaliana, ni vizuri katika utangulizi kukubaliana kuweka maanani umoja katika nchi na amani ya ulimwengu.

Ni vizuri katika utangulizi kuweka maanani juu ya demokrasia ya nchi. Ni vizuri katika utangulizi kuweka maanani juu ya uhuru wa maoni kuzungumza pamoja na kumaliza uwoga wote katika wananchi wote. Ni vizuri katika utangulizi kuweka maanani juu wa kuinua wanyonge na kujipima nao katika kuendesha nchi na katika uchumi.

Kuchaguliwa kwa Rais awe mtu aliye na mke and watoto aliye heshimika na familia yake and wananchi kwa jumla, awe mwenye afya nzuri, asiwe mkabila, na awe ajapatikana na kuzikika na matamshi yoyote ya ukabila, mwenye elimu kiasi cha kuelewa.

Kupingwa kwa kutangazwa kwa kiti kama kuna kosa uchaguzi, kuwe na muda wa siku ambazo kesi itasikizwa bila kucheleweshwa, kesi hii ii isikizwe na kukatwa kwa siku tisaini iwe hivyo kwa waBunge. Uchaguzi ufikie ufahamike tarehe ya kufanywa bila kuwa siri ya mtu moja iwekwe wasi Kikatiba.

Kutengewa kwa mamlaka Rais apunguziwe mamlaka kutoka kwa Bunge, mahakama, mkono wa utekelezi, mkuu wa sheria vile vile majukumu mengine yatengewe watu wengine.

Com. Prof. Okoth- Ogendo: Interjection: Mr. Kagera your last point please

Bw. Kagera: My last point; Kwenda kuzungumzia protection of pedomoto right freedom of individual. Kuwe na uhuru wa magazeti bila masharit yoyote, kuwe na uhuru wa kutoa maoni, na kukozoa serekali bila kutishwa. Kubunewe ofisi ya kupokea maoni ya raia, kuwe na uhuru wakufanya mkutano wa kisiasa au vikundi kuziwe na mipango iwe kujulisha usalama tu siku tatu mbele ya mkutano. Serekali ithamini elimu kwa watoto wote waliyo na umri wa kwenda shuleni.

Com. Prof. Okoth- Ogendo: Asante sana Bw. Kagera, we have your memorandum and we will read it thank you very much, John Angweye, is not there Stanely Njogu is not there, Joseph Muraya, are you Mr Muraya.

Joseph Muraya: Majina yangu ni Joseph Muraya Kimili na ningependa kuguzia baadhi ya yale ndugu zangu wametaja hapa ama yale nimeyandika. Yametajwa. Sitarudia. Kwanza nitaguzia freedom of worship hiyo ndiyo nitaguzia hapa kwa sababu mengi hayajatajwa, nitasoma kwa kingereza. Partly we do enjoy the freedom of worship but I would like to get into details as follows:

- There are those who keep different days like sabath day as per Exodus 20:8-11 it startes very definitely of total rest in this case some members and students are always in problems with the authorities concerned because of their absence either from their duty on the sabath or 7th day.

Prof. Ogendo: Tell us what you the CKRC to do pendekezo.

Mr. Joseph Muraya: Pendekezo ni kuwa Katiba hata wale ambao tuisime hati tunafuata wengi. Hata Mungu mwenyewe amesema pahali wawili watatu wako hata yeye ako hapo, kwa hivyo uhuru uwe wa watu wote kwa vile serikali yetu imetupa huo uhuru. Kwa vile wale ambao wanahusika Katiba yetu isimamie watu hata Kama ni wachache, hata kama ni wengi.

- Judiciary katika mahakama yetu kulingana na yacob 5:12 na mathayo 5:34-37 inaongea kuhusu kuapa au swearing na hili jambo limeumiza waumini sana, na kwa vile Katiba ni yetu na sisi ni wakenya pia sisi tunastaili kusimamiwa na ile Katiba pengine unaambiwa uchukuwe bibilia uape. Kwa hivyo ningependa wale wanahusika wanalie hile jambo lizije likaumiza

wanaichi sana. Na jambo lingine ambalo nitamalisia ni juu ya kuinamia pastor.

Interjection: You have a memorandum just make your very last important point and then we will take the memorandum and read it.

- Exodus 20: reading..... Kuinamia – bowing we have ... of our Government Authority it is not good to be bowing before it as the bible says

Com. Prof. Okoth- Ogendo: Thank you very much Pastor please submit the memorandum, Samuel Kihahau, Simon Robi, Gilbert Waititu,(all not there) Benson Kamau

Benson Kamau: Mr. Chairman my name is Benson Kamau Kigotho, I am a businessman in Molo and I have got the following representation.

- First free legal representation – the Constitution should allow the sitting Government to employ a public lawyer so that the grass root mwananchi can have a taste of justice.
- Secondly education qualification of a leader- Councilors should be form four leaver, MPs should be graduates the President should be a graduate and should be become a President after becoming a VP.
- Allocation of Government resources: Government resources should be evenly distributed e.g in kericho we have 10 roads with rami and in Nyeri we have none.
- Impeachment of leaders- a situation should be created in Constitution whereby errant Councilor, MPs and President should be impeached if they fail to deliver.
- Farmers should be empowered by the Consitution by the Constitution to market and sell their produce freely and the state should come in when there is issue of taxing arises.
- Religion Kenya being a religious country there should be freedom of religion. Number of Regious section should be allowed to exercise their doing.
- Commission of inquiry; should the GoK appoint the Commission of enquiry the Chairman of the Committee should make the resolutions and the findings public or it might be taken to the Parliament and the sitting GOK should not make it a secret because in the first place it was meant for the public.

Com. Prof. Okoth- Ogendo: Thank you Mr. Kamau you are suggesting that people who have been VP

Mr. Kamau : Yes that is what I suggest you I imagine that the Presient will be very much experienced after serving as a VP

Com. Prof. Okoth- Ogendo: Thank you very much please register, your memorandum. Leonard Mturi,

Leonard Muturi: Asante sana Bw. Chairman these are my proposals first I will begin with the election of the President. The President should be elected by at least 25% vote of every Province and more than 50% of the total vote in the whole country. This should be a direct election all over the Country and the Vice President should also be subject to the same rules of election the VP should not be elected by the President but by the voters themselves.

Number two; President should not head any party the same should apply to the VP because incase the President is not in the office, it is the VP who should be acting. The party with majority seat in the Parliament should elect the Prime Minister . The Prime Minister is one who should run the day to day affairs of the Government. All parastals should not have Presidential appointees but they should have Managing Directors who are employed by the Board of Governors, this Board of Governors can be constituted by Parliament and not by influence of any politician.

Prof: Ogendo: Your last point..

Many wananchi seem to have doubt with the running Constitutional Review they feel that at the end of the whole exercise not everything may be exercised we are requesting that our views be honoured and this Constitution should have a frame work which should last for next 100 years. We should not focus only in the next 3, 4 or 5 yrs that will seem as if we are serving interests of individuals, we should serve interests of the whole nation for very many years to come.

Prof: Ogendo: Thank you Mr. Mturi that is a very important place to stop. Please register, Alice, Samuel Chege, Peninah Wanjiru, Joseph, Mary Wanjiru, Samuel Muchiri, A W. Waweru, Joseph Waina ina, (not there) Stephen Gatimu please take your seat.

Stephen Gatimu: My name is Stephen Gatimu I am the Secretary of the DP in Molo Sub-branch and also in Molo Central ward, I am however making my presentations on my private capacity. Here are my presentations:

- Employment should be strictly by qualification, we should have a Government of National Unity there should be a National Security Council which should be responsible for the External and Internal Security of our Country.
- There should be a balance tribal representation in the Armed forces, during employment the current system of employing officials for the Provincial Administration should be replaced with a system where they are directly elected by members of the public. Chairman and Mayors of Councils be elected directly by electorate in their respective areas. A winning Presidential candidate should have 50% of all the casted votes in the country. New administrative District should be based

on population and should be carved from the existing Districts that is if you have to create a District out of Nakuru District you should split Nakuru District and not cutting it out of other Districts.

- A local electoral Constituencies ward should be created basing them on population in that particular area. Members of the Public should have the mandate of firing a sitting member of parliament or councilor if they have failed to deliver or if they are not efficient. Members of Parliament should have a minimum Education of form four level and above councilors should have minimum of std.8 education and should have recognized leadership qualities.
- Farm produce should not be taxed so that we can encourage our farmers to produce more. The Government should look for market to enable our farmers sell their farm products. A good case is pyrethrum; Pyrethrum is only being marketed by the PBK and as we are talking farmers are really suffering just because they do not have more market.
- Vote rigging during national election should be treated as treason (kama uhaini) finally farming books and implements should be tax free. Thank you very much.

Com. Prof. Okoth- Ogendo: Thank you very much please register, Moses Nganga, Nathan Onger, Martin Nkaria,(not there) Peninah Munyaka take your sit

Peninah Munyaka: My name is Peninah Munyaka and if you will allow me I will get to my point. My point is basically on the independent of the Judiciary , it should be independent in practice and not just in theory as it is now. The President has too much power over the Judiciary and this powers should be put under check, eg. The President has been given the power to appoint the CJ, he also has the power to appoint the tribunal that should move the CJ from office incase of failure in his duties. This power should not be bestowed on him according to me. The President also has power to appoint the „Judges with advice of the Judicial Service Commission whose members have been elected by him this include, the AG, the CJ and other people who have been elected by the President. So infact it does not make point to me that she is being advised by any other persons because the same people who are advising him, he has appointed them. This gives him too much power that he can misuse and render the Judiciary dependent on him and that is the right of the people will be infringed. The Judiciary Service Commission should include members proposed or elected by the magistrates then it can appoint the queen Judges and CJ. The High Court is very important since it deals with the Constitutional matters and thus should be protected and that all.

Com. Prof. Okoth- Ogendo: Harun Kamau, Col. Mwangi Njuguna, hayuko, Patrick Nyandisi please take your sit.

Patrick Nyandisi: Asante Bw. Chairman yangu ni machache sana inauzu tu mambo ya local authority, ningependekeza

kwamba Mayors na Chairman's wawe wanachaguliwa direct na wananchi badala ya kuchaguliwa na Councilors. Ningependekeza pia mahali Bunge limejengwa yule Major ambaye yuko katika iyo citi awe anaruhusiwa anaingia katika Bunge ili awakilishe mambo yale yako katika iyo city. Hali ya elimu kuuzu councilor awe anaweza kuongea lugha zote mbili zilizinaeleweka kiswahili, na kingereza.

Jambo la Inne ni kuhusu Council tumeona shida uwa kuna migongano uko katika council, administration ambayo ni sisi na wale ambao wamechanguliwa. Tungetaka council ijisimamie na iwe na uwezo wakufanya kazi yake bila kuingiliwa na serikali kuu.

Jambo lingine ni kuhusu mipaka ya uchaguzi, uwa na shida wakati mwingine munakuta mipaka inabadilika bila wale ambao wanausika kujulishwa, kwa hivyo tungetaka iwe nikitu kimewekwa na wakati wakubadilisha iwe inachukua muda fulani ili mipaka iweze kubadilishwa. Kuna jambo ambalo ningependa kuweka hapa ambalo ni gumu kidogo kuhusu mambo ya shamba nimeonelea kwamba mashamba yetu tumekatakata mpaka kiwango kwamba miaka ingine ijayo hatutakuwa nafasi ya kufanya chochote. Kwa hivyo pendekezo langu ni kwamba shamba iwe mahali ya state,.....should apply on that line.

Com. Prof. Okoth- Ogendo: Thank you Nyandisi, please register with the secretariat Mr. Thanju, Philip Kibeti, Isaac Wageche, Joseph Kiaga, Isaac wageche

Isaac Wageche: My names are Isaac K. C. Wageche a teacher from kinyai primary school. Kinyai primary school an aspirant of Molo seat.

Com. Prof. Okoth-Ogendo: I thought you said you are a teacher

Isaac Wageche: Yes, laughter.....The areas first area is freedom of worship, everybody should be free to worship anything and in any way provided that this faith does not infringe the rights of others, this faith upholds sacrinage of life, the state should see to wait that no force or cohesion is used to make one believe. No one should be forced to do anything that infridges his faith by the state. Another area is the resources whereby I have talked about land, water, air, labour and I intend to read about labour, manpower, I find that labour in Kenya is one of the main resources that should be divided into two category, one as civil servants and the private employment, where by civil servants should be men of high integrity. Their remuneration should be decided through remuneration committees with the workers and the State represented in the same through unions. Any remuneration so set should be implemented by the Government without delay. A Government which can not meet these should be relinquished Governance i.e they have failed they should be owned up like any other company that fails to manage.

Another area is all civil servants should hold only one office at a time. A private employment, employees should never suffer for the failure of the management that is in case you are in a company and the management fails to run the affairs of a company well. Then the employees are entitled with their benefit. In another area the state should set a minimum skills applicable for different sectors and regions. That is on the private sector employment.

Com. Prof. Okoth- Ogendo: Summarise

I intend also to talk about the Commission of enquiries set by the Government to investigate anything are accountable to tax payers and their findings should be made public within 90 days of their finalizing and to finalize means borrowing of AIDs. The sorts of borrowing by the Government should be sanctioned by the Parliament by a vote of not less than 65% of the sitting members, such funds should then be seen to fulfil the purpose for which it was borrowed by house committee.

Reallocation of the field should only be done through Parliament with the same voting criteria. On corruption please all properties attained through corruption or abuse of office should be nationalized.

Com. Prof. Okoth- Ogendo: Thank you very much Mr. Isaac, please register your memorandum. Joseph Ngai Kaiga, Peter Ndurungo, are you Peter Ndurungo ok.

Peter Ndurungo: Mr. Chairman, My names are Peter Ndurungo Kiburia. This is my proposal on Constitutional Reform in Kenya. The Vice Chairman wa DP katika Molo division states that these belongs to the people. Any change in Constitutional must be approved by the people so referendum. President must be the Chief Executive, should serve for two – five years terms must be elected by 51% and above the casted votes. The Parliament should have power to impeach he/her for breach of Constitution should not be an MP. Vice President he should be President running mate should not be an MP. Prime Minister he should be appointed by the President from the majority party or parties in Parliament. or party in Parliament should be accountable for Parliament, should always be present in Parliament to answer questions. Parliament should regulate its own budget/ procedure and time table should never be dissolved before it runs its full course.

Majimbo Federal system of Government should be abolished, eg. Propose of the provincial administration and the transfer of its duties to strong local authorities. Special offices at Commission the President should share powers of appointment to constitutional offices. Only qualified and upright person should be appointed to this offices. All votes to this officer should security of tenure. All appointed in be subject to Parliament approval.

Com. Prof. Okoth – Ogendo: We will read the rest of it, thank you very much please register, John Ndaka, is not there

Charles Nyakundi, Collr. Nyankuni Okemo.

Collr. Nyakundi Okemo: . Mr. Chairman mimi ni councilor Mimi ni Collr Samuel Nyankundi Okemo. Niko na maoni yangu,

Mr. Chairman ofisi ya Rais President akitaka kusimama Kiti ya URais katika ofisi ya Rais, lazima awe ana rekondi nzuri, hausiki na mambo ya ufasidi, na ofisi ya makamu wa Rais, makamu wa Rais lazima achaguliwe kutoka kati ya wale waBunge wameingia katika Bunge. WaBunge wale watachaguliwa, lazima wawe ni waBunge wako na rekondi nzuri, hawausiki na uchafu wowote, kama wizi katika mali wa uuma ama kuagucha katika parastal ya serikali, wasiruhusiwe kusimama katika viti vya siasa.

Upane wa local government, madiwani naye pasisimame viti vyovyote ikiwa wanausika na mambo ya ufasidi na hao wawe ni madiwani wako na rekodi nzuri , ndiye wanaweza kulinda mahali yao wananchi. Ofisi ya Minister wa Agriculture nchi yetu ya Kenya Katiba iwe wazi kama Kenya wakenya wamelima chakula, wizara hiyo isiruhusu chakula iingine kutoka inje kwaangamisa wakulima wa Kenya. Iwe wa Kenya wanauza chakula yao ikiwa tunaitaji chakula ndiyo Ministry hiyo itoe kibali ya kuagiza chakula kutoka inje.

Ofisi ya education Mr. Chairman watoto kuanzia darasa la kwanza mpaka University wasomeshe na serekali. Ikifika katika University kama ni pesa inaitajika ili ishike katika university serekali ilipie mtoto $\frac{3}{4}$ na mtoto alipe $\frac{1}{4}$ lakini baada ya kumaliza elimu yake akatwe hiyo pesa aweze kukatwa iyo pesa ipate katika ile yake alikuwa anitajika kulipa, kwa sababu watoto wengi wamekosa elimu sababu pesa ya elimu imekuwa kali zaidi. Katika upande wa Secondary school watoto walipe pesa ya malazi kama ni boarding school ama pesa ya kugaramia maitaji yale ako kwa shule sababu serekali inalipa walimu, ni serekali upeleka staff katika iyo shule.

Mr. Chairman mambo mengine wazee wa mikaa sabini wawe wakilindwa na serekali.

Com. Prof. Okoth- Ogendo: Asante sana collr. Please sign our book. David Gitari, James Gitau, Njoroge, Rev. Samuel Ndirangu.

Rev. Samuel Ndirangu: Mr. Chairman I am Samuel Ndirangu from the Anglican Church of Kenya and Chairman of Justice and Peace in the diocese of Nakuru. I have a memorandum here. Let me just read this and then our vision is to our new Kenyan for citizens elaborate life abundantly giving peace, and find opportunities to explore their talents, human dignity is protected and ideal cherished a Kenya that is founded on justice and the rule of law. Justice should be achieved and fed up. In the Constitution Mr. Chairman we need to include the preamble where it will state the concern of the people and movement of

the people in the Commission of the Constitution. Concerning the elections Mr. Chairman I just talked about the election of the President. The President should be directly be elected by the people by 50% a national vote and should not be a member of parliament as it has been. There are many other things that I have commented there concerning defence and national security, it is very important to know that the Constitution should lay the guidelines and discipline of all causes in the Country. A well stipulated code of law should be put in place to discipline the force and should be enshrined in the Constitution. On bill of rights Mr. Chairman the likes and the likes to life. We recommend that abortion should not be legalized in the Constitution, it is immoral to take life. On rights of conscious though it is very individual should have a freedom of worship we recommend that homosexuality as form of marriage is against the will of God and should never be legalized.

Concerning the rights of environment it is very important to note here that the Mr. Chairman ecosystem has been disturbed by deforestation and pollution and the like. So the government should take note of that. And also the Constitution should lay the guidelines of how we should take care of the environment.

Interjection: Can you please go to your last point?

And the very last point here Mr. Chairman is about economic rights, farmers do not have any voice on their produce, so it is very important to have that in our Constitution. To have voice of their rights of how they should sell their produce Mr. Chairman thank you.

Com. Prof. Okoth- Ogendo: Thank you very much Bw. Reverend please sign our register, Daniel Njoroge

Daniel Njoroge: Majina yangu ni Daniel Njoroge Kiugu na niko na mapendekezo machache Ninayo nimefikiria ni vizuri.

1. Ya Kwanza kabisa tunataka tume ya uchaguzi ichaguliwe na vyama vyote via kisiasa,
2. Rais awe anatumika miaka mitano na azizidiche miaka hiyo.
3. Ya tatu vitu ambavyo sisi kama wakulima vitu ambavyo tunakuza hapa nchini visitoshwe ushuru wowote, ili kila moja wetu kama wakulima anufaike na chochote anacholima kwa nguvu zake.
4. Machifu wote wawe wakichaguliwa na wananchi wenyewe ambao anawakilisha.
5. Wananchi wote wawe na uhuru wa kukutaa kiongozi yeyote ambaye amekeuka makubaliano yake na waliko mchagua.
6. Wakulima wote wafadhiliwe na serekali kwa kupewa mikopo.
7. Shule zote za serekali kama vile shule za msingi, zitoe elimu ya bure na gharama zote zizimamiwe na serekali

8. ya mwisho kabisa ni waBunge, mawasiri ama Rais wanatumia pesa nyingi sana kwa serekali na kwahivyo nimaoni yangu wapunguziwe mishahara hiyo had elfu sabini,
9. Serekali isikubalie uigizaji wa bidhaa kama, vile sukari ama bidhaa zozote zinazofanana ya vile tunakuza hapa nchini.

Com. Prof. Okoth- Ogendo: Asante sana bw. Njoroge, Peter karani

Peter karani: Asante sana bw. Mwenyekiti na haya ndiyo maoni yangu; maoni yangu ni elimu iwe ya bure na iwe lazima kwa serekali isimamie.

Kuhusu hospitali ningependekeza ziwe za bure na Chemists zote zifungwe na madawa yarudishwe mahospitalini.

Kuhusu wakongwe wote wenye umri wa miaka themanini watunzwe na serekali na iwe ni lazima. Nao kuhusu maskini wale wa chini hoe hoe na wale awana kazi wala biashara waghalmiwe, angalau na mtajiri waBunge na wakati huo, na watumishi wa uma waghalmiwe kwa mishahara kidogo kwa kuwasukumia maisha,

Naye kuhusu mikopo ipewe watu wote walio na vitambulisho na mwisho kwa maoni yangu, mstakiwa akifikishwa kwenye police afanyiwe uchunguzi vizuri, na uchunguzi ufike hata kwa majirani wake kabla ya kupelekwa kwa mahakama, na ikiwezekana inaweza kufanyiwa na wazee wa vijiji, kwa vile wengi wamepelekwa polise, na kupelekwa mahakama bila makosa yoyote.

Interjection: Asante sana bw. Karani

Com. Prof. Okoth- Ogendo: Asante sana bwana Karani, please sign the register, Alice Cheluget, thank you Alice take your seat.

Alice Cheluget: *En maoni ne nyunet ko kamastab chepyosok .*

Translator: Kwa maoni yangu nitaongea kuhusu ndoa za wanawake.

Alice Cheluget: *kamastab chepyosok kegere kele kigeruen mising.*

Translator: Inaonekana upande wa wanawake tumenyanyazwa sana.

Alice Cheluget: *Ogot en kandoinatet kegere kele manyoru chepyosok kandoinatet kegase kelel tanyor ot mising en kamastab serikali ak en kokwet.*

Translator: Hata Kwa uongozi tunaona ya kwamba sehemu nyingi wanawake awapewi nafasi ya kuongoza, hata ikiwa ni kijiji, ama katika serekali

Alice Cheluget: *Kora ko kamastab imbarenik*

Translator: Sehemu ingine nitaguzia ni kuhusu mashamba

Alice Cheluget: *Komastab imbarenik ko en bik chongikikochi imbarenik en kamastab osniosiek kegase kele taibur bichoton en yoton amatagetwaitwai.*

Translator: Kuhusu upande wa mbao serekali wamewapatia shamba waendele kuishi na wasiguze pahali wamepewa

Alice Cheluget: *ogonesire kemin ketik asi koma kiseret bek ana robta.*

Translator: Lakini lazima wakuze miti ili tusije tukakosa mvua.

Alice Cheluget: *Kora ko lagok che miten gaa kou tibik chon kigosich lagok ke gase kele tagerech serikali missing en yoton amun ruenech mising kasitab chepyosok.*

Translator: Serekali pia tungependa itusaidie kuhusu wale wasishana wanazaa watoto nyumbani

Alice Cheluget: *Ak boisiek kora ko kigobogokwech alak ko gigobagach lagok ko laktechi chepyosok kegase kele taret kei murenik ak chepyosok mising en kamastab lagok. Ini nyoru chepyoset korire kotegemeanen ana kotienge lagok.*

Translator: Pia serekali iwafanye kila mtu awe anausika kulinda watoto kama in bwana ama mama.

Alice Cheluget: *Kora ko chepyoset ana chepyosok che miten ichegen, imuch ko kigosirto boisiek chwak, ko miten ichegen ke kere kele kou en kiruagik ana en bik alak ile kogachi millet chepyoso choton.*

Translator: Also concering single mothers who may not be having assistant from the chief or administration

Alice Cheluget: *Imuch konyogotesan chepyoset koyai choruadit ana kotil baruet asikobit ko cheng'en mising yoton choruadit.*

Translator: Kw'a sababu single mothers wako na shinda kwa upande wa kiadministration wakati wanaenda kutafuta usaidisi wananyanyaswa kimapenzi

Alice Cheluget: *Kora ko chepyosok en kurupbisiek ke kere kele ta taret serikali chepyosok asikomuch amun chepyosok ko che tienng'e kit age tugul asi komuch korib korigkwag mising ko lagok kora amun konyo lakwet en ng'wen agoi ko yet ko chepyoset ne kere.*

Translator: Tena wakina mama wasaidiwe wakiwa katika vikundi ili kuwaweshesha kulinda watoto wachanga wanapokuwa.

Alice Cheluget: *Kora ko tuguk chon bunu pitanin kegerer komagimache amun yobu yoton mionwek che terter. Ni nyoru kou kijanaek kawakesir en yun, korun ile kogogoib miamda inyoru kou tibik alak kawakesir en yun komuche koib miondo, imuche ogot ko matagosigis lakwanoton.*

Tanslator: Concerning Green houses the Government should set and set conditions against green houses so that they do not let gases bring in some health problems.

Alice Cheluget: *kora ko kamastab sibitali en bik che maimuchege, komuche ko mian chito kwa gome kotieng'e maimuchege. Kegase kele tagitaretech en kamasoton kinya bik serikali.*

Tanslator: Serekali pia itupatie huduma ya afya watu wengine awajiwezi, wana weza kufa kwa sababu hawa wezi kwenda kujinunulia madawa.

Com. Prof. Okoth- Ogendo: Asante weka kidole kule mama. John Mburu, Joseph Mwangi.

Joseph Mwangi: Thank you Mr. Chairman I am going only to highlight a few proposals:

1. On the Presidency an age limit to be set ie on the lower side and on the highest side, so that we don't have general people seeking for presidency and people who are very young seeking for presidency.(35-70) age limit
2. The winning President should ganor at least 51% of the votes cast
3. Those vieing for the presidency should not vie for parliamentary seat. So they should not be impeached.
4. A President who should not have a low education. One vieing for the presidency should have at least secondary education
5. The VP should be elected by the people directly and also ganor 51% of the votes cast.
6. On the MP should be of reasonable education that is secondary education, a law should be enacted for voters to recall an unperforming MP.
(that is an MP who are missing in Parliament and not even see his constituencies)
7. MPs salaries should be set and reviewed by a Commission that should be independent from the Parliament.
8. On the Councilors people with less than secondary education should not vie for councillorship, mayors and Council Chairmen should also be elected by the people directly.
9. On the should be employed by a public service Commission and not the Executive
10. the last one Chief should be elected by the people and on salaries should be harmonized so that Kenyans are paid according to their education standards.

Com. Prof. Okoth- Ogendo: Thank you very much Mr. Mwangi. Titus Rotich.

Titus Rotich: Thank you Mr. Chairman and the odience, I would like to present my proposals though most of them have

been said.

Prof. Ogendo: Give us new ones.

1. I would just like to emphasise some of them. First concerning the rights of Kenyans should not be denied their rights, the Constitutional should be written and translated in Kiswahili and be distributed to the locational level or chief offices.
2. The Kenya gazettes to be printed too and be distributed to the chief office for anyone who has any dispute concerning land and other matters to be accessible to them.
3. The land issue land issue in Kenya is a big problem now would like to have a Constitution that will allow every Kenyan to own land. Limitation, maximum land to be given either I could propose may be maximum acreage to be 1000 and minimum to be $\frac{1}{4}$ to avoid thereby a person is owning thousands of acres and others squatters eg. You can find a grandfather is a squatter and his grandsons are squatters.
4. The next one is concerning agriculture and since it is one of the backborn of the country, we should gather a Constitution that protects the agriculture section and industry. Give the farmers the right of market and to prepare importation of the same production they have in the country.

Prof. Ogendo: Finally.

5. Finally we go loans we should given out not influentially by political leaders and whereby the loan is being defaulted the defaltee should be charged and if incase whereby people have decided to hide or to doldge the payment by entitling their children or wives with their property they should be followed very well. Anything which has been given to the child should...thank you.

Com. Prof. Okoth- Ogendo: Thank you very much Titus. John Ndafa. The final presenter is John Ndafa, I a called you earlier...

John Ndafa: I want to talk a little a bit on behalf of the Kenya Deaf Line Parents Association concerning the handicapped.

1. That the Governement should have an MP representing the handicap in the East African Parliament.
2. Education for people with special needs both basic and vocational should be free in order to encourage parents of handicapped children to take them to those learning institution.

As you can see in Kenya most of the parents who have such children at home do not take them to the learning institutions because they feel that it is expensive to pay school fees for them, so if the school fees is freed the parent will be taking the children to school.

3. Hospital and medication for the handicapped be made be free of charge since the victims do not have reliable financial basis. I think that is clear.

4. Special ID for the handicapped should be introduced for easy recognition of the handicapped incase of assistance.

As you can see we have Government funding for the handicapped and it is not easy if the handicapped have no ID card to know who is who, so if they are given special ID it will be easy for their possession.

Prof. Please summarise

5. More strict measures to be taken against rapist of handicapped.

6. There should be nominated MP who should also be Minister incharge of special education preferably a handicap MP. Teachers for special education unit should be given promotion of I grade a end of ordinary school teacher of his salary scale, this will reduce the current out cry of understaffing due to teachers leaving special unit.

7. Lastly there should be an educational field officer from every division who should be provided with motor –bike to visit residents identifying the people with special needs. His duties shall be advising them to join schools, obtain ID and other benefits from the GOK. Project fund. Thank you.

Com. Prof. Okoth- Ogendo: Thank you very much Mr. Ndafa, we are now at the end of our hearing in this church, we will continue in Kihingu Catholic Church on Monday. I must thank all of you and my colleagues for the very good view you have presented, they have been written they have been focused, we are going to analyse every one of them. I would like, like we started for somebody to close the session with the word of prayer.

Can we have one of the students pray for us. Thank you let us bow our head and pray. Our father we thank you because of giving us a good day, we have stayed here in peace and it is through your holy name that there was no quarrels that has happened, father we are thanking you because of giving us a chance to reform the Constitution of the Country. Father we ask for all peoplewe are thanking you for all those people who have participated and they gave the correct view. Father we are asking you to guide all the people who have been here at the time of going home, we pray shortly and believing in Jesus.

